

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING APPLICATION OF THE CONVENTION ON
THE PREVENTION AND PUNISHMENT OF THE CRIME OF
GENOCIDE
(BOSNIA AND HERZEGOVINA v. YUGOSLAVIA)**

COUNTER - MEMORIAL

23 JULY 1997

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I N T R O D U C T I O N

1.0.0.1. This Counter-Memorial filed by the Government of the Federal Republic of Yugoslavia, in accordance with the Order of the International Court of Justice dated 23 July 1997, includes Counter-Claims.

1.0.0.2. By its Judgment of 11 July 1996 the International Court of Justice "finds that, on the basis of Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, it has jurisdiction to adjudicate upon the dispute". The Court "dismisses the additional bases of jurisdiction invoked by the Republic of Bosnia-Herzegovina". (ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina v. Yugoslavia, Judgment of 11 July 1996, pp. 29, 30)

1.0.0.3. The International Court of Justice limited its jurisdiction to the questions covered by Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter: the Genocide Convention), which reads:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

1.0.0.4. By its Memorial the Applicant submitted that the Federal Republic of Yugoslavia violated "directly or through the use of its surrogates" the Genocide Convention and is therefore responsible. Accordingly, the Applicant should present the facts of alleged breaches of the Genocide Convention committed by the Federal Republic of Yugoslavia "directly or through the use of its surrogates" and prove these facts. The Applicant has not submitted a minimum facts sufficient to come to a conclusion of the existence of the alleged breaches of the Genocide Convention. Neither has it submitted minimum facts which would be enough to conclude that the alleged acts have been committed "directly or through the use of its surrogates" by the Federal Republic of Yugoslavia. Bosnia and

Herzegovina has not submitted any valid evidence to prove the facts described in its pleadings.

1.0.0.5. This Counter-Memorial includes two parts. Part One responds to the allegation of the Applicant presented in its pleadings. It contains the following six chapters: Chapter I: General overview of allegations submitted by the applicant; Chapter II : facts relevant to the attribution of acts to a state; Chapter III : The policy of the Federal Republic of Yugoslavia towards the Republic of Srpska and Bosnia and Herzegovina; Chapter IV : Interpretation of the rules of the 1948 Convention on the prevention and punishment of the crime of genocide; Chapter V : Attribution of acts to the state; Chapter VI : Rules on proofs

Part Two (Chapter VII) includes counter claims and is divided in five sections: Direct und public incitement to commite genocide; Deliberate killing of the civilian population and captured persons of Serb nationality; Deliberate inflicting on Serbs conditions of life calculated to bring about their physical destruction and cousing sirious boduly or mental harm; Ethnic cleansning; Destruction of places of worship of the Serbian Ortodox Church.

Counter-Memorial ends with General Conclusions and Submissions.

PART ONE

DENIAL OF FACTS AND ADDITIONAL FACTS

CHAPTER I

GENERAL OVERVIEW OF ALLEGATIONS SUBMITTED BY THE APPLICANT

Section 1 - Evidence and Information Submitted by the Applicant Do Not Satisfy Applicable Legal Standards

1.1.1.1. The Applicant states that "the rules guiding this presentation of evidence are those established by this Court. More specifically, Bosnia and Herzegovina will rely primarily on the rules set out in the Corfu Channel case... and Nicaragua case... to guide its presentation of the best available evidence as well as to apprise the Federal Republic of Yugoslavia... of its duty to present such relevant evidence as is primarily accessible to its authorities." (Memorial, para. 1.3.0.7.) But, the Applicant has not presented anything that could be taken as proper evidence in legal proceedings.

1.1.1.2. The Applicant quotes some parts of the statements of witnesses or refers to the statements of witnesses. But the Applicant has not submitted any of the statements in their integral and original written form. Even quoted parts of the statements are sometimes reduced to the words suitable to the Applicant's needs. In most cases there is no information to whom, when and under what circumstances and in what proceedings the statements were made. Consequently, it is not possible to establish real content of the statements of witnesses.

1.1.1.3. Even in the Case of Borislav Herak (See para. 1.2.1.24. of the Counter-Memorial), tried and sentenced to death by the Court in Sarajevo, the Applicant has not submitted his statements made to the competent investigators, to the Court, records of proceedings before the Court, nor the judgment of the Court. Instead, the Applicant referred to the statements of Herak made to journalists. (Application, paras. 44H, 44I, 44J, 44K, 44L, 44M, 44N, Memorial, para. 2.2.2.13; 2.2.4.6;)

1.1.1.4. It seems that most statements used by the Applicant in its pleadings have not been made in the proper proceedings according to the applicable local law.

1.1.1.5. There are numerous allegations such as the following: "In one such instance of genocide, Dr. Filipović - a member of the Bosnian Government - in his press release on 16 October 1992, stated that as many as 5,000 bodies were cremated in a furnace at the Tomašica iron ore mine, according to eight eyewitness accounts... People who have escaped from the Prijedor mine report that some 20,000 people were killed there and that the bodies were covered with mining debris." (Application, para. 27, pp. 14,16) The Applicant has not submitted any piece of evidence to prove quoted allegations. Is it really possible that the Applicant believes that mere allegations made by anyone, even by a member of the Government of Bosnia and Herzegovina, without any evidence, are sufficient to prove the existence of genocide?

1.1.1.6. Information contained in quoted parts of statements is very scant in most cases, consisting one or a few sentences. There are only a few exceptions with longer quotations from statements. Very often there is no information about the time and place of alleged events or ethnicity of victims. Because of this it is very difficult to establish and verify facts relevant to the particular cases.

1.1.1.7. Besides, the presented statements of one or two witnesses relating to the same event are often contradictory and in disagreement with respect to essential facts. According to common judicial standards, submitted evidences would not be sufficient to file an indictment in regular court proceedings.

1.1.1.8. The Applicant refers to reports of foreign Governments. However, there is no explanation as to the sources of information presented in their reports. Some foreign Governments fully reproduced information received from Bosnian Muslim sources without checking its veracity. It seems that production of such reports was influenced by the political interests of some Governments more than

by the needs of these Governments to serve impartial and comprehensive justice.

1.1.1.9. The extent of legal effects of reports of non-governmental organizations, referred to by the Applicant, is defined by the Helsinki Watch document (Prosecute Now! Volume 5, Issue 12, 1 August 1993, Annex 7, Part 2 of the Annexes to the Memorial) in which it is said that "these case summaries alone may not suffice for criminal indictment,..." .

1.1.1.10. Reports of non-governmental organizations reproduced information received from Bosnian Muslim governmental sources. This is confirmed by para. 73 of the Application: "Information compiled from Bosnian governmental sources and forwarded to Helsinki Watch, *War Crimes in Bosnia-Herzegovina* 44, 44-48 (1992)".

1.1.1.11. In most cases, when the Applicant refers to foreign sources of information, Bosnian Muslim sources are the real source of information. Foreign media or foreign governments transmitted information produced by Bosnian Muslim sources. So, the Application, para. 33.

1.1.1.12. It seems that the Applicant has in its possession some evidence which has not been included in its pleadings. During oral hearings concerning the preliminary objections raised by the Respondent one of the co-agents of the Applicant spoke about them. (See Record of the ICJ public sitting held on 1 May 1996, CR 96/8, pp. 44,45). It is not clear at what stage in the proceedings the Applicant intends to submit them to the other side. The Applicant believes perhaps, that it is not obliged to submit its evidence to the other side for examination and answer.

1.1.1.13. Having in mind that the Applicant has not submitted the Case in the form corresponding to the applicable legal standards, it appears that the Applicant believes that the press, some foreign governments and, possibly, some organs of international (governmental or non-governmental) organizations have established the relevant facts, so there is no need for the Court to do it. Such a belief is unreasonable and causes serious problems to the Respondent properly answering the Case.

1.1.2. Identity and Number of Victims

1.1.2.1. The Applicant has submitted no data about victims, except about their ethnicity. In some cases even the ethnicity of victims is not indicated. All pleadings of the Applicant contain only a few names of victims.

1.1.2.2. In spite of this fact, the Applicant has not hesitated to raise the number of killed people to 200,000 or even 250,000. (Memorial, para. 1.1.0.8, p.4) The applicant argues "... figures which are widely accepted indicate that the total number of people killed, mainly Muslim but also Croat is around a quarter of a million, of a total population of around 4.5 million. This takes into account the fact that the bodies of many victims are still undiscovered. Documented figures compiled by the Bosnia and Herzegovina Institute for Public Health in February 1994 (from April 1992), and others shed some light upon the extent of suffering caused by the acts of the Serb forces: 142,334 deaths (of whom 16,510 children), 161,755 wounded (of whom 33,734 were children)..." (Memorial, para. 2.1.0.8, p. 14; Memorial, para. 2.2.2.1, p 30) Such allegations cannot be taken seriously. According to the Report of the International Committee of the Red Cross of 1996, there are about 19,000 missing persons in Bosnia and Herzegovina. This number includes missing persons of all nationalities i.e., Serbs, Croats, Muslims and others (Letter dated 14 April 1997 from the Secretary-General addressed to the President of the Security Council, S/1997/310, 14 April 1997., p 20 para. 93, Annex No 1, p 2). If the Bosnia and Herzegovina Institute for Public Health had a list of 142,334 deaths, in February 1994, it would be appropriate for the Applicant to have submitted the names of the victims including their whereabouts, conditions in which they were killed and all other relevant information. Is it really possible that the Applicant described in a few words alleged killings of four or five persons indicating only their names and simply asserting that there were 250,000 killed people while the Institute for Public Health of Bosnia and Herzegovina had a list of 142,334 deaths?

1.1.2.3. Similarly, the allegations of the Applicant on daily killings in Serb-run detention centers (Memorial, paras. 2.2.1.4; 2.2.1.5; 2.2.1.6; 2.2.1.17; 2.2.2.2; 2.2.2.3; 2.2.2.4; 2.2.2.12;) are very far from reality. If one looks at the indictments of the 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, one can see that the Prosecutor has collected evidence which he/she believed was enough to file indictments against an incomparably smaller number of

casualties. The case of Tadić proved that some evidence materials collected by the Applicant were not sufficient to prove the allegations.

1.1.3. Described Acts Cannot Be Qualified as Genocide

1.1.3.1. It is obvious that some acts described by the Applicant, regardless of whether they have been proved or not and without any further examinations, cannot be qualified as breaches of the relevant obligations established by the Genocide Convention, because they are not specified by the provisions of the Genocide Convention. Alleged acts of aggression or interference in internal affairs are obviously outside the jurisdiction of the Court as established by its Judgment of 11 July 1996.

1.1.3.2. The hostile acts committed against inhabitants of towns can be serious war crimes or crimes against humanity, but not crimes of genocide. Although the national structure of towns had changed during the war, the towns in Bosnia and Herzegovina nonetheless preserved their multi-ethnicity at the time. Due to this fact, the perpetrators of acts like shelling or siege of a town could not target only members of one ethnic group. By its definition genocide implies that an act is deliberately directed against members of one ethnic or religious group.

1.1.3.3. The main reason why the described acts cannot be qualified as genocide is the absence of a genocidal intent. The Applicant has not proved the existence of the genocidal intent in any way. The Applicant has not tried to prove that the psychological element, required by Article II of the Genocide Convention, existed on the part of perpetrators of alleged acts nor to refer to objective circumstances which would reveal the existence of the genocidal intent.

1.1.3.4. In para. 31, p. 18 of the Application reference is made to "the circumstances of the situation" which allegedly indicated "that the actors 'intended to destroy, in whole or in part, a national, ethnical, racial or religious group'..." But, the Applicant does not refer to "the circumstances of the situation" in the particular cases to prove the existence of the genocidal intent. When the Applicant tries to do so, as in paras. 72, 73 of the Application, the references to the circumstances are not convincing.

1.1.3.5. Reference in a general way to ethnic cleansing cannot satisfy the obligation to prove the existence of the genocidal intent. Ethnic cleansing is loathsome unlawful policy. But if the goal of that policy is to repulse by force, including killings and torture,

members of an ethnic or religious group from a certain territory, this excludes "the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such". Or, at least, it does not imply the existence of such intent.

1.1.3.6. Even the small number of facts referred to by the Applicant, regardless of whether the Applicant's allegations are proved or not, reveals the existence of reasons and motives of alleged acts which are a far cry from the genocidal intent. It seems that revenge or desire to neutralize the potential or real enemy was the real cause of alleged acts.

1.1.3.7. On page 19 of the Submission of the Government of Austria, circulated as United Nations document S/25377 of 6 March 1993 (presented as Annex 2 to Part 2 of the Memorial), it is said: "A 23-year-old refugee reports that many people who were politically active or rather wealthy were killed or at least tortured." On page 20 of the same Submission it is said: "Another refugee talks about a separation of prisoners into three groups: 'the first group were those who had been politically active. These people, about 1000, were immediately shot by the Serbs'. The second group consisted of civilians and the third group of people who had participated in the war on the Bosnian side." Even if these allegations are true, that proves that there was no genocidal intent. If the killings did indeed take place, they were motivated by the struggle against political adversaries and not by an intention of killing members of an ethnic or religious group.

1.1.3.8. On page 21 of the same Submission of the Government of Austria of 6 March 1993 a would-be witness is quoted to have said: "Once they shot 20 people who had tried to flee.... They wanted to demonstrate that it was useless to flee...". If this is true, it is evident that the execution was not carried out with a genocidal intent.

1.1.3.9. On page 6 of the Third Submission of the Government of the United States of America, circulated as United Nations document S/24791 of 10 November 1992 (Presented as Annex 3 to Part 2 of the Memorial), it is said: "He estimates having carried 700 to 800 bodies during his imprisonment and commented that those killed for personal revenge typically were decapitated". If this statement is true, it certainly excludes a genocidal intent.

1.1.3.10. On page 13, para. 30 of the report on the situation of human rights in the territory of the former Yugoslavia, prepared by the United Nations Special Rapporteur, Mr. Tadeusz Mazowiecki, circulated as United Nations document A/47/666, S/24809 of 17

November 1992 (presented as Annex 4 to Part 2 of the Memorial), it is said: "According to other sources, the execution of these prisoners is believed to have been a reprisal for the death of the brother of the liaison officer of the local Red Cross responsible for this facility, who was killed in combat at Kozarac." If the execution was indeed carried out, it is obvious that it was motivated by a reprisal and not by being a member of an ethnic or religious group.

1.1.3.11. On page 14, para. 34 of the same report it is said: "The administrators of these facilities, who are officials of the army of the Bosnian Serbs, maintain that the prisoners are prisoners of war. However, other observers consider that most of them probably never bore arms, and were detained simply because their age and Muslim ethnic origin made them potential combatants in the eyes of the Serbian authorities." If this is true, it certainly excludes a genocidal intent.

1.1.3.12. On page 827 of the Third Report on War Crimes in the Former Yugoslavia, prepared by the Government of the United States of America and published in the US Department of State Dispatch, Vol. 3, No. 46, 16 November 1992 (presented as Annex 5 to Part 2 of the Memorial), it is said: "Upon arrival, all internees were questioned by one of three inspectors who decided their fate. For example, if a person was a member of the SDA or HDZ political parties, he was executed at the camp. Other questions included whether the person had foreign currency, gold, or weapons, or if a neighbor might have any of these items. Without a signature from either the police chief at the camp, or one of the military officers, a person could not be released. Approximately 1,000 people were released from the camp when Serbs vouched with their lives - and signed documents to that effect - that the internees would not leave Brčko, discuss politics, or own weapons...". It transpires that there was no intent to destroy members of an ethnic or religious group but to neutralize the enemy in a civil war.

1.1.3.13. On page 827 of the same Third Report on War Crimes in the Former Yugoslavia, prepared by the Government of the United States of America and published in the US Department of State Dispatch, Vol. 3, No. 46, 16 November 1992 (presented as Annex 5 to Part 2 of the Memorial), it is said: "About 50 men, women, and children were killed in one case, allegedly in retaliation for the death of 12 Chetniks who had been killed on the front." Even if this allegation were true, it would exclude genocide because there was no genocidal intent.

1.1.3.14. On page 805 of the Supplemental Report on War Crimes in the Former Yugoslavia, submitted by the Government of

the United States of America and published in the US Department of State Dispatch, Vol. 3, No. 44, 2 November 1992 (presented as Annex 19 to Part 2 of the Memorial), it is said: "A 16-year-old Muslim interned at the Trnopolje camp, after having been raped three times, asked her Serbian rapist, 'What are you doing?' He answered, 'That's what your people are doing to us as well.'" If this statement is true, the reason of the rape was revenge and not an intent to cause members of an ethnic or religious group a grievous bodily or mental injury.

1.1.3.15. On page 13, para. 47 of the Document submitted to the Human Rights Committee by the Applicant State, circulated under CCPR/C/89 and dated 27 April 1993 (presented as Annex 26 to Part 2 of the Memorial), it is said: "After fighting at Kozarac, the BH Territorial Defence formations that managed to escape from the village attacked the village of Gonjevica at the beginning of June, inflicting heavy losses on the so-called Serbian Territorial Defence Forces. Bent on revenge, the SDS extremists in Prijedor massacred a number of Muslim and Croatian civilians, taking some of them in truckloads in an unknown direction." Even if this statement were true, it denies the existence of genocide because the act was committed as a reprisal and not with an intent to destroy members of an ethnic or religious group.

1.1.3.16. On page 920 of the Fourth Report on War Crimes in the Former Yugoslavia, prepared by the Government of the United States of America and published in the US Department of State Dispatch, Vol. 3, No. 52, 18 December 1992 (presented as Annex 38 to Part 2 of the Memorial), it is said: "The Keraterm facility was divided into four subdivisions or halls. The witness was in hall number one. On July 22 or 24, a hall at the opposite end of the facility was packed with prisoners from an area where heavy fighting had taken place, and where the Serbs reportedly had sustained heavy casualties. The Serbs machine-gunned to death about 200 of the newly arrived prisoners in that hall." Even if this statement of the witness were true, it cannot prove the existence of an act of genocide because it is obvious that reprisal was in question.

1.1.3.17. On page 7 of Amnesty International document "Bosnia-Herzegovina, Rana u duši, A Wound to the Soul", January 1993 (presented as Annex 39 to Part 2 of the Memorial), it is said: "20 September 1992 is described by AH in his diary as 'black Sunday for Muslims'. This day marked the start of a four-day period when around 30 civilian Muslims were deliberately and arbitrarily killed in Bosanski Petrovac. It ended when over 2,000 Muslims left Bosanski Petrovac in a convoy organized by the Serbian authorities. It is unclear why the killings escalated at this time, although many

accounts said that they followed the reported deaths of 17 Serbian soldiers at the front near Bihać which angered Serbian soldiers returning to Bosanski Petrovac." Here again revenge is specified as the reason so that the statement, if it were indeed true, could not support the accusation that an act of genocide was involved.

1.1.3.18. In para. 34 of the Application it is said: "On 16 May 1992, at least 83 Muslims were summarily executed by Serbian paramilitary units in the village of Zaklopaca, which had been an almost exclusively Muslim village. By the account of one witness, Najla Hodzic, the Serbian paramilitary units (Chetniks) clearly committed acts of genocide. At 4.30 p.m. Serbian soldiers approached Hodzic's house, and called Hodzic's brother-in-law Haso, an "Ustasa". The Serb units ordered Haso to give up his weapons (Haso was unarmed at the time) and when he did not comply immediately, he was shot and killed on the spot. This is an act of genocide: the soldiers labelled Haso an Ustasa, indicating their identification of him as a Muslim, and killed him immediately after identifying him as a Muslim."... Even if the statement of Najla Hodzic were accurate it could not prove the existence of an act of genocide. It is quite wrong to link the term "Ustasa" with the affiliation to the Muslim group. During World War Two the majority of Ustasa were of Croatian nationality. Only a small number of Ustasa were members of the Muslim group. Besides, not all Muslims were Ustasa. Some of them were members of the Partisan movement and some took no part in armed formations at all. Accordingly, there was no practice in the area of the former Yugoslavia to denote the affiliation to the Muslim group with the term "Ustasa". It is evident that under the term "Ustasa", the "Chetniks" in the said case had in mind an adversary in an armed conflict and requested him to give up his weapons. Consequently, if a murder was committed, it was not committed with an intent to kill a member of the Muslim group, but to eliminate an adversary in war. Therefore it is not possible to argue that an act of genocide was involved.

1.1.3.19. Part of the statement of a Muslim woman, identified as "AD 010", has been presented in para. 44.C of the Application. In the part of the statement under "b", the witness testifies to captured Muslims having been allegedly robbed. If the reason for the said act was robbery, a genocidal intent is excluded and the allegation about genocide cannot be upheld. In the part of the statement under "d" it is said: "A friend of mine was kept in captivity because her husband was fighting on the Bihac front...". The intention was to take revenge or to blackmail, which is certainly a crime, but not genocide. In this part of the statement the witness says that men were taken away and kept in a detention camp and contacted their families after a certain period of time. Women remained in the village which was

under the control of the "Chetniks". This leads to the conclusion that these acts were undertaken as a preventive action against potential adversaries in armed conflict and that no act of genocide was committed.

1.1.3.20. Parts of the allegation of a witness identified as "OO4 JF" are presented in para. 44.D of the Application. It includes, inter alia, the following part statement of the witness : "On the 30 May, 1992, was forcibly detained in Prijedor SUP at 9 p.m... There were about one hundred Serb soldiers in the room 'interrogating' and beating us. They kept swearing at as saying 'You f... want a republic' 'You f... want a state', 'You want a f... Muslim state...' Even if assumes that the said allegations are true, it is evident that the intention of those who committed the described acts was to settle scores with their political adversaries with whom they were in armed conflict and not to carry out the genocide of Muslims or Croats.

1.1.3.21. In para. 70 of the Application, the Applicant State refers to the alleged destruction of Muslim villages and houses and qualifies it as genocide. However, in the same paragraph it is stated: "In the village of Čelinac, 17 houses occupied by Muslim families were blown up in a single night, after reports were received that some soldiers from the village had been killed in combat." The Applicant has not proved the veracity of this assertion and the Respondent denies that it is true, but even if it were, it is evident that what is involved here is revenge and not a genocidal intent.

1.1.3.22. Having in mind the general policy of the authorities of the Republic of Srpska, is not possible to trace the existence of the genocidal intent. Implementing the accord of three parties, the Republic of Srpska closed most of its detention centers at the end of 1992 or at the beginning of 1993, in spite of the fact that the other two sides failed to comply the accord and did not close their camps. In general, the authorities of the Republic of Srpska have always allowed the transfer of women, children and elderly people from areas exposed to war operations. The authorities of the Republic of Srpska have usually permitted supply of the besieged places with humanitarian relief. The Army of the Republic of Srpska did not carry out military activities in Muslim areas which were not under the control of forces under the command of Mr. Izetbegović, for example, the regions of Bihać or Tuzla.

1.1.3.23. This fact has been pointed out by numerous publicists. Thus, Ted Galen Carpenter: "As columnist Charles Krauthammer and other skeptics point out, what is going on in Bosnia cannot accurately be termed genocide. Instead of exterminating members of ethnic groups, the Serbs have generally

expelled them from specific territories as part of an effort to create a 'greater Serbia.' Although that is certainly a loathsome practice - and has been accompanied by sporadic acts of murder - it hardly constitutes genocide." (Ted Galen Carpenter, Serbia, Analogy ... and Perspective, "The Washington Times", 12 June 1994, Annex No 2, p. 3)

Richard Cohen writes in the same tone: "... ethnic cleansing, while indefensible, is not genocide, the attempt to eradicate a people. It is something else - an effort to rid certain Bosnian areas of Muslims. It has been accompanied by killing and terror, but the Serbs would be content for the Muslims simply to leave what they consider to be Serbian areas. The eradication of the Muslims as a people does not appear to be a goal of the Serbian Bosnians." (Richard Cohen, It's Not Holocaust, Rhetoric and Reality in Bosnia, "The Washington Post", 28 February 1993, Annex No 3, p. 5).

1.1.4. The Acts Described by the Applicant Cannot Be Attributed to the Federal Republic of Yugoslavia

1.1.4.1. Presenting the allegations about particular cases of breaches of the obligations established by the Genocide Convention, the Applicant has not substantiated them with any fact which could be relevant for the attribution of alleged breaches to the Respondent.

1.1.4.2. The Applicant went out of his way to obscure the information on alleged perpetrators. The Applicant mentioned only two alleged perpetrators by name: General Ratko Mladić (Application, para. 79) and Borislav Herak (Application, paras. 44H, 44I, 44J, 44K, 44L, 44M, 44N, 87A, Memorial, paras. 2.2.2.13; 2.2.4.6).

1.1.4.3. In the majority of cases the Applicant identifies the perpetrator as Serb(ian) forces (Application, paras. 40, 44B, 44D,f, 44E, 44F, 52, 59, 68C, 70, 72, 87A, Memorial paras. 2.2.1.4; 2.2.1.6; 2.2.1.9; 2.2.1.12; 2.2.1.16; 2.2.1.21; 2.2.2.1; 2.2.2.4; 2.2.2.5; 2.2.2.6; 2.2.2.8; 2.2.2.11; 2.2.2.14; 2.2.2.15; 2.2.2.19; 2.2.2.20; 2.2.2.21; 2.2.3.1; 2.2.3.2; 2.2.3.4; 2.2.3.6; 2.2.3.8; 2.2.3.9; 2.2.4.1; 2.2.5.1; 2.2.5.2; 2.2.5.3; 2.2.5.5; 2.2.5.6; 2.2.5.7; 2.2.5.8; 2.2.5.9; 2.2.5.10; 2.2.5.11; 2.2.5.12; 2.2.5.13; 2.2.5.15; 2.2.5.16; 2.2.6.1; 2.2.6.5; 2.2.6.7; 2.2.6.8; 2.2.6.10)

1.1.4.4. The Applicant uses the term: Serb(ian) soldier(s) (Application, paras. 41, 44D,a,b,k, 54, 57, 68A, 68B, 68F, Memorial, paras. 2.2.1.13; 2.2.1.20; /uniformed and non-uniformed/ 2.2.2.10; 2.2.3.3; 2.2.3.4; 2.2.3.6; 2.2.4.5; 2.2.4.1. p.46)

1.1.4.5. Also, the following terms are used to qualify the perpetrators: (Serb) guards (Application, 44D,d,o,v, 44F,f, 60, 61, 62, 63, 64, 82A, Memorial paras.2.2.1.8; 2.2.1.14; 2.2.1.15; 2.2.1.19; 2.2.2.17; 2.2.3.7), bearded soldier (Application, paras.32), Serbian paramilitary units (Chetniks) (Application, para. 34), Serb unit forces (Application, para. 36), Serb units (Application, para. 36) Serbian unit snipers (Application, para. 36), Serb militia forces (Application, para. 38), Serbian nationalist forces (Application, para. 87A), Rebel Serbian Forces, (Application, para. 87A), Serbian guerrilla units (Application, para. 87A.), Serbian guerrilla forces (Application, para. 87A), Serb hordes (soldiers) (Application, paras. 44D,c,t, 44F,d), Serb torturers (Application, paras. 44D,e,m,p,r.), Specijalci soldier (Memorial, paras. 2.2.1.19), Serbian police (Memorial, para. 2.2.1.19), a young woman, (Memorial, para. 2.2.1.19), Serbian irregular soldiers (Application, para. 87B), Chetniks (Application, paras. 44C, Memorial, paras. 2.2.1.19; 2.2.5.8), Serbians wearing Chetnik garb (Application, para. 72), Serb(ian)s (Application, para. 44D,a,g,i,j,l,n,q,u,w, 44F,e,g, 56, 81, 87A), Serb civilians (Application, paras. 44F,f,h), Serbian armed forces (Application, paras. 48, Memorial, paras. 2.2.4.8), "Serbian Army" and police officers (Memorial, para. 2.2.1.15), Serbian fighters (Application, paras. 55, 87A, Memorial, paras. 2.2.2.13; 2.2.4.7), Serbian nationalist fighters (Application, paras. 87A) and Serbian soldiers who were wearing uniforms bearing white eagles (Memorial, para. 2.2.3.7).

1.1.4.6. When referring to camps, the Applicant uses the terms: Serb-run detention centres (Application, para. 70), Serb-run camps (Application, para. 71), Serbian camps (Application, para. 74), Serb operated camp (Memorial, para. 2.2.1.11) and Serbian concentration camps (Application, para. 87A).

1.1.4.7. In all above indicated particular cases the Applicant does not refer to any specific fact which could be of relevance to the attribution of alleged acts to the Respondent. Putting aside the veracity of the indicated allegations, one wonders whether it is really possible that the Applicant believes the adjective "Serbian" is sufficient to attribute alleged acts to the Respondent? The Applicant probably finds grounds for such a belief in its absurd theory of agency according to which all Serbs in the Republic of Srpska are "agents" or "surrogates" (!) of the Respondent? It is clear that such an approach of the Applicant is without any foundation in the relevant rules of international law.

1.1.4.8. The Applicant also refers to the group controlled by Zeljko Raznjatović (Application, paras. 68D, /probably under the control of Arkan/ Memorial, paras. 2.2.2.12) and Serb paramilitary forces led by Zeljko Raznjatovic (Arkan) and Vojislav Šešelj (Memorial, paras. 2.2.1.17), Paramilitary groups from Serbia (Application, para. 37) and Serb(ian) paramilitary forces (Application, paras. 36, Memorial, paras. 2.2.2.2; 2.2.2.9). Allegedly, these paramilitary groups were "acting under orders" of Yugoslav authorities. (Memorial, para. 2.3.4.6, p. 70). This assertion is not based on facts. The Applicant has not submitted any proper evidence to prove it. Furthermore, such a general assertion is not sufficient for the alleged acts of the said group to be attributed to the Respondent. The Applicant should prove that the said groups were acting on the orders of the Respondent when they allegedly committed the described acts.

1.1.4.9. The Applicant also refers to the Serbs in JNA (Yugoslav Peoples Army) uniforms (Application, para. 68E, Memorial, para. 2.2.4.2), Serbian soldiers whose uniforms bore the initial 'SMP' upon them (Memorial, para. 2.2.4.3). Without checking the truthfulness of the allegations, it can be remarked that even the Applicant did not say that they were members of the Yugoslav Army. The Applicant said "the Serbs in JNA uniforms". The difference is very important in view of the fact that JNA uniforms were widely distributed to a large number of fighting age population, members of the local territorial defence units, during a long period before the beginning of the civil war in the former Yugoslavia.

1.1.4.10. The Applicant also alleges as perpetrators "former Yugoslavian (military) forces (or their surrogates)" (Application, paras. 75, 77, 80) indicating by the term "former" that the said forces were not under the command of the Yugoslav authorities at the time when the described acts were allegedly committed.

1.1.4.11. In a few cases, the Applicant refers to JNA forces (Memorial, paras. 2.2.2.18; 2.2.5.4), JNA unit, (Memorial, para. 2.2.5.3), JNA troops (Memorial, para. 2.2.5.12), Yugoslav Army (Application, paras.32, 87B), Serbian forces from the VJ (Yugoslav Army), (Memorial, para. 2.2.5.14), Yugoslav Federal Specijalci, (Memorial, para. 2.2.1.19), the authorities in Serbia (Memorial, para. 2.2.6.2) and Yugoslav authorities (Memorial, para. 2.2.5.9). These allegations of the Applicant are not based on facts. The Applicant did not prove the participation of the JNA forces in any of the alleged acts. The cases in which "the authorities in Serbia" and "Yugoslav authorities" were allegedly involved, even if they were proven, cannot

be qualified as breaches of the obligations established by the Genocide Convention.

1.1.4.12. The Applicant refers to "Yugoslavia (Serbia and Montenegro) and its surrogates and agents", but in a very general fashion. (Application, paras. 82, 83, Memorial, paras. 1.3.0.5; 1.3.0.6; 2.1.0.6). Such empty allegations uncorroborated by proper evidence are immaterial for deciding on questions of attribution of acts to a State. The Applicant made an exception in para. 87B of the Application as well as in para. 2.2.6.5 of the Memorial. In these paragraphs the concrete cases are presented. In para. 87B of the Application, the Applicant quoted reports in the New York Times. But the reports in the New York Times, even if they include statements of officials of foreign Governments, cannot be considered as proper evidence of alleged acts. Besides, the alleged acts, irrespective of whether they are proven or not, are not covered by the Genocide Convention.

1.1.4.13. The function of the Chapter 2.3 of the Memorial, entitled "The Context of the Acts" is not quite clear. It seems that the Applicant has tried to produce ideological and political background of the alleged atrocities. It is a double failure. The allegations are not founded on facts. And according to relevant rules of international law, ideological and political background, as presented by the Applicant, is without importance for the attribution of acts to a State. Hardly anything contained in the Chapter 2.3 of the Memorial is related to acts presented in Chapter 2.2 or in the Application in terms of the relevant rules of international law.

1.1.4.14. Quoting the writings of Milan Vego, the Applicant asserts that "The operational chain of command in the federal army runs from the Supreme Defence Council... through the General Staff in Belgrade to the commander of: ... the 'Army of the Serbian Republic of Bosnia and Herzegovina'..." (Memorial, para. 2.3.6.6, p. 80) The Applicant probably hopes that all problems associated with the imputability of acts to a State can be resolved by quotations from works of "famous" military experts as are Milan Vego or James Gow. But the Applicant has not explained what were the sources of information of the distinguished experts. Do these gentlemen possess supernatural power to see and know things that other people cannot see and know or, is there perhaps some evidence? If there is evidence, the Respondent should have an opportunity to examine it and answer accordingly. Without such an opportunity, there could be no fair litigation.

1.1.5. Places of the Alleged Crimes

1.1.5.1. All places of alleged particular acts, when they are indicated by the Applicant, are on the territory of Bosnia and Herzegovina.

Section 2 - Denial of Separate Allegations of the Applicant

1.2. Allegations Presented in the Application and Other Pleadings, except the Memorial

1.2.1.1. In para. 18 of the Application, the Applicant asserts that "the Respondent's military and paramilitary forces and its militias even bombarded and laid siege to Sarajevo..." There were no paramilitary forces or militias under the command or any other influence of the Respondent. The Yugoslav People's Army did not bombard or lay siege to Sarajevo. In April 1992, when the armed rebellion of the Muslim and Croatian forces in Bosnia-Herzegovina escalated into frontal attacks on the units of the Yugoslav People's Army, fighting did take place in Sarajevo, in which the units of the Yugoslav People's Army took part but they defended themselves from the attacks of the rebel forces. Acting in this way the units of the Yugoslav People's Army observed the rules applicable to this type of armed conflict. Besides, the bombardment or siege of Sarajevo cannot be qualified as genocide. In the parts of Sarajevo under Muslim control a large number of Serbs were held as ethnic hostages throughout the war. In the definition of genocide it is assumed that an act is consciously directed against members of an ethnic or religious group. As regards the bombardment or siege of Sarajevo, the perpetrator(s) of the acts could not, by committing them, attack only the Muslims or the Croats living in Sarajevo without also attacking the Serbs.

1.2.1.2. In paras. 19, 20 et al. of the Application, the Applicant refers to the so-called ethnic cleansing. In para. 19 of the Application, the Applicant points out that "the nearly 2 million Muslim and Croat refugees /were/ expelled from these Serb-held territories. Victims spoke of the use of intimidation and violence to induce them to leave their homes..." None of the acts of "intimidation and

violence to induce them to leave their homes" constitute acts of genocide since there is no genocidal intent. Ethnic cleansing is certainly a crime against humanity but it cannot be defined as genocide on the basis of the Genocide Convention.

1.2.1.3. In para. 23 of the Application, the Applicant states that "Considering the manner of the aggression, confiscation of documents and the consequences manifested by the aggression, it is clear that the Yugoslav/Serb aggression has been planned in advance, with the objective of destroying Muslims within the nation and occupying areas where they live." This allegation of the Applicant is a perversion of truth. Yugoslavia did not commit or plan any act of aggression against Bosnia-Herzegovina, nor was the destruction of Muslims and the occupation of the areas where they lived the goal of the policy of Yugoslavia.

1.2.2.4. The allegations presented in paras. 25 and 26 of the Application to the effect that the behaviour of the Respondent is the continuation of the policy of the Chetnik movement in World War Two, the aim of which was allegedly to create "Greater Serbia" by way of ethnic cleansing are unfounded. The Applicant provides no source of the quotations presented in the said paragraphs. However, even if the quotations were accurate, they are irrelevant to the responsibility of the Respondent from the point of view of international law.

1.2.1.5. In para. 27 of the Application, the Applicant makes some general assertions which are not accurate. The Applicant goes on to say: "In one such instance of genocide, Dr. Filipović - a member of the Bosnian Government - in his press release on 16 October 1992 stated that as many as 5,000 bodies were cremated in a furnace at the Tomašica iron ore mine, according to eight eyewitness accounts. Some witnesses report that people were burned alive in the furnace (identities of the witnesses are known to the Bosnian Government). People who have escaped from the Prijedor mine report that some 20,000 people were killed there and that the bodies were covered with mining debris." These assertions of the Applicant are not true. The Applicant has provided no legally valid piece of evidence to prove the said allegations.

1.2.1.6. In para. 28 of the Application, the Applicant brings up the allegations which are not true and which have not been proved in a valid way.

1.2.1.7. In paras. 29 and 33 of the Application, the Applicant refers to the destruction of buildings which served the economic, religious and other cultural needs, as well as housing requirements of

the population in Bosnia-Herzegovina. These acts do not constitute acts of genocide and cannot be attributed to the Respondent.

1.2.1.8. In para. 32 of the Application, the Applicant states that "Shortly after the former Yugoslav army swept into eastern Bosnia in April of 1992, a bearded soldier climbed the minaret of the Riječanska mosque in the town of Zvornik, hung a skull-and-crossbones flag out the window, and placed a cassette on the recorder...". These and other assertions presented in the said paragraph are not true. The fact is that the Yugoslav People's Army began to withdraw from Bosnia-Herzegovina at the end of April 1992 and that its withdrawal was continuously obstructed by the attacks of the Muslim and Croatian forces under the command of the Government in Sarajevo. There were no "bearded soldiers" among the members of the Yugoslav People's Army and the Yugoslav People's Army possessed no flag resembling even remotely the "skull-and-crossbones flag".

1.2.1.9. In para. 34 of the Application it is said: "On 16 May 1992, at least 83 Muslims were summarily executed by Serbian paramilitary units in the village of Zaklopača, which had been an almost exclusively Muslim village. By the account of one witness, Najla Hodžić, the Serbian paramilitary units (Chetniks) clearly committed acts of genocide. At 4.30 p.m. Serbian soldiers approached Hodžić's house, and called Hodžić's brother-in-law Haso, an "Ustaša". The Serb units ordered Haso to give up his weapons (Haso was unarmed at the time) and when he did not comply immediately, he was shot and killed on the spot. This is an act of genocide: the soldiers labelled Haso an Ustaša, indicating their identification of him as a Muslim, and killed him immediately after identifying him as a Muslim."... The assertions of the Applicant are not true. The Applicant offered no valid proof to substantiate the said assertions. Moreover, this act, even if committed, cannot be attributed to the FR of Yugoslavia.

1.2.1.10. In para. 35 of the Application, the Applicant refers to the reports according to which Serb soldiers deliberately killed helpless Muslims outside military targets and points out the bombardment of Bihać as an example. These assertions are not true. It is known that the V Corps of the Muslim army under the control of Alija Izetbegović and under the direct command of Arif Dudaković was deployed in Bihać and that war was waged there between these forces and the Muslim forces under the command of Fikret Abdić, who, opposing Alija Izetbegović's Islamic fundamentalism, had established the Autonomous Province of Western Bosnia. The members of the V Corps under the command of Arif Dudaković were

quartered in Bihać, while the forces under the command of Fikret Abdić held positions outside Bihać. As these forces were engaged in fighting, it is obvious that some establishments in Bihać were exposed to attacks.

1.2.1.11. In para. 36 of the Application it is said: "The United States Department also confirms the existence of intentional killings of Muslims and Croats by Serbian paramilitary forces in the Republic of Bosnia and Herzegovina." Even if there were intentional killings, it does not mean that acts of genocide were involved. Besides, the acts of the Serbian paramilitary forces cannot be attributed to Yugoslavia and it cannot be responsible for these acts. It is further said in the same paragraph of the Application that "State Department spokesman Richard Boucher confirmed reports of the existence of detention centres in Bosnia and Herzegovina where citizens are being tortured and killed". This assertion, either, does not prove that an act of genocide was committed. Similarly, the establishment of detention centres in Bosnia-Herzegovina and the events in these camps cannot be attributed to Yugoslavia and it cannot be held responsible for what was going on there. Further on, it is said in the same paragraph that "Serbian unit snipers opened fire on a bus transporting orphans out of a city which resulted in the death of an infant and toddler". The Applicant State produced no evidence that Serbian unit snipers had opened fire. It is also silent about the fact that one of the killed children was of Serbian nationality. This act cannot be qualified as genocide, nor can it be attributed to Yugoslavia. The said paragraph of the Application finishes with the following description: "In the town of Kozarac and surrounding villages (a predominantly Muslim area), Serb unit forces attacked on 24 May with mortar and artillery in an attack that lasted all night. The townspeople eventually surrendered after hiding in the woods. They were released once they had forfeited their weapons. The next day, however, the Serb units showed up again and shelled the now defenceless villagers and townspeople". It is evident that a conflict of belligerent parties was involved and that the Serbian forces released the enemy after it had surrendered its weapons. The reason for the subsequent attack and its effects are not possible to perceive from the presented account. It is not possible to conclude either that an act of genocide was committed, nor is it possible to attribute the said act to Yugoslavia even if it was indeed committed, which the Applicant has not proved.

1.2.1.12. In para. 37 of the Application, the Applicant asserts that "recreational killings of Muslims and Croats occurred in the Serb-run detention camps" and that these killings were allegedly committed by paramilitary groups from Serbia. These assertions, as well as many others made by the Applicant, remain unproved. But even if they were true, the described manner of killing is certainly a crime,

but it is not an act of genocide. Besides, such acts cannot be attributed to Yugoslavia. The words of an unidentified witness are quoted in the same paragraph to the effect that in one case a victim, before being killed, was asked about religious affiliation. Not only has this case not been proved, but it has not even been described in more detail, therefore it is not possible to argue that an act of genocide was committed on the basis of an assertion of the Applicant, nor is it possible to attribute this act to Yugoslavia.

1.2.1.13. In para. 38 of the Application it is said that Serbian militia forces massacred 200 Muslim refugees on a narrow mountain track. The Applicant has produced no valid evidence to prove these allegations. On the basis of what has been presented by the Applicant it is not possible to conclude that this event did indeed take place, but even if it did, it is not possible to argue that an act of genocide is involved. If only male refugees were killed, it is an indication that the intent was to eliminate a potential adversary in armed conflict. This is certainly a crime, provided it did occur, but not a crime of genocide. Besides, the described acts, even if they did occur, cannot be attributed to Yugoslavia, therefore Yugoslavia cannot be held responsible for them. That these allegations of the Applicant are devoid of any credibility is evinced by the following assertions, contained in the same paragraph of the Application: "One witness who was captured by Serb forces gave the following account of his captivity: he saw at least 30 people taken to sewage canals where their throats were cut; he saw a doctor slit the throats of healthy young persons, cut the organs and pack them in plastic bags, and then put them in a refrigerator truck; he also saw how the guards broke a prisoner's head with gun butts to spill the brains. They then called the dogs to eat the brains." The Applicant has not produced valid evidence to prove these allegations. The witness states that the Muslims were killed in order to use their organs and describes what he allegedly saw. It is not necessary to possess expert medical knowledge to conclude that the described manner of taking human organs for transplantation is medically impossible.

1.2.1.14. The alleged killing of the Imam Mustafa Mojkanović is described in para. 39 of the Application. As in many other instances, the Applicant has not produced adequate evidence to prove the allegations. But even if the assertions of the Applicant were true, this act cannot be imputed to Yugoslavia.

1.2.1.15. The case described in para. 40 of the Application is also devoid of any credibility: "One Muslim prisoner of a Serb-run detention camp told of three prisoners beaten unconscious and then revived with cold water. Then, one of the prisoners was forced to bite the testicles off another." It is hard to believe that a man beaten

unconscious and then revived by being poured with cold water would be able to bite off the testicles of another man. But even if this act did occur, it is not possible to conclude from what has been presented that it was an act of genocide, nor could it be attributed to Yugoslavia.

1.2.1.16. The assertions in para. 41 of the Application do not correspond with the truth. The Applicant has not proved them. But even if they were true, they indicate that killings were carried out discriminately and that there did not exist a genocidal intent. The report to the effect that 36 Muslim adults and 27 Muslim children were thrown out of hospital and executed to make room for wounded Serbian soldiers is untrue. Nothing of the kind happened.

1.2.1.17. The assertions in para. 42 of the Application, contained in the said reports, are unfounded and untrue. The alleged injuries of 43 Croats killed in the massacre in the city of Vucin are exactly those that were typical of the injuries caused to Serbian victims. Besides, the time of the alleged crime - January 1992 - is unbelievable.

1.2.1.18. Unidentified witnesses are quoted in para. 43 of the Application and it is asserted that they testified to alleged killings of Muslims. The Applicant has provided no data about the victims or the perpetrators, the place and time of the alleged commission of the crime, the circumstances under which the alleged crime was committed, etc. The Respondent denies the allegations.

1.2.1.19. A Muslim woman's testimony is presented in para. 44.B of the Application; she "described the atrocities committed against her and her family...". Even if the statement were true, and the Applicant has not proved that it is true and the Respondent denies it, it is evident that the intent with which the alleged act was committed was the expulsion of Muslims, and that excludes genocide. Besides, even if these acts were indeed committed, they cannot be attributed to the Respondent and it is not responsible for them.

1.2.1.20. Part of the statement of a Muslim woman, identified as "AD 010", has been presented in para. 44.C of the Application. The statement is unconvincing with its story about a man who survived execution even though he had sustained three wounds. He managed to survive, living in the woods for two months (although he had three wounds), and then he was caught again and has no longer been heard of ever since. It is extremely unconvincing. Besides, it is said that the perpetrators of all acts were "Chetniks". Even if the allegations of this witness were true, the acts of "Chetniks" cannot be attributed to the Respondent and it is not responsible for them.

1.2.1.21. Parts of the allegation of a witness identified as "OO4 JF" are presented in para. 44.D of the Application. It includes, *inter alia*, the following part the statement of the witness : "On the 30 May, 1992, was forcibly detained in Prijedor SUP at 9 p.m... There were about one hundred Serb soldiers in the room 'interrogating' and beating us. They kept swearing at as saying 'You f... want a republic' 'You f... want a state', 'You want a f... Muslim state...' The Respondent denies all the allegations contained in the statement of the witness as untrue and unproved. But even if we assume that the said allegations are true, it is obvious that the intention of those who committed the described acts was to settle scores with their political adversaries with whom they were in armed conflict and not to commit genocide of Muslims or Croats. Besides, these acts cannot be attributed to the Respondent and it cannot be held responsible for them.

1.2.1.22. Parts of the allegation of a young Muslim woman, identified as "JK OO1", are presented in para. 44.E of the Application. In the quoted part of her statement she says: "When they were searching my home we were taken into the backyard and made to stand in a row. They threatened to shoot us if they found weapons in the house...". Assuming that this statement is true, and the Applicant has not proved that it is and the Respondent therefore denies it, it points to the fact that the reason for the described violence was related to the political and military conflict and not to the intention of destroying the members of the Muslim or any other ethnic or religious group.

1.2.1.23. Parts of the statement of a former inmate of the detention centre, identified as "003 NA", are presented in para. 44.F of the Application in which (under "e") it is, *inter alia*, said: "Serb guards, soldiers, civilians, interrogators... were incessantly humiliating us verbally, swearing: ... 'You f... Turkish bastards, you want a state'..." In the same statement under "h" it is said: "Often Serb civilians were let into the concentration camp including women and children. They would spit on us, stone us, beat us with anything they could lay their hands on..." The presented part of the statement cannot be accepted as evidence for the allegations contained in it and the Respondent denies them as untrue and unproved. However, even if the allegations were true, the quoted parts of the statement indicate that the reason for the violence was the political and armed conflict, as well as revenge, and not an intent to destroy the members of an ethnic or religious group. Besides, these acts cannot be attributed to the Respondent and it is not responsible for them.

1.2.1.24. Para. 44.H to 44.N of the Application relates to the case of Borislav Herak, captured Serbian soldier, tried before a Sarajevo court for the crimes he had allegedly committed. He conceded before the court that he himself had committed some crimes or described those that he had witnessed and that had allegedly been committed with an intent to carry out "ethnic cleansing". The veracity of his statement is seriously called in question by the following facts. While he spoke about the crimes that he or others had allegedly committed, those present in the courtroom applauded him, treated him to various things and accepted his statements with undisguised approval. Herak said to the journalist that he had spoken to that he was afraid of being subjected to torture once he completed his testimony before the court. The journalist interceded with the Muslim authorities and was given assurances that Herak would not be tortured (John F. Burns, Slaughter in the Name of Serbia, the Guardian, 3 December 1992, presented by the Applicant as Annex 38, Part 2 to the Memorial).

On the basis of the Herak's testimony the second accused person, Sretko Damjanović, has been sentenced by the same court in Sarajevo because of the alleged murder of two brothers of Muslim nationality. However, it has been established that these two brothers, Kasim and Asim Blekić, are alive. (Chris Hedges, "Jailed Serbs "Victims Found Alive", Embarrassing, Bosnia", "The New York Times" 1 March 1997, Annex No 4, pp 7-8).

Obviously, Borislav Herak is a mentally affected person who made his statements apprehensive that he would be tortured. The following words of Herak are quoted in para. 44. of the Application: "We were told that Ahatovići must be cleansed Serbian territory, that it was a strategic place between Iliđža and Rajlovac...". Even if one assumes that Herak's statements are true, they cannot serve as evidence that an act of genocide was committed considering that it transpires from the quoted part of the statement that the reason for the violence was of a military nature. The killing of the civilians, if it did occur, is certainly a crime, but it is not genocide because there was no genocidal intent. Besides, the acts quoted by Herak cannot be attributed to the Respondent and it cannot be held responsible for them.

1.2.1.25. In paras. 45 to 58 of the Application, the Applicant refers to rape. In para. 47 of the Application it is said: "According to investigations by both Amnesty International and the European Council, the rapes and sexual abuses that are occurring in Bosnia and Herzegovina are part of a deliberate and organized plan of destruction of the Muslim people. This constitutes genocide under the terms of the Convention." Parts of the reports of Amnesty International and the Council of Europe are presented in the paragraphs that follow. In the quoted parts of these reports it is not

stated that rapes are "part of a deliberate and organized plan of destruction of the Muslim people". The Applicant has produced no evidence that the quoted figures of raped Muslim women are realistic. These figures are surely significantly exaggerated. It is questionable whether an act of genocide can be committed by rape, but even if it can, the Applicant has presented no such case and has not proved in a valid way the existence of the elements of genocide. Besides, acts of rape and sexual abuse cannot be attributed to the Respondent.

1.2.1.26. Parts of reports on the infliction of serious bodily and mental injuries on Muslims are presented in paras. 59 to 69 of the Application, in which the Applicant asserts that the said injuries constitute acts of genocide. The Applicant has neither presented nor proved the existence of any case of genocide in the said paragraphs. None can any of the quoted acts be attributed to the Respondent.

1.2.1.27. In para. 70 of the Application, the Applicant refers to the alleged destruction of Muslim villages and houses and qualifies it as genocide. However, in the same paragraph it is stated: "In the village of Čelinac, 17 houses occupied by Muslim families were blown up in a single night, after reports were received that some soldiers from the village had been killed in combat." The Applicant has not proved the veracity of this assertion and the Respondent denies that it is true, but even if it were, it is evident that what is involved here is revenge and not a genocidal intent. It has been reiterated several times that the bombardment of Sarajevo cannot be qualified as genocide considering that, in addition to Muslims and Croats, Serbs also lived in the part of the city under Muslim control as ethnic hostages. The other allegations from para. 70 of the Application are unfounded, but even if they were true, they do not prove the existence of genocide, nor can the described act be attributed to the Respondent.

1.2.1.28. In para. 72 of the Application, the Applicant refers to the events which allegedly took place in the village of Skelani on 7 and 8 May 1992. It can be seen from the description that the said events are related to the armed conflict between the two sides and that the described acts were committed with the intention of eliminating the enemy. The Applicant has not proved the veracity of the allegations, but even if they were true, the described events cannot be qualified as genocide, nor can the described act be attributed to the Respondent.

1.2.1.29. In paras. 71, 73, 74 and 82.A, the Applicant asserts that some events allegedly occurred in a detention camp under the control of Bosnian Serb forces. In para. 73 of the Application it is

said: "As Serbian military officials in Banja Luka stated, the prisoners are categorized, including a category for 'Muslim combatants'. The following is a partial list of United Nations findings regarding some of the camps: In Bosanski Novi: a football field is used as a holding ground for Muslims while their houses are being searched by the Serbian forces and the men of fighting age are transported to concentration camps...". It is clear that detention camps were established for different purposes and that the reason for their establishment was not genocide. In any case, the establishment of camps, including the events in them, cannot be attributed to the Respondent and it is not responsible for them.

1.2.1.30. In para. 75 of the Application, the Applicant asserts that ghettos were allegedly set up for the non-Serbian population. The Applicant has not proved these assertions, especially the propriety of likening those "ghettos" to the Nazi Warsaw ghetto and the Respondent denies it. The Applicant has presented no evidence of the existence of the elements necessary to argue that an act of genocide has been committed. Accordingly, the quoted acts cannot be qualified as genocide and cannot be attributed to Yugoslavia.

1.2.1.31. In paras. 76 and 77 of the Application, the Applicant alleges that there was forcible deportation and forcible displacement. The allegations, the veracity of which has not been proved by the Applicant, do not indicate that genocide was committed, nor can these acts be attributed to the Respondent.

1.2.1.32. In paras. 78 and 79 of the Application, the Applicant refers again to the bombardment of Sarajevo. The bombardment of Sarajevo cannot be qualified as genocide, because the acts of bombardment could not be aimed exclusively at members of one ethnic or religious group; these acts harmed equally all inhabitants under the Muslim control in Sarajevo, many of whom were Serbs held as ethnic hostages. Besides, the acts of the bombardment of Sarajevo cannot be attributed to the Respondent.

1.2.1.33. In paras. 80 and 81 of the Application, the Applicant asserts that the Bosnian Serb authorities attacked convoys transporting humanitarian aid to the Muslim population and qualifies it as genocide. The convoys were indeed held up sometimes as those responsible in the convoys refused to allow that they be searched because of a suspicion that weapons were smuggled in them for Muslim forces, which was done occasionally. Convoys were sometimes held up by the embittered Serbian population. However, more often than not the convoys did reach their destinations. The quoted acts cannot be qualified as genocide, nor can they be attributed to the Respondent.

1.2.1.34. The Applicant filed on 22 March 1993 (probably on 22 March as the date on the copy is not readily legible) in the Registry of the Court two documents entitled "Supplementary Submission in Support of the Application of the Republic of Bosnia and Herzegovina instituting legal proceedings against Yugoslavia (Serbia and Montenegro) on the basis of the 1948 Genocide Convention and in support of its Request for an indication of provisional measures of protection". "The Agent of Bosnia and Herzegovina explained that it had been intended that these be included in, or annexed to, the Application or the Request for the indication of provisional measures, but there had been insufficient time for this to be done." (Letter dated 22 March 1993, sent by the Registrar of the Court to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia). Both of these documents were subsequently included in the Application Instituting Proceedings Filed in the Registry of the Court on 20 March 1993, printed by the International Court of Justice, by having new paragraphs, denoted by numbers and letters, added to the initial Application. One of documents contains excerpts from press reports, primarily those of "The New York Times". Press reports, as well as statements of State officials, are not valid evidence to substantiate the assertions of the Applicant. Accordingly, the presented assertions have remained unproved and are untrue. Besides, nothing presented in this document is related to the non-compliance with the obligations set forth in the Genocide Convention. The said assertions are related to armed conflicts in the territory of Bosnia-Herzegovina and armed conflicts do not necessarily constitute an act of genocide.

1.2.1.35. On 1 April 1993, the Applicant filed a new "Supplementary Submission in Support of the Application of the Republic of Bosnia and Herzegovina Instituting Legal Proceedings against Yugoslavia... on the Basis of the 1948 Genocide Convention and in Support of Its Request for an Indication of Provisional Measures of Protection". This Submission contains the information published by some media on armed conflicts in the territory of Bosnia-Herzegovina, as well as the statements made by some State officials in this regard. What has been presented cannot be considered proved. The presented assertions are not true. Similarly, no information is related to the non-compliance with the obligations set forth in the Convention on the Prevention and Punishment of the Crime of Genocide.

1.2.1.36. The Request for the Indication of Provisional Measures of Protection Submitted by the Government of the Republic of Bosnia and Herzegovina, dated 27 July 1993 abounds in information published in the media about the events in Bosnia-

Herzegovina that took place after 20 March 1993. In this Request either the Applicant has not provided anything that could be a valid piece of evidence before the Court. Press reports cannot be valid evidence before the Court. Not even by providing press reports was the Applicant able to demonstrate in a valid way the existence of any act which could be qualified as a non-compliance with the obligations set forth in the Genocide Convention, still less that such an act could be attributed to Yugoslavia. In this context, statements of State officials could be taken as testimonies of the policies of their governments and not as valid evidence before the Court related to the subject-matter of their statements.

1.3. Allegations Presented in the Memorial

1.3.1. Alleged Concentration Camps

1.3.1.1. The Applicant's allegations in Chapter 2.1. paras 2.1.0.1.- 2.1.0.11. of the Memorial (pp.11-15) are not based on facts and the Respondent denies them.

1.3.1.2. The setting up of detention centres to which section 2.2.1. of the Memorial (pp.17-29) is devoted, is not in itself an act of genocide.

1.3.1.3. The Applicant offers no evidence of the systematic destruction of Muslims in "concentration camps" by Serbs. The forensic medicine expert opinion referred to in Part 2.2.1. of the Memorial reads, inter alia, as follows:

"However, these statements-submissions are founded only on *eyewitness* accounts and are followed with neither evidence nor substantial proof. Namely, if there had been a mass *burial in the open pits of the mine*, a medical forensic exhumation should be performed in order to, first of all, establish the existence of a mass grave, i.e to establish the number of those buried there, the cause of their death, their sex and age.

(.....)

"From the medical forensic standpoint, it results that the Application first gives general conclusion, and then *confirms them* by accounts of some witnesses. This is especially evident when the *mass executions, mass graves, mass torturing*, etc. are the subject".

(Sudsko-medicinska ekspertiza na Odeljak broj 2.2.1. Tužbe/Medical forensic expertise related to the Section 2.2.1. of the Memorial, Annex No 5, pp. 9-12/13-16)

1.3.1.4. The Serbian authorities in the Republic of Srpska operated a number of detention centres for a short time and then dissolved them. The Muslims and the Croats did not comply with that obligation (See para. 1.1.3.22. of the Counter-Memorial).

1.3.1.5. On 31 December 1993, the International Committee of the Red Cross had, in its "active records", the figure of 5,500 detainees, 40 per cent of them held by Bosnian Croat authorities, 25 per cent by the Government of "Bosnia-Herzegovina" (the Muslims), 13 per cent by the Bosnian Serbs and the rest by the forces of the Autonomous Province of Western Bosnia - the Muslims of Fikret Abdić. (Sixth Periodic Report of the Special Rapporteur, Mazowiecki, Doc. E/CN.4/1994/110, 21 February 1994, para 34, Annex No 6, p. 18). The Special Rapporteur goes on to state: "The camp in Batković contained approximately 1.000 Muslim prisoners at the time of the visit, housed in two storage buildings, The prisoners did not complain of ill-treatment and, in general, appeared to be in good health" (Report of the Special Rapporteur A/47/666, 17 November 1992, para. 29 Annex 7, p. 20).

1.3.1.6. The Serb forces could not have "made extensive use of concentration camps" from the beginning of 1992 as asserted in para 2.2.1.1. of the Memorial (p.17), because that would mean from January or February 1992. The Applicant itself, in "processing" three detention centers makes mention only of the period of three months of their "operation" in mid-1992. Besides, the war in Bosnia and Herzegovina began in April 1992. There were no concentration camps on the Serbian side and the assertions of the Applicant that there were 170 "such camps" imply that, in addition to the three of which only superficial charges are made, there existed another 167, which is absurd and cannot be proved at all.

1.3.1.7. As to the allegation that at least 14 camps were set up in Serbia (section 2.2.1.2. of the Memorial), the Respondent refers to the Report of the CSCE Mission to inspect alleged places of detention in the Republics of Serbia and Montenegro, 13-18 January 1993 in which it is stated:

"1. On 13-14 August 1992, the Fifteenth Meeting of the Committee of Senior Officials (CSO) of the Conference on Security and Cooperation in Europe (CSCE) decided to establish a rapporteur mission to investigate allegations of gross human rights abuses in the territory of the former Yugoslavia, with particular focus on the

situation in the Republic of Bosnia and Herzegovina. In coordination with the International Committee of the Red Cross and the United Nations Commission on Human Rights, the primary task of the rapporteur mission was to ensure that all alleged places of detention - irrespective of the nationality of the detainees - were inspected within the shortest possible time."

"2. This humanitarian mission, headed by Sir John Thomson of the United Kingdom, visited the Republic of Bosnia and Herzegovina from 29 August to 4 September 1992..."

"3. The report of the Mission noted that the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegović, had requested an investigation of a list of locations in the Republics of Serbia and Montenegro which were allegedly places of detention for Muslims. Although the mandate of the Mission was restricted to Bosnia and Herzegovina, during a visit with the federal authorities in Belgrade, the Mission was able to investigate one of those alleged places of detention, a coal mine at Aleksinac in the Republic of Serbia, where there was no evidence of detainees. This visit was facilitated by the Federal Prime Minister, Mr. Milan Panić, who invited the Mission to visit the remaining alleged places of detention and who assured the cooperation of the authorities. Accordingly, the Mission recommended follow-up action on the request of Mr. Izetbegović. (See the Thomson Mission report of September 1992, p.18). On the basis of this recommendation, the Seventeenth Meeting of the CSO on 4-5 November requested Sir John Thomson to nominate two or three of his colleagues to visit the remaining alleged places of detention."

"4. In order to carry out this mandate, Sir John Thomson asked Ambassador J. Kenneth Blackwell of the United States to head the follow-up Mission. He was accompanied by Rapporteurs Dr. Ove L. Bring (Appointed by the Swedish Ministry for Foreign Affairs) and Mr. Payam Akhavan (appointed by the European Community Presidency) to visit the Republics of Serbia and Montenegro from 13 to 18 January 1993. The purpose of the Mission was to investigate those alleged places of detention contained in the list provided by Mr. Izetbegović, especially those which had not been previously visited by competent international authorities. Accordingly, with the cooperation of the federal authorities, as well as the authorities of the Republics of Serbia and Montenegro, the Mission visited nine alleged areas and places of detention."

(.....)

"34. On the basis of visits to the specific sites mentioned in this report, the Rapporteurs have not been able to verify the existence of any places of detention in the Republics of Serbia and Montenegro" (Report of the CSCE Mission to Inspect Alleged Places

of Detention in the Republics of Serbia and Montenegro, Annex No 8, pp. 21-36).

The places visited were: Prijepolje, Nikšić, Bor, Sremska Mitrovica, Šabac, Loznica, Mokra Gora, Subotica. There were no camps in the territory of the FR of Yugoslavia, as alleged by the Applicant.

1.3.1.8. Although in para 2.2.1.2. of the Memorial (p. 22), the Applicant makes mention of five Serb concentration camps in the territory of the Republic of Srpska, it proceeds to give specific data only for three of the mentioned five. Protection centre in Trnopolje was a place where local civilian people gathered to find shelter from military operations taken in this area. The Centre in Manjača was a place where mainly war criminals were gathered shortly before their exchange. (Joan Phillips, Who is making the news in Bosnia, The Living Marxism, 12 May 1993, Annex No 9, pp. 37/1 - 37/4).

a) Prijedor (Omarska)

1.3.1.9. The Applicant asserts that 11,000 civilians were detained in the detention centre of Omarska and invokes the Second Submission to the Security Council made by Canada, 30 June 1993, p. 15 (S/26016). The figure of 11,000 detained civilians is not specified in the annexes of the Second Submission as presented by the Applicant. In his report of 17 November 1992 (S/24809; A/47/666, p. 13), also presented in the annexes of the Applicant, United Nations Special Rapporteur Mazowiecki states that approximately 3,000 persons, "mainly Muslims", were detained in the detention camp of Omarska. In Helsinki Watch Releases Eight Cases for War Crimes Tribunal on Former Yugoslavia, vol. 5, Issue 12 of 1 August 1993 (p. 16), presented by the Applicant in the Annexes to the Memorial, it is said that approximately 2,000 Muslims and a smaller number of Croats were detained in Omarska.

There exists no reliable evidence as to the number of detainees in the Report of United Nations Special Rapporteur Mazowiecki of 17 November 1992 and in Helsinki Watch Releases Eight Cases for War Crimes Tribunal on Former Yugoslavia, vol. 5, Issue 12 of 1 August 1993, while the Applicant made no effort whatsoever to prove its figure of 11, 000 detainees. The Respondent denies this allegation.

1.3.1.10. On the basis of a few would-be witnesses and their statements, the Applicant asserts that between 1,200 and 2,000 people were killed in this detention centre (para. 2.2.1.4. of the Memorial, p.22), however to that effect, it quotes the statement of only one witness, who says that in 9 weeks "he was forced to take

part in burying between 700 and 800 bodies (para. 2.2.1.6. of the Memorial, p.23).

The Information submitted by the Ambassador of Austria to the Secretary-General of the United Nations of 6 March 1993 (S/25377) and presented by the Applicant in the Annexes to the Memorial, contains the statements of a few would-be witnesses about the killings in the detention centre of Omarska. All these witnesses spent approximately the same period of time in the detention centre (May-August 1992). However, the presented statements differ in some important points. One witness asserts that he saw 1,200 to 1,400 dead bodies, the other declares that he saw 2,000, while the third says that he witnessed 50 executions and the fourth claims that he saw 4 executions. The sixth submission of the Government of the USA, presented as Annex 48, Part 2, to the Memorial, contains a statement of a would-be witness to the effect that he spent the time from 20 July to 6 August in the detention centre of Omarska and that he testified to the killing of 20 people in the detention centre.

The way they have been made, none of these statements can be sustained as court evidence and the immense differences in the perception of the same events which occurred within the same period of time cast a serious doubt on their veracity. The Respondent denies the veracity of the presented statements of the witnesses.

1.3.1.11. The Memorial itself provides essentially different data. While in para. 2.2.1.4. (p. 22) it is said that from 1,200 to 2,000 people were killed, in para. 2.2.1.6. (p. 23) it is said that from 700 to 800 people were killed. The Respondent denies these allegations as untrue and unproved.

1.3.1.12. The Respondent also denies the allegations of the Applicant related to torture in the detention centre of Omarska as untrue and unproved. Besides, neither of alleged acts of killings or torture or any other act committed in the detention centre can be attributed to the Respondent.

1.3.1.13. The Bosnian Serb side was accused of "having shut down the Omarska camp under the pressure of the world community, while in fact it transferred the prisoners to other camps" (para 2.2.1.10. of the Memorial, p. 24). The truth is that the Bosnian Serb side shut down the detention centres and released the civilians and since Omarska was an investigation centre, those who were ascertained to have participated in war operations and committed war crimes were sent on to PoW camp Manjača, i ubrzo nakon toga su bili razmenjeni. The Muslims released from the Omarska centre, kao i oni iz Manjače immediately joined the infamous V Corps of the Army of the Republic of Bosnia and Herzegovina.

b) Prijedor (Keraterm)

1.3.1.14. The Applicant asserts that "media attention forced the Serbs to shut [...] down" this camp as well. (para 2.2.1.11. of the Memorial, p.25). It is true that the Serbs were the victim of an unscrupulous media smear campaign, but it is also true that the camps of all the three sides were supposed to be shut down following an agreement reached in Geneva. The Bosnian Serb side complied with the provisions of that agreement, the other two didn't. The impression therefore was re-created that only the Serbs had camps because they were the only ones to shut them down.

1.3.1.15. Para 2.2.1.12. of the Memorial (p.25) contains insinuations that, prior to the arrival of the Red Cross, and under the pressure of media the Serbs had transferred 1,500 prisoners from this centre to the protection centre at Trnopolje. The facts prove that Keraterm was a detention centre in which investigation was carried out of war crimes committed by the persons brought to this centre. Therefore, the allegation of the Applicant that 1,500 persons were transferred from Keraterm to Trnopolje is probably true, because those were the persons who were not proved that they had committed crimes. They were transferred to Trnopolje for the family reunion, while those who wanted to leave the Municipality of Prijedor were further transferred to the territory under the control of the Muslim side..

1.3.1.16. The Applicant alleges that in camps and other places the Serbs resorted to a policy of starvation which, in addition to being unfounded, is cynical as well. At that time almost the entire population of the Republic of Srpska was starving. The situation had been created by the civil war, as well as by the sanctions imposed by the United Nations Security Council, so that it was not possible to provide more food to camp prisoners.

1.3.1.17. The Respondent denies the allegations of the Applicant about the massacre that allegedly took place on 24 and 25 July 1992 at the Keraterm detention centre. These, as well as all other allegations, have not been proved in an appropriate way. On the basis of the excerpts from the statements of would-be witnesses, presented by the Applicant, it is not possible to establish what really happened on 24 and 25 July at the Keraterm detention centre. Even if a mass killing did take place, the excerpts from the statements of witnesses, presented by the Applicant, lead to the conclusion that this act cannot be defined as genocide. In the statement of a 38-year-old witness from Hambarina, identified as A.H., it is said: "Some were already hallucinating from the heat, and a ruckus ensued. The guards started shouting that they would shoot us. A general panic gripped

the room..." Considering that, according to the presented statements, the event took place in the evening of 24 July 1992 after 8 p.m., i.e. after the sun had already set, the assertion that the heat was the cause of the riot cannot be sustained. The same witness says that the guards came to their room in the morning, adding: "They said that they were looking for the leaders of the riot." By quoting the words of the guard, the witness indicates that there was a rebellion.

1.3.1.18. In the description of the events, published in the Third Submission of the Government of the United States of America to the Secretary-General of 10 November 1992 (p.5), (S/24791) and presented in the Annexes to the Memorial, it is said: "On 24 July, the prisoners in the room were given some water, but in the words of one of the witnesses, 'they put something in the water' and the men 'became crazy'. Then something was shot through the window, which produced smoke and gas. The prisoners began screaming and pounding on the doors; some began to hallucinate and fight each other. Others managed to force a hole in the sheet metal of a door and started to escape the room, but were then killed by guards standing outside;..." Poisoned water and a poisonous gas are given here as the cause of the riot.

There is an evident difference in the description of the event which allegedly happened that night.

1.3.1.19. The same event is referred to in the report on the situation of human rights in the territory of the former Yugoslavia, prepared by United Nations Special Rapporteur Tadeusz Mazowiecki and circulated as United Nations document A/47/666, S/24809 of 17 November 1992 (presented as Annex 4 to Part 2 of the Memorial), on page 13, para. 30 it is said: "According to other sources, the execution of these prisoners is believed to have been a reprisal for the death of the brother of the liaison officer of the local Red Cross responsible for this facility, who was killed in combat at Kozarac."

1.3.1.20. Accordingly, what is involved here is a rebellion of the prisoners, so that suppression measures were taken, or an act of reprisal. In any case, if the mass killing did take place, it is indeed a crime, but it cannot be qualified as a crime of genocide because there was no genocidal intent. Besides, it cannot be attributed to the Respondent.

c) Brčko (Harbour)

1.3.1.21. The allegations of the Applicant with respect to the Brčko (Harbour) detention centre are of such scope and character that they escape serious court control. Except in one case, no concrete event has been quoted and some assessments from various

reports on the number of killed people, alleged torture, rapes, etc. are taken over instead. The Respondent denies all the allegations as untrue and unproved.

1.3.1.22. If the killed people were allegedly buried in mass graves, the Applicant should present evidence, as well as the evidence that they have been thrown into the Sava river since such allegations are impossible to prove without corpses or eyewitnesses. There is no witness in Bosnia-Herzegovina and the FR of Yugoslavia that has seen such a corpse. When the Serbs were killed and thrown into the Sava river in World War Two, corpses could be seen along the entire course of the Sava river and it was not possible to hide them. The allegations about incineration in furnaces and destruction in local processing plants have been made with the intention of calling up the atrocities of Nazi concentration camps without providing any evidence whatsoever.

1.3.1.23. The Applicant refers to the Seventh USA Submission (S/25586), page 30, as the source of the allegation about the existence of mass graves, but the indicated locations there do not geographically belong to the Brčko area and are quite unknown.

1.3.1.24. In the Third Submission of the United States of America to the United Nations Secretary-General of 10 November 1992, S/24791, (page 7), referred to by the Applicant, it is said: "Upon arrival, all internees were questioned by one of the three inspectors who decided their fate. For example, if a person was a member of the Party of Democratic Action or the Croatian Democratic Community political parties, he was executed at the camp. Other questions included whether the person had foreign currency, gold or weapons or if a neighbour might have any of these items. Without a signature from either the police chief at the camp or one of the military officers, a person could not be released."

If these allegations are true, they lead to the conclusion that the alleged killings and torture at the detention centre cannot be qualified as genocide since there is no genocidal intent. Obviously, the intention was to eliminate a political adversary, which is a crime if it indeed was committed, but it is not a crime of genocide.

1.3.1.25. The Respondent denies as unfounded the allegations of the Applicant that from 10-15 "Chetniks" - Yugoslav federal policemen - took part in "daily events" at the detention centre in Brčko (para. 2.2.1.19. of the Memorial, p. 28) The Applicant provided no evidence whatsoever on the participation of the members of the paramilitary units under the control of Željko Ražnatović Arkan or Vojislav Šešelj in the commission of the alleged crimes.

1.3.1.26. Upon analysis of the allegations presented in the Memorial and of the available data, the Respondent maintains that the Memorial does not prove that the operation of detention centres was intended to destroy the "life, will, dignity and existence of the Muslim people. Except at the Trnopolje protection center, only men were held in the centres indicated by the Applicant. They were prisoners of war from areas where the fiercest fighting took place between the Muslims and the Serbs (Prijedor and Brčko). The Memorial fails to prove the presence of children, women and the elderly in detention center. The open and protective centre at Trnopolje, where there were women, is an exception. In concluding paragraph 2.2.1.21 of the Memorial (page 29), the Applicant bases its assertions that genocide of "the systematic character of Muslim victims" has been committed. This position is clearly at variance with what normally happens in civil war, i.e. that all sides establish PoW camps. To support its allegations, the Applicant readily invokes the United Nations Special Rapporteur reports, but in doing so, it is oblivious of those parts of the reports in which the Special Rapporteur stresses that the setting up of camps was the practice of all warring parties. That this practice prevailed in this war is attested by the agreements on PoW exchange on the principle of "all for all". In this context, it is recalled that, in the majority of cases, the Serb side exchanged prisoners of war for Serb civilians incarcerated by the Muslims without legal grounds and solely for the purpose of exchange.

1.3.1.27. "The death camp story was a media sensation, but journalistic standards were buried in the stampede to find parallels with the Holocaust. When Roy Gutman and Maggie O'Kane first wrote about 'death camps' and 'concentration camps' in Bosnia neither one had visited the camps in question at Omarska, Trnopolje and Brčko. Their stories about mass killings and torture were based mainly on hearsay, double hearsay and speculation by less than impartial Muslim officials... The fact is that the Serbian detention camps in Bosnia were of the sort that journalists could find in any war zone in the world." (20 Things You Know about the Serbs That Aren't True, Campaign Against Militarism, February 1994, No. 4, Annex No 10, p. 39; Thomas Deichmann, Es war dieses Bild, das die Welt in Alarmbereitschaft versetzte, Novo, Nr. 26, January/February 1997/The same article in English version "The Picture that Fooled the World", LM,, Annex No 11, p. 40-50/51-61). Simon Wiesenthal said that he rejected comparisons between detention camps in Bosnia and Nazi concentration camps of World War Two (Reuters, Serb Camps Unlike Nazis, Expert Says, International Herald Tribune - 12/8/1992, Annex No 12, p. 62).

1.3.1.28. It was worth recalling that ITN was invited into Omarska and Trnopolje by the Serbs. If Serbs had indeed operated 'death camps', would they have opened them up for inspection by the world's media? (Joan Phillips, op.cit. Annex No 9).

1.3.1.29. Objective observers stressed that those pictures did not at all confirm the "rumours being spread" aimed a war where wholesale famine reigns. (Karl Anded Papadopoulos, "Sammanhanget avgoer reaktioner"/The Connection Determines the Reaction, Dagensnyheter, 21 September 1993, Annex No 13, pp. 63-65/66-70).

1.3.1.30. "Bosnia's President has called them 'death camps', but most Western leaders have avoided the term, or rejected it, in referring to detention centres run by Serb forces in Bosnia and Herzegovina....

The State Department and the International Committee of the Red Cross have said their information suggests that the 'death camp' label does not apply in Bosnia." (Conflict in the Balkans - Term for Serbs' Camps Is Being Disputed, "The New York Times", 16 August 1992, Annex No 14, p. 71).

1.3.1.31. On 23 August 1992, "The New York Times" wrote that American secret services which had redoubled and tripled their efforts to establish what had been happening in prisoner camps, had not managed to find any evidence of the systematic killing of prisoners.

"Intelligence officials, noting that Mr. Bush renewed the order last week, said they had 'redoubled and tripled' their efforts to establish what had been happening in detention camps for Croats and Muslims in areas seized by Serbian forces since April.

"The officials said they had reached roughly the same conclusions as had European Community observers, United Nations representatives and journalists in Bosnia: that killing and torture had taken place at some of the Serbian camps but that there was no evidence of systematic or institutionalized killing." (David Binder, U.S. Finds No Proof of Mass Killing at Serb Camps, "The New York Times", 23 August 1992, Annex No 15, p. 72).

1.3.1.32. James Harff, in an interview to Jacques Merlino on how the world public was pitted against the Serbs by deception, says, among other things: "We did not confirm the existence of death camps in Bosnia, we just explained that News Day had published that". (Jacques Merlino, "Les verites yougoslaves ne sont pas toutes bonnes a dire", Paris, December 1993, Annex No 16, p. 74; and Yohanan Ramati: "To Stop the War in Yugoslavia", The Midstream, New York, April 1994, Annex No 17, pp. 75-76).

1.3.1.33. The attempt to somehow link the FR of Yugoslavia with the allegations from this chapter is unfounded and absurd.

1.3.2. Alleged Killing

1.3.2.1. Acts of shooting at civilians and shelling cannot by themselves be qualified as genocide as their target have not been the members of only one ethnic or religious group (para 2.2.2.5 of the Memorial, p. 31). Besides, since shooting and shelling often occurred in response to actions carried out from abused non-military facilities, the conclusions on legality of these acts cannot be reached without careful examination of all facts. In any case, the intention was not to destroy part of or a whole ethnic or religious group. Also, wounding and intimidation are confused in this section with the category of killing and are without any basis qualified as genocide.

1.3.2.2. The "miserable life" of people in Srebrenica and the phenomenon of refugees are, regrettably, commonplace in civil war. If Muslims led a miserable life in Srebrenica, the life of Serbs under siege in the villages around Srebrenica and Bratunac was even more miserable.

1.3.2.3. The Respondent maintains that cultural genocide is not known as a crime of genocide. The Respondent wishes to emphasize that the Applicant has included cultural genocide in all its accusations, even in the section on killing, in an attempt to "reinforce" the impression that the Bosnian Serb side has committed genocide (paras. 2.2.2.12 f, i; 2.2.2.17 and 2.2.2.19 of the Memorial).

1.3.2.4. Also, the Applicant classifies the cutting off of water and power in Srebrenica (para 2.2.2.8 of the Memorial, p. 31) as killing within genocide without any justification. However, it does not say that in the Eighth USA Submission, (S/25969, 18 June 1993, p. 29, Annex No 18, p. 78) it is stated that the Serb forces cut off water and power in retaliation for similar actions directed at Serb villages before that, when these services were controlled by the Muslims. When there was no electricity in the Muslim section of Sarajevo, there was no electricity in the Serb section of Sarajevo either. In this connection, it should be noted that, for example, power was supplied to households in Banja Luka, Republic of Srpska, only for two hours a day.

1.3.2.5. The United Nations Security Council Mission may have had its reasons to call Srebrenica an "open prison", but, as far as the Serbs are concerned, the villages around Srebrenica and Bratunac, Zenica, Tuzla, Mostar, Tomislavgrad or part of Sarajevo

were "closed" prisons, because in those and other places under the control of Muslim and Croat authorities, the Serbs were turned into hostages, were not delivered humanitarian relief and were subjected to the most brutal torture and annihilation. The Mission does not say that in those parts the Serbs were first to be encircled and that almost a year passed before the first Muslims found themselves in a similar situation. No "slow genocide" of the Muslims was committed as the Mission alleges, claiming that the situation lasted a couple of months. It was under much more difficult circumstances, brought about as a result of the action of Muslim forces in those parts, that the Serbs spent almost a year in captivity and that all along, and regrettably, the international community turned a blind eye to their predicament.

1.3.2.6. General Ratko Mladić, Commander of the Republic of Srpska Army, and General Sefer Halilović, Commander of the Army of the Republic of Bosnia and Herzegovina, signed on 18 April, 1993 an Agreement on the demilitarization of Srebrenica which contained: "The opening of an air corridor between Tuzla and Srebrenica via Zvornik for the evacuation of the seriously wounded and seriously ill", as well as "humanitarian aid will continue to be allowed into the city as planned." (Agreement for the Demilitarization of Srebrenica, Sarajevo, 18 April 1993, S/25700, pp. 15-16, Annex. No 19. pp. 79-80).

1.3.2.7. The oft-repeated assertion in the Memorial that a quarter of a million of Muslims were killed cannot be proved simply by frequent repetitions of the figure. Speaking of manipulations with the number of the killed in the civil war in Bosnia and Herzegovina, George Kenney says: "European military intelligence officers with extensive experience in Bosnia estimate fatalities at the mid tens of thousands. From these and other estimates by generally reliable relief workers and given the arguments about the physical impossibility of high numbers, I arrived at the range of 25,000 to 60,000 fatalities." (George Kenney: Thinned Accusations, The New York Times Magazine, 23 April 1995, Annex No 20, p. 81).

1.3.2.8. The destruction of "mainly" Muslim lives as alleged in para 2.2.2.1 of the Memorial (p. 30) cannot be an element of the military and ethnocentric strategy of the Bosnian Serb forces because the loss of life is a consequence of the civil war. Alija Izetbegović counted on victims among his people, he consciously and willingly entered the war, stating that he was ready to sacrifice peace for the independence of Bosnia and Herzegovina and that he was willing to sacrifice 1 million people for a state of 4 million. It seems that he has done nothing to save the Muslim people. On the contrary, larger

numbers of Muslim victims served his goal of strengthening religious feelings of the Muslim people.

1.3.2.9. In para. 2.2.2.2 of the Memorial (p. 30) it is said: "At the beginning of April 1992, more than 1,000 Muslim civilians were killed by Serb paramilitary forces in Bijeljina". The Report to the United Nations submitted by the Permanent Representative of Canada of 10 March 1993, p. 14 (S/25392) has been referred to as evidence. The report, inter alia, says: "4.6 Bijeljina (municipality of Bijeljina, East B-H), Allegation: Summary executions of a large number of Muslim civilians at the beginning of April 1992 by Serbian paramilitaries. This allegation was reported by a credible Canadian source and two non-governmental organizations. The Council of Human Rights and Fundamental Freedoms (Republic of Slovenia) provides the testimony of one witness to the allegation. This report does not specify the number of people allegedly killed during the incident. However, it was reported that dead bodies were found in the streets, later they were piled up and carried away. Human Rights Watch also reported the incident. Individual interviews with six residents from Bijeljina were held on 4 June 1992 in the Republic of Slovenia. They all confirmed the allegation. No account of the number of wounded or dead due to the incident is provided. A credible Canadian source also reports the allegation that approximately one thousand Muslims were killed in one day with no records of hostilities taking place." And that is all. Does the Applicant really believe that this is sufficient evidence to prove such a serious accusation of killing of 1000 civilians? The Respondent denies this accusation with indignation.

1.3.2.10. Bijeljina was the first place where the Muslims rose in armed rebellion and took over the city on 1 April 1992. The rebellion was preceded by a large-scale arming of Muslims by the Party of Democratic Action in 1991 and 1992 from Croatia via the town of Brčko. This is attested to by statements of Muslims who prepared for and took part in the armed rebellion. (Criminal offence charges filed by the Bijeljina Public Security Centre against 161 participants, No. 11-02/2-230-1410 KU-175 of 18 May 1995 - enclosures Nos: 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 27 and 63 - Committee, No. 575/95, Annex No 21).

1.3.2.11. The Muslim extremists in charge of the arming have been identified. They are Alija Saračević, President of the Central Board of the Party of Democratic Action for Bijeljina; Nermin Dujagić, Hasan Tirić, Šahbaz Bilalić and Mensur Hamzić (for Bijeljina) and Faruk Adanalić, Mehmed Hrustanović and Zuhdija Bačevac (for Janja). The said persons ordered Muslim extremists to act resolutely and ruthlessly.

1.3.2.12. Muslim extremists seized the weapons of security services in a number of enterprises, erected a number of barricades on 1 April 1992 in Bijeljina and Janja and killed a number of Serbs, Muslims and Slovenians. (Zapisnik, br. 477/93 od 23 avgusta 1993./Record, No 477/93, 23 August 1995, Annex No 22, p. 83-84/85).

1.3.2.13. The Yugoslav People's Army decided not to interfere so that the Serb population in Bijeljina organized themselves and removed the barricades and re-established order by 4 April 1992. Muslim extremists withdrew to Croatia from where they called on the Muslims to re-capture the town.

1.3.2.14 The Muslim-dominated radio and television of former Bosnia and Herzegovina broadcast that over 3,000 Muslims had been killed in Bijeljina and the killing of over 1,000 Muslim civilians at the beginning of April 1992 is attributed to "Serb paramilitary formations" in para. 2.2.2.2. of the Memorial. According to the reliable data of the Public Security Centre in Bijeljina, 41 persons perished in Bijeljina in April 1992, 37 of them were brought to the Medical Centre, where Dr. Osman Hadžimerović, a Muslim and Dr. Momčilo Krsmanović, a Serb, performed a post mortem on them (Izveštaj o aktivnostima stanice javne bezbednosti Bijeljina, nakon uspostavljanja slobode i mira u Bijeljini, br. 18-3/01-S/92, 11 april 1992./Report of the Activities of the Police Station of Bijeljina After the Restoration of Freedom and Peace in Bijeljina, No. 575/95-35, Annex No 23, pp. 86-92/93-100).

1.3.2.15. Of the total number of persons killed, 6 persons were Albanians, 4 of them without a permanent place of residence in Bijeljina, having come on the orders of the Party of Democratic Action. (They are Asim Mandak, Redžep Meljami, Hanijeta Pajaziti and Mersim Elmazi, certificate of the Public Security Centre of Bijeljina, No. 11-09/1-207-50 of 18 May 1995, Committee, No. 575/95-29, Annex No 24, p. 100/1 - 100/2).

1.3.2.16 Muslim extremists killed a retarded Serb youth Mihajlo Lazarević who wandered around the town. (Službena zabeleška, CJB Bijeljina/ Official Note of the Centar of Public Security, Bijeljina, No 11-02/2, 26 April 1995, Annex No 25, pp. 101/102-103).

1.3.2.17. Muslim extremists' barricades in Bijeljina were also manned by Albanians, who had received military training in Croatia, whence arms were procured, among others the "green automatic rifle" called "Šokac" with the mark "made in Croatia" on it. (Seized objects and statements of Muslim witnesses to the effect that such machine

guns were carried by Muslija Muslijević, Bekir Dizdarević, Zehrudin Zehić, Mujo Sukilović, Murat Sukilović, Osman Sukilović, Fikret Bišanović and others, (Committee, No. 575/95, encs. 2, 4 and 12, Annex 21; certificates of seizure of the "Šokac" guns, Committee 575/95-35, Annex 23).

Muslims who are still living in Bijeljina and Janja also fought on the Serb side. (Committee 575/95, encs. 3 and 9, Annex No 21).

Numerous witnesses can testify that there had been no detention centres for civilians in Bijeljina. Therefore, the facts mentioned on the list of concentration camps and prisons in the territory of Bosnia and Herzegovina with approximate number of prisoners and detained persons on page 20 of the Memorial, are false

1.3.2.18. Albanians trained in Croatia and armed with "green automatic rifles" called "Šokac" on which "made in Croatia" was inscribed fought on the side of the Muslims in Bijeljina. That Muslim forces within the extremist organization called the Patriotic League (PL-B&H) were making preparations for armed attacks on, and for taking over, cities and towns is attested to by the statement of the arrested senior military officer of the sub-regional headquarters of the PL, V. K., who asserts that he received orders from Sarajevo to send PL paramilitary units to Bijeljina and Janja. He stated that for that purpose he had contacted Mustafa Ramić, President of the Commune of Bijeljina, Reuf Ojed in Gradačac, Malkić Salih in Živinice, Hodžić in Tuzla and Tosumbegović Dževad in Kalesija (Izjava V. K./Statement of V.K. given on 23 May 1992, Annex No 26, pp. 104-139/140-170).

1.3.2.19. The assertion in para. 2.2.2.3 of the Memorial (p. 30) that "about 15,000 people were either killed or imprisoned or forced to work in the fields" is unacceptable as accurate because if all were forced to work, then none were killed. This is an unsubstantiated and superficial accusation. As evidence for this allegation, insufficiently specified for ordinary court proceedings, the Applicant refers to "Human Rights Committee Report, 27 April 1993 (CCPR/C/89)". In fact, reference is made to the Report that the Applicant submitted to the Human Rights Committee on 30 October 1992.

1.3.2.20. It is characteristic for the area of Bijeljina to which these allegations pertain that after the fighting all the Muslims remained in their communities and that no one harassed them.

1.3.2.21. Para. 2.2.2.4 of the Memorial (p.30) reproduces the Report of United Nations Special Rapporteur Tadeusz Mazowiecki in which the activities of the Serb forces are a priori defined as the

"systematic elimination" of the Muslim population. The allegations are supported by the assertion that the "execution" has been "reported" of three fourths of 4,500 inhabitants of the six mountain villages of Hambarine, Rizvanovići, Rakovčani, Sredice, Carakovo and Biščani (near Kozarac). The Special Rapporteur does not specify what "reported" means and frivolously leaves it to the mathematical propensity of those who might be interested to calculate the exact number of those of the 4,500 inhabitants of these villages who were allegedly killed. The Respondent denies these allegations.

1.3.2.22. Following general allegations to the effect that a large number of people were killed, reference is made in the same section to the statement of a 16-year old boy who, according to United Nations Special Rapporteur Tadeusz Mazowiecki, is a refugee in France and who allegedly witnessed the killing of his uncle. The allegations from para. 39 of the Report referred to by the Applicant are not and cannot be court evidence. However, even if the allegations were true, which the Respondent denies, by adding up the alleged numbers of the killed persons, one would arrive at about 350, which is indeed far below the three fourths of 4,500.

1.3.2.23. The mass killings referred to in para 2.2.2.4 of the Memorial (p.30) are documented by the statement of a 16-year old boy, but the circumstances which led to the armed conflict around the villages of Hambarine, Rizvanovići, Rakovčani, Sredice, Cerakovo and Biščani have not been explained.

1.3.2.24. In para 2.2.2.5 of the Memorial (p.31) the Serb side is accused of having destroyed Srebrenica, Goražde and Sarajevo. It is true that a part of the mentioned towns were damaged as the consequence of the armed conflict between the warring sides. Srebrenica and Goražde were never demilitarized as they were expected as United Nations protected areas and as agreed by the two sides and UNPROFOR.

1.3.2.25. It was in connection with the events in Goražde that the international media were particularly mendacious. United Nations Special Rapporteur Tadeusz Mazowiecki was involved in false reporting about the destruction of the local hospital and the entire town and the killing of about 700 persons and the wounding of 2,000. (Bosnian War End in Sight to UN General, International Herald Tribune", 11 June 1994, Annex No 27, 171.) This was soon denied. (Roger Cohen: U.N. Military Aide Says Plight of Gorazde is Exaggerated, "The New York Times", New York, 30 April 1994, Annex No 28, pp. 172-173; Florence Hartmann, Les organisations humanitaires s interrogent sur le nombre reel blesses, "Le Monde", Paris, 28 April 1994, Annex No 29, p. 174; "Dernieres Heures

d'Alsace", Strasbourg, 27 April 1994, Annex No 30, p. 175; Tony Barber, Rose accuses Muslims of trickery over Gorazde, "The Independent", London, 29 April 1994, Annex No 31, p. 176; Joel Grant, Eve-Ann Prentice, Rose Backtracks on Gorazde defenders who "turned and ran", "The Times", London, 29 April 1994, Annex No 32, p. 177).

UNHCR helicopters ferried 299 wounded persons with old wounds unrelated to ongoing combat operations. UNHCR Spokesman Peter Kessler, General Michael Rose and many other officials admitted that they had been deceived.

1.3.2.26. The genocide committed in the Commune of Srebrenica in World War One halved the Serb population. The same crime was repeated in World War Two. The Muslims had made preparations and armed themselves for new destructions long before the civil war began. This is evinced by a number of documents and military ID cards of paramilitary formations in the area of Srebrenica with dates before the war, as well as by the call to the Muslims by an illegal Muslim National Council, meeting near Bratunac, to start making final preparations for the establishment of a Muslim State. Evidence of these and other preparations is collected in the book entitled "A Chronicle of Our Graveyard" written by Milivoje Ivanivšević. (Hronika našeg groblja/A Chronicle of Our Graveyard, Milivoje Ivanivšević, Beograd-Bratunac 1994, Annex No 33, pp179-180/181-184).

1.3.2.27. On 28 September 1991, six months before the war, the Communal Committee of the Serb Democratic Party of Srebrenica sent an urgent communication to the Government of Bosnia and Herzegovina and all other relevant organs, informing them that the Serbs in this region were being harassed by the Muslims and that it was not possible to establish normal dialogue with them on important issues. (Hitni dopis SDS Srebrenice vladi Bosne i Hercegovine/Urgent Communication of the SDS of Srebrenica to the Government of the Bosnia and Herzegovina, 17 February 1992, Annex No 34, pp. 185-189/190-196).

1.3.2.28. Muslims set up vigilante groups in the Serb neighbourhoods of Srebrenica and Bratunac. They attacked and destroyed some 100 Serb villages around these two towns, killing and expelling people and burning down their homes; 12,800 refugees or 45 per cent of the overall number of Serbs from that region have been registered by the Red Cross of Serbia alone. (Hronika našeg groblja/A Chronicle of Our Graveyard, Milivoje Ivanivšević, Beograd-Bratunac 1994, op. cit., Annex No 354, pp. 197-199/200-204). All the attacks on the Serbs were prepared in advance, carried out according to plan, with a large number of armed individuals.

1.3.2.29. The Serbs fled Srebrenica on 9 May 1992, two days after the massacre in the village of Blječeva on 6 May 1992 and the murder of their deputy Goran Zekić. Serb refugees went also to Bratunac, just as Muslims went later to Srebrenica. The same fate awaited the Serbs in Bratunac like the Serbs in Srebrenica and one hundred surrounding villages and they had to withstand over 80 Muslim attacks. In a counter-attack, though, they eventually entered Srebrenica. Srebrenica and Goražde were exploited and abused by the media, while Bratunac was forgotten. The attack on the Serbs in Bratunac and Srebrenica was carried out by the sons and grandsons of the members of the fascist forces of the Independent State of Croatia from World War Two. (Milivoje Ivanišević, op. cit., Annex 35).

1.3.2.30. In para. 2.2.2.6 of the Memorial (p.31) it is said that Srebrenica had 7,000 inhabitants and that that number grew to 60,000, although, judging by the number of inhabitants who had lived in the entire Commune, the maximum number could have been about 30,000. It was not possible to hold Srebrenica besieged for eleven months because the Muslims had held 120, out of 130 villages in the Commune of Srebrenica and Bratunac, until March 1993, when the Serb counter-attack was launched and when Srebrenica was encircled.

1.3.2.31. There were not 60,000 Muslims in Srebrenica, because the overall Muslim population of the Communes of Srebrenica and Bratunac had numbered about 27,000 and about 22,000 respectively. As many Muslims of these two Communes went in different directions, it is evident that the figure of 60,000 is exaggerated in order to present a distorted picture of the scale of their suffering.

1.3.2.32. After the Serb forces re-organized themselves and recaptured parts of the territory, the Applicant came up with allegations that the Muslims were being starved to death. These allegations were made by the Muslim representative to the United Nations, Muhamed Sacirbey, and denied by Neven Kulenović, Muslim diplomatic representative in Zagreb, and by General Phillipe Morillon (Campaign Against Militarism, 20 Things You Know About Serbs That Aren't True, February 1994, No.4, Annex No 36, p. 206).

1.3.2.33. There is no doubt that it was necessary to evacuate the sick, the wounded, children and the infirm from Srebrenica to Tuzla, which the Serb side allowed. The fact that the authorities of the Republic of Srpska allowed the evacuation of women, children and the sick testifies that there existed no genocidal intent.

1.3.2.34. At the time of the greatest hardships and starvation of the Serb population, the first humanitarian convoy set out for Srebrenica. It was to pass through Bratunac, where the victims of some of the most serious atrocities had found refuge and was destined for those who had committed some of the most atrocious crimes. The convoy was halted by the unfortunate people in Serb Bratunac in a spontaneous revolt. Not even the authorities of the Republic of Srpska could pacify the angry people. The tragedy of the Serb people was abused by the world media and various humanitarian organizations. The fact is that all along the Muslims in Srebrenica had had more food than the Serbs through whose territory the convoy destined for the Muslims was to pass as they had received relief supplies also through the air-drop propaganda operation.

1.3.2.35. The Serb side stopped United Nations convoys not to starve the Muslims, but, as a rule, as a sign of the indignation of the Serb population at the unfair attitude of some international actors, continued incarceration of Serbs despite exchange agreements on the principle "all for all", killing of the people during cease-fire agreements, etc. UNPROFOR was also often in breach of its mandate, supplying arms and ammunition to the Muslim side, and whenever it assessed that there was a risk of that being discovered, it refused to allow the convoys to be inspected, accusing the Serbs of blocking the passage of convoys to their destination.

1.3.2.36. As for allegations that the Serbs stopped humanitarian convoys from para 2.2.2.6 of the Memorial (p. 31) and elsewhere, the Respondent deems it appropriate to refer to some of the reports of the United Nations Special Rapporteur: "All of the belligerents have further complicated the delivery of aid by frequent insistence on "linkages", the process whereby aid deliveries are only permitted in return for commitments to give similar amounts to other groups, regardless of relative need". (Sixth Periodic Report of the Special Rapporteur, Doc. E/CN.4/1994/110, 21 February 1994, para. 65, Annex No 37, p. 208). "Interference with aid and other related practices also occur in territory under the control of the Government of Bosnia and Herzegovina and result in suffering no less grave than that in other parts of the country". (Sixth Periodic Report of the Special Rapporteur, para 72, Annex No 38, p. 210). That blocking passage to humanitarian convoys destined for Muslims in Srebrenica en route through Serb Bratunac was a spontaneous exercise is evinced also by the fact that the assembled people refused the offered gift of part of the shipment in exchange for allowing the convoys to pass. General A. Ramsey stated that there were incidents in Bosnia-Herzegovina but that they were negligible and added that there were more instances of convoys being intercepted in central

and southern Bosnia-Herzegovina, where there was fighting between the Croats and the Muslims (Campaign Against Militarism, Information, February 1994, No. 4, Story 19, Annex No 39, pp. 212-213).

1.3.2.37. The alleged bombing of Srebrenica from the territory of Serbia (para 2.2.2.6 of the Memorial, p.31) has not been confirmed or documented. It draws upon the unfounded media allegations that on 13 March 1993 aircraft from Serbia bombed Srebrenica. United Nations observers at airports in the FR of Yugoslavia did not report that any plane had taken off on that day. The Respondent denies the veracity of this allegation.

1.3.2.38. The truth is that the Muslim side shelled Serbs in Bratunac from Srebrenica and the Serbs in Bratunac retaliated by shelling military targets in Srebrenica. Muslim forces shelled Bratunac on 25 January 1992, 2 February 1993, on 17 February 1993 and on 17 March 1993, causing civilian casualties. (Spisak ranjenih i ubijenih osoba - Zdravstveni centar u Bratuncu/List of wounded and killed persons - Health Centre in Bratunac; Committee 202/94 Annex No 40, pp. 214-217/218-221); in response the Serb side shelled Srebrenica on 12 April 1993 as stated in the Eighth USA Submission of 16 June 1993.

1.3.2.39. It is strange that children who are said to have been starving in Srebrenica were able to play football. Therefore, the statement of a UNHCR member about the death of 15 boys (para 2.2.2.7 of the Memorial, p.31) is implausible; the Applicant provides no fact about either a child or the UNHCR member, nor does he specify the source of information that could be verified. The Respondent denies this allegation.

1.3.2.40. Para 2.2.2.9 of the Application (p.32) contains the following assertion: "In other places too the picture was the same. On May 16, 1992, at least 83 Muslim civilians, including 11 children and 16 old ones, were executed by Serb paramilitary formations". The Respondent denies this allegation.

1.3.2.41. None of the accusations presented in para 2.2.2.10 of the Memorial (p. 33) which refer to the killing of 36 adult Muslim patients and 27 children on which occasion a Serb surgeon allegedly went mad are true. The statements of witnesses - the doctors and other medical staff who were at the hospital on 21 May 1992, against whom the alleged Muslim witness levels the accusations - as well as all the medical records which are offered for inspection to all interested parties, prove that the accusations were made up with malicious intent and are a dangerous insinuation. Doctors from the

surgical, internal and pediatric wards, the head doctors of the internal and surgical wards, employed for years at the Medical Centre in Zvornik, agree that the attitude of the doctors and other staff towards all patients was professional and in keeping with medical ethics. More than fair was their treatment of Muslims for whom blood and medicines were provided even when these were in short supply for others. Not a single death of a Muslim patient, let alone of a Muslim child, was registered in the Centre, despite the serious illnesses some of them were treated for.

On the basis of the available documentation of the Medical Centre of Zvornik, experts in forensic medicine have established, inter alia, the following:

"On personal insight to the stated medical files of the Medical Center in Zvornik - Pediatrics, Gynecology, Internal and Surgery wards - for the concerned period, it is evident that all the stated patients are Muslims, were either ill, injured by fire arms or requiring medical assistance (gynecology - labor), or humanitarian support (especially the case of the Pediatrics wards).

In other words, a review of the medical records of the stated Muslim patients, who were on treatment prior, during and after the date stated in the Bosnia and Herzegovina Memorial (section 2.2.2.10 where it is said that *On 21 May 1992, a mass murder of Muslim patients at the Zvornik Medical Center took place ...*) show Muslim patients still there.

Regardless of the limited capabilities because of the war and overall situation, the doctors and medical staff of the stated hospital have definitely given adequate medical assistance and care which complies with adopted medical ethics, science and practice.

The fact that the Pediatric ward staff of this Medical Center took care of Muslim children with no parental care, for a long time after the necessary treatment, excludes any likelihood of discrimination of patients on national and ethnic basis, not to mention the possibility of genocide towards the Muslims. This is moreover supported by the fact that the Surgery ward of this hospital treated Muslims wounded by fire arms (who were wounded under unknown circumstances, maybe even while fighting for the opposing force) in the stated period. (Sudskomedicinska ekspertiza na Odeljak br. 2.2.2.- "Ubijanja", tačka 2.2.2.10./ Medical Forensic expertise, related to section 2.2.2. - Killing, section 2.2.2.10., Annex No 41, pp. 222-234/235-250, 251-412; Zapisnik o saslušanju svedoka K.D./Record of the statement of witness K.D., 27 December 1994, Annex No 42, pp. 413-416/417-419).

1.3.2.42. Witnesses stated that measures necessary to protect all patients, especially Muslims, were taken by prohibiting unauthorized access to the premises of the Centre. When a wounded Muslim soldier was undergoing treatment at the internal ward, the

military police kept permanent guard. (Zapisnik o saslušanju svedoka V.M. and Z.L./Record of the statement of witnesses V.M. and Z.L., 27 December 1994, Annex 43, pp. 420-422/423-424 and Annex No 44, pp.425-427/428-430)

1.3.2.43. Since it is maliciously alleged in the Memorial that 27 Muslim children were killed in the Medical Centre in Zvornik, the Respondent deems it appropriate to quote the statement of a witness, a lady doctor from the Centre's pediatric ward: "I responsibly declare that the attitude of the doctors and other staff in the pediatric ward was up to every professional standard and in keeping with medical ethics. Our attitude never differed towards patients of different ethnic origin. I should particularly like to stress this also for the period from the beginning of the war in former Bosnian-Herzegovina. When war operations started in this area a number of Muslim children were undergoing treatment at the pediatric ward. Since communications had been severed with places where the parents of these children lived, we took them under our wing, accommodated them at the hospital, even after they had been cured, and treated them as our own children. There were 12 such children. They spent several months at the ward until they were taken to their parents by the International Red Cross. I should like to make particular mention of the case of four children who even before the war had been under the guardianship of the Centre for Social Work in Zvornik and who, during the war, were brought over for treatment and care to the Pediatric Ward. We treated these children, too, with fairness and as if they were our own, brought them food and did their laundry at our homes. Courtesy of the Norwegian Embassy, these children of Muslim nationality were recently taken to the Rehabilitation Centre at Igalo (Montenegro - FRY), where they will remain". (Zapisnik o saslušanju svedoka K.G./Record of the statement of witness, 27 December 1994, Annex No 45, pp. 431-433/434-436).

1.3.2.44. The extremely humane attitude towards Muslim patients is seen from their gratitude expressed in words and letters which they sent through the International Red Cross mailing service from Tuzla to the children at the Medical Centre in Zvornik in which it is said that the parents learned that their children were "well and healthy" (Poruke roditelja deci preko Crvenog krsta/Messages of parents to their children through the Red Cross, Annex No 46, pp. 437-448).

1.3.2.45. The Serbian commune of Zvornik immediately filed a note of protest against these false accusations with the US Department of State through the American Embassy in Belgrade. In spite of the documented statements that the Department of State had presented false accusations, nothing changed. The result was that the

false accusations were incorporated into the Memorial without prior verification

The denial of the above accusations was followed up by a Serbian TV crew (Novi Sad TV) who visited the Medical Centre in Zvornik and broadcast a report about the charges being unfounded. When Novi Sad Television broadcast a story about 6 Muslim babies who remained in the Medical Centre in Zvornik, a Muslim woman, now married to a Serb in Prokuplje (Serbia) found out that her two-year daughter M.i. was alive and healthy. She went to Zvornik and, after re-uniting with her child, happily stated: "I thought I would find the child undernourished and untidy. However, I was surprised how well she looked and how much she has grown up. I am thankful to the personnel of the Zvornik Medical Centre, particularly to those from the children's ward." ("Srpski glas", No. 15 of 5 March 1993, Annex No 47, pp. 449/450).

1.3.2.46. In para 2.2.2.11 of the Memorial (p. 32), the Applicant refers to several sources with identical texts but omits in that paragraph the part showing that the attack on Kozarac was part of the armed conflict. In the report of the United Nations Special Rapporteur of 17 October 1992 it is said: "Some inhabitants, anticipating an attack, dug out shelters and a few tried to resist with what inadequate weapons they had. The battle lasted some seven days". The date that the Special Rapporteur gives as the date of the armed conflict is inaccurate, as well as the distance from the town of Prijedor. The main objection, though, that the Respondent has in this regard is the absence of logic in the assertions presented in the Memorial, i.e. that Kozarac was attacked by Serb tanks and artillery and that "a small number of poorly armed Muslims offered resistance for seven days". The only evidence that the Applicant submitted to the effect that 5,000 persons had been killed in Kozarac is a sentence from the report of Special Rapporteur Tadeusz Mazowiecki which reads: "The population, estimated at 15,000 suffered a great many summary executions, possibly as many as 5,000 persons, according to some witnesses." It is obvious that such a serious accusation cannot be proved by the said sentence.

1.3.2.47. Within the so-called headquarters of the Kozarac Territorial Defence, the Muslims formed 30 detachments with 3,599 Muslims wearing the Yugoslav People's Army uniforms. Complete military preparations had been carried out in Kozarac, together with a war hospital and kitchen.

Following the general mobilization of 24 May 1992, the Muslims attacked a file of soldiers on the Banjaluka-Prijedor road and were defeated. The Muslims dispersed and retreated into the woods from which they planned and carried out numerous attacks, among others the attack on Prijedor.

1.3.2.48. At the beginning of April 1992, the Muslims seized power in the commune administration and other important departments in Prijedor. The president of the commune was from Sanski Most, the son of a member of the District Ustasha Committee, who in 1941 ordered a horrendous massacre of over 3,000 Serbs. During the night of 29/30 April 1992, the Serbs took over power in Prijedor without firing a shot. A month later, on 29 May 1992, the Muslims organized a terrorist action in which a shock group of extremists tried to take over the power in Prijedor, and it killed a number of Serbs in this action. This action prompted reaction of the Serbs who organized self-defence, as well as the defence of the town of Prijedor. (Branko Bokan, *Bosanska Krajina, Ratni zločini i zločini genocida/The Bosnian Krajina, War Crimes and the Crime of Genocide, 1991-1992*, SANU, Belgrade, 1993, Annex No 48, pp. 451-452/453-454).

1.3.2.49 The United Nations Special Rapporteur himself points out that Serb forces took control of Prijedor on 30 April 1992, without firing a shot and that on 29 May 1992 Serb tanks and infantry occupied positions around Prijedor (para 2.2.2.12 of the Memorial, p.33). Yet, he is oblivious of the fact that Muslim forces had forced their way into the town beforehand with intent to capture it.

1.3.2.50. The assertions in para 2.2.2.12 of the Memorial (p. 33) that the Muslims "did not fire a single shot" are inaccurate. In fact, their forces attacked Prijedor with arms and the Serb forces defended it with arms. The local radio constant calls "on the Muslims to surrender their weapons" testify that the Serb forces held the town attacked by extremist Muslims and were intended to reduce the number of casualties by inducing Muslims to surrender weapons.

1.3.2.51. One mosque was demolished during the fighting in Prijedor because it was surrounded by bunkers, as well as the little cemetery by the mosque in Marshal Tito street, but not the Muslim cemetery as the Applicant asserts in para 2.2.2.12 of the Memorial (p. 33).

1.3.2.52. In para 2.2.2.12 of the Memorial (p. 33), the Applicant attributes alleged killing, slaughter and devastation to groups of extremists, which are said to be probably under Arkan's control (the report of Special Rapporteur Tadeusz Mazowiecki of 17 November 1992, p. 9). Arkan and his volunteer units had never been in that part of Bosnia. Only the local Serbs and Muslims were involved in the conflicts.

1.3.2.53. In several places the Applicant employs the same method, i.e. uses the same witness, with slight changes of identity, with the intention of creating a false impression of the existence of a number of witnesses. This is the case in paras. 2.2.2.13 and 2.2.4.6 of the Memorial. In both cases, the witness is Borislav Herak, a mentally incompetent person, whose statements have been extorted. The condition of the witness is evinced by the statement of a Serb witness, who spent several months in prison with Borislav Herak. A witness statement, given below, is illustrative of the condition of Borislav Herak: "Borislav Herak and his lady friend Nada Tomić and one Damjanović, do not remember his name, were caught by the Muslims in their car. According to what Herak told us in the cell, as a Serb, he joined the ranks of the Muslim extremist terrorist organization, the Patriotic League, at the beginning of the war and then the Muslim army of Bosnia-Herzegovina, and after that the Serb army. As far as we could see, he took part in this war on several sides only to plunder, because he talked of nothing else. He plundered all houses alike - be they Muslim or Serb or whomsoever. He spent some time in a Serb prison because of misconduct. In court he confessed to having killed a number of persons and raped a number of women. He was sentenced to death. Capital punishment was also pronounced, and confirmed, on Damjanović, who had been arrested together with him, and who is kept constantly in isolation in a solitary cell, despite the fact that he totally repudiated all of Herak's assertions. To us he looked older than 21, in fact somewhere around 30, and he was quite insane. (See para 1.2.1.24. of the Counter-Memorial)

1.3.2.54. Witnesses said that they were afraid of Borislav Herak in prison because of his statements on TV and his abnormal behaviour in the cell. In the cell, Borislav Herak said that the Muslims had applauded him and offered him treats in the courthouse as he spoke of the rapes and killings he had committed. In connection with the accusation that General Macenzie raped young Muslim women, UNPROFOR officers came to the prison and Herak told them that he had seen Macenzie's personnel carrier but not Macenzie himself. (Witnesses' statements, - Documentation Centre of the Commissariat for Refugees of the Republic of Serbia, Nos. 71/00282, 71/00271, 71/00471, 71/00239, 71/00404, 41/00354, 71/00611, Annex 49, pp. 455-491).

1.3.2.55. The Memorial (para 2.2.2.14, p. 34) devotes extraordinary and undue attention to the town of Bosanski Petrovac and the events in the first months of the civil war in Bosnia and Herzegovina. It is even emphasized that the events in B. Petrovac are "in principle representative of the atrocities being committed throughout 'B-H' in the process of forcing thousands of Muslims out

of their homes". The basis for such an assertion in the Memorial, and Amnesty International, is a diary allegedly kept by a Muslim in B. Petrovac.

1.3.2.56. What the Memorial fails to specify, but is specified in the report of Amnesty International, are the details from the diary of the Muslim from B. Petrovac showing that the same fate befell the members of all three peoples in the areas under the control of the other side and that in fact the acts committed against the Serbs in other places were more drastic.

1.3.2.57. As for the demand that Muslims in B. Petrovac surrender their weapons and the ban on men fit for military service to leave the area, the same demand and ban were imposed by Muslim and Croat authorities in Bosnia-Herzegovina in the areas under their control. The described fear is a reaction of the minority population, in B. Petrovac and in every other place in Bosnia-Herzegovina.

1.3.2.58. In his diary, the Muslim refugee from B. Petrovac observes that some killings were "alleged" and that the persons who provided such information merely "believe" in it but had not eyewitnessed it. In the presented document of Amnesty International it is said: "Several eye-witnesses report seeing two cars, one a white Volkswagen Golf, with soldiers inside who drove around the town indiscriminately firing automatic weapons". This is indeed unbelievable. If the information provided at the beginning of the document that the Serbs constituted the large majority of the population of Bosanski Petrovac and that the Muslims accounted for about 20 per cent is accurate, is it then to be believed that Serb soldiers would drive around the town and indiscriminately fire automatic weapons? It is obvious that, in presenting the information, the author of the said document ran foul of the logic of the facts and the Respondent denies the assertions accordingly.

1.3.2.59. In the report of Amnesty International it is said: "20 September 1992 is described by AH in his diary as 'black Sunday for Muslims'. This day marked the start of a four-day period when around 30 civilian Muslims were deliberately and arbitrarily killed in Bosanski Petrovac. It ended when over 2,000 Muslims left Bosanski Petrovac in a convoy organized by the Serbian authorities. It is unclear why the killings escalated at this time, although many accounts said that they followed the reported deaths of 17 Serbian soldiers on the front near Bihać which angered Serbian soldiers returning to Bosanski Petrovac." (Amnesty International, "A Wound in the Soul", January 1993, presented by the Applicant State in the Annexes to the Memorial). If this is true, and the Respondent considers that these assertions are no valid evidence, the alleged killings cannot be

qualified as genocide. They have not been committed with an intent to annihilate members of an ethnic or religious group, but as an act of revenge. This is certainly a crime, if it did take place, but not genocide.

1.3.2.60. It transpires from the statement of the Muslim witness that the initial expulsion of the Serb population from the Bihac region caused the moving of Muslims from B. Petrovac. The witness says: "The Muslims signed documents on the transfer of their property to the authorities or individual Serbs, including the displaced Serbs who had fled from the fighting in the Bihac region". The statement excludes a genocidal intent.

1.3.2.61. Short of information from other places, the allegations about the suffering of Muslims in Bosanski Petrovac are used by the Applicant as "representative of the atrocities being committed throughout B-H" and are of no consequence in terms of evidence. The Respondent denies them accordingly.

1.3.2.62. In para 2.2.2.18 of the Memorial the Applicant presents the statement of a 48-year Muslim from Sanica Donja, near Kijuč, who says that "he saw the decapitation of about 100 men by JNA forces in early July 1992". The Applicant is substantially short in quoting the relevant sentence: "The witness believes these JNA forces were from the Sixth Krajina Brigade headquartered at Palanka..."

In the document (Sixth US Submission, 10 March 1993, p. 10, Annexes, Part 2, Volume I) referred to in the Memorial it is said:

"The witness believes these JNA forces were from the Sixth Krajina Brigade headquartered at Palanka. They were local Bosnian Serbs and their regular JNA uniforms bore a Yugoslav flag on shoulder and hat."

No brigade of the Yugoslav People's Army, composed of local Bosnian Serbs, was engaged at that time in the territory of Bosnia-Herzegovina.

Besides, the described killings seem surrealistic: is it really physically possible for three men to kill 100 people and to cut off their heads with 30-centimetre long knives within 60 minutes? The Respondent denies these allegations as unbelievable.

1.3.2.63. The Applicant alleges that the Serb forces are still killing, wounding, raping and intimidating in the city of Banja Luka (treated in the Memorial as a region). The allegations are repeated twice in quick succession (paras. 2.2.2.19 and 2.2.2.20 of the Memorial, pp. 36 and 37). However, no data of the alleged atrocities, their perpetrators or victims are given elsewhere in the Memorial to

support the assertion that they are being repeated. The alleged destruction of places of worship is not an act of genocide.

1.3.2.64. In the absence of reliable evidence, the Applicant engages in verbalism also in the section on "Killing". It is thus said that this is "only a small selection from thousands and thousands of testimonies and numerous reports which have been made" and no valid evidence is provided even for individually specified cases (para 2.2.2.21 of the Memorial, p.37).

1.3.2.65. Besides, none of alleged acts indicated in Section 2.2.2. of the Memorial can be attributed to the Respondent.

1.3.3. Alleged Torture

1.3.3.1. The activities alleged by that the Applicant to have been "quite customary in Serb controlled areas" were in fact those undertaken against the Serbs in the territory under Muslim control and in a much more drastic form. Although the Memorial contains a separate chapter on rape, rape and sexual abuse and pederasty are referred to also at the beginning of this section. Also, the section brings up cases of unverified killings, but provides no data on specific instances of torture.

1.3.3.2. It is physically impossible for 100 Serb soldiers to have been together with the arrested in a room of the Department of the Interior of Prijedor, because there is simply no such a room there for so large a number of people. (para 2.2.3.2 of the Memorial, p.38).

1.3.3.3. In para 2.2.2.4 of the Memorial (p.30), the Applicant refers to a conclusion of the United Nations Special Rapporteur, in which unsubstantiated allegations are made that the Serb forces carried out the "systematic elimination of the Muslim population". To back up his allegations, the Special Rapporteur says only that in six mountain villages, among them the village of Bišćani, three fourths of the population of 4,500 were killed "somewhere around May 1992". That would mean that "3,375 Muslims were killed" in the six villages.

1.3.3.4. It was not possible for the Serb troops to round up, kill and maltreat men above 15 years of age and 100 of the most respectable women in the village of Bišćani on 20 July 1992 (paras 2.2.3.3 and 2.2.3.4 of the Memorial). Where did these men fit for military service and respectable women come from after the alleged massacre in the month of May? This allegation runs counter to the import of the statement of the United Nations Special Rapporteur referred to in para 2.2.2.4 of the Memorial in which it is said that

there "used to be six mountain villages here". As the obvious implication of this part of the statement is that these villages, including the village of Bišćani, were totally destroyed in May 1992, it is hard to imagine that people would come to live in them in substantial numbers under the circumstances all over again.

1.3.3.5. It is said in para 2.2.3.4 of the Memorial (p. 38) that one witness "believes" that, judging by the hats and accent of his captors, he was captured by Montenegrins. This was not possible. Moreover, this allegation is at variance with that part of the statement of a 20-year Muslim in which he says that "on July 20, the Serbs came to arrest all men from Bišćani older than 15".

1.3.3.6. The allegation that the Serb forces had come to arrest Muslims over 15 years of age is denied by the witness himself by his subsequent explanation that "they managed to talk the soldiers into sparing them by lying and pleading that they were only 18 years old". Thus, it can be concluded that the Serb forces were looking only for men of age who had taken part in combat. This statement denies the allegation that the intention of the Serb forces was to totally or partially annihilate the Muslims.

1.3.3.7. The presented statement of the witness has been taken over from the Sixth USA Submission (S/25393), but the part of the statement in which it is said that Serb soldiers had attacked the village of Hambarine in May "because Muslim soldiers from Hambarine had killed Serb soldiers" is omitted in the Memorial (S/25393, p. 3, Annex No 50, pp. 493). The United Nations Special Rapporteur also pointed out that the Serb forces put an ultimatum to the Muslim forces in the village of Hambarine to surrender their arms and that fire was opened at a Serb patrol (United Nations Special Rapporteurs report A/47/666, of 17 November 1992, para. 17(c), Annex No 51, p. 495). In consequence, the Serb forces opened fire at the village of Hambarine. Obviously, this is an armed conflict between military units.

13.3.8. Contrary to the testimonies of three Muslims (para 2.2.3.5 of the Memorial, p. 39), the Serbs committed not a single rape or murder in the town of Bileća and its surroundings. However, it should be noted in this connection that local Muslim extremists had joined the ranks of the extremist Party of Democratic Action and armed and organized themselves for attack and that some 50,000 Serb refugees, after their expulsion from Mostar and the Neretva river valley by the Muslims and Croats and the arrival in Bileća and its surroundings, did put pressure on Muslims to leave the area. In order to prevent clashes, the local authorities isolated about 50 Muslim extremists in a detention centre where they were treated in

accordance with the Geneva Conventions. Although the Applicant alleges in para 2.2.1.1 of the Memorial (p. 17) that the Serbs had 170 concentration camps, on this occasion it does denote them as "detention centres", which in fact was what these centres were on the Serb side.

1.3.3.9. Nonetheless, the mounting tension between the resentful Serb refugees and the local Muslims resulted in Muslims' departure from the town. The relations between the local Muslims and the local Serbs were and remained correct. The Muslim refugees from Bileća and its surroundings were given refuge in the territory of the FR of Yugoslavia (Sutomore, Montenegro) and a number of them subsequently settled in various places throughout Montenegro, not far from their homes, awaiting return. This is a fitting postscript to the accusation of the FR of Yugoslavia of "ethnic cleansing", for accusing a State admitting Muslim refugees to its territory of ethnic cleansing is a unique exercise in hypocrisy.

1.3.3.10. Several alleged cases of maltreatment of Muslims in the Serb hospital in Banja Luka were taken as evidence that "Serb forces used hospitals as camps for torture". These cases, be they true or not, cannot be taken as the basis for such a conclusion as a multitude of cases testify to quite the opposite. The fact that the Serbs admitted Muslims to hospitals cannot in itself confirm the charges. The Applicant refers in para 2.2.3.6 of the Memorial (p. 39) to the Third USA Submission which, in turn, refers to a previous United Nations Report on the mass massacre in Vlasica which preceded the referral of Muslims to a hospital, without supplying any specific data. Accordingly, the Respondent denies this allegation.

1.3.3.11. The Paprikovac Eye Hospital of the Clinic and Hospital Centre, referred to by the Muslim witness (para. 2.2.3.6 of the Memorial, p. 39), is not on the outskirts of, but in downtown Banja Luka and only the Surgical Ward is about 700 metres away from the town centre. The Eye Hospital was never turned into a military hospital and, in addition to civilians, the wounded of all the three parties (armies) were admitted for treatment without discrimination and according to international law.

1.3.3.12. Within the limits of the existing possibilities, equal medical care is provided to all nationalities in the territory under Serbian control. This has been confirmed by foreign humanitarian and other organizations as well. On 8 March 1994, the Republic of Srpska signed an agreement with the Croatian Republic of Herceg-Bosna in Bosnia-Herzegovina on the mutual provision of medical care to citizens residing in the territories under their control (Sporazum o načinu i visini nadoknade za međusobno pruženu

zdravstvenu zaštitu/Agreement on the Modalities and Compensation Fees for the Provided Health and Medical Services; 8 March 1994, Annex No 52, pp. 496-500/501-504).

1.3.3.13. The second half of 1992 about 600 Muslims and Croats were treated in the Clinic and Hospital Centre in Banja Luka, in 1993 the number of Muslim and Croat patients and out-patients went up to 13,500, while in 1994 that number stood at 12,500.

The same situation prevailed in general hospitals in Prijedor, Brčko, Doboj and medical centres elsewhere in the Republic of Srpska.

Muslims and Croats are being treated in two psychiatric hospitals in Modriča and Sokolac. These two institutions are frequently visited by the representatives of international humanitarian organizations, which confirm in their reports that the medical care provided by the doctors and nurses often goes beyond what is to be expected from these institutions in the circumstances (Izveštaji o broju pacijenata nesrpske nacionalnosti lečenih u medicinskim centrima u Prijedoru, Brčkom, Sokocu, Doboju, Modriči, Bosanskoj Gradiški, Kasin Dolu, Bijeljina i Banja Luka/Reports of the number of patients of nonserb nationality cured in medical centres in Prijedor, Brčko, Sokolac, Doboj, Modriča, Bosanska Gradiška, Kasin Do, Bijeljina and Banja Luka, since 1992 to 1995, Annex No 53, pp 505/1-505/363 and Annex No 53a, pp. 505/364-505/617).

1.3.3.14. In para 2.2.3.7 of the Memorial (p. 40), the Applicant refers to a witness statement contained in the Department of State report of 28 December 1992 (wrongly dated in the Memorial as 8 December 1992), according to which the Serbs would shut in up as many as 70 people in a room 2.5 by 3.5 metres. If the size of the room is 8.75 sq.m., it is beyond the comprehension of the Respondent that 70 people can fit into so small a space under any circumstances. Such absurd allegations cast a shadow of doubt on the veracity of the witness statement. The Respondent denies this allegation.

1.3.3.15. In para 2.2.3.8 of the Memorial (p. 41), the Applicant draws entirely on a report of the United Nations Special Rapporteur and reproduces his general accusations. It is said in the report that on 9 May 1992, 2,000 Muslims were arrested in Bratunac, that 500-600 of them were locked up in the elementary school and that the rest of them who could not fit in for lack of space were killed. Basic arithmetic would put the number of Muslims killed in front of the elementary school at between 1,400 and 1,500, which is both unbelievable and unsubstantiated by evidence. The Respondent denies this allegation.

1.3.3.16. In para. 2.2.2.17 of the Memorial (p. 35), the Applicant refers to the allegations of the maltreatment and killing of Imam Mustafa Mojkanović at the local stadium in Bratunac, contained in the Second USA Submission of 23 October 1992. However, in para 2.2.3.8 of the Memorial (p. 41) the Applicant refers again to the allegations of the maltreatment and killing of the Imam, without mentioning him by name, in the Vuk Karadžić elementary school in Bratunac, contained in the report of the United Nations Special Rapporteur. Since there was only one Imam in Bratunac, he could not have been in two places at the same time and it is not probable that an Imam would come to Bratunac as a refugee after the Muslims had already left Bratunac, just like the Serbs had left Srebrenica. The Respondent denies this allegation.

1.3.3.17. Besides, none of the alleged acts indicated in Section 2.2.3. of the Memorial can be attributed to the Respondent.

1.3.3.18. According to the opinion of the experts in forensic medicine in the Part 2.2.3. of the Memorial: "Any violence must result in certain changes, primarily in the somatic sphere. Basically, there have to be certain injuries which will cause either scars on the skin ... scars on the bones, various deformities, dysfunction of certain organs, etc. However, besides the eyewitness accounts, there are no medical findings (medical forensic or psychiatric forensic opinions) supplemented to support and indirectly confirm such statements. Therefore, such statements remain only within the domain of a witness' subjective approach". (Sudskomedicinska ekspertiza na odeljak br. 2.2.3.-"Mučenja"/Medical forensic expertise related to section 2.2.3.-"Torture", Annex No 54, pp. 506-508/509-511)

1.3.4. Alleged Rape

1.3.4.1. Rape committed in connection with armed conflict is a crime against humanity as determined by Article V of the Statute of the 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.

1.3.4.2. Only rape committed with genocidal intent and "causing serious bodily or mental harm to a member of the group" could be qualified as an act of genocide. The Applicant has not presented any fact necessary to satisfy the two said conditions.

1.3.4.3. The opinion of the experts in forensic medicines concerning the mentioned cases of rapes described in Part 2.2.4. of the Memorial, reads, inter alia, as follows:

"In our country raping is an unlawful act, just like elsewhere, and as such has to be proved by submitting evidence: The statements of the party concerned and statements of the eyewitnesses, and it is also required to provide other forensic evidence from the doctor, psychiatrist, hematologist, and the similar.

In every such criminal case it is necessary to provide substantial evidence on EARLY consequences of the raping, primarily the medical records on pathological findings, amongst which are:

- fresh injuries or swollen tissue of and around the genital organs;
- hematuria because of urethra and urinary bladder injuries;
- injuries of the vagina or rectum as a result of coercive insertion of objects into them;
- sexually transmitted diseases, as a result of direct contact with an contagious individual;
- traumatic abortion because of the beatings over the pregnant woman's stomach, etc.

Since it was war and it was difficult to timely provide evidence of the raping, i.e. to prove it with the early rape consequences, it is necessary to provide substantial evidence of the LATE rape consequences, such as:

- in men: there have to be scars on the penis or scrotum, testicles atrophy, changes on the seminal duct and prostate gland, including sterility;
- in women: scars on the exterior genital organs, vagina or uterus, which might cause sterility, menstruation irregularity, changes on the breasts, nipple necrosis, and other scars;
- in both sexes: fissure of the anus and fissure of the anal sphincter, changes on the rectum, damaged mucous membrane and vascular tissue, etc.

(.....)

Since the stated number of raped women (... *the number of victims at around 20,000* ... and ... *suggested a possible figure of 1000 pregnancies* ...) and the statements in the Application Instituting Proceedings (item 51 ... *estimates the number being closer to 50.000*) have the objective to create a psychological effect on the

public and Court, then special attention should be paid when proving the rape."(Sudskomedicinska ekspertiza na odeljak br. 2.2.4.-"Silovanja"/Forensic medicine expertise related to the Section 2.2.4.-"Rape", Annex No 55, pp. 512-515/516-519).

1.3.4.4. The Applicant desires to produce psychological effects by three shocking assertions: "Serb forces ... involved the rape of girls as young as 7, and women as old as 70..."(Memorial, para. 2.2.4.1, p. 42); "the most reasoned estimates suggested to the mission place the number of victims at around 20,000 ... /and/ suggested a possible figure of 1,000 pregnancies..." (Memorial, para. 2.2.4.2, p. 47) and "The available evidence indicates that in some cases the rape of women has been carried in an organised or systematic way..."(Memorial, para. 2.2.4.8, p. 45). But, the Applicant has not submitted satisfactory evidence for any of alleged 20,000 raped women. It did not attempt to prove "that in some cases the rape of women has been carried in an organised or systematic way".

1.3.4.5. In the report of the Investigating Commission investigating the treatment of Muslim women in the Republic of Bosnia-Herzegovina, submitted to the Foreign Ministers of the European Community by Anne Warburton and reproduced in para 2.2.4.2 of the Memorial (p. 46), the number of victims of rape is put at 20,000 and the number of pregnancies at 1,000. The Warburton Commission spent two days in Zagreb and one day in Bosanska Krajina. Only 2-3 direct testimonies of women who claimed to have been raped have been given in the report. (Jacques Merlino: "Il faut cesser de manipuler l'opinion", Le Quotidien, Paris, 22 November 1993, Annex No 56, p. 520).

1.3.4.6. On 17 and 18 February 1993, the EC Committee on the Rights of Women conducted a hearing in connection with the conclusions of the delegation led by Anne Warburton, rejecting in the end the estimate of 20,000 raped Muslim women, because of the lack of documented evidence and testimonies. At that hearing Fritz Kalshoven, representative of the United Nations fact-finding mission, stated that the data which had been gathered by that time could not be used as evidence in court.

1.3.4.7. Nora Beloff, a specialist for Yugoslavia since 1979, sent a letter to Richard Goldstone, Chief Prosecutor of the International War Crimes Tribunal, in which, among other things, she writes: " It is important to know that the well known French political personality Simone Weil has publicly disassociated herself from the female group, sent by the EU Edinburgh (December 1992) 'summit' to Zagreb, to examine evidence of the rape of Muslim women. Mme Weil - whom I know and whom I cross-questioned myself - told me

that the proceedings were so disgracefully amateur and unstructured that she felt obliged to withhold further participation. But, this did not stop the EU from including her name with the other women who signed the document - on the basis of the material gathered for the Croat and Muslim lobbies. Mme Weil said that the group arrived in Zagreb with no programme, no interpreter, no agenda and just opened the door to anyone who cared to come and tell them about rapes. Their report failed to authenticate the grossly exaggerated figures being fed as daily horror stories into the Western media.

When I wrote to the head of the group, Dame Anne Warburton - asking why she had not examined some hard evidence that Serb women had also been raped - she replied that this was not within her assignment; she had been sent out only to study Muslim victims. There is no doubt that all the warring groups include rapists, but the one-sided approach is, in my view, indefensible. You might care to look at an enclosed report, published in "The Scotsman", July 13th. The Report is by my nephew, who found and questioned a Muslim girl who had been raped by a Muslim." (Letter of Nora Beloff to Judge Richard Goldstone, London, 2 August 1994 - as quoted by Milan Bulajić, *Alternative Yugoslavia Tribunale*, Belgrade, 1995, *Stručna knjiga*; Annex No 57, p.522).

1.3.4.8. Between April 1992, when the civil war broke out in the former Yugoslav Republic of Bosnia-Herzegovina, and November 1992, there were no stories of systematic rape by the Serbs at all. Then leaks appeared that Serb women were being raped in Muslim towns. When these leaks began to threaten the concept of Serb aggression, in November 1992, journalists discovered, all of a sudden, tens of thousands of Muslim women, allegedly raped by the Serbs. In December 1992, the world media were awash with pictures of three-month babies born to raped Muslim women. As the war in the former Yugoslav Republic of Bosnia-Herzegovina began in April and assuming that the women were raped at the very beginning of the war, this would mean that they gave birth after sixth-month pregnancies. And, no one seemed to be concerned about the epidemic of premature births. (*Campaign Against Militarism*, February 1994, No. 4, story 7, Annex 58, pp 524-525).

1.3.4.9. The allegations which the Applicant presents as "firm evidence" of the policy of rape in para 2.2.4.6 of the Memorial have been fabricated in many aspects. The Respondent is in possession of a statement to this effect made by 7 Serb witnesses who spent a number of days with the Muslim witness for the prosecution, Borislav Herak, in cell No. 83, on the fifth floor of the detached department of the "Viktor Bubanj" military investigation prison in Sarajevo. (Documentation Centre of the Commissariat for Refugees of the Republic of Serbia, Annex 49)

1.3.4.10. As Borislav Herak is the same witness already instrumentalized by the Applicant in the section on killing (para. 2.2.2.13. of the Memorial, p. 34), the Respondent refers the Court to the explanations provided with respect to that section. (See para. 1.2.1.24., Annex 49).

1.3.4.11. The media chose to turn a blind eye to the lengthy report of the Security Council (S/24991) submitted to the United Nations General Assembly on 18 December 1992. United Nations officials never explained why that report was not made public until 5 January 1993, although it was the only report of an international agency which contained testimonies of victims of rape. The media gave undue publicity to the unsubstantiated allegations of the officials of the Bosnian Government (Muslims) about the alleged rape of as many as 60,000 Muslim women by the Serb troops (Latter dated 18 December 1992 from the Charge d'affair a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-general, A/47/813, S/24991, 18 December 1992, Annex 59, pp. 526-553).

1.3.4.12. The Respondent denies the allegation presented in Section 2.2.4. of the Memorial. Besides, the alleged acts indicated in this Section cannot be attributed to the Respondent.

1.3.5. Expulsion of People and Destruction of Property

1.3.5.1. In para. 2.2.4.2 of the Memorial (p. 47), the Applicant reproduces the allegations that by November 1992 over 2.6 million persons from the Bosnia-Herzegovina had been displaced. If the Muslims in the former Yugoslav Republic of Bosnia-Herzegovina numbered 1.6 million, the Croats about 700,000 and the Serbs 1.3 million, this would mean that all Croats and Muslims had been displaced.

1.3.5.2. Acts of expulsion of people and destruction of property are illegal according to relevant rules of international law. Such acts can be qualified as crimes against humanity, violations of the law or custom of war or as grave breaches of the Geneva Convention of 1949. (See Articles 2, 3 and 5 of the Statute of the 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.) But they cannot be qualified as acts forbidden by the Genocide Convention.

1.3.5.3. Discussing "ethnic cleansing" in an interview, Simon Wiesenthal said: "The fact must not be forgotten that the first 40,000 refugees, even before war broke out, were Serbs, who fled from Croatia when President Tudjman, by changing the Constitution, turned the Serbs into a minority without any rights". (Simon Wiesenthal, *Svi su krivi/ Everyone Is to Blame*, NIN, 19 March 1993, Annex 60, pp. 554/555-557).

1.3.5.4. The first refugees from the territory of Bosnia and Herzegovina were Serbs from Western Herzegovina, Bosanski Brod, Sijekovac and Kupres. Since refugees offer convincing evidence that "ethnic cleansing" is being carried out, the Respondent considers that it befits the occasion to present part of the report of the United Nations Special Rapporteur, in which it is said that Serbia has taken in about 445,000 refugees, most of whom (235,000 or 53 per cent) were from Bosnia-Herzegovina. Most of the refugees were Serbs (80 per cent), while Muslims accounted for 7.8 per cent. It should be noted that this was the beginning of 1993 and that these figures did not include the refugees who had found shelter in Montenegro and those who had not registered as refugees and that the total number of refugees in the FR Yugoslavia at the time was estimated at 600,000. (Sixth Periodic Report of the United Nations Special Rapporteur, E/CN. 4/1994/110, of 21 February 1994, para 256, Annex 61, pp 559-560, Refugees in Serbia, No. 7, Belgrade, 10 May 1993, Annex 62, pp. 562).

1.3.5.5. In the report of the United Nations Special Rapporteur it is said: "In October about 3,000 Muslims fled Prozor before the Croats". About 80,000 Muslims, supporters of Fikret Abdić from the Autonomous Province of Western Bosnia, fled to the Serbian Krajina before the terror of Alija Izetbegović's Islamic fundamentalists in August 1994. A year before, Serbs had given protection to 8,000 Croats from Travnik and the nearby mountain of Vlašić from Muslim terror and to 5,000 Croats from Central Bosnia during the Muslim-Croat conflict. According to Croatian data, 18,000 Croats were expelled by Muslims or fled from the Muslim-held territory while about 50,000 Muslims fled or were expelled from Croat-controlled territories.

1.3.5.6. In an attempt to present themselves to the world as a multi-ethnic community, the Muslims hold Serbs hostage in very poor living conditions in towns under their control. In the report of the United Nations Special Rapporteur it is said in that connection: "On occasion, members of communities who wish to move are forbidden to do so by the local authorities. This practice is usually explained as being designed to stop the process of "ethnic cleansing". Thus, for instance, Serbs are reported to have great difficulty in obtaining the necessary local authority permission to move outside the Tuzla

municipality (Sixth Periodic Report of the United Nations Special Rapporteur, E/CN.4/1994/110, of 21 February 1994, para. 46, Annex No 63, pp. 564). In Sarajevo, the Muslim Secretariat for Evacuation has rejected the requests of most Serbs seeking permission to leave the city. (Fifth Report of the United Nations Special Rapporteur, E/CN.4/1994/47, of 17 November 1993, para. 44, Annex No 64, pp. 566-567) Despite the prohibition, the population is leaving Tuzla. Thus, 30,000 Serbs and 20,000 Croats have left Tuzla ("Oaza mira, etnički čista", Peace Oasis-Ethnically Clean, "Večernje novosti/The Evening News", 25. November 1994., Annex No 65, pp. 568/569-570).

1.3.5.7. In an attempt to prove the existence of genocide, the Applicant accuses the Serbs of the city of Mostar (para.2.2.5.3 of the Memorial, p. 48) of various excesses (demolition of flats, searching for arms, shooting at random). It provides no convincing evidence and the whole exercise is in fact designed to conceal the largest "ethnic cleansing" of one place in Bosnia-Herzegovina. As a result of that cleansing, the number of Serbs in the city of Mostar fell down from 30,000 to 400. In his report Special Rapporteur states: "Control of the eastern part of the city Mostar is exercised by Government forces and of the western part by Bosnian Croat forces. The "ethnic cleansing" of Mostar was first directed against Serbs and then against Muslims. A result of the "ethnic cleansing" of Serbs is that their population in Mostar has been reduced from a pre-war figure of 30,000 to just 400. (Sixth Periodic report of the United Nations Special Rapporteur, E/CN.4/1994/110, of 21 February 1994, para 16, Annex No 66, pp. 572; and Mike Tuman, "Der Krieg der Kriegsreporter/The War of War Reporters, "Die Zeit", Hamburg, 2 September 1994, Annex No 67, pp. 573-576/577).

1.3.5.8. The civil war in Mostar was triggered by the explosion of a tanker with explosives planted by Croatian-Muslim extremist groups near the northern barracks of the Yugoslav People's Army which took place on 3 April 1992 and demolished the barracks and the adjacent part of the city. Soon war operations ensued ("Cisterna je bila napunjena granatama", D. Marić, Politika, Beograd, 5 april 1992; "Tank Truck Filled With Shells", D. Marić, "Politika", Beograd, 5 April 1992, Annex No 68, pp. 578/579-581).

1.3.5.9. The Serb forces are held accountable for some demolition in Mostar, but no mention is made of the fact that the Muslims and Croats demolished the largest Orthodox church in the former Yugoslav republic of Bosnia-Herzegovina or that on 9 November 1993 the Croats blew up the Old Bridge which, as the symbol of the city of Mostar, had been under UNESCO protection.

1.3.5.10. The Applicant levels general accusations against the Serb side of an "orgy of death and destruction" in Višegrad and provides as evidence a statement by a retired Muslim woman. In point of fact, this pensioner, a woman of advanced age, would have been pressed beyond the limits of her endurance to watch "for 36 hours" (two days and one night) Muslims being killed on the bridge, as alleged in the Memorial.

1.3.5.11. In para. 2.2.5.5 of the Memorial (p. 49), it is said that the woman stated that: "... the victims were either pushed from the bridge and then shot at in the water or they were first shot at and then pushed". The conclusion which transpires from "either - or" is that there were no remains of the victims on the bridge. However, referring to a report of the United Nations Special Rapporteur, the Applicant goes on to say: "She vividly describes how she stepped over the remains of the victims as she crossed the bridge." The Applicant fails to explain how it was possible for this Muslim woman to cross the bridge after the killing of Muslims on it.

1.3.5.12. The Applicant has devoted a whole new chapter to killing (paras. 2.2.5.1; 2.2.5.5; 2.2.5.6 and 2.2.5.8 of the Memorial), but instead of providing evidence, it reiterates accusations of alleged killings.

1.3.5.13. The allegations that in June 1992 Serb forces killed and maltreated Muslims and Croats in Kozluk near Zvornik on a massive scale are unfounded. According to the 1981 population census, there was 1 Croat in Kozluk at the time, while 3 Croats were there according to the 1991 census. These numbers do not warrant the conclusions that have been made.

1.3.5.14. No heavy artillery fire was ever directed from the territory of Serbia towards Bosnia-Herzegovina, as it is alleged in para. 2.2.5.6. of the Memorial. On the contrary, Muslim armed formations opened fire from the territory of Bosnia-Herzegovina in the direction of the territory of Serbia on more than one occasion and these acts of aggression caused casualties and destruction of property.

1.3.5.15. The attempt of the Applicant to apportion blame for the events in the town of Zvornik (para 2.2.5.8 of the Memorial, p. 50) is replete with contradictions. It is true that there was fighting for the town of Zvornik and that the Serb side won. The captured commander of the sub-regional headquarters of the Patriotic League of Bosnia-Herzegovina for north-eastern Bosnia testified that Muslim paramilitary formations had been sent to Zvornik (Committee No. 590/94, Annex No 26).

1.3.5.16. The Applicant provides no evidence that the Serbs burned down 200 houses in Zvornik and this allegation is unfounded.

1.3.5.17. In para 2.2.5.9 of the Memorial (p. 51) reference is made to a report of the United Nations Special Rapporteur with respect to Zvornik in which it is said that the Muslims were told to gather in a village yard. Zvornik being a town, it is not logically expected that such a statement would have been made. In para. 2.2.5.8 of the Memorial (p. 59) the only witness argues that "in all about 76 people were killed". He goes on to say that he "saw buses and trucks disgorging an unspecified number of bodies into large pits dug out by bulldozers as often as three times a day". The witness is unable to say how many days this lasted, but even if it lasted just one day that would be too much time for "in all 76 people".

1.3.5.18. In para 2.2.5.9 of the Memorial (p. 51) the authorities of the FR of Yugoslavia are accused of having aided the "ethnic cleansing" of the Muslim population of Kozluk and Zvornik by issuing passports to Muslim refugees "although they didn't ask for them" and of having transferred them to Hungary arbitrarily. These allegations are not true. Their falsehood is attested by the request of the UNHCR to the authorities of the FR of Yugoslavia to issue passports to refugees.

1.3.5.19. The Muslim population from Zvornik expressed the wish to be allowed the transit on their way to the Western Europe. However, the Hungarian authorities stopped the convoy because the refugees had no travel documents. The only way to deal with the situation was to put the refugees up at the temporary reception center at Palić, Subotica, until their travel documents were issued.

1.3.5.20. The refugees stated that they wanted to leave Zvornik because of the outbreak of war, for personal security reasons and to evade mobilization by the authorities of Alija Izetbegović.

1.3.5.21. Most of Muslim refugees (there were also Serb and other refugees) were willing to wait in the reception centre until the procedure of issuing travel documents was completed. First they were issued Yugoslav passports under streamlined procedure, and then blue passports, as well as the travel documents on which the Hungarian authorities and the representatives of the Office of the United Nations High Commissioner for Refugees insisted.

1.3.5.22. The documentation containing individual applications of the refugees is kept in the passport office of the Department of the Interior of Subotica. The applications show that most refugees

elected to go to Austria and Germany, none to Hungary. Many Muslims enclosed also letters of guarantee from their families in Western Europe.

1.3.5.23. The temporary transit reception centre at Palić was organized in accordance with the principles of the Red Cross and those of humaneness and neutrality. It was intended for all refugees who were passing through the FR of Yugoslavia while waiting for travel documents to be issued, regardless of their religion or nationality, but who could not afford hotel accommodation and other similar amenities. The center was an open type establishment, the refugees moved freely and could use all Lake Palić recreational complex facilities. Food, accommodation and medical care were at a satisfactory level, of which concrete evidence is contained in refugee statements and other relevant documents as they display no complaint by any refugee with respect to the stay at Palić. The only check-point was at the reception desk, and a book of duty was also kept. During the operation of the centre no refugee was hurt or arrested.

1.3.5.24. The reception centre was visited by numerous foreign journalists, official delegations of the United Nations High Commissioner for Refugees, the International Federation of Red Cross and Red Crescent Societies and by the representatives of various humanitarian organizations (Jette Gottlieb, Kristin Kruck, Henrik Lenke, Malrise Jucker, Peter Tjittes, Jan Sigismond, Jurg W. Nussbaumer and others).

1.3.5.25. On 6 August 1992, the centre was also visited by the Prime Minister of the FR of Yugoslavia, Milan Panić, with 80 journalists. The refugees spoke openly and directly saying that they had no complaints and that they were thankful for the accommodation and care they were provided. (Evidence: video cassette taken on the occasion).

1.3.5.26. Various humanitarian organizations organized transport across the Yugoslav border and the refugees did not go to Hungary, as asserted in the Memorial, but via Hungary to Austria and Germany. Some refugees decided to remain in the FR of Yugoslavia, which is evidenced by their passports which have not been claimed from the Department of the Interior in Subotica. The Respondent completely refutes all the accusations of the Applicant and proves that actually the FR of Yugoslavia and its organs accorded maximum humane treatment to these refugees (Zahtevi za izdavanje putnih isprava i izdavanje viza/Application Form for Issuance of the Travel Documents and for the Issuance of Visas, Annex No 69, pp. 582-606; Informacija o obezbedjivanju zdravstvene zaštite u prolaznom

prihvatištu tranzitnih izbeglica na Paliću Information about health protection in the provisional shelter for refugees in transit in Palić, Annex 69a, pp.606-1 - 606-2/606-3 - 606 - 4; Informacija o zbrinjavanju izbeglih gradjana na teritoriji opštine Subotica Information about providing shelter and assistance to the refugees in the territory of the municipality of Subotica, Annex No 69b, pp.606-5 - 606-8/606-9/606-10 - 606-14 Informacija Komeserijata za izbeglice Republike Srbije poslata ministarstvu informacija/Information of the commissariat for refugees of Republic of Serbia sent to the ministry for information, Annex 69c, pp. 606-15/606-16).

1.3.5.27. Regarding respect to the charge that the authorities of the FR of Yugoslavia issued passports to Muslim refugees at Palić, Yugoslavia, "although the deported people did not request that", it is pointed out that the Convention relating to the status of refugees of 28 July 1951 provides for the obligation of a State to issue travel documents to every refugee in its territory, as well as a special obligation towards refugees who are not in their own territory and are unable to obtain a travel document from their country of residence (Article 28, Convention on the Status of Refugees of 28 July 1951, Annex No 70, pp 607-608)

1.3.5.28. The allegations from para. 2.2.5.10 of the Memorial (p. 51) are generalized and should be documented. The accommodation of Serb refugee families in abandoned Muslim houses is nothing out of the ordinary as this has been the fate of refugees on all three sides. As to the "issuance of passes" to Muslims and the implicit accusation by the Applicant that it was meant to control and restrict their movement in the village of Ripač near Bihać, it is pointed out that this practice existed in the territories under Muslim and Croat control. The United Nations Special Rapporteur has also pointed out some cases of the isolation of Serbs. According to his report the Serbs were isolated in the town of Banovići and village of Stupari (Periodic Report of the United Nations Special Rapporteur, E/CN.4/1994/3, 5 May 1993 paras. 74 and 75, Annex No 71, pp. 611-612).

1.3.5.29. The movement of Serbs is restricted in every Croat and Muslim city where they are held as hostages: Zenica, Tuzla, Mostar, Čapljina, etc. In his Third Report, para.85, the Special Rapporteur points out: "The Government (Muslims) does not have the right to restrict the freedom of movement of thousands of people only because they belong to a certain ethnic group. International law prohibits collective punishment" (Periodic Report of the United Nations Special Rapporteur, para. 91, Doc. E/CN/1994/3, 5 May 1993, Annex No 72, pp. 614).

1.3.5.30. In respect of Tuzla, the Special Rapporteur states: "The situation is desperate and almost all the 18,000 Serbs believed to be in Tuzla wish to leave it." (Periodic Report of the United Nations Special Rapporteur, para. 69, Doc. E/CN/1994/3, 5 May 1993, Annex No 73, pp.616). Also, an equal sign is put in the Report between "ethnic cleansing" and the forcing of people to remain where they are: "...Forcing people to remain where they are (Tuzla-Barovići) is not the antidote to 'ethnic cleansing'". (Special Rapporteur, para. 91, Doc. E/CN/1994/3, Periodic Report of the United Nations 5 May 1993, Annex 74, pp. 618-619).

1.3.5.31. As to the allegations made in para. 2.2.5.12 of the Memorial (p. 52), the Respondent wishes to draw the attention of the Court to the fact that the Muslim leadership of Sanski Most was preparing an attack on the Serbs. These preparations were more extensive than the ones in 1941 when 3,000 Serbs were killed by the Muslims in this area in three days. The Serbs learned of these preparations and, forestalling the Muslim attack, arrested their leaders on 25 May 1992. The arrested Muslim leaders admitted that they had been planning to take over power and massacre the Serbs. (Branko Bokan, *Bosnian Krajina, War Crimes and the Crime of Genocide 1991-1992*, SANU, Belgrade, 1993, p.292, Annex No 75, pp. 620-621/623).

1.3.5.32. In para. 2.2.5.12 of the Memorial (p. 52), the Applicant presents contradictory and illogical allegations to the effect that the town of Sanski Most was surrounded by tanks and armoured vehicles, shelled all day, and that only then was "an ultimatum presented to the population to surrender". It is hard to believe that such a force would have presented an ultimatum to the population to surrender after the said action. It is evident that fierce fighting had taken place between armed formations.

1.3.5.33. The allegations presented in the para 2.2.5.14. of the Memorial (p. 53) are not based on facts: The village of Cerska is just one in a string of villages stretching along an area about 30-40 km long, also called Cerska. On the rim of the area with the Muslim population lie Serb villages which were burned down by the Muslims at the beginning of the civil war, while the villagers were killed and wounded. (See chapter 7 of the Counter-Memorial)

1.3.5.34. The Muslim forces retreated after the Serb forces launched a counter-attack. That armed fighting and concomitant events are involved is evinced by a witness whose statement is quoted in the Report of the Special Rapporteur of 5 May 1993: "When the time came to leave the village of Cerska proper, a

member of the local civil defence is reported to have visited each house and calmly told people that the lines could not be held and that everyone should leave that night. It is reported that almost everyone who remained in Cerska village left in a group of about 10,000 people on the night of 1 or 2 March, using the trail towards Konjevic Polje along the river". (Periodic Report of the United Nations Special Rapporteur, para. 15, Doc. E/CN/1994/3, 5 May 1993, Annex No 76. pp. 625). That witness, testifying also to the entry of the Serb forces into the village of Cerska, does not mention any atrocities on the part of the Serb army. He does not confirm the participation of the Army of Yugoslavia on the Serb side either. Assertions to the contrary are untrue and have been taken over by the Applicant in para. 2.2.5.14 of the Memorial (p. 53) from the Seventh USA Submission of 12 April 1993, (S/25586), p. 13, in which it is alleged, without disclosing the sources, that the Serb forces comprised the regular troops of the Army of Yugoslavia and that the Serb forces prevented the medical evacuation of Muslim women, children, the elderly and 1,500 wounded. The Respondent denies these allegations.

1.3.5.35. The only source of information about the incident in Cerska was a Muslim amateur radio operator. The United Nations forces in the area followed the tack of this information. However, in its issue of 9 March 1993, "Le Monde" of Paris carried an article entitled: "Not a Trace of Massacre". General Philippe Morillon, United Nations Force Commander and, incidentally, the only one against whom the Muslims did not object, went to Cerska from Sarajevo to verify the report of the ham radio operator and said on that occasion: Thank God, it seems that nothing horrible has happened. On the contrary, the Serb forces transferred a pregnant woman who could not leave the village to hospital. We can confirm that there is no trace of massacre and that we have not found a single body." (Philippe Morillon, "Aucune trace de massacres". Le Monde, 9 March, Annex No 77. pp. 626).

1.3.5.36. The Respondent wishes to draw the attention of the Court to some contradictory allegations: 1) a witness quoted in the Report of the United Nations Special Rapporteur of 5 May 1993 says: "When the time came to leave the village of Cerska proper, a member of the local civil defence is reported to have visited each house and calmly told people that the lines could not be held and that everyone should leave that night. It is reported that almost everyone who remained in Cerska village left in a group of about 10,000 people on the night of 1 or 2 March, using the trail towards Konjevic Polje along the river". (Periodic Report of the United Nations Special Rapporteur, para. 15, Doc. E/CN/1994/3, 5 May 1993). 2) In para 2.2.5.14 of the Memorial, it is said: "Serb forces from the VJ (Yugoslav Army) advanced to take the village, obstructing the

evacuation of Muslim women, children and the elderly and approximately 1,500 wounded, causing them to flee to the woods. They subsequently were exposed to deep snow and lack of food, causing many to perish". The second allegation is contrary to the first one and it is not contained in the Report of 5 May 1993 as stated in para. 2.2.5.14 of the Memorial.

1.3.5.37. From these two quotations from the same Report of the United Nations Special Rapporteur it may be concluded that the witness was telling the truth when he said that both the soldiers and the civilians retreated along the river valley towards a dale called Konjević Polje. There was no fleeing to the woods because there was heavy snow in the area at that time. Also, the Special Rapporteur fails to explain how it was possible for 1,500 wounded people to flee to the woods. The Serb army could not, nor did it want to, prevent evacuation and the witness also says that the soldiers informed the people the night before that Cerska had to be abandoned. Obviously, the troops and people proceeded in an organized fashion along the river valley, without stopping. The Respondent denies any participation of the Yugoslav Army in the said events.

1.3.5.38. In an attempt to create an impression that genocide of Muslims has been committed, the Applicant makes repeated references to the demolition of mosques, even though such acts do not fall under the crime of genocide. This is done also in para 2.2.5.15 of the Memorial (p. 54), where it is pointed out that 6 mosques were demolished in Bijeljina on 4 March 1993 and that even a BBC television crew could film the effects of the destruction. (Eighth USA Submission, 16 June 1993). In any case these acts cannot be imputed to the Respondent.

1.3.5.39. The main evidence by which the Applicant, after presenting a series of allegations in this section, seeks to prove the commission of the act of genocide, is its insistence on the "systematic and barbarian nature of the acts (para. 2.2.5.16 of the Memorial, p. 54). The Applicant has not proved any of its allegations and the greatest number of the acts mentioned by the Applicant has never occurred. What has really happened is not the result of systematic campaign but of spontaneous activities of the local population.

1.3.5.40. The alleged acts indicated Section 2.2.5. cannot be attributed to the Respondent.

1.3.6. Alleged Creation of Destructive Conditions of Living

1.3.6.1. The Applicant has not presented anything in Section 2.2.6. of the Memorial which could be qualified as "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" in the sense of Article II of the Genocide Convention.

1.3.6.2. The Muslim media addressed public calls for the slaughter of Serbs. This was done with utmost bestiality by "Vox" and "Zmaj od Bosne" newspapers and by Radio "Hajat".

1.3.6.3. The Serb media either in the Republic of Srpska or the FR of Yugoslavia never incited people to war, slaughter or killing. It was exactly for these purposes that the Applicant abused the media under its control.

1.3.6.4. After the explosion at the Markale market, established to have been caused by the Muslims, an anchorman of Sarajevo Muslim Radio Hajat, hosted a live call-in programme. Ten Muslim listeners, using almost the same language and giving the same advice, called for the slaughter of a number of Serbs for every Muslim killed and denied every possibility of co-existence with the Serbs. The host of the programme supported his listeners in their calls to massacre the Serbs. This is a unique case in the whole world that members of one nation have been called via radio to massacre another nation. (Evidence: Transcript of the taped programme, Annex No 78, pp. 627-629/630-635).

1.3.6.5. The "Zmaj od Bosne" newspaper, published in Tuzla, called on every Muslim to name a Serb and take an oath to kill him. This was recorded by the United Nations Special Rapporteur in his Periodic Report (E/CN. 4/1994/3, para. 72, Annex, 5 May 1993, Annex No 79, pp. 637).

1.3.6.6. How far the hatred of the Serbs may go is shown by an article in which the Serbs are compared to dinosaurs. ("TL" independent paper, Tuzla, 26 April 1993, Annex No 80, pp. 639/640-641).

1.3.6.7. The FR of Yugoslavia is accused in para 2.2.6.2 of the Memorial (p. 55) of a one-sided approach to events in the former Yugoslav republic of Bosnia-Herzegovina. The Applicant argues that the media in the FR of Yugoslavia presented a distorted picture of "historic and current crimes". The Applicant puts the word crime in quotation marks, as well as the phrase against the Serbian people, implying in that way that no crimes have been committed against the

Serbian people in the past and at present and that these crimes have been made up by the media in Serbia in order to spread ethnic hatred. Unfortunately, the situation is quite different. The media reported about the crimes committed against the Serbs in the past and at present only when their repetition became both possible and certain.

1.3.6.8. Courtesy of CNN and Sky News, the Muslim authorities broadcast all over the world, false accusations relating to an attack on retarded children while in fact the Muslims had taken these children, out of the Mjedenica institution in Sarajevo themselves and used them as a live shield. (Testimony of a doctor witness in "Eradication of the Serbs", Rad, Belgrade, 1994, p. 167, Annex No 81).

1.3.6.9. When a Serb woman, arrested and repeatedly raped by the Muslims came to the Koševo hospital for an abortion after her release from prison, she was told that she could have an abortion on condition that she state on television that she had been raped by the Serbs. She refused, crossed over to the Serb territory and delivered her child in Belgrade (Testimony of a woman witness. "Eradication of the Serbs", Rad, Belgrade, 1994, p. 255, Annex No 81).

1.3.6.10. Before the outbreak of war a flyer was circulated in Mostar, with the message that Serbs were to be given the cold shoulder everywhere, that they were to be rendered no service and they were equated with dogs. The sarcasm was ratcheted up with the remark that an apology to dogs was in order. ("Eradication of the Serbs", Rad, Belgrade, 1994, p.36, Annex No 81).

1.3.6.11. In para 2.2.6.4 of the Memorial (p. 56), the Applicant classifies as genocide the taking of Muslim flats in Banja Luka and qualifies it as "ethnic cleansing". This accusation is based on the information received from the United Nations Special Rapporteur that displaced Serbs were moving into flats they had seized from the Muslims. In point of fact, these were not displaced Serbs, but Serb refugees, the victims of the "ethnic cleansing" carried out by the Muslims and Croats on the territories under their control. This is a chain reaction triggered by the Muslim and Croat sides.

1.3.6.12. On 21 June 1992, the Croatian terrorist organization HOS, ordered that all Serb houses in Jajce "conveniently located in respect of the HOS headquarters" be put at the disposal of "HOS members". (Zapovijed HOS-a/Order of HOS, 21. June 1992, Annex No 82, pp. 642/643; Lista srpskih stanova pregledana od strane ministarstva unutrašnjih poslova/List of Serb flats reviewed by the ministry of internal affairs, Annex No 83, pp. 644-670/671-706). On

the basis of the submitted data concerning the inspection of the flats in Jajce made by the Station for Public Security of the Interior, which was under the control of the Government of Bosnia and Herzegovina, it is evident that Muslims and Croats moved without any authorization into the deserted flats of the Serbs. ("Pakao za Srbe"/Hell for the Serbs/, "Večernje novosti/The Evening News, 27 decembar 1994., Annex No 84, pp. 707/708). As a matter of fact, 30,000 Serbs and 20,000 Croats left Tuzla.

1.3.6.13. In para 2.2.6.4 of the Memorial (p. 56), it is alleged that Muslim draft dodgers lost their jobs. Since every state mobilizes all available manpower in time of war, the three sides in Bosnia-Herzegovina had agreed not to call up members of other nations. Alija Izetbegović was the first to breach the agreement, passed a decree with the force of law proclaiming all inhabitants of the Republic of Bosnia-Herzegovina its nationals and on that basis sealed off exit from the Muslim-held territory and turned the Serbs into hostages. Mobilized Serbs are sent to the front line to fight the Serbs, to clear minefields and dig trenches, contrary to the Geneva Conventions. Those who refused to be drafted were sentenced as deserters to long imprisonment, even in situations where it was evident that those indicted had been born in the territory of another republic. (Izjava svedoka S.M./testimony of the witness S.M. - Documentation Centre of the Commissariat for Refugees of the Republic of Serbia, No. 71/00268. Annex No 85, pp. 709-711/712-714).

1.3.6.14. The practice of dismissal from work which, it seems, has been resorted to by all sides in Bosnia and Herzegovina is not genocide nor violation of any other obligation established under the Convention on the Prevention and Punishment of the Crime of Genocide and cannot be attributed to the Respondent.

1.3.6.15. The Bosnian Serbs and, in para 2.2.6.5, also the FR of Yugoslavia are accused of preventing the movement of convoys carrying humanitarian aid and medical equipment. Two instances are adduced.

1.3.6.16. In the Memorial, the Applicant refers to the Sixth Periodic Report of the United Nations Special Rapporteur, E/CN.4/1994/110, (Annex No 86, 716-717). para. 69, but omits paras. 71 and 72. in which it is said:

"Bosnian Croat forces have interfered with aid deliveries for or in transit through areas under their control". (para 71)

"Interference with aid and other related practices also occur in territory under the control of the Government of Bosnia and Herzegovina and result in suffering no less grave than that in other parts of the country.

(.....)

In November an aid worker was killed by government troops in Vareš and there have been repeated attacks on ICRC vehicles in both western and eastern Mostar". (para 72)

1.3.6.17. The Serbs are accused in paras. 2.2.6.7 and 2.2.6.8 of the Memorial (p. 57) of laying siege to, and of shelling, towns. It is clear that one cannot speak of a siege, especially with respect to the city of Sarajevo. A number of United Nations commanders have stated that its encirclement by the Serbs is primarily of a defensive nature, the aim of which was to retain their territory and not to capture new territory. This seemed to them a strange kind of siege, as those laying siege allowed passage to humanitarian convoys both by land and by air. (Campaign Against Militarism, Information, February 1994, No. 4, story 16, Annex 87, pp. 719-720).

1.3.6.18. The assertion of the Applicant to the effect that "siege is just another tactics applied to force the Muslims and Croats to flee", (para. 2.2.6.8 of the Memorial, p. 57) is both absurd and ridiculous. There is no escaping a genuine siege. If the siege had been genuine, there would not have been an unbelievable number of over 50 newspapers, three television and five radio stations.

The existence of the siege is denied by repair works and the construction of gas pipelines, undamaged facilities and strong logistic support.

The printing material, spare parts and equipment for radio and television stations were delivered on a regular basis, and the state-of-the-art generators were used in case of electricity cuts.

The Serb side had nothing of the kind at its disposal.

1.3.6.19. The real situation in Sarajevo was described by General Charles Boyd who was the deputy of the United States Chief Commander for Europe in period November 1992 - July 1995.: "The city's actual suffering, however, does not change the reality that the image of Sarajevo, battered and besieged, is a valuable tool for the Bosnian government. As that government was commemorating the thousandth day of the siege, local markets were selling oranges, lemons, and bananas at prices only slightly higher than prices in western Europe. At the same time the commercial price of gasoline in Sarajevo was 3.5 percent cheaper than gasoline in Germany. A World Food Programme survey in May 1994 found that, after a tough winter for Sarajevo, no one in the city was malnourished, and only a small percentage of the population was undernourished. Even the rate of violent deaths had gone down considerably in 1994 (324 for the year according to the United Nations: the per capita rate was comparable to some North American cities and slightly lower than

Washington, D.C.), Although press coverage and government statements gave the image of unrelenting siege.

Some of the city's suffering has actually been imposed on it by actions of the Sarajevo government. Some were understandable policies, like the restrictions on travel to prevent the depopulation of the city during those periods when movement was possible. Others were the by-product of government weakness. Like relying on the Sarajevo underworld for the initial defense of the city, thereby empowering criminal elements that took their toll on the population, especially Serbs. Still others were intentional; whether out of individual greed or official policy is unclear. Government soldiers, for example, have shelled the Sarajevo airport, the city's primary lifeline for relief supplies. The press and some governments, including that of the United States, usually attribute all such acts to the Serbs, but no seasoned observer in Sarajevo doubts for a moment that Muslim forces have found it in their interest to shell friendly targets. In this case, the shelling usually closes the airport for a time, driving up the price of black-market goods that enter the city via routes controlled by Bosnian army commanders and government officials. Similarly, during the winter of 1993-94, the municipal government helped deny water to the city's population. An American foundation had implemented an innovative scheme to pump water into city's empty lines, only to be denied permission by the government, for health reasons. The denial had less to do with water purity than with the opposition of some Sarajevo officials who were reselling U. N. fuel donated to help distribute water. And, of course, the sight of Sarajevans lining up at water distribution points, sometimes under mortar and sniper fire, was a poignant image". ("Making Peace with the Guilty, The Truth About Bosnia", Charles G. Boyd, "Foreign Affairs", Annex No 88, pp. 721-727)

1.3.6.20. Sarajevo, as a divided city, was not so much surrounded as it was sub-divided internally into sealed-off sections, to enhance the image of suffering people in the eyes of the media and for looting purposes. United Nations Force Commander Philippe Morillon said to the Prague daily "Lidove noviny" that the Bosnian regime (Muslims) wanted Sarajevo to continue to be pitied by the world which is why they refused on several occasions to make it possible for UNPROFOR to arrange a truce. The Bosnian armed forces are provoking Serbian shelling. Therefore, there is no siege of Sarajevo (Peter Brock, Dateline Yugoslavia: the Partisan Press, Foreign Policy, Washington, No 93, Winter 1993-94, Annex No 89, pp. 728-738).

1.3.6.21. The Muslim government had taken the position that it would not permit evacuation of children from Sarajevo whereby, by abusing them, it violated the Convention on the Rights of the Child.

1.3.7. The United Nations Security Council Allegedly Confirms the Existence of a Campaign of Genocide by the Federal Republic of Yugoslavia

1.3.7.1. On the basis of the refusal of Yugoslavia to accept monitors on the border with the former Yugoslav republic of Bosnia and Herzegovina a conclusion is made in para. 3.2.0.12 of the Memorial (p. 103) that Yugoslavia was not prepared to discontinue the operations of its forces and of the forces it was allegedly supporting in the genocidal campaign. It is clear that the refusal of a sovereign State to accept monitors on its border and its reiteration of the fact that it is capable of controlling the border itself cannot be interpreted in this way. It is also clear that it cannot be concluded on the basis of this refusal that there is a continued participation of Yugoslav forces in alleged genocide or that support is being extended to forces involved in alleged acts of genocide.

1.3.7.2. In para. 3.2.0.13 of the Memorial (p. 103) it is said: "One element of this continued participation relates to air support given to Bosnia Serb forces operating within the Republic of Bosnia and Herzegovina. On 9 October 1992, the Council adopted Resolution 781 (1992) which, in response to the use of Federal Republic of Yugoslavia ... air power, established a ban on military flights in the airspace of the Republic of Bosnia and Herzegovina." Yugoslavia did not extend air support to the forces of the Bosnian Serbs. There was no need for that because these forces retained a number of combat aircraft upon the withdrawal of the Yugoslav People's Army. This fact is confirmed by the Applicant further in the text of the same paragraph. The ban applied to flights of aircraft of all the sides and not only of one side. The motivation for its adoption was primarily the need to increase the safety of convoys carrying humanitarian relief supplies.

1.3.7.3. In the same paragraph it is further said: "The Council strongly condemned this further violation (at the time 465 violations had been reported), and demanded from the Bosnian Serbs an immediate explanation of the afore-mentioned violations and particularly of the aerial bombardment. It also requested the Secretary-General to ensure that an investigation be made of the reported possible use of the territory of the Federal Republic of Yugoslavia ... to launch air attacks against the territory of the Republic of Bosnia and Herzegovina (S/25246, 17 March 1993)". Clearly the demand was addressed to the Bosnian Serbs. It is also clear that there is no confirmation of the use of the Yugoslav territory to launch air attacks on targets in the former Yugoslav republic of Bosnia and Herzegovina.

In view of the afore-mentioned, the last sentence of the same para.3.2.0.13 of the Memorial (p. 104) does not correspond to the facts, either.

1.3.7.4. In para. 3.2.0.14 of the Memorial (p.104) it is said that the Security Council had pointed to a number of individual elements of the genocidal campaign. It is further said that "In Resolution 798 (1992) of 18 December 1992, it strongly condemned the massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina. The Council also expressed deep concern at reports of abuses against civilians imprisoned in camps, prisons and detention centres and demanded unimpeded and continuous access to all camps, prisons and detention camps to be granted immediately to humanitarian organizations, and human treatment for detainees, including adequate food, shelter and medical care."

In Security Council Resolution 798 (1992) of 18 December 1992 no party is indicated as the perpetrator of the said acts. Nor is it expressly stated that the said acts have indeed been committed. For, the Resolution, inter alia, reads:

"Appalled by reports of the massive, organized and systematic detention and rape of women..." and

"Taking note of the initiative taken by the European Council on the rapid dispatch of a delegation to investigate the facts received until now, ...".

Accordingly, the Security Council is in possession of some reports and takes note of the initiative of the European Council to send a delegation to investigate the facts. Nonetheless, the Security Council "Strongly condemns these acts of unspeakable brutality; Requests the Secretary-General to provide such necessary means of support as are available to him in the area to enable the European Community delegation to have free and secure access to the place of detention;".

So, it can be seen that the Security Council first condemned "these acts of unspeakable brutality", and then asked the Secretary-General to help establish the facts.

1.3.7.5. In the same para. 3.2.0.14 of the Memorial (p.104) it is further said: "In so doing, as is evidenced in the relevant Council debates accompanying the adoption of the respective resolutions and decisions, it confirmed the existence of, and condemned, the practice of establishing concentration camps at which torture and arbitrary killings were conducted, mainly against Muslim civilians (e.g. Presidential Statement S/24378, 4 August 1992; Resolution 770 (1992), 13 August 1992; Resolution 771 (1992), 13 August 1992; Presidential Statement S/26437, 14 September 1993)."

In the Statement by the President of 4 August 1992 it is said:

"The Security Council is deeply concerned at the continuing reports of widespread violations of international humanitarian law and in particular reports of the imprisonment and abuse of civilians in camps, prisons and detention centres within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina. The Council condemns any such violations and abuses and demands that relevant international organizations, and in particular the International Committee of the Red Cross..., be granted immediate, unimpeded and continued access to all such places and calls upon all parties to do all in their power to facilitate such access."

The statement is too general to allow for a reliable conclusion to be made that the alleged acts of genocide have been committed and to determine the perpetrators of these acts. Besides, "the territory of the former Yugoslavia" means the territory of the former Socialist Federal Republic of Yugoslavia. There were no camps, prisons or centres and there are not any now in the territory of the Federal Republic of Yugoslavia in which the said acts have allegedly been committed. There have been such places in the territory of the former Yugoslav republic of Bosnia and Herzegovina and if acts of genocide have been committed in such camps, prisons and centres the responsibility for their commission should be borne by the side on whose territory these acts of genocide took place.

In Security Council Resolution 770 (1992) of 13 August 1992 it is said:

"Deeply concerned by reports of abuses against civilians imprisoned in camps, prisons and detention centres,
/...../

Demands that unimpeded and continuous access to all camps, prisons and detention centres be granted immediately to the International Committee of the Red Cross and other relevant humanitarian organizations and that all detainees therein receive humane treatment, including adequate food, shelter and medical care;...".

No mention is made of the location of camps, prisons and detention centres nor of the responsible party.

Security Council Resolution 771 (1992) of 13 August 1992 reads as follows:

"Expressing grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina including the deportation of civilians, imprisonment and

abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property,

/...../

"Reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches;

"Strongly condemns any violations of international humanitarian law, including those involved in the practice of 'ethnic cleansing';

"Demands that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law including from actions such as those described above;..."

No acts of the kind mentioned above have been committed in the territory of the Federal Republic of Yugoslavia nor have the organs of the Federal Republic of Yugoslavia taken part in any such acts. The formulations are too general to warrant a reliable conclusion that they comprise the commission of genocide. In point of fact, the Resolution makes mention of the breaches of the 1949 Geneva Conventions.

References are also made in the Memorial to the Presidential Statement (S/26437) of 14 September 1993. In that statement it is said:

"The Security Council expresses its profound concern over recent reports that Bosnian Croats have been holding Bosnian Muslims in detention camps under deplorable conditions. The Council recalls the international revulsion and condemnation that accompanied revelations last year of the conditions under which Bosnian Muslims and Bosnian Croats were being held in Bosnian Serb detention camps."

The above statement bears witness to three things. One, the Applicant seeks to attribute to the FR of Yugoslavia all the ills that have befallen the Muslims in Bosnia, including the atrocities committed by the Bosnian Croats. Two, in its 1992 resolutions the Security Council meant the detention camps maintained by the Bosnian Serbs. And three, consistent in their prejudice against the Serbs as the main culprit, some members of the Security Council could not help referring to the alleged previous crimes of the Bosnian

Serbs even when talking about the crimes committed by the Bosnian Croats.

1.3.7.6. In para. 3.2.0.15 of the Memorial (p. 105) it is said: "The Council also addressed what is perhaps the most direct manifestation of the policy of genocide: the military attacks directed against civilians, including the bombardment and shelling of civilian centres and even concentrations of displaced persons, and the preclusion of humanitarian aid deliveries as a means of warfare against civilians." The Respondent disagrees with the Applicant on the legal qualification of the said acts as genocide. Military attacks directed against civilians are certainly prohibited under the 1949 Geneva Conventions but they cannot be qualified as genocide. In order to be qualified as genocide they have to be directed against members of a group protected under the Convention on the Prevention and Punishment of the Crime of Genocide and there must be a genocidal intent. The bombardment and shelling of civilian centres in which, in addition to the Muslims, also lived the Serbs, as ethnic hostages, cannot be qualified as genocide, because in such instances these acts cannot be directed against the members of one ethnic or religious group. "Concentrations of displaced persons and the preclusion of humanitarian aid deliveries as a means of warfare" are not acts of genocide, either.

1.3.7.7. In the same para. 3.2.0.15 of the Memorial (p. 105) it is further said: "In August 1992, the Council responded to this strategy of genocide through mass killing and starvation of civilian population which had been directed mainly at Muslims." In August 1992 the Security Council adopted three resolutions: Resolution 769 (1992) of 7 August 1992, Resolution 770 (1992) of 13 August 1992 and Resolution 771 (1992) of 13 August 1992. None of the three makes any mention of "mass killing and starvation of civilian population". Nor is it said in the resolutions that the said breaches of humanitarian law had been directed "mainly at Muslims".

1.3.7.8. In para. 3.2.0.16 of the Memorial (p. 105) the Applicant repeats the allegation about "the use of starvation of a civilian population as a means of warfare". It has already been argued that, in view of the specific circumstances, it cannot be qualified as an act of genocide. In point of fact, there was a large number of Serbs in the surrounded places who were not allowed to leave. Hence, "the use of starvation of a civilian population as a means of warfare" even if it did exist, cannot be qualified as genocide because it is not directed solely against the members of one ethnic or religious group.

1.3.7.9. In para. 3.2.0.17 of the Memorial (p. 106) it is said: "In Resolution 780 (1992) of 6 October 1992, the Council also confirmed the existence of widespread violations of humanitarian law in the context of the campaign of so-called ethnic cleansing, and the practice of 'mass killings' in that context (also Resolution 808 (1993), 22 February 1993)." However, in Security Council Resolution 780 (1992) of 6 October 1992 it is said: "Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass killings and the continuance of the practice of 'ethnic cleansing'....". Security Council Resolution 808 (1993) of 22 February 1993 repeats the same formulation. Obviously it is not possible to say "the Council ... confirmed the existence of widespread violations of humanitarian law...". For, it was precisely by Resolution 780 (1992) of 6 October 1992 that the Security Council requested the Secretary-General to set up a Commission of Experts to investigate and analyze information on violations of humanitarian law. At any rate, there have been no mass killings nor any practice of ethnic cleansing in the territory of the Federal Republic of Yugoslavia. Nor have the organs of the Federal Republic of Yugoslavia taken any part in any such practice. They have not aided or abetted it, either.

1.3.7.10. In the same para. 3.2.0.17 of the Memorial (p.106) it is further said: "Later that month, the Council expressed its revulsion at the fact that even those civilians who had been subjected to so-called ethnic cleansing and were fleeing from the city of Jajce, were subjected to attacks from Serb forces (Presidential Statement, S/24788, 30 October 1992). Atrocities of this kind, verified and condemned by the Council, confirm the existence of a strategy not only to remove members of an ethnic or religious group from particular regions, but indeed to destroy them, even when attempting to escape." The Presidential Statement of 30 October 1992 reads:

"The Security Council is appalled by the most recent reports that Serb militia in the Republic of Bosnia and Herzegovina are attacking civilians fleeing from the city of Jajce.

"The Council strongly condemns any such attacks which constitute grave violations of international humanitarian law, including the Geneva Conventions, and reaffirms that persons who commit or order the commission of grave breaches of these Conventions are individually responsible in respect of such breaches. The Council wishes that such violations be brought to the attention of the Commission of Experts mentioned in resolution 780 (1992)".

Mention is made in the Presidential Statement of the Serb militia which allegedly committed attacks, but no mention is made of

atrocities. Also, it is not said in the Statement that the attacks were being carried out the orders of the FR of Yugoslavia. Indeed, it is known that the organs of the Republic of Srpska allowed the relocation of Muslim and Croat children, women, the elderly and the sick from places threatened by war operations to places which were not. Hence this event, even if it did happen, cannot be described as a "strategy".

1.3.7.11. In the same para. 3.2.0.17 of the Memorial (p. 106) the Applicant refers to Security Council Resolution 787 (1992) of 16 November 1992 in which the Security Council demanded that all forms of external interference in the Republic of Bosnia and Herzegovina, including the infiltration of irregular units and persons, cease. Indeed, this demand is expressly made in para 5. of the Resolution, but no mention is made of the FR of Yugoslavia. However, mention is made of the Croatian army. Besides, there was a large- scale infiltration of mujaheddins from Muslim countries.

1.3.7.12. In para. 3.2.0.18 of the Memorial (p. 106) it is said: "As its demands for compliance remained unheeded, the Security Council gradually widened the mandate of the United Nations Protection Force (UNPROFOR), initially to escort humanitarian aid convoys. Even then, these entirely humanitarian efforts, aimed at ensuring the very survival of the mostly Muslim populations, were consistently obstructed by Serb forces, leading the Council to adopt the desperate measure of air-drops, in its attempt to prevent the extermination of large segments of the population through starvation (Presidential Statement S/25334, 25 February 1993). "That Statement, however, reads:

"The Security Council, having received a report from the Secretary-General, recalls all its relevant resolutions and its statements of 25 January 1993 (S/25162) and 17 February 1993 (S/25302) concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It is deeply concerned that, in spite of its repeated demands, relief efforts continue to be impeded by Serb paramilitary units, especially in the eastern part of the country, namely in the enclaves of Srebrenica, Cerska, Goražde and Žepa.

/...../

"The Security Council strongly condemns once again the blocking of humanitarian convoys that has impeded the delivery of humanitarian supplies. It reiterates its demand that the Bosnian parties grant immediate and unimpeded access for humanitarian convoys and fully comply with the Security Council's decisions in this regard. The Security Council expresses its strong support for the use, in full coordination with the United Nations and in accordance with

the relevant Security Council Resolutions, of humanitarian air-drops in isolated areas of the Republic of Bosnia and Herzegovina that are in critical need of humanitarian supplies and cannot be reached by ground convoys...".

The Statement of the President of the Security Council refers to Serb paramilitary units. In effect, the local Serb population in eastern Bosnia opposed the delivery of humanitarian aid to Muslim enclaves because in the second half of 1992 and the beginning of 1993 they had been the victims of genocidal acts at the hands of Muslim forces controlled by the government in Sarajevo. The Applicant argues that these acts were directed at communities with a majority Muslim population. Consequently, they also afflicted other minority non-Muslim populations. Acts of impeding the passage of UNPROFOR humanitarian convoys do not constitute acts of genocide nor can they be attributed to the FR of Yugoslavia.

1.3.7.13. In para. 3.2.0.18 of the Memorial (p. 107) it is further said: "In March 1993, the Council was once more constrained to demand that 'the killings and atrocities must stop', reaffirming that those guilty of crimes against humanitarian law will be held individually responsible by the world community (Presidential Statement S/25361, 3 March 1993). Subsequently, the Council affirmed that the crime of genocide was included in these violations of humanitarian law by adopting the Statute of the International Tribunal...". The Statement of the President of 3 March 1993 refers to "Serb paramilitary units" and "the Bosnian Serb side". The acts of the said parties cannot be attributed to the FR of Yugoslavia. The Statements of the President of the Security Council refer to violations of the 1949 Geneva Conventions and/or violations of international humanitarian law. The Statements make no mention of genocide, while neither violations of the 1949 Geneva Conventions or violations of international humanitarian law necessarily constitute acts of genocide. The Security Council changed nothing in the definition of genocide by adopting the statutes of ad hoc tribunals for the cases of Yugoslavia and Rwanda. Even if it had, that would be irrelevant to the present case.

1.3.7.14. In para. 3.2.0.19 of the Memorial (p. 107) it is said: "The Council responded to this practice of Serb forces of encircling mainly Muslim inhabited areas and then bombarding the civilian population and displaced persons therein, coupled with the denial of humanitarian access, by establishing the so-called safe havens, initially in Srebrenica, and later in other areas, including Sarajevo. (Resolutions 819 (1993), 3 April 1993, 824 (1993), 6 May 1993)". Resolution 819 (1993) refers to "Bosnian Serb paramilitary units" which were operating in eastern Bosnia. The acts of these units

cannot be attributed to the FR of Yugoslavia. The FR of Yugoslavia never supported the unlawful activities of these units. It did not supply them with arms, equipment or any material or services. Apart from "Bosnian Serb paramilitary units", Resolution 824 (1993) also makes mention of "Bosnian Serb military units" which were presumably located around Sarajevo as this Resolution also refers to Sarajevo. The acts of these units cannot be attributed to the FR of Yugoslavia nor is the FR of Yugoslavia responsible for them. Besides, the Applicant says "encircling mainly Muslim inhabited areas". As in terms of their effect the said acts (stopping humanitarian convoys, bombarding encircled places) cannot be targeted only at members of one ethnic or religious group (Muslims) the entire population, i.e. members of other groups, including the Serbs, the allegations of genocide cannot be sustained.

1.3.7.15. In para. 3.2.0.19 of the Memorial (p. 107) it is further said that the Security Council adopted Resolution 820 (1993) of 17 April 1993 "in further response to these acts" which is not true. In Resolution 820 (1993) the Security Council makes no mention of the stoppage of humanitarian convoys or the bombardment of cities. It is evident from the Resolution itself that it was adopted because the Republic of Srpska had refused the Vance-Owen Peace Plan. The Resolution reads:

"Deeply concerned by the position of the Bosnian Serb party as reported in paragraphs 17, 18 and 19 of the report of the Secretary-General of 26 March 1993 (S/25479),

/...../

"1. Commends the peace plan for Bosnia and Herzegovina in the form agreed to by two of the Bosnian parties and set out in the report of the Secretary-General of 26 March 1993 (S/25479), ...

"2. Welcomes the fact that this plan has now been accepted in full by two of the Bosnian parties;

"3. Expresses its grave concern at the refusal so far of the Bosnian Serb party to accept the Agreement on Interim Arrangements and the provisional provincial map, and calls on that party to accept the peace plan in full;..."

1.3.7.16. In para. 3.2.0.20 of the Memorial (p. 108) it is said: "The Council subsequently even authorized member states to use military force to enforce the security of the so-called safe havens, once again confirming through this action the gravity of the genocidal practice it was seeking to counter (Resolution 836 (1993), 4 June 1993). Significantly, in that very resolution, the Council once more demanded that 'the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease supply of military arms, equipment and services to Bosnian Serb paramilitary units', again linking the

Federal Republic of Yugoslavia to the appalling acts of genocide that were being committed against the population and displaced persons in the so-called safe areas." The Resolution referred to does not contain the passage presented by the Applicant in quotation marks. Nor did the Security Council qualify the said practice as genocidal, which could not in fact have been possible since it did not affect the members of one ethnic or religious group alone and since there was no genocidal intent.

1.3.7.17. In para. 3.2.0.21 of the Memorial (p. 108) the Applicant refers to Resolutions 771 (1992) and 780 (1992) in an attempt to indicate "means and methods of genocide". These Resolutions make no mention of "mass killings". Besides, the acts referred to in the resolutions need not designate the crime of genocide and the resolutions do not show that the Security Council meant the crime of genocide. Also, these resolutions do not ascribe the responsibility for the said acts to any particular party. The Federal Republic of Yugoslavia instituted proceedings against the member countries of the North Atlantic Treaty Organization (NATO) before the International Court of Justice regarding the interpretation of Art. 53, para 1 of the United Nations Charter according to which regional organizations cannot take coercive measures without the explicit authorization of the Security Council. The NATO member countries refused to accept the competence of the Court. Because of the refusal, the International Court of Justice is not able to deliberate upon this extremely important issue.

1.3.7.18. In para. 3.2.0.22 of the Memorial (p. 109) the Applicant refers to Resolution 808 (1993) of 22 February 1993 whereby the Security Council decided to set up "an international tribunal for the prosecution of persons responsible for serious violations of humanitarian law committed in the territory of the former Yugoslavia. It is further said: "the statute of the tribunal, adopted in Resolution 827 (1993) of 25 May 1993, explicitly includes genocide in the category of crimes to be prosecuted. Again, in this context the Council highlighted what are in fact the same means of genocide that have been employed by the Federal Republic of Yugoslavia... in the Republic of Bosnia and Herzegovina, when referring to 'mass killings, massive, organized and systematic detention and rape of women, and the continuance of the practice of 'ethnic cleansing', including the acquisition and the holding of territory.' (id.)." On the contrary, the Statute of the Tribunal draws clear distinction between grave breaches of the 1949 Geneva Conventions (Article 2. of the Statute), genocide (Article 4 of the Statute) and crimes against humanity (Article 5 of the Statute). Although these criminal acts, all of them denoted in the Statute as violations of international humanitarian law, may be similar or even identical, they differ significantly in legal

qualifications with respect to the existence of an intent and to the ethnic and/or religious affiliation of the victims when genocide is in question. Besides, none of the said resolutions refers to the responsibility of States but to the responsibility of individuals.

1.3.7.19. The general assertion of the Applicant expounded in para. 3.2.0.23 of the Memorial (p. 110) is also unsustainable as it is not based either on facts or on law.

1.3.7.20. In para. 6.4.3.3 of the Memorial (p.277) the Applicant refers to Security Council Resolutions 819 (1993) of 16 April 1993 and 838 (1993) of 10 June 1993 and General Assembly Resolution 48/88 which demand that the Federal Republic of Yugoslavia "cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units". Like many previous demands, the demand of the Security Council addressed to the FR of Yugoslavia was not based on facts. The FR of Yugoslavia did not supply arms, equipment or services to Bosnian Serb paramilitary units. There is no evidence to that effect at all. But even if this allegation were true, it would not suffice for the attribution of these acts, including those allegedly constituting genocide, to the FR of Yugoslavia.

1.3.8. The United Nations General Assembly Allegedly Confirms the Existence of a Campaign of Genocide on the Part of the Federal Republic of Yugoslavia

1.3.8.1. In eight paragraphs of the Memorial (paras.3.3.2.1 - 3.3.2.8, pp. 111-116) the Applicant refers to various resolutions of the United Nations General Assembly. The General Assembly cannot establish facts in the way in which it is done by the International Court of Justice. Especially not in a situation when the FR of Yugoslavia has been excluded from the work of the General Assembly. Many statements of facts in the resolutions of the General Assembly are totally at variance with the reports of the Secretary-General addressed to the Security Council and drawn up on the basis of reports from the field submitted by UNPROFOR. Thus, General Assembly Resolution 47/121 of 18 December 1992 reads "gravely concerned about the deterioration of the situation in the Republic of Bosnia and Herzegovina owing to intensified aggressive acts by the Serbian and Montenegrin forces to acquire more territory by force, characterized by a consistent pattern of gross and systematic violations of human rights, a burgeoning refugee population resulting from mass expulsions of defenceless civilians from their homes and the existence in Serbian and Montenegrin controlled areas of concentration camps and detention

centres, in pursuance of the abhorrent policy of 'ethnic cleansing', which is a form of genocide,...". However, already in his Report of 30 May 1992 (S/24049) the Secretary-General stated that the Yugoslav People's Army had withdrawn from Bosnia and Herzegovina and that its former members who remained constituted the armed forces of the Serbian Republic of Bosnia and Herzegovina which were independent and were not under the command of any organ of the FR of Yugoslavia. The Secretary-General repeated this information in his subsequent reports when calling for the withdrawal of foreign troops from the former Yugoslav republic of Bosnia and Herzegovina. In view of the fact that the Secretary-General based his reports on UNPROFOR reports from the field it is beyond comprehension why the majority in the General Assembly advanced an assertion to the contrary. In the Report of the Secretary-General of 3 December 1992 (A/47/747, p. 7) submitted to the General Assembly it is said: "Between 7 July and 31 October 1992 ICRC had registered 10,273 persons in 41 places of detention. Some 8,046 were in 14 Bosnian Serb places of detention and 988 were in 16 Bosnian Croat places of detention; 1,239 were in 11 places of detention run by the Government of Bosnia and Herzegovina." Neither Resolution 47/121 nor subsequent resolutions of the 47th session of the General Assembly mention either the camps run by the government in Sarajevo or those controlled by the Bosnian Croats. This indeed is telltale evidence of the immense and unusual partiality of the members of the General Assembly. The position of the majority in the General Assembly is reflected also in para. 7(b) of Resolution 47/121 whereby it "urges the Security Council... to exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991)...". In keeping with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, "ethnic cleansing" cannot be qualified as genocide.

1.3.9. The United Nations Commission on Human Rights and its Sub-Commission Allegedly Confirm the Existence of a Campaign of Genocide on the Part of the Federal Republic of Yugoslavia

1.3.9.1. In section 3.3.3 of the Memorial (pp. 116-119) the Applicant refers to various resolutions of the United Nations Commission on Human Rights. In doing so, it incorrectly presents the contents of the adopted resolutions. For instance, in para. 3.3.3.2 of the Memorial (p. 117) it is said: "The Commission condemned in the strongest terms all these violations, recognizing that the leadership in the territory under the control of the Serbs in the Republic of Bosnia

and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of these violations". However, in para 8. of Resolution 1993/7 of 19 February 1993 entitled: "Situation of human rights in the territory of the former Yugoslavia" it is said:

"Condemns in the strongest terms all violations of human rights and international humanitarian law in the former Yugoslavia by all sides to the conflict, recognizing that the leadership in the territory under the control of Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia ... bear primary responsibility for most of these violations".

The Applicant has concealed the part of the text in which the Commission condemns "all violations of human rights and international humanitarian law in the former Yugoslavia by all sides to the conflict" and underlined the part referring to the political and military leaders of the FR of Yugoslavia which, otherwise, is not based on facts and legal considerations but on the political interests of the member States which prevailed at the time both in the Commission and in the United Nations General Assembly. In para 4. of Resolution 1994/72 of 9 March 1994 the text from para 8. of Resolution 1993/7 is repeated almost word for word and the following text is added: "notes that violations have been committed by all of the parties to the conflict".... None of these assessments can be acceptable to the Court because they are not based on a proper examination of facts and legal arguments but on political decision-making. Besides, United Nations General Assembly Resolution 47/229 denies Yugoslavia the right to participate in the work of the Economic and Social Council.

1.3.9.2. The Applicant underlines the fact that the United Nations Commission on Human Rights refers to acts of genocide in its resolutions. However, the Commission does that in an unclear and inconsistent manner. In para 12 of Resolution 1992/S-2/1 of 1 December 1992 the Commission "calls upon all States to consider the extent to which the acts committed in Bosnia and Herzegovina and in Croatia constitute genocide, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide;"... In Resolution 1993/7 of the Commission of 19 February 1993 it is said:

"Recalling its resolution 1992/S-2/1 in which, inter alia," the Commission "called on all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constituted genocide, and noting General Assembly resolution 47/121 of 18

December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of ethnic cleansing was a form of genocide,"...

In Chapter IV of the Counter-Memorial it has been shown that ethnic cleansing is not a form of genocide.

In para 5 of Resolution 1994/72 of 9 March 1994 the Commission:

"Demands immediate, firm and resolute action by the international community to stop all human rights violations, including 'ethnic cleansing', genocidal acts, rape and abuse of women as an instrument of war, strangulation of cities in Bosnia, shelling and killing of civilians, torture, arbitrary executions, and enforced and involuntary disappearance, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring war criminals to trial;"...

Indeed the Commission does refer to acts of genocide although it does not say which acts are involved and which side has committed them.

1.3.9.3. In para. 3.3.3.3 of the Memorial (p. 118) the Applicant concludes: "... the Commission on Human Rights, identified the systematic pattern of grave violations of human rights as falling squarely within the definition of genocide, and it found that the Federal Republic of Yugoslavia... is primarily responsible". Nothing in this conclusion corresponds to the truth. The Commission on Human Rights did mention acts of genocide but it said nothing of "the systematic pattern of grave violations of human rights as falling squarely within the definition of genocide". Even less justified is the second part of the conclusion according to which "the Federal Republic of Yugoslavia... is primarily responsible" for the said acts of genocide which have not been identified. If the Commission had in mind ethnic cleansing, then this conclusion cannot be sustained for two reasons. Ethnic cleansing is not an act of genocide nor did the Commission attribute responsibility for ethnic cleansing to Yugoslavia. For, in Resolution 1994/72 of 9 March 1994 it is said: "Repelled by the odious practice of 'ethnic cleansing' whose principal victims are the Muslim population, carried out in particular by Bosnian Serb as well as by Bosnian Croat extremists...". If the Commission meant other acts it did not identify them. Nor did it attribute specific responsibility for acts of genocide to anyone. However, even if it had, the resolutions of the Commission are of a political nature and do not relieve the Court of the duty to establish facts. They are not binding upon the Court at all.

1.3.10. The Special Rapporteur on Human Rights in the Former Yugoslavia Allegedly Confirms the Existence of a Campaign of Genocide on the Part of the Federal Republic of Yugoslavia

1.3.10.1. In paras. 3.3.4.1 and 3.3.4.2 of the Memorial (pp. 119 and 120) references are made to the Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 14 of Commission resolution 1992/S-1/1 of 14 August 1992 (E/CN.4/1992/S- 1/9, 28 August 1992) and some parts of it are invoked in an attempt to prove that the crime of genocide has been committed and that the FR of Yugoslavia is responsible. The truthfulness of the allegations contained in the Report will not be dealt with here. But even on the assumption that the allegations are true, none of the assertions adduced by the Applicant or contained in the Report point to the crime of genocide or to the responsibility of the FR of Yugoslavia.

1.3.10.2. The Report seeks to emphasize the practice of ethnic cleansing. In item 11 of the Report it is said: "Muslims who wanted to leave the village were allowed to do so only together with their entire family." Accordingly, the intention of those controlling the village was not to destroy the Muslims in the village.

1.3.10.3. The quotations of the Applicant from one and the same document are made in a fairly random fashion, so that no quotation is made of that part of the Report (item. 31, p. 6) in which it is said: "In a statement made to the Special Rapporteur, the President of the Federal Republic of Yugoslavia condemned ethnic cleansing... The President of Serbia also repudiated the policy of ethnic cleansing in statements to the Special Rapporteur..."

1.3.10.4. In para. 3.3.4.3 of the Memorial (p. 120) the Applicant refers to the Report on the situation of human rights in the territory of the former Yugoslavia submitted by the Special Rapporteur (E/CN. 4/1992/S-1/10, 27 October 1992). The truth of the allegations contained in the Report will not be dealt with here, even less its bias and scope. However, if the assertions in the Report were true, the acts referred to in the quotations taken out of the Report cannot be qualified as genocide. Simply, there is no intent to destroy a group in whole or in part.

1.3.10.5. In para. 3.3.4.4 of the Memorial (p. 120) it is said: "The Special Rapporteur later confirmed that the principal agents of this campaign of 'ethnic cleansing' were irregular paramilitary groups which had been armed and equipped with 'very large stocks of

military hardware' which had been previously held by the JNA and Belgrade authorities. (A/47/666, paras. 14-15)". This assertions does not correspond to the facts. In the cases mentioned by the Special Rapporteur no special weapons except rifles or machine guns are generally referred to. There is no information to the effect that paramilitary units were armed with heavy weapons. But even if this assertion were true, it would not be relevant for the attribution of the acts of irregular paramilitary troops to Yugoslavia.

1.3.10.6. In para. 3.3.5.1 of the Memorial (p. 121) the Applicant refers to the Interim report of the Commission of experts established pursuant to Security Council resolution 780 (1992) and quotes para. 56 of this Report, which reads:

"Based on the many reports describing the policy and practices conducted in the former Yugoslavia, 'ethnic cleansing' has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assault, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention."

The experts have been very careful in referring the said acts to the Convention on the Prevention and Punishment of the Crime of Genocide and used the conditional mood in framing the wording. Commission of acts with an intent to remove members of a group by force does not constitute genocide.

1.3.11. The Vienna World Conference on Human Rights Allegedly Confirms the Existence of a Campaign of Genocide on the Part of the Federal Republic of Yugoslavia

1.3.11.1. In section 3.3.6 of the Memorial (p.123, 124) the Applicant refers to the Vienna World Conference on Human Rights. In para. 3.3.6.1 of the Memorial (p. 123) the Applicant claims that "the World Conference on Human Rights provided a unique forum for the authoritative expression of state practice and opinio juris relating to human rights and humanitarian law." The veracity of this assertion will not be questioned at this point. If it were true, it could be of certain importance in respect of the creation of customary law. In any case neither this Conference nor any other UN body or organ are

authorized to change the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

1.3.11.2. The Conference adopted an Appeal to the Security Council regarding Bosnia and Herzegovina, which reads:

"At its 5th plenary meeting, on 15 June 1993, the World Conference on Human Rights, after hearing the Minister for Foreign Affairs of Bosnia and Herzegovina, decided, without a vote, to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina, and in particular at Goražde."

Pursuant to UN General Assembly Resolution 47/1 Yugoslavia was denied the right to participate in this Conference so that the participants had no opportunity to hear the Yugoslav representative. But, after the action of saving the wounded and ill in Goražde had been organized, it became evident that the situation was not at all as dramatic and serious as reported by Muslim sources and carried by the world media. It was yet another in a series of deceptions of the world public. No genocide of the Muslims took place in Goražde (See para 1.3.2.25. of the Counter-Memorial).

1.3.11.3. It is in the light of the above two paragraphs that parts should be viewed of the Special Declaration on Bosnia and Herzegovina adopted by the World Conference and quoted by the Applicant in para. 3.3.6.2 of the Memorial (p.124), which refers to the qualification of ethnic cleansing as genocide and to the condemnation of Serbia and Montenegro, the JNA, the Serbian militia, the Croatian militia and extremists as perpetrators of crimes. Neither these nor other parts of the Special Declaration are based on facts. Thus the Special Declaration speaks about 40,000 raped women, while the Applicant in the Memorial (p.14) alleges that there were about 20,000. (See para 1.3.4.) The Special Declaration also refers to Serbian aggression on Bosnia and Herzegovina. All statements of facts are totally arbitrary and are not based on facts. This is attested to by the fact that 88 states voted in favour of the Special Declaration, one was against and 54 abstained.

1.3.12. The Committee on Human Rights and the Committee on the Elimination of Racial Discrimination on alleged responsibility of the Federal Republic of Yugoslavia

1.3.12.1. In para. 3.3.7.0 of the Memorial (p.124) the Applicant refers to an observation of the Committee on Human Rights from 1992. The Applicant says: "The Committee, after having heard the report, observed "the existence of links between the nationalists (in

Bosnia and Herzegovina and Croatia) and Serbia which invalidated the Federal Government's claim to be exempt from responsibility". (A/C.3/47/CPR.1, 20 November 1992; CCPR/C/79/Add. 16, 28 December 1992). However, the Committee's Report reads:

"The Committee observed that the means deployed and the interests involved demonstrated the existence of links between the nationalists and Serbia which invalidated the Federal Government's claim to be exempt from responsibility."

The Committee reached this conclusion on the basis of "the means deployed and the interests involved". The premise from which the Committee proceeded is wrong. In its declaration of 27 April 1992, Yugoslavia said that it had no territorial aspirations towards Bosnia and Herzegovina and consistently emphasized that it was interested in having all conflicts in Bosnia and Herzegovina and Croatia solved in a peaceful manner, and acted towards that end. The JNA attacked no one in Bosnia and Herzegovina. It was attacked there. Pursuing its policy and interests, the FR Yugoslavia broke off its official relations with the organs of the Republic of Srpska and introduced certain economic countermeasures against the Republic of Srpska in August 1994. But even if the premise from which the Committee proceeded were true, nothing could be concluded from it in respect of links which would be of relevance for the attribution of acts to Yugoslavia.

1.3.12.2. In para. 3.3.8.0 of the Memorial (p.125) the Applicant points to one of the reasons for the concern of the Committee on the Elimination of Racial Discrimination, i.e. that "links existed between the Federal Republic of Yugoslavia ... and Serbian militias and paramilitary groups responsible for massive, gross and systematic violations of human rights in Bosnia and Herzegovina". The Committee on the Elimination of Racial Discrimination took over this reason for concern from the report of the Committee on Human Rights. It does not present the facts on which it bases its concern. However, even if it were true, the assertion of the Committee itself would not be sufficient for the attribution of the acts to Yugoslavia.

1.3.12.3. In view of the above paragraphs, the assertion of the Applicant made in para 3.4.0.3 of the Memorial (p.127) can not be sustained.

1.3.13. The E.C. and the C.S.C.E. Allegedly Confirm the Existence of a Campaign of Genocide Undertaken by the Federal Republic of Yugoslavia

1.3.13.1. In para. 6.4.3.5 of the Memorial (p. 278) the Applicant quotes a statement of the EC of 11 April 1992 calling upon the Governments of Serbia and Croatia to bring their influence to bear for interference into the affairs of the independent Bosnia and Herzegovina stop, and publicly condemn the use of force. The Federal Republic of Yugoslavia and the Republic of Serbia did everything in their power for a peaceful solution to be found for Bosnia and Herzegovina. They publicly and consistently condemned the use of force. The finding of a peaceful solution least depended on the Federal Republic of Yugoslavia and the Republic of Serbia and did not depend on the Republic of Srpska alone either. It depended on the three parties to the conflict in Bosnia and Herzegovina. In this call, the Applicant sees proof of the EC's acknowledgment of the great influence of the Republic of Serbia on the Republic of Srpska. The course of events described in Chapter II of the Counter-Memorial, however, clearly demonstrates that the Republic of Srpska is not susceptible to any influences. In any case, the Federal Republic of Yugoslavia and the Republic of Serbia never brought influence to bear on anyone to commit any crimes nor did they ever attempt to do so. On the contrary, they have always consistently condemned the commission of crimes.

1.3.13.2. In the same para. 6.4.3.5 of the Memorial (p. 278) the Applicant refers to some unnamed document that it links to the representatives of the CSCE Member States and the Helsinki meeting of 15 April 1992, which allegedly "condemned the Serbian irregulars and JNA for violating the independence and territorial integrity of Bosnia- Herzegovina and human rights of its people...". This condemnation is not based on facts. On 6 April 1992, Bosnia and Herzegovina was prematurely recognized as an independent state. It is clear that the JNA could not have withdrawn in several days. At the time of the alleged condemnation representatives of the so-called Republic of Bosnia and Herzegovina had not yet in fact demanded the withdrawal of the JNA. At any rate the alleged condemnation has nothing to do with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

1.3.14. The Allegedly Prolonged Participation of Yugoslavia

1.3.14.1. In para. 2.3.7.1 of the Memorial it is said that the Serb forces in Bosnia and Herzegovina get logistic support from the FR Yugoslavia. It is true that some material and humanitarian aid,

primarily aid in food and fuel was supplied from the territory of the FR Yugoslavia. This aid was intended primarily for the civilian population. After all, humanitarian aid to the Muslim population in areas controlled by the Bosnian Muslim government was also delivered through the territory of the Federal Republic of Yugoslavia. Even if it were true that some aid in military supplies to units of the warring sides in the former Bosnia-Herzegovina was delivered, such a fact could not be the reason for the attribution of alleged acts of genocide. Proof would need to be provided that such military aid was extended with an intent to its being used for the commission of alleged acts of genocide and that it was indeed so used. That certainly was not the case.

1.3.14.2. In para. 2.3.7.2 (Memorial, p. 83) the Applicant alleges: "in addition to the logistical support given to the Serb forces in Bosnia and Herzegovina, VJ troops and aircraft regularly cross the border to support the Serbian war effort in the Republic of Bosnia and Herzegovina." It is further said that on 2 March 1993 VJ troops completely destroyed the village of Cerska, near Konjević Polje. But, in para. 2.2.5.14 of the Memorial (p. 53), which describes the alleged event, the testimony of an alleged witness is given which begins with the words: "Serb forces entered Cerska village...". The alleged witness is obviously speaking about Serb forces and not about VJ forces. This allegation, the same as all other allegations on the involvement of JNA units in armed conflicts in Bosnia and Herzegovina, does not correspond to the facts.

1.3.14.3. The Applicant repeats the said assertions in para. 6.2.1.12 of the Memorial (p. 250) in which it is said that "... there is ample evidence of continued crossing of the borders by troops coming from Serbia and Montenegro and shelling of Muslim towns and villages in Bosnia and Herzegovina." This assertion is not true.

1.3.14.4. In section 2.3.8. of the Memorial, the Applicant asserts that Yugoslavia allegedly confirmed its involvement. In paras. 2.3.8.1 to 2.3.8.5 of the Memorial (pp. 85-92) the statements of a number of organs of the FR Yugoslavia are quoted allegedly confirming the involvement of the FR Yugoslavia. None of the presented statements, however, attest to the involvement of the FR Yugoslavia in alleged acts of genocide or other acts prohibited under the Convention on the Prevention and Punishment of the Crime of Genocide. All the statements attest to an involvement of a humanitarian nature, including economic aid to the population.

1.3.14.5. In para. 2.3.8.6 of the Memorial (p. 93), to prove the involvement of the FR of Yugoslavia, it is alleged that "the Federal Republic of Yugoslavia ... submitted an official Application at

the International Court of Justice. In this Application against the Member States of NATO, the Federal Republic of Yugoslavia ... claimed that by 'threatening to use force without the authorization of the Security Council and in the form of an ultimatum' the Member States have violated the United Nations Charter." Thereby the FR of Yugoslavia allegedly admitted that it was not neutral in this conflict. Yugoslavia allegedly sees the threat to the Bosnian Serbs as a threat to itself. This is indeed irrelevant to the case at hand. That has nothing to do with alleged acts of genocide.

1.3.14.6. The last sentence in para. 2.3.8.6 of the Memorial is not based on facts: "... Yugoslavia ... condoned and approved of the systematic destruction of Sarajevo, an act which on numerous occasions has been denounced by the entire international community." On the contrary, the Government of Yugoslavia as well as the Governments of Serbia and Montenegro consistently condemned acts of shelling Sarajevo. As the premises are incorrect, the conclusion of the Applicant expounded in para. 2.3.9.1. of the Memorial (p. 94) is not correct either.

1.3.15. The Acts of Genocide Allegedly Committed in the Territory of the Federal Republic of Yugoslavia

1.3.15.1. The Applicant says that "the killing and persecution of Muslim has also been taking place in Yugoslavia... proper since at least early 1992..." (para. 2.2.6.2. of the Memorial, p. 55) without referring to any specific case. The Respondent denies that any act of killing or persecution which could be qualified as an act prohibited by the Genocide Convention has been committed in the territory of the FR of Yugoslavia.

1.3.15.2. The Muslims were not killed and punished in Yugoslavia at the beginning of 1992, as it is alleged in para. 2.2.6.2 of the Memorial (p. 55). In Annex 4 to the Report of the CSCE Mission to inspect alleged places of detention in the Republics of Serbia and Montenegro, 13-18 January 1993, it is said:

"The most recent report on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the United Nations Commission on Human Rights, Mr. Tadeusz Mazowiecki, stated that (See UN Doc.A/47/666 of 17 November 1992, para. 116, p. 33):

"Houses and shops belonging to Muslims have been burned and mosques destroyed by terrorist attacks in the cities of Plijevlja, Prijepolje, Priboj and Bijelo Polje. These acts, as a rule, take the form of bombs planted in the buildings'.

"During the visit of the Rapporteurs in Prijepolje, the local authorities expressed their grave concern at these 'false allegations' and requested that this matter be looked into by the CSCE Mission. Although it was not within the strict mandate of the Mission to make such an inquiry, the Rapporteurs felt that it would be useful to accept such an invitation.

"The Rapporteurs inspected what appeared to be the only mosque in the centre of the town. The mosque was not destroyed, nor was there any substantial damage visible. There were only reports that soldiers passing through the area had fired their rifles at a mosque and some bullet damage had been sustained. There was no indication, nor were there any claims by local Muslims to the effect that houses and shops belonging to Muslims have been burned or that bombs have been planted in mosques in the Prijepolje area." (Report of the CSCE Mission to Inspect Alleged Places of Detention in the Republic of Serbia and Montenegro, p. 16, Annex 8).

1.3.15.3. In para. 6.2.1.11 of the Memorial (p. 249) it is said: "... it must also be kept in mind that genocide is committed by Yugoslavia (Serbia and Montenegro) not only in Bosnia and Herzegovina but that 'ethnic cleansing' is also committed on its own territory or in Croatia. In this respect, the situation in Sandjak must particularly be stressed." The organs of the FR Yugoslavia have not committed acts of genocide in the territory of their own state or in any other territory. The Applicant refers to the report of Special Rapporteur Tadeusz Mazowiecki. The statements contained in it do not refer to an act of genocide or any other act prohibited by the Genocide Convention. It is true that a number of Muslims from Raška (Sandjak), left the Federal Republic of Yugoslavia and entered the territory of Bosnia and Herzegovina to fight there on the side of the forces of Alija Izetbegović.

1.3.15.4. In para. 6.4.2.2 of the Memorial (p. 274) the Applicant refers to the Sixth Periodic Report on the situation of human rights in the territory of the former Yugoslavia, of the Special Rapporteur of the Commission on Human Rights, Tadeusz Mazowiecki. The Report states that some political figures have made threatening statements directed at minorities. The name of Vojislav Šešelj, the leader of the Serbian Radical Party has been mentioned. The Report does not mention anyone as having committed acts of incitement to genocide. Threats of expelling a minority are not acts of incitement to genocide. The expulsion of the population itself cannot be qualified as genocide. Besides, statements by leaders of political parties cannot be attributed to the State. The leaders of political parties are not State organs.

1.3.16. The FR of Yugoslavia Allegedly Admitted Acts of Genocide

1.3.16.1. In section 6.4.4. of the Memorial (pp. 279- 281) it is represented by the Applicant that the FR of Yugoslavia has allegedly admitted the facts. The facts which are adduced in the statements and communiques of organs of the Federal Republic of Yugoslavia and the Republic of Serbia have nothing whatsoever to do with the alleged crimes of genocide or other prohibited acts. Any assertion by the Applicant to that effect is a construction ungrounded in facts and law.

1.3.17. The Alleged "RAM" Operation

1.3.17.1 The allegations of the Applicant regarding the so-called "RAM" operation (paras. 2.3.4.1 - 2.3.4.7, pp. 66-71, and paras. 6.2.1.3 and 6.2.1.4, p. 247, of the Memorial) are not true. They are not based on facts.

1.3.17.2. The Serb population in Croatia and Bosnia and Herzegovina spontaneously armed itself always when it felt threatened. The arms for the most part came from the depots of the territorial defence which were under the control of the local population. Part of the arms (personal arms, including rifles), belonging to territorial defence units was in the houses of members of the territorial defence according to the regulations in force at that time. The Serb population in these areas procured part of the arms by illegal or legal purchases.

1.3.17.3. It is a fact that the Serb people in Bosnia and Herzegovina was threatened at the time. The expulsion of Serbs from western Herzegovina had started. The Serb people in Bosnia and Herzegovina along the Sava river was exposed to armed attacks by the Croatian forces from Croatia - across the Sava river. Despite repeated requests by the representatives of the Serb people in Bosnia-Herzegovina, the authorities of Bosnia-Herzegovina took no measures to protect this population but proclaimed the "neutrality" of the Republic of Bosnia and Herzegovina, although Bosnia and Herzegovina was only one of the Yugoslav republics at that time and not a sovereign State.

1.3.17.4. The Applicant asserts (para. 2.3.4.5 of the Memorial, p. 69) that "RAM" also envisaged the creation of paramilitary units which would serve to create the conditions in Croatia and Bosnia and Herzegovina necessary to justify the armed intervention of the Yugoslav People's Army. Those units would also be used to terrorize

Croatian and Muslim population into fleeing from areas of strategic importance". The Applicant repeats this assertion later in the Memorial (para. 2.3.5.2, p. 72): "The Federal Army closely cooperated with the paramilitary forces, set up and controlled by Kertes...". The Applicant refers to a text by James Gow, in which it is said: "Between 27 March and 8 April of that year there were a number of crucial flash points. Arkan's 'Tigers' in the north and the east and YPA (JNA) units in the south, the west, and the northwest initiated attacks (in the east these were from Serbia) to secure the main entry points into Bosnia and Herzegovina as well as major communication and logistic lines at Foča, Višegrad, Zvornik, Bijeljina, Kupres, Bosanski Brod and Derвента". These allegations are not true. The initial attacks were launched by the Croat and Muslim armed forces on Bosanski Brod, Sijekovac and Kupres.

1.3.17.5. It is true that at the time of the outbreak of the civil war in Croatia paramilitary units were formed on both sides - the Croat and the Serb. It is also true that paramilitary units were formed on the Muslim side in Bosnia and Herzegovina as well, such as the "green berets", "flying fellows", "Patriotic League" etc. No organ of the SFR of Yugoslavia formed these paramilitary units as asserted by the Applicant (para.2.3.4.6 of the Memorial, p. 70), nor did such units execute any orders of any organ of the SFR of Yugoslavia.

1.3.17.6. The Applicant presents certain accusations levelled by Vojislav Šešelj against President Milošević (para. 2.3.4.6 of the Memorial, p. 70). These accusations are not based on facts. They were made as an act of political revenge on President Milošević. However, there is nothing in what Šešelj allegedly said and the Applicant presents that would support the assertion of the Applicant that organs of the SFR of Yugoslavia participated in the forming of paramilitary units or issued them orders to commit acts of genocide.

1.3.17.7. In para. 2.3.4.7 of the Memorial (p. 70), it is said: "At least some of those acts have been committed with arms supplied by the JNA, as has been admitted by Chetnik leader Vojislav Šešelj in an interview in August 1991." This allegation is not based on facts. Even if it were true, it contains not a single fact of legal importance that would warrant attributing the alleged acts to Yugoslavia.

1.3.17.8. In para. 2.3.4.7 of the Memorial (p. 70), it is said: "Up to now, the paramilitary groups continue to freely recruit members in Serbia and Montenegro, as was also revealed by Šešelj in the same interview. In no way has the Yugoslav government sought to prevent or restrict the operation of those forces". This assertion of the Applicant is not true. The formation and operation of

paramilitary units is prohibited under Yugoslav regulations. At the time when they were formed the regions in which they were formed (Croatia and Bosnia and Herzegovina) constituted an integral part of the SFR of Yugoslavia and there was no border control of the movement of individuals at all. A large number of Muslims from Serbia, especially from the Raška region (Sandjak) joined, thus, paramilitary Muslim units in Bosnia and Herzegovina.

1.3.17.9. In para 6.4.2.3 of the Memorial (p. 275), the Applicant alleges that incitement to ethnic and religious hatred and genocide was combined with strategic plans, the aim of which was the attainment of a Greater Serbia, by killing, deporting, expelling, maltreating or raping non-Serbs, Muslims in particular. According to the Applicant, the best known and most systematic of these plans was the "RAM". This allegation reveals the method of the Applicant. The Applicant has not adduced a single case of public and direct incitement to genocide. In his Sixth Report, the United Nations Special Rapporteur reports only on incitement to national and religious hatred and not to genocide. These two things are by no means identical in legal terms and cannot be subsumed under the same legal qualification. The Applicant goes on to refer to the alleged existence of plans, aimed at creating a Greater Serbia, adding that the best known of such plans is the alleged "RAM". Accusations like this one cannot be made by way of example. If the Applicant asserts that there exists a number of plans it must name each and every one of them and prove their existence. It refers only to a certain "RAM" plan but fails to provide a shred of evidence to prove the existence of such a plan and, more importantly, that this plan envisages the commission of genocide of Muslims. To support the allegation, the Applicant has adduced at the end of the paragraph the following sentence, allegedly pronounced by General Ratko Mladić: "Things are moving very well, according to plan." Even if it were true that General Mladić pronounced the said sentence, it cannot prove that the organs of Yugoslavia had created a plan of genocide of Muslims. It is only natural that all States and all armies should have some plans in peace and in war. The organs of the Republic of Srpska certainly had a plan but this cannot prove the existence of any plan, a component part of which would be the commission of genocide.

1.3.17.10. In para. 6.4.2.4 of the Memorial (p. 275), the Applicant repeats the allegation that, implementing the alleged "RAM" plan, the Yugoslav People's Army transferred weapons to Serb communities in Bosnia and Herzegovina and that such supplies continued even after the alleged independence of Bosnia and Herzegovina. This allegation has already been denied. The Serb people in the former Yugoslav republic of Bosnia and Herzegovina

took their weapons from the storehouses of the territorial defence and from the arms depots of the Yugoslav People's Army after its withdrawal, the relocation of which had been prevented. But even if this allegation were true, it would not be sufficient for any attribution to Yugoslavia of participation in the commission of the alleged acts of genocide. The Applicant would have to prove that the JNA supplied the army of the Republic of Srpska with weapons for the latter to commit genocide. The Applicant did not produce any proof to that effect. The supply of equipment and food is certainly irrelevant for this Case.

1.3.18. The Alleged Ideology of a Greater Serbia

1.3.18.1. In Section 3 Chapter 2.3 of the Memorial (p. 59-94), the Applicant outlines the alleged context of the acts. The Applicant starts off by outlining the "ideology of a Greater Serbia" (para. 2.3.1.1). The Applicant points to Ilija Garašanin's Foreign Policy Programme towards the end of 1844. There is nothing criminal in this programme. There are no calls for the extermination of other peoples. The programme envisaged the forming of a national State similar to many other contemporary programmes which were put in place by many other European peoples during the period when national States were in the process of being established all over Europe.

1.3.18.2. The Applicant asserts (para. 2.3.1.3 of the Memorial, p. 60) that the Serbian Academy of Sciences and Arts published a document known as the "Memorandum" in 1986 after it had been Memorial so that the members of the Court have an opportunity to read it and to make their own conclusions as to the veracity of the Applicant's allegations related to the Memorandum. ("Memorandum of the Serbian Academy of Science and Arts", "Answers to Criticism", Kosta Mihailović and Vasilije Krestić, SANU, 23 April 1993, Annex 87), signed by 200 prominent Belgrade intellectuals. This document reportedly called for the creation of a Greater Serbia. The "Memorandum" was allegedly co-authored by Dobrica Ćosić, subsequently President of the FRY and by Jovan Rašković, subsequently the leader of the Serbian Democratic Party and Radovan Karadžić's predecessor. These allegations are untrue. The Serbian Academy of Sciences and Arts has never finalized the "Memorandum" and has never published it. The incomplete text of the "Memorandum" contains no demands for the creation of a Greater Serbia. There was no reason for that. The Serb people was then living in a single State - in Yugoslavia.

1.3.18.3. It is worth noting that the Applicant has not submitted the Memorandum to the Court as evidence for its

allegations. Due to this fact, the Respondent added the Memorandum as an annex to the Counter-Memorial. (Memorandum of the Serbian Academy of Sciences and Arts, Annex No 92, pp. 762-787)

1.3.18.4. The Applicant accuses Dr Radovan Karadžić of advocating the idea of a Greater Serbia (Para. 2.3.1.3 of the Memorial, p. 61). According to the political programme of the Serbian Democratic Party in Bosnia and Herzegovina, however, the Serb people was to remain living where it had lived in the past, i.e. in Yugoslavia. This programme is a legitimate political programme and has nothing to do with genocide.

1.3.18.5. The Applicant indicated that President Slobodan Milošević of the Republic of Serbia had "taken over the ideology of a Greater Serbia" (para. 2.3.1.4 of the Memorial, p. 61). This assertion is not true. It has not been substantiated by a single fact. Mention has only been made of the following excerpt from President Milošević's statement at the meeting of the Federal Presidency held on 15 January 1991:

"...we hold that every nation has an equal right to decide freely about its own destiny. Such a right can be constrained solely by the same, equal right of other nations. As far as the Serb people are concerned, it wants to live in one State. Hence, division into several States which would separate the Serb people and force it to live in different sovereign States is, from our point of view, unacceptable, that is - let me specify - out of the question."

President S. Milošević spoke about the equal rights of all nations to decide on their own destinies. He did not urge the Serb people to decide the fates of other nations. He said that the Serbian people wanted to live in a single State. Indeed, the overwhelming majority of persons belonging to the Serb people wanted to remain in the State in which they had lived before - in Yugoslavia. That is why the position of the political representative of that people whereby he rejects the proposal according to which the Serb people should be forced to live in several States is legitimate.

1.3.18.6. The attribution of a Greater Serbia ideology to the State of Yugoslavia is totally unwarranted. This is best evidenced by the Statement released by the Federal Assembly of the SFRY, on 27 April 1992 which says explicitly that the FRY has no territorial claims against any state whatsoever. (See para 3.3.1.2.) It is confirmed by Article X of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton, Ohio and signed at Paris on 14 December 1995, which reads:

"The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as sovereign independent States within their international borders."

1.3.18.7. The thesis on the conspiracy of the leadership of Serbia and the Yugoslav People's Army to destroy the SFRY in order to create a Greater Serbia, the ideological basis of which allegedly was the "Memorandum of the Serbian Academy of Sciences and Art", was also countenanced by the Prosecutor before the International tribunal for War Crimes in the "Tadić Case". The Prosecutor summoned Dr. Andrew James Gow, British historian, as an expert in the matters, who attempted to prove this thesis. Although the defence consistently stated that it was defending neither the FR of Yugoslavia nor the Republic of Srpska before the Tribunal, and that it was not concerned with the broader contest of the Case, the defence nevertheless summoned Robert McBeth Hayden, Professor of Anthropology at Pittsburgh University, whose professional work focussed primarily on law, constitutions, politics and culture in the former Yugoslavia and its successor republics. He has done research on Yugoslav law and society since 1981 and lived in that country for more than four years. He has published widely on Yugoslav law in major scholarly journals in the fields of law and social science.

1.3.18.8. In his statement Prof. Robert McBeth Hayden says:

"11. The account of the demise of Yugoslavia presented by Dr. Gow was of necessity simplified, due to the inherent problems of presenting complex histories through the processes of direct and cross examination before a tribunal. Scholarly thoroughness was not possible under these circumstances; thus Dr. Gow's testimony could not be expected to be as detailed as, for example, Dr Susan Woodward's six hundred page book *Balkan Tragedy*, which uses its first hundred pages to get the story of Yugoslavia's demise to 1989. Unfortunately, the Gow account was not only simplified, but simplistic. The main thrust of Dr. Gow's presentation seemed to be aimed at seeing a conspiracy to dismantle Yugoslavia and form a greater Serbia, stemming from the "Memorandum" of the Serbian Academy of Sciences and Arts, and incorporating the Serbian government and the Yugoslav People's Army (JNA). Yet it is grossly misleading to present actions by Serbs without reference to the corresponding actions of others.

"12. Several examples of the misleading nature of Dr Gow's simplistic reductionism on important points may be given. The Serbian 'Memorandum', for example, never adopted by the Serbian Academy and not published until pirated into a Croatian journal in 1989, should be compared with the almost exactly contemporary 'Slovenian National Program', which was published in 1987, and formed the basis for Slovenian nationalist actions. Indeed, leading

Serb intellectuals were surprised in 1985 to find that many of their Slovene colleagues had already lost faith in Yugoslavia and wanted Slovenian independence. More importantly, the provision of the 1990 Serbian Constitution that mandates action by republican authorities to counter steps taken by federal agencies or those of another republic that are contrary to the federal constitutional and detrimental to Serbia (...) cited by Dr. Gow as showing that "Serbia (was) preparing for the dissolution of Yugoslavia", cannot be viewed in isolation. In fact, that Article of the 1990 Serbian Constitution is patterned after Amendment XLVI of 1989 to the Slovenian constitution. It may have been such actions by Slovenia that Dr. Gow had in mind when he told the Foreign Affairs Committee of the House of Commons that "The Slovenes were the first to give up on Yugoslavia", a phrase discussed in Dr Gow's cross examination on the morning of 10 May. However, during the discussion of this issue during cross-examination, Dr. Gow's citation of dates was perhaps misleading, saying that the Slovenian leadership 'by the end of 1990 at the latest had decided that there was no future in the SFRY and had begun making preparations for the independence of Slovenia.' The crucial date was mid-1989, with adoption of this and other amendments to the Slovenian Constitution." (Statement of Robert McBeth Hayden, 27 August 1996, Annex No 93, pp. 788-803).

1.3.18.9. In connection with nationalism which came to the fore in the SFRY in the late 1980's, Hayden says:

"7. With the demise of the Yugoslav variant of state socialism in the late 1980s, separate nationalisms arose among the several Yugoslav peoples. 'Nationalism' in this context meant a political position of demanding that each of the 'nations' of Yugoslavia be sovereign in its own state. The success of nationalist politics in the various Yugoslav republics led to the adoption of constitutional formulations justifying each republic, except Bosnia and Herzegovina, on the struggle for self-determination of the specific nation (Slovenes, Croats, Serbs, Montenegrins, Macedonians) in the republic bearing its name and resting sovereignty primarily on that nation.

"8. These republican constitutions effectively degraded the status of those not of the titular group in each republic. Thus Amendment 43c to the Slovenian Constitution (1989) granted minority languages and cultural rights only to the 'autochthonous' Italian and Hungarian minorities in Slovenia, effectively denying such rights to the much larger minority populations from other parts of Yugoslavia, in contradiction to Arts. 154, 245 and 246 of the federal constitution. A 1990 amendment to the Constitution of Croatia removed the provision that Croatia was 'the state of Serbs in Croatia as well as the national state of Croats, rendering the Serbs a minority with,

implicitly, fewer rights than as a 'state-forming nation'." (Statement of Robert McBeth Hayden, Annex No 93)

1.3.18.10. The above is illustrated by part of a reply by James Baker, former U.S. Secretary of State, to the House International Relations Committee of the US Congress on 12 January 1995. Republican Rohrabacher asked the following question:

"You were in Belgrade in 1989, believe, as Secretary of State. Shortly thereafter, Serbians launched a major offensive against Croatia. Do you think that anything you said in Belgrade during that time period might have led them to believe that the United States would accept that as an acceptable policy of having this Serbian domination of this area?"

Mr Baker replied:

"No, absolutely not. What said, and you - it's interesting, because I'm writing a book about my years as Secretary of State, so, I've gone back and reviewed the transcript of some of those meetings. What I said was that if there were unilateral declarations of independence followed by the use of force that foreclosed possibilities for peaceful breakup, peaceful negotiation, as required again by the Helsinki Accord, that it would kick off the damnest civil war they had ever seen. And that is exactly what happened. And the fact of the matter is that it was Slovenia and Croatia who unilaterally declared independence, in the face of those kinds of warnings. They used force to seize their border posts. And that, indeed, triggered the civil conflict that -- that we suggested was going to happen. (Hearing of the House International Relations Committee, Subject: Foreign Policy, Chaired by: Rep. Benjamin A. Gilman (Rep., NY); Witness: James Baker, Former Secretary of State/ Thursday, January 12, 1995, p. 13 & 14, Annex No 94, pp. 804-805)

1.3.18.11. The same views are held by Prof. Huntington:

"The breakup of Yugoslavia began in 1991 when Slovenia and Croatia moved toward independence and pleaded with Western Europe powers for support."(Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York, 1996, p. 282, Annex No 95, p. 807)

1.3.19. Conclusions

1.3.19.1. The Respondent denies the assertions submitted in all the pleadings of the Applicant related to the alleged breaches of the obligations established by the Genocide

Convention or the attribution of these alleged breaches to the Respondent. The Applicant has not submitted valid evidence to prove its assertions regarding the alleged breaches of the obligations established by the Genocide Convention and its assertions concerning facts relevant to the attribution of the alleged breaches to the Respondent.

1.3.19.2. Muslims and Croats have not been subjected to genocide or any other act prohibited by the provisions of the Genocide Convention. The Applicant has failed to prove the existence of legal requirements provided for by the Genocide Convention without which there is no genocide.

1.3.19.3. The Applicant has failed to prove that the alleged acts were directed exclusively against members of an ethnic or religious group as such, as well as that there existed an intent without which there is no genocide.

1.3.19.4. The Respondent has not committed any act prohibited by the provisions of the Genocide Convention nor has any such act been committed on its territory. Neither can any alleged such act indicated by the Applicant be attributed to the Respondent.

1.3.19.5. At the beginning of the civil war in Bosnia and Herzegovina, the Republic of Srpska existed *de facto* as a State with effective control over its territory. The Respondent had no power or control over, or influence on the Republic of Srpska at the relevant time. No acts prohibited by the provisions of the Genocide Convention were committed on the territory of Bosnia and Herzegovina by any organization or individual under the authority, control or influence of the Respondent State.

CHAPTER II

FACTS RELEVANT TO THE ATTRIBUTION OF ACTS TO A STATE

2.1. Introduction

2.1.1.1. The Applicant's thesis that a "Greater Serbian" ideology is the cause of everything that has happened in the former Yugoslav Republic of Bosnia-Herzegovina, including the alleged genocide of Muslims, is entirely unfounded. Developments in Bosnia-Herzegovina are the result of internal factors. Events in other parts of the SFRY certainly had some influence on those developments, as well as the support of secession by some international factors. The violent secession of Slovenia, the armed revolt in the Republic of Croatia and attacks on the JNA and the Serb population in that Republic, and the civil war in that Republic certainly influenced the political position of the Serb people.

2.1.1.2. The basic cause of the negative developments in the former Yugoslav republic of Bosnia-Herzegovina is the disagreement between the three main ethnic groups, or the political parties which represented them, about the secession from the common state, the SFRY, i.e. about the status of the Serb people. This disagreement culminated in armed conflict and civil war and the creation of several separate States in the region.

2.1.1.3. The Applicant makes a series of assertions against the Respondent which are not founded on facts. For example, a statement in para. 6.3.0.2. of the Memorial (p. 258) reads: "Yugoslavia ... has established its de facto sovereignty on extensive territories belonging to the Republic of Bosnia and Herzegovina where it acts as the real ruler, either directly ... or through the so-called 'Srpska Republika' or other groups or individuals which are, in fact,

acting on its behalf." The Applicant repeats this allegation in para. 6.3.1.3. of the Memorial (p. 260).

2.1.1.4. In section 6.3.2. of the Memorial (pp. 260- 265), the Applicant repeats some groundless allegations. In para. 6.3.2.1. of the Memorial (pp. 260-261), the Applicant says that the "Serbian Republic of Bosnia - Herzegovina, subsequently "Srpska Republika", whose forces, seemingly, took over JNA and Serbian and Montenegrin police forces".

2.1.1.5. In para. 6.3.2.2. of the Memorial (p. 261), the Applicant says: "The authorities of the supposed 'new State' continued to take their orders from Belgrade; JNA continued, under a new name, its campaign of genocide not only with the aid, but under the control of, and with substantial supplies from Yugoslavia ...".

2.1.1.6. The Applicant says in para. 6.3.2.6. of the Memorial (p. 236): "It is highly significant in this respect that both Yugoslavia ... and the so-called 'Srpska Republika' behave clearly in a way indicating that the latter is not an independent State, or indeed a quasi sovereign entity of any kind. Thus, in the meetings of the International Conference on the Former Yugoslavia, the representatives of the so-called 'Srpska Republika' sit with the delegation of Yugoslavia ... In the same way, it must be noted that the Application to the I.C.J. made by Yugoslavia ... as recently as 16 March 1994, challenges the validity of the decisions taken at a meeting of the North Atlantic Council on 9 February 1994, the aim of which is to protect the territory of Bosnia and Herzegovina. This shows in the clearest way that Yugoslavia ... considers the part of Bosnia and Herzegovina it controls through the so-called 'Srpska Republika' as part of its own territory ...".

2.1.1.7. The Applicant goes further and says in para. 6.3.2.7. of the Memorial (p. 263): "It is evident from the facts that the entity which calls itself 'Srpska Republika' does not exist as a State and, indeed, has no legal existence at all."

2.1.1.8. In para. 6.3.2.7. of the Memorial (pp. 263-264), the Applicant denies that the Republic of Srpska is a State. It says that it has a territory and population "but it has neither an 'organized political authority' nor sovereignty in the meaning these words have in international law".

2.1.1.9 The Applicant continues (p. 264): "Therefore, even if the so-called Serb Republic were to exercise some sort of effective authority, this would not endow it with international legal status. It remains a surrogate of the Federal Republic of Yugoslavia."

2.1.1.10. In para. 6.3.2.9. of the Memorial (p. 265), the Applicant says: "The 'government' of this so-called 'State' is entirely in the hands of the Government in Belgrade, it has no effective power whatsoever, and no authority except by the grace of its master in Belgrade."

2.1.1.11. The Applicant concludes (p. 266 of the Memorial): "In the present case, it is clear that if so-called 'Srpska Republika' were a State and could be held as such to be the perpetrator of the crime of genocide on the territory it controls, it would nevertheless have been 'subject to the power of direction and control' of Yugoslavia ... whose responsibility would therefore be entailed." The Applicant repeats this claim in para. 6.3.3.6. of the Memorial (p. 268).

2.1.1.12. This Chapter of the Counter-Memorial demonstrates that the foregoing allegations made by the Applicant are not based on facts.

Section 1 - Facts Related to the Founding of the Republic of Srpska

2.2. Election in 1990 and Victory of National Parties

2.2.1.1. The Parliament of the Socialist Republic of Bosnia-Herzegovina adopted a Law on Civic Associations in Bosnia-Herzegovina in the first half of February 1990 (Službeni list SR BIH/ Official Gazette of the Socialist Republic of Bosnia-Herzegovina, No. 5/90, Annex No 96, pp. 808-810/811-812). This created a legal basis for the formation of political parties.

2.2.1.2. The Muslim Party of Democratic Action (hereinafter SDA), headed by Mr. Izetbegović, was formed in Sarajevo on 26 May 1990.

2.2.1.3. The Serb Democratic Party (hereinafter SDS) was formed on 27 July 1990. The leaders of this party were Dr Radovan Karadžić, Professor Dr Biljana Plavšić and the late Professor Dr

Nikola Koljević. They had not been involved in politics before the crisis began in Yugoslavia in 1990.

2.2.1.4. The third national party in Bosnia and Herzegovina is the Croatian Democratic Union (hereinafter HDZ).

2.2.1.5. The first multi-party elections in the Socialist Republic of Bosnia-Herzegovina were held on 18 and 19 November 1990. The results were published in the Official Gazette of SR Bosnia-Herzegovina, No. 42/1990, dated 19 December 1990. In addition to the three leading national parties, many other parties took part in the elections. They included the Democratic Socialist League of Bosnia-Herzegovina, the League of Reform Forces of Yugoslavia for Bosnia and Herzegovina, the Democratic League for Bosnia-Herzegovina, the Green Movement, the League of Communists - Social Democratic Party, the Muslim Bosnian Organization, the Party of Private Initiative, the Democratic Party of Mostar and Tuzla and the Serbian Renewal Movement.

2.2.1.6. The parliamentary seats were divided as follows in the SR Bosnia-Herzegovina: SDA 86, SDS 72 and HDZ 44. The distribution of the parliamentary seats was in line with the national structure of the population. The three main national parties together won 202 of the total of 240 parliamentary seats. The parties whose programmes did not stress national issues won only 38 parliamentary seats. (Izveštaj o rezultatima izbora poslanika u Vijeće gradjana Skupštine Socijalističke Republike Bosne i Hercegovine, Službeni list SR BiH/Report on the Results of the Elections of Deputies to the Chamber of Citizens of the Assembly of the SR B-H, Official Gazette of the Socialist Republic of Bosnia-Herzegovina, No. 42/90, Annex No 97, pp. 813-835/836-949; Bosnia-Herzegovina, Defence and Foreign Affairs Handbook, London, 1994, p.135, Annex No 98, pp. 950-955)

2.2.1.7. The electoral results clearly demonstrate the political position of the citizens of the former Yugoslav republic of Bosnia-Herzegovina. It is clear that the overwhelming majority of citizens voted according to their national affiliation for parties that represented their national interests.

2.2.1.8. At the first multi-party elections on 18 - 19 November 1990, the following members of the Presidency of the Socialist Republic of Bosnia and Herzegovina were elected: Fikret Abdić, (1,045,539 votes) and Alija Izetbegović (879,266 votes) as Muslims; Dr Biljana Plavšić (573,812 votes) and Dr Nikola Koljević (556,218 votes), as Serbs; Stjepan Kljujić (473,812 votes) and Franjo Boras (416,629) as Croats; and Ejup Ganić (709, 691 votes) as a Yugoslav. (Službeni list Socijalističke Republike Bosne i Hercegovine/Official

2.3. Disagreement between the Three Leading Parties about the Future Organization of Yugoslavia and Bosnia- Herzegovina in 1991

2.3.1.1. During preparations for the foundation of the SDS, its future leaders stressed two aims as being the essence of its programme: that all parts of the Serb people living in the SFRY should remain in Yugoslavia, and the maintenance and development of friendly relations with neighbouring peoples, in the first place with the Muslims. These goals were reiterated at the Constituent Assembly and later on the occasion of the founding of local SDS organizations. At the founding meeting of the SDS in Goražde all those present at the town stadium expressed their wish to continue to live within the borders of the SFRY. Speaking at the founding meeting of the SDS branch in Stolac, Mr Velibor Ostojić, chairman of the SDS Executive Council, said that a confederal organization of the SFRY would mean that the Serb people would be split among several states and rendered national minorities, which could not be accepted. Dr Karadžić repeated the same thesis at the founding meeting of the SDS branch in Mostar. (D. Marić, *Nikada nećemo prihvatiti konfederaciju /We Shall Never Accept a Confederation/* Politika, 8 October 1990, Annex No 99, p. 956/957)

2.3.1.2. A resolution of Muslim intellectuals on a sovereign Bosnia-Herzegovina was presented at a press conference held in Sarajevo on 7 January 1991, on Orthodox Christmas Day. (M. Đurić, *Objavljena rezolucija muslimanskih intelektualaca /Resolution of Muslim Intellectuals Made Public/* Politika, 8 January 1991, Annex No 100, p. 958/959) It was probably no coincidence that this statement was made precisely on Orthodox Christmas Day. It is mentioned here because some acts of genocide of the Serbs were committed on Orthodox Christian holidays during World War Two.

2.3.1.3. The position of SDA leader A. Izetbegović was presented at a press conference held in Sarajevo on 30 January 1991, when he said: "If Slovenia and Croatia secede from the present Federation, we will consider that we no longer have any authority to conduct further talks on a new Yugoslavia. We will propose that a referendum be held of all citizens of Bosnia-Herzegovina - not of individual peoples - to decide on the

independence and sovereignty of Bosnia-Herzegovina and that a decision be reached by a majority of at least two-thirds." A Declaration on the Sovereignty of Bosnia-Herzegovina was distributed to reporters on that occasion. (Referendum o samostalnosti BiH /Referendum on the Independence of B-H/ Politika, 31 January 1991, Annex No 101, p. 960/961)

2.3.1.4. In February 1991, the SDA Executive Council prepared a Draft Declaration on the Sovereign B-H and submitted it to the B-H Parliament.

2.3.1.5. On 20 February 1991 the SDS Council issued a statement saying that the SDA Declaration on the Sovereignty and Indivisibility of Bosnia-Herzegovina was unacceptable to the Serb people. The statement said that a sovereign and indivisible Bosnia-Herzegovina was only possible within the framework of the Yugoslav Federation and that the SDA Declaration denied the Serb people its right to live in one state. (Deklaracija o suverenosti BiH svodi status srpskog naroda na nacionalnu manjinu /Declaration on the Sovereignty of B-H Reduces the Serbian People to the Status of a National Minority/ Politika, 21 February 1991, Annex No 102, p. 962/963)

2.3.1.6. In reaction to the Declaration on the Sovereign B-H prepared by SDA for the B-H Parliament, five parties that were active in Banja Luka issued a joint statement saying that these acts did not respect the results of the first multi-party elections in Bosnia-Herzegovina because the SDS had won a convincing victory in communes covering 64 per cent of the territory of Bosnia-Herzegovina, which meant that the people of these areas had voted to remain within Yugoslavia. (D. Kecman, BiH nije "negde izmedju" /B-H Is Not Somewhere "In-between"/ Politika, 26 February 1991, Annex No 103, pp. 964/965-966)

2.3.1.7. The SDS branch in Sarajevo rejected the Declaration. The regional committee of SDS for North-Eastern Bosnia said in a public statement of 14 Herzegovinian communes that the Declaration was unacceptable. (M. Carić, SDS Sarajeva odbija Deklaraciju o suverenosti BiH /SDS of Sarajevo Rejects the Declaration on a Sovereign B-H/ Politika 27 February 1991, Annex No 104, p. 967/968)

The SDS Committee for Herzegovina most energetically condemned the Declaration on the State Sovereignty of Bosnia- Herzegovina as an anti-constitutional and illegal act calculated to break up Yugoslavia and as an act directed against the interests of the Serb people and their right to live in a single state. Representatives of 14 communes had agreed at a meeting in Gacko

on concrete measures to protect the Serb people and its sovereign right to live in a common homeland.

2.3.1.8. At the session of the B-H Parliament of 27 February 1991, the Draft Declaration on the Sovereign B-H proposed by SDA was reviewed. Marko Simić proposed on behalf of 20 SDS deputies that the Declaration be removed from the agenda and addressed to the Council for National Equality of B-H, as envisaged in para 10 of Amendment LXX to the Constitution of the Socialist Republic of Bosnia and Herzegovina of 1990. para 10 of Amendment LXX reads as follows:

"The Council on the Questions of the Realization of the Equality of the Peoples and Nationalities of Bosnia and Herzegovina shall be set up in the Assembly of the Socialist Republic of Bosna and Herzegovina. As members of the Council shall be elected an equal number of MPs from the ranks of the members of the peoples of Bosnia and Herzegovina - Muslims, Serbs and Croats, a corresponding number of MPs from the ranks of the members of other peoples and nationalities and others living in Bosnia and Herzegovina. The Council shall decide on the basis of agreement between the members from the ranks of all peoples and nationalities. The composition, scope and manner of work of the Council shall be regulated by the law to be adopted by a two-third majority of the overall number of MPs in the Assembly of the Socialist Republic of Bosna and Herzegovina.

"The Council shall consider in particular the questions related to: the equality of language and script; organization and activities of cultural institutions having special importance for the expression and affirmation of national characteristics of individual peoples and nationalities and the adoption of rules and regulations ensuring the realization of the constitutional provisions which expressly establish the principles of equality of peoples and nationalities.

"The Council shall necessarily consider the question of the equality of peoples and nationalities at the initiative of MPs in the Assembly of the Socialist Republic of Bosna and Herzegovina. If at least 20 MPs consider that the equality of peoples and nationalities has been violated by a proposed rules and regulations or any other act, the proposal to be decided by the Assembly of the Socialist Republic of Bosna and Herzegovina shall be determined by the Council.

"The Assembly of the Socialist Republic of Bosna and Herzegovina shall decide on the questions of interest to the realization of equality of the peoples and nationalities of Bosnia and Herzegovina at the proposal of the Council in a special procedure established by the Rules of Procedure of the Assembly of the Socialist Republic of Bosna and Herzegovina by a two-third majority

of the overall number of MPs." (Službeni list SR BiH/ Official Gazette of the SR BH, No 21/90, Annex No 105, pp. 969-970/971)

The Assembly Secretary Avdo Čampara (SDA deputy) told the Parliament that the Council for National Equality did not exist. (M.Đurić, M.Čarić, Deklaracija upućena u Savet za nacionalnu ravnopravnost /Declaration Referred to the Council for National Equality/ Politika 28 February 1991, Annex No 106, p. 972/973)

2.3.1.9. At the session of the Assembly of the Socialist Republic of Bosnia-Herzegovina, held on 27 February 1991, Alija Izetbegović said: "We would sacrifice peace for a sovereign Bosnia-Herzegovina, but would not sacrifice its sovereignty for peace." This statement greatly upset the Serb people. The Club of Serb Deputies in the B-H Assembly addressed a letter to the President of the Presidency of the Socialist Federal Republic of Yugoslavia with a request for protection, in which it is said among other things:

"We, Serb deputies in the Assembly of the Socialist Republic of Bosnia-Herzegovina, as legitimate and only representatives of the Serb people in Bosnia-Herzegovina request the federal institutions to protect our sovereign right to remain within the federal state of Yugoslavia.

"We base our right to live in the federal state of Yugoslavia on the present Constitution of Bosnia-Herzegovina, Article 1, para 2, as well as on the still existing Constitution of the Socialist Federal Republic of Yugoslavia."

The said statement of Alija Izetbegović was also condemned by the Socialist Democratic Party of Bosnia-Herzegovina rallying members of all the three peoples. (M. Čarić, SDA je konačno obelodanila svoje prave namere /SDA Has Finally Revealed Its True Intentions/ Politika, 1 March 1991, Annex No 107, p. 974/975-976; M. Čarić, Koga Izetbegović može da zastupa u Predsedništvu SFRJ /Whom Can Izetbegovic Represent in the Presidency of the SFRY/ Politika, 1 March 1991, Annex No 108, p. 977/978; D. Kecman, Frapantne metamorfoze A. Izetbegovića /The Amazing Metamorphoses of A. Izetbegovi / Politika, 1 March 1991, Annex No 109, p. 979/980)

2.3.1.10. Mass rallies were held in Banja Luka and on Mount Kozara in early March 1991 in support of the preservation of the Yugoslav Federation. About 70,000 people rallied at the meeting in Banja Luka. (Veliko interesovanje za miting na Kozari /Great Interest in the Rally on Mt. Kozara/ Politika, 3 March 1991, Annex No 110, p. 981/982; Dušan Kecman, Protiv razbijača zemlje /Against Those Breaking up the Country/ Politika, 4 March 1991, Annex No 111, p.

983/984; Dj.Djukić, Odlučna bitka za Jugoslaviju /The Decisive Battle for Yugoslavia/ Politika, 4 March 1991, Annex No 112, p. 985/986)

2.3.1.11. The SDS Regional Committee for the Bosnian Krajina protested at a press conference held in Banja Luka on 7 June 1991 against the announced referendum on Bosnia-Herzegovina's sovereignty and pledged its support for living together in Yugoslavia. (D. Kecman, Krajišnici ne priznaju nikakvu suverenu državu BiH /Krajina People Do Not Recognize Any Sovereign State of B-H/ Politika, 8 June 1991, Annex 113, p. 987/988)

2.3.1.12. Addressing a mass rally in Nevesinje on 23 June 1991, Dr Karadžić said that the Serbs would not agree to be divided by state borders. (D. Marić, Srpski narod neće dati Jugoslaviju /The Serbian People Will Not Give Yugoslavia Up/ Politika, 24 June 1991, Annex No 114, p. 989/990)

2.3.1.13. In a letter to US Secretary of State James Baker, the SDS said that it had won the support of three-quarters of the Serb people in Bosnia-Herzegovina who wished to live in a federal Yugoslavia in which parts of the Serb people would not be national minorities. (Mirko Carić, Milošević umesto Izetbegovića /Milošević Instead Izetbegović/ Politika, 25 June 1991, Annex 115, p. 991/992)

2.3.1.14. After it became obvious that the Muslims and the Croats in Bosnia-Herzegovina did not wish to remain in Yugoslavia, Dr Karadžić told a press conference held in Belgrade on 18 July 1991 that each people could leave Yugoslavia but without harming other peoples that wanted to remain in Yugoslavia. Serbian and English versions of a brochure entitled "What the Serbs Propose" were distributed at this press conference. The purpose of this brochure was to accurately present the positions of the SDS and thus oppose anti-Serb propaganda. (A.Brkić, Regije - ključ za rešenje jugoslovenske krize /Regions - the Key to the Solution of the Yugoslav Crisis/ Politika, 19 July 1991, Annex No 116, pp. 993/994)

2.3.1.15. In a statement dated 14 October 1991, the SDS said that if Croatia seceded from Yugoslavia the SDS would propose the holding at local levels (district, commune and region) and the republican level of a referendum of Bosnia-Herzegovina's three constituent peoples.

2.3.1.16. Two days later Dr Karadžić told an SDS press conference in Sarajevo that it was obvious that the Muslims and Croats in Bosnia and Herzegovina did not wish to remain in Yugoslavia. "For that reason we expect recognition of our wish to

have strong federal ties with Yugoslavia. In order to avoid a civil war the Assembly adopted principles according to which a solution acceptable to all the peoples will be sought, while no one will impose their will on others, "the SDS leader said. (M. Pešić, Nema jedinstvenog rešenja za BiH /There is No Single Solution for B-H/ Politika, 18 October 1991, Annex No 117, pp. 995/996)

2.3.1.17. Finally, on 22 December 1991, the SDS proposed a comprehensive democratic transformation of Bosnia-Herzegovina into a confederation of three ethnic communities with three parliaments. During the talks held between the three parties the SDS proposed that an integral B-H be preserved as part of the Yugoslav Federation. Realizing that the two other parties were against this, the SDS was prepared to respect the wish of Muslim and Croat representatives to "loosen" the ties with Yugoslavia or to completely secede from it. "For the sake of peace we are ready to accept B-H as a confederation with three parliaments of the three ethnic communities, functioning without any mutual disturbances. This confederation would also have some common functions, which could make it possible for B-H to be a link between Croatia and Yugoslavia. Thus, in B-H three entities, complementary or at least indifferent to each other, would be established" - said Dr R. Karadžić informing the Parliament of the Serb people of negotiations between the three ethnic communities. (Muharem Durić, Bosanskohercegovačka konfederacija /A Bosnia-Herzegovinian Confederation/ Politika, 23 December 1991, Annex No 118, pp. 997/998)

2.3.1.18. It should be said, however, that not all Muslim parties and leaders shared the position of the SDA and A. Izetbegović. The Muslim Bosniac Organization and its leader, Adil Zulfikarpašić, and the SDS and its leader, Dr Radovan Karadžić, prepared a draft agreement on Serb-Muslim relations in Bosnia-Herzegovina, which said:

"1. Aware of the problems we have inherited and those produced by political life since the elections, we have decided, in the spirit of openness and mutual respect, to work for the achievement of the historical and political interests of our two peoples. This Agreement is not aimed against anyone. It is for the benefit of all, and as such, open to all who support the principle of the common life in freedom and full equality.

"2. We consider that the basis for such life is mutual recognition of the sovereignty of peoples and the full territorial integrity of our Republic of Bosnia-Herzegovina and its constitutional and legal equality with the other republics in the common state of Yugoslavia.

"3. In our view, there is full historical justification for Yugoslavia as a common state of completely equal peoples and we shall work for the preservation and development of such a community.

"4. We are agreed that Bosnia-Herzegovina should be a legally and politically united and a democratic federal unit with appropriate powers in all parts of its territory, on condition that the federal constitution and legislation form the basis of the country's system and guarantee the equality of citizens, peoples and republics.

"5. We express our interest in the Croats of Bosnia-Herzegovina living with us in full equality and we call upon them to accede to this Agreement. Regardless of the position of the Republic of Croatia, in or outside Yugoslavia, the Croats in Bosnia-Herzegovina are a completely equal people.

"6. Relations between citizens, peoples and republics in Yugoslavia shall be regulated by a common constitution embodying European standards.

"7. We are aware that this Agreement constitutes only a political and historical basis for our durable common life in peace. However, such a political accord makes it possible to seek the most constructive and rational solutions for the work of common federal bodies and their functions: monetary system, single market, single armed force and foreign affairs.

"8. We also consider that the optimal Yugoslav community is one comprising all six republics and all the peoples who originally constituted this community. Those peoples and republics who wish to withdraw from this community should do so by agreement and guarantee the real interests of each of the other members." (Focus SI/92, pp. 118-119, Annex No 119, pp. 999/1000)

2.3.1.19. However, radical Muslim groups hindered these efforts with their persistent attacks on the Muslim Bosniac Organization (Muharem Durić, *Zajednički život u zajedničkoj državi /Joint Life in a Joint State/ Politika*, 31 July 1991, Annex No 120, pp. 1001/1002-1004)

2.3.1.20. The representatives of the Muslim-Bosniac Organization were exposed to great pressure and open threats by radical Muslim groups in SDA, which prevented the conclusion of the agreement. (M.Carić, *Propao pokušaj SDA da minira sporazum /Attempt of the Party of Democratic Action to Undermine the Agreement Failed/ Politika*, 2 September 1991, Annex No 121, pp. 1005/1006-1007; P.Simić, *Srpsko-muslimanski sporazum pod informativnom blokadom /Serb-Muslim Agreement under an Information Blockade/ Politika*, 11 August 1991, Annex No 122, pp. 1008/1009)

2.3.1.21. In addition to this, a rift occurred between A. Izetbegović and the leader of the Muslims in Western Bosnia, Fikret Abdić, at the SDA Conference held in Sarajevo on 1 December 1991. The latter said that in important things it was wrong to act against the interest of not only the Muslim people but also the other peoples of Bosnia-Herzegovina and opposed the absolute power of A. Izetbegović. (Muharem Durić, Abdićeve zamerke Izetbegoviću /What Does Abdić Hold against Izetbegović/Politika, 2 December 1991, Annex No 123, pp. 1010/1011-1012). F. Abdić had before that received more votes than A. Izetbegović in the presidential elections, but had ceded the Presidency to the latter. F. Abdić later broke entirely with A. Izetbegović, particularly after the formation of the Muslim Autonomous Province of Western Bosnia and the conclusion of a treaty on peace and cooperation with the Republic of Srpska. This conflict culminated when A. Izetbegović's forces (The Fifth Corps in Bihać) defeated F. Abdić's forces in Western Bosnia, which resulted A. Izetbegović's forces terrorizing the civilian Muslim population in that region, particularly the town of Velika Kladuša, and in the escape of about 60,000 Muslims from that region to the Republic of Serbian Krajina at the end of August 1994. After consolidating his forces, Abdić regained the lost territory and Muslim refugees returned to the area. However, in 1996 his forces were definitely defeated by a coalition of Muslim and Croat forces.

2.4. The Process of State Organization of the Serb People in Bosnia and Herzegovina

2.4.1.1. In reaction to the first signals coming from Muslim and Croat political organizations on the possible secession of the Socialist Republic of Bosnia-Herzegovina from the SFRY, the Serb people in Bosnia-Herzegovina set up a number of Serb autonomous regions during 1991: Bosnian Krajina, Romanija, Herzegovina, Semberija and Northern Bosnia. They showed in this way that they would not be willing to remain in an independent Bosnia and Herzegovina.

2.4.1.2. After the session of the Assembly of the Socialist Republic of Bosnia and Herzegovina with an insufficient number of deputies present on 14 October 1991, when the Memorandum and the Platform were adopted which started the illegal secession of Socialist Republic of Bosnia and Herzegovina from Yugoslavia, and as reaction to this act, the SDS and the Serbian Renewal Movement (SPO) clubs in the Bosnia-Herzegovina parliament, as the legitimate representatives of the Serb people in Bosnia-Herzegovina, decided at

a meeting held on 24 October 1991 to found an assembly of the Serb people in Bosnia-Herzegovina, on the basis of the constitutional right to self-determination. (Odluka o osnivanju Skupštine srpskog naroda u bosni i Hercegovini/Decision on the Establishment of the Assembly of the Serb People in B-H, Annex No 124, pp. 1013-1015/1016-1017)

2.4.1.3. At its session of 24 October 1991, the assembly of the Serb people in Bosnia-Herzegovina, acting on the basis of the constitutional right to self-determination, adopted a decision that the Serb people in Bosnia-Herzegovina would remain in the common state of Yugoslavia. (Decision of the Serb People of B-H to Remain in the Common State of Yugoslavia, Annex No 125, pp. 1018-1019/1020)

2.4.1.4. The Assembly of the Serb people in Bosnia-Herzegovina organized a plebiscite of the Serb people in Bosnia-Herzegovina on 9 and 10 November 1991. 1,162,032 Serbs and 48,895 non-Serbs voted in favour of remaining in Yugoslavia (Muharem Durić, *Bosna ostaje u Jugoslaviji /Bosnia Remains in Yugoslavia/ Politika*, 13 November 1991, Annex No 126, p. 1021/1022; *Bosnia-Herzegovina, Defence and Foreign Affairs Handbook*, London, 1994, Annex No 98)

2.4.1.5. As the Government and Presidency of the Republic of Bosnia and Herzegovina, by a majority of votes and contrary to the will of representatives of the Serb people, decided on 20 December 1991 to submit to the Ministerial Conference of the European Communities a request for international recognition of Bosnia and Herzegovina as an independent state, the Assembly of the Serb people in Bosnia-Herzegovina adopted a Declaration on the proclamation of the Republic of the Serb People in Bosnia-Herzegovina on 9 January 1992. The Declaration states:

"On the basis of the plebiscite of 9 and 10 November 1991 at which Serbs voted in favour of remaining in the common state of Yugoslavia, the Republic of the Serb People in Bosnia-Herzegovina is founded and proclaimed in the territories of the Serb autonomous regions and areas and other Serb ethnic territories in Bosnia-Herzegovina, including those areas in which the Serb people became a minority in World War Two." (Declaration on the Proclamation of the Republic of the Serb People of B-H, Annex No 127, pp. 1023-1029/1030-1034)

2.4.1.6. The Assembly of the Serb people in Bosnia-Herzegovina adopted the Constitution of the Bosnian Serb Republic on 28 February 1992. It was done one day before the referendum for independent and sovereign Bosnia and Herzegovina,

organized by the Assembly of that Republic contrary to the relevant constitutional rules and the will of representatives of the Serb people in the Assembly. (Decision on the Promulgation of the Constitution of the Serb Republic of B-H and The Constitution of the Republic of Srpska, Annex No 128, pp. 1035-1039/1040-1043)

2.4.1.7. On the same day, 28 February 1992, the Assembly of the Serb people in Bosnia and Herzegovina adopted the Law on people's Defence and the Law on Internal Affairs.

2.4.1.8. The Assembly of the Serb people in Bosnia and Herzegovina established, on 27 March 1992, the National Security Council with powers related to the security of the Serb people in Bosnia and Herzegovina.

2.4.1.9. The Bosnian Serb Republic founded its Army on 13 May 1992 and appointed General Ratko Mladić its Commander. According to Article 106 of the Constitution of the Bosnian Serb Republic, the Commander-in-Chief was the President of the Republic, Dr Radovan Karadžić. (Report of the Secretary General, para. 2. S/24049, 30 May 1992, Annex No 129, pp. 1044-1048)

According to the Applicant "General Ratko Mladić ... had been appointed as commander of the Serbian Army in Bosnia and Herzegovina on 9 May". (Memorial, para. 2.3.6.4, p. 79)

2.4.1.10. The Assembly of the Serb people in Bosnia-Herzegovina adopted a declaration on the state and political organization of the Bosnian Serb Republic, which defined the name of the state as the "Republic of Srpska".

2.4.1.11. Annex II of the Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to para.14 of Commission resolution 1992/S-1/1 of 14 August 1992 (E/CN.4/1992/S-1/9, 28 August 1992, p.18, Annex No 130, pp. 1050) states:

"Most observers agree that the 'Serbian Republic of Bosnia-Herzegovina', unrecognized government proclaimed when Bosnia-Herzegovina declared its independence from Yugoslavia against the wishes of the Serbian population, controls between 50 and 70 percent of the territory. The headquarters of the 'Serbian Republic of Bosnia-Herzegovina' is located in the city of Pale, a short distance from Sarajevo, the besieged capital of Bosnia-Herzegovina. It is comprised of four 'autonomous regions', one of which, Banja Luka, was visited by the Special Rapporteur..." .

2.4.1.12. This report clearly describes the existence of an unrecognized but independent State.

2.4.1.13. The Security Council indirectly recognized the existence of the Bosnian Serb Republic when it applied against it measures under Chapter VII of the Charter of the United Nations in Resolution 942 (1994), dated 23 September 1994 (United Nations Security Council Resolution 942 (1994) Annex No 131, pp. 1052). Like many previous resolutions, this resolution described the Bosnian Serb Republic as "the Bosnian Serb party". Paragraph 14 of the Resolution states:

"Decides that States shall prevent the entry into their territories of:

"(a) the members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia-Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces...".

The Security Council recognized the existence of authorities, including legislative authorities, and also military forces, as well as the fact that the latter controlled a territory, which are preconditions for the existence of a State.

2.4.1.14. By concluding many agreements with the Bosnian Serb side, starting on 11 April 1992, the Applicant recognized the former as a party to the conflict (a warring party).

2.4.1.15. The Bosnian Serb Republic was one of the participants in the Conference on Yugoslavia.

2.5. Recognition of Republic of Srpska as a Party to the Conflict

2.5.1.1. On 11 April, 1992, Radovan Karadžić, the President of the Serbian Democratic Party, Alija Izetbegović, the President of the Party of Democratic Action and Miljenko Brkić, the President of the Croatian Democratic Union signed the Sarajevo Declaration on the Humanitarian Treatment of Displaced Persons. (S/23836 p. 12, Annex No 132, pp. 1053-1054)

2.5.1.2. Agreements on immediate cease-fire were signed on 12 April and again on 23 April 1992 by the leaders of the three sides

(Karadžić, Izetbegović and Brkić), with the mediation of the European Community. The Bosnian-Herzegovinian Cease-Fire Agreement of 12 April, 1992 reads as follows:

"The leaders of the three main parties of Bosnia and Herzegovina, aware of the extremely serious situation now prevailing in the territory of Bosnia and Herzegovina;

"Solemnly agree:

- To declare an immediate and total cease-fire on all the territory of Bosnia and Herzegovina, starting on Sunday, 12 April at midnight.

- To stop all activities that can provoke fear and instability among the population like the action of snipers and the bombardment of Sarajevo and other towns and villages. All house searches, barricades and general arbitrary actions of all kinds should stop immediately.

- All threatening artillery should be removed under the control of the EC Monitors simultaneously with the suspension of all mobilization. These two actions should start within 24 hours of the cease-fire.

- To disband all irregular armed forces, in accordance with an agreed timetable, this will be conducted under the supervision and control of the EC Monitors.

- To start in the most urgent way work on defining the areas of the future constituent units of Bosnia and Herzegovina.

- In this context the three main parties reaffirm their opposition to any territorial gain by force and agree on the right of return for the refugees, without adverse consequences in respect of employment or otherwise. The three parties agree that all parties should have equal access to television." (S/23836, p. 11, Annex No 133, pp. 1055)

With this Agreement, the three parties recognized to one another the status of warring parties and confirmed control over their armed forces and combat operations. The Agreement also points to the main controversial issue among the parties: the future State organization, i.e. "defining the areas of the future constituent units of Bosnia and Herzegovina". The Agreement testifies to the dissatisfaction of the Serb side over the lack of access to Sarajevo Television.

2.5.1.3. The three sides concluded in Sarajevo the Agreement of 5 June 1992 on the Reopening of Sarajevo Airport for Humanitarian Purposes. (S/24075, Annex No 134, pp. 1056-1057)

2.5.1.4. The three sides signed on 17 July, 1992 an Agreement in London in which they agreed to place heavy weapons of all the three sides under the control of UN observers. (S/24305, Annex No 135, p. 1059)

2.5.1.5. Further Report of the Secretary-General Pursuant to Security Council Resolution 743 (1992) states:

"On the basis of agreements reached with the three Bosnia and Herzegovina parties in Geneva, UNPROFOR has succeeded in setting up a Mixed Military Working Group (MMWG), which held its first meeting in Sarajevo on 23 October 1992. The MMWG is now chaired by the Chief of Staff of BHC and consists of representatives of the three parties (the Presidency of Bosnia and Herzegovina, Bosnian Croats and Bosnian Serbs). This is the first time that the parties have agreed to tripartite meetings in Sarajevo to address major issues of concern. The MMWG has held six meetings so far. Further meetings are to be held every three or four days. The subjects primarily addressed by the MMWG so far have been (a) demilitarization of parts or all of Sarajevo, (b) opening of routes within and to Sarajevo, and (c) establishment of a cease-fire in specified areas or all of Bosnia and Herzegovina. At the sixth meeting on 10 November 1992, the three sides agreed to and signed a cease-fire for all of Bosnia and Herzegovina to be effective at midnight 11/12 November 1992." (S/24848, para. 38, pp. 12, 13, Annex No 136, pp. 1061-1062)

2.5.1.6. The three sides in Bosnia and Herzegovina signed on 30 January 1993, the nine constitutional principles on the basis of which a new Constitution for Bosnia and Herzegovina was to be drafted. The three sides also signed, the Agreement for Peace in Bosnia and Herzegovina related to the cessation of hostilities; the restoration of infrastructure; the opening of routes; the separation of forces; the demilitarization of Sarajevo; the monitoring of borders; and the return of forces to designated provinces. This Agreement was signed by R. Karadžić, A. Izetbegović and M. Boban, as the representatives of the parties to the Agreement and C. R. Vance and D. Owen as witnesses (S/25403, 12 March 1993, annexes I to III, Annex No 137, pp. 1063-1068)

2.5.1.7. The Report of the Secretary-General on the Activities of the International Conference on Former Yugoslavia: Peace Talks on Bosnia and Herzegovina of 26 March 1993 states:

"The Bosnian Serb side, which remained involved in the talks regarding interim governmental agreement and the revised map of provincial boundaries, was invited to sign them at a plenary session

of the talks held on 25 March, but declined to do so. It stated, however, that it would refer these documents to its assembly for its consideration and decision. The Co-Chairmen encouraged it to do so and to act promptly.

(.....)

The Bosnian Serb side openly admitted to the Co-Chairmen that as far as they are concerned the independent State of Bosnia and Herzegovina has never existed and does not exist. It did not disguise the fact that it considers that it is being forced by the international community to live within Bosnia and Herzegovina against its wishes. That being the case, it wished to retain as much of its present "Republic of Srpska" as possible and to restrict the functions of the central governmental institutions of Bosnia and Herzegovina to a minimum. Notwithstanding the fact that it signed the nine Constitutional Principles on 30 January 1993, it continues to argue for Bosnia and Herzegovina to be divided into what would effectively be three separate States. It takes the view that the Constitutional principles are relevant only to the drafting of a new constitution and are not applicable for the interim period. Its position, for all practical purposes, amounts to a strategy of continuing its "Republic of Srpska" by merging the three provinces in which it would have a majority and which it continues to argue should be contiguous on the map and linked in all aspects of government." (S/25479, 26 March 1993, paras. 14, 17, pp. 4, 5, Annex No 138, pp. 1069-1070)

2.5.1.8. General Ratko Mladić, Commander of the Republic of Srpska Army, and general Sefer Halilović, Commander of the Army of the Republic of Bosnia and Herzegovina signed on 18 April, 1993 the Agreement for the demilitarization of Srebrenica which provided for : "The opening of an air corridor between Tuzla and Srebrenica via Zvornik for the evacuation of the seriously wounded and seriously ill", as well as that "Humanitarian aid will continue to be allowed into the city as planned." (Agreement for the Demilitarization of Srebrenica, Sarajevo, 18 April 1993, S/25700, pp. 15-16, Annex 19)

2.5.1.9. The army commanders of the three parties (Gen. R. Mladić, Gen. Rasim Delić and Gen. M. Petković) signed on 30 July, 1993 the Agreement on the Complete Cessation of All Combat Activities. (S/26233, pp. 9-10, Annex No 139, pp. 1071-1072)

2.5.1.10. The military commanders of the three sides signed on 11 August, 1993 the Military Agreement for Peace in Bosnia and Herzegovina. This Agreement included the restoration of infrastructure as well as ensurance of the freedom of movement. (Agreement on the Termination of the Conflict, S/26260, p. 29, Annex No 140, p.1073)

2.5.1.11. The army commanders of the Republic of Srpska and of the Muslim forces signed on 31 December, 1994 the Agreement on Complete Cessation of Hostilities. During the first days of January this Agreement was also signed by the army commanders of the forces of Herzeg Bosnia and the forces of the Autonomous Province of the Western Bosnia. Para 6 of this Agreement reads: "The parties agree to comply immediately and fully with existing agreements including the June 5, 1992 Sarajevo Airport Agreement, the April 24, 1993 Srebrenica Agreement, the May 8, 1993 Srebrenica and Žepa Agreement, the August 14, 1993 Mt. Igman DMZ Agreement, the February 9, 1994 Sarajevo Airport Agreement, the March 17, 1994 Agreement regarding the civilian traffic across the Sarajevo Airport, the April 23, 1994 Goražde Agreement and the August 14, 1994 Anti-sniping Agreement." (S/1995/8, para. 6, pp. 4, 5, Annex No 141. p. 1074)

2.5.1.12. The said agreements confirm that the parties mutually recognized each other the status of a party to the conflict.

2.6. Independence of the Republic of Srpska

2.6.1.1. There are convincing signs and manifestations of the independence of the Republic of Srpska. Very early sign of the independence of military forces of the Republic of Srpska is indicated by the the Report of the Secretary-General pursuant to paragraph 4 of Security Council Resolution 752 (1992) of 30 May 1992. (S/24049).

2.6.1.2. In connection with the withdrawal of the Yugoslav People's Army from Bosnia and Herzegovina and the control of the army of the Republic of Srpska, the Report of the Secretary-General pursuant to paragraph 4 of Security Council Resolution 752 (1992) of May 30 1992. (S/24049) contains the following:

"8. Uncertainty about who exercises political control over the Serb forces in Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina Presidency had initially been reluctant to engage in talks on these and other issues with the leadership of the 'Serbian Republic of Bosnia and Herzegovina' and insisted upon direct talks with the Belgrade authorities instead. A senior JNA representative from Belgrade, General Nedeljko Bošković, has conducted discussions with the Bosnia and Herzegovina Presidency, but it has become clear that his word is not binding on the commander of the army of the "Serbian Republic of Bosnia and Herzegovina", General Mladić. Indeed, as indicated in paragraph 6 (b) above, Serb irregulars attacked a JNA convoy withdrawing from a barracks at Sarajevo on 28 May under arrangements negotiated by

General Bošković. It also appears that the heavy shelling of Sarajevo on the night of 28/29 May took place on the orders of General Mladić in direct contravention of instructions issued by General Bošković and the JNA leadership in Belgrade.

"9. Given the doubts that now exist about the ability of the authorities in Belgrade to influence General Mladić, who has left JNA, efforts have been made by UNPROFOR to appeal to him directly as well as through the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'. As a result of these efforts General Mladić agreed on 30 May 1992 to stop the bombardment of Sarajevo. While it is my hope that the shelling of the city will not be resumed, it is also clear that the emergence of General Mladić and the forces under his command as independent actors apparently beyond of JNA greatly complicates the issue raised in paragraph 4 of Security Council resolution 752 (1992). President Izetbegović has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladić but not with the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'." (S/24049, pp. 2-4, Annex No 129) (underlined by the Respondent)

2.6.1.3. The Report of the Secretary-General pursuant to paragraph 4 of Security Council Resolution 752 (1992) of 30 May 1992. (S/24049) is very clear about "the emergence of General Mladić and the forces under his command as independent actors apparently beyond of JNA". The Republic of Srpska has manifested its independence in radical way by refusing to accept the Vance-Owen Peace Plan.

2.6.1.4. The Presidents of the FR of Yugoslavia, the Republic of Serbia and the Republic of Montenegro, (D. Čosić, S. Milošević and M. Bulatović sent on 24 April 1993 a message to the delegates of the Assembly of the Republic of Srpska concerning the acceptance of the Vance-Owen Peace Plan, requesting them to accept the Peace Plan. (The text of the message is reproduced below in para 3.5.1.1. of the Counter-Memorial)

2.6.1.5. At the session of the Assembly of the Republic of Srpska in Bijeljina on 25 April 1993, the President of the FRY, Mr Čosić, the President of the Republic of Serbia, Mr. Milošević and the President of the Republic of Montenegro, Mr. Bulatović, requested the Assembly to accept the Vance-Owen Plan. The Assembly, however, rejected the Plan. (Plan nije prihvaćen, sankcije pooštrene /Plan Not Accepted, Sanctions Tightened/ Politika 27 April, 1993, Annex No 142, pp. 1076-1083).

2.6.1.6. The National Assembly of Serbia made an appeal to the Assembly of the Republic of Srpska to accept the Vance-Owen Plan. (I.P. Apel Skupštini RS da preispita odluku o planu Vensa i Ovena /Appeal to the Parliament of the Serb Republic to Reconsider its Decision on the Vance - Owen Plan/ Politika, 29 April, 1993, Annex No 143, pp. 1084-1085).

2.6.1.7. After the meeting between the President of the Republic of Serbia, Mr.Milošević, the President of the Republic of Srpska, Mr. Karadžić, and the President of the Assembly of the Republic of Srpska, Mr. Krajišnik, the decision was made for the Assembly of the Republic of Srpska to meet again on 5 May 1993, to reconsider the Plan in the light of the new circumstances related to the specification of the status of the corridors which link parts of the Republic of Srpska in eastern and western Bosnia. (Skupština Republike Srpske ponovo 5. maja /Assembly of the Bosnian Serb Republic Reconvenes on 5 May /Politika 30 April, 1993, Annex No 144. pp. 1086/1087).

2.6.1.8. The Assembly of the Republic of Srpska met at Pale on 5 May 1993. The President of the FRY, Mr.Ćosić, the President of the Republic of Serbia, Mr.Milošević and the President of the Republic of Montenegro, Mr. Bulatović, the President of the Republic of Srpska, Mr. Karadžić, as well as the Prime Minister of Greece, Mr. Mitsotakis, recommended the endorsement of the Plan and made an effort to reassure the delegates to accept it. The Assembly, however, decided to announce a referendum on 15 and 16 May 1993, at which the citizens of the Republic of Srpska would directly express their opinion on the Peace Plan. (Nije prihvaćen mirovni plan Vensa i Ovena za BiH /Vance - Owen Peace Plan for Bosnia-Herzegovina Not Accepted / Politika, 6 May 1993, Annex No 145, pp. 1088/1089).

2.6.1.9. The Security Council by its Resolution 820 (1993) of 17 April 1993:

"Decides that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks"...

2.6.1.10. The message addressed to the Republic of Srpska was extremely clear. If within the fixed time-limit the Republic of Srpska fails to not accept the Vance-Owen Peace Plan, the most severe measures ever ordered by the Security Council will be

introduced against the FR of Yugoslavia, the Republic of Srpska and the Republic of Srpska Krajina. In spite of this, the organs of the Republic of Srpska refused to accept the said Plan and the measures of the Security Council were imposed.

2.6.1.11. Is it possible that anyone may have any doubt whether the FR of Yugoslavia has done all in its power to persuade the Republic of Srpska to accept the Vance-Owen Peace Plan. However, the Republic of Srpska refused. Could be a clearer manifestation of the independence of the Republic of Srpska? The theory of the Applicant to the effect of the Republic of Srpska being "agents and surrogates" of the Respondent is not grounded on facts and is unreasonable.

2.7. Recognition of the Legitimacy and Legality of Creation of the Republic of Srpska

2.7.1.1. The Republic of Bosnia and Herzegovina and the international community have recognized the legitimacy and legality of creation of the Republic of Srpska. By the Constitution of Bosnia and Herzegovina, contained in Annex 4 to the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton (Ohio) on 21 November 1995 and signed at Paris on 14. decembra 1995, the Serbs, the Muslims and the Croats are qualified as the constitutive peoples of Bosnia and Herzegovina. It satisfied the demand of the Serbs not to be an ethnical or religious minority in Bosnia and Herzegovina. (the Muslims changed their name into Bosniacs). (General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 4, A/50/790, S/1995/999, Annex No 146, pp. 1090-1106)

2.7.1.2. Para 3 of Article I of the Constitution provides for:

"Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska..."

The Republic of Srpska is recognized explicitly as a separate entity.

2.7.1.3. According to para 2 of Annex to the said General Framework Agreement:

"All laws, regulations, and judicial rules of procedure in effect within the territory of Bosnia and Herzegovina when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina."

2.7.1.4. According to para. 1 of Article III of the Constitution of Bosnia and Herzegovina "the following matters are the responsibility of institutions of Bosnia and Herzegovina: a) Foreign policy, b) Foreign trade policy, c) Customs policy, d) Monetary policy as provided in Article VII, e) Finances of the institutions and for the international obligations of Bosnia and Herzegovina, f) Immigration, refugee, and asylum policy and regulations, g) International and inter-Entity criminal law enforcement, including relations with Interpol, h) Establishment and operation of common and international communications facilities, i) Regulation of inter-Entity transportation, j) Air traffic control.

And "all governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities."

2.7.1.5. The entities have gained broad competences which is an essential condition for the entities to ensure their safe political, economic and cultural development. Each entity has preserved its armed forces and police. Besides, "the Entities shall have the right to establish special parallel relationships with neighboring States consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina."(para. 2(b) of Article III of the Constitution).

2.7.1.6. In this a way all the basic political demands of the Serbs in Bosnia and Herzegovina have been met. The Serb Democratic Party of Bosnia and Herzegovina set out very similar requests at the end of 1991. Had they been agreed to other two parties at that time, as it was the case in Dayton (Ohio), the civil war would be averted.

2.7.1.7. By Para. 1 of Article III of the Agreement on the Military Aspects of the Peace Settlement, contained in Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina, provides for:

"All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and military subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days." (General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1-A, Article 3, A/50/790, S/1995/999, Annex No 147, p. 1108)

2.7.1.8. By this provision the legitimacy and legality of the military forces of the Republic of Srpska, formed in May 1992 has

been accepted. Invoking this provision some foreign governments requested the withdrawal of the Islamic holy warriors - mujaheddins from Bosnia and Herzegovina. Nobody asked that the JNA or the Yugoslav Army should be withdrawn from Bosnia and Herzegovina by the simple reason: there were no units or members of the Yugoslav Army on the territory of Bosnia and Herzegovina.

Section 2 Reasons Underlying the Founding of the Republic of Srpska

2.8. The anxiety of the Serbs Coused by the Strengthening of Elements of Radical Islamism in Bosnia and Herzegovina

2.8.1.1. The Muslim Party of Democratic Action (hereinafter: SDA) was founded in Sarajevo on 26 May 1990. The founders of the Party were, among others Alija Izetbegović, Omer Behmen, Hasan Čengić, Edhem Bičakčić, Husein Živalj and Ismet Kasumagić. All these gentleman were sentenced by the competent court in Sarajevo for their illegal activities associated with preparations for the transformation of civil society of Bosnia and Herzegovina into religious Islamic society, which was in contradiction with the Constitution of the SFRY.

2.8.1.2. On 14 March 1994, the Supreme Court of Bosnia and Herzegovina, adjudicating on the appeals of the accused, pronounced guilty and sentenced Alija Izetbegović, Omer Behmen, Hasan Čengić, Ismet Kasumagić, Ehem Bičakčić, Huso Živalj, Salih Behmen, Mustafa Spahić, Džemal Latić, Melika Salihbegović and Derviš Djurdjević. the Supreme Court pronounced Alija Izetbegović and Omer Behmen guilty of:

"At the beginning of 1974, after having discussed on several occasions in the previous years the need for engagement on the realization of the Islamic revival and Islamization of Muslim in out country, and on choosing the most suitable way of their achievement, they agreed that these objectives should be first elucidated with written word, with texts that would win over a wider circle of people to the cause and get them to take part in joint activity; also, after Alija Izetbegović - taking into account the suggestions and remarks of Omer Behmen - drew up the text of the "Islamic Declaration" considering that such a text, in the form of a call or manifesto, would

be the most efficient way of awaking the Islamic consciousness of individuals and that it would encourage the process of Islamic revival as they understood it - at presented the text of the "Islamic Declaration" to Omer Behmen, Hasib Branković and Ešref Avdagić, in the "Preface" of which it is pointed out that it (the Declaration) is addressed to Muslim who know where they belong and who strongly feel in their heart which side they are on; That the "Declaration" constitutes a call on them to draw necessary conclusions as to the obligations deriving from this devotion and affiliation; also, that the new element in the Declaration is the appeal to pass from ideas to organized actions for their realization; in the final text of the "Declaration", "Islamization of Muslim" is pointed out as its goal and "Believe and fight" as its motto; the creation and rallying of a new intelligentsia is stressed as the only way out of the present situation for Muslim; it is raised the flat of Islamic order and, together with Muslim masses, initiated action for its realization; the following is set forth as the basis of the Islamic order and revival.

"- History knows of no fundamental movement that was not a political movement at the same time. The reason for that is that Islam is a religion but also a philosophy, an ethic, a milieu, in a nutshell, a way of life".

"- The Islamic order is a unity of faith and politics".

"- The first and the most important conclusions is definitely the one about the incompatibility of Islam and non-Islamic systems. there can be no peace or coexistence between Islamic faith and non-Islamic social and political institutions".

"- Claiming for itself the right to regulate its own world, Islam clearly rules out any right or possibility of action of any foreign ideology on its turf. Consequently, there is no room for the laic principle and the State should be an expression of the moral concepts of religion and supportive of them".

"- Islam cannot accept the division and grouping of people according to external, objective criteria such as the class criterion".

"- Islam order is a unity of faith and the socio-political system".

"- Islamic revival cannot be initiated without a religious revolution just as it cannot be continued and successfully completed without a political revolution".

"- In our religious rebirth means "Islamization" of the people regarding themselves Muslim or those who are regarded so by others".

"- Emphasizing as a priority religious and moral revival does not imply nor can it be interpreted to imply that Islamic order can be achieved without Islamic rule. This stand only means that our road does not proceed from the conquering of power, but rather from the conquering of people, and that Islamic revival is primarily a revolution

in the field of education and only after that in the field of politics. Therefore, we must be preachers first and then soldiers".

"- The Islamic movement should and can proceed to the taking over of power as soon as it is morally and numerically strong enough not only to overthrow the existing, non-Islamic rule, but also to develop a new Islamic rule".

"- Under the present circumstances this aspiration means the creation of a large Islamic federation... this vision upsets the kind of people around us who call or regard themselves as realists but that is one more reason for us to accentuate our goal even more clearly and strongly".

"- Who will carry out this transformation and how".

"- The young generation will be able to carry out its task of transformation only if its aspirations and idealism assume the shape of an organized movement in which enthusiasm and individual virtues will go hand in hand with methods of coordinated and concerted taking of action. The establishment of this movement with a sole basic objective and programme has proven an indispensable precondition and a starting point for the revival of any Muslim country. This movement will rally the qualified, educate the unqualified, bring up and call on, define the objectives and find ways and means of attaining them. It will bring life, thought and action wherever it takes root. It will become the conscience and willpower of a world awoken after a long and deep sleep".

"- Addressing this message to all the Muslims the world over, we point out clearly that there is no promised land, nor any magicians nor mehdīs. There is only one path, the path of work, struggle and sacrifice".

"- this text of the "Declaration" - with the aim of counter-revolutionary endangerment of the social order of the SFRY, and with the intention of creating a group of like-minded persons in the country in order to bring the social system into jeopardy through counter-revolution in accordance with the manner and goals expounded in the "Declaration" - was circulated in the period from 1976 to 1983 to a considerable number of Muslim intellectuals in Bosnia and Herzegovina for reading and use.

(.....)

"- In the summer of 1981 in Sarajevo, they had agreed that Omer Behmen should draw up a text addressing the question of "Muslims in Yugoslavia", which was to serve as a basis for the preparation of a book at a later stage. Omer Behmen wrote such a draft entitled "Muslims in Yugoslavia" and, at the request of Alija Izetbegović ... gave him the text, whereupon Alija Izetbegović considerably amended it..., so that, in the text, "Muslims in Yugoslavia" pointed out... that the Muslims in Yugoslavia regard the Islamic revolution in Iran as their own and as the beginning of a genuine revival, as well as that this attitude determines who is a

true Muslim; they particularly pointed out that the victory of Iran and the Islamic revolution in the Iran -Iraq war and the overthrow of the corrupt regimes in neighbouring countries would constitute a great encouragement to the Muslims in Yugoslavia, that in this way they would turn a new page of their history".

"- In the period from 1978 to 19781 in Sarajevo, they contacted several times Hasan Čengić, student of the Islamic theological Faculty and head of the Tabački mescit debating club, supplied him with the texts for the preparation of lectures and discussion in the Tabački mescit; Omer Behmen gave him the "Islamic Declaration" for reading and Alija Izetbegović, in conversation on a number of occasions, drew his attention to the possibility of Islamic revival in our country"...

"- On 2 December 1982, after Edhem Bičakčić accepted in November the proposal of Omer Behmen to travel to a foreign country with a group, he and Alija Izetbegović left for Vienna where they planned to contact the embassy of that foreign country and agree on the timing and details of a secret trip of a group of Muslim nationalists-intellectuals from Bosnia and Herzegovina to that foreign country, at the expense of the embassy of that country in Vienna...

"- Omer Behmen, Ismet Kasumagić, Hasan Čengić, Edhem Bičakčić and Huso Živalj...

"In the period from 2 to 14 January 1983, during the stay in that foreign country, in contacts with the representatives of its authorities, with revolution acitivists and the guests of the Congress of Unification of the "Shiites and Sunnites", they misrepresented the status of the Muslims in the SFRY claiming that believers were in an unequal position; on 7 January 1983, preparing for a meeting with the official representative of that foreign country in the hotel room of Omer Behmen in the capital of that foreign country, they agreed about the contents of their meeting with him, i.e. Omer Behmen was of the opinion that it was essential to initiate the conversation by expressing their interest in being familiarized with the view of the government of that foreign country of its embassy in Vienna; Ismet Kasumagić pointed out that they should tell that representative that, in developing economic cooperation with the SFRY, his government should request that work organizations from Bosnia and Herzegovina should be included and that these work organizations should be selected because they employ large numbers of Muslims in our country and that, in this regard, oil could also be used by that country as a suitable means in the realization of that goal...

"Alija Izetbegović

"From the beginning of 1979 to 1983 and, in particular in the course of 1982 in Sarajevo, on the occasion of meeting in the street, in the work organization and on the occasion of social calls, pointed out several times to Ismet Serdarević that it was necessary to work

on creating conditions for Bosnia and Herzegovina to become an Islamic republic with Islamic laws in the future...

"Hasan Čengić

"In the period from 1979 to May 1981 in Sarajevo, as a final year student of the Muslim theological school Medrese, as a student of the Islamic theological Faculty of the Tabački mescit, during classes of individuals teachers, in the Medrese hall of residence, in the premises of the faculty, in written lectures... during strolls and in conversation, kept pointing out the need for Islamization of Bosnia and Herzegovina and argued:

(.....)

"- that the objective of the Islamic revolution in our country is to create a unified Islamic State that will include the areas of Bosnia and Herzegovina, Sandjak and Kosovo,

"- that "Jihad" should be waged to the bitter end, emphasizing in particular that: "it is not necessary to wait for a challenge or cause. Muslims must invent a challenge. It is they who must invent the challenge and the goal will come by itself.

(.....)

"- that Muslims must stand opposed to all non-Muslims and communists,

(.....)

"- that Muslims must be prepared for self-sacrifice in order to achieve their goals.

(.....)

"- that the Koran ayet (verse) "Believers, do not befriend non-believers" and the verse "Believers be not friends even with your fathers or your brothers if they like faithlessness better than faith" should be observed and that muslims masses should be educated to adopt the following attitudes: do not greet non-believers, kill a non-believer, and non-believers are those who are not Muslims; he also argued against marriage with a non-Muslim female or non-Muslim male because such marriages contribute to the assimilation and destruction of the Muslim people,

(.....)

"- that a Muslim woman must not breastfeed the child of a non-Muslim woman nor should the latter breastfeed a Muslim child; that a Muslim must not receive the blood of a non-believer-blood-donor nor must he give the latter his own blood; that Muslim must be superior to all others and that efforts should be made to create a 100 per cent Muslim milieu,

"Melika Salihbegović

"- commenting on the Iran-Iraq war, pointed out that the history of Islam was blood-soaked and that out of that war world-wide Islamic State was going to emerge, extending from Teheran to Slavonski Brod, that it will comprise Bosnia and Herzegovina, Kosovo and other areas of our country in which Muslims live. (Presuda

Vrhovnog suda Bosne i Hercegovine/Supreme Court of Bosnia and Herzegovina, Judgement KŽ. 1208/83, Sarajevo, 14 March 1984, Annex No 148, pp. 1109-1183/1184-1187)

2.8.1.3. It was not the first time that Alija Izetbegović was put to trial for activities associated with religious radicalism. He had also been brought for trial immediately after the end of the Second World War because of similar activities as a member of the Young Muslims organization.

2.8.1.4. Alija Izetbegović was elected President of the Party of Democratic Action and Omer Behmen was elected its Vice-President. After the proclamation of the independence of Bosnia and Herzegovina O. Behmen was appointed its Ambassador to Iran. There are some reasons to believe that Hasan Čengić was involved in the illegal import of weapons from Iran.

2.8.1.5. During the trial in Sarajevo in 1983, Alija Izetbegović confirmed that, among others, Elfatih Hassanein was a good friend of his. Izetbegović met Hassanein when the latter was a medical student in Belgrade in 1970. In 1987, Elfatih Hassanein, together with his brother Sukarno, founded the Third World Relief Agency. "Western officials say the original purpose of the organization was to encourage the rebirth of Islam in Eastern Europe and the then-Soviet Union... His agency received the official backing of the Bosnian government and by late 1992 had opened offices in Sarajevo, Budapest, Moscow and Istanbul... The agency's first large operation came to the attention of Western intelligence agencies in September 1992, when Soviet-built transport planes began arriving in Maribor, Slovenia, from the Sudanese capital, Khartoum. While the cargo was marked humanitarian aid, it contained more than 120 tons of assault rifles, mortars, mines and ammunition, intelligence sources said."
(.....)

"Hassanein, identified by Western sources as a member of Sudan's ruling National Islamic Front, built his arms smuggling operation with Islamic activists from Bosnia who, like him, had ties to Izetbegović, the Bosnian president. Several of these men now hold senior positions in the Bosnian government and, according to U.S. officials, they form the core of a radical Islamic movement that has resisted U.S. attempts to exert influence over the army and security services." (John Pomfret, How Bosnia's Muslims Dodged Arms Embargo, The Washington Post, 22 September 1996, Annex No 149, pp. 1188-1193)

2.8.1.6. The Egyptian "Al Watan Al Arabi" writes the same thing referring to American sources and using slightly changed names:

"The disappointing and alerting point of all is Mr. Ezzatbigovic assignment of Mr. Hassan Gicinic. The man is considered by Americans as fundamentalist, and he was nominated to lead the Bosnian side of the American-Bosnian joint committee concerned with coordinating the American Program of equipping and training the Bosnian Army. Mr. Hassan's name was mentioned in an American report as being the principal Bosnian official, who was in charge for shipping weapons to Bosnia, most of which from Iran. The cited report pointed out that Mr. Gicinic is only one among a number of fundamental Moslem renowned officials. They are presently occupying the highest military and government ranks in Bosnia. Those officials are quoted as having relations with an agency named in the report as the 'International Relief Agency'. The report attributed the Agency of having 'links with fundamental group and governments in the Middle East.'

"The report went further to define those officials role as being a part of 'Islamic fundamentalists responsible for maintaining Bosnia's contacts with other fundamentalist states and authorities in the territory.' Those men shaped a cell 'accountable for promoting Bosnia to the most extreme fundamentalism in the Middle East in the long run' the American report added." (Al Watan Al arabi, 4. October 1996, p. 22-23, Annex No 150, pp. 1194-1203) It is obvious that "Hassan Gicinic" stands for Hasan Čengić and "Ezzatbigovic" stands for Izetbegović.

2.8.1.7. In the course of October 1996, the United States of America decided to postpone the delivery of heavy weaponry to the Federation of Bosnia and Herzegovina under the programme "equip and train" making the delivery conditional on the withdrawal of Hasan Čengić from the post of Deputy Defence Minister of the Federation. (Michael Dobbs, Dispute Holds Up Arms Shipment to Bosnia, Washington Post, 24 October 1996, Annex No 151, p. 1204; Christine Spolar, S-Bosnian Dispute Delays the major Arms Delivery, The Washington Post, 27 October 1996, Annex No 152, 1205; Philip Smucker, U.S. 'Meddling' Grating on Bosnia, Deputy Defence Minister Seen tied To Iran; Americans Want Him Out, The Washington Times, 3 November 1996, Annex No 153, p. 1206-1207)

2.8.1.8. Unfortunately, it seems that the Serbs in Bosnia and Herzegovina had good reasons to believe that the Muslim Party of Democratic Action (SDA) intended to use the opportunity created by the secessions of Slovenia and Croatia from the SFRY to transform the Bosnian civil society into a religious Islamic society. The Muslim leaders whose old dream was the introduction of their Islamic style of life in Bosnia and Herzegovina came to power in Bosnia and Herzegovina.

2.9. "There can be no peace or coexistence between 'Islamic faith' and 'non-Islamic' social and political institutions"

2.9.1.1. The political - religious programme of the said group was prepared by Alija Izetbegović and, entitled the Islamic declaration, it was illegally published and distributed among the Muslims in Bosnia and Herzegovina in 1970. (Integral text of the "Islamic Declaration" in both versions (1970 and 1990) (Alija Izetbegović, *Islamska deklaracija tekst iz 1973. godine, Islamska deklaracija, Bosna, Sarajevo, 1990./ Islamic Declaration, Annex No 154, pp. 1208-1238, 1239-1270/1271-1334*)

2.9.1.2. One of the most important concepts presented by A. Izetbegović in the "Islamic Declaration" is the unity of religion and politics. Proceeding from this concept, Izetbegović arrives at his "first and most important conclusion". The third paragraph of the "Islamic Declaration", under the heading "Islam is not only a religion", reads:

"The first and the most important of these conclusions is definitely the one about the incompatibility of Islam and non-Islamic systems. **There can be no peace or coexistence between the "Islamic faith" and "non-Islamic" social and political institutions.** The failure of these institutions to function and the instability of regimes in Muslim countries, manifested in frequent changes and coups d'etat are as a rule the consequence of their a priori opposition to Islam as the fundamental and guiding feeling of the people in these countries. Claiming for itself the right to regulate its own world, Islam clearly rules out any right or possibility of action of any foreign ideology on its turf. Namely, there is no room for the lay principle and the state should be an expression of the moral concepts of religion and supportive of them." (Bold type is ours)

2.9.1.3. After coming to power Izetbegović changed his phraseology but was not convincing enough for the Serbs in Bosnia to accept it. Despite a change of rhetoric Izetbegović and his associates have never even tried to conceal that peace was not of the ultimate value to them. They are particularly skillful in continuously inventing reasons for a "just or defensive war" At first it was the safeguarding of a united and sovereign Bosnia and Herzegovina; then it was demand for the delivery of "war criminals" to the International Tribunal in the Hague or demand that Muslim refugees return to the Republic of Srpska. Underlying these demands is the obvious aspiration towards establishing through war Muslim rule

in Bosnia and Herzegovina, which is the condition of transforming bosnian society into a religious Islamic society.

2.9.1.4. Before the first multi-party elections, SDA leaders did not say much about the future organization of the SFRY and the Socialist Republic of Bosnia-Herzegovina. However, Mr Izetbegović said at a meeting of his party in Banja Luka that he would defend Bosnia's unity with force. (D. Kecman, Branićemo Bosnu i silom /We Shall Defend Bosnia with Force Too if Need Be/ Politika, 9 July 1990, Annex No 155, p. 1335/1336)

2.9.1.5. At the session of the Socialist Republic of Bosnia-Herzegovina's Assembly, held on 27 Februar 1991, Alija Izetbegović said that he "would sacrifice peace for a sovereign Bosnia-Herzegovina, but would not sacrifice its sovereignty for peace." (M. Caric, SDA je konačno obelodanila svoje prave namere /SDA Has Finally Revealed Its True Intentions/ Politika, 1 March 1991, Annex No 107, M. Caric, Koga Izetbegović može da zastupa u Predsedništvu SFRJ /Whom Can Izetbegovic Represent in the Presidency of the SFRY/ Politika, 1 March 1991, Annex No 108, D. Kecman, Frapantne metamorfoze A. Izetbegovića /The Amazing Metamorphoses of A. Izetbegović/ Politika, 1 March 1991, Annex No 109)

2.9.1.6. Alija Izetbegović said in an interview in "Der Spiegel" in July 1991: "If Bosnia-Herzegovina is divided there will certainly be a civil war which will be impossible to bring to an end." (Jeder kampf gegen jeden /Everyone Fighting against Everyone Else/ Der Spiegel, 22 July 1991, Annex No 156, pp.1337-1338/1339)

2.9.1.7. At the end of a visit to the USA on 31 July 1991, Mr Izetbegović said that a conflict could occur between the Serbs and the Croats, and that the Muslims would in that case support the Croats. (U slučaju sukoba Muslimani uz Hrvate /Muslims will Side with Croats in Event of Conflict/ Politika, 1 August 1991, Annex No 157, pp. 1340/1341)

2.9.1.8. At an SDA press conference in Sarajevo on 2 October 1991, Irfan Ajanović, Vice President of the Assembly of the SFRY and one of the leaders of this party, and Muhamed Čengić, B-H Vice Prime Minister and also one of the SDA leaders announced a terrible war in B-H. They confirmed that the Muslims in B-H were being armed. (Mirko Carić, "Ajanović i Čengić grubo vrdjaju JNA" /Ajanović and Čengić Rudely Insult JNA/ Politika, 3. October 1991, Annex No 158, p. 1342/1343)

2.9.1.9. A.Izetbegović said in Tehran that Bosnian Muslims would not abandon their original demands and would step up their struggle until their expectations were fulfilled. He said that there could be no peace in Bosnia until the demands of Muslims were met. He invited Islamic countries to support Muslims more actively and to bring pressure to bear to end the "Serb aggression".

2.9.1.10. During the 1996 election campaign there were calls for a new war. These were the words pronounced by A. Izetbegović when addressing Muslims in Goražde on 4 May 1996. Quoted by Bosnian radio, monitored by the BBC, Izetbegović said: "... we will return to all the places they have expelled us from and our struggle will not be over until the whole of Bosnia is free. Our children will liberate the whole of Bosnia". These were the words pronounced by A. Izetbegović when addressing Muslims in Goražde on 4 May 1996. (Our Children will Liberate the Whole of Bosnia, Izetbegović Vows, Iran News, 6 May 1996, Annex No 159, p. 1344)

2.9.1.11. At a rally of the Party of Democratisation Action on 24 August 1996 during the election campaign Imam Džemal Gadara said: "The Koran is our constitution. Jihad is our path, our greeting". ("Bosnie: appel au djihad", DNA, Strasbourg, 25 August 1996, Annex No 160, p. 1345)

2.9.1.12. After the successful conclusion of the negotiations on the reduction of armaments in accordance with the obligations contained in the relevant annexes to the General Framework Agreement for Peace in Bosnia and Herzegovina "the Muslim-led Bosnian government refused to sign the treaty in protest against the treatment of Republic of Srpska as an equal partner. Observers said the dispute over an agreement which had largely been agreed reflected the Sarajevo governments's deep reluctance to accept the principle that the Serbs should have their own area within Bosnia, enjoying wide-ranging self-rule." (Bosnia falls short of Dayton terms, Financial Times, 12 June 1996, Annex No 161, p. 1346)

2.9.1.13. The election slogan of the Party of Democratic Action was. "In our country, with our religion". In this regard The Sunday telegraph observes: "Four years ago Muslim leaders sold Bosnia to the west as a champion of ethnic pluralism. Today they are striving to forge a state that puts one nationality and one religion before all others." ("Hardline Islam takes root in the new Bosnia", The Sunday Telegraph, 18 August 1996, Annex No 162, p. 1347)

2.9.1.14. Chris Hedges reported:

"Campaign rallies by Bosnia's President, Alija Izetbegovic, are not designed to alleviate the fears of those who believe he wants to set up a Muslim state.

"Before a rally on Saturday at this remote mountain pass about 40 miles south of Sarajevo, a crowd of some 10,000 people was treated to liting religious music filled with Koranic verses. The event opened with prayers by an Imam. The white-clad soldiers of the Bosnian Army's 7th Brigade, many wearing green head bands with Koranic slogans that signalled their readiness to die for their faith, chanted 'God is Great' - drowning out the speeches by military commanders.

"And Mr. Izetbegovic himself issued a call to arms filled with promises never to forget the sacrifice of the 'martyrs' who died here or to forgive 'the criminals who tried to wipe our country off the map'.
(.....)

"This is not peace, but the absence of war. When the Serbs signed the Dayton agreement they were required to let our people go home, and if they do not abide by this agreement I will make sure that their Republic of Srpska is abolished.
(.....)

"Perhaps the most telling detail of the campaign rally on Saturday was the presence of the Iranian Ambassador and his Bosnian and Iranian bodyguards, who sat in the shadow of the huge birchwood platform, mounted with two stacks of powerful speakers, from which the President addressed the crowd. As the only foreigner travelling in the President's heavily guarded motorcade of bulky four-wheel drive jeeps, he lent a silent Islamic imprimatur to the event, one that many American and European supporters of the Bosnian Government are trying hard to ignore or dismiss.

"If you read President Izetbegovic's writings, as I have, there is no doubt that he is an Islamic fundamentalist' said a senior Western diplomat with long experience in the region: 'He is a very nice fundamentalist, but he is still a fundamentalist. This has not changed. His goal is to establish a Muslim state in Bosnia, and the Serbs and the Croats understand this better than the rest of us.'" (Chris Hedges, Islam at Election Rallies, The New York Times, 2 September 1996, Annex No 163, pp. 1348-1349)

2.9.1.15. "Bosnian officials have said they reserve the right to go back to war if the Serb side refuses to fulfil its part of the Dayton agreement by allowing refugees to return."(Laura Silber, Bruce Clark, Concern Over Arms Delivery to Bosnia, The Financial Times, 25 October 1996, Annex No 164, p. 1350)

2.9.1.16. By the Letter of 3 February 1997, Muhamed Sacirbey, Permanent Representative of Bosnia and Herzegovina to

the United Nations sent to the President of the Security Council the following:

"If refugees and displaced persons cannot return freely and in safety, the peace process cannot survive. This is the heart of a lasting peace as well as being critical to those countries anxious to see Bosnian refugees returning."(Letter of 3 February 1997 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council, S/1997/99, 3 February 1997, Annex No 165, pp. 1351-1352)

2.9.1.17. The demand for the return of refugees is legitimate and legal. However, there are two things that make questionable the justification of this demand when it comes from the Muslim authorities in Bosnia and Herzegovina. The Muslim authorities seem to be solely interested in the return of Muslim refugees to the territory of the Republic of Srpska. In fact, these authorities have done nothing to prevent the expulsion of Serbs from Sarajevo after the coming into force of the General Framework Agreement for Peace in Bosnia and Herzegovina initialled in Dayton (Ohio) on 21 November 1995 and signed at Paris on 14 December 1995. After Dayton they do not seem to be interested in a multi-ethnic and multi-cultural Bosnia and Herzegovina on its entire territory but only on the territory of the Republic of Srpska. If the multi-ethnic character of Bosnia and Herzegovina is to be preserved then the return of refugees cannot be realized by the use of force but by establishing mutual confidence and tolerance.

2.9.1.18. "The Serb Civic Council of Bosnia and Herzegovina communicated that 37 Serbs families were evicted from their houses and flats in Sarajevo suburbs, Radio France International reported today. Also, after an incident which took place in Ilijaš on 13 June, 22 persons left a local community for good and 25 cases of persons brutally beaten up were reported, it is said in the Serb Civic Council communique. Therefore, the Serb Civic Council demands that the President and vice-President of the Muslim-Croat Federation, Krešimir Zubak and Ejup Ganić, as well as Minister of Police Avdo Habib take measures without delay to ensure the personal security of the remaining Serb population and the safety of their property, RFI reported in a programme broadcast in the Serbian and Croatian languages". (Iz kuća i stanova izbačeno 37 srpskih porodica/37 Serb families evicted from their houses and flats, Naša Borba 20 June 1996, Annex No 166, p.. 1353/1354)

2.9.1.19. "The spokesman of the UN police in Sarajevo, Alexander Ivanko, said yesterday that 70 Serbs had left the city because of harassment and that the UN fears that there could be new departures of Serbs. Ivanko said that the exodus of new dozens

of Serbs could be expected because of eviction from their homes and harassment.

"The situation continues to be tense. We have reports that due to harassment 22 persons left Blažuj and 50 persons left Vogošća and that a large number of people intend to leave Iliđa unless the situation improved", said Ivanko.

His statement followed after a report on the growing number of attacks on 8 000 Serbs remained in Sarajevo after the Serb-controlled municipalities of Sarajevo came under the control of the Federation of Bosnia and Herzegovina last March.

"The UN receive worrying reports about pressures brought to bear on members of the Democratic initiative for Sarajevo, the only organization which is trying to protect the Serbs in these areas" said Ivanko. He said that a mine was planted in front of the house of one of the members of the Democratic initiative as well as that the police were checking for several hours the cars of the members of that organization. Ivanko called upon the authorities of the Federation of Bosnia and Herzegovina to do all in their power to protect the remaining Serbs and their organization". (Novi egzodus Srba iz Sarajeva/New Exodus of Serbs from Sarajevo, Naša Borba, 22-23 June 1996, Annex No 167, p. 1355/1356).

2.9.1.20. "National intolerance continues to prevail in Sarajevo where an increasing number of Serbs are being harassed in the suburbs which came under the control of the Muslim-Croat Federation in March. The representative of the UN Alexander Ivanko, said that the whole "families were threatened with killing unless they leave the area" and added that "people are beaten up, as well as that a 30-year old woman was killed two weeks ago ". According to him there is violence in this.

About 70,000 Serbs left the Sarajevo suburbs and between 8,000 - 10,000 Serbs remained because they believed the guarantees offered at that time by the government in Sarajevo. "These promises have proved fallacious" said Ivanko. "We consider that the Bosnian government is doing absolutely nothing to stop the maltreatment of Serbs", he said, adding that "no special efforts are necessary for that". (Nastavlja se maltretiranje preostalih Srba u Sarajevu/Maltreatment of Serbs in Sarajevo Continued, Naša Borba, 18 July 1996, Annex No 168, p. 1357/1358).

2.9.1.21. "The representative of IPTF in Zvornik, Charles Hays, said earlier today that armed Muslim civilians in the villages of Mahala and Dugi Do, municipality of Zvornik, are led by Naser Orić, former commander of the Bosnian government formations in Srebrenica", Bosnian Serb media in Pale reported. The media claim that according to Hays serious incidents could occur in the two villages and he proposed that a meeting between the commander of

IFOR land forces, General Michael Walker and IPTF commander, Peter Fitzgerald, be organized. He added that he had "informed his superiors accordingly". Naser Orić is responsible for the crimes of genocide of Serbs committed in north-eastern Bosnia. If the Muslim authorities are using Naser Orić for a forcible return of refugees to some villages, it becomes clear that their aim is not a multiethnic Bosnia and Herzegovina and a peaceful return of all refugees but the creation of an Islamic State. (Muslimanske civile predvodi Naser Orić/Muslim Civilians Led by Naser Orić, Politika, 4 September 1996, Annex No 169, p. 1359/1360).

2.9.1.22. Reporting on the illegal import of heavy weapons into Bosnia and Herzegovina at the end of August 1996, in contravention of the provisions of the relevant annexes to the General Framework Agreement for Peace in Bosnia and Herzegovina, The New York Times carried the following assessment of NATO officials. "... NATO officials said they fear that the Muslims are trying to stockpile more weapons than they are allowed under the agreement, giving them a potential battlefield advantage if war resumes in Bosnia, possibly because the Muslim-led Government decides to reunify its lands.

"The NATO official said that Turkey and Malaysia had aided the smuggling operation. He did not say where the weapons originated, but noted that the Bosnian Government has recently signed secret arms agreement with Turkey, Malaysia and Iran." (Chris Hedges, "Bosnia Reported to be Smuggling Heavy Artillery", The New York Times, 8 November 1996, Annex No 170, p. 1361-1362)

2.9.1.23. "The Muslim-led Bosnian government has secretly started production of land mines, according to western intelligence sources. The embarrassing disclosure was made on the eve of an international conference in Geneva to discuss a worldwide ban on mines. The Bosnian arms operation is a violation of the Dayton peace agreement." (Louise Branson, "Bosnian mine plant revealed", The Sunday Times, 21 April 1996, Annex No 171, p. 1363)

2.10. "Islam comprises the principle of ummet, i.e., the aspiration for the unification of all Muslims into a single community - religious, cultural and political"

2.10.1.1. A. Izetbegović advocates not only the transformation of Bosnian civil society into religious Islamic society, but a global Islamization of all Muslims. In the fourth thesis on the Islamic order, entitled "The unity of Muslims" of his "Islamic Declaration", he says:

"Islam comprises the principle of ummet, i.e. the aspiration for the unification of all Muslims into a single community - religious, cultural and political. Islam is not a nationality, but it is the supranationality of this community." (Bold type is ours)

2.10.1.2. Izetbegović and the leadership of the Party of Democratic Action made no effort to conceal that they consider Bosnia and Herzegovina to be a part of the Islamic world and that they wish to have it integrated into that world.

2.10.1.3. During a visit to Turkey 17 July 1991, A. Izetbegović asked that Bosnia-Herzegovina be allowed to attend a Ministerial Conference of the Organization of Islamic Countries. He did this before Bosnia and Herzegovina had become an independent State and despite the fact that the Muslims do not constitute a majority of the population of Bosnia and Herzegovina. (Zahtev da BiH učestvuje u radu Islamske konferencije /Demand for B-H Participation in the Work of the Islamic Conference/ Politika, 18 July 1991, Annex No 172, p. 1364/1365)

2.10.1.4. Izetbegović thanked Turkey for recognizing Bosnia-Herzegovina before the Referendum was held on 29 February 1992. Izetbegović said that he had met with Cetin, Minister for Foreign Affairs in Davos, and that he had promised him the recognition. Demirel also made the same promise later. Izetbegović said that the recognition would encourage the Muslims and the Croats to vote for independence. In an interview to the Turkish daily "Miliyet", he described Turkey as a brother. (Saraybosna, bayram yasiyor, "Turkey is a brother", Miliyet, 10 February 1992, Annex No 173, pp. 1366/1367-1368)

2.10.1.5. In the course of 1996 the pressure of the USA Administration on the Muslim leadership in Bosnia and Herzegovina to loosen its ties with some radical Islamic States became obvious. At a special press conference held in Sarajevo on 10 April 1996, the Iranian Minister for Foreign Affairs, Ali Akbar Velayati, accused the USA Administration of exerting pressure on Bosnia and Iran to break off their cordial relations. In the presence of the Prime Minister of the Federation of Bosnia and Herzegovina, Velayati said: "The Bosnian people know their friends and foes... They know Iran, since the very beginning of this war, has helped." (Philip Smucker, Bosnia Urges Muslim World to Supply Arms for Future, The Washington Times, 11 April 1996, Annex No 174, p. 1369).

2.10.1.6. The distinguished American expert in terrorism, Yossef Bodansky, who was the Director of the US House of

Republican Task Force on Terrorism and Unconventional Warfare for four years, testifies:

"Beginning in early 1992, the Islamists' commitment to a Jihad against the West came to be tested in Bosnia-Herzegovina, in what was formerly Yugoslavia. A forward support and coordination center was established in the fall of 1991 in Bulgaria. In early 1992, forces of the Armed Islamic Movement (AIM) assumed an offensive and special operations throughout Bosnia-Herzegovina. Most active are the Islamic Jihad forces, the elite component of the Movement's 'international legion', led by 'Afghans'. Tehran urged and actively supported the establishment of 'volunteer forces from all over the Muslim world who would rush to help their brothers in faith in the Balkans'.

"In Bosnia-Herzegovina, the AIM forces are organized, very disciplined, and well equipped. Their commander is Mahmud Abdul-Aziz, a veteran of six years of fighting in Afghanistan under Ahmed Shah Massud and other combat for "the sacred cause" in the Philippines and Kashmir, who also participated in clandestine operations in Africa for Turabi.

"The 'Muslim Forces' include several hundred volunteers, primarily from Iran, Algeria, Egypt, Sudan, Persian Gulf Arab states, Pakistan, Afghanistan, Syria, and Turkey... As of the fall of 1992, there were 200-300 volunteer mujahideen in the Travnik area; 200 in the center of Bosnia; an undetermined number (in the hundreds) in Sarajevo and in eastern Bosnia-Herzegovina. They fight the Serbs and train the Bosnian forces. They also teach children the Koran and fundamentalist Islamic ways. The volunteers also train local Muslims in special operations. Meanwhile, the flow of volunteers, including Muslims from the United Kingdom, some of whom are 'Afghan' veterans, continues. By early 1993, there were over 1,000 mujahideen from Pakistan, Iran, Sudan and Libya.

"In addition, Iran maintains a core of highly professional operatives, mainly Iranians from the Pasdaran and Lebanese from the HizbAllah, who provide expert training and assistance and conduct the most sensitive covert operations (intelligence and terrorism). Tehran continues to provide Sarajevo with weapons and experts. In early November 1992, more than 50 expert terrorists and instructors of the HizbAllah and the Tawhid (its Sunni counterpart under Sheikh Sha'ban) were sent from Baalbak to Bosnia-Herzegovina to train local cadres and launch operations on their own. These trainers spearhead on going Iranian efforts to deploy a 2,000-strong brigade of its Al-Quds Forces. All these forces receive substantial Iranian military assistance.

"Indeed, since the summer of 1992, there has been a marked escalation in provocations by the Muslim forces, the goal of which is to secure military intervention by the West against the Serbs (and, to

a lesser extent, the Croats). Initially, these provocations were mainly senseless attacks on their own Muslim population. The UN concluded that a special group of Bosnian Muslim Forces, many of whom had served with Islamist terrorist organizations, committed a series of atrocities, including 'some of the worst recent killings', against Muslim civilians in Sarajevo 'as a propaganda ploy to win world sympathy and military intervention'. Those escalated into premeditated attacks and atrocities committed against Serbian civilians trying to flee contested areas. It is noteworthy that these Bosnian detachments are following exactly the principles of 'the war of the weak' as outlined by the HizbAllah's Ayatollah Fadlallah." (Yossef Bodansky, Target America, Shapolsky Publishers, USA, 1993, pp. 275- 277, Annex No 175, pp. 1.70-1375)

2.10.1.7. The distinguished Professor at Harvard University, Samuel Huntington writes:

"The broadest and most effective civilization rallying was by the Muslim world on behalf of the Bosnian Muslims. The Bosnian cause was universally popular in Muslim countries; aid to the Bosnians came from a variety of sources, public and private. Muslim governments, most notably those of Iran and Saudi Arabia, competed with each other in providing support and in attempting to gain the influence that generated Sunni and Shiite fundamentalist and secular. Arab and non-Arab Muslim societies from Morocco to Malaysia all joined in. Manifestations of Muslim support for the Bosnians varied from humanitarian aid including \$90 million raised in 1995 in Saudi Arabi through diplomatic support and massive military assistance to acts of violence, such as the killing of twelve Croats in 1993 in Algeria by Islamist extremists 'in response to the massacre of our Muslim co-religionists whose throats have been cut in Bosnia'. The rallying had a major impact on the course of the war... . It greatly stimulated the Islamization of Bosnian society and identification of Bosnian Muslims with the global Islamic community...

"Individually and collectively Muslim governments repeatedly expressed their solidarity with their Bosnian coreligionists. Iran took the lead in 1992, describing the war as a religious conflict with Christian Serbs engaging in genocide against Bosnian Muslims. In taking this lead, Fouad Ajami observed, Iran made 'a down-payment in the gratitude of the Bosnian state' and set the model and provided the stimulus for other Muslim powers such as Turkey and Saudi Arabia to follow. At Iran's prodding the Organization of the Islamic Conference took up the issue and created a group to lobby for the Bosnian cause at the United Nations. In August 1992 Islamic representatives denounced the alleged genocide in the U.N. General Assembly, and on behalf of the OIC, Turkey introduced a resolution calling for military intervention under Article 7 of the U.N. charter. The

Muslim countries set a deadline in early 1993 for the West to take action to protect the Bosnians after which they would feel to provide Bosnia with arms. In May 1993 the OIC denounced the plan devised by the Western nations and Russia to provide safe havens for Muslims and to monitor the border with Serbia but to forswear any military intervention. It demanded the end of the arms embargo, the use of force against Serbian heavy weapons, aggressive patrolling of the Serbian border, and inclusion of troops from Muslim countries in the peace-keeping forces. The following month the OIC, over Western and Russian objections, got the U.N. Conference on Human Rights to approve a resolution denouncing Serb and Croat aggression and calling for an end to the arms embargo. In July 1993, somewhat to the embarrassment of the West, the OIC offered to provide 18,000 peacekeeping troops to the U.N. the soldiers to come from Iran, Turkey, Malaysia, Tunisia, Pakistan and Bangladesh. The United States vetoed Iran, and the Serbs objecting vigorously to Turkish troops. The latter nonetheless arrived in Bosnia in the summer of 1994, and by 1995 the U.N. Protection Force of 25,000 troops included 7,000 from Turkey, Pakistan, Malaysia, Indonesia and Bangladesh. In August 1993 an OIC delegation, led by the Turkish foreign minister, lobbied Boutros Boutros-Ghali and Warren Christopher to back immediate NATO air strikes to protect the Bosnians against Serb attacks...

"Subsequently the prime ministers of Turkey and Pakistan made a wellpublicized visit to Sarajevo to dramatize Muslim concern, and the OIC again repeated its demands for military assistance to the Bosnians... In August 1995 the foreign ministers of nine OIC countries declared the U.N. arms embargo invalid and in September the fifty-two members of the OIC approved arms and economic assistance for the Bosnians.

(.....)

"By far the most important help the *ummah* gave the Bosnian Muslims was military assistance: weapons, money to buy weapons, military training, and volunteers. Immediately after the war started the Bosnian government invited in the *mujahedeen*, and the total number of volunteers reportedly came to about 4000, more than the foreigners who fought for either the Serbs or the Croats. They included units from the Iranian Republican Guards and many who had fought in Afghanistan. Among them were natives of Pakistan, Turkey, Iran, Algeria, Saudi Arabia, Egypt and Sudan, plus Albanian and Turkish guest workers from Germany, Austria, and Switzerland. Saudi religious organizations sponsored many volunteers; two dozen Saudis were killed in the very early months of the war in 1992; and the World Assembly of Muslim Youth flew wounded fighters back to Jiddah for medical care... In the spring of 1994 Western intelligence reported that an Iranian Republican Guard unit of 400 men was organizing extremist guerrilla and terrorist units. The Iranians', a U.S.

official said, 'see this as a way to get at the soft underbelly of Europe'. According to the United Nations, the *mujahedeen* trained 3000 - 5000 Bosnians for special Islamic brigades. The Bosnian government used the *mujahedeen* for 'terrorist, illegal and shocktroop activities', although these units often harassed the local population and caused other problems for the government. The Dayton agreements required all foreign combatants to leave Bosnia, but the Bosnian government helped some fighters stay by giving them Bosnian citizenship and enrolling the Iranian Republican Guards as relief workers. (Samuel P. Huntington, *The Clash of Civilization and the Remaking of World Order*, New York, 1996, pp. 285-287, Annex No 176. pp. 1376-1379).

2.10.1.8. The illegal import of weapons from the radical Islamic countries into Bosnia and Herzegovina, as well as the participation of mujahededdins in the civil war is today a generally known fact which does not need to be particularly proved.

2.10.1.9. James Risen reported:

"The Central Intelligence Agency has evidence that Iranian agents secretly delivered at least \$500,000 in cash to Bosnian President Alija Izetbegović for his campaign before last fall's Bosnian election, according to classified documents obtained by The Times.

(.....)

"... CIA analysts believe that Izetbegović has been 'co-opted by the Iraninas' and is now 'literally on their payroll', according to a classified report based on the CIA's analysis of the issue." (James Risen, *Iran Gave Bosnian Leader \$500,000, CIA Alleges*, Los Angeles Times, 31 December 1996, Annex No 177, 1380-1382 Ian Brigdie, *Iran Cash Funded Bosnian Election Victory, Says CIA*, The Times, 1 January 1997, Annex No 178, pp. 1383)

2.11. "To act prematurely is equally as dangerous as to be late in taking the required action"

2.11.1.1. This is what A. Izetbegović says in his "Islamic Declaration" about the introduction of Islamic rule:

"Emphasizing as a priority religious and moral revival does not imply - nor can it be interpreted to imply - that Islamic order can be achieved without Islamic rule. This stand only means that our road does not proceed from the conquering of power, but rather from the conquering of people, and that Islamic revival is primarily a revolution in the field of education and only after that in the field of politics.

"Therefore, we must be preachers first and then soldiers. Our prime means are personal example, books and words. When will force be added to these means?"

"The choice of the right moment is always a specific question and depends on a number of factors. Nevertheless, there is a general rule: The Islamic movement should and can proceed to the taking over of powers as soon as it is morally and numerically strong enough not only to overthrow the non-Islamic rule but also to develop new Islamic rule. This differentiation is important, since destruction and development do not require an equal level of psychological and material readiness.

"To act prematurely is equally as dangerous as to be late in taking the required action.

"The conquering of power on the basis of a favourable concurrence of events, without sufficient moral and psychological preparedness and without the required minimum of competent and developed personnel implies the realization of another coup and not an Islamic revolution (and a coup is a continuation of non-Islamic politics by other groups of people or on behalf of other principles). To be late in the taking over of power means to deny oneself a very powerful means of achieving the aims of Islamic order and to provide the non-Islamic rule an opportunity to strike a blow to the movement and disperse its activities. For the latter case, recent history offers sufficient tragic and illustrative examples." (Bold type is ours)

2.11.1.2. Some writings indicate as the immediate cause of the war in Bosnia and Herzegovina the advice discreetly offered by an American diplomat, serving in Belgrade at the time, to Alija Izetbegović to forsake the already given approval for the cantonization of Bosnia and Herzegovina in accordance with the Coutilhero plan. This may be true but it is also true that there was no need for a long and persistent inducement of Izetbegović to abandon the Coutilhero plan. There are some elements which give rise to a suspicion that the SDA leadership had assessed that time was ripe for the Islamization of Bosnian society and that the war could facilitate and speed up that process.

2.11.1.3. The SDA leadership was of course aware of the relationship of military forces in 1991 and 1992. It seems, however, that precisely on religious grounds the SDA leadership thought it expedient to keep arguing that Bosnia was the victim of an aggression, that the Muslims were weaker, that injustice had been done to them and that they were waging a defensive war. For, the Koran allegedly forbids a war of aggression but allows a defensive war.

2.11.1.4. The Islamization of the Muslim population on the territory under the control of SDA became quite clear in 1994. This is shown by a series of reports from the territory under control of SDA. A campaign began against mixed marriages, anti-war songs of Serb singers were banned, and even "loyal" Christians were discriminated against. The mujaheddin contributed to this by banning the consumption of alcohol, and demanding women to wear long hooded overdresses. (Roger Cohen, *Bosnians Fear a Rising Islamic Authoritarianism*, The New York Times, 10 October, 1994, Annex No 179, p. 1384 Anthony Loyd, *Islamic Teachers Offer Pension in Return for Jihad*, The Times, 22 October 1994, Annex No 180, p. 1385 Lubor Zink, *Thoughts on Balkan Strife*, The Toronto Sun, 21 July 1993, Annex No 181, p. 1386, Remy Ourdan, *La fin du reve bosniaque*, Le Monde, 28 September 1994, Annex No 182, pp. 1387-1389, R. Cia, *L'allarme del neocardinale Puljic "Stanno islamizzando la Bosnia"*, Corriere della Sera, 14 November 1994, Annex No 183, pp. 1390/1391-1392)

2.11.1.5. In the Special report on the media, Situation of the violation of human rights and fundamental freedoms in the territory of the former Yugoslavia, it is said in connection with the journal of the Party of Democratic Action entitled "Liljan" (Lily), published in Sarajevo, that it incites to nationalist hatred. On page 7, para 31, it is stated:

"Some media do tend to refer to entire ethnic groups in derogatory terms. For example, Sarajevo's Liljan journal frequently publishes articles emphasizing the divisions between peoples; it takes a hostile position on mixed marriages, portraying them as a threat to the future of the local Muslim population." (Report of the Special Rapporteur submitted pursuant to Commission resolution 1994/72, para 31, E/CN.4/1995/54, 13 December 1994, Annex No 184, p. 1394)

2.11.1.6. The same report states on page 8, para. 32:

"Reference has been made in a previous report to incitement to nationalist or religious hatred in Bosnia and Herzegovina. On 1 April 1993 the Tuzla journal *Zmaj od Bosne*, published an article which stated, 'Instinctively, every Muslim would wish to save his Serb neighbour instead of the reverse; however, every Muslim must name a Serb and take an oath to kill him'". (Report of the Special Rapporteur submitted pursuant to Commission resolution 1994/72, para 32, E/CN.4/1995/54, 13 December 1994, Annex No 185, p. 1396)

2.11.1.7. It would be wrong to justify the engagement of the mujaheddin by military reasons, because Alija Izetbegovi 's regime enjoys NATO's support and military protection. (Andrew Hogg, *Arabs*

Join in Bosnia War, The Sunday Times, 30 August 1992, Annex No 186, p. 1397, Tom Post, Joel Brand, Help from Holy Warriors, Newsweek, 5 October 1992, Annex No 187, 1398-1399 Bill Gertz, Iranians Move into Bosnia to Terrorize Serbs, The Washington Times, Annex No 188, p. 1400-1401 Bill Gertz, Iranian Weapons Sent Via Croatia, The Washington Times, Annex No 189, p. 1402-1404)

2.11.1.8. After the establishment of peace in Bosnia and Herzegovina and the arrival of IFOR, a certain number of mujaheddins remained in Bosnia although the USA Administration has been exerting strong pressure on the Muslim authorities to expel all mujaheddins. (Bill Gertz, Clinton Defends U.S. Inaction on Iran-Bosnia Deal, The Washington Times, 10 April 1996, Annex No 190, p. 1405 Bill Gertz, Iranian Military, Intelligence Remain at Work in Bosnia, The Washington Times, 19 April 1996, Annex No 191, p. 1406 Philip Smucker, Disputes Delay Aid to Bosnia's Military, U.S. Concerned about 'Foreign Forces', The Washington Times, 7 May 1996, Annex No 192, p. 1407 Philip Smucker, NATO Officials Dispute Iranians' Exit from Bosnia, The Washington Times, 14 June 1996, Annex No 193, pp. 1408-1409)

2.11.1.9. Philip Smucker reports about the role of the mujaheddin who remained in Bosnia:

"Islamic fighters who refuse to leave Bosnia, defying the Dayton peace accords, are engaged in a broad pattern of intimidation against local population, according to residents and NATO officers here.

"In small villages across central Bosnia, the Islamic soldiers are said to rule with an iron fist - making the same kind of threats against U.S. and European troops that NATO condemned when they came from Bosnians.

"They stand around us waving their big knives in the air and drawing them across their neck saying, 'I'll kill you after the elections, you Jewish pig', said a U.S. officer who regularly patrols villages in the area. The officer, who asked not to be named, said he and other Americans repeatedly received such threats.

"The Islamic soldier 'do all they can to intimidate and scare' said Lt. Bill Ferrer, an air-support specialist from Pennsylvania attached to a Polish NATO brigade in Zepa. 'If they catch locals holding bands or breaking their code of conduct, they punish them severely.'" (Philip Smucker, Bosnia Terrorized by Foreign Soldiers Who Aided Muslims, The Washington Times, 8 August 1996, Annex No 194, p. 1410)

2.11.1.10. The Iranian presence in Bosnia is also reported on by James Risen:

"CIA analysts also noted that the Iranian presence was expanding last fall through the opening of a new consulate in the Bosnian city of Mostar, while elsewhere in Bosnia the Iranians opened a new radio station, a new cultural centre, two 'reconstruction centres', and a Red Crescent Society office. 'Some of those activities are known to be fronts for the Iranian Revolutionary Guard' and Iranian intelligence, according to a classified report on the matter." (James Risen, Iran gave Bosnia Leader \$500,000, CIA Alleges, Los Angeles Times, 31 December 1996, Annex No 177)

2.11.1.11. During the election campaign the Party of Democratic Action used all available means to eliminate political opponents among the Muslims of Bosnia and Herzegovina. A particular target for criticism were Fikret Abdić, leader of the Muslims in Western Bosnia, who opposed Islamic fundamentalism very early on and waged war against the forces of Alija Izetbegović; a target were also Abdić's supporters, as well as Haris Silajdžić, the former Prime Minister of Bosnia and Herzegovina who parted company with Izetbegović accusing him of wanting to introduce a one-party system; also environments which preserved a certain amount of tolerance in inter-ethnic and inter-party relations, such as, for instance, the city of Tuzla.

2.11.1.12. According to The New York Times "the Muslim-led Bosnian Government has dispatched small Iranian-trained commando units to kill or capture enemies it has branded as war criminals, senior Croatian officials and Western diplomats say.

"The existence of these units came to light after five Bosnian Muslims, now in prison in Croatia, were arrested this month and accused of trying to assassinate a renegade Muslim leader, Fikret Abdić, currently in exile in Croatia.

"The four men and one woman, some of whom are formally employed by the Bosnian police in the north-west Bosnian city of Bihac, were arrested near the Croatian city of Rijeka on 8 April by the Croatian police. The team had grenades, automatic assault rifles, rocket-propelled grenades and plastic explosives in its possession, the police said.

"The five Bosnians, who are being interrogated, are members of the Muslim-led Government's intelligence service, the Bosnian Agency for Investigation and Documentation, officials who have read the transcripts of the interrogations said.

"Western diplomats and Croatian officials said the five Muslims' activities were disturbing because they seemed to indicate that the Bosnian Government had given the green light for attacks against political opponents." (Chris Hedges, Bosnia Hunting Enemies Down, Diplomats Say, The New York Times, 25 April 1996, Annex No 195, pp. 1411-1412)

2.11.1.13. "President Alija Izetbegović of Bosnia has launched his most serious attempt to seize political control of the northern industrial city of Tuzla, a region that in almost four years of war refused to back his Islamic party.

"Under a new economic restructuring law, the leaders of about 30 of Tuzla's largest firms and businesses are to be replaced by supporters of Mr Izetbegovic's Party of Democratic Action (SDA).

"The move is further evidence of the increasingly undemocratic and authoritarian behaviour of the government of Mr. Izetbegović, which made much of its supposedly liberal values when trying to appeal to the West during the war." (Tim Butcher, Bosnia President in Struggle for Control of Tuzla, The Daily Telegraph, 12 June 1996, Annex No 196. p. 1413)

2.11.1.14. "Tension about the election increased at the weekend when Haris Silajdzic, the former Bosnian Prime Minister, was attacked by supporters of the ruling Democratic Action Party. An aide said Mr Silajdzic was in 'a very bad condition' after being hit over the head with an iron bar at a rally in northwest Bosnia." (Richard Owen, Bosnian weapons accord hailed, The Times, 17 June 1996, Annex No 197, p. 1414)

2.11.1.15. "Opposition party members are being terrorized and beaten by agents of the Muslim-dominated Government in a campaign of intimidation that further erodes any pretence of fairness in the coming local and parliamentary elections, according to opposition leaders, senior NATO officers and international monitors.

"Reeling under the offensive of detentions, interrogations, public assaults on party supporters and attacks on political rallies, opposition leaders in some towns say it has become nearly impossible to organize or conduct a campaign for the Sep. 14 elections.

(.....)

"Opposition leaders in several towns in Muslim-controlled regions said their supporters were afraid to even discuss politics openly." (Mike O'Connor, Opposition Parties in Bosnia Are Facing Terror Tactics, The New York Times, 16 August 1996, Annex No 198, pp. 1415-1416)

2.11.1.16. "The United Nations said yesterday that local police in northwestern Bosnia were failing to stop violence against opposition voters despite promises to support free and fair elections, scheduled for September 14, Reuter reports from Sarajevo.

"The intimidation suffered by people affiliated with opposition parties may leave them too frightened of reprisals to vote in the country-wide elections, the UN said.

"Three explosions damaged the houses of supporters of political parties opposed to ruling Moslem nationalist SDA party in the town of Cazin, in the northwestern Bihac area of the Moslem-Croat federation, said UN spokesman, Mr. Alex Ivanko.
(.....)

"Active harassment and intimidation of the political opposition in the area began in June when an SDA loyalist struck Bosnia's former prime minister, Mr Haris Silajdzic, on the head with an iron pipe. Mr Silajdzic is now the chief rival to Mr Alija Izetbegovic, the country's president and head of the SDA." (UN Criticises Bosnian Police Over Poll Campaign Violence, The Financial Times, 23 August 1996, Annex No 199, p. 1417)

2.11.1.17. "An official of the UN's international police (IPTF), which monitors the Bosnian police, reported that the 'level of intimidation' in Cazin, 12 miles north of Bihac, 'was at such a level that because of it they /the electorate) may well not go to vote on election day'. (Christopher Bellamy, Bosnia's Former Victims Are Accused of Poll Terror Tactics, The Independent, 26 August 1996, Annex No 200, p. 1418)

2.11.1.18. "When the Bihac branch of Bosnia's Social Democratic Party protested against the confiscation of thousands of its election pamphlets this week, it was handed assigned and stamped official explanation.

"The pamphlets, the document said, contained 'text opposing the ruling party'.

"The local party leader, Mirsad Mujanovic, thought the police had missed the point. 'It's logical it opposed the government' he said in frustration. We're the opposition".

"Human rights reports suggest the Bihac police might not have missed the point after all. In large swaths of Muslim controlled territory, the ruling Party of Democratic Action (SDA) has created a climate of fear and intolerance of dissent in the final three weeks before Bosnia's elections.

"In north-west and central Bosnia, scores of opposition candidates have dropped out, and opposition campaigning has virtually ceased as a consequence of SDA rule-bending and relentless intimidation by its armed gangs." (Julian Borger, Thugs Kill Bosnia's Election Hopes, The Guardian, 23 August 1996. Annex No 201, p. 1419)

2.11.1.19. This can perhaps best be seen from the Statement issued by five of the seven members of the Presidency of the Republic of Bosnia and Herzegovina in February 1995 against Alija Izetbegović's attempt to make Bosnia-Herzegovina into a one-party Islamic state. The signatories say that army units are exposed to

ideological pressures and the abuse of religious feelings by some of their members. The protest was signed by Nijaz Duraković, a Moslem, Stjepan Kljujić, a Croat, Ivo Komšić, a Croat, Tatjana Ljujić-Mijatović and Mirko Pejanović, Serbs. The other two members of the Presidency are Alija Izetbegović and Ejup Ganić, Muslims. (Robert Fox, Islamic Indoctrination of Army Splits Bosnian Leadership, The Daily Telegraph, 6 February 1995, Annex No 202, p. 1420)

2.11.1.20. One of the marks of radical intentions of the leadership of the Party of Democratic Action (SDA) was the readiness to sacrifice the citizens of Sarajevo in order to achieve its goals. There are convincing indications that the Muslim authorities activated the mine in the line of people waiting for bread on 27 May 1992 in Sarajevo, when 17 people were killed and a large number wounded. TV networks broadcast the terrifying pictures all around the world and military forces of the Republic of Srpska were condemned without any proof. (Leonard Doyle, Moslems Slaughter Their Own People, The Independent, 22 August 1992, Annex No 203, p.1421; Warren Strobel, Bosnians May Shelled Themselves, The Washington Times, 23 August 1992, Annex No 204, p. 1422; Colonel Milanko Cvijović, Stručna analiza snimaka tv BiH povodom događaja u ulici Vase Miskina/ Expert Analysis of the B-H TV Shots of the Event in the Vase Miskina Street - Sarajevo, 25 May 1992, Annex No 205, pp. 1423-1428/1429-1432)

Canadian Major General Lewis MacKenzie, Commander-in-Chief of UNPROFOR, wrote down in his diary:

"Disaster in Sarajevo. People lined up for bread were attacked and at least 17 killed. Presidency claims it was a Serb mortar attack, Serbs claim it was a set-up using explosives. Our people tell us there were a number of things that did not fit. The street had been blocked off just before the incident. Once the crowd was let in and lined up, the media appeared but kept their distance. The attack took place and media were immediately on the scene. The majority of people killed are alleged to be 'tame Serbs' " (Major General Lewis MacKenzie, Peacekeeper, Douglas and McIntyre, Vancouver - Toronto, 1993, pp. 193, 194, Annex No 206, pp. 1433-1437)

2.11.1.21. There is serious reason to believe that Muslim forces fired a mortar grenade killing 68 people on the Sarajevo market "Markale" in February 1993. (Reuters, 19 February, 1994, Annex No 207, p. 1438, David Binder, Anatomy of a Massacre, The Foreign Policy, Winter 1994 - 1995, Annex No 208, pp. 1439-1447 Pazit Ravina, Was there a Shell in the Sarajevo Marketplace, Davap, February 16, 1994, Annex No 209, pp. 1448-1450).

2.11.1.22. A. Izetbegović said in Teheran on 30 October 1992 that his Bosnian Muslim forces had poison-gas weapons and might

be forced to use them as a "defensive" measure against Serbian forces. (Bosnian Threatens Poison Gas Against Serb Forces, The New York Times, 31 October 1992, Annex No 210, p. 1451)

2.11.1.23. On 21 June 1993 in Ankara, A. Izetbegović said that he could not exclude the possibility of using chemical weapons if the United Nations did not lift the arms embargo against them. In an interview to Anadolu Agency, he said that Muslims did not want to use chemical weapons but that events could get out of control. Really, on three occasions in August 1993, Bosnian Muslim army near Zvornik used chlorine gas in artillery projectiles.

2.11.1.24. The Muslim Bosnian Organization was founded in Sarajevo in early October 1990 by defectors from the SDA who were dissatisfied by the fact that the party had come under the influence of its religious fundamentalist wing. The leader of this party is Adil Zulfikarpašić. Its members felt threatened by radical Muslims and therefore cancelled conferences in Mostar, Sarajevo and Zenica.

2.11.1.25. At the session of the Constituent Assembly in Velika Kladuša on 27 September, 1993 a decision was made on the proclamation of the Autonomous Province of Western Bosnia. Fikret Abdić, former member of the B-H Presidency, was elected President. The majority of the population in this region of Western Bosnia is of Muslim nationality. The Province was constituted because of the discontent of the population and its disagreement with A. Izetbegović's manner of rule as they believed that he introduced Islamic fundamentalism.

2.11.1.26. The authorities of the Autonomous Province of Western Bosnia were in a state of continuous armed conflict with the forces of A. Izetbegović until the end of August 1994, when they were militarily defeated, which resulted in the withdrawal of approximately 60,000 inhabitants, primarily of Muslim nationality. The population withdrew because of the terror and killing of civilians by A. Izetbegović's forces. The fact that civilians were shot at was confirmed by UNPROFOR in Velika Kladuša.

2.11.1.27. A few months later, the armed forces of the Autonomous Province of Western Bosnia managed to recover the lost territory so that the Muslim refugees were able to return to their homes.

2.11.1.28. On 25 July 1995, the Republic of Western Bosnia was proclaimed in Velika Kladuša. Its establishment is the expression of the aspiration of the people of Western Bosnia to remain independent. (Proglašena Republika Zapadna Bosna/The Republic of

Western Bosnia Proclaimed. *Politika*, 27 July 1995, pp. 110-111, pp. 1452/1453) But, in 1996, the forces of the Presidency of Western Bosnia were definitely defeated by the joint military action of Muslim and Croat forces. Mr. Abdić was accused by Muslim authorities of the alleged commission crimes and he is now in exile in Croatia.

2.11.1.29. S. Huntington writes:

"A dramatic rise of civilization identities occurred in Bosnia, particularly in its Muslim community. Historically, communal identities in Bosnia had not been strong. Serbs, Croats and Muslims lived peacefully together as neighbors; intergroup marriages were common, religious identification was weak. Muslims, it was said, were Bosnians who did not go to the mosque, Croats were Bosnians who did not go to the cathedral, and Serbs were Bosnians who did not go to the Orthodox church. Once the broader Yugoslav identity collapsed, however, these casual religious identities assumed new relevance and once fighting began they intensified. Multiculturalism was abandoned and each group increasingly identified itself with its own national community and defined itself in opposition to it.

"The Muslims shift toward civilization identity was even more marked. Until the war got underway, most Bosnians were highly secular in their outlook, viewed themselves as Europeans, and were the strongest supporters of a multicultural Bosnian society and state. This began to change, however, as Yugoslavia broke up. Like the Croats and Serbs in the 1990 elections the Muslims rejected the multicultural parties voting overwhelmingly for the Muslim Party of Democratic Action led by Izetbegovic. He is a devout Muslim, was imprisoned for his Islamic activism by the communist government, and in *The Islamic Declaration*, published in 1970, argues for 'the incompatibility of Islam with non-Islamic systems. There can be neither coexistence nor coexistence between the Islamic religion and non-Islamic social and political institutions'. When the Islamic movement is strong enough it must take power and create an Islamic republic. In this new state, it is particularly important that education and media should be in the hands of people whose Islamic moral and intellectual authority is indisputable."

"As Bosnia became independent, Izetbegovic proclaimed a multiethnic state in which the Muslims would be the dominant group although short of a majority. He was not, however, a person to resist the Islamization of his country produced by the war. His reluctance to repudiate publicly and explicitly *The Islamic Declaration*, generated fear among non-Muslims. As the war went on, Bosnian Serbs and Croats moved from areas controlled by the Bosnian government, and those who remained found themselves gradually excluded from desirable jobs and participation in social institutions. 'Islam gained greater importance within the Muslim national community and ... a

strong Muslim national identity became a part of politics and religion'. Muslim nationalism, as opposed to Bosnian multicultural nationalism, was increasingly expressed in the media. Religious teaching expanded in the schools, and new textbooks emphasized the benefits of the Ottoman rule. The Bosnian language was promoted as distinct from Serbo-Croatian and more Turkish and Arabic words were incorporated into it. Government officials attacked mixed marriages and the broadcasting of 'aggressor' or Serbian music. The government encouraged the Islamic religion and gave Muslims preference in hirings and promotions. Most important, the Bosnian army became Islamized, with Muslims constituting over 90 percent of its personnel by 1995. More and more army units identified themselves with Islam, engaged in Islamic practices, and made use of Muslim symbols, with the elite units being the most thoroughly Islamized ones and expanding in number. This trend led to a protest from five members (including two Croats and two Serbs) of the Bosnian presidency to Izetbegovic, which he rejected, and to the resignation in 1995 of the multiculturally oriented prime minister, Haris Silajdzic.

"Politically Izetbegovic's Muslim party, the SDA, extended its control over Bosnian state and society. By 1995 it dominated 'the army, the civil services and public enterprises.' 'Muslims who do not belong to the party', it was reported, 'let alone non-Muslim, find it hard to get decent jobs.' The party, its critics charged, had 'become a vehicle for an Islamic authoritarianism marked by the habits of Communist government.' Overall, another observer reported:

"Muslim nationalism is becoming more extremist. It now takes no account of other national sensibilities; it is the property privilege, and political instrument of the newly predominant Muslim nation...

"The main result of this new Muslim nationalism is a movement towards national homogenization...

"Increasingly, Islamic religious fundamentalism is also gaining dominance in determining Muslim national interests." (Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York, 1996, pp.268 - 270, Annex No 212, pp. 1455-1457)

2.12. The Rebellion by Members of the SDA and the HDZ in the Republican Government against the SFRY and Pressures on the Serb People in Bosnia-Herzegovina (1991-1992) (General overview)

2.12.1.1. The harassment of the Serb people in Bosnia-Herzegovina in 1991 with attacks on the SDS leadership on television and radio, and in newspapers and magazines published in Bosnia-Herzegovina. The magazine "Novi Vox", a Muslim youth paper

led the attacks. (Bosna je okupirana - Al' ne zadugo/Bosnia Occupied - But Not for Long/ Novi Vox, Sarajevo, No.3, October 1991, Annex No 213, pp. 1458/1459-1460)

2.12.1.2. In its third issue in October 1991, "Novi Vox" published the following "patriotic" song:

"Dear mother, I'm going to plant willows,
We'll hang Serbs from them.
Dear mother, I'm going to sharpen knives,
We'll soon fill pits again.
Dear mother, chop some salad,
And invite our Croat brothers.
When our banners unite,
All the Serbs will end in graves."

During World War Two the slogan "Serbs on Willows" was popular among the Ustashi (Ustashi were fascist armed formations in the Independent State of Croatia during World War Two). Serbs should be hanged from the willows. The reference off pits was also supposed to associate to the suffering of the Serbs in World War Two, since at that time Croat and Muslim fascists threw slaughtered or killed Serbs into deep pits in the rocky fields of B-H). (Patriotska poezija /Patriotic Poetry/ Novi Vox, No. 3, October 1991, Annex No 214, pp. 1461-1462/1463-1466)

2.12.1.3. The same issue of "Novi Vox" published obituaries of the most prominent Serb leaders, including Dr Radovan Karadžić, Dr Biljana Plavšić and Dr Nikola Koljević. There is a picture of cut off heads of Serb leaders on the front page. It was an early incitement to commit genocide. ("Čitulje" /"Obituaries"/ Novi Vox, No. 3, October 1991, Annex No 215, pp. 1468-1469/1470-1472)

2.12.1.4. Illegal armed formations were set up in Bosnia-Herzegovina, as illustrated by an article, also published in the third issue of "Novi Vox" in October 1991, entitled "We will defend the border on the Drina". This article said:

"A two-page article entitled "From the camp of the Hanjar Division" appeared in the latest issue of the Zagreb weekly "Globus" with an interview with Alija Šiljak, a member of the Presidency of the Croatian Party of Rights and its coordinator for Eastern Bosnia, who is said in political circles to have organized military activities on the Drina and recruited Muslim volunteers for Croatia's patriotic war. The journalist of the popular Zagreb weekly saw that these stories were not without foundation when Alija took him to a training camp for new fighters somewhere in deep forest "between the Drina and the Sutla".

When the journalist said that he was seen as the creator of the new Hanjar Division, Alija Šiljak replied: "What I am doing with my people from the Drina, as I call them, really is the continuation of a tradition. Much has been said about the Hanjar Division from 1945 to 1990, mainly in a negative context. Their so-called crime was to fight for their own state and defend their people from people like Kalabic, Medenica and Mihajlović. They were disciplined and loved by the people, but one of their so-called crimes was that they wore fezes with a letter "U" or a crescent and a star, or both, instead of the Serb royalist insignia or the communist five-pointed star."

The Hanjar Division was a fascist Muslim armed formation created in the Second World War. (Branit ćemo granice na Drini /We Will Defend Our Border on the Drina/ Novi Vox, No. 3, October 1991, Annex No 216, pp. 1473-1475/1476-1480, Odluka o formiranju muslimanske narodne garde /Decision on the Formation of the Muslim National Guard, Annex No 217, pp. 1481/1484, Uvodi se Hajvan vagon /Special Animal Cars To Be Introduced, Annex No 218, pp. 1485/1486-1487/ Čele-Kula /Tower of Skulls/ Igre /Games/, Annex No 219, pp. 1488-1489/1492)

2.12.1.5. The authorities of B-H did not react to the texts in "Novi Vox" although they were meant to spread religious and ethnic intolerance and incitement to genocide.

2.12.1.6. The Bosnia-Herzegovina radio and television, the "Oslobodjenje" newspaper publishing house and all other republican mass media remained in Muslim-Croat hands. They were used to wage a media war against the Serb people.

2.12.1.7. SDS leader Dr Karadžić spoke at a press conference held on 23 January 1991 of the anxiety of Serbs in the western Herzegovinian communes bordering on Croatia due to which women and children were moving from Metkovic to eastern Herzegovina.

2.12.1.8. The arming of the Muslim and Croat civilians was organized in 1991. Part of the arms were obtained with the help of the Republic of Slovenia. This was confirmed by Hasan Čengić, a Muslim middleman. Čengić said at a hearing before a Slovenian parliamentary committee that he had been first approached by Slovenian President Milan Kučan, who then connected him with Interior Minister Igor Bavčar. Slovenian Defence Minister Janez Janša was the key person in the illegal arms deals. (M. Jakšić, "Kučan prva veza" /Kučan the First Connection/ Politika, 14 July 1994, Annex No 220, pp. 1493/1494-1495)

2.12.1.9. The former chief of Slovenia's Counter-Intelligence Service, Miha Brejč, said on 17 February 1995 at a hearing before a Slovenian parliamentary committee that Slovenia supplied the Bosnian Muslims with arms from the beginning of 1991 to the autumn of 1994. Although these arms deals were supposed to be secret, it is quite certain that the arming of Muslims in Bosnia-Herzegovina could not have gone unnoticed by the Serbs.

2.12.1.10. Several thousand Muslims and Croats from Bosnia-Herzegovina were trained at the Croatian Interior Ministry training centre during 1991.

2.12.1.11. As early as February 1991, the flats of army officers and prominent Serbs were marked in Sarajevo and Bihać. In this way they were marked as possible targets.

2.12.1.12. Attacks by Croatia's armed forces on the territory of Bosnia-Herzegovina inhabited by Serbs began in March 1991. Croatian Special Police seized the "Brotherhood and Unity" bridge on the Sava near Jasenovac and the village of Donja Gradina on 5 March 1991. Serbs in Bosnia-Herzegovina were concerned over the failure of the SDA - and HDZ - controlled republican authorities to condemn these attacks.

2.12.1.13. The SDA began to organize the Muslim extremist organization, the Patriotic League, at least a year before the war. This was an illegal terrorist organization that mainly comprised Muslim officers who had deserted from the Yugoslav People's Army (hereinafter: JNA). Sefer Halilović, commander of the Muslim army of the so called Republic of Bosnia-Herzegovina deserted from JNA and joined the illegal and terrorist Patriotic League. The Patriotic League grew into a new territorial defence force of Bosnia-Herzegovina and came into the open by attacking the JNA and breaking up the legal Territorial Defence force. The previously illegal Patriotic League was based in Sarajevo and led by leaders of the SDA.

2.12.1.14. Asked in an interview on "Bosnia- Herzegovinian Radio and Television" whether or not the war in Bosnia-Herzegovina could have been avoided, Muslim leader Alija Izetbegović admitted that he himself had not expected that the war would be so terrible. "In the second half of 1991, we established the Patriotic League to prepare the people for the possibility of war," Mr Izetbegović said.

2.12.1.15. The Serb people in Bosnia-Herzegovina was particularly irritated by the fact that A. Izetbegović paid an official visit to Kurt Waldheim. The Serbs consider that Dr. Waldheim is among those responsible for the death of 34.000 Serbs from Mt Kozara in

World War Two. A. Izetbegović said that K. Waldheim had been only a soldier. This visit and A. Izetbegović's explanation did not contribute to building trust between Muslims and Serbs. On the contrary.

2.12.1.16. Residents of several western Herzegovina communes blocked roads with vehicles and human shields to prevent the passage of a motorized JNA convoy. The road blocks were placed on the Mostar-Lištica-Posušje road allegedly because Bosnia-Herzegovina's authorities had not been notified in advance of the passage of the army convoy. A. Izetbegović claimed at a press conference that he had not been consulted about troop movements. This was a clear case of A. Izetbegović claiming authority he did not have, because the JNA was not obliged to consult the Republican Presidency. It is clear that this too influenced the political mood of the Serbs in Bosnia-Herzegovina and that they viewed this as a threat. (Drago Marić, *Uzaludni pokušaji da se omogući prolaz vojnom konvoju /Unsuccessful Efforts to Enable Army Convoy to Pass/ Politika*, 9 May 1991, Annex No 221, pp. 1496/1497)

2.12.1.17. At an SDS press conference, Dr Karadžić warned that the border between Bosnia-Herzegovina and Croatia was slowly melting away and that A. Izetbegović had given half of Bosnia-Herzegovina's sovereignty to F. Tuđman, the President of the Republic of Croatia. In the Croat-populated parts of B-H the school system and the mass media were part of the Croatian system. (Granice između BiH i Hrvatske polako se tope /Border between B-H and Croatia Slowly Melting/ *Politika*, 16 May 1991, Annex No 222, pp. 1498/1499-1500)

2.12.1.18. Dr Biljana Plavšić, President of the Council for the Protection of the Constitutional Order and member of the Bosnia-Herzegovina Presidency, spoke of the chaos in the legal system of Bosnia-Herzegovina and said that this was due to the coalition of the SDA and the HDZ in the republican government and the interference of the Republic of Croatia. (M. Carić, *Hrvatska se grubo upliće u poslove suverene BiH /Croatia's Interference in the Internal Affairs of Sovereign Bosnia/ Politika*, 14 May 1991, Annex No 223, pp. 1501/1502)

2.12.1.19. Alija Izetbegović said in Sarajevo on 8 May 1991 that Sarajevo was a Muslim city. Shortly after, the Mayor of Sarajevo, Dr Muhamed Kreševljaković, went further and said that Bosnia-Herzegovina was a Muslim country. These statements naturally did not give the Serbs any reason to believe in the good intentions of the SDA. (Izetbegović demantuje Kljuića /Izetbegović

contradicts Kljuića / Politika, 9 May 1991, Annex No 224, pp. 1503/1504)

2.12.1.20. Dobroslav Paraga a leader of ultra right-wing fascist political forces, said that Croat companies were already allied with Muslim forces on the Drina. (Mirko Carić, Pogledi uprti u BiH /Eyes Turned towards Bosnia-Herzegovina/ Politika, 11 June 1991, Annex No 225, pp. 1505/1506)

2.12.1.21. In protest against the conduct of Mr Izetbegović, the President of the Bosnia-Herzegovina Presidency, who made statements without consulting the other members of the Presidency, the Serb members of the Presidency, Dr Plavšić and Dr Koljević, decided on 8 June 1991 to freeze their membership of the Presidency. The SDS leadership decided on 10 June 1991 to deny Mr Izetbegović the right to represent the Serbs of Bosnia-Herzegovina. This was the beginning of the departure of Serb representatives from bodies of the government of Bosnia-Herzegovina as a result of their isolation and marginalization by SDA and HDZ representatives.

2.12.1.22. Croatia's armed forces shelled the town of Bosanska Gradiška from the territory of the Republic of Croatia. Again there was no reaction from the republican government of Bosnia-Herzegovina. (Dušan Kecman, Veliki ratni okršaj na Savi /Big Armed Clash on the Sava/ Politika, 19 August 1991, Annex No 226, pp. 1507/1508-1509)

2.12.1.23. Forces of the Croatian Ministry of Internal Affairs and the Croatian National Guard shelled the town of Bosanska Kostajnica from the Croatian territory. Dragan Borojevic, aged 30, and Nedeljko Prohic, aged 28, were killed in the attack. SDA and HDZ representatives in the republican government in Sarajevo deliberately ignored Serb demands that the Croatian leadership be warned against attacking Bosnia-Herzegovina. (D. Kecman, Ponovo napadnuta Bosanska Kostajnica /Bosanska Kostajnica Attacked Again/ Politika, 1 September 1991, Annex. No 227, pp. 1510/1511)

2.12.1.24. At a press conference held in Sarajevo on 5 September 1991, the SDS leaders issued an appeal to the Ministry of Internal Affairs of Bosnia-Herzegovina to cease its activities against the JNA. (Muharem Durić, Protiv haosa u BiH /Against Chaos in B-H/ Politika, 6 September 1991, Annex No 228, pp. 1512/1513)

2.12.1.25. Through the Ministry of the Interior of B-H, SDA intensively worked on preventing recruitment in JNA and on forming one-nation police forces. JNA officers continuously received

threatening phone calls. (D. Kocić, Prete rušenjem mosta kod Zvornika /Threats to Destroy Zvornik Bridge/ Politika, 29 September 1991, Annex No 229, pp. 1514/1515)

2.12.1.26. Dr Biljana Plavšić and Dr Nikola Koljević stated in a letter addressed to the Hague Peace Conference that Alija Izetbegović could not represent the Serbs from B-H.

2.12.1.27. The President of Bosnia-Herzegovina, A. Izetbegović, proclaimed Bosnia-Herzegovina's neutrality in the conflicts in Croatia on 7 October 1991. He behaved as if the Socialist Republic of Bosnia-Herzegovina was an independent and sovereign state, although it was not. Dr Radovan Karadžić, Momčilo Krajišnik, Dr Biljana Plavšić, Dr Nikola Koljević and Vojislav Maksimović, issued a statement on behalf of the Serbian people condemning that act and pointing to its unconstitutionality. They stressed that B-H was not an independent state, and therefore, could not claim neutrality. They also said that Alija Izetbegović's appeal to conscripts not to respond to mobilization calls constituted a severe violation of the law. (Predsednik Predsedništva BiH povredio čitav niz ustavnih i zakonskih normi /President of the B-H Presidency Violated Several Constitutional and Legal Provisions/ Politika, 8 October 1991, Annex No 230, pp. 1516/1517-1518)

2.12.1.28. A session of the republican parliament was held in Sarajevo on 14 October 1991. At the proposal of the SDA, the incomplete Parliament of the R Bosnia-Herzegovina adopted a Memorandum (Letter of Intent) on the sovereignty of the republic and a Platform on the Status of Bosnia-Herzegovina and the Future Set-up of the Yugoslav Community proposed by the republican Presidency. These documents were not supported by the SDS and SDS members did not take part in these decisions. The documents were not subjected to the procedure envisaged in para. 10, Article LXX of the 1990 Amendment to the Constitution of SR B-H, which means that they were not reviewed or proposed by the Council for National Equality. Bearing in mind that the three leading parties could not agree on these documents, and that the procedure regarding the Council for National Equality was not observed, Momčilo Krajišnik, President of the Assembly and SDS deputy, concluded the Assembly session after which SDS deputies withdrew. At the proposal of Irfan Ajanović, the then Vice President of the SFRY Assembly and one of the SDA leaders, the Assembly continued its work although there was not a sufficient number of deputies present, and adopted the mentioned documents. (Memorandum-pismo o namjerama, Službeni list Socijalističke Republike Bosne i Hercegovine/Memorandum-Letter of Intent-/Official Gazette of SR BiH, No. 32, 16 Oktober 1991, i Platforma o položaju BiH i budućem ustrojstvu jugoslovenske

zajednice /Platform on the Status of B-H and the Future Set-up of the Yugoslav Community/ 543/5, Annex No 231, pp. 1519-1520/1521-1523; Muharem Durić, Mirko Carić, Bosna se podelila /Bosna Divides/ Politika, 16 October 1991, Annex. No 232, pp. 1524/1525-1527 Bosnia-Herzegovina, Defence and Foreign Affairs Handbook. London, 1994, p.135, Annex. 98)

2.12.1.29. At a press conference held in Sarajevo on 16 October 1991, the SDS issued a proclamation to the Serb people in Bosnia-Herzegovina. The proclamation said that the parliamentary groups of the SDA and the HDZ attempted a *coup d'etat* on the night of 14/15 October 1991 by adopting unconstitutional decisions by means of political terror, thus destroying the tradition of Serbs, Muslims and Croats living together. That endangered the constitutional order and opened the door to lawlessness and chaos. If the parliament of Bosnia-Herzegovina did not preserve the constitutional order, the Serb people would establish a legal order that was in accord with the SFRY Constitution, ensure respect for the federal constitution and federal laws, civil and national rights and organize its own legislative, executive and judicial authorities to which it had a right as a sovereign people. It also said that the Serb people would remain in Yugoslavia unless it decided otherwise in a referendum. (M. Durić, Nezavisnost BiH mimo volje srpskog naroda /Sovereignty of B-H against Will of Serb People/ Politika 17 October 1991, Annex No 233, pp. 1528/1529)

2.12.1.30. About 50,000 Serbs attended a meeting in Banja Luka on 26 October 1991 protesting against the adoption of the Memorandum and the Platform. Dr Nikola Koljević said that the Serbs would organize a referendum on their state status. (Srbi su izabrali plebiscit /The Serbs Have Chosen a Plebiscite/ Politika 27 October 1991, Annex No 234, pp. 1530/1531-1535)

2.12.1.31. Deputy Prime Minister of Bosnia-Herzegovina Muhamed Čengić visited Turkish Prime Minister Suleyman Demirel in Ankara on 15 November 1991. Yugoslav diplomats were not allowed to attend the meeting. (Čengić informisao Demirela o Bosni /Čengić Informed Demirel on Bosnia/ Politika, 16 November 1991, Annex No 235, pp. 1536/1537)

2.12.1.32. JNA pilot, Captain Dragoš Stojčinović, was kidnapped in Mostar on 28 November 1991 by a Croat paramilitary formation. The police of Bosnia-Herzegovina were involved in the kidnapping. Captain Stojčinović was first taken to Lištica and then to Split and Zagreb in Croatia. He was physically tortured and suffered serious bodily injuries in these places. He was exchanged at Pleso airport on 10 December 1991. (Statement of Dragoš Stojčinović to the

team of experts for collecting and processing evidence on crimes against humanity and international law, of 5 May 1994, Medical Documentation, Annex No 236, pp. 1538-1542/1543-1547, 1548-1550/1553)

1.12.1.33. An explosive device was placed under the car of the Editor of the Krajina newspaper "Glas", M. Mladjenović, Secretary for Information of the Autonomous Region of Bosanska Krajina. The car was destroyed and windows of surrounding buildings were shattered. Before that event explosive was placed under the car of Dr Radislav Vukić, President of Bosanska Krajina SDS, and then in the entrance hall of the building where Predrag Radić, Mayor of Banja Luka, lived. (D.K. Na meti celnici SDS /SDS Leaders Attacked/ Politika, 1 December 1991, Annex No 229, pp. 1554/1555) In December bombs were planted in restaurants owned by Serbs (D.K. Tri diverzije u srpskim lokalima /Three Sabotages in Serb-owned Restaurants/ Politika, 15 December 1991, Annex No 238, pp. 1556/1557) Those sabotages were organized in order to bring pressure to bear on Serbs in that part of B-H. The said events significantly influenced the political positions of the Serbs in B-H.

2.12.1.34. The adoption of the decision to hold a referendum was a gross violation of the Constitution of the Socialist Republic of Bosnia and Herzegovina. The 1990 Amendment LXX, para. 10, to the Constitution of the Republic of Bosnia and Herzegovina provided for the setting up of the Council on the Questions of the Realization of the Equality of the Peoples and Nationalities of Bosnia and Herzegovina. In Annex 2.5 to its Statement, the Applicant presented the text of Amendment LXX, para. 10. However, only a part of the text was presented. The most important parts of the text have been omitted. In the Respondent's Annexes to Preliminary Objections, on page 814, a photostat copy of the Official Gazette No. 21 of the Socialist Republic of Bosnia and Herzegovina of 31 July 1990 was presented in which Amendment LXX was published. The full text of paragraph 10 of Amendment LXX reads:

"The Council on the Questions of the Realization of the Equality of the Peoples and Nationalities of Bosnia and Herzegovina shall be set up in the Assembly of the SRBH. As members of the Council shall be elected an equal number of MPs from the ranks of the members of the peoples of Bosnia and Herzegovina - Muslims, Serbs and Croats, a corresponding number of MPs from the ranks of the members of other peoples and nationalities and others living in Bosnia and Herzegovina. The Council shall decide on the basis of agreement between the members from the ranks of all peoples and nationalities. The composition, scope and manner of work of the Council shall be regulated by the law to be adopted by a two-third

majority of the overall number of MPs in the Assembly of the Socialist Republic of Bosnia and Herzegovina.

"The Council shall consider in particular the questions related to: the equality of language and script; organization and activities of cultural institutions having special importance for the expression and affirmation of national characteristics of individual peoples and nationalities and the adoption of rules and regulations ensuring the realization of the constitutional provisions which expressly establish the principles of equality of peoples and nationalities.

"The Council shall necessarily consider the question of the equality of peoples and nationalities at the initiative of MPs in the Assembly of the SRBH. If at least 20 MPs consider that the equality of peoples and nationalities has been violated by proposed rules and regulations or any other act, the proposal to be decided by the Assembly of the SRBH shall be determined by the Council.

"The Assembly of the SRBH shall decide on the questions of interest for the realization of equality of the peoples and nationalities of Bosnia and Herzegovina at the proposal of the Council in a special procedure established by the Rules of Procedure of the Assembly of the SRBH by a two-third majority of the overall number of MPs." (Annex 100) (Bold type is ours)

2.12.1.35. This was the most important constitutional provision guaranteeing the equality of the peoples and nationalities in Bosnia and Herzegovina. This rule expressed the essence of the principle of equality and self-determination of peoples in Bosnia and Herzegovina. Accordingly, it was provided that the questions concerning the equality of peoples be decided by agreement of an equal number of representatives of all three peoples. Alija Izetbegović rejected each and every attempt at reaching agreement with the representatives of the Serb people. The Constitution of Bosnia and Herzegovina contained Annex IV to the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton (Ohio) on 21 November 1995 and signed at Paris on 14 December 1995 provides for essentially very similar solutions.

2.12.1.36. This constitutional principle was grossly violated by the adoption of the decision on holding a referendum. "Osloboljenje" (Liberation) is a daily paper published in Sarajevo, Bosnia and Herzegovina. This is how "Oslobodjenje" of 26 January 1992 reported on the adoption of the decision by the Assembly of the Socialist Republic of Bosnia and Herzegovina on holding the referendum:

"The referendum of the citizens of Bosnia and Herzegovina on the future status of this Republic will be held on 29 February and 1 March 1992. The decision on referendum was adopted unanimously early yesterday morning, after seventeen hours of discussion, by the

Parliament of the Socialist Republic of Bosnia and Herzegovina, but without the presence of the MPs of the Serbian Democratic Party and the Serbian Renewal Movement. All the 130 present MPs voted: the MPs of the Party of Democratic Action and the Croatian Democratic Union, as well as the MPs of the opposition bloc, except the Liberal Party.

"The decision on referendum in Bosnia and Herzegovina was adopted at the extended session of the Parliament presided over by the Vice-President of the Parliament of Bosnia and Herzegovina, Mariofil Ljubić. He was entrusted with this task at the request of the Club of the MPs of the Party of Democratic Action which all MPs present in the conference room supported by voting. Before that, the President of the Parliament of the SR of Bosnia and Herzegovina, Momilo Krajinović, adjourned the session for the following day after the last interruption of the session he had presided over (stating that, according to the Rules of Procedure, the conditions for the continuation of the work had not concurred).

"This turnabout was due to the failure of the three ruling Parliamentary parties to agree on the agenda supplement, i.e. the introduction of the proposal of the Presidency of the SR of Bosnia and Herzegovina to adopt at this session the decision on a referendum of citizens. Many consultations were held because of which the session was frequently interrupted and each time when the session was resumed it seemed that a solution was in sight. Particularly so in midnight hours when the Deputy Prime Minister of Bosnia and Herzegovina, Muhamed Čengić, proposed that 'first a detailed plan of the regionalization of the Republic be worked out and that only then a referendum be organized', but within a fixed period, to which the leader of the Serbian Democratic Party, Radovan Karadžić, who at one moment found himself at the rostrum together with Čengić, also agreed.

"We have never been closer to an agreement than this time', said Karadžić to the applause of the MPs. The next interruption brought about another turnaround. Vlado Pandžić, Chairman of the Club of the Representatives of the Croatian Democratic Union, also said that he was glad that the agreement on a referendum was about to be reached. Only when Radovan Karadžić requested that the regionalization obligation be defined in a new constitution act (first regionalization, and then referendum), the President of the Party of Democratic Action, Alija Izetbegović, rejected any conditions regarding the referendum and said: 'We stick to what we have already proposed, and as far as discussion is concerned we can accept it'. Leaving the rostrum he criticized Krajinović for the way in which he conducted the session.

"At that moment it was obvious that all hopes for a successful outcome of the Karadžić-Čengić agreement had failed. Vojislav Maksimović, Chairman of the Club of the MPs of the Serbian

Democratic Party said that any further discussion was purposeless and proposed, on behalf of all the MPs of the Serbian Democratic Party, that the proposal to take a decision on the referendum of the citizens be forwarded to the Council for Inter-Ethnic Equality. At this point this session of the Parliament was concluded for the MPs of the Serbian Democratic Party who, together with President Krajišnik, left the conference room. It was exactly 3.30 a.m."

By refusing to respect the request of the Serbian MPs to have the said Council declare itself on the question of the referendum on independence, the Assembly of Bosnia and Herzegovina grossly violated the constitutional provisions contained in Amendment LXX to the Constitution of the SRBH.

2.12.1.37. After the decision of the Parliament of the Serb people in Bosnia-Herzegovina to form the Bosnian Serb Republic, Alija Izetbegović threatened the Serbs in a TV news broadcast that they would see a repetition of the exodus which they had suffered in Croatia.

2.12.1.38. On the day of the Muslim-Croat referendum on an independent state of Bosnia-Herzegovina, 1 March 1992, there was an armed attack on a Serb wedding party in Sarajevo. Nikola Gardović, the bridegroom's father, was killed, and the priest Radenko Mirović was wounded in front of the Orthodox church in the Baš Čaršija in the centre of Sarajevo. They were both Serbs. Suad (of father Hamdija) Šabanović, a Muslim, Igor (of father Zvonimir) Dodig, a Croat and Muhamed (of father Emin) Švrakić, a Muslim carried out the attack. The attackers tried to seize the Serbian flag carried by the bridegrooms brother. It is a Serb custom to carry national flags at weddings. When the father tried to protect his son the attackers opened fire. Under the circumstances of the referendum on independence that attack symbolized the future fate of the Serb people in B-H. This attack triggered the inter-ethnic armed clashes in Bosnia-Herzegovina. (Ubistvo na Baš Čaršiji /Murder in Baš Čaršija/ Politika, 2 March 1992, Annex No 239, pp. 1558/1559, Bosnia-Herzegovina, Defence and Foreign Affairs Handbook, London, 1994, p.135, Annex No 98)

2.12.1.39. Barricades were erected in Sarajevo after the murder of Nikola Gardović. After the agreement between Dr Radovan Karadžić, Alija Izetbegović and JNA General Milutin Kukanjac, barricades were removed and crisis areas put under the control of mixed military and police patrols. On the night of 3 March 1992 armed Muslims erected barricades in the part of the town where they constituted a majority. This was despite Alija Izetbegović's promise that the blockade would not happen again. There were several murders of both Serbs and Muslims. (M. Carić, M. Durić, Nove

napetosti /Renewed Tensions/ Politika, 4 March 1992, Annex No 240, 1560/1561-1562, M. Đurić, Bosna: Dogovor u poslednji čas /Bosnia: Last Minute Agreement, Annex No 241, pp. 1563/1564-1567)

2.12.1.40. About 50,000 SDA and HDZ members were armed in March 1992. Their formations were called the "Green Berets", the "Flying Pals" and the "Hanjar Division". The Turkish newspaper "Hurriyet" carried two reports from Sarajevo and Bosnia-Herzegovina on Islamic commandos who were preparing for war in Bosnia-Herzegovina. The paper called the commandos "The Islamic Rambos of Bosnia". The reporter Muammer Elveren visited the "Green Berets" Headquarters in Bosnia and described their arms, clothes and training. (Muammer Elveren, Islamic Rambos, Hurriyet, 30 March 1992, Muammer Elveren, Password of Rambos Selamunaleykum, Hurriyet, 31 March 1992, Annex No 242, pp. 1568/569 - 1570/1571-1572, Radovan Pavlović, Pod oružjem 50.000 članova HDZ i SDA /50.000 Members of HDZ and SDA Are Armed/ Politika, 4 March 1992, Annex No 243, pp. 1573/1574-1575)

2.12.1.41. Serbs were fleeing from B-H to Serbia. In April 1992 tens of thousands of refugees from B-H arrived in Serbia. (Mirjana Kuburović, Rata se svi plaše /Everybody Is Afraid of War/ Politika 7 April 1992, Annex No 244, pp. 1576/1577-1579)

2.12.1.42. The SDS leader Dr. Karadžić, the SDA leader Alija Izetbegović and the HDZ leader M. Brkić signed a Declaration on Humanitarian Treatment of Displaced Persons in Sarajevo on 11 April 1992. The Declaration stated:

"Considering the particular problems of displaced persons in Bosnia-Herzegovina,

"Acknowledging that they were compelled to leave their homes as a result of the conflict tension which affect the neighbouring republics and some areas of Bosnia-Herzegovina and which continue to generate new displacement ...
(.....)

"To support the initiative to establish a tripartite commission between the Republic of Croatia, the Republic of Bosnia and Herzegovina and UNHCR to define principles, guarantees and procedures aimed at facilitating the return of displaced persons to the Republic of Croatia..." ("Sarajevo Declaration of the Humanitarian Treatment of Displaced Persons", S/23836, p. 12, Annex No 245, pp. 1580-1581)

The Declaration bears witness to the fact that the first victims of ethnic cleansing were Serbs. The term "neighbouring republics" could refer only to Croatia, and the term "some areas of

Bosnia-Herzegovina" could only refer to Western Herzegovina from where Serb villagers had been expelled.

2.13.1. The Situation in the Communes of Sarajevo, Višegrad and Tuzla prior to the Outbreak of War

2.13.1.1. This section gives a survey of the events which took place in three cities in Bosnia and Herzegovina - Sarajevo, Višegrad and Tuzla and shows how the Muslim side prepared the war by political and military means, long before the beginning of the armed conflicts in Bosnia and Herzegovina. It also shows the harassment and ill-treatment to which the Serbian population was exposed in these cities. The Respondent opted to present a detailed survey of the situation in these three cities because, i. a. of the following reasons:

- Sarajevo represented the headquarters in which the plans were elaborated and the preparations made for the forcible and unconstitutional secession of Bosnia and Herzegovina from the SFRY, and the center in which the illegal armament of Muslims was organized. All this was accompanied by various forms of intimidation of the Serbian population.

- Višegrad was taken as a characteristic example of the atmosphere created by the Muslims, lead by the leaders of the SDA, in the cities on the border between Bosnia and Herzegovina and Serbia.

- Tuzla was selected in order to show the falsehood of the picture created in the world public by some Muslim and other media, pretending that the sufferings of the local Serbs were avoided thanks to the Muslim leadership.

2.13.2. Sarajevo

2.13.2.1. Even before the beginning of the war conflicts, the Muslim and Croatian representatives of the authorities in Sarajevo and various illegal military organizations acted in concertation on the preparation of the forcible unconstitutional secession of Bosnia and Herzegovina from the SFRY, They started, together, to commit crimes against the Serbs, who represented an obstacle to the achievement of their political goals. SDA, as the party in power, established an

illegal military organization, the Patriotic League. One of the founders of that organization was Munib Bisic, then Vice-minister of defense of the B-H, while Alija Izetbegović also confirmed his participation in the organization of the Patriotic League.

2.13.2.2. Contrary to the amendment LXIX to the Constitution of Bosnia and Herzegovina (from July, 1990), which prohibited political organization and acting directed to the imperilment of the territorial integrity of the SFRY, the Muslims in the B-H, together with the Croats, prepared themselves, militarily and politically for the forcible secession of Bosnia and Herzegovina from the SFRY.

The Muslim Party of Democratic Action formed the Patriotic League as its military wing. The establishment of the Patriotic League, as illegal military organization, started in April, 1991. According to his own statement, Munib Vasic, then Vice-minister of defense of B-H made, together with Sulejman Vranja and some other Muslims, the Instructions for the Organization and Activities on Field, relying mainly on the people from the Party of Democratic Action. The Organization was named the Patriotic League. Sefer Halilovic (later Chief of the Headquarters of the Army of the so called B-H and Rusmir Mahmutcehajic "political-ideological designer" of the SDA also took part in the foundation and organization of the Patriotic League.

Evidence: Committee 308/96, 198/97, 407/96 (Annex No 246, pp. 1582/1-1582/95)

2.13.2.4. In May and June, 1991, in Sarajevo, one unit of the "Green Caps", still in civilian clothes, prepared itself for handling armament in the cinema theater of the House of culture Bistrik (Dragica Pravica street). The training was secret, in the late hours of the evening, and they took special care not to let uninvited persons into the hall.

Evidence: Committee 175/97-3

2.13.2.5. Although the Ministry of the Interior of Bosnia and Herzegovina was formally a united state institution, its activities were subordinated to the interests of the Muslim-Croatian option. The Chief of the Ministry was Alija Delimustafić, nominated Minister, a

former policeman, fired because of some malversations. He had founded, with his brothers, the company "Ceneks", which was involved in coffee, tobacco and foreign currency smuggling, and which also imported illegally arms for the Muslims. Delimustafić gave a big cash donation to the SDA, and Izetbegović nominated him, when he took power, Minister of the Interior.

The Deputy Minister of the Interior, Vitomir Zepinić, a Serb, had no influence whatever on the activities of the Ministry, especially because of the fact that Branko Kvasić, a Croat, was the Chief of the State Security.

The Chief of the Center of Security Services of the City of Sarajevo was Bahir Alispahić, a man close to Alija Izetbegović

Munir Alibabić was the Chief of the State Security in the Center of Sarajevo, Mirsad Srebrenković - Vice-minister of the Interior, Jusuf Pusina - Vice-minister of State Security (after Delimustafić he was nominated Minister of the Interior) and Avdo Hebib - Vice-minister of police.

Evidence: Committee 407/96 and 162/96-5 (Annex No 247, pp. 1582/96-1582/129)

2.13.2.6. Before the outbreak of war, Hilmo Selimovic, who was in direct contact with Alija Izetbegović, was nominated Chief of the Personnel Service of the Ministry of Interior of the B-H.

Selimović fired, in summary procedures, personnel of Serbian nationality, and placed, with no procedure at all, people from the SDA on leading positions.

Evidence: Committee 162/96-5

2.13.2.7. By the end of 1991 and by the beginning of 1992, at the time when Alija Delimustafić was Minister of the Interior, the work on the discovery and reporting of the criminal activities connected to the SDA and HDZ was prohibited.

In the second half of 1991, a private enterprise, under the pretext of collection of payments for automobiles, took in a fraudulent way an amount of some 6 million DEM, and gave that money to the Party of Democratic Action for the purchase of armament in Slovenia. This criminal activity was never reported to the competent public attorney, and the work of the investigators was discontinued.

Munib Alibabić, as the Chief of the State Security, also stopped the activities of the organs of the interior, directed to the discovery of the criminal activities for the benefit of the SDA, and especially to the purchase of armament. Some of the participants in the illegal purchase of armament were discovered and arrested, but they were immediately released.

Evidence: Committee 162/96-5

2.13.2.8. A long time before the international recognition of the B-H, the "Green Berets" took over the security of the highest institutions of the B-H: The Parliament, the Presidency, the Government and the Ministry of Interior, and the Radio-Television and other institutions of public information in Sarajevo.

By the beginning of January, 1992, under the excuse of security, the "Green Berets" occupied the premises of the RTV Sarajevo (before that, the security was assured by the Ministry of Interior). They searched people, made lists of undesirable Serbs and mistreated them.

Thus the RTV Sarajevo became the means of Muslim propaganda in the preparation of the forcible secession from the SFRY and the creation of an independent state, in accordance with the policy of the SDA.

Zdravko Šipka, Chief of the Security of the RTV tried to resist, and was liquidated by the "Green Berets" in the spring of 1992.

At that time, Sarajevo was full of people in uniforms "Green Berets" and of civilians - Muslims and some Croats - with arms they carried publicly.

The "Green Berets" consisted mainly of the pre-war criminals whose sentences were abolished under the condition that they join that illegal military organization.

Thus Esad Osmanbegović, the Director of the Central Prison in Sarajevo released 69 Muslim prisoners in March 1992, and distributed rifles from the warehouse of the prison to them.

Evidence: Committee 407/96

2.13.2.9. At the meeting of the College of the Military District and of the members of the Presidency of B-H on January 20, 1992,

the representative of the Military Command informed the members of the Presidency about the establishment of the Military District and pointed out that it is the duty of the army to defend the State of the SFRY, emphasizing that the JNA does not admit violence and that politicians should decide on the future of the country.

That attitude met a strong reaction by the Croat and Muslim members of the Presidency. Alija Izetbegović said that nobody asked them about the establishment of the Military District, and that he did not accept Yugoslavia, "for it does not exist anymore". This was a long time before the referendum on the secession of the B-H from the SFRY which took place on February 29, and March 1, 1992, and before the international recognition of the B-H on April 6, 1992).

Evidence: Committee 174/97 - 1 (Annex No 300)

2.13.2.10. On 1 March 1992, when the referendum for the so called "Independent and Sovereign" B-H took place (with the participation of Muslims and Croats only), the first Serb was killed in Sarajevo by the members of the illegal Muslim military formation, the "Green Berets".

On that day, Nikola Gardović had a wedding party of his son Milan, and when the wedding guests, after the ceremony in the church, started to lunch, they were attacked near the Town Hall by armed Muslims who tried to seize from them the flag that was folded around the pole. One of the assailants fired four shots on R. M., while Ramiz Delalić called "Čelo", a pre-war criminal, one of the leaders of the "Green Berets" shot Nikola Gardović, who died soon afterwards. One of the assailants said to Serbs: "We will kill you all".

Some of the Serbs run after Delalić and other assailants, but a uniformed policeman with an automatic rifle stopped them, instead of taking the necessary measures to arrest those who committed the crime.

Although that event created a great concern of the Serbs in Sarajevo, no assailant was arrested for criminal procedure, while the murderer of Gardović, Delalić, later on a military commander in the so called Army of Bosnia and Herzegovina, boasted with that murder in front of the cameras of TV Sarajevo.

The above mentioned circumstances clearly show that it was a premeditated criminal act, with the objective of frightening the

Serbs, in the preparation of the forcible, unconstitutional secession of the Bosnia and Herzegovina from the SFRY.

Evidence: Committee 390/96, 386/96-19 (Annex No 248, pp. 1582/130 - 1582/140), 478/96-20 (Annex No 249, pp. 1582/141 - 1582/151) and 478/96-27 (Annex No 250, pp. 1582/152 - 1582/171)

2.13.2.11. According to reliable knowledge of witnesses, there was a plan to massacre the Serbs in Sarajevo during the night between March 3 and 4, 1992.

When a representative of the Command of the JNA in Sarajevo told Alija Izetbegović that the Command has information about such a plan, on that same night, Izetbegović, Karadžić and General Kukanjac addressed the people at the TV, asking them to keep peace and order.

Evidence: Committee 174/97 - 1

2.13.2.12. During the night between April 4 and 5, 1994, around midnight, Mustafa Fejzić, encoder in the Liaison Center of the Mol of the B-H, sent a special cable to the Stations of Public Security in Sarajevo, at the order of Avdo Hebib, Vice-minister of the Interior.

Immediately after that cable a policeman of the Police Station Koševo, Pero Petrović, a Serb, was killed in the Police Station Novo Sarajevo. He was in that station by pure chance (he had arrested a minor whom he caught stealing).

During that same night, some 150 members of the "Green Berets" got uniforms and armament in the building of the Emergency Service.

Evidence: Committee 162/96 - 1

2.13.2.13. The organized character of the Muslim actions and of their preparations for attacks against the Serbs is also shown by the fact that on April 6, 1992, in front of the building of the Ministry of Interior of B-H in the Boriše Kovačevića street, arms were publicly distributed to Muslims, at the presentation of identity cards (which showed that they were Muslims).

At that same day, identity cards of the Ministry of Interior were changed. The Muslims in the service got badges with names. Serbs who worked in that same service were prevented from entering the building by "Green Berets".

The "Green Berets" behaved in a similar way in other institutions as well: on April 12, 1992, they disarmed a Serb, a high official in the Assembly of the B-H, while he was leaving his office; they bandaged his eyes and took him to a prison in which he was kept for four days; on April 17, 1992, the door of the office of the Vice Prime Minister Miodrag Simović, a Serb, was riddled by bullets, the office was ransacked and a some documents were taken away.

Evidence: Committee 407/96

2.13.2.14. On April 15, 1992, a directive was sent, on behalf of the Presidency of the B-H, to all municipal and district headquarters of the Territorial Defense about the attacks against the JNA and the military facilities. Instead of Alija Izetbegović, the directive was signed by the Commander of the Territorial Defense, Hasan Efendić. That directive says, inter alia: "Occupy immediately the warehouses of armament and ammunition, block the barracks, occupy the barracks and imprison the members of the JNA at the territory of the B-H."

At the meeting of the Presidency of the B-H on April 17, 1992, the representative of the JNA asked for an explanation regarding the directive, but got no reply, although the existence of the directive was not denied.

This clearly shows that the top people of the Muslim-Croat authorities in B-H were not ready to accept a peaceful solution for the withdrawal of the JNA from B-H.

Instead of a peaceful solution, the members of Muslim-Croat military formations attacked the units and facilities of the JNA, and the districts of Sarajevo populated mainly by Serbs. On April 22, 1992, there took place armed attacks of the "Green Berets" against Ilidza and against the Military Command of the JNA in Sarajevo.

2.13.3. Višegrad

2.13.3.1. Višegrad, as a border city on the Drina river separating Bosnia from Serbia was of special strategic importance to the radical Muslims in Bosnia and Herzegovina in implementing their plans for the creation of a Muslim state according to the ideas set forth in the "Islamic Declaration" authored by Alija Izetbegović, the president of the Party of Democratic Action and the first president of the Presidency of Bosnia and Herzegovina after the multi-party elections.

2.13.3.2. The inhabitants of Višegrad were predominantly Muslims. According to the 1991 census, in the commune of Višegrad there were 13,316 (62.8%) Muslims and 6,963 (32.8%) Serbs.

2.13.3.3. The events that will be described demonstrate that the intention of the radical Muslims was to bring pressure to bear on Serbs by ruthless physical and other forms of assaults so as to force them to move out and thereby secure that area for the future Muslim state. This area is also of particular significance for establishing a link with the Muslim-populated District of Rashka (Sanjak) in Serbia.

2.13.3.4. The Party of Democratic Action was the direct organizer and inspirer of various assaults on Serbs and of riots which precluded the authorities, at the helm of which were as a rule exclusively Muslims, from normally functioning. The authorities on their part only formally initiated proceedings against the perpetrators of such actions but those proceeding were never really carried out to the full which only made the Serbs feel still less secure and more endangered.

2.13.3.5. Attesting to the strategic importance of Višegrad from the standpoint of the achievement of the objectives of the Muslim Party of Democratic Action is also the fact that on 16 February, 1992 a Muslim religious meeting was held in this town devoted to methods of struggle for establishing a Muslim state in Bosnia and Herzegovina. This is at the same time testimony to the concerted action of the religious and the political (state) factor in the activities of the Muslims designed to create a state resting upon Islamic foundations.

2.13.3.6. Immediately after the outbreak of war, the Muslims started killing Serb civilians, especially in villages, and committed other acts of violence seeking to cleanse this area - as a border area adjacent to Serbia - of Serbs.

The situation in Višegrad before the outbreak of war

*Acts of Violence against the Serbs and Other Forms of Pressure
against the Serbs*

2.13.3.7. The Muslim Party of Democratic Action (SDA) was founded in Višegrad on 2 August 1990. At the founding assembly the radical Muslims stated that they were better prepared than they had been in 1941 and that they would not allow that which had ostensibly happened to them in World War Two to happen to them again, as if it was they who had been victimized, although in reality many of them had been guilty of crimes committed within the framework of the so-called Independent State of Croatia. Alija Izetbegović and Sulejman Ugljanin (leader of radical Muslims of the Rashka region, Serbia) visited Višegrad on that occasion and spoke at the Culture Centre. At that meeting the idea was launched that funds should be raised to erect a monument to Muslim victims fallen in World War Two.

2.13.3.8. Fikret Cocalić was elected SDA president for Višegrad and Avdija Šabanović was elected his deputy.

2.13.3.9. In November 1990 multi-party elections were held and the Muslims won a majority in the assembly of the commune. Fikret Cocalić was elected president of the Assembly.

2.13.3.10. At its first session, the Assembly, thanks to the Muslim majority, illegally changed the Statute of the Commune (failing to abide by the prescribed procedure) by abolishing decision-making by a two-thirds majority and introducing decision-making by a simple majority on all issues falling within the purview of the Assembly. This made possible for the Serbs to be outvoted in respect of all questions and for decisions to be adopted to satisfy the interests of the Muslims.

2.13.3.11. The said Avdija Šabanović behaved particularly arrogantly in the Assembly. He levelled threats at the Serbs and cursed at them while telling them that they should toe the line and behave as they were told or else go to Serbia and there do whatever they felt like.

2.13.3.12. The Public Security Station headed by the Muslim Ševal Murtić provided only meager, vague information playing down the Muslim provocations of and assaults on Serbs, which information was then adopted by the Assembly thanks to the Muslim majority to the detriment of the Serbs.

2.13.3.13. When the Assembly discussed the interception of military personnel carriers by the Muslims in September 1991, the Muslim deputies blamed journalists from Serbia for writing about it. Snežana Nešković, a deputy representing the Serbs, came out against this view. When she said that it had not been journalists that had intercepted the personnel carriers, she was verbally abused and attacked by Avdija Šabanović who told her to "take care" if anything at all should happen to his brother Murat Šabanović, "if a hair on his head was harmed" (the ringleader of many aggressive actions undertaken by Muslims in Višegrad).

2.13.3.14. At the initiative of the Muslims the Assembly embarked on a debate on the construction of a road to Žepa so that this area, too, could be connected to Sanjak (the Rashka in Serbia).

2.13.3.15. During the session of the Assembly, Murat Šabanović stood armed at the door, and later 15-20 of his men, armed with no less than machine guns and automatic rifles "secured" the Assembly building. This directly caused, in December 1991, the Serb deputies to leave the Assembly in which decisions were being adopted contrary to their will anyway.

2.13.3.16. In January 1992 the Serbs founded their own Assembly so as to organize their life under conditions of threats on the part of the Muslims.

Evidence: Statements of witnesses No. 678/95-23, (Annex No 251, pp.1582/172 - 1582/187), and 678/95-24 (Annex No 251a, pp. 1582/188 - 1582/197),

2.13.3.17. Towards the end of 1990 the Muslims' intolerance of the Serbs became ever more manifest, involving numerous assaults, threats, provocations, maltreatment and physical attacks, and it escalated until the war broke out. The Muslims publicly displayed their chauvinistic feelings and accentuated their religious affiliation by wearing green clothes, brandishing Muslim flags and other religious emblems. In Medjedja and in other places they built new mosques, they established Muslim schools in villages and organized religious instruction. An increasing number of Muslims started to wear fatigues and caps with golden lilies on them.

2.13.3.18. Aggressive Muslim groups increasingly used arms to intimidate Serbs or directly attack them. They went on shooting rampages in the town of Višegrad in a show of force. Being in fear for their lives, the Serbs went out in the streets seldom, especially women and children.

2.13.3.19. Immediately before to the outbreak of war Muslims organized rallies for a sovereign Bosnia and Herzegovina. Motorcades of taxi cabs and other cars with their horns blaring carried Muslim flags and had posters affixed on them "for a sovereign Bosnia and Herzegovina". Numerous attacks on Serbs shall be described in more detail.

Evidence: Statement of witness No.678/95-23 and 24.

2.13.3.20. During the multi-party elections the Muslims also demonstrated their chauvinism. Thus Murat Šabanović with another three Muslims wrote in green oil paint "SDA democracy" at the entrance to the office building and on the doors in the corridors of the enterprise "Šumarstvo" (Forestry) in Višegrad. There was a marked change in the behaviour and style of dress of the Muslim population who increasingly wore green.

2.13.3.21. When in the spring of 1991 Stanko Pecikoza, of Serb nationality, tried to persuade the Muslims to let the passengers of a bus from Serbia get out, the Muslims set out to beat him. Kasim Ferić, a Muslim said: "Not a single Serb shall cross the Drina river ever again, f... their Serbian mothers!

Evidence: Statements of witnesses Nos.678/95-9 and 678/95-5. (Annex No 251b, pp. 1582/198 - 1582/205)

2.13.3.22. On 14 December 1990, the Muslims Ramo Kahrman and Senad Kahrman, without any reason or cause, physically attacked the Serb Stanko Peruničić, the production manager of the enterprise "Varda" in Višegrad, in his office. Ramo caught him by the head and hit him while Senad pounded him from the back and they inflicted light bodily injuries on him in the form of scratches and abrasions.

Evidence: 259/95-41

2.13.3.23. On 21 January 1991 in Višegrad, in the catering establishment called "AB", Zahid Hurem, Kemal Hurem and Jasmin Smajić physically attacked the Serb Saša Radovanović from Višegrad. They hit him on the body with their hands and with bottles and kicked him with their feet inflicting light bodily injuries on him.

Evidence: 279/95-10

2.13.3.24. On 5 April 1991, the Muslim Kemal Sadiković from Višegrad, in a drunken state, attempted to rape the minor D.S. of

Serb nationality in his car, whom he knew from before and who boarded his automobile in the belief that she would come to no harm.

Evidence: 279/95-44 and 673/95-16.

2.13.3.25. On St. George's Day, 6 May 1991, radical Muslims erected barricades in a number of places in Višegrad and manned various posts with guards. The witness Mladen Dragičević and several policemen went to inspect a number of spots to ascertain the situation, but the Muslims would not let them enter Dušče, Dobrun and Bikavac. Such actions on the part of the Muslims were organized by Avdija Šabanović (deputy president of the SDA in Višegrad and deputy to the Communal Assembly) and his brother Murat Šabanović. In order to create an atmosphere laden with tension and provide formal justification for their moves, the Muslims spread the falsehood that Vojislav Šešelj with about 200 members of his Party had set out from Serbia towards Višegrad. The night between 6 May and 7 May was used to additionally arm the Muslims.

The witness later found out that this had been a trial mobilization of the Muslim Patriotic League - the Green Berets - a paramilitary organization.

Evidence: Statements of witnesses Nos. 678/95-12, 678/94-24 and 678/95-22 (Annex No 251c, pp. 1582/206 - 1582/2220)

2.13.3.26. In the spring of 1991, in Višegrad, a group of Muslims pushed a drunken Muslim youth in front of Spaso Djurić, a Serb, as the latter was driving a taxi, so that Djurić barely avoided hitting the Muslim, and then they physically attacked him for ostensibly threatening the life of a pedestrian - a Muslim.

2.13.3.27. The recognition of Bosnia and Herzegovina by Turkey was a very festive occasion celebrated by the radical Muslims of Višegrad. In that connection Spaso Djurić told a fellow taxi driver, Baħro Velagić, that war was much more likely than the creation of a single State of Bosnia and Herzegovina, to which the latter replied: "I am now glad that I have got myself a Kalashnykov".

2.13.3.28 The radical Muslims would often say that they were the majority people and that the Serbs had no business being in Bosnia and Herzegovina.

Evidence: Statement of witness No. 809/95-6.

2.13.3.29. On 14 June 1991 members of the SDA blocked the Public Security Station in Višegrad. The assembled crowd of Muslims prevented the policemen from entering or leaving the building. Murat Šabanović and Zijad Subašić prevented the policeman Avdo Smajlović from standing guard in front of the entrance to the building. Grabbing his automatic rifle, they forced their way into the building with a group of Muslims. They demanded the immediate release of the Muslim Nermin Šišić who had been detained for interrogation because he had cut sections of old bridges and sold them at the junkyard.

Evidence: 279/95-7, 279/95-45 and 678/95-11. (Annex No 251d, pp. 1582/220 - 1582/227)

2.13.3.30 In mid-1991, in Dušče near Višegrad, Muslims belonging to the group led by Murat Šabanović intercepted a bus operated by the "Raketa" transport service from Užice and beat up the driver and several passengers. They also threatened them with the weapons they were holding. The driver was incapacitated for further work so that another one had to be called from Užice to take over.

Evidence: Statements of witnesses Nos. 552/94-3, 678/95-22 and 23 and 673/95-22.

2.13.3.31. The Serbs in Višegrad and in the entire former Bosnia and Herzegovina were particularly upset by the vandalistic demolition of the monument to the Serb Nobel Prize winner writer Ivo Andrić, by the Muslims on 1 July 1991 around 5,00 p.m. in Liberation Square in Višegrad. The monument was torn down by a group led by Murat Šabanović following instructions from the SDA (Murat Šabanović is the brother of Avdija Šabanović, vice-president of the Party of Democratic Action for Višegrad).

Šabanović severed by a sledge hammer a part of the head and a chunk of marble of the monument which he then threw into the Drina river. He then pushed the rest of the monument down while the others were securing the scene. Fadil Hajderbašić recorded the event with a movie camera and the video-cassettes were later sold.

2.13.3.32. This action was preceded by vituperative and insulting articles about Andrić in the Islamic paper "Novi Vox" published in Sarajevo. The cover page of this paper showed a caricature of Andrić impaled on a pencil, an allusion to impalement on a stake, the typical Turkish way of killing Serbs during Turkish rule, which Andrić described in his books.

2.13.3.33. The text about Andrić by Nihad Kreševljaković was entitled "Ivo Andrić - the Marquis de Sade of Our Literature" with a caption: "What I have read, experienced and heard so far in Herceg-Bosna will suffice to call Andrić, who perhaps is a great writer, a petty man, a poisonous grain, a person who did not have even a modicum of love for his fatherland."

2.13.3.34. The text quotes articles from the paper "Bosanski pogledi" (Bosnian Views) from March 1961 stating that the books "The Bridge on the Drina" and the "Travnik Chronicles" were written solely for political and chauvinistic reasons, so as to attribute to the Muslims during Turkish times the crime of genocide and brutality and at the same time justify the crimes of the Chetniks committed on a massive scale against the Muslim population during the war. Andrić is allegedly ascribed historical falsehoods about Bosnia and showered with the worst of abusive language. ("can it really be that the beautiful, endearing and peaceful Bosnia engendered such a blackguard?") Before this incident professor Muhamed Filipović had stated that Ivo Andrić had done more harm to the Muslims in Bosnia than any army that had ever run through its territory. But, Ivo Andrić is a Nobel prize winner for literature. It could be hardly acceptable that the Nobel prize winner is a partisan of chauvinism.

Evidence: 203/95 and 279/95-32 and 33.

2.13.3.35. In the second half of July 1991 Avdija Šabanović came to the office of the witness in the enterprise "Šumarstvo" in Višegrad and first reprimanded him for having said that he - Avdija and his brother Murat Šabanović had demolished the monument to Ivo Andrić in Višegrad and then added that the Muslims accounted for 70% of the city's population and that he had better "keep his mouth shut or else", and also that there was hajduk (brigand) blood in his family.

To the witness' comment that their behaviour towards the Serbs was Ustashi-like, Šabanović replied "I am an Ustashi and proud of it. I have killed and I will kill". He threatened the witness that he would kill him and that there would be no one to see it, and that then he would defecate on him.

The next day Murat Šabanović came to the office of the witness and also threatened to kill him, saying that if he did not do it then and there he would certainly kill him within 5 or 6 days, that he would gun him down with an automatic rifle, that he knew where his house was and that the witness was as good as dead.

When the witness reported this incident at the Public Security Station, the superintendent Murtić (a Muslim) promised personal security to the witness but did not say that any action would be taken against the attackers.

The witness was also harassed by telephone so that he had it disconnected for a while. He experienced all this as pressure, which other Serbs were also subjected to, to move out of Višegrad.

Evidence: Statement of witness No. 678/95-5.

2.13.3.36 On 27 July 1991, in the village of Prelovo (where a memorial tomb of Serbs fallen in World War Two is located), radical Muslims provoked a fight during a local football match. On that occasion they beat up the Serb Z.P.

Evidence: Statement of witness No. 678/95-23.

2.13.3.37. On the eve of St Elias' Day, on 1 August 1991, the group of Murat Šabanović intercepted in Višegrad two buses from Serbia with mainly women and children aboard, travelling to Montenegro, to attend a religious ceremony in the Monastery of Ostrog. Under the sweltering summer sun they kept the passengers inside the buses for seven or eight hours. Around 2,000 radical Muslims gathered around them, many of whom maltreated and showered abuse at the Serb passengers. They proclaimed the church flag the passengers were carrying a Chetnik one and tore it to pieces. Only in the evening did they let the passengers return to Serbia, not allowing them to proceed to their destination.

Evidence: Statements of witnesses Nos. 678/95-22 and 23.

2.13.3.38 In August 1991 a leaflet was circulated among the Muslims in Višegrad stating: "It is obvious that we can no longer live at peace with the Serbs and that the crisis that we find ourselves in cannot be resolved as long as there is a single Serb living in our Republic. We therefore have to do everything in our power to get rid of them as soon and as efficiently as possible. Before we resort to the last argument - arms, we shall try to employ some subtler methods..." Twenty points followed the statement with recommended action for the Muslims. Inter alia: "Smash their car windows and the windows of their houses"; "Throw garbage on their doorsteps"; "Urinate in their entrance halls"; "Mark their houses or flats"; "Write threatening graffiti on their houses or churches", and similar.

Evidence: 279/95-21 and 673/95-5.

2.13.3.39. In their intimidation and persecution of Serbs, the Muslims of Višegrad were particularly aggressive in September 1991.

On 20 September 1991, Murat Šabanović and his brother Avdija Šabanović, leading a group of radical Muslims, erected barricades in the streets of Višegrad and intercepted a convoy of

military vehicles and personnel carriers as well as other vehicles. Avdija Šabanović intercepted a mixer truck, sent the driver out and blocked the road with the vehicle.

A large number of radical Muslims assembled around the vehicle. They cursed at the soldiers and threatened them. Ermin Velagić dragged one of the soldiers towards the assembled crowd as Murat Šabanović pulled at the soldier's automatic rifle trying to wrest it from him and when some policemen tried to stop him he cocked his pistol and pointed it at them.

Avdija Šabanović stopped a bus with Čačak licence plates, transporting children, seized the keys from the driver and prevented him from proceeding.

A vehicle in which was Ž.Š. was stopped in the street. Murat Šabanović grabbed Š. by the hair and dragged him out of the vehicle and then another Muslim hit him with an object in the back of the neck sending him down on the ground, and then they kicked him in the loins. Š. sustained severe bodily injury for which he was treated at the hospital in Užice.

Murat Šabanović and Senad Kahrman drove the Serb D.R. down the road at gun point, but two policemen came to his rescue.

Armed Muslims prevented the police from keeping law and order. Murat Šabanović and Senad Kahrman, forced, at gun point, the policemen G.N. and H. K. to retreat towards the building of the Police Station.

Evidence: 279/95-8., 9., 11., 21., 36 and 43 and 678/95-22.

2.13.3.40 On 20 September 1991, in Višegrad, Avdija Šabanović intercepted a freight vehicle of the Public Utilities Enterprise in Višegrad driven by R.M. from Koritnik, cursing at M. and calling him a "Chetnik". He opened the door and pounded M. with his fists. Then Murat Šabanović ran up to the vehicle and dragged M. outside and then a number of Muslims beat him up. M. sustained injuries including abrasions of the ear.

Several days after this incident, waving a Serbian flag on fire, Muslims went around shouting that "that is how they would throw Chetniks and Serbs into the Drina river". One of them brandished a broken bottle neck shouting that that was his weapon with which to slaughter the "Chetniks".

Evidence: Statement of witnesses Nos. 279/95-36 and 678/95-6 and 279/95-9.

2.13.3.41. On 23 September 1991, in Dušče near Višegrad, Murat Šabanović and another four Muslims physically attacked the Serb M.Č., who had protested against the erection of barricades on the road, and inflicted severe bodily injury on him fracturing his

ninth left rib and causing contusions on various parts of his body. Šabanović hit Ć. with the butt of his automatic rifle, sending Ć. to the ground and then the whole group fell upon him and pounded and kicked him.

Not far from the scene were a number of policemen and when one of them told the attackers "to leave the man alone", Šabanović cocked his automatic rifle and pointed it at the policemen.

According to the allegations of the Public Security Station in Višegrad as well, Šabanović had been carrying an automatic weapon during the incident, but the police did not seize it from him, although the possession and carrying of such weapons constituted an offence according to the then Penal Law of Bosnia and Herzegovina (Article 213) in force. This detail illustrates that the Muslims had already been armed at the time and that the authorities accepted that fact as perfectly normal.

Evidence: Statements of witnesses Nos. 552/94-3 and 673/95-22 as well as document 279/95-42.

2.13.3.42 In connection with the developments 20 to 23 September 1991 meetings were held in Višegrad on 25 September 1991 between the public prosecutor in Sarajevo and the prosecutor of the Public Prosecutor's Office in Višegrad, the head of the Security Services Centre, the head of the Public Security Station and the president of the Communal Assembly of Goražde. The records from these meetings show that no criminal or misdemeanor action had been brought against any of the perpetrators in relation to events that had taken place shortly before and that the Public Security Station was awaiting a working group of the Ministry of Internal Affairs from Sarajevo to arrive and extend it assistance.

The head of the Public Security Station, Ševal Murtić, said that in respect of a number of incidents it had been assessed that no action should be taken in order to prevent "the people from rallying".

The representative of the Executive Board of the Serbian Democratic Party assessed that the judges dared not try Murat Šabanović and also that no one dared testify against him. The Executive Board of the SDS demanded that Šabanović be remanded in custody in connection with the demolition of the monument to Ivo Andrić, but to no avail.

It was concluded at a meeting held with the president of the Communal Assembly, Cocalić, that it was to be established whether conditions existed to remand in custody the persons who had taken part in these events, especially those who had been convicted before. It was also generally stated that there must be observance of the rule of law.

Neither Murat Šabanović, nor anyone else belonging to his group were ever detained in connection with the mentioned or any other acts of violence.

All this clearly shows that the authorities in Višegrad, the key offices of which were held by Muslims, actually did not want to take any serious action against the aggressive acts of the armed group of Murat Šabanović, comprising also his brother Avdija Šabanović, the vice-president of the SDA in Višegrad and a deputy to the Communal Assembly, namely that the acts of violence against the Serbs were deliberate, in collusion with the authorities, designed to exert pressure on the Serbs to force them to move out. It is only thus that the ostensible dilemma to the effect of specific requirements having to be met for remanding in custody persons persistently committing criminal acts of violence can be explained.

Evidence: 279/95-49.

2.13.3.43. The group of Murat Šabanović comprised about 50 well-armed radical Muslims who received their salaries through the SDA from monies made by enterprises whose managers were Muslims. As for food and other articles, they got this free of charge from the retail outlets of the "Klas" enterprise.

When D.G. found a member of Murat Šabanović's group taking a 50 kilogram sack of sugar from the "Klas" store without paying, the shopkeeper told him that he would deduct the cost of the sugar from the salary of the alleged customer. When G. asked to buy a sack of sugar himself, the shopkeeper offered him only one kilogram.

A rapid paging and assembly system had been organized for the members of Šabanović's group via the city's Muslim taxi drivers, and Zijo Lipa was in charge of liaison with the cab drivers.

Taxi drivers were very active in SDA actions. After they returned from a Muslim event in Foča in 1991 to which they had driven the participants, Murat Šabanović sent all the drivers to the TownHall to be given fuel.

Evidence: Statements of witnesses 678/95-23, 673/95-22, 552/94-3 and 809/95-6.

2.13.3.44 Endangered as they were, the Serbs from Višegrad fled en masse to Užice, a neighbouring town in Serbia. To put an end to this exodus, on 24 September 1991 the refugee Serb families from Višegrad which had found shelter in Užice addressed in writing the Communal Assembly of Višegrad, the Secretariat of the Interior and the political organizations of Višegrad requesting them to prevent terrorist actions by SDA members against Serbs in Višegrad.

Evidence: 279/95-25.

2.13.3.45. On the night between 1/2 September 1991 members of the SDA broke into the premises of the Secretariat for National Defence of the Commune of Višegrad, cracked open all the safes and took away the military documentation from them. Fikret Cocalić - the president of the Communal Assembly of Višegrad - said in a statement for the local paper that it had been "the people" that had taken away the documents and that he agreed with it.

Only at a meeting with the high Public Prosecutor from Sarajevo, on 25 September 1991 devoted to the events of 22 and 23 September 1991 did Cocalić promise that the documentation would be returned.

The documentation was returned three months after it had been seized, but even then it was not accessible to the Serbs (it was held under lock and key by a Muslim officer of the Secretariat of National Defence, an SDA member).

Evidence: 279/95-28, 49 and 50.

2.13.3.46. On 7 October 1991 a large group of armed radical Muslims blocked the entrance to the Public Security Station in Višegrad while Avdija Šabanović was being interrogated in it. Senad Kahrman, showering abuse at the policemen, threatened to blow up the building if Šabanović was not released, and then fired a number of shots two of which hit the Public Security Station building. Šefko Košuta also threatened to kill the policemen and to blow up the building.

Esad Muslić ripped with a knife the tyres of an official police vehicle, and Abdulah Čelik removed the hub caps from the tyres of official police vehicles and urged the citizens to attack the policemen. Murat Šabanović fired a number of shots from his automatic weapon.

The memorandum the Public Prosecutor's Office in Višegrad sent to the Attorney-General's Office in Sarajevo, dated 9 October 1992 (signed by the prosecutor Šahin Muhić a Muslim) stated that Avdija Šabanović had not been summoned for an informative interview according to standard procedure before having been brought in, and that he was served the summons only after that. It also stated that "Murat Šabanović from Višegrad and several of his like-minded companions opened fire from automatic weapons", but the wording of the memorandum did not warrant the conclusion that there had been anything illegal or dangerous in the fact that Šabanović and his like-minded companions" possessed automatic weapons although the possession of automatic weapons constituted an offence according to the Penal Law of Bosnia in Herzegovina then in force (Article 213), so that the immediate and obligatory measure should

have been the seizure of such arms, followed by the institution of criminal proceedings.

Evidence: 279/95-12 and 673/95-1.

2.13.3.47. On 22 November 1991 Zahid Hurem stopped the Serb M.M. in the street in Višegrad pointing a gun at his head. He caught him by the epaulet on his army uniform and asked him what he needed that for. M. swore and wrested himself away and sought refuge in a nearby restaurant, but Murat Šabanović, Zahid Hurem and another Muslim found him there and all three pointed their pistols at his head. They ordered him down on his knees and then hit him with their pistols until he collapsed, blood streaming down his body.

Mubekir Tabaković joined the attackers, put a pistol to M.'s stomach and took all the money he found in his shirt pocket (US \$ 30, DM 50 and some dinars).

M. was attended to at the first aid medical station.

The next day M. went to see the commanding officer of the Police Station, Podžić (a Muslim), who asked him more questions about his participation in the war in Croatia than about the incident of the day before, showing in fact no willingness to take any action in earnest (he said that "things would be taken care of").

Evidence: Statement of witness No.678/95-18 and document 279/95-13.

2.13.3.48 In 1991 the "Ivo Andrić" Library in Višegrad was evicted from its premises by the order of its then director Enver Jašarević, a member of the SDA. The premises were then leased to Zaim Kustura, a member of the Executive Board of the SDA in Višegrad, to set up a private business.

Evidence: 279/95-26.

2.13.3.49. Although the village of Prelovo was predominantly inhabited by Muslims, the majority of the elementary school teachers in the village were Serbs because the Muslim teachers found employment and were transferred much more easily to vacant posts in the elementary school in Višegrad.

At the beginning of 1991 an abrupt change in the behaviour of the pupils and their parents towards the Serb teachers in the school became evident. The pupils' parents spread around lies, for instance that the teachers beat their children, ripped off their neck chains with crescent pendants, etc. Two Serb teachers were forced to shave off their beards as all Serb teachers were designated "Chetniks". Some Serb teachers were accused of having taken the

children on an excursion to visit the monasteries in Serbia and forcing the children to cross themselves on that occasion.

Irritated by these falsehoods and ungrounded attacks, S.V. used a vulgar expression at a meeting of the teachers' faculty, which was used as a pretext to provoke a wholesale riot, so that the school was shut down for five days.

When the Serbian language teacher R.L. delivered a lecture on St.Sava as the first Serbian scholar and educator, as part of the curriculum, she was accused of catechizing and a veritable revolt followed in the Muslim villages, and at the insistence of the school principal a team of inspectors arrived from Sarajevo.

All this was part of the pressures exerted on teachers of Serb nationality to make them leave the school and the Višegrad area. This was only accentuated by the threats made by the Muslim Mehmed Lubarda, a junior classes teacher in the same school, who said that the Ustashi would slit their throats.

Evidence: Statement by witness No.809/95-4.

2.13.3.50. In 1991 the Muslims carried out personnel changes in the Secretariat of the Interior Department in Višegrad, placing their people in key positions. Thus Ševal Murtić was appointed superintendent of the Public Security Station and they tried to install Avdija Šabanović as commanding officer of the Police Station despite his having participated in acts of violence committed in the area of the commune, but the Serbs managed to prevent it.

In order to engineer further personnel shifts, the Muslims resorted to various pressures. Thus Murat and Avdija Šabanović with members of the Green Berets, uniformed and armed, broke into the Police Station and held the employed inside under a blockade all day. People from the Ministry of the Interior in Sarajevo came and the Muslims demanded of them to make further personnel shifts.

After this incident, Ilijas Sumeska was appointed deputy commanding officer, and Milan Josipović - the deputy commanding officer until that day, remained unassigned with a specific duty. A number of Serb policemen were suspended from duty and only later, after categorical insistence of the Serbs, were they returned to their jobs.

In March 1992, Muslim policemen drove away in lorries belonging to the Ministry of the Interior weapons from the Police Station which they took out of the premises through the storeroom window. When the Police Station commanding officer Dragan Tomić saw them and asked them what was going on, they denied him entry into the storeroom. After this incident, all the Serb policemen quit their jobs at the Public Security Station.

In order to put pressures on the Serbs and prepare to deal with them the Muslims established links along various lines. Thus for

instance people who had never been there before started coming to the Public Prosecutor's Office in Višegrad to see the prosecutor Šahin Muhić. He also had meetings with Murat and Avdija Šabanović, the protagonists of organized violence against the Serbs.

Evidence: Statements of witnesses Nos. 678/95-20 and 22 and 809/95-4.

2.13.3.51. Pressures were being brought to bear on the Serbs at their work places as well so that they would leave of their own accord or, if not, they would be served notice.

G.K., employed with the enterprise "Granit", was sent on a two-year paid leave, so as not to interfere with the Muslims' manufacturing of explosive devices in the enterprise workshops.

When, in one of the workshops, on the table of the boss Haso Ferić, K. saw a bomb case filled with dynamite, complete with cap and fuse, one of the Muslims tried to convince him that it was intended for fishing.

S.M., of Serb nationality, was removed from her job as agricultural inspector, although she had a university degree and was a good worker, and a Muslim was employed in her stead.

Towards the end of March 1991, D.G. stopped coming to work at the "Višegrad" hydro-electric plant because of the threats he had been exposed to at work by of his Muslim fellow- workers.

Evidence: Statements of witnesses Nos. 678/95-11, 23 and 24 and 552/94-4.

2.13.3.52. On the morning of 15 December 1991 the city of Višegrad awoke decked with Muslim nationalistic slogans, e.g.: "Long live Murat, SDS you will be wearing fezzes yet, long live the SDA, Muslims stick together - SDA - the Party of beloved Allah", etc.

Evidence: Diary entry of witness No.279/95-21.

2.13.3.53. On 12 January 1992 Hasan Šabanija from Gornja Crnča killed the Serb Ranko Baranac in his house in the village of Bijela, shooting him from a pistol at close range, for no reason whatsoever, except that the victim was a Serb.

Šabanija was a guard at the public enterprise "Panos" in Višegrad and carried an official gun; he came to Baranac's house about 1.00 p.m. and was accorded hospitality there (he and the host had brandy and some roast meat). He committed the crime around 3.00 p.m., after Ranko's wife had left the house on an errand.

Evidence: 279/95-21 and 673/95-21.

2.13.3.54. The pressures exerted on the Serbs took various forms. Thus the Muslims of the village of Orahovica shut off every access path to the house and estate of M.Z., a Serb, on the pretext that they were fencing off their properties.

In the village of Koritnik, the Muslim Medo Kurspahić placed a large rock on the road in front of the entrance to the house of M.G., claiming that he needed it to block in place the wheels of his cart when the team of draft animals was resting.

Prior to the outbreak of war a meeting of Serbs and Muslims was held in the village of Koritnik. When M.G. said that the meeting was not in fact necessary, as there existed the authorities whose duty it was to handle the situation, Šemo Kurspahić replied that they - the Muslims - were the authorities and that the meeting was only supposed to make life easier for the Serbs in the sense of making it easier for them to get used to living under Muslim rule.

M.G., in whose house the meeting was held, offered his guests some brandy, which offer Šemo Kurspahić turned down in vulgar language. Kurspahić forbade the Muslims to have any, adding that the time would soon come when not even the Serbs would be allowed to drink brandy (alluding to the establishment of a Muslim state in which the consumption of alcohol would be forbidden).

Evidence: Statement of witness No. 678/95-23.

2.13.3.55. Before the war broke out, B.K. set out from Dobrun in his car together with the Muslim Muhić, nicknamed "Madjar"(the Hungarian). As they talked, K. asked Muhić what was going on and the latter replied that the time had at long last come to see who ruled the roost.

Returning from the village of Bogolica, K. met the Muslims Edo Mutapčić and Husein Hajdarević and Hajdarević told him: "All this will be ours, and as for you Chetniks, we will slaughter the lot of you".

On another occasion, during a chance meeting, Hajdarević asked K: "Why did you not show up last night so that we could kill you off?" Hajdarević was referring to a meeting the Muslims had organized ostensibly to reach agreement with the Serbs.

Evidence: Statement of witness No.678/95-12.

2.13.3.56.. Somewhere around mid-March, 1992, in Dušče, a group of about 15 armed radical Muslims intercepted M.K. who was transporting hay on a freight vehicle, and with whom was also R.T. from Višegrad. They dragged T. out of the lorry and placed him against a wall saying that they would shoot him. They swore at both of them, cursing their Chetnik mothers, threatening that in retaliation

for a single Muslim hair they would slit the throats of 500 Serb children, and similar.

They also forcibly dragged K. out of the vehicle while Bemirović, called "Šejtan" (Devil) hit him repeatedly.

They searched the lorry, allegedly looking for arms, and broke and damaged parts of the vehicle (indicator lights, the cab, etc.). They took from both Serbs their pistols for which they had regular permits.

This attack was carried out by Murat Šabanović's group comprising Senad Kahrman, Abdulah Kahrman, Zahid Hurem and others.

When K. filed action against the perpetrators of this attack, the head of the Public Security Station Ševal Murtić ridiculed him showing no intention of doing anything at all.

Evidence: Statements of witnesses Nos. 552/94-3, 673/95-22 and 678/95-17.

2.13.3.57. On 23 March 1992, an armed group of radical Muslims led by Murat Šabanović erected barricades in the streets of Višegrad and stopped the passenger vehicle driven by M.J. from Višegrad. M.Jv. was also in the car. As M. Jv. sat in the car, Murat Šabanović whacked him on the head with the barrel of his machine gun, drawing blood. Then Šabanović ordered both of them out of the car saying that they were "Chetniks" and that M.J. was "loaded with bombs". Once out the vehicle they beat them both up: they pounded M. Jv. with their fists and kicked him until he fell and they hit M.J. on the head, in the eye, with the pistol they had found on him.

M.J. started running and Senad Kahrman grabbed him by the jacket and tore it off him and then tripped him so that M.J. fell; Kahrman then kicked him twice in the loins and hit him with his rifle in the back of the head causing a swelling. M.J. got up and started running again and they shot at him and threw a bomb after him.

M.Jv. somehow managed to drag himself to the parked lorry which he had been driving before he boarded M.J.'s vehicle, and Šabanović tried to stop him shooting at the windshield and the windows. Senad and Abdulah Kahrman also opened fire at him. As he passed the house of Meho Hodžić someone fired a pistol at the truck from inside the house.

M.J. reported the incident to the Public Security Station in Višegrad but no action was taken. The doctors at the Višegrad hospital would not admit him so that he was extended medical assistance in Užice.

Before this incident, Murat Šabanović had said, in the presence of the witness Joksimović, that in a matter of a couple of

years Višegrad would be rid of Serbs, and also that no one would dare say that he was a Serb.

Evidence: Statements of witnesses Nos. 552/94-5 and 678/95-9.

2.13.3.58. Safet Smajić, who had sued his enterprise "Varda" for having been dismissed from work, threatened S.N. (she represented the enterprise) that he would kill her, throw a bomb at her, and then join the "Zengas"; he often harassed her by telephone and similar.

Evidence: Statement of witness No. 678/95-24.

2.13.3.59. At the end of March 1992, after the rehaling was completed of the hydroelectric plant "Visegrad", in the Restaurant of the plant, the witness D.G. told the Muslims who were present, among whom was also Emir Avdić, director of the plant, that they should influence their leaders so that the maltreatment of Serbs might stop and relations improve, and Mirsad Nalo responded that he had better "take care" because he - Nalo - "was keeping track" of every step the witness made (he lived across the street from the witness) and that G. would be killed if he made "a wrong move". G. asked what would happen to his family, and Nalo replied that he would kill the children and take his wife away to a harem, since their state would be based on Sharia law.

Two days later G. stopped coming to work, having learned about a Muslim list of Serbs who would be liquidated, and which also included his name. The said Nalo was to liquidate him. The group of Murat Šabanović was in charge of liquidating all the Serbs on the list.

Evidence: Statement of witness No. 678/95-23.

2.13.3.60. At the beginning of April 1992, in Višegrad, near the "Mezalin" inn, M.G. saw that Avdija Šabanović had a switch-blade knife and he asked him what he needed it for. Šabanović replied that he was going to circumsize "Vlachs" (derogatory for persons of other religion) with it. Another Muslim who was present - Dervišević - said: "Give it to me so I can circumsize a Vlach" (referring to the present G.).

Evidence: Statement of witnesses Nos. 552/94-14 and 678/95-16.

2.13.3.61. At the beginning of April Avdija Šabanović met N. K. and cursing Serbs all the time and mentioning Karadžić said:

"There are 30% of you Serbs in Višegrad, you all voted for him, so let him help you now". Angry and incensed he added that he had a list with about fifty Serb names whom he personally would kill, and that N.K. was also on it. He continued threatening: "I shall slaughter you all and if even one Muslim loses his life not a single Serb will leave the Višegrad spa alive". For N. he said that he would first cut off her tongue and then throw her down from the fifth floor.

Evidence: tatement of witness No. 678/95-2. (Annex No 251e, pp. 1582/228- -1582/232)

2.13.3.62. On 5 April 1992 in the village of Jagodna, G.K. was stopped by several armed Muslims, including Avdija and Murat Šabanović. Murat pointed the barrel of his pistol at his head saying he could hardly wait to kill him, and Avdija said that it was never too late, that he could kill K. whenever he liked.

They talked about taking some older Serbs hostage, but they gave up this idea.

When K. returned to Višegrad, his flat had been ransacked and all the valuables taken away.

Evidence: Statement of witness No. 678/95-11.

2.13.3.63. The authorities in Višegrad, where Muslims held all the key posts, took no measures in earnest against Muslims who incited riots and physically and in other ways attacked Serbs, threatening their very survival in that area. Even when certain action was initiated against the perpetrators of such acts it was done only formally.

The report of the Main Public Prosecutor's Office in Višegrad on work in 1991, signed by Šehin Muhić (a Muslim), states that no criminal charges were pressed for the criminal act of illicit possession of weapons or explosives pursuant to Article 213 of the Penal Law of Bosnia and Herzegovina and that no proceedings were instituted for this criminal act.

The same report, in another context, refers to the event which took place on 7 October 1991, when Murat Šabanović fired bullets from an automatic weapon.

The report states that the investigation against Murat Šabanović for the destruction of the monument to Ivo Andrić was not completed (act committed on 1 July 1991), because of the total of seven proposed witnesses three remained to be interrogated. In addition, according to the report, on 17 July 1992, the investigative judge passed a decision sending the defendant Šabanović for examinations and observation to the Clinic of Neuropsychiatry in Sarajevo. It further states that the public prosecutor dropped charges

against three of Murat Šabanović's accomplices and that the investigation had been terminated.

Thus the investigation related to an event which took place in broad daylight in the main square in Višegrad, in the presence of many people, just managed to establish, over a period of six months, that there was no proof for Šabanović's accomplices and the issue of Šabanović's participation in the act remained open - until another three witnesses were heard.

Evidence: 673/95-25.

The arming of the Muslims and their preparations for war in the commune of Višegrad

2.13.3.64. The arming of the Muslims in Višegrad started in 1990 and continued during 1991 and at the beginning of 1992. Weapons were brought in from Croatia and Sarajevo and sold to Muslims. The following took part in procuring and selling arms: Ramiz Vazda, Murat Šabanović, Avdija Šabanović, the brothers Mešanović (owners of an inn in Kalati), Tahir Šuško (director of the "Žito" enterprise), Esad Obranović, the brothers Dervišević, Fejzo Šabanija, Zijo Subašić, the brothers Bekim, Enes Medjuselac, Sead Velić "Hodža" who had a private store in the Cultural Centre in Višegrad and others.

Esad Obranović was the president of the Executive Committee of the Communal Assembly of Višegrad and weapons were distributed in his house.

The weapons were brought in under the guise of goods whose circulation was allowed. They were delivered by lorry from Croatia in cement sacks. Ramiz Vazda procured a certain quantity of weapons in bolts of cloth.

In December 1991, Momir Glibić saw a group of Muslims coming out of a mosque carrying raincoats or jackets over their arms under which the barrels of guns protruded.

In March 1991 a lorry carrying arms arrived to Medjedja, and they were sold by the Šabanović brothers.

Evidence: Statements of witnesses Nos. 552/94-14, 678/95-4 and 16.809/95-1 and 2 and 279/95-37 and 38.

2.13.3.65. On 26 September 1991 in Višegrad, the police found two explosive devices made of coca-cola cans lined with insulating tape, with fuse 10 cm long a detonating and a small "Rambo" knife on Erver Fejzić and two pistol clips with ten bullets on Sabahudin Dervišević.

Evidence: 279/95-46.

2.13.3.66.1.2.3. In January 1992, in Višegrad, a number of Muslims including Murat Šabanović, broke into the flat of the late Radojka Krsmanović. Memo Iščić moved into the flat and weapons and ammunition were brought there. Various uniformed persons (in green uniforms and green berets) also used to come there.

Evidence: statement of witness No. 678/95-11.

2.13.3.67. At the beginning of 1992, in Višegrad, Nurko Dervišević with Himza Bajramović cut through the wall of a residential building so that he could pull out weapons from his flat. They would not let the police enter the building and investigate.

Evidence: 552/94-14.

2.13.3.68. In the house of Šamir Meždžim there were stored about 2,000 litres of petrol in bottles and other vessels of a 1-2 litre capacity, prepared for blowing up Serb houses and Serbs found in them.

Evidence: 687/95-10.

2.13.3.69. There is also written evidence of the arming and military organizing of the Muslims before the war broke out.

There is a special list (typewritten) with the names of the members of the Crisis Headquarters, the commander and members of the Crisis Headquarters of the village of Bijelo Polje (Višegrad) and of sixteen platoons and their commanders.

Above the part of the list referring to platoons is the heading "The organizing of the citizens of Bijelo Polje" indicating that the list was made prior to the outbreak of war.

On the back side of the last page of the list it was added by hand, at a later date, which platoons form part of which detachments and the names of the detachment commanders. The commander of the company and his deputy are also listed.

The names of two detachment commanders have been crossed out and new ones entered (Muhammed Sumeska and Avdibegović) with the note 3 April 1992, and beside Sumeska there are the words "instead of Torošan on 3 April 1992 and deputy detachment commander". This clearly shows that the last additional entries to the list were made before the outbreak of war.

There are also lists showing the arming of Muslims in the villages of Jelašci, Donja and Gornja Brštanica and Barimo, as well as a list of a unit of boats of Barimo.

Evidence: 279/95-16.

2.13.3.70. There are also lists of organized armed guards in groups of 3-4 in the settlements of Kosovo Polje and Sase (commune of Višegrad).

On the first page in the right upper corner it is written: "27 June 1991" and below that "Meeting at 9.00 p.m. at Adil's house", followed by lists of guards and their assignments.

It also gives the name of the sole person (Medo Kulović) authorized to inspect the guard, and the obligatory password "Kosovo" (password) and "Karika" (reply). It also contains instructions to the guards regarding caution.

Evidence: 279/95-19.

2.13.3.71. For a number of villages there exists a special list of "combat-fit people who do not possess weapons":

Hranjevac (13), Šabanije (9), Palež (16) Čakari (17) and Crni Vrh (11). The list is signed by Hamid Šabanija.

A list of the soldiers of a unit in the centre of Višegrad (56 members) also contains data on their weapons (26 automatic rifles, 9 machine guns, 7 telescopic rifles, etc.)

Evidence: 279/95-3 and 4.

2.13.3.72. The Muslim Party of Democratic Action had "defence" plans, a ramified information network - locally and up to Sarajevo, with lists of people in charge of these activities, as well as an aide memoire for those on duty in the SDA.

Evidence: 279/95-5.

2.13.3.73. The reserve Muslim militia was also being prepared to fight against the Serbs, which can be seen from the minutes of a meeting in Dobrun. The discussions quoted in the minutes show that they were making preparations for war which has not yet started (a participant said: "when the first shot is fired"...)

There is a list of 169 Muslims from Dobrun to whom arms were distributed and which shows who responded and which weapon was given him (most often automatic rifles and revolvers, but there were also telescopic rifles). The weapons were distributed on 7 and 8 April without indication of the year.

Evidence: 279/95-18.

2.13.3.74. By the time the referendum for secession from Yugoslavia was held, the Muslims in B-H had attained a high level of organizational and military mobility.

The "Aide Memoire for the holding of the Referendum" found in Višegrad lists the following measures:

"The highest level of alert (tailing) in respect of the SDS. Mobilization with arms, winter clothes and food (for several days).

"The Ministry of the Interior must be mobile.

"Physical protection of persons and facilities.

"Control of accesses to military facilities."

Finally it mentions the activation of units and the "blocking" of communications.

Evidence: 279/95-17.

2.13.3.75. Muslim preparations for war were made also through the Hunting Club in Višegrad. Before the conflict this Club had 431 active hunters of Muslim nationality. Of them 380 had hunting rifles, 43 hunting carbines and 280 both.

The admission of Muslims to the Hunting Club assumed the proportions of a campaign especially in 1990 (35) and in 1991 (48). Weapons were procured without difficulty against the approval of the police station in Višegrad.

On 31 March 1992, the Executive Committee of the Communal Assembly took from the "Drina" Hunting Club "as a temporary loan" four long-barrelled rifles and 4 small calibre rifles. These rifles were given to ten Muslims (Avdija Šabanović got a small calibre rifle).

Evidence: 279/95-27 and 673/95-8 and 9.

2.13.3.76. Muslim preparations for war in Višegrad also included supply with foodstuffs and other articles and means necessary for waging war. The authorities, enterprises and various Muslim organizations were involved in these activities.

In its letter of 26 March 1992, the Muslim charity organization "Merhamet" asked its Main Committee in Sarajevo for aid in foodstuffs to be distributed during the "forthcoming auspicious days of Bairam".

In the commune of Višegrad Muslims formed a Crisis Headquarters and by an order of 11 April 1992 a War Presidency to replace the previous Crisis Headquarters. The Presidency consisted of

fifteen members and was headed by Fikret Cocalić, the up to then president of the communal assembly, i.e. the president of the Crisis Headquarters.

At the beginning of April 1992, the following items were taken from the "Šumarstvo" (Forestry) enterprise from the orders of the president of the Crisis Headquarters: 3 vests, one protective jacket, 400 litres of petrol and a "Lada" automobile.

The following items were taken from the office of the market inspector: 17 kg of coffee, one "Levi's" microphone and 8 "Sony" cassettes.

On the orders from the president of the Crisis Headquarters, Cocalić, a large quantity of food and other articles was taken from the "Megrakomerc" enterprise (270,000 kg of flour, 25,000 kg of salt, 20,000 l of cooking oil, 20,000 kg of sugar, 5,000 kg of macaroni, 5,000 kg of detergent).

Evidence: 279/95-15 and 673/95-10 - 14.

2.13.3.77. In letter No.428/92 of 19 February 1992, the Council of Elders of the Islamic Community of B-H sent an appeal to all imams in its territory "in connection with the referendum on a sovereign and independent Bosnia and Herzegovina".

The appeal in a dramatic way invites all Muslims to turn out at the referendum and vote for an independent and sovereign Bosnia and Herzegovina - "for their future and the future of their religion, for Islamic democracy and freedom..."

The appeal, inter alia, reads: "Our Republic is facing the most fateful moments in its history... Since this is the time to be or not to be for Bosnia and Herzegovina and especially for the Muslim people we appeal to all Muslims to demonstrate a high level of awareness and responsibility and all turn out at the referendum. If we fail to pass this test, not for a long time will history give us another chance for a remedial exam."

Evidence: 279/95-22

2.13.3.78. The idea of a Muslim State, based on Islamic law was used to incite Muslims to fight, drawing on the powerful influence of Islam on its believers. To create an illusion of the moral justifiability and necessity of struggle, members of other nations and religions were represented as aggressors, since the Koran forbids aggressive warfare, while defensive war is justified and approved. Muslims may not be the attackers, but they are recommended to defend themselves against attackers and aggressors.

2.13.3.79. The Party of Democratic Action together with representatives of the Islamic religious community also organized

Muslims and prepared them for war at various meetings. Thus in the village of Kaoštice, SDA members met in the house of Hair Džaferović, in the village school and also occasionally in the mosque. For the lower part of the village of Kaoštice the main organizer of meetings was the khoja Arif Sofović.

Evidence: 678/95-4.

2.13.3.80. The mobilization of Muslims around the idea of creating a Muslim state in the territory of the former Yugoslavia was also encouraged by a leaflet entitled: "Programme of Settlement of Bosniacs from Turkey".

The leaflet says that a vast number of Muslims from B-H and Sanjak are in Turkey, where they fled before "the onslaught of Christianity", and that there are four million of them and their descendants in Turkey.

The "Programme" envisages the return of Muslims from Turkey in 10 "waves", 400,000 people each year. It specifies the places to which they will move, covering the territories of B-H, Montenegro, Sanjak and Šumadija (regions in Serbia).

Para. 14 of the "Programme" states: "Afterwards, formal conditions would also be created for the establishment of an Islamic Republic of Bosnia and Herzegovina which would... be much larger, i.e. would return to its natural borders". The time specified for the beginning of the implementation of the "Programme" is January 1992.

Evidence: 673/95-6

2.13.3.81. Members of Muslim armed forces from Višegrad planted explosives in the Orline tunnel on the Višegrad-Užice road on 8 April 1992, so as to sever connections between that part of Bosnia and Serbia.

Another tunnel, closer to Užice had been blown up earlier (19 September 1991) by the Muslims, so as to prevent JNA soldiers to pass through towards Croatia.

Evidence: 279/95-34 and 40, 552/94-3, 673/95-22 and 678/95-11.

2.13.3.82. Striving to reinforce their positions in the forthcoming showdown with the Serbs, the Muslims in Višegrad established links with Muslims in the region of Rashka in Serbia (Sanjak) from whom they expected help.

For reconnaissance purposes Muslims from Prijepolje, Sjenica and other places in Rashka came to the villages around Višegrad, under the guise of hunting expeditions. Thus, in the autumn of 1991

they visited the villages of Dubovik, Duboka, Dobrun, Gostilja, etc. Sometimes they came in fatigues for training purposes.

In Avdo Hajderović's inn in Dobrun they met with Avdija and Murat Šabanović. A large quantity of arms and ammunition was later found in Avdo's house. Avdo's son Ibro obtained a gun from a Muslim from Prijepolje.

In March 1992 a number of Muslims from the region of Raška came to the villages of Duboka and Dubovik to settle there permanently and take part in the fighting against the Serbs. They were brought by Avdija and Murat Šabanović and some other SDA leaders. They were billeted in village houses and Osman Marim was their leader.

In April 1992, at a meeting in the village of Kaoštice, Bajro Šišić was entrusted by Avdija Šabanija with the task of traveling to Rashka and rallying Muslim volunteers to fight in the fightings in Medjedja and Goražde. The volunteers were promised a reward of DM 200 for every Serb they killed.

Šišim, through his associates in Rashka, managed to form a group of six Muslims. At the swimming pool in Prijepolje, Ahmet Selimović took over the group to take it to Medjedja. On the way the group was given arms. In order to carry out his assignments as successfully as possible, Selimović had two identity cards.

Evidence : Statements of witnesses Nos. 678/95-10, 12 and 16 and 673/95-20.

2.13.3.83. On 8 April 1992, the Presidency of B-H, by then composed only of Muslims and Croats passed a Decision proclaiming an imminent threat of war, and on 9 April 1992, a Decision on consolidating all armed forces in the territory of the Republic of B-H. According to the latter Decision: "armed formations and individuals, except JNA forces and Ministry of the Interior forces - operating in the territory of the Republic of B-H under different insignia and symbols - shall report to the communal, district and municipal territorial defence headquarters, for the purpose of being placed under a unified command and getting unified insignia". The deadline specified for reporting and registering was 15 April 1992.

According to this Decision, armed groups and individuals, failing to report and be subordinated to the command of the territorial defence headquarters shall be considered paramilitary formations.

In this way, under the decision of the Muslims and Croats in the B-H Presidency, passed on behalf of the Presidency, which could not, without Serb representatives, pass decisions binding on the Serb people in B-H, any military organizing on the part of the Serbs for the purpose of defending their interests was proclaimed illegal in advance. A forced break with Yugoslavia was imposed on the Serbs, in the form of an independent and sovereign B-H, under the threat of

military force, while their military resistance was outlawed ("paramilitary formations").

Telexes of the said decisions also came to Višegrad.

Evidence: 673/95-3 and 4.

2.13.4. Tuzla

2.13.4.1. The witness D. Š., who eyewitnessed organising of the SDA, convincingly testifies of the situation in Tuzla before the outbreak of the war conflicts, preparations of Muslims for the war and treatment of the Serb Population in the town. She testifies:

"I can say that approximately until 1988 my life in Tuzla was good enough most of the time, there were no open inter-ethnic clashes and the standard of living was solid. A very communicative person both by nature and by the nature of my job and as a native of Tuzla, I knew at least 80 per cent of the people, particularly the cadres involved in politics or holding executive posts in companies or socio-political organizations. However, since 1988, certain changes in Tuzla came to my attention which were generally reflected on the cadre situation in Tuzla and inter-ethnic relations and impaired inter-ethnic harmony. I do not know exactly at whose instructions or in which way, but it was evident that all of a sudden a large number of persons of Albanian or Muslim nationality from Kosovo and Sandzak began to arrive in Tuzla and that they were being enabled to buy nationalized property once expropriated from the Serbs, mostly in downtown Tuzla which was otherwise always called Srpska varos (Serbian Town). At the same time, those same persons were allowed illegal construction. From the ranks of those newcomers, executive cadres were being recruited at the expense of local and highly professional cadres at that. There were as many as 15,000 unemployed 'locals' at the time.

"Even faster changes and inter-ethnic divisions took place in 1989 and 1990 and later, related also to the ongoing events throughout the former SFRY, particularly in the wake of the announcement of the possibility of multi-party changes and the public separatists pronouncements in Slovenia and Croatia. Some time between August and September 1990, the Tuzla Muslims, under the influence of the Sarajevo Muslims and others, organized public discussions in the People Theatre of Tuzla at which they presented

views on the future forms of their organization, while at one of the discussions they expounded the notorious 'Declaration' of Alija Izetbegovic, which contained his open fundamentalist positions, for which he had been sentenced to several years in prison by the Sarajevo judicial authorities.

"During the said discussions, Enver Halilović, a native of Sandjak and an MA at the time, a nephew of Sefer Halilovic, the future commander of the army of the so-called Bosnia and Herzegovina, was particularly extreme in his fundamentalist positions along the lines of Alija's 'Declaration'. At the same time, they used the discussions to raise money and ask for other contributions towards organizing a Muslim party - the future Party of Democratic Action and, as far as I know, the first to respond by making contributions were Muslim athletes from Tuzla including Mersad Kovacevic, Dzevad Secerbegovic and others. The contributions were also made by the Muslim folk singers such as Nedžad Salković and well-known Muslim entrepreneurs, Albanian newcomers, intellectuals, most of whom were physicians, etc.

"Shortly after those discussions, the Party of Democratic Action began to take shape, headed by Salih Kulenović, born in Herzegovina, Director of the Tuzla Museum. However, I have to stress, which is otherwise well-known, that, by the political leanings of its population, Tuzla was a Yugoslav oasis in a nutshell no matter that soon thereafter other parties were established so that at the first municipal multi-party elections the Reform Party of Ante Marković won the majority and together with the League of Communists led by Nijaz Duraković was given the mandate to form a coalition government in the municipality. However, the Party of Democratic Action was victorious in the region of Tuzla. Only in two municipalities the power was shared between the nationalist parties. In the municipality of Tuzla itself, there were great pressures by nationalist parties, the Party of Democratic Action in particular, on the Yugoslav option, which, as I shall later explain, had in fact its "sleepers" also in the Reform Party of Ante Marković and, in particular, in the League of Communists headed by Nijaz Duraković. On the other hand, the coalition parties themselves could not agree on the nationality structure of cadres to be represented in the local government, since there were 23 nationalities in Tuzla and 23.6 per cent of Yugoslavs. In the circumstances, the newly formed local government in Tuzla was under great pressure from the highest

echelons of the Muslim Party of Democratic Action from Sarajevo, headed by Alija Izetbegović and Ejub Ganić, to fill certain posts in the municipal government and other executive positions with "their" people. This was being done also by material blackmail. No resources were being transferred to municipal funds accounts. Municipal officials were being frequently called by phone and put concrete pressure upon. There were frequent visits by Ejub Ganić to Tuzla and his meetings with Selim Bešliagić, President of the Municipality, and Sead Avdić, President of the Executive Council. Most often, these were informal visits, far away from the public eye, usually in the form of private dinners in the hotel, National Theatre and at other places where, by the nature of my job, I was able to attend some of these meetings nonetheless.

"The President of the Reform Party at the time, Momčilo Micić, noticed these tendencies and requested from Selim Bešliagić to pay heed to the structure of cadres and to honour the election results. Bešliagić acquiesced to these remarks in public meetings with him, but in fact the Party of Democratic Action, acting now in alliance with the councillors of the Muslim Bosniac Organization, led at the time by Salih Burek once sentenced for nationalist activities, and the Croatian Democratic Community, soon began to outvote others at the sessions of the Municipal Assembly. In the political game played by the members of the Party of Democratic Action in Sarajevo, by and large by Ejub Ganić, and their connections in Tuzla, the aforementioned Momcilo Micic was soon forced to resign the post of President of the Reform Party and, under the influence of these and other people, was replaced as head of the Party by Zvonko Oros, Vice-President of the Party at the time, otherwise a Croat. In the coming period, the transfer of power to the Party of Democratic Action, i.e. to Muslim national parties, was facilitated through this softer faction with the assistance of the Croatian Democratic Community through Jerko Doko, the then Defence Minister of former Bosnia and Herzegovina.

"All those changes took place at the beginning of 1992.

"The pressure on the municipal authorities having been exerted and the Yugoslav-oriented cadres having been eliminated from the Reform Party, Momčilo Micić in the first place, the Sarajevo authorities began to send concrete instructions on deploying paramilitary forces of the then Bosnia and Herzegovina, i.e. the "green berets" in Tuzla. More precisely, it is known to me that in

February 1992 Jerko Doko sent a fax, requesting the Municipal President Selim Bešliagić that three intervention units of the "green berets", i.e. of the Patriotic League, be deployed in the area of Tuzla. Initially, Selim Bešliagić suggested that these units be stationed at Živinice and they spent the first 15-odd days there. However, he soon agreed at a session of the Municipal Executive Council that the units come to Tuzla after all and one of them was billeted at Batva, at the Tušanj Stadium, the other at "Proleter" work organization at Slavinovići and the third one at the "Dubrava" Mine, surface excavation. Gashi Kabashi, a former captain of the JNA who had left it not long before, was appointed coordinator between these units and conducted at the same time the training of the members of these units. Even before the "green berets", i.e. the members of the Patriotic League, were officially stationed in Tuzla, there had been individual or group cases of Muslims strutting about in uniforms with "white lily" and other insignia, to which most of Tuzla townsfolk reacted. All of this was taking place in March 1992.

"The newly-arrived units of the Muslim Patriotic League began to arm themselves openly i.e. their members were distributed arms through the Muslim charity organization "Merhamet" and the "Crescent" organization. I remember very well that on the occasion of one such distribution of arms a shooting incident took place in a park in downtown Tuzla in the front of the Bishop's Residence of the Serbian Orthodox Church, because the townspeople reacted to the distribution of arms.

"Selim Bešliagić, President of the Tuzla Municipality, and Sead Avdić, President of the Municipal Executive Council, appointed Enver Delibegović, commander of the territorial defence, and Mehmed Žilić, secretary of the Secretariat for National Defence of Tuzla, in charge of food and other procurements, such as ammunition and arms, to those units. Branko Perić, Vice-President of the Municipal Assembly of Tuzla, who as the only Serb and otherwise President of the Democratic Party had been in local government, reacted to this decision of Bešliagić and Avdić. Bešliagić and Avdić explained that municipal funds would not be used for these needs and that procurements for the units of the Patriotic League would be financed by "Merhamet" and "The Crescent". As a matter of fact, the funds from municipal accounts of the territorial defence were redirected, of which Mirjana Djukanović could tell you more as she was assistant

morale commander with Enver Delibegović at that time and now lives in Bijeljina.

"The actions of Bešliagić and Avdić aimed at including the Patriotic League in the territorial defence of the then Bosnia and Herzegovina, the manner in which it was being supplied, stationed, the appointment of cadres etc., were accepted and assisted by Zlatko Dukić, President of the League of Communists, and Jasmin Imamovic, lawyer and Secretary of the Municipality who was given the task of providing a formal legal cover to all decisions of Bešliagić and Avdić, taken mostly at the sessions of the Executive Council of the Assembly, but often also outside the competent municipal institutions.

"Otherwise, Jasmin Imamović also provided legal trappings to decisions on the removal of people from their jobs in the municipal and other organs of government, including the Secretariat of Internal Affairs, which affected mostly Serbian cadres and because of which people voiced dissatisfaction and fear. All this was done in order to appoint their own cadres as, for example, Enver Sarić who was appointed Head of the regional Secretariat of Internal Affairs in Tuzla, Mehmed Bajrić, a.k.a. "Mesa", who was appointed Head of the Secretariat of Internal Affairs of Tuzla. At the same time, a person from Kalesija, also a Muslim, was appointed Deputy Head of the regional Secretariat of Internal Affairs. In this way the cadres in key positions were reshuffled in favour of the Muslims.

"To my knowledge, in all those changes the decisive role was played by Selim Bešliagić, President of the Municipality of Tuzla, although formally he was a member of the Reform Party. I have known Selim Bešliagić since 1969 when he came to the Mining Institute where he worked as engineer of technology. He kept telling me that he was not interested in politics and that was not going to be a member of any party and he was not a member of the League of Communists at that time. However, he showed his true colours, i.e. his duplicity, the moment he became involved in Tuzla politics. As President of the Municipality, I remember, he spoke at a rally which took place spontaneously in front of the Tuzla Town Hall on 6 April 1992 and said that he was not going to allow divisions in Tuzla, that he was going to support the Yugoslav option and that, if needed, Tuzla was going to be the only Yugoslav oasis. Shortly thereafter, and I was present there, he telephoned to Ejub Ganić, Jerko Doko and Alija Izetbegović, requesting their agreement to begin unification

of the Party of Democratic Action at the regional level of Tuzla, reciting the names of the municipalities to be included in the region, which astonished me as he had always declared himself in front of me as a Yugoslav. As I said earlier, he was the main sponsor of the "green berets", i.e. the Patriotic League, I personally know that he extended material and moral support to Muslim extremists in the area of Kašesija, Lukavac, Živinice, Banovići, Zvornik, Brcko and other places. In return, Ejub Ganić supported his suggestions and promised to appoint him the highest ranking official of the region.

"On his maternal side, Selim Bešliagić is a relative to Adil Zulfikarpašić, President of the Muslim Bosniac Organization abroad and in the then Bosnia and Herzegovina, a former emigre who provided material and moral support. At the same time, Bešliagić's wife Amira was a member of the Muslim Bosniac Organization.

"I failed to mention earlier that Selim Bešliagić personally promoted Faruk Prcić, a former athlete from Tuzla and a reserve JNA major to coordinate the activities of the Patriotic League located in Tuzla, of which I spoke before. He later became chief coordinator who supervised engineer works and preparations to block JNA members access to the town and the mining of certain points, redirecting of production in certain work organizations towards war requirements, i.e. the arming of the Muslims. In May 1992, he coordinated the attack on a JNA column, peacefully evacuating the "Husinska buna" barracks, on which occasion 200 JNA members were killed. Later on, the same person made himself known when Serbs in Tuzla were arrested and tortured and when private prisons began to be organized.

"Speaking of Selim Bešliagić and his role in cleansing the Serbs from the Municipality of Tuzla, in carrying out my job as Chief of his Office, one day I saw a list entitled "The Serbs to Be Liquidated" at his desk. I was shocked to see my name on the list and the names of all prominent Serbs in Tuzla, including Djordje Lukić, a respectable citizen of Tuzla; Branko Perić, as I said Vice-President of the Municipality; Zdravko Jovanović, Director of "Eksport-Import" in Tuzla, Milanko Papić, Director of the Tusanj Mines and others, amongst them also JNA members such as Savo Janković, JNA General and Commander of the Tuzla Corps; Mile Dubajić, Lieut.-Colonel, Commander of the "Husinska buna" barracks; Tomo Pracar, Deputy Commander of the Dubrava Airport, Bogdan Čiča, Lieut.-Colonel, Commander of the Dubrava Airport, as well as Goran

Žugić who worked for the State Security in Tuzla and others whose names I cannot remember now. I remember that the list contained the addresses of those persons. I do not know who was the author of the list. By leafing quickly through the list, I saw at the end of the list that the persons charged to act upon it were Mehmed Bajrić, whom I mentioned before, Head of the Secretariat of Internal Affairs, and Faruk Pročić, whom I also mentioned. I informed JNA security agencies of the existence of the list. I remember seeing the list some time in mid-March 1992 and by the end of March 1992 I was transferred to an office one floor below from the office of the President of the Municipality, which was incompatible with the description of my job.

"After this event and my transfer to the other office, I was no longer in a position to have a direct insight into the concrete activities of the President of the Municipality and other municipal government officials. Also, I was surrounded with Muslim cadres, concretely with four women and, in addition to Branko Perić, I was the only Serb in the Municipal Assembly.

"Since I have always been a patriot and having seen that the situation was evolving towards the separation of the Muslims and the then Bosnia and Herzegovina from Yugoslavia, I found a way to keep track of their activities.

"To my knowledge, the President of the Municipality of Tuzla, Selim Bešliagić, and other Muslim cadres from the Municipality, with the support of the Croatian cadres, and acting upon instructions from Sarajevo, mostly from Ejub Ganić and others, knowing of the future decision on JNA withdrawal from the then Bosnia and Herzegovina and, by the same token, from the region of Tuzla, made preparations to prevent the army from taking heavy weapons and other equipment from its barracks and other facilities.

"The members of the Tuzla Corps were making certain preparations to evacuate its men, materiel and technical equipment. At the same time, they sought to reach agreement on the modalities and ways of the army withdrawal with the Tuzla municipal authorities, i.e. with President of the Municipal Assembly Selim Bešliagić in the first place. However, Selim Bešliagić refused direct negotiations with the representatives of the Tuzla Corps, calling them "Chetniks" and requesting them to leave their weapons behind, threatening that they would be attacked should they fail to do so, while their weapons would be taken by force. As Bešliagić refused direct negotiations, the

Command of the Tuzla Corps appointed JNA Colonel Ugo Nonković, a Croat, Assistant Transport Commander of the Tuzla Corps, to negotiate at "a lower level". Sead Avdić, President of the Executive Council, negotiated with him on behalf of the Municipality. On the JNA side, Colonel Božo Milošanović, Assistant Commander of the Tuzla Corps for relations with civilian authorities of Tuzla, took part in the negotiations. However, parallel to the negotiations, the Muslims and Croats made preparations to prevent the withdrawal of JNA members with their material and technical equipment from Tuzla and they had begun it as early as March 1992. Faruk Prcić was instrumental in erecting most of the roadblocks at Tuzla crossroads, i.e. exits from Tuzla; emulating the so-called "Mostar pattern", he parked cisterns filled with explosive cocktails at town exits, placed "hedgehogs", erected machine-gun parapets, mined roads the army might use for evacuation and on Bešliagić's orders brought over 3 000 volunteers to Tuzla to bolster up the Patriotic League members already stationed in Tuzla, who wore "White Lily" insignia and the uniform of the "Army of Bosnia and Herzegovina", hastily sewn, and most of them were recruited from Kalesija, Vlasenica, Bratunac, Zvornik, Foča and included the Muslims from Pljevlja, Montenegro. At the same time, reserve militia units were being set up, possessing exits and other points in Tuzla and its surroundings as early as March 1992 and providing protection to all vital enterprises, such as the "HAK" thermo-electric power plant, "Elektrodistribucija", "Mlin", Post Office, Hospital, "TTU", Salt Mines, etc. Mines and other equipment were being stored in the Salt Mines which stopped production on Bešliagić's orders, "TTU" began special-purpose arms production, while Serbs and disloyal Muslims were being furloughed. Parallel to these activities, Selim Bešliagić and the other aforementioned cadres of the Municipal Assembly of Tuzla ferried from Croatia, from Zagreb, to Tuzla in an organized way mines, explosive devices, infantry and other arms in hospital ambulances. In the first half of May 1992, "TTU" manufactured a special APC, coated with heavy metal sheets with weapon slots, tested within "TTU" by being shot at from close range from M-48 rifles, i.e. its resistance was being tested.

"Since April 1992, the so-called "Crisis Committee", presided by Selim Bešliagić, held daily meetings in the Municipal Assembly, discussing the situation relating to the forthcoming departure of JNA members from the "Husinska buna" barracks under the pretext that it

was done for the purpose of defending the town. Attempts were being made to present the activities of the so-called "Crisis Committee" to the public in Tuzla as peace-oriented and public figures were being invited to its meetings, with mostly Muslims and Croats responding to the invitations. A ballyhoo was being whipped up in the public through local media to the effect that there were problems with the evacuation of JNA members and assurances were being made that the Muslim side, i.e. the municipal authorities, would do all in their power to have the army leave Tuzla peacefully. At the same time, however, quite the opposite was being done.

"On 14 May 1992, to allay the anxiety of the Serbs in the town in the wake of the pending withdrawal of JNA members in whom they saw protection and security, Vice-President of the Municipality Branko Perić was charged with the task of making a public statement over the local radio that JNA members were leaving Tuzla peacefully the following day and that the town was not threatened in any way. Branko Perić made that statement with the best of intentions. However, the meetings of the so-called "Crisis Committee" were held in two parts. Part one was held in plenum in the office of the Municipal President, Selim Bešliagić, whereas part two was held in a closed session with confidential people at the Mining Institute at Kreka. The situation was discussed within part two of the meeting of the Crisis Committee of Tuzla and detailed plans were worked out to attack the JNA column scheduled to depart on 15 May 1992. The closed meetings of the Crisis Committee were attended exclusively by the Muslims and Željko Knez, a Croat, who had been appointed commander of the "defence" of the town in the meantime.

"I learned that a decision had been taken at the closed meeting of their Crisis Committee to attack the army during evacuation from the "Husinska buna" barracks. The decision was code-named "Flame". In order to shift the blame on the army, i.e. on JNA members, for the attack to be carried out by the Muslim territorial defence, it was ordered that local FS3 TV cameras be positioned on high-rise apartment blocks at Brcanska Malta to film the plateau at the intersection of Brčanska Malta and part of Skojevska Street and the neighbouring area from early morning, where they ordered the JNA vehicles were to pass.

"Having learned of the decision to attack the column which was to depart from the "Husinska buna" barracks, barracks

commander Lieut.-Colonel Mile Dubajić personally went to the Executive Council of the Municipal Assembly to request that the column of JNA soldiers be allowed to leave the "Husinska buna" barracks with equipment peacefully. Lieut.-Colonel Dubajić was promised, i.e. told, by Sead Avdic that the column may leave and that it would not be attacked. He met with the President of the Executive Council at 11.00 a.m. Despite their promises, the Muslim municipal officials, supported by the Croats, did not change their decision to treacherously attack the column of departing soldiers, which they did by letting the head of the column pass and by having Zlatko Dukić, President of the League of Communists whom I mentioned before, give a sign to territorial defence commanders, reservists, snipers deployed a couple of days before on rooftops of the surrounding high-rise apartment blocks, in machine-gun nests and in the APC they had made themselves of which I have already spoken, which took position near Brčanska Mašta and from which it was also fired, by announcing on local television the "Good luck, Army" password, agreed upon beforehand. The order was to shoot, at the given sign, exclusively at drivers and co-drivers. It is interesting that sharpshooters from the local "Sharpshooters' Club" of Tuzla, including women, were enlisted for the attack planned in this way.

"The events and chronology related to the departure of JNA members from the "Husinska buna" barracks along Skojevska Street through the Brčanska Mašta intersection towards Pozarnica are known to the wider public. The surviving officers and soldiers, as well as great many civilians, can testify on the attack and killing of soldiers and the destruction of JNA equipment and material means, as they were able to see with the naked eye and on local television of which I have spoken before.

"I responsibly state that Selim Bešliagić and his associates Sead Avdić, Mehmed Žilić, Zlatko Dukić, Faruk Proić, Gradimir Krajtmajer, who was Secretary of the Secretariat of Landscaping and who bought the cameras with his resources and put them up to film the event of 15 May 1992, Jasmin Imamovic, Refik Ahmedinovic, Vice-President of the Municipal Executive Council, Enver Halilović, Željko Knez, Ilija Jurišić who worked for the Secretariat of Internal Affairs of Tuzla, Enver Saric and others are the principal culprits for all what I said before, in particular for the attack on the column of JNA members leaving the "Husinska buna" barracks on 15 May 1992 and for the killing of a large number of innocent JNA members and

other persons. Of course the responsibility of the top leadership of the Party of Democratic Action of the then Bosnia and Herzegovina, including Alija Izetbegovic, Ejub Ganić and their other highest-ranking officials, is implied. The attack on the column and the killing of a large number of JNA members conducted to the flight of many Serbs and their families, citizens of Tuzla since time immemorial, from their native town where they left everything they had acquired in life. That was in effect a classic example of ethnic cleansing. Only in those days, during and after the attack, about 20 000 citizens of Serbian nationality left Tuzla. The remaining Serbs and their families were subjected to various forms of pressure and threats, arrests, torture and even killing in jails and other places.

"I failed to mention that within the activities of the Muslim clique in the Municipality of Tuzla, headed by Selim Bešliagić, the Serbian Orthodox Church, unlike other religious confessions, had been pushed aside and that "silent" pressure which subsequently turned into open pressure had been brought to bear on it, reflected, inter alia, in a refusal to grant permission to build churches and in forbidding assistance and public promotion in general. On one occasion, I remember, they even did not allow the Serbian Orthodox Church to erect a monument in the courtyard of the Orthodox Bishop's Residence to a Muslim Mufti Kurta (I do not know his last name) who had saved many Serbs from the Ustasha pogrom during World War Two. Ever since, the Bishop of Zvornik and Tuzla, Vasilije Kačavenda, was isolated and nobody communicated with him.

"This is all that I had to say on this occasion and I am ready to testify before a competent court regarding all that I have said above, as well as the other activities which influenced the violent acts against the Serbs and the Yugoslav-oriented citizens in Tuzla.

"I listened to the loud dictation of the record, I do not wish to read it, I accept it and sign it as such. (Annex No 252, pp. 1582/233 - 1582/254)

2.14. Suffering of Serbs in Croatia and Secession of Slovenia and Croatia

2.14.1.1. Two simultaneous processes were under way in late 1990 and early 1991. On the one hand, there were intensive

negotiations between representatives of the federation and the republics on constitutional transformation and the realization of the right to self-determination, and on the other, irregular military units were quickly formed in Slovenia and Croatia. In these republics a media campaign was organized to put pressure on the JNA. The JNA was labelled as an occupier, accused of preparing a military coup, conscripts were not sent to the army and soldiers who were serving their military service were invited to desert from the JNA. Funds for the JNA were not paid into the federal budget. Pressure was put on officers to join republican armed formations. Simultaneously, territorial defence forces and republican militias were strengthened, and paramilitary party or nationally exclusive units were formed.

2.14.1.2. The SFRY Presidency adopted an Order on the Disbanding and Disarming of All Irregular Armed Forces. The text of this Order read as follows:

"The Presidency of the Socialist Federal Republic of Yugoslavia, in accordance with its constitutional obligations and powers under Article 313 of the SFRY Constitution, after considering the situation with respect to defence of the SFRY constitutional order and the developments that directly threaten that order, concludes that in several parts of the state territory SFRY laws are being flagrantly violated with direct participation of certain organizations in foreign states and the knowledge of their governments by the secret importing of arms from neighbouring and other countries and their distribution to citizens according to their national and political affiliation. Illegal paramilitary armed formations are in this way being created within certain political parties whose existence and planned terrorist activities present a direct threat of the outbreak of armed rebellions and the most widespread inter-ethnic conflicts, with unforeseeable consequences for the security of citizens and the country's sovereignty and integrity.

"In order to prevent these activities and make possible peaceful and democratic processes and the implementation of the ongoing reforms in the SFRY, the Presidency of the Socialist Federal Republic of Yugoslavia issued the following Order at the meeting held on 9 January 1991:

"1. With the coming into effect of this Order, in the territory of the Socialist Federal Republic of Yugoslavia all armed forces that are not part of the united armed forces of the SFRY or under the authority of the Secretariat of Internal Affairs and whose organization is not in accord with federal laws must be disbanded." (Naredba Predsedništva SFRJ od 9. januara 1991 o rasformiranju svih oružanih sastava koji nisu u sastavu jedinstvenih oružanih sastava SFRJ ili organa unutra njih poslova / The Order of the Presidency of the

SFRY of 9 January 1991 on the disbanding of all armed formations not within the united armed forces of the SFRY or of internal affairs authorities/, Annex No 253, pp. 1583-1585/1586-1588)

2.14.1.3. The Order was never carried out. The Slovenian and Croatian republican authorities stated that they would not allow this Order to be put into effect in their territory because it would mean interference of the JNA in affairs which fall within the jurisdiction republican ministries of the interior. Moreover, republican authorities legalized many of the paramilitary units by recognizing them the status of territorial defence or reserve police units.

2.14.1.4. The following is the statement issued by the Republic of Croatia on 10 January 1991:

"Proceeding from the sovereignty of the Republic of Croatia as confirmed by the Constitution, according to which the Republic of Croatia alone is responsible for securing order and peace in its territory, the Council considers justified calls for the disarming of all illegally armed groups in the country. It stresses, however, that only the republican ministries of internal affairs have authority in this area. The Council stresses that there are no illegally armed groups in the territory of the Republic of Croatia, except in the Knin district, and resolutely warns that the Republic of Croatia will oppose with all available means any interference by the army in affairs which are constitutionally the responsibility of the Ministry of Internal Affairs of the Republic of Croatia. The Council warns that, in defence of its economic and political sovereignty, the Republic of Croatia will use all available means and will mobilize the whole Croatian people at home and abroad, as well as the whole democratic public." (Suprotstaviti ćemo se svim sredstvima /We Will Oppose with All Means/ Borba, 11 January 1991, Annex No 254, pp. 1589/1590)

2.14.1.5. Stipe Mesić, Prime Minister of the Republic of Croatia, later inaugurated as president of the SFRY Presidency, stated in connection with the arming of the armed formations of the Croatian Ministry of Internal Affairs: "The Ministry of Internal Affairs of Croatia has its regular forces, reserve forces and special units. We have armed them. Due to the enlargement of forces Croatia demanded arms from domestic sources. It did not get them. We addressed our trade-net and purchased them." (Radoje Arsenić, Mesić javno priznao uvoz oružja /Mesić Publicly Confessed to the Import of Weapons/ Politika, 21 January 1991, Annex No 255, pp. 1591/1592)

2.14.1.6. After the massive illegal import of arms into the Republic of Croatia was uncovered in January 1991, the Military Court in Zagreb ordered the arrest of, Martin Špegelj, Croatia's

defence minister, for investigation. Republican bodies that should have carried out this order refused to do so.

2.14.1.7. It was agreed at the enlarged session of the SFRY Presidency held on 21 March 1991 that meetings between representatives of the republican presidencies should be organized to enable discussion of the future constitutional order of Yugoslavia, or alternatively the right to self-determination. Six such meetings were held before Slovenia and Croatia took unilateral steps to secede.

2.14.1.8. The unilateral and violent acts of Slovenia and Croatia destroyed all possibility of a peaceful and negotiated settlement of misunderstandings between the republican leaderships.

2.15. The Armed Rebellion against the SFRY in Slovenia

2.15.1.1. In July 1989, there was a discussion in Slovenia about a "basic charter", which was the ideological basis for secession from the SFRY. The parliament of the Socialist Republic of Slovenia adopted on 28 September 1989 the first of a series of amendments to the republican constitution, which began the process of secession from the SFRY. On 2 July 1990, the parliament adopted a Declaration on Complete Sovereignty, which gave republican laws precedence over federal laws. On 26 December 1990, the parliament proclaimed Slovenia's independence.

2.15.1.2. On 19 January 1991, the SFRY Constitutional Court composed at that time of judges from all the federal units, including Slovenia, annulled clauses of the Declaration that were not in accord with the SFRY Constitution. (Odluka o ocenjivanju ustavnosti Deklaracije o suverenosti države Republike Slovenije, 10 January 1991, /Provisions of the Declaration on the Sovereignty of the Republic of Slovenia on the Legal Superiority of the Republican Constitution and Statutes over the SFRY Constitution and Federal Statutes are not in Conformity with the SFRY Constitution and are in Contravention of Federal Statute -- Decision/, Annex No 256, pp. 1593-1595/1596-1601, Odluka o ocenjivanju ustavnosti rezolucije o predlogu za sporazumno razdruživanje SFRJ, 2 October 1991, / Decision on the constitutionality of the Resolution on the Proposal for Consensual Disunion of the Socialist Federal Republic of Yugoslavia/, Annex No 257, pp. 1602-1603/1604-1609, Odluka o ocenjivanju ustavnosti Deklaracije povodom nezavisnosti, 9 October 1991, /Decision on the constitutionality of the Declaration on the Occasion of Independence/ Annex, No 258, pp. 1610-1611/1612-1615)

2.15.1.3. On 31 January 1991, the parliament of the Republic of Slovenia adopted the Basic Constitutional Charter on the Independence of the Republic of Slovenia, which began the process of "dissociation" from the SFRY. The parliament then adopted the 99th Amendment to the Republican Constitution, which proclaimed Slovenia to be an independent state and a successor to the SFRY. A Law on Military Service that provided for Slovenian soldiers to be withdrawn from the JNA was adopted on 17 April 1991. On 8 May 1991, the Slovenian parliament adopted a Declaration on Dissociation from Yugoslavia, which was to be completed by 26 June 1991 at the latest. The Federal Chamber of the SFRY Assembly concluded at its session on 25 June 1991 that " it did not recognize either the internal or the international legitimacy of the decision of the Assembly of the Republic of Slovenia on a unilateral secession from Yugoslavia" (Zaključci Saveznog veća Skupštine SFRJ / Conclusions of the Federal Chamber of the Assembly of the SFRY/ Official Gazette of the SFRJ, No. 47, 25 June 1991, Annex No 259, pp. 1616/1617)

2.15.1.4. The SFRY Constitutional Court annulled the Basic Constitutional Charter on the Independence of Slovenia. (Odluka o ocjenjivanju ustavnosti Temeljne ustavne povelje o samostalnosti i nezavisnosti Republike Slovenije, /Decision on the constitutionality of the Basic Constitutional Charter on the Autonomy and Independence of the Republic of Slovenia/ Annex No 260, pp. 1618-1620/1621-1625, Odluka o ocjenjivanju ustavnosti Ustavnog zakona za sprovođenje Temeljne ustavne povelje o samostalnosti i nezavisnosti Republike Slovenije 16 October 1991, /Decision on the constitutionality of the Constitutional Law Charter on the Enforcement on the Basic Constitutional Charter on the Autonomy and Independence of the Republic of Slovenia/ Annex No 261, pp. 1626-1628/1629-1635)

2.15.1.5. Despite the illegality of its legislative measures, the Republic of Slovenia decided to put them into effect by force. On 25 June 1991, the Republic of Slovenia took control of the border, which until then had been under the exclusive authority of the federal state. Signs with SFRY markings and flags were removed from border posts, and replaced by signs marked "Republic of Slovenia" and the flag of the new, self-proclaimed state.

2.15.1.6. In keeping with its constitutional powers, the Federal Executive Council assessed at its meeting on 25 June 1991 that Slovenia's proclamation of independence was illegal and took two decisions which provided the basis for the engagement of JNA units in securing the state borders. The first of these was the Decision on Direct Action to Ensure the Implementation of Federal Regulations on the Crossing of State Borders on the Territory of the Republic of

Slovenia, and the second was the Order Banning the Settings of So-called Border Crossing Points Inside the Territory of the SFRY. Both these documents were published in the SFRY Official Gazette, No. 47, 25 June 1991, and took effect on 26 June 1991. (Odluka o neposrednom obezbeđivanju izvršenja saveznih propisa o prelaženju državne granice na teritoriji Republike Slovenije /Decision on Direct Action to Ensure the Implementation of Federal Regulations on the Crossing of State Borders in the Territory of the Republic of Slovenia/, Naredba o zabrani uspostavljanja takozvanih graničnih prelaza unutar teritorije SFRJ /Order Banning the Setting Up of So-Called Border Crossing Points Inside the Territory of the SFRY/ Official Gazette of the SFRJ, No. 47, 25 June 1991, Annex No 262, pp. 1636-1637/1638-1639)

2.15.1.7. The Decision on Direct Action to Ensure the Implementation of Federal Regulations on the Crossing of State Borders on the Territory of the Republic of Slovenia stated:

"1. In order to secure the implementation of federal regulations on the crossing of the state borders and movement in the border belt within the territory of the Republic of Slovenia, and also to ensure fulfillment of the SFRY's international obligations and unhindered international traffic and people's freedom to cross state borders, the Federal Secretariat for Internal Affairs ... will directly take over or secure the execution of control of crossings of the state borders.

"2. In the direct by securing the implementation of federal regulations on the crossing of state borders, the Federal Secretariat will closely cooperate with the Federal Secretariat for National Defence in order to engage border units of the Yugoslav People's Army in securing the state borders and border crossing points as well as inhabited places within the border belt."

2.15.1.8. The Order Banning the Setting up of So-Called Border Crossing Points Inside the Territory of the SFRY stated among other things:

"1. The setting up of so-called border crossing points inside the territory of the SFRY is banned.

"Any so-called border crossing points that have been set up must be removed on the date of the coming into force of this order,

"2. The Federal Secretariat for Internal Affairs and the Federal Secretariat for National Defence will ensure enforcement of this order."

2.15.1.9. At the time of the adoption of the above said Decision and Order, the Federal Executive Council was composed of representatives of all the Yugoslav republics. The president of the

Federal Executive Council, who signed both these acts, was Ante Markovic, a representative of the Republic of Croatia. The vice-president of the Federal Executive Council was Živko Pregl, a Slovenian, while the Federal Secretary of Foreign Affairs was Budimir Lončar, a Croat. The head of the General Staff was Veljko Kadrijević, also a Croat.

2.15.1.10. On 27 June 1991 most of the JNA units involved including officials of the Federal Secretariat for Internal Affairs (which engaged about 400 people) and the Federal Customs Administration (which engaged about 270 customs officials) began moving towards the border with the aim of taking control, of 35 land border points, one airport (Brnik) and one sea port (Koper) at which international traffic was controlled and customs duties were collected. The task was limited in character and did not imply any kind of combat action. Only peacetime units of the JNA were engaged in its implementation. The size of the force was determined in accordance with the character of its tasks (1,990 JNA members were engaged) and the assurances of the Federal Executive Council that it had reached a political agreement with the Slovenian leadership that the decision be implemented without the use of force. The national composition of this JNA force was mixed, which can best be seen from the list of names of the dead and wounded soldiers (The List of Soldiers and Officers of the JNA Killed in the War in Slovenia, Annex No 263, pp. 1640-1642/1643-1646).

2.15.1.11. The Slovenian leadership was informed about the nature of the tasks and the movement of JNA units not only because the Republic of Slovenia had its own representatives in the federal government, but also because this was not a secret plan or a conspiracy against one republic.

2.15.1.12. Knowing about the forthcoming movement of army units, but before the start of any combat action, the newly formed military leadership of the Republic of Slovenia decided to block roads towards the border crossings. To this end, it used, among other things, buses and heavy goods vehicles whose drivers were forced to leave their vehicles on the road in order to prevent the JNA units from passing. Even buses that were transporting children were not exempted from this treatment. On some roads, drivers were forced to remain by their vehicles. Civilians, including foreign citizens, were in this way used as a living shield. Brute force and death threats were used against drivers who refused to remain at the roadblocks, and near Trebnje, members of the Slovenian Territorial Defence shot two drivers who complained most loudly and persistently as an example to the others.

2.15.1.13. Together with the blockade of the roads, all military facilities in the territory of the Republic of Slovenia were also blocked, although only a small part of the JNA's units were engaged in carrying out the task of securing the state border. This was intended to create the impression that the newly proclaimed state was exposed to all-out "aggression".

2.15.1.14. In blocking military facilities and army units, members of the Slovenian Territorial Defence made extensive use of the civilian population, exposing to attack in this way. JNA officers were told that members of their families could suffer if they did not surrender, and an officer's wife was brought to the blocked barracks in Slovenska Bistrica in order to persuade him to surrender.

2.15.1.15. Especially revolting is the fact that, as well as barracks, watch towers and army dumps, military health institutions were also placed under a total blockade, including the "Mladika" hospital in Ljubljana and the Rehabilitation Centre in Rimske Toplice, as well as the Military Court. Electricity, water and telephone lines and all supplies to these health institutions were cut off, fuel tankers with petrol and trailers loaded with gas cylinders were placed in front of the military hospital, and continuous threats were issued that the hospital would go up in flames if JNA units attacked targets in Slovenia. It should be noted that the above mentioned health institutions were open to the public and a large number of civilians were at that moment receiving medical treatment in them.

2.15.1.16. Civilians who were not of Slovene origin fared no better. They were exposed to great pressures, which were intended to make it clear that there was no place for them in the new state and "help" them to decide to leave the Republic of Slovenia. Arrests were made without any reason, and people were released from prison only after they had signed promises that they would leave Slovenia within 24 hours. There were group searches and identity checks, including threats of physical liquidation, and even children were not spared humiliating situations.

2.15.1.17. Members of the Slovenian Territorial Defence did not treat wounded or sick people and medical staff in army ambulances any better than the civilian population. In many cases army ambulances were not allowed to get to wounded people to medical assistance, and when they were allowed vehicles transporting wounded people to extend medical institutions were unnecessarily stopped at barricades, staff were harassed, in many cases arrested, and vehicles were confiscated. As a result of such treatment, a number of wounded people succumbed to wounds because they did not receive medical aid in time, although their wounds would not

have been fatal in normal circumstances. Military ambulances, properly marked with the red cross, were often the targets of intentional armed attacks.

2.15.1.18. JNA members who were arrested and designated by the Slovenian authorities as "war prisoners" were exposed to continuous psychological and physical mistreatment. As well as being threatened with physical liquidation, insulted and battered, arrested JNA members and federal customs officials, who could in no way be identified as war prisoners, were housed in facilities which were not fit for human habitation. One such facility was the abandoned mine at Dol near Hrastnik. Arrested persons were transported to that place hand-cuffed in windowless vans in which it was unbearably hot and there was not enough fresh air. (Povrede humanitarnog prava učinjenih od strane pripadnika TO Republike Slovenije/ Violations of Humanitarian Law by Members of the Territorial Defence of the Republic of Slovenia, Committee Doc No 587/94, Annex No 264, pp. 1647-1653/1654-1660)

2.16. The Armed Uprising against the SFRY in Croatia and Forcible Secession

2.16.1.1. In the campaign leading up to the first multi-party elections in Croatia in 1989, the Croatian Democratic Union (HDZ) party promoted the main point of its political programme at many election rallies in Croatia and abroad: independence and sovereignty of Croatia within its "historical borders". A large number of Ustashi emigres and terrorists returned to Croatia, including even some wanted by Interpol for terrorist activities. It was openly said at election rallies of the HDZ and other parties that there was no place in the new Croatia for Serbs, that the time had come for them to move out or be killed, etc. These Ustashi emigres later, after the victory of the HDZ, took key positions in important state bodies.

2.16.1.2. Franjo Tudjman said at the "first general congress of the HDZ" on 24 February 1990 that the Independent State of Croatia was not merely a quisling creation and a fascist crime, but also an expression of the historical aspirations of the Croat people. The HDZ won in the first multi-party elections held in Croatia on 22 April and 6 May 1990.

2.16.1.3. On 25 January 1991, the SFRY Presidency issued a statement on the compulsory demobilization of the Croatian police reserve and published information about illegal imports of arms into Croatia.

2.16.1.4. Croatia revived the coat of arms and the flag under which the Croatian nationalist Ustashi committed genocide of Serbs, Jews and Gypsies during World War Two. (Radoje Arsenić, Pod starom zastavom /Under the Old Flag/ Politika, 20 January 1991, Annex No 265, pp. 1661/1662)

2.16.1.5. The Croatian parliament adopted on 20 February 1991 a constitutional law stating that only republican laws were valid in Croatia, which suspended the SFRY Constitution.

2.16.1.16. The dismissal of Serbs from work who had not signed a statement of loyalty to Croatia by 3 May 1991 began during that same month.

Requesting the Serbs in Croatia to sign statements of loyalty to the new Croatian government which identified itself with fascist-Ustashi symbols and dismissing workers who refused to sign constituted an act of serious national discrimination. Around 200 people of Serb nationality employed in the judiciary of the Republic of Croatia addressed the federal government with a request to protect them from discrimination. At that time, two Serb policemen were killed in Beli Manastir. Houses and cottages owned by Serbs were dynamited and pulled down.

2.16.1.7. After a speech by Franjo Tudjman in Trogir on 5 May 1991, violent demonstrations occurred the next day in front of the regional command of the JNA in Split during which demonstrators killed the soldier Saško Gešovski, a Macedonian. He was the first JNA victim in the territory of the Republic of Croatia.

2.16.1.8. A parade by the National Guard, "the elite embryo of the Croatian army", with World War Two fascist symbols, was held on 28 May 1991.

2.16.1.9. The Croatian parliament adopted on 18 June 1991 a number of laws making possible Croatia's secession from the SFRY. On 25 June 1991, the parliament adopted a declaration on the proclamation of an independent and sovereign republic and initiated the procedure for secession from the SFRY. The SFRY Constitutional Court annulled the decision on Croatia's sovereignty and independence on 16 October 1991. (Odluka o ocenjivanju ustavnosti Ustavne odluke o suverenosti i samostalnosti Republike Hrvatske od 16. oktobra 1991 /Decision on the Sovereignty and the Independence of the Republic of Croatia, 16 October 1991/, Annex No 266, pp. 1663-1664/1665-1669, Odluka o ocenjivanju ustavnosti Deklaracije o proglašenju suverene i samostalne Republike Hrvatske od 13. novembra 1991, /Decision on the constitutionality of the Declaration

on the Proclamation of the Sovereignty and Independence of the Republic of Croatia, 13 November 1991/ Annex No 267, pp. 1670-1672/1673-1679)

2.16.1.10. After a referendum of the Serb people in the Socialist Republic of Croatia held on 19 August 1990, all communes with a Serb majority decided on 19 March 1991 to secede from the Republic of Croatia.

2.16.1.11. The Serb people living in parts of the former Yugoslav republic of Croatia where it constituted a majority of the population formed the Republic of Serbian Krajina.

2.16.1.12. Armed clashes between Croatia's armed forces and the Serb people who did not accept Croatia's secession and voted to continue living in Yugoslavia began in the first half of 1991. Clashes with the Serb population occurred on 2 March in Pakrac, on 31 March in Plitvice, on 6 April in Pakrac again, on 2 May in Borovo Selo, on 1 July in Tenja near Borovo, on 4 July in Ljubovo, on 7 July in Tenja again, on 22 July in Mirkovci, on 26 July in the Banija and Kordun regions, on 1 August in Dalj, on 25 August in Vukovar and on 3 November in Western Slavonia. Croatia's secessionist government resorted to force in an attempt to make the Serb people living in areas where they were in a majority accept its authority.

2.16.1.13. A situation of neither war nor peace existed right up until the mid of September 1991, when the Croatian leadership ordered a general attack on barracks and other JNA facilities throughout Croatia. This marked the beginning of a conflict in which the JNA was forced to defend itself. The Croats spread the war against the JNA to the territory of Bosnia-Herzegovina.

2.16.1.14. Slovenia and Croatia started the war in order to secede from Yugoslavia. The JNA tried to prevent inter-ethnic conflicts by deployment between territories with a Serb majority and other parts of Croatia on the basis of the decision of the SFRY Presidency of 9 May 1991.

2.16.1.15. The assertion that the JNA committed aggression against Croatia is absurd, because it was in its own state territory at its peacetime locations which it used for decades. The JNA units included many Croats who fought against Croatian nationalism and secession.

2.16.1.16. The Croatian representative, Stjepan Mesić, was not elected president of the SFRY Presidency at the Presidency meeting of 15 May 1991 because he did not obtain a sufficient number of

votes. He was elected under the pressure of the ministerial 'troika' of the European Community at the meeting held on 1 July 1991.

2.16.1.17. Despite the attacks on the JNA and Serbs by Croatian paramilitary forces, the President of the SFRY Presidency was throughout this whole time a Croat, Stjepan Mesić. The Croatian parliament did not recall Mesić from that position until 5 December 1991, when he said: "I think I have completed my task - Yugoslavia no longer exists."

2.16.1.18. In September and October 1991 over 100 Serb civilians in Gospić were killed or taken to camps. Croatian armed formations downed a helicopter with the Red Cross markings transporting eight wounded JNA soldiers.

2.16.1.19. Ethnic cleansing of Serbs from Croatia was effected by means of taking possession of their flats, dismissal from jobs and depriving them of citizenship, confiscations and mobilization. It is estimated that about 60,000 criminal proceedings have been instituted against Serbs. Serbs are found guilty in these cases but the sentences are not delivered so that they cannot appeal to a higher court. The Croatian regime in this way keeps the proceedings open and uses the law to confiscate the property of Serbs and Montenegrins against whom criminal proceedings have been instituted. According to the data presented in the Croatian parliament more than 10,000 Serb children in Croatia have been converted to Catholicism, 300,000 people left Croatia, most of them Serbs.

2.16.1.20. The aim of the new Croatian authorities was secession, but the manner in which it was carried out was different to that in Slovenia. The main obstacle to secession was the Serb people living in the territory of this former Yugoslav republic, which, under the Constitution of the Socialist Republic of Croatia, had the status of a constituent people of that republic until the election victory of the nationalist HDZ. Under Article 1 of the Constitution of the Socialist Republic of Croatia the Republic was defined as follows:

"The Socialist Republic of Croatia is the national state of the Croatian people, the state of Serb people in Croatia and the state of national minorities living in it".

After the victory of the nationalist HDZ and the change of the Constitution the Serb people lost that status and was proclaimed a national minority, and a series of discriminatory acts were taken. The Serbs offered resistance but Croatia attempted to suppress this resistance by force. A war was started against the Serb people which was threatened with a new genocide.

2.16.1.21. In May and August 1995 Croatian forces crashed the Serb defence in Croatia and expelled by force 400.000 Serbs who had lived for centuries in the region of Western Slavonia and areas around Knin.

2.16.1.22. It is quite natural that political developments in Croatia, such as armed attacks on the Serb people, murders, forcible expulsions of Serbs from Croatia or their treatment as second class citizens, influenced the determination of the Serb people in Bosnia-Herzegovina to resolutely oppose any attempt at forcible secession from Yugoslavia.

2.17. Genocide of the Serbs in Bosnia and Herzegovina during World War Two

2.17.1.1. With the Nazi occupation of Yugoslavia early in April 1941 Bosnia and Herzegovina were incorporated by force into the Independent State of Croatia, a satellite state led by the Croatian fascists - the Ustashi, whose head was Dr. Ante Pavelić. A massive campaign of conversion to Catholicism and of genocide was mounted in that state. Certain Catholic clergymen directly worked on this up to 1943 when the Vatican distanced itself from the Croatian Ustashi movement. In the organized genocide Serbs, Jews and Gypsies, several hundred thousand people were killed. Croatian historians prefer to use a smaller number (Odone Talpo: *Dalmazia. Una cronaca per la storia 1941*, Official edition of the Italian General Staff, Roma 1985, Annex No 268, pp. 1681/1682-1683); Branko J. Bokan, *Genocide of the Serbs of Bosnian Krayina 1941-1945*, European letter ltd., Beograd 1996, Annex No 269).

Two prominent American historians wrote the books "Convert or Die" and "The Vatican Holocaust" a moving historical testimony on the Ustashi crimes committed against the Serbs in the territory of the Independent State of Croatia (NDH) during World War II. (Edmond Paris, *Convert or Die, Catholic Persecution in Yugoslavia during World War II*, Chick Publications (USA), p. 80-85, Annex No 270, pp. 1684-1690; Avro Manhattan, *The Vatican Holocaust, The sensational account of the most horriging religious massacre of the 20th Century* (USA), 1988, p. 68-69, 74-75, 78-81, Annex No 271, pp. 1691-1700).

2.17.1.2. By the decision of Nazi Germany and fascist Italy at the Vienna Conference of 21 and 22 April 1941, Bosnia and Herzegovina was made part of the Independent State of Croatia (NDH). By special provisions the Government of the Independent State of Croatia (NDH) designated its governors to quickly establish Ustashi authorities and be in charge of direct preparations for the

terror against the Serbs, Jews and Gypsies in Bosnia and Herzegovina which was to ensue.

2.17.1.3. Among the most notorious of the Ustashi governors designated for Bosnia and Herzegovina were Dr Viktor Gutić (for the Banja Luka region), Nikola Jurišić (for Travnik), Prof. Hakija Hadžić (for the Tuzla basin), Don Božidar Bralo (for Sarajevo), Dr Dragutin Kamber (for Dobojo), Dr Pavle Canki (for Mostar) and prof. Alija Šuljak (for eastern Herzegovina). Jure Francetić was appointed Chief Ustashi Governor for the entire Bosnia and Herzegovina. During World War Two the Nazi Germany organized a Muslim SS division - "Hanjar"

2.17.1.4. The establishment of Ustashi rule in Bosnia and Herzegovina met with the overt support of Muslim politicians of the Yugoslav Muslim Organization (JMO), the pro-Ustashi Muslim intelligentsia as well as of different population strata which saw in it a possibility of pursuing their own interests. Thus Osman Kulenović was the Vice-Premier of the Ustashi government until November 1941 when he was replaced by his influential brother Jafer. Among the Ustashi were the leaders of JMO Hamid Kurbegović, Ismet-beg Kapetanović and others. Among the pro-Franconian Muslims prominent Ustashi dignitaries were the deputy head of state Ademaga Mešić, Mehmed Alajbegović (later foreign minister of the Independent State of Croatia), Hakija Hadžić, Alija Šuljak and others. In the Government of the Independent State of Croatia (the Croatian Parliament) there were as many as 11 representatives of the JMO at the beginning of 1942.

2.17.1.5. The Ustashi authorities appointed the Muslims Hamdija Bešliagić and Ragib Čaplijić heads of the counties of Pliva and Rama and Usora and Soli. They all made efforts to have Muslims declare themselves as Croats and support the establishment and strengthening of Ustashi rule in Bosnia and Herzegovina.

2.17.1.6. Ustashi propaganda portrayed the Muslims as one of the main constituents in the forming of the Independent State of Croatia and proclaimed them the "flower of Croatia", and Bosnia and Herzegovina "the heart and soul of Croatia". At the same time, the Serbs are represented as the centuries-old enemy that has to be liquidated. All this prompted many Muslims to join the Ustashi movement, either through their participation in Ustashi and Home Guardsmen quisling armed formations or by joining the said bodies and organizations of the Independent State of Croatia (NDH).

2.17.1.7. Intensified propaganda was employed throughout the war, especially by religious factors (Muslim and Catholic) to incite to crimes against the Serb people in Bosnia and Herzegovina with a

view to carrying out the general strategy of the Independent State of Croatia (NDH) for solving the Serbian question: kill a third, expel a third and convert a third to Catholicism or to Islam. By their cruelty and massive scale, crimes in Bosnia and Herzegovina did not differ from those in Croatia itself, especially in primitive religiously fanatic Muslim communities. Thus for example crimes in Herzegovina, where the Chief ustashi Commissioner was the Muslim Alija Šuljak, started as early as 1 June 1941 and soon reached unheard-of proportions. In what are known as the three waves of carnage of the Orthodox population (in June, on the holiday of St. Vitus' day (Vidovdan) and on the holiday of St. Elias's day (Ilindan) in 1941, almost 12,000 men, women and children of Serb nationality were killed, slaughtered and thrown into pits. In the pit near the village of Korito near Gacko alone, 160 Serbs were killed and their property was appropriated by Muslims.

2.17.1.8. At the same time, in several villages near Ljubinje, the Ustashi killed 143 peasants and threw them in a pit in the village of Kapavica, and somewhat later, on 23 June 1941, in the valley of Popovo Polje they captured and killed another 168 persons of Serb nationality and threw them in the pit "Ržani do". On 6 August 1941 the Ustashi threw about five hundred women, children and old men who were mostly alive in the pit "Golubinka" in Šurmanci. Horrendous massacres and carnage rapidly spread through Herzegovina. Of 1020 Serb inhabitants of the village of Prebilovci near Čapljina, 824 were subjected to the crime of genocide by the Ustashi. The pits "Ržani do", "Pandurica", "Golubinka", "Kapavica", "Vidovno", "Bivolje brdo", "Hutovo", "Benina ograda", and many others were full of massacred Serbs at the time. In the sheds of the military camp at Nevesinje 137 men, women and children were killed in the carnage on St. Vitus' Day and the Ustashi planted potatoes on their graves. In the eastern part of Staro Petrovo Selo near Stara Gradiška, 25 Serbs in the 35 - 40 years age group were killed and this, alongside the adoption of numerous regulations against the Serbs, was one of the reasons why the Serbs began to put up resistance. (Genocid u Nezavisnoj državi Hrvatskoj 1941. -Skrivana stvarnost/Genocide in the Independent State of Croatia 1941-Hidden Reality, Military History Institute Belgrade, Military History Gazette 1-2/1994, pp.79-104, Annex No 272, pp. 1701-1727/1728-1756).

2.17.1.9. At that time, the Ustashi killed 526 men, women and children in Čapljina and the surrounding villages, of which 283 persons on the execution site near Opuzen. At the same time, 450 Serbs from Mostar were slaughtered, battered to death with clubs or thrown into the Neretva river. The mass scale of these murders is gruesomely attested to by the "request of the Croatian population" from the Neretva river valley to the highest authorities of the

Independent State of Croatia (NDH), "not to throw the corpses of killed Serbs into the Neretva and other rivers of Herzegovina because they pollute the water".

2.17.1.10. The most massive carnage in the territory of Bosnia took place in its western regions in August 1941. It is estimated that at the end of June over 20,000 Serbs, among whom a large number of children, were killed in the districts of Bihać, Bosanska Krupa and Cazin alone. About 6,000 people were killed in the area of Sanski Most and another 6,000 in the area of the districts of Prijedor and Bosanski Novi. Only in Bosanska Krupa, on 31 July 1941, the Ustashi killed several hundred Serbs (men, women and children) and the day after, in the general "cleansing" of that district, a further 1,000 persons of Serb nationality.

2.17.1.11. The daily reports of the Gendarmerie show that in the area of the municipality of Bužin "between 1,000 and 1,300 Serbs were killed" in just one day (1 August 1941), 500 Serbs in the surroundings of Ključ while the day after, 800 hostages were killed in Sanski Most, and nearly 3,000 men, women and children of Serb nationality in the territory of the entire district.

2.17.1.12. Muslim Ustashi took the lead in most of these campaigns. The Office for Public Order and Security of the Independent State of Croatia (NDH) was informed on 22 August 1941, that "an Ustashi unit composed of 200 Bosnians - Muslims attacked the Serb village of Kotorane in the district of Dvor na Uni" and that the attackers set fire houses, plundered the village and slaughtered a large number of its inhabitants.

2.17.1.13. On the first day of September 1941, the village of Srdjevići was raided by a group of Muslims from the nearby villages of Bašći i, Kula, Muhovići and from Gacko who, led by Musa Bašić and Avdo Zvizdić, set fire to houses and looted Serb property.

2.17.1.14. The extermination of the Serbs and the ultimate solution to the Serbian question were not much different in other parts of Bosnia and Herzegovina either. The Commander of the Vojna Krajina (Military Frontier) Command, in his report of 20 September 1941, comments on the situation in the area of Jajce and its surroundings after the arrival of Muslim Ustashi from Herzegovina and notes that "total anarchy reigns in Jajce, 117 Ustashi who fled Mostar and Herzegovina before the Italian army, mostly Muslims from Gacko and Mostar, are committing grave atrocities in Jajce and the vicinity: four days ago 158 Greek Orthodox Serbs were slaughtered in the Orthodox Church in Jajce".

2.17.1.15. In numerous actions of this kind, Muslim Ustashi took the lead in killing, slaughtering and massacring the Serbian population and looting their property. The Serbs, in smaller or larger groups, took refuge in the mountains and fled from one territory to another before such terror. "In the period from 1-5 August between 4,600 and 5,000 Orthodoxes fled to the area of the gendarmerie precinct Žirovac in the district of Cazin, from the area of the gendarmerie precincts Vrgorac and Ravnice, fleeing untold terror at the hands of the Muslims", says the daily report of 15 August 1941.

2.17.1.16. The report of the district of Slunj of 24 September 1941 to the Ministry of the Interior of the Independent State of Croatia states that in the period immediately preceding the Report, "there was large-scale persecution and cleansing of Serbs at the hands of the local Muslims - rambunctious Ustashi" in the area of the counties of Krbava and Psat "especially in the districts of Cazin, Bihać, and the station of Velika Kladuša".

2.17.1.17. The Serbs were massacred with unprecedented bestiality and horrendously tortured. The Ustashi killed them everywhere: in the street, in the fields, on their thresholds, before their parents and children. They gouged out their victims' eyes, cut off their tongues and ears, slit open the bellies of women extracting unborn infants, smashed in their skulls.

It is a state of fact that in 1941 the regular armed forces of the Independent State of Croatia (NDH), the Ustashi, offered as a birthday present to their leader Ante Pavelić a basket full of eyes they had gouged out of dead Serbs.

2.17.1.18. Even the overt enemies of the Serb people were appalled at the use of such horrific methods to "solve the Serbian question", one very much resorted to by the Muslim Ustashi. The Vice-Marshal Vladimir Laksa, special representative of the head of state Ante Pavelić reported, already in the first days of July, that "no citizen, no woman, no child can count on staying alive". At the same time, the German commander of Sarajevo qualified such crimes as "violence of the worst kind", quoting examples of mass murder and massacre of Serbs.

2.17.1.19. The Ustashi crimes against the Serbs in Bosnia and Herzegovina which started in the first days after the establishment of the Independent State of Croatia (NDH), continued unabated in 1942 and until the end of the war. In February 1942 alone, the Ustashi, led by Father Vjekoslav Filipović Majstorović, as they themselves admitted, killed 2,300 Serbs with pickaxes, hoes and axes in the villages of argovac, Dragulići and Motike near Banja Luka. Somewhat later, in the middle of the year, under the command of

German general Friedrich Stahl and in cooperation with German units, the Ustashi wiped out 140 villages at the foot of Mt Kozara. Some 70,000 inhabitants of Kozara out of a total of 195,000 were deported; 46,642 adults and 23,858 children were taken to the Ustashi camp Jasenovac. Most of them were killed in the camp, i.e. 33,398 adult civilians and 11,194 children.

2.17.1.20. Parallel to mass liquidation and terror the authorities of the Independent State of Croatia (NDH) systematically expelled Serbs out to Serbia or forcibly converted them to Roman Catholicism or Islam. According to German data, in 1941 alone some 180,000 Serbs were expelled out to Serbia from Croatia and Bosnia-Herzegovina and during the four years of World War Two (1941 - 1945), some 400,000 Serbs from Bosnia were banished to Serbia.

2.17.1.21. During the war, special larger Ustashi armed formations were formed of Muslims, such as for instance, the 13th SS Muslim Division and the 369th Legionary Division. The Hanjar Division, set up in May 1943 by Hitler's Germany and made up of Muslims (60%) and of Germans, mostly Volksdeutsche (40%), was the most notorious of them all. These units killed 352 Serbs at Sremska Rača alone in July 1944. They set houses on fire in a number of villages and killed over 100 persons at Jarmen while they sent all persons capable of work to Germany. They slaughtered 35 persons, mostly women and children in the Orthodox church at Brezovo Polje, a village near Bijeljina.

2.18. Reactions by External Factors

2.18.1.1. For some time external factors supported the sovereignty and territorial integrity of the SFRY. The European Parliament in Strasbourg expressed concern over the situation in Yugoslavia on 14 March 1991, but added that it still believed in the country's future and supported its unity and territorial integrity. At a meeting with the President of the Federal Executive Council held on 4 April 1991, an EC ministerial "troika" pledged its support for the preservation of Yugoslavia and the peaceful resolution of the crisis. British Foreign Office spokesman Ray Kyle told a press conference on 12 April 1991 that Great Britain supported a united Yugoslavia within its present borders. The possible creation of mini states would not be in the interests of either the Yugoslav nations or Europe. French President Francois Mitterrand said on 16 April 1991 that the disintegration of Yugoslavia would split Europe at its seams and could not and would not be allowed. Mark Jansen, EC Ambassador

in Belgrade, said on May 15 1991 that the EC was thinking only of a united Yugoslavia and that the country's breakup would run contrary to integration processes in Europe. Italian Foreign Minister Gianni de Michelis said on 16 May 1991 that Italy supported a united and democratic Yugoslavia. Soviet President Mikhail Gorbachev said after talks on European cooperation with Italian Prime Minister Andreotti on 22 May 1991 that both leaders felt solidarity for those forces in Yugoslavia that favoured its preservation. The CSCE Ministerial Council supported a united SFRY at a meeting held in Berlin on 19 June 1991. US Secretary of State James Baker said on 21 June 1991, at the end of a visit to Yugoslavia, that the United States supported a united and democratic Yugoslavia and would not recognize unilateral acts of secession by individual republics. The British Foreign Minister, D. Hurd, said on 30 June 1991 that the partition of Yugoslavia was not possible because there were no real borders between the republics and any partition would cause terrible conflicts. The resolution adopted by the European Parliament on 19 July 1991 did not support the acts of unilateral secession.

1.18.1.2. Despite the Brioni agreement on the cessation of armed conflicts of 6 July 1991, in Croatia attacks continued on barracks and other military facilities and on areas where the Serbs were in a majority and had formed their own state. In August and September of that year some European states began changing their attitudes towards the Yugoslav crisis and gave effective support to secessionist forces.

1.18.1.3. A Peace Conference on Yugoslavia was organized at the initiative of the European Community and held its first session in The Hague on 7 September 1991. A draft Declaration on a Complex Arrangement for Resolving the Crisis, based on the sovereignty and independence of each of the former federal constituent republics, their mutual recognition, possibilities of forming free associations and mechanisms for the protection of human rights and national and ethnic minorities, was presented to the second plenary session of the Conference in The Hague on 18 October 1991. The previous strong support for the territorial integrity and sovereignty of the SFRY gave way to support for the disappearance of this state and its replacement by six new and independent states which had hitherto been members of the Yugoslav Federation.

1.18.1.4. Since Yugoslavia rejected this proposal on the grounds that it was contrary to the principles of international law and constituted flagrant interference in Yugoslavia's internal affairs, the EC foreign ministers decided at a meeting held in Rome on 8 November to impose sanctions against Yugoslavia.

"The Community and its member States also noted with great concern that the basic elements of the proposals on behalf of the Twelve put forward by Lord Carrington, aimed at a comprehensive political situation, have not been supported by all the parties. As a consequence, the negotiating process has been put in jeopardy.

"In the light of the seriousness of the situation, the Community and its member States have decided to take the following measures:

- immediate suspension of the application of the Trade and Cooperation Agreement with Yugoslavia and a decision to terminate the Agreement,

- restoration of the quantitative limits for textiles,

- removal of Yugoslavia from the list of beneficiaries of the General System of Preferences,

- formal suspension of benefits under the Phare programme...

"The Community and its member States decided that positive compensatory measures will be applied vis-a-vis parties which do cooperate in a peaceful way towards a comprehensive political solution on the basis of the EC proposals." (Declaration on Yugoslavia, Extraordinary EC Ministerial Meeting, Rome, 8 November 1991, S/23203, pp. 2,3, Annex No 273, pp. 1757-1758)

The EC Council of Ministers decided on 2 December to introduce economic sanctions against Serbia and Montenegro alone. No one has ever tried to offer any explanations as to what rules of international law provided legal grounds for the EC to adopt such an attitude towards Yugoslavia. The EC assumed the role of an arbiter and decided that Yugoslavia should cease to exist as a state. The honour to communicate this decision was accorded to M. Badinter.

2.18.1.5. In the Letter dated 10 December 1991 from the Secretary-General of the United Nations addressed to the Minister for Foreign Affairs of the Netherlands it is stated:

"... I am deeply worried that any early, selective recognition could widen the present conflict and fuel an explosive situation especially in Bosnia-Herzegovina and also Macedonia; indeed, serious consequences could ensue for the entire Balkan region. I believe, therefore, that uncoordinated actions should be avoided.

"I should be grateful if you could bring my concerns to the attention of your partners among the Twelve, given the particular responsibility of the United Nations for the maintenance of international peace and security." (Letter dated 10 December 1991 from the Secretary-General of the United Nations addressed to the Minister for Foreign Affairs of the Netherlands, S/23280, pp. 21,22, Annex No 274, pp. 1759/1760)

2.18.1.6. Not heeding the warning of the Secretary-General of the United Nations, on 16 December 1991, the EC Ministerial Council adopted a declaration expressing its readiness to recognize the independence of all the Yugoslav republics which applied for international recognition by 23 December 1991. This, too, constituted a flagrant interference in Yugoslavia's internal affairs.

2.18.1.7. In January 1992 Slovenia and Croatia were recognized first by the Vatican and Germany and then under Germany's pressure by other EC countries, and soon afterwards by another 40 states. The SFRY protested to all of them against the premature recognition which was contrary to international law.

2.18.1.8. During February 1995, the European and US representatives in the "Contact Group" made the lifting or suspension of sanctions introduced by the UN Security Council against Yugoslavia conditional on Yugoslavia's recognition of the newly-created states of Croatia, Bosnia-Herzegovina and Macedonia. Powerful states and groups of states have for a variety of motives and interests thus dropped support for the sovereignty and territorial integrity of one country and replaced it with support for secessionist governments.

2.19. Premature Recognition of Bosnia and Herzegovina as a Sovereign and Independent State

2.19.1.1. On 20 December 1991 the government of Bosnia-Herzegovina decided by a majority of votes to submit to the Ministerial Council of the European Community a request for the international recognition of Bosnia-Herzegovina as an independent state. The SDS members of the government voted against this decision. Odluka o priznavanju državnosti/Decision on the recognition of statehood, Official Gazette SR B-H, 1991, No. 37, p. 1085, Annex No 275, pp. 1761/1762)

2.19.1.2. On 20 December 1991, the Presidency of Bosnia-Herzegovina decided by a majority of votes to submit a request to the European Communities for the recognition of Bosnia-Herzegovina as a sovereign state. (Odluka o podnošenju zahteva za priznavanje SR BiH kao nezavisne države /Decision on Submitting a Request for the Recognition of the Socialist Republic of Bosnia and Herzegovina as an Independent State, Official Gazette SR B-H, 1992, No. 4, p. 96, Annex No 276, pp. 1763/1764)

2.19.1.3. At an SDS press conference in Sarajevo on 20 December 1991, Dr Koljević and Dr Plavšić said that they had not agreed with the vote taken in the Bosnia-Herzegovina Presidency to seek recognition of Bosnia-Herzegovina as a sovereign state. (Muharem Durić, *Zajedno ili deobe /Together or Divided/ Politika*, 21 December 1991, Annex No 277, pp. 1765/1766-1767)

2.19.1.4. At a session of the Bosnia-Herzegovina parliament in Sarajevo on 24 and 25 January 1992, a decision was taken to organize a referendum asking citizens of Bosnia-Herzegovina whether or not they wanted Bosnia-Herzegovina to be a sovereign state. This decision was adopted against the opposition of the Serb deputies. SDS President Dr Karadžić said at the parliamentary session: "We want Bosnia-Herzegovina to be transformed so that Serbs will have strong links with Yugoslavia, Croats with Croatia and Muslims with Yugoslavia and with Croatia as much as they want. It does not have to be Yugoslavia, it can be a Serb federation. What we are offering cannot be more honest: every people to determine itself its position vis-a-vis any other people, to have its own government and safeguard its sovereignty. Bosnia-Herzegovina should be acceptable to all three peoples. Only then should we hold a referendum. That is the only way to avoid any undesirable effects, to calm down the peoples and to let them start living normally at last..."

The discussion in the Assembly showed that there was readiness to accept the decision that first the regionalization of Bosnia and Herzegovina, acceptable to all the three peoples, should be agreed upon and then organize a referendum. When it seemed that the agreement was at hand, Alija Izetbegović refused to agree on a regional transformation of B-H and then organize a referendum, and proposed instead that the Assembly should vote immediately whether it accepted the decision on a referendum. After the deputy Dr Vojislav Maksimović said on behalf of the Serb deputy club that for Serb deputies it was unacceptable to put the decision on the referendum on the agenda, and that they would withdraw if it was done, Irfan Ajanović, Vice-President of the Assembly of SFRY and one of the SDA leaders, threatened to act in the same way as on 14 October 1991, when the Assembly of SR B-H adopted the Platform and the Memorandum without the presence of SDS deputies. That is exactly what happened. The decision on referendum was included in the agenda, Serb deputies withdrew, and the parliament adopted the decision. (Muharem Durić, *Odluka o referendumu bez srpskih poslanika /Decision on Referendum without Serb Deputies/ Politika* 26 January 1992, Annex No 278, pp. 1768/1769-1771)

2.19.1.5. The referendum in which Bosnia-Herzegovina's citizens were asked whether they wanted a sovereign

Bosnia-Herzegovina was held on 29 February and 1 March 1992. The Serb people abstained from voting at the referendum. The results of the referendum were not officially published. (Bosnia-Herzegovina, Defence and Foreign Affairs Handbook, London, 1994, p.135, Annex No 98)

2.19.1.6. Although the international standards had not been fulfilled, the European Community recognized Bosnia-Herzegovina as a sovereign state on 6 April 1992. Other states followed suit. At the moment of recognition, the republican government in Sarajevo controlled only a small part of the territory of the Republic of Bosnia-Herzegovina. The Bosnian Serb Republic was emerging in the same territory and was in armed conflict with the government in Sarajevo. Those who decided on the recognition of Bosnia-Herzegovina must have known that 6 April 1941 was the date on which Nazi Germany had bombed Belgrade and began its attack on Yugoslavia, without declaring war. (Bosnia-Herzegovina, Defence and Foreign Affairs Handbook, London, 1994, p. 135, Annex No 98)

2.19.1.7. Lord Carrington, Co-chairman of the International Conference on the Former Yugoslavia, said on 26 September 1992 that the recognition of Croatia, Slovenia and Bosnia-Herzegovina by the European Community and other countries had been premature. (Priznanje Bosne tragična greška /Recognition of Bosnia - a Tragic Mistake/ Politika, 27 September 1992, Annex No 279, pp. 1772/1773)

2.19.1.8. The French President, Mitterrand, pointed out several times that the recognition of the so-called Republic of Bosnia and Herzegovina had been premature. (Un entretien avec M. Francois Mitterrand, Le Monde, 9 fevrier 1993, Annex No 280, pp. 1774)

2.19.1.9. President of the Foreign Policy Committee of the Russian Parliament Ambarcumov stated that the premature recognition, particularly of Bosnia and Herzegovina, was responsible for the deterioration of the Yugoslav crisis and the outbreak of the war. (Statement to Globus Magazine, Zagreb, 5 March 1993, Annex No 281, pp. 1776-1777/1780)

2.19.1.10. Former US Secretary of State, Henry Kissinger wrote in an article published in the Los Angeles Times on 16 May 1993: "It is important to understand that Bosnia has never been a nation; there is no specifically Bosnian cultural identity. (.....)

The most irresponsible mistake of the current tragedy was international recognition of a Bosnian state governed by Muslims, blindly following the precedent of Germany's hasty recognition of

Slovenia and Croatia. But whereas Croatia and Slovenia had their own identity, Bosnia was a Yugoslavia in microcosm.

"It is a mystery why anyone could even think that Croats and Serbs, unwilling to stay together in the larger Yugoslavia, could be induced to create a joint state in Bosnia together with Muslims they hated for centuries." (Henry A. Kissinger, "In Bosnia Peacekeeping Forces Will be Peacemakers" Los Angeles Times, 16 May 1993, Annex No 282, pp. 1783)

2.19.1.11. US Secretary of State, Christopher said that the premature recognition of Croatia and Bosnia and Herzegovina caused the civil war. (Statement to US Today, 17 June 1993, Annex No 283, pp. 1786-1792)

2.19.1.12. Former Italian Foreign Minister De Michelis has also pointed to the premature recognition of Bosnia-Herzegovina. (Statement to the "L'Europeo", 18 June 1993, Annex No 284, pp. 1793-1794/1795)

2.19.1.13. Former French Foreign Minister Dumas said that the premature recognition was a mistake. (Statement to AFP, 19 June 1993, Annex No 285, pp. 1796)

2.19.1.14. In Annex I to the Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 14 of Commission resolution 1992/S-1/1 of 14 August 1992, (E/CN.4/1992/S-1/9, 28 August 1992, p. 18, Annex No 286, pp. 1798) it is stated:

"Three separate regions are under the control of the Government of Bosnia-Herzegovina, namely, part of the capital, Sarajevo; the region known as Bihać, adjacent to the border with Croatia in northwest Bosnia; and parts of central Bosnia and Herzegovina. Much of the territory of Bosnia and Herzegovina is not under the control of the recognized Government."

2.19.1.15. It is clear that the recognition of Bosnia-Herzegovina occurred contrary to the rules of international law. The secessionist government controlled only a small part of the territory of the former Yugoslav republic of Bosnia-Herzegovina. In addition, this government was also very unstable, which could be seen not only in the fact that it was in conflict with the Republic of Srpska, but also in the continual clashes and efforts to resolve problems in relations between the Muslim and Croat representatives. As well as the Republic of Srpska, two other new independent states

emerged in this process: Herzeg-Bosnia under Croat control; and the Autonomous Province of Western Bosnia under the control of Muslim leader Fikret Abdić, who had broken off relations with Izetbegović.

2.20. Elections in Bosnia and Herzegovina of 14 September 1996

2.20.1.1. "In the free elections that marked the end of communism, in November 1990, the Bosnian electorate partitioned itself into Muslims, Serbs and Croats. A single Muslim party, the SDA (Stranka Demokratske Akcije, or 'Party of Democratic Action') took 86 of the 240 total seats (35.8%); a single Serb party, the SDS (Srpska Demokratska Stranka, or 'Serbian Democratic Party') took 72 of the seats (30%); and a single Croat Party, the HDZ (Hrvatska Demokratska Zajednica, or 'Croatian Democratic Union') took 44 of the seats (18.35%). The Muslim, Serb and Croat percentages of the 1991 population were, 43.7, 31.3 and 17.5 respectively. Thus the 'democratic' election was essentially an ethnic census. Given the chance to vote as Bosnians, the population of Bosnia and Herzegovina chose instead to vote, overwhelmingly, as Muslims, Serbs and Croats. This 1990 voting pattern was consistent with the results of the few other relatively free elections in Bosnia and Herzegovina in the twentieth century (1910 and the 1920s), when Bosnians "voted overwhelmingly for ethnically based parties, and single a party achieved an overwhelming majority among the voters of each nationality." As was also true in the earlier parts of the century, mass ethnic violence erupted among the members of this ethnically divided population when the larger state that contained Bosnia and Herzegovina at the time of the elections later collapsed (the Austro-Hungarian Empire in 1919, the Kingdom of Yugoslavia in 1941, the SFRY in 1991)." (Statement of Robert McBeth Hayden, p. 9, Annex No 93)

2.20.1.2. In accordance with to the Agreement on Elections, contained in Annex III to the General Framework Agreement for Peace in Bosnia and Herzegovina, the elections were held on 14 September 1996. The three national parties in Bosnia and Herzegovina scored a convincing victory, the same as in 1990: the Muslims Party of Democratic Action, the Serb Democratic Party and the Croatian Democratic Union (OSCE Mission to Bosnia and Herzegovina, ELECTIONS in Bosnia and Herzegovina, Final Official Results, Vienna, 8 October 1996, Annex No 287, pp. 1799-1827)

2.20.1.3. However, there were some differences. At the 1990 elections for the post of a member of the Presidency of the Republic of Bosnia and Herzegovina Fikret Abdić won the largest number of votes, e.g. 1.045.539. Izetbegović scored 879.266 votes. At the 1996 elections for a member of the Presidency of Bosnia and Herzegovina, among the Muslim Candidates, Izetbegović won 80% of the votes. He was followed by Haris Silajdžić with 13.82% of the votes. Silajdžić broke up with Izetbegović in 1995, accusing him of intending to introduce a one-party system in Bosnia. In 1996, Fikret Abdić won only 2.80% of votes. He parted company with Izetbegović as early as 1991 accusing him of Islamic fundamentalism and, as it is known, supported by the Muslim population in Western Bosnia, established the Autonomous Province of Western Bosnia which had been in armed conflict with Alija Izetbegović's forces from 1992 to 1995, when Fikret Abdić's forces were defeated. Fikret Abdić found refuge in Croatia. He was accused of armed rebellion by the authorities in Sarajevo and was not allowed to personally participate in the election campaign in 1996.

2.20.1.4. Political disagreement between the leadership of the Federal Republic of Yugoslavia and the leadership of the Republic of Srpska became quite obvious and open after the competent organs of the Republic of Srpska refused to accept the Vance-owen Plan. These political differences were very clearly expressed also during the 1996 election campaign. Despite this, however, the Serb Democratic Party scored a convincing victory. This fact confirms the Respondents view that the political behaviour of the Serbs in Bosnia and Herzegovina is independent of the positions of the leadership of the FR of Yugoslavia.

2.21. Conclusions

2.21.1.1. The Republic of Srpska has existed as a State in the territory of the former Yugoslav Republic of Bosnia and Herzegovina ever since April 1992. It has not been recognized as a State but has been recognized by the Applicant, and by other States as a party to the conflict (warring party). The international personality of the Republic of Srpska has been accepted by the international community and by the Applicant at least to the extent to which it possessed that capacity as a party to the conflict in material time.

2.21.1.2. Since 14 November 1995, when the General Framework Agreement for Peace in Bosnia and Herzegovina came into force, Republic of Srpska is recognized as an entity of Bosnia and Herzegovina. The international community accepted the

legitimacy and legality of the Republic of Srpska as well as all its legal acts which are not in contradiction with the Constitution of Bosnia and Herzegovina.

2.21.1.3. The reason behind the inception of the Republic of Srpska is not any "ideology of a Greater Serbia" nor any plan worked out in Belgrade but rather the concern of the Serb people over its survival in those areas. The grounds for this concern are to be found in the political events such as coming to power of people devoted to the projects of radical Islam in Bosnia and Herzegovina and revival of Ustashi ideology in Croatia, new anti-Serb coalition of Muslim and Croat parties, ethnic cleansing of Serbs in Croatia, political and armed pressure on Serbs in Bosnia and Herzegovina as well as memories of the past when genocide of Serbs in Croatia and Bosnia and Herzegovina during the Second World War was committed.

2.21.1.4. The Republic of Srpska has its territory, population and a stable government. It manifested all attributes of sovereignty and independence. Neither did it accept the suggestions of the FR Yugoslavia and friendly States, nor did the NATO ultimatum and the Security Council measures significantly influence its behaviour.

2.21.1.5. Consequently, the FR of Yugoslavia did not exercise any sovereignty nor any control over the territory controlled by the Republic of Srpska in the former Yugoslav Republic of Bosnia and Herzegovina. The FR of Yugoslavia did not control the Republic of Srpska's behaviour in any area. Even though it has sought on several occasions, the FR of Yugoslavia has not managed to influence that behaviour.

CHAPTER III

THE POLICY OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TOWARDS THE REPUBLIC OF SRPSKA AND BOSNIA AND HERZEGOVINA

3.1. The Yugoslav People's Army

3.1.1. Reorganization and Relocation of JNA

3.1.1.1. The Applicant's assertions that there was a "symbiosis" between the leaderships of the the Republic of Serbia and the JNA also in respect of the reorganization of the JNA (paras 2.3.3.1 and 2.3.3.2 of the Memorial, pp. 64-65, and para. 6.2.1.3 of the Memorial, p. 247) are groundless.

3.1.1.2. Representatives of the republics and the Federation agreed at a meeting held on Brioni on 7 July 1991 in the presence of representatives of the European Community on a three-month suspension of unilateral acts of secession undertaken by Slovenia and Croatia and on the need to seek a peaceful settlement. This Agreement was not observed by Slovenia and Croatia. Slovenia kept control over international border crossings and Croatia continued attacking the JNA.

3.1.1.3. The SFRY Presidency decided on 18 July 1991 to relocate the JNA command centres, units and facilities from the territory of the Republic of Slovenia until a lasting agreement was reached on Yugoslavia's future, and to withdraw part of these command centers, units and facilities to the Republic of Serbia and the Republic of Bosnia and Herzegovina. This decision was not taken by the leadership of the Republic of Serbia alone but by the SFRY Presidency, which at that time was chaired by Stjepan Mesi the representative of the Republic of Croatia, a Croat by nationality. He also signed the decision. (Odluka Predsedništva SFRJ o premeštanju jedinica JNA sa teritorije Slovenije u druge delove SFRJ

i poruka javnosti u vezi sa tim/Decision of the SFRY Presidency on Relocation of JNA Units from the territory of Slovenia to other Parts of the SFRY and related Message to the Public, Annex No 288, pp. 1828-1831/1832-1835).

3.1.1.4. It became clear that personnel changes and territorial reorganization were inevitable in the JNA when a number of top-ranking officers of Slovene and Croat nationality joined the rebels and took part in military operations against the JNA and when JNA units withdrew from Slovenia and Croatia.

3.1.1.5. It is also evident that not all JNA units from Slovenia and Croatia could withdraw to Serbia and Montenegro, and part of them had to be relocated in the Republic of Bosnia-Herzegovina, which at that time was an integral part of the SFRY. This made the relocation completely legal and justified.

3.1.2. The Withdrawal of the Yugoslav People's Army from Bosnia and Herzegovina

3.1.2.1. On 26 April 1992 a meeting was held in Skopje with the participation of the following personalities: on behalf of the Supreme Command of the Armed Forces, the Vice-President of the Presidency of the Socialist Federal Republic of Yugoslavia Branko Kostić, the acting Federal Secretary for National Defence Colonel-General Blagoje Adžić and the President of Bosnia and Herzegovina Alija Izetbegović. The first exchange of views was held on the status of part of the Yugoslav People's Army located in Bosnia and Herzegovina and on the possibilities of its transformation. It was agreed that the competent bodies of the Yugoslav People's Army and of the Republic of Bosnia and Herzegovina meet as soon as possible in order to consider the aspects of this issue. Assessing the situation in Bosnia and Herzegovina as extremely complex, the participants in the meeting appealed to all the armed formations in the territory of Bosnia and Herzegovina to respect the agreed upon cease-fire, remove the barricades from the roads and railway-tracks and deblock all the barracks and other military facilities. The need to deblock the Sarajevo airport was particularly emphasized. This problem was to be solved as a matter of urgent by the competent authorities of the Yugoslav People's Army and the corresponding bodies of Bosnia and Herzegovina. The participants in the meeting agreed that it was necessary to seek political solutions to the situation in Bosnia and Herzegovina and in that respect expressed their support for the continuation of the negotiations under the auspices of the European Community. (M. Krstić, Podrška nastavku razgovora o BiH u Lisabonu

/Support for the Continuation of Talks on Bosnia-Herzegovina in Lisbon/ Politika, 27 April 1992, Annex No 289, pp. 1836/1837-1838, Minutes of the SFRY Presidency 195th Session of 27 April 1992, Annex No 290, pp. 1839-1840/1841-1842)

3.1.2.2. The Secretary-General reported on the same meeting:

"On 26 April 1992, President Izetbegovic of Bosnia and Herzegovina met at Skopje with general Blagoje Adžić, Chief of Staff of JNA and Acting Federal Secretary for Defence, and Mr. Branko Kostić, Vice-President of the Federal Presidency in Belgrade, to define the role of JNA in Bosnia and Herzegovina and its eventual withdrawal. This meeting did not produce a definitive agreement and the Belgrade authorities on 4 May announced their decision to withdraw from Bosnia and Herzegovina by 18 May all JNA personnel who were not citizens of that Republic. On 13 May, Vice-President Kostić proposed to President Izetbegović that the talks be resumed with the participation of representatives of the Bosnian Serb and Croat communities. On the same day, authorities of the so-called 'Serbian Republic of Bosnia and Herzegovina' announced their decision to form their own army, which would be composed of units of the former JNA based in Bosnia and Herzegovina, and appointed General Ratko Mladić as Commander of that army." (Report of the Secretary-General Pursuant to Paragraph 4 of Security Council Resolution 752 (1992), S/24049, 30 May 1992, Annex No 291, pp. 1843-1847)

3.1.2.3. There is no information that Mr. Izetbegović was unsatisfied with the talks. He did not say that he considered the Yugoslav People's Army a hostile or aggressive force in Bosnia and Herzegovina nor did he demand its withdrawal from Bosnia and Herzegovina. By its impartial attitude, the JNA has not provided a reasons for a different position of Mr. Izetbegović.

3.1.2.4. The Presidency of Yugoslavia, at its 197th session held on 4 May 1992, after discussion decided on the following:

"The Presidency of Yugoslavia considered the implementation of its Order of 27 April 1992 on reducing the competence of the JNA to the territory and citizens of the Federal Republic of Yugoslavia.

"The information submitted by the Supreme Command on the implementation of the said Order was accepted and it was decided that all the remaining citizens of the Federal Republic of Yugoslavia - in employ with the JNA in Bosnia-Herzegovina - should quickly return to the territory of Yugoslavia, within 15 days at the latest.

"The Presidency of Yugoslavia evaluated that since this process should be completed within 15 days, according to the

Constitution of the Federal Republic of Yugoslavia there are no grounds on the basis of which the Presidency of the Federal Republic of Yugoslavia or any other Yugoslav organ could decide on the military issues in the territory of Bosnia-Herzegovina." (Zapisnici sa 197 Sednice Predsedništva SFR Jugoslavije/ Minutes of the 197th Session of the Presidency of SFR Yugoslavia held on 4 May 1992, Annex No 292, pp. 1848-1850/1851-1852, S/24049, para 5 Annex 129)

3.1.2.5. The cited decision of the Presidency of Yugoslavia is of decisive importance for the Case. The decision is clear: "according to the Constitution of the Federal Republic of Yugoslavia there are no grounds on the basis of which the Presidency of the Federal Republic of Yugoslavia or any other Yugoslav organ could decide on the military issues in the territory of Bosnia-Herzegovina". At the same time citizens who did not have citizenship of Serbia or Montenegro, republics - members of the FR of Yugoslavia, remained outside the new competence of the FR of Yugoslavia and they could not legally be subject to any request of organs of the FR of Yugoslavia. The territorial diminishment of the FR of Yugoslavia reduces its competence in terms of territory and personnel.

3.1.2.6. The Report of the Secretary General pursuant to para. 4 of Security Council Resolution 752 (1992), reads, *inter alia*:

"On 17 May received a letter from Admiral Milosav Simić, Chief of General Staff of JNA, requesting assistance in the safe withdrawal of JNA troops from Bosnia and Herzegovina, and particularly from Sarajevo, Pazari i and Zenica. The letter referred, *inter alia*, to an agreement signed on 10 May 1992 at the premises of the UN Protection Force in Yugoslavia (UNPROFOR) at Sarajevo by representatives of the Presidency of Bosnia and Herzegovina, JNA, the European Community Monitoring Mission and the Personal Envoy of Lord Carrington, Mr. Colm Doyle. On 21 May, Vice-President Kostić again wrote to ask me to request President Izetbegović to order the deblocking of the JNA garrisons at Sarajevo" (S/24049, para 3, Annex 129)

3.1.2.7. If the Vice-President of the Yugoslav Presidency and the Chief of General Staff of the JNA addressed to the Secretary-General of the UN requesting assistance in the safe withdrawal of the JNA troops from Bosnia and Herzegovina, and particularly from Sarajevo, Pazari i and Zenica, it could not be evidence of aggressive intention of Yugoslavia towards Bosnia and Herzegovina. On the contrary it proves firm determination of Yugoslavia to withdraw its military forces and that it was being hindered from doing so by

military action of Muslim and Croat forces under the control of the Government in Sarajevo.

3.1.2.8. In connection with the withdrawal of the Yugoslav People's Army from Bosnia and Herzegovina and the control of the army of the Republic of Srpska, the Report of the Secretary-General pursuant to paragraph 4 of Security Council Resolution 752 (1992) of May 30 1992. (S/24049) contains the following:

"5. The bulk of the JNA personnel who were deployed in Bosnia and Herzegovina were citizens of that Republic and were not therefore covered by the Belgrade authorities' decision of 4 May to withdraw JNA from Bosnia and Herzegovina. Most of them appear to have joined the army of the so-called "Serbian Republic of Bosnia and Herzegovina". Others have joined the Territorial Defence of Bosnia and Herzegovina, which is under the political control of the Presidency of that Republic. Others may have joined various irregular forces operating there.

"6. Those who are not citizens of Bosnia and Herzegovina are said by the Belgrade authorities to number barely 20 per cent of the total. Most of these are believed to have withdrawn already into Serbia or Montenegro, some of them having been subjected to attack during their withdrawal. Others however remain at various garrisons in Bosnia and Herzegovina, especially in Serb-controlled areas, including two installations on the outskirts of Sarajevo. A further category consists of personnel who have been blocked in their barracks by the Territorial Defence of Bosnia and Herzegovina or hostile irregular forces. These are now mostly in the Sarajevo area, where the latest developments have been as follows:

"(a) Some 600 to 1,000 soldiers are blocked in the Marshal Tito Barracks at Sarajevo, with nearly 200 vehicles. Negotiations on the evacuation of these barracks continued until 27 May 1992, when they broke down following a mortar attack which killed some 16 civilians in central Sarajevo. On 30 May 1992, the barracks came under attack from rocket-propelled grenades and flame-throwers fired by the Territorial Defence of Bosnia and Herzegovina;

"(b) Several hundred JNA personnel from Jusuf Džonić Barracks, a logistic base at Sarajevo, and Viktor Bubanj Barracks were in the process of withdrawing from Sarajevo during the night of 27/28 May 1992. The convoy, which was being accompanied by UNPROFOR, was attacked by Serb irregulars opposed to the terms of their withdrawal and by units of the Territorial Defence of Bosnia and Herzegovina, and lost its way. Some units became separated from the rest; 30 JNA vehicles and their drivers went missing and at least 1 soldier was killed;

"(c) Several hundred JNA cadets, mainly between 14 and 17 years of age, who were blocked in Pazarići, some 15 kilometers south of Sarajevo, were evacuated on 29 May.

"7. It will be apparent from the foregoing that the issue of the deblocking and safe withdrawal of the remaining JNA troops from their barracks in Bosnia and Herzegovina has become linked to other problems which have caused continuing conflict in that Republic and has in particular been complicated by problems relating to the withdrawal of heavy weapons from these barracks and from Bosnia and Herzegovina. UNPROFOR has received indications that the JNA leadership in Belgrade is willing to leave the bulk of its weapons behind upon withdrawal, but the leadership of the army of the "Serbian Republic of Bosnia and Herzegovina" is unwilling to permit this.

"8. Uncertainty about who exercises political control over the Serb forces in Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina Presidency had initially been reluctant to engage in talks on these and other issues with the leadership of the "Serbian Republic of Bosnia and Herzegovina" and insisted upon direct talks with the Belgrade authorities instead. A senior JNA representative from Belgrade, General Nedeljko Bošković, has conducted discussions with the Bosnia and Herzegovina Presidency, but it has become clear that his word is not binding on the commander of the army of the "Serbian Republic of Bosnia and Herzegovina", General Mladić. Indeed, as indicated in paragraph 6 (b) above, Serb irregulars attacked a JNA convoy withdrawing from a barracks at Sarajevo on 28 May under arrangements negotiated by General Bošković. It also appears that the heavy shelling of Sarajevo on the night of 28/29 May took place on the orders of General Mladić in direct contravention of instructions issued by General Bošković and the JNA leadership in Belgrade.

"9. Given the doubts that now exist about the ability of the authorities in Belgrade to influence General Mladić, who has left JNA, efforts have been made by UNPROFOR to appeal to him directly as well as through the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'. As a result of these efforts General Mladić agreed on 30 May 1992 to stop the bombardment of Sarajevo. While it is my hope that the shelling of the city will not be resumed, it is also clear that the emergence of General Mladić and the forces under his command as independent actors apparently beyond control of JNA greatly complicates the issue raised in paragraph 4 of Security Council resolution 752 (1992). President Izetbegović has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladić but not with the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'.

"10. As regards the withdrawal of elements of the Croatian Army now in Bosnia and Herzegovina, information currently available

in New York suggests that no such withdrawal has occurred. UNPROFOR has received reliable reports of Croatian Army personnel, in uniform, operating within, and as part of, military formation in Bosnia and Herzegovina. The Croatian authorities have consistently taken the position that the Croatian soldiers in Bosnia and Herzegovina have left the Croatian Army and are not subject to its authority. International observers do not, however, doubt that portions of Bosnia and Herzegovina are under the control of Croatian military units, whether belonging to the local Territorial Defence, to paramilitary groups or to the Croatian Army. It is unclear in the circumstances how their withdrawal or disbandement, as required by the Council, can be achieved." (S/24049, pp 2-4, Annex 129)

3.1.2.9. The said report of the Secretary General is of the greatest importance to this Case. It is stated in it that General Mladić, the commander of the army of the Serbian Republic of Bosnia and Herzegovina (name changed into the Republic of Srpska), left the Yugoslav People's Army and is not under the military and political control of the authorities of the Federal Republic of Yugoslavia. It is also stated that he was under the political control of the competent authorities of the Serbian Republic of Bosnia and Herzegovina. Likewise, it is mentioned that the units of the Yugoslav People were attacked while withdrawing not only by the Muslim forces but also by irregular Serbian forces which opposed the leaving of JNA weapons to the Muslim forces. Therefore, it is evident that these irregular Serb armed forces were not under the control or influence of the JNA or other bodies of the Federal Republic of Yugoslavia.

3.1.2.10. the JNA was a source of command cadre of all three warring parties in Bosnia and Herzegovina. Military officers of Muslim and Croat forces were also former JNA officers. Also, the majority of members of Muslim and Croat forces were draftees, soldiers or persons liable to military service in the former JNA or units of territorial defence. It is absurd that, due to this fact, the acts of all three warring parties or any of them be considered as attributable to the FR of Yugoslavia.

3.1.3. Attacks on the Yugoslav People's Army in Bosnia and Herzegovina

3.1.3.1. During March 1992 Muslim and Croat military formations started attacks on the JNA. Underlying the Croat attacks was the intent to involve Muslim forces in armed confrontation with the the JNA and Serb people in Croatia and Bosnia and

Herzegovina. The official explanation for Muslim attacks was the request that weapons of the JNA be left in Bosnia and Herzegovina. The real reason of the SDA leadership was to involve Yugoslavia in war and pretend that the forces attacking the JNA are victims of Yugoslav aggression, so as to find a justifiable cause for an endless war for the realisation of its political and religious aims. It could not be said that this tactic was entirely unsuccessful.

3.1.3.2. Croat armed formations positioned in the territory of the commune of Neum opened artillery fire on the JNA unit on 22 March 1992. On that occasion, five the JNA members were killed: Slavko Lukovac, Vukan Joksimović, Zoran Obradović, Radenko Filipović, Šefket Suljević and Branislav Mrdak. (D.M. S.D. Poginulo šest pripadnika rezervnog sastava the JNA /Six the JNA Reservists Killed/ Politika, 24 March 1992, Annex No 293, pp. 1853/1854)

3.1.3.3. Muslim and Croat armed formations created three foci of crisis: Bosanski Brod, Neum and Goražde. (M. Durić, Pucnji od mora do Bosanskog Broda /Shots from the Sea to Bosanski Brod/ Politika 25 March 1992, Annex No 294, pp. 1855/1856-1857)

3.1.3.4. In Bosanski Brod Croatian Armed Formations (HOS and ZNG) and the Muslim "Green Berets" engaged Bosnian Serb territorial defence units. The town was shelled from Slavonski Brod in Croatia.

3.1.3.5. The Republican Ministry of the Interior of B-H did not try to prevent inter-ethnic conflicts. (M. Durić, Opet sukobi i barikade, /Conflicts and Barricades Again/ Politika, 2 April 1992, Annex No 295, pp. 1858/1859-1860)

3.1.3.6. In Bijeljina there were armed clashes after Muslim armed formations had erected barricades in the streets. (P. Simić, Gradske borbe u Bijeljini /Fighting in the City in Bijeljina/ Politika, 2 April 1992, Annex No 296, pp. 1861/1862-1863)

3.1.3.7. On 3 April 1992 in Mostar a terrorist act took place when a tank truck loaded with shells left in front of the the JNA barracks "Mostarski bataljon" exploded. Extensive material damage was caused and a number of soldiers and civilians were injured. (Cisterna je bila napunjena granatama, /Tank Truck Filled with Shells/ Politika, 5 April 1992, Annex No 68)

3.1.3.7.1. In April 1992, the JNA unit in Konjic was exposed to increased pressure that culminated with an attack on 5 May 1992. (Annex No C 120 svedočenje B.Dž./testimony B.Dž., pp. c1214-1218/c1219-c1224)

3.1.3.8. In April 1992 Ejup Ganić and Stjepan Kljuić as members of the B-H Presidency, Juka Pušina, as assistant Republican Minister of the Interior of B-H, Hasan Efendić, former the JNA Colonel, presently Commander of the B-H territorial defence, Fikret Muslimović, former the JNA Lieutenant Colonel, and assistant security commander of the B-H territorial defence, Jovan Divjak, Colonel and member of the Main Command of the B-H territorial defence Izet Bajramović called "Čelo", and Jusuf Prazina, as commanders of the "Green Berets" of the B-H territorial defence, Jovica Berović, investigator in B-H police, agreed to launch armed attacks on military facilities, units and officers and take over weaponry and ammunition. To this effect, they issued an order to all B-H territorial defence paramilitary formations, and in late April and early May started armed actions. The competent military authorities of Yugoslavia pressed charges against these persons on the grounds of criminal act of armed rebellion and war crimes.

3.1.3.9. Croat forces and Muslim "Green Berets" attacked the the JNA barracks in Derventa. Five Serb territorial defence members were killed and seven others were wounded in the attack. About 100 Serbs were imprisoned in the basement of the the JNA Army Club. (D. Kecman, Napad na kasarnu the JNA u Derventi /Attack on the the JNA Barracks in Derventa/ Politika, 26 April 1992, Annex No 297, pp. 1864/1865-1866), (Annex No. C 103 svedočenje M.S.3/testimony M.S.3, pp. c1050-1054/c1055-c1059)

3.1.3.10. The JNA ambulance vehicle was stolen. From that vehicle the "Green Berets" in Sarajevo opened fire on the town and passengers at the bus station. The media attributed the attack to the JNA. Fire was also opened at the military hospital in Sarajevo both from that vehicle and from the mosque.

3.1.3.11. The road to Butmir airport was blocked and two nearby mosques were used for surveillance and for opening fire at the airport.

3.1.3.12. On the morning of 30 April 1992, a terrorist attack was carried out against three the JNA soldiers in a cafe opposite the Command of the Second Army District. Predrag Ninkov and Saša Urošević were killed. Another soldier and a 13-year old child were severely injured. A member of the "Green Berets" called Pavijan opened fire at the said persons without any reason.

3.1.3.13. On 2 May 1992, a direct all-out attack on all the the JNA units started. Izet Bajramović called "Čelo" was ordered to attack with his unit the the JNA centre in Sarajevo. He did it around 11.30

a.m. supported by the unit commanded by Juka Prazina, a notorious criminal. Six persons were wounded in the the JNA centre.

The same day around 1.00 p.m. a motor vehicle transporting food from the "Marshal Tito" barracks in Sarajevo to the barracks of the Second Army District Command was attacked and on that occasion lieutenant Goran Belić, who was sitting next to the driver, was seriously injured, while Goran Divović, the driver, was killed.

3.1.3.14. On the morning of 2 May 1992, Muslim armed formations attacked the building of the the JNA centre in Sarajevo. In the building there was a small number of the JNA members, who soon found themselves in a difficult situation as they were largely outnumbered by the enemy. They requested reinforcement. Reinforcement troops set off from the Second Army District Command between 12.30 p.m. and 1.00 p.m. The troops consisted of military police units headed by Colonel Milan uput. The column was moving along Dobrovoljka Street - Skenderija - Obala Vojvode Stepe Street - the Drvenija bridge - the the JNA centre. While moving along Obala Vojvode Stepe Street in the direction of the the JNA centre, the the JNA unit was blocked at a point parallel to the "Đjuro Djaković" Technical College. Near the Main Post Office in front of the column there was a barricade consisting of containers. The column could not withdraw because behind it, at the end of Obala Vojvode Stepe Street, there was a public transport tram around which there were chevaux-de-frise. A missile was fired from a bazooka from behind the barricade on the first the JNA transporter, with Sergeant Magazin in it. After that the B-H territorial defence members opened fire at the column from the neighboring buildings. Responding to the attack, the JNA members divided into two groups taking positions in the neighboring buildings. One group with Colonel uput, Captain Srdjan Petrović and Captain Miodrag Marković took the passage in the building of the Technical College, while the second group with Corporals Dragan Stepanović, Bojan Jovanović and Milan Kontić took a building nearby the Main Post Office.

3.1.3.15. Immediately after the attack on Colonel Šuput's unit, another military police unit set off from the military hospital in two "Pinzgauer" vehicles (registration plate P-4319, with Captain Marko Labudović, lieutenants Obrad Gvozdenović and Ivica Cvetković, Soldiers Branko Popović, Srdjan Nikolić, Aleksandar Blagojević, Rado Pajović and Milan Pejić; and registration plate P-3535, with Colonel Nihad Kastrati, Corporal Dragan Matić and soldiers Dragan Lazukić, Mladen Nikolić, Kruno Bešić, Dragan Glamočanin and Dragoslav Nikolić and two "Citroen" ambulances. At the invitation of Colonel uput this unit set off to unblock the surrounded the JNA members and to rescue the wounded. However, as soon as it arrived in Obala

Vojvode Stepe Street, the unit was attacked. The front vehicle driven by Colonel Obrad Gvozdenović was hit by an anti-armour missile because of which it turned to the tram rails and ran into an electric mine. Colonel Gvozdenović burned in the vehicle. After that, fire was opened from all directions on the JNA members. Since they were in a hopeless situation Captain Labudović shouted that they were surrendering, but Muslims paid no attention to it and continued opening even more intense fire.

3.1.3.16. In a three hour fight most soldiers from Captain Labudović 's group were killed. During that time, Colonel uput's group successfully rejected the attacks until the next morning, on 3 May 1992, when they were deceived and captured. Namely, that morning Colonel uput agreed with the Muslim Commander that soldiers and officers be enabled to return to the Command, and when they gathered in the Technical College building, Muslim soldiers disarmed them and took them to prison.

3.1.3.17. In the fighting on 2 May 1992 the following persons were killed: Captain Marko Labudović, lieutenant Ivica Cvetković, lieutenant Obrad Gvozdenović, lieutenant Midhad Kastrati, soldiers Rado Pajović, Aleksandar Blagojević, Mladen Nikolić, Slobodan Jelić, Predrag Cerović, Miodrag Djurić, Srećko Jovanović, Ivica Simić, Dragan Vitković, Kruno Bešlić, Perica Novi and Branko Popović. (The testimonies of the JNA members about the mentioned attacks on the JNA in Sarajevo, Annex No 298, pp. 1867/1-9 (Witness L.M.), 1867/10-14 (Witness S.D.), 1867/15-19 (Witness S.M.), 1867/20-23 (Witness R.P.), 1867/24-26 (Witness G.B.), 1867/27-28 (Witness Ž.G.), 1867/29-31 (Witness I.S.)

3.1.3.18. A mechanized the JNA column with officers and soldiers from the garrison of the Second Army District Command was attacked in Sarajevo on 3 May 1992. The evacuation was carried out on the basis of an agreement between Alija Izetbegović and the JNA. The agreement was reached with the mediation of UNPROFOR and the EC Mission. UNPROFOR participated in the organization of the evacuation. Despite this, paramilitary formations of the Ministry of the Interior and the Territorial Defence of Bosnia-Herzegovina opened fire in Dobrovoljačka Street around 6.00 p.m. on the column after the vehicle carrying Alija Izetbegović and Lt.-Gen. Milutin Kukanjac had passed. Although no one in the column had given any motive for the attack, they forced soldiers and officers to get out of the vehicles, stripped them to their underpants, ordered them to lie down on the asphalt with their faces turned to the ground and kicked them, hit them with rifle butts and shot at them as they lay there. On this occasion they killed Colonels Dr Budimir Radulović, Miro Sokić, Gradimir Petrović, Boško Mihajlović, and Lt. Colonel Boško Jovanović,

soldier Zdravko Tomović and Šuko Normel, a civilian employee of the the JNA. The attackers interrogated some of the officers while they lay on the ground and shot at them with small arms seriously wounding Colonel Ratko Katalin. Members of UNPROFOR and the EC Mission watched what was happening. Colonels Hasan Efendić and Jovan Divjak watched the doings of their troops all along but did not intervene. The paramilitary formations of the Bosnia-Herzegovina Territorial Defence then took about 200 officers and soldiers to the police headquarters where they were mistreated and interrogated by people commanded by Ivica Berović, in the presence of Goran Milić, TV director. One of the captured soldiers was taken out and murdered in the basement while Inspector Ivica Berović interrogated Colonel Slavoljub Belošević for 36 hours without interruption, hitting him with truncheons and a pistol on the face, the kidneys and other parts of his body. Groups of civilians were allowed into the prison and spat at, pushed and kicked Colonel Belošević, causing him to lose consciousness several times. They then took him to another room, turned on a strong light and directed it an his eyes, bringing it to within two to three centimetres from his eyes. They held him in this position for 11 hours without a break, hitting him all over his body. His eyes were swollen up and he could not see at all for several days (Minutes of the hearing of witness: S. B., Annex No 299, pp. pp. 1868-1878/1879-1888; witness Milutin Kukanjac, Annex No 300, pp. 1889-1911/1912-1933, Major General Lewis MacKenzie, Peacekeeper, Douglas & McIntyre, Vancouver/Toronto 1993, pages 164-171, Annex No 301, pp. 1934-1942)

3.1.3.19. At the same time shots were fired from nearby mosques and other buildings at the Sarajevo military hospital. The 9th floor of the hospital was damaged. Parallel with these attacks, small arms fire was opened at the Rajlovac airfield from the mosque in Sokolje, Sarajevo, in which paramilitary formations of the Bosnia-Herzegovina Territorial Defence force had placed a machine-gun nest. (Annex No 298, pp. 1867/1-9 (Witness L.M.)

3.1.3.20. Representatives of the Presidency of Bosnia-Herzegovina and the the JNA, under the sponsorship of the personal representatives of Lord Carrington and the head of the EC Monitoring Mission B-H, agreed on a cease-fire on 5 May 1992 to take effect immediately in Sarajevo and elsewhere in Bosnia-Herzegovina. All parties to the conflict were urged to support the cease-fire. (Focus: Documents 92 p. 88, Annex No 302, p. 1943) In spite of the withdrawal decision of the SFRY Presidency and the cease-fire agreement, Muslim armed formations continued their attacks on the JNA units as they withdrew. (R.K. Borbe posle masakra /Fighting after the Massacre/ Politika, 5 May 1992, Annex No 303, pp. 1944/1945-1946, D. Stevanović, Napadnuta kasarna

"Maršal Tito"/"Marshal Tito" Army Barracks under Attack/ Politika, 31 May 1992, Annex No 304, pp. 1947/1948)

3.1.3.21. On 15 May 1992 at 7.00 p.m., in Skojevaska Street in Tuzla the last the JNA column was attacked as it withdrew from the barracks. In spite of the agreement concluded between Muslim authorities and the JNA on safe withdrawal several dozens of the JNA members were killed in the attack. (Testimony of the JNA soldiers: R. Dj., D.V., J.J., Dj.R., I.B.,V.M., Annex No 305, pp. 1949-1953 (Witness R.R.Dj.), 1954-1958 (Witness V.D.), 1959-1962 (Witness J.J.), 1963-1970 (Witness R.Dj.), 1971-19780 (Witness B.V.I.), 1981-1988 (Witness M.V.)

3.1.3.22. The Applicant reproduces the following information on the attacks on the JNA units:

"The commander of the Army of Bosnia-Herzegovina Serbs said that there must be no more attacks on Yugoslav Army soldiers, such as the attack in Sarajevo of two weeks ago or the recent massacre of an army column in the Bosnian town of Tuzla, where 'of the 49 innocent soldiers and officers, citizens of the Federal Republic of Yugoslavia, six were shot dead and the others killed with blunt implement axes.'"(Tanjug, 1540 gmt, 30 May 1992, source: BBC Summary of World Broadcast, Memorial, para. 2.3.6.2, p. 78)

3.1.3.23. The New York Times of 21 May 1992 reported that Serbian forces held 5,000 hostages fleeing the war in Bosnia until the Government of Bosnia lifted blockades of the Yugoslav Army barracks. The following day, the same newspaper said that 5,000 hostages were released after the Bosnian Government agreed to lift the blockade of Yugoslav Army barracks and to supply the barracks with food and other supplies. (Application, para. 87A, p. 82)

3.1.3.24. The battle for the Marshal Tito barracks and the Secondary Quartermaster School in Sarajevo recommenced on 30 May 1992. The soldiers, surrounded by the "Green Berets" appealed to UNPROFOR for help.

3.1.3.25. It was obvious that the JNA was attacked by Muslim and Croat forces controlled by the Government in Sarajevo and that those attacks slowed down and hindered the withdrawal of the JNA from the region. The attacks continued even after the decision of the Yugoslav Presidency on the withdrawal of the JNA members, citizens of the Federal Republic of Yugoslavia, and after the decision of the Presidency of 4 May 1992 to accelerate the withdrawal, as well as despite several agreements on cease-fire and agreements on concrete actions of evacuation of the JNA from certain facilities. It is

evident from the above that the JNA was not the attacker, but the attacked.

3.1.4. The Alleged Participation of the the JNA in Armed Conflicts in Bosnia and Herzegovina

3.1.4.1. The Applicant represents (para.2.3.5.3 of the Memorial, p.72, as well as in para 6.2.1.5 of the Memorial, p. 247) that "the offensive carried out by the the JNA and the irregular Serbian forces was not a chaotic and uncontrolled explosion of ethnic violence. On the contrary, it was a well-planned and thoroughly executed military campaign by one state against another... The arrival of irregular units from across the Serbian and Montenegrin border also fits in this pattern, which is not at all consistent with the notion of a civil war." This assertion does not correspond to the facts.

3.1.4.2. Inter-ethnic tensions continuously mounted in Bosnia and Herzegovina during 1991. The Serb people were exposed to a horrible media campaign. Pressures and attacks on the Serb people and the the JNA started already during 1991. Armed violence escalated after a Serb wedding party in the old Turkish bazaar Baščaršija was shot at. Then, joint patrols composed of members of the the JNA and members of the Secretariat for Internal Affairs of the Republic of Bosnia and Herzegovina were formed so as to restore peace and security in Sarajevo. However, armed attacks on the JNA members and barracks in Sarajevo and other places in Bosnia and Herzegovina started and from then on the the JNA was in a state of defence and withdrawal from Bosnia and Herzegovina. (Testimony of M. Kukanjac, Annex No 300)

3.1.4.3. In para. 3.2.0.1 of the Memorial (p.97) the Applicant refers to the statement of the President of the Security Council (S/23842) of 24 April 1992, in which the latter invites the " 'regular or irregular forces' to cease military operations and demanding that 'all forms of interference from outside Bosnia-Herzegovina cease immediately'". At that time the forces of the state of Croatia operated in the territory of the former Yugoslav republic of Bosnia and Herzegovina (See Chapter 7 of the Counter-Memorial). the JNA troops were withdrawing, which was hindered and slowed down by the continued attacks of irregular Muslim and Croat units. From this report nothing can be concluded about the alleged involvement of the the JNA in alleged acts of genocide.

3.1.5. The Alleged Prolonged Presence of the JNA in Bosnia and Herzegovina

3.1.5.1. In section 2.3.6, paras. 2.3.6.1 to 2.3.6.7 of the Memorial (pp.77-81), as well as in para. 6.2.1.7 of the Memorial (p.248), the Applicant refers to the alleged prolonged presence of the the JNA in Bosnia and Herzegovina. The Applicant alleges (para. 2.3.6.1 of the Memorial, p.77) that the Presidency and Government of the Bosnia and Herzegovina ordered on 27 April 1992 that all units of the federal army should leave the territory of this republic. It goes on to say that Belgrade took decision on 4 May 1992 on the withdrawal of all the JNA members who were not residents of Bosnia and Herzegovina. The Applicant argues that only a certain number of men who were not residents of Bosnia and Herzegovina withdrew, while a certain number remained. The Applicant's assertion does not correspond to the facts.

3.1.5.2. The JNA members, non-residents of Bosnia and Herzegovina, withdrew from the territory of this former Yugoslav republic. Their withdrawal was made difficult and slowed down by the sustained attacks of Muslim and Croat forces in Bosnia and Herzegovina.

3.1.5.3. In para. 2.3.6.2 of the Memorial, (p.78). the Applicants that on 30 May 1992, four weeks after the decision on withdrawal, the newly-appointed commander of the Serb forces in Bosnia and Herzegovina, Ratko Mladić, accused Croat armed forces of having attacked Yugoslav soldiers, FRY citizens, on the Bosnian territory. The Applicant quotes the following information of Tanjug: "The Commander of the army of Bosnia-Herzegovina Serbs said that there must be no more attacks on Yugoslav Army soldiers, such as the attack in Sarajevo of two weeks ago or the recent massacre of an army column in the Bosnian town of Tuzla, where 'of the 49 innocent soldiers and officers, citizens of the Federal Republic of Yugoslavia, six were shot dead and the others killed with blunt implement axes!'"

3.1.5.4. The Applicant itself mentions about the commander of the Serb forces in Bosnia and Herzegovina, while Tanjug's information refers to the Commander of the army of the Bosnian-Herzegovinian Serbs. The Applicant admits the existence of a new military force: the army of the Bosnian-Herzegovinian Serbs. The quoted text of Tanjug's news is concerned with the reasons for the delayed withdrawal of the JNA members who are Yugoslav citizens. The reason were the attacks of Muslim and Croat forces on barracks and on withdrawing columns.

3.1.5.5. In paras. 2.3.6.4 and 2.3.6.5 of the Memorial (p.79), the Applicants state that part of the weaponry belonging to the the JNA remained in the hands of the Army of the Bosnian Serbs in Bosnia. The Applicant says: "The new recruits of the Serbian Army in the Republic of Bosnia and Herzegovina were not transferred empty-handed." (Memorial, p.79). The Applicant confirms the existence of a Serbian army in the Republic of Bosnia and Herzegovina. It is true that part of the weaponry remained. This did not happen on the basis of a decision of the the JNA to leave part of the weapons behind. The newly-formed Army of the Bosnian Serbs simply did not allow all the weapons to be withdrawn. The withdrawal of the weaponry was also prevented from being carried out by the continued attacks of Muslim and Croat forces on barracks and on columns which were withdrawing.

3.1.5.6. All the newly-created armies in Bosnia and Herzegovina were formed from the same sources. A number of the JNA members, especially officers, joined the new armies according to their national affiliation. The entire commanding officer corps of the army of the so-called Republic of Bosnia and Herzegovina is the officer corps of Muslim nationality of the former the JNA. The commanding officer corps of the armed force of Herzeg-Bosnia is also the officer corps of Croat nationality which previously belonged to the the JNA. The same is true of the Army of the Republic of Srpska. The other source are members of the territorial defence, as well as members of law enforcement organs. Also, there are volunteers who arrived from different parts of the former Socialist Federal Republic of Yugoslavia, as well as from abroad, especially from Muslim countries. The weapons and facilities for the manufacture of weapons came into the possession of all the armed forces in Bosnia and Herzegovina and not only of the Serbs. Weapons were distributed to all sides, while the major weaponry production facilities remained under the control of the so-called government in Sarajevo.

3.1.5.7. The allegations of the Applicant in paras. 2.3.6.6 and 2.3.6.7 of the Memorial (pp. 80 and 81) to the effect that the Army of the Bosnian Serbs is under the command of an organ of the Army of Yugoslavia or an organ of the Federal Republic of Yugoslavia are totally unfounded. This assertion is repeated in para. 6.2.3.4 of the Memorial (p. 257) in which it is said that "... the 'operational chain of command' of the Yugoslav Army has not been changed since 1991 and is centered in Belgrade, including that for all military operations in Bosnia and Herzegovina... There is no sign that the Government in Belgrade ever disapproved or disowned the behaviour of its armed forces or has attempted to restrain it ." The said allegations do not correspond to the facts.

3.1.5.8. The armed forces of the Republic of Srpska are under the command of the organs of this Republic. They are not under the command of any organ of the Federal Republic of Yugoslavia.

3.1.5.9. In para. 6.2.1.7 of the Memorial (p. 248) the Applicant repeats the allegations that have already been denied by the Respondent. In it, it is said that "in fact, only about 14,000 men of a total of 76,000 troops, who were non-residents of Bosnia and Herzegovina were withdrawn; the remaining 80,000 men were transferred to the Army of the so-called 'Serbian Republic of Bosnia and Herzegovina' (the initial name of the Republic of Srpska) ... which is a mere creature of Yugoslavia ... and decisions kept on being made in Belgrade from where the orders came. Moreover, the the JNA had supplied the paramilitary forces in Bosnia and Herzegovina with weapons and part of the soldiers continued to operate under the uniforms and insignias of the the JNA." The Applicant itself asserts that some members of the Yugoslav People's Army went over to the Army of the Republic of Srpska although the figures it quotes are inconsistent. What does not correspond to the truth is that the Army of the Republic of Srpska is a creature of Yugoslavia and that it acts on the basis of decisions and orders from Belgrade. The assertion that the Yugoslav People's Army has supplied paramilitary units in Bosnia and Herzegovina with arms does not correspond to the facts. The assertion that some soldiers in the Republic of Srpska wear the JNA uniforms and insignia is without relevance for the attribution of their acts to Yugoslavia. What is essential is that these soldiers do not act on the orders of the organs of the FR of Yugoslavia.

3.1.5.10. In para. 6.4.2.5 of the Memorial (p. 276), the Applicant alleges that " ...VJ troops and aircraft regularly cross the border while paramilitary groups are formed, equipped and trained in Serbia and Montenegro...". This allegation is not substantiated by evidence and does not correspond to the facts. But even if it were true, it would not suffice to attribute to Yugoslavia any participation in alleged acts of genocide. According to the agreement with the United Nations, observers have been deployed at all military airfields in the Federal Republic of Yugoslavia.

3.1.5.11. The similar accusations about the alleged involvement of the Yugoslav People's Army in the conflicts in Bosnia and Herzegovina, after it withdrew, the Applicant has stated also in the para 2.3.7.1. of the Memorial. However, the applicant provides no evidence for this and the Respondent rejects these allegations as unfounded.

3.1.5.12. By referring to the resolutions of the United Nations and other international organizations in paras. 3.2.0.2 - 3.3.8.0 of the Memorial (pp. 98-125), the Applicant seeks to show that the Yugoslav People's Army participated in alleged acts of genocide. Thus in para 3.2.0.2 of the Memorial (p. 98) it is said: "... the Secretary-General soon had to report on the direct use of armed forces against civilians, including the besieging of cities as part of this strategy. He confirmed that the the JNA was in some cases directly involved in such activities, linking it already at that stage to the direct killing of Muslims and the creation of conditions of life calculated to bring about their physical destruction (S/24000, para.6, 26 May 1992)." However, the truth is that in the said Report, submitted in pursuance of United Nations Security Council resolution 752 (1992), no mention is made at all of the alleged participation of the Yugoslav People's Army in the killing of Muslims and in the creation of conditions calculated to bring about their physical destruction. Consequently, the assertion of the Applicant does not correspond to the truth.

3.1.5.13. In para. 3.2.0.3 of the Memorial (pp. 98,99) it is said that on 27 April 1992 the FR of Yugoslavia decided "to reduce the Army of Yugoslavia to the territory and citizens of Yugoslavia. As a result, all the citizens of the Federal Republic of Yugoslavia who had been in the YPA... troops were withdrawn by 19 May 1992, together with their share of equipment and armaments". The Applicant indicates that this is quoted from document S/24007 of 27 May 1992 and makes the following conclusion: "The government of the Federal Republic of Yugoslavia ... thus officially confirmed that, at a minimum, the the JNA had continued to operate within the Republic of Bosnia and Herzegovina and that it was equipping Bosnian citizens of Serb ethnicity with 'their share' of military equipment". This conclusion does not follow from the above quotation. Part of the members of the Yugoslav People's Army who remained in the territory of Bosnia and Herzegovina joined the armies created in its territory, i.e. the army of the Republic of Bosnia and Herzegovina, the army of Herzeg-Bosnia, the army of the Autonomous Province of Western Bosnia and the army of the Republic of Srpska. Part of the weapons belonging to the Yugoslav People's Army remained in the possession of all these armies not because the Yugoslav People's Army wanted to leave them, but because it could not pull them out.

3.1.5.14. In para. 3.2.0.4 of the Memorial (p. 99) it is said: "The fact that this transfer of arms and ammunition had actually occurred was confirmed by the United Nations Secretary-General." The Applicant bases this assertion on para 16 of the Report of the Secretary-General (S/23844) of 24 April 1992. However, this part of the Report refers to the UNPAs in the territory of the former Yugoslav Republic of Croatia and not to the territory of the former Yugoslav

republic of Bosnia and Herzegovina. Thus in para. 16 of the Report of the Secretary-General (S/23844 of 24 April 1992, Annex No 306, pp. 1990) it is said: "The JNA has begun withdrawing from some of its locations in the UNPAs." It is obvious that the Report refers to UNPA zones and not to the territory of the former Yugoslav republic of Bosnia and Herzegovina.

3.1.5.15. In the same paragraph the Applicant goes on to say: "In a subsequent report, the Secretary-General indicated that the 'share' of men and equipment which was being transferred amounted to some 80 per cent of the JNA strength". The Applicant bases this assertion on para 24 of the Report of the Secretary-General (S/23900) of 12 May 1992. However, the said section of the Report reads: "Mr. Goulding was also informed by the the JNA leadership that, following the declaration on 27 April 1992 of the ... Federal Republic of Yugoslavia, the Belgrade authorities' policy was to withdraw from republics other than Serbia and Montenegro all the JNA personnel who were citizens of the Federal Republic of Yugoslavia, leaving behind the others to be demobilized or join the armed forces of the new republics. This policy was already being applied in Bosnia-Herzegovina where it was estimated that 80 per cent of the JNA's strength were citizens of that Republic...". This does not mean at all that all these 80 per cent remained in the army of the Republika Srpska. Some of them certainly joined the armies of the Republic of Bosnia and Herzegovina, Herzeg-Bosnia and of the Autonomous Province of Western Bosnia. Some were probably demobilized. Indeed, that is confirmed in para. 5 of the Report of the Secretary-General, made pursuant to para 4 of Security Council Resolution 752 (1992) (S/24049) of 30 May 1992, (Annex No 129) which reads: "The bulk of the the JNA personnel who were deployed in Bosnia and Herzegovina were citizens of that Republic and were not therefore covered by the Belgrade Authorities' decision of 4 May to withdraw the JNA from Bosnia and Herzegovina. Most of them appear to have joined the army of the so-called 'Serbian Republic of Bosnia and Herzegovina'. Others have joined the Territorial Defence of Bosnia and Herzegovina, which is under the political control of the Presidency of that Republic. Others may have joined various irregular forces operating there."

It cannot be concluded from this statement, either, that the the JNA only changed its insignia and remained "substantially the same instrument in the campaign of genocide that was being conducted by the Federal Republic of Yugoslavia... and those affiliated with it." It has already been said that all those who remained ceased to be under the command of the the JNA or of any organ of the FR of Yugoslavia.

3.1.5.16. In para. 3.2.0.5 of the Memorial (p. 99) the Applicant invokes Security Council Resolution 752 of 15 May 1992 which demanded that all forms of foreign interference, including the JNA units, as well as elements of the Croatian army cease immediately. This demand was aimed at protecting the territorial integrity of Bosnia-Herzegovina. The Applicant concludes that the Security Council thereby confirmed the presence of the JNA units and that Yugoslavia allegedly claimed that these units had been under local Serb command. However, the Applicant admitted the fact that on 4 May 1992 a decision was taken to withdraw the Yugoslav People's Army and that its withdrawal was behind schedule on account of continued attacks on its barracks and withdrawing columns. Accordingly, there still were the JNA units in the territory of Bosnia and Herzegovina at that time, surrounded in barracks or withdrawing. However, there existed at the same time military forces of the Serbian Republic of Bosnia and Herzegovina, as well as irregular forces, which were not under the command of the Yugoslav People's Army. Indeed, in the Report of the Secretary General (S/24049) of 30 May 1992 it is said:

"6. Those who are not citizens of Bosnia and Herzegovina are said by the Belgrade authorities to number barely 20 per cent of the total. Most of these are believed to have withdrawn already into Serbia or Montenegro, some of them having been subjected to attack during their withdrawal. Others however remain at various garrisons in Bosnia and Herzegovina, especially in Sarajevo. A further category consists of personnel who have been blockaded in their barracks by the Territorial Defence of Bosnia and Herzegovina or hostile irregular forces. These are now mostly in the Sarajevo area, where the latest developments have been as follows:

"(a) Some 600 to 1000 soldiers are blocked in the Marshal Tito Barracks at Sarajevo, with nearly 200 vehicles. Negotiations on the evacuation of these barracks continued until 27 May 1992, when they broke down following a mortar attack which killed some 16 civilians in central Sarajevo. On 30 May 1992, the barracks came under attack from rocket-propelled grenades and flame-throwers fired by the Territorial Defence of Bosnia and Herzegovina;

"(b) Several hundred the JNA personnel from Jusuf Džonlić barracks, a logistic base at Sarajevo, and Victor Bubanj barracks were in the process of withdrawing from Sarajevo during the night of 27/28 May 1992. The convoy, which was being accompanied by UNPROFOR, was attacked by Serb irregulars opposed to the terms of their withdrawal and by units of the Territorial Defence of Bosnia and Herzegovina, and lost its way. Some elements became separated from the rest; 30 the JNA vehicles and their drivers went missing and at least 1 soldier was killed;

"(c) Several hundred the JNA cadets, mainly between 14 and 17 years of age, who were blockaded in Pazarić, some 15 kilometres south of Sarajevo, were evacuated on 29 May.

"7. It will be apparent from the foregoing that the issue of the deblocking of safe withdrawal of the remaining the JNA troops from their barracks at Bosnia and Herzegovina has become linked to other problems which have caused continuing conflict in that Republic and has in particular been complicated by problems relating to the withdrawal of heavy weapons from these barracks and from Bosnia and Herzegovina. UNPROFOR has received indications that the the JNA leadership in Belgrade is willing to leave the bulk of its weapons behind upon withdrawal, but the leadership of the army of the 'Serbian Republic of Bosnia and Herzegovina' is unwilling to permit this." (Annex No 129)

3.1.5.17. In para. 3.2.0.6 of the Memorial (p. 100) it is said: "In Resolution 752 (1992) the Council also concerned itself with the activities of these forces, calling for an end to forcible expulsions of persons from the areas where they live, and "any attempt to change the ethnic composition of the population'." However, in para. 6 of the Resolution it is said: "Calls upon all parties and others concerned to ensure that forcible expulsions of persons from the areas where they live and any attempts to change the ethnic composition of the population, anywhere in the former Socialist Federal Republic of Yugoslavia, cease immediately...". Evidently, this call is not addressed to the Yugoslav People's Army, but to "all parties and others concerned".

3.1.5.18. In para. 3.2.0.7 of the Memorial (p. 100) it is said: "These acts had led to the 'displacement of the civilian population from its towns and villages ... on a scale not seen in Europe since the Second World War' (S/24000, para. 5, 26 May 1992)". The context in the Memorial may lead to the conclusion that the acts of the Yugoslav People's Army were in question. However, the text of para. 5 of the Report of the United Nations Secretary-General (S/24000) of 26 May 1992 does not lead to such a conclusion. Indeed, that paragraph does refer to the relocation of civilian population from towns and villages and the proportions it has assumed but never is it said that these acts of relocation are being carried out by the Yugoslav People's Army. Nothing to that effect is said in the ensuing paragraphs of the report, either. The conclusion that is to be drawn is that there is nothing in the Report that would attest to the involvement of the Yugoslav People's Army in alleged acts of ethnic cleansing.

3.1.5.19. In para. 3.2.0.8 of the Memorial (p. 101) it is said: "On 30 May 1992, the Secretary-General once more certified to the

Council that the requirement for a withdrawal of the the JNA and of non-intervention had not been heeded (S/24049, paras. 5-9, 30 May 1992). The Security Council responded with considerable decisiveness, imposing against the Federal Republic of Yugoslavia... in Resolution 757 (1992) of 30 May 1992, comprehensive economic sanctions...".

However, in paras. 5-9 of the Report of the Secretary-General (S/24049) of 30 May 1992 it is said:

"5. The bulk of the the JNA personnel who were deployed in Bosnia and Herzegovina were citizens of that Republic and were not therefore covered by the Belgrade Authorities' decision of 4 May to withdraw the JNA from Bosnia and Herzegovina. Most of them appear to have joined the army of the so-called 'Serbian Republic of Bosnia and Herzegovina'. Others have joined the Territorial Defence of Bosnia and Herzegovina, which is under the political control of the Presidency of that Republic. Others may have joined various irregular forces operating there.

"6. Those who are not citizens of Bosnia and Herzegovina are said by the Belgrade authorities to number barely 20 per cent of the total. Most of these are believed to have withdrawn already into Serbia or Montenegro, some of them having been subjected to attack during their withdrawal. Others however remain at various garrisons in Bosnia and Herzegovina, especially in Sarajevo. A further category consists of personnel who have been blockaded in their barracks by the Territorial Defence of Bosnia and Herzegovina or hostile irregular forces. These are now mostly in the Sarajevo area, where the latest developments have been as follows:

"(a) Some 600 to 1000 soldiers are blocked in the Marshal Tito Barracks at Sarajevo, with nearly 200 vehicles. Negotiations on the evacuation of these barracks continued until 27 May 1992, when they broke down following a mortar attack which killed some 16 civilians in central Sarajevo. On 30 May 1992, the barracks came under attack from rocket-propelled grenades and flame-throwers fired by the Territorial Defence of Bosnia and Herzegovina;

"(b) Several hundred the JNA personnel from Jusuf Džonlić barracks, a logistic base at Sarajevo, and Victor Bubanj barracks were in the process of withdrawing from Sarajevo during the night of 27/28 May 1992. The convoy, which was being accompanied by UNPROFOR, was attacked by Serb irregulars opposed to the terms of their withdrawal and by units of the Territorial Defence of Bosnia and Herzegovina, and lost its way. Some elements became separated from the rest; 30 the JNA vehicles and their drivers went missing and at least 1 soldier was killed;

"(c) Several hundred the JNA cadets, mainly between 14 and 17 years of age, who were blockaded in Pazarić, some 15 kilometres south of Sarajevo, were evacuated on 29 May.

"7. It will be apparent from the foregoing that the issue of the deblocking of safe withdrawal of the remaining the JNA troops from their barracks at Bosnia and Herzegovina has become linked to other problems which have caused continuing conflict in that Republic and has in particular been complicated by problems relating to the withdrawal of heavy weapons from these barracks and from Bosnia and Herzegovina. UNPROFOR has received indications that the the JNA leadership in Belgrade is willing to leave the bulk of its weapons behind upon withdrawal, but the leadership of the army of the 'Serbian Republic of Bosnia and Herzegovina' is unwilling to permit this.

"8. Uncertainty about who exercises political control over the Serb forces in Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina Presidency had initially been reluctant to engage in talks on these and other issues with the leadership of the "Serbian Republic of Bosnia and Herzegovina" and insisted upon direct talks with the Belgrade authorities instead. A senior the JNA representative from Belgrade, General Nedeljko Boskovic, has conducted discussions with the Bosnia and Herzegovina Presidency, but it has become clear that his word is not binding on the commander of the army of the 'Serbian Republic of Bosnia and Herzegovina', General Mladić. Indeed, as indicated in paragraph 6 (b) above, Serb irregulars attacked a the JNA convoy withdrawing from a barracks at Sarajevo on 28 May under arrangements negotiated by General Boskovic. It also appears that the heavy shelling of Sarajevo on the night of 28/29 May took place on the orders of General Mladić in direct contravention of instructions issued by General Boskovic and the the JNA leadership in Belgrade.

"9. Given the doubts that now exist about the ability of the authorities in Belgrade to influence General Mladić, who has left the JNA, efforts have been made by UNPROFOR to appeal to him directly as well as through the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'. As a result of these efforts General Mladić agreed on 30 May 1992 to stop the bombardment of Sarajevo. While it is my hope that the shelling of the city will not be resumed, it is also clear that the emergence of General Mladić and the forces under his command as independent actors apparently beyond the control of the JNA greatly complicates the issues raised in paragraph 4 of Security Council resolution 752(1992). President Izetbegović has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladić but not with the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'." (Annex No 129)

There is nothing in the said text that would bear out the allegations of the Applicant that "the Secretary-General once more certified to the Council that the requirement for a withdrawal of the the JNA and of non-intervention had not been heeded". On the contrary. It is very well known that this Report of the Secretary-General had not been submitted to members of the Security Council at the time when they were deciding on the introduction of coercive measures against Yugoslavia, i.e. when they were adopting Resolution 757 (1992) of 30 May 1992. Accordingly, the Security Council was in no position to respond to it at that time. Had the report of the Secretary-General (S/24049) of 30 May been submitted to the members of the Security Council before they voted on resolution 757 (1992) of 30 May 1992 the coercive measures would probably not have been adopted.

3.1.5.20. In para. 3.2.0.11 of the Memorial (p. 102) it is said: "It should be noted that the sanctions established in Resolution 757 (1992) are in force to this day, thus confirming that, in the view of the Security Council, the Federal Republic of Yugoslavia ... continues to be in violation of the demands contained within it." This assertion of the Applicant does not correspond to the truth. It is true that the measures imposed by the Security Council were in force on the date of submission of the Memorial. They have in fact been made more stringent under Security Council Resolution 820(1993) of 17 April 1993, since the Assembly of the Republic of Srpska refused to accept the Vance-Owen peace plan. Hence, the continued imposition of the measures is associated with the conduct of the Republic of Srpska in respect of accepting the peace plan for Bosnia and Herzegovina and not with the presence of the Yugoslav People's Army.

3.1.5.21. In the same para. 3.2.0.11 of the Memorial (p. 102) it is said: "In fact as late as 1993, the Secretary-General confirmed that the requirement of a withdrawal of the JNA troops 'has not still been fulfilled' (A/47/869, 18 January 1993) and, in the response to these and other continuing grave violations of the rights of the Republic of Bosnia and Herzegovina, the Council was constrained to toughen sanctions further still (Resolution 820, 17 April 1993)." These assertions of the Applicant are not true. In the Report of the Secretary-General (A/47/869) of 18 January 1993 it is said:

"30. Earlier, in its resolution 46/242 of 25 August 1992, the General Assembly demanded that those units of the Yugoslav People's Army (the JNA) and elements of the Croatian Army in Bosnia and Herzegovina must either be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be

disbanded and disarmed with their weapons placed under effective international monitoring.

"31. This provision of the resolution has still not been fulfilled. It has been reported earlier (A/47/747, para. 11) that although the JNA had withdrawn completely from Bosnia and Herzegovina, former members of Bosnian Serb origin had been left behind with their equipment, and constituted the Bosnian Serb forces.

"32. UNPROFOR has also confirmed that elements of the Croatian Army are deployed in certain parts of Bosnia and Herzegovina." (The situation in Bosnia and Herzegovina, Report of the Secretary-General, Annex No 307, p. 1992)

It is thus stated in the Report that the the JNA had withdrawn and that "former members of Bosnian Serb origin ... constituted the Bosnian Serb forces." It has already been said that, in adopting Resolution 820(1992) of 17 April 1993, the Security Council was not motivated by the presence of the Yugoslav People's Army in Bosnia and Herzegovina but by the fact that the Assembly of the Republic of Srpska had not accepted the Vance-Owen plan.

3.1.6. The Acts of Genocide Allegedly Committed by the the JNA

3.1.6.1. In para. 6.2.1.5 the Applicant alleges: "As explained in Parts 2,3 and 5, the beginning of 1992 was also the time when the atrocities against the Muslim and Croatian population in Bosnia and Herzegovina began to be committed on a large scale: creation of concentration camps, massive expulsions, killings, beatings, internments, rapes, attacks on Muslim villages, etc. (see e.g.: 2.2.1.4; 2.2.2.2; 2.2.5.3; 2.2.5.5). All these acts - and many others - were perpetrated directly by the Yugoslav National Army alone or with the aid of paramilitary groups armed, controlled and commanded by Serbian officers or officials, among whom the notorious "Commander Arkan" or V. Šešelj, both soon to be elected a Member of the Serbian Parliament (see e.g.: 2.2.1.17; 2.2.2.2; 2.2.2.16; 2.2.5.3; 2.2.5.8). This allegation does not correspond to the facts. Neither of these alleged act - nor any others of this kind - were perpetrated directly by the Yugoslav People's army alone or with the aid of paramilitary groups.

3.1.6.2. In para. 2.2.1.4 of the Memorial (p. 22) it is said: "in this camp operated by Serb forces...". It does not state that the camp was operated by the JNA members or that the camp was under the JNA administration.

3.1.6.3. In para. 2.2.2.2 of the Memorial (p. 30) it is said: "At the beginning of April 1992, more than 1,000 Muslim civilians were killed by Serb paramilitary forces in Bijeljina." No participation of the JNA troops is mentioned here either.

3.1.6.4. In para. 2.2.5.3 of the Memorial (p. 48) the Applicant points to allegedly "the joint operation technique of the the JNA and Serb paramilitary forces" in the city of Mostar:

"...on May 1 (1992), a the JNA unit approached two apartment houses belonging to the cigarette factory and located on its grounds. They opened fire with machine guns. A resident called the United Nations and Red Cross offices located in the "HIT" department store; shortly after, one the JNA Special Forces soldier wearing a camouflage uniform with a black scarf tied around his head and two Airborne Military policemen arrived. The witness judged by their accent that they were from Montenegro. The Special Forces soldier kicked in an apartment door and, threatening the occupants, asked about the phone call to the UN representative. A short time later, a group of the JNA soldiers arrived and began to tear apart the apartment searching for weapons."

Even if this assertion were true, and it is not, it does not point to an act of genocide, or some other act prohibited under the Genocide Convention.

In the same paragraph of the Memorial it is further alleged: "The following evening, a group of Serbian civilians wearing paramilitary uniforms came to the two apartment buildings and took away 10 men. A senior paramilitary officer told his men they could choose any women they wanted for their entertainment. Many apartments in both buildings were set on fire by tracer rounds fired by tanks of the unit." Even if this allegation were true it fails to indicate any connection between the JNA members and members of the paramilitary group.

3.1.6.5. In para. 2.2.5.4 of the Memorial (p. 49) it is said: "In the take over of Visegrad (Eastern Bosnia), the JNA forces from Serbia played a pivotal role...". This allegation does not correspond to the truth. However, even if it did, it in no way bespeaks genocide. The take over of a city in an armed conflict does not constitute an act of genocide. In the following para. 2.2.5.5 of the Memorial (p. 49) it is said: "Shortly after they had taken over the town, the Serb forces embarked upon their all too familiar orgy of death and destruction." In this paragraph not the JNA forces but Serb forces are referred to. Obviously not the same forces are in question. Nor is it clear from the allegation what became of the the JNA forces at the time of the alleged events described in para. 2.2.5.5.

3.1.6.6. The Memorial mentions the alleged participation of the the JNA in several other places. In para. 2.1.0.6. of the Memorial (p. 13) this is done in a general way: "This Memorial cannot hope to catalogue the full extent of suffering and destruction inflicted upon the people, territory and culture of Bosnia and Herzegovina by Yugoslavian (Serbian and Montenegrin), the JNA, Bosnian Serb, Serbian paramilitary and other Serb(ian) forces, (hereinafter collectively referred to as "Serb forces"), which are or were at all material times under the command and control, or were supplied, supported, encouraged and/or aided and abetted by the leaders of Yugoslavia/Serbia and Montenegro ("the leaders"), who could have prevented or curtailed the actions of such forces." This assertion is so broad and vague as to fall short of the requirements of a legal act such as the Memorial. In view of the completely different positions of the the JNA, the "Bosnian Serbs", the "Serbian paramilitary and other Serb(ian) forces, they cannot all be subsumed under the same expression "Serb forces", where the attribution of acts to the State is concerned. It is clear from the further text of the Memorial that the expression "Serb forces" is used by the Applicant to designate armed formations of the Bosnian Serbs which do not belong to the the JNA. For, in the alleged instances of the JNA participation, apart from "Serb forces", also mentioned is the the JNA. In any case, the said allegations does not correspond to the facts."Serb forces" were under no control or influence whatsoever of any organ of the FR Yugoslavia.

3.1.6.7. In para. 2.2.2.19 of the Memorial (p. 29) the Applicant mentions Yugoslav federal special troops as participants in alleged acts in the detention centre near Br ko. The text fails to indicate in what way the alleged Yugoslav special troops were involved in the alleged acts. The only detail mentioned is that one of the members of the special troops allegedly cut off one prisoner's ear. The allegation about the participation of Yugoslav federal special troops does not correspond to the facts. Yugoslav federal special troops were not involved in events connected to detention centres or to any other alleged acts of genocide in Bosnia and Herzegovina.

3.1.6.8. The the JNA is mentioned in para. 2.2.2.15 of the Memorial (p.35) which is concerned with the alleged punishment of Serbs refusing to cooperate with the Serb forces. The following part of some report is quoted : "...for example in Teslić on 2 June 1992 when three Serbs were reportedly killed for refusing to co- operate with the Yugoslav National People's Army (the JNA) and Serbian militia in prosecuting Muslims and Croats." Even if the statement were authentic, it does not show how the the JNA punished Muslims and Croats.

3.1.6.9. The the JNA is also mentioned in para. 2.2.2.16 of the Memorial (p. 35) in which it is said: "On 5 May 1992, a 41 year old Muslim woman witnessed the execution of a Serbian civilian by Serbian soldiers wearing the insignias of the Chetniks (Serb paramilitaries) and the Yugoslav army in the area near Sarajevo airport." In the event of the testimony being true, it indicates the witness's uncertainty in respect of the status of the persons involved. The witness speaks about persons wearing the insignia of the Chetniks and the Yugoslav Army. It was quite possible for persons not belonging to the the JNA to have worn the JNA insignia. Apart from that the account of the witness does not point to a crime of genocide. On the contrary, it shows that acts of violence were not targeted at solely the members of one group.

3.1.6.10. In para. 2.2.2.18 of the Memorial (p. 36) the alleged statement of one Muslim is quoted: "A 48 year old Muslim from Sanica Donja, near Ključ described how he saw the decapitation of about 100 men by the JNA forces in early July 1992, after they had occupied that town:

"regular (JNA) troops again re-entered (Sanica Donja)... Starting at one end of the village and going from house to house, they took all the men hostage and used them as a human screen as they went through the village. The witness believes that these the JNA forces were from the Sixth Krajina Brigade headquartered at Palanka...". The Applicant falls substantially short on quoting the relevant sentence.

The document (Sixth US Submission, S/25393, 10 March 1993, p. 10, Annexes), Part 2, Volume I) referred to in the Memorial says:

"The witness believes these the JNA forces were from the Sixth Krajina Brigade headquartered at Palanka. They were local Bosnian Serbs and their regular JNA uniforms bore a Yugoslav flag on shoulder and hat." (S/25393, Annex No 308, p. 1994) At the time when the alleged event took place the the JNA was no longer in the territory of Bosnia and Herzegovina.

3.1.6.11. In para. 2.2.4.2 of the Memorial (p. 42) it is said: "Amnesty International in its Report 'Bosnia - Herzegovina Rape and Sexual Abuse by Armed Forces' dated January 1993 referred to some incidents of rape. On page 12, details of the account of a 17 year old rape victim are given. She was taken by Serbs wearing the JNA uniforms and held for three months together with around 100 women." Serbs wearing the JNA uniforms are mentioned here. That does not warrant the conclusion that they were the JNA members.

3.1.6.12. In para. 2.2.5.12 of the Memorial, (p. 52) the JNA troops are mentioned in the following way: "On 25 May 1992, the town of Sanski Most ... was surrounded by Serb forces with tanks and armoured vehicles. The whole of the next day, the town was bombed and houses were systematically destroyed. An ultimatum was given for the population to surrender, requiring that Muslims and Croats should mark their houses by affixing white sheets to the roof. After some of the population had surrendered the marked properties were shelled, looted and burned by Serb forces including the JNA troops." As usual, the Applicant presents insufficient information to make it possible to see what has happened. What the role of the JNA troops in this alleged event was is unclear. The Respondent denies the participation of the JNA in any illegal activities. The described alleged event does not constitute an act of genocide.

3.1.6.13. The Army of Yugoslavia is also mentioned in para. 2.2.5.14 of the Memorial (p. 53): "In and around the village of Cerska, near Konjevic Polje, on 2 March 1993, Serbian forces from the VJ (Yugoslav Army) advanced to take the village, obstructing the evacuation of Muslim women, children, the elderly and approximately 1,500 wounded, causing them to flee to the woods." At the time when the event allegedly took place there were no the JNA units in Bosnia and Herzegovina. In any case there were no units under the command of the Army of Yugoslavia and consequently this assertion is untrue.

3.1.6.14. In para. 6.2.1.8 of the Memorial (p. 249) the assertions of the Applicant are repeated in a general way: "The record shows a massive continued involvement of former the JNA troops in the atrocities committed on a large scale after May 1992." In para. 6.2.1.10. of the Memorial (p.249) the allegation is more specific: "... the VJ as such remained present in Bosnia and Herzegovina and its members took direct and active part in the atrocities committed against the Muslim and Croatian population. Thus, for example, commanders of concentration camps have been and are very often officers of the VJ..., so are the 'interrogators'". None of these assertions are true. Consequently, the conclusions expounded by the Applicant in section 6.2.3. of the Memorial (pp. 256, 257) are not based on facts.

3.1.6.15. In para. 65 (p. 27) of the Statement of the Government of the Republic of Bosnia and Herzegovina on Preliminary Objections, dated 14 November 1995, it is said: "Also, the horrific attack upon and brutal takeover of Srebrenica in July 1995 clearly shows Belgrade involvement. The American newspaper "Newsday" of 12 August 1995 reports that western and Bosnian

intelligence sources have evidence 'that the commander of the Yugoslav army, General Momčilo Perišić, was on a mountaintop across the border in Yugoslavia, sending instructions and counsel to Gen. Ratko Mladić, the commander of Bosnian Serb military forces. The radio conversations, intercepted by intelligence agencies, took place before, during and after the battle for the enclave captured by the Serbs on July 11.

'Mladić and Perišić conferred constantly about their strategy and what they were doing', said one of the western officials, who, like all of the intelligence officers interviewed, asked to remain unidentified. The officers said they are still analyzing the radio intercepts, but 'Mladić is always asking Perišić about what he should be doing. This didn't surprise us, because they are the same rank, but Perišić was clearly in command and had the upper hand.' Of course, these reports have been denied by Yugoslav officials."

However, these reports have been denied not only by Yugoslav officials. They have been denied also by U.S. officials. The American newspaper "The Washington Post" of 7 November 1995 reports that "U.S. officials say that they have no knowledge of some of the information requested by Goldstone, including an alleged transcript of a conversation between Mladić and Yugoslav army commanders that would prove their complicity in the attack on Srebrenica." ("War Crimes Prosecutor Says U.S. Information Insufficient", Michael Dobbs, "The Washington Post", 7 November 1995, Annex No 309, p. 1995).

The allegation that the Yugoslav military authorities have been involved in military operations around Srebrenica is not true. It is part of the broad propaganda campaign of the Government in Sarajevo.

3.2. Withdrawal of Foreign Forces from Bosnia and Herzegovina

3.2.1.1. Para. 1 of Article III of the Agreement on the Military Aspects of the Peace Settlement, contained in Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina provides for:

"All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republic of Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days." (A/50/790, S/1995/999, Annex No 147)

3.2.1.2. Invoking this rule some foreign governments requested the withdrawal of Islamic holy warriors - mujaheddins from Bosnia and Herzegovina. The Government in Sarajevo asked the withdrawal of the forces of the Republic of Croatia. No one asked that the JNA or the Yugoslav Army should be withdrawn from Bosnia and Herzegovina for the simple reason: there were no units or members of the Yugoslav Army on the territory of Bosnia and Herzegovina.

3.3. General Position of the FR of Yugoslavia with Respect to Events in Bosnia and Herzegovina

3.3.1.1. In regard to the Declaration on Yugoslavia adopted at the meeting of foreign ministers of the European Community in Brussels on 16 December 1991, the Assembly of the Socialist Federal Republic of Yugoslavia among other things adopted at the session of the Federal Chamber on 21 December 1991 the following conclusions:

"The Federal Chamber calls on all the State and political organs in Bosnia- Herzegovina to ensure, taking into account the concern of all three peoples to live together in Bosnia-Herzegovina, and through a democratic and negotiated settlement, that the citizens in that republic live in peace and harmony and thus help remove the threat of war spilling over parts of Yugoslavia.

"The Federal Chamber also calls on all factors outside Bosnia-Herzegovina to refrain from any activities that would aggravate inter-ethnic relations in Bosnia-Herzegovina and to focus in their activities on encouraging and supporting this Republic's legitimate authorities in order to overcome, within the framework of their rights and responsibilities and in line with the interests of all peoples living in Bosnia-Herzegovina and respecting their equal rights and full equality, all antagonisms in a democratic manner and to reach at solutions acceptable to all three peoples." (Zaključci Saveznog veća Skupštine SFRJ od 21. decembra 1991. /Conclusions of the Federal Chamber of the Assembly of the SFRY of 21 December 1991/, Annex No 259)

In the forthcoming period Yugoslavia shall consistently hold this stand.

3.3.1.2. Paragraph 4 of the Declaration adopted on 27 April 1992 at the joint session of the Assembly of the SFR of Yugoslavia, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro reads:

"The Federal Republic of Yugoslavia has no territorial aspirations towards any of its neighbours. Respecting the objectives and principles of the United Nations Charter and CSCE documents, it remains strictly committed to the principle of non-use of force in settling any outstanding issues." (Declaration adopted on 27 April 1992 at the joint session of the Assembly of the SFR of Yugoslavia, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro, S/23877, 5 May 1992, Annex No 310, pp. 1996-1998)

3.3.1.3. The President of the Republic of Serbia, Mr. Milošević and the President of the Republic of Montenegro, Mr. Bulatović, sent out an appeal on May 18, 1992 for the cessation of armed conflicts in Bosnia and Herzegovina in which they pointed out that the crisis in Bosnia and Herzegovina could only be solved through an agreement of the three peoples living in it. They said that conditions should be created for an unhindered supply of humanitarian aid to the population of the war-affected areas. They pointed out that it was necessary to ensure free passage for food and medical supply transporters sent to the territory of Bosnia and Herzegovina, regardless of who the end user is. (Apel za prekid oružanih sukoba u BiH / Appeal for the Cessation of Armed Conflicts in B-H/ Politika, 19 May 1992, Annex No 311, pp. 1999/2000)

3.3.1.4. The Presidency of the Socialist Federal Republic of Yugoslavia requested on 25 May 1992 that the airport in Sarajevo be deblocked without delay and an appeal was sent to all the sides to stop with the shelling of Sarajevo and Mostar. It was stated that the Federal Republic of Yugoslavia would implement the decisions of the United Nations and that Bosnia and Herzegovina was not a part of the Federal Republic of Yugoslavia. It was also said that the border between Yugoslavia and Bosnia and Herzegovina had been closed for 30 days already so that any passage of armed individuals or groups was not possible. An agreement was reached on the supply of humanitarian aid for all in Bosnia and Herzegovina through the territory of the Federal Republic of Yugoslavia. (Humanitarna pomoć za BiH preko teritorije SRJ / Humanitarian Aid for B-H through the territory of the FRY/ Politika 26 May 1992, Annex No 312, pp. 2001/2002-2004)

3.4. The FR of Yugoslavia Condemned Publicly Acts of Violence in Bosnia and Herzegovina and Invited All Warring Parties to Suspend the Hostilities and Find Peaceful Solution

3.4.1.1. The Government of the Republic of Serbia condemned the destruction of Sarajevo on 8 June 1992. The Government reiterated that all those who decided on the destruction of Sarajevo and participated in such actions, regardless of to which side they belong to, bore the greatest responsibility for all the grave consequences that might occur. Most strongly condemning such destructions and fully dissociating itself from those who did it, the Government once again invited the Serbian leadership of Bosnia and Herzegovina to immediately and unconditionally cease all military activities and to leave it to the international community to judge on the responsibility of the other side for the continuation of military activities against the Serb positions and settlements in Sarajevo. (Vlada Srbije osudjuje razaranja Sarajeva / The Government of Serbia Condemns the Destruction of Sarajevo/ Politika, 9 June 1992, Annex No 313, pp. 2005/2006)

3.4.1.2. The President of the Republic of Serbia, Mr. Milošević in an interview on the meeting in Strasbourg, after his meeting with Lord Carrington and Couthiero advocated urgent cessation of hostilities and finding a solution by tripartite consensus of the three constituent peoples of Bosnia and Herzegovina. He supported the idea of the demilitarization of Sarajevo. He once again condemned the shelling of Sarajevo. (Darko Ribnikar, Za hitan prekid vatre i trojni konsenzus u BiH / For an Urgent Cease-Fire and Tripartite Consensus in B-H/ Politika, 26 June 1992, Annex No 314, pp. 2007/2008-2010)

3.4.1.3. Belgrade Joint Communiqué of 11 September 1992 issued by Federal Republic of Yugoslavia President Ćosić and Federal Republic of Yugoslavia Prime Minister Panić and witnessed by the Co-Chairmen states, inter alia:

"3. With respect to humanitarian issues:

"(a) We declare our total condemnation of all practices related to 'ethnic cleansing', and commit ourselves to helping reverse that which has already happened;

"(b) We agree that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void;

"(c) We urge all concerned parties to cooperate fully, promptly and unconditionally in current efforts, in particular by the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees, to release all detainees, to close all detention centres and to assure safe passage of former detainees to secure and safe areas;

"(d) We further urge all parties to facilitate the safe delivery of all humanitarian assistance;

"(e) We strongly support the efforts of all agencies, local and international, to relieve the plight of displaced persons in all territories of the former Yugoslavia." (Report of the Secretary-General on the International Conference on the Former Yugoslavia, S/24795, Annex I, 11 November 1992, pp. 34/36, Annex No 315, pp. 2011-2014)

3.4.1.4. Therefore, the Federal Republic of Yugoslavia clearly and publicly condemned "ethnic cleansing" and committed itself to "helping reverse that which has already happened". It appealed for the release of all detainees by all sides and for the closing down of all detention centres. It requested that all sides facilitate the safe delivery of humanitarian aid.

3.4.1.5. In paragraph 7 of a Joint Declaration signed on 30 September 1992 by the President of the Federal Republic of Yugoslavia, Mr. Dobrica Ćosić, and the President of the Republic of Croatia, Mr. Franjo Tuđman, the two Presidents welcomed the early stationing of international observers at airfields in their respective countries as a confidence-building measure. (Report of the Secretary-General on the International Conference on the Former Yugoslavia, S/24795, Annex II, 11 November 1992, pp.37, 38, Annex No 316, pp. 2015-2017). The FRY accepted the observers at its airfields in Batajnica, Kraljevo, Podgorica, Priština, Surčin, Niš, Ponikve and Berane, as well as other airfields to which UNPROFOR requested access.

3.4.1.6. UNPROFOR concluded an agreement with the authorities of the Federal Republic of Yugoslavia (2 November 1992) regarding operational arrangements for the deployment of military observers at the airfields in those countries. The agreement provides, inter alia, for access to the airfield flight control systems and for the utilization of all relevant data; monitoring of preparations for and carrying out of the flying missions of aircraft at the respective airfields; and inspection of all aircraft the flights of which have been authorized by UNPROFOR. (Report of the Secretary-General Pursuant to Security Council Resolution 781 (1992), S/24767, 5 November

1992, Annex No 317, pp. 2018-2021, Report of the Secretary-General Pursuant to Security Council Resolution 743 (1992), S/24848, 24 November 1992, para. 41, pp. 13, 14 Annex No 318, pp. 2022-2025)

3.4.1.7. Yugoslav President D. Ćosić stated on 19 October 1992 that he hoped to have talks in Geneva not only with Mr. Vance and Lord Owen and F. Tuđman, but also with A. Izetbegović. Saying that he himself had given the initiative for such a meeting, he added that "he wished to try to do something with a view to removing and alleviating the immense suffering of the people in Bosnia and Herzegovina". He was going to discuss humanitarian aid and various forms of "peacemaking cooperation" with A. Izetbegović, as well. (Z. Šuvaković, *Jugoslavija za okončanje rata u Bosni i Hercegovini / Yugoslavia in favour of the Cessation of the War in Bosnia and Herzegovina/ Politika*, 19 October 1992, Annex No 319, pp. 2026/2027)

3.4.1.8. Joint Statement of 19 October 1992 issued by Federal Republic of Yugoslavia President Ćosić and President Izetbegović of Bosnia and Herzegovina includes the following:

(.....)

"2. They reaffirm the commitments of the International Conference in London concerning the inviolability of existing borders other than through changes reached by peaceful agreement. They further reaffirm that a comprehensive political solution in Bosnia and Herzegovina must be found by agreement between the Republic's three constituent peoples within the International Conference at Geneva. All questions concerning succession of the former Socialist Federal Republic of Yugoslavia will be resolved within the framework of the International Conference or, as appropriate, bilaterally.

"3. The two Presidents agree that efforts should be intensified to all levels and by all parties involved in the conflict in Bosnia and Herzegovina to effectuate an immediate cessation of hostilities.

"4. They agree on the urgent need to end the blockade of and to demilitarize Sarajevo and other cities with the assistance and under the supervision of the United Nations Protection Force. In this connection the two Presidents express the hope that the work of the Mixed Military Working Group in Bosnia and Herzegovina would be carried out intensively with participation at senior military level. The Mixed Military Working Group should meet in permanent and uninterrupted session."

(.....)" (S/24795, 11 November 1992, pp. 41, 42, Annex No 320, pp. 2028-2029)

3.4.1.9. Statement by Mr. Ilija Djukić, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia at the Security Council Meeting, held on 16 November 1992:

"In that context, we should like to point out in particular the importance of abiding by the following principles, which the Federal Republic of Yugoslavia has fully and consistently complied with: the reaching of a comprehensive solution to the Yugoslav crisis by peaceful means with the assistance of the United Nations, the European Community and the Conference on Security and Cooperation in Europe (CSCE); with respect to Bosnia and Herzegovina, the search for a peaceful solution on the basis of full agreement between its three constituent peoples - Muslims, Serbs and Croats; the inviolability of the existing borders between the former Republics of the Socialist Federal Republic of Yugoslavia, with the exception of the changes brought about by peaceful arrangements; the observance of internationally recognized human-rights and fundamental-freedoms standards; the condemnation and cessation of the practice of 'ethnic cleansing' by whoever it is committed and wherever it occurs; the provision and unhampered urgent delivery of humanitarian assistance; and last but certainly not least, compliance with all relevant resolutions of the United Nations Security Council.

"Our basic and primary goal is to achieve lasting peace. The Federal Republic of Yugoslavia offers its good offices in order to bring about an end to the war and bloodshed in this former Yugoslav Republic. In this respect, we have already taken the following steps:

"The Government of the Federal Republic of Yugoslavia is strongly and persistently pursuing efforts aimed at helping end the military operations in Bosnia and Herzegovina. It has invested great efforts in, and made a considerable contribution to, lifting the siege of Sarajevo under the supervision of the United Nations Protection Force (UNPROFOR). It supported the decision that a mixed military working group be in permanent session. It fully supported the statement of the Co-chairmen of the Geneva Conference on Yugoslavia of 13 October 1992.

"During the recent talks between President Ćosić and Prime Minister Panić with the Co-chairmen, Mr. Vance and Lord Owen in Belgrade, Yugoslavia strongly supported the grounding of all military planes and other aircraft of the Serbian Side in Bosnia and Herzegovina at the Banja Luka airfield, also under UNPROFOR supervision.

"To dispel any allegations of its involvement in any military operations in the war in Bosnia and Herzegovina, the Federal Republic of Yugoslavia has insisted since last July that United Nations Monitors be placed at all airfields of the former Socialist Federal Republic of Yugoslavia and along the border between the

Federal Republic of Yugoslavia and Bosnia and Herzegovina as well as between Bosnia and Herzegovina and Croatia. Regrettably, this has not yet been accepted.

"The Federal Republic of Yugoslavia has exerted all its influence to bring about an agreement between the Bosnian Serbs and UNPROFOR on deploying United Nations observers on 11 locations around Sarajevo in order to place the heavy artillery of Bosnian Serbs under UNPROFOR supervision.

"The last member of the Yugoslav Army was withdrawn in May 1992. This has been confirmed in the Secretary-General's Report and by the European Community.

"The President of the Federal Republic of Yugoslavia and the Federal Government have issued orders with the effect of fully preventing the creation of paramilitary forces and their movement from the territory of the Federal Republic of Yugoslavia to Bosnia and Herzegovina.

"Within his action for peace, Prime Minister Panić visited Bosnia and Herzegovina (Sarajevo) twice; he made public appeals for an end to the conflict and explicitly stated that he was opposed to any change of borders by force.

"The Federal Republic of Yugoslavia has no territorial claims against Bosnia and Herzegovina. That has been clearly stated in the Declaration of the Yugoslav Federal Assembly of 27 April 1992 and in the joint statement of 19 October 1992 by Presidents Mesić and Izetbegović reaffirming their commitments on the inviolability of the existing borders, except for changes reached by peaceful agreement. Moreover, they reaffirmed that a comprehensive political solution in Bosnia and Herzegovina must be found between the three constituent peoples within the International Conference at Geneva.

"The Federal Republic of Yugoslavia has strongly condemned the concept and the practice of 'ethnic cleansing', committed by any side, as a crime against humanity. Throughout the Yugoslav crisis and the ensuing war, "ethnic cleansing" perpetrated against one side has invariably triggered 'ethnic cleansing' against the other. We are opposed to each and every act of 'ethnic cleansing' by any side." (S/PV.3137, pp.67-70, Annex No 321, pp. 2030-2032)

3.4.1.10. The Federal Republic of Yugoslavia again publicly condemned the practice of "ethnic cleansing". It was reiterated that the FRY has no territorial claims against Bosnia and Herzegovina. The fact was pointed out that the President and the Government of the FRY took measures to prevent any formation of paramilitary units in the territory of the FRY and their departure for Bosnia and Herzegovina. It was also pointed out that the FRY was not in any way involved in military operations in Bosnia and Herzegovina and

that it had done everything it could to bring the war to an end to help alleviate the suffering of the civilian population.

3.5. The FR of Yugoslavia and the Vance-Owen Plan

3.5.1.1. The Presidents of the FRY, Serbia and Montenegro (D. Čosić, S. Milošević and M. Bulatović) sent on 26 April 1993 a message to the delegates of the Assembly of the Republic of Srpska concerning the acceptance of the Vance-Owen peace Plan. The text of the message reads:

"Distinguished delegates,

"Having been informed about the irresponsible statements by certain participants in the debate in the Assembly of the Republic of Srpska we consider it necessary to address you with this message. This is not the time for us to compete in patriotism. It is time to make a well-thought of, far-sighted and courageous decision. Tonight you are making a decision on the acceptance of the Vance-Owen Plan that will be of vital importance to the outcome of your struggle for national liberation and human and civil rights. Your acceptance or refusal of the Vance-Owen Plan will have a great significance for the future of the Federal Republic of Yugoslavia and its Republics of Serbia and Montenegro as well.

"We wish to inform you that we have had very thorough, very lengthy and very difficult talks with Co-Chairman of the Conference on Yugoslavia D. Owen during the past few days, but that it is our joint assessment that as a result of the talks we have reached some important new questions, some of which were presented in today's address of R. Karadzic. In this connection, as well as in connection with the entire Plan, we wish to draw your attention to our assessments concerning the decision that is before you.

"During the talks we were given some very important clarifications and specifications and we assessed that they had better be given in an official form, presented to all of us and made specific, in order to be transmitted to the Assembly of the Republic of Srpska.

"Based on the talks that we (Čosić Milošević, Bulatović) had during the past few days with Lord Owen (which resulted in all important clarifications whereby very justified and greatest fears of the representatives of the Republic of Srpska are dispelled), the following conclusions were made and presented in detail and in an official form to R. Karadžić and M. Krajišnik in our presence:

"The implementation of the Plan, pursuant to this agreement, will start by the appointment of three members of the Presidency of Bosnia and Herzegovina by each of the constituent peoples, who will

undertake immediately to prepare and adopt the rules of procedure in order that, upon the adoption, the implementation of the entire arrangement can start. The implementation of the agreement on the provisional regime cannot start before the rules of procedure of the Presidency are adopted;

"Guarantees have been given that, following the signature, forces of the Croatian Defence Council (HVO) and Muslim forces will not be allowed to enter the territories populated by Serb people outside Serb provinces, only the United Nations Protection Forces will come and guarantee personal security of the citizens and safety of their property;

"The implementation of the free movement of civilians in the entire territory of the former Bosnia and Herzegovina will be strictly observed, with the United Nations guarantee.

"An understanding was expressed for the requests made by the Serb side for changes in the area of Popovo Polje, whereby the interests of both Serb and Croat sides would be met, on which negotiations between the Serb and the Croat sides would be urgently organized.

"It was stated that the requests for making the necessary changes which would eliminate the artificial separation of the smaller part of the Serb Province No. 6 from the larger part were founded.

"The facts presented in connection with the objections of the Serb side concerning the regions of Kozara and Grmeč as historically Serbian territories where genocide of the Serbs was committed in World War Two and where the Serb population is still living, were carefully considered.

"The talks that we had especially referred to issues concerning the Province No. 3 and the necessity of the territorial linkage between the Serb provinces. A joint conclusion was made (by the UN representatives and ourselves) that a new reality has been created in Province No. 3 by increased concentration of the Serb population and that this fact by itself, irrespective of the transportation regime through the province, will without doubt provide the necessary linkage and an adequate final solution for the question of this vital corridor, especially because the solutions already offered (even though we are not satisfied with them for the time being) exclude all possibilities of cutting off the communication line;

"It was stated that changes in the proposed maps, adopted by agreement between all three sides, either before or after the Plan is adopted, should be accepted by the Conference on Yugoslavia and the United Nations as an indisputable solution. The same applies in the case that two sides reach an agreement on an exchange of territories or correction of borders, if it is not to the detriment of the third side.

"Considering that during the talks held by the Conference Co-chairman, both in Belgrade and in Zagreb, and with the United

Nations officials, it was clarified in particular that the Croatian Defence Council or the Muslim forces would not be allowed to be deployed in any of the Serb-populated areas outside the Serb provinces, but only UN forces would come in - our assessment was that it would be possible to make the necessary changes in the proposed maps as requested by the Serb side more successfully by the provisional Presidency by consensus and within the commission on borders, than in the conditions of the continuing war.

"Based on the above facts, it is obvious and we are confident that the remaining outstanding issues concerning the so called provisional arrangement and the maps could be resolved more successfully following the procedure envisaged by the Plan than by its rejection and by continuation of confrontation and bloodshed. The significance of the remaining outstanding issues is not even comparable with immense human and material losses involved in a continuation of the civil war.

"We are convinced that the following facts need to be observed:

a) According to the Plan, the Serb people in Bosnia and Herzegovina are to get 45% of the entire territory of Bosnia and Herzegovina;

b) It is quite certain that the main question concerning the territorial linkage between the Serb provinces has to be resolved and that the danger for the Serb people to be separated and divided has been eliminated;

c) Agreement has been reached to justly resolve the problem of the Popovo Polje area;

d) Conditions are being created for opening the issue of Kozara as a historical site of the Serb people who were subjected to genocide in World War Two;

e) There are possibilities of removing the artificial differences between the larger and the smaller part of Province No. 6 and for achieving adequate integration;

"Legal prerequisites exist for a favourable solution of other outstanding issues as well, whereby, we are confident, the Serbs in Bosnia and Herzegovina and the Serb people at large would not be afflicted any considerable damage, even if the final outcome turns out to be the most disadvantageous solution within the offered framework, which we do not expect. Namely, we do not expect that the solutions adopted in the planned settlement procedure will be in the worst interest of the Serb side, not only because that would be illogical and unfair, but also because the Serb side is to adopt decisions within the planned procedure by consensus, meaning that without its consent Bosnia and Herzegovina cannot function in any respect. Therefore, in our approach to the Vance-Owen Plan, it is not that we are excluding the possibility of further confrontations and misunderstandings, but we appeal that in the future confrontations

take place in political debates and at the conference table within the Conference on Yugoslavia, within the tripartite Presidency operating on the principle of consensus, within the commission on borders, and within all other authorities, rather than by the use of arms, bloodshed and destruction of towns and villages.

"The citizens of Yugoslavia, Serbia and Montenegro, have demonstrated the highest degree of solidarity with you, going even beyond their means. They will continue to demonstrate this solidarity, in spite of all threats, as has been confirmed by the FRY Assembly resolution. But, it is on their behalf that we wish to tell you this: at the time when you are guaranteed equality and the right to decision-making by consensus, as a constituent people, and in view of the territorial proposal, you have no right to jeopardize and expose to international sanctions ten million citizens of Yugoslavia, on account of the remaining outstanding issues which are of far smaller significance than the results achieved. We simply wish to tell you that you must not go to the extremes in your requests.

"If, in addition to the above stated, the outcome of the talks that we have had indicates that in none of the Serb-populated areas in Bosnia and Herzegovina, namely in Serb villages outside the Serb provinces, will the Croatian Defence Council and the Muslim forces be allowed to enter, and that no important decision in Bosnia and Herzegovina in the future will be made or be possible to be made without your consent, that the settlement of the corridor problem cannot be prevented, then the question arises of the kind and the scope of the benefit which would justify affliction of enormous damage to all of Yugoslavia by the imposition of new sanctions and tightening of the present sanctions today at 6.00 o'clock local time.

"Your decision made today does not have the same value as the decision made tomorrow, because under the United Nations Security Council resolution, your decision made today disqualifies the sanctions without anyone's external agreement, but made as late as tomorrow, it opens a long-lasting and uncertain process of reaching an agreement, which requires an agreement of all, including those who do not mean us well.

"We presume that we have as much right as you to make decisions of importance to the Serbian people and we therefore demand that you take our categorical position into consideration and accept the Plan.

"We presume that we have the right to understand what is good for our country and the entire Serb people and what is bad. This is the question of war and peace and, therefore, we opt for peace. The peace is not only peace for Serbia and Montenegro, but for all of us, too. The peace is an honourable peace that guarantees you equality and freedom. The other alternative is an unnecessary war that can, now that the Serb people in Bosnia and Herzegovina have achieved equality and freedom and preserved their territories for

the most part, bring nothing but evil, suffering and violence upon themselves and others." (Poruka tri predsednika Skupštini RS/ The message of three Presidents to the Assembly of the Republic of Srpska, Politika, 27 April 1993, Annex No 322, pp. 2033/1-2 - 2033/3-6)

The Message also presented the reasons for and objectives of the solidarity and support provided by the Federal Republic of Yugoslavia to the Serbs in Bosnia and Herzegovina. They include the protection of existential security of the Serbs in those areas and the equality of the Serb people with other peoples in Bosnia and Herzegovina.

3.5.1.2. At the session of the Assembly of the Republic of Srpska on 25 April 1993 in Bijeljina, the President of the FRY, Mr. Ćosić, the President of the Republic of Serbia, Mr. Milošević and the President of the Republic of Montenegro, Mr. Bulatović, requested the Assembly to accept the Vance-Owen Plan. The Assembly, however, rejected the Plan. (Plan nije prihvaćen, sankcije pooštrene /Plan Not Accepted, Sanctions Tightened/ Politika, 27 April 1993, Annex No 142)

3.5.1.3. The National Assembly of Serbia made an appeal to the Assembly of the Republic of Srpska to accept the Vance-Owen Plan. (I.P. Apel Skupštini RS da preispita odluku o planu Vensa i Ovena /Appeal to the Parliament of the Republic of Srpska to Reconsider Its Decision on the Vance - Owen Plan/ Politika, 29 April 1993, Annex No 143).

3.5.1.4. After the meeting between the President of the Republic of Serbia, Mr. Milošević, the President of the Republic of Srpska, Mr. Karadžić, and the President of the Assembly of the Republic of Srpska, Mr. Krajišnik, the decision was made for the Assembly of the Republic of Srpska to meet again on 5 May 1993 to reconsider the Plan in the light of the new circumstances related to the specification of the status of the corridors which links parts of the Republic of Srpska in Eastern and Western Bosnia. (Skupština Republike Srpske ponovo 5. maja /Assembly of Bosnian Serb Republic Reconvenes on 5 May /Politika, 30 April 1993, Annex No 144)

3.5.1.5. The Assembly of the Republic of Srpska met at Pale on 5 May 1993. The President of the FRY, Mr. Ćosić, the President of the Republic of Serbia, Mr. Milošević and the President of the Republic of Montenegro, Mr. Bulatović, as well as the Prime Minister of Greece, Mr. Mitsotakis, recommended the endorsement of the Plan and made an effort to reassure the delegates to accept it. The

Assembly, however, decided to announce a referendum on 15 and 16 May 1993, at which the citizens of the Republic of Srpska would directly voice their opinion on the Peace Plan. (Nije prihvaćen mirovni plan Vance i Ovena za BiH / Vance - Owen Peace Plan for Bosnia-Herzegovina Not Accepted / Politika, 6 May 1993, Annex No 145).

3.6. The Measures of the FR of Yugoslavia Taken Vis-a-vie the Republic of Srpska

3.6.1.1. The Federal Government issued the following statement from the session held on 6 May 1993:

"The Government of the Federal Republic of Yugoslavia reviewed today the consequences resulting from the decision of the Assembly of the Republic of Srpska at Pale not to accept the Vance-Owen plan but to leave the final decision to the Serb people in Bosnia-Herzegovina to be taken at a referendum.

"In this connection, the Government expressed its indignation and profound concern at of such a decision and the possible course subsequent developments could take, and at the failure of the Assembly of the Republic of Srpska to acknowledge the undeniable arguments advocated on behalf of the Federal Republic of Yugoslavia by presidents Čosić, Milošević and Bulatović.

"Bearing in mind the immediate adverse effects of UN Security Council Resolution 820 on the economic capacity of the Federal Republic of Yugoslavia and the social condition of the majority of its citizens, the Federal Government is forced to adjust all future aid to the Republic of Srpska to its objective economic possibilities and to reduce it exclusively to supplies of food and medicines.

"The Federal Government has instructed the appropriate ministers to ensure the strict implementation of this decision."

3.6.1.2. The Government of the Republic of Serbia also issued the following statement from the session held on 6 May 1993:

"The Government of the Republic of Serbia discussed the Report, prepared by Prime Minister N. Šainović, on the results of the negotiating process for peace in former Bosnia and Herzegovina, and of the session of the Assembly of the Republic of Srpska.

"The Government reached the following conclusions:

"Firmly believing that a just struggle for freedom and the equality of the Serb people is being waged in the Republic, the Republic of Serbia has unreservedly and generously been helping

the Republic of Srpska, in spite of the enormous problems it had to face due to the sanctions imposed against it by the UN Security Council.

"At the same time, the Republic of Serbia significantly contributed to peace within the UN efforts, with a view to securing international guarantees for a just and honourable peace, ensuring the security, the territories and the constituent status of the Serb people in Bosnia and Herzegovina.

"The Government believes that such conditions have been met after the enhancement of the Vance-Owen plan at the meeting in Athens.

"Taking part in the session of the of the Assembly of the Republic of Srpska, S. Milošević, President of the Republic of Serbia, N. Šainović, Prime Minister of Serbia and Z. Lilić, Speaker of the Serbian parliament, presented numerous elements and facts, in order to help the deputies of the Assembly of the Republic of Srpska to approve the Vance-Owen plan, not as a final solution, but certainly as a good basis for preventing, within the peace process, the loss of lives, as well as to ensure a lasting peace and the just objectives of the Serb people.

"The Government reached the conclusion that the decision of the of the Assembly of the Republic of Srpska, i.e. to delegate the final decision regarding the Vance-Owen plan to the people, represents an irresponsible act, since the people did not take part in the negotiations that lasted several months, and they should not be used as a screen by the leaders faced with critical decisions, since the leaders are obliged to make decision and to consequently be accountable to the people for their actions.

"Since the conditions for peace have been met, the Government also agreed, that any further supply of aid to the Republic of Srpska should be limited to food and medicines in such quantities as the competent ministries will determine. The Government of the Republic of Serbia also believes that, as the conditions for establishing peace have been met, any further aid in funds, fuel, raw materials etc. provided until now with great sacrifices by the Republic of Serbia itself, is no longer justified.

"The Republic of Serbia will always unreservedly offer shelter to the wounded, refugees, and all threatened persons from former Bosnia and Herzegovina, but it cannot tolerate that certain officials from that area live comfortably and immodestly in Belgrade, while they offer only a harsh policy of sacrifices and poverty to the people of the Republic of Srpska.

"The Government of the Republic of Serbia underscores its deep appreciation for the efforts, intended to help the peace process in loco with political means, made by the Greek Government, and especially for the personal engagement of Prime Minister Mitzotackis."

(Saopštenje Vlade Republike Srbije/ The Statement of the Government of the Republic of Serbia, 6 May 1993, Annex No 322a, pp. 2033/7-2033/8)

3.6.1.3. Messages, advice and requests made by the presidents of the FR of Yugoslavia, the Republic of Serbia, the Republic of Montenegro, as well as the Prime Minister of Greece, steps taken on the basis of UN Security Council resolution 820 of 18 April 1993 against the FRY and against the Republic of Srpska, as well as measures taken by the Yugoslav Federal Government and the Government of the Republic of Serbia on 6 May 1993, did not influence the behaviour of the Republic of Srpska, which finally rejected the Vance-Owen Peace Plan. This fact testifies to a high degree of independence of the authorities of the Republic of Srpska in decision making, as well as to the impossibility of the FRY of influencing the behaviour of the Republic of Srpska.

3.6.1.4. The Federal Government made decision at its session held on 4 August 1994 to break off political and economic relations with the Republic of Srpska, considering that the Republic of Srpska rejected the Contact Group peace plan, formulated in Geneva on 30 June 1994. The statement issued after this session reads:

"By rejecting the peace, the leadership of the Republic of Srpska has committed the gravest act against the FR Yugoslavia, the Serbian and Montenegrin peoples and all citizens living in these areas.

"The Federal Government has therefore made decision:

"- to break off political and economic relations with the Republic of Srpska,

"- to ban the members of the leadership of the Republic of Srpska (the Assembly, the Presidency, the Government) from staying in the territory of the FR Yugoslavia;

"- The border of the FR Yugoslavia shall as of today be shut to all transports destined for the Republic of Srpska with the exception of food, clothing and medicines." (Prekid ekonomskih i političkih odnosa sa RS /Severance of Economic and Political Relations with RS /Politika, 5 August 1994, Annex No 322b, pp. 2034/2035)

3.6.1.5. Not even after these Federal Government measures, nor after Security Council resolution 942 of 23 September 1994, did the Republic of Srpska altere its behaviour and accepted the Contact Group Plan.

3.6.1.6. In September 1994 the FR of Yugoslavia agreed to the visit of a humanitarian mission of the International Conference on

Yugoslavia whose reports to the Conference Secretariat shortly confirmed that the FRY was implementing its decision to break off relations with the Republic of Srpska.

3.6.1.7. Bearing this in mind, the Security Council decided by its resolution 943 (1994) of 23 September, 1994 to suspend the application of measures relating to commercial air traffic as well as to co-operation in the fields of sports and culture.

3.7. Proximity Peace Talks at the Wright-Paterson Air Force Base, Dayton, Ohio

3.7.1.1. The President of the Republic of Serbia, Slobodan Milošević, wrote, on 1 August 1995, to General Mladić, Commander of the Army of the Republic of Srpska, and to the leadership of the Republic of Srpska requesting them to conclude an agreement on the cessation of hostilities with the Muslim army in order to create conditions for the quest for a peaceful solution. On the same day, he also wrote to Alija Izetbegović asking him to conclude a cease-fire agreement and achieve peaceful solution by political means. (Two letters by the President of the Republic of Serbia, Slobodan Milošević, dated 1 August 1995/ 3 August 1995, S/1995/643 Annex No 323, pp. 2036-2037/2038)

3.7.1.2. After the extensive armed intervention of NATO forces in the civil war in Bosnia and Herzegovina prompted by the suffering of civilians as the Markale market in Sarajevo caused by the explosive device attributed, but unsubstantiated by evidence, to the forces of the Republic of Srpska, the relationship of forces on the battlefield had changed, and the Muslim-Croat military coalition took large chunks of the territory of the Republic of Srpska, endangering even Banja Luka and threatening the Serbs in Bosnia with the same fate that befell the Serbs in Croatia. In such circumstances the Republic of Srpska agreed to participate in the peace conference in Dayton, Ohio and concluded an Agreement with the Federal Republic of Yugoslavia, on 29 August 1995, giving consent for a joint delegation and consenting that, in the event that agreement is not reached specific questions within the joint delegation, the President of the Republic of Serbia, Slobodan Milošević, will have the casting vote.

3.7.1.3. Unsatisfied with the solutions reached at the Proximity Peace Talks in Dayton, Ohio the representatives of the Republic of Srpska refused to initial the 12 agreements contained in annexes to the General Framework Agreement for Peace in Bosnia and Herzegovina. Proceeding from the full powers stemming from the Agreement with the Republic of Srpska dated 29 August 1995 and convinced that the Constitution of Bosnia and Herzegovina, set forth in Annex IV secures, in the necessary measure, the Republic of Srpska and the Serb people in Bosnia and Herzegovina, the representatives of the Federal Republic of Yugoslavia assumed responsibility and initialled the said Agreements (A) 50/790, S/1995/999, 30 November 1995). The Federal Republic of Yugoslavia, having been afforded the opportunity, thus made a decisive step towards the establishment of peace in Bosnia and Herzegovina based on equality of the three constituent peoples.

3.8. The FR of Yugoslavia Offered Shelter to Muslim Refugees from Bosnia and Herzegovina

3.8.1.1. In the FR of Yugoslavia, Serbia alone took in around 445,000 refugees of which the majority or 235,000 (53 %) hail from Bosnia and Herzegovina. Most refugees are Serbs (80 %), followed by Muslims (7.8 %). (The sixth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Mazowiecki, the Special Rapporteur of the Commission on Human Rights, pursuant to para. 32 of Commission Resolution 1993/7 dated 23 February 1993, E/CN.4/1994/110, 21 February 1994, p. 39 para. 256, Annex. No 324, pp. 2040-2041; Dopis Komesarijata za izbeglice/The Letter of the Commissioner for Refugees of the Republic of Serbia No. 9-204/1, 2 February 1995, Annex No 325, pp. 2042-2047/2048-2052)

The above figures reflect the situation at the beginning of 1993; the data do not include the refugees living in Montenegro nor the non-registered ones, and their total number in the FR Yugoslavia has been estimated at 600,000. (Refugees in Serbia, No. 7. Belgrade, 10 May 1993, Annex No 326, pp. 2054-2055).

3.8.1.2. Several hundred Muslims from Eastern Bosnia fled to the territory of the FR of Yugoslavia, i.e. the Republic of Serbia, at the end of July 1995. These are the people who left the Muslim army and sought protection in the territory of the FR of Yugoslavia. They were accepted in the territory of the FR of Yugoslavia and provided

accommodation and medical and other assistance. These people are also taken care of by the representatives of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees. (Više stotina muslimana iz istočne Bosne izbeglo na teritoriju Srbije/Several Hundred Muslims from Eastern Bosnia Fled to the Territory of Serbia, Politika, 2 August 1995, Annex No 327, pp. 2056/2057)

3.8.1.3. It would be absurd for a State which committed genocide of Muslims to let Muslim refugees into its territory and to provide shelter for them.

3.9. The FR of Yugoslavia Enables the Transport of Humanitarian Relief for the Population of the Republic of Bosnia and Herzegovina Through its Territory

3.9.1.1. The Yugoslav Red Cross offered humanitarian assistance to the relevant institutions in the Republic of Bosnia and Herzegovina on several occasions, but all its offers were declined. The Yugoslav Red Cross organized a convoy for Sarajevo and Goražde. It prepared 40 tons of food and toiletries for each of the two towns. The shipment for Sarajevo was taken over from UNPROFOR at Lukavica, after Sarajevo refused to issue an entry permit; the trucks destined for Goražde had passed beyond Rogatica when they were ordered back. In November 1992 the Yugoslav Red Cross sought to organize the delivery of family parcels to Tuzla but was not enabled to do so either. The humanitarian organization ADRA (Adventist Charity) managed to transport individual family parcels to Sarajevo. The Yugoslav Red Cross has worked closely together with this organization.

3.9.1.2. Considerable quantity of food and other relief aid supplies for the population in the Muslim-controlled areas has been transported across the territory of the FRY. Thus, in the period from 1 January 1993 and to 31 October 1994, UNHCR transported 29,966 tons of aid from the territory of the FRY to Goražde, Srebrenica and Žepa. The shipment of these relief supplies were facilitated by the Yugoslav Government which provided 60,299 litres of petrol at a time of acute fuel shortage due to the measures of the Security Council. A State with a hostile attitude toward the Muslims in Bosnia and Herzegovina or having any bad intentions against them would, clearly, have disallowed such drives. (Letter of the United Nations High

Commissioner for Refugees of 10 November 1994, Annex No 328, pp. 2058-2059)

3.9.1.3. Sarajevo was receiving natural gas via the FR of Yugoslavia territory throughout the war including the winter months when the Sanctions Committee refused to allow any humanitarian natural gas import into the FR of Yugoslavia.

3.10. Deferral of the Criminal Proceedings against Dražen Erdemović to the 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

3.10.1.1. The 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 has requested a temporary Deferral of Dražen Erdemović for hearing in connection with the crime which took place in the vicinity of Srebrenica. Prior to that proceedings were instituted against Dražen Erdemović before the court in Yugoslavia on the suspicion of having committed war crime against the civilian population. The competent district court, by its Decision No. KV-193/96 of 7 June 1996 met the request of the International tribunal and ceded Dražen Erdemović for a specified period of time for interrogation by the prosecutor of the International tribunal. (Rešenje Okružnog suda u Novom Sadu, posl. br. KV-193/96, 7. jun 1996. godine, Decision of the District Court in Novi Sad, No. KV-193/96, 7 June 1996 Annex No 329, pp 2060-2061/2062-2064).

3.10.1.2. The Trial Chamber of the 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 by its Decision of 29 May 1996:

"Formally requests the Government of the Federal Republic of Yugoslavia to order its national courts to defer to the International Tribunal all investigations and criminal proceedings respecting serious violations of international humanitarian law, as set forth in Articles 2 to 5 of the Statute of the International Tribunal, alleged to have been

committed by Dražen Erdemović in and around Srebrenica in July 1995,

"Invites the Government of the Federal Republic of Yugoslavia to take all necessary steps, both legislative and administrative, to comply with this Formal Request and to notify the Registrar of the International Tribunal of the steps taken to comply with this Formal Request, and

"Requests that the Government of the Federal Republic of Yugoslavia forward to the International Tribunal the results of its investigations and copy of the records and judgement of its national courts, if any." (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, Decision of 29 May 1996 in the Matter of a Proposal for a Formal Request for Deferral to the Competence of the International Tribunal Addressed to the Federal Republic of Yugoslavia in the Matter of Dražen Erdemović, Case No. IT-96-22-D, Annex No 330, p. 2073)

3.10.1.3. The Yugoslav Government transmitted the said request of the International Tribunal to the investigative judge conducting the investigation against Erdemović. The investigative judge of the competent District Court made the following decision on 24 June 1996.

"The request of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1 January 1991 No. IT-96-22D of 29 May 1996 is complied with, and the investigations and criminal proceedings conducted so far by the District Court in Novi Sad against the accused Dražen Erdemović, as well as the results of the investigation, are deferred to the International Court in the Hague, in the case of Dražen Erdemović in connection with serious violations of international humanitarian law". (Okružni sud u Novom Sadu, Istražno odeljenje, Posl. br. Ki 60/90, Rešenje od 24 juna 1996/ District Court in Novi Sad, Criminal Investigations Department, No, Ki 60/90, Decision of 24 June 1996, Annex. No 331, p. 2075-2076/2077).

3.11. Conclusions

3.11.1.1. Since 27 April 1992 the territorially diminished FR of Yugoslavia reduced its competences to the territory of the Republic of Serbia and the Republic of Montenegro as well as to the citizens of these two Republics. Therefore, it was without any competence on the territory of Bosnia and Herzegovina and with respect to towards the citizens of Bosnia and Herzegovina.

3.11.1.2. The Yugoslav People's Army (the JNA) withdrew, duly and within the shortest possible delay, its members who were the citizens of the Republic of Serbia and the Republic of Montenegro from the territory of Bosnia and Herzegovina. Not a single government agency of the FR of Yugoslavia has taken part in decision-making on any military or armed operation in the territory of Bosnia and Herzegovina.

3.11.1.3. Accordingly, neither units of the Yugoslav People's Army nor any other organ of the FR of Yugoslavia have participated in any alleged breaches of obligations established by the Genocide Convention.

3.11.1.4. The FR of Yugoslavia has publicly reiterated several times that it has no territorial aspirations towards the neighbouring states, including the Applicant.

3.11.1.5. The FR of Yugoslavia has condemned publicly and consistently ethnic cleansing, bombardment of towns, forcible detention of civilians in detention camps irrespective of the party responsible for such acts and has urged all the parties to stop such inhuman and illegal acts.

3.11.1.6. The FR of Yugoslavia has deferred the criminal proceedings against Dražen Erdemović to the 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.

3.11.1.7. By extending humanitarian, political and economic assistance, the FR of Yugoslavia has backed the endeavour of the Serb people in Bosnia and Herzegovina to safeguard its existential interests and a status equal to that of other peoples in those areas. This has never been intended assistance to facilitate the commission of inhuman and illegal acts. The assistance was

suspended when - in the opinion of the FR of Yugoslavia - the authorities of the Republic of Srpska overstepped the limits set for the ensurance of existential security and equality with other peoples in Bosnia and Herzegovina, i.e. when the Republic of Srpska rejected the 1993 Vance-Owen plan and the 1994 Contact Group plan.

3.11.1.8. The Republics of Serbia and Montenegro, both within the SFRY, as well as within the FR of Yugoslavia, have persistently and consistently sought to settle by means of a negotiated settlement differences between the three ethnic communities without resorting to the use of force. Everything done by the FR of Yugoslavia vis-a-vis Bosnia and Herzegovina has been in line with this position.

3.11.1.9. FR of Yugoslavia took part in the Proximity Peace Talks at the Wright-Paterson Air Force Base, Dayton, Ohio and contributed to the conclusion of the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton, Ohio on 21 November 1995 and signed at Paris on 14 December 1995.

3.11.1.10. The FR of Yugoslavia has taken part in the delivery of humanitarian assistance to the civilian population, including the Muslims, in the territory of Bosnia and Herzegovina.

3.11.1.11. The FR of Yugoslavia provided shelter to Muslim refugees from Bosnia and Herzegovina

**OBSERVATIONS CONCERNING THE STATEMENT
OF LAW IN THE MEMORIAL**

CHAPTER IV

**INTERPRETATION OF THE RULES OF THE 1948
CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE
CRIME OF
GENOCIDE**

4.1. Introduction

4.1.1.1. This Chapter presents and interprets the relevant rules of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. In this way the untenability of the legal positions of the Applicant in regard to these issues has been demonstrated.

4.1.1.2. The Applicant incorrectly determines the state as a subject which can commit acts of genocide or some other prohibited act.

4.1.1.3. Many acts referred to by the Applicant cannot be qualified as genocide. In qualifying the allegedly committed acts, the Applicant deviates considerably from the definition of genocide.

4.1.1.4. The Applicant incorrectly expounds on "presumed intent" and the burden of proof.

4.1.1.5. The Applicant also erroneously determines territorial applicability as well as the content of the international obligations of states parties stemming from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

4.2. Concept of the Crime of Genocide

4.2.1.1. In Chapter 5.5 paras 5.5.1.1 - 5.5.6.5 of the Memorial (pp. 235 - 242) the Applicant describes the progressive development of the definition and prohibition of genocide. The Respondent denies any progressive development of the definition of genocide. Article 4 of the Statute of the 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, adopted by the UN Security Council by its resolution 827 on 25 May 1993, contains a definition of genocide identical to that set out in Article I of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. (Statute of the 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, adopted by the UN Security Council by its resolution 827 on 25 May 1993, Article 4, Annex No 332, p. 2079) Further on, Doudou Thiam, Special Rapporteur does not propose in his Thirteenth Report on the Draft of Crimes against the Peace and Security of Mankind (A/CN.4/466, 24 March 1995, pp. 15-17, Annex. No 333, pp. 2081-2083) any changes in the definition of genocide as set forth in Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

However, even if there had been any "progressive development" of the definition of genocide that would have been of no significance to this Case. Pursuant to Article IX of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the Court is obliged to adhere exclusively to the provisions contained in the said Convention. Anything outside the Convention related to the definition and prohibition of genocide is irrelevant.

4.2.1.2. The concept of the crime of genocide is defined by Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and reads:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (g) Forcibly transferring children of the group to another group."

4.2.1.3. Elements of the concept of genocide are: prohibited act, intent and object.

4.3. The Prohibited Acts Are Enumerated Exhaustively

4.3.1.1. The prohibited acts are set forth in para. 2 Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The enumeration of the prohibited acts is exhaustive in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide. Criminal law does not brook exemplary enumeration.

4.3.1.2. The Sixth Committee has explicitly expressed its position on this issue. The Chinese delegate proposed exemplary enumeration, but it was rejected by the Sixth Committee. The Contracting Parties did not, consequently, accept exemplary enumeration.

"Mr. Ti-tsun Li (China) explained that his amendment was to delete the words 'the following', which appeared at the beginning of Article II, and to insert the words 'including the following' before the enumeration of acts constituting genocide.

"He recalled that the Sixth Committee had discussed at length the question as to whether the definition of genocide should take the form of a definition in general terms, or whether it should include an enumeration of the various acts constituting the crime of genocide. While some delegations had maintained that such an enumeration was the most simple, concrete and precise form of definition, others had felt that no enumeration could ever be complete and would therefore allow some perpetrators of genocide to escape with impunity. The Committee had voted in favour of enumeration, and the Chinese delegation had voted with the majority.

"The Chinese delegation had no wish to reopen the discussion of that question, but considered that the second part of

Article I should be strengthened in order to avoid the danger pointed out by those who had opposed the principle of enumeration. Mr. Li declared that his delegation was not alone in believing that the scope of the enumeration in article I of the draft convention should be enlarged; several delegations had, in fact, submitted amendments to that effect.

"If the Chinese amendment were adopted, the four categories of acts listed in Article I would be merely instances of acts constituting genocide; they would be most typical and important instance, but not the only acts constituting genocide to the exclusion of all others which could not be foreseen at that time. The Chinese amendment removed the restrictive character of the enumeration and made it possible to include therein those acts which, in the future, might be considered by judges or jurists as acts of genocide. It should not be forgotten that genocide was a new concept and that it was impossible to foresee to what means the perpetrators of the crime might resort when they wished to destroy given groups." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 143, Annex No 334, p. 2085)

The Chinese amendment was rejected by 35 votes to 9, with 5 abstentions. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 145, Annex. No 335, p. 2087)

4.3.1.3. Considering this issue, Nicodeme Ruhashyankiko, Special Rapporteur, pointed to the reasons presented during the debate within the Sixth Committee:

"It was argued on the other hand that an exhaustive enumeration was necessitated by the principle nulla poena sine lege, which prevailed in national penal legislation, and that it would be impossible to provide for the punishment of crimes not specified in the criminal code..." (Study of the Question of the Prevention and Punishment of the Crime of Genocide, Study prepared by Mr. Nicodeme Ruhashyankiko, Special Rapporteur, E/CN.4/Sub.2/416, 4 July 1978, pp. 13,14, Annex No 336, pp. 2089-2090)

4.3.1.4. Acts which might be similar to genocide are not genocide. Only acts specified as such under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide constitute the crime of genocide.

4.4. Intent

4.4.1.1. The element of intent is expressed by the words: "acts committed with intent to destroy ... a group, as such"...

4.4.1.2. The element of intent is explicit. There is no genocide without the intent to destroy a group in whole or in part, and without the destruction of members of the group being committed because of their belonging to the group.

4.4.1.3. Nicodeme Ruhashyankiko, Special Rapporteur, noted as follows:

"During the debate in the Sixth Committee it was pointed out, inter alia, that what distinguished genocide from the common crime of murder was the intention to destroy a group. Genocide was characterized by the factor of particular intent (dolus specialis) to destroy a group. In the absence of that factor, whatever the degree of atrocity of an act and however similar it might be to the acts described in the Convention, that act could still not be called genocide.

(.....)

"... in the view of the Special Rapporteur, the elimination of the element of intent would efface any distinction between genocide and ordinary murder and also, as will be explained below..., between genocide and war crimes." (Study of the Question of the Prevention and Punishment of the Crime of Genocide, Study prepared by Mr. Nicodeme Ruhashyankiko, Special Rapporteur, E/CN.4/Sub.2/416, 4 July 1978, pp. 25,26, Annex No 337, pp. 2092, 2093)

4.4.1.4. Intent presumes that the perpetrator of the act directs his act towards a member or members of a given group wishing to destroy that group in part or in whole. This further means that the perpetrator of the act should know that his act will affect precisely the members of the group whose destruction he desires.

4.4.1.5. Mr. Morozov, USSR representative on the Sixth Committee "pointed out that the purpose of the USSR amendment was to replace the expression 'committed with intent to destroy' by 'aimed at the physical destruction'." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 95, Annex No 338, p. 2095) The USSR amendment was rejected by 36 votes to 11, with 4 abstentions. (Official Records of the Third Session of the General Assembly, Part

4.4.1.6.. States, thus, insisted that the subjective element - intent - remain an element of the definition of genocide. This fact is pointed to by the Applicant in his "Memorandum of Law on Jurisdiction under the Genocide Convention" of 22 August 1993, pp. 15, 16. The Respondent agrees with the position presented in the "Memorandum", under the title "Genocide Requires a Specific Intent to Destroy a Human Group".

4.4.1.7. In para. 2.1.0.8 of the Memorial (p. 14) it is said "figures which are widely accepted indicate that the total number of people killed, mainly Muslim but also Croat is around a quarter of a million, of a total population of around 4.5 million." Serbs accounted for one third of the 4.5 million inhabitants. There were those who declared themselves as Yugoslavs, as well as members of national minorities. Among the 250,000 killed, "figures which are widely accepted" the Applicant makes no mentions of Serbs and members of national minorities. In the same paragraph of the Memorial the Applicant goes on to say: "Documented figures compiled by the Bosnia and Herzegovina Institute for Public Health in February 1994 (from April 1992), and others shed some light upon the extent of suffering caused by the acts of the Serb Forces: 142,334 deaths...". If this figure is correct, which the Respondent doubts, because it has not been proven in any way, the question remains whose forces killed the remaining 110,000 people. In the Letter dated 20 December 1994 from the President of the Serb Civic Council of the Republic of Bosnia and Herzegovina to the President of the Security Council" it is assessed that 100,000 Serbs from Bosnia-Herzegovina have lost their lives in the war. The letter was signed by Mirko Pejanović, member of the Presidency of the so-called Republic of Bosnia-Herzegovina, and was circulated as a Security Council document at the request of Mohamed Šaćirbey, Permanent Representative of the Applicant to the UN. (S/1994/1444, 22 December 1994, Annex No 340, pp. 2098-2103)

Without going into the truthfulness of the given facts, the Respondent wish to emphasize that the figure of killed members of a group alone is not sufficient for establishing the commission of the crime of genocide. For, if members of a group lost their lives in war, opposing the other side in the conflict, mass loss of life need not mean genocide.

4.4.1.8. As the Republic of Srpska authorities have released almost all persons held in the detention centres following the agreement reached on the release of detainees on 1 October 1992, it

is clear that the detention centres were not organized nor were individuals held there for the purpose of committing genocide.(Report of the Secretary-General on the Activities of the International Conference on the Former Yugoslavia, S/25050, 6 January 1993, pp. 14,15, Annex. No 341, pp. 2104-2106)

4.4.1.9. In para. 5.3.5.7. of the Memorial (p.225) it is said:

"In cases of civil responsibility, the rule generally followed by civilized states is that an actor is presumed to intend the natural consequences of his or her acts. Thus the culpable intent of a state charged with genocide under Article IX of the Convention would appear to be demonstrable by evidence of a pattern of acts the natural and actual consequence of which is 'the destruction in whole or in part of a national, ethnical, racial or religious group, as such.' Such 'constructive intent' is presumed and need not be proven by the plaintiff. Rather, it must be disproved by the party whose acts, or patterns of acts, have been demonstrated. The actor will be presumed to have intended the natural consequence: that is, the destruction, in whole or in part, of a national group, until the presumption is rebutted by the balance of evidence to the contrary."

The Applicant intimates this thesis in para. 1.3.0.3. of the Memorial (p.6) and further develops it in section 5.3.5. of the Memorial. The Applicant's thesis is unacceptable, because it is not based on the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Convention does not envisage a state as the perpetrator of genocide. A state is responsible according to the 1948 Genocide Convention when a breach of an international obligation, stemming from the 1948 Genocide Convention may be attributed to it. Such attribution is carried out in conformity with the general rules on the responsibility of the state for international wrongful acts. In order to determine the violation of an international obligation of a state it is necessary previously to establish that a crime of genocide has been committed. In order to establish that a crime of genocide has been committed, the side claiming that must prove the existence of intent. That was the will of the states which concluded the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Consequently, the existence of intent cannot be presumed, nor can the burden of proving that there was no genocidal intent be shifted to the defendant.

4.4.1.10. In the cases mentioned by the Applicant there existed no intent of the perpetrator to destroy any group in whole or in part.

4.5. Object of the Crime of Genocide: Individuals and the Group

4.5.1.1. The provision of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide determines the object of prohibited acts as well as the object of genocidal intent. The object of prohibited acts are members of a group.

4.5.1.2. Genocide can be said to exist when members of a group are subjected to genocidal acts. It is not sufficient for only one member of the group to be subjected to a genocidal act. Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide uses the plural "members of the group".

4.5.1.3. Genocidal intent should be directed at the destruction of the group "in whole or in part". Genocide also exists if the genocidal intent is aimed at destroying part of a group. In respect to that, there is no dispute between the parties. The Applicant is correct in stating:

"Thus by language of the Convention the actor need not believe, for instance, that his or her acts would destroy all Muslims or even all Bosnian Muslims. For example, if the conditions are inflicted on the Muslim section of a small town, this would be enough to satisfy the definition of genocide under this section of the Convention."...

A group can be a national, ethnic, racial or religious one.

4.6. Punishable Acts

4.6.1.1. Punishable acts are defined in Article III of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as follows:

"The following acts shall be punishable:

- (a) genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (c) Complicity in genocide."

4.6.1.2. Conspiracy means the agreement of two or more persons to commit genocide.

4.6.1.3. "Incitement is public in form when made in public speeches or in the press, through the radio, the cinema or other ways of reaching the public." (Ad hoc Committee on Genocide, commentary on articles adopted by the Committee. (continuation), E/AC. 25/W. 1/Add.1, 27 April 1948, Annex No 342, pp. 2109.

4.6.1.4. Complicity includes the extension of aid and the provision of means for the commission of genocide. It involves premeditation as a rule.

"Mr. Fitzmaurice (United Kingdom) withdrew the part of his amendment concerning the addition of the word 'deliberate' since it was understood that, to be punishable, complicity in genocide must be deliberate." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 259, Annex No 343, p. 2114)

4.7. Acts Preparatory to Genocide Do Not Fall Within Punishable Acts

4.7.1.1. Preparatory acts taken for the purpose of committing genocide do not fall within punishable acts. The proposal of Mr. Morozov along those lines, although supported by the representatives of several states, was not accepted by the Sixth Committee.

"The delegation of the Soviet Union considered that preparatory acts should be punished when they were such as to constitute a direct preparation of the crime." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 234, Annex No 344, pp. 2116)

The Committee decided, by 29 votes to 11, with 5 abstentions, not to include in the convention provisions concerning the punishment of acts preparatory to genocide. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 244, Annex No 345, p. 2118)

4.8. Forced Displacement, i.e. "Ethnic Cleansing" Is Not Genocide

4.8.1.1. In para. 5.3.4.6. of the Memorial (p. 220) it is said: "Mr. Bartoš put it succinctly: 'Genocide could be committed by forcing members of a group to abandon their homes.'... Such efforts inevitably were then, and now, accomplished by violence and terror in which only some part of a group is killed, maimed, tortured or raped in order to have the intended effect on the group as a whole." It seems that the Applicant regards as genocide the forcing of members of a group to leave their homes when accompanied by the said acts committed with a view to having the effect of forcing members of a group to leave their homes. (para. 2.1.0.9. of the Memorial (p.14), section 2.2.5. of the Memorial (pp.48-54).

4.8.1.2. This is unacceptable. Such acts are certainly not allowed and are grave breaches of humanitarian law, but they do not constitute genocide.

4.8.1.3. In several places the Applicant itself notes that these acts have been committed with the intent of expelling the population away from a given territory. Such intent is not legitimate or legal, but it is not an element of the definition of genocide. Only the intent to destroy a group invests the acts with a genocidal character.

4.8.1.4. The displacement of members of a group by force is not included in the acts prohibited under the Genocide Convention. The Sixth Committee rejected the Syrian amendment to that effect.

"Mr. Tarazi (Syria) noted that the four subparagraphs of Ad Hoc Committee's draft did not cover the provision proposed by his delegation.

The problem of refugees and displaced persons to which his delegation's proposal referred had arisen at the end of the Second World War and remained extremely acute. In his delegation's view, any measures directed towards forcing members of a group to leave their homes should be regarded as constituting genocide. That crime was far more serious than ill-treatment. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 184, Annex No 346, 2120)

The Syrian amendment was rejected by 29 votes to 5, with 8 abstentions. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary

4.9. Acts not Directed Exclusively against Members of a Group do not Constitute Genocide

4.9.1.1. In para. 2.2.0.1. of the Memorial (p.17) the Applicant says:

"Part 5 of the Memorial deals with the interpretation, application and effect of the Genocide Convention 1948... in regard to acts of the Serb forces. Hereinbelow, examples of the following categories of acts committed by Serb forces, mainly but not exclusively directed against the Muslim population of Bosnia Herzegovina are referred to:

Section 2.2.1 The Use of Concentration Camps
Section 2.2.2. Killing (...) - (bold type is ours)

4.9.1.2. The Applicant repeats this position in several places in the Memorial. For example, in para. 2.2.1.1. of the Memorial (p.17) where it is said says:

"At least 170 of such camps were identified in which tens of thousands of Bosnians, mainly Muslims, were imprisoned".

4.9.1.3. Acts directed at a group composed of members of a number of different protected groups do not constitute acts of genocide. An act of genocide must be directed exclusively at the members of the protected group the destruction of which is desired.

4.9.1.4. Acts committed against a group composed of members of a number of protected groups do not constitute genocide if the perpetrator of the act cannot direct its effects against the members of one group only. Thus, the bombing of settlements inhabited by members of different ethnic and religious groups or the holding of such settlements under siege do not constitute genocide.

4.9.1.5. Acts of genocide cannot be directed against a state. In the Memorial the Applicant evidently abandons the concept used in the Application according to which a state can be the object of genocide. Nevertheless, this idea has remained in para.1.3.0.9. of the Memorial (p.9) which says:"... Bosnia and Herzegovina submits that it has been the victim of genocide...". This is, of course, unacceptable.

Also a non-existent ethnic or religious group, such as the Bosnian people, cannot be the object of genocide.

4.9.1.6. In para. 1.1.0.3. of the Memorial, the Applicant says:

"It warned of 'the destruction of the Bosnian people' and asserted that the 'People and State of Bosnia and Herzegovina have suffered and are now suffering from the effects imposed upon them by Yugoslavia...'. This remains the heart and soul of the case as presented to this Court by the Applicant."

4.9.1.7. "The Bosnian people" in terms of the object protected by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide does not exist. The Applicant himself admits this fact in para. 2.1.0.3. of the Memorial (p.11) since when presenting data from the 1991 population census, and later in the Memorial, the Applicant never refers to a Bosnian people.

4.10. According to the 1948 Genocide Convention a State Cannot Commit Genocide and other Punishable Acts

4.10.1.1. In para. 5.1.2.5. of the Memorial (p.195) the Applicant says: "The Republic of Bosnia and Herzegovina alleges that the Federal Republic of Yugoslavia... has committed genocide... has incited to, and has assisted the committing of genocide...". In para. 5.2.1.2. of the Memorial (p.196) the Applicants: "Bosnia and Herzegovina will demonstrate that all of these acts occurring in its territory... have been committed, are still being committed ... by the Federal Republic of Yugoslavia." Also, in para. 5.2.2.4. of the Memorial (p.200) the Applicant repeats its assertion: "a State may be guilty of genocide if it... commit genocide as defined in Article II, or any of the concomitant acts, such as incitement, enumerated in Article III." The Applicant repeats such assertions in para. 5.2.2.5. of the Memorial (p.201) as well as in para. 5.2.3.4. of the Memorial (p.206). These assertions of the Applicant are not based on the provisions of the 1948 Genocide Convention.

4.10.1.2. Article IV of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide envisages that only physical persons are subject to punishment for the commission of genocide or another punishable act enumerated in Article III.

4.10.1.3. This understanding was confirmed by the Vice-President of the Court Shigeru Oda when he said: "In spite of certain practical difficulties, it may be of great importance that genocide is

now considered a crime by individuals under international law and that its suppression is being seriously considered by the United Nations". (Shigeru Oda, *The Individual in International Law, Manual of Public International Law*, edited by Max Sorensen, London, Melbourne, Toronto, 1968, p. 517, Annex No 348, p. 2124)

4.10.1.4. The question of the participation of the state or a state official in the act of genocide was discussed in the Ad Hoc Committee on Genocide. The representative of the USA, Mr. Maktos held the view that there was no international crime of genocide without the participation of the state, i.e. state official in the commission of that act. According to him, "Genocide would be defined as the extermination or attempted extermination of racial, national or religious groups of the population, committed with the complicity of responsible State officials." (Ad Hoc Committee on Genocide, Summary Record of the Fourth Meeting, E/AC. 25/SR.4, p. 8, 15 April 1948, Annex No 349, p. 2127) The Ad hoc Committee did not accept this view.

4.10.1.5. During the review of Article IV of the Convention (Article V of the Draft) in the Sixth Committee, the representative of the United Kingdom of Great Britain and Northern Ireland proposed that the state be included in this provision, but the Sixth Committee rejected the proposal.

4.10.1.6. Mr. Fitzmaurice (United Kingdom) said... "if the head of State of a constitutional monarchy were not responsible, it was appropriate that his acts, if they constituted an act of genocide, should give rise to reparation. For that reason, the acts of the monarch, being acts of the State or the Government since he could act only on the advice of his ministers, the United Kingdom delegation had proposed that a clause should be added to article V stipulating that acts of genocide committed by or on behalf of States or Governments would constitute a breach of the convention. (A/C.6/236)." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, pp. 314, 315, Annex No 350, p. 2129-2130) ..." In those circumstances, the only provision that could be made was to arraign Governments guilty of genocide before the only existing international court: the International Court of Justice, which would not pronounce sentence, but would order the cessation of the imputed acts, and the payment of reparation to the victims." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 342, Annex No 351, p. 2132) "Mr. Fitzmaurice explained that his delegation had proposed that amendment in order that the convention

might contain a direct reference to the type of genocide which was most likely to occur, i.e. genocide committed by a State or a Government.

(.....)

"Those provisions should be read in conjunction with the United Kingdom amendment to Article VI be stating that the case would be submitted to the International Court of Justice, which would order the cessation of acts of genocide, and the payment of reparation to the victims." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 344, Annex No 352, p. 2134)

The United Kingdom amendment was rejected by 24 votes to 22. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 355, Annex No 353, p. 2136)

4.10.1.7. The United Kingdom delegate raised the issue of the responsibility of the state also in the discussions on punishable acts. He proposed that in Article II the said acts be qualified as punishable and wrongful, pointing out that the word "punishable" referred to physical persons and the word "wrongful" to the state. The Soviet representative objected, maintaining that the concept of "punishable" presupposed and included the concept of "wrongful". This is, naturally, correct when responsibility of the individual is in question, but it is not true of the state. The British representative did not insist and the Sixth Committee retained the word "punishable". (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, pp. 207, 208, 209, Annex No 354, p. 2138-2140)

4.10.1.8. The representative of the United Kingdom abstained from voting on the adoption of the Draft Convention in the Sixth Committee. Mr. Fitzmaurice "stated that he had abstained from voting in order to indicate the United Kingdom Government's reservation at that time in regard to the draft convention.

(.....)

"Those amendments had all been made for the purpose of stressing the main issue involved, namely the responsibility of States for acts of genocide committed or tolerated by them. The United Kingdom Government had always felt that the question had been approached from the wrong angle. The convention dealt almost entirely with the responsibility of individuals and the prevention and punishment of acts of genocide committed by individuals; whereas the

only serious cases of genocide likely to occur would be committed by Governments themselves or with the active complicity or deliberate tolerance of Governments. There were virtually no provisions in the convention to deal with such cases of genocide; indeed it was implied therein that Governments would not themselves commit acts of genocide." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, pp. 701-702, Annex No 355, pp. 2142,2143)

4.10.1.9. In view of the above, it can be concluded that the position of the Ad Hoc Committee on Genocide as well as the Sixth Committee was that a state could not commit the crime of genocide or other punishable act specified in Article III. This issue was not raised during the final adoption of the Convention by the UN General Assembly so it follows that the mentioned stance was not changed on that occasion.

4.10.1.10. The Presented interpretation of the 1948 Genocide Convention is supported by the analysis of Article IV of the Convention contained in an article-by-article analysis of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, submitted to the Committee on Foreign Relations of United States Senate:

"... This provision makes clear each Contracting Party's obligation to punish persons guilty of committing genocide, whether they be constitutionally responsible rulers, public officers, or private individuals...
(.....)

"Questions regarding Article IV have generally focused on its exclusion of governments from those parties that might be held responsible for genocide, an exclusion apparently based on practical, rather than legal considerations... While the Convention does not establish international jurisdiction over States committing genocidal acts, it appears incidentally to recognize State involvement by providing that Parties may call upon the United Nations to take appropriate action under the United Nations Charter to prevent and suppress genocide as defined by the Convention (Art. VIII) and allowing the Parties to refer to the International Court of Justice disputes concerning the interpretation, application or fulfillment of the Convention, including those relating to State responsibility (Art. IX)." (The Genocide Convention, Hearing before the Committee on Foreign Relations United States Senate, Washington, 1982, pp. 24-25. Annex No 356, pp. 2145-2146)

4.10.1.11. Corroborating such a position is the fact that the international responsibility of a State is established as objective responsibility. The concept of the crime of genocide includes the subjective element: intent. To establish that the State has committed an act of genocide it would be necessary to establish the existence of appropriate intent which is contrary to the concept of objective responsibility of the State.

4.11. The Responsibility of the State for Breaches of Obligations Stemming from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide

4.11.1.1. The responsibility of a State commonly means the act of breaching an international obligation, the attribution of that act to a State and the obligation to cease violating the international obligation and eliminate the consequences of the violation.

4.11.1.2. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide establishes several international obligations for the Contracting Parties. Pursuant to Article I of the Convention, the Contracting Parties are obliged to prevent and punish the crime of genocide. Under Article V of the Convention the Contracting Parties have undertaken to pass the necessary legislation to give effect to the provisions of the Convention and, in particular, to provide for effective punishment of persons guilty of genocide or any other act enumerated in Article III. Pursuant to Article VI of the Convention the State in the territory of which the act was committed is obliged to try persons charged with genocide.

4.11.1.3. In para. 5.1.2.5. of the Memorial (p.195) the Applicant says "...the Republic of Bosnia and Herzegovina alleges that the Federal Republic of Yugoslavia ... with complicity, has failed to prevent, ... and has failed to punish persons who have committed, or aided the committing of, these prohibited acts." In para. 5.2.1.2. of the Memorial (p.196) the Applicant repeats: "Bosnia and Herzegovina will demonstrate that all of these acts occurring in its territory ... ought to have been prevented, stopped and punished by the Federal Republic of Yugoslavia..." (bold type is ours). Likewise, in para. 5.2.2.4. of the Memorial (p.200) the Applicant says: "Second, a State may be guilty of a breach of a most solemn legal obligation under the Convention's Articles I, IV, V and V if it fails to employ the organs and instruments of its domestic jurisdiction to prohibit and prevent persons from committing acts of genocide. Third, a wrong is committed when a State, in violation of its duty under Articles and VI, fails to bring to trial and punish persons who have committed any of

the prohibited acts..." The Applicant also says the same in para. 5.2.2.5. of the Memorial (p. 201) where it states "... the Republic of Bosnia and Herzegovina charges the Federal Republic of Yugoslavia .. with grave failure - ... to secure the 'application or fulfilment of the present Convention.'... they failed to prevent, prosecute and punish, in accordance with Articles IV to VI, the perpetrators of the wrongs enumerated in the Convention." These assertions of the Applicant are founded neither on facts nor on the rules of the Convention.

4.11.1.4. Concerning State responsibility according to the 1948 Genocide Convention, Hudson expressed the following opinion:

"The Genocide Convention, brought into force on October 14, 1950, with effect from January 12, 1951, provides in Article IX:

'Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.'

"Insofar as this article provides for the settlement of disputes relating to the interpretation, application or fulfilment (in French execution) of the Convention, it is a stock provision not substantially unlike that found in many multipartite instruments.

"The article goes further, however, in 'including' among such disputes 'those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III'. As no other provision in the Convention deals expressly with state responsibility, it is difficult to see how a dispute concerning such responsibility can be *included* among disputes relating to the interpretation or application or fulfilment of the Convention. In view of the undertaking of the parties in Article to prevent genocide, it is conceivable that a dispute as to state responsibility may be a dispute as to fulfilment of the Convention. Yet read as a whole, the Convention refers to the punishment of individuals only; the punishment of a state is not adumbrated in any way, and it is excluded from Article V by which the parties undertakes to enact punitive legislation. Hence the 'responsibility of a State' referred to in Article IX is not criminal liability.

(.....)

"Instead it is limited to the civil responsibility of a state, and such responsibility is governed, not by any provisions of the Convention, but by general international law." (Hudson, *The Twenty-Ninth Year of the World Court*, 45 *American Journal for International Law*, 1951, 1, pp. 33,34, quoted by Marjorie M. Whiteman, *Digest of International Law*, Washington, 1968, vol. 11, p. 857, Annex No 357, p. 2148)

4.12. Territorial Applicability of Obligations Created by the 1948 Genocide Convention

4.12.1.1. It is a general rule that a treaty is binding on the contracting State in respect of its territory.

According to Article 29 of the Vienna Convention on the Law of Treaties "unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory."

4.12.1.2. The intention of the Contracting Parties in respect of the territorial application of the provisions of the 1948 Genocide Convention was clearly manifested in the Sixth Committee when it rejected the principle of universal punishment and accepted the principle of territorial punishment.

4.12.1.3. During the course of the public hearings, held on the 1948 Genocide Convention before the Subcommittee of the Committee on Foreign Relations of the United States Senate 1950, Dean Rusk, then Deputy Under Secretary of State, stated, *inter alia*:

"I should like to state here in general that the convention does two things: It defines the crime of genocide, and it obligates states to take measures to prevent and punish genocide within their respective territories..."

"The purpose of the Convention is, however, to provide for the prevention and punishment of the crime of genocide. The convention does not purport to substitute international responsibility for state responsibility, but does obligate each state to take steps within its own borders to protect entire human groups in their right to live." (United States Senate, Committee on Foreign Relations, Hearings before the Subcommittee on the International Convention on the Prevention and Punishment of the Crime of Genocide, 1950, Washington, 1950, pp. 12, 13, Annex No 358, p. 2151)

4.12.1.4. It does not mean that a State is allowed to commit genocide outside its territory. But, it does not mean, either, that a

State is empowered to take action in the territory of another State to prevent genocide. According to Article VIII of the Convention this right is reserved exclusively for the competent organs of the United Nations.

4.13. The Obligation of the State to Prevent Genocide

4.13.1.1. Eachy contracting State shall prevent the commission of acts of genocide on its territory. The contents of this obligation are not presented in detail in the Convention. Only Article V of the Convention envisages that the contracting Parties shall enact legislation for the purpose of giving effect to the provisions of the Convention and shall, in particular, provide for effective punishment persons guilty of genocide or any of the acts enumerated in Article III. In addition, States shall take all other measures they deem necessary and sufficient to prevent genocide.

4.13.1.2. The measures it has taken notwithstanding, if a crime of genocide is committed in the territory of a State, that State is in breach of its international obligation. It was obliged to prevent the commission of genocide in its territory and failed to do so.

4.13.1.3. Since a contracting State is obliged to prevent the commission of acts of genocide in its territory, it is clear that the organs of that State are obliged not to commit acts of genocide anywhere.

4.13.1.4. No act of genocide or any other act prohibited by Article III of the Convention has been committed in the territory of the Federal Republic of Yugoslavia nor have Yugoslav organs committed acts of genocide or other acts prohibited by Article III of the Convention anywhere.

4.13.1.5. In para. 1.3.0.8. of the Memorial (p.8) and elsewhere, the Applicants that prohibited acts have been committed "in areas under the de facto jurisdiction, control or exclusive influence of the federal authorities". In Chapter II of the Counter-Memorial it is shown that this assertion of the Applicant is not founded on facts.

4.14. The Obligation of the State to Enact the Necessary Legislation

4.14.1.1. Under Article V of the 1948 Convention, the Contracting Parties have undertaken to enact, in conformity with their Constitutions, the necessary legislation for the purpose of implementing the provisions of the Convention, and in particular, so as to provide for effective punishment of persons guilty of genocide or any other act enumerated in Article III. This legislation should be designed to prevent the commission of the crime of genocide.

4.14.1.2. This implies, *inter alia*, the incrimination by internal law of punishable acts and the provision of effective punishment of the perpetrators, as well as the establishment of the jurisdiction of tribunals of the State to try punishable acts committed in the territory of that State. The precise definition of the contents of this obligation, beyond the above has been left to each contracting State.

4.14.1.3. The Applicant admits that Yugoslavia has passed the appropriate legislation and does not state that Yugoslavia has violated this obligation.

4.15. The Obligation of the State to Punish the Perpetrators of Punishable Acts

4.15.1.1. This obligation is specified in Article VI of the Convention, which reads:

"Persons charged with genocide or with any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

4.15.1.2. The obligation of punishment is quite clearly defined in respect of territorial applicability. The State on the territory of which a punishable act has been committed is obliged to punish the perpetrators.

4.15.1.3. The Sixth Committee did not accept the principle of universal punishment. The Convention does not, thus, establish the obligation of universal punishment of perpetrators of genocide.

"Mr. Abdoh (Iran) said his delegation's amendment was intended to remedy a deficiency in the system of punishment of genocide. ...

"It would therefore be of great value if the principle of subsidiary universal punishment were embodied in the draft convention, particularly for cases where the offender took refuge in a country other than in which he had committed the offence and where his extradition was not requested, or where extradition was impossible for reasons of force majeure, or, finally, where the offender did not belong to the category of criminal leaders whose offences were serious enough to justify the intervention of an international court of law." (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, pp. 394, 395, Annex No 359, pp. 2153-2154)

The Iranian amendment was rejected by 29 votes to 6, with 10 abstentions. (Official Records of the Third Session of the General Assembly, Part I, Legal Questions, Sixth Committee, Summary Records of Meetings 21 September - 10 December 1948, p. 406, Annex No 360, p. 2156)

4.15.1.4. In para. 5.2.3.3. of the Memorial (p. 205) the Applicant refers to a provision of the Penal Code of Yugoslavia according to which it is possible to apply the provisions of this Code to a Yugoslav national also when he commits a criminal offence abroad. This provision is irrelevant to the subject of the dispute. The subject of the dispute at hand are not Yugoslavia's internal regulations but the provisions of the Genocide Convention. What the Court can control is whether the State has fulfilled its obligations established under the Genocide Convention.

4.15.1.5. Since no alleged act of genocide or any other act prohibited by Article II of the Genocide Convention has been committed in the territory of the Federal Republic of Yugoslavia this State is not obliged, in conformity with Article VI of the Genocide Convention, to try the perpetrators. However, proceedings have been instituted in the Federal Republic of Yugoslavia against persons who committed criminal acts in the territory of the former Yugoslav Republic of Bosnia and Herzegovina, when so warranted by legal and factual reasons.

4.15.1.6. In section 2.3.8. of the Memorial (pp.85-94) the Applicant expounds, under the title "Yugoslavia's... public confirmation of its involvement" that the Federal Republic of Yugoslavia had extended some aid to the Serbs in the territory of Bosnia and Herzegovina and proves that by the statements of some state organs. The Applicant charges the Federal Republic of Yugoslavia with also having extended aid in arms. Even if that were true, by such conduct the Federal Republic of Yugoslavia would not have violated a single obligation under the Genocide Convention. This Convention does not regulate the question of the extension of aid including that in arms to the parties to a conflict. The assistance rendered by the FR of Yugoslavia to the Serbs in the territory of the former Yugoslav Republic of Bosnia and Herzegovina was not extended with the intention of anyone committing acts of genocide or other acts prohibited under the Convention.

4.15.1.7. In para. 5.2.3.4. of the Memorial (p.206) the Applicant sums up his statement with regard to obligations stemming from the 1948 Genocide Convention as follows:

"The Convention may thus be seen to impose three obligations on a State:

1) not to engage in genocide or the corollary acts described in Articles II and III of the Convention;

2) not to fail through negligence, lack of diligence, or sympathy with perpetrators of the prohibited acts, to do all within the State's power to prevent the commission of genocide by anyone acting under the authority, or within the de jure or de facto jurisdiction, of the State, or subject to the State's influence or control, direct or indirect; and

3) not to fail through negligence, lack of diligence, or sympathy with perpetrators of the prohibited acts, to bring them to justice and, thereby, deter further acts of genocide or related crimes."

4.15.1.8. The correct interpretation of the provisions of the Genocide Convention cannot be the basis for the mentioned formulations of obligations. Motives and intentions are of relevance only for defining genocide and not obligations established by the Genocide Convention. The formulations of obligations include rules on the attribution of acts to the State which are not contained in the Genocide Convention and which substantially depart from the general rules on the attribution of acts to a State. In view of the above, it can be noted that the Applicant's conclusion set forth in the same paragraph, i.e. para .5.2.3.4. of the Memorial (p.206), is not valid.

4.16. Conclusions

4.16.1.1. What can be disputable among the parties and on which the Court can decide are only the rules of the Genocide Convention. All other possible rules related to genocide are outside the jurisdiction of the Court ratione materiae.

4.16.1.2. The acts specified by the Genocide Convention as acts of genocide and other prohibited acts have been exhaustively enumerated.

4.16.1.3. There can be no genocide without the intent of destroying a protected group in whole or in part. Genocide cannot be proved to have been committed if the existence of genocidal intent has not been proved. The existence of intent cannot be presumed but must be proved. The burden of proof lies with the party purporting that claims that a crime of genocide has been committed.

4.16.1.4. According to the Genocide Convention, "ethnic cleansing" is not a crime of genocide. It can be qualified as a grave breach of the Geneva Convention of 1949, violation of the law or customs of war or crime against humanity.

4.16.1.5. The object of the crime of genocide are members of a national, ethnic, racial or religious group. An act which is not exclusively targeted against members of one of these groups cannot be qualified as a crime of genocide.

4.16.1.6. No act referred to by the Applicant in the Memorial or other pleadings constitutes a crime of genocide, not having been specified for under Article II of the Genocide Convention, i.e. not having been committed with genocidal intent, i.e. not having been targeted exclusively against the members of one protected group.

4.16.1.8. No act referred to by the Applicant in the Memorial or other written submissions can be qualified as: conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide.

4.16.1.9. There is no breach of any other obligation binding upon the FR of Yugoslavia on the basis of the Genocide Convention.

CHAPTER V

ATTRIBUTION OF ACTS TO THE STATE

5.1. Introduction

5.1.1.1. The responsibility of a State cannot be established without ascertaining that an act has been committed in breach of an international obligation and without attributing that act to a State. Hence the rules on the attribution of acts to a State fall within the set of the most important questions in connection with this Case.

5.1.1.2. The only applicable rules in this instance are the general customary rules on the attribution of acts to a State in the field of the responsibility of a State for international unlawful acts, as they have been developed in the practice of States and confirmed in the practice of the International Court of Justice and arbitration tribunals.

5.1.1.3. The Applicant's allegations concerning the attribution of acts to a State are unacceptable as they are not based on the said rules. The Applicant confuses these rules with the rules from Article III of the Genocide Convention.

5.1.1.4. The Applicant takes pains to befog this issue. Thus it comes up with the general notion of "Serb forces" and subsumes under that the armed forces of the Republic of Srpska, the paramilitary units, the Yugoslav People's Army and the Army of Yugoslavia, which is totally unacceptable in respect of the attribution of acts to a State. It introduces some terms unknown in legal practice and theory such as "surrogates".

5.1.1.5. In para. 6.4.0.2. of the Memorial (p. 269) the Applicant says: "In a situation of international armed conflict, inextricable as is the situation prevailing in the former Yugoslavia, it is not always easy to determine precisely who are wrongdoers and to make a clear distinction between the internationally wrongful acts committed directly by Yugoslavia... its organs, its agents and its

surrogates on the one hand, and those committed by 'organizations and persons (...) subject to its control, direction or influence'." Unusual indeed. We wonder whether the Applicant can make a clear distinction between the International Court of Justice and the General Assembly of the UN, i.e. the methods of establishing facts in these two principal organs of the UN.

5.1.1.6. In para. 6.1.0.5. of the Memorial (p. 244) the Applicant notes: "It is ... not enough that there exists a breach of an international obligation as, indeed, violation of the Genocide Convention is. It is also necessary that this breach be 'attributable' (imputable) to a State." We agree with this view of the Applicant.

5.2. Attribution of the Acts of State Organs

5.2.1.1. Acts of a State are understood to mean, primarily, acts of State organs.

5.2.1.2. Members of Parliament are not considered a State organ. Acts of Parliament, as a State organ, are attributable to the State, but acts of members of Parliament are not.

5.2.1.3. If a State organ has been placed at the disposal of another State and if it acts under the instructions of that other State its acts are attributable to that other State.

5.2.1.4. The Commission on International Law says the following:

"If they are organs which, though belonging to a particular State (or international organization), have in fact been placed at the disposal of another State, and have genuinely been placed on the authority and orders of that State to be used for some time, then the acts or omissions which they may commit are attributable only to that other State. This principle can, of course, be applied in different ways. It may happen that the organ of one State is placed temporarily at the exclusive disposal of another State and ceases, in that case, to perform any activity on behalf of the State to which it belongs. On the other hand, it may be that if another State is given an opportunity to use the service of such an organ, its demands may not be so exacting as to prevent the organ from continuing to act simultaneously, though independently, as an organ of its own State. In such cases it will be necessary to ascertain in each particular instance on whose behalf and by whose authority a specific act or omission has been committed.

(.....)

"In any case, the basic conclusion is still the same: the acts or omissions of organs placed at the disposal of a State by other subjects of international law are attributable to that State if in fact these acts and omissions have been committed in the performance of functions of that State and under its genuine and exclusive authority." (YILC, 1971, vol. II, Part One, p. 268, Annex No 361, p. 2157)

5.2.1.5. If this rule is applicable to State organs then it is certainly applicable also in the case when a number of individuals who constituted a State organ, with a part of the equipment which belonged to that State organ, remain at the disposal of another authority and act under the orders of that other authority. Thus, if after the withdrawal of the JNA units from the territory of the former Yugoslav republic of Bosnia and Herzegovina, a number of men from those units remained in that territory under the command of the new authorities of the Republic of Srpska, authorities independent from the Federal Republic of Yugoslavia, the acts of such individuals cannot be attributable to the Federal Republic of Yugoslavia.

5.2.1.6. Not a single unit of the Army of Yugoslavia nor any other State organ acted in the territory of the former Yugoslav republic of Bosnia and Herzegovina at the time of the commission of the alleged acts. But even if it did, the crucial question would be by whose authority did the organ in question commit the specific act. Without an answer to this question, the act of that organ could not be attributed to the Federal Republic of Yugoslavia.

5.3. Attribution of the Acts of Persons Who Are Not State Organs

5.3.1.1. In section 6.3 of the Memorial (p. 258) the Applicant refers to: "the agents, surrogates and other persons acting on behalf of Yugoslavia..."

In para. 6.3.3.4 of the Memorial (p. 267) the Applicant says: "Indeed, if the authorities of the so-called 'Srpska Republika' cannot claim Statehood ... they are but agents and surrogates of Yugoslavia... In the present case, the behaviour of the Government of Yugoslavia ... shows that, from the very beginning, the authorities of the so-called 'Srpska Republika' have been 'agents' of Yugoslavia ..." In para. 6.3.3.5 of the Memorial (p. 267) the Applicant goes much further and says: "The so-called 'Srpska Republika' is but a 'group of

persons' acting in fact on behalf of the State of Yugoslavia ..., and this applies, of course, to all of its 'organs' and 'agents.'" Obviously the Applicant maintains that not only are the authorities of the Republic of Srpska "agents and surrogates" of Yugoslavia but that so are all the inhabitants of this Republic. These are precisely the words of the Applicant.

5.3.1.2. The Applicant deals with the same issue also in para. 1.3.0.5. of the Memorial (p. 7), in para. 2.3.4.6. of the Memorial (p. 70) and in para. 2.3.5.2. of the Memorial (p. 72). It is therefore necessary to review the applicable legal rules.

5.3.1.3. Acts of persons who are not State organs can also be considered acts of the State if they are committed under instructions from the State. This was applied in the case of the United States Diplomatic and Consular Staff in Tehran.

5.3.1.4. The International Court of Justice said:

"No suggestion has been made that the militants, when they executed their attack on the Embassy, had any form of official status as recognised "agents" or organs of the Iranian State. Their conduct in mounting the attack, overrunning the Embassy and seizing its inmates as hostages cannot, therefore, be regarded as imputable to that State on that basis. Their conduct might be considered as itself directly imputable to the Iranian State only if it were established that, in fact, on the occasion in question the militants acted on behalf on the State, **having been charged by some competent organ of the Iranian State to carry out a specific operation.** The information before the Court does not, however, suffice to establish with the requisite certainty the existence at that time of such a link between the militants and any competent organ of the State." (I.C.J. Reports, 1980, p. 29, Annex No 362, p. 2160 (bold type is ours))

5.3.1.5. In the quoted section of its Judgment, the Court stated the conditions under which the behaviour of individuals who are not state organs can be imputable to the state: a) individuals should act on behalf of the state in carrying out a specific act; b) individuals should be charged by a competent organ of the state to carry out a specific act. Their orders, or authority should be defined specifically and precisely, i.e. concern a clearly specified act.

5.3.1.6. In this connection the Court further says:

"Previously, it is true, the religious leader of the country, the Ayatollah Khomeini, had made several public declarations inveighing against the United States as responsible for all the country's problems. In so doing, it would appear, the Ayatollah Khomeini was

giving utterance to the general resentment felt by supporters of the revolution at the admission of the former Shah to the United States. The information before the Court also indicates that a spokesman for the militants, in explaining their action afterwards, did expressly refer to a message issued by the Ayatollah Khomeini, on 1 November 1979. In that message the Ayatollah Khomeini had declared that it was "up to the dear pupils, students and theological students to expand with all their might their attacks against the United States and Israel, so they may force the United States to return the deposed and criminal Shah, and to condemn this great plot" (that is, a plot to stir up dissension between the main streams of Islamic thought). In the view of the Court, however, it would be going too far to interpret such general declarations of the Ayatollah Khomeini to the people or students of Iran as amounting to an authority from the State to undertake the specific operation of invading and seizing the United States Embassy. (I.C.J. Reports, 1980, pp. 29, 30., Annex No 363, p. 2162-2163)

5.3.1.7. The order of a State organ issued to an individual or a group of persons who are not a State organ must refer to a quite specific act for that act, once committed by that individual or group of persons, to be attributable to the State.

5.3.1.8. The Iran-United States Claims Tribunal applied the same rule, by invoking the quoted Judgment of the International Court in the case of Alfred L.W. Short.

5.3.1.9. Mr. Short left Tehran on 8 February 1979. The Claimant qualified his departure from Tehran as an unlawful expulsion of an alien for which Iran was responsible. Reviewing the question of the attribution of acts to States, the Tribunal said:

"The Claimant relies on the acts committed by revolutionaries and seeks to attribute responsibility for their acts to the government that was established following the success of the Revolution.
(.....)

"The acts of supporters of a revolution cannot be attributed to the government following the success of the revolution just as the acts of supporters of an existing government are not attributable to the government. This was clearly recalled by the International Court of Justice in United States Diplomatic and Consular Staff in Tehran (United States v. Iran, 1980 I.C.J. 3, 29, para. 58, Judgment of 24 May 1980). The Court found that the conduct of the militants when they executed their attack on the U.S. Embassy and seized its personnel as hostages 'might be considered as itself directly imputable to the Iranian State only if it were established that, in fact, on the occasion in question, the militants acted on behalf of the

State, having been charged by some competent organ of the Iranian State to carry out a specific operation.'

"The Claimant's reliance on the declarations made by the leader of the Revolution, Ayatollah Khomeini, and other spokesmen of the revolutionary movement, also lack the essential ingredient as being the cause for the Claimant's departure in circumstances amounting to an expulsion. While these statements are of anti-foreign and in particular anti-American sentiment, the Tribunal notes that these pronouncements were of a general nature and did not specify that Americans should be expelled en masse." (Award No. 312-11135-3, paras. 34, 35. pp. 13, 14, Annex No 364, p. 2165-2166)

5.3.1.10. For an act of genocide or some other act prohibited under Article III of the Genocide Convention committed by an individual who is not a State organ of the Federal Republic of Yugoslavia to be attributable to this State, that individual should have been charged or authorized by some competent organ of the Federal Republic of Yugoslavia to commit that act.

5.3.1.11. Neither in the Memorial nor in other written submissions did the Applicant refer to any such instruction, order or authorization. Hence the acts of individuals which could possibly be qualified as genocide or some other act prohibited under Article III of the Genocide Convention cannot be attributed to the Federal Republic of Yugoslavia.

5.3.1.12. The acts of individuals can also be considered acts of a State from the moment the state endorses them, i.e. from the moment a State itself considers them its acts.

5.3.1.13. In the same case, the United States Diplomatic and Consular Staff in Tehran, the Court said in this connection:

"The policy thus announced by the Ayatollah Khomeini, of maintaining the occupation of the Embassy and the detention of its inmates as hostages for the purpose of exerting pressure on the United States Government was complied with by other Iranian authorities and endorsed by them repeatedly in statements made in various contexts. The result of that policy was fundamentally to transform the legal nature of the situation created by the occupation of the Embassy and the detention of its diplomatic and consular staff as hostages. The approval given to these facts by the Ayatollah Khomeini and other organs of the Iranian State, and the decision to perpetuate them, translated continuing occupation of the Embassy and detention of the hostages into acts of that State. The militants, authors of the invasion and jailers of the hostages, had now become agents of the Iranian State for whose acts the State itself was

internationally responsible. On 6 May 1980, the Minister for Foreign Affairs, Mr. Ghotbzadeh, is reported to have said in a television interview that the occupation of the United States Embassy had been "done by our nation". Moreover, in the prevailing circumstances the situation of the hostages was aggravated by the fact that their detention by the militants did not even offer the normal guarantees which might have been afforded by police and security forces subject to the discipline and the control of official superiors. (I.C.J. Reports, 1980, p. 35, Annex No 365, p. 2168)

5.3.1.14. Such endorsement must be explicit and must refer to specific acts.

5.3.1.15. Following is what the Court understood to be endorsement by the State:

"In any event expressions of approval of the take-over of the Embassy, and indeed also of the Consulates at Tabriz and Shiraz, by militants came immediately from numerous Iranian authorities, including religious, judicial, executive, police and broadcasting authorities. Above all, the Ayatollah Khomeini himself made crystal clear the endorsement by the State both of the take-over of the Embassy and Consulates and of the detention of the Embassy staff as hostages. At a reception in Qom on 5 November, the Ayatollah Khomeini left his audience in no doubt as to his approval of the action of the militants in occupying the Embassy, to which he said they had resorted "because they saw that the shah was allowed in America". Saying that he had been informed that the "centre occupied by our young men... has been a lair of espionage and plotting", he asked how the young people could be expected "simply to remain idle and witness all these things". Furthermore he expressly stigmatized as "rotten roots" those in Iran who were "hoping we would mediate and tell the young people to leave this place".

(.....)

"The seal of official government approval was finally set on this situation by a decree issued on 17 November 1979 by the Ayatollah Khomeini. His decree began with the assertion that the American Embassy was "a centre of espionage and conspiracy" and that "those people who hatched plots against our Islamic movement in that place do not enjoy international diplomatic respect". He went on expressly to declare that the premises of the Embassy and the hostages would remain as they were until the United States had handed over the former Shah for trial and returned his property to Iran..." (I.C.J. Reports, 1980, p. 34, Annex No 366. p. 2170-2171)

5.3.1.16. Para. 2.1.0.7.of the Memorial (p. 13) reads:

"Instead of genuinely seeking to prevent or punish such acts, the leaders effectively chose to adopt or acquiesce in them, whilst sometimes seeking at the same time to officially distance themselves from the brutality being perpetrated to serve their ends, by publicly stating that the acts were the results of a civil war, and centuries-old ethnic tensions."

No organ of the Federal Republic of Yugoslavia has endorsed any alleged act of genocide or any other act prohibited under Article III of the Genocide Convention. On the contrary, Chapter III of the Counter-Memorial contains the official condemnation by the organs of the Federal Republic of Yugoslavia of all inhuman and unlawful acts committed in the territory of Bosnia and Herzegovina, irrespective of which side committed them. Thus, such acts by the Serb side have also been publicly denounced.

5.3.1.17. In view of the above, the conclusion of the Applicant expounded in para. 6.3.3.7 of the Memorial (p. 268) is untenable.

5.4. Attribution to the State of Acts of Organized Groups

5.4.1.1. In para. 1.3.0.5. of the Memorial (p. 7) the Applicant says:

"many of such persons or groups were acting under the authority, guidance or influence and with the assistance of the authorities of the Federal Republic of Yugoslavia..."

5.4.1.2. The Applicant makes similar assertions also in para.1.3.0.6. of the Memorial (p.7), in para. 2.1.0.6.of the Memorial (p. 13), in para.2.3.4.6. of the Memorial (p.70), in para. 2.3.5.2. of the Memorial (p. 72), in para. 2.3.6.6.of the Memorial (p. 80),in para. 5.2.1.5. of the Memorial (p. 197).

5.4.1.3. In Chapter 6.4 of the Memorial (p.268) the Applicants: "Yugoslavia... has aided and abetted groups and individuals in the acts of genocide."

5.4.1.4. In para. 6.4.1.2 of the Memorial (p. 271) the Applicant argues that Yugoslavia had allegedly breached the 1948 Convention on the Prevention and Punishment of the Crime of Genocide "for aiding and abetting groups and individuals in genocide, that Article II

of the said Convention defines as 'punishable' not only genocide itself, but also 'conspiracy to commit genocide', 'direct and public incitement to commit genocide', 'attempt to commit genocide' and 'complicity in genocide'.

5.4.1.5. In para. 6.4.2.1 of the Memorial (p. 273) the Applicant says: "It is clear from the record that Yugoslavia... has been 'omnipresent in the genocide'. This 'omnipresence' has been - and still is - reflected by the presence on the spot of its organs, including the so-called 'Srpska Republika' and also - by the incitement and ideological background it has offered to all those participating in the genocide, which amount to a conspiracy to commit genocide, by training, arming, equipping, financing and supplying the groups and individuals committing genocide, and by infiltration into the territory of Bosnia and Herzegovina of irregular forces." The above allegations are no proof and do not satisfy the applicable legal rules.

5.4.1.6. The case of Military and Paramilitary Activities in and against Nicaragua is particularly important for the dispute at hand, being the only case in which the Court reviewed and applied rules on the attribution of acts of armed groups to a State.

5.4.1.7. Nicaragua considered the "contras" no more than bands of mercenaries recruited, organized, paid and commanded by the Government of the United States. According to this view the "contras" had no real autonomy in relation to the United States Government. Consequently, any crimes committed by the "contras" would be imputable to the United States Government. They would in fact be acts of the USA:

"The question of the degree of control of the contras by the United States Government is relevant to the claim of Nicaragua attributing responsibility to the United States for activities of the contras whereby the United States has, it is alleged, violated an obligation of international law not to kill, wound or kidnap citizens of Nicaragua. The activities in question are said to represent a tactic which includes "the spreading of terror and danger to non-combatants as an end in itself with no attempt to observe humanitarian standards and no reference to the concept of military necessity". In support of this, Nicaragua has catalogued numerous incidents, attributed to "CIA-trained mercenaries" or "mercenary forces", of kidnapping, assassination, torture, rape, killing of prisoners, and killing of civilians not dictated by military necessity..." "In this respect, the Court notes that according to Nicaragua, the contras are no more than bands of mercenaries which have been recruited, organized, paid and commanded by the Government of the United States. This would mean that they have no real autonomy in relation to that

Government. Consequently, any offences which they have committed would be imputable to the Government of the United States, like those of any other forces placed under the latter's command. In the view of Nicaragua, "stricto sensu", the military and paramilitary attacks launched by the United States against Nicaragua do not constitute the case of civil strife. They are essentially the acts of the United States. "If such a finding of imputability of the acts of the contras to the United States were to be made, no question would arise of mere complicity in those acts, or of incitement of the contras to commit them." (I.C.J. Reports 1986, p. 64, para. 113, 114 Annex No 367, p. 2173-2174)

5.4.1.8. The Court established that the various forms of assistance provided to the "contras" had been crucial to the pursuit of their activities. The United States authorities widely financed, trained, supplied, armed and organized the "contras". The Court also found that the "contra" force had, at least in one period, been so dependent on the USA that it would have been unable to conduct its most significant military and paramilitary operations without the multi-faceted support of the United States.

The Judgment states:

"... it is in the Court's view established that the support of the United States authorities for the activities of the contras took various forms over the years, such as logistic support, the supply of information on the location and movements of the Sandinista troops, the use of sophisticated methods of communication, the deployment of field broadcasting network, radar coverage, etc. The Court finds it clear that a number of military and paramilitary operations by this force were decided and planned, if not actually by United States advisers, then at least in close collaboration with them, and on the basis of the intelligence and logistic support which the United States was able to offer, particularly the supply aircraft provided to the contras by the United States. (I.C.J. Reports 1986, p. 61, para. 106, Annex No 368, p. 2176)

5.4.1.9. In respect of the case at hand, even if there had been some support provided by the Federal Republic of Yugoslavia, in terms of its extent it was far below that described in the quoted section of the Judgment.

5.4.1.10. In order to conclude on the possible qualification of the "contras" as an organ of the United States, the Court examined the degree of "dependence" of the "contras" on the United States of America and the USA's "control" over the "contras".

5.4.1.11. In this connection, the Court found:

"... In sum, the evidence available to the Court indicates that the various forms of assistance provided to the contras by the United States have been crucial to the pursuit of their activities, but is insufficient to demonstrate their complete dependence on United States aid. On the other hand, it indicates that in the initial years of United States assistance the contra force was so dependent. However, whether the United States Government at any stage devised the strategy and directed the tactics of the contras depends on the extent to which the United States made use of the potential for control inherent in that dependence. The Court already indicated that it has insufficient evidence to reach a finding on this point. It is a fortiori unable to determine that the contra force may be equated for legal purpose with the force of the United States..."
(.....)

"In the view of the Court it is established that the contra force has, at least at one period, been so dependent on United States that it could not conduct its crucial or most significant military and paramilitary activities without the multi-faceted support of the United States. This finding is fundamental in the present case. Nevertheless, adequate direct proof that all or the great majority of contra activities during that period received this support has not been, and indeed probably could not be, advanced in every respect. It will suffice the Court to stress that the degree of control by the United States Government, as described above, is inherent in the position in which the contra force finds itself in relation to that Government." (I.C.J. Reports 1986, p. 62. 63, paras 110, 111, Annex No 369, pp. 2178-2179)

5.4.1.12. At this juncture quote will be the Report of the Secretary-General pursuant to paragraph 4 of Security Council Resolution 752 (1992) of 30 May 1992. S/24049 (Annex No 129) which gives relevant facts about the position of Serb forces in Bosnia and Herzegovina:

"(b) Several hundred the JNA personnel from Jusuf Džonić Barracks, a logistic base at Sarajevo, and Victor Bubanj Barracks were in the process of withdrawing from Sarajevo during the night of 27/28 May 1992. The convoy, which was being accompanied by UNPROFOR, was attacked by Serb irregulars opposed to the terms of their withdrawal and by units of the Territorial Defence of Bosnia and Herzegovina, and lost its way. Some elements became separated from the rest; 30 the JNA vehicles and their drivers went missing and at least 1 soldier was killed;

"7. It will be apparent from the foregoing that the issue of the deblocking and safe withdrawal of the remaining the JNA troops from their barracks at Bosnia and Herzegovina has become linked to other problems which have caused continuing conflict in that Republic and has in particular been complicated by problems relating to the withdrawal of heavy weapons from these barracks and from Bosnia and Herzegovina. UNPROFOR has received indications that the the JNA leadership in Belgrade is willing to leave the bulk of its weapons behind upon withdrawal, but the leadership of the army of the 'Serbian Republic of Bosnia and Herzegovina' is unwilling to permit this.

"8. Uncertainty about who exercises political control over the Serb forces in Bosnia and Herzegovina has further complicated the situation. The Bosnia and Herzegovina Presidency had initially been reluctant to engage in talks on these and other issues with the leadership of the 'Serbian Republic of Bosnia and Herzegovina' and insisted upon direct talks with the Belgrade authorities instead. A senior the JNA representative from Belgrade, General Nedeljko Bošković, has conducted discussions with the Bosnia and Herzegovina Presidency, but it has become clear that his word is not binding on the commander of the army of the 'Serbian Republic of Bosnia and Herzegovina', General Mladić. Indeed, as indicated in paragraph 6 (b) above, Serb irregulars attacked a the JNA convoy withdrawing from a barracks at Sarajevo on 28 May under arrangements negotiated by General Bošković. It also appears that the heavy shelling of Sarajevo on the night of 28/29 May took place on the orders of General Mladić in direct contravention of instructions issued by General Bošković and the the JNA leadership in Belgrade.

"9. Given the doubts that now exist about the ability of the authorities in Belgrade to influence General Mladić, who has left the JNA, efforts have been made by UNPROFOR to appeal to him directly as well as through the political leadership of the 'Serbian Republic of Bosnia and Herzegovina'. As a result of these efforts General Mladić agreed on 30 May 1992 to stop the bombardment of Sarajevo. While it is my hope that the shelling of the city will not be resumed, it is also clear that the emergence of General Mladić and the forces under his command as independent actors apparently beyond of the JNA greatly complicates the issue raised in paragraph 4 of Security Council resolution 752 (1992). President Izetbegović has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladić but not with the political leadership of the 'Serbian republic of Bosnia and Herzegovina'.

5.4.1.13. The Secretary-General points out the fact that not only had there been no cooperation or coordination between the Federal Republic of Yugoslavia and the Army of the Republic of Srpska and paramilitary formations, but that in fact they were in

disagreement in respect of the conditions under which the JNA was to withdraw from Bosnia and Herzegovina, i.e. to whom the heavy weaponry would be left. The Secretary-General points to the fact that the armed forces under the command of General Ratko Mladić are undertake armed action completely on their own, in fact contrary to decisions of FRY organs.

5.4.1.14. In Chapter III of the Counter-Memorial the decisions of FRY organs have been pointed out, which were adopted in May 1993 on withholding assistance to the Republic of Srpska, designed to influence the political decisions of the Republic of Srpska regarding its acceptance the Vance-Owen Plan. Despite the consistent efforts of the FR of Yugoslavia, the Republic of Srpska has maintained its position and the measures taken by the FR of Yugoslavia have produced no effect whatsoever.

5.4.1.15. In August 1994, the Federal Republic of Yugoslavia introduced new restrictive measures vis-a-vis the Republic of Srpska, this time under the control of international observers, to induce it to accept the plan of the Contact Group. These measures have not produced positive results, either, which is the best proof that the FR of Yugoslavia has no influence whatsoever on the policy and positions of the organs of the Republic of Srpska.

5.4.1.16. The obvious conclusion is that ever since its inception not only have the Republic of Srpska and all the armed formations under its control or acting in its territory not been under the control of the Federal Republic of Yugoslavia but the Federal Republic of Yugoslavia could not even influence their conduct.

5.4.1.17. In the case of Military and Paramilitary Activities in and against Nicaragua, the Court further found:

"To show the existence of this control, the Applicant argued before the Court that the political leaders of the contra force had been selected, installed and paid by the United States; it also argued that the purpose herein was both to guarantee United States control over this force, and to excite sympathy for the Government's policy within Congress and among the public in the United States. According to the affidavit of Mr. Chamorro, who was directly concerned, when the FDN was formed "the name of the organization, the members of the political junta, and the members of the general staff were all chosen or approved by the CIA"; later the CIA asked that the particular person be made head of the political directorate of the FDN and this was done. However, the question of the selection, installation and payment of the leaders of the contra force is merely one of the degree of dependency of that force. This partial

dependency on the United States authorities, the exact extent of which the Court cannot establish, may certainly be inferred *inter alia* from the fact that the leaders were selected by the United States. But it may also be inferred from other factors, some of which have been examined by the Court, such as the organization, training and equipping of the force, the planning of operations, the choosing of targets and the operational support provided." (I.C.J. Reports 1986, p. 62, para. 112, Annex No 370, p. 2181)

5.4.1.18. Nothing of the kind took place in the Republic of Srpska. The leaders of the Republic of Srpska, Radovan Karadžić, Biljana Plavšić, Nikola Koljević were elected by the people at the first multi-party elections in the Socialist Republic of Bosnia and Herzegovina as leaders of the Serbian Democratic Party. They were elected to the organs of authority of the Socialist Republic of Bosnia and Herzegovina and after the creation of the Republic of Srpska they were elected its president and vice-presidents respectively by the competent organs of that Republic.

5.4.1.19. The Applicant alleges that the Federal Republic of Yugoslavia had appointed General Ratko Mladić as commander of the Serb armed forces. This assertion is not true. General Ratko Mladić was born in Bosnia and Herzegovina and he decided to stay in Bosnia and Herzegovina after the withdrawal of the Yugoslav People's Army. Just like almost all the the JNA officers of Muslim or Croat nationality did. On 13 May 1992, the Republic of Srpska formed its own army and appointed General Ratko Mladić as its Commander (Report of the Secretary-General Pursuant to Paragraph 4 of Security Council Resolution 752 (1992), S/24049, 30 May 1992, Annex No 129)

5.4.1.20. Having examined the relationship between the United States of America and the "contras", the Court arrived at the following conclusion:

"The Court has taken the view (paragraph 110 above) that the United States participation, even if preponderant or decisive, in the financing, organizing, training, supplying and equipping of the contras, the selection of its military or paramilitary targets, and the planning of the whole of its operation, is still insufficient in itself, on the basis of the evidence in the possession of the Court, for the purpose of attributing to the United States the acts committed by the contras in the course of their military or paramilitary operations in Nicaragua. All the forms of United States participation mentioned above, and even the general control by the respondent State over a force with a high degree of dependency on it, would not in themselves mean, without further evidence, that the United States directed or enforced the

perpetration of the acts contrary to human rights and humanitarian law alleged by the Applicant. Such acts could well be committed by members of the contras without the control of the United States. For this conduct to give rise to legal responsibility of the United States, it would in principle have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed. (I.C.J. Reports 1986, pp. 64, 65, para. 115, Annex No 371, pp. 2183-2184) (bold type is ours)

5.4.1.21. The Court clearly noted that the general control by the Respondent over a force with a high degree of dependency on it was not sufficient condition for every and any act of that force to be attributed to that State.

5.4.1.22. For a specific act in such a situation to be attributed to a State it would have to be proved that that State had effective control of the military or paramilitary operations in the course of which the alleged violations were committed.

5.4.1.23. Not only did the Federal Republic of Yugoslavia not have effective control of military or paramilitary forces at the time of the operations in the course of which the alleged violations were committed, but it publicly and consistently condemned the inhumane and unlawful acts of all the three sides, i.e. also those of the Serb side.

5.4.1.24. Likewise, not only did the Federal Republic of Yugoslavia not have effective control of military or paramilitary forces at the time of the operations during which the alleged violations were committed, but it had no general control over those forces.

5.5. The Incitement of One State by Another to Commit an Internationally Wrongful Act

5.5.1.1. In preparing the Draft Rules on Internationally Wrongful Acts as the source of the international responsibility of a State, the Commission on International Law reviewed the relationship of one State to another from the standpoint of the attribution of acts to the State.

5.5.1.2. The Commission is of the opinion that incitement cannot be the reason for attributing an act of the incited State to the State which has incited it to commit such an act.

5.5.1.3. In its 1978 Report, the Commission says the following in respect of incitement:

"In international practice, of course, protests have been made against States accused, rightly or wrongly, of having incited other States to commit breaches of international obligations to the detriment of third State; but we do not know of any cases in which, at the juridical level, a State has been alleged by another State to be internationally responsible solely by reason of such incitement. Nor do we know of any cases in which States have agreed to absolve from its responsibility a State, which although it might have been incited by a third State, nevertheless, of its own free will, breached an international obligation binding it to another State. It therefore follows from international practice, and from the works of those writers on international law who pay particular attention to this question, that the fact that a State has incited another to commit an internationally wrongful act to the detriment of a third State does not give rise to the separate existence of an international responsibility derived specifically from the fact of incitement. Thus mere incitement of one State by another to commit an internationally wrongful act cannot fulfil the conditions for characterizing it as "participation" in the wrong, in the legal meaning of term, and therefore will not, as such, have legal status and consequences." (RILC, 1978, pp. 245, 246, Annex No 372, pp. 2186-2187)

5.6. Assistance Rendered by One State to Another for the Commission of an Internationally Wrongful Act

5.6.1.1. The Commission on International Law first addressed the question of assistance being rendered to one State by another for the commission of a wrongful act. It proposed a relevant rule in Article 27 of the Draft Rules of Internationally Wrongful Act as a Source International Responsibility of a State, which reads:

"Aid or assistance by a State to another State, if it is established that it is rendered for the commission of an internationally wrongful act, carried out by the latter, itself constitutes an internationally wrongful act, even if, taken alone, such aid or assistance would not constitute the breach of an international obligation."

5.6.1.2. The practice from which this rule is derived is so scant that it is difficult to argue that the proposed rule is valid as part of positive law. It will be reviewed anyhow.

5.6.1.3. In the rationale for the proposed rule the Commission on International Law stresses that it is essential to establish that the assistance was rendered so as to enable another State to commit a wrongful act or to make it easier for it to do so. It is not enough if the assistance can be used for the commission of a wrongful act and if it is indeed so used. Of crucial importance is the existence of an intent of the State rendering assistance in the sense that it is doing so with that specific objective in mind.

5.6.1.4. The International Law Commission says:

"But what is of interest, in the present context, is not to know whether the action, as such, does or does not constitute a breach of an international obligation, but whether or not the conduct adopted by the State, in addition to having materially facilitated the perpetration of the international offence by the other State, was intended to enable another State to commit such an international offence or to make it easier for it to do so. The very idea of aid or assistance to another State for the commission of an internationally wrongful act necessarily presupposes an intent to collaborate in the commission of an act of this kind and hence, in the cases considered, knowledge of the specific purpose for which the State receiving certain supplies intends to use them.

(.....)

Having unanimously agreed on the need to include in the text of the draft a rule concerning the 'aid or assistance' rendered by a State to another State for the commission of an internationally wrongful act, the Commission also agreed on the following essential elements: a) the aid or assistance must have the effect of making it materially easier for the State receiving the aid or assistance in question to commit an internationally wrongful act; b) the aid or assistance must have been rendered with intent to facilitate the commission of that internationally wrongful act by another; c) the conduct by which a State thus participates in the commission by another State of an internationally wrongful act against a third subject must be characterized as internationally wrongful precisely by reason of such participation, even in the case where, in other circumstances, such conduct would be internationally lawful; d) the internationally wrongful act of participation through aid or assistance for the commission of an internationally wrongful act by another State must not be confused with this principal offence and, consequently, the international responsibility deriving from it must remain separate from that incurred by the State committing the principal offence.

(.....)

The wording adopted for the article also lays stress on the intellectual element of intent, which must also be present for it to be possible to conclude that the internationally wrongful act of

participation that it is intended to define has been committed. As the article States, the aid or assistance in question must be rendered 'for the commission of an internationally wrongful act', i.e. with the specific object of facilitating the commission of the principal internationally wrongful act in question. Accordingly, it is not sufficient for it to be possible for aid or assistance provided without such intention to be used by the recipient State for unlawful purposes, or for the State providing aid or assistance to be aware of the eventual possibility of such use. The aid or assistance must in fact be rendered with a view to its use in committing the principal internationally wrongful act. Nor is it sufficient that this intention be 'presumed'; as the article emphasizes, it must be 'established'. Unless these essential requirements are fulfilled, an act which *per se* is lawful cannot become an unlawful act, and a possibly wrongful act cannot be invested with additional wrongfulness." (RILC, 1978, pp. 243, 251, 254, 255, Annex No 373, pp. 2190-2192)

5.6.1.5. The aid provided by the Federal Republic of Yugoslavia to the Republic of Srpska was not of such a of a State

5.7.1.1. In para. 6.3.3.2 of the Memorial (p. 266) the Applicant refers to the indirect responsibility of a State. In this context the Applocant invokes the Draft Rules on Internationally Wrongful Acts prepared by the Commission on International Law.

5.7.1.2. The International Law Commission also addressed the issue of indirect responsibility, i.e. the responsibility of one State for a wrongful act committed by another State. The Commission is of the view that the fact that one State exercises control or authority over a sphere of activity of another State warrants the attribution to the former of a wrongful act committed by the latter if committed within the sphere of activity under the control or authority of the former. nature as to facilitate the commission of the acts stated in the Memorial. Nor did the Federal Republic of Yugoslavia extend any assistance with a view to its being used for the commission of internationally wrongful acts.

5.7. The Indirect Responsibility

5.7.1.3. The International Law Commission proposed the following rule in para. 1 of Article 28 of the Draft Rules on Internationally Wrongful Acts:

" An internationally wrongful act committed by a State in a field of activity in which that State is not in possession of complete

freedom of decision, being subject, in law or in fact, to the directions or the control of another State, does not entail the international responsibility of the State committing the wrongful act but entails the indirect international responsibility of the State which is in a position to give directions or exercise control."

5.7.1.4. Bearing in mind international practice the Respondent feels that this rule, too, like the previous one, is more a rule of *de lege ferenda* than a valid one.

5.7.1.5. In the rationale for this proposed rule it is stated:

"On the basis of the foregoing, the majority of the Commission thus reached the conclusion that where, for one reason or another, a situation of 'international' dependence is established between two States, responsibility for wrongful acts committed by the 'dependent' State must be attributed to what is called the 'dominant' State, in so far as the wrongful act was committed by the dependent State in a sphere of activity in which, without losing its separate international personality, it was subjected to the direction or control of the superior State. (RILC, 1979, pp. 248, 263, Annex No 374, pp. 2195)

5.7.6. In Chapter II of the Counter-Memorial have been stated the facts which demonstrate the total independence of the Republic of Srpska from the Federal Republic of Yugoslavia. Not in a single field of activity is the Republic of Srpska subject to the direction or control of the Federal Republic of Yugoslavia. Hence no act of the organs of the Republic of Srpska can be attributed to the Federal Republic of Yugoslavia on this account.

5.8. Conclusions

5.8.1.1. The act of any individual which allegedly breaches the obligation established under the Genocide Convention cannot be attributed to the Federal Republic of Yugoslavia.

5.8.1.2. The act of any armed group which allegedly breaches the obligation established under the Genocide Convention cannot be attributed to the Federal Republic of Yugoslavia.

5.8.1.3. The act of any organ of the Republic of Srpska or that which can be attributed to the Republic of Srpska and which allegedly breaches the obligation established under the Genocide Convention cannot be attributed to the Federal Republic of Yugoslavia.

5.8.1.4. The Federal Republic of Yugoslavia has not rendered any aid or assistance to the Republic of Srpska with a view to the alleged breach of obligations established under the Genocide Convention.

CHAPTER VI

RULES ON PROOFS

6.1. Introduction

6.1.1.1. In section 5.3.2. of the Memorial (p. 209) the Applicant fallaciously views the nature of the responsibility of the State and the nature of legal proceedings before the International Court of Justice, and consequently draws wrong conclusions on the obligations of the parties with regard to proving in section 5.3.3. of the Memorial (p. 213).

6.1.1.2. In para. 5.3.3.3 of the Memorial (p. 213) the Applicant argues: "In civil proceedings, after the accuser has presented clear evidence of certain essential facts, the court may deduce, or infer, from those facts certain additional elements because to do so fits with ordinary probabilistic expectations. It then rests with the defendant to demonstrate that such deduction, inference or presumptions are unwarranted in the specific instance." It is questionable whether such a rule applies to civil proceedings. What is quite certain, however, is that it does not apply to proceedings before the International Court of Justice.

6.1.1.3 The Applicant continues in that context in para. 5.3.3.8. (p. 216) of the Memorial: "In this case, the Republic of Bosnia and Herzegovina will ask the Court to make inferential deductions from the patterns of proven facts... For example, in view of the magnitude, duration and brutality of the killing, rapes, and similar acts and their geographical proximity to the territory of the Federal Republic of Yugoslavia... that State can reasonably be required to rebut the inference of complicity and failure either to prevent or punish acts of genocide by presenting convincing evidence that its Government has made every reasonable and diligent effort to

discharge its legal obligations." This request of the Applicant is not based on law.

6.2. Rules on Proofs Before the International Court of Justice

6.2.1.1. Neither the Statute of the Court nor the Rules of the Court contain detailed provisions on proving facts. However, the Court has adopted certain standards which the Respondent considers important also in this Case. Thus, in the Case of Military and Paramilitary Activities in and against Nicaragua, the Court applied a standard which in fact is the general rule of proving.

6.2.1.2. The Court says:

"At all events, in the present case the Court has before it documentary material of various kinds from various sources. A large number of documents have been supplied in the form of reports in press articles, and some also in the form of extracts from books. Whether these were produced by the Applicant, or by the absent Party before it ceased to appear in the proceedings, the Court has been careful to treat them with great caution; even if they seem to meet high standards of objectivity, the Court regards them not as evidence capable of proving facts, but as material which can nevertheless contribute, in some circumstances, to corroborating the existence of a fact, i.e. as illustrative material additional to other sources of evidence." (I.C.J. Reports 1986, p. 40, para. 62, Annex No 375, p. 2197) (Bold type is ours).

This is exactly the kind of documentary material that the Applicant uses. Therefore, it cannot be regarded as "evidence capable of proving facts".

6.2.1.3. Proceeding from the foregoing the Court concludes:

"... Since the evidence linking the Freedom Fighter's Manual to the CIA is no more than newspapers reports the Court will not treat its publication as an act imputable to the United States Government for the purpose of the present case. (I.C.J. Reports 1986, p. 66, para. 117, Annex No 376, p. 2199)

6.2.1.4. The Court has made a certain reservation regarding the presented position in the case of public knowledge of a fact. The Court permits that public knowledge may be established on the basis of such sources of information. In that case, however, the Court demands full consistence and concordance of sources. The Court says:

"However, although it is perfectly proper that press information should not be treated in itself as evidence for judicial purposes, public knowledge of a fact may nevertheless be established by means of these sources of information, and the Court can attach a certain amount of weight to such public knowledge. In the case of United States Diplomatic and Consular Staff in Tehran, the Court referred to facts which "are, for the most part, matters of public knowledge which have received extensive coverage in the world press and in radio and television broadcasts from Iran and other countries" (I.C.J. Reports 1980, p. 9, para. 12.). On the basis of information, including press and broadcast material, **which was wholly consistent and concordant as to the main facts and circumstances of the case**", the Court was able to declare that it was satisfied that the allegations of fact were well-founded (ibid. p. 10, para. 13). The Court has however to show particular caution in this area." (I.C.J. Reports 1986, pp. 40, 41, para. 63, Annex No 377. pp 2200-2201) (bold type is ours)

In the Case presently before the Court, there are no facts indicated by the Applicant on which opposing and contradicting press and other reports do not exist.

6.2.1.5. On biased and unprofessional media reports regarding the events in Bosnia and Herzegovina see Peter Brock "Greater Serbia" vs the Greater Western Media, *Mediterranean Quarterly*, Vol. 6 No.1, winter 1995, pp. 49 - 68. (Annex No 378, pp. 2202-2222)

6.2.1.6. Indeed, LM Magazine issued the following press release on 24 January 1997:

"LM Magazine has received a letter from INT's lawyers, threatening legal action unless we agree to pulp our entire February issue, apologise to their journalists and pay damages.

"this threat is in response to Article 'The picture that fooled the world', by Thomas Deichmann, which reveals the truth about the famous ITN pictures of Bosnian Muslims apparently imprisoned behind a barbed wire fence at Trnopolje camp in August 1992...(Annex No 11)

6.2.1.7. It is the fact that Bosnia and Herzegovina has allocated huge sums of money to foreign companies for the public

relations. This has great influence on reporting of world media on the situation in Bosnia and Herzegovina.

6.2.1.8. Barry Janes writes: "The French officials said the amount of disinformation coming out of the Muslim side was "formidable". (Barry Janes, A New Flash Point in Bosnia, International Herald Tribune, Paris, 3 May 1994, Annex No 379, p. 2223).

6.2.1.9. "Anatomy of Massacre", an article written by David Binder and published by Foreign Policy No 97 Winter 1994-95) explains that fact-finding process was not the most important element in political decision-making process of foreign Governments and organs of international organizations in an instance of crucial importance for the Case. (Annex No 208)

6.2.1.10. The following position of the Court is particularly important:

"Widespread reports of a fact may prove on closer examination to derive from a single source, and such reports, however numerous, will in such case have no greater value as evidence than the original source. (I.C.J. Reports 1986, p. 41, para. 63, Annex No 380, pp. 2225)

This is exactly the situation in this Case. Most of the information referred to by the Applicant as coming from the press of various countries or as reports of foreign governments, derives from one and the same Muslim source.

6.2.1.11. The Court does not consider as evidence testimony which is not a statement of fact based on direct knowledge of a witness. In this connection the Court says:

"The Court has not treated as evidence any part of the testimony given which was not a statement of fact, but a mere expression of opinion as to the probability or otherwise of the existence of such facts, not directly known to the witness. Testimony of this kind, which may be highly subjective, cannot take the place of evidence. An opinion expressed by a witness is a mere personal and subjective evaluation of a possibility, which has yet to be shown to correspond to a fact; it may, in conjunction with other material, assist the Court in determining a question of fact, but is not proof in itself. Nor is testimony of matters not within the direct knowledge of the witness, but known to him only from hearsay, of much weight; as the Court observed in relation to a particular witness in the Corfu Channel case:

"The statements attributed by witness ... to third parties, of which the Court has received no personal and direct confirmation,

can be regarded only as allegations falling short of conclusive evidence (I.C.J. Reports 1949, pp. 16-17)". (I.C.J. Reports 1986, p. 42, para. 68, Annex No 381, p. 2227)

6.2.1.12. In view of the above position, the Court cannot consider as evidence reports of certain governments submitted to UN authorities, or reports of governmental and non-governmental international organizations.

6.2.1.13. The Court has also considered the issue of implicit admission of facts. Since the Applicant raises this issue in the present Case in connection with the alleged admission by the FRY, it is necessary to draw attention.

"In connection with the question of proof of facts, the Court notes that Nicaragua has relied on an alleged implied admission by the United States. It has drawn attention to the invocation of collective self-defence by the United States, and contended that 'the use of the jurisdiction of collective self-defence constitutes a major admission of direct and substantial United States involvement in the military and paramilitary operations' directed against Nicaragua. The Court would observe that the normal purpose of invocation of self-defence is to justify conduct which would otherwise be wrongful. If advanced as a justification in itself, not coupled with a denial of the conduct alleged, it may well imply both an admission of that conduct, and of the wrongfulness of that conduct in the absence of the justification of self-defence. This reasoning would do away with any difficulty in establishing the facts, which would have been the subject of an implicit overall admission by the United States, simply through its attempt to justify them by the right of self-defence. However, in the present case the United States has not listed the facts or described the measures which it claims to have taken in self-defence; nor has it taken the stand that it is responsible for all the activities of which Nicaragua accuses it but such activities were justified by the right of self-defence. Since it has not done this, the United States cannot be taken to have admitted all activities, or any of them; the recourse to the right of self-defence thus does not make possible a firm and complete definition of admitted facts. The Court thus cannot consider reliance on self-defence to be an implicit general admission on the part of the United States; but it is certainly a recognition as to the imputability of some of the activities complained of." (I.C.J. Reports 1986, pp. 34, 35, para. 74, Annex No 382, pp. 2229-2230)

6.2.1.14. As regards the burden of proof, the position of the Court is the following:

"it is the litigant seeking to establish a fact who bears the burden of proving it".... (Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs. United States of America), I.C.J. Reports 1984, p. 437, para. 101, Annex No 383, p. 2232)

6.2.1.15. The Applicant's invocation of the Corfu Channel Case, Judgment of April 9, 1949, in para. 5.3.3.7 of the Memorial (p. 216), is completely inapplicable, since the alleged acts were not committed in the territory of Yugoslavia, or in a territory controlled by Yugoslavia in any way whatsoever.

6.3. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991

6.3.1.1. Geoffrey Robertson, QC, criticises the Hague Tribunal:

"In many respects the tribunal in the Hague is an advance on its Nuremberg predecessor, notably by abjuring the death penalty, by making better provisions for the defence, and by providing a right of appeal. But most notably lacking among the 11 judges is relevant or recent experience in the defence of persons accused of crime.

"This may partly account for the first unhappy ruling of the panel trying Dusko Tadic. It decided by a majority (the presiding American judge and her Malaysian colleague) to abandon the standards set by the European Court of Human Rights and to deny the defence the right to know the names (or even the nicknames) of key witnesses.

"Sir Ninian Stephan (formerly of the Australian High Court) forcefully dissented from the majority decision, which is a woeful piece of jurisprudence. It misconstrues the statute, misunderstands precedents, and constantly misdescribes the judicial function in a criminal trial as 'balancing' the fundamental rights of defendants against prospect that a defendant may be imprisoned for life on the sole testimony of a witness whose identity he is not allowed to know, it justifies on the grounds that crimes against humanity are 'horrific' and in any event 'the international tribunal is, in certain respect, comparable to a military tribunal, which often has limited rights of due process and more lenient rules of evidence'.

"These arguments are unacceptable. The more 'horrific' the crime, the more due process is necessary. And the belittling comparison with military tribunals (many of which are looking to this body to improve their standards) is astonishing. How can the Hague

tribunal serve as a model for a world court if it sets low standards of fairness?

(.....)

"....Last year, Professor Cassese, the tribunal president, called for a 'programme of indictments' to 'meet the expectations of the Security Council and of the world community at large' - hardly the language of judges whose duty is not to act as avenging angels but to do justice though heavens fall."(Geoffrey Robertson, QC, War Crimes Deserve a Fair Trial, The Times, 25 June 1996, Annex No 384, p. 2233)

6.3.1.2. Responding to quoted remarks by Geoffrey Robertson, Prof. Cassese says:

"... it must be pointed out that words attributed to President Cassese were in fact the words of all of the Judges of the International Tribunal sitting in plenary (see Press release dated 1 February 1995,...). (The Letter of President Cassese of 10 January 1997 sent to Mr. Kofi Annan, Secretary-General of the United Nations, Annex No 385, p. 2237)

6.3.1.3. Indeed, "on Monday 30 January 1995, the Judges of the International Criminal Tribunal for the former Yugoslavia have concluded their Fifth Plenary Session, which commenced on Monday 16 January, by unanimously adopting the following final declaration:

'... It should be recalled that the Security Council, in establishing the International Tribunal by Resolutions 808 and 827, intended expressly to entrust it with the historic mission of bringing to trial those responsible for 'mass killings', 'organized and systematic detention and rape of women' and 'the practice of ethnic cleansing' in the territory of the former Yugoslavia' in order thereby to 'contribute to the restoration and maintenance of peace'.

'Due to the gravity and historic dimension of that mission, the Judges are anxious that a programme of indictments should effectively meet the expectations of the Security Council and of the world community at large.

The Prosecutor was informed of the concern of the Judges, and he indicated that he shares that concern. He undertook to apply the resources that have now been made available by the United Nations and by those Member States which have generously contributed to the Trust Fund, in order to issue appropriate indictments the earliest possible time. "(International Criminal Tribunal for the Former Yugoslavia, Press Release, The Hague, 1 February 1995, Annex No 386, p. 2240)

6.4. Conclusions

6.4.1.1. The Applicant has not submitted proper evidence to prove its allegations. The Respondent rejects the allegations of the Applicant related to the alleged breaches of the obligations established by the Genocide Convention and the attributions of alleged acts to the Respondent.

6.4.1.2. In accordance with the principle of equality of parties, and in view of the fact that both sides have submitted requests to establish the responsibility of the other side, they should be in an equal position in respect of the proving of facts.

P A R T II

CHAPTER VII

CRIME OF GENOCIDE AGAINST THE SERBS IN BOSNIA AND HERZEGOVINA

7.0. Direct and Public Incitement to Commit Genocide

7.0.1.0. The acts of direct and public incitement to commit genocide have been made, inter alia, by "Islamic Declaration", newspapers "Novi Vox" and "Zmaj od Bosne" (Dragon of Bosnia), as well as by Radio Hajat.

7.0.1.1. By its position that "there can be no peace or coexistence between 'Islamic faith' and 'non-Islamic' social and political institutions" the "Islamic Declaration" has incited armed actions and extermination of the Serbian population because they do not profess Islamic religion, i.e. because they belong to other religion. (Alija Izetbegović, Islamska deklaracija tekst iz 1973. godine, Islamska deklaracija, Bosna, Sarajevo, 1990./ Islamic Declaration, Annex No 154 to the Part I of the Counter-Memorial, pp. 1208-1238, 1239-1270/1271-1334)

7.0.1.2. The following verses of the "patriotic" song published in the third issue of "Novi Vox" in October 1991 :

"Dear mother, I'm going to plant willows,
We'll hang Serbs from them.
Dear mother, I'm going to sharpen knives,
We'll soon fill pits again.
Dear mother, chop some salad,
And invite our Croat brothers.
When our banners unite,
All the Serbs will end in graves."

revive a direct and public incitement to commit genocide against Serbs from World War Two. The slogan "Srbe na vrbe" (Hang Serbs on Willows) was used by the Ustasha Movement in Croatia and Bosnia and Herzegovina in the eve and during World War Two as a public call to execution of Serb civilians. This call resulted in a horrible genocide against Serbs in World War Two. Serb civilians were slaughtered and thrown into deep pits in Croatia and Bosnia and Herzegovina. These crimes were committed by the members of the Ustasha Movement consisted by the members of Croatian and Muslim population. The mentioned verses were an incitement to renew genocide against Serbs. (Patriotska poezija /Patriotic Poetry/ Novi Vox, No. 3, October 1991, Annex No 214 to the Part I of the Counter-Memorial, pp. 1461-1462/1463-1466)

7.0.1.3. The "Zmaj od Bosne" ("Dragon of Bosnia") newspaper, published in Tuzla on 1 April 1993, called on every Muslim to name a Serb and take an oath to kill him. (E/CN.4/1994/3, para. 72, Annex, 5 May 1993, Annex No 79 214 to the Part I of the Counter-Memorial, pp. 637).

7.0.1.4. After the explosion at the Markale market, established to have been caused by the Muslims, an anchorman of Sarajevo Muslim Radio Hajat, hosted a live call-in programme. Ten Muslim listeners, using almost the same language and giving the same advice, called for the slaughter of a number of Serbs for every Muslim killed and denied every possibility of co-existence with the Serbs. The host of the programme supported his listeners in their calls to massacre the Serbs. This is a unique case in the whole world that members of one nation have been called via radio to massacre another nation. (Evidence: Transcript of the taped programme, Annex No 78214 to the Part I of the Counter-Memorial, pp. 627-629/630-635).

7.1. Deliberate Killing of the Civilian Population and Captured Persons of Serb Nationality

7.1.0.0. The genocidal behaviour of the Muslim and Croat armed forces and of the other authorities of Bosnia-Herzegovina was expressed in particular in the killing of the civilian population which was not involved in armed conflicts. Their only "fault" was that they belong to an ethnic group - the Serb people, which undoubtedly indicates the genocidal intent of those who committed these crimes. At the time of the submission of this

Counter-Memorial it was not possible to establish the exact number of victims. A large number of Serbs were forcibly taken away from their homes and their destiny is not known since. There are grounds for a believing that they were killed and buried in undiscovered mass graves because it has not been established that they were in concentration camps which are numerous on the territory of Bosnia-Herzegovina and where members of the Serb people were imprisoned. Therefore, in this Counter - Memorial listed will be only the killings of the civilians of Serb nationality committed by the Muslim and Croat armed forces, which have been established beyond doubt and whose perpetrators have been identified in most cases.

In the preceding parts the Respondent pointed to the relevant notion of genocide, as well as to the grounds of responsibility for this crime under international law. This crime consists of various forms of inhuman treatment of members of a national, racial and religious group with the intent of its destruction in whole or in part. The Respondent claims that members of the Serb people were exposed to genocide during the civil war in Bosnia-Herzegovina. This claim is based on the following facts. First, many acts against members of the Serb people constitute genocidal behaviour on the Art. 2, paras a) to e) of the Convention on the Prevention and Punishment of the Crime of Genocide, in particular those defined in paras a) and b). Thousands of members of the Serb people were killed or their physical or mental integrity was seriously harmed. Second, the victims were Serbs. The killings and other forms of inhuman behaviour were committed having in mind exclusively the national affiliation of the victims.

Third, these acts were committed with the intent of complete or partial destruction of one religious and ethnic group. This intent derives from a number of circumstances. Thus, the pattern of victims indicates that the killings were committed regardless of sex and age; men and women, the young and the old were killed alike. The victims did not participate in armed conflict and were not members of the Serb armed forces. The victims did not provoke this crime by their conduct in any way; they were killed in their homes, while working in their fields, taken to camps and tortured and killed there. All these elements clearly indicate that what is involved here is the genocide of the Serb people.

7.1.1.0. Srebrenica

The territory of the former commune of Srebrenica has a mixed population of Muslims and Serbs, with Muslims being predominant in number. Since armed conflict broke out in this territory, the members of the Serb people, as the minority population, were constantly exposed to threats and attacks by Muslim armed forces throughout 1992 and later. At first these threats were aimed at causing the fear of the Serb population and forcing them to leave their homes and property and to leave the territory for good. Later on the threats escalated into armed attacks in which entire villages and towns in which Serbs lived were burned down and their Serb civilian populations killed. During 1992 in this commune almost all Serb villages were razed to the ground, Serb houses were set on fire and Serb property was looted. Over 500 Serbs, mainly old men, women and children, were killed in the territory of this commune during this period. Bosnia and Herzegovina is responsible for the following crimes of genocide committed on the territory of the municipality of Srebrenica in the case of which the victims and the perpetrators have been identified.

7.1.1.1. On 6 May 1992, the Serb religious holiday of St. George's Day, Muslim armed forces attacked the Serb village of Gniona, burned it to the ground, plundered all property and killed the following Serbs:

1. Lazar Simić (father: Milivoje), born 1936; and
2. Radojko Mitošević (father: Rajko), born 1928.

Milošević was burned alive in his house. These were peaceful farmers who were not members of any Serb armed formations.

The Muslim armed forces who perpetrated this crime were commanded by Naser Orić, born in 1967 in Potočari village, and Rifat Karović, Ibro Mujković, Ibro Osmanović, Behadin Mujkanović and others were also involved.

Evidence: 635/94-23^{*}

^{*} The time limit fixed by the Order of the Court of 23 July 1996 greatly restricted the Respondent's possibility of submitting all the relevant evidence. However, it is deposited, under the number indicated in the Counter-Memorial, with the Committee for Compiling Information on Crimes against Humanity and International Law and is available to the Court and the Applicant.

7.1.1.2. On 8 May 1992, the following person was ambushed and killed on the road leading to Srebrenica:

1. Goran Zekić, a Serb deputy in the Parliament of Bosnia-Herzegovina.

The killing was committed by members of the Muslim armed forces.

This crime was committed by Hakija Meholjić (father: Husein) from Srebrenica, and Osman Osmanović, Dževad Osmanović and Safet Mujić.

Evidence: 635/94-22, 635/94-23 and 718/96-36

7.1.1.3. On 1 June 1992, members of Muslim armed forces stationed in Brezovice attacked the Serb hamlet of Oparci, burnt down the 22 Serb houses in the village and killed the following Serb villagers:

1. Dragić Ilić (father: Dragutin), born 1939;
2. Ratko Ilić (father: Momčilo), born 1942;
3. His brother Uglješa, born 1939;
4. Milorad Petrović (father: Drago), born 1923; and
5. Dikosava Petrović (female, father: Drago), born 1932, whose throat was slit.

The following members of the Muslim army perpetrated this crime: Akif Ustić, Huso Salihović, Hajrudin Halilović, Abdula Alić, from the village of Brezovice, Sevdalija Begić from Pirić, and Velkaz Husić (or Husih).

Evidence: 493/94-28.

7.1.1.4. On 21 June 1992, Muslim armed forces attacked the village of Ratkovići in Srebrenica commune, whose population is exclusively Serb, burned down the village and killed 18 Serb villagers:

1. Obren Bogičević (father: Vojislav), born 1932;
2. Stanoje Stanojević (father: Vladislav), born 1949;
3. Desanka Stanojević (female, father: Rado), who was burned in her home;
4. Nikola Stanojević (father: Todor), born 1958;
5. Radenko Stanojević (father: Milorad), born 1940, whose throat was slit;
6. Vidosav Djurić (father: Luka), born 1930;

7. Vidoje Rankić (father: Obrad), born 1928;
8. Milutin Rankić (father: Obrad), born 1944;
9. Ranko Rankić (father: Obrad), born 1933;
10. Vinko Maksimović (father: Filip), born 1927;
11. Dragomir Maksimović (father: Milorad), born 1949;
12. Radomir Maksimović (father: Milorad), born 1942, who succumbed to torture;
13. Cvijeta Milanović (female, father: Risto), born 1925;
14. Novka Pavlović (female, father: Milorad), born 1945;
15. Zora Prodanović (female, father: Drago), born 1941;
16. Živana Prodanović (female, father: Petar), born 1966;
17. Milovan Pavlović (father: Josa), born 1919; and
18. Milan Jakovljević (father: Stojan), born 1920.

Mehmed Alić, also known as "Kadić", from Dedići and Hajrudin Osmanović from Potkorjen, persons with the surnames Medić, Potkorjenović, Martić, Poznanović and Osmanović, and Behajja Martić, Osman Zukić, Andrija Osmanović and Rešid Halilović were recognised among the perpetrators of this crime.

Evidence: Findings and opinion of Dr Zoran Stanković, 442/95-3, 493/94-18, 635/94-25 and 635/94-26.

7.1.1.5. Muslim armed forces attacked the Serb village of Brežani in Srebrenica commune on 30 June 1992 and killed the following 19 Serb villagers:

1. Radovan Petrović (father: Djolo), born 1923;
2. Miloš Novković (father: Rado), born 1956;
3. Dostana Lazić, (female) born 1919;
4. Djuka Lazić (father: Pavle), born 1935;
5. Vidoje Lazić (father: Pavle), born 1937;
6. Kristina Lazić (female);
7. Milenko Dragičević (father: Ilija), born 1974;
8. Ljubomir Josipović (father: Milenko), born 1975;
9. Pero Krstajić (father: Vlada), born 1935;
10. Miloš Krstajić (father: Vlada), born 1937;
11. Stanko Milošević (father: Luka);
12. Vidoje Milošević (father: Milovan), born 1974;
13. Milivoje Mitrović (father: Dragiša), born 1930;
14. Stanoje Mitrović (father: Milivoje), born 1963;
15. Milisav Rankić (father: Mika), born 1947;
16. Dragoslav Rankić (father: Milisav), born 1974;
17. Mirko Rankić (father: Milisav), born 1972;
18. Milomir Stevanović (father: Vladislav), born 1946; and
19. Dragan Stjepanović (father: Stjepan), born 1961.

Miloš Novaković from the hamlet of Čičevac was found decapitated and Vidoje Lazić burnt, and Kristina Lazić, Milisav Rankić, Dragoslav Rankić and Mirko Rankić were burnt in their homes.

The perpetrators of this crime included, among others, the following members of the Muslim armed forces: Hakija Meloljić, Arif Ustić, Huso Halilović and Vehbija Jahić.

Evidence: Witnesses - 493/94-9, 493/94-5, 493/94-8, 493/94-7, 635/94-9 and 493/94-6, and findings of forensic expert Dr Z. Stanković.

7.1.1.6. On 5 July 1992, members of the Muslim armed forces attacked the village of Krnjići in Srebrenica commune, killing 16 people, all of Serb nationality:

1. Boban Lazarević (father: Spasoje), born 1965, priest of the Serbian Orthodox Church;
2. Sredoje Jovanović (father: Nedeljko), born 1947;
3. Miroslav Jovanović;
4. Dragutin Dimitrijević (father: Miloš), born 1961;
5. Srpko Aksić (father: Novak), born 1972;
6. Rade Trimanović (father: Petko), born 1961;
7. Radoš Maksimović (father: Mirko), born 1968;
8. Milenko Maksimović (father: Rista);
9. Miloš Milošević (father: Ostoja), born 1961;
10. Nebojša Milošević (father: Zoran), born 1975;
11. Milja Micić (female);
12. Vaso Porača, born 1912, whose throat was slit;
13. Ilija Simić, born 1922;
14. Veljko Simić (father: Milosav), born 1953;
15. Vlajko Vladić (father: Petar), born 1934; and
16. Soka Vujić (female).

Evidence: 493/94-12, 493/94-13 and 49/95.

7.1.1.7. The Serb village of Zalazje in the commune of Srebrenica was attacked by Muslim armed forces on 12 July 1992, and 38 Serb villagers were killed:

1. Svetozar Lakić (father: Cvijetin), born 1951;
2. Dušan Blagojić (father: Slobodan), born 1946;
3. Radinka Cvijetinović (female, father: Dragomir), born 1952, whose body was badly mutilated;
4. Ivan Cvijetinović (father: Ranko), born 1953;
5. Svetislav Dragičević (father: Tadija), born 1949;

6. Željko Giljević (father: Milorad), born 1970;
7. Nedeljko Gligić (father: Desimir), born 1948;
8. Ljubisav Gligorić (father: Nikola), born 1962;
9. Aleksa Gordić (father: Miloš), born 1955;
10. Stobodan Ilić (father: Milan), born 1946;
11. Milisav Ilić (father: Sreten), born 1957;
12. Luka Jeremić (father: Ljubomir), born 1927;
13. Ratko Jeremić (father: Miloš), born 1969;
14. Marko Jeremić (father: Ratko), born 1965;
15. Radovan Jeremić (father: Ratko), born 1963;
16. Milovan Lazarević (father: Mališa), born 1946;
17. Momir Lazarević (father: Stanko), born 1955;
18. Branislav Pavlović (father: Aleksandar), born 1957;
19. Gojko Petrović (father: Jugoslav), born 1963;
20. Svetozar Rakić (father: Cvijetin), born 1951;
21. Momčilo Rakić (father: Ljubomir), born 1949;
22. Miodrag Rakić (father: Ljubomir), born 1959;
23. Mile Rakić (father: Momčilo), born 1966;
24. Dragomir Rakić (father: Borisav), born 1957;
25. Branko Simić (father: Gojko), born 1959;
26. Petko Simić (father: Gojko), born 1963;
27. Miladin Stanojević (father: Vojin), born 1929;
28. Mirosljub Todorović (father: Radivoje), born 1961;
29. Radivoje Tomić (father: Bogoljub), born 1950;
30. Miladin Tubić (father: Rado), born 1955;
31. Radisav Vasiljević (father: Radovan), born 1963;
32. Radisav Vasiljević (father: Radovan), born 1965;
33. Boško Vujadinović (father: Živojin), born 1951;
34. Vaso Vujadinović (father: Živojin), born 1954;
35. Nedeljko Vujadinović (father: Bogdan), born 1947;
36. Dragomir Vujadinović (father: Milovan), born 1947;
37. Milovan Vujadinović (father: Slavoljub), born 1948; and
38. Dušan Vujadinović (father: Vasa), born 1940.

The following members of the Muslim armed forces were identified among the perpetrators of this crime: Naser Orić (father: Džemal), born 1967 in Potočari, and Zulfo Tursunović, Akif Ustić and Hakija Mehlić.

Evidence: Findings and opinion of Dr Zoran Stanković and 68/94.

7.1.1.8. A Muslim armed formation entered the hamlet of Karno, the Serb village of Medje, the municipality of Srebrenica on 15 May 1992, and burned down all Serb houses and plundered Serb property. The following Serbs were killed:

1. Petrija Andrić (female), born 1933;
2. Radivoje Subotić, born 1954; and
3. Milojko Gagić, born 1947.

The other villagers were taken to a camp in Srebrenica, where they were tortured and severely maltreated. Unable to endure the torture, Ljubica Gagić (female) committed suicide.

The Muslim armed forces unit which committed this crime was commanded by Nedžad Bektić (father: Ramo), from the village of Karačić. Zulfo Tursunović from Sućeska and other members of Muslim forces tortured the Serb prison inmates.

Evidence: 493/94-10, 493/94-11, 509/94-1, 509/94-2, 509/94-3 and 371/94-2.

7.1.1.9. On 7 May 1992, in the village of Osmače in Srebrenica commune, Muslim armed forces set up an ambush and fired at two passenger and two freight vehicles, although they knew the vehicles were carrying only Serb civilians. On that occasion they killed:

1. Milojka Mitrović (female, father: Slavko), born 1953;
2. Radosav Stjepanović (father: Milovan), born 1956;
3. Nebojša Ćorić (father: Radomir), born 1966;
4. Zoran Vukosavljević (father: Obren), born 1970;
5. Simo Tanasijević (father: Manojlo);
6. Milivoje Ilić (father: Bogdan), born 1961; and
7. Danilo Petrović (father: Radomir), born 1961.

The ambush was laid by Muslims from the village of Osmače on the orders of Naser Orić, and the immediate perpetrator was a person called Ramo or "Hlebara".

Evidence: 493/94-6, 635/94-14, 635/94-8 and 635/94-9.
Annex No C 160, Photos 1-2

7.1.1.10. At a place on the Srebrenica to Milići main road called "Žutica", on 21 May 1992, members of the Muslim armed forces fired from an ambush at a lorry carrying Serb civilians and killed:

1. Mladjen Petković (father: Dragoljub), born 1952;
2. Nedeljko Kandić;
3. Milenko Kovačević (father: Milisav), born 1960;
4. Mićo Lazarević (father: Desimir), born 1974;
5. Miljana Obradović (female, father: Vidoje), born 1941;

6. Vojislav Šarac (father: Ilija), born 1925;
7. Slobodan Zečić (father: Radoje), born 1959; and
8. Obrenija Ilić, (female) born 1958.

The ambush was organised by Bećir Mekanić (father: Jakub), and the attackers were Esad Muratović (father: Rašid), Jusuf Ahmetović (father: Obranas), also known as "Juka", Mehudin Osmanović (father: Osman) and Sulejman Vejzović (father: Suljo).

Evidence: 184/95 and 378/94-14.

7.1.2.0. Bratunac

Members of the Muslim armed forces committed numerous crimes of genocide against Serb inhabitants of the commune of Bratunac. In this region, the following Serb villages were razed to the ground: Rekovac, Zalužje, Biljača, Sikirić, Pirići, Djepala, Pobrdje, Borići, Zagoni, Repovac, Mihačjevići, Riječani, Plane, Pilići, Gradina, Suha, Radijevići, Bojavić, Brađići, Popovići, Grujićevići and Poznaševići. Serb houses were burnt down in many other villages in this area, and more than 500 Serb inhabitants were killed. The following cases include only those where the victims and the perpetrators have been identified.

7.1.2.1. The Serb village of Gornji Magašić in Bratunac commune was often attacked by Muslim armed forces. The severest attacks were between 20 and 25 June 1992, when 12 Serb villagers were killed:

1. Stojan Popović (father Živorad), born 1967;
2. Živko Cvjetinović (father: Vojislav), born 1950;
3. Ljiljana Ilić (female, father: Dušan), born 1975;
4. Zorka Ilić (female, father: Marko), born 1947;
5. Milenija Ilić (female, father: Milorad), born 1944;
6. Ljubinka Ilić (female, father: Petar), born 1952;
7. Marjan Ilić (father: Radomir), born 1963;
8. Ljubica Milanović (female, father: Miloš), born 1929;
9. Blagoje Popović (father: Pera), born 1907;
10. Leposava Popović (female, father: Rista), born 1919;
11. Ljubica Mirković (female, father: ivorad), born 1942; and
12. Cvijetin Djuričić (father: Nikolije).

Among the many members of the Muslim armed forces who took part in this crime, witnesses have identified Meho

Osmanović (father: Junuz) from Magašić, and Šaban Osmanović, Ćamil Hasanović, Senahid Avdić, Ramo Babajić, Mehidin Smailović, Nedžib Demanović and Hajrudin Osmanović.

Evidence: 635/94-28, 635/94-29 and 635/94-30.

7.1.2.2. The Serb village of Ježestica in Bratunac commune was also frequently attacked by Muslim armed forces, and many inhabitants were killed.

7.1.2.2.1. In an attack on this village on 8 August 1992, 55 Serb houses were burnt down and 9 Serb villagers were killed:

1. Vojin Bogičević (father: Rado), born 1929;
2. Andjelko Mladjenović (father: Ljubomir), born 1965; who was buried without his head, which had been cut off and taken away;
3. Dragan Mladjenović (father: Ljubomir), born 1960;
4. Savka Mladjenović (female, father: Obren), born 1931;
5. Sreten Ranković (father: Miloš), born 1962;
6. Milan Ranković (father: Vlada), born 1935;
7. Savka Stjepanović (female, father: Nedeljko), born 1951;
8. Milosav Stjepanović (father: Obrad), born 1919; and
9. Srbo Djurić (father: Sava), born 1944.

Evidence: 68/94 and 635/94-28.

7.1.2.2.2. On 7 January 1993, Serbian Orthodox Christmas Day, Muslim armed forces again attacked the village, burning the rest of the Serb houses and killing:

1. Radomir Jovanović (father: Vujadin), born 1959;
2. Boško Djukanović (father: Mika), born 1928;
3. Nevenka Djukanović (female, father: Rista), born 1946;
4. Ivan Djukanović (father: Vlada), born 1954; and
5. Krsta Djukanović (father: Vlada).

The Muslim armed forces were led in both attacks by Naser Orić and included, among others, Zulfo Tursunović, Ferid Hodžić, Enver Alispahić and Alija Alispahić.

Evidence: 68/94 and findings of forensic expert Dr Z. Stanković.

7.1.2.3. The village of Loznica in Bratunac commune was also repeatedly attacked by Muslim armed forces. Especially

severe were the attacks of 28 June and 14 December 1992, when 31 Serb villagers were killed:

1. Nebojša Vučetić (father: Petko), born 1972;
2. Jovan Milovanović (father: Gavriilo), born 1930;
3. Srećko Milovanović (father: Radivoje), born 1943;
4. Miloje Damjanović (father: Mitar), born 1971;
5. Djordjo Filipović (father: Milisav), born 1949;
6. Živan Filipović (father: Vladimir), born 1954;
7. Verica Filipović (female, father: Ivan), born 1957;
8. Radovan Lukić (father: Milan), born 1950;
9. Milenko Nikolić (father: Nedeljko), born 1963;
10. Milorad Rančević (father: Mića), born 1960;
11. Svetozar Vučetić (father: Sreten), born 1957;
12. Jelena Stojanović, (female) born 1952;
13. Jelena Stanojević (female, father: Živojin), born 1953;
14. Drago Jovanović (father: Miladin), born 1962;
15. Milić Ilić (father: Vidoje), born 1972;
16. Todor Nikolić (father: Milovan), born 1951;
17. Slavomir Damjanović (father: Radivoje), born 1971;
18. Nedeljko Damjanović (father: Svetozar), born 1959;
19. Dragan Filipović (father: Dragoljub), born 1969;
20. Dragoljub Filipović (father: Milisav), born 1942;
21. Milan Jovanović (father: Petko), born 1948;
22. Djoko Jovanović (father: Petko), born 1956;
23. Miloš Jovanović (father: Veselin), born 1928;
24. Željko Knežević (father: Vojislav), born 1966;
25. Kristina Lukić (female, father: Čeda), born 1948;
26. Bojan Milkovski, born 1938;
27. Mladjen Petrović (father: Božidar), born 1958;
28. Miodrag Petrović (father: Bogdan), born 1948;
29. Boro Todorović (father: Krsta), born 1949;
30. Milenko Vučetić (father: Radovan), born 1947; and
31. Radovan Vučetić (father: Sava), born 1943.

Numerous members of the Muslim armed forces took part in this crime, including Alija Ibrić (father: Muja), also known as "Kurta", from Ćirići, Besim Salihović (father: Avdo), Hida Salihović (father: Avdo) and Rešid Sinanović (father: Rahman).

Evidence: 635/94-38, 635/94-21 and 635/94-36.

7.1.2.4. The village of Zagoni in Bratunac commune was burnt down in attacks by Muslim armed forces on 5 and 12 July 1992, and 21 inhabitants were killed, all of Serb nationality:

1. Ljubica Milošević (female, father: Milovan), born 1939;

2. Miloš Milošević (father: Jovan), born 1932;
3. Čedomir Tanasijević (father: Blagoje), born 1942;
4. Rajko Gvozdenović (father: Sreten), born 1927;
5. Blagoje Gvozdenović (father: Milorad), born 1944;
6. Rada Gvozdenović (female, father: Radoje), born 1973;
7. Mileva Dimitrić (female, father: Milorad), born 1912;
8. Marko Dimitrić (father: Mitar), born 1974;
9. Matija Jašinski (father: Stevan), born 1940;
10. Mihajlo Mihajlović (father: Jevta), born 1951;
11. Milovan Dimitrić (father: Mirko), born 1962;
12. Dušan Milošević (father: Živojin), born 1963;
13. Djordje Milošević (father: Aleksa), born 1934;
14. Vidosav Milošević (father: Branko), born 1968;
15. Dragiša Milošević (father: Milko), born 1963; and
16. Miodrag Milošević (father: Milko), born 1970.

In the same village, members of the Muslim armed forces also tortured to death (the tortures included gauging out eyes, breaking facial bones and ribs, and stabbing in the stomach) the following Serb civilians:

17. Dušanka Paunović, (female) born 1954, who was killed with a sledge hammer;
18. Rada Milošević (female, father: Ilija), born 1968;
19. Miodrag Malović (father: Ilija), born 1943;
20. Dragoljub Gvozdenović (father: Miladin), born 1954; and
21. Miodrag Jovanović (father: Jakov), born 1952.

The identified participants in this crime are: Muriz Muratović, Meho Orić and Idriz Muratović.

Evidence: 635/94-39, 635/94-40 and 493/94-27.

7.1.2.5. The village of Faković in Bratunac commune was attacked on 5 October 1992 by members of the Muslim armed forces and 17 Serb civilians were killed:

1. Desanka Božić (female, father: Radoje), born 1924;
2. Olga Marković (female, father: Milovan), born 1935;
3. Slavka Marković (female, father: Milovan), born 1931;
4. Čuba Nikolić (female);
5. Danilo Djurić, born 1910;
6. Miroslav Ivanović (father: Milan), born 1973;
7. Radoje Marković (father: Sava), born 1941;
8. Radomir Marković (father: Steva), born 1939;
9. Petko Nikolić (father: Milovan), born 1954;
10. Milovan Nikolić (father: Sreten), born 1923;
11. Radovan Savić (father: Jova), born 1965;

12. Milomir Subotić (father: Blagoje), born 1959;
13. Milovan Djokić (father: Vlada), born 1936;
14. Sreten Djokić (father: Mileta), born 1938;
15. Djoko Djokić (father: Nedeljko), born 1955;
16. Svetozar Djokić (father: Sreten), born 1965; and
17. Vidoje Djukić (father: Radovan), born 1954.

Evidence: 635/94-24, 635/94-27, 378/94-4, 378/94-6, 442/95-1, 442/95-2, 493/94-21, 635/94-37, and 635/94-24.

7.1.2.6. Eight Serbs were killed on 5 October 1992 in an attack of Muslim armed forces on the village of Boljevići in Bratunac commune:

1. Milja Despotović (female);
2. Petra Prodanović, (female) born 1927;
3. Stojka Stjepanović (female, father: Jovan), born 1922;
4. Stanija Vasić, (female) born 1930;
5. Radovan Djukić (father: Sreta), born 1932;
6. Milutin Ristić (father: Ljubisav), born 1940;
7. Zarija Ristić (father: Novica), born 1928; and
8. Vladan Vasić (father: Manojlo), born 1929.

The identified perpetrators of this crime are Naser Mamutović, Ibrahim Mujkić and Aris Ridjić.

Evidence: 68/94

7.1.2.7. On 14 December 1992, Muslim armed forces attacked the Serb village of Bjelovac in Bratunac commune, burnt it down and killed 24 Serb villagers:

1. Zlatan Bogićević (father: Milenko), born 1957;
2. Miodrag Cvijić (father: Ilija), born 1972;
3. Slobodan Vitorović (father: Vitomir);
4. Stevo Filipović (father: Nedja), born 1951;
5. Milisav Ilić (father: Ilija), born 1957;
6. Milun Ilić (father: Mića), born 1939;
7. Zlata Jovanović (female, father: Miloš), born 1911;
8. Radenko Jovanović, born 1974);
9. Vida Lukić (female, father: Radivoje), born 1933;
10. Miroslav Marinčević, born 1965;
11. Radivoje Matić (father: Ilija), born 1937;
12. Gordana Matić (female, father: Radivoje), born 1967;
13. Snežana Matić (female, father: Radivoje), born 1965;
14. Mirko Miladinović (father: Petko), born 1971;

15. Ćedo Miladinović (father: Petko), born 1975;
16. Slavko Milutinović (father: Ćeda), born 1963;
17. Slobodan Nedeljković (father: Ratko), born 1970;
18. Mirko Petrović (father: Krsta), born 1920;
19. Mirko Petrović (father: Milan), born 1972;
20. Mitar Savić (father: Ostoja), born 1954;
21. Radovan Tanasić (father: Sreten), born 1923;
22. Rajko Tomić (father: Žika), born 1955;
23. Milorad Tošić (father: Živorad), born 1972; and
24. Zoran Trišić (father: Tomislav), born 1968.

A large number of members of the Muslim armed forces took part in this attack, including Alija Ibrić, also known as "Kurta", Hida Salihović, Besim Salihović, Rešim Sinanović and Sadim Zukić.

Evidence: 493/94-26, 635/94-33, 635/94-34, 635/94- 35, 635/94-36, 635/94-38 and 68/94.

7.1.2.8. The village of Sikirić in Bratunac commune was attacked by Muslim armed forces on 14 December 1992 and 21 villagers, all of Serb nationality, were killed:

1. Živojin Ilić (father: Blagoje), born 1928;
2. Radojka Ilić (female, father: Kosta), born 1935;
3. Desimir Matić (father: Nikodin), born 1928;
4. Radovan Mitrović (father: Bogosav), born 1948;
5. Srećko Mitrović (father: Bogosav), born 1946;
6. Milomir Nedeljković (father: Bogoljub), born 1940;
7. Ljubisav Nedeljković (father: Obrad), born 1925;
8. Ratko Nedeljković (father: Svetislav), born 1946;
9. Slobodan Petrović (father: Miladin), born 1976;
10. Dušan Prodanović (father: Rade), born 1931;
11. Obrenija Rankić (female, father: Miladin), born 1934;
12. Zlatan Simić (father: Ranko), born 1961;
13. Živadin Simić (father: Svetolik), born 1946;
14. Radisav Simić (father: Svetolik), born 1937;
15. Grozdana Simić (female, father: Vasilije), born 1931;
16. Dragiša Stevanović (father: Branko), born 1966;
17. Radenko Stojanović (father: Sava), born 1973;
18. Milomir Tanasić (father: Ljubisav), born 1939;
19. Milan Tanasić (father: Petar), born 1957;
20. Obrenija Trišić (female, father: Obrad), born 1931; and
21. Novak Vukšić (father: Srećko), born 1931.

This attack was carried out by the same Muslim armed formation which carried out the attack on the village of Bjelovac.

Evidence: 378/94-2, 635/94-37, 378/94-7 and 68/94.

7.1.2.9. The village of Kravica in Bratunac commune is inhabited solely by Serbs. It was attacked by more than 1,000 members of the Muslim army on 7 January 1993, Orthodox Christmas Day, when 28 Serb civilians were killed:

1. Miladin Dolijanović (father: Dušan), born 1963;
2. Negoslav Erić (father: Mikailo), was killed by a shot fired from close range in the mouth;
3. Kristina Erić (female, father: Nikola);
4. Pajkan Gavrić (father: Paja), born 1963;
5. Milovan Nikolić (father: Todosije), born 1946;
6. Risto Popović (father: Kosta), born 1920; according to the forensic report, his left hand was cut off, his skull was fractured on the left side and he had been stabbed with a knife in the back of his neck;
7. Kostadin Popović (father: Rista), born 1947;
8. Milan Stevanović (father: Radovan), born 1973;
9. Slobodan Bogičević (father: Jovan), born 1947;
10. Mara Božić, (female) born 1909;
11. Stevo Božić (father: Stojan), born 1951;
12. Novica Bogičević (father: Slobodan), born 1976;
13. Krsto Lazić (father: Dušan), born 1933;
14. Miladin Momčilović (father: Drago), born 1935;
15. Vaso Nikolić (father: Marko), born 1920;
16. Mitar Nikolić (father: Cvijan), born 1927;
17. Ljubica Opačkić (female), born 1918, who was shot in the head with a side arm, and, while still alive, stabbed in the right side of the chest with the sharp edge of an unidentified tool;
18. Božo Radović (father: Drago), born 1943, who was shot in the face at close range, and whose left hand was cut off;
19. Radenko Radović (father: Ljuba), born 1974;
20. Dragan Radović (father: Radosav), born 1968;
21. Vaskrsije Radović (father: Djordje), born 1956;
22. Ratko Višnjić (father: Todor), born 1949;
23. Tankosava Stevanović (female, father: Vasilije), born 1938,
24. Lazar Veselinović (father: Kostadin), born 1935;
25. Radoje Pavlović (father: Radovan), born 1936;
26. Mile Saveljić (father: Sava), born 1964;
27. Vladimir Stojanović (father: Stojan), born 1915; and
28. Stanoje Djokić (father: Stanko), born 1942.

The Muslim armed forces responsible for this attack were commanded by Naser Orić, and included Ferid Hodžić, Zulfo Tursunović and Bećir Mekanić.

Evidence: Findings and opinion of Dr Zoran Stanković 68/94, 378/94-2 and 378/94-7.

7.1.2.10. On 27 May 1992, in the village of Konjević Polje in Bratunac commune, Muslim armed forces fired from an ambush on the road from Sarajevo to Zvornik at a lorry carrying Serb civilians to work in the bauxite mines. They killed immediately:

1. Novak Sukić (father: Milko), born 1962;
 2. Zoran Popović (father: Nenad), born 1959;
 3. Djordjo Mijatović (father: Milenija), born 1950; and
 4. Stevo Simić (father: Novak), born 1953;
- and later killed:
5. Milomir Vujadinović (father: Jova), born 1960, who was taken prisoner, and whose mutilated body was found 20 days later.

This attack was made on the orders of Ferid Fodžić (father: Avdo), and the direct perpetrators were Šemsudin Salihović (father: Smajkan), Munib Alić (father: Adem), Meho Alić (father: Muhan), Meho Mehmedović (father: Muhan) and others.

Evidence: 184/95-35 and 68/94.

7.1.2.11. In an ambush on the road from Zvornik to Sarajevo in the village of Sandići at the end of May 1992, Muslim armed forces killed the following Serbs:

1. Milutin Milošević (father: Steva), born 1948, chief of police in Bratunac;
2. Jovo Blagojević (father: Sreten), born 1973;
3. Dragica Matikosa (female, father: Stojan), born 1955;
4. Miodrag Vorkapić (father: Mile), born 1971;
5. Ivan Ivanović (father: Ratko), born 1970;
6. Dragan Petrović (father: Desimir), born 1967;
7. Vesna Krdžalić (female);
8. Aleksandar Grahovac (father: Mirko), born 1972;
9. Žarko Ivanovski; and
10. Sreto Suzić (father: Milan), born 1960.

Evidence: witnesses: 493/94-22, 493/94-23 and 493/94-24 and the findings of forensic expert Dr Z. Stanković. (Annex No C 157, pp. c1537 - c1540/c1541 - c1545 and Annex No C 160, Photo 3)

7.1.2.12. On 12 July 1992, in the village of Biljaca in Bratunac commune, the following persons were killed in an ambush:

1. Dragomir Živković (father: Nenad), born 1970;
2. Milivoje Živanović (father: Dragan), born 1972;
3. Jovan Živanović (father: Cvijetin), born 1969;
4. Božidar Jokić (father: Ivan), born 1968;
5. Dragoljub Jokić (father: Sava), born 1961;
6. Boško Kovačević (father: Andro), born 1969;
7. Nedeljko Mitrović (father: Milojko), born 1965;
8. Željko Perić (father: Milorad), born 1973;
9. Milenko Savić (father: Branko), born 1968;
10. Dragan Savić (father: Laza), born 1953;
11. Tomo Spasojević (father: Stjepan), born 1956;
12. Milan Djokić (father: Nedja), born 1967; and
13. Miroslav Andrić (father: Stojan), born 1967.

The ambush was laid by members of Muslim armed formations.

Evidence: 68/94.

7.1.2.13. On 24 December 1992, Muslim armed forces killed the following Serb civilians in an ambush in the village of Glogovo:

1. Milan Živanović (father: Mirko), born 1974;
2. Mirko Dragičević (father: Miloš), born 1947;
3. Stanko Gajić (father: Rade), born 1963;
4. Radovan Ilić (father: Stanoje), born 1953;
5. Mirko Kribl (father: Antonije), born 1949;
6. Radovan Milinković (father: Steva), born 1959;
7. Svetolik Milovanović (father: Boža), born 1960;
8. Milisav Milovanović (father: Radoje), born 1950;
9. Borivoje Obradović (father: Čeda), born 1944;
10. Milenko Petrović (father: Jezdimir), born 1956;
11. Dragan Veselinović (father: Slavomir), born 1965;
12. Petko Vujadinović (father: Dušan), born 1958;
13. Boško Žekić (father: Krsta), born 1949;
14. Dragan Šarac (father: Ranko), born 1964;
15. Vladislav Janić (father: Mirko), born 1948; and
16. Vlado Stamatović (father: Čeda), born 1953.

The Muslim forces who committed this crime were led by Naser Orić (father: Čemal).

Evidence: 68/94

7.1.2.14. The report by Richard Boucher, spokesman for the US State Department, dated 26 January 1993, states that Bosnian Muslim forces from Srebrenica killed at least 60 Serbs, mainly civilians, in villages around Bratunac. It adds: "As a result of the hostilities, as many as 5,000 people - mainly women, children, the elderly and wounded people - fled across the Drina to Ljubovija."

Evidence: Report by Richard Boucher, US State Department spokesman, 26 January 1993.

7.1.3.0. Milići

In the territory of the municipality of Milići, there are several villages populated exclusively or predominantly by Serbs. Since the start of the armed conflict these villages were exposed to attacks by Muslim armed forces and, previously, to threats with the aim to expelling Serbs from that area.

7.1.3.1. On 10 June 1992, about 300 members of the Muslim army attacked the village of Rupovo Brdo in the commune of Milići and burned down all Serb houses, took away Serb possessions and killed the following Serb villagers:

1. Koviljka Žugić, (female) born 1922;
2. Relja Milinković (father: Marinko), born 1941;
3. Radoje Milinković (father: Petar), born 1952;
4. Vojislav Milinković (father: Maksim), born 1938; and
5. his wife Mirjana Milinković, born 1939.

The Milinković couple were found burnt to death in their house.

Vlado Milinković (father: Mileta), born 1948, Komljen Žugić (father: Miloš), born 1925, and his son Trivko Žugić, born 1954, were taken away from the village. The fate of these people is not known, but there are strong grounds for believing that they too were killed.

Among the members of the Muslim armed forces who carried out this attack, the following have been identified: Zulfo Tursanović from Žedatelo village, Ibrahim Adinović from Dilje, Mujo Dehtić from Žutica, Bećir Nekonić from Šedar and Fadil Turković from Kupusko.

Evidence: 184/95-31.

7.1.3.2. The village of Podravanje in the municipality of Milići is populated only by Serbs. Muslim armed forces had repeatedly attacked this village, and on 24 September 1992 surrounded it from all sides, burned and looted houses, and killed 30 Serb inhabitants:

1. Vojin Jovanović (father: Miloje), born 1922;
2. Svetozar Jovanović (father: Miloje), born 1933;
3. Rado Lazarević (father: Obrad), born 1917;
4. Mileva Petrović, (female) born 1948;
5. Milomir Petrović (father: Marko), born 1951;
6. Mihajlo Mitrović (father: Jova), born 1932;
7. Ruža Mitrović, (female) born 1927;
8. Drago Mitrović (father: Marko), born 1925;
9. Radovan Marinković (father: Andjelko), born 1938;
10. Milovan Marinković (father: Miloš), born 1955;
11. Rado Marinković (father: Miloš), born 1961;
12. Dikosava Marinković, (female) born 1938;
13. Miloš Marinković, born 1935;
14. Miladin Perendić (father: Milisav), born 1924;
15. Tomislav Perendić (father: Savkan), born 1932;
16. Stanko Perendić (father: Blagoje), born 1935;
17. Spasenija Perendić, (female, father: Bogdan), born 1932;
18. Mitar Šarac (father: Cvijetin), born 1963;
19. Dušan Šarac (father: Veselin), born 1964;
20. Mirjana Šarac, (female) born 1943;
21. Milan Šarac (father: Manojlo), born 1929;
22. Gojko Tomić (father: Marko), born 1930;
23. Mihajlo Tomić (father: Marko), born 1941;
24. Milijan Vasić (father: Miloš), born 1951;
25. Milisav Vasić (father: Slaviša Nikolić), born 1960;
26. Dragan Nikolić, born 1960;
27. Nebojša Pavlović, born 1971;
28. Rade Mudrinić, born 1961;
29. Borica Mitić, (female) born 1947; and
30. Djuradj Bogdanović.

Post mortems have confirmed that many of the victims were burnt in their houses. Some were decapitated, others had their throats slit or their stomachs cut open. All houses, the school and the cultural centre were burned down. A large number of members of the Muslim armed forces took part in this crime, including Hasan Hirhić (father: Mahmut), Šaban Delić, Sabrija Ajsić, all from Kutezer, and Osman Memić and Hamed Hasanović (father: Mehmed) from Srebrenica. The attack was commanded by Naser Oric and Zulfo Tursunović.

Evidence: 378/94-1, 184/95-34 and 68/95.

7.1.3.3. Muslim armed forces attacked the village of Brečane in Milići commune on 24 September and 3 December 1992. Posing as Serb soldiers, they drove a tank to the open-cast bauxite mine and killed eight Serbs by crushing them with the tank, slitting their throats or hitting them with blunt objects. The victims were:

1. Milivoje Sušić (father: Todor), born 1958;
2. Slavka Šalipurović (female, father: Božidar), born 1971;
3. Slavka Gordić (female, father: Mitar), born 1958;
4. Vidoje Šalipurović (father: Milorad), born 1960;
5. Zoran Lalović (father: Nedja), born 1961;
6. Miodrag Gligorijević (father: Mijat), born 1956;
7. Rajko Pantić (father: Radojko), born 1943; and
8. Željko Milić.

Naser Orić, Zulfo Tursunović, Bećir Mekanić, Ibrahim Ademović and a large number of other members of the Muslim armed forces took part in this crime.

Evidence: 378/94-14.

7.1.3.4. Muslim military formations attacked the village of Vandžići in Milići commune on 8 February 1993, burnt the houses of Serb villagers and killed the married couple:

1. Marko Došić (father: Kostadin), born 1934; and
2. Marija Došić (born 1939).

The Muslim armed forces which perpetrated this crime were led by Ferid Hodžić (father: Avdo) from the village of Druma in Vlasenica commune, and included Šabanija Hakić, Ramiz Mehmedović (father: Hakija) and Ibro Suljemanović (father: Haban).

Evidence: 68/94

7.1.4.0. Skelani

Many villages in the commune of Skelani are inhabited solely by Serbs. Muslim armed forces often raided these villages killing the inhabitants.

7.1.4.1. A Muslim military formation attacked the village of Čosići in Skelani commune on 16 January 1993, burning and wounding many people and killing the following Serb villagers:

1. Novak Rakić (father: Radisav), born 1953;
2. Dragomir Rakić (father: Jova), born 1953;
3. Milomir Rakić (father: Jova), born 1957;
4. Radiša Rakić (father: Slavko), born 1961;
5. Dragomir Rakić (father: Marjan), born 1940;
6. Mile Ivanović (father: Dika), born 1952;
7. Predrag Ivanović (father: Milo), born 1973;
8. Želimir Ivanović (father: Milutin), born 1968;
9. Žarko Pavlović (father: Milenko), born 1938;
10. Milorad Trifunović (father: Čedo), born 1958;
11. Tadija Rakić (father: Milorad), born 1930;
12. Damljan Maksimović (father: Žika), born 1934;
13. Andjelko Pavlović (father: Svetozar), born 1914;
14. Vidosava Trifunović (female), born 1915; and
15. Nebojša Ilić (father: Predrag), born 1969.

Among the perpetrators of this crime, Naser Orić, Sakib Tršić, Ibro Dedić and Nusret Sulejmanović have been identified.

Evidence: Findings of forensic expert Dr Staniša Milić and 378/94-24 and 493/94-15. (Annex No. C 82, svedočenje V.P./testimony V.P., pp. c825-c829/c830-c833)

7.1.4.2. The village of Kušić in Skelani commune is also inhabited by Serbs. Muslim armed forces attacked it on 16 January 1993, burning it down, and killing 17 inhabitants. Three more Serbs were killed in the neighbouring village of Žabukovici. The victims were:

1. Radivoje Mitrović, born 1942, who was shot in the left leg from a distance, but was later stabbed and hit in the neck, head and back with various sharp and heavy blunt instruments;
2. Milija Jakovljević (father: Mitar), born 1957;
3. Mirko Mitrović (father: Maksim), born 1939;
4. Milenko Jakovljević (father: Milan), born 1946;
5. Novak Ristić (father: Cvetko), born 1951;
6. Vladislav Ristić (father: Lazar), born 1947;
7. Ilija Milanović, born 1922;
8. Rado Ristić, born 1920;
9. Dušanka Milanović (female), born 1920;
10. Milenko Todorović (father: Stanoje), born 1928;
11. Nikola Živanović (father: Jova), born 1921;

12. Milenija Janković (female), born 1963;
13. Radinka Mitrović (female), born 1946;
14. Milenka Ristić (female), born 1930, whose death was caused by a 130 mm by 110 mm wound on the right side of the neck caused by a blow with the sharp edge of an unidentified weapon, which cut both carotid arteries, both internal jugular veins and the trachea, and fractures of facial bones caused by blows with a heavy blunt object. The distal phalanges of all the victim's fingers were cut off.
15. Ivanka Ristić (female), born 1950;
16. Mitra Ristić (female, father: Novak), born 1974;
17. Mićo Ristić (father: Novak), born 1977;
18. Milenko Jakovljević (father: Andjelko), born 1957;
19. Savo Maksimović (father: Mišovan), born 1932; and
20. Rosa Nedjić (female), born 1933.

The attackers were led by Naser Orić.

Evidence: 493/94-14, 378/94-5, 635/94-5 and 635/94- 10 and findings of forensic expert Dr Zoran Stanković. (Annex No. C 42, svdočenje Z.J./testimony Z.J., pp. c429-c432/c433-c435), (Annex No. C 71, svdočenje M.M.6/testimony M.M.6, pp. c728-c731/c732-c734), (Annex No. C 72, svdočenje M.M.7/testimony M.M.7, pp. c735-c739/c740-c743), (Annex No. C 73, svdočenje S.M.2/testimony S.M.2, pp. c744-c748/c749-c752), (Annex No. C 91, svdočenje D.R.1/testimony D.R.1, pp. c913-c917/c918-c921) (Annex No. C 98, svdočenje M.S.2/testimony M.S.2, pp. c1002-c1005/c1006-c1009)

7.1.4.3. Skelani itself is mainly populated by Muslims. The few Serbs who lived there were maltreated. In an attack by Muslim armed forces on 16 January 1993, their houses were burnt and the following children were killed:

1. Aleksandar Dimitrijević, born 1987; and
2. Raša Dimitrijević.

These crimes were committed by the members of the Muslim armed forces listed in points 7.1.4.1. and 7.1.4.2.

Evidence: 493/94-2, 493/94-3, 494/94-4, 494/94-13 and 635/94-12. (Annex No. C 22, svdočenje M.D./testimony M.D., pp. c215-c217/c218-c219) (Annex No. C 23, svdočenje M.D./testimony M.D., pp. c220-c224/c225-c227)

7.1.5.0. Srbinje (Foča)

The population of the commune of Foča (Srbinje) was about half Muslim and half Serb. Muslims organised attacks on parts of the commune with the aim of destroying the Serbs. They attacked Josanica, Jabuka, Poljice in Miljevina and other villages, ambushed a lorry carrying a large number of Serb civilians, carried out a series of attacks in which they killed individuals, whole families and groups of Serbs, and on several occasions mined roads, causing the deaths of many Serb civilians. Investigators identified the victims and collected other evidence.

7.1.5.1. Acting on the orders of Ferid Buljubašić, Muslim forces of the First Drina Brigade from Goražde placed an anti-tank mine on the road from Foca to Cvilin, which is used exclusively by local Serb civilians, in Ribari in Foča commune. A freight vehicle with the licence number GŽ-583-13, which was carrying workers from the KPD agricultural combine in Foča, hit the mine on 24 March 1993. On this occasion the following four Serb civilians were killed:

1. Novica Mojović, born 1935;
2. Vidoje Kunarac, born 1949;
3. Dragoljub Avram, born 1964; and
4. Milivoje Drakul, born 1939.

Three other persons were slightly wounded.

Evidence: 264/94-1 and 445/95-17

7.1.5.2. Members of Muslim armed forces (Salem Kunovac, Zijad šiljak, Ešef Kunovac, Beg Buljubašić) raided the village of Zebina šuma, near Foča, at the end of April 1992, and shot dead the following Serbs:

1. Vlada Fuštar, born 1926; his wife
2. Jela Fuštar, born 1924; and their son
3. Milo Fuštar, born 1966.

After the murders, the family's house was set on fire.

The bodies were found on 8 May 1992 near the house and identified on 9 May 1992.

Evidence: 263/94-3.

7.1.5.3. In the village of Gornja Brda in Foča commune on 13 April 1992, members of the Muslim armed forces killed the following Serbs:

1. Dušan Davidović, born 1946; and
2. Vaso Dragičević, born 1950.

This crime was committed by members of the Moslem armed forces.

7.1.5.4. In an attack on the village of Jabuka in Foča commune on 30 April 1992, members of the Muslim armed forces killed the following Serb girl:

1. Ivana Vuković, born 1987.

7.1.5.5. In the village of Mirušić in Foča commune on 20 May 1992 members of the Muslim armed forces killed:

1. Živko Marković, born 1931, cutting off his head and left hand, skinning parts of his body, slitting open his stomach and pouring in salt.

The Muslim soldiers then burned down the village of Mirušić.

7.1.5.6. In the village of Gornja Slatina in Foča commune, on an as yet unknown date in the summer of 1992, members of the Muslim armed forces killed the following Serb civilians:

1. Milan Zečević;
2. Marko Vilotić;
3. Mr Janković; and
4. Mrs Janković.

These people were knifed to death in their homes and the Janković's house was burnt down.

Evidence: 64/93, 175/94 and 210/94.

7.1.5.7. In the summer of 1992, in the village of Bastaši in Foča commune, Muslim armed formations killed the following Serbs:

1. Žarko Milanović (father: Milutin), born 1930;
2. Sava Milanović (father: Rajko), born 1965;
3. Petar Damjanović; and his wife

4. Esma Damjanović.

7.1.5.8. In the summer of 1992 in the village of Radoviš in Foča commune, members of the Muslim armed forces killed the following Serb:

1. Luka Vuković (father: Vlado), born 1961.

The crime was committed by members of the Muslim armed forces.

7.1.5.9. In the summer of 1992 in the village of Krmaluša in Foča commune, members of Muslim armed forces killed:

1. Rajko Trivan, 67, after savagely torturing him, burying him alive and lighting a fire on his chest.

They also killed the mentally sick

2. Aleksa Elez, 62, who was burnt alive in his home.

7.1.5.10. Muslim armed forces attacked the village of Bujakovina in Foča commune in the summer of 1992. They killed and mutilated the following Serb inhabitants:

1. Dušan Kalajdžić, 75;
2. Joka Kalajdžić;
3. Milisav Govedarica, 18;
4. Ilija Govedarica;
5. Ilinka Govedarica (female);
6. Jovo Vučetić, a blind 70-year-old man;
7. Milka Vučetić (female);
8. Milan Vučetić; and
9. Vidosava Vučetić.

Their homes were burned down.

The following members of the Muslim armed forces participated in this crime: Idriz Didović, Murat Muslim, Bekan Žiga, Selim Begović, Muhamed Šehović, Ibro Spaho and others.

7.1.5.11. In the summer of 1992, in the village of Straganci in the commune of Foča, members of the Muslim armed forces killed the following Serb civilians in their homes:

1. Mićo Stanić; and
2. Jelena Golubović (female).

Their houses were burnt down.

7.1.5.12. In the summer of 1992 members of the Muslim armed forces raided Serb houses in the village of Štović in Foča commune and slaughtered the following Serb civilians:

1. Savo Kovač (father: Mirko), born 1924; and his daughter
2. Branka Kovač, born 1963.

Evidence: 128/95-1

7.1.5.13. In the village of Ruli in Foča commune in July 1992, members of the Muslim armed forces killed the old married couple:

1. Novica Joknić; and his wife
2. Stoja Joknić.

The victims were both over 70 and were the only Serb inhabitants of the village.

7.1.5.14. On 7 July 1992 in the village of Milotina in Foča commune, members of the Muslim army killed the following Serbs:

1. Momir Djurović; and
2. Djordje Mastilo, 72, who was mutilated with an axe.

7.1.5.15. Jabuka is a rural district with many Serb villages: Modro Polje, Racici, Tahuljici, Draževo, Jamići, Stoklovići, Podgrdje, Hodžići, Slavčići, Ljaljice, Kolakovići, Podstojana, Rosulje and Skakavac.

Using the same tactics as were used in Josanica, these villages were surrounded and attacked on 23 July 1992. On this occasion, the following 38 people were killed:

1. Ostoja Ćosović, born 1930;
2. Sofija Ćosović (female), born 1931, from Kolakovići;
3. Miladin Ćosović, born 1927, from Lokvi;
4. Obren Ćosović, born 1934, from Kolakovići;
5. Borko Ćosović, born 1928, from Kolakovići;
6. Miladin Ikonić, born 1920, from Slavčići;
7. Radivoje Trivun, born 1925, from Kolakovići;
8. Ranko Simović, born 1967, from Postijen;
9. Milenko Kapuran, born 1964, from Milotina;
10. Mirko Ćosović, born 1932, from Kolakovići;
11. Benko Kovač, born 1965, from Ljaljica;

12. Sreto Draško, born 1965, from Ljalica;
13. Rade Mastilo, born 1936, from Podrid;
14. Rajko Mastilo, born 1956, from Podrid;
15. Milenko Mastilo, born 1956, from Podrid;
16. Miloš Trivun, born 1918, and his wife
17. Andjelka Trivun, born 1924, from Rosulje;
18. Marko Mastilo, born 1909, from Podrid;
19. Miloš Vuković, born 1920, from Kolakovići;
20. Predrag Bilinac, born 1972, from Podgrab;
21. Rajko Bojat;
22. Jova Blagojević;
23. Milovan Skakavac;
24. Marko Skakavac;
25. Rade Skakavac;
26. Lazar Simović;
27. Ilija Kovač ;
28. Pero Dubovina;
29. Milan Golubović;
30. Novo Golubović;
31. Dragan Golubović;
32. Milorad Golubović;
33. Njegoš Savić, who was first wounded, then finished off with an axe;
34. Pejka Golubović (female);
35. Veljko Elez;
36. Milorad Elez;
37. Radoje Stanković; and
38. Stana Vujičić.

7.1.5.16. Members of the Muslim army attacked the village of Slatina in Foča commune on 27 July 1992 and butchered the Serb civilian.

1. Dejan Mališ.

7.1.5.17. Muslim armed forces attacked the village of Preljuca in Foča commune on 30 July 1992, killing nine Serb civilians:

1. Milan Funduk;
2. Milan Matović;
3. Radiša Patić;
4. Vladimir Rađović;
5. Slaviša Drakul;
6. Ranko Sekulović;
7. Mitar Brković;
8. Milovan Mandić; and

9. Božo Davidović.

Petrol was poured over the bodies and they were burnt.

7.1.5.18. Members of the Muslim armed forces killed the following Serb farmer while he was working on his farm in the village of Čurevo in Foča commune on 8 August 1992:

1. Žarko Paprica.

7.1.5.19. On 7 September 1992 the Muslim armed forces attacked the village of Poljice in Foča commune (Srbinje) exclusively populated by Serb inhabitants. The objective of this attack was to kill all the Serb civilian population from this village, burn down their houses and other facilities so that all traces of their existence would be obliterated. During the attack on this village they killed all Serb civilians who happened to be there:

1. Grujo Miljanović (father: Nedja), born 1960;
2. Savo Drakul (father: Pera), born 1923;
3. Drago Drakul (father: Vlada), born 1958;
4. Radivoje Jovović (father: Trifko), born 1937;
5. Andjelko Mrgud (father: Gojko), born 1957;
6. Sreten Mišidrag (father: Dobro), born 1972;
7. Vlado Drakul (father: Rade), born 1941;
8. Mirko Jovović (father: Blagoje), born 1934;
9. Petar Jovović (father: Mitar), born 1925;
10. Miloško Jovović (father: Sava), born 1937;
11. Nada Elez (female, father: Sima), born 1970;
12. Stevan Elez (father: Petar), born 1942;
13. Slavko Elez (father: Todor), born 1938; and
14. Spaso Ognjenović (father: Spasoje), born 1943.

All houses and other buildings in the village were burnt down.

Evidence: 128/95, 445/95-13, 445/95-14, 445/95-15.

7.1.5.20. The local road between Kalinovik and Miljevina lies on the territory of the Republic of Srpska and is used exclusively by Serb civilians from this district, as Muslim armed units knew.

In the village of Vratilo on 20 September 1992, the Muslim armed forces ambushed a freight vehicle carrying 39 Serb civilians on the road from Miljevina to Kalinovik. They shot at the people from close range and killed all the 33 men and six women who had been in the vehicle.

The following victims have been identified:

1. Novak Golijanin;
2. Slobodan Mastilo (father: Lazar), aged 16;
3. Velibor Vlaški (father: Jovo), aged 19;
4. Duško Mastilo (father: Lazar), aged 20;
5. Veselin Nogo (father: Rajko), aged 24;
6. Radomir Popović (father: Nikola), aged 25;
7. Milica Sarić (female), aged about 25; and
8. Danilo Cicović (father: Bratislav), aged 28;
9. Milorad Vuković (father: Vlado), aged 29;
10. Ranko Andrić (father: Miloš), aged 30;
11. Gordan Miletic (father: Radovan), aged 30;
12. Rajko Klepić (father: Čeda), aged 30;
13. Petko Mijatović (father: Janko), aged 30;
14. Mladjen Stanković (father: Jova), aged 30;
15. Mladjen Popović, aged 30;
16. Velimir Ognjenović (father: Sima), aged 32;
17. Milorad Stanić (father: Živko), aged 33;
18. Milan Nogo, (father: Veljko), aged 34;
19. Radomir Bozalo (father: Milorad), aged 35;
20. Slavko Obućina (father: Drago), aged 36;
21. Milisav Vasović (father: Nedja), aged 37;
22. Slavko Škobo (father: Jovo), aged 41;
23. Vid Stanković (father: Nikola), aged 41;
24. Vujadin Lekso (father: Spasoje), aged 44;
25. Milenko Vuković (father: Marko), aged 45;
26. Risto Trifković (father: Milan), aged 48;
27. Mato Elez (aged 50).
28. Ratomir Golijanin (father: Drago), aged 51;
29. Savka Golijanin (female, father: Branko), aged 52;
30. Rade Andrić (father: Gojko), aged 53;
31. Milovan Sarić (father: Marko), aged 55;
32. Cvija Obućina (female, father: Branko), aged 62;
33. Mišo Miletic (father: Marko), aged 65;

The bodies of three men and three women have not been identified.

The Muslim armed formation that carried out the attack was commanded by Sead Prazina from the village of Jelače.

Evidence: 128/95 and 263/94.

7.1.5.21. Members of the Muslim armed forces attacked the village of Ozarevina in Foča commune on 16 November 1992, and killed the following Serb villagers:

1. Staka Pljevaljić (female), born 1924;
2. Vojo Kulić, born 1944; and
3. Jagoš Krsmanović, born 1936.

7.1.5.22. Jošanica is the area in the territory of Srbinja commune, not far from Goražde and Hadžići communes, through which the river of the same name flows. Of the many villages in the area, 10 hamlets were exclusively populated by Serbs: Gopići, Hodžići, Brajkovići, Medanovići, Bogovići, Škobalje, Vašadići, Ostrmci, Baždare and Bjelice. These were small hamlets with between two and six inhabited houses each. They had a total of 70 inhabitants and were part of the same local administrative district.

On 18 December 1992 a review of 600 members of the Muslim army from the Goražde area was held in the village of Sadba. They included many Muslims from villages in the Jabuna area and other villages in Srbinja commune who had volunteered en masse for this action. It was normal practice for local Muslims to volunteer for actions of this kind. The troops were reviewed and given orders to raid all villages in the Jošanica area, kill all the Serb civilians that they found and burn down all houses and other buildings. The next morning this unit took advantage of the fact that this was Saint Nicholas Day, an important Orthodox Serb holy day, and almost all Serb villagers were either celebrating at home or in the houses of their friends and neighbours. The Muslims divided into groups of 60 and surrounded every village in the area before they had been noticed. A signal flare was fired early in the morning on 19 December 1992, and all the groups launched simultaneous attacks on the villages with cries of "Allahu Akbar!" (Allah is Great) and "Catch them alive!" The attacks lasted until noon. The Serbs tried to defend their families and homes, but the Muslim attackers outnumbered them ten to one and all resistance was soon crushed. The Muslim soldiers were commanded by Hadžo Efendić, the then president of the commune of Goražde and later ambassador of the Bosnia-Herzegovina in Vienna, and Zaim Imamović, deputy commander of the East Bosnian Operational Group (IBOG) in Goražde.

In these attacks, 51 Serb civilians were killed:

1. Miroslav Blagojević (father: Milo), born 1968;
2. Lazar Blagojević (father: Branko), born 1939;
3. Dragomir Blagojević (father: Svetislav), born 1953;
4. Radomir Blagojević (father: Mladjen), born 1947;
5. Radomir Jegdić, born 1940;
6. Slaviša Ikonić (father: Miloš), born 1969;

7. Milja Jegdić (female, father: Djordje), born 1924;
8. Mileva Jegdić (female, father: Pero), born 1950;
9. Vlatko Jegdić (father: Nešo), born 1938;
10. Miladin Višnjić (father: Vukola), born 1940;
11. Jela Višnjić (female, father: Djoka), born 1942;
12. Rade Višnjić (father: Todor), born 1938;
13. Tomo Višnjić (father: Vasilije), born 1947;
14. Dragoljub Višnjić (father: Vukadin), born 1953;
15. Dražen Višnjić (father: Dragoljub), born 1986;
16. Dragana Višnjić (female, father: Dragoljub), born 1983;
17. Ranka Višnjić (female, father: Boško), born 1967;
18. Zora Višnjić (female, father: Boško), born 1969;
19. Vlatko Višnjić (father: Boško), born 1970;
20. Zorka Višnjić (female, father: Vasilije), born 1925;
21. Vukadin Višnjić (father: Pavle), born 1928;
22. Goja Višnjić (female, father: Milan), born 1948;
23. Stojka Višnjić (female, father: Savo), born 1924;
24. Novak Mišević (father: Gojko), born 1954;
25. Gojka Stojanović (female, father: Vasilije), born 1953;
26. Danilo Kulić (father: Pero), born 1919;
27. Vinka Kulić (female, father: Marko), born 1939;
28. Pero Kulić (father: Lekso), born 1939;
29. Stoja Kulić (female, father: Vlado);
30. Stana Kulić (female, father: Dragan), born 1931;
31. Vida Kulić (female, father: Simo), born 1936;
32. Persa Kulić (female, father: Ignjat), born 1937;
33. Miroslava Kulić (female, father: Milo), born 1967;
34. Risto Kulić (father: Milovan), born 1929;
35. Slavojka Kulić (female, father: Mićo), born 1942;
36. Milosav Davidović (father: Djordje), born 1930;
37. Novica Davidović (father: Milosav), born 1956;
38. Branko Davidović (father: Djordje), born 1933;
39. Danica Davidović (female, father: Pero), born 1931;
40. Vukosava Grujičić (female, father: Savo), born 1932;
41. Stana Grujačić (female, father: Aleksa), born 1932;
42. Sreto Grujičić (father: Jovo), born 1937;
43. Marko Grujičić (father: Nedjo), born 1966;
44. Nedjo Grujičić (father: Jovo), born 1930;
45. Milanka Stevanović (female, father: Mitar), born 1940;
46. Milosav Ivanović (father: Savo), born 1933;
47. Momir Mihajlović (father: Nedjo), born 1956;
48. Milivoje Radović (father: Risto), born 1947;
49. Miodrag Marković (father: Rajko), born 1969;
50. Mile škipina (father: Branko), born 1953; and
51. Mile Višnjić (father: Vukadin), born 1958.

The victims include 14 women, three children and 13 persons over the age of 60.

In addition, the following persons have been reported missing:

1. Olga Višnjić (female, father: Mladen);
2. Stojka Višnjić (female); and
3. Danka Višnjić (female).

The following buildings were burnt down in these attacks:

- in the village of Gapići: 3 Serb houses, 5 stables, and 3 huts;
- in Medanović: 2 houses, 2 stables and 2 huts;
- in Brajković: 6 houses, 9 stables and 5 huts;
- in Baždar: 4 houses, 7 stables and 4 huts;
- in Hodžić: 7 houses, 10 stables and 8 huts;
- in Škobalj 11 houses, 13 stables and 11 huts;
- in Bogović : 2 houses, 5 stables and 2 huts;
- in Bjelica: 5 houses, 7 stables and 5 huts;
- in Ostrmac: 8 houses, 15 stables and 8 huts;
- in Crnetić: 8 houses, 14 stables and 8 huts; and
- in Vašadić: 1 house, 1 stable and 1 hut.

About 20 Serbs in Jošanica survived this massacre. But since their houses and other property had been destroyed, all moved away and most now live in the town of Srbinja or other villages in the commune.

Evidence: 263/94-2, 445/95-1, 445/95-2, 445/95-3, 445/95-4, 445/95-5, 445/95-6, 445/95-7, 445/95-8, 445/95-9, 445/95-10, 445/95-11 and 445/95-12.

7.1.5.23. The massacre was also reported in "The Times" on 23 September 1993:

"The Bosnian Serbs asked the UN Commission on War Crimes to investigate the massacre, which they say was one of the worst crimes committed by the Muslims against the Serbs. They say that 57 people were massacred in a surprise attack last Christmas on 10 villages situated in a valley near Foča in eastern Bosnia. They also say that all the victims, except two, were civilians. In Bosnia crimes like these are seldom confirmed by the alleged perpetrators, but a captured Muslim soldier confirmed the larger part of this story to the BBC.

The attack, about which there have been no previous reports outside the former Yugoslavia, was launched in the morning of December 19 last year in Jošanica valley. The local Serbs, who have put together files with photographs as evidence for the UN, say that as many as 600 Muslims surrounded the ten hamlets during the night.

According to the accounts of survivors, a signal flare was fired at 7.00 a.m. which, the Serbs say, marked the beginning of a two-hour orgy of shooting, burning and killing. They say that when it was over only 13 of the 70 inhabitants of the valley were still alive.

The BBC reporter interviewed in Foča prison Šaban Kurtović, a Muslim soldier who admitted taking part in the attack. This former security guard insisted that no one had forced him to speak and that he had been offered no deal by the Serbs. He was a member of the Third Battalion of the First Drina Brigade stationed at Mravinjci, a village near Goražde, and was captured last June.

... He said that up to 350 men had taken part in the attack and added: 'We knew that we were going against civilians. No one even tried to tell us that we were going against the Serb army or that we were going to take some important portion of territory'.

He said that the Muslim soldiers had drunk great quantities of alcohol en route to Jošanica, where they then split into 10 groups, each with its own target village. During the attack the Serbs did not fire and the Muslims had no casualties".

(The Times, 23 September 1993.)

7.1.6.0. Konjic

Konjic is situated to the southwest of Sarajevo and north of Mostar. It is 59 kms from Sarajevo and 71 kms from Mostar by road. A railway track links Konjic with both these cities.

Prior to the outbreak of ethnic conflicts there were about 35,000 inhabitants in the area of the commune, of which Konjic is the administrative centre. Serbs accounted for about 15% of the population, while the rest were mostly Muslims and Croats, with the Muslims prevailing.

There was an important arms factory called "Igman" in Konjic, which manufactured ammunition and other supplies for the JNA, and there were numerous ammunition depots in the vicinity.

The SDA won the elections in Konjic and assumed power in coalition with the Croats. Soon afterwards various Muslim and Croat armed units were formed in the town.

The Muslims and Croats started displaying nationalist insignia, separating from the Serbs and provoking them in various other ways.

Among the first to wear Muslim insignia was Hazim Delić, who set up a shop selling Muslim religious and nationalist badges, books and other objects across the street from the local school.

Muslims started stealing ammunition from the "Igman" factory, both individually, in their pockets when leaving work, and on a larger scale, taking it out in trucks when Muslim guards were on duty at the gate. This is confirmed by numerous witnesses, including a quantity control supervisor who was called to the factory after working hours to check the quality of the material being stolen.

The Muslim-Croat rule of terror over the Serbs lasted until about 20 April 1993, when armed conflicts broke out between the Muslims and the Croats. Power in Konjic was then assumed by the Muslims, who have since then controlled all prison camps and most of the territory of this commune. Smaller parts of Konjic commune have since been under Croat or Serb control.

The first act of violence was committed by Muslims, who desecrated the recently renovated Orthodox Church in Konjic on 30 October 1990. The perpetrators were discovered but never brought to justice.

By 28 April 1991 the monument of Maksim Kujundžić, the Serb World War Two partisan hero from Konjic, had been knocked down on three occasions.

The first Serb to be killed was:

1. Djordje Magazin, 70,

who was killed on 1 May 1992 by his neighbour, Čamaga, while repairing the fence around the church after it had been broken.

Life for the Serbs became increasingly difficult in Konjic.

In April 1992 the situation was so serious that armed conflict was clearly imminent. That month enterprises and all other institutions stopped working and Serbs were told not to come to work until further notice, which never happened.

A large number of Serb families left town, either leaving the area altogether, or going to nearby villages where they had been born and still had parents or other relatives.

The Muslims and Croats started to erect barricades to prevent the free movement of Serbs.

Arrests began in the town in which very few Serbs remained. Intellectuals and other respected Serbs were the first to be targeted.

Realising that they would be attacked by the Muslims and Croats, the Serbs in certain villages organised watches to avoid being taken by surprise. They negotiated with the Muslims and Croats about continuing to live together, and were given promises that they would not be attacked, but these were not kept. Attacks occurred on the very day for which new talks had been scheduled.

On 22 April 1992 the Konjic municipal authorities ordered all Serbs to leave Čelebići within two hours, even though there was no fighting there. On 4 May large numbers of Croats and Muslims attacked and captured the military facility in Čelebići, which was manned by about 10 JNA soldiers.

On 7 May in the village of Džepi, the following person was killed:

1. Mladenka Magazin (female), aged 22.

Over 200 Serbs left Džepi and the surrounding villages of Vrdolje, Hum, Zagorice and Živalje as a result of this pressure, and there are no longer any Serbs in Džepa or Vrdolje.

During May 1992 strong Muslim and Croat forces attacked the following Serb villages:

- 9 May: Idbar;

commander of Territorial Defense unit in Idbar; Sadik Teletović (father: Omer), born 1950 in Drečenlj, Konjic; Ibrahim Dura (father: Rasim), born 1970 in Konjic, where he resides; Jakub Novalić (father: Huso), born 1965 in Vrdolje, where he resides; Djerim Novalić (father: Huso), born 1972; Fikret Subašić, (father: Juso), from Idbor, Konjic; Nenad Grlin; Kema Pripo, reserve policeman from Kralup; Ivan Jozić, from Pokojište, Konjic; Goran Jozić, from Pokojište, Konjic; and Zija Zukić from Kralup.

In addition to the above-mentioned crimes, 25 houses were burned in the Serb village of Blace, 18 in Bjelovčina, 20 in Bjelimići, 10 in Donje Selo, 8 in Ribari, 12 in Džepi and Vrdolje, 7 in Bijela, 5 in Čelebići and 9 in Konjic.

On 15 July 1992 the parish offices of the Orthodox Church commune in Konjic were set on fire. The Church was simultaneously demolished and looted, and the houses of two priests were also burnt down.

7.1.6.2. Rapes in Konjic. It has been established that Muslims and Croats raped many Serb women in Konjic. Women were raped in the camps in Čelebići, the Musala sports hall and Konjic itself.

A group led by Adil Balić and Asim Makan was particularly brutal. Investigations have identified the names of 15 men who committed rape during the spring and summer of 1992.

On the basis of statements by Balić and Makan, it has been established that at least 80 married and single women were raped in this period. They described 53 individual cases of rape of Serbian women, giving the exact place, time, details of the crimes, and often the name of the victims.

The same group raped other women in the camp in Čelebići, where they were let in at night by the guards. In these cases, they did not know the identity or even the exact number of their victims. The group led by Balić and Makan also committed gang rape on women that they intercepted in the street and women into whose homes they broke.

This group was particularly brutal towards its victims. Several of them took turns to rape them, employing threats, psychological pressures and beatings.

In one case, two HOS members intercepted a Serb girl in the street, forced her to go into a petrol station, where they raped her and afterwards, kicked her out.

The known rapists are: Adil Balić, aka "Ros"; Rasim Makan; Muja Hajdar, aka "Mujke"; Muharem Makan, aka; Senad Makan; Nail Balić; Sakib Balić; Sadik Teletović; Memun Mad ak; Elvedin Balić; Sead Macić; Esad Landžo; Ibrahim Hota; Esad Macić; and Redžo Lap.

7.1.6.3. Bradina is a village inhabited exclusively by Serbs and is surrounded on all sides by Muslims and Croat villages. Ante Pavelić, leader of the W.W.II Nazi puppet Independent State of Croatia, was born there. Pavelić has become a symbol of the new Croatian state. Many Serbs were killed and all houses were burned down.

As early as April 1992, the Croats and Muslims erected barricades around the village, demolished one tunnel on the Sarajevo-Mostar highway and blew up the other, after which no one could enter or leave the village.

Efforts were made to negotiate peaceful, neighbourly co-existence, but the Muslims and Croats always broke the agreements.

The first attack on Bradina, on 13 May 1992, failed.

In the afternoon of 25 May 1992, about 3,000 armed Croats and Muslims led by Jasmin Guska, Zvonko Zovko and Zdravko Mucić, aka "Pavao", attacked the village from all sides. Bradina was defended by some 300 poorly armed Serbs. The fighting lasted until 27 May 1992, when the attackers managed to enter the village. During the attack about 300 mortar shells fell on Bradina. The defenders withdrew to the forest in groups, but later surrendered to save the lives of their families, who had remained in the village at the mercy of the Muslims and the Croats.

All civilians including old people, women and children, were taken from their homes and held in the elementary school. Most of the men were taken to the camps in Čelebići (where the allegedly more dangerous prisoners were taken) or the Musala sports hall in Konjic. Some passed through the police station or were taken to other places.

Some of the prisoners were killed that day. All captured men were beaten, and other prisoners were insulted, humiliated and maltreated in various ways.

On 13 July 1992. The Muslims raided the village in large numbers and shut all the inhabitants - old people, women and children - in the school. They then looted and burned down all the houses. They held them in the school for about three days and then transported them by freight train to Donje Selo and Cerići, banning them from returning to Bradina.

Prisoners estimate that up to 700 Serbs were kept in the school the first time, and about 300 the second time. They were crowded into the classrooms, so that there was hardly enough room to stand. They were maltreated and some were beaten up. The food was very poor. On the second occasion soldiers fired shots through the windows for two consecutive nights. By sheer luck, only a few of the people inside sustained minor injuries.

Bradina is still under Muslim control.

7.1.6.4. The following Serbs were killed in Bradina:

1. Milorad Kuljanin;
2. Radenko Kuljanin;
3. Pero Kuljanin;
4. Ratomir Kuljanin;
5. Stobodan Kuljanin;
6. Drago Kuljanin;
7. Gojko Kuljanin;
8. Mirko Kuljanin;
9. Goran Kuljanin;
10. Nedeljko Kuljanin;
11. Sretko Kuljanin;
12. Milan Kuljanin;
13. Vaso Žuža;
14. Branko Žuža;
15. Todor Žuža;
16. Jovo Žuža;
17. Mirko Mrkajić;
18. Zoran Mrkajić;
19. Spasoje Mrkajić;
20. Rade Mrkajić;
21. Vojislav Mrkajić;
22. Jovo Gligorević;
23. Nikola Gligorević;

24. Borislav Gligorević;
25. Sava Gligorević;
26. Mašina Gligorević (female);
27. Vaso Vujičić;
28. Dragan Vujičić;
29. Bogdan Kureš;
30. Jelenko Djordjić;
31. Andja Djordjić (female);
32. Sofija Djordjić (female);
33. Mara Djordjić (female);
34. Njegoš Koprivica;
35. Nedjo Draganić;
36. Ratimir Draganić;
37. Zdravko Živak;
38. Slobodan Živak;
39. Velimir Živak;
40. Tomo Živak;
41. Veseljko Živak; and
42. Dragan Živak.

The following inhabitants of Bradina are missing:

1. Boško Djordjić ;
2. Danilo Djordjić;
3. Petar Djordjić;
4. Dragoslav Kuljanin;
5. Rajko Djordjić;
6. Slavko Djordjić;
7. Milovan Gligorević;
8. Mara Gligorević (female);
9. Zdravka Gligorević (female);
10. Petko Kuljanin;
11. Sreten Kuljanin;
12. Ikonija Kuljanin (female);
13. Milan Djordjić; and
14. Miloš Hrnjez.

Bradina had around 750 inhabitants, all Serbs. No one lives there any more. All 205 houses were burnt down.

In June 1992 the local Orthodox church was also burned down.

About 50 Serbs are buried in two collective graves dug in the church grounds with mechanical excavators. Some of them were killed in the village and others in camps. Witnesses watched being dug and filled again, and some were made to identify the dead relatives.

Perpetrators: Hamid Spiljak; Fadil Spiljak; Zoko Zvonko (father: Pera); Zovko Zvonko (father: Percan); Mandjuka (first name unknown); D ek Rustan; Mehmedalija Rizvić; Briša Skoljo; and Meho Alibegović.

Evidence for 7.1.6.0. (Konjic): 486/94, 485/94, 325/95, 321/94-3, 221/94-5, 221/94-6, 221/94-11, 221/94-12, 221/94-15, 295/94-4, 380/94-1, 280-94-2, 421/94-16, 421/94-17, 421/94-18, 421/94-20, 421/94-21, 421/94-22, 421/94-25, 421/94-26, 421/94-27, 421/94-28, 421/94-30, 607/94, 100/94, 630/94, 509/95-5, 282/95, 243/95-6, 243/95-8, 274/95, 147/95, 86/95, 292/95-25, 4/95-3, 440/94-2, 334/95-1, 282/95, 243/95-8, 274/95 and 234/95-11 (Annex No. C 76, svedočenje V.M.1/testimony V.M.1, pp. c769-c775/c776-c785)

7.1.7.0. Rogatica

Serbs living in some villages in Rogatica commune were frequently attacked by Muslim armed forces during 1992. Many Serbs were killed, and many others were taken in an unknown direction and have not been heard of since.

7.1.7.1. From May to June 1992, Muslim armed forces killed the following Serbs in a number of villages in Rogatica commune:

1. Milivoje Vuković (father: Marko), born 1939;
2. Dušan Stjepanović (father: Ljuboje), born 1935;
3. Milorad Vidaković, born 1925;
4. Milija Rajak (father: Rade), born 1928;
5. Sima Radaković (father: Filip), born 1907;
6. Jovan Janković (father: Todor), born 1939; and
7. Jovan Andan (father: Todor), born 1939.

All these people were killed on their farms while looking after cattle or working in their fields.

7.1.7.2. Members of Muslim armed forces killed the following Serb civilian on the doorstep of his house in the village of Perčin in Rogatica:

1. Danilo Vučak (father: Rajko), born 1964.

Evidence: 514/96-27 and 405/96-1

7.1.7.3. In the village of Obadi in Rogatica commune on 24 May 1992, Muslim armed forces killed the following Serbs:

1. Srdjan Marković (father: Sekula), born 1968; and
2. Miodrag Racković (father: Radomir), born 1961.

Evidence: 514/6-27

7.1.7.4. In Rogatica in June 1992, Muslim armed forces tortured and then killed the following Serb in his own home:

1. Radenko Cvijetić (father: Sava), born 1926, whose body they then burned.

7.1.7.5. In the village of Kukavice in Rogatica commune on an unknown day in July 1992, members of Muslim armed forces killed the following Serb civilians in their home:

1. Vinko Komljenović, born 1932; and his wife
2. Bosiljka Komljenović, born 1932.

In the same village, members of Muslim armed forces also killed the following Serbs:

3. Vito Gojković (father: Miloš), born 1946; and
4. Dane Eleta (father: Ilija), born 1928.

7.1.7.6. During an attack on the village of Starčiči in Rogatica commune on 5 July 1992, members of Muslim armed forces killed the following Serb civilians by slitting their throats:

1. Zora Obradović (father: Sava), born 1959;
2. Milomir Obradović (father: Pera), born 1949;
3. Danijela Obradović (female, father: Milomir), born 1973;
4. Darko Obradović (father: Milomir), born 1976;
5. Dragan Kusmuk (father: Boško), born 1959;
6. Miodrag Motika (father: Radomir), born 1953; and

On the same occasion the members of the Muslim armed forces killed the following captured soldiers of the army of the Bosnian Serb Republic:

7. Goran Perović (born 1967); and
8. Dragan Husić.

This crime was committed by the following members of the Muslim army: Dino Kahavedžić; Saudin Pekušić; and Selim Omeragić.

Evidence: 137/95-7 and 134/95

7.1.7.7. In the village of Mislovo in Rogatica commune on 7 July 1992, the following Serb was killed by members of the Muslim armed forces.

1. Bogosav Veljović, born 1929

7.1.7.8. In the village of Varošiste in Rogatica commune on 10 July 1992, members of the Muslim armed forces killed the Serb:

1. Mladen Obradović (father: Drago), born 1971.

7.1.7.9. In the village of Duljevac in Rogatica commune on 13 July 1992, members of the Muslim armed forces killed the following Serb civilians:

1. Predrag Rajak (father: Manojlo), born 1973; and
2. Aleksandar Obradović (father: Pero), born 1976.

7.1.7.10. On 14 July 1992 in the village of Bijelogorci in Rogatica commune, members of the Muslim armed forces killed the Serb civilian:

1. Radovan Radaković (father: Stjepan), born 1940.

7.1.7.11. Members of the Muslim armed formations killed the following Serb killed in his own home in Rogatica during August 1992:

1. Andrija Paražina, born 1924.

7.1.7.12. Members of Muslim armed formations killed the following Serb married couple in their home in Mesići in Rogatica commune on 9 August 1992:

1. Slavko Lučić (father: Milan), born 1935; and his wife
2. Slavka Lučić, born 1935.

They first cut out their tongues and carved a letter "U" (the Ustasha symbol) approximately 10 cm by 5 cm on Slavka Lučić's chest, then killed the married couple with a sharp object which they poked through the mouth towards the crown of the head.

Evidence: 137/95-1

7.1.7.13. Muslim armed forces attacked the village of Bulozi in Rogatica commune on 15 August 1992 and killed 10 Serb civilians:

1. Dušan Krunić (father: Arsa), born 1954;
2. Brana Bojić, born 1953;
3. Radenko Ristić (father: Rista), born 1938;
4. Milka Vukadin (female), born 1953;
5. Pejko Nešković (father: Petko), born 1974;
6. Mara Nešković (female, father: Petko), born 1976;
7. Bojan Nešković (father: Petko), born 1971;
8. Vukosava Nešković, born 1925;
9. Nada Nešković (female), born 1954; and her son
10. Vlada Nešković, born 1978.

On the same occasion, they also took away the Serb woman Stoja Nešković (father: Mile) who has not been seen or heard of since.

7.1.7.14. Members of Muslim armed forces killed the following Serb girl in the village of Kramer in Rogatica commune on 18 August 1992:

1. Minela Gladanac (father: Dragoljub), born 1976.

7.1.7.15. Near the village of Kukavica Muslim forces attacked a column of Serb refugees heading from Goražde in the direction of Rogatica, on 27 August 1992 and killed:

1. Dragica Pjevaljić (female), born 1941;
2. Andrija Stravnjak, born 1941;
3. Dalibor Matović, born 1971;
4. Dragan Spasović, born 1963;
5. Joka Ikonić (female), born 1927;
6. Sava Pjevaljić;
7. Rista Čosović;

8. Boško Djurović;
9. Milan Djurović;
10. Milena Djurović (female);
11. the Todorović family;
12. Matović Borivoje
13. Novica Jagodić, and a large number of unidentified people

Evidence: 514/96-27, 548/96-27, Annex No. C 39, svedočenje R.I./testimony R.I., pp. c398-c401/c402-c406, Annex No C 160, Photos No 4-13

7.1.7.16. Members of the Muslim armed forces killed the following Serb civilians on 30 August 1992 in front of their home in the village of Dobromerovići in Rogatica commune:

1. Dušanka Ristić (female), born 1912; and
2. Radenko Ristić, born 1940.

7.1.7.17. Muslim armed forces killed six Serb civilians in a raid on the village of Vražalice in Rogatica commune on 6 September 1992:

1. Ostoja Stojanović (father: Manojlo), born 1930;
2. Milo Miladinović (father: Slobodan), born 1973;
3. Radojka Pereula (female, father: Rajko), born 1948;
4. Stana Pereula (female, father: Gruja), born 1957;
5. Slobodan Miladinović (father: Danilo), born 1944; and
6. Stana Miladinović (female, father: Milorad), born 1946.

Many Serb homes and business premises were burnt down during this raid.

7.1.7.18. In addition to the above-mentioned cases, members of Muslim armed forces killed the following Serb civilians at different times and places from June to October 1992 in Rogatica commune:

1. Boško Ljubinac (father: Boško), born 1963;
2. Dragoljub Rajak (father: Rajko), born 1956;
3. Duško Pajić (father: Rade), born 1967;
4. Novak Prelić (father: Marko), born 1960;
5. Stojko Perković (father: Radojko), born 1944;
6. Predrag Perković (father: Stojan), born 1954;
7. Dragan Bojović (father: Boja), born 1966;
8. Momir Erić (father: Ozren), born 1973;
9. Radenko Bjelaković, born 1934; and his daughter

10. Sonja Bjelaković, born 1974;
11. Veljko Bojović (father: Stevan), born 1939;
12. Jovan Bojović (father: Stevan), born 1949; and
13. Miro Djokić, born 1956.

7.1.7.19. Muslim soldiers attacked the Serb village of Mesići in Rogatica commune on 26 June 1992. On that occasion they killed the following Serb in the settlement next to the hydro-electric power plant:

1. Nedjo Gladanac (father: Ostoja), born in Mesići on 25 August 1922,

There were several bullet wounds in his body and several stabs in his chest and neck.

Muslim soldiers came on the next day and hampered Gladanac's funeral.

Evidence: 440/94-21.

7.1.7.20. On 14 July 1992 in the village of Bora in Rogatica commune, members of the Army of Bosnia-Herzegovina took prisoner the following wounded fighters of the Republic of Srpska:

1. Milenko Lazić (father: Vladimir); and
2. Miloš Nikolić (father: Rade).

They stabbed the captured soldiers to death, most probably with knives, gouged out their eyes and cut off their genitals.

Evidence: 137/95-2.

7.1.7.21. On 4 July 1992, in the village of Bora near Rogatica, members of Muslim armed forces captured:

1. Miloš Vidaković as he was attempting to escape. They cut his throat and then cut off his nose and ears and gouged out his eyes.

Evidence: 137/95-5 and 134/95

7.1.7.22. During August 1992 in the village of Kukavica in Rogatica commune, members of the Muslim armed forces killed the following Serb couple in front of their house:

1. Vinko Komljenović and his wife

2. Bosiljka Komljenović.

They then burned the bodies and set fire to the house.

Evidence: 137/95-6.

7.1.7.23. On 20 November 1992 members of the Muslim Army from the Second Battalion of the Muslim First Rogatica Brigade commanded by Emin Branković attacked the Serb village of Vrasalići in Rogatica commune. On that occasion they killed:

1. Miloš Kovačević, aged about 65,

who had not fled with the other villagers. Rusmir Balaš killed Kovačević in front of his house with an automatic rifle. When Miloš fell to the ground, Balaš took an axe that was lying nearby and cut off his head and his right arm at the elbow. He then cut off Kovačević's genitals with a knife, and threw the severed head and genitals some distance from the body.

Evidence: 137/95-8.

7.1.7.24. In the morning hours of 29 July 1994, in the village of Mislovo near Rogatica, Stojan Veljković and his son Miloš were mowing grass in their meadow, called "Hadjin Do", when members of the Muslim formations in uniforms appeared and started shooting at them.

1. Stojan Veljković was hit in the head and died on the spot. His son Miloš managed to escape.

Evidence: 137/95-9.

7.1.8.0. Novi Travnik

Serbs were the victims of the genocidal actions of Muslim armed forces in a number of villages in the territory of Novi Travnik commune. We list here only those cases in which the victims and the perpetrators have been identified, but would add that many Serbs have disappeared in this commune and their fate is not known.

7.1.8.1. On 20 May 1992 members of Muslim military formations killed the following Serb at the entrance to the building in which he lived in Novi Travnik:

1. Mladjo Mirković, born 1971.

This crime was committed by: Haris Kobić; Fikret Hunić; Šefik Lendo; and Miro Kovačević.

Evidence: 333/95-26, 333-95-27 and 333/95-28.

7.1.8.2. On 30 May 1992 in the village of Rastovo in Novi Travnik commune, members of the Muslim armed forces known as the "Green Berets" killed the following Serb civilians:

1. Simo Medić, born 1968;
2. Dragan Medić, born 1970; and
3. Mladjan Medić, born 1974.

Fikret Skopljak, also known as "Samo", was identified as one of the perpetrators.

Evidence: 333/95-28 and 225/95.

7.1.8.3. On 20 July 1992, the following Serb woman was butchered in her home in Kalinska Street in Novi Travnik after being tortured and raped:

1. Sena Svitlica, born 1943.

This crime was committed by the following five members of the Muslim "Green Berets": Fikret Kunić, aka Žuna; Meho Zaimović; Šefik Lendo, aka Baja, and the two Šiljak brothers.

Evidence: 335/95-26, 335/95-27, 335/95-28 and 335/95-31. (Annex No. C 109 svedočenje M.T.1/testimony M.T.1, pp. c1110-1114/c1115-c1118)

7.1.8.4. In Novi Travnik during the summer of 1992, the following Serb civilians were shot dead by members of the Croat Armed Forces (HOS):

1. Nikola Letić, born 1925; and his daughter-in-law
2. Mira Letić, born 1964.

Evidence: 333/95-30 and 333/95-31.

7.1.8.5. Croat and Muslim armed formations killed many Serb civilians in Novi Travnik. Listed here will be only the following:

1. Živko Lopur, from Novi Travnik, was arrested and taken with other civilians to dig trenches on the frontline, where he was killed. Immediately after this murder, the Lopur family was forced to leave Novi Travnik.
2. Djuro Krupljan, was killed by a sniper on the balcony of his flat in Novi Travnik.
3. Dobrila Kalaba (female) was attacked and killed in the town park in Novi Travnik.
4. Jovo Slavnić was killed in front of his home in Novi Travnik by a sniper.

The Muslim-Croat authorities did not take any action in any of these cases to find the perpetrators.

Evidence: 333/95-26, 333/95-27 and 225/95.

7.1.9.0. Sarajevo

Sarajevo had many different ethnic communities, but the overwhelming majority of the population were Muslims, Serbs and Croats. Before the outbreak of armed conflicts, ethnic relations were normal and marked by tolerance. The Muslims are to blame for spoiling these relations, because the first victim to fall was a Serb guest at a wedding party in the Baščaršija. Even before the multi-party elections, the main Muslim party geared all of its work, including the arming of party formations, for a showdown. When the conflict broke out the city was effectively divided, with Muslim, Serb and Croat armed formations controlling different suburbs. The Muslims took control of most of the city. Some people continued to live in areas that were under the control of armed formations of a different ethnic group. Many Serbs who had not managed to escape thus remained in such areas. They were subjected to continuous abuse and maltreatment, particularly by Muslim armed forces. The Serbs were evicted from their flats, arrested, taken to camps. Women were raped, and instances of killing were not infrequent. It is impossible at this moment to determine the exact number of victims, because not all is the data are available.

According to the information of the Government of the Republic of Srpska about 5 000 Serbs were killed in Sarajevo.

The perpetrators of these crimes of genocide were most often members of Muslim armed forces, or Croat armed forces that were acting under the orders, instructions, and with the consent of the government and other official bodies of the Bosnia-Herzegovina. The Respondent knows with certainty that the following crimes have been committed:

7.1.9.1. On 9 June 1992, the following Serb civilian was killed in his flat in Braće Brčića Street in Sarajevo, after being physically tortured:

1. Miloš Minić, born 1939

Merim Galijatović committed this murder and led the group of uniformed soldiers of the Territorial Defence of Bosnia-Herzegovina. The soldiers maltreated other residents of the building where Minić lived, but only if they were Serbs.

Among the perpetrators of this crime, Merim Galijatović has been identified as the leader of the soldiers of the Territorial Defence of Bosnia-Herzegovina.

Evidence: 112/95-9

7.1.9.2. The following two Serbs were butchered in Sarajevo during April 1992 by members of the Muslim Territorial Defence Force:

1. Miodrag Ostojić; and
2. Kablar, a civilian whose first name is not known.

The Muslim Territorial Defence members who committed this crime were led by Jusuf Prazina, commander of the Territorial Defence Force of Sarajevo.

7.1.9.3. On 6 May 1992, Muslim armed forces arrested and then killed the following Serb civilian:

1. Miodrag Djordjević, who was physically maltreated and then executed.

Among the perpetrators of this crime, Jusuf Čolta from Plav has been identified.

7.1.9.4. Muslim and Croat armed forces attacked the village of Čemerno, near Sarajevo, on 10 June 1992. The village, which was populated exclusively by Serbs, was razed to the ground and the following 41 Serb civilians were murdered:

1. Goran Bunjevac (father: Djordje, mother: Koviljka), born 1965;
2. Djordjo Bunjevac (father: Jovan), from Dabrovina, born 1936 in the village of Debela Medja near Vareš; killed in the house of Petar Rašević, together with his wife and son;
3. Koviljka Bunjevac (father: Lazar), from Dabrovina born 1934 in Kalauzovići near Sokolac, wife of Djordjo Bunjevac;
4. Milan Bunjevac;
5. Miloš Bunjevac (father: Aćim, mother: Miroslava), worker from the village of Debela Medja, municipality of Breza, born 1954 (or 1955);
6. Miroslava Bunjevac (father: Lazar), born 1933, mother of Miloš and Ranko Bunjevac;
7. Rade Bunjevac (father: Jovan), born 1946 in Debela Medja near Vareš;
8. Rajko Bunjevac (father: Jovan), from Dabrovina, born 1949 in Debela Medja near Vareš;
9. Ranko Bunjevac (father: Aćim, mother: Miroslava), worker from Debela Medja, born 1962 (or 1961);
10. Slavojka Bunjevac (father: Mika), born about 1952 wife of Miloš Bunjevac;
11. Zdravko Damjanović (father Vukašin, mother: Staka), railway worker, aged about, who was captured after which his eyes were gouged out and he was slaughtered;
12. Jadranka Damjanović (father: Milan, mother: Spasenija), technician, born 1960, who was in her pyjamas and slaughtered; her legs were cut and with many stabs;
13. Lazo Damjanović, (father: Spasoje Damjanović, mother: Spasenija) stabbed several times;
14. Ranka Damjanović, civil engineering technician, born 1963;
15. Spasenija Damjanović, aged about 52, stabbed several times with a knife; killed together with her two daughter and son; their bodies were found 50m away from the house;
16. Staka Damjanović, a housewife, aged about 57;
17. Manojlo Djuka;
18. Gojko Djurdjić;
19. Ranka Era (father: Spasoje Damjanović, mother: Spasenija), aged about 30, who was pregnant, found in her pyjamas; she was slughtered. Her husband claims that her eyes were gouged out, breasts cut off and there were traces of butchering on her throat;
20. Miroslav Janković aka Miro, killed in the stable of Dragan Damjanović after which his body was burned;
21. Sreten Janković;
22. Radomir Jeftić;

23. Triša (possibly Svetozar) Kapetanović;
24. Ljubiša Lazanda, killed in the stable of Dragan Damjanović after which his body was burned;
25. Žarko Malešević;
26. Milovan Malešević;
27. Miloš Malešević;
28. Djuka Marković;
29. Manojle Marković;
30. Stanoje Marković;
31. Mirković, from Podvinci;
32. Braco Mirković who was killed in the stable of Dragan Damjanović after which the stable was burned;
33. Nedeljko Mičić;
34. Nenad Mičić;
35. Miro Pantić (father: Milo) whose ears were cut off;
36. Stana Rašević, born 1926, wife of Rajko Rašević; killed with other members of the Rašević family;
37. Janja Trifković (father: Dušan, mother: Marica nee Kojić), a housewife, wife of Milenko Trifković, born 1943 in the village of Čegojevići;
38. Milenko Trifković (father: Risto, mother: Daša nee Šarac), born 1932; killed in his house together with his son Radenko (or Rajko) and his wife Janja;
39. Radenko (or Rajko) Trifković, schoolboy born 10 July 1975; whose hands were nailed to the house front door;
40. Novo Četković;
41. Novo Cvijetković, whose throat was cut from ear to ear.

Perpetrators: Salko Opačin (Opačin), born about 1943 in Breza, (father: Sulejman), president of the municipality of Breza, chief person who gave orders for killings in Čemerno; Mustafa Hadžić, born 10 August 1947 in Foča, (father Sulejman), before the war active captain of JNA in the barracks in Visoko, commander during the attack on Čemerno; Džemal Adžić from Breza, one of the leaders at the Territorial Defence headquarters in charge of Breza; Karlo Barić from the village of Nasići; Stjepan Barić from the village of Solakovići, municipality of Breza; Enver Beka from Breza; Musa Bećlija from the village of Korita, municipality of Breza; Suljo Bećlija, born about 1965 in Breza, (father: Adil), who, according to the knowledge of witness 514/96-38, together with Sadik Čiva, killed Ranka (female) Era; Ferid Bećlija from the village of Korito, municipality of Breza; Tufo Buza, forest ranger, sergeant, commander of the second platoon, second company; Almedin Velić from Breza; Željko Vidović from Ljubinja, municipality of Ilijać; Enes Durak from the village of Korito (father: Rifat), one of the

commanders in the attack; Gojko Ivić from the village of Nasići, born 1960; Rahman Kovač from Kakanj; Jozo Matić, owner of an inn, from the village of Rijeka (or Dolovići); Stjepan Pavlović (father: Mićo), school teacher from the village of Višnjica, who worked at the school Karačin Do; Hasan Selimović from the village of Korito, municipality of Breza; Sikira, a Muslim from Kakanj, member of a Muslim armed formation, stood out by his brutality; Senad Sikira from the village of Papratnica, commander of the second detachment; Fikret Smailović from the village of Solakovići, municipality of Breza; Džemo Smako, from Kakanj by birth; Spahić from the village of Korito, aged about 32; Muamer Frijak from Breza, assistant to the commander of detachment; Marko Cvijetković from the village of Orahovo, municipality of Breza; Sadik Čiva, born about 1962 in Breza (father: Mujo), who was one of the commanders in the attack on the village of Čemerno and whose unit participated in the killing of the Damjanović family.

Evidence: 818/95-8, 806/95-32, 107/96-2, 107/96-4, 514/96-38, 718/96-5.

(Annex No. C 31, svedočenje M.E./testimony M.E., pp. c324-c327/c328-c331

7.1.9.5. In Sarajevo, during the night of 5 June 1992, members of the Muslim police raided the flat of the following Serb civilian:

1. Professor Radivoje Bošković.

After searching the flat, they took the professor away in an unknown direction. His wife made enquiries at local police stations about his whereabouts, and the police eventually took her to the Bembaša swimming pool and showed her a body with a bag tied over its head, which she identified as her husband. She later heard that he had been buried in a common grave.

After that, Professor Bošković's wife was often questioned and maltreated by Muslim police, who threatened to kill her if she told anyone about the murder of her husband. She later managed to leave Sarajevo.

The late Professor Bošković was taken from his flat by Mirza Dadžik and two other Muslim policemen, one of whom was also called Mirza, while the other was nicknamed "Jasmin".

7.1.9.6. A large number of civilians were killed on 20 May 1992 (according to some reports, 16, with over 100 injured) while standing in a bread queue in Vasa Miskin Street in Sarajevo. The massacre was intended to create a mood that would justify genocide against Serbs. The official version given by the Muslim authorities laid the blame for this crime on Serb armed forces which had allegedly fired four large calibre artillery or mortar shells from their positions around Sarajevo. This false account was carried all around the world at the exact moment when the UN Security Council was discussing Bosnia, and it provided the direct motive for introducing comprehensive sanctions against the FR of Yugoslavia. Much later, investigations and expert analysis showed that this crime was committed by members of the Muslim armed forces acting on the orders of the Muslim authorities, who planted bombs and arranged in advance for television crews to film the scene. High-ranking officials of UNPROFOR have confirmed this with their reports and statements.

In addition, ballistics and other experts who have investigated this case have shown without doubt that this tragedy had been staged, and it can be clearly seen from the television footage that crews of official Bosnian TV had been notified in advance of what was to happen. The victims shown on TV included corpses brought there from the hospital to make the number of victims seem larger and more convincing.

7.1.9.7.1. At around 2.30 p.m. on 29 June 1992, snipers fired in the direction of Kromolj Street from the direction of the city maternity hospital on Hasana Brkića Street, which was controlled by Muslim armed forces. The following Serb woman was hit while hanging out laundry:

1. Staka Djokić, who died immediately from her wounds.

7.1.9.7.2. At about 7.00 p.m. on 1 August 1992, snipers firing from a building in Višonovo šetalište Street, controlled by Muslim armed forces, hit the following Serb woman:

1. Bosa Babić, who had stepped out on the balcony of her flat in 14-b Lenjinova Street. She was hit in the neck and died instantly.

7.1.9.7.3. At about 6.00 p.m. on 6 August 1992, snipers firing from a building in the Pofalići district controlled by members of Muslim armed forces hit a passenger vehicle moving along Bane Šurbat Street. A shot hit:

1. Mirko Šiljević, who was sitting in the front passenger seat. He was hit in the left temple and died immediately. The post-mortem established that Šiljević had been hit by a dum-dum bullet.

7.1.9.7.4. At about 11.00 a.m. on 18 August 1992, members of the Muslim armed forces opened fire on a passenger car travelling along the main Sarajevo-Tuzla road, near the "Ran " restaurant in Ljubina, between Srednje and Vogošća. On this occasion they killed:

1. Dragislav Janjić, and severely wounded Novica Jakšić, Petar Motika and Janko Djurić. They used small arms fragmentation ammunition.

7.1.9.7.5. At about 4.00 p.m. on 25 August 1992, snipers belonging to the Muslim armed forces fired shots from the building of the Government of the former Bosnia-Herzegovina and hit in the stomach:

1. Radmila Mrkulj (female) as she was walking along Bane Šurbat Street. She died soon afterwards.

7.1.9.7.6. At about 4.00 p.m. on 3 September 1992, a sniper fired from a building located in the Pofalići district, which was controlled by the Muslim armed forces, and hit:

1. an unidentified male in the back of the head, killing him instantly. His corpse was found in front of 3 Petrovačka Street.

7.1.9.7.7. At about 7.45 a.m. on 10 September 1992, a sniper from the Pofalići district, which was controlled by the Muslim armed forces, fired towards the crossroads of the Bratstvo Jedinstvo and Lenjinova Streets and hit:

1. Nikola Fuštar in the upper part of his left leg. Fuštar soon died of his injuries.

7.1.9.7.8. At about 3.00 p.m. on 21 September 1992, a sniper from the Mojmiro Hill, which was controlled by the Muslim armed forces, fired towards the crossroads of Bjelopoljska and Toplička streets, and hit:

1. Gordana Govedarica (female) in the area of the right kidney. She died from the injury.

7.1.9.7.9. At about 3.00 p.m. on 10 October 1992, a sniper firing from territory controlled by the Muslim armed forces killed:

1. Manda Urošević (female) in front of 21 Zagrebačka street. The bullet hit her in the left temple.

7.1.9.7.10. At about 10.30 a.m. on 14 October 1992, snipers began firing from the direction of Stara Preka, above the Koševo Police Station, which was controlled by the Muslim armed forces. On this occasion:

1. Slobodan Gavrić was hit in the stomach and later died.

7.1.9.7.11. On 27 October 1992, snipers of the Muslim armed forces firing from the direction of Menjak killed:

1. Ostoja Ožegović, in the compound of the "Pretis" factory in Vogošća. Ožegović was hit in the forehead when he went to wash his hands after work, and died instantly.

7.1.9.7.12. At about 6.00 p.m. on 30 October 1992, in Paljina Kula Street, snipers firing from somewhere between numbers 120 and 130, which were controlled by the Muslim armed forces, hit the following Serb in front of number 166:

1. Jovo Knežević, who died instantly after being hit in the head.

7.1.9.7.13. At about 1.30 p.m. on 11 November 1992, snipers in number 82 Hamid Beširević Street, in which there were members of the Muslim armed forces, fired in the direction of number 170 Nahorevska Street, and hit:

1. Kovička Rajić (female), who died soon afterwards. There is reason to believe that she was killed by a person nicknamed "Zenga", who was a sniper in the Seventh Mountain Brigade of the Bosnia-Herzegovina Army.

7.1.9.7.14. At about 7.30 a.m. on 24 November 1992, a sniper shot fired from the Menjak district, which was controlled by members of the Muslim armed forces, killed:

1. Šavan Lukić.

Lukić was killed in front of his house in the Donji Hotonj district of Vogošća commune. He was hit in the chest and died instantly.

7.1.9.7.15. At about noon on 15 December 1992, a sniper belonging to the Muslim armed forces at Ježevo on Žuč Hill killed:

1. Mila Šiljak (female): as she was walking past the Biokovo hotel on Moše Pijade Street in Vogošće in the direction of the Adult Education Centre. The bullet hit her in the left shoulder blade.

7.1.9.7.16. In the morning of 20 December 1992, a Muslim sniper from the upper floors of the Bristol Hotel, where Muslim soldiers were based, killed:

1. Olga Jovanović (female) from Sarajevo outside number 15 Djuro Salaj Street. She died of a wound in the stomach, above the left groin.

7.1.9.7.17. In the morning of 20 December 1992, a Muslim sniper from the upper floors of the Bristol Hotel, where Muslim soldiers were based, killed:

1. Srdjan Jovljević, outside number 15 Djuro Salaj Street. Jovljević was hit in the head below the right ear.

7.1.9.7.18. On 29 December 1992 at about 10.30 a.m. a Muslim sniper firing from the direction of Menjak, controlled by Muslims, killed:

1. Branko Terzić, at a place known as Donji Hot, 53 Mitra Šućura Street, Vogošća. Terzić was hit in the chest; the bullet entered at one end and came out at another and caused Terzić's death.

7.1.9.7.19. On the afternoon of 24 January 1993, a shot fired by a sniper from the territory controlled by the Muslim forces killed:

1. Tanja Ljuboja (female), from Sarajevo on Lenjinova Street. She was hit on the left side of the chest.

7.1.9.7.20. On 15 February 1993, a shot fired by a sniper from the territory controlled by Muslim forces wounded:

1. Janja Radojević (female), from Sarajevo; in the upper part of the left leg, on Rava Janković Street.

7.1.9.7.21. On 20 February, 1993, a sniper shot fired from the territory controlled by Muslim armed forces killed:

1. Desanka Tubić (female), on Zagrebačka Street near Vrbanja bridge. She was hit on the left side of the neck.

7.1.9.7.22. At about 12.40 p.m. on 26 February 1993, a sniper shot fired from territory controlled by Muslim armed forces killed:

1. Borivoje Knežević, in M. Baruna Street. Knežević was hit in the right side of the back.

7.1.9.7.23. At about 4.50 p.m. on 19 March 1993, a sniper shot fired from the Ugorsko district, which was controlled by Muslim forces, killed:

1. Miroslav Živulj, near the petrol station on Igmanski marš Street in Vogošća, as he was riding on a bus on his way home from work.

7.1.9.7.24. On 22 March 1993, at 3.20 p.m., members of the Muslim armed forces killed:

1. Makivija Petrović (female) near the petrol station on Igmanskog marša Street in Vogošća. She was hit by a single bullet fired from a 12.7 Browning coming from the direction of Ugorsko which was under the control of Muslim armed forces. Petrović was hit in the back of the head while sitting in the cabin of a water cistern.

7.1.9.7.25. On 21 April 1993, at about 2 p.m., a sniper shot fired from the former building of the Bosnia-Herzegovina government, which was controlled by Muslim forces, wounded:

1. Obrad Golijanin, from Sarajevo, who was hit in the region of the right temple, at No. 10 Bana Subata Street.

7.1.9.7.26. On 26 April 1993, at 12.30 p.m., sniper fire from the direction of the medical centre in the Slatina suburb, controlled by the Muslim armed forces, killed:

1. Slobodan Močević, who was tending his garden in Poljina Street. Močević was hit in the aorta of the left leg and bled to death on the way to hospital. There are indications to believe that he was killed by a person nicknamed "Zenga", a sniper in the 7th Mountain Brigade of the Bosnia-Herzegovina Army.

7.1.9.7.27. On 4 May 1993, a sniper shot fired from the territory controlled by the Muslim armed forces hit in the chest and killed:

1. an unidentified male on Marjan Braun Street.

7.1.9.7.28. On 21 May 1993, a sniper shot fired from the area of Debelo Brdo, controlled by the Muslim armed forces, wounded:

1. Nikola Kravljača, on Bana Šubata Street. Kravljača was hit in the upper right side of the chest.

7.1.9.7.29. On 26 May 1993, a sniper shot fired from the territory controlled by Muslim forces wounded in the region of the right calf:

1. Ankica Fabijanić (female), from Sarajevo, on Kupreška Street.

7.1.9.7.30. On 26 May 1993, a sniper shot fired from the suburb of Mojmiło, controlled by the Muslim armed forces, wounded:

1. Jadranka Janjetović (a small girl), on Bjelopolska Street in Novo Sarajevo. Jadranka was wounded in the region of the left groin.

7.1.9.7.31. On 27 May 1993, a sniper shot fired from the territory controlled by the Muslim armed forces wounded in the region of the left calf:

1. Dejan Pašković (a small boy), on Ozrenska street in Novo Sarajevo.

7.1.9.7.32. On 2 June 1993, in the afternoon, a sniper shot fired from the direction of Debelo Brdo, controlled by the Muslim armed forces, wounded in the region of the chest on the right side:

1. Jadranka Čamor (female), with the intent of killing her.

7.1.9.7.33. On 12 September 1993, at about 9.15 a.m., a sniper shot fired from the territory controlled by the Muslim armed forces killed:

1. Stana Radojević (female), in the kitchen of the house of Slavka Furtul in Orahov Breg in the area of Hotanj, municipality of Vogošća. She was hit in the neck and died instantly.

7.1.9.7.34. On 21 September 1993, at about 2.00 p.m., a sniper shot fired from Hamida Beširovića Street, from the direction of Stara Preka, controlled by the Muslim armed forces, and in Nahorevska Street killed:

1. Radomir Gajić, who was hit in the chest and died of the inflicted injuries.

Evidence: 296/95-17.

7.1.9.7.35. On 26 June 1994, Muslim snipers from the Genex building hit the civilian:

1. Djuro Kenić, born 1920, in front of his flat in Kasindolska Street. The first shot hit him in the arm, and the second in the leg. Then he fell and was shot twice more, and died on the spot.

Evidence: 296/95-15.

7.1.9.7.36. On 11 March 1995, at about 3.30 p.m., shots fired from the Loris building on Pera Kosorić Square, controlled by the Muslim armed formations killed two small girls:

1. Milica Lalović (father: Ranko), born 1984; and
2. Nataša Učur (father: Nedeljko), born 1986, in front of the building No. 59 Rave Jankovića Street in the Serb part of Sarajevo; they were playing a local game in which children jump over an elastic cord.

Evidence: 410/95

7.1.9.8. Witness 243/95-1, a refugee from Sarajevo, gave the following testimony before an investigative judge:

"I will never forget one terrible event, and I break down and cry when I talk about it because it was such a horrible sight. On several occasions during July and August 1992, I saw Muslim boys of 15 or 16 carrying the heads of dead Serbs through the streets. They said that the heads were from a cellar of a building in the Dobrinja 5 district of Sarajevo. I don't know exactly how many of these heads they carried, but I know there were a lot of them. So they threw them in dustbins and garbage containers, where they were left for a long time. From their comments and behaviour, I assume that they played with and mutilated those heads. From the appearance of the heads, I reckoned that they belonged to men and women who had been killed a month or two before, because many of them had lost

their hair and the flesh on some had rotted so that you could see the skull.

"The children of our own Muslim neighbours played with these heads. I remember seeing the son of Juka, who was called "Čičak", but I don't know his surname, and also Melvudin, whose father was called Esad. There were others whose names I can't remember..."

Evidence: 243/95-1.

7.1.9.9. In Sarajevo on 22 April 1992, members of the Muslim Green Berets captured the crew of a JNA armoured personnel carrier. All eight soldiers were Serb reservists. They were tortured and killed near the trolley depot on the bank of the Miljacka river.

The following reserve soldiers were killed:

1. Miladin Vukomanović;
2. Nedeljko Vujičić;
3. Vljako Golubović;
4. Stevan Djokanović;
5. Milivoje Lalović;
6. Djordje Bjelica;
7. Zoran Marković; and
8. Radomir Djerić.

This crime was committed by Davor Matić, Police Commander Malik Krivić, Samir Kahvedić and other members of the Green Berets.

Evidence: 296/95-6.

7.1.9.10. In Sarajevo at the start of September 1992, four captured Serb soldiers, aged between 22 and 25, were taken to a prison camp for Serbs in the "Viktor Bubanj" barracks of the former JNA, where they were executed by firing squad in front of other inmates. This act was committed by members of the Muslim "Green Berets".

7.1.9.11. In July 1992 witness 675/94-2 from Sarajevo was taken to the prison in the former "Viktor Bubanj" barracks in Sarajevo. He and other prisoners were frequently beaten and maltreated. To his knowledge, the following Serb prisoners were killed or succumbed to torture:

1. Čajević, first name unknown, missing;

2. Uroš Rakanović, died from beating;
3. Zoran Odžaković, died from beating and hunger;
4. Petar Kuzmanović, died from beating and hunger;
5. Mato Čeranić, missing;
6. Radoje Marinković, missing;
7. Slobodan Matović, missing;
8. Slavka Damnjanović (female), missing;
9. Mihajlo Radojčić, missing;
10. Nedeljko Živković, missing;
11. Stevo Raković, missing;
12. Pero Pikulić, missing;
13. Vojko Radović, missing;
14. Vojin Vukadin, missing;
15. Slavko Turanjanin, missing;
16. Ostoja Šoja, killed;
17. Pero Pjevac, killed and buried in the "Lav" graveyard near the hospital.

Evidence: 675/94-2. (Annex No. C 19, svdočenje S.G.1/testimony S.G.1, pp. c187-c195/c196-c202), (Annex No. C 34, svdočenje S.Ž./testimony S.Ž., pp. c355-c362/c363-c369)

7.1.9.12. On 2 and 3 May 1992, JNA columns withdrawing from Sarajevo, whose security had been guaranteed by the Presidency of Bosnia-Herzegovina, were attacked. Despite these guarantees, the columns were fired on. It was later established that this was done on the orders of Ejup Ganić, member of the Bosnia-Herzegovina Presidency, who is now the Vice-President of the Muslim-Croat Federation. A number of JNA personnel was killed, while the others were captured. The following were killed:

1. Normela Šuka (female), a civilian army employee;
2. Colonel Budimir Radulović;
3. Colonel Mirko Sokić;
4. Colonel Gradimir Petrović;
5. Colonel Boško Mihajlović;
6. Lieutenant-Colonel Boško Jovanić;
7. Captain I Class Marko Labuović;
8. Lieutenant Ivica Cvetković;
9. Lieutenant Midhad Kastrati;
10. Lieutenant Obrad Gvozdrenović;
11. Sergeant I Class Kazafer Rotić;
12. Corporal Ivica Simić;
13. Private Momir Mojsilović;
14. Private Stevo Ritan;
15. Private Vlastimir Petrović;

16. Private Zoran Gajić;
17. Private Robert Kočiš;
18. Private Nebojša Jovanović;
19. Private Goran Divović;
20. Private Slobodan Jelić;
21. Private Predrag Cerović;
22. Private Miodrag Djurović;
23. Private Srećko Jovanić;
24. Private Branko Popović;
25. Private Dragan Vitković;
26. Private Zdravko Tomović; and
27. Private Perica Nović.

A large number of the JNA members was wounded. This act was committed by the Muslim and Croat armed forces.

This perfidious attacks had been planned in advance so as to impair the guarantees and destroy the withdrawing columns. Although the top leaders of all sides had agreed on the columns safe withdrawal, the JNA personnel were killed even after they had been captured.

Evidence: 450/95 (Annex No C 158, Annex No C 159, Annex No C 160, Photos 14 and 15), (Annex No. C 105 svedočenje T.T./testimony T.T., pp. c1070-c1075/c1076-c1081)

7.1.9.13. Pofalići - part of the municipality of Novo Sarajevo, earlier inhabited almost completely by Serbs; however, the municipality, by allotting land, enabled Muslims from Eastern Bosnia and the Rashka region in Serbia to settle down there, so that approximately the same number of Serbs and Muslims lived in that settlement when was conflicts began.

Before the outbreak of armed clashes the Muslims began to provoke and intimidate Serbs by shooting at night, in a show of force.

On 4 May 1992 killed by a sniper was:

1. Mladjen Bratić, a Serb, retired militiaman, aged about 60, one of prominent Serbs in Gornji Pofalići, who was shot at from the house of Kalmir Kalman, a Muslim, 88 Humska Street. Mladjen Bratić was the first victim among the Serbs in Gornji Pofalići.

The Muslims made their first trial attack on the Serbs in Pofalići on 14 May 1992, at dawn, and killed on that occasion

2. Rajko Savić, born 1948, who lived at 22 Orlovačka Street.

On 16 May 1992, in the morning, the Muslims entirely surrounded Pofalići and began to attack in an organized way, intending to destroy all Serbs in Pofalići as a group. The Muslims attacked from four directions: from Pofalička Street, from the relay Hum, from the area of Kobilja glava, the Buća potok and from the direction of Drinska Street and Petra Mećave Street. According to some estimates, about 3 000 armed Muslims participated in this attack. The attack was not provoked in any way.

A special role in this attack was played by a special unit of the Ministry of Internal Affairs of Bosnia and Herzegovina, commanded by Dragan Vikić, which attacked from Orlovačka Street from three personnel carriers.

The house of D.M. was the first to be burned, whose

3. Grandmother, an old and immobile woman, who had stayed at home, was burned on that occasion.

In that attack, as well as later on, the following Serbs, among others, were killed:

4. Rajko Bandić, went missing during the attack and it is presumed that he had been killed but his body was not found.

5. Rajko Baković, an old man who was captured by Muslims; he could not be traced since then and it is presumed that he had been killed.

6. Novo Borovčanin, who was captured by Muslims and could not be traced since then and it is presumed that he had been killed.

7. Mladjen Bratić

8. Bratić, nicknamed "Bratuša", wife of Novica Bratić, over 70 years old, from Orlovačka Street, disappeared during the attack and is presumed to have been killed; however, her body was not found (witness 53/96-3).

9. Tihomir Bratić from Pofalići, 252 Humska Street, born 1949; after exhumation in Sarajevo it was established that his right temporal bone was fractured as a result of a blow by a heavy mechanical tool. The body was poured with a solution of lime or some similar substance (post mortem records of Dr Zoran Stanković, Sa 15).

10. Radovan Buha, pensioner from Pofalići, 266 Humska Street, born 1928. After exhumation in Sarajevo it was established that there was a multiple fracture of ribs and jaw bones. The body was

covered with lime or similar substance. (Sa 14, witnesses I28/97-6, I28/97-7).

11. Nada Vasković from Pofalići, 33/a Orlovačka Street, aged 30-35, who was pregnant, killed in the vicinity of the house of the Radović family from firearms (witnesses 53I/96-2, 53I/96-3, I28/97-6).

12. Stana Vasković from Pofalići, 33 Orlovačka Street, wife of Stevo Vasković, born 1922 (father: Ljubo Čangalović and mother Janja), disappeared in August 1992 and her fate is unknown (witness 53I/96-2 and 53I/96-3).

13. Stevo Vasković from Pofalići, 33 Orlovačka Street, born 1924 (father: Blačko and mother: Staka), as he was seriously ill and could not walk, he stayed at home; after that he disappeared and his fate is unknown (witness 53I/96-2 and 53I/96-3).

14. Members of the Vignjević family

15. Momo Vojinović from Pofalići, Pofalićka Street, aged over 50, taken away by Muslims, after which he could not be traced (witness 53I/96-3).

16. Vojin Vukadin, aged 24, who was imprisoned by Muslims, after which he could not be traced and he is presumed to have been killed (witness 53I/96-3).

17. Dragan Draganić, aged about 30, who was a lodger at Sretko Čangalović's house, Pofalićka Street. He was imprisoned by Muslims, and after that he could not be traced; he is presumed to have been killed (witness 53I/96-3).

18. Gordana (female), aged 27.

19. Savo Elez from Pofalići, Orlovačka Street, aged about 60, killed by Muslims in front of his house (witness 53I/96-3).

20. Zoran Ignjatović, catering worker from Pofalići, I88 Humska Street, born 3I October 1959; transversal fracture of ribs was established on his body. The body was poured with lime or some similar solution. (Sa 7, witness I28/97-6).

21. Tihomir Ignjatović.

22. Radovan Ignjatović.

23. Branko Jeremić, killed in his Muslim godfather's house where he went to seek protection (witness 5I4/96-32).

24. Ljubica Kovač, housewife, 276 Humska Street, born 1940, who stayed alone at home, in the vicinity of which she was killed about I August 1992 (witnesses 478/96-27, I28/97-6, I28/97-7).

25. Ljubica Kovačević, who was taken away from her home at night and killed.

26. Milinko Kovačević, who was imprisoned by Muslims and could not be traced since, which is why he is presumed to have been killed.

27. Mirko Kovačević, who was imprisoned by Muslims and could not be traced since, which is why he is presumed to have been killed.

28. Dućan Kosić, cabinetmaker from Pofalići, Humska Street, aged 55-60, who was taken away and killed in mid-August 1992 and then he was declared to have attempted to escape. The body was found at a place known as Obadi (witnesses 531/96-3, 128/97-7).

29. Dućanka Madjarević from Pofalići, Humska Street, aged about 55, wife of Sretko Madjarević, killed by Muslims on the occasion of the attack in mid-May 1992 (witnesses 531/96-3, 128/97-6).

30. Sretko Madjarević, pensioner from Pofalići, Humska Street, born 7 March 1935, whose body was buried near the house of the Radović family. After exhumation a starlike fracture of the right temporal bone was established; the body was poured with lime solution or a similar substance (Sa II, witness 128/97-6).

31. Radomir Marić was imprisoned by Muslims and he could not be traced since; he is presumed to have been killed.

32. Koviļjka Mijović, aged 65, burned in her house after it was set on fire.

33. Members of the Močević family.

34. Vojo Pikulić, pensioner from Pofalići, Humska Street, born 1926; taken away from his home, together with his wife about 1 August 1992 and both were killed (witnesses 531/96-3, 128/97-6, 128/97-7).

35. Marica Pikulić (female), pensioner from Pofalići, Humska Street, born 1925, wife of Vojo Pikulić, killed about 1 August 1992, together with her husband (witnesses 531/96-3, 128/97-6).

36. Petar Pikulić, taxi-driver from Pofalići, Humska Street, born 1950, who was first beaten up in the presence of his mother Mira and taken to the Central Prison, after which every trace is lost (witness 531/96-3).

37. Members of the Radović family.

38. Vojko Radović from Pofalići, Humska Street, aged about 40, was captured by Muslims and most probably taken to the Central Prison in Sarajevo, after which every trace is lost; he is presumed to have been killed (witness 531/96-3).

39. Mićo Rajčević, metalworker from Pofalići, Humska Street, aged 50; he was employed at the "Energoinvest" enterprise, work organization "Vaso Miskin-Crni"; killed in the vicinity of the Radović and the Jovičić houses (witnesses 531/96-3, 128/97-6).

40. Slavko Rajčević, graduate of economics, from Pofalići, 131 Humska Street, born 1957 in Pijevac near Kalinovik, of father Milan; his body was found decapitated and was exposed to fire, after which the body was covered with lime or similar substance (Sa 4) witness 128/97-6).

41. Rašević, university student from Pofalići, killed in the vicinity of the house of Jovo Jovičić when he attempted to escape in the direction of Mt Žuč; he was decapitated and his head was impaled. The decapitated body was buried at a place known as Hum brdo, while the head was buried in the garden of Jovo Jovičić by witness (female) 806/95-12.

42. Members of the Rističević family.

43. Miro Rogan, engineer from Pofalići, Humska Street, born 1941; was employed at the "Energoinvest" enterprise as a commercial manager; his body was buried in the vicinity of the house of Jovo Jovičić; he was seriously wounded and tortured before being killed (witnesses 531/96-3, 128/97-6).

44. Mirko Savić from Pofalići, Orlovačka Street, aged 51-52; he was ill and immobile, disappeared during the Muslim attack on Pofalići; he is presumed to have been killed but his body was not found (witness 531/96-3).

45. Rosa Savić, wife of Mirko Savić, disappeared during the Muslim attack on Pofalići; she is presumed to have been killed, but her body was not found (witness 531/96-3).

46. Stana Čangalović, (female), pensioner from Pofalići, 35 Orlovačka Street, aged about 70, (father: Manojlo and mother Rista); before retirement worked at the "Energoinvest" enterprise, work organization "Vaso Miskin-Crni"; taken away in an unknown direction, after which she could not be traced (witness 531/96-3).

47. Members of the Čardalović family.

48. Members of the Šalipur family.

49. Members of the Šaraba family.

50. Soka Škobo (female), aged about 40, killed from sniper in front of the house of Spasoje Poluga, in the area of Mt Žuč - settlement of Starčevići (witnesses 531/96-3, 128/97-6).

51-52. Married couple Škoro.

53. Borića Šojić, catering worker from Pofalići, Humska Street, born 1957, wounded during the Muslim attack; he was captured by Muslims and taken to the Kočevo hospital where he was treated until 30 May 1992, when he was taken out of the hospital and since then his whereabouts are unknown (witnesses 531/96-3, 128/97-6).

54. Ranko Šojić, taxi-driver from Pofalići, Humska Street, brother of Borića Šojić, born 1962, disappeared during the Muslim attack on Pofalići and is presumed to have been killed (witness 531/96-3, 128/97-6).

On the occasion of the attack on Pofalići on 16 May 1992 about 90 per cent of Serb houses were burned down.

Perpetrators: Dragan Vikić, commander of the special unit of the Ministry of the Interior of Bosnia and Herzegovina with which he attacked Pofalići, now special adviser to Alija Izetbegović; Murat Šabanović, born 7 January 1953 in Orahovci, municipality of Višegrad, of father Šaban, lived in the settlement of Dušče in Višegrad, who commanded his own unit on the occasion of the attack on Pofalići; Jusuf Prazina, aka Juka, from Pofalići, had a flat in Orlovačka Street; commanded his own unit during the attack on Pofalići; Alija Prazina from the settlement of Mala Azija (Asia Minor), who led Muslims in Gornji Pofalići, uncle of Jusuf Prazina; Samir Kahvedžić, aka "Kruško"; Izet Bajramović and his three brothers; Beharić, aka "Kejba" and his two brothers; Omer Gabela, from Sandžak by origin, born 1949; Galib Delalić Hamo and his four brothers; Dino aged about 30, wore a scarf around his head as wore the other members of his group (witness 514/96-32); Miroslav Drmanac, aka Kićo, from Pofalići, born 1957, before the war known as a criminal; Slavko Erceg from Sarajevo, a criminal before the war; Zenedin Zulčić; Čazim Idrizović from Pofalići, Humska Street, aged about 45, brother of Habib Idrizović, he came to Pofalići from Sjenica; Habib Idrizović from Pofalići, Humska Street, aged 46, who came to Pofalići from Sjenica and was one of the commanders of the attack on Pofalići; Sadija Jajić; Abid Kapo, plumber, aged about 50, who was seen carrying canisters with petrol and burning Serb houses; Amir Kapo, of father Abid; Fadil Karamović from Pofalići, Orlovačka Street, from a place known as "Brdo nišani", born 1957, of father Salem and mother Tifa; Faik Karamović from Pofalići, Orlovačka Street, from "Brdo nišani", born 1962-63, of father Salem and mother Tifa; Dževad Karamović from Pofalići, Orlovačka Street, from "Brdo nišani", born 1959-60, of father Salem and mother Tifa; Ramiz Karadža, 186a Humska Street; Murat Karić, commander of one of the Muslim units, nephew of

General Vehbija Karić; Bego Krako from Pofalići, Drinska Street, of father Omer and mother Aiša, worked at the Tobacco factory in Sarajevo; Edin Krako born 1964 of father Mehmed, who was known as a criminal; Enes Kulović, medical technician from Pofalići, 145e Humska Street; Arif Ljuca, pensioner, carpenter by occupation, from Pofalići, up to No. 35 Orlovačka Street, aged about 52; Nusret Ljuca, born 1959 in Pljevlja, city transport driver; Danko Marković from Donji Pofalići, aged about 30, known as a criminal before the war; Haseta, aka Škoro, from Gornji Pofalići, born 1960; three Shiptars from the Osmani family, from Donji Pofalići; Zajko Panjeta; Smail Rovčanin, aka Smajo, before the war worked in the city dairy; Terzo Ćutuk from Sarajevo, aged about 40, born in a village near Trnovo, former policeman; N. Fajfrić; Darko Fajfrić; Boris Fajfrić; Enes Hajmović; Beka Hadžić, of father Ramiz; Ramiz Hadžić; Muhamed Hota, member of the special unit of the Ministry of the Interior commanded by Vikić; Kemal Husomanović, driver, aged about 25, lived in Pofalići, 145h Humska Street; Bajro Ćargakić from Pofalići, 160 Rudjera Bočkovića Street, aged 40-45; Bajro Ćokadžić from Pofalići, 160 Rudjera Bočkovića Street; Safet Džaferović, shop owner, 147g Humska Street in Pofalići; Eso Džuliman and his two brothers; Vinko Šamarlić, member of the special unit of the Ministry of the Interior of Bosnia and Herzegovina.

Evidence: 799/95-11, 806/95-6, 806/95-7, 806/95-8, 806/95-10, 806/95-12, 806/95-13, 806/95-14, 872/95-3, 750/95, 133/96, 162/96-1, 478/96-27, 478/96-25, 806/95-7, 806/95-9, 872/95-4, 873/95-3, 514/96-32, 531/96-2, 531/96-3, 128/97-6, 128/97-6.

7.1.9.14 The Serb population in the suburban settlement of Velešići was a minority and one of the most respectable Serb families was the old Ristović family.

On 8 July 1992, a group of armed Muslims in camouflage uniforms from the settlement of Kobilja Glava stormed the family house of the late Svetozar Ristović in Gornji Velešići, No. 116, during the lunch and on that occasion they opened fire at all those who were having their lunch and killed:

1. Danilo Ristović, schoolboy who completed eight-year elementary school, born 21 December 1977 in Sarajevo, (father: Todor),

2. Mila Ristović (female), born 19 February 1932 in Rajlovac, of father Gojko Gračanin and mother Cvija,

3. Radosava Ristović (female), aged 61, born in Srednje near Sarajevo, who was ill and immobile because she had dislocated hips and was in bed,

4. Pero Ristović, born 1951, of father Svetozar and mother Radosava,

5. Obren Ristović, born 1955, of father Svetozar and mother Radosava,

6. Bosiljka Ristović, born 1961, of father Svetozar.

On that occasion R.D. was seriously wounded (witness 594/96-41).

Perpetrators: Mirsad Hodžić, born 1971, now lives in Sarajevo, Šipska Street, settlement of Bare, working in the funeral society "Bakija"; Admir Adilović, living in the settlement of Kobilja Glava; Mario Blažević, aka Majo, shop-assistant at the "Elektrotehna" enterprise on Pere Kosovića Square in Sarajevo, who lived at 6 Ive Kranjčevića Street, now in Sweden, he publicly boasted of having participated in the killing of the Ristović family; Anton Bralić, aka Toni, participated in the killing of the Ristović family; Osman Hodžić, living in the settlement of Kobilja Glava; Senad (or Sead) Hodžić; Meho Ibićević, living in the settlement of Kobilja Glava; Ismet Ćutuk, living in the settlement of Kobilja Glava.

Evidence: 806/95-17, 591/96-2, 594/96-41, 649/96. (Annex No. C 93, svedočenje D.R.2/testimony D.R.2, pp. c933-c937/c938-c942)

7.1.9.15. In 1992 and 1993, Serb civilians in Sarajevo were arrested on a mass-scale and taken to Mt Trebević, where they were forced to dig trenches and in most cases killed at the places known as Bistrički potok and Kazani. These crimes were committed by the 10th mountain brigade of the First Corps of Bosnia and Herzegovina, commanded by Mućan Topalović-"Caco" and, partly, by the members of the 10th mountain brigade whose commander was Ramiz Delalić-"Čelo".

Within the 10th mountain brigade particularly prominent in committing crimes was the so-called "elite company". According to some testimonies, "admission fee" for this company was a cut-off Serb head. Great mental and physical suffering was inflicted on the victims and they were killed in various ways: by decapitation and throwing the

victims' bodies into pits; some were thrown alive into pits and covered with earth, others were tied to a truck and dragged until they die; some were stretched out, tied to two vehicles which moved in opposite directions.

The bodies of the victims were most often thrown into the pit Kazani, one row over the other, on top of which lime was poured and a layer of earth. The remains of some victims were burned together with old automobile tyres which were put on top.

According to some estimates more than 2000 Serb civilians were killed at various localities on Mt Trebević.

Thus, killed, among others, were:

1. Nadežda Biberdžić from Sarajevo, 21/VI Blagoja Parovića Street, taken away with her husband Savo on 18 June 1992 to the location Kazani, where both of them were killed together with Bosiljka Mandić (evidence: 108/97-I).

2. Savo Biberdžić from Sarajevo, 21/VI Blagoja Parovića Street, taken away with his wife from their flat on 18 June 1992 to the location of Kazani, where both of them were killed (evidence: 108/97-I).

3. Sanja Vuk, aged 16, killed in October 1992 at the place known as Hrasno,

4. Zoran Vučurović (witness 649/96),

5. Milena Drašković slaughtered by Samir Seferović and Suad Osmanović; her body was thrown into the pit Kazani,

6. Dušan Jovanović, who was massacred with knives by members of the 10th mountain brigade and thrown into the pit Kazani,

7. Radoslav Komljenac from Sarajevo, 7/2 Dragice Pravice Street, who was slaughtered by Mevludin Selak (witness 649/96),

8. Marina Komljenac from Sarajevo, 7/2 Dragice Pravice Street, wife of Radoslav Komljenac, who was slaughtered by Refik Čolak; her body was also thrown into the pit Kazani (witness 649/96),

9. Vasil Lavrian, slaughtered by Zijo Kubat who separated the victim's head from the body and threw the body into the pit Kazani. Ertan Hukelić participated in the murder.

10. Jelena-Ana Lavrian, of mother Olga Šćiban, wife of Vasil Lavrian, who was ordered by Suad Osmanović to lie down and spread her legs and, while he was pushing a piece of wood into her genitals, Esad Tucaković set on fire the hair on her genitals and finally slaughtered her, separated the head from the body and threw the body into the pit. Ertan Hukelić took part in the murder.

11. Bosiljka Mandić from Sarajevo, 21/VIII Blagoja Parovića Street; was in her flat with her husband and her minor son, when members of the Muslim army came in; after maltreatment they took her away and the same night, around 10.00 p.m., killed her together with the married couple Biberdžić, by first decapitating them and then throwing their bodies into the pit Kazani (evidence I08/97-I).

12. Zoran Muminagić, aged 17, killed in October 1993 in Hrasno by Sead Kapetanović - Čupo.

13. Ervin (or Egon) Nikolić, nicknamed Eno; Samir Bejtić forced his sabre into his neck, then the others stabbed him all over the body with knives until he was massacred and Samir Bejtić decapitated him and threw the body into the pit Kazani.

14. Branislav Radosavljević; whose head was cut off by Mućan Topalović, after which the body was thrown into the pit Kazani.

15. Katarina Šalipur from Sarajevo, 3 Borisa Kidriča Street, wife of Predrag Šalipur; after the murder her body was thrown into the pit Karani.

16. Predrag Šalipur from Sarajevo, 3 Borisa Kidriča Street, slaughtered by Nihad Hodžić; Husein Hodžić decapitated him with a knife and then threw the body into the pit Kazani.

17. Božidar Šljivić (witness 649/96).

18. Olga Šćiban, mother of Jelena Lavrian.

Perpetrators: Mušan Topalović, aka "Caco", commander of the Muslim military unit; Samir Seferović, aka "Čeble", aged about 30, before the war worked in the "Neretva" enterprise in Sarajevo, battalion commander in the 10th mountain brigade; Ramiz Delalić, aka "Čelo 2", participated as commander of the "9th mountainous brigade" of the Army of Bosnia and Herzegovina, together with Topalović, in persecution and killing of Serbs in Sarajevo; Ramo Abdulji; Asif (or Akid) Alibašić, member of the 10th mountain brigade of the Army of Bosnia and Herzegovina; Samir Bejtić, born 14 January 1969 in Gračanica, of father Ramo, living in Sarajevo, 36 Džeka Street; Osman Gežo, born 13 December 1959 in Sarajevo, of father Mustafa, living in Sarajevo, 26 Bostarići Street; Salem Gugić, commander of the logistics battalion; Ekrem Dorić; Idriz Djagolovčanin from Sjenica, killed many Serbs and threw them into the pit Kazani at the foot of Mt Trebević; Sabahudin Žiga; Samir Žiga; Amir Jusović, aka Fifa; Esad Kadić; Sead-Sejo Kadić, aka "Guz"; Emir Kapetanović; Samir Kapetanović; Sead Kapetanović, aka "Čupo"; Zijo Kubat; Sejo Kubat, member of staff of Topalović; Haris Kulenović; Mesud Lagumdžija, commander of the 15th

motorized brigade of the Army of Bosnia and Herzegovina; Samir Ljubović, aka "Mićo"; Nermin Narandžić; Haris Numić, aka "Hare", born 12 August 1964 in Sarajevo, of father Nedžad, living in Sarajevo, 3 Sixth Proletarian Brigade Street; Suad Osmanović, university student before the war, from Sarajevo, Triglavska Street, of father Osman; Senad Pecar, deputy to Topalović, now colonel of the Army of Bosnia and Herzegovina; Muhidin Raonić; Esad Raonić; Senad Raonić, aka "Maskirni"; Fahrudin Raonić; Ismet Sadović, born 29 March 1964 in Bitola, of father Hamdo, living in Sarajevo, 56, 6 November Street; Miralem Sarija, guard in the Central Prison and the "Viktor Bubanj" prison, participated in Topalović's actions when he was off duty; Sejo, aka "Troguz", killed 58 Serbs; Mevludin Selak; Senad Tadić; Omer Tendžo; Emir Topalović; Džemo Topalović; Meho Turčalo; Esad Tucaković, aka "Eso", commander of the sniper company; Senad Haračić, born 20 June 1963 in Sarajevo, of father Fadil, living in Sarajevo, 6 Hriste Boteva Street; Esad Hasić; Senad Hasić; Alen Hatić; Nermin Hatić, a criminal before the war; Armin Hodžić, born 16 February 1973 in Sarajevo, of father Sead, living in Sarajevo, 2a Mujkanovića Street; Nihad Hodžić; Husein Hodžić; Ertan Hukelić, aka "Eso" and aka "Kliker", who had an artificial eye, participated in the killing of the Lavrian family; Refik Čolak.

Evidence: 647/95, 432/95, 806/95-18, 281/96-9, 344/96-3, 341/96-1, 289/96, 478/96-27, 649/96, 108/97-1, 109/97-2, 128/97-3.

(Annex No C 273, Report of the Committee Compiling Data on Crimes against Humanity and International Law on Sarajevo - Kazani, 22 September 1996 1991-1993, pp. c2346 - c2352)

7.1.9.16. On 9 October 1992, around 8.00 a.m. the Muslim military formations carried out a surprise attack and intrusion in the Serb villages of Podgrab and Prača. The members of the Army of the Republic of Srpska managed to repel the attack during the next day and force the Muslims out to their territory.

On 11 October, the elder son of Koroman Stojka D.K. managed to enter the hamlet of Mrakanj and found that Grčić Petar, his wife Kostadinka, Koroman Stojka and her son Darko were killed in their family house.

Near the body of Koroman Darko, a backpack was found, recognised by witness. On the basis of records and other evidence, the following perpetrators of this criminal act were identified:

1. Rukotina (or Ruhotina) Aziz, commander
2. Kovačević Omer
3. Kovačević Ibro
4. Prljača Rasim
5. Prljača Husnija
6. Komarica Atif
7. Kovačević Amir
8. Komarica Ibro
9. Džananović Hajran

Criminal proceedings were instituted against the perpetrators before the competent legal authorities of the Republic of Srpska.

Evidence: 872/95-11; 305/97-5 (investigation report and medical findings) (Annex No C 160, Photo 16 - 25), (Annex No. C 124 svedočenje D.K./testimony D.K., pp. c1257-1259/c1260-c1261)

7.1.10.0 Čapljina

The territory of Čapljina commune was mainly under the control of Croat armed forces operating under the orders of the authorities of the Republic of Bosnia-Herzegovina. Their treatment of Serbs who lived in some villages in this territory did not differ from the genocidal acts of Muslim armed forces. Serb villages were burned and civilians were killed or taken away to prison camps.

7.1.10.1. In Čapljina and its surroundings, the following Serbs were killed, or disappeared; as there are no data about them it can be concluded that they were killed:

1. Božo Balaban, aero-club instructor, killed after torture on 2-3 August 1992 in the Dretelj camp (evidence: Sofija Balaban 9/94, Milena Bošković, witnesses' statements to the State Commission for War Crimes and Crimes of Genocide and to the Commissariat of the Republic of Serbia for Refugees).

2. Branko Bekan from Tasovčići, Main Road, born 8 January 1942 in Tasovčići, of father Dragutin, killed 7 June 1992 in Muminovača-Domanovići. Branko as moving in an ambulance at which the Muslim patrol opened and killed him (witnesses 202/95, 353/95, 454/95-14, 907/95, 408/96-4).

3. Duško Bošković, born 30 October 1935 in Tasovčići, of father Spaso, killed by the Croat-Muslim army on 15 August 1992 in Križevac, municipality of Stolac.

4. Rajko Bulatović from Čapljina, 43/a Ivana Krndelja Street, born 6 July 1964, of father Radoslav, killed by Mirza Kudra from Tasovčići, member of HVO, who shot him in the neck with a 9 mm cal. pistol (witnesses 454/95-14, 202/95, 907/95 and 353/95).

5. Danica Bulut from Tasovčići, municipality of Čapljina, killed on 10 June 1992 at a place where sand and pebble are taken from the river Neretva in Tasovčići by Ivica Bego, of father Zvonko, aka "Čoro", born 1953 and by Nikola Jurković, aka "Babo" from Čapljina (or Mirsad Muminović) (witnesses 454/95-14, 202/95, 907/95 and 353/95).

6. Djordjo Bulut, born 1949 in Prebilovci, of father Danilo, captured in Križevac, municipality of Stolac, killed by the Croat army on 21 August 1992 in Omić.

7. Slobodan Bulut, born 1947 in Prebilovci, of father Veljko, killed in June 1992 in the offensive of the Croat-Muslim army.

8. Milan Vulić from Gabela, 320, municipality of Čapljina, born 13 April 1965 in Čapljina, of father Nikola, taken to Metkovići in June 1992; his body was found near Gabela near the Jaramazović houses (witnesses 454/95-14, 202/95, 907/95 and 353/95).

9. Nikola Vulić from Gabela, 320, municipality of Čapljina, born 13 May 1934 in Gabela, of father Risto, whose body was found in April 1993 not far from his house, on the embankment by the river Neretva (witnesses 454/95-14, 202/95, 907/95 and 353/95).

10. Nedja Golo, housewife from Gabela, municipality of Čapljina, born 1931 (or 1932) in Čapljina, of father Miloš, unmarried, beaten up in May 1992 in her house by Nedeljko Čiljeg, Nedeljko Miličević, Marko Anković and Miško Cvitanović, died on the way to hospital, buried in Split; her body was exchanged in August 1993 when, after a post mortem, a multiple rib fracture and fracture of the chest bone was established, caused by the blunt part of a heavy swung tool (witnesses 454/95-14, 202/95, 907/95 and 353/95).

11. Stana Došen, housewife from Tasovčići, municipality of Čapljina born 1912 in Tasovčići, of father Dućan Bekan and mother Mara, nee Ijačić, killed in the house of Soka Prelo, where she tried to

hide in June 1992 (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-4).

12. Branko Dragičević from Klepci, municipality of Čapljina, of father Dragomir, killed in the offensive of the Croat-Muslim army on 30 April 1992 in Klepci.

13. Gospava Dragičević, nicknamed Goša (female), born in 1905, slaughtered on 7 June 1992 in front of her house in the village of Prebilovci.

14. Cvija Draško (female), from Čapljina, Il Peline, born 5 November 1905 in Tasovčići, of father Pero, killed in Tasovčići on 10 June 1992 by Zlatko Vegar from Tasovčići (witnesses 454/95-14, 202/95, 907/95 and 353/95).

15. Vitomir Dulać from Opličići, municipality of Čapljina, born 25 May 1970 in Opličići, of father Gojko and mother Darinka, nee Lažetić, captured and killed on 7 June 1992 at a place known as Ševač njiwe, municipality of Čapljina, by the Croat-Muslim army. According to the statement of the mother of witness 548/96-20 he was captured alive and after that his body was shown on Croatian TV.

16. Djoko Djonlaga, born 1943, killed on 7 June 1992, from the back when he attempted to escape from the formations of HOS (Croatian Armed Forces) which were advancing towards the village of Tasovčići.

17. Milan Djordjić from Čapljina, retired policeman, born 1927 in Bradina, municipality of Konjic, father: Petar, disappeared (evidence 530/96-2).

18. Bogdan Ekmečić, born 1972 in Prebilovci; of father Danilo, killed in 1994 during the offensive of the Croat-Muslim army.

19. Vasilija Ekmečić, housewife from Počitelj, 34 Muminovača born 28 September 1913 in Počitelj; of father Mitar Čučko and mother Sava, nee Pucar, killed on 1 July 1992, at dawn, together with her sister, at a place known as Modrič-Muminovača, at the house of her Croat relative, Mićko Djuraković, nicknamed Dujo, most probably by the group of Edin Sokač. They were killed in the bedroom from automatic rifle (witness 408/96-2).

20. Pavle Ekmečić, from Prebilovci, municipality of Čapljina, born 1973, of father Milenko, killed during the offensive of the Muslim-Croat army on 3 June 1992 in Fortica, municipality of Mostar.

21. Nevenka Elezović (female), from Čapljina, Blagoja Parovića Street, born 10 February 1935 in Čapljina, of father Aleksa, killed in June 1992 in her flat; she had heard thumping on the window, got up, switched on the lights and was showered with a burst from

automatic weapon by Zdenko Jakiša, aka "Pipa" (witnesses 454/95-14, 202/95, 907/95 and 353/95).

22. Slavojka Elezović (female) from Čapljina, 17 Asima Fazlagića Street, born on 4 September 1953 in Čapljina, of father Jovo and mother Stoja, nee Lojpur, killed at the beginning of June 1992 by members of HOS in Tripići, on Kravica, buried on the Orthodox cemetery in Čapljina. Slavojka was a mental patient and was arrested in the street by four uniformed HVO members (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-3).

23. Radoslavka Ždralić (female), pensioner from Domanovići (Rečice), municipality of Čapljina, born 1928(1932), in Domanovići, of father Spasoje and mother Dostinja, nee Mrkić, killed on 8 June 1992. Radoslavka did not wish to leave the village and when the shelling began she hid in the house of Muslim neighbour, Mujo Kohnić; when the Croat-Muslim army entered the village they asked whether there are any Serbs in Kohnić's house; Radoslavka said that she is a Serb, they took her out, shot and killed her from rifle then and there (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-8).

24. Mitar Zelenković, born 1963 in Rečice, municipality of Čapljina, of father Milan, captured and killed on 7 June 1992 in Muminovača by Alo Durić, member of HVO from Potkosa, municipality of Čapljina; he lives in Germany now.

25. Slavko Zelenković, born 1960 in Rečica, municipality of Čapljina, of father Vojko, captured and killed on 7 June 1992 by the Muslim-Croat army, in Muminovača, municipality of Čapljina.

26. Željko Zirojević from Čapljina, of father Radivoje, killed on 10 November 1992, during the offensive of the Croat-Muslim army.

27. Milica Zurovac from the village of Grabovina, municipality of Čapljina, found in a blood puddle in 1993 (witnesses 454/95-14, 202/95, 907/95 and 353/95).

28. Boro Ivković from Čapljina, 31 Asima Fazlagića, born 29 August 1960, of father Milan, killed on Kravica (witnesses 454/95-14, 202/95, 907/95 and 353/95).

29. Vojko Ijačić from Tasovčići, 43 M. Ijačića Street, municipality of Čapljina, born 15 February 1913 in Tasovčići, of father Lazar, killed on 8 June 1992 in Tasovčići by Mirza Kudra from Tasovčići (witnesses 454/95-14, 202/95, 907/95 and 353/95).

30. Vojko Ijačić, aka "Majstor", born 1921, killed on 7 June 1992 in front of his family house in Tasovčići.

31. Drago Ijačić, farmer from the village of Opličići, municipality of Čapljina, of father Luka and mother Andja, nee Gagić, born about 1913 in the same village; he was seriously ill, killed in his village on 8 June 1992 by the minor son of Omer Šuta and by Mirza Kudra because he refused to leave the village (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-10).

32. Milan Ijačić, born 1962 in Opličići, municipality of Čapljina, of father Nikola, killed in the offensive of the Croat-Muslim army on the Nevesinje battlefield, on 10 November 1992.

33. Nevenka Ijačić from the village of Opličići, municipality of Čapljina, wife of Milan Ijačić, killed in Kuline in the village of Opličići by Turajlić or Šejtanić from Turaljevina, a settlement in Opličići (witnesses 454/95-14, 202/95, 907/95 and 353/95).

34. Jovan Kovačević from Čapljina, born 1953 in Tasovčići, of father Stojan, wounded in May 1992 in Klepačnica near Klepci, died after operation in Belgrade.

35. Milovan Krunić, aka "Runje", from Prebilovci, born 1956, killed in the Croat-Muslim offensive on the Nevesinje battlefield in 1992.

36. Dr Dušanka Kuzman, dental surgeon from Čapljina, 6 V. Vlahovića Street, born 23 November 1944, of father Dušan, killed together with her husband on Modrič hill above Tasovčići at the end of June 1992, after release from the Dretelj camp. Buried on the cemetery in Čapljina. Participating in her killing and the killing of Dr Nikola Kuzman, her husband, were Zdenko Jakiša, aka "Pipa" from Čapljina, Edin Sakoč from Tasovčići, brothers Jozo and Zlatko Vegar from Tasovčići, Jure Čepo from Dretelj and Mile Nogolica from Čapljina (witnesses 254/94-14, 202/95, 223/95, 408/96-14).

37. Dr Nikola Kuzman, specialist in general stomatology, from Čapljina, 6 V. Vlahovića, born 14 February 1941 in Čapljina, of father Risto, former president of the municipality in Čapljina, killed at the end of June 1992, after release from the Dretelj camp, when Edin Sakoč, brothers Jozo and Zlatko Vegar, Jure Čepo and Mile Nogolica came in his flat and took him and his wife to Modrič hill, where they were killed (witnesses 254/94-14, 202/95, 223/95, 408/96-14).

38. Ijačić Bosa, born 1928, slaughtered on 7 June 1992, about 2.00 p.m., in front of her family house in the village of Potkosa.

39. Ana Mandrapa from Gabela, of father Andrija and mother Milica, unmarried, raped by Croats, after which she was found dead in Čapljina.

40. Luka Mandrapa, of father Ratko from Klepci, born 1948, killed during the Croat-Muslim offensive on Klepci, on 7 June 1992.

41. Nedjo Marušić from Klepci, born 1940, of father Spasoje, killed during the Croat-Muslim offensive in Klepci, on 25 May 1992.

42. Slobodan Marušić, of father Milorad, from Klepci, born 1951, killed during the Croat-Muslim offensive in Klepci, on 25 May 1992.

43. Draginja Medan (Medić) from Prebilovci, born 28 August 1930 in Prebilovci, of father Risto and mother Zorka, nee Tanasilović; she remained in her village on 7 June 1992 to look after her house and killed the next day, as her sister (witness 408/96-12) found out from a Croat, who had found her body and buried it near the house.

44. Slobodan Milošević, teacher from Čapljina, born 1947, of father Djuro, killed on 10 November 1992 during the Croat-Muslim offensive.

45. Lazar Mirić from Gabela, of father Milovan, killed in 1992 during the Croat-Muslim offensive.

46. Nenad Mirković from Mostar, died in mid-1992 in the Dretelj camp as a result of severe beating.

47. Ilija Misita, aka "Pundo", from Tasovčići, 115 Naklo, born 10 October 1926 in Tasovčići, of father Ilija; killed by a shot from rifle on 7 June 1992 by Fikret Boškailo, by the order of Mirsad Kudra (witnesses 454/95-14, 202/95, 907/95, 353/95).

48. Milan Misita, technologist from Tasovčići, Main road, municipality of Čapljina, born 10 September 1943, of father Savo and mother Danica; he was wounded on the occasion of the taking of Tasovčići on 7 June 1992, could not move and remained lying on the spot where he was wounded. The Croat soldiers killed him. According to some information this was done by Zlatko Vegar and Vinko Čemeraš (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-26).

49. Predrag Mitrović from Čapljina, 150 Vrgorac, born 1 October 1966 in Čapljina, of father Ilija.

50. Draginja Mrkić, housewife from Domanovići (Rečice), municipality of Čapljina, born 1927 in Domanovići, of father Trifko Mrkić and mother Andja, nee Pudar, killed in August 1992 in her relative's house and then burned together with the house (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-7).

51. Zorka Mrkić, housewife from Domanovići (Rečice), municipality of Čapljina, born 1900 in Hodbina, municipality of Mostar, of father Miloš; killed in August 1992 in Domanovići (witness 408/96-7).

52. Danica Mrkonjić from Tasovčići (female), 7 A.Bostandžića Street, born 30 April 1912 in Tasovčići, of father Pajo.

53. Miloš Muratović from Poprat, born 12 June 1934 in Poprat, municipality of Stolac, of father Lazar and mother Mileva, nee Jakšić; taken from the camp in the Čapljina barracks about 20 June 1992 and could be traced since (witness 548/96-26).

54. Zoran Nikolić from Gabela, 21 Adema Buće Street, municipality of Čapljina, born 28 August 1957 in Čapljina, of father Vukašin, killed in April 1994 by members of Zdenko Jakić's group, who took him out of his flat which was located near the railway station in Čapljina and killed him under the new bridge and threw the body into the river Neretva. He was buried on the Orthodox cemetery in Čapljina (witnesses 454/95-14, 202/95, 907/95, 353/95).

55. Ljubo Pantić, born 1941 in Klepci, of father Simo, killed in Klepci during the Croat-Muslim offensive on 25 May 1992.

56. Jovo Pejanović from Mostar, died in the Dretelj camp in mid-1992 as a result of severe beating.

57. Milica Perišić, housewife from Čapljina, Asima Fazlagića Street, aged about 70; she stayed at home as she was immobile, together with her son Simo; she was killed about 20 June 1992 in her house by members of the Croat army because they wanted the house emptied for somebody to move in; she was buried on the cemetery in Gabela (witness 408/96-25).

58. Simo Perišić, tractor driver from Čapljina, Asima Fazlagića Street, born 1936 in Gabela, municipality of Čapljina, of father Dušan and mother Milica, he stayed with his immobile mother. About 14 June 1992 he was taken by members of the Croat army, who killed him two days later. He was buried on the cemetery in Gabela (witness 408/96-25).

59. Branko Pjaca, born 1970 in Lokve, municipality of Čapljina, killed in 1992 during the Croat-Muslim offensive.

60. Radomir Pokrajčić from Prenj, municipality of Stolac, born 1968, of father Ljuban, captured and killed by the Croat-Muslim army at a locality known as Ševač njive on 7 June 1992.

61. Soka Prelo (female) from Tasovčići, 52 A. Bostandžića Street, municipality of Čapljina, born 20 July 1911 in Tasovčići, of father Danilo Ijačić and mother Andja; killed by Mirsad Muminović and Marko Rajić from Klepci, municipality of Čapljina, near

the veterinary station in Tasovčići, on 10 June 1992 (witnesses 202/95, 353/95, 454/95-14, 907/95, 537/96, 408/96-4 and 408/96-5).

62. Divna Pudar (female) from Čapljina, born 17 November 1960 in Sarajevo, of father Ljubo and mother Lala, nee Budimčić; she was a mental patient, stayed at home because she did not wish to leave her paralysed mother. In June 1992 she was imprisoned in the camp in Čapljina and her body was delivered to the authorities of the Republic of Srpska on 29 August 1993 in Kupres. At that time Dr Stanković showed her father-witness 408/96-27 the injuries in the region of the forehead and neck (witnesses 454/95-14, 202/95, 907/95, 353/95).

63. Velimir Puhalo, of father Spasoje, born 1956 in Prenja, municipality of Stolac, killed by the Croat-Muslim army in Muminovača, municipality of Čapljina, on 1 May 1992.

64. Slavko Puhalo from Opličići, born 10 March 1950, of father Vojislav, killed after capture on 7 June 1992 by the Croat-Muslim army at the locality Ševač njive, municipality of Čapljina.

65. Vukašin Reljić, locksmith from Čapljina, M.Ijačića Street, born 18 March 1971 in Čapljina of father Novica and mother Djurdja, killed on 7 June 1992 in Muminovača-Domanovići. He set out in his "Zastava 101" passenger car, together with his father and mother and was stopped in Muminovača by members of the group of Mirza Kudra from Tasovčići and all were killed (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-9).

66. Djurdja Reljić, woman-worker from Čapljina, M.Ijačića Street, born on 22 August 1946 in Mostar, of father Drago Komlen and mother Cvija, nee Šupljeglav, killed on 7 June 1992 in Muminovača-Domanovići. She set out in a car with her son and husband but they were intercepted in Muminovača by members of the group of Mirza Kudra from Tasovčići and all of them were killed (witnesses 454/95-14, 202/95, 90/95, 353/95, 408/96-9).

67. Novica Reljić, retired driver of "Autotransport" enterprise from Čapljina, M.Ijačića Street, born 1944 in Tasovčići, municipality of Čapljina, of father Jovo and mother Mara, nee Ekmečić, killed on 7 June 1992; his body was thrown into the river Bregava. He set out on a trip with his wife and son by car, but was intercepted by members of the group of Mirza Kudra and all were killed (witnesses 454/95-14, 202/95, 907/95, 353/95, 408/96-9).

68. Evgenije Samardžić from Mostar, died in the Dretelj camp in mid-1992 as a result of severe beating.

69. Zdravko Simić from Rečice, municipality of Čapljina, aged about 60, of father Lazar, killed on 20 May 1992 by a shell fired from the Croat-Muslim side, buried on 21 May 1992 in Brestovik, Rečice.

70. Bogdan Spahić born 1970 in Tasovčići, of father Dušan, killed in 1994 during the Croat-Muslim offensive.

71. Dražen Tripić from Čapljina, of father Sreten, killed by the members of HOS, probably on Kravica, municipality of Ljubuški (witnesses 454/95-14, 202/95, 907/95, 353/95).

72. Sreten Tripić from Čapljina, of father Novica, killed by the members of HOS, probably on Kravica, municipality of Ljubuški (witnesses 454/95-14, 202/95, 907/95, 353/95).

73. Simana Ćukteraš, nee Stijepčević, from the village of Klepci, municipality of Čapljina, born 1924 or 1925 in the village of Ivica, municipality of Ljubinje, who stayed in the village of Klepci; since 1992 her whereabouts are unknown. Witness 408/96-6 last saw her on 7 June 1992 on leaving the village and she then told him that she would stay (witnesses 454/95-14, 202/95, 907/95, 353/95).

74. Vlado Ćolović from Malo Polje, municipality of Mostar, born 25 October 1947 in Malo Polje, of father Vaso and mother Mara, nee Vuković, disappeared on 7 June 1992 on the occasion of the attack of the members of HVO (Croatian Defence Council) on the village of Klepci, municipality of Čapljina. After that his mother (witness 548/96-10) found out that he had last been seen in the prison in Ljubuški.

75. Cvija Ćučak, housewife from Počitelj, No. 34, born 1 September 1909 in Opličići, municipality of Čapljina, of father Nikola Ijačić and mother Cvijeta, nee Gelo, killed on 1 July 1992 at dawn in a place known as Modriča-Muminovača, in the house of her Croat relative, Miško Djuraković, nicknamed "Dujo", by the group of Edin Sakoč, in which also was Boban from Zagreb. She was killed in the bedroom together with her sister from automatic rifle (witness 408/96-2).

76. Djordje-Djoko Džonlaga (Djonlaga) from Tasovčići, born 26 July 1944 in Opličići, municipality of Čapljina, of father Novica, killed on 7 June 1992 in Muminovača-Domanovići (witnesses 454/95-14, 202/95, 907/95, 353/95).

77. Mileva Šakota, wife Milenko from Rečice, municipality of Čapljina, aged about 70, killed in Podgrad in Stolac, in the summer of 1992 by Pažin, a Croat from Prenja, Stolac (witnesses 454/95-14, 202/95, 907/95, 353/95).

78. Saveta Šakota from the village of Kozice, municipality of Čapljina, born 1920, of father Milan.

79. Slobodan Šakota, of father Milenko, born 1955 in Rečice, municipality of Čapljina, captured and killed on 7 June 1992 in Muminovača by the Croat-Muslim army.

80. Djuro Škoro from Mostar, died in the Dretelj camp in mid-1992 as a result of severe beating.

The most responsible persons for these killings are: Marko Anković, born 1970, of father Vidan; Borislav Bjeliš, participated in the killing of Serbs in the Dretelj camp; Zvonko Bjeliš, aka "Crvenkapa", participated in the killing of Serbs in the Dretelj camp; Boban, first name unknown, Croat; Fikret Boškailo from Tasovčići, Naklo, born 5 September 1969 in Čapljina, of father Šaćir and mother Kimeta; member of the 42nd mountainous brigade, participated in the killing of Serbs in Čapljina (witnesses 454/95-14, 202/95, 907/95 and 353/95); Edin Buljubašić from Stolac participated in the killing of Božo Balaban on 2 or 3 August 1992 in the Dretelj camp; Zlatko Vegar from Tasovčići, Main road, was employed in the biscuits factory in Čapljina, born on 2 March 1966 in Čapljina, of father Ilija and mother Iva, participated in the killing of the married couple Dušanka and Nikola Kuzman in the village of Tasovčići in 1992 (witnesses 454/95-14, 202/95, 907/95 and 353/95); Josip Vegar, aka Jozo, waiter from Tasovčići, Main road, born 13 December 1961 in Čapljina, of father Ilija and mother Iva, killed Milan Misita, participated in the killing of the married couple Dušanka and Nikola Kuzman and in the killing of Serbs in Tasovčići on 7 June 1992 (witnesses 454/95-14, 202/95, 907/95 and 353/95); Ivica Vego, aka "Čoro", from Čapljina, 17 Matije Gupca Street, born 1 May 1953 in Čapljina, of father Zvonko; Marina Grubišić from Gorica near Čapljina, participated in the killing of Serbs in the Dretelj camp; Zoran Delić, major of the former JNA, born 1960 in Travnik, of father Šerif, member of the 116th HVO brigade in Čapljina (703/94); Mile Žilić, member of HVO police in Čapljina (454/95-14); Zoran N. from Konjic, participated in the killing of Serbs in the Dretelj camp; Zubac, member of HVO police in Čapljina (witness 454/95-14); Zdenko Jakiša (Jakić), aka "Pipa", from Čapljina, Oslobođenje (Square), born 27 June 1968 in Čapljina, of father Filip, participated in the killing of the married couple Dušanka and Nikola Kuzman in mid-1992 (witnesses 454/95-14, 202/95, 907/95 and 353/95); Niko Jurković, aka "Babo", from Čapljina, 19 V.Vlahovića Boulevard (now Dr Ante Starčevića Street), born 21 December 1949 in Čapljina, of father Ilija; Blaž Kraljević, commander of the camp, participated in the killing of Božo Balaban on 2-3 August 1992 in the Dretelj camp (witness 9/94); Pero Krndelj from Gnjilište, chief of national security in Čapljina (witness 454/95-14); Almir Kudra,

aka "Hogar" (or "Ugar") from Tasovčići, born 1972, in Čapljina, of father Enver, participated in the killing of Serbs in Čapljina (witnesses 454/95-14, 202/95, 907/95 and 353/95); Mirsad Kudra, aka "Mirza", from Tasovčići, Nakla, born 21 February 1968 in Čapljina, of father Mithat and mother Čamila, now living in the area of Jablanica, member of the 116th HVO brigade, participated in the killing of Serbs in Čapljina (witnesses 703/96, 454/95-14, 202/95, 907/95 and 353/95); Marina Ljubičić, participated in the killing of Božo Balaban on 2-3 August 1992 in the Dretelj camp (witness 9/94); Šime Marinović, camp commander, participated in the killing of Serbs in the Dretelj camp; Marinko Marić from Grabovac, HVO officer (witness 454/95-14); Pero Marković, from Gnjilište by birth, HDZ president in Čapljina (evidence: 703/94 and 436/94); Ivan Medić, aka "Poskok", participated in the killing of Serbs in the Dretelj camp; Stanko Matić, from Gnjilište by birth, general of the former JNA, born in Gnjilište, general of the Croatian army (evidence: 703/94 and 436/94); Nedeljko Miličević, aka "Šapa", born 1968, of father Ivan; Mirsad Muminagić (Muminović), aka "Tadija", from the village of Struga near Čapljina, born 31 March 1945 in Ljubuški, of father Nail, chief of HOS police for civilian affairs, taxi-driver before the war; convicted several times for thefts (witnesses 454/95-14, 202/95, 907/95, 353/95); Mile Nogolica from Čapljina, participated in the killing of Dušanka and Nikola Kuzman (witnesses 454/95-14, 202/95, 907/95, 353/95); Slavko Pavlović, member of HVO (witness 454/95-14); Vinko Primorac from Radišići near Ljubuški, participated in the killing of Serbs in the Dretelj camp; Robert Rebac from Tasovčići, 15 Main road, born 25 July 1966 in Čapljina, of father Pero; Edin Sakoč, locksmith from Tasovčići, 137 Naklo, now living in the vicinity of Mostar, born 7 March 1959 in Tasovčići, municipality of Čapljina, of father Meho and mother Ramiza, nee Šejtanić, participated in the killing of the married couple Dušanka and Nikola Kuzman in Tasovčići in mid-1992 (witnesses 454/95-14, 202/95, 907/95, 353/95); Jasmin Turajlić from Tasovčići, 104 Naklo, born 10 May 1974 in Čapljina, of father Adem; Vinko Čemeraš from Tasovčići, Maksima Ijačića Street, born 1 November 1940 in Tasovčići, of father Ljubo, member of the Croat army "Prince Domagoj" (evidence: 703/94 and 436/94); Mile Čemeraš (evidence: 703/94 and 436/94); Sajo Horozić, participated in the killing of Serbs in the Dretelj camp; Miroslav Hristić (Hrastić), aka "Caro", from Ljubuški, Mirka Mucića Street, born 16 August 1949 in Ljubuški, of father Petar, officer of HOS police in Čapljina and commander of the Dretelj camp, participated in the killing of Serbs in Čapljina (witnesses 454/95-14, 202/95, 907/95 and 353/95); Miško Cvitanović, of father Mato; Jure

Čepo from Dretelj, born 1969, participated in the killing of the married couple Dušanka and Nikola Kuzman in Tasovčići in mid-1992 (witnesses 454/95-14, 202/95, 907/95 and 353/95); "Švabo" (the German), member of HOS from Slavonija (evidence: 703/94 and 436/94); Šejtanić from the Turaljevina settlement in Opličići; Nedeljko Šiljeg, aka "Mingo", born 1968, of father Nikola; Šuta from Opličići, hamlet of Čučkovina, of father Omer who was sentenced, after the Second World War, to 12 years of severe imprisonment because of criminal activities during the Second World War; Zarina Šuta (female) from Dubrava, municipality of Čapljina, participated in the killing of Serbs in Dretelj; unknown workers of "Jadran-trans" from Split and members of the 116th Rijeka-Ljubuški HVO brigade (evidence: 703/94 and 436/94).

Evidence: 9/94, 703/94, 436/94, 486/94, 454/95-14, 202/95, 223/95, 353/95, 907/95, 120/96, 338/96, 364/96-17, 537/96, 408/96-2, 408/96-4, 408/96-5, 408/96-6, 408/96-7, 408/96-8, 408/96-9, 408/96-10, 408/96-12, 408/96-14, 408/96-25, 408/96-26, 408/96-27, 530/96-2, 548/96-26.

7.1.11.0. Višegrad

7.1.11.1. In the first half of April 1992, Muslims attacked the Serb village of Glavice and fatally wounded an unarmed civilian from firearms, e.g.

1. Mićo Indjić in the courtyard of the house of his son-in-law Gojko Djurić.

Indjić died before medical help could have been extended to him.

Perpetrators: Huso Kurspahić, policeman in Višegrad before the war.

Evidence: 678/95-19 and 809/95-6.

7.1.11.2. In the spring of 1992, armed Muslims in the village of Štitarevo, municipality of Višegrad, killed a Serb civilian from firearms, e.g.

1. Nedžo Linda from Trševina and wounded another man.

Perpetrators: Mustafa Vilić, Ćamil Karić, Ramiz Cocalić and Kurspahić, aka "Car".

Evidence: 809/95-I and 673/95-2.

7.1.11.3. In June 1992, during the attack on the Serb village of Zemljice, Muslim soldiers killed from firearms, on the threshold of his house

1. Božo Vujkić, a Serb civilian, aged about 65 and burned the village.

Perpetrators: Ešref Sibaio and other Muslim soldiers.

Evidence: 809/95 and 678/95-19.

7.1.11.4. In mid-1992, in the village of Kozar, Muslim soldiers found

1. Stoja Tomić

She was in the house of her brother Ilija Kozarac and when she tried to escape, they wounded her and then, although she was wounded they took her with them and tortured her for a month. They forced her to go to the village of Petruša, together with a Muslim woman, and to bring from her weekend house all family jewellery (rings, gold, ducats) and hand it to them. They slaughtered her after that and left her unburied.

Perpetrators: Muslim soldiers

Evidence: 678/95-15

7.1.11.5. On 21 July 1992 in Kustur Polje, Muslim soldiers opened fire at a civilian "Golf" passenger car, plate number GŽ-584-00 driven by

1. Željko Tasić from Bosanska Jagodina, which was moving from Užice towards Višegrad. Tasić was hit in the head and his travelling companion

2. Ivica Marinković from Užice, in the chest, inflicted them fatal wounds of which they died on the scene of the incident. Lj.C. who also was in the vehicle suffered injuries because of the overturning of the vehicle.

Perpetrators: Mustafa Smajić from Donje Dubovo, where he was born on 1 October 1972, of father Sabrija and mother Mirsada;

Ragib Hurem from Mala Gostilja, where he was born on 24 September 1960, of father Ragib.

Evidence: I33/95-3, 552/94-9 and 456/94-9.

7.1.11.6. On 4 August 1992, in the Serb village of Zagradje, a group of Muslim soldiers killed a civilian

1. Milan Knežević, born 1941

by slaughtering him; his arms were cut off up to the elbows and his legs up to the knees, after which they burned his house. In the ashes of the house the half-burned, carbonized body of the victim was found with the extremities cut off.

Perpetrators: Ibro Kabaklija, aka "Čimbur", from Višegrad, born 25 November 1967 in the village of Kosovo Polje (Višegrad), of father Ahmet; brothers Vilići, Muslim soldiers, Menzilović, Muslim soldier.

Evidence: 678/95-14, I33/95-8 and 456/94-2.

7.1.11.7. On 8 August 1992, Muslim armed forces attacked the villages of Bursići and Klisure in Višegrad commune, where there were no Serb forces, killed eight Serb civilians and razed both villages to the ground.

While Marko Kusmuk was tending sheep near his home in the village of Klisura, Muslim soldiers killed both his sons

1. Milorad Kusmuk (father: Marko), born 1961; and
2. Miloš Kusmuk (father: Marko), born 1965.

They also set fire to the house with Marko's wife and an aunt in it:

3. Danica Kusmuk (father: Dušan), born 1931; and
4. Joka Vukašinović (father: Miloš), born 1914.

Danica burned to death in the house. Joka managed to escape from the flames, but the Muslim soldiers killed her immediately.

The following persons were also killed in Klisura that day:

5. Drago Kusmuk (father: Veso and mother Milena), born 1954,

6. Zoran Kojić (father: Ljubo and mother Jelka), born 1965, from the neighbouring village of Adrovići.

The Muslim soldiers then burned down Kusmuk's house, two stables, a pigsty, a hut and a dairy and took away 105 sheep and 13 cattle, estimated at DM 700 000.

In Bursići on the same day, Muslim soldiers killed:

7. Božana Ičagić (female), born 1905, and her daughter,

8. Stanojka Ičagić (father: Vojin), born 1933.

Evidence 440/94-20.

7.1.11.8. In Višegrad, on 24 July 1992, Muslim soldiers deliberately killed:

1. Ranko Samardžić, born 1931.

Samardžić was killed in front of his house by Kemal Isić, Ibrahim Šuško and Hasan Veletovac.

Evidence: 440/94-27.

7.1.11.9. In Donja Lijeska near Višegrad, at the end of July 1992, a group of Muslim soldiers led by Ramiz Nuhanović from the village of Tustamedj killed the Serb woman:

1. Radojka Rajak, (father Milić) born 1927.

The soldiers raided Radojka's house solely because she was Serb, and Nuhanović shot her in the doorway several times. After killing her the Muslim soldiers set fire to the house and all outbuildings, including stables, a pigsty and a barn.

Evidence: 440/94-30.

7.1.11.10. On 25 October 1992, Muslim soldiers attacked Serb villages of Kočarim and Paljevine. In the village of Kočarim they killed from firearms

1. Koviļjka Mirković (female), in the courtyard of her house;

On the body of the victim were found the wounds in the region of the back and the back of the head. The bullets entered at one end and came out on the other.

In the village of Paljevine they shot from firearms at

2. Milka Zečević, who was leading her cow, moving in the direction of her courtyard.

Milka was hit in the region of the back and died of the inflicted injuries shortly after the incident.

Perpetrators: Ahmet Sejdić, from the village of Drokan, where he was born on 2 January 1960, of father Ibro; Zaim Kustura from Višegrad, born on 25 April 1963 in Babin Potok, of father Islam; Osman Marić from Babin Potok, where he was born on 19 December 1944, of father Huso; Sejad Džafić from Holijaci, where he was born on 30 October 1957, etc.

Evidence: I33/95-I2, 552/94-7, 456/94-6 and 7, 673/95-23, and 440/94-29.

7.1.11.11. On Krčevina meadow near the village of Vlahovići near Višegrad, on 9 June 1992, a group of Muslim soldiers led by Hamdo Bajić from Velika Gostija killed the following Serb villagers:

1. Dragomir Šimšić, born 1949;
2. Perka Šimšić (female), born 1941; and
3. Božo Šimšić, born 1932.

Dragomir and Perka were executed with firearms, and Božo was slaughtered by Ragib Hurem.

Evidence: 440/94-35.

7.1.11.12. A Muslim unit commanded by Ahmet Sejdić from Višegrad attacked the village of Jelašci near Višegrad on 1 August 1992 and killed the following Serb civilians:

1. Mile Savić, (father: Gvozden), born 1943;
2. Petka Savić (female, father: Dragomir), born 1945;
3. Radomir Savić (father: Gvozden) born 1949;
4. Dragan Šušnjar (father: Jovan), born 1928;
5. Slavka Šušnjar, (female), born 1933;
6. Trivun Jeličić (father: Velizar), born 1927;
7. Sava Jeličić, (female), born 1911;
8. Mirjana Jeličić (father: Miloje), born 1961; and the minors
9. Dragana Jeličić, aged 8; and

10. Vidoje Jeličić, aged 11.

All the victims were killed inside or in front of their houses.

Evidence: 440/94-35, 440/94-40 and 279/95-6.

7.1.11.13. On 4 October 1992, in the village of Faljenovići, a group of Muslim soldiers killed the following Serb civilians:

1. Vasilije Vuković, born 1928
2. Miljana Vuković (female), born 1929
3. Milan Vuković, born 1928 and
4. Desanka Vuković, born 1932.

The crimes were perpetrated in such a way that the victims were killed at close range - Vasilije and Miljana were hit on the back of the head while they were in their house; Milan and Desanka were killed in the nearby woods. The bullets entered at one end of the victims' heads and came out on the other; the arms of Milan Vuković were tied on his back.

Perpetrators: Muslim soldiers commanded by Ahmet Sejdić from the village of Drokan, where he was born on 2 January 1960, of father Ibro.

Evidence: I33/95-9, 552/94-II and 456/94-4.

7.1.11.14. On 21 January 1993 during the attack on Serb villages, the Muslim soldiers killed the following Serb civilians:

1. Soka Tešović, aged 63, in the village of Stražbenice and
2. Desanka Vidaković, aged about 62, in the village of Čačice, municipality of Višegrad, who did not managed to escape.

Soka Tešović was first tied with wire and taken around the village of Stražbenica to show individual houses and other buildings which the Muslim soldiers set on fire, whereupon she was returned to her house. She was then tied to the stove with wire and burned together with her house.

Desanka Vidaković was found by Muslim soldiers in her house in Čačice, maltreated her physically and then shot at her and killed her in front of her house.

Perpetrators: Ahmet Sejdić from the village of Drokan, where he was born on 2 January 1960 (father Ibro and mother Zemka), commander of the Muslim military unit; Rašid Gušo from the village of Drinsko, where he was born on 2 January 1950 (father Šerfan); Zaim Kustura, aka Hodža; Ramiz Nuhanović; Fajo Jelačić; brothers Čimbur and Liso; Ibro Kabaklija from Višegrad (father Ahmet), born 25 November 1967; Ragib Sobo from Višegrad; Hamdija Bilić; Muhamed Šaćirović; Avdo Ahmetspahić from Višegrad.

Evidence: 133/95-2, 552/94-12, 456/94-8, 678/95-4, 673/95-2 and 673/95-24.

7.1.11.15. In the spring of 1993 a group of Muslim soldiers, near the village of Štitarevo, municipality of Višegrad killed

1. Milivoje Ristić, Serb, civilian.

Later on there were rumours that Milivoje "was dragged away by Sjelina and that he would never come back".

Perpetrators: Sabrija Tabaković, Nezim Cocalić, Ramiz Gaković and Ismet Delibašić.

Evidence: 809/95-1

7.1.11.16. On 27 July 1992, in the village of Kaoštice (Višegrad), a group of Muslim soldiers fired from firearms at a passenger car in which were Serb civilians Z.T. and

1. Stevo Drašković from Višegrad.

Stevo Drašković (born 8 September 1959 in Višegrad), who was hit with several bullets, died at the wheel of his car while Z.T. was wounded in the region of the back and managed to escape.

The Muslim soldiers threw Drašković's body out of the car and set the vehicle on fire.

Evidence: 440/94-24.

7.1.11.17. On 16 October 1992 the Muslim army, on the occasion of the taking of Meremišlja elevation, captured nine Serb soldiers:

1. Mirko Rosić from Višegrad, born 29 July 1967
2. Goran Tuševljak from Zrenjanin, born 1963
3. Milan Tešević from the village of Čačice, born 1958
4. Marjan Marković from Višegrad, born 1961
5. Duško Zarić from the village of Biljezi, born 27 April

1968

6. Milutin Šijaković from Višegrad, born 7 March 1955
7. Miro Šijaković from Višegrad, born on 28 August 1949
8. Milisav Cvrkota from Rudo and
9. Milivoje Stanojević from Višegrad, born 14 September

1961.

The Muslim soldiers physically maltreated and tortured the captured Serb soldiers, inflicting bodily injuries on them and killed them in the end. Traces of torture and injuries inflicted while they were alive were found on the bodies of the victims (various parts of the body of some of the victims were cut off).

Perpetrators: Ahmet Sejdić from the village of Drokan, where he was born on 2 January 1960, of father Ibro and mother Zemka, commander of the Muslim military unit; Zakir Jamak from the village of Kosovo Polje (Višegrad), where he was born on 4 May 1969, of father Husein; Zaim Kustura from Višegrad, born on 25 April 1963 in Babin Potok, of father Islam; Bakir Kabaklija from Višegrad, where he was born on 2 April 1962, of father Salko; Medo Jelačić from the village of Jelačići, where he was born on 7 August 1951, of father Huso; Muharem Samardžić from Višegrad, born on 20 July 1959 in the village of Barim, of father Smail.

Evidence: I33/95-5, 552/94-I, 456/94-II and 673/95-I9.

7.1.12.0. Brod (Bosanski Brod)

7.1.12.1. On 26 March 1992, in the afternoon hours, the village of Sijekovac, municipality of Brod (Bosanski Brod), in which the majority of the population was of Muslim and Croat nationality and in which there were 50-60 Serb houses, was stormed by a Croat army unit headed by Marko Prkača. The majority of soldiers were masked with stockings over their faces and because of this the witnesses presume that they were their Croat and Muslim neighbours from Sijekovac. They called on Serbs over a megaphone to surrender their weapons and gave them 10 minutes within which to do so. The whole part of the village in which were Serb houses was encircled and, even before the expiry of the deadline, the soldiers began to enter Serb houses and to drive out the villagers who happened to be there. All this was followed with a lot of shooting. They separated men from women and children and, the following persons were singled out from a group of men and killed from firearms then and there:

1. Jovo Zečević and his three sons
2. Milan Zečević
3. Vaso Zečević
4. Petar Zečević
5. Luka Milošević and his sons
6. Željko Milošević
7. Dragan Milošević, who had been previously seized from the hands of his mother
8. Sveto Trifunović and
9. Marko Radovanović.

Evidence: 584/94-1, 584/94-2, 584/94-3, 584/94-4 and 283/94.

(Annex No. C 37, svedočenje M.Z./testimony M.Z., pp. c384-c386/c387-c389)

(Annex No. C 38, svedočenje J.Z./testimony J.Z., pp. c390-c393/c394-c397)

(Annex No. C 68, svedočenje M.M.4/testimony M.M.4, pp. c699-c701/c702-c705)

(Annex No. C 93, svedočenje D.R.2/testimony D.R.2, pp. c933-c937/c938-c942)

7.1.12.2. On 8 April 1992 in Sijekovac near Bosanski Brod, about 1.00 a.m., Croat soldiers entered the house of Novak Sedlić and

1. Novak Sedlić, born 1931 and his relative

2. Milorad Brković, were taken to the bathroom, beaten, then poured with petrol and set on fire. Milorad Brković managed to escape although he was shot at and wounded and, when a witness (female) 584/91-4 tried to help her husband, she was not allowed to do so and she was told: "Get out of here or else you will burn as Milorad and Novak", from which she concluded that the perpetrators had known her husband and brother and that they were most probably Croats and Muslims from their village. Later on she found only parts of the body of her late husband Novak, while most of the body was burned.

Perpetrators:

1. Marko Prkača, a Croat from Slavonski Brod

2. Zemir Kovačević, a Muslim from Sijekovac

3. Nijaz Čaušević, aka Nedo, a Muslim from Sijekovac.

Evidence: 584/94-1, 2,3,4 and 383/94.

7.1.12.3. On 24 June 1992, at about 1.00 a.m., a group of five Croat soldiers in HVO uniforms came to building C of the settlement of Skela in Bosanski Brod and knocked on the door of flat No. 14 in which lived

1. Slobodan Stojaković, a Serb

with his wife and child, aged 11. Frightened, his wife came out on the balcony with her child and both jumped from the third floor. She was seriously injured. She heard the screams of her husband. When she returned to her flat later, she found traces of blood and the next day she was summoned to identify the body. She recognized the body of her husband on the cemetery. His neck was cut and he had a large number of stab wounds in the region of the chest inflicted with a knife. After paying for the burial expenses as she was ordered, she was expelled from Bosanski Brod, together with her son.

Perpetrator: Blaženko Kljajić and other members of HVO

Evidence: 584/94-19. (Annex No. C 80, svedočenje D.S./testimony D.S., pp. c808-c810/c811-c813)

7.1.13.0. Kupres

7.1.13.1. On 4-5 April 1992, in the Vilina Kuća suburb of Kupres, members of Croat-Muslim armed formations tortured and brutally killed the following unarmed Serb civilians:

1. Vljako Danilović, born 1952, who telephoned his Croat friend, Marko Vila to ask for help during attacks by Croat-Muslim forces in the Kupres area. Vila promised that he would save him and invited him to his house. However, Danilović was shot when he went to Vila's house. There were gunshot wounds in the area of his neck and waist;
2. Milan Milišić, born 1965, who was tortured before being killed, as shown by many bruises on his head and in the area of the chest and stomach, cuts made in the chin and stomach area with a blade. He was finally shot in the head;
3. Stanko Marić, born 1949; and
4. Marko Keranović, born 1948, who were shot in the back when they tried to escape from settlement in the direction of Plazenica mountain. Both were wearing civilian clothes and were unarmed;
5. Rade Knežić, born 1926, who tried to hide when the attack began, but was caught, beaten, tortured and finally shot; and
6. Djordje Manojlović, born 1955, who was also unarmed and tried to hide in the woods. where he caught and shot.

These murders were committed by: Safet Pilić, chairman of the Kupres branch of the Muslim Party of Democratic Action; Sulejman Pilić; Sejo Pilić; Ekrem Pilić; Milenko Vila; Marko Vila; Mirko Vila; Mijo Vila; Zoran Vila; Ratko Rebrina; Smail Mandluka; Miroslav Kaminski; Anto Jelić; Zijad Mančuka; Božo Žulj; Pero Dumaničić; Josip Zrno; Ibro Horozović; Ahma Horozović; Ivica Žulj; Igor Vila; Ruždi Ramčić; Amir Ramčić; Miroslav Vrgoč; Manuel Ledić; Dragutin Ledić; Ivo Maleš; Darko Šimić; Dražen Šimić; and Ivo Raštegorac.

Full personal details are available for all these persons.

Evidence: 117/95-1.

7.1.13.2. During the attacks by Muslim-Croat forces in the territory of Kupres commune on 5-6 April 1992, hitherto respected

local Croats and Muslims abused the trust that they had previously enjoyed among their Serb neighbours. In agreement with the commanders of the armed formations, they invited Serb civilians to come with them and promised to take them where there was no fighting. They brought together a large number of Serb civilians in this way and took them to the house of Milenko Vila on Narodnih Heroja Street in the suburb of Vilina Kuća. Milenko Vila was chairman of the Kupres branch of the HDZ.

The Serbs were taken from there and shut in the cellar of the building of the Croat-Muslim army's headquarters, where they were maltreated and tortured. They were beaten with clubs, sticks, electric cables and other implements, causing serious physical injuries and psychological pain. Seven of the imprisoned Serbs were then lined up in front of the cellar wall and executed with shots fired from automatic weapons.

The following Serbs were killed:

1. Jova Zubić, born 1950;
2. Dragan Šormaz, born 1952;
3. Vlastimir Jarčević, born 1956;
4. Nedeljko Karan, born 1949;
5. Vlado Duvnjak, born 1945;
6. Momčilo Šešum, born 1937; and
7. Predrag Baltić, born 1971.

Three other persons were seriously wounded. Their names are also known.

The dead and wounded Serbs were loaded onto the trailer of a tractor and driven by Pero Dumančić to a hill above the village of Odžak near Kupres, where they were thrown in a pit.

This crime was committed by the same people listed in section 7.1.13.1.

Evidence: 117/95-1 and 333/95-23

7.1.13.3. Croat-Muslim armed formations attacked Kupres between 3 and 6 April 1992. Units coming from Duvno (Tomislavgrad) and many places in the Republic of Croatia were joined Croats and Muslims from the Kupres area, who armed themselves, donned camouflage uniforms with HOS insignia and placed themselves under the command of the unit that started the attack.

Attacks on the town of Kupres were directed in particular against the suburb of Kratelj, which was mainly inhabited by Serbs. Many Serbs were captured in their homes. A tank entered Serb houses and important buildings like the police station, the hotel, the bank, the elementary school and the out-patients clinic from the range. A local Croat sat on the tank and showed the gunner which houses and other buildings to fire at.

Nine Serbs were killed in this attack on the suburb of Kratelj.

1. Vojislav Kanlić, born 1955, was first wounded and was then killed by a burst from an automatic weapons;
2. Milorad Kontić, born 1958;
3. Todor Dragoljević, born 1958;
4. Špiro Bosnić, born 1954;
5. Trifko Pavlović, born 1957, and
6. Nedeljko Jarčević, born 1950, were shot down as they were coming out of the house of Milorad Kontić with their arms raised in surrender;
7. Lazo Kontić, born 1960, was captured and tortured, in the course of which his left ear was cut off, before he was shot dead;
8. Drago Čelebić, born 1966; and
9. Stevo Lugonja, born 1966, were taken prisoner and shot a bomb or the Kamel cafe on the orders of the commander of the Croat-Muslim forces.

These crimes were committed by, among the commander of the unit, whose first name is not known, Ivo Filipović, Drago Radić; Zoro Turalija; Borislav Zrno; Jure Zrno, Breda Vija, Marko Ivić; Ivica Ravančić; Rasim Jahić; Dragun Dumančić; Ante Perković; Ivan Jezidžić; Marko Lovrić; Franjo Smoljo; Ljupko Radić; Franjo Mamić; Ivo Zrno; Ivica Zrno; and Mario Zrno.

Full personal details are available for all these persons, except for the commander, Filipović.

Evidence: 117/95-2, 333/20, 333/21, 333/22 and 1241/20 (Annex No. C 160, Photos 26 - 32), (Annex No. C 192 and Annex M.Š./testimony M.Š., pp. c1236 1241/c1242-c1249)

7.1.13.4. On the morning of 3 April 1992, Croat-Muslim forces from Livno and Šujica attacked the Serb village of Duvno Malovan in Kupres commune, shooting unarmed civilians who tried to escape, killing from sniper rifles and other infantry weapons 12 Serb civilians and wounding 3 civilians in this attack, while the others were captured and taken to the camp in Duvno (Tomislavgrad).

Killed were:

1. Darinka Duvnjak (female), born 1933;
2. Svetozar Duvnjak, born 1962;
3. Miloš Duvnjak, born 1925;
4. Mitar Duvnjak, born 1940
5. Vlado Duvnjak, born 1907;
6. Milan Duvnjak, born 1936;
7. Mitar Duvnjak, born 1967;
8. Dušan Duvnjak, born 1967;
9. Marinko Duvnjak, born 1922;
10. Niko Kanlić; born 1956; and
11. Živko Maksimović, born 1966.

Three other women whose names are known were wounded too, while one of them was old.

These persons were killed and wounded when they tried to escape from the village into the surrounding woods in three trucks. Mitar Duvnjak was first gravely wounded and then shot dead with an automatic rifle from close range.

These killings were committed by Croat-Muslim armed forces from Duvno (Tomislavgrad) and Livno.

Evidence: 117/95-3.

7.1.13.5. On 7 April 1992 Croat-Muslim formations attacked the village of Rilić (Kupres commune) populated only by Serbs. The attack was launched from the neighbouring village of Kukavice, which was inhabited by Croats and Muslims. The following unarmed Serb civilians were killed as they tried to escape from the house of Sava Rudić, where they had been hiding:

1. Niko Maleš, born 1931;
2. Dušan Soro, born 1934; and
3. Borislav Rudić, born 1941.

Dušan Soro and Borislav Rudić were shot dead by infantry weapons, and Niko Maleš was killed in a savage manner and decapitated and his head was discovered lying near the body.

This crime was committed by Croat-Muslim armed formations.

Evidence:117/95-4.

7.1.13.6. In Begovo Selo in Kupres commune, populated by inhabitants of various nationalities, on 7 April 1992, Josip Turalija shot the unarmed Serb villager:

1. Sima Spremo, born 1929.

The victim and his family were the only Serb civilians left in the village after the breaking out of armed conflicts.

Josip Turalija, a Croat from the same village who knew his neighbour. He came armed and dressed in a Croatian Army uniform with a unit led by Drago Turalija. Turalija shot Spremo several times while he was walking towards the stable in order to feed his cattle.

There are full personal data on the perpetrator of this crime.

Evidence: 117/95-5. (Annex No c 160, Photos 33)

7.1.13.7. Ivica Stipčević and other members of Croat-Muslim armed formations raided the Serb village of Zanaglina in Kupres commune on 9 April 1992. Finding only unarmed and defenceless old people, women and children, they drove them out of their houses and maltreated them by making them lie face down on the ground. They then killed the following people with barrage fire from machine guns:

1. Petar Soro, aged 78;
2. Strahilo Spremo, aged 82;
3. Spasoje Marić, aged 62; and
4. Milorad Spremo, aged 56.

They then set fire to the Serbian houses. When fired on by Army of the Republic of Srpska from the direction of Lake Turjača, the attackers used captured male Serb children as a live shield during their withdrawal from the village. The deaf and mute M.R. was wounded on this occasion.

Ivica Stipčević was one of the members of the Croat-Muslim formation responsible for this attack. He came from the neighbouring village of Šujice and thus knew that all the victims were Serbs.

Evidence: 117/95-6.

7.1.13.8. Croat-Muslim armed forces attacked the exclusively Serb populated village of Botun in Kupres commune on 10

April 1992. Arriving at the house of the Serb Stojko Spremo, they forced open the door of the cellar knowing that a number of frightened civilians were hiding there and threw in a hand grenade. The following women died in the explosion:

1. Savica Spremo (female), aged 72; and
2. Andja Spremo (female), aged 57.

They then set fire to the house which burned to the ground, together with the bodies in it.

On that occasion they also killed Savica Spremo's son Branislav Spremo, who had been hiding in the attic, but was caught when he tried to escape. They tortured him, cutting his face several times with a knife, and then shot him.

Evidence: 117/95-7.

7.1.13.9. On the night of 6-7 April 1992, in Stražanj on the road from Kupres to the village of Šujice, Ive Čičak, a member of a Croat armed formation from Odžak in Kupres commune killed:

1. Žarko Živanić (father Cvije), born 1946, as he tried to escape from a column of prisoners. Živanić had feared that the prisoners were being taken to pits on Borovska Glava Hill into which Ustasha had thrown over 200 Serbs from his village in 1941. Guards shot at him with automatic weapons when he tried to escape and wounded him in the legs. He fell down and was unable to return to the column when ordered because of his wounded legs, at which Čičak walked over to him, cursed and his Serb mother and shot him in the head.

On this crime there exist full personal data on Ive Čičak.

Evidence: 117/95-9, 333/95-20 and 333/95-23.

7.1.13.10. Croat-Muslim formations attacked a truck on the road between the villages of Rilić and Ravno in Kupres commune on 8 January 1993, the second day of Orthodox Christmas, during a cease-fire. The vehicle was carrying Serb civilians including women, children and persons above 60, and the following people were killed:

1. Dušanka Jarčević (female), aged 58;
3. Andja Jarčević (female), aged 44;
2. Radmila Jarčević (female), aged 20;
4. Marko Kontić, aged 70;
5. Bogoljub Lugonja, aged 60;

6. Risto Lugonja, aged 54;
7. Ostoja Čelebić, born 1954;
8. Cvijo Dragojević, born 1956;
9. Branko Lugonja, born 1957;
10. Mihajlo Dragoljević, born 1961; and
11. Moma Dragoljević, born 1972.

Another 11 people whose names are known were seriously wounded.

The attackers were well aware that this road was controlled by the Army of the Republic of Srpska, and that it connects Serb villages and was used exclusively by Serbs. This shows that the aim of the attack was to kill Serbs, especially as they were celebrating the main Orthodox holiday.

Evidence: 117/95-12.

7.1.13.11. On 23 September 1994 in Mala Rijeka in Kupres commune, eight uniformed Muslim soldiers captured ten unarmed Serb civilians, all employees of the Gorica forest economic enterprise from Šipovo, as they were felling timber.

The captured foresters were taken to Bugojno, where they were tortured and suffered serious physical injuries, and then transferred to the prison in Travnik, where:

1. Danilo Marijanac (father: Jova), born 1937, succumbed to injuries on 27 September 1994, while the others were held there until they were exchanged in November 1994.

Evidence: 117/95-13, 333/95-18, 333/95-19, and 110/95.
(Annex No. C 20, svdočenje J.G./testimony J.G., pp. c203-c207/c208-c210), (Annex No. C 85, svdočenje M.P.1/testimony M.P.1, pp. c853-c859/c860-c864)

7.1.13.12. A number of Serb civilians arrested in Kupres commune were taken to prison camps outside the territory of the Republic of Bosnia and Herzegovina to the Republic of Croatia, where they were physically and mentally tortured. Some of them were killed.

7.1.13.12.1. In a prison in the Lora naval base in Split (Republic of Croatia), the Serb Petar Spremo, who had been brought from Kupres, was killed by Croat soldiers, who hit him with a metal pole and fractured his skull in many places. He died soon afterwards.

On being taken out of the lorries in which they were brought to this camp, the Serb prisoners from Kupres were forced to pass through a cordon of 500 armed people, who hit them with a variety of objects. Most of the Serbs were knocked unconscious.

After being put in cells, the prisoners were tortured every day. Salt was forced into their mouths. Guards poured petrol over them and threatened to set them on fire. They were given electric shocks. Grenades and pistol barrels were forced into their mouths. They were also starved and humiliated in all possible ways.

Eight persons (whose names are known), who had been tortured and seriously injured, were taken from Split one night to the Zadar area. Nothing has been heard of them since and they are presumed killed.

The commander of the camp at that time was Tomo Dujčić.

Evidence: 117/95-8, 117/95-10, 117/95-11, 117/95-2, 333/95-20, 333/95-21, 333/95-22 and 333/95-23.

7.1.13.12.2. On the night of 18-19 April 1992 in the so-called Croatian Hall in Vrgorac, where there was a detention camp in which Serb prisoners from the Kupres area were kept, Mile Spremo was killed. He was savagely beaten, until he fell to the ground. Two Croat soldiers then jumped on him, smashing their knees into his chest and injuring vital internal organs. Spremo died that night without receiving any medical assistance.

The commander of this camp at that time was a certain Bošković, first name unknown.

Evidence: 117/95-11.

7.1.14.0. Jablanica

According to the last census of 1991 there were 12 664 inhabitants in the municipality of Jablanica: 9136 Muslims, 2 253 Croats, 504 (or 4.5 per cent) Serbs, 573 Yugoslavs and 196 others. A large number of Serbs declared themselves as Yugoslavs. According to the census taken by SDS (Serb Democratic Party) also in 1991, there were 650 Serbs in Jablanica. In view of the small percentage of Serbs in

that municipality, who declared their loyalty to the Croat-Muslim authorities, they were not exposed to genocide as was the case in the neighbouring municipality of Konjic. In this municipality there was constant tension between the Croats and Muslims, in particular in the villages in the direction of Prozor, where an open armed clash took place already in July 1992. Prozor was taken by Croats and Jablanica by Muslims. Life with Muslims was unbearable for Serbs, in particular after the killing of Vlado Žuža, who was killed in the vicinity of his house while mowing grass. The Serb population was waiting for a suitable chance and, with the help of Croats, was leaving the area in large numbers and crossing over to the Serb-held territory of Bijela and Borci, leaving behind its houses, property and all its wealth acquired over centuries.

The largest number of Serbs lived in the villages of Ostrožac and Dobrigošće in the municipality of Jablanica. Out of 818 inhabitants in Ostrožac 219 were Serbs, while in Dobrigošće out of 125 inhabitants 48 were Serbs. Today there are no Serbs in these two villages at all.

7.1.14.1. The following members of the Army of the Republic of Srpska were captured by Muslim forces on 13 November 1994:

1. Risto Čolović (father: Stojan), born 1955;
2. Miljan Radulović (father: Branko), born 1974;
3. Mirko Simić (father: Djordje), born 1959;
4. Slobodan Pudar (father Mladen), born 1970.

They were imprisoned in the cellar of the Revolution Museum in Jablanica, where they at one time were tied up with barbed wire and tortured in various ways.

The Muslim major Nihad (surname unknown) and Adnan Salčin killed the four captured soldiers in the middle of December 1994 with a pickaxe and a sabre. They first killed Čolović and Radulović and then Simić and Pudar.

The post mortem conducted after the bodies of the soldiers had been exchanged in Podveležje established:

Čolović had a fractured skull and facial bones, skull roof and had no skull and face, had gunshot wounds on the lower part of both legs, broken lower both legs and four broken ribs.

Radulović had two stab wounds on his chest, which had been inflicted by a sharp object moving from below upwards and from the right towards the left side. Facial bones had also been fractured.

Simić's body was exchanged without its head, which was said to have been cut off by a mechanical object.

Pudar had gunshot wounds on the left side of the neck, fractured facial bones and cuts on the neck, as well as a previous fracture of the left elbow.

The perpetrators of these actions were the director of the Museum in Jablanica, Seno Džino, his assistance Nihad, Adnan Saličin and other members of the Muslim forces.

Evidence: 392/94, 371/95, 392/95-2 and 584/96-25.
(Annex No. C 17, svjedočenje M.V./testimony M.V., pp. c167-c170/c171-c175) (Annex No C 269, obdukcioni zapisnik M.S./autopsy report M.S. pp. c2315-c2318/c2319-c2322)

7.1.14.2. In the municipality of Jablanica the following inhabitants of Serb nationality were also killed:

1. Vladimir-Vlado Žuža, worker from Ostrožac, municipality of Jablanica, born on 3 July 1936 in Ostrožac, of father Obren, married. He was killed on 24 June 1992 while mowing grass, together with two other Serbs, by his neighbours, members of the Muslim army, Vahid Piralić, Bilah Mutap, Rusmir Kovačević and Huso Delalić (witness 6I/97-36).

2. Luka Žuža, worker, born in Ostrožac, who went to work at the railway station Ploče on 7 May 1992 and has not been heard of since.

3. Dragoljub Knežević, worker from the village of Paprasko, municipality of Jablanica, born 27 November 1967, in the same village, of father Spaso. In July 1993 he was found dead in the tunnel Gornje Paprasko, allegedly run over by an UNPROFOR personnel carrier.

4. Spaso Knežević, pensioner from the village of Paprasko, municipality of Jablanica, born 23 May 1925 in the same village, of father Pero. In mid-June 1993 he was found unconscious,

beaten up, in the tunnel of Paprasko in Jablanica. Three days later he died as a result of torture.

5. Djuro Manigoda, pensioner from Dobrigošće, municipality of Jablanica, born on 20 April 1914 in Dobrigošće, of father Lazo, married, father of four children. In May 1994 beaten up by his Muslim neighbours, members of the Muslim army, who entered his house demanding money. They beat him up and his wife Bosiljka and took DM 10 000 from him. A couple of days later Djuro died of the consequences of torture.

6. Bosiljka Manigoda, nee Šušić, housewife from Donja Jablanica, born 1924 in the village of Čelebići, municipality of Konjic, of father Vaso and mother Simana, married, mother of four children. Members of the Muslim army entered their house on 1 July 1992, at night, demanding that her husband who was a game keeper before the war, to surrender his weapons. They started to beat him immediately, in the presence of his wife. After that they took him to the basement and continued to beat him. When he came back he found Bosiljka dead.

7.1.15.0. Livno

In 1991 the Croat Democratic Union (HDZ) assumed power in the commune of Livno and immediately started removing Serbs from important offices and appointing Muslims and Croats to them as they had formed a coalition. They started calling the Serbs "Chetniks" and "aggressors", and make propaganda against the JNA.

7.1.15.1. At the beginning of April, 1992, units of the Republic of Croatia and other paramilitary formations under the command of Ante Gotovina, started coming to Livno. The paramilitary formations were composed of domestic and foreign nationals who spoke German, English, Spanish and other languages. They had the red and white chequered Croatian flag insignia and the letters RH (Republic of Croatia) and the capital letter "U" (a symbol of the fascist "Ustasha") on their lapels. Their uniforms were black, from which the Serbs concluded that this meant the formation of a new Ustasha army like the one formed during World War II.

In the territory of Livno, there were pits into which killed Serbs had been thrown during World War II, which had been made

known to the whole world by trials of war criminals after the war. These memories provoked fear among Serbs that history would repeat itself and Serbs would again be killed and thrown into pits. After the first attack on mainly Serb inhabited Kupres by Croat forces in April 1992, Serbs from Livno started fleeing in large numbers so as to save their lives.

7.1.15.2. On 27 April, 1992, the Serb Orthodox Easter Day, local Croat and Muslim forces started arresting Serbs, who were taken from their homes, from their work places, their fields and the streets, to makeshift prisons and camps. The "Ivan Goran Kovačić" and "10 October" schools were transformed into prison camps for Serbs, and the garages and premises of the police station were used for the same purpose. Propaganda and other forms of intimidation made it clear to Serbs that there would be no place for them in the territory of Livno commune, and they were publicly told they would be treated in line with the formula applied by the Ustashi during World War II: one third would be killed, one third converted to Catholicism, and one third would be expelled. The official authorities in Livno started putting this into practice with arrests, beatings, harassment, the burning of houses, rape and killing.

7.1.15.3. The following is a typical example of the mass murders:

As the chief representatives of the military authorities in Livno, Zdenko Andabak, a military police commander from Suvača near Livno, Muhamed Ibrahimović, a former JNA officer, military police chief in Zvornik and head warden of the prison camp in the "Ivan Goran Kovačić" school, Tomislav Garić, "Mutavi", the assistant police commander from Livno, Marko Franjić from Duvno and an unknown German nicknamed "Švaba", plenipotentiaries of the military authorities, are no doubt responsible for the lives of many Serbs in this district, who were killed after being tortured, beaten or raped. On 20 July 1992, for example, the following Serb civilians were killed:

1. Milena Laganjin, aged 39, who was killed in the doorway of her home;
2. Milan Ždero, who was beaten, causing fractures of several bones and then burnt to death;
3. Aleksandar - Aco Arnaut, who was tied to a radiator and then burnt alive;
4. Vojin Kovačević, who was beaten until he died of his injuries;
5. Vesa Radeta (female), aged 53;
6. Manojlo Radeta, aged 53;
7. Nenad Pokrajac, aged 57

8. Janja Laganjin (female);
9. Mile Vujanović;
10. Rajko Šunjka, aged 54;
11. Andja Šunjka (female), aged 54;
12. Ilija Mihajlo, aged 55;
13. Milica Mihajlo (female), aged 53;
14. Milorad Crnčević, aged 57;
15. Vlado Mitranić, prominent lawyer, aged 54;
16. Mijo Radoja
17. Stojan Pažin, pensioner;
18. Mićo Pažin, pensioner;
19. Milan Pažin, pensioner;
20. Andja Jović (female), aged 40;
21. Rajko Raco, aged 53;
22. Andja Crnogorac (female), aged 62;
23. Milivoje Crnogorac; and
24. Mile Bajilo.

In addition to the above persons, it is thought that another 150 Serbs were killed in Livno during the summer of 1992, including 13 Serbs brought from camps in the Republic of Croatia, one Velibor among them. Most of the dead Serbs were thrown into pits.

(Annex No. C 9, svedočenje Dj.B./testimony Dj.B., pp. c66-c69/c70-c73)

(Annex No. C 16, svedočenje D.V./testimony D.V., pp. c159-c162/c163-c166) (Annex No C 250, svedočenje D.L./testimony D.L., pp. c2165-c2170/c2171-c2176)

7.1.15.4. Before being killed and thrown into pits, Serbs were tortured in the most savage ways. Chetnik symbols or the letter "U" was carved on prisoners' heads with knives. Their blood was drained. They were given electric shocks, forced to perform unnatural sexual acts, knock each others teeth out, lick blood from the floor, drink urine, etc...

Č.O., and S., B., S., and P. from Zastinje were mercilessly beaten, while B., P., D., L. and others received electric shocks, were beaten with clubs and subjected to other forms of inhumane treatment. Those who died as a result of beating and torture were taken out and their bodies were burnt beside garbage containers in the camp yard.

Evidence for 7.1.15.1 to 7.1.15.4: 493/94-39, 378/94-13, 318/94-15, 339/94-4, 339/94-5, 205/94-4, 205/94-2, 200/94, 284/95-1, 4, 5, 10, 18, 24, 26, and 27, 292/95-18, 292/95-21, 284/95 and 87/97-2.

7.1.15.5. In the "Ivan Goran Kovačić" school in Livno, there was a camp for arrested Serb civilians which at times housed up to 300 prisoners. Some prisoners were severely tortured. One witness remembers that, on the night of 15 September 1992, 13 people were taken from the camp, killed and thrown into a pit on Koričnik Hill, including his acquaintance:

1. Milun Bailo.

This crime was committed by the camp commander and guards, who were members of the Muslim armed forces.

Evidence: 378/94-13, 493/94-39, 378/94-15, 205/94-4 and 87/97-2. Annex No. C 40, svedočenje M.I./testimony M.I., pp. c407-c410/c411-c415)

7.1.15.6. In mid-1992 in the village of Donji Žabljak, Branko Jukić mined houses with the intention of driving Serbs from the village, and killed his neighbour

1. Ratko Arnaut.

Evidence: 205/94-2.

7.1.15.7. In late April 1992, the following Serb was killed in the prison in the former police station in Livno:

1. Milan Vujanović, he was thrown from the third floor.

Evidence: 292/95-18 and 292/95-21

7.1.15.8. During the summer of 1992, Dr Zlatko Škerić, Dr Ante Drnasin and Dr Mirzeta Alijagić, all from Livno; committed the following crimes: Dr Zlatko Škerić, a forensic expert, falsified reports of post-mortems of Serbs who had died violently, stating that they had committed suicide; in the hospital in Livno where they worked, Dr Ante Drnasin and Dr Mirzeta Alijagić refused to examine or aid Serbs who had been severely wounded and in critical condition.

Evidence: 205/94-1, and 205/94-4.

7.1.15.9 The following persons have been identified as perpetrators of the crimes against the Serbs in Livno: Zdenko Andabak, military police commander; Zoran Andabak; Branko Antunović; Stipo Barun; Senad Bašić; Jozo Boloti; Hasan Bubalo; Sead Velagić; Miljan Brkić; Stanko Vrgo ; Tomislav Garić, nick-

named "Mutavi", assistant military police commander; Marko Damjanović; Mato Drinovac; Ante Žarko; Dino Hodžić; Zijad Hodžić; Muhamed Ibrahimović, former JNA officer, and chief warden of the prison camp in the "Ivan Goran Kovačić" school; Nedžad Jahjahvendić; Muhamed Jašarević; Branko Jukić; Izet Klinac; "Kobra", real name unknown, commander of the so-called Fifth Section of the camp; Ilija Krezo; Anto Mišić; Dražen Pejzer; Hozo Perić, inspector and chief of police in Livno; Marko Pranjić; Ivo Purić; Jozo Stanić; Senad Sudar; Mato Čeko; Ivica Čubela; Jozo Čurić; and "Švabo", real name unknown, a German national.

7.1.16.0. Goražde

The testimonies of numerous witnesses show that an atmosphere of destructive hatred towards Serbs prevailed in Goražde, frequently manifested in death threats and warnings that there was no place for Serbs in Goražde. This atmosphere was encouraged by top Muslim officials inspired by the idea of creating a Muslim state in Bosnia-Herzegovina. This atmosphere was conducive to individual and mass crimes aimed at destroying any people standing in the way of the Muslim state, which would, in the minds of its champions, also encompass the area where crimes were being committed.

The numerous, wilful killings of Serb civilians committed by the Muslim authorities and army without any legal basis can only be attributed to genocidal motives. A War Presidency headed by Hadžo Efendić, the then President of the Municipal Assembly, made decisions on the killing of Serb civilians in Goražde, and the killings committed on his orders were subsequently sanctioned by alleged "court martials". The verdicts were written by Kemo Djuliman, before the war a magistrate in Goražde. (witness 36/95). At the beginning of February 1993 Efendić went over to Sarajevo and later on, because of his services, he was appointed ambassador of Bosnia and Herzegovina to Austria.

The killing of Serb villagers who had not managed to flee, regardless of their sex or age, can only be explained by genocidal intentions. The same applies to the killing of prisoners.

So-called "silent killing" - the inflicting of bodily injuries, torture, starvation, creation of conditions in which people deteriorated physically and mentally (in prisons, POW camps and camps for civilians) - was also common.

In the camp for civilians in Moša Pijade Street, inmates were not allowed to take shelter in corridors or the cellar during shelling. Many were killed and wounded by shells.

Serb prisoners were taken from a prison in a house in Medinović to the bridge in Goražde with the intention that they would be killed on the bridge, and their deaths attributed to the Serb army.

In addition to Hadžo Efendić, the greatest responsibility for the creation of the climate of ethnic intolerance falls upon the following SDA leaders: Rijad Raščić, Enver Borovina, Hašo Kuljah, Fehim Pleh, Kemo Čelik and Hasan Tafro.

Since the outbreak of the war, Serbs in Goražde were maltreated in many different ways by the Muslim army and police, including insults, threats, physical attacks, physical and mental suffering, house searches, seizure of property, illegal arrest, evictions, to restrictions of movement, imprisonment in camps, starvation and the destruction of public buildings, and killing (in houses, in the street, in camps, by the river Drina and in other places.).

Serbs were killed in places where they were found or taken to. According to accounts of Serbs who fled Goražde, the Muslim army and police killed about 300 Serb civilians in the territory of the commune of Goražde. Muslims themselves boasted that they had killed 250 Serb civilians in the first months of the war.

In the climate which encouraged the killing of Serbs, murders were committed by civilians, and even children, without anyone preventing them.

7.1.16.1. Thus in Goražde and its vicinity, among others, the following were killed:

1. Dragica Andrić from Glamoč, municipality of Goražde, born 1904 in Glamoč, of father Lazo and mother Andja, nee Poklopić, killed at the beginning of 1992 in her village; she was slaughtered, according to the knowledge of her son 514/96-8. All civilian population which happened to be there was killed in the same way.

2. Dragomir Andrić from Glamoč, municipality of Goražde, born 1939 in the same place, of father Nedeljko and mother Dragica, stayed in the village because of his mother and could not be traced since and is believed to have been killed (witness 514/96-8).

3. Radomir Andrić, born 1932, of father Nedjo, killed in the village of Glamoč, municipality of Goražde.

4. Todor Apostolov, graduate of economics, Goražde, 12 Sandžačkih brigada Street, born 8 April 1936 in the village of Krivodol, municipality of Dimitrovgrad, of father Arsen, was employed in "Pobjeda" enterprise, Goražde; in July 1992 he was taken to the camp in Mujkovića Polje, killed after cruel torture and his body was thrown into the river Drina (witnesses: 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 514(96-15) and 478/96-II).

5. Dušan Bojić from Sarajevo, who happened to be in the village of Buloge, was killed when the Muslims took the village on 16 August (army of Alija Prazina from Renovica).

6. Milan Varagić from Goražde, 12 Sandžačkih brigada Street, in July 1992 taken to the camp in Mujkovića Polje; after cruel torture killed and his body was thrown into the river Drina (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 514/96-15 and 478/96-II).

7. Svetislav Varagić, aka "Batko", from Goražde, 12 Sandžačkih brigada Street, born 1960 in Goražde, of father Milan, killed together with his father in the camp in Mujkovića Polje in July 1992 and thrown into the river Drina (witness 478/96-II).

8. Steva Varagić, taken away in July 1992 and killed in the settlement of Mahala near the mosque (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3).

9. Drago Vidaković from Goražde, born 10 October 1936, of father Jovan, killed during the attack of Muslim units commanded by Meho Drljević and Enes Turković, on the village of Borak Brdo, where he hid, on 22 May 1992; he was hit in the back of the head from firearms (witnesses 478/96-10 and 514/96-16, 144/97-6, 144/97-9).

10. Ilija Vlaški from the settlement of Baćci, born 30 July 1930, of father Ostoja, happened to be at home; he was first wounded and then killed on 5 May 1992. Slaughtered and his body was thrown into the nearby brook (witnesses 370/94,478/96-7). According to the knowledge of witness 514/96-22 the murder was committed by Hasib Mirvić from Baćci; Taib Zec told witness 287/95-2 that he had committed that killing.

11. Buda Vukadin from the village of Osječani, hamlet of Smreke, killed in mid-1992 in his village on the occasion of the attack on the village by members of the Muslim armed forces (witness 36/95).

12. Mila Vukadin (female) from the village of Osječani, hamlet of Smreke, of father Nikola, killed at her home in 1992, when the Muslims stormed the village.

13. Milka Vukadin from the village of Osječani, hamlet of Smreke, wife of Buda Vukadin, killed in her village on 16 August 1992 by being burned alive in Risto Nešković's house, together with his wife Vukosava (witness 36/95).

14. Milja Vukadin from the village of Osječani, hamlet of Smreke, municipality of Goražde, aged over 70, taken away from her home on 16 August 1992 by Osman Subašić to the camp in Mravinjac and then to Berič and killed there (witnesses 594/94-13, 36/95, 478/96-15).

15. Nikola Vukadin from the village of Osječani, hamlet of Smreke, aged over 80, killed in his village on 16 August 1992 during the attack of members of the Muslim armed forces on the village (witnesses 36/95, 478/96-15).

16. Sava Vukadin from the village of Osječani, hamlet of Smreke, aged about 80, killed in his village on 16 August 1992 during the attack of members of the Muslim armed forces on the village (witnesses 36/95, 478/96-15).

17. Božana Vukašinović (female) from the village of Gornja Bukovica, municipality of Goražde, born 1926, of father Djordje; killed on 25 May 1992 in her village by members of the Muslim army who, after taking Serb villages on the territory of the municipality of Goražde, looting and burning Serb houses and other establishments, also were killing Serbs who had not managed to escape (witness 36/95).

18. Veljko Vukašinović from the village of Gornja Bukovica, municipality of goražde, of father Dimitrije, aged about 73, killed on 25 May 1992 in his village by Muslim soldiers (witness 36/95).

19. Vukašin Vukašinić from the village of Gornja Bukvica, municipality of Goražde, of father Pero, aged about 87, killed in his village on 25 May 1992 by Muslim soldiers (witness 36/95).

20. Grozda Vukašinić (female), from the village of Gornja Bukvica, of father Vujadin, killed in her village on 25 May 1992 by Muslim soldiers (witness 36/95).

21. Danica Vukašinić (female), from the village of Gornja Bukvica, municipality of Goražde, of father Božo, aged about 64, killed in her village on 25 May 1992 by Muslim soldiers (witness 36/95).

22. Jovanka Vukašinić (female), from the village of Gornja Bukvica, municipality of Goražde, wife of Miloš Vukašinić, born on 28 October 1933, of father Gavro, killed in her village on 25 May 1992 by Muslim soldiers (witness 36/95, 144/97-9).

23. Miloš Vukašinić from the village of Gornja Bukvica, municipality of Goražde, of father Nedjo, born on 17 June 1928, killed in his village on 25 May 1992 by Muslim soldiers (witness 36/95, 144/97-9).

24. Milorad Vukašinić from the village of Gornja Bukvica, municipality of Goražde, of father Todor, born on 12 October 1913, killed in his village on 25 May 1992 by Muslim soldiers (witness 36/95, 144/97-9).

25. N. Vukašinić from the village of Gornja Bukvica, municipality of Goražde, killed on 25 May 1992 by Muslim soldiers who, after taking Serb villages on the territory of the municipality of Goražde, in addition to looting and burning Serb houses and other establishments, also killed Serbs who had not managed to escape (witness 36/95).

26. Kovička Vuković, aged 55-65; one night towards the end of 1993 was taken away from her flat, killed and her body was thrown into the river Drina, where it was found subsequently. (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 514/96-II and 478/96-3).

27. Kojo Vuković from Goražde, 347 Milivoja Vujovića Street, born on 12 March 1941 in Nekopi Ilovača, of father Ilija and mother Cvijeta nee Radović. Captured on 24 August 1992 on the relay Trovrh as a member of the Republic of Srpska Army. In September 1992 brought to the prison in Goražde and after 15 day there was no trace of him; the guards told other prisoners that he was shot at and killed (witnesses 478/96-3, 514/96-7 and 514/96-5).

38. Krsta Vuković, 12 Sandžačkih brigada Street, Goražde, taken to the camp in Mujkovića Polje in July 1992 and, after cruel torture, killed and his body was thrown into the river Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 514/96-15).

29. Stojan Vuković from Bigovići (Bogušići) killed in his house in mid-1992 by Muslim soldiers who, after taking Serb villages on the territory of the Municipality of Goražde, in addition to looting and burning houses and other establishments, also killed Serbs who had not managed to escape (witness 36/95).

30. Rastko Vukomanović (Vukmanović) from Goražde, was killed in Goražde on 24 April 1994. (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 356/96-13; 514/96-17, 37,40).

31. Mara Vučković from Šašići, aged about 50, tried to escape from the village which was converted a camp for Serbs, in the direction of Prača, however, she was captured and severely beaten up, after which she was returned to the village. She was exchanged in the autumn of 1994 and soon died of injuries inflicted on her by beating (witness 478/96-5).

32. Jovan Gavrilović, of father Lazar, from the village of Crvljice (Crvljivac), killed in his village on 22 August 1992, at 7.00 p.m. (witness 36/95).

33. Lazar Gavrilović, aged 92, from the village of Crvljice (Crvljivac), killed in his village on 22 August 1992, at 7.00 p.m. (witness 36/95).

34. Ranko Gavrilović, wounded on the road Jabuka-Vražalice, in a passenger car, on 28 August 1992; he died shortly after.

35. Mara Gavrilović, an old woman from the village of Glamoč, municipality of Goražde, grandmother of Ana Lasica (on her mother's side), (witness 514/96-8).

36. Radan Gigović, killed in 1992 on Mt Površnica.

37. Desa Gladanac from Goražde, born 1920 in Goražde, of father Vaso; disappeared in 1992.

38. Ilija Gladanac from the village of Borak Brdo, municipality of Goražde, born 1913, killed from firearms in front of his house during the attack of Muslim units, commanded by Meho Drljević and Enes Turković, on the village of Borak Brdo on 22 May 1992 (cut into pieces with a knife, in front of his house) (witnesses 440/94-21, 36/95, 478/96-10 and 514/96-16).

39. Zora Danilović, nee Perović, aged 50, killed on 15 April 1994; Salko Herenda threw her down from the balcony of Veljo Jagodić's flat, which was on the fourth floor of the high-rise building, No. 9 Mira Šekarića Street (height 17m). After the fall she was taken to the Health Centre where she died. She was buried at a place known as Kolijevke (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 287/95-2).

40. Milutin Dašić from Potkovice, severely beaten, died of injuries inflicted as a result of beating (witness 287/95-2).

41. Danilo Delić, nicknamed Dragan, from Crkvine near Mravinjac, municipality of Goražde, born 1960, of father Danilo; he was arrested in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

42. Jovo Delić from Crkvine near Mravinjac, municipality of Goražde, aged about 44, of father Vlado and mother Božana, nee Žmukić; he was arrested in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

43. Nikola Delić, chemical technician from Crkvine near Mravinjac, municipality of Goražde, born 15 January 1943 in Crkvine, of father Vlado and mother Božana, nee Žmukić; he was arrested in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

44. Novica Delić from Crkvine near Mravinjac, municipality of Goražde, born 13 January 1939, of father Vlado and mother Božana, nee Žmukić; he was arrested in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

45. Radivoje Delić from Crkvine near Mravinjac, municipality of Goražde, born on 12 October 1952, of father Vlado and mother Božana, nee Žmukić; he was arrested in his village by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8, 514/96-9).

46. Mileva Drakula from Vitkovići, municipality of Goražde; she died of starvation (witness 478/96-7).

47. Miloš Drekalo from Brdo, municipality of Goražde, born on 15 September 1932 in Brezje, of father Nedjo, killed on 7 May 1992 from firearms on the threshold of his house by Muslim soldiers who cut off his head afterwards (370/94, 514/96-22).

48. Milosav Djokić from the village of Mravljača, municipality of Srbinje; he was on a visit in the village of Nekopi, where he was killed by members of the Green Berets in April 1992 (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3).

49. Branislav Djoković, aged 40, killed on the Drina bridge in April 1994 by Muslim soldiers-members of the unit of Ahmet Sejdić. His body was found in the Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 514/96-II, 17 and 356/96-13).

50. Vlatka Djoković, wife of Gojko Djoković (witness 287/95-2).

51. Gojko Djoković (witness 287/95-2).

52. Ivo Djoković, aged 65, Maršala Tita Street, taken out of the house on 20 April 1994 and killed by Muslim soldiers-members of the unit of Ahmet Sejdić, according to the knowledge of witness 678/96-12 the body was found in the Drina two months later

(witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-3; 514/96-11).

53. Goja Djoković, wife of Vlatko Djoković, went mad as a result of torture in the prison in Goražde; she was released, together with her son, but died 10 days later (witness 478/96-3).

54. Mara Djoković (female), born on 28 March 1942 in Goražde, of father Miro and mother Stoja; she lived in Goražde, 54 G.Dulovića Street, killed in Borak Brdo from firearms on 22 May 1992 (witness 478/96-10 and 514/96-16, 144/97-6, 144/97-9).

55. Milica Djoković from Bogdanići, born on 5 October 1907 in Goražde, of father Jovan Dragičević; on 22 May 1992 she was seriously wounded in Borak Brdo in the house which was burned during the attack. She died of the consequences of wounding on 30 April 1994 (witness 478/96-10, 144/97-6, 144/97-9).

56. Nikola Žmukić from Crkvine, municipality of Goražde, where he was born on 19 December 1963, of father Uglješa; he was arrested, together with his father, in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

57. Uglješa Žmukić from Crkvine, municipality of Goražde, born 1937 in Crkvine, of father Niko, was arrested in his village in May 1992 by Muslim military formations and taken to the camp in Mravinjac, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

58. Boja Zdilar (Zdjelar) from Goražde, 36 Maršala Tita Street, wife of Milan, whose body was taken out of the river Drina in May 1992; she had nine wounds in which the bullet entered the body at one end and came out at another and a stab wound on the neck. Witness 601/95 stated that Boja and her husband were killed in front of the Balkan building. There is information that she was previously raped (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 287/95-2).

59. Milan Zdilar (Zdjelar) from Gorazde, 36 Maršala Tita, on the occasion of the burial of his wife Boja, a Muslim policeman who was present said that he had "floated" down the Drina. Witness 601/96 states that he and his wife were killed in front of the Balkan building (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3).

60. Srećko Ivanović, pensioner from Gorazde, 1 May Street, born on 30 September 1931, of father Vlatko, killed on 1 December 1992 in his brother's flat in Gorazde, 1 May Street; his body wrapped in a sheet was found by witness 478/96-II. Witness 478/96-12 who took the body out of his flat noticed that the dead man's hands were tied on his back with a scarf and that he had visible injuries on the head. He was buried on the cemetery Kolijevke (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 514/96-II, 144/97-9).

61. Bogdanka Ivetić, killed with her husband Trifun, in their flat, in the first half of 1994 (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

62. Trifun Ivetić, killed with his wife, in their flat, in the first half of 1994 (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

63. Desanka Ignjatović-Marković (female), seriously wounded on the night of 17/18 April 1994, when two armed Muslim soldiers forced their way into the house of the Čarapić family, in which there were several Serbs, and shot her; she died later of the inflicted injuries (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

64. Dejan Jagodić from Osanica, was imprisoned in the camp in Šašići, from where he was released and then killed and burned in his house in Jagodići near Gorazde in the summer of 1992 (witness 594/94-13, 36/95, 478/96-5).

65. Radojka Jagodić from Osanica, wife of Dejan, killed and burned in her house in Jagodići near Gorazde in the summer of 1992 (witnesses 594/94-13, 36/95, 478/96-5).

66. Milja Jakšić from Goražde, Sandžačkih brigada Street, wife of Stjepan Jašić, found dead in the Drina in the course of 1993 (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

67. Rade Jakšić from Goražde, 12 Sandžačkih brigada Street, of father Stjepan, taken to the camp in Mujkovića Polje in July 1992 and killed there or in the settlement of Mahala near the mosque (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3).

68. Stjepan Jakšić from Goražde, 12 Sandžačkih brigada, of father Nedjo, taken to the camp in Mujkovića Polje in July 1992 and killed there. The body was found in the river Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 548/96-29).

69. Stojan Janković, pensioner from Goražde, 30 First May Street, killed by an unknown Muslim sniper in Goražde in May 1992 while he was walking across a clear space in order to fetch water (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 478/96-II and 514/96-II).

70. Mišo Jevdjević from Goražde, 1 Ksenije Tanasković Street, of father Gliša, aged 60-70, in whose house Muslim soldiers Abduselam Sijerčić, Memsudin Raščić, Samir Terović, Admir Klovo, Sahib Islamagić and Ibrišim Imširević forced their way, in the first half of May 1992, took away all valuable things and set the house on fire, while he and his son Milenko were taken to the settlement of Mahala in Goražde, where they were executed (witness 390/94).

71. Milenko Jevdjević from Goražde, 1 Ksenije Tanasković Street, aged 35-40, of father Mišo, taken away from his home, together with his father, in the first half of May 1992, by Muslim soldiers Abduselam Sijerčić, Memsudin Raščić, Samir Terović, Admir Klovo, Sakib Islamagić and Ibrišim Imširević, who executed them in the settlement of Mahala in Goražde (witness 390/94).

72. Bogdanka Jeftović from Goražde, 24 First May Street, born on 16 July 1936, of father Rade, killed together with her

husband Tomo, in front of her flat, on 20 April 1994; both were buried by the river Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-3,7,11; 144/97-9). According to witness 514/96-11 this was done by members of Sejdić's unit.

73. Tomislav Jeftović from Goražde, 24 First May Street, born on 9 April 1934, of father Novak, killed with his wife Bogdanka, on 20 April 1994; they were taken out of their flat and killed in front of the house in which they lived. Their bodies were buried on the trash dump by the river Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-3,7,11 and 514/96-11; 144/97-9).

74. Ilija Jovanović, farmer from Šašići, born on 20 January 1927, of father Petar, killed on 30 October 1994 in Šašići, near his house as a result of a blow on the head with a blunt object by a Muslim whose family name is Mršo and by Nedžad Suljević from Renovica, who was captured by the Republic of Srpska Army and exchanged (witness 478/96-5, 144/97-4, 144/97-9).

75. Ljuboje Jovović from Glamoč, municipality of Goražde, killed as a result of a blow on the head dealt with a hard object at the end of August 1992, in front of his house (witnesses 36/95, 514/96-8).

76. Nedeljko (Nedjeljko) Jovović from Glamoč, municipality of Goražde, killed in front of his house as a result of a blow on the head dealt with a hard object at the end of August 1992 (witnesses 36/95, 514/96-8).

77. Radomir Kebala killed in April 1992 on the Osanica bridge (witness 514/96-22).

78. Ratomir Klačar-Rato, captured on Trovrh as a member of the Republic of Srpska Army on 28 August 1992, after which he was taken to the "Silos" camp in Kopači. Rato hanged himself in the "Silos" camp because he could not stand the torture to which he was subjected by Muslim soldiers from Meho Drljević's unit (witnesses 514/96-7 and 514/96-5).

79. Zdravko Kovač, foreman in "Pobjeda" enterprise in Sarajevo, from Goražde, 18 Sandžačkih brigada, born 1 May 1943 in Modro Polje, municipality of Foča (now Srbinja), of father Rade and mother Jovanka, nee Drinjak. Members of the Muslim police Ismet Subašić and Šefko Hodžić searched his flat on 26 May 1992 and then took him with them. They beat him until unconscious and after that took him to the camp in Mujkovića Polje where they strangled him with wire and threw his body into the Drina river (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 514/96-4; 514/96-15).

80. Milja Kovačević (female) from the village of Oglačevo, born 1928 in the village of Donje Selo, local community of Oglačevo, of father Nikola, killed in May 1992 in her village.

81. Dragan Komlenović from Goražde, of father Vukola, aged about 40, killed in May 1992 in the camp in Mujkovića Polje and his body was thrown into the river Drina (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 478/96-7).

82. Miloš Komlenović killed in the village of Lipa, in front of his house in July 1992 (witness 514/96-22).

83. Slavo Komlenović from Goražde, of father Vukola, aged 45, killed in the camp in Mujkovića Polje in May 1992 (witnesses 440/94, 3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 478/96-7).

84. Rade Kokošar, killed 1992 by a Muslim sniper on Mt Površnica.

85. Srdjan Krezović from the village of Potkozar near Goražde, born 1967, killed in his house on 1 June 1992 by a Muslim unit commanded by Ramiz Duraković, while Srdjan Krezović's mother was wounded (witness 478/96-9).

86. Božo Krstović killed in the village of Završje, municipality of Goražde, by members of the Muslim army (witnesses 478/96-3 and 514/96-15).

87. Dušan Krunić from Bulozi, killed on 16 August 1992, who Muslims stormed Bulozi (witness 478/96-15).

88. Nikola Kulić

89. Rajko Kušić from Vitkovići, aged about 60, who was taken away from his flat on 5 May 1992 and shot dead. His body was thrown into the Drina. According to the knowledge of witness 478/96-6 he was shot dead by Murat Popović (witnesses 36/95, 205/95-1, 205/95-2, 287/95-2, 478/96-7, 478/96-8).

90. Jovanka Labus (female) from Vitkovići, aged about 60, taken away from her flat, shot dead and thrown into the Drina on 5 May 1992 (witness 36/95, 205/95-1, 205/95-2, 478/96-7 and 478/96-8).

91. Mirko Labus from Vitkovići, aged about 60, taken away from his flat in Vitkovići, together with his wife Jovanka, and killed on 5 May 1992 by the son of Vahid Kukavica and thrown into the river Drina (witness 36/95, 205/95-1, 205/95-2, 287/95-2, 478/96-7 and 478/96-8).

92. Milan Lazović from Goražde, 12 Sandžačkih brigada Street, taken away from his home by the Muslim militia on 13 July 1992. Killed in the camp in Mujkovića Polje (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 287/95-2; 478/96-11 and 478/96-7).

93. Natalija Lazović (female) died of hunger in Goražde on 10 April 1993.

94. Stojko Lazović died of hunger in Goražde on 29 April 1993.

95. Branko Laković taken away from his flat in the middle of April 1994 and taken to the left bank of the Drina across the bridge and then shot at, he was seriously wounded and thrown into the Drina (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-3).

96. Ljubica Laković taken away from her flat, together with her husband Branko, in mid-April 1994 and taken across the bridge

on the river Drina to the left bank, where both of them were killed (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

97. Boško Lasica from Goražde, born on 27 January 1947 in Goražde, of father Vlado, captured on the relay Trovrh on 24 August 1992, after which he was imprisoned in the silo in Kopači; in September 1992, he was transferred to the police station in Goražde and taken away 15 days later. He was liquidated in Kopači by Meho Drljević, Mišhat Drljević, Muhidin Mašić, Enver Drljević and Juso Drljević (witnesses 514/96-7 and 514/96-5).

98. Djordje Lasica from Goražde, captured on the relay Trovrh, on 24 August 1992, imprisoned in the silo in Kopači; in September 1992 he was transferred to the police station in Goražde and taken away in an unknown direction 15 days later (witnesses 478/96-3 and 515/96-7). He was liquidated in Kopači by Meho Drljević, Mišhat Drljević, Muhidin Mašić, Enver Drljević and Juso Drljević (witness 478/96-3).

99. Dušan-Duško Leovac, law graduate, from Goražde, 13/9 Ksenije Tanasković Street, born on 13 July 1925 in the village of Krča near Pljevlja, of father Niko and mother Milijana, nee Čaćići, killed at the end of May 1992 in the camp in Mujkovića Polje (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-11).

100. Branislav-Branko Lujic, teacher of physical fitness at the elementary school "Maksim Gorki", from Goražde, Omladinska Street, born 1931, killed in the Mujkovića Polje camp and thrown into the Drina river in May 1992. The body was taken out in June 1992 and buried in Bametovina, municipality of Goražde. There were traces of burns on the body (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 548/96-29).

101. Zoran Mališić captured on Hranjen and imprisoned in the Mravinjac camp, where he was killed.

102. Andja Marinković from Goražde, Rasadnik Street (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

103. Rade Marinković from Goražde, Rasadnik Street (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

104. Živko Marković from Mirošići (Mirušići), municipality of Goražde, born 1931, killed in his village on 20 May 1992 by members of the Muslim armed forces in a brutal way because he did not want to escape. He was decapitated and nailed to a tree. His left hand was cut off, his skin was abraded and his stomach cut open, and soaked in salt (witness 36/95).

105. Stojan Marković

106. Andja Matković from Goražde, who was often maltreated by Muslims and when she could no longer bear it, she committed suicide by hanging herself (witness 478/96-7).

107. Gospava Matović from the village of Crkvine, born on 20 February 1929, of father Milan, she lived with her husband Miloš in the hamlet of Ribnjak, part of the village of Skravnik, in which they were the only Serbs. They were old people and both were killed at the beginning of 1994. Gospava was killed with a club. They were buried by Muslims above their house (witness 478/96-5, 144/97-5, 144/97-9).

108. Ljeposava Matović, burned in Jagodići in 1992, together with Dejan and Radojka Jagodić (witness 514/96-3).

109. Ljubo Matović from Crkvine, municipality of Goražde, born on 10 October 1931 in Ilovača, municipality of Goražde, of father Pero; he was arrested in his village in May 1992 by Muslim military formations and taken to the Mravinjac camp, where he was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

110. Miloš Matović born on 5 January 1930, of father Lazar; he lived with his wife Gospava in the hamlet of Ribnjak (Vraneši), part of the village of Skravnik, in which they were the only Serbs who lived there. They were an old couple and both were killed at the beginning of 1994. Miloš was killed with an axe. He died of a blow dealt on the back of his head. They were buried by Muslims above their house (witness 478/96-5, 144/97-5, 144/97-9).

- 111.. Niko Matović (witness 478/96-7).
112. Branko Mašić
113. Danilo Milović, taken to the Mujkovića Polje camp and killed in July 1992 (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3).
114. Jela Milošević from Vitkovići, died of starvation (witness 478/96-7).
115. Ljuba Milošević from Vitkovići died, together with his wife, as a result of starvation (witness 478/96-7).
116. Andja Mirković from Goražde, Rasadnik Street, wife of Rade Mirković, killed at home.
117. Rade Mirković from Goražde, Rasadnik Street, killed at home.
118. Slobodanka Mitranović (Mitranić) from Goražde, Maršala Tita Street, aged 83, killed in April 1994 by Muslim soldiers, members of Ahmet Sejdić's unit; her body was found in the Drina (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).
119. Milan Mihajlović, born 1960, of father Žika; on 4 May 1992 taken from the settlement "1 May" by policemen, including, inter alia, Osman Subašić, to the Mujkovića Polje camp, where he was killed and his body thrown into the Drina (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 476/96-11; 478/96-12; 514/96-11).
120. Mrakić, killed in the passenger car, on Jabuka, on 28 August 1992.
121. Miloš Mutlak from Baćci, municipality of Goražde; he was in the Vitkovići camp, from where he was taken away in mid-1992 and killed; his body was thrown into the Drina. The order for his killing was given by Mirsad Ratković, aka "Neno" (witnesses 440/94-

3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 478/96-7 and 478/96-8).

122. Koviljka Nerić, nee Vuković, pensioner from Goražde, 20 First May Street, aged 60-65, of father Jovo; strangled in her flat at the end of 1993 or at the beginning of 1994 by Muslim policemen Jakub Mokaš and Hajro Šabanović and the body was found in the Drina in June 1994 (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 287/95-2; 478/96-11).

123. Vukosava Nešković from Osječani, hamlet of Podmera, born 1923, wife of Risto Nešković, killed in her house on 16 August 1992; she suffocated and was burned when Muslim soldiers set her house on fire (witnesses 36/95, 478/96-15).

124. Kosa Nešković, wife of Milan Nešković, burned in the house of Risto Nešković, together with his wife Vukosava.

125. Milanko Nešković from Osječani, born 1923, of father Risto, killed 17 August 1992, when he tried to return to his village which was taken by Muslims the previous day (witness 36/95).

126. Novica Nešković, aged 90, immobile, burned alive in his house (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

127. Brana Nikolić (female), schoolteacher, born 1946, killed on 17 July 1992, on the stairs of the building in 18 Mira Šekarića Street, from firearms by Muslim soldiers among whom was the son of schoolteacher Šefko Selimović (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

128. Brano Nikolić from Goražde, Milivoja Vujovića-Cure Street, Muslim soldier Memsudin Raščić entered the flat of his brother Dušan, where Brano had been, searched the flat and took both brothers from Dušan's flat to the Secretariat of the Interior and from there to Vitkovići, where he slaughtered them and threw their bodies into the Drina. According to witness 478/96-12 Osman Subašić participated in the taking away of the Nikolić brothers (witnesses 370/94, 205/95-3, 478/96-11).

129. Dušan Nikolić from Goražde, Milivoja Vujovića-Cure Street, at the beginning of May 1992 taken from his flat to the Secretariat of the Interior, together with his brother Brano, by Memsudin Rašić and Osman Subašić; from there taken to Vitkovići, where both brothers were killed by slaughtering and their bodies were thrown into the Drina (killed by slaughtering in the Mujkovića Polje camp) (witnesses 370/94, 205/95-3, 478/96-II, 478/96-I2).

130. Zarije Nikolić, killed in his flat in Goražde, Mire Šekarić Street, buried on the cemetery Sopotnica.

131. Dušan Pavlović, of father Radoje, a retarded person, killed in his house in the village of Završje in 1992.

132. Radoje Pavlović, killed in the village of Završje in 1992 in his house, when all civilians were killed after the occupation of the village.

133. Ranka Pajović from the village of Pijevac, municipality of Goražde, an old woman aged 80, wife of Ljubo Pajević, killed on the road above the enterprise "Pobjeda"; the Muslim children "stoned her hitting her in the head like a snake". Her body was burned afterwards (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

134. Pero Pantović from the village of Brdo, municipality of Goražde, born on 10 November 1926 in the village of Brezje, municipality of Goražde, of father Jovo; killed from firearms at the threshold of his house by Muslim soldiers on 25 May 1992 (witness 370/94).

135. Slavko Pantović, aged about 60, imprisoned in the camp in the basement of the Precision Instruments Factory in Vitkovići in May 1992, where he was killed. The order for killing was given by Mirsad Ratković, aka "Neno" (witness 478/96-7).

136. Milutin Pejović from Crkvine, municipality of Goražde, born in Ostrmci, municipality of Foča, on 14 March 1937, of father Torno; arrested in his village by Muslim military formations in May 1992 and taken to the Mravinjac camp, then to Vitkovići, where he

was killed in mid-June 1992 (witnesses 594/94-13, 36/95, 514/96-8 and 514/96-9).

137. Vojo Pereula from Vitkovići, 57 Omladinskih brigada, born 2 March 1938 of father Milivoje, killed from sniper on 1 October 1995 in Šašići, by Muslims in the presence of witnesses 478/96-6 and 478/96-8. Buried on the cemetery Jovanović in the village of Šašići (witness 144/97-8, 144/97-9).

138. Vule Pereula from Goražde, Mira Šekarića Street, killed in front of his house by Mustafa Rikalo, aka "Čupa", on 27 May 1992.

139. Zora Perović, thrown from the fourth floor of the building in which she happened to be (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3).

140. Dragica Petković from Vitkovići died because she was not given medical help (witness 478/96-7).

141. Stanica Pešić, aka "Staka", from Pijevci, municipality of Goražde, killed and burned in her house at the beginning of 1992, after the occupation of the village of Glamoč, when all civilian population which happened to be there was killed (witness 36/95).

142. Miladin Planić, driver from Goražde, born on 27 January 1953 in Brekovići, of father Dimitrije and mother Milja, nee Gajović; after being wounded, he was captured on Oštri Vrh on 16 August 1992 and killed later. His body was found with his hands tied with wire; he had injuries on the head inflicted with a blunt object; at one spot of his head a triangle was cut; he had a wound in the region of the thigh caused by a projectile from firearms, which confirms that he had (been wounded previously (witness 514/96-6).

143. Draga Pljevaljić from the village of Hranjen, of father Jovan, aged about 45; she was in a field vehicle on 8 (22) August 1992, moving from Hranjen towards Jabuka when, at a place known as Podmjera, in the village of Osječani, municipality of Goražde, they were ambushed by Muslims and 3 persons were killed on that occasion, Draga among

them, while another 3 persons were wounded. The commander of the unit which ambushed them was Selim Pezo, of father Emin from Goražde (witness 514/96-22).

144. Zorka Pljevaljić, housewife from Potkozar near Goražde, born 1929, killed on 1 June 1992 in her house on the occasion of the attack of the Muslim unit by being wounded in the leg first and then killed wounded (witness 478/96-9, 144/97-2).

145. Milenko Pljevaljić, pensioner from Prebinovići, from Poktozar near Goražde, born 1929 of father Rade, killed in his house, together with his wife Zorka, by the Muslim unit commanded by Ramiz Duraković on 1 June 1992. After they slaughtered him, they took out his intestines and threw them in front of the basement in which was witness 478/96-9; later on his body was burned in the house so that only bones were found (witness 144/97-2).

146. Radan Pljevaljić from Bačje near Goražde, born on 25 October 1960 in Bučje, of father Stojko and mother Dušanka; he was cruelly tortured in the camp on Trebeško Brdo, where inter alia, a nail was hammered through the fourth finger of his left hand (witnesses 478/96-4 and 548/96-38); after that he was forcibly mobilized into the "work detachment"; on the occasion of military operations he was killed on the front line in Jabučko sedlo in April 1994 (witness 514/96-20).

147. Radojka Poklopić (female) from Glamoč, municipality of Goražde, killed at the beginning of 1992 after the occupation of the village of Glamoč, when all civil population which happened to be there was killed (witness 514/96-8).

148. Poklopić, nicknamed "Ćiće", killed in Pothranjen in 1992, after the Muslims had taken that settlement.

149. Bojan Radović, nicknamed "Boban", worker employed in "Pobjeda", Goražde, the settlement of "Kolonija", 16 First May Street, born on 2 December 1966 in Goražde, of father Ostoja and mother Bojana, captured on 27 April 1992 on the occasion of the attack of Muslims on the settlement of Obarak, after he had been seriously wounded. He was killed on the occasion of capture by Sead Sofović, aka "Sofa". Boban's body was handed to his father on 30 March 1992. His father, to whom the Muslims gave five minutes to hand the body of

his son to Serbs for burial transported it from Goražde. The Muslims told him that, unless he returned until the appointed time, they would kill his wife, his wife's sister and other Serbs who were held in Goražde as hostages (witnesses 60/95 and 514/96-40, 144/97-2).

150. Milenko Radović from Goražde, 4. crnogorske brigade Street, born on 2 January 1961, of father Lazar, in Salijeva Ravan, killed on the occasion of the attack of Muslim units on the village of Borak Brdo on 22 May 1992; seriously wounded, he was captured by members of the Green Berets and killed from a hunting rifle at close range. The bullet blew his head to pieces (witnesses 478/96-10, 514/96-16, 144/97-6, 144/97-9).

151. Milica Radović (female) from Vitkovići died of the consequences of starvation.

152. Tihomir Radović, stonecutter from Goražde, captured on the relay Trovrh as a member of the Republic of Srpska Army, on 28 August 1992; in September 1992 he was brought to the prison in Goražde and 15 days later liquidated on Kopači (witnesses 478/96-3, 514/96-5 and 514/96-7).

153. Milan Sedlar (witness 513/96-36).

154. N. Sedlar, wife of Milan Sedlar (witness 513/96-36).

155. Gojko Simović, retired JNA sergeant major from the village of Jabuka, municipality of Goražde, born 21 October 1937, of father Triško, captured in June (August) 1992 in Šašići, where he was visiting relatives, by members of the Muslim unit commanded by Osman Subašić. He died of injuries inflicted in the Mravinjac camp about a month later. Participating in his torture were prison warden Edin Čavrk and Rasim Ustić who publicly boasted of it (witnesses 594/94-17, 478/96-5, 356/96-14, 514/96-14, 514/96-3, 144/97-7).

156. Zoran Sorak from Goražde, 12 Sandžačkih brigada Street, taken away in July 1992 and killed in the Mujkovića Polje camp (witnesses 440/94-4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 514/96-15).

157. Mila Spaić, nee Droca, from the settlement of Obarak, killed from firearms on 22 May 1992, at 7.45 p.m., in her house in the settlement of Obarak, by Izudin Čelja and Sabahudin Čelja, Muris Živojević and Memso Ramović, who then burned the house, together with the body of the victim (witness 370/94).

158. Jagoda Spasojević, killed in the backyard of her house.

159. Koviljka Stojanović, killed in her flat, 18 Sandžačkih brigada Street, together with her son Marjan, on 17 July 1992, from firearms by Muslim soldiers, among whom was the son of schoolteacher Šefko Selimović (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-11).

160. Marjan Stojanović, of mother Koviljka, killed with his mother in their flat, 18 Sandžačkih brigada, on 17 July 1992, from firearms, by Muslim soldiers among whom was the son of Šefko Selimović (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-11).

161. Mirko Stojanović, nicknamed Bačo, of father Petko, from Vitkovići, municipality of Goražde, born 1971; killed in his garden on 5 June 1992 and, according to the knowledge of witness 478/96-8, he was killed by "Kale" Mašić from Kopači, a sniper of the Muslim army. He had a wife and a three-year old child, who were both killed shortly after, by a hand grenade thrown on them. This has been confirmed also by witnesses 36/95, 205/95-1, 205/95-2 and 478/96-7.

162. Nevenka Stojanović, wife of Mirko Stojanović, from Vitkovići, municipality of Goražde; killed in Goražde, together with her seven-year old child, by a hand grenade thrown on them (witnesses 36/95, 205/95-1, 205/95-2, 478/96-7 and 478/96-8).

163. N. Stojanović, child aged 7, of father Mirko and mother Nevenka, killed together with its mother, by a hand grenade thrown on them (witnesses 36/95, 205/95-1, 205/95-2, 478/96-7 and 478/96-8).

164. Petko Stojanović from Vitkovići, municipality of Goražde, killed in his house when Muslim soldiers stormed his house,

killed his son Mirko, raped his daughter-in-law and as he resisted that, he was killed then and there (witnesses 36/95, 205/95-1, 205/95-2, 478/96-6, 478/96-8, 144/97-10).

165. Uglješa Stojanović from Goražde, 15 First May Street, taken to the Mujkovića Polje camp from his flat on 13 June 1992 and has not been heard of since. A body resembling him was found by the Drina; witness 678/96-12 saw him being taken away by Osman Subašić and other policemen (witnesses 440/94-4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 478/96-11 and 514/96-11).

166. Stojanović, wife of Milan Stojanović (witness 287/95-2).

167. Tanović from Goražde, brought to the prison in Goražde in September 1992 and 15 days later there was no trace of him; the guards told the others that he had been executed.

168. Andjelka Terzić from Grabovik, municipality of Goražde, born on 2 September 1921, killed in front of her house on the occasion of the attack of Muslims on her village on 22 May 1992, at 5.30 a.m.; she was hit on the forehead from firearms (witnesses 440/94-21, 36/95, 478/96-10, 144/97-6, 144/97-9).

169. Mitar Tlačar (Klačar) from Goražde (witness 478/96-3).

170. Branislav Todorović from Goražde, 114 Milivoja Vujovića Street, born on 15 April 1959 in Goražde, of father Marko and mother Saveta, nee Veljović, captured on 23 August 1992 on the relay "Trovrh" as a member of the Republic of Srpska Army. In September 1992 he was brought to the prison in Goražde and 15 days later liquidated on Kopači (witnesses 478/96-3, 514/96-7 and 514/96-5).

171. Budimir Todorović from Goražde, captured in August 1992 on the relay "Trovrh" and, in September 1992, brought to the prison in Goražde and 15 days later liquidated on Kopači. (witnesses 478/96-3 and 514/96-7).

172. Tomo Todorović killed in 1992.

173. Njegoš Čeho (Čeho) captured on Trovrh in August 1992, taken to the camp "Silo" in Kopači, then to the police prison in Goražde and then returned to Kopači, where he was killed (witness 514/96-7).

174. Buda-Budimir Uljar from the village of Gornja Brda, born on 10 August 1938, of father Nikola, happened to be at home in mid-May 1992 and was slaughtered by Muslim soldiers; his body was thrown into the nearby brook (witness 370/94).

175. Miladin-Miša Heleta, of father Milivoje, killed on 4 May 1992 in front of his house in the settlement of Obarak (Površnica), buried on "Kriva Draga" (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 514/96-15).

176. Milko Heleta, of father Veso, killed on 4 May 1992 in front of his house in the settlement of Površnica (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 548/96-28; 514/96-15).

177. Andja Čarapić from Bučje, born 1939, of father Milovan, died in 1992 as a result of torture and exhaustion in the police prison in Goražde (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3;).

178. Brane Čarapić

179. Darinka Čarapić from Goražde, Sandžačkih brigada Street, aged 83, burned in her house in 1992 (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3;).

180. Drago Čarapić, from Bučje, aged about 68, of father Mićo, died as a result of torture, exhaustion and starvation in the police prison in Goražde in 1992 (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 440/94-9).

181. Dušan Čarapić from Bučje, born 1932, of father Ostoja, died after release from the prison Goražde, where he attempted

to hang himself after cruel torture. He became mentally ill and died at the beginning of December 1992 (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 426/94; 594/94-14; 36/95; 205/95-3; 524/96-15; 514/96-35; 404/94-9).

182. Jovan Čarapić from Bučje, born on 20 January 1943 in Bučje, of father Boško and mother Vida, nee Marić; was tortured in the house of Omer Kulenović on Trebeško Brdo and died of inflicted injuries on 20 July 1993 in Goražde (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 514/96-11; 15,18).

183. Marica Čarapić from the village of Bučje, aged about 65, who was mentally ill, was the only one to have stayed in the village of Bučje on 15 July 1992; she was killed by Muslim soldiers while she was taking care of sheep according to witness 478/96-3.

184. Radoje Čarapić from Bučje, of father Milan, aged 21, taken away from his home on 20 April 1994 and killed on the bank of the river Drina by Muslim soldiers, members of Ahmet Sejdić's units, who slaughtered him. His body was found in the Drina (witnesses 440/94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-14; 36/95; 205/95-3; 478/96-3, 514/96-17; 548/96-38; 514/96-11).

185. Slavoljub Čarapić from Bučje, born 1957, of father Rajko and mother Desa; killed on 11 May 1992 when he came out of his house during the attack of the Muslim army. He was not armed (witnesses 514/96-17 and 514/96-18).

186. Andja Šekarić from Vitkovići, municipality of Goražde, born on 26 June 1933 in Crkvine, of father Vlado Delić and mother Božana; she stayed with her husband Pero in her home in Crkvine until May 1992, when the Muslims erected barricades in Goražde, and began to arrest Serb men and take them to the camp. They remained in encirclement and their son-witness 854/95 had no information about them up until mid-1994; at that time a neighbour told him that his father had been killed on 4 May 1992 and his mother a little later by their neighbours Šaćir Kologlija, Murat Barić and Melurudin Hukara, all from Vitkovići.

187. Pero Šekarić from Crkvine, municipality of Goražde, born on 12 July 1929 in Borak Brdo, of father Stevan and mother Andja; he stayed with his wife Andja in his house in Crkvine until May 1992, when the Muslims erected barricades in Goražde and began to arrest Serb men and take them to the camp. Pero was taken to the Mravinjac camp, where he was killed in mid-June 1992 (witnesses 514/96-8 and 514/96-9). His son witness 854/95 stated that they had remained in encirclement and that had no information about them up until mid-1994, when a neighbour told him that his father had been killed on 4 May 1993, and his mother a little later by their neighbours Šaćir Kolaglija, Murat Baljić and Melurudin Hukara, all from Vitkovići.

Evidence: svedočenje D.B./testimony D.B.(Annex No. C 5, svedočenje D.B./testimony D.B., pp. c28-c30/c31-c33), svedočenje S.V./testimony S.V. (Annex No. C 15, pp. c149-c153/c154-c158), svedočenje V.V./testimony V.V. (Annex No. C 14, pp. c131-c140/c141-c148), svedočenje M.L./testimony M.L. (Annex No. C 53, pp. c543-c546/c547-c551), svedočenje D.M./testimony D.M., (Annex No. C 62, pp. c629-c632/c633-c636) and svedočenje N.H./testimony N.H. (Annex No. C 116 pp. c1160-1175/c1176-c1189)

7.1.16.2. In the area of Goražde, out of 2 765 Serb houses 2521 houses were looted and burned by Muslims.

7.1.16.3. Perpetrators of genocide in the area of Goražde, who also gave orders: Hadžo Efendić, master's degree in economics, born in 1934, president of the assembly of the municipality of Goražde, president of SDA (Party of Democratic Action) and president of the war presidency in Goražde, chief organizer of the crimes against Serbs; Dževad Begović from Goražde, head the regional Secretariat of the Interior throughout the war in Goražde; Enver Borovina, veterinarian, aged about 35, born in Ustikolina, member of the Muslim war presidency in Goražde and of the innermost leadership of SDA (Party of Democratic Action); Ramiz Duraković from the village of Potkozar, municipality of Goražde, of father Amil, commander of the Muslim unit which committed killings in his village; Kemal-Kemo Djuliman from Goražde, judge of the so-called "civilian court martial" in Goražde who participated in decision-making on which Serbs were to be executed and who, on Hadžo's orders, wrote sentences for the already killed Serbs in order that the crimes be concealed; Zaim Imamović, commander of the armed forces in Goražde - the First Drina brigade and head of IBOG (Eastern Bosnian Operational Group) in Goražde;

Sena Kuljuh (female) judge from Goražde, together with Djuliman, wrote sentences for the already killed Serbs in Goražde in order to conceal criminal arbitrariness; Haša Kuljah, economist from Goražde, head of economic affairs of the municipality of Goražde, member of the Muslim war presidency; Mustafa Kurtović, politologist, from Vranić-Goražde, born 1951, of father Sinan, creator of SDA propaganda and that of the war presidency of the Muslim municipality of Goražde; Omer Lukavica from Vitkovići, municipality of Goražde, Muslim soldier, responsible for the killing of Rajko Kušić, Mirko and Jovanka Labus, Petko Stojanović, his son and other Serbs; Ibro Merkez, head of the Secretariat of the Interior in Goražde, organizer of the so-called "reserve police" and of killings of civilians in 1992; warden of the camp for Serbs, 10 Moše Pijade Street, on the right bank of the river Drina in Goražde; Mujo Peštek from the village of Bogušići near Goražde, worked in Goražde before the war, commander of the Muslim battalion for the area of Berič and Mravinjac, which was a part of the First Drina brigade; Fehim Pleh, graduate of law, from Goražde, born in Žužel-Goražde, secretary of the Assembly of the municipality of Goražde and member of the Muslim war presidency, chief associate and legal adviser to Hadžo Efendić, participated in the creation of the policy of SDA; Mirsad Ratković, aka "Nena", aged about 40, plumber before the war in the nitrogen factory, president of the crisis headquarters in Vitkovići and organizer of liquidation of Serbs in that part of the municipality of Goražde; Murat Rašidović, commander of the reserve manpower of militia in the sector Mahala-Vinarići in Goražde; Riad Raščić, economist, from Goražde, deputy president of SDA and member of the Muslim war presidency in Goražde, inspirator of the crimes against Serbs and one of the closest associates of Hadžo Efendić; Nijaz Reko, captain of the former JNA, commander of the 43rd Muslim Goražde-Čajniče brigade on the right bank of the river Drina in Goražde; Ahmet Sejdović from Višegrad, commander of the Višegrad brigade of the Army of Bosnia and Herzegovina in 1994, participated in the attack on the village of Bučje and one of those most responsible for the killing of people of Serb nationality, in particular in Goražde in April 1994; Osman Subašić from Zubina Šuma, municipality of Foča, before the war criminological technician in the Secretariat of the Interior in Foča, deputy commander of the battalion, Mujo Peštek, commander of the military police in Goražde, warden of the camp in the basement of the old bachelors building in Vitkovići, committed killings of Serbs, pillaged and burned Serb property; participated in the killing of Delić, Žmukić, Milutin Pejović, Ljubo Matović, Jagodić, Milja Vukadin, Gojko Simović and other

Serbs (witnesses 594/94-13, 594/94-17, 36/95, 514/96-14); Hasan Tafro from Goražde, manager of "Pobjeda" enterprise, born 1952, of mother Nurija, Islamic fanaticist, member of the top leadership of SDA in the municipality, before the war organizer of the arming of Muslims; Edin-Dino Čavrk, deputy of the warden of the camp in the old bachelor building, worked in the Foča prison before the war (witness 514/96-14); Kemo Čelik, one of SDA leaders, commander of the Green Berets in Goražde, who searched Serb houses and settlements at the beginning of the war, looted Serb property, burned houses, taking Serbs to camps and, together with the Muslim police, liquidated them; Husnija Čolo, of father Abid, police inspector and warden of the Goražde prison in 1994 (witness 514/96-18).

Direct perpetrators:

Aganović, of father Sulejman, from the village of Kraboriš near Goražde; Ferid Aganović took part in the killing of 8 members of the Vukašinović family in Gornja Bukvica, on 25 May 1992 (doc. 144/97-1); Mirsad Aganović, aka Miki, from Goražde (witness 144/97-3); Samir Ajanović, participated in the killings in Goražde in 1992; Sanjin Ajdanović, took part in the killings in Goražde in 1992; Abdulah Asanović, Ahmet Balić, mechanical technician from Džindići, worked in "Azot" in Vitkovići, commander of the Muslim battalion from Vitkovići-Mravinjac, took part in the arresting of Serbs from Crkvine and their taking to the camp in Mravinjac and then to Vitkovići where they were liquidated; Sinan Begović from Mravinjac, as the commander of the Mravinjac company of the Muslim army attacked the village of Crkvine, municipality of Goražde in May 1992, imprisoned Serbs from that village and took them to Mravinjac and then to Vitkovići, where they were liquidated; Mirsad Bezdob from Čajniče, worked in the sawmill before the war, participated in the torture of Serbs in the prison in Goražde (witnesses 478/96-3, 514/96-18); Mujo Bezdob; Predrag Selma Bogunić, head the municipal Secretariat of the Interior in Goražde in 1994 (witness 514/96-18); Nijaz Briga, commander of the police station in Berič; Bekto Gacka from Višegrad, commander in the 31st brigade, participated in the killing of Lazar Gavrilović and Jovan Gavrilović; Mirsad Dedović, Muslim soldier; Mirsad Dragolj, chief of police in Vitkovići, at his order all Serbs from Vitkovići were transferred to the village of Šašići on 17 May 1994, he took Serbs to the camp and then liquidated them; Enver Drljević participated in the killing of Boško Lasica and Djoko Lasica and 7 other Serbs captured on Trovrh. Enes Drljević from Goražde, employed in DC Goražde, participated in the killing of 7

Serbs captured on Trovrh; Juso Drljević, participated in the killing of Boško and Djoko Lasica and 7 other Serbs captured on Trovrh; Meho Drljević from the village of Kopači, hamlet of Zidine, municipality of Goražde, commander of the Kopači battalion in the 31st Goražde Muslim brigade, participated in the killing of Ilija Gladanac, Andjelka Terzić and of the Serbs captured on Trovrh; Mithat Drljević, born on 12 September 1951, of father Izet and mother Esma, participated in the killing of Serbs captured on Trovrh, one of the commanders of the 31st brigade of the Muslim army in Goražde; Ramiz Duović from the village of Prabenovići, employed in the electricity distribution enterprise, of father Amil (witness I44/97-2); Edem Duran; Mirso Dučić, of father Taib, born 1964, together with Hadžiabdić participated in the killing of Serbs in Borak Brdo; Mensur Džaković, police inspector from Goražde; Izo Efendić, of father Mujo, deputy commander of the Municipal Headquarters of Territorial Defence Goražde, was responsible for the arming of Muslims, formed armed units and liquidated Serbs in Goražde; Safet Efendić, of father Mujo, participated in the liquidation of Serbs in Goražde; Muris Živojević, from Goražde, participated in the killing of Mila Spaić, looting and burning of Serb houses in Goražde; Sejo Žiga, participated in the killing of the married couple Matović in Vraneš (I44/97-5); Taib Zec from the village of Lastovice; Izet Zlatić, aka "Cigo", participated in the killing of Delić and Žmukić; Mustafa Zlatić, truck carrier from Goražde, commander of the Muslim military unit, participated in the killing of Delić, Žmukić, Milutin Pejović, Ljubo Matović, Jagodić, Milja Vukadin and other Serbs (witnesses 594/94-13, 36/95); Sejo Imamović, born 1956, of father Alija, judge from Goražde; Ibrišim Imširević from Goražde, participated in the killing of Mišo Jevdjević and Milenko Jevdjević from Goražde; Sakib Islamagić, aka "Kime", from Goražde, participated in the killing of Mišo Jevdjević and Milenko Jevdjević from Goražde; Jasko Islimović; Jasko Jusić from Hubijer, municipality of Goražde, bodyguard of the Muslim commander; Jasminko Justić (Jusić), aka Jasko, from Kazagići (Hubijeri) near Goražde, bodyguard of the Muslim commander of the right bank of the river Drina, on 24 April 1994, killed Rastko Vukmanović from firearms; Čamil Kalnić, participated in the killings in Goražde in 1992, took a group of Serbs to the Mujkanovića Polje camp, together with Stjepan Jakšić from Biserna, where these Serbs were killed; Amer Kamenica, mechanical technician, born 1971 in Goražde, of father Šefik, resided in Podbar, participated in the killings of Serbs and in the looting and burning of Serb property; Šefik Kamenica, police inspector from Goražde, interrogated and tortured Serbs in camps; Sejo Kanlić from

Goražde, on 18 June 1992 fired shots at Slobodanka Adamović's flat and took Slavko Heleta and Gordana Heleta for interrogation, as well as Čedo Kujundžić and Janja Kujundžić, Mira Perišić, Mira Radović and Mirjana Živković and intended to kill them but was prevented from doing so by Ejub Kudo; Abdulah Kahriman, aka Dule, born 7 April 1968 in Dušče near Višegrad, of father Hasan and mother Mina, nee Turudić, raped and then killed Boja Zdilar from Goražde; Keljmendi, Shiptar by nationality, aged about 17, whose father worked in the Nitrogen Factory in Vitkovići, together with Kukavica, killed Petko Stojanović and his wife and raped Stojanović's daughter-in-law Nevenka; Admir Klovo, aka Tyson, from Goražde, participated in the killing of Mišo Jevdjević and Milenko Jevdjević; Dževad Klovo, guard in the prison in Goražde and in the camp on the right bank of the river Drina (witness 514/96-18); Vahid Kukavica; Omer Kukavica from Vitkovići, municipality of Goražde, of father Fahid, participated in the killing of Jovanka Labus and Mirko Labus, Rajko Kušić and other Serbs from the camp in Vitkovići; Kukavica, aged 17, of father Vahid, with Keljmendi, killed Petko Stojanović and his wife and the married couple Labus (witness 287/95-2); Ismet Kulović, aka Kule, of mother Djemka, residing in Kopači, municipality of Goražde, participated in the looting and burning of Serb villages Rijeka and Donja Sopotnica and of the church of St. George in Donja Sopotnica near Goražde, took Serbs from Goražde to camps, looted Serb property and burned Serb houses; Jakub Makaš, policeman from Foča, participated in the killing of Vuković and Koviljka Nerić from Goražde; Muhidin Mašić, aka "Munja", participated in the killing of 6 captured Serbs from Trovrh; Kale (or Gale) Mašić, from Kopači by birth, municipality of Goražde, sniper, killed "Bačo" Stojanović; Muhidin Mešić, of father Haro, traffic policeman; "Mile", Muslim soldier; Hasib Mirvić; Mićivoda, karate fighter, member of military police, participated in the killing of civilians in 1992; Mršo from Faočići, municipality of Goražde, participated in the killing of the Vukašinović family and Ilija Jovanović; Čazim Obarčanin, of father Osmo, set on fire the houses of Čedo Kujundžić and Mirjana Živković in Vranjska Mahala in Goražde and the flat of Slavko Heleta, 18, Moše Pijade Street, Goražde. This happened on 24 April 1994, when he attacked Nikola Heleta and, had he not escaped to the flat of Azra Muhić, he would have killed both Nikola and his wife Jovanka; Edhem Obućina, nicknamed Edo; Edin Omerbegović, aka Dino, from the village of Prvanj, municipality of Goražde, prewar criminal, publicly boasted of having killed Serbs (witness 478/96-7); Malin Oputar, of father Mujo, participated in the killing of Marjan Stojanović and other Serbs, looted

and set on fire the house of Djuro Lubarda from Goražde; Selim Pezo from Goražde, of father Emin; Suad Pozder; Ibrahim Popović, of father Jakub, reserve policeman, took Serbs to camps and killed them, one of the hardest criminals in Goražde; Murat Popović from Vitkovići, aged about 45, member of the Muslim army, prewar criminal, participated in the killing of Serbs from Crkvine; Osman Radmilović from Vitkovići, 37 Omladinskih brigada, born on 14 April 1952, of father Fehim, commander of police in Vitkovići, organizer of arrests and liquidation of Serbs (witness I44/97-7, I44/97-9); Memso Ramović from Goražde, participated in the killing of Mila Spaić; Memsudin Raščić, aka Memso, graduate of economics, from Goražde, of father Ibrahim and mother Hasna, killed brothers Dušan and Brano Nikolić, participated in the killing of Mišo Jevdjević and Milenko Jevdjević and other Serbs; Mehmed Redjović, son of Hamdo, was domiciled in Podbarak near Goražde; Amir Reko, aka "Makedonac", commander of the 43rd brigade of the Muslims army on the right bank of the Drina, JNA captain; Mustafa Rikalo, aka Čupo, killed Vule Pereula on 27 May 1992 in front of Vule's house in Goražde; he did it from the terrace of his house; Alija Rogo from Baćci, municipality of Goražde, born 1956, of father Mujo and mother Hadžira, participated in the burning of the Serb settlement of Baćci and the killing of Serbs from that settlement; Enes Rogo, born 1971, of father Murat, was employed in the socially-owned enterprise "Bosna-putevi", as a driver, participated in the burning of the Serb settlement of Baćci and the killing of Serbs from that settlement; Murat Rogo, worker from the village of Baćci, son of Suljo, was employed in the socially-owned enterprise "Pobjeda", participated in the burning of the Serb settlement of Baćci and the killing of Serbs from that settlement; Rasim Rogo from the village of Baćci, municipality of Goražde, born 1961, of father Mujo, participated in the burning of the Serb settlement of Baćci and the killing of Serbs from that settlement; Salko Rogo, truck carrier, from the settlement of Baćci, born 1952, in Goražde, of father Mujo and mother Hadžira, participated in the killing of Budo Uljar, Miloš Drekalo, Pero Pantović, Ilija Vlaški and others; Halim Rogo, driver, from the settlement of Baćci, born in 1952, of father Suljo, was employed in the socially-owned enterprise "Bosna-putevi", participated in the killing of Budo Uljar, Miloš Drekalo and others; Šefko Rogo, worker, son of Suljo, from Baćci, was employed in the enterprise "Pobjeda", participated in the killing of Budo Uljar, Miloš Drekalo and others; Ibro Salihspahić from Goražde, participated in the killing of 8 members of the Vukašinović family on 25 May 1992 in Gornja Bukvica (evidence I44/97-I); N.Selimović, son of schoolteacher Šefko Selimović from Goražde,

Muslim soldier, participated in the killing of Marjan Stojanović and Koviljka Stojanović; Abduselam Sijerčić, aka "Pelam, private caterer, born 1952 in Goražde, son of Sadik, participated in the killing Mišo Jevdjević and Milenko Jevdjević; Muhamed Sijerčić, aka Sirija, son of Mustafa, teacher of history, participated in the killing of Serbs in Borak Brdo; Sead Sofović, aka Sofa, from Goražde, I Kovačka Street, born on 18 March 1957, of father Hamzo and mother Biba, killed Boban Radović (witnesses 144/97-3, 144/97-9); Ismet Subašić, policeman, commander of reserve police on the right bank of the river Drina in Goražde, took Serbs to camps and liquidated them; Osman Subašić, participated in the killing of Gojko Simović (witnesses 514/96-14, 144/97-5, 144/97-7); Safet Subašić, Muslim soldier; Nedžad Suljević (or Suljović) from Renovac, participated in the killing of Ilija Jovanović (witness 144/97-4); Mirzo Tatarin, participated in the burning of Serb villages (witness 287/95-2); Samir Terović, aka Tera, from Goražde, participated in the killing of Mišo Jevdjević and Milenko Jevdjević; Enes Turković from Goražde, commander of the Kopači battalion in the 31st Goražde Muslim brigade, participated in the killing of Ilija Gladanac, Andjelka Terzić and the Serbs captured on Trovrh; Haso Čatić from Goražde; Rastim Ustić from Mravinjac, municipality of Goražde, military policeman, participated in the killing of Gojko Simović; Edin Fejzić, son of Aziz, participated in the killing of Gojko Simović, teacher; Suad Hamzić, participated in the killing of 8 members of the Vukašinović family in Donja Bukvica on 25 May 1992 (evidence 144/97-1); Abdulah Hasanović, aka Apko, of mother Behka, born about 1952 (or 1949), opened fire in the house of Nedimović and in that of Slavko Heleta, attempted to set it on fire and set fire to the flat of Slavko Heleta (witness 514/96-40); Selim Hadžiabdić, forester from Kopači, one of the commanders of the companies of the Muslim army in Kopači, attacked, together with Meho Drljević and Enes Turković, the village of Borak Brdo, in which they killed 6 Serbs - Ilija Gladanac and others; Aho Hadžović, school principal in Goražde; Salko Herenda from Sarajevo, killed Zora Danilović by throwing her from the terrace of the fifth floor from the flat of Veljo Jagodić; "Hešo", police inspector in Goražde; Zijo Hodžić, Muslim soldier; Murat Hodžić from Trešnjica near Bare; Šefko Hodžić, policeman, took Serbs to camps and participated in their liquidation; Mustafa Hošo, sociologist, worked in the enterprise "Pobjeda" in Goražde, member of staff of the 43rd brigade and president of the executive board of the assembly of the municipality of Goražde; Mehmed Hukara, participated in the burning of Serb villages and the killing of Serbs in Goražde, Vitkovići and Mravinjac, participated

in the killing of Serbs in Jošanica in Srbinje in 1992 (witness 287/95-2); Dino Čavrk distinguished himself in the beating of Serbs (514/96-3); Izudin Čeljo, aka Beli, from Goražde, participated in the killing of Mila Spaić and other Serbs; Irfan Čeljo, police inspector, Goražde; Sabahudin Čeljo, aka "Crni", from Goražde, participated in the killing of Mila Spaić and other Serbs; Samir Ćutuna, born 1965, perpetrator of killings in the camp in Vitkovići; Hasan Džabija, traffic policeman before the war, participated in the torture and maltreatment of Serbs in the prison in Goražde (witness 478/96-3); Edin Džambarević, aka Dino, from the village of Prvanj, municipality of Goražde, a criminal before the war, publicly boasted of having killed Serbs (witness 478/96-7), participated in the killing of the married couple Pljevaljić (witness 144/97-2); Samir Džebo, son of Šuhro, police inspector from Goražde; Murat Šabanović, born on 7 January 1953 in Orahovci, municipality of Višegrad, son of Šaban, lived in the settlement of Dušče in Višegrad, instigator of genocide, because he called upon Muslims in the street in Goražde, using a megaphone, to kill Serbs; Hajro Šabanović from Čajniče, participated in the killing of Nekić and Koviljka Vuković; Mustafa Šalo from Višegrad, participated in the killing of Lazar Gavrilović and Jovan Gavrilović.

Evidence: 370/94; 390/94; 440//94-3,4,6,8,9,10,11,12,13,14,15,16,18,25,42; 462/94; 594/94-1,12,13,14,17; 281/95-1-7; 270/94; 183/94; 36/95; 205/95-3; 287/95-2; 295/95-1,2; 205/95-2,3; 462/94; 601/95; 622/95; 718/95; 101/96-6; 356/96; 678/96-15, 478/96-3,4,5,6,7,8,9,10,11,12,15; 514/96, 4,6,7,8,9,11,14,15,16,17,18,19,20,22,23,35,36,40; 548/96-28,29; 144/97-1,2,3,4,5,7,8,9,10).

7.1.16.4. On the Second Submission of the US Government, sent on 22 October 1992 to the Secretary-General of the United Nations, E.J. Perkins, permanent representative of the USA, refers to several cases of killings of Serb civilians by members of Muslim armed forces. Thus, on 20 April 1992, the Muslim Adil Cmerović killed without any cause whatsoever a young handcuffed Serb in a street in Goražde.

1. The Serb called Zečević, first name unknown, was led naked through Goražde by members of Muslim armed forces, who forced him to crawl on the asphalt and bark like a dog. Then they savagely tortured and killed him.

A Serb woman from Goražde lost her right arm when members of Muslim armed forces threw a bomb on her house on 18 March 1992.

7.1.17.0. Kotor Varoš

7.1.17.1. On 24 July 1992, two Serbs, J.T. and M.Dj., went to their home in Rastik, a Serb village in the commune of Kotor Varoš, to feed and tend cattle that they had left when they fled from the village.

Muslim soldiers captured the two Serbs, tied them up, blindfolded them and took them to the camp in the village of Večiči, where they were psychologically abused and maltreated.

Evidence: 117/95-15.

7.1.17.2. On 24 July 1992, in the village of Narić in Kotor Varoš commune, the uniformed Muslim soldiers Raif Alagić, Miralem Alagić and Ćemil Bilić, fired with automatic weapons at unarmed Serb civilians, whom they knew, as they were herding sheep. They killed:

1. Tihomir Vasiljević (father: Jovan), born 1928; and
2. Dušan Pavlović (father: Mlle), born 1940.

Evidence: 117/95-15.

7.1.17.3. In Kotor in the commune of Kotor Varoš, on 25 July 1992, Muslim soldiers stopped an ambulance of the Kotor Varoš clinic. They arrested the driver M.O., who was in civilian clothes and unarmed, tied him up and took to him to the village of Ravne, where they locked him up with three other Serb prisoners - Nedeljko Popović, Boro Lugić and Nenad Nović.

They were held in a small room in a warehouse, without sanitary facilities. They were then taken, tied and blindfolded, to the village of Zagradje, where they were handed over to Muhamed Vunić, who beat them severely. Still tied and denied medical treatment and rest, they were taken to the camp in Večiči. Muslim guards continued to torture them, causing the death of the following prisoners:

1. Nedeljko Popović (father: Marijan), born 1950;
2. Boro Lugić (father: Miloje), born 1955; and

3. Nenad Nović (father: Nedeljko), born 1962.

Evidence: 117/95-15.

7.1.17.4. On 23 August 1992, in the village of Hanifići in Kotor Varoš commune, Muslim and Croat soldiers captured unarmed Serb civilians:

1. Rajko Serdar, aged 55; and
2. S.D., aged 12,

as they were rounding up horses. The soldiers beat the prisoners and locked them in a garage. On the following day, they took S.D. to the prison camp in the village of Večići, and took Rajko Serdar towards the village of Viliće, where they shot him down with automatic rifles.

Evidence: 117/19-5.

Responsibility for all crimes described in points 4.1.17.1 to 4.1.17.4. rests with Ramo Zeher, Nedžad Hibić, Hasib Tatar, Nedžib Alagić, Miralem Smajlović, Muhamed Bilić and 25 other Muslim and Croat soldiers, for which full personal details are available.

7.1.17.5. On 10 July 1992, in the village of Vrbanjci in Kotor Varoš commune, the following Serb was taken prisoner:

1. Ratko Čupić (father: Živko), born 1955.

Čupić was captured as he returned home from the village shop, and was killed after 20 days in prison.

This crime was committed by: Ante Bandalo (father: Dragoljub), born 1974; Stipe Marčinković (father: Ante), born 1969; and others.

Evidence: 117/95-16.

7.1.17.6. Early in the morning of 17 September 1992, Muslims and Croats from the village of Dabovci in Kotor Varoš commune, armed and wearing uniforms of the Muslim army, made a surprise attack on the neighbouring Serb village of Vrbanjci, killing 16 Serb civilians:

1. Slavko Bencuz, aged 56;
2. Danka Serdar (female), aged 58;

3. Nikola Dukić, born 1955;
4. Jelenko Serdar, born 1961;
5. Radmila Serdar (female), aged 33;
6. Ljubica Tepić (female), aged 38;
7. Slobodanka Tepić (female), aged 10;
8. Snježana Tepić (female), aged 4;
9. Dragi Serdar, born 1945;
10. Bosa Serdar (female), aged 54;
11. Slavojka Bencuz (female), aged 21;
12. Branko Serdar, aged 56;
13. Mirko Serdar, born 1962;
14. Spomenka Tepić-Serdar (female), aged 20;
15. Slaviša Serdar, born 1970; and
16. Slavko Serdar, aged 60.

They tried to kill another 31-year-old woman (name known), inflicting serious bodily wounds on her.

The perpetrators of this crime were: Marko Šipura; Ante Šipura; Jakica Šipura; Ilija Šipura; Cvetko Šipura; Rasim Lišančić; Sead Menzil; Mirsad Vatrac; Besim Čehić; Mirsad Smajić; Nijaz Smajić; Fikret Planinčić; Nermin Mujanović; and Besim Aleksić..

Evidence: 234/95-14, 16 and 17 and 117/95-18. (Annex No. C 99, svdočenje R.S./testimony R.S., pp. c1010-c1014/c1015-c1019, Annex No. C 150, Medicinski nalaz/Medical findings - KV 1 pp. c1493-c1495/c1496-c1499, and photos in the Annex No C 161, pictures No 1-3, p. 32)

7.1.17.7. On 4 October 1992, Muslim and Croat soldiers raided the village of Vrbanjci in Kotor Varoš commune, which was controlled by the Bosnian Serb army, and machine gunned a "Yugo" car belonging to the local driving school, killing the following civilians:

1. Bojka Antešević (female, father: Ilija), born 1960; and her brother
2. Zlatibor Jeftimir, born 1966.

Evidence: 117/95/19,

7.1.18.0. Fojnica

7.1.18.1. The following Serbs were killed in Fojnica during 1993:

1. Per Ožić, who was forced to dig his own grave before he was killed and decapitated;
2. Mila Govedarica (female), who was killed as she lay ill in bed recovering from a stroke, after which her flat was set on fire; and
3. Petar Glavočević.

These crimes were committed by Omer Poprić, who was chief of police in Fojnica before the war.

Evidence: 319/95.

7.1.19.0. Čajniče

The commune of Čajniče at present mostly controlled by Serbs.

However, the Serb territory was frequently intruded by Muslim forces who attacked poorly protected Serb villages, killing both civilians and soldiers and looting and burning down houses.

7.1.19.1. On 24 January 1993, a Muslim unit commanded by Bajro Djuro clashed in Vijogor in Čajniče commune with four soldiers of the Army of the Republic of Srpska, who were inspecting the area. The following Serb soldiers were seriously wounded and captured on that occasion:

1. Milojko Obradović (father: Drago), aged 30; and
2. Vljako Joksimović (father Budimir), aged 25.

While the wounded soldiers were lying on the ground unable to offer any resistance, members of the Muslim armed forces came to them, cut off Joksimović's left ear and gouged out Obradović's left eye, after which they slit their throats and fired bullets into their badly mutilated bodies.

Evidence: 263/94-4 and 445/95-21.

(Annex No. C 35, svedočenje J.Ž./testimony J.Ž., pp. c370-c372/c373-c375)

7.1.19.2. On 14 February 1993, Muslim soldiers from Gorice commanded by Izudin Kreko attacked the broader area of the village of Bučkovići in Čajniče commune, with the aim of killing all Serb villagers and burning down their houses and other buildings.

Most villagers managed to escape to a nearby forest, but the Muslim soldiers - Izudin Kreko, Filduz Kreho, Esad Čaušević and Ahmo Drljo - killed the three old men who failed to get away:

1. Vlado Čuković;
2. Mladjen Drakula; and
3. Nikola Pljevaljičić.

Pljevaljičić's body was then thrown into his burning house. The Muslims razed to the ground 22 houses and many other buildings in the village.

Evidence: 263/94-6 and 445/95-26.

(Annex No. C 111 svedočenje V.T.2/testimony V.T.2, pp. c1124-1126/c1127-c1129)

7.1.19.3. On 14 February 1993, Muslim soldiers from Goražde commanded by Hadžo Habibović, born 1954, launched a surprise attack on the village of Staronići in Čajniče commune, killing:

1. Aleksa Tanasković, aged 80,

in his house, which they then set on fire, so that his body was found partly burnt. The Muslims also burned down two other Serb houses.

Evidence: 263/94-7 and 445/95-28.

7.1.19.4. Early in the morning of 14 February 1993, Muslim forces commanded by Avdo Adeta, acting under a plan for attacks on specific Serb villages in Čajniče commune which had been prepared in Goražde by Hadžo Efendić, president of the municipal assembly of Goražde and Zaim Imamović, military leader of the Muslim armed forces in Goražde, attacked the villages of Šapići, Trajan and Prijemet in Čajniče commune.

The following Serb civilians, who did not manage to flee the villages, were killed on that occasion:

1. Darinka Pijević (female), aged about 70;
2. Dušanka Mašić (female), aged 50;
3. Zeljko Mašić, aged 13;
4. Trifko Dačević, aged 54;
5. Dušan Čokorilo, aged 45;
6. Duško Katana, aged 39;
7. Miroslav Krnojelac, aged 42;
8. Božo Dačević, aged 60;

9. Stanko Dačević, aged 60;
10. Duško Kovačević; and
11. Stevo Kovačević.

In addition, several other villagers are reported missing.

The Muslim unit intruded into the territory of the FR of Yugoslavia during the night, crossed back to the territory of Čajniče commune and then returned to Goražde along the same route.

Evidence: 263/94-8 and 445/95-31. (Annex No. C 21, svedočenje R.D./testimony R.D., pp. c211-c212/c213-c214)

7.1.19.5. A group of about 20 Muslim soldiers led by Nusret Dizdarević and Ferid Sirovina ambushed a freight lorry at Mlakve in Čajniče commune which was carrying Serb civilians from the village of Glamočeviči, and killed the following Serbs:

1. Miodrag Laković;
2. Aleksandar Vlašćak;
3. Vojo Živković; and
4. Milo Obradović.

Zagorka Obradović (female), Ratomir Savić, Vitomir Vlaškić, Zorica Živković (female), Dragana Stojanović (female) and Stjepan Obradović were seriously wounded, while six other civilians sustained minor injuries.

Evidence: Report of inquiry.

7.1.20.0. Tuzla

7.1.20.1. From 21 May 1992, Muslim armed forces from Tuzla began attacking neighbouring Serb villages. In an attack on Simin Han, on 21 May they killed Serb civilians:

1. Pero Stojanović; and
2. Ilija Ivković.

Simin Han and the adjacent village of Gornji Čaklovići were repeatedly attacked from Muslim villages in Tuzla commune and the suburbs of Tuzla itself.

3. Vladimir Bogdanović (father: Pero), born 1969 in Rastošnica,
was killed in the Muslim shelling of the area.

In another attack, on 19 June 1992, the following Serbs
were killed:

4. Djordje Sekulić;
5. Savo Sekulić;
6. Ljubojević (first name unknown);
7. Macanović (first name unknown);
8. Strahilović (first name unknown);

and others whose identity has not been established.

Muslim soldiers also captured and slaughtered the following Serbs in
front of their houses:

9. Jezdimir Jeftić (father: Petar);
10. Božidar Rikić (father: Rade).

After the attack, the Muslims looted the village and then
razed it to the ground.

These attacks were organised by the Muslim Territorial
Defence from Tuzla and among the perpetrators, the following have
been identified: the Smajić brothers from the Muslim village of
Čakovići and Mijo Paligorić, a Croat from Simin Han.

Evidence: 49/95-26.

7.1.20.2. On 6 October 1993, the witness, a 73-year-
old Serb, and his wife Julijana (father: Djuro), born 1929, were forced
to provide accommodation to the Muslim soldiers, Hajrudin Mujkanović
from Janja and Nervin Mulasalihović from Bijeljina, in their house at
17 Ludviga Pešića Street in Tuzla.

At about midnight on 9 October 1993, the two Muslims
attacked and seriously injured Julijana, stabbing her in the chest with
a knife, cutting her left breast and the area between the legs, and
ripping her ears when they snatched her personal jewellery. The
witness was beaten and also sustained serious bodily injuries. The
Muslims then took all the valuables from the house. Julijana was
taken to Tuzla hospital, where she died on 22 October 1993 without
regaining consciousness.

The police in Tuzla took no action against the perpetrators of this crime, and the witness was allowed to leave Tuzla only after he had given the military investigators a written statement saying that he had no intention of pressing criminal charges.

Evidence: 293/95-26. (Annex No. C 46, svdočenje D.J./testimony D.J., pp. c465-c469/c470-c474)

7.1.20.3. On 15 May 1992, in Kozlovac near Tuzla, 140 reserve soldiers of the former JNA, all Serbs, were captured. They were taken to the prison camp at Stari Rudnik near the "Sloboda" FC stadium in Tuzla, where they were put in cellars. They were beaten there every day, and during the 15 days they spent in this camp about 10 soldiers were killed.

Among other things, soldiers were forced to perform homosexual acts with each other.

Mithad Hadžimehmedović, camp commander, Alija Mešanović and Pašaga Grbo are responsible for these crimes.

Evidence: 127/95.

7.1.20.4. Many Serbs were imprisoned in the "Husinska buna" former JNA barracks in Tuzla, where they were savagely tortured. Some died of torture, including Vaskrsije Jovičić from Tuzla, who was killed by Fadil Hadžiefendić from Tuzla, who was a mechanic in the local metal and electrical factory before the war, and Anto, surname unknown, a lawyer in the Siporeks company before the war.

The commander of the barracks was Lieutenant-Colonel Asim Osman Bajić, a retired mining engineer, and chief warden was military police commander Salim Šabović.

Evidence: 49/95-25. (Annex No. C 47, svdočenje C.J./testimony C.J., pp. c475-c483/c484-c491)

7.1.20.5. On the basis of the decision of the war presidency in Tuzla the military authorities took the groundfloor and the first floor of the District Prison for their requirements while the civilian part of the prison remained on the second floor.

Hasan Kikić, until then the head of the guardsmen in the District Prison was appointed district prison warden after, in October 1992, Sretko Marković was dismissed.

At first the prison warden was Fikret Ibrahimović, active non-commissioned JNA officer and military policeman. He was replaced later on by Redžo Adrović from Sandžak, who was a judge in Živinice before the war.

At first Fikret Ibrahimović was the commander of the guardsmen and later on Vlado Martuzović, a Croat from Ljubača.

The Serbs imprisoned in the District Prison in Tuzla were subjected to torture and, as a result of the inflicted injuries, the following died or were killed:

1. Radovan Modraković from Krivača, son of Tripun, wounded and then captured on 15 May 1992 during the attack on the JNA column which was withdrawing from Tuzla.

2. N.N, who was brought to the District Prison in Tuzla in a white coat and with his head covered with blood. He was beaten the whole night, so that nobody could sleep because of his screams. The witness saw his dead body being taken away the next morning.

3. Cvijetin Savić from the village of Smoluća, municipality of Lukavac, aged about 45, died in cell No. 13 as a result of torture in September 1992. Before that he was in a coma for 4 days. He was beaten in particular by guard Osman (witnesses 516/96-12, 516/96-13, 516/96-19, 516/96-20).

4. Branko Govedarica from the village of Baljkovica, municipality of Zvornik, born 1932, taken away from the cell and never returned and is presumed to have been killed.

5. Jovan Mitrović from Smoluća, aged about 72, was brought to the District Court in Tuzla on 19 August 1992 and immediately beaten in the corridor in front of the cell by military policemen and guards. He died the same night as a result of inflicted injuries. His body was taken to the basement bathroom where witness 516/96-1 saw it.

6. NN PoW from Simin Han near Tuzla who was captured on Mt Majevica.

7. NN PoW from Smoluća (or Potpeć), municipality of Lukavac, a diabetic, who could not stand torture and whose body wrapped in a blanket was taken away by the guards.

8. NN PoW from Dumnica was daily taken out of the cell and beaten; disappeared from the prison and presumed to have been killed.

Evidence: 440/94-28, 679/95-17, 743/95-1, 743/95-5, 743/95-6, 743/95-7, 743/95-II, 743/95-12, 756/95, 799/95-23, 799/95-27, 799/95-31, 73/96, 315/96-1, 315/96-2, 386/96-23, 386/96-24, 516/96-9, 516/96-10, 516/96-11, 516/96-12, 516/96-13, 516/96-15, 516/96-19, 516/96-20, 516/96-22, 516/96-37, 516/96-39, 594/96-13, 679/96-17, 61/97-47, 84/97-2.

(Annex No. C 7, svdočenje M.B./testimony M.B., pp. c43-c48/c49-c54)

(Annex No. C 63, svdočenje S.M./testimony S.M., pp. c637-c644/c645-c651)

7.1.21.0. Ugljevik

7.1.21.1. On an unspecified date in 1992, the following Serb was killed in the village of Bogutovo near Ugljevik:

1. Dragan Vičić; and the following Serbs were killed at the Stolice television transmitter on Mt Majejica:

2. Mihajlo Stanić;
3. Petar Sandić;
4. Milan Sandić; and
5. Marko Savić.

These crimes were committed by members of Croat and Muslim armed forces.

Evidence: 174/95

7.1.21.2. At about seven p.m. on 5 August 1994, two shells were fired on Donje Zabrdje and Ugljevik, outside the combat zone, and one Serb civilian was killed:

1. Veljko Petrović (father: Cvijetin), born 1931.

A woman, N.R., born 1965, was slightly wounded.

Perpetrators: Dževad Avdićević, aka "Babak", (father: Džemil) born 1964, a brigade commander; Bahir Mešić (father: Meho), born 1964, deputy commander.

Evidence: 174/95-2.

7.1.21.3. In the commune of Ugljevik on 13 September 1994, members of the so-called army of Bosnia-Herzegovina, commanded by Dževad Avdićević, shelled the Serb village of Mazgraja, which was outside the combat zone, and killed the following civilians:

1. Nada Gajić (female), born 1926;
2. Desanka Gajić (female), born 1931; and
3. Cvijetin Aleksić, born 1934.

Two other persons were seriously injured.

Evidence: 174/94-4.

7.1.22.0. Zvornik

7.1.22.1. On 24 August 1992 Muslim armed forces attacked the village of Gornja Kamenica in Zvornik commune, burnt down all the houses and demolished the village Orthodox cemetery. On that occasion, they killed:

1. Ljubomir Tomić;
2. Dragomir Tomić;
3. Milomir Kukolj; and
4. Rade Kukolj.

Among the perpetrators of these crimes were: Esad Mehmedović, a former policeman; Meho Suljagić; Edo Haskić; Esad Haskić; Amhed Grebić, a former policeman from Zvornik; Hazir Begić, a former policeman from Zvornik; and Muhamed Selimović, in whose house the local Muslim crisis staff met.

Evidence: 378/94-19, 378/94-20, 378/94-21, 378/94-22 and 378/94-23.

7.1.22.2. On 10 September 1992, at the place called Crni Vrh on the main road from Zvornik to Šehovići, Muslim armed forces attacked a column of vehicles transporting Serb civilians, and killed 12. One of the passengers (witness 184/95-4), a 21-year-old woman who was five months pregnant, was shot in the stomach. The baby was killed. She remained alive, but suffered severe mental anguish.

Evidence: 184/95-9, 194/95-10, 184/95-3 and 184/95- 4.

7.1.22.3. In the morning of 9 May 1992, strong Muslim armed formations with heavy weapons made a surprise attack on the village of Gornja Baljkovica in Zvornik commune, and killed 16 Serb civilians:

1. Stanojka Grujić (female), born 1936;
2. Dragorad Grujić;
3. Božidar Mikić;
4. Rade Mitrović;
5. Dragan Mitrović;
6. Brana Mitrović;
7. Sima Tijanić;
8. Marko Katić;
9. Čedo Mihajlović;
10. Veljko Tijanić;
11. Mića Mitrović;
12. Slaviša Jakšić;
13. Slavko Bojić;
14. Dragan Mihajlović;
15. the daughter of Dimitrije Bojić; and
16. the son of Raja Mihajlović.

The Muslims destroyed the village and burned it down.

Among the perpetrators of this crime were: Ramiz Subašić from Memići; Jusuf Fargan from Križeviči; Smajo Subašić; and his brother Ismail Subašić; Husein Džigarić (father: Avdo), from Muslimanski Nezuk; and Ferid Kundić, also from Muslimanski Nezuk.

Evidence: 49/95-4, 45/95-7 and 45/95-10.

7.1.22.4. From August to 18 December 1992, Muslim forces from the villages of Muslimansko Snagovo, Samari and Kamenica in Zvornik commune attacked the Serb village of Snagovo, and killed the following civilians:

1. Milovan Jasikovac, was killed on 24 August 1992. His skull was smashed with a blunt object, his legs were burned, there were stab wounds all over his body, his tongue was almost severed and he had been castrated.
2. Ilija Jasikovac was killed on the same occasion.

Early in December 1992, Muslim forces ambushed a lorry coming from Zvornik at the approaches to the village and killed the following Serbs:

1. Dragan Tasić, the driver;
2. Boško Tasić; and
3. Nada Vlačić (female).

On 18 December 1992, the Muslims surrounded and made a surprise attack on the village of Snagovo. On that occasion, they killed:

1. Savka Obrenović (female), aged 50;
2. Milka Obrenović (female), aged 57, who was stabbed with a knife and whose breasts were cut off; and
3. Velizar Jasikovac.

During these attacks, the Muslims also looted the houses and drove the cattle away with them, before setting fire to half the houses in the village.

Evidence: 49/95-5 and 184/95.

7.1.22.5. On 8 October 1992, Muslim armed forces made a surprise attack on the village of Šetići in Zvornik commune and killed the following Serb civilians in the yard of Mihajlo Pantić's house:

1. Mihajlo Pantić, aged 90, was shot with three bullets, one of which, fired from point-blank range, shattered his head. He also had stab wounds in the neck and in the back;
2. Cvija Pantić (female), aged 82, was shot;
3. Sava Pantić (female), aged 72, was shot and had deep wounds on the inside of the right thigh and on neck, probably caused by bayonets;
4. Desa Pantić (female), aged 65, was shot;
5. Ljubica Pantić (female), aged 46, was shot;
6. Bosa Lukić (female), aged 65, was shot;
7. Cvija Prelovac (female), aged over 60, was scarred by flame.

Of the attackers, Amet Sinanović (father: Arif) from the Muslim part of the village was identified.

Evidence: 293/95-5, 293/95-6 and 49/95-8. (Annex No C 160, Photos 34 - 37)

7.1.22.6. On 8 October 1992 Muslim forces from the village of Jusići in Zvornik commune made a surprise attack on the village of Malešići and killed:

1. Zdravko Malešić, aged about 70;
2. Mihajlo Perić, aged over 90;
3. Cvija Perić (female), aged about 90;
4. Ljubica Perić (female), aged about 50;
5. Drago Kulić;
6. Savo Vidović;
7. Pero Milošević; and
8. a woman from Zmajevica who was visiting relatives.

The Muslims burned all the houses in the part of the village named after the Milošević family.

The perpetrators included members of the Muratović and Sulejmanović families, from the village of Jusići, and Sejfo Nekir.

Evidence: 49/95-8.

(Annex No. C 270 svdočenje C.M./testimony C.M., pp. c2323-c2327/c2328-c2331)

7.1.22.7. On 5 April 1992, Muslims in the village of Sapna in Zvornik commune built a barricade on the Zvornik-Tuzla main road, and stopped vehicles transporting reservists of the former JNA. Knowing that the reservists were Serbs, they killed:

1. Sergeant major Mika Stanojević

and wounded several other passengers.

This killing was organised by the chairman of the SDA branch in that village.

Evidence: 49/95-1.

7.1.22.8. On 17 September 1992, Muslim armed forces made a surprise attack on Novo Selo in Zvornik commune and killed the following villagers:

1. Milisav Ilić, aged 37;

2. Zoran Ilić, aged 39;
3. Veso Marković, aged 59;
4. Lazar Ilić, aged 78;
5. Spasa Ilić (female), aged 80; and
6. Ikonija Ilić (female), aged 57.

The Muslims also captured the woman P., who was held in captivity for about 5 months and raped. Most of the victims were killed with knives and their bodies were burned.

These crimes were committed by Muslims from the same village.

Evidence: 184/95-2.

7.1.22.9. During a clash with Bosnian Serb forces on 5 November 1992 around the Serb village of Kamenica in Zvornik commune, Muslim forces captured and killed a number of Serb soldiers. When the Serb defenders of the village were forced to withdraw, the Muslims killed their captives in the most brutal way.

Some of the bodies found later had been decapitated. Others were without arms or legs, and some had been cut into pieces. Chains were found on some of the bodies, with which the victims had been tied up. Some bodies had been stabbed with nails, iron bars and other instruments. The mutilated bodies of the following Serbs were found:

1. Uroš Kazanović, whose body was in a state of decay;
2. Radislav Grabovica, whose arms and legs had been cut off;
3. Vlado Grabovica, who had been decapitated;
4. Savo Djokić, who had been decapitated and had a chain around one leg;
5. Radislav Macanović, whose throat had been cut and had a horse's lead on his head;
6. Radomir Pavlović, who had been decapitated;
7. Miladin Aščerić, whose body was in a state of decay;
8. Dragomir Božić, whose body had been butchered and had cut off and smashed with a blunt instrument;
9. Slavko Tijanić, whose head, without eyes, ears and nose, had been cut off and smashed, in whose chest was found a 6-mm thick metal bar, and whose neck, arms and legs were tied with wire;
10. Radan Pavlović, whose body was cut into pieces; and
11. Savo Kazanović, who had been decapitated and whose chest had been smashed with a big nail, with which he had probably been nailed to an oak tree.

This was done by a Muslim unit commanded by Naser Orić from Srebrenica. Of the Muslim soldiers, Muhamed Ibrahimbegović and Kemal Ibrahimbegović from Kamenica were identified.

Evidence: Autopsy reports by Dr Zoran Stanković and the witnesses 184/94-5, 184/95-6, 184/95-7 and 184/94-8.

7.1.22.10. On 5 May 1992 Muslim armed forces made a surprise attack on the Serb village of Boškovići in Zvornik commune and killed the following civilians:

1. Vukašin Nikolić (father: Ljupko), born 1952 in Boškovići;
2. Mitar Gajić (father: Rade), born 1964 in Boškovići;
3. Stanko Spasojević (father: Filip), born 1942 in Malesići;
4. Draga Lukić, the wife of Miloš Savić;
5. Dragan Cvijetinović (father: Petko), born 1948 in Boškovići;
6. Milosav Kostić (father: Mićo), born 1968 in Boškovići;
7. Drago Tešić, (father: Veljko), born 1933 in Boškovići;
8. Bora Savinović (father: Todo), born 1944 in Boškovići; and
9. Cvjetko Savić (father: Stevo), born 1924 in Boškovići.

The Muslim unit was led by Šemso Muminović, born 1960, from Kovačevići, Džemail Spahić (father: Safet) born 1959 in Vitinica and Hajrudin Mešić, aka "Labud", from Teočak.

Muslim forces attacked this village again on 1 August 1993, and killed:

10. Čedomir Nikolić;
11. Zoran Tomić (father: Dušan), born 1968 in Šetići;
12. Vidosav Tomić (father: Marko), born 1929 in Šetići;
13. Uroš Jokić (father: Brano), born 1953 in Boškovići;
14. Boško Savinović (father: Todo), born 1945 in Boškovići;
15. Dragomir Milutinović (father: Ivko), born 1942 in Boškovići;
16. Milorađ Kostić (father: Mićo), born 1966 in Boškovići;
17. Sreten Jokić (father: Tomo), born 1964 in Boškovići;
18. Pero Milutinović (father: Lazo), born 1922 in Boškovići;
19. Zdravko Nikolić (father: Ilija), born 1973 in Boškovići;
20. Toma Jokić (father: Jovo), born 1939 in Boškovići;
21. Simo Lukić, aged about 43, from Tršić;
22. Srećko Filipović (father: Aćim), born 1931 in Boškovići;
23. Branislav Nikolić (father: Miloš), born 1954 in Boškovići;
24. Vinko Maksimović (father: Petar), born 1954 in Tršić;
25. Milan Vasiljević (father: Mihajlo), born 1958 in Tršić; and
26. Srba Savić (father: Sava), born 1955 in Tršić.

Most of the victims were killed with knives and blunt objects.

The attack was carried out by the Muslim army's 206th Brigade under the command of Šemso Muminović from Vitinice, which was cited for its genocidal acts in Boškovići and given the name "Chivalrous Brigade".

During the second attack, the Muslims burned down 18 Serb houses and many other buildings.

Evidence: 493/94-40 and 293/95-8.

7.1.22.11. In the early morning of 20 June 1992, Muslim forces made a surprise attack on the Serb village of Odžačina in Zvornik commune, and killed:

1. Vaso Tanasković from Vitinice;
2. Kosta Kostić from Vitinice, and
3. Cvjetko Kostić from Vitinice

near their houses.

They also ambushed and killed the following passengers in the car as they tried to escape from the village:

4. Smilja Tanacković (female), born 1944;
5. Jovika Tanacković, born 1955; and

two other unidentified persons.

The Muslims looted and burned the village of Odžačina.

The Muslim unit was commanded by Šemso Muminović from the village of Kovačevići.

Evidence: 293/95-27.

7.1.22.12. From May 1992 to 1 September 1992, Muslim armed forces repeatedly attacked the Serb village of Rožanj in Zvornik commune until the inhabitants were finally forced to leave the village. During these attacks they killed civilians in the village. In the attack on 23 May 1992, they killed:

1. Dragan Aščerić;

and in an attack on 2 July 1992, they killed:

2. Bogoslav Ilić, born 1968;
3. Mitar Ostojić, aged about 22;
4. Stanko Ostojić, aged about 16; and
5. Goran Ostojić, aged about 30;

as they were preparing to mow grass in their meadow.

In an attack on 20 July 1992, they killed:

6. Dušan Filipović, born 1949, as he was harvesting wheat.

In an attack on 1 September 1992, they killed:

7. Veljko Filipović, aged 61, near his house. Ilija Lazić, born 1962, and Rajo Lazić, born 1965, disappeared during this attack and are presumed killed.

The Muslims looted and razed Rožanj to the ground.

Muslims from nearby villages participated in these attacks, including Izet Jukić from Šarci and Alija Ramić from Plana-Goduš.

Evidence: 293/95-29 and 293/95-30 and 49/95-9.

7.1.22.13. During an attack on the Serb village of Rastošnica in Zvornik commune on 17 April 1992, Muslim armed forces killed:

1. Zoran Bogdanović (father: Pero), born 1971.

In another attack on 28 August 1992, they killed:

2. Drago Kovačević (father: Djuro), born 1935, after first castrating him;
3. Ružica Josipović (female, father: Savo), born 1941, whom they shot on her doorstep;
4. Miloš Nikolić (father: Rade), born 1962, who was burned;
5. Nedeljko Marković (father: Drago), born 1934;
6. Prelovac, first name unknown;

7. Zdravko Manojlović (father: Mitar), born 1965;
8. Cvjetko, aka Kačalić from Čaklavica, surname unknown;
9. Nada Mijatović (female); and
10. Ratko Petrović.

The Muslims then burned the village.

According to evidence, Zoran Bogdanović was killed by the son of Mehmed Mujaković from the neighbouring Muslim village of Snježnica. Another Mujaković's son, the son of Džemil Mujčinović, aka Tiče and Čeliković, first name unknown, all from Snježnica took part in these crimes.

Evidence: 293/95-31 and 49/95-3.

7.1.23.0. Kladanj

7.1.23.1. Muslim armed forces repeatedly raided the village of Jelačić in Kladanj commune and killed villagers.

In an attack on 9 August 1992, they killed:

1. Dragan Dragić from the hamlet of Majdan; and
2. Dragan (Drago) Erdelić (father: Djuro) from Jelačić. who had gunshot wounds in the front of the right shoulder and the outside of the right thigh. He had a 17 by 30 mm stab wound on the back of the right thigh inflicted by a pick or the sharp edge of a mechanical instrument. His shoulder blade was broken and there were many injuries on his face caused by blows with a heavy metal object. The top of his left ear had been ripped off or cut off with a sharp object.

In an attack on 2 February 1993, the Muslims killed:

3. Vladenko Lukić.

On 24 September 1993, a Muslim sniper killed:

4. Milorad Erdeljić and, in December 1993, his daughter-in-law
5. Malina Erdeljić.

Both were killed near their stable.

On 14 January 1994, the Muslims again attacked Jelačić, captured and killed the following villagers:

6. Nevenka Erkić (female), aged about 70, was killed by a number of hard blows with a heavy blunt object in the front and back of the head, which fractured the skull and facial bones, and blows with a pick or a sharp metal instrument in the right breast and shoulder;

7. Nedeljko Milić, born 1967, had a gunshot wound in the right side of the chest. The autopsy also discovered a 60 by 50 mm oval-shaped wound on the right side of the head, where the skull was smashed, and a 50 by 40 mm stab wound under the arm pit inflicted by a pick or a sharp metal object;

8. Božo Erdelić, born 1910);

9. Draga Erdelić, born 1944;

10. Radivoje Milić, born 1940, was first shot in the upper right arm from a distance, and then killed with the sharp edge of a heavy metal object on the left side of the head, which fractured his skull and facial bones;

11. Kosta Milić, born 1955, was killed by a bullet fired from a pistol. His right eye-lid was cut off and the eye was gouged out with a heavy metal object;

12. Veselin Erdelić, born 1940, had a 150 by 70 mm gash in the centre of his forehead inflicted by a blow from a heavy metal object, a 60 by 50 mm stab wound in the lower part of the left chest inflicted by a pick or some other sharp metal object, and 50 by 25 mm gashes on the left arm;

13. Draga Erdelić (father: Bo a) born 1928, was killed by a blow on the head from a heavy metal object, which caused a 130 by 50 mm fracture on his skull. The victim's right eye had been gouged out with some sharp object;

14. Petko Božić, born 1928;

15. Zora Božić (female);

16. Novica Erdelić, born 1965;

17. Radivoje Erkić, born 1945, was shot from a side arm. The victim's right eye had been gouged out with a sharp metal object;

18. Miladin Vuković had gunshot wounds on the upper left arm, 60 by 30 mm stab wounds on the left side of the chest, wounds on the back of the neck inflicted by a pick or other sharp metal object, and both cheek bones had been broken by blows with a heavy metal object;

19. Miloš Sejimenović;

20. Jovan Milić;

21. Grozda Erkić (female), born 1935; and

22. Ljubinka Erkić (female), aged over 70.

The Muslims took the captured villagers to Kladanj, where they killed them and later exchanged their bodies.

The eyes of most of the victims had been gouged out, their ears cut off, their teeth and nails pulled out, and their skulls smashed with blunt objects. Kosta Milić was castrated.

Muslim formations from Kladanj, Živinice and Lukavac, including special units called "Živiničke ose" / Živinice wasps/ and "Kladanjske kandže" /Kladanj Claws/, took part in these crimes. Especially brutal among the attackers were Aldo Šećerović and Latif Šećerović from Noćajevići, Rifet Kadrić from Krivavovići, and Sarajlić, first name unknown, a former registrar in Stupari.

in the attack of 14 January 1994, the Muslims looted the village, razed it to the ground and drove away cattle with them.

Evidence: the witnesses 49/95-15, 49/95-16, 293/95- 21 and 293/95-22. (Annex No C 160, Photo 38), (Annex No C 13, obdukcioni zapisnik J.M./autopsy report J.M. pp. c119-c124/c125-c130) (Annex No C 268, obdukcioni zapisnik D.E./autopsy report D.E. pp. c2304-c2308/c2309-c2314)

7.1.23.2. On 25 May 1992 Muslim armed forces attacked the Serb village of Vranovići and the adjacent Serb hamlets in Kladanj Commune: Mladovo, Pobrčevac, Olovci, Brdijelji and Pajići, forcing the inhabitants to flee. The sick and the elderly who were not able to escape were all killed:

1. Jovan Djerić; his wife
2. Rajka Djerić, born 1920;

3. Budimir Djerić;
4. Mitojka Škiljević (female), born 1914, her sons
5. Ćedo Škiljević and
6. Milorad Škiljević;
7. Ilija Aleksić, born 1923; his son
8. Ignjat Aleksić, mentally retarded and bed-ridden since birth;
9. Nikola Todorović;
10. Nebojša Zoranović from the hamlet of Vučinići;
11. Rajko Aleksić from the hamlet of Kovačići; and
12. Nedjo Stanojević from Vranovići.

Dragan Remetić, Dragan Zoranović, Vojko Balotić and Vojislav Balotić were taken into an unknown direction and nothing has been heard of them since.

The Muslims first looted the village and then razed it to the ground.

Members of Rahman Alilović's family from the village of Tuholj were identified among the perpetrators of this crime.

Evidence: 184/94-38 and 49/95-17.

7.1.23.3. From May 1992 onwards, Muslim armed forces repeatedly attacked the Serb village of Pelemiši in Kladanj commune.

In an attack on 18 April 1993, they killed:

1. Soka Glišić (female), aged about 40;

and captured Stojan Vučinović, aged about 60, of whom nothing has been heard since. The village was looted and burned down.

Perpetrators: "Begica", real name unknown, from the village of Ravno, and a former manager of the "Šumarstvo" enterprise from Kladanj whose name is unknown.

Evidence: 184/95-37.

7.1.24.0. Orašje

7.1.24.1. On 9 May 1992, in Bukova Greda, municipality of Orašje, the members of the military police of the 106th Orašje brigade, commanded by Pero Vincetić, aka Konj (Horse), made a raid upon the Serbs and the following Serbs were killed:

1. Lazar Vasiljević, son of Arsenije, born 1961
2. Mićo Gavrić, born 1939, in Bukova Greda, Orašje
3. Mišo Gavrić, son of Pero, born 1974 in Bukova Greda-Orašje
4. Zoran Maksimović, son of Pero, born 1969 in Bukova Greda- Orašje
5. Žarko Maksimović, son of Jovo, born 1952 in Bukova Greda-Orašje
6. Drago Cvijanović, son of Pero, born in 1963 in Bukova Greda-Orašje
7. Marko Maksimović, son of Jovan, born in 1937 in Bukova Greda - Orašje.

Evidence: 267/94-1, 267/94-6, 267/94-8, 267/94-14 and 396/95-6 and 637/95-3, 396/95-5, 679/95-23, 679/95-24, 679/95-27, 679/95-32, 679/95-35, 679/95-37 and the records of the identification drawn up in the Basic Court in Brčko on 24 June 1994 for all the above listed victims except for Mišo Gavrić (144/95-22).

7.1.25.0. Mostar

Three ethnic communities lived in Mostar: Croats, Serbs and Muslims. Before armed conflicts broke out ethnic relations had for the most part been characterized by tolerance. However, when war broke out the city was divided into two sections - a Croat and a Muslim one. The Serbs left in the Croat-Muslim areas were continuously harassed and maltreated. They were evicted from their flats, arrested, taken to camps, the women were raped, and some were killed. Those who have managed to flee Mostar say Serbs were maltreated, most often by HVO and HOS members and Muslim "Green Berets" and members of the Muslim Territorial Defence.

The systematic persecution of Serbs in Mostar began at the start of April 1992, after a cistern containing explosives was blown up in front of the JNA barracks in Mostar. The explosion killed several people and was the signal for an attack on both JNA members and Serbs in Mostar. From that time, Croat and Muslim police and troops went on a rampage through the city, raiding Serb flats, houses and shops, arresting, beating and taking Serbs to prisons and camps. HOS members appeared wearing black fascist shirts with insignia and symbols from the Nazi puppet Independent State of Croatia. Camps for Serbs were set up in Mostar and the surrounding area, in which inmates were subjected to most cruel torture, and many were killed.

The perpetrators of crimes in the camps included Croat and Muslim policemen, camp guards and soldiers, and even civilians and foreigners who were invited to come to the camps to torture the Serb prisoners.

The presidency, government and other official bodies of the Bosnia-Herzegovina knew about these camps in Mostar and in other places. They also they knew that the inmates were only Serb civilians and that they were badly treated.

Official bodies were also directly involved in or condoned the transfer of Serb prisoners from Mostar and other camps in that part of the Bosnia-Herzegovina to another state - the Republic of Croatia. This was done in agreement with the Croatian authorities in Zagreb and the authorities of the Bosnian Croat state, the so-called Herceg-Bosna.

The practice of taking Serbs from camps and civilian Serbs from Mostar and other places of Herzegovina to the Republic of Croatia was widespread. This was done in agreement with the Croatian authorities in Zagreb and the authorities of so-called Herzeg-Bosnia.

In Mostar, apart from the Čelovina prison, 27 Šantićeva Street, Serbs were imprisoned in about ten other places: in the buildings of the Faculties of Economics, Mechanical Engineering and Law; at the airfield (or heliport) in Rodoč; in the Army infirmary; in the prison in Rodoč; and elsewhere.

7.1.25.1. During August 1992, Slobodan Ivanišević, born 1948 in the Serb village of Bogodol near Mostar, was arrested in his apartment. Several days later, Mostar radio said that the body of a man had been found on Bijeli Breg. Ivanišević was identified by his neighbours. The body was found with the skull smashed in.

Evidence: 295/94-12.

7.1.25.2. According to the witness B.M., before the war a policeman in Mostar, the mining of Serb shops and businesses in Mostar started in January 1992. Explosives were planted in cafes owned by Milan Kovačević and Jovan Kukavac and other Serb business premises. Early in April the Croats and the Muslims placed a petrol cistern full of explosives in front of the "Severni Logor" barracks and activated it by remote control. The explosion caused vast damage to the barracks and other buildings in the Zalik suburb of Mostar. A soldier and three civilians were killed.

The witness was arrested on 4 May 1992, tied and taken to the Faculty of Economics. He was asked if he wanted to become a police informer, but he refused. He was then taken to Čelovina prison, where he remained until 14 May 1992, when he was transferred to the district prison. He was also imprisoned for longer or shorter periods in detention facilities for Serbs in Lištica, Duvno, Grude, Ljubuški and the Lora naval base in Split.

While in Čelovina prison he and other Serb prisoners were often taken to perform forced labour in and around Mostar, and they were then beaten by both the guards and local citizens. During one such trip to Jasenica aerodrome, Serb prisoner Slavko Milošević was beaten, and then doused with petrol and burned alive.

When being transferred from the prison in Mostar to Lištica, the blindfolded prisoner was displayed to the public as a "Chetnik marshal", and the crowd spat at him, shouted abuse and hit him. In Lištica he was detained in the police station, and an Albanian guard beat him on the head and other parts of the body with a cable thicker than a police truncheon. The witness was also forced to eat lighted cigarettes, and was tied to a chair and hit on the palms of his hands and soles of his feet. Guards ordered him to strip, hung him from a central heating pipe on the ceiling, and tied a metal object to his penis so that he felt excruciating pain whenever he moved. They kept him hanging like that for three to four hours. This happened several times.

The Lištica guards hit the witness in the chest with karate blows. They broke several ribs, which have since grown together wrongly, and this marked deformity was plainly visible to the

investigative judge. One hand is also scarred from beatings received in prison.

In one beating, guards knocked out the prisoner's front teeth, and he now wears a denture. They knocked out four of his bottom teeth and dislocated his jaw so that he still cannot shut his mouth properly and is unable to articulate some sounds.

From Lištica he was taken to Duvno, where he saw the bodies of ten mutilated Serbs in military uniforms. In Duvno he saw many Serbs imprisoned in a school.

The witness was then taken to the Lora naval base in Split and then to Grude, where he was kept in the cellar of the local wine coop. He was then returned via Ljubuški to Čelovina prison in Mostar.

Early in August 1992, he witnessed when guards in Čelovina cut off the ears of a young man and then mercilessly kicked and beat him with baseball bats, smashing his skull and spilling his brains. They trampled on the dead body.

He was taken from the Čelovina prison to watch the Orthodox church in Mostar being demolished.

Perpetrators of crimes:

a) the explosion in front of the JNA barracks Dragan Nikolić, an explosives expert in Mostar police; his brother Pero Nikolić, manager of the "Plastika" company in Mostar; Miro Krtalić, owner of private transport firm from Mostar; and Branko Jedvaj, driver in the "Auto-prevoz" transport company;

b) crimes committed in the detention facility at the Faculty of Economics: Stipe Petrović, chief of HVO police, before the war a traffic policeman; Andjelko Lakić; Josip Marčinko; Marko Buhač; Ilija Pervan; and Jure Kraljević, all members of HVO police.

c) crimes committed in Čelovina prison: Krtalić, first name unknown, from Dračevica near Mostar;

d) crimes committed in Lištica: an Albanian policeman; Ivica Pušić, Croatian police chief instructor on island of Pag.

Evidence: 445/94-14.

7.1.25.3. Witness 445/94-7, a 55-year-old female worker from Mostar, was arrested on 15 July 1992 in her home by four HOS

members, including Sabina Elezović (female). They pushed in her into a van, forced her to strip and told the arrested P.P. and one other Serb to rape her, and beat them both when they refused. They then took the witness to a detention facility in the army clinic in Mostar. They handed her to the head warden Ivan Zelenika. The witness and other Serbs were beaten every day for the next fortnight in this facility.

The retired JNA officer Luka Djordan was particularly badly beaten. He was covered in blood and the witness was ordered to wipe him. They took him half dead from the facility, and put him in the deserted flat of a man called Djuka, where he was found dead.

Perpetrators: Sabina Elezović, Ivan Zelenika, the chief warden in the detention facility in Mostar army clinic; Jadranko, surname unknown; and other wardens.

Evidence: 445/94-7

7.1.25.4. The following Serbs were killed or disappeared in Mostar and the surroundings, or their destiny is unknown and are justifiably presumed to have been killed or to have died because medical help was denied to them:

1. Aleksandar Andrić, born 1953, son of Danilo, lived in the settlement of Luka in Mostar, disappeared and the relatives believe that he had been killed in Luka in the absence of any other information about him.

2. Borika Antelj (female), textile worker, from the village of Vrapčiči, municipality of Mostar, born 1949 in Vrapčiči, of father Nikola, taken in an unknown direction in a military truck on 23 August 1992, together with her mother, after which any trace of her is lost (witness 408/96-18).

3. Dušan Antelj, technician from Mostar, born 1950 in Zijemlje, Mostar, of father Risto, member of the Republic of Srpska Army, disappeared in Podveležje during the withdrawal of the army from Mostar, on 16 June 1992 (witness 548/96-22).

4. Ljubica Antelj from the village of Vrapčiči, municipality of Mostar.

5. Sofija Antelj, housewife, from the village of Vrapčiči, municipality of Mostar, born on 17 December 1913 in the village of Likšani, municipality of Potoci, of father Todor, taken in an unknown

direction in a military truck on 23 August 1992, together with her daughter, after which any trace of her is lost (witness 408/96-18).

6. Luka Aćimović, worker, from Lišani, born on 25 April 1933 in Humilišani, of father Jovo, who stayed in the village after the withdrawal of the Serb army on 19 June 1992; assumed to have been killed (witness 408/96-36).

7. Brano Berak, of father Risto, from Mostar, lived in Bakina Luka Street, killed in mid-June 1992 on the road to Goranci; before killing him members of HOS tortured him in the suburb of Mostar, Cima, by threatening him to cut him into pieces with a motor-powered saw.

8. Nikola Berak from Raštani near Mostar, born 1956, killed in mid-June 1992; he was brought to the courtyard of witness 408/96-43 and hanged on a lime tree in the courtyard, after which his body was thrown into a well; later on the body was delivered to the authorities of the Republic of Srpska.

9. Velimir Bojanić, killed in Humilišani near Mostar about 20 June 1992 by members of HOS (Croatian Armed Forces).

10. Milan Bojanić, killed in Humilišani near Mostar about 20 June 1992 by members of HOS.

11. Danilo Borozan from Mostar, killed in his house on Bijeli Brijeg.

12. Draginja Borozan from Mostar, killed during exchange in the power station in Stolac; two other women were also wounded on that occasion.

13. Tea Borozan from Mostar, of father Drago, taken in an unknown direction, presumed to have been killed.

14. Milenko Bošković from the village of Hodbina, born 1930 in Hodbina, municipality of Mostar, of father Nikola, member of the Republic of Srpska Army, captured in the village of Buna on 15 June 1992 during the withdrawal of the Serb army; any trace of him is lost since then and he is presumed to have been killed (witness 408/96-11).

15. Boro Brstina, born 1961 in the village of Dračevica, municipality of Mostar, of father Jovo, member of the Republic of Srpska Army, disappeared on 15 June 1992 near the village of Buna, when he went to see what happened to his brother Slavko who had gone there the previous day; since then nothing is known about his fate; according to the knowledge of witness 548/96-4, after being captured by the Croat army he was killed.

16. Saša Brstina, born 1971 in Dračevica, municipality of Mostar, of father Mladen, member of the Republic of Srpska Army,

disappeared on 14 June 1992 in the vicinity of Buna during the withdrawal of the Serb army; nothing is known about his fate; according to the knowledge of witness 548/96-4 he was killed after capture by the Croat army.

17. Slavko Brstina, born 1953 in Dračevica, municipality of Mostar, of father Jovo, member of the Republic of Srpska Army, disappeared on 14 June 1992 in the vicinity of Buna; nothing is known about his fate; according to the knowledge of witness 548/96-4 he was killed after capture by the Croat army.

18. Danilo Bukvić from Hodbina, born on 4 May 1950 in Jaseno, municipality of Nevesinje, of father Mitar, member of the Republic of Srpska Army, disappeared in the vicinity of Buna during the withdrawal of the Serb army on 15 June 1992 (witness 548/96-12).

19. Spasen Bukvić from Hodbina, born on 27 October 1956 in Jaseno, municipality of Nevesinje, of father Mitar, member of the Republic of Srpska Army, disappeared in the vicinity of Buna during the withdrawal of the Serb army on 15 June 1992 (witness 548/96-12).

20. Mirko Bulić, of father Luka, from the village of Dračevica, employed in the enterprise "Auto-remont" in Mostar, burned in his house, when a Croat, Berto Krtalić, imprisoned him in his family house, with the help of his black-shirted associates, and then set the house on fire.

21. Mila Vanović, housewife from Malo Polje, municipality of Mostar, born 1919 in Malo Polje, of father Jovo, who had suffered a stroke previously, died after she lost one leg, in June 1992; two days after her death the house was set on fire together with the body of the deceased woman in it (witness 408/96-15).

22. Ranko Vujović from Bileća, born 1958 in Nikšić, of father Danilo; he set out in his car as a civilian, to take over the body of a killed fighter on 14 June 1992 and, in the vicinity of Mostar, disappeared together with Miloš Perunović and Luka Papić (witness 548/96-24).

23. Desanka Vuković from Mostar, born 1927, of father Tomo, arrested in the house of her relative Luka Vuković on 9 January 1993, after which any trace of them is lost (witness 408/96-38).

24. Divna Vuković, aka Seka, economic technician from Mostar, 139 Put prekomorskih brigada, born on 13 November 1948 in Mostar, of father Momčilo Sudar; she was arrested together with her husband Luka on 9 January 1993, after which any trace of them is lost (witness 408/96-38)

25. Luka Vuković, owner of a small restaurant in Mostar, I39 Put prekomorskih brigada, born on 14 May 1941 in Mostar, of father Branko, arrested on 9 January 1993, together with three members of his family, after which their two-storey house of 300 sq. m was dynamited; any trace of them is lost after that (witness 408/96-38).

26. Ljubica Vuković, housewife from Mostar, born 1927 in Ortiješ near Mostar, of father Jovo Vanović, taken away from the house of her brother-in-law Luka on 9 January 1993; after that any trace of them is lost (witness 408/96-38).

27. Duka Vukosav, killed in Humilišani about 20 June 1992 with a bullet in the forehead, in his car, "Opel-Rekord" make, by members of HOS.

28. Žarko Vukosav, of father Duka, owner of cafe "Dugin Gaj" in Bijelo Polje, killed about 20 June 1992 in a garage in Humilišani, in which six Serbs were imprisoned, by members of HVO.

29. Slavko Vukosav killed in Humilišani, municipality of Mostar, on 19 June 1992, in the evening, by members of HVO (Croatian Defence Council).

30. Žarko Vučić, born 1969 in Zijemlje, municipality of Mostar, of father Todo, member of the Republic of Srpska army, disappeared in Ravni near Mostar, on 19 June 1992 and there has been no information about him since.

31. Nedeljko Vučković, born 1971 in Mostar, of father Miloš, killed in his car, together with his mother Olga on 23 April 1992 (witness 408/96-34).

32. Olga Vučković, born 1934, of father Boško, set out with her son Nedeljko, on 23 April 1992, in their car in the direction of her flat; when they reached the crossroads near the tobacco factory they came under crossfire from HVO and TO (territorial defence) and both were killed on that occasion (witness 408/96-34).

33. Luka Gazivoda, of father Milan, born 1959 in Cetinje, member of the former JNA, disappeared in Mostar on 14 April 1992.

34. Gospava Glavaš from the village of Hodbina, born 1910 in Hodbina, of father Ante Stupić, killed on 20 June 1992, after the Muslims and Croats took Hodbina; Mustafa Zlojo and Fadil Letuka from the village of Sovići near Jablanica, entered her house and, after raping Gospava and her daughter, they killed them (witness 408/96-II and I3).

35. Zora Glavaš from the village of Hodbina, born 1931 in Hodbina, of father Mirko Bovan, killed on 16 June 1992 (witness 408/96-II).

36. Rajka Glavaš, from the village of Hodbina, born 1945, of father Djuro, killed on 20 June 1992, after the Muslims and Croats took Hodbina; Mustafa Zlojo and Fadil Letuka from Sovići near Jablanica entered her house and, after raping her and her mother, they killed them (408/96-II and I3).

37. Vaso Golijanin, born 1941 in Kalinovik, of father Rade, member of the Republic of Srpska Army, disappeared during the withdrawal of the Serb army from Mostar on 15 June 1992.

38. Sava Golubović (female) from Lišani, who was immobile, died immediately after the withdrawal of the Serb army in June 1992, in her flat after she was left without the necessary care.

39. Božana Grk, disappeared after she was returned from unsuccessful exchange, presumed to have been killed.

40. Goran Dabić, born 1965 in Biograd, municipality of Nevesinje, of father Mičo killed on Mt Orlovac west of Mostar.

41. Pavle Dabić, born 1950 in Konjic, of father Milosav, member of the Republic of Srpska Army, disappeared on 23 August 1992 on Mt Rošca; his fate is unknown (witness 408/96-38).

42. Radovan Damjanac, born 1965 in Odžak, municipality of Nevesinje, of father Obrad, member of the Republic of Srpska Army, killed in a personnel carrier during the withdrawal of the Serb army from Mostar on 15 June 1992.

43. Jovo Danilović, aka Guta, aged about 70, killed from a sniper in May 1992, buried in the park in Luka.

44. Tihomir Denda, born 1962 in Sarajevo, of father Krsto; member of the Republic of Srpska Army; killed during the withdrawal of the Serb army from Mostar on 15 June 1992.

45. Dragoman Doknić, of father Petar, born 1958 in Nikšić, member of the Republic of Srpska Army, disappeared during a military action of the Republic of Srpska Army in August 1992 on the top of Bijelo Polje, elevation Mt Rošca; the body offered for exchange has not been identified.

46. Aleksandar Dragić, born on 12 May 1971 in Željuša, municipality of Mostar, of father Ratko, member of the Republic of Srpska Army, probably captured during the military action on 23 August 1992 on Mt Rošca; his fate is unknown (witness 408/96-28).

47. Gojko Dragić, born 1956 in Mostar, of father Branko, member of the Republic of Srpska Army, disappeared on 16 June 1992 in Podveležje.

48. Luka Djordan, from Mostar, military pensioner, killed in the summer of 1992 in his flat, a couple of weeks after release from

the camp in the military infirmary in Mostar, where he was maltreated and beaten.

49. Ljubica Djordan from Mostar, killed in the summer of 1992 in her flat, together with her husband Luka.

50. Radmila Djordjević, born 1970 in Kragujevac, disappeared on 29 May 1992 at Mostar airport.

51. Dragan Djurašković, from Mostar, 218 Rudarska Street, aged about 30, of father Milan; taken from home by Jure Djidjić and two other uniformed persons, one night about 2.00 a.m. His body was found on 14 July 1992 in the vicinity of the "Bristol" hotel in Mostar; according to the statement of his wife - witness 408/96-39 he was killed by a shot from firearms.

52. Borivoje Zirojević, of father Jovan, born 1956 in Zalom, municipality of Nevesinje, member of the former JNA, disappeared in Mostar on 14 April 1992.

53. Marija Zurovac, from the village of Ravni, municipality of Mostar, killed about 24 August 1992 in Ravni.

54. Mirko Zurovac, from the village of Ravni, municipality of Mostar, killed about 24 August 1992, together with his wife Marija, in Ravni.

55. Rajko Zurovac, pensioner, from the village of Sutina, of father Maksim; wounded in the hip in 23 April 1992 in front of the "Lira" restaurant by Beli Drljević, a Muslim, who fired a shot at him; he took his own life because of the consequences of wounding, on 21 May 1992 (witness 408/96-19).

56. Dragan Ivanišević, milling-machine operator, from the village of Lakševina, born on 9 December 1955 in Mostar, of father Danilo; on 24 April 1992 he left for Mostar in his "Renault" car with the intention of taking the money from the flat which was on the territory held by Muslims at that time; there has been no trace of him since and he is presumed to have been killed (witness 408/96-16).

57. Ratko Ivanišević from Mostar, imprisoned and beaten up, died at home in 1992 as a result of injuries inflicted in prison.

58. Branko Ivanović, born on 25 March 1950 in Udrežanj, municipality of Nevesinje, of father Jovan, member of the Republic of Srpska Army, captured in the vicinity of Buna on 15 June 1992; the body offered for exchange later on was not identified; according to the knowledge of witness 548/96-4 he was killed after capture by the Croat army; this was also confirmed by witness 548/96-II.

59. Dragiša Ilić, drove Col. Pušara on 16 June 1992; they were ambushed by members of the Croat army and he was killed (witness 548/96-5).

60. Saša Indjić from Željuša-Mostar, born on 2 September 1967 in Mostar, of father Stanislav, on 16 June 1992; he accompanied Col. Pušara, and their vehicle was ambushed by members of the Croat army; Saša was captured and there was no trace of him since (witness 548/96-5).

61. Dragan Jakovljević, born 1967 in Nikšić, of father Momčilo, disappeared in Mostar on 14 April 1992, as a soldier doing his military service in the former JNA.

62. Blagoje Janjić from Ravna Gora, municipality of Mostar, of father Šćepan; stayed with his wife in the village after the withdrawal of the Serb army because he was ill and immobile; three days later, about 28 May 1992, their house was surrounded by unknown people who asked: "Is that the house of Blagoje Janjić?" and then burned it. Blagoje's wife Djurdja managed to take him out to the courtyard but both got serious burns. After that they hid in the woods, where Blagoje died 10 days later; his wife was exchanged later but went blind because of burns (witness 408/96-40).

63. Borislav Janjić, born 1972 in Mostar, of father Savo, member of the Republic of Srpska Army, disappeared during the withdrawal of the Serb army from Mostar on 15 June 1992.

64. Dragica Janjić from the village of Djubrani, killed on 25 May 1992, after the Croat army entered the village because she did not wish to leave her village (witness 408/96-17).

65. Kova Janjić, of father Šćepo, from the village of Raška Gora, municipality of Mostar, who was paralysed and stayed after the withdrawal of the Serb army in June 1992; as her fate is unknown she is presumed to have been killed;

66. Mara Janjić, of father Spaso, from the village of Raška Gora, municipality of Mostar, who stayed in the village after the withdrawal of the Serb army in June 1992; as her fate is unknown she is presumed to have been killed.

67. Rista Janjić (female), who lived in the hamlet of Kruševica, the village of Djubrani, was killed on 25 May 1992, after the Croat army entered the village and she refused to leave (witness 408/96-17).

68. Strahilo Janjić, entrepreneur from Mostar, 127 Raška Gora Street, born on 19 August 1950 in Raška Gora, of father Mićo;

killed, when he and his brother, witness 408/96-17, were ambushed by members of the Croat army in the village of Djubrani on 25 May 1992.

69. Darko Jermenko, born 1971 in Novi Sad, soldier doing his military service in the JNA, captured by HVO in April 1992 near the Military Institute in Bijelo Polje; he was hit in the region of kidneys and although he was wounded, he was maltreated during transportation, and died in the car, most probably near Grude.

70. Milan Jovanović, pensioner, from Mostar, who lived in S.Radića Street (Avenija), born in the village of Idbar, municipality of Konjic, of father Trifko, married, father of two children; killed 2 August 1992 in his flat in the presence of his wife by members of the Croat-Muslim army.

71. Bosiljka Kajgo, house wife from Hodbina, born 1914 in Hodbina, municipality of Mostar, of father Pero Bošković, stayed in the village, where she was killed on 20 June 1992 (witness 408/96-21).

72. Vasilija Kajgo, housewife from the village of Hodbina, municipality of Mostar, born 1923 (or 1924) in Hodbina, of father Risto; she was deaf-mute from birth, stayed at home after the Serb population left the village and was killed on 20 June 1992 (witness 408/96-21).

73. Milenko Kajgo, engineer, director of the wine cellar in Mostar, born 1935, of father Jovo, killed in front his house in Hodbina on 20 April 1992 by members of HVO, namely, when he came out of his house he was killed by a shell (witness 408/96-21).

74. Veljko Kandić, born 1955 in Prigradjeni, municipality of Mostar, of father Mirko, member of the Republic of Srpska Army, disappeared on 16 June 1992 in the village of Ravni; the body offered later for exchange was not identified.

75. Gojkan Kandić, born 1963 in Polom, municipality of Nevesinje, of father Manojlo, member of the Republic of Srpska Army, disappeared on 16 June 1992 in Bijelo Polje, believed to have been captured.

76. Slaviša Kandić, mechanical technician, from Raštani, municipality of Mostar, born on 24 June 1965 in Mostar, of father Nedeljko, member of the Republic of Srpska Army, as a wounded soldier captured in the region of Podveležje in June 1992 and brought to the camp Čelovina in Mostar. In the hospital in Mostar, one of his fingers was cut off incompetently, without anaesthesia and another one a month later; on 1 September 1992 members of HVO took him from Čelovina in an unknown direction and there has been no trace of him since then (witness 548/96-7 and 408/96-22).

77. Tihomir Kandić from the village of Buna, municipality of Mostar, born on 16 May 1972 in Ortiješ, municipality of Mostar, of father Milenko, member of the Republic of Srpska Army, disappeared on 14 June 1992 in Buna; according to the knowledge of witness 548/96-4, he was killed after being captured by members of the Croat army; his relatives tried in vain to find his body (witness 548/96-6).

78. Mitar Kapor, farmer, from the village of Malo Polje, municipality of Mostar, born on 8 November 1908 in Malo Polje, of father Luka, killed in the village after the withdrawal of the Serb army in June 1992; his body was burned together with the house; he was buried in his garden (witness 408/96-33).

79. Risto Kapor, farmer, from the village of Malo Polje, municipality of Mostar, born 1912, of father Trifko, killed in the village after the withdrawal of the Serb army and buried in the garden of Mitar Kapor (witness 408/96-33).

80. Blagoje Kedioski was imprisoned in the Dretelj camp; he was released after his wife had paid ransom; after return from the camp he spoke about the tortures to which the imprisoned Serbs are subjected; because of that members of HOS came to his flat one night and took him and his wife to a weekend house in Bijelo Polje and killed them both.

81. Zaga Kedioski, wife of Blagoje, who was taken by members of HOS, together with her husband, to a weekend house in Bijelo Polje, where both of them were killed. This was preceded by Blagoje's imprisonment in the Dretelj camp, together with his neighbours Vlado Čančarević and Nenad Marković. Blagoje's wife, when she got to know that she could "ransom" her husband for DM 1000, she collected DM 1000 and gave them to one of HOS members and her husband was released while Nenad Marković and Vlado Čančarević were killed in the camp. After return from Dretelj Blagoje spoke of the horrors the imprisoned Serbs are exposed to, members of HOS got to know about it and came in the evening hours to their flat, took them to Bijelo Polje, where they killed the couple.

82. Stana Knežić (Knežević) of father Jovo, from the village of Buna, municipality of Mostar; killed in her village in August 1994 by Martin Bošković, a Croat from the village of Crnić.

83. Ranko Kovač born 1956 in the village of Zovi Do, municipality of Nevesinje, of father Savo, member of the Republic of Srpska Army, disappeared on 19 June 1992 near the hydroelectric plant Salakovac.

84. Marko Kovačević, born 1933 in Kolečko, municipality of Nevesinje, of father Milovan, killed in Mostar on 14 June 1992.

85. Zorka Kovačić, housewife from the village of Lišani, municipality of Mostar, born about 1935, killed and then burned in her house in July 1992 (witness 408/96-32 and 36).

86. Simo Kovačić, farmer from Bijelo Polje, municipality of Mostar, born 1910 in Lišani, municipality of Mostar, of father Simo; stayed in the village after the withdrawal of the Serb army on 19 June 1992 and killed in his courtyard at the beginning of July 1992; he was struck on the head by a pistol and when he fell, he was shot at and killed (witness 408/96-32 and 36).

87. Nebojša Kokotović from Mostar, 55 Rudarska Street, born 19 June 1957 in Mostar, of father Dušan; last seen on 14 February 1993; the next day his mother reported his disappearance to the police in Mostar after she found his flat ransacked and pillaged. After a few days his mother got the information that his body had been found on Goranci hill, near his flat. There were visible injuries on his body. Both jaws were broken and there were other injuries on the body (witnesses 64/96-48 and 573/96-2).

88. Čedomir Kukić, born 1966 in Sombor, of father Ljubo, member of the Republic of Srpska Army, disappeared on 22 August 1992 in Vranjevići.

89. Milenko Kulidžan, mechanical engineer from Mostar, 3 Put hercegovačke divizije, born on 10 March 1950 in Mostar, of father Obren, member of the Republic of Srpska Army; went missing in the military action on 23 August 1992 on Mt Rošca; his body was later on given to the Republic of Srpska authorities; however, although his personal papers were given with the body his wife claims that the body is not her husband's (witness 408/96-29).

90. Tihomir Kulidžan, born 1962 in Mostar, of father Momir, member of the Republic of Srpska Army, wounded in the leg on 15 June 1992 at the roundabout near the "Heroj" cafe, while he was in company with witness 64/96-44; after that he was captured; he was last seen in front of the hospital in Mostar and there has been no trace of him since (witness 64/96-55); it is possible that he had been killed by Mujo Marić who boasted on radio Mostar, immediately after that incident, of having caught a Chetnik.

91. Jovo Kurilić, of father Obrad, killed most probably in June 1992 in his flat in the building "Razvitak" (Development), on the left bank of the Neretva, in the area controlled by members of the Muslim territorial defence.

92. Dragan Lalić, nicknamed Gagi, who was seriously ill and, after the withdrawal of the Serb army on 16 June 1992, was the only Serb who stayed in the settlement of Bjelušine; there are no data about his destiny after that and he is presumed to have been killed.

93. Jovo Lojpur, farmer from the village of Ravni, municipality of Mostar, born 1906 in Ravni, of father Miloš; he was immobile and stayed in the village after the Serb population had left it on 19 June 1992; he was killed 20 days later and his house was burned (witness 408/96-41).

94. Sava Lojpur, housewife from the village of Ravni, municipality of Mostar, born 1910 in Jasenjani, municipality of Mostar, of father Savo Rajčević; she stayed with her immobile husband Jovo after the Serb population had left it on 19 June 1992; about 20 days later both were killed and their house was burned (witness 408/96-41); later on her body was given to the RS authorities.

95. Nikola Marinković, of father Nebojša, born 1968 in Knjaževac, as a member of the Republic of Srpska Army, disappeared in Potoci, on 19 June 1992 during the withdrawal of the Serb army from Bijelo Polje, north of Mostar.

96. Siniša Marić from Raštani, municipality of Mostar, born on 2 May 1969 in Mostar, of father Nedjeljko; he left Raštani by car, together with Nebojša Savić, intending to go to Hodbina, on 16 June 1992; according to the knowledge of his sister, witness 548/96-13, he was seen in the prison in Ljubuški at the end of June 1992.

97. Djordje Medan from Ortiješ, 42, municipality of Mostar, born on 28 April 1971 in Ortiješ, of father Momčilo, member of the Republic of Srpska Army, disappeared on 14 June 1992 in Buna, believed to have been captured by members of the Croat army (witness 548/96-3); the body offered later on by the Croat authorities as his body-was not identified.

98. Milenko Milović, born 1966 in Mostar, of father Obrad, member of the Republic of Srpska Army, disappeared on 15 June 1992 during the withdrawal of the Serb army from Mostar.

99. Rista Mihić (female), of father Aleksa, from the village of Hodbina, municipality of Mostar, killed on 20 June 1992 (witness 408/96-11).

100. Vladeta Mičić of father Gvozden, born 1967 in Šabac, as a member of the Republic of Srpska Army disappeared in Potoci on 19 June 1992 during the withdrawal from Bijelo Polje, north of Mostar.

101. Miroslav Mrković from Vrapčici, municipality of Mostar, born 13 July 1952 in Zijemlje, municipality of Mostar, of father Danilo; he left Vrapčici by car in the direction of Bijela, on 19 June 1992 and according to the knowledge of his wife, witness 548/96-23 the car was seen empty and without traces of blood at the place known as Krivina and she assumes that he had been taken away by members of the Croat army, however, she was unable to get any information about him.

102. Nemanja Njunjić from Mostar who lived in the main street in the vicinity of the Social Accounting Service building.

103. Danilo Pantić, born 1925, of father Risto, from the village of Malo Polje, municipality of Mostar, died in February 1993, due to lack of medicines.

104. Dragan Pantić from Bijelo Polje, municipality of Mostar, born on 19 October 1970 in Mostar, of father Cvetko, disappeared in the village of Ravni during the withdrawal of the Serb army on 19 June 1992 (witness 548/96-14).

105. Novica Pantić from Bijelo Polje, municipality of Mostar, born 14 January 1968 in Bijelo Polje, of father Cvetko; disappeared during the withdrawal of the Serb army on 19 June 1992 in the village of Ravni (witness 548/96-14).

106. Risto Pantić, born 1900 of father Jakov, from the village of Malo Polje, municipality of Mostar, died in November 1992 due to lack of medicines.

107. Luka Papić from Bileća-Kula, born on 25 January 1954 of father Anto; he went with Ranko Vujović by Vujović's car to take over the body of a killed Republic of Srpska Army soldier on 14 June 1992 and both disappeared in the vicinity of Mostar (witness 548/96-24).

108. Milena Papić, of father Savo, from the village of Malo Polje, municipality of Mostar; she was mentally ill.

109. Miloš Perunović from Bileća, born 1963 in Nikšić, of father Vasilije; he went as a civilian, by Ranko Vujović's car to take over the body of a killed Republic of Srpska Army soldier and all disappeared in the vicinity of Mostar on 14 June 1992 (witness 548/96-24).

110. Milovan Pikula, born 1924 in the village of Slivlja near Gacko, of father Nikola, a disabled veteran from the Second World War; worked as an upholsterer in the "Soko" factory; lived in the settlement of Mazoljice, had a nervous breakdown; captured on 15 June 1992, in the street in Mostar near the old bridge, by members of HOS

(Croatian Armed Forces), who put him in a boat, tied him with barbed wire and took him to the other side of the Neretva; Milovan fell off the boat or HOS members pushed him into the water and a HOS member fired a shot at him and killed him; the body was found in the river Neretva.

111. Božidar Piljević, born 1952 in Drežanj, of father Savo, member of the Republic Srpska Army, disappeared in Podveležje on 16 June 1992.

112. Pavle Popović, of father Nikola, born 1957 in Nikšić, member of the former JNA, disappeared in Mostar on 14 April 1992.

113. Pero Pribišić from Mostar, killed in the summer of 1993; his body was found in the garden, covered with earth.

114. Ruža Pribišić from Mostar, a Croat by nationality, wife of Pero Pribišić, killed in the summer of 1993 because she did not want to dissociate herself from her Serb husband; her body was found in a refuse container in Bijeli Brijeg.

115. Tomo Pušara, colonel of the Republic of Srpska Army; he set out from Mostar to Nevesinje on 16 June 1992 and was ambushed by members of the Croat army; according to the knowledge of witness 548/96-5 he was killed after capture.

116. Smilja Radovanović, born 1932, of father Risto, seriously wounded by sniper shots in Bjelušine on 29 April 1992 and died of the injuries at the Military Medical Academy in Belgrade on 3 June 1992.

117. Danica Rajković, housewife from the village of Jasenjani, municipality of Mostar, born 1914 in Ravni, municipality of Mostar, of father Milutin Lojpur; killed in the village in which she stayed after the withdrawal of the Serb army on 16 June 1992 because she was ill and could only walk with great difficulty. Her son, witness 408/96-37, got to know that she was killed by Muhamed Polčić, son of Salko and Emina, born 1947; he first struck her on the legs with a pole and when she fell, he slaughtered her.

118. Žarko Rajković, born 1963 in Jasenjani, municipality of Mostar, of father Dušan, member of the Republic of Srpska Army, captured on 13 July 1992 in Potporim; after capture taken to the elementary school in Potoci, where HVO headquarters were based and hanged there (witness 408/96-37).

119. Jovanka Rajković from the village of Jasenjani, municipality of Mostar, wife of Milan Rajković, born 1926, of father Vladimir, killed in the village in which she stayed after the withdrawal of

the Serb army in June 1992; her body was found on the road between Jasenjani and Ravni (witness 408/96-37).

120. Jovanka Rajković, employee, from the village of Jasenjani, municipality of Mostar, born on 20 January 1954 in Bogodol, of father Risto Matković, killed on 15 June 1992, after the members of HVO entered the village; they cracked her head open with a hard object (witness 408/96-30); she was burned after that (witness 408/96-37).

121. Marko Rajković from the village of Jasenjani, municipality of Mostar, where he was born in 1922, of father Miloš; killed in Ravni from firearms during the withdrawal from the village in June 1992; later on his body was exchanged (witness 408/96-37).

122. Rosa Rajković from the village of Jasenjani, municipality of Mostar, born 1919 in Jasenjani, of father Nikola; killed in the village in which she stayed after the withdrawal of the Serb army in June 1992; killed in front of the house of her brother Jovan (witness 408/96-37).

123. Sara Rajković, housewife from Gornji Jasenjani, born 11 April 1909 in the village of Ravni, municipality of Mostar, of father Stojan Mitrić; killed on 22 June 1992 in the village in which she stayed after the withdrawal of the Serb army (witness 408/96-31) in front of the house of Jovan Rajković (witness 408/96-37).

124. Simo Rajković from the village of Ravni, municipality of Mostar, killed in Ravni in the second half of August 1992.

125. Slavko Rajković, employee from Mostar, born on 21 June 1951 in Gornji Jasenjani, municipality of Mostar, of father Branko, member of the RS Army, killed on 15 June 1992, after members of HVO entered the village of Jasenjani and captured him, after which they slaughtered him (witness 408/96-30 and 408/96-37).

126. Zlatko Ristić, of father Zvonimir, born 1958 in Kragujevac, member of the former JNA, disappeared on 5 May 1992 in Krivodol, southwest of Mostar.

127. Jovanka Rozić, nee Peško, from Mostar, killed from a sniper on 14 January 1994 near Nisina house in Brkića sokak in Donji Brankovac. It is possible that she was not killed from a sniper but that she was killed by neighbours who often reproached her because her adoptive son was an activist in SDS (Serb Democratic Party) in Mostar; the members of the family of Hamo Kalajdžić who was killed in the fighting against the Serb army threatened her in particular.

128. Petar Rozić, husband of Jovanka Rozić, found dead at the beginning of 1994, shortly after the killing of his wife (it is not known whether he died a natural death or was killed).

129. Milorad Ružičić from Mostar-Vrapčići, born on 21 June 1963 in Zenica, of father Jovan, member of the Republic of Srpska Army, disappeared during the withdrawal of the Serb army from Mostar on 15 June 1992; he is presumed to have been killed but his body was not delivered witness 548/96-17).

130. Mile Savić, born 1952, killed at the railway station by members of HVO from Split on 16 June 1992.

131. Nebojša Savić, born 1965 in Raštani, municipality of Mostar, of father Jovo, member of the Republic of Srpska Army; he set out for Hodbina by car, together with Siniša Marić, and any trace of him is lost since then (548/96-13).

132. Siniša Savić, disappeared in Buna on 16 June 1992; according to the knowledge of witness 548/96-4 he was killed after being captured by the Croat army.

133. Damir Sarić, born 1970 in Bijela, of father Nedjo, member of the Republic of Srpska Army, went missing in a military action on 22 August 1992 on Mt Rošca.

134. Danilo Svrđlin, owned a house at the Customs building in Mostar; killed from a sniper at home in May 1992; buried near the Hygienic Institute (on the left bank of the river Neretva). That area was controlled by members of the Muslim territorial defence.

135. Risto Semiz, born 1954 in Gnojnice, municipality of Mostar, of father Djordje, member of the Republic of Srpska Army; disappeared on 15 June 1992 in Hodbina and his body was exchanged; according to the knowledge of witness 548/96-4 he was killed after capture by the Croat army.

136. Ratko Simović, of father Živko, born 1963 in Nikšić, member of the former JNA; disappeared in Mostar on 14 April 1992.

137. Ranko Skočajić, of father Djordje, from the village of Blagaj, municipality of Mostar; killed in front of his house at the end of December 1992; there were 8 wounds on the body in which the bullet entered at one place and came out at another.

138. Nada Stević, of father Rajko from Hodbina, municipality of Mostar, killed on 20 June 1992 (witness 408/96-II).

139. Spaso Stević, of father Nikola, from Hodbina, municipality of Mostar; killed on 20 June 1992 (witness 408/96-II).

140. Ilija Stolica, born 1952 in Bileća, of father Nikola, member of the Republic Srpska Army; disappeared on 11 June 1992 in Hodbina; the body offered for exchange was not identified.

141. Milutin Supić, nicknamed Migo, born 1926, of father Blagoje, lived near the building "Mostarka", according to some data he was in Dretelj.

142. Miroslav Trišić, born on 19 June 1963 in Zijemlje, municipality of Mostar, of father Slavko, member of the Republic of Srpska Army, disappeared on 19 June 1992 during the attack of members of HVO on the village of Ravni (witness 548/96-8).

143. Mile Čeček, born 1925, of father Marko, killed in 1992 in the Mostar prison.

144. Mihajlo Čortuka, driver in "Elektroprevoz"-Mostar, from Mostar, born on 14 February 1950 in Mostar, of father Djuro; arrested and taken to the camp Čelovina in July 1992; taken to be exchanged near Stolac, however, did not cross over to the area controlled by members of the Serb army but returned and was released from Čelovina; he was killed on 13 September 1993 in front of the Jugobanka building, by a shell fired from Croat positions, when he came out to fetch water (witness 408/96-23).

145. Anđelka Uljarević lived in the village of Bjelušine; killed by a shell in her courtyard, which was fired by members of HVO from the right bank of the river Neretva.

146. Blagoje Čabrilo, of father Mihajlo.

147. Dušan Čabrilo from Hodbina, born on 28 August 1948 in Jasena, municipality of Nevesinje, of father Drago, member of the Republic of Srpska, disappeared in Buna on 15 June 1992 (witnesses 548/96-9 and 548/96-11 and 12).

148. Borivoje Čvoro from Mostar, born 1955, of father Mihajlo, who lived in the settlement of Vihovići above Mostar; several times imprisoned in the camp in the former JNA barracks Zapadni logor; last seen alive on 6 January 1993 and has not been heard from since; he is presumed to have been killed on the road to Goranci because the Muslim and Croat soldiers took Serbs there and killed them.

149. Milan Čvoro of father Obren from Mostar, killed in April 1993 in his house located in Bakina Luka because he refused to give his vehicle to HVO units.

150. Tomo Šagovnović from the village of Željuša, municipality of Mostar; his relatives have no knowledge about him since June 1992 and he is presumed to have been killed.

151. Luka Šešlija, former from the village of Vrapčiči, municipality of Mostar, born on 31 October 1909 in Bratač, municipality of Nevesinje, of father Petar; he stayed in the village with his wife after the withdrawal of the Serb army and, in July 1992, screams and crying were heard from their house, after which the house was burned; their bodies were found and buried in Vrapčiči (witness 408/96-18 and 20).

152. Staka Šešlija, housewife from the village of Vrapčiči, municipality of Mostar, born on 20 October 1913 in Plužine, municipality of Nevesinje, of father Vidak; she stayed in the village, together with her husband, after the withdrawal of the Serb army and, in July 1992, screams and crying could be heard from their house, after which the house was burned. Their bodies were found and buried in Vrapčiči (witness 408/96-18 and 20).

153. Radomir Šiljegović, born 1971 in Nevesinje, of father Djordje, member of the Republic of Srpska Army, disappeared on 15 June 1992 during the withdrawal of the Serb army from Mostar.

154. Vlado Šindik from No. 136 Gnojnice, municipality of Mostar, born on 18 September 1954 in Gnojnice, municipality of Mostar, of father Milovan, member of the Republic of Srpska Army, disappeared in Buna on 14 June 1992, together with Saša Brstina and Slavko Brstina; his wife, witness 548/96-4, got to know that he had been captured by the Croat army and killed after that; she got that information from IFOR. His body was not delivered.

155. Danilo Škoro, born 1950 in Bijelo Polje, of father Damjan, member of the Republic of Srpska Army; went missing in a military action on Mt Rošca on 23 August 1992, together with Milenko Kulidžan, Pavle Dabić and Aleksandar Dragić; their fate was unknown until May 1996, when his body was given by the Croat authorities (witness 408/96-38).

156. Novak Šojić, poet from Mostar, 5 Ekrema Ćurića Street, born on 24 November 1957 in Kruščica, municipality of Kalinovik, of father Rade, member of the Republic of Srpska Army; on 15 June 1992 he left for Mostar from Nevesinje in a personnel carrier and since then any trace of him is lost; his wife, witness 548/96-15 saw and heard, on Croatian TV, information about the destruction of the personnel carrier, however, only the body of Rajko Damjanac lay by the side of the personnel carrier and she presumes that he was captured.

The greatest responsibility for all these killings rests with: Ismet Hadžiosmanović and Dr Safet Oručević, both of whom were the presidents of SDA branch in Mostar; Josip Muslimović and Damjan

Vlašić, both of whom were the presidents of HDZ branch in Mostar; Milivoje Petković, commander of HVO units in Mostar and Jadranko Topić, president of the executive council of the municipality of Mostar.

Evidence: witnesses: 454/95-13, 818/95-14, 856/95-3, 908/95, 40/96, 64/96-26, 64/96-27, 64/96-29, 64/96-30, 64/96-38, 64/96-39, 64/96-40, 64/96-44, 64/96-48, 64/96-55, 83/96, 177/96, 213/95, 364/96, 364/96-10, 364/96-11, 364/96-17, 408/96-11, 408/96-13, 408/96-15, 408/96-16, 408/96-17, 408/96-18, 408/96-19, 408/96-20, 408/96-21, 408/96-22-23, 408/96-28, 408/96-29, 408/96-30, 408/96-31, 408/96-32, 408/96-33, 408/96-34, 408/96-36, 408/96-37, 408/96-38, 408/96-39, 408/96-40, 408/96-41, 408/96-43, 548/96, 573/96-2.

7.1.26.0. Duvno (Tomislavgrad)

7.1.26.1. In the period from the beginning of April 1992 to the end of June 1993, the following 23 Serb civilians were killed among others in Duvno (Tomislavgrad):

1. Goran Milisav (father: Nikola), born 1964, who was killed near his house after being tortured. He was then shot in the head with a pistol by Nikola Krišta;
2. Pero Važić, died on the way to hospital after being beaten up by Ivan Krišta;
3. Milorad Andrijašević, born 1958, died from beating by Ivan Krišta;
4. Simo Milisav, born 1954, was tortured and beaten for many days in succession and then killed;
5. Jovo Važić, born 1935, was murdered in his shop;
6. Simo Karan, born 1959, was led around town by Croat and Muslim military policemen, maltreated, beaten and finally killed;
7. Božo Karan, born 1937, was captured while tending sheep and hanged from a tree;
8. Ruža Cvjetić (female), born 1911, was butchered in her home;

9. Vasilija Velimir (female), born 1910, was burned to death in her house.
10. Dušan Barović, nicknamed Duka, from Nikšić, captured as a member of the JNA; he was terribly tortured in the camp "Lora" in Split, after which he was transferred to Duvno, to a school building, where he died on 22 April 1992; before that, four letters "S" were carved in on his forehead (witnesses 335/95-21, 335/95-22, 418/95).
11. Pero Vasić, died of injuries inflicted in the police prison in Duvno in April (May) 1992 (witnesses 205/94-13, 547/96-38).
12. Mitar Vujičić from Livno, killed in 1992 during the beating at the elementary school building in Duvno.
13. Luka Gazivoda from Nikšić, Fifth Proletarian brigade Street, born on 3 May 1954 in Žabljak-Crnojevići, of father Milan and mother Velinka, nee Jovičević, arrested on 15 April 1992 in front of the post office in Mostar; he was brought to Duvno from Mostar, together with Popović and two other colleagues, and imprisoned in the camp in the secondary school building; they stayed only 4-5 days there and one night they were taken in an unknown direction and any trace of them has been lost since then (witnesses 135/96-2, 428/95, 418/95).
14. Mišo Gvozdrenović from Duvno, died of injuries after being brought to the camp in the secondary school building, (witness 195/97-32).
15. Božo Zečević, born 1924 in Kongora, municipality of Duvno, of father Luka (witness 547/96-35).
16. Milenko Zečević, born 1956, of father Božo (witness 547/96-35).
17. Milan Karan from Raščani, born 1937 in Raščani, of father Božo and mother Milica, arrested on 24 June 1992 in his village and taken to Duvno, where he was killed (witnesses 547/96-33, 35,38; 234/95-26).
18. Milan Karan, born 1949 in Raščani, municipality of Duvno, of father Rade; killed in May 1992 (witness 547/96-35).
19. Slobodan Karan from Raščani, born 1957 in Raščani, of father Simo; at the end of 1992 taken away from his village, which was turned into a camp for Serbs and his fate is unknown since then (witnesses 234/95-26, 547/96-33, 547/96-35, 547/96-38).
20. Milisav Milorad, of father Nikola, killed in May 1992 (witnesses 547/96-35 and 547/96-28).
21. Popović, a Montenegrin from Nikšić, who was brought to Duvno, together with Gazivoda and two other colleagues,

and imprisoned in the camp in the secondary school building; they stayed only 4-5 days there and one night were taken away in an unknown direction; according to witness I35/96-2 any trace of them is lost since then.

22-23. 2 unknown Montenegrins, from Nikšić, who were brought to Duvno from Mostar, together with Gazivoda, Popović and another compatriot, and imprisoned in the camp in the secondary school building; they stayed there only 4-5 days and one night were taken away in an unknown direction; any trace of them is lost since then (witness I35/96-2).

The most responsible persons for these killings are: Mijo Tokić from Mandino Selo near Duvno, president of the municipality of Duvno; Ivan Ćosić, chief of police in Duvno, from the village of Buhovo near Duvno; Ivan Krišto, aka "Dugonjče", aged about 35, from the village of Stipanjić, municipality of Duvno (Tomislavgrad), truck driver in Tomislavgrad before the war, head of internal security; Banović from Brišnik near Tomislavgrad, owner of an inn in Brišnik before the war, aged about 35, chief of investigation service; Stojan Sušilović, commander of the police station in Duvno before the war.

Evidence: 85/94, I35/96-2, 195/97-32, 205/94-I3, 234/95-26, 335/95-21, 335/95-22, 418/95, 428/95, 547/96-28, 547/96-33, 547/96-35, 547/96-38.

7.1.26.2. The Serb village of Raščani, the only pure Serb village in Duvno commune, was turned into a big concentration camp for Serb civilians. Serbs of all ages and both sexes were taken there. The prisoners included some extremely old people. The oldest was Danko Zečević, aged 94, born 1898. One of the imprisoned women gave birth to a child but to continued to be kept in the camp with her new-born baby.

The imprisoned Serbs were physically and mentally maltreated and lived in exceptionally difficult conditions. The following died as a result:

1. Mara Gligorijević (female), aged 59, born 1933, had serious kidney problems and required regular dialysis. She was denied any kind of medical attention while in the camp;

2. Rajko Vuković, aged 56, born 1936, died from a heart attack brought on by he physical suffering;
3. Jovo Draško, aged 78, born 1914;
4. Ilija Milisav, aged 58, born 1934, died of a heart attack;
5. Tomo Bilanović, aged 61 born 1931, died after being beaten;
6. Mijo Bilanović, aged 82, born 1910;
7. Ljubo Karan, aged 87, born 1905;
8. Mitar Karan, aged 84, born 1908;
9. Petra Karan (female), aged 78, born 1914;
10. Ilija Karan, born 1927;
11. Bosiljka Milisav (female), aged 90, born 1902;
12. Gavriilo Bojanić, aged 78, born 1914; and

Evidence: 85/94, 205/94-19 and 481/95.

7.1.26.3. A group of imprisoned Serbs, known as the Kupres group, was taken at night from the camp in Eminovo Selo, municipality of Duvno, in the direction of Zadar:

1. Mirko Čivčić;
2. Slavko Dragoljević;
3. Spasoje Kanlić;
4. Jovo Marić;
5. Ratko Milić;
6. Ljubo Milić;
7. Dušan Milišić (father: Stevan); and
8. Dušan Nikić.

These prisoners had been separated from other prisoners because of injuries inflicted during torture and beatings. Their fate remains unknown.

Other prisoners whose condition had become critical as a result of torture disappeared from Eminovo Selo:

9. Dragan Mašić;
10. Milivoje Mašić;
11. Radovan Mašić;
12. Marko Mašić; and
13. Djoko Marić.

Their fate also remains unknown.

14. Stojan Zubić, aged 67, was exchanged on 14 May 1992 and immediately admitted to Knin hospital, where he died after seven days as a result of injuries sustained during torture in this camp.

These crimes were committed by Croat and Muslim soldiers.

Evidence: 117/95-8.

7.1.27.0. Visoko

On 20 June 1992, Muslim soldiers killed the following Serbs in the village of Hlapčevići in Visoko commune:

1. Slavko Damjanović (father: Jeremija), born 1935; and his wife
2. Danica Damjanović (father: Obren), born 1940;
3. Sreto Masala (father: Miloš), aged about 45;
4. Dušanka Brajic-Ristić (female); and her son
5. Željko Ristić, born 1966.

The Serbs were first driven out of their houses, tied up and taken to the centre of the village, where the Muslims beat them with rifle butts, kicked and hit them, and finally shot them. Zoran Damjanović (father: Slavko, mother: Danica) was shot nine times, but survived.

Ismet Ramić, aka Mindjuša, from the village of Gornja Seoča, municipality of Visoko, and Muhamed Uzualić, born 1966 in the village of Okolišće, municipality of Visoko, took part in the arresting, maltreatment and killing of the above listed Serbs.

Evidence: 234/95-8, 718/96-23 and 292/95-12, (Annex No. C 64, svdočenje S.M.1/testimony S.M.1, pp. c652-c656/c657-c661)

7.1.27.2. In mid-June 1992, two Muslim soldiers from Visoko killed:

1. Dragan Radivojević, deputy public prosecutor in Visoko.

They came to his house and shot him dead in front of his wife and two small children. His body was then taken to the town morgue, where it lay for about ten days until his wife managed to persuade the authorities to return it for burial.

Perpetrators: Samir Selimović and Hajrudin Halilović.

Evidence: 112/95-11, 360/95 and 642/94.

7.1.27.3. Strong Muslim forces attacked Serb villages in Visoko commune on 19 June 1992, forcing the civilian population to flee the surrounding attackers and escape via Kiseljak to the Bosnian Serb Republic. About 3,500 Serbs managed to escape, leaving about 100 old, sick and helpless Serbs in the villages, but many other Serbs were captured and imprisoned in the former JNA barracks in Visoko.

This attack was commanded by Vehbija Karić, Hasib Mušinbegović and his brother Jusuf Mušinbegović, all former JNA officers.

After the evacuation of the villages,

1. Bogoljub Čulum,

an old man remained in Zimašnica village. He was killed on 18 August 1992 by Amir Provalić (father: Sejo) from Topuzovo Polje, and Nisvet Ramić from the village of Gornja Seoča in Visoko commune, who first forced a scarf into his mouth, then pierced his lips with a piece wire, as if he were a pig, cut his throat and threw him into the Zimašnica creek.

Evidence: 293/95-4 and 49/95-28.

7.1.27.4. On 20 June 1992, a group of Muslims soldiers commanded by Nisvet Ramić raided the village of Kolašić near Visoko and searched Serb houses for weapons. After searching the house of Boško Vuković, who surrendered three rifles, they shot:

1. Boško Vuković; his wife

2. Draginja Vuković; their son
3. Rajko Vuković; and grandson
4. Miodrag Vuković; and their neighbours
5. Jelenko Vuković (female, father: Dušan); and
6. Zdravko Vuković (father: Momčilo).

Evidence: 296/95-12 and 49/94-28.

7.1.27.5. On 3 May 1992 Muslims from the Gračanica area attacked the Serb village of Čekrčici in Visoko commune, the population of which was 95 per cent Serb.

They mortared the village, wounding civilian B. and damaging many houses. The village was shelled repeatedly after that in May.

1. Vojno Maksimović, pensioner, was killed in an attack on 28 June 1992, and
2. Dragica Živković, the witness's wife, was killed on 30 June 1992. Kemal Karačić boasted that he had killed them.

Muslim snipers killed:

3. Milojka Mičić, wife of Sreta Mišić,
4. Dobrica Mirić (female, father: Janko);
5. Ranko Vukičević (father: Mićo), a pensioner; and
6. Miodrag Živković (father: Veljko).

The following Serbs were killed by shelling:

7. The wife of Ljubo Skopljak;
8. Stanojko Dabić;
9. Dobrica Mirić (father: Drago);
10. Mišo Mirić (father: Slavko);
11. Miodrag Lalić (father: Mladja), aged 15;
12. Novica Skopljak;
13. Živko Lalić;
14. Stojan Kovačević;
15. Brano Kokoruš;
16. Vito Vuković;
17. Nikola Djokić, and others.

Some houses and outbuildings were burned.

Due to these attacks, about 80 per cent of the Serb villagers left Čekrčiči.

Perpetrators: Kemal Karačić, before the war a private transport operator and owner of a grill across the road from the hotel in Visoko, and other Muslim soldiers.

Evidence: 412/94-1.

7.1.27.6. Muslim soldiers drove out seven Serb families from their homes in Visoko on Orthodox Easter Sunday in 1992, including the eight members of the Manojlović family, five of whom were children under 12, and the Molijević family, with two children under 10.

The same Muslim soldiers again raided Serb houses in Visoko on 20 June, and ordered inhabitants out. About 150 Serb men and 250 women and children obeyed this call, and were searched and relieved of their valuables. The women and children were imprisoned in the school and the Community Centre, and the men in the barracks near the bus depot.

In the barracks, 150 men were put in an 8 x 9 m. room, so that they had no room to lie down. They were subjected to various forms of torture. Muslim soldiers wearing masks beat and interrogated them. They knocked out several of the witness's teeth, broke some of his ribs and injured his neck.

The other part of the barracks was used by members of the Muslim army who were particularly cruel to Serbs imprisoned in that camp.

In the middle of 1992 there were about 500 Serbs in this camp.

The imprisoned Serbs in this camp were subjected to tortures as a result of which many died or were killed:

1. Svetomir (Svetozar) Vujisić, died in the camp as a result of beating on 6 June 1992; he was buried on 10 June in the village of Čekrčiči (witness 61/97-22).

2. Stojan Gavrić from the village of Biskupiči, municipality of Visoko, aged 60, died in the camp as a result of torture (witnesses 718/96-32, 61/97-22).

3. Slobodan Gogić, pensioner from the village of Gorani (or Gražani), municipality of Visoko, born 1932; he died in the camp on 14 or 15 June 1992 after the guards beat him in the camp (witness 718/96-33).

4. Djukić, an older man, from Visoko, from the settlement of Banjer, died after beating; the next morning a hearse came and took away his body.

5. Sreto Krsmanović from the village of Vilenjak; he was severely beaten and then released from the camp but died the same day.

6. Milutin Lukić, died of injuries inflicted in the camp (witness 61/97-22).

7. Nikola Parežina (or Paradina or Paradžik), pensioner, died in the camp as a result of beating in room 4 (witness 718/96-33).

8. Rajko Parežina from the village of Gračanica, municipality of Visoko, born 1932 in Pale, of father Jovo; he was arrested at his home on 8 September 1992 and brought to the camp where he was severely beaten; he died as a result of beating the following morning, at 4.00 a.m., in cell No. 4. Witness 344/96-12 alleges that he had a hole on the head, above the right ear (witnesses 718/96-30, 516/96-28).

9. Vojin Raković, pensioner from the village of Maurović, municipality of Visoko, born 1934, of father Božo; on 31 August 1992, when he was taken to the Health Centre in Visoko to have his injuries bandaged, Mustafa Dedić, nicknamed "Muste", struck him with the knife handle and he died of the injury inflicted on him on 2 September 1992 (witnesses 718/96-32, 516/96-28, 61/97-21, 61/97-22, 61/97-24, 61/97-26).

10. Vlajko Samardžić from the village of Gorani, municipality of Visoko, born in 1934, a serious TB patient, died after beating (witness 61/97-22).

7.1.27.7. On 24 September 1992, through the window of room No. 3 shots were fired from a sniper and on that occasion was killed

1. Milivoje Bajić, nicknamed Mike, from Baljik, born on 7 September 1951 in Maurovići, municipality of Visoko, of father Lazar and mother Andjelka, who was hit by a bullet in the neck, which cut his artery. This incident was presented by Muslims as a killing by Serbs on positions on Čekrčići (witnesses 718/96-32 and 61/97-26).

The following day, 25 September 1992, at about 5.50 p.m., the camp was shelled and a shell flew into room No 4; it was fired by the Muslim forces.

The Muslim positions were located in the direction from which the shell came and that this shelling was deliberate is evidenced also by the fact that the guards left the rooms on the that floor at that moment.

During the shelling killed were:

2. Milija Krunić, retired forester, born 1936, from the village of Bradva, municipality of Visoko

3. Trifko Glišić, retired forester, who lived in Vilenjak, born 1935 in Vilenjak, municipality of Visoko, of father Dušan, who was imprisoned in that camp since 20 June 1992.

About 25 imprisoned Serbs were wounded, among others:

1. Stanojko Bosiljčić, who was transferred to Zenica after that and any trace of him is lost since

2. Rajko Dabić

3. Milorad Jovičić of father Stanoje

4. Zoran Krsmanović

5. Jovo Milanović

6. Dušan Nikolić

7. Milorad Stojančević (or Stevančević)

8. Nikola Šarenac

9. Mitar Šarenac

10. Rajko Šarenac

A short time after the shell had hit the camp a TV crew appeared on the scene of the incident, filmed the event and the medical staff extending medical help to the wounded in the Health Centre in Visoko.

The imprisoned Serbs were pressurized to make statements that they were hit by a shell fired from the Serb positions.

The imprisoned Serbs in the "Ahmet Fetahagić" barracks were taken to the outskirts of Visoko to dig trenches for military purposes on the front line. On that occasion they were particularly maltreated.

During the digging of the trenches on the front line on 17 July 1992 wounded were:

1. Davor Glišić, nicknamed Daco, of father Ratko

2. Milenko Despotović

3. Jovo Krsmanović, nicknamed Djidja, of father Ostoja

4. Stojko Krsmanović

5. Saša Milanović, from Maurovići (Kalotići), born 1970, of father Zdravko (witnesses 61/97-22, 61/97-24)

6. Branivoj Radulović, nicknamed Zane, from Radovlje
7. Duško Raković, nicknamed Duci, of father Jovo
8. Zane Raković
9. Željko Šljivić, of father Simo
10. Sladjan Šljivić, nicknamed Njonja, from Maurovići, born 1978, of father Risto (witness 61/96-22).

The following were also wounded on the front line:

11. Dragomir Vanovac, wounded on 12 January 1993 (witness 642/94).
12. Siniša Vučenović, nicknamed Cila, of father Djordje, wounded on 25 January 1993 (witness 642/94).

7.1.27.8. It was only two months after the bringing of the first imprisoned Serbs to the barracks in Visoko that they were visited by the International Red Cross delegation.

Whenever a delegation of the International Red Cross came to visit this camp every Serb prisoner received from the camp authorities a soap, a pack of cigarettes and other necessities which had to be returned after the departure of the Red Cross.

After the visit of the delegates of the International Red Cross, every prisoner was called up and had to hand over the things received before the arrival of the delegation of the International Red Cross; the prisoners were maltreated and beaten if they failed to return something.

The most responsible persons for what happened in the camp in the barracks in Visoko are: Elmedin-Alme Ahmić, participated in the beating of prisoners (642/94; witness 61/97-22); Dizdar Ahmić (witnesses 516/96-28, 61/97-22); Senad Ahmić, participated in the beating of prisoners (witness 516/96-28); Adnan Babić, participated in the beating of prisoners (642/94); Bajro from Višegrad; Nazif Biogradlija, guard (642/94); Suljo Burko, commander of guard shift (642/94); Šaćir Burko, guard-shift commander (642/94); Ganić (witness 516/96-28); Eso Genjac, aka Pindja (or Pinč or Pinča), guard (642/94; witness 61/97-22); Jasmin Graho participated in the beating of prisoners (642/94); Nedžad Graho participated in the beating of prisoners (642/94; witness 516/96-28); Dževad Graho participated in the beating of prisoners (642/94); Edin Dedić, guard (642/94); Mustafa Dedić, aka Musto and Musa, emergency service driver, Health Centre in Visoko, beat all prisoners, in particular those who asked medical help at the Health Centre; he

caused the death of Vojo Raković (642/94); Muhamed Dedić, aka Gundo, guard in the camp (642/94); Senad Dedić, guard (642/94); Suad Dedić; Dizdar, guard, participated in the beating of prisoners (642/94; witnesses 516/96-28, 61/97-22); Enver, aka Keba (642/94); Žuti or Žučo from Kaljina near Sokolac; Muhamed Zukić, guard (642/94); "Inć", Jusuf Kadić, first commander of the camp (642/94); Zijad Kadrić, teacher from Visoko, lived in Topuzovo Polje, commander of the camp (642/94; witnesses 61/97-22, 61/97-24); Sead Kadrić, aka "Šicko", commander of guard shift, brother of the camp commander (642/94); Esmo Karavelić, participated in the beating of prisoners (witness 718/96-32); "Kengur" (642/94); "Konzerva", shop assistant from Kakanj (642/94); Nurija Kriještalica; Besim Kulović, commander of guard shift (642/94); Nezir Lopo, watchman (642/94); Amir (Hamir) Murtić, participated in the beating of prisoners (642/94; 516/96-28); Nero from Ilijaš; "Nura" (female), hairdresser who lived in Ilijaš and then crossed over to Visoko, where she particularly maltreated women (642/94); Orhan, guard (642/94); Jasmin Pinjić (642/94); Muhamed Planičić, guard (642/94); Esnaf Pulić, aka Esno, participated in the beating of prisoners (642/94); Muhamed Purko from Visoko; Refik Ramče from Visoko; Jasmin Sejdić, aka Jasko, guard (642/94); Samir Selimović, aka Domac, born 1969 in Visoko, of father Galib, particularly cruel in beating prisoners, from childhood grew up and was brought up in penal-correctional institutions (642/94; witnesses 718/96-33, 516/96-28); Ethem Senić, policeman from Gračanica; Safet Sivac, chief of police in Ilijaš before the war; Kemal Smajlović, born 1960, deputy camp commander (642/94); Fejzagić; Samir Fejzić, aka Dajidža or Daidja or Dajdža, participated in the beating of prisoners (642/94); Fehim Fejzović (possibly Fejzić) participated in the beating of prisoners (witness 516/96-28); Nurija Ferhat from Maurovići, investigator in the Muslim territorial defence (642/94); Hajrudin Halilović, aka Mrčo, from Visoko, lived in Sarajevo before the war, born on 8 april 1959 in Taševo, municipality of Prijepolje, of father Hrustem and mother Šemsa, brother of Sefer Halilović, commander of the Muslim Army, chief investigator, camp commander for a certain period of time, particularly cruel in beating the prisoners (witnesses 718/96-35; 516/96-28; 61/97-22; 61/97-24); Halilović, aka Čame, guard (642/94); Hasim (Asim) Hamdić (or Hamzić), retired before the war as a criminal investigation inspector in Visoko, from Visoko, camp commander (642/94 witnesses 718/96-33 and 516/96-28); Cikota participated in beatings (642/94); Miralem Čengić participated in the beating of prisoners (642/94; witnesses 718/96-33 and 516/96-28);

Hasan Čizmić, guard, participated in the beating of prisoners (642/94; witness 516/96-28); Šiško, posed as the camp commander.

Evidence: 642/94, 112/95-II, 757/95, 799/95-3, 799/95-4, 799/95-6, 799/95-7, 799/95-9, 806/95-35, 858/95-10, 858/95-11, 307/96, 344/96-12, 516/96-28, 718/96-30, 718/96-32, 718/96-33, 718/96-35, 61/97-21, 61/97-22, 61/97-24, 61/97-26.

7.1.27.9. In his report of 26 January 1993, US State Department spokesman Richard Boucher said that a 19-year old Serb civilian from Visoko saw Muslims in the camp in Visoko beat to death:

1. Milivoje Samardžić, a Serb from Visoko.

Another witness, a 27-year old Serb from Okolišće in Visoko commune has testified to seeing a Muslim guard in the camp in Visoko beat to death:

2. Boško Raković, a Serb from Visoko.

Evidence: 635/94-17.

7.1.27.10. The same report by Richard Boucher mentions the incident in which Muslim territorial defence forces arrested a Serb man and his three sons on 13 June 1992, and beat to death:

1. Slobodan Gogić from Grajani near Visoko.

The witness, who was also tortured, identified the people who beat him, Gogić and other prisoners.

Evidence: Statement by Richard Boucher of 26 January 1993.

7.1.28.0. Bugojno

7.1.28.1. On 25 May 1992, Muslim soldiers commanded by Semin Rustenpašić killed the following Serbs in the village of Potočani near Bugojno:

1. Ljuba Čavić (father: Ljubo), born 1911, had his throat cut and a big cross carved on his chest;
2. Bosa Čavić (female, father: Aleksa), born 1924, had her throat cut, both breasts cut off, her eyes gouged out, her nose cut off and both arms cut off at the elbow;
3. Milenko Lukić;
4. Drago Čavić (father: Nedeljko), born 1933;
5. Jelena Čavić (female, father: Milovan), born 1928, had her throat cut, her nose, ears and arms cut off, and her eyes gouged out;
6. Radojka Prgmelj (female, father: Stanoje), born 1944, had her throat cut, her breasts, ears, nose and right leg cut off and her eyes gouged out, and her body was slashed all over; and
7. Mara, a woman whose surname is unknown, also had her throat cut and was slashed all over her body.

Evidence: 234/95-13 and 234/95-19 (Annex No. C 118 svedočenje D.Č./testimony D.Č., pp. c1198-1200/c1201-c1203)

7.1.28.2. In June 1992, Muslim-Croat forces from Bugojno attacked, looted and burned the Serb villages of Zijamet and Čipaljići near Bugojno, and killed a number of Serbs. The Muslim unit, which was commanded by Idajet Prijić, aka "Paraga", took from a Serb house in Čipaljići a large food freezer and carried it to the house of a Muslim in the village of Dražev Dolac. Inside the freezer was the body of an elderly Serb woman, whose name is not known.

Evidence: 333/95-24.

7.1.28.3. In the area of Bugojno the following members of Serb nationality were also killed by members of the Muslim units:

1. Milenko Babić from the village of Vileši near Bugojno (witness 234/95-19).

2. N.Gligorić (female), from Bugojno, Slavka Rodića Street (witness 234/95-19).

3. Jovo Egić, who was first asked by Croat soldiers to bring a lamb and after he brought it they killed him (witness 234/95-19).

4. Zelen, an old woman, killed by a soldier who explained that the old woman "wore a radio transmitter in her stocking and used it" (witness 234/95-19).

5. Luka Levović, pensioner from Bugojno, killed by members of the Croat army (witness 234/95-19).

6. Mara Lugonja, social help recipient, killed by members of the Croat army (witness 234/95-19).

7. Sekula Nikić from Bugojno, whose ears and nose were cut off by members of the Croat army and he died of these injuries (witness 234/95-19).

7.1.29.0. Vitez

7.1.29.1. After the JNA withdrew from Zenica in the spring of 1992, a witch-hunt against Serbs started in the village of Tolovići near Vitez.

Muslim soldiers from the village of Preočići near Cazin killed the Serb villager:

1. Cvijan Jelić.

This frightened all the Serbs to leave the village fled.

Perpetrators: Muslim soldiers from Preočići near Vitez.

Evidence: 339/94-26.

7.1.30.0. Vareš

7.1.30.1. On 13 May 1994, in territory of Vareš commune, soldiers of the so-called army of Bosnia-Herzegovina captured and killed the wounded Serb reserve policemen from Ilidža:

1. Nedeljko Kuvač (father: Veljko); and
2. Mirko Radovanović (father: Sreta).

When their bodies were handed to the Bosnian Serb authorities on 20 June 1994, doctors established that their throats had been cut, their eyes gouged out, their legs and arms, and their skulls fractured. There was a chain on Kuvač's left leg.

Evidence: 296/95-16.

7.1.30.2. The bridge on the railway line from Breza to Vareš was destroyed in the village of Dabrovina at the end of May 1992.

Muslim police from Breza commanded by Breza police chief Halid Dinarević retaliated at the beginning of June 1992 by killing the Serbs:

1. Milutin Buzadžija; and his wife
2. Ruža Buzadžija, both aged about 65,

purely because they lived near the demolished bridge.

Evidence: 112/95-9

7.1.30.3. In Vareš and its vicinity the following Serbs were also killed:

1. Bunjevac, from the village of Kadarići, killed in his village by members of the Muslim unit commanded by Ekrem Mahmutović from Vareš (evidence: 564/96)

2. Nedeljko Djokić from Planinica, born 1970 in Planinica, of father Nikola, killed from infantry weapons during the attack of HVO members on his village on 31 May 1992.

3. Nikola Djokić from Planinica, born 1940 in Planinica, municipality of Vareš, of father Vaso, killed from automatic weapons by members of HVO during a surprise attack on his village while picking mushrooms in the woods on 31 May 1992 (witness 516/96-42).

- 4-5. Married couple Ristić from the village of Dabrovina were killed in May 1992 when the Muslim units from the area of Breza raided the village of Dabrovina (evidence 564/96).

6. Aleksandar Šiljak from the village of Vardište, municipality of Breza, aged about 22, of father Tomo, was in Planinica

visiting his uncle, when members of HVO attacked the village and killed him (witness 516/96-42).

The following are responsible for these crimes: Dario Andrijević, who was the president of the municipality of Vareš until June 1992; Miroslav Vrebac, commanded the unit which attacked the Serb villages of Planinica and Plavina; Ivica Gavran, chief of police in Vareš; Halid Dinarević, commander of police in Breza; Boro Malbašić, commander of HVO brigade; Ekrem Mahmutović, commander of the unit of territorial defence formed in Vareš and Ante Pejčinović, president of HDZ (Croatian Democratic Union) in Vareš and commander of a HVO unit.

Evidence: II2/95-9, 296/95-16, 175/96, 478/96-28, 516/96-42, 564/96.

7.1.31.0. Breza

7.1.31.1. On 7 May 1992 Alija Mlivić from Breza invited to a restaurant in Breza

1. Nikola Radić, a Serb and a well-respected man in Breza and, after they had been sitting at a table for a short time, attempted to kill him without any reason, by shooting at the chest of Nikola Radić

The seriously wounded Radić was taken to Sarajevo by an ambulance (at the wheel was a Serb doctor) and while they were passing through Dobrinja the Muslims opened fire on the vehicle; on that occasion Radić was hit in the head and died at once, while his escort S.R. was hit in the stomach.

The editor of "Jutel", Goran Milić, asked the injured S.R. to declare that the ambulance was attacked by members of the former JNA.

The Muslim Radio Sarajevo broadcast the news that the attack was made by members of the JNA.

Evidence: 516/96-40

(Annex No. C 87, svdočenje S.R./testimony S.R., pp. c872-c878/c879-c884)

7.1.31.2. On the night of 7-8 April 1993, in Gornja Breza near Breza members of the local Muslim Territorial Defence killed in their family house:

1. Ranko Novaković; his wife
2. Obrenija Novaković;
3. his sister Rajka; and
4. and his daughter-in-law Milka.

They were all killed purely because they were Serbs. Ranko was shot from close range, and the three women were stabbed to death. Witnesses counted 16 stab wounds on Obrenija's body.

Evidence: 112/95-10.

7.1.31.3. On 11 June 1992, in Gornja Breza in Breza commune Muslim soldiers led by Avdija Mušić killed:

1. Nedja Subotić, born 1914 in Duzić hamlet.

They barged into his house and Mušić hit him on the head with a pickaxe, causing instantaneous death.

Evidence: 122/95-22.

7.1.31.4. On 10 June 1992, a group of Serbs from Gornja Breza were taken to the Breza police station, where they were beaten with sticks and electric batons. The following Serb died during the beating:

1. Zdravko Subotić, born 1926, pensioner,

and two days later:

2. Momčilo Subotić, born 1929.

Other Serbs were seriously injured. M. suffered five broken ribs, and J. four broken ribs on the right side.

Evidence: 112/95-21

7.1.31.5. The following Serbs were killed in Breza and in its vicinity:

1. Sava Bajić (female), from Podgora, aged about 60, slaughtered by the Muslims to whom she had previously sold a cow.

2. Milo Buzedžija, from the village of Milkino Vrelo (or Dabrovina), slaughtered in his house, together with his wife.

3. Ruža Buzedžija, wife of Milo Buzedžija, from the village of Milkino Vrelo (or Dabrovina), slaughtered in her house, together with her husband.

4. Vojko Bunjevac from the village of Šaše, aged about 30, who worked in the police before the war, killed in front of his house in June 1992.

5. Savo Bunjevac from the village of Seoce, aged about 30, killed in front of his house in June 1992

6. Bunjevac, of father Slobodan, aged about 20, killed in his courtyard after his father had been tied and made to watch this killing

7. Jevrić, from Vlahinja, aged about 20, killed in his house

8. Jevrić from Vlahinja, an older man, killed in his house

9. Milka Radovanović, wife of Nedjo Radovanović, from Mahmutovića Rijeka, aged about 70, both slaughtered in their house at the beginning of June 1992

10. Nedjo Radovanović, from Mahmutovića Rijeka, aged about 70; he and his wife were slaughtered in their house at the beginning of June 1992

11. Marinko Rosuljaš from the village of Hrtina, aged about 30, killed at his home, together with his brother Mirko and his uncle and aunt, at the end of June 1992 by Muslims; buried in the vicinity of his house (witness 478/96-35).

12. Mirko Rosuljaš, from the village of Hrtina, aged about 30, killed near his house, together with his brother Marinko and uncle and aunt at the end of June 1992 by Muslims; they were buried in the vicinity of his home (witness 478/96-35).

13. N.Rosuljaš, aged about 80, uncle of Marinko and Mirko Rosuljaš, killed at the end of June 1992 (witness 478/96-35).

14. N.Rosuljaš, aged about 80, aunt of Marinko and Mirko Rosuljaš, killed at the end of June 1992 (witness 478/96-35).

15. Rajka Ristić, born 1924, who was in guardianship because she was mentally retarded; killed in the village of Gornja Breza, municipality of Breza, on 8 (or 11) June 1992 by members of the Muslim army.

16. Ranko Subotić, born 1927 in Gornja Breza, was imprisoned for 5 months in the camp in Breza in 1992; he died of the

injuries after he had been exchanged, in Ilijaš at the beginning of 1993 (witness 718/96-26).

17. Blagoje Čabak from Breza, born 1958, of father Veljko, succumbed to internal injuries inflicted during the beating in the camp in the basement of the enterprise "Elektroterma" in June 1992 (witness 587/96-2); his injuries were inflicted by Zlatan Kozlić, a Muslim from Breza; his body was taken to the village of Vrbovnik and it was announced that he had been killed when he attempted to escape towards Ilijaš.

The following were responsible for these killings: Salko Opačin, born about 1943 in Breza, of father Sulejman, president of the municipality in Breza in 1992 and president of the municipal board of SDA (Party of Democratic Action) in Breza; Mirsad Bašić, of father Azem, before the war worked in the security service of the steelworks Ilijaš; Kulić, commander of the police in Breza; Mustafa Mlivić, aka Muta, criminal investigation inspector; Ago Silajdžić, criminal investigation inspector; Arif Sirotnović, police inspector; Dževahid Sokić, police inspector; Halid Frijak from Gornja Breza, chief of the crisis headquarters in Gornja Breza.

Evidence: 799/95-10, 806/95-28, 806/95-29, 806/95-30, 806/95-31, 516/96-5, 478/96-35, 516/96-40, 587/96-2, 718/96-26).

7.1.32.0. Ilijaš

7.1.32.1. At about 7.30 p.m. on 19 July 1992, in the village of Ljubina in Ilijaš commune Muslim soldiers ambushed a mini bus, knowing that all the passengers were Serbs. The following passengers were killed:

1. Jovan Nikolić;
2. Tihomir Marić; and
3. Slobodanka Macanović (female),

while Marica Marković, Zorica Marković, Gordana Marković (all females) and Vlatko Macanović were seriously wounded.

The attack was led by Jasmin Smajlović and Osman Bešlija, a policeman from Ilijaš.

Evidence: 112/95-17 and 112/95-18.

7.1.32.2. On the night of 5-6 August 1992, in the village of Vlaškovo near Ilijaš Muslim soldiers killed the Bosnian Serb soldier:

1. Savo Subotić.

Subotić was captured and tortured before being killed by a blow on the back of the head with a blunt object.

Evidence: 112/95-19.

7.1.32.3. On 3 August 1994, in the village of Draževići near Ilijaš Muslim soldiers executed:

1. Gojko Djurdjić,

shooting him in front of his house.

Evidence: 112/95-16.

7.1.32.4. On the night of 5-6 November 1992, Muslim soldiers wearing combat fatigues, Meho Mešotović and Osman Mešotović, entered the Vanovac family house in the village of Mlini near Ilijaš. Meho began shooting the occupants with an automatic rifle, and killed:

1. Dalibor Vanovac;
2. Slobodan Vanovac;
3. Lazar Radosavljević; and
4. Mirko Radosavljević.

He also seriously wounded M.E.

Osman Mešotović then killed:

5. Velibor Vanovac and seriously wounded S.R.

Evidence: 112/95-23.

7.1.32.5. On 24 May 1994, in the village of Srednje in Ilijaš commune on the road to Sokolac Muslim soldiers fired a

projectile at an Igman-prevoz bus, containing a total of 53 Serb civilian passengers, and killed:

1. Radmila Tanasković (female), born 1959,
and seriously wounded nine other passengers.

Evidence: 296/95-10.

7.1.33.0. Odžak

7.1.33.1. On 20 April 1992, in the mainly Serb village of Donja Dubica near Odžak, Ante Andrijević, a vet from Vrbovac, ambushed and killed the Serb:

1. Rajko Djurić

and tried to kill Steva Goranović, Rajko Božić and Bora Božić.

This crime was a signal for the Serb population to start leaving Donja Dubica for Novi Grad.

Evidence: 191/94-4 and 554/94-4

7.1.33.2. On 31 May 1992, in the village of Jezero in Odžak municipality, so far unidentified armed men killed the Serb villagers:

1. Sreta Mlinarević;
2. Zdravko Čurić; and
3. Vlado Vidić.

Evidence: 191/94-1, 191/94-37, 593/94-30 and 593/94-31.

7.1.33.3. On 13 June 1992, Zvonko Andjelić, aka "Kenta", from Gornji Svilaji in Odžak municipality murdered:

1. Bosiljka Kovačević (female, father: Jova), born 1932;
2. Marija Miletić (female, father: Ljuba), born 1932; and
3. Radovan Kovačević (father: Mitar), born 1930.

Andjelić had promised to smuggle the three Serbs from Novi Grad in Odžak municipality, where they lived, to Croatia and then Switzerland for about 30,000 Swiss francs. But he took them only as far as Kadar Hill in Gornji Svilaj, where he murdered them. He killed the two women on the spot and wounded Radovan Kovačević, who managed to escape to the house of Pavo Gudelj, where Andjelić caught him and killed him too.

Perpetrator: Zvonko Andjelić (father: Jure), military policeman from the 102nd Odžak Brigade.

Evidence: 280/95-85.

7.1.33.4. Early in June 1992 in Novi Grad in Odžak municipality, a so far unidentified man in battle fatigues like those worn by Croat soldiers killed without any reason the old Serb woman:

1. Zorka Tatić, born 1914,

shooting her in the back with an automatic rifle on her doorstep.

Evidence: 424/95-13 and 424/95-14.

7.1.34.0. Prijedor

7.1.34.1. On 29 and 30 August 1992, Muslim soldiers raided the village of Podgradje in Prijedor municipality and killed:

1. Boža Indjić, born 1924; and
2. Ostoja Baltić.

The Muslim soldiers tied Božo Indjić to the kitchen sink and then set fire to his house in which he was burned alive.

Ostoja Baltić was killed as he tried to escape in his "Zastava 750" passenger car, which was set on fire with him in it.

Hamdija Bešliagić, a Muslim from Kozarac near Prijedor, was identified as one of the perpetrators.

Evidence: 339/94-11 and 339/94-13.

7.1.35.0. Zenica

7.1.35.1. After the outbreak of the armed conflict, life in Zenica became unbearable for the Zenica Serbs and they often had to face threats that they would all be either expelled or killed. Serbs were prohibited to enter public establishments. At the entrance to the hospital there was the following inscription; "Serbs and dogs are not allowed enter."

In May, 1992, the Muslim killed:

1. Dr Veljko Sladojević, an ophthalmologist from Zenica and head of the Zenica Hospital department of ophthalmology, born on 12 March 1932; son of Mitar and Joka (maiden name Terzić). On 25 June, 1993, Muslim soldiers dragged him out of his flat at N^o 17-b Dr Mujbegovića street in Zenica. On several occasions, his daughter inquired about his fate at various addresses until she got a letter from Bisera Turković, B-H ambassador to Zagreb, dated 6 June 1994, in which she informed her that Dr Sladojević had most likely been killed by "kidnappers in a place called Smetovi near Zenica" in October 1993. (Evidence: document 375/96, witness 426/96-43, 715/95-23)

Evidence: 292/95-16, 375/96, 426/96-43, 715/95-23
(Annex No C 247, svedočenje R. C./testimony R.C.,
pp. c2120-c2123/c2124-c2126)

7.1.35.2. In the Lašva local community district of Zenica municipality, a minority population was Serb, but there were ten exclusively Serb households in the hamlet of Dolipolje. The Muslims began intimidating and maltreating Serbs in this community from the start of the war, demanding that they surrender weapons. They also searched houses for Serbs who had escaped from Drivuša and other Serb villages that had been attacked by Muslim forces.

On 18 June 1992, a group of about 50 members of the so-called Patriotic League came to Dolipolje, searched the houses and locked the men in Simeon Božić's cellar, where they tortured them. The following Serbs died:

1. Mladjo Božić; and
2. Milovan Božić, aged 42,

while others were inflicted serious injuries.

Because of this all Serbs in the Lašva community left their homes. Most escaped to Bosnian Serb territory, but a few remained in Zenica. The Muslims looted and burned down most of the deserted Serb houses.

In mid-October 1992, Muslims killed the following Serbs when they came from Zenica to look around their weekend house in the hamlet of Mamići:

1. Stanimir Božić, and his wife
2. Divna Božić.

The members of the Patriotic League who took part in these crimes were Kiban Pašalić and Nasrudin Pašalić from Dolipolje, and the unit was commanded by one called Taib, aka "Tako", from Zenica.

Evidence: 635/94-18, 293/95-25 and 296/95-4.

7.1.35.3. On the night of 4-5 June 1992, very strong Muslim formations wearing uniforms with the (Bosnian Muslim) lily and

crescent insignia launched a surprise attack on the Serb part of the village of Raspotočje near Zenica, and killed the following unarmed Serb civilians:

1. Radovan Babić, aged about 30; and
2. Stana Zorota (female), aged about 31,

who did not try to escape because they believed promises that nothing would happen to them.

Perpetrators: The Muslim forces led by Esad Hodžić and included the brothers Džemal, Kemal and Mehmed Huseinspahić from the village of Gnjsi near Zenica.

Evidence: 283/94-6.

7.1.35.4. Early in the morning of 5 June 1992, strong Muslim forces with tanks, recoilless guns, anti-aircraft guns, mortars, heavy machine guns and small arms launched a surprise attack on Serb villages around Zenica - Mutnica, Lokve, Gornja Vraca, Perin Han, Raspotočje, Drivuša and Janički vrh.

The pretext for this attack was that Serbs in these villages had been armed, which the witness denies. However, the aim was to kill Serbs, destroy houses and drive the rest of the Serbs from the area, which was largely achieved.

According to the eye-witness, the Muslims killed about 10 Serbs and wounded many more.

Fearing that they would all be killed, the Serbs sent an envoy to ask the Muslims to halt the attack. The Muslims agreed only after two hours of even heavier shooting. They demanded that all Serb males from the above-mentioned villages assemble at specified places so that they could check that they had no weapons. Then they said that the men had to make statements while the villages were being searched, but they would be released afterwards. However, the Muslims collected all the men and took them to Zenica prison.

Perpetrators: Siradj Šišić from the vicinity of Zenica commanded the Muslim forces on the right bank of the river Bosna;

Keleštura, first name unknown, a Muslim former JNA officer from the village of Gornja Vraca, commanded the Muslim forces on the left bank; Bešlo Mujčin, commander of the military police in Zenica, Branko Bončina, a Slovene, commander of Zenica territorial defence.

Evidence: 283/94-9.

7.1.35.5. On 6 June 1992, Muslim units with Green Berets insignia surrounded Drivuša and other Serb villages around Zenica, arrested about 500 Serb inhabitants and took them all to Zenica prison. The Serb prisoners were savagely beaten and humiliated. They were ordered to go in a room and lie face down in 20 to 25 cm of water. Muslim soldiers said they wanted to see how Chetniks swam, and then jumped and stamped on them. The prisoners were continually threatened that they would all be killed, and were kept in the prison for between one and two years. They were beaten every day, especially at night, and a number of Serb prisoners died of their injuries, including:

1. Petko Milić from Drivuša, aged about 30, died on 9 June 1992.

Early in October 1992 in Perin Han near Zenica Muslim soldiers killed:

2. Sima Stanković; and his brother
3. Steva Stanković; and
4. Milorad Zekanović (father: Prokopije), born 1937 in Vraca .

Evidence: 234/95-23, 234/95-7

7.1.35.6. On 5 or 6 June 1992, Muslim soldiers led by Esad Hodžić from Jui and Šefik Huseinović surrounded the Serb village of Raspotočje and started burning houses and shooting at people. The following Serb was killed:

1. Rade Bajić.

The witness was machine-gunned from ten meters in front of his house, and wounded in the right knee, the upper right arm, the right shoulder and underneath the right ear. He lay there unconscious until the next morning, when he was found and taken to

Zenica hospital. He was kept in hospital for only three days, during which time he was maltreated and beaten by hospital staff. After three days he was transferred to the camp for Serbs in Zenica prison, where he remained until he was exchanged on 31 October 1992.

Prisoners in this camp were beaten every day and hung from hooks in the cells.

Evidence: 292/95-6

(Annex No C 246, svedočenje S.S./testimony of the witness S.S. pp. c2113-c2116/c2117-c2119)

7.1.35.7. At the end of May or beginning of June 1992, Muslim soldiers raided the village of Kovanići near Zenica and killed 13 Serb inhabitants, including:

1. Bosiljka Ubiparipović (female, father: Vasilije), born 1926; and her husband
2. Pantelija Ubiparipović (father: Boža), born 1924.

They were both killed in front of their house. Bosiljka's throat was cut and Pantelija was strangled with the cord of an electric iron.

The following were also butchered:

3. Todor Mitrović, aged 17; and
- 4-5. Veljko Blagojević and his wife.

Evidence: 292/95-9.

7.1.35.8. The witness lived with her husband and two children in Zenica. On 29 May 1993 her eight-year-old girl was playing with other children when he was pushed by a Muslim woman who realised that he was a Serb onto a spiked metal fence. He was injured in the stomach, but his father managed to get him into Zenica hospital.

The child was allegedly operated on, but died on 31 May 1993, when Muslim medical staff switched off his oxygen supply.

When the mother asked how her child had died, a female Muslim doctor laughed and replied: "That's how all you Serbs will disappear."

Evidence: 292/95-12. (Annex No. C 1, svdočenje M.A./testimony M.A., pp. c1-c4/c5-c7)

7.1.35.9. On 20 June 1992 Muslim forces attacked the villages of Paljike, Pučišća, Mauroviće and Zinču, and killed Igor Stojić, Višnja Bajić, the families Vuković and Damjanović.

Evidence: 635/94-17 (Annex No C 129 svdočenje B.R./testimony B.R., pp. c1320-1333/c1334-c1347)

7.1.36.0. Jajce

7.1.36.1. On 8 April 1992, in Barevo on the road from Banja Luka to Jajce, Croat HOS soldiers killed seven Serb JNA reservists:

1. Dragan Budiša, born 1965, from Bugojno;
2. Predrag Djinić, born 1970, from Bugojno;
3. Novo Klindo, born 1965, from Donji Vakuf;
4. Dušan Kočaber, born 1962, from Maslići;
5. Jova Ikić, born 1969, from Maslići;
6. Sava Sukar, born 1964, from Goleš; and
7. Branislav Željko, born 1965, from Blagaj.

Six civilians were seriously injured.

All the above were on a bus on the regular Banja Luka to Bugojno line which was stopped near Jajce 2 hydro-electric plant by barriers placed on the road by Croat HOS soldiers who had established an illegal checkpoint. Franja Ladan, a policeman from Jajce, stopped the bus to check the passengers, knowing that Serb reservists were among them. Andjelko Matić entered the bus from the front and Dragan Lazić from the rear with guns pointed, while other HOS soldiers stayed under cover. When the reservists at the back of the bus refused to surrender their weapons, Matić and Lazić

started shooting, killing the soldiers and seriously wounding several passengers.

Perpetrators: Andjelko Matić, Ivo Britan, Dragan Lazić, Ante Antunović and Goran Lulić.

There had been no armed clashes in the Jajce area before these killings.

Evidence: 116/95-1, 561/94-2, 333/95-1 and 333/95-8.

7.1.36.2. In October 1992, members of a Muslim armed group called "Krajišnici" killed:

1. Drago Puzigaća, a Serb from Jajce, in his flat.

They tortured and killed him and threw his body on the bank of the river Vrbas outside the town, where it was later found.

Evidence: 116/95-13, 333/95-9 and 333/95-10.

7.1.36.3. On 6 September 1992, "Green Berets" raided the village of Grdovo in Jajce municipality, looted it and burned the houses.

Most of the inhabitants of this village had already left, and those who had not managed to escape were taken to a camp in Travnik.

The following three ill or bed-ridden Serb women were executed:

1. Bosiljka Smoljo born 1930;
2. Bojka Gavrić, born 1917; and
3. Ana Gavrić, aged about 60.

This crime was committed by members of the Green Berets Mustafa Kokić, Alija Švraka, Besim Švraka, Enver Dogan, Faim Dogan, Adil Švraka, Avdo Habib, Safet Mulić, Ale Ajanović, Hidajet Kokić, Kasim Dervišić, Sead Dervišić and Jakub Dogan.

Evidence: 116/95-10 and 333/95-4.

7.1.36.4. On the night of 8-9 July 1992, in the village of Smionica in Jajce municipality Jajce HOS members Stipo Pejić and Marko Pejić murdered the Serb couple:

1. Momčilo Kalajdžija, born 1922; and his wife
2. Desanka Kalajdžija, born 1917.

They most probably killed them with a knife, stabbing them many times and then cutting their throats.

Evidence: 116/95-9.

7.1.36.5. On 7 July 1992 in Jajce Croat HOS soldiers Umrislav Jozić, deputy chief of the HOS war council in Jajce, and his brothers Luka and Mato, killed the following Serb civilians:

1. Zoran Medar (father: Nedjo), born 1954; and
2. Brana Vučković, born 1960.

After tying their hands tied behind their backs, mistreating and torturing them, they killed them with a sharp instrument, probably a knife, stabbing them in the neck and back, and then slitting their throats. They threw the bodies into a ditch beside the road in a place called Podmilačije.

The following day the same persons killed:

3. Stevan Dejan, born 1947.

After torturing him, cutting off his right ear, stabbing him with a knife in the neck and other parts of the body, they slit his throat and threw his body into the river Vrbas near Podmilačije. The body was found 100 m. downstream on 20 July 1992.

Evidence: 116/95-7 and 8, and 333/95-9.

7.1.36.6. On 9 July 1992 Croat and Muslim forces entered the village of Rika in Jajce municipality, which almost all the

Serb inhabitants had deserted, searched the houses and killed the one person they found:

1. Petra Rodić (female), born 1913.

The victim had been unable to leave due to old age and illness, and the soldiers shot her in the head at close range.

Evidence: 116/95-6.

7.1.36.7. On 4 July 1992, members of the "Green Berets" raided the village of Brvanci in Jajce municipality, from which almost all the Serb inhabitants had fled, and killed the old and bed-ridden woman:

1. Grozda Trninić (father: Petar), born 1905.

They killed her by hitting her on the head with a metal bar. Several days later they burned all the Serb houses in the village, including the house in which Grozda Trninić's body lay.

Evidence: 116/95-5.

7.1.36.8. Fighting in Jajce municipality lasted from 27 May to 22 October 1992. On 3 July 1992, Croat-Muslim forces attacked the Serb village of Krezluk, which most of the Serb inhabitants had already fled.

A group of Muslim "Green Berets" were stationed near the village after the attack, including Safet Dogan, Faim Dogan, Mehmed Dogan and Galib Dogan. On 3 July 1992 they killed one of the few Serbs who had remained in the village:

1. Nedeljko Mijatović (father: Velimir), born 1944.

Knowing that he was a Serb, because they were neighbours, they shot him in the back as he went to get water for his field. He received a fatal wound in the left shoulder.

Evidence: 116/95-4 and 333/95-2.

7.1.36.9. The population of the village of Kruščica in Jajce municipality was mixed, but most of the Serbs fled and only 32 Serbs lived there in the period from 1 June to 12 September 1992. Their names are known to the Committee.

Early in June 1992, Muslim forces began to intimidate and terrorise these Serbs by shooting at their houses, searching their homes and taking valuable belongings, especially money and jewellery, detaining them in the local school, where their headquarters was, for several hours at a time and once for a whole day, without food and water. The Serbs were interrogated every day with use of force and threats that they would be killed. Younger people had to report two or three times a day to the village crisis staff.

Perpetrators: Emir Mraković, Suad Mraković, Džemil Mraković and others.

Evidence: 116/95-3, 561/94-6 and 561/94-7.

7.1.36.10. On 29 May 1992, a group of 11 Croat and Muslim soldiers, acting on the orders of local territorial defence commander Derviš Kilić and commanded by Zulfo Habib, raided the Serb village of Bavar in Jajce municipality.

Almost all inhabitants fled when they heard of the attack, but the Croat and Muslim soldiers killed two old people who did not manage to get away:

1. Stojan Trifunović, born 1923, and his wife
2. Stana Trifunović, born 1924.

They killed them in front of their house, shooting Stojan Trifunović many times and butchering Stana Trifunović's, before chopping her head off with an axe.

The territorial defence commander Falik Imamović submitted a report which stated that 11 soldiers had taken part and completed their task "successfully".

Evidence: 116/95-12 and 333/95-1

7.1.36.11. On 13 July 1992, Croat and Muslim soldiers captured 16 Bosnian Serb policemen and soldiers, whose identities are known to the Committee, in the village of Barevo in Jajce municipality. After lining them up, Jozo Lovrenović recognised and killed with a burst from an automatic rifle:

1. Milan Iličić (father: Nikola), born 1962.

The remaining prisoners were made to strip and were led naked and barefoot along a stony road towards Jajce. They were kicked, punched and hit with rifle butts, and threatened that they would have their throats cut along the way.

2. Ilija Čigoja (father: Ilija), born 1972,

was unable to walk because of an injury. Other prisoners tried to carry him, but a Muslim soldier shot him dead. They left his body by the roadside.

The witness D. took this opportunity to escape, although the Croat and Muslim soldiers shot at him. After that they were even more vicious towards the prisoners. In Jajce, they took them to the police station, where nine Serb civilians were already imprisoned.

The prisoners were held in cold and dark rooms, where they were beaten every day. They were threatened with death and local civilians were invited to come and insult and beat them. The prisoners were forced to stand on their heads, eat cigarette butts and lick their blood from the floor.

Jozo Lovrenović was particularly brutal. He forced three prisoners, whose identities are known to the Committee, to pull out their own healthy teeth with a wire coat hanger. They were given 60 seconds to pull the tooth out, wash it and put it in a handkerchief in which he had a collection of Serb teeth.

Evidence: 116/95-14, 333/95-11, 333/95-12, 333/95-13
333/95-14 333/95-8.

7.1.36.12. On 6 September 1992, Muslim-Croat forces attacked the village of Krezluk in Jajce municipality, looting and burning all Serb houses in the village. They captured:

1. Mirko Romac,

whom they imprisoned in the Elektrovrbas administration building in Jajce, where imprisoned Serbs were viciously tortured. Romac died there under torture.

There are grounds for believing that a number of captured former JNA soldiers were also killed in this prison.

Hamid Bostandžija, Mujo Zgonjić, Zijad Škiljan and Safet Mukić were especially brutal towards the Serb prisoners.

Evidence: 561/94-6.

7.1.36.13. On 13 September 1995, in the village of Bravice, some 4 km before Jajce on the road between Srbobran and Jajce, Croatian troops ambushed a refugee convoy en route from Srbobran and killed the following persons:

1. Milja Aćimović, born in Barbarići near Bugojno, in 1924. Perished in a bus (witness 715/95-15),
2. Zdravko Bandulaj, a driver from the village of Šalići, between 40 and 45 years of age (witness 715/95-17),
3. Jovanka Zeljko, wife of Mihajlo, from the village of Blagaj near Srbobran. Killed with her husband on a horse-drawn cart (witness 715/95-16, 718/96-27 and 818/95-23),
4. Marijana Zeljko, perished in a bus (witness 818/95-2),
5. Marinko Zeljko, perished in a bus (witness 818/95-2),

6. Mihajlo Zeljko, from the village of Blagaj near Srbobran, aged about 50. Killed with his wife on a horse-drawn cart (witness 715/95-16, 718/96-27 and 818/95-23),
7. Borisav Janković, from the village of Šatare, born on 5 March 1989; son of Milovan and Andja, died in the arms of witness 718/96-27 (witness 360/96-12),
8. Velibor Veljko Janković, from Šatare, Municipality of Srbobran, 7th grade elementary school pupil, born in 1982; son of Nedeljko (witness 360/96-12 and 718/96-27),
9. Daliborka Janković, housewife from the village of Šatare, aged 22; daughter of Nedeljko, married, mother of one child (witness 360/96-12 and 718/96-27),
10. Danijela Janković, from Šatare, Municipality of Srbobran, business school sophomore, born in 1978; daughter of Slavko and Mira, burned alive in a bus (witness 718/96-28, 360/96-12, 718/96-27),
11. Dragan Janković, from Šatare, Municipality of Srbobran, born in 1990; son of Mića and Daliborka, killed in a bus (witness 360/96-12, 718/96-27),
12. Mira Janković, housewife from the village of Šatare, aged 39, born in the village of Barice, Municipality of Donji Vakuf; daughter of Ilija Topić and Milojka, mother of three minors (witness 360/96-12),
13. Stojan Kaurin, from Srbobran, born in the village of Bijelo Buće, in 1914, stayed in the bus he was in where he was burned alive (witness 426/96-45 and 818/95-21),

14. Staka Nedjić, from the village of Šatare near Srbobran, aged around 40 (witness 718/96-27) and
15. N.N., mother of Svetlana Gudalo from Turbe (witness 818/95-2).

Evidence: 715/95-12, 715/95-13, 715/95-14, 715/95-15, 715/95-16, 715/95-17, 818/95-21, 818/95-23, 818/95-12, 818/95-2, 360/96-12, 360/96-13, 425/96-45, 417/96, 547/96-26, 718/96-28, 718/96-27.

7.1.37.0. Rudo

7.1.37.1. On 9 September 1992, on the road from Rudo to Brodari, near the confluence of the Lim and the Drina rivers, in Rudo municipality, Muslim soldiers opened fire on a Rudo Medical Centre ambulance, knowing that it could only contain Serbs, and fatally wounded:

1. Dr Stojana Jojović (female), who had probably died before she fell into the hands of the Muslim soldiers.
2. Ljubica Kastratović (father: Miladin), born 1947, a nurse, was slightly wounded, captured and later killed by the Muslim soldiers.

The driver and co-driver managed to escape.

The bodies were exchanged three months later.

This Muslim unit was led by Ahmet Sejdić from Višegrad.

Evidence: 440/94-32, 34 and 37.

7.1.38.0. Hrasnica

7.1.38.1. On 22 April 1993, Muslim soldiers executed in Hrasnica three Serbs:

1. Miloš Krstić, born 1950;
2. Ranko Varagić, born 1969; and
3. Slavoljub Kapetina, born 1963.

The three Serbs had been imprisoned in the camps for Serbs in Tarčin and then in Krupa before the Muslim soldiers took them to Hrasnica.

Their bodies were handed over to Bosnian Serbs on 18 June 1993. Autopsy reports showed that all three had been shot and hit with blunt objects before being executed.

Evidence: 112/95-7.

7.1.39.0. Derventa

7.1.39.1. On 9 May 1992, Muslim-Croat forces attacked the Serb village of Polje near Derventa. They found only old, sick or wounded people there and executed all of them:

1. Djordje Banović (father: Gligor);
2. Danica Bogdanović (father: Obrad);
3. Milenko Milošević (father: Nedeljko);
4. Zoran Milojević;
5. Vid Vasić (father: Ignja), born 1920;
6. Rajko Jovičić (father: Krsto);
7. Dušan Banović (father: Vid);
8. Pero Micić (father: Risto);
9. Mirko Ćurčić (father: Obrad);
10. Boro Živković (father: Dušan); and
11. Gospava Milić (female, father: Pavle), born 1916.

Post mortems after the exhumation of their bodies showed that the skulls of eight had been crushed causing fatal brain destruction.

These murders were committed by the 109th Muslim- Croat Brigade.

Evidence: 249/95.

7.1.39.2. On 30 April 1992, Croat units entered the village of Kulina near Derventa and killed:

1. Vasilije Patković (father: Simo), born 1922 in Kulina.

Patković was slaughtered on his doorstep. Vasilije had only one leg and was alone at home when the Croat soldiers came to the village. His neighbours buried him in the yard. The investigating judge of the District Court in Derventa exhumed his body on 10 September 1993, and Dr Ljubomir Curkić performed a post-mortem, which showed that he had a 7 by 9 cm wound in the back of his skull.

Perpetrators: Dus Padaivan, police chief in Derventa, and Iko Stanić, chairman of the HDZ branch in Derventa.

Evidence: 438/94-4, 584/94-21.

7.1.39.3. In April 1992, uniformed persons killed the Serb:

1. Mladen Grabovac, born 1938.

Grabovac was taken from the surgical ward of Derventa hospital and found later with his throat slit in the Muslim cemetery in Derventa.

Evidence: 584/94-29.

7.1.39.4. On 26 April 1992, Croat and Muslim HOS soldiers attacked the mainly Serb Čardak suburb of Derventa and captured the witness and Mitojko Popović. They were ordered them to stand against a wall, and one of the Croat soldiers then fired a burst from an automatic rifle and killed:

1. Miloško Popović (father: Drago), born 1955 in Carani in Derventa municipality.

They then kicked and punched the witness until one of their officers told them that a corporal called Damir had been killed nearby and ordered them to take the witness to where the fighting was. They made the witness retrieve the body of the dead Croat soldier from the space between Croat and Serb lines.

They then beat the witness again and took him to the village of Polje, where there were 11 other arrested Serbs. They were all told they would be shot and lined up before a mock firing squad.

2. Gavro Petković, a teacher born in the village of Kalendarovci who lived in Derventa, tried to escape, which gave the HOS soldiers the opportunity to shoot him in the back and kill him.

Evidence: 438/94-11 and 438/94-19.

7.1.39.5. In May and June 1992 Serbs imprisoned in a camp in Rabić near Derventa were taken to dig trenches for Croat-Muslim forces. From a group of 15 prisoners, about half managed to escape, including K. from Derventa and P. Those who did not manage to escape were immediately killed at a place called Spomenik:

1. Milorad Gunjević from Derventa, who worked in the "Unis" pipe factory;
2. Miro Jovičić (father: Petar), aged 23, from Kulina near Derventa;
3. Nenad Panzalović from Donja Cerina;
4. Rade Bikur; and his son
5. Željko Bikur; and
6. Savo Pavlović from Čardak in Derventa, born 1956.

Among the perpetrators, Nihad Hamzić, aka "Fritz" or the "camp commander", has been identified.

Evidence: 438/94-4, 5, 6, 13, 20, 23, 27, 584/94-8, 6, 34 and 55/95-39.

(Annex No. C 128 svedočenje M.P./testimony M.P., pp. c1311-1314/c1315-c1319)

7.1.39.6. In June 1992, Ivica Lipovac, aka "Damir", commander of the camp in Poljare near Derвента, entered a room in which Serb prisoners were held and asked: "Who was it that wanted to escape?" Everybody was silent. He then fired a machine gun burst into the ceiling and ordered all the inmates to go out and line up. From the line he singled out:

1. Boris Stjepanović, born 10 February 1932 in Srebrenik, who lived in Zagreb, placed him against a wire fence, and killed him with a burst from an automatic rifle. He showed Stjepanović's dead body to the inmates he had lined up for the purpose and told them that he was the one who had killed him. Then he singled out:

2. Boro Marković (father: Stevo), aged 28, from Žeravac in Derвента municipality, and asked him who had wanted to escape. When Marković said he did not know, he ordered him to open his mouth, put the barrel of his pistol in it and fired. Stjepanović and Marković were killed in front of all the other inmates of the camp of whom there were between 60 and 80 at the time.

Perpetrator: Ivica Lipovac (father: Ante), aka "Damir", born 1969 in Polje in Derвента municipality.

Evidence: 438/94-19 and 584/94.

7.1.39.7. In late April 1992, Serbs from the Čardak suburb of Derвента imprisoned in the former JNA club in Derвента were tortured and beaten so badly that many of them lost consciousness. After one such beating:

1. Blagoje Djuraš, who lived on Kosovskih junaka Street in Čardak,

collapsed. The female guard Azra Kovačević went over to him and slit his throat with a knife, saying that she was helping him to die. Other Serb prisoners, especially Š. and G., were then made to lick the blood from Djuraš.

Before that, Š. and G. had been made to hold Djuraš up when he fell down.

Azra Kovačević from Derвента has been identified as the perpetrator of this crime.

Evidence: 438/94-27 and 584/94-6.

7.1.40.0. Hadžići

7.1.40.1. On 25 May 1992, Muslim soldiers attacked the hamlet of Milošević in Kasatići village in Hadžići municipality and killed all the Serbs they found:

1. Dejan Milošević, born 1924; his wife
2. Jovanka Milošević, born 1929; their son
3. Aca Milošević, born 1952; and
4. Srdjan Milošević, born 1968, who was blind.

Azemin Sadiković, who led the soldiers, cut off Srdjan's sexual organ.

5. Ilija Milošević, born 1941; and
6. Goran Todorović, born 1967, whom Fahrudin Hadžajlić first shot and then slaughtered.

After killing these six people, the Muslim soldiers looted and burned their houses.

Evidence: 112/95-1. and 718/96-6, (Annex No. C 67, svedočenje M.M.3/testimony M.M.3, pp. c691-c694/c695-c698)

7.1.40.2. On 25 May 1993 Muslim soldiers captured seven Bosnian Serb soldiers, some of whom were wounded, on Stupnik point on Mt Igman in Hadžići municipality, and brutally killed:

1. Milorad Mičić;
2. Sreten Zimonja;
3. Radenko Marilović;
4. Goran Šekerović;
5. Mihajlo Šaranac;
6. Rade Antonić; and
7. Mladen Golub.

The bodies of the dead Serb soldiers were exchanged on 29 June 1993. An autopsy revealed that none had gunshot wounds, but all had fractures of the skull, arms, legs and other bones.

Evidence: 112/95-4 and 112/95-6.

7.1.40.3. Members of the Army of Bosnia- Herzegovina systematically shelled the Serb part of Hadžići. The following people were killed outside the zone of combat:

7.1.40.3.1. On 9 August 1992 a shell exploding in Crnogorska brigada Street killed:

1. Tankosava Samouković; and
2. Nenad Magazin.

A third person, whose name is known to the Committee, was seriously wounded in the chest, head and left arm.

7.1.40.3.2. On 1 January 1993 at 4.00 p.m., a shell exploded in Slobodan Princip Street and killed:

1. Gvozden Soldat, aged 14, elementary school pupil

and seriously wounded his father.

7.1.40.3.3. On 14 January 1993, a shell exploded in Slobodan Princip street and killed:

1. Vlado Pušara.

The shell came through the window of the dining room where he was sitting.

7.1.40.3.4. On 13 April 1993, the following children were killed in the same street while playing in front of their home:

1. Staša Samardžić, aged 14; and
2. Srdjan Žuža, aged 12.

Evidence for 1 to 4: 112/95-8.

7.1.40.4. On 29 June 1994 a Muslim sniper from Dobrinja killed:

1. Radojka Elez (female, father: Jovan),

who was shot while she was on the balcony of her flat at 22 Ilija Smiljanić Street in Ilidža and died instantly.

Evidence: 296/95-13.

7.1.40.5. On 8 August 1994, a projectile fired from Muslim positions at a bus travelling from Hadžići to Ilidža killed:

1. Tanja Gagić, a dentist from Ilidža,
and slightly wounded another person.

Evidence: 296/95-14.

7.1.41.0. Bihać

Statements of witnesses suggest that the living conditions of Serbs in Bihać began to change for the worse in the autumn of 1990, when the Muslim SDA party won the multiparty elections in that area. Serbs began to be removed from almost all important jobs, not only in political but also in economic life. In their everyday life also, Serbs had increasingly frequent unpleasant experiences. They were called "Chetniks" and asked why they had not moved from Bihać, because it was not their town, and so on.

In the summer of 1991, pressure on the Serbs increased when HDZ and HOS members appeared in Bihać and began illegal military training of Muslims.

Serbs were prevented in various ways from pursuing any kind of business activity. They were denied licences to open

firms, were prevented from renting business premises, and in some cases the windows of Serb shops were smashed.

The well-known Garavica World War Two memorial complex, in which 12,000 Serbs from the Bihać region were buried, was systematically vandalised by Muslims. All valuable items from this complex were stolen and engraved marble plaques were destroyed.

On account of all this, the Serb population in Bihać felt increasing pressure and began to move out in large numbers. All vacated Serb flats and houses in Bihać and the surrounding area were looted and many were demolished.

Evidence: 333/95-33

7.1.41.1. Many Serb civilians were killed in Bihać between 1992 and 1994. Details are available for the following:

1. Anka Beslač from the village of Bosanski Doljani, Municipality of Bihać, aged between 65 and 70, killed in her house in late October, 1994. (witnesses 61/97-15, 61/97-16, 61/97-18)
2. Nedjo (or Mirko) Borjan, gas station worker in Ripač, born in the village of Hrgar, Municipality of Bihać, killed in the spring of 1992. (witnesses 61/97-8, and 61/97-16)
3. Stana Budisavljević, aged 64, was killed in August, 1994. in her house in Jezero Street and her flat was plundered. (witness 333/95-33).
4. Ljubiša Vujinović, from the village of Račić, Municipality of Bihać, aged around 80, whose body was found cut up (witnesses 61/97-15, 61/97-16)
5. Milka Gajić, from the village of Račić, Municipality of Bihać, aged around 80. (witnesses 61/97-15, 61/97-16)

6. Bosiljka Gogić, from the village of Račić, Municipality of Bihać, wife of Marko Gogić, aged around 65, whose body has not been found (witnesses 61/97-15,, 61/97-16)
7. Marko Gogić, a pensioner, from the village of Račić, Municipality of Bihać, born in Čelije, in 1923. Killed in prison Luke in Bihać. His body was exchanged on 1 December 1994, when it was recorded that he had a stab wound in the area around the heart. (evidence: 413/95 and 520/95; witnesses 61/97-15, 61/97-16).
8. Danica Grbić, from the village od Račić, Municipality of Bihać, aged around 70; daughter of Mihajlo Grubor, wife of Jovo Grbić, killed in the village of Doljani. (witnesses 61/97-15, 61/97-16, 61/97-18)
9. Jovo Grbić, from the village of Račić, Municipality of Bihać, aged around 80, whose body has not been found (witnesses: 61/97-15, 61/97-16, 61/97-18)
10. Dušan Grubor, from the village of Račić, Municipality of Bihać, prisoner of the Muslim camp where he had been beaten up repeatedly. He died of injuries after he had been set free (witnesses 61/97- 15, 61/97-16, 61/97-18)
11. Petar Kasapović, had been caught by the Muslim army soldiers on the night 8/9 1992, after his ambulance had strayed into the village of Čekrlje, Municipality of Bihać. He was lying, seriously wounded in the Bihać hospital from where he was taken by the soldiers of the Muslim "Crna legija ("Black Legion") unit in an unknown direction. His body was exchanged on 19 December 1992, in Petrovo Selo. Petar's wife then noticed he had a perforating gunshot wound in his thigh, his ears and nose were cut off, his teeth had been knocked out and his jaw broken (witness 105/96).
12. Boja Kenjalo, from the village of Račić, Municipality

of Bihać, aged around 106. She was taken to the jail of Luke in Bihać on 26 October 1994, where she was killed (evidence: 413/95 and 520/95; witnesses 61/97-15, 61/97-16)

13. Djuja Kenjalo (f), from the village of Račić, Municipality of Bihać, aged around 80 (witnesses 61/97-15, 61/97-16, 61/97-18).
14. Djuro Kenjalo, an ex-policeman, from the village of Račić, Municipality of Bihać, born around 1940, son of Mihajlo, killed upon capturing. They pulled his heart out and left him spread-eagled on a tree (witnesses 61/97-8, 61/97-15, 61/97-16, 61/97-18)
15. Mihajlo Kenjalo, a pensioner, from the village of Račić, Municipality of Bihać, born in Račić near Bihać, in 1912 (1914). Killed in the jail of Luke in Bihać. His body was exchanged on 1 December 1994 and it was recorded then that his right leg had been cut off. (evidence: 413/95 and 520/95; 61/97-15, 61/97-16, 61/97-18)
16. Rade Kenjalo from Račić, Municipality of Bihać, aged around 80 (witnesses 61/97-15, 61/97-16)
17. Dragan Knežević, from the village of Račić, Municipality of Bihać, aged around 70, whose body had been cut up (witnesses 61/97-15, 61/97-16).
18. Djuja Knežević, from the village of Račić, Municipality of Bihać, born in 1930; daughter of Steva, wife of killed Stojan Knežević. She was found hanged from a willow tree by the river of Una (witnesses 61/97-15, 61/97-16).
19. Stevo Knežević, born in Palučica, in 1938, Municipality of Drvar; son of Djukan and Andja, (maiden name Tadić), reservist in the Army of the Republic of Srpska. He had been captured on the

Bihać front in the area of Grabež, on 11 November 1992, by the soldiers of the Muslim Army. After that he disappeared without a trace (witness 195/97-41).

20. Stojan Knežević, from the village of Račić, Municipality of Bihać, born in 1930. His throat was slit and his body thrown into a canal (witnesses 61/97-15, 61/97-16).
21. Milan Kovačević, from the village of Račić, Municipality of Bihać, aged around 60 (witnesses 61/97-15, 61/97-16).
22. Ilinka Labus, from the village of Račić (Doljani), Municipality of Bihać, aged between 65-70, she had been slaughtered in her house in October 1994. Her body was found mutilated (witnesses 61/97-8, 61/97-15, 61/97-16, 61/97-18).
23. Djuro Milisavljević, from the village of Račić, Municipality of Bihać, aged around 80 (witnesses 61/97-15, 61/97-16).
24. Mina Pilipović, aged around 45, worker of the Kombiteks textile factory, killed and mutilated in November 1992 in a Bihać suburb. Her body was found in the street. (witness 333/95-33).
25. Jovo Radaković, born in 1934. He had been beaten up several times in the jail of Luke in Bihać. He could not eat or drink for fifteen days, due to the injuries he had suffered. He had been lying half-conscious in the corner of his prison cell all the time. He was later transferred from the district jail in Bihać - Luke - to Bihać hospital where he later died (evidence 759/95).
26. Miloš Stanić, employed in the meteorological station in Bihać, killed in his flat, on 30 August 1994. (witness 333/95-33)

27. Mirko Ćazić, a teacher, a respected Serb from Bihać, killed on the bridge in Bihać, on 15 October 15, 1994 (witness 333/95-33)
28. Sveto Čamber, from Sanski Most, died in the prison camp in the "27. Juli" barracks in Bihać, in late 1995 (witness 61/97-32).
- 29-30. Two unknown Serbian women, killed in the residence area of Jasike, near Bihać (witness 333/95-33).

Whose responsible for these crimes are soldiers of the 5th Corps of the Army of B-H, and in particular: Husein Šarganović, commander of the 505th Buzim brigade and soldiers of this brigade, Dedić, a Muslim, camp warden at the district jail in Bihać-Luke (evidence: 795/95), Fadil Mujić, a jailer, he was a salesman before the war and was especially brutal to prisoners in the camp in the district prison of Bihać - Luke (evidence 759/95), Hamdo Remić, aged around 30, head warden in the camp belonging to the district jail in Bihać - Luke (evidence (759/95), Josim Šantić, former JNA captain, a Croat, head of security in Bihać, responsible for the killings of the Serbs in the camp of the district jail in Bihać - Luke (evidence: 759/95).

Evidence: 333/95-33, 413/95, 520/95, 759/95, 61/97-8, 61/97-15, 61/97-16, 61/97-18, 61/97-32, 195/97-41.

7.1.42.0. Vlasenica

7.1.42.1. On 15 August 1992 Muslim forces stationed at Cerska launched a surprise attack on the village of Šadići in Vlasenica municipality and killed the following Serbs:

1. Drago Mišić, aged 58;
2. Milivoje Mišić (father: Drago), born 1966;
3. Mićo Mišić, born 1957;
4. Peja Mišić (female), born 1958;
5. Gojko Vuković, born 1962;

6. Jovanka Mišić (female), aged about 66;
7. Tomislav Mišić, born 1964;
8. Sreten Tomić, aged about 32;
9. Miroslav Kević, aged about 30;
10. Milan Lazarević, born 1952; and
11. Radojka Mišić, aged about 65.

Most of the victims were mutilated. For example, Peja Mišić had crosses carved on her breasts and her vagina had been cut with a knife. Most of the houses and other buildings in the village were looted and burned down.

The attack on Šabići was led by Bećir Mekanjić, former mayor of Vlasenica, and Alija Baltić from Cerska was among the ring leaders.

Evidence: 184/95-24, 184/95-25 and 184/95-26 (Peja's child) and 184/95-27.

7.1.42.2. On 23 June, 1992, Muslim forces stationed at Cerska attacked the village of Jasikovica in Vlasenica municipality and killed:

1. Savo Bačić from Vlasenica; and
2. Brana Vidović, from Cikote.

They then looted and burned the village.

The attack on Šabići was organised by Bećir Mekanjić, former mayor of Vlasenica, and Alija Baltić from Cerska took part in the crimes.

Evidence: 184/95-27 and 184/95-28.

7.1.42.3. On 13 August 1992 Muslim forces stationed at Cerska attacked the village of Klještani in Vlasenica municipality and killed:

1. Radovan Klještan;
2. Bogdan Klještan;
3. Vojin Klještan; and his wife

4. Grozda Klještan.

These murders were committed by Alija Torlak from the village of Turalići and other Muslim soldiers.

Evidence: 184/95-29.

7.1.42.4. On 26 September 1992, Muslim forces stationed at Cerska attacked the village of Rogosije in Vlasenica municipality. When the defenders were forced to withdraw, they captured and brutally killed the following wounded prisoners:

1. Mirko Prodanović;
2. Milan Stanišić;
3. Nedjo Stanišić;
4. Ljubomir Jurošević;
5. Zoran Ravnjaković from Donji Zalukovik;
6. Dragoljub Deurić;
7. Milo Prodanović;
8. Žarko Prodanović;
9. Bora Tešić;
10. Dragomir Jaćimović from Vlasenica;
11. Čedomir Došić;
12. Milovan Kovačević;
13. Luka Majstorović;
14. Boško Dragić;
15. Dušan Djurić;
16. Dimitrije Alempić from Vlasenica;
17. Velo Majstorović;
18. Mića Mitrović;
19. Rajko Rebić;
20. Milan Mijić;
21. Radenko Sekulić from Sekulići;
22. Goran Pejinović;
23. Jadranko Ševkučić;
24. Aleksandar Drakulić from Vlasenica;
25. Milan Vujičić;
26. Tomislav Tešić;
27. Milan Sekulić; and
28. Nenad Stanišić.

Evidence: 184/95-19, 184/95-20, 184/95-22, 184/94-23 and 440/94-31, and report by forensic expert Dr Zoran Stanković.

This event is referred to in the Third Submission of the US Government of 10 November 1992, which states that an American free-lance writer reported that he had seen bodies of massacred and tortured Serbs displayed in the Serbian Orthodox Church. "Some of the bodies were charred, others had the fingers of the right hand, with which the Orthodox cross themselves, cut off, some were circumcised as the ultimate humiliation, the eyes of some had been gouged out, all had stab wounds and their heads were smashed beyond recognition, arms and legs were broken or cut off."

The Muslim forces were commanded by Bećir Mekanjić, formerly mayor of Vlasenica, and Amir Šiljković took part in killing the wounded defenders.

7.1.43.0. Pazarić

7.1.43.1. On 15 August 1992 the female witness 412/94-10 was in her house in Ferhatlije near Pazarić together with her father-in-law, mother-in-law and her two young children. Their neighbour Seid Mehmedić and a group of Muslim "Blackshirts" from Jablanica came and drove them out of the house. One, called Zlatko, brandished a whip with knotted leather straps. He took out a knife and threatened them, saying he liked most of all to slaughter little children in front of their mothers.

The witness sought help from Muslim policemen Fadil Isić and Nevzet Kazović from Pazarić, but they advised her to move out. She fled to her neighbour's house.

On 8 September at about 9 p.m., five people, four in uniforms and one in civilian clothes, broke down the neighbour's door, beat the neighbour's wife and took a wedding ring from another woman who was in the house. They sought money and jewellery and threatened to kill everyone.

Seid Mehmedić kept coming to the house and threatening to kill everyone. He also encouraged Muslim women, children and old men to throw stones at the witness and call her a "Chetnik". On one such occasion she was saved by passers-by, but soon after that Seid and his son Fikret Mehmedić burned down the witness's house. She fled with her children to another house. The "Blackshirts" came to that house too. One called Ismet threatened to kill her and her children.

1. Joka Bratić (female)

was forcibly taken from the village to Pazarić and held there for four to five days. She was hysterical when she returned and was found a few days later hanged in the garage. It has not been established whether she committed suicide or was murdered.

The witness states that in September unidentified Muslim soldiers cut the throat of:

2. Špiro Bratić.

Following this, the witness left Ferhatlije on 28 October 1992 and is now a refugee.

The following perpetrators have been identified: Seid Mehmedić (father: Bajro), aged about 55, Fikret Mehmedić (father: Seid), aged about 30, Zlatko, surname unknown, a "Blackshirt", and Ismet, surname unknown.

Evidence: 412/94-10.

7.1.44.0. Trnovo

7.1.44.1. On 31 May 1992, Croat and Muslim soldiers led by Ethem Godinjak, Meho Terzo and Merim Bratić came in lorries and other vehicles to Trebečaj village in Trnovo municipality. On the pretext of looking for arms and radio transmitters, they searched the houses of Serb families E., V., K. and V. They beat, maltreated and

humiliated the old men and women they found. They beat them with rifle butts, pistols, sticks and kicked them.

They stripped the K. brothers and made them run through the village shouting "Long live Tujman". Many Serbs fled the village that night out of fear, but 11 old and sick people remained in Trebečaj and the hamlets of Desetci and Milje. From 5 to 16 June 1992, all these people were killed in their homes or the surrounding woods:

1. Zorka Knežević (female), born 1915, in Ruljići village, bed-ridden, was strangled on 5 June in her house and buried in a shallow grave near by. A post-mortem was conducted after exhumation of her body on 4 August.
2. Nikola Knežević (father: Jovan), born 1916 in Trebečaj; and his wife
3. Milka Knežević (father: Todor), born 1922, were killed and thrown into a pit near their home, where they were discovered on 4 August.
4. Miloš Vlaški (father: Dušan), born 1925, was killed near the village where he had tried to hide. His partly burned body was found and identified on 2 August.
5. His wife Rista Vlaški, born 1934, was killed on 14 June by Muslim soldiers led by Hamdo Ramić and her body was found on 2 August. An on-the-spot post-mortem showed that her skull had been smashed with a blunt object.
6. Desanka Vlaški (female, father: Spasoje), born 1909 in Mušić, was killed between 5 and 14 July in the village, and her body was found on 2 August. Her skull had been smashed with a blunt object.
7. Stana Elez (female, father: Petar), born 1900 in Tošići, bed-ridden, was shot in the mouth in her home on 5 July. Her body was seen the next day on a couch in the house of Savko Elez, and was later found in a lime pit near her house.

On 5 June 1992, Muslim and Croat soldiers also attacked the neighbouring Serb hamlets of Desetci and Milje and killed:

8. Ljeptosava Vitković (female), born 1921, from Trebečaj;
9. Draginja Vitković (female), born 1922 in Ledići, living in Desetci;
10. Cvija Vitković, born 1924 in Djurovo, living in from Desetci;

Their bodies were found partly burned in their homes.

11. Boriša Ivanović (father: Aleksa), born 1912 in Milje, was killed and burned up on 15 June. His bones were found on 28 June in a plastic bag buried in a shallow grave in the family burial plot in Milje. A post-mortem revealed that his upper left arm had been broken in two places.

The following perpetrators have been identified: Ethem Godinjak, aka "Evo" (father: Ibrahim), born 20 November 1951, Muslim chief of public security in Trnovo, who was awarded the "Golden Lily" order for this crime; Meho Terzo (father: Meho), born 1 January 1945, retired policeman; Merim Bratić, HOS member; Amdo Ramić (father: Mustafa), born 24 August 1957; Medaris Šarić, aged about 35, from Herzegovina, former JNA officer, commander of Trnovo-Hadžići Battalion and later commander of the so-called Headquarters of Trnovo Armed Forces.

Evidence: 228/94.

7.1.44.2. On 3 June, 1992 at about 7 p.m., Muslim and Croat soldiers led by Ethem Godinjak, including the woman Ismeta Kolar, attacked the Serb village of Ledići in Trnovo municipality. The attack lasted all night and the next day Muslim and Croat soldiers killed their prisoner:

1. Nenad Vasić (father: Ostoja), born 1931, in Ledići, at a spot near the village called Banj Potok.
2. His wife Mara Vasić, born 1930, was killed on the same day in the nearby Muslim village of Dejnić.

A group of 21 villagers fled from Ledići towards Kalinovik, but Muslim and Croat soldiers attacked them on 6 June near Ploča on the road to Ljuta, on the western side of Mt Treskavica. Twelve villagers were caught in the attack and killed on the spot.

Following is a list of the murdered victims:

3. Milenko Tešanović (father: Milivoje), born 1960 in Ledići; and his wife
4. Nevenka Tešanović, born 1963 in Foča;
5. Rade Tešanović (father: Milivoje), born 1964 in Ledići; his wife
6. Vinka Tešanović (father: Kreman), born 1965 in Miljevina; and their infant son
7. Milan Tešanović, born 1991,
8. Milorad Tešanović (father: Drago), born 1956 in Ledići; and his daughter
9. Danijela Tešanović, born 1980 in Ledići;
10. Radojka Vasić (female, father: Miloš), born 1954;
11. Slavojka Vasić (female, father: Miloš), born 1964 in Ledići;
12. Sladjana Sekulić (father: Veljo), born 1979 in Sarajevo.

The only survivor of the massacre was Dragan Vasić, an eleven-year old boy who was wounded but remained lying among the bodies pretending he was dead.

The Muslims of the villages of Šabići and Raketnica are suspected of having committed this crime. The suspects include: brothers Mehmed, Salem and Hasim Kadijić, as well as brothers Izet, Ejub and Ismet Delić.

Several hours before this massacre, in Poljice, Muslim and Croat soldiers caught

13. Savo Kenić (father: Ljuba), born 1933 in Ledići,

He is presumed to have been killed that same day.

Only 13 old men and women remained in Ledići after 8 June, and they were soon killed or arrested by Muslim and Croat soldiers. The following were killed:

14. Rade Mijovčić (father: Aleksa), born 1922 in Ledići, whose body was found near Sitnica on 7 August and a post mortem established that he had been decapitated;

15. Savka Vasić (female, father: Nikola), born 1914 in Kijevo, was slaughtered on her doorstep and buried in the yard near the septic tank. Only bones with some connecting tissue and pieces of clothing were found on 7 August, indicating that the body had not been buried for days and had been mauled by animals. There was no skull, indicating that she had been decapitated;

On 18 or 19 June Muslim and Croat soldiers arrested the last five inhabitants of Ledići, took them in the direction of Treskavica, killed them at a turning called "Ledička Krivina" on the macadam road between Trnovo-Raketnica, and threw their bodies about 15 meters away from the road. Their headless skeletons were found lying on the ground with a few pieces of clothing. One skull was without jaw, another had been smashed to pieces and three were missing. The following victims were identified:

16. Tankosava Mijovčić (female, father: Jovica), born 1992 in Močević;
17. Ljubica Vasić (female, father: Djura) born 1908 in Tošići;
18. Ikonija Vasić (female, father: Lazar), born 1910 in Bijelimići;
19. Zoran Vasić (father: Jovan), born 1919 in Raovići; and
20. Milka Vasić (female, father: Danilo), born 1936.

The following perpetrators were identified: Ethem Godinjak, aka "Edo" (father Ibrahim), born 20 November 1951; Ismeta Kolar, aka "Nevenka" (female, father: Bajro), born on 5 March 1962 in Jablanica in Trnovo municipality; Mehmed Kadić (father: Duran), born 22 June 1955 in Raketnica village in Trnovo municipality, before the war a worker in "šumarstvo" enterprise in Trnovo; Salem Kadić (father: Duran), born 18 October 1960 in Raketnica in Trnovo municipality; Izet Velić (father: Adem), born 10 September 1966 in Raketnica in Trnovo municipality; Ejub Velić (father: Adem), born 2 October 1954 in Raketnica in Trnovo municipality, clerk; and Ismet Velić (father: Adem), born 15 May 1962 in Raketnica in Trnovo municipality.

Evidence: 228/94-30 and 281/96-10.

7.1.44.3. Between 6 and 12 June 1992, Muslim and Croat soldiers commanded by Meho Terzo raided the Serb village of Lisović in Trnovo municipality and killed the four old people they found:

1. Marko Ivanović (father: Milan) Ivanović, born 1931 in Lisović, pensioner, whose decapitated body with several stab wounds was found lying on the ground.
2. Simo Ivanović (father: Manojlo), born 1925 in Lisović, pensioner, whose body with some pieces of clothing was found on 18 September in Čumurnica;
3. his wife Cvijeta Ivanović (father: Aleksa), born 1923 in Ulobić, whose body was found on 19 September near the village forest; and
4. Danilo Ivanović (father: Blaško), born 1925, pensioner, whose body was found on 20 September in Podkrš;

The Muslim and Croat soldiers then looted and burned down 15 homes of the Ivanović family.

Meho Terzo (father: Meho), born 1 January 1945 in Pendičići in Trnovo municipality, a retired policeman who lived in Trnovo, was identified as one of the perpetrators.

Evidence: 228/94-26 and 128/97-2.

7.1.44.4. Early in the morning of 7 July 1992, Muslim and Croat soldiers from Strajnište on Mt Igman, commanded by Ethem Godinjak and Hajrudin Ploskić, attacked the unprotected Serb villages of Donja Presjenica and Gornja Presjenica. Among the attackers, Ismeta Kolar, Adem Šukurović, Salem Ploskić, Zahid Omerbegović, Junuz Omerbegović, Fehim Sarajkić, Munib Sdemović, Hajrudin Elezović, Zaim Kolar, Šefik Karić, Šefik Karić, Hamdo Karić and Redžo Kolar were recognised.

They rounded up about 30 Serbs from Gornja Presjenica, mostly women, children and old people, and shut them up

in the house of Ramiz Ploskić, where Ethem Godinjak threatened to kill them.

Between 7 and 10 July 1992, in Gornja and Donja Presjenica and in Strajišta, Muslim and Croat soldiers killed 14 Serb civilians, predominantly elderly men and women, 8 of which were burned up in their homes after they were killed. The victims were:

1. Janko Popović (father: Bogdan), born 1913 in Gornja Presjenica, was butchered on 7 July and his decapitated body was found on 3 August.
2. Mirko Šehovac (father: Danilo), born 1926 in Gornja Presjenica, a bed-ridden disabled person, and his wife
3. Tankosava Šehovac, born 1924, were butchered in their house on 7 July.

Two days later, Muslim soldiers burned all the remaining Serb houses in the village, including the house with the bodies of the Šehovac couple in it. Remains of their bones were found in the ashes of the house on 2 August. Evidence gathered so far indicates that they were killed by Adem Šukurović and Ismeta Kolar.

4. Kosta Šehovac (father: Gligor), born 1906 in Presjenica; and his wife
5. Jovanka Šehovac (father: Boža), born 1909, were shot in front of their house on the same day. Their bodies were exhumed on 3 October 1993.

Evidence gathered so far indicates that they were shot by Junuz Omerbegović.

6. Savka Ljuboje (female), born 1908, was killed on 7 July in the hamlet of Gornje Selo;

7. Mirko Kravljača (father: Ilija), born 1908 in Strajišta, was butchered in his house on 7 July. Neighbours saw his body when they fled the village, but it has not been found.

8. His wife, Kosa Kravljača, born 1926, was also butchered on 7 July near their house in Strajište.

All Serb houses were looted and burned.

Also on 7 July 1992, Muslim soldiers attacked Donja Presjenica and the hamlet of Mošići. They found six old men and women in the houses of the Cvijetić family. They promised not to harm them and gave them some kind of quasi-official documents. Two days later they slit their throats.

On 10 July, the witness returned from the nearby woods where he had been hiding and found the bodies of six of his relatives and neighbours who had been butchered in their houses on 9 and 10 July 1992:

9. Dušan Cvijetić (father: Veljko), born 1933 in Donja Presjenica; and his wife,

10. Zora Cvijetić, born 1933 in the village of Krupac, were found butchered in the living room of their house;

11. Miloš Cvijetić (father: Boža), born 1909 in Donja Presjenica; his son,

12. Vinko (father: Miloš) Cvijetić, born 1933 in Donja Presjenica; and Vinko's wife

13. Dragica Cvijetić, born 1932 in the village of Unčani, were all found butchered in the living room of their home;

14. Dragica Cvijetić, born 1912 in the village of Unčani, wife of Kosta Cvijetić, who was butchered in her house.

Several days later, Muslim soldiers came back to the village and burned houses and outbuildings belonging to the Cvijetić

family. The bodies of all the family were burned except for that of Dušan, which was found buried near his house.

His grave was marked with a makeshift cross made of boards stuck into the ground. Investigators found only some charred bones of other members of the Cvijetić family.

Among the perpetrators, the following have been identified: Ethem Godinjak, aka "Edo" (father: Ibrahim), born 20 November 1951 in Sarajevo, Muslim, before the war chief of public security in Trnovo; Hajrudin Ploskić, aka "Lelo" (father: Ramiz), born 5 January 1961 in Donja Presjenica; Ismeta Kolar, aka "Nevenka" (female, father: Bajro), born 5 March 1962 in Jablanica in Trnovo municipality; Adem Šukurović, aka "Šukur" (father: Ramiz), born 24 November 1966 in Jablanica in Trnovo municipality; Salem Ploskić; Zahid Omerbegović; Junuz Omerbegović, aka "Juka" (father: Vejsil), born 1 May 1952 in Presjenica in Trnovo municipality, metal worker; Fehim Sarajkić (father: Mustafa), born 22 September 1950 in Presjenica in Trnovo municipality, before the war boiler man in "4 April" elementary school in Trnovo; Munib Ademović (father: Zejnil), born 1 February 1949 in Ostojići in Trnovo municipality; Hajrudin Elezović; Zaim Kolar (father: Zajnil), commander of the so-called "Kijevo detachment"; Šefik Karić, aka "Šeško" (father: Esad), born 26 April 1963 in Kijevo in Trnovo municipality; Hamdo Karić, aka "Hamo" (father: Mustafa), born 22 July 1962 in Kijevo in Trnovo municipality, before the war Territorial Defence chief in Trnovo; Redžo Kolar (father: Hamid), born January 1967 in Jablanica in Trnovo municipality, forester.

Evidence: 206/97-4, 281/96-10, 228/94-15, 20 and 21.

7.1.44.5. On 30 July 1992 Muslim and Croat soldiers attacked Serb defence at Škripov Gaj near Trnovo, captured and killed the following Bosnian Serb soldiers:

1. Darko Parežanin (father: Nedjo);
2. Spasoje Popović (father: Svetozar); and
3. Radovan Trgovčević (father: Jova).

All were tortured before being killed. Darko Parežanin was decapitated, his front teeth and jaw had been smashed and

there was a 2.5 x 1.5 cm gunshot wound on the left temple, indicating that he had been shot while sitting or lying down. Spasoje Popović's skull was not found. The body of Radovan Trgovčević was found upside down in a shallow trench.

Evidence: 228/94-32.

7.1.44.6. On 12 November 1992, in Kucin in Trnovo municipality Muslim and Croat soldiers captured and killed the Bosnian Serb soldier:

1. Pero Vitković, born 1950 in Trnovo, a private transport contractor.

His body was found on 18 September 1993 near Rajski Do hotel, about 5 kilometres from where he was captured. His legs were tied with a metal cable about 6-7 meters long and 6 millimetres thick.

The other end of the cable was tied to a board about 80 cm long and six to eight thick. Many of the bones were broken, the skull was smashed and his clothes were torn, indicating that he had been dragged from Kucin to Rajski Do, most probably tied to a vehicle.

Ethem Godinjak has been identified as one of the perpetrators of this crime.

Evidence: 228/94 - report and photographs from the scene of the crime.

7.1.44.7. The persecution and murders of Serb civilians in Kijevo in Trnovo municipality began at the end of May and beginning of June 1992.

The Muslim extremists Mehmed Zoltan, Bajro Biča, Mujo Konak and Ibro, surname unknown, from Doboje were the ring leaders in these killings.

The following Serbs were brutally murdered:

1. Danilo Pucar (father: Staniša), born 1913, whose body was doused with petrol and burned;

2. Jovanka Lalović (female, father: Ilija), born 1914 in Grab village, was killed in her house in Grab which was then set on fire;
3. Andja Vukomanović (female, father: Krsta), born 1923, was butchered early in August 1992;
4. Randijja Vukomanović (female, father: Mašika), born 1929, was killed early in July in the house of Nedja Tešarin in the hamlet of Podčadjelo in Kijevo, and then burned with the house;
5. Drago Vukomanović (father: Jovo), born 1950 in Kijevo, was killed and burned in the same house;
6. Rajko Vukajlović;
7. Sreten Klepić (father: Staniša), born 1940, pensioner, was killed on 15 November 1992 in Oglavak.

Evidence: 228/94-31 and 281/96-10.

7.1.44.8. In late July 1992, Croat-Muslim forces led by Ethem Godinjak and Medaris Šarić attacked the villages of Kiselica, Bistročaj, Širokara and Tošići in Trnovo municipality. They caught many escaping Serbs at the Rogaj pass, brutally killed many on the spot and took the rest to Dejčići prison.

The following villagers were killed:

1. Vaso Bjelica (father: Marko), born 1933 in Ilovica village in Trnovo municipality, pensioner, bed-ridden; and his wife,
2. Bosa Bjelica (father: Aleksa), born 1927 in Čurežići, were killed on 31 July or 1 August in Trnovo;
3. Cvija Orlić (female, father: Ljuba), born 1918 in Tošići in Trnovo municipality, was killed in Trnovo;
4. Milka Ilić (father: Luka), born 1910 in Rogošići in Pale municipality, was found hanged in her flat;
5. Stana Vitković (nee Obućina), born 1925 in Divčići village in Trnovo municipality, was killed in Trnovo;

6. Mladjen Vlaški (father: Ljubo), born 1945 in Trnovo, a mental patient, was killed on 31 July 1992 near Širokari;
7. Todor Popović (father: Ljuba), born 1922 in Trnovo, was killed in Trnovo;
8. Jovo Trgovčević (father: Sava), born 1928 in Tošići, pensioner, was killed on 30 July in his house in Tošići;
9. Danilo Mišović (father: Djura), born 1914 in Tošići, was killed in front of his house in Tošići;
10. Nedžo Arsenijević (father: Jovo), born 1911 in Tošići, was shot dead on 31 July 1992 in front of the weekend cottage of Milan Vlaški;
11. Pavle Trgovčević (father: Risto), born 1933 Tošići, paralysed, was killed in his house;
12. Svetozar Popović (father: Nikola), born 1920 in Tošići, was hanged near his house;
13. Janja Golijanin (female), lived in Tošići, was killed on 31 July in front of her house.

Six other elderly people from Tošići were killed on 31 July, and their bodies were burned in a weekend cottage in Širokari village:

14. Staka Popović (female, father: Vojko), born 1919 in Desetci;
15. Andja Lale (female);
16. Jovanka Golijanin (female);
17. Gospava Vlaški (female);
18. Spasoje Golijanin; and
19. Persa Golijanin (female).

The following Serbs were also killed:

20. Nikola Golijanin (father: Uroš), born 1920 in Bistročaj village in Trnovo municipality;
21. Pero Golijanin (father: Uroš), born 24 August 1924 in Bistročaj; and his wife,
22. Milka Golijanin (father: Obren), born 1928 in Ledići in Trnovo municipality, were killed in Lučila in late November 1992.
23. Saveta Vitković (nee Božalo), born 1912 in Vlahovlje in Kalinovnik municipality, was strangled with a cord in her house on 5 or 6 September;
24. Radojka Popović (nee Regoje), born 1921 in Dobro Polje in Kalinovnik municipality, was shot about 100 meters from the village of Kiselica where she lived;
25. Janja Mojević (nee Radović), born 1902, was killed on 31 July in the house of Rade Bjelica, where she had fled.
26. Mitra Timotije (female, father: Nikola), born 1908 in Prečani, lived in Barica; killed with Janja, with whom she was trying to escape, on 31 July.
27. Milan Vlaški (father: Mladjen), born 1922 in Tošići, was killed on 30 July on Rogoj pass;
28. Milan Aksentić (father: Djordje), born 1908 in Trnovo, pensioner, was killed on 21 July or 3 August, on Rogoj pass;
29. Drago Golijanin (father: Ilija), born 1906 in Trnovo, pensioner, was killed on 31 July, on Rogoj pass;
30. Cvijeta Elez (female, father: Sima), born 1920 in Zagor in Trnovo municipality, lived in Trebečaj; was killed on 31 July, on Rogoj pass;
31. Pero Elez (father: Milan), born 1920 in Trebečaj, Trnovo, pensioner, was killed on 31 July, on Rogoj pass;

32. Mirjana Golijanin (nee Kreleta), born 1935 in Rijeka in Trnovo municipality, wife of Pero Golijanin, was killed on Rogoj pass on 30 July 1992; and

33. Danilo Jokić, born 1935 in Širokari, Trnovo, was killed on Rogoj pass, on 30 July 1992.

Evidence: 228/94-23 and 25. (Annex No C 160, Photo 39)

7.1.44.9. On 30 July 1992, on Rogaj pass in Trnovo municipality Muslim armed forces commanded by Edhem Godinjak from the village of Godišnje clashed with a group of Bosnian Serb soldiers. Realising that they were surrounded and heavily outnumbered, the 16 Serb soldiers surrendered. The Muslims immediately killed two wounded soldiers:

1. Ilija Višnjevac (father: Petar), who was wounded in both legs; and
2. Gojko Badnjar, who was wounded in the left arm.

Muslim soldier Edih Sacić, aka "Dino", shot Višnjevac and killed Badnjar by striking him on top of the head with an axe.

On the same day, members of the same Muslim unit fired at a clearly marked ambulance and killed:

3. Todo Višnjevac, the driver;
4. Stana Vujičić, nurse; and
5. Milan Mandić, a wounded man.

Evidence: 228/94 (Annex No C 160, Photo 40)

7.1.45.0. Sokolac

7.1.45.1. On 7 June 1993, at about 5.30 p.m. Muslim soldiers attacked the village of Poratak in Sokolac municipality and killed the following Serbs:

1. Branko Grujić (father: Mirko), born 1931;
2. Ilinka Lukić (female, father: Dušan), born 1942; and
3. Zorka Lukić (female, father: Ilija), born 1907.

Grujić had been stabbed in the chest, and the two women had smashed skulls.

The Muslim soldiers then set fire to the hay with hand grenade launchers and burned the houses and other buildings of Simeon, Boža and Aleksa Grujić.

This crime was committed by Sifat Salan (father: Hamda), born 1953, Mirsad Hamzić (father: Rama), born 1951, and Hajrudin Abaz (father: Ethem), born 1955.

Evidence: 138/95-2.

In 1992 and 1993, during the civil war on the territory of Bosnia and Herzegovina, the conduct of the Muslim and Croat armed forces towards the Serbian people was manifestly genocidal and was, of course, under direct command and with support from the then authorities - the government and other administrative organs of Bosnia and Herzegovina. This policy was carried out on the entire territory of B-H and, as such, also in the area of Bosanska Posavina (the territories of the municipalities of Brčko, Orašje, Odžak and Bosanski Brod), and, in the case of this area especially, with the help of the soldiers of the armed forces of the former Republic of Croatia who committed their crimes in full agreement with their then government.

War crimes against civilians, as well as war crimes against the wounded, the sick and prisoners of war were also committed on a massive scale against the Serbian people, and for one reason only - because they were Serbs.

On the territory of the municipality of Brčko, from June 11, 1992, to December 12, 1992, Croat-Muslim armed forces carried out attacks against civilian Serbs. They killed Serbs, plundered their property, torched their houses and churches, desecrated their

graveyards, interned them in prison camps and tortured them there.

With regard to these crimes against Serbs, especially in the villages of Bosanska Bijela, Bukovac, Bukvik, Vujičići, Gajeva, Vukovac, Vučilovac and Cerik, a body of material evidence has been collected.

Before the beginning of this war, the Muslims and the Croats who lived in the neighbouring villages in this area and who began demonstrating their national and religious symbols more often, for example the Green Berets, or HVO (Croatian Defence Council) emblems, formed their own military units, began to avoid Serbs - stopped socialising with them, threatened them they would be killed or banished, and also prevented Serbs from going out of their villages freely.

Evidence: 617/95-1, 617/95-5, 617/95-21, 617/95-32.

7.1.46.1. Bosanska Bijela

On 11 June 1992, an attack was launched on the Serbian population and the following people were killed in it:

1. MILAN SEKULIĆ (son of Jakov), born in 1958
(witnesses: 617/95-1, 617/95-5, 6636/95-1, -2 and -3).
2. MARA SEKULIĆ (daughter of Lazar), born in 1925.
(witnesses: 617/95-1, 617/95-5, 636/95-1 and -2)
3. DUŠAN LUKIĆ (son of Steva) (witnesses: 617/95-1, 636/95-1, -2 and -3.)
4. JOVANKA MIĆIĆ, born in 1932 (witnesses: 617/95-5, 636/95-1 and -2)
5. VESELIN LUKIĆ, born in 1938 (witnesses: 617/95-5, 636/95-1, -2 and -3)

The following people were wounded in this attack:

1. ALEKSA MIČIĆ (witness: 636/95-2);
2. DOBRIVOJE LUKIĆ, (witness: 636/95-2) and
3. MAKSO STEVIĆ, (witness: 636/95-2).

The perpetrators of the above mentioned crime are: ZVONIMIR DJORDJIĆ, a.k.a. Djone, (witnesses: 617/95-1, 636/95-1 and -3); MARJAN LASTRIĆ, unit commander in the 108th Brigade (witnesses: 617/95-1, 636/95-1 and -2), FILIP ANDJIĆ, a.k.a. Irac (witnesses: 617/95-1 and 636/95-1); IVO STJEPANOVIĆ, a.k.a. Peleš, (witnesses: 617/95-1, 617/95-5 and 636/95-1); DRAGAN MENDEŠ (witnesses: 617/95-1 and 636/95-1); FRANJO MENDEŠ, (witness: 617/95-1); GRGA ČANČAREVIĆ, a.k.a. Tahir (witnesses: 617/95-1 and 636/95-1); PETAR DJORDJIĆ, (witnesses: 617/95-1 and 636/95-1); ANDRIJA DJORDJIĆ (witnesses: 617/95-1 and 636/95-1); IVO DJORDJIĆ, a.k.a. Supetlo (witnesses: 617/95-1 and 636/95-1); STJEPAN FILIPOVIĆ, a former Brčko security policeman (witnesses: 636/95-1 and 2); IGNJACIJE JURKOVIĆ, a former Brčko security policeman (witnesses: 636/95-1 and 2); MATIJA MENDEŠ (son of Franjo), (witness: 636/95-2); ANDRIJA ČANČAREVIĆ (witness: 636/95-2); FRANJO ČANČAREVIĆ (son of Andrija) (witness: 636/95-2); FRANJO GELJIĆ, a.k.a. Irac (witness: 636/95-2); IVO JURKOVIĆ (son of Sava), (witness: 636/95-3) and MATO LUKIĆ (son of Ivo), (witness: 636/95-3).

Evidence: 617/95-1, 617/95-5, 636/95-1, 636/95-2 and 636/95-3.
(Annex No. C 97, svedočenje B.S./testimony B.S., pp. c995-c997/c998-c1001)

7.1.46.2 Bukovac

On 11 September 1992, Croat-Muslim armed forces attacked the Serbian population in the village of Bukovac.

The following civilian Serbs were killed in the attack on the village of Bukovac, on 11 and 12 September 1992.

1. MITAR VUJIĆ, born in 1945 (witnesses: 617/95-4, 638/95-7);
2. MARKO PEJIĆ, (son of Petar), born in 1931 (witnesses: 617/95-4 and 638/95-7);
3. CVIJETA PEJIĆ, born 1938; (witnesses: 617/95-4, and 638/95-7);
4. PETAR MILOŠEVIĆ (son of Bogoljub), born in 1958 (witnesses: 617/95-19, 640/95-1 and -4);
5. NOVAK TANASIĆ (son of Jova), born in 1957. (witnesses: 617/95-19, 640/95-1 and -4);
6. GOJKO RADIĆ, born in 1957. (witness: 617/95-32);
7. CVJETIN RADIĆ, born in 1963. (witness: 617/95-32);
8. RISTO BAJIĆ, born in 1942. (witnesses: 617/95-34, 640/95-1, -2 and -3)
9. ŽIVAN BAJIĆ, born in 1963. (witnesses: 617/95-34, 640/95-1, -2 and -3);
10. ILIJA BAJIĆ, born in 1938. (witnesses: 634/95-3 and -5, 640/95-1 and -2);
11. NIKOLA PIŠTALOVIĆ, born in 1927. (witnesses: 640/95-1 and -2);
12. JOVAN PEKIĆ, born in 1954. (witnesses 640/95-1 and -2) and
13. STEVO SUBOTIĆ, born in 1938. (witnesses: 640/95-1 and -2).

Gojko Radić, who was seriously wounded, and Cvjetin Radić were killed at point-blank range with a burst from an assault rifle in

the presence of their mother who begged and pleaded for their lives.
(evidence: 617/95-32)

Perpetrators: Blažo Džinić, also called Bajica, Stjepan Jurković, called Pepa, Jozo Šimić, Zdravko Radošević, called Kjesa, Zdravko Džinić, Niko Filipović, Luka Martinović, Zvonko Mišković, Mirko Mišković, Niko Djukić and Žarko Šimić.

Evidence: 617/95-2, 617/95-3, 617/95-19, 617/95-32, 617/95-34, 634/95-3, 634/95-5, 617/95-4, and 638/95-7, 638/95-11, 640/95-1, 640/95-2, 640/95-3 640/95-4.

7.1.46.3, Bukvik; Vujičići, Gajeva and Lukovac

On 14 September 1992., Croatian and Muslim armed forces carried out an attack on the villages of Bukvik, Donji and Gornji, Vujičići, Gajeva and Lukovac.

The following Serbs were killed in this attack:

1. BLAGOJE PEJIĆ, born in 1912. (witness: 617/95-4);
2. MARKO TODOROVIĆ, born in 1932. (witnesses: 617/95-4, -14, 679/95-5, -33, 638/95-7);
3. NEDELJKO LUKIĆ, born 1940. (witnesses: 617/95-4, -14, 679/95-5, -33, 638/95-2, 638/95-7);
4. VASO DJURIĆ, born in 1940; (witnesses: 617/95-4, -14, 679/95-5, 638/95-2);
5. SLADJAN DJURIĆ, (witnesses: 617/95-4, 679/95-);
6. CVIJETIN PEJIĆ (father of Tanasije), born in 1957. (witness: 617/95-6);
7. MIRKO RISTIĆ (son of Zarija), born in 1957. (witness: 617/95-6, the father of the

killed Mirko Ristić testified in court that his son Mirko Ristić and Cvijetin Pejić had been killed in Gornji Bukvik on September 11, 1992, when Croatian and Muslim units had raided the village, torching several houses in the process);

8. SPASOJE SEKULIĆ, born in 1955. (witnesses: 617/95-10, -11, 634/95-4, -6, and -8);
9. GAVRO TANIĆ, born in 1922. (witness: 617/95-14);
10. VLAJKO PURIĆ, (son of Avram), (witnesses: 17/95-19, -25, -26, 679/95-9, 634/95-4, 638/95-12);
11. ŽIVAN RADIĆ, born in 1966. (witnesses: 617/95-19, -25, -26, 679/95-9, 634/95-4, 638/95-12 and 640/95-1);
12. CVJETIN RADIĆ, born in 1963. (witness: 617/95-19);
13. MILKA BRESTOVAČKI, born in 1943. (witnesses: 617/95-22, 634/95-1, -4, -6 and -8, 638/95-2 and -12, 679/95-8);
14. RADOJKA BRESTOVAČKI, born in 1933. (witnesses: 617/95-22, -4, -6, and -8, 638/95-2 and -12 and 679/95-8);
15. SAVO VESELINOVIĆ, born in 1939 (witnesses: 617/95-25, -26, -33, 634/95-4, 638/95-12, 679/95-9);
16. DJOKO VIDOVIĆ, born in 1922. (witnesses: 634/95-8, 638/95-2, 679/95-8);
17. ILIJA KAURINOVIĆ, called Farkaš, born in 1918; (witnesses: 634/95-4, -6 and -8);
18. DANILO JOVIĆ - Danko, born 1960. (witnesses:

- 634/95-4, -6 and -8);
19. TRIVO KAURINOVIĆ, (son of Savo), born in 1963.
(witnesses: 634/95-4, -6 and -8);
 20. GLIGOR PAŠIĆ (son of Gavra), born in 1930.
(witnesses 634/95-4 and -6, 638/95-2);
 21. CVJETIN PAŠIĆ, (son of Niko), born in 1954.
(witnesses: 634/95-4, -6 and -8)
 22. JOVAN TANASKOVIĆ, born in 1912. (witnesses:
634/95-4, 638/95-2);
 23. SAVO TANASKOVIĆ, born in 1912. (witness:
634/95-4);
 24. JANKO MARIČIĆ, (son of Sava), born in 1930.
(witnesses: 634/95-4, and -6);
 25. RADOJKA BAJIĆ, born in 1948. (witness: 634/95-
4);
 26. PERO VESELINOVIĆ, born in 1974; (witness:
634/95-4);
 27. DJORDJE KEREZOVIĆ, born in 1932. (witnesses:
634/95-5, 638/95-2);
 28. CVIJETA KEREZOVIĆ, born in 1930. (witnesses:
634/95-5, 638/95-2);
 29. MILO DJURIĆ, born in 1914. (witnesses: 634/95-8,
638/95-2);
 30. JOVAN MIJATOVIĆ, (son of Mitar), born in 1953.
(witnesses: 638/95-1, 638/95-2);
 31. VASO VUJIĆ, born in 1924. (witness: 638/95-2);

32. STEVO PODIJEVIĆ, born in 1921. (witness: 638/95-2);
33. ILIJA PEJIĆ, born in 1974. (witness: 638/95-7) and
34. MITAR BLAGOJEVIĆ, born in 1942. (witness 638/95-7).

Ruthless treatment of the Serbs is demonstrated also in the murder of Spasoje Sekulić, born in 1955, paralysed due to a spinal illness, who was shot by Šefket Lubinović with a burst from an assault rifle, right in the chest in the presence of his mother and sister, who kept begging for mercy. (evidence: 617/95-10 and -11, 634/95-4, -6 and -8).

Three Serbs: Živan Radić, Vljako Purić and Savo Veselinović were ruthlessly killed by Muslim soldiers, although they were seriously wounded. They were killed in the presence of Živan Radić's mother who was first pushed away from her son. (evidence: 617/95-26, 679/95-9),

On the basis of the evidence obtained, it can be established that the following people took part in the above mentioned attack and killing of the Serbs:

1. ŠEFKET LUBINOVIĆ, (witnesses: 617/95-10, and -11, 634/95-8);
2. MENSUR DJAKIĆ, (witnesses: 679/95-30, 634/95-8 and -9, who is said to be the commanding officer of the Muslim army unit which attacked Bukvik);
3. BLAŽA DŽINIĆ, Pajica, from Ulović, (witness: 634/95-8);
4. PETAR BOSANKIĆ, from Vitanović (witness: 634/95-8);
5. LUKA JAKIĆ, an ex-policeman, from Brčko, (witness: 634/95-8);

6. VJEKOSLAV ČARAPIĆ, from Ulice, (witness: 634/95-8);
7. NURIJA SARAJČIĆ, from Brka, (witness: 634/95-8);
8. SINAN HADŽIĆ, (son of Huso), from Vulović, (witness: 634/95-8);
9. SADO HADŽIĆ, (son of Mustafa), from Ulović, (witness: 634/95-8);
10. NIJAZ KALIĆ, (witness: 634/95-8);
11. DAMIR SULJIĆ, Matija, (witness: 634/95-8) and
12. MEVLUDIN HASANOVIĆ, (witness: 634/95-9).

Evidence: 617/95-2, 617/95-3, 617/95-4, 617/95-6, 617/95-7, 617/95-8, 617/95-9, 617/95-10, 617/95-11, 617/95-12, 617/95-13, 617/95-14, 617/95-15, 617/95-16, 617/95-19, 617/95-22, 617/95-25, 617/95-26, 617/95-27, 617/95-31, 617/95-33, 617/95-40, 679/95-5, 679/95-8, 679/95-14, 679/95-30, 679/95-33, 634/95-4, 638/95-1, 638/95-2, 638/95-5, 638/95-6, 638/95-7, 638/95-8, 638/95-9, 638/95-10, 638/95-12 and 640/95-4. (Annex No. C 4, svedočenje R.B./testimony R.B., pp. c22-c24/c25-c27) (Annex No. C 86, svedočenje Z.R./testimony Z.R., pp. c865-c867/c868-c871), (Annex No. C 110 svedočenje M.T.2/testimony M.T.2, pp. c1119-1120/c1121-c1123)

4.1.46.4 Vučilovac

On 12 December 1992, when the Croatian Army raided the village of Vučilovac - municipality of Brčko and, as in the above mentioned villages, killed civilians, plundered the property of the Serb people, and torched houses in which the Serbs lived.

The following Serbs were killed in the attack on Vučilovac by armed Croats:

1. PANTO MAJSTOROVIĆ, born in 1944. (witnesses: 617/95-23, -24, -37, 679/95-1, -12);

2. MILENKO MAJSTOROVIĆ, born in 1971. (witnesses: 617/95-23, -24, -37, 679/95-1, -10, -11, -12, -22);
3. ILIJA MAJSTOROVIĆ, born in 1937. (witnesses: 617/95-23, 24, 679/95-1, -11);
4. MARINKO MARGETIĆ, born in 1942. (witnesses: 617/95-23, -37, 679/95-2, -3, -4, -10, -11, -12);
5. OLJA IGNJIĆ, born in 1939. - a Croat married to a Serb (witnesses: 679/95-1, -6);
6. RUŽA NIKOLIĆ, born in 1926. (witnesses: 617/95-24, 679/95-1, -2, -3, -10 and -12);
7. NETKA LUKIĆ, (daughter of Mika), born in 1928. (witnesses: 617/95-24, 679/95-1);
8. MILAN MARGETIĆ, (son of Lazar), born in 1963. (witnesses: 679/95-1 and 679/95-4);
9. PERO KITIĆ, (son of Nikola), born in 1953. (witness: 679/95-1);
10. MIĆO LUKIĆ, (son of Nikola), born in 1946. (witness: 679/95-1);
11. SVETISLAV MITROVIĆ, born in 1968. (witnesses: 679/95-1 and 679/95-7)
12. BOŽO PETROVIĆ, (son of Božo), born in 1952. (witness: 679/95-1);
13. JOCO MIŠIĆ, (son of Marko), born in 1973. (witnesses: 679/95-1, -39);
14. LAZO OSTOJIĆ, (son of Risto), born in 1946. (witnesses: 679/95-1, -16);
15. RATKO LUKIĆ, (son of Petar), born in 1944. (witness: 679/95-1);

16. SLADJAN NIKIĆ, (son of Staniša), born in 1967.
(witness: 679/95-1);

17. KRSTO ARSENIĆ, (son of Niko), born in 1906.
(witnesses: 679/95-7 and -15).

As for the perpetrators of the aforementioned crimes, the Serb witnesses who survived in most cases could not identify the perpetrators. They explained in detail that the attack was carried out by the Croatian army from the neighbouring villages. They all agree on that point.

Evidence: 617/95-21, 617/95-23, 617/95-24, 679/95-1, 679/95-2, 679/95-3, 679/95-4, 679/95-6, 679/95-7, 679/95-10, 679/95-11, 679/95-12, 679/95-15, 679/95-16, 679/95-22, 679/95-28, 679/95-39, 679/95-42.

7.1.46.5. Cerik

On 11 June 1992, and later on 28 August 1992. Muslim and Croatian units launched attacks on the village of Cerik. They attacked the Serbs, their lives and their property.

The following civilian Serbs were killed on 17 June 1992:

1. SIMO SIMIĆ, born in 1924. (witnesses: 636/95-5, and -6);
2. JOVO MARKOVIĆ, (son of Ilija), born in 1964, whose throat was cut (witnesses: 636/95-5, -6);
3. SPASOJE ANDRIĆ, (son of Mihailo), born in 1962. (witnesses: 636/95-5, -6);

The following Serbs were killed in the attack on Cerik, on August 28, 1992.:

1. PETAR DŽOMBIĆ, (son of Vojin), born in 1942.

(witness: 636/95-5,);

2. ŽARKO ZARIĆ, (son of Mića), born in 1919.
(witness: 636/95-5);
3. LAZO ILIĆ, (son of Jovo), born in 1933. (witness:
636/95-5);
4. MILUTIN DRAGIĆEVIĆ, born in 1925. (witness:
636/95-5);
5. RISTO JOVANOVIĆ, born in 1926. (witness:
636/95-5 and the minutes of identification of May
27, 1995, - 144/95-3);
6. MITRA BRKOVIĆ (f), born in 1937. (witness:
636/95-5);
7. MILENA BRKOVIĆ; (daughter of Radovan), born in
1975. (witness: 636/95-5);
8. ACO MILIĆEVIĆ (son of Mika), born in 1958.
(witness: 636/95-5);
9. MILIVOJE SEKULIĆ, (son of Savo), born in 1940.
(witness: 636/95-5 and minutes of identification of
May 27, 1995. -144/95-3);
10. DANKO MIJATOVIĆ, born in 1939. (witness:
636/95-5 and minutes of identification of May 27,
1995. - 144/95-3) and
11. OSTOJA MIĆANOVIĆ, born in 1939. (witness:
636/95-5 and minutes of identification of May 27,
1995. - 144/95-3).

The perpetrators of the crime:

1. STJEPAN FILIPOVIĆ,
2. IGNJACIJE JURKOVIĆ,

3. ANDRIJA ČANČAREVIĆ,
4. NIKO BOŽIĆ,
5. MATE MENDEŠ,
6. IVO MIŠKOVIĆ,
7. MARJAN LASTRIĆ,
8. JURE VESELČIĆ,
9. MARJAN LEMEŠIĆ,
10. FILIP DEJANOVIĆ,
11. PILJO GELJIĆ,
12. FRANJO ČANČAREVIĆ,
13. LUKA ČAČEŠ,
14. MATE ANTIĆ,
15. ANDJELKO JURKOVIĆ,
16. TOMISLAV HRGOVIČIĆ,
17. IVO JURIĆ,
18. LUKA JURIĆ,
19. ZLATKO HRGOVČIĆ,
20. DRAŽEN PETROVIĆ,
21. MLADEN PETROVIĆ,
22. MIŠO TOMIĆ,

23. ZVONIMIR DJORDIĆ,
24. GRGA ČANČAREVIĆ and
25. FILIP GLUHAKOVIĆ.

Evidence: 144/95-3, 636/95-5, 636/95-6.

7.1.46.6. The killings of Serbs - prisoners of war

On 8 April 1993, the 108th Brigade of Army of Bosnia and Herzegovina, under the command of Ramiz Pljakić, carried out an attack on the village of Bilište - municipality of Brčko. It captured several soldiers of the Army of the Republic of Srpska, who were subjected to torture and later killed to the last man.

On 7 May 1993, at the take-over point in Dubravice, the Army of the Republic of Srpska took over the earthly remains of its four soldiers: Stojan Pudić (son of Djoko), Perica Jovičić (son of Ranko), Željko Padežanin and Radovan Marjanović.

The first two had been captured after the events of 8 March 1993, while Željko Padežanin and Radovan Marjanović had been captured after the attack carried out on 27 April 1993, on the village of Lipovac, also by the 108th Brigade of the Army of Bosnia and Herzegovina.

Stojan Pudić and Perica Jovičić were tortured and beheaded while still alive.

Evidence: 144/95-9 post-mortem records made out at (the Institute of Pathology and Forensic Medicine of the Military Medical Academy in Belgrade) on 7 May 1993, record numbers BČ-S-11 and BČ-S-12.

7.1.47.C. Han Pijesak

7.1.47.1. On St Elias' Day, 2 August 1993, an important Orthodox holiday, Muslim soldiers attacked the Serb village of Žeravice in Han Pijesak municipality and killed:

1. Dobrivoje Golijan, born 1926;
2. Rajka Todorović (female), born 1958;
3. Aleksa Golijan, born 1923;
4. Danica Sokanović (female), born 1926;
5. Milovan Golijan, born 1967;
6. Marko Mirović, born 1923;
7. Jovan Sokanović, born 1931; and
8. Zora Sokanović (female), born 1936.

D. S. (female), Velimir Golijan, born 1946; and Milojka Mirović (female), born 1926, were wounded in the attack and taken to Kladanj. The Muslim soldiers looted and burned more than 70 Serb houses with outbuildings.

The village of Rečice was attacked on the same day, but there were no casualties because the villagers had already fled. Seven houses with outbuildings were looted and burned.

The Muslim unit was led by: Brajko Huseinović (father: Hamid), born 1959; Rifet Vrabac, aka "Bekan" (father: Djulbeg), born 1961; Rizvo Vrabac (father: Šahbaz), born 1953; Bećir Makanić (father: Jakub), born 1957; Ismet Vrabac, aka "Redžo" (father: Čubag), born 1963; Muhamed Vrabac (father: Mujo), born 1939; Rešid Imanović (father: Bajro), born 1955; Zaim Avdagić (father: Himzo), born 1946; Zijad Avdagić (father: Himzo), born 1962; Galibin Duraković (father: Osman), born 1945; Hajrudin Glasić (father: Began), born 1953; Šemso Hajrderbašić (father: Hamid), born 1939; Ramiz Čamdžić, born 1938; and Alija Mutapčić, born 1957.

Evidence: 136/95-2, 49/95-23 and 184/95-39 (a child, whose parents and aunt were killed in this attack). (Annex No. C 100, svdočenje D.S./testimony D.S., pp. c1020-c1025/c1026-c1030), (Annex No. C 69, svdočenje B.M./testimony B.M., pp. c706-c710/c711-c715)

7.1.47.2. On 15 December 1993 Muslim soldiers launched a surprise attack on the village of Slivnje in Han Pijesak municipality and killed the following Serb civilians:

1. Momir Dupljanin;
2. Budimir Dupljanin;
3. Branko Janjuš; and his son
4. Radojica Janjuš.

Zora Janjuš disappeared and has not been heard of since. The bodies were burned and only the bones remained.

The village was razed to the ground and cattle driven away.

Evidence: 49/95-24.

7.1.47.3. On 11 December 1993 Muslim armed forces from Kladanj attacked the Serb village of Podkozlovača in Han Pijesak municipality and killed:

1. Radovan Bastah, who was butchered;
2. Leposava Marić (female), shot in the head while attempting to escape;
3. Vojislav Šokanović who was burned alive in his house;
4. Milutin Grozdanović, who died of wounds; and
5. Branko Narandžić.

Marko Bastah and Gojko Trifunović were wounded.

The houses were looted and about 100 cattle, sheep and goats were driven away, and 21 houses with outbuildings were then burned.

The following perpetrators of this crime have been identified: Zijad Vrabac (father: Asim), born 1965; Džemail Muškić (father: Ragib), born 1964; Rahim Kurtić (father: Alija), born 1973; Sejfudin Dervišević (father: Čamil), born 1971; Ibrahim Rizvanović (father: Šaban), born 1973; Sejfudin Suljić (father: Bećir), born 1963;

Džemal Bajrić (father: Omer), born 1971; Lutvo Salimović (father: Smail), born 1973; Zaim Mehmedović (father: Salko), born 1972; Azem Alić (father: Suljo), born 1970; Amir Šuljaković (father: Avdo), born 1972; Mijo Sejmenović (father: Nusret), born 1958; Beriz Muškić, born in Vlasenica municipality; Munib Turković, from Vlasenica municipality; Amir Ikanović, from Vlasenica municipality; Džemal Nukić, from Vlasenica municipality; Fahrudin Alić; Elvis Hasanović; Avdo Perhatović; Salim Mustafić; Alija Mustafić (father: Salik), born 1962; Alija Mustafić (father: Bešir), born 1972; Mustafa Bećirović, born 1974; Mirsad Hardarević (father: Mehmedalija), born 1974; Rašid Baltić (father: Hašim), born 1974; and Adnan Matus.

Evidence: 136/95-1.

7.1.48.0. Lopare

7.1.48.1. On 19 August, 1992, in Jablanica village, Muslim forces from Jablanica attacked a clearly marked ambulance of the Bosnian Serb Army carrying one sick and one wounded soldier, causing it to overturn and catch fire. The following burned to death in the vehicle:

1. Radomir Micić;
2. Vladan Božić;
3. Vojislav Janković; and
4. Božidar Abadžić.

Evidence: 171/95-4.

7.1.48.2. On 23 January 1994, Muslim and Croat forces attacked Bosnian Serb defence near Jablanica in Lopare municipality. They captured six soldiers, tortured and killed them:

1. Branko Antić (father: Čedomir), born 1944;
2. Mihajlo Perić (father: Cvija), born 1945;
3. Stevan Stevanović (father: Ilija), born 1941;
4. Mladjen Pupiće (father: Pera), born 1941;
5. Milorad Tešić (father: Vasilije), born 1950; and

6. Svetozar Mihajlović (father: Milorad), born 1953.

Commandos of the 2nd Corps' 5th operative group, called "Panthers", and a commando group led by Goran, aka "Ustaša", surname unknown, were responsible for this attack.

Evidence: 171/95/1.

7.1.48.3. of 5 June, 1992, in the afternoon Muslim and Croat forces from the village of Brnjik in Lopare municipality attacked the Serb hamlet of Cvetkovići in the same village, and then ambushed a group of five or six Bosnian Serb soldiers who came from Lukavica to protect and evacuate the villagers.

1. Goran Djurić (father: Nedjo), born 1936,

was shot in the chest, captured and taken to Brnjik, where he was killed in the school yard. There was a 10 by 15 cm open fracture on the top of his skull caused by a blow with a hard, blunt object.

This crime was committed by Muslim and Croat forces from Brnjik.

Evidence: 171/95/3.

7.1.48.4. On 19 June 1992 Muslims and Croats from surrounding villages attacked the village of Brezje killed,

1. Stojan Djukić
2. Stokan Djukić
3. Kata Djukić
4. Vojko Perić

and captured some of the villagers. Later, they killed captured Jova Gašić and Ilija Mihajlović.

(Annex No. C 102 svedočenje B.S.1/testimony B.S.1, pp. c1038-1043/c1044-c1049)

7.1.49.0. Živinice

7.1.49.1. On 12 June 1992, Muslim forces raided the Serb hamlet of Samardžići in Tupkovići village in the Živinice municipality, took all the villagers they found to Živinice and did not allow them to return to their homes.

Two days later, the Muslims caught and killed a group of villagers who had hidden in the nearby woods and returned to the village:

1. Radojka Erdelić (female), aged about 60;
2. Luka Bošković, aged over 80; and his wife
3. Bojana Bošković, aged over 80; and
4. Milorad Samardžić.

The Muslim soldiers also captured

5. Stojan Stojanović from Tupkovići, and took him to Živinice, where they killed him in the camp in "Šarenjak" library.

Omer Časimović (father: Ibro) from Tupkovići and Ibrahim Pandurović (Alija), from Trojani hamlet in Tupkovići, also took part in these crimes.

Evidence: 184/95-36.

7.1.49.2. Muslim forces often raided the Serb village of Vrnojevići in Živinice municipality and savagely beat up its civilian residents.

In June 1992, they killed:

1. Tomislav Bošković; and
2. Daša Ristić (female) from Kotornica village

in the Bošković house.

In February 1993, they executed without reason:

3. Čeda Jovanović;
4. Ljepojka Stevanović; and her son
5. Zdravko Stevanović.

The remaining Serb villagers then fled via Mt Konjuh to Bosnian Serb territory, and the Muslims looted and burned the deserted village.

The Muslim unit was commanded by Vahid Kamberović from Šerimi. The commander of the military police was Refik Tulumović, and Nusret Hadžić from Dubrave, Azem Batković from Bašigovci in Živinice municipality, and Nidhat Bračaninović (father: Sulja), from Živinice, were especially brutal towards the villagers.

Evidence: 293/95-11, 293/95-12 and 293/95-17.

(Annex No. C 54, svedočenje L.L./testimony L.L., pp. c552-c554/c555-c557), (Annex No. C 55, svedočenje N.L./testimony N.L., pp. c558-c560/c561-c563)

7.1.49.3. During the same year (1992), the following Serbs were also killed on the territory of Živinice:

1. Ratko Zelenović, from the village of Tupkovići, municipality of Živinice. He was captured by Muslims and imprisoned for a time in the Živinice camp. Having left the camp in mid-1992, he was beaten up so savagely that he soon died in the hospital in Slavinovići. (witness 743/95-12),

2. Božica Jović, aged around 25, from the village of Brnjica near Živinice. Killed on 25 May 1992, when her village was attacked by a Muslim unit under the command of Safet Rizvić. (witness 386/96-24),

3. Nikola Papović, a pensioner from Krivača near Živinice. In 1992, Džemo Ferizović arrested him in the city, pushed him into a car and drove him to a place called Cigulje. There he tied him up, killed him and paid the local Gypsies DM 100 to bury his body (witness 206/97-20, 743/95-10),

4. Rade Petrović from Živinice. He was arrested in the street and deported to Šarenjak camp. By order of Enes Gurdić, he

was taken out of the camp the same evening never to return to it. It was only later that witness 386/96-23 learned that Petrović had been killed,

5. Mićo Ristić, history and geography teacher from the village of Lupoglave near Živinice, born on 6 May 1946; son of Drago. He was arrested on 10 August 1992, and brought to Ljubača camp near Živinice. There he was beaten extremely severely because his son was a cadet at the Military Academy in Belgrade. He was badly swollen up from the beating and in such a serious condition that they called for a doctor who gave him a shot of some sort. When he collapsed soon after that, his guards thought he was acting up and continued kicking him and bashing him with rifle butts. On 13 August 1992, he died of the blows in the presence of his relative (witness 386/96-21) and another two witnesses (386/96-22, 561/96-2). His wife, witness 478/96-36, was informed that her husband had died of asthma although he had never suffered from it. When she came to take over his dead body for burial, she could not recognise him at first because the injuries he had suffered deformed him completely (witnesses 135/97-1, 293/95-12),

6. Vinka Stevanović from the village of Vrljevići. Killed in July 1993 with her son Zdravko (witness 561/96-2).

Those responsible for these killings are: Mevludin Bešić, the first commanding officer of the Territorial Defence of Živinice, Enes Gurdić, from a village near Olovo, ex JNA lieutenant and commanding officer of the Territorial Defence of Živinice and head of the military police unit attached to "The Wasps of Živinice", Ibrahim Jukić, from the village of Zukići, municipality of Živinice; son of Bajro, commanding officer of a Muslim military unit, Vahid Kamberović, from Šerići, commanding officer of a Muslim military unit, took part in the killing of Serbs in the village of Vrnojevići, Vahid Karavelić, commanding officer of the "The Patriotic League" in the region of Tuzla, Salih Malkić, a.k.a. Sale, commanding officer of a military unit belonging to the "Patriotska League" of Živinice, Safet Rizvić, owner of a shop in Kupljerosi near Živinice, commanding officer of a Muslim military unit in Živinice, Refik Tulumović, head of the Territorial Defence, municipality of Živinice.

Evidence: 184/95-36, 239/95-11, 239/95-12, 239/95-17, 239/95-32, 743/95-10, 743/95-12, 386/96-21, 386/96-22, 386/96-23, 386/96-24, 561/96-2, 206/97-20.

7.1.50.0. Banovići

7.1.50.1. On 18 June 1992, Muslim forces from Banovići attacked the Serb village of Željevo and killed:

1. Nikola Djurić;

and wounded and captured:

2. Ilija Gajić; and

3. Slobodan Blagojević.

Then they tortured their prisoners, putting salt and cayenne pepper on their wounds. The prisoners died of the torture.

The Muslims then looted and burned all the houses and drove cattle away.

Evidence: 184/95-44.

7.1.50.2. In May 1992, in a camp for Serbs in the yard of the Ivan Goran Kovačić school in Banovići village near Banovići, the following Serbs were butchered:

1. Čedo Mihajlović; and

2. Dušan Ristić from Vijenac.

7.1.50.3. The following Serbs were also killed in Banovići:

1. Djurić (first name unknown), born in the village of Lozno, municipality of Banović, resident of the village of Banovići. He was killed on 6 June 1992, in a camp set up in sheds used for storing coal near Ivan Goran Kovačić elementary school (witness 799/95-31).

2. Drago Ćazić, died in the hospital at Gradina, in Tuzla, on 5 July 1992, of injuries inflicted when he was beaten up in the offices of the railway company in Banovići (witnesses: 617/95-28, 617/95-30, 799/95-30).

Those responsible for these killings are: Hasan (or Hasim, or Kasim, or Ismet Abdić) Avdić, mining engineer; son of Nuraga, mayor of Banovići and chairman of the Banovići War Presidency, Dedo Berberović, aged around 40, from Banovići; father of Emin, ex JNA captain, one of the commanding officers of the Green Beret unit in Banovići and head of the military police in Banovići, Muradif Berbić, a.k.a. Mure, from Banovići; son of Zećir, before the war employed as a driver on the Banovići opencast mine, commanding officer of the Muslim military police and, as Esad Kočić's successor, warden of the camp set up in the basement of the administrative office building of the railway company in Banovići (witnesses: 617/95-28, 617/95-30, 679/95-36, 799/95-29, 799/95-30), Nermin Dedić (or Delalić); son of Ešref, supreme commander of all military forces in Banovići, Jasmin Delagić, commanding officer of the Territorial Defence in Banovići, Edhem Joldić, a.k.a. Edo, before the war served as administrative secretary in the Banovići High-School Educational Centre, warden of the camp set up in the basement of the administrative office building of the railway company in Banovići, Akif Kadrić, commissioner of the Banovići police, Esad Kočić, a.k.a. Ciga and Nafaka, before the war employed in Helios in Banovići, commanding officer of the military police and warden of the camp set up in the basement of the administrative office building of the railway company in Banovići, Mirsad Kukić, chairman of the Executive Council of the municipality of Banovići, president of the SDA (Party of Democratic Action) branch in Banovići, Nihad Livadić, born on 3 April 1963, in Banovići; son of Hamzo, ex JNA captain, came to Banovići around 15 April 1992, acted as commanding officer of the military police in Banovići and commanding officer of the Territorial Defence, he was also a security officer in the Muslim army, Fikret Mrkonjić, a.k.a. Mrkonja, from Omazlići, before the war worked as a railway engine driver, member of the military police, Mehmed Rahmanović, police commissioner, Mirsad Hukić, an engineer, chairman of the Municipal Executive Council and commander of the "Patriotska League" for the region of Banovići, Ćamil Huseinbašić, before the war he was the head of the Territorial Defence of Banovići, and when the war started, he became the chairman of the Crisis-management Committee, Nihad Šehović;

son of Hasan, commanding officer of the 119th Brigade in the B-H Army.

(Annex No. C 92, svedočenje Ž.R./testimony Ž.R., pp. c922-c927/c928-c932)

7.1.51.0. Kalesija

7.1.51.1. On 26 May 1992, Muslim forces attacked the village of Jeginov Lug in Kalesija municipality and killed:

1. Voja Jovanović; and
2. Milorad Marković,

and captured many other villagers, razed the village to the ground and drove away cattle.

The attackers included : Haso Mujaković from Čanići and members of the Musić and Albašić families from Donji Rajinci village.

Evidence: 43/94-34, 184/95-13, 184/95-14 and 184/95-15.

7.1.51.2. From 2 to 25 May 1992, Muslim forces repeatedly shelled and sniped at the village of Duvnica in Kalesija municipality, before they finally captured it. In these attacks, the following Serb civilians were killed:

1. Dragan Mitrović;
2. Stevo Djurić;
3. Slavko Kojić;
4. Krsmanija Janković (female);
5. Tomo Malešić;
6. Joka Ikić (female);
7. Srpko Mitrović;
8. Zdravko Jović;
9. Milorad Milić-Lazarević;
10. Dušan Malešić;
11. Savo Lukić;
12. Rado Djurić, who was deaf and dumb;
13. Radojka-Raja Djurić (female);
14. Dušan Djurić;

15. Srećko Stojanović; and
16. Mara Kostić (female).

The Muslims looted and burned the village.

The attacks were led by Nedim Gazibegović from Prnjavor.

Evidence: 184/95-11, 184/95-12 and 49/95-19.

7.1.51.3. From 6 to 25 May, 1992, Muslim forces from Kalesija, Jajića brdo and Zukići repeatedly attacked the undefended Serb village of Zolja in Kalesija municipality and killed the following villagers:

1. Jovica Perić;
2. Desimir Gajić;
3. Jelka Stojanović (female);
4. Cvija Kostić;
5. Radomir Milovanović, who was paralysed; and
6. Petka Jokić (female).

All the bodies were mutilated, and Petka Jokić was burned alive.

The Muslims looted and burned all the houses and drove away cattle.

Nurija Čajtinović from Jajinac was one of the ring leaders in these attacks.

Evidence: 49/95-18 and 184/95-16.

7.1.51.4. On 12 June 1992, Muslims from the villages of Hrvačići, Zukići, Hemlijaši and Memići launched a sudden attack on the village of Brezik in Kalesija municipality and killed:

1. Mile Maksimović; his brother
2. Nedjo Maksimović;
3. Premil Dukić;

4. Ljubiša Dukić; and
5. Slavko Maksimović.

They also killed the following Serbs from the neighbouring village of Zolja, who had fled to Brezik from an attack on their own village:

6. Gojko Joković;
7. Dragan Erić;
8. Bora Erić; and
9. Mile Erić.

The Muslims looted and burned the village of Brezik.

Evidence: 49/95-20

7.1.51.5. The following Serbs were either killed or reported missing (there are grounds to presume them killed as well) in Kalesija and the nearby villages:

1. Jelenko Bubić, from Teslić. He was in a car owned by the Medical centre in Teslić driving from Teslić to Belgrade to visit his ill wife. He was arrested by Muslim troops and locked up in a warehouse in the village of Donje Vukoje near Kalesija. The arrest took place on 21 May 1992. On 25 May 1992, his body was handed over to the Serbian authorities and transported to Teslić. (witness 594/96-14),

2. Milivoje Janković, born in Lokanj, in 1963; of father Cvijetko. On 29 July 1992, he was captured in Memići near Kalesija as a soldier of the Republic of Srpska Army. Then he disappeared without trace and has not been heard of since. (Evidence: 115/97-4 and 516/96-10),

3. Slavko Marković, born in 1935. On May 26, 1992, he was killed in the village of Jeginov Luk, municipality of Kalesija, by Croat-Muslim military units which attacked the village. (witness: 743/95-2),

4. Žarko Milić, born in Tabanka, municipality of Zvornik, in 1968; son of Sava. On 29 July 1992, he was captured in Memići near Kalesija as a soldier of the Republic of Srpska Army. Then he

disappeared without trace and has not been heard of since. (Evidence: 115/97-4 and 516/96-10),

5. Marko Pejić, a Croat from the village of Barići, municipality of Teslić, born in Barići, in 1953. On May 25, 1992, he was killed in the camp set up in a trade company warehouse in the village of Donje Vukoje near Kalesija (witness 594/96-14).

Those responsible for these crimes are: Albašić, from the village of Donji Rajinci, who took part in the attack on the village of Jeginov Luk, Nedim Gazibegović, from Prnjavor, who led the attack on the village of Duvnica, Haso Mujaković, from the village of Čanići, who took part in the attack on the village of Jeginov Luk, Nurija Čajtinović, from Jajinac, who was one of the ringleaders and organisers of the attack on the village of Zolje, municipality of Kalesija, Meho Šurkanović, who was a commanding officer of a Muslim military unit.

Evidence: 43/94-34, 743/95-2, 184/95-11, 184/95-12, 184/95-13, 184/95-14, 184/95-15, 49/95-18, 49/95-19, 49/95-20, 184/95-16.

7.1.52.0. Kalinovik

7.1.52.1. On 2 August 1992 strong Muslim forces attacked the villages of Osija, Pijevac, Unkovići, Varize, Kolakovići, Rudjice and Prević in Kalinovik municipality. They killed ten mainly old or sick people who were unable to escape:

1. Vojin Drašković (father: Lazar), aged 73; and his wife
2. Joka Drašković, aged 70;
3. Vidosava Drašković (female, father: Obren), aged 60, blind and bed-ridden;
4. Danica Drašković (father: Jefto), aged 85, bed-ridden;
5. Vlado Drašković (father: Vukan), aged 87;
6. Pero Drašković (father: Blagoje), aged 72;
7. Risto Tomović (father: Pero), aged 60;
8. Jelenka Tomović (female, father: Dušan), aged 56;
9. Joka Tomović (female, father: Nikola), aged 62; and
10. Novak Krstović (father: Savo).

The Muslim forces looted and burnt all the Serb houses in these villages. In Osija alone, they burned 23 houses and 43 outbuildings.

The perpetrators of these crimes have not yet been identified but it is known that the Muslim forces were composed of Muslims from nearby villages, whose aim was to kill any Serb civilian they found and destroy any trace of the Serb nation in this area. (Annex No C 160, Photo 41)

7.1.53.0. Travnik

7.1.53.1. The territory of the Travnik municipality was inhabited by population of mixed ethnic origin, although Muslims constituted a majority. From the start of the war, Serbs in Travnik were maltreated in various ways by Muslim and Croat soldiers, ranging from insults and threats, to physical attacks, house searches, confiscation of property, restrictions of movement, arrests without reason, detainment in camps and even murders. Not even children were spared.

7.1.53.2. In June 1992 in the village of Guča Gora in Travnik municipality, Croat HVO soldiers killed:

1. Nikola Ledić, a retired teacher; and
2. his eight-year-old nephew.

Their bodies were buried on the Orthodox cemetery in Travnik at night because the Muslim-Croat authorities did not permit Serb funerals during the day.

Evidence: 292/95-10

7.1.53.3. Some time in August 1992, a Muslim killed the following Serbs in front of their houses in the village of Turbe, Travnik municipality:

1. Nedeljko Koščo; and
2. Božo Katana.

Perpetrator: Čelibašić from Karaul village, first name unknown, whom the Muslim authorities rewarded for these killings by giving him the flat of Duško Milićević, a Serb from Travnik.

Evidence: 333/95-32 and 333/95-30.

7.1.53.4. Some time in May 1992, unidentified HOS soldiers killed the following Serbs in their house in Bandovo, Travnik municipality:

1. Branko Letić, born 1925, and his daughter-in-law
2. Mira Letić, born 1964.

Evidence: 333/95-30, 333/95-31 and 333/95-32.

7.1.53.5. Some time in April 1992, an unidentified Croat killed the following Serb in the village of Dželitovac, Travnik municipality:

1. Mladen Slavnić from Travnik.

Evidence: 333/95-32.

7.1.53.6. HVO soldiers in Travnik arrested, tortured and mutilated:

1. Aleksandar Kostreš, a car mechanic from Travnik.

They cut off his ears and he died as a result of wounds received during torture.

Evidence: 333/95-31.

7.1.54.0. Mrkonjić Grad

7.1.54.1. From June to October 1992, Muslim and Croat armed forces from Jajce repeatedly shelled Mrkonjić Grad, which was outside the area of combat and military operations, with the purpose

of killing its civilians and inflicting material damage. The following Serb civilians were killed in the shelling of Mrkonjić Grad:

1. Boja Milanović (female), born 1908, was killed on 5 August, 1992;
2. Batinica Miodrag, born 1978;
3. Jadranka Tomić (female), born 1970, was killed on 7 September, 1992; and
4. Djuro Kodžo, born 1930, was killed on 12 September.

Evidence: 33/95-15

7.1.54.2. On 10 October 1995, having captured the territory of the municipality of Kijuč (Ribnik), strong Croat-Muslim forces attacked the territory of the municipality of Mrkonjić Grad and Šipovo.

The greatest part of the Serb population pulled out of this area before the enemy troops and moved on to Banja Luka. However, a smaller part of the population that consisted mainly of the elderly and disabled people stayed in their homes. They, as well as the captured soldiers of the Republic of Srpska Army, were killed by the members of the Croatian Army and the Army of B-H. Their dead bodies remained where they were killed - some of them were buried near the scene of the crime and 181 of them were interred on the Christian Orthodox cemetery in Mrkonjić Grad. On that occasion, the Croatian Television aired a coverage in which the dead bodies were described as those of the Serb soldiers killed in action. The facts presented here, however, indicate that the victims in question were, murdered and that they were all either PoWs or civilians.

On 10 October 1995, general Matijašević, the commanding officer of the Croatian Army's Fourth Brigade of the Guards from Split, was killed during the operation of capturing Mrkonjić Grad. His deputy Damir Krstičević then issued an order that all captured Serb soldiers and civilians be killed in retaliation. Later on, by special appointment of president Tudjman, Krstičević was promoted to the rank of general for his services in the operations of capturing Mrkonjić Grad.

Thus in the village of Surjan near Mrkonjić Grad, 8 people were killed in the house of Pantelija Grmeša. Their bodies were later found in the ashes of his burned house. Also found there was a

wheel-chair which belonged to Radojka Rožić (34) for whom it was the only way she was able to move about from the early age of 7. She was killed along with her mother and father.

According to the Dayton agreement, this area was given back to the Serbs in February 1996.

It was then that they started to discover dead bodies.

The investigative judge of the Military Court in Banja Luka ordered exhumation of the entombed bodies on the Christian Orthodox cemetery in Mrkonjić Grad. The exhumation was carried out in late March and early April, 1996, and resulted in the discovery of 181 entombed bodies of which 136 have since been identified. All of them were of Serb nationality.

On that occasion, a post-mortem was conducted by an expert forensic team headed by Dr Zoran Stanković.

In addition to the bodies found on Mrkonjić Grad cemetery, a total of 84 bodies, 82 of which have been identified, were also found in this area in the period between February 1996 and the middle of the same year. Nine more missing persons should also be added to this number, since they were most likely killed although their bodies have never been found.

This, therefore, brings the total number of victims in this area to the figure of at least 274, of which 227 have been identified so far.

The oldest among the murder victims was Jovan Lazendić from Podbrdo who was 91 at the time he was killed, whereas the oldest female victim was Ljubica Oroz from Bočac who was 90 years of age.

The final body count includes both those whose bodies were identified and those reported missing whose bodies have never been found but who were most probably murdered as well:

1. Darinka Arežina, a housewife from Bočac, born in Bočac, on May 25, 1924; daughter of Nikola and Stana (nee Marić). She

remained in the village with her elder sister and they were both there when the Croatian troops occupied the village on 12 October 1995. The Croatian army destroyed everything in their path - they killed every person and head of livestock they found there, looted and burned down all the houses (witness 410/96-4). On 11 March 1996, when the territory was brought back to the jurisdiction of the Republic of Srpska, the relatives found a grave near the house of Obrad Panić. When it was dug up, it revealed the body of Darinka which was then examined in Banja Luka and handed over to her son who buried it in Bočac.

2. Stevan Arežina, from the village of Bočac. He was reported missing after Bočac, the village he lived in, was captured and is presumed to have been killed along with all other inhabitants of Bočac who had chosen to stay in the village. Except his, all their bodies were later found (witness 426/97-44).

3. Milan Bajić, from Gerzovo, municipality of Mrkonjić Grad, born in 1952; son of Nikola. He stayed in the village after it had been occupied and then he was killed according to the statement of witness M.D. (491/96). His body was found in a place called Barači, on 10 February 1996. A post-mortem conducted by Dr Karan revealed that he had been killed with an automatic firearm on the doorstep of his house (584/96).

4. Mirko Barjaktarević, a farmer from the village of Donja Slatina near Ključ, born in Ključ, on 21 August 1941; father Petar and Mara (nee Ljepić). He remained in his village because he failed to pull out of it in time. He was arrested by Croatian troops near the village of Delije (witness 453/96-39). Also present during his arrest was his wife (witness 453/96-49) who managed to escape and another witness 453/96-46 who saw when the soldiers took Barjaktarević away. His dead body was found in the collective tomb in Mrkonjić Grad. On 4 April 1996, forensic pathologists performed a post-mortem and, according to their opinion, there was great probability that the victim died a violent death caused by destruction of the skull. Since most of the scalp tissue and the bones constituting the roof of the cranium were missing, the forensic pathologists could not specify what kind of a murder instrument was used and how the skull was destroyed (post-mortem forensic report S. 160/96).

5. Milan Batinić, born in Gračac, municipality of Gračac, on 1 January 1956; son of Branko. After his body was found in the collective tomb in Mrkonjić Grad, a post-mortem was performed. Pathological findings listed skull destruction with impressed fracture of the facial bones inflicted with a blunt end of a heavy swinging object, so it was concluded with a great degree of probability that the victim had died a violent death caused by destruction of the skull. (S. 171/96)

6. Vaso Belenzada, born in the village of Rudine, municipality of Glamoč, on 8 November 1957; father Nikola and mother Stana. After his body was exhumed from the collective tomb in Mrkonjić Grad, a post-mortem performed on 7 April 1996, showed that a major part of cranial bones and soft tissue was missing, so the forensic pathologists were unable to determine with certainty what kind of a murder instrument was used and how the skull was destroyed: it was concluded with a great degree of probability that the victim had died a violent death caused by destruction of the skull.(S.178/96).

7. Petar Bjelajac, from Podrašnica, born in the village of Podrašnica, municipality of Mrkonjić Grad, on 29 September 1947; son of Mitar. He was last seen by his daughter - witness 409/96-8 - on 6 October 1995, when he joined his unit of the Republic of Srpska Army which was defending the area. His belongings were found in the village of Podrašnica and, according to the slogans on the walls of some of the village houses that the witness saw on her way back, she presumed that the Fourth Brigade of the Guards from Split had captured the area and probably killed her father. His body was found in the collective tomb in Mrkonjić Grad. In the opinion of the forensic pathologists, there is a great degree of probability that the victim died a violent death caused by destruction and damage of vital brain and nerve centres along the bullet tract of the explosive wound. (S. 147/96)

8. Slavko Bjelanović, born in the village of Gornji Zemunik, municipality of Zadar, on 24 November, 1957; son of Špiro. The autopsy of his body showed a wound in the lower central part of the right side of his abdomen which is by nature a penetrating wound (vulnus sclopetarium) inflicted by a projectile from an infantry weapon probably fired from a considerable distance. Tracing of the bullet tract showed that it entered the body front to back and at an upward, right

to left angle. Most of the scalp tissue and the bones constituting the roof of the cranium were missing so the forensic pathologists were unable to determine with certainty what kind of a murder instrument was used and how the skull was destroyed. It was, however, concluded with a great degree of probability that the victim had died a violent death caused by destruction of the skull. (S.172/96)

9. Milan Bjelobaba, from Apatin, 35 Dože Djordja street, born in the village of Ondići, municipality of Korenica, on 31 January 1959; son of Petar and Desanka. A post-mortem of his body was performed on 6 April 1996, on the cemetery in Mrkonjić Grad. It showed multiple wounds on his head and chest inflicted by mine shrapnel or fragments of a similar explosive device which was the most probable cause of death. (S 165/96).

10. Milorad Bogojević (Borojević), born in Mrkonjić Grad, municipality of Mrkonjić Grad. on 31 July 1964; son of Slobodan. He was at his defence position in the unit of the Republic of Srpska Army which was defending Mrkonjić Grad. When the Croat troops captured the area on 10 October 1995, he did not show up at home and his wife (witness 360/96-38) did not know what had happened to him. His body was found in the collective tomb in Mrkonjić Grad and a post-mortem was performed. It revealed a perforating gunshot wound (vulnus perforans) caused by a projectile fired from an infantry weapon. Since the entry wound was on the right side of the victim's back, it can be presumed that his death was violent and most probably of a homicidal character. (S. 84/96)

11. Petar Božić, from Mrkonjić Grad, born in the village of Magalj Do, municipality of Mrkonjić Grad, on 20 February 1953; son of Stojan and Mara (nee Tufegdžić). As a soldier of the Republic of Srpska Army he was stationed in the village of Surjan when the area was occupied on October 10, 1995. From then till 3 April 1996, his wife (witness 360/96-46) did not hear from him. His body was found in the collective tomb on Mrkonjić Grad cemetery. At the post-mortem, the forensic pathologists found multiple fractures of his rib cage (ribs II-VII on the right and III-V on the left side) inflicted with the blunt end of a heavy, swinging mechanical instrument, so it is presumed that his death was violent and caused by impaired breathing resulting from multiple fractures on both sides of the rib cage. (S. 85/96).

12. Stojan Božić, a pensioner from Medna, born in the village of Medna, municipality of Mrkonjić Grad, in 1910; son of Marko and Janja (nee Babić). After 8 October 1995, when the members of his family, including witness 409/96-22, had left the village for Banja Luka, he remained alone in his home. From that time till 4 February 1996, when the village was given back to the Republic of Srpska, the family had not heard from him. That day, his body was found in the yard in front of the stable. A bloodstained wooden stake, 1.5 m long and some 5-6 cm in diameter, was found lying next to his body. It was most probably the murder weapon since his cranial bones were fractured. On 9 February without first notifying the authorities about it, the family buried the body in the village cemetery.

13. Jagoda Bojić, born in the village of Trijebovo, municipality of Mrkonjić Grad, on 28 January, 1932; daughter of Ilija. Her body was also found in the collective tomb in Mrkonjić Grad cemetery. A post-mortem revealed penetrating gunshot wounds (vulnus sclopetarium) in the area of the abdomen and the left thigh. The victim probably bled to death along the bullet cavity of the abdominal wound which was inflicted by a projectile fired from an infantry weapon. (S. 124/96)

14. Jovan Boškan, a worker from Surjan, born in the village of Surjan, municipality of Mrkonjić Grad, in 1930; son of Ilija and Milja (nee Perić). On October 10, 1995, when this territory was occupied, he remained in his home in Surjan. His family members, including witness 409/96-24, knew nothing about his fate until the collective tomb in Mrkonjić Grad cemetery was opened. A post-mortem revealed a gunshot penetrating entry wound below the left shoulder-blade caused by a projectile most probably fired at a distance from an infantry weapon. In all likelihood, the cause of death was violent and resulted from profuse bleeding from severed blood-vessels along the cavity of the bullet tract which ended at the third thoracic vertebra where a deformed calibre 7.62 mm rifle projectile was found. (S. 35/96)

15. Svetko Boškan, from Mrkonjić Grad, born in the village of Surjan, municipality of Mrkonjić Grad, in 1962; son of Jova and Dušanka (nee Podračanin). He was a reservist in the Republic of Srpska Army and was last heard of on 8 October 1995, when he telephoned his wife (witness 360/96-50) when she left their home

before the expected attack of the Croatian army. His family believed he had been captured and taken to a Croatian POW camp until his body was found when the collective tomb on Mrkonjić Grad cemetery was opened. A post-mortem revealed that there was a great degree of probability that the victim had died a violent death, most likely of a homicidal character. It was caused by destruction of vital brain centres along the cavity of a perforating gunshot wound of the head inflicted by a projectile fired from an infantry weapon. (S. 89/96)

16. Sreto Brkić, born in the village of Donji Vrbjani, municipality of Ključ, on 20 June 1957; son of Milo and Milica (nee Djurdjević). He was in the Republic of Srpska Army and, according to the information his brother (453/96-26) obtained, he was captured with a group of RSA soldiers by the Croatian army and killed in the village of Velije. His body was found in the collective tomb in Mrkonjić Grad and a post-mortem was conducted by Dr Stanković's expert team. They reported that there was a great degree of probability that the victim had died a violent death which resulted from profuse bleeding from severed blood-vessels of the abdominal organs and of the left arm caused by mine shrapnel or fragments of a similar explosive device. (S. 161/96)

17. Zoran Brković, from 3 Bihacka street, Banja Luka, born in Banja Luka, municipality of Banja Luka, on 3 March 1955; son of Djordje and Grozda Jokić. As a member of the Republic of Srpska Army he was in the village of Dabrac and was last seen at home by his wife (witness 426/96-54) on 1 October 1995. After the territory had been captured, she was officially informed that he was listed as missing by the military authorities. Later on, his body was found in the collective tomb in Mrkonjić Grad. A post-mortem revealed an injury in the right armpit area inflicted by mine shrapnel or fragments of a similar explosive device which was the most likely cause of death. (S. 119/96)

18. Ratko Buač, from the village of Gornja Slatina, municipality of Ribnik, born in the same village, on 25 September 1945; son of Milan and Marica (nee Gvizac). According to what his wife (witness 453/96-48) found out, he was captured on 14 September 1995, and his body was later found on Lisina mountain. The army brought it back to Banja Luka where the witness and her son identified it and,

on that occasion, noted a perforating gunshot wound on the right side of the chest.

19. Ilija Bubnjević, from Gerzovo, municipality of Mrkonjić Grad, born in the same village, in 1940; son of Pavle and Zorka (nee Bubnjević). He remained in his village when it was occupied in September 1995. His remains were exhumed on 6 April 1996. (document 491/96 and 584/96). Only bone fragments were found.

20. Nikola Bubnjević, a farmer from the village of Gerzovo, municipality of Mrkonjić Grad, born in Gerzovo, on 27 October 1935; son of Pavle and Trivuna (nee Zec). He was unable to walk due to his sprained left ankle and was still at his home when the village was taken by the Croatian army on 10 October 1995. On 23 February 1996, when his brother (witness 426/96-40) returned to the village, he found Nikola Bubnjević's dead body near his home. His throat was slashed and he had injuries on and around the mouth. He buried the body on the village cemetery without first notifying the authorities.

21. Radojka Bubnjević, from Gerzovo, municipality of Mrkonjić Grad, born in Gerzovo, in 1936; daughter of Stevan and Rosa (nee Stanić). She remained in her village after it was occupied in September 1995. The relatives found her remains in the ashes of her burnt house and buried them. On 6 April 1996, the coroner ordered the exhumation of her body upon which a forensic pathologist found multiple fractures of the right temporal bone on the skull, a fracture of the frontal bone and noted that the rest of the skeleton was charred. (document 491/96)

22. Andja Bunjac, a housewife from the hamlet of Miljevac in Gornji Ribnik, born in the same village, in 1902; daughter of Mija. After 14 September 1995, she stayed on at home. On 4 February 1996, her grandson (witness 453/96-38) found her decomposing body in the stable of her neighbour Milivojko Pucar. He reported the case to the authorities who conducted an inquest at the scene of the crime.

23. Simo Bušin, from the village of Gornja Pecka, municipality of Mrkonjić Grad, born in the village of Pecka, municipality of Mrkonjić Grad, on 7 February 1972; son of Dušan and Vesa. He was in the Republic of Srpska Army and was last seen at home in mid-

September 1995. He then returned to his unit where he remained until 10 October 1995, when the municipality of Mrkonjić Grad was captured (witness 360/96-51). When the collective tomb on Mrkonjić Grad cemetery was dug up, his body was found too. A post-mortem revealed an injury around the coccyx area of the spine and severe destruction of the abdominal internal organs caused by mine shrapnel or fragments of a similar explosive device - a grenade. (S. 79/96)

24. Velibor Vasić, born in the village of Bučevača, municipality of Kupres, on 9 March 1963; son of Sreča. His body was found in the collective tomb in Mrkonjić Grad. Since most of the scalp tissue and the bones constituting the roof of the cranium and face were missing, the forensic pathologists concluded that it was highly likely that the cause of death was destruction of the cranium and that it was of a homicidal character. (S. 49/96)

25. Dragan Vasić, from Brčko, born in the village of Donji Žabari, municipality of Orašje, on 14 January 1945; son of Jovo. His body was found in the collective tomb in Mrkonjić Grad. A post-mortem revealed a perforating gunshot wound on his head inflicted by a projectile fired from an infantry weapon. The bullet tract was traced upward and back to front, with an exit wound in the area of the right eye. (S. 131/96)

26. Ilija Velimir, from Kupres, born in the village of Rilić, municipality of Kupres, on 25 January 1968; son of Zdravko. After his body was found in the collective tomb in Mrkonjić Grad, it was subjected to a post-mortem which, in the opinion of the forensic pathologists, revealed grounds for strong suspicion that death was of a homicidal character and caused by profuse bleeding from jugular blood-vessels severed with the blade of a swinging mechanical instrument. (S. 51/96)

27. Boja Vidačković, a housewife from Bočac, born in 1927; daughter of Djuka. She was still in the village when the Croatian army captured it. Her remains were found in her burnt home on 7 February 1996 (witness 426/96-44). She was suffering from a chronic disease and unable to walk (584/96).

28. Djuka Vidović, a housewife from Bočac, born in the village of Bočac, municipality of Banja Luka, on 13 May 1910; daughter of

Ilija and Simeuna (nee Uletilović). She was still in the village when the Croatian army captured it on 12 October 1995. From then on, nobody knew anything about her fate until her body was found in the collective tomb in Mrkonjić Grad cemetery (according to witness 410/96-8). Pathologists found injuries consistent with those usually inflicted by mine shrapnel or fragments of similar explosive devices. (S. 46/96)

29. Drago Vicić, from Mrkonjić Grad, born in Mrkonjić Grad, municipality of Mrkonjić Grad, on 20 March 1963; son of Jova and Stoja (nee Kajkara). As a soldier in the Republic of Srpska Army, he was at his post on October 10, 1995, when the territory was captured by the Fourth Croatian Brigade of the Guards from Split. According to the testimony of his wife (witness 409/96-3), he was then captured and his body was later found in the collective tomb in Mrkonjić Grad. As the most probable cause of death, a post-mortem revealed three perforating gunshot wounds on the victim's body. His right collar-bone was also fractured as a result of a blow with a blunt end of a heavy, swinging mechanical instrument. (S. 151/96)

30. Stevo Vojvodić, born in the village of Brdo, municipality of Mrkonjić Grad, on 20 June 1946; son of Jovan. He was last seen on 8 October 1995, when he visited his home (testimony of his wife - witness 360/96-34). After that, he returned to the front-line and, as far as his relatives know, was captured there. His body was found in the collective tomb on Mrkonjić Grad cemetery. According to the opinion of the pathologists, his death was most likely a violent one and was caused by destruction of vital brain centres resulting from mine shrapnel or fragments of a similar explosive device. (S. 98/96)

31. Osto Vranić, a farmer from Lipovača, municipality of Šipovo, born in the same village, in 1912; son of Jova and Petra (nee Dević). Since he was suffering from a chronic disease and unable to move, he remained in the village when the Croatian army occupied it. On 8 February 1996, when his son (witness 426/96-29) returned to the village, he found his father's house burnt and in the place where Osto's sick bed had once been, he came upon his remains - fragments of charred bones which he collected and buried. He believes that his father was burned alive in his home.

32. Branimir Vujić, a professional driver from Rastoka, born in the village of Rastoka, municipality of Ključ, on 19 March 1951; son of Miroslav and Ruža (nee Dmitrović). He was involved in the defence of Mrkonjić Grad when the area was occupied on 10 October 1995, but his father (witness 453/96-21) was unable to find out anything about him until his body was found in the collective tomb in Mrkonjić Grad. A post-mortem revealed the following injuries: lesions on both shins caused by mine shrapnel or fragments of a similar explosive device, a wound in the area of his right thigh inflicted by a projectile fired from an infantry weapon, most likely from a considerable distance, with the bullet tract front to back, and a fracture of the right collar-bone and lower jaw-bone caused by a blow with a blunt end of a heavy, swinging mechanical instrument. Based on these forensic findings, the pathologists were of an opinion that, in all likelihood, the cause of death was violent and resulted from profuse bleeding from severed blood-vessels along the cavities of the explosive wounds of both shins and that of the perforating gunshot wound in the right thigh. (S. 23/96)

33. Ljubo Vujičić, born in the village of Zagona, municipality of Bijeljina, on 10 August 1963; son of Cvijetko. His dead body was found in Mrkonjić Grad where a post-mortem was subsequently performed. It gave clear indication that, in all probability, he died a violent death caused by destruction of the cranium. However, due to the fact that large portions of tissue and bone were missing, the pathologists were unable to specify what kind of a murder instrument was used and how the skull was destroyed. Explosive wounds inflicted by mine shrapnel or fragments of a similar explosive device were also found on the victim's back. (S. 156/96)

34. Milan Vuković, from 3 Milana Ličine street, Banja Luka, born in Kranj, municipality of Kranj, in 1948; son of Dušan. After his body was disinterred from the collective tomb in Mrkonjić Grad, a post-mortem was performed. It revealed a perforating gunshot wound on the head inflicted by a projectile fired from an infantry weapon, most likely at point-blank range, so the pathologists were of an opinion that it was the most probable cause of death. Moreover, they found a laceration in the area of the right breast inflicted with the blade of a swinging, mechanical object. (S. 133/96)

35. Branko Vuksan, from Bočac, born in Bočac, municipality of Banja Luka, in 1925; son of Nikola and Stoja (nee Antonić). On 11 October 1995, when his village was occupied by the Croatian army, he was still in it. His body was found in the collective tomb in Mrkonjić Grad in early April 1996. According to his daughter (453/96-10), his face was completely smashed, his livestock taken away and his house plundered. Based on post-mortem findings, pathologists suggested that there is a great degree of probability that the victim died a violent death resulting from the damage to vital brain centres caused by the impressed bone fracture of the right side of the face. (S. 43/96)

36. Vlado Vuksan, from Bočac, born in Bočac, in 1958; son of Branko and Desa (nee Malešević). He was at home in the village with his father when Bočac was occupied by the Croatian army. Later when a Serb military unit entered the village, the soldiers found Vlado's body and transported it to Banja Luka on 6 November 1995, when a post-mortem was performed (witness 453/96-10).

37. Slobodan Vučković, born in Bileća, on 15 March 1946; son of Spasoje and Ljubica. His body was found in the collective tomb in Mrkonjić Grad with perforating gunshot wounds on the head and a penetrating gunshot wound on the neck. It was suggested that the most probable cause of death was destruction and damage of major brain centres along the cavities of the perforating wounds. A deformed metal projectile of 7.65 mm pistol calibre was found lodged in a spinal vertebra. (S. 116/96)

38. Boro Galić, from 13 Novice Šerovića street, Banja Luka, born in Banja Luka, municipality of Banja Luka, on 14 December 1969; son of Nikola and Milena (nee Jović). As a soldier of the Republic of Srpska Army he was stationed in Čičina Kosa area when it was occupied by the Croatian army on 18 October 1995. His wife (witness 426/96-55) was informed of his disappearance. A post-mortem of his body revealed multiple gunshot wounds: the first one was of a perforating type with an entry wound in the right shoulder just below the collar-bone and an exit wound in the left armpit area; the second wound was on the inside of the left forearm with the bullet tract traced front to back; the third wound was, in fact, an impressed bone fracture of the right cheek-bone inflicted with the blunt end of a heavy, swinging mechanical instrument. In the opinion

of the pathologists, the cause of death was most likely violent and resulted from profuse bleeding from severed blood-vessels along the cavities of the perforating wounds as well as from damage done to vital brain centres. (S. 1/96)

39. Milosav Galić, from Bukvalek, born in Bukvalek, municipality of Banja Luka, on 12 September 1947; son of Sava and Bjelica (nee Matić). On October 10, 1995, he and his son were in the forest of Liskovica, near the village of Bjelajce, municipality of Mrkonjić Grad, when the area was occupied by the Croatian army. On 15 April 1996, his brother (witness 453/96-11) found his body and the bodies of two soldiers. He noticed that he had a perforating gunshot wound on his chest.

40. Milorad Gligorić, from Kadinjani, born in the village of Kadinjani, municipality of Laktaši, on March 1953; son of Cvija. According to the notice which the army command sent to his sister (witness 453/96-15), he was captured by the Croatian army at Dabrac motel, on 11 October 1995. This was further corroborated by witness 453/96-16 whose husband was also captured with Gligorić. His body was found in the collective tomb an Mrkonjić Grad cemetery in early April 1996. A post-mortem revealed explosive wounds on both shoulders, one thigh and one armpit which were consistent with those usually inflicted by mine shrapnel or fragments of similar explosive devices. (S. 109/96)

41. Dušan Golić, from the village of Boraci, son of Marko. According to the information gathered, he and his brother were killed by Croatian soldiers in September 1995. Their bodies were found on 2 April 1996, so Dr Curkić gave an opinion that he had been killed by a blow with a hard, blunt instrument in the head and chest area. (584/96).

42. Jova Golić, from the village of Boraci, son of Marko. According to the information gathered, he and his brother were killed by Croatian soldiers in September 1995. Their bodies were found on 2 April 1996, so Dr Curkić gave an opinion that he had been killed by a blow with a hard, blunt instrument in the head and chest area. (584/96).

43. Vlado Grahovac, from the village of Čitluk, municipality of Šipovo, born in the same village in 1956, son of Gojko and Milica. As a soldier, he was captured by the Croatian army in September 1995. As his father, witness 426/96-8, found out, he was killed near the village of Babin Do after he had been captured. He was shown the site where Vlada's body had remained, but there he only found traces of fire and pieces of garments worn by his late son. He gathered the ashes and buried them as remains of his son's body. Witness 426/96-14 eyewitnessed the capturing of Vlada Grahovac. He also saw that Croatian soldiers had subsequently shot him and that the body had remained by the road.

44. Zoran Grgić, from the village of Rudeljice, municipality of Ribnik, born in the village of Ljubinje, municipality of Ključ, on 10 September 1927, son of Vasa and Mira (nee Marinković). He remained in his village on September 14, 1995, when the Croat-Muslim Army captured it. When the village of Miškovići was liberated in February 1996, his nephew - witness 453/96-42 found his body buried there. After he had informed the police in Banja Luka an inquest was conducted (584/96). He had several perforating gunshot wounds in the chest. He had a watch which stopped on 19 September 1995, so it is presumed that he had been killed the previous day.

45. Gavro Grmaš, from Mrkonjić Grad, born in the village of Surjan, municipality of Mrkonjić Grad, on 7 July 1947, son of Mihajlo. He used to be in the Army of the Republic of Srpska and, according to the statement made by his wife (witness 369/96-35), the Croatian Army captured him in Surjan. The post-mortem recorded injuries below the knees, left thigh and right buttock, inflicted by mine shrapnel or fragments of a similar explosive device, most of the connective tissue of the scalp and part of the cranial bones were missing, so it was concluded with a great degree of probability that the victim had died a violent death caused by destruction of the skull. (S.112/96)

46. Mara Grmaš, a housewife from the village of Surjan, born in the village of Bočac, municipality of Banja Luka, in 1955, daughter of Gojko and Cvijeta Vidović. She remained in the village with her husband when the Croatian Army captured it in October 1995. Their bodies were found (witness 426/96-47) in the collective grave in

Mrkonjić Grad. Mara's head was bashed in. On the basis of the post-mortem report, the doctors gave the opinion that the likely cause of death is the destruction and damage of the vital brain centres caused by impressed fracture of the left parietal-temporal bone inflicted with a hard, blunt mechanical instrument. Her left collarbone and first left rib were also broken with the same instrument. (S. 31/96)

47. Pantelija Grmaš, a farmer from Surjan, born in July 1926, son of Stanko and Joka (nee Aničić). Remained in the village with his wife Sava, when the Croatian army captured Surjan in October 1995. They gave shelter to six of their relatives in their house: Jela and Radojka Jorgančević, Branko, Nevenka and Radojka Rožić and Branko Kudro. When his sons (witness 360/96-16) came to the village on 8 April 1996, they found the house burnt down to the ground and the remains of the bodies of all of these 8 people, which was established by the investigative judge of the court martial in Banja Luka on 10 April when he came out at the scene with forensic specialist, Dr Curkić. (470/96)

48. Petar Grmaš from Mrkonjić Grad, born in the village of Surjan, municipality of Mrkonjić Grad on 10 July 1954, son of Raiko and Mila (nee Ćirković). He remained in the village with his wife when this area was occupied by the Croatian army on October 10, 1995. According to the statements made by their relative - witness 426/96-47, after the liberation of the village, their house was found burnt down to the ground, while their bodies were found in a tomb on the Christian Orthodox cemetery in Mrkonjić Grad. According to the opinion of the doctors who performed the post-mortem, there was great probability that the victim had died a violent death caused by destruction of the skull. (S. 29/96)

49. Sava Grmaš, a housewife from Surjan, born in Surjan, in 1928, daughter of Joša Aničić. Remained with her husband Pantelija in their house with six other relatives when the Croatian army captured Surjan in October 1995. All of them were subsequently killed and their remains found at the site of their burnt-down house by their sons who returned to the village on 8 April 1996. (witness 360/96-16, 470/96).

50. Dobrivoje Gustovarac, a salesman from Banja Luka, born in Banja Luka, the municipality of Banja Luka, on 26 June 1954, son

of Radovan and Danica (nee Gustovarac). He was at his post above the village of Bočac with his unit and a few days before the capturing of Mrkonjić Grad was the last time he had telephoned his mother (witness 426/96-56). His body was found in the tomb in Mrkonjić Grad with the bones of the back of the head bashed in. The post-mortem found that a part of cranial bones and soft tissue were missing, so it was concluded with a great degree of probability that the victim had died a violent death - of a homicidal character caused by destruction of the skull. It also revealed injuries on the right thigh and right forearm with a bone fracture inflicted with the blunt end of a heavy swinging object. An injury on the right side of the stomach was also found, covered in white bandage, which represents a wound treated by professionals. (S. 115/96)

51. Stevo Damjanović, from the village of Potoci, municipality of Ribnik. Remained in his village when it was taken over by the Croatian army on 13 September 1995. He was subsequently killed (witness 426/96-41).

52. Dragan Danilović from the village of Podrašnice, born on 26 February 1939, son of Steva and Stana (nee Pekez). Along with the members of his family he started to flee from the village before the Croatian army on 10 October 1995. According to witness 409/96-9, he returned home to let the livestock out of the stable. On 4 February 1996, when Podrašnica was returned to the Republic of Srpska, Dragan's father found his son's body in front of the house and buried it by his own father's grave - the grave of Dragan's grandfather - killed by the Usthas in 1941.

53. Joka Danilović, from the village of Vrbljani, municipality of Ribnik, remained in her village when it was occupied. She was found hanged in Strajinići (549/96).

54. Milica Danilović, a housewife from the village of Vrbljani, municipality of Ribnik, born in Vrbovljani, on 12 September 1927, daughter of Milan. She remained in her house when her village was occupied. In early February 1996, when Ribnik was returned to the Republic of Srpska, her body was found hanged in the outhouse used for smoking meat. Her relatives believe that she was hanged by the Muslim army (witness 453/96-28). The body was buried without a post-mortem.

55. Goran Dedić, from Podrašnica, municipality of Mrkonjić Grad, where he was born on 1 January 1967, son of Sima. His body was disinterred from the tomb in Mrkonjić Grad on 4 April 1996. The doctors' opinion was that it could be stated with a great degree of probability that the death was violent and caused by bleeding from soft tissues and severed blood-vessels of the left upper arm, left thigh and organs of the left side of the rib cage, along the cavity of the bullet tracts (on the rib cage, left forearm and left thigh) and from the explosive wound on the left upper arm. (S. 162/96)

56. Milo Dmitrović, born in the hamlet of Smiljanići, in 1954, son of Sava and Deva (nee Davidović). Almost blind, he remained with his father Sava in his house in Gornji Ribnik when the village was occupied on September 14, 1995. Witness 453/96-40 also remained in the village in hiding. A few days after 14 September he saw the bodies of his relatives Milo and his father Sava in the yard of their house and saw that their throats were slit. In mid-February 1996, when his brother (453/96-34) returned to the village, he found Milo's slaughtered body in the front yard and saw several perforating gunshot wounds. After investigation, the body was buried.

57. Sava Dmitrović, born in the hamlet of Smiljanići, Gornji Ribnik, in 1907, son of Sima and Joka. He remained with his half-blind son in their house in Gornji Ribnik when the village was occupied on 14 September 1995. In mid-February 1996, when his other son (453/96-34) returned to the village, he found his father's body slaughtered in the front yard. After investigation, the body was buried.

58. Ilija Drvar, a worker from Gustovare, born in the village of Gustovare, municipality of Mrkonjić Grad, in 1954, son of Jova and Stana (nee Vujasin). He was with the Army of the Republic of Srpska which was defending the area of Mrkonjić Grad when it was taken by the Croatian Army on 10 October 1995. His destiny was unknown until early April 1996, when the collective tomb in Mrkonjić Grad was opened and his body found there (witness 409/96-35). The doctors found a perforating bullet cavity in the head inflicted by a projectile fired from an infantry weapon, and, according to their opinion, he died a violent death caused by the destruction of vital brain centres along the cavity of the bullet tract. (S. 145/96)

59. Andja Drinić (nee Arežanina), a housewife from Bočac, born in the village of Bočac, municipality of Banja Luka, in 1910; daughter of Nikola and Stana (nee Marić). Being well advanced in years, she remained in the village along with her sister in the hope that the Croatian army which captured Bočac on 12 October 1995, would not hurt them (witness 410/96-4). Her body was found in the collective tomb in Mrkonjić grad. The doctors were of an opinion that it could be stated with a great degree of probability that the death was violent and caused by bleeding from severed blood-vessels along the cavity of the bullet tracts in the right thigh and left shin. (S. 18/96)

60. Slobodan Duvnjak from Banja Luka, born in the village of Donji Malovan, municipality of Kupres, on 21 April 1942; son of Jova. A post-mortem revealed injuries of the left side of the coccyx area of the spine and an impressed fracture of the central part of facial bones with the destruction of the cranium. The former represents an explosive wound inflicted by fragments of a mine shrapnel or some similar explosive device, while the latter was inflicted with the blunt end of a heavy swinging object. On the basis of these medical findings, it can be concluded with a great degree of probability that the victim had died a violent death caused by destruction of vital brain centres. (S. 27/96)

61. Stevo Duvnjak, a salesman from Šipovo, born in the village of Čitluk, municipality of Šipovo, on 22 August 1954; son of Krsta and Andja (nee Nišić). He was with the Army of the Republic of Srpska. His father (witness 426/96-7) last saw him in September 1995, and received no further information about him until his body, with the upper part of the head destroyed, was found in the tomb in Mrkonjić Grad. (S. 95/96)

62. Blažo Djaković, from the village of Potoci, municipality of Ribnik. He remained in his village when it was occupied by the Croatian army on 13 September 1995. He was subsequently killed (witness 426/96-41).

63. Jovanka Djukić, from Donje Ratkovo, the hamlet of Djukić, born in 1924, daughter of Milloš. Paralysed, she remained in the village along with her husband. Their bodies were found on 27

February 1996, when investigation and post-mortem were conducted by Dr Karan who was of the opinion that she had been first killed and then her body set on fire in her family house (584/96).

64. Mara Djukić, from the village of Sredice, municipality of Ribnik, born in the village of Busije, municipality of Ključ, on 25 April 1913; daughter of Panta and Joka (nee Banjac). She remained in her house on September 14, 1995. When her grandson (witness 453/96-41) returned to the village on 7 March 1996, he found her body decomposing on the floor. He could not examine it in detail and buried it immediately without notifying the authorities. It is presumed that she was killed, since she had been of sound health.

65. Milka Djukić, from the village of Vrbljani, municipality of Ribnik, born in the village of Mrdje, municipality of Petrovac, in 1907; daughter of Steva. She remained in her village on 14 September 1995, when it was occupied by the Croatian-Muslim army. According to witness 453/96-26, her body was found in a forest near her house after the village was liberated, in early 1996. Her throat was slit. This was confirmed by her daughter (witness 453/96-27) who buried her without notifying the authorities.

66. Mirko Djukić, from Donje Ratkovo, the hamlet of Djukić, born in 1924; son of Djura. He remained in the village with his paralysed wife. Their bodies were found on 27 February 1996, when investigation and post-mortem were conducted by Dr Karan. (584/96).

67. Mihajlo Djukić, from the village of Donje Rakovo, municipality of Ribnik, born in this village, on 8 June 1935; son of Dimitrije. He remained in the village on 18 September 1995, when it was occupied by a Muslim army unit from Vitez. His daughter - witness 426/96-52 - found his grave by the road, about one kilometre away from the house. After the exhumation was performed on March 6, 1996, by orders of the investigative judge from Banja Luka a perforating wound on the head was found. (584/96).

68. Obrad Djukić, a forester, born in Donja Previja, municipality of Ribnik, on 16 February 1926; son of Jova and Jovanka (nee Risović). He remained in his house in Donja Previja when the village was occupied in mid-September 1995. He used to say that he was not guilty of anything and that there was no need for

him to run away. When this area was returned to the Republic of Srpska in mid-February 1996, his daughter (453/96-22) found her father's body near the house of her neighbour. Fire had been lit on his chest so that part of his body burned down. After the investigation, she buried the body on the village cemetery. An inscription "126th sabotage brigade" remained on her neighbour's house in the village.

69. Stana Djukić, from the village of Sredice, municipality of Ribnik, born in this village, in 1922; daughter of Stojan and Deva (nee Kasapović). She remained in her village on 14 September 1995, and when her sister (witness 453/96-45) returned to the village, she found her body near the house and buried it immediately without requesting an investigation. It is presumed that she was killed by Croatian soldiers, since that is what they did with all other inhabitants who remained in the village.

70. Stevo Djukić, from the village of Vrbljani, municipality of Ribnik, born in the village of Vrbovljani, now municipality of Ribnik, in 1937, son of Ilija and Milka (nee Mrdjan). He remained with his mother Milka in their village when it was occupied by the Croatian-Muslim army. After the village was liberated, in February 1996, he was found slaughtered (witness 453/96-26). His sister (453/96-27) states that he was on the couch in the house and that his throat was slit.

71. Danilo Djurdjević, a pensioner from Bočac, born in the village of Bočac, municipality of Banja Luka, on 10 December 1921, son of Simeun and Simeona. According to the statement submitted by his son (witness 410/96-7), he had suffered a stroke before the war and had remained paralysed, so he could not leave his house when the Croatian army occupied this village on October 12, 1995. His body was found in the collective tomb on the Mrkonjić Grad cemetery. On the basis of the post-mortem report, an opinion was given that there is a great degree of probability that his death was violent and caused by bleeding from severed blood-vessels along the cavity of the explosive wounds in the chest. The wounds above the left collar-bone and on the right side of the chest are explosive wounds inflicted by fragments of a mine shrapnel or some similar explosive device. Also found were fractures of ribs II-V on the right

side of the rib cage, approximately at breast-line level and probably inflicted after death. (S. 12/96)

72. Branko Djurić, born in the village of Kudilja, municipality of Kupres, on 19 June 1962, son of Bogoljub. A post-mortem revealed a wound below the left collar-bone, inflicted by a projectile fired from an infantry weapon which stretches, in the form of a cavity, through the skin, the subcutaneous tissue muscles and the skin of the left armpit where there is an exit wound. There was also an impressed fracture on the left side of the face inflicted with the blunt end of a heavy, swinging instrument. According to the doctors' opinion, it can be concluded with a great degree of probability that the victim had died a violent death caused by destruction of vital brain centres. (S. 57/96)

73. Vukosava Djuričić, from Vrbljani, municipality of Ribnik. She remained in her village when it was occupied since she lived on her own. Her body was found after the village had been liberated. (549/96).

74. Nevenko Žarković, from Benkovac, born in Zadar, municipality of Zadar, on 22 September 1956; son of Žarko. His body was found in the collective tomb at the Christian Orthodox cemetery in Mrkonjić Grad on 7 April 1996. A post-mortem was conducted which established a multiple fracture of the ribs on the left side of the rib cage inflicted with the blunt end of a heavy, swinging instrument. The opinion was given that the death was probably of a homicidal character and caused by obstruction of breathing due to the fracture of the ribs on the left. The post-mortem also found perforating gunshot wounds on the left side shin and left ankle. (S. 174/96)

75. Lazo Ždero, born in the village of Blagaj, municipality of Kupres, in 1971; son of Gojko and Divna. His body was found in the tomb in Mrkonjić Grad, so the opinion was given that the victim died a violent death caused by the destruction of the head. Also found were injuries on the left shoulder-blade and right thigh caused by metal parts of an explosive device, as well as fracture of the right femur, inflicted with the blunt end of a heavy, swinging instrument. (S. 50/96)

76. Borislav Žilić, a worker from the village of Jablan, municipality of Laktaši, born in the village of Glamočani, municipality

of Laktaši, in 1941; son of Mata and Mara (nee Jakovljević). He was in his unit of the Army of the Republic of Srpska at the post on the Srbobran defence line. His brother, witness 453/96-17, last saw him in September 1995. His family was later informed by his military command that he had been captured. His body was also found in the collective tomb in Mrkonjić Grad. According to the doctors' opinion, it can be concluded with a great degree of probability that the victim had died a violent death caused by bleeding along the bullet cavities. They also found a fracture of the lower jaw bone inflicted with the blunt end of a heavy swinging instrument. (S. 110/96)

77. Željko Župić, from the village of Gustovare, born in Gustovare, municipality of Mrkonjić Grad, on 26 November 1969; son of Marko and Mileva. He was a reservist in the Army of the Republic of Srpska and was listed as missing since 10 October 1995, when the Croatian army captured Mrkonjić Grad. His mother found out that he had been wounded and then captured. His body was found on 19 February 1996, in a forest in the village of Surjan and, after an investigation had been conducted, it was buried at the village graveyard in Gustovare. (witness 360/96-45)

78. Živko Župić, from Gustovare, born in the village of Gustovare, municipality of Mrkonjić Grad, in 1971; son of Marko and Mileva. He was reported missing as a reservist of the Army of Republic of Srpska in the area of Mrkonjić Grad when it was captured on 10 October 1995 (witness 360/96-45). His body was found after the tomb at the cemetery in Mrkonjić Grad had been opened on 3 April 1996. According to the doctors' opinion, it can be concluded with a great degree of probability that the victim had died a violent death caused by the destruction of the head, but since part of the connective tissue of the scalp and part of the cranial bones were missing, the doctors could not positively specify the way and the means which caused the destruction of the head. (S. 134/96)

79. Stevan Župić, from Gustovare, born in the village of Gustovare, municipality of Mrkonjić Grad, in 1967; son of Marko and Mileva. He was a reservist in the Army of the Republic of Srpska and was reported missing when the area of Mrkonjić Grad was occupied by the Croatian Army on 10 October 1995 (witness 360/96-45). His body was found in the tomb on the Christian Orthodox cemetery in Mrkonjić Grad. A post-mortem revealed two perforating gunshot

wounds. The one in the head was inflicted with an infantry weapon and was the most probable cause of death. (S. 102/96)

80. Dušanka Zorić, from Vrbljani, municipality of Ribnik. She remained in her village after it had been occupied. She was missing and, therefore, presumed, killed (549/96)

81. Dušan Ilić, from Gustovare, near Mrkonjić Grad, born in Mrkonjić Grad, municipality of Mrkonjić Grad, on 19 July 1947: son of Milan and Gospava (nee Kudra). According to the statement made by his son, witness 360/96-23, he had been caught by the Croatian army in the village of Šehovci and his subsequent destiny had been unknown until the tomb in Mrkonjić Grad was opened. Since most of the connective tissue of the scalp and part of the cranial bones were missing, the forensic experts could not positively specify the way and the means which caused the destruction of the head, but their opinion is that it can be concluded with a great degree of probability that the victim had died a violent death caused by the destruction of the head. (S. 125/96)

82. Milenko Javorac, from Banja Luka, born in Banja Luka, municipality of Banja Luka, on 14 October 1971; son of Živko. On 5 April 1996, a post-mortem of his body was performed at the cemetery in Mrkonjić Grad which revealed two penetrating gunshot wounds: the entry wounds being in the area of the left breast and the upper third of the left thigh. The pathologists were of an opinion that there was a great degree of probability that the victim died a violent death which was of a homicidal character and caused by bleeding along the cavities of the bullet tracts. Apart from this, the post-mortem also revealed a fracture of the lower jaw bone inflicted with the blunt end of a heavy swinging instrument. (S. 122/96)

83. Djuro Jakovljević, born in 1916, son of Toda. He remained in the village of Barači, municipality of Mrkonjić Grad, after it had been taken by the Croatian Army. On 10 February 1996, his body was found in the stable of Boža Tadić from Barač, so an investigation and a post-mortem were conducted. It was established that he had died of exhaustion and hypothermia. (584/96).

84. Milorad Jandrić, from the village of Čifluk, born in the village of Čifluk, municipality of Šipovo, on 3 August 1957; son of

Petar and Mirjana (nee Jandrić). His wife (witness 426/96-9) last saw him on 9 September 1995, when he returned to his unit attached to the 7th Brigade of the Army of the Republic of Srpska, which was first stationed in the area of Kupres and subsequently in the area of Mrkonjić Grad. That day some soldiers from this brigade, including Milorad Jandrić, were captured and, as his wife later found out, killed. His body was found in the collective tomb in Mrkonjić Grad. A post-mortem showed injuries in the area of the chest and abdomen, on the left thigh, on the right shin and left foot. All of them were explosive wounds inflicted by mine shrapnel or fragments of a similar explosive device, which led to bleeding, and probably, death. (S. 130/96)

85. Djuradj Jarić, from the village of Šehovci, municipality of Mrkonjić Grad, born in this village, on 4 May 1950; son of Nikola and Milica. He remained in his village after the occupation on 10 October 1995, along with his sister Zorka. Their brother - witness 453/96-55 - was unable to find out what had happened to them. He presumes that both of them were killed, but their bodies have not been found yet.

86. Zorka Jarić, from the village of Šehovci, municipality of Mrkonjić Grad, born in this village, on 14 August 1939; daughter of Nikola and Milica. She remained in her house after 10 October 1995, and her brother (witness 453/96-55) could not find out what had happened to her. He presumes that she was killed, but her body has not been found yet.

87. Milica Jarić, a housewife from the village of Šehovci, municipality of Mrkonjić Grad, born in the village of Surjan, municipality of Mrkonjić grad, on 19 April 1915; daughter of Pera Djukelić and Boja (nee Trivunović). On 10 October 1995, she went to the village of Surjan on a visit to her relative Mirko Kostić, where she was slaughtered in front of Mirko's house along with Mirko and his wife Djuka. Her body was buried in the nearby field by G.O., and on 15 July 1996, the investigative judge conducted exhumation and a post-mortem.

88. Predrag Jaćimović, born in the village of Han Kola, municipality of Banja Luka, on 18 November 1960; son of Bogoljub and Vinka. His body was found in the tomb in Mrkonjić Grad when

the doctors found a perforating gunshot wound in the right temporal lobe inflicted by a projectile shot from an infantry weapon, as well as wound on the left side of the chest and right shin, inflicted by metal parts of mine shrapnel or fragments of a similar explosive device. (S.123/96)

89. Mladjen Jovandić, from the village of Jovandići, born in the village of Jovandići, municipality of Mrkonjić Grad, in 1920; son of Milo. He fled in the direction of Banja Luka along with his daughter-in-law (witness 409/96-7), but stopped in the village of Trijebovo. His further destiny was unknown until the beginning of April 1996 when the tomb in Mrkonjić Grad was opened. His body was also found in it. Since the body was in a state of advanced decomposition with much of the connective tissue missing, the post-mortem could not specify the real cause of death. (S. 142/96)

90. Ilija Jovanović from Vekino selo, born on 11 February 1951 in the village of Velino selo, municipality of Bijeljina, father Vojin. After his body was disinterred from the collective tomb in Mrkonjić Grad, the forensic specialists established a depressed fracture of the skull bones as a result of a blow with a heavy, blunt and swung mechanical tool. It can be asserted, with a great degree of probability, that the victim died a violent death as a result of destruction of the vital brain centres. (W. 150/96)

91. Milorad Jovanović from the village of Plažulje, born on 17 July 1958 in Plazulje, municipality of Gračanica, father Ilija. After his body had been disinterred from the tomb in Mrkonjić Grad, it was established that he had died a violent death caused by the destruction of the vital brain centres, as a result of the depressed fractures in the right temporal - parietal region (dealt with a heavy, blunt and swung, mechanical tool). The post mortem examination established also an injury in the region of the left loin, most probably caused by an explosive device. The wound was medically treated and bandaged. (W. 149/96)

92. Djordje Jović from Brčko, Starine Novaka Street No. b.b., born on 16 July 1952 in the village of Špijanci, municipality of Srebrenik, father Jovan. After his body had been discovered in the grave on the Orthodox cemetery in Mrkonjić Grad, an autopsy was performed. On the basis of post mortem examinations, a violent cause of death, as a result of the destruction of the head, was established. Two explosive

wounds, found on his left arm, are, presumably, the result of an activated mine-fexplosive device. (W. 62/96)

93. Siniša Jokanović, a member of the Republic of Srpska Army, his body was found in a forest, known as Jojina strana, in a place called Rastoka, on 27 March 1996, along with the body of Darko Savic, whose arms were tied on the back, which indicates that, before to killing they were captured. (584/96)

94. Stanko Jokić from the village of Vrbovljani, municipality of Ribnik, born 1942 in Vrbovljani, father Ilo and mother Zorka, nee Babić. He remained in the village when it was occupied by the members of the Muslim-Croat Army on 14 September 1995. His fate had been uncertain until the beginning of February 1996, when his body was found in a forest on Mt Lisin. It had several perforating, gunshot wounds in the region of the chest. After the investigation had been performed, the body was buried in Vrbovljani. (witness 453/96-30)

95. Andjelija Jorganović from Šehovci, born in 1926, father Milan. She was in her house during the attack on village on 8 February 1996. Her body was found in her house. Subsequently, the investigation was carried out by the investigative judge of the Banja Luka Military Court. (584/96)

96. Radojka Jorganović from Šehovci, born 1926, father Simo Bijekić. She was in the village of Surjan when the Croat Army occupied this area. It was established by the investigative judge during the conduct of the inquiry on 10 April 1996 (witness 360/96-16), that she had been killed in the house of her godfather, Pantelija Grmasa, where she had looked for shelter. Her body was found in the house of the family Grmaša by her son - witness 360/96-25. He has found out from Z.B., aged about 70, who also stayed in the village, that the village, taken over on 10 October 1995, , was burned down 28 days later.

97. Vlado Jorgančević from the village of Šehovci, born 1941, father Jovo and mother Cvijeta, remained in the village when it was taken over by the Croat Army on 10 October 1995. His body was found on 8 February 1996, in the vicinity of his burnt house, by his nephew - witness 360/96-25, who buried him after the investigation had been carried out.(584/96)

98. Jelka Jorgančević, nee Aničić, from Šehovci, born 1934 in Surjan, father Jošo Aničić and mother Petra, remained in her village when the Croat Army took over this area in October 1995, and was killed in the house of her sister, Sava Grmeša, in the village of Surjan. Her body was found on 8 April 1996, (witness 360/96-16) by her son (witness 360/96-2), who buried her body in Surjan.

99. Nedeljko Karać, engineer from Mrkonjić Grad, born on 5 July 1958 in the village of Trijebovo, municipality of Mrkonjić Grad, father Petar and mother Janja, nee Jerković. He was a member of the Republic of Srpska Army, and his unit was defending the area of the municipality of Mrkonjić Grad. His wife (witness 409/96-27), saw him last two or three days before the occupation of Mrkonjić Grad. She had heard nothing of him until the collective tomb on the cemetery in Mrkonjić Grad was opened. His body was found there. The post mortem findings established a violent cause of death, as a result of the destruction of the vital brain centres, due to the depressed fractures of the parietal and lower-jaw bones, inflicted with a heavy, blunt and swung, mechanical tool. (W. 82/96)

100. Rosa Kasapović from the village of Vračari, municipality of Vračari, born 1921 in Ribnik, father Gavran and mother Marija, nee Krndije, remained in the village when it was occupied by the Croat Army on 14 September 1995. Her cousin (witness 453/96-53) has lost any trace of her since.

101. Žarko Katana, civil engineering technician from Banja Luka, N. Preševića Street No 1, born on 24 September 1967 in Banja Luka, father Stanoje and mother Milica, nee Vuković, was captured by the Split Brigade of the Croat Army in Agino Selo on 18 October 1995. His wife (453/96-7) had known nothing of his fate until his body was found in Mrkonjić Grad. On the basis of post mortem examination, it was established that the victim died a violent death caused by the injuries of the vital brain centres located along the canal of a perforating gunshot wound. In the central section of the forehead, there was an open gunshot wound inflicted with a projectile shot from an infantry weapon. The canal of the wound passed through the brain tissue and ended in an exit wound in the parietal region. Established were, as well, the wounds in the region below the left clavical bone and in the region of the right armpit presumably inflicted with of a shell fragment. Both bones of the lower leg were broken most likely by a blow with a heavy, blunt and swung mechanical tool. (W. 2/96)

102. Ratko Kaurin, construction worker from Mrkonjić Grad, born 3 December 1995 in Mrkonjić Grad, municipality of Mrkonjić Grad, father Mladjen and mother Darinka, nee Eremija, was a member of the Republic of Srpska Army in the unit which was defending Mrkonjić Grad when that area was taken over by the Croat Army on 10 October 1995. His wife (witness 409/96-33), had had lost any trace of him until his body was found in the tomb in Mrkonjić Grad. At the beginning of April, post mortem examination established injuries in the abdomen region and on the left thigh, which were inflicted by an activated and

fragmented mine - fexplosive device which caused his death. (W. 97/96)

103. Nedeljko Knežić, from the village of Trijebovo, municipality of Mrkonjić Grad, born 4 March 1957 in the village of Podbrdo, municipality of Mrkonjić Grad, father Stanko and mother Stanija, nee Gajic. He was a member of the unit of the Republic of Srpska Army on the defense line in the village of Liskovica when this area was occupied by the Croat Army on 10 October 1995. His body was found in the collective tomb on the cemetery in Mrkonjić Grad, his mother identified his body on the basis of the tattooed date of his joining the Army on the left arm. His watch stopped on 5 November 1995, on the basis of which, it was concluded that he had been killed the day before. The post mortem examination established several explosive wounds inflicted with fragments of an activated mine - fexplosive device. (W. 113/96)

104. Milorad Kekić, worker from Banja Luka, born 5 June 1967 in the village of Stratinska, municipality of Banja Luka, father Mirko and mother Aleksina, nee Latinčić. According to what his wife (witness 426/96-64) found out from the D.G., being wounded in the leg, he remained in the village of Dabrac which was taken over by the Croat Army on 10 October 1995. His body was found in the tomb in Mrkonjić Grad. The performed autopsy established the explosive wounds on the head and in the region of the chest and the backside, inflicted with an activated mine - fexplosive device, as a consequence of which he died. (W. 120/96)

105. Živko Kesić, from Laktaši, born 14 April 1950, in Laktaši, municipality of Banja Luka, father Todo and mother Dušanka, nee Balaban, a mechanic by occupation, was accompanying the witness (453/96-20) when they were ambushed in the village of Bočac by Croat soldiers who ordered them to surrender, and on that occasion, the whole group of seven soldiers was arrested without any resistance among whom was Živko, except for the witness who managed to escape and return to his unit. He informed Živko's wife (453/96-14) about his capture on the same day, 11 October 1995. The post mortem examination established lacerated wound in the region of the head with depressed fracture of the skull bones, most probably as a result of a blow with the blunt side of a heavy, swung, mechanical tool. With a great degree of probability, it can be asserted that he died a violent death, as a result of the destruction of the vital brain centres. (W. 92/96)

106. Dušan Kiza from the village of Majdan, born 4 May 1956 in Majdan, municipality of Mrkonjić Grad, father Mirko and mother Janja, nee Tarlać, remained in his village when the area was occupied by the

Croat Army. According to the testimony of a witness (409/96-6) he was killed by the brother of the Croat Army General Matijašević, after he had learned that the general was killed in the ongoing fightings. When Dušan's brother returned to the village, on 3 February 1996, he discovered a grave on the nearby field, presuming that the body of his brother could have been buried there, he reported the case to the Public Security Station in Mrkonjić Grad. On 23 April 1996, in the presence of the investigative judge of the Basic Court in Mrkonjić Grad, Dušan's body was exhumed. The autopsy was performed by Dr Veljko Stupar and, subsequently, the body was buried on the village cemetery.

107. Milorad Kiza, from Mrkonjić Grad, born 7 January 1969, municipality of Mrkonjić Grad, father Mitar and mother Mileva, nee Gvero, was a reservist of the Republic of Srpska Army, captured on 10 October 1995 (witness 409/96-5), and, at the beginning of April 1996 his body was found in the collective tomb in Mrkonjić Grad. The post mortem records established, with a great degree of probability, a violent death, as a result of the destruction of the vital brain centres. The penetrating wound with the double depressed fracture of the lower jaw bone resulted from a blow with the heavy, blunt and swung mechanical tool. Also established was, a penetrating gunshot wound with the fracture of the femur bone on the left thigh, caused by a projectile shot from an infantry weapon. (32/96)

108. Danilo Kizić from Gerzovo, municipality of Mrkonjić Grad, father Dragan, remained in his village after its occupation. According to the testimony of witness Dj. M. (491/95) he disappeared and has, probably, been killed.

109. Uroš Kizić, born 1932 in Gerzovo, municipality of Mrkonjić Grad, father Milan, remained in his house when the village was taken over. Three or four days later, Croat soldiers came and killed him, testifies the witness K.M. (491/96). The witness Dj.M. testifies that the event took place on 21 September 1995, when three soldiers in camouflage uniforms appeared, they forced them out of the house, and required to be given the money, when they were told that the soldiers who had come earlier, took all the money, one of the soldiers asked the others: "What shall we do now?", and the reply was: "Do what you were ordered to, by Franjo!". Then they shot at Uroš Kizić who remained lying dead in the yard, while B. was wounded. Later on Kizić's body was buried in the garden, behind the house. The exhumation was requested by the investigative judge, and an autopsy was performed on 6 April 1996. It was established by the forensic specialists, that there were perforating gunshot wounds on the head and in the region of the chest inflicted with projectiles shot from infantry weapons.

110. Ljeuposava Knežević, from the village of Babin Do, municipality of Šipovo, born 1914, father Vaso and mother Milica, nee Piserić, remained in her village when it was taken over by the Croat Army on 8 September 1995, and, on 17 February 1996, her son (witness 426/96-5), found her body about 20 m away from the house. He noticed the injuries in the region of the chest caused by firearms. Without, previously having informed the authorities about the case, he buried his mother's body.

111. Ranko Kovačić from Mrdjanovci, born 15 May 1975, in the village of Mrdjanovci, municipality of Kupres, father Nedeljko. His body was found in the collective tomb in Mrkonjić Grad on 2 April 1996. The performed autopsy established, with a great degree probability, that he had died a violent death, caused by the destruction of the vital brain centres along the perforating wound canal, which goes from the right temporal region and ends in the exit wound in the left temporal - parietal region. (W. 60/96)

112. Vid Kovjenić, farmer from Bočac, born 1 December 1907 in the village of Bočac, municipality of Banja Luka, father Ilija and mother Simeuna, nee Uletilović, according to the testimony of his son (witness 410/96-8), did not want to leave his house when the Croat Army occupied Bočac on 10 October 1995. His body was found in the collective tomb in Mrkonjić Grad. The post mortem examination established the depressed fractures of facial, nasal and lower jaw bones, as a result of a blow with a heavy, blunt and swung mechanical weapon. With a great degree of probability, it can be asserted that it was a case of a violent death as a consequence of the vital centres in brain had been shattered and damaged. (W. 5/96)

113. Jovanka Kovjenić, housewife from Bočac, born 28 May 1913 in the village of Bočac, municipality of Banja Luka, father Aleksa and mother Joka, nee Josipović. In the hope that, being elderly persons, they would be in no danger, she remained, together with her husband, in their house, when the Croat Army took over the village on the 12 October 1995. Their bodies were found in the collective tomb in Mrkonjić Grad. The forensic specialists' opinion was that, they both had died a violent death caused by profuse bleeding from the liver which was torn with a heavy, swung, mechanical tool. (W.19/96)

114. Krsto Kovjenić, pensioner from Bočac, born 2 August 1919 in the village of Bočac, municipality of Banja Luka, father Blagoje and mother Jovanka, nee Radukic, remained in his house in Bočac when the village was occupied by the Split Brigade of the Croat Army. His body was found in the collective tomb on the Orthodox cemetery in Mrkonjić Grad. The specialists who performed the autopsy gave the opinion that, with a great degree of probability, it can be asserted that the victim

died a violent death, caused by the destruction of the vital brain centres. It was also established, that there is a fracture of the skull as a result of a blow with a heavy, blunt and swung mechanical tool (W. 44/96).

115. Nedeljko Kovjenić, farmer from Bočac, born 28 June 1920 in the village of Bočac, municipality of Banja Luka, father Pero and mother Mara, nee Diljkan, remained, together with his wife, in their house, when the Croat Army took over the village on 12 October 1995 in the hope that, being elderly persons they would not be in danger (witness 410/96-6). Their bodies were found in the collective tomb in Mrkonjić Grad, thus, the forensic specialists were of the opinion that, most likely, they died a violent death as a consequence of the destruction of the vital brain centres, due to the depressed fracture of the forehead (W. 45/96)

116. Jovan Konjević from Baljevina, born 1938, father Mladen, stayed in his village after the occupation, and on 13 February 1996; after his body had been found, an autopsy was performed by Dr Karan. It was established that his death came as a result of a blow on the head with a blunt, solid tool (584/96).

117. Milan Kopanja, an electric technician from Banja Luka, Carice Milice street No. 2, born 2 June 1958 in Vrnograc, municipality of Sanski Most, father Stevo and mother Desanka, nee Kozlica, was a member of the unit of the Republic of Srpska Army in the village of Bjelajac when the area of the municipality of Mrkonjić Grad was occupied on 10 October 1995. His wife could not get any official information of his whereabouts until his body was found in the tomb on the Orthodox cemetery in Mrkonjić Grad. On the body, there was a perforating gunshot wound in the region of the chest inflicted with a projectile fired from an infantry weapon. The direction of the wound was posterior to anterior, starting in the right shoulder blade region. (W.121/96)

118. Miloš Korica, born 2 November 1958 in the village of Mogorić municipality of Gospić, father Djuro. After his body had been found in the tomb in Mrkonjić Grad, the autopsy was performed and it was established that the body was in the stage of a advanced putrefaction and the exact cause of death could not be established with accuracy. (W.169/96)

119. Vida Kostić, housewife from Gustovar, municipality of Mrkonjić Grad, born 1949 in the village of Dujakovci, municipality of Banja Luka, father Marko and mother Milena, nee Delić, would not flee her house and remained in the village when it was occupied by the Croat Army on 10 October 1995. (witness 453/96-54) Her body was found in the

tomb in Mrkonjić Grad. According to the results of the autopsy it can be established that her death was violent caused by the destruction of the vital brain centres along the canal of the perforating gunshot wound on the head, inflicted with a projectile fired from an infantry weapon. In addition, a lacerated wound in the region of the loins and on the upper part of the right thigh, were found. Also, on the back side of the left thigh, there was another lacerated wound, inflicted by a blow with a heavy, blunt and swung mechanical tool. (W.167/96)

120. Djuka Kostić from Surjan, born 15 March 1921 in the village of Surjan, municipality of Mrkonjić Grad, father Marinko and mother Boja, remained in her village along with her husband Mirko and her sister, whose bodies were found, one in and the other in front of the house, while her body was found in the tomb in Mrkonjić Grad in April 1996. The witness (453/96-96) noticed that she had several perforating gunshot wounds. According to the opinion of the forensic specialists, it can be asserted, with a great degree of probability that the victim had died a violent death caused by profuse bleeding from the shattered and torn blood vessels along the canal of the perforating shot wounds on the left side of the abdomen and the left thigh. (W.88/96)

121. Miodrag Kostić, teacher from Golo Brdo, born 20 June 1961 in the village of Golo Brdo, municipality of Kneževo, father Nikola and mother Mara, nee Madžar, as a member of the unit of the Republic of Srpska Army was at the post in the village of Todići, which was taken over by the Croat Army on 13 October 1995. (W. 410/96-10) His body was found in the tomb on the cemetery in Mrkonjić Grad. On the basis of the autopsy, a perforating gunshot wound was established in the region of the left shoulder, inflicted with a projectile fired from an infantry weapon, as a consequence of which the victim died. (W. 13/96)

122. Mirko Kostić from the village of Surjan, municipality of Mrkonjić Grad, born 12 January 1913 in the same village, father Stanko and mother Joka, along with his wife Djuka, remained in their house, where both of them were killed, after the occupation of the village on 10 October 1995. Their cousin M.J. (witness 453/96-55) was with them. Mirko's cousin (witness 453/96-56) found his body with several perforating gunshot wounds on, in a bed, on 4 February 1996. He was buried in the vicinity of the house and the investigative judge from Mrkonjić Grad ordered the exhumation of his body on 15 July 1996. The body of Mirko's wife was found in the tomb in Mrkonjić Grad.

123. Jovo Kreka, from the village of Kopljević, born 17 June 1968 in the village of Šibovi, municipality of Mrkonjić Grad, father Nedjo and mother Mira, nee Tica. He was a member of the Republic of Srpska Army units situated on the outskirts of Mrkonjić Grad when it was occupied by the Croat Army on 10 October 1995. His wife(witness

360/96-48), had known nothing of his whereabouts until the collective tomb in Mrkonjić Grad, where his body was found, was opened at the beginning of April 1996. The autopsy established death as a consequence of the profuse bleeding from shattered and torn blood vessels along the canals of four gunshot wounds in the region of the chest inflicted with bullets fired from infantry weapon. (W. 86/96)

124. Borivoje Krupljanin, construction worker from Surjan, born 15 June 1933 in the village of Surjan, municipality of Mrkonjić Grad, father Pavle and mother Vida, nee Šerval, remained in his house on the occasion of the taking of this village by the Croat Army on 10 October 1995. His son (witness 409/96-29), who escaped, identified his body, which was found in the tomb in Mrkonjić Grad. The performed autopsy established three penetrating gunshot wounds, all of which went from anterior to posterior, in the region of the chest. Also, three deformed, metal projectiles were found in the lung wing. The death, most probably, was of a homicidal character.
(W. 91/96)

125. Branko Kudra from Surjan, born 1937 in the village of Šehovci, father Ostoja, remained in the village, in the house of his friend Pantelija Grmaša, when this area was occupied by the Croat Army on 10 October 1995. The investigative judge who carried out the inquiry established, that he was killed, along with seven other persons. Their bodies were found in the burnt house on 10 April 1996. (W. 360/96-16, 470/96)

126. Jovan Lazendić, farmer from Podbrdo, born 25 October 1904 in the village of Podbrdo, municipality of Mrkonjić Grad, father Stevan, due to the fact that he could hardly see and could move only on crutches, he remained in his house, when the Croat Army captured the area of Mrkonjić Grad. When his son, came back to the village, on 2 April 1996, he found the house demolished. He reported the case to the authorities and the investigative judge of the Basic Court in Mrkonjić Grad carried out the inquiry and established visible traces of blood on a wall in a room in the Lazendić's house. There were also, two holes in a wall of 7 and 8 cm in diameter. On the wall, by the window, the area of 100x70 cm was stained with smashed human tissue with hair and blood. One of the crutches, which was found in the room, had a visible hole of 1,5 cm in diameter. (W. 409/96-36). After the exhumation of the body from the tomb on the Orthodox cemetery in Mrkonjić Grad, the forensic specialists established deformity in the region of the upper part of the left shoulder blade, the size of 60x40 mm and 30x10 mm. But, due to lack of the large portion of the soft connective tissue and of foreign bodies, the exact cause of the death could not be established with certainty. The fracture of the 4th left rib was caused by a blow with a heavy, blunt and swung mechanical tool. Lazendić was

the oldest victim whose body was found in Mrkonjić Grad, he was 91. (W. 28/96)

127. Milosava Lazendić from Podrašnica, born 1935 in the village of Podrašnica, municipality of Mrkonjić Grad, father Ilija and mother Janja, nee Danilović, tried to flee the village (witness 409/96-11), along with the married couple Tuturić, in their car, which, later on, was found on the outskirts of the village. All three bodies had been found on the cemetery in Mrkonjić Grad, after the collective tomb was opened at the beginning of April 1996. The opinion was given by the forensic experts that Milosava died a violent death caused by destruction of the head. The roof of the cranium with the soft scalp tissue was missing and, there were also perforating gunshot wounds inflicted with projectiles fired from infantry weapons on both thighs. (W. 66/96)

128. Mileva Lekić, housewife from the village of Trijebovo, municipality of Mrkonjić Grad, born 20 December 1932 in the village of Brdo, municipality of Mrkonjić Grad, father Ilija and mother Milja, nee Savanović, remained with her cousin, (witness 409/96-30), in her house, when the Croat Army occupied the village on 10 October 1995. Subsequently, they left the house and hid in a nearby forest. Seven days later, when they ran out of food, Mileva decided to go home and collect some, but she has never returned. After 20 days, when the witness came back to the village, she was captured by a group of Croat soldiers. She was taken to a prison in Mrkonjić Grad, and later on to the camp in Livno. After the exchange, she returned to the village and found the bag, which Mileva had taken with her, when they parted. Mileva's body was found in the collective tomb in Mrkonjić Grad. According to the autopsy findings, it can be asserted, with a great degree of probability, that she had died a violent death as a result of profuse bleeding from the liver which was shattered and torn with a heavy, blunt and swung mechanical tool. (W. 25/96)

129. Milenko Lekić from Šehovci, born 25 August 1969 in the village of Šehovci, municipality of Mrkonjić Grad, father Aleksa and mother Rosa, was captured in his village, in the house of the family Kojić, on 10 October 1995 by members of the Croat Army. According to the testimony of his brother (witness 409/96-20), M.V. and Z.J. who, later on, managed to escape, eyewitnessed when Milenko was captured and taken away. His body was found in the collective tomb in Mrkonjić Grad. The several fractures of the skull bones caused destruction of the head. In addition, there were established perforating gunshot wounds on the right upper arm and in the region of the abdomen. According to the forensic specialists' opinion, the death, most probably, was of a homicidal character. (W. 103/96)

130. Dako Lisica from Mrkonjić Grad, Sime Šolaje Street, born 1 October 1948 in Banatski Despotovac, municipality of Zrenjanin, FRY, father Nikola and mother Danica, nee Radić. According to the testimony of his sister (witness 360/96-31), he was captured by members of the Split Brigade of the Croat Army when Mrkonjić Grad was occupied, on 10 October 1995, and has been held in a Croat prison since. The autopsy performed after his body had been found in the tomb in Mrkonjić Grad, established the wounds on the right shoulder blade inflicted with metal fragments of an activated mine - fexplosive device. The most probable cause of death was profuse bleeding from the shattered vessels. (W. 104/96)

131. Branko Lugonja, born 14 March 1946 in the village of Bućovača, municipality of Kupres, father Marko. After his body had been excavated from the tomb in Mrkonjić Grad, a performed autopsy established perforating gunshot wounds on the head. In addition, a deformed ammunition projectile calibre 7.62 mm was found in the region of a spinal vertebra. The forensic specialists were of the opinion that the victim, most probably, had died a violent death.(W. 52/96)

132. Ljubomir Lugonja, born 5 April 1967 in the village of Gornje Vukovsko, municipality of Kupres, father Trivun. His body was found in the tomb in Mrkonjić Grad, and after the autopsy had been performed, the forensic specialists established an injury in the right temporal region, inflicted with a metal fragment of an activated mine - fexplosive device. (W. 59/96)

133. Dragan Lukić from the village of Kotor, born 30 October 1965 in the village of Kotor, municipality of Mrkonjić Grad, father Mirko and mother Janja, nee Soldat. Being a soldier, he was at his post in the village of Brdo near Mrkonjić Grad, when, on 10 October 1995, the area was taken over by the 4th Split Motorized Brigade of Guards, commanded by Gen. Andrija Matijašević, who was killed on the occasion. The captured Serbs, among them Dragan, according to the testimony of his sister (witness 409/96-4), were mercilessly killed. Dragan's body was found in the collective tomb in Mrkonjić Grad. The opinion of the forensic specialists was that he had died a violent death as a result of destruction of the vital brain centres along the canal of two perforating gunshot wounds inflicted with a projectile fired from an infantry weapon. (W. 72/96)

134. Drago Lukić, born 19 September 1945 in the village of Kukulj, municipality of Srbac, father Lazar. An autopsy was performed after his body had been excavated from the tomb in Mrkonjić Grad. There was established a perforating entry wound in the region of the left loin inflicted with a projectile fired from an infantry weapon. The exit wound

was on the front side of the abdomen. The death, most probably, was a result of intentional killing. (W. 177/96)

135. Ranko Malenčić from Banja Luka, born 20 January 1942 in the village of Srednja Lomovita, municipality of Prijedor, father Branko. After his body had been excavated from the collective tomb in Mrkonjić Grad, an autopsy was performed. The cause of the death was a depressed fracture in the frontal - temporal - parietal region. In addition, there was also established a perforating gunshot wound in the region of the chest, an injury on the right shoulder and on the left calf, all of which were inflicted with fragments of an activated mine - explosive device. (W. 77/96)

136. Grozda Malinović from the village of Draganić Podovi, municipality of Šipovo, aged about 80, lived alone, remained in her village after it was taken over by the Croat Army, and during the offensive disappeared. Her body has never been found. (W. 426/96-17)

137. Niko Marić, a lawyer from Mrkonjić Grad, born 2 February 1924 in the village of Brdo, municipality of Mrkonjić Grad, father Ilije and mother Spasenija, nee Drinić, was in his flat in Mrkonjić Grad, Karadjordjeva Street No. 12/a (his office was at the same address). According to the testimony of his son (witness 360/96), in Niko's diary, the last note dated 10 October 1996, 6.30 a.m. The witness found the diary on 4 April 1995, in the house of Vaskrsije Samardžić, in which the headquarters of the Croat Army was situated in Mrkonjić Grad, before the town was returned, (according to the Dayton Agreement) to the Serbs. When the body was excavated, from the collective tomb in Mrkonjić Grad, in the jacket pocket was a Seiko watch, indicating 20 October 1995. According to the manufacturer's guarantees the watch must have been working for at least 24 hours after the victim died. By the autopsy findings it can be asserted, with a great degree of probability, that his death was of a homicidal character, caused by destruction of the vital brain centres as a result of the fracture of the nasal bones. (W. 58/96)

138. Smilja Marković, born 1926 in the village of Rastok, municipality of Ribnik, father Stanko and mother Pava, nee Marković, remained in her village after it was taken over by the Croat Army in mid-September 1995. She was the only one to remain in the village, in the hope that, since she was innocent, no one would harm her. Her sister (witness 453/96-24), found the parts of her mutilated body about 100 m away from the house, and without informing the authorities about the case, she buried her on 20 April 1996.

139. Bosiljko Marušić, born 1960 in the village of Stratinska, municipality of Banja Luka, father Petar. His body was found in the

tomb in Mrkonjić Grad. An autopsy, performed on 5 April 1996, established the explosive injuries on the neck, the chest and the abdomen, as a consequence of which the victim died. (W. 111/96)

140. Ana Marčeta from the village of Potoci, municipality of Ribnik, born 1914 in the village of Prekaja, father Djurdje and mother Milica, nee Radanović, remained and was killed in her village after it was occupied by the Croat Army on 13 September 1995. (426/96-1) Her body was excavated in the place known as Žljeba - Kalinića livade on 7 May 1996. On the basis of the autopsy, it was established that her own and her husband Jovan's heads were cut off and exchanged; his head being on her trunk and vice versa. The parietal region of the skull was smashed. The witness (426/96-42) testifies that Ana and Jovan were hiding in a nearby forest, where they were captured by Croat soldiers and killed. Late Jovan was a member of the Republic of Srpska Army, and his body was found in the known as, Jojina strana on 27 March 1996. His hands were tied on the back, which indicates that, he was captured before being killed. (W. 584/96)

141. Jovan Marčeta from the village of Potoci, municipality of Ribnik, born 1907 in the village of Prekaja, father Simo, remained in his village after it was taken over by the Croat Army on 13 September 1995, and was killed there, along with his wife Ana Marčeta. (W. 426/96-41, 426/96-42 and 584/96)

142. Rade Marčeta from the village of Potoci, municipality of Ribnik, born 8 November 1915 in the village of Prekaja, municipality of Drvar, father Pero, remained, together with his wife in their village, where both of them were killed on 13 September 1995. Their bodies were burnt in their summer kitchen. An autopsy was performed and the bodies were buried on 10 May 1996. The house of the Marčeta family, and all the auxiliary buildings were looted and burned down. According to the slogans, found on the walls of the burnt houses in the village it could be concluded that members of the 4th Split Brigade Guards, commanded by one Roko, were the perpetrators of the crime. (426/96-41)

143. Stana Marčeta from the village of Potoci, municipality of Ribnik, born 8 February 1920 in the village of Savić, municipality of Grahovo, father Josip Savić and mother Staka, remained in her house with her husband after the village was occupied. Both of them were killed and their bodies set on fire. (W. 426/96-41)

144. Momčilo Milić, worker from Trijebovo, born 29 September 1929 in the village of Trijebovo, municipality of Mrkonjić Grad, father Jovan and mother Cvijeta, nee Savanović, remained in his house after the area of Mrkonjić Grad was occupied by the Croat Army. His wife (witness

409/96-32) who escaped, hoped that he was alive, because he was not listed as captured or dead. When the collective tomb in Mrkonjić Grad had been opened, his body was found there. On the basis of the autopsy it can be asserted that, the deceased had, firstly, recieved injuries on both lower legs, and later on, fearfull that he would be captured, committed suicide with a bomb which he activated in front of the chest and the abdomen. (W. 37/96)

145. Mijo Milinović from Prnjavor, born 28 August 1947 in Kupres, municipality of Kupres, father Vlado. By the autopsy of his body, which was found in the collective tomb in Mrkonjić Grad, there were established: a penetrating wound in the region of the backside inflicted with a projectile shot from an infantry weapon, and the depressed fracture of the frontal section of the facial bones and destruction of the skull bones inflicted by a blow with a heavy, blunt and swung mechanical tool. With a great degree of probability, it can be asserted that the victim had died a violent death as the result of destruction of the vital brain centres. (W. 10/96)

146. Milica Milinović, housewife from the village of Bočac, born 1912 in Baljvina, municipality of Mrkonjić Grad, father Aleksa and mother Stana, being immobile and unable to run away, she remained in her house when the Croat Army occupied Bočac in October 1995. After the village was liberated in February 1996 her body was found in a burnt house. (witness 426/96-44 and 426/96-49) An inquiry was performed by an investigative judge in the presence of a forensic specialist. (584/96)

147. Vladimir Milišić, born 10 October 1972 in the village of Barjanovci, municipality of Kupres, father Djordje. After his body had been found in the tomb in Mrkonjić Grad, an autopsy was performed; it was established, with a great degree of probability, that his death was the result of intentional killing. On both lower legs, there were established perforating gunshot wounds which went from posterior to anterior. The skull top with the soft scalp tissue was missing. (W. 55/96)

148. Duško Mitrić, born 28 July 1973 in the village of Podrugla, municipality of Mrkonjić Grad, father Branko and mother Dragica, nee Božić, as a member of the Republic of Srpska Army was captured in his native village of Podrugla, near Mrkonjić Grad, by members of the Croat Army (witness 360/96-20). By the autopsy findings, it was established, that the major part of the skull top with a large portion of the soft scalp tissue was missing. The death, most probably, is the result of intentional killing. (W. 105/96)

149. Milorad Mitrić, born 9 October 1954 in the village of Podrugla, municipality of Mrkonjić Grad, father Žarko and mother Stana, nee Višekruna. He was recruited to the units of the Republic of Srpska

Army on October 1995, and has not been heard of since. (witness 360/96-17) His body was found in the collective tomb in Mrkonjić Grad, and the autopsy findings established a violent death, caused by profuse bleedings from the shattered and damaged soft tissues and blood vessels along the canals of an explosive wound inflicted with an activated mine - fexplosive device. In addition, several other perforating gunshot wounds on the right lower leg were established. (W. 94/96)

150. Petar Mitrić, born 14 June 1952 in the village of Podrugla, municipality of Mrkonjić Grad, father Žarko and mother Stana, nee Višekruna. According to the testimony of the witness (360/96-17), he was in his house in the village of Podrugla, when it was occupied by the members of the Croat Army on 10 October 1995. On that occasion, he was captured and taken away. The post mortem examinations established: two perforating gunshot wounds in the region of the chest. As a result of profuse bleeding from the shattered blood vessels and damaged organs of the thoracic and abdomen cavities, along the canals of the wounds, the victim died. The death was the result of intentional killing. (W. 127/96)

151. Tomo Nerac, from the village of Babin Do, municipality of Šipovo, born 15 November 1992 in the same village, father Jovo and mother Joka, nee Knežević, remained in his village after it was occupied by the Croat Army. His son, witness (426/96-6), who fled the village, knew nothing of his fate, although he tried to trace him through the Red Cross. After the village had been liberated, on 15 February 1996 he came back and found the body of his father 6-7m away from their house. In the region of the chest, the body had two perforating wounds inflicted with the projectiles fired from infantry weapon. Without requesting the autopsy, he buried his father on the village cemetery. All houses and auxiliary buildings in this village were burned down.

152. Mihajlo Ninković from Podgorja, born 1928 in the village of Popović, municipality of Glamoč, father Jovan. According to the testimony of an eyewitness, he was captured on 9 September 1995, while his body was found on 25 March 1996 in Podgorje. (584/96)

153. Marija Niškanović, born 1910, father Stevan, remained in her house in the village of Barači, municipality of Mrkonjić Grad. On 10 February 1996, her body was found and an investigation with an autopsy, was performed. The exact cause of death could not be established, since only the bare skeleton of her body was found on the spot. The soft, connective tissue was nibbled by animals. (584/96)

154. Zoran Novaković, born 1 August 1960 in the village of Zagoni, municipality of Bijeljina, father Božo. The forensic specialists who performed the autopsy were of the opinion that he had died a violent

death as a consequence of the destruction of the violent brain centres due to the depressed fracture in the right temporal - parietal region caused by a blow with a heavy, blunt and swung mechanical tool. In addition, a perforating gunshot entry wound on the left upper arm and the exit wound below the right shoulder blade were established. His death was, most probably, the result of intentional killing. (W. 153/96)

155. Desanka Oroz, housewife from the village of Bočac, born 1945 in Bočac, municipality of Banja Luka, father Jovan and mother Ljubica, nee Uletilović, remained, together with her mother Ljubica, at her house in the village, after it was taken over by the members of the 4th Split Brigade Guards. In February 1996, when Bočac was liberated and came under the Serb authority, her cousin (witness 426/96-44) noticed a tomb in the garden by the house of Živko Kovlenić. The tomb was dug up at the request of the investigative judge from Banja Luka and Desanka's body, with the slit throat was found.

156. Ljubica Oroz, housewife from the village of Bočac, municipality of Banja Luka, born 1 March 1905 in Bočac, father Todo, remained with her daughter in their house when the village was occupied by the Croat Army in October 1995. Her body was excavated in the vicinity of her house on 21 February 1996. The body was wrapped in a piece of a tent fabric. The tomb was marked with a cross her full name on it. The exhumation was performed at the request of the investigative judge from Banja Luka in the presence of the Dr Karan, who performed the autopsy. (W. 426/96-44)

157. Momčilo Pavičar, born 1 January 1953 in the village of Agino selo, municipality of Banja Luka, father Mladjen and mother Jelena, nee Čivić, a salesman by occupation. His wife (witness 453/96-4), found out from her brother, that he, had seen Momčilo being captured by Croat soldiers. In his testimony her brother (witness 453/96-8) confirms the previous statement and adds, that the event happened on 10 October 1995; Croat soldiers stopped Momčilo and ordered him to lay down his weapons, which he did, after that they took him away. The performed autopsy established a violent death as a result of destruction of the vital brain centres inflicted with an activated mine - fexplosive device. (W. 11/96)

158. Bogdan Pavlović from the village of Gornji Ribnik, born 3 January 1924 in Gornji Ribnik, father Jovo and mother Mara, nee Krajcer, remained in his house when the village was occupied on 14 September 1995. His wife, who on the occasion fled the village, came back home on 9 February 1996 and in the kitchen and on the doorstep found the traces of blood and her husband's hat. She found his body in the stable, wrapped in a blanket, and covered with manure. She informed the police about the case. The police, in cooperation with the IFOR

representatives performed the inquiry. The witness (453/96-35), who remained in the village, testifies that firstly, the village was occupied by the Muslim armed forces, which burnt the houses down and killed livestock. Subsequently, the Croat Army soldiers came and captured Bogdan, questioned him and released him. But, after a while, the witness saw traces of blood in front of Bogdan's house and his blood stained cap on the doorstep. The witness knew that Bogdan's wife had found his body after the village was liberated. (W. 453/96-35 and 453/96-37)

159. Duško Pavlović, born 19 November 1956 in Glamoč father Dragan and mother Gospava. On 10 October 1995, according to the testimony of his mother and witnesses (360/96-37 and 360/96-19), he was captured by the members of the Croat Army in the village of Surjan. All the captured Serbs were killed on that occasion. The forensic specialists are of the opinion that, most probably, he died a violent death caused by profuse bleeding along the canal of the perforating gunshot wounds. In addition, the multiple fracture of the lower jaw inflicted with the blunt side of a mechanical tool was established as well. (W. 80/96)

160. Stanko Panić, farmer from Bočac, born 20 May 1933 in the village of Bočac, municipality of Banja Luka, father Djuro and mother Stana, nee Popović, remained in his village when the Croat Army occupied this area on 12 October 1995. When his son (w. 410/96-5) came to Bočac on 15 January 1996, after the village was liberated, he found their house burned down. There were traces of bullets fired from automatic weapon, all over the house. About 30m away from the house, there was a tomb in which only the pieces of Stanko's stick were found: his fur coat, a stick with a help of which he moved and the keys of his house. His body was found in the collective tomb in Mrkonjić Grad, at the beginning of April 1996. In the conclusion of the autopsy findings, the forensic specialists gave an opinion that it could be asserted, with a great degree of probability, that his death was of a homicidal character and caused by destruction of the vital brain centers along the canal of the perforating gunshot wound inflicted with a projectile fired from an infantry weapon. The entry wound was in the region of the soft tissue of the left section of the forehead and continued from anterior to posterior, downwards, and from left to right, while the exit wound was in the parietal region. The penetrating gunshot wound on the left thigh and the depressed horizontal fracture of the lower jaw bone, inflicted with a heavy blunt and swung machanical tool, were established, too. (W. 20/96)

161. Lazar Pekez, born 6 April 1934 in Donji Šehovci, municipality of Mrkonjić Grad, father Pavle and mother Janja, was captured by

members of the Croat army in the village of Trijebova on 10 October 1995, according to the testimony of his wife (W. 360/96-21). After his body was excavated from the collective tomb in Mrkonjić Grad, the forensic specialists established that the major part of the skull top with the soft scalp tissue was missing, but they could not identify neither a murder weapon, nor the manner in which the head was destroyed. They gave an opinion, that it could be asserted with a great degree of probability that the victim had died a violent death caused by destruction of the head. (W. 99/96)

162. Bogdan Perenčević, born 20 October 1956 in the village of Ostroželj, municipality of Vrgin Most, father Stanko. His body was found in the collective tomb in Mrkonjić Grad. According to the forensic specialists' opinion it can be asserted, with a great degree of probability that he had died a violent death caused by the bleeding from the torn blood vessels along the canal of an explosive wound. (W. 166/96)

163. Petar Perić, born 1 June 1949 in the village of Bušovača, municipality of Kupres, father Jovo. The post mortem findings of the body established the fracture of the sternum and the series fracture of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th left ribs, and 3rd, 4th, 5th right ribs, caused by a blow with a heavy, blunt and swung mechanical tool. And according to the forensic specialists' opinion it can be asserted, with a great degree of probability, that his death was the result of intentional killing caused by the destruction of the vital brain centers due to the fractures of the skull bones (W. 9/96)

164. Željko Pivač, born 1 October 1996 in the village of Novo Selo, municipality of Kupres, father Manojlo. On the basis of the autopsy findings, the opinion was given that his death was of a homicidal character caused by profuse bleeding from the torn blood vessels along the canal of the explosive wound on the left backside inflicted with a fragment of an activated mine - explosive device. (W. 26/96)

165. Jovanka Plavšić, from the village of Pribeljci, municipality of Šipovo, born in the same village 1915, father Nikola Lončar and mother Joka, remained in her village when it was occupied by the Croat Army on 12 September 1995. Her son (W. 426/96-33) found her body in his uncle's house. The body had traces of injuries all over the head and broken right arm on the basis of which it was concluded that she had been killed. After having informed the police about the case, he buried her. The police did not show up on the scene of the crime.

166. Vid Podrašćanin from Surjan, born 1911 in the village of Surjan, municipality of Mrkonjić Grad, father Jovo and mother Jelka, lived alone in his house in the village and was among elderly people who remained in the village when it was occupied by the Croat Army. His

cousin (W. 409/96-34) testifies that, when he came back to the village on 4 February 1996, he found 70 houses burned down and all the civilians who remained in the village, (about 20 of them), killed. In the building of the primary school in Surjan, traces of blood were found all over the place, ropes and wooden poles, about one meter long, were found as well. It is presumed that the civilians had been taken there and tortured, before being killing. After the exhumation of Vid's body from the tomb in Mrkonjić Grad, the forensic specialists established a lacerated wound with depressed fracture of the bones in the parietal region inflicted with a heavy, blunt and swung mechanical tool. The opinion of the forensic specialists was that it could be asserted with a great probability that he had died a violent death caused by destruction of the vital brain centres (W. 175/96)

167. Branko Popadić from Surjan, born 1937 in the village of Surjan, municipality of Mrkonjić Grad, father Djuro, remained in his village, while his daughter with her children left their home on 9 October 1995, one day before the village was occupied by the enemy forces. They had known nothing about Branko, until the collective tomb in Mrkonjić Grad was opened and his body found there. According to the opinion of the forensic specialists his death was of a homicidal character, caused by bleeding from the slit blood vessels of the front side of the neck, inflicted with a sharp blade of swung mechanical tool. (W. 34/96)

168. Branko Popović, worker from Banja luka, born 7 May 1947 in the village of Verići, municipality of Banja Luka, father Dragoje and mother Cvijeta, nee Lakić. He was with the unit of the Republic of Srpska Army at the post above Šipovo, when this area was occupied by the Croat Army. His wife (w. 426/96-58) had known nothing of him until the collective tomb in Mrkonjić Grad was opened at the beginning of April 1996. On the ground of the autopsy findings, the opinion was given that it can be asserted with a great degree of probability that his death was caused by profuse bleeding from the shattered blood vessels in the region of the left lung wing along the canal of the explosive wound inflicted with an activated mine-fexplosive device. (W. 78/96)

169. Čedo Popović, from Bočac, the hamlet of Jošići, born 1936, father Ranko. He was hiding in an improvised shelter, not far away from his village. Most probably, he was discovered and killed on the spot. His body was found on 18 January 1996. (W 584/96)

170. Milorad Predojević from Omarska, born 15 February 1964 in Omarska, municipality of Prijedor, father Miodrag. The performed autopsy established wounds in the region of the left armpit and on the left upper arm inflicted with fragments of an activated mine - fexplosive device. With a great degree of probability it can be asserted that he had died a violent death. (W. 3/96)

171. Ite Prole, from the village of Draganić Podovi, municipality of Šipovo, aged over 100, was blind and deaf, remained in his village when it was taken over by the Croat Army on 12 September 1995. The witness (426/96-17) from the same village, came to visit him, and found out that he had been hanged on the stairs in his house. Subsequently, his house was set on fire and his body burned in it, on the basis of which the witness suspects, it was a case of intentional killing.

172. Boro Prolić, from Trijebovo, born 8 August 1946 in Trijebovo, municipality of Mrkonjić Grad, father Lazo and mother Joka, nee Pisar, remained in his house when the Croat Army occupied the territory of Mrkonjić Grad on 10 October 1995. His son (w. 409/96-26), had known nothing of his fate until the the tomb in Mrkonjić Grad was opened and his body, with the smashed head, found in it. The opinion of the forensic specialists who performed the autopsy is that it can be asserted, with a great degree of probability that he died a violent death caused by the destruction of the vital brain centres along the canal of the perforating gunshot wound inflicted with projectile fired from an infantry weapon. A penetrating wound in the region of the chest was established, as well. (W. 135/96)

173. Jovanka Radoja, from the village of Brdjani, municipality of Šipovo, born 1926 in Brdjani, father Djuro and mother Ravijoja, remained in her village when it was occupied by the Croat Army on 12 September 1995. Her cousin (w. 426/96-32) found her body in the village of Kozila near the forester's cabin. After the police had carried out the investigation, the same witness buried the body.

174. Nikola Radjević from Mrkonjić Grad, Matije Gupca Street No. 6, born 14 Decembar 1955 in Krupa on the river Vrbas, municipality of Banja Luka, father Momir. He was captured by the mebers of the Croat Army on 19 October 1995, according to the testimony of his wife (w. 360/96-24). The post mortem examination of his body established two perforating gunshot wounds in the region of the chest and on the right upper arm, the former, most probably was the direct cause of death. An explosive wound on the left shoulder blade was also established (W. 138/96)

175. Mirko Rakita, from the village of Babin Do, municipality of Šipovo, remained in his village when it was occupied by the Croat Army on 9 Septembar 1995. During the offensive he disappeared and nothing is known of his fate since. (w. 426/96-6)

176. Branko Rožić from Šehovci, born 14 July 1926 in Šehovci, father Simeun and mother Joka, nee Čulić. He remained in his village in

order to look after his daughter Radojka, who was immobile, when the Croat Army occupied the territory of Mrkonjić Grad on 10 October 1995. He was killed, along with 7 other persons, among whom were his daughter and wife, in the house of his cousin Pantelija Grmaša in Surjan. (testimonies of witnesses 360/96-16, 360/96-42 and 426/96-4) All the previously stated was confirmed by the investigative judge who conducted inquiry in Surjan on 10 April 1996. (w. 470/96)

177. Nevenka Rožić, nee Grmaša, from Šehovci, born 15 August 1932 in Surjan, father Stanko. She remained in her village to look after her immobile daughter Radojka when, on 10 October 1995, the Croat Army occupied the territory of Mrkonjić Grad. In the house of her brother Pantelija Grmaša in Surjan she was killed, along with another 7 persons, among whom were her daughter and husband (witnesses 360/96-16, 360/96-42 and 426/96-4), which was all confirmed by the investigative judge who conducted inquiry in Surjan on 10 April 1996. (W. 470/96)

178. Radojka Rožić, from Šehovci, born 1961 father Branko and mother Nevenka, who was immobile since she was 7 and could move only in wheelchair, remained in her village when it was occupied by the Croat Army, on 10 October 1995. Along with her parents she was killed in the house of her uncle Pantelija Grmaša, in Surjan. Her body, together with the wheelchair, (one wheel being drilled with bullets from the firearms) was found in the ashes of the burnt house. (W. 360/96-16 and 426/96-4)

179. Darko Savić, was a member of the Republic of Srpska Army and his body was found in a forest known as Jojina strana in the settlement of Rastoka, on 27 March 1996. The fact that his hands were found tied on the back, indicates that before being killed he was captured (W. 584/96)

180. Ilija Savičić, from Gerzovo, municipality of Mrkonjić Grad, according to the testimony of Dj. M., was killed in his village after it was occupied. (W. 491/96)

181. Djuro P. Savković, farmer from the village of Pribeljci, municipality of Šipovo, born 1903., father Pero and mother Milica, remained in his house, although, all the other villagers fled from the Croat Army on 12 September 1995. After the liberation of the village, his son (W. 426/96-36) found the fragments of his charred bones on springs of the burnt bed in which he lay ill and immobile.

182. Djuro S. Savković, farmer from the village of Pribeljci, municipality of Šipovo, born 1900, father Stanko and mother Stoja, previously always of sound health, did not flee his village during the Croat Army

offensive in September 1995. After the liberation of the village, in February 1996, when his son (W. 436/96-35) came back to the house, he found the body of his father with the lower jaw broken and the numerous other injuries, on the basis of which, he concluded that his father had been killed by the members of the Croat Army who occupied the village.

183. Ilija Savčić from Gerzovo, municipality of Mrkonjić Grad, born 1909, father Stanko remained in his village and was found hanged in the attic of his house on 10 February 1996. On the basis of the blood traces found on the spot of the crime, it was concluded that, most probably, he was tortured before being killed.

184. Gojko Svitlica, born 22 October 1949 in the village of Donje Vukovsko, municipality of Kupres, father Stanoja. On the basis of the post mortem findings, the opinion was given that, with a great degree of probability, it can be asserted that he died a violent death caused by destruction of the vital brain centres along the perforating gunshot wound on the head, which went in the direction from posterior to anterior, upwards and from right to left. The multiple fracture of the lower jaw bone inflicted with a heavy, blunt and swung mechanical tool was established as well. (W. 54/96)

185. Stanko Svitlica, born 20 June 1962 in the village of Donje Vukovsko, municipality of Kupres, father Milogosta. After his body had been exhumed from the tomb in Mrkonjić Grad it was established that his head was cut off, the left upper arm partially cut off and that he had a cut on the back, all inflicted with a blade of a heavy and blunt mechanical tool. The opinion was given that his death, most probably was of a homicidal character, caused by decapitation. (W. 53/96)

186. Stanko Sladojević from Trijebovo, born 30 July 1937 in the village of Trijebovo, municipality of Mrkonjić Grad, father Gojko and mother Mara. He lived in his village which is 12 km away from Mrkonjić Grad. His family, including the witness (409/96-23), had had no information about his fate until his personal belongings were found in a forest in the village of Surjan on 20 February 1996. They presume that he was captured by the Croat Army while running away in the direction of Banja Luka. His body was found in the collective tomb in Mrkonjić Grad and the witness saw that his head had been smashed. The post mortem examination established that the major part of the skeleton was missing. The opinion of the forensic specialist is that his death was of a homicidal character and caused by the destruction of the head. (W 144/96)

187. Momir Slijepčević from Šargovac, municipality of Banja Luka, born 4 May 1944 in the village of Donji Vijačani, municipality of Prnjavor,

father Stojan and mother Mileva, nee Kovačević, locksmith by occupation, disappeared from his unit on 24 September 1995. His wife (W.453/96-6), and the witness (453/96-13) who served in the same unit, had known nothing about him until his body was excavated from the tomb in Mrkonjić Grad. A penetrating entry gunshot wound in the region below the right clavicle was established and an ammunition projectile, 7,62 mm was found in the region of the chest. Thus, the opinion was given that his death, was most probably of a homicidal character. (W 64/96)

188. Damjan Smiljanić, born 1930 in the village of Bočac, municipality of Banja Luka, remained in his house when the Croat Army occupied the village. The witness 453/96-9 had seen him alive immediately before the event, and when he came back to the village in February 1996, he could not trace Damjan anywhere. His body was found in the tomb in Mrkonjić Grad. According to the opinion of the forensic specialists, who established a laceretal wound with depressed fracture of the skull bones in the right temporal region, with a great degree of probability, it can be asserted that he had died a violent death caused by the destruction of the vital brain centers. (W. 21/96)

189. Jovan Smiljić, born 1931 in the village of Bočac, municipality of Banja Luka, father Dušan and mother Jovanka, nee Malešević. According to the testimony of his wife (410/96-3) he refused to withdraw and stayed in his house on 11 October 1995. On 20 January 1996, when the family came back to Bočac, at about 100 m away from the house they found a tomb and dug it up, but the body was missing, only a bottle which contained a written description of the body which resembled Jovan's, was found in it. After the tomb in Mrkonjić Grad had been excavated his body was found there. The performed autopsy established the depressed fractures of the facial bones and the left frontal section of the cranium top. It can be asserted with a great degree of probability that he died a violent death as a result of the vital brain centres had been shattered and damaged. (W.22/96)

190. Simo Stamenić, born 1954 in the village of Koljevići, municipality of Mrkonjić Grad, father Jovo and mother Jovanka, nee Bilić, together with his sister Milica Čigoja and the witness (409/96-18) tried to escape before the advancing Croat Army troops on 10 October 1995, but they were stopped near the village Donja Šehovica by the members of the Croat Army. Simo (who was in the uniform of the Republic of Srpska Army and had weapons) was disarmed and subsequently, one of the Croat soldiers held a knife at his throat, threatening to slaughter him. He twisted out of the attacker's grasp and hugged his sister. Milica and Simo then were taken in the direction of the Kojić's family house, and from about 20 m, a burst from an automatic weapon was fired at them,

and killed them on the spot. Their bodies were found in the collective tomb in Mrkonjić Grad. (409/96-2) The performed autopsy established the destruction of the vital brain centres along the canal of the perforating gunshot wound on the head inflicted with a projectile shot from an infantry weapon. Also, there was a perforating gunshot wound in the region of the abdomen. It can be asserted, with a great degree of probability, that they died a violent death. (W.15/96)

191. Nedeljko Stojčić (or Stojičić) from Medna, born 1949 in Medna, municipality of Mrkonjić Grad, father Vid and mother Janja, nee Savić, was with a unit of the Republic of Srpska Army at his post, when the Croat Army occupied the territory of the municipality of Mrkonjić Grad on 10 October 1995 and any trace of him had been lost until his body was found in the tomb on the Orthodox cemetery in Mrkonjić Grad, on 5 April 1996. The post mortem examination established the depressed fracture of the nasal and upper jaw bones inflicted by a blow with a heavy, blunt and swung mechanical tool. The opinion was given by the forensic specialists that it can be asserted with a great degree of probability that the victim died a violent death caused by the destruction of the vital brain centres. (W. 93/96)

192. Lujo Stupar from the village of Stupari, born 23 November 1949 in the village of Stupari, municipality of Mrkonjić Grad, father Dimitrije and Milica, nee Cvijetić. As a member of a unit of the Republic of Srpska Army he was at a post in the village of Podrašnica, and his unit listed him as a missing. (W. 360/96-30)

193. Mile Stupar from the village of Sitnica, municipality of Ribnik, born 1933 in the same village, father Tako and mother Joka, nee Irgić, who was immobile as a consequence of some legs disorder, remained in his village, which was occupied on 15 September 1995 by the members of the Muslim Army, who kept the village for several days. Later on the village was liberated and Mile's body was found with a cut on the right side of the neck, and with numerous stab wounds, shaped like crosses, on the chest. The family buried his body without conducting investigation. (W. 453/96-32)

194. Gojko Subić, locksmith from Laktaši, born 28 March 1950 in the village of Kokori, municipality of Prnjavor, father Boško and mother Petra, nee Vrhovac. He was seen for the last time by his wife (witness 453/9616) on 8 October 1995. Later on she was informed by the military command of his unit that he had been captured on the saddle Dabrac, on 11 October 1995 and that he was alive at the time. However, his body was found in the collective tomb in Mrkonjić Grad. His wife saw that it had a broken skull. In the autopsy findings the forensic specialists established a perforating gunshot entry wound in the left temporal region, while, the exit wound was in the right temporal -

parietal region, inflicted with a projectile shot from infantry weapon. It can be asserted with a great degree of probability, that the aforementioned perforating gunshot wound was the very cause of death. A lacerated wound with the depressed fractures of the maxilla and zygomatic bones, inflicted with a heavy, blunt and swung mechanical tool, was established as well. (W. 148/96)

195. Branko Tegeltija from Medna, born 21 October 1952 in the village of Medna, municipality of Mrkonjić Grad, father Djuko and mother Stana, nee Božić, was a member of the Republic of Srpska Army when the area of Mrkonjić Grad was occupied by the Croat Army on 10 October 1995. His body was found in the tomb in Mrkonjić Grad at the beginning of April 1996 (witness 409/96-16). The performed autopsy established that the major part of the skull top with the soft scalp tissue was missing. However, on the basis of the autopsy findings, the exact murder weapon or how the victim died could not be established with certainty. The fracture of the collar bone, caused by a blow with a heavy, blunt and swung mechanical tool was also established. In the conclusion of the autopsy findings the specialists asserted with a great degree of probability that the victim had died a violent death, caused by destruction of the head. (W. 152/96)

196. Ćedomir Tegeltija, farmer from the village of Medna near Mrkonjić Grad, born 1937, father Stojan, remained in his village when it was occupied by the Croat Army on 10 October 1995. Immediately after Christmas Day in January 1996, he was killed by the members of the Croat Army. His neighbours, (witnesses 409/96-13 and 409/96-14) buried him. After the liberation of Medna, the exhumation and the post mortem examination of his body were performed in Banja Luka. (584/96)

197. Tešo Tešić from Bijeljina, born 23 April 1954 in Tuzla, municipality of Tuzla, father Vojislav. After the exhumation of his body from the collective tomb in Mrkonjić Grad, the forensic experts established that the major part of the skull and the connective scalp tissue is missing, as a consequences of which it was not possible to identify the exact way or the weapon with which the head had been destroyed. However, they asserted, with a great degree of probability, that the victim had died a violent death caused by destruction of the head. (W. 155/96)

198. Ćedo Todorović from Donji Ribnik, born 3 October 1963 in Ključ, father Stanko and mother Mara, nee Vračar, was a member of the Republic of Srpska Army when the territory of Mrkonjić Grad was occupied by the Croat Army in October 1995. His mother (witness 453/96-23) had known nothing about him until his body was found in the collective tomb in Mrkonjić Grad. On the ground of the post mortem findings, the forensic specialists gave the opinion that, most probably, the victim had died a violent death caused by destruction of the head,

the neck, the upper part of the chest and both upper arms, which was inflicted with the metal fragments of an activated mine - explosive device. (W. 24/96)

199. Simo Tomić from the village of Gornji Graci, municipality of Mrkonjić Grad, born 17 February 1940 in the same village, father Mitar and mother Andja, nee Šipraga. He was in his house, in the village which was 4 km away from the posts of the Croat Army. According to the testimony of his wife (witness 360/96-27), he was captured and taken to a camp when the Croat Army occupied the village in mid-October 1995. By the post mortem examination of his body, found in Mrkonjić Grad, the depressed fracture of the right side of the facial bones, the multiple fracture of the skull, inflicted with a heavy, blunt and swung mechanical tool were established. The sustained injuries caused destruction of the vital brain centres. The amputation of the right arm was also established (most probably inflicted post mortem). (W. 68/96)

200. Stevan Topić from Gerzovo, municipality of Mrkonjić Grad, born 1924 in Gerzovo, father Simo and mother Andja, nee Prolo, because of his weak health remained in the village when it was occupied in September 1995, according to the testimony of his son T.V. Subsequently, he was burned alive in his house and his family found his charred remains on the foundation of their burnt house and buried it in Gerzovo on 23 March 1996. The exhumation performed by an investigative judge on 6 April 1996 confirmed the previously given statement. (W. 491/96)

201. Dane Trivunović, born 15 June 1961 in the village of Rastičevo, municipality of Kupres, father Andjelko. After the exhumation of his body from the tomb in Mrkonjić Grad, the wound on the right cheek was established. The opinion of the forensic specialist was that it was a case of homicide, as a result of the destruction of the vital brain centres along the canal of a perforating gunshot wound, inflicted with a projectile shot from an infantry weapon. (W. 48/96)

202. Dara Tutorić from Podrašnica, born 12 September 1928 in the village of Podrašnica, municipality of Mrkonjić Grad, father Djuro and mother Joka, nee Pekez, tried to flee the village before the Croat Army, with her husband in their "Zastava 750" car on 10 October 1995. On 4 February 1996, when their son (witness 409/96-10) returned to the village, he found the damaged car on the road Podrašnica - Mrkonjić Grad. On the basis of the graffiti written down on the walls of the ruined houses in the village, he concluded that the area had been captured by the 4th Split Brigade Guards. Her body and that of her husband were found in the tomb on the cemetery in Mrkonjić Grad at the beginning of April 1996. The post mortem examination of Dara's body established three perforating gunshot wounds, inflicted with

projectiles shot from infantry weapon on the basis of which an opinion was given that she had died a violent death of a homicidal character. (W. 65/96)

203. Jovo Tutorić, from Podrašnica, born 1927 in the village of Podrašnica, municipality of Mrkonjić Grad, father Tode, on 10 October 1995, tried to flee the village before the Croat Army with his wife Dara in his Zastava 750 car, which their son (witness 409/96-10), upon returning to the village on 4 February 1996, found on the way out of the village of Podrašnica towards Mrkonjić Grad. According to the signs left in the village, he concluded that the region had been seized by the 4th Split Brigade of the Guard's. Both bodies were found at the beginning of April 1996 in a grave on the cemetery in Mrkonjić Grad, when the son saw broken skull on Jovo's body. After his body had been exhumed, the coroners established a wound on the left occiput with impressed fracture of occipital bone inflicted by the blunt side of a heavy swung mechanical object, and the wound on the right flank side, inflicted by a fragments of exploded mine or other explosive device. According to the medical opinion it may be ascertained with high probability that the death was violent, occurred due to destruction of and damage to the vital brain centres through inward fracture of the left half of occipital bone. (S. 67/96)

204. Pero Čato, farmer from the village of Pribeljci, municipality of Šipovo, born 12 June 1912 in the same village, father Risto, mother Jovanka neé Plavšić, was bedridden due to illness and stayed at home when the Croat army occupied the village on 12 September 1995. His wife (witness 426/96-37) knew nothing about his whereabouts until early February, when she returned home and found Pero's body on the bed in the kitchen with smashed skull. Without reporting this to the authorities, she buried him on the village cemetery.

205. Dušan Ćirković, born 2 December 1960 in the village of Gustovare, municipality of Mrkonjić Grad, father Lazar, was last seen at home on 8 October 1995, and two days later the Croatian army seized the region of Mrkonjić Grad. According to the statement of his wife (witness 360/96-36) Dušan was captured by the Croatian army and killed, but she does not know who did it.

An autopsy of his body established an explosive wound on the outer left thigh inflicted by a metal fragment of an exploded mine or other

explosive device. Forensic opinion suggests that the victim most likely bled to death from torn up blood vessels along the explosive wound. (S. 157/96)

206. Gojko Čubić, from Šehovci, born 1917, father Špiro, stayed in his village when it was occupied, and on 23 March 1996 his body was found. Investigation and autopsy performed by Dr. Karan ascertained that he was killed from a firearm, and that the body was subsequently burned in a shepherd's hut on the property of Kostadin Lukač. (S. 584/96)

207. Jane Čulibrk, born 10 November 1942 in the village of Bravsko, municipality Bosanski Petrovac, father Milan. His body was found in a grave in Mrkonjić Grad and the medical opinion suggests that his death was very likely violent. The victim most probably bled to death from torn and completely severed blood vessels in the right lower leg. The wound was most probably inflicted by fragments of an explosive device. It was established that the right side of thoracic cavity and abdomen were carbonised under the effect of fire on the body, but the doctors could not ascertain whether the body was burned while the victim was still alive or after his death. (S. 74/96)

208. Nedeljko Ubović, from the village of Brdo near Mrkonjić Grad, born 1937 in the village of Brdo, municipality of Mrkonjić Grad, father Petar. According to the testimony of witness 360/96-29, on 10 October 1995, when the Croatian army occupied this area, Nedeljko stayed at home alone to take care of his livestock (5 cows, a large number of young cattle and other animals). His whereabouts were unknown since then. On 18 February 1996 witness found the house and stables burned down, while all movable property was missing. The autopsy of Nedeljko's body found in a grave in Mrkonjić Grad, revealed a tearing and contusion wound in the occiput with inward bone fracture and hence, according to the forensic opinion, it may be concluded with high a degree of certainty that his death was violent, and was due to destruction and damage of vital brain centres. (S. 96/96)

209. Rodoljub Uzelac, from Kula, born 18 January 1955 in the village of Lišane, Tinj, municipality of Benkovac, father Petar. His body was found in a grave in Mrkonjić Grad and the medical opinion suggests with high probability that his death was violent, that it occurred due to

smashed head and that the aim was homicidal. It was stated that most tissue and bones on top of the head were missing and that there was a contusion of soft tissue and fracture of left thighbone inflicted, according to medical opinion, while the victim was still alive, by the blunt side of a heavy swung mechanical object. (S. 168/96)

210. Branko Uletilović, from Bočac, born 16 September 1941 in the village of Bočac, municipality of Banja Luka, father Aleksa, mother Dragica neé Šikman, was stationed as a soldier of the Army of the Republic of Srpska on the position in the village of Sitnica when the village was captured on 10 October 1995 by the members of the 4th Split Brigade of the Guards, as concluded from the graffiti in the village, and testified by witness 453/96-12. His fate was unknown until his body was found in the grave in Mrkonjić Grad with a smashed skull. Since pieces of soft tissue on the head, neck and thorax were missing, the autopsy could not ascertain the cause of death. (S. 176/96).

211. Dosta Cvijić, from the village of Vrbovljani, municipality of Ribnik, born 1907 in the village of Medna, father Ilija, stayed in her village when it was occupied by the Croatian-Muslim army on 14 September 1995. According to the testimony of witness 453/96-26 from the same village, her body was found when the village was liberated in early 1996, when they saw that she was slaughtered. This is also confirmed by her grandson (witness 453/96-31) who claims that the body was found on the house threshold with the slit throat. She was buried without autopsy.

212. Dušan Crnčević, from the village of Brdo, municipality of Mrkonjić Grad, born 9 March 1943 in the village of Brdo, father Panta, mother Milica neé Tomić, was a member of the Army of the Republic of Srpska. He was last seen in village of Liskovica near Mrkonjić Grad on 10 October 1995, when the Croatian Army occupied the area of Mrkonjić Grad. After the surrender of Mrkonjić Grad to the Serb authorities on 8 March 1996, four bodies were brought from Liskovica and among them his daughter (witness 360/96-28) and wife (witness 360/96-33) recognised the body of their father, i.e. husband. He was subsequently buried on the village cemetery in Brdo.

213. Milorad Crnčević, born 14 March 1950 in Mrkonjić Grad, municipality Mrkonjić Grad, father Pantelija, mother Milica neé Čigoja.

According to the testimony of witness 360/96-18 (his mother), she last saw him on 9 October 1995, when he went to a position in the village of Surje, where he was captured the next day by the Croatian army. She knew nothing about his fate until his body was found on 3 April 1996 in a mass grave in Mrkonjić Grad. During the autopsy an inward fracture of left facial bones, inflicted by the blunt side of a heavy swung mechanical object, was found on the body. Therefore, according to the forensic opinion, it may be concluded with high probability that the death occurred due to the wound of vital brain centres. There was a surface wound from a hand firearm on the left lower leg. (S. 30/96)

214. Slobodan Crnčević, born 1 September 1970 in the village of Brdo, municipality Mrkonjić Grad, father Dušan, was last seen by his sister (witness 360/96-28) on 8 October 1995, and by his mother (witness 360/96-33) on 9 October 1995, when he went to report to his unit in the village of Surjan near Mrkonjić Grad, where he was captured. The autopsy of his body, found in Mrkonjić Grad, revealed that he sustained head destruction from at least four projectiles fired from a hand firearm, which was the probable cause of death. In addition, his left collarbone was completely broken by a blow of a blunt side of a heavy swung mechanical object. (S. 33/96)

215. Zoran Čigoja, technician from Bjelajac, born 19 February 1970 in the village of Bjelajac, municipality of Mrkonjić Grad, father Đurađ, mother Zorka neé Kojić, as a member of the Army of the Republic of Srpska was on the position in his village, when it was occupied by the Croatian Army on 10 October 1995. As his brother (witness 409/96-31) learned from R., the Croatian Army killed all PoWs on the spot. His body was found in a mass grave in Mrkonjić Grad. The body had two gunshot wounds from a firearm on the head that caused the destruction of vital brain centres. (S. 81/96)

216. Milica Čigoja, from the village of Kopljević, born 1939 in the village of Bjelajac, municipality of Mrkonjić Grad, father Milan Jovo, mother Jovanka neé Bilić, attempted to escape before the Croatian Army with her brother Simo Stamenić and witness 409/96-18 on 10 October 1995, but they were stopped near the village of Donja Šehovica by the members of the Croatian Army, who took Milica and Simo towards Kojić's house and when they moved away, at about 20 m from where the witness stood, they fired a whole burst into them,

killing them on the spot. The bodies were found on the cemetery in Mrkonjić Grad (witness 409/96-2). Autopsy of Milica's body revealed a wound in the central part of the left side of abdomen inflicted by a projectile fired from a hand firearm, which stretches through the abdominal cavity, with the exit wound in the hip part, with the canal stretching from the front towards the back. Therefore, forensic opinion suggests with a high degree of certainty that her death was violent, and that she bled to death from the torn blood vessels along the piercing wound. (S. 14/96)

217. Ljubinko Čigoja, from the village of Bjelajci, born 10 October 1957 in the village of Bjelajci, municipality of Mrkonjić Grad, father Dušan, mother Dušanka neé Popadić, was a member of the Army of Republika Srpska unit which defended the area of Mrkonjić Grad when it was seized by the Croatian Army (witness 360/96-52). His body was found in a mass grave in Mrkonjić Grad. During a post mortem a wound was found in the right temple, which represents the entry of a penetrating wound inflicted by a projectile fired from a hand firearm, with exit wound in the central forehead part. The medical opinion therefore suggests with a high degree of certainty that the death was most probably violent. (S. 154/96)

218. Miloš Čolić, born 14 October 1970 in Novo Selo, municipality of Kupres, father Obrad. His body was found in a grave in Mrkonjić Grad and during post mortem performed on 1 April 1996 it was found out that soft head tissue and some head bones were missing and the opinion derived with high probability was that the death was violent and caused by the destruction of the head. (S. 56/96)

219. Ratko Džajić, locksmith from Banja Luka, born 21 July 1951 in the village of Han Kola, municipality of Banja Luka, father Jovo, mother Savka neé Jaćimović, was last seen by his wife (witness 426/96-62) towards the end of September 1995 when he came home from the front. After the occupation of the area of Mrkonjić Grad in October 1995, the military authorities informed her that her husband was reported missing, while some friends told her that they had seen Ratko in a broadcast on the Croatian TV on 13 and 14 October and 25 November 1995. Therefore, she concluded that he was killed after he had been captured, because his body was found in a mass grave in Mrkonjić Grad. The autopsy report states wounds on the left brachium, left side of abdomen and both thighs, representing

explosive wounds from exploded fragments of a mine or other explosive device, which probably caused him to bleed to death. (S. 106/96)

220. Đuro Šerval, pensioner from Surjan, born 15 April 1923 in the village of Surjan, municipality of Mrkonjić Grad, father Marko, mother Jovanka. According to the statement of his son (witness 409/96-28), on 9 October 1995 Đuro did not want to leave his house. They knew nothing of his whereabouts until 4 April 1996 when his body was found in a grave in Mrkonjić Grad. Graffiti reading "111th Žepče Brigade" have been found on some houses in the village. During the autopsy of the body a piercing wound was found on the back side of the left thigh from a projectile fired from a hand firearm, and on the left upper arm with the fracture of left scapula, while there was an inward fracture of central facial bones and destruction of skull. According to the forensic opinion, the death most probably occurred due to destruction and damage of vital brain centres. (S. 6/96)

221. Danilo Šešum, born 14 April 1950 in the village of Zanaglina, municipality of Kupres, father Marinko. His body was found on 2 April 1996 in a mass grave in Mrkonjić Grad. The opinion given in the conclusion of the autopsy report states that the death was most likely violent, caused by the destruction of the head with multiple bone fractures. An explosive wound in the right shoulder blade was also found. (S. 47/96)

222. Novak Šobić, from Šipovo, born 26 May 1955 in the village of Olići, municipality of Šipovo, father Ljuboje, mother Mara neé Subašić, was a member of the military unit stationed in the area of Mrkonjić Grad when that area was seized by the Croatian Army (witness 426/96-10). His wife, witness 426/96-23, later learned that he had been captured, tied and killed with sticks smashed on his head. According to the opinion of forensic experts who performed the autopsy of a body found in Mrkonjić Grad, it appears with high probability that the death was violent and caused by the destruction of the head. Due to the absence of a large part of soft tissue and head bones, it has not been possible to ascertain the manner and weapon used in head destruction. (S. 139/96)

223. Radovan Šobić, born 1 August 1963 in the village of Olić, municipality of Šipovo, father Ilija, mother Mara neé Perković, was a

member of the Army of the Republic of Srpska, which defended the area of Mrkonjić Grad when it was seized by the Croatian Army. His wife, witness 426/96-20, inquired in vain about him. The autopsy of his body, found in a grave in Mrkonjić Grad, established a tearing and contusing wound in the right crown and forehead area, with impressed fracture of the top of the skull inflicted by the blunt side of a heavy swung mechanical object, and hence it may be ascertained with high probability that the death was violent and occurred due to destruction of vital brain centres. (S. 129/96)

224. Jagoda Šolić, from the village of Velijašnica, municipality of Ribnik, born 1938 in the village of Simići, father Marko, mother Boja neé Kapanja, was bedridden and stayed at home with her mother-in-law who had had a stroke. When her husband (witness 453/96-51) returned home on 17 February 1996, he found their decayed bodies on the floor. There were traces of blood around the bodies, indicating that they were killed. He buried them without investigation.

225. Mara Šolić, from the village of Velijašnica, municipality of Ribnik, born 1911 in the village of Mičići, father Daka, had a stroke and since she could not move she stayed at home with her daughter-in-law. When her son (witness 453/96-51) returned home on 17 February 1996, he found their decayed bodies on the floor. There were traces of blood around the bodies, indicating that they were killed. He buried them without investigation.

226. Dobrivoje Štrkić, born 10 March 1951 in the village of Rekavice, municipality of Banja Luka, father Gojko, mother Jela Blagojević, was a member of the Army of the Republic of Srpska on a position near the village of Bjelajci when the area was occupied by the Croatian army. His fate had been unknown until the mass grave in Mrkonjić Grad was exhumed, when his sister (witness 426/96-46) identified the body and saw that his teeth had been knocked out and an ear cut off. The autopsy established that the right earlobe was missing. According to the medical opinion, it was cut off by the sharp side of a swung mechanical object. Multiple fractures of xiphoid cartilage were also established, as well as pronounced bruises on the facial soft tissue and under the Adam's apple, most probably inflicted by the blunt side of a heavy swung mechanical object. (S. 36/96)

227. Branislav Šurlan, construction technician from Banja Luka, Ivana Milutinovića No. 11, born 6 October 1959 in Banja Luka, father Đorđe, mother Radmila neé Popović, was reported missing after the area of Mrkonjić Grad had been seized on 10 October 1995 and his wife (witness 436/96-65) could not find out from the military authorities what happened to him. The body was found in Mrkonjić Grad and identified by fingerprints. The medical examiners found bilateral fractures from the 2nd to the 8th rib, caused by the blunt side of a heavy swung mechanical object and gave the opinion that there are reasons to believe that the death was violent, occurring due to the disruption of breathing caused by multiple bilateral rib fractures. (S. 83/96)

It is characteristic that autopsy of unidentified bodies established similar injuries.

Thus, unidentified male bodies marked S. 41/96, S. 42/96, S. 70/96, S. 71/96, S. 100/96, S. 101/96, S. 128/96, S. 141/96 and S. 158/96 had smashed heads; S. 39/96 and S. 132/96 had impressed fracture of the occipital bone; S. 17/96 and S. 164/96 impressed fracture of facial bones; S. 40/96 fracture of lower jawbone; S. 118/96 multiple fracture of right clavicle. On all these bodies the mechanism of injury was the same – the blunt side of a heavy swung mechanical object.

Besides multiple fractures of skull, S. 38/96, also had a fracture of the sternum, fractures of cervical vertebra and bilateral fractures of the first five ribs, caused by the blunt side of a heavy swung mechanical object, and S. 75/96 had fractures of the collarbone, shoulder blade, ribs, pelvis, thighbones and lower leg.

In addition to the inward fracture of central facial bones, which probably caused the death, S. 126/96 was shot through the right thigh and had a fracture of the left shoulder blade.

The body marked as S. 69/96 had a head injury, in addition to the wound of the left shoulder caused by a mine or other explosive device, as well as transverse fracture of right radius.

S. 8/96 was shot through the head and the left upper leg; female body S. 16/96 was shot through the head; S. 114/96 had five gunshot wounds in the thoracic cavity and abdomen; S. 180/96 was

shot in the head and had four gunshot wounds in the thorax and abdomen; four gunshot wounds have been found on S. 173/96.

Besides the gunshot wound through the head, which probably caused the death of S. 90/96, the victim had an explosive wound on the left thigh, while S. 163/96, in addition to two pierce shots to the chest, also had an explosive wound on the right side of the face. S. 181/96 was shot through the head, in addition to the wound in the left part of the thoracic cavity under the collarbone, inflicted by the blunt side of a heavy swung mechanical object. In S. 170/96 the death occurred as a consequence of two shots through the thoracic cavity and besides, an explosive wound inflicted by a mine or other explosive device was found on the right heel of the body.

Some unidentified bodies from the cemetery in Mrkonjić Grad had explosive wounds inflicted by metal fragments of an exploded mine or other explosive device (female body S. 87/96 and male bodies S. 4/96, S. 63/96, S. 107/96, S. 117/96, S. 136/96, S. 137/96, S. 140/96, S. 146/96 and S. 176/96).

Besides explosive wounds inflicted by metal fragments of an exploded mine or other explosive device, S. 76/96 also had fractures of the collarbone and thigh bone inflicted by a mechanical object.

In addition to smashed head, S. 7/96 had a shot through a thigh, explosive wound above the right heel inflicted by an exploded mine or other explosive device, and fracture of the right hand bones, right shoulder blade, breast bone and a series of rib fractures inflicted by the blunt side of a swung mechanical object, while S. 108/96, in addition to explosive wound, also had a shot through a right thigh.

A post-mortem of male body S. 159/96 established head demolition, but due to the absence of tissues on the head top and bones of the head crown and face, no opinion has been rendered as to the mechanism of injury. The same body sustained explosive wounds on both legs. Besides demolished head, S. 143/96 sustained a wound of the thoracic cavity from an explosive device.

Some bodies were parts of burned and carbonised human bodies and hence for body S. 73/96 not even the sex of the body could be

ascertained, while the only information that could be given for body S. 61/96 was that it was a male.

Besides these unidentified bodies from the mass grave in Mrkonjić Grad, a number of unidentified bodies were found on various other locations. Thus, in the village of Surjan, on the site of the burnt down house of Dušan Podrašćanin, partially burnt remains of an unidentified person were found on 12 March 1993, while a body of an unidentified man (584/96) was found on 1 March 1996 in the reservoir of the hydroelectric power plant Biočac.

The list above does not contain the names of persons for whom it was ascertained that they died a natural death (e.g. Špiro Ilić from the village of Pribeljci, municipality of Šipovo) or that they were killed in combat.

After the exhumation of a mass grave on the Orthodox cemetery in Mrkonjić Grad, where bodies of 181 persons were found and 136 among them identified, all of whom were Serbs, exhumation of the grave on the Muslim cemetery in Mrkonjić Grad was undertaken and remains of 6 persons found. Those who were identified were all Muslims.

It is characteristic that they were killed in a similar way as members of the Serb nationality, whose bodies were found in the mass grave on the Orthodox cemetery.

Among them was the body of Enes Salihbašić, from Banja Luka, Rudarska Street No. 121, born 22 October 1954 in Banja Luka, father Enver. Due to the absence of a large part of soft tissue and bones on the head, the doctors could not ascertain to the manner and weapon that caused the demolition of the head, but stated with high certainty that the death was violent and caused by head demolition. (SM. 2/96)

On the body of Nedžib Ljeskavica from Banja Luka, Save Ljuboje Street No. 4, born 1949 in Banja Luka, father Vejis (SM. 3/96) it was established that he was shot once through and twice in the chest, while two projectiles matching pistol ammunition were found in his lungs. However, death was probably caused by the destruction and

damage of vital brain centres due to impressed fracture of head bones inflicted by the blunt side of a heavy swung mechanical object.

The autopsy of an unidentified male body (SM. 1/96), found on the Muslim cemetery in Mrkonjić Grad, revealed a shot wound through the left forearm and a shot wound in the chest. A projectile matching pistol ammunition was found in his chest. However, the cause of death is most likely the fracture of bones in the central part of face from the impact of a heavy swung mechanical object.

A male body SM. 4/96 had his head smashed, male body SM. 5/96 had a shot wound through the head, while the male body SM. 6/96 was shot through the thoracic cavity.

The following are held accountable for the mentioned war crimes:

MEMBERS OF THE CROATIAN ARMY, CROATIAN DEFENSE COUNCIL AND THEIR ORDERING PARTIES

1. Dr. Franjo Tuđman, historian, from Zagreb, born 14 May 1922 in the village of Veliko Trgovišće, municipality of Klanjec, father Stjepan, mother Justina neé Gmaz, until 1961 major general in the JNA, now President of the Republic of Croatia,
2. Gojko Šušak, minister of defence in the Government of the Republic of Croatia,
3. Zvonimir Červenko, born 13 November 1926 in Prijepolje, father Franjo, head of the Chief of Staff of the Croatian Army,
4. Tihomir Blaškić, head of the Chief of Staff of the Croatian Defence Council of the Croatian Republic of Herzeg-Bosnia,
5. Mladen Markač, commander of special units of the Croatian police and deputy minister of interior of Croatia; parts of the units under his command participated in the operation "Maestral",
6. Damir Krstičević, born 1 July 1969 in Vrgorac, father Rade, mother Ljubica neé Roso, until September 1991 second lieutenant in the former JNA, during 1994 and 1995 commander of the 4th Split Guard Brigade of the Croatian Army "Pauci" ("Spiders") which participated in the operations "Maestral" and "Južni potez" (occupation of Mrkonjić Grad), in the rank of chief brigadier, promoted to the rank of major general by the decree of President Tuđman after the seizure of Mrkonjić Grad,
7. Imre Agotić, General of the Croatian Army, born 12 January 1943 in the village of Gorjani, municipality of Đakovo, father

- Božo, mother Ana neé Balažić, commander of the Croatian Air Force, which participated in the operation "Maestral", firing unselectively on civilian targets,
8. Dragan Arar, sergeant, platoon commander of a unit for special services of the Croatian Defence Council "Gavran-2",
 9. Markica Baketarić, major, deputy commander of the armoured battalion within the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
 10. Mladen Bašić, colonel, deputy commander of the 4th Guard Brigade of the Croatian Army "Pauci" from Split,
 11. Nikola Bagarić, head of the intelligence department of the 79th Home Guardsmen Regiment of the Croatian Defence Council from Tomislavgrad,
 12. Rudolf Bari, colonel, intelligence officer in the 1st Croatian Guard Brigade,
 13. Marinko Begić, major, battalion commander within the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
 14. Ivan Beljan, colonel of the Croatian Army, assistant commander for political activity of the 4th Guard Brigade "Pauci" from Split, which took part in the seizure of Mrkonjić Grad,
 15. Petar Berberović, aka "Pepi", major, commander of the unit for special services of the Croatian Defence Council "Gavran-2",
 16. Stipo Bilandžija, from the village of Ljeskovica near Mrkonjić Grad, member of the Croatian police,
 17. Milivoj Božina, major, battalion commander within the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
 18. Jure Bojić, major, chief of SIS of the 4th Guard Brigade of the Croatian Army "Pauci" from Split,
 19. Josip Bošnjak, major, deputy commander of the 82nd Home Guardsmen Regiment of the Croatian Defence Council from Mostar,
 20. Bošnjak, aka "Manja", deputy commander of the 81st Home Guardsmen Regiment of the Croatian Defence Council from Mostar,
 21. Josip Brnjak, ensign, company commander of an airborne battalion within the 1st Croatian Guard Brigade,
 22. Branko Bungić, major, battalion commander within the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
 23. Franjo Bušić, intelligence officer, member of the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",

24. Žarko Valentić, major, head of the operative and instructional division of the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
25. Dražen Vidović, lieutenant commander, commander of the reconnaissance platoon within the 1st Croatian Guard Brigade,
26. Ivan Viljevac, security chief in the 7th Guard Brigade of the Croatian Army "Pume" from Varaždin, which took part in the seizure of Mrkonjić Grad,
27. Tomo Gago, captain, platoon commander of the unit for special services of the Croatian Defence Council "Gavran-2",
28. Branislav Galić, security officer of the unit for special services of the Croatian Defence Council "Gavran-2",
29. Rafael Gagro, commander of the 3rd Battalion within the 82nd Home Guardsmen Regiment of the Croatian Defence Council from Mostar,
30. Željko Glasnović, major general, commander of the Tomislavgrad military area,
31. Mate Grubaša, major, commander of the 126th Home Guard Regiment "Maks Luburić" of the Croatian Army from Sinj, which participated in the operation "Maestral",
32. Miodrag Demo, major, commander of the motorised battalion within the 1st Croatian Guard Division,
33. Davor Dodig, major, commander of the 60th Sabotage Battalion "Ludvig Pavlović", which participated in the seizure of Mrkonjić Grad,
34. Ratko Dragović, deputy commander of the 7th Guard Brigade of the Croatian Army "Pume" from Varaždin which participated in the "Maestral" operation along the Grahovo-Drvar and Grahovo-Mlinište direction,
35. Mario Dugandžić, captain, deputy commander of the unit for special services of the Croatian Defence Council "Gavran-2",
36. Jure Đerek, captain, SIS officer at the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
37. Zlatko Zubonja, operative, member of the 60th Sabotage Battalion "Ludvig Pavlović",
38. Jukić, aka "Barce", captain, security chief of the 126th Home Guard Regiment "Maks Luburić" of the Croatian Army from Sinj, which participated in the operation "Maestral",
39. Pavo Jurić, from the village of Majdan, municipality Mrkonjić Grad, member of the Croatian police,

40. Vlado Jurčević, commander of the 92nd Home Guard Regiment of the Croatian Defence Council Vitez,
41. Ivan Korade, major general of the Croatian Army, from the Zlatar region, commander of the 7th Guard Brigade of the Croatian Army "Pume" from Varaždin which participated in the "Maestral" operation on the Grahovo-Drvar and Grahovo-Mlinište direction,
42. Ante Kotromanović, brigadier, deputy commander of the 4th Guard Brigade of the Croatian Army "Pauci" from Split,
43. Mate Kraljević, ensign, company commander of the airborne battalion within the 1st Croatian Guard Brigade,
44. Stanko Kreso, lieutenant, company commander of the airborne battalion within the 1st Croatian Guard Brigade,
45. Mirko Kuna, chief of staff of the 55th Home Guard Regiment from Bugojno
46. Landeka, captain, intelligence officer, member of the 1st Croatian Guard Division,
47. Mate Leko, deputy commander of the 60th Sabotage Battalion "Ludvig Pavlović", which participated in the seizure of Mrkonjić Grad,
48. Antun Luburić, brigadier, commander of the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić", which participated in the operation "Maestral" on the direction Glamoč-Šipovo,
49. Ado Lucev, colonel, commander of the command company within the 1st Croatian Guard Brigade,
50. Zoran Marelj, commander of the 80th Home Guard Regiment of the Croatian Defence Council from Livno,
51. Tomo Marić, major, commander of the armoured battalion within the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
52. Drago Markić, major, commander of the 82nd Home Guard Regiment of the Croatian Defence Council from Mostar,
53. Slobodan Matenda, major, commander of the 6th Home Guard Regiment "Torcida" of the Croatian Army from Split, which participated in the operation "Maestral",
54. Andrija Matijašević, general of the Croatian Army, commander of the 4th Guard Brigade from Split
55. Ivan Mršić, colonel, assistant commander of the 4th Guard Brigade of the Croatian Army "Pauci" from Split,

56. Ilija Nakić, commander of the 3rd Guard Brigade "Jastrebovi" of the Croatian Defence Council,
57. Stipo Nimac, deputy commander of the motorised battalion within the 1st Croatian Guard Division
58. Zdravko Orlović, captain, member of the 81st Home Guard Regiment of the Croatian Defence Council from Mostar,
59. Mate Pavlović, colonel, commander of the 81st Home Guard Regiment of the Croatian Defence Council from Mostar,
60. Boško Papić, commander of the 79th Home Guard Regiment "Kralj Tomislav" of the Croatian Defence Council from Tomislavgrad,
61. Draženko Pervan, colonel, deputy commander of the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić", which participated in the operation "Maestral" on the Glamoč-Šipovo direction,
62. Milan Perković, colonel of the Croatian Army, chief of staff of the 4th Guard Brigade of the Croatian Army "Pauci" from Split,
63. Dalibor Perić, major, chief of artillery of the 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
64. Stipe Petričević, lieutenant commander, chief of the intelligence department, 126th Home Guard Regiment "Maks Luburić" of the Croatian Army from Sinj, which participated in the operation "Maestral",
65. Zlatko Rogulj, deputy commander of the 126th Home Guard Regiment "Maks Luburić" of the Croatian Army from Sinj, which participated in the operation "Maestral",
66. Renato Romić, chief brigadier of the Croatian Army, commander of the 81st Guard Battalion from Virovitica, which participated in the operation "Maestral" on the Glamoč-Šipovo-Mrkonjić Grad direction, now commander of the 2nd Guard Brigade of the Croatian Army,
67. Marin Salado, first lieutenant, acting commander of the artillery division, 1st Guard Brigade of the Croatian Defence Council "Ante Bruno Bušić",
68. Ante Saskov, deputy commander of the 1st Croatian Guard Brigade, which was directly involved in the operation "Maestral",
69. Stanko (or Branko) Sopta, brigadier, commander of the 2nd Guard Brigade of the Croatian Defence Council, which participated in the operation "Maestral" on the direction Šipovo-Jajce,

70. Marko Stipić, security chief in the 79th Home Guard Regiment of the Croatian Defence Council from Tomislavgrad,
71. Dario Sušić, commander of the 91st Home Guard Regiment of the Croatian Defence Council from Vitez,
72. Ivo Turalija, commander of the 55th Home Guard Regiment of the Croatian Defence Council from Bugojno,
73. Nikica Turudić, captain, intelligence officer, member of the commando unit of the Croatian Defence Council "Gavran-2",
74. Mile Ćuk, major general, commander of the Croatian Guard Division, within which the 1st Croatian Guard Brigade participated in the seizure of Mrkonjić Grad,
75. Anto Filipović, major, commander of the airborne battalion within the 1st Croatian Guard Brigade,
76. Miljenko Filipović, major general, commander of the 1st Croatian Guard Brigade, which directly participated in the operation "Maestral" (seizure of Mrkonjić Grad),
77. Jure Francetić, commander of the 93rd Home Guard Regiment of the Croatian Defence Council in Busovača,
78. Cerovečki, chief of intelligence department, 7th Guard Brigade of the Croatian Army "Pume" from Varaždin, which participated in the seizure of Mrkonjić Grad,
79. Ciber, lieutenant commander, SIS officer, member of the 1st Croatian Guard Division,
80. Božo Šajin, colonel, chief of staff of the 1st Guard Brigade of the Croatian Defense Council "Ante Bruno Bušić", commander who participated in the operation "Maestral"
81. Mario Šimunović, deputy commander of the airborne battalion within the 1st Croatian Guard Brigade,

MEMBERS OF THE ARMY OF BOSNIA AND HERZEGOVINA AND THEIR ORDERING PARTIES

82. Alija Izetbegović, president of the Presidency of Bosnia and Herzegovina, born 8 August 1925 in Bosanski Šamac, father Mustafa, mother Hiba neé Djabija, before the war resided in Sarajevo, Hasana Kikića Street No. 14,
83. Rasim Delić, lieutenant colonel of the former JNA, born 4 February 1949 in Čelić, municipality of Lopare, father Rašid, mother Derva neé Mulomerović, until 1992 lieutenant colonel in JNA, commander of the 5th Corps of the Muslim Army in the rank of general, chief of staff of the Army of Bosnia and Herzegovina,

84. Atif Dudaković, born 2 December 1953 in Orahovo, municipality of Bosanska Gradiška, father Omer, mother Sadifa, major of the former JNA, now general in the Army of Bosnia and Herzegovina, commander of the 5th Corps of the Army of Bosnia and Herzegovina,
85. Amel Duraković, commander of the 770th Brigade, 7th Corps of the Army of Bosnia and Herzegovina, Donji Vakuf
86. Hamdija Abdić, colonel, commander of the 502nd Brigade of the Army of Bosnia and Herzegovina from Bihać
87. Mehmed Alagić, general, born 8 July 1947 in Pajtovica, municipality of Sanski Most, father Redžo, mother Feršana neé Cerić, until July 1991 lieutenant colonel of the former JNA, commander of the 7th Corps of the Army of Bosnia and Herzegovina,
88. Muhamed Delalić, brigadier, commander of the 503rd Brigade of the Army of Bosnia and Herzegovina from Bihać,
89. Sead Jusić, brigadier, commander of the 505th Brigade of the Army of Bosnia and Herzegovina from Bužim,
90. Nijaz Miljković, major, commander of the 506th Brigade of the Army of Bosnia and Herzegovina,
91. Ibrahim Nadarević, colonel, commander of the 517th Brigade of the Army of Bosnia and Herzegovina,
92. Senad Šarganović, brigadier, commander of the 501st Brigade, 5th Corps of the Army of Bosnia and Herzegovina, Bihać.

Evidence: 156/96-18, 21, 22, 23, 24, 25, 28, 29, 31, 33; 360/96-16, 17, 18, 19, 20, 22, 25, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 42, 45, 46, 47, 48, 50, 51, 52; 409/96-2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 16, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37; 410/96-3, 4, 5, 6, 7, 8, 9, 10, 24; 426/96-4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 19, 20, 23, 29, 32, 33, 34, 35, 36, 37, 40, 41, 42, 44, 46, 47, 49, 52, 54, 55, 56, 59, 62, 64, 65; 818/95-12; 818/95-10; 453/96-4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 51, 52, 53, 54, 55, 56; 470/96; 487/96; 491/96; 549/96; 584/96; 671/96;

7.1.55.0. Srbobran (Donji Vakuf)

7.1.55.1. On 30 April 1992, Muslim soldiers from Bugojno blew up the bridge over the River Vrbas in Donji Vakuf with a lorry-bomb in order to kill Serb civilians and inflict extensive material damage. The following civilians were killed in the explosion:

1. Miodrag Marjanac, and
2. an unidentified child, aged about 12.

Extensive material damage to civilian facilities was inflicted by the explosion.

Evidence: 33/95-3 and 333/95-17.

7.1.56.0. Dobož

7.1.56.1. On 6 May 1992 Croat soldiers from Ritešići and Brezik villages in Dobož municipality attacked the nearby village of Majevac, which had a mixed Serb-Croat population, and burned the houses of Miloš Šumatić, Brana Šumatić, Milorad Šumatić, Maksim Šumatić, Milenko Šumatić, Sreta Šumatić and Petar Šumatić, all Serbs.

In the village of Ritešići they killed:

1. Novak Popović;
- and then
2. Mirko Dejanović.

Dejanović had gone from Majevac to Ritešić to collect Popović's body for burial, but was brutally murdered. His head was chopped off with a pickaxe and his genitals had been stuffed into his mouth. The witness says he had more than 100 stab wounds all over his body.

Jela Titura from Ritešići took part in this crime.

Evidence: 30/94.

7.1.57.0. Kozarska Dubica (Bosanska Dubica)

On 18 September 1995 around noon "black mamba" units of the Croatian Army crossed the River Una to Serb-populated Kozarska Dubica (former Bosanska Dubica) in the territory of the Republic of Srpska, obviously with the consent of the authorities of Bosnia and Herzegovina.

On this occasion they launched in a strong attack, including artillery fire, while many Serb civilians were killed, individually and in groups, with an intention of eradicating Serb ethnic group. The town and its surroundings were heavily destroyed.

On 18 September 1995 many Serbs were wounded and survived by pure chance, though death was obviously intended for them too.

Members of the 2nd Guard Brigade of the Croatian Army "Gromovi" (Thunder) accompanied "black mamba" troops.

A number of witnesses described the circumstances under which the Croat soldiers attacked Kozarska Dubica, killed and wounded Serb population and destroyed the town and its surrounding on 18 September 1995.

At this point excerpts from testimonies of several interviewed witnesses will be presented.

Witness 727/96-33 mentioned:

"...I happened to be near the Knežepoljka factory in Dubica on 18 September 1995. When Croat soldiers saw my car, they started shooting and my car was riddled with shots. The Croatian soldiers wore helmets and had 'black mamba' insignia on the sleeves..."

Witness 725/96-46 stated:

"...Members of the Croatian Army focused their attack on the Knežepoljka factory, where the first shift numbering 300-400 workers was at work. Since we heard that many had been wounded there, I drove in a van with visible Red Cross sign towards the other side of

the factory to help drive away the wounded. I noticed an older man named Tepić, who was wounded, we put him in the van and drove further. Then I saw Croatian soldiers who were at a distance of some 30 meters. They opened heavy fire from infantry arms at the van, disabling it for further ride. I saw many killed civilians in the close vicinity of the Knežepoljka factory, but I could not approach their bodies.

The next day, when the Croatian Army retreated, I learned that along the direction of their advance they killed all civilians, old men and women who were at their homes. I also learned that some 45 civilians had been killed... During this attack a large number of residential buildings and factory plants have been demolished or damaged, as well as the "Nikola Tesla" elementary school... Croatian soldiers wounded about 70 civilians..."

Witness 727/96-35, member of the police force in Kozarska Dubica, stated:

"...On 18 September 1995 I was in the police station when about 11 AM the Croatian Army started to attack the territory of Kozarska Dubica from the left bank of the river Una. I went towards the Knežepoljka factory to find out what was going on and I saw that the attack proceeded towards this factory. I saw civilians who were leaving their houses and fleeing, and some cars ablaze near the factory. During the attack of the Croatian Army about 350-400 workers were on their workplace at the factory. They evacuated the factory from the rear side, through a hole they made in a wire fence. I know that the attack was carried out by the members of the 2nd Guard Brigade of the Croatian Army, whose members wore 'black mamba' insignia. When they retreated, they left the bodies of their 9 killed soldiers behind. These soldiers had personal documents with them that showed their identity. A topographic map was also found on them, with marked direction of the attack of the Croatian Army. On one of the maps it was written 'Action Drina 1995'..."

Witness 727/96-5 stresses:

"...When we heard fire shots on 18 September 1995, I met T.M. and we drove in his car along the Milan Tepić Street to find out what was going on. When we approached the Knežepoljka factory at about 30 m, I noticed a group of soldiers and since we concluded that they

were Croatian soldiers, T.M. swiftly put the car in reverse. The soldiers then started to shoot at us and wounded me in the head. After I was given first aid, we organised a front line with the assistance of police and managed to drive Croatian soldiers, who entered the town near the Knežepoljka factory, across the Una... The next day, we saw a large number of killed civilians at the point where Croatian soldiers crossed the river Una..."

7.1.57.1. Serbs killed on 18 September 1995

According to available evidence, 45 Serb civilians were killed during the attack of the Croatian Army on Kozarska Dubica on 18 September 1995. They include:

1. Mile Babić, from Kozarska Dubica, Đakona Avakuma Street No. 23 (Lička Str., no house number), born 12 March 1947 in Dubica, father Stojan, mother Dušanka neé Batajić, was employed with TPPM Work Organisation. On 18 September 1995 he was at work and as a civilian was killed in his car from firearms by the members of the Croatian Army (witnesses 721/96-12, 727/96-10, 727/96-31, 725/96-46, 36/97-1).
2. Miroslavka Bakić, from the village of Vrioci, municipality Bosanska Dubica, born 1960 in Bosanska Dubica, father Dušan, killed near the bridge (36/97-1).
3. Dušan Berberović, pensioner from Verije, born 6 May 1934 in Živaja, municipality of Kostajnica, father Milan, mother Ljubica neé Bivković, killed when he ran into Croatian soldiers (36/97-1 and 727/96-23).
4. Marinko Bobart, from the village of Verije, municipality Bosanska Dubica, born 14 December 1943 in Banja Luka, killed when he met Croatian soldiers near the former school centre (36/97-1).
5. Milka Bobar, from Malo Dvorište, municipality of Dubica.

6. Dragan Budimir, from the village of Špilje; Croatian soldiers intercepted him while he was riding on a motorcycle and killed him (witnesses 725/96-7, 727/96-41, 727/96-39, 727/96-52).

Thus, for example, witness 727/96-39, a Serb woman born in 1916, pensioner, testifies of an event on 18 September 1995 in connection with the death of Dragan Budimir and says:

"...At one point I saw a man on a motorcycle riding down the street, whom Croatian soldiers were stopping. When he approached them they fired and killed him. I learned later that it was Dragan Budimir..."

7. Miloš Budimir, from Vrioci, born 7 July 1954 in Bosanska Dubica, father Milorad, mother Draginja neé Pekić, killed by Croatian soldiers when he went out of his house (witnesses 727/96-14, 727/96-45, 727/96-55, 36/97-1).

Witness 727/96-14, a driver from Kozarska Dubica, stated:

"...When we noticed that in the factory, we broke through the fence so that workers could get out. Croatian soldiers were killing civilians who happened to be in their way. When Miloš Budimir came by, Croatian soldiers killed him on the spot..."

8. Milorad Buha (or Bukva), from Komlenac, born 31 January 1961 in Bosanska Dubica, father Milan, mother Milica neé Burazer, killed in a passenger car in which he drove to fetch his wife. The car was then set on fire and his body burnt (witnesses 727/96-16, 30, 33, 47, 51; 36/97-1).

Speaking about the event of 18 September 1995, witness 727/96-33 said, among other things:

"...On this occasion my cousin Ranko Tubić was killed and I also saw many bodies of other killed Serbs. Many older men and women were killed... I saw the bodies of killed Serbs and noticed that most of them were strangled with a wire and that they were massacred. I saw a body of a boy who could not be more than 15 years old. His eyes were taken out and lay next to his body. I do not know his name..."

This witness mentions Milorad Buha as one of the victims.

The following passage of this witness's statement is particularly interesting:

"...After the Croatian Army retreated, the bodies of nine Croatian soldiers killed in the battle were left behind. They had personal documents on them. Among them was Josip Macan, who was a personal driver of Josip Paraga and Franjo Tudjman was personally interested that his body be recovered. Dražen Pajsera, personal driver of Nikica Valentić, Croatian prime minister, was also killed..."

9. Zoran Bulić, from the village of Bjelajci, born 18 April 1962 in Bosanska Dubica, father Ratko, killed in the village of Gradina (36/97-1; witness 727/96-56).

10. Branislav Vukmirović, machinist from Kozarska Dubica, M. Antića Street, no house number, born on 29 March 1958 in Bosanska Dubica, father Nikola, mother Nevenka neé Petrović, employed with TPPM Work Organisation in Kozarska Dubica, killed on his workplace on 18 September 1995 (witnesses 725/96-46; 727/96-10, 31; 36/97-1).

11. Miloš Grbić from the village of Komlenac, born 25 November 1965 in Sisak, father Milan, killed on Cara Lazara Street (witness 727/96-52; 36/97-1).

12. Milan Dabić (witness 725/96-7).

13. Dmtar Derikuća, from Dubica, M. Antića Street, no house number, born 27 October 1952 in Bosanska Dubica, killed and burnt in the car of Milorad Bukva (36/97-1, 727/96-47).

14. Đuro Dragaš, from Kozarska Dubica, Vidovdanska Street No. 70, born 15 July 1965 in Bosanska Dubica, father Savo, killed near TIK enterprise (witness 725/96-46, 36/97-1).

15. Draginja Dragičević, from the village of Vrioci, born 1919 in Vrioci, father Jovan Nikoletić; she was wounded and Dragan Slijepac took her in a car to seek medical help, but Croatian soldiers stopped him in Majora Milana Tepića Street and killed them all (witness 727/96-24, 39, 45, 53; 36/97-1).

16. Mirko Đurić, from Kozarska Dubica, Ustanička Street No. 35, born 17 July 1936 in Prusci, municipality Bosanski Novi, father Savo, mother Miljka neé Marinković, employed with TPPM Work Organisation in Kozarska Dubica, killed on 19 September 1995.

17. Đorđe Zavišić, from Kozarska Dubica, born 1 April 1950 in Bosanska Dubica, father Sreto, employed with DRM, phoned to his 11-year old daughter that he was coming home, but was killed on the way near the bridge (witnesses 725/96-7, 727/96-33, 727/96-50 and 36/97-1).

18. Mladen Zakić, textile worker, from the village of Vrioci, born 12 December 1935 in Jasenje, father Dušan, mother Jelica neé Čado, killed near the former school centre when he was leaving factory where he was on the job (36/97; witness 727/96-15).

Witness 727/96-15 stated:

"...I was among the last to leave Knežepoljka factory. On that occasion Croatian soldiers killed ... and Mladen Zakić..."

19. Dušan Zgonjanin, driver, born 13 August 1946 in Zenica, father Stojan, mother Danica neé Knežević, permanent residence at Prvomajska Street No. 7, employed with TPPM Work Organisation in Kozarska Dubica. Killed in a passenger car ambushed by the Croatian Army on Majora Tepića Street (witness 727/96-10, 31; 36/97-1).

Witness 727/96-31, brother of Dušan Zgonjanin, mentioned what he knew about the death of his brother and several other Serb civilians. This witness says:

"...My brother Dušan Zgonjanin left in his Renault car with Rade Stegić, Radovan Trubarac, Mile Babić and Branislav Vukmirović towards Knežepoljka factory, where they were intercepted by the members of the Croatian Army who started shooting at the car driven by my brother and killed all five. Stegić's body was found in the car all pierced with bullets, while the bodies of other four were found nearby. I concluded that Croatian soldiers ordered them to get out of the car and then killed them..."

20. Đuka Mataruga, permanent residence at Vladimira Jovanovića Street, no house number, born 6 April 1939 in Bosanska Dubica, father Rade, employed with DRM, killed on 18 September 1995 (witness 725/96-7; 36/97-1).

21. Milenko Macura, from Kozarska Dubica, Vidovdanska Street No. 55, born 17 June 1959 in Bosanska Dubica, father Milenko, mother Kosa neé Radulović, employed with TPPM Work Organisation in Kozarska Dubica, was on his workplace and when the attack started went towards his house, where his children were. He was killed on the street while he was trying to help a wounded person, when Croatian soldiers came by and killed him (witness 727/96-18; 36/97-1).

22. Dragoslav Mirnić, schoolboy from Kozarska Dubica, born 13 February 1978 in Bosanska Dubica, father Stanoje, mother Ljiljana neé Berić, captured and killed by Croatian soldiers on Majora Milana Tepića Street (36/97-1; witness 727/96-54).

23. Sreto Pokrajac, Petra Pecije, no house number, born 3 March 1958 in Bosanska Dubica, father Milan, mother Radosava neé Nikić, killed on 18 September 1995 near TIK enterprise (36/97-1; witnesses 727/96-16, 23).

24. Đuro Pralica from Špilja, born 2 April 1934 in Tuključani, municipality Bosanska Dubica, father Miloš, killed near the textile factory Knežepoljka when he left the plant (36/97-1; witnesses 727/96-14, 15, 16).

Here are fragments from statements of witnesses 727/96-14 and 727/96-15.

Thus, witness 727/96-14 says:

"...When Miloš Budimir appeared on a motorcycle, Croatian soldiers killed him on the spot. Then appeared Đuro Pralica and they killed him too..."

Witness 727/96-15 testified:

"...I was among the last to leave Knežepoljka factory. On that occasion Croatian soldiers killed Đuro Pralica and Mladen Zakić..."

25. Ilija Puškar, from Kostajnica, born 10 February 1949 in Kostajnica, killed on 18 September 1995, body found in water (36/97-1).

26. Milan Ranilović (Rašlavić), pensioner from Kozarska Dubica, Majora Milana Tepića Street No. 106, born 12 May 1935 in Čelebinci, municipality Bosanska Dubica, father Pero, mother Kosa neé Škara, killed in his yard (witness 725/96-9 and 36/97-1).

27. Svetozar Reljić–Svetko, from the village of Suvaja, municipality Kozarska Dubica, born 2 May 1934 in Suvaja, captured in Vrioci by the members of the Croatian Army on 18 September 1995 and after beastly torture killed in Hrvatska Dubica (witnesses 727/96-17 and 20; 36/97-4).

Witness 727/96-20 gave a detailed account of how he and late Svetozar Reljić were ambushed by the Croatian soldiers on 18 September 1995, what happened when they were taken across the Una to Hrvatska Dubica and led to the premises of the Forest Authority, about the behaviour of Josip Batinović from Hrvatska Dubica, member of the "black mamba" unit, and how Svetozar Reljić was killed.

The witness, among other things, mentions the following:

"...Svetozar Reljić and I were ambushed by the Croatian soldiers, who captured us and took us in a boat across the Una to the village of Bačin on the territory of Hrvatska Dubica. They tied us immediately and started to beat us and trample with their feet. These Croatian soldiers wore 'black mamba' insignia. They took us to the Šumarija (Forest Authority) building in Hrvatska Dubica. They beat us up in front of the building so severely that I fainted. In the building they beat us up again savagely and took us to Josip Batinović, whom we did not want to tell where our positions were. He said then: 'Take them out and do with them whatever you want'. They tied us with a rope around our necks and the ends of rope, across the back, were tied to our feet and hands, so that the rope tightened around the neck if we moved feet or hands. They called this a 'death tie'. Next, they burned some plastic above our heads and this molten material

dripped on our heads and shoulders, ran down our arms and other parts of body. While doing this, Croatian soldiers laughed, while we were in terrible pain. Then they ordered us to stretch our arms which they stabbed and cut with knives and then they made a cut across my forehead. They also cut me around ears, on head and back. They trampled on me with the boots while we lay prostrate and thus broke 7 of my ribs. They asked me and Svetozar whether we knew how to swim and when we said we didn't they told us that we were going to swim in the Una. At this point Svetozar strangled himself with a 'death tie' and they ordered me to wheel his body towards the Una in a pushcart..."

The same witness mentioned the following details:

"...At one point they threatened Svetozar and me that they would bring a doctor who would inject poison into our veins and thus make us tell whatever we didn't want to say voluntarily. They even sent a soldier to find this doctor, but he perhaps had not found him..."

Finally, this witness explains how he managed to escape. He testifies:

"...When we reached Una I managed to jump into water, while they were shooting at me and hit me in the leg. I somehow managed to save myself. I swam across the Una and was given medical help in the clinic in Dubica and was later hospitalised..."

28. Milan Rokić, from the village of Donja Gradina No. 57, born 1 January 1956 in Bosanska Dubica, father Mladen, killed on Cara Lazara Street (36/97-1).

29. Dragan Slijepac, from Vrioci, municipality Kozarska Dubica, born on 7 August 1953 in Bosanska Dubica, father Boško, employed with TIK, killed on 18 September 1995 when he took wounded women Draginja Nikoletić, Anka and Milka Crljenica to the doctor in his car. Croatian soldiers stopped them on Majora Tepića Street and killed them all (witnesses 725/96-7, 22, 33 and 45).

30. Milenko Slijepčević, from Dubica, Miloša Obilića Street, no house number, killed on 18 September 1995 (36/97-1).

31. Rade Stegić, engineer, born 15 September 1958 in Bosanska Dubica, father Dušan, killed in a passenger car ambushed by the Croatian soldiers (36/97-1; witnesses 727/96-10, 31; 725/96-7, 46).
32. Petar Timarac, with permanent residence at Žarka Zgonjanina Street No. 17, born 12 July 1946 in Brezik, municipality Našice, father Stjepan, mother Perka neé Narandžić, employed with the textile industry Knežepoljka, killed near his firm (36/97-1).
33. Mile Tomas, carpenter from the village of Suvaja, born 15 April 1948 in Suvaja, municipality Bosanska Dubica, father Marko, mother Rosa neé Popović, killed by a shell that exploded in the yard of Sveti Sava elementary school (36/97-1; witness 727/96-52).
34. Radovan Trubarac, mechanical engineer from Kozarska Dubica, Desanke Maksimović Street, no house number (Beogradska Street, no house number), born 8 February (11 November) 1953 in Mlječanica, municipality Dubica, father Radoje, mother Nevenka neé Popović, employed with TPPM Kozarska Dubica, killed in a passenger car near Knežopoljka factory (36/97-1; witnesses 725/96-7 and 46; 727/96-11 and 31).
35. Ranko Tubić, from the village of Ušivac, municipality Kozarska Dubica, born 6 May 1965 in Bosanska Dubica, father Marinko, killed on Cara Lazara Street (36/97-1; witness 727/96-33 and 52).
36. Manda Ćibić, killed in a car with husband Petar (witness 725/96-46).
37. Petar Ćibić, pensioner from Kozarska Dubica, Žrtava fašističkog terora Street No. 1, born 11 February 1934 in the village of Ševarlije, municipality Bosanska Dubica, father Ljubomir, killed in a passenger car on the trunk road Kostajnica-Kozarska Dubica (36/97-1, witness 727/96-39).
38. Slobodan Ćirić, technician from the village Međuvođa, municipality Kozarska Dubica, born 22 September 1970 in Sisak, father Ratko, mother Mileva neé Milivojac, killed near Predinica enterprise (36/97-1; witness 727/96-33).

39. Milenko Čušić, from the village of Hadžibair, born 13 February 1943 in Kotor Varoš, father Aleksa, killed near the bridge (36/97-1).

40. Muris Hašić, with permanent residence on Cara Lazara Street, no house number, born 25 February 1951 in Pirot, father Ilijaz, killed on 18 September 1995 (36/97-1).

41. Anka Crljenica, from the village of Mrazovci, born 1923 in Ševarlije, father Arso, wounded by a shell, so that Dragan Slijepac took her in his car to seek medical help, but Croatian soldiers stopped them in Majora Milana Tepića Street and killed them (witnesses 727/96-24, 39, 45 and 53).

42. Milan Crljenica, from Kozarska Dubica, Majora Milana Tepića Street No. 134, born 22 May 1960 (1961) in Dubica, father Miloš, mother Stojka, killed in front of his house (36/97-1, witness 725/96-7).

Witness 727/96-7, a Serb woman born in Kozarska Dubica in 1963, where she lived, gave a moving testimony about how her neighbour Milan Crljenica was deprived of life after Croatian soldiers came to her house.

The witness states:

"...As soon as they came, these Croatian soldiers ordered me, my children and neighbour Milan Crljenica's children to get out of the house and lie on the lawn in front of the house. Then Milan Crljenica appeared and Croatian soldiers ordered him to lie down too.

After that, one of the soldiers fired a few shots in Milan's head in front of his children who were quite close..."

43. Milka Crljenica, from the village of Mrazovci, born 12 July 1916 in Mrazovci, father Rade, was wounded, so that Dragan Slijepac took her in his car to seek medical help, but Croatian soldiers stopped them on Majora Milana Tepića Street and killed them (witnesses 727/96-23, 39, 45 and 53).

44. Ranko Šipka, from the village of Bjelajci, municipality Kozarska Dubica, born 3 June 1956 in Bjelajci, killed near the bridge (36/97 and witness 725/96-7).

45. Aleksa Šuvak, from Kozarska Dubica, Hadžibair, born 3 May 1937 in Bosanska Dubica, father Luka, killed on the bridge (witnesses 725/96-7, 725/96-46 and 36/97-1). (Annex No. C 78, svdočenje M.N./testimony M.N., pp. c792-c795/c796-c798)

7.1.57.2. Serb civilians wounded in the attack of the Croatian army on 18 September 1995

As already mentioned in the introduction, many Serb civilians were wounded in the attack of the Croatian army on Serb population in Kozarska Dubica on 18 September 1995, and according to the evidence compiled so far the following were wounded:

1. Ostoja Bakić, from Kozarska Dubica, Dušana Silnog Street No. 72,
2. Bobar Milja, from the village of Knežica, wounded while she rode a bike,
3. Danijela Bosančić, wounded in the warehouse in the Puhalo neighbourhood,
4. Predrag Brdar, from Kozarska Dubica, Prvomajska Street,
5. Zoran Gvozden, from Kozarska Dubica, S. Jovanovića Street No. 26,
6. Marinko Gvozden, from Kozarska Dubica, M. Antića Street,
7. Milan Gligić, from Jošik, municipality Kozarska Dubica,
8. Nada Danica, from Kozarska Dubica, M. Antića sl/7, severely wounded, transferred to a hospital in Prijedor,
9. Draginja Dragičević, had her left arm torn off by a shell fragment,
10. Biljana Dugajlić, wounded in the warehouse in the Puhalo neighbourhood,
11. Mihajlo Đurić, from Knežice, municipality Kozarska Dubica,

12. Miloš Kasparović, worker from Dubica, Miroslava Antića Street No. 68/5, born 19 December 1949 in Draksenić, father Borko, treated for a month and a half in hospitals in Banja Luka and Belgrade from injuries sustained (witness 727/96-44).
13. Stevo Knežević, tinsmith from Dubica, born 1965, father Dragoljub, wounded in the head (witness 727/96-55).
14. Goran Kondić, wounded at his workplace, in the doorman's booth of Knežopoljka factory.
15. Mirko Kos,
16. Dragan Krnjajić, wounded at his workplace in Knežopoljka factory, received medical treatment in the hospital in Prijedor,
17. Đuro Lazić, from Kozarska Dubica, Majora Milana Tepića Street No. 69,
18. Radosava Latinović, from Međuvode, municipality Kozarska Dubica,
19. Ilija Maksimović, from Međeđa, municipality Kozarska Dubica,
20. Miroslavka Milanković, from the village of Vrioci, municipality Kozarska Dubica, born 18 August 1956 in the village of Vlaškovci, municipality Kozarska Dubica, father Dušan; after she was wounded, Croatian soldiers took her across the Una. She was hospitalised in Petrinja for two weeks and then was kept in Croatian camps until 16 February 1996 when she was exchanged (witness 727/96-41).
21. Miroslav Milinović, from the village of Johovo, municipality Kozarska Dubica,
22. Slavica Milošević, wounded in the warehouse in the Puhalo neighbourhood,
23. Milan Miroslav, from Kozarska Dubica, Kneza Mihajla Street No. 23,

24. Branko Novaković, from the village of Strigovo, municipality Kozarska Dubica,
25. Mirko Rodić, farmer from the village of Novoselci, municipality Dubica, born 20 March 1966 in Bosanska Dubica, father Vujo, his leg wound was treated in the hospitals in Prijedor and Belgrade (witness 727/96-25).
26. Stana Rožić, a clerk from Vrioci, municipality Kozarska Dubica, born 16 April 1958 in Banja Luka, father Svetko, was wounded and subsequently treated for ten days in the hospitals in Prijedor and Banja Luka (witness 727/96-29).
27. Milan Ručanov, from Kozarska Dubica, Paje Grbića Street, no house number,
28. Draško Slijepčević, from Kozarska Dubica, Trebinjska Street No. 27,
29. Nedeljko Stanić, from Kozarska Dubica, Hajduk Veljkova Street No. 29,
30. Milan Stanojević, from the village of Koturovi, municipality Kozarska Dubica,
31. Brane Stojaković, from the village of Dizdarlije, municipality Kozarska Dubica,
32. Radenko Suzić, from Kozarska Dubica, Kneza Miloša Street No. 25,
33. Ilija Tepić, from Kozarska Dubica, Cara Lazara Street, no house number,
34. Milutin Tepić, from Kozarska Dubica, Kirila Hadžića Street No. 19,
35. Mirko Tepić, from Kozarska Dubica, Dušana Silnog Street No. 14,
36. Milan Ćibić, from the village of Špilja,
37. Predrag Ševo, from Kozarska Dubica, Petra Pecije Street No. 10,

38. Miroslav Štrbac, from the village of Hadžibajir, municipality Kozarska Dubica.

Evidence: 725/96-7, 725/96-9, 725/96-46, 727/96-5, 727/96-7, 727/96-10, 727/96-11, 727/96-12, 727/96-14, 727/96-15, 727/96-16, 727/96-17, 727/96-18, 727/96-20, 727/96-22, 727/96-23, 727/96-24, 727/96-25, 727/96-26, 727/96-29, 727/96-30, 727/96-31, 727/96-32, 727/96-33, 727/96-35, 727/96-39, 727/96-41, 727/96-44, 727/96-45, 727/96-47, 727/96-50, 727/96-51, 727/96-52, 727/96-53, 727/96-54, 727/96-55, 727/96-56, 36/97-1, 36/97-4.

7.1.58.0. Gradiška (Bosanska Gradiška)

7.1.58.1. During the attack of the Croatian army on Western Slavonia on 1 May 1995 Serb population from that part of Krajina was fleeing across the bridge on the Sava river to Bosanska Gradiška.

On that day, from the left bank of the Sava river, from the territory of Croatia, the Croatian forces also shelled Bosanska Gradiška, situated on the right bank of the Sava river, on the territory of the Republic of Srpska, so that the population sought refuge in nearby villages, while those who stayed behind hid in cellars.

The shelling of Gradiška from the territory of Croatia continued the next day, 2 May, at 6 AM, and the town was also bombed by the Croatian air force. Four bombs landed in Jerosalemska Street, levelling four and damaging 16 buildings.

These attacks were not provoked in any way.

On that occasion the following were killed:

1. Vidosav Aćimović, from Gradiška, born 16 July 1943 in Rekavica, municipality of Banja Luka, father Velimir, mother Radojka, killed by a shell at 1:50 PM (witness 181/97-8).

2. Danijela Gojić, from Gradiška, born 26 November 1989 in Gradiška, father Dragan, mother Gordana neé Jokić, killed with

brother Nemanja on 2 May around 6 AM by an aeroplane bomb that fell on their house (witnesses 715/95-18, 181/97-7).

3. Nemanja Gojić, pupil from Gradiška, born 8 December 1984 in Nova Gradiška, father Dragan, mother Gordana neé Jokić, killed with sister Danijela by a bomb dropped from an aeroplane on their house on 2 May around 6 AM (witnesses 715/95-18, 181/97-7).

4. Darinka Kutić, born 1918 in Kotor Varoš, wife of Mladen Kutić, both killed on 2 May around 12:30 PM in the village of Brestovčina, 3 kilometers from Bosanska Gradiška (witness 181/97-4).

5. Mladen Kutić, born 10 March 1912 in Rahići, municipality of Kneževo, killed with wife on 2 May around 12:30 PM in the village of Brestovčina, 3 kilometers from Bosanska Gradiška (witness 181/97-4).

6. Ljubica Perić, from Brezik- Laminci village near Bosanska Gradiška, born 6 May 1921 in Brestovčina, municipality of Gradiška, father Ilija Perić, mother Ana neé Sarajlić, wounded by a shell that hit her house on 2 May and died the next day in the hospital in Banja Luka (witness 181/97-6).

7. Stevo Ranilović, from Gašnica, municipality of Bosanska Gradiška, born 9 August 1969 in Gradiška, father Đura, mother Radosava neé Bjelajac, killed by a bomb dropped from an aeroplane on 2 May.

8. Danijel Ratković, pupil from Brezik, Laminci 164/a, born 1 November 1977 father Drago, mother Dušanka neé Bjelajac, killed by a shell on 1 May around 12:30 PM in Brezik (witness 181/97-5).

9. Nikolina Račić, pupil, born 9 April 1978, father Mladen, mother Branka, killed on 2. May 1995 at 2:30 PM by a shell at her house in the village of Bok Jankovac, municipality of Gradiška (witnesses 715/95-31, 181/97-2).

10. Marija Tadić, from Gradiška, born 15 September 1940 in Drvar, father Dušan, mother Đuka neé Rodić, killed by a shell with her granddaughter on Hilendarska Street on 1 May around 7:45 PM (witness 181/97-1).

11. Una Tadić, born 1 July 1992 in Gradiška, father Saša, mother Biljana neé Vuruna, killed by a shell on Hilendarska Street on 1 May around 7:45 PM (witness 181/97-1).

12. Unidentified male, aged 26 from the village of Bistrik, municipality of Bosanska Gradiška.

On that occasion the following, among others, were wounded:

1. Gordana Gojić, who sustained severe injuries (witness 715/95-18),
2. Bogdan Popović, from Podgradci, municipality of Gradiška,
3. Biljana Tadić, from Gradiška, Vidovdanska Street No. 60, born 5 October 1965 in Gradiška,
4. Unidentified female, Gordana Gojić's sister, who lost both eyes (witness 715/95-18),
5. Unidentified man, whose left leg was torn away (witness 715/95-18),

Responsibility for these crimes rests with the highest authorities of Bosnia-Herzegovina and the Republic of Croatia.

Evidence: 439/95-1, 439/95-2, 439/95-3, 439/95-4, 439/95-5, 439/95-6, 715/95-17, 715/95-18, 715/95-19, 715/95-20, 715/95-21, 715/95-22, 715/95-23, 715/95-24, 715/95-25, 715/95-26, 715/95-27, 715/95-28, 715/95-31, 181/97-1, 181/97-2, 181/97-4, 181/97-5, 181/97-6, 181/97-7, 181/97-8.

7.1.59.0. Gradačac

7.1.59.1. The following citizens of Serbian nationality were killed in the Gradačac region:

1. N. Brković, wife of Radovan Brković, from Cerik, over 50 years old, killed on 28 August 1992 when Muslims and Croats entered her village killing all remaining Serbs (witness 516/96-37),

2. N. Brković, from Cerik, about 17 years old, father Radovan, killed with her mother and father on 28 August 1992. Witness 516/96-37 found out that she was tortured and probably raped before she was killed.

3. Milutin Dragičević, from Cerik, about 50 years old, killed on 28 August 1992 when Muslims and Croats made their way into his village (witness 516/96-37)

4. Risto Jovičić, from Cerik, about 70 years old, killed on 28 August 1992 when Muslims and Croats entered his village (witness 516/96-37).

Responsible for these crimes: Šefko Mešanović, mayor of Gradačac, before the war employed with the Social Security Office; Mijačević, a Croat, commander of the territorial defence headquarters in Gradačac; Sead Delić, deputy commander of the territorial defence headquarters in Gradačac; Emir Selimović, military police commander; Mustafa Sušić, aka "Mute", Muslim police station commander in Srbica; Sedžad Hasendžić, director of the Public Revenue Service before the war, member of the top SDA leadership in Gradačac; Petar Radić, high school mathematics teacher before the war, Croat, member of top municipal leadership in Gradačac.

7.1.60.0. Kakanj

7.1.60.1. Since the outbreak of conflict, Serbian population, as minority in Kakanj, was intimidated and attacked by the Muslims and was forced to flee to the Serb-held areas.

On 31 October 1992, Muslims killed the following Serb civilians in the house of Slobodan Vulić in Omladinska Street:

1. Radovan Vulić, born 1921, and his wife
2. Milka Vulić, born 1921.

Radovan was slaughtered, and Milka struck with an axe on her head.

7.1.61.0. Krupa na Uni

7.1.61.1. Between 1992 and 1995, the following members of Serbian nationality were killed in this town and surrounding villages or were reported missing, but available evidence gives ground to believe that they were killed:

1. Babić, from the village of Sokolište, municipality of Novi Grad, was incarcerated at the beginning of July 1995 in the cellar of Hotel "Bužim" in Bužim and since 12 July 1995 his fate is unknown (witness 61/97-38).

2 Branko Banjac, about 55 years old, from the village of Drenova Glavica, killed by a Muslim sabotage group that crossed the river Una in spring 1992. His body was found in the village of Drenova Glavica on the road toward Novi Grad (witness 61/97-12).

3. Zoran Banjac, born 1965 in the village of Drenova Glavica, killed by a Muslim sabotage group that crossed the river Una in spring 1992. His body was found in the village of Drenova Glavica on the road toward Novi Grad (witness 61/97-12).

4. Mladen Beronja, about 70 years old, from the village of Donja Ivanjska, municipality of Bosanska Krupa, stayed in his village in 1995, when the Muslim army occupied that area. After that he was killed in his house and his body was massacred (witness 61/97-6).

5. Dmitar Boltić, from the village of Podbran, municipality of Bosanska Krupa, stayed in his village after 14 September 1995 where he was later killed by the Muslims (witness 61/97-9).

6. Žare Vuruna, from Novi Grad, was incarcerated at the beginning of July 1995 in the cellar of Hotel "Bužim" in Bužim and since 12 July 1995 his fate is unknown (witness 61/97-38).

7. Marko Gak, from the village of Suvaja, municipality of Bosanska Krupa, born 1920 (1922), father Nikola, stayed in his village when it

was captured by the Muslim army on 14 September 1995, and his fate is unknown since (witnesses 61/97-11, 195/97-19).

8. Dušan Dakić, from Donja Ivanjska, arrested by members of the Muslim army after his village was captured in July or August 1995, and his fate is unknown since (witness 61/97-9).

9. Zdravko Despot, killed as soon as he was captured on 16 September 1995 on the Vranjska–Radić frontline near Bosanska Krupa by members of the 505th Bužim brigade (witness 61/97-32).

10. Branko Erceg, from the village of the Blatna, municipality of Novi Grad, was incarcerated at the beginning of July 1995 in the cellar of Hotel "Bužim" in Bužim and since 12 July 1995 his fate was unknown. His body was exchanged in 1996 (witness 61/97-38).

11. Mile Zec, about 70 years old, from the village of Donja Ivanjska, municipality of Bosanska Krupa, stayed in his village in July or August 1995, the when Muslim army occupied that area. After that he was killed in his house and his body was massacred (witness 61/97-9).

12. Petar Jelača, from the village of Suvaja, municipality of Bosanska Krupa, born 1909, father Milo, stayed in his village when it was seized by the Muslim army on 14 September 1995 and his fate is unknown (witnesses 61/97-11, 195/97-19).

13. Mirko Jerković, from the village of Suvaja, municipality of Bosanska Krupa, born 1937, stayed in his village when it was seized on 14 September 1995 by the Muslim army and his fate is unknown (witness 61/97-11).

14. Mladen Lovrić, about 55 years old, from the village of Donja Ivanjska, municipality of Bosanska Krupa, stayed in his village in July or August 1995 when the Muslim army occupied that area. After that he was killed in his house and his body was massacred (witness 61/97-9).

15. Rade Lukač, from the village of Rudice, municipality of Novi Grad, was incarcerated at the beginning of July 1995 in the cellar of Hotel

"Bužim" in Bužim and since 12 July 1995 his fate is unknown. (witness 61/97-38).

16. Zdravko Milinović, killed as soon as he was captured on 16 September 1995 on the Vranjska – Radić frontline near Bosanska Krupa by members of the 505th Bužim brigade (witness 61/97-32).

17. Milan Svjetlica, from the village of Bušević, born 1965, killed in front of his house (witness 61/97-12).

18. Spase, family name unknown, was incarcerated at the beginning of July 1995 in the cellar of Hotel "Bužim" in Bužim and since 12 July 1995 his fate is unknown. (witness 61/97-38).

19. Željko Stojanović, from the village of Drenova Glavica, municipality of Bosanska Krupa, 17 years old, killed in 1993, by the Muslims (witness 61/97-12).

20. Fadilin, was incarcerated at the beginning of July 1995 in the cellar of Hotel "Bužim" in Bužim and since 12 July 1995 his fate is unknown. (witness 61/97-38).

The perpetrators are members of the military and civilian authorities in Krupa, and especially members of the 505th Bužim brigade of the Army of Bosnia and Herzegovina.

Evidence: 61/97-9, 61/97-11, 61/97-12, 61/97-32, 195/97-19

7.1.62.0. Sanski Most

7.1.62.1. Between 1992 and 1996, the following members of Serbian nationality were killed in Sanski Most and surrounding villages or were reported missing, but available evidence gives ground to believe that they were killed:

1. Petar Aničić, from the village of Tomina, municipality of Sanski Most, born 1937, father Rade, missing since 16 September 1995 when members of the Muslim army seized the village of Tomina, and his fate is unknown, and he is assumed to have been killed.

2. Rajko Bajić, from the village of Podovi, about 55 years old, killed on 17 September 1995 by members of the 5th Corps, Army of Bosnia and Herzegovina. His body was found about one kilometre from the village where he was killed (witnesses 726/96-2, 83/97-1).
3. Dosta Brajić, from the village of Brajić Tavan, aged about 65. After Sanski Most was captured on 10 October 1995, she was taken to the detention camp next to the movie theatre, where she died after a few days (witness 195/97-28).
4. Stojan Vajić, from the village of Bosanski Milanovac, municipality of Sanski Most, handicapped and bedridden, stayed in his house on 10 September 1995 when that area was occupied by the Muslim army. There are reasons to believe that he was killed (witness 61/97-6).
5. Boško Došenović, from Sanski Most, about 70 years old, died from injuries sustained during beating in the camp located in the movie theatre in Sanski Most, three days before the exchange on 21 January 1996 (witness 727/96-19).
6. Mirko Došenović, from the village of Fajtovci, municipality of Sanski Most, born 1949, father Pero, mother Mara. On 29 July 1992 he took his livestock to grazing, and six days later his body was found in the wood, with his throat slit. This was done by the Muslim soldiers from a nearby village (witness 195/97-20).
7. Pero Došenović, machinist, from the village of Bosanski Milanovac, municipality of Sanski Most, born 26 June 1957 in Bosanski Milanovac, father Zdravko, mother Zorka neé Savanović, towards the end of July he went with his father to visit his wounded sister, and when they were passing through a Muslim village Muslims attacked them and killed Zdravko (witness 195/97-16).
8. Tode Došenović, watchmaker from Sanski Most, about 45 years old, father Mirko, killed with his son on 10 October 1995 when the Muslim army attacked a column of refugees fleeing from Sanski Most (witness 195/97-18).

9. Došenović, 15 years old, father Tode, killed with his father on 10 October 1995 when the Muslim army assaulted a column of refugees fleeing from Sanski Most (witness 195/97-18).

10. Siniša Đukić, from the village of Podlug, municipality of Sanski Most, captured on 20 September 1995 as a member of the Army of the Republic of Srpska in the village of Dabar near Sanski Most, by members of reconnaissance-sabotage company "Apaš", 517th Cazni Brigade and taken to the Mrežnica hill, where they were shot by Hodžić, kvoja, member of the sabotage company (witness 547/96-30).

11. Đuro Đurđević, slaughtered in Sanski Most in mid-October 1995, after the town was seized by the Muslims (witness 427/96).

12. Stojanka Đurđević, wife of Đuro Đurđević, slaughtered with her husband in Sanski Most in mid-October 1995, after the town was seized by the Muslims (witness 427/96).

13. Dragica Đorić, from the village of Krkojevci, municipality of Sanski Most, about 55 years old, was incarcerated in the police station garage, where from she was taken with her husband. There are reasons to believe that they were killed (witness 727/96-11).

14. Dušan Jagodić, from the village of Podovi, municipality of Sanski Most, born 1933 in the village of Podovi, father Gojko, serious mental patient, slaughtered on 16 September 1995 when members of the Muslim army entered his village killing all remaining civilians (witness 726/96-2).

15. Dušanka Jagodić, from the village of Podovi, municipality of Sanski Most, aged 50-60, killed on 16 September 1995 on a country road by members of the 5th Corps of the Muslim army (witness 83/97-1).

16. Đurađ Jagodić, from the village of Podovi, municipality of Sanski Most, born 5 May 1935, father Mihajlo, mother Milica neé Lukić, captured by members of the 501th Brigade and subsequently killed on 16 September 1995 on Mt. Mulež by members of the 5th Corps of the Muslim army (witnesses 83/97-1, 180/97-1).

17. Konstantin Jagodić–Kosta, from the village of Podovi, municipality of Sanski Most, born 1918, slaughtered on 16 September 1995, when members of the Muslim army entered his village, killing all remaining civilians. Muslim soldiers took Konstantin's wife to her husband's body telling her: "Come and see what your Kosta is doing, how he reads newspapers". When she approached the body, she saw that he was killed and a paper placed in his hands as if he were reading it (witnesses 818/95-19, 726/96-2, 83/97-1).
18. Todor Jagodić (Teodor), from the village of Podovi, about 50 years old, father Uroš, reported missing during the incursion of Muslims in his village in September 1995.
19. Radovan Jakšić, captured as a member of the Army of Republika Srpska, probably in September 1995, when he was alive and nothing has been heard of him since (witness 252/97-2).
20. Kovačević (first), killed with his brother on 19 September 1995 in the village of Lušci Palanka near Sanski Most by a shell fired from the Muslim lines (witness 195/97-18).
21. Kovačević (second), killed with his brother on 19 September 1995 in the village of Lušci Palanka near Sanski Most by a shell fired from the Muslim lines (witness 195/97-18).
22. Ilija Kondić, from the village of Podovi, municipality Sanski Most, about 40 years old, father Pantelija, killed on 16 September 1995 when members of the Muslim army barged into his village and killed all civilians they found in the village (witness 83/97-1).
23. Savo Kondić, from the village of Podovi, municipality Sanski Most, born 1971, father Spasoje (witness 83/97-1).
24. Stevan Kondić, from the village of Podovi, house number 19, municipality Sanski Most, born 22 December 1929 in Podovi, father Uroš, mother Jovanka, killed on 16 September 1995 in front of his house with a blunt object swung on his head when members of the 5th Corps of the Muslim army stormed into his village and killed all civilians they found in the village (witnesses 726/96-2, 83/97-1, 83/97-3).

25. Kosovac, from the village of Potkralj, happened to be in the village of Lušci Palanka on 19 September 1995, when Muslims fired a shell from their lines that killed him (witness 195/97-18).
26. Sava Mandić, from Zdenak (or Zdeljak) near Sanski Most, aged 78, killed by Muslims in her house after they seized the village.
27. Rade Milinković, engineer from Sanski Most, employed with the School Centre, captured as a member of the Army of Republika Srpska in September 1995 and then killed (witness 252/97-1).
28. Mile Miljević, from the village of Grdanovci, municipality Sanski Most, born 1929 in Grdanovci, father Sava, stayed in his village on 10 October 1995 when the area was seized by the members of the Muslim army who killed him. He was probably killed near the Došenović cemetery (witnesses 61/97-13, 195/97-15).
29. Radovan Mudrinić, from the village of Dabar, municipality Sanski Most, born 1969, father Milan, captured as a member of the Army of Republika Srpska on 20 September 1995 in Mrežnica (or Dabar) near Sanski Most by reconnaissance-sabotage company "Apaš" (Apache) within the 517th Cazin (or Kladuša) Brigade. He was taken to the Mrežnica hill, where he was shot dead by Hodžić, a khoja, member of the sabotage company. His body was found 4-5 days later, when Muslim units were driven away from the area. His throat was slit, he had numerous stab wounds in the chest, while his penis was cut off (witnesses 547/96-30, 61/97-14, 195/97-26).
30. Đuro Orelj, from Bjelaj, municipality Bosanski Petrovac, born 1908 in Bjelaj, father Simo, mother Safija neé Vojvodić, died towards the end of 1995 in his daughter's arms (witness 701/96-21) in the camp located in the movie theatre in Sanski Most, following torture.
31. Nikola Orlović, from Zdena near Sanski Most, killed in August 1995 by the Muslims; his body was exchanged with legs and head missing and was buried as such in Banja Luka (witness 61/97-14).
32. Đurađ Pantelić, from the village of Podovi, municipality Sanski Most, about 66 years old, father Milo, killed on 16 September 1995 in his village by members of the 5th Corps of the Muslim army (witness 83/97-1).

33. Mišo Paripović, from the village of Miljevci, happened to be in the village of Lušci Palanka, municipality Sanski Most, on 19 September 1995, when he was killed by a shell fired by the Muslim army (witness 195/97-).

34. Vasilije Popović, father Mitar, last seen in the village of Radanovo Polje before the Muslim army seized Sanski Most in August 1995 and nothing has been heard of him since (witness 61/97-14).

35. Vid Popović, from the village of Tomina, municipality Sanski Most, killed on 16 September 1995 when members of the Muslim army seized Tomina and killed civilians they found in this village. Their bodies were found after 4-5 days when the Army of Republika Srpska liberated the village.

36. Uroš Popović, from the village of Tomina, municipality Sanski Most, killed on 16 September 1995 when members of the Muslim army seized Tomina and killed civilians they found in this village.

37. Mičo Prtija, from Zdena (Zdenak or Zdeljak) near Sanski Most, born 1933, father Ljubo, mother Zora Rošić, killed in his yard on 10 October 1995 by a Muslim shell (witnesses 427/96 and 195/97-23).

38. Smilja Prtija, from Zdenak (or Zdeljak) near Sanski Most, born 1934 in Palanka, killed in her yard on 10 October 1995 by a Muslim shell (witnesses 427/96 and 195/97-23).

39. Mara Radić, as a handicapped person lived in the home for the disadvantaged in the village of Krkojevci, municipality Sanski Most. When Muslim soldiers seized the village, they took Mara from the home and killed her 20 m away from the building (witnesses 195/97-46, 195/97-28).

40. Rade Rogić, from Sanski Most, Prvog srpskog bataljona Street No. 56, aged 39, married, father of two, captured on 16 September 1995 in the Krupa theatre of operations as a member of the Army of Republic of Srpska by members of the 505th Bužim brigade, 5th corps of the Army of Bosnia and Herzegovina. The Committee has on the file a video recording made by Muslims, which shows how Rogić was brutally killed (witness 149/97-2 and cassette No. 167).

41. Vaso Stupar, from Bosanski Milanovac near Sanski Most, born 1946, father Jovo, killed in 1992 by the Muslims near the cemetery (witness 61/97-13).

42. Željko Tepić, from the village of Podovi, municipality Sanski Most, about 70 years old, father Mirko, killed on 16 September 1995 in his village by the members of the 5th corps of the Muslim army (witness 83/97-1).

43. Cvijeta N., about 75-80 years old, she was taken to a camp next to the movie theatre in Sanski Most after the town was captured on 10 October 1995, where she was maltreated and died after a few days (witness 195/97-28).

44. Dušan Čuković, from the village of Kozice near Sanski Most, captured on 20 September 1995 as a member of the Army of Republika Srpska in the village of Dabar near Sanski Most, by members of the reconnaissance-sabotage company "Apache", 517th Cazin brigade. He was taken to the Mrežnica hill, where he was shot with the others by Hodžić, a khoja, member of the sabotage company (witness 547/96-30).

45. Goran Šućur, from the village of Kozice near Sanski Most, captured on 20 September 1995 as a member of the Army of Republika Srpska in the village of Dabar near Sanski Most, by members of the reconnaissance-sabotage company "Apache", 517th Cazin brigade. He was taken to the Mrežnica hill, where he was shot with the others by Hodžić, a khoja, member of the sabotage company (witness 547/96-30).

46. An unidentified young woman from the village of Tomina, municipality Sanski Most, killed on 16 September 1995 when members of the Muslim army stormed her village.

47-48. Two older women, from the village of Tomina, municipality Sanski Most, killed on 16 September 1995 when members of the Muslim army stormed their village.

Members of the military and police authorities of Bosnia and Herzegovina in Sanski Most bear the responsibility for these crimes.

Evidence: 818/95-18, 818/95-19, 818/95-20, 427/96, 547/96-30, 701/96-21, 726/96-2, 727/96-19, 61/97-6, 61/97-14, 83/97-1, 83/97-3, 149/97-1, 195/97-15, 195/97-16, 195/97-20, 195/97-26, 195/97-28, 195/97-46, 252/97-1, 252/97-2 and video cassette No. 167.
(Annex No. C 50, svjedočenje R.K./testimony R.K., pp. c511-c514/c515-c519), (Annex No. C 104 svjedočenje D.S.1/testimony D.S.1, pp. c1060-1064/c1065-c1069)

7.1.63.0. Teslić

7.1.63.1. On 22 September 1992 six men from Teslić were in charge of taking food in an animal-drawn wagon to the members of the Army of Republika Srpska at a place by the Circular Cemetery, some 20 km from Teslić.

Members of the mujahedeen unit attacked them on the way and captured:

1. Branislav Đurić, born 1952,
2. Blagoje Blagojević, and
3. Nenad Petković, all from Teslić,

while their three companions, who lagged behind, managed to run away and immediately informed the members of the Army of Republika Srpska who promptly attacked the mujahedeen camp. On that occasion they found the bodies of killed Đurić, Blagojević and Petković, whose heads were chopped off, and their bodies were buried the next day in Teslić without heads.

All attempts of the families to find their heads failed so far.

On the same occasion, a camera was found in the mujahedeen camp and when the film was developed in the Secretariat of Interior in Teslić, after the first few shots showing motifs from an Arabic country, there were photos of cut off heads of Đurić, Blagojević and Petković.

According to the statement of the closest kin, the head a mujahedeen is holding in one picture is the head of Branislav Đurić, while the heads in a suitcase shown on the other picture are Đurić's (with someone's foot on it), Petković's (upright) and Blagojević's (laying).

Evidence: 594/96-5, 594/96-6, 594/96-7, 594/96-8, 594/96-9, 594/96-10, 594/96-11, 594/96-12, 594/96-13 and 594/96-15. (Annex No C 160, Photo 42 and 43)

7.1.63.2. The Muslim and the Croat military units attacked the village of Vrela li and on that occasion killed Savo Cocić, Drago Bugarinović, Vinka Jorgić, Zora Bugarinović and Stojanka Cocić and seriously wounded 17 other villagers.

Evidence: 594/96-22, (Annex No. C 117 svedočenje V.C./testimony V.C., pp. c1190-1193/c1194-c1197)

7.1.64.0. Territory of FRY

7.1.64.1. On 11 February 1993, Muslim snipers fired across the Drina from the territory of Bosnia and Herzegovina at a bus, registration number UŽ-206-20, in Mali Zvornik in FR Yugoslavia and seriously injured the Serb woman:

1. Vesna Živanović, a refugee from Bratunac.

Evidence: 33/93.

7.1.64.2. On 12 March 1993, Muslim forces fired three 82 mm shells from the territory of Bosnia and Herzegovina at Loznica in FR Yugoslavia, killing the Serb woman:

1. Vera Vukašinić, aged 79.

Slaviša Trajković, aged 22, was seriously injured.

These acts were committed by members of the Muslim army in an effort to spread the war to FR Yugoslavia.

Evidence: 33/93.

7.1.64.3. At about 1.10 PM on 10 May 1995, Muslim forces fired one shell from the territory of Bosnia and Herzegovina at Mali Zvornik in FR Yugoslavia. The shell landed near the driving school in Mali Zvornik and killed:

1. Dragiša Radić (father Sreten), born 1953.

Dimitrije Vinić (father Mitar), born 1922, was seriously wounded.

Evidence: 737/95.

7.2. DELIBERATE INFLECTING ON SERBS CONDITIONS OF LIFE CALCULATED TO BRING ABOUT THEIR PHYSICAL DESTRUCTION AND CAUSING SERIOUS BODILY OR MENTAL HARM

Part 7.1. of this chapter describes some examples of the most serious form of the genocidal crimes committed against the Serb people - the killing of civilians in their homes or the places where they lived. Apart from their widespread nature, these crimes were also striking for their brutality. In a large number of cases the victims were bestially tortured, butchered, mutilated or burned.

But this was not the only way in which genocide was committed against the Serb people. Serbs were also taken to camps in which they were subjected to extremely inhuman physical and mental torture, and even killed. These acts were executed exclusively on the ground of the ethnic and religious affiliation of the victims. The perpetrators of these crimes were members of the Muslim and Croat armed forces. They were most often the camp guards, but soldiers and other people also came to the camps to torture the inmates. They raped women, and beat and killed prisoners.

The presidency, the Government and other official bodies of Bosnia and Herzegovina knew of the existence of these camps. They knew that the inmates were exclusively Serb civilians, and they knew how they were being treated. As there is no doubt, that such treatment of an ethnic group presents the crime of genocide according to the Article II, paras. b) and c) of the Convention on the Prevention and Punishment of the Crime of Genocide, Bosnia and Herzegovina is held responsible for the acts of genocide.

On the territory of Bosnia and Herzegovina controlled by the Muslim and Croat armed forces, there were many camps and other camps for Serb civilians. The exact number cannot be established, but it is estimated that about 400 such facilities were set up.

7.2.0.1. List of camps where Serbs were held in Bosnia and Herzegovina

Banovići, camp in the basement in the railway station building
Banovići, factory "Helios", former main offices, Radina settlement
Banovići, Territorial Defense headquarters, opposite the Post Office building
Banovići, Treštenica village, elementary school
Banovići, Banovići village, "Ivan Goran Kovačić" elementary school and adjoining barracks
Banovići, Djurdjevik
Bihać, Central prison (District camp), Luke
Bihać, Air Club premises
Bihać, former barracks "27. juli", presently "Adil Bešlić-Žegar"
Bihać, "Jedinstvo" football club stadium
Bihać, "Park" hotel - cement floor rooms
Bihać, Pokaj settlement
Bihać, Mustafa Vuković's restaurant
Bihać, Brekovic
Bihać, Children's nursery in the suburb of Ozimice 1
Bihać, Čekrlje village, basement
Bihać, school in Vrkašić village
Bosanska Krupa, Bužim, dressing room in the sport hall of the elementary school
Bosanska Krupa, Bužim, basement of the hotel "Bužim"
Bratunac, village of Gornje Potočare, private camp of Bešlić Hajra
Breza, military camp
Breza, police station
Breza, camp in the basement of the "Elektroterm" factory (old elementary school)
Breza, warehouse of the "Udarnik" enterprise, opposite the premises of the Ministry of the Interior
Breza, bathrooms of the town swimming pool
Breza, camp in the "Breza" mine warehouse
Breza, building "29"
Brod (Bosanski Brod), "Fric Pavlik" secondary school center
Brod (Bosanski Brod), Tulek, the "Beograd" Department Store warehouse
Brod (Bosanski Brod), "GIK" construction material warehouse
Brod (Bosanski Brod), Krndija camp (opposite the fire station)
Brod (Bosanski Brod), camp near the Sava River (kayak club)
Brod (Bosanski Brod), "Bosna" stockings factory halls
Brod (Bosanski Brod), camp in the Military Police building (former "Jugobanka" building)
Brod (Bosanski Brod), city stadium of the football club "Polet"

Brčko, Boderište, "Interplet" factory
 Brčko, Bosanska Bijela, local community premises
 Brčko, Bosanska Bijela, plum drying plant
 Brčko, Bosanska Bijela, private houses
 Brčko, Boće, elementary school
 Brčko, Boće, local community premises
 Brčko, Gornji Zovik, construction material warehouse
 Brčko, Gornji Rahić, local community premises
 Brčko, Gornji Rahić, construction material warehouse
 Brčko, Gornji Rahić, drying room in Okrajci
 Brčko, Gornji Rahić, elementary school
 Brčko, garage located in the nursery between the villages of Rahić and Maoče
 Brčko, Donji Rahić, private houses
 Brčko, Maoča, poultry farm
 Brčko, Maoča, "Bolji život" cafe
 Brčko, Palanka, local community reading room
 Brčko, Rašljani, warehouse
 Brčko, Ulice, elementary school
 Brčko, Ulice, local community premises
 Bugojno, bank building housing military police of the B&H Army
 Bugojno, hotel "Kalin", basement
 Bugojno, private house on the outskirts of the town
 Bugojno, cultural-sports center
 Bugojno, "Stipo Djerek" elementary school
 Bugojno, secondary school
 Bugojno, stadium of FC "Iskra"
 Bugojno, "Rostovo" ski center
 Bugojno, "Slavko Rodić" factory
 Bugojno, garages of Tito's former villa "Gorica"
 Bugojno, house of murdered Serb Relja Lukić
 Bugojno, coal mine in the village of Gračanica
 Busovača, Kaonik
 Busovača, warehouse and basement of "Tisovac" hotel complex
 Vareš, camp in the basement of the school, "Majdan" settlement opposite the ironworks
 Velika Kladuša, camp
 Visoko, "Ahmet Fetahagić" barracks (Majeвица)
 Visoko, basement of the investigation camp
 Visoko, local community premises
 Visoko, "Fojnički odred" school
 Visoko, "Ognjen Prica" school
 Visoko, "Ahmet Fetahagić" elementary school, camp of military police
 Visoko, Srhinje village, house of Enver Bašić
 Visoko, Hlapčevići village, local community building
 Visoko, Glina village, stable of Sakib Sudžuk, aka "Poštar"

Visoko, Buzić Mahala, cooperative building
 Vitez, police station
 Vitez, chemical plant
 Vitez, "Kruščica" settlement
 Višegrad, underwater premises of the "Višegrad" hydroelectric power plant
 Višegrad, "Žito" grain silo
 Višegrad, Crni Vrh
 Vlasenica
 Gabela near Čapljina, HVO camp in former JNA hangars below Struga
 Goražde, camp in the police station in the center
 Goražde, Kopači, grain silo
 Goražde, military camp in the basement of the "Sarajevo" Insurance Company building
 Goražde, old "Balkan" hotel
 Goražde, "Mujkovića Polje" camp
 Goražde, Mahala
 Goražde, Electrical Company building
 Goražde, Vitkovići, camp in the cement plant
 Goražde, Vitkovići, camp in the nitrogen plant
 Goražde, Vitkovići, camp in the printing office
 Goražde, Vitkovići, basement of the old hotel for single persons
 Goražde, camp in the Moše Pijade Street, opposite the building of the Ministry of the Interior
 Goražde, camp in the Nedimović's house
 Goražde, right bank of the Drina river
 Goražde, Trebješko brdo
 Goražde, Mravinjac village
 Goražde, Šašići village
 Goražde, camp in the village of Osanica
 Gradačac, camp in the City tower basement (fortress)
 Gradačac, camp in the high-school center
 Gradačac, basement of secondary school
 Gradačac, Srnica village
 Gradačac, Gornja Tramošnjica, camp in the school
 Gradačac, basement of "Veljko Vlahović" elementary school, camp of military police
 Grahovo
 Gračanica, Culture Club
 Gračanica, camp in the elementary school "Hasan Kikić"
 Grude, school
 Grude, garage
 Derventa, former JNA Club
 Derventa, camp in the Polje silo
 Derventa, Poljari, elementary school "Vuk Karadžić"
 Derventa, Rabić, underground premises of the Army storehouse

Derвента, Plehan
Domanovići, near Čapljina, camp in a private house
Drvar, Kamenica village
Dretelj, near Čapljina
Duvno (Tomislavgrad), camp of the Ministry of the Interior in the basement
Duvno (Tomislavgrad), heating substation
Duvno (Tomislavgrad), secondary school center
Duvno (Tomislavgrad), high school "15 Novembar"
Duvno (Tomislavgrad), elementary school "Boriša Kovačević"
Duvno (Tomislavgrad), nunnery
Duvno (Tomislavgrad), military camp
Duvno (Tomislavgrad), village of Eminovo, camp in the house of Milisav Radovan
Duvno (Tomislavgrad), private camp in Šuica
Duvno (Tomislavgrad), Galečić near Šuica
Duvno (Tomislavgrad), village of Raščani
Duvno (Tomislavgrad), Gornji Brišnik
Duvno (Tomislavgrad), village of Stipanjići, basement in a deserted house
Duvno (Tomislavgrad), village of Stipanjići, elementary school
Žepča, cement warehouse
Žepča, elementary school "Rade Kondić", gym hall
Žepča, secondary school center
Živinice, former dispensary
Živinice, Office of the Department of the Interior
Živinice, old Post Office building
Živinice, Employment Bureau building
Živinice, dressing rooms of the "Mladost" stadium
Živinice, reading room "Šarenjak", near stadium
Živinice, former JNA storehouse in the hamlet of Maline, military camp "Živinačke ose"
Živinice, forestry building "Svatovac", Military Police Command
Živnice, Cigulje
Zavidovići, basement of the social/political organizations building (old Municipal building)
Zavidovići, basement of the day-care center
Zavidovići, managerial building of the forestry enterprise, basement
Zavidovići, camp in the village of Hajdarevići
Zenica, penal-correctional center
Zenica, camp
Zenica, basement of the Metallurgical Institute Building
Zenica, hotel "Intercontinental"
Zenica, former JNA Club
Zenica, "Mihajlo Pupin" School
Zenica, elementary school "Sead Škrgo"

Zenica, camp in Music School
 Zenica, Begov Han, the entrance of the tunnel
 Zenica, Perin Han, elementary school "Bratstvo i jedinstvo"
 Zenica, Arnauti
 Zenica, stadion "Bijelo Polje"
 Zenica, school in the village Janjići
 Zenica, school in the village Drivuša
 Zenica, elementary school of the village Klopče
 Igman, atomic shelter in the hotel "Igman"
 Igman, basement of the "Famos" hotel
 Igman, hotel "Mrzište"
 Jablanica, Museum of the Battle on the Neretva River (Museum of the Revolution)
 Jajce, the old fortress
 Jajce, camp in the basement of the SJS
 Jajce, camp of the territorial defense in "Elektro Vrbas" managerial building
 Jajce, elementary school "Bratstvo-jedinstvo"
 Jajce, camp in the HVO barracks near the Catholic church
 Kakanj, camp in the mine premises
 Kakanj, motel "Sretno"
 Kalesija, Miljanovci village
 Kalesija, Medjan village
 Kalesija, school in Memići village
 Kladanj, former Insurance Company offices
 Kladanj, camp in the cinema
 Kladanj, Culture Club
 Kladanj, Stupari village - camp in the elementary school
 Ključ
 Konjic, camp in the police station
 Konjic, camp in former JNA storehouses in Čelebići village
 Konjic, Čelebići, elementary school "Maksim Kujundžić"
 Konjic, elementary school "3. mart " in the 3. mart Street
 Konjic, "Musala" sports center in the Braće Bektašević Street
 Konjic, new apartment buildings
 Konjic, "Amadeus" Cafe
 Konjic, Donje Selo
 Konjic, Buturović Polje
 Konjic, village Džepi
 Konjic, village Parsovići
 Konjic, village Cerić
 Kotor Varoš, Večići Village
 Kotor Varoš, warehouse in the Ravne village
 Kreka, Faruk Prčić's private camp in the "Moša Pijade" center
 Krupa na Uni, village Pučenik, pig farm
 Krupa na Uni, village Perna, farm
 Krupa na Uni, village Podvran

Kupres, "Kvalitet" garment factory
 Kupres, basement in the Milenko Vila's house, Narodnih heroja street, where the Military Headquarters was located
 Lištica
 Livno, Department of the Interior building and the garage
 Livno, "Ivan Goran Kovačić" elementary school
 Livno, "10. oktobar" elementary school
 Livno, Stari grad fortress
 Livno, school gymnasium
 Livno, basement of the "Dinara" hotel (serving as a brothel)
 Livno, motel
 Livno, Secondary School Center
 Livno, Ivetic's family house in the Zastinje village
 Livno, Čelebići village
 Lukavac, basement of the Secondary School Center, camp of the Patriotic League
 Lukavac, School of Economy, military police camp
 Lukavac, old Medical center
 Lukavac, slaughterhouse in the village Modrac, enterprise "Progres", Rifat Morankić's camp
 Lukavac, "Trans servis" garage
 Lukavac, HOS camp in the holiday resort of the Cookery on Svatovac
 Ljubuški, HVO military-investigation camp
 Ljubuški, HOS facility in old camp
 Ljubuški, camp in the tobacco purchase station
 Ljubuški, camp in the Lipno village school
 Ljubuški, camp in the Kravice village school
 Maglaj, "Natron" FC dressing room
 Matijevići near Kladanj
 Medjedja, cooperative, central camp of the Territorial Defence Headquarters "Višegrad"
 Medjedja, basement in a private house
 Modriča, fire department of the Refinery
 Modriča, silo
 Mostar, HOS camp in the JNA hospital
 Mostar, Čelovina, 27 Šantić Street, former district camp, HVO camp
 Mostar, Faculty buildings (Machine Engineering, School of Economy and Law), camp of HVO military police
 Mostar, "4. juli" local community
 Mostar, basements in the "Bristol" hotel
 Mostar, Mladena Balorde Street
 Mostar, camp in "Severni logor" barracks
 Mostar, Rodoč heliport in the military academy, central camp of Herceg-Bosna
 Mostar, Vrapčići, "Djuro Salaj" spinners premises, Muslim camp

Mostar, Svinjarina, "Zlatka Vuković" enterprise
Mostar, Svinjarina, private house
Mostar, Muslim camp in Kočine village
Mostar, Cim, private camp
Mostar, camp in the Potoci village school, 10 km away from
Mostar
Mostar, Vojno village
Mostar, Buna village school camp
Mostar, Buna village, Ivan and Srećko Gagro brothers camp
Mrkonjić Grad, police station
Novi Travnik, former JNA facility in Stojković village
Novi Travnik, "Bratstvo" factory, annealing room
Olovo, secondary school gymnasium
Orašje, secondary school center
Orašje, Donja Mahala, camp in elementary school
Orašje, Donja Mahala, shed of Mirza Filipović, aka. Deljković
Orašje, Posavska Mahala
Odžak, elementary school gymnasium
Odžak, "Strolit" enterprise
Odžak, Novi Grad village
Pazarić, elementary school gymnasium
Pazarić, former JNA barracks "Krupa" in Zovik, 3 km away from
Pazarić
Pazarić, Culture Club
Pazarić, camp in the warehouse of Krupska Rijeka
Pazarić, Urduk village
Petrovac (Bosanski Petrovac), police station
Petrovac (Bosanski Petrovac), plastics factory
Podbrežje, "Vatrostaina" building
Posušje, Department of the Interior
Posušje, a garage
Posušje, Skretnica village, Karlo Martinović's camp
Prozor, camp
Prozor, garages
Ravne in Popovo Polje
Sanski Most, police station
Sanski Most, cinema
Sanski Most, Nezirević house
Sanski Most, "Metalorad" building
Sanski Most, Sanica village
Sarajevo, Alipašino polje, unit 2, "Borsalino" cafe
Sarajevo, Alipašino polje, a basement at 27 ZAVNOBIH Square
Sarajevo, Alipašino polje, a basement at 21 ZAVNOBIH Square
(below the store "Mali konzum")
Sarajevo, Alipašino polje, "Novi Grad" restaurant at ZAVNOBIH
Square
Sarajevo, Alipašino polje, heating station B

Sarajevo, local community offices "Mladost" in Alipašino polje
 Sarajevo, atomic shelter in Dobrinja 3
 Sarajevo, "Radnik" cinema in Djure Djaković Street
 Sarajevo, basement below "Borovo" shoe store in Danka Mitrova Street
 Sarajevo, camp in the former JNA "Viktor Bubanj" barracks, now "Ramiz Salčin" barracks
 Sarajevo, a garage near the "Privredna banka Sarajevo"
 Sarajevo, basement vault of the "Privredna banka Sarajevo" (Dobrinja 5) in Bratstvo i jedinstvo street
 Sarajevo, day-care center in Palmira Toljatija Street
 Sarajevo, day-care center "Iskrica" in Moše Pijade Street
 Sarajevo, day-care center "Iskrica" in Mladena Stojanovića Street
 Sarajevo, day-care center "Iskrica" ("Dragica Pravica") in Skerlićeva Street
 Sarajevo, day-care center in the "Otoka" settlement
 Sarajevo, Dobrinja 2, basement of the trade company "Mašinopromet" at Oktobarske revolucije street
 Sarajevo, Railway Station
 Sarajevo, Railway/Industrial School, Buća Potok
 Sarajevo, basement of the "Zagreb" hotel at Marin Dvor (served as a brothel)
 Sarajevo, "Zetra" complex
 Sarajevo, "Evropa" hotel (served as a brothel), air-condition room in the basement
 Sarajevo, camp in Stup - hangars, tyre warehouses
 Sarajevo, building of the bank and Accounting Office - Čengić Vila
 Sarajevo, Clinic, managerial building
 Sarajevo, Alipašino polje, restaurant "Stela"
 Sarajevo, Dobrinja, restaurant "Baltazar"
 Sarajevo, deserted Serb apartment at 128 Muhamed Džudža Street
 Sarajevo, deserted Serb apartment at 30 Muhamed Džudža Street at Koševsko Brdo
 Sarajevo, Meteorological Institute on Bjelave
 Sarajevo, Ciglana settlement, Djure Djakovića Street
 Sarajevo, premises of "Naš dom" enterprize in Sutjeska Street
 Sarajevo, premises of wire factory in Džemala Bjedića Street
 Sarajevo, high-rise 2 at Pero Kosarić Square
 Sarajevo, camp in "Slobodan Vuković" school in Blagoja Parovića Street in Novo Sarajevo
 Sarajevo, School for Mentally handicapped children "Vladimir Nazor" at 54 Ivana Krmeljka Street
 Sarajevo, elementary school "Pavle Goranin" in village Švrakino (settlement Pavle Goranin) in Prvomajska Street

Sarajevo, elementary school "Andrija Rašo", Alipašino Polje
 Sarajevo, elementary school "Ivan Goran Kovačić" in Hrasno settlement
 Sarajevo, elementary school "Prvi maj", Alipašino polje
 Sarajevo, elementary school in Bistrik settlement, camp of the 110th brigade
 Sarajevo, elementary school at Marin Dvor
 Sarajevo, Otoka settlement, basement of the high-rise at Socijalističke revolucije street
 Sarajevo, police station at Koševo Hill
 Sarajevo, police station, centre at Bjelave
 Sarajevo, police station Novi Grad
 Sarajevo, police station Novo Sarajevo
 Sarajevo, police station at Sokolovića colony
 Sarajevo, police station Švrakino selo (settlement Pavle Goranin)
 Sarajevo, correctional centre in Pofalići
 Sarajevo, Pofalići, basement of the "Vranica" construction enterprize, housing singles' apartments
 Sarajevo, premises of "Mojmilo" local community
 Sarajevo, warehouse of "25. maj" in Švrakino village (settlement Pavle Goranin)
 Sarajevo, "Koševo" Stadion
 Sarajevo, camp in former gasworks at Čengića Vila
 Sarajevo, camp "Sunce" in Dobrinja 2 at 1 Marka Oreškovića Street, camp of the Territorial Defence of Dobrinja
 Sarajevo, Dobrinja atomic shelter, under the command of the 5th mechanized brigade (close to "Sunce" store)
 Sarajevo, warehouse of leather refuse near the "Tik-tat" cafe
 Sarajevo, students' hostel "Mladen Stojanović" at 4C Radićeva Street at the corner of JNA street (served as a brothel)
 Sarajevo, students' hostel "Mahmut Bušatlija" at Bjelave (served as a brothel)
 Sarajevo, Civil Engineering Faculty, basement (served as a brothel)
 Sarajevo, Dental College, basement and ground floor
 Sarajevo, Technical School in Vojvode Putnika Street (School for Civil Engineering)
 Sarajevo, tunnel of the "Koševo" hospital
 Sarajevo, Velešići tunnel-Ciglane
 Sarajevo, FIS (DTV "Partizan"), Mis Irbina Street, basement
 Sarajevo, Centre for Foreign Languages at Vase Miskina Street, camp of the 109th brigade
 Sarajevo, Central Prison at 8-9 JNA Street
 Sarajevo, "ŠiPAD" warehouse in Džamala Bijedića Street
 Sarajevo, warehouse of "Poljooprema" on Alipaša Bridge
 Sarajevo, basement of "Poljoopskrba" towards Baščaršija, in Dobrinja 2

Sarajevo, camp of the 101st brigade
 Sarajevo, headquarters of 102nd brigade in Hrasno, Pere
 Kosorića Street
 Srebrenik, premises of the police station
 Srebrenik, elementary school "Mehmed Ibrahimović"
 Srebrenik, dressing room of a football team
 Srebrenik, downtown secondary school
 Srebrenik, garment factory "Interplet"
 Srebrenik, Youth Centre in suburban settlement Rapatica
 Srebrenica, camp between municipal and court buildings
 Srebrenica, camp of the Department of the Interior
 Srebrenica, camp in the Guber health spa
 Srebrenica, Potočari village, Naser Orić's camp
 Srebrenica, Sućeska village, Zuluf Tursunović's camp
 Stolac, tobacco station
 Stolac, facilities of "Inkos" factory
 Tarčin near Pazarići, silo
 Teočak near Ugljevik, elementary school
 Teočak, local community building
 Tešanj, police station garage
 Tešanj, military camp at the FC "Tošk" stadion, dressing rooms
 Travnik, camp
 Travnik, camp near the "Tri bora" restaurant
 Travnik, Pensioners' Centre
 Travnik, "Petar Mećava" barracks
 Travnik, former JNA Club (old medrasa)
 Travnik, Hunting Club at Pavlovica
 Travnik, basement of the old Railway Transport building
 Travnik, camp in Dolac, near matchmaking factory in Sljemeni
 within the confines of former JNA warehouse
 Travnik, laundry room at 14 Slavka Radića street
 Travnik, Kraljevice village
 Trnovo, building of the Department of the Interior
 Trnovo, camp in the day-care centre
 Trnovo, warehouse of the territorial defence
 Trnovo, "Treskavica" hotel
 Trnovo, Godinjske Bare village, a shed
 Trnovo, Dejčići village, elementary school
 Tuzla, District camp - military/investigation camp at 1 Djure
 Djakovića Street, ground and first floor
 Tuzla, camp in the District camp, civilian section on the second
 floor
 Tuzla, camp in the "Husinjska buna" barracks in the Skojevaska
 settlement
 Tuzla, camp in "Stari rudnik" mine, near the "Sloboda" stadion
 in Tušanj
 Tuzla, former army shooting range near "Sloboda" stadium

Tuzla, "Tušanj" stadion
 Tuzla, camp in Tušanj in salt producing plant
 Tuzla, "Lipnica" barracks, 4 km away from Tuzla
 Tuzla, barracks in Slavinovići
 Tuzla, Mechanical-Technical School
 Tuzla, Mining School centre at Irac
 Tuzla, camp in Medical School
 Tuzla, "Braća Ribar" school
 Tuzla, Students' Hostel
 Tuzla, Workers' School "Mitar Trifunović-Uča"
 Tuzla, Mining-Geological Institute at Irac
 Tuzla, former JNA Club
 Tuzla, Faruk Prčić's private camp
 Tuzla, Šerija Zaimović's private camp
 Tuzla, hangar at "Dubrava" Airport
 Tuzla, Cerik
 Tuzla, Kozlovac, shelter in a motel
 Tuzla, Kozlovac, former camp husbandry
 Tuzla, Tojšići, 14 km away from Tuzla, village centre
 Tuzla, Požarnica
 Fojnica, basement of the "Sarajevska banka"
 Fojnica, secondary school "Kata Govorišić", basement
 Hrasnica, Culture Club
 Hrasnica, building of the former "Famos" hostel, military camp
 Hrasnica, stadion of FC "Famos"
 Hrasnica, basement of the "Hrasnica" hotel
 Hrasnica, elementary school "Aleksa Šantić"
 Hrasnica, garages in a high-rise basement below the Muslim police station
 Hrasnica, garages in the basement in Igmanskog partizanskog bataljona street
 Hrasnica, basement of the uncompleted residential building (military camp in Alekse Bojovića Street)
 Hrasnica, a basement
 Cazin, camp
 Cazin, gravel plant
 Cazin, dressing room at the football playground
 Cazin, elementary school "Vojin Marić" in Osredak
 Cazin, elementary school in the Liskovac village
 Cazin, Čoralčić village, hamlet of Djehveruša
 Cerska near Vlasenica, a stable
 Čapljina, police station
 Čapljina, "Miro Popara" barracks, in Grabovina, HVO camp
 Čapljina, basement in the municipal building
 Čapljina, tobacco station
 Čapljina, HOS camp in the basements of the Old Post Office building

Čapljina, a silo near "Neretvatrans"
Čapljina, in an old elementary school in Kravice
Čitluk, garages
Čitluk, police station
Šamac, Domaljevac village, elementary school

7. 2. 1. 0. Č e l e b i ć i

Čelebići is 5.5 km north-west of Konjic, towards Jablanica, on the Sarajevo-Mostar road. The Muslims turned the former JNA fuel depot in Čelebići into a camp, in which they imprisoned many Serb civilians from the Konjic municipality. This camp became notorious for brutal crimes committed against civilian prisoners, including murder, rape, beating, torture, degradation, starvation, etc.

About 300 people were imprisoned in Čelebići.

7.2.1.1 Eighteen people died or were killed in Čelebići. Most died of the injuries from brutal beatings. Some were shot.

The following were killed:

1. Slobodan Babić (father Petko), born 1949;
2. Slavko Šušić (father Pero), born 1949;
3. Miroslav Vujčić (father Jovo), born 1962;
4. Petko Gligorević (father Pavle), born 1934;
5. Perko Mrkajić (father Djoko), born 1941;
6. Šćepo Mrkajić (father Risto), born 1930;
7. Pero Mrkajić (father Djordje), born 1928;
8. Ilija Mrkajić (father Mirko), born 1933;
9. Gojko Miljanić (father Savo), born 1935;
10. Boško Samouković (father Nedjo), born 1933;
11. Milorad Kuljanin (father Radmilo), born 1966;
12. Šćepo Gotovac (father Šćepo), born 1921;
13. Čedo Avramović (father Ratko), born 1945;
14. Željko Čećez (father Obren), born 1960;
15. Simo Jovanović (father Todor), born 1933;

16. Nedjo Milošević (father Dušan), born 1925;
17. Željko Milošević (father Milan), born 1962; and
18. Željko Klimenta (father Milenko), born 1955.

On the grounds of several eye-witness accounts, the identity of the murderers and the circumstances under which the following 13 victims died, have been established:

1. Miroslav Vujičić;
2. Šćepo Gotovac;
3. Simo Jovanović;
4. Čedo Avramović;
5. Željko Čeček;
6. Milorad Kuljanin;
7. Željko Klimenta;
8. Boško Samouković;
9. Pero Mrkajić;
10. Nedjo Milošević;
11. Petko Gligorević;
12. Mijo Vujičić; and
13. Slavko Sušić.

Most of them died in front of other prisoners.

Miroslav Vujičić, on arrival at the camp, was lined up with other prisoners facing a wall with his arms raised. They were standing there for about six hours while the guards were beating them systematically. After that he was forced to lie on the ground and was then beaten with metal pipes and other objects. According to the statement of an inmate who was later exchanged, Vujičić cried out: "You won't kill me in your way. I'll die the way I want to." Then he jumped up and started running. The guards shot him. When he fell, one of the guards approached him and shot him several times in the head.

Boško Samouković was beaten to death in building 6, in front of the other prisoners, including his two sons, by a guard called "Zenga" and other guards.

Šćepo Gotovac was killed by Deliće and "Zenga", who took him away and later brought him back unconscious. He died soon afterwards.

"Zenga" had nailed a Serb badge on his forehead. Šćepo's wife saw this cockade when the body was returned to the family.

Slavko Sušić was beaten to death by Hazim Delić and his guards.

Zdravko Mucić, a.k.a. "Pavao", who was the camp commander, and Esad Landžo, a.k.a. "Zenga" and Hazim Delić, the deputy camp commander, were involved in almost all these killings.

These and other killings and torture obviously confirm the bestiality of the perpetrators and their hatred of Serbs.

7.2.1.2. Persistent beating was the most frequent form of torture.

Immediately upon arrival to the camp new prisoners were lined up against a wall, in the already described way, and were brutally beaten.

The prisoners were usually beaten in groups, whereby Hazim Delić, or the guard called "Zenga", together with other guards would start beating the prisoners at random. These beatings often followed certain events and were particularly brutal when some Muslim had been killed or during the Muslim religious holidays, etc. On another occasion, when Delić found out that some inmates made some playing cards and were playing them, he hit all the prisoners with a shovel. He broke the shovel handle three times while he was beating Vukašin Mrkajić. Another especially brutal beating was that of 20 prisoners before they were transferred from Čelebići to Konjic. Delić again organised and led this beating.

The prisoners were also led away individually and beaten. Some were taken away more often than others, but few were spared. Guards forced prisoners to stand against a wall with their hands raised, or to kneel on all four, while a number of guards would beat them. Detainees were returned to the cell only when they would faint. They were beaten with iron pipes, baseball bats and various other objects, and kicked by guards with army boots on. Here again, Delić and "Zenga" led the beatings.

Detainees were also paired up and forced to hit each other. The guards would beat any prisoners who they thought was not hitting hard enough.

On many occasions Delić drove his Zastava 750 car into building 6 and chased prisoners with it. Then he would single out the prisoners who had to go outside to be beaten up.

7.2.1.3. Local civilians often came to the camp and asked the guards to beat certain prisoners. These requests were fulfilled and those civilians then watched the beatings, laughing and commenting, and sometimes even took part in the beating.

7.2.1.4. On one occasion, Mucić, Delić and "Zenga" put 36 prisoners in manholes and held them there for more than 12 hours. They deliberately shut the ventilation holes on the lids so that the prisoners would start to suffocate soon. Before they were put there the prisoners were beaten, and they were also beaten afterwards, when they were pulled out half dead. Some prisoners, for example R.Dj., were held in the manhole for more than 24 hours.

7.2.1.5. Delić had an instrument which gave electric shocks to the prisoners when he touched their naked bodies.

Delić tortured certain prisoners very frequently. V.M. was forced to drink a litre of brandy quickly and then run around camp pretending to be a car following their instructions. While doing this the guards and visitors to the camp, some of them being civilians, were beating him.

7.2.1.6. "Zenga" invented many torture specialities. He would tie a slow-burning fuse around the waists of some prisoners, between their legs, around their penises, and one end put in the anus, and would then light them. The poor men screamed in agony as their skins sizzled and were burnt. He burnt the tongues and other parts of prisoners' bodies with a red-hot knife. He poured petrol on prisoners' shins and set them on fire. The names of these victims are known to the Committee. Besides, he forced two brothers, whose father had been killed, to have oral sex with each other. He put gas masks on the faces of some inmates and closed the air filters so that they would suffocate and collapse.

7.2.1.7. Detainees were often taken in front of fake firing squads. The guards would line them up against a wall and then fire blanks or fire into the air.

7.2.1.8. The prisoners were given only a few tens of seconds to relieve. They were lined up, told to run to a ditch, relieve themselves and then stop when ordered. They were beaten if they did not. A Swiss International Red Cross official witnessed one such relieving when he visited the camp.

Detainees were forced to drink urine and graze grass like animals, etc.

They also had to stand in the sun for hours at a time, without moving, and sing songs praising Muslims or insulting Serbs, or had to say Muslim prayers, etc.

7.2.1.9. The prisoners were given a litre of water a day to share between 10 them. This was not drinking water but water from a nearby stream. Therefore, many prisoners had stomach problems. A 700 gr. loaf of bread was shared among 18 prisoners, and this was often their only meal of the day. Sometimes they were given some tasteless soup, but scarcely anything else, and sometimes they received no food at all.

7.2.1.10. The prisoners were unable to keep themselves clean, because they hadn't even water to wash their faces. They were allowed to shave for the first time before the camp was inspected by International Red Cross officials. All the prisoners in building 9 were then given only one razor blade to share, and no cream nor water.

7.2.1.11. The treatment of the 15 women prisoners was appalling, and some of them were held in the camp for many months. They were held apart from the male prisoners and only the guards could reach them. Delić paid special attention to them and raped some of them, while one woman was kept only for him and other guards were forbidden to touch her. He raped and also instigated other guards and local people to rape the female prisoners. The women were taken to a large warehouse and raped there, usually one by one. Delić himself raped women in some of the offices. The women were not beaten, but were subject to persistent mental torture.

Almost all the women who were confined in this camp were briefed and have given accounts of what had happened to them. Of the many rapists, only Delić's has been positively identified. It was impossible to recognise the other perpetrators because the women were raped in the dark.

Several witnesses described in detail how they were raped. It has also been established that some other women were sexually abused, although they deny this in their statements.

7.2.1.12. The perpetrators of crimes committed in the camp in Čelebići were:

1. Zdravko Mucić, a.k.a. "Pavao";
2. Smajo Prevljak;
3. Miro Stenek;
4. Hazim Delić;
5. Zijo Landžo, "Zenga", who killed prisoners, burned them with a heated knife, tied fuses to parts of their bodies and lit them, and forced prisoners to have oral sex with each other;
6. Enid Špago, a.k.a. "Kravar";
7. Esad Macić, a.k.a. "Eso Makaron", who killed Milorad Kuljanin;
8. Čamdžić, first name unknown;
9. Macić, a.k.a. "Maca", first name unknown;
10. "Crni", real name unknown;
11. Ferid, a.k.a. "Fočak", surname unknown;
12. Šerif Ramić, a.k.a. "Šeki";
13. Ćosić from Idbar, first name unknown;
14. Bukvić from Idbar, first name unknown;
15. Subašić from Idbar, first name unknown;
16. Padalović, a.k.a. "Lala", first name unknown, who killed Željko Klimenta;
17. Osmo Dedić;
18. Nedžad from Konjic, surname unknown (not a camp guard);
19. Vekić, first name unknown;
20. "Gagula", real name unknown;
21. Baralija, first name unknown;
22. Davor, a.k.a. "Šiš", surname probably Delić;
23. Muharem Mašić;
24. Safet Muhić;
25. Mustafić, first name unknown;

26. Smajo, a.k.a. "Kurencan", surname probably Kajzanović;
27. Džajić, first name unknown;
28. Ivica Burić;
29. Mašić, first name unknown;
30. "Šok", real name unknown;
31. Rale Mušinović;
32. Nurko, surname unknown;
33. Mustafa Halilhodžić; and
34. Mladen Zovko, a.k.a. "Kugar".

7.2.1.13. This inhuman treatment seriously undermined the physical and mental health of all the prisoners. Most prisoners lost 20 to 35 kilograms in the camp. Many have deformities as a result of bone fractures that were not treated but were allowed to heal dislocated. Many suffered internal injuries, especially of the kidneys, and some suffered spinal injuries. The entire organism in all the prisoners has been crushed and bears physical scars after the torture in this camp. All have severe mental disorder and require permanent psychiatric treatment and sedatives.

7.2.1.14. Several dozens of Serbs who were imprisoned in this camp have given testimonies to investigators. Other evidence has also been gathered, which confirm most of the crimes committed, as well as the identity of the perpetrators.

Evidence: Committee documents: 221/94-1, 221/94-2, 221/94-3 (svedočenje G.Č./testimony G.Č., Annex No. C 126, pp. c1267-1277/c1278-c1299), 221/94-4, 221/94-5, 221-4/94-6, 221/94-7, 221/94-8, 221/94-9, 221/94-10, 221-4/94-11, 221/94-12 (svedočenje V.M.1/testimony V.M.1, Annex No. C 76, pp. c769-c775/c776-c785) , 100/94, 236/94, 260/94, 295/94-4 (svedočenje U.I./testimony U.I., Annex No. C 123 pp. c1250-1252/c1253-c1256), 380/94-1, 380/94-2, 412/94-15/1, 412/94-16, 412-94/17, 412/94-18, 412/94-20, 412/94-21, 412/94-22, 412/94-23, 412/94-25, 412/94-26, 412/94-27, 412/94-28, 412/94-29, 412/94-30, 440/94-1, 283/94-5, 148/95, 488/94-1 to 7 (svedočenje N.Dj./testimony N.Dj., Annex No. C 28, pp. c271-c286/c287-c300), 445/94-19 and 22, 549/94-19 and 20, 268/95, 86/95, 147/95, Medicinski nalaz/Medical findings - BL 14 (Annex No. C 137, pp. c1418-c1419/c1420-c1422) and picture (Annex No C 161, p. 88)

7.2.1.15. The camp in Čelebići is also mentioned in the statement of the US State Department spokesman Richard Boucher in the State Department report dated 26 January 1993. This report refers to only one incident (para 14), and says: "A 44-year-old Serb civilian, who had been imprisoned in Čelebići since 30 May 1992, saw the Muslim guards and the deputy camp commander, Azem Delić, a member of the 'Green Berets' (the Bosnian-Muslim paramilitary formations) beat 15 or 16 Serbs to death."

7.2.1.16. The Third US Government Submission, dated 10 November 1992, also mentions the camp in Čelebići. It quotes an inmate who said that "the prisoners, mainly younger men, were beaten with the wooden handles of agricultural tools or with metal bars. He stated that he had been present when 15 or 16 Serbs were so brutally beaten that they died. The witness was able to identify the camp commander, who was the most brutal of the guards".

7.2.1.17. "September 1992: a 44-year-old Serb civilian who had been imprisoned in Čelebići since 30 May, witnessed when a Muslim guard and the deputy camp commander, a member of the "Green Berets", had beaten to death 15 or 16 Serbs." (Statement by US State Department spokesman R. Boucher, 26 January 1993).

7. 2. 2. 0. M u s a l a i n K o n j i c

There is a sports centre in Musala - a suburb of Konjic, which lies on the river Neretva bank. It includes a hall for basketball and other team sports, consisting of the court, seats and 10 locker rooms next to it. There is also a weight-lifting room, table tennis tables, etc. in the gallery. The main hall has a transparent roof through which daylight enters. The roof is supported in the middle by a metal girder.

In May 1992, this centre was turned into a camp for Serbs from the surrounding area. At the end of April 1993, when fighting broke out between the Muslims and Croats, Croat prisoners were held in the main hall, while the remaining Serbs were held in the locker rooms which were their cells.

At the beginning, the Serbs were held in the locker rooms at night and in the main hall during the day, where each had to be on a designated spot which was either next to the walls or somewhere in the middle, depending on the number he was given. Members of the same family or village were assigned a certain area on the floor and, within that, each detainee had his own place.

It is estimated that about 280 Serbs were held there.

They were gradually exchanged, and the last 81 prisoners were exchanged on the Bridge of Serb Heroes in Grbavica in Sarajevo, on 6 October 1994, including those prisoners who had been tortured the most. The only Serb inmates after that date were a small number of Bosnian Serb soldiers who had been captured subsequently.

Women, most of them coming from the village of Bradina were held there, also.

The inmates of this camp were maltreated and humiliated every day by the guards and other people.

Some inmates were beaten, most often when they were taken out of the cells at night and beaten in the corridor.

Many were released and ordered to stay in either their own or some of the neighbouring villages, about which they were handed a written decision. Some were brought back to be exchanged.

After some time prisoners were taken from the Musala camp for physical labour, including the digging of trenches on the front lines. They often did this during the fighting, with the shooting and shells falling around. Some were wounded.

Food was meagre and gradually became worse, until ICRC aid started arriving during 1993. Each detainee lost about 20 to 30 kilos, or even more, as a result of starvation, torture and forced labour. Their physical and mental health was severely impaired, which resulted in a large number of former inmates who have required medical treatment since their release from this camp.

Sanitary and living conditions in the facility were below every acceptable standard.

Women prisoners were also maltreated, and some were raped.

The most tragic event took place on 15 July 1992 when Musala was shelled and 13 Serb prisoners were killed and another 8 were wounded.

At about noon that day, the guards told the prisoners to take their places in the hall. They told some of the prisoners to change their usual places and withdrew. One of the guards then went up to the gallery and ordered prisoners at gun-point to stay where they were. He then turned on the ventilation and disappeared. All this was very unusual and had never happened before.

At about 12.15 p.m. a shell exploded above the hall. A few minutes later another one came through the roof, bounced off the metal beam, hit the wall and exploded. The powerful explosion tore down the wall which fell over the people sitting below, killing 13 and wounding eight. Some died on the spot and others on the way to the hospital. The prisoners were then ordered to clear away the rubble. A third shell hit the gallery but caused no further casualties.

TV crews, journalists and some officials arrived soon after the explosion, claiming that Serbs had deliberately shelled the hall, although they knew that Serbs were inside.

The only conclusion which can be drawn from the above is that the Muslims themselves shelled this facility. This conclusion is supported by the fact that no guards were injured, because they had all taken shelter before the attack began.

7.2.2.1. The following Serbs were killed in the shelling on 15 July 1992:

1. Marko Ninković,
2. Stevan Ninković,
3. Radovan Ninković,
4. Vlatko Čećez, died in the Jablanica hospital;
5. Pero Čećez, died in the Jablanica hospital;
6. Miroslav Čećez, died in the Jablanica hospital,

7. Milan Ćećez,
8. Dušan Ćećez,
9. Tihomir Kuljanin,
10. Kuljanin, first name unknown,
11. Novo Živak,
12. Velimir Ćećez, died on the way to hospital; and
13. Predrag Kuljanin, died on the way to hospital.

7.2.2.2. The following Serbs were wounded in the attack:

1. Savo Ćećez;
2. Momčilo Ćećez;
3. Nedjo Kuljanin;
4. Miroslav Kuljanin;
5. Željko Kuljanin;
6. Miroslav Karlović;
7. Željko Mrkajić; and
8. Lazo Mrkajić.

7.2.2.3. Chief warden of this camp was at first Zdravko Mucić, a.k.a. "Pavo", and his deputy was Hazim Delić. Some of the guards worked only in Musala and others worked in Čelebići as well. Mucić was succeeded as chief warden by Ismet Habibović, a.k.a. "Broćeta", and several other chief wardens till October 1994.

The perpetrators of these crimes were:

1. Hazim Delić;
2. Ismet Habibović;
3. Ismet Halilović, a.k.a. "Broćeta", chief warden;
4. Šefik Pelić;
5. Edo Jelešković, a.k.a. "Muf";
6. Špago, a.k.a. "Kravar", first name unknown;
7. Uka, first name unknown;
8. Plosko, first name unknown;
9. Kurtić, a.k.a. "Kurta", first name unknown;
10. Dino Turkov;
11. Elvedin, surname unknown;
12. Perva, first name unknown;
13. "Ćita", real name unknown;
14. Macić, a.k.a. "Maca", first name unknown;

15. Kurtović, first name unknown;
16. "Rambo", real name unknown;
17. Senad Kazazić;
18. Šefko Nikšić;
19. Macić, a.k.a. "Makaron", first name unknown.
20. "Muderiz's soldiers".

7.2.2.4. Seven members of the Mojević family were taken to Musala from the village of Slavljevići in Trnovo municipality during 1993:

1. Jovan Mojević, aged 90;
2. Slavko Mojević, aged 66;
3. his wife Marija Mojević;
4. Ilinka Mojević (female);
5. Dušanka Mojević (female);
6. Savo Mojević; and
7. Novo Mojević, aged 45.

Perpetrators: Edo Žilić, chief warden, and Ibro Macić, head of shift.

Evidence: 205/94-19.

7. 2. 3. 0. L j u b u š k i

7.2.3.1. In late May 1992 Dražen Tripić and his father Sreten Tripić were brutally killed in the camp Ljubuški. After being tortured for a month they were taken to the Trebižat river and killed.

Perpetrators: members of Croat armed forces from Ljubuški and Čapljina. This was confirmed by a witness who was in the camp at the time.

Evidence: 68/94

7.2.3.2. According to witnesses B.D. and V.O., who were imprisoned in the camp in Ljubuški, the following Serbs died of wounds acquired in this camp in mid-1992:

1. Pero Važić, from Eminovo selo, municipality of Duvno (Tomislavgrad) born in 1941 in Raščani, municipality of Duvno, father's name Ljubo, beaten in this camp on the 17 or 18 June 1992 in cell no.4, after which he was taken to the hospital in Split where he died after the injuries. (Witnesses: 340/94-8, 234/95-26, 41/96, 547/96-32, 547/96-35, 41/96, 547/96-37, 547/96-47, 93/97-10).

2. Djordje Vuković, after having been severely beaten he was forced to testify that he killed Croat children, after which he was even more severely beaten to death. They spilt petrol over his body and burnt it in the camp grounds (witness: 234/95-6).

3. Petar Zelen, from Kupres, detained as a civilian in early June 1992. He had terrible burns on his backside, because he was forced to sit on a red-hot plate before being brought to Ljubuški. The commander Sušac asked him why his pants were sticking to his body and whether he had relieved himself in them. When Zelen told him that he had been put on a red-hot plate, Sušac slapped him in the face. Zelen was held in cell no. 8, where he was permanently beaten, especially by the imprisoned criminals - Croats, with the approval of the guards. On the third day after he was brought to the camp, Petar Zelen died because of the injuries, and his body was put in a plastic bag and dug near the Orthodox church in Ljubuški (witness 41/96).

4. Stojan Zubić, from Kupres, about 70 years old, was severely beaten in the camp after which he was taken for treatment to the hospital in Split. He was exchanged on 14 May 1992, in Žitić, but died the following day.

5. Neđo Milutinović, from the village of Zijamat, near Bugojno, was detained with his brother as a civilian. When they arrived to the camp they only had their shirts on, while the lower half of their bodies was all covered with wounds and blisters. It was evident that they had been burnt before that. One of them was put in cell no 6 and the other in cell no. 8. There was a Muslim named Hamzo Spahić in this camp, who was given approval by the guards to beat the detained Serbs every day. Two days after the brothers arrived they were beaten in cell no. 6. One of them had his arms tied to a hook on the wall and then they beat him, while they forced the other prisoners to watch the beating. They did the same with the other brother. Both of

them died. Their bodies were left in the cell during the day, and during the night they put them in plastic bags and took them away. Nedo was buried near the Orthodox church in Ljubuški (witnesses 340/94-8, 41/96).

6. N.Milutinović, from the village of Zijamat near Bugojno, was detained with his brother as a civilian. When they arrived to the camp they only had their shirts on while the lower half of their bodies was all covered with wounds and blisters. It was evident that they were burnt before that. One of them was put in cell no. 6 and the other in cell no. 8. Two days after the brothers had arrived they were beaten in cell no. 6. One of them had his arms tied to a hook on the wall and then they beat him, while they forced the other prisoners to watch the beating. They did the same with the other brother. Both of them died. Their bodies were left in the cell during the day, and during the night they put them in plastic bags and took them away. (Witness: 340/94-8).

7. Anđelko Šerbez, after having been severely beaten in mid 1992 was forced to confess that he slaughtered Croat children. After this he was beaten even more severely and died. He died after Djordje Vuković. They spilt petrol over his body and burnt it in the camp grounds. (Witness 234/95-6)

8. An unknown person from Kupres was brought to the camp in Ljubuški in early June 1992 and put in cell no.6. He was beaten to death the first night.

Perpetrators: Damir Matić, from a village in the municipality of Ljubuški, about 25 years old and about 175 cm tall, the camp commander; Siniša Tomić, a solicitor in Ljubuški, camp commander; Ivan Sušac - Ivica, from a village near Ljubuški, born in 1962 (or in 1963), an electromechanical worker, before the war employed in the firm for construction of roads in Mostar, where he also lived, head of the guards (commander of the camp); Martić, chief of police in Ljubuški; Dragan Matić, about 25 years old, tall, dark, athlete build, head of the guards for a month; Pero Antić, a.k.a. "Klobuk"; Ahmet, detainee, married to a Muslim from the Višić family in Kelesija, tall, fair-haired, took part in the beating to death of the Milutinović brothers (witness 340/94-8); Mate Begić, brown hair, athlete build, specific squeaky voice, guard; a person called

"Boban"; Mijo Vučić; Pero Dugandžić; Ereš, from Ljubuški, commander; Branko Ereš, a.k.a. "Karlo", about 190 cm tall, about 25 years old, with very dark, curly hair and suntan complexion, athlete build, guard; Nedo (Neđo) Macić (Matić), from Ljubuški, about 25-30 years old, fair-haired, guard, he was a member of the Mostar karate club "Student". The witness 234/95-6 testified that he was present when he gouged out the left eye of a Serb detainee with his knife and made the man swallow it; Krešo Medić, a.k.a. "Meša", from Mostar; Davor Milićević; Nedo Milićević; Krešo Mihaljević, a.k.a. "Čupo" from a village near Čapljina, about 25 years old, about 170 cm tall, fair curly hair, guard; Dragan Nosić, head of a shift; Ivan Nosić; Krešo Paradžić, a.k.a. "Čupo", short, dark, about 20 years old, guard, who beat the Milutinović brothers the most, after which they died (witness 340/95-8); Stanko Paradžik, from the village Humac near Ljubuški, head of a shift; Vinko Pehar, a.k.a. "Vintol"; Radoslav Pivac - Primorac, about 25 years old, over 190 cm, with short dark hair, guard; Ahmet Salković, from Živinice, married to a girl in Čapljina where he is living now; Zoran Solin; Mladen Solin; Stipe, tall and thin; Srećko Tomić, who interrogated the prisoners; Hamzo Fahić, from Živinice; "Ciko", guard; "Šero", dark, medium height, guard; Ante Šunjić.

Evidence: 221/94-16, 340/94-3, 340/94-8, 234/95-5, 234/95-6, 234/95-26, 333/96-33, 333/96-4, 333/96-6, 333/96-10, 333/96-11, 338/96, 484/95, 674/95 (svedočenje M.S./testimony M.S., Annex No. C 94, pp. c943-c956/c957-c975), 34/96, 41/96, 103/96, 426/96-51, 426/96-53, 426/96-63, 453/96-19, 547/96-32, 547/96-35, 547/96-37 (svedočenje M.M./testimony M.M., Annex No. C 59, pp. c589-c593/c594-c599), 547/96-47, 548/96-26, 93/97-10 and Medicinski nalaz/Medical findings - T 10 (Annex No. C 156, pp. c1530-c1531/c1532-1536 and photos in Annex No C161, picture No1, p.33)

7.2.3.3. Witness Z.S. (whose identity is known to the Committee) also tells of the ordeals he and other Serb prisoners underwent in Ljubuski. The guards beat them day and night. They used to make a so-called pyramid by forcing inmates to lie on top of each other, and then beat the one on top. They also made the inmates sing Ustasha songs, use Ustasha hail and shout the Ustasha battle cry, "Ready for the Homeland". They forced them to stamp their feet and neigh like horses or bleat like sheep.

On one occasion, this witness and several other Serbs were forced to put on JNA uniforms to be photographed, though they were all civilians. They were also forced to sign statements saying that they were JNA soldiers who had slaughtered and killed Croat and Muslim civilians.

Evidence: 333/95-20.

7.2.3.4. Serb civilians were imprisoned and tortured in the camp in Ljubuški. Sixteen of them, whose names are known to the Committee, were exchanged on 18 August 1992 for captured Croat soldiers.

Evidence: 221/94-8, 16 and 18, and 418/95.

7.2.3.5. The witness (name known to the Committee), a captured Serb JNA soldier, was taken to the old camp in Ljubuški late in April 1992, and was held there till mid-August. One of the camp guards repeatedly forced him to perform homosexual acts with the inmate R.I. The same guard forced other inmates to do the same.

On another occasion, the head of the shift forced him to have sexual intercourse with a mentally retarded Muslim woman.

Perpetrators: Dragan Matić and Ivan Sušac, heads of shifts, and the guard Karlo, surname unknown.

Evidence: 221/94-16.

7.2.3.6. A.S. was held in the old camp in Ljubuški from the end of April to mid-August 1992. He stated that one of the forms of torture was that the prisoners were given nothing to eat for two to three days. Then a guard would bring a pan with food which was extremely salty and forced prisoners to eat it all. A.S. had to do this three times, after which he was given no water.

Evidence: 221/94-16.

7.2.3.7. D.Dj. was in the camp in Ljubuški from April to October 1992. He was captured as a member of the JNA forces. He stated that the guards kicked the inmates with their heavy boots on all over their bodies, especially in the mouth. They kicked out many teeth and also

pulled out the healthy ones with pliers. They bound the mouths of the inmates when beating them.

The standard procedure for beatings was to line the prisoners against a wall with their legs apart, leaning against the wall with their three fingers with which the Orthodox Serbs cross themselves. Guards, usually in pairs, would beat them with batons, electric cables and other heavy objects as they stood facing the wall. They were then forced to kneel and finally lie down so that the guards could stamp and jump on their bodies.

They received food and water irregularly. When they did get food, there was not enough, and it was contaminated with hair, dirt, earth, shaving foam and soap. The dishes were never washed and mice often walked over them. The witness weighed 90 kilos when he was imprisoned, and only 43 when he was released.

Perpetrators: Ahmed Salkamenić; Nedjo Matic; Nosić, first name unknown; Krešo, a.k.a. "Čupo", surname unknown.

Evidence: 288/94.

7.2.3.8. The witness was taken to a camp for Serbs in the school in Lipno near Ljubuški early in May 1992. On arrival, he and other inmates were taken to a room whose walls and floor were splashed with blood. Guards beat them with metal bars threatening to kill them and all other Serbs. A guard slashed the witness on the arm with a knife, and then licked his blood saying that Chetnik blood was sweet.

The witness and other inmates were struck on the hands and legs with hammers. The witness was also burned with a welder on both arms and the burn marks are still visible. He has other scars on his right arm, left thigh, chest and back. Guards extinguished cigarettes on his palms and arms, and this has also left scars.

The witness was also ordered to have sexual intercourse with four other inmates.

A HOS commander visited the prisoners every day and ordered the inmates to greet guards with Fascist and Ustasha hail.

When Dobroslav Paraga and Mile Dedaković, a.k.a. "Jastreb" visited the camp with a TV crew, the inmates were forced to say that they had been snipers or had owned radio transmitters. One detainee was told to say he had been Karadžić's aide.

Evidence: 295/94-1

7.2.3.9. Two witnesses, who were in Ljubuški from mid-May till the end of October 1992, say that all prisoners were systematically beaten while they were in the camp. About 10 guards would gather in the evening and certain prisoners would be called out by name. They had to stand facing a wall and were kicked, punched and hit with truncheons all over their body, but especially in the genitals. When a detainee would faint, the guards would order someone from his cell to take him back. This lasted several hours every night and sometimes all night. Each detainee was usually beaten for 15 to 20 minutes, depending on how much he could stand.

The beatings were the worst on the Muslim religious holiday -Bairam, when guards put rags in all the prisoners' mouths and plastic bags over their heads before beating them.

Two inmates died of injuries after torture. They were both called Milošević, first names unknown, and were between 50 and 55 years old. They were burned with a welder so that their clothes stuck to the wounds.

Evidence: 221/94-18

7.2.3.10. During his stay in the camp in Ljubuški police station from 10 June to 18 August 1992, the witness Z. was beaten up five or six times. The guards forced inmates to lie on top of each other and beat the top detainee with truncheons, while the prisoners below were crushed by the weight of the other prisoners.

The inmates were also exposed to mental torture. They were forced to sing Ustasha songs and greet the guards with Fascist salutes. The prisoners were taken out every day for "exercise", but the guards made them imitate horses, sheep and other animals.

Evidence: 221/94-16

7.2.3.11. The witness P.D. was captured on 4 May 1992 and taken to Ljubuški with 14 other captured men. The camp was at that time run by the Croat Army - HVO, and the chief warden was Dragan Tomić. On arrival in the camp he was searched and interrogated, and he was beaten and tortured throughout his time in the camp.

The cells in which the prisoners were held were cold and dark. There were no beds or blankets, and the prisoners slept on the concrete floor.

For the first five days the prisoners were given no food and only a little water. After that they were given only one meal a day, consisting of a piece of stale bread and a small piece of cheese or some jam.

In addition to daily beatings, the prisoners were forced to do push-ups, and the guards beat with rubber truncheons any prisoners who they considered was not doing them properly. The guards also brought people from outside the camp, usually the locals, to beat and humiliate the captured persons.

When he was exchanged on 25 May 1992, the witness was exhausted and had visible marks of beatings all over his body.

Evidence: 149/94..

7.2.3.12. The witness M.Z. was arrested by HOS soldiers in Mostar on 30 April 1992 and taken to the school in Lipno near Ljubuški with three other prisoners. The floor of the room to which they were taken was splashed with blood. They were beaten there every day with fists, boots, iron bars and rifle butts, and shots were fired over their heads.

1. Milovan Zubac bled heavily from the injuries and was in critical condition. The guards took him away, saying they were taking him to a doctor, but he was never seen or heard of again.

Perpetrators: HOS soldiers from Lipno.

Evidence: 295/94-1 and 445/94-2.

7.2.3.13. The pensioner V.M. was arrested in his flat, in Čapljina, on 7 May 1992 by HOS soldiers led by Damir Milićević.

They took him to the village school in Lipno, where he was held until 11 May 1992, when he was transferred to another camp.

The witness says that he was tortured the most in this camp by a man called "Dugi" and a young man aged about 18, who was a relative of the Čapljina photographer Ahmet Korac.

He was beaten with truncheons and rifle butts. Guards extinguished cigarettes on his palms and tongue and forced him to eat the butts. They pushed plaster into his mouth, cut the skin between his fingers with a knife and set his hair on fire. They forced the witness to lick a dog underneath its tail and put a dog's penis into his mouth.

Evidence: 231/95

7.2.3.14. D.P. who was a member of the former JNA was taken with other soldiers to Ljubuški in May 1992. There were 10 to 15 prisoners in each cell. The cells were dark and cold and the prisoners slept on the floor without blankets.

The prisoners were given no food and only a little water during the first few days. Later, they received only one meal a day consisting of a slice of bread and a little piece of cheese.

The prisoners were made to do push-ups for hours on end and were beaten with rifle butts when they did not try hard enough. The guards played cassettes with Ustasha songs and made the prisoners learn them and sing them.

Women came from the town and beat the prisoners with umbrellas and other objects.

In his three weeks in this camp, D.P. was not given a chance to wash.

Perpetrators: Damir Matić, chief warden; Ivica Sušac from Ljubuški, deputy chief warden; Krešo Mihaljević, a.k.a. "Čupo", a guard; Nedjo Macić, a guard, member of Student karate club in Mostar; Mate Begić,

a guard; Karlo, surname unknown; Radoslav, surname unknown, a guard

Evidence: 149/94

7.2.3.15. A Serb civilian, R.B. was captured on the Čapljina-Stoiac road by the Croat-Muslim armed forces on 8 April 1992. First, he was taken to Metković, then to the camp Lora in Split, after that to Duvno and finally, to the camp Ljubuški, where he stayed till 18 August 1992. He was constantly beaten in all those camps.

Evidence: Medicinski nalaz/Medical findings - T 1 (Annex No. C 139, pp. c1429-c1431/c1432-c1435 and photos in the Annex No C161, pictures No 1-2, p. 69)

7.2.3.16. D.T. arrested as a civilian on 8 April 1992 at Muminovača. First, taken to Metković, then to Lora in Split, Stopanići near Duvno and finally to the camp Ljubuški, where he stayed from 4 May to 18 August 1992. He was tortured and beaten in all these camps. They put out cigarettes on his skin, stabbed his hands with knives and then sewed his wounds without any anesthetic. He was shot at three times. They set fire to his beard: he was forced to eat salt, gravel and sand. Several times he was tortured with low voltage electric current with wires tied to his nose and ears, or his nose and penis. They told him that his daughters had been raped and burned at the crypt at Prebilovići.

Evidence: Medicinski nalaz/Medical findings - T 13 (Annex No. C 140, pp. c1436-c1438/c1439-c1445 and photos in the Annex No C161, pictures No 1-7, pp. 71-74)

7. 2. 4. 0. D r e t e l j

7.2.4.1. Serbs were tortured in a camp in Dretelj near Čapljina. Božo Balaban and his wife were taken there on 2 August 1992. On the night following his arrival, guards called Božo to come to the window of the hangar where the prisoners were held to be beaten. He refused,

saying that he was not guilty of any crime, but the guards, 7 or 8 of them, dragged him outside, handcuffed him to a fence and beat him savagely with wooden clubs on the head, back and other parts of the body. They took him back to the hangar, handcuffed him to the window bars, and then about ten of them beat him mercilessly. They broke his legs so that he couldn't stand any more and left him hanging by his hands, screaming and calling for help until he died before dawn. While they were beating Božo, the guards and their commanders made the other prisoners sing songs to drown out his cries.

Perpetrators: Vinko Primorac, Edin Buljubašić, Vinko Martinović, a.k.a. "Harmonikaš" and other guards.

Evidence: 9/94, 31/94, 445/94-38, 445/94-5, 445/94-37, 445/94-39, 437/94-1 and 221/94-11.

7.2.4.2. The following prisoners were also killed in Dretelj:

1. Nenad Marković, from Bijelo Polje near Mostar, the manager of a Mostar construction firm, was taken to Dretelj early in August 1992. Guards mercilessly beat him in the camp yard and he died in the arms of detainee D.R. two or three days later.

Perpetrators: Ahmet Mahitan, a.k.a. "Maks", Ilija Mustapić, Nedeljko Milićević, a.k.a. "Šapa", and other guards.

Evidence: 445/94-2, 379/94, 313/94-1, 445/94-3 and 221/94-11.

2. Jovo Pejanović, a retired Mostar police chief, was dressed in a JNA uniform and forced to graze grass together with a horse. Guards told passers-by that Jovo was a "captured Chetnik". In the summer of 1992 he was beaten so badly that the guards took him away on a stretcher, allegedly for medical treatment in Split, but he was not seen or heard of again and is presumed dead.

Perpetrators: Dretelj camp guards and other staff.

Evidence: 445/94-2, 379/94, 445/94-5, 221/94-11.

3. In August 1992, Evgenije Samardžić, was stopped by Blaž Kraljević, the HOS commander for Herzegovina, when he tried to tell

foreign journalists in French about conditions in Dretelj. Kraljević told him he was lying, and he was later badly beaten and taken away from the camp. His body was found later in the Neretva river with a gunshot wound in the head.

On the same occasion the following prisoners, who were also taken to Mostar, are missing.

4. Radivoja Levnajić, from Čapljina,
5. Risto Vreća, from a village near Stolac,
6. Radoš Slobodan,

who were most likely killed.

Held responsible: Blaž Kraljević, administration and staff of the camp Dretelj.

Evidence: 313/94-1, 445/94-2, 231/95 and 674/95 (svedočenje M.S./testimony M.S., Annex No. C 94, pp. c943-c956/c957-c975).

7. Djuro Škoro from Slipčiči near Mostar was arrested in Mostar on 30 April 1992 and taken to Lipno near Ljubuški, where he was tortured for a week before being transferred to Dretelj. Guards continued to beat and torture him there. There were burns all over his body from where guards had burned him with candles and with other inflammable objects, and he had large swellings on his chest from the beatings. Blaž Kraljević told him that he had ordered guards to take him to Split, but he has never been seen since.

Perpetrators: Blaž Kraljević and Dretelj camp guards.

Evidence: 295/94-1, 313/94-1 and 445/94-2

8 and 9. Nikola Kuzman and his wife Dušanka Kuzman, both dentists from Čapljina, were imprisoned and tortured in Dretelj in the summer of 1992.

They were taken from of the camp under the pretext that they were released. However, they were found dead near their home in Čapljina.

Perpetrators: Dretelj camp guards.

Evidence: 313/94-1.

7.2.4.3. The camp doctor, Zoran Hranilović, a Croat surgeon from Zagreb, asked the guards to beat prisoners before allowing them to come to his surgery for examination. He personally tortured prisoners in a number of ways:

7.2.4.3.1. The female witness S.B. sought medical care because she had kidney difficulties even before her confinement. Hranilović received her with a gun in his hand, cursed her Serb mother and gave her an injection that increased her pain so much that she almost lost consciousness. He then called in two guards and told them to rape her. When they had finished, three more guards came in to rape her too, beating her, pulling her hair and urinating in her mouth.

Before this, on arriving in the camp, this witness and her husband were beaten at the gate so severely that they both lost consciousness. The witness was also tortured and degraded in other ways. On 11 August 1992 a group of guards made her drink urine from the bucket when she asked for water. They told her not to talk to other prisoners and forbade her to cry.

Perpetrators: Dr.Zoran Hranilović and Dretelj guards.

Evidence: 9/94 and 445/94-39.

7.2.4.3.2. The detainee S.S. sought medical assistance from Dr.Hranilović after he had been forced to drink a large quantity of engine oil. Dr.Hranilović operated on him without anesthetic and the detainee's screams were so loud that they "froze the blood" of other prisoners.

Dr.Hranilović performed similar experiments on other prisoners and everyone was scared of him. On one occasion he ordered the detainee D.R. to lick his shoes. When D.R. refused, he punched him in the face and then sewed the resulting gash without anesthetic.

The above-mentioned detainee, S.S., was tortured every day in Dretelj. Guards pierced his hands, tongue and ears with knives, stuck needles under his nails, gave him electric shocks and used other brutal methods. Female guards also beat him, in particular a small, dark-haired woman called Marina, surname unknown.

Perpetrators: Dr. Zoran Hranilović; Marina, surname unknown, and other Dretelj guards.

Evidence: 445/94-2, 31/94, 313/94-1, 314/94, 445/94- 39, 445/94-38, 437/94-1, 231/95 and 221/94-11.

7.2.4.3.3. The witness R.J. sought medical assistance from Dr.Hranilović after he had been so badly beaten that he had blood in his urine. Dr.Hranilović asked him to produce a sample of his urine and then made him drink it and say it was fruit juice.

Perpetrator: Dr.Zoran Hranilović.

Evidence: 445/94-2.

7.2.4.4. Witness 31/94 also speaks about the inhuman treatment in Dretelj. She had lived in Mostar with her husband and two grown up sons before the war. When the civil war broke out, her husband and sons escaped from Mostar, but she stayed there. She was soon fired, and her flat was repeatedly searched by armed men who threatened to kill her. On 21 June 1992, three HOS members, who she knows, came to her flat, searched it, took everything valuable away and arrested her. She was held for three days in a cell with a large group of men and women and then taken to Dretelj. On the way the guards beat the prisoners, especially the men, and forced some of them to perform pervert sexual acts on women prisoners in front of their husbands.

The witness was held in a big shed in Dretelj with other women prisoners, some aged over 70. During the day, and especially at night, they heard screams and moans coming from the shed where male prisoners were kept. The women prisoners who had been in Dretelj when she came told her that the inmates were savagely tortured and told her the names of other prisoners.

Perpetrators: Marijo Milićević; Sergej Belović; and Dugalić, a.k.a. "Luster", first name unknown.

Evidence: 31/94.

7.2.4.5. The witness 445/94-2 was also an inmate of Dretelj and has given testimony about the torture he underwent. He lived and worked in Čapljina. In April 1992 he came home to find that his flat had been broken into, and his personal documents were missing. Soldiers searched his flat again on 6 June 1992, and took everything of value. He was arrested and taken to Dretelj. The witness says that in the camp he was beaten "enough for 100 people". On arrival he was taken to the chief warden's office by the following HOS members: Mirsad Repak, Dragutin Dujmović, Ivan Medić and Milan Vego. They asked him where he kept his gun, cursed his "Chetnik mother", hit him with rubber and wooden truncheons and stubbed cigarettes on his neck. Then they made him kneel down while one guard hit him on the back and Repak pushed pins and nails under all his fingernails. During torture, guards threatened to gouge out his eyes, cut off his ears, cook them all up and make him eat them. They also threatened to cut off his head and throw it into the deep pit near Surmanci where 500 Serbs from his village, including about 160 of his relatives, were thrown in alive during World War II. The next morning the guard named Šime, from Metković, called him. Since he could not rise, other prisoners had to help him get up. Šime then kicked him in the head, broke his nose and made him lick the blood off the floor, saying: "Serb blood must not soil the ground I walk on." The witness was beaten again every hour or two hours. At about 6.00 p.m. he was taken to another building where about 20 HOS members were waiting for him in a room with a picture of Ante Pavelić on the wall (who was the leader of the World War II Ustasha Independent State of Croatia), as well as a skull and the Ustasha motto "For the Homeland" hanging on the wall. All the guards beat him with iron bars, clubs, spade handles, electricity cables, whips and rifle butts. They beat him all over his body, especially in the kidneys and on the spine.

The witness was unable to move for ten days after this beating, and when he finally managed to get up, guards again beat him every day. On one occasion, the guard Zvonko Bjeliš ordered ten other prisoners to hit him 40 times each. One inmate, who was his friend, did not hit

him hard enough. Bjeliš broke a bottle on his head and another bottle on the witness's head.

On another occasion, the guard Ivan Medić ordered the witness to show his tongue and then pierced it with a knife. Medić forced him to lick his own blood and then extinguished a cigarette on the wound and ordered the witness to eat it. Since the witness was unable to do that, Medić hit him with a rifle butt and the witness fell down on his face. Medić then stamped on his right hand until the nail of the index finger fell off.

The witness was also forced to perform unnatural sexual acts with other prisoners.

Perpetrators: Sejo Horozić, the then chief warden; Šime Martinović from Metković; Ivan Medić, a.k.a. "Poskok"; Mirsad Repak; Drago Dujmić; Milan Vego; Zvonimir-Zvonko Bjeliš, a.k.a. "Crvenkapa"; Edin Buljubašić and others

Evidence: 445/94-2 and 313/94-1.

7.2.4.6. The witness 445/95-5 was also tortured in Dretelj. In addition to physical torture, the inmates were humiliated and degraded. Among other things, they were forced to have sexual intercourse with animals and to graze grass. The witness says that the guards kicked and trampled on the prisoners while they grazed grass. The beatings and torture became even more intensive after, Blaž Kraljević, the chief HOS commander for Herzegovina, was killed. The guards then systematically severely beat all the prisoners.

The prisoners were, according to this witness, most cruelly treated by Ilija Mustapiš, Ahmed Mahitan, a.k.a. "Maks", Srećko Herceg and Edin Buljubašić, who threatened to gouge out the detainee's eyes, and by several female wardens, especially by the one named "Goca".

Evidence: 445/95-5.

7.2.4.7. The witness 445/94-8 from Mostar was arrested on 9 July 1992 together with his father, mother and sister. The only reason for their arrest was that they were Serbs. The witness says that the prisoners were forced to labour (cleaning) and were beaten while they

worked. At night guards called them to the window and would beat them through the bars.

The following guards beat the prisoners particularly brutally: Vinko Primorac, Edin Buljubašić, an unidentified Albanian guard and another guard called "Zoki", whose real name is not known.

Evidence: 445/94-8.

7.2.4.8. The witness 445/94-40 was arrested together with her husband and son and taken to Dretelj in June 1992. Before the arrest, they had been continually harassed by Croat soldiers, who took everything of value from their flat. In the camp, the witness was held in a room with 80 to 90 other women. She was taken out every day for interrogation, and sometimes at night. Guards tried to force her to admit that she had a radio transmitter in her flat. She was beaten, especially by the guard Mirsad Repak. Guards forced her to put her hands on the table and then hit them with a tennis racket and pushed a syringe under her fingernails. On one occasion, they brought her son in and made him watch. Two other female prisoners, who were with the witness from the beginning, were also tortured. Guards extinguished cigarettes on their breasts and set fire to their hair.

The witness states that she and other female prisoners were repeatedly raped, especially by Mirsad Repak and another guard called Ivan, a.k.a. "Poskok", surname unknown.

Perpetrators: Mirsad Repak, Ivan Medić, a.k.a. "Poskok", and other guards.

Evidence: 445/94-40.

7.2.4.9. The witness 445/94-15, a technician, was arrested on 12 July 1992. In Dretelj, he was tortured in many ways. He and other prisoners were beaten inside and outside the camp facilities. On one occasion, five HOS members all trampled on him in the camp yard. He survived this torture thanks to his exceptional physical strength. Camp inmates were forced to learn and sing Ustasha songs, to graze grass and eat soil and cigarette butts when they were taken out of the camp premises. The witness says he must have eaten about a kilo of cigarette butts.

The witness lost 30 kilos in Dretelj, and his physical and mental health has been seriously impaired.

A medical examination of witness 445/94-15 conducted in October 1994 revealed: 1) a scar on the head caused by a blow with a blunt object, such as truncheon, boot, rifle butt or similar; 2) scars on the right side of the neck and the left hand that might have been caused by cigarette burns; 3) scars on the index finger of the left hand, probably resulting from cutting with a sharp mechanical object.

As a result of traumatic experiences in the camp, the witness had developed a post-traumatic stress syndrome characterised by severe depression and suicidal tendencies.

Perpetrators: Mirsad Repak; Mile Nogulica; administration and other Dretelj guards.

Evidence: 445/94-15 and Medicinski nalaz/Medical findings - T 8 (Annex No. C 155, pp. c1523-c1524/c1525-1529 and photos in Annex No 161, pictures No 1-2, p. 34)

7.2.4.10. The female witness 356/94 was brought to Dretelj when the camp was set up in May 1992, and spent more than three months there. She states that Serb women were beaten, degraded and raped every day. She herself was repeatedly raped by 20 guards who all wore HOS uniforms or uniforms with the lily insignia. The witness has given data of the persons who raped her once or many times.

Perpetrators:

1) "Dugi", real name unknown, aged between 25 and 30, height: about 175 cm, thin, with a long, pock-marked face and a deep voice;

2) Salko, surname unknown, from Tuzla district, a Muslim aged about 25, height: about 160 cm., frail, fair-haired, balding, always carried a knife with which he often threatened to kill the witness;

3) "Muf", real name unknown, a Croat aged about 20, height: about 170 cm, long black straight hair;

4) Dragan Dujmović from Toronto, Canada, a Croat aged about 35, height: about 180 cm. tall, stocky, fat, well known for beating up prisoners;

5) Vranješ, a.k.a. "Cikoja", first name unknown, barber before the war, aged about 25, height: about 160 cm, black very curly hair, he was once wounded and has no fourth and fifth toe on the left foot;

6) Hektor Ćosić, a.k.a. "Dida", from Konjic, lived in Australia, a Croat aged about 55, height: about 160 cm, thin, grey hair, enjoyed beating up prisoners;

7) Joe, an American citizen posing as journalist, aged about 48, height: about 180 cm, tall, lean, brown permed hair, could not speak Serbo Croat;

8) Zvonimir Bjeliš, a.k.a. "Crvenkapica", from Opuzen near Metković, aged between 20 and 25, height: between 180 and 185 cm, fat, strong, a real beast;

9) Željko Šešelj from Opuzen, aged about 20, height: about 170 cm, black hair, of medium build, enjoyed beating up and torturing prisoners;

10) Ivan Medić, born 1952 in Donji Radišići near Ljubuški, height: about 150 cm, before the war a street cleaner in Ljubuški, thin, brown hair, moustache, enjoyed beating up prisoners and slashing them with a knife;

11) Čevra, a.k.a. "Bosanac", real name unknown, from Sarajevo district, lived in Switzerland, aged between 25 and 30, height: about 180 cm, black hair, besides raping enjoyed in beating up prisoners;

12) An unidentified military policeman from Metković, aged about 30, height: about 160 cm, plump, fair-haired, round face, poor complexion, forced female prisoners to perform pervert sexual acts;

13) An unidentified soldier from Zagreb, aged about 20, wore plaster cast on the right shin, narrow face, dark complexion, cropped black hair;

14) An unidentified soldier from Zagreb, golden fair-haired cropped hair, wore cross-shaped earring in one ear;

15-16) Two Albanians in HOS military uniforms, aged between 20 and 25, both stocky with brown hair, looked very much alike, later held in investigative custody for an unspecified offence;

17) Aleksandar, a.k.a. "Saša", surname unknown, from Crikvenica, a Croat aged about 18, height: about 180 cm, skinny, enjoyed raping, beating up and torturing prisoners;

18) Marinko, surname unknown, from Brčko district, lived in Crikvenica, a Croat aged about 30, height: about 180 cm, stocky, spoke with a stammer, enjoyed beating up prisoners;

19) Goran, surname probably Zec, a.k.a. "Grom", from Varaždin district, aged about 30, height: about 190 cm, skinny, balding, small head, enjoyed beating up prisoners;

20) Tomo, surname unknown, from Drniš district, a Croat aged about 35, height: 165 cm, black hair, fat, puffy, pock-marked face, alcoholic, claimed to have been captured near Kostajnica by Serbs and exchanged after spending three months in Manjača camp, enjoyed beating up prisoners;

21) Mile Vego, before the war waiter in Čapljina, a Croat aged about 25, tall, black hair, did not take part in rape personally, but encouraged others to rape while he watched, made female prisoners strip and then pushed truncheon in their vaginas, and forced male prisoners to perform perverted sexual acts.

Evidence: 356/94 (svedočenje O.D./testimony O.D., Annex No. C 257, pp. c2220-2225/c2226-c2230, Medicinski nalaz/Medical findings - BG 6, Annex No. C 256, pp. c2212-c2215/c2216-c2219 and photo in the Annex No. C161, picture No 1, p. 35) 445/94-2, 445/94-7, 445/94-9, 445/94-10, 313/94-2 and 445/94-40.

7.2.4.11. The witness M.V., a pensioner, was arrested by HOS soldiers and taken to Dretelj camp on 11 May 1992. He was beaten and tortured before he was released on 17 August 1992. The guard called

"Chicago" from Vinkovci, aged about 18, and another one called "Crvenkapa", aged about 20, were particularly brutal. On one occasion, "Crvenkapa" forced him to eat shoe polish, after which he nearly died. On another occasion, he and 11 other prisoners were lined up and beaten mercilessly all over their body. One of the guards hit the witness with a karate kick in the ribs so hard that he still feels pain when breathing.

This detainee confirms the testimonies of other Dretelj inmates that the guards forced them to graze grass, beat each other, drink motor oil, imitate animals and perform unnatural sexual acts. The guard Luka, surname unknown, from Opuzen particularly liked to torture the prisoners.

Perpetrators: Zvonimir Beliš, a.k.a. "Crvenkapa", Luka Šešelj from Opuzen, the guard called "Chicago", real name unknown, and other guards.

Evidence: 231/95.

7.2.4.12. The witness S.B. was transferred to Dretelj from a camp in Mostar on 7 June 1992. On arrival, he was beaten so badly by five HOS soldiers that he could not walk. He was then dressed in a Chetnik uniform and ordered to hold a sniper rifle to be photographed, which he refused. The guards then beat him again, thrust a rifle in his hands and photographed him. On another occasion, they made him wear the robes of an Orthodox priest, ridiculed him and again photographed him.

Guards pushed knives and nails under his finger and toe nails, pushed truncheons and electric cables in his anus and pierced his tongue with a knife after which he has a scar.

The witness and other prisoners were forced to sing Ustasha and Arab songs all night. Women wearing HOS uniforms forced them to cross themselves like Catholics.

The witness was taken out for a fake execution on two occasions. The first time, he was tied to a tree and guards shot over and beside him. The second time, the guards pretended they were going to slit his

throat, and then tied him to a tree while a HOS member threw knives into the tree all around him.

The same witness and another three inmates were forced to beat each other, to have intercourse with a dog, to graze grass, eat insects and drink detergent, motor oil and urine.

Guards told him: "Whose fault is it that you're a Serb? You are heretics. You are not a nation. You will disappear. Only Catholics and Muslims will remain. We will convert a third of you to Catholicism, kill a third and expel a third to Corfu and the Belgrade pashalik." They also told them that it was good that the Serbs had cleared out the pits in Herzegovina "so that we can throw Serbs in them again".

Perpetrators: Dretelj and camp guards.

Evidence: 295/94-1, 313/94-1, 445/94-2 and 221/94- 11.

7.2.4.13. After being arrested in his flat in Čapljina on 15 May 1992, the witness Lj.M. was taken to Dretelj. On arrival guards took away his civilian clothes, dressed him in a JNA uniform and presented him as a "Chetnik" brigade member.

During interrogation, he was beaten on the body with truncheons, rifle butts, poles, iron bars, electric cables, boots and other objects.

Guards extinguished cigarettes on his arms, cut his legs with bayonets, inflicted injuries in the area of the kidneys, ribs and other parts of the body.

Perpetrators: Blaž Kraljević; Ivan Medić; Zvonko Bjeliš, a.k.a. "Crvenkapa"; Željko Šešelj; Luka Šešelj; Ivica Šešelj; Dr.Zoran Hranilović, camp doctor; Hektor Ćosić from Perth, Australia; Drago Dujmović, from Canada; Dr.Joško Japundžić; Mirsad Repak; Slavko Brozović; Leopold Jaković; Hasan Toporan from Blagaj; Amet Mahitan from Stolac; Zerina Šuta from Domanovići; Sergej Belović; and Damir Grahovac.

Evidence: 313/94-1, 231/95 and 313/94-2.

7.2.4.14. The witness 313/94-2 was arrested together with her husband in their flat in Čapljina on 15 May 1992 and taken to Dretelj. After ten days in the camp, she and four other inmates were raped by HOS members, two or three times every day.

During interrogation, she and other female prisoners were forced to strip. Guards extinguished cigarettes on their breasts, beat them with clubs, pushed needles under their fingernails and held bayonets at their throats.

Perpetrators: Drago Dujmović; guards called "Dugi" and "Bosnac"; Zvonko Bjeliš, a.k.a. "Crvenkapa"; Željko Šešelj; Luka Šešelj; Ivica Šešelj; Mirsad Repak and other guards.

Evidence: 313/94-2 and 313/94-1.

7.2.4.15. On 25 August 1992, the witness G.D. was transferred to Dretelj from Mostar with seven Serb males and four Serb females. On arrival, the guards started beating them until they fell unconscious and then poured water over them to regain consciousness.

G.D. was also beaten by two women, one aged about 17, the other older, who kicked him with the tips of their heavy boots they had on .

Several ribs were broken in the beating, and he has a scar on the tip of his chin.

Perpetrators: Dretelj camp guards.

Evidence: 273/94.

7.2.4.16. The witness, D.J. a Serb salesman from Mostar, was arrested at the end of August 1992 and transferred to Dretelj after several days in a camp in Mostar. In Dretelj he was beaten and tortured. A guard once forced him to eat a lit cigarette.

Perpetrator: Hasan Toporan and four other guards.

Evidence: 295/94-5.

7.2.4.17. The witness 314/94 was arrested in Čapljina on 10 June 1992 by HOS members, who broke down the front door and barged into his flat. After beating him up severely, they took him to Dretelj. Two days later, Zvonko Bjelić, a.k.a. "Crvenkapa" ordered another detainee, a retired policeman, to hit this witness 20 times on the head with a club. Bjelić was not satisfied with the detainee's efforts and then punched the witness in the mouth with the explanation: "That's the way to do it." The retired policeman then hit him so hard that the scars on his head did not heal for two months. Bjelić then ordered the witness to hit the retired policeman in the same way and made them box each other.

The witness and other prisoners were beaten every day. When they were on forced labour in the camp, the guards and other staff hit them with everything at hand. They were also insulted and forced them to perform pervert sexual acts.

Perpetrators: Zvonko Bjelić, a.k.a. "Crvenkapa"; Mirsad Repak; Ivan, surname unknown; "Buco", a policeman, real name unknown; female wardens Suzana, Marina and Marija from Gorica, near Čapljina, surnames unknown.

Evidence: 314/94 and 313/94-1.

7.2.4.18. A 68-year-old housewife from Čapljina, the mother of two sons and a daughter, was arrested by two HOS soldiers in her flat on 2 June 1992. They searched the flat and took money and other valuables. A HOS soldier punched her in the face, and then they took her to Dretelj.

In Dretelj they asked her to tell them where her husband and sons were and how many tanks the Serbs had in Prebilovci. Since she could not answer these questions, they hit her on the back with rifle butts. Her back was black and blue from the blows.

In addition to beatings, she was also raped by Vraneš, a.k.a. "Cikoje", first name unknown.

Perpetrator: Miro Hričić, HOS member, Miro Repak, born in Stolac, Ivan Medić, born in Ljubuški, Zvonimir Bjelić and other Dretelj guards.

Evidence: 397/94 and 313/94-2.

7.2.4.19. The witness 445/94-23, aged 51, was arrested on 7 July 1992 by HOS members in Mostar and taken to Dretelj. He was beaten, insulted and humiliated daily. He was also forced to graze grass. He was beaten so badly on arrival by "Dugi", Zoran and other guards that he could not walk for 11 days. He was beaten again when he recovered.

On one occasion guards made him lick the steps at the entrance to the administrative building. He was also forced to clean toilets with his bare hands and drink urine. During his stay in the camp he lost 27 kilos.

Perpetrators: Sergej Belović; "Dugi"; "Chicago", from near Vukovar; Zoran, surname unknown, and other guards.

Evidence: 445/94-23.

7.2.4.20. The witness T.Č., a 49-year-old worker from Počitelj, was arrested on 1 July 1992 in her house, pushed into a car, beaten and strangled with a rope while being taken to Dretelj. In the camp she was put in a room with 10 other female prisoners.

From the beating and strangling she could not speak for a long time, and she had difficulty in breathing and swallowing. Her overall mental and physical condition was bad. She still has scars on the throat and on her legs, where guards kicked her with heavy boots on.

A later medical examination in October 1994 established that the witness T.Č. had scars on the right calf as a result of blows with heavy blunt objects, which could have been rifle butts, clubs, boots or something similar. As a result of her traumatic experiences in the camp, the witness suffers from chronic depression.

Perpetrators: HOS members and Dretelj guards.

Evidence: 445/94-37.

7.2.4.21. D.D., a 56-year-old pensioner, was arrested by HOS members in his flat in Čapljina on 4 May 1992 and taken to the basement of

Čapljina post-office. He was beaten there, and then transferred to Dretelj.

In the camp they beat him day and night. Guards called him to the window at night and beat him through the bars with various hard objects. On one occasion they broke a bottle over his head, and another time they set fire to his hair and beard, leaving burns on his head.

Guards dressed him in the robes of an Orthodox priest and called him "father". They forced him to graze grass and sing Ustasha songs. He was made to lick the shoes of the camp doctor, as is described in greater detail in 7.2.4.3.

A subsequent medical examination in October 1994 confirmed that the witness had obtained two serious injuries in Dretelj: 1) his eardrum had burst and his hearing was permanently impaired; 2) the seventh and eighth ribs on the right side of the chest were broken and had healed with dislocation.

In addition, the witness has scars on the upper lip and cheekbones. As a result of his traumatic experiences in the camp, the witness is suffering from chronic depression.

Perpetrators: Vinko, surname unknown, from Radišići, and other HOS members; Ahmet Mahitan, a.k.a. "Maks", and Dr.Zoran Hranilović.

Evidence: Report T-20 of the medical commission headed by forensic specialist Professor Dušan Dunjić and 445/94-39 and 445/94-2.

7.2.4.22. R.Ž. was arrested and taken to Dretelj, where he was particularly viciously tortured because he had been a member of the Serb Democratic Party. In addition to beating him, guards shaved his head with a bayonet and cut skin from the forehead. They pierced his tongue with a bayonet and forced his father, who was also imprisoned in Dretelj, to kick him.

On one occasion guards forced the witness and three other inmates to felate on each other. Another time, Zvonko Bjeliš, a.k.a. "Crvenkapa", made him eat a lighted cigarette.

Perpetrators: Zvonko Bjeliš, a.k.a. "Crvenkapa", and other guards and HOS members in Dretelj.

Evidence: 313/94-1, 314/94, 445/94-2.

7.2.4.23. A HOS unit was stationed in Dretelj camp. They amused themselves by torturing, maltreating and degrading the Serb inmates.

The witness S.B., who was in Dretelj in July and August 1992, states that the prisoners were forced to kneel down and graze grass while HOS soldiers would dash at them and jump on their backs. They brought a bitch dog and forced prisoners to lick her under the tail and on her sexual organ. A guard forced the witness to keep his mouth open for about 15 minutes while the guard kept sticking a knife in his mouth and spitting in it.

On one occasion four inmates (identities known to the Committee) were ordered to strip, masturbate each other and then engage in unnatural intercourse. The inmates were made to sing Ustasha songs which degrade Serbs, and cross themselves in the Catholic way. Guards pushed prisoners' heads into a bucket of excrete.

Perpetrators: Blaž Kraljević; a guard called "Zoki", aged 20-25; guard Toni Rajič from Mostar; female guards Marina, aged about 25, surname unknown, and Suzana from Zagreb, surname unknown; Edin Buljubašić; and Vinko Primorac.

Evidence: 221/94-11.

7.2.4.24. The detainee R.B. was severely tortured in Dretelj during the summer of 1992. Guards pushed nails under his finger nails and beat him so badly that he could not move. He was in so much pain that he asked them several times to kill him.

Perpetrators: Dretelj camp guards.

Evidence: 231/95.

7.2.4.25. US State Department spokesman Richard Boucher said in his statement of 26 January 1993, that Croat forces had arrested a 36-year

old Serb woman doctor and taken her to a camp in Dretelj, where she witnessed the torture of many imprisoned men and women.

7.2.4.26. The witness R.L. was taken to Dretelj on 21 July 1992 with nine other prisoners who had all been previously tortured for ten days in the former JNA clinic in Mostar.

In Dretelj, guards called him to the window on the first night and made him put his hands out so they could beat him with truncheons, rifle butt and other objects until he lost consciousness. Ahmet Mahićan, a.k.a. "Maks", took the lead in this beating. He forced the witness to drink urine on several occasions.

A subsequent medical examination conducted in October 1994 established that the witness had a lump on the right side of his neck, which doctors believe resulted from a blow with a heavy blunt object, possibly a fist, a foot, a rifle butt, a truncheon or some other object.

As a result of his traumatic experiences in the camp, the witness is suffering from organic post-traumatic mental disorder.

Perpetrators: Ahmet Mahikan, a.k.a. "Maks", and other Dretelj guards.

Evidence: 445/94-38 and report T-19 of the medical commission headed by forensic specialist Professor Dušan Dunjić.

7.2.4.27. The witness S.B., a 52-year-old teacher, and her husband were also taken to Dretelj on 21 July 1992 from a camp in the former JNA infirmary in Mostar. In Dretelj, the guards took away her watch and jewellery, maltreated and degraded her every day, starved her and threatened to kill her.

She says that female guards Marina and Gordana from Čapljina and Zerina Šuta were particularly brutal to the female prisoners. Šuta beat the witness personally.

On about a dozen occasions, the witness saw Suzana from Zagreb hit male prisoners on the head with a rifle butt as they were being brought out of the hangar. The men were beaten more often than the women.

Perpetrators: Zerina Šuta, Marina and Gordana from Čapljina, surnames unknown, Damir Glogovac, an Albanian with the surname Krasnići, a.k.a. "Marko", first name unknown, Toni Raič and Ilija Raič.

Evidence: 437/94-1

7.2.4.28. The witness S.P., a pensioner, and his wife were arrested in Mostar on 2 August 1992. They were first taken to the former JNA infirmary, where the head warden Ivan Zelenika interrogated and beat him, and then sent him, his wife and a number of other arrested Serbs to Dretelj.

Croat and Muslim soldiers and camp guards beat the witness every day in Dretelj. Like other prisoners, he was called to the window at night and guards beat him through the bars with various objects. Since he was covered with blood and bruises, guards hid him and other prisoners who were in a similar state in a tunnel when International Red Cross officials visited the camp. He was beaten most often by Toni Raič from Jasenica near Mostar, a guard called "Max" and a girl called Marina.

Perpetrators: Ivan Zelenika, Toni Raič, Ahmet Mahitan, a.k.a. "Maks", and Marina, a female guard whose surname is unknown.

Evidence: 445/94-4

7.2.4.29. The witness T.B. and his wife were arrested in Mostar on 15 August 1992 by three HOS members led by Sergej Belović. After a week in a camp in the former JNA infirmary in Mostar, where he was beaten repeatedly, they were taken to the camp in Dretelj.

In Dretelj, the witness was made to perform heavy physical labor during the daytime and at nights HOS members came into the hangar and beat him and other prisoners in the dark with fists, kicked with their boots on, baseball bats and other objects. Three or four young women also took part in the beatings. Detainees were beaten every day with great hatred, solely because they were Serbs.

The witness had injuries of the ribs and noticed blood in his urine, but did not dare seek medical attention.

Perpetrators: Sergej Belović, Ivan Zelenika and Dretelj camp guards.

Evidence: 92/94.

7.2.4.30. The witness S.M. was captured in his flat in Mostar on 9 July 1992 by the Croat forces. He was first detained in the military dispensary near the Hospital, and then transferred to the camp Dretelj, where he was held till 17 August 1992.

He was severely beaten and humiliated in various ways since the moment the Croat soldiers came for him.

While he was still in the military dispensary, a member of the HOS told another member: "Go and bring the knife for killing Serbs". When the knife was brought they asked him whether he preferred his ear to be cut off, his eye to be gouged out, or tongue cut off. They first stabbed his tongue. Then one of them started to cut off his genital organs which started to bleed, and then wanted him to finish the cutting off himself.

S.M. was almost permanently exposed to various forms of torture and humiliation: they hit him with their fists, with rubber or wooden bats, bayonet cases, automatic-rifle barrels, ordered him to do push-ups, together with the other inmates, during which they trampled over his back, forced him to kiss a bitch, etc.

Once he was severely beaten with bottles of mineral water, bats, shovel handles so that he was all covered with blood. Then they told him to lie down in the mud to cover the blood on his shirt. When he was taken to the doctor, he just kicked him and said "the Chetnik is all right".

While the prisoners were cleaning the bedrooms of the camp staff they were beaten. The prisoners had to do the cleaning on all four, during which they were kicked, hit with bats, bottles and with other.

While S.M. was cleaning the toilets with his bare hands a guard jumped on his back so that he collapsed with his face falling into the excrete he was cleaning.

Perpetrators: Edin Buljubašić, Vinko Primorac, Nedeljko Milićević, Blaž Kraljević, Toni Rajič, Derviš Kurtić, Sejo Kurtić, Marina Grubišić, and others.

Evidence: 674/95 (svedočenje M.S./testimony M.S., Annex No. C 94, pp. c943-c956/c957-c975).

7. 2. 5. 0. G o r a ž d e

7.2.5.1. The M. couple from Vitkovići near Goražde were in the house of their daughter and son-in-law in Goražde when war broke out. Muslim soldiers often raided this and other Serb homes, taking people outside, holding them at gun-point for hours on end, cursing their "Chetnik mothers" and insulting and maltreating them in other ways. They threatened to shoot or stab them and set fire to their houses. They took food, household appliances, bed linen, clothing and shoes from Serb houses. On one occasion, a Muslim soldier drove M. out of the house, stood him up in front of the garage, pushed a rifle into his mouth saying that Muslims killed in a different way from Partisans, and that he would blow his head off. He asked him what relationship he was to Draža Mihajlović and what he had been doing in the Partisans. The witness was insulted and maltreated not only by Muslim soldiers and policemen, but also by ordinary Muslims.

Perpetrators: Muslim soldiers and civilians from Goražde.

Evidence: 594/94-15 and 16.

7.2.5.2. Muslim soldiers and policemen raided the R. couple's flat in Goražde five times and took away many valuables. Late in June 1992, the soldiers locked them and 50 other Serbs in the corridor of the Balkan hotel, where they were held for several days and guards threatened to butcher them. The guards dumped the body of their son Bojan R. in the street and left it there for two days while they gathered around it, singing and dancing. In the second half of July 1992, Muslim soldiers demanded that R. state in front of Sarajevo TV cameras that the Serbs were to blame for the war. When he refused, they maltreated him, cursed his Serb mother and punched him. When the witness asked for permission to leave Goražde, his request was refused and he was beaten up in the offices of the local Muslim

commander. After that he and his wife were confined to his flat, not allowed to communicate with other people and left to starve. Muslim soldiers and civilians raided their flat repeatedly and took whatever they wanted. One day a Muslim threatened to slit his wife's throat. At about 11.00 p.m. one evening in the spring of 1994, four Muslim soldiers barged into the flat, beat him, his wife and her mother, and then locked them in a small room. They also took things from the flat.

Perpetrators: Ahmed Sejdić, from Višegrad, commander of a local Muslim unit; Alić, first name unknown, a Muslim soldier; Avdo, surname unknown, a Muslim soldier; Šeković, first name unknown, police inspector; Borovac, first name unknown, guard in local Muslim forces HQ.

Evidence: 440/94-8 and 594/94-14.

7.2.5.3. When war broke out, the Muslims ordered Serbs to stay in their homes at all times. When B.M. once left her flat, a Muslim soldier came up and threatened to kill her unless Serb soldiers stopped shelling from the surrounding hills. He said that he had received orders to this effect from Hadžo Efendić, chairman of the Goražde war council. Some 20 days after this event, the Muslim soldier took B.M., M.M. and three other Serb women and locked them in the basement of a neighbouring building. They were held there for two months. In the meantime, a Muslim soldier and three other Muslims moved into their flat and told them not to come back. B.M. and her mother were in very poor health when they left Goražde on 22 August 1994.

The parents of M.M. had been evicted from their flat at 13 Marshal Tito Street by Muslims at the very start of the war and housed with other Serbs in a building that was regularly shelled. They were not allowed to take shelter in the basement. When they eventually returned home, their flat had been looted and vandalised. Without food and prevented from communicating with other people, they both died in 1993. During the funeral, Muslims threw stones on the mourners and shouted: "One Serb dog less."

Perpetrators: Muslim soldiers Bekto, surname unknown, Kusturica, first name unknown, and Anel Berimac.

Evidence: 440/94-4.

7.2.5.4. In mid-July 1992, Muslim soldiers and policemen evicted many Serbs from their flats and Muslim refugees moved in. About 75 evicted Serbs, including women, children and old people up to 77 years of age, were housed in four flats in a building in Moše Pijade Street, across the road from the police station. There were more than 12 in each room, they were guarded by four or five policemen who prevented them to communicate with people in other flats.

The leader of the Muslim police patrol that evicted N.H. from his flat, read him the decision of the Goražde War Council, signed by Hadžo Efendić, saying that Serbs would be taken to "isolation centres" in order to protect them from Muslim extremists.

The Serbs were detained there for about three months in this building in unbearable living conditions. Their main food was nettles, which were cooked in unsalted water. They slept on the floor. When the imprisoned Serbs demanded help, Ibro Čaušević, chairman of the local Red Cross, read them instructions from the so-called War Council, signed by Hadžo Efendić, stating that the Red Cross should not give food to detained Serbs. The detainees lost strength and weight rapidly, and some of them died.

Perpetrators: Hadžo Efendić, mayor of Goražde and chairman of the local SDA branch; Rijad Rašić, deputy chairman of the Goražde SDA and member of the War Council; Enver Borovina, member of the War Council; Haša Kuljaj, member of the War Council; Fehim Pleh, member of the War Council; Ibro Merkez, who carried out decisions of the War Council; Goražde policemen Šefko Hodžić, Saša Dragaš, Izet Klovo, Nuzur Borčak and Subašić, first name unknown.

Evidence: 440/94-11 (svedočenje O.M./testimony O.M., Annex No. C 61, pp. c619-c622/c623-c628), 440/94-12 (svedočenje S.H./testimony S.H., Annex No. C 115, pp. c1152-1155/c1156-c1159), 440/94-13, 17, 42, 440/94-18 (svedočenje D.M./testimony D.M., Annex No. C 62, pp. c629-c632/c633-c636), 36/95 (svedočenje N.H./testimony N.H., Annex No. C 116, pp. c1160-1175/c1176-c1189) and 462/94.

7.2.5.5. On 5 May 1992, a Muslim soldier barged into the flat of S.H. in Vitkovići and started beating her with the butt of his rifle, all over the body, including her left shoulder, which had been dislocated earlier.

She fainted from the beating. On regaining consciousness, she begged the soldier to stop tormenting her and just kill her. She sought protection from the police, but instead the police interrogated her, cursed her and threatened to kill her. On 17 May 1994, she was deported with other Serbs to Šašići village, which was under police control.

Perpetrator: Murat Popović from Vitkovići and Osman Subašić, born in Foča.

Evidence: 205/95-2.

7.2.5.6. On 14 July 1992, Muslim soldiers rounded up the last 44 villagers from the Serb village of Bučje, 12-15 of them men and the rest women, took them to Trebeško hill and locked them in the basement of a building. They beat the men and slapped and pulled the hair of the women. They took the men out at night to beat them, forced them to lie face down and eat earth, while the soldiers kicked and punched them and hit them with rifle butts and truncheons until they lost consciousness. They held knives at their throats and in front of their faces so that they could not put up their hands to protect themselves from the blows. The soldiers carved crescents, stars and SDA symbols on the bodies of some prisoners, or pierced their ears, saying they were making holes for earrings. They nailed the ear of R. P. to a beam in the basement where the prisoners were kept. After being tortured in this basement for six days, the Serbs were taken to Goražde camp, where they were held for eight months in unbearable conditions. There were ten prisoners in one cell, with men and women held together. They slept on the bare floor with no blankets. Their only daily meal was a bowl of broth containing dirt, hairs and sometimes even crushed glass.

Perpetrators: Samir Džebo and Mensur Djaković, police inspectors from Goražde.

Evidence: 440/94-3, 9 and 15.

7.2.5.7. On 12 May 1992, Muslim soldiers took four Serb women from Crkvine village (names known to the Committee) hostage in order to capture their husbands. When the husbands came to get them, the

Muslims released the women and took the men to the Muslim headquarters in Mravinjci, where they beat them and interrogated them. The women were released.

On 10 August, two Muslim soldiers returned to Crkvine and maltreated the women again. Unable to stand the maltreatment and shame, Anda Šekara committed suicide on 13 August 1992. The Muslims took the other three remaining women to the village of Šašići.

Perpetrators: Muslim soldiers "Mido" and "Liko", sons of Omer Erak; Mujo Eštek from Lukarice village; Osman Subašić and Dino Džambenović from Miljeno village near Čajniče.

Evidence: 594/94-13.

7.2.5.8. Serbs in Goražde were maltreated in many other ways.

7.2.5.8.1. A group of armed Muslims burst into the flat of Serb woman S.A. and showered it with bullets. On the same occasion, they stood two Serb women from a neighbouring flat before a fake firing squad.

Perpetrators: Azem Obarčanin, a.k.a. "Čaza", from Goražde; Sejo Kanlić, police inspector; Edin Pita, worker at the "Pobjeda" enterprise; and a person called "Čeljo" or "Kako" whose real name is unknown.

Evidence: 440/94-11 (svedočenje O.M./testimony O.M., Annex No. C 61, pp. c619-c622/c623-c628), 440/94-17 (svedočenje G.H./testimony G.H., Annex No. C 114 pp. c1145-1147/c1148-c1151)

7.2.5.8.2. Muslim soldiers searched the flat of the Serb woman V.H. five times over a short period of time on the pretext that they were looking for weapons and a radio transmitter. On one occasion, a Muslim soldier hit her daughter with a rifle butt.

Perpetrator: "Kulel", a Muslim soldier from Goražde, real name unknown.

Evidence: 440/94-16 (svedočenje V.H./testimony V.H., Annex No. C 113 pp. c1138-1140/c1141-c1144).

7.2.5.8.3. Muslims soldiers repeatedly searched the flat of Z.S. at 28 Marshal Tito Street, cursing her Serb or "Chetnik mother", threatening to kill her and saying that there was no place for Serbs in Goražde.

Perpetrator: Muslim soldier "Bezgrobnik", real name unknown.

Evidence: 440/94-25

7.2.5.8.4. In May 1992 Muslim soldiers evicted Serbs from their flats and houses in Kolonija I, and housed them under guard in two buildings, where they were held for 12 days. When they were released, some of them had nowhere to go because other people had moved into their flats.

Evidence: 205/95-3.

7.2.5.8.5. On 26 July 1992, uniformed Muslims evicted M.S. from her flat and took her to a former canteen where about 75 Goražde Serbs were being held. They were held there for three days, while guards threatened to kill them all. When she returned to her flat, it had been burgled and vandalised.

Evidence: 4450/94-6.

7.2.5.8.6. In July 1992 armed Muslims evicted the witness U.N. from his flat in Goražde and confined him in a room, the size of four by four, in another building with seven other Serbs, most of them old people. They were held there for 15 days with very little food and poor sanitary conditions. When he returned home, he found that his flat had been burgled.

Evidence: 440/94-7.

7.2.5.8.7. A Muslim family moved to the flat of Ž.M. while she was in a building opposite the police station in Moša Pijade Street. She was unable to return to her flat in the autumn of 1992. Whenever Serbs went out to get water or food, Muslims called them criminals and "Chetniks" and threatened to kill them.

Perpetrators: Muslim soldiers.

Evidence: 462/94.

7.2.5.8.8. On 16 September 1992, members of the Bosnian Serb Territorial Defence B.Š., M.O., S.T. and Lj.D. were captured by Muslim units commanded by Ahmet Sejdić at Merenišlje near Višegrad.

The Muslim soldiers beat the prisoners with rifle butts, fists and kicked them with their boots on, tied them up and took them to Medjedje village where they imprisoned them under the stairs of a private house. They held the prisoners there for two months and repeatedly beat them, especially in the first 12 days, with truncheons, sticks, hands, rifle butts and other objects.

The detainee Ljubinko Davidović died after a few days from the injuries. Muslim soldiers took him upstairs, beat him and threw him down the stairs to the other prisoners, where he died. The Muslim soldier Meho Kasapović beat the prisoners the most and encouraged others to beat them. Avdija Sabanović, Mihađ Dizdarević, Dedžad Dizdarević and Salko Mutapčić also took part in the beatings.

The prisoners' hands were tied almost all the time, and they were continually threatened, particularly with knives. One Muslim soldier slashed the chest of B.Š. three times with a knife. The prisoners were beaten and tortured so badly that they lost consciousness. They begged their torturers to kill them and spare them further suffering.

B.Š., M.O. and S.T. were transferred to the basement of the old post office in Goražde, where they were beaten at night by unknown persons. They were starved, sometimes going four to ten days without any food. The room was very cold since it had no heating, windows were broken and it was winter.

The detainee Slobodan Tanasković died on 6 January 1993 as a result of physical torture, exhaustion and cold.

After about a month in this basement, B.Š. and M.O. were transferred to the former office of the Sarajevo insurance company in Goražde, where they were held in a coal basement.

B.Š. was exchanged on 8 July 1993. A medical examination in Užice hospital established that he had traces of fractures of four left ribs and the breast bone. There were scars on his body and he was in poor health. His lost weight, from 96 to 48 kilos and his blood count was a

mere 1.2 million red blood cells. Even his closest relatives did not recognise him.

Perpetrators: Ahmet Sejdić from Višegrad, commander of a local Muslim unit; Meho Kasapović, aged about 40, a former policeman born near Višegrad; Avdija Šabanović from Višegrad; Mithad Dizdarević; Dedžad Dizdarević; Salko Mutapčić, a.k.a. "Salkan"; and Karačić, first name unknown, from Višegrad, who had previously worked for the insurance company.

Evidence: 594/94-12 and Medicinski nalaz/Medical findings - BG 7, (Annex No. C 254, pp. c2200-c2202/c2203-c2205 and photo in the Annex No C161, picture No 1, p. 36)

7.2.5.8.9. On 21 January 1993, a Muslim unit commanded by Ahmet Sejdić captured 25 Serb soldiers, some of whom were wounded, on Strmica Hill and in Dolova in Rudo municipality.

The Muslim soldiers disarmed Serb prisoners, tied their hands behind their backs, took personal belongings, insulting, threatening, mistreating and wounding them.

Several Muslim soldiers kicked, punched and hit the detainee M.Ć. with rifle butts, knocking out four of his front teeth. They beat G.S. and several other prisoners in the same way. The detainee R.T. was knocked out by blows on the head with a rifle butt.

The Muslim soldiers beat M.Dj. and P.K. with rifle butts, fists and with their boots on, and then trampled on them. One Muslim soldier hit the detainee Č.Č. in the chest with a rifle butt and kicked him in the stomach and kidneys.

The Muslim soldiers threw the wounded soldier Zoran Bogdanović into a vehicle and then threw another detainee on top of him. Bogdanović soon died.

Muslim commander Ahmet Sejdić made the Serb prisoners clear mines from a tunnel under Donja Strmica Hill on the road from Rudo -Brodar-Medjedje. Two mines exploded and two prisoners were wounded: M.Ć.'s left heel was ripped off and his left eye was injured; B.A. was also injured.

While driving the prisoners in a van, Muslim soldiers forced the detainee I.D. to sing Muslim songs with them and one of the soldiers kept hitting him in the temple. A Muslim sergeant punched the wounded and unconscious detainee R.T.

When the van stopped for a short rest the detainee I.D., whose jaw was injured, refused to sing Muslim songs again, complaining that he was thirsty. He was brought a mug of water, but the soldier who had beaten him earlier hit the bottom of the mug hard, so that it injured him in the middle of the nose and the right eye and loosened both incisors.

The prisoners were held tied up in a room under the stairs in a house in the village of Medjedje, which was so small that they had nowhere to sit or lie down. It was very cold because it was winter and the room was unheated and had only metal bars on the windows. They were held there for five days and given only a very poor meal a day.

Muslim military policemen took the prisoners out for interrogation, when they beat them and took away whatever they still had, especially boots.

Perpetrators: Ahmet Sejdić, commander of the Muslim unit from Višegrad; Topalović, first name unknown, a Muslim soldier; Avdija Šabanović from Višegrad; and Mirsad Dervišević, a Muslim soldier.

Evidence: 594/94-1 to 11 (svedočenje I.D./testimony I.D., Annex No. C 25 pp. c244-c249/c250-c254, svdočenje V.T.1/testimony V.T.1, Annex No. C 108 pp. c1102-c1105/c1106-c1109, svdočenje M.Ć./testimony M.Ć., Annex No. C 112 pp. c1130-1133/c1134-c1137).

7.2.5.8.10. On 26 January 1993, the prisoners were transferred to the building of the Sarajevo insurance company in Goražde, where they were held in a coal basement. For the first time since their capture they were untied. The prisoners remained there until they were exchanged in October 1994. They were again interrogated by military policemen, who beat them and deliberately wounded them.

While interrogating M.C., who was on crutches, a military policeman punched him repeatedly in the face and knocked out almost all his front teeth.

The prisoners were starved to such an extent that when they were taken out they picked dandelion and ate them, and nettles, which they dried and ate. They slept on boards. The room was not heated even during the winter and sanitary conditions were very bad (they relieved themselves in a bucket in the room where they lived).

In April 1994, Muslim soldiers shot with automatic weapons through the basement window and wounded Dj.C. In September 1994, a military policeman whose surname was Hasović shot through the window but did not wound any of the prisoners.

Due to starvation, physical and mental torture and poor sanitary conditions, the prisoners' health was undermined and they were severely emaciated.

M.Ć. lost 41 kilos (examined on release in the Army Medical Academy in Belgrade);

I.D. lost 30 kilos (examined on release in the Army Medical Academy in Belgrade);

G.S. lost about 40 kilos (examined on release at Užice hospital);

R.T. had only 38 kilos when he was released, and had about 70 kilos when he was captured;

V.T. lost 29 kilos (examined on release in the Army Medical Academy in Belgrade);

Dj.Ć. lost 26 kilos (examined on release at Priboj Clinic);

J.T. lost 36 kilos (examined on release at Kragujevac Clinic);

M.Dj. lost 36 kilos (examined on release in the Army Medical Academy in Belgrade);

P.K. lost 32 kilos (examined on release at Priboj Clinic);

T.S. lost 35 kilos (examined on release at Priboj Clinic); and

Č.Č. lost about 40 kilos (examined on release at Priboj Clinic).

Perpetrators: Ramiz Mićivod, deputy chief warden in Goražde; Muslim military policeman Hasović, a.k.a. "Amidža", first name unknown from Čajniče; Mirsad Bašić from Goražde; Čaušević Šaćir, head guard in Goražde camp; Emin Imamović, chief of military police in Goražde camp; Himzo Selimović, deputy chief warden and later chief warden; Mensudin Brodarić deputy chief warden; and Šukret Mehmedspahić, military police commander in Goražde.

Evidence: 594/94-1 to 12 (svedočenje V.T.1/testimony V.T.1, Annex No. C 108, pp. c1102-c1105/c1106-c1109, svedočenje M.Č./testimony M.Č., Annex No. C 112 pp. c1130-1133/c1134-c1137).

7.2.5.8.11. In April 1994, Muslims turned the house of the Nedimović family into a detention centre where they held 50 Serbs. Living conditions were very poor and the only meal of the day was a bowl of thin soup. The prisoners were maltreated and threatened. They were called "Chetniks" and the house was called a zoo for Serbs.

Perpetrators. Azem Obarčanin, Jasko Jusić and Ramiz Koso.

Evidence: 440/94-11, 13, 17 and 42, 594/94-14 and 462/94.

7.2.5.8.12. On 17 May 1994 Muslim police took R.S. and other Serbs from Vitkovići to Šašići village near Goražde, allowing them to take with them only the barest essentials. They housed them in Serb houses and kept them under constant guard in very difficult conditions.

Perpetrators: Muslim policemen.

Evidence: 205/95-1.

7.2.5.8.13. At about 11.30 p.m. one night in April 1994, a group of seven Muslim soldiers came into the flat of M. in Goražde and told the occupants to move out. They stamped and shouted insults. The following morning other Muslim soldiers came to the flat, fired shots and started a fire. When the occupants sought police protection, the police imprisoned them, allegedly for their own protection.

Perpetrators: Jasko Jusić from Hubijer, aide of the local Muslim commander; Azem Obarčanin, and Pozder, first name unknown, his mother is Naila Pozder.

Evidence: 440/94-11(svedočenje O.M./testimony O.M., Annex No. C 61, pp. c619-c622/c623-c628), and 440/94-18.

7.2.5.8.14. On 21 April 1994, Muslim soldier Apko Hasanagić took the witness 36/95 from his house and demanded that he give a statement to Gorazde radio saying that Serbs in Gorazde were well and no one was harming them. When he refused, Hasanagić cursed him and threatened to kill him, and then fired four shots over his head. Hasanagić then took the witness to the Nedimović house, which had been turned into a camp for Serbs. He drove all the Serbs out of this house towards the bridge over the Drina. Two Serbs who reached the bridge, T.D. and V.V., were shot and wounded by Muslim soldiers. The other Serbs refused to go further. The Muslims' intention had been to force the Serb civilians to cross the bridge and shoot them and then blame the Serb soldiers in the surrounding hills.

Perpetrators: Apko Hasanagić from Gorazde.

Evidence: 36/95 (svedočenje N.H./testimony N.H., Annex No. C 116 pp. c1160-1175/c1176-c1189) and 440/94-17

7.2.5.9. On 18 March 1992, a Serb woman from Gorazde lost her right arm when "Muslim terrorists" threw a hand grenade at her house in a mixed neighbourhood. (Letter to the U.N. Secretary-General from the U.S. permanent representative to the U.N. dated 22 October 1992.)

7. 2. 6. 0. S a r a j e v o

7.2.6.1. Early in July 1992, the witness 675/94- 2 was taken to the "Viktor Bubanj" former JNA barracks and interrogated by a public prosecutor called Ignjac. During the interrogation, someone took notes and the witness was told that everything he had said would be typed up later. When his typed statement was brought for his signature two days later, the witness insisted on reading it first. Seeing that the statement was completely different from what he had actually said, he refused to sign it. Guards, especially Fahrudin Tefdedaria, started

beating him with truncheons. The detainee was given a paper saying that he would be detained in this camp for one month, starting 4 August 1992, although he had been arrested a month earlier. The paper said he had three days to appeal against the decision. He appealed, but the chief warden rejected his demand and said he had no grounds for appeal. The witness was taken to trial on 13 January 1993. His counsel requested that the hearing be postponed because the witness was in poor health. He looked as if he had come out of Auschwitz. On arrest, the witness had weighed 85 kilos, but by that time he weighed only 42 kilos. The judge rejected the request. The witness said that he was not a war criminal because he had not taken part in the war and had been arrested in hospital. During the trial, the judge shouted at him and ordered the police in the courtroom to beat him. The witness was thrown out of the courtroom and later informed that he had been sentenced to 15 years in camp. He remained in camp until he was exchanged on 9 November 1994.

Evidence: 675/94-2.

7.2.6.2. The witness had been in Sarajevo Central Prison since February 1993, but was not registered by the International Red Cross until August 1993. The warden persistently hid him whenever Red Cross officials visited the camp. When he finally was registered, he was examined by a doctor who said he would recommend that he be released because of poor health.

Due to continual beatings and maltreatment in this camp, Dragan Zelić, a Serb from Ključ, committed suicide. The inmates were often visited by chief warden Bajramović, who tortured and beat them and fired shots over their heads.

Foreign journalists were brought to the witness's cell several times and he was presented as a Chetnik leader who had distributed arms to the Serbs and organised an uprising against the Muslim authorities. Once the witness was taken out of the cell to be filmed by a German TV crew. When he refused to be filmed, the guard Dautović beat him. During his stay in this camp, guards gouged out with a bayonet the eye of an inmate, whose name the witness gave, and burned the hands of another detainee with red hot wire.

Perpetrators: Chief warden Ismet Bajramović, a.k.a. "Čelo", and guard Dautović, first name unknown.

Evidence: 675/94-3.

7.2.6.3. In April 1993, the witness 412/94-15, who lived in Sarajevo Dobrinja suburb, was arrested with her husband and taken to the basement of a building in Hrasnica suburb which had been turned into a camp for Serbs. The other inmates were 10 mostly older women from Sarajevo and about 50 men. The living conditions were appalling. Female prisoners slept on the floor and were given two meals a day consisting only of a slice of bread and macaroni boiled in water. There was no water for washing, and prisoners were given very little water to drink. Guards interrogated the women as many as ten times every day, demanding that they tell them with whom they had been in contact in territory outside Muslim control. During her stay in this camp, the witness heard that the detainee Maksim Šojić from Hrasnica had been killed. She identified the military policeman Mustafa Gegalj as one of the perpetrators.

Evidence: 412/94-15.

7.2.6.4. The witness was arrested by Muslim soldiers in Sarajevo in May 1992, when he went out to buy something. The soldiers established from his ID card that he was a Serb and took him to a basement of the Aleksa Šantić elementary school, which had been turned into a camp for Serbs. Muslim policemen often beat the prisoners. A group of Muslim policemen beat the witness. One of them held him upside down by the legs while another beat him with a wooden chair. They beat him until the chair broke, and then used a leg that had been broken off to beat him all over the body until he lost consciousness. After that they beat him with a rubber truncheon.

After beating him they forced him and another detainee to felate on each other.

During his stay in the camp, about 12 Serbs died of injuries inflicted on them. Aleksa Stamput from Hrasnica in Sarajevo and Gojko Stepanović, who had worked for FAMOS, died in the witness's arms.

Pero Šutalo and other Muslim policemen have been identified among the perpetrators.

Evidence: 412/94-3.

7.2.6.5. In May 1992, there was a campaign against Serbs in Sarajevo, they were arrested and taken to the police station, and their flats were broken into or searched and valuables were taken. A group of four armed Muslims from the unit led by Juka Prazina barged into the witness's flat and searched it. They were looking for weapons, which the witness did not have. Several days later, two Muslim soldiers searched the flat again. After that, the witness was afraid to go out into the streets. He was arrested by Prazina's police when he tried to leave Sarajevo on 18 June and was taken to a building near Vojničko Polje. He was interrogated on arrival and then taken to another room, where four policemen beat him all over the body with truncheons. His face was covered with blood. The policemen cursed him and threatened to kill him. That same day he was taken to the police station in Svrakino Selo. There he was ordered to wash his face and they interrogated him again. During the interrogation, the policemen threatened to execute the witness unless he confessed. Together with three other prisoners, the witness spent the night in a room full of faeces. A policeman came to the cell, punched him in the face and left. The next day, all four prisoners were transferred to the Central Prison in Sarajevo, where the witness was interrogated again. Three days later the witness was taken to the "Viktor Bubanj" barracks and put in a cell with 11 or 12 other Serbs. He was not beaten or interrogated there, but the other inmates were. The witness learned that Slobodan Matić from Sarajevo died in this camp of his injuries. The inmates slept on the floor, and had one blanket between two of them. The food was very poor. Twice a day they were given a slice of bread and a small quantity of boiled macaroni or rice. Sometimes they were given two or three spoonfuls of corn porridge. The witness lost 20 kilos in camp.

Perpetrators: Jusuf Prazina, a.k.a. "Juka", commander of a Muslim unit, has been identified among the perpetrators of this crime.

Evidence: 412/94-2.

7.2.6.6. In April 1992, members of the Muslim army and police searched Serb flats in Sarajevo on the pretext that they were looking

for weapons. After searching his flat S.B. was taken to the basement of the "Hrasnica hotel", and after to "Aleksa Šantić" primary school. Members of the Muslim army and police used to seize valuables and threatened to kill the Serb occupants. During fighting, Muslim soldiers tied Serb civilians to flagpoles and used them as a human shield against Serb shelling. Many Serbs were forced to dig trenches. Dragan and Zlatko Todorović were seriously injured while doing this. Serbs were taken without reason to camps, including those in the JUGOKOMERC offices in Koševo, a heating station in Alipašino Polje, the railway station and the "Viktor Bubanj" barracks. Djuro Jeličić, a former policeman, was taken to one of these facilities and has not been seen or heard of since. The Haman Bar in the Baš Čaršija was turned into a brothel where Serb women were forced to act as prostitutes. Another brothel was opened in the Monik boarding house, in Omer Maslić Street.

The perpetrators of these crimes include: Jusuf Prazina, commander of a Muslim military unit; Samir Kafedžić, a.k.a. "Kruško", deputy commander of a Muslim military unit; Jasmin Azganović, aged 24; Suljo Kapidžić, aged 40; "Čelo", commander of the 9th Muslim Brigade; Mušan Topalović, a.k.a. "Caco", commander of the 10th Muslim Brigade.

Evidence: 440/94-19, 440/94-23 and 440/94-33, 162/96-9 (svedočenje S.B./testimony S.B., pp. c74-c83/c84-c91, Annex No. C 10).

7.2.6.7. Early in May 1992, the witness, a civilian employee of the former JNA, was driving a clearly marked ambulance towards the Army Club in Sarajevo to pick up a wounded soldier in a vehicle with a distinct red cross, when the vehicle was machine-gunned. A number of soldiers were killed and wounded, and the witness himself was captured. Muslim soldiers handcuffed him so tightly that his left arm was numbed. They took him to the City Hall, ruthlessly beating him with a rifle butt on the neck and back. Then they took him to the Republican Interior Ministry, where members of "Vikić's special units" beat his head against the wall, until he was covered with blood. They searched him and took DM 2,400. From there they took him to the headquarters of the Republican Territorial Defence Force, where Vehbija Karić, a former JNA colonel, ordered guards to take his handcuffs off and let him wash the blood off his face. They told him that he would be filmed by TV, gave him a statement to read and told

him he would be released afterwards. They threatened to kill him unless he did what they told him. The statement said that JNA members had first opened fire on Vikić's special units, that the JNA was arming Chetniks, that snipers were shooting from the Army Hospital on civilians in Marin Dvor, that JNA soldiers were shooting at the Muslim headquarters in the UNIS building, and that there were 20 snipers in the Army Hospital. That evening he refused to do as ordered, and spent the rest of the night wet through and cold because they had taken away his clothes and shoes. Although he kept repeating that he was only an ambulance driver, had been living in Sarajevo for 40 years and had nothing to do with Chetniks, they threatened to continue torturing him unless he read the statement on TV. At about 11.00 p.m. on 3 May, the policemen took him to the third floor of the Territorial Defence headquarters, where Vehbija Karić was, and read the statement out in front of the camera. After the filming, the guards cursed the witness again. Two hours later they drove him away and threw him out of a car near the Army Hospital.

Evidence: 686/94-1.

7.2.6.8. In the "Viktor Bubanj" barracks a chemical substance was put in inmates' food that gave them diarrhoea, and some died of dehydration. The witness himself fainted because of this a number of times. He was in a 2 x 3 m. room with 12 other people, without beds or heating. Detainees slept on the concrete floor. The sanitary conditions were awful. Detainees were unable to wash their faces for 15 or more days. On 27 January 1992, one of the most important Serb holidays, St. Sava's Day, the chief ordered all the Serb prisoners to go into the yard and take off their shirts. They stood there stripped to the waist for about half an hour in minus 20 degrees Centigrade. The chief warden said this was healthy and they needed fresh air.

Perpetrators: Kemo Dautović, military police commander; Himzo Dolan, former JNA corporal and chief warden of camp in "Viktor Bubanj" barracks in Sarajevo.

Evidence: 675/2-94.

7.2.6.9. On 21 July 1992 Muslim police arrested the witness and his son and took them to the police station in Novo Sarajevo, where they were interrogated by the son of Zdenko Skoko. They were charged

with another guard with a rifle. The witness was in the room for several hours, called "Ornava" and was beaten. The witness was a teacher. The witness had been searched five or six times. The witness's home and the building were also searched, but they were not searched. The witness was taken to the International Criminal Tribunal for the former Yugoslavia. Juka Prazina's head and feet were taken. The witness was asked what he should do with them, to which Prazina replied "I will take care of the execution." Despite this, the guards took the witness to the 2 Alpasina Haselic street, which had been taken by the Serbs. On arrival, three Muslims stood there. The witness collapsed and heard his ribs being broken in the next room. The witness was beaten for two days and was asked to write a statement confessing to the murder of the witness's brother in Sarajevo. The witness was taken back to the witness's home. One of the policemen said that the witness's brother and the witness were then put in a basement with other Muslims. Guards took them out and beat them, breaking the witness's ribs and inflicting other injuries. The witness was taken to the witness's home when Senad Glavoguz, who beat the witness's brother to death, Novica Draškovic to death. A number of other Muslims were imprisoned in the same basement and were interrogated by Glavoguz, who threatened to cut off the witness's penis. Younger women were taken out during the night, saying that they had been raped. The witness's daughter, aged 16 or 17, particularly often. The witness's brother and her parents were also imprisoned. She believed that she had been raped by many people.

Evidence: 339/94-15

7.2.6.10. The Miadost local council building in Sarajevo was turned into a camp for Serbs. On 5 May 1992, the witness and a person with the surname of Kablar were both taken to the camp and tortured.

Perpetrators: members of the Muslim unit called "Jukići" (the wolves).

Evidence: 296/95-8

7.2.6.11. The witness, a former JNA officer, was captured in Sarajevo on 3 May 1992, when Muslims attacked a JNA column withdrawing from Sarajevo. He saw with his own eyes Muslims killing JNA soldiers, including wounded men.

The Muslims took him to the offices of the Partizan sports club. All the prisoners there were beaten. Some, whose names the witness did not know, died of the injuries.

The witness was then taken to the top floor of the Bosnia-Herzegovina Parliament, where he was interrogated and beaten. One of his interrogators (name unknown) was a tall Muslim, who wore glasses and often appeared on TV as Alija Izetbegović's personal bodyguard. The witness was forced to read a statement dictated by Muslim military policemen in front of TV cameras.

The witness was transferred from the Parliament building to the Central Prison, where he was beaten with rifle butts and truncheons and kicked with heavy boots. He obtained severe injuries. His nose and several ribs were broken, and he lost a lot of blood. After release he required lengthy medical treatment.

Evidence: 293/95-16.

7.2.6.12. The Fourth Report of the US State Department, 28 December 1992, states that an American surgeon from California spent two weeks in the Bosnia-Herzegovina and a part of that time was in Koševo Hospital in Sarajevo, where he performed an urology surgery. He discovered that Muslim soldiers and mujaheddins (from Afghanistan and Saudi Arabia) forcibly circumcised captured Bosnian Serb soldiers in a primitive and non-medical manner. He treated an 18-year-old Bosnian Serb, who had been circumcised so brutally that his penis had to be amputated.

7.2.6.13. S.B., a former JNA officer, was captured in Dobrovoljačka Street in Sarajevo and taken to the Central Prison. From 3 to 13 May 1992 he was beaten and interrogated for hours every day. His interrogators demanded that he confess to war crimes that he had not committed. They threatened to cut his throat, liquidate his family and so on. On a number of occasions they pulled out his tongue and put a

knife to it. He lost consciousness frequently as a result of the physical torture and starvation (he was given food once a day, but it was inedible).

Perpetrators: Fikret Muslimović, Fikret Bećirpašić and other camp security staff.

Evidence: 271/95.

7.2.6.14. The witness M.G. was in held in a room with 30 other Serbs in the Central Prison in Sarajevo during 1992. Throughout that time, all the prisoners were physically maltreated, kicked, punched and beaten with rifle butts.

Perpetrators: Avdo Panjeta, chief warden, Zlatko Pejaković, Kecman (first name unknown) and other camp guards.

Evidence: 129/94.

7.2.6.15. During July and August 1992, a Croat woman whose husband was Serb was held for 40 days in the "Viktor Bubanj" former JNA barracks in Sarajevo. The Muslim guards regularly beat over 300 inmates, including 30 women. The witness saw a woman whose body was covered with many injuries after one such beating. The witness was herself beaten several times. Another woman, who was cut by glass during a mortar attack, was left overnight to bleed to death. The guards tormented her by saying: "It's your people who are killing you, not us." The witness was released at the end of August 1992 (IV Report of the US State Department on War Crimes, 28 December 1992, vol.III, No.52).

7.2.6.16. The witness 246/95-1 made the following statement before an investigative judge:

"According to my estimate, there were at least 20 camps for Serbs in Dobrinja. Most were in the basements of bigger buildings. Wherever there was a supermarket, there was a camp in the basement. In addition to the camps I have already described, there were camps in the storeroom of the Borovo shoe shop, and another in the same building as the Radin shop which sold goods of the Belgrade company

Progres. Juka's police and the regular police had their own camps. Other paramilitary formations and the military police also had camps."

Evidence: 243/95-1.

7.2.6.17. About 3,700 Muslim soldiers commanded by Jusuf Prazina took the Pofalići district on 15 May 1992 and arrested Serbs, particularly in Orlovačka Street where most of the Serbs lived. They looted and burned houses and killed 312 Serbs. They forced Serb survivors to dig graves and bury the dead.

The witness was arrested and taken after interrogation to the Central Prison, where he was interrogated again with Sava Jovanović by chief warden Bajramović, a.k.a. "Ćelo". He was transferred from this camp to the Viktor Bubanj barracks, where Serbs were also confined. He and 74 prisoners were all stripped, made to stand against the wall and beaten with various hard objects. The witness was beaten until he fell unconscious.

The following detainee died of the beating:

1. Milorad Gligorić, a maths teacher from Ilidža.

The witness was locked in a small room 1.65 by 3.70 m. with 13 other people.

Chief warden Ramiz Avdić, previously a warden in Foča camp, was particularly brutal towards prisoners. When the witness complained about conditions in the camp to visiting journalists, Avdić beat him and broke several of his ribs.

The following prisoners also died as a result of torture, beatings and starvation in this facility:

2. Trivo Guslov;
3. Novica Mićević;
4. Aleksandar Matić;
5. Stevo Šiljegović;
6. Colonel Bračanović, first name unknown;
7. Dragan Zelić;

The witness was exchanged on 5 October 1994.

Evidence: Statement by the witness number 71/00338 cited in the book "Stradanje Srba u Sarajevu"/ Suffering of Serbs in Sarajevo, Beograd 1996.

7.2.6.18. The witness lived in Hrasnica and worked in the FAMOS factory before the war. When war broke out, Muslim police placed him under house arrest until July 1992, when they arrested him as he attempted to cross to Serb territory.

He was taken to the camp in the Viktor Bubanj barracks the commander of which was Ismet Bajramović, a.k.a. "Čelo".

Kemo Dautović from Sarajevo, a guard called "Fudo", real name unknown, and Ćustović, a.k.a. "Spico", first name unknown, who beat the witness so badly that he had to be taken to Koševo hospital, were particularly brutal towards the prisoners.

The witness was beaten almost every day and forced to drink his own urine which had blood in it.

He had 112 kilos when he was arrested and only 56 kilos when he was released on 22 September 1993. He was paralysed for three months as a result of injuries received in the camp.

The following Serb prisoners died as a result of torture and starvation:

1. Nedo Odžaković from Velešići;
2. Duško Novaković from Vogošća;
3. Manojlo Radojčić from Kifa village in Nevesinje municipality;
4. Slobodan Mikić from Sarajevo;
5. Novica Šipovac from Sarajevo;
6. Novica Ponjarac from Sarajevo;
7. Milan Mišić from Sarajevo;
8. Jovo Drašković from Sarajevo; and
9. Božo Žeraić from Sarajevo.

Evidence: 434/95-14.

7.2.6.19. From May 1992 to November 1993, groups of seven to ten members of the "Green Berets" with insignia of the army of the so-called Republic of Bosnia-Herzegovina often came to the flat of the

witness, a Serb woman who lived in Hrasno in Sarajevo, and raped her and forced her to perform unnatural sexual acts. They were armed and most often drunk. They threatened to kill her if she refused to have sex with them. They uttered other threats, hit her and stubbed out cigarettes on her legs. This usually happened about once a week and lasted about two hours, until all the soldiers had raped her. The witness became pregnant and had an abortion.

Evidence: 69/94.

7.2.6.20. The witness, a Serb woman (identity known to the Committee), was held for five days with other Serbs in August 1992 in an air raid shelter in Dobrinja III. She was beaten, cursed and degraded, and three Muslim soldiers raped her. She became pregnant and gave birth at the University Maternity Hospital in Belgrade in May 1993.

Perpetrators: A Muslim soldiers called "Dino", real name unknown; Mirza, surname unknown; and a third whose name is unknown.

Evidence: 24/93-9

7.2.6.21. In October 1992, a Serb woman (identity known to the Committee) was arrested in her flat and taken to the basement of a building in Tetovska Street which had been turned into a camp for Serbs. She was interrogated and raped. She became pregnant and had an abortion in Belgrade in March 1993 in the 22nd week of her pregnancy.

Perpetrators: most probably members of the special unit commanded by Juka Prazina.

Evidence: 24/93-8.

7.2.6.22. During the summer of 1993, a Serb woman (identity known to the Committee) was repeatedly raped by Muslim soldiers who stubbed out cigarettes on her body. She became pregnant.

Evidence: 24/93-16.

7.2.6.23. The witness 339/94-8, a Serb from Sarajevo, worked as a locksmith for the Bosna lijek firm until April 1992, when he was fired and warned that he would be killed if he returned to his workplace. He was then arrested on the pretext that he possessed a weapon, but was allowed to go home after interrogation. He was later repeatedly arrested, beaten and asked to join the "Green Berets", which he refused. On one such occasion, his spine was injured in the beating. Members of Muslim military formations searched his flat about 15 times and took whatever they wanted. When he recovered from his spinal injury, the Muslims took him and other Serbs to the front lines every day for three months and used them as a human shield. They were held at gun-point so that the Serbs facing them stopped shooting.

The witness was physically and mentally tortured until December 1993, when he escaped to Serb territory.

Perpetrators: Nihad Halać, Koševo Hill commander, and other Muslim soldiers.

Evidence: 339/94-8 (svedočenje S.J.1/testimony S.J.1, Annex No. C 44,pp. c446-c450/c451-c454).

7.2.6.24. During 1993 Muslim soldiers twice came to the flat of the witness, a Serb woman (name known to the Committee), who lived alone in Alipašino Polje, and raped her. She became pregnant and had an abortion in Belgrade in the 18th week of her pregnancy.

Evidence: 24/93-15.

7.2.6.25. December 1993, the witness, an 18-year-old female Serb secondary school pupil (name known to the Committee), was stopped as she left the building where she lived on Pera Kosorić Square by three Muslim soldiers, two of them in army uniforms, and dragged her into the entrance of a nearby building. She kicked and screamed, but they dragged her into an empty flat, where they threatened her with a pistol and ripped her clothes off. One of them raped her and then said: "This is what you get when your father is a Chetnik."

Three days later the same three took the witness to the same flat and raped her again. She became pregnant. After escaping to Serb territory at the end of July 1994, she sought help at Belgrade University

Maternity Hospital, where doctors established that she was in the eighth month of her pregnancy.

Evidence: 326/94.

7.2.6.26. At about 9.00 p.m. on 13 September 1992, three Muslim "Green Berets" from a unit commanded by Jusuf Prazina barged into the flat of witness 296/95-7, knowing that she was a Serb, and raped her. They cursed her and said they wanted to make her Muslim children.

Evidence: 296/95-7.

7.2.6.27. When the Muslim SDA party came to power, provocation against Serbs in Sarajevo became more frequent and arrests began after the outbreak of war. The Muslims mounted a propaganda campaign to frighten the Serbs, on account of which many Serb families fled from Sarajevo.

Many Serbs were arrested and taken to the Koševo stadium, where they were tortured and some were killed. Witness 412/94-19 says that Serb bodies floated down the Miljacka river. He was asked to join the Muslim army on many occasions, but refused.

On 24 June 1992, three men, two in camouflage uniforms and one in civilian clothing, asked the witness to come with them to the Viktor Bubanj barracks for questioning. As they drove him, he saw that they were not going to the barracks. Instead, they took him over the bridge on the Miljacka river to a high-rise bloc of buildings near the nursery school in Otok suburb.

They took him to a room, searched him and took everything he had in his pockets. They opened the door and, kicking and hitting him with a rifle butt in the back, they pushed him down some steps into a basement.

One candle was burning in the premise which had no windows. There was a drainage hole in the concrete floor. The witness found there his colleagues from the firm C. and S., a 16-year-old boy and an older man from Nevesinje.

All the prisoners were lined up against the wall and beaten with baseball bats. They fell from the blows but were beaten again and forced to stand up.

The torture and beatings lasted day and night with only short pauses. Groups of Muslims took turns to beat the prisoners, ridiculing and insulting them.

Sewage water flooded the basement and a guard forced the witness and C. to crawl in the water, shooting a pistol between them. M. was beaten and almost paralysed. Their clothing soaked in sewage dried on them.

They were taken to a Privredna banka branch and locked in a room marked "detention". Men and women were held there, all of them Serbs. One man was imprisoned because he played the gusle, a traditional Serb instrument. The prisoners were terrorised. Guards put a knife to the witness's throat, rested a barrel against his throat, put knives in his ears and threatened to cut them off.

The witness was released on 28 June 1992 on condition that he reported every day.

Perpetrators: Rešad Karajica and his son Seid Karajica, aged about 30; Kenan Laučević, military police commander, "Žuti", real name unknown, aged about 35, a taxi driver from Sarajevo, an unidentified Muslim Gypsy aged about 20.

Evidence: 412/94-19.

7.2.6.28. The witness, a Serb woman (name known to the Committee) was stopped in April 1992 by a Muslim three-man patrol in Pofalići as she was returning home. The soldiers, who had lily insignias on their uniforms, asked her to produce her I.D., said she was the daughter of a Chetnik and took her to a house in Pofalići. She was locked in a shed with a 13-year-old girl and she could hear voices of other Serb girls in the next shed. She was repeatedly raped by eight Muslim soldiers for a whole month. On one occasion she was hit on one eye with a rifle butt so hard that her vision in that eye is reduced by 90%.

The 13-year-old girl with her in the shed was also raped. When she pleaded with the soldiers to leave the girl alone, they told her they that are all a mean nation and that Serbs had to be destroyed.

The witness became pregnant and sought an abortion at Koševo hospital, but Muslim doctor Abdulah Negaši told her this would be possible only if she gave a statement to the press that she had been raped by Serbs, which she refused.

The witness escaped from Sarajevo in November 1992 and gave birth prematurely in Belgrade in the same month.

Perpetrators: Ismet Bajramović, a.k.a. "Ćelo", and Muslim soldiers with the nicknames "Alibaba", "Džemo", "Ari" and others.

Evidence: 382/94.

7.2.6.29. R.Dj., a 70-year-old Serb woman who retired 10 years earlier, lived alone in her flat in Sarajevo. At about 3.00 am one night in May 1992, a group of armed "Green Berets" came to her flat and started beating her and pulling her by the hair. They asked her where her grandson was, although he did not live with her. They tied her up, took her outside in her night-gown and pushed her into a truck with other arrested Serbs. She was taken to a camp for Serb women in Slobodan Vuković elementary school on Blagoje Parović Street. Some of the prisoners were even older than she was. Younger prisoners were taken away and they did not see them any more.

The witness was held there until she was exchanged in June 1992.

Evidence: 283/94-1.

7.2.6.30. The female witness E.R. was captured by the "Green Beret" forces in her flat in Dobrnja on 27 May 1992 and was shut in a cargo elevator, in the building where the café "Baltazar" was. Then they took her to a building in district Dobrinja, where the shop Borovo was, tied her to a chair and blindfolded her. They interrogated and beat her, and when they finally untied her from the chair, still blindfolded, several men raped her and then urinated over her body.

After this she was transferred to camps for Serbs in Sarajevo, where she was harassed just like the other Serb inmates.

Evidence: 594/94-21 (svedočenje R.E./testimony R.E., Annex No. C 32, pp. c332-c339/c340-c346)

7.2.6.31. The witness worked as a watchman at the Vetprom warehouse at 43 Blagoje Parović Street until the start of July 1992, when "Green Berets" arrested and imprisoned him, although he was 58 years old and had never been politically active. They beat him and knocked out a tooth when they arrested him. He was imprisoned for a month and a half.

On being exchanged, the Muslim authorities issued a false certificate saying that he had been arrested that same day by military police and released immediately because there was no reason to detain him.

Evidence: 429/94.

7.2.6.32. G.M., a former JNA conscript serving his military service in Sarajevo, was captured, disarmed and imprisoned with other soldiers in the Central Prison, which was run by Muslims dressed in green uniforms with blue insignia. For 15 days during May 1992 all the prisoners were beaten around the clock every day. They often heard screams. Paratroopers were particularly badly beaten. Muslim civilians came to this camp and, together with the guards, beat the prisoners, who were handcuffed to radiators, with truncheons and rifles.

The witness often saw bodies being taken from the camp, thrown in a lorry and driven off.

Four of his ribs were broken and vision in his left eye was reduced by 35%.

Perpetrators: Avdo Panjeta, guard commander in the Central Prison, Josip Pejaković, commander of the 5th floor guards, Jusuf Kecman and other guards.

Evidence: 129/94.

7.2.6.33. Z., a Serb JNA conscript serving his military service in Sarajevo, was captured on Mt. Bjelašnica at the end of May 1992 and taken with his comrades to Mrazište hotel on Mt. Igman, where he was imprisoned in the basement which had previously been a discotheque. The prisoners were continually beaten in this camp and Z. got concussion and his right cheekbone was broken. His body was bruised and scarred from the beatings.

Perpetrators: members of the Muslim unit commanded by Juka Prazina.

Evidence: 221/4-94-6.

7.2.6.34. Muslim soldiers captured 18 Serb soldiers, including M.M., on Mt. Bjelasnica on 1 June 1992. They made the soldiers get into a lorry after running the gauntlet through two lines of Muslim soldiers, who beat them mercilessly. The witness lost consciousness and fell several times from the blows. It was also difficult for them to climb into the lorry because their hands were tied behind their backs, and they were beaten after every unsuccessful attempt. Several Muslim soldiers climbed into the lorry together with the prisoners and one of them straddled the witness. When the lorry set off, a Muslim soldier fired a burst from an automatic rifle into the prisoners wounding many of them. D.G. was hit in the neck, a soldier K., aged about 30, lost an eye, RŽ. was hit in the arm and M.G. in the leg. The same guard then stabbed prisoners' legs with a sharp metal object which penetrated to the bone. He continued to do this until they reached the camp. Most of the prisoners lost consciousness as the result of this torture.

Evidence: 221/4-94-5.

7.2.6.35. Witness 283/94-9 was imprisoned in the Viktor Bubanj former JNA barracks in Sarajevo from the start of July to the end of August 1992. There was a camp for Serbs in the barracks and he was held with about 10 other prisoners in cell number eight on the ground floor. All the prisoners were beaten and one retired JNA officer who was born in Valjevo died after a few days because of torture and illness. The cell was 4 by 1.6 m. and there were from 11 to 13 prisoners in it. Living conditions were unbearable.

Evidence: 283/94-9.

7.2.6.36. During August 1992, Serb policemen brutally mutilated by Muslim soldiers and foreign mujaheddins, who cut their genitals in imitation of circumcision rites, were treated in Sarajevo Koševo hospital.

This crime, committed by Muslim soldiers and foreign mujaheddins, is mentioned in a report by Dr. Kenneth Mc Namara from Fairmont, USA, who saw 29 such cases of mutilation while staying in Sarajevo as a member of an Irish medical team. This report was sent to the US State Department.

Evidence: Report of Dr. Kenneth Mc Namara.

7.2.6.37. Dr. Milutin Najdanović, a respected surgeon from Sarajevo and a professor of the School of Medicine, within the Sarajevo University, who was also a member of the Republic and Federal Parliament, was exposed to various forms of pressure and threats just because he was a Serb.

He was captured for the first time by the Muslim police in front of the Surgery Department, where he was employed, and was taken to the police department for interrogation.

He was captured for the second time in his flat in May 1992 by members of the "Green Beret" units and taken to the sports centre "Zetra" where he was detained a couple of days and was threatened to be killed.

He was captured for the third time in his flat in July 1992 by the members of the Muslim Army, led by Jusuf Prazina, and taken to the nursery "Iskrice" in Moša Pijade St. where he was beaten and harassed.

He was captured for the fourth time on 13 August 1992 by the members of the Muslim Army who took him in an unknown direction, and a day or two later his body was found in front of the sports centre "Zetra".

His wife was given a report which stated that he died of a shot injury.

Evidence: 846/95, 806/95-5, 803/95-1, 281/96-1, 294/94-96, 392/96.

7.2.6.38. Association of the top-level Muslim-Croat authorities in Sarajevo with the crimes committed against the Serbs

7.2.6.38.0. The Muslim-Croat authorities knew well about the crimes committed against the Serbs in Sarajevo, which were in most cases organised by them and their army. They left the Serbs without any protection, so that armed groups and formations could kill and harass the Serb civilians and those imprisoned bearing no consequences.

Even the highest-ranking Bosnia and Herzegovina officials were involved in the crimes committed against the Serbs in Sarajevo.

7.2.6.38.1. All decisions by the Muslim leaders were made during meetings of the SDA party leaders: Alija Izetbegović, Ejup Ganić, Haris Silajdžić, Rusmir Hadžićehajić, Omer Behmen and partly by Irfan Ajanović. Of all the Croat leaders, the most extreme Stjepan Kljuić, had the closest relations with all these Muslim leaders.

Evidence: 174/97-1 (Annex No 300 to the Part I of the Counter-Memorial)

7.2.6.38.2. In June 1992 Alija Izetbegović announced that the "Fifth column" is infiltrating Sarajevo and issued an order that it be suppressed and destroyed. This initiated the greatest persecution of the Serbs in Sarajevo.

They were detained, harassed, tortured and killed under the pretext of suppressing the "Fifth column".

Evidence: 649/96

7.2.6.38.3. The Serb prisoners, brought from the camps, were forced to dig the tunnel under the airport Butmir, which connected the settlements Dobrinja and Hrasnica. They had to work day and night with no rest at all.

These works were supervised and led by Bakir Izetbegović, the son of Alija Izetbegović.

During these works some of the Serbs collapsed because they were exhausted, hungry and had no sleep. Bakir Izetbegović ordered that they be shot because, in his opinion, they were saboteurs. Their bodies were buried at the foot of Mt. Igman.

Evidence: 649/96

7.2.6.38.4. Jusuf Prazina, a criminal before the war, was given to command a military unit. It was his unit that intercepted, in Dobrovoljačka St., the JNA column which was withdrawing from Sarajevo during which they killed several members of the JNA - although they were given a guarantee of free pass by the Muslim-Croat leaders in Sarajevo. After this massacre Prazina continued with the organised killing and harassment of the Serbs in Sarajevo.

Prazina's office was in the Presidency building and everybody there addressed him as "general". During the meetings of high officials, seen on TV, he was usually sitting in the front row.

Late in 1992 or early in 1993, during a press conference of the Muslim Army representatives, the reporter Demirović asked why Prazina, who is actually the commander in the city, was not sitting amongst the members of the conference presidency. Prazina, who was sitting among the members of the press, stood up and in front of the cameras showed a document saying it was the decision by which President Alija Izetbegović appointed him a general and commander of the city Sarajevo.

Evidence: 162/96-5 (Annex No 247 of the Part I of the Counter-Memorial) and 281/96-1

7.2.6.38.5. Once, in mid 1992, in the camp located on ZAVNOBIH square no.27, a Serb who was a friend of Jusuf Prazina and was given his protection, was killed. When Prazina was told about this he flew to rage shouting that he did not give orders for him to be killed, and that Alija Izetbegović and his assistants issue orders for the killings.

Evidence: 660/95-1

7.2.6.38.6. In summer 1992 Alija Izetbegović and Biserko Turković (later he was the diplomatic representative of Bosnia and Herzegovina in Zagreb) paid a visit to the military units on the Mt. Trebević. Many Serbs - civilians, were killed in this locality, and thrown into the pits. The unit commanded by Mušan Topalović, a.k.a. "Caco", committed most of these crimes.

During this visit Izetbegović praised Mušan Topalović in front of the TV cameras, while Mrs. Turković was even more elaborate in the praising.

According to a testimony, Topalović strictly obeyed orders of Alija Izetbegović and did nothing without his approval ("they had a red telephone link"). Therefore, the crimes against the Serbs - civilians, committed by Topalović's units, were committed with the approval of Alija Izetbegović.

The mass killing of Serbs, committed by Topalović's units, were widely known. That is why the Muslim authorities organised trials for some members of Topalović's military unit, in order to create an illusion that they had nothing to do with the crimes committed. This aspect will be more dealt with in more detail subsequently.

Evidence: 281/96-1, 334/96-5 and 198/97

7.2.6.38.7. According to a testimony, Izetbegović ordered Jusuf Pušina, his Minister of Interior, not to investigate the crimes against Serbs and not to arrest their perpetrators.

Evidence: 162/96-4.

7.2.6.38.8. In late 1994 there was a trial against the lawyer Fahrija Karkin in Sarajevo. He was accused of bribe, smuggling, and of some other crimes. During the trial he handed the court a document signed by Alija Izetbegović in which he wanted him - Karkin, to find out how many Serbs have to be arrested to get Haris Jasenković, a close relative of Alija Izetbegović's wife, who was captured by the Serbs and was in camp in Foča, back by exchange. This exchange did take place. During the trial Karkin proposed Alija Izetbegović to be summoned to testify, but the court dismissed his proposal.

Evidence: 649/96

7.2.6.38.9. The numerous camps for Serbs, which were located in Sarajevo and elsewhere and run by the Muslims and Croats, served for the torturing, harassment, starving and killing of the Serb civilians. They were founded by the Muslim-Croat authorities and armed forces, who were aware of the crimes committed in these camps. Some of them were visited by Alija Izetbegović and he knew about the conditions in them. Three or four times he landed on the heliport, which the Serb prisoners were forced to construct, next to the camp Silos, in Tarčin, which was under the direct control of the 109th Mountain Brigade within the Bosnia and Herzegovina Army. Twenty three Serbs were killed, starved to death, or died after the injuries inflicted in this camp. Some were killed during forced labor.

Evidence: 109/96, 385/96-3, 385/96-2 and 407/96.

7. 2. 6. 39. T r i a l s i n S a r a j e v o f o r c r i m e s c o m m i t t e d a g a i n s t S e r b s

7.2.6.39.0 Crimes against the Serbs in Sarajevo were common. They were committed by the Muslim soldiers, police, armed groups and individuals. The killings of the unprotected Serbs - civilians, were obvious. Trials were organised in order to present the murders as offences of individuals which were not supported and approved by the Muslim-Croat authorities. However, these were trials only in form, organised with no intention to punish the perpetrators of the genocide crimes against the Serbs.

7.2.6.39.1. On 8 July 1992, while they were having lunch, six members of the family Ristović were killed in their house in the settlement Velešići. In 1994 there was a trial in the Court of Second Instance in Sarajevo, where 5 Muslims were accused for this murder. Two of them (Admir Adilović and Ismet Ćutuk) were released of charges, one of them (Mirsad Hodžić) was sent for psychiatric treatment, and the procedure was split for two others that were accused (Osman Hodžić and Meha Ibišević) because it was said they were on the run.

Evidence: 594/96-41 (svedočenje D.R.2/testimony D.R.2, Annex No. C 93, pp. c933-c937/c938-c942) and Medicinski nalaz/Medical findings -

TS 5 (Annex No. C 153, pp. c1511-c1513/c1514-1517 and photos in Annex No C161, pictures No 1-3, p. 37)

7.2.6.39.2. In the localities Bistrički potok and Kazani, on the foot of the Mt. Trebević, many Serbs - civilians, were killed and their bodies thrown in the deep pits. Some of the bodies were covered with old tires and burnt. These crimes were mainly committed by a Bosnian Army unit (10th Mountain Brigade within the 1st Army Body) commanded by Mušan Topalović, a.k.a. "Caco". The "elite company" within this unit committed most of these crimes.

Charges were brought against 14 members of this unit, and a trial was arranged in the District Military Court in Sarajevo (verdict brought on 23 December 1994). Although more than 2000 Serb civilians were killed in this region, the forensic experts pulled out the remains of only 29 massacred victims, out of which only 8 were identified.

This lawsuit was not classified as a proceeding for genocide, nor a proceeding for war crimes, but just a lawsuit for vicious and perfidious crimes. Moreover, the court declared that these were not even vicious and perfidious crimes - though the forensic experts found that the bodies of the victims were massacred. This was the verdict of the court:

Zijo (Jusufa) Kubat, Refik (Mehmed) Čolak, Esad (Bešlija) Tucaković and Melvudin (Salko) Selak were sentenced to 6 years of imprisonment (the shortest sentence for murder); Omer (Meho) Tendžo and Asif (Began) Alibašić were sentenced to 4 years and four months of camp for being accomplices and for not having reported the crimes and their perpetrators; Senad (Redžep) Hasić, Samir (Mustafa) Seferović, Sabahudin (Remzija) Žiga, Samir (Muhamed) Ljubović, Esad (Nusret) Raonić and Senad (Fadil) Haračić were sentenced to 10 months of camp for not reporting the crimes. Armin (Sead) Hodžić was sentenced to 5 years and 8 months as an accomplice and for not having reported the crimes, and Sead (Hamdija) Kadić - to 4 years as an accomplice. Samir Seferović and Sabahudin Žiga were pronounced innocent of crime.

While the relatives of some of the murdered Serbs, who were in the courtroom at the time of the verdict, expressed their discontent, the accused Samir Seferović, contrary to any court rules, approached the

chairman of the court council, Muhamed Podrug, and shook hands with him and all the other members of the council as a sign of gratitude.

The symbolic sentences, and the inadequate legal classification of the committed crimes, prove the real purpose of these trials: to create an illusion of a trial and of a state with a legislation system, in order to conceal the responsibility of the state for the crimes committed on its behalf.

These conclusions are supported by the facts that even these short sentences were not served completely. Only a year after the trial, all those found guilty were released. Alija Izetbegović publicly pardoned them for the New Year, 1996.

Evidence: 281/96-9, 344/96-3 and 649/96.

7. 2. 7. 0. D u v n o (Tomislavgrad)

7.2.7.1. Once in mid-April 1992, the witness was travelling on a bus through Duvno, when Croat police stopped the bus, asked whether there were any Serbs in it - and they took him to the Duvno police station. On arrival, four black-shirt policemen beat him with truncheons, and connected wires to his fingers, toes and ears and turned on current. He lost consciousness and his nose started bleeding from this torture. He was taken to a cell where two policemen held him at gun-point and argued who would fire first, and then punched and kicked him. They threw him against a wall and he lost consciousness. He was given nothing to eat for four days and only salted water to drink. They then drove him to a shed 20 km from Duvno, in which there was a body of a man. They told him that the same would happen to him. He was beaten for three days and nights, and forced to perform homosexual acts with other prisoners.

Perpetrators: Chief warden and guards of the camp in Tomislavgrad (Duvno).

Evidence: 339/94-10.

7.2.7.2. K. was imprisoned in Duvno (Tomislavgrad) early in April 1992, with a group of other Serbs. They were all held in the boiler rooms of a building used by black-shirt HOS members.

On one occasion, the HOS members brought a wine glass full of salt and a litter of Zvečevo brandy. One of them cut the witness's hair with a knife, put the hair in the salt and ordered him to eat the salt with the hair and then drink the whole bottle of brandy. He kept waving the knife and poking the witness's right ear. He also poked the nose. The witness was then taken to the yard and ordered to kneel down and graze grass.

Perpetrator: HOS member Davor Glasnović.

Evidence: 205/94-20.

7.2.7.3. Serbs imprisoned in a camp in the Duvno secondary school were taken to a private camp in Šujica near Duvno. Detainees were usually transferred to Šujica in groups of five, as on the night of 24-25 May 1992, when M.V. was transferred.

In Šujica, the prisoners were first locked in a dark basement with sheep. Then they were taken to a first floor room where about 10 men in HOS uniforms with red berets sat around a table. They were holding pick-ax handles and one of them had a baseball bat. They told the detainee to sit and began hitting him as soon as he sat down. The witness does not know how long they beat him, but remembers only that he fell off the chair, and regained consciousness with his hands tied in another room. He felt terrible pains. Guards poured water on him to bring him round, and then gave him electric shocks.

M.V. spent 20 days in the camp in Duvno secondary school, from the end of May to June 1992. During all that time the Serb prisoners were fed only three times, when each was given a 100 gr. can of meat paste. Once they went eight days without any food. The witness saw that Slaviša Mališić's ears were cut off and his teeth knocked out in this camp.

Perpetrators: Ivan Krišto, Drago Perić, a.k.a. "Vrića" and other HOS members.

Evidence: 205/94-13.

7.2.7.4. When he was taken to the camp in Raščani near Duvno, P.S., a 66-year-old pensioner, found about 200 other imprisoned Serbs there. They were mainly old people who could do no hard work. Croat soldiers took away some prisoners who never came back. It was rumoured that they had killed them.

During his stay in this camp from the end of April 1992 to the end of June 1993, the witness was interrogated only once and that lasted an hour.

Perpetrator: police chief Landeka, first name unknown.

Evidence: 205/94-19

7.2.7.5. On the night of 7/8 April 1992, HVO members arrested orthodox priest B.Z. in the parish residence at 36 Boriša Kovačević Street in Duvno. They first searched his flat without a warrant and took two TV sets, a VCR, a radio and a camera. They then took the priest to the St. Nicholas church, ordered him to open the door and then shoot at the altar and icons with machine guns and threw church ritual objects and religious books on the floor.

Perpetrators: HVO members Ivan Krišto, a.k.a. "Dugonjce", Babić, first name unknown, Drago Letvica, Antiša Zlatonić and Zoran Marinović.

Evidence: 105-94-7.

7. 2. 8. 0. L i v n o

7.2.8.1. Serbs who had been released from camp in Livno had to report every morning for a so-called "work squad" and perform physical labor. Those who failed to report risked being sent back to camp. When there was no work, they were ordered to hit each other with fists or sticks given to them by Croat soldiers.

Perpetrators: Mirko Čalović, Livno mayor, and Zdenko Andabak, military police commander.

Evidence: 378/94-13, 493/94-39 (Annex No. C 250 svedočenje D.L./testimony D.L., pp. c2165-2170/c2171-c2176) 378/94-15.

7.2.8.2. In addition to the above mentioned cases of mass murder, criminal treatment of imprisoned Serbs and the creation of unbearable physical and mental conditions in camps and camps for Serbs with the aim of exterminating the Serb people, we shall single out some individual cases.

In September 1992, Izet Klinac, a.k.a. Ibro, was an inspector in Livno police station. While interrogating Serb civilians V.R., P.B. and D.L., who had been imprisoned solely because they were Serbs, he beat them with a truncheon all over their bodies and inflicted numerous injuries.

Evidence: 200/94.

7.2.8.3. In 1992, Osman, surname unknown, from Golinjevo, was an interrogator in the military camp in Livno. He beat and tortured many prisoners, including V. B, D., who had been imprisoned. He beat them with a variety of objects and inflicted them numerous light and serious injuries.

Evidence: 200/94.

7.2.8.4. During 1992, Huso Jandrić and his four sons, one of whom was called Omar, destroyed about 100 Serb houses and other buildings in their native village of Veliki Guber near Livno. As well as threatening and harassing the Serbs, they took away valuable property and burnt or planted plastic explosives in Serb houses including those owned by Sava Arnaut, Mića Radeta, Cvetko Radeta, Vesela Radeta, Predrag Radeta, Dušan Radeta, Nika Đuvnjak, Milorad Arnaut, Ivo Laganin, Djuro Petkrović, Milan Čevadžija and Vojin Kovačević. They previously looted the houses and sold what the loot.

Evidence: 340/94-4.

7.2.8.5. In 1992, "Kobra", real name unknown, was in charge of the 5th section of a camp set up in the Ivan Goran Kovačić school in Livno. He beat and tortured many Serb prisoners with the intent to liquidating them. He connected prisoners to a power source, carved five-pointed stars on their bodies, took their blood by force and cut off parts of their

bodies. With the approval of the chief warden Muhamed Ibrahimović and other inspectors, he killed an unknown number of Serbs.

Evidence: 205/94-4 and 398/94-4

7.2.8.6. In 1992 Sead Velagić from Livno, Tomislav Garić and other interrogators in the Ivan Goran Kovačić camp in Livno maltreated and tortured Serb prisoners. The tortures included forcing them to stand on one leg for long periods in the sun and threatening to kill them if they fell down.

Evidence: 205/94-4 and 339/94-5.

7.2.8.7. During 1992, Dragan Peizer and Milijan Brkić from Grude, Jozo Stanić from Tomislavgrad, Ivica Brale from the village of Ploče near Livno, Ante Žarko from Split, Ivica Čubela from Livno, Jozo Bolotin from Graboren near Livno and "Luta", real name unknown, from Suhače near Livno were all interrogators in the Ivan Goran Kovačić camp for Serb civilians in Livno. They beat, tortured and degraded prisoners every day, and inflicted serious bodily injuries.

Evidence: 194/1-94-01

7.2.8.8. In 1992, Ismet Kajinac from Livno, Jozo Perić, a.k.a. "Debeli", Mića Marelja, Marko Damnjanović and Ivan Rinac from Tomislavgrad, Stanko Vrgač, Branko Antunović, Stipe Barun from Šumice and Ilija Kroz from Glamoč were interrogators in the camp set up in Livno police station. They beat and tortured Serb civilians who were imprisoned in the police station garage and inflicted serious bodily injuries.

Evidence: 194/1-94-01

7.2.8.9. On 12 May 1992, Croat-Muslim soldiers Ilija Krezo from Glamoč and Ivković, a.k.a. "Bilder", first name unknown, arrested Z.G. in the flat of B.R. in Livno, solely because he was a Serb. They imprisoned him in the police station garage, where he and 12 other Serbs were later interrogated, beaten and tortured. The prisoners I.Z., G.Z., P.V., D.S., A.M. and R.R. were amongst them.

Evidence: 318/94-15.

7.2.8.10. In June 1992, the following Croat and Muslim Army soldiers Milan Djuran, a.k.a. "Kapo", Drago Čurda, Hasan Bubalo, Nedžad Jahjovendić, Senad Sudar, Zdenko Sudar and Zoran Andabak harassed and maltreated the Serb people in Livno.

Drago Čurda arrested I.V. for no reason and took him to the military police. When the military police released I.V., Čurda and other unidentified persons stopped him again and beat him with the butt of a kalashnikof rifle, breaking six of his ribs.

Milan Djuran, a.k.a. "Kapo", beat Serb prisoners in the Ivan Goran Kovačić camp. Djuran gave the Croat-Muslim authorities a list of members of the Serb Democratic Party, who were later arrested and in some cases killed.

Hasan Bubalo, Nedžad Jahjovendić, Nenad Sudar, Zdenko Sudar and Zoran Andabak were particularly brutal towards Serbs and inflicted serious bodily injuries.

Evidence: 205/94-4

7.2.8.11. In 1992, Muhamed Jašarević, a.k.a. "Babo", from near Zvornik and Zijad Hadžić, a.k.a. "Zijo", from Kozarac were interrogators in the Ivan Goran Kovačić camp in Livno. They beat and tortured prisoners, inflicted heavy bodily injuries on all parts of their bodies with electric cables, iron cables and fists. M.C. was so badly injured that he was unconscious for seven days.

Evidence: 318/94-15, 205/94-17, 200/94 and 205/94-4.

7.2.8.12. In 1992, Jozo Perić, a.k.a. "Mršavi", from Tomislavgrad, chief warden of the camp in the former Livno police station, and interrogators Senad Bašić and Jozo Djurić ordered the deaths and personally killed imprisoned Serbs.

They threw the Serb Milo Vujanović from a third-floor window during interrogation.

They intimidated other Serb prisoners by beating and torturing them. They broke the fingers of P.P., who had an inborn hand defect, by forcibly straightening them.

They beat Z.G. and B.P. with an iron bar and truncheons and kicked them all over their bodies, and especially on the heads. Jozo Perić forced the detainee P.P. to dig a grave for himself with his bare hands. D.R. and C.S. obtained serious and lasting bodily injuries. P.S., P.R., K.M., R.R., R.V. and a number of unidentified Serb prisoners were beaten and wounded.

Evidence: 398/94-13, 318/94-15, 200/94, 205/94-2 and 339/94-7, 234/95-27 (svedočenje D.R./testimony D.R., Annex No. C 88, pp. c885-c889/c890-c894).

7.2.8.13. On 24 May 1992, police chief Jozo Perić called R.D., a shop manager in Livno, and told him that he could no longer work there because he was a Serb. Police arrested R.D. the following day. C.Z., a Serb nurse in Livno hospital, was also fired because she was a Serb. R.D. and C.Z. fled from Livno after their flats had been searched and they had been repeatedly harassed.

Evidence: 339/94-5 and 339/94-7.

7.2.8.14. On 21 May 1992, the witness was arrested on the street in Livno by members of a Croat armed unit called the "Yellow Ants", which took part in the attack on Serbs in Kupres. The witness was taken to a house owned by a person called Ivetic, first name unknown, in Zastinje near Livno. He was there beaten with another Serb from Livno. The witness was then released but had to report to the police twice a day. Serbs in Livno were not allowed to leave their flats or communicate with each other.

In June 1992, there were mass arrests of Serbs in Livno. People were taken to the 10th October school, where they were interrogated, beaten and locked in metal wire cages built exclusively for that purpose. Some prisoners were taken away and did not return, including a Serb librarian from Livno whose surname was Crnogorac, and the witness does not know if they are still alive.

The witness personally saw the guards kill Vojin Vukovljak, an electrician from Livno who was born in Crni Lug near Grahovo. The guards also killed Milo Vujanović from Livno.

The witness was released from this camp when he was exchanged in July 1993.

Perpetrators: Andjelko Hrgić, a Livno policeman, Ahmet Jašarević, a.k.a. "Babo", military policeman Tomislav Garić, a person called "Švabo" who spoke only German, interrogator Perić, first name unknown, and Livno policeman Pero Pravdić.

Evidence: 333/95-34.

7.2.8.15. Early in April 1992, the telephones of Serbs in Livno were cut off and they were forbidden to leave town.

Evidence: 234/95-24 (svedočenje J.E./testimony J.E., Annex No. C 33, pp. c347-c350/c351-c354).

7. 2. 9. 0. B o s a n s k a P o s a v i n a R e g i o n

The deliberate killing of the Serb civilians and prisoners of war, and the deliberate detaining of the Serb civilians in the camps, their inhuman treatment, harassment and killing, as well as the ethnic cleansing of the territories inhabited by Serbs, have all the features of war crimes committed against civilians, the wounded and the ill, and against the prisoners-of-war. However, the main target of these crimes was the genocide of the Serbs living in the territories of Bosnia and Herzegovina.

During and after 1992 many of camps and camps were established. They were meant for Serb civilians who were forced to leave their property, as well as for the prisoners-of-war. They were located on the territories controlled by the Muslim and Croat armed forces.

Consequently, a system of 35 camps was established in the Bosanska Posavina region (Brod - 8, Brčko - 19, Šamac - 1, Orašje - 4, Odžak - 3) planned for the detention of Serbs.

More specifically, the camps were located:

In Brod: 1) secondary school centre "Fric Pavlik"; 2) Tulek, the storage of the department store "Beograd"; 3) The construction material storehouse, which belonged to the firm "GIK"; 4) Camp Krndija (opposite to the Firehouse building); 5) The camp on the river Sava bank (the kayak club); 6) The halls of the socks and stockings factory "Bosna"; 7) Camp in the military police building (the former Jugobanka building); and 8) the town stadium belonging to the football club "Polet".

In Brčko: 9) Boderište, the "Interplet" factory section; 10) Bosanska Bijela, the local cultural centre; 11) Bosanska Bijela, the section for dehydration of prunes; 12) Bosanska Bijela - private houses; 13) Boće - elementary school; 14) Boće - municipality offices; 15) Gornji Zovik - construction material storehouse; 16) Gornji Rahić, the local cultural centre; 17) Gornji Rahić, the dehydration plant in Okrajci; 18) Gornji Rahići, elementary school; 19) Garage of the firm Rasadnik, located between Rahić and Maoča; 21) Donji Rahić - private houses; 22) Maoča - poultry farm; 23) Maoča, cafe named "Better life"; 24) Palanka, reading room in the municipality building; 25) Rašljani, storehouse; 26) Ulice, elementary school; and 27) Ulice, local cultural centre.

In Šamac: 28) Village Domaljevac, elementary school building.

In Orašje: 29) secondary school centre; 30) Donja Mahala, camp in the elementary school; 31) Donja Mahala, the shed of Mirza Filipović, a.k.a. Deljković; and 32) Posavska Mahala; and

In Odžak: 33) Elementary school (gym); 34) The firm "Strolit" and 35) in the village of Novi Grad.

There are no accurate data how many Serbs were detained in these camps since 1992. There is the document "List of prisoners " (in the school), which was made by the HVO (Croat Defence Council) with 618 Serbs on the list. It is a fact that the Serbs, just because they were of Serb nationality, were sent to these camps where life conditions (accommodation, food, hygiene) were appalling, and where they were tortured, degraded, and killed. To the Serbs these camps were a hell on Earth.

The size of the camps, bearing in mind the number of detainees, was below the minimum required for survival. There is evidence that in the camp in Odžak (in the elementary school) a detainee was entitled to less than half a square meter!

The Serb detainees were not given even the necessary daily minimum of food and water. They were given a piece of bread and a cup of tea or some kind of soup. The hygiene was shocking. They had to relieve themselves in buckets, used instead of the toilets, which were held the whole day in the same overcrowded premises where they were held. When one also considers the various form of torturing to which the detainees were exposed, which was sometimes so monstrous that a normal person cannot grasp they were designed by humans, because of which some Serb prisoners tried to commit suicide, it becomes obvious what were the conditions really like and why many in the camps implored their torturers to be killed.

It should be mentioned here that there was an explicit plan for the killing of Serb detainees, which was: to arrange forced labor for the detainees, regardless of International Law regulations, on the front line and during intensive combat operations - where they had to dig trenches and other fortifications, pull out the wounded or killed Croat or Muslim combatants, and, if still alive, to witness the massacre of the dead Serb combatants.

Witness 267/94-9, a former detainee in Brčko, stated that the detainees from the camps in Orašje and Donja Mahala dug trenches with no cover at all; they were exposed to fire and shelling from both sides; they had to drag tree trunks for kilometres; they even had to work without any tools - "some had to dig the earth with their bare hands". According to his estimates, about 10% of the detainees in Orašje and Bukova Greda were killed, while he himself pulled about 5-6 injured or killed men. Many detainees lost their lives in this way, others were seriously injured while the rest were lucky to have survived.

7. 2. 10. 0. O d ž a k

The Serb population from the villages Gornji Svilaj, Donja Dubica, Struka, Trnjak and Novi Grad, all in the municipality of Odžak, was deceived. Instead of been taken to the Serb held territories, they were taken to two prepared camps in Odžak - to the elementary school and the firm "Strolit" . The Serbs that were lucky to survive the camps were transferred from one camp to another, in the Posavina region - they were in Odžak, Bosanski Brod, and then in Orašje - Donja Mahala, depending on how the Serbs liberated the territories.

This text will deal only with some cases of the overall ordeal the Serbs experienced in these camps. They are sufficient to depict the inhuman treatment the Serb detainees were exposed to in the camps, how they were maltreated and killed.

7.2.10.1 Torture and bodily injuries

One of the Serbs who survived the horrific torture in Odžak not only confirmed the statements of those that survived, concerning the conditions under which the Serb civilians were held, but also mentioned something which perhaps, explains the roots of the distorted imagination in the perpetrators that committed the crimes against the Serbs.

This same witness stated that Anto Golubović, the Odžak camp commander, once showed him a manual of the foreign legion in June 1992. He said that the book gave instructions how one should beat, humiliate and kill. He also said that the Ustashi spirit from WW II has resurrected, and that they intend to implement the ideology completely.

The daily torturing and crimes, committed against the Serbs, prove that Anto Golubović successfully applied the knowledge he had acquired from this manual.

7.2.10.1.1. In June 1992 all Serbs with the surname Ninković were called to step out and were then forced to start hitting their heads

against a wall until they would start to bleed. The camp commander hit with a pistol one of these prisoners on the head because he considered he wasn't hitting the wall hard enough. Those that did not faint of this hitting had to continue beating each other.

Perpetrator: Tomo Djojić, a member of the group "Flaming Horses", which was within the 2nd Battalion of the 102nd Odžak Brigade.

Evidence: 191/94-38, 280/95-10, 280/95-72, 280/95-73 and 191/94-5

7.2.10.1.2. In 1992 the Serb prisoners were made to sing the Ustashi song "Evo zore evo dana" ("Here comes dawn, here comes the day") and to repeat it 50 times standing in attention posture, so that many, being exhausted, fainted.

Perpetrator: Anto Golubović, the camp commander, is responsible for this torturing of the Serbs.

7.2.10.1.3 In May and June 1992, in the Odžak elementary school camp, Tomo Djojić ordered nine prisoners to sit by the wall, put their hands on the floor and lower their heads. He then kicked with his boots on each Serb detainee in the temples first from one side, and then walked back and kicking him from the other side. He then ordered a detainee to do exactly the same. The same member of the "Flaming Horses" extremist group ordered prisoners to put on glasses and smashed their heads against the wall without breaking the glasses.

Many Serbs - former detainees, have given statements about the crimes of Tomo Djojić.

Perpetrator: Tomo Djojić.

Held responsible: Anto Golubović, the camp commander.

Evidence: 280/95-9, 424/95-9, 424/95-10, 424/95-26, 476/94-7, 55/95-9, 10, 18, 43, 593/94-26, etc.

7.2.10.1.4. The witness 365/94-1, from Novi Grad, municipality of Odžak, who was detained in the camps in Odžak, Novi Grad - near Odžak, Bosanski Brod, and finally in Slavonski Brod, in the period 5 May 1992 to 16 September 1992, is one of the numerous who was

exposed to severe torture and degrading, and also one of the few that survived the camps. He stated:

"The prisoners were persistently beaten; several prisoners would be taken out and beaten in the corridors, classrooms, offices, toilets, or wherever else the guards decided; the guards would come into the room where the prisoners were held and beat them with rifle butts, trample on them, beat them with truncheons all over their bodies, hit them with school desk boards, with chair and table legs still having the screws on; the guards would gather around several prisoners to kick them; prisoners were wounded with axes - hit with their blunt edges in the spine and toes;

- the witness especially remembers when Damir Cindrić stabbed him 12 times in his foot through his shoe, and once when he was beaten over his back and the stomach with an iron bar while bent over a table;

- guards would order the witness to stand with his hands above his head, while one of his torturers would dash at him and kick him in the chest, stomach or back.

He also mentioned other kinds of torture:

- prisoners were made to support themselves with three fingers of each hand either on their feet or stairs, during which the guards would beat them;

- prisoners were made to dive from chairs onto concrete floors, their head first and their hands by their sides - the guards called this "diving into the Sava river";

- prisoners were made to dash at the gym door and smash it with their heads;

- guards extinguished cigarettes on detainee's arms;

- prisoners were made to lick their own blood from the floors and walls.

The witness says that prisoners were often not returned to the gym immediately after being beaten, but were made to run around in the beaten-up condition.

On several such occasions the witness was so badly beaten that he could not walk but crawled. One of his torturers would sit on top of him in these situations and say: "Come on, Chetnik, the faster you get there the less you will be beaten".

This witness testified about another form of torture which had been described by other witnesses, too.

On one occasion, chief warden Anto Golubović and the head guards of the shift, Josip Tolić and Jurica Božić, took him into a room where a 22-year-old mentally disordered woman S., from Novi Grad, was lying completely naked. They forced the witness to strip himself and lick S's vagina. The guards were laughing all the time, while there was no reaction in S. Then they ordered her to felate on him during which Josip Tolić was repeatedly hitting him over the back and backside with a truncheon.

The witness named other prisoners who had been forced to have sexual intercourse with the mentally retarded S.

The witness said that he and other prisoners had been beaten not only by Anto Golubović, Josip Tolić, Jurica Božić, Damir Cindrić, but also by Ibrahim Ahmetović, a.k.a. "Ibe", Bahrija Ahmetović, Neriman Hodžić-Mehić, Sead Hodžić-Mehić, Šimo Topolovac; the witness said the following men had raped women prisoners, HVO member Tomo Djojić, Omer Šaldić, Enes Puzić, Zdenko Nikolić, Albina Terzić, a.k.a. "Nina", and Adisa Hodžić.

The findings and opinion of the medical forensic team which examined this and other former prisoners confirm the witness' statements.

Perpetrators: of the crimes -Anto Golubović, camp commander, Josip Tolić, Jurica Božić, Damir Cindrić; of the beatings - Ibrahim Ahmetović, a.k.a. "Ibe", Bahrija Ahmetović, Neriman Hodžić-Mehić, Sead Hodžić-Mehić, Šimo Topolovac, Tomo Djojić (member of the HVO), Omer Šaldić, Enes Puzić, Zdenko Nikolić, Albina Terzić, a.k.a. Nina and Adis Hodžić.

Evidence: 365/94-1 (svedočenje M.M.2/testimony M.M.2, Annex No. C 66, pp. c673-c681/c682-c690); 191/94-29, 280/95-67 and 365/94-Š-9

(Medicinski nalaz/Medical findings Š 9, Annex No. C 168, pp. c1605-c1607/c1608-c1610).

7.2.10.1.5. Many former prisoners said that Anto Golubović tortured and beat them with truncheons, metal chairs, he also kicked them, and ordered prisoners to run from a distance of five meters and smash their heads into walls, and to repeat this five times over until they would collapse. On many occasions in the camp in Odžak, and later in Bosanski Brod, he called out whole families to be beaten.

Perpetrator: Anto Golubović, the camp commander.

Evidence: 365/94-2, 365/94-4, 365/95-5, 593/94-10, 593/94-3, 595/94-14, 55/95-2, 3, 9, 10, 18, 22, 39, 43, 280/95-4, 13, 424/95-5 (svedočenje M.L.1/testimony M.L.1, Annex No. C 56, pp. c564-c567/c568-c570, Medicinski nalaz/Medical findings - Š 11, Annex No. C 143, pp. c1456-c1457/c1458-c1459 and photo in Annex No C161, p. 39), 424/95-23, 424/95-26, 593/94-26, 476/94-7.

7.2.10.1.6. Many Serbs - former prisoners, said one of the shift head guards, Josip Tolić, beat and tortured prisoners in Odžak and later in Bosanski Brod. Witness 280/95-8 said that Josip Tolić kicked him in the back, while witness 280/95-66 stated that Josip Tolić was one of the guards who beat him most. Witness 280/95-1 said that Tolić frequently led away groups of prisoners for torture, and took part in the severe beating of S.Č. from Trnjak, S.G. from Donja Dubica and B.D. from Novi Grad. The witness said that in late May or early June, Tolić forced him and J.O., from Donja Dubravica, to beat each other with truncheons. Dissatisfied with the intensity of their blows, Tolić grabbed them both by the heads and started hitting them against each other so that they both fainted. Witness 280/95-5 said that Josip Tolić was one of the guards who beat and tortured prisoners in many ways.

Perpetrator: Josip Tolić, head of a guard shift in the camp Odžak.

Evidence: 365/94-2, 4, 5 and 7, 593/94-10, 280/95-8, 280/95-66, 280/95-1, 280/95-5, 494/95-36, 55/95-9, 10, 43, etc.

7.2.10.1.7. There are very detailed testimonies of numerous inmates in Odžak, who were held in crowded space, and were brutally tortured just because they were Serbs. They were forced to suffer together with

other fellow-townsmen and were all subsequently examined by a medical forensic team. According to the testimonies of the witnesses, they knew some of torturers but had never met the others. Those who were outstanding in brutality were:

1. ANTO GOLUBOVIĆ, camp commander,
2. JOSIP TOLIĆ and JURICA BOŽIĆ, both camp shift heads,
3. TOMO DJOJIĆ,
4. ANTE DJOJIĆ,
5. ZDENKO NIKOLIĆ,
6. IBRAHIM AHMETOVIĆ, a.k.a. "Ibe",
7. NERMIN HODŽIĆ-MEHIĆ,
8. SEAD HODŽIĆ-MEHIĆ,
9. ALMINA TERZIĆ, a.k.a. "Nina",
10. ADISA HODŽIĆ,
11. DAMIR CINDRIĆ,
12. IVICA KLJAJIĆ,
13. IVICA RAJČEVIĆ and
14. NEFRID DŽANANOVIĆ.

It should be pointed out that the names of all these Serbs - witnesses and victims, are found on the "List of detainees (in the school)" made out by the Croat Defence Council from Odžak. This document has been found (Document 191/1-94- document 11) and it will be discussed in dealing with the subject of ethnic cleansing of these territories.

7.2.10.1.8. D.G. , born in 1941, said that he was held in the Odžak camp from the beginning of May to 9 July 1992. On 28 June 1992 the

guards put a school desk on his head and injured his spine. The medical forensic team found that his 7th cervical vertebra was fractured which has resulted in the disorder of the spinal cord centres in this level. This is a serious injury causing severe pain. As a direct consequence of this injury there is limited mobility of the head.

Perpetrator: still unknown; responsible Anto Golubović, camp commander.

Evidence: 476/94-1; 55/95-29; 365/94-Š-3 (Medicinski nalaz/Medical findings - Š 3, Annex No. C 251, pp. c2177-c2179/c2180-c2182)

7.2.10.1.9. The Serb N.T., born in 1940 (424/95-10), was severely beaten by groups of soldiers which were led by Ivica Klajić, Josip Tolić, Tomo Djojić and others who wore black uniforms with Ustasha insignia, and who ordered this Serb and other inmates to address them as "Mister Ustasha".

Because of the beatings and resulting fractures - which were major injuries - there is limited extension in the witness's left elbow joint.

Evidence: 424/95 -10, and findings and opinion of the forensic medical board 365/94-Š-4.

7.2.10.1.10. S.P., born in 1952, was held in the camps in Odžak, Bosanski Brod and Orašje from 8 May 1992 to 5 November 1992. He was first tortured in the camp in Odžak, especially by Damir Cindrić from Slavonski Brod, but also by Ante Golubović, Josip Tolić, Ivica Klajić, Tomo Djojić, Zdenko Nikolić and others. Several of his ribs were broken and he had other injuries because of the beatings. All this has been confirmed by the findings and opinion of the medical forensic team.

Perpetrator: Ante Golubović, Josip Tolić, Ivica Klajić, Tomo Djojić, Zdenko Nikolić, Damir Cindrić, and others.

Evidence: 424/95-11, and findings and opinion of the medical forensic board 365/94-Š-5.

7.2.10.1.11. The witness 55/95-3, born in 1962, was in the camp Odžak since 8 May 1992 and was tortured in many ways. Amongst

others, the Croat soldiers in Ustasha uniforms and insignia extinguished their cigarettes on the left forearm. As a consequence, he has limited mobility of the left arm. This detainee has scars on his left forearm. Some Serbs had to open their mouths and protrude their tongues, so that the soldiers could extinguish their cigarettes on them.

Perpetrator: Still unknown Croat soldiers; Anto Golubović, the camp commander held responsible for this.

Evidence: 55/95-3, and findings and opinion of the medical forensic board 365/94-Š-8.

7.2.10.1.12. The Serb R.P., born in 1970, was in the camp in Odžak from 8 May to 9 July 1992. On one occasion he and ten other prisoners - Serbs, were severely beaten all over their bodies; they were kicked, beaten with truncheons and chairs by Anto Golubović, Ivica Klajić, Josip Tolić and some other soldiers - Croats and Muslims.

Perpetrator: Anto Golubović, Ivica Klajić, Josip Tolić.

Evidence: 365/94-5 and findings and opinion of the medical forensic board 365/94-Š-10.

7.2.10.1.13. The Serb detainee M.Š., born in 1920 (593/94-4), was not spared in the camp Strolit in Odžak. In May 1992, though he was 72 years old, Ivan Božić, a.k.a. "Papan", Jurica Božić, a.k.a. "Valuga", Andrija Dujak and others beat him without any mercy, and once while Ivan Božić was beating him over the head, another soldier who was holding a big knife threatened to cut off his ear, while two other soldiers wound a cable around his throat and stretched it, saying: "Look, chief, how his eyes fall out". He had to eat the food from a dish into which blood was dripping from his head. During the two months of torture in the camp this Serb lost 27 kg.

Perpetrator: Andrija Dujak - Chief of Police in Odžak, Ivan Božić, a.k.a. "Papan", Jurica Božić, a.k.a. "Valuga".

Evidence: 593/94-4

7.2.10.1.14. The witness O.T., born in 1957 (424/95-29), was in the camp in Odžak, in the elementary school premises, from 8 May 1992

to 5 July 1992. He said that he was beaten several times a day but usually, just like the other Serbs, late at night. The soldiers would come in and trample on him and the others. On one such occasion he was seriously injured - his left ribs were fractured, and he had a depressed fracture of his right cheek and an injury of his right eyeball. He has a disproportion in his face now and is disfigured because of the deformity. During the injury he had suffered severe pain.

The witness stated that he and the inmates were told that they were a lower race, that there was no life for them in the new state, and that they would all be slaughtered, killed and starved to death. He witnessed the torturing and infliction of fatal injuries to other inmates-Serbs.

Perpetrator: Anto Golubović, camp commander.

Evidence: 424/95-29, and findings and opinion of the medical forensic board 365/94-Š-12.

7.2.10.1.15. The Serbs M.G., born in 1932 (55/95-13), and his son Ž.G., born in 1968 (55/95-18) were both detained in the camp in Odžak. Their testimonies, as well as the testimonies of the other Serbs about their ordeals, are very distressing.

M.G. had to watch how they beat his son Ž.G. and his other son, and then also had to watch how his sons were forced to beat each other. Ž.G. was seriously injured - he was hit with a rifle butt in the head, because of which he got a depressed fracture of the parietal bone. He also had a cut in the neck made by a soldier wearing the black Ustashi shirt, who threatened he is going to slaughter the witness. He also stabbed him below his chin and there is a scar there now. With the tip of his knife the same soldier curved the Ustashi letter U on Ž.G.'s chest, and he also made cut in his limbs and other parts of his body.

In these stated tortures Anto Golubović, Tomo Djojić, Jurica Božić, Josip Tolić, Ivica Rajčević and some Rešad from Odžak were the most prominent.

Perpetrators: Anto Golubović, Tomo Djojić, Jurica Božić, Josip Tolić, Ivica Rajčević and some Rešad from Odžak.

Evidence: 55/95-13, 55/95-18

7.2.10.1.16. The Serb witness D.N., born in 1951 (424/95-26), confirmed the testimonies of numerous witnesses regarding the crimes committed by Anto Golubović, Josip Tolić, Tomo Džojić, and stressed the perpetrators Ferid Halilović, Jurica Božić.

They stabbed his knee with a knife, cut his left auricle and broke his left ribs.

Perpetrators: Anto Golubović, Josip Tolić, Tomo Džojić, Ferid Halilović, and Jurica Božić.

Evidence: 424/95-26.

7.2.10.1.17. The witness M.Lj., born in 1963 (424/95-43, 283/95-28) was severely tortured till early July. He remembers a specific torturing which took place in early June 1992 when Josip Tolić, the head of the camp guard shift, called him. Some military policemen started to beat him and then Damir Cindrić ordered them to stop, saying: "Now you shall see how the Ustashi beat".

Then Damir Cindrić piled parts of broken furniture, which still had bolts with nuts protruding, on the front side of his body, and Marko Miloš on his back part. After that they simultaneously started to hit the furniture parts with other objects. When he fell on the floor Cindrić started to jump on him with his boots on, while Marko Miloš started to beat him with the rifle butt and kicked him in the legs, kidneys and genital organ. Then they raised him from the floor, holding his head by the hair they started to hit it against the blackboard until the skin burst and the head started to bleed. They threw him on the floor again and started to beat him with metal bars until he fainted.

This witness stated that a doctor, first name Stipo, was angry when he was taken to him after this torturing and said to them: "Either kill him or leave him alone. I can't patch him any more, and it is a pity to waste medicaments on them".

Perpetrators: Damir Cindrić, Marko Miloš, and held responsible: Anto Golubović, the camp commander.

Evidence: 424/95-43, 283/95-28.

7.2.10.1.18. The witness D.D., born in 1922 (424/95-45, 476/94-5). Her testimony about her ordeal in the camp Odžak is heartbreaking. She was there with her son, now late R.D., from Donja Dubica.

This old woman was taken to the camp on 8 May 1992, together with her husband and her ill son, born in 1942, who had been ill and bed-ridden since birth.

"One night a group of Ustashas came in and began hitting us with their feet and fists. The next day, an Ustasha with a lit cigarette came in and began to push the lit end of a cigarette into my son's mouth. I pleaded him, together with the other Serb women, not to do so, since my son was ill, but he showed no intention of stopping and continued to push the lit cigarette end into his mouth. On the same day, a group of Ustashas came into the room and all of them extinguished their cigarettes on my son's face. After that they took some device, which was evidently connected to an electric power source, and molested his face with it."

Perpetrator: Anto Golubović, camp commander.

Evidence: 424/95-45,476/94-5.

7.2.10.1.19. One witness explained how once Anto Golubović, "raging as a wild beast", wanted to slaughter the now late Mihajlo Popović. Popović put his hands between his neck and the knife so that his hand was cut. Out of horror and having the instinctive desire to survive Popović had a nervous breakdown and was transferred to the hospital in Zagreb where he died. Before threatening to slaughter him Anto Golubović beat him so severely that he broke a chair on him.

Several Serbs - inmates confirmed this ordeal of the late Mihajlo Popović.

Perpetrator: Ante Golubović.

Evidence: 191/94-11, 191/94-13, 280/95-83, 476/94-7.

7.2.10.1.20. The Serb Lj.Dj. was once put a hand grenade in his mouth by Anto Djojić, a.k.a. "Kelin". While the bomb was in his mouth

the guards beat him and he was forced to hit his head against the wall. Then Djorić took his head and started hitting it against the wall until he fainted.

Perpetrator: Anto Djojčić, a.k.a. "Kelin; Anto Golubović, camp commander held responsible.

Evidence: 476/94-7.

7.2.10.1.21. On 8 August 1992, B.D. was taken to the Odžak camp. After two days in the camp, while clearing a minefield, a job which was usually done by the Serb prisoners, he stepped on an antipersonnel mine, the so-called can, which ripped off his left foot.

Evidence: Medicinski nalaz/Medical findings - Š 16 (Annex No. C 145, pp. c1462-c1463/c1464-c1465)

7.2.10.2. Life conditions in the camps in Odžak: the accommodation, food, and hygiene.

In 1992 there were about 700 prisoners detained in the camp Odžak, and held in the elementary school gym. The prisoners were starving, since they were given just a small piece of bread a day (one loaf was distributed to 15-20 prisoners) and a cup of tea. Many prisoners - former detainees in Odžak have confirmed this.

7.2.10.2.1. The witness D.V., born in 1950 (593/94-1), who was in the camp "Strolit" during 1992, said that about 30 prisoners were held in a premise the size of 20 m². They could neither lie down nor sit properly. They were given a bucket to relieve in. They were frequently given no water.

The prisoners were given a piece of bread a day, maximum 50 - 100 gr. and some soup or tea. This witness lost 25 kg in a very short period of time.

7.2.10.2.2. A former detainee in the camp "Strolit", the Serb V.J. said that he had lost so much weight that during the exchange none of his relatives and acquaintances could recognise him.

Perpetrator: The person most responsible for such living conditions in the camp was the camp commander, Anto Golubović.

Evidence: 593/94-1, 593/94-2 (Medicinski nalaz/Medical findings - M 2, Annex No. C 258, pp. c2231-c2234/c2235-c2237 and photos in the Annex No. C161, pictures No 1-5, pp. 40-43), 593/94-3, 593/94-5, 593/94-7, 593/94-9, 593/94-10, 593/94-14, 593/94-25, 593/94-26, 593/94-30, 593/94-33, 55/95-1, 55/95-2, 55/95-3, 55/95-4, 55/95-5, 55/95-6, 55/95-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119 pp. c1204-1208/c1209-c1213), 55/95-10, 55/95-11, 55/95-12, 55/95-13, 55/95-14 (svedočenje P.D./testimony P.D., pp Annex No. C 26, c255-c258/c259-c262), 55/95-15, 55/95-16, 55/95-18, 55/95- 22, 55/95-43, 55/95-28, 55/95-29, 424/95-1, 424/95-2, 424/95-3, 424/95-4, 424/95-5, 424/95-6, 424/95-7, 424/95-8, 424/95-9, 424/95-10, 424/95-11, 424/95-15, 424/95-17, 424/95-18, 424/95-19, 424/95-20, 424/95-21, 424/95-24, 424/95-27, 424/95-29, 424/95-30, 424/95-31, 424/95-33, 424/95-34, 424/95-35, 424/95-36, 424/95-37, 424/95-38, 424/95-41, 424/95-42, 424/95-43, 191/94-4, 191/94-13.

7.2.10.3. Humiliation, harassment and intimidation

All the former camp prisoners - Serbs, have testified in court that, regardless of the almost impossible life conditions, starvation, and appalling hygiene, which were detestable for any human being, and regardless of all the various torturing - which will be described, and injuries, which have been described - the Serb prisoners were also degraded and intimidated in various ways.

All the former camp prisoners spoke about the daily threats that they would be killed, and how they were humiliated and intimidated.

7.2.10.3.1. In May 1992, in the camp located in the Odžak primary school, Adisa Hodžić, a member of the military police within the 102nd Odžak Brigade, ordered the Serb detainee Ž.G. to take all his clothes off, and he then let go a dog - a German boxer, which had no muzzle on, into the premise. However, the dog did not hurt him.

Evidence: 280/95-39.

7.2.10.3.2. During May 1992, in the camp which was in the primary school in Odžak, they forced the prisoners to beat each other, to lick the blood from the floor, to lick the guards' boots, and to hit their heads against the blackboards or wall.

Evidence: 280/95-7.

7.2.10.3.3. During 1992 in the camp which was in the primary school in Odžak, Albina Terzić, a.k.a. "Nina", a member of the HVO military police units, ordered the prisoners to take off their trousers and underwear so that her dog - a Great Dane which she brought, could sniff their genital organs.

7.2.10.3.4. In May or June, during an "interrogation" in the camp in Odžak, Zdenko Nikolić, a member of the HVO military police units within the 102nd Odžak Brigade, who frequently physically tortured the witness 191/94-4 from Trnjak, threw several suckling pig bones from his plate in front of him and said:

"Eat them, f...k your Chetnik mother, they are for you. You're no better than dogs."

Evidence: 191/94-4

7.2.10.3.5. Anto Golubović, the camp commander, Josip Tolić, the head of the shift, and Albina Terzić, a.k.a. "Nina" organised the so called "Camp Weddings" - where a Serb female and a male detainee had to have sexual intercourse in their and the presence of other prisoners.

Evidence: 191/94-4 and 191/94-13.

7.2.10.3.6. The witness 476/94-7, born in 1960, also testified that the following events took place in the camp in Odžak:

They forced G.J. and to suck the genital organs of K.Dj. in front of all, and then they had to stick their fingers in each others anus and lick them.

Evidence: 476/94-7

7.2.10.3.7. The Serbs - detainees were taken naked to have a group washing in front of the local population. They were washed with a gush of bitterly cold water under pressure.

Perpetrator: Anto Golubović, being the camp commander.

Evidence: 55/85-8, 424/95-41.

7.2.10.3.8. The detainees were forced to kiss the boots of the guards, after which they were kicked by the same guards with the same boots on.

Perpetrator: Anto Golubović, being the camp commander.

Evidence: 424/95-34

The immediate perpetrators, individuals whose names are here mentioned, are responsible for all these crimes against Serb civilians. Anto Golubović, being the camp commander, shares the responsibility in all the violations.

7.2.10.4. The killing of the Serbs in the camps in Odžak

Besides the various forms of torturing and injuring of the Serb detainees in the camps in Odžak, besides the appalling life conditions, and the humiliation, harassment and intimidation of the Serb prisoners, it has been established that some Serbs were killed in these camps too.

1. Simo Cvetković, a.k.a. "Drinić", born in 1931 in Gornji Svilaj, Odžak.

In July 1992, in the camp which was in the primary school in Novi Grad - Odžak, several military policemen beat Simo Cvetković, a.k.a. "Drinić". The last to beat him was Anto Golubović, who broke the chair with which he was beating Simo Cvetković. The poor man fainted and died the same night, on 12 July 1992, because of the injuries.

Perpetrators: Anto Golubović and other, still unidentified perpetrators.

Evidence: 593/94-33, 55/95-9, 55/95-19, 424/95-11, 424/95-15, 424/95-17, 424/95-33, 424/95-34, 424/95-36, 324/95-26, 191/94-13, 191/94-14 and 280/95-73.

2. Rade Tomonović,

In July 1992, in the camp for the Serbs which was in the primary school in Odžak, Anto Golubović, the camp commander, Josip Tolić, the head of the guard shift, and Ferid Halilović, a member of the police unit within the 102nd HVO Odžak Brigade - a guard in the camp, had beaten Rade Tomonović with their fists, kicked him, and hit him with various objects. Then they tied him to the volley ball net pillar and continued with the beating - Ferid Halilović hit him with the rifle butt over his back. He died soon afterwards, still tied to the pillar. This happened on 24 June 1992.

The witness 55/95-14 was one of those that witnessed the killing of Rade Tomonović. He said he saw them beat him to death, and when he died Anto Golubović started to kick the dead body saying:

"Carry this dog away".

Perpetrators: Anto Golubović, Josip Tolić and Ferid Halilović.

Evidence: 365/94-2, 365/94-5, 593/94-13 (Medicinski nalaz/Medical findings - M 7, Annex No. C 260, pp. c2246-c2248/c2249-c2251 and photos in the Annex No. C161, pictures No 1-2, pp.44-45) 593/94-14, 593/94-40, 593/94-31 593/94-33, 55/95-1, 55/95-2, 55/95-4, 55/95-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119 pp. c1204-1208/c1209-c1213, Medicinski nalaz/Medical findings - M 10, Annex No. C 261, pp. c2252-c2254/c2255-c2257 and photo in the Annex No C161, picture No 1, p. 38), 55/95-10, 55/95-11, 55/95-14, 55/95-16, 55/95-18, 55/95-22, 55/95-28, 55/95-43, 280/95-72, 280/95-73, 280/95-74, 280/95-75, 280/95-, 280/95-76, 280/95-77, 280/95-84, 424/95-1, 424/95-2, 424/95-4, 424/95-5, 424/95-9, 424/95-11, 424/95-15, 424/95-17, 424/95-19 (svedočenje B.R./testimony B.R., Annex No. C 90, pp. c904-c907/c908-c912), 424/95-20, 424/95-24, 424/95-26, 424/95-27, 424/95-29, 424/95-30, 424/95-31, 424/95-33, 424/95-34, 424/95-35, 424/95-36, 424/95-37, 191/94-4, 191/94-5, 191/94-13, and 22/97.

3. Svetozar Dervenić, a.k.a. "Četa".

In early May 1992, in the camp in "Strolit, in Odžak, Anto Golubović, the camp commander, together with Tomo Djojić, Mirko Čulap and Josip Tolić - members of the HVO police, beat the Serb Svetozar Dervenić, a.k.a. "Četa" several times. Several days before he was killed Anto Golubović allowed the HVO police members to take the late Dervenić from the camp. He was brought back in the boot of a car and was still alive. They continued to hit him and he died the same night. He had been taken to the place for drying and smoking meat where he was hanged by the arms and tortured.

The witness M.D. (55/95-8) and the brother of the late Svetozar Dervenić, a.k.a. "Četo", who was also detainee and was tortured in the "Strolit" camp, know details about this death. He said that Svetozar Dervenić "was so severely beaten he couldn't move at all". He died in his brother's hands. After his brother's death M.D. was beaten with no mercy every day and his torturers wanted to know how he took his brother's death.

Perpetrators: Anto Golubović, camp commander, Tomo Djojić, Mirko Čulap and Josip Tolić.

Evidence: 593/94-13, 593/94-31, 55/95-1, 55/95-2, 55/95-4, 55/95-15, 55/95-7, 55/95-9, 55/95-10, 55/95-11, 55/95-14, 55/95-16, 55/95-18, 55/95-22, 55/95-28, 55/95-43, 424/95-4, 424/95-5, 424/95-9, 424/95-11, 424/95-17, 424/95-18, 424/95-25, 424/95-37, 191/94-4, 191/94-11, 191/94-13.

4. Rade Dervenić, a.k.a. "Sila".

On 3 July 1992, in the camp for Serbs, located in the Odžak elementary school premises, Anto Golubović, the camp commander, Josip Tolić and Jurica Božić, the head of the shift, had several times severely beaten the Serb Rade Dervenić, a.k.a. "Sila". He died the following day, on 4 July 1992, because of the injuries.

The witness, P.R. (365/94-5) confirmed that Rade Dervenić was taken to the basement and beaten for at least two hours. They could hear his screams. He and several other prisoners went to the toilets, and

were all forced to dive onto the concrete floor with their heads down and their hands next to their bodies. During this the witness saw them beat Rade Dervenić, a.k.a. "Sila".

Many of the Serbs, former detainees in the camp in Odžak, have confirmed this murder.

Perpetrators: Anto Golubović, the camp commander, Josip Tolić and Jurica Božić.

Evidence: 365/94-3, 593/94-13, 593/94-31, 55/95-1, 55/95-3, 55/95-4, 55/95-5, 55/95-7, 55/95-9, 55/95-10, 55/95-11, 55/95-12, 55/95-14, 55/95-16, 55/95-18, 55/95-22, 55/95-28, 55/95-43, 424/95-1, 424/95-4, 424/95-11, 424/95-15, 424/95-17, 424/95-19, 424/95-26, 424/95-27, 424/95-30, 424/95-31, 424/95-33, 424/95-34, 424/95-36, 424/95-37, 424/95-84, 191/94-4, 191/94-5, 191/94-13, 191/94-29, 191/94-35, 280/95-72, 280/95-73, 280/95-78.

7. 2. 11. 0. Brod (Bosanski Brod)

When the Bosnian Serb Army liberated the Odžak area, the withdrawing Muslim and Croat forces transferred the Serbs imprisoned in the camps in Odžak to the camps in Brod (Bosanski Brod) which were located in the secondary school centre "Fric Pavlik", in the storehouse for construction material in the district Tulek, and in the canoe club within the sports stadium.

All that has been said about the living conditions of Serb prisoners in the other camps in the Posavina region of Bosnia applies to Bosanski Brod as well.

However, certain facts should be mentioned.

Some of the perpetrators that committed crimes against the Serbs in the camps in Odžak, continued with their crimes in Brod. Therefore, the names ANTE GOLUBOVIĆ, JOSIP TOLIĆ and JURICA BOŽIĆ, a.k.a. "Bajica" and others are still present in the testimonies of those that survived the camps.

The second fact that should be mentioned about the camp in Brod is that Serb women - detainees were raped there almost daily. One will notice in the testimonies to follow, that there was more violence and torturing to follow the rape - than required for rape. The most reckless torture and abuse had been the objective, regardless of the rape. The humiliation of the Serb women was on an incomprehensible scale.

Third, it is evident that a large number of the detainees, just like in the region of Orašje, were forced to dig trenches on the front line during the combat operations. Many of the Serbs were killed or were wounded while doing this.

Most of the former Serb detainees from the camp Brod have described in their statements the bad life conditions, hygiene and food which was scarce, too.

Evidence: 55/95-2, 55/95-3, 55/95-6, 55/95-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119, pp. c1204-1208/c1209-c1213), 55/95-8, 55/95-9, 55/95-10, 55/95-12, 55/95-15, 55/95-16, 55/95-22, 55/95-27, 55/95-28, 55/95-43, 424/95-3, 424/95-5, 424/95-6, 424/95-8, 424/95-9, 424/95-15, 424/95-17, 424/95-26, 424/95-27, 424/95-30, 424/95-33, 424/95-35, 424/95-38, 191/94-11, 584/94-16 (svedočenje M.M.5/testimony M.M.5, Annex No. C 70, pp. c716-c721/c722-c727), 584/94-32 (svedočenje M.Dj./testimony M.Dj., Annex No. C 29, pp. c301-c304/c305-c308), 584/94-1 (svedočenje Lj.S./testimony Lj.S., Annex No. C 96, pp. c987-c990/c991-c994)

7.2.11.1. Torturing - injuring of the detainees

7.2.11.1.1. On request of Albina Terzić, a.k.a. "Nina", a member of the HVO police, Mirko Čulap, also a member of the HVO police, first burnt the face of the Serb detainee 593/94-31, from Donja Dubica, with a lit cigarette, and then extinguished it there too. After that he bit one of his ears, while simultaneously Drago Lapan, a member of the 101st Bosanski Brod Brigade, bit the other ear. Then they started to pull, each in his direction, until a part of his auricle was completely bitten off by Mirko Čulap.

This statement of the detainee 593/94-31, given to the investigator and to other authorities, as well as the statements of many other Serbs who confirmed the ordeals of this Serb, are confirmed by the findings and opinion of the medical forensic board consisting of forensic and neuropsychiatry experts.

This medical forensic board examined the witness 593/94-31 and found a part of his left auricle missing. The scar in that region is star-like and non-pigmented. It is written in their Opinion:

"On examination, a star-like non-pigmented scar found on the left auricle, interior. It could be the result of its lobule being bitten off. This had to cause severe pain to 593/94-31 when injured. The direct consequence of this injury and the missing left auricle lobule, which resulted in a star-like scar, is the disfiguring of 593/94-31..."

Perpetrators: Albina Terzić, a.k.a. "Nina", Mirko Čulap and Drago Lepan, all members of the HVO military police.

Evidence: 55/95-11, 593/94-31 and 365/94-Š-2 (Medicinski nalaz/Medical findings - Š 2, Annex No. C 142, pp. c1452-c1453/c1454-c1455 and photo in Annex No C161, p. 51)

7.2.11.1.2. During 1992, in the camp in Bosanski Brod, Damir Cindrić, a.k.a. "Cindra", a military policeman called "Nindža" and one other person, beat the Serb detainee S.P. from Gornji Svilaj with fists, booted feet and wooden objects. Cindrić pushed the pistol barrel into his mouth, and they then hung him by a rope tied to his left leg from a basketball construction in the gym. They ordered other prisoners to pull the rope, raising and dropping him while they beat him. The rope eventually snapped, and S.P. fell on his head and lost consciousness. In addition to other injuries inflicted during his confinement in the camps in the Bosnian Posavina region, this detainee had a cross cut with a knife on his back.

Perpetrators: Damir Cindrić, a.k.a. "Cindra", the military policeman called "Nindža" and one other still unknown perpetrator.

Evidence: 191/94-38, 55/95-26 and 267/94-2.

7.2.11.1.3. During the summer in 1992, in the camp in Bosanski Brod, Anto Golubović, the camp commander, Josip Tolić and Jurica Božić, a.k.a. "Bajica", all members of the HVO military police forces within the 102nd Odžak Brigade, singled out the three brothers Pavić, from Novi Grad, who were digging the trenches with the other detainees on the front line during the combat operations. One of the brothers, Jadranko Pavić, was wounded and they forced the other two brothers to hold him while they started to beat him with truncheons, rifle butts and fists - until he fainted.

Perpetrators: Anto Golubović, Josip Tolić and Jurica Božić.

Evidence: 191/94-13

7.2.11.1.4. One other Serb detainee, who had the misfortune to be in the camps in Odžak, in Orašje - Mahala, and also in the camp in Brod, in the secondary school centre - the witness 593/94-10 and 280/95-56, born in 1967, who was first held in the camp in the district Tulek and later in the secondary school centre, was tortured day and night. However, the worst torturing to him happened on 5 October 1992, in the secondary school centre in Brod, on the day when several detained Serbs managed to escape. Not only was he and the other Serbs beaten, but their legs were also tied with ropes and they were then hanged from the basketball construction. While they were hanging, with their heads down, they were pulled up a meter and more and then the ropes were loosened so that they hit the floor with their heads. This Serb was tortured the most by Damir Cindrić and Luka Jozić.

Perpetrators: Damir Cindrić and Luka Jozić; held responsible: Anto Golubović, camp commander,

Evidence: 593/94-10 and 280/95-56.

7.2.11.1.5. In July 1992 in the camp in Brod, which was located in the town stadium, Blažen Klajić, a member of the HVO, entered a premise where the witness 584/94-28, born in 1956, was held. He started to curse and kick him, threatening that he would slaughter him. He made him take off his clothes and lie on the stomach. Then, with the tip of a knife, he cut a cross with 4 letters "S" on his back. The witness cursed him, convinced that he will be killed anyway, and even wished to be

killed since he couldn't stand the daily torturing and harassment any more. However, he wasn't killed though he was told he would be shot. He just beat him again.

Perpetrator: Blažen Klajić, member of the HVO.

Evidence: 584/94-28.

7.2.11.1.6. In June, 1992, in the Bosanski Brod camp, Luka Jozić, a.k.a. "Lukica", who was at the time the camp commander, asked the witness 584/94-16 (born in 1955) who and what he was. When the witness replied that he was a Serb, Jozić said: "It's just the kind we need!" He called in Drago Lepan, Petar Lepan, Mate Conđrić and Zdenko Miljak, all dressed in HVO uniforms, and told each of them exactly how to beat the detainee. Miljak was told to hit him in the face, Drago Lepan to punch him, and Petar Lepan to hit him when he fell on the floor. They started carrying out their orders and the witness lost consciousness. But before that the commander Jozić also punched and kicked the detainee so hard that he started to sweat exceedingly. When the detainee regained consciousness, Jozić called in Indira Vrbanjan, a woman solicitor who worked for the local council, and told her: "Now you know what to do next." Vrbanjan ordered him to strip, punched, kicked and hit him with a stick until he fell down, and then kicked him in the genitals. She later ordered him to kiss a Croat chequered flag, which was hanging on the wall, and to shout "Long live Ante Pavelić!". In the following days, until June 13, the detainee was constantly beaten.

Perpetrators: Luka Jozić, a.k.a. "Lukica", Drago Lepan, Petar Lepan, Indira Vrbanjan and Mate Conđrić; held responsible Anto Golubović, camp commander.

Evidence: 584/94-16.

7.2.11.1.7. From April to June 1992, in a camp in the military police headquarters in Bosanski Brod, the military policemen Ante Štuc and Drago Lepan tortured the Serb witness 584/94-12 (born in 1927) continuously. They took him to a room in which there were several sharpened stakes and pliers, needles and sticks, and asked him if he knew what these objects were used for. When he said he did not know, they ordered him to strip naked and drove the pointed end of

the stake up his anus. They then pulled out his teeth with the pliers, punching and kicking him. Štuc pulled out all but one of his upper teeth, which was loose at the time the witness gave the testimony.

Anto Štuc was one of the main torturers. He used to hit the Serb prisoners in their genital organs and enjoyed in giving them a shower at midnight with freezing water, after which many had high temperature and were in agony.

Perpetrators: Ante Štuc, Drago Lepad. Held responsible: Anto Golubović, camp commander.

Evidence: 584/94-12.

7.2.11.1.8. One of the forms of torturing and harassing Serbs was to call an detainee, and when he would come out a soldier on either side would kick him in his ribs, and the two from the back, in the kidneys. The one in the front would have a baseball bat with a big letter U written on it. He would force the Serb to kiss the U letter and would then start to beat him over his back.

Perpetrators: Anto Golubović, camp commander and still unidentified perpetrators.

Evidence: 438/94-14.

7.2.11.2. The humiliation, harassment and intimidation of the Serb detainees.

The inhumane treatment of Serbs who were held in the camps in Brod was practised here too, just like in the other camps of the Bosnian Posavina region.

7.2.11.2.1. Several Serbs who were detained in the camps in Brod stressed how they were threatened to be killed and tortured in case they would refuse to have sexual intercourse with each other or with the camp staff.

A group of Croat soldiers in the camp in Tulek, amongst whom were Dedo Odolbašić from Brod, Damir Čuma, from Brod, Dragan Lepad

and others, forced the Serbs to felate their penis, and also forced them to do the same to each other.

Perpetrators: Dedo Oldobašić, from Brod, Damir Čurma from Brod, Dragan Lapan.

Evidence: 593/94-33 and 584/94-16 (svedočenje M.M.5/testimony M.M.5, Annex No. C 70, pp. c716-c721/c722-c727).

7.2.11.2.2. In 1992 in the camp in the district Tulek in Bosanski Brod the Serb detainees were forced to 1) sing Ustashi songs, 2) to say the Catholic prayers, 3) to kiss the baseball bat with which they were to be beaten, 4) to kiss the feet of the HVO soldiers.

Held responsible: Anto Golubović, camp commander, and other still unidentified perpetrators.

Evidence: 593/94-13, 593/94-33.

7.2.11.2.3. Besides the other forms of torture, the prisoners were forced to eat nylon stockings or to strip and stand naked for several hours. They couldn't wash themselves for months.

Held responsible: Anto Golubović, camp commander and other still unidentified perpetrators.

Evidence: 280/95-11.

7.2.11.2.4. Zdenko Miljak, dressed in the HVO uniform (Croat Defence Council) urinated into the mouth of the Serb M.M. (584/94-16), and the Croat soldier called "Britva" urinated on the grass and forced the same Serb M.M. to graze the grass.

Perpetrators: Zdenko Miljak, from Brod, and the Croat soldier called "Britva". Held responsible: Anto Golubović, camp commander.

Evidence 584/94-16

7.2.11.3. The killing of the Serb detainees

In addition to being cruelly tortured, injured and humiliated, several Serb prisoners were also killed.

1. MILAN RADOVANOVIĆ, from the village Zborište,
2. PEJO KOSTADINOVIĆ,
3. SLAVKO ČEREK, from Brod, born in Lješća,

Perpetrators: Ante Opačak, a.k.a. "Paraga" from Vrela, Ivica Klajić, from Kričanova.

Evidence: 584/94-12, 584/94-26

4. ZDRAVKO KUŠLJIĆ, from Brodsko Polje, municipality of Brod.

Ante Štuc tortured him and castrated him, after which Zdravko Kušljic died.

Perpetrator: Ante Štuc.

Evidence: 584/94-12

5. MIRKO PAJIĆ, music teacher from Derventa. Died in August 1992 of the injuries from the torture in the camp in the secondary school centre "Fric Pavlik", in Brod.

Several prisoners testified about the beating to death of the teacher from Derventa, Mirko Pajić, in the camp in Brod, located in the secondary school centre Fric Pavlik. Perpetrators: Anto Golubović, Josip Tolić and Jurica Božić.

Evidence: 365/94-3, 55/95-2, 55/95-9, 55/95-11, 55/95-16, 55/95-28, 55/95-38, 55/95-43, 424/95-1, 424/95-2, 424/95-1, 424/95-10, 424/95-11, 424/95-15, 424/95-26, 424/95-34, 191/94-5, 280/95-68, 280/95-73, 280/95-74, 280/95-75, 584/94-16.

7.2.11.4. The raping of Serb women in the camps in Brod

The testimonies of many witnesses confirm that there was a large-scale rape of Serb women in the camps in Brod. Not only were they raped but were treated in an utterly inhumane way.

7.2.11.4.1. The Serb female detainee S.Ž. (584/94-14), born in 1928, who lost about 20 kg. during her stay in the camp, was forced, together with the other elderly women, to take off all her clothes and then felate to the Croat soldiers. They were humiliated in other ways, too. The one that molested them the most was Indira Vrbanjac, the head warden of the female department.

Perpetrators: Indira Vrbanjac, head warden of the female department, and other, still unidentified perpetrators. Held responsible: Anto Golubović, camp commander.

Evidence: 584/94-14, 584/94-24 (svedočenje S.V./testimony S.V., Annex No. C 15, pp. c149-c153/c154-c158), 584/94-33

7.2.11.4.2. The Serb woman M.Dj. (witness 267/94-2, 584/94-32) was taken with her husband to the camp in the sports stadium in Bosanski Brod, on 11 September 1992. She was raped by groups of soldiers several times. Once she was raped by 12 soldiers who were in uniforms with the Croat checker sign, amongst whom was Drago Čabrajić, from Novo Selo. He told her that he "wanted to make her a little Ustasha". M.Dj. describes this experience as if she were attacked by a "pack of beasts in human disguise."

Ivica Glavić, from Sijekovac, not only raped this woman but also took her to the front line in Luščani to be raped by the soldiers there. "One by one they came from the trenches as ghosts" and raped her - she fainted and doesn't know how many soldiers had raped her there.

She was tortured and degraded in various ways - they forced her to watch the torturing of her husband while Ivica Glavić told her husband in her presence: "My grandpa was an Ustasha, but I am an even greater one than he. Here is your wife - take a good look at her. We have all f...cked her and she is like a cow now." Her husband was a ruined man after the camp, and they are separated now. He is living somewhere in Vojvodina.

One can imagine the tragic consequences in these woman and their families, especially the effect this had on their marriages.

Perpetrators: Drago Čabrajić from Novo Selo, Ivica Glavić from Sijekovac, Taib Slabić from Bosanski Brod, Ivica Blažević, a.k.a. "Čedo", from Novo Selo, Jurković, a.k.a. "Mangaš", from Bosanski Brod, Kadrija Mlivić from Sijekovac, Drago Lepad from Bosanski Brod, Tadija Lepad from Bosanski Brod, Lukica Jozić from Kovač, Adam Antolović from Bosanski Brod, Ivica Blažević from Sijekovac and someone called "Čičak" from Sijekovac. Held responsible: Indira Vrbanjac, chief of the female ward of the camp.

Evidence: 584/94-32, 267/94-2, 584/94-31

7.2.11.4.3. DESANKA BLAGOJEVIĆ, a nurse from Tešanj, was killed during the transfer of the Serb detainees from Bosanski Brod to Slavonski Brod. She was shot by Kadrija Milvić, from Sijekovac, who was a member of the 101st Bosnian Mountain Brigade. Before that she was held in the camps in the secondary school centre and stadium in Brod. Her killing was preceded by a horrific torturing and raping done by Kadrija Milvić together with Jurković, a.k.a. "Mangaš" (first name unknown), who was also a member of the 101st Bosnian Mountain Brigade.

She was not only raped but awfully tortured. She was forced to sit naked on a small burning cooker and they also burnt her elbows, knees, and backside. Her burns started to fester and stink and she was screaming and crying all the time. She was shot on the bridge, during the transfer of the detainees from Bosanski to Slavonski Brod.

Perpetrators: Kadrija Mlivić, from Sijekovac, member of the 101st Bosnian Mountain Brigade, and Jurković, a.k.a. "Mangaš", member of the 101st Bosnian Mountain Brigade, and other still unidentified perpetrators. Held responsible: Anto Golubović, camp commander.

Evidence: 55/95-2, 267/94-2, 584/94-32, 593/94-29, 280/95-45, and 584/94-14.

7.2.11.4.4. The Serb woman K.S. (584/94-31), born in 1941, was held in the camp in the stadium from 7 July 1992. She was harassed and

raped in the camp and has lost count how many have raped her: "I don't know how many, but there were a lot of them". She was repeatedly taken to some premise with a dozen soldiers inside. The first 5-6 would rape her while she had to felate to the others during which some of them pushed pistol barrels into her vagina. She witnessed the raping of the other women, too.

Perpetrators: Unknown Croat soldiers. Held responsible: Lukica Jozić, camp commander in the stadium.

Evidence: 584/94-31 (svedočenje K.S./testimony K.S., Annex No. C 101, pp. c1031-c1033/c1034-c1037), 584/94-24, 584/94-33.

7.2.11.4.5. The Serb woman S.V. (584/94-24), born in 1945, was mentally and physically harassed by the Croat soldiers of whom she knows only the identity of Drago Lepad. Her greatest humiliation was when she was taken to the showers where a soldier was having a shower. He ordered her to take off her clothes and lie down on the floor. He stood above her and masturbated so that his sperm fell over her mouth. Then he raped her. All this was observed and jeered by a group of soldiers who were looking through the bathroom window.

Perpetrators: Drago Lepad and other still unidentified soldiers. Held responsible: Lukica Jozić, camp commander of the stadium camp in Brod.

Evidence: 584/94-24 (svedočenje S.V./testimony S.V., Annex No. C 15, pp. c149-c153/c154-c158), 584/94-31, 584/94-14, 584/94-33).

7.2.11.5. The forced labor of the Serb detainees who were taken from the camp to dig trenches at the front line even during combat operations

As already mentioned, many Serb detainees were forced to dig trenches on the front line, even in the course of combat operations.

Because of this many Serb civilians, detainees, were either killed or injured.

It is a fact that the organisers of such labor gave the Serbs the role of sitting ducks. This was nothing else but giving consent for them to be killed.

According to the acquired evidence the following Serb civilians - detainees, were killed during forced labor on the front line:

1. TOMISLAV DRAGIĆ, father Sreta; born in 1949, from Donja Dubica;
2. MILAN STANKOVIĆ , father Steva, born in 1952, from Novi Grad;
3. MILAN MARKOVIĆ , father Sima, born in 1952, from Donja Dubica;
4. MILIVOJE NINKOVIĆ , father Steva, born in 1955, from Trnjak;
5. KRŠIĆ SPASOJE, father Bogdan, born in 1943, from Novi Grad;
6. STEVO TOPIĆ , father Mihailo, born in 1942, from Vrbovački Lipik;
7. MIŠO ŠIŠLJAGIĆ, father Jovan, born in 1967, from Novi Grad.
8. PETAR DJURIĆ, other data are presently unknown;
9. MIŠA BUMBIĆ, father Rade, from Novi Grad - Odžak;
10. MARKO STANIĆ
11. JADRANKO PAVIĆ, from Novi Grad - Odžak
12. MILENKO BOROJEVIĆ, from Donja Dubica - Odžak;
13. DR. DUŠAN MARČETA, from Derventa.

On 9 July 1992 Dr Marčeta, together with the other detainees from the camp Tulek, in Bosanski Brod, was taken to dig trenches. During the digging the guards asked whether anyone was from Drvar. When Dr. Marčeta said he was born in Drvar - they simply shot him.

Such killing of Dr. Marčeta is nothing but sheer murder with elements of a war crime and of genocide. This murder also depicts the risk which the Serb civilians, who were detained in Brod and taken to the front lines to dig the trenches and other works, were exposed to.

Evidence: 365/94-4, 365/94-5, 365/94-7, 593/94-14, 55/95-5, 55/95-8, 55/95-9, 55/95-10, 55/95-11, 55/95-12, 55/95-16, 55/95-7, 55/95-22, 55/95-28, 55/95-43, 55/95-23 (Medicinski nalaz/Medical findings - M 15, Annex No. C 262, pp. c2258-c2260/c2261-c2263 and photos in the Annex No C161, pictures No 1-2, pp. 46-47), 424/95-1, 424/95-2, 424/95-6, 424/95-8, 424/95-9, 424/95-10, 424/95-11, 424/95-16, 424/95-19, 424/95-20, 424/95-21, 424/95-26, 424/95-27, 424/95-28, 424/95-30, 424/95-33, 424/95-34, 424/95-35, 424/95-36, 424/95-38, 424/95-42, 191/94-11, 191/94-5, 280/95-64, 476/94-7.

7.2.11.6. The Serbs detained in the camps in Brod, who were injured during the digging of the trenches

A number of Serbs, detainees in the camp in Bosanski Brod were taken to dig trenches even while the fiercest fighting and some of them were injured, as a result.

They are:

7.2.11.6.1. Witness 593/94-13, from Novi Grad - Odžak, born in 1965, detained in the camp Tulek in Brod, was take to perform forced labor and on 26 September 1992 he was injured in 7 places by a shell explosion. He was injured in the left and the right leg, back of the head, and in the right arm. A Croat soldier forced him to move on, and since he couldn't, he stabbed him with a knife in the ribs, on the right side of the back, towards the spine. He has scars of the injuries.

Evidence: 593/94-13.

7.2.11.6.2. The witness 593/94-33 from Novi Grad - Odžak, was wounded while digging the trenches on the front line, in the crossfire between the Serb and Croat forces. He was injured in his left calf and upper leg with permanent effects of the injury.

Evidence: 593/94-33

7.2.11.6.3. The father of the witness 55/95-7, from Odžak, while forced to dig the trenches together with him, was wounded in the stomach and the left leg.

Evidence: 55/95-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119 pp. c1204-1208/c1209-c1213).

7.2.11.6.4. The witness 55/95-17, from Novi Grad - Odžak, who was detained in Tulek in Brod, was wounded during the digging of the trenches in September 1992 in Novo Selo. He was wounded in the left hip and left arm while his father was killed.

Evidence: 55/95-17 (Medicinski nalaz/Medical findings - M 16, Annex No. C 263, pp. c2264-c2266/c2267-c2269 and photos in Annex No C161, pictures No 1-2, pp. 48-49)

7.2.11.6.5. The witness 55/95-27, born in 1970 in Gornji Svilaj, was injured in the left shoulder blade in August 1992. He was also taken to dig trenches in the villages of Zborište, Kolibe, Belo Brdo and others.

Evidence: 55/95-27.

7.2.11.6.6. The witness 424/95-17, born in 1967, from Novi Grad - Odžak, who was detained in Tulek in Brod, was severely wounded in the right side of the head during the digging of the trenches in late July 1992, near the village of Kostreš.

Evidence: 424/95-17.

7.2.11.6.7. The witness 424/95-42, born in 1971, from Trnjak - Odžak, who was detained in Tulek in Brod, was injured in the spine while digging the trenches in Bosanski Lužani, in July 1992.

Evidence: 424/95-42

7. 2. 1 2. 0 Orašje - Donja Mahala

The arrests of Serb civilians began in the Orašje district in May 1992 and Serbs continued to be brought to camps till 11 July the same year. There were mass arrests of Serbs in the village of Bukova Greda, probably not by coincidence, on the anniversary of the victory over fascism - on 9 May 1992. Serb civilians from Orašje and Serb women from Bukova Greda were held in the secondary school centre in Orašje. As already stated, four camps were set up in the Orašje area: in the secondary school in Orašje; in the shed of Mirza Filipović, a.k.a. "Deljković", in Donja Mahala suburb; in the elementary school in Donja Mahala suburb; and in the elementary school in Domaševac. According to some estimates, there were about 400 Serbs in all these camps. Most of the Serbs were civilians, though some of them were prisoners-of-war who were likewise treated in an extremely inhuman way.

It should be stated here that the most monstrous torture of Serb inmates took place in the camps in the Orašje area. Women were gang-raped, men were viciously beaten, and many inmates were killed, or died after serious injuries.

The statements of several surviving witnesses will perhaps best depict the way in which imprisoned Serbs were tortured and even killed just because they were Serbs, and also describe the general conditions in these camps.

The Serb detainees were usually told:

"You are living like mosquitoes in the middle of winter, and if we kill any of you we shall be punished no more than if we had killed a neighbour's piglet."

Another witness describes how the then Foreign Minister of the Republic of Croatia, Zvonimir Šeparović, came to the camp in Donja Mahala and saw the conditions under which the Serb inmates were held. When the chief warden Pero Vicentić, a.k.a. "Horse", told him that the Serbs in this camp were the "worst criminals", Šeparović commented: "What else to say? -They are - Chetniks." (Witness 267/94-8)

This comment by Minister Šeparović, coupled with numerous other evidence is self-explanatory, and unequivocally confirms that official Croatia, which became directly involved in developments in the former Republic of Bosnia-Herzegovina, fully condoned the monstrous treatment to which Serbs were subjected in these camps.

Many Serbs who were imprisoned in the camps, testified about their ordeals and the torturing of others, and also spoke about the killings in the camps in this region. Other evidence of these ordeals will follow.

7.2.12.1. Torturing and injuring of the detainees and their life conditions

7.2.12.1.1. Čedo Cvijanović, an inmate who was killed in the shed of Mirza Filipović, a.k.a. "Deljković", in Donja Mahala suburb, was tied around his neck with a belt and then lead around the yard and whipped over the back like an animal. While this was being done he had to bark.

Evidence: 267/94-3, 267/94-4, 396/95-7.

7.2.12.1.2. The Serb P.B. (267/94-5, 637/95-2) was tortured in the most vicious way: the guards used pliers to pull his ears, stapled his auricles as if they were paper, they broke all his right ribs, knocked out several of his teeth, hit him over his spine, pierced his arm near the elbow with the extension on the rifle for fixing the grenade launcher, they hit him with solid objects in his genitals. The opinion of the forensic medical board is that as a result of the trauma which he suffered as a detainee, he has hearing difficulties and there is now a depressive-neurotic reaction in this witness which have significantly reduced his general and vocational capacities.

The forensic medical board (365/94- Š1) has also discovered a scar (callus) on the left shoulder blade, which is the result of its fracture at that place, and was caused by a direct blow with some mechanical object such as a butt, club, bat, etc. A direct consequence of the irregular healing of the left shoulder blade fracture, during which its vertical axis was deformed, is the fact that the left arm in the left shoulder joint cannot be raised above 90°, and the left hand cannot be brought to the body.

The statements of the witness (267/94-9, and 637/95-6) confirm that his arm was broken in the camp while he was beaten, and that his arm was not fixed for several months. When the Red Cross provided the fixations for the doctor to fix the arm and put it in cast, this wasn't done by the doctor but by the camp commander Pero Vincetić, a.k.a. "Horse"!

This witness also said that the Serbs in the camp were often forced to make confess, in front of the TV cameras of Croat and foreign reporters, crimes they had never committed. To make the scene more convincing, they did not let the prisoners shave and made them wear the traditional Serb cap with a badge. "When one camp inmate made the desired statement, they put the cap with the badge on the head of the next, and so on."

Finally, this witness says that he weighed 92 kilograms on entering the camp and 58 kilograms when he left it.

Perpetrators: Pero Vicentić, a.k.a. 'Pera Horse', the camp commander, Ivica Klaić, Elvira Hadžiomerović, a.k.a. "Amazonka", Nina Terzić, Mato Živković, a.k.a. 'Rakijica', Damir Klajić, a.k.a. 'Dama', Anto Mašić, Stjepo Djurić, a.k.a. 'Stile' and Ilija Živković, a.k.a. 'Bogo'.

Evidence: 267/94-4, 267/94-5, 267/94-9, 365/94-Š 1 (Medicinski nalaz/Medical findings - Š 1 ,Annex No. C 141, pp. c1446-c1448/c1449-c1451 and photos in the Annex No C161, pictures No 1-2, p. 50), 396/95-7, 637/95-2 (svedočenje P.B./testimony P.B., pp. c55-c58/c59-c65, Annex No. C 8), 637/95-6.

7.2.12.1.3. The witness Z.S. (267/94-4) was exposed to many kinds of physical and mental torture; he was beaten with a metal chair, and on one occasion Ilija Živković, a.k.a. "Bogo" "put a slipper into my mouth for me to hold until he returns from the municipality office". They also threatened him that they will cut in two parts him with a motor saw, but to him the worst was when they tortured him in front of his father and his father in front of him.

Perpetrators: Pero Vićentić, a.k.a. "Pero Horse", Mato Živković, a.k.a. "Rakijica", Anto Živković, a.k.a. "Žika", Mato Klajić, a.k.a. "Bandžo", Damir Klajić, a.k.a. "Dama", Ilija Živković, a.k.a. "Bogo", Marko

Knežević, a.k.a. "Lona", Stjepo Djurić, a.k.a. "Stile" and Mirko Vicentić, a.k.a. Sore".

Evidence: 267/94-4, 396/95-7.

7.2.12.1.4. The camp commander, Pero Vicentić, a.k.a. "Pero Horse", had a habit to hit the Serb detainees, for example the late Andrija Gavrić, the witnesses C.B., C.J, and others with the flat of the spade on the back, saying how he liked the sound of the spade hitting the back and he forced the prisoners to sing the following song while they were beaten: "We Ustasha are rascals and rogues, that's why the Serbs are floating down the Drina".

Evidence: 267/94-7

7.2.12.1.5. The Serb, witness J.C., who is one of those that survived the camp, was exposed to tremendous torture of the camp commander Pero Vicentić, a.k.a. "Pero Horse" and the other guards.

Pero Vicentić, a.k.a. "Pero Horse" ruptured the skin on the witnesses' head with a bat, stapled his ears, hit him against the wall while he was all tied up, trampled on him, and when the witness was once unable to stand the pain any more and begged to be killed, one of the guards told it:

"It's no problem for us to kill you. We just want you to suffer first."

The forensic medical board that examined J.C. found that "there is a chronic post-traumatic stress disorder reaction, and secondary alcoholism in toxic stage in J.C. as a consequence of the physical and mental traumatic events from the camp. This has significantly reduced his general and work capacities."

Perpetrators: Pero Vicentić, a.k.a. 'Horse', Mato Živković, a.k.a. 'Rakijica', Damir Klajić, a.k.a. 'Dama', Ivica Klajić, Mirko Jurić, a.k.a. 'Kerni', Marko Jurić, a.k.a. 'Jurka', Mata Čikin, a.k.a. 'Matko' (who was at one time Pero Vicentić's deputy), Marko Maskaljević, a.k.a. 'Dulo', Nikola Filipović, a.k.a. 'Nikso', his brother Ivo Filipović, a.k.a. 'Ćorak' (also deputy of Pero Vicentić for a time), Jova, a.k.a. 'Krešo', Željko Živković, a.k.a. 'Žika', Anto Klajić, a.k.a. 'Badžo' and Pejo Filipović, a.k.a. 'Babo'.

Evidence: 267/94-7, 267/94-8, 365/94-Š-6 (Medicinski nalaz/Medical findings - Š 6, Annex No. C 252, pp. c2183-c2186/c2187-c2190 and photos in the Annex No. C161, pictures No 1-2, p. 52), 794/95-B-23, 679/95-37

7.2.12.1.6. They tortured the Serb C.M. (267/94-10, 396/95-10) by pulling parts of his body with pliers, broke his teeth, striped him naked and then beat him in the genitals while 4 guards would hold him by his arms and legs. Pejo Filipović, a.k.a. "Babo" hit him in his genitals. The detainees were forced to beat each other; they pulled wire through the ears of some prisoners and then hanged planks on them, during which they laughed saying "what a punk".

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", camp commander, Pejo Filipović, a.k.a. "Babo", Mato Živković, a.k.a. "Rakijica", Stjepo Đurić, a.k.a. "Stile", Damir Klajić, a.k.a. "Dama", Jurić Mirko, a.k.a. "Kemi".

Evidence: 267/94-10, 396/95-10.

7.2.12.1.7. The witness 267/95-11 stated that Damir Klajić, a.k.a. "Dama" pierced his hand with a knife. He once riveted one of his hands to a table and made him sing an Ustasha song. Then he told him to put the other hand on the table, but gave up riveting the other one to the table with an explanation that he sang the Ustashi song well.

This witness stated that many policemen, led by Pero Vicentić, a.k.a. "Pero Horse", tortured the Serbs. Those that were outstanding in the torturing were Pejo Filipović, a.k.a. "Babo", his sons Ivo Filipović, a.k.a. "Ćorak" and Nikola Filipović, a.k.a. "Nikso", Damir Klajić, a.k.a. "Dama", livica Klajić, Mato Živković, a.k.a. "Rakijica", and Stijepo Đurić, a.k.a. "Stile".

Evidence: 267/95-11, 396/95-9, 637/95-5, and the findings and opinion of the forensic medical board.

7.2.12.1.8. Several Serb detainees gave testimony about the very bad accommodation and hygiene in the camp in Donja Mahala. They were imprisoned with about 20 other prisoners in a room the size of about 10 square meters. When it was hot the premise was terribly stuffy and

stinking. The detainees relieved themselves in some buckets which were in the same premise and were scarcely emptied. They had no water even for the most basic hygiene.

Evidence: 367/94-12, 396/95-3, 637/95-4, 267/95-11, etc.

7.2.12.1.9. The Serb M.K., born in 1955, who is classified as 267/94-12, was held in Orašje and Donja Mahala. He testified that he and the other Serbs were beaten with truncheons and kicked over the backs and elsewhere over the body. Nine of his ribs were broken, his nails were pulled out from his toes, they pushed a rubber hose into his throat and then turned the running water on.

The forensic medical board found that the "region of the Adam's apple is deformed because of a larger thyroid cartilage fracture, left, whereby its posterior wall is depressed. This depressed fracture of the thyroid cartilage must have caused injuries to the interior throat structures, such as haemorrhage and swelling of the tissue - mucous and submucous tissue, vocal cords, etc. This had to result in the narrowing of the respiration paths, and consequently to difficulties in breathing."

Perpetrators: Pero Vičentić, camp commander, Mato Živković, a.k.a. "Rakijica", and others.

Evidence: 267/94-12 (Medicinski nalaz/Medical findings - B 1 Annex No. C 146, pp. c1466-c1468/c1469-c1472 and photo in the Annex No. C161, pictures No.1-2, p. 53), 396/95-3, 637/95-4.

7.2.12.1.10. The Serb N. M., born in 1939, bearing the sign 267/94-13, was shot on 27 September 1992 by an Ustasha called 'Drnda', from Vidovica, in the right arm with a dum dum bullet by which his right arm was shattered. They operated him and amputated his arm at the elbow. Then they returned him to the camp, although the wound had not healed. When he asked Doctor Krunoslav Vuković for a bandage, he said: "You're not entitled to one."

On examination, the medical forensic board found that this Serb, who was frequently taken with the other detainees to the front line to dig trenches, has bilateral hearing difficulties as a result of being exposed to constant intensified detonations for a long period of time. They also

found that there is a major reduction in his general and vocational capacities because of the amputated right forearm.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", the camp commander, and an unidentified person called "Drnda".

Evidence: Findings and opinion of the forensic doctors and psychiatrist 794/95-B-7, 267/94-13, 396/95-2 and 637/95-1.

7.2.12.1.11. Many of the Serbs testified about the extremely bad food in this camp. The detainees were given a small piece of bread and several spoons of some broth a day. However, sometimes they were given no food at all for a couple of days, nor water for 2-3 days. Many lost several dozens of kilograms in weight.

Held responsible: Pero Vicentić, a.k.a. "Pero Horse".

Evidence: 584/94-20, 158/95-1, 158/95-2, 158/95-4, and many others, also: Medicinski nalaz/Medical findings - B 10 (Annex No. C 138, pp. c1423-c1425/c1426-c1428 and photo in the Annex No C161, picture No 1, p. 81)

7.2.12.1.12. The Serb V.M. from Brčko, born in 1952 (267/94-9), gave a detailed testimony of the various tortures and suffering of the Serbs in the camp, and especially about his ordeals in Donja Mahala where he was taken on 4 May 1992 and was held several months during 1992 and 1993.

He was mostly beaten with baseball bats, chairs, and with other objects, he was trampled on, six of his ribs were injured, as well as his jaw, eyeballs, head; they rubbed his body with a red-hot poker after which he has scars, he was forced, like the other detainees to felate on each others genitals, they pushed wooden sticks into his anus, he said they pierced the prisoners' tongues and then forced them to sing. They also pierced their hands.

The forensic medical board examined V.M. twice and found results of injuries on him. It is also stated in their Opinion that a post-traumatic stress disorder has developed in V.M. as a consequence of the physical and mental trauma suffering experienced in the camp, which has significantly reduced his general and vocational capacities.

The findings and opinion of this board confirm the testimony of this victim - witness.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", Mato Živković, a.k.a. "Rakijica", Damir Klajić, a.k.a. "Dama", Mirko Jurić, a.k.a. "Kemi" and Ilija Živković, a.k.a. "Rakijica".

Evidence: 637/95-6 (svedočenje V.M./testimony V.M., Annex No. C 60, pp. c600-c607/c608-c618), 365/94-B-2 (Medicinski nalaz/Medical findings - B 2, Annex No. C 245, pp. c2105-c2108/c2109-2112), 794/95, 267/94-9

7.2.12.1.13. The witness V.Č., born in 1939, Pero Vicentić, a.k.a. "Pero Horse" ordered him to put his hands on the table, and then he stabbed the left palm with a screwdriver. But since it did not start bleeding immediately, he stabbed the right palm too. Then he burnt his beard with a lighter (all the prisoners had beards since they could not shave. They pierced his ear with wire and hanged a plank on it.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", Mato Živković, a.k.a. "Rakijica", Damir Klajić, a.k.a. "Dama".

Evidence 55/94-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119 pp. c1204-1208/c1209-c1213), 280/95-11 and the forensic board report 365/94-III-7.

7.2.12.1.14. There is other evidence that Pero Vicentić, a.k.a. "Pero Horse", Damir Klajić, a.k.a. "Dama", Mato Živković, a.k.a. "Rakijica", Pejo Filipović, a.k.a. "Babo" and others committed various crimes over the Serb detainees;

For Pero Vicentić, a.k.a. "Pero Horse" evidence: 365/94-2, 365/94-5, 424/95-5, 424/95-19, 424/95-26, 424/95-38, 191/94-11, 191/94-13, 55/95-27, 55/95-43.

For Damir Klajić, a.k.a. "Dama" evidence: 191/94-11, 191/94-13,, 55/95-2, 191/94-11, 191/94-13.

For Pejo Filipović, a.k.a. "Babo" evidence: 191/94-11, 191/94-13, 55/95-2.

For Mato Živković, a.k.a. "Rakijica" evidence: 55/95-27.

For Elvira Hadžiomerović evidence: 191/94-13.

7.2.12.1.15. The camps in the Orašje area were not only meant for Serb civilian prisoners. Serb prisoners-of-war were also held there. They were killed, tortured and subjected to inhuman treatment that caused them great suffering and endangered their physical integrity. This is best seen in the eye-witness accounts - in the statements of the victims of crimes, violating international law, which were committed in these camps.

For example, 10 Serbs from Borovo Selo, who went to the Orašje front to support the Serbs, were captured on 30 September 1992, disarmed and imprisoned in the elementary school in Orašje, where Serb civilians were also held. They were kept in the same conditions, and most of these prisoners remained in the camp until 19 September 1993. D.B., who was later transferred to Zagreb, Mostar and other places, was exchanged on 30 August 1993. However, two prisoners from this group, Milan Klipanović and Milivoja Maksimović, a.k.a. "Minja" from Borovo, died of the wounds inflicted in the camp (see: 3.4.3.8. and 3.4.3.9.).

Besides confirming the facts concerning the torture and murder of Milan Klipanović and Milivoje Maksimović, who were captured and taken to the camp with them (they add that Pero Vincetić wounded M.M. by shooting him in the thigh from point blank range, after he had replaced the lead in the gun cartridge with salt), these witnesses also speak about the accommodation, food and hygiene in the camp, and about the ways in which Serb war prisoners and other inmates were tortured.

These prisoners-of-war were exposed to severe torture and were with extreme brutality treated. For this they used knives, red-hot metal bars, electricity, wooden planks, bats. Almost all suffered this inhuman torture and have similar testimonies. They described in detail everything that happened, and only some common details will be given to avoid repetition.

The witness M.V. (158/95-1) had to protrude his tongue to a soldier and when doing this the guard, who ordered this, pierced his tongue

with a kitchen knife (this is confirmed by the statement of 158/95-5, whereby this detainee stated that the perpetrator was Damir Klajić, a.k.a. "Dama"). They also poked the palms of the detainee M.V. with knives, burnt his arms, palms and face with red-hot metal bars, broke his left auricle and lower jaw.

The witness G.S. stated that they stapled his ears and after that connected the stapler to some charged device and turned the power on. They made the prisoners connected to this device kiss each other and their beards would sizzle because of the electricity.

On one occasion Pejo Filipović, a.k.a. "Babo" pushed a red-hot bar into his mouth.

The witness D.M. (158/95-4) said that to him the daily beating with the club, which the guards called "Srbijanka" was the worst.

Witness M.M. (158/95-5) said that Pero Vicentić, a.k.a. "Pero Horse" shot with a gun the now late Milivoje Maksimović in his right thigh, previously putting salt into the bullet.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", Damir Klajić, a.k.a. "Dama", Mato Živković, a.k.a. "Rakijica", and Pejo Filipović, a.k.a. "Babo".

Evidence: 158/95-1, 158/95-2, 158/95-3, 158/95-4, 158/95-5, 158/95-6, 158/95-7.

7.2.12.2. The rape of the Serb women

The women were daily raped in the camp in Donja Mahala, and as a rule - always in a group. The harassment of the Serb women always preceded the rape.

7.2.12.2.1. The Serb woman, 267/94-2, was raped several times by Mato Baotić, aka "Čikin", Damir Klajić, a.k.a. "Dama", Pero Vicentić, a.k.a. "Pero Horse", Mato Živković, a.k.a. "Rakijica" and by other, mainly young soldiers. On one occasion Mato Baotić, aka "Čikin" first raped the Serb woman M.R. while the witness was forced to observe this, naked, and then raped her too on a bench.

Perpetrators: Mato Baotić, aka "Čikin", Damir Klajić, a.k.a. "Dama", Pero Vicentić, a.k.a. "Pero Horse", Mato Živković, a.k.a. "Rakijica" and other still unidentified accomplices in the raping and harassment of M.DŽ.

Evidence: 267/94-2, 584/94-32 (svedočenje M.Dj./testimony M.Dj., Annex No. C 29, pp. c301-c304/c305-c308)

7.2.12.2.2. The witness 267/94-16, who was held in the camp in Orašje from 11 to 30 June 1992 was frequently harassed in many ways. They threatened that they would slaughter her and raped her. There were some who she recognised in the group of 11 men that raped her. The most brutal in the rape were Mato Živković, a.k.a. "Rakijica", Damir Klajić, a.k.a. "Dama", Pejo Filipović, a.k.a. "Babo", Ivo Filipović, Pero Vicentić, a.k.a. "Pero Horse" - "a man with no mercy and very brutal, who was the chief in the camp". They raped a woman from Gajevo, near Orašje, in front of her husband. This Serb woman I.D. went mad because of the tormenting. During the exchange she was shouting: "Stop coming, please. Why are you doing this to me. Let me go. Your coming again, one by one..." The poor woman was not aware she was to be free, she thought they were coming to rape her again.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", the camp commander, Mato Živković, a.k.a. "Rakijica", Damir Klajić, a.k.a. "Dama", Nikola Filipović, Ivo Filipović, Pejo Filipović, a.k.a. "Babo".

Evidence: 267/94-16, 396/95-4.

7.2.12.3. Serb detainees who were killed or died of injuries in the Orašje region camps

A number of detainees, both civilians and prisoners-of-war, were killed in the Orašje region camps. Only those cases for which evidence has been gathered will be mentioned. Alas, the number of those that died in the camps is larger.

1. MILORAD DANILOVIĆ, killed on 8 December 1992, from Gnionica - Odžak, born in 1944, father's name Simo, detainee in the camp in Donja Mahala in the Orašje region. That crucial day he and the detainees J.G. and T.Š. were taken to dig a trench for ammunition. A

guard approached them and threw a pack of cigarettes into the trench where G. and Š. were digging. When they helped themselves to a cigarette each they threw the pack to Danilović. When he started for the pack three Croat soldiers appeared and one of them shot Danilović with burst fire. He then ordered the witnesses to bury Danilović's body, but afterwards changed his mind and told them to dig it out and carry it to a vehicle behind the front line. The guard told them not to tell anybody about what had happened but to say that "the Serbs shot Danilović".

Evidence: 280/96-56, 593/94-10, 280/95-12, 593/94-12.

2. PERO GAVRIĆ, born in 1947, father's name Milan, from Bukova Greda, killed in the camp Orašje in May 1992, and then hanged in the gym bathroom to present the murder as a suicide (since his son, Mišo Gavrić, was killed before that and he was told about it).

The witness V.S., 267/94-14 saw Mato Živković, a.k.a. "Rakijica" hang Pero Gavrić in the night of 10/11 of May 1992.

Perpetrator: Mato Živković, a.k.a. "Rakijica".

Evidence: 267/94-14, 267/94-5, 267/94-4, 396/95-6 (svedočenje S.V./testimony S.V., Annex No. C 249, pp. c2158-2161/c2162-c2164) 396/95-7, 396/95-8, 637/95-3, 679/95-37.

3. AĆIM CVIJANOVIĆ, born in 1937, father's name Milan, from Bukova Greda, killed, after being severely beaten, in the camp Orašje on 14 July 1992 by Ivica Klajić and Damir Klajić, a.k.a. "Dama", members of the military police in Orašje.

The witnesses confirm that Aćim Cvijanović was terribly tortured, while the witness 267/94-14 and 637/95-3 stated that before he was killed they first cut the skin on his head and gouged out both eyes. This witness bandaged his head.

Perpetrators: Ivica Klajić and Damir Klajić, a.k.a. "Dama".

Evidence: 267/94-4, 267/94-5, 267/94-11, 267/94-14, 267/94-12, 637/95-3, 679/95-23, 679/95-35, 679/95-37, 679/95-38.

4. RANKO STOJNIĆ, born in 1956, from Omarska, killed in the camp in Donja Mahala on 17 August 1992 after been severely beaten by Mirko Jurić, a.k.a. "Kemi", Damir Klajić, a.k.a. "Dama" and Mato Živković, a.k.a. "Rakijica" - all members of the Orašje military police.

Perpetrators: Mirko Jurić, a.k.a. "Kemi", Damir Klajić, a.k.a. "Dama" and Mato Živković, a.k.a. "Rakijica". Held responsible: Pero Vicentić, a.k.a. "Pero Horse", the camp commander.

Evidence: 267/94-4, 396/95-7 and 267/94-8.

5. PERO CVIJANOVIĆ, born in 1928, father's name Stevo, from Bukova Greda, killed in the camp in Orašje by Mato Živković, a.k.a. "Rakijica", who slaughtered him in 1992 (the exact date was not established).

Perpetrator: Mato Živković, a.k.a. "Rakijica". Held responsible Pero Vicentić, a.k.a. "Pero Horse", the camp commander.

Evidence: 267/94-4, 267/94-14, 396/95-6, 396/95-7, 637/95-3, 679/95-23, 679/95-35.

6. ANDRIJA GAVRIĆ, born in 1949, father's name Dušan, from Bukova Greda, killed in October 1992 in the camp in Donja Mahala after being tortured for several days .

Andrija Gavrić died on 29 October 1992, in the premises where the detainees 267/94-14, 637/95-3 and 396/95-6 were held, A Croat soldier in an Ustashi uniform with Ustashi insignia pushed a truncheon all the way down his throat after which Andrija Gavrić died.

Perpetrator: Still unknown Croat soldier. Held responsible for the crime: Pero Vicentić, a.k.a. "Pero Horse".

Evidence: 267/94-4, 267/94-11, 267/94-14, 267/94-8, 637/95-5, 637/95-3, 396/95-7, 396/95-9, 396/95-6, 679/95-32, 679/95-35.

7. MANOJLO MALINKIĆ, from Bosanska Gradiška. After several days of persistent torture died in 1992 in the camp in Donja Mahala. He was injected petrol in the vein.

According to the testimonies 267/94-9 and 637/95-6, the prisoners were mostly beaten to death. However, in some cases the prisoners were injected petrol in their veins with standard injections, just like this witness, after which some died. This witness was also injected petrol but was lucky enough to survive.

Perpetrator: still unknown Croat soldier. Held responsible for the crime: Pero Vicentić, a.k.a. "Pero Horse".

Evidence: 267/94-4, 267/94-9, 267/94-11, 267/94-14, 637/95-6, 637/95-3, 396/95-6, 396/95-7, 396/95-9.

8. MILAN KLIPANOVIĆ, detainee from Borovo, killed in summer 1992 - exact date not established, in the camp in Donja Mahala after being beaten for several days.

The witnesses stated that the late Klipanović and Maksimović, both from Borovo, were tortured the most by the military police member of the 106th Orašje Brigade Elvira Hadžiomerović, a.k.a. "Amazonka", and the guard Pejo Filipović. They poked them with a red-hot bar all over the body, on the head, cheeks, ears, and he too was injected petrol.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", the camp commander, Elvira Hadžiomerović, a.k.a. "Amazonka", and the guard Pejo Filipović, as well as other still unidentified individuals.

Evidence: 267/94-4, 267/94-8, 267/94-9, 267/94-11, 267/94-14, 396/95-7, 396/95-9, 396/95-6, 637/95-6, 637/95-5, 637/95-3, 637/95-2, 158/95-1, 158/95-2, 158/95-3, 158/95-4, 158/95-5, 158/956-, 158/95-7, 191/94-11, 422/95-1.

9. MILIVOJE MAKSIMOVIĆ, a.k.a. "Minja", prisoner of war from Borovo, killed in the camp in Donja Mahala during the summer 1992 (exact date unknown) as a result of the torturing by Elvira Hadžiomerović, a.k.a. "Amazonka" and Pejo Filipović, who poked him with a red-hot bar all over his body, cheeks, ears, while Pero Vicentić, a.k.a. "Pero Horse", the camp commander, shot him in the leg with a shotgun. He kept hitting him on the wounds in the leg so that Maksimović would bleed to death, while Damir Klajić, a.k.a. "Dama" pierced his hands with a knife. He was injected petrol, too.

Held responsible for this crime: Pero Vicentić, a.k.a. "Pero Horse", the camp commander.

Perpetrators: Elvira Hadžimerović, a.k.a. "Amazonka", Pejo Filipović, Damir Klajić, a.k.a. "Dama" and other still unidentified individuals.

Evidence: 267/94-4, 267/94-5, 267/94-9, 267/94-8, 267/94-11, 267/94-14, 396/95-7, 396/95-9, 637/95-2, 637/95-6, 637/95-5, 637/95-3, 158/95-1, 158/95-2, 158/95-3, 158/95-4, 158/95-5, 158/95-6, 158/95-7, 424/95-1, 191/94-11, 422/95-1.

10. ŽARKO RISTANIĆ, born in 1955, father's name Savo, from Orašje. Tortured and killed in the camp in Donja Mahala on 3 February 1993 after four days of persistent beatings. He was beaten the most by Marko Benković, a.k.a. "Balkan" while Mirko Jurić, a.k.a. "Kemi" killed him.

During the torturing they cut his fingers with a knife.

Held responsible for this crime Pero Vicentić, a.k.a. "Pero Horse", the camp commander in Donja Mahala.

Perpetrators: Jurić Mirko, a.k.a. "Kemi" and Marko Benković, a.k.a. "Balkan".

Evidence: 267/94-4, 267/94-8, 267/94-11, 267/94-9, 267/94-14, 396/95-7, 396/95-9, 396/95-6, 637/95-6, 637/95-3, 679/95-31, 679/95-38.

11. IGNJATIJE ARSENIĆ, from Vučilovac - Brčko, unknown the exact date of killing in 1992 in the camp in Donja Mahala after several days of beatings by as yet unidentified members of the military police.

Perpetrator: still unknown Croat soldier. Pero Vicentić, a.k.a. "Pero Horse" is held responsible for the crime.

Evidence: 267/94-4, 267/94-11, 267/94-14, 267/94-8, 396/95-7, 396/95-9, 396/95-6, 637/95-3, 679/95-15.

12. BOGDAN BLAGOJEVIĆ, from Jasenica - Srebrnik, unknown the exact date when he was killed in 1992 in the camp in Donja Mahala after torture by as yet unknown members of the military police.

Perpetrator: still unidentified Croat soldier. Pero Vicentić, a.k.a. "Pero Horse" is held responsible for the crime.

Evidence: 267/94-4, and 396/95-7.

13. MARKO NIKOLIĆ, from Vučilovac - Brčko, born in 1910, died as a result of maltreatment on 30 January 1993 in the camp in Donja Mahala

Perpetrator: still unknown Croat, member of the military police.

Evidence: 267/94-4, 396/95-7, 637/95-1 and 617/95-21.

14. PETRA OSTOJIĆ, from Vučilovac - Brčko, born in 1910, died in 1992 after harassment in the camp in Donja Mahala. The exact date of death is unidentified.

Perpetrator: still unidentified Croat soldier. Pero Vicentić, a.k.a. "Pero Horse" is held responsible for the crime.

Evidence: 267/94-4. 396/95-7 and 637/95-1.

15. ĆEDO CVIJANOVIĆ, from Bukova Greda - Orašje, father's name Mladen. On 10 May 1992, after being tortured and after two of his fingers were cut off (the right hand thumb and little finger) in the camp in Donja Mahala he was profusely bleeding. They took him from the camp that night and killed him. He was murdered by Mato Živković, a.k.a. "Rakijica", member of the 106th Orašje Brigade.

Held responsible :Pero Vicentić, a.k.a. "Pero Horse", camp commander in Donja Mahala and Mato Živković, a.k.a. "Rakijica", member of the 106th Orašje Brigade.

Evidence: 267/94-5, 267/94-14, 637/95-2, 637/95-3, 637/95-35, 396/95-6, 396/95-8.

16. MAKSO GAJIĆ, from Lončari - Orašje, killed in the camp in Donja Mahala on 12 May 1992.

Several imprisoned Serbs witnessed the death of Makso Gajić. He was slaughtered. The testimonies of the witness 267/94-5 and 637/95-2 on the death of Maksa Gajić are appalling.

"...DK came to the camp with Pero Vicentić, a.k.a. "Pero Horse", the camp commander and Pero asked him: 'Which one do you want?' To which the former replied 'This one. He pulled out a knife with his right hand and grabbed the hair of Makso Gajić with his left, then stabbed him in the neck. The blunt side of the knife was up, and the blade down. Gajić did not utter a sound, he just stared at him while the blood poured down through both ends of the wound. We were all stunned by this scene. Pero Vicentić, a.k.a. "Pero Horse" then told him: "F...k your Jesus, I'm not going to soil my car", while Kalinić answered: "What I have started - I will finish". They carried him away, all covered with blood to shoot him.

Perpetrators: Pero Vicentić, a.k.a. "Pero Horse", the camp commander and Dragan Kalinić, member of the ZNG from Osijek.

Evidence: 267/94-14, 267/94-12, 267/94-11, 267/94-8, 637/95-3, 396/95-9, 396/95-13, 396/95-6, 679/95-23, 679/95-25.

17. ALEKSANDAR PETROVIĆ, aka Aco, born in 1951 in Bukova Greda Orašje; killed in the camp in Donja Mahala on 13 June 1993, after several days of beating, mostly by Pero Vicentić, aka "Pero Konj (Horse)", Marko, aka "Lono", and Marko Moskovljević, aka "Dulo".

Perpetrators: Pero Vicentić, aka "Pero Horse", Marko, aka "Lono", and Marko Moskovljević, aka "Dulo",

Evidence: 267/94-8, 267/94-11, 396/95-9, 267/94-12, 396/95-13, 267/94-14, 396/95-6, 637/953, 679/9523 and 679/9535

18. LUKA PEKIĆ, born in 1963, father's name Janko from Bukovac - Brčko, killed in Donja Mahala on 26 May 1992.

According to the statement of the witness 267/94-8, Luka Pekić was killed because he owned a hotel and had a life insurance policy in Austria. They not only wanted to kill him but wanted to profit, too. They beat him with planks, put his head in a clamp and squeezed it, the witnesses also state that he was shot with a shotgun with salt

put in the cartridge, so that the wound did not heal well. They kept hitting him in the wound, too.

Held responsible: Pero Vicentić, a.k.a. "Pero Horse", the camp commander and still unidentified perpetrators.

Evidence: 267/94-8, 267/94-9, 267/94-10, 267/94-11, 396/95-9, 679/95-38, 637/95-6.

19. SAVO SARIĆ, from Bukova Greda, born in 1940, father's name Djuro, died on the night of 6/7 July 1992 after being beaten by Anto Klajić, Željko Živković, a.k.a. "Žika" and Ivo Živković, a.k.a. "Bogo". He was also tortured by thirst.

They pushed a bat into the throat of Savo Sarić the night he died, and being desperate for water, he drank his own urine.

Perpetrators: Anto Klajić, Željko Živković, a.k.a. "Žika" and Ivo Živković, a.k.a. "Bogo". Held responsible Pero Vicentić, a.k.a. "Pero Horse".

Evidence: 267/94-11, 267/94- 14, 679/95-23, 679/95-37, 496/95-9, 637/95-3, 396/95-9.

20. RADOJKA BOŽIĆ, maiden name Sarić, born in 1932, died in 1992 after the injuries in the camp.

Held responsible: Pero Vicentić, a.k.a. "Pero Horse".

Evidence: 396/95-5, 679/95-34, 679/95-37 and 267/94-16.

7.2.12.3. The detainees who were killed or injured during the forced labor - the digging of trenches in the area of Orašje

7.2.12.3.1. The following Serb detainees were killed while the digging trenches and while doing other works on the front line during the combat operations:

1. OSTOJA NINKOVIĆ, born in 1966 in Novi Grad - Odžak, father's name Milo;

2. VID PAVIĆ, born in 1956 in Novi Grad - Odžak, father's name Milenko;
3. STOJAN LEŠIĆ, born in 1955 in Novi Grad , father's name Mihajlo;
4. ĆEDO MILOJEVIĆ, from Lipik, the establishing of his other data is in course;
5. LJUBOMIR STOJKOVIĆ, veterinarian from Orašje;
6. BRANISLAV CVIJANOVIĆ, born in 1969, father's name Pero, from Bukova Greda - Orašje, and
7. LJUBO STOJANOVIĆ, from Slavonski Brod - the establishing of his other data is in course.

For these crimes Pero Vicentić, a.k.a. "Pero Horse" is held responsible.

Evidence: 637/95-1, 365/94-7, 55/95-6, 55/95-16, 55/95-28, 55/95-43, 424/95-8 and 424/94-26.

7.2.12.3.2. While digging trenches and during the combat operations in the region of Orašje, the following individuals were also killed besides those already mentioned above:

8. ŽIVKO TATIĆ, from Novi Grad (evidence: 593/94-14, 365/94-5, 55/95-28)
9. MILIVOJE MILIVOJEVIĆ, from Donja Dubica, born in 1940 (evidence: 55/95-5, 55/95-13, 55/95-22), and
10. SLOBODAN BJEIĆ, from Donja Dubica (evidence: 55/95-5, 55/95-22) who were also held in the camp in Donja Mahala - Orašje.

7.2.12.3.3. While digging trenches during the combat operations in the area of Orašje, the following Serbs - detainees that were imprisoned in the camp in Donja Mahala in Orašje were injured:

1. ČEDA PAVIĆ,
2. BORO RAKIĆ,
3. OSTOJA ŠLJAGIĆ,
4. ŽELJKO TOMIĆ,
5. MILORAD VUKOVIĆ,
6. MIKO KALABIĆ,
7. RADE PAVIĆ,
8. BRANKO TEŠIĆ,
9. LUKA VASILJEVIĆ,
10. ILIJA MAKSIMOVIĆ,
11. STOJAN STEVANOVIĆ,
12. SPASOJE RISTANIĆ,
13. CVIJETIN ĐURKANOVIĆ,
14. MARKO VLADISAVLJEVIĆ,
15. ZORAN ZARIĆ,
16. NEDELJKO MARIĆ,
17. SRETKO DRAGOJLOVIĆ,
18. MILAN TATIĆ,
19. BOŽIDAR KRŠIĆ,
20. ILIJA VUKOVIĆ,
21. STEVO GORANOVIĆ,

22. MIHAJLO LAZIĆ,
23. RADOVAN POPOVIĆ,
24. RADIVOJE DJURIĆ and
25. VOJISLAV JELIČIĆ.

The establishing of other data is in course.

Evidence: 593/94-14, 593/94-12, 424/95-5, 365/94-5, 55/95-9, 55/95-28, and the findings and opinion of the forensic medical board 365/94-Š-11, 365/94-Š-13, 584/94-20, 637/95-1 and 679/95-23.

7.2.13.0. B r č k o

It has already been mentioned that during 1992 and 1993 several camp facilities had been arranged for the detention of Serbs in the municipality Brčko.

On grounds of available evidence we shall depict the conditions and torturing of the Serb detainees who were held in the camps in village Rahić - Ulice, Zovik, Maoč, and in the village Boć.

7.2.13.1. The camp in Rahić

Many Serbs were detained in the village Rahić. Many witnesses that survived the camps, though many with major mental and physical trauma consequences, told about the conditions in which they lived. The authenticity of their claims is supported with evidence.

The statements established that the main perpetrators and torturers of the Serbs in the camps in Rahić were:

1. NUFIK IBRAHIMOVIĆ, (evidence: 617/95-2)
2. SAMIR LIŠIĆ (evidence: 617/95-2)

3. MIRSAD MEHMEDBAŠIĆ (evidence: 679/95-18)
4. MENSUR PELJTO (evidence: 617/95-2, 617/95-18, 679/95-18, 579/95-17)
5. ANĐELKO JURKOVIĆ, a.k.a. "Gaga" (evidence: 634/95-9)
6. "CAR MAKLJA" (evidence: 617/95-2)
7. GALIB HADŽIĆ (evidence: 617/95-7, 13, 14,36, 679/95-17, 18, 33, 638/95-8, 9, 11, 12, 640/95)
8. OMER ČAUŠEVIĆ (evidence: 617/95-20, 679/95-18, 634/95-2 and 9, 638/95-10)
9. ILIJA KELAVA (evidence: 617/95-17)
10. RAŠID BILJIĆ (evidence: 679/95-18)
11. VESNA, from Gunja (evidence: 679/95-17, 679/95-18)
12. MIRSAD LIŠIĆ (evidence: 679/95-17)
13. DAMIR SULJIĆ, a.k.a. "Makija" (evidence: 679/95-17, 634/95-8)
14. OSMAN OSMANOVIĆ , a.k.a. "Osmo" (evidence: 679/95-17)
15. VINKO BILIĆ , a.k.a. "Bili" (evidence: 679/95-17)
16. ASMIR TATAREVIĆ (evidence: 617/95-18, 679/95-17, 679/95-18)
17. IVICA MAJKIĆ (evidence: 679/95-19)
18. MEHMED KOMBIĆ (evidence: 638/95-2)
19. ARMIN TATAREVIĆ (evidence: 638/95-2)
20. NIJAZ KALIĆ, a.k.a. "Bego" (evidence: 638/95-9, 10, 12)
21. NIJAZ HADŽIĆ (evidence: 679/95-18)

22. OSMAN IMAMOVIĆ (evidence: 679/95-18)
23. NOVALIJA FAZLOVIĆ (evidence: 679/95-18)
24. SENAD LIŠIĆ (evidence: 617/95-17)
25. FERID FAZLOVIĆ (evidence: 617/95-18, 638/95-9)

Evidence: 634/95-8, (svedočenje R.B./testimony R.B., pp. c22-c24/c25-c27 Annex No. C 4), 679/95-18 (svedočenje V.T./testimony V.T., Annex No. C 106 pp. c1082-c1085/c1086-c1089), 634/95-9 (svedočenje M.T.2/testimony M.T.2, Annex No. C 110 pp. c1119-1120/c1121-c1123)

7.2.13.1.1. Once a Croat soldier once tried to scoop out the eye of the witness 617/95-2 with a knife; he was severely beaten by Nufik Ibrahimović, Lišić Samir, Mensur Peljto, and by others; he also testified about the ordeal of other Serbs in this camp.

The forensic medical board found that, because of the injuries, which were the result of severe physical and mental trauma experienced in the camp, the lumbosacral syndrome, and chronic posttraumatic stress disorder have developed in this witness, which have severely reduced his general and vocational capacities. (Evidence: 794/95-B-17, 617/95-2)

7.2.13.1.2. The Serb detainee (617/95-7) was tortured in the camp - they hit his head against the wall, twisted his arms, strangled him. The most outstanding in the torturing was Galib Hadžić, a.k.a. "Gale".

Perpetrator: Galib Hadžić.

7.2.13.1.3. In the period 18 September till 2 October 1992 the witness 617/95-17 was physically tortured. He stated that Lišić Senad was the most prominent in the torturing. It is stated in the opinion of the forensic medical board that: "A chronic depression and disturbance of sleep developed in 617/95-7 as a result of the serious physical and mental traumatic suffering he had experienced in the camps. This trauma has significantly reduced his general and vocational performance. (Evidence: 794/95-B-24)

7.2.13.1.4. The witness 617/95-18 was mostly tortured and beaten by OF, FF, TA, and Mensur Peljto, all of them from Brčko. They beat him with truncheons, metal bars, rifle butts, all over the body but mainly over his back and head. They would put a pistol barrel into his mouth, took him to dig out unexploded mortar and howitzer shells, etc.

7.2.13.1.5. The guard that tortured the witness 617/95-36 the most was Galib Hadžić, a.k.a. "Gale". He knocked several of his teeth out and damaged the nerve in the elbow which has reduced his general and vocational performance

Evidence: 794/95-B-8 (Medicinski nalaz/Medical findings - B 8 Annex No. C 148, pp. c1479-c1481/c1482-c1484 and photo in Annex No. C161, p. 54)

7.2.13.1.6. Many Serb civilians, besides the already mentioned, were most severely tortured by Galib Hadžić. They also witnessed the torturing of other detainees. Galib Hadžić always had blades and scalpels with him, which he used in his torturing of the Serb detainees, and he used to beat them to the maximum.

The forensic medical board found that "as the consequence of the serious physical and mental traumatic events experienced in the camps, and the fact that he had to leave his home, an extensive anxious-depressive reaction has developed in 638/95-9 which has significantly reduced his efficiency in professional and wider social context."

Evidence: 683/95-9, and 11, 640/95-2, 679/95-17 (svedočenje M.R./testimony M.R., Annex No. C 89, pp. c895-c898/c899-c903), 679/95-18, 794/95-B-6 (Medicinski nalaz/Medical findings - B 6, Annex No. C 147, pp. c1473-c1475/c1476-c1478 and photos in Annex No C161, pictures No 1 and No 2, pp. 55-56)

7.2.13.1.7. They bored a hole with a drill for wood in the chest of 679/95-17, they cut his auricles with some mean that looked like a hook, they tried to scoop out his eye, they extinguished cigarettes on his spine. Two torturers - called "Šok" and "Kobra" - cut off a part of his left foot. The forensic medical board found many scars of injuries and gave an opinion that "as a result of the serious physical and

mental traumatic suffering he had experienced in the camps, 679/95-17 has nightmares in the second part of the night, followed by insomnia. This has significantly reduced his general and vocational performance."

This witness testified that Mensur Peljto, Mirsad Lišić, Damir Suljić, a.k.a. "Makija", all from Brčko, former policemen, as well as Galib Hadžić, a.k.a. Gale, Osmanović Osman, a.k.a. Osmo, Bilić Vinko, a.k.a. Bili, Vesna Gunje and the already mentioned "Šok" and "Kobra" had tortured him the most.

Evidence: 679/95-17 (svedočenje M.R./testimony M.R., Annex No. C 89, pp. c895-c898/c899-c903, Medicinski nalaz/Medical findings - B 19 Annex No. C 149, pp. c1485-c1488/c1489-c1492 and photos in Annex No C161, pictures No1-3, p. 57)

7.2.13.1.8. T.A. stabbed the witness 679/95-18 with a pike between the fingers and toes in both hands and feet. He also cut off some of his flesh from the interior side of the left thigh and forced him to swallow it. Because of his sufferings this witness tried to commit suicide.

This witness denoted Mensur Peljto, the karate from Brčko, Mirsad Mehmedbašić, a.k.a. "Žučo", the former post distributor in the Brčko municipality office, a certain Vesna from Gunja, who was a waitress in the district "Solidarnost", Rašid Biljić, Čaušević Omer, Nijaz Hodžić, a former police inspector in Brčko, Galib Hadži, a.k.a. "Gale" and Nikola Filipović as the most outstanding in the torturing of Serb detainees.

Besides the already been mentioned Serb detainees - witnesses, who were in the camps Rahić, other witnesses have also testified about the conditions under which the Serbs were held in these camps, and about the torturing. These are:

Evidence: witnesses: 617/95-1 (svedočenje B.S./testimony B.S., Annex No. C 97, pp. c995-c997/c998-c1001), 617/95-13, 617/95-4, 617/95-6, 617/95-14, 617/95-20, 617/95-22, 617/95-25, 617/95-27, 617/95-40, 679/95-21, 679/95-30, 679/95-33, 634/95-2, 634/95-3, 638/95-2, 638/95-3, 638/95-4, 638/95-5, 638/95-7, 638/95-10, 638/95-11.

It should be noted that most of these witnesses were tortured not only in the camp in Rahići, but also in Maoča, in the camp called Ulice, some of them in Tuzla. However, the guards were the same in several camps in the municipality of Brčko.

7.2.13.2. The camp in the village Ulice

The data gathered show that there were less Serbs held in the camp Ulice, in the municipality of Brčko, than in the camps in Gornji Rahići and Donji Rahići, probably because the facilities were smaller.

Some of the Serb detainees were held in the camp in Rahići, and also for some time in the camp in Ulice, while others were in the camp Maoč, too.

Many statements confirm that the witnesses had the opportunity to meet the same torturers in two or even three camps.

What concerned the camps in Rahići, as well as the other camps in the area of Orašje and Bosanski Brod, which were arranged for the Serb population, concerns the camp in Ulice, too.

The accommodation did not provide even the basic necessities, the detainees slept on the floors, their food was meager and bad, they were permanently beaten and tortured, and often injured.

The following Serbs have been held in several camps in the municipality of Brčko: 617/95-40, 534/95-3, 679/95-21, 638/95-2 and others.

The following individuals were designated in the testimonies as the torturers of the Serb detainees in the camp in Ulice:

1. MARKO ŠIMIĆ (witnesses: 617/95-13, 617/95-39, 634/95-3, 638/95-2);
2. DANIJEL PARIĆ (witness: 638/95-5);
3. ANTO IVELJIĆ, a.k.a. "Posavac" (witness: 638/95-2) and

4. TUNJA KOVAČEVIĆ, a.k.a. "Kundi" (witness: 638/95-2).

7.2.13.2.1. They broke several teeth and ribs in the Serb witness 679/95-21, and they also broke his left auricle cartilage so that it is now in an unnatural position.

Evidence: 794/95-B-16

7.2.13.2.2. The witness 638/95-2 testified that the members of the HOS military police Marko Šimić, Danijel Parić, Anto Iveljić, "Posavec" and Tunja Kovačević, a.k.a. "Kundi" severely beat the Serb detainees - they punched them, kicked them, hit them with bats and various other objects all over their bodies; they also forced the Serbs to beat each other.

Evidence: 617/95-13, 617/95-22, 617/95-34, 617/95-39, 638/95-2, 634/95-3 and 679/95-21.

7.2.13.3. The camp in Zovik

A smaller number of Serbs testified about their stay in the camp in Zovik.

What is common in all their testimonies is that accommodation was bad, the food too, and also insufficient, they were beaten, deprived of all their valuables when taken to the camp, while some said they were forced to dig trenches on the front line during combat operations.

Evidence: 617/95-35, 679/95-5, 679/95-33, 638/95-1, 638/95-5, 638/95-6.

7.2.13.4. The camp in Maoča

According to the witnesses' testimonies, the following individuals have committed crimes to the Serb detainees in this camp:

Perpetrators:

1. MENSUR PELJTO (evidence: 679/95-18)

2. VESNA from Gunja (evidence: 679/95-18, 679/95-17)
3. OMER ČAUŠEVIĆ (evidence: 679/95-18)
4. NIJAZ HADŽIĆ (evidence: 679/95-18)
5. GALIB HADŽIĆ (evidence: 679/95-18, 638/95-9)
6. OSMAN IMAMOVIĆ, a.k.a. "Osmo" (evidence: 679/95-18)
7. NOVALIJA FAZLOVIĆ (evidence: 679/95-18)
8. KADRIJA AVDIĆ (evidence: 679/95-17)
9. FERID FAZLOVIĆ (evidence: 638/95-9).

7.2.13.4.1. Many Serb detainees seriously accuse Galib Hadžić, a.k.a. "Gale" for the torturing of Serbs in this camp.

Evidence: 679/95-18 (svedočenje V.T./testimony V.T., Annex No. C 106 pp. c1082-c1085/c1086-c1089), 638/95-9, 679/95-17

7.2.13.4.2. During 1992 a group of 5 Serbs was brought from Bijeljina, amongst which a Serb with the surname Šubarić. A certain Vesna from Gunja, who wore a uniform with "Green Beret" insignia, slit his throat in front of the other Serb detainees.

Perpetrator: Vesna from Gunja.

Evidence: 679/95-17

7.2.13.4.3. R.B. was captured on 3 August 1993 and take to the camp in Maoča and then to Tuzla. He was held in camps 15 months. He was held for a long time in solitary cell where he was tortured.

Evidence: Medicinski nalaz/Medical findings - B 9 (Annex C 162, pp. c1568-c1570/c1571-c1573 photo in the Annex No C161, picture No 1, p. 80)

7.2.13.5. Camp in the village Boće

During 1992 there was a camp in the village Boće which was located in the elementary school and local community offices. The detainees were mostly Serb women and their children.

The gathered evidence show that the members of the Croat-Muslim army raped those women detainees.

Data and evidence of rape has been acquired only for several cases - which does not exclude the possibility that many more Serb woman - detainees were raped there. It is a well known fact that some women, because of their environment, attitude and prejudices, often conceal that they were raped.

The witnesses that were raped said that sometimes three men would take part in overpowering and raping of the detained Serb women.

Perpetrators: Ferid Mujkanović, born on 1 July 1966, father's name Hamdija, from Maoča; graduated the Military academy; and Mehmed Vilić, a.k.a. "Meho", father's name Ramiz, mother's name Ševala, maiden name Kladnjaković, born on 5 June 1969 in Brčko.

Evidence: 617/95-16, 538/95-2, 144/95-4.

7. 2. 14. 0. K o t o r V a r o š

7.2.14.1. In the period from July to November 1992, there was a camp for Serbs in the village of Večići, in the municipality of Kotor Varoš, who were subjected there to the harshest mental and physical maltreatment, torture and humiliation. They were held in cruel living conditions (they slept on the concrete floor, they had no opportunity whatsoever to maintain personal hygiene, they were forced to eat all sorts of swill), they were mercilessly beaten regularly every day (kicked, hit, beaten with wooden clubs, plastic pipes filled with lead, chains and cables) and they were severely maltreated and tortured in other ways. Once Ramo Zeher ripped open the arm of D.N. from shoulder to elbow, beat him with a chain and extinguished cigarettes on his body; he threatened O.N. that he would impale him on a stake, after the old

Turkish fashion of killing people, known among Serbs as the by far cruellest way of killing them (described by the Nobel Prize winner Ivo Andrić). Muhamed Bilić forced the prisoners to learn and sing Muslim songs and prayers, and if they did not know them he would beat them. Sulejman Berbić kicked O.M. on the back and extinguished cigarettes on his body. Marko Bjelobrč started to slaughter Dj.M., notching him under the throat.

The imprisoned Serbs were held chained and padlocked all night in the medieval torture way. They forced a lit cigarette into D.M.'s mouth and ordered him to swallow it, and as he could not, they grabbed him by the hair and held a knife to his throat as if to slit it, so that he had to swallow the lit cigarette.

Nedeljko Popović and Bora Lugić were killed in this camp, as well as Nenad Nović whom they took out of the camp ostensibly for an exchange of prisoners and then killed him from an automatic weapon - they exchanged his body only.

On 2 November 1992 they took the prisoners Dj.N., T.J., Dj.M., and O.M. from the camp in the direction of Travnik, forcing them, tied together, in front of them to clear their way in case there is some mine.

The person most responsible for all this is Ramo Zeher, as the camp commander, since he either approved the mentioned acts or committed them himself, all with the intention to destroy the Serb entity as a national, ethnic and religious group in municipality of Kotor Varoš.

Evidence: 117/95-15.

7.2.15.0. Derventa

7.2.15.1. At the end of May or at the beginning of June 1992, the witness was brought to the camp located in the former Army Club in Derventa. Immediately upon arrival he was told to stretch out his hands and then Esad and Saja Čavalić and Željko Vrabar hit him on the palms as long as he could hold his hands in horizontal position. Then Marko Čoluka came and continued beating him on the hands

which he could no longer hold outstretched. So they ordered him to place his hands on the table with the palms facing the table and continued to beat him on the hands with a stick. They broke a finger of his left hand and a joint of his right hand. Then they ordered him to take off his shoes and to strip to the waist and then they hit him on the head with a club. They ordered him to lie prostrate on the floor and kicked him and pounded him with their fists and with clubs all over his body, in particular the soles of his feet. They jumped on his rib cage and hit him in the area of the kidneys, put out cigarettes on his body and they would beat him for five hours incessantly. During that time the witness fainted repeatedly. To make him come to, they poured water on him. As he was unable to walk, Zoran Ivanković, aka "Mačak", who was in custody of the keys, grabbed him by the hair and pulled him down the stairs into the basement where he was shut in a room without any windows. The next day the doctor came and when he saw the witness's conditions he said: "Look here, this man is going to die. Take him to the Centre for medical attention", and the guard answered: "This is a Serb. No doctor for him".

Among the perpetrators the following have been identified: Željko Pudić, chief of police in Derventa, Marko Čoluka from Modran near Derventa, Saja Čavalić, Esad Čavalić, Zoran Ivanković aka "Mačak", Azra Kovačević and Željko Vrabat.

Evidence: 438/94-7.

7.2.15.2. Towards the end of April 1992 the witness was brought to the camp in the Army Club in Derventa. He and H. were singled out and told that both of them, being Chetniks, would travel via water - down the Sava river to Milošević, to Serbia. Then four HOS members started kicking and hitting them on various parts of the body. They trampled on them and the witness lost consciousness. After that another group of HOS members came in and they beat the prisoners, kicking them and hitting them with their fists, rifle butts and ropes. The beating lasted some 3-4 hours with the HOS members taking turns. Finally Azra Kovačević came; her right hand was bandaged and under the bandage was a metal object and whenever she hit one of the prisoners he could not remain on his feet but fell. She knocked the witness unconscious in that way. All the prisoners were searched when they entered camp and those on whom Yugoslav

money was found had to eat it, as the witness did, while German marks and other foreign currency were seized. The prisoners were ordered to lie down and open their mouths and then a handful of salt was poured into their mouths. After the beating, the witness was placed in the basement where there was 5-6 cm. of water on the floor. There he spent two days and two nights. The ones who were called out were unrecognizable when they returned because they were blood-stained and disfigured. During his stay in this camp the witness received no food or water.

The following have been identified among the perpetrators: Azra Kovačević from Derventa and N. Gavran from Zagreb.

Evidence: 438/94-16.

7.2.15.3. The witness was a detainee in the camp on the premises of the elementary school in the village of Poljare near Derventa towards the end of May and beginning of June 1992. The camp warden, Damir Lipovac took out some of the incarcerated Serbs every day to a separate room and the detainee would return all bloody and beaten up. During the day he took the prisoners out and tied them to the barbed wire fence enclosing the camp compound and then kicked them and hit them with his hands and a stick. The witness was taken out in this way and beaten by the warden Lipovac four times during his stay in the camp. He fared the worst once when he took him out around 10 p.m. and kicked him in the mouth knocking out two front teeth from his upper jaw and loosening two in his lower jaw. On the orders of Lipovac one of the policeman heated some wire and then burned the witness on the bare back with it from which visible scars have remained. Once when they beat the witness they broke his forearm bone. The prisoners were also subjected to electroshocks with the conductor being connected to their genitals. In addition, Lipovac had the practice of letting Croat soldiers into the camp and then they too beat the prisoners. Throughout their stay in this camp the prisoners were given food only every second day, a single meal consisting of a small tin and a slice of bread.

The following have been identified among the perpetrators: Damir Lipovac (father: Ante), camp warden, born 1969 in the village of Polje, the municipality of Derventa, and Luka Liško from the village of Donji Šušnjari, the municipality of Derventa.

Evidence: 438/94-15.

7.2.15.4. The witness was brought towards the end of April 1992 to the camp in the former Army Club in Derventa where the police command and the camp were stationed. They asked him to hand over his weapons and a radio transmitter, which he did not have, and then ordered him to strip to the waist and started beating him on various parts of the body. They hit him the most on the head and his nose and upper jaw broke and a tooth was knocked out from his upper jaw. They forced him to drink gasoline and then poured gasoline on his hands and lit it, from which scars remain on his right hand. The witness lost consciousness and regained it in the hospital in Derventa where he was given infusions and kept until 16 June.

The following are among the perpetrators: Azra Kovačević, Hrvoje Antunović, aka "Mornar" (sailor), Marko Čoluka, police administrator in Derventa and Željko Pudić, chief of police.

Evidence: 438/94-9 (svedočenje S.J.2/testimony S.J.2, Annex No. C 45, pp. c455-c458/c459-c464) .

7.2.15.5. The witness was imprisoned on 26 April 1992 in the camp in the former Army Club in Derventa. He was placed with another 30-40 Serbs in a room which used to be a locker room in the Army Club. Immediately after they were brought in four Croat soldiers wearing HOS uniforms barged into the room, said that they were from Vukovar where they had burned and killed everything and everyone, and then they started hitting them with batons, rifle butts and kicking them. They beat all the Serb prisoners until they fell down and fainted. They beat them every day, and the witness remembers in particular 6 May when they cut his neck threatening that he would be slaughtered. The prisoners in this camp were given food for the first time five days after they came. They also tortured them by making them hold two lighted candles each and threatening to kill anyone whose candle stopped burning. They beat the prisoners as they held the candles. The witness could not endure the beating and he fell extinguishing his candle. Then the guard took out a knife and the witness thought that he would slit his throat, but the guard changed his mind. Than another guard clutched at the prisoners neck and jerked at his Adam's apple trying to pull it out. The witness started to choke and a doctor who was also a detainee in this camp

saved him by pushing back his Adam's apple and managing to put it back in place.

Perpetrators: Miloš Mario and other HOS members.

Evidence: 438/94-11.

7.2.15.6. The witness was brought to the camp located in a silo in the village of Polje near Derвента in mid-June 1992. The camp commander, who was wearing a uniform, separated L., the witness, P., and G. First he took the witness to another room and maltreated him and the witness cried out and screamed. When he came out 20 minutes later his beard was burned and he was covered with blood. He fainted and G. and L. carried him into the room. Then they took P. and he was heard screaming; they kept him for about half an hour and when he came back he was all black and blue, bruised and burnt. When they took L. into the other room they asked him right away where had he got his weapons, and not waiting for an answer started kicking him and pounding him with their fists and, when he fell down, they ordered him to kiss "Bosnian soil". When he bowed he felt a strong pain in the back. Then they ordered him to bend down again and he felt even stronger pain and smelt burning flesh and concluded that he was being burned with some red hot object; then he fainted. They poured water on him and continued to beat him.

The following are among the perpetrators: Pero Vrdoljak, aka "Geza" and Nihad Hamzić, aka "Fric".

Evidence: 438/94.

7.2.15.7. Some of the witnesses were imprisoned in the camp located in the military storehouse in Rabić near Derвента. Witness 438/94-16 was put in a room with a damp concrete floor. The prisoners relieved themselves in the room which stank to the point of making breathing impossible. They were given food for the first time on the fifth or sixth day, and that was a slice of bread, with one loaf weighing 600 grams having to be divided among 25 prisoners and that was the daily ration. On the orders of the commander Hamzić, members of HOS, HVO, the "Green Berets", of Sandjak units and handjar divisions often came to the camp and beat and maltreated the

incarcerated Serbs until they were unconscious. They kicked them, they hit them with their hands and the butts of their weapons and with clubs. They ordered them to strip to the waist and to take their shoes off and then they beat them on the soles of their feet and on their bodies. The witness was beaten particularly by Jusanović who broke three of his ribs, his clavicle and injured his spine and one kidney. They were not allowed to shave and have their hair cut as they wanted to take pictures of them. All the prisoners were infested with lice.

The following have been identified among the perpetrators: Nihad Hamzić, aka "Fric", camp commander, Hangija Jusanović, aka "Taliijan", Joško Maras, Ante Krajinović and Jure Grubišić, aka "Gegalo" and "Zmija" (snake).

Evidence: 438/94-16, 438/94-13 (svedočenje M.P./testimony M.P., Annex No. C 128 pp. c1311-1314/c1315-c1319), 584/94-21 (svedočenje R.P./testimony R.P., Annex No. C 127 pp. c1300-1304/c1305-c1310)

7.2.15.8. The witnesses were brought towards the end of April 1992 to the premises of the Army Club in Derventa. The number of Serbs in this camp was large; they lined them up against a wall, naked and barefoot, arms up in the air. They started to kick them and hit them with the hands, rifle butts and sticks on all parts of the body. Azra Kovačević was especially ruthless, she kept hitting one of the witnesses with a rifle butt on the temples and he fainted. Then they grabbed him by the hair and threw him out the window, three meters from the ground, on the concrete below. Then they took him into a room where 4-5 cm. of water covered the floor and left him for dead. The witness came to nine hours later.

Azra Kovačević from Derventa has been recognized among the perpetrators.

Evidence: 438/14 and 19.

7.2.15.9. The witness was arrested on 30 May 1992 and taken to the camp located in the former Army Club in Derventa. Jusanović, a HOS member, told him that he had been brought for an interview only to provide some information. The detainee was a pensioner and was 64 at the time of his arrest. Without being heard at all he was taken

from this camp to the camp in the village of Poljare near Derventa where he stayed until 27 June 1992. During his stay in the camp he was maltreated and insulted until the day on which he was exchanged, 27 June 1992.

The recognized perpetrator is Hangija Jusanović (father: Mustafa), aka "Pavijan", 35 years old, from Derventa.

Evidence: 584/94-23.

7.2.15.10. The witnesses were brought to the camp located in a silo in the village of Polje near Derventa in the second half of June, 1992. The camp commander told the group in which they were that they were in the most notorious Ustashi camp and that they were to ask no questions but only to do what they were ordered. He informed them that life was the price to be paid for any mistakes. The staff was to be greeted with "Mister Ustashi". The maltreatment was the same as in the other camps in which the witness had been before this one. The camp inmates had to stand for hours on with their arms raised behind their necks. Sometimes they had to kneel with their heads to the ground for hours. Croat soldiers, who often barged into the camp, hit whoever came their way with whatever was available until they were unconscious. They were given food very seldom and in small quantities.

Stojko Ključević, camp commander, has been identified as a perpetrator.

Evidence: 584/94

7.2.15.11. D.K. was arrested as a civilian by the Croat Army and Muslims on 5 May 1992, first he was taken to the Army Club where he stayed about seven days and then to Rabić where he stayed until 26 June 1992, when he was taken to Slavonski Brod. He was beaten every day, and particularly, at Rabić, with different means: rifle butts, sticks, boots, bats, fists, legs, etc. he was stabbed with a knife, burned with cigarettes on the forehead, forced together with other prisoners to kick one another. His ribs were fractured in Slavonski Brod, and, for three days he was unconscious. Detainees were forced to suck penises to one another. Being beaten, he was forced to sign

different documents. He has lost consciousness for three times, while being beaten.

Evidence: Medicinski nalaz/Medical findings - DER 6 (Annex No C 131, pp. c1356-c1358/c1359-c1364 and photos in the Annex No. C 161, pictures, No 1-2, p. 83)

7.2.15.12. B.M. was captured by the Croat Army on 26 April 1992. At once, he was taken to the Army Club, then to Rabić, and after that, to Polje, from where he was taken to Žeravac. Later on, he was transferred to Tulak. Where he was kept in the warehouse. As soon as he was captured, his hands were tied behind his neck, so that the movements of his hands almost, choked him. he was constantly beaten, so, that he lost consciousness several times. he was given food every five or six days, but in such a small quantity that twenty camp prisoners had to share a loaf of bread. Besides bread, they got a hot pepper and a tin of fish which was to be shared by seven men.

Evidence: Medicinski nalaz/Medical findings - DER 10 (Annex No C 132, pp. c1365-c1368/c1369-c1375 and photos in the Annex No. C 161, pictures, No 1-3, p. 84)

7.2.15.13. M.K., captured by the HVO and Muslims at Čardak, on 26 April 1992. First taken to the Army Club, then to the Silos Polje, after that to Rabić, then to the bowling alley in Slavonski Brod. In Slavonski Brod. At all these places he was constantly beaten and tortured.

Evidence: Medicinski nalaz/Medical findings - DER 4 (Annex No C 133, pp. c1376-c1381/c1382-c1392 and photos in the Annex No. C 161, pictures No 1-3, p. 82)

7.2.15.14. D.P., arrested as a civilian at his home, in Derventa, on 9 June 1992. First he was taken to the Army Club, where he spent about ten days, then to Poljare and, after that, to Tulek. He was beaten, from the very beginning and after direct hit his left leg was immediately broken. During his stay in camps he was not given any medical aid.

Evidence: Medicinski nalaz/Medical findings - DER 18 (Annex No C 134, pp. c1393-c1396/c1397-c1403 and photo in the Annex No. C 161, picture No 1, p. 86)

7.2.15.15. N.B. was captured by the Croat Army and Muslims at Čardak on 26 April 1992. His wife was killed on the same day. N.B. was taken to the Army Club, then to Rabić and Polje, and after that to Žeravac, where he spent three days in a truck. Finally he was transferred to Bosanski Brod. When he was captured, he was unconscious, due to the shell wound. he regained consciousness three days after, and from that time, he was beaten every day and every night. During his stay in the camps, he was not medically treated.

Evidence: Medicinski nalaz/Medical findings - DER 12 (Annex No C 135, pp. c1404-c1406/c1407-c1411 and photo in the Annex No. C 161, picture No 1, p. 85)

7.2.16.0. Zvornik

7.2.16.1. In an attack on the Serb village of Rastošnica, the municipality of Zvornik, on 29 August 1992, Muslim armed forces killed more than 20 villagers, looted and burnt all the houses. They took P.N. a 62-year old woman, Joco Bajić, 80 years old and Stana Kostić, a 75-year old woman to the camp in Teočak which was located in the premises of the local community administration. Apart from them, Mićo Jović, 85 years old from Priboj and the married couple Slavko and Ljepojka, Ljepojka being a paralysed old woman, from Kozjak near Lopari were also imprisoned in this camp.

Although these were old people and Ljepojka was paralysed, they were tortured, beaten and maltreated every day by the Muslim military police, and Mićo Jović, Stana Kostić and Joso Bajić died of the consequences.

In the camp they broke P.N.'s arm and she was also humiliated in various ways and there is reason to believe that she was raped. She received treatment for several months after she left the camp for the consequences of physical torture and mental trauma.

The camp commander was Hajrudin Mešić, and Avdo Jorgić was the cruellest among the guards who tortured the prisoners.

Evidence: 293/95-7.

7.2.16.2. On 17 January 1992 near Zvornik two Muslim soldiers raped the witness, a Serb girl who was a virgin at the time. She got pregnant. They told her that they want her to give birth to a Muslim. She had an abortion in Belgrade when she was 22 weeks pregnant.

Evidence: 24/93-11.

7.2.17.0. Hadžići

7.2.17.1. In the course of 1991 and 1992 the Muslim war presidency armed and readied in an organized fashion members of the SDA (Party of Democratic Action) and other Muslims in the area of the municipality of Hadžići, preparing them for the dismantlement of the SFRY and the extermination of the Serb population from the area of the municipality of Hadžići.

Mustafa Djelić, as SDA president in the municipality of Hadžići and at the same time president of the Assembly of the municipality of Hadžići, rallied like-minded Muslims and they established a number of reserve militia and territorial defense stations and were assisted in this in particular by Avdo Hebib, the then deputy minister of the interior of Bosnia-Herzegovina, and Jasmin Guska, head of the Konjic Secretariat for Internal Affairs.

In pursuit of their aims, in May and June 1992, they arrested all men over 15 of Serb nationality in the area of Pazarić and Tarčin in the municipality of Hadžići, treating them inhumanely in the process. They even arrested very old men. They set up camps for Serbs in a silo in Tarčin, in the elementary school in Pazarić and in the former JNA barracks in Zovik.

In addition to men, a number of eminent and better educated women of Serb nationality were arrested and they were tortured, raped and maltreated in other ways.

In these camps the incarcerated Serbs were subjected to constant maltreatment, torture, bodily injury and many died from their injuries or were killed outright.

The arrested Serbs were shut in special cells of the silo and given only one meal in two days, the meal consisting of a loaf of bread to be divided among 30 prisoners. They had no toiletries, they slept on the floor, they had nothing to cover themselves with.

In order to destroy everything Serb, they demolished the Serb cemeteries in Pazarić and Tarčin and organized the torching of the Orthodox church in Osenik-Pazarić and then razed it to the ground.

Members of the Muslim war presidency in Pazarić and Tarčin established a so-called "court of justice" and appointed the lawyer Hamid Selimović as its president, and he conducted investigations and convicted Serbs, sentencing them to lengthy and severe terms of imprisonment without proof of the guilt that was nonexistent.

A special role was played by the Information Centre headed by Jadranka Milošević, its duty being misinforming the public by proclaiming innocent Serbs war criminals; the mass media were employed to launch falsehoods and attribute all the crimes committed against the innocent Serb population by Muslims to respectable Serb citizens from the area of the municipality of Hadžići charging them as allegedly having committed those crimes against the Muslims.

In addition to Djelilović, the persons bearing the greatest responsibility for everything done to the Serb people in this municipality are Enver Dupovac and Refik Tufo, who had worked on the police force before the war too, Muris Ibrica, secretary of the municipality, Fadil Čović, Sabrija Hebib, Fahid Aladžuz, Njihad Čehić, Mirsad Šabić and other leaders of the SDA party and of the war presidency.

Evidence: 109/96, 385/96-2, 407/96.

7.2.17.2. In February 1993 the witnesses were brought from the camp in Krupa near Pazarić to the camp located in the fallout shelter of the hotel "Igman" on Mt. Igman with about 20 other Serb prisoners. The Muslims took the imprisoned Serbs to dig trenches and make other military facilities which they had to do while being beaten and maltreated by the guards. They hit them with rifle butts and hoe handles. On returning from forced labour the Serbs were individually taken out from their cells every night and beaten some more. Thus in February 1993, around 10 p.m. they took out Jadranko Glavaš, a Serb from Tarčin, handcuffed him and took him to the camp in the hotel "Mrazište", where he died from his injuries. The witness gave first aid to D.V., whose right ear had been half cut off with a knife. They burned V.'s palms on a red-hot stove, extinguished cigarettes on his body and hands, scorched his back and his genitals with red-hot iron bars. One of the Muslim soldiers bragged how D.V. had received at least 500 blows on his kidneys and the Muslims themselves wondered how he had survived that. After they once returned from work Nedžad Hodžić entered the room with another two Muslim soldiers and a girl and they ordered twenty Serbs to stand up against the wall and started first kicking them with their feet and pounding them with their fists and then with a table leg which they had broken off. The witness was hit repeatedly in the back and the area of the kidneys. Beatings were everyday practice and they were also forced to bow and pray the Muslim way. The Muslims also forced the prisoners to sexual perversions. First they beat them themselves, then they forced them to fight each other and then to engage in unnatural intercourse. The witness himself had to do it with D.V. They forced him to put an awl into the anus of the Serb B.G., and after he took it out they forced V.R. to lick it clean. V.R. was forced to eat soap and to drink urine. He had to do all that under coercion. The Muslims forced the Serb prisoners to eat cigarette butts, extinguished cigarettes on their necks, arms and other parts of the body, or threw burning cigarettes into their bosoms. One Muslim soldier hit the witness with a metal rod and rifle butt in the leg and kidneys at least fifty times, after which he was totally unable to move and urinated blood the following ten days.

Their meals consisted of lunch packages; before meals they forced them to ingest hot spices and gave them no water afterwards.

In August the witnesses were taken back from Igman to the camp in Tarčin.

Perpetrators: Zulfikar Ališpago, aka "Zuka", a Muslim commander from Sandjak, Redžo Borovina, platoon commander, Nedžad Hodžić aka "Nečko", a Muslim from Novi Pazar, and others.

Evidence: 412/94-7 (svedočenje B.M.1/testimony B.M.1, Annex No. C 74, pp. c753-c754/c755-c757) and 412/94-5 (svedočenje R.M./testimony R.M., Annex No. C 75, pp. c758-c763/c764-c768)

7.2.17.3. On 7 January 1993, Orthodox Christmas Day, Muslim soldiers brought out from their cells the Serbs imprisoned in the camp of Krupa near Pazarić and started beating them. Thus around 2 a.m. the guards Keća and Lihovac took out the prisoners S.M. and M.B. from cells No. 1 and 2. "to wish them a merry Christmas" and beat them until morning.

When they brought them back in the morning all beaten up they were in such a condition that they could not be recognized. They were unable to walk and had to be carried into the cell. The witness carried them personally and then was ordered by the Muslim soldiers to wash blood off them. They were in so difficult a state that several days later they had to take them for medical treatment.

Perpetrators: Šerif Mešanović, camp commander in Krupa, Asim Keća, a guard and the Muslim Lihovac, a guard.

Evidence: 412/94-8 (svedočenje B.Lj./testimony B.Lj., Annex No. C 58, pp. c579-c582/c583-c588), 412/94-12 (svedočenje M.M.1/testimony M.M.1, Annex No. C 65, pp. c662-c666/c667-c672) and 412/94-13 (svedočenje M.S.1/testimony M.S.1, Annex No. C 95, pp. c976-c980/c981-c986).

7.2.17.4. From 30 December to 18 August 1994, while the witness was being held in the camp of Krupa near Pazarić, located in the storehouse of the former JNA, the prisoners were taken to forced labour. They cut timber, loaded and unloaded ammunition and food and had to do other manual labour.

They were taken to fell timber without clothes and barefoot in the winter. The witness had to go woodcutting in his stockinged feet, and they would stay working in the forest for 4–5 hours at a time.

The Muslims have made them harness-like straps from parachutes and Serb prisoners pulled logs like horses. They worked like this every day, including Sundays and holidays. While they worked, Muslim soldiers – guards sat around, laughing and firing from the rifles for fun.

The following have been identified as the perpetrators: Šerif Mešanović, camp commander and Suljo Fežić, a guard.

Evidence: 412/94-8.

7.2.17.5. Tarčin camp near Pazarić – Silo

"ONLY THE SILO CAN SAVE A SERB." (witness 407/96)

This was a favourite line of Halil Čović, warden of the camp in Tarčin near Pazarić, located in the evacuated grain elevator, reiterated to Serb prisoners for whom the camp was solely set up.

How ironic these few words were will be clear after the description of the camp lodgings, how Serbs lived there, what were their living conditions, how they were tortured, humiliated, and killed.

Tarčin, a suburban neighbourhood in the municipality of Hadžići, was the seat of the local community and had some 2000 inhabitants before the war. Most of them were Muslims (about 85%), in addition to 10% Serbs and 5% Croats.

Most villages around Tarčin had pure Muslim population, several villages were populated by Serbs, while several villages had mixed ethnic composition.

In August 1991 a reserve police post was founded in Tarčin with a force including 180-200 Muslims and only a few Serbs, by their own choice. The commander was Tufo Refo, former policeman in Sarajevo.

Towards the end of 1991 and at the beginning of 1992 the mentioned police post openly – lawfully distributed arms solely to the Muslim population.

In the first days of May 1992 Muslims have rashly evacuated some 10 chambers in the silo, located in the centre of Tarčin, and distributed wheat to the population.

The first prisoners – 11 captured reserve soldiers from the former JNA barracks in Krupa-Zovik, taken by the Muslims on 11 May 1992 – were brought to the silo on the same day and detained in the evacuated chambers.

A few days later, from 20 May 1992 on, Serbs from the local communities of Tarčin and Pazarić were brought to this camp in large numbers, so that from 11 May 1992 until 27 January 1996, when Serb detainees were released according to the Dayton Agreement, about 550 Serbs have passed through this camp.

Solely Serbs were brought to the camp, both young (the youngest was 14 years old) and old (the oldest, late Vaso Šarenac, was born in 1908), both men and women, peasants and educated Serbs, mainly civilians (with the exception of the first 11 captured reserve soldiers), who have not by that time participated in war nor were members of any of the armed formations.

The camp was under direct command of the 109th Mountain Brigade of the Army of Bosnia and Herzegovina, whose commander was Nezir Kazić.

Since 1995 the camp was under the command of the 14th Division of Bosnia and Herzegovina, led by Zaim Imamović. The headquarters of these units were located in the close vicinity of the camp. Their commanders often visited the camp and knew what was going on there.

Alija Izetbegović often landed at the heliport, located within the 14th Division HQ. Some prisoners have seen him through a wire fence encircling the camp.

Thus, witness 385/96-2, who stayed in the camp from 28 May 1992 until 27 January 1996, testifies:

"...Alija Izetbegović came to Tarčin 3-4 times. I saw him myself in 1994, when he was on the way to the summit of Islamic countries. He was accompanied by Memija, director of the Sarajevo Television. I saw him from a distance of 30 m. The next time Alija Izetbegović passed by our camp was when he was on a way to Mejina Luka, where he addressed soldiers who were going to the battle for Goražde. I think it was in June 1995. I do not know whether Izetbegović actually entered the camp, but from a close distance he could see us prisoners through a wire fence..."

Witness 109/96 testifies:

"...Through forced labor we have built a heliport in front of the camp. Once a helicopter of the Muslim army landed on the pad and Alija Izetbegović, Haris Silajdžić and other officials of Bosnia and Herzegovina stepped down from the chopper..."

Statements by several witnesses confirm that the highest officials of Bosnia and Herzegovina were aware of the existence of this camp, knew that Serbs have been unlawfully detained in it and subjected to war crimes and that they not only did not want to prevent this or punish the perpetrators, but that the camp was organised with their consent and that they fully authorised the torturing of Serb prisoners.

Thus, witness 385/96-3, a Serb woman from the village of Raštelica near Hadžići, born in 1949, who spent nearly four years in the camp – from 28 May 1992 to 26 January 1996, points out:

"...In early November 1993 a state committee of the Government of Bosnia and Herzegovina visited the camp, allegedly to inquire about the living conditions in the camp. When I complained to them, they said that the conditions in the camp were quite good and that we were safer there than if we were free..."

Finally, witness 407/96, a lawyer from Hadžići, who also spent almost four years in the camp, speaks about the visits of the International Red Cross delegations during 1992, that they promised that all prisoners from this camp would be released, and that during the third visit, sometime around 20 December 1992, an official of the

mentioned delegation, Mr. Perot "...said that Alija Izetbegović personally prevented our release..."

The text that follows will present the data about the living conditions in the camp (lodging, sanitary conditions, food, methods of torture and humiliation of Serb prisoners), about prisoners who have been killed during their detention in the camp, about Serbs who died in the camp from torture and starvation, as well as about Serb prisoners who lost their lives during forced labor, on the front line and during military operations.

7.2.17.5.1. Lodging – sanitary conditions.

From the statements of numerous witnesses, former Serb prisoners, it can be ascertained that a large number of prisoners have been cramped on a small space, that they slept on bare concrete, that they have been deprived of the possibility to wash up even in the most primitive way for several months in a row, that the space where they have been kept was dark and stuffy, that they relieved themselves in pails that stood in the same room in which they slept.

Cramped space – illumination

Witness 407/96 states:

"...New prisoners were brought in, so that on 15 June 1992 there were 37 of us on 40 sq.m..."

Further, witness 169/96-11 testifies:

"...Conditions in this camp were beyond human dignity. There were between 25 and 30 people in each cell..."

Witness 858/95-12 said:

"...The cell was completely dark..."

Witness 718/96-23 said:

"...I was locked up together with my sons in cell number 6, where there was a total of 53 arrested Serbs from my village and other villages..."

Sleeping on bare concrete

Many witnesses mentioned that prisoners slept on concrete floor, and later on wooden pallets placed on concrete floor (witnesses: 109/96, 344/96-11, 44/96, 858/95-12, 169/96-11, 385/96-2).

Thus, for instance, some witnesses testify:

Witness 109/96:

"...We slept on bare concrete for the whole two months, and later they gave us wooden pallets..."

Witness 385/96-2:

"...For the first six months, before I was registered by the International Red Cross, I slept on bare concrete, without any spread or cover..."

Witness 169/96-11, who was brought to the camp towards the end of May 1992, said:

"...We slept on bare concrete until October 1992, when they brought us wooden pallets to the cells. In fact those were wooden grids, made of 8-10 cm wide wooden laths, nailed together at a distance of 7-8 cm. Each pallet was about 1 m wide and about 1.2 m long. While we lay on them, the lower edge was cutting into our thighs. Three of us slept on one such pallet, without a pillow or cover..."

Witness 344/96-11 says:

"...We were incessantly exposed to cold, because the cells were continuously ventilated, since wheat was stored there, so that the temperature in cells was kept low, while we had to lie on concrete..."

No bathing

Many former Serb detainees stress that they have not had the opportunity to take a bath for a few months in a row.

Thus, witness 385/96-3, a Serb woman who was in the camp since 28 May 1992, testifies:

"...We women have taken a bath for the first time in August 1992, with cold water..."

Witness 858/95-12 stated:

"...I have spent 9 and a half months in that cell and during that time have not had a single bath..."

Finally, witness 407/96, who was brought to the camp in May 1992, says:

"...They allowed me to take a bath for the first time on 12 August 1992, after 2 and a half months in detention, with water from a barrel, and the next time in January 1993..."

Cells without a lavatory

Many witnesses, former detainees, testified that they have not had the opportunity to use a lavatory, but instead defecated and urinated in the cells, in pails that were kept there all the time. Stench and stuffiness made the atmosphere unbearable (witnesses: 858/95-12, 385/96-3, 718/96-23, 718/96-12, 109/96).

Thus, for example, some witnesses state:

Witness 718/96-12:

"...There were about 50 us, Serbs, locked up in my cell. We relieved ourselves in a cell, into a pail that was taken out once in 24 hours..."

Witness 109/96 stated:

"...The rooms we were kept in were very small, while there was a lot of us. It was stuffy. We relieved ourselves into pails placed in corners of the rooms we slept in..."

Witness 858/95-12 says:

"...In this room where we were locked up there was no toilet, we had a pail to relieve ourselves, but the pail was leaking and the stench was terrible..."

Evidence: 407/96 (Annex No 246 to the Part I of the Counter-Memorial)

7.2.17.5.2. Food

Testimonies of former detainees unquestionably confirm that Serbs in this camp were fed in such a way that they practically starved, many fell ill from malnutrition, many lost several dozen kilograms, and some even died from starvation (witnesses: 169/96-11, 718/96-21, 344/96-11, 272/96, 386/96-29, 44/96, 858/95-12, 385/96-3, 109/96, 407/96).

Thus, for instance, witnesses state:

Witness 344/96-11, who was in the camp since 26 May 1992:

"...They starved us. We used to get one small piece of bread once a day and a few teaspoons of extremely tasteless soup. We only got a litter or two of drinking water for the whole cell, at the guard's discretion. When I was arrested, I weighed 95 kg, and by the end of June I dropped down to 44 kg. I wonder how we were able to walk at all, when we looked like walking skeletons..."

Witness 109/96, who was 21 years old when he was brought to the camp on 30 May 1992 and who stayed there until 29 October 1995, when he was exchanged, testifies:

"...For the first 45 days we got food only once a day and that meal consisted of a thin piece of bread and a little soup, which was sour, unpalatable and watery. Afterwards, we got food twice a day. Because of poor food we were quite exhausted. Those who were less resistant started to die from starvation. In this period 6-7, mainly

older people, died. Muslims usually released those who seemed about to die and these people indeed died at home a few days later... At arrest I had 78 kg, and I got out weighing 45 kg..."

Witness 169/96-11, who was in the camp from end May 1992 to 1 January 1993 testified:

"...They tortured us with hunger. When I was brought to the camp I weighed 96 kg, and by the time I got out I have lost 30 kg. I figured out that during one month I got 2.1 kg of bread and 6 tablespoons of soup per day. This "soup" was brought in around 3:30 PM and five of us ate from the same dish, using the same spoon which we rotated between us. It wasn't until five months later that they let us get a parcel from home once in 15 days..."

Witness 386/96-29, born in 1960, imprisoned in the camp from 2 June 1992 to 27 January 1996, says:

"...What was worst was that they starved us, so that for a while we looked like live skeletons. At that time we could hardly move, and if someone made an effort and tried to stand up he fainted..."

Many imprisoned Serbs died either in the camp or shortly after they have been released as the consequence of starvation and torture in the camp, which will be elaborated further on.

7.2.17.5.3. Torture of prisoners

Serbs incarcerated in the silo-camp in Tarčin have been beaten and tortured in a variety of ways. Interviewed former detainees testify about their suffering and about the suffering of their compatriots (witnesses: 407/96, 44/96, 858/95-12, 272/96, 385/96-2, 385/96-3, 169/96-11, 718/96-21, 718/96-17, 718/96-12).

Many witnesses particularly stressed the event which occurred on 4 June 1992. Their testimonies reveal why they remembered this day.

Witness 407/96, who was kept in this camp for several years, mentioned:

"...I particularly remember mass beating which happened on 4 June 1992. I recall that it was Thursday, Serb holiday of Saviour's Day. About 8:30 in the morning the warden Bećir Hujčić entered our cell and ordered us to give him all our belongings except clothing we had on, so that he took away in a bag a few trifles that some people had kept. He told us that members of the Rijeka Evidence will come to visit us. Around noon appeared Enver Dupovac, followed by some thirty men in uniforms with HOS insignia, while others wore HDZ emblems, including some of them who wore officer's insignia across the chest such as those worn by the Croat army. However, among them was also a group of Muslims from Sandjak whom I knew by sight, as they used to exchange foreign currency on Baščaršija in Sarajevo. They started to insult us verbally, saying that we Serbs are dirty pigs, that we stink... In our cell they first started to beat L.K. At least five of them have been beating him. They hit him with rifle butts, kicked with boots, and he was forced to spread his hands on the concrete floor, so that they stomped him with boots on hands and fingers. They also beat him with some sticks they brought along. They pushed him to the ground and he fell and than a German who did not speak Serb approached him and cut him on the back of the head with a large knife. A streak of blood ran from the wound. After that he fainted, although he was exceptionally strongly built. Then one of the Sandjak men grabbed me by the hair and pulled me forward so that he could kick me strongly in the chest. The other two started to beat me with rifle butts on the rib cage, both on the back and on the chest. This German kept cutting the leather jacket I wore with a knife so that in the end it was all cut up. They hit me strongly at least ten times before I fainted. I do not know how long I was unconscious.

When I came to, I felt that someone lay atop of me. It was M.S. He was unconscious and his blood was dripping on my face. When I looked around I saw a terrible sight. Everyone, all my cell mates, lay around and only now and then someone would regain his consciousness for a while, moaning from pains. They were all disfigured and covered with blood. No one could move... Next to L.K. there was a pool of blood, probably more than 2 liters of blood. His back and chest were all black, and he was bleeding that day and the next day. Nurse Mira came only 3-4 days later and bandaged L.K.'s head. However, since she did not come again the next 15 days or so, his wound became worm-infested. Worms emerged in the wound

that ran from the back of his head to the neck. R. took out 30 worms from his wound.

Just at the time when worms developed in his wound, he was forced to empty a pail with faeces from the cell onto his head..."

The same witness speaks about other situations when he and other detained Serbs have been beaten and tortured. At one point he says:

"...Many Muslims from the vicinity came to the silo to fetch wheat and if they wished so, the camp staff and guards would let them come into our cells and beat us..."

Witness 44/96 says about the event of 4 June 1992:

"...Only half an hour after they brought me into the cell entered three Muslim soldiers, armed and in uniforms, one of them known as "Mineralni", who ordered me to put my hands on the floor and then kicked me on the head with boots. Then they took me out into the corridor and ordered me to face the wall with raised arms and beat me with batons. The beating lasted approximately 20 minutes, after which they took me into the cell and ordered to take off my jeans, shoes and jacket, which they took away. Only the next morning I saw the condition my cell mates were in. They were all beaten up and could not even stand up to go to the corner to relieve themselves in the pail which stood there for this purpose..."

The witness also said the following about physical torture:

"...The guards had a habit to make up an excuse to take us into the corridor where they beat us up. One day they brought L.K. into our cell. He had a knife wound on the back of his neck. The wound did not heal and once they emptied a pail with faeces onto his head. They also urinated onto the wound. As a consequence, he wound became worm-infested..."

Witness 385/96-2, who was in the camp since it was opened until it was closed down, testifies:

"...On Saviour's Day, 4 June 1992, we were beaten up by the soldiers whom Enver Dupovac brought to the camp. They barged into

cells and beat up prisoners with rifle butts, batons, laths and whatever they found handy. The beating was so severe that the walls of the room where we were locked up were all covered with blood.

One of the soldiers ordered me to lay prostrate, then raised both my legs and beat me on bare soles with a wooden lath. I was hit 26 times in each leg and the first blow was so painful that I fainted. Then they beat up L.K. with a wooden lath on the head, then they made him a knife wound on the head, which later started to stink and became infested by worms... They accused D.R. that he was a sniper and beat him up so brutally that they broke his arm. He was beaten by Šera Mešanović, deputy warden... I was beaten up again on 20 June 1992 by Šaban, Miralem Horman and Ibro Fišo. They beat me up so severely that I repeatedly fainted and regained consciousness only an hour later. They told me that they beat me up at the order of Enver Dupovac, who was the chief inspector of the Republican Ministry of the Interior (MUP) of Bosnia and Herzegovina. He also organised mass beating on 4 June 1992..."

Witness 386/96-29, born in 1960, who was imprisoned in the Tarčin camp from 2 June 1992 to 27 January 1996, said:

"...One of the worst mass beatings of captives took place on 4 June 1992. This is when some soldiers, supposedly HOS members from Rijeka, came to the camp, barged into cells and beat us up with boots, rifles, legs, brass knuckles, sticks and other objects. Many prisoners were severely wounded on this occasion. I was wounded too and could not stand up on my feet for a month and a half..."

Witness 344/96-11, who was also imprisoned in the camp since its establishment, testified:

"...As soon as we were brought to the camp we were subjected to the worst physical torture. Some prisoners were taken to the warden's office, into the corridor or basement, where we were beaten up. Moans and screams could be heard coming from these rooms. On 4 June 1992 in early morning hours the warden Bećir Hujčić came in and ordered us to tidy up the cells because some commission was coming to inspect the camp. Soon afterwards I heard moans and screams, blows and the sound of sticks breaking. At this point there were 15 prisoners in my cell... After a short while at least 10 Muslim

solders entered the cell. I assume by their accent that they came from Sandjak. Among them was Tiro aka "Tiki" from the village of Osenjak near Tarčin, who led within this group in the brutality toward the prisoners... They beat us up with wooden broomsticks, batons and rifle butts. We fainted from the beating and that lasted for almost two hours. On that occasion I had two teeth knocked out, got a cut in my upper lip and severe wounds on head and body... In the evening I was taken to the warden's office, where I saw Šerif Mešanović. There they tortured me and gave vent to their low instincts for about 4 hours. They put my hands on the concrete floor and hit with a rifle butt. They stripped me to the waist and beat with a club on the back so hard that my skin split open, leaving later big scars. They beat me with a night-stick, doused with petrol and forced me out with an intention to set me ablaze. However, when we passed by my cell, one of them pushed the door and showed me inside. I could not move for a few days and prisoners who were less severely wounded took care of me.

Such torture continued every day. Guards were particularly brutal when we went to the toilet located on the camp grounds, when they used to beat us up..."

Witness 858/95-12 said, among other things:

"...After we came to the camp in the silo in June 1992, they ordered us to raise our arms and stand by the wall, and then Muslim soldiers started to beat us severely. Bećir Hujčić, the camp warden, was present while the beating took place and gave orders. After the beating, they put us into the cell number 6, where there were nine prisoners. Those who have already been in the cell have been deformed, blue, covered with blood, swollen, could not move... They took us out for interrogation every day, asking us whether we had arms, and all the while they beat us brutally with sticks, kicked and pounded with their fists. A Muslim soldier stood behind the interrogated detainee and beat him up, and interrogation lasted until the detainee would confess to whatever he was asked for or until he fainted and fell, in which case he would be taken back to the cell..."

Witness 718/96-17, a pensioner born in 1942, who was kept in this camp from June 1992 until February 1993, mentioned:

"...As soon as I was brought to the camp, I was subjected to severe physical torture. I earned severe wounds on the head and spine. Among other things, they beat me with gloves on the hands that had metal rivets which inflicted wounds on my head. I had open wounds in the coccyx area that have not healed throughout my stay in the camp..."

7.2.17.5.4. Humiliation

Serbs kept in the silo camp in Tarčin have been brutally humiliated in a variety of ways, some of which are beyond comprehension of a sound human mind. This humiliation certainly contributed that some Serbs, "living" in the described unsanitary conditions, almost without any food, along with physical maltreatment and torture, did not endure to get out of the camp alive or else were released in hopeless condition and after a short while died at home or in hospital, as will be elaborated below.

At this point we will mention just a few examples.

Bowing as the Muslims do

Several witnesses, former camp prisoners, mentioned in their testimonies some details referring to requests of the guards or camp commanders that imprisoned Serbs do something otherwise practised by Muslims during their religious rites (witnesses: 407/96, 858/95-12, 386/96-29, 344/96-11, 872/95-7).

Witness 407/96 said:

"...They forced us to bow as the Muslims do. They did so whenever any of the guards found fit. We all had to kneel and spread our feet properly and from the kneeling position bow so that we hit the floor with the forehead. We had to do this incessantly for half an hour, uttering the words 'We believe in Allah'..."

Witness 858/95-12 testifies:

"...They made us bow in our cells according to Muslim rites and to say aloud 'Allah uegber'. After we did so, they told us that we were no longer Chetniks, but Muslims..."

Witness 386/96-29 says:

"...We were forced to bow according to Muslim rites, to pray to Allah and to kneel motionlessly for two hours on end, to sing Muslim songs..."

Use of urine to humiliate the Serbs

Many Serbs, former inmates, testified of this kind of inhuman treatment of the Serbs detained in this camp.

Thus, for example, witness 858/95-12 stated:

"...Once they asked L.K. if he was thirsty and ordered him to take a bucket with faeces and drink from it and finally emptied the bucket over his head and put it on his head..."

Witness 344/96-11 states:

"...They forced some of us to pour ourselves with the urine from the pail in which we urinated..."

Witness 718/96-12 testifies:

"...We have been incessantly exposed to humiliation. For example, their guards used to urinate on us from a platform situated above the cells..."

Witness 109/96 says:

"...After the beating they ordered us to line up along the cell wall, and they urinated on us from above, from the platform they could walk on..."

The following behaviour is an example of extremely inhuman treatment.

Thus, witness 44/96 stated:

"...My uncle, who was also imprisoned in Tarčin, saw once that soldiers urinated in the soup before serving it to us... Four or five of us ate this soup from the same dish..."

Special methods of humiliation

Incarcerated Serbs, men and women, have been also humiliated in other ways.

At this point we will mention one example of humiliation of men and one example of humiliation of women.

Witness 718/96-23 stated:

"...They forced us to beat each other. Among the worst forms of humiliation was when they made some prisoners put their penis into other detainee's mouth..."

Witness 385/96-3, a Serb woman born in 1949, testifies:

"...On 4 June 1992 a group of about 100 soldiers came to the camp. They were brought by Enver Dupovac, who said that they were volunteers from Rijeka, but we concluded that most of them were from Sandjak. One of them made me bite into my fingers and I had to do this until I started to bleed.

Then they ordered me to strip all my clothes, which I had to do, and thus naked I stood in front of them for 20 minutes..."

7.2.17.5.5. Serbs died from starvation and torture in the camp

Some Serbs detained in this camp died from starvation and torture. They are:

1. Gojko Varagić from the village of Donja Bioča, aged about 60.

Witness 385/96-3 stated:

"...Guards took Gojko Varagić to his home, but he died soon afterwards from starvation and exhaustion..."

2. Bogdan Vujović, aged about 65-70, a retired railway worker, from the village of Doljani near Pazarić.

Witness 385/96-3 mentioned that Bogdan Vujović died in the camp "from hunger".

3. Obren Kapetina, aged about 64, from Deovići near Pazarić.

Witness 718/96-12 mentioned:

"...Obren Kapetina died in my cell from the consequences of torture and starvation..."

Witness 385/96-3 also testified that Obren Kapetina died in the camp "from starvation" and specified that it happened in October 1992.

4. Petko Krstić, technician, born on 27 August 1959 in the village of Raštelice, municipality of Hadžići, father: Ljubomir.

Several former camp prisoners (718/96-14, 109/96, 858/95-12, 385/96-3, 386/96-29, 344/96-11) testified that Petko Krstić died in the camp from the consequences of torture and starvation

Thus, for example, witness 385/96-3 stated:

"...Petko Krstić died in the camp from starvation on 13 October 1992..."

Witness 858/95-12 says:

"...They put something in our food that caused dysentery and other stomach disorders. This caused terrible pains and this is what my relative Petko Krstić died from..."

5. Svetozar Krstić, born in 1928 in the village of Do, municipality of Hadžići, father: Pavle, pensioner.

(Witnesses: 718/96-21, 385/96-3).

6. Milinko Milanović, born on 1 January 1943 in the village of Deovići near Pazarić, father: Radoje, postman in Hadžići, married, two children.

(Witnesses: 718/96-22, 385/96-3).

7. Zdravko Samouković, aged about 21, from Pazarić.

Witness 385/96-3 stated that Zdravko Samouković died from tuberculosis which he contracted in the camp.

8. Vaso Šarenac, born in 1908, from the village of Lokve near Pazarić.

Witness 718/96-17 testifies the following in connection with the death of Vaso Šarenac:

"...Next to me in the cell lay Vaso Šarenac, aged 86, who died from starvation. The camp authorities claimed that he died of old age, but I am certain that he died as a consequence of starvation that we were all exposed to. Most of us fainted from hunger..."

Witness 385/96-3 stresses:

"...Vaso Šarenac, born in 1908, died from starvation and exhaustion..."

Witness 386/96-29 stated:

"...Between July and October 1992 Petko Krstić, Bogdan Vujević and Vaso Šarenac died in the camp from the consequences of beating and starvation..."

7.2.17.5.6. Serbs killed or wounded while digging trenches on forced labor at the front line

Many Serbs – former prisoners testified that Serbs from the Tarčin camp at the silo were taken to the hardest manual work at the front lines, while the fighting was in progress, and that they served as a live shield to the Muslim army. During this forced labor some Serb prisoners were killed and some severely wounded.

Serbs killed while digging trenches and engaging in other forced labor at the front lines

1. GORAN ANDRIĆ, born on 22 October 1962 in Korča, father: Vojislav, mechanic, married – killed on 18 August 1993 in Donji Kotarac near Hrasnica from a shell while he was in a trench on forced labor (witness 718/96-24),
2. RANKO VITOR, aka "Nane", born on 31 January 1959 in the village of Korča near Tarčin, father: Vojin, driver, killed on Mt. Igman where he was on forced labor on 26 May 1993 (witness 718/96-11),
3. ANĐELKO GOLUB, born on 6 March 1962 in Odžak near Tarčin, father: Dimšo, master of mechanical engineering, killed on forced labor on Mt. Igman on 26 May 1993 (witness 718/96-23),
4. BRANISLAV NJEGOVAN, born on 5 November 1959 in Tarčin, father: Stevan, electrical technician, severely wounded during forced labor on Mt. Igman on 26 May 1993 and died shortly afterwards (witness 718/96-18),
5. MILOMIR PETRIĆ, born on 25 October 1962 in the village of Ramići – Hadžići, father: Slobodan, train dispatcher from Pazarić, killed on 28 June 1993 during forced labor on Mt. Igman (witness 718/96-17),
6. VOJO ŠUVAILO, born on 25 September 1967 in Odžak near Tarčin, father: Dimitrije, traffic policeman, killed on forced labor in Hrasnica on the front line on 18 June 1993 (witnesses 718/96-15 and 286/96-29),
7. DANE ČIČIĆ, born in 1956, from the village of Ramići near Pazarić, killed in August 1995 during forced labor – trench digging on the front-line in Sarajevo, while he was handcuffed and tied with a wire rope (witness 718/96-7).

Serbs – camp prisoners wounded while digging trenches on forced labor at the front lines

Several interviewed witnesses, former prisoners at the camp in Tarčin, located at the silo, testified that they have been taken from the camp to forced labor on the front line during combat actions, and that they have been severely wounded on these occasions.

Witness 109/96 mentioned, among other things:

"...On 3 July 1995 I was taken from the camp to forced labor by Gušića Halls in Sarajevo where we dug up trenches and made bunkers for the Muslim army. We were tied to a rope. On that occasion I was severely wounded. I was hit in both legs, arms and body. As the consequence of these wounds, I lost my right leg, while the left one remained severely damaged..."

Witness 718/96-7 testified that on 6 July 1995, he was pushed onto a truck with some 20 Serb prisoners, after they have been blindfolded and handcuffed, taken on Mt. Igman and then driven to a place called Stup, where heavy fighting was in progress. They were forced to do the riskiest works, so that they could be killed or severely wounded any time, that they stayed there three days and three nights. The witness was shot from a rifle in both legs and arms, left side of torso and lungs. He mentioned that several persons have been wounded, while B.B. received 17 bullet shots.

Witness 718/96-21 also testified that he was transferred with a group of prisoners from Tarčin to Krupa sometime in 1992 and that in Krupa he dug up trenches on the front line and did other hard manual works.

7.2.17.5.7. Serb camp prisoners deliberately killed

On the basis of testimonies by several witnesses it may be ascertained that three Serb camp prisoners were deliberately killed on 22 April 1993, after four prisoners escaped while on forced labor in Hrasnica.

The following were killed:

1. RANKO VARAGIĆ, born on 17 July 1969 in Sarajevo, father: Radoslav, technician. The perpetrator was a guard named Faud (witness 718/96-20),
2. SLAVIŠA KAPETINA, born on 22 January 1963 in Sarajevo, father: Gojko, 4th year economics student, from the village of Zeović near Pazarić; guard named Faud is mentioned as the perpetrator (witness 718/96-16),
3. MILAN KRSTIĆ, born on 8 October 1950 in the village of Domašinec, father: Vojin, trucker; a member of the military police by the name of Feđa is mentioned as the perpetrator of this crime (witnesses 386/9-29, 718/96-19 and 358/96-3).

Finally, on the basis of testimonies by witnesses it is ascertained that the following detainee was also killed while working on Mt. Igman:

4. JADRANKO GLAVAŠ, aged about 28, economist from Sarajevo, while the perpetrator mentioned is Nedžad Hodžić, member of the Muslim unit under the command of Zulfikar Ališpago, aka "Zuka" (witnesses 385/96-3 and 718/96-9).

7.2.17.5.8. Organisers of crimes committed in the Tarčin camp at the silo

According to the statements of a number of witnesses, organisers of torture and killing of Serbs incarcerated in the Tarčin camp at the silo were:

1. BEĆIR HUJIĆ, aka "Beća", born in 1957 or 1958 in the village of Ljubovčići near Pazarić, father: Muhamed, guard in the Central Prison in Sarajevo before the war, warden in the Tarčin camp from the establishment until August 1994 (witnesses 407/96, 858/95-12, 385/96-2).

Thus, for example, witness 858/95-12 describes the beating of Serb prisoners in June 1992, when they were ordered to raise their arms and line up against the wall, and then Muslim soldiers beat them up savagely. The witness mentions, among other things:

"...Bećir Hujjić, the camp warden, was present while the beating took place and gave orders..."

Witness 407/96 described the presence of Bećir Hujjić during the event of 4 June 1992, when many Serb prisoners were beaten up in the camp.

2. HALID ČOVIĆ, born in 1953 in the village of Grivići near Hadžići, a retired guard in the Central Prison in Sarajevo before the war, deputy warden in Tarčin until August 1994, when he became the warden of the camp and occupied this post until the camp was closed down in January 1996 (witness 407/96).
3. ŠERIF MEŠANOVIĆ, aka "Šera", retired guard at the Central Prison in Sarajevo, one of the two deputies of warden Hujjić, later warden of the "Krupa" camp (witnesses 385/96-2, 344/96-11).

Thus, for example, witness 385/96-2, when describing the beating of Serb prisoners on 4 June 1992 and when talking about the torturing of witness D.R. mentioned, among other things:

"They accused D.R. that he was a sniper and beat him up so brutally that they broke his arm. He was beaten by Šera Mešanović, deputy warden..."

Witness 344/96-11 mentioned:

"... In the evening I was taken to the warden's office, where I saw Šerif Mešanović. There they tortured me and gave vent to their low instincts for about 4 hours. They put my hands on the concrete floor and hit with a rifle butt. They stripped me to the waist and beat with a club on the back so hard that my skin split open, leaving later big scars..."

4. NEDŽAD AJNARDŽIĆ, now commander of the 1st Sarajevo Body, brigadier in the Army of Bosnia and Herzegovina, visited the "Silo" camp on 25 January 1994, when he was in cell No. 6, visited again the whole camp on 13 March 1994 and was aware of what was going on in the camp (witnesses: 385/96/3, 344/96-11).

Witness 385/96-3 mentions:

"...On 22 March 1994 the General of the Army of Bosnia and Herzegovina Ajnardžić visited the camp. He blackmailed us into writing to our relatives in Hadžići to provide certain data about some Muslims. He threatened to kill us on the spot in retaliation unless we did as he ordered..."

Witness 344/96-11 says:

"...Towards the end of 1993 a state committee visited the silo and publicly commended allegedly good conditions in the camp. During 1994 Nedžad Ajnardžić, commander of the 1st Body of the Army of Bosnia and Herzegovina visited the camp. When he inquired whether we have been beaten in the camp and when we said that they stopped beating us, but had beaten us before, he openly said that we should be beaten..."

7.2.17.5.9. Perpetrators of crimes – torture of prisoners in the Tarčin camp – silo

On the basis of testimony by numerous witnesses – former Serb prisoners in the camp – it has been ascertained that the following persons have been most frequently designated as perpetrators of crimes against the Serbs – their torture:

1. ENVER TUPOVAC, born in 1951 in Dupovci near Hadžići, police superintendent in Hadžići before the war, chief inspector in the Ministry of the Interior of Bosnia and Herzegovina, organised mass beating of prisoners on 4 June 1992, participated in setting up the camp and in arrests and torture of the Serbs (witnesses 407/96, 385/96-3, 385/96-2),
2. HIDAJET ŠAHIĆ, guard from the village of Korča near Tarčin (witness 407/96),
3. N. MIŠEVIĆ, guard, aged between 20 and 25 years (witness 407/96),

4. MIRALEM, aka "Mineralni", guard, killed in the meantime (witness 407/96),
5. FEJAT, guard (witness 718/96-20),
6. FUAD N., guard (witness 718/96-16),
7. FEDA, member of the military police (witness 386/96-29),
8. REFIK TUFO, aka "Refo", from the village of Turanovići, retired policeman, aged about 50, since the beginning of war police commander in Tarčin, led a raid on Serbs from the vicinity of Hadžići and their transfer to the camp in Tarčin, on which occasion he beat the Serbs (witnesses 385/96-3 and 386/96-29),
9. ŠABAN MUHIBIĆ, guard (witness 385/96-2),
10. MIRALEM HORMAN (witness 385/96-2),
11. IBRO FIŠO, aka "Džiho" or "Džino", from the village of Trzan near Tarčin, guard (witness 385/96-2).

Witness 385/96-2 mentions:

"...I was particularly beaten on 20 June 1992 by Šaban, Miralem Horman and Ibro Fišo. They beat me up so severely that I repeatedly fainted and regained consciousness only an hour later. They told me that they beat me up at the order of Enver Dupovac, who was the chief inspector of the Republican Ministry of the Interior (MUP) of Bosnia and Herzegovina..."

12. SALKO GOSTO, from Smucka, inspector in the Public Security Station in Hadžići before the war, investigating officer in the Tarčin camp, notoriously brutal in beating of prisoners (witness 344/96-11),
13. ADEM NERADIN, guard (witness 344/96-11),
14. MENSUR ČOVIĆ, police investigator in Hadžići before the war (witness 344/96-11),

15. RIFET ČANATKOVIĆ, from Hadžići, police investigator in Hadžići before the war (witness 344/96-11),

16. NEDŽAD HODŽIĆ, member of Zuka's volunteer unit (witness 718/96-9).

Witness 718/96-9 testified:

"...At that time we dug up trenches for the Muslims. We were beaten and maltreated every day, while Nedžad Hodžić from Sandjak took the lead in brutality. He and other soldiers beat us up with chair legs, laths and other objects. On that occasion I sustained a severe kidney injury and urinated blood for two days, while I still feel the consequences. Towards the end of January 1993 Nedžad Hodžić singled out Jadranko Glavaš, handcuffed him and took him to hotel Mrazište. The next day Hodžić told us that Glavaš had passed away and cynically offered us his condolences. Then he beat us up together with some other Muslims and one girl. I fell ill from the injuries sustained and was incapable of doing any kind of work, so they returned me to the silo on 20 March 1993..."

7.2.18.0. Kladanj

7.2.18.1. On 9 May 1992 the Muslim authorities and army rounded up the entire Serb population of the village of Lupoglavo in the municipality of Kladanj and drove them to the camp for Serbs in Stupari located in the school buildings. Serbs from other places in this municipality were also deported en masse to this camp.

The prisoners in this camp were subjected to physical abuse, beatings and maltreatment. Among other things they were forced to look at the sun for hours, until they fainted. Some of them would be taken to the Department of the Interior in Kladanj and returned all beat up so that they could not move for as long as five days.

Vladimir Kucalović from Obrčevac, municipality of Kladanj, succumbed to torture.

The camp commander was Zijad Veizović, former JNA sergeant, and the commander of the military police in the camp was Kahro Veizović who, particularly, tortured and maltreated the imprisoned Serbs.

Evidence: 293/93-10.

7.2.18.2. Serbs from Kladanj and the surrounding Serb villages were shut in the basement of the cinema theatre in Kladanj.

There were Serbs around 80 years old among the imprisoned.

In seven days in camp the witness was given food only twice.

Some of the prisoners were tortured and one of them - Mladen Jovičić from Kladanj - hanged himself after having been beaten up.

Evidence: 184/95-30.

7.2.18.3. The witness was captured in November 1992 and taken to the command of the Muslim army in Kladanj. He was taken to a room 3 x 4 m, where there was a board on the floor with nails densely driven into it, protruding 2–2.5 cm and slightly bent. They started hitting him on the head and shoulders with batons and at one moment he fell on the board. When they lifted him up pieces of his flesh stuck to the nails. He lost consciousness and they poured water on him. Groups of Muslim soldiers took turns beating him, telling him that as a Chetnik he should see how well the Ustasha punched. The beatings took place regularly, mainly at night.

On the third day the Muslim soldiers took him out of the solitary confinement cell in which he had been placed and, cursing his Chetnik mother, told him: "Chetnik, choose the gallows you want to be hanged from".

When he replied that he could hardly wait to be hanged as he could not take the torture any more, they told him that there was time for that as he had only been in camp for a short time. Then they took him to the Drinjača river and held his head under the water to pull it out only when he started to suffocate. Then they returned him to the solitary cell and torched him with a welding torch on the soles of his feet and on the back and drove needles under his nails. At the

beginning of 1993, after he had been registered by representatives of the International Red Cross, he was transferred to hospital where he stayed for two months and a half.

During his stay in solitary confinement he lost weight, going down from 75 kg to 35 kg.

This act was committed by the commander of the Muslim military unit, who the witness only knows was from Živinice, and by the members of that Muslim military unit.

Evidence: 440/94-28 (svedočenje M.B./testimony M.B., pp. c43-c48/c49-c54 Annex No. C 7)

7.2.19.0. Tuzla

7.2.19.1. In December 1993 the witness was captured as a member of the Army of the Republic of Srpska and then taken to the hangar at Tuzla airport. He was put in a room 4 x 3 m. with another 26 Serbs. The room was totally dark as daylight did not reach it, while at night a light bulb and a bell were turned on simultaneously and it rang all night so that they were unable to sleep and crouched or leaned against the walls all night. Immediately on arrival they stripped his uniform so that he remained with just an undershirt and drawers on. They were given food seldom and it consisted of leftovers from the Muslim soldiers' meals. Hygienic conditions were poor. They had to relieve themselves in a bucket in the corner of the room. They were tortured and abused every day in various ways. Once a 2 cm thick board was brought into the room and all of them had to hit their heads against it, so that their torturers could see whose head was the hardest, as they said. The prisoners were forced to sexual perversions. From the adjacent rooms they could hear the wails and screams of women who were most probably being raped.

On two occasions representatives of the International Red Cross visited the camp but all the prisoners had to say that the camp was all right although it was plainly obvious that the conditions were abominable.

This act was committed by members of the Muslim authorities, the staff of the camp, and by "Kameni", a high official at the camp, short, fair-haired and with a crooked nose.

Evidence: 88/95.

7.2.19.2. In the building of the Institute for Mining Research in Tuzla was a camp for Serbs ran by Faruk Prcić, from Tuzla, former production manager in the salt mine.

One of the prisoners was the witness 49/95-25 who was held for ten days in a basement room filled with water up to a level of 120 cm. In this room he was savagely tortured, beaten with batons, a steel crowbar, cut with a knife and his wounds became infected and festered, and he also sustained other bodily injuries. They would put a clockwork explosive device with the clock ticking on the window sash and remove it seconds before it was to go off, causing him terrible anguish. They pointed a gun at his temple and pulled the trigger, as in "Russian roulette". Once they gave him a live piglet weighing 7-8 kg. to hold threatening to kill him if he let it fall. He had to hold the piglet for a full 4 hours. The witness's clothes had completely decomposed from his having to stand in water all the time.

On arrest this detainee weighed 118 kilograms and lost about 30 kilograms after ten days in this camp.

Faruk Prcić from Tuzla is responsible for the torturing of Serbs in this camp.

Evidence: 49/95-25 (svedočenje C.J./testimony C.J., Annex No. C 47, pp. c475-c483/c484-c491)

7.2.19.3. The Serbs in Tuzla were imprisoned in the district prison in Tuzla with women and old men also being put in camp. Some of the prisoners were shut in special separate cells where they were subjected to torture and maltreatment and some died of the consequences. They received only minimal quantities of very poor food. The prisoners were only allowed to take baths when representatives of the International Red Cross came, and they got drinking water only when the guards saw fit. They were not allowed

to go to the toilet at night, and could go during the day only if and when the guards let them.

Among the prisoners who were particularly brutally tortured were P.B., who was beaten until he fell on the floor in the corridor of the camp building, and then they stepped on one of his hands with a boot on, scraping off strips of skin, and S.M. whom they knocked out two teeth on the right side of lower jaw and kicking him in left shoulder inflicted haematoma that caused an open wound in the armpit.

The camp guards killed detainee Cvijetin Savić, from Smoluće, in the corridor, in front of cell No. 8.

Radovan Modraković, who was taken detainee when the Muslims attacked the military convoy of the former JNA evacuating the "Husinski rudari" barracks was also imprisoned in this camp. He received no medical care in the camp, and as he was wounded, he died.

Ivica Kolar and the guards Zijo and Osman were especially brutal in beating and torturing the prisoners.

Evidence: 49/95-21 and 516/96-39 (svedočenje S.M./testimony S.M., Annex No. C 63, pp. c637-c644/c645-c651)

7.2.19.4. The witness was arrested in Tuzla and incarcerated in the former (JNA) Army club in the ticket office which was 1 by 1 m. in size. During his incarceration in this camp, the witness was beaten in a room housing the archive files as well as in the cinema theatre. They beat him with clubs, armchairs, thick archive volumes, and they cut his body with a knife. In the cinema theatre they also beat him with chair legs, rifle butts, kicked him with booted feet and pounded him with their fists. They hit him on the fingers with a hammer. The witness sustained severe bodily injuries.

The most vicious of the members of the military police who beat him was Mirhat Hadžiskakić, an ex-boxer from Tuzla.

Evidence: 49/95-1 (Medicinski nalaz/Medical findings - Z 1, Annex No. C 265, pp. c2277-c2280/c2281-c2287 and photos in the Annex No. C161, pictures No 1-5, pp. 59-61)

7.2.19.5. Towards the end of September 1992, after his flat had been searched on a number of occasions, the witness was brought into the Mining Institute in Tuzla, the premises of the museum which had been converted into a camp for Serbs. They asked him to give the names of Chetniks and SDS members in Tuzla, and when he told them that he did not know a single one they flogged him with a shoulder belt on the head and all over his body and kicked him with their booted feet on the testicles and other parts of the body. Then warden Prcić came and gave him 10 minutes to write down the names on a piece of paper. As he did not oblige, Prcić ordered the guards to beat him more brutally. They put a bomb in his mouth and he had to hold it so for 10 minutes, and when at a certain point he wanted to activate it and tried to bite the fuse, the guards noticed, pulled the bomb out and broke one of his teeth. Then they continued to beat him, his nose and mouth started to bleed, he had cuts on his arms and was in terrible pain. Then they stripped him naked and beat him some more and cocked a "Scorpion" and put the barrel in his mouth, with Prcić's finger on the trigger. Then they beat him some more again and afterwards took him to a place near Tuzla and told him that they would drive him across the mine field and that his death would be accounted for by his attempt to escape. There they beat him with a rope which had ends of lead and again placed a cocked rifle barrel into his mouth fingering the trigger and demanding that he fulfil their demands. Then they brought two other Serbs there and forced them to hit each other; then they tied the witness to a chair. They tied his hands so tight that they became blue for lack of circulation and he felt excruciating pain. In that position they continued to beat him with a rope with leaden points and a soldier's belt, telling him that no one could escape with their lives unless they told them what they wanted to know. When all this beating eventually stopped they ordered him to scrub the corridor and the lavatory, and after that, they ordered him to lie down prostrate and kicked him mercilessly with their booted feet.

After having been beaten incessantly for 20 hours, the witness was transferred to the camp in the "Husinska buna" army barracks.

The forensic expert established that the witness had sustained grave bodily injury.

This act was committed by Ahmet Zaimović, aka "Ševia", a high-ranking police officer in Tuzla, Faruk Prčić, around 40 years old, and Ramo Kabaši from Gnjilane, a former boxer.

Evidence: 486/94.

7.2.19.6. On 26 May 1992, in an attack on the village of Dubnica in the municipality of Kalesija, Muslim armed forces captured a number of villagers in their homes as well as a number of wounded people and took them to Tuzla, first to the former JNA barracks "Husinska buna" and then to the district camp. There they were beaten up and sustained severe bodily injuries affecting their kidneys, their teeth were knocked out and they were denied any medical treatment for the wounds inflicted on them during the attack on the village.

Evidence: 293/95-19 and 293/95-20.

7.2.19.7. The woman witness, a Serb by nationality, was hiding at the home of her acquaintances in Tuzla. In mid-July 1993, she went out to town to buy bread, but was halted by two Muslim military policemen who took her into a house and raped her, cursing her Serb mother. She conceived and had an abortion in the 9th week of pregnancy in Belgrade.

Evidence: 24/93-3.

7.2.19.8. Serb women were systematically raped in the make-shift camp in a tunnel in Tuzla.

According to the statement of the witness whose identity is known to the Committee, the village Brezje on Mt. Majevisa, municipality Lopare, was attacked by Muslim-Croat forces in June 1992. On that occasion, two villagers were slaughtered. Women were taken away and incarcerated in a tunnel in Tuzla. During their five months' stay in that camp, they were systematically raped by several men in a row. Since their eyes were tied with scarfs, and they were kept in darkness all the time, they are unable to identify the perpetrators. They were being told that "Serb women will no more give birth to Serb children, but to Muslim and Croat children instead". They were allowed to be exchanged only in late months of pregnancy. This

testifies to the intent to alter the ethnic structure in Bosnia-Herzegovina by systematic and group rapings of Serb women.

7.2.19.9. During 1992, a makeshift camp for individuals of Serb nationality was set up at the stadium of the "Sloboda" soccer team in Tuzla, where a minimum of 25-30 women were held. Almost all of them were raped, and the act of sexual intercourse was committed in public, for everybody to see. The women witness, became pregnant and had to have an abortion in Belgrade, after 18 weeks of pregnancy.

Evidence: 24/93

7.2.19.10. A woman witness of Serb nationality was arrested and taken to the camp at Tušanj where she was held from October 1992 to March 1993. In the camp, she was repeatedly raped, several times a day, by members of Muslim armed formations. She was also tortured in various ways, beaten, cigarettes were extinguished on her body, she was hit in the head, her anus bled, etc. In April 1993, following her psychiatrist's recommendation, the witness had an abortion in Belgrade, in 17th week of pregnancy. A 70 year old woman of Serb nationality was also raped in this camp.

Evidence: 24/93.

7.2.20.0. Gradačac

7.2.20.1. In early November 1992, in the Secondary Education Centre in Gradačac, which had been converted into a camp, the witness 339/94-19 was present when Roka Huskić (father: Husein) from Gradačac killed Milan Blagojević from the village of Avramovina near Gradačac. Huskić kicked and hit him with his feet and fists to death, and then forced the witness to take Blagojević to a near-by haystack which he then set on fire, threatening the witness that he would do the same to him.

Evidence: 339/94-19.

7.2.20.2. The witness was captured towards the end of October 1992 as a soldier of the Army of the Republic of Srpska and taken to Gradačac to the camp located in the Secondary Education Centre.

He was subjected to torture and interrogation during which Roka Huskić burnt his beard with a lighter, cut his throat with a knife and the vein in his right forearm, and when blood issued forth he had to lick it off. Huskić forced him to stand on his head and then beat him on the heel of his left leg until it went numb and then burned his leg with a lighter. While in the camp he did not dare go to the toilet because policemen waited there and beat anyone who dared to go.

The following have been identified as the perpetrators: Roka Huskić (father: Husein), Isak Imširević, and Ciga Anton, aka "Ciganin".

Evidence: 339/94-19.

7.2.21.0. Jajce

7.2.21.1. A camp for Serbs was set up in the gymnasium of the "Bratstvo-jedinstvo" (Brotherhood and Unity) elementary school in Jajce in September 1992.

Thirty-two Serb civilians from the village of Kruščice were brought to this camp, where eight citizens from Jajce, whose names are all known to the Committee, were also imprisoned.

The guards in this camp treated the prisoners inhumanely, beat them and let other Muslims do the same, at night, as a rule. They did not allow the prisoners to leave the room, where they stayed for days, to relieve themselves.

These citizens were held in the camp until 29 October 1992, when the Army of the Republic of Srpska liberated them.

Person to be held responsible: Midhat Karadžić, president of the Commune of Jajce, who approved the establishment of the camp, Hazim Pivolić camp warden, and shift commanders Smail Popaja, Enver Osmančević, and Idriz Žužić.

Evidence: 116/95-3, 561/94-7 and 333/95-13.

7.2.21.2. In mid-1992, a camp for Serbs was set up in the premises of the Electricity Board in Jajce where civilians, whose names are known to the Committee, were held.

In this camp, they were maltreated and tortured, and beaten every day. Derviš Bajramović and Hamid Bostandžija took the lead in brutality. They knocked out four of K.B.'s teeth and inflicted a number of stab wounds on K.S.

The imprisoned Serbs were given meagre rations and were physically exhausted. Mirko Romac died of exhaustion and attrition of the organism soon after he left the camp when Jajce was liberated in October 1992.

Evidence: 116/95-11 and 561/94-6.

7.2.21.3. In July 1992 the witness 561/44-3 was put in the camp located in the Secretariat of the Interior building in Jajce and placed in a solitary confinement cell with a concrete floor. The guards beat him several times every night. They threatened to bring "Filka", a specialist for cases like his, and did bring her one night. She made him stand with his back against the wooden cell door and then hurled the bayonets from automatic rifles at him. They stuck around his body, like in a circus. Then she ripped his shirt and extinguished cigarettes on his body making 10-15 blisters. She slashed his nose with a bayonet. Filka came again about ten times to beat the witnesses.

One night, when the witness was transferred to a collective cell, 4-5 drunken HVO soldiers who had come from the front line rushed into the room and started beating them. All the imprisoned Serbs were gored in blood. They forced them to lick their own blood off the concrete floor, without letting them raise their heads. When the witness once raised his head, they hit him on the right arm so strongly that his bone broke in three places. The soldiers who beat them had camouflage paint smeared on their faces. Then they took the prisoners out into the corridor, one by one, and continued to beat them there.

Perpetrators: Enes, HOS commander from Zavidovići, around 30 years of age, about 180 cm. tall; "Filka", around 23-25 years old, 165 cm. tall, full-bodied and robust, and Saraf Šimun.

Evidence: 561/94-1 and 561/94-5.

7.2.21.4. The witness was brought to the camp located in the administration building of "Elektrovrbas" in Jajce on 6 September 1992. The territorial defence police command of the Army of Bosnia and Herzegovina had its premises in the building, including the basement. There he found three Serbs who told him that they had been captured in the village of Barevo. They were in JNA uniforms, barefoot, beaten up and covered with blood. All three of them were taken away and the guards later said that they were swimming in the Vrbas river, for which reason the witness concluded that they had been killed. The witness himself was immediately beaten and sustained a number of injuries on his head, which kept bleeding. Two of his teeth were knocked out. One night, he was taken to an office where they clipped a microphone on his lapel and he later learned that his interrogation had been broadcast live on Radio Jajce in a programme called "Midnight talk with a Chetnik". During the interrogation, one of the policemen was sharpening a knife in front of the witness and testing its sharpness on a piece of paper, stabbing the witness occasionally, in his left arm, which had been injured and swollen. They had questions prepared beforehand and whenever the witness could not or did not answer, they hit him. Muslim soldiers from the front line would often come into the cell at night to beat the witness and other prisoners. The prisoners avoided going to the toilet, because they were invariably beaten by the guards in the corridor when they did.

The witness was especially beaten on the sensitive parts of the legs, the insides of his thighs, his shins, the soles of his feet, his toes, so his legs swelled and his toenails fell out. As a consequence of what he went through in this camp, the witness is incapable of even a minimal physical effort, has developed a fear of the environment, has nightmares, pains in his spine, breathing difficulties.

Perpetrators: Hamid Bosatdžija, from Jajce, Mujo Zgonić, employed with "Elektrobosna", Zijad Skiljan, policeman in the Public Security Station in Jajce, Muharem Zjajo, Safet Mukić, and others.

Evidence: 561/94-6 and 116/95-11.

7.2.21.5. In June 1992, the witness, 57 years old, was arrested in her home and taken to the camp located in the Secretariat of the Interior building in Jajce. During the interrogation, she was threatened in various ways. They had her stand against a door and threw knives, which stuck in the door around her. They made her listen to a taped account of the suffering of Serbs at the hands of the Croats and Muslims, which also mentioned the members of her family as victims.

She could hear that her husband and son had been killed and that Croats and Muslims played football with their chopped off heads. They ran this tape for her every day.

When she was released from camp, she was tormented and lost to the point that she could not recognize her own son and husband when she met them. One of the consequences of her experience in camp is fear to be alone even for a minute. She is especially restless at night and suffers from insomnia.

Perpetrator: Ušić, a Muslim from Biokovina near Jajce.

Evidence: 561/94-4.

7.2.21.6. From May to the end of October 1992, members of Croat-Muslim military and civil police arrested Serbs in Jajce and incarcerated them in the former Secretariat of the Interior building and in the building of "Elektrovrbas", where they were tortured physically and mentally.

One of the prisoners was kept in solitary confinement for a long time. Inside it, they hit him with sticks and other objects. They hurled knives at him as he stood against a wooden door, like in a circus, extinguished cigarettes on his body, etc. In the collective room, they beat the imprisoned Serbs and forced them to lick their own blood off the floor. In the adjacent room there was a group of imprisoned policemen from Mrkonjić Grad who were subjected to monstrous torture with, among other things, their good teeth being pulled out.

They also held elderly women in this camp and tormented them by forcing them to listen to tapes with what they said were the recorded accounts of Serbs from Jajce, including members of their families,

saying that they had allegedly been forced by Croats and Muslims to play football with the chopped off heads of Serbs, which caused them mental pain and anguish.

The warden of the camp in the building of the former Secretariat of the Interior of Jajce was Mladen Bilić, teacher of physical education from Jajce, and Šabić, Saraf Šimun, Jozo Lovrenović and a certain Filka took the lead in torturing the prisoners.

Evidence: 561/94-4, 561/94-5, 333/95-11,12,13 and 14.

7.2.21.7. In early July 1992 the armed Croat- Muslim forces from Jajce entered the Serb part of the village of Barevo, municipality Jajce, and arrested all the local Serb villagers which they found there, including elderly people: Živko Čigoja and his wife Cvijeta, Mirko Trkulja and his wife Anđa, their son and grandson, Nikola Jandrić, Stojan Jandrić, Zoran Jandrić, Jova Stupar and Pero Zec.

They took them to a camp in Jajce set up in the army barracks near the Catholic Church, where they kept them for 10 days and then put them in Croats' private homes in Jajce, forbidding them to go out. They were not allowed to return to their homes, but were sent to Mrkonjić Grad two months later, through an exchange. Their houses in the village of Barevo were looted and devastated.

On the same day, the Croats arrested N.Š. at his home in the village of Barevo and took him to camp in the Secretariat of the Interior building in Jajce. They tortured and maltreated him, made him lick off other prisoners' blood. etc., for which reason he had to be under treatment for a month after he left the camp.

Evidence: 333/95-5

7.2.21.8. On 13 June 1992 a group of 15 captured Serbs, policemen of the Public Security Service in Mrkonjić Grad, were brought to camp in the Secretariat of the Interior building in Jajce by members of the Croat-Muslim armed forces. During their arrest by Jozo Lovrenović, aka "Cole", from the village of Seoci - Jajce, policemen Milan Iličić and Ilija Čigoja were disarmed and killed.

In this camp, the captured policemen underwent physical and mental torture, and some of them were afflicted injuries with lasting consequences. They were, among other, forced to pull out their own good teeth with a metal part of a hanger.

The most vicious among the perpetrators were: Jozo Lovrenović, Ramiz Pračalić, Šibun Saraf, Zijad Ibrić, Ante Petrović, Fahrudin Šabić, Ante Lukić and others.

Evidence: 333/95-11, 333/95-12, 333/95-14.

7.2.22.0. Banovići

7.2.22.1. The Muslim camp in Banovići located in the premises of the Railway Traffic Directorate was the place where most of the Serbs from Banovići were incarcerated.

Almost everyone in this camp was subjected to torture, beating and all forms of abuse. The basement rooms where they were placed were so small that they could only stand. They only made some room for those who had been beaten up to lie down. To be beaten, they were usually taken in pairs to a room on the upper floor. As a rule, this was done at night, from 21.00 hrs. to 04.00 hrs.

V.D. was particularly severely tortured. In June 1992 in after-midnight hours they beat him with batons, pounded with their fists and kicked with their boots on. When he fell from the blows, they trampled on his chest. When he returned to the cell, among other prisoners, he fainted. The injuries sustained left consequences in the form of discopathia, he lost 9 teeth and had to have an operation on the veins of his left leg.

Drago Ćazić and Rajko Kalajdzija died of the consequences of torture.

The camp warden was Esad Kočić and the worst torturers were Muradić Berbić, Ibrahim Kajtazović, aka "Kajtaz", Fikret Mrkonjić, Miralem Čolić, Miro Getoš, and Mirza Dedić.

Evidence: 49/95-12, 49/95-11, 184/95-43 (svedočenje M.K.1/testimony M.K.1, Annex No. C 49, pp. c496-c503/c504-c510), 184/95-45, 49/95-14, 49/95-13 and 184/95-46 (svedočenje V.D./testimony V.D., Annex No. C 24, pp. c228-c236/c237-c243)

7.2.23.0. Živinice

7.2.23.1. In Živinice members of the military police of the Army of Bosnia and Herzegovina imprisoned Serbs in the building of the old Post Office, the building of the former Employment Office, in the locker room of the "Mladost" stadium on Gaonica Šareljka, in the mill in Ljubača and Malina. In these camps, the Serbs were subjected to torture and maltreatment at the hands of military policemen.

The Serb prisoners in the camp in the old Post Office were beaten with rifle butts, kicked with their boots on, hit with batons, with bags filled with pistol ammunition and other objects. They were forced to kiss the picture of Alija Izetbegović and to shout "Long live sovereign Bosnia and Herzegovina". Their food consisted of some broth with a few beans and a thin slice of bread.

The cruellest among the military policemen who tortured the prisoners were the following: Enes Gurdić, Meludin Bešić, a former JNA pilot, Himzo Čavušić and others.

Evidence: 49/95-21.

7.2.23.2. In Ljubače, the municipality of Živinice, Muslim military police set up a camp for Serbs arrested in the area of this municipality.

All the prisoners in this camp were subjected to torture. They were beaten with rifle butts, bats, table legs, rubber sticks, etc. They were taken to the Secretariat of the Interior in Živinice for interrogation, where they were beaten again.

Mičo Ristić succumbed to torture in August 1992.

After a period of "treatment" in this camp, some prisoners were transferred to the District Prison Tuzla.

On one occasion, when a lady member of an International Red Cross team saw the condition of the prisoners brought from Ljubača to the Tuzla camp, she burst into tears and commented: "Is it possible for a human being to do something like this to a fellow human being?".

Evidence: 293/95-11 and 293/95-12.

7.2.24.0. Trnovo

7.2.24.1. On 10 June 1992 a camp for Serbs was set up in Godinjske Bare near Trnovo. The camp was in a private shed made of solid material, 2.5 by 3.5 m., with a concrete floor and a small boarded up window. It was established by Ethem Godinjak and Medaris Šarić and, on the same day, Serb citizens I., L., V., the married couple E. and an Orthodox priest were incarcerated in it. At times, more than 16 persons were cramped in this cca. 8.5 sq.m. room. Except for one hole in the wall, 12 cm in diameter, which served for ventilation, there were no other openings, and the prisoners took turns breathing through this hole. The toilet was in a corner of that room. The people often fainted from exhaustion and the lack of air. The guards beat them every day with various wooden objects, rifle butts, their hands and their feet. The guards also forced them to burn the Serb flag and to sing Muslim songs: "We hail and love you, Alija" and "Keep your chin up, Bosnia" and videotaped them singing. The guards Dino Savčić, Nijaz Torlak, Edin Hamzić, Safet Šamić and Izet Cibra tortured the prisoners the most.

The following died of the consequences of beating and torture in this camp: Milorad Džilit (father: Vlado), born in 1940; Dušan Badnjar (father: Mitar), born in 1953.

The following have been recognized among the perpetrators: Ethem Godinjak aka "Edo" (father: Ibrahim), Medaris Šarić, Ramiz Ramić, Enes Karačić, Fahro Dedović, Emir Nišić, Samir Bibović, Muzafer Kećo, Dino Savčić, Nijaz Torlak, Edin Hamzić, Izet Cibra and Merim Bratić.

Evidence: 2632-8, 228/94 and 243/95-22

7.2.24.2. At the beginning of August 1992 a camp was set up in the kindergarten in Trnovo. The exact number of prisoners has not been established, but about 50 Serbs were taken daily from it to be exchanged. The prisoners were maltreated and battered every day. Muslims came regularly to the camp to beat the prisoners, in particular the captured combatant L. from Kalinovik. They were given a meagre meal once a day, and sometimes not even that. They slept on the floor without any spreads or covers.

The following have been identified among the perpetrators: Mirza Belonja, Edin Hamzić (father: Ismet), Izet Cibra, Senad Sačić, Ramiz Ramić, Enes Karačić, Safet Gagula and Džemal Imamović.

Evidence: 228/94.

7.2.24.3. In June 1992 a camp was set up in the village of Dejčić near Trnovo, where over 150 persons of Serb nationality, mostly women, children and old men, were held. The men were shut in one room and the women and children in other rooms. The guards were members of the families Dedić, Durmo, Oručević and Mulaosmanović from the neighbouring villages and Safet Durmo was the camp commander. Muslim extremists came to the camp every day to torture the imprisoned and defenceless Serbs. They beat them viciously with metal bars, rubber sticks, hands and feet. The prisoners bled profusely and lost consciousness.

Milenko Miović, born in 1923, died as a result of beating. They had punched him and kicked him repeatedly and hit him in the head and stomach with various objects, including a bottle filled with water, after which he went into a coma and died two days later.

Nikola Šehovac from Gornja Presjenica also died from the consequences of torture in this camp two days after he was exchanged.

The following have been recognized as the perpetrators: Safet Durmo, camp commander, Ismet Kolar, Suno Dedić, Dino Sačić, Izet Cibra, Samir Drnjaković, Avdo Čosić, Zejnil Lehić, Azis Dedić, Avdija Dedić, Suljo Dedić, Mehmed Zoltan and Hamid Oručević.

Evidence: 228/94.

7.2.25.0. Lukavac

7.2.25.1. The Muslims in Lukavac incarcerated Serbs and subjected them to vicious torture.

They held a group of Serbs shut in the slaughterhouse in Lukavac and derived sadistic pleasure from maltreating them in various ways; for instance, they suspended them on meat hooks on the wall and then beat them, slashed them with knives, hit them in the testicles, forced them to eat sand.

They particularly brutally tortured Z.M. who was "black as coal" from the beating, R.M., B.M. (disfigured from the beating) and B.Č. (whose arms they slit with razor blades). They stuck a water hose with water running under pressure into their mouths. They held them in a tiny room, where the floor was at all times covered with water app. 8 cm high, thus additionally harming prisoners' health.

Nenad Nešić, aka "Tošin", from Lukavac, died of injuries inflicted by Fikret Morankić, aka "Fiko".

This camp in the slaughterhouse in Lukavac was run by Fikret Morankić, aka "Fiko", who had his own troops. The following also engaged in the torture of imprisoned Serbs: Damir Drljača, aka "Zagi", from Lukavac, Fahrudin Omerdić, aka "Fahro", Kemo, aka "Čorba", from Lukavac (former employee of the coking plant), Vlada Šantak, Mrdžić, aka "Mrdža" and others.

Evidence: 635/94 and 15/95-1 (Annex No. C 248 svdočenje Č.B./testimony Č.B., pp. c2127-2144/c2145-c2157)

7.2.25.2. Members of the Croat armed forces held imprisoned Serb civilians in the premises of the workers' hostel in Savatovac, a place some 18 km away from Lukavac. They "interrogated" them in the TV room in the basement and hit them with batons and other objects, trampled on them, and did similar things. They broke several ribs on

B.Č.'s left side, D.V. sustained severe kidney injuries. M.D. was also brutally tortured and maltreated.

They forced them to sing Ustashi songs and to shout "Long live Ante Pavelić".

Particularly vicious among the torturers of Serb prisoners were: "Čiverica", former trucker from Bijeljina, Goran from Zadar and Janez from Maribor.

Evidence: 15/95-1

7.2.26.0. Medjedja

The Muslim Territorial Defense HQ in Višegrad issued an order on 9 July 1992 No. 136/92 to set up a camp in the territory of the municipality of Višegrad.

The following premises were singled out prisoners:

The Central Prison for "soldiers and other persons" in Medjedja "where persons sentenced to imprisonment over ten days will be kept".

"Prison premises" in Crni Vrh, Drinsko, Okrugla, Prelevo and Holijaci, for soldiers and persons deprived of liberty for a period of up to ten days. The military police was assigned to set up the camps and provide camp premises.

The commander of the military police in Medjedja was in charge of security for the Central Prison in Medjedja "with all adjacent facilities", and he was to be assisted by the commander of the "16 May" battalion stationed in Medjedja.

Evidence: 279/95-2

On 8 August 1992 in an attack on the Serb village of Bursići Muslims captured the women witnesses A., M. and K. near the village and took them to camp in Medjedja.

During interrogation they physically tortured the witnesses demanding that they tell where the Serbs and the weapons were. They hit them with batons so that they were bruised all over their bodies, they pushed rifle barrels down their throats knocking out A.'s tooth and stripping some skin off K.'s neck.

In the camp they seldom received food and water and were prevented from going to the toilet and had to relieve themselves in a bucket in the same room. The women prisoners were taken by force to the tunnel at Brodar to make the Serbs in the tunnel surrender. They were beaten with rifle butts and trampled on until they fainted. They were stabbed with knives in the back of the neck, grabbed by the hair and thrown violently onto the floor.

The following perpetrators have been identified: Ekrem Muharemović, camp commander in Medjedja, Alija Gegić, Avdo Muharemović and Haro Anić, all from Medjedja.

Evidence: 440/94-5 and 39.

7.2.27.0. Travnik

7.2.27.1. Towards the end of May 1992 17 Serbs were held in a section of the smeltery, enclosed by barbed wire, of the "Bratstvo" factory in Travnik. Muslim soldiers maltreated and tortured the Serbs. They were beaten every day. When Siniša Pavić, 23 years old, from Visoko, returned a blow and hit a Muslim soldier, a guard nicknamed "Hasa", the guard whacked him with a rifle butt throwing him on the floor and hit him again piercing his chest and killing him.

Another Serb whose surname was Tegetlija and who had been captured near Jajce was also killed.

Perpetrators: "Hasa", a Muslim guard about 185 cm. tall, Abdulah, an Iraqi citizen who was in Travnik for specialized training at the "Bratstvo" factory, Selim Hadžiomerspahić, about 35-40 years of age, a watchman in the factory before the war, Mirko Lasić, HVO commander and Mario Kordić.

Evidence: 155/95.

7.2.27.2. Towards the end of October 1992, the witness was taken to the camp in the "Petar Mećava" barracks in Travnik. They produced his alleged statement according to which a radio transmitter, a sniper rifle and 1,000 bullets had been found in his house and forced him to sign it.

After several days of torture he could not but sign it. They also forced him to write a letter to his brother, in the Serb Army, informing him that he was in camp, convicted for the possession of a radio transmitter, a sniper rifle and 1000 bullets and asking him to release 26 Muslim prisoners. For the alleged offence he was placed in the first category of prisoners of war although he had been arrested as a civilian.

During his stay in this camp in Travnik, the witness did not receive any written court decision. He was exchanged on 2 November 1992.

The perpetrator he recognized is Salko Bebo, a Muslim.

Evidence: 561/94-3.

7.2.27.3. On 6 September 1992 the Muslim armed forces attacked the Serb villages of Grdovo and Krezluk, municipality Jajce, and captured Jova Kovačić, Stanko Kovačić, their 70-years-old mother, Bogdan Trninić, Janja Trninić, Ilija Samardžić, Radojka Pilić, all aged over 75 years, as well as Branko Dubara, Milan Lazukić, Zoran Ružičić, Vesa Ilić and Rajko Plisnić. They were captured by a Muslim unit known as "Krajišnici" from Kozarac near Prijedor which was under the command of one "Irfan", allegedly a former JNA officer. Among the soldiers was also a man whose nickname was "Buba", known as a criminal. When they were being taken detainee, the said Serbs were maltreated and beaten, and not even the elderly people were spared.

All captives were taken to Travnik and put in camp in the former JNA barracks "Petar Mećava", where they were subjected to different kinds of humiliation, maltreatment and torture, and inflicted severe physical and mental pain. Among other things, they sought to force brothers Jova and Stanko Kovačić to have sexual intercourse with their old and sick mother, but one of the guards prevented it. They also forced one of the detainees to kiss the boots of some Muslim soldiers, etc.

The following took the lead in brutality towards the Serb civilians: the camp warden, a tall, swarthy man, slender and stern faced; Mihret Karahodžić and Muhamet Hadžibegović from Čerkezovići, municipality Jajce; Kurt Esad from Jajce; Alija Švraka and Besim Švraka from the village Dogan near Jajce and others.

Younger detainees from this group were taken from Travnik to the Zenica penitentiary, where they were also tortured, whereas the old people stayed in the Travnik camp for 18 more days before they were exchanged. During that time, the old people were not given anything to eat and were deprived of the possibility to wash themselves. Their mental state deteriorated and they were driven to the brink of derangement.

Evidence: 333/95-3, 333/95-4

7.2.28.0. Srebrenica

7.2.28.1. Detainees of war as well as arrested Serbs including young children, old and infirm people, women and even retarded persons were being held in the Srebrenica camp located between the former Secretariat of the Interior building and that of the District Court. The fate of many who had been brought to this camp is completely unknown.

All the incarcerated Serbs were subjected to vicious torture. The following died of injuries sustained in camp: Uroš Jovanović, Dragomir Mitrović, Dragutin Kukić, Branko Sekulić, Konstadin Popović, Mičo Milovanović, Bogdan Živanović and Stojan Krsmanović.

Ljubica Gagić could not stand the torture and humiliation in this camp any longer and committed suicide. A Serb mother and her two children, a 3 years old and a 6 months old, were also brought and kept in this camp.

The Muslims also brought a four-year old child, whose mother had been killed, to this camp.

The persons most responsible for everything that took place in the Srebrenica camp are: Naser Orić, Zulfo Tursunović, Kemal Mehmedović, and others.

Evidence: 560/94 (svedočenje M.J./testimony M.J., Annex No. C 130, pp. c1348-1350/c1351-c1355), 514/94, 493/94-27, 493/94-26, 635/94, 378/94-4, 378/94-1 (Medicinski nalaz/Medical findings - Z 4, Annex No. C 266, pp. c2288-c2290/c2291-c2295 and photos in the Annex No C161, pictures No 1-3, pp. 62-64), 378/94-14 (Medicinski nalaz/Medical findings - Z 8, Annex No. C 267, pp. c2296-c2298/c2299-c2303 and photos in the Annex No C161, pictures No 1-2, p. 65), 378/94-2, 378/94-7, 378/94-5 (svedočenje S.M.2/testimony S.M.2, Annex No. C 73, pp. c744-c748/c749-c752), 378/94-24 (svedočenje I.I./testimony I.I., Annex No. C 41, pp. c416-c422/c423-c428), 493/94-17, 509/94-4, 509/94, 493/94-11.

7.2.28.2. Premises of the hospital in the spa of Guber was one of the camps for Serbs held by Muslims in Srebrenica area.

Evidence: 32/96 (svedočenje M.A.2/testimony M.A.2, pp. c16-c18/c19-c21 Annex No. C 3, Medicinski nalaz/Medical findings - BG 9, Annex No. C 253, pp. c2191-c2195/c2196-c2199 and photos in the Annex No C 161, pictures No 1-4, pp. 89-90)

7.2.29.0. Visoko

7.2.29.1. Members of the Muslim police and army in Visoko incarcerated en masse Serbs from Visoko and its surroundings, men, women and even children aged 10-12 years, in the camps set up in the building of the former JNA "Ahmet Fetahagić", barracks the basement of the local camp, local community building and the primary school "Konjički odred". They were interrogated, harrassed, battered and killed every day.

From August 1992 to May 1993, the witness B.C. was held in the camp in Visoko with 60 other prisoners. He was beaten every day. When he fainted, water was poured on him, to come round and be beaten again. He also had to do physical labour on the front line until he was exchanged.

The perpetrators of these acts were members of the Muslim armed forces from Visoko. Directly responsible are Mirsad Halilović, aka "Mrčo", Asim Hamzić, Zijad Valjevac, Zamir Smajović, and others.

7.2.29.2. In the period from 3 June 1992 to 30 January 1993, witness D.N., a Serb, engineer of technology from Visoko, was detained in the camp in the former army "Ahmet Fetahagić" barracks in Visoko. During the interrogation, the witness was beaten by Abdulah Kadrić and other guards in the camp, who used their feet, wooden handles, electric wires, rifle butts and barrels, sand filled sacks, etc. As a result, he sustained bodily harm, his ribs were broken on the left and on the right side, and his lower spine was injured.

This witness confirmed that the following people died as a result of injuries inflicted in the camp:

Sveto Vujisić, and

2. Slobodan Gogić,
both Serbs from Visoko.

Around 500 arrested Serbs were incarcerated in that camp.

On one occasion, warden Kadrić put a bullet in his revolver and placed it against the witness's temple, telling him that one bullet is enough to kill an elephant. He pulled the trigger and fired, but only a klick was heard.

Evidence: 292/95-8 (svedočenje D.N./testimony D.N., Annex No. C 79, pp. c799-c803/c804-c807).

7.2.29.3. The woman witness (identity known to the Committee), a Serb, single, was raped in early June 1993 by Muslim army soldiers in Visoko. She conceived and had an abortion in the 25th week of pregnancy, on 19 November 1993. She had previously been examined by a psychiatrist, who found a reactive depression and stated that she may commit suicide unless she is allowed to have an abortion.

Evidence: 24/93-17.

7.2.29.4. In April 1992, all Serbs in Visoko, were forbidden to leave their houses and apartments. They were not allowed to go out in the street at all.

All telephone lines of Serbs were disconnected.

Evidence: 234/95-22.

7.2.30.0. Mostar

7.2.30.1. The Third Submission of the US Government of 10 November 1992 states that on 12 May 1992 Croat authorities arrested a 59-year old Serb pensioner and his son in Mostar. No reason was given except that they were Serbs. They were held in camp in Mostar and forced to do hard labour digging bunkers and other defensive installations at the airport. Those who were unable to work or tried to rest were beaten with batons on the head and kidneys.

7.2.30.2. According to the estimate of S.V., who stayed in the Čelovina prison (formerly the district camp) in Šantićeva street in Mostar from May to August 1992, the number of incarcerated Serbs was about 500 (the camp had been converted into a collection camp for Serbs). The Serbs were brought from Mostar and other places in Herzegovina, as well as from the territory of Croatia. Among the prisoners were about 200 women and a number of men over 70 years of age.

The prisoners were beaten every day. A group of about 10 drunken soldiers came often to take prisoners out into the corridor and beat them up so severely that they could only crawl on all fours back into the cell. Muslim and Croat civilians were occasionally let into this camp to beat and insult the incarcerated Serbs.

The prisoners' hair was cut in this camp with the letter "U" or a crescent formed on their heads. In July 1992, before the arrival of representatives of the International Red Cross, the prisoners' heads were shaved so that the "U"s and the crescents would not show. That was also the first time they were allowed to take a bath.

The perpetrators: Pero Nikolić, warden of the Čelovina prison; Damjan Vlašić, lawyer, president of the HDZ (CDU) in Mostar; Safet Oručević, a doctor, president of the SDA in Mostar; "Peko" a guard in the camp; Ivan, 25-27 years old, dark, tall, a camp guard; Marko, short, around 45 years old, a camp guard; Ismet, fair-haired, on the camp administration staff, a former soccer player of "Velež" from Mostar.

Evidence: 283/94-4.

7.2.30.3. A group of captured soldiers of the Army of the Republic of Srpska were brought into a lecture theatre of the Faculty of Mechanical Engineering in Mostar where there were about 200 uniformed HOS members. They ordered the prisoners to take off their clothes and lined them up a metre apart from one another. First they forced them to raise their right hands and say the Ustashi "ready for the homeland" salute and then to sing Croat and Muslim songs insulting Serbs. Then they started beating them all over their bodies with batons, rubber hammers, kicking them with booted feet and pounding them with their fists.

Then they brought in grass and forced the captives to eat it making sure that they swallowed it. They forced them to have sexual intercourse with one another. The witness (whose identity, as well as those of other five witnesses who were forced to have unnatural sexual intercourse, are known to the Committee) was forced to kneel down and take the penis of a captain into his mouth and this lasted for a long time. When the witness started vomiting, a HOS member grabbed him by the hair, threw him violently on the floor and hit him hard in the ribs several times.

This event, which took place in June 1992, lasted for about three hours.

Evidence: 221/94-10.

7.2.30.4. S.B., a 64 years old pensioner, was kept in camp in the former military infirmary in Mostar during July 1992. They put officers' caps with five-pointed stars on his head and on the head of another pensioner and forced them to put on army greatcoats although it was July. Then they took them, dressed like that, to work in the nearby

park. As they worked their guards, in HOS uniforms, encouraged Muslim and Croat citizens to insult them, throw stones at them, hit them and spit on them as "Chetniks".

This went on for several days and they were always shown to the public as captured "Chetniks" although they were pensioners and imprisoned only because they were Serbs.

HOS members humiliated the witness by placing him on a horse, in a greatcoat and cap, in very hot weather. He had to sit with his face to the tail and hold the horse by it. They led the horse through town and mocked at the witness.

Evidence: 221/94-11.

7.2.30.5. Serbs imprisoned in the camp Radoč near Mostar had to work all day from morning to evening and often at night too. They also worked on Saturdays and Sundays.

B., who was in this camp in September and October 1992, stated that they most frequently took them to various villages to strip tiles off the roofs of Serb houses, as well as other construction material and anything valuable. They did this in the villages of Hodbina, Buna, Lakievina, Ortiješ, Raštani, and others.

They were also taken to the front line to dig trenches and bunkers and haul sandbags for breastworks. During his stay in this camp B. lost 40 kilograms.

The camp commander was Pero Nikolić.

Evidence: 221/94-11.

7.2.30.6. On the morning of 18 May 1992, when the village of Goranci was surrounded by Croats and Muslims, witness J.O., a resident of this village near Mostar was taken out together with all other Serbs. He was first tied to a light post in front of his house, with his hands on his back, and beaten all over his body. They kicked him with their feet and hit him with their hands and metal rods. Then they took him to Mostar, together with other Serbs from

Goranci and put first in the Western Camp and then in the basement of the Faculty of Law.

The witness and the other incarcerated Serbs were taken to a special room, one by one, to be beaten, mostly on their legs and arms but also on the rest of their bodies. They returned from this room covered with blood and disfigured. The witness was once beaten so hard that six of his upper teeth had been knocked out. They hit him on the back, forced him to kneel during interrogation with his arms raised. He often fainted during the beating.

After three days in this camp, he was transferred to the Čelovina prison where he was held for three months and was continuously tortured along with the other imprisoned Serbs. In this camp he found some prominent Serbs from Mostar who had also been beaten up, covered with blood or unconscious.

Through the window of the room in which he was kept, he could see at night the guards take out the Serb women prisoners from the ground floor of the building, take off their clothes and rape them.

Evidence: 140/94-5.

7.2.30.7. Witness D.G. was arrested in his flat on 18 August 1992 by three HOS members. As soon as they broke in, they started beating him and demanding that he hand over his foreign currency, gold and other valuables. Then they searched the flat and seized whatever they wanted and wrapped it all in a parcel which then they had him carry to the camp in the military infirmary.

The witness remained in the military infirmary from 18 to 25 August 1992 in a room which was the torture chamber for Serbs and which the guards named "Little Serbia". In that room the guards beat him with whatever they got hold of - kicked him with the feet, hit him with the hands, bats. The beatings sometimes lasted for five successive hours, as a rule at night.

The Serb women prisoners were kept in the rooms opposite the room called "Little Serbia". Screams coming from these rooms were often heard at night.

Perpetrators: Sergej Belović, HOS member; Ivan Zelenika, camp commander; Vinko Martinović, aka "Štela", Sead Kapetanović, police officer; Boris, aka "Sova"; a Croat guard; Samir Dugalić, aka "Luster", had a greengrocer's store in Mostar; Mesut Čomić, aka "Mensa" and Čomić's son about 20 years of age.

Evidence: 273/94.

7.2.30.8. On 7 July 1992, witness 295/94-2 was taken by HOS members to the Faculty of Economics in Mostar, and after interrogation there, to the Čelovina prison in Aleksa Šantić street, where he found over 20 Serb civilians. In the camp, they were constantly beaten, even while doing forced manual labour.

The witness spent two months in the camp in Aleksa Šantić street and was then transferred to the camp of Rodoč, where he remained until 31 October 1992. He was then exchanged with a group of Serbs, among whom a large number of civilians, and thus effectively expelled from Mostar.

Perpetrators: Pero Nikolić, warden of the camp in Aleksa Šantić street, a former director of the "Parkovi" enterprise in Mostar; Ante Peko, on the camp administration staff, previously a market inspector in Mostar; Ivo from Kruševac, a guard in Rodoč, previously employed with the "Herzegovina" enterprise in Mostar.

7.2.30.9. M.M. from Bogodol was arrested on the 25 May 1992 in front of his house in Mostar. They took him to the camp at the premises of the Faculty of Law in Mostar. When they learnt that he was born in Bogodol, a Serb village near Mostar, they took him to a basement, where he found 35 other Serbs from Bogodol, whom he had known, tied with wire. Their bodies and clothes were covered with blood. Then they took him back to the first room, sat him on a chair and several guards started hitting him with batons and a thick copper cable about 1 m long. When he fainted from the beating they poured cold water on him until he came round and then continued beating and maltreating him for 24 hours with short breaks.

They took him to the "Čelovina" camp and placed him in a solitary confinement cell, his hands cuffed. They threatened that the year 1992 was going to be even worse for the Serbs than 1941.

Military policemen often came to his cell to intimidate him. On one occasion, they shot at the ceiling, on another, they fired at him and wounded him in his right shoulder and left leg. When he fainted for the loss of blood, they moved him to the Military Police building and flogged him again with the thick copper cable, still handcuffed. They broke both his forearms.

The fractures were confirmed by the camp doctor, after which he was taken back to the solitary cell in the "Čelovina" camp, where he was kept for 90 more days. At that time, he also had six broken ribs and a skull wound.

The perpetrators: Pušić, HVO police commander; Luka Šunjić, Marko Leko, Nijaz Salčen, N. Babić, all police officers; Ante Peko, on the camp staff; Pero Nikolić, "Čelovina" camp warden; Ivan Skender, Jure Skender, Helmut Puce, Nikola Puce, Ante Bukovac, all guards in the "Čelovina" camp.

Evidence: 295/94-9 and 295/94-3.

7.2.30.10. On 18 May 1992 the witness 295/94-14 was taken from his village Goranci to Mostar, together with his father and all the other Serb men above 18 years of age. While still in the village, they were beaten with batons and rifle butts. In Mostar, they were put into the basements of the faculty at the foot of Mt. Bijeli Brijeg. Other Serb men from near-by villages were also placed there, together with women, children and old men.

7.2.30.11. On 10 July 1992, at night, witness B.S. from Mostar was arrested and taken to camp together with her husband. They spent 3 days in camp in a room with 16 other women of Serb nationality.

Perpetrator: Vinko Martinović, aka "Štela", camp warden.

Evidence: 437/94-31.

7.2.30.12. On 16 June 1992, witness K.M. was arrested in Mostar by HVO soldiers and taken to the basement of the Law Faculty. The HVO soldiers tied him, kicked him and beat him with their hands and rubber cables. They hit him in the chest and other parts of the body,

especially on the head, as a result of which his face was swollen and one eye shut. They handcuffed him to the central heating pipes and left him like that all night.

At that time there were about 30 Serbs held in the basement of the Law Faculty. They, too, were subjected to torture.

In addition to the guards, HVO soldiers often came to the rooms where the Serbs were imprisoned, to beat the witness and the others. Once they broke his collarbone and knocked four of his upper teeth out.

Evidence: 440/94-41.

7.2.30.13. On 2 August 1992, P.B. and his wife were arrested in Mostar and taken to the camp set up in the military infirmary. They were beaten as soon as they arrived. The witness was requested to say where his children were. He kept telling them that he had no children, which they could check easily, but they just continued beating him.

The person to be held responsible: camp warden Ivan Zelenika.

Evidence: 445/94-4.

7.2.30.14. On 8 May 1995 members of the police searched the flat of the witness J.J. in Mostar, ordered him not to leave his house and to answer their telephone calls regularly. They searched his flat once again, seized all valuables and took him to prison in the basement of the military infirmary. They started beating him on the staircase. He was beaten by two girls, among others, and then he was taken to a special room, to be beaten by some ten young men in black uniforms like those worn by the fascist Ustashi units in World War II. After the beating he was taken to the basement of the military infirmary where he found about ten other Serbs, and the beating continued even there.

Evidence: 445/95-5.

7.2.30.15. On 2 August 1992 the witness 445/94-9 and her husband were arrested in the street by four individuals who wore black

headbands and were dressed in black. Then they took the couple to the prison in the military infirmary, where they were beaten, and afterwards to the Dretelj camp near Čapljina.

In the military infirmary, this woman witness was beaten with a nightstick on her head until she fainted.

7.2.30.16. On 18 May 1992 the witness T.L. was taken from his flat to a large ground floor building of the HVO Command at the foot of Mt. Bijeli Brijeg, where he was beaten, among other things, also with rifle butts. He fainted and remained unconscious until the following day. Black and blue as he was, he was rushed to the Surgery Ward of the Mostar Hospital. It was found that he had sustained a triple left shinbone fracture, an injury in his left eye area and two broken ribs.

On 9 June 1992, he was transferred from the hospital to the Čelovina prison.

Perpetrators: Hasan Delić, about 25 years old; Trnovac, a Muslim, previously employed with GP Herzegovina; Ante Peko, chief HVO officer; Nikola Puce, warden of the Čelovina prison.

Evidence: 445/94-11 (Medicinski nalaz/Medical findings - T 6, Annex No. C 154, pp. c1518-c1519/c1520-1522 and photo in the Annex No. C 161, picture No 1, p. 66)

7.2.30.17. Before the war broke out, witness 445/95-18 worked at the Hydro-Electric Plant in Mostar. He was captured on 16 June 1992 and taken to a store in the village of Svinjarine in Podveležje. There he found about 18 imprisoned JNA soldiers and one girl. They spent a night locked up, listening to all sorts of insults and threats, and were then taken to the former "Western camp". They were led into a lecture theatre of the Faculty, ordered to take off their clothes, and then tortured in all kinds of ways. They were ordered to raise their right hands and salute in the fascist way hailing "Ready for the homeland". They were beaten with batons, wooden bats and a large rubber hammer. They were forced to put their hands on the desks and were hit on the hands and fingers with batons. Their torturers broke some bottles and threw the glass on the floor and forced them to walk over it barefoot until their feet bled. They brought in grass

and forced them to eat it. Such torture as a rule went on for four to five hours.

From the Faculty of Economics the witness was taken to the Čelovina prison and then to the camp in the tobacco station in Metković.

Perpetrators: HVO members and members of the Muslim army, HOS police members, Pepa Nikolić, earlier with the Secretariat of the Interior in Mostar, Pero Nikolić, camp warden at Čelovina.

Evidence: 445/95-18

7.2.30.18. The witness 445/94-29, a graduate of law, formerly the Director of the Health Insurance Company Branch in Mostar, had to stop going to work on 25 April 1992 because Zoran Kazazić, a Muslim had been appointed to replace him without any explanation. This was consistent with the common practice of ousting Serbs from managerial posts as well as laying off Serbs in general.

On 28 July 1992, HOS members took him from his flat to the lecture theatre of the Faculty of Economics, where the HVO police had its headquarters. They had also brought 40 other Serbs with their wives. Then they let go those who were in mixed marriages and held a lecture to the others on the history of the HVO and the NDH (the quisling fascist state of Croatia).

After four days spent there, the witness was transferred to the Čelovina prison. He was placed in a cell with ten other Serbs. He was taken with a group of other prisoners to remove tiles from the roofs of Serb houses in the village of Raštani, the Serb inhabitants of which had been expelled.

During his stay in the Čelovina prison, the witness lost 20 kilograms of weight in a very short time.

The perpetrators: members of the HVO police (Faculty of Economics); Pero Nikolić, camp warden at Čelovina; Ante Peko, camp superintendent.

Evidence: 445/94-29.

7.2.30.19. The witness M.S. was arrested by HVO police in his apartment on 29 May 1992 and taken to the prison in Čelovina. He was placed in solitary confinement cell, where he spent seven days before he was transferred to a room where there were 10 other Serb prisoners. Besides beatings, maltreatment and insults, they were regularly taken to dig trenches and fortify bunkers along the front line in Podveležje. While they were working, they were being beaten both by HVO camp guards and by HVO soldiers, with a steel-reinforced hose, leaving cross-like scars on their bodies. The witness once had 67 such crosses carved on his body in one day. He had haematomas all over his body, his skin was cracked and he was bleeding.

On various occasions, the witness was forced to lie in a puddle in which the torturers had urinated and was then hit by them with their boots on, on the back and neck and forced to drink that water. They also forced him to kneel down on gravel or concrete, and they would lie on his back and pound him with their fists on the head. They also forced him to stand in the sun for up to two hours, even when the temperature was 40 degrees Celsius, with his arms raised. On one occasion, they ordered him to lie down and doused him with oil and brought repeatedly a lighter close to his body. They beat him on the shoulders and back with a spade handle until it broke. Such beatings lasted for as long as two hours.

The witness was tortured in this way every day until 26 June 1992, when he was registered by the International Red Cross. During his time in camp the witness lost 35 kilograms of weight.

The perpetrators: members of the HVO police, Nikola Puce, camp warden at Čelovina; Ante Buhovac from Jasenica, about 30 years old; Kordić from Sretnica, both guards in the camp; "Ludi Maks" (Mad Max) from Lištica, about 40 years old.

Evidence: 445/94-30.

7.2.30.20. Witness 445/94-31 was arrested on 6 May 1992 in his coffee bar in Mostar. He was arrested by six armed, uniformed men. They took him in a van to the premises of the Faculty of Economics in Mostar, where they immediately handcuffed him to a central heating pipe and started beating him with rifle butts, kicking him and pounding him. They burned his beard and he lost consciousness.

They broke his nose, loosened three of his teeth, broke both of his supraorbital arches and pierced his earlobes.

He was taken from the Faculty of Economics to the Čelovina prison where he found about ten other incarcerated Serbs. He was held in Čelovina until mid-September 1992. There, too, he was regularly beaten and taken to forced labour with other prisoners. On one occasion, he and some other prisoners dug out 11 bodies in Sutina, on the outskirts of town. On another occasion, the Croats and the Muslims displayed them as Chetniks to the assembled press. They were dressed in JNA uniforms and driven through the city for the citizens to hurl abuses at them and harass them. Women poured boiling water on them, and all this was being video recorded.

In September 1992, ten Serb prisoners were brought to the Faculty of Economics to carry the bodies of two HVO policemen hit by a shell. While they were doing it, they were hit with parts of the insides of the bodies and their contents were smeared on their faces.

Perpetrators: Željko Džidić, one of the chiefs of the Military Police in Mostar, ex-driver in "Vodovod"; Stipo Petrović, ex-policeman, deputy to Željko Džidić; Dragan Barbarić, first warden of the Čelovina prison and afterwards lawyer for the HVO; Branko Donkić-Marinković from Ilići- Mostar; Habibija, first name unidentified; Irénko Ćirić, resided at 38, Rudarska street in Mostar; Mate Ančić, born in 1958, a notorious criminal from Mostar; Pero Nikolić, warden of the Čelovinaprison; Ante Peko, deputy camp warden; Adem Hajan, chief of guard shift; Ramić, chief of guard shift; Zijo Toljaga, former goalkeeper of the "Velež" soccer team, guard; Adne Žarkuš, guard; Milenko Žubor, guard.

Evidence: 445/94-31.

7.2.30.21. On 14 July 1992, witness 445/94-38 was arrested together with his common-law wife in Mostar and taken to the camp set up in the military infirmary. All their belongings were taken away. As the witness was beaten, they poured salt into his mouth, pushed his head into faeces until he fainted and then poured water on him. At night they beat him in his cell. They took him and the other prisoners out and forced them to pluck and eat grass. The guard Džiho was among the most vicious. The witness was transferred from the military infirmary to the camp in Dretelj on 21 July 1992.

Evidence: 445/94-38.

7.2.30.22. On 9 May 1992 the witness was taken by members of HVO police from his home in Mostar to the Faculty of Law in Mostar. After interrogation, he was transferred to the Čelovina prison. In addition to being beaten and tortured, he was regularly taken to Podveležje together with other prisoners to dig and fortify Croat and Muslim bunkers. As they were working, citizens threw stones, spat at them and insulted them.

In camp he recognized a Serb, a retired policeman, whose ear was cut and who had traces of cigarette burns on his chest. The Serb told him that he had been taken through town carrying a sign that he was a Chetnik on his chest and that citizens threw things at him, spat at him and shouted abuse at him.

Perpetrator: Željko Džidić, chief of the HVO Military Police for western Herzegovina.

Evidence: 445/94-41.

7.2.30.23. On 8 August 1992 the witness 295/94-5 was taken by two HOS members from his apartment to the basement of the military infirmary where he found 12 other Serb civilians. Several days later their number rose to 30.

In this camp he was beaten and insulted. Among other things, the camp warden Ivan Zelenika ordered him to strip naked and kicked him in various parts of the body. Then they put a winter JNA uniform on him and a black cap on his head shaped like the traditional Serb cap.

It was known in the camp that in 1941 the Ustashi killed 80 members of the witness's family - Serbs.

One night he was taken out into the yard and 20 HOS members encircled him, beat him and kicked him. After the beating, they ordered him to clean the lavatory and to lick clean his hand smeared with excrement. From the military infirmary the witness was transferred to the camp in Dretelj.

Evidence: 295/94-5.

7.2.30.24. In the first half of July 1992 B.S., who had lived in Mostar for 33 years and worked in the tobacco factory, was raped in her flat by four men in black uniforms. Three of them held down her legs and arms while the fourth raped her, and they took turns. They placed her in solitary confinement. She was interrogated every day and at night the camp warden Ivo Zelenika came and raped her. Sometimes he did it several times a night. Before raping her he would beat her and threaten to liquidate her. She spent about 20 days in the military infirmary and was raped almost every day by the guards, in addition to the warden. From the military infirmary she was transferred to Čapljina. Other Serb women are known to have been raped in the military infirmary, as well.

Evidence: 595/94.

7.2.30.25. Like all the Serbs in Mostar the woman witness lived in difficult conditions after the war broke out. She hid in basements for two years.

When on 7 July 1994 she went to the fountain to fetch water, she was halted by a Muslim, whose name she learned was "Sajo", who asked her, as he did the other Serbs coming for water, whether she wanted to be exchanged. He demanded money for the service but later said that he would take her to be exchanged even if she did not pay him.

The witness was driven together with six other Serbs in a yellow van in the direction of Raštani. At a spot called "Centre 2" in Mostar they took her into a house with a spacious yard and a garage. The witness was taken to a room where first Sajo and then another Muslim called Mirsad started hitting her. They stripped her clothes off, threw her down on the floor and raped her. She was repeatedly raped for about two hours. On that occasion she conceived.

Evidence: 460/94 (svedočenje S.O./testimony S.O., Annex No. C 81, pp. c814-c819/c820-c824)

7.2.30.26. The woman witness S.B., a pensioner, lived with her husband in Mostar. In the period between 1 June and 15 July 1992, Croat soldiers came to their flat on a number of occasions, to beat

them and seize their valuables. This happened for the first time on 1 June 1992. She pleaded with them not to beat her because she was recovering after the surgical removal of one of her kidneys, was still weak and her wound had not yet healed. She showed them the bandage, which they ripped off and pushed into her mouth, trying to choke her with it. When they put a knife under her throat, her husband begged them to kill him and let her be. Then they beat them both with sticks and kicked them with their feet all over their bodies.

They were forbidden to leave their apartment, had to keep the venetian blinds down and to keep the lights turned off. Consequently, they spent 15 days with practically no food, until 1 August 1992 when they were detained.

On 1 August 1992, the witness and her husband were put in the camp for Serbs in the former military infirmary in Mostar, whose warden was Ivan Zelenika. They stripped them naked and hit them with sticks and rifles, inflicting a bloody head wound on her husband. The woman witness was placed in a cell with six other Serb women.

From Mostar, they were taken to a camp for Serbs at Grude. There, the witness saw Serbs whose eyes were gouged out, arms broken and ears cut off. She and her husband were threatened that the same fate would befall them, too. From this camp, they were moved to the camp in Ljubuški which was cramped with Serbs with gaping wounds, burns, without eyes and mutilated in other ways. From there they were taken to the camp for Serbs in Dretelj near Čapljina, where her husband was killed.

Upon her release from the camp, the witness had her first medical check-up at the Clinical Hospital Centre in Podgorica on 16 December 1992. Despite the fact that the examination took place four months after she had left the Dretelj camp, she was still suffering the physical and mental consequences of the beatings and torture, including the scars in her left breast area, bruises on her head and body, and the effects of what is known as the "war psychosis".

Perpetrators: Edin Buljubašić; Blaž Kraljević, HOS commander for Herzegovina; Ivan Zelenika, camp commander in the Military Infirmary in Mostar and the camp staff.

Evidence: Witness 9/94, findings and opinion of the Clinical Hospital Centre in Podgorica, of 11 October, 1994, signed by forensic expert Dr. Miodrag Šoć and forensic expert Dr. Dragana Čukić.

7.2.30.27. M.B., born in Mostar, worked at "Hepok", Mostar, until the assistant manager, a Croat by nationality, advised her that, being a Serb, she was taking a risk by coming to work. She stopped coming to work on 3 May 1992 and hid at home together with her two children. In the period from May to July her apartment was twice searched by members of the HVO. They were allegedly looking for weapons and a radio transmitter. On 21 July 1992, her apartment was searched by three HOS members who did not show any search warrant. They proceeded to arrest her, and one of the HOS members involved in this illegal search moved into her apartment with his mistress.

Perpetrators: Mario Milićević, aka "Baja", owner of a restaurant from Cim near Mostar; Haris Fazlagić (father: Šemsudin); an unidentified HOS member, Croat by nationality; Miroslav Kresić, assistant manager of "Hepok", Mostar.

Evidence: 31/94.

7.2.30.28. The Serbs from the "4th July" community in Mostar had to report for roll call at 7.00 hrs. every morning. The roll call was only for Serbs, who were then assigned to jobs like street cleaning, trench digging, etc.

Perpetrators: Pero Nikolić, warden of the Čelovina prison in Šantića Street (former district camp); Damjan Vlašić, lawyer, president of HDZ in Mostar; and Josip Musalimović, a Croat, the first president of HDZ in Mostar, Pero Zelenika, retiree of the Secretariat of the Interior, deputy to the Major General; Jadranko Topić, president of the Mostar municipality Executive Council, Dr. Safet Oručević, M.D., president of SDA in Mostar, and Sergej Demović, HOS member.

Evidence: 273/94.

7.2.31.0. Zenica

The following description of the way the imprisoned civilians - inhabitants of Bosnia and Herzegovina were treated tellingly demonstrates how harsh were the physical and mental conditions under which Serbs in the camps and camps in Zenica lived, designed to bring about their destruction as a national group. The responsibility for these acts is indubitably borne by the official authorities of Bosnia and Herzegovina.

7.2.31.1. Zijo Kulović, director of the Zenica Iron Works, and Mensur Kaleštura, former JNA officer, commanded the Croato-Muslim units as they attacked on 5 June 1992 the Serb civilian population in the villages of: Šviće, Lokvine, Drivuša, Mutnica, Perin Han, Jenjički Vrh, Manići and others. After the Serbs surrendered they took them in lorries to the building of the Zenica Penitentiary & Correctional Facility in front of which they were exposed to maltreatment and insults on the part of the local Muslims, after which most of them were kept in camp where they were beaten and tortured.

Thus, for instance, they broke the arms of Z.C. from Perin Han and kept his brother Z.Z. in a cold storage unit until he froze and then they continued to beat him.

On 5 June, 1992, in Begov Han, Muslim soldiers slaughtered the married couple Mitrović and Jova Savić from the village of Gojkovići. They beat up Milovan Božin from Memići and seven days later he died from his injuries. They beat up and circumcised Božić, a butcher from Memići, and he died two days later. They slaughtered two members of the Vurić family from Kakanj; on 23 October 1992, in the village of Memići, Muslims killed Stanimir and Divna Božić after previously torturing them and cutting off their ears, and blowing up the back of Stanimir's head with dynamite. Citizens of Serb nationality were killed on the orders or with the approval of Zijo Kulović and Mensur Kaleštura, commanders of the Croato-Muslim units.

Evidence: 493/94-34 and 621/94.

7.2.31.2. On 12 June 1992 Ibrahim Purić, "biciklista" (the cyclist) from Zenica, commander of the "Patriotic League" unit, came with three

military policemen to the village of Drivuša, to the house of the civilian G.S. and they took him to the village of Janjici and then to Zenica to the headquarters of the "Patriotic League" where they questioned him as to the location of dugouts in the village of Drivuša. Purić himself beat him and also allowed the soldiers present there to pound him for hours with rifle butts, their arms and feet until he fainted. Then he was put in a camp room with 18 Serb prisoners, who had also been beaten by Purić and other soldiers during interrogation and who had visible injuries. After 13 months of incarceration he was taken to the camp in Maglaj with another 33 Serbs, where he was forced to dig trenches for the Muslim armed forces along the first line of combat, to fetch parcels thrown from aircraft from the intermediate space between combating units, to pull out the dead and wounded from the battle arena, to clean the city as it was being shelled and to clean the sewage system.

Evidence: 378/94-9.

7.2.31.3. The witness was taken detainee on 11 May 1992 while defending his village on the outskirts of Zenica when he was severely wounded by a shot piercing his left forearm and breaking both bones of his left forearm, and he lost a great amount of blood. After being captured he was transferred to the hospital in Zenica where surgery was performed on him on 12 May; the operation required a lengthy stay in hospital with adequate medical treatment and care. Although the doctor instructed that he was to receive blood plasma he was given none because the hospital staff was afraid of the guard present there. He was handcuffed to the bed and he was transferred the very next day, 13 May, to the Zenica Detention center.

That a serious injury of the arm was in question is evident from the fact that the plaster cast was removed only after several months, and his arm still swelled and he was in great pain.

In the detention center he was immediately placed in solitary confinement and stayed there for seven months as long as until 8 December 1992 when he was transferred to a collective cell.

Fourteen days after he had been placed in the Zenica Penitentiary & Correctional Facility he was issued a detention order indicating 24 May as the starting date rather than 13 May when he had been brought to

the Penitentiary on 11 May when he had been deprived of freedom as he had been handcuffed and under guard supervision while in hospital.

The witness remained in the Zenica Detention Center until 13 May 1994 when he was exchanged. During this period he spent 210 days in solitary confinement, although he was wounded and needed medical care.

The persons responsible for this are Krsto Stevović, warden of the Zenica Detention Center and Jusuf Šeta who replaced Stevović as warden of the Penitentiary.

Evidence: 621/94.

7.2.31.4. On 6 June, 1992, members of the "Patriotic League" Muslim formations arrested the witness at the railway station in Drivuša, the municipality of Zenica, and took him to the school in the village of Janjići where they interrogated him and beat him, inflicting severe bodily injuries on him. Unable to move as he was from the injuries sustained, he was taken to the hospital in Zenica where the guards also beat and maltreated him. His wounds had not healed when he was taken from hospital to the Zenica Detention Center, where he was sentenced to 8.5 months in camp for allegedly being a member of the enemy army.

Perpetrators: Ibro Purić, the commander of the military unit, principal of the school in Janjići, Aga Mujkanović and Delić aka Čiča from Janjići and the commander of the guard in the hospital was a certain Šišilj from Tetovo, municipality of Zenica.

Evidence: 293/95-24.

7.2.31.5. In June 1992, K.B. and another 18 Serbs, on their admission to the Zenica Detention Center, were beaten up by the Muslim militia. They pounded them with rifle butts, boots, wooden and iron rods, and lined them up thus anguished for a mock execution thrice during the first night, until 2 a.m.

Then they put them into a room of the Penitentiary which was flooded with water 2-10 cm. deep and there they remained for 10-15 days. As there were no beds or anything else they were forced to sit or lie in the water.

The person responsible for this is Ismet Džozo, warden of the Zenica Penitentiary & Correctional Facility and Nagib Čerkez.

Evidence: 283/94-9.

7.2.31.6. In the period from June to August 1992, a large number of Serbs from Raspotočje and other villages around Zenica were incarcerated in pavilion No. 5, called the camp, in the Zenica Detention Center. Among them was also M.M. The food was dreadful and consisted of a slice of stale bread and some water. That was the daily "ration".

The persons responsible for this are: Sabir Stupar; Nebojša Ignjatović; Omer Imamović and the staff of the Zenica Detention Center.

Evidence: 205/94-9.

7.2.31.7. As a wounded soldier of the Army of the Republic of Srpska, R.K. was captured by the Muslim army on 12 September 1992 at the foot of Mt. Vlašić. He had not been given any medical treatment, and the next day they kicked him with booted legs and beat with the butts of their weapons, cursing his "Chetnik mother" and threatening to slit his throat.

On the way to Zenica, in the village of Gluva Bukovica, they showed him as a "Chetnik" to the villagers, who spat on him, kicked him and threw stones at him.

In Zenica he was first locked on the premises of some plant, where they interrogated him and beat him, particularly on the left side of his body where he was wounded by a grenade. Then they took him on a stretcher into the basement, where he was kept for seven days without any medical attention and naked, because his clothes had been removed.

Afterwards, they took him to another room, where he found imprisoned G.J. and S.N. Every evening, Muslim soldiers came to the room and beat them until they fainted. In this room they spent ten days, and were then transferred to the Penitentiary and Correction Institution (KPD) in Zenica.

In KPD premises in Zenica, R.K. was beaten, along with other captives, and interrogated. This is where he first had medical attention.

On 13 August 1993, R.K. was taken to Travnik to be exchanged. In Travnik, he was taken to the military barracks with two other mentioned prisoners, where they were beaten up with rubber and wooden sticks, kicked and beaten with weapon butts to the point when they fainted. They were all bruised, swollen and covered with blood all over their bodies. The next day they were exchanged.

Evidence: 701/96-9 (svedočenje M.K.1/testimony M.K.1, Annex No. C 49, pp. c496-c503/c504-c510).

7.2.31.8. On 6 June 1993, B.K., of Serb nationality, was captured by Muslim armed forces when they attacked the Serb villages in the vicinity of Zenica, and placed in the Zenica Detention Center where he remained until 9 October 1993. All the Muslims and Croat convicts had been previously released from this penitentiary so as make room for Serbs.

At the time of his incampment, K. (183 cm tall) weighed 83 kg, and when he was released he weighed only 53 kg, and his physical and mental health were seriously impaired. This is the result of horrendous torture, beatings, hunger, groundless and lengthy solitary confinement, physical attrition, humiliation and maltreatment, the fear experienced at mock executions, threats that he would be castrated and would have to eat his own testicles, etc.

In the Penitentiary he was held for five days in a room called "the iron ring room" and "Jesus' room". In the center of this room there was an iron ring anchored into the concrete floor to which he was tied in the most uncomfortable of positions and then beaten and maltreated.

Although he was a civilian and had carried no arms at the time of his incampment, he was exchanged for a military detainee.

The perpetrators are: Ismet Djozo, warden of the camp at the Zenica Penitentiary & Correctional Facility; Nagib Čerkez, HOS officer; Igor Kačunko, guard commander in the Detention Center; Kemal Kobilica,

warden of the military camp; Hećo (surname unidentified), police officer in the Zenica Penitentiary & Correctional Facility; Botić (name unidentified), police officer in the Zenica Penitentiary & Correctional Facility.

7.2.31.9. 5 June 1992: a 22-year old civilian, a Serb from Drivuša, was shot thrice in the left arm when Bosnian government forces took Serb positions in Zenica. During the first ten days he spent in the camp in Zenica they beat him "only because he was a Serb" and he still has a scar in the leg where he was cut. He saw an elderly man step on a mine and receive no medical care at all, only to be removed from the camp immediately before the camp was visited by the special rapporteur of the Commission on Human Rights, Tadeusz Mazowiecki. When Mazowiecki left he was returned to the camp and died several days later. The food and the tea were often contaminated by soap. (Statement of R.Boucher of the State Department, of 26 January 1993).

7.2.31.10. 26 July 1992: Bosnian government forces took a 29-year old Serb, a civilian from Srebrenik, to the camp in Zenica on 26 July 1992. They kept hitting him - every ten minutes for 96 hours after his arrival - with ropes and sticks. He showed evidence of beating, especially on the head. He also said that the food had been deliberately contaminated. (Statement of R. Boucher of the State Department of 26 January 1993).

7.2.31.11. After Muslim forces attacked the Serb villages Grdovo and Krezluk, near Jajce, a group of captured Serbs were transferred from Travnik to Zenica. The guards took some of the inmates to separate rooms and beat them. This happened usually at night. The inmates were registered with the ICRC.

Kadrić, a man about 50 years old was the commander of Pavilion V. His assistant's name was Zlatko. Both knew about what was happening but did nothing to stop the guards. The guards that took part in the beatings were Bojić, Kulačić, and Omer. Kadrić's son whose name is unidentified also maltreated the inmates.

Evidence: 333/95-3

7.2.31.12. Before the civil war the witnesses lived in Zenica. In mid 1992 Muslim soldiers captured them. The witnesses were taken to the

camp in Zenica where there were other arrested Serbs. Until October 1993 when they were exchanged, they were maltreated, tortured and beaten.

Evidence: 234/95-7, 234/95-9 (svedočenje G.Z./testimony G.Z., Annex No. C 36, pp. c376-c379/c380-c383) and 234/95-25.

7.2.31.13. In June 1992 at Raspočje near Zenica Muslim soldiers raped a Serb women whose name is filed with the Committee. She was raped in front of her in-laws. First, They ordered her to strip naked and dance in front of her in-laws and her children. Then three Muslim soldiers raped her and beat her in-laws.

Evidence: 205/94

7.2.31.14. On 20 July 1992 in Zenica, Muslim soldiers Beća Kahrman, Senad Kapetanović and Šefik Jugić broke into a house in 19 Zahida Bukarevića Street. The name of the owner is registered with the Committee. They threatened him that they would kill his family (wife, sister-in-law, two grand children). Then they confiscated his valuables. Kahrman and Kapetanović raped the owner's daughter.

Evidence: 173/95-1

7.2.31.15. On 27 June 1992 in Drivuša village, the municipality of Zenica, witness who is registered under number 112/95-2 was at home with her father-in-law and her two minor children. Her husband, a Serb, had been imprisoned in Zenica detention center.

Kapetanović, Kahrman and Jugić broke into the witness's house. They were wearing uniforms. One of them put a knife on her throat and asked her why did she refuse to answer the door. She said that she did not hear the bell. Then they cursed her Chetnik mother and beat her. They threatened her that they would slaughter her family told her to give them all her money and gold.

They locked her in-laws in a separate room and then Kapetanović ordered her to go to the bathroom with him. He locked the door and told her to strip naked. He held a knife in his hand and threatened to kill her. He unbuttoned his trousers and ordered her to put his penis into her mouth. When she told he that she never did anything like that

before, not even with her husband, Kapetanović said: "You must have seen something like that in the movies". Then he punched her in her head, and made her obey him. Afterwards, he forced her down on the floor and had a sexual intercourse and asked her weather she would prefer to have another Chetnik child or if she would rather "have it in her mouth".

After Kapetanović left the bathroom, Kahrman went in. He put his penis in her mouth and than into her anus. She started screaming and he pulled her by her hair and banged her head against the wall.

Before leaving they took the TV set, a video tape recorder, two gold rings and a pair of earnings.

The next day the witnesses father in law went to the police station in Zenica, and policemen came to their house.

The witness was interrogated in the Military court in Zenica where she was maltreated.

Perpetrators: Senad Kapetanović, aka "Senče", Bećo Kahrman, from Gornja Zenica, Šefik Jugić. The three men were members of the Muslim armed formations.

Evidence: 112/95-2, 493/94-30, 173/95-1 and 378/94-8.

7.2.31.16. The witness, No. 440/94-38 was arrested in Visoko on 20 April 1992 and then taken to the District Military Court in Zenica and sentenced to one year and six months imcampment (I-K. 66/93) for serving enemy army. This provision was taken from Article 119 para 1 of the SFRY Criminal Code.

After one year and six months of his imcampment had passed on 20 of December 1993, which was noted in the letter sent by the President of the Court Muhamed Čolaković to the camp commander (letter filed with this Committee) the witness remained in the Zenica camp until April 4 1994, i.e. 15 days longer. On 16 April 1994 he was exchanged in Ljubin Han near Travnik.

Evidence: 440/94-38

7.2.31.17. The District Court in Zenica Ik.105/92, the witness was sentenced to 4 years of imprisonment. He was sentenced on 18 May 1993 but the witness never received a copy of the verdict.

Evidence: 33/95-7

7.2.32.0. Vitez

7.2.32.1. Witness 234/95-20, a Serb from Vitez, worked as a chemical engineer at the explosives factory "Vitezit" in Vitez until early May 1992 when he was laid-off because he was a Serb. He was often taken to be interrogated, on which occasions he was molested and forced, as a professional, to take part in the development of a program for meeting the needs of the Croat Army, which he refused. On 9 June 1992, a group of Croat soldiers in black uniforms with clear "U" markings on their caps, including Vlado Ramljak, an ex-policeman, Darko Kraljević, Ljuban Čalić and Ljuban Delić, barged into the witness's apartment, searched it and confiscated all valuables, arrested him and took him blindfolded to the outskirts of the town where they put him in a basement of a building. The witness spent nine days in that basement.

During daily interrogations, the said individuals aided by other Croat Army soldiers, molested the witness, hitting him with their hands, feet, bats, all over his body, during which time his eyes were tied. They knocked out ten of his teeth and broke six of his left and right ribs. As a result of a large number of blows in the stomach, the witness suffered a number of haematomas and a perforated peritoneum. The visible wounds on his arms and hands were probably inflicted with a knife, but the witness is not sure because he sustained the injuries while blindfolded. During the torture and molestation, the witness was listening to the screams and cries of his wife and daughter whose voices had been tape recorded, but he was made to think that they were actually being molested in the adjacent room and it caused him great pain. During his entire stay in the basement, the witness received only two or three meagre meals and some water.

Nine days later, the witness was transferred to the camp in Busovača, where he was kept in similar conditions, through to 14 July 1992, when he was exchanged, a sick and bed-ridden man who had

lost 64 kilograms. (The witness weighted 110 kg prior to his arrest and only 46 kg at the time of the exchange).

Evidence: 234/95-20.

7.2.33.0. Kupres

7.2.33.1. In early April 1992, the Croat-Muslim armed forces launched an assault on Serb civilians at Kupres and its surrounding villages and captured, among others, about 65 Serb civilians.

They ordered the men captured in Kupres to form a line in front of Franjo Mioča's house, to strip down all their clothes except their underpants, and kept them like that in the street, in the rain and sleet, from 14.00 hrs. to 20.30 hrs. They shot down on the spot, in their presence, the captured Drago Čelebić and Stevo Lugonja. They also battered, molested and humiliated in various ways, the lined-up naked man, and especially a Serb-Orthodox priest, P.Z. from Kupres. Then they took them to the textile plant "Borac", where they were until 3.00 hrs. and were then marched naked and barefoot to the village of Šujice, some 30 km away. During the march, escort Ivo Čičak aka "Zec" killed the captured Žarko Živanić from Kupres, who had left the column, probably to relieve himself. At Šujice, the captured Serbs were beaten and molested. Their hands tied with a steel wire, they were transported by truck to Gornji Brisnik near Duvno (Tomislavgrad), where they were beaten again.

From Duvno, the men were transported to the Croat territory and to the "Lora" military camp near Split and, later on, mostly at night, in groups to other camps set up solely for the Serbs, such as: Šibenik, Zadar, and in the territory of the former Bosnia and Herzegovina, to Eminovo Selo near Duvno, Vrgorac near Imotski, and Ljubuški. It was only in Ljubuški that they were registered by the representatives of the International Red Cross on 5 May 1992. By that time, the captured Serbs from Kupres and other places had been subjected to molestation, humiliations and torture, and had suffered mental pain in all of the said camps. Petar Spremo and Milo Spremo aka "Migac", succumbed following the torture in Split and in Vrgorac, respectively.

Sixteen prisoners were selected from this group of captured Serbs from Kupres during the night transportation. They were: Dušan Nikić, Jovo Marić, Slavko Dragoljević, Spasoje Kanlić, Ljubo Milić, Ratko Milić, Mirko Čipčić, Duško (father: Stevan) Mališić, Dragan Mašić, Marko Mašić, Ratko Mašić, Milivoje Mašić, Djoko Marić, Nikola Duvnjak, Dušan Duvnjak and Rade Lugonja. There are no traces of their whereabouts and there is reason to believe that they have been killed by the Croats.

It was only in Zadar that the captives were given old former JNA uniforms to wear and were treated as military prisoners of war, even though they had been captured as unarmed civilians.

Perpetrators: at Duvno - Ivan Krišto aka "Dugonjče" and Drago Perić aka "Vriča"; at Ljubuški - Dragan Matić, camp commander, his deputy Ivan Sušec and guard Srećko Tomić; at "Lora" near Split, camp warden Tomo Dujčić, a certain Musa, from Široki Brijeg near Lištica, and guards whose nicknames were "Rambo", Vlado "Vukovarac", "Reponja" (wore long hair in a tail), "Makedonac" and "Žučo", from the village of Ploče near Gornji Vakuf; in Zadar - Franjo, former policeman at the Secretariat of the Interior, Zadar; at Vrgorac - Bošković.

Evidence: 333/95-20 and 333/95-23.

7.2.33.2 In early April 1992, the Croat-Muslim armed forces launched an attack on the unarmed civilian Serb population in Kupres and the surrounding villages and detained a certain number of women which they separated from the captured men.

The incarcerated women were taken by the members of HVO and HOS to the Secretariat of the Interior building in Duvno (Tomislavgrad), and five days later to the "Lora" military camp near Split, Croatia, where they were put in a separate cell adjacent to the cells where the captured Serb men were kept.

The incarcerated women were moved, together with the captured Montenegrin men, from "Lora" back to Duvno, in Bosnia and Herzegovina, where they were locked up in one school classroom, where three other captured former JNA soldiers of Montenegrin nationality were also brought after having been viciously tortured:

their ears had been cut off, they had salt sprinkled all over their gaping wounds, they had four letters S carved on their foreheads with a knife, etc. As a consequence of this torture, Dušan Borović from Nikšić died before their eyes.

The incarcerated women were moved from Duvno to a school at Stipanići near Duvno, where they were registered for the first time by the representative of the International Red Cross. They found about one hundred captured Serbs from the surrounding villages of Kupres at this school. They were all exchanged on 5 May 1992.

The camp warden at Duvno was Ivan Krišto.

Evidence: 333/95-21 and 333/95-22.

7.2.34.0. Jablanica

7.2.34.1 The Museum in Jablanica was converted into a camp for Serbs. In late 1993 and in early 1994, around 60 captured or detained Serbs were held in its basement.

The incarcerated Serbs were subjected to torture every day.

Even though severely wounded, the interrogated witness was beaten by camp commander Seno Džino, who also threatened him with a knife and made a cut on his stomach. Deputy commander Nihad cut off four of his left toes, one by one, then brought a fur hat with a Serb emblem - cockade and ordered the witness to put it on and to read out in front of TV cameras a written statement attacking Serb leaders. Only after he did that, he was given some bandages to tend his wounds by himself.

Nedir Agnan, head of the fourth Muslim army body cut off the witness's right toe with a knife.

Only after a visit by an International Red Cross delegation, when the wounds on both his feet had already been infected, the witness was transferred to hospital, where both of his feet were amputated.

Evidence: 392/95-2.

7.2.35.0. Fojnica

7.2.35.1. In Fojnica, there was a camp for Serbs, located in the basement of the Sarajevska Banka (Bank of Sarajevo) where a Zuka aka "Rambo" from the village of Obojak near Fojnica took the lead in cruelty.

Another camp was set up in the basement of the "Kata Govoršić" secondary school, whose commander was Omer Pobrić, police commander in Fojnica before the war. Especially cruel were Nurudin Sofkić and Željko Salihagić.

Evidence: 319/95.

7.2.36.0. Breza

7.2.36.1. In the period from June to October 1992, 30 to 45 Serbs were held in a camp set up in the basement of the "Elektroterma" enterprise at Breza.

The living conditions at this camp were deplorable. The incarcerated Serbs lay on concrete floor without any covers, in darkness. Food was given to them only once.

They were beaten every day and had to greet the Muslim soldiers who ran the camp by "Merhaba, Sir".

Evidence: 292/95-2, 292/95-1 and 292/95-4.

7.2.36.2. From May to August 1992, Serb women and young girls from the municipalities Breza, Visoko and Vareš, were systematically raped by groups of men at a time at the camp in Breza, having been beaten first. The rapings were sometimes done by 20 Muslim soldiers in a row. The women were released only when they became pregnant.

Perpetrators: Muslim soldiers, the "Breza" camp warden aka "Kula", allegedly from the village of Semizovac.

Evidence: 24/93-2.

7.2.37.0. Novi Travnik

On 17 May 1992, fifteen Muslims, several of them in uniforms, entered the apartment of witness 225/95 in Novi Travnik and, when the witness opened the door, they grabbed him and dragged him into the car, and took him to the Hunter's Lodge on Mt. Pavlovica, 15 km away from Novi Travnik. They blindfolded and gagged him and started beating him all over his body with batons and rifle butts, cursing his "Chetnik mother". At one point, they started burning his penis with a lighter, after which he fainted.

After several hours of beatings, they transferred him to the "Marshal Tito" former JNA barracks in Travnik, where they tied him and battered him again. The following day, he was visited by an acquaintance, who was a high-ranking Muslim official, on whose orders he was released, but who told him that the Muslim soldiers were probably going to kill him, so he had better leave Travnik. He took the advice and left the following day, and is now living as a refugee.

Doctors established severe bodily injuries on this witness.

Perpetrators: Ranica Mujaković and other members of Muslim military formations.

Evidence: 225/95.

7.2.38.0. Busovača

The camp in Busovača was situated in the vicinity of Travnik and was run by the Croat Army HVO.

7.2.38.1. In the Busovača camp, in addition to Serb civilians, there were also 25 former JNA soldiers captured during war operations in Travnik and its surroundings on 4 May 1992.

After they captured them, HVO soldiers lined them up and ordered Croats, Albanians and any other non-Serbs to step out. Nine soldiers stepped out.

The remaining soldiers, including two witnesses, one of which was 20 and the other 21 years old, were subjected to torture and ill-treatment by the HVO soldiers. After they ordered them to take off all their clothes and shoes, they started hitting them with their fists, feet, and a number of different objects, on all naked body parts. They separated four men from the group, ordered them to kneel down, tied their hands behind, blindfolded them and continued to beat and batter them. Then they placed their bodies against a pillar, tied their hands behind the pillar with a wire and continued to viciously beat them. Since they were blindfolded, none of the four captured soldiers could tell who the other three were, nor could he see them. They only recognized each other by the sound of painful cries. The guards brought the exhausted soldiers back to their camp cell, which was dark and cold.

According to the statement of one of the witnesses, one of those four captured soldiers, whose name was Čeh Vukola, terrified by what he had gone through, and scared of what was still to happen to him, started to run. The HVO soldiers shot him down, while at the same time threatening other captured soldiers that whoever tried to escape would end up the same as Vukola.

7.2.38.2. At the camp in Busovača, a captured former JNA soldier P.S. was also incarcerated. He sustained several bodily injuries, as well as fracture of his spinal cord, as a result of many beatings with different objects.

7.2.38.3. Witness S.D., former JNA soldier, was at the camp in Busovača from 4 May 1992, when he was captured with a group of 25 soldiers, until 25 May 1992, when he was transferred to the camp in Ljubuški, and then exchanged. According to his statement, the living conditions in the Busovača camp were an insult to human dignity, the camp cells were dark and cold, crowded with prisoners,

they slept on the concrete floor without any covers, food rations, distributed once a day, were meagre and of poor quality. The prisoners were interrogated every day and beaten at the same time. During such beatings, in addition to a broken tooth, the witness suffered a head injury and a fracture of his nose bone. As a result of such treatment in the camp, the physical and mental health status of this witness and of other prisoners was serious and obviously deteriorating.

Evidence for 4.2.38.1. to 3.: 138/94-2 and 149/94-2.

7.2.39.0. Bugojno

7.2.39.1. In July 1994, captured Serbs were brought to Bugojno and put in a camp in the building of a former bank, where the Muslim military police headquarters was.

During their stay in the camp, the prisoners were subjected to brutality. They were beaten several times a day, handcuffed to the radiator pipes or to staircase banister and then beaten with rubber sticks and wooden bats. During such torture, they placed certain prisoners in the manhole, handcuffing them to water supply pipes and put a hose into their shoes and turned on the tap. As a result, the witness lost his toe nails and they have never grown again.

Hands and feet of another detainee were tied to metal nails in the wall, and he was kept in such a position, like crucified. They beat him with different objects on his wrists and ankles. They put out cigarettes on another detainee's tongue.

They kept cursing the prisoners for being Serb and used different derogatory names in harassing them.

Throughout this torture, the incarcerated Serbs sustained grave bodily harm and severe mental pain. They lost consciousness due to the blows and pain and

1. Zoran Danilović from Mrkonjić Grad

soon died due to the injuries inflicted, just after he was transferred to the camp in Travnik.

Perpetrators: one Mesud aka "Jaro" (a taxi driver from Bugojno before the war), one Jusić from the village of Krivače, Besim Hodžić, aka "Besko" (deputy police commander in Donji Vakuf before the war), Nijaz Habib (also a policeman in Donji Vakuf before the war), as well as members of the Muslim military and civilian police in Bugojno).

Evidence: 333/95-16 and 333/95-17.

7.2.40.0. Hrasnica

In early July 1992 a camp for Serb civilians was set up in a joint garage between two high-rise buildings on 29 novembra street in Hrasnica, municipality Ilidža (Sarajevo). In November 1993 the surviving captives were transferred from this camp to a camp located in the basement in the new, still vacant building of the hotel for single persons inn Alekse Bojovića street.

Serb civilians were brought to these camps and subjected to various forms of torture, while many were killed. In the former camp, guards tortured the prisoners by placing chairs allegedly for them to sit and then pulling chairs away, while hitting them with a sack filled with cement that hung suspended on a rope above their heads. In such a way they broke witness's 487/94 right leg. They also beat him with an iron rod on all his fingers, so that all his nails fell off.

Another witness was beaten by bats in the camp warden Oketić's office, breaking his jaw and inflicting several other wounds on his head.

Some of the captives died of the wounds, and some were killed in the camp or while being taken to forced labor.

The following were killed in the mentioned camps:

Vito Vasović, formerly employed with "Famos",

Radovan Guzina from Gacko,

Drašković, from Kalinovik, died after being beaten up by Senad Gadžo,

Momčilo Kovačević,

Kenić, died on 2 August 1992 of injuries (witness 162/96-7).

Rajko Kmezić, killed in October or November 1992 by a shell while on forced labour at a construction site near Butmir airport (witness 713/95).

Milan Krstić, from Raštelica, born in 1950, father: Vojin, gunned by guard Fuad on 22 April 1993 at 1 PM, in retaliation for the escape of 4 camp prisoners while they were digging trenches on Hrasnica.

Sekula Mandić, from Hrasnica, died on 2 August 1992 of sustained wounds (witness 713/95, 162/96-7).

Močević, from Preselica near Kijevo, about 90 years old, died of sustained wounds on 2 August 1992 (witness 162/96-7).

Dostimir Nikolić, from Hrasnica, about 60 years old, beaten to death by Senad Gadžo in July (or 2 August) 1992 (witnesses 408/96-24, 162/96-7).

Rajko Medić, born in Hrasnica, lived somewhere in Croatia before the war, killed during forced labour on the bridge (witness 408/96-24).

Radomir Milutinović, died on 2 August 1992 of sustained wounds (witness 162/96-7).

Duško Papučić, from Hrasnica, formerly employed in "Famos" as a lathe operator, killed on a bridge (witness 408/96-24).

Simikić, died of inflicted wounds on 2 August 1992 (witness 162/96-7).

Slobo, from Sokolovića colony, owned a glazier's shop in Sokolovića colony, killed while digging trenches.

Gojko Stjepanović, from Sokolovića colony, died on 2 August 1992 of sustained wounds (witnesses 713/95, 162/96-7).

Borko Stojanović, from Rogatica, about 40 years old, who worked in "Famos", was beaten to death by Senad Gadžo in July (or 2 August) 1992 (witnesses 408/96-24, 162/96-7).

Aleksa Stranputa,

Slobodan Ćosović, born in 1960,

Maksim Šojić, from Borač, who lived in Hrasnica and worked in "Famos" before the war, killed towards the end of 1993 or beginning of 1994. The guards said that he committed suicide, but woman witness 532/94-4, who cleaned the solitary confinement cell in which he had been imprisoned saw that walls, ceiling and floor were streaked with fresh blood and concluded that his throat had been slit.

Perpetrators: Husein Mujanović aka Huso, born on 21 September 1959 in Kostići, municipality Bijelo Polje, father: Salih, on staff with the camp in Priština before the war, first camp warden; Rasim Alađuz, from Gacko, substituted Mujanović as camp warden in November 1992 (witness 162/96-7); Rasim Okerić (or Okelić), from Gacko, teacher before the war, camp warden since June 1993; Vahid Alađuz, about 35 years old, with the Secretariat of the Interior in Hadžići before the war, military security superintendent; Fekim Belko, aka "Pedo", from Kijevo, worked in "Famos" before the war, about 60 years of age, high, strongly built, with mustach, head of military police in charge of this camp; Senad Gadžo from the village of Borač near Gacko, guard, the most vicious beater; Đolpa, from Hrasnica, guard; Džemo Đuliman, from Goražde, guard; Enver Laličić, from Montenegro, owned a house in Sokolović colony, guard; Zaim Laličić, about 35 years of age, waiter in Hrasnica before the war, guard; Lončarić, from the village of Borač near Gacko, guard; Mujanović, aka "Trkač"; "Pašo" from Goražde, guard; "Pidžuga", guard; Zaim Radončić, from Sandjak, camp guard; Redžep Radončić, from Ilidža, guard; Esad Salčin; Sejo from Ilidža, guard; Sejo Tekuč, guard; Faruk, aka "Šareni", from Rogatica, guard; Zijo Čatić, about 30 years old, deputy police commander in Hrasnica; Suljo Hebib, from Gacko, guard; Suljo Hedim, from Cernica, guard; Sejo Čorbo, from Borač

near Gacko, guard; Džemo, from Višegrad, guard; Pero Šutalo, aka "Ustaša"; Zijad Dadić (Gagić), aka "Zijo", had a house in Kiseljak, about 50-55 years old, camp warden (witness: 162/96-7), Mujo Salčin, camp warden after Zijad Dadić.

Evidence: 767/95, 487/94, 412/94-14, 408/96-24, 532/94-4, 713/95, 408/96-24, 162/96-7, 386/96-29, 62/96-8, 434/95, 454/94-2, 454/95-7.

7.2.41.0 Bihać

7.2.41.1. On 20 June 1992, D.G., a Serb from Bihać, was taken to the police on charges of having thrown a bomb into a hotel. He was beaten and blackmailed to confess. He claimed that he was only passing by the hotel when the grenade fell, and he gave the names of witnesses who could confirm it, but it did not help, and the beating continued. In addition to a large number of other injuries, his five ribs were broken, he had a breast haemorrhage and a broken jaw. He was then rushed to a hospital, where he stayed under treatment until 1 July 1992, when he was discharged prematurely, although not fully recovered, because of the threats against him in the hospital. He remained in hiding in Bihać until the exchange of 22 January 1993, when he left.

Perpetrators: Muharem Begić, security head in Bihać and one Selimanović (or Selimović), policeman.

Evidence: 205/94-1.

7.2.41.2. On 11 May 1992, N.K., a Serb, was captured at Grabež, near Bihać, as a former JNA reserve officer, by the Muslim army under the command of Jasmin Harbaš. After capturing him, they made a cut with a knife from his right ear to his mouth, leaving a deep scar and also pierced his left earlobe on the same occasion. He was then taken to Jasmin Harbaš's house and tied standing up to a post in the garage, so tightly that he could not lie down. Harbaš would appear from time to time, accompanied by some Muslim soldiers and all of them would batter him.

Evidence: 205/94-15.

7.2.42.0. Kakanj

7.2.42.1. During August and September 1992, S.V., born in 1968, whose identity is known to the Committee, was locked up by force in her grandmother's house in Kakanj by two Muslim soldiers. They kept her in house detention for more than 20 days and raped her alternately. Sometime after they let her go, she found that she was pregnant. An abortion was approved at the recommendation of her psychiatrist.

Evidence: 24/93-5.

7.2.43.0. Konjic

7.2.43.1. On 6 July 1992, persons belonging to the Serb nationality who had come from the territory of Bosnia and Herzegovina were gathered in the streets of Zagreb and forced to get on four buses and taken to Jablanica.

At Jablanica, the victims were beaten and then taken to Konjic, to be handed over to the Muslim police and the army wearing green beret uniforms.

The incarcerated Serbs were assigned to a "work unit" which performed the most difficult manual work. They worked even in the rain and stormy weather, as well as in very cold weather. While they were working, they were constantly yelled at, cursed and beaten.

The witness stayed in the "work unit" until early April 1993, when he escaped to the Serb-held territory.

Evidence: 292/95-5.

7.2.44.0. Tešanj

7.2.44.1. In September 1993, in the village of Mekuš, near Tešanj, a group of Muslim soldiers raped a male Serb P. Dj. Afterwards, they set on fire his clothes on which they put him.

Evidence: 594/96-20 (Testimony of P.Dj., Annex No. C 27, pp. c263-c266/c267-c270, Medicinski nalaz/Medical findings - TS 2 Annex No. C 151, pp. c1500-c1502/c1503-1505 and pictures 1-5, Annex No C161, p. 67)

7.2.44.2. Witness M.T. testifies how he was treated and tortured in the basement of the police station in Tešanj where he was held for 45 days together with other Serbs.

Evidence: 701/96-7 (svedočenje M.T./testimony M.T., Annex No. C 107 pp. c1090-c1096/c1097-c1101)

7.2.44.3. Witness Ž.Š., also, testifies about the conditions and tortures of the captured Serbs, including children, in the police station in Tešanj.

Evidence: 701/96-4 (svedočenje Ž.Š./testimony Ž.Š., Annex No. C 121, pp. c1225-1229/c1230-c1235)

7.2.45.0. Banjaluka

Due to the total blockade of Banjaluka in mid-1992 imposed by the Muslim authorities, supply of medical provisions to the hospitals in Banjaluka was cut off. As a result, a number of patients died, including 12 babies who died for the lack of oxygen.

Evidence: 249/97-45 (svedočenje A.Č./testimony A.Č., Annex No. C 272, pp. c2340-c2342/c2343-c2345)

7.2.46.0. Rapes causing serious bodily and mental harm to Serb women

7.2.46.1. In July 1993, in Tešanj, three Muslim soldiers raped a Serb woman M.A., in her house, in the presence of her husband, who was forced to watch it. The victim of this rape sustained serious bodily and mental harm.

Evidence: 594/96-26 (Testimony of M.A. Annex No. C 2, pp. c8-c11/c12-c15, Medicinski nalaz/Medical findings - TS 2 Annex No. C 151, pp. c1500-c1502/c1503-1505 and photos in the Annex No C161, pictures No 1-2, p. 68)

7.2.46.2. Lj.L. was captured on 8 May 1992, and same as the other Serb women was imprisoned in the houses of Muslims and Croats living in Ožak and the surrounding villages, while the men were taken to the camps. During the time spent in camp, she was beaten and raped. During the acts of rape she lost consciousness. They cursed her Chetnick mother, and said "F... your Chetnick mother, you endured the fifteen of us, so we shall let you go." To her knowledge, the following women were also, raped by the same group of soldiers: M.N., D.S. and M.Dj. - all of them from Odžak.

Evidence: Medicinski nalaz/Medical findings - BL 15 (Annex No. C 136, pp. c1412-c1414/c1415-c1417 and photos in the Annex No. C 161, picture No 1, p. 88)

7.2.46.3. Some of the cases of rapes have been presented in the Report on the Rapes of Serb Women, S/24991, 18 December 1992 (Annex No 59 to the Part I of the Counter-Memorial). Respondent draws the attention in particular to the cases of rapes presented in paras. 7.1.6.2., 7.2.1.0., 7.2.4.0., 7.2.6.0., 7.2.11.4., 7.2.11.4., 7.2.12.2., 7.2.19.0., 7.2.29.0., 7.2.35.0., 7.2.42.0. of the Counter-Memorial.

7.2.47.0. Forensic-medical documentation

Enclosed herewith is a part of the forensic-medical documentation prepared by a group of forensic-medical experts who examined the

survived Serbs - victims of torture in the camps on the territory of Bosnia and Herzegovina.

Evidence:

Medicinski nalaz/Medical findings - T 3 (Annex C 163, pp. c1574-c1576/c1577-c1582) and photo in the photo-documentation (Annex No C161, picture No 1, p. 70)

Medicinski nalaz/Medical findings - B 3 (Annex C 164, pp. c1583-c1585/c1586-c1588)

Medicinski nalaz/Medical findings - Š 5 (Annex C 165, pp. c1589-c1590/c1591-c1592)

Medicinski nalaz/Medical findings - Š 7 (Annex C 166, pp. c1593-c1595/c1596-c1598)

Medicinski nalaz/Medical findings - Š 8 (Annex C 167, pp. c1599-c1601/c1602-c1604)

Medicinski nalaz/Medical findings - Š 9 (Annex C 168, pp. c1605-c1607/c1608-c1610)

Medicinski nalaz/Medical findings - Š 10 (Annex C 169, pp. c1611-c1613/c1614-c1616)

Medicinski nalaz/Medical findings - Š 12 (Annex C 170, pp. c1617-c1619/c1620-c1622)

Medicinski nalaz/Medical findings - Š 13 (Annex C 171, pp. c1623-c1625/c1626-c1628)

Medicinski nalaz/Medical findings - Š 14 (Annex C 172, pp. c1629-c1630/c1631-c1632)

Medicinski nalaz/Medical findings - Š 15 (Annex C 173, pp. c1633-c1635/c1636-c1638)

Medicinski nalaz/Medical findings - Š 17 (Annex C 174, pp. c1639-c1641/c1642-c1645)

Medicinski nalaz/Medical findings - Š 18 (Annex C 175, pp. c1646-c1648/c1649-c1651)

Medicinski nalaz/Medical findings - B 15 (Annex C 176, pp. c1652-c1654/c1655-c1667)

Medicinski nalaz/Medical findings - B 13 (Annex C 177, pp. c1668-c1670/c1671-c1673)

Medicinski nalaz/Medical findings - B 11 (Annex C 178, pp. c1674-c1675/c1676-c1678)

Medicinski nalaz/Medical findings - B 7 (Annex C 179, pp. c1679-c1681/c1682-c1684)

Medicinski nalaz/Medical findings - B 4 (Annex C 180, pp. c1685-c1687/c1688-c1689)

Medicinski nalaz/Medical findings - B 18 (Annex C 181, pp. c1690-c1691/c1692-c1694)

Medicinski nalaz/Medical findings - B 12 (Annex C 182, pp. c1695-c1697/c1698-c1700)

Medicinski nalaz/Medical findings - B 24 (Annex C 183, pp. c1700-c1701/c1702-c1704)

Medicinski nalaz/Medical findings - B 16 (Annex C 184, pp. c1705-c1707/c1708-c1710)

Medicinski nalaz/Medical findings - B 22 (Annex C 185, pp. c1711-c1713/c1714-c1716)

Medicinski nalaz/Medical findings - B 17 (Annex C 186, pp. c1717-c1718/c1719-c1721)

Medicinski nalaz/Medical findings - B 21 (Annex C 187, pp. c1722-c1723/c1724-c1726)

Medicinski nalaz/Medical findings - BG 1 (Annex C 188, pp. c1727-c1731/c1732-c1735)

Medicinski nalaz/Medical findings - TS 1 (Annex C 189, pp. c1736-c1738/c1739-c1741)

Medicinski nalaz/Medical findings - TS 4 (Annex C 190, pp. c1742-c1744/c1745-c1747)

Medicinski nalaz/Medical findings - TS 6 (Annex C 191, pp. c1748-c1750/c1751-c1754)

Medicinski nalaz/Medical findings - TS 7 (Annex C 192, pp. c1755-c1756/c1757-c1759)

Medicinski nalaz/Medical findings - BL 1 (Annex C 193, pp. c1760-c1761/c1762-c1764)

Medicinski nalaz/Medical findings - BL 2 (Annex C 194, pp. c1765-c1766/c1767-c1769)

Medicinski nalaz/Medical findings - BL 3 (Annex C 195, pp. c1770-c1771/c1772-c1773)

Medicinski nalaz/Medical findings - BL 4 (Annex C 196, pp. c1774-c1775/c1776-c1777)

Medicinski nalaz/Medical findings - BL 5 (Annex C 197, pp. c1778-c1779/c1780-c1781)

Medicinski nalaz/Medical findings - BL 6 (Annex C 198, pp. c1782-c1783/c1784-c1786)

Medicinski nalaz/Medical findings - BL 7 (Annex C 199, pp. c1787-c1788/c1789-c1791)

Medicinski nalaz/Medical findings - BL 8 (Annex C 200, pp. c1792-c1793/c1794-c1796)

Medicinski nalaz/Medical findings - BL 9 (Annex C 201, pp. c1797-c1799/c1800-c1802)

Medicinski nalaz/Medical findings - BL 10 (Annex C 202, pp. c1803-c1805/c1806-c1808)

Medicinski nalaz/Medical findings - BL 11 (Annex C 203, pp. c1809-c1811/c1812-c1814)

Medicinski nalaz/Medical findings - BL 12 (Annex C 204, pp. c1815-c1817/c1818-c1820)

Medicinski nalaz/Medical findings - BL 13 (Annex C 205, pp. c1821-c1823/c1824-c1826)

Medicinski nalaz/Medical findings - M 20 (Annex C 206, pp. c1827-c1829/c1830-c1832)

Medicinski nalaz/Medical findings - M 21 (Annex C 207, pp. c1833-c1835/c1836-c1838)

Medicinski nalaz/Medical findings - M 22 (Annex C 208, pp. c1839-c1841/c1842-c1844)

Medicinski nalaz/Medical findings - M 23 (Annex C 209, pp. c1845-c1846/c1847-c1849)

Medicinski nalaz/Medical findings - M 24 (Annex C 210, pp. c1850-c1852/c1853-c1855)

Medicinski nalaz/Medical findings - M 25 (Annex C 211, pp. c1856-c1858/c1859-c1861)

Medicinski nalaz/Medical findings - M 26 (Annex C 212, pp. c1862-c1864/c1865-c1867)

Medicinski nalaz/Medical findings - M 27 (Annex C 213, pp. c1868-c1870/c1871-c1873)

Medicinski nalaz/Medical findings - M 28 (Annex C 214, pp. c1874-c1876/c1877-c1879)

Medicinski nalaz/Medical findings - M 29 (Annex C 215, pp. c1880-c1882/c1883-c1885)

Medicinski nalaz/Medical findings - M 30 (Annex C 216, pp. c1886-c1888/c1889-c1891)

Medicinski nalaz/Medical findings - M 31 (Annex C 217, pp. c1892-c1894/c1895-c1897)

Medicinski nalaz/Medical findings - M 32 (Annex C 218, pp. c1898-c1900/c1901-c1903)

Medicinski nalaz/Medical findings - M 33 (Annex C 219, pp. c1904-c1906/c1907-c1909)

Medicinski nalaz/Medical findings - M 34 (Annex C 220, pp. c1910-c1912/c1913-c1915)

Medicinski nalaz/Medical findings - M 35 (Annex C 221, pp. c1916-c1918/c1919-c1921)

Medicinski nalaz/Medical findings - M 36 (Annex C 222, pp. c1922-c1924/c1925-c1927)

Medicinski nalaz/Medical findings - M 38 (Annex C 223, pp. c1928-c1931/c1932-c1935)

Medicinski nalaz/Medical findings - M 39 (Annex C 224, pp. c1936-c1938/c1939-c1941)

Medicinski nalaz/Medical findings - M 40 (Annex C 225, pp. c1942-c1943/c1944-c1946)

Medicinski nalaz/Medical findings - JA 1 (Annex C 226, pp. c1947-c1952/c1953-c1955)

Medicinski nalaz/Medical findings - JA 2 (Annex C 227, pp. c1956-c1958/c1959-c1963)

Medicinski nalaz/Medical findings - DER 1 (Annex C 228, pp. c1964-c1967/c1968-c1974)

Medicinski nalaz/Medical findings - DER 2 (Annex C 229, pp. c1975-c1976/c1977-c1980)

Medicinski nalaz/Medical findings - DER 3 (Annex C 230, pp. c1981-c1984/c1985-c1991) and photos in the photo-documentation (Annex No C161, pictures No 1-3, p. 58)

Medicinski nalaz/Medical findings - DER 5 (Annex C 231, pp. c1992-c1993/c1994-c1997)

Medicinski nalaz/Medical findings - DER 7 (Annex C 232, pp. c1998-c1999/c2000-c2003)

Medicinski nalaz/Medical findings - DER 8 (Annex C 233, pp. c2004-c2006/c2007-c2011)

Medicinski nalaz/Medical findings - DER 9 (Annex C 234, pp. c2012-c2014/c2015-c2019)

Medicinski nalaz/Medical findings - DER 11 (Annex C 235, pp. c2020-c2021/c2022-c2025)

Medicinski nalaz/Medical findings - DER 13 (Annex C 236, pp. c2026-c2029/c2030-c2036)

Medicinski nalaz/Medical findings - DER 14 (Annex C 237, pp. c2037-c2039/c2040-c2044)

Medicinski nalaz/Medical findings - DER 15 (Annex C 238, pp. c2045-c2047/c2048-c2053)

Medicinski nalaz/Medical findings - DER 16 (Annex C 239, pp. c2054-c2056/c2057-c2060)

Medicinski nalaz/Medical findings - DER 17 (Annex C 240, pp. c2061-c2063/c2064-c2069)

Medicinski nalaz/Medical findings - DER 22 (Annex C 241, pp. c2070-c2072/c2073-c2077)

Medicinski nalaz/Medical findings - DER 21 (Annex C 242, pp. c2078-c2080/c2081-c2084)

Medicinski nalaz/Medical findings - DER 20 (Annex C 243, pp. c2085-c2088/c2089-c2096)

Medicinski nalaz/Medical findings - DER 19 (Annex C 244, pp. c2097-c2099/c2100-c2104)

Medicinski nalaz/Medical findings - M 1, (Annex No. C 259, pp. c2238-c2242/c2243-c2245) and photos in the photo-documentation (Annex No. C 161, pictures No 1-4, pp. 75-77)

Medicinski nalaz/Medical findings - M 17, (Annex No. C 264, pp. c2270-c2273/c2274-c2276) and photos in the photo-documentation (Annex No. C 161, pictures No 1-2, pp. 78-79)

7.3. ETHNIC CLEANSING

7.3.1. Ethnic cleansing is a new term that as yet does not have an established legal meaning. Forcible expulsion of parts of population does not qualify as genocide according to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide (see Ch. V. Counter-Memorial).

7.3.2. Chapter VII, Section 3, lists all acts that may qualify as "ethnic cleansing". If the Court finds them falling under the acts sanctioned by the Convention on the Prevention and Punishment of the Crime of Genocide, the Court is hereby requested to give them careful consideration and bring forth appropriate decision.

7.3.3. The number of Serb refugees who have fled either their homes or the territory of the B-H amounts to several hundred thousand. They have largely been victims of the ethnic cleansing.

7.3.1.0. Olovo

7.3.1.1. On 6 August 1992, members of the Muslim armed forces surrounded the village of Progoševo near Olovo, rushed into the houses of Serbs (about 20 households) and ordered them to leave their homes and the village within half an hour not allowing them to take any belongings with them. The houses were looted and set on fire, the cattle driven away, and the villagers travelled on foot for two days without any supplies in order to cross on the territory of the Republic of Srpska.

The following participated in the commission of this crime: Hamdo Pašalić, Rasim Ahabdić (father: Zehrid), Begir Nehić (father: Mujo) Avdo all from Olovo and Rasim Hasanović from Gajtan.

7.3.2.0. Livno

7.3.2.1. In the village of Veliki Gubar, the municipality of Livno, there used to live about 350 citizens of Serb nationality. In the course of May and June 1992 Croat armed forces exerted constant pressure on them to leave the territory. Their houses were set on fire and blown up, flats were searched, property and farming machinery seized. Serbs were often brought to the police station and held there and some were in fact taken away and nothing is known about their fate. There were also murders, Milena Laganin, whose husband Dejan was in camp at the time, was found dead in her home. Under such pressure a large number of Serbs left this place and those who did not manage to, continued to be subjected to various forms of maltreatment.

7.3.2.2. The woman witness I.M. was arrested three times in Livno from May to August 1992 only for being of Serb nationality. On 8 August there was a wholesale raid on Serbs which included women, old people and children. This witness was fired from work, had to report to the police every day, she was ordered to sign a statement giving up her own flat, which she had to do and she sold her furniture for next to nothing.

The person responsible for this crime is Mirko Baković, the president of the municipality of Livno.

7.3.2.3. From the time the Croat Democratic Union, the ruling party in Croatia, assumed power, Serbs living in Livno and the vicinity were constantly subjected to threats, blackmail and maltreatment, always attended by the question "when are you moving out?" They were summoned to the police often, held there for days and beaten. At night their houses were shot at and dead people were also found. All this was done to induce them to sign up "of their own free will" for exchanges, and they did, leaving their houses and property.

The following participated in the commission of this crime: Muhamed Ibrahović, warden of the camp in the "Ivan Goran Kovačić" Elementary School, Jozo Perić, warden of the camp located

in the building of the former Secretariat of Internal Affairs, and Jozo Djurić, investigator of the Secretariat of Internal Affairs in Livno.

7.3.2.4. In the period May - June 1992, the mausoleum in Livno in the chapel of which the remains of Serbs from Livno killed by the Ustashi in World War II had been buried was blown up and the chapel was set on fire.

HOS members took parts of the skulls of the victims from what remained of the mausoleum and attached them to the hoods of their cars which they drove around Livno.

The persons responsible: Ante Gotovina, HVO commander in Livno and Mirko Baković, president of the municipality of Livno.

Evidence: 205/94-7.

7.3.3.0. Tuzla

7.3.3.1. Before the outbreak of armed conflicts there had lived a large number of Serbs in the city of Tuzla as the minority population, the majority being Muslims. Relations between these two ethnic groups had been tolerant but from the moment civil war broke out, the Serbs, as the minority population, were exposed to various threats and pressures. The woman witness B.C. who left Tuzla as late as April 1994 stated that Serbs were fired from work, their flats were searched, they were called Chetniks and arrested to be released only upon depositing large sums of money.

The persons most responsible for these acts are Zvonko Gašić, chief of police in Tuzla and Martin Udovčić, a teacher by occupation and president of the Croat Democratic Union.

7.3.3.2. Prior to the outbreak of the armed conflict, personnel changes in leadership served only to strengthen the rule of the Muslim Party of Democratic Action and the Croat Democratic Union in Tuzla. Simultaneously, they were building up their military arsenals in preparation for the war to come.

In February 1992, B&H Defence Minister Jerko Doko, a Croat, sent a fax-message requesting Selim Bešliagić, the mayor of Tuzla, to deploy three Green Beret teams for special operations on the territory of the town of Tuzla. Having arrived in Tuzla, these teams overtly procured arms for themselves and openly flourished their insignia. Bešliagić assigned Enver Delibegović (Territorial Defence Chief of Staff) and Mehmed Žilić (secretary of the Municipal Secretariat for National Defence) to the task of supplying the teams with food and weapons.

Moreover, Selim Bešliagić advocated the idea of Yugoslav unity in public, while in his clandestine arrangements with Izetbegović, Ganić and Doko he worked on bringing together the region's political and military forces of SDA and HDZ, preparing for ethnic cleansing of Serbs.

Bešliagić had a hit list, complete with all addresses, of the Serbs to be liquidated and it included all prominent Serbs in the municipality (the eyewitness who can vouch for this).

The Muslim-Croat authorities of Tuzla assiduously prepared the attack on JNA personnel in the "Husinska buna" barracks, while simultaneously taking great pains to assure both the JNA representatives and the general public that the JNA would be given safe conduct once it decided to leave Tuzla.

At a full-member session of the so-called "crisis-management committee" in the office of mayor Bešliagić, a decision was reached to secure safe conduct for the JNA personnel during their evacuation from Tuzla and this was publicly announced on the local radio. At their next session held at The Mining Institute and attended by only Muslim members and one Croat committee member, they decided to launch an attack on the JNA convoy during its evacuation from Tuzla. So, the JNA was first promised safe conduct while leaving Tuzla only to be deceived and attacked later by the Muslim-Croat paramilitary units in the same way they had been attacked on May 3, 1992, in Sarajevo. A considerable number of innocent JNA soldiers were killed in the assault. The top Muslim-Croat political leadership of the B-H was also involved in making the decision to attack the JNA convoy.

The attack on the JNA convoy which was peacefully leaving Tuzla and the killing of a considerable number of soldiers, induced a large number of Serbs, residents of the municipality of Tuzla, to leave their homes and property fearing for their lives in this atmosphere of utter insecurity. At the time these events were taking place and shortly after they occurred, some 200,000 people of Serb nationality left Tuzla so that the municipality of Tuzla was largely "cleansed" of Serbs.

Evidence: 386/96-16 (Annex No 252 to the Part I of the Counter-Memorial).

7.3.3.3. After 15 May 1992 when a JNA column was attacked in Tuzla as it was evacuating from the city, Muslims maltreated the Serbs who had remained to live in this city in various ways. They barged into Serb flats on the pretext of searching for weapons and ransacked them. The witness 184/95-40 was arrested after his flat had been searched and taken by car towards the outskirts of Tuzla; en route they told him that they would pull out his nails and cut him to pieces. He was saved from such a fate by an influential Muslim acquaintance of his, who later told him that "Biber" had been taking him to be executed only because as a professor he was a citizen of note in Tuzla.

Serbs in Tuzla lived in constant fear. For the Muslims of Tuzla "a good Serb was a Serb who readily responded to the Muslim call-up, took a gun and went to Majevisa or Brčko to shoot at Chetniks". As the Serbs refused to be mobilised into the army of Bosnia And Herzegovina, they were arrested on a massive scale by the military police and shut as a rule in the former "Husinska buna" JNA barracks and in the District Camp in Tuzla. For refusing to be drafted some were sentenced to long terms of imprisonment but the majority were being held in camps without any written decision.

In September 1992 the Party of Democratic Action started publishing its weekly "Zmaj od Bosne" whose stars were the journalists Rifat Hasković, Nisvet Džanko, Adnan Jahić and Vedad Spahić. The basic message of this paper was hatred of everything Serb and it called for revenge to be taken on the Serbs for crimes they had allegedly committed in the past. The paper inter alia

published wanted posters of persons of Serb nationality, respectable citizens of Tuzla and intellectuals. Among others, the text by the journalist Vedad Spahić was published requiring of every Muslim to kill one Serb and claiming that children from mixed marriages were mentally retarded and physically deformed.

Evidence: 184/95-40.

7.3.3.4. The problem of the status of Serbs in Tuzla is discussed also in the Sixth Report of Mr. T. Mazowiecki dealing with the situation of human rights in the territory of the former Yugoslavia, where it is said that "their situation is desperate and almost all of the 18,000 believed to be in Tuzla want to get out." Mr. Mazowiecki sees the threat of forcible mobilisation into the ranks of the government forces and their sending to fight against other Serbs as the basic reason for the Serbs' concern. The second reason is the psychological pressure in the form of harassment at the hands of their neighbours and colleagues and the alleged constant use of the word "Chetniks".

7.3.4.0. Travnik

7.3.4.1. After the units of the Yugoslav People's Army had left Travnik, members of Croat and Muslim armed forces started barging into Serb houses and ransacking them, taking away valuables, and anyone who protested was beaten. On 21 June 1992 two bombs were thrown into the house of the woman witness wounding her. She was taken to hospital but the doctor on duty, Dr. Mirsad Granov, refused to attend to her because she was a Serb. In September 1992 Muslim police came to her house and told her that she had to leave it because Muslim refugees would be moving into it. The witness later fled to Serb territory.

This witness names the following as responsible for these acts: Mirsad Tomić, Meho Suljagić, Mustafa Grabus and his son Rijad Grabus and Dr. Mirsad Granov, doctor at the hospital in Travnik.

7.3.4.2. The witness, a medical technician by profession, confirmed that after Muslims and Croats had assumed power in Travnik, health institutions started refusing to extend

medical assistance to members of Serb nationality. All Serb patients who happened to be in the Travnik Municipal Hospital at that time disappeared overnight, and some had died even though their condition had not been all that serious.

7.3.4.3 The witness and his family lived in the village of Belo Bučje near Travnik mainly populated by Muslims. In November 1991 an armed Muslim unit called "Krajišnici from Kozarac" commanded by "Colonel Edo", allegedly a former JNA officer, entered the village. They harassed the witness, his parents and his uncle, beating and threatening them. They confiscated their money and valuables. They told them that there was no place for them in the village since they were Serbs.

The witness was taken to be shot, but he managed to escape and reached the territory of the Republic of Srpska after hiding in Travnik for four months.

Due to such an attitude of Muslims all the Serbs from the village had to leave their houses and flee to the territory of the Republic of Srpska. Their property was plundered by Muslims.

At that time the commander of the "crisis headquarters" in the village was Smajo Derbić and he is held responsible for the mentioned acts.

Evidence: 333/95-31

7.3.5.0. Zenica

7.3.5.1. On 5 June 1992 strong Muslim armed forces attacked villages in the vicinity of Zenica (Janički vrh, Drivaša, Raspotočje, Perin Han, Gornja Vraca, Mutnica and Lokve) populated exclusively or predominantly by Serbs. A large number of Serbs were killed and when the survivors requested them to stop the attack, the Muslims accepted on condition that all Serb men from the mentioned villages assemble at a designated point so that they could satisfy themselves that there were no soldiers or paramilitary formations in these villages, and guaranteed that nothing would happen to them.

When the Serbs did so they were banded together and taken to a camp in Zenica.

The following have been identified among the perpetrators of this crime: Firad Šišić, camp commander, Mujčin Bešlo, Military Police commander in Zenica, Mirsad Strika, judge of the High Military Court in Zenica and one Keleštura from the village of Gornja Vraca.

7.3.6.0. Srbinje (Foča)

7.3.6.1. Muslim extremists, members of the Patriotic League, set a number of buildings in Foča on fire in the period from 11-15 April 1992. One evening they set fire to the old part of Foča called "Priješka Čaršija" burning down on that occasion the Orthodox Parish building in Foča and the houses of Milo Malić, Natalija Sunarić and Mara Lučić.

They also torched the houses of Dragan Plemić, Milisav Kovačević, Momo Kovač, Milorad Radović, Božo Drakula, Savo Obrenović, Djordje Pavlović, Desa Gujičić, Ilija Radović, the house and restaurant of Mičo Krnojelac, the restaurant of Nebojša Grujučić, the flat of Velizar Grujičić.

In all the cases Serb property was in question.

Evidence: Report of the Serb Orthodox Church.

7.3.7.0. Konjic

7.3.7.1. The village of Zukići near Konjic is populated mainly by Muslims. There were only five Serb houses in it. Under Muslim and Croat pressure almost all Serb villagers left the village. Only the Djordjević family remained and all of them were later killed (Jelenko, Sofija and Mara).

The following have been identified as the perpetrators of this crime: Reho Belić, Elvedin Rizvanović, aka "Elvo", Mehmedalija Rizvić and Osman Karić, aka "Boca".

7.3.7.2. The witness was on the staff of the Health Centre in Konjic as a doctor specialist. Starting with May 1992 the attitude towards Serbs became unbearable. The director of the Centre kept telling the witness and other Serbs that all of them were hostages and would be killed if only anything happened to the Muslims. When on 7 May 1992 he came home from work he found his flat broken into and occupied by the Muslim Bajro Hajić, notorious for his misdeeds. The witness was not allowed into the flat nor was he allowed to take anything from it. He was forced to leave Konjic with his wife and two children, having left behind, in addition to the flat, also a house on Jablaničko lake, two passenger cars and objects of great value (a library, a collection of paintings, etc.).

The persons responsible for this crime are Ahmed Jusufbegović, doctor, director of the Health Centre in Konjic, and Bajro Hajić from Konjic.

Evidence: 280/94.

7.3.8.0. Mostar, Čapljina, Stolac and Jablanica

7.3.8.1. Massive-scale ethnic cleansing took place in Mostar, Čapljina, Stolac and Jablanica. About 45,000 Serbs are estimated to have left these areas abandoning their houses and property under the threats of Muslim and Croat armed formations that they would be killed. (Report of the Committee Compiling Data on Crimes against Humanity and International Law on Mostar, 1991-1993, Annex No. C 274 pp. c2353-c2375)

The Sixth Periodic Report of Mr. Mazowiecki, special rapporteur of the Commission on Human Rights, states: "The result of the ethnic cleansing of Serbs was that the entire population was reduced from their pre-war number of 30,000 to only 400".

7.3.9.0. Derventa

7.3.9.1. The village of Bosanski Lužani which is situated on the road from Derventa to Bosanski Brod was populated predominantly by Serbs. Croat armed formations repeatedly raided this village and massacred the villagers, destroyed houses and looted property. There are no Serb families in this village any longer.

7.3.10.0. Bratunac and Srebrenica

7.3.10.1. Para 46. of Mr. T. Mazowiecki's periodic report says that "there exist reliable reports that many Serb villages in the area of Bratunac and Srebrenica were deliberately burned down, and approximately 5,000 refugees fled this area and across the Drina river into the Federal Republic of Yugoslavia".

7.3.11.0. Banovići

7.3.11.1. In the afore-mentioned report of Mr. Mazowiecki, paras 74. and 75. refer to the maltreatment and massacres of Serbs living in Banovići. Before the armed conflict 4,453 of Serbs had lived there and later not more than 200 remained. At the end of spring and in the summer of 1992 members of Serb nationality were arrested, beaten and tortured, and some died of the injuries.

The report also notes (para 77.) that the Serbs in the village of Stupari were treated similarly. They were arbitrarily arrested and detained without a trial.

7.3.12.0. Sarajevo

7.3.12.1. Ever since war broke out in Bosnia-Herzegovina, Serbs living in the section of Sarajevo controlled by

Muslim authorities were subjected daily to various interrogations, detailed searches of their flats, insults on national grounds, threats that they would be killed, etc. Many Serbs were drafted into the army of Bosnia-Herzegovina.

Evidence: 802/95 (svedočenje S.L./testimony S.L., Annex No. C 57, pp. c571-c574/c575-c578)

7.3.12.2. The witness was mobilised by force in December 1992 and taken to the line of separation on Hrasno hill where he stayed until 14 October 1993. During this period he witnessed snipers from Muslim units firing towards the Serb section of Grbavica every day and killing civilians there. Among them the witness noticed in particular Dedo Šeovac or Šević as the most active. Snipers received two packs of cigarettes as a reward for every civilian killed, and the witness heard them boasting how on the average they killed one Serb a day.

After an attempt to escape from the army of Bosnia-Herzegovina the witness was arrested and taken to camp, initially the one in the Headquarters of the 102nd brigade in Hrasno, near the school for handicapped children, where the training school for their military police was also located. From this camp he was taken to the camp in the former "Viktor Bubanj" barracks and then to the Central Prison in Sarajevo. During his stay in these camps the witness was subjected to horrendous physical torture. He also noticed that the guards in the "Viktor Bubanj" barracks hid some of the prisoners when representatives of the International Red Cross came.

The witness knows that the senior official in the "Viktor Bubanj" barracks was Hamzo Dolan, and the warden of the Central Prison in Sarajevo Meho Sobo who was later replaced by Esad Osmanbegović.

In the "Viktor Bubanj" camp the witness was in a position to overhear conversations of members of Muslim formations there. They addressed each other using nicknames, e.g. "Kliker", "Eso", "Čombe" and similar. Each one said how he had killed 10 to 20 Serbs at a place called "Kazani" (the pass). They also talked about how they would throw into the pits at that spot as many as a hundred killed Serbs and then burn them.

According to the witness's estimate there were more than 100 imprisoned Serbs in the Central Prison in Sarajevo while he was there, and they were taken to forced labour for military needs during combat and exposed to the danger of being killed.

Evidence: 184/95-41.

7.3.13.0. Visoko

7.3.13.1. On 20 June 1992 Muslim armed forces attacked Serb villages in the area of the municipality of Visoko.

They captured most of the Serbs who had not managed to flee and took them to the camp in Visoko.

A small number of the inhabitants of the village of Maurovići in the municipality of Visoko returned to the village to tend to their cattle and their homesteads. Muslims exerted pressure on these villagers to leave also, saying to them: "When will you Chetniks go, why aren't you moving?" Once when a group of Muslims came to the village they killed Novica Bajić from Kakanj who happened to be there by chance and seriously wounded I. S. from M. After this, they took the remaining Serbs in the village also to the camp in Visoko.

In November 1992 all Serbs from the area around Visoko were forced to leave their homes and cross over to the territory of the Republic of Srpska.

Novica Bajić was killed by one "Erceglija" from the village of Mokronoge, and the armed unit to which he belonged was commanded by Reufit Jamaković. Among those who forced the Serbs out of their homes was also Mujo Omanović, aka "Mujke" (father: Šukrija from the village of Radnovići, the municipality of Visoko).

Evidence: 49/95-27.

7.3.13.2. Since mid-May 1992 on, strong Muslim armed forces started arriving in the area of Visoko from Zenica occupying

positions around the Serb settlements in the municipality of Visoko. On 20 June 1992 these armed Muslim formations attacked the Serb settlements of Dobrinje, Vilenjak, Radovlje, Pučišće, Kološići, Muhašinovići and Donja Zimča.

During that attack, in Vilenjak they killed Željko Ristić and his mother, Slavko Damjanović and his wife Jelka; in Kološići they killed Boško Vuković, his wife Draginja, their sons Rajko and Mile, and also Zdravko Vuković and Jelenko Vuković, executing them all by firing squad in the yard of Boško Vuković.

The inhabitants of these villages were forced to attempt to break through the encirclement in the direction of Kiseljak and from there on to the territory of the Republic of Srpska. About 3,000 Serbs managed to break out, most of them having to cover several tens of kilometres on foot.

However, the villagers of the Serb village of Radovlje with the hamlets of Kondjilo, Lisovo, Djindići, Maurovići, Paljike, Kalotići and Bradve, did not make it because the Muslims fell upon the village and captured them all before they had a chance to flee.

The blind Mira Vanovac from Gornja Zimča, over 60 years old, Jovan Šarenac from Muhašinovići, about 70 years old and Blagoje Čulum from Donja Zimča, about 70 years old did not manage to get out. The Muslims found them in their homes and killed them, cutting Čulum up with knives.

During the Muslim attack some of the villagers tried to offer resistance but the Muslims killed them: Dragan Kokotović, Lazo Hrvačević, Nedjo Vojnović, Radovan Gličić, all from Kučišće; Rajko Raković, Branko Cvijetić and Vlatko Milanović from Radovlje. Višnja Bajić, about 10 years old and Igor Stojičić from Paljike, 16 years old, were killed by shelling.

All the Muslim actions directed at the ethnic cleansing of Serbs from Visoko and the Serb settlements in this municipality were co-ordinated by Hasim Mušibegović and his brother Jusuf, former JNA officers, from the village of Liješevo.

Evidence: 49/95-28.

7.3.14.0. Hrasnica

7.3.14.1. Muslim troops wearing Green Beret uniforms and HVO soldiers in black uniforms with Ustashi insignia formed work units consisting of Serbs in the area of Hrasnica. These units had blue overcoats and caps. They executed works in the second half of 1992 and later, digging trenches on the first line of combat, during combat as well. Before being assigned to these units their members had been arrested and spent time in camps where they were ruthlessly tortured. They were also incessantly threatened that they would be killed and told that there was no way they could live together with the Croats and Muslims.

Twenty-one Serbs were killed and thirteen wounded while on work duty. Among those killed were Nikolić, Rakić, Stjepanović, Barišić, Šućur , Gvozdić, Papučić, Bjelica, Micić, and others.

Evidence: 284/95-2.

7.3.15.0. Živinice

7.3.15.1. The inhabitants of the Serb village of Donji Tupkovići in the municipality of Živinice, fearful that the Muslims from the neighbouring villages would again commit the kind of crimes they had committed against the Serbs in World War II, left the village and fled to safer areas, mostly in the direction of Šehovići. Only the elderly and the infirm who did not want or were unable to leave their homesteads remained in the village. Muslims from the neighbouring villages fell upon Donji Tupkovići every now and then and plundered the abandoned houses seizing everything of value. They maltreated those who had remained in the village, demanded that they surrender their arms, threatened to execute them and similar. This state of affairs lasted until 12 June 1992 when the Muslims raided the village of Donji Tupkovići, rounded up all the remaining Serbs and took them

to Živinice. They placed the women in the former clinic and the men in the library called Šarenjak near the stadium in Živinice. There they beat and tortured the men and then took them away to Tuzla and never allowed them to return to the village. The women were not allowed to return to their homes either.

However, some managed to return to Donji Tupkovići but were captured there by the Muslims who killed a number of persons. Among the Muslims who arrested and took the villagers from Donji Tupkovići to Živinice was also Omer Ćasimović (father: Ibro) from Tupkovići.

The Serb population of Živinice was also subjected to daily maltreatment at the hands of the Muslims who openly threatened that they would kill any Serb they found in the street. Thus, for instance, Džemo Ferizović from Tupkovići, caught the Serb Nikola Papović, an elderly man from the village of Krivača, in the centre of the town and killed him. M.P., 40 years old, was beaten up in his flat, his flat was demolished, and he was dragged unconscious out into the street.

The Serbs incarcerated in the Šarenjak library near the stadium in Živinice, whose names are known to the Committee, were subjected to physical and mental torture.

The Muslims looted all abandoned Serb villages in the municipality of Živinice and burned them to the ground and drove away all the cattle.

Evidence: 184/95-36.

7.3.16.0. Višegrad

In Višegrad, the town which the Nobel prize winner Ivo Andrić masterfully portrayed in his novel "The Bridge on the Drina" special preparatory measures within the framework of the general plan for secession from Yugoslavia were undertaken. After the 1990 multi-party elections, pressures on the Serbs in Višegrad started in the form of threats and physical assaults. These pressures later

escalated into overt persecution with the Muslim authorities explaining it as individual excesses.

7.3.16.1. Purely genocidal slogans began to appear about the need to exterminate the Serbs from Višegrad in pursuit of the creation of a purely Muslim state of Bosnia-Herzegovina. Alija Izetbegović's positions expounded in his "Islamic Declaration" aimed at the creation of a Muslim state were being put into practice in Višegrad in an organised fashion.

The Serbs in Višegrad, and in fact in the whole former Bosnia-Herzegovina, saw as eminently genocidal the act of the demolition by Muslims on 1 July 1991 of the monument to the Nobel prize laureate Ivo Andrić on Liberation Square in Višegrad, including the way in which it had been done. The monument was demolished by the brother of the vice-president of the Party of Democratic Action in Višegrad in person. The marble head of the Nobel prize winner was crushed with a sledgehammer and thrown into the Drina and the Muslims filmed the whole event. Before that a disparaging article about Ivo Andrić had been published in "Voks", a Sarajevo paper, with a drawing on the front page showing Ivo Andrić impaled on a stake, i.e. a pencil. The allusion was to the motto of his opus, i.e. the Turks' treatment of recalcitrant Christian infidels, the drastic punishment for whom in Bosnia under Turkish rule was implemented on a stake.

After this incident in response to which no measures were taken by the local authorities or the authorities in Sarajevo, Serbs in Višegrad continued to be persecuted, attacked at their workplaces, harassed in the street, Serb children were being intimidated at school and in the street, Serbs were dismissed from work, and some were killed. Buses coming from Serbia and Montenegro were attacked amid shouts of "Slaughter the Chetniks and throw them into the Drina". The Yugoslav flag would be burnt or fired at from automatic weapons. The Muslims always filmed these events.

In the meantime, all Serb policemen were forbidden to maintain public law and order and in fact fired.

In August 1991, Muslims in Višegrad circulated a leaflet with 20 instructions as to what should be done to the Serbs in order to expel or destroy them. Among others, there were instructions like these: "Forbid your children to socialise and play with them", "Empty your garbage in front of their doors", " Urinate in their gates", "Mark their houses and flats", "Write threatening graffiti on their houses and churches", etc.

The broader public is also acquainted with an incident that took place on 13 April 1992 when Murat Šabanović, the person who razed Ivo Andrić's monument to the ground, threatened to blow up the hydro-electric plant in Višegrad and Alija Izetbegović, president of the Party of Democratic Action, sent him the following message on radio waves: "Don't do it Murat, the time has not come yet". When several days later the time did come, he opened the sluice gate on the dam and the water rushing from the catchment caused extensive damage to property and took toll inhuman lives in the downstream Serb communities.

Evidence: 678/95-22 (testimony M.D. Annex 251c of the Part I of the Counter-Memorial)

7.3.17.0. Bosanska Posavina

It is quite certain that mass killings of innocent Serb population on the entire territory of the former Republic of Bosnia and Herzegovina as well as deportation of the Serb civilian population to camps set up and intended only for Serbs were not resorted to without a higher purpose. All this had a far-reaching aim - an aim that was, at the same time, a form of genocide in itself stipulated in the Convention on the Prevention and Punishment of the Crime of Genocide, Article 2, Para c. Preparations directed against the people of Serb nationality on the entire territory of the former Republic of Bosnia And Herzegovina commenced even before 1992, but it was then that they resorted to the methods of ethnic cleansing regarding the Serb population and their expulsion from the areas where they had been living. Ethnic cleansing was instrumental in committing a genocide directed against the Serb population.

The method of ethnic cleansing was used against the Serb population in the municipal suburbs of Brčko, Orašje, Odžak and Brod (Bosanski Brod). The policy of spreading fear among the Serbs was both premeditated and organised. Their fears ranged from deep anxiety as to whether they would be able to save their lives, to fears concerning their future and what it might hold in store for them in case they opted to remain on their land where they had lived for centuries. Various crimes were committed by all sorts of military formations. Civilians of Serb nationality were killed just because they were Serbs, many women were raped for no other reason but because of their Serb nationality, Serbs were departed to camps on such a large scale that the entire Serb population of a place was sometimes dislocated, Serbs were dispossessed of their property or it was destroyed just because it belonged to Serbs in order to deprive them of one of the basic conditions that would enable them to remain and survive on the land of their fathers. All these and some other activities (destruction of the Serb cultural heritage, places of religious worship, monuments of cultural and historical interest, graveyards...) directly resulting in ethnic cleansing of the Serbs from these areas and constitute genocide of the Serb people. As a direct consequence of such activities, several hundred thousand Serbs from the territory of the former Republic of Bosnia and Herzegovina were forced to leave their homes, including a comparatively large number of Serbs from the aforementioned four municipalities.

7.3.18.0. Brod (Bosanski Brod)

As in Brčko, Orašje and Odžak, the towns and villages that used to belonging to the municipality of Brod (Bosanski Brod) were also among the locations where Serbs were treated in a manner indicating that the sufferings of Serbs and in particular the attempts to expel them from their ancestral homes were the result of long and careful previous planning.

Witness 593/94-35 who held an office of responsibility in the municipal Assembly of Bosanski Brod in 1992 gave a detailed description of the conditions in which the Serbs had lived on the eve of the war. He stated:

"...Already in 1991, it was obvious that Croats were making preparations to capture Bosanski Brod. This was especially evident in Slavonski Brod where HVO, HOS and the Green Beret units were formed. They began to threaten the Serb population living in the region. Frequently, they threatened to kill, slaughter and expel all of them from the area, claiming that Serbs had nothing to hope for in Croatia. For a time, Serbs were forbidden to cross over from Bosanski to Slavonski Brod and the following slogan was put up in many public places:

"Serbs and dogs, keep out!"

Undercover Croat agents were sent over to the region of Bosanski Brod to harass and threaten the Serb population. On March 3, 1992, having seen the Croat military preparations in the region of Bosanski Brod, a Serb official in the municipal Assembly of Bosanski Brod convened a meeting attended by, among others, representatives of the then government of Bosnia and Herzegovina, including Ejup Ganić, Dr Nikola Koljević, Jerko Doko, Avdo Hebib, Petko Čančar, Minister of the Interior Mustafa Delimustafić and general Kukanjac, and they all eventually agreed to take measures to calm the situation.

That very day, however, immediately after the meeting, the Serb official suffered multiple gunshot wounds while he was in his car. He was shot twice in the left leg below the knee and once in his right knee. The attackers belonged to HOS from Slavonski Brod.

Later that night, Slavonski Brod was raided and captured by HVO troops from Croatia.

Evidence: 593/94-35, 162/96-4

7.3.18.1. Following are a few examples of the attempts to implement the policy of ethnic cleansing of Serbs in the region of Brod.

On 26 March, 1992, strong Muslim and Croat forces surrounded one part of the village of Sijekovac near Brod in which Serbs were the minority population and, as described previously, killed a number of Serb males including: JOVO ZEČEVIĆ and his three

sons MILAN ZEČEVIĆ, VASA ZEČEVIĆ and PETAR ZEČEVIĆ, they also killed LUKA MILOŠEVIĆ and his sons ŽELJKO MILOŠEVIĆ and DRAGAN MILOŠEVIĆ, as well as SVETA TRIFUNOVIĆ and MARKO RADOVANOVIĆ.

In addition to murdering innocent civilians, the attackers torched a number of Serb homes at the occasion, including even those belonging to the Serbs killed in their homes on 22 March, 1992, as already described.

The house of Milan Zečević, who was murdered in the raid, was a two-storey building with a basement built on a 10 by 10 metre foundation. It was first plundered, then blown up and set on fire. Two cars, a Mercedes 240D and a Zastava 750, were stolen as well as one Uzurs tractor. The tractor was later found in bad repair in front of the house of Nijaz Čaušević, nicknamed Medo. The late Milan Zečević left behind a wife and two minor children. The value of the property destroyed in the raid was estimated at DM 700 000 or 800 000.

Evidence: 584/94-4 (svedočenje J.Z./testimony J.Z., Annex No. C 38, pp. c390-c393/c394-c397)

The value of the immovable property of murdered Luka Milošević which was either destroyed or confiscated was estimated at around DM 300 000. His house, built on a 9 by 7 metre foundation, was burned, as well as a single-storey outhouse in the backyard, a shed, a garage, a pigsty and his motor car. Among the perpetrators of the crime was also Zemir Kovačević from Sijekovac.

Evidence: 584/94-2

Immediately after the incident of March 26, 1992, in which the following Serb civilians were killed in the village of Sijekovac near Brod - JOVO ZEČEVIĆ, his three sons MILAN ZEČEVIĆ, VASA ZEČEVIĆ and PETAR ZEČEVIĆ; LUKA MILOŠEVIĆ and his sons ŽELJKO MILOŠEVIĆ and DRAGAN MILOŠEVIĆ, as well as SVETA TRIFUNOVIĆ and MARKO RADOVANOVIĆ - the houses of the Trifunović, Vasić and Kušljic families were also burned down the same night along with the houses of the families of Zečević and Milošević.

Evidence: 584/94-1 (svedočenje Lj.S./testimony Lj.S., Annex No. C 96, pp. c987-c990/c991-c994)

The perpetrators of the crime were: NIJAZ ČAUŠEVIĆ, nicknamed MEDO, ZEMIR KOVAČEVIĆ from Sijekovac and other as yet unidentified persons.

Evidence: 584/94-1 (svedočenje Lj.S./testimony Lj.S., Annex No. C 96, pp. c987-c990/c991-c994), 584/94-2 (svedočenje M.M.4/testimony M.M.4, Annex No. C 68, pp. c699-c701/c702-c705), 584/94-3 (svedočenje M.Z./testimony M.Z., Annex No. C 37, pp. c384-c386/c387-c389), 584/94-4.

7.3.19.0. Odžak

According to the evidence collected, ethnic cleansing of the Serbs from the municipality of Odžak, which started on May 8, 1992, was implemented not only by using to the previously mentioned methods, but also by raping women, civilians of Serb nationality, with the aim of forcing them to leave their homes with their families.

A body of material (documentary) evidence has been collected to corroborate the above assertion about treatment of the Serb population in the municipality of Odžak, but it will be dealt with later.

On May 8, 1992, the Serb population was found itself imprisoned in camps in a move that must have been planned and prepared much earlier. It should however be noted that these Serbs were unscrupulously deceived on this occasion, since they had previously clinched an arrangement with the Croat authorities according to which the Serb population of Odžak, Trnjak, Struk, Donja Dubica, Novi Grad and Gornji Svilaj was to be transferred to the free territory.

Instead of to the free territory, the Serb population was taken to the camps which had already been set up for them - one in

the gym of the elementary school in Odžak and another on the premises of the Strolit enterprise in Odžak.

According to the lists made up by the Croat Council of Defence in Odžak, the camps in Odžak housed 618 persons of Serb nationality.

The document in question bears the title The List of Detainees in the Camp (school).

It is obvious that the use of such an inappropriate term in the title had the purpose of misleading the public into believing that the camp was primarily intended for "detainees" and deliberately muddles up the question of who was actually held in the camp, for what reason and on what grounds.

The term was apparently chosen to cover up the fact that it was, in fact, a camp intended solely for Serbs.

This document requires further elaboration, as regards its name and its content.

The list includes exclusively Serbs, which is evident at first glance by only skimming through the names and surnames of the "detainees".

Furthermore, all 618 Serbs were brought to the camp on the same day - May 8, 1992, although no legal grounds are to be found that would necessitate the apprehension of a single person, let alone of as many as 618 of them.

Even a perfunctory analysis would quickly yield some self-evident results: 105 of the 618 Serbs from the list were over 60 years of age, or, to be even more precise, 67 of those were between the ages of 60 and 70, 29 were between 70 and 80 and 9 of them were even older than 80. The youngest male Serb in the camp was 17 years of age (listed as N^o10), while the oldest was 85 (N^o200).

The taking of almost entire Serb population from the region of the municipality of Odžak to the camp and everything that followed there, including torture of Serbs, coupled with the fact that

their property was destroyed on a large-scale, their homes torched, their possessions seized and the women raped (as already mentioned) gives clear indication that it had all been calculated beforehand so that Serbs would no longer live in this area.

There are a few more pieces of documentary evidence that may shed more light on the heart of the matter - why were Serbs treated in such a manner?

The content of the Document N^o91/94-1, document 1, shows that the conclusions of the crisis-management committee of the municipality of Odžak N^o07/92 of May 12, 1992, revealed that the 139th Brigade was the one that torched the Serb village of Donja Dubica and plundered the farms in the Serb villages of Novi Grad and Donja Dubica. The conclusions also indicate that members of the 139th Brigade acted on their own initiative and without the knowledge of the civilian and military authorities in Odžak when they selected civilians of Serb nationality in the camp and took them to an unidentified direction where they liquidated them.

Moreover, in the report submitted by the Odžak Municipal Office of the Ministry of Internal Affairs of the Republic of Bosnia and Herzegovina (Document N^o191/94-1, document 2) "on the residential and other buildings burned to the ground in Donja Dubica and Novi Grad" it is stated that an authorised expert team composed of officers from the Public Security Station and a representative of the crisis-management committee inspected the location on May 11, 1992, (which means, only three days after the mass taking of Serbs to the camp) and that they established the following:

- that there was a number of family homes (many of which had more than one floor) that had been burned to the ground. In Donja Dubica, the houses belonged to: Milivoje Goranović, Ilija Borojević, Jevta Kovačević, Rajko Radulović, Marko Dragić, Mihailo Stanišić, Andrija Dragić, Radomir Dragić, Svetozar Božić, Trifa Dragić, Rajko Dragić, Mića Dervenčić, Milan Milojević, Mirko Borojević, Ana Jovanović, Laza Goranović, Živko Čečavac, Mara Djurić, Bogdan Djurić, Rade Djurić, Mirko Milošević, "Cinca" Milojević, Rajko Djurić nicknamed Truman, Mihailo Djurić, Sreta Ninić and Joca Milošević. School buildings were also burned as well as the clapboard homes of: Sreta Goranović, Nikola Goranović, Joca Lugonjić, Rajko Lugonjić,

Gavra Milojević and Vid Borojević. In Novi Grad, a family home with number 254 on it was also burned down.

It can be seen at first glance that many Serbs who were taken to the camp on May 8, 1992, also had their homes burned down. Once the connection between these two occurrences is established, it does not take much speculation to understand the objective of the imprisonment of these Serbs and the simultaneous destruction of their homes.

Numerous witnesses, Serbs from the municipality of Odžak, testified that all their possessions of any significant value (passenger cars, tractors and valuables of all sorts) were confiscated on May 8, 1992, when they were ostensibly escorted to the "free territory", that is, to the camp where they were taken without any personal belongings (This is, for example, stated in the testimonies of the witnesses: 280/95-1, 280/95-3, 280/95-5, 280/95-9, 280/95-65, 280/95-88, 280/95-89).

These are only a few of the many examples showing that Serbs were robbed of their property on a truly large scale.

In addition, the following places of worship were also destroyed: St. Peter and Paul's Serb Orthodox church in Novi Grad and the Serb Orthodox church of Virgin Mary in Donja Dubica.

Evidence: 593/94-33, 55/95-1, 55/95-2, 55/95-4, 55/95-1, 55/95-7 (svedočenje V.Č./testimony V.Č., Annex No. C 119, pp. c1204-1208/c1209-c1213), 55/95-8, 55/95-9, 55/95-10, 55/95-11, 55/95-12, 55/95-13, 55/95-14 (svedočenje P.D./testimony P.D., Annex No. C 26, pp. c255-c258/c259-c262), 55/95-15, 55/95-16, 55/95-17, 55/95-18, 55/95-22, 55/95-23, 55/95-28, 55/95-29, 55/95-43, 424/95-2, 424/95-20, 424/95-23, 55/95-25, 55/95-26, 55/95-29, 55/95-34, 55/95-35, 55/95-36, 55/95-37, 55/95-39, 55/95-40, 55/95-42, 55/95-42, 55/95-43, 55/95-45, 191/94-14, 191/94-15, 191/94-16.

7.3.19.1. Some specific events will be described here, which will complement the facts stated so far and indicate even more clearly that various activities, evidently aimed at ethnic cleansing of Serbs as part of genocidal activities against the Serb population, were undoubtedly undertaken by the local authorities in the municipality of

Odžak. Such an inference has been drawn from concrete actions designed to intimidate Serbs and create an air of hostility in which Serbs would feel that there was no place for them in this area any more. The achievement of this objective also relied upon rapes of Serb women at the time when Serb men were largely incarcerated in camps. A few more examples of the destruction of Serb property in the region will be presented below.

7.3.19.1.1. The village of Novi Grad was inhabited exclusively by Serbs while all the other villages around it were Croats. Immediately before the war, the people from the Croat villages started arming themselves and formed military units bearing HVO (the Croat Defence Council) insignia. In the first half of 1992, the units thus formed and the armed Croat civilians started threatening their Serb neighbours saying that all Serbs would be either killed or expelled from their homes and that there was no way they could go on living with Croats and people of other nationalities. They got down to digging trenches on the edges of their villages and blocked all exits from the village of Novi Grad, so that the Serb villagers could no longer get out. More and more threats were issued by the day until on May 8, 1992, the Croat army ordered all Serbs from the nearby villages who happened to be in Novi Grad at the time to leave the village and proceed in the direction of Odžak.

The ruse that followed was already described earlier in the text and, instead of arriving in the free territory, the Serbs were deceived and found themselves in the camps in Odžak after being stripped of all their possessions.

Evidence: 424/95-1

7.3.19.1.2. The suffering of the Serbs in the village of Gornji Svilaj was no coincidence. Members of the Croat Democratic Union undertook various actions with ethnic cleansing of Serbs in mind. One of the ringleaders of such activities in Gornji Svilaj was Luka Jurić, also known as Babaivke, who was known for strutting through the village in his army uniform bearing Ustashi insignia even before the armed conflict flared up. He also organised procurement and transport of arms for the Ustashi paramilitary units. On countless occasions he fired his guns in the streets of the village trying to intimidate and provoke his Serb neighbours.

Evidence: 191/94-17

7.3.19.1.3. In June 1992, in the village of Vrbovački Lipik - Odžak, M.T. (b. 1935) and his wife N.T. (b. 1941) suffered immensely for no other reason but for being Serbs.

On June 3, 1992, a group of armed men in camouflage uniforms (Ivica Mutavdžić from the village of Donji Svilaj, Ilija Jurić, also known as Bekrija, and others) entered their yard and set fire to their stable. They first ordered M.T. to set his cattle loose and drive it out of the stable. After they ordered him and his wife to sit on a haystack, Ivica Mutavdžić ripped off the woman's knickers and, one after the other, they all took turns setting matches to the hay. The fire spread quickly, so, at one point they allowed the couple to get down from the haystack. After that, they left but soon returned the same day and Ivica Mutavdžić and some other HOS soldiers raped N.T. forcing her also to various sexual perversions.

After they burned down the couple's stable, Ivica Mutavdžić and a group of Croat soldiers came again at their door. This time they beat the couple up with a metal pipe (it was about 30 cm long with a diameter of about 1cm and had a metal handle attached to it at one end). They were bashed all over their bodies so they were covered with blood and bruises. They were particularly violently beaten in the region of the kidneys and backside.

Evidence: 593/94-24, 280/95-89, 593/94-28 and 280/95-65.

7.3.19.1.4. An incident that took place on July 3, 1992, in the village of Novi Grad - Odžak clearly testifies to the fact that the Serbs in Bosanska Posavina were indeed intimidated by all kinds of crimes committed against them and were thus compelled to flee their homes unless, of course, they were first taken to camps or liquidated. On that day, members of a group called Vatrene Konji (Fiery Horses), which was attached to the 102nd Odžak Brigade and commanded by MARJAN BRNIĆ, drew two minor girls P. and L. from the house of M.V. and later raped them. Then they drove the remaining Serbs - some 15 of them, all women and children - into

the house, locked them up and set fire to the house so that the women and children had to jump through the windows for their lives.

Evidence: 280/95-43, 280/95-68, 280/95-69.

7.3.19.1.5. B.T., a Serb from the village of Novi Grad, (whose son was killed during forced labour, i.e. digging trenches on the front line) had his house burned and all of his property plundered. The two-storey house with a 10 by 10 metre base was newly-built, had attic rooms, was fully furnished and was worth around DM 500 000.

Evidence: 593/94-15

7.3.19.1.6. Croat soldiers burned the house of M.N., a Serb woman from the village of Novi Grad. They also plundered her property and seized a brand new Mercedes passenger car. The overall damage she suffered amounted to around DM 500 000.

Evidence: 593/94-17

7.3.19.1.7. The property of another Serb woman B.Z. was greatly damaged. Her home in Gornji Svilaj was plundered and riddled with machine-gun bullets. She stated that, to her knowledge, the greatest looters of all were Stjepo Brnić and his sons Ilija and Zvonko.

Evidence: 191/94-26

7.3.19.1.8. S.N., a Serb woman born in Novi Grad in 1955, whom Croat soldiers attempted to rape in a van in Posavska Mahala in early June 1992, saw Pavo Sičić get out of the van which stopped in the hamlet of Brezik and burn down the houses of VID DJEKIĆ, ZORKA ŠIŠLJAGIĆ, SVETOZAR PANIĆ, VASA PANIĆ and the house of his mother.

Evidence: 424/95-32

7.3.19.1.9. S.M. and D.P., both Serbs from Gornji Svilaj, were taken out of the camp in Odžak to help Croat soldiers loot Serb estates in Gornji Svilaj. They were ordered to break the

lock on the door of every Serb house and let the Croat troops in, ostensibly to search for hidden weapons. The troops took the opportunity to steal all valuables, gold, cash etc.

Evidence: 55/95-19, 55/95-25

7.3.19.2. Statements submitted by many witnesses, particularly women from the region of Odžak, leave no room for doubt that the planned, systematic persecution, abuse and rape of Serb girls and women was instrumental in the ethnic cleansing of Serbs and, together with looting of their property, it was, ultimately, part of the genocidal treatment of the Serb population by the local authorities. This was followed by the torching and blowing up of Serb homes, which has already been described before and will also be discussed later on in this paper. Their testimonies are moving and all alike as are their suffering and experience.

Among other things, their testimonies and many other pieces of evidence already submitted and verified show that the Serbs from Novi Grad and many other places in the region of Odžak were ordered to leave their homes under the pretence that they would be escorted and allowed to cross over the free territory near Bosanski Šamac. But when they reached Odžak, Serb males were separated from their wives and children and taken to camps while women and children were put up in private homes in Odžak and ordered not to leave them without the permission of the authorities.

Following are several cases of torture and rape of Serb women only because they were of Serb nationality. The purpose of these crimes was the realisation of the said objectives of the perpetrators and of their superiors.

7.3.19.2.1. On the night 5/6 June and 1992, members of the Vatrene Konji group attached to the 102nd Odžak Brigade, including MARJAN BRNIĆ, JOZO BARUKČIĆ, ILIJA GLAVAŠ, PAJO GLAVAŠ, ILIJA JURIĆ a.k.a. BEKRIJA, MATAN TIPURA from Potočanski Lipik and many others, all dressed in camouflage uniforms, broke into the house of Drago Ninković in Novi Grad - Odžak. They drove everyone out into the yard and verbally and physically abused witness 593/94-21 (280/95-41) (b. 1955). They separated her from her two children and beat her up with rifle butts.

After Jozo Barukčić took DM 1 400 from her, they pushed her into a car and drove her to a house in Novi Grad. There they made her call the residents to come out of the house and when they had done so, they stormed the building shooting from their guns. Once inside, they started beating the residents and dragged three women outside - M. (b. 1963), mother of three minor and sister of witness 593/94-21 (280/95-41), N. (b. 1950) and S. (b. 1969). Then they drove them to Posavska Mahala where they took them to three separate buildings, raped them and forced them to various sexual perversions. Early in the morning, they released them, made them strip naked and run back to Novi Grad.

M.Dž. (593/94-23), a Serb woman who was one of the rape victims, was astonished at the reaction of the medical staff in the hospital in Odžak where she sought help after reporting the incident to the Red Cross office.

A lady doctor she knew only by the name of Dr Žiža told her that she would not treat her because she was a Serb.

Evidence: 593/94-21, 280/95-41, 593/94-23, 593/94-17, 280/95-57, 593/94-18, 280/95-42.

7.3.19.2.2. In late May 1992, Marjan Brnić, Pavo Glavaš and four other unidentified persons came at about 1 a.m. in a van with the inscription "Vatreni konj" on it, to the house of L.S. in Potočanski Lipik. They kicked the entrance door in and, in order to frighten the inhabitants, started shooting from their firearms, cursing and insulting them. Then, out of a group of women, they singled out witness 280/95-43, from Potočanski Lipik, born in 1957, pushed her into the van and drove to Posavska Mahala. They took her into the house of Jozo Barbara, where all six of them raped her, threatening her with their firearms and knives. During the rape they tortured her mentally, threatening to slaughter her.

The victim - the Serb woman, quoted their threats as follows:

"...THEY TOLD ME THAT WE, THE SERB WOMEN, HAD TO GIVE BIRTH TO USTASHI CHILDREN..."

Evidence: 280/95-43.

4.3.19.2.3. On July 3, 1992, around 11 p.m. in Novi Grad, Marjan Brnić, Mato Brnić, Marko Kaurinović, a.k.a "Patak", Ilija Jurić, a.k.a "Bekrija", Jozo Barukčić, and other so far unidentified members of the "Vatreni konji" group of the 102nd Odžak Brigade, came to the house of V., a Serb. They threw out girls, women and children, who had gathered in the house seeking safety. They shot from fire arms, forcibly separated the 15 year old witness 593/94-20 (280/95-49), a minor, and took her towards Posavska Mahala. At one point, they took her out of the car and into a two-storey house, to a dark room in the basement. Occasionally, they turned on torchlights to find their way around. Five or six of them beat her with their fists and rifle butts, and forced her to strip naked. She was first raped by Mato Brnić who performed defloration of witness 593/94-20. Then she was raped by Marjan Brnić. The others did not rape her only because, in the meantime, a member of HVO military police, a friend of her father's, intervened at her mother's request.

Evidence: 593/94-20, 280/95-49,280/95-43.

4.3.19.2.4. On July 12, 1992, members of the "Vatreni konji" group - Marko Kaurinović, a.k.a. "Patak", a person called "Čutura", whose real name is probably Matija Marić, son of Ante and Stažija, born on May 7, 1962 in Novo Selo, and several other persons, came in two passenger vehicles to a house in the centre of Novi Grad in which girls from the village had sought shelter. They singled out the already mentioned witness 593/94-20 and 280/95-49, who was the victim in the above mentioned incident of July 3, 1992, then T. from Gornji Brezik and a girl whose surname started with M. They took them to a house in Novo Selo. After M. had an epileptic attack ("foam came out of her mouth"), Kaurinović returned her, while "Čutura" and Marko Kaurinović brutally raped witness 593/94-20,(280/95-49)

Evidence: 593/94-20, 280/95-49.

7.3.20.0. Orašje

In the area of the municipality of Orašje similar actions were undertaken to prevent Serbs from going on with their life in their ancestral homes. The arrests of civilians, which started in Orašje in early May 1992, continued until June 11, 1992, when practically all

the Serbs from Orašje "found refuge" in the camp in Orašje, set up in the Secondary Education Centre. The village of Bukova Greda was raided, among others, on May 9, 1992. The arrested Serbs were taken to camps in Donja Mahala, the camp set up in the shed of Mijo Filipović a.k.a. "Deljković" and to the camp located in the primary school in Donja Mahala. There were between 350 and 400 Serbs in the camps in Orašje and Donja Mahala.

7.3.20.1. Before the attacks on Serbs on the territory of the municipality of Orašje were to begin, the chauvinistic euphoria was unbearable, the public address system blared at various gatherings, all sorts of propaganda material was employed - leaflets, graffiti, T-shirts with chequered flags and Ustashi insignia on them, the Serbs dismissed from jobs. All this instilled fear in the Serbs, for the threats were often like this: "There is no place for Serbs here - not a single Serb ear will remain in Posavina, from Derventa to Brčko and deep into Mt. Majeвица."

Evidence: 267/94-13. 396/95-2

7.3.20.2. When C.J. from Bukova Greda ended up in the camp in the Secondary Education Centre in Orašje, a person from the camp management interrogated him. At one point, he hit him in the stomach and said: "If you are guilty of nothing, then are you a Serb?" When C.J. replied that he was, he told him: "See, that is enough for me to kill you. We shall kill some of you, expel others..."

Needless to say, this threat by the camp guard is something that Serbs had already heard before, both in that area and in some other areas on the territory of the former Yugoslavia, except that the earlier "design" had been for a third of the Serbs to be killed, a third displaced, and a third converted to Catholicism.

Evidence: 267/94-8

7.3.20.3. On the territory of Orašje, as well as in other parts of Bosanska Posavina, property was seized from the Serbs on a massive scale but also destroyed. Numerous testimonies of witnesses testify to that.

7.3.20.3.1. On May 9, 1992, when all the men from Bukova Greda were taken to the camp and the Serb women remained in the village, a large group of armed Croat soldiers entered S.A.'s yard, and his large house and tore the place apart, including all window panes. They returned several times later on, and kept plundering property.

Evidence: 267/94-1

7.3.20.3.2. S.K., a Serb woman who used to live in Orašje, went to Bukova Greda after May 9, 1992, because she had heard that all Serb men had been taken to the camp. Everything was deserted when she came - the houses had been demolished, property had been taken away, window panes had been shattered, there was "horror and misery everywhere". Everything from her father-in-law's house had been taken away or broken, the houses of their neighbours had also been plundered.

Evidence 267/94-15

7.3.20.3.3. Serb B.J., who used to live in Bukova Greda together with his nephew B.T. had 13 hectares of land, two houses and all other farm objects, all the necessary farming machines and the total value of his damaged property is around one million German marks. According to available information, Muslims from Modriča and Odžak now live in the village and on his property.

Evidence: 679/95-23

7.3.20.3.4. By the end of April 1992, Serb C.M. left Bukova Greda along with his family, just as a certain number of Serb families did, because the Croat Army was expected to carry out their threats against Serbs. He left for Obudovac and the value of his property which remained in Bukova Greda (his house, including outbuildings, 1.5 hectares of land and all farming machines) amounted to DM 400 000.

Evidence: 679/95-24

7.3.20.3.5. After the Croat army occupied the village on May 9, 1992, the family of Serb B.P. from Bukova Greda suffered

damage due to the loss of their home, the outbuildings, livestock, farming machines and 6.5 hectares of farming land, all worth around DM 600 000.

Evidence: 679/95-27

7.3.20.3.6. The fact that the ethnic cleansing of Serbs from this area had been prepared much earlier and carried out causing great suffering of Serb people, that the banishment of the Serbs was greatly influenced by the situation created before the direct attack on Serbs and that the Serbs from this area, apart from the fact that many had lost their lives, remained without their property, some of it of great value, can be established also from the testimonies of numerous other witnesses.

Evidence: 679/95-31, 679/95-32, 679/95-35

7.3.21.0. Goražde

7.3.21.1. Early in September 1992, members of Muslim armed formations set fire to the Church of St. George, known as Donja Sopotnica, in Kopači, the municipality of Goražde. This is an a particularly valuable cultural and historic monument of the Serb people dating back to the 15th century (the church was built in 1446 by Herceg /Duke/ Stjepan). The first Serb printing press for ecclesiastical books written in the Cyrillic script was in this church from 1529 to 1531. The parish house adjacent to the church was also destroyed as well as all articles and furniture.

The church was first plundered and then set on fire.

The Serb Orthodox cemetery behind the church was also vandalised. 108 tombstones were demolished, tombs were destroyed, graves and tombs were opened and even coffins with mortal remains in them.

The perpetrators are: Ismet Kulović, aka "Njemačka" from Goražde; Meho Drijević from Kopači, resident of Goražde.

7.3.21.2. In December 1992, in the village of Jabuka, the municipality of Goražde, members of Muslim armed formations damaged the monument erected in memory of Serb fighters fallen in the First World War. The monument was partly damaged and the plaque with the names of the fallen fighters was broken.

At the same time 10 tombstones were demolished on the Serb Orthodox cemetery.

The perpetrators are: Amer Kamenica; Meša Redžović; Jasko Islamović; Sead Pozder, all from Goražde and all members of Muslim armed formations.

7.3.22.0. Cazin

7.3.22.1. After the referendum for the independence of Bosnia-Herzegovina on 29 February 1992, Serbs in the village of Liskovac near Cazin came under increasing pressure. There were 5 Serb teachers employed at the school and the school principal, Mujanović, told them that they should be banished across the Drina river.

At the beginning of May Serbs were forbidden by written order to leave the village and at the end of May all Serb teachers at the school were given notice with the explanation that they were not fit to educate Muslim children, that they were Chetnik supporters and approved the genocide of the Muslim people.

All the 6 Serb teachers went to the president of the municipality of Cazin to complain and after they returned to their homes. Muslims attacked them throwing stones and shooting from firearms at their flats between midnight and 2 a.m. They lodged a complaint with the Territorial Defence Headquarters and when the police came to investigate they accused the witness of possessing a radio transmitter. A Muslim offered them refuge in his flat, but was therefore attacked by other Muslims who accused him of hiding Chetniks.

They applied to be exchanged and the request was accepted so that in July 1992 they left for Bihać.

Instead of being exchanged, they were taken from Bihać to Kamenica and placed in a building. There they were given some foul-tasting food and gave some of it to a dog which afterwards started shedding. The witness also started losing hair and L. who had also taken part of the food became completely bald.

Following an intervention of the Red Cross the witness was finally exchanged on 10 November 1992.

The perpetrators: Safir Mujanović, principal of the elementary school in Liskovac near Cazin, and others.

Evidence: 339/94-17 and 18.

7.3.23.0. Gornji Vakuf

7.3.23.1. The witness and his family were the only Serbs in the Croat and Muslim populated village of Bistrica near Gornji Vakuf.

In September 1992, their Croat and Muslim neighbours started provoking and insulting them. They even threatened to kill them and pressured them to leave the village. That was regardless of the fact that the witness was a respectable game warden in the Koprivica hunting site.

Uniformed and armed Muslims and Croats broke into his house and take away the valuables - hunting trophies, arms and furniture. That made the witness leave his house and stay with his friends secretly. But, when Muslims discovered that, they tried to rape his daughter. This is why he fled to the Serb territory in 1993, leaving behind his entire property in Bistrica. His house was burnt and property plundered.

Perpetrators: Members of the Abazović family from Bistrica: Hasim, Mustafa, Smajo and Muradif; Ivo Medjedović, Lojzo

Mabić, Luka Trabara, Goran Gišić, the commander of Muslim unit in Gornji Vakuf.

Evidence: 333/95-24

7.3.24.0 Kozarska Dubica (Bosanska Dubica)

On September 18, 1995, around noon, the Croat soldiers from the "Black Mambas" unit, together with soldiers from the Second Brigade of the Croat Army Guards "Thunders" launched a fierce attack, and, using artillery fire on Kozarska Dubica (formerly Bosanska Dubica), crossed the Una river and into the Republic of Srpska. Several dozens of civilian Serbs were killed and another several dozen wounded. Apart from that, they ruthlessly destroyed the town of Kozarska Dubica and its surroundings, while Serb property was extensively damaged or destroyed.

Such conduct of the Croat Army, certainly in complete agreement with the Croat authorities and authorities of Bosnia and Herzegovina was undoubtedly aimed at the ethnic cleansing of the Serbs from the area. The aim was to kill Serbs, and, if they stayed alive, to destroy their movable and immovable property and thus drive them away from their ancestral homes.

There is ample evidence related to such conduct by the Croat Army, and, according to the estimate made by the Kozarska Dubica Basic Court investigative team, around 4000 artillery shells fell on the city.

The following buildings and establishments were damaged or destroyed:

In Svetosavska Street - residence house No. 7 (considerably damaged by 10 shells); house No. 1 where there was a chemist's shop; the house in which there were a library and the radio-station (broken window-panes, damaged facade and roof); house No. 36 (damaged offices); house No. 31 where there was a BEKO clothing shop (damaged offices); the house of the kindergarten (broken window-panes)

In Vojvode Putnika Street - ground floor house owner unidentified; Vasa Karan's house; Dragoljub Tošić's house; Milan Petković's house and shop.

In Vidovdanska Street - ground floor house at No.6 was hit.

In Kneza Mihajla Street - ground floor houses at Nos. 20 and 22 were hit.

In Djurdjevdanska Street - ground floor house at No. 8 was hit.

In Kosovskih junaka Street - family house at No. 7 was hit.

In Uglješe Milanovića Street - the Nikolić family house was hit.

In Veselina Masleše Street - house No 15. owned by Ljuban Trubarac (burned down completely).

NIKOLA PAŠIĆ SQUARE - Mirko Mijalković's house significantly damaged.

In Knežopoljska Street - private houses hit.

In Unska Street - Husein Bećirević's private house (the roof completely shattered, while the inside of the house is gravely damaged or destroyed) and Milan Stojnić's house.

In Milana Tepića Street - pumping station and No. 29 house.

In Cara Lazara Street - Avdija Palić's house.

In Uroša Predića Street - the houses of Ismet Palić, Steva Skrobić, Perica Bundalo, Milorad Kondić, Milutin Novaković and Dragomir Dragaš.

In Braće Radičevića Street - the houses of Damjan Borojević, Mirko Katić and Dragan Bašić.

In Majora Gavrilovića Street - the houses of Pera Šašljar, Ljuban Toroman and Dragan Ićitović.

In Branka Radičevića Street - the houses of Dragan Čupić, Milorad Čolić and Milinko Trivić.

In Skendera Kulenovića Street - the houses of Mića Petrović and Gojko Rožić.

In Vlatka Vukovića Street - the houses of Sima Pekić and Dževad Rahmanović.

In Bratskih komuna Street - the houses of Mila Mandić, Benzad Travančić, Sadbin Metić, Nedeljko Babić, Živko Gubić, Mirko Djenadić and two houses of unidentified owners.

In Miroslava Antića Street - the houses of Slavko Latinović, Vasa Pejić and Milinko Marin.

In Kninska Street - Borislav Pekić's house.

In DAVIDOV TRG Street - the Čustić house.

In Dositeja Obradovića Street - the houses of Ljubica Kasabašić, Slobodan Gojić and Vinka Hodžić; Dušan Kotarac's cafe, business premises of the buying station.

In Meše Selimovića Street - the houses of Borko Kotur and Ivan Kodak.

In Ustanička Street - the houses of Mara Kotarac, Darko Miši and Marinko Hrnjak.

In Dušana silnog Street - Pepa Farago's house.

In Cvijićeva Street - the houses of Stanko Babić, Ilija Bjević and Irfan Brkić.

THE MEDICAL CENTRE - the part of the building which housed the child care clinic and the gynaecology clinic (damaged roof and facade, broken window panes).

The BASIC COURT building - five artillery shells hit the roof, while three shells hit the inside of the building housing the office of court's records, the criminal courtroom and the court administrative office. The roof construction of the building was completely destroyed. The archives, the land registers and the office of the land registers were destroyed in the process, rendering the court inoperable.

The TOWN HALL building - hit by three shells, one shot through the outer wall, gravely damaging the telephone exchange which is now inoperable.

THE VUK KARADŽIĆ PRIMARY SCHOOL, several shells fell into the schoolyard, breaking the window panes and damaging the facade.

THE "SVETI SAVA" PRIMARY SCHOOL.

THE "NIKOLA TESLA" education centre.

THE "ŠIPAD" furniture factory.

THE KNEŽOPOLJKA factory - the 20 metre long roof completely destroyed.

THE FARMING MACHINES FACTORY - the production plant damaged.

THE SPORTS HALL - hit and damaged.

THE GREEN MARKET - 8 shells fell and damaged several market structures.

THE ARSENIĆ GASOLINE PUMP.

THE PRIVATE HOUSES of Dragan Ručanov, Milorad Španović, Milan Ćibić, Miloš Nikoletić and Milorad Draganić.

The PUHALO settlement- 6 residence houses hit and damaged.

the village of ŠPILJA - the houses of: Milorad Nikoletić, Ranko Grbić, Ranko Burazer, Marinko Burazer, Milan Zakić, Milorad Bakić, Jefta Vuković, Milan Dragičević, Mitoš Šekerc, Ilija Semunović, Radenko Španović and Boško Bijelić were hit,

the village of GRADINA - the houses of Djura Ninić, Marko Rokić, Branko Vukić, Drena Milošević, Milan Pjević, Stojan Pjević, Mile Batara, Vasa Gačić, Dušanka Vukić, Bogdan Vukić, Kosa Korica, Momir Španović, Dragoje Korica and Dragan Korica; the Draksenić shop were damaged or destroyed.

the village of MEDJEDJA - the houses of Mirko Kosović, Milan Vidović, Nenad Djekić, Slobodan Lončar and Milan Škondrić; the Lipov Greda farm.

the village of DEMIROVAC - the houses of Rade Babić, Mirko Rašić and Dragan Sladojević.

the village of MEDJUVODJE - Radoslav Latinović's house.

the village of KNEŽICE - Milan Dragojlović's and Nebojša Novaković's houses; the house of the cooperative farm, "Majka Knežopoljka" primary school; the "Knežopoljka" factory.

DESTROYED PASSENGER VEHICLES - "Jugo 55", registration plates number PD 771-58; the "Zastava 101" PD 101-83; the "Renault 25" owned by the "Mehanika" company; the "Volkswagen" PD 771-39; the "Zastava 101" PD 785-86; the "Zastava 101" PD 101-83; the "Zastava 101" PD 100-33; the "Lada" PD 728-48; the "Jugo" PD 429-58; the "Jugo-koral" PD 756-56 (burned down); the "Audi 80" without registration plates (burned down); the "Moskvitch" PD 448-07 (burned down), the "Moskvitch" PD 441-30 (burned down)

Evidence: 725/96-7, 725/96-9, 725/96-46, 727/96-5, 727/96-7, 727/96-10, 727/96-11, 727/96-12, 727/96-14, 727/96-15,

727/96-16, 727/96-17, 727/96-18, 727/96-20, 727/96-22, 727/96-23, 727/96-24, 727/96-25, 727/96-26, 727/96-29, 727/96-30, 727/96-31, 727/96-32, 727/96-33, 727/96-35, 727/96-39, 727/96-41, 727/96-44, 727/96-45, 727/96-47, 727/96-50, 727/96-51, 727/96-52, 727/96-53 (svedočenje M.N./testimony M.N., Annex No. C 78, pp. c792-c795/c796-c798), 727/96-54, 727/96-55, 727/96-56, 36/97-1, 36/97-4,

7.3.25.0. Brčko

In the area of the municipality of Brčko, attacks by Croat-Muslim armed forces were launched against Serb civilians since the first half of 1992, Serbs were killed, their property plundered, their houses and churches burned down, their graveyards demolished and desecrated, they were taken to camps where they were tortured and even killed. All these crimes were part of genocide of the Serb people.

Before the war broke out, relations between the Serbs, on the one hand, and their Croat neighbours, on the other, as well as their relations with the Muslims were relatively good. However, they all began to avoid contacts with Serbs. For example, Croats stopped inviting Serbs to their feasts, explaining this by the opinion of their priest "that Serbs were not to be invited to feasts or funerals".

The Serbs were threatened that they would be killed or banished, and persecution of the Serb people began in 1992.

7.3.25.1. On June 11, 1992, a unit of the Croat Army 108th Brigade carried out an attack on Bosanska Bijela, plundered the village and torched all Serb houses. The Croat Army then mined the village church and completely destroyed it. They used mortars in the attack - some 300 mortar shells were fired at the village.

Evidence:, 617/95-1 (svedočenje B.S./testimony B.S., Annex No. C 97, pp. c995-c997/c998-c1001), 617/95-5, 617/95-2

7.3.25.2. When the attack on the villages from the territory of the local community of Bukvik was carried out in mid September 1992 and when many civilian Serbs were killed, the

houses and other buildings were burned down, livestock was partly killed, partly driven away towards Muslim and Croat villages, Serb houses were plundered, while the Serbs who were not killed were taken to camps. Those who survived practically had nowhere to come back to. After the war had ended, the former Serb villages were left without Serbs (for example, the villages of Vujičići, Skakava, Vitanovići, Lukavac and others).

Evidence: 638/95-2, 617/95-11, 617/95-25, 617/95-7, 617/95-40

7.3.25.2. On December 12, 1992, the village of Vučilovac was attacked by the Croat Army from the neighbouring villages killing 17 civilian Serbs. Those Serbs who managed to escape death, either fled or were taken to camps. The Serb property was plundered, the houses were destroyed and burned down, the church was pulled down, the graveyard was completely destroyed so that, there is not a single Serb family living in Vučilovac. Many Serbs from Vučilovac testify to the fact that the threats by their Croat neighbours came true.

A lot of Serbs were left without property and, in many cases, their property was worth several million dinars, or even German marks.

Evidence: 679/95-42, 679/95-6, 617/95-23, 679/95-10, 679/95-11, 619/95-16, 679/95-39,

7.4. DESTRUCTION OF PLACES OF WORSHIP OF THE SERBIAN ORTHODOX CHURCH

7.4.1. The destruction of places of worship is certainly a crime. However, according to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, it does not constitute by itself the crime of genocide. If the Court finds that hereafter submitted data are legally relevant, the Court is requested to consider the following cases.

7.4.1.1. Banja Luka Eparchy

The Banjaluka Eparchy covers the north-west part of Bosnia. In 1900 it was founded as a diocese of an archbishop. The main spiritual centres of the eparchy are the monasteries of Gomionica, Moštanica and Liplje. The monastery of Gomionica and its church dedicated to the Presentation of the Holy Mother of Jesus (Vavedenje Presvete Bogorodice) were reconstructed in 1595 by the Mileševa monks who sought refuge therein from the Turkish invasion. The monastery of Moštanica and its church of the Holy Archangel Michael (Sveti Archangel Mihailo) are a memorial of the Serb King Dragutin dating back to the 14th century. The monastery of Liplje is also a memorial of the King Dragutin and used to be a prominent medieval centre for books transcribing.

During the Second World War (1941-1945) the territory of the Banjaluka Eparchy was vastly destroyed. Numerous churches, monasteries and parish homes were torn down or damaged, extremely valuable church archives were destroyed and church dignitaries killed.

7.4.1.1.1. Jajce

The Church of the Dormition of Our Most Holy Lady (Uspenje Presvete Bogorodice), built in the 20th century, was blown up in the night of 10-11 October.

7.4.1.1.2. Jezero

The Church of St. Great Martyr Serb Prince Lazarus, built in 1992, was looted and burned down by Croats in October 1995. The parish home built in 1975, was looted and then burned down by Croats.

7.4.1.1.3. Mrkonjić Grad

The Church of the Nativity of the Blessed Virgin Mary built in 1884, was damaged and desecrated by Croats in October 1995. The parish home, built in 1964, was plundered and burned down by Croats in 1995.

7.4.1.1.4. Gustovare (near Mrkonjić Grad)

The Church of Sts. Apostles Peter and Paul was desecrated

7.4.1.1.5. Obroci

The copper roof of the Church of St. Great Martyr Serb Prince Lazarus, still under construction, was taken away in August 1996.

Note: The church in Srbobran is still under Muslim authority. Its fate is uncertain.

7.4.1.2. Bihać-Petrovac Eparchy

The Bihać Eparchy was founded in 1925 covering the following administrative centres: Bosanski Petrovac, Sanski Most,

Ključ, Bihać, Krupa and Cazin. It had existed as such till 1931 when it was divided between the Banjaluka, Gornjokarlovačka and Dalmatian eparchies. At the session of the Holy Archpriests' Synod held in 1990, the Bihać eparchy was re-constituted under the name of Bihać-Petrovac eparchy with the seat in Bosanski Petrovac (Petrovac). The temporary seat is in Ključ. This eparchy comprises parts of the Banjaluka and Dalmatian eparchies.

A considerable number of churches and other religious buildings were destroyed in the Second World War.

During the ongoing war (1991-1993) the majority of the Serb holy places were destroyed in the territory of the Bihać-Petrovac eparchy. They were set on fire by Moslem fundamentalists. Complete information are not yet available because several Serb places are still under the Moslem occupation.

7.4.1.2.1. Babići

The Church of St. Martyr Procopius was damaged - burgled. The church bells were taken away. The parish home was burgled too.

7.4.1.2.2. Barači

The Church of Sts. Apostles Peter and Paul was burgled and damaged by hand grenades by Croats in 1995-1996.

7.4.1.2.3. Bastasi

The Church of St. Prophet Elijah was broken into and demolished by Croats in 1995.

7.4.1.2.4. Benakovac (near Bosanska Krupa)

The Church of St. Pince Lazarus was broken into and damaged in 1995.

7.4.1.2.5. Bihać

The Holy Trinity Church, still under construction was broken into and demolished by Muslims. The chapel, situated beside the parish home, was, also, demolished and destroyed.

7.4.1.2.6. Bjelaj (near Petrovca)

The St. Great Martyr George's Church was set on fire by Muslims in 1995. The parish home was damaged.

7.4.1.2.7. Bosanska Bojna

The Orthodox church was burnt down in 1992. The church has been shelled several times and heavily damaged. The parish home was burned down.

7.4.1.2.8. Bosanski Doljani (near Bihać)

The Orthodox church was damaged.

7.4.1.2.9. Bosanski Milanovac (near Sanski Most)

The Orthodox church was damaged by Muslims in September or October 1995.

7.4.1.2.10. Bravsko (near Petrovac)

The Church of St. Prophet Elijah was burned down in 1995.

7.4.1.2.11. Budimlić Japra (near Sanski Most)

The Orthodox church was burned down by Muslims in 1995. The parish home was damaged.

7.4.1.2.12. Bukovača (near Petrovac)

The Church of the Nativity of the Blessed Virgin Mary was broken into and demolished.

7.4.1.2.13. Velika Kladuša

The Orthodox church was burnt down in 1992 by Muslims.

7.4.1.2.14. Velika Rujiška (near Bosanski Novi)

The Church of the Nativity of the Blessed Virgin Mary was broken into and heavily damaged by Muslims. The parish home was destroyed - set on fire.

7.4.1.2.15. Vranjska (near Bosanska Krupa)

The Orthodox church was set on fire by Muslims.

7.4.1.2.16. Vrbica (near Livno)

The Orthodox church was set on fire by Croats in 1995. The parish home was destroyed.

7.4.1.2.17. Vrbljani (near Ključ)

The Church of the Dormition of Our Most Holy Lady was broken into by Croats in 1995. The parish home was damaged.

7.4.1.2.18. Vrelo

The Orthodox church was demolished.

7.4.1.2.19. Vodjenica

The Church of the Nativity of the Blessed Virgin Mary was devastated inside and looted. The church bells were taken away.

7.4.1.2.20. Vrtoče

The Church of St. Prophet Elijah was broken into and damaged. Its bell-tower was pulled down.

7.4.1.2.21. Gerzovo

The Church dedicated to the Twelfth Night (Bogojavljenje) was broken in and heavily damaged. The materials prepared for the reconstruction of the church were burned down and, as well, the parish home.

7.4.1.2.22. Glamoč

The Holy Trinity church was broken in and heavily damaged by Croats in July 1995. The parish home was damaged, as well.

7.4.1.2.23. Glogovac (near Šipovo)

The church of St. Great Martyr George was broken into in 1995 or 1996.

7.4.1.2.24. Grahovo

The Church of Sts. Apostles Peter and Paul was broken into and damaged by Croats in 1995. The parish home was damaged, too.

7.4.1.2.25. Graci (near Mrkonjić Grad)

The Church of St. Sava was broken into and looted by Croats in 1995 and 1996.

7.4.1.2.26. Grmuša (near Bihać)

The Church of St. Panteleimon was damaged.

7.4.1.2.27. Gubin

The Church of the Dormition of Our Most Holy Lady was razed to the ground by a tank belonging to the Croat army. The parish home was damaged.

7.4.1.2.28. Dabar Donji (near Sanski Most)

The Church of the Dormition of Our Most Holy Lady was burned down by Muslims in 1995. The parish home was damaged.

7.4.1.2.29. Drvar

7.4.1.2.29.1. The Church of St. Sava was broken into by Croats in 1995.

7.4.1.2.29.2. The Church of the Ascension of the Lord was burgled. Its inside was badly damaged by Croats in 1995. The parish home was burgled and damaged, as well.

7.4.1.2.30. Jasenica Srpska (near Bosanska Krupa)

The Orthodox church was broken into, plundered and burned down by Muslims in 1995

7.4.1.2.31. Janjila

The Church of the Nativity of the Blessed Virgin Mary was set on fire by the Muslim armed forces.

7.4.1.2.32. Jelašinovci

The church dedicated to St. Great Martyr Kyriakia was set on fire.

7.4.1.2.33. Kijevo (near Sanski Most)

The church dedicated to St. Great Martyr Kyriakia was broken into, looted and burned down by the Muslim armed forces in 1995.

7.4.1.2.34. Klisina (near Bosanska Krupa)

The Church of St. Great Martyr Marina was damaged by the Muslim armed forces in 1995.

7.4.1.2.35. Kijevci (near Sanski Most)

The Church of St. Archdeacon Stephen was damaged.

7.4.1.2.36. Ključ

The Holy Trinity Church was plundered and demolished by the Muslim armed forces in 1995. Three parish homes, one of which was burgled, were damaged.

7.4.1.2.37. Kolunić (near Petrovac)

The Church of Our Lord's Transfiguration was broken into and devastated by the Muslim armed forces in 1995.

7.4.1.2.38. Kopjenica (near Ključ)

7.4.1.2.38.1. The Holy Trinity Church was burned down in 1995.

7.4.1.2.38.2. The Church of the Dormition of the Blessed Virgin Mary was heavily damaged, looted, only the ruins of four walls remained. The parish home was damaged, as well, the ruined walls, without roof, remained.

7.4.1.2.39. Krupa (Bosanska Krupa)

The Holy Trinity Church was shelled by the Muslim armed forces in 1992, later on, in 1995 it was heavily damaged. The parish home was destroyed - burned down.

7.4.1.2.40. Livno (Lijevno)

7.4.1.2.40.1. The Church of the Dormition of the Blessed Virgin Mary was damaged. The inside of its bell-tower was devastated and set on fire. All the icons and other church valuables were taken by a priest to the Roman-Catholic Parish Office. The Orthodox parish home was looted, demolished and burned down.

7.4.1.2.40.2. In 1992, the Memorial Chapel-House, where in 1991 were deposited the relics of the Livno Serbs who had been brutally killed by the Ustashi in the Second World War, was mined. The bones were scattered all over the place.

7.4.1.2.41. Lipa (near Bihać)

The Church of St. Great Martyr Panteleimon was damaged.

7.4.1.2.42. Lipnik (near Sanski Most)

The Church of St. Prophet Elijah was damaged in 1995.

7.4.1.2.43. Lukavica (near Sanski Most)

The Orthodox church was broken into, looted and heavily damaged by the Muslim armed forces in 1995.

7.4.1.2.44. Lušci Palanka (near Sanski Most)

The Church of Our Lord's Ascension was shelled, heavily damaged and burned down in 1995, or 1996. The Parish home was damaged.

7.4.1.2.45. Majkić Japra (near Sanski Most)

The Church of the Most Holy Mother of God was damaged in 1995 and 1996.

7.4.1.2.46. Mala Novska Rujiška (near Novi Grad)

The Church of Sts. Three Jerarchs was broken into and damaged.

7.4.1.2.47. The Monastery of Veselinje (near Glamoč)

The Church of the Nativity of St. John the Forerunner was broken into, looted and devastated by the Croat armed forces on 28 July 1995. The monastaery refectories were burgled.

Another church and two chapels in the vicinity of the monastery were damaged.

7.4.1.2.48. The Monastery of Rmanj - The Church of St. Nicholas

The monastery was broken into and devastated in 1995.

7.4.1.2.49. Martin Brod

The Chapel of St. Basil of Ostrog was broken into and looted.

7.4.1.2.50. Medna (near Mrkonjić Grad)

The Church of the Holy Trinity was burgled by the Croat armed forces. Two parish homes were damaged - broken into.

7.4.1.2.51. Osredak

The Orthodox church, located in the territory currently under the control of Muslim forces, was ruined.

7.4.1.2.52. Odžak (near Glamoč)

The Orthodox church was heavily damaged.

7.4.1.2.53. Oštra Luka (near Sanski Most)

The parish home was damaged.

7.4.1.2.54. Petrovac

The Church of Sts. Apostles Peter and Paul was broken into and plundered by the Muslim armed forces. The parish home was damaged, as well.

7.4.1.2.55. Peći (near Ključ)

The Church of the Ascension of the Lord was burgled and damaged by the Muslim armed forces in 1995.

7.4.1.2.56. Peulje (near Grahovo)

The Church of St. Great Martyr Georgewas broken into, plundered and heavily damaged by the Croat army in 1995.

7.4.1.2.57. Pljeva (near Šipovo)

The Church of St. Petka Paraskeva was broken into and plundered in 1995, and 1996.

7.4.1.2.58. Podvidača (near Sanski Most)

The Orthodox church damaged by the Muslim armed forces in 1995.

7.4.1.2.59. Prekaja (near Drvar)

The Church of the Dormition of the Blessed Virgin Mary was burgled by the Croat armed forces 1995. The parish home was damaged.

7.4.1.2.60. Preodac (on the way from Grahovo to Glamoč)

The Church of the Holy Trinity was broken in and devastated by the Croat armed forces in 1995

7.4.1.2.61. Prkosi

The Orthodox church was damaged.

7.4.1.2.62. Rore (near Glamoč)

The Orthodox church was burgled.

7.4.1.2.63. Rujani (near Livno)

The Orthodox church was burned down in the autumn of 1992 by the Croat armed forces.

7.4.1.2.64. Sanica Gornja

The Church of Sts. Apostles Peter and Paul was broken into.

7.4.1.2.65. Sanski Most

The Church of Sts. Apostles Peter and Paul was broken into and damaged by the Muslim armed forces in 1995. The Parish home was damaged, as well.

7.4.1.2.66. Sredenik (Banjica)

The Church of the Transfer of St. Nicholas Relics was set on fire by the Muslim armed forces in September 1995.

7.4.1.2.67. Smoljana (near Petrovac)

The Church of St. Prophet Elijah was burned down by the Muslim armed forces in 1995.

7.4.1.2.68. Sokolovo (near Ključ)

The Church of the Dormition of the Blessed Virgin Mary was looted by the Muslim armed forces in 1995.

7.4.1.2.69. Spasovo (Kulen Vakuf)

The Orthodox church was damaged.

7.4.1.2.70. Srednji Dubovik

The church dedicated to the Stone of St. John the Theologian, (near Bosanska Krupa), was set on fire by the Muslim armed forces in 1995.

7.4.1.2.71. Srednji Petrovići (near Bosanska Krupa)

The Church of St. Great Martyr Panteleimon was set on fire by the Muslim armed forces in 1995.

7.4.1.2.72. Stari Majdan (near Sanski Most)

The Church of the Dormition of the Blessed Virgin Mary was set on fire by the Muslim armed forces in 1995. The parish home was burned down.

7.4.1.2.73. Stekerovci (near Glamoč)

The Church of Sts. Constatin and Helen was broken into and heavily damaged.

7.4.1.2.74. Stražice (near Ključ)

The Church of the Dormition of the Blessed Virgin Mary was broken into and plundered by the Muslim armed forces in 1995, and 1996.

7.4.1.2.75. Strojice

The Church of the Nativity of the Holy Mother of God was heavily damaged and looted by the Croat armed forces in the period between 12 September 1995 and 4 February 1996. The parish home was damaged.

7.4.1.2.76. Suvaja

The Church of the Protection of the Most Holy Mother of God was destroyed, only the ruined walls remained.

7.4.1.2.77. Trubar (near Drvar)

The Church of the Nativity of the Holy Mother of God was heavily damaged.

7.4.1.2.78. Hadrovci (near Sanski Most)

The Orthodox church was burgled and heavily damaged by the Muslim armed forces in 1995.

7.4.1.2.79. Hašani

The Church of the Nativity of St. John the Baptist was set on fire by the Muslim armed forces in 1995.

7.4.1.2.80. Cvijetnić Veliki (near Drvar)

The Church of the Nativity of the Blessed Virgin Mary destroyed by the Croat armed forces in 1995.

7.4.1.2.81. Crni Lug (near Grahovo)

The Church of St. Prophet Elijah was shelled by the Croat armed forces on the Orthodox Christmas Day, 7 January 1995.

7.4.1.2.82. Šipovljani (near Drvar)

The Orthodox church was broken into and devastated by the Croat armed forces in 1995.

7.4.1.2.83. Šipovo

The Church of the Nativity of St. John the Baptist was demolished, heavily damaged and plundered by the Croat armed forces in the period between 13 September 1995 and 4 February 1996. The parish home was burned down.

7.4.1.3. Dabrobosanska Eparchy

After the Serbs accepted Christianity, the first archbishop's seat in Bosnia was established at the St. Peter's Church in Ban Brdo. At the time when St. Sava was setting up the Serb Orthodox Church in 1219, he established an eparchy for Bosnia in Dabar. Following the Turkish conquest of Bosnia in 1460, the Dabrobosanski archbishop conducted a spiritual supervision over the Orthodox believers in the whole of Bosnia.

Since 1713 the bishop's throne has been set in Sarajevo and is still there.

The Dabrobosanska diocese was immensely destroyed in the Second World War. In the ongoing war (1991-1993) 10 churches were torn down, 12 were damaged, 7 parish homes and

other buildings were torn down, one parish home was damaged, etc. The Serb holy places in this area were equally devastated by the Moslem fundamentalists and the Croat nationalists.

7.4.1.3.1. Sarajevo

7.4.1.3.1.1. The Orthodox Cathedral church built in 1872 was damaged.

7.4.1.3.1.2. Part of the Metropolitanate building and the library were burnt down after they had been plundered.

7.4.1.3.1.3. The Church of the Holy Archangels Michael and Gabriel (Svetih arhangela Mihajla i Gavrila) from the 15th century was shelled on several occasions.

7.4.1.3.1.4. The new Church of the St. Prince Lazarus (Sv. Cara Lazara) in Dobrinja (still under construction) was heavily damaged.

7.4.1.3.1.5. The Church of St. Sava of Serbia in Ilidža was damaged.

7.4.1.3.1.6. A part of the Theological Seminary building and its library was burnt down.

7.4.1.3.1.7. The Church of Our Lord's Transfiguration, (Preobraženja Gospodnjeg) built in 1939, was plundered and demolished. Religious service is not performed there any more.

7.4.1.3.2. Blagaj

The Church of St. Great Martyr George was mined and leveled to the ground in 1995. The parish home was set on fire by the Croat and Muslim armed forces in 1995.

7.4.1.3.3. Blažuj

The Church of St. Sava of Serbia, built in 1895 was shelled in 1992. Later on the church was reconstructed. Since 12

March 1996, the church is under the Muslim- Croat Federation authority.

7.4.1.3.4. Bišeljvo

The Church of St. John the Baptist built in 1905, was burned down, the parish home was demolished and the cemetery desecrated by the Muslim armed forces in 1992.

7.4.1.3.5. Breza

The Orthodox Church of St. Martyr Procopius was damaged. It is located in the Muslim controlled territory.

7.4.1.3.6. Bugojno

The Church of the Nativity of the Blessed Virgin Mary, built in 1853, was torn down by the Croat armed forces during combats on 15 December 1992. It can no longer serve as a place of worship. The new parish home was, also pulled down.

7.4.1.3.7. Visoko

The Church of St. Great Martyr Procopius built in 1857, was damaged and demolished in 1992. Its whole interior, including the altar, was devastated, and the church is not suitable for religious service any more. It is located in the Muslim controlled territory. The parish home was forcibly moved into.

7.4.1.3.8. Vitovlje (near Travnik)

The Orthodox church was set on fire by the Muslim armed forces in 1995.

7.4.1.3.9. Vukovsko (Donje)

The Church of the Dormition of the Blessed Virgin Mary, built in 1984, was burgled and damaged in 1995.

7.4.1.3.10. Golo Brdo

The Church dedicated to the Conception of St. John the Baptist (Začeće Svetog Jovana Krstitelja) was burnt down and ruined. The parish home was also burnt down by the Muslim armed forces in 1992.

7.4.1.3.11. Goražde

7.4.1.3.11.1. The Church of St. Great Martyr George, known as Donja Sopotnica, built in 1445, was looted and burned by the Muslim armed forces in 1993. The auxiliary constructions near by the church were set on fire in 1992.

The Orthodox cemetery was levelled to the ground by bulldozers in 1993.

7.4.1.3.11.2. The parish home and the nearby chapel was plundered and burned down.

7.4.1.3.12. Donji Malovan (near Kupres)

The Church of St. Serb Prince Lazarus, built in 1971, was shelled in 1992. The reconstructed church was buned down by the HVO formations in Noember 1994.

7.4.1.3.13. Zavidovići

The Church of St. Sava of Serbia, built in 1912, was looted and demolished in 1992.

7.4.1.3.14. Zavidovići (Čardak)

The Church of St. Nicholas, built in 1984, wa set on fire by the Muslim armed forces in 1992.

7.4.1.3.15. Zenica

The Church of the Nativity of the Blessed Virgin Mary, built in 1886, was damaged by the HOS and local Croat armed formations during combats on 6 June and 27 December 1992. There were pulled down 9 chapels in the parish of Zenica.

7.4.1.3.16. Jabuka (near Foča)

The Church of Our Lord's Transfiguration (Preobraženje Gospodnje), built in 1937, was reconstructed and consecrated on 15 August 1991. Less than a year later (on July 23, 1992) the church was blown up and completely destroyed by the Ustashi, including the Serb cemetery next to the church.

7.4.1.3.17. Kakanj

The Church of Sts. Apostles Peter and Paul was damaged (1991 to 1995).

7.4.1.3.18. Kiseljak (near Sarajevo)

The Church of St. Prophet Elijah, built in 1937 was damaged in 1992..

7.4.1.3.19. Kopači

The Church of St. George (Svetog Djordja), popularly known as Donja Sopotnica, was built in 1446 by Herceg Stjepan. From 1529-1531 it housed the first Serb printing shop for liturgical books in Cyrillic alphabet. The church was renovated a few times over the centuries. In 1993 the Moslems plundered the church, took all the valuables away and then set the church on fire. They also destroyed the Commemorative monument adjacent to the church and flattened the Orthodox cemetery with a bulldozer.

7.4.1.3.20. Mošćanica

The Orthodox church and cemetery were damaged.

7.4.1.3.21. Mutnica

The Orthodox church was damaged and the graves dug out.

7.4.1.3.22. Osojnik

The Orthodox church and cemeteries were damaged.

7.4.1.3.23. Pazarić (between Sarajevo and Mostar)

The Church of the Holy Apostles Peter and Paul (Svetih apostola Petra i Pavla), built in 1896, was set on fire levelled to the ground by the Muslim armed forces in 1992. The parish home was burned down in 1992, as well.

7.4.1.3.23. Ponijevo

The chapel was burnt down.

7.4.1.3.24. Stog (near Zavidovići)

The Church of St. Great Martyr George, built in 1912, the parish home and the St. Sava Community building (Svetosavski dom) were levelled to the ground by the Muslim armed forces in 1995.

7.4.1.3.25. Trnovo

In July 1992 the Moslems demolished and plundered the Church of the St. Great Martyr George (Svetog Velikomučenika Georgija) built in 1886 (reconstructed and reconsecrated in 1986 at its 100th anniversary). Nedeljko Popović, the priest of Trnovo, was killed on June 10, 1992 by Islamic fanatics after he had been brutally tortured at Godinjske Bare near Trnovo. The parish home was set on fire by the Muslim armed forces in 1992.

7.4.1.3.26. Travnik

On May 26, 1993 the Moslems levelled to the ground the Orthodox church which was located in the very centre of Travnik.

7.4.1.3.27. Turbe (near Travnik)

The Orthodox church of St. John the Baptist, built in 1970, was looted, damaged and religious service cannot be performed there any more. The parish home was burnt down in 1992.

7.4.1.3.28. Foča

The part of the Church Community building where candles were sold was burnt down.

7.4.1.3.29. Hadžići

The Church of the Nativity of the Blessed Virgin Mary, built in 1937, was shelled in 1995. It is in the Muslim-Croat federation territory, since, 12 March 1996.

7.4.1.4. Zahum-Herzegovina Eparchy

This eparchy was established by St. Sava in 1219 at the time of setting up of the Autocephalous Serb Archdiocese. The Hum eparchy, as it had been originally called, had its seat at the Church of the Most Holy Mother of God (Presvete Bogorodice) in Ston.

Following the Austrian occupation of B&H (1878) this eparchy was included in the autonomous Serb Orthodox Church of Bosnia-Herzegovina on the basis of an agreement reached in 1880 between the State of Austria and the Patriarchate of Constantinople.

In the Second World War this eparchy was extensively destroyed and during the ongoing war it has been the most devastated eparchy of all.

7.4.1.4.1. Mostar

7.4.1.4.1.1. On 7 and 8 June, 1992 the Holy Trinity Cathedral (Saborna crkve Svete Trojice), built in 1873, was the target of dozens of shells, and on the second day of the Holy Trinity (June 15) the church belfries were torn down by shells, the church caught on fire and burned down. In the course of the following weeks the remaining walls of the church were blown up with explosive leaving only a pile of stones behind. The Bishop Atanasije reported in December 1993 that the church had been levelled to the ground and the stones taken away.

7.4.1.4.1.2. The ancient church of the Nativity of the Blessed Virgin Mary (Presvete Bogorodice) was torn down. It had been rebuilt on the foundations of an older church dedicated to the Protection of the Holy Mother of God (Pokrov Presvete Bogorodice). According to the archbishop Atanasije's account the church was torn down to the ground and even the stones were taken away. In the same report (of July 6, 1992) it is stated that both new and old cemeteries were hit by shells, that over 100 graves were destroyed and that even coffins could be seen protruding from the ground.

7.4.1.4.1.3. The 19th century Bishop's Palace was drilled with bullets but was not torn down (bishop Atanasije's report of July 6, 1992). The Serbs who were captured while passing by the Palace testified that later on explosives were placed under it and activated, turning the Palace into a pile of stones. As reported by bishop Atanasije in December 1993, the Bishop's Palace was destroyed.

7.4.1.4.1.4. According to the report given in December 1993 by Atanasije, the Bishop in charge, the Bishop's Refectory, built in 19th century was demolished. The chapel of St. Mary Maghdalena, was pulled down, as well.

7.4.1.4.1.5. The same report stated that the old parish building was also destroyed in the same period.

7.4.1.4.1.6. Also destroyed in the same period, according to the above report, was the Treasury in the basement of the ancient Church of the Nativity of the Blessed Virgin Mary (Rodjenje Presvete Bogorodice).

7.4.1.4.2. Bijela (the parish of Konjic)

The chapel on the cemetery was damaged (1991-1995).

7.4.1.4.3. Bijelo Polje (above Mostar)

The Church of Our Lord's Ascension (Vaznesenje Gospodnje) was damaged in the second half of 1992 and its interior set on fire. The parish home was pulled down. According to the report by the Bishop in charge, Atanasije, given in December 1993, the already damaged and burnt church was exposed to shelling which resulted in the destruction of its altar.

7.4.1.4.4. Blagaj (near Mostar, the left bank of the Neretva)

The Church of St. Basil of Ostrog, built in 1892 was shelled and set on fire, only the ruined wall remained. The parish home was torn down, is stated in the report of the Bishop in charge, Atanasije, submitted in December 1993.

7.4.1.4.5. Blace

According to the same report, the chapel was torn down.

7.4.1.4.6. Bogodol

The Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla), built in 1934, was first damaged and then torn down. The entire Serb population was deported.

7.4.1.4.7. Bradina (above Konjic)

The Church of Our Lord's Ascension (Vaznesenje Gospodnje) (20th century) was destroyed and a greater part of Bradina was burnt down and demolished. The new chapel was pulled down.

7.4.1.4.8. Brdjani (near Konjic)

The chapel was torn down (1991 -1995).

7.4.1.4.9. Veličani (Popovo Polje)

7.4.1.4.9.1. The damages caused by shelling can be seen on the Church of the St. Archangel (Svetog Arhangela). Also damaged were tombstones at the cemetery, the road, the iron fender along the road and particularly the west and south walls of the church. The cemetery was damaged by shells fired by the Croat army.

7.4.1.4.9.2. The Memorial Cemetery of the Serb New Martyrs (Srpskih Novomučenika) was damaged during the 1991-1993 war operations.

7.4.1.4.10. Glavska (near Trebinje)

According to the report dated January 15, 1993 the Church of St. Archdeacon St. Stephen (Svetog arhidjakona Stefana) (18th century) was blown up, its bells taken away and nothing but a pile of stones was left. The village of Glavska was completely burnt down and destroyed.

7.4.1.4.11. Glušci

According to the report dated January 22, 1993 the Church of the Holy Apostles Peter and Paul (Svetih apostola Petra i Pavla) (19th century) was torn down.

7.4.1.4.12. Gornje Hrasno

According to the same report, the Church of St. John the Baptist (Svetog Jovana Krstitelja), built in 1849, was torn down and the church bell was taken away in the direction of Split. The village of Hrasno was destroyed.

7.4.1.4.13. Dobrič (near Lištica)

The chapel dedicated to the St. Great Martyr Kyriakia (Sveta Velikomučenica Nedelja) built in 1975/77, was damaged by rifle bullets and one window was broken.

7.4.1.4.14. Donji Poplat

The Church of Sts. Archangel Michael (Svetog Arhangela Mihaila) built in 1867, had been burnt down and destroyed in the Second World War. It was renovated in 1967. During 1991-1993 the church was damaged and ruined because it had been used as a bunker by the Moslem forces.

7.4.1.4.15. Donje Selo (near Konjic)

The chapel was destroyed, (1991-1995).

7.4.1.4.17. Duvno

The Church of St. Nicholas, built in 1864, was plundered, desecrated and damaged during the war operations.

7.4.1.4.18. Zaplanik (near Trebinje)

7.4.1.4.18.1. The Church of Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla) was heavily damaged during the 1991-1993 war operations.

7.4.1.4.18.2. The Church of the Presentation of the Holy Mother of God, reconstructed in 1864, pulled down by the Croat Army, (1991-1995).

7.4.1.4.19. Začula

The Serb Orthodox Church of the St. Prophet Jeremiah (Svetog proroka Jeremije), recently renovated to resemble the monastery of Kalenić, was destroyed to the ground with explosives.

7.4.1.4.20. Zukić (the parish of Konjic)

The chapel was pulled down, (1991-1995).

7.4.1.4.21. Idbar (the parish of Konjic)

The chapel was damaged (1991-1995).

7.4.1.4.22. Klepci

7.4.1.4.22.1. The Church of Our Lord's Ascension (Vaznesenje Gospodnje) which had been renovated after the Second World War was torn down to the ground during the 1991-1993 war operations.

7.4.1.4.22.2. The Memorial monument dedicated to the Serb victims from the First and Second World War, situated along the regional way in Klepci, was torn down.

7.4.1.4.23. Konjic

The Church of St. Basil the Great (Svetog Vasilija Velikog), built in 1886, was damaged in June 1992 and the belfry destroyed, as well as the church home. The chapel and the cemetery were damaged.

7.4.1.4.24. Kremena (near Opuzen)

The Church of St. Spyridon, built in 1862, was damaged in June 1992, as well as the Serb Orthodox cemetery.

7.4.1.4.25. Lokve (the parish of Žitomisljić)

The new built chapel was destroyed (1991-1995).

7.4.1.4.26. Ljubuški

The Church of St. Archangel Michael (Sveti Archangel Mihailo) was burnt down during the war operations.

7.4.1.4.27. Žitomisljić Monastery

The monastery and the church dedicated to the Annunciation of the Most Holy Mother of God (Blagoveštenje Presvete Bogorodice), rebuilt in 1566 on the site where the old church used to be, were hit by mortar shells ("Weber" flame throwers). After July 15, 1992 the church was set on fire and torn down, whereas the monastery quarters (erected in 1963) were first damaged and then destroyed. The monastery is now occupied by the Croat Ustashi and refugees testify that the monastery was blown up by explosives and the cemetery behind the monastery was damaged. Also shattered by an explosion was the crypt containing the remains of the brutally killed monks of Žitomisljić during the Second World War.

7.4.1.4.28. Zavala Monastery

The monastery and church dedicated to the Presentation of the Virgin Mary in the Temple (Vavedenje Presvete Bogorodice), built in 1514, with frescoes dating from 1619, were desecrated and demolished by the Croat Ustashi and are still under their occupation. Eye-witnesses claim that the monastery quarters are severely damaged.

7.4.1.4.29. Opuzen

The village church was torn down during the war operations.

7.4.1.4.30. Orašje

7.4.1.4.30.1. The Church of the Lord's Ascension (Vaznesenje Hristovo) was damaged.

7.4.1.4.30.2. The Church of St. John the Baptist (Sveti Jovan Krstitelj) was damaged.

7.4.1.4.31. Ošonići (near Stolac)

The section above the altar of the Church of Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla) was damaged.

7.4.1.4.32. Podosoje (Bobani plateau)

According to the report dated January 22, 1993 the village church (20th century) was first damaged and then destroyed.

7.4.1.4.33. Poljice (Popovo Polje)

The Church of St. Nicholas (Sveti Nikola) and the Church of St. John (Sveti Jovan), both from the 19th century, as well as the cemetery, were damaged by shell shrapnel fired by the Croat army. Many village houses were destroyed by shells.

7.4.1.4.34. Prebilovci

The Memorial Chapel of the Serb New Martyrs (Srpski Novomučenici) consecrated in 1991 was blown up in 1992. The sacred bones of the Prebilovci Martyrs and others were set on fire. Eye-witnesses claim that they had seen black smoke and huge stones and pieces of concrete flying up into the air. The nearby Serb cemetery in Prebilovci was flattened with a bulldozer and the village of Prebilovci was destroyed.

7.4.1.4.35. Prosjek (Bobani plateau)

The Church dedicated to the Exaltation of the Life-Giving Cross (Vozdviženije Časnog Krsta) was damaged and the village destroyed.

7.4.1.4.36. Ravno

The Church of the Holy Fifty (Svete Pedesetice) was heavily damaged.

7.4.1.4.37. Rapti

According to the report made by the end of 1992, the Serb Orthodox church and the cemetery in Rapti were damaged.

7.4.1.4.38. Raška Gora

The chapel dedicated to the St. Panteleimon Healer and Great Martyr (Sveti Velikomučenik Pantelejmon) was torn down.

7.4.1.4.39. Raščani (near Duvno)

The Church of the Presentation of the Virgin Mary in the Temple (Vavedenje Presvete Bogorodice) dating from the 19th century was set on fire and blown up.

7.4.1.4.40. Slivnica (near Trebinje)

The church village from the 19th century dedicated to St. Clement (Sveti Kliment) was torn down.

7.4.1.4.41. Stolac

The Church of the Lord's Ascension (Vaznesenje Hristovo) was renovated in 1872. The church was visited on December 11, 1993 by Atanasije, the Bishop in charge, who stated in his report of December 16, 1993 that the church was preserved as a whole, but that its interior had been burnt. The Holy Table and Table

of Oblation, made of stone, were shattered into pieces apparently in violent rage. The Croats claim that the Moslems were excavating in and around the church in search for gold.

7.4.1.4.42. Trebinje

The Church of Our Lord's Transfiguration (*Preobraženja Gospodnjeg*) dating from 1908 was damaged by shell shrapnel that fell in the church surroundings.

7.4.1.4.43. Hum (near Trebinje)

According to the report of May 26, 1993 the Church of the Nativity of the Virgin Mary (*Rodjenje Presvete Bogorodice*) dating from 1750 was damaged by the Croat army's shelling. The village suffered considerable damages due to the permanent shelling.

7.4.1.4.44. Čavaš (Popovo Polje)

According to the report dated May 26, 1993 the Monument to the Memory of Orthodox Serbs killed in the village, erected in 1945, was demolished.

7.4.1.4.45. Čvaljina

The Church of the St. Great Martyr George (*Sveti Velikomučenik Georgije*) was damaged and demolished. The village of Čvaljina was burnt down and destroyed.

7.4.1.4.46. Čapljina

The Church of the Lord's Ascension (*Vaznesenje Hristovo*), dating from 1911, was visited on December 11, 1993 by Atanasije, the Bishop in charge, whose report dated December 16, 1993 says that the church was severely damaged. Its interior was burnt, the belfry top was destroyed, whereas the belfry itself was hit on the level of the church roof by a shell fired from the Croat side. It was punctured all over by smaller mortar shells. A considerable portion of roof tiles and laths were damaged so that the roof is leaking. The church altar and icons were devoured by fire and

everything inside the church, particularly the altar, was ransacked and broken.

7.4.1.4.47. Čelebić (near Konjic)

The Church of the Dormition of the Holy Mother of God (Uspenje Presvete Bogorodice) was mostly destroyed.

7.4.1.4.48. Šćenici (Bobani plateau)

The Church of the Nativity of the Virgin Mary (Rodjenje Presvete Bogorodice) was torn down.

7.4.1.5. Zvornik-Tuzla Eparchy

This eparchy covers the north-eastern part of Bosnia which had been under the rule of the Serb King Dragutin at the turn of the 14th century.

During the Turkish rule, the Zvornik bishop was first mentioned in 1488.

In the Second World War, a real spiritual genocide was committed in the area of this eparchy, and during the ongoing war (1991-1993) it was exactly in this region that the largest number of Serb Orthodox churches were destroyed. The Serb sacred places were devastated with equal violence both by the Moslem fundamentalists and the Croat nationalists - Ustashi.

7.4.1.5.1. Tuzla

7.4.1.5.1.1. The Cathedral of the Dormition of the Mother of God (Saborna crkva Uspenja Presvete Bogorodice) dating from 1882 was damaged.

7.4.1.5.1.2. The Bishop's Palace was twice the target of shelling and plundering.

7.4.1.5.1.3. The Church of St. George (Svetog Georgija) in Trnovac, built in 1900, was damaged.

7.4.1.5.1.4. The administrative building of the Church Community was damaged by shelling.

7.4.1.5.2. (Bosanska) Bijela

Although it was beyond the range of war operations, the Church of Our Lord's Ascension (Vaznesenje Gospodnje), dating from 1936, was deliberately destroyed. The parish home was torn down, after it had been plundered.

7.4.1.5.3. (Bosanski) Brod

The Church of the Protection of the Holy Mother of God (Pokrov Presvete Bogorodice) dating from 1890 and generally renovated in 1973, was purposefully torn down by explosive, entirely beyond the range of war operations. The parish home was plundered and damaged by shelling.

7.4.1.5.4. (Bosanski) Lužani

7.4.1.5.4.1. The church dedicated to All Saints' Sunday (Nedelja svih svetih) erected in 1982 on the foundations of the old church dating from 1883, was blown up on purpose, beyond the range of war operations.

7.4.1.5.4.2. The Church of Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla) dating from 1928 was burnt and blown up on Easter 1992. The parish home was also burnt and all that was left of it were the four walls. Explosives were placed in the cemetery.

7.4.1.5.4.3. The Affiliated Church of the Most Holy Mother of God (Filijalna crkva Presvete Bogorodice), located in Zborište, dating from 1969, was blown up on purpose, and so was the auxiliary facility adjacent to it.

7.4.1.5.4.4. The Affiliated Church of Sts. Apostles Peter and Paul (Filijalna crkva Svetih apostola Petra i Pavla), dating from

1935, was deliberately demolished in Polje on Christmas, totally beyond the range of combat actions.

7.4.1.5.5. (Bosanski) Miloševac

The St. Nicholas Church (Svetog Nikole) built in 1906 and generally reconstructed in 1971-1980 was partially damaged.

7.4.1.5.6. (Bosanski) Šamac

The Church of St. Demetrius (Svetog Dimitrija) built in 1937 was partially damaged.

7.4.1.5.7. Bukvik

The Church of St. Eeliah (Svetog Ilije) built in 1903 was torn down.

7.4.1.5.8. Vinska

7.4.1.5.8.1. The Church of the Nativity of the Virgin Mary (Rodjenje Presvete Bogorodice) was shelled and religious services have been suspended since. The church was consecrated in 1933 and reconstructed in 1945 and 1983. The parish home was plundered, shelled and eventually burnt down.

7.4.1.5.8.2. Unrelated to any war operations, the Church of St. Elijah (Svetog Ilije) built in 1974, was blown up.

7.4.1.5.9. Visočnik

The Church of the Holy Mother of God (Presvete Bogorodice), consecrated in 1939, was heavily damaged, as well as the St. Sava Community building (Svetosavski dom) .

7.4.1.5.10. Vrela

Without any connection with the war operations, the Church of Great Martyr Marina (Ognjene Marije), built in 1991, was deliberately destroyed.

7.4.1.5.11. Gnionica

Beyond the range of war operations, the Church of the St. Prince Lazarus (Svetog Cara Lazara) built in 1991, was deliberately destroyed with explosives.

7.4.1.5.12. Gornji Svilaj

In June 1992, unrelated to any combat actions, a new unconsecrated church was blown up.

7.4.1.5.13. Gradačac

The Church of St. Elijah (Svetog Ilije) built in 1887 and renovated in 1965 and 1980 was destroyed on purpose, beyond the range of combat actions. The parish home was plundered and torn down.

7.4.1.5.14. Derventa

On the 4th June 1992, the Church of the Dormition of the Mother of God (Uspenje Presvete Bogorodice), consecrated in 1855, was deliberately blown up, entirely beyond the range of war operations. The parish home was plundered and torn down.

7.4.1.5.15. Donja Dubica

On the 21st June, 1992, the Ustashi burnt down the Church of the Holy Mother of God (Presvete Bogorodice) which was built in 1911 and renovated in 1991.

7.4.1.5.16. Drinjača

The new church built in 1968 and the parish home were damaged.

7.4.1.5.17. Dubnica

The Church of Sts. Joakim and Anna (Svetog Joakima i Ane), consecrated in 1912 and reconstructed in 1965, was

deliberately destroyed and burnt down beyond any war operations. The parish home was plundered and torn down.

7.4.1.5.18. Živinice

The parish home and the Chapel of the Blessed Virgin Mary (Presvete Bogorodice) were plundered and burnt down.

7.4.1.5.19. Žlebac

The Church of the Protection of the Most Holy Mother of God (Pokrov Presvete Bogorodice), consecrated in 1912, was partially damaged.

7.4.1.5.20. Jasenica

The Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla), reconstructed in 1969, was deliberately destroyed beyond the range of war operations.

7.4.1.5.21. Jeginov Lug

A church which was yet unconsecrated was deliberately burnt down and destroyed beyond any war operations.

7.4.1.5.22. Karna

The Orthodox church was demolished.

7.4.1.5.23. Kladanj

The Church of St. Demetrius (Svetog Dimitrija), which had been built on a new church site after the Second World War, was deliberately destroyed beyond any war operations. The parish home was plundered and burnt down.

7.4.1.5.24. Kostreš

7.4.1.5.24.1. The Church of Great Martyr Marina (Ognjene Marije), built in 1940, was deliberately destroyed beyond any war operations.

7.4.1.5.24.2. A new, still unconsecrated church and the cemetery were destroyed with explosives.

7.4.1.5.25. Kravica (near Bratunac)

The Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla), consecrated in 1909, was demolished. The parish home built in 1939 was burnt down.

7.4.1.5.26. Krečane

The Church of St. Mark (Svetog Marka), built in 1991, was deliberately destroyed beyond any war operations.

7.4.1.5.27. Krnići

The Church of St. Elijah (Svetog Ilije), consecrated in 1921, was demolished.

7.4.1.5.28. Liješće

The Church of the Descent of the Holy Spirit (Silazak Svetog Duha), built in 1869, was blown up. The parish home was plundered and blown up.

7.4.1.5.29. Lončari

The new church was partially damaged.

7.4.1.5.30. Lupljanica

The 20th century village church was partially damaged.

7.4.1.5.31. Maglaj

The Church of St. Elijah (Svetog Ilije), built in 1909 and reconstructed in 1945/46, was deliberately destroyed beyond any war operations. The newly built parish home was plundered and torn down.

7.4.1.5.32. Majevac

The Church of the Protection of the Mother of God (Pokrov Presvete Bogorodice), renovated in 1984, was destroyed to such an extent that religious service is impossible in it.

7.4.1.5.33. Mala Brusnica

The Church of the Dormition of the Mother of God (Uspenje Presvete Bogorodice), consecrated in 1937, was partially damaged.

7.4.1.5.34. Mladikovine

The new church, still under construction, was partially damaged.

7.4.1.5.35. Modriča

The Church of the Dormition of the Mother of God (Uspenje Presvete Bogorodice), built in 1868 and renovated in 1984, was deliberately destroyed beyond any war operations. The parish home was plundered and burnt down.

7.4.1.5.36. Novi Grad

The Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla) was shelled and is not suitable for religious service any more. The parish home was also exposed to shelling.

7.4.1.5.37. Obudovac

The Church of the Dormition of the Mother of God (Uspenje Presvete Bogorodice), built in 1882, was exposed to shelling which caused the damage of its roof and the north side.

7.4.1.5.38. Olovo

The parish home, built in 1969, was partially damaged.

7.4.1.5.39. Orašje

The St. George's Church (Svetog Georgija), built in 1991, was destroyed.

7.4.1.5.40. Podgajevi

The Church of the Descent of the Holy Spirit (Silazak Svetog Duha), built in 1910, was deliberately destroyed beyond any war operations. Also destroyed was the St. Sava Community building (Svetosavski dom).

7.4.1.5.41. Podnovlje

The Church of the Descent of the Holy Spirit (Silazak Svetog Duha), erected and consecrated in 1990, was partially damaged.

7.4.1.5.42. Požarnica

The Church of Our Lord's Ascension (Vaznesenje Gospodnje), built in 1869, was deliberately destroyed beyond any war operations. The parish home was plundered and destroyed. The St. Sava Community building (Svetosavski dom) was destroyed.

7.4.1.5.43. Potpeć

The new, still unconsecrated church, was partially damaged.

7.4.1.5.44. Pribojevići

The Church of Our Lord's Transfiguration (Preobraženje Gospodnje), consecrated in 1929, was deliberately demolished beyond any war operations. The St. Sava Community building (Svetosavski dom) was damaged.

7.4.1.5.45. Rastošnica

The Church of St. Serb Princ Lazarus (Svetog Kneza Lazara), consecrated in 1972, was damaged so that religious service cannot be performed in it.

7.4.1.5.46. Ritešić

A filial church of Majeвица (Filijalni hram) was destroyed.

7.4.1.5.47. Sase

The monastery Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla) was damaged and is unsuitable for religious service. The monastery refectory was also damaged.

7.4.1.5.48. Sijekovac

The Church of Great Martyr Marina (Ognjene Marije), consecrated in 1970, was deliberately destroyed beyond any war operations.

7.4.1.5.49. Srebrenica

7.4.1.5.49.1. The Church of the Protection of the Blessed Mother of God (Pokrov Presvete Bogorodice), a cathedral built in 1903, was deliberately destroyed beyond any war operations. The parish home built in 1936 was also destroyed.

7.4.1.5.49.2. The Church of the St. Archangel Michael (Sveti arhangel Mihailo), built in 1971 on the location of an older

church, was deliberately blown up and destroyed beyond any war operations.

7.4.1.5.50. Srpska Grapska

The Church of Our Lord's Ascension (Vaznesenja Gospodnjeg), built in 1894, was partially damaged.

7.4.1.5.51. Tešanj

The parish home was partially damaged.

7.4.1.5.52. Fakovići

The Church of the St. Apostle Thomas (Svetog apostola Tome), built in 1891 and reconstructed in 1971, was partially damaged. The parish home was plundered and burnt down.

7.4.1.5.53. Cerik

The Church of St. John the Theologian (Svetog Jovana Bogoslova), consecrated in 1955, was deliberately destroyed beyond any war operations.

7.4.1.5.54. Cerovica

The Church of the Sts. Apostles Peter and Paul (Svetih apostola Petra i Pavla), built in 1892 and renovated several times after the Second World War, was damaged.

7.4.1.5.55. Šetići

The Church of St. Elijah (Svetog Ilije), consecrated in 1974, was partially damaged. The parish home built in 1974 was damaged.

Evidence: 1. S. Mileusnić, *The Spiritual Genocide 1991-1993, the Museum of the Serb Orthodox Church, Belgrade, 1994.*

2. Documentation filed with the Committee under Nos 468/94-4,7,8 and 9; 85/94; 205/7-94; 370/94-5, 229/1-94; 234/95-23 and 202/95.

7. 5. CONCLUSIONS

7.5.1. The facts and evidence presented in Chapter VII of the Counter-Memorial prove deliberate killings of the members of the Serb nationality just due to their Serb nationality.

7.5.2. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that the members of the Serb nationality have been inflicted serious bodily or mental harm.

7.5.3. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that such conditions of life were deliberately inflicted on the Serbs, as a group, with an intent to physically destroy them, in whole or in part.

7.5.4. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that the above acts were committed with an intent to destroy the Serbs, as a group, in whole or in part.

7.5.5. Consequently, the facts and evidence presented in Chapter VII of the Counter-Memorial prove that the acts of genocide have been committed in Bosnia and Herzegovina against the Serbs, as a group.

7.5.6. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that the said acts of genocide have been committed in the territory under the control of the authorities of Bosnia and Herzegovina.

7.5.7. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that the said acts of genocide have been committed by the members of the State organs of Bosnia and Herzegovina.

7.5.8. The facts and evidence presented in Chapter VII of the Counter-Memorial prove that Bosnia and Herzegovina has not prevented the acts of genocide.

7.5.9. The facts and evidence presented in Chapter VII of the Counter-Memorial prove the existence of direct and public incipraent to commit genocide.

7.5.10. Consequently, Bosnia and Herzegovina has breached its obligations, pursuant to Article I of the Convention on the Prevention and Punishment of the Crime of Genocide to prevent the acts of genocide.

7.5.11. Bosnia and Herzegovina has breached its obligation, in accordance with Articles I-IV of the Convention on the Prevention and Punishment of the Crime of Genocide, to punish the perpetrators of the acts of genocide.

7.5.12. Bosnia and Herzegovina breached its obligation in accordance with Article V of the Convention on the Prevention and Punishment of the Crime of Genocide to include in its internal legislation the provisions on the implementation of the Convention.

7.5.13. Consequently, Bosnia and Herzegovina is responsible for the above breaches of its obligations arising from the Convention of the Prevention and Punishment of the Crime of Genocide.

GENERAL CONCLUSIONS

8.1. The documentary material presented by the Applicant in the Memorial and all other written submissions does not contain valid proof on the basis of which the Court can draw conclusions on facts.

8.2. No act alleged by the Applicant in the Memorial or other submission constitutes the crime of genocide since it is not envisaged by article II of the Convention on the Prevention and Punishment of the Crime of Genocide, and/or was not committed for the purpose of genocide, and/or directed exclusively against members of one protected group.

8.3. No act alleged by the Applicant in the Memorial or other written submission can be qualified as: conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide.

8.4. In view of the fact that the acts alleged by the Applicant in the Memorial and other submissions were committed outside the territory of FRY and in the territory over which FRY exercises no control whatsoever, FRY has not violated any obligations with regard to the prevention of the commission of genocide and the punishment of perpetrators.

8.5. There is no violation of any other obligation applicable to FRY under the Convention on the Prevention and Punishment of the Crime of Genocide.

8.6. The act of any individual which allegedly constitutes the violation of the obligation established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, cannot be attributed to FRY.

8.7. The act of any armed group which allegedly constitutes the violation of the obligation established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, cannot be attributed to FRY.

8.8 The act of any authority of the Republic of Srpska or any act that can be attributed to the Republic of Srpska and which allegedly constitutes the violation of the obligation established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, cannot be attributed to FRY.

8.9. FRY has not extended any aid or assistance to the Republic of Srpska for the purpose of the allegedly violation of obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

8.10. The Republic of Srpska has existed as a State in the territory of the former Yugoslav republic of Bosnia and Herzegovina as of April 1992. It has not been recognised as a State, but it has been recognised by the Applicant, other States and the UN Organisation, as a party to the conflict (a warring party). The international personality of the Republic of Srpska has been accepted by the international community and the Applicant at least to the extent vested in a party to the conflict.

8.11. The reasons for establishing the Republic of Srpska do not lie in the "ideology of a Greater Serbia", or in any plan created in Belgrade, but rather in the objective threats that the Serb people is under and in the religious and ethnic discrimination it is being subjected to in the territory under the Applicant's control. The creation of the Republic of Srpska has been motivated by the historical memory of the Serbs in Bosnia and Herzegovina, especially that of the genocide suffered in World War II, as well as in the political events in Bosnia and Herzegovina in 1990 and later, which culminated in armed attacks and genocide against the Serbs.

8.12. Between 1992 and 1995 the Republic of Srpska had a high degree of independence in decision making. Not only did it not accept suggestions on the part of FRY and friendly states, but neither did the NATO ultimatum and the Security Council measures significantly affect its conduct. Therefore, the Republic of Srpska exercises full sovereignty over its territory.

8.13. Thus, FRY exercises no sovereignty or control whatsoever over the territory controlled by the Republic of Srpska in the former Yugoslav republic of Bosnia and Herzegovina. FRY does not control the behaviour of the Republic of Srpska in any sphere. Although it has tried several times, FRY has not managed to influence the conduct of the Republic of Srpska.

8.14. The Yugoslav People's Army (JNA) withdrew in a timely fashion, in the shortest possible period, from the territory of the former

Yugoslav republic of Bosnia and Herzegovina. JNA members and weaponry and equipment remained under the command of all the three conflicting sides. No authority of FRY has decided on any military or armed operation in the territory of the former Yugoslav territory of Bosnia and Herzegovina.

8.15. FRY has publicly and consistently condemned ethnic cleansing, bombardment of towns, forced containment of civilians in collective centres, regardless of what party committed those acts, and demanded that all the three sides should cease committing these inhumane and illegal acts.

8.16. FRY has supported with humanitarian and economic assistance the attempt of the Serb people in the former Yugoslav republic of Bosnia and Herzegovina to safeguard its existential interests and status of equality with other nations in those parts. This assistance has never been extended with a view to the commission of inhumane and illegal acts. When the Republic of Srpska rejected the 1993 Vance-Owen plan, and/or the 1994 Contact Group plan, FRY discontinued its economic assistance.

8.17. The Republics of Serbia and Montenegro have, within SFRY and FRY, constantly and consistently invested efforts for the disagreement between the three ethnic communities to be solved through mutual consent, without recourse to force. All that FRY did in relation with the former Yugoslav republic of Bosnia and Herzegovina was in compliance with this position.

8.18. FRY has extended humanitarian assistance to the population, including the Moslem population, in the territory of the former Yugoslav republic of Bosnia and Herzegovina. It has likewise provided shelter to Muslim refugees in its territory.

8.19. In Bosnia and Herzegovina have been committed the acts of incitement to genocide, i.e. it has not prevented and punished the acts of incitement to genocide.

8.20. The organs of Bosnia and Herzegovina has committed acts of genocide and violated other obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs in Bosnia and Herzegovina.

8.21. The organs of Bosnia and Herzegovina have not prevented the the acts of genocide and other acts prevented by the Convention on the Prevention and Punishment of the Crime of Genocide.

8.22. The mentioned acts have been committed on the entire territory which was under the control of the authorities of the Republic of Bosnia and Hercegovina from March 1992 to October 1995.

8.23. Bosnia and Hercegovina has not punished the persons who committed the acts of genocide and other acts prevented by the Convention on the Prevention and Punishment of the Crime of Genocide.

8.24. Accordingly, Bosnia and Hercegovina is responsible for the violation of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

S U B M I S S I O N S

The Federal Republic of Yugoslavia requests the International Court of Justice to adjudge and declare:

1. In view of the fact that no obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide have been violated with regard to Muslims and Croats

- since the acts alleged by the Applicant have not been committed at all, or not to the extent and in the way alleged by the Applicant, or

- if some have been committed, there was absolutely no intention of committing genocide, and/or

- they have not been directed specifically against the members of one ethnic or religious group, i.e. they have not been committed against individuals just because they belong to some ethnic or religious group,

consequently, they cannot be qualified as acts of genocide or other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and/or

2. In view of the fact that the acts alleged by the Applicant in its submissions cannot be attributed to the Federal Republic of Yugoslavia,

- since they have not been committed by the organs of the Federal Republic of Yugoslavia,

- since they have not been committed on the territory of the Federal Republic of Yugoslavia,

- since they have not been committed by the order or under control of the organs of the Federal Republic of Yugoslavia,

- since there is no other grounds based on the rules of international law to consider them as acts of the Federal Republic of Yugoslavia,

therefore the Court rejects all claims of the Applicant, and

3. Bosnia and Herzegovina is responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina and for other violations of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

- because it has incited acts of genocide by the "Islamic Declaration", and in particular by the position contained in it that "there can be no peace or coexistence between 'Islamic faith' and 'non-Islamic' social and political institutions",

- because it has incited acts of genocide by the "Novi Vox", paper of the Muslim youth, and in particular by the verses of a "Patriotic Song" which read as follows:

"Dear mother, I'm going to plant willows,
We'll hang Serbs from them.
Dear mother, I'm going to sharpen knives,
We'll soon fill pits again".

- because it has incited acts of genocide by the paper "Zmaj od Bosne", and in particular by the sentence in an article published in it that "Each Muslim must name a Serb and take oath to kill him";

- because public calls for the execution of Serbs were broadcast on radio "Hajat" and thereby acts of genocide were incited;

- because the armed forces of Bosnia and Herzegovina, as well as other organs of Bosnia and Herzegovina have committed acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs in Bosnia and Herzegovina, which have been stated in Chapter Seven of the Counter - Memorial;

- because Bosnia and Herzegovina has not prevented the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs on its territory, which have been stated in Chapter Seven of the Counter-Memorial.

4. Bosnia and Herzegovina has the obligation to punish the persons held responsible for the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

5. Bosnia and Herzegovina is bound to take necessary measures so that the said acts would not be repeated in the future.

6. Bosnia and Herzegovina is bound to eliminate all consequences of the violation of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and provide adequate compensation.

Agent of the FR of Yugoslavia

Rodoljub Etinski

LIST OF ANNEXES

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- Annex No 2, Ted Galen Carpenter, Serbia, Analogy ... and Perspective, "The Washington Times", 12 June 1994, p. 3
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- Annex No 9, Joan Phillips, Who is making the news in Bosnia, The Living Marxism, 12 May 1993, pp. 37/1 - 37/4.
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- Annex No 20, George Kenney: Bosnian Calculation, The New York Times Magazine, 23 April 1995, p. 81
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Page 26. Photo 42. The heads of the Serb Blagojević Blagoje, Djurić Brana and Petković Nenad cut off by the Mujahhedin. The foot of a Mujahhedin on a fighter's head at the moment the photograph was taken.

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Page 28. Photo 48. Burial of priest Popović Nedjo

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Page 29. Photo 50. Orthodox church in Derventa, blown up in a mine explosion in June 1992.

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PHOTOS

KV-1 S.R. Female. 33 years old. The Muslims raided the village, killing and burning everything. They killed everybody in her house while she was seriously wounded. They thought she was dead too. At the time of the event she was pregnant.

Page 32. Picture No.1 Scar on the breast after a gun shot injury.

Page 32. Picture No. 2 Scar on the breast after a gun shot injury.

Page 32. Picture No. 3 Scar on the knee and shin after a shell fragment injury.

T-10 Z.Z. Male, 37 years old. Captured on 26 May 1992. Held in several camps till 9 March 1993. Tortured in various ways, heavily beaten, shut in a manhole to suffocate, etc.

Page 33. Picture No.1 Scar on the auricle after his skin was ruptured.

T-8 B.B. Male, 53 years old. Captured on 12 June 1992. Released 31 October 1992. Held in several camps in Herzegovina. Tortured in many ways. Severely beaten and cigarettes extinguished on his skin.

Page 34. Picture No.1 Scar on the right hand after an extinguished cigarette, and a scar on the left hand after a cut with a knife.

Page 34. Picture No.2 Scar on the neck, anterior, after an extinguished cigarette.

Bg-6 D.O. Female, 41 years old. Captured where she worked because she was a Serb. Raped several times and beaten over her hands during the interrogations.

Page 35. Picture No.1 Scar on the hand.

Bg-7 Š.B. Male, 45 years old. Captured on 16 October 1992. Released on 8 June 1993. Tortured and heavily beaten, cut with a knife several times.

Page 36. Picture No.1 Scars from the knife.

Ts-5 R.D. Male, 62 years old. Injured by the Muslims (small arms injury) in the house of his friend, in Sarajevo on 08.07.1992. Treated in the Sarajevo hospital and dismissed with the diagnosis that he was injured by a shell fragment.

Page 37. Picture No.1 Scar on the left shoulder by small arms.

Page 37. Picture No.2 Scar on the right side of the chest by small arms.

Page 37. Picture No.3 Scars on the left shoulder, posterior, by small arms.

M-10 Č.V. Male, 56 years old. Captured first on 8 May 1992 and released 24 August 1992. Captured for the second time on 20 October 1992 and released on 10 May 1993. Heavily beaten that he was all bruised. Beaten with all sorts of things. Stabbed with a knife.

Page 38. Picture No.1 Scar on the back after a stab injury.

Š-11 M.L. Male, 31 years old. Captured on 08.05.1992, detained in several camps, released on 12.01.1993. Forced to dig trenches on the front line, during which he was injured in the head and lost his right eye.

Page 39.

M-2 J.V. Male, 39 years old. Captured on 29 May 1992. Held in many camps till 5 November 1992. Tortured in many ways, heavily beaten, his nose was broken, hit with electric truncheons, lost consciousness several times.

Page 40. Picture No. 1 Nose deformity after nasal bone fracture.

Page 41. Picture No. 2 Scars on the left knee after injuries from blows.

Page 42. Picture No. 3 Scars on the buttock and left elbow after injuries from blows.

Page 42. Picture No. 4 Scars on the right shoulder after injuries from blows.

Page 43. Picture No. 5. Scar on the left hip after injuries from blows.

M-7 T.B. Male, 30 years old. Captured on 8 May 1992. Held in several camps till 5 November 1992. He was beaten from the moment he was captured, stabbed with a knife, forced to dig trenches on the front line during which he was injured by a shell.
Page 44. Picture No.1 Scar on the right shin after a blast injury - from shell fragments.
Page 45. Picture No.2 Scar on the left knee after a blast injury - from a shell fragment.

M-15 B.S. Male, 42 years old. Captured on 8 May 1992. Held in many camps till 7 October 1992. Tortured, heavily beaten, cut with a knife, forced to dig trenches during which he was injured by a shell fragment.
Page 46. Picture No.1 Scar on the back after a cut with a knife.
Page 47. Picture No.2 Scars on the legs after shell injuries.

M-16 T.M. Male, 24 years old. Captured on 8 May 1992. Held in several camps and released on 7 October 1992. Forced to dig trenches on the front line during which he was injured.
Page 48. Picture No.1 Scar on the left hip after a blast injury.
Page 49. Picture No.2 Scar on the arm after shell fragments.

Š-1 P.B. Male, 40 years old. Captured on 09.05.1992, detained in several camps, released on 22.06.1993. Beaten all over the body with all kinds of things, stabbed with a knife, etc.
Page 50. Picture No.1 Scar on the head after a blow with a blunt object.
Page 50. Picture No.2 Scar on the left elbow after a stab with a knife.

Š-2 D.J. Male, 56 years old. Captured on 08.05.1992, released on 09.10.1992. Permanently beaten in many ways.
Page 51. Picture No.1 Scar on the bitten off auricle.

Š-6 J.C. Male, 37 years old. Captured on 18.05.1992, detained in several camps, released on 19.07.1993. Beaten and tortured in many ways. His auricles were stapled.
Page 52. Picture No.1 Scar on the left auricle after the stapling.
Page 52. Picture No.2 Scar on the right auricle after the stapling.

B-1 M.K. Male, 39 years old. Captured on 04.05.1992, detained in several camps, released on 04.09.1992. Tortured in many ways, beaten, cigarettes extinguished on his body, used as a target for air-rifle shooting, etc.
Page 53. Picture No.1 Scar on the neck after an injury with an air-rifle round.

Page 53. Picture No.2 Scar on the left forearm after extinguished cigarette.

B-8 Dj.N. Male, 56 years old. Captured on 09.05.1992, released on 28.05.1992. Beaten, his upper jaw teeth were broken.
Page 54.

B-6 G.R. Male, 61 years old. Captured on 01.05.1992, released on 15.09.1992. Beaten several times, hit with various objects all over his body, his teeth were broken.
Page 55. Picture No.1 Broken teeth.
Page 56. Picture No.2 Scars on the shin after the blows with a blunt object.

B-19 R.M. Male, 25 years old. Captured on 13.05.1992, detained in the camps Maoča and Tuzla, released on 21.07.1993. Tortured in many ways, stabbed with a knife, pick-drill, heavily beaten, victim of *stereo torturing*, etc.
Page 57. Picture No.1 Scar on the back after the pick-drill.
Page 57. Picture No.2 Scar after the stab in the foot, and scar after the extinguishing of a cigarette.
Page 57. Picture No.3 Scar after a stab in the chest.

Der-3 J.S. Male, 46 years old. Captured on 25.04.1992, released on 14.07.1992. Tortured in many ways and with many means: Heavily beaten, stabbed with a knife, and his skin burnt by lit petrol, etc.
Page 58. Picture No.1 Scar on the left buttock after a stab with a bayonet.
Page 58. Picture No.2 Scar on the chest after an extinguished cigarette.
Page 58. Picture No.3 Burn scars on the right hand from lit petrol.

Z-1 K.J. Male, 41 years old. Captured on 20 May 1992. Held in several camps. Exchanged on 26 June 1992. Severely beaten, his ribs were broken, hands stabbed with a knife.
Page 59. Picture No.1 Scar on the 4th finger nail plane after a knife.
Page 59. Picture No.2 Scar on the right hand little finger after a cut with a knife.
Page 60. Picture No.3 Scar on the left hand forefinger after a cut with a knife.
Page 60. Picture No.4 Scar on the left hand index finger distal.
Page 61. Picture No.5 Scar on the forearm after a cut with a knife.

Z-4 Š.V. Male, 56 years old. Captured on 24 September 1992 and was detained in the Srebrnica camp till 16 October 1992. Tortured in many ways, heavily beaten, cigarettes extinguished over his whole body, beaten over his knees, etc.

Page 62. Picture No.1 Scars on the hands after the extinguished cigarettes.

Page 63. Picture No.2 Scar on the shin after a rupture from the blows with a blunt object.

Page 64. Picture No.3 Scar on the knee after a rupture from the blow with a blunt object.

Z-8 R.N. Male, 44 years old. Captured on 24 September 1992. Held in the camps in Srebrenica and Bratunac. Tortures from the beginning in all the camps, beaten, stabbed with a knife, cigarettes extinguished all over his body, etc.

Page 65. Picture No.1 Scar on the chest after a stab with a knife.

Page 65. Picture No.2 Scar on the shin after an extinguished cigarette.

T-6 T.L. Male, 64 years old. Captured on 18 April 1992 when he was beaten and his leg broken. Exchanged on 18 August 1992.

Page 66. Picture No.1 Scars on the left shin after the beatings, with consequent deformities.

Ts-2 Dj.P. Male, 45 years old. Captured in his house by two Muslims, who first sexually harassed him, stabbed him with a knife, tied him and then set his clothes on fire. The neighbors saved him.

Page 67. Picture No.1 Scar on the back after a stab.

Page 67. Picture No.2 Burn scars on the face.

Page 67. Picture No.3 Burn scars on the chest.

Page 67. Picture No.4 Burn scars on the right shoulder and right arm.

Page 67. Picture No.5 Burn scars on the left side of the chest and left arm.

Ts-3 A.M. Female, 53 years old. Raped in her house in Tešanj in 1993. Mental disorder developed as consequences; disorder is present in the skin of the hands, too (psychodermatosis).

Page 68. Picture No.1 Disorder in the hands (psychodermatosis) - probably a mental reaction to the rape.

Page 68. Picture No.2 Disorder in the hands (psychodermatosis) - probably a mental reaction to the rape.

T-1 R.B. Male, 59 years old. Captured on 8 April 1992. Held in several camps till 18 August 1992. Heavily beaten all over the body.

Page 69. Picture No.1 Scars and trophic changes where beaten.

Page 69. Picture No.2 Scar on the elbow where the skin was ruptured.

T-3 B.M. Male, 45 years old. Captured in the streets of Mostar on 4 May 1992. Held in several camps till 18 August 1992. Tortured in many ways; severely beaten and cut with a knife.

Page 70. Picture No.1 Scar after a cut with a knife.

T-13 D.T. Male, 37 years old. Captured on 8 April 1992. Held in many camps. Exchanged on 18 August 1992. Suffered severe torture, beatings, burning of his beard, electric shocks, sexual mutilation, beaten over his fingers, and shot at close range.

Page 71. Picture No.1 Deformity in the right hand with fingers which cannot be flexed.

Page 71. Picture No.2 Deformity in the left hand with scars on the palms.

Page 72. Picture No.3 Deformity in the left hand with fingers which cannot be flexed.

Page 72. Picture No.4 Scars on the right hand palm after cuts with a knife.

Page 72. Picture No.5 Scars on the hand after they were shot from a point blank Page 40. range.

Page 73. Picture No.6 Scar in the left groin region after been shot with a shotgun.

Page 74. Picture No.7 X-ray with the gunshot rounds seen in the soft tissue.

M-1 K.M. Male, 43 years old. Captured on 8 May 1992. Held in several camps till 5 November 1992. Heavily beaten, his bones were broken, beaten over the knees and pelvis.

Page 75. Picture No.1 Scar on the right knee after injuries from blows.

Page 76. Picture No.2 Scar on the left knee after injuries from blows.

Page 77. Picture No.3 Outgrowth between the buttocks after multiple beating in one place.

Page 77. Picture No.4 Deformity of the chest after rib fractures.

M-17 P.P. Male, 42 years old. Captured on 8 May 1992 and released 28 July 1992. Heavily beaten from the beginning. Injured twice while forced to dig trenches on the front line.

Page 78. Picture No.1 Scar on the forehead after a blow with a blunt object, and scar on the left arm after shell fragment injuries.

Page 79. Picture No.2 Scar on the back after shell fragment injuries.

B-9 R.B. Male, 47 years old. Captured on 03.08.1993, detained in several camps, released on 29.10.1995. Tortured and heavily beaten, taken for fake executions and forced to give false testimony.

Page 80. Picture No.1 Scar on the nail which was pulled out and beaten.

B-10 R.S. Male, 47 years old. Captured on 04.05.1992, released on 09.01.1993. Tortured mentally by his former students. Forced to dig trenches at the front line during which he was injured.

Page 81. Picture No.1 Scar on the right forearm after a shell fragment injury.

Der-4 K.M. Male, 36 years old. Captured on 26.04.1992, released on July 1992. Tortured with electricity, his nails were pulled out, he was heavily beaten, cigarettes were extinguished on his skin, etc.

Page 82. Picture No.1 New nails on his toes instead of those pulled out.

Page 82. Picture No.2 Scars on the hands after stabbing and cutting with a knife.

Page 82. Picture No.3 Scar on the left auricle, which was cut off.

Der-6 K.D. Male, 38 years old. Captured on 05.05.1992, detained in several camps, released on 09.07.1992. Heavily beaten all over the body, stabbed with a knife, etc.

Page 83. Picture No.1 Scar on the chin after a stab with a knife.

Page 83. Picture No. 2 Scar below the left eye after an injury caused by blows.

Der-10 M.B. Male, 35 years old. Captured on 26.04.1992, detained in several camps, released on 07.07.1992. Heavily beaten, had several bones fractured.

Page 84. Picture No.1 Scars on the palms after extinguished cigarettes.

Page 84. Picture No.2 Scar on the forehead after blows with a blunt object.

Page 84. Picture No.3 Scar on the scalp after blows with a blunt object.

Der-12 B.N. Male, 47 years old. Captured on 26.04.1992, released on 09.07.1992. Tortured in many ways, heavily beaten, stabbed with a knife, etc.

Page 85. Picture No.1 Scars on the left arm after stabs with a knife.

Der-18 P.D. Male, 47 years old. Captured on 09.06.1992, released on 05.07.1992. Heavily beaten from the first day, beaten all over the body and in the knee which was fractured.

Page 86. Picture No.1 Scars on the left knee with deformities.

Bg-4 V.D. Male, 23 years old. Captured on 15 June 1993.

Released on 20 January 1994 and immediately transferred to the Military medical hospital in Belgrade for surgery and treatment after

skull fractures and brain injuries. Tortured and beaten with various objects.

Page 87. Picture No.1 Scar on the left ankle, exterior, after a rupture from blows.

BI-14 Dj.S. Male, 69 years old. Forced from his home with his son and wife, who were killed there while he was tortured and a part of his auricle was cut off with some scissors.

Page 88.

BI-15 L.Lj. Female, 39 years old. Raped in her house. Beaten over the head before the rape.

Page 88. Picture No.1 Scar on the scalp.

Bg-9 A.M. Male, 20 years old. Captured on 13 December 1992 near Srebrenica. Released in March 1993. Several times beaten and cut on his face and neck (slaughtered)

Page 89. Picture No.1 Scars on the left side of the head and neck after blows and cuts.

Page 89. Picture No.2 Scars on the left side of the head and neck after blows and cuts.

Page 90. Picture No.3 Scars on the left side of the head and neck after blows and cuts.

Page 90. Picture No.4 Scar on the knee after a rupture from a blow with a blunt object.

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Annex No. C 247 svedočenje R.C./testimony R.C., pp. c2120-2123/c2124-c2126

Annex No. C 248 svedočenje Č.B./testimony Č.B., pp. c2127-2144/c2145-c2157

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Annex No. C 258, Medicinski nalaz/Medical findings - M 2, pp. c2231-c2234/c2235-c2237

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Annex No. C 263, Medicinski nalaz/Medical findings - M 16, pp. c2264-c2266/c2267-c2269

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Annex No. C 274 Report of the Committee Compiling Data on Crimes against Humanity and International Law on Mostar, 1991-1993, pp. c2353-c2375

Annex No. 275, Map showing deliberate killing of Serb civilian population or captured Serbs

Annex No. 276, Map showing areas from which Serbs were deliberately taken to camps maltreated and killed

Annex No. 277, Map showing camps for Serbs in Bosnia and Herzegovina

Annex No. 278, Map showing areas of ethnic cleansing of Serbs in Bosnia and Herzegovina

Annex No. 279, Map showing the destroyed or damaged churches, monasteries and other church buildings in Bosnia and Herzegovina of the Serb Orthodox Church in the 1991 - 1995 War



**HRVATSKA
CROATIA**

**BOSNA I HERCEGOVINA
BOSNIA AND HERZEGOVINA**

**SR JUGOSLAVIJA
FR OF YUGOSLAVIA**

**HRVATSKA
CROATIA**

**Odvođenje u logore, zlostavljanje
i ubijanje srpskog naroda**

**Areas from which Serbs were
deliberately taken to camps
maltreated and killed**

*JADRANSKO MORE
ADRIATIC SEA*

0 50 100 150 km

ALBANIA

7.2.9.0. Bosanska Posavina

7.2.11.0
Brod
(Bosanski Brod)

7.2.10.0
Čolak

7.2.12.0
Orasje —
Donja
Mahala

7.2.15.0
Derventa

7.2.20.0
Gradačac

7.2.13.0
Brčko

7.2.14.0
Kotor Varoš

7.2.25.0
Lukavac

7.2.19.0
Tuzla

7.2.16.0
Zvornik

7.2.21.0
Jajce

7.2.43.0
Žepče

7.2.22.0
Banovići

7.2.23.0
Živinice

7.2.27.0
Travnik

7.2.31.0
Zenica

7.2.18.0
Kladanj

7.2.37.0
Novi
Travnik

7.2.32.0
Vitez

7.2.42.0
Kakanj

7.2.39.0
Bugojno

7.2.33.0
Busovača

7.2.29.0
Visoko

7.2.35.0
Breza

7.2.33.0
Kupres

7.2.8.0
Livno

7.2.5.0
Sarajevo

7.2.7.0
Duvno
(Tomislavgrad)

7.2.1.0
Čelebići

7.2.17.0
Hadžići

7.2.40.0
Hrasnica

7.2.34.0
Jablanica

7.2.44.0
Konjic

7.2.25.0
Irnovo

7.2.2.0
Musala u Konjicu

7.2.5.0
Goražde

7.2.6.0
Mededa

7.2.30.0
Mostar

7.2.3.0
Ljubuški

7.2.4.0
Dretelj

HRVATSKA
CROATIA

BOSNA I
HERCEGOVINA
BOSNIA AND
HERZEGOVINA

SR JUGOSLAVIJA
FR OF YUGOSLAVIA

HRVATSKA
CROATIA

Logori za Srbe u Bosni i Hercegovini

Camps for Serbs in Bosnia and Herzegovina

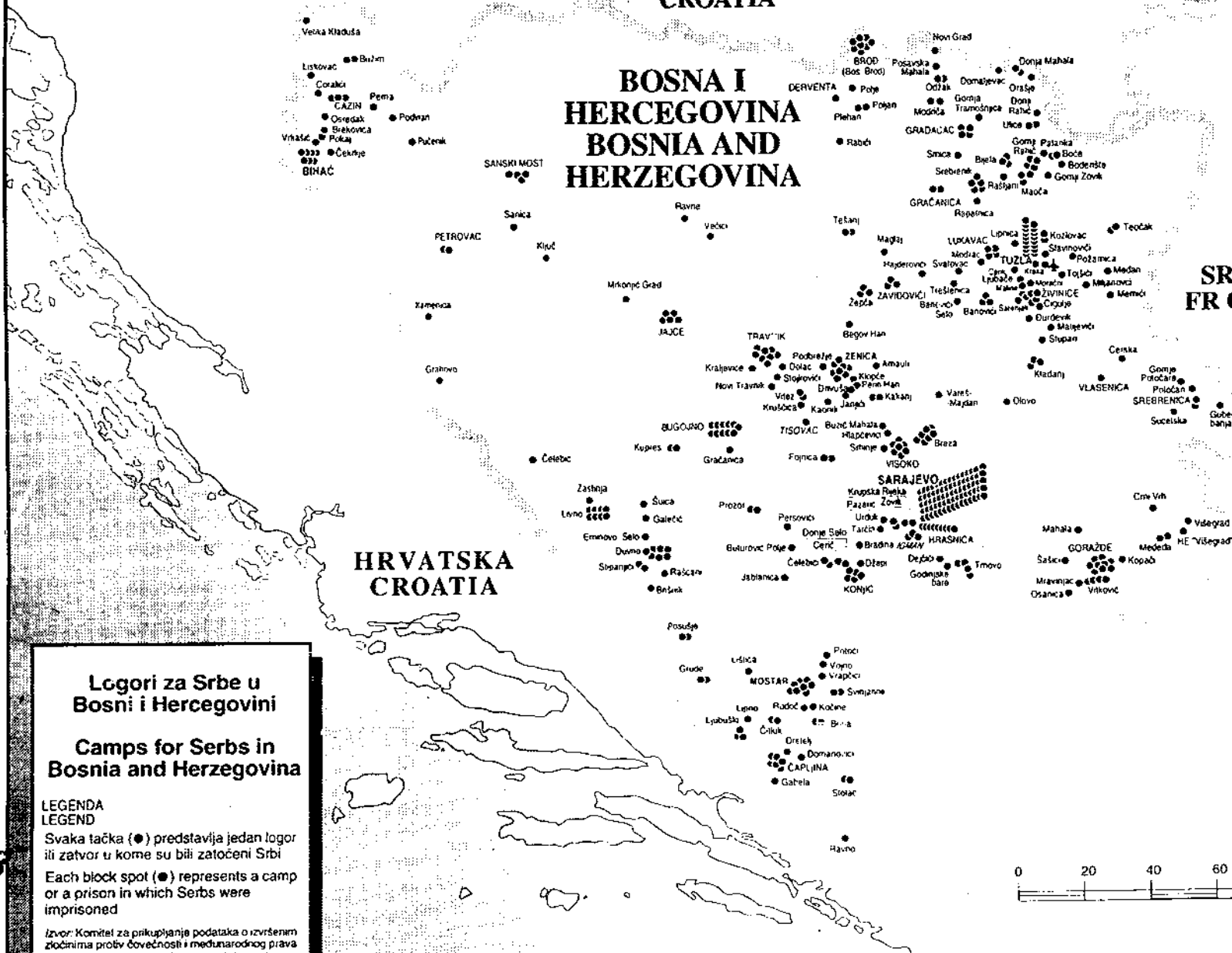
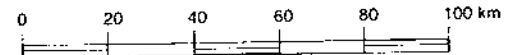
LEGENDA LEGEND

Svaka tačka (●) predstavlja jedan logor
ili zatvor u kome su bili zatočeni Srbi

Each block spot (●) represents a camp
or a prison in which Serbs were
imprisoned

Izvor: Komitet za prikupljanje podataka o izvršenim
zločinima protiv čovečnosti i međunarodnog prava
Source: Committee for Compiling Information on
Crimes against Humanity and International Law

JADRANSKO MORE
ADRIATIC SEA





HRVATSKA
CROATIA

7.3.17.0. Bosanska Posavina

7.3.18.0.
Brod
(Bosanski Brod)

7.3.19.0.
Odžak

7.3.20.0.
Orasije

7.3.9.0.
Derventa

7.3.25.0.
Brčko

BOSNA I HERCEGOVINA
BOSNIA AND HERZEGOVINA

7.3.3.0.
Tuzla

SR JUGOSLAVIJA
FR OF YUGOSLAVIA

7.3.11.0.
Banovici

7.3.15.0.
Zvinice

7.3.4.0.
Travnik

7.3.5.0.
Zenica

Bratunac

7.3.10.0.
Bratunac

Srebrenica

Srebrenica

HRVATSKA
CROATIA

7.3.1.0.
Otovo

7.3.23.0.
Gornji
Vakuf

7.3.13.0.
Visoko

7.3.12.0.
Sarajevo

7.3.14.0.
Hrasnica

7.3.16.0.
Višegrad

7.3.2.0.
Livno

Jablanica

7.3.7.0.
Konjic

7.3.21.0.
Goražde

Etničko čišćenje
Ethnic cleansing

7.3.6.0.
Srbinge
(Foča)

Mostar

7.3.8.0.
Mostar,
Capljina,
Stolac i
Jablanica

Capljina

Stolac

JADRANSKO MORE
ADRIATIC SEA



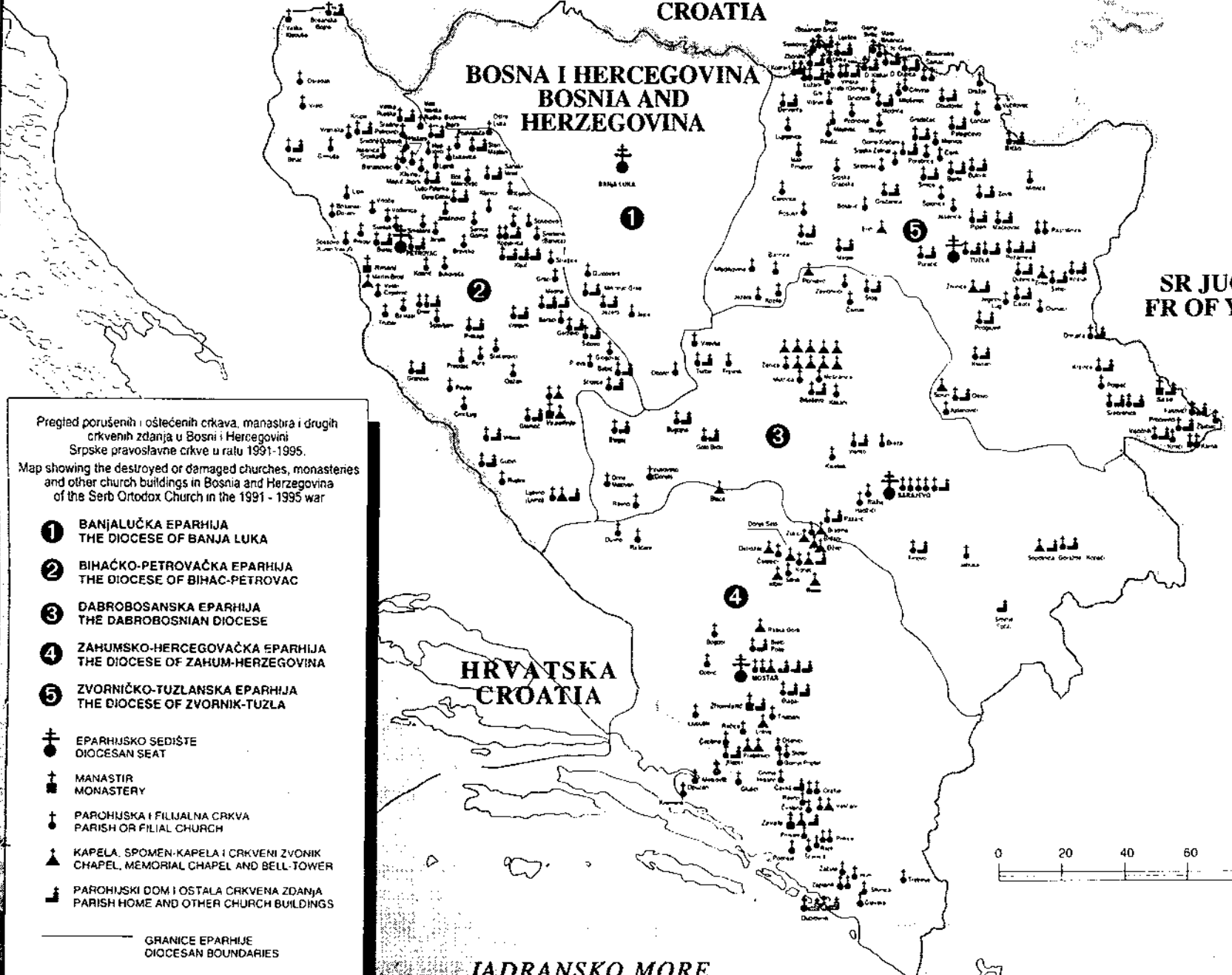
ALBANIJA

16/88

HRVATSKA
CROATIA

BOSNA I HERCEGOVINA
BOSNIA AND
HERZEGOVINA

SR JUGOSLAVIJA
FR OF YUGOSLAVIA

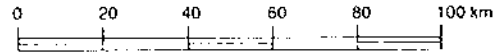


Pregled porušenih i oštećenih crkava, manastira i drugih crkvenih zdanja u Bosni i Hercegovini Srpske pravoslavne crkve u ratu 1991-1995.
Map showing the destroyed or damaged churches, monasteries and other church buildings in Bosnia and Herzegovina of the Serb Orthodox Church in the 1991 - 1995 war

- ① BANJALUČKA EPARHIJA
THE DIOCESE OF BANJA LUKA
- ② BIHAČKO-PETROVAČKA EPARHIJA
THE DIOCESE OF BIHAĆ-PETROVAC
- ③ DABROBOSANSKA EPARHIJA
THE DABROBOSNIAN DIOCESE
- ④ ZAHUMSKO-HERCEGOVAČKA EPARHIJA
THE DIOCESE OF ZAHUM-HERZEGOVINA
- ⑤ ZVORNICKO-TUZLANSKA EPARHIJA
THE DIOCESE OF ZVORNIK-TUZLA

- ✠ EPARHIJSKO SEDIŠTE
DIOCESAN SEAT
- ✠ MANASTIR
MONASTERY
- ✠ PAROHJSKA I FILIJALNA CRKVA
PARISH OR FILIAL CHURCH
- ⚐ KAPELA, SPOMEN-KAPELA I CRKVENI ZVONIK
CHAPEL, MEMORIAL CHAPEL AND BELL TOWER
- ⚐ PAROHJSKI DOM I OSTALA CRKVENA ZDANJA
PARISH HOME AND OTHER CHURCH BUILDINGS

GRANICE EPARHIJE
DIOCESAN BOUNDARIES



JADRANSKO MORE
ADRIATIC SEA