
 UNITED NATIONS	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Case No.	IT-09-92-T
		Date:	22 November 2017
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IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Judgment of: 22 November 2017

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC WITH CONFIDENTIAL ANNEX

JUDGMENT

VOLUME II OF V

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4.10 Prijedor Municipality

4.10.1 Murder

Schedule A.6.1

1017. According to the Indictment, the Accused is responsible for the killing of a number of people in Kozarac and the surrounding area between 24 May and June 1992.⁴¹⁹² The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident.⁴¹⁹³ Additionally, it received evidence from **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;⁴¹⁹⁴ **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;⁴¹⁹⁵ **Witness RM-065**, a Bosnian Muslim from Prijedor;⁴¹⁹⁶ **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁴¹⁹⁷ **Witness RM-017**, a Bosnian Muslim from Kozarac in Prijedor Municipality;⁴¹⁹⁸ **Idriz Merdžanić**, a Bosnian Muslim doctor from Kreševo, Sarajevo Municipality;⁴¹⁹⁹ **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;⁴²⁰⁰ **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality;⁴²⁰¹ **Ostoja Javorić**, a Serb from Prijedor who worked at the Banja Luka Garrison as the Commander of the Armoured Battalion from 1991 until after the war;⁴²⁰² **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war;⁴²⁰³ **Draško Vujić**, a VRS battalion commander from Prijedor;⁴²⁰⁴ **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July

⁴¹⁹² Indictment, paras 39, 59, 62, Schedule A.6.1.

⁴¹⁹³ Adjudicated Fact I, nos 874 and 876 have been reviewed in chapter 4.10.6 and Adjudicated Facts I, nos 867-871 have been reviewed in chapter 4.10.7.

⁴¹⁹⁴ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁴¹⁹⁵ P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

⁴¹⁹⁶ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).

⁴¹⁹⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁴¹⁹⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.

⁴¹⁹⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T.3321.

⁴²⁰⁰ P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality).

⁴²⁰¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

⁴²⁰² D1277 (Ostoja Javorić, witness statement, 17 March 2014), p. 1, paras 1-2.

⁴²⁰³ D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

⁴²⁰⁴ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.

1992,⁴²⁰⁵ as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁴²⁰⁶ In addition, the Trial Chamber received evidence from **Kerim Mešanović**, a Bosnian Muslim from Prijedor.⁴²⁰⁷

Ultimatum to surrender weapons and resistance in Kozarac

1018. The Trial Chamber took judicial notice of several Adjudicated Facts in relation to this incident.⁴²⁰⁸ They refer, *inter alia*, to initially mixed checkpoints, which were later replaced by Serb checkpoints and erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens. Or to an ultimatum which was addressed to the TO in Kozarac to, *inter alia*, surrender all weapons. As well as to the inability of the Bosnian-Croat and Bosnian-Muslim population of Prijedor Municipality to set up an efficient resistance to the armed attacks by the Bosnian-Serb army acting jointly with the police and paramilitary groups.

1019. **Mevludin Sejmenović** testified that he and other SDA officials attended a meeting around May 1992 with Simo Mišković, Colonel Arsić, Major Radmilo Zeljaja, and Slobodan Kuzurović at the SDS premises.⁴²⁰⁹ Major Zeljaja told the SDA leaders that within 48 hours, they had to surrender several thousand pieces of weaponry or he

⁴²⁰⁵ P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.

⁴²⁰⁶ **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 35-36; Mevludin Sejmenović, T. 3541. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 2, 6; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), pp. 2422, 2446-2448. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1262. **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, pp. 13275-13276. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330, 3342-3344. **Ostoja Javorić**: D1277 (Ostoja Javorić, witness statement, 17 March 2014), paras 6-7, 11. **Boško Kelečević**: D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 5-7. **Ivo Atlija**: P168 (Ivo Atlija, witness statement, 20 October 2000), para. 24; Ivo Atlija, T. 2354. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21, 23; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3359-3360. **Osman Selak**: Osman Selak, T. 2988-2989, 2999, 3134; P253 (Excerpts from Osman Selak's Diary), p. 1; P247 (1KK report to VRS Main Staff on elimination of Green Berets in the wider area of Kozarac, 27 May 1992. **Documentary evidence**: P4148 (1st Krajina Corps combat report, 26 May 1992), pp. 1-3. P7475 (Intercept relating to Prijedor negotiations, 25 May 1992), p. 1. P4131 (Interview with Milomir Stakić), pp. 6-7. P4136 (Dispatches video excerpt), p. 4.

⁴²⁰⁷ P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3.

⁴²⁰⁸ Adjudicated Facts I, nos 874 and 876 have been reviewed in chapter 4.10.6; Adjudicated Facts I, no. 871 has been reviewed in chapter 4.10.7.

⁴²⁰⁹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 24; Mevludin Sejmenović, T. 3461-3463, 3466.

would 'raze Kozarac to the ground'.⁴²¹⁰ The SDA leaders pleaded that they did not have that much weaponry, to which Zeljaja responded that this was their problem.⁴²¹¹ According to the witness, Kozarac had no proper army but only a poorly armed TO.⁴²¹² For a short time after the ultimatum they tried to expand and reinforce the TO in order to prevent a massacre but they were unable to achieve this due to the lack of personnel, funds, material, communications or fuel.⁴²¹³ In fact, most of the people who volunteered to join were either too old or too young, possessed no weapons themselves or only possessed old weapons from World War II.⁴²¹⁴

1020. **Boško Kelečević** testified that in 1992 he was aware of the situation in Kozarac and that several thousand Muslims were armed in the village.⁴²¹⁵ The Muslim units from Kozarac committed provocations on a daily basis.⁴²¹⁶ During an undated interview about Kozarac, Milomir Stakić stated that the Serbs found lists of 3,791 members of the 'illegal' Muslim TO and the weapons issued to them.⁴²¹⁷ According to a report from the Prijedor SJB sent by Simo Drljača, Chief of the Prijedor SJB on 25 May 1992 to the Banja Luka CSB, the Prijedor SJB formed a plan for confiscating illegally held weapons.⁴²¹⁸ In cooperation with the military, 500 firearms had already been confiscated, but the plan had not yet been fully implemented because of the outbreak of conflict in the municipality.⁴²¹⁹

1021. According to a 1KK logbook, towards the end of the afternoon of 24 May 1992, an armed conflict broke out in the general area of Kozarac after Muslim extremists erected a barricade and opened fire from it.⁴²²⁰ The same logbook noted that Zeljaja captured 100 Green Berets out of a total of around 1,000 armed Green Berets present in the area.⁴²²¹ According to a combat report from the 1KK Command to the VRS Main Staff dated 25 May 1992 and signed by Momir Talić, on 24 May 1992 an armed attack

⁴²¹⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 25; Mevludin Sejmenović, T. 3463-3465.

⁴²¹¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 25; Mevludin Sejmenović, T. 3464-3465.

⁴²¹² P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 27.

⁴²¹³ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 29-30; Mevludin Sejmenović, T. 3527-3530.

⁴²¹⁴ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 30.

⁴²¹⁵ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15.

⁴²¹⁶ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15.

⁴²¹⁷ P4131 (Interview with Milomir Stakić), p. 6.

⁴²¹⁸ P4061 (Prijedor SJB report to Banja Luka CSB, 25 May 1992), p. 1.

⁴²¹⁹ P4061 (Prijedor SJB report to Banja Luka CSB, 25 May 1992), p. 1.

⁴²²⁰ P3946 (Logbook of the 1KK Command, 1991-1992), p. 140.

⁴²²¹ P3946 (Logbook of the 1KK Command, 1991-1992), p. 140.

by the Green Berets, with the likely assistance of members of the Croatian Defence Forces, took place on the Banja Luka – Prijedor axis in the villages of Kozarac, Kozaruša, and Kevljani, starting an armed conflict that was still ongoing in the afternoon of 25 May 1992.⁴²²² Talić estimated that there were between 1,200 and 1,500 armed members of the Green Berets in Kozarac.⁴²²³ Talić reported to the VRS Main Staff that ‘our forces have sealed off the entire area’.⁴²²⁴

1022. According to a 1KK Command report on the political and security situation in Bosnian Krajina dated 26 May 1992, the corps’s forces inflicted severe casualties on the Green Beret members in the village of Kozarac and captured about 300 members of enemy formations in the process.⁴²²⁵ Another 1KK Command combat report dated 27 May and addressed to the Main Staff mentioned that ‘mopping up is in progress in the village of Kozarac’ and that the disarming of the Green Berets was entering its final phase.⁴²²⁶

1023. In an undated interview, Milomir Stakić, President of the Prijedor Municipal Crisis Staff, stated that the entire municipality of Prijedor was under their control after the takeover of Kozarac and added that ‘in Kozarac itself, the operation ‘cleaning’, as the military call it, was still ongoing because those who had stayed behind were ‘the most extreme ones and the professionals’.⁴²²⁷

1024. **Osman Selak** testified that on 27 May 1992, he attended a meeting at the JNA 5th Corps Command in which the Kozarac attack was discussed.⁴²²⁸ There were approximately 10-12 people in attendance at this meeting including General Talić and his assistants as well as Colonel Dragan Marčetić, the Assistant Commander for Operations and Education and Head of the Management Team, and Colonel Busko Jelecević, the Chief of the Operations and Education and Talić’s deputy.⁴²²⁹ Marčetić, as Head of the management team on that day, briefed the commander about what happened during his absence, and more particularly the operation on Kozarac.⁴²³⁰ He

⁴²²² P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), pp. 1-3, 5.

⁴²²³ P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), p. 2.

⁴²²⁴ P3727 (1KK Command combat report sent to VRS Main Staff, 25 May 1992), pp. 2-3, 5.

⁴²²⁵ P3443 (1st Krajina Corps Command report, 26 May 1992), p. 1.

⁴²²⁶ P3445 (1st Krajina Corps Command combat report to the VRS Main Staff, 27 May 1992), p. 1.

⁴²²⁷ P280 (Excerpt from video interview with Milomir Stakić), pp. 1-2.

⁴²²⁸ Osman Selak, T. 2984-2986; P244 (Osman Selak, Witness statement, 13 July 2000), paras 86-87; P253 (Excerpts from Osman Selak’s Diary), pp 1-2.

⁴²²⁹ Osman Selak, T. 2984-2986.

⁴²³⁰ Osman Selak, T. 2986-2989, 2999; P253 (Excerpts from Osman Selak’s Diary), p. 1.

reported that 800 people had been killed and 1,200 captured.⁴²³¹ As he did this, Talić looked in Selak's direction, the only Muslim in the room, and then looked back at Marčetić and said: 'Dragan, you must mean 80 people, and this is what you want to report to the Main Staff', and that was what was reported to the Main Staff.⁴²³² Selak testified that the original figure that Marčetić produced of 800 dead was, in fact, an already reduced figure from the figure of 2,000 that Selak believed died in Kozarac and the wider area.⁴²³³ Many people were killed in Kozarac.⁴²³⁴ Selak testified that at this meeting Talić also expressed that he was not happy with the conflict to be resolved by armed force and referred to the 800 already killed.⁴²³⁵ He indicated that he would prefer an alternative option to armed force but that he was carrying out the orders of his superior command.⁴²³⁶ The 1KK subsequently reported to the VRS Main Staff on 27 May 1992 that: the armed conflict in Kozarac commenced on 25 May 1992 and ended on 27 May 1992; five members of the military column, who were members of the 23rd Motorised Brigade based in Prijedor, were killed and 20 wounded; and 80 to 100 'Green Berets' were killed and approximately 1,500 captured.⁴²³⁷

Attack on Kozarac

1025. The Trial Chamber took judicial notice of several Adjudicated Facts in relation to attacks on various villages in Prijedor Municipality, including on Kozarac, committed by the VRS acting jointly with the police and paramilitary units.⁴²³⁸

1026. On 24 May 1992, Kozarac was attacked by Bosnian-Serb forces with an artillery bombardment which lasted until 26 May 1992 and extended to surrounding Muslim villages.⁴²³⁹ The attack began with heavy shelling, followed by the advance of tanks and infantry.⁴²⁴⁰ **Jusuf Arifagić** specified that around 25 May 1992, locals from Lamovita and Omarska and units of the Banja Luka Corps attacked Kozarusa and Jakupovići, near

⁴²³¹ Osman Selak, T. 2988; P253 (Excerpts from Osman Selak's Diary), p. 1.

⁴²³² Osman Selak, T. 2988; P253 (Excerpts from Osman Selak's Diary), p. 2.

⁴²³³ Osman Selak, T. 2990-2992; P253 (Excerpts from Osman Selak's Diary), p. 1.

⁴²³⁴ Osman Selak, T. 3134.

⁴²³⁵ Osman Selak, T. 3005; P253 (Excerpts from Osman Selak's Diary) p. 2.

⁴²³⁶ Osman Selak, T. 3005; P253 (Excerpts from Osman Selak's Diary) p. 2.

⁴²³⁷ P247 (1KK report to VRS Main Staff on elimination of Green Berets in the wider area of Kozarac, 27 May 1992); Osman Selak, T. 3134-3136.

⁴²³⁸ Adjudicated Facts I, nos 867-870 have been reviewed in chapter 4.10.7.

⁴²³⁹ Adjudicated Facts I, no. 877.

⁴²⁴⁰ Adjudicated Facts I, no. 878.

Kozarac, with anti-aircraft missiles or with infantry and artillery.⁴²⁴¹ A few hours after the beginning of the attack, a cease fire was implemented for about half a day, after which Kozarac was shelled from all directions. On 26 May 1992, the 'Serbs' withdrew but eventually the villages of Kozarac fell one by one and the women and children had to retreat to the next safest village. Around noon on 26 May, about ten thousand people from Kozarac surrendered to the 'Serbs'.⁴²⁴² According to a combat report from the 1KK Command to the VRS Main Staff dated 26 May 1992, Talić ordered that the 'mopping-up' in Kozarac and the surrounding settlements was to continue.⁴²⁴³ On 27 May 1992, Arifagić and around 550 men hid on Kozara Mountain and during their first night they watched Kozarac burn.⁴²⁴⁴

1027. After the shelling, the Serb infantry entered Kozarac Town and began setting houses on fire one after another.⁴²⁴⁵ The Prijedor paramilitary units took part in the attack on Kozarac, Hambarine and other areas in Prijedor as part of the VRS in May 1992.⁴²⁴⁶ On 17 May 1992, Vladimir Arsić, Commander of the 343rd Motorised Brigade, had placed under his command all existing formations, including TO units, volunteer units, and armed Serb formations.⁴²⁴⁷ **Witness RM-017** specified that the troops under the command of the commander of the 'Prijedor army', nicknamed 'Zeljaja', entered the village.⁴²⁴⁸ **Sivac** testified that Andžić's paramilitaries, the 5th Kozarac Brigade, and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack on Kozarac.⁴²⁴⁹ In addition, the 6th Krajina Brigade headed by Colonel Branko Basara, including a platoon under the command of Macola, as well as the *Crni Dorde* intervention platoon, a scouts platoon and a police platoon, together with the Prijedor Brigade, were involved in the attack.⁴²⁵⁰ Colonel Vladimir Arsić, Commander of the 43rd Motorized Brigade later got praised by Talić for his leadership during the operation in Kozarac and was promoted to the position of commander of the

⁴²⁴¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 5-6.

⁴²⁴² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 6.

⁴²⁴³ P4148 (1KK combat report, 26 May 1992), p. 2.

⁴²⁴⁴ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.

⁴²⁴⁵ Adjudicated Facts I, no. 878.

⁴²⁴⁶ Adjudicated Facts I, no. 318.

⁴²⁴⁷ P7122 (Order on replenishment and unification of 343rd Motorised Brigade, 17 May 1992). The Trial Chamber is mindful of the name change during 1992 in relation to the 343rd Motorised Brigade. *See also* chapter 3.1.2.

⁴²⁴⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 7.

⁴²⁴⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13275.

⁴²⁵⁰ P2365 (History of the 6th Krajina Brigade signed by Colonel Basara, estimated date end of 1992), para. 7; P3851 (Excerpt of document on VRS interventions between 1991 and 1992), p. 5.

Doboj operations group.⁴²⁵¹ As a result of the shelling, many dwellings were destroyed, over 800 inhabitants were killed, and the remainder, including those from surrounding Muslim villages, were expelled, the town and its vicinity being then occupied by Bosnian-Serb forces.⁴²⁵² Survivors of the attack on Kozarac recalled their experiences during an undated interviewed, stating that after having been overpowered by the Serbs, the local Muslim population, comprised of mainly women, children, and elderly, was forced to surrender.⁴²⁵³ One survivor recalled that civilians were taken to a house where they had their throats slit.⁴²⁵⁴ And another eyewitness stated that she saw the Serbs shoot a 17-year-old from behind.⁴²⁵⁵ **Idriz Merdžanić** testified that a Muslim woman named Šahurić told him that during the attack on Kozarac she had been hiding in her basement together with nine other Muslims and that when they were found a Serb soldier fired a rocket into the basement, killing the nine people.⁴²⁵⁶

1028. **Nusret Sivic** testified that two ambulance drivers who drove people wounded in the attack to the Prijedor hospital told him that they were made to abandon their ambulances near the Serb IKM, that their vehicles were destroyed, and that the wounded people were killed on the spot.⁴²⁵⁷ Patients at the medical centre in Kozarac died as a result of shelling wounds and other injuries when the centre was shelled.⁴²⁵⁸ **Merdžanić** testified that a police car near the medical centre was equipped with a radio with a military frequency and used for the negotiations on the terms of surrender of Kozarac. When he used this radio to negotiate the safe passage to the Prijedor hospital of a seven-year-old boy whose upper thigh was completely shattered to the bone, the response he got was '[D]ie *Balijas*, we will kill you all anyway'. He could then hear laughing in the background of the radio. Merdžanić learned that the boy died a couple of days later.⁴²⁵⁹ **Azra Blažević** stated that a twelve-year-old boy died from his injuries.⁴²⁶⁰

⁴²⁵¹ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 14; Boško Kelečević, T. 37249-37252, 37179, 37284; P7466 (Request by the 5th Corps to the Partisan Division and Prijedor area command, 28 April 1992); P7474 (Official Assessment of Colonel Vladimir Arsić, signed by Momir Talić, 20 July 1993); P7478 (Reassignment of Vladimir Arsić, signed by Momir Talić, 27 May 1993).

⁴²⁵² Adjudicated Facts I, no. 879.

⁴²⁵³ P4136 (Dispatches video excerpt), pp. 4-5.

⁴²⁵⁴ P4136 (Dispatches video excerpt), pp. 5-6.

⁴²⁵⁵ P4136 (Dispatches video excerpt), pp. 6-7.

⁴²⁵⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 20.

⁴²⁵⁷ Nusret Sivic, T. 4847-4848.

⁴²⁵⁸ Adjudicated Facts I, no. 880.

⁴²⁵⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 18.

⁴²⁶⁰ P3617 (Azra Blažević witness statement, 10 November 1994), p. 6.

1029. At least 80 Bosnian-Muslim civilians were killed when Bosnian-Serb soldiers and police entered the villages in the Kozarac area, together with a number of Bosnian-Muslim employees of the Kozarac police station.⁴²⁶¹ Between 24 and 27 May 1992, Duško Tadić participated in the attack on Kozarac and the surrounding areas and in the collection and forced transfer of civilians to detention centres.⁴²⁶² The Muslim men who were not killed were taken to ‘makeshift prison camps’, including Keraterm and Omarska, while the women and children were taken to the village hall at Trnopolje, where several thousand people were held with no food or medicine, and little clothing.⁴²⁶³ During the collection and forced transfer of civilians from Kozarac, Tadić participated in the beating and killing of Muslims.⁴²⁶⁴

1030. On 27 May 1992, senior military officers met to be briefed on the attack on Kozarac.⁴²⁶⁵ Lieutenant-General Talić, as Commander of the Banja Luka Corps, the 5th Corps of the old JNA, was informed that 800 people had been killed in the attack on Kozarac and an additional 1,200 had been captured.⁴²⁶⁶ The casualties on the part of the units of the Corps were four soldiers killed, and fifteen injured.⁴²⁶⁷ In command of the 343rd Motorised Brigade, the unit extensively involved in that attack (and which later became the 43rd Brigade) was Colonel Vladimir Arsić and, in direct control of the attack, was Major Radmilo Zeljaja, both former JNA officers.⁴²⁶⁸ That attack on Kozarac, as with all active combat activities, would necessarily have had to be approved, in accordance with military command procedures, by the Corps Commander, Lieutenant-General Talić who alone could order the commitment of units to combat.⁴²⁶⁹ **Kerim Mešanović** stated that already in February or March 1992, he had heard Zeljaja say that he was going to level Kozarac, because they were preparing a defence.⁴²⁷⁰

1031. In this respect, the Trial Chamber recalls the evidence of Draško Vujić reviewed in chapter 4.10.2 *Schedule C.15.3* that in the week before 30 May 1992, his brigade

⁴²⁶¹ Adjudicated Facts I, nos 881-882.

⁴²⁶² Adjudicated Facts I, no. 883.

⁴²⁶³ P4136 (Dispatches video excerpt), pp. 6-7.

⁴²⁶⁴ Adjudicated Facts I, no. 884.

⁴²⁶⁵ Adjudicated Facts I, no. 890. The Trial Chamber understands this meeting to have been a debriefing.

⁴²⁶⁶ Adjudicated Facts I, no. 890. The Trial Chamber notes that words appear to be missing from this sentence of Adjudicated Fact 890. The Prosecution sought judicial notice only of these partial sentences.

⁴²⁶⁷ Adjudicated Facts I, no. 890. The Trial Chamber notes that words appear to be missing from this sentence of Adjudicated Fact 890. The Prosecution sought judicial notice only of these partial sentences.

⁴²⁶⁸ Adjudicated Facts I, no. 891. *See also* Adjudicated Facts I, no. 889.

⁴²⁶⁹ Adjudicated Facts I, no. 892.

⁴²⁷⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 12.

carried out operations in Hambarine and Kozarac. Many non-Serbs were arrested and taken by the VRS to camps, including Keraterm.

1032. According to **Atlija**, throughout the attacks, Radio Prijedor, on behalf of the Prijedor Crisis Staff, played Serb nationalist songs and broadcast announcements celebrating the successes of the Serb army whereby hundreds of ‘fundamentalists’ were killed or adding that ‘Rizvanovići was cleansed’.⁴²⁷¹

Killings at Benkovac

1033. When the fighting broke out in Kozarac, a group of approximately 100 Bosnian Muslims and Bosnian Croats from the Kevljani area tried to escape on foot across the Kozara mountain range. After a night in the woods, the group was arrested by armed Bosnian Serbs wearing different kinds of uniforms. One man was shot dead after a Croatian passport was found on him.⁴²⁷² After their arrest, the group of 100 Bosnian Muslims and Bosnian Croats from the Kevljani area was brought to the Benkovac training grounds,⁴²⁷³ which, prior to the conflict, was used for military purposes.⁴²⁷⁴ These grounds had been turned into a detention camp run by the military.⁴²⁷⁵ At the Benkovac training grounds, the detained group was ordered to line up in front of a building, and a Bosnian-Serb soldier with the last name of Romanić singled out four persons. They were taken to one of the rooms inside the building and shot dead, apparently in retaliation for Romanić’s brother who had been killed in Croatia. A religious leader known as the ‘*Hodža*’ was beaten to death by the soldiers. In the course of the day, 60 individuals were taken to the woods in groups, from where one could hear bursts of gunfire. These persons were killed.⁴²⁷⁶

Killings of Kozarac police officers

1034. **Sivac** testified a group of police officers from Kozarac and their commander, Osmo Didović, who surrendered to the Serb army after the shelling of Kozarac, were

⁴²⁷¹ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 25.

⁴²⁷² Adjudicated Facts I, no. 886.

⁴²⁷³ The Trial Chamber understands that the Benkovac training grounds were located in Prijedor Municipality.

⁴²⁷⁴ Adjudicated Facts I, no. 887.

⁴²⁷⁵ Adjudicated Facts I, no. 887.

⁴²⁷⁶ Adjudicated Facts I, no. 888.

shot dead close to where they had surrendered.⁴²⁷⁷ The witness saw the bodies in blue uniforms near a bridge, when he was transported in a police van.⁴²⁷⁸ Tomo Stojaković told the witness that these men were former colleagues from Kozarac.⁴²⁷⁹ The witness heard Stojaković using a radio to inform SUP Prijedor duty services to get in touch with the municipal services to collect the bodies.⁴²⁸⁰ **Witness RM-017** stated that when he and his family left Kozarac on 26 May 1992, he saw ten or eleven Muslim men in police uniforms lying face down on a parking lot a few hundred metres from the intersection on the road to Trnopolje.⁴²⁸¹ The witness learned that they had been executed about an hour before.⁴²⁸² He was able to recognize one of the men as Sajidik or Sanidik Klipić, a Muslim police officer, whose body was slightly lying to the side, enabling the witness to see his face.⁴²⁸³

The Trial Chamber's findings

1035. The Trial Chamber took judicial notice of Adjudicated Fact 871 which states that the Bosnian-Muslim and the Bosnian-Croat population of Prijedor Municipality was not able to set up any efficient resistance to attacks launched by the VRS, police, and paramilitary units. It further states that they were not adequately organised and did not have sufficient weapons with which they could oppose the Bosnian-Serb forces. The Trial Chamber notes that it received evidence on the presence of armed Bosnian-Muslim forces in Kozarac in May 1992 engaged in conflict with the Bosnian-Serb forces. Although the evidence establishes that the armed Bosnian-Muslim forces were present in large numbers in Kozarac in May 1992, the Trial Chamber finds that this evidence is not sufficient to determine their level of organization and their aptitude to

⁴²⁷⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, pp. 13275-13276.

⁴²⁷⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.

⁴²⁷⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.

⁴²⁸⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Župljanin* transcript, 16-17 August 2010, p. 13276.

⁴²⁸¹ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330, 3342-3344.

⁴²⁸² P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3342-3343.

⁴²⁸³ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3342-3343.

engage in combat. Therefore, the Trial Chamber considers that this evidence does not contradict Adjudicated Fact 871.

1036. Based on the foregoing, the Trial Chamber finds that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorized Brigade commanded by Vladimir Arsić together with Radmilo Zeljaja, described as the commander of the 'Prijeđor army', attacked the predominantly Bosnian-Muslim town of Kozarac and its surrounding Bosnian-Muslim villages through shelling and infantry advances.⁴²⁸⁴ In addition, Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara including a platoon under the command of Macola, as well as the *Crni Đorđe* intervention platoon, a scouts platoon and a police platoon and the Serb police from Prijeđor, headed by Simo Drljača, participated in the attack. All Prijeđor paramilitary units which took part in the attack on Kozarac were placed under the command of the VRS in May 1992 for the purpose of this attack.

1037. The resistance set up was not efficient and inadequately organized with insufficient weapons. As a result of the shelling on Kozarac, over 800 inhabitants were killed, including a twelve-year-old boy. After the shelling, when the forces entered the town, at least 80 Bosnian-Muslim civilians and between ten and fourteen Bosnian-Muslim policemen, who had surrendered, were killed. Some civilians were taken out of their houses and had their throats slit and a 17-year-old was shot from behind. Nine Muslims were killed by a Serb soldiers who found them hiding in the basement and fired a rocket into them. The Trial Chamber finds that members of the groups participating in the attack on Kozarac killed these people. Furthermore, Duško Tadić participated in the killing of Bosnian Muslims during the attack.

1038. The Trial Chamber further finds that in February or March 1992, a witness heard Major Radmilo Zeljaja say that 'he was going to level Kozarac because they were preparing a defence'. Similarly, during a meeting with SDA leaders in May 1992, Zeljaja threatened to 'raze Kozarac to the ground' if they would not surrender several thousand pieces of weaponry within 48 hours. When the SDA leaders pleaded that there was not much weaponry to surrender, Zeljaja responded that this was their problem.

⁴²⁸⁴ The Trial Chamber considers the discrepancy in the starting date of the conflict as reflected in P247 to be minimal and therefore does not consider this to rebut Adjudicated Fact 877.

Such attacks mostly followed the same pattern in that, after the expiry of a deadline for non-Serbs to surrender their weapons, they were conducted by intensive shelling with heavy army weaponry, thereby indiscriminately targeting Bosnian-Muslim neighbourhoods and causing civilian casualties. When the Bosnian-Muslim doctor Idriz Merdžanić tried to negotiate the evacuation of a severely injured boy to the Prijedor hospital, he was told over the radio '[D]ie, *Balijas*, we will kill you anyway.', which was followed by laughter.

1039. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1040. The Trial Chamber further finds that one day after the attack, armed Bosnian Serbs, wearing different kinds of uniforms, arrested a group of about 100 Bosnian Muslims and Bosnian Croats from the Kevljani area and brought them to the Benkovac training grounds in Prijedor Municipality, which was run by the military. Before the transfer, one of the Bosnian Serbs shot dead one of the group who had a Croatian passport on him. After arriving at the training grounds, a man named Romanić singled out four others who were taken inside a building and shot dead, apparently in retaliation for Romanić's brother who had been killed in Croatia. Another non-Serb, a religious leader known as the '*Hodža*', was beaten to death by the soldiers. In the course of the day, 60 people were taken to the woods in groups and killed. Based on the close geographical and temporal proximity of the incidents in Kevljani and Kozarac, the Trial Chamber concludes that the same units that attacked Kozarac from 24 until around 26 May 1992 were also responsible for the killings at the nearby village of Kevljani. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1041. The Trial Chamber also received evidence on wounded people abandoned from an ambulance and killed near a Serb IKM. In the absence of further details about the perpetrators of the killings the Trial Chamber will not further consider this evidence in relation to any counts of the Indictment.

Schedule A.6.2

1042. According to the Indictment, the Accused is responsible for the killing of a number of people in the Hambarine and Ljubija area between 23 May and 1 July

1992.⁴²⁸⁵ In its final brief, the Defence argued that the deaths in the Hambarine and Ljubija area were the result of legitimate combat.⁴²⁸⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident,⁴²⁸⁷ and received evidence from **Boško Mandić**, a member of the Prijedor Crisis Staff from 30 May 1992 onwards.⁴²⁸⁸ The Trial Chamber finds that the evidence received from Mandić is consistent with the Adjudicated Facts.⁴²⁸⁹ The Trial Chamber also received evidence from **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁴²⁹⁰ **Witness RM-026**, a Muslim from Prijedor Municipality;⁴²⁹¹ **Rade Javorić**, Commander of the Prijedor TO staff from 16 September 1991;⁴²⁹² **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;⁴²⁹³ and **Ewa Tabeau**, a demographer and statistician;⁴²⁹⁴ as well as documentary evidence.

1043. A shooting incident at a Muslim checkpoint located at the village of Hambarine on 22 May 1992 provided a pretext for the attack by Serb forces on that outlying area.⁴²⁹⁵ Following the incident, the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked.⁴²⁹⁶

1044. On 23 May 1992 at noon, the indiscriminate shelling of Hambarine started.⁴²⁹⁷ Tanks fired at the village, and a large number of Bosnian-Serb soldiers participated in the attack.⁴²⁹⁸ After several hours of shelling by artillery, armed Serb forces entered the

⁴²⁸⁵ Indictment, paras 39, 59, 62, Schedule A.6.2.

⁴²⁸⁶ Defence Final Brief, paras 927-931.

⁴²⁸⁷ Adjudicated Facts I, nos 867-871 have been reviewed in chapter 4.10.7; Adjudicated Facts I, no. 1096 is reviewed in chapter 4.10.3; Adjudicated Facts I, nos 816-818 have been reviewed in chapter 9.2.8.

⁴²⁸⁸ D826 (Boško Mandić, witness statement, 25 June 2014), p. 1, paras 1, 4, 7; Boško Mandić, T. 28943-28944.

⁴²⁸⁹ D826 (Boško Mandić, witness statement, 25 June 2014), paras 10-13; Boško Mandić, T. 28902-28903.

⁴²⁹⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5, 8, 24.

⁴²⁹¹ P2585 (Witness RM-026, witness statement, 23 September 1994), pp. 1-2.

⁴²⁹² D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

⁴²⁹³ P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor Municipality).

⁴²⁹⁴ P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013); Ewa Tabeau, T. 19307-19308.

⁴²⁹⁵ Adjudicated Facts I, no. 893.

⁴²⁹⁶ Adjudicated Facts I, no. 893.

⁴²⁹⁷ Adjudicated Facts I, no. 894.

⁴²⁹⁸ Adjudicated Facts I, no. 894.

area supported by tanks and other weaponry, and after a brief period of intermittent fighting, local leaders collected and surrendered most of the weapons.⁴²⁹⁹ **Ivo Atlija** testified that the day after the ultimatum was issued, he went to high ground overlooking Hambarine and watched the military operation against Hambarine for three or four hours.⁴³⁰⁰ The witness estimated that around four to five tanks and 1,000 to 1,500 soldiers, some of whom appeared to be wearing olive-grey coloured former-JNA uniforms, were involved in the attack.⁴³⁰¹ The shelling, which came from 12 to 13 mortars, lasted for 15 minutes at a time with breaks of two to three minutes.⁴³⁰² The witness saw Serb tanks firing at houses and destroying them.⁴³⁰³ He heard single shots and some automatic fire coming from Hambarine, aimed at the Serbs.⁴³⁰⁴ During the onslaught on Hambarine, at least three civilians died.⁴³⁰⁵ The following day, the neighbouring villages of Čarakovo and Rizvanovići were attacked.⁴³⁰⁶ The witness heard detonations and saw smoke from burning houses.⁴³⁰⁷

1045. **Witness RM-023** saw two dead women on 25 May 1992 while running from Hambarine to the Kurevo woods.⁴³⁰⁸ The first woman, the witness's neighbour named Hasnija, was lying on the threshold between her house and her front yard, and her head had been almost severed from her body.⁴³⁰⁹ The witness had heard that before the attack, 'the Serbs' had visited the first woman and had asked her for money.⁴³¹⁰ The witness saw the second woman named Mevla, lying face down with one arm outstretched, surrounded by blood, while the witness was running north along the road towards the woods.⁴³¹¹ It took about two hours to arrive at the woods and, according to the witness, almost the entire population of the village of Hambarine was in the woods, except those who had been killed. The tanks followed them to the woods, and fired shells into the woods for two days. The witness heard that some people were killed in

⁴²⁹⁹ Adjudicated Facts I, no. 895.

⁴³⁰⁰ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 18-19; Ivo Atlija, T. 2350.

⁴³⁰¹ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 19; Ivo Atlija, T. 2350, 2352.

⁴³⁰² P168 (Ivo Atlija, witness statement, 20 October 2000), para. 21.

⁴³⁰³ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 22.

⁴³⁰⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 22.

⁴³⁰⁵ Adjudicated Facts I, no. 894.

⁴³⁰⁶ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 23; Ivo Atlija, T. 2353.

⁴³⁰⁷ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 23; Ivo Atlija, T. 2353.

⁴³⁰⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 7-8, 24.

⁴³⁰⁹ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 24.

⁴³¹⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8.

⁴³¹¹ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 24.

the woods. After two nights in Kurevo, the witness and the witness's family went to an abandoned house in Ljubija village, where they stayed for about 15 days.⁴³¹²

1046. **Witness RM-026** testified that on 11 June 1992 a truck with five 'Chetniks' arrived at a house and shop in Hambarine, which they set on fire, and from a nearby basement the witness and other villagers heard more 'Chetniks' approaching and shooting.⁴³¹³ The witness and others moved to a garage where he left them before heading towards the woods with two other men. A minute or two after leaving the garage they heard gunfire. The witness later learned from villagers who had stayed in the garage that shortly after he left, four Serb police officers arrived, including Jevo Maseldžija who proceeded to kill Džemal Ejupović by shooting him in the head with a pistol and then in the chest with automatic fire after he had fallen to the ground. Ejupović was unarmed and wearing a tracksuit and slippers when he was killed. The witness learned from another eyewitness that one of the Serb police officers present during the killing of Ejupović was Mlado Jurusić.⁴³¹⁴ On 1 July 1992 from the woods in Behlići, the witness saw a group of four 'Chetniks' including Mićo Jurusić and Mlado Jurusić, shoot four people, at least one of whom, Aziz Behlić, died.⁴³¹⁵ At least three of the victims, including Aziz Behlić, were shot by Mićo Jurusić.⁴³¹⁶

1047. According to expert witness **Ewa Tabeau** and forensic evidence, the remains of 24 bodies allegedly associated with Scheduled Incident A.6.2 were exhumed from ten sites in Prijedor Municipality, and subsequently identified.⁴³¹⁷ No exhumation details

⁴³¹² P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8.

⁴³¹³ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2326.

⁴³¹⁴ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2325-2326.

⁴³¹⁵ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁴³¹⁶ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁴³¹⁷ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 15; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123-131; P4658 (Record of Bihać Cantonal Court, 6 August 1998); P5588 (ICMP notice of DNA report, 15 November 2007) part one; P5604 (Record of identification of body and record of informing family of DNA analysis results for Nedžad Cerić, 28 February 2007); P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007); P5606 (Autopsy report for Nedžad Cerić, 19 May 2007); P5607 (Record of identification of body for Husein Hodžić, 6 August 1998); P5608 (Certificate of Death for Husein Hodžić, 10 August 2009); P5609 (Autopsy report for Husein Hodžić, 14 August 1998); P5610 (Record of identification of body for Mersid Pađan, 10 August 1998); P5611 (Autopsy report for Mersid Pađan, 14 August 1998); P5612 (Record of identification of body for Adem Selimović, 26 October 1998); P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999); P5614 (Autopsy report for Senad Muhić, 14 August 1998); P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001); P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998); P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000); P5618 (Autopsy report for Hasan Fikić, 14 August 1998); P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000); P5620

were available for four persons identified by Tabeau as victims of this incident.⁴³¹⁸ For one of the victims, no proof of death material was found.⁴³¹⁹ The victims were reported to have died between 15 May and 24 July 1992 in Hambarine, Hegići, and Čarakovo in Prijedor Municipality.⁴³²⁰ One of the victims disappeared on 20 July 1992 in

(Autopsy report for Suljo Habibović, 14 August 1998); P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998); P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997); P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999); P5626 (Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997); P5627 (Autopsy report for unidentified woman, 20 May 2000); P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000); P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000); P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998); P5633 (List of exhumed and identified people, 29 October 2002); P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998); P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999); P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000); P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998); P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others); P5771 (Record of identification of body for Ekrem Duratović, 12 September, no year); P5772 (Death certificate for Ekrem Duratović, 4 February 2011).

The following people were identified at Hambarine-Siljak: Suljo Habibović (1949), Ahmet Mujdžić (1941), Rasim Padjen (1952), Hasan Mujdžić (1957), Mersid Pađan (1967), and Ahmet Mujdžić (1953). The following people were identified at Hambarine-Lučani: Mujo Mujdžić (1931), Mehmed Muhić (1959), Mehmed Mujdžić (1933), Ramiz Mujdžić (1969), and Hasan Medić (1930). The following people were identified at Hambarine-Siljak I: Hasan Fikić (1946), Tahir Fikić (1930), Husein Hodžić (1924), and Hasnija Hodžić. The following people were identified at Brđani Greblje: Adem Selimović (1952), Emir Zahirović (1966), and Mirzet Musić. The following person was identified at Hambarine-Brđani: Mevla Čaušević (1912). The following person was identified at Hambarine-Muhići: Senad Muhić (1965). The following person was identified at Čarakovo: Almir Habibović (1975). The following person was identified at Čarakovo-Gornja Mahala: Muharem Osmanović (1974). The following person was identified at Ljubija-Jakarina Kosa: Nedžad Cerić (1965). The following person was identified at Ljubija-Redak: Ekrem Duratović (1949).

⁴³¹⁸ P4652 (Missing person certificate for Zekir Hopovac, 4 April 2013); P4653 (Ruling of Sanski Most Municipal Court regarding Zekir Hopovac, 16 February 1999); P5622 (Ruling of Sanski Most Municipal Court regarding Zikrija Habibović, 7 March 1998); P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999).

⁴³¹⁹ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 15; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 125.

⁴³²⁰ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123-131, 180; P4652 (Missing person certificate for Zekir Hopovac, 4 April 2013), p. 1; P4653 (Ruling of Sanski Most Municipal Court regarding Zekir Hopovac, 16 February 1999), pp. 1-2; P4658 (Record of Bihać Cantonal Court, 6 August 1998), p. 5; P5604 (Record of identification of body and record of informing family of DNA analysis results for Nedžad Cerić, 28 February 2007), pp. 1-2; P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007), p. 1; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 1; P5607 (Record of identification of body for Husein Hodžić, 6 August 1998), p. 1; P5608 (Certificate of Death for Husein Hodžić, 10 August 2009), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 1; P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999), pp. 1-2; P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001), p. 1; P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000), pp. 1-2; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 1; P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000), pp. 1-2; P5620 (Autopsy report for Suljo Habibović, 14 August 1998), p. 1; P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998), pp. 1-2; P5622 (Ruling of Sanski Most Municipal Court regarding Zikrija Habibović, 7 March 1998), pp. 1-2; P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997), pp. 1-2; P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999), pp. 1-2; P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999), pp. 1-2; P5626

Hambarine.⁴³²¹ In 20 of the cases in which the cause of death could be established, it was found to be gunshot injuries.⁴³²² In two others, it was found to be penetrating wounds.⁴³²³ In another, it was found to be burning to death.⁴³²⁴ In another, it was found to be being struck with a blunt instrument.⁴³²⁵ No clothing was found for one of the victims, while 21 victims were found in civilian clothing, and another was found with indistinctive clothing.⁴³²⁶ Two of the 29 identified victims were women and five victims were under the age of 18 or older than 60 at the time of their deaths.⁴³²⁷

(Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997), pp. 1-2; P5627 (Autopsy report for unidentified woman, 20 May 2000), pp. 1-2; P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000), p. 1; P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 3, 5, 7, 9; P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999), pp. 1-2; P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000), pp. 1-2; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), pp. 3-4; P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others), pp. 1, 3; P5772 (Death certificate for Ekrem Duratović, 4 February 2011), p. 1.

⁴³²¹ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 542.

⁴³²² P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 123, 131; P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35-38, 58-65; P5605 (Certificate of Death for Nedžad Cerić, 19 May 2007), p. 2; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 2; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 2; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 2; P5612 (Record of identification of body for Adem Selimović, 26 October 1998), p. 1; P5614 (Autopsy report for Senad Muhić, 14 August 1998), p. 2; P5615 (Decision of Sanski Most Municipal Court regarding Senad Muhić, 22 January 2001), p. 1; P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998), p. 2; P5617 (Record of Sanski Most Municipal Court regarding Ramiz and Ahmet Mujdžić, 5 December 2000), p. 1-2; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 2; P5619 (Ruling of Sanski Most Municipal Court regarding Hasan Fikić, 9 November 2000), p. 2; P5620 (Autopsy report for Suljo Habibović, 14 August 1998); p. 2; P5621 (Ruling of Sanski Most Municipal Court regarding Suljo Habibović, 22 April 1998), pp. 1-2; P5623 (Decision of Sanski Most Municipal Court regarding Mersid Pađan, 16 June 1997), p. 1; P5624 (Ruling of Sanski Most Municipal Court regarding Adem Selimović, 24 November 1999), pp. 1-2; P5626 (Ruling of Sanski Most Municipal Court regarding Emir Zahirović, 23 June 1997), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 2-4, 8, 10; P5635 (Decision of Sanski Most Municipal Court regarding Mehmed Muhić, 15 September 1999), pp. 1-2; P5636 (Ruling of Sanski Most Municipal Court regarding Ramiz Mujdžić, 5 December 2000), p. 2; P5638 (Autopsy report for Emir Zahirović, 16 November 1998 and others), pp. 1-4.

⁴³²³ P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 2; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), p. 4.

⁴³²⁴ P5625 (Ruling of Sanski Most Municipal Court regarding Mufid Čaušević, 10 June 1999), p. 2.

⁴³²⁵ P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), p. 6; P4658 (Record of Bihać Cantonal Court, 6 August 1998), p. 36.

⁴³²⁶ P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35-38, 58-65; P5606 (Autopsy report for Nedžad Cerić, 19 May 2007), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5610 (Record of identification of body for Mersid Pađan, 10 August 1998), p. 1; P5611 (Autopsy report for Mersid Padjan, 14 August 1998), p. 1; P5612 (Record of identification of body for Adem Selimović, 26 October 1998), p. 1; P5614 (Autopsy report for Senad Muhić, 14 August 1998), p. 1; P5616 (Autopsy report for Ahmet Mujdžić, 14 August 1998), p. 1; P5618 (Autopsy report for Hasan Fikić, 14 August 1998), p. 1; P5620 (Autopsy report for Suljo Habibović, 14 August 1998), p. 1; P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 1; P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000), p. 1; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 1, 3, 5, 7, 9; P5637 (Autopsy reports for Ermin Behlić and Muharem Osmanović, 12 October 1998), p. 3; P5638 (Autopsy report for Emir

1048. Based on the foregoing, the Trial Chamber finds that on 23 May 1992, at least three civilians died during the attack on Hambarine.⁴³²⁸ However, considering the evidence of combat taking place during the attack (*see also* chapter 4.10.3) and the lack of evidence about the circumstances surrounding the deaths of those alleged to have been killed, the Trial Chamber is unable to make a finding beyond a reasonable doubt on the cause of their deaths and will, therefore, not consider these deaths further.

1049. The Trial Chamber also finds that on 11 June 1992, a Serb police officer named Jevo Maseldžija shot and killed Džemal Ejupović a Bosnian-Muslim, who was unarmed and dressed in civilian clothes at the time. Maseldžija killed Ejupović. The Trial Chamber also finds that on 1 July 1992, a group of four men referred to by Witness RM-026 as 'Chetniks', including a Serb police officer called Mlado Jurusić, shot at least four people in Behlići, at least one of whom, Aziz Behlić, died. Behlići was a settlement of the Bosnian-Muslim village of Čarakovo and the Trial Chamber therefore concludes that the victim was a Bosnian Muslim. The Trial Chamber will further consider the killings of Džemal Ejupović and Aziz Behlić in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.3

1050. According to the Indictment, the Accused is responsible for the killing of a number of people in Kamičani on or about 26 May 1992.⁴³²⁹ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Additionally, it received evidence from **Witness RM-047**, a Bosnian Muslim from the predominantly Bosnian-Muslim village of Kamičani in Prijedor municipality,⁴³³⁰ **Ewa**

Zahirović, 16 November 1998 and others), pp. 1, 3; P5771 (Record of identification of body for Ekrem Duratović, 12 September), p. 1.

⁴³²⁷ P4658 (Record of Bihać Cantonal Court, 6 August 1998), pp. 35, 37, 64-65; P5608 (Certificate of Death for Husein Hodžić, 10 August 2009), p. 1; P5609 (Autopsy report for Husein Hodžić, 14 August 1998), p. 1; P5613 (Ruling of Sanski Most Municipal Court regarding Husein Hodžić, 6 August 1999), p. 1; P5627 (Autopsy report for unidentified woman, 20 May 2000), p. 1-2; P5628 (Record of identification of body for Mevla Čaušević, 1 June 2000), p. 1; P5629 (Handwritten document about discovery and identification of Mevla Čaušević's body, 3 March 2000), p. 1; P5632 (Decision of Sanski Most Municipal Court regarding Almir Habibović, 22 April 1998), p. 1; P5633 (List of exhumed and identified people, 29 October 2002), p. 4; P5634 (Autopsy reports for Mujo Mujdžić, Mehmed Muhić, Mehmed Mujdžić, Ramiz Mujdžić and Hasan Medić, 14 August 1998), pp. 1, 9.

⁴³²⁸ For a discussion of the Trial Chamber's findings on this attack, *see* chapter 4.10.3.

⁴³²⁹ Indictment, paras 39, 59, 62, Schedule A.6.3.

⁴³³⁰ P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204.

Tableau, a demographer and statistician,⁴³³¹ as well as documentary evidence and finds that the evidence does not rebut the Adjudicated Facts.⁴³³²

1051. The village of Kamičani was predominantly inhabited by Bosnian Muslims.⁴³³³ Kamičani is located near the village of Kozarac.⁴³³⁴ From 24 to 26 May 1992, the village of Kamičani was attacked by the Bosnian-Serb army.⁴³³⁵ At least eight Bosnian Muslims who were hiding during that period in the basement of Mehmed Šahorić's house were shot dead by Bosnian-Serb soldiers after their place of refuge was discovered.⁴³³⁶ Their bodies were retrieved and identified.⁴³³⁷ **Witness RM-047** testified that Jusuf Forić, a Bosnian Muslim, who was not in the basement during the incident, was killed later at the entrance of Šahorić's house by another group of soldiers.⁴³³⁸ According to **Ewa Tableau**, and forensic evidence, eight victims were found in civilian clothing while one was found without any clothing.⁴³³⁹ Six of the victims were over the age of 60 at the time of their deaths and the remaining three were between 50 and 60 years old.⁴³⁴⁰

1052. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja, as well as the 5th Kozara

⁴³³¹ Ewa Tableau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tableau).

⁴³³² **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6245-6246. **Ewa Tableau**: Ewa Tableau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tableau); P2791 (Ewa Tableau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P2796 (Ewa Tableau, proof of death expert report, 24 July 2013), p. 15; P2797 (Ewa Tableau, annex to proof of death expert report, 24 July 2013), pp. 132-135. **Documentary evidence**: P5639 (Identification report for Lutvija Forić, 30 July 1998); P5640 (Lower Court death certificate for Lutvija Forić); P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić); P5642 (Lower Court death certificate for Teufik Forić); P5643 (Lower Court death certificate for Mehmed Šahurić). The following persons were identified: Jusuf Forić (1928), Lutvija Forić (1913), Teufik Forić (1940), Atif Jakupović (1914), Đemila Mujanović (1920), Ibrahim Mujkanović (1928), Šerifa Šahurić (1936), Mehmed Šahurić (1923), and Arif Zenkić (1934).

⁴³³³ Adjudicated Facts I, no. 896.

⁴³³⁴ P178 (Municipalities court binder), p. 22.

⁴³³⁵ Adjudicated Facts I, nos. 867, 896. The Trial Chamber notes that while Adjudicated Fact 896 states that the village of Kamičani was attacked by Bosnian-Serb military, Adjudicated Fact 867 specifies that the village was attacked by the Bosnian-Serb army between May and July 1992. The Trial Chamber will therefore read the Adjudicated Facts in conjunction with one another.

⁴³³⁶ Adjudicated Facts I, no. 896.

⁴³³⁷ Adjudicated Facts I, no. 896.

⁴³³⁸ P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6245-6246.

⁴³³⁹ P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić).

⁴³⁴⁰ P5641 (Autopsy reports for Jusuf Forić, Lutvija Forić, Teufik Forić, Atif Jakupović, Đemila Mujanović, Ibrahim Mujkanović, Šerifa Šahurić, Mehmed Šahurić and Arif Zenkić).

Brigade, and the 6th Krajina Brigade, commanded by Branko Basara, attacked the predominantly Muslim town of Kozarac and its surrounding Muslim villages through shelling and infantry advances.⁴³⁴¹ In light of the proximity of Kamičani to Kozarac, the Trial Chamber concludes that the same units that attacked Kozarac in late May 1992 attacked the nearby village of Kamičani around 26 May 1992.

1053. Based on the foregoing, the Trial Chamber finds that around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorised Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja, as well as the 5th Kozara Brigade, and the 6th Krajina Brigade, commanded by Branko Basara, attacked the predominantly Bosnian-Muslim village of Kamičani and entered the basement of Mehmed Šahorić's house, where they killed eight Bosnian-Muslims who were hiding. Jusuf Forić, a Bosnian Muslim, was killed at the entrance of the house some time later by another group of soldiers. Eight of the victims were found in civilian clothing. Six of the victims were over the age of 60. The Trial Chamber will consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.4

1054. According to the Indictment, the Accused is responsible for the killing of a number of men in the village of Jaskići on or about 14 June 1992.⁴³⁴² The Defence submitted that the killings in Jaskići were committed by individuals who were not related to or controlled by the VRS.⁴³⁴³ It further submitted that there was no live witness called to testify on this incident and that the Prosecution presented contradictory evidence.⁴³⁴⁴ The Trial Chamber has taken judicial notice of Adjudicated Fact 897 which states that 'At least eight Bosnian Muslim men were shot and killed when on 14

⁴³⁴¹ The Trial Chamber recalls its finding in Schedule A.6.1 that Duško Tadić, Anđžić's paramilitaries, and the Serb police from Prijedor were also involved in the attacks on the village of Kozarac. However, given the specificity of the Adjudicated Facts regarding the attack on Kamičani ('Bosnian-Serb Army' and 'Bosnian-Serb Military'), the Trial Chamber did not enter a finding that these forces also attacked the village of Kamičani.

⁴³⁴² Indictment, para. 39, 47, 62, Schedule A.7.5.

⁴³⁴³ Defence Final Brief, paras 75, 932.

⁴³⁴⁴ Defence Final Brief, para. 463 and footnote 2091. The Trial Chamber notes that the Defence did not provide a basis for its submission that the evidence presented by the Prosecution was contradictory. Instead, it referenced a paragraph of the *Martić* Appeal Judgement (para. 20) which provides: '[s]ubmissions will be dismissed without detailed reasoning where an appellant makes factual claims or

June 1992, Bosnian-Serb soldiers entered the village of Jaskići'. While the evidence before the Trial Chamber is consistent with this Adjudicated Fact,⁴³⁴⁵ it provides further details in relation to the number of victims of this incident as well as the specific course of events on 14 June 1992. In this regard, the Trial Chamber has considered the evidence of **Senija Elkasović**, a Bosnian Muslim from the Muslim hamlet of Jaskići, Prijedor Municipality;⁴³⁴⁶ **Ewa Tabeau**, a demographer and statistician;⁴³⁴⁷ as well as documentary evidence.

1055. According to a combat report by General Momir Talić of 14 June 1992 to the VRS Main Staff, the Prijedor Operations and Tactical Group including the VRS 2nd Motorised Brigade, the 343rd Motorised Brigade, the 6th Brigade of the 10th infantry division, volunteers, and police had been instructed to 'deal with the remaining enemy troops in the areas of Kozarac village, Prijedor and Sanski Most'.⁴³⁴⁸

1056. **Senija Elkasović** stated that 'soldiers' came to Jaskići on 14 June 1992, entered her house and separated the women and children from the three men who were present, namely, her husband Ilijaz Elkasović, her brother Senad Majdanac, and her brother-in-law Fehim Turkanović.⁴³⁴⁹ The witness was escorted by one of the soldiers in uniform and red cap to the kitchen, and through the window she saw Duško Tadić, who was turned towards the house awaiting the soldiers in her yard and whom she knew from before, dressed in a uniform.⁴³⁵⁰ The witness saw the three separated men and a soldier accompanying the men pass Tadić.⁴³⁵¹ Meanwhile, in the kitchen, the witness lay down on the floor with the other women and children when she heard some noise and a soldier yelling 'don't lift your head', after which she heard shots and her mother, who was looking out the window, said 'They are killing them'.⁴³⁵² In the meantime, the soldier who escorted the witness to the kitchen was also searching the house looking for money

presents arguments that the Trial Chamber should have reached a particular conclusion without advancing any evidence in support. [...] (footnote omitted).

⁴³⁴⁵ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4597-4600, 4603-4610, 4623-4626; P2592 (Photograph of Duško Tadić and Emir Karabašić); P2593 (Senija Elkasović, table of concordance to Tadić transcript of 1 August 1996).

⁴³⁴⁶ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4597, 4601.

⁴³⁴⁷ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).

⁴³⁴⁸ P3697 (VRS regular combat report by Momir Talić, 14 June 1992), pp. 2-3, 5; see P3946 (1KK war diary), p. 51 (in relation to the abbreviation 6/10 pd).

⁴³⁴⁹ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4602, 4604-4605, 4623.

⁴³⁵⁰ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4597-4599, 4605-4609, 4623, 4625-4626; P2592 (Photograph of Duško Tadić and Emir Karabašić); P2593 (Senija Elkasović, table of concordance to Tadić transcript of 1 August 1996).

⁴³⁵¹ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4606, 4624-4626.

⁴³⁵² P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4605, 4610, 4623-4624.

and jewellery, shouting to the witness and her family that they ‘were to be off to Turkey’ and threatened to slit the throat of anyone that would look at him.⁴³⁵³ When the soldier had left the house, the witness looked outside the window to see what was going on and saw that people from her village were being led away by soldiers in the direction of the nearby village of Kozarac.⁴³⁵⁴ After some time had passed, the witness went outside and saw the bodies of five other Bosnian Muslim men who had been shot in the back of the head.⁴³⁵⁵ In addition to the names of the three men taken from her house, Senija Elkasović gave the names of eleven Bosnian Muslims who were also taken away by soldiers from Jaskići that day.⁴³⁵⁶ The witness had not seen or heard since from any of the 14 men taken from Jaskići that day.⁴³⁵⁷

1057. After the soldiers had left the village, only three old men remained in Jaskići.⁴³⁵⁸ The witness stated that together with two of these old men she went to Trnopolje Camp to request the permission from Kuruzović, who the witness stated was ‘some chief in the Trnopolje Camp’, to bury the bodies of the five men who had been shot outside her house.⁴³⁵⁹ After having obtained Kuruzović’s oral permission, they were stopped by a group of ‘military men’ at the entrance of Sivci.⁴³⁶⁰ The soldiers ordered them to uncover the bodies and said ‘Why are you digging this? We killed those. They are stink’ after which one soldier took a pistol and put it at Huse Jaskić’s temple while another soldier shot Zijad Elkasović between the legs.⁴³⁶¹ Afterwards, the witness and the two old men dug a common grave and buried the bodies.⁴³⁶²

1058. According to **Ewa Tabeau** and forensic evidence the remains of nine bodies were exhumed from a site in Kevljani-Sivci, in Prijedor Municipality, the remains of 14 bodies, which had all been identified by witness Senija Elkasović as being taken away

⁴³⁵³ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4608, 4610.

⁴³⁵⁴ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4598-4501, 4608, 4611-4612. *See also* P178 (Municipalities Court Binder), p. 22.

⁴³⁵⁵ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4610, 4612-4614, 4626; P2589 (List of men killed or taken from the village of Jaskići on 14 June 1992); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).

⁴³⁵⁶ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4605, 4611-4615; P2589 (List of men killed or taken from the village of Jaskići on 14.6.92); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).

⁴³⁵⁷ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4614-4515, 4622.

⁴³⁵⁸ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4613.

⁴³⁵⁹ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4615-4616.

⁴³⁶⁰ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4616-4617.

⁴³⁶¹ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4617.

⁴³⁶² P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4617.

from Jaskići on 14 June 1992 were exhumed from the same Mass grave in Jakarina.⁴³⁶³ In the 12 cases in which the cause of death could be established, it was found to be from gunshot wounds.⁴³⁶⁴ No clothing was found for 15 victims, while nine victims were found in civilian clothing.⁴³⁶⁵ One of the men was 70 years old in 1992, while the other men were between 18 and 60 years old.⁴³⁶⁶

1059. Based on the foregoing, the Chamber finds that uniformed soldiers who were with Duško Tadić came to the village of Jaskići on 14 June 1992 and shot and killed five Bosnian Muslim men outside Senija Elkasović's house.⁴³⁶⁷ Their remains were exhumed from sites in Kevljani-Sivci and Kevljani-Jaskići, Prijedor Municipality, all of them wore civilian clothes, and the cause of death was gunshot injuries. The soldier searching Senija Elkasović's house looking for money and jewellery, who threatened to slit the throat of anyone that would look at him, shouted to the witness and her family that they 'were to be off to Turkey'.⁴³⁶⁸

1060. The Trial Chamber further finds that three Bosnian Muslim men were taken by Duško Tadić and uniformed soldiers from Senija Elkasović's house on 14 June 1992. In addition, a group of 11 Bosnian Muslim men were taken from the village of Jaskići that day by a group of soldiers. The 14 Bosnian Muslim men were subsequently killed. In light of the fact that the three men from Senija Elkasović's house, as well as the group of 11 Muslim men from Jaskići, were taken by soldiers from Jaskići and all 14 men were buried together in the same mass grave in Jakarina Kosa, Prijedor Municipality,

⁴³⁶³ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4614-4615; P2589 (List of men killed or taken from the village of Jaskići on 14 June 1992); P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 136-143; P5573 (Collection of records of identification pertaining to bodies exhumed from the Jakarina Kosa mass grave), pp. 19, 25, 30, 34, 36, 48, 59; P5588 (ICMP notice of DNA report), part one, pp.45-46, 64, 130-131, 229, 234, 289, 360, 414, 483; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 7-24; P5644 (Sanski Most court ruling on death for Alija Forić, 18 June 1997); P5645 (Sanski Most court ruling for Smail Forić, 9 June 1999).

⁴³⁶⁴ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 141, 143; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 8, 10, 12, 14, 16, 18, 20, 22, 24.

⁴³⁶⁵ P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 7, 9, 11, 13, 15, 17, 19, 21, 23.

⁴³⁶⁶ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 136-144; P5573 (Collection of records of identification pertaining to bodies exhumed from the Jakarina Kosa mass grave), pp. 19, 25, 30, 34, 36, 48, 59; P5638 (Collection of autopsy reports pertaining to bodies exhumed in the area of Prijedor), pp. 8, 10, 12, 14, 16, 18, 20, 22, 24.

⁴³⁶⁷ The Trial Chamber observes that while the report of Ewa Tabeau states two of the victims died on 15 June 1992, the Chamber accepts the evidence of Senija Elkasović that they were killed just outside her house on 14 June 1992, and that she later personally helped bury them in a common grave near Sivci.

⁴³⁶⁸ P2588 (Senija Elkasović, Tadić transcript, 1 August 1996), pp. 4608, 4610.

the Trial Chamber considers that the only reasonable inference from the evidence received is that Duško Tadić and the uniformed soldiers who were with him killed the 14 Bosnian Muslim men after they took them from the hamlet of Jaskići on 14 June 1992.

1061. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that from 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the JNA 343rd Mechanised Brigade, later known as the VRS 43rd Motorized Brigade, commanded by Vladimir Arsić and Radmilo Zeljaja attacked the predominantly Muslim town of Kozarac and its surrounding Muslim villages through shelling and infantry. It further recalls that Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara together with various platoons, and the Serb police from Prijedor, headed by Simo Drljača, participated in the attack. The Chamber further recalls that Jaskići is located close to the village of Kozarac.

1062. In light of the combat report by Momir Talić of 14 June 1992, the Trial Chamber finds that the VRS attacked the areas of Kozarac village, Prijedor, and Sanski Most on 14 June using the same forces that participated in the attack on Kozarac in late May 1992. In light of the proximity of Jaskići to Kozarac village, the Trial Chamber finds that the attack on Jaskići formed part of this 14 June VRS attack. In sum, the Trial Chamber concludes that the soldiers in Jaskići were members of the same forces that participated in the attack on Kozarac in late May 1992 and that they perpetrated the killings described above.

1063. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.5

1064. According to the Indictment, the Accused is responsible for the killing of a number of people in the villages of the Brdo area between 1 and 23 July 1992.⁴³⁶⁹ The Defence submitted that the incidents taking place in the Brdo area at this time were either the result of legitimate combat, individual actions by VRS soldiers, or non-VRS

⁴³⁶⁹ Indictment paras 39, 59, 62, Schedule A.6.5.

related groups.⁴³⁷⁰ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;⁴³⁷¹ **Witness RM-074**, a Bosnian Muslim from Prijedor Municipality;⁴³⁷² **Witness RM-383**, a Serb truck driver who lived in Prijedor;⁴³⁷³ **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;⁴³⁷⁴ **Witness RM-704**, a man from the Muslim hamlet of Ćemernica, Jugovci Village, Prijedor Municipality;⁴³⁷⁵ as well as **Ewa Tabeau**, a demographer and statistician;⁴³⁷⁶ and finds that this evidence does not rebut the Adjudicated Facts.⁴³⁷⁷ The Trial Chamber further received evidence from **Witness RM-060**, a Muslim from Bišćani;⁴³⁷⁸ **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality;⁴³⁷⁹ **Sead Sušić**, a Bosnian Muslim from Čarakovo, Prijedor Municipality;⁴³⁸⁰ **Witness RM-023**, a Muslim

⁴³⁷⁰ Defence Final Brief, paras 933-941.

⁴³⁷¹ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.

⁴³⁷² P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1.

⁴³⁷³ P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2.

⁴³⁷⁴ P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.

⁴³⁷⁵ P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 1-2.

⁴³⁷⁶ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴³⁷⁷ **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5915-5921, 5924, 5927, 5930-5934, 5936-5939, 5942-5952, 5959-5961, 5965-5969, 5971-5972, 6002; P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), pp. 1-5; P2949 (Index to photographs marked by witness), pp. 1-2; P2950 (List of victims from Brdo), pp. 1-5, 7-12, 14; P2964 (Photograph of vicinity where Salih Hegić's body was found marked by witness); P2969 (Photograph of clay pit marked by witness); P2971 (Photograph of 'Diskont store' in Bijela Zemlja marked by witness); P2972 (Photograph of T-Junction of Prijedor-Bišćani-Volar and Bišćani-Ravine road); P2973 (Photograph of orchard in Bišćani where bodies have been found); P2974 (Photograph of wooded area near Duratović's house marked by witness); P2975 (Photograph of 'Diskont store' in Bijela Zemlja); P2976 (Photograph of field near Sredičko Polje); P2977 (Photograph of Mehmed Duratović's house); P2978 (Index to photographs used during Witness RM-038's testimony); P2978 (Index to photographs used during Witness RM-038's testimony); Witness RM-038, T. 19905, 19915-19916, 19919, 19922, 19932, 19939, 19953, 19955.

Witness RM-074: P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4. **Witness RM-383**: P7416 (Witness RM-383, witness statement, 28 January 2014), paras 6-7, 13, 15-29, 32; Witness RM-383, T. 36115, 36117, 36124-36127, 36128, 36132, 36141, 36144-36145, 36157.

Witness RM-384: P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 8-9, 11.

Witness RM-704: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 5-6. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 1; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 16, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 144-178; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.

⁴³⁷⁸ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1.

⁴³⁷⁹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.

⁴³⁸⁰ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.

residing in Prijedor Municipality in 1991 and 1992;⁴³⁸¹ and **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;⁴³⁸² whose evidence is reviewed in 4.10.1 *Schedule C and unscheduled murder incidents*.

1065. Brdo comprises the villages of Biščani, Rizvanovići, Rakovčani, Hambarine, Čarakovo, and Zecovi.⁴³⁸³ Prior to 1992, almost the entire population of the village of Čarakovo were Bosnian Muslim.⁴³⁸⁴ On 1 July 1992, in Čarakovo, several men wearing police uniforms killed three men at the Behlići settlement with automatic rifles.⁴³⁸⁵ On 23 July 1992, Bosnian-Serb tanks attacked Čarakovo, after several demands that residents should hand in weapons had been issued.⁴³⁸⁶ During the raid, at least 16 civilians were killed, among whom three were shot dead in front of their houses.⁴³⁸⁷ A number of witnesses provided further details about the events in Čarakovo on this day. **Witness RM-074** specified that, besides two Croat families, all the inhabitants of Čarakovo were Muslims.⁴³⁸⁸ During May 1992, the witness heard on Radio Prijedor that Mirza Mujadžić and Hilmija Hopovac had to turn themselves in or they would be killed and that all people with the last name Mujadžić or Hopovac should surrender.⁴³⁸⁹ According to the witness, on 23 July 1992 the village was full of masked Serb soldiers. From a cornfield where she was hiding she could see Serbs rounding up women and children from the village and forcing them onto buses. She later heard that these buses took the women and children to Trnopolje and that the men of Čarakovo were taken to Omarska and Keraterm. She heard shooting from approximately 8 a.m. until around 5 p.m.⁴³⁹⁰ On that day, she saw the dead body of about 65-year-old Adem Hopovac, whom she had seen alive earlier that day, behind his barn with a bullet wound in his back.⁴³⁹¹ She also saw the body of Hilmija Hopovac's brother who, according to the witness, was killed by the Serbs in Ljubija and whose dead body had a spike stuck through his chest with a note attached saying '[w]ho behaves like Hopovac will die like

⁴³⁸¹ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁴³⁸² P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁴³⁸³ Adjudicated Facts I, no. 898.

⁴³⁸⁴ Adjudicated Facts I, no. 899.

⁴³⁸⁵ Adjudicated Facts I, no. 900.

⁴³⁸⁶ Adjudicated Facts I, no. 902.

⁴³⁸⁷ Adjudicated Facts I, no. 902.

⁴³⁸⁸ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 2.

⁴³⁸⁹ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 3, witness statement of 12 December 2002, p. 2.

⁴³⁹⁰ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4.

⁴³⁹¹ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 3-4.

this'.⁴³⁹² She heard the wives of Husein and Jasmin Sijačić telling each other that their husbands had been killed during the attack.⁴³⁹³

1066. Later that day, the witness went towards Zecovi and passed close to a swamp area where she saw nine dead bodies including the ones of Huse and Suad Hopovac who were father and son; Fadil Malovčić and his nephew; Nijaz Hopovac and one of his brothers; as well as Nizad Redžić and Asim Redžić.⁴³⁹⁴ She noticed that Asim Redžić had been shot in the forehead and in the back but she was not able to examine the other bodies. Husein Malovčić later told her that these people had been arrested by the Serbs and killed at the swamp area. She stayed for some days in the village of Čarakovo and saw the dead bodies of Huse Salihović and Ermin Sijerčić. She later heard that Ešef, his wife Naila, their three other children Sabahudin (aged 17), Vahid (aged 8) and Namir (aged 3), and Naila's parents Vejsil and Azema Đenanović had been killed at the house of Vejsil Đenanović in Čarakovo by Dragan Tintar and other Serbs. As she learned later, their bodies were buried in the Pašinac Cemetery in Prijedor and exhumed in 2000.⁴³⁹⁵ On 25 July 1992, she heard from Besim Musić that his wife was killed on 23 July 1992.⁴³⁹⁶

1067. The witness listed 68 people from Čarakovo, in particular the hamlet of Brdani, who are either deceased or still missing and who, according to the witness, had never been part of any Muslim resistance, Green Berets, or any army, and who had handed in their weapons when ordered to do so.⁴³⁹⁷

1068. **Sead Sušić** stated that he was at home in Čarakovo with his family in the early morning of 23 July 1992 when Serbs attacked and surrounded his village.⁴³⁹⁸ Some of the Serbs wore military uniforms and some wore civilian clothes.⁴³⁹⁹ Among them was Velimir Đurić a.k.a. Velja, whom the witness knew, Zoran Babić a.k.a. Babin and Goran Gruban, whom he had seen before and whose names he had learned from others.⁴⁴⁰⁰ He later also learned of the identity of another attacker, Dragomir Soldat

⁴³⁹² P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 3.

⁴³⁹³ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 4.

⁴³⁹⁴ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 4-5.

⁴³⁹⁵ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, p. 5.

⁴³⁹⁶ P3431 (Witness RM-074, witness statements), witness statement of 2 December 2000, pp. 4-5.

⁴³⁹⁷ P3431 (Witness RM-074, witness statements), witness statement of 12 December 2002, pp. 2-3.

⁴³⁹⁸ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 16-17.

⁴³⁹⁹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 16.

⁴⁴⁰⁰ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 18.

a.k.a. Čiča.⁴⁴⁰¹ When the Serb soldiers came to his house, Soldat ordered all the men to go outside.⁴⁴⁰² Soldat started swearing saying ‘let Alija fuck [y]our balija mothers’.⁴⁴⁰³ The group of men was then escorted to the village’s mosque, some 50 metres away.⁴⁴⁰⁴ There, they were lined up and shot.⁴⁴⁰⁵ Gruban shot one man who tried to escape.⁴⁴⁰⁶ Then Babić and Đurić started shooting at the others with automatic weapons.⁴⁴⁰⁷ The witness was shot and fainted.⁴⁴⁰⁸ Nine people died in front of the mosque that day.⁴⁴⁰⁹ After the execution, while hiding in a cornfield, the witness ‘heard lots of shooting, and houses being set on fire,’ and also saw the Serbs take Nizam Karupović, a postman, to the opposite side of the cornfield, and heard shooting.⁴⁴¹⁰

1069. On the same day, Bosnian-Serb soldiers took Bosnian-Muslim and Bosnian-Croat civilians from Čarakovo to the Žeger bridge on the Sana River, where a number of them were shot dead before their bodies were thrown into the river.⁴⁴¹¹ **Witness RM-023** testified that some of the same Serb soldiers who had attacked Čarakovo, wearing black caps and multicoloured camouflage uniforms, killed the people on or around the bridge.⁴⁴¹² The soldiers played Serbian folk songs from a stereo as they were killing people.⁴⁴¹³ They forced men to jump off the bridge and shot at them with automatic weapons from the bridge, while jumping or once they had hit the river.⁴⁴¹⁴ The river was full of corpses.⁴⁴¹⁵ The soldiers ordered a young man who had previously been beaten up and was covered in blood, to wash himself in the river and then shot him in the back

⁴⁴⁰¹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 17.

⁴⁴⁰² P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 19.

⁴⁴⁰³ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 20.

⁴⁴⁰⁴ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 21.

⁴⁴⁰⁵ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 21, 23.

⁴⁴⁰⁶ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 23.

⁴⁴⁰⁷ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 23.

⁴⁴⁰⁸ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 23-24.

⁴⁴⁰⁹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 24, 28.

⁴⁴¹⁰ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 25-27.

⁴⁴¹¹ Adjudicated Facts I, no. 903.

⁴⁴¹² P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3947, 3949, 3954-3956; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16134-16136.

⁴⁴¹³ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3947; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16134-16135.

⁴⁴¹⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3948; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16135.

⁴⁴¹⁵ P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948, 3954; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16135.

while he was bending down.⁴⁴¹⁶ Some Serb soldiers who participated in the killings did not have a mask and the witness recognized, *inter alios*, a man called Stakić and a man nicknamed 'Kojo', both in 'olive JNA uniforms'.⁴⁴¹⁷ The witness also saw three men of Serb ethnicity from the area: Mico Jurusić and Vinko Panić, who were wearing camouflage uniforms; and Mirko Kos, who was a police officer, wearing a police uniform.⁴⁴¹⁸

1070. A large number of killings of Bosnian Muslims and Bosnian Croats occurred in the Brdo area around 20 July 1992 as a result of the campaign conducted by Bosnian-Serb forces.⁴⁴¹⁹ **Witness RM-704** specified that some of his close family members were killed in the Rizvanovići, Rakovčani, and Hambarine area.⁴⁴²⁰ The villages in the Brdo area were all almost completely Muslim in composition.⁴⁴²¹ **Witness RM-060** stated that on 20 July 1992, along the way from Bišćani to Prijedor, he saw a lot of dead people lining the road.⁴⁴²² **Elvedin Nasić** stated that his brother told him that on 21 July 1992, during a Serb operation in the village of Bišćani, an armed soldier shot and killed their father.⁴⁴²³ He also heard that on 22 July 1992, four men who were hiding with the witness in the Kurevo forest, near the village of Hambarine, went to get water but were killed.⁴⁴²⁴

1071. After the cleansing of the Brdo area in July 1992, a number of Bosnian-Muslim men were ordered to assist the Bosnian-Serb forces in collecting the dead bodies.⁴⁴²⁵ According to **Witness RM-038** members of the Serb army wearing camouflage uniforms ordered the people to collect bodies.⁴⁴²⁶ The people were also accompanied by two elderly armed guards named Dusan Stevanić and Mirko Savić, who wore olive-grey

⁴⁴¹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8, 23; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3947.

⁴⁴¹⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948-3949, 3955-3956.

⁴⁴¹⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 8; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3948-3949, 3954-3956.

⁴⁴¹⁹ Adjudicated Facts I, no. 901.

⁴⁴²⁰ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 6.

⁴⁴²¹ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 2.

⁴⁴²² P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6865-6866.

⁴⁴²³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12715.

⁴⁴²⁴ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2.

⁴⁴²⁵ Adjudicated Facts I, no. 904.

⁴⁴²⁶ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5913-5915, 5917, 5930-5931; Witness RM-038, T. 19916, 19919, 19922.

military uniforms.⁴⁴²⁷ They loaded between 300 and 350 bodies on trucks with their own hands.⁴⁴²⁸ **Witness RM-038** estimated that this was done in two days and all of the bodies found were unarmed, of Muslim ethnicity, and wore civilian clothes.⁴⁴²⁹ The witness found a 'trip order' in one of the trucks, which mentioned the Žarko Zgonjanin barracks as a starting point, going to Brdo with Tomašica as final destination.⁴⁴³⁰ **Witness RM-704** stated that none of the bodies he saw were in military clothing, nor had they any weapons on them. The witness stated that all victims appeared to be Muslim. Among the dead there were two women: Husnija Duratović's wife, Đula, wearing a traditional Muslim skirt; and Husnija Duratović's daughter-in-law.⁴⁴³¹ It appeared to the witness that many of the injuries were caused by gunshots.⁴⁴³² **Witness RM-384** stated that an officer from the Žarko Zgonjanin barracks told him to take part in the job.⁴⁴³³ He also saw bodies and recognized the shoes on one of the bodies as belonging to Zlatan Duratović.⁴⁴³⁴ The witness drove a truck loaded with corpses to a checkpoint in Tukovi which was manned by VRS military police.⁴⁴³⁵ A person wearing an 'SMB' uniform took the witness's truck, which was returned empty two hours later.⁴⁴³⁶ The witness made three more such trips to the Bišćani area.⁴⁴³⁷ The witness later heard stories from the villagers in the direction of Tomašica who noticed the smell coming from the truck.⁴⁴³⁸ **Witness RM-383**, who had been mobilised on 5 May 1992 into what became the Logistics Battalion's 43rd Motorised Brigade, testified that in June or July 1992, he was given the task to collect bodies in Bišćani and clean the area by VRS member Stojan Aleksić.⁴⁴³⁹ The bodies were unloaded into a pit at Tomašica.⁴⁴⁴⁰

⁴⁴²⁷ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5916, 6002; Witness RM-038, T. 19939.

⁴⁴²⁸ Adjudicated Facts I, no. 904.

⁴⁴²⁹ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5966-5969; Witness RM-038, T. 19905.

⁴⁴³⁰ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5934-5935; Witness RM-038, T. 19917-19918, 19923-19924.

⁴⁴³¹ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 7.

⁴⁴³² P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 6-7.

⁴⁴³³ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 8.

⁴⁴³⁴ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 11-12.

⁴⁴³⁵ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 13-14.

⁴⁴³⁶ P7313 (Witness RM-384, witness statement, 30 January 2014), para. 15.

⁴⁴³⁷ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 16-20.

⁴⁴³⁸ P7313 (Witness RM-384, witness statement, 30 January 2014), para. 22.

⁴⁴³⁹ P7416 (Witness RM-383, witness statement, 28 January 2014), paras 13, 15-17; Witness RM-383, T. 36115, 36126, 36128, 36132, 36144, 36156-36157.

⁴⁴⁴⁰ P7416 (Witness RM-383, witness statement, 28 January 2014), paras 19-29; Witness RM-383, T. 36145.

1072. Based on the foregoing, the Trial Chamber finds that between 1 and 23 July 1992, including during and immediately after they had attacked the Brdo area, members of the Bosnian-Serb military and police, including Mico Jurusić, Velimir Đurić a.k.a. Velja, Zoran Babić a.k.a. Babin, Dragomir Soldat a.k.a. Čiča, Goran Gruban, and Vinko Panić, shot and killed at least 21 unarmed Bosnian-Muslim and Bosnian-Croat civilians in Čarakovo. The Trial Chamber recalls its finding in chapter 3.1.2 that Goran Gruban was a member of the VRS 43rd Motorised Brigade and finds therefore that the perpetrators of the killings included VRS soldiers. During the attack on the village and immediately prior to some of the killings, Soldat swore at the victims saying ‘let Alija fuck [y]our balija mothers,’ and the forces involved played Serbian folk songs on a stereo during some of the killings.

1073. The Trial Chamber’s finding that at least 21 people were killed in relation to this incident is based on the 19 victims specified in Adjudicated Facts 900 and 902, in addition to the victims killed on or around the Žeger Bridge for whom detailed eye-witness testimony was adduced. Although evidence of other killings and the collection of hundreds of corpses in the dates and locations relevant to this allegation suggest that the number of victims was much higher, the evidence has not established beyond reasonable doubt either an approximate number of these victims, the circumstances surrounding their deaths, or the identities of the alleged perpetrators. For these reasons, the Trial Chamber must confine its factual finding to the conservative minimum number of 21.

1074. The Trial Chamber also notes that there is a considerable amount of overlap between Schedule A.6.5, the killing of a number of people in the villages of the Brdo area between 1 and 23 July 1992; and Schedule A.6.6, the killing of a number of men in the village of Biščani and surrounding hamlets on 20 July 1992. The Trial Chamber considers Schedule A.6.6 to be narrower in geographical and temporal scope than Schedule A.6.5, and has organized its consideration of the evidence on this basis.

1075. The Trial Chamber will further consider this incident in relation to Counts 1 and 3 to 6 of the Indictment in chapter 8, below.

Schedule A.6.6

1076. According to the Indictment, the Accused is responsible for the killing of a number of men in the village of Bišćani and the surrounding hamlets of Hegići, Mrkalji, Ravine, Duratovići, Kadići, Lagići, and Čemernica on or about 20 July 1992.⁴⁴⁴¹ The Defence submitted that the incidents taking place in Bišćani and its hamlets were the result of legitimate combat or spontaneous individual actions by VRS soldiers, or non-VRS related groups.⁴⁴⁴² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-704**, a man from the Muslim hamlet of Čemernica, Jugovci Village, Prijedor Municipality;⁴⁴⁴³ **Witness RM-060**, a Muslim from Bišćani, Prijedor Municipality;⁴⁴⁴⁴ **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;⁴⁴⁴⁵ as well as **Ewa Tabeau**, a demographer and statistician,⁴⁴⁴⁶ and finds that this evidence does not rebut the Adjudicated Facts.⁴⁴⁴⁷ The Trial Chamber also received evidence from **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;⁴⁴⁴⁸ and **Witness RM-026**, a Muslim from Prijedor Municipality.⁴⁴⁴⁹

1077. On 20 July 1992, Bosnian-Serb forces conducted an onslaught on the entire Brdo area, of which Bišćani, a village comprising the hamlets of Mrkalji, Hegići, Ravine,

⁴⁴⁴¹ Indictment paras 39, 59, 62, Schedule A.6.6.

⁴⁴⁴² Defence Final Brief, paras 942-947.

⁴⁴⁴³ P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 1-2.

⁴⁴⁴⁴ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1.

⁴⁴⁴⁵ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.

⁴⁴⁴⁶ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁴⁴⁷ **Witness RM-704**: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 2-3. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858-6859, 6861-6863. **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882-5883, 5885, 5889, 5891-5892, 5922-5923, 5926; Witness RM-038, T. 19930-19931, 19936, 19938; P2963 (Photograph of orchard in Hegići); P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), p. 1 (referring to nos. 1 and 2); P2949 (Index to photographs marked by witness), pp. 1-2; P2950 (List of victims from Brdo), pp. 3, 8-9, 12-14; P2966 (Photograph of road from Prijedor to Bišćani); P2967 (Photograph of Smajil Mrkalji's house); P2968 (Photograph of area between Hegići and Bišćani marked by witness); P2969 (Photograph of clay pit marked by witness); P2970 (Photograph of Mrkalji from Hegići); P2978 (Index to photographs used during Witness RM038's testimony). **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 2; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 16, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 179-217; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.

⁴⁴⁴⁸ P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

⁴⁴⁴⁹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2.

Sredići, and Duratovići, forms part.⁴⁴⁵⁰ While detained in Trnopolje camp, **Azra Blažević** heard from Slobodan Cumba of the Prijedor Crisis Committee, who visited the camp on several occasions, that a policy of ‘cleansing’ had been ‘done’, and that Kozarac had suffered because it was allegedly full of armed extremists, whereas Bišćani near Hambarine had handed over their weapons, although their destiny was going to be the same.⁴⁴⁵¹ Bišćani was ‘cleansed’ seven days after the witness learned this information.⁴⁴⁵² **Witness RM-038** testified that before the attack all civilian weapons, such as hunting rifles, private pistols, and small arms were handed over, and the weapons were collected in the villages and transported to the Zarko Zgonjanin barracks.⁴⁴⁵³ The Serbian forces consisted of military and police and were wearing different kinds of uniforms.⁴⁴⁵⁴ On that day, the Bosnian-Muslim population of Bišćani was told to gather at various collection points throughout the village, among which one was a coffee bar in Bišćani where five unarmed men were shot dead by Bosnian-Serb soldiers.⁴⁴⁵⁵ **Witness RM-060** stated that on that day, being 20 July 1992, one of the men was killed by a person called Zolka.⁴⁴⁵⁶ The commander of the collection point at the coffee bar divided the group of men gathered there into two, and sent the first group, including the witness, to a bus.⁴⁴⁵⁷ This bus took the first group to Trnopolje camp and that evening after the second part of the group arrived on another bus, the two groups mixed and the witness heard what had happened to the men from the second group.⁴⁴⁵⁸ The second group had also been put on a bus and near Prijedor Skoplje, the commander who had divided the group earlier lined up ten men from the bus and shot them.⁴⁴⁵⁹ When the second bus arrived at Trnopolje, those who were still on the bus were lined up outside the bus.⁴⁴⁶⁰ The same commander called out the names of 12 or 13 people, and sent them back to the bus, and then the bus left.⁴⁴⁶¹ The witness later heard from one family that they saw the dead bodies of some of these 12 or 13 people who were put back on the bus in an area called Kratalj, being a pit off the road, a bit closer to

⁴⁴⁵⁰ Adjudicated Facts I, nos 905-906.

⁴⁴⁵¹ P3617 (Azra Blažević, witness statement, 10 November 1994), p.14; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2491.

⁴⁴⁵² P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2491.

⁴⁴⁵³ Witness RM-038, T. 19914.

⁴⁴⁵⁴ Adjudicated Facts I, no. 906.

⁴⁴⁵⁵ Adjudicated Facts I, no. 907.

⁴⁴⁵⁶ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858, 6862-6863, 6880.

⁴⁴⁵⁷ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6864-6865, 6868.

⁴⁴⁵⁸ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6865-6868.

⁴⁴⁵⁹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868-6870.

⁴⁴⁶⁰ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868, 6870.

Prijedor.⁴⁴⁶² There were two survivors, Fikret Sabanović and Nenad Kekić, and Kekić later confirmed to the witness that these men had been ordered to get off the bus, lined up, and executed with automatic rifles.⁴⁴⁶³

1078. On the same day, Bosnian-Serb soldiers lined up between 30 and 40 Bosnian-Muslim residents of Mrkalji, none of whom wore a uniform, at a nearby clay pit.⁴⁴⁶⁴ There were military vehicles, including an APC, and more than 20 soldiers in camouflage uniforms.⁴⁴⁶⁵ **Witness RM-038** testified that some of the soldiers wore blue uniforms.⁴⁴⁶⁶ All of the Bosnian-Muslim residents of Mrkalji at the clay pit were executed with rifles by the Bosnian-Serb soldiers present.⁴⁴⁶⁷ The witness further specified that the residents, who were mostly men and some children, were shot by the soldiers as they ran away towards the forest.⁴⁴⁶⁸

1079. **Witness RM-026** provided evidence about another incident in Mrkalji. He heard from an eyewitness that on 20 July 1992, Irfan and Nedžad Ejupović, both Bosnian-Muslim men, were killed there.⁴⁴⁶⁹ ‘Chetniks’ took them out of the basement of a house where women, children, and elderly people had sought refuge, brought them to a yard 15 metres away, and killed them, along with other men, with automatic rifles.⁴⁴⁷⁰ Irfan and Nedžad Ejupović were wearing civilian clothes and were unarmed.⁴⁴⁷¹ By the use of the term ‘Chetniks’, the witness clarified that this term encompassed members of the former JNA, members of the police forces, and paramilitaries.⁴⁴⁷²

⁴⁴⁶¹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6868, 6870.

⁴⁴⁶² P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6871.

⁴⁴⁶³ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6871-6873.

⁴⁴⁶⁴ Adjudicated Facts I, no. 908.

⁴⁴⁶⁵ Adjudicated Facts I, no. 908.

⁴⁴⁶⁶ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882, 5885, 5889, 5891, 5926; Witness RM-038, T. 19930-19931, 19936; P2949 (Index to photographs marked by witness), p. 2; P2966 (Photograph of road from Prijedor to Bišćani); P2978 (Index to photographs used during Witness RM-038’s testimony).

⁴⁴⁶⁷ Adjudicated Facts I, no. 908.

⁴⁴⁶⁸ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5882-5883, 5885, 5887, 5890-5893; Witness RM-038, T. 19930, 19938; P2947 (Map of Bišćani area); P2948 (Index to map of Bišćani area), p. 1 (referring to no. 2); P2949 (Index to photographs marked by witness), pp. 1-2; P2967 (Photograph of Smajil Mrkalji’s house); P2968 (Photograph of area between Hegići and Bišćani marked by witness); P2969 (Photograph of clay pit marked by witness); P2970 (Photograph of Mrkalji from Hegići); P2978 (Index to photographs used during Witness RM038’s testimony).

⁴⁴⁶⁹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 2-3, 10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2343-2345.

⁴⁴⁷⁰ P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2343-2345.

⁴⁴⁷¹ P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2345.

⁴⁴⁷² P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2390, 2392.

1080. Around 20 July 1992, in an orchard in Hegići, 12 people were lined up and shot dead with rifles by Bosnian-Serb forces.⁴⁴⁷³ **Witness RM-704** stated that Hegići was the last and most western of Biščani's hamlets, and that Čemernica was the last predominantly Muslim settlement on the Prijedor/Tukovi-Volar road, and the first to come after Hegići.⁴⁴⁷⁴ On the same day, around 20 people were killed at a bus stop between Alagići and Čemernica.⁴⁴⁷⁵

1081. **Witness RM-704** and **Witness RM-038** provided evidence about a specific incident in Čemernica. **Witness RM-704** stated that around 5 or 6 p.m. on 20 July 1992, he saw an APC and two trucks drive into Čemernica with Serb soldiers. These men were mostly wearing olive-grey colour uniforms. The witness thought that they were part of the 'Prijedorska Brigada', which he believes was called '140 Motorised Brigade'.⁴⁴⁷⁶ The main reason he believed this was because he recognised their accents as common to Prijedor.⁴⁴⁷⁷ Another reason for this was that he recognised their commander, Rade Bilbija, a local man.⁴⁴⁷⁸ **Witness RM-038** testified that shortly after his arrival in Čemernica on 20 July 1992, he saw soldiers wearing blue uniforms followed by military vehicles, including APCs, entering the village.⁴⁴⁷⁹ The witness and about 35-40 people in civilian clothes were taken out of houses and lined up close to the cemetery.⁴⁴⁸⁰ One of the men in blue uniform, whose last name the witness later learned was Gligić, asked Muhamed Hadžić his name, which he gave. Gligić then asked him if he was a 'pejgamber', raised his rifle, and shot him.⁴⁴⁸¹ 'Pejgamber', the witness clarified, is a Muslim word related to God.⁴⁴⁸² **Witness RM-704** learned from others that the shooter's last name was Gligić.⁴⁴⁸³ **Witness RM-038** also recognised Rade Bilbija, who appeared to be leading the group of soldiers, as well as Batan Stupar, Miodrag Glusac a.k.a. Tosa, and Kana among the soldiers, all of whom wore camouflage uniforms.⁴⁴⁸⁴ The witness saw two pennants, with a moon and a star on the

⁴⁴⁷³ Adjudicated Facts I, no. 909.

⁴⁴⁷⁴ P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 2-4.

⁴⁴⁷⁵ Adjudicated Facts I, no. 910.

⁴⁴⁷⁶ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 2.

⁴⁴⁷⁷ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.

⁴⁴⁷⁸ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.

⁴⁴⁷⁹ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5897, 5906.

⁴⁴⁸⁰ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5906.

⁴⁴⁸¹ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5906-5907; Witness RM-038, T. 19931, 19948; P2950 (List of victims from Brdo), p. 5. *See also* P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.

⁴⁴⁸² P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5907.

⁴⁴⁸³ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.

⁴⁴⁸⁴ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5907-5910.

ammunition truck.⁴⁴⁸⁵ According to **Witness RM-704**, the Serb soldiers then lined up all the men in an orchard along the road near Čemernica's cemetery.⁴⁴⁸⁶ The witness saw the soldiers taking firing positions.⁴⁴⁸⁷ Then, Rade Bilbija ordered the soldiers to stop, stating 'Stop the action! Enough for today', after which the soldiers left and the villagers returned to their houses.⁴⁴⁸⁸

1082. Based on the foregoing, the Trial Chamber finds that on 20 July 1992, Bosnian-Serb forces consisting of military and police, attacked the Brdo area, including the village of Bišćani which comprises the hamlets of Mrkalji, Hegići, Ravine, Sredići, and Duratovići. The inhabitants of Bišćani had handed over their weapons before the attack took place. The Bosnian-Muslim population of Bišćani was told to gather at various collection points throughout the village. At a collection point at a coffee bar, five unarmed men were shot dead by Bosnian-Serb soldiers. Based on the fact that the Bosnian-Muslim population were told to gather at these collection points, and the five unarmed men were shot dead by Bosnian-Serb soldiers, the Trial Chamber finds that the only reasonable inference is that the unarmed men were Bosnian Muslims. The group of Bosnian-Muslim men who were gathered at the collection point were then divided and put on buses by a commander. Near Prijedor Skoplje, the commander shot and killed ten Bosnian-Muslim men from the second bus. Later, at an area called Kratalj on the side of the road, a bit closer to Prijedor, at least ten Bosnian-Muslim men were shot and killed, after having been ordered to get back on the bus at Trnopolje by the same commander.

1083. The Trial Chamber finds that in Mrkalji, on 20 July 1992, approximately 25 Bosnian-Serb soldiers took 30-40 Bosnian-Muslim residents of Mrkalji, mostly men, none of whom were in uniform, and also some children, to a close-by clay pit, where they were lined up. As they ran away, the soldiers shot and killed them. The Bosnian-Serb soldiers were wearing camouflage and blue uniforms and were accompanied by military vehicles and an APC.

1084. The Trial Chamber further finds that in Mrkalji, on 20 July 1992, members of the former JNA, members of the police forces, or paramilitaries took two unarmed Bosnian-Muslim men, who were wearing civilian clothing, from the basement of a house where they had sought refuge with others, and killed them nearby with automatic rifles.

⁴⁴⁸⁵ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5908.

⁴⁴⁸⁶ P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 3-4.

⁴⁴⁸⁷ P2602 (Witness RM-704, witness statement, 12 October 2001), p. 3.

⁴⁴⁸⁸ P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 3-4.

1085. The Trial Chamber finds that around 20 July 1992, 12 people were lined up and killed by Bosnian-Serb soldiers in an orchard in Hegići. Although the Trial Chamber has not received evidence as to the ethnicity of the victims, it is satisfied that the hamlet of Hegići was predominantly Bosnian Muslim, and that the victims were Bosnian Muslims.

1086. With regard to the perpetrators of these killings, the Trial Chamber recalls its finding in chapter 4.10.3 that on 20 July 1992, the VRS, acting jointly with the police and paramilitary groups, attacked Biščani. The Trial Chamber therefore finds that the perpetrators were members of the VRS, the police, or unnamed paramilitary groups. The Trial Chamber will further consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1087. The Trial Chamber further finds that in the predominantly Bosnian-Muslim hamlet of Čemernica on 20 July 1992, a man in civilian clothes was shot in the head by a soldier named Gligić after he told Gligić that his name was Muhamed Hadžić and after Gligić had asked him if he was a 'pejgamber', this being a Muslim word related to God. Gligić belonged to a group which was commanded by Rade Bilbija. The Trial Chamber recalls its finding in chapter 3.1.2 that Rade Bilbija was a battalion commander of the VRS 43rd Motorised Brigade. Based on this, the Trial Chamber finds that the perpetrator of the killing was a VRS soldier. The Trial Chamber finds that given the ethnic composition of Čemernica, and the facts surrounding this killing, the only reasonable inference is that Muhamed Hadžić was a Bosnian Muslim. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1088. The Trial Chamber further finds that around 20 individuals were killed at a bus stop between Alegići and Čemernica. However, it has not received evidence as to where these people originated from, and therefore is unable to determine their ethnicity. In addition, the Trial Chamber received no evidence as to the alleged perpetrators, of this incident. Similarly, the Trial Chamber did not receive evidence as to perpetrators of the alleged killing incidents in Ravine, Duratovići, Kadići, and Lagići. The Trial Chamber will therefore not consider this incident further.

Schedule A.6.7

1089. According to the Indictment, the Accused is responsible for the killing of a number of men in the Ljubija iron ore mine Kipe in Prijedor Municipality on or about 25 July 1992.⁴⁴⁸⁹ The Defence argued that the individuals present at Kipe were members of a police unit not related to the VRS, and that the uniforms they were wearing, dark blue and black, were not worn by the VRS.⁴⁴⁹⁰ The Trial Chamber took judicial notice of a number of Adjudicated facts in relation to this incident. It also received evidence from **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality,⁴⁴⁹¹ **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;⁴⁴⁹² and **Ewa Tabeau**, a demographer and statistician,⁴⁴⁹³ as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁴⁴⁹⁴ Part of Karagić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.8*.

⁴⁴⁸⁹ Indictment, paras 39, 59, 62, Schedule A.6.7.

⁴⁴⁹⁰ Defence Final Brief, para. 949.

⁴⁴⁹¹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.

⁴⁴⁹² P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁴⁴⁹³ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).

⁴⁴⁹⁴ **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 3-5, witness statement of 15 March 2000, p. 3, witness statement of 10 January 2002, pp. 1-2; P2601 (Elvedin Nasić, *Brdanin* transcript, 12 December 2002), pp. 12706-12707. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5239, 5242-5247, 5249-5250, 5255, 5257; P1000 (Map with photographs titled Ljubija-Briševo overview), photographs 4 and 6; Nermin Karagić, T. 9140-9141, 9149. **Ewa Tabeau and documents**: P2271 (Autopsy report for Edin Hadziosmanagić, 12 July 2007); P2309 (Autopsy report for Nurudin Kekić, 25 July 2000); P2310 (Autopsy report for Edin Fatimić, 27 July 2000); P2311 (Autopsy report for Senad Kekić, 19 July 2000); P2312 (Autopsy report for Besim Hegić, 27 July 2000); P2313 (Autopsy report for Samir Dedić, 21 April 1992); P2314 (Autopsy report for Amir Crljenković, 14 July 2000); P2315 (Autopsy report for Hilmija Kadirić, 27 July 2000); P2316 (Autopsy report for Hasan Jujić, 21 July 2000); P2318 (Autopsy report for Vahidin Kadić, 27 July 2000); P2319 (Autopsy report for Ramo Kekić, 25 July 2000); P2320 (Autopsy report for Zenil Kadić, 27 July 2000); P2321 (Autopsy report for Esad Kekić, 14 July 2000); P2322 (Autopsy report for Suad Kekić, 27 July 2000); P2324 (Autopsy report for Sabahudin Kadirić, 26 July 2000); P2325 (Autopsy report for Emsud Dedić, 25 July 2000); P2327 (Autopsy report for Armin Kadić, 25 July 2000); P2328 (Autopsy report for Islam Hopovac, 13 July 2000); P2329 (Autopsy report for Edin Siječić, 14 July 2000); P2330 (Autopsy report for Jasmir Kekić, 26 July 2000); P2331 (Autopsy report for Ferid Karagić, 17 July 2000); P2332 (Autopsy report for Suvad Čančar, 31 July 2000); P2334 (Autopsy report for Elvis Kadić, 12 July 2000); P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 1, 12; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 198, 218-220, 224-225; P4668 (Identification record for Amir Crljenković, 21 September 2000); P4669 (Identification record for Abdulah Muhić, 5 June 2006), pp. 1, 3; P4670 (Autopsy report for Abdulah Muhić, 10 June 2006) p. 1; P5588 (ICMP notice of DNA report), pp. 79, 91, 118, 183, 192, 236, 242-243, 338; P5589 (Collection of autopsy reports pertaining to bodies exhumed from various gravesites in the area of Prijedor pertaining to Hasan Rizvanović), p. 48; P5848 (Death Certificate for Hasan Rizvanović, 18 August 2011), p. 1; P5865 (Identification record for Emsud Dedić, 20 September 2000); P5866 (Death certificate for Emsud Dedić, 26 March 1999); P5867 (Identification report for Samir Dedić, 10 October 2000); P5868 (Identification report for Edin Fatimić); P5871 (Identification report for Islam Hopovac, 22 September 2000); P5872

1090. In July 1992, around 50 detainees from the Ljubija football stadium were put on a bus provided by the local public transport company and taken to an iron ore mine south-west of Ljubija, locally referred to as 'Kipe'.⁴⁴⁹⁵ **Elvedin Nasić** specified that this happened around 25 July 1992 and that the group consisted of 90 detainees.⁴⁴⁹⁶ **Nermin Karagić** testified that when he and others got on the bus, the guards were shouting things like 'You're going to Kurevo. Now you'll get your independent Bosnia', and referred to them as '*Ustaša*'.⁴⁴⁹⁷ **Nasić** stated that soldiers on the bus made the detainees sing 'Chetnik' songs.⁴⁴⁹⁸ Persons were called out from the bus and executed by Bosnian-Serb soldiers in groups of three.⁴⁴⁹⁹ **Karagić** heard a man saying 'here's your independent Bosnia' followed by shooting.⁴⁵⁰⁰ Elvedin Našić and Nermin Karagić managed to escape, while all other persons travelling on that bus were killed.⁴⁵⁰¹ The bodies were thrown into a depression in the ground.⁴⁵⁰² **Nasić** moved towards a hole in the ground which was about two or three metres deep and which contained the bodies of the detainees who had been shot. He then descended into this hole and lay on top of the bodies. He noticed that some of the men were still alive as they were moaning and screaming.⁴⁵⁰³ The witness lay in the hole until one of the soldiers came back. The soldier looked for those who had escaped. The soldier then fired five shots with his

(Death certificate for Islam Hopovac); P5873 (Sanski Most court ruling on death for Islam Hopovac, 4 September 1998) p. 1; P5874 (Identification record for Armin Kadić, 24 October 2000); P5875 (Sanski Most court ruling on death for Armin Kadić, 19 May 1997), p. 1; P5876 (Identification report for Elvis Kadić, 27 July 2000); P5877 (Identification record for Vahidin Kadić, 12 September 2000); P5878 (Sanski Most court ruling on death for Vahidin Kadić, 3 November 1998), p. 1; P5879 (Identification record for Zenil Kadić, 29 September 2000); P5880 (Identification record for Sabahudin Kadirić, 25 September 2000); P5881 (Death certificate for Sabahudin Kadirić, 18 August 2011); P5882 (Identification record for Ferid Karagić, 18 September 2000); P5883 (Sanski Most court ruling on death for Ferid Karagić, 21 December 1998); P5884 (Identification report for Esad Kekić); P5885 (Sanski most court ruling on death for Esad Kekić, 4 November 1998), p. 1; P5886 (Death certificate for Esad Kekić, 29 September 2000) p. 1; P5887 (Identification record for Jasmir Kekić, 23 October 2000); P5888 (Identification record for Jasmir Kekić, 21 July 2000); P5889 (Identification record for Nurudin Kekić, 26 September 2000); P5890 (Identification record for Ramo Kekić, 26 September 2000); P5891 (Sanski Most court ruling for Ramo Kekić, 18 February 1999) pp. 1-3; P5892 (Death certificate for Ramo Kekić, 1999), p. 1; P5893 (Identification record for Senad Kekić, 18 September 2000); P5894 (Death certificate for Senad Kekić, 19 February 2001); P5895 (Identification record for Suad Kekić, 18 September 2000); P5896 (Death certificate for Suad Kekić, 19 February 2001), pp. 1-2; P5897 (Sanski Most court ruling on death for Suad Mulalić, 18 October 2000); P5900 (Identification record for Edin Siječić, 18 September 2000).

⁴⁴⁹⁵ Adjudicated Facts I, no. 915.

⁴⁴⁹⁶ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 3-4.

⁴⁴⁹⁷ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5239.

⁴⁴⁹⁸ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

⁴⁴⁹⁹ Adjudicated Facts I, no. 916.

⁴⁵⁰⁰ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5245-5246.

⁴⁵⁰¹ Adjudicated Facts I, no. 917.

⁴⁵⁰² Adjudicated Facts I, no. 918.

⁴⁵⁰³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

machine gun into the hole without managing to hit the witness. At this point, the soldier was joined by another soldier and they discussed going into the hole in order to kill those who may still be alive. After singing 'Chetnik' songs, the soldiers, who had been drinking, got on the bus and drove off.⁴⁵⁰⁴

1091. Based on the above, the Trial Chamber finds that around 25 July 1992, Bosnian-Serb soldiers transported more than 50 detainees from the Ljubija football stadium to an iron-ore mine called Kipe and then killed all but two of the detainees upon arrival. The detainees all wore civilian clothes. With regard to ethnicity, the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule C.15.5* and finds that the detainees were predominantly Bosnian Muslims and Bosnian Croats. During the killings, one perpetrator said 'here's your independent Bosnia'. On the bus, the detainees had been referred to as '*Ustaša*' by the guards and, during the transport to the mine, the detainees were forced to sing 'Chetnik' songs. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.8

1092. According to the Indictment, the Accused is responsible for the killing of a number of men at the Ljubija football stadium and the surrounding areas on or about 25 July 1992.⁴⁵⁰⁵ The Defence argued that detainees at the Ljubija football stadium were secured by Bosnian-Serb policemen and members of the MUP Intervention Platoon and not by military personnel, as soldiers were not present at the stadium.⁴⁵⁰⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident.⁴⁵⁰⁷ It also received evidence from **Witness RM-023**, a Muslim residing in the Prijedor Municipality in 1991 and 1992;⁴⁵⁰⁸ **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;⁴⁵⁰⁹ **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality;⁴⁵¹⁰ and **Ewa Tabeau**,

⁴⁵⁰⁴ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 5.

⁴⁵⁰⁵ Indictment, paras 39, 59, 62, Schedule A.6.8.

⁴⁵⁰⁶ Defence Final Brief, paras 482-483.

⁴⁵⁰⁷ Adjudicated Fact nos 1079-1082 are reviewed in chapter 4.10.2 *Schedule C.15.5*.

⁴⁵⁰⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁴⁵⁰⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁴⁵¹⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.

a demographer and statistician,⁴⁵¹¹ as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁴⁵¹²

1093. Between May and July 1992, the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Biščani, Čarakovo, Briševo, and Ljubija were attacked by the VRS acting jointly with the police and paramilitary groups.⁴⁵¹³ **Witness RM-023** stated that in July 1992, at the time of Ljubija's shelling, Serb soldiers wearing camouflage uniforms with Serb insignias rounded up people and separated the women and children from the men.⁴⁵¹⁴ The soldiers arrived at the house where the witness and 38 other Muslims, including women, men, and children, had sought refuge, saying, 'oh, look at the nest of Green b[e]rets'.⁴⁵¹⁵ The soldiers forced the children, aged between 2 and 13 years old, out of the house at gunpoint. The witness heard a Serb soldier say they would 'assemble a "Jasenovac"'. The soldiers escorted almost all of the Muslim men in Ljubija to the Ljubija stadium with their hands tied behind their heads.⁴⁵¹⁶

1094. **Elvedin Nasić** stated that around 25 July 1992, at 3 p.m., he and 110 men who had been detained by 'Serb soldiers' in a small café near the Command Post in the village of Miška Glava, in Prijedor Municipality, were put on two buses and driven to Ljubija, Prijedor Municipality.⁴⁵¹⁷ In Ljubija, a policeman named 'Simo' was waiting

⁴⁵¹¹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁵¹² **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4, witness statement of 15 March 2000, pp. 2-3, witness statement of 10 January 2002, p. 1. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), 5234, 5236-5237; P1003 (Chart of names with comments by Nermin Karagić), pp. 1-3, 5-7. **Ewa Tabeau and forensic documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 17; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 224, 226-228; P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000); P2333 (Autopsy report for Muharem Petrovac, 17 July 2000); P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1-3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999); P5901 (Death certificate for Ismet Avdić, 4 February 2011); P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5905 (Re-autopsy report for Sakib Ejupović, 11 June 2006), pp. 1-2; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1.

⁴⁵¹³ Adjudicated Facts I, no. 867.

⁴⁵¹⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁴⁵¹⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3991-3993.

⁴⁵¹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁴⁵¹⁷ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691.

for them.⁴⁵¹⁸ A number of 'Special Forces' soldiers, wearing dark blue and black camouflage uniforms, boarded the buses and beat the detainees.⁴⁵¹⁹ During these beatings, the Special Forces soldiers supported themselves physically in order to kick the detainees harder.⁴⁵²⁰ The Commander of the 'Special Forces' soldiers, who went by the name 'Major', told the witness that his unit was from the Bosnian-Serb Republic and was called 'Interventni Vod'.⁴⁵²¹ The buses then drove for five minutes to the Ljubija football stadium.⁴⁵²² At the stadium, the detainees were ordered out of the vehicles after which soldiers and policemen began beating them with 'metal and wooden sticks and batons'.⁴⁵²³ The witness saw a 'captain' whom he assumed to be in command of the soldiers and the policemen as he issued orders to everyone except for the 'Special Forces' soldiers.⁴⁵²⁴

1095. **Karagić** testified that buses transporting the detainees from Miška Glava Dom stopped at the stadium and the detainees were made to run into the stadium.⁴⁵²⁵ All the guards wore uniforms apart from one who wore civilian clothes and whom the other guards referred to as 'Vojvoda'.⁴⁵²⁶ He also recalled a military police officer with a white belt.⁴⁵²⁷ The detainees, who were all wearing civilian clothes, were made to line up against a brick wall which ran the length of the stadium.⁴⁵²⁸ They were made to stand against the wall and then bend forward from the waist.⁴⁵²⁹ The guards then started to kick the detainees.⁴⁵³⁰ After that, the guards brought in a man whom they had caught in the woods and made him identify detainees who had been with him in the woods.⁴⁵³¹ Those identified were separated and taken to the fence next to the brick wall.⁴⁵³² Although the group standing against the wall were ordered to face the wall, the witness

⁴⁵¹⁸ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

⁴⁵¹⁹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3, witness statement of 15 March 2000, p. 2.

⁴⁵²⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 March 2000, p. 2.

⁴⁵²¹ P2600 (Elvedin Nasić, witness statements), witness statements of 15 January 1995, p. 4, witness statement of 15 March 2000, p. 2.

⁴⁵²² P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

⁴⁵²³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

⁴⁵²⁴ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

⁴⁵²⁵ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5227-5228; Nermin Karagić, T. 9124-9125; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2.

⁴⁵²⁶ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5231; Nermin Karagić, T. 9127.

⁴⁵²⁷ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5231, 5235; Nermin Karagić, T. 9105, 9112, 9127.

⁴⁵²⁸ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5228, 5230; Nermin Karagić, T. 9105, 9126-9127; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2.

⁴⁵²⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5232-5233.

⁴⁵³⁰ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5233.

⁴⁵³¹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5233; Nermin Karagić, T. 9132.

glanced at the group that had been taken to the fence and saw the man with the white belt shooting a man three times.⁴⁵³³ ‘Vojvoda’ told him not to shoot as it would disturb the neighbourhood.⁴⁵³⁴ Detainees younger than the witness, who was 17 years old at the time, were separated and taken towards the dressing room.⁴⁵³⁵ One man was separated from the group and was also taken to the dressing room when he told the guards that his mother was a Serb.⁴⁵³⁶ According to the witness, this man survived.⁴⁵³⁷ The detainees were then made to stand against the wall with their fingers on top of the wall and a man walked over their fingers whilst they were forced to sing songs about ‘Greater Serbia’.⁴⁵³⁸ All the time the detainees were being hit from behind.⁴⁵³⁹ The witness saw the man next to him, ‘Hare’ Crljenković, being killed with a bayonet.⁴⁵⁴⁰ The beatings continued for several hours and a lot of people died.⁴⁵⁴¹ A police officer known as ‘Stiven’ executed Irfan Našić with a pistol from a close distance, and another Bosnian-Muslim detainee, Muharem Petrovac, was split into two when a guard nicknamed ‘Duča’ fired a gun at him.⁴⁵⁴² Two men were singled out and taken to the other side of the stadium, where they were killed.⁴⁵⁴³ Detainees were then ordered to remove the dead bodies and put them in a bus.⁴⁵⁴⁴ The witness estimated that there were approximately 15 or 20 bodies on the bus already when he loaded one of the bodies.⁴⁵⁴⁵ One of the bodies did not have a head, while another body had an eye hanging out and the head smashed in.⁴⁵⁴⁶ At a minimum, 15 detainees were killed in the stadium.⁴⁵⁴⁷

⁴⁵³² P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5233-5234.

⁴⁵³³ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5234.

⁴⁵³⁴ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5234.

⁴⁵³⁵ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203, 5227-5228, 5234; Nermin Karagić, T. 9112; P1000 (Map with photographs titled Ljubija-Briševo overview), photograph 2. *See also* P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999), pp. 1-2.

⁴⁵³⁶ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.

⁴⁵³⁷ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.

⁴⁵³⁸ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5235, 5241-5242. *See also* P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

⁴⁵³⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5235-5236.

⁴⁵⁴⁰ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236; Nermin Karagić, T. 9108-9109; P1003 (Chart of names with comments by Nermin Karagić), p. 1.

⁴⁵⁴¹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5236.

⁴⁵⁴² Adjudicated Facts I, no. 911.

⁴⁵⁴³ Adjudicated Facts I, no. 912.

⁴⁵⁴⁴ Adjudicated Facts I, no. 913.

⁴⁵⁴⁵ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5237.

⁴⁵⁴⁶ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5237.

⁴⁵⁴⁷ Adjudicated Facts I, no. 914.

1096. According to **Nasić**, Stiven shot two other detainees, including Muharem Petrovac.⁴⁵⁴⁸ During these killings, the commander of the ‘Special Forces’, referred to as ‘Major’, and Predrag Vasiljević were present and stood next to the soldiers who beat and killed the detainees.⁴⁵⁴⁹ According to **Witness RM-023**, only ‘Serbian regular soldiers’ in uniform were present and the man in charge was addressed as ‘Comrade Commander’.⁴⁵⁵⁰ Some of the detainees were shot and killed at the stadium, some were beaten and taken away by bus to ‘the camps’, and some were released.⁴⁵⁵¹

1097. According to **Ewa Tabeau** and forensic evidence, the remains of eleven bodies were exhumed from five sites: five from the Redak mass grave in Ljubija, one from the Volarić II grave, two from the Donja Ljubija Ijeskare 2 grave, one from a site in Budimlić Japra, and two from an unknown site, and subsequently identified.⁴⁵⁵² No clothing was found for seven of the victims, while four victims were found in civilian clothing.⁴⁵⁵³ All men were between the age of 18 and 43 in 1992.⁴⁵⁵⁴

⁴⁵⁴⁸ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4, witness statement of 15 March 2000, pp. 2-3.

⁴⁵⁴⁹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 4.

⁴⁵⁵⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁴⁵⁵¹ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁴⁵⁵² P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000); P2333 (Autopsy report for Muharem Petrovac, 17 July 2000); P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 224, 226-228; P4672 (Identification report for Senad Porčić, 21 August 2004), p. 2; P4673 (Missing person register for Senad Porčić), p. 1; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1, 3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999); P5901 (Death certificate for Ismet Avdić, 4 February 2011); P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5905 (Re-autopsy report for Sakib Ejupović, 11 June 2006), p. 1; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1; P5888 (ICMP notice of DNA report), part one, pp. 34, 167, 243, 256, 384, 390. The following persons were identified: Ismet Avdić (1966), Fikret Duratović (1959), Mustafa Karagić (1966), Muho Musić (1954), Irfan Nasić (1967), Muharem Petrovac (1962), Sakib Ejupović (1953), Ismet Hamulić (1971), Jasmin Kadirić (1973), Fadil Kekić (1964), and Senad Porčić (1969).

⁴⁵⁵³ P2326 (Autopsy report for Muho Musić, 27 July 2000), pp. 1-2; P2333 (Autopsy report for Muharem Petrovac, 17 July 2000), p. 2; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1-2; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5904 (Identification report for Sakib Ejupović, 3 July 2006), p. 1.

⁴⁵⁵⁴ P1004 (Death certificate for Mustafa Karagić, 4 February 2011); P2326 (Autopsy report for Muho Musić, 27 July 2000), pp. 1-2; P2333 (Autopsy report for Muharem Petrovac, 17 July 2000), pp. 1-2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report), pp. 224, 226-228; P4672 (Identification Report for Senad Porčić, 21 August 2004), p. 2; P4673 (Missing person register for Senad Porčić), p. 1; P4674 (Identification report for Fadil Kekić, 25 April 2007), pp. 1, 3; P4675 (Autopsy report for Fadil Kekić, 19 May 2007), p. 1; P5898 (Identification record for Muho Musić, 9 October 2000); P5899 (Sanski Most court ruling on death for Muho Musić, 4 May 1999), p. 1; P5902 (Sanski Most court ruling on death for Fikret Duratović, 30 January 2001), p. 1; P5903 (Sanski Most court ruling on death for Mustafa Karagić, 28 December 1998), p. 1; P5904 (Identification report for Sakib Ejupović, 3 July 2006), pp. 1, 3; P5906 (Death certificate for Sakib Ejupović, 10 June 2006), p. 1.

1098. With respect to the Defence submission that detainees at the Ljubija football stadium were secured by Bosnian-Serb policemen and members of the MUP Intervention Platoon and not by military personnel, the Trial Chamber notes that this contention rests on a finding made in the *Brđanin* Trial Judgement and the evidence of Karagić.⁴⁵⁵⁵ The Defence's reliance on the *Brđanin* Trial Judgement is improper, as the Trial Chamber may only make factual findings based on the evidence before it and the Adjudicated Facts. The evidence on which the relevant *Brđanin* Trial Judgment finding is based has not been admitted into evidence in this case and is not an Adjudicated Fact.⁴⁵⁵⁶

1099. With respect to the evidence of Karagić, he testified that there were many soldiers in the streets of Ljubija and that 'some' of those soldiers were chased away when they tried to enter the stadium.⁴⁵⁵⁷ The Trial Chamber notes that Karagić further testified that, while he was detained at Ljubija football stadium, a military police officer was present and appeared to be in charge.⁴⁵⁵⁸ Karagić could identify this man with a white belt as a military police officer because Karagić had served in the military.⁴⁵⁵⁹ As Karagić thus testified that military personnel did secure detainees at Ljubija football stadium, his evidence does not support the Defence contention to the contrary.

1100. Based on the foregoing, the Trial Chamber finds that around 25 July 1992 the following people killed 15 men detained at the Ljubija football stadium: soldiers and policemen, including a VRS military police officer and a MUP police officer known as 'Stiven'. Some of them were shot and killed and others died as a result of beatings. Two of the victims were Irfan Našić and Muharem Petrovac, both Bosnian Muslims.⁴⁵⁶⁰ With regard to ethnicity, the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule*

⁴⁵⁵⁵ See Defence Final Brief, fns 2136, 2139.

⁴⁵⁵⁶ The relevant *Brđanin* Trial Judgment finding was made based on the testimony of Našić (see *Brđanin* Trial Judgment, fn. 1019). While portions of Našić's testimony in the *Brđanin* case have been admitted into evidence as exhibit P2601, the specific testimony relied upon in the *Brđanin* Trial Judgment is not in evidence in this case and the Trial Chamber has not taken judicial notice of it as an Adjudicated Fact.

⁴⁵⁵⁷ Nermin Karagić, T. 9104-9105.

⁴⁵⁵⁸ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5228, 5231, 5235; Nermin Karagić, T. 9105, 9112, 9127.

⁴⁵⁵⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5235; Nermin Karagić, T. 9112.

⁴⁵⁶⁰ The Trial Chamber notes that according to Adjudicated Fact no. 911, Muharem Petrovac was killed by a guard nicknamed 'Duča' whereas the evidence of Elvedin Našić indicates that Petrovac was shot by a police officer called 'Stiven'. The Trial Chamber considers the evidence of Našić reliable, as he was present at the scene. While the evidence of Našić and the forensic evidence is consistent with the fact that Muharem Petrovac died at the Ljubija Football Stadium on 25 July 1992, the Trial Chamber considers that Adjudicated Fact no. 911 has been rebutted in relation to the perpetrator of this killing, *i.e.* a guard nicknamed 'Duča'. It has therefore not entered a finding that 'Duča' was present at the Ljubija stadium at the time of the incident.

C.15.5 and finds that the detainees were predominantly Bosnian Muslims and Bosnian Croats. The detainees were all wearing civilian clothes. During the beatings, the detainees were forced to sing songs about ‘Greater Serbia’. One detainee, who told the guards that his mother was a Serb, was separated from the group, taken to the dressing room, and survived. The Trial Chamber understands that the detainees in the dressing rooms were not beaten. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule A.6.9

1101. According to the Indictment, the Accused is responsible for the killing of at least 68 people in Briševo Village in Prijedor Municipality between 23 and 26 July 1992.⁴⁵⁶¹ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It further received evidence from **Ivo Atlija**, a Croat from the predominantly Croat village of Briševo in Prijedor Municipality,⁴⁵⁶² **Ewa Tabeau**, a demographer and statistician,⁴⁵⁶³ and documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁴⁵⁶⁴ The Trial Chamber also received evidence from **Vojo Kuprešanin**, President of the ARK Assembly as of mid-1991.⁴⁵⁶⁵

1102. On 27 May 1992, Briševo was shelled with mortars coming from the direction of Rasavci and Oštra Luka, two predominantly Bosnian-Serb villages east of Briševo.⁴⁵⁶⁶ Briševo was a village belonging to the local commune of Ljubija that prior to the conflict was inhabited mainly by Bosnian Croats. Before the shelling, Bosnian-Serb

⁴⁵⁶¹ Indictment, paras 39(a)(i), 59(a), 62(a), Schedule A.6.9.

⁴⁵⁶² P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality).

⁴⁵⁶³ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁵⁶⁴ **Ivo Atlija**: P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43-47, 49, 51, 53, 56, 64; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 40-41; Ivo Atlija, T. 2312, 2323, 2360; P172 (Drawing of location where Pero Dimač was killed); P173 (Map depicting Serb attack on Briševo); P177 (Excerpt from a list of persons killed from the Banja Luka bishopric), pp. 4-5; **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-242; P4676 (Record of on-site investigation), pp. 4-12, 16-20, 22; P4677 (Missing person certificate for Milka Marijan, 15 May 2013), p. 1; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 2-18; P5912 (Autopsy reports), pp. 2-7; P5913 (Exhumation site worksheet), p. 1; P5914 (Autopsy reports collection), pp. 3-18.

⁴⁵⁶⁵ D852 (Vojo Kuprešanin, witness statement, 18 June 2014), para. 1; D1139 (Decision on election of the President of the Assembly of the Community of Bosnian Krajina municipalities, 26 April 1991).

⁴⁵⁶⁶ Adjudicated Facts I, nos 919-920.

authorities in the area had requested that all weapons in the village be surrendered.⁴⁵⁶⁷ Weapons were handed over to the Bosnian Serbs in Rasavci, despite there only being legally-owned hunting rifles and pistols.⁴⁵⁶⁸ In the early morning hours of 24 July 1992, the Bosnian-Serb military launched an attack on Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day. The next day, infantry fire joined the artillery.⁴⁵⁶⁹ On the evening of 25 July 1992, Bosnian-Serb infantry entered the village.⁴⁵⁷⁰ The soldiers wore JNA uniforms with red ribbons around their arms or helmets, and some of them had 'Četnik' insignia and 'Šubara' hats.⁴⁵⁷¹ During the attack on Briševo on 24 and 25 July 1992, at least 68 persons were killed, 14 of whom were women.⁴⁵⁷²

1103. One witness provided additional details about the attack on the village. **Ivo Atlija** testified that the village was attacked from the direction of Oštra Luka, Batkovci, Redak, and Rasavci.⁴⁵⁷³ The explosions were frequent and high-calibre weapons created large craters in the village.⁴⁵⁷⁴ The witness, who was hiding in a basement, heard from Jerko Ivandić that Lucija Ivandić was killed by an explosion.⁴⁵⁷⁵ By noon on 24 July 1992, the shelling intensified and the witness was unable to leave the basement until the evening of 25 July 1992, when he saw houses burning and heard people screaming.⁴⁵⁷⁶ Between 4 and 5 p.m. on that day, Serb infantry consisting of members of the VRS 6th Krajina and 5th Kozara Brigades entered the village from two directions.⁴⁵⁷⁷ On their way through Briševo, the soldiers tortured, mutilated, and killed a number of villagers.⁴⁵⁷⁸

1104. Later that day, 10 to 12 armed Serb soldiers wearing olive-grey JNA uniforms appeared at the house in which the witness and other people had taken shelter and

⁴⁵⁶⁷ Adjudicated Facts I, no. 920.

⁴⁵⁶⁸ Adjudicated Facts I, no. 920.

⁴⁵⁶⁹ Adjudicated Facts I, no. 921.

⁴⁵⁷⁰ Adjudicated Facts I, no. 922.

⁴⁵⁷¹ Adjudicated Facts I, no. 922.

⁴⁵⁷² Adjudicated Facts I, no. 924.

⁴⁵⁷³ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 43; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.

⁴⁵⁷⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 43.

⁴⁵⁷⁵ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43-45.

⁴⁵⁷⁶ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 46-47; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41.

⁴⁵⁷⁷ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 47; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41; P173 (Map depicting Serb attack on Briševo).

⁴⁵⁷⁸ P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 41.

instructed everyone to return to their respective homes.⁴⁵⁷⁹ On his way to a neighbour's house, the witness saw 'Četniks' in camouflage uniforms with insignia on their sleeves, which were not regular JNA insignia.⁴⁵⁸⁰ He met his mother who told him that his father was dead and that he should flee to save himself.⁴⁵⁸¹ When a group of approximately 100 to 150 'Četniks' and soldiers started shooting at Atlija, he ran across the stream and into the woods some 15 to 20 metres away from his mother to hide.⁴⁵⁸²

1105. Pero Dimač, an elderly Bosnian Croat, was forced to take off his clothes, was hit with a bible, and was eventually shot in the head by Bosnian-Serb soldiers.⁴⁵⁸³ **Atlja** observed this from the woods; he saw around 15 to 20 'Četniks' kicking, beating with rifle butts, and slapping Dimač, while calling him an 'Ustaša'.⁴⁵⁸⁴ They ordered him to undress, kneel down, and pray from a bible, as they continued to beat him.⁴⁵⁸⁵ Dimač's house was set on fire.⁴⁵⁸⁶ One 'Četnik' asked, '[w]hy doesn't this Catholic God help you now', and another one said, '[g]od is Serb anyway'.⁴⁵⁸⁷ The 'Četniks' then ordered Dimač to run towards the woods and shot him in the head killing him instantly.⁴⁵⁸⁸

1106. From his hide-out the witness overheard the officers giving orders over the radio for the 2nd, 7th, and 9th battalions to meet at the Catholic Church in the evening.⁴⁵⁸⁹ The witness could see groups of soldiers moving in the direction of the hills and the Catholic Church in response to these orders.⁴⁵⁹⁰ From his own military knowledge he knew that the 6th Krajina Brigade was located in the region and he concluded that the battalions were from this brigade, and that the brigade was responsible for most of the victims' deaths in Briševo.⁴⁵⁹¹ Atlja was later told by Vojo Kuprešanin that the incidents of killings were carried out by a group of 6th Krajina Brigade members who

⁴⁵⁷⁹ P168 (Ivo Atlja, witness statement, 20 October 2000), paras 47-49.

⁴⁵⁸⁰ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 49.

⁴⁵⁸¹ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 51.

⁴⁵⁸² P168 (Ivo Atlja, witness statement, 20 October 2000), paras 51-52.

⁴⁵⁸³ Adjudicated Facts I, no. 923.

⁴⁵⁸⁴ P168 (Ivo Atlja, witness statement, 20 October 2000), paras 49, 53.

⁴⁵⁸⁵ P168 (Ivo Atlja, witness statement, 20 October 2000), paras 49, 53.

⁴⁵⁸⁶ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 53.

⁴⁵⁸⁷ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 53.

⁴⁵⁸⁸ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 53; Ivo Atlja, T. 2360; P172 (Drawing of location where Pero Dimač was killed).

⁴⁵⁸⁹ P168 (Ivo Atlja, witness statement, 20 October 2000), paras 57-58.

⁴⁵⁹⁰ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 57.

⁴⁵⁹¹ P168 (Ivo Atlja, witness statement, 20 October 2000), para. 58; P169 (Statement by Ivo Atlja to Croatian authorities, 30 January 1993), paras 34-35.

had escaped control.⁴⁵⁹² When Atlija asked Kuprešanin how a whole brigade could escape control, Kuprešanin told him not to talk too much.⁴⁵⁹³

1107. The 6th Krajina Brigade was led by Colonel Basara with Veljko Brajić serving as chief of security.⁴⁵⁹⁴ The witness further stated that the 5th Kozara Brigade was also involved in the attack, that this was later confirmed by Kuprešanin, and that the witness was later told the same while negotiating with the Ljubija authorities.⁴⁵⁹⁵ The large majority of the soldiers present in Briševo left in the evening of 25 July 1992.⁴⁵⁹⁶

1108. The first victims of the attack on Briševo were buried that same evening.⁴⁵⁹⁷ On 26 July 1992, the witness, together with 12 other villagers, went through the village to see what had happened.⁴⁵⁹⁸ Corpses were buried on the spot, but on several occasions 'Četniks' came to the village and fired at the villagers, forcing them to flee and delaying the burial of certain victims for approximately two months.⁴⁵⁹⁹ The witness participated in the burial of many of the victims by carrying the bodies, some of whom were burnt, mutilated, or appeared to have gunshot wounds.⁴⁶⁰⁰ Atlija saw the other victims buried but was not present at their burial.⁴⁶⁰¹ Among the victims were two boys under the age of 16 and four invalids.⁴⁶⁰²

1109. After the attack on Briševo, the witness met with Vojo Kuprešanin on several occasions about the crimes the witness believed the Serb forces had committed.⁴⁶⁰³ On one occasion, Kuprešanin offered the remaining Croat inhabitants of Briševo to move to the villages of Mataruško Brdo (Bisćani, Razvanovići, and Hambarine), but they turned down the offer, because they knew what the Serbs had done to the Muslims who used to live in these villages.⁴⁶⁰⁴ Kuprešanin also told the witness that he would try to intercede with General Talić and he organized a meeting with Stakić, the mayor of the Serb

⁴⁵⁹² P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106.

⁴⁵⁹³ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106.

⁴⁵⁹⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 57-58, 109(3); P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 34-35.

⁴⁵⁹⁵ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 58, 109(5); P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 35.

⁴⁵⁹⁶ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 62.

⁴⁵⁹⁷ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 67.

⁴⁵⁹⁸ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 62.

⁴⁵⁹⁹ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 68.

⁴⁶⁰⁰ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 67-70, 73-78, 80-81, 84-87.

⁴⁶⁰¹ P168 (Ivo Atlija, witness statement, 20 October 2000), paras. 69-70.

⁴⁶⁰² P168 (Ivo Atlija, witness statement, 20 October 2000), para. 64; Ivo Atlija, T. 2312, 2323; P177 (Excerpt from a list of persons killed from the Banja Luka bishopric), pp. 4-5.

⁴⁶⁰³ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 103-107; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49; Ivo Atlija, T. 2316-2317.

Prijedor Municipality at the time, where the witness was offered housing in the predominantly Muslim village of Biščani, which he declined.⁴⁶⁰⁵ In this regard, Atlija testified that the Serb leaders told him that they had been accused of ethnic cleansing and that if they allowed the remaining villagers to move away, it would be ‘an additional argument to accuse us of the same thing’.⁴⁶⁰⁶

1110. **Vojo Kuprešanin** testified that he went to Briševo with Bishop Komarica and two VRS officers from the 1st Kraijna Corps in 1992 after the massacre had occurred and met with the Croat wives of those killed.⁴⁶⁰⁷ In Kuprešanin’s words, ‘they said that the Army of Republika Srpska – actually not the Army of Republika Srpska but that somebody entered the village and killed a number of people’.⁴⁶⁰⁸ In his testimony in the Karadžić case, the witness testified that he did not know which military formations attacked the village but confirmed that Briševo was an unarmed village without any combat activity.⁴⁶⁰⁹ In an interview with the Prosecution, however, the witness said explicitly that the women from Briševo told him that it was the VRS who attacked the village.⁴⁶¹⁰ He also said that he reported on the ‘crimes’ committed to minister of defence Subotić and Krajišnik.⁴⁶¹¹ In the same interview with the Prosecution, Kuprešanin said that it did not occur to him that he should inform Talić, but that he probably informed Mladić, but could not remember.⁴⁶¹² During his testimony, Kuprešanin testified that he informed Talić, not Mladić, and that he did not remember informing Krajišnik.⁴⁶¹³

1111. According to **Ewa Tabeau** and forensic evidence, the remains of 49 bodies associated with this incident were exhumed from a number of grave sites and identified.⁴⁶¹⁴ One victim disappeared from Briševo, but there is no forensic evidence

⁴⁶⁰⁴ P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49.

⁴⁶⁰⁵ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 106; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 49; Ivo Atlija, T. 2316-2317.

⁴⁶⁰⁶ Ivo Atlija, T. 2317.

⁴⁶⁰⁷ Vojo Kuprešanin, T. 29804; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), pp. 8-9.

⁴⁶⁰⁸ Vojo Kuprešanin, T. 29804; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 9.

⁴⁶⁰⁹ Vojo Kuprešanin, T. 29819-29820; P7010 (Vojo Kuprešanin, *Karadžić* transcript, 14 November 2013), p. 43575.

⁴⁶¹⁰ P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 10.

⁴⁶¹¹ Vojo Kuprešanin, T. 29810-29813, 29867-29868; P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), pp. 9-10.

⁴⁶¹² P6994 (Prosecution interview of Vojo Kuprešanin, 16 July 2001), p. 10.

⁴⁶¹³ Vojo Kuprešanin, T. 29810, 29813.

⁴⁶¹⁴ P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 2; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-242; P4676 (Record

about her mortal remains having been exhumed or identified.⁴⁶¹⁵ For seven other scheduled victims, no proof of death material was found.⁴⁶¹⁶ One of the victims died in July 1992.⁴⁶¹⁷ Two of the victims died in June 1992.⁴⁶¹⁸ For two of the victims, limited clothing was found.⁴⁶¹⁹ Eighteen of the victims were found in civilian clothing.⁴⁶²⁰ One of the victims was found in clothing possibly resembling civilian clothing.⁴⁶²¹ Five of the victims were under the age of 18.⁴⁶²² Thirteen of the victims were over the age of 60.⁴⁶²³

of on-site investigation), pp. 4-12, 16-20, 22; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 2-18; P5912 (Autopsy reports), pp. 2-7; P5913 (Exhumation site worksheet), p. 1; P5914 (Autopsy reports collection), pp. 3-18. The following persons were identified from individual graves at Briševo kuca: Ilija Atlija (1929), Petar Dimać (1927), and Jozo Lovrić (1957). The following persons were identified in individual graves at Stara Rjeka: Joso Atlija (1935) and Marijan Atlija (1944). The following persons were identified at Grosica cemetery: Katarina Bujadilović (1943), Marko Bujadilović (1941), Mara (Marija) Buzuk (1929), Mato Buzuk (1930), and Anto Lovrić (1943). The following person was identified in an individual grave at Grosica: Luka Došen (1920). The following persons were identified in a mass grave at Grosica cemetery: Ante Matanović (1935), Ervin Matanović (1976), Fabijan Matanović (1952), Goran Matanović (1973), Johan Matanović (1974), Mladen Matanović (1937), Predrag Maranović (1974), Zdravko Matanović (1962), and Zoran Matanović (1975). The following person was identified in an individual grave at Briševo kuca cengija jele: Marko Buzuk (1936). The following persons were identified in a common grave at Briševo kuca: Milan Buzuk (1963), Danica Ivandić (1936), Darko Ivandić (1972), Miro Ivandić (1967), and Srećko Ivandić (1936). The following persons were identified in a common grave at Briševo Jezerce: Miroslav Buzuk (1960), Srećko Buzuk (1947), and Vlatko Buzuk (1965). The following persons were identified in a common grave at Briševo Mlinari: Stipan Dimać (1911), Franjo Marijan (1927), and Mara Marijan (1936). The following persons were identified in a mass grave at Briševo kuca mlinar ivice: Jerko Ivandić (1957), Milan Ivandić (1953), Pejo Ivandić (1954), Stipo Ivandić (1959), and Ivo Mlinar (1930). The following person was identified at Briševo kuca ivandic srečka pojedinacne: Mara Ivandić (1933). The following person was identified in an individual grave at Briševo Jakara Joze: Jozo Jakara (1927). The following persons were identified in a mass grave at Briševo kuca zunic ive: Ante Komljen (1956), Ivan Komljen (1954), Kaja Komljen (1960), Kaja Komljen (1930), Luka Komljen (1926), and Zvonko Marijan (1952). The following person was identified in an individual grave in Briševo raljas: Luka Mlinar (1976). The following person was identified in an individual grave in Briševo kuce Mlinara: Mara Mlinar (1916). The following person was identified in Briševo: Mirsad Švraka (1975). The following person was identified in an unknown site: Ivo Lovrić (1934).

⁴⁶¹⁵ P4677 (Missing person certificate for Milka Marijan, 15 May 2013), p. 1.

⁴⁶¹⁶ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 230-231, 235-237; P4676 (Record of on-site investigation), p. 6.

⁴⁶¹⁷ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 236.

⁴⁶¹⁸ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 238, 240-241; P5907 (Autopsy report for Mirsad Švraka, 18 October 1999), p. 1.

⁴⁶¹⁹ P4676 (Record of on-site investigation), pp. 18, 20.

⁴⁶²⁰ P4676 (Record of on-site investigation), pp. 11-12, 19, 21-22; P5910 (Autopsy report), pp. 2-9; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 5-18; P5912 (Autopsy reports), pp. 2, 6; P5914 (Autopsy reports collection), pp. 3, 5, 7-8, 10, 12, 14, 16-17.

⁴⁶²¹ P5907 (Autopsy report for Mirsad Švraka, 18 October 1999), p. 1.

⁴⁶²² P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 238-241; P4644 (Record of exhumation, autopsy and identification, 16 December 1999), p. 16; P4676 (Record of on-site investigation), pp. 7, 19; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 6, 9; P5914 (Autopsy reports collection), pp. 7, 12.

⁴⁶²³ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 229-232, 235, 237, 240; P4676 (Record of on-site investigation), pp. 5, 7, 10-11, 17-18; P5910 (Autopsy report), pp. 2, 4; P5911 (Bihać Cantonal Court Exhumation Report, 16 June 1997), pp. 13, 17; P5912 (Autopsy reports), p. 6.

1112. Based on the above, the Trial Chamber finds that in the early morning of 24 July 1992, the VRS attacked the mainly Bosnian-Croat village of Briševo. The village was intensely shelled with high-calibre weapons. During the shelling, some villagers died due to explosions. On the evening of 25 July 1992, the VRS, comprising members of the 6th Krajina Brigade under the command of Colonel Basara and the 5th Kozara Brigade, entered the village, shooting and killing many of the inhabitants. At least 68 people were killed by these forces during the attack. Of the victims, 14 were women and four were invalids. Of the 57 victims analyzed by Tabeau, five were under 18 years of age and 13 were over the age of 60. Of the same group of victims, 18 were found in civilian clothing. In particular, 15 to 20 'Četniks' kicked, beat with rifle butts, slapped, and called 'Ustaša' Pero Dimač, an elderly Bosnian-Croat man, whom they then shot in the head, killing him. Briševo was an unarmed village and there was no combat activity at the time. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.1

1113. According to the Indictment the Accused is responsible for the killing of approximately 150 people in Room 3 at Keraterm Camp in Prijedor Municipality on or about 24 and 25 July 1992.⁴⁶²⁴ The Defence argued that the Accused cannot be held responsible for these killings because the VRS was not in control of the facility and the killings were committed by members of the MUP in response to an escape attempt.⁴⁶²⁵ The Trial Chamber took judicial notice of a number of Adjudicated Facts concerning this incident. Further, it received evidence from three Bosnian-Muslim witnesses from Prijedor Municipality: **Witness RM-008**,⁴⁶²⁶ **Safet Tači**,⁴⁶²⁷ and **Jusuf Arifagić**,⁴⁶²⁸ **Ewa Tabeau**, a demographer and statistician,⁴⁶²⁹ as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁴⁶³⁰ Additionally, it

⁴⁶²⁴ Indictment, paras 39, 59, 62, Schedule B.13.1.

⁴⁶²⁵ Defence Final Brief, paras 981-988.

⁴⁶²⁶ P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.

⁴⁶²⁷ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092.

⁴⁶²⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

⁴⁶²⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁶³⁰ **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 47. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 60, 62, 68. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013) pp. 4-5; P2796 (Ewa Tabeau, proof of death

received evidence from **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;⁴⁶³¹ **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁴⁶³² **Witness RM-016**, a Bosnian Serb from Banja Luka;⁴⁶³³ and **Witness RM-385**, a Serb from Prijedor;⁴⁶³⁴ **Edward Vulliamy**, a journalist for the Guardian who covered events in Bosnia-Herzegovina in the period between 1992 and 1995;⁴⁶³⁵ as well as documentary evidence. A detailed discussion of Keraterm camp, the authorities in charge, and the alleged incidents other than the alleged killing incident discussed below, appears in chapter 4.10.2 *Schedule C.15.3*.

1114. On 20 or 21 July 1992, camp inmates from Room 3 at the Keraterm camp were relocated to other rooms in the camp.⁴⁶³⁶ Room 3 was subsequently filled with approximately 200 persons from the recently cleansed Brdo area.⁴⁶³⁷ On one of the following days, detainees were ordered to go into their rooms, face the wall, and stay calm.⁴⁶³⁸ **Witness RM-008** stated that on 25 July 1992, more guards and vehicles than the previous day arrived as the overall noise increased.⁴⁶³⁹ After dark, Bosnian-Serb Army personnel entered the camp and a machine-gun was placed on a table outside Room 3.⁴⁶⁴⁰ **Safet Tači** testified that it was seven metres from and aimed at the door.⁴⁶⁴¹ He had noticed more soldiers than usual, as well as men in civilian clothing, placing tables and pulling out cables near the room.⁴⁶⁴² A portable spotlight was also directed towards the room.⁴⁶⁴³ At around 11 p.m., **Witness RM-008** heard a sound like pebbles on the roof and people talking and laughing.⁴⁶⁴⁴ He then noticed gas and toxic fumes

expert report, 24 July 2013), pp. 3, 25-26, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 436-487. **Documentary evidence:** All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's two bar table decisions both dated 31 January 2014.

⁴⁶³¹ P3617 (Azra Blažević witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

⁴⁶³² P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁴⁶³³ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁴⁶³⁴ P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

⁴⁶³⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

⁴⁶³⁶ Adjudicated Facts I, no. 1050.

⁴⁶³⁷ Adjudicated Facts I, no. 1050.

⁴⁶³⁸ Adjudicated Facts I, no. 1051.

⁴⁶³⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 12-13, 19, 38-40. The Chamber notes that the witness's statement contains some minor discrepancies with respect to his date of arrival at the camp. Having considered the statement as a whole, however, the Chamber finds that the witness arrived on 23 July 1992, which would make his third day of detention there 25 July 1992.

⁴⁶⁴⁰ Adjudicated Facts I, no. 1052.

⁴⁶⁴¹ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 60-61.

⁴⁶⁴² P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 57.

⁴⁶⁴³ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 58.

⁴⁶⁴⁴ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.

inside the room.⁴⁶⁴⁵ Panic erupted.⁴⁶⁴⁶ The detainees started tearing off their clothes.⁴⁶⁴⁷ **Tači** heard the detainees shouting words to the effect of ‘[k]ill us, rather, but let us out’ and the ‘Serbian’ replied, ‘[h]alt. Don’t run’.⁴⁶⁴⁸ When they tried to get fresh air, the door broke and a blast of machine gun and infantry fire immediately killed those nearest to the door.⁴⁶⁴⁹ Gunshots from light and heavy weaponry could be heard, as well as the sound of breaking metal, shattered glass, and human cries.⁴⁶⁵⁰ **Tači** heard machinegun fire after the door of Room 3 had opened and people streamed out.⁴⁶⁵¹ The reflector lights were turned on when the shooting started.⁴⁶⁵² **Witness RM-008** heard people outside yelling to hold people inside the room.⁴⁶⁵³ The men streaming out of the room were running in different directions while fire was opened upon them.⁴⁶⁵⁴ The shooting stopped after about five minutes, at which point the lights were turned off again.⁴⁶⁵⁵ Wounded detainees cried out and there were bodies lying on the ground.⁴⁶⁵⁶ The machine gun and table were removed immediately.⁴⁶⁵⁷

1115. **Witness RM-008** was in a corner of the room on the left side, out of the direct line of fire, hidden behind the timber wall, which separated Room 3 from the toilets, and about ten metres away from the door.⁴⁶⁵⁸ He stated that, when the shooting started, he was in a state of shock and lost consciousness. When he regained consciousness, he noticed lots of dead bodies and people crying and moaning. The timber wall was now ruptured. ‘Serbs’ shot into the toilets, as some men had tried to hide there. One of them

⁴⁶⁴⁵ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* Safet Tači, T. 2105, 2128; and P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3973.

⁴⁶⁴⁶ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3973.

⁴⁶⁴⁷ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.

⁴⁶⁴⁸ Safet Tači, T. 2105.

⁴⁶⁴⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10.

⁴⁶⁵⁰ Adjudicated Facts I, no. 1052.

⁴⁶⁵¹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para. 6. *See also* P7314 (Witness RM-385, witness statement, 5 April 2014), para. 13.

⁴⁶⁵² P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para. 6. *See also* P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19; and P7314 (Witness RM-385, witness statement, 5 April 2014), para. 13.

⁴⁶⁵³ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 40.

⁴⁶⁵⁴ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63; P159 (Safet Tači, witness statement, 20 September 2000), para 6; Safet Tači, T. 2127-2128.

⁴⁶⁵⁵ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63.

⁴⁶⁵⁶ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 63-65.

⁴⁶⁵⁷ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 63.

crawled back into the room, grabbed the witness's feet and tried to talk to him, but died; he had been shot in his neck.⁴⁶⁵⁹ The witness stated that there were three bursts of machine gun fire altogether.⁴⁶⁶⁰ During the approximately five-minute breaks, the witness heard screaming and singing outside.⁴⁶⁶¹ **Jusuf Arifagić** stated that from Room 2, he heard gunfire that lasted for 30 minutes.⁴⁶⁶² About 30 minutes later, the shooting started again and lasted 15-20 minutes.⁴⁶⁶³ He also heard a guard asking what to do with those who were still alive.⁴⁶⁶⁴ **Witness RM-008** testified that for the rest of the night he heard the soldiers singing as if a party was going on.⁴⁶⁶⁵ Having been counted the night before, the witness estimated that there had been about 570 people inside Room 3 during the shootings; and although people had been taken away before, approximately the same number of people had arrived.⁴⁶⁶⁶ **Arifagić** concluded that it was Kole's shift at the time, as he saw a number of guards who were on this shift, including one nicknamed Grujo.⁴⁶⁶⁷

1116. The next morning, bodies were piled outside Room 3, and the entire area was covered with blood.⁴⁶⁶⁸ **Tači** testified that the majority of bodies were lying either in front of the door or inside Room 3, with some bodies lying on the concrete floor spread in different directions.⁴⁶⁶⁹ **Witness RM-008** estimated that there were more than 200 bodies.⁴⁶⁷⁰ At a minimum, 190 persons were killed.⁴⁶⁷¹ **Tači** learned that only three men had survived.⁴⁶⁷² **Witness RM-023** stated that Husein Džolić was killed on that day, struck by shots in his back, and that Fikret Medić also was killed.⁴⁶⁷³ The witness also learned that Razim Hamulić, a doctor at the Prijedor hospital, was killed.⁴⁶⁷⁴ Redžep

⁴⁶⁵⁸ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 44; P3225 (Sketch drawn by Witness RM-008).

⁴⁶⁵⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 41.

⁴⁶⁶⁰ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 42.

⁴⁶⁶¹ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 42.

⁴⁶⁶² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 19-20.

⁴⁶⁶³ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.

⁴⁶⁶⁴ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.

⁴⁶⁶⁵ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 43.

⁴⁶⁶⁶ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 26, 45.

⁴⁶⁶⁷ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14, 20.

⁴⁶⁶⁸ Adjudicated Facts I, no. 1053.

⁴⁶⁶⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 68.

⁴⁶⁷⁰ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 47.

⁴⁶⁷¹ Adjudicated Facts I, no. 1054.

⁴⁶⁷² P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 69, 73-74.

⁴⁶⁷³ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 2, 9-10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3973-3974.

⁴⁶⁷⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 3-4.

Karupović was present but survived.⁴⁶⁷⁵ Asim Hamulić was wounded and fell unconscious.⁴⁶⁷⁶ The surviving men were told to leave the room and to lie face-down on the grass outside, and were threatened with being shot if they refused.⁴⁶⁷⁷

1117. A truck arrived to carry away the bodies.⁴⁶⁷⁸ **Tači** testified that the truck arrived in the morning.⁴⁶⁷⁹ **Arifagić** stated that guards from Kole's shift came to Room 2 and asked for volunteers 'who were not afraid of dead bodies'.⁴⁶⁸⁰ Except for one person who volunteered, no one was allowed to leave the room until late afternoon when Room 3 and the area had been cleaned.⁴⁶⁸¹ From Room 2, Arifagić could see bodies being placed onto a truck and Jasim Causević, one of the detainees who loaded bodies, later told him that the detainees had loaded 99 bodies onto the truck and that many injured had also been loaded on the truck.⁴⁶⁸² **Tači** testified that a soldier ordered him and five or six other men from Room 2 to join other detainees from other rooms loading the dead and wounded onto the truck, and that he never saw those wounded again.⁴⁶⁸³ When it left, blood could be seen dripping from the truck.⁴⁶⁸⁴ **Witness RM-023** heard from Hamulić that the wounded were also placed on the truck even though they were asking for help, and that Hamulić had counted 220 dead bodies on the truck.⁴⁶⁸⁵ A fire engine cleaned Room 3 and the surrounding area of the traces of the massacre.⁴⁶⁸⁶ **Arifagić** stated that the water hose was used by the detainees to clean the area.⁴⁶⁸⁷

1118. The Trial Chamber also received evidence from Witness RM-385, which has been placed in the confidential annex in Appendix D.

⁴⁶⁷⁵ P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3974.

⁴⁶⁷⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3973-3974.

⁴⁶⁷⁷ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 48.

⁴⁶⁷⁸ Adjudicated Facts I, no. 1053.

⁴⁶⁷⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 66.

⁴⁶⁸⁰ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.

⁴⁶⁸¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 20-21.

⁴⁶⁸² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 20-21; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7091, 7099.

⁴⁶⁸³ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 67, 70; Safet Tači, T. 2105-2106 *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3974.

⁴⁶⁸⁴ Adjudicated Facts I, no. 1053.

⁴⁶⁸⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 10.

⁴⁶⁸⁶ Adjudicated Facts I, no. 1054.

⁴⁶⁸⁷ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20. The Trial Chamber notes that Arifagić refers to what appears to be a second killing incident the following night (P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14, 21; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7099-7100). However, neither Witness RM-008, who survived the shooting at Room 3 and was detained in the room the following night; nor eyewitness Safet Tači refers to a second incident. The

1119. **Azra Blažević** stated that two soldiers in Trnopolje, Dragan Skrbić and Stojan Madzar, told her about a massacre at the Keraterm camp.⁴⁶⁸⁸ The soldiers had shot at detainees there because ‘those fools were trying to escape’.⁴⁶⁸⁹ From their story, the witness understood that many people were killed during this incident.⁴⁶⁹⁰ Blažević also heard from two Keraterm detainees that the soldiers had fired through the wall of a particular room there, and that the day after, the dead and wounded were loaded on a truck.⁴⁶⁹¹ According to a 25 July 1992 report from the 1KK Command to the VRS Main Staff, 50 detainees were killed while attempting a mass escape from Keraterm.⁴⁶⁹² According to another report by the 1KK to the VRS Main Staff, dated 26 July 1992, the previous night there had been ‘new attempts to escape from the Keraterm camp in Prijedor, but they were prevented in time’.⁴⁶⁹³ **Witness RM-008** stated that it seemed to him as if the escapes referred to in exhibit P161 were made up because no one tried to escape from Room 3 until the gas was thrown into the room.⁴⁶⁹⁴ **Tači** testified that the information in exhibit P161 was ‘totally incorrect’ because people did not try to escape and the number killed was approximately 200.⁴⁶⁹⁵ **Witness RM-016** testified that no proceedings were instituted before the military court in relation to the ‘murders’ in Room 3.⁴⁶⁹⁶

1120. On 5 August 1995, **Edward Vulliamy** was told by one of the men behind the barbed wire fence in Trnopolje camp that there had been a massacre at Keraterm camp during which 200 people were killed in one night.⁴⁶⁹⁷ The man who told him this had been asked to join a dispatch to clean up the bodies.⁴⁶⁹⁸ Vulliamy was told that this massacre had occurred in one of the hangars in the camp, which he later found was called ‘number 3’.⁴⁶⁹⁹

Chamber is therefore unable to conclude beyond a reasonable doubt that a second shooting incident occurred.

⁴⁶⁸⁸ P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 17-18.

⁴⁶⁸⁹ P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 17-18.

⁴⁶⁹⁰ P3617 (Azra Blažević, witness statement, 10 November 1994), p. 18.

⁴⁶⁹¹ P3617 (Azra Blažević, witness statement, 10 November 1994), p. 18.

⁴⁶⁹² P161 (Report from 1KK Command, 25 July 1992), p. 1.

⁴⁶⁹³ P248 (1KK regular combat report, 26 July 1992), p. 1.

⁴⁶⁹⁴ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 46.

⁴⁶⁹⁵ Safet Tači, T. 2092

⁴⁶⁹⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 78.

⁴⁶⁹⁷ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947; Edward Vulliamy, T. 2599, 2667-2668. *See also* P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 4.

⁴⁶⁹⁸ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947.

⁴⁶⁹⁹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7947.

1121. Based on the foregoing, the Trial Chamber finds that on or around 25 July 1992, members of the SJB and VRS, as found in chapter 4.10.2 *Schedule C.15.3*, placed a machine-gun on a table approximately seven metres from and aimed at the entrance of Room 3 at Keraterm camp. Some days earlier, the room had been filled by approximately 200 detainees from the recently cleansed Brdo area.⁴⁷⁰⁰ In the night, the soldiers and guards threw some form of chemical gas into the room, causing the detainees to panic and some of them to try to exit. Spotlights were shone on the room and the soldiers and guards shot detainees as they began to stream out of the room, killing many of them. The soldiers and guards proceeded to shoot detainees inside the room, including some who were trying to hide in the toilets. The VRS soldiers and guards killed between 190 and 220 detainees that night. There was intermittent singing by the Serb guards while the shooting occurred as well as singing long into the night following the killings. Considering that the detainees at Keraterm were primarily Bosnian Muslims and Bosnian Croats, with only a small number of Albanians and at least one Bosnian Serb, the Trial Chamber finds that those killed were all or almost all Bosnian Muslims or Bosnian Croats. The Trial Chamber recalls its findings in chapter 4.10.2 *Schedule C.15.3* with respect to the conditions in which the detainees were kept.

1122. In light of all the evidence received on this incident, including of specific preparations that took place at the camp hours before the killings, the fact that a chemical agent was thrown into the room which forced some of the detainees outside, and the fact that many of the detainees were killed while still inside the room, the Trial Chamber finds the record of this incident in reports from the 1KK, and as told to Azra Blažević by Serb soldiers at Trnopolje who characterised it as a spontaneous response to an attempted ‘mass escape’, to be unconvincing.

1123. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.2

1124. According to the Indictment, between 27 May and 21 August 1992, the Accused is responsible for the killing of a number of people at Omarska camp and at various

⁴⁷⁰⁰ The Trial Chamber notes that although there are some differences in the evidence with regard to the number of detainees who were in Room 3 prior to when the shooting began, it considers that this number is inconsequential to the finding on the number of detainees killed.

places in Prijedor Municipality after they were taken from the camp.⁴⁷⁰¹ The Defence argued that the VRS was not responsible for these killings.⁴⁷⁰² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. Additionally, it received evidence from **Nusret Sivic**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁴⁷⁰³ **Witness RM-054**, a Bosnian Muslim TO member from Kozarac, Prijedor Municipality;⁴⁷⁰⁴ **Slobodan Radulj**, a Serb, who acted as municipal public attorney in Prijedor from 20 May 1992 and as a Deputy Prosecutor at the Military Prosecutor's Office in Banja Luka between 20 October 1993 and August 1997;⁴⁷⁰⁵ **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁴⁷⁰⁶ **Witness RM-026**, **Witness RM-065**, **Witness RM-033**, **Kerim Mešanović**, and **Witness RM-017**, Bosnian Muslims from Prijedor Municipality;⁴⁷⁰⁷ as well as **Ewa Tabeau**, a demographer and statistician;⁴⁷⁰⁸ and finds that this evidence does not rebut the Adjudicated Facts.⁴⁷⁰⁹ The Trial Chamber further received evidence from **Witness RM-**

⁴⁷⁰¹ Indictment, paras 39(a)(ii), 59(a)(ii), and 62(b), Schedule B.13.2.

⁴⁷⁰² Defence Final Brief, paras 965, 967.

⁴⁷⁰³ P480 (Nusret Sivic, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivic, T. 4839.

⁴⁷⁰⁴ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.

⁴⁷⁰⁵ Slobodan Radulj, T. 35481, 35509, 35533.

⁴⁷⁰⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1.

⁴⁷⁰⁷ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance); P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189; P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2.

⁴⁷⁰⁸ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁷⁰⁹ **Nusret Sivic**: P480 (Nusret Sivic, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6629-6630, 6632-6634, 6637, 6680, 6685-6686; P488 (List of names read to Nusret Sivic on 6 November 2012); Nusret Sivic, T. 4825-4827. **Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2638, 2743-2744. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 3, 9. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2, 8, 34. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27, 35-36, 48-49, 58, 59, 60, 72. **Witness RM-017**: P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3358, 3366-3367; P3228 (Witness, RM-017, witness statement, 1 September 1994), pp. 15, 18, 19. **Idriz Merdžanić**: Idriz Merdžanić, T. 3396. **Slobodan Radulj**: Slobodan Radulj, T. 35557. Part of the evidence of Nusret Sivic, Witness RM-033, Kerim Mešanović, Witness RM-017, and Witness RM-054 as well as evidence in P3928 is reviewed in chapter 4.10.2 *Schedule C.15.2*. **Ewa Tabeau**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 5; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 6-8; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 26, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 488-538; **Documentary evidence**: All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014.

023, Jusuf Arifagić, Bosnian Muslims from Prijedor Municipality;⁴⁷¹⁰ and **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994,⁴⁷¹¹ as well as documentary evidence.⁴⁷¹² A detailed description of Omarska camp, including of the authorities in charge and of alleged incidents other than the alleged killing incidents described below, appears in chapter 4.10.2 *Schedule C.15.2*.

Killing incident in a garage at the camp

1125. The Trial Chamber took judicial notice of Adjudicated Fact number 1007 describing the transfer of detainees from the Benkovac military barracks to Omarska camp around 29 May 1992.⁴⁷¹³ Upon arrival, around 120 people were crammed into a garage for several days, during which two young men suffocated to death as a result of the conditions inside the garage.⁴⁷¹⁴

Killing incidents related to beatings

1126. The Trial Chamber took judicial notice of other Adjudicated Facts and received evidence pertaining to the alleged killings of detainees following beatings at Omarska camp.

1127. The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp would appear, would call out particular prisoners from their rooms and attack them with a variety of sticks, iron bars or lengths of heavy electric cable.⁴⁷¹⁵ Sometimes these weapons would have nails embedded in them so as to pierce the skin and on occasion knives would be used to slash a prisoner's body.⁴⁷¹⁶ Frequently prisoners who were called out failed to return and witnesses who were their close relatives gave evidence that they had never been seen since, and were

⁴⁷¹⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2; P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

⁴⁷¹¹ P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.

⁴⁷¹² P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992); P3928 (Newsday article, 2 August 1992).

⁴⁷¹³ Adjudicated Facts I, no. 1007.

⁴⁷¹⁴ Adjudicated Facts I, no. 1007.

⁴⁷¹⁵ Adjudicated Facts I, no. 1008.

⁴⁷¹⁶ Adjudicated Facts I, no. 1008.

assumed to have been murdered.⁴⁷¹⁷ **Nusret Sivac** provided further details about such incidents and testified that every day, apart from Saturdays and Sundays, detainees were taken for interrogation, and many returned bearing signs of torture, beatings, and other things that had been done to them. Many returned wrapped in blankets. One day a guard asked for four strong detainees. The witness knew that they were called to take the body of one of their friends, a fellow detainee, out of the administration building, where he had been killed during his interrogation.⁴⁷¹⁸ Many of the elderly detainees, including Safet Ramadanović, the witness's neighbour, and Meho Habibović, died after being tortured, beaten, and due to the conditions in the camp.⁴⁷¹⁹ On one occasion, during daylight, **Witness RM-033** saw from a distance of 15 metres, through a window, guards beating a Muslim called Suljić to death, using various objects.⁴⁷²⁰

1128. **Witness RM-017** estimated that between ten and fifteen men died nightly in Omarska camp, usually as a result of having been beaten to death.⁴⁷²¹ Often their bodies were lying outside the hedge the next morning.⁴⁷²² Guards also killed some of the men detained in Room 1 by hitting them with a fire extinguisher, large hydraulic pipes, or thick electric cables.⁴⁷²³ One day during the witness's stay in the camp, he heard from other detainees that two detainees were forced to bite off each others' sexual organs and that their bodies were then transported out of the building. The witness heard the beatings and screams and later learned from other detainees in the camp, who saw it happen, that Dule Tadić and Miso Radulović were responsible for this incident. One of the two men killed was Emir Karabasić, a policeman.⁴⁷²⁴ The witness listed the names of seven other Muslims who were killed.⁴⁷²⁵

⁴⁷¹⁷ Adjudicated Facts I, no. 1009.

⁴⁷¹⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6637.

⁴⁷¹⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6639.

⁴⁷²⁰ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6233-6234.

⁴⁷²¹ P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18.

⁴⁷²² P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366.

⁴⁷²³ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 18.

⁴⁷²⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 21.

⁴⁷²⁵ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366. The witness named these Muslims as Jasmin Hrnić; Eno Alić; Vasif Kahrmanović; Ekrem Melkić; Mehmed Hodzic, a driver who worked in the Ljubija mine; Hare Dautović, former chauffeur, and Sefik Sivać, a café owner.

Killing incidents in the white house

1129. One room in the white house at Omarska camp was reserved for brutal assaults on prisoners, who were often stripped, beaten, kicked, and otherwise abused.⁴⁷²⁶ Many prisoners died as a result of these repeated assaults on them in the white house.⁴⁷²⁷ Physically and mentally impaired detainees were humiliated and some eventually killed.⁴⁷²⁸ Many witnesses provided further details about the killings at and around the white house. **Kerim Mešanović** stated that during his detention at Omarska camp, between 24 or 25 June and 6 August 1992, he saw Armin Crnalić, a Bosnian Muslim, being shot dead in the presence of camp commander, Zeljko Mejakić, and shift commander, 'Krle', in front of the white house after Crnalić had approached a guard despite having been told to stop.⁴⁷²⁹ **Sivac** testified that Crnalić, who was a mental patient, had been taken by a guard to the white house, after which the witness heard two bursts of gunfire.⁴⁷³⁰ **Mešanović** stated that on another occasion, between 24 June and 6 August 1992 Halim Mešić, a Muslim detainee, was taken to the white house and beaten.⁴⁷³¹ The guards came out of the white house after the beating and shooting began while Mešić was holding onto the door jamb.⁴⁷³² Mešić was shot and killed with an automatic weapon.⁴⁷³³ **Witness RM-017** stated that one day during his detention at Omarska camp he saw Azur Jakupović, a Bosnian Muslim, beaten to death with an automatic gun by Neso Janić in front of the white house.⁴⁷³⁴ On 11 July 1992, beginning at approximately 10 p.m., five to six Serb guards celebrated St. Peters day, a Serb religious holiday and set fire to tyres in the camp outside the white house.⁴⁷³⁵ The guards chased all detainees inside and started a curfew.⁴⁷³⁶ During the entire night, the guards took detainees from the white house, beat them almost dead and subsequently

⁴⁷²⁶ Adjudicated Facts I, no. 1010.

⁴⁷²⁷ Adjudicated Facts I, no. 1011.

⁴⁷²⁸ Adjudicated Facts I, no. 1017.

⁴⁷²⁹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27, 35-36, 58, 72. With regard to the ethnicity of Armin Crnalić, *see* P6269 (Death certificate of Armin Crnalić, 4 February 2011).

⁴⁷³⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6632.

⁴⁷³¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 48-50.

⁴⁷³² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 49.

⁴⁷³³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 49.

⁴⁷³⁴ P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 18. With regard to the ethnicity of Azur Jakupović, *see* P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 45; P6341 (Court ruling on death for Azur Jakupovic, 2 July 1997), p.1.

⁴⁷³⁵ P3228 (Witness, RM-017, witness statement, 1 September 1994), pp. 18-19; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3357-3358.

⁴⁷³⁶ P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19.

threw them into the fire.⁴⁷³⁷ The witness stood at the window of the room where he was detained and saw one man being pushed into the fire and heard the screams of other men throughout the night.⁴⁷³⁸ Prisoners who were forced to clean up after the beatings in the white house reported finding blood, teeth, and skin of victims on the floor.⁴⁷³⁹ Bodies of prisoners, lying in heaps on the grass near the white house, were not an infrequent sight in the camp.⁴⁷⁴⁰ Those bodies would be thrown out of the white house and later loaded onto trucks and removed from the camp.⁴⁷⁴¹

Killing incidents in the red house

1130. At the camp, the red house was also a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive.⁴⁷⁴² **Sivac** testified that one day, guards came and very brutally took away a local Bosnian-Muslim entrepreneur, and led him to the red house from where he never returned.⁴⁷⁴³ Similarly, **Mešanović** stated that on one occasion he saw a guard take three other Bosnian-Muslim detainees towards the red house.⁴⁷⁴⁴ A few minutes later, the guard returned, wearing the leather jacket of one of the detainees.⁴⁷⁴⁵ Other witnesses testified that these three detainees were killed.⁴⁷⁴⁶ **Witness RM-033** stated that on one occasion three other Muslims were taken to the red house.⁴⁷⁴⁷ The witness heard gunfire all night and the voices of the guards yelling ‘*ustašas*’ and ‘*balijas*’.⁴⁷⁴⁸ At dawn, three detainees along

⁴⁷³⁷ P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19.

⁴⁷³⁸ P3228 (Witness, RM-017, witness statement, 1 September 1994), p. 19; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3358.

⁴⁷³⁹ Adjudicated Facts I, no. 1012.

⁴⁷⁴⁰ Adjudicated Facts I, no. 1013.

⁴⁷⁴¹ Adjudicated Facts I, no. 1013.

⁴⁷⁴² Adjudicated Facts I, no. 1014.

⁴⁷⁴³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6685; P488 (List of names read to Nusret Sivac on 6 November 2012). With regard to ethnicity, see P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 67.

⁴⁷⁴⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 23, 60, 67. With regard to ethnicity, see also P5630 (Collection of autopsy reports from Stari Kevljani mass grave, 2 March 2005), p. 1; P5631 (Identification reports for victims linked to Prijedor incidents), p. 23. The witness named these detainees as Esad Mehmedagić, Nedžad Serić, and Ago Sadiković.

⁴⁷⁴⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 60.

⁴⁷⁴⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6629-6630, 6633-6634, 6680; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 8, 34; Nusret Sivac, T. 4825-4826; P488 (List of names read to Nusret Sivac on 6 November 2012).

⁴⁷⁴⁷ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232. With regard to ethnicity, see P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 51, 66-67.

⁴⁷⁴⁸ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6232.

with the witness saw trucks with corpses through the toilet window.⁴⁷⁴⁹ When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear, and empty pistol cartridges.⁴⁷⁵⁰ These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house.⁴⁷⁵¹

Other killing incidents at the camp

1131. The Trial Chamber took judicial notice of Adjudicated Facts and received evidence about other killing incidents at Omarska camp as well as evidence concerning detainees taken from the camp in late June and July 1992.

1132. On 26 June 1992, guards tried to force Mehmedalija Sarajlić, an elderly Bosnian Muslim, to rape a female detainee. When he begged them ‘[d]on’t make me do it. She could be my daughter. I am a man in advanced age’, the guards laughed and said ‘[w]ell, try to use the finger’. A scream and the sound of beatings could be heard, and then everything was silent. The guards had killed the man.⁴⁷⁵² In June or July 1992, a Bosnian-Serb camp guard in camouflage uniform kicked Rizo Hadžalić with his heavy army boots and struck him with his rifle butt. The guard jumped all over Hadžalić’s body until he was dead. The incident was witnessed by other camp inmates.⁴⁷⁵³ According to a Sanski Most court ruling, Hadžalić was a Bosnian Muslim from Prijedor.⁴⁷⁵⁴

1133. Further, at the end of July 1992, the killing of inmates with a special professional background started at Omarska.⁴⁷⁵⁵ One night, lawyers were targeted, following which policemen and physicians were marked for killing.⁴⁷⁵⁶ On 27 July 1992, Professor Muhamed Čehajić was called out from the room in which he was detained and taken out of the camp, and he did not return and was never seen again.⁴⁷⁵⁷ Čehajić was taken out to be killed and was actually killed.⁴⁷⁵⁸ **Jusuf Arifagić** stated that Hamdija Arifagić, a

⁴⁷⁴⁹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6232-6233, 6249-6250.

⁴⁷⁵⁰ Adjudicated Facts I, no. 1015.

⁴⁷⁵¹ Adjudicated Facts I, no. 1016.

⁴⁷⁵² Adjudicated Facts I, no. 1018.

⁴⁷⁵³ Adjudicated Facts I, no. 1019.

⁴⁷⁵⁴ P6332 (Court ruling on death of Hadžalić Rizah, 12 September 2000), p. 2. The Trial Chamber understands that the individuals referred to as Rizo and Riza Hadžalić are the same person.

⁴⁷⁵⁵ Adjudicated Facts I, no. 1026.

⁴⁷⁵⁶ Adjudicated Facts I, no. 1026.

⁴⁷⁵⁷ Adjudicated Facts I, no. 1022.

⁴⁷⁵⁸ Adjudicated Facts I, no. 1024.

former policeman, led a convoy of civilians from Kozarac, who wished to surrender, to the Prijedor-Banja Luka road where the men were separated from the women and children.⁴⁷⁵⁹ Together with the men from Kozarac, Hamdija Arifagić was taken to Omarska camp and never returned.⁴⁷⁶⁰ **Witness RM-017** stated that many active Muslim police officers who were held at Omarska camp, including Hamdija Arifagić, were taken away to be exchanged and never seen since.⁴⁷⁶¹ According to the death certificate, Hamdija Arifagić died from shot wounds to his head in Omarska on 28 July 1992.⁴⁷⁶²

1134. **Sivac** testified that in the last days of July 1992, when mass executions of detainees began to take place in Omarska camp, Ibrahim Paunović, a.k.a. Bećir, was killed.⁴⁷⁶³ He named 22 other detainees killed in the camp.⁴⁷⁶⁴ The witness did not see the killing of these people as the executioners did not allow anyone to watch.⁴⁷⁶⁵ **Witness RM-026** stated that three other detainees were also killed in the camp.⁴⁷⁶⁶ Detainees were forced to load and unload corpses from the truck.⁴⁷⁶⁷ Some of these detainees never came back.⁴⁷⁶⁸ **Witness RM-065** knew of other men who were killed at Omarska camp and named four in particular.⁴⁷⁶⁹ According to **Witness RM-023**, Nail and Hajrudin Jakupović from Kozarac were also killed in a camp.⁴⁷⁷⁰ **Mešanović** named several people who were, as he learned from other detainees, killed or who disappeared after having been taken out.⁴⁷⁷¹ He heard from another detainee that one of them died

⁴⁷⁵⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), p. 7064.

⁴⁷⁶⁰ P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), p. 7064-7065.

⁴⁷⁶¹ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3365-3366.

⁴⁷⁶² P4767 (Hamdija Arifagić's death certificate, 22 February 2006), p. 1

⁴⁷⁶³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6636, 6684.

⁴⁷⁶⁴ Nusret Sivac, T. 4825-4827; P488 (List of names read to Nusret Sivac on 6 November 2012); P489 (Additional list of names read to Nusret Sivac of 6 November 2012). Concerning Fikret Mujakić, *see also* P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34. The witness named these detainees as a person called Aziz; Mirsad Ališić; Mehemed Avdić; Islam Bahonjić; Muhamed Burazerović; Dedo Crnalić; Adnan Ekinović; Omer Ekinović; Dževad Grozdanić; Senad Grozdanić; Goran Kardum; a person called Mešić; Sulejman Mešić; Senad Mešić; Emir Mešić; Fikret Mujakić; Alija Pehadžić; Čamil Pezo; Sejad Sivac; Miroslav Šolaja; Emir Trto, and Bajram Zgog.

⁴⁷⁶⁵ Nusret Sivac, T. 4828-4829.

⁴⁷⁶⁶ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9, statement of 16 May 2001, para. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2334, 2336. The witness named these detainees as Ismat Ejupović, Fadil Ejupović, and Said Fikić, known as 'Cicko'.

⁴⁷⁶⁷ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.

⁴⁷⁶⁸ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.

⁴⁷⁶⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34. The witness named some of these men as Senad Mujkanović, Kadir Mujkanović, Meho Tursić, and Hamdija Balić.

⁴⁷⁷⁰ P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 4010-4011.

⁴⁷⁷¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 63-67.

after being beaten by Zoran Zigić.⁴⁷⁷² All of them died in Omarska camp and, except for one Serb who later died in the hospital, were Muslims.⁴⁷⁷³ Dead prisoners were buried in makeshift graves and heaps of bodies were frequently seen in the grounds of the detention camps.⁴⁷⁷⁴

1135. Around late July 1992, 44 people were taken out of Omarska camp and put in a bus and even though they were told that they would be exchanged in the direction of Bosanska Krupa they were never seen again.⁴⁷⁷⁵ According to **Mešanović**, Bahrija Forić and ‘Sadeta’ Medunjanin were among them.⁴⁷⁷⁶ During an exhumation in Jama Lisac, 56 bodies were found, mostly killed by gunshot injuries.⁴⁷⁷⁷ DNA analysis allowed the investigators to identify the bodies of Sureta Medunjanin, the wife of Bećir Medunjanin, and Ekrem Alić and Smail Alić, who were both last seen in Omarska camp.⁴⁷⁷⁸

1136. **Predrag Radulović** stated that in the summer of 1992, within the first five days of the establishment of Omarska camp, he saw six or seven bodies scattered on a field behind one of the camp buildings.⁴⁷⁷⁹ Bera and Đuro Savić told the witness that members of military and paramilitary units were killing detainees at the camp.⁴⁷⁸⁰

1137. **Witness RM-026** stated that around 21 July 1992, he was moved to one of the garages to make space for new detainees in the white house. After 8 days, he was moved to a room next to the cafeteria run by a detainee called Mujo. Mujo was called out by one of the guards one evening and the witness never saw him again.⁴⁷⁸¹

1138. **Witness RM-065** stated that on one occasion he was sitting about 10 metres away from Rizah Hadzalićon who was eating, when some Serb soldiers told him that he had a good appetite to which he responded ‘thank you, bujrum’, after which he was beaten by eight to ten soldiers for 15 to 30 minutes and died from his injuries.⁴⁷⁸² One night, the Serb guards called out Huse Basić from the restaurant and said ‘now you are

⁴⁷⁷² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 63.

⁴⁷⁷³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 67.

⁴⁷⁷⁴ Adjudicated Facts I, no. 1025.

⁴⁷⁷⁵ Adjudicated Facts I, no. 1021.

⁴⁷⁷⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 59.

⁴⁷⁷⁷ Adjudicated Facts I, no. 1021.

⁴⁷⁷⁸ Adjudicated Facts I, no. 1021.

⁴⁷⁷⁹ P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142-143.

⁴⁷⁸⁰ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 143.

⁴⁷⁸¹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.

⁴⁷⁸² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1299.

going to Gradiska'.⁴⁷⁸³ The witness later learned that this was a code word for the Gradina mine and that the guards started beating him in the corridor and broke his spine.⁴⁷⁸⁴ Basić never returned.⁴⁷⁸⁵ The witness saw a man named Crnalić being forced by Serb guards to drink something which the witness believed to be old motor oil.⁴⁷⁸⁶ Approximately half an hour to an hour later the witness heard automatic gunfire. Later the witness heard from other detainees that the guards had shot Crnalić in the legs after accused him of attempting to escape. Crnalić never returned. The witness testified that Ilijaz Drobić was thrown into the pista after being interrogated. The witness was told by some prisoners that he was dead.⁴⁷⁸⁷ The witness was told by a person named Hrcnić that approximately 40 persons from Biscani died after interrogation.⁴⁷⁸⁸

1139. From 15 July 1992 and onwards, the 'Serbs' seemed to be in a hurry to kill as many persons as possible.⁴⁷⁸⁹ Almost every evening around 10 or 11 p.m., guards would call people out of 'Mujo's room'.⁴⁷⁹⁰ The witness, Asim Kadić, Hajrudin Campara, and Mehmedalija Kapetanović were called out and taken to the pista.⁴⁷⁹¹ While standing outside, the witness saw two detainees carry out Muhamed Burazerović and the witness was uncertain whether he was alive, but he never saw him again.⁴⁷⁹² At one point a man signalled that they should be taken back inside 'Mujo's room'.⁴⁷⁹³ This made the witness very uneasy since detainees had several times been allowed to return and then taken out to be killed.⁴⁷⁹⁴ Meho Mahmutović died in this way.⁴⁷⁹⁵

1140. Based on the foregoing, the Trial Chamber finds that, around 29 May 1992, Omarska camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed two men, previously detained at the Benkovac military barracks by forcing them into a garage at the camp together with many other detainees, causing them to suffocate to death.

⁴⁷⁸³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.

⁴⁷⁸⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.

⁴⁷⁸⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.

⁴⁷⁸⁶ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.

⁴⁷⁸⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29.

⁴⁷⁸⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31.

⁴⁷⁸⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

⁴⁷⁹⁰ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

⁴⁷⁹¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1290.

⁴⁷⁹² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

⁴⁷⁹³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

⁴⁷⁹⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

1141. The Trial Chamber also finds that between June and August 1992, camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, shot and killed one detainee and beat to death at least four other detainees at the camp, including an elderly Bosnian-Muslim man and two other Bosnian-Muslim men, including a policeman. With regard to one of the two other Muslim men, the Trial Chamber considered the evidence of Witness RM-033, the only witness providing evidence about this victim. In particular, Witness RM-033 provided an eyewitness account on the circumstances surrounding the death.⁴⁷⁹⁶ The Trial Chamber has not identified any inconsistencies in the witness's evidence in this regard and finds the witness's evidence to be reliable.

1142. The Trial Chamber further finds that, between June and August 1992, camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, shot and killed or, in some instances, beat to death eleven Bosnian-Muslim detainees, including one mentally impaired person in or outside the white and red houses. On one occasion, after one of these detainees had been taken to the red house, other detainees heard gunfire as well as the voices of the guards yelling 'ustašas' and 'balijas' coming from the red house. The Trial Chamber further finds that during that period one detainee died as a result of beatings inflicted at the camp by Zoran Zigić. The Trial Chamber recalls its finding in chapter 3.1.2 that Zoran Zigić was a member of the VRS 43rd Motorised Brigade.

1143. At least 31 other detainees, with a special professional background such as lawyers, members of the police forces, and physicians, were killed at Omarska camp at the end of July 1992. The Trial Chamber finds that these killings were perpetrated in a systematic manner during a specific period. It further recalls its finding on the authorities in charge of the camp in chapter 4.10.2 *Schedule C.15.2* and finds that camp guards, the police killed these detainees with a specific professional background.

1144. Based on its previous findings, the Trial Chamber finds that between May and August 1992, Omarska camp guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed at least 51 detainees at the camp; 14 of whom were Bosnian Muslims. In light of the evidence reviewed above and of the Trial Chamber's finding on the ethnicity of the detainees at Omarska camp in chapter 4.10.2 *Schedule C.15.2*, the Trial Chamber finds that almost all of the other detainees killed were Bosnian Muslims or Bosnian Croats. The Trial Chamber also recalls its finding in 4.10.2 *Schedule C.15.2* with

⁴⁷⁹⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 32.

⁴⁷⁹⁶ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6231-6234.

respect to the conditions in which the detainees were kept. The Trial Chamber will consider the aforementioned incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1145. With regard to the disappearance of detainees called out by groups from outside the camp and subjected to beatings, the Trial Chamber has neither received evidence on their fate nor on the affiliation of the individuals calling out the detainees and will therefore not consider these incidents further in relation to any counts of the Indictment.

1146. Concerning the disappearance of 44 detainees taken out of Omarska camp around the end of July 1992 and put in a bus in the direction of Bosanska Krupa and, for some of them, their death, the Trial Chamber has neither received any evidence on the individuals responsible for their death nor on the fate of the other detainees. Therefore, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1147. Regarding the death of six or seven individuals found on a field behind one of the camp buildings in the summer of 1992, the Trial Chamber has neither received any evidence on the circumstances of their death nor on the individuals responsible for these particular death. Therefore, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1148. The Trial Chamber received additional evidence on the disappearance or death of a number of people detained at Omarska camp between May and August 1992. The Trial Chamber notes that some of the witnesses who testified about these events, such as Nusret Sivac, Witness RM-065, Witness RM-023, Kerim Mesanović, and Witness RM-017, did not provide a clear basis of knowledge; others, such as Jusuf Arifagić, Witness RM-065, Kerim Mesanović, Witness RM-017, and Witness RM-054 did not provide details about the fate of the people reported to have disappeared or about the circumstances of the detainees' deaths. Furthermore, the Trial Chamber has not received evidence on the perpetrators of these killings. The Trial Chamber also finds that the basis of knowledge of these witnesses is insufficient to infer from their evidence that each and every detainee who disappeared or was reported to have died was killed in similar situations; and that despite the context aforementioned described. Based on the foregoing, the Trial Chamber will not consider these incidents further in relation to any counts of the Indictment.

Schedule B.13.3

1149. According to the Indictment, the Accused is responsible for the killing of a number of men and women taken from Omarska and Keraterm camps in the area called Hrastova Glavica on or about 5 August 1992.⁴⁷⁹⁷ The Defence argued that due to deficiencies in the evidence presented, neither Mladić nor the VRS could be held responsible for this alleged incident.⁴⁷⁹⁸ It argued that errors were made in the collection and evaluation of forensic evidence.⁴⁷⁹⁹ The Defence also argued that a number of victims alleged to have died in the incident had died or disappeared prior to the occurrence of the incident.⁴⁸⁰⁰ It further argued that since an autopsy was unable to determine the date of death of those exhumed, it could not be concluded that these deaths were the result of the alleged incident.⁴⁸⁰¹ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. It also received evidence from **Witness RM-008** and **Witness RM-065**, both Bosnian Muslims from Prijedor Municipality;⁴⁸⁰² and **Ewa Tabeau**, a demographer and statistician,⁴⁸⁰³ and finds that this evidence does not rebut the Adjudicated Facts.⁴⁸⁰⁴

⁴⁷⁹⁷ Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.13.3.

⁴⁷⁹⁸ Defence Final Brief, para. 973.

⁴⁷⁹⁹ Defence Final Brief, paras 970, 972.

⁴⁸⁰⁰ Defence Final Brief, paras 970, 972.

⁴⁸⁰¹ Defence Final Brief, para. 971.

⁴⁸⁰² **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance).

⁴⁸⁰³ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁴⁸⁰⁴ **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56, 58; P3227 (Hrastova Glavica court record of exhumation, 21 April 1999), pp. 2, 4, 7, 13. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 34-35. **Ewa Tabeau**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 539-580; P4820 (Hrastova Glavica exhumation and autopsy reports, 1998-1999), pp. 24-35, 40-49, 53-56, 71-76, 79-80, 83-84, 86-95, 98-99, 102-111, 113-122, 127-128, 131-136, 139-140, 143-149, 159-160, 163-166, 168-171, 174-175, 178, 180-189, 193-196, 199-214, 217-226, 230-233, 238-239, 242-249, 252-, 254-263, 266-267, 270-277, 282-283; P5588 (ICMP notice of DNA report, 15 November 2007), part one; P6384 (Autopsy report for Alija Alibegović, 20 April 2006), p. 1; P6385 (Death certificate of Alija Abligebović, 16 April 2006), p. 2; P6393 (Court ruling on death of Adem Behlić, 10 May 1999), p. 1; P6396 (Court ruling on death for Adem Brdar, 22 April 1999), pp. 1-2; P6397 (Death certificate of Adem Brdar, 22 April 1999), p. 1; P6404 (Court ruling on death for Refik Demirović, 16 November 1999), p. 2; P6408 (Court ruling on death of Ante Gavranović, 5 August 1999), p. 1; P6410 (Court ruling on death for Miralem Hopovac, 3 June 1999), p. 2; P6413 (Record of identification for Meho Hujić), p. 1; P6419 (Court ruling on death for Mujo Musić, 25 May 1999), p. 2; P6422 (Court ruling on death for Mujo Pašić, 4 May 1999), p. 2; P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), pp. 1, 3, 5; P6426 (Record of identification of Mirhad Sehić, 22 March 1999), p. 2; P6429 (Court ruling on death for Mustafa Švraka, 16 May 2000), p. 2; P6430 (Court ruling on death for Mustafa Švraka, 16 May 2000), p. 1; P6431 (Record of identification and informing family members for Sabit Zukanović, 25 August 2005), pp. 1, 3; P6433 (Record of identification and informing family

1150. One night, a camp guard appeared and told Esad Sadiković to come out and take his stuff with him.⁴⁸⁰⁵ As the other detainees knew that this meant he would not return, everybody stood up and bid him farewell.⁴⁸⁰⁶ Sadiković was taken out to be killed and was actually killed.⁴⁸⁰⁷ On 5 August 1992, detainees from Keraterm camp and at least 120 detainees from Omarska camp were put on buses that headed towards Kozarac and Sanski Most.⁴⁸⁰⁸ **Witness RM-008** specified that the 120 detainees were from the villages of Hambarine, Čarakovo, Zecovo, Rakovčani, and Prijedor.⁴⁸⁰⁹ The witness knew 64 of them personally.⁴⁸¹⁰ Omarska camp detainees later told the witness that when the two buses of detainees from Keraterm camp arrived in Omarska camp, other men were added to the group and driven away during the night.⁴⁸¹¹ On the way, unidentified Bosnian Serbs shot dead a number of detainees.⁴⁸¹² Some of their bodies were later found in an area called Hrastova Glavica and identified.⁴⁸¹³ A total of 126 bodies were found in this area.⁴⁸¹⁴ In 121 of the cases, forensic experts determined that the cause of death was gunshot wounds.⁴⁸¹⁵ The body of Esad Sadiković was among those found in Hrastova Glavica.⁴⁸¹⁶ His cause of death was gunshot wounds.⁴⁸¹⁷ According to a Bihać Cantonal Court record of exhumation of the Hrastova Glavica

members for Husein Behlić, 5 June 2006), p. 3; P6434 (Death certificate of Husein Behlić, 10 June 2006), p. 1; P6435 (Record of identification and informing family members for Ibro Brdar, 7 April 2010), pp. 1, 3; P6436 (Autopsy report for Ibro Brdar, 1 April 2010), p. 1; P6437 (Record of identification for Mehmed Elkaz, 20 September 2006), p. 1; P6439 (Record of identification for Mehmed Elkaz, 11 March 2008), p. 1; P6440 (Autopsy report for Mehmed Elkaz, 16 February 2008), pp. 1-2; P6441 (Death certificate for Mehmed Elkaz, 16 February 2008), p. 1; P6442 (ICMP notice of the DNA identification report for Ermin Ferizović, 25 May 2010), p. 3; P6443 (ICMP notice of the DNA identification report for Amir Behlić and Agan Hodžić, 1 December 2009), pp. 3-4; P6444 (ICMP notice of the DNA identification report for Safet and/or Mustafa Ibrahimagić, 14 January 2009), p. 3; P6445 (ICMP notice of the DNA identification report for Ramo Mujdžić, 16 February 2012), p. 3; P6446 (Record of identification and informing family members for Nedžad Mujkanović, 29 March 2006), pp. 1, 3; P6447 (Death certificate for Nedžad Mujkanović, 29 March 2006), p. 1; P6448 (Autopsy report for Nedžad Mujkanović, 5 April 2006), pp. 1-2; P6450 (Record of identification and informing family members for Senadin Salihović, 21 June 2006), pp. 1, 3; P6451 (Autopsy report for Senadin Salihović, 15 February 1999), pp. 1-2, 4; P6452 (Death certificate for Senadin Salihović, 17 June 2006), p. 1; P6483 (ICMP notice of the DNA identification report for Ermin Džamastagić, 18 March 2008), p. 3.

⁴⁸⁰⁵ Adjudicated Facts I, no. 1023.

⁴⁸⁰⁶ Adjudicated Facts I, no. 1023.

⁴⁸⁰⁷ Adjudicated Facts I, no. 1024.

⁴⁸⁰⁸ Adjudicated Facts I, nos 1055-1056.

⁴⁸⁰⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56-57.

⁴⁸¹⁰ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 57.

⁴⁸¹¹ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 56, 58.

⁴⁸¹² Adjudicated Facts I, no. 1055.

⁴⁸¹³ Adjudicated Facts I, nos 1055, 1057.

⁴⁸¹⁴ Adjudicated Facts I, no. 1057.

⁴⁸¹⁵ Adjudicated Facts I, no. 1058.

⁴⁸¹⁶ P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), pp. 1, 3.

mass grave, pieces of wire, rope and chains, sometimes tied on the remains, as well as rifle bullets, cartridge cases, and hand grenades were found in the pit, the walls of which showed visible traces of shrapnel.⁴⁸¹⁸

1151. Based on the foregoing, the Trial Chamber finds that on or about 5 August 1992, a group comprising more than 120 detainees from Omarska and Keraterm camps were put on buses and taken in the direction of Kozarac and Sanski Most. On the way, unidentified Bosnian Serbs shot at least 126 of them dead, including Dr Esad Sadiković. Their bodies were later found in Hrastova Glavica, Sanski Most Municipality. With regard to the number of victims and the cause of their death, the Trial Chamber relies on unrebutted Adjudicated Facts and rejects the Defence's argument with regard to the deficiencies in the forensic evidence presented in relation to this incident.⁴⁸¹⁹ The Trial Chamber notes that, with regard to the Defence's argument that a number of individuals alleged to have died in this incident, in reality, died or went missing prior to the occurrence to the incident, the Defence did not provide a basis for its claim. Considering that Omarska camp comprised almost exclusively Bosnian Muslims and Bosnian Croats, and only a few Bosnian Serbs, and that the detainees at Keraterm were primarily Bosnian Muslims and Bosnian Croats, with only a small number of Albanians and at least one Bosnian Serb, the Trial Chamber finds that those killed were almost exclusively Bosnian Muslims or Bosnian Croats. The Trial Chamber also recalls its findings in chapter 4.10.2 *Schedules C.15.2* and *C.15.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

Schedule B.13.4

1152. According to the Indictment, the Accused is responsible for the execution of over 150 men from the Brdo region of Prijedor Municipality at Omarska camp on or about 20 July 1992.⁴⁸²⁰ In its Final Brief, the Defence argued that the Accused cannot be held responsible for the killings at Omarska camp because it was under the control of the

⁴⁸¹⁷ P6424 (Record of identification, informing family members, and autopsy report for Esad Sadiković, 23 July 2007), p. 5.

⁴⁸¹⁸ P3227 (Bihać cantonal court record of exhumation of the Hrastova Glavica mass grave, 16 April 1999), pp. 4, 6, 10.

⁴⁸¹⁹ In this respect, the Trial Chamber refers to its analysis in Appendix B of the evidence provided by Ewa Tabeau and documentary forensic evidence, with regard to, *inter alia*, circumstances of death.

⁴⁸²⁰ Indictment, paras 39, 59, 62, Schedule B.13.4.

civilian police and the VRS were not present there.⁴⁸²¹ The Defence further argued that VRS performed guard duty only in the vicinity of the outer perimeter of the centre which was a couple of hundred meters outside the compound.⁴⁸²² The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident.⁴⁸²³ Further, it received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁴⁸²⁴ and **Kerim Mešanović** and **Witness RM-017**, both Bosnian Muslims from Prijedor;⁴⁸²⁵ and finds that this evidence is partially consistent with the Adjudicated Facts.⁴⁸²⁶ The Trial Chamber will address this matter in more detail below. The Chamber further received evidence from **Ewa Tabeau**, a demographer and statistician.⁴⁸²⁷

1153. Around 200 people from Hambarine arrived in the Omarska camp sometime in July 1992.⁴⁸²⁸ **Nusret Sivac**, who was detained at Omarska camp briefly from 10 June 1992 and again from 20 June to 7 August 1992, testified that this happened some time after 20 June 1992.⁴⁸²⁹ **Kerim Mešanović**, who was detained at Omarska camp beginning 24 June, stated that this happened shortly after 25 July 1992, a date he recalled because it was his birthday.⁴⁸³⁰ The witness counted 150 individuals disembarking from buses.⁴⁸³¹ They were initially accommodated in the White House at the camp.⁴⁸³² **Sivac** testified that he heard the people being beaten very badly upon their arrival.⁴⁸³³ **Mešanović** stated that he could hear the sound of blows when Rade

⁴⁸²¹ Defence Final Brief, paras 964-966.

⁴⁸²² Defence Final Brief, para. 966.

⁴⁸²³ The Trial Chamber notes that while the Prosecution included Adjudicated Fact 1020 under the heading Scheduled Incident B.13.2 in its Motion for Judicial Notice of Adjudicated Facts (Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 December 2011, Annex A, p. 375), given the similarity in content, such as the killing of individuals from the Brdo region at Omarska camp around 20 July 1992, the Trial Chamber considers that it relates to Scheduled Incident B.13.4. Adjudicated Fact no. 898 is reviewed in chapter 4.10.1 *Schedule A.6.5*.

⁴⁸²⁴ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839. The evidence of Nusret Sivac is also reviewed in chapter 4.10.2 *Schedule C.15.2*.

⁴⁸²⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. The evidence of Kerim Mešanović and Witness RM-017 is also reviewed in chapter 4.10.2 *Schedule C.15.2*.

⁴⁸²⁶ **Nusret Sivac**: Nusret Sivac, T. 4823-4825. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 61-62. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16.

⁴⁸²⁷ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).

⁴⁸²⁸ Adjudicated Facts I, no. 1020.

⁴⁸²⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6609, 6619-6621, 6687; Nusret Sivac, T. 4823.

⁴⁸³⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 26-27, 60-61, 72.

⁴⁸³¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.

⁴⁸³² Adjudicated Facts I, no. 1020.

⁴⁸³³ Nusret Sivac, T. 4824-4825.

Knezević interrogated the people.⁴⁸³⁴ That same day, the witness saw a guard named Cvijić beat the witness's former colleague, Muhamed Burazerović, with a rifle butt.⁴⁸³⁵ When Burazerović was helped to the White House, he was covered in blood.⁴⁸³⁶

1154. One night at the end of July 1992, a large number of Omarska camp detainees from the Brdo area were killed.⁴⁸³⁷ Early in the morning on 17 July 1992, around 1 or 2 a.m., gunshots were heard that continued until dawn.⁴⁸³⁸ **Witness RM-017**, who was detained at Omarska camp beginning on or about 29 May 1992, stated that this happened around 16 or 17 July 1992, a date he recalled because it was one week after his family was chased out of its home.⁴⁸³⁹ According to **Mešanović**, the shooting occurred the night after the people arrived, during a shift led by Krle, who was identified by Witness RM-065 as Milojica Kos, and while the guards Milutin Popović and a person called Ranko were working.⁴⁸⁴⁰ Dead bodies were seen in front of the White House.⁴⁸⁴¹ **Sivac** concluded that a number of people had died as a result of the beatings.⁴⁸⁴² The camp guards, one of whom was recognised as Zivko Marmat, were shooting rounds into the bodies, which were then loaded onto a truck and taken away.⁴⁸⁴³ There were about 180 bodies in total.⁴⁸⁴⁴ **Mešanović** stated that the White House was empty after that day as everyone detained there had been killed.⁴⁸⁴⁵ He estimated that approximately 100 people were killed.⁴⁸⁴⁶ **Witness RM-017** stated that, based on the number of truckloads removed from the camp, there were about 150 to 180 bodies.⁴⁸⁴⁷

1155. According to **Ewa Tabeau** and forensic evidence, the remains of two bodies associated with this incident were exhumed from Stari Kevljani in Prijedor and

⁴⁸³⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.

⁴⁸³⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 61.

⁴⁸³⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 61-62.

⁴⁸³⁷ Adjudicated Facts I, no. 1026.

⁴⁸³⁸ Adjudicated Facts I, no. 1020.

⁴⁸³⁹ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 16; P3229 (Witness RM-017, *Stakić* transcript, 22-24 May 2002), p. 3365.

⁴⁸⁴⁰ P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4; P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.

⁴⁸⁴¹ Adjudicated Facts I, no. 1020.

⁴⁸⁴² Nusret Sivac, T. 4824-4825.

⁴⁸⁴³ Adjudicated Facts I, no. 1020.

⁴⁸⁴⁴ Adjudicated Facts I, no. 1020.

⁴⁸⁴⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.

⁴⁸⁴⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 62.

⁴⁸⁴⁷ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 16.

identified.⁴⁸⁴⁸ The two victims died in Omarska on 25 July 1992 and 28 July 1992.⁴⁸⁴⁹ In the two cases the causes of death were found to be from (i) a gunshot injury; and (ii) chest injuries with bone fractures.⁴⁸⁵⁰

1156. The Trial Chamber notes that the evidence it has received differs from Adjudicated Facts 1020 and 1026 only with respect to the exact date of the incident and the specific number of victims. The portion of Adjudicated Fact 1026 regarding the date of the incident differs from the evidence of Witness RM-017. Similarly, the portion of Adjudicated Fact 1020 regarding the date of the incident differs from the evidence of Nusret Sivac and Kerim Mešanović. Finally, the portion of Adjudicated Fact 1020 regarding the number of individuals killed differs from the evidence of Kerim Mešanović. Given that Sivac, Mešanović, and Witness RM-017 were all present at Omarska camp and witnessed parts of the incident, the Trial Chamber considers their evidence to be sufficiently reliable to rebut Adjudicated Facts 1020 and 1026 as to the extent of the incident and the specific number of victims. The Trial Chamber will therefore base its determinations on these matters solely on the evidence before it.

1157. Based on the foregoing, the Trial Chamber finds that, some time in the second half of July 1992, guards at Omarska camp, the police as found in chapter 4.10.2 *Schedule C.15.2*, killed between approximately 100 and 180 detainees from the Brdo region of Prijedor Municipality, one day after their arrival, either by shooting or beating them to death. The detainees had been severely beaten immediately upon arrival at the camp. Considering that the detainees at Omarska camp comprised almost exclusively Bosnian Muslims and Bosnian Croats, and just a few Bosnian Serbs, the Trial Chamber finds that all or almost all of those killed were Bosnian Muslims or Bosnian Croats. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1158. The Trial Chamber will address the Defence arguments about Omarska camp being under the control of the civilian police in chapter 4.10.2 *Schedule C.15.2*.

⁴⁸⁴⁸ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 10, 27, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581; P5630 (Autopsy Reports pertaining to bodies exhumed from the Stari Kevljani mass grave), pp. 23-24; P5631 (Identification reports for victims linked to Prijedor incidents A.6.2, A.6.5, B.13.1, B.13.2 and B.13.4) pp.65-66.

⁴⁸⁴⁹ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581.

⁴⁸⁵⁰ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 581; P5630 (Autopsy Reports pertaining to bodies exhumed from the Stari Kevljani mass grave), pp. 23-24; P5631 (Identification reports for victims linked to Prijedor incidents A.6.2, A.6.5, B.13.1, B.13.2 and B.13.4) pp.65-66.

Schedule B.13.5

1159. According to the Indictment, the Accused is responsible for the killing of a number of people in Trnopolje camp and at various places in Prijedor Municipality after they were taken from the camp between 28 May and October 1992.⁴⁸⁵¹ This Scheduled Incident is limited to a certain time-period. However, the Indictment is not limited to the Scheduled Incidents. The Trial Chamber has therefore considered all evidence pertaining to incidents during the operation of the camp. The Prosecution, in its final brief, in relation to Scheduled Incident B.13.5, referred to the alleged killing of 12 Bosnian-Muslim men from Bišćani in Kratalj.⁴⁸⁵² The Trial Chamber will discuss this incident in chapter 4.10.1 *Schedule A.6.6*. The Defence argued that no killings were known to have occurred at the Trnopolje ‘centre’ itself, but that two killings were known to have taken place outside the perimeter of the ‘centre’.⁴⁸⁵³ However, these killings were committed by criminal groups and reported to the civilian police for further investigation.⁴⁸⁵⁴ The VRS was not made aware at any stage nor were they involved in the incident.⁴⁸⁵⁵ The Defence also argued that the uniforms worn by the MUP and the TO were identical to those worn by the VRS. Thus, it was difficult to differentiate between personnel of each organization and identification of any person involved in the alleged incident wearing such a uniform does not prove, beyond reasonable doubt, the liability of the VRS.⁴⁸⁵⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to these incidents. Additionally, it received evidence from **Azra Blažević**, **Witness RM-008**, and **Sead Sušić**, all Bosnian Muslims from Prijedor Municipality;⁴⁸⁵⁷ **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁴⁸⁵⁸ **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁴⁸⁵⁹ and **Slavko Puhalić**, a Serb soldier from Prijedor

⁴⁸⁵¹ Indictment, paras 39(a)(ii), 59(a)(ii), 62(b), Schedule B.13.5.

⁴⁸⁵² Prosecution Final Brief, Annex B, p. 31.

⁴⁸⁵³ Defence Final Brief, para. 997.

⁴⁸⁵⁴ Defence Final Brief, para. 997.

⁴⁸⁵⁵ Defence Final Brief, para. 997.

⁴⁸⁵⁶ Defence Final Brief, para. 996.

⁴⁸⁵⁷ **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), p. 1. Azra Blažević’s evidence has also been reviewed in chapter 4.10.2 *Schedule C.15.4*. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.

⁴⁸⁵⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁴⁸⁵⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

who served under Slobodan Kuruzović in Trnopolje camp until August 1992;⁴⁸⁶⁰ **Ewa Tabeau**, a demographer and statistician,⁴⁸⁶¹ as well as documentary evidence,⁴⁸⁶² and finds that this evidence does not rebut the Adjudicated Facts.⁴⁸⁶³ The Trial Chamber received further evidence from **Witness RM-060** and **Witness RM-047**, both Muslims from Prijedor Municipality;⁴⁸⁶⁴ **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;⁴⁸⁶⁵ **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;⁴⁸⁶⁶ and **Boško Mandić**, a member of the Prijedor Crisis Staff from 30 May 1992 onwards.⁴⁸⁶⁷

1160. Numerous killings occurred in Trnopolje camp.⁴⁸⁶⁸ A number of detainees died as a result of the beatings received from the guards, while others were killed by camp guards with rifles.⁴⁸⁶⁹ **Witness RM-060** stated that on 20 July 1992, on his first night in Trnopolje camp, a guard named 'Zolka', according to the witness either a member of the VRS or of a paramilitary formation, asked the detainees if they needed anything and Sulejman Kekić responded that he needed a coat.⁴⁸⁷⁰ Kekić said he was 70 years old and Zolka responded '[y]ou are ready to be killed', and then started beating him. Zolka then

⁴⁸⁶⁰ D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.

⁴⁸⁶¹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau).

⁴⁸⁶² P4136 (Transcript of video excerpt concerning Prijedor Municipality); P6455 (Municipal Court of Sanski Most, decision on death of Fuad Klipić, 3 April 1997).

⁴⁸⁶³ **Azra Blažević**: P3617 (Azra Blažević, witness statement, 10 November 1994), pp. 15-16, 18-19.

Witness RM-008: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 62. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 51, 53, 56-57, 59; D57 (Idriz Merdžanić, *Stakić* transcript, 11 September 2002), p. 7837; Idriz Merdžanić, T. 3385-3386; P273 (Diagram of Trnopolje Camp Medical Clinic drawn by Idriz Merdžanić); P271 (Diagram of Trnopolje Camp in mid-August 1992 drawn by Idriz Merdžanić); P277 (Diagram of Trnopolje Camp drawn by Idriz Merdžanić). **Slavko Puhalić**: Slavko Puhalić, T. 31677. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 37.. **Ewa Tabeau and related documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 27, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 582-583; P4833 (Identification report for Fuad Klipić); P6454 (Autopsy report for Fuad Klipić), p. 1; P6455 (Court ruling of death of Fuad Klipić). **Other documentary evidence**: P4136 (Transcript of video excerpt concerning Prijedor Municipality), p. 12.

⁴⁸⁶⁴ **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204.

⁴⁸⁶⁵ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁴⁸⁶⁶ D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.

⁴⁸⁶⁷ D826 (Boško Mandić, witness statement, 25 June 2014), p. 1, paras 1, 4, 7; Boško Mandić, T. 28943-28944.

⁴⁸⁶⁸ Adjudicated Facts I, no. 1078.

⁴⁸⁶⁹ Adjudicated Facts I, no. 1078.

⁴⁸⁷⁰ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6879-6881.

told another guard he would come back at 2 a.m. to get Kekić and kill him. At 2 a.m., Zolka called out Kekić again, two shots were heard, and Kekić never returned.⁴⁸⁷¹ On the request of Nenad Kekić, son of Sulejman Kekić, the Municipal Court of Sanski Most, on 17 April 1998, declared Sulejman Kekić dead and determined that he was killed at Trnopolje camp on 21 July 1992.⁴⁸⁷² During the proceedings before the Municipal Court, evidence was presented that at sunrise on 21 July, Kekić was seen lying dead near a school.⁴⁸⁷³ **Azra Blažević** stated that during her detention at Trnopolje camp from 26 May to around mid-August 1992,⁴⁸⁷⁴ a woman was fatally struck by a bullet when soldiers shot from outside towards the camp, over the heads of detainees, after a Serb soldier had been wounded.⁴⁸⁷⁵

1161. At least 20 detainees were taken outside the camp and killed there.⁴⁸⁷⁶ The Trial Chamber also received evidence about detainees who were taken out of the camp. **Witness RM-008** and **Idriz Merdžanić** testified that groups of detainees were taken out at the end of August 1992 and on 8 September 1992.⁴⁸⁷⁷ **Blažević** stated that one night during her detention, a guard called Zoran, nicknamed 'Zoka' or 'Tacna', singled out two detainees and said to another guard: 'Don't touch these two, they are mine.'⁴⁸⁷⁸ When the witness asked about the men the next day, she learned that they never returned to the camp.⁴⁸⁷⁹

1162. **Mevludin Sejmenović** testified that he observed Trnopolje camp before sneaking in and out of the camp to see the conditions and to find out what they were planning to do to the detainees.⁴⁸⁸⁰ He wanted to enter Trnopolje camp in order to be evacuated from there with another group.⁴⁸⁸¹ The guards at Trnopolje found out that he had entered the camp and the guards then mistreated people suspected of having helped

⁴⁸⁷¹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6880.

⁴⁸⁷² P4834 (Municipal Court of Sanski Most, decision on death of Sulejman Kekić, 17 April 1998), pp. 1-2.

⁴⁸⁷³ P4834 (Municipal Court of Sanski Most, decision on death of Sulejman Kekić, 17 April 1998), pp. 1-2.

⁴⁸⁷⁴ P3617 (Azra Blažević witness statement, 10 November 1994), pp. 8, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539. Azra Blažević's evidence has also been reviewed in chapter 4.10.2 *Schedule C.15.4*.

⁴⁸⁷⁵ P3617 (Azra Blažević witness statement, 10 November 1994), p. 15.

⁴⁸⁷⁶ Adjudicated Facts I, no. 1078.

⁴⁸⁷⁷ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 62; P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 53, 57.

⁴⁸⁷⁸ P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.

⁴⁸⁷⁹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.

⁴⁸⁸⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43, 46, 48.

⁴⁸⁸¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43, 48; Mevludin Sejmenović, T. 3539-3541.

him.⁴⁸⁸² Two to three days after he entered the camp in mid-July 1992, six men with the last name Forić were killed on the suspicion that they had assisted the witness in some way.⁴⁸⁸³ At least two men, including a policeman and a soldier, took the six men away and then gunshots were heard.⁴⁸⁸⁴ In the morning, a man from the camp was taken out to bury the bodies and described the men to the witness when he came back from burying them.⁴⁸⁸⁵ Their bodies were later found in a mass grave in 2009 or 2010 and are now buried in Kamičani.⁴⁸⁸⁶ Two other witnesses provided evidence about the same killing incident. **Witness RM-047** stated that one night, he saw Serb police officers or soldiers come into the camp and pick up six men all surnamed Forić.⁴⁸⁸⁷ The six men were brought behind the cinema building with their hands behind their heads and after approximately 15 to 30 minutes, the witness heard the sound of semi-automatic weapons; after this initial barrage of shots, he heard six individual gunshots.⁴⁸⁸⁸ The bodies were buried by a group of people from the camp, who confirmed that the six detainees had been shot dead.⁴⁸⁸⁹ **Merdžanić** testified that between the end of May and the end of July 1992, five to six Muslim men with the name Forić were killed.⁴⁸⁹⁰ From the clinic, the witness saw all men from the camp lined up and a Serb soldier called out those with the family name Forić, after which five to six men stepped out and were taken away by the guards.⁴⁸⁹¹ The witness never saw these men again and was told by Azra Blažević that she heard from one of the guards that they had been tortured and killed.⁴⁸⁹²

1163. **Witness RM-023** provided evidence about the killing of 11 detainees taken out of the camp. On or about 24 or 25 August 1992, the witness saw a group of half a dozen

⁴⁸⁸² P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 46-47, 49.

⁴⁸⁸³ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47; Mevludin Sejmenović, T. 3539-3540, 3549-3550.

⁴⁸⁸⁴ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47; Mevludin Sejmenović, T. 3549-3550.

⁴⁸⁸⁵ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47.

⁴⁸⁸⁶ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 47.

⁴⁸⁸⁷ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6252-6254.

⁴⁸⁸⁸ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript), 22 July 2002, pp. 6252-6254.

⁴⁸⁸⁹ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 5; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6253-6254.

⁴⁸⁹⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; Idriz Merdžanić, T. 3401.

⁴⁸⁹¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; P278 (Diagram of Trnopolje Camp drawn by Idriz Merdžanić); Idriz Merdžanić, T. 3385, 3401.

⁴⁸⁹² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 55; Idriz Merdžanić, T. 3385.

Serb soldiers⁴⁸⁹³ in uniform on the road near the house where the witness was detained outside Trnopolje camp.⁴⁸⁹⁴ The soldiers were angry and walked towards Trnopolje camp.⁴⁸⁹⁵ Among the soldiers was a man called 'Topola', who was in charge of the camp at that time.⁴⁸⁹⁶ These soldiers escorted 11 men out of the camp and yelled at them to move faster. The soldiers were pushing the men who had their heads down and took them to a corn field. Four Serb soldiers shot the men. The men were screaming and crying. After the shooting, the soldiers shot in the air and celebrated with screams before walking back towards the camp without the detainees.⁴⁸⁹⁷

1164. **Branko Berić** testified that he held no official position at the Trnopolje Reception Centre, but he visited daily until he was sent to the frontline.⁴⁸⁹⁸ According to the witness, to the best of his knowledge, nobody was killed in Trnopolje camp.⁴⁸⁹⁹ **Boško Mandić** testified that he heard that non-Serbs in Trnopolje camp were tortured and killed, but that he did not witness it himself.⁴⁹⁰⁰ **Slavko Puhalić** testified that as far as he knew, there had been no killings within the compound of Trnopolje camp.⁴⁹⁰¹ However, he had heard that in one or two cases, detainees were killed after they had gone outside the Trnopolje camp.⁴⁹⁰² According to the witness, in both instances, the authorities were informed.⁴⁹⁰³ Puhalić testified that he was at Trnopolje camp until August 1992, but he left for a period of about a month from mid-June to mid-July 1992.⁴⁹⁰⁴

1165. The Trial Chamber notes that Sead Sušić, Branko Berić, and Slavko Puhalić provided evidence that, as far as they knew, no killings occurred at Trnopolje camp. At first glance, this evidence may contradict Adjudicated Fact 1078. However, the Trial Chamber considers that Sušić, Berić, and Puhalić were not always present at the camp,

⁴⁸⁹³ The Trial Chamber notes that with respect to this incident, Witness RM-023 referred first to a group of Serbian soldiers and later referred to the same group as Serb soldiers. P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 15-16. Based on the evidence, the Trial Chamber considers this group to be Serb soldiers.

⁴⁸⁹⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 15.

⁴⁸⁹⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16.

⁴⁸⁹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 15-16.

⁴⁸⁹⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16.

⁴⁸⁹⁸ D928 (Branko Berić, witness statement, 26 June 2014), paras 25, 38; Branko Berić, T. 32853, 32860-32861, 32869.

⁴⁸⁹⁹ D928 (Branko Berić, witness statement, 26 June 2014), para. 18; Branko Berić, T. 28755.

⁴⁹⁰⁰ Boško Mandić, T. 28910.

⁴⁹⁰¹ Slavko Puhalić, T. 31709-31710.

⁴⁹⁰² Slavko Puhalić, T. 31677, 31709-31710.

⁴⁹⁰³ Slavko Puhalić, T. 31710.

⁴⁹⁰⁴ D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659-31660, 31663.

thus leaving open the possibility that detainees were killed in the camp while they were not present. The Trial Chamber therefore finds that this evidence does not contradict Adjudicated Fact 1078 and rejects the Defence arguments in relation to evidence provided by Berić and Puhalić. This Defence argument was also based on the evidence of Mandić. With respect to Mandić's evidence, the Trial Chamber notes that Mandić did testify that non-Serbs in Trnopolje camp were tortured and killed, but merely added that he had not witnessed it personally.⁴⁹⁰⁵ Considering the above, the Trial Chamber therefore also rejects the argument on this basis.

1166. The Trial Chamber notes that the Defence refers to two alleged killings described in Puhalić's testimony. The Trial Chamber considers that Puhalić only provided minimal, unsourced details concerning the alleged killings. The Trial Chamber will therefore not further consider Puhalić's evidence with regard to these killings.

1167. In relation to the Defence's argument that members of the MUP and the TO wore identical uniforms as VRS members, the Trial Chamber notes that in its findings below, it has not relied on what uniform the person involved wore in order to determine affiliation. It will therefore not further consider this argument.

1168. Based on the foregoing, the Trial Chamber finds that at least two detainees were beaten to death or killed by camp guards, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4*, while detained in Trnopolje camp during its operation from at least 26 May 1992 until the end of September 1992, as set out in chapter 4.10.2 *Schedule C.15.4*. In one of these incidents, a camp guard named 'Zolka' threatened to kill detainee Sulejman Kekić, a 70-year-old man, after which he took Kekić out and killed him.

1169. With regard to the killings outside Trnopolje camp, the Trial Chamber finds that two detainees were singled out specifically by a camp guard named Zoran, nicknamed 'Zoka' or 'Tacna', and taken out of the camp and killed sometime between 26 May and mid-August 1992. The Trial Chamber finds that six detainees, Bosnian-Muslim men with the last name Forić, were killed outside the camp by camp guards, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4* around mid-July 1992. The Trial Chamber further finds that 11 detainees were taken outside the camp and killed by Serb soldiers on or about 24 or 25 August 1992.

⁴⁹⁰⁵ Boško Mandić, T. 28910.

1170. With regard to the ethnicity of those killed apart from the six Bosnian-Muslim men with the last name Forić, the Trial Chamber recalls its finding in chapter 4.10.2 *Schedule C.15.4* that the detainees at Trnopolje camp comprised Bosnian-Muslim and Bosnian-Croat civilians. It therefore finds that the other killed detainees were either Bosnian-Muslim or Bosnian-Croat civilians. The Trial Chamber also recalls its finding in chapter 4.10.2 *Schedule C.15.4* with respect to the conditions in which the detainees were kept. The Trial Chamber will consider these incidents in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

1171. With respect to the evidence on killings of other detainees taken outside of Trnopolje camp apart from the 19 detainees the Trial Chamber found were killed above, the Trial Chamber has not received evidence on the dates or the alleged perpetrators of these killings and will therefore not consider them further in relation to any counts of the Indictment.

Schedule C and unscheduled murder incidents

1172. In addition to Scheduled Incidents A.6.1 to A.6.9 and B.13.1 to B.13.5, discussed above, the Indictment further alleges that the Accused is responsible for killing other Bosnian Muslims and Bosnian Croats in Prijedor Municipality between 12 May and 30 November 1992.⁴⁹⁰⁶

Miška Glava Dom (Schedule C.15.5)

1173. With regard to alleged murders committed in Miška Glava Dom, the Trial Chamber took judicial notice of a number of Adjudicated Facts.⁴⁹⁰⁷ The Trial Chamber also received evidence from **Elvedin Nasić** and **Nermin Karagić**, both Bosnian Muslims from Prijedor Municipality.⁴⁹⁰⁸

⁴⁹⁰⁶ Indictment, paras 39(a), 52, 59(a), 62.

⁴⁹⁰⁷ Adjudicated Facts I, nos 1079-1082 have been reviewed in chapters 4.10.2 *Schedule C.15.5*. Adjudicated Facts I, no. 1083 has been reviewed in chapter 4.10.3.

⁴⁹⁰⁸ **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210. Elvedin Nasić's evidence has been reviewed in chapter 4.10.2 *Schedule C.15.5*. See also relevant evidence of Nermin Karagić in chapter 4.10.2 *Schedule C.15.5*.

1174. **Nermin Karagić** testified that in late July 1992, while he was detained at Miška Glava Dom, a man arrived wearing an olive-grey uniform and black fingerless gloves.⁴⁹⁰⁹ He said 'I need a volunteer', pointed at someone, and took the person out.⁴⁹¹⁰ This happened at least three times and these people never returned.⁴⁹¹¹ When the man came back to the room his knife and gloves were stained with blood.⁴⁹¹² Another man came and said that he wanted ten volunteers from Rizvanovići.⁴⁹¹³ The man with black gloves said that the second man's son had been killed by the Muslims, and that the second man would do the same to the men he was taking away.⁴⁹¹⁴ The second man took ten detainees from Rizvanovići, as well as one from Cazin, and another from Višegrad.⁴⁹¹⁵ When the doors closed, the witness could hear a man being killed right outside the door; he heard his cries and it sounded as if his head was being squashed.⁴⁹¹⁶ The twelve detainees who left the room never returned.⁴⁹¹⁷ All detainees held with the witness were Muslims.⁴⁹¹⁸

1175. Based on the foregoing, the Trial Chamber finds that in late July 1992, a total of 15 Muslim detainees were taken away from Miška Glava Dom, some by a man under the control of the Miška Glava TO, and never returned. One of those detainees, a Bosnian Muslim, was killed at Miška Glava Dom, immediately after being taken out by a man under the control of the Miška Glava TO. The Trial Chamber has not received any evidence regarding what happened to the other fourteen detainees and where they were taken. The Trial Chamber will further consider this incident, with regard to the one detainee who was killed by a member of the Miška Glava TO immediately after being taken out of Miška Glava Dom, in relation to Counts 1 and 3-6 of the Indictment in chapter 8, below.

⁴⁹⁰⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5221-5222.

⁴⁹¹⁰ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.

⁴⁹¹¹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.

⁴⁹¹² P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5222.

⁴⁹¹³ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5222-5223; Nermin Karagić, T. 9103.

⁴⁹¹⁴ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5221.

⁴⁹¹⁵ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5221, 5223, 5525.

⁴⁹¹⁶ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5223; Nermin Karagić, T. 9110.

⁴⁹¹⁷ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5225; Nermin Karagić, T. 9131.

⁴⁹¹⁸ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5223.

Keraterm Camp (Schedule C.15.3)

1176. With regard to alleged murders committed in Keraterm Camp, beyond those included in Scheduled Incident B.13.1, the Trial Chamber has taken judicial notice of two Adjudicated Facts.⁴⁹¹⁹ The Trial Chamber also received evidence from **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality;⁴⁹²⁰ **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;⁴⁹²¹ and **Witness RM-385**, a Serb from Prijedor,⁴⁹²² and finds that this evidence is consistent with the Adjudicated Facts.⁴⁹²³ The evidence of **Witness RM-016**, a Bosnian Serb from Banja Luka,⁴⁹²⁴ has also been reviewed in chapter 4.10.2 *Schedule C.15.3*.

1177. **Jusuf Arifagić** stated that he saw detainees signing papers, after which they were put on the back of a military truck and driven away.⁴⁹²⁵ The truck would then return to Keraterm and take away other detainees.⁴⁹²⁶ On one occasion, Arifagić the witness was made to wash this truck and he saw blood in the back where the detainees were forced to lie.⁴⁹²⁷ He also observed dirt in the truck, which the witness described as ‘the mining dirt from Ljubija or Tomasica’.⁴⁹²⁸

1178. The Trial Chamber has carefully considered the evidence of Jusuf Arifagić, who was a detainee in Room 2, where the victims of these incidents were also held. He provided a detailed account of what happened at Keraterm camp, and in particular to these victims.⁴⁹²⁹ With regard to Emsud Bahonjić, the witness saw him taken away on the instruction of Zoran Zigić, he observed that he had been beaten on many occasions, and he also saw him die in Room 2. With regard to these incidents, the Trial Chamber has not identified any inconsistencies in Arifagić’s evidence and finds him reliable.

⁴⁹¹⁹ Adjudicated Facts I, nos 1032 and 1044 have been reviewed in chapter 4.10.2 *Schedule C.15.3*.

⁴⁹²⁰ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

⁴⁹²¹ P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.

⁴⁹²² P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

⁴⁹²³ **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16, 18; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), T. 7090-7091. **Witness RM-384**: P7313 (Witness RM-384, witness statement, 30 January 2014), para. 4. **Witness RM-385**: P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12. Jusuf Arifagić and Witnesses RM-008, RM-384 and RM-385’s evidence has been reviewed in chapter 4.10.2 *Schedule C.15.3*.

⁴⁹²⁴ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁴⁹²⁵ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.

⁴⁹²⁶ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.

⁴⁹²⁷ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.

⁴⁹²⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 19.

⁴⁹²⁹ See, in particular, P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16-17.

1179. Based on the foregoing, the Trial Chamber finds that around 24 June 1992, the detainee Emsud Bahunjić, who was 27 or 28 years old at the time, died as a result of injuries sustained during his continuous mistreatment by Zoran Zigić at Keraterm camp since his arrest on 26 May 1992. Considering that the detainees at Keraterm camp did not consist exclusively of Bosnian Muslims and Bosnian Croats, the Trial Chamber cannot exclude the possibility that the detainee was of another ethnicity. For this reason, the Trial Chamber will not further consider this incident.

1180. The Trial Chamber also finds that during the night of 2 to 3 July 1992, a Bosnian-Croat detainee called Drago, a policeman, died as a result of injuries suffered during a beating by guards, members of the SJB and VRS as found in chapter 4.10.2 *Schedule C.15.3*, at Keraterm camp that same night. The Trial Chamber recalls its finding in chapter 4.10.2 *Schedule C.15.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment.

1181. The Trial Chamber notes that Arifagić provided different accounts as to what happened to Fikret Avdić: in his witness statement he specified that Avdić was brought to a hospital while in his prior testimony he stated that Avdić died at the camp after having been beaten. Absent any clarification with regard to this inconsistency and lacking any further evidence concerning this victim, the Trial Chamber will not consider this further in relation to any Counts of the Indictment.

4.10.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.15.2

1182. According to the Indictment, the Accused is responsible for the detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Omarska camp, Prijedor Municipality, between 27 May and 21 August 1992.⁴⁹³⁰ The Defence argued that Omarska camp was not a detention facility, but a 'provisional investigation centre' for suspected combatants who were captured during combat or found to be illegally carrying arms.⁴⁹³¹ These individuals were processed regardless of

⁴⁹³⁰ Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.2.

⁴⁹³¹ Defence Final Brief, para. 960.

their ethnicity.⁴⁹³² It argued that this centre was under the full control of the local civilian authorities, namely the crisis staff and police.⁴⁹³³ The Defence further argued that the VRS was not present at Omarska camp, insisted that the Geneva Conventions be respected and strongly condemned police actions to the contrary.⁴⁹³⁴ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to events that took place at the camp.⁴⁹³⁵ It received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁴⁹³⁶ **Witness RM-054**, a Bosnian-Muslim TO member from Kozarac, Prijedor Municipality;⁴⁹³⁷ **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;⁴⁹³⁸ **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;⁴⁹³⁹ the following Bosnian Muslims from Prijedor: **Kerim Mešanović**, **Witness RM-026** (whose evidence is also reviewed in chapter 4.1.2 *Schedule C.1.2*), **Witness RM-065**, **Witness RM-017** (whose evidence is also reviewed in chapters 4.1.2 *Schedule C.1.2* and 4.10.1 *Schedule B.13.2*), and **Witness RM-033**;⁴⁹⁴⁰ and **Edward Vulliamy**, a journalist for the Guardian who covered events in Bosnia-Herzegovina in the period between 1992 and 1995;⁴⁹⁴¹ as well as documentary evidence,⁴⁹⁴² and finds that this evidence is consistent with the Adjudicated Facts.⁴⁹⁴³ The Trial Chamber also received

⁴⁹³² Defence Final Brief, para. 960.

⁴⁹³³ Defence Final Brief, paras 67, 960-961,

⁴⁹³⁴ Defence Final Brief, para. 963.

⁴⁹³⁵ These are set out below, but also include Adjudicated Facts 1007, 1008, 1018, 1019, and 1012-1014 in chapter 4.10.1 *Schedule B.13.2*.

⁴⁹³⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁴⁹³⁷ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.

⁴⁹³⁸ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁴⁹³⁹ P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.

⁴⁹⁴⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance); P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2; P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.

⁴⁹⁴¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

⁴⁹⁴² P3928 (Newsday article, 2 August 1992), pp. 1-4; P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 6, 29-32.

⁴⁹⁴³ **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6612-6617, 6636-6639, 6640-6644, 6677-6681; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model); Nusret Sivac, T. 4814, 4870-4871, 4874, 4876, 4878. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 30, 33, 36-37, 39-41, 43, 45, 50-51, 54, 68; P3420 (Still photograph); P3421 (Still photograph). **Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* Transcript, 6-7 June 2000), pp. 2648-2650, 2658-2663, 2728-2731, 2736-2737, 2749-2750, 2771; P3412 (Diagram of Omarska camp, administration building). **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012),

evidence from **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992 (also reviewed in chapter 4.10.2 *Schedule C.15.4*);⁴⁹⁴⁴ **Adil Medić**, a Muslim from Ključ and leader of the ‘Muslim Corps’ commission for camp- and prisoner-related problems;⁴⁹⁴⁵ **Witness RM-016**, a Bosnian Serb from Banja Luka;⁴⁹⁴⁶ **Witness RM-385**, a Serb from Prijedor;⁴⁹⁴⁷ **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;⁴⁹⁴⁸ **Jusuf Arifagić**, a Bosnian Muslim from Kozarac in Prijedor Municipality (reviewed in chapter 4.10.1 *Schedule B.13.2*);⁴⁹⁴⁹ **Rade Javorić**, Commander of the Prijedor TO staff since 16 September 1991 (reviewed in chapter 4.10.2 *Schedule C.15.4*);⁴⁹⁵⁰ **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;⁴⁹⁵¹ **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994 (reviewed in chapter 4.1.2 *Schedule C.1.2*);⁴⁹⁵² and **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war (reviewed in chapter 4.10.2 *Schedule C.15.4*),⁴⁹⁵³ as well as documentary evidence.⁴⁹⁵⁴

paras 52, 55-56; Mevludin Sejmenović, T.3525-3527, 3570. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 25-31, 33, 36; P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 2 (attestation), witness statement of 28 August 2000, p. 2; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1271-1272, 1276-1277, 1281-1283, 1285-1286; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), pp. 10316-10317; P3275 (Videos of Omarska and Manjača camp); P3279 (Table of Concordance). **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 12-14, 20. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6201. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 137, 139-140, 142-143, 151. **Edward Vulliamy**: P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7939-7941, 7943-7946, 7966-7967, 7991-7992, 7999, 8109-8111, 8016-8019, 8025-8026, 8115-8120; Edward Vulliamy, T. 2589, 2592-2596, 2678, 2692, 2696; P200 (Video-footage of visit to camps in Prijedor, August 1992), 00:59-1:07, 2:01-2:26, pp. 1-2; P204 (Article authored by the witness published in the *Guardian* on 7 August 1992), pp. 1-3; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 1:56-2:45, 2:52-3:18, 3:20-3:26, 3:31-4:10, p. 2; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 00:40-5:44, pp. 1-7.

⁴⁹⁴⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁴⁹⁴⁵ P154 (Adil Medić, witness statement, 31 January 1996), p. 1, para. 4; Adil Medić, T. 2033.

⁴⁹⁴⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁴⁹⁴⁷ P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

⁴⁹⁴⁸ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

⁴⁹⁴⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

⁴⁹⁵⁰ D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

⁴⁹⁵¹ D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.

⁴⁹⁵² P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2.

⁴⁹⁵³ D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

⁴⁹⁵⁴ P2900 (Banja Luka CSB report, 18 August 1992) (also reviewed in chapter 4.10.2 *Schedule C.15.3*); P3878 (New York Times article on the ‘Conflict in the Balkans’, 9 August 1992) (also reviewed in chapter 4.1.2 *Schedule C.1.2*); P3928 (Newsday article, 2 August 1992); P4039 (Regular Combat Report from 1KK Command, 7 August 1992); P3963 (List of 1st category persons held in Omarska camp, 28 July 1992); P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992); P4163

Establishment, structure, and security at Omarska camp

1183. Omarska camp was established by the civilian authorities of Prijedor Municipality at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village.⁴⁹⁵⁵ The camp was in operation from 25 May 1992.⁴⁹⁵⁶ Staff and detainees began arriving around 27 May 1992, and on 31 May 1992 Simo Drljača, chief of the Prijedor Municipality SJB, and a member of the Prijedor Crisis Staff, issued the official order to establish the camps.⁴⁹⁵⁷ The order was pronounced ‘in accordance with the Decision of the Crisis Staff’ and established the responsibilities of various actors. The order charged a ‘mixed group consisting of national, public and military security investigators’ with the interrogation and resulting categorization of the detainees. This ‘mixed group’ was comprised of members of the crime branches of the public and state security services, as well as military investigators.⁴⁹⁵⁸ The same order assigned responsibility for the work of the investigators to three named coordinators: Ranko Mijić, Mirko Jesić, and Lieutenant Colonel Majstorović.⁴⁹⁵⁹ Paragraph 6 of the order stated that ‘Security services at the collection centre shall be provided by the Omarska Police Station’, and according to paragraph 2, ‘the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public, and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees’.⁴⁹⁶⁰

1184. The majority of the detainees at the camp were housed in the hangar, which was the largest of four buildings on the site of the camp, running north-south.⁴⁹⁶¹ The main part of the hangar had been designed for the heavy trucks and machinery used in the iron-ore mine and ran along the eastern side of the building.⁴⁹⁶² The western side consisted of two floors of over 40 separate rooms.⁴⁹⁶³ There were three other structures

(Channel Four news report) (reviewed in chapter 4.2.2 *Schedule C.2.1*); P7194 (Public announcement by Branko Derić, 7 August 1992).

⁴⁹⁵⁵ Adjudicated Facts I, nos 946-947.

⁴⁹⁵⁶ Adjudicated Facts I, no. 947.

⁴⁹⁵⁷ Adjudicated Facts I, nos 955-956. The Trial Chamber notes that this Adjudicated Fact relates to the establishment of more than one camp but determines that Omarska camp is one of the camps referenced.

⁴⁹⁵⁸ Adjudicated Facts I, no. 957.

⁴⁹⁵⁹ Adjudicated Facts I, no. 958.

⁴⁹⁶⁰ Adjudicated Facts I, no. 959.

⁴⁹⁶¹ Adjudicated Facts I, no. 991.

⁴⁹⁶² Adjudicated Facts I, no. 991.

⁴⁹⁶³ Adjudicated Facts I, no. 991.

on the Omarska camp site: the administration building, and two smaller structures known as the ‘white house’ and the ‘red house’.⁴⁹⁶⁴ The administration building lay at the north of the grounds and was divided in two parts.⁴⁹⁶⁵ The single-storied western part contained a kitchen and eating area, and the eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates’ sleeping quarters.⁴⁹⁶⁶ There was also a small garage at the far north or outer edge of the building.⁴⁹⁶⁷ **Witness RM-065** stated that around 12 to 14 days into his detention at Omarska camp, a detainee named Mujo Crnalić helped him get transferred to a room in the building where the restaurant was.⁴⁹⁶⁸ Approximately 600 to 700 people slept in this room.⁴⁹⁶⁹ The room became known and was referred to as ‘Mujo’s room’.⁴⁹⁷⁰ In this building, there was a glassed-in area without a ceiling where what the witness described as ‘so called light prisoners’ were held, including ex-soldiers who were in Pakrac/Lipik and some of the richer prisoners who according to the witness paid between 20,000 and 30,000 DEM to be allowed to stay there.⁴⁹⁷¹ To the west of the hangar building was a grassed area on the western side of which lay the white house, a small rectangular single-storied building, having a central corridor with two rooms on each side and one small room at its end, not wider than the corridor itself.⁴⁹⁷² To the north of the hangar was an open concrete area, known as the *pista*.⁴⁹⁷³

1185. According to a decision of the Prijedor Crisis Staff, referenced in a report by the Prijedor, Bosanski Novi, and Sanski Most SJB, and the Commission for the Inspection of the Municipalities, Omarska was placed under the direct supervision of the police and

⁴⁹⁶⁴ Adjudicated Facts I, no. 992.

⁴⁹⁶⁵ Adjudicated Facts I, no. 995.

⁴⁹⁶⁶ Adjudicated Facts I, nos 993, 995.

⁴⁹⁶⁷ Adjudicated Facts I, no. 995.

⁴⁹⁶⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31, witness statement of 28 August 2000, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1287-1288; P2585 (Witness RM-026, witness statements), witness statement of 23 September 1994, p. 9.

⁴⁹⁶⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1289.

⁴⁹⁷⁰ The Trial Chamber notes that there are frequent references in the evidence in this chapter, including from witness Nusret Sivac, Witness RM-065, Witness RM-017, Witness RM-026, to ‘Mujo’s room’ and even ‘Buhro’s and Mujo’s room’ where various incidents are alleged to have taken place.

⁴⁹⁷¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 29; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), pp. 10315-10316; P3275 (Videos of Omarska and Manjača camp). *See also* P3279 (Table of Concordance).

⁴⁹⁷² Adjudicated Facts I, no. 998.

⁴⁹⁷³ Adjudicated Facts I, no. 993.

the army.⁴⁹⁷⁴ The police were charged with securing the administration building, workshops and garages, while the army secured sentry posts and the mining of certain areas.⁴⁹⁷⁵ The camp was staffed mainly by the police.⁴⁹⁷⁶ Željko Mejakić was the ‘chief of security’ to which Simo Drljača’s order of 31 May 1992 referred and he was responsible for allocating detainees to the different detention sites in the camp.⁴⁹⁷⁷ Mejakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed.⁴⁹⁷⁸ Dušan Janković, Head of the SJB in Prijedor throughout the duration of Omarska camp’s existence, was immediately subordinated to Simo Drljača and supervised the implementation of his order of 31 May 1992.⁴⁹⁷⁹ His duties in this regard were to be carried out in collaboration with the Banja Luka Security Services Centre.⁴⁹⁸⁰ His work required the approval of the regional superiors of each branch involved in the operation of the camp.⁴⁹⁸¹ In a report to the Crisis Staff dated 1 July 1992, Simo Drljača confirmed that ‘Conclusion number 02-111-108/92, by which the release of detainees is prohibited, is being fully observed’.⁴⁹⁸² There were three sub-offices or ‘Police Station Departments’ attached to the Prijedor Police Station’.⁴⁹⁸³ Miroslav Kvočka, as duty officer in Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp.⁴⁹⁸⁴

1186. Witnesses, who were detained at the camp during different periods, provided evidence about their observations of the security structures and individual guards at the camp. **Nusret Sivac** testified that the camp commander was Željko Mejakić and, later on, Miroslav Kvočka.⁴⁹⁸⁵ He also recalled the following guards’ names: Miroslav Kos a.k.a. Kule, and Drago Prcać.⁴⁹⁸⁶ **Witness RM-065** stated that he learned that Miroslav

⁴⁹⁷⁴ P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 6, 29, 32.

⁴⁹⁷⁵ P2900 (Banja Luka CSB report, 18 August 1992), p. 4.

⁴⁹⁷⁶ Adjudicated Facts I, no. 946.

⁴⁹⁷⁷ Adjudicated Facts I, no. 960. The Trial Chamber notes that Željko Mejakić is referred to and spelt differently throughout the evidence and determines that such references relate to the same person. References to Željko Mejakić throughout this chapter are, accordingly, harmonised so that they are spelt in the same way.

⁴⁹⁷⁸ Adjudicated Facts I, no. 964. The Trial Chamber determines that the reference in the Adjudicated Facts to ‘Kvočka’ refers to Miroslav Kvočka.

⁴⁹⁷⁹ Adjudicated Facts I, nos 961, 963.

⁴⁹⁸⁰ Adjudicated Facts I, no. 961.

⁴⁹⁸¹ Adjudicated Facts I, no. 961.

⁴⁹⁸² Adjudicated Facts I, no. 962.

⁴⁹⁸³ Adjudicated Facts I, no. 964.

⁴⁹⁸⁴ Adjudicated Facts I, no. 965.

⁴⁹⁸⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6615-6617.

⁴⁹⁸⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6616.

Kvočka, who wore a camouflage uniform that was different from the uniforms worn by the regular police and was armed with a ‘Scorpion gun’, was the first commander of Omarska camp.⁴⁹⁸⁷ The witness saw Kvočka almost every day in the beginning of his detention, walking around the camp and the *pista* where he would have been able to see the poor treatment of the detainees.⁴⁹⁸⁸ The witness stated that there were three different shifts and that it was common knowledge among the detainees and apparent from the guards’ behaviour that Krkan, Gruban, and Milojica Kos, a.k.a. Krle, were the commanders of these shifts.⁴⁹⁸⁹ The witness stated that the conditions of detention were brutal in all shifts but that Krkan’s and Gruban’s shifts were the worst.⁴⁹⁹⁰

1187. **Witness RM-017** stated that Kvočka was dismissed as commander of the camp and replaced by Željko Mejakić.⁴⁹⁹¹ **Kerim Mešanović** saw Željko Mejakić, the camp commander, on a daily basis.⁴⁹⁹² Mejakić told the witness on one occasion that all of the detainees were POWs and that all he could do for the witness was to move him to the glass house, which was under his personal protection.⁴⁹⁹³ The witness also saw Ranko Mijić on a daily basis in Omarska camp, and he saw Jesić and Majstorović several times.⁴⁹⁹⁴ The shift commanders the witness saw at Omarska included men nicknamed ‘Krle’ and ‘Čkalja’.⁴⁹⁹⁵ Miroslav Kvočka seemed to be Krkan’s deputy.⁴⁹⁹⁶ Krkan would usually wear a police camouflage uniform.⁴⁹⁹⁷ Kvočka was replaced by Dragoljub Prcać in the first half of July 1992.⁴⁹⁹⁸ **Witness RM-033** stated that upon arrival at Omarska, the witness learned from women held at the camp that Dragoljub Prcać was the camp warden.⁴⁹⁹⁹ In the camp, there were guards wearing grey-green coloured military uniforms and police uniforms.⁵⁰⁰⁰ The witness also learned from the

⁴⁹⁸⁷ P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 3.

⁴⁹⁸⁸ P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, pp. 3-4.

⁴⁹⁸⁹ P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4.

⁴⁹⁹⁰ P3271 (Witness RM-065, witness statements), witness statement of 28 August 2000, p. 4.

⁴⁹⁹¹ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 20-21.

⁴⁹⁹² P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 35, 48.

⁴⁹⁹³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 48.

⁴⁹⁹⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 33-34.

⁴⁹⁹⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 36-37.

⁴⁹⁹⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36.

⁴⁹⁹⁷ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36.

⁴⁹⁹⁸ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 36. The Trial Chamber notes that Dragoljub Prcać is referred to and spelt differently throughout the evidence and determines that such references relate to the same person. References to Dragoljub Prcać throughout this chapter are, accordingly, harmonised so that they are spelt in the same way.

⁴⁹⁹⁹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6208-6211.

⁵⁰⁰⁰ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6253.

women held at the camp that Mlađo Radić a.k.a. Krkan was the 'leader of a shift'.⁵⁰⁰¹

Witness RM-065 stated that one of the Serb guards was Paspalj who was 30 to 40 years old and walked with a limp.⁵⁰⁰² **Witness RM-017** stated that three to four guards were usually inside the white house; the witness recalled the names of two of them as Nenad 'Nešo' Janić and Krstan Zavešić.⁵⁰⁰³

1188. **Adil Medić** testified that, according to information given to him, Radoslav Brđanin was in control of Omarska camp and the employment of guards had to be cleared with him.⁵⁰⁰⁴ A detainee, Mevludin Sejmenović, a member of the Assembly of Bosnia-Herzegovina from Kozarac, was released after Kuprešanin and Brđanin intervened.⁵⁰⁰⁵ **Branko Berić** also testified that he had heard that Mevludin Sejmenović had been taken to Omarska for questioning, taken out by Vojo Kuprešanin, and then taken to Banja Luka, before going to Belgrade.⁵⁰⁰⁶

1189. **Mevludin Sejmenović** testified that Omarska camp was guarded mostly by the military.⁵⁰⁰⁷ There was a checkpoint with soldiers on the road leading to Omarska itself and another by the railroad in Omarska, and there were sandbags and machinegun-nests along the road from Omarska to the camp.⁵⁰⁰⁸ At some point halfway, near the mine installations, there was another military checkpoint.⁵⁰⁰⁹ Inside the camp, soldiers marched up and down the areas where the detainees were.⁵⁰¹⁰ There were also men wearing blue police uniforms and men wearing special police uniforms, which were camouflage coloured with a slight purple hue.⁵⁰¹¹

1190. **Witness RM-016** testified that in 1992, Omarska camp was in the area of responsibility of the 1KK.⁵⁰¹² **Sivac** testified that the external security of Omarska camp

⁵⁰⁰¹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6214-6215.

⁵⁰⁰² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 27-28; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1285.

⁵⁰⁰³ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 18.

⁵⁰⁰⁴ P154 (Adil Medić, witness statement, 31 January 1996), para. 31; P155 (Adil Medić, supplemental witness statement, 9 November 2001), p. 3.

⁵⁰⁰⁵ P154 (Adil Medić, witness statement, 31 January 1996), para. 31.

⁵⁰⁰⁶ D928 (Branko Berić, witness statement, 26 June 2014), para. 36.

⁵⁰⁰⁷ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3525-3527.

⁵⁰⁰⁸ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3570.

⁵⁰⁰⁹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55.

⁵⁰¹⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55; Mevludin Sejmenović, T. 3570.

⁵⁰¹¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 55.

⁵⁰¹² P2375 (Witness RM-016, witness statement, 5 August 2013), para. 77.

consisted of VRS members from the 5th Kozarska Brigade or the 43rd Brigade.⁵⁰¹³ They were peasants and ‘criminals’ from Bosanski Novi and were mobilised from the area around Omarska into the VRS and they provided the external security of the camp, comprising two rings with a minefield between them.⁵⁰¹⁴ The internal security of the camp included members of the active duty police, the reserve police, and mobilised soldiers of the VRS.⁵⁰¹⁵ One of the security rings was established 500 to 600 metres from the mine complex, shortly after Omarska camp was established, with a guard every 200 metres.⁵⁰¹⁶ These posts were staffed by members of the Omarska TO, who were tasked with preventing unauthorized persons from entering the camp (to repel possible attacks by Muslim forces) as well as with ensuring that no detainees escaped.⁵⁰¹⁷

1191. Interrogations were carried out in the administration building by mixed teams of investigators from the army and the state and public security services in Banja Luka.⁵⁰¹⁸ **Radulović** testified that several interrogation teams responsible for interrogating non-Serb detainees and each composed of one SJB member, one SNB member, and one member of the VRS military security, were assigned to detention facilities in Prijedor, and in particular to Omarska and Keraterm camps.⁵⁰¹⁹ Upon recommendation of Kesić, Župljanin tasked Vojin Bera with the responsibility of determining the composition of these teams.⁵⁰²⁰ National Security Service members such as Radimir Rodić, a person called Rakita, Dušan Pavlović, Duško Jelišić, Đuro Savić, Slavko Malešević, Jugoslav Rodić, and a person called Međedović were part of these teams.⁵⁰²¹ According to a document from Simo Drljača, Chief of Prijedor SJB, sent to CSB Banja Luka and dated 9 August 1992, the administration building of the Omarska mine housed a remand centre for 175 POWs, who were undergoing criminal investigations for the armed rebellion in Prijedor Municipality and were treated in accordance with the Geneva Convention.⁵⁰²² This centre was secured by the Prijedor SJB.⁵⁰²³

⁵⁰¹³ Nusret Sivac, T. 4815.

⁵⁰¹⁴ Nusret Sivac, T. 4815, 4838.

⁵⁰¹⁵ Nusret Sivac, T. 4815.

⁵⁰¹⁶ Adjudicated Facts I, no. 968.

⁵⁰¹⁷ Adjudicated Facts I, no. 968.

⁵⁰¹⁸ Adjudicated Facts I, no. 994.

⁵⁰¹⁹ P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 139, 142-143, 151.

⁵⁰²⁰ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 139.

⁵⁰²¹ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 139.

⁵⁰²² P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).

⁵⁰²³ P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).

Detainees at Omarska camp

1192. According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities dated 18 August 1992, on 27 May 1992, pursuant to a decision of the Prijedor Crisis Staff, all POWs from the Keraterm facility were transferred with a police escort to Omarska.⁵⁰²⁴ A total of 3,334 people, including 3,197 Muslims, 125 Croats, and 11 Serbs (3,297 men, 37 women, 28 people under 18 and 68 people over 60) were brought to Omarska between 27 May and 16 August 1992.⁵⁰²⁵ Omarska camp held as many as 3,000 prisoners at one time, primarily men, and at least 36 to 38 women.⁵⁰²⁶

1193. The Trial Chamber received evidence about specific instances of people arriving and subsequently being detained at Omarska camp. **Predrag Radulović** stated that two Miloš group reports dated 28 and 30 May 1992 noted that non-Serbs, including children, women, and elderly, were arrested around 28 May 1992 in Prijedor and subsequently detained in inhumane conditions in the detention facilities established around Prijedor.⁵⁰²⁷ **Kerim Mešanović** stated that on 24 June 1992, a policeman called Bato Kovačević came to his workplace and informed him that he was wanted for something in Omarska.⁵⁰²⁸ The witness was escorted by two policemen to his home, where his wife, a Serb, begged the policemen not to take the witness away; one of them named Cvijić responded ‘if you don’t shut up, you will go with him, you Muslim whore’.⁵⁰²⁹ The witness was taken to Omarska and en route he was struck a blow to his mouth, which caused him to lose four teeth.⁵⁰³⁰ He fell to his knees and felt a blow on his back.⁵⁰³¹ He could hear laughter and somebody saying ‘hit the Ustaša’ and ‘hit the Mujahedin’.⁵⁰³² **Witness RM-054** stated that he, together with three other men and one woman were taken to Omarska camp on or around 10 June 1992 by two armed men in military uniform.⁵⁰³³ Some of the 20 Bosnian-Muslim male detainees, who were at the

⁵⁰²⁴ P2900 (Banja Luka CSB report, 18 August 1992), pp. 3-4, 6, 29-30.

⁵⁰²⁵ P2900 (Banja Luka CSB report, 18 August 1992), pp. 4-5, 30.

⁵⁰²⁶ Adjudicated Facts I, nos 948, 950.

⁵⁰²⁷ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 137.

⁵⁰²⁸ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 24.

⁵⁰²⁹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 24.

⁵⁰³⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 26-27.

⁵⁰³¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 26.

⁵⁰³² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 26.

⁵⁰³³ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2622, 2624, 2628-2629, 2645-2648.

white house on or around that day, were from Prijedor Town and from villages including Čarakovo, Biščani, and Rizvanovići.⁵⁰³⁴

1194. **Sivac** testified that on 10 June 1992 the police arrested him, Safet Ramadović, Omer Kerenović - a criminal law judge at the Prijedor municipal court - and Ivica Muntijan - a Croat who worked at the same court.⁵⁰³⁵ They were transported in a police van by Tomislav Stojaković and Rade Strika Bolta to the administration building at the Keraterm camp, and, upon order of Ranko Mijić, further transferred to Omarska camp.⁵⁰³⁶ Shortly after his arrival the witness was released on the orders of Ranko Mijić, as he had mistakenly been brought to the camp; the name on the list was that of the witness's sister, Nusreta Sivac.⁵⁰³⁷ That night the witness's sister was arrested and taken to Omarska camp.⁵⁰³⁸ She was working as a judge at the Prijedor municipal court until the SDS takeover.⁵⁰³⁹ On 20 June 1992, the witness was arrested again and taken to Omarska camp, together with: Ago Sadiković, former Prijedor SUP inspector; Sifeta Sušić, who worked in the criminal evidence unit in the Prijedor SUP; Tesma Elezović, a woman who worked at the mountaineer's lodge at Kozara Mount; Semir Malovčić, a 13 or 14-year-old boy; and Osman Mahmuljin, an eminent Prijedor physician.⁵⁰⁴⁰ They were all beaten very badly by members of an intervention platoon who escorted them to the camp, including Dado Mrđa and Zoran Babić; Mahmuljin was beaten so badly that he could not move and the other detainees had to carry him to the police vans that were transporting them.⁵⁰⁴¹ **Branko Berić** testified that in the summer of 1992, he knew that the conditions at Omarska were harsh, but he was not aware of any crimes committed there.⁵⁰⁴² The witness testified that Nusret Sivac was interrogated at Omarska camp, released to Trnopolje Reception Centre and then went home to Prijedor.⁵⁰⁴³

1195. **Witness RM-065** stated that on 24 June 1992 around 9 a.m., a man named Kovačević, who was wearing a police uniform, came to his house and took him to the

⁵⁰³⁴ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2622, 2624, 2628-2629, 2645-2648, 2655-2656, 2657.

⁵⁰³⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6609.

⁵⁰³⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6608-6610, 6619.

⁵⁰³⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614.

⁵⁰³⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614.

⁵⁰³⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6614-6615.

⁵⁰⁴⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6619-6620, 6623.

⁵⁰⁴¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6620-6621.

⁵⁰⁴² Branko Berić, T. 32859-32860.

⁵⁰⁴³ Branko Berić, T. 32849, 32854-32857.

police station where he was placed in a cell with Aziz Maksuti.⁵⁰⁴⁴ After some time, Dado Zobra - a Croat, Nihad Basić, Kerim Mesanović, and three young men from Ališić were also brought into the cell.⁵⁰⁴⁵ At 10 p.m., policemen in uniforms, shouting ‘go out you Ustaša, I fuck your mothers’, took the men outside, placed them against a wall with their legs spread and their hands up, and then began kicking them and beating them with police batons.⁵⁰⁴⁶ The men were then forced to run towards a van between two lines of policemen that were beating them, and once they were loaded into the van, they were taken to Omarska camp.⁵⁰⁴⁷ Upon arrival in Omarska camp the witness was taken to the white house where there were 60 to 70 people from the Kozarac area.⁵⁰⁴⁸ On 9 July 1992, **Witness RM-026**, along with 50 other detainees was driven by bus to Omarska.⁵⁰⁴⁹ The two or three ‘chetnik’ guards on the bus beat the detainees and forced them to sing ‘chetnik’ songs.⁵⁰⁵⁰ At every checkpoint, ‘chetniks’ wearing uniforms got on and off the bus just to beat the detainees.⁵⁰⁵¹ **Witness RM-065** stated that sometime in mid-July 1992 buses arrived at the camp with people mainly from Rizvanovići and Bišćani, who were interrogated and severely beaten.⁵⁰⁵²

1196. With few exceptions, all prisoners in Omarska were Muslims or Croats, and the Serb prisoners held in Omarska were said to have been there because they were on the side of the Muslims.⁵⁰⁵³ **Witness RM-065** stated that nine male detainees at the white house, who he identified, were not soldiers and wore civilian clothing, and that all were Muslim, except for one Croat.⁵⁰⁵⁴ The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl.⁵⁰⁵⁵ Boys as young as 15 years old were seen in the early days of the camp, as well as some elderly people.⁵⁰⁵⁶

⁵⁰⁴⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 22, 24

⁵⁰⁴⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 24

⁵⁰⁴⁶ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 24-25.

⁵⁰⁴⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25.

⁵⁰⁴⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25, witness statement of 28 August 2000, p. 3; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1271-1272; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10315; P3275 (Videos of Omarska and Manjača camp), 00:38. *See also* P3279 (Table of Concordance).

⁵⁰⁴⁹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2388.

⁵⁰⁵⁰ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁵⁰⁵¹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁵⁰⁵² P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1283, 1286.

⁵⁰⁵³ Adjudicated Facts I, no. 949.

⁵⁰⁵⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 26; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1276-1277.

⁵⁰⁵⁵ Adjudicated Facts I, no. 999.

⁵⁰⁵⁶ Adjudicated Facts I, no. 950.

1197. Inmates at Omarska were unofficially grouped into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities, who were earmarked for elimination; persons who associated themselves with those from the first category; and detainees that were in the view of the Bosnian-Serb authorities the least 'guilty', and eventually were to be released.⁵⁰⁵⁷ However, in practice, people from all three categories were kept detained in the camp.⁵⁰⁵⁸ The prominent members of the Bosnian-Muslim and Bosnian-Croat local communities imprisoned in Omarska camp included Professor Muhamed Čehajić, the mayor of Prijedor prior to the Bosnian-Serb take-over.⁵⁰⁵⁹ **Sivac** testified that he saw the following political leaders in the camp: Silvje Sarić, president of the Croatian Democratic Union; Idriz Jakupović, a member of the Socialist Democratic Party; and Rizo Beglerbegović, a member of the reformist forces led by Ante Marković.⁵⁰⁶⁰ **Mešanović** stated that the first category also included the wealthy and those who were declared to have taken part in combat and that these people were beaten or murdered.⁵⁰⁶¹ Many were taken to the mine field behind the red house and never returned which the witness assumed to mean that they were killed.⁵⁰⁶² A list of '1st category persons' held in Omarska camp, dated 28 July 1992, records a total of 174 people.⁵⁰⁶³ According to Mešanović, category two consisted of people who were 'supposed to survive but serve out the sins ascribed to them', such as obtaining weapons, helping financially or being politically active on the side of the SDA.⁵⁰⁶⁴ Minors and mentally impaired individuals were also detained at the camp.⁵⁰⁶⁵ Mešanović did not see any detainees in uniforms.⁵⁰⁶⁶

1198. **Witness RM-065** stated that on 23 July 1992, he was removed from 'Mujo's room' by Momir Gruban, a.k.a. Čkalja, and told that he was in the first category of detainees and was going to be killed, but that if he gave the guards money they would help him.⁵⁰⁶⁷ The witness was unable to get the money.⁵⁰⁶⁸

⁵⁰⁵⁷ Adjudicated Facts I, no. 951.

⁵⁰⁵⁸ Adjudicated Facts I, no. 951.

⁵⁰⁵⁹ Adjudicated Facts I, no. 952.

⁵⁰⁶⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6630.

⁵⁰⁶¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 40-41.

⁵⁰⁶² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 41.

⁵⁰⁶³ P3963 (List of 1st category persons held in Omarska camp, 28 July 1992).

⁵⁰⁶⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 42.

⁵⁰⁶⁵ Adjudicated Facts I, no. 953.

⁵⁰⁶⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 44.

⁵⁰⁶⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 31; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1289-1290, 1292-1294.

⁵⁰⁶⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 2 (attestation), 27, 31-32; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1291-1294; P3276

1199. Omarska camp was in operation until late August 1992 when the prisoners were transferred to other camps.⁵⁰⁶⁹ **Witness RM-065** stated that on 6 August 1992, the removal of detainees to Manjača camp started through a roll-call by a policeman called Zgonjanin a.k.a Koka who read names from a list.⁵⁰⁷⁰ The witness was in a group of 20 to 30 detainees who were not called out to leave although his name was later called out.⁵⁰⁷¹ When walking close to a man with the list of names, the witness was able to see that around 700 detainees in category three had been called out and that they were to be sent to Trnopolje.⁵⁰⁷² The witness was in a group of around 300 detainees that were removed by Momir Gruban a.k.a Ckalja to the hangar.⁵⁰⁷³ The witness overheard one Serb saying to another that he had to bring 165 men from the hangar to the garage.⁵⁰⁷⁴ Ante Slutaj, a Croat among the 165 men whom he understood to have survived the killing, later told the witness that when the other detainees had left Omarska, beds and blankets were distributed to the remaining detainees and the day immediately following this distribution, international media representatives visited Omarska camp.⁵⁰⁷⁵ Of the 165 prisoners sent to the garage, two were killed.⁵⁰⁷⁶ The hangar was completely packed with people.⁵⁰⁷⁷ The witness later learned that 1,360 people were moved from Omarska camp to Manjača camp.⁵⁰⁷⁸ **Witness RM-054** was kept at the camp until 6 August 1992.⁵⁰⁷⁹ **Witness RM-026** stated that on 6 August 1992, the day of his transfer to Manjača camp, about 170 detainees remained in Omarska camp.⁵⁰⁸⁰ Around 26 August 1992, the witness heard, from Omarska detainees transferred to Manjača, that beds had

(Three messages written by Witness RM-065, 11 July, 24 July, and 1 August 1992), pp. 1-2. *See also* P3279 (Table of Concordance).

⁵⁰⁶⁹ Adjudicated Facts I, no. 947.

⁵⁰⁷⁰ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34.

⁵⁰⁷¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1295.

⁵⁰⁷² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 34-35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

⁵⁰⁷³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31, 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1296.

⁵⁰⁷⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

⁵⁰⁷⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35.

⁵⁰⁷⁶ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1305.

⁵⁰⁷⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35,

⁵⁰⁷⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 35; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1296, 1305.

⁵⁰⁷⁹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2648, 2750.

⁵⁰⁸⁰ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 9-10; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2388.

been placed into the rooms and that Omarska camp had been cleaned up.⁵⁰⁸¹ The ‘chetniks’ had told the remaining detainees to tell journalists or Red Cross delegates who might question them that they had only been held for 15 days.⁵⁰⁸² **Sivac** testified that on 7 August 1992 he left the camp in a group that was transferred to Trnopolje camp.⁵⁰⁸³ **Mešanović** stated that a few weeks after Brđanin’s visit, all but about 100 people were moved out from Omarska.⁵⁰⁸⁴ The Trial Chamber notes that Brđanin visited Omarska camp in July 1992.⁵⁰⁸⁵

1200. According to a combat report signed by Zdravko Đurić, sent from the 1KK Command, to the VRS Main Staff on 7 August 1992, 1,460 ‘POWs’ from Omarska were delivered to the Manjača ‘POW Camp’.⁵⁰⁸⁶ Of the total number of persons processed at Omarska by mid-August 1992, 1,773 were transferred to facilities in Trnopolje and 1,331 to Manjača camp, in Banja Luka.⁵⁰⁸⁷

Conditions of detention

1201. The new arrivals at Omarska were sent either to stay outside on the *pista* or to rooms in the hangar or in the small garages in the office blocks or, if so selected, to the white house.⁵⁰⁸⁸ Sometimes 200 persons were held in a room of 40 square metres, and 300 prisoners were confined in one small room.⁵⁰⁸⁹ Some Omarska prisoners spent the time crowded together in the lavatories, where prisoners were packed one on top of the other and often had to lie in the midst of excrement.⁵⁰⁹⁰ The crowded rooms were stifling in the summer heat and often guards refused to open windows in overcrowded rooms or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.⁵⁰⁹¹

1202. **Witness RM-017** estimated that approximately 1,500 people were already being held in a room behind the camp’s kitchen when he arrived in May 1992.⁵⁰⁹² However,

⁵⁰⁸¹ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.

⁵⁰⁸² P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 10.

⁵⁰⁸³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6687.

⁵⁰⁸⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 71.

⁵⁰⁸⁵ See Adjudicated Facts I, no. 966.

⁵⁰⁸⁶ P4039 (Regular Combat Report from 1KK Command, 7 August 1992).

⁵⁰⁸⁷ Adjudicated Facts I, no. 1006.

⁵⁰⁸⁸ Adjudicated Facts I, no. 969.

⁵⁰⁸⁹ Adjudicated Facts I, no. 970.

⁵⁰⁹⁰ Adjudicated Facts I, no. 970.

⁵⁰⁹¹ Adjudicated Facts I, no. 971.

⁵⁰⁹² P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11, 13.

the witness was taken to an electricity supply room together with about 150 other men, and remained there until his last day in the camp on 5 August 1992.⁵⁰⁹³ After 30 May 1992, more detainees were brought to the witness's room, which caused the room to become overcrowded.⁵⁰⁹⁴ After about one month, all detainees were registered.⁵⁰⁹⁵ In addition, two buses with about 150 young men in total, including Mustafa Balić, who had been caught escaping from the woods, entered the camp during the witness's first night.⁵⁰⁹⁶ Guards hit and kicked them with every weapon they had before taking them to a small garage in the building with the restaurant.⁵⁰⁹⁷ Some men were injured and others died in the garage.⁵⁰⁹⁸

1203. **Mešanović** stated that upon his arrival at Omarska, he was sent to the white house.⁵⁰⁹⁹ After having tried to enter two overcrowded rooms, he and seven other detainees were told to enter the second room to the right.⁵¹⁰⁰ Altogether, there were 53 people in this room of no more than 20 square metres and the detainees were not allowed to talk.⁵¹⁰¹ Detainees were taken out to toilets in groups of ten.⁵¹⁰²

1204. The prisoners were fed in batches of about 30 at a time and had to run to and from their daily meal, often being beaten by guards as they came and went.⁵¹⁰³ As a rule, food at Omarska amounted to starvation rations, usually spoiled: detainees were fed once a day a small piece of bread, stew, and some cabbage, whereas the camp personnel enjoyed proper food.⁵¹⁰⁴ Prisoners were allowed only a minute or two in which to eat.⁵¹⁰⁵ Drinking water was often denied to the prisoners for long periods.⁵¹⁰⁶ The water given to the detainees was not fit for human consumption; it was destined for industrial use hence caused the detainees intestinal problems.⁵¹⁰⁷ Many of the prisoners confined in the white house received no food at all during their time there.⁵¹⁰⁸ Some prisoners, particularly those already badly injured by beatings in the camp, often chose

⁵⁰⁹³ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14, 22.

⁵⁰⁹⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15.

⁵⁰⁹⁵ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.

⁵⁰⁹⁶ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14.

⁵⁰⁹⁷ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 13-14.

⁵⁰⁹⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.

⁵⁰⁹⁹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 27.

⁵¹⁰⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 24, 27.

⁵¹⁰¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 27-28.

⁵¹⁰² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 30.

⁵¹⁰³ Adjudicated Facts I, no. 972.

⁵¹⁰⁴ Adjudicated Facts I, no. 973.

⁵¹⁰⁵ Adjudicated Facts I, no. 974.

⁵¹⁰⁶ Adjudicated Facts I, no. 978.

⁵¹⁰⁷ Adjudicated Facts I, no. 979.

to miss their daily meal for fear of further beatings on the way to, or return from, the meal.⁵¹⁰⁹ Some prisoners lost 20 to 30 kilograms in body weight during their time at Omarska, others considerably more.⁵¹¹⁰ According to a *New York Times* article of 9 August 1992, several of the 175 inmates who remained in Omarska in August 1992 appeared to be near starvation.⁵¹¹¹ According to a compilation of reports by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities (amalgamated by the Banja Luka CSB) basic medical care and food was provided to the detainees at Omarska camp.⁵¹¹²

1205. There was very little in the way of lavatories at Omarska, prisoners had to wait hours before being allowed to use them and sometimes risked being beaten if they asked to use them, and prisoners were often forced to excrete and urinate in their rooms.⁵¹¹³

Witness RM-017 stated that detainees in Omarska were allowed to use the toilet once per day.⁵¹¹⁴ There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.⁵¹¹⁵

1206. Dr Esad Sadiković, a physician, had previously worked for the UNHCR.⁵¹¹⁶ In Omarska, he helped other detainees wherever he could, and was regarded as a moral and spiritual authority.⁵¹¹⁷ **Witness RM-065** stated that Sadiković, as a detainee in the camp, took care of the sick or prisoners who suffered injuries; he had no implements or aids and would often stitch prisoners' wounds with just a needle and thread.⁵¹¹⁸

1207. According to a *Newsday* article of 2 August 1992, a former detainee stated that more than 1,000 Muslim and Croat civilians were held in over-crowded conditions without sanitation, adequate food, exercise, or access to the outside world and that every few days Serbian guards executed detainees in groups of 10 to 15 at a nearby lake.⁵¹¹⁹ The article also referenced a UNHCR report, quoting a guard at the camp, who said that

⁵¹⁰⁸ Adjudicated Facts I, no. 975.

⁵¹⁰⁹ Adjudicated Facts I, no. 976.

⁵¹¹⁰ Adjudicated Facts I, no. 977.

⁵¹¹¹ P3878 (New York Times article on the 'Conflict in the Balkans', 9 August 1992), p. 2.

⁵¹¹² P2900 (Banja Luka CSB report, 18 August 1992), pp. 4, 30.

⁵¹¹³ Adjudicated Facts I, no. 980.

⁵¹¹⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 14.

⁵¹¹⁵ Adjudicated Facts I, no. 981.

⁵¹¹⁶ Adjudicated Facts I, no. 1023.

⁵¹¹⁷ Adjudicated Facts I, no. 1023.

⁵¹¹⁸ P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1285-1286.

⁵¹¹⁹ P3928 (*Newsday* article, 2 August 1992), pp. 1-4.

the authorities there had planned to kill the detainees by exposing them to the elements and that they would not waste their bullets on them, but instead were leaving them exposed with no food or water and beating them twice a day, with the intention that they would starve like animals.⁵¹²⁰ The article quotes the Head of the ICRC describing the facilities as ‘death camps’ and stating the ICRC had been refused access to the camps by Serb authorities, which he believed was due to the unacceptable conditions there.⁵¹²¹ **Witness RM-385** stated that on one occasion, beds and blankets were brought to Omarska.⁵¹²²

1208. **Mešanović** stated that at one point, the camp commander’s driver passed through the ‘restaurant’ and the glass house and said that those rooms should be tidied up because a delegation from Banja Luka, including Brđanin, Župljanin, Radić, and some others, would be arriving. He told the detainees to greet them with a three-fingered salute. The witness recalled that the detainees were trained to march and instructed to answer ‘Long live Serbia’ whenever a commander said ‘Very well’.⁵¹²³ In July 1992, Radoslav Brđanin together with others, including Radoslav Vukić, Stojan Župljanin and Predrag Radić visited Omarska camp.⁵¹²⁴ **Sivac** testified that Milorad Tadić, a.k.a. Brk, Željko Mejakić’s assistant, was in charge of a ceremony that day.⁵¹²⁵ They arrived in a convoy of vehicles, headed by an armoured intervention vehicle.⁵¹²⁶ Male detainees were lined up and made to sing Serb songs and to extend the Serb three-fingered salute.⁵¹²⁷ The following people were also part of the delegation: Simo Drljača; Milorad Vokić; a group of politicians, including Mićo Kovačević, Milomir Stakić, Srđo Srđić, Simo Mišković, Milan Andžić; Radmilo Zeljaja, commander of the 43rd or 343rd Motorised Brigade; and a group of journalists from Banja Luka and Prijedor.⁵¹²⁸ Brđanin was welcomed with the honours and respect that the witness had only seen

⁵¹²⁰ P3928 (Newsday article, 2 August 1992), pp. 1-3.

⁵¹²¹ P3928 (Newsday article, 2 August 1992), pp. 1-3.

⁵¹²² P7314 (Witness RM-385, witness statement, 5 April 2014), para. 26.

⁵¹²³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 68.

⁵¹²⁴ Adjudicated Facts I, no. 966.

⁵¹²⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6639-6640.

⁵¹²⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).

⁵¹²⁷ Adjudicated Facts I, no. 966.

⁵¹²⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644, 6753; Nusret Sivac, T. 4814, 4870-4871, 4874, 4876, 4878; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).

given to top dignitaries, and he paused in the middle of the *pista* to say something, which the witness could not hear.⁵¹²⁹

1209. The Trial Chamber recalls the evidence reviewed in chapter 9.2.10, that on 3 August 1992, pursuant to the agreement of the political leadership of the three Bosnia-Herzegovina peoples and relating to the preparation of POW camps for visits of foreign journalists and members of the ICRC, Mladić ordered that measures be immediately taken through the MUP and ‘authorities’ to arrange the POW camps, including Omarska camp, in preparation for these visits.⁵¹³⁰ On that same day, Talić wrote to the Command of the 43rd Motorized Brigade, the Manjača camp command, the Prijedor Security Services Centre, and the Security Organ of the 1KK Rear Command Post, informing them that the VRS Main Staff Commander had provided his verbal approval for reporters to visit the Omarska camp, among others, in the next two days.⁵¹³¹

1210. Around the beginning of August 1992 Serbian and foreign journalists were allowed into Omarska camp, and detainees were warned not to complain about the conditions of detention.⁵¹³² International journalists met the following officials at Omarska: Simo Drljača, Milomir Stakić, Kovačević, and Nada Balaban.⁵¹³³

1211. Upon arrival at Omarska camp on 5 August 1992, **Edward Vulliamy** and two other journalists, entered through what appeared to be a back gate to the camp, and observed a series of red brick buildings and a large red rust-coloured building the witness described as a hangar or warehouse building.⁵¹³⁴ Just before entering a tarmac yard opposite the hangar, Milutinović introduced them to camp commander Mejakić, who was wearing a beret and ‘fatigues’, and appeared to be answerable to Drljača.⁵¹³⁵ From this location, the witness observed about 30 men, some in a near skeletal condition, coming out of the hangar, being lined upon, and drilled by ‘civilian policemen’ to run across the yard in a single file, after which the men entered a building

⁵¹²⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6640-6644; P483 (Photograph of rear view of Omarska camp model), P484 (Photograph of front view of Omarska camp model).

⁵¹³⁰ P2879 (Order by Mladić, 3 August 1992), pp. 1-2. *See also* P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013) para. 2.169.

⁵¹³¹ P201 (Letter regarding visits to detention camps, Major General Momir Talić, 3 August 1992). *See also* P2862 (Ewan Brown, *The VRS and Manjača Detention Camp 1991-1993: A background study*, March 2013) para. 2.169.

⁵¹³² Adjudicated Facts I, no. 1005.

⁵¹³³ Adjudicated Facts I, no. 967.

⁵¹³⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7939-7940.

⁵¹³⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7940, 7943; Edward Vulliamy, T. 2589, 2696.

which the witness was told was a canteen.⁵¹³⁶ On the basis of his observations of these men, there was nothing indicating to the witness that they were soldiers.⁵¹³⁷ By the manner in which they ate their soup, the witness gained the impression that they had not eaten for a long time.⁵¹³⁸ One of the journalists asked one of the men how he was being treated, and was told 'I don't want to tell lies. I can't speak the truth. Thank you for coming.'⁵¹³⁹ The witness testified that the men looked terrified.⁵¹⁴⁰ The witness and two other journalists argued with Drljača, Mejakić, and Milutinović about getting access to the hangar, but to no avail.⁵¹⁴¹ When the witness attempted to approach the hangar, he was stopped from doing so by the three men, backed up by guards who took the safety catches off their guns.⁵¹⁴² Other than the canteen, the journalists were not allowed to visit any of the other buildings.⁵¹⁴³ Following the witness's request to be able to interview more inmates, several people were brought out for him, but he refused to talk to any and demanded that he be allowed to select his own interviewees.⁵¹⁴⁴ The witness spent just over an hour at Omarska.⁵¹⁴⁵ ITN video-footage depicts the camp commander telling the journalists that there were 2,500 of what they referred to as 'internees' who were being interrogated as possible Muslim fighters.⁵¹⁴⁶ The footage further records the spokesperson for the local Serb authorities stating it was a 'centre' and not a camp.⁵¹⁴⁷ In an article dated 7 August 1992, the witness recounted that at Omarska, the Serb spokesperson had told them that 126 inmates who had been determined to have 'prepared the rebellion' would face trial, that 1,290 were found to be 'fighters' and would be taken to a prisoner of war camp in Manjača and then on to a military court,

⁵¹³⁶ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7940; Edward Vulliamy, T. 2589; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 1; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 3:20-3:26, p. 2.

⁵¹³⁷ Edward Vulliamy, T. 2594, 2678.

⁵¹³⁸ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7940.

⁵¹³⁹ Edward Vulliamy, T. 2592; P200 (Video-footage of visit to camps in Prijedor, August 1992), 00:59-1:07, p. 1.

⁵¹⁴⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7940-7941.

⁵¹⁴¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7943-7946; Edward Vulliamy, T. 2593-2594; P200 (Video-footage of visit to camps in Prijedor, August 1992), 2:01-2:26, p. 2; P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 3:31-4:10, p. 2; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 00:40-5:44, pp. 1-7.

⁵¹⁴² Edward Vulliamy, T. 2594.

⁵¹⁴³ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7944; P204 (Article authored by the witness published in the Guardian on 7 August 1992), p. 3; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 5:28-5:33, p. 7.

⁵¹⁴⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7944-7945.

⁵¹⁴⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8109-8110.

⁵¹⁴⁶ P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 2:52-3:08, p. 2.

⁵¹⁴⁷ P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 2:57-2:59, 3:09-3:18, p. 2.

and that the around 1,400 others would go to Trnopolje camp.⁵¹⁴⁸ In an interview with Milan Kovacević in February of 1996 in Prijedor, Kovacević told the witness that Omarska was planned as a reception centre but turned into ‘something else’, which Kovacević attributed to ‘collective madness’.⁵¹⁴⁹ In an interview with Stakić in Prijedor later that day, Stakić told the witness that Omarska was not a concentration camp but a place where a number of Muslims were interrogated, and that the pictures broadcast on television of people detained there were those of Serbs in Muslim camps.⁵¹⁵⁰

1212. **Miloš Šolaja** testified that on 7 August 1992, he together with Brano Božić was instructed by Milutinović to accompany, in civilian clothing, a bus of foreign journalists to Omarska camp.⁵¹⁵¹ On the way from Banja Luka to Omarska camp, the witness went through the Kozarac area where he saw destroyed houses and ruins.⁵¹⁵² On the same day as the witness’s visit, Simo Drljača held a press conference at Omarska camp.⁵¹⁵³ As far as the witness was aware, almost all of the detainees in Omarska camp had been transported to Manjača camp from Omarska camp before the witness’s visit.⁵¹⁵⁴ The detainees in Omarska were skinny but clean, and the witness did not see any visibly injured people.⁵¹⁵⁵ The witness saw the detainees eating lunch at a restaurant when he arrived.⁵¹⁵⁶ Security was provided by the civilian police and the witness did not see any soldiers on the perimeter.⁵¹⁵⁷ The witness was only present at Omarska camp that day and never visited again.⁵¹⁵⁸ According to a *New York Times* article of 9 August 1992, former prisoners described the conditions prior to the ICRC visit of August 1992 to have been far harsher than the ‘improved conditions’ Serb leaders had implemented prior to the visit.⁵¹⁵⁹

⁵¹⁴⁸ Edward Vulliamy, T. 2678, 2692; P204 (Article authored by the witness published in the Guardian on 7 August 1992), pp. 2-3.

⁵¹⁴⁹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7991-7992, 7999.

⁵¹⁵⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8011, 8016-8019, 8025-8026, 8115-8120.

⁵¹⁵¹ D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 12, 16; Miloš Šolaja, T. 32729, 32760.

⁵¹⁵² Miloš Šolaja, T. 32736.

⁵¹⁵³ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.

⁵¹⁵⁴ Miloš Šolaja, T. 32761.

⁵¹⁵⁵ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.

⁵¹⁵⁶ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16; Miloš Šolaja, T. 32761.

⁵¹⁵⁷ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.

⁵¹⁵⁸ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 17.

⁵¹⁵⁹ P3878 (New York Times article on the ‘Conflict in the Balkans’, 9 August 1992), pp. 1-2.

Treatment of detainees

1213. When prisoners arrived by bus at Omarska, they were usually searched, their belongings taken from them, and were then beaten and kicked as they stood, legs apart and arms upstretched, against the eastern wall of the administration building.⁵¹⁶⁰ **Sivac** testified that one of the men beaten upon arrival was Safet Ramadović, the witness's elderly neighbour.⁵¹⁶¹ **Witness RM-054** stated that the detainees were being cursed in nationalistic and religious language using vulgar terms, such as *balija* for their mothers.⁵¹⁶² **Witness RM-026** stated that he was not allowed to look at the faces of those who beat him.⁵¹⁶³ **Witness RM-065** stated that during the arrival of the new detainees, the men were ordered to lie down on their stomachs.⁵¹⁶⁴ The guards fired shots in the air whenever someone moved.⁵¹⁶⁵

1214. Prisoners at Omarska were called out for interrogation, usually some days after their arrival, and would be taken by a guard to the first floor of the administration building; guards would beat and kick them as they went.⁵¹⁶⁶ Some prisoners were very severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him, often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on.⁵¹⁶⁷ After their interrogation, prisoners were often made to sign false statements regarding their involvement in acts against Serbs.⁵¹⁶⁸ The beatings were administered by camp guards, such as Milutin Popović a.k.a. Pop and Žarko Marmat.⁵¹⁶⁹ The following were present when the names of those who would be beaten were called out: Žigić and Kvočka.⁵¹⁷⁰ **Witness RM-054** stated that on 14 or 15 June 1992, Dragan Radaković was conducting

⁵¹⁶⁰ Adjudicated Facts I, no. 969.

⁵¹⁶¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6612-6614.

⁵¹⁶² P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2645, 2649.

⁵¹⁶³ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁵¹⁶⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 28-29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1286.

⁵¹⁶⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 28-29; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1286.

⁵¹⁶⁶ Adjudicated Facts I, no. 982.

⁵¹⁶⁷ Adjudicated Facts I, no. 983.

⁵¹⁶⁸ Adjudicated Facts I, no. 984.

⁵¹⁶⁹ Adjudicated Facts I, no. 986.

⁵¹⁷⁰ Adjudicated Facts I, no. 989. The Trial Chamber determines that the reference in the Adjudicated Facts to 'Žigić' refers to Zoran Žigić.

interrogations.⁵¹⁷¹ The witness was questioned about the TO in Kozarac, and was hit with a stick or a boot from behind whenever he said ‘I don’t know’.⁵¹⁷² During his interrogation, the witness heard another detainee’s interrogation in the next room.⁵¹⁷³ He heard screams and moans, the sound of blunt blows, and the sound of metal falling.⁵¹⁷⁴

1215. On the following day, on or around 16 June 1992, Dušan Knežević a.k.a. Duca, Zoran Žigić, and a third man, all dressed in camouflage military uniform entered the witness’s room in the white house and separated two detainees from the rest of the men by beating them away.⁵¹⁷⁵ Knežević said ‘This is where our little birds are’ and threatened the two detainees saying that what had happened in the barracks was nothing compared to what they would get now.⁵¹⁷⁶ Both Knežević and Žigić began to beat them: Knežević beat one detainee with a wooden truncheon and Žigić beat the other with a baton that had a metal ball wired at its end.⁵¹⁷⁷ A third detainee was ordered by Žigić to beat one of the two detainees.⁵¹⁷⁸ As a result of the beatings one of the detainees suffered six deep cuts on his head, and both wrists were broken, as well as two fingers on his left hand.⁵¹⁷⁹ The other detainee was entirely covered in blood and had deep head wounds.⁵¹⁸⁰

1216. Around 17 June 1992, Duca and Žigić again beat the two detainees in their room.⁵¹⁸¹ One detainee was bleeding ‘in jets’ and Duca ordered him to lick his own blood.⁵¹⁸² The other detainee was beaten by Žigić with a rubber truncheon across his face and at one point he lost consciousness.⁵¹⁸³ When he regained consciousness, he was on the grass in front of the white house and Sadiković forced water down his throat to clear out the blood and prevent him from choking.⁵¹⁸⁴ When this detainee was taken back to the white house, the other detainee was in a critical condition.⁵¹⁸⁵ The other

⁵¹⁷¹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2658-2661.

⁵¹⁷² P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2661-2663.

⁵¹⁷³ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2662.

⁵¹⁷⁴ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2662.

⁵¹⁷⁵ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2731-2732, 2735-2736.

⁵¹⁷⁶ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2732.

⁵¹⁷⁷ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2732-2733.

⁵¹⁷⁸ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2732-2734.

⁵¹⁷⁹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2734.

⁵¹⁸⁰ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2734-2735.

⁵¹⁸¹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2736-2737.

⁵¹⁸² P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2736-2737.

⁵¹⁸³ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2737.

⁵¹⁸⁴ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2737.

⁵¹⁸⁵ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2738-2739.

detainee died the next morning between 8 and 9 a.m.⁵¹⁸⁶ One detainee called for the guards to get Sadiković, who checked the body and confirmed that he was dead, then reported that information to the security.⁵¹⁸⁷ A wheelbarrow was brought to the corridor, and along with three or four other bodies, the other detainee's body was wheeled out of the white house.⁵¹⁸⁸ The witness saw the bodies loaded onto a dark blue police van, which left.⁵¹⁸⁹

1217. **Witness RM-054** provided further evidence about ill-treatment at Omarska camp. The witness was detained in the hangar for about 15 days in mid-July 1992.⁵¹⁹⁰ After about seven to eight days in the hangar, during the evening when guards were calling out names of detainees to be taken away, the witness's surname was called out.⁵¹⁹¹ He was taken to the front lawn of the white house, where four or five soldiers were beating two detainees.⁵¹⁹² He also saw two men lying on the ground and a further two standing in a line.⁵¹⁹³ A man named Čigo was present and sitting on a chair.⁵¹⁹⁴ The witness was brought before a man others referred to as Rade Ritan, who appeared to be in charge, and told him who he was whereupon Ritan ordered the witness to be sent back to the hangar as he was not from a specific place.⁵¹⁹⁵ The witness was detained at various other locations at Omarska, including the garage of the administrative building and in the white house, and severely beaten, particularly by a guard named Mirvan.⁵¹⁹⁶ Since around 18 June 1992, the witness continued to be beaten every day by guards.⁵¹⁹⁷ The witness saw people beaten, or taken away and brought back injured, one of whom was a Bosnian Muslim named Husein Crnkić who was a professor.⁵¹⁹⁸ When he was returned, he was in a horrendous condition; unable to stand, bruised, beaten and bloody.⁵¹⁹⁹ At no point during the beatings did camp personnel intervene to stop beatings from occurring.⁵²⁰⁰

⁵¹⁸⁶ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2739, 2765.

⁵¹⁸⁷ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2740.

⁵¹⁸⁸ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2740.

⁵¹⁸⁹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2740-2741.

⁵¹⁹⁰ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2651.

⁵¹⁹¹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745, 2746.

⁵¹⁹² P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2746-2747.

⁵¹⁹³ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2747.

⁵¹⁹⁴ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2747.

⁵¹⁹⁵ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2747-2748.

⁵¹⁹⁶ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2651-2652, 2748-2749.

⁵¹⁹⁷ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2744-2745.

⁵¹⁹⁸ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745.

⁵¹⁹⁹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2745.

⁵²⁰⁰ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), p. 2748.

1218. Witness RM-065 and other witnesses also provided evidence about ill-treatment at the camp. **Witness RM-065** saw that Anes Medunjanin, who was in the first room on the left side of the white house, had been severely beaten and blood covered the walls.⁵²⁰¹ The witness saw Adnan Ekinović in the second room on the left, being beaten by most of the officers and soldiers in the camp because they had discovered that he was the best man at the wedding of Slavko Ecimović. Slavko Ecimović was the commander of the Muslim forces in the Prijedor area.⁵²⁰² The witness stated that Ekinović appeared to have been beaten almost to death.⁵²⁰³ The witness stated that on 24 June 1992 he was taken out by the Serb policemen in front of the white house where he was threatened and interrogated about the whereabouts of his gun.⁵²⁰⁴ After the interrogation, the witness was taken back to the room where the Serbs later harassed him, put a knife against his throat, and took his money.⁵²⁰⁵ During the night, men were continuously taken out and beaten.⁵²⁰⁶ In the evening of 25 June 1992, the men detained in the white house were scared, anticipating that as the night before, people would continue to be called out for beatings.⁵²⁰⁷ Ermin Forić from Kamičani was called out and taken back ten minutes later severely beaten, but laughing with joy for still being alive.⁵²⁰⁸ According to the witness, a lot of crimes occurred in 'Mujo's room'.⁵²⁰⁹ Once during Gruban's shift, 300 prisoners, among them Aziz Maksuti, Smail Burazerović, and Bajram Zgog, were ordered to go to the hangar where they were severely beaten with iron bars and sticks with screws. A few days later, the guards asked Bajram Zgog to immediately find 200 DEM and Zgog begged them to leave him alone. The following day guards removed Aziz Maksuti, Smail Burazerović, and Bajram Zgog, and none of them were seen again. Fikret Mujdžić died because Esad Sadiković had no means with which to disinfect a wound in his leg that he received from a beating. Sadiković had to hold together skulls several times, where the detainees' brains were visible, by binding the detainee's hair. Idriz Jakupović was severely beaten during interrogation and thrown

⁵²⁰¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.

⁵²⁰² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.

⁵²⁰³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 26-27; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1277-1278.

⁵²⁰⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 24-25.

⁵²⁰⁵ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 25.

⁵²⁰⁶ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 26.

⁵²⁰⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 27.

⁵²⁰⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 27.

⁵²⁰⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 31, 33.

onto the *pista*, afterwards but was helped in the witness's room.⁵²¹⁰ The same or the following day, Jakupović was taken out and never seen again.⁵²¹¹

1219. **Witness RM-017** stated that upon his arrival in Omarska on or about 29 May 1992, he was immediately interrogated by two police inspectors from Banja Luka who were inquiring, *inter alia*, as to the names of certain people or who the leaders of the Muslim political parties were.⁵²¹² During the two-hour interrogation, the witness was threatened by the interrogators and beaten with a rubber baton by a third man who was in the room only for that purpose.⁵²¹³ After his first interrogation, Živko Marmat, one of the Serb guards, told the witness to hand over his money and to draw sketches of his house, indicating the spots where the money was.⁵²¹⁴ Marmat told the witness he may as well tell him because they would be liquidated in a couple of days.⁵²¹⁵ A colleague of the witness had told him that if they asked him for money, he should give it to them, otherwise he would 'not fare well'.⁵²¹⁶ That colleague previously had to accompany Bjelobrk, a taxi driver from Omarska, to his house to give him money and gold.⁵²¹⁷ Three colleagues of the witness who did not do so were taken away and never returned.⁵²¹⁸

1220. **Mevludin Sejmenović** testified that shortly after his arrival, he was taken to the white house, which was totally covered in blood, including the floors and the walls, and near the entrance he saw a few people on the floor, moaning.⁵²¹⁹ On the public announcement system, Serb nationalist songs were played. The witness observed a 13-year-old boy with both of his arms broken. The boy was interrogated and forced to sing Serb songs.⁵²²⁰ Before his first interrogation at Omarska, the witness was beaten heavily

⁵²¹⁰ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 33.

⁵²¹¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 34.

⁵²¹² P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11-13.

⁵²¹³ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 12-13.

⁵²¹⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.

⁵²¹⁵ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 15-16; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.

⁵²¹⁶ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.

⁵²¹⁷ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3505.

⁵²¹⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3504-3505.

⁵²¹⁹ Mevludin Sejmenović, T. 3469.

⁵²²⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 56.

at the white house, and someone was ordered to wipe the blood off his face.⁵²²¹ He was then interrogated by Dragan Radaković, an inspector from the Prijedor police.⁵²²²

1221. **Mešanović** stated that the people detained in one of the rooms in the white house, together with him, had distorted faces and bloodstains.⁵²²³ The walls and the ceilings were splattered with blood.⁵²²⁴ Anes Medunjanin's shoulder was heavily swollen.⁵²²⁵ Azur Jakupović had gunshot wounds on both knees.⁵²²⁶ Some detainees told the witness about a 'party' the guards had on the day before his arrival, which consisted of the detainees kneeling down, putting their hands behind their backs, and leaning with their foreheads against the wall, after which the guards would beat them.⁵²²⁷ On the witness's first evening, detainees were beaten on their heads, arms, and lower extremities by guards.⁵²²⁸ The witness further stated that during interrogations, he heard crying, begging and pleading, as well as sounds of moaning, coming from the glass house.⁵²²⁹ Once he heard somebody saying 'Brother, why are you beating me so?'⁵²³⁰ On 2 July 1992, the witness was interrogated by Ratko Milosavljević, Nenad Lakić, and Miroslav Zorić.⁵²³¹ During the course of the interrogation, which took one hour and 45 minutes, Zorić beat and cursed the witness.⁵²³² Two guards named Milutin Popović and Ranko Mijić did most of the beatings and killings at the camp.⁵²³³

1222. Upon arrival at Omarska, **Witness RM-033** and a Muslim woman were taken into a building where there were men lying on the floor who had been beaten up and were covered in blood.⁵²³⁴ The witness could hear screams, crying, and sounds of beatings, as well as phrases like 'Fuck your *balija* mothers, your *ustaša* mothers. You all need to be killed'.⁵²³⁵

⁵²²¹ Mevludin Sejmenović, T. 3469-3470.

⁵²²² P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 53; Mevludin Sejmenović, T. 3481.

⁵²²³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 27, 28.

⁵²²⁴ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 28, 31, 46.

⁵²²⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 46.

⁵²²⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 46.

⁵²²⁷ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 31.

⁵²²⁸ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 29.

⁵²²⁹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 56.

⁵²³⁰ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 56.

⁵²³¹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 54.

⁵²³² P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 54.

⁵²³³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 33-34, 39.

⁵²³⁴ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6201.

⁵²³⁵ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6203.

1223. **Witness RM-026** stated that the guards called detainees out of the room in the white house where he was kept to beat them and walked or danced on them when they were lying down side by side.⁵²³⁶ A detainee nicknamed ‘Boxer’ collected valuables from other detainees and gave them to the guards. Every night, the witness heard screams and beatings. He saw detainees being taken out of the room. These detainees did not speak about the beatings upon their return. He was beaten by ‘chetniks’ with rifle butts, chains, and baseball bats. Beatings occurred at night and many detainees did not come back. On his first night, the witness saw six or seven corpses lying in the large room where he was staying. Detainees were taken to the red house and only a few returned.⁵²³⁷

1224. **Witness RM-065** stated that from ‘Mujo’s room’ he could hear the arrival, beating, and interrogation of new detainees every day; some would be thrown onto the *pista* after the beating.⁵²³⁸ Regardless of the weather, some prisoners remained on the *pista* continuously for many days and nights on end, and occasionally for as long as a month, with machine-guns trained on them.⁵²³⁹ **Witness RM-017** stated that on the roof of the restaurant and on the field around the camp, heavy machine guns were set up.⁵²⁴⁰ As many as 600 prisoners were made to sit or lie prone outdoors on the *pista*.⁵²⁴¹ **Witness RM-065** was kept on the *pista* for 10 to 12 days.⁵²⁴² He recounted that within this period, the prisoners were forced to lie down for 11 hours straight.⁵²⁴³ It was a common practice to put between 600 and 800 detainees on the *pista* resulting in there being very little room.⁵²⁴⁴ When the detainees on the *pista* were allowed to go to the toilet, they would have to pass through a hangar, where there were approximately 700 to

⁵²³⁶ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 8-9.

⁵²³⁷ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9.

⁵²³⁸ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 31; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1287-1288.

⁵²³⁹ Adjudicated Facts I, no. 996.

⁵²⁴⁰ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 15.

⁵²⁴¹ Adjudicated Facts I, no. 997.

⁵²⁴² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 28, witness statement of 28 August 2000, p. 53.

⁵²⁴³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 28, witness statement of 28 August 2000, p. 53.

⁵²⁴⁴ P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283.

800 men held.⁵²⁴⁵ The detainees that were forced to stay on the *pista* during the day were all moved to the restaurant for the night.⁵²⁴⁶

1225. **Nusret Sivac** testified that at Omarska camp he was taken to an area known as the garage which was very crowded with between 80 and 100 inmates from the Kozarac area.⁵²⁴⁷ The witness saw Professor Muhamed Čehajić, the President of Prijedor Municipality lying in a corner having been severely beaten; he was urinating blood.⁵²⁴⁸ On the evening of 20 June 1992, at 8 p.m., a Serb soldier opened the door of the garage and yelled and threatened the detainees, asking who had killed his brother Đukić.⁵²⁴⁹ The soldier made the detainees sing ‘Chetnik’ songs, which became a frequent occurrence during the witness’s stay at the camp; at times if the detainees wanted water they would have to sing for it.⁵²⁵⁰ The guards then took Čehajić out of the garage and beat him very badly and only returned him, covered in bruises, once he had managed to get 100 DEM from a fellow detainee, Osman Mahmuljin.⁵²⁵¹ Two of the interrogators at the camp were Neso Tomčić and Neso Babić.⁵²⁵² The witness recalled that on St Peter’s Day, 12 July 1992, the guards, who were drunk, took Smail Duratović from Buhro’s and Mujo’s room and made him sit outside with them.⁵²⁵³ Later, the witness saw the guards taking him towards the white house where they set fire to a rubber tyre and threw Duratović onto the burning tyre.⁵²⁵⁴ Duratović was badly burnt but he later managed to get word to his father who was also detained in Buhro’s and Mujo’s room, that he was alive and outside the white house. His father managed, through the help of a guard, to bring Duratović over and his wounds were treated by ‘Dr Eso’ with brandy obtained

⁵²⁴⁵ P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283; P3273 (Witness RM-065, *Karadžić* transcript, 17 January 2011), p. 10315-10316; P3275 (Videos of Omarska and Manjača camp). See also P3279 (Table of Concordance).

⁵²⁴⁶ P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1283.

⁵²⁴⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6626-6627.

⁵²⁴⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6627; Nusret Sivac, T. 4883. The Trial Chamber notes that Adjudicated Fact No. 952 states that Muhamed Čehajić was the Mayor of Prijedor before the Bosnian-Serb take-over but Nusret Sivac had a different impression of his political role in Prijedor. The Trial Chamber determines that no material issue in this finding is affected by this possible discrepancy.

⁵²⁴⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6626.

⁵²⁵⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6626.

⁵²⁵¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6628-6629.

⁵²⁵² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6636-6637.

⁵²⁵³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6682-6683.

The Trial Chamber understands Buhro’s and Mujo’s room to be the same as the room referred to throughout the evidence as ‘Mujo’s room’.

⁵²⁵⁴ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6682-6683.

from a guard and cream obtained from the women in the camp. He survived and was transferred to Manjača with a group of people needing medical assistance.⁵²⁵⁵

1226. A letter dated 11 August 1992 from Franjo Komarica, the Bishop of Banja Luka, to Simo Drljača, SJB Chief in Prijedor, requested the immediate release of Stipo Šošić, the parish priest from Ljubija, who was said to be detained in Omarska camp since 15 June 1992.⁵²⁵⁶ According to Komarica, the priest was badly tortured while being detained without having been guilty of any crime.⁵²⁵⁷

1227. On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.⁵²⁵⁸ Shift commander Mlađo Radić a.k.a. Krkan was present during the beatings but did nothing to prevent the beatings, and in fact organised the gauntlet of guards who on one occasion beat the detainees.⁵²⁵⁹ **Sivac** testified that on the way to the restaurant he and other detainees received a number of blows, and when they entered the restaurant the floor was covered with pieces of furniture and broken glass which had been covered with oil so that the surface was slippery.⁵²⁶⁰ Radić ordered the group to move towards the row of guards; the witness was at the head of the column.⁵²⁶¹ As they passed by the *pista* they could see people screaming and falling down everywhere.⁵²⁶² On that occasion, the guards used specially designed objects for beating them: baseball bats and metal chains with balls attached to them.⁵²⁶³ The witness received a blow to his head from a guard using a metal chain and ball and passed out, regaining consciousness some 20 to 30 minutes later.⁵²⁶⁴ On that day, everyone in the camp was beaten, from the early hours of the morning until late afternoon.⁵²⁶⁵

1228. **Witness RM-017** stated that when Krkan headed the group of guards, more beatings occurred than usual.⁵²⁶⁶ Detainees were also beaten by outsiders, including Bosnian-Serb soldiers from the front, whilst camp guards stood aside.⁵²⁶⁷ When Krkan was in charge, any Serb from the area could come into the camp and beat or take away

⁵²⁵⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6683.

⁵²⁵⁶ P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992), p. 1.

⁵²⁵⁷ P4007 (Letter from Dr Franjo Komariča to Mr Simo Drljača, 11 August 1992), pp. 1-2.

⁵²⁵⁸ Adjudicated Facts I, no. 987.

⁵²⁵⁹ Adjudicated Facts I, no. 988.

⁵²⁶⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.

⁵²⁶¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.

⁵²⁶² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.

⁵²⁶³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6681.

⁵²⁶⁴ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6681-6682.

⁵²⁶⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6680-6681.

⁵²⁶⁶ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 20-21.

⁵²⁶⁷ Adjudicated Facts I, no. 990.

whomever they wanted.⁵²⁶⁸ One of the groups abusing prisoners at Omarska was a special MUP detachment placed under the command of the Banja Luka CSB.⁵²⁶⁹

1229. At Omarska, there were frequent incidents of female detainees being called out by the camp guards and the camp commander to be raped and sexually assaulted.⁵²⁷⁰

Witness RM-017 stated that between 15 to 20 women were kept in a corner of the kitchen and taken to the interrogation rooms to be raped.⁵²⁷¹ **Sivac** testified that he often saw his sister, Nusreta Sivac, in the camp.⁵²⁷² At night the women were kept in the offices next to Buhro's and Mujo's room where interrogations took place, and throughout the night the detainees heard furniture breaking and the women screaming, crying for help.⁵²⁷³ When the women distributed food, the detainees could see bruises and marks on their faces and arms, and other signs of abuse, torture, and beatings.⁵²⁷⁴ **Mešanović** stated that from the glass house, he heard women being raped in the interrogation rooms at night.⁵²⁷⁵ He recognised the voice of a woman with the surname Pervanić begging 'Please don't do that to me, I could be your grandma'.⁵²⁷⁶ **Witness RM-033** stated that Krkan came several times, in the evenings, to their sleeping room to call and take out Jadranka Cigelj.⁵²⁷⁷ The Trial Chamber also considered additional evidence from Witness RM-033, which has been placed in the confidential annex in Appendix D.

1230. Detainees were humiliated: one detainee was forced to hit his head against a wall, another was forced to lick his own blood, while a third one was forced to cross the *pista* naked whilst pursued by a guard with a whip.⁵²⁷⁸ Detainees, including the female detainees, were regularly threatened with death and they were subjected to ethnic slurs.⁵²⁷⁹ Predrag Radić told **Predrag Radulović** that detainees were forced to sing Serb

⁵²⁶⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 21.

⁵²⁶⁹ Adjudicated Facts I, no. 1004.

⁵²⁷⁰ Adjudicated Facts I, no. 1000.

⁵²⁷¹ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 20.

⁵²⁷² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6677-6679.

⁵²⁷³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6679.

⁵²⁷⁴ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6679-6680.

⁵²⁷⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 53.

⁵²⁷⁶ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 53.

⁵²⁷⁷ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6216, 6226.

⁵²⁷⁸ Adjudicated Facts I, no. 1001.

⁵²⁷⁹ Adjudicated Facts I, nos 1002-1003.

nationalist songs.⁵²⁸⁰ **Witness RM-065** saw a man in uniform whom he identified as Živko Ećim.⁵²⁸¹

1231. Based on the foregoing, the Trial Chamber finds that between 27 May and 16 August 1992, approximately 3,300 Bosnian Muslims and Bosnian Croats, were brought to and detained at Omarska camp. There were also a few Bosnian Serbs detained at the camp, who were there because they were said to be on the side of the Muslims. The detainees included elderly people, women, and children. There were mentally impaired and sick people among the detainees. The detainees also included politicians and religious leaders. Inmates at Omarska were unofficially grouped into three categories: intellectuals and political leaders from the Bosnian-Muslim and Bosnian-Croat communities, who were earmarked for elimination; persons who associated themselves with those from the first category; and detainees who were, in the view of the Bosnian-Serb authorities, the least 'guilty', and eventually were to be released.

1232. The detainees were fed starvation rations, of usually spoiled food. Camp personnel enjoyed proper food. Drinking water was often denied to the detainees for long periods and when it was provided it was unfit for human consumption such that it caused intestinal problems. There were acute cases of diarrhoea and dysentery. Some detainees lost 20 to 30 kilograms in body weight during their time at Omarska, others considerably more. There was very little in the way of lavatory provision with detainees having to wait for hours to use them; detainees were often forced to excrete and urinate in their rooms. There were no effective washing facilities at Omarska, and detainees and their clothes quickly became filthy in the summer heat and skin diseases were prevalent. Often guards refused to open windows in crowded rooms or demanded the handing over of possessions in return for an open window or a plastic jar of water. As many as 600 prisoners were made to sit or lie prone outdoors on the *pista* regardless of the weather, for many days and nights on end with machine guns trained on them. The detainees were not provided with any medical care during the period they were detained. Esad Sadiković, a detainee, undertook to assist injured fellow detainees.

1233. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that Omarska camp was officially established on 31 May 1992 by order of Simo Drljača, chief of the SJB of Prijedor Municipality. This order

⁵²⁸⁰ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 147.

⁵²⁸¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 30.

was issued in accordance with a decision by the Prijedor Crisis Staff. Pursuant to the same decision, detainees were transferred from Keraterm to Omarska and the camp was placed under the direct supervision of the police and VRS. The police, including from Omarska police station, secured the camp and acted as guards; and the VRS and members of the Omarska TO, secured the entry posts and outer security rings.⁵²⁸² Željko Mejakić, Commander of Omarska police station, was the Chief of Security for the camp and was responsible for liaising with the security co-ordinators for allocating detainees to the different premises within the camp.⁵²⁸³ The Trial Chamber, accordingly, finds that the Prijedor Crisis Staff, VRS, Omarska TO, SJB, including from Omarska police station, detained people at Omarska camp and were responsible for the conditions of their detention.

1234. Detainees in the camp were frequently and sometimes severely beaten, including during interrogations in the administration and other buildings such as in detainee Mujo Crnalić's room. During interrogations detainees were knocked off chairs, hit, kicked, trodden and jumped upon; all while interrogators looked on. After their interrogation, in some instances, detainees were made to sign false statements regarding their involvement in acts against Serbs. Detainees were called out from their rooms and attacked with a variety of sticks, iron bars or lengths of heavy electric cable. Other forms of beatings inflicted on detainees included: throwing detainees onto burning tyres; strikes to a detainee's mouth resulting in broken teeth; beatings of detainees with metal and other implements sometimes resulting in broken bones; placing a knife against a detainee's throat to obtain money; forcing a man to drink motor oil; and forcing detainees to walk on broken glass. Detainees were humiliated: they were regularly forced to sing Serb songs; one detainee was forced to hit his head against a

⁵²⁸² The Trial Chamber finds that the police were responsible for internal camp security whereas the VRS, together with the Omarska TO, were responsible for external camp security. Witness Nusret Sivac testified that internal security of the camp also comprised of VRS soldiers. Sivac's testimony in this respect contradicts the vast majority of evidence received by the Trial Chamber delineating the role of the police and military with regards to camp security. Accordingly, the Trial Chamber finds, and bearing in mind the different capacities in which VRS soldiers were present in Omarska camp, that witness Sivac could not have been in a position to know the exact role or operational significance of the presence of VRS soldiers at Omarska. The Chamber, therefore, does not rely on his testimony in this respect.

⁵²⁸³ The Adjudicated Facts Nos 960 and 964 described Željko Mejakić as the Chief of Security at the Omarska camp and the Commander of the police station in Omarska. In contrast, Nusret Sivac, Witness RM-017, Witness RM-065 described Željko Mejakić as the 'Camp Commander'. The Trial Chamber determines that these witnesses were not in a position to know the exact role or operational significance of Mejakić and, therefore, does not rely on their testimony in this respect. For the same reason, the Trial Chamber does not rely on the testimony of these three witnesses with regard to their description of Miroslav Kvočka as camp commander at Omarska camp.

wall; one detainee was forced to beat another, at least one detainee was forced to lick his own blood; another was forced to cross the *pista* naked whilst pursued by a guard with a whip. Both male and female detainees were regularly threatened with death and subjected to derogatory ethnic remarks and insults which included phrases like 'Fuck your *balija* mothers, your *Ustaša* mothers. You all need to be killed'. On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.

1235. The Trial Chamber finds that the beatings and mistreatment were carried out by camp guards and interrogators, including Milutin Popović a.k.a. Pop, Žarko Marmat, Miroslav Zorić, Ranko Mijić, Dušan Knežević a.k.a. Duca, Zoran Žigić, and a man called Mirvan. The guards were the police, including from Omarska police station. With regard to interrogators, the Prijedor Crisis Staff charged a mixed group of investigators from the national, public, and military security services with interrogation of detainees, resulting in categorization by type of prisoner and the subsequent accommodation of the detainees in different premises in Omarska camp. The interrogation teams were each composed of one SJB member, one National Security Service member, and one member of the VRS military security. Beatings and mistreatment were also carried out by outsiders, including Bosnian-Serb soldiers from the front; paramilitary units; and a special MUP detachment placed under the command of the Banja Luka CSB. Shift commanders, Mlađo Radić a.k.a Krkan, Momir Gruban, a.k.a. Čkalja, Milojica Kos, a.k.a. Krle, and Miroslav Kvočka were present during the beatings and mistreatment but did nothing to prevent them. On one occasion Radić organised a gauntlet of guards that beat the detainees.

1236. The Trial Chamber finds that the camp commander and camp guards raped and sexually assaulted female detainees. One detainee was ordered by Serb guards to strip naked, together with a female detainee, and was forced to rape her. Other detainees could hear those being raped screaming and crying for help and could identify bruises and marks on their faces and arms, and other signs of abuse and beatings.

1237. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the indictment in chapter 8, below.

Schedule C.15.3

1238. According to the Indictment, the Accused is responsible for the detention, torture, beating, abused, raped, commission of other acts of sexual violence, and subjecting Bosnian-Muslims and Bosnian-Croats to inhumane living conditions in Keraterm camp, between 25 May and 21 August 1992.⁵²⁸⁴ The Defence argued that (i) Keraterm was established by the Prijedor Crisis staff and exclusively managed by local police; (ii) security and investigations at the facility were entirely provided by members of the MUP; and (iii) the VRS was not responsible for the facility or present at the facility and that it had a separate premises located in the outer quadrant of the Keraterm complex.⁵²⁸⁵ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this detention centre. It also received evidence from **Witness RM-065, Safet Tači, Witness RM-026, and Witness RM-033**, all Muslims from Prijedor Municipality;⁵²⁸⁶ **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁵²⁸⁷ **Predrag Radulović**, head of an intelligence team, known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;⁵²⁸⁸ **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;⁵²⁸⁹ **Witness RM-385**, a Serb from Prijedor;⁵²⁹⁰ **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994;⁵²⁹¹ **Milovan Milutinović**, Chief of the Press Centre and Chief of the Information Service at the 5th JNA (Banja Luka) Corps Command, subsequently IKK, between 1992 and 1994, and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities, from between 1994 and 1996;⁵²⁹² and **Draško**

⁵²⁸⁴ Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.3.

⁵²⁸⁵ Defence Final Brief, paras 974-980, 982-988.

⁵²⁸⁶ **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). *See also* P3279 (Table of Concordance). **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.

⁵²⁸⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. The evidence of Witness RM-023 is reviewed in chapter 4.10.1 *Schedules A.6.2 and B.13.1* and chapter 4.10.2 *Schedule C.15.4*.

⁵²⁸⁸ P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5. The evidence of Predrag Radulović is also reviewed in chapter 4.10.2 *Schedule C.15.2*.

⁵²⁸⁹ P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2.

⁵²⁹⁰ P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10. The evidence of Witness RM-385 is also reviewed in chapter 4.10.1 *Schedule B.13.1*.

⁵²⁹¹ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is reviewed in chapter 4.1.2 *Schedule C.1.2*.

⁵²⁹² D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

Vujić, a VRS battalion commander from Prijedor;⁵²⁹³ as well as documentary evidence,⁵²⁹⁴ and finds that this evidence is consistent with the Adjudicated Facts.⁵²⁹⁵ It further received evidence from **Rade Javorić**, Commander of the Prijedor TO staff since 16 September 1991;⁵²⁹⁶ **Osman Selak**, a Bosnian-Muslim Colonel in the JNA, and later the VRS, who retired in July 1992;⁵²⁹⁷ **Witness RM-016**, a Bosnian Serb from Banja Luka;⁵²⁹⁸ **Miloš Šolaja**, Editor-in-chief within the 1KK Press Centre from 18 July 1992 until the end of the war;⁵²⁹⁹ and **Mišo Rodić**, an officer in the intelligence organ of the VRS 43rd Motorized Brigade in Prijedor from May 1992 to mid-January 1993;⁵³⁰⁰ and **Dragan Vujčić**, a Serb from Prijedor Municipality who was Dragan Gajić's deputy and number three of the 43rd Motorised Brigade of the VRS.⁵³⁰¹ The Trial Chamber also received evidence from **Jusuf Arifagić** and **Witness RM-008**, both Muslims from Prijedor Municipality,⁵³⁰² and finds that this evidence is partially consistent with the Adjudicated Facts.⁵³⁰³ The Trial Chamber will address the evidence of Arifagić and Witness RM-008 below.

⁵²⁹³ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.

⁵²⁹⁴ P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities). Exhibit P2900 is also reviewed in chapter 4.10.2 *Schedule C.15.2*.

⁵²⁹⁵ **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 23. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 43, 45-48, 50-54, 78-79, 83; P159 (Safet Tači, witness statement, 20 September 2000), paras 7-8, 10; P160 (Photo of Keraterm camp); Safet Tači, T. 2099-2102, 2122. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6191-6192, 6196-6201. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 8-10; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3973. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 137, 140, 142, 148, 150. **Witness RM-384**: P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4. **Witness RM-385**: P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 74; P6484 (Memorandum by Charles Kirudja to UNPROFOR headquarters, 3 July 1992), pp. 1-2. Milovan Milutinović: D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 38. **Documentary evidence**: P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 3-4; undated Prijedor SJB report, pp. 3-4, 6.

⁵²⁹⁶ D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424. The evidence of Rade Javorić is reviewed in chapter 4.10.2 *Schedule C.15.4*.

⁵²⁹⁷ P244 (Osman Selak, witness statement, 13 July 2000), p. 1; Osman Selak, T. 2965-2966, 3182.

⁵²⁹⁸ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁵²⁹⁹ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

⁵³⁰⁰ D930 (statement of Mišo Rodić, 26 June 2014), paras. 1-2, 5.

⁵³⁰¹ D1359 (Dragan Vujčić, witness statement, 20 July 2015), p. 1, para. 2; Dragan Vujčić, T. 41497-41498.

⁵³⁰² **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.

⁵³⁰³ **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 11-13, 16-19, 22; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), pp. 7090-7091; P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4936-4937. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), paras 13, 19-20, 25-26, 28-33, 36.

Establishment, structure, and security at Keraterm camp

1239. Keraterm detention camp, previously used as a ceramic tile factory, was established by the civilian authorities of Prijedor Municipality on the eastern outskirts of Prijedor.⁵³⁰⁴ According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJBs and the Commission for the Inspection of the Municipalities dated 18 August 1992 and a separate undated report by the Prijedor SJB, the armed conflict between the Bosnian-Serb Republic forces and Muslim ‘extremists’ in Prijedor Municipality started on 24 May 1992 around Kozarac and then spread to other areas of the municipality.⁵³⁰⁵ The Prijedor Crisis Staff decided that those captured by the VRS were to be accommodated and held for processing at the Keraterm building.⁵³⁰⁶ On 25 May 1992, the camp began operating and held up to 1,500 prisoners crowded into a number of large rooms or halls.⁵³⁰⁷ The number of people captured rapidly increased and the capacity of the facility could not meet the growing needs; therefore, pursuant to a decision of the Prijedor Crisis Staff, Keraterm camp became a transit facility and all detainees were transferred to Omarska camp.⁵³⁰⁸

1240. **Draško Vujić**, testified that in the week before 30 May 1992, his brigade carried out operations in Hambarine and Kozarac, and many non-Serbs were arrested.⁵³⁰⁹ They were then taken by the VRS to camps, including to Keraterm.⁵³¹⁰

1241. Sikirica was the camp commander.⁵³¹¹ The Prijedor Crisis Staff tasked the SJB with physically securing Keraterm.⁵³¹² The camp was staffed by employees of the Prijedor SJB and the Prijedor Military Police.⁵³¹³ **Jusuf Arifagić** stated that the camp was guarded by Serb guards, whom he believed were paramilitaries.⁵³¹⁴ Some of them

⁵³⁰⁴ Adjudicated Facts I, nos 1027-1028.

⁵³⁰⁵ P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 2, 13; undated Prijedor SJB report, p. 2.

⁵³⁰⁶ P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report pp. 2-3; undated Prijedor SJB report, p. 3.

⁵³⁰⁷ Adjudicated Facts I, no. 1031.

⁵³⁰⁸ P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, pp. 3-4; undated Prijedor SJB report, p. 4.

⁵³⁰⁹ Draško Vujić, T. 34976.

⁵³¹⁰ Draško Vujić, T. 34977-34978.

⁵³¹¹ Adjudicated Facts I, no. 1029. The Trial Chamber understands that this refers to Duško Sikirica. *See* P3224 (Witness RM-008, witness statement, 16 May 2013), para. 31.

⁵³¹² P2900 (MUP reports regarding Prijedor, Sanski Most, and Bosanski Novi Municipalities), 18 August 1992 Banja Luka CSB report, p. 6.

⁵³¹³ Adjudicated Facts I, no. 1028.

⁵³¹⁴ P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), p. 4936.

wore police uniforms, but they always acted under the orders of those who wore military uniforms.⁵³¹⁵ **Witness RM-384** stated that the camp guards wore JNA uniforms known as ‘SMB’ uniforms.⁵³¹⁶

1242. **Osman Selak** testified that as of 26 July 1992, Keraterm camp must have been within the area of responsibility of the Banja Luka Corps / the 1KK Command as the Banja Luka Corps had covered the entire Bosnian Krajina, including Prijedor.⁵³¹⁷ Selak believed it therefore followed that the guards for Keraterm camp were provided by the Banja Luka Corps / the 1KK.⁵³¹⁸

1243. **Arifagić** stated that during his detention in Keraterm camp, he saw a number of high-ranking officers at the camp, one of whom was Simo Drljača.⁵³¹⁹ **Miloš Šolaja** testified that on 7 August 1992, he and Brano Božić, both in civilian clothing, accompanied a group of foreign journalists when the group briefly visited the municipal building in Prijedor, before going to Keraterm camp.⁵³²⁰ There, the witness and journalists only saw the front section of the camp, which was empty on that day.⁵³²¹

1244. **Mišo Rodić** testified that from May 1992, he worked at the Zarko Zgonjanin barracks, which was closely situated to the Keraterm Complex; from June 1992, the witness was based at the Kozara Putevi building, which housed the Command of the 43rd Brigade, and was located adjacent to the Keraterm Complex.⁵³²² The Commander of the 43rd Brigade, Colonel Arsić was based there as of early July 1992.⁵³²³ The witness and members of his Brigade interrogated persons detained at Keraterm on the premises of the military police of the 43rd Brigade, located at an ‘out-building’ of the Keraterm complex – which the witness marked on a map.⁵³²⁴ In ‘exceptional cases’, interrogations were held at the building of the command of the 43rd Brigade.⁵³²⁵ The security organs of the Brigade also interrogated detainees at Keraterm; they mostly

⁵³¹⁵ P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4936-4937.

⁵³¹⁶ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4.

⁵³¹⁷ P244 (Osman Selak, witness statement, 13 July 2000), para. 68; Osman Selak, T. 3141-3142; P248 (1KK regular combat report, 26 July 1992), p. 1. *See also* P2375 (Witness RM-016, witness statement, 5 August 2013), para. 77.

⁵³¹⁸ Osman Selak, T. 3142.

⁵³¹⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 20.

⁵³²⁰ D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 12-13; Miloš Šolaja, T. 32729.

⁵³²¹ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 13; Miloš Šolaja, T. 32729, 32762-32763.

⁵³²² Mišo Rodić, T. 33058-33069; P7203 (aerial image).

⁵³²³ Mišo Rodić, T. 33051, 33059-33060, 33065-33066.

⁵³²⁴ Mišo Rodić, T. 33067; P7203 (aerial image).

⁵³²⁵ Mišo Rodić, T. 33067.

relied on a crime investigation platoon that was part of the military police stationed at Keraterm.⁵³²⁶ One of the military police that interrogated detainees was called Dragan Radetić.⁵³²⁷ According to the witness, members of the MUP were responsible for guarding the detainees at Keraterm.⁵³²⁸ For the first month or so members of the intelligence organ of the 43rd Brigade, who needed information regarding the ‘Green Berets’, did not have access to Keraterm and were in conflict with members of the MUP about this fact.⁵³²⁹ The witness received tasks and reported to Lieutenant-Colonel Majstorović, who was the Assistant Commander for security and intelligence of the 43rd Motorized Brigade.⁵³³⁰ Majstorović reported to the security and intelligence organ of the 1KK.⁵³³¹ The witness testified that members of the intelligence organ did not beat detainees at Keraterm while interrogating them.⁵³³²

1245. The witness testified regarding the intentions of the Green Berets to ‘attack the city of Prijedor’ as well as its intentions take all the vital facilities of the city.⁵³³³ The witness interrogated a number of persons whom he testified were members of the Green Berets who took part in the attack.⁵³³⁴ His Brigade managed to identify 112 names of Green Berets members, of which he remembers Slavko Ećimović a.k.a Ribar, Edin Čajić, Suada Karagić, and Asim Muhić.⁵³³⁵ Asim Muhić had been taken for interrogation to the Zarko Zgonjanin barracks of the 43rd Brigade.⁵³³⁶

1246. **Dragan Vujčić** testified that his unit had nothing to do with the camps in Keraterm, Omarska and Trnopolje and that the camps were held by the civilian police.⁵³³⁷

⁵³²⁶ Mišo Rodić, T. 33067, 33070.

⁵³²⁷ Mišo Rodić, T. 33071.

⁵³²⁸ Mišo Rodić, T. 33107.

⁵³²⁹ Mišo Rodić, T. 33107, 33110-33111.

⁵³³⁰ Mišo Rodić, T. 33056-33057.

⁵³³¹ Mišo Rodić, T. 33056-33057.

⁵³³² Mišo Rodić, T. 33111.

⁵³³³ D930 (statement of Mišo Rodić, 26 June 2014), paras 10-13.

⁵³³⁴ D930 (statement of Mišo Rodić, 26 June 2014), paras 11-18.

⁵³³⁵ D930 (statement of Mišo Rodić, 26 June 2014), para. 13; D931 (Undated document entitled ‘the group of Slavko Ećimović’).

⁵³³⁶ Mišo Rodić, T. 33071.

⁵³³⁷ D1359 (Dragan Vujčić, witness statement, 20 July 2015), para. 11.

Detainees at Keraterm camp

1247. Around 4,000 detainees were held in Keraterm camp, mostly Bosnian-Muslim and Bosnian-Croat men, together with a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb.⁵³³⁸ **Witness RM-008** stated that the 30 Bosnian-Muslim detainees brought to the camp with him were civilians and had not been involved in any fighting.⁵³³⁹ The men held with him were from the Brdo area of Prijedor Municipality, including the villages of Zecovi, Čarakovo, Hambarine, Rakovčani, Rizvanovići, and Biščani.⁵³⁴⁰ All detainees were eventually transferred to Omarska or Trnopolje.⁵³⁴¹ The witness was transferred to Trnopolje on 5 August 1992.⁵³⁴²

1248. Some of the witnesses who had been detained at Keraterm camp described their arrest and transfer to the camp. **Witness RM-065** stated that some time between 8 and 10 June 1992, four soldiers arrested him in the street and took him to Keraterm camp. The witness later learned from his neighbour that two special vehicles and eight Serb soldiers wearing insignia with a skull and bones on their hats from a special intervention platoon had been looking for him at his house. An hour and a half after the witness arrived at the camp, Šipka, who was wearing a JNA uniform, took him to a building across the street. There, Šipka and two other individuals interrogated the witness and then released him.⁵³⁴³ **Arifagić** stated that on 14 June 1992, he was arrested in Mujkanovići by Draže Mitrović, a Serb soldier and former electrician in Prijedor.⁵³⁴⁴ The witness was arrested with two other men, and the three of them were made to join a group of 40 men.⁵³⁴⁵ The witness estimated that there were ten Serb guards present, all of whom were following Mitrović's orders.⁵³⁴⁶ The 43 men were ordered to form columns and walked in the direction of the Prijedor-Banja Luka highway, and they were beaten and forced to sing Serbian national songs along the way.⁵³⁴⁷ When they reached the highway, they were ordered to lie down with their hands behind their heads. A soldier ordered the witness to take off his watch, and all of the men were ordered to

⁵³³⁸ Adjudicated Facts I, no. 1032.

⁵³³⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 13.

⁵³⁴⁰ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 26.

⁵³⁴¹ Adjudicated Facts I, no. 1032.

⁵³⁴² P3224 (Witness RM-008, witness statement, 16 May 2013), para. 55.

⁵³⁴³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 23.

⁵³⁴⁴ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8; P3390 (Jusuf Arifagić, *Tadić* transcript, 8 August 1996), pp. 4930-4931.

⁵³⁴⁵ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.

⁵³⁴⁶ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.

⁵³⁴⁷ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 8-11.

remove their gold and hold it in the air. The witness handed over his watch, his gold neck chain, and some money.⁵³⁴⁸ The men were then transported to Keraterm camp.⁵³⁴⁹ The witness was put in a room with other Muslim detainees from Donja Puharska, Rizvanovići, Kozarac, and Prijedor, as well as some Croats.⁵³⁵⁰ The witness remained at Keraterm camp until 1 August 1992.⁵³⁵¹

1249. **Safet Tači** testified that on 15 June 1992, two soldiers in camouflage uniforms entered the house in which he was staying in Sivci, asked him for his identification, and ordered him to board a civilian truck, all while a tank pointed its cannon at the house and soldiers wearing black hats and armed with automatic rifles surrounded the house.⁵³⁵² While driving towards Kozarac, the truck stopped to pick up two or three men along the way.⁵³⁵³ At an intersection on the main road towards Kozarac, the witness entered a waiting minibus with ten men, one soldier, and a driver in civilian trousers and a camouflage shirt.⁵³⁵⁴ The witness was ultimately brought to Keraterm camp.⁵³⁵⁵

Witness RM-026 stated that on 8 July 1992, ‘Chetniks’ captured him in the woods near Čarakovo and took him to Keraterm camp.⁵³⁵⁶ On 14 July 1992, **Witness RM-033** was arrested by men wearing police uniforms.⁵³⁵⁷ Together with a Muslim woman and a number of men, the witness was taken to Keraterm camp in a police car.⁵³⁵⁸ At the camp, Sikirica identified himself as the camp commander and ordered them to remove all of their jewellery and valuables.⁵³⁵⁹

Conditions at Keraterm camp

1250. At Keraterm camp, prisoners were crowded into its rooms, as many as 570 in one room, with barely enough space to lie down on the concrete floors.⁵³⁶⁰ **Tači** described one of the rooms as measuring approximately 10 by 12 metres, with tin walls, and

⁵³⁴⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 9.

⁵³⁴⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 11.

⁵³⁵⁰ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 12.

⁵³⁵¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 11-12, 22.

⁵³⁵² P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 25-28.

⁵³⁵³ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 30.

⁵³⁵⁴ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 31; Safet Tači, T. 2121-2122.

⁵³⁵⁵ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 43; Safet Tači, T. 2099; P160 (Photo of Keraterm camp).

⁵³⁵⁶ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁵³⁵⁷ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6194-6195.

⁵³⁵⁸ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6195.

⁵³⁵⁹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6196.

⁵³⁶⁰ Adjudicated Facts I, no. 1033.

containing around 500 people.⁵³⁶¹ Prisoners were kept locked in these rooms for days on end, crowded together.⁵³⁶² The rooms were unlit and without windows and were in the summer intensely hot, with no ventilation.⁵³⁶³ **Witness RM-008** stated that one of the rooms had windows at the top of the three-metre high walls.⁵³⁶⁴ However, although the windows were opened, there was insufficient air in the room and the door was only opened when new people were brought in.⁵³⁶⁵

1251. In the camp, the conditions of hygiene were dreadful and infestations of lice appeared.⁵³⁶⁶ There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, with five men at a time escorted by guards.⁵³⁶⁷ Initially, one lavatory was available for all, but it became blocked and barrels were supplied instead, which leaked; the stench was overpowering.⁵³⁶⁸ Detainees could never bathe although, occasionally, they could wash with a little with cold water.⁵³⁶⁹ They received no soap or toothpaste.⁵³⁷⁰ Dysentery was rife at Keraterm.⁵³⁷¹ There was no medical care for illness or for the injuries inflicted by beatings.⁵³⁷² **Arifagić** stated that the morning after he was beaten, he asked permission to join a group of detainees being taken to the hospital.⁵³⁷³ He was then taken to the hospital along with six or seven other detainees, including Emsud Bahunjić, and a nurse at the hospital treated his injuries.⁵³⁷⁴ The detainees were then transported back to Keraterm camp.⁵³⁷⁵

1252. The quality and quantity of food and water provided was totally inadequate and not delivered regularly and detainees suffered from malnutrition and starvation.⁵³⁷⁶ The detainees received two pieces of bread that they had to eat very quickly or they would be beaten.⁵³⁷⁷ To supplement the meagre camp provisions, detainees were sometimes allowed to receive food brought from their families, although these occasional

⁵³⁶¹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 45; Safet Tači, T. 2100.

⁵³⁶² Adjudicated Facts I, no. 1034.

⁵³⁶³ Adjudicated Facts I, no. 1034.

⁵³⁶⁴ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 23-24.

⁵³⁶⁵ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 25, 29.

⁵³⁶⁶ Adjudicated Facts I, no. 1035.

⁵³⁶⁷ Adjudicated Facts I, no. 1035.

⁵³⁶⁸ Adjudicated Facts I, no. 1034.

⁵³⁶⁹ Adjudicated Facts I, no. 1035.

⁵³⁷⁰ Adjudicated Facts I, no. 1035.

⁵³⁷¹ Adjudicated Facts I, no. 1036.

⁵³⁷² Adjudicated Facts I, no. 1036.

⁵³⁷³ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 13-14.

⁵³⁷⁴ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 14-15.

⁵³⁷⁵ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 16.

⁵³⁷⁶ Adjudicated Facts I, nos 1035, 1037.

⁵³⁷⁷ Adjudicated Facts I, no. 1037.

supplements were not enough to alleviate the hunger and malnutrition.⁵³⁷⁸ **Witness RM-384** stated that as of 5 May 1992, he delivered water upon instructions by the military, including to Keraterm camp.⁵³⁷⁹ **Witness RM-385** stated that food was sometimes brought to Keraterm camp.⁵³⁸⁰

Treatment of detainees at Keraterm camp

1253. At Keraterm camp, detainees were beaten on arrival.⁵³⁸¹ **Arifagić** stated that guards beat him and other detainees upon arrival.⁵³⁸² **Witness RM-033** stated that on one occasion, Sikirica and other guards beat up men who had just arrived.⁵³⁸³ **Tači** testified that, upon his arrival with other men, guards wearing camouflage uniforms told the detainees to lie down on their stomachs on the hot asphalt with their hands behind their necks.⁵³⁸⁴ One detainee who tried to avoid direct contact with the hot asphalt was kicked in the head.⁵³⁸⁵

1254. Most of the detainees were interrogated in an attempt to identify opponents of the new Serb regime.⁵³⁸⁶ Interrogations were conducted by members of the Banja Luka CSB and of the Banja Luka Corps and were accompanied by beatings.⁵³⁸⁷ **Arifagić** heard guards accusing detainees of being ‘Green Berets’ and he also heard detainees replying that they were not guilty of anything.⁵³⁸⁸ Some prisoners were questioned about money and taken to their homes and made to search for money, to be handed over to the guards if found.⁵³⁸⁹

1255. Beatings were very frequent at Keraterm, and prisoners were called out and attacked with bars and batons.⁵³⁹⁰ **Witness RM-008** stated that guards beat detainees.⁵³⁹¹ There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over, some died of their injuries, while others

⁵³⁷⁸ Adjudicated Facts I, no. 1038.

⁵³⁷⁹ P7313 (Witness RM-384, witness statement, 30 January 2014), paras 2, 4.

⁵³⁸⁰ P7314 (Witness RM-385, witness statement, 5 April 2014), para. 12.

⁵³⁸¹ Adjudicated Facts I, no. 1040.

⁵³⁸² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 11.

⁵³⁸³ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6196.

⁵³⁸⁴ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 44; Safet Tači, T. 2099, 2124.

⁵³⁸⁵ Safet Tači, T. 2099-2100.

⁵³⁸⁶ Adjudicated Facts I, no. 1039.

⁵³⁸⁷ Adjudicated Facts I, nos 1041-1042.

⁵³⁸⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 13.

⁵³⁸⁹ Adjudicated Facts I, no. 1049.

⁵³⁹⁰ Adjudicated Facts I, no. 1043.

never returned.⁵³⁹² **Arifagić** stated that beatings of detainees took place on a nightly basis.⁵³⁹³ He described how, on one occasion, 15 to 20 guards beat him and other detainees with rubber batons, rifle butts, and a special type of baton with an iron ball attached to the end by a chain.⁵³⁹⁴ He recognized one of the guards who was beating him as Milan, who was wearing a camouflage uniform, black military boots, black gloves with the fingers cut out, and a white military belt with the words 'military police' on it.⁵³⁹⁵ **Witness RM-023** stated that on one occasion, a detainee was beaten with a metal rod and a plastic beer crate.⁵³⁹⁶ Serb guards also sprayed the detainees with dirty water from a hose.⁵³⁹⁷

1256. **Tači** testified that Zoran Žigić, Duča, Čupo, and unnamed guards beat detainees.⁵³⁹⁸ On one occasion, the witness saw Žigić shoot his pistol against the ceiling, causing the bullet to ricochet and hit a detainee in the leg.⁵³⁹⁹ **Arifagić** stated that Emsud Bahunjić died as a result of almost daily beatings from Žigić and occasionally from Dušan Knežević, a.k.a. Duča.⁵⁴⁰⁰ The witness stated that Knežević, who wore military clothing including a white military belt, was not a guard but visited the camp regularly in his civilian car and was often with Žigić.⁵⁴⁰¹

1257. **Arifagić** stated that on or about 1 July 1992, ten detainees were called out by 'Čupo' Banović and one other guard, following which the witness could hear screaming and crying. The detainees were beaten for two or three hours by a number of guards, whom the witness could not identify as it was getting dark. The detainees were then returned to the room.⁵⁴⁰² **Witness RM-008** recognized 'Čupo' Banović who abused men in the camp even when he was off duty.⁵⁴⁰³ On one occasion after Sabid Sijerčić raised two fingers to ask permission to go to the toilet, Banović made him hold out his hand

⁵³⁹¹ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 19-20.

⁵³⁹² Adjudicated Facts I, no. 1044.

⁵³⁹³ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 16; P3389 (Jusuf Arifagić, *Stakić* transcript, 28 August 2002), pp. 7090-7091.

⁵³⁹⁴ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 12-13.

⁵³⁹⁵ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 13.

⁵³⁹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3972.

⁵³⁹⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9-10.

⁵³⁹⁸ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 78-79, 82-83; P159 (Safet Tači, witness statement, 20 September 2000), paras 7, 8, 10.

⁵³⁹⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 82.

⁵⁴⁰⁰ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 16-17.

⁵⁴⁰¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 22.

⁵⁴⁰² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 17.

⁵⁴⁰³ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 19, 30, 32-33, 36.

and then shot him in the right palm while calling him an ‘*Ustaša* or *balija*’.⁵⁴⁰⁴ Later, Banović asked for Sijerčić, took him away, and the witness never saw him again.⁵⁴⁰⁵ On another occasion, the witness saw Banović shoot Emsud Rakanović and Sikirić for fidgeting and curse their Croat and Muslim mothers.⁵⁴⁰⁶ The two detainees were taken away on a truck the next day.⁵⁴⁰⁷ **Witness RM-026** stated that ‘Chetniks’ and Banović, whom he described as a guard, beat him.⁵⁴⁰⁸ **Arifagić** stated that he was beaten by Dragan Kondić, an armed guard wearing military clothing and a white military belt, and other detainees were beaten by guards the shift led by ‘Kole’.⁵⁴⁰⁹

1258. **Witness RM-008** stated that Mirhad Šehić and Semir Musić were called out and beaten. Šehić was beaten during the shift of Duško Sikirica. Semir Musić did not get up after being beaten, and his relative Faruk Musić was ordered to load his body on a truck and board the truck himself. They were then taken away, and the witness did not see either of them again.⁵⁴¹⁰

1259. Two Bosnian-Muslim former policemen were beaten with chains and metal rods.⁵⁴¹¹ **Arifagić** stated that two policemen, a Muslim and a Croat, were called out and beaten by guards.⁵⁴¹² One of them was killed and the other was brought back to the room and later taken to a hospital.⁵⁴¹³

1260. Beatings and humiliation were often administered in front of other detainees.⁵⁴¹⁴ **Radulović** stated that detainees were made to lean against the wall on three fingers and sing ‘Chetnik’ songs.⁵⁴¹⁵ Prisoners were also made to beat one another.⁵⁴¹⁶ **Tači** testified that on one occasion, ‘Duča’ beat two detainees who were brothers and forced them to beat each other.⁵⁴¹⁷ **Arifagić** stated that Knežević called out the two brothers, Zijad and Ilijaz Jakupović, and he saw the two detainees being beaten in front of the room in which they had been held. In particular, he saw Knežević beat Ilijaz Jakupović and

⁵⁴⁰⁴ P3224 (Witness RM-008, witness statement, 16 May 2013), paras 50-51.

⁵⁴⁰⁵ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 54.

⁵⁴⁰⁶ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 53.

⁵⁴⁰⁷ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 53.

⁵⁴⁰⁸ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 8.

⁵⁴⁰⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 18-19.

⁵⁴¹⁰ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 31.

⁵⁴¹¹ Adjudicated Facts I, no. 1045.

⁵⁴¹² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 17-18.

⁵⁴¹³ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 18.

⁵⁴¹⁴ Adjudicated Facts I, no. 1047.

⁵⁴¹⁵ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 150.

⁵⁴¹⁶ Adjudicated Facts I, no. 1043.

⁵⁴¹⁷ P159 (Safet Tači, witness statement, 20 September 2000), para. 10.

throw him against a truck. There were a number of guards at the front of the room at the time. The beating lasted for 15 minutes, after which the two detainees were thrown back into the room.⁵⁴¹⁸

1261. **Witness RM-008** stated that sometimes civilians came to Keraterm camp looking for particular detainees, whom they would take out and beat.⁵⁴¹⁹

1262. Women in the camp were raped. In June or July 1992, a number of guards raped a female inmate on a table in a dark room until she lost consciousness. The next morning, she found herself lying in a pool of blood.⁵⁴²⁰ **Witness RM-033** stated that after the woman woke up, a guard ordered her to clean herself up and then took her outside to the yard and made her sit down on a rock for several hours.⁵⁴²¹ Nedeljko Timarac, who was dressed in military clothes, was one of the men who raped the detainee.⁵⁴²²

The Trial Chamber's findings

1263. The Trial Chamber has received evidence from Jusuf Arifagić that he and other detainees were taken to a hospital, where he received medical treatment for injuries inflicted by a beating, and that on a separate occasion, another detainee was taken to a hospital after being beaten. This contradicts Adjudicated Fact 1036, which states that no medical care was provided for injuries. Given that Arifagić was present at Keraterm camp during the relevant time period and personally received medical care, the Trial Chamber considers his evidence to be sufficiently reliable to partially rebut the Adjudicated Fact. Under these circumstances, the Trial Chamber finds that Adjudicated Fact 1036 is rebutted as it relates to no medical care being provided for injuries inflicted by beatings.

1264. The Trial Chamber has received evidence from Rade Javorić that the military, including VRS officers, did not secure collection centres in Prijedor. This may be seen to contradict Adjudicated Fact 1028, according to which Keraterm camp was staffed by, *inter alios*, employees of the Prijedor Military Police. However, even were members of

⁵⁴¹⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 22.

⁵⁴¹⁹ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 30.

⁵⁴²⁰ Adjudicated Facts I, no. 1048.

⁵⁴²¹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6199.

⁵⁴²² P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6197.

the Prijedor Military Police to have staffed Keraterm camp, it would not follow that they were necessarily involved in securing the camp. As such, the Trial Chamber finds that Javorić's testimony does not rebut Adjudicated Fact 1028. The Trial Chamber further notes that Javorić's evidence in this respect is unreliable, as he provided no basis of knowledge for his assertion other than having heard information from unknown sources, he never visited Keraterm camp or any other detention facility in Prijedor Municipality, and he testified that he did not know what occurred at such facilities.⁵⁴²³

1265. Based on the foregoing, the Trial Chamber finds that Keraterm camp held approximately 4,000 male and female detainees, including civilians.⁵⁴²⁴ The detainees were primarily Bosnian-Muslim and Bosnian-Croat men, along with a small number of Albanians and at least one Bosnian Serb accused of not being a loyal Serb. Detainees were locked in a number of unlit, intensely hot, and insufficiently ventilated rooms for days on end.⁵⁴²⁵ There was barely enough space for the detainees to lie down on the concrete floors. The conditions at the camp were unsanitary. Detainees had access to only one toilet, which they could use once per day; after it became blocked, they were provided with barrels that leaked. Detainees were only occasionally permitted to wash themselves. There were infestations of lice and dysentery. Detainees were provided with insufficient food and water and, despite sometimes being allowed to receive food their families brought to them, they suffered from malnutrition and starvation. No medical care for illnesses was provided at the camp, but in some instances detainees were taken to a hospital for the treatment of injuries sustained in beatings.

1266. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber considers that the Prijedor Crisis Staff established Keraterm camp,

⁵⁴²³ Rade Javorić, T. 31423, 31450.

⁵⁴²⁴ The Trial Chamber has received evidence from Rade Javorić that many Muslims voluntarily sought protection at several camps, including Keraterm camp, in May 1992. This may be seen to contradict Adjudicated Fact 1032, according to which around 4,000 detainees were *held* in Keraterm camp. However, even were individuals to have voluntarily sought protection at Keraterm camp, this could have been in addition to the 4,000 detainees held at the camp. As such, the Trial Chamber finds that Javorić's testimony does not rebut Adjudicated Fact 1032. The Trial Chamber further notes that that Javorić's evidence in this respect is unreliable, as he provided no basis of knowledge for this statement with respect to Keraterm camp other than having heard information from unknown sources, he never visited Keraterm camp or any other detention facility in Prijedor Municipality, and he testified that he did not know what occurred at such facilities.

⁵⁴²⁵ Witness RM-008 stated that while there was insufficient air in one of the rooms at Keraterm camp, there were open windows in that room. This contradicts Adjudicated Fact 1034, which states that the rooms in Keraterm camp were without windows. As Witness RM-008 was present at the camp, the Trial Chamber considers his evidence concerning the existence of windows in the room in which he was held to be sufficiently reliable to rebut Adjudicated Fact 1034 with respect to whether there were any windows in the rooms at Keraterm camp.

which began operating on 25 May 1992 and remained in operation until at least 5 August 1992. The camp was staffed by members of the Prijedor SJB and the Prijedor Military Police.⁵⁴²⁶ As Keraterm camp was within the area of responsibility of the Banja Luka Corps / 1KK, the Trial Chamber understands that the military police operating in Prijedor Municipality were a part of this corps. Duško Sikirica served as the camp commander. The Trial Chamber finds accordingly that the Prijedor Crisis Staff, the Military Police of the Banja Luka Corps / 1KK, and the Prijedor SJB detained people at Keraterm camp and were responsible for the conditions at the camp.

1267. The Trial Chamber further finds that members of the Banja Luka CSB and Banja Luka Corps / 1KK, as well as teams comprising members of the SJB, the SNB, and the VRS military security, interrogated detainees and that these interrogations were accompanied by beatings. Guards called detainees out of their cells and beat them on a nightly basis, in some instances with rifle butts, brass knuckles, iron bars, and other implements. On one occasion, detainees were beaten for two to three hours. Sikirica and guards including 'Čupo' Banović, Dragan Kondić, Zoran Žigić, and guards working on the shift led by 'Kole' all beat detainees. Banović also beat detainees when he was off duty. On one occasion, guards ordered arriving detainees to lie facedown on hot asphalt with their hands behind their necks and, when a detainee tried to avoid contact with the asphalt, a guard kicked him in the head. Banović once shot a detainee in the palm and called him an '*Ustaša* or *balija*' for asking permission to use the toilet, and in another instance, he shot two detainees for fidgeting and cursed their Croat and Muslim mothers. On another occasion, Žigić fired his pistol, and the bullet ricocheted and hit a detainee in the leg. Detainees were also beaten if they did not eat their bread rations quickly enough, and they were forced to lean against the wall on three fingers and sing 'Chetnik' songs.

1268. Paramilitary units and civilians were permitted to enter the camp. Civilians would sometimes come to the camp and take detainees out of their cells to beat them.

1269. Guards, members of paramilitary units, or civilians raped female detainees at the camp. In one instance in mid-July 1992, a number of guards, including Nedeljko Timarac, raped a female detainee until she lost consciousness and awoke the next

⁵⁴²⁶ Arifagić stated that he believed but was not certain that Keraterm camp was guarded by paramilitaries, and he provided no basis of knowledge for this assertion. The Trial Chamber finds his evidence in this respect insufficiently reliable to establish that paramilitaries were among those guarding Keraterm camp.

morning lying in a pool of blood. A guard then ordered her to clean herself up, took her to the yard, and made her sit on a rock for several hours.

1270. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

Schedule C.15.4

1271. According to the Indictment, the Accused is responsible for the unlawful detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting to inhumane living conditions Bosnian Muslims and Bosnian Croats in Trnopolje camp, Prijedor Municipality, between 24 May and 30 September 1992.⁵⁴²⁷ The Defence submitted that Trnopolje camp was not a detention facility, but an open reception centre for refugees fleeing the conflict, and that there were no interrogations, beatings, or ill-treatment there.⁵⁴²⁸ The Defence further submitted that the camp was managed by the local TO and police, and was never under the control or management of the VRS, nor was the VRS informed of its establishment.⁵⁴²⁹ As explained in Appendix B, the Trial Chamber will in this context also consider evidence concerning the alleged acts against detainees of Trnopolje camp, perpetrated elsewhere in Prijedor Municipality. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to Trnopolje camp. It also received evidence from **Witness RM-047**, **Witness RM-017**, **Azra Blažević**, **Witness RM-023**, **Witness RM-060**, **Safet Tači**, **Witness RM-074**, and **Witness RM-008**, all Bosnian Muslims from Prijedor Municipality;⁵⁴³⁰ as well as **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁵⁴³¹ **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo

⁵⁴²⁷ Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.4.

⁵⁴²⁸ Defence Final Brief, paras 990-993.

⁵⁴²⁹ Defence Final Brief, para. 990; Defence Closing Arguments, T. 44681-44682.

⁵⁴³⁰ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. P3617 (Azra Blažević, witness statement, 10 November 1994), p. 1. P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. P3224 (Witness RM-008, witness statement, 16 May 2013), p. 1, para. 3.

⁵⁴³¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

who covered events in Prijedor and surrounding municipalities;⁵⁴³² **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;⁵⁴³³ **Charles McLeod**, a member of the ECMM in north-west Bosnia beginning in July 1992;⁵⁴³⁴ **Edward Vulliamy**, a journalist for *The Guardian* who covered events in Bosnia-Herzegovina between 1992 and 1995;⁵⁴³⁵ **Predrag Radulović**, head of an intelligence team known as the Miloš group, in the CSB Banja Luka from mid-1991 to 1994;⁵⁴³⁶ **Slavko Puhalić**, a Serb soldier from Prijedor who served under Slobodan Kuruzović in Trnopolje camp until August 1992;⁵⁴³⁷ **Branko Berić**, an assistant for medical and veterinary services at the logistics base in Čirkin Polje, which was part of the Prijedor TO;⁵⁴³⁸ **Sead Sušić**, a Bosnian Muslim from Čarakovo, Prijedor Municipality;⁵⁴³⁹ and **Charles Kirudja**, a UN civil affairs officer in Croatia between April 1992 and March 1994,⁵⁴⁴⁰ and finds that this evidence is consistent with the Adjudicated Facts.⁵⁴⁴¹ It also received evidence from the following Bosnian Muslims from Prijedor: **Witness RM-709**, **Kerim Mešanović**, **Jusuf Arifagić**, **Witness RM-033**, and **Witness RM-065**

⁵⁴³² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁵⁴³³ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁵⁴³⁴ P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

⁵⁴³⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

⁵⁴³⁶ P3207 (Predrag Radulović, witness statement, 5 December 2009), p. 1, paras 4-5.

⁵⁴³⁷ D898 (Slavko Puhalić, witness statement, 26 June 2014), p. 1, paras 2-5; Slavko Puhalić, T. 31659, 31664.

⁵⁴³⁸ D928 (Branko Berić, witness statement, 26 June 2014), paras 11-12; Branko Berić, T. 32852-32853.

⁵⁴³⁹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1. The evidence of Sead Sušić is reviewed in chapter 4.10.7.

⁵⁴⁴⁰ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is reviewed in chapter 4.1.2 *Schedule C.1.2*.

⁵⁴⁴¹ **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 4-5. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 11. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 17-19, 21, 23-24. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9-16, 24-25; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3966-3967, 3969-3971, 3975. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6860, 6875, 6877-6878. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 85; Safet Tači, T. 2129. **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 7. **Witness RM-008**: P3224 (Witness RM-008, witness statement, 16 May 2013), para. 61. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 35, 37, 39-40, 45, 48, 50-51, 60, 66; Idriz Merdžanić, T. 3327-3328, 3332, 3380. **Nusret Sivac**: Nusret Sivac, T. 4816. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46; Mevludin Sejmenović, T. 3548-3549. **Charles McLeod**: P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father). **Edward Vulliamy**: P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7961-7962, 8054; Edward Vulliamy, T. 2722-2723, 2727-2728. **Predrag Radulović**: P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142, 153. **Slavko Puhalić**: D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 13, 16, 23; Slavko Puhalić, T. 31642, 31675. **Branko Berić**: Branko Berić, T. 32854, 32877. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33. **Charles Kirudja**: P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 74; P6484 (Memorandum by Charles Kirudja to UNPROFOR headquarters, 3 July 1992), pp.1-2.

(whose evidence is reviewed in chapter 4.10.2 *Schedule C.15.2*);⁵⁴⁴² as well as **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 5th JNA (Banja Luka) Corps Command, subsequently 1KK, between 1992 and 1994;⁵⁴⁴³ **Miloš Šolaja**, Editor-in-Chief within the 1KK Press Centre from 18 July 1992 until the end of the war;⁵⁴⁴⁴ **Rade Javorić**, Commander of the Prijedor TO Staff as of 16 September 1991;⁵⁴⁴⁵ as well as documentary evidence;⁵⁴⁴⁶ and **Boško Kelečević**, Chief of Staff of the 1KK from 12 May 1992 until the end of the war.⁵⁴⁴⁷

Establishment of and personnel at Trnopolje camp

1272. **Boško Kelečević** testified that he received information that the Omarska, Keraterm and Trnopolje ‘centres’ were formed by a decision of the civilian police authorities in Prijedor Municipality, and that the Crisis Staff was in charge of the camps.⁵⁴⁴⁸ The VRS 43rd Brigade took a large number of disarmed members of Muslim

⁵⁴⁴² P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2. P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3. P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189. P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). See also P3279 (Table of Concordance).

⁵⁴⁴³ D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

⁵⁴⁴⁴ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 4.

⁵⁴⁴⁵ D895 (Rade Javorić, witness statement, 26 June 2014), paras 2, 6; Rade Javorić, T. 31424.

⁵⁴⁴⁶ P200 (Video-footage of visit to camps in Prijedor, August 1992); P204 (Article by Edward Vulliamy published in *The Guardian* on 7 August 1992); P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992); P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992); P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić); P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić); P275 (Photograph of Nedžad Jakupović taken by Idriz Merdžanić); P276 (Photograph showing detainees lining up for convoy in Trnopolje camp); P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić, 27-28 August 2000, marked X); P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); P279 (Excerpt from video interview with Idriz Merdžanić); P3263 (ECMM report, 1 September 1992); P3265 (ECMM report, 3 September 1992); P3266 (Excerpt from letter from Charles McLeod to his father); P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992); P7128 (Aerial image of the two roads that bordered the camp, taken after the war); P7129 (Report on mobilized motor vehicles of the Crisis Staff, Cirkin Polje Logistics Base, 17 June 1992); P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps); P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992); P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992); P2900 (Banja Luka CSB report, 18 August 1992).

⁵⁴⁴⁷ D1110 (Boško Kelečević, witness statement, 26 June 2014), p. 1, paras 1, 9; Boško Kelečević, T. 37131.

⁵⁴⁴⁸ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 16; Boško Kelečević, T. 37263-37264.

forces to these camps during both the Hambarine and Kozarac operations.⁵⁴⁴⁹ In addition, a large proportion of the male population of Kozarac and Hambarine were rounded up and taken to these camps, which, according to Kelečević, was done mainly by the Prijedor Crisis Staff.⁵⁴⁵⁰ Once at the camps, the civilian authorities were responsible for the detainees, and together with the respective ministries of defence, established whether the detainees belonged to any Muslim or Croat armed forces.⁵⁴⁵¹ According to a Prijedor SJB report addressed to the MUP, VRS, and Banja Luka CSB, the War Presidency of the Prijedor Municipal Assembly had adopted a decision on 24 July 1992 to reduce the reserve police forces and security presently employed at the Keraterm, Trnopolje and Omarska camps.⁵⁴⁵² Simo Drljača reported that the Prijedor SJB was not able to implement this decision as long as the army refused to take over the security duties in the camps.⁵⁴⁵³

1273. Trnopolje camp was established in the village of Trnopolje at the same time as Omarska camp and Keraterm camp were established in Prijedor and it was officially closed down at the end of September 1992, although some of the detainees stayed there longer.⁵⁴⁵⁴ The camp consisted of a two-storied former school building and what had been a municipal centre and attached theatre, known as the 'dom'.⁵⁴⁵⁵ **Witness RM-709** stated that on 26 May 1992, a special military police unit from Prijedor, under the command of Slobodan Kuruzović, arrived in Trnopolje Village.⁵⁴⁵⁶ SDS members surrounded the village while policemen brought all the inhabitants to the community centre and the elementary school in Trnopolje.⁵⁴⁵⁷ The witness stated that the policeman who arrested him was wearing a blue camouflage uniform and forced him to go to the community centre at gunpoint.⁵⁴⁵⁸ **Witness RM-047** stated that on 26 May 1992, armed soldiers in a military vehicle and wearing 'the usual Yugoslav military uniform' and helmets with the five-pointed star covered by black scotch tape arrested him at gunpoint

⁵⁴⁴⁹ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15; Boško Kelečević, T. 37257-37258, 37275-37276.

⁵⁴⁵⁰ Boško Kelečević, T. 37259.

⁵⁴⁵¹ D1110 (Boško Kelečević, witness statement, 26 June 2014), para. 15; Boško Kelečević, T. 37267, 37276-37277.

⁵⁴⁵² D1111 (Report to the MUP, VRS and CSB regarding security for Prijedor centres, 1 August 1992).

⁵⁴⁵³ D1111 (Report to the MUP, VRS and CSB regarding security for Prijedor centres, 1 August 1992).

⁵⁴⁵⁴ Adjudicated Facts I, nos 1059-1060.

⁵⁴⁵⁵ Adjudicated Facts I, no. 1062.

⁵⁴⁵⁶ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5; P3440 (Witness RM-709, *Brđanin* transcript, 28 October 2002), p. 11004.

⁵⁴⁵⁷ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.

⁵⁴⁵⁸ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.

and brought him to the camp.⁵⁴⁵⁹ **Idriz Merdžanić** testified that on the afternoon of 26 May 1992, he and a group of others were forcibly bussed to Trnopolje camp from a small village in Preijedor.⁵⁴⁶⁰ The witness was escorted to the medical clinic by Serb soldiers, while the rest of the civilians were taken to a big hall in the community centre.⁵⁴⁶¹ Buses carrying mostly women and children kept arriving, and most of them were taken to the big hall.⁵⁴⁶² The witness spent the night at the clinic after soldiers told him not to go anywhere, and heard shooting from outside during the night.⁵⁴⁶³

1274. The commander of Trnopolje camp was Slobodan Kuruzović, who was referred to in the camp as ‘Major’ and wore a military uniform.⁵⁴⁶⁴ Kuruzović stayed in a house very close to the Trnopolje compound, and he was often seen by the detainees accompanied by the Balaban brothers, well known for their brutality.⁵⁴⁶⁵ **Nusret Sivac** testified that the brothers were military policemen.⁵⁴⁶⁶ **Witness RM-060** stated that Kuruzović was in the camp every day and present every time new convoys of buses arrived to transport women and children detainees away towards Kozarac.⁵⁴⁶⁷ **Witness RM-023** stated that every second or third day, Kuruzović held meetings behind closed doors in the house he used as camp headquarters, with men in uniforms who arrived from Banja Luka in vehicles displaying Serbian flags.⁵⁴⁶⁸ **Merdžanić** testified that Kuruzović was assisted by Slavko Puhalić, the deputy commander, who wore a green military camouflage uniform.⁵⁴⁶⁹ **Slavko Puhalić** testified that he did not have any insignia on his uniform, and wore a white belt only because his friend, a military policeman, had given it to him because he did not have one.⁵⁴⁷⁰ A report on mobilised

⁵⁴⁵⁹ P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 2-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), pp. 6220-6221, 6306.

⁵⁴⁶⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 24-26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); D55 (Map of Kozarac, Omarska).

⁵⁴⁶¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić); P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).

⁵⁴⁶² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 26; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁴⁶³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 30; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).

⁵⁴⁶⁴ Adjudicated Facts I, nos 1063, 1076.

⁵⁴⁶⁵ Adjudicated Facts I, no. 1065.

⁵⁴⁶⁶ Nusret Sivac, T. 4816.

⁵⁴⁶⁷ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6875, 6884.

⁵⁴⁶⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 11, 15.

⁵⁴⁶⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 35; Idriz Merdžanić, T. 3332, 3380, 3382, 3403; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁴⁷⁰ Slavko Puhalić, T. 31694, 31705-31706, 31714-31716.

motor vehicles in Čirkin Polje Logistics Base dated 17 June 1992 stated that Puhalić worked for the military police.⁵⁴⁷¹

1275. The camp guards were all dressed in military rather than police uniforms and were from Prijedor.⁵⁴⁷² **Mevludin Sejmenović** testified that the camp was supervised by a ‘military organization’, surrounded by barbed wire, and that machine guns were pointed at the only part of the camp that did not have barbed wire.⁵⁴⁷³ **Sivac** testified that the camp was secured by VRS soldiers and that he recognized among the guards two former policemen and some acquaintances of his from Prijedor who had been mobilised into the ‘city battalion’ of the VRS.⁵⁴⁷⁴ **Merdžanić** testified that camp guards rotated approximately every two weeks.⁵⁴⁷⁵ **Predrag Radulović** stated that he saw people in camouflage uniforms at the camp, but did not recall if they were military, police, or military police.⁵⁴⁷⁶ **Merdžanić** testified that the majority of the soldiers at the camp wore green camouflage military uniforms, and occasionally some were dressed in blue camouflage uniforms.⁵⁴⁷⁷ **Witness RM-047** stated that he saw Serb police officers enter the camp on several occasions.⁵⁴⁷⁸ **Witness RM-060** also saw a police intervention squad, a.k.a. ‘*Sarenci*’, from Prijedor, dressed in blue and yellow camouflage uniforms worn by the police with Serbian flag insignia on one side and the word ‘militia’ in Cyrillic on the other side.⁵⁴⁷⁹ This ‘*Sarenci*’ unit was always in the camp when a convoy arrived.⁵⁴⁸⁰

1276. **Rade Javorić** testified that he heard that Srđo Srdić, together with the police, had a role in organising and establishing investigation and collection centres in the territory of Prijedor.⁵⁴⁸¹ According to the witness, the military did not provide immediate security to investigation and collection centres in and around Prijedor, but certain VRS officers were tasked with ‘talking to’ those who were in collection

⁵⁴⁷¹ P7129 (Report on mobilized motor vehicles of the Crisis Staff, Čirkin Polje Logistics Base, 17 June 1992), p. 12. See Slavko Puhalić, T. 31690-31694.

⁵⁴⁷² Adjudicated Facts I, no. 1064.

⁵⁴⁷³ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 44; Mevludin Sejmenović, T. 3547-3548.

⁵⁴⁷⁴ Nusret Sivac, T. 4816.

⁵⁴⁷⁵ Idriz Merdžanić, T. 3380.

⁵⁴⁷⁶ P3207 (Predrag Radulović, witness statement, 5 December 2009), para. 153.

⁵⁴⁷⁷ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 29; Idriz Merdžanić, T. 3380, 3403.

⁵⁴⁷⁸ P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6252.

⁵⁴⁷⁹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6881.

⁵⁴⁸⁰ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6881-6882.

⁵⁴⁸¹ D895 (Rade Javorić, witness statement, 26 June 2014), para. 25.

centres.⁵⁴⁸² The immediate security of Trnopolje camp was provided by Kuruzović's unit and the wider ring was secured by a different VRS unit.⁵⁴⁸³

Detainees at Trnopolje camp

1277. **Merdžanić** testified that the detainees at Trnopolje camp were Muslims or Croats, many of whom, just like him, were not given any reason for their detention.⁵⁴⁸⁴ The witness estimated that from late May to the beginning of June 1992, there were about 8,000 civilians detained at the camp where the able-bodied men represented only 10 per cent of the total detained population.⁵⁴⁸⁵ Some people would leave the camp in convoys, but they would be replaced by people from villages the Serbs had cleansed.⁵⁴⁸⁶ **Radulović** stated that in the summer of 1992, mainly women, children, and elderly people were detained at Trnopolje camp.⁵⁴⁸⁷ **Safet Tači**, who was at Trnopolje camp between the end of July and 21 August 1992, testified that the detainees in Trnopolje consisted of men, women, and children of either Muslim or Croat ethnicity, between the ages of 16 and 70.⁵⁴⁸⁸

1278. The entire Trnopolje camp was not fenced off deliberately as such, although parts of it were enclosed by a pre-existing wall. However, even if there had been just a line on the ground, no one would have dared to cross it because the camp was guarded on all sides by the army. There were machine-gun nests and well-armed posts pointing their guns towards the camp.⁵⁴⁸⁹ **Witness RM-047** stated that he remained there until 1 October 1992.⁵⁴⁹⁰ He stated that there were guards all over the camp so it was not possible to leave.⁵⁴⁹¹ **Merdžanić** testified that no one could enter or leave the separate barbed-wire area of the camp without being escorted by the guards and although most persons were brought in, a few dozen people came to the camp after they had been evicted from their houses and had nowhere else to go.⁵⁴⁹² After the ICRC's arrival,

⁵⁴⁸² D895 (Rade Javorić, witness statement, 26 June 2014), para. 26; Rade Javorić, T. 31451.

⁵⁴⁸³ Rade Javorić, T. 31450-31451, 31453-31455.

⁵⁴⁸⁴ Idriz Merdžanić, T. 3328.

⁵⁴⁸⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 38; Idriz Merdžanić, T. 3329.

⁵⁴⁸⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 68; Idriz Merdžanić, T. 3329.

⁵⁴⁸⁷ P3207 (Predrag Radulović, witness statement, 5 December 2009), paras 142, 153.

⁵⁴⁸⁸ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 85, 94; Safet Tači, T. 2102-2103, 2129.

⁵⁴⁸⁹ Adjudicated Facts I, no. 1066.

⁵⁴⁹⁰ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

⁵⁴⁹¹ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

⁵⁴⁹² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32; Idriz Merdžanić, T. 3369-3371, 3399-3400, 3402-3403; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

some people tried to come to the camp to be registered with them.⁵⁴⁹³ **Azra Blažević** stated that Slobodan Kuruzović told her and others that they were not authorised to leave the camp.⁵⁴⁹⁴ Over 2,000 men were ‘permanently’ detained at the camp. As villages were ‘cleansed,’ families would arrive and after about three days the families were ‘deported’ by freight trains and buses toward central Bosnia-Herzegovina. The witness believed that the camp functioned as a detention facility as well as a transit facility for ‘deportation’.⁵⁴⁹⁵ **Witness RM-023** stated that some men tried to escape from Trnopolje camp but were always caught, beaten, and brought back.⁵⁴⁹⁶

1279. **Witness RM-709** stated that those brought to Trnopolje included civilians.⁵⁴⁹⁷ Once all villagers had been rounded up, Muslim TO members, reserve policemen, and SDA activists were separated and detained in the community centre.⁵⁴⁹⁸ **Sejmenović** testified that after the shelling of Trnopolje Village, some of the men and boys from the village were taken to Trnopolje camp.⁵⁴⁹⁹ Some of the captors wore ‘Martić’s militia’ uniforms which were similar to JNA uniforms, but with a lighter pattern; some wore JNA uniforms; others wore uniforms of the 5th Kozarac Brigade, while others wore civilian clothes.⁵⁵⁰⁰ The witness heard from people in Trnopolje camp that following military attacks on their villages, they had been steered towards Trnopolje by the ‘Serb army’.⁵⁵⁰¹ Some people came to Trnopolje on their own accord subsequent to the torching of their village, as they had been told it was the only safe place to go to.⁵⁵⁰² **Kerim Mešanović** stated that on 30 May 1992, Prijedor was attacked and all civilians who had put white signs outside their houses were rounded up in their homes and taken to Trnopolje.⁵⁵⁰³

1280. **Witness RM-017** described his transfer to and short stay at Trnopolje camp. He stated that on 26 May 1992, all people from the Kozarac area were ordered to leave and

⁵⁴⁹³ Idriz Merdžanić, T. 3402.

⁵⁴⁹⁴ P3617 (Azra Blažević witness statement, 10 November 1994), p. 11.

⁵⁴⁹⁵ P3617 (Azra Blažević witness statement, 10 November 1994), p. 16.

⁵⁴⁹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 12.

⁵⁴⁹⁷ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5; P3440 (Witness RM-709, *Brđanin* transcript, 28 October 2002), p. 11008; P3443 (Report on political and security situation in Bosnian Krajina of 26 May 1992), p. 1; P3446 (Table of concordance).

⁵⁴⁹⁸ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 5.

⁵⁴⁹⁹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 37-38.

⁵⁵⁰⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 37; Mevludin Sejmenović, T. 3542-3543.

⁵⁵⁰¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 45; Mevludin Sejmenović, T. 3539.

⁵⁵⁰² Mevludin Sejmenović, T. 3548.

⁵⁵⁰³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 20.

go to Prijedor in order for the army to be able to ‘mop up’ the terrain.⁵⁵⁰⁴ At about 5 p.m. that day, Serb soldiers in a former JNA jeep came to the witness’s house and told him that they were asked to ‘clear the area’.⁵⁵⁰⁵ The entire local population of Kozarac and the surrounding area, almost all of whom were Muslim, left towards Prijedor that day.⁵⁵⁰⁶ The inhabitants of Kozarusi, a village in Prijedor Municipality were, for example, divided into two groups that day and the men were directly bussed to Keraterm, whereas the women, children, and elderly were taken to Trnopolje.⁵⁵⁰⁷ On their way to Prijedor, the witness and his family were stopped at an intersection on the Prijedor-Banja Luka main road by a tank and troops in various kinds of uniforms, such as black, olive-drab, camouflage, and blue police uniforms.⁵⁵⁰⁸ Although the witness and his family were let through to continue their journey to Prijedor, other men were being systematically separated from the women, children, and elderly.⁵⁵⁰⁹ Transportation was organised and all people were eventually transported to their respective destinations by Autotransport and Rudnik Ljubija, both bus companies from Prijedor.⁵⁵¹⁰ The witness estimated that approximately 10,000 people were transported to Trnopolje, Prijedor, Keraterm, Brezicani, or Omarska on 26 and 27 May 1992.⁵⁵¹¹ The witness arrived at Trnopolje with his wife and children at approximately 10 or 11 p.m. on 26 May 1992.⁵⁵¹² They did not need to register in the camp and people were allowed to move into and within the camp freely.⁵⁵¹³ Men were not allowed to leave the camp but women, children, and elderly were, at least for the first couple of days, once they had asked for prior permission at the Red Cross service of the camp and only if they had relatives in the surrounding villages.⁵⁵¹⁴ The witness and his family slept in the witness’s car, which he had brought with him.⁵⁵¹⁵ After two to three days, women,

⁵⁵⁰⁴ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329-3330.

⁵⁵⁰⁵ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3337.

⁵⁵⁰⁶ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 2, 7-8.

⁵⁵⁰⁷ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8, 10.

⁵⁵⁰⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 8; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3341-3342, 3344.

⁵⁵⁰⁹ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8-9; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3345-3346.

⁵⁵¹⁰ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3345-3346.

⁵⁵¹¹ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3346-3347.

⁵⁵¹² P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3350.

⁵⁵¹³ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10.

⁵⁵¹⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3350.

⁵⁵¹⁵ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 8, 10; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3351.

children, disabled, and elderly were put on a cattle train and taken to ABiH-controlled territory.⁵⁵¹⁶ On the third day, the witness was taken to Omarska by military policemen in camouflage uniforms.⁵⁵¹⁷

1281. Some detainees arrived at Trnopolje camp later, in July and August 1992. According to a report on mobilised motor vehicles in Čirkin Polje Logistics Base dated 17 June 1992, troops and equipment were mobilized in the Logistics Staff pursuant the Decision on General and Public Mobilisation of Troops and Material in the Bosnian-Serb Republic, the decision of the Prijedor Crisis Staff, and the orders of Kuruzović.⁵⁵¹⁸ According to Autotransport Prijedor—a transportation company from Prijedor that carried out services for the needs of the army, the Crisis Staff, and the police—a multitude of buses went to Trnopolje in July 1992, including at least 14 on 23 July 1992 alone.⁵⁵¹⁹

1282. **Witness RM-060** stated that on 20 July 1992, together with other men from Biščani, he was bussed to Trnopolje camp.⁵⁵²⁰ Among the other detainees, the witness recognised people from Prijedor, Kozarac, and surrounding villages.⁵⁵²¹ People from the surrounding villages were allowed to leave the camp if they left their identification cards at one of the checkpoints.⁵⁵²² **Witness RM-023** was detained in Trnopolje camp from the end of July 1992 until the beginning of September 1992.⁵⁵²³ Upon arrival, the witness was registered as a ‘Hambarine extremist’, and was accused by the camp guards of buying and storing arms. The guards called the witness a ‘*balija*’.⁵⁵²⁴ For the first nine days of detention, the witness was kept in the school building.⁵⁵²⁵

1283. **Witness RM-074** stated that on 28 July 1992, she went to a checkpoint in Čarakovo where a Serb soldier told her that all women should get together so that they could be taken to Prijedor for questioning after which they would be returned to Čarakovo.⁵⁵²⁶ Consequently, she went back to her house and led all the women and

⁵⁵¹⁶ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3350-3351.

⁵⁵¹⁷ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11-12.

⁵⁵¹⁸ P7129 (Report on mobilized motor vehicles of the Crisis Staff, Čirkin Polje Logistics Base, 17 June 1992), p. 1.

⁵⁵¹⁹ Slavko Puhalić, T. 31670-31672; P7127 (Transportation record kept by Autotransport Prijedor, July 1992).

⁵⁵²⁰ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6858, 6866-6867, 6873.

⁵⁵²¹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6873-6874.

⁵⁵²² P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6875.

⁵⁵²³ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 9, 16.

⁵⁵²⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁵²⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁵²⁶ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 6.

children to the Dom in Čarakovo where she also saw people from the neighbouring villages gathering. There were altogether about 500 people, predominantly women and children but also some men, both young and old, as well as 60 to 70 soldiers at the Dom. After having waited for about three or four hours, they were all ordered to walk towards an asphalt road which was about one kilometre from the Dom. At the road, there were five buses from 'Autotransport Prijedor' driven by Serbs in uniform. The women, children, and elderly men were ordered onto buses to Trnopolje camp.⁵⁵²⁷ She spent only one day in Trnopolje and left the next day in a convoy to Travnik but, in order to be allowed to leave, the guards demanded the valuables from the people in the convoy, saying they needed money for food and weapons for the army, and she heard that some people had to sign documents handing over all their property to the Serbs.⁵⁵²⁸

1284. **Witness RM-033** stated that on 3 August 1992 around noon, after having arrived at Trnopolje, the witness saw Zoran Žigić arriving with two or three men.⁵⁵²⁹ A guard ordered all the women present to lie down, which they did.⁵⁵³⁰ Žigić entered the room and asked for the women, whereupon the guard told him that there were no women, saying 'I am responsible here for these people so, please, Mr Žigić, would you leave this area'.⁵⁵³¹ **Witness RM-008** stated that on 5 August 1992, he was transferred from Keraterm camp to Trnopolje camp.⁵⁵³² Kuruzović told the men in the camp that they should feel safe, but if anyone attempted to kill one of his soldiers, he would kill 100 of them.⁵⁵³³

1285. The Trial Chamber has received evidence of at least two visits to Trnopolje by foreign delegations including members of the ICRC and the media. **Witness RM-060** stated that after Omarska camp closed, many foreign delegations came to Trnopolje and during these inspections, signs were put up that gave the impression that the camp was a collection centre, and the wires around the camp were removed.⁵⁵³⁴ The guards threatened the witness and others into not giving statements to the ICRC representatives during their visits to the camp.⁵⁵³⁵ **Merdžanić** testified that prior to a visit by

⁵⁵²⁷ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 6.

⁵⁵²⁸ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 6-7.

⁵⁵²⁹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6212-6213, 6234-6235.

⁵⁵³⁰ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6235.

⁵⁵³¹ P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), pp. 6235-6236.

⁵⁵³² P3224 (Witness RM-008, witness statement, 16 May 2013), paras 55, 59.

⁵⁵³³ P3224 (Witness RM-008, witness statement, 16 May 2013), para. 61.

⁵⁵³⁴ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6878-6879.

⁵⁵³⁵ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6882.

international journalists including Penny Marshall on 4 August 1992, the number of detainees was drastically reduced.⁵⁵³⁶ The witness believed that the camps at Keraterm and Omarska had to be dismantled prior to the visit and some detainees from there were transferred to Trnopolje.⁵⁵³⁷ Kuruzović was in command at the time the journalists visited, and organised the clean-up of the camp prior to the visit.⁵⁵³⁸ Kuruzović told many detainees they could leave the camp and return to their homes, and a large number left including the witness's father-in-law, Faruk Risvić.⁵⁵³⁹ The camp authorities organised a convoy in which nearly all the women and elderly men left the camp.⁵⁵⁴⁰

1286. **Edward Vulliamy** testified that following his visit to Omarska camp on 5 August 1992, he and other journalists were escorted to the camp in Trnopolje.⁵⁵⁴¹ On approaching the camp in the afternoon, the witness and two journalists from ITN got out of the van and made their way to a barbed-wire fence behind which there was a crowd of men, some in a skeletal state.⁵⁵⁴² The fencing around the camp was not reinforced by barbed wire all the way around and it was difficult to judge where the boundary was; the area where these men were was clearly defined by this fencing, the guards around it, and the wall.⁵⁵⁴³ The journalists introduced themselves and spoke to the men behind the fence; the majority of the men had arrived in Trnopolje that day, mainly from Keraterm, and some from Omarska.⁵⁵⁴⁴ The witness spoke to some of these men about the conditions of the camps they had come from as well as at Trnopolje camp, but the men were hesitant to speak because of the presence of armed guards in the camp listening to what was being said.⁵⁵⁴⁵ When asked about the conditions of the camp, one of the men stated that he did not know whether he was allowed to speak and two men were

⁵⁵³⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 71-72.

⁵⁵³⁷ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 71.

⁵⁵³⁸ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74.

⁵⁵³⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 70, 72; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁵⁴⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 71; Idriz Merdžanić, T. 3333, 3367-3368.

⁵⁵⁴¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7945-7946, 7963; Edward Vulliamy, T. 2602.

⁵⁵⁴² P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7946, 7963; Edward Vulliamy, T. 2597; P200 (Video-footage of visit to camps in Prijedor, August 1992), 2:32-2:39, p. 2.

⁵⁵⁴³ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8143-8144; Edward Vulliamy, T. 2728.

⁵⁵⁴⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7946; Edward Vulliamy, T. 2599, 2667; P204 (Article by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁴⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7946-7947, 7953-7959, 7962; Edward Vulliamy, T. 2597, 2664, 2721-2722; P200 (Video-footage of visit to camps in Prijedor, August 1992), 3:06-3:38, pp. 2-3; P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), 9:34-23:34, pp. 7-15.

reluctant to talk about whether there were beatings or not.⁵⁵⁴⁶ One man stated that they had been brought to the camp from their homes in surrounding villages.⁵⁵⁴⁷ Another man stated that they lacked food and water.⁵⁵⁴⁸ Video-footage of the men behind the barbed wire fence accompanied by the text of an ITN journalist reflected that the conditions of the camp were appalling, with hundreds of men in hot weather forced to eat and sleep outside, provided only with small rations of some bread and soup.⁵⁵⁴⁹ There were also women and children at Trnopolje camp.⁵⁵⁵⁰

1287. ITN journalist Penny Marshall spoke to Idriz Merdžanić, who confirmed that he was treating people who had been beaten at other camps.⁵⁵⁵¹ **Merdžanić** testified that during the visit, he was not allowed to speak freely because Mico Kobas was present.⁵⁵⁵² When the witness was alone with Marshall, he gave her a camera and film with which he had taken photos.⁵⁵⁵³ **Vulliamy** also spoke to people who were more sparsely spread and situated outside the fenced-off area; these people included men, women, and children who told him that they had come to the camp for a variety of reasons.⁵⁵⁵⁴ Some were marched there under guard from surrounding villages; some went to Trnopolje to flee their villages after their houses were burned, shelled, or shot at; and others had fled from intense fighting in their villages.⁵⁵⁵⁵ In an article dated 7 August 1992, the witness recounted being told by one of the men that ‘they’ had come to the village of Kozarac and bussed the man and others to Keraterm camp, and then to Trnopolje.⁵⁵⁵⁶ The witness got the impression from speaking to the men that in

⁵⁵⁴⁶ P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), pp. 7, 9, 12.

⁵⁵⁴⁷ P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), pp. 8-9.

⁵⁵⁴⁸ P206 (Video-footage of visit to Omarska and Trnopolje camp, August 1992), p. 13.

⁵⁵⁴⁹ P205 (ITN video-footage of visit to Omarska and Trnopolje camp, August 1992), 4:39-5:00, p. 3.

⁵⁵⁵⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8050-8051; P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁵¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7959; Edward Vulliamy, T. 2597, 2599; P200 (Video-footage of visit to camps in Prijedor, August 1992), 3:54-4:19, p. 3.

⁵⁵⁵² P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 70-73; Idriz Merdžanić, T. 3335-3340; P279 (Excerpt from video interview with Idriz Merdžanić).

⁵⁵⁵³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 47, 73; Idriz Merdžanić, T. 3340-3341; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić); P275 (Photograph of Nedžad Jakupović taken by Idriz Merdžanić); P276 (Photograph showing detainees lining up for convoy in Trnopolje camp).

⁵⁵⁵⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7959, 7961; Edward Vulliamy, T. 2653, 2667-2668, 2670-2671, 2721, 2725; P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁵⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7961; Edward Vulliamy, T. 2653, 2664, 2668, 2670-2671, 2721; P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁵⁶ P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

comparison with where they had been, they were relieved to be at Trnopolje.⁵⁵⁵⁷ The witness spoke to people in the area that was not fenced off who told him that they were able to make authorized visits back to their former homes and surrounding villages to search for food or medicine.⁵⁵⁵⁸ A veterinarian the witness spoke to on several occasions over the years told him that she was able to go back to Kozarac to pick up people who had been left behind after the shelling.⁵⁵⁵⁹

1288. In the article dated 7 August 1992, the witness described Trnopolje camp as ‘something between a civilian prison and transit camp’; he explained that the ‘civilian prison’ referred to the fenced-off area containing the men who had come from Omarska and Keraterm, while the ‘transit camp’ description was a reference to the area not fenced in.⁵⁵⁶⁰ The witness testified that based on his experience travelling in a convoy towards Travnik and his observations at the camp, including when he returned to the camp on later occasions, he concluded that Trnopolje camp was the point of departure for the majority of people who were being systematically ‘deported’.⁵⁵⁶¹

1289. **Milovan Milutinović** testified that he accompanied a group of journalists on a visit to Trnopolje, escorted by the civilian police.⁵⁵⁶² Several hundred Muslims had gathered in the open area around the community centre and the school to take shelter from armed conflict between Muslim extremists and the army at Kozarac.⁵⁵⁶³ In ‘such a centre’ people were allowed to move freely and to go back to their houses to collect things and food for meals. The civilian authorities engaged locals as security in order to protect the people, and they organised the work of the Red Cross so that it could provide the necessary assistance. According to the witness, there was no fence or barbed wire anywhere except around the construction material warehouse where no one was accommodated.⁵⁵⁶⁴ When he was in Trnopolje, he received no complaints from the Muslims as to how they were being treated.⁵⁵⁶⁵ The witness later found out that journalist Penny Marshall and a reporter from *The Guardian* entered the area of the

⁵⁵⁵⁷ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7962; P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁵⁸ Edward Vulliamy, T. 2682, 2724-2726.

⁵⁵⁵⁹ Edward Vulliamy, T. 2724.

⁵⁵⁶⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8057-8058; Edward Vulliamy, T. 2665-2667; P204 (Article authored by Edward Vulliamy published in *The Guardian* on 7 August 1992), p. 4.

⁵⁵⁶¹ Edward Vulliamy, T. 2738-2740.

⁵⁵⁶² D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 37-40.

⁵⁵⁶³ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 41.

⁵⁵⁶⁴ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 42.

construction material warehouse and videotaped people through the wire.⁵⁵⁶⁶ The witness heard from people who lived in Trnopolje that Fikret Alić, who was among the people brought there to be photographed, had tuberculosis.⁵⁵⁶⁷ According to the witness, this is what caused his emaciation, which was later used to substantiate accusations that the Serbs had established concentration camps.⁵⁵⁶⁸

1290. **Merdžanić** testified that after Marshall's first visit, a convoy arrived with men from Omarska, who were put by the wooden store at the front of the camp and treated for lice.⁵⁵⁶⁹ People were also transferred from Keraterm to Trnopolje.⁵⁵⁷⁰ Before Marshall visited a second time around mid-August 1992, the fences at Trnopolje camp were removed, the ICRC arrived and registered the detainees, they received food and medicine to treat patients, people were able to move freely, and family visits were enabled.⁵⁵⁷¹ According to the witness, there was no more 'torture', and conditions in the camp became safer and better.⁵⁵⁷²

1291. **Miloš Šolaja** testified that on 7 August 1992, he accompanied a bus carrying about 40 foreign journalists on a visit to Trnopolje, where they were met by Slobodan Kuruzović.⁵⁵⁷³ According to the witness, Kuruzović was not a camp commander and there was no camp at Trnopolje.⁵⁵⁷⁴ In the witness's opinion, Kuruzović was instead the Head of the Municipal Red Cross and tasked with providing food to the civilians at Trnopolje, which he could not do due to the blockade of the 'corridor'.⁵⁵⁷⁵ Kuruzović told the witness that the Muslim population voluntarily spent nights at Trnopolje to shelter from combat activities for their own safety, and were able to go home every day to cultivate their crops.⁵⁵⁷⁶ According to the witness, Trnopolje was not enclosed and there was no barbed wire fence, save for a pre-war fence around the village school that

⁵⁵⁶⁵ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 43.

⁵⁵⁶⁶ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44. The Trial Chamber understands this reporter to have been Edward Vulliamy. See P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899, 7901, 7910, 7945.

⁵⁵⁶⁷ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44; Milovan Milutinović, T. 30130.

⁵⁵⁶⁸ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 44.

⁵⁵⁶⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74; Idriz Merdžanić, T. 3333, 3364-3365; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁵⁷⁰ Idriz Merdžanić, T. 3333-3334, 3364-3365.

⁵⁵⁷¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74; Idriz Merdžanić, T. 3334, 3365, 3368; P271 (Diagram of Trnopolje camp in mid- August 1992 drawn by Idriz Merdžanić).

⁵⁵⁷² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 74.

⁵⁵⁷³ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 14; Miloš Šolaja, T. 32788.

⁵⁵⁷⁴ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16.

⁵⁵⁷⁵ D924 (Miloš Šolaja, witness statement, 11 June 2014), paras 14, 16.

⁵⁵⁷⁶ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 14.

was about one metre high and did not enclose the entire school.⁵⁵⁷⁷ There were also no machine gun nests.⁵⁵⁷⁸ The foreign journalists spoke to whomever they wanted and there were no visibly injured people at Trnopolje.⁵⁵⁷⁹ According to a news video clip taken by Penny Marshall on 7 August 1992, the barbed wire fence that surrounded Trnopolje camp was taken down, food was made available, and shelter and clothes were provided by the Serb authorities in advance of the simultaneous arrival of the ICRC and the foreign media.⁵⁵⁸⁰

1292. **Nusret Sivac**, who was transferred from Omarska camp to Trnopolje camp on 7 August 1992 and stayed there until the end of August 1992, testified that around 10 August 1992, the detainees were ordered to remove all the wire from the fencing around the camp and Serb guards brought a big board with the words 'collection centre' on it.⁵⁵⁸¹ Sometime later Željko Mejakić, commander of Omarska camp, brought several foreign TV crews, as well as a TV crew from Pale, to Trnopolje camp.⁵⁵⁸² They were brought there to be shown that there were no more camps in the Prijedor area, only collection centres, where people were not fenced off from the rest of the world and the treatment they were receiving was almost humane.⁵⁵⁸³

1293. **Charles McLeod** stated that during a meeting on 30 August 1992, Radić, the Mayor of Banja Luka, told the ECMM that the team would visit a camp the following day, which was 'half open' and not a POW camp.⁵⁵⁸⁴ During a meeting on 31 August 1992, Dr. Stakić, the Mayor of Prijedor, told the ECMM that there were around 10,000 Muslims and Croats in the camp, who were in possession of identification papers and not accused of anything, and that a majority of them wished to remain in the camp.⁵⁵⁸⁵

⁵⁵⁷⁷ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 15; Miloš Šolaja, T. 32768-32770, 32789-32790; P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps).

⁵⁵⁷⁸ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 15.

⁵⁵⁷⁹ D924 (Miloš Šolaja, witness statement, 11 June 2014), para. 16; Miloš Šolaja, T. 32788.

⁵⁵⁸⁰ P7195 (Excerpt from video of the visit of Penny Marshall to Kula Prison and Prijedor camps).

Although Šolaja refers in his statement to a 'Penelope Marshal,' the Chamber understands this to be a reference to Penny Marshall. See D924 (Miloš Šolaja, witness statement, 11 June 2014), paras. 11-12; Miloš Šolaja, T. 32767-32768, 32788.

⁵⁵⁸¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6687, 6690-6691; Nusret Sivac, T. 4843.

⁵⁵⁸² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843.

⁵⁵⁸³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843.

⁵⁵⁸⁴ P3263 (ECMM report, 1 September 1992), pp. 1, 3; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 38.

⁵⁵⁸⁵ P3265 (ECMM report, 3 September 1992), paras 2, 13; P3269 (Charles McLeod's personal notes, 20-31 August 1992), pp. 50-51.

Stakić confirmed that the Serb army and police had captured several thousand people and put them into Trnopolje camp in order to protect them from the fighting.⁵⁵⁸⁶ At the time McLeod visited on 31 August 1992, there was a sign indicating that it was an open reception centre and there were no fences around the camp.⁵⁵⁸⁷ The Serb military or police who were controlling the camp told the witness that the machine guns pointed at the camp were there for the protection of the people in the camp and to ensure that nobody came in from the outside to beat them up.⁵⁵⁸⁸ Between 1,600 and 4,000 people, mostly men, were at the camp.⁵⁵⁸⁹ People asked the witness how long they would be there and expressed that they wanted to get out of the country and were being kept alive because the ICRC was now providing them with food.⁵⁵⁹⁰

1294. **Jusuf Arifagić**, who was transferred from Keraterm to Trnopolje camp on 1 August 1992 and released on 1 October 1992 after which he travelled to Karlovac, Croatia, stated that prior to leaving the camp he had to sign a document stating that he was leaving Prijedor of his own free will.⁵⁵⁹¹ In the presence of Pero Curguz, the head of the Serbian Red Cross in Prijedor, he signed another document giving away all of his property to the Serb authorities.⁵⁵⁹² **Sivac** also testified that to leave the centre there were several conditions to be met, including giving money or other valuables.⁵⁵⁹³ Kuruzović and Pero Curguz from the Serbian Red Cross signed the release papers.⁵⁵⁹⁴ The witness got release papers through the help of Rade Mutić and Živko Ećimović, who were putting together a report for a TV station from Prijedor.⁵⁵⁹⁵ They saw the witness and told him that the situation in Omarska could not be helped as the release forms there had to be signed by the Crisis Staff or Radmilo Zeljaja, Commander of the

⁵⁵⁸⁶ P3265 (ECMM report, 3 September 1992), para. 11; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 50.

⁵⁵⁸⁷ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father).

⁵⁵⁸⁸ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7327, 7376.

⁵⁵⁸⁹ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327; P3266 (Excerpt from letter from Charles McLeod to his father).

⁵⁵⁹⁰ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7326-7327, 7377; P3266 (Excerpt from letter from Charles McLeod to his father).

⁵⁵⁹¹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 22-24.

⁵⁵⁹² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 24.

⁵⁵⁹³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4842-4843.

⁵⁵⁹⁴ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691.

⁵⁵⁹⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6691-6692; Nusret Sivac, T. 4870.

VRS 43rd Motorised Brigade.⁵⁵⁹⁶ Mutić and Ećimović went to the administrative offices in Trnopolje camp and drew up release papers for him, and the witness left the camp and returned to Prijedor.⁵⁵⁹⁷ After his release, he asked Milos Janković who had signed his arrest warrant, and he was told that most often the orders were signed by the Crisis Staff and people like Simo Drljača, Dule Janković, and Rajko Mijić, who were all members of the Prijedor SUP.⁵⁵⁹⁸

1295. According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities, dated 18 August 1992, the Trnopolje camp, referred to as 'Open Reception Centre', was established by the Prijedor Crisis Staff to receive and accommodate citizens who did not want to take part in the armed struggle against the VRS.⁵⁵⁹⁹ From 24 May 1992 onwards, a large number of Muslims of all ages and both sexes sought protection in the 'Trnopolje Open Reception Centre' and on 18 August 1992, there were about 1,500 Muslims and Croats in the centre.⁵⁶⁰⁰ These citizens organised themselves with respect to food and accommodation, and there was also a medical clinic at the centre.⁵⁶⁰¹ According to the report, the camp was not fenced off, citizens were free to leave, and to come and go as they pleased, no questioning took place, and the army provided physical security to protect against extremists.⁵⁶⁰² The report stated that the municipal authorities with assistance of other organs in the Republic and of humanitarian organisations, should undertake measures to improve living conditions with respect to food, accommodation, clothing, and other necessities.⁵⁶⁰³ According to a report from the Chief of Banja Luka SJB, Trnopolje was a location where Muslims fleeing from combat operations in the municipality had found shelter.⁵⁶⁰⁴ Security at the camp was provided by the VRS.⁵⁶⁰⁵ According to a document from Simo Drljača, Chief of Prijedor SJB, sent to CSB Banja Luka and dated 9 August 1992, the Trnopolje Reception Centre was for 'citizens who

⁵⁵⁹⁶ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6692, 6751-6753.

⁵⁵⁹⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6692, 6751.

⁵⁵⁹⁸ Nusret Sivac, T. 4831-4832.

⁵⁵⁹⁹ P2900 (Banja Luka CSB report, 18 August 1992), pp. 2, 28.

⁵⁶⁰⁰ P2900 (Banja Luka CSB report, 18 August 1992), pp. 2, 11, 28.

⁵⁶⁰¹ P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 28.

⁵⁶⁰² P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 28-29.

⁵⁶⁰³ P2900 (Banja Luka CSB report, 18 August 1992), pp. 3, 29.

⁵⁶⁰⁴ P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).

⁵⁶⁰⁵ P3854 (Report from Simo Drljača addressed to the Bosnian-Serb MUP and the Banja Luka CSB, 5 August 1992).

refused to take part in the armed rebellion'.⁵⁶⁰⁶ The document states that Drljača 'asked the legal authorities to protect them from the extremists', that the centre was secured by the VRS, and that no investigation activities were carried out in it.⁵⁶⁰⁷

1296. **Branko Berić** testified that the 'Trnopolje Reception Centre' was not a camp, although he believed that Muslims called it a camp in order to gain extra privileges in third countries or when they returned to their places of residence.⁵⁶⁰⁸ The witness held no official position at the Trnopolje Reception Centre, but visited daily until he was sent to the frontline.⁵⁶⁰⁹ According to the witness, Slobodan Kuruzović would spend two to three hours a day at Trnopolje in order to learn about the needs of the centre.⁵⁶¹⁰ The centre housed around 2,000 civilians, including women, children and elderly, of Muslim ethnicity and 'perhaps' a few Croats.⁵⁶¹¹ According to Berić, the Muslims could move about freely during the day and often spent the days at their own houses, and returned to the centre after dusk because they felt safer there.⁵⁶¹² Berić testified that because conditions in the centre were difficult for small children, he convinced a neighbour of his who was there with her two children to return to their apartment building in Prijedor.⁵⁶¹³

1297. Also according to the Berić, Muslims came to Trnopolje Reception Centre of their own free will by foot, taxis, or their own vehicles.⁵⁶¹⁴ The witness remembered one case when Muslims were collected in Sanski Most and brought to Trnopolje Reception Centre with a police or military escort.⁵⁶¹⁵ From Trnopolje they were sent to third countries.⁵⁶¹⁶ The witness was aware that the reserve police had orders to take some Muslims from Trnopolje to Omarska for interrogation, and he testified that all of them

⁵⁶⁰⁶ P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).

⁵⁶⁰⁷ P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992).

⁵⁶⁰⁸ D928 (Branko Berić, witness statement, 26 June 2014), para. 34; Branko Berić, T. 32844, 32875.

⁵⁶⁰⁹ D928 (Branko Berić, witness statement, 26 June 2014), paras 25, 38; Branko Berić, T. 32853, 32860-32861, 32869.

⁵⁶¹⁰ D928 (Branko Berić, witness statement, 26 June 2014), para. 32.

⁵⁶¹¹ Branko Berić, T. 32873-32874; P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992), p. 4.

⁵⁶¹² D928 (Branko Berić, witness statement, 26 June 2014), paras 16, 25, 27; Branko Berić, T. 32845, 32860, 32870, 32877.

⁵⁶¹³ D928 (Branko Berić, witness statement, 26 June 2014), para. 29.

⁵⁶¹⁴ D928 (Branko Berić, witness statement, 26 June 2014), paras 13, 27; Branko Berić, T. 32845, 32888.

⁵⁶¹⁵ Branko Berić, T. 32888.

⁵⁶¹⁶ Branko Berić, T. 32889.

returned after being interrogated.⁵⁶¹⁷ The witness later testified that he did not know whether detainees taken away from Trnopolje had returned.⁵⁶¹⁸

1298. The municipal authorities tasked the Čirkin Polje Logistics Base with assisting the population at the Trnopolje Reception Centre, together with the Red Cross, by providing food, medical aid, and accommodation.⁵⁶¹⁹ Food supplies were brought by a Muslim named Nuhić, while the Muslims in the centre organised cooking and established their own medical service.⁵⁶²⁰ There were, however, shortages of medicine and fuel for transportation and the sanitary conditions were ‘difficult’.⁵⁶²¹ According to the witness, there was no fence or barbed wire around the centre.⁵⁶²² Berić testified that the centre was initially secured by elderly men wearing military reserve uniforms with M-48 rifles who were part of the Čirkin Polje logistics base of the TO and some time later ‘probably’ by the 43rd Motorised Brigade of the VRS.⁵⁶²³ According to the witness, the security provisions aimed to prevent uncontrolled access to the centre, but, according to an intercept with a daily update of events in Prijedor dated 31 May 1992, orders were given to increase security due to the fear of a break-out.⁵⁶²⁴

1299. According to the witness, the emaciated Muslim man pictured in photographs in Trnopolje which were exploited in the media was already ‘skinny like that’ before the war and the witness had heard that he had tuberculosis.⁵⁶²⁵ Berić testified, however, that he did not remember the man’s name, nor exactly where he lived. This man was interrogated and upon his release, he was temporarily accommodated at Trnopolje Reception Centre before going to a third country.⁵⁶²⁶

1300. **Puhalić** testified that he assisted in the initial establishment of the camp, served as Kuruzović’s driver, helped with procuring food, and was as a link between

⁵⁶¹⁷ D928 (Branko Berić, witness statement, 26 June 2014), para. 33.

⁵⁶¹⁸ Branko Berić, T. 32878-32883.

⁵⁶¹⁹ D928 (Branko Berić, witness statement, 26 June 2014), para. 14; P7197 (Response by Simo Drljača, Chief of SJB Prijedor, sent to CSB Banja Luka, 9 August 1992); P7199 (Report on the work of the Prijedor Municipal Organisation of the Red Cross from 5 May to 30 September 1992), pp. 4, 9.

⁵⁶²⁰ D928 (Branko Berić, witness statement, 26 June 2014), paras 13, 15, 17; Branko Berić, T. 32844.

⁵⁶²¹ D928 (Branko Berić, witness statement, 26 June 2014), paras 24, 26; Branko Berić, T. 32875.

⁵⁶²² D928 (Branko Berić, witness statement, 26 June 2014), para. 35; Branko Berić, T. 32854.

⁵⁶²³ D928 (Branko Berić, witness statement, 26 June 2014), para. 20; Branko Berić, T. 32865-32869.

⁵⁶²⁴ D928 (Branko Berić, witness statement, 26 June 2014), para. 20; Branko Berić, T. 32869-32870; P7198 (Summary of intercept of the daily updates on the events in Prijedor, 31 May 1992).

⁵⁶²⁵ D928 (Branko Berić, witness statement, 26 June 2014), para. 23; Branko Berić, T. 32845-32847.

⁵⁶²⁶ D928 (Branko Berić, witness statement, 26 June 2014), para. 23; Branko Berić, T. 32846.

Kuruzović and the other soldiers.⁵⁶²⁷ Upon arrival at the camp, non-Serb civilians were registered by the ICRC.⁵⁶²⁸ According to the witness, the camp was only partially surrounded by a metal fence and non-Serbs could leave after receiving permission from Kuruzović, reporting to a guard, and leaving their identity documents behind.⁵⁶²⁹ The witness testified that no one was brought to Trnopolje forcibly, and non-Serb civilians came to the camp for reasons of personal safety.⁵⁶³⁰ According to Puhalić, the main purpose of the Trnopolje camp was to remove non-Serb civilians from the combat zone to ensure their safety.⁵⁶³¹ Puhalić testified that when he was at the camp, Muslims from the village of Trnopolje stayed in the village and in the camp.⁵⁶³² Puhalić was present at Trnopolje camp the day prior to, and the day after, journalists arrived at the camp.⁵⁶³³ According to him, no preparations were made for the journalists' arrival.⁵⁶³⁴ According to **Javorić**, many Muslims went voluntarily to the collection centres in Omarska, Keraterm, and Trnopolje after the operations in Hambarine in May 1992, in order to seek protection.⁵⁶³⁵

1301. According to a report of the CSCE Mission regarding places of detention in Bosnia-Herzegovina, most of the 2,000 Muslims held in the centre were civilians driven from their homes in the region by 'Serb forces'.⁵⁶³⁶ Their houses had been burned, bombed or occupied by immigrant Serb families.⁵⁶³⁷ A large number of detainees lived in 'primitive self-made shelters' and were generally living in terror.⁵⁶³⁸

⁵⁶²⁷ D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 3-4; Slavko Puhalić, T. 31647, 31657-31658, 31664, 31690-31691.

⁵⁶²⁸ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 7.

⁵⁶²⁹ D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 7, 10, 16, 23; Slavko Puhalić, T. 31642, 31647, 31687-31689, 31714.

⁵⁶³⁰ D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 6-8.

⁵⁶³¹ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 6.

⁵⁶³² D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 7; Slavko Puhalić, T. 31657.

⁵⁶³³ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 18; Slavko Puhalić, T. 31654-31655.

⁵⁶³⁴ D898 (Slavko Puhalić, witness statement, 26 June 2014), paras 17-18.

⁵⁶³⁵ Rade Javorić, T. 31457, 31461-31462.

⁵⁶³⁶ P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992), p. 3.

⁵⁶³⁷ P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992), p. 3.

⁵⁶³⁸ P7200 (Excerpt from report of CSCE mission to inspect places of detention in Bosnia-Herzegovina, 24 August-4 September 1992), pp. 3-4.

Conditions at Trnopolje camp

1302. There was no running water at Trnopolje and almost no water to drink because only one pump existed for the whole camp.⁵⁶³⁹ There were also limited lavatory facilities.⁵⁶⁴⁰ **Merdžanić** testified that while he was detained in Trnopolje camp from 26 May until 30 September 1992, living conditions were inhumane, there was no electricity, and the water was dirty and unsuitable to drink.⁵⁶⁴¹ **Witness RM-060** stated that it was extremely hot in the camp, flies and garbage were everywhere, and the detainees only had improvised toilets.⁵⁶⁴² **Witness RM-023** stated that the toilets spilled over.⁵⁶⁴³ At one time the buildings at Trnopolje proved insufficient to house all inmates, many of whom were forced to camp outdoors in the grounds in makeshift shelters of plastic sheeting and the like.⁵⁶⁴⁴ There were no beds or blankets and detainees had to sleep on the floor or outside.⁵⁶⁴⁵ **Witness RM-047** confirmed that detainees had to sleep outside because the camp was so crowded.⁵⁶⁴⁶ **Witness RM-023** stated that the school building and the camp were full.⁵⁶⁴⁷

1303. No food was supplied by the camp authorities to the prisoners.⁵⁶⁴⁸ **Puhalić** testified that food was distributed to the most destitute.⁵⁶⁴⁹ **Witness RM-047** stated that in the beginning, the detainees were given two slices of bread per day and later on food was distributed from a large military pot, but it was so bad that the detainees developed diarrhoea.⁵⁶⁵⁰ **Merdžanić** added that the amount of food produced was insufficient for the camp.⁵⁶⁵¹ The acting camp commander agreed to allow local people to bring food into the camp.⁵⁶⁵² Detainees were allowed to come to the clinic, but only if accompanied by soldiers.⁵⁶⁵³ **Witness RM-047** received food from his friends.⁵⁶⁵⁴

⁵⁶³⁹ Adjudicated Facts I, nos 1068, 1069.

⁵⁶⁴⁰ Adjudicated Facts I, no. 1068.

⁵⁶⁴¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 37, 39; Idriz Merdžanić, T. 3327-3328. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁶⁴² P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6876.

⁵⁶⁴³ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁶⁴⁴ Adjudicated Facts I, no. 1067.

⁵⁶⁴⁵ Adjudicated Facts I, no. 1072.

⁵⁶⁴⁶ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

⁵⁶⁴⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁶⁴⁸ Adjudicated Facts I, no. 1070.

⁵⁶⁴⁹ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 13; Slavko Puhalić, T. 31677.

⁵⁶⁵⁰ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4. *See also* P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 44.

⁵⁶⁵¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 44.

⁵⁶⁵² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 31.

⁵⁶⁵³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32.

⁵⁶⁵⁴ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

Merdžanić testified that on 28 or 29 May 1992, the Serbian Red Cross, led by Pero Ćurkuz, set up an office at the camp.⁵⁶⁵⁵ The witness attended a meeting with the Serbian Red Cross to discuss obtaining milk and bread for detainees, and as a result, bread was distributed to those who had paid for it.⁵⁶⁵⁶ **Witness RM-060** confirmed that it was possible to buy bread in Trnopolje camp every day, but only with Serbian bank notes.⁵⁶⁵⁷

1304. **Witness RM-017** stated that he spent two days in Trnopolje with his family, during which time they were not provided with any food by the Serbs; only the children were provided with some milk.⁵⁶⁵⁸ **Azra Blažević** stated that in the beginning of her detention, food was provided by local Muslim families through the Red Cross, but later on the detainees had to look for food on their own.⁵⁶⁵⁹ **Witness RM-023** stated that the newly arrived Omarska and Keraterm detainees had diarrhoea when they were fed.⁵⁶⁶⁰ According to the witness the detainees received more food in Trnopolje than in Omarska and Keraterm, however, there was little food and the only dish was a small piece of fat in water.⁵⁶⁶¹ Detainees were allowed to make a fire and cook their own food. The wives of the men detained in the camp were allowed to bring food to their husbands who gave food to the witness's children. The witness did not eat for five days in a row and only drank water.⁵⁶⁶²

1305. Because of the lack of food and the unsanitary conditions at Trnopolje camp, lice and scabies were rampant and the majority of inmates suffered from dysentery.⁵⁶⁶³ **Puhalić** testified that the camp provided medical assistance.⁵⁶⁶⁴ **Witness RM-047** stated that at the camp there was one doctor and one medical student present.⁵⁶⁶⁵ **Merdžanić** testified that 'Serbian' doctor Duško Ivić and medical technician Mića Kobas, who both wore military uniforms, did not meet most of the witness's requests for medical supplies, and on one occasion Ivić refused to take an epileptic man to hospital, and the

⁵⁶⁵⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 42; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁶⁵⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 42; Idriz Merdžanić, T. 3376.

⁵⁶⁵⁷ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6876.

⁵⁶⁵⁸ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 10-11.

⁵⁶⁵⁹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 25.

⁵⁶⁶⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁶⁶¹ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9. *See also* P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 23.

⁵⁶⁶² P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9.

⁵⁶⁶³ Adjudicated Facts I, no. 1071.

⁵⁶⁶⁴ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 9, 14, 22; Slavko Puhalić, T. 31675-31676; P7128 (Aerial image of the two roads that bordered the camp, taken after the war).

witness found him dead the following morning.⁵⁶⁶⁶ **Witness RM-047** stated that he saw an old man die beside him, probably due to dysentery and the lack of medical treatment.⁵⁶⁶⁷

1306. **Blažević** stated that she and others had to work as medical personnel in the camp.⁵⁶⁶⁸ **Merdžanić** testified that he treated people in the camp for a wide range of diseases including hepatitis, chronic diarrhoea, and high fevers.⁵⁶⁶⁹ He also removed the teeth of several people using pliers and no anaesthetic.⁵⁶⁷⁰ There were no bathing facilities for detainees, and there was no disinfectant or gloves in the clinic and no way to wash prior to treating patients.⁵⁶⁷¹ **Witness RM-023** stated that some of the wounded had maggots on their wounds.⁵⁶⁷² **Merdžanić** testified that initially people coming to the clinic had diseases common to civilians; later he examined people who had been beaten up or raped.⁵⁶⁷³

1307. **Sejmenović** testified that following the attack on Kozarac, and after he had been hiding until the second half of July 1992, he observed Trnopolje camp for two days before sneaking in and out of the camp from his hiding place to see the conditions and to find out what the guards were planning to do to the detainees.⁵⁶⁷⁴ Some non-Serbs were allowed inside the camp to help detainees, including a physician and a female veterinarian.⁵⁶⁷⁵ Most of the time the majority of the detainees looked similar to a detainee in a picture that was shown to the witness, due to starvation, beatings, and constant fear.⁵⁶⁷⁶ Many of the detainees he saw looked exhausted, moved slowly, and had dull eyes.⁵⁶⁷⁷

⁵⁶⁶⁵ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

⁵⁶⁶⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 59, 61-62.

⁵⁶⁶⁷ P2594 (Witness RM-047, witness statement, 14 March 2000), p. 4.

⁵⁶⁶⁸ P3617 (Azra Blažević witness statement, 10 November 1994), p. 11.

⁵⁶⁶⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 40, 60.

⁵⁶⁷⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 60.

⁵⁶⁷¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 39; P279 (Excerpt from video interview with Idriz Merdžanić).

⁵⁶⁷² P3234 (Witness RM-023, witness statement, 25 August 2000), p. 9; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3971-3972.

⁵⁶⁷³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 32; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).

⁵⁶⁷⁴ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 43-46; Mevludin Sejmenović, T. 3539-3541.

⁵⁶⁷⁵ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46; Mevludin Sejmenović, T. 3548.

⁵⁶⁷⁶ Mevludin Sejmenović, T. 3467-3468; P291 (Photographic still showing a detainee at Trnopolje camp).

Treatment of detainees at Trnopolje camp

1308. Mistreatment was commonplace at Trnopolje camp; Serb soldiers used baseball bats, iron bars, rifle butts, and their hands and feet or whatever they had at their disposal to beat the detainees.⁵⁶⁷⁸ Individuals who were taken out for questioning would often return bruised or injured.⁵⁶⁷⁹ **Merdžanić** testified that there was an interrogation room next to the medical clinic where men were questioned and beaten.⁵⁶⁸⁰ The witness often saw Serb guards bring detainees into the room.⁵⁶⁸¹ The room was very close to where the witness slept, and he heard strikes with muted blunt sounds, and could hear people screaming and moaning, and heard Serbs swearing.⁵⁶⁸² He examined detainees after the beatings, and on several occasions a detainee named Mujo was ordered to clean the room, which had blood in it.⁵⁶⁸³ The witness took photos of this room covered in blood.⁵⁶⁸⁴ The witness saw guards entering and leaving the interrogation room including Mladen Mitrović and Mirijan Mitrović, a person named Stojanović who was also known as Zemunac, Dragoja Čavić, Dragan Škrbić, and Branko Topola.⁵⁶⁸⁵ On one occasion in August 1992, the witness saw, from the window of the clinic, Žigić, who had come with detainees transferred from Keraterm camp, wearing a camouflage uniform and red beret, beating a man severely with his hands and feet until the man fell down, then kicking him and jumping on him while the guards' commander was present.⁵⁶⁸⁶ To the witness's knowledge no investigation was conducted concerning killings and beatings in the camp.⁵⁶⁸⁷

1309. Puhalić would often come to the clinic in Trnopolje camp with a list of names of men asking the witness for their whereabouts.⁵⁶⁸⁸ On one occasion, two persons Puhalić

⁵⁶⁷⁷ Mevludin Sejmenović, T. 3467-3468.

⁵⁶⁷⁸ Adjudicated Facts I, no. 1073.

⁵⁶⁷⁹ Adjudicated Facts I, no. 1073.

⁵⁶⁸⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 45-48; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić); P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).

⁵⁶⁸¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 45-47.

⁵⁶⁸² P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 48, 58; P279 (Excerpt from video interview with Idriz Merdžanić).

⁵⁶⁸³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 47-48, 50; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).

⁵⁶⁸⁴ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 47; P274 (Photograph of interrogation room at clinic in Trnopolje camp taken by Idriz Merdžanić).

⁵⁶⁸⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 52.

⁵⁶⁸⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 53; P278 (Diagram of Trnopolje camp drawn by Idriz Merdžanić).

⁵⁶⁸⁷ Idriz Merdžanić, T. 3332-3333.

⁵⁶⁸⁸ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 35.

called for were at the clinic, Nijaz Gutić and Džemal Zerić, and Puhalić instructed two men in military uniforms to take them to the interrogation room where they beat them and then took them away, and they were never seen by the witness again.⁵⁶⁸⁹ **Puhalić** testified that he neither conducted any interrogations nor was involved in any beatings.⁵⁶⁹⁰

1310. **Blažević** stated that on one occasion Nedžad Jakupović was brought to the medical unit with bruises all over his body and several cuts, including a cross that had been carved into his chest.⁵⁶⁹¹ The soldiers who beat Jakupović were Mladen Mitrović, Darko Mrđa, 'Mile', and 'Deba', who all came to the camp often.⁵⁶⁹² Another time, she heard how a man was beaten in this room for two days.⁵⁶⁹³ A man called Mujkanović was taken into the room and also beaten for two days and nights in a row.⁵⁶⁹⁴ **Blažević** stated that when the soldiers took a break from the beating, a guard called 'Darko' went outside the building and wiped his boots on the grass saying '[l]ook how this mother fucker was bleeding'.⁵⁶⁹⁵ **Puhalić** denied that a person named Mustafa Mujkanović was beaten unconscious in his presence.⁵⁶⁹⁶ Later, **Blažević** saw two bus drivers named Zerić and Gutić being taken into the room and she heard them being beaten for several hours.⁵⁶⁹⁷

1311. One day, when detainees from Keraterm camp arrived at Trnopolje, a Serb guard called Zoran Žigić shouted a traditional orthodox Serbian greeting at the new detainees, something like '[g]od help you Turks'. The witness then saw Žigić beat up a detainee named Hasan in the camp's yard. The next day, the witness heard from other detainees that Hasan was in a very bad state and that they were afraid he might die.⁵⁶⁹⁸ Ajdin Zenkić was beaten in the municipality office at the camp on several occasions by Dragan Skrbić and Stoja 'Stole' Madzar.⁵⁶⁹⁹ One night, a man called Mehmed Avdić

⁵⁶⁸⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 35, 45; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3332, 3383-3384; P273 (Diagram of Trnopolje camp Medical Clinic drawn by Idriz Merdžanić).

⁵⁶⁹⁰ Slavko Puhalić, T. 31694-31702.

⁵⁶⁹¹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 17.

⁵⁶⁹² P3617 (Azra Blažević witness statement, 10 November 1994), p. 17.

⁵⁶⁹³ P3617 (Azra Blažević witness statement, 10 November 1994), pp. 17-18.

⁵⁶⁹⁴ P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.

⁵⁶⁹⁵ P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.

⁵⁶⁹⁶ Slavko Puhalić, T. 31694-31702.

⁵⁶⁹⁷ P3617 (Azra Blažević witness statement, 10 November 1994), p. 19.

⁵⁶⁹⁸ P3617 (Azra Blažević witness statement, 10 November 1994), p. 18.

⁵⁶⁹⁹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 21.

was beaten in the lumber yard.⁵⁷⁰⁰ On several occasions, the witness and other medical staff were threatened with deportation and death by soldiers who came into the medical unit with their weapons.⁵⁷⁰¹

1312. **Arifagić** stated that on his first day at the camp, he saw Zoran Žigić from Keraterm camp enter the wire fenced off area where he and other detainees were being detained. Žigić asked for a man called 'Kum', who had given Žigić his white Mercedes 220, and started to beat him. A number of guards eventually took Žigić away and brought 'Kum' to a doctor.⁵⁷⁰² **Witness RM-709** stated that behind the community centre, policemen beat up detainees and that a person named 'Zoka' beat him.⁵⁷⁰³ **Witness RM-017** stated that he heard from other men who had been interrogated that they were beaten and had to hand over all their money and valuables.⁵⁷⁰⁴ **Witness RM-047** learned from Ismet Javor that guards forced detainees to fight with each other, and they would stomp on the detainees who fell down after being beaten.⁵⁷⁰⁵

1313. Between May and October 1992, many incidents of rape occurred at the camp.⁵⁷⁰⁶ Not all of the perpetrators were camp personnel, as some were allowed to visit the camp from the outside.⁵⁷⁰⁷ One prisoner, Vasif Gutić, who had medical training, was assigned to work in the medical unit at Trnopolje and he often counselled and treated victims of rape, the youngest girl being 12 years old.⁵⁷⁰⁸ In August 1992, Slobodan Kuruzović personally arranged for a Bosnian-Muslim woman to be detained in the same house in which he had his office, and he raped her nearly every night for about a month.⁵⁷⁰⁹ On two occasions, he stabbed her shoulder and her leg with his knife because she resisted being raped.⁵⁷¹⁰

1314. The Trial Chamber also considered the evidence of Witness RM-023, which has been placed in the confidential annex in Appendix D.

⁵⁷⁰⁰ P3617 (Azra Blažević witness statement, 10 November 1994), p. 19.

⁵⁷⁰¹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 21.

⁵⁷⁰² P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 23.

⁵⁷⁰³ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.

⁵⁷⁰⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 11.

⁵⁷⁰⁵ P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 4-5.

⁵⁷⁰⁶ Adjudicated Facts I, no. 1074.

⁵⁷⁰⁷ Adjudicated Facts I, no. 1074.

⁵⁷⁰⁸ Adjudicated Facts I, no. 1075.

⁵⁷⁰⁹ Adjudicated Facts I, no. 1076.

⁵⁷¹⁰ Adjudicated Facts I, no. 1076. The Trial Chamber understands Adjudicated Facts numbers 1074-1076 to refer to rape in Trnopolje camp, including Kuruzović's house.

1315. **Merdžanić** testified that on 27 May 1992, a woman named Marica Olenjuk told him about the rape of several women at a neighbour's house, outside the camp.⁵⁷¹¹ The witness then spoke to some of the guards, including the acting camp commander, about the alleged incident.⁵⁷¹² A Serb guard interrogated him later that day and told him they would 'do away with' him.⁵⁷¹³ In the first half of June 1992, the witness talked to Dr Duško Ivić about examining women who had been raped and Ivić later told the witness that eight or nine women who agreed to be examined were put on a Serbian Red Cross van and taken to Prijedor for examination, and it was confirmed that they had all been raped.⁵⁷¹⁴ The following day they were put on a convoy to Muslim-held territory.⁵⁷¹⁵ The witness believed that many of the rapes occurred in June 1992 when the tank crews nicknamed '*El Manijakos*' were in Prijedor as he had seen some of them arguing with Kuruzović, asking why he allowed the women to be examined.⁵⁷¹⁶ **Blažević** stated that after an incident in which a woman was raped in the camp, an alleged perpetrator was called in for investigation.⁵⁷¹⁷ He belonged to '*Manijakosi*' (maniacs) or '*Manijakos*'.⁵⁷¹⁸ After this, he and other members of his unit came to the camp from the direction of Prijedor. They were cursing and threatening the medical staff. Detainees told the witness that they then drove to the school building and went into the boiler room at the back of the school where they beat up 20 men, one of whom was Nedžad Jakupović. When the witness went to the boiler room to help the beaten men afterwards, she found Jakupović unconscious and in a very bad condition.⁵⁷¹⁹

1316. **Blažević** stated that during one night in mid-June 1992, she saw soldiers enter the camp from the direction of Kozarac, and then go into the cinema hall and the room above the canteen where they selected a total of around 40 women whom they took out of the camp.⁵⁷²⁰ After that night, eight mothers came to the medical unit with their eight daughters, and the daughters said that they had been raped during the night.⁵⁷²¹ There

⁵⁷¹¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 33; P277 (Diagram of Trnopolje camp drawn by Idriz Merdžanić, 27-28 August 2000, marked X); Idriz Merdžanić, T. 3381.

⁵⁷¹² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 33.

⁵⁷¹³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 34.

⁵⁷¹⁴ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 63; Idriz Merdžanić, T. 3382-3383.

⁵⁷¹⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 63.

⁵⁷¹⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 64; Idriz Merdžanić, T. 3382-3383.

⁵⁷¹⁷ P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.

⁵⁷¹⁸ P3617 (Azra Blažević witness statement, 10 November 1994), pp. 22-23.

⁵⁷¹⁹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 23.

⁵⁷²⁰ P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.

⁵⁷²¹ P3617 (Azra Blažević witness statement, 10 November 1994), p. 22.

were more rapes happening outside the camp premises.⁵⁷²² **Merdžanić** testified that he saw soldiers, mostly from outside the camp, taking women out of the camp at night and heard from his patients that they would enter the rooms with flashlights at night choosing women.⁵⁷²³ He testified that one rape involved a group of guards continually raping a woman, keeping her for 10 days at checkpoint Orlovac.⁵⁷²⁴ This woman visited him at the clinic asking for painkillers, and he tried to assist the woman by telling Lieutenant Cumba, a member of the military police.⁵⁷²⁵ Merdžanić stated that there was no point examining the women as it would embarrass them, they had no medicine to give them, and reporting sexual assaults would just endanger the victims.⁵⁷²⁶

1317. **Sivac** testified that when he arrived he heard from people at the camp who were from the Kozarac area that women and girls were often taken from the camp by Serb soldiers returning from the front line, and that some of them never returned.⁵⁷²⁷ **Sejmenović** testified that rapes occurred within the camp and that women and children were taken from the camp and raped in the area of Ribnjak.⁵⁷²⁸ **Puhalić** testified that he was aware of only one occasion of rape in the camp.⁵⁷²⁹ According to him, the victim was provided with medical care and those who had committed the rape were arrested by the military police, but he did not know whether there had been any prosecutions for this crime.⁵⁷³⁰

The Trial Chamber's findings

1318. The Trial Chamber has received evidence from Miloš Šolaja that, in his opinion, the compound at Trnopolje was not a 'camp',⁵⁷³¹ and that Slobodan Kuruzović was not its commander, but was instead tasked with providing food to the civilians there in his

⁵⁷²² P3617 (Azra Blažević witness statement, 10 November 1994), p. 23.

⁵⁷²³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 64.

⁵⁷²⁴ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 65.

⁵⁷²⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 65; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1.

⁵⁷²⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 67; P279 (Excerpt from video interview with Idriz Merdžanić, 00:00:28 – 00:01:45).

⁵⁷²⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6690; Nusret Sivac, T. 4842.

⁵⁷²⁸ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 46.

⁵⁷²⁹ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 22; Slavko Puhalić, T. 31679.

⁵⁷³⁰ D898 (Slavko Puhalić, witness statement, 26 June 2014), para. 22; Slavko Puhalić, T. 31679.

⁵⁷³¹ In the context of alleged detention facilities, the Trial Chamber understands the term 'camp' to refer to a detention facility, while terms such as 'collection-', 'reception-' or 'transit-centre' are intended to refer to locations at which people are taken or gather voluntarily before moving or being moved elsewhere.

capacity as the head of the local Red Cross. This evidence contradicts adjudicated facts including Adjudicated Fact 1063, which states that the ‘commander of Trnopolje camp was Slobodan Kuruzović.’ The Trial Chamber notes, however, that Šolaja was present at the camp with a group of international journalists for only a short time on 7 August 1992, and seems to have formed his opinions about Kuruzović’s position and the purpose of the camp from statements made to this group by Kuruzović. The Chamber considers that Kuruzović, in speaking with Šolaja and this group of journalists, would have had an interest in minimizing his role at the camp as well as portraying the facility in the best possible light. For these reasons, the Trial Chamber finds Šolaja’s evidence on the purpose of the camp and Kuruzović’s position within it to be insufficiently reliable to rebut the adjudicated facts in these respects. Šolaja’s also testified that there were no machinegun nests at the camp. Although this evidence might seem to contradict Adjudicated Fact 1066’s reference to machinegun nests, the Trial Chamber notes that this fact refers to machinegun emplacements located outside the camp. Considering this difference the Trial Chamber finds that his evidence does not contradict Adjudicated Fact 1066.⁵⁷³²

1319. The Trial Chamber has also received evidence from Idriz Merdžanić, Witness RM-047, Witness RM-023, Slavko Puhalić, and Jusuf Arifagić that the Trnopolje camp authorities provided food to the detainees. This contradicts Adjudicated Fact 1070 which states that no food was supplied by the camp authorities. Given that these witnesses were present at the camp during the relevant time period and some provided evidence that they personally observed camp authorities providing food to detainees, the Trial Chamber considers their evidence to be sufficiently reliable to rebut the adjudicated fact in this respect. Under these circumstances the Trial Chamber finds that Adjudicated Fact 1070 is rebutted as it relates to food provided to the detainees by the authorities of Trnopolje camp, and will analyse the evidence on this aspect in order to make a determination on the matter.

1320. The Trial Chamber has received differing accounts of the purpose of Trnopolje camp; the functions of its guards; and the arrival, status, treatment, and freedom of

⁵⁷³² Similarly, the Trial Chamber has received evidence from Šolaja, Arifagić, Sivac, Sejmenović, McLeod, Vulliamy, Milutinović, and Berić concerning the existence, type, and extent of fencing and walls at the camp, which might seem to contradict Adjudicated Fact 1066. However, the Trial Chamber understands this fact to mean that there was not a fence encompassing the entire perimeter of the camp, and that this is not contradicted by evidence of certain areas of the camp being enclosed by fences or walls.

movement of the non-Serbs there. Having considered the evidence in its entirety, the Trial Chamber finds that Trnopolje camp was a mixed-purpose facility that served as a detention facility as well as a transit centre for non-Serbs. Some came to the camp independently because their houses had been burned, to escape fighting, or after expulsion by Bosnian-Serb forces. Others were brought to the camp by Bosnian-Serb authorities where they stayed until they were relocated, as set out in chapter 4.10.7. Other non-Serbs, typically able-bodied men, were arrested by members of the Bosnian Serb forces including the VRS 5th Kozarac Brigade and transported to various camps before finally being brought to Trnopolje camp where they were detained against their will. Many of the non-Serbs in the camp were not given a reason for their arrest or detention. Some non-Serbs were allowed to leave the camp after receiving permission and leaving behind their personal identification documents, with some required to give money or other valuables in order to leave. Just as non-Serbs arrived at and left the camp by different methods, their treatment within the camp varied depending on who they were and when they were there. The Trial Chamber also notes the evidence it has received that conditions at the camp improved towards the end of its operation, in part due to media attention and the presence of the ICRC. For all these reasons, the Trial Chamber considers that the differences which exist in the accounts of the camp's purpose and the treatment of non-Serbs there are not necessarily contradictory, but instead relate to different sections of the camp, as well as the different categories of non-Serbs located at the camp, and the differences in the time periods discussed.

1321. The Trial Chamber received conflicting evidence from Branko Berić with regard to whether detainees who were taken out for interrogation ever returned.⁵⁷³³ For this reason, the Trial Chamber finds Berić's evidence on this point to be unreliable and will not consider it further.

1322. Based on the foregoing, the Trial Chamber finds that Trnopolje camp was in operation from at least 26 May 1992 until the end of September 1992, although some people stayed there longer. From late May to early June 1992, there were approximately 8,000 detainees. By late August 1992, up to 4,000 people were detained at the camp. The detainees were Bosnian-Muslim and Bosnian-Croat civilians, including women and children. The buildings at Trnopolje were insufficient to house all the detainees, causing

⁵⁷³³ Compare D928 (Branko Berić, witness statement, 26 June 2014), para. 33; with Branko Berić, T. 32878-32883.

many of them to camp outdoors with little or no shelter. There was no electricity, nor were there beds, blankets, or bathing facilities in the camp. There was no running water and the little drinking water that was available was dirty and contaminated. There were very limited lavatory facilities and the camp authorities supplied an insufficient amount of food to the detainees. In some cases food was distributed only to those who could pay for it. Because of the lack of sufficient food as well as the unsanitary and crowded conditions, lice and scabies were rampant and the majority of detainees suffered from dysentery. The detainees also suffered from a wide range of ailments including hepatitis, chronic diarrhoea, and high fevers. There was no disinfectant or gloves in the camp's medical clinic and no way to wash prior to treating patients there. Several detainees had their teeth removed with pliers without the use of anaesthetic. Some of the wounded detainees had maggots in their wounds. Requests for medical supplies and treatments were not met by Duško Ivić and medical technician Mića Kobas, both Serbs who wore military uniforms and worked at the camp. In one instance, Ivić refused to take an epileptic man to the hospital and the man was found dead the next morning.

1323. With regard to the responsibility for the detention and the conditions at the camp, the Trial Chamber finds that Trnopolje camp was established by the Prijedor Crisis Staff and that the camp was initially secured by members of the Prijedor TO and soon afterwards by VRS soldiers. Slobodan Kuruzović was the camp commander and Slavko Puhalić was his deputy. The Trial Chamber recalls its finding in chapter 3.1.2 that Kuruzović and Puhalić were members of the VRS 43rd Motorised Brigade.

1324. Camp guards frequently and severely beat detainees with baseball bats, irons bars, rifle butts, their hands and feet, or whatever they had at their disposal. Guards including Darko Mrđa, Mladen Mitrović, Mirijan Mitrović, a man named Stojanović a.k.a. Zemunac, Dragoja Čavić, Dragan Škrbić, Stoja Madzar a.k.a. Stole, Branko Topola, and soldiers named Mile and Deba beat detainees including during interrogations. Slavko Puhalić would often appear with a list of names, asking for the whereabouts of certain detainees who were then taken away and beaten, some of them never to return. In August 1992 a Serb guard named Zoran Žigić who came from Keraterm camp, greeted newly arriving detainees by saying '[g]od help you Turks.' In the presence of Kuruzović, Žigić beat a detainee severely and began kicking him and jumping on him after the detainee had fallen down. The guards beat some detainees to death, as set out in chapter 4.10.1 *Schedule B.13.5*. Guards also forced detainees to fight

one another. On several occasions Serb soldiers entered the medical clinic and threatened the Muslim medical staff there with deportation and death. A Bosnian woman who had been detained along with her children and registered as a ‘Hambarine extremist’ upon arrival, was accused by camp guards of buying and storing arms. The guards called her a ‘*balija*’ and beat her in the presence of her children whom the guards also threatened.

1325. Camp guards and others, including VRS soldiers from outside the camp, raped many women and girls in and around the camp. These guards and soldiers were allowed in the camp to select their victims, the youngest of whom was 12 years old. Kuruzović raped a Bosnian-Muslim woman nearly every night for approximately a month. He also threatened, beat, and stabbed her on multiple occasions when she resisted. During these rapes he told her ‘let’s see how Muslim women fuck’ and threatened to bring in other soldiers to rape her. He also told her that ‘your Muslims are raping our Serbian sisters, so now it is your turn to see how it is’ and that ‘Muslim women must have Serbian children.’

1326. The Trial Chamber will consider these incidents in relations to Counts 1 and 3 of the indictment in chapter 8 below.

Schedule C.15.5

1327. According to the Indictment, the Accused is responsible for the detention, torture, beating, abuse, rape, commission of other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Miška Glava Dom, Prijedor Municipality, between 21 and 25 July 1992.⁵⁷³⁴ The Defence argued that there was no VRS presence at the Miška Glava Dom and therefore the Accused was not in command of the facility.⁵⁷³⁵ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this detention centre.⁵⁷³⁶ It also received evidence from **Elvedin Nasić** and **Nermin Karagić**, both Bosnian Muslims

⁵⁷³⁴ Indictment, paras 39(b)-(c), 53, 59(b)-(d), (g), Schedule C.15.5.

⁵⁷³⁵ Defence Final Brief, paras 1000-1001.

⁵⁷³⁶ Adjudicated Facts I, no. 867 is reviewed in chapter 4.10.7.

from Prijedor Municipality⁵⁷³⁷, and finds that their evidence is consistent with the Adjudicated Facts.⁵⁷³⁸

1328. **Elvedin Nasić** testified that in July 1992, ‘Serb soldiers’, wearing olive-green, grey, or camouflage uniforms captured 114 unarmed men who had been hiding in the forest, after they mistakenly entered the Serb village of Miška Glava.⁵⁷³⁹ Some of the men, including the witness, came from Hambarine.⁵⁷⁴⁰ **Nermin Karagić** described the captors as JNA soldiers and men wearing reserve police uniforms.⁵⁷⁴¹ **Nasić** stated that the ‘Serb soldiers’ put the group in four columns, separating older from younger men.⁵⁷⁴² A commander ordered an armed soldier to shoot the detainees if any of them moved.⁵⁷⁴³ They were told to empty their pockets and throw everything on the ground.⁵⁷⁴⁴ After a few hours, the ‘Serb soldiers’ took the detainees through the village, into a field, and then to Miška Glava.⁵⁷⁴⁵ The group of 114 people were moved to Miška Glava around 21 July 1992.⁵⁷⁴⁶ Miška Glava Dom was a cultural club which had been transformed into a command post.⁵⁷⁴⁷ It was staffed by the TO.⁵⁷⁴⁸ The detainees’ names were recorded by an officer.⁵⁷⁴⁹ According to **Nasić**, the officer’s name was Zoran Popović.⁵⁷⁵⁰ The 114 detainees were kept in a small café⁵⁷⁵¹ **Karagić** testified that the detainees spent three days and two nights there in very cramped and hot

⁵⁷³⁷ **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁵⁷³⁸ **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3, witness statement of 15 March 2000, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5214-5221; Nermin Karagić, T. 9121-9123, 9129; P1000 (Map with photographs titled Ljubija-Briševo overview).

⁵⁷³⁹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12690-12691.

⁵⁷⁴⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 2-3.

⁵⁷⁴¹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5213-5214, 5219; Nermin Karagić, T. 9121.

⁵⁷⁴² P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

⁵⁷⁴³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

⁵⁷⁴⁴ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5214-5217; Nermin Karagić, T. 9121-9122; P1000 (Map with photographs titled Ljubija-Briševo overview).

⁵⁷⁴⁵ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12691.

⁵⁷⁴⁶ Adjudicated Facts I, no. 1081.

⁵⁷⁴⁷ Adjudicated Facts I, no. 1080.

⁵⁷⁴⁸ Adjudicated Facts I, no. 1079.

⁵⁷⁴⁹ Adjudicated Facts I, no. 1081.

⁵⁷⁵⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

⁵⁷⁵¹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

conditions.⁵⁷⁵² They were given a single loaf of bread and a packet of sweets to share, among all 114 detainees, in three days.⁵⁷⁵³ They were given water but had to sing songs about Greater Serbia to get it.⁵⁷⁵⁴ The detainees were guarded by what the witness thought were the Miška Glava TO wearing olive-grey JNA uniforms.⁵⁷⁵⁵ Interrogations and beatings occurred at the Miška Glava Dom.⁵⁷⁵⁶ People were regularly called out at the detention unit to be beaten.⁵⁷⁵⁷ Detainees were beaten during interrogations by Bosnian-Serb soldiers with fists and rifle butts.⁵⁷⁵⁸ They suffered concussions, bleeding, and heavy bruising.⁵⁷⁵⁹ The beatings went on for four or five days.⁵⁷⁶⁰

1329. Based on the foregoing, the Trial Chamber finds that from around 21 July 1992, 114 men were detained at Miška Glava Dom, in a small café in hot conditions for several days. With regard to ethnicity, the Trial Chamber considers that some of the men were from the predominantly Bosnian-Muslim and Bosnian-Croat village of Hambarine and that all those detained were unarmed and hiding in the forest and were captured after mistakenly entering a Serb village. Further, it considers that one of the men was separated from the group when he said that his mother was a Serb and the rest were ill-treated while forced to sing songs about Greater Serbia (the Trial Chamber discusses this further in chapter 4.10.1 *Schedule A.6.8*). The Trial Chamber concludes that the group of men was predominantly Bosnian-Muslim and Bosnian-Croat. The 114 detainees were provided with a single loaf of bread and a packet of sweets to share for three days and they had to sing songs about Greater Serbia in order to obtain water. The guards were from the Miška Glava TO. During interrogations at the Miška Glava Dom, the detainees were regularly beaten with fists and rifle butts. The Trial Chamber finds that the guards of the Miška Glava TO carried out these beatings. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8, below.

⁵⁷⁵² P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5218, 5220, 5225; Nermin Karagić, T. 9129-9130.

⁵⁷⁵³ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5219; Nermin Karagić, T. 9130-9131.

⁵⁷⁵⁴ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5220; Nermin Karagić, T. 9129.

⁵⁷⁵⁵ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5219; Nermin Karagić, T. 9122-9123.

⁵⁷⁵⁶ Adjudicated Facts I, no. 1080.

⁵⁷⁵⁷ Adjudicated Facts I, no. 1081.

⁵⁷⁵⁸ Adjudicated Facts I, no. 1082.

⁵⁷⁵⁹ Adjudicated Facts I, no. 1082.

⁵⁷⁶⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 3.

4.10.3 Destruction of private and public property, including cultural monuments and sacred sites (including Schedule D)

1330. According to the Indictment, the Accused is responsible for the wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, as listed in Scheduled Incident D.11, in Prijedor Municipality, between 12 May 1992 and 30 November 1995.⁵⁷⁶¹ In particular, the Indictment alleges that the Kozaruša mosque, the Stari Grad mosque, the Čarakovo mosque, the Hambarine old mosque, the Čaršijska and Zagrad mosques in Prijedor Town, the Biščani mosque, the Gornja/Donja Puharska mosque, the Rizvanovići mosque, the Brežičani mosque, the Ališići mosque, the Zecovi mosque, the Čejreci mosque, the Gomjenica mosque, the Kevljani mosque, the Kamičani mosque, the Mutnik mosque in Kozarac as well as the Catholic church in Prijedor Town and the Briševo church were destroyed.⁵⁷⁶² The Indictment, as far as the charge of destruction is concerned, is however not limited to the Scheduled Incidents. Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Schedule D.11. The Defence submitted that the Prosecution's allegation is wholly based on Riedlmayer's report, which employed a flawed and unreliable methodology.⁵⁷⁶³ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.⁵⁷⁶⁴ The Trial Chamber further received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁵⁷⁶⁵ **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;⁵⁷⁶⁶ **Witness RM-017** and **Jusuf Arifagić**, both Bosnian Muslims from Kozarac in Prijedor Municipality;⁵⁷⁶⁷ **Kerim Mešanović**, **Sead Sušić**, **Elvedin Nasić**, **Witness RM-026**, **Senija Elkasović**, **Witness RM-047**, and **Witness RM-023**,

⁵⁷⁶¹ Indictment, paras 52, 59(j), Schedule D.11.

⁵⁷⁶² Indictment, Schedule D.11.

⁵⁷⁶³ Defence Final Brief, paras 1054-1055.

⁵⁷⁶⁴ Adjudicated Facts 877-879 are reviewed in chapter 4.10.1 *Schedule A.6.1*; Adjudicated Facts 894 and 895 are reviewed in chapter 4.10.1 *Schedule A.6.2*; Adjudicated Facts 896 is reviewed in chapter 4.10.1 *Schedule A.6.3*; Adjudicated Facts 898-902 are reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts 905 and 906 are reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Facts 919-923 are reviewed in chapter 4.10.1 *Schedule A.6.9*; Adjudicated Facts 1089 and 1094 are reviewed in chapter 4.10.4; and Adjudicated Facts 857, 867, 869- 870 are reviewed in chapter 4.10.7.

⁵⁷⁶⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁵⁷⁶⁶ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁵⁷⁶⁷ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2; P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2.

all Bosnian Muslims from Prijedor Municipality;⁵⁷⁶⁸ **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁵⁷⁶⁹ **Witness RM-054**, a Bosnian-Muslim TO member from Kozarac, Prijedor Municipality;⁵⁷⁷⁰ as well as **András Riedlmayer**, a bibliographer and art documentation specialist,⁵⁷⁷¹ and finds that this evidence is consistent with the Adjudicated Facts.⁵⁷⁷² With regard to the evidence of **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality,⁵⁷⁷³ the Trial Chamber considers that his evidence is partially consistent with the Adjudicated Facts and will address his evidence below.⁵⁷⁷⁴ The Trial Chamber further received evidence

⁵⁷⁶⁸ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601; P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204; P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3; P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1; P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6; P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁵⁷⁶⁹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

⁵⁷⁷⁰ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2610-2611, 2618, 2758.

⁵⁷⁷¹ P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

⁵⁷⁷² **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6575-6576, 6604-6606; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor). **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 33, 35, 40, 52; Mevludin Sejmenović, T. 3541, 3466-3467. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), p. 7; P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3329, 3331, 3333. Witness RM-017's evidence is also reviewed in chapter 4.10.1 *Schedule A.6.1*. **Kerim Mešanović**: P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 21, 75. **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4600. **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6246. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16126-16127; P3239 (Photograph of Hambarine Mosque). **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 12, 15; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić); P272 (Diagram of Kozarac drawn by Idriz Merdžanić). **Witness RM-054**: P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2621-2624, 2643, 2645-2648, 2750-2751; P3411 (Photograph of Orthodox church in Kozarac). **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 35, 38, 45, 55, 58, 65; P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 16-17, 20-22. **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 16-17. Sead Sušić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.5*. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994, pp. 5-7. Jusuf Arifagić's evidence is reviewed in chapter 4.10.1 *Schedule A.6.1*. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), p. 12686. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2303. Elvedin Nasić and Witness RM-026's evidence is reviewed in chapter 4.10.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, see Appendix B. ⁵⁷⁷³ P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor municipality). ⁵⁷⁷⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 18, 21, 24, 41, 44-46, 48-49, 51, 56; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40; Ivo Atlija, T. 2341-2343, 2354; P173 (Map depicting Serb attack on Briševo). Ivo Atlija's evidence has been reviewed in chapter 4.10.1 *Schedules A.6.2* and *A.6.9*.

from **Witness RM-038**, a Bosnian Muslim from Prijedor Municipality;⁵⁷⁷⁵ **Radovan Zdjelar**, an excavator operator working in the Tomasiča mine in 1992;⁵⁷⁷⁶ **Nermin Karagić**, a Bosnian Muslim from the predominantly Muslim village of Rizvanovići in Prijedor Municipality;⁵⁷⁷⁷ **Draško Vujić**, a VRS battalion commander from Prijedor;⁵⁷⁷⁸ and **Safet Tači**, a Bosnian-Muslim civilian from Kozarac in Prijedor Municipality;⁵⁷⁷⁹ as well as documentary evidence.

Hambarine

1331. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Hambarine, which are reviewed in chapters 4.10.1 *Schedule A.6.2* and 4.10.7.

1332. **Elvedin Nasić** stated that in the night of 21 May 1992 a tank shelled Hambarine and mortar rounds were fired.⁵⁷⁸⁰ The next day, starting at around noon, Serb forces shelled Hambarine for three or four hours, targeting in particular the mosque and inflicting damage to houses.⁵⁷⁸¹ **Witness RM-023** stated that Serbs issued an ultimatum on Radio Prijedor demanding the surrender of weapons held by non-Serbs as well as the surrender of a Dr Mujadžić, an SDA official in Hambarine, and a person called Sikirić, and threatened to continue with the shelling in case of non-compliance.⁵⁷⁸² The electricity was cut.⁵⁷⁸³ On 24 May 1992, the mosque in Hambarine was shelled during the attack on the town.⁵⁷⁸⁴ **Witness RM-023** saw after the attack that the mosque had been fully destroyed.⁵⁷⁸⁵ Another shell had exploded close to the house where the witness had sought refuge, breaking its windows.⁵⁷⁸⁶ According to **András**

⁵⁷⁷⁵ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879.

⁵⁷⁷⁶ P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 1-2.

⁵⁷⁷⁷ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁵⁷⁷⁸ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7.

⁵⁷⁷⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092.

⁵⁷⁸⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brdanin* transcript, 12 December 2002), p. 12686.

⁵⁷⁸¹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brdanin* transcript, 12 December 2002), pp. 12686-12688. *See also* P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

⁵⁷⁸² P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

⁵⁷⁸³ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

⁵⁷⁸⁴ Adjudicated Facts I, no. 1104.

⁵⁷⁸⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16126-16127; P3239 (Photograph of Hambarine Mosque).

⁵⁷⁸⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

Riedlmayer, Serb forces burnt down the Old Mosque in Hambarine from 22 to 23 May 1992 when they overran the village.⁵⁷⁸⁷ Riedlmayer identified specific damage caused to the building during his July 2002 site visit: the Old mosque's roof and minaret were gone, its interior was gutted, its perimeter walls stood up to the roofline, charred timber and scorch marks on walls signalled destruction by fire, the walls of the entrance portico were scorched and pitted with scattered bullet holes.⁵⁷⁸⁸

1333. Following restoration of the electricity on 25 May 1992, the Serbs, acting on the authority of the Serbian government in Prijedor, reiterated their ultimatum, demanding additionally the surrender of Besim Mulalić and other persons. The next day, the shelling resumed at 12:24 p.m., and the witness counted 275 heavy artillery shells being fired in five minutes. Shells started to land increasingly closer to the house where the witness had sought refuge. They were first coming from Topić Brdo, where Serb tanks were deployed, and then from the direction of the Prijedor airport. The witness also heard airplanes flying over the village.⁵⁷⁸⁹ At around 3 p.m., the witness fled to the woods with Muslim women, children, and men from the village.⁵⁷⁹⁰ As she was escaping, the witness saw tanks firing shells and Serb soldiers firing *Zolja* shoulder rockets, resulting in the destruction and burning of lots of houses and of the coffee bar Zora.⁵⁷⁹¹ The witness saw the infantry firing at the fleeing villagers, wounding one of them.⁵⁷⁹² The villagers offered almost no resistance to the Serbs.⁵⁷⁹³

1334. **Witness RM-026** stated that on 10 June 1992, a private home was set on fire in the village. On 11 June 1992, the witness saw five '*Chetniks*' arriving in Hambarine in a truck and setting a café and a house on fire. He heard the '*Chetniks*' making noise and shooting. On the same day, a group of '*Chetniks*', including Jevo Maseldzija and Mlado Jurusić, set a garage on fire after demanding money and jewellery from the people who

⁵⁷⁸⁷ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 52-53; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 20.

⁵⁷⁸⁸ P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 52-53, 57, 59; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 52-53; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁷⁸⁹ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4.

⁵⁷⁹⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 4; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3989.

⁵⁷⁹¹ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16126.

⁵⁷⁹² P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 4-5, 21.

⁵⁷⁹³ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 5.

had sought refuge inside.⁵⁷⁹⁴ The witness heard from an eyewitness that the ‘*Chetniks*’ opened fire on women and children who ran out of the garage and wounded one of the women.⁵⁷⁹⁵

1335. **Nermin Karagić** testified that in late June or early July 1992, he saw a tank fire about 20 shells at a checkpoint in Hambarine.⁵⁷⁹⁶ According to the witness, Hambarine was subsequently taken very quickly.⁵⁷⁹⁷ During the attack, the Hambarine mosque was targeted and fired upon and the Rajkovac mosque was also hit.⁵⁷⁹⁸ The witness saw the shelling from his house in Rizvanovići, which is four kilometres away from Hambarine.⁵⁷⁹⁹

1336. The Trial Chamber also received evidence from **Riedlmayer** with regard to the destruction of the new mosque of Hambarine. According to photographs taken after the war in possession of the witness, the roof of the new mosque in Hambarine is gone, its perimeter walls stand up to the roofline, and the wall of the mosque facing the stump of the minaret is seen to be damaged, most likely by the falling minaret.⁵⁸⁰⁰ Serb forces blew up the minaret of the new mosque in Hambarine on or about 23 May 1992 and the damaged mosque was blown up and completely destroyed in October 1996.⁵⁸⁰¹

Kozaruša

1337. In mid 1992, the Bosnian-Muslim villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići in Prijedor Municipality were destroyed by Bosnian-Serb forces.⁵⁸⁰² The houses were set on fire and looted.⁵⁸⁰³ The VRS loaded their trucks with goods belonging to non-Serbs.⁵⁸⁰⁴ The village of Kozaruša was destroyed and only Serb houses remained, for the most part, untouched.⁵⁸⁰⁵ In May

⁵⁷⁹⁴ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.

⁵⁷⁹⁵ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2326.

⁵⁷⁹⁶ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5206-5207.

⁵⁷⁹⁷ Nermin Karagić, T. 9115, 9119.

⁵⁷⁹⁸ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), p. 5207; Nermin Karagić, T. 9114-9115, 9155.

⁵⁷⁹⁹ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5205, 5275-5276; P999 (Map of the Brdo Region, Prijedor).

⁵⁸⁰⁰ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸⁰¹ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸⁰² Adjudicated Facts I, no. 1083.

⁵⁸⁰³ Adjudicated Facts I, no. 1083; Adjudicated Facts IV, no. 1097.

⁵⁸⁰⁴ Adjudicated Facts I, no. 1083.

⁵⁸⁰⁵ Adjudicated Facts IV, no. 1097.

1992, at least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces during the attack.⁵⁸⁰⁶ Within the summer months of 1992, the minaret of the mosque in Kozaruša was badly damaged.⁵⁸⁰⁷ **Riedlmayer** interviewed two eye-witnesses to the events, the Imam of the Kozaruša mosque as well as a local resident of Kozaruša, both of whom told him that the mosque was set on fire around 24 May 1992.⁵⁸⁰⁸ The mekteb was burned down.⁵⁸⁰⁹ According to one of his sources, Serb fighters, wearing JNA uniforms, ‘Tito caps’, and led by Savan Končar, a Serb from Kozaruša, bombarded the mosque and Muslim homes of Kozaruša for 24 hours before setting the mosque on fire and blowing up its minaret and only the outer walls of the mekteb in Kozaruša remained standing at the end of the war.⁵⁸¹⁰ According to photographs taken after the war in possession of the witness, the Kozaruša mosque is completely burnt out, its roof collapsed, its interior is gutted and open to the sky, and its perimeter walls remain standing up to the roofline.⁵⁸¹¹

1338. **Radovan Zdjelar** stated that shortly after the conflict in Prijedor started in 1992, Radiša Ljesnjak, who the witness thought was a member of the Crisis Staff, sent him to Kozaruša to ‘mop up’ the village, which the witness understood to refer to the destruction of Muslim houses.⁵⁸¹² Ljesnjak instructed him to use his BGH 1000 excavator to destroy houses which he knew belonged to Muslims.⁵⁸¹³

Kamičani

1339. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Kamičani, which are reviewed above and in chapter 4.10.7.⁵⁸¹⁴ In

⁵⁸⁰⁶ Adjudicated Facts I, no. 1099.

⁵⁸⁰⁷ Adjudicated Facts I, no. 1109.

⁵⁸⁰⁸ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 16; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), pp. 21-22; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁵⁸⁰⁹ P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁵⁸¹⁰ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 27; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 16, 30; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), pp. 21-22.

⁵⁸¹¹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 16-17; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸¹² P7311 (Radovan Zdjelar, witness statement, 18 July 2014), paras 2, 9.

⁵⁸¹³ P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 9.

⁵⁸¹⁴ Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

June 1992, the mosque in Kamičani was destroyed by Serbs.⁵⁸¹⁵ **Witness RM-054** saw the surrounding area of Kozarac, from the Kamičani region right up to the Kamičani mosque, ablaze while he was hiding on Mount Kozara between 26 May and early June 1992.⁵⁸¹⁶ **Witness RM-047** stated that in the beginning of June 1992, he could see that all houses in Kamičani were burnt down.⁵⁸¹⁷

Bišćani

1340. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Bišćani on 20 July 1992, which are reviewed above and in chapters 4.10.1 *Schedule A.6.6* and 4.10.7.⁵⁸¹⁸ Muslim houses in Bišćani were destroyed with traces of fire, and on 20 July 1992 the mosque was destroyed.⁵⁸¹⁹ **Witness RM-038** testified that the mosque was burning on that day.⁵⁸²⁰ According to **Riedlmayer**, the Bišćani mosque burnt down on 22 July 1992.⁵⁸²¹ Serb forces unsuccessfully tried to set the Bišćani mosque on fire with a *zolja* (shoulder launcher firing an incendiary projectile) before calling in the fire brigade which came with a fire truck and burned the mosque down.⁵⁸²² Riedlmayer identified specific damage caused to the building during his July 2002 site visit: the Bišćani mosque was completely burned out, its roof and minaret were gone, the interior gutted and open to the sky and the old Muslim cemetery in front of the mosque had been vandalised.⁵⁸²³

⁵⁸¹⁵ Adjudicated Facts I, no. 1106.

⁵⁸¹⁶ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2621-2624, 2643.

⁵⁸¹⁷ P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 3-4; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6246.

⁵⁸¹⁸ Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

⁵⁸¹⁹ Adjudicated Facts I, nos 1095, 1107. The Trial Chamber understands the references to 'traces of fire' to mean that the houses in the village had been set on fire.

⁵⁸²⁰ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5881-5882, 5930.

⁵⁸²¹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 61; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 18.

⁵⁸²² P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 61; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 18.

⁵⁸²³ P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 52-53, 57, 59; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 61-62; P2511 (Survey database for expert report of Andrés Riedlmayer).

Čarakovo

1341. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Čarakovo, which are reviewed above and in chapters 4.10.1 *Schedules A.6.5* and *A.6.6* and 4.10.7.⁵⁸²⁴

1342. On 23 July 1992, the Muslim village of Čarakovo suffered extensive damage and destruction and houses were looted.⁵⁸²⁵ According to **Riedlmayer**, Serb forces burnt down the Čarakovo mosque on 23 July 1992 and blew up its minaret.⁵⁸²⁶ During his July 2002 site visit, Riedlmayer observed that only the stump of the Čarakovo blown-up minaret and the mosque's foundations remained *in situ*.⁵⁸²⁷

Kevljani

1343. Within the summer months of 1992, the new mosque in Kevljani was completely destroyed by mines, both the minaret and the mosque blown up with explosives.⁵⁸²⁸ With regard to this village, the Trial Chamber also took judicial notice of Adjudicated Fact 1083, which is reviewed with regard to Kozaruša Village, and stipulates that Bosnian-Serb forces participated in the attack.

Rakovčani, Rizvanovići, and Ravine

1344. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attacks on Rakovčani, Rizvanovići, and Ravine, which are reviewed above and in chapter 4.10.1 *Schedules A.6.5* and *A.6.6*.⁵⁸²⁹ Homes were destroyed and personal belongings looted in the attack on Rizvanovići, a predominantly Muslim village.⁵⁸³⁰

⁵⁸²⁴ Adjudicated Facts I, nos 898-901 have been reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

⁵⁸²⁵ Adjudicated Facts I, no. 1096.

⁵⁸²⁶ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 49; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 19, 21; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁸²⁷ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 49; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸²⁸ Adjudicated Facts I, no. 1111.

⁵⁸²⁹ Adjudicated Facts I, nos 898-901 have been reviewed in chapter 4.10.1 *Schedule A.6.5*; Adjudicated Facts I, nos 905-906 have been reviewed in chapter 4.10.1 *Schedule A.6.6*.

⁵⁸³⁰ Adjudicated Facts I, no. 1098.

Witness RM-038 saw destroyed mosques in Rizvanovići, Rakovčani, and Ravine.⁵⁸³¹ According to **Riedlmayer**, the Rizvanovići mosque was destroyed on or about 21 July 1992.⁵⁸³² Serb paramilitaries of the White Eagles and Red Berets destroyed the Rizvanovići mosque in three stages: they toppled the minaret with a *zolja* (shoulder-launched projectile), blew up the burned down mosque, and knocked down its ruins with a bulldozer.⁵⁸³³ During his July 2002 site visit, Riedlmayer observed that only the foundations of the Rizvanovići mosque remained.⁵⁸³⁴ The Rakovčani mosque burnt down on 23 May 1992.⁵⁸³⁵ The minaret of the old Rakovčani mosque was shot away with a Serb tank firing at close range from the road before the mosque was burnt down and its ruins were destroyed with explosives.⁵⁸³⁶ Parts of three of the four perimeter walls of the Rakovčani mosque remain standing up to the roofline, while the fourth wall was reduced to a pile of rubble.⁵⁸³⁷ **Witness RM-038** testified that all the mosques had been intact in April 1992 but were destroyed by August 1992.⁵⁸³⁸

Prijedor Town, including Stari Grad Mosque, Čaršijka Mosque, Zagrad Mosque, Donja Puharska Mosque, and the Catholic church

1345. **Nusret Sivac**, who was present during the attack on Prijedor Town, testified that in the early hours of 30 May 1992, large numbers of Serb soldiers, with artillery, encircled Prijedor Town, section by section.⁵⁸³⁹ When the fighting broke out that morning there were many brigades there: the 5th Kozarac Brigade, commanded by Pero Colić; the 43rd Motorised Brigade, formerly the 343rd Brigade and commanded by Arsić and Zeljaja; some members of the 6th Krajina Brigade; people from Bosanski

⁵⁸³¹ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), p. 5929. The Trial Chamber notes that while the witness is recorded to have said 'Ravgarine', it understands the witness to refer to Ravine, a hamlet in the *Brdo* area.

⁵⁸³² P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 19; P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 23-24; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁸³³ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 47; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 19-20; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 23-24.

⁵⁸³⁴ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 19-20; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 23-24.

⁵⁸³⁵ P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 23; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁸³⁶ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸³⁷ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸³⁸ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5929-5930.

Novi; and a notorious group called the Spare Ribs, known to have committed atrocious crimes on the left bank of the Sava.⁵⁸⁴⁰ These brigades cooperated with the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and others.⁵⁸⁴¹ On 30 May 1992, the old part of Prijedor Town, known as Stari Grad, inhabited mostly by Muslims, was destroyed.⁵⁸⁴² **Kerim Mešanović** stated that the Serb army cleared the old town and tore down the old town mosque.⁵⁸⁴³ In May 1992, the Čaršijska mosque in Prijedor was destroyed by a group of men, including a bodyguard of Simo Drljača, Milorad Vokić, who set it alight.⁵⁸⁴⁴ **Sivac** testified that he also saw Milenko Milić, a member of Milan Andžić's paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo setting the mosque on fire.⁵⁸⁴⁵ In the same month, the mosque in Zagrad was also destroyed.⁵⁸⁴⁶ **Sivac** testified that Zagrad was in the Bereg part of the town.⁵⁸⁴⁷

1346. According to **Riedlmayer**, the archive and library of the Medžlis of the Islamic Community of Prijedor were destroyed on 31 May 1992 and the Stari Grad mosque burnt down in June 1992.⁵⁸⁴⁸ Riedlmayer further assessed that: Serb extremists looted the Čaršijska mosque; the Zagrad mosque's rubble and the old Muslim gravestones in the adjacent cemetery were levelled by bulldozer and removed from the site in June 1992; the building, which housed the archives and library, was razed; and 'Serb extremists' burned the Stari Grad mosque, destroying its roof and its wooden minaret and then knocked down its walls and razed the mosque's cemetery with a bulldozer.⁵⁸⁴⁹ During his July 2002 site visit, Riedlmayer observed that the ruins of the Stari Grad mosque were razed and all but one of the old Ottoman-era Muslim gravestones that

⁵⁸³⁹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6572, 6574.

⁵⁸⁴⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Zupljanin* transcript, 16-17 August 2010, pp. 13257-13258; Nusret Sivac, T. 4817.

⁵⁸⁴¹ P480 (Nusret Sivac, transcripts from prior cases), *Stanišić and Zupljanin* transcript, 16-17 August 2010, p. 13258.

⁵⁸⁴² Adjudicated Facts I, no. 1086.

⁵⁸⁴³ P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 20-21. *See also* P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6575.

⁵⁸⁴⁴ Adjudicated Facts I, no. 1100.

⁵⁸⁴⁵ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6575-6576, 6604-6606; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor).

⁵⁸⁴⁶ Adjudicated Facts I, no. 1101.

⁵⁸⁴⁷ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6575.

⁵⁸⁴⁸ P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 61-62; P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 42; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁸⁴⁹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 42-43; P2511 (Survey database for expert report of Andrés Riedlmayer).

stood next to the old mosque had been uprooted.⁵⁸⁵⁰ The buildings adjacent to the Čaršijska mosque, the church and the archive and library were in good condition.⁵⁸⁵¹

1347. **Mešanović** testified that while Muslim homes were burnt to the ground, no Serb homes were damaged in Prijedor Town.⁵⁸⁵² **Zdjelar** stated that Radiša Ljesnjak sent him to Prijedor shortly after the conflict in Prijedor Municipality had started in 1992, where he destroyed Muslim homes in the old area of Prijedor Town and in the broader area of Prijedor. During this time, ten people were present and in possession of a map showing the houses owned by Muslims. The witness was told that the houses he destroyed were previously owned by Muslims but had been bought by the Prijedor Municipality to build a recreation centre.⁵⁸⁵³

1348. According to a decision issued by the Prijedor Municipality Executive Committee on 21 July 1992, it was agreed that a number of buildings would be demolished due to the impossibility of repairing the structures damaged by the recent fighting.⁵⁸⁵⁴ The list of buildings in the old town part of Prijedor comprised 78 residential structures, two residential and business structures, two business structures, one auxiliary structure, one terrace, one catering establishment, one garage, and one place of worship, the mosque at A. Babića Street.⁵⁸⁵⁵

1349. On 28 August 1992, the Prijedor mosque (Puharska section) was destroyed by Serbs.⁵⁸⁵⁶ In late August 1992, Bosnian-Serb soldiers broke into the Roman Catholic church in Prijedor to plant explosives in it, which detonated destroying the church.⁵⁸⁵⁷ **Sivac** testified that one night in August 1992 he heard two explosions and he later learned that they destroyed the Roman Catholic church and the mosque in the Puharska section of the town.⁵⁸⁵⁸ **Mešanović** and **Draško Vujić** testified that the two explosions

⁵⁸⁵⁰ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 51; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 42-43; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸⁵¹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 42; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸⁵² P3414 (Kerim Mešanović, witness statement, 18 March 2013), paras 20-21.

⁵⁸⁵³ P7311 (Radovan Zdjelar, witness statement, 18 July 2014), para. 9.

⁵⁸⁵⁴ P486 (Decision of the Prijedor Municipality Executive Committee, 21 July 1992), p. 1.

⁵⁸⁵⁵ P486 (Decision of the Prijedor Municipality Executive Committee, 21 July 1992), pp. 1-9; P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6694.

⁵⁸⁵⁶ Adjudicated Facts I, no. 1102. The Trial Chamber understands that this Adjudicated Fact refers to the Donja Puharska mosque located in Prijedor.

⁵⁸⁵⁷ Adjudicated Facts I, no. 1103.

⁵⁸⁵⁸ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6606-6607; P485 (Map portraying sites of destroyed mosques and Catholic churches in Prijedor).

were only minutes apart.⁵⁸⁵⁹ **Sivac** testified that several days later, he saw the remains of the Roman Catholic church and a crane which was being used to raze it completely to the ground.⁵⁸⁶⁰ The witness also saw the remains of the mosque in Puharska which had been razed to the ground.⁵⁸⁶¹

1350. The Trial Chamber received further evidence on these incidents from **Vujić** who testified that in the early morning hours of a day in late August 1992, he heard a strong explosion from the direction of Puharska after which he immediately drove to his command and from there, together with a driver, towards the mosque, which was where he was told the explosion had come from.⁵⁸⁶² **Vujić's** soldiers, who were on patrol that morning in the immediate vicinity of the mosque, were thrown to the ground as a result of the explosion.⁵⁸⁶³ The event was a surprise to them and they had not noticed any suspicious activity around the mosque.⁵⁸⁶⁴ **Vujić** found the mosque in ruins.⁵⁸⁶⁵ In a house across the mosque, he found an injured Muslim man named Rasim Džafić, who was asking for help, and whom he drove to the hospital.⁵⁸⁶⁶ Džafić, in 1997, gave a statement to the Bosnia-Herzegovina police, stating that in the night of 30 August 1992, he saw a light from his window resembling a lighter's flame and the glow of a cigarette in the mosque.⁵⁸⁶⁷ He could see five to six people, whom he believed to have been 'Chetniks' who intended to destroy it.⁵⁸⁶⁸ As he was looking for a way to flee, he heard whispering in a garden next to his house which led him to believe that there were 'Chetniks' providing security for the group in the mosque. Džafić also saw a truck parked about 50 metres from the mosque. As it was unsafe to flee, Džafić and his family stayed in their house. At about 1 a.m. the mosque exploded, seriously injuring Džafić who lost consciousness thereafter.⁵⁸⁶⁹ **Vujić** testified that the mosque was completely

⁵⁸⁵⁹ P3414 (Kerim Mešanović, witness statement, 18 March 2013), para. 75; Draško Vujić, T. 35005; P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 5.

⁵⁸⁶⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6607.

⁵⁸⁶¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6607-6608.

⁵⁸⁶² D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005.

⁵⁸⁶³ D1041 (Draško Vujić, witness statement, 24 January 2014), para. 11.

⁵⁸⁶⁴ D1041 (Draško Vujić, witness statement, 24 January 2014), para. 11.

⁵⁸⁶⁵ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005.

⁵⁸⁶⁶ D1041 (Draško Vujić, witness statement, 24 January 2014), para. 10; Draško Vujić, T. 35005.

⁵⁸⁶⁷ P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 2.

⁵⁸⁶⁸ P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), pp. 2-3.

⁵⁸⁶⁹ P7365 (Statement of Rasim Džafić including photographs of destroyed Puharska Mosque, 5 September 1997), p. 3.

destroyed as a result of the explosion.⁵⁸⁷⁰ Three houses in the vicinity of the mosque were also destroyed and a dozen more were damaged as a result of the explosion.⁵⁸⁷¹

Gornja Puharska Mosque outside Prijedor Town

1351. The mosque in Gornji Puharska was razed to the ground in the summer months of 1992.⁵⁸⁷² **Riedlmayer** assessed that it was destroyed in mid-July 1992.⁵⁸⁷³ The Gornja Puharska mosque's roof collapsed, its interior gutted, the mosque's minaret, toppled by a blast, fell into the mosque, and only one of the perimeter walls remained standing.⁵⁸⁷⁴

Briševo

1352. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Briševo, which are reviewed in chapters 4.10.1 *Schedule A.6.9* and 4.10.7.⁵⁸⁷⁵

1353. On 27 May 1992, Briševo was attacked and over a hundred houses were destroyed during the attack.⁵⁸⁷⁶ **Ivo Atlija** testified that the attack came from neighbouring Orthodox villages. The inhabitants of Briševo sent a delegation to these villages to find out why Briševo was being attacked. The delegation was told that the inhabitants of Briševo were to give back all weapons. The witness testified that all weapons in their possession had previously been handed over to the 6th Krajina Brigade in Rasavci in exchange for a confirmation receipt. A representative of the 6th Krajina Brigade later said that there were no reasons for the shelling to continue and that the mortar attack of 27 May 1992 was a warning of what might happen if the villagers

⁵⁸⁷⁰ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 9-10; Draško Vujić, T. 35005, 35010.

⁵⁸⁷¹ Draško Vujić, T. 35005-35006, 35054.

⁵⁸⁷² Adjudicated Facts I, no. 1110. The Trial Chamber understands this Adjudicated Fact to refer to the Gornja Puharska Mosque.

⁵⁸⁷³ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 63; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁸⁷⁴ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 63-64; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁸⁷⁵ Adjudicated Facts I, nos 919-923 have been reviewed in chapter 4.10.1 *Schedule A.6.9*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

⁵⁸⁷⁶ Adjudicated Facts I, no. 1093.

would not hand in their weapons.⁵⁸⁷⁷ During the attack, no shells fell on houses even though they were fired at random.⁵⁸⁷⁸

1354. **Atlija** also testified about a second attack on the village starting 24 July 1992.⁵⁸⁷⁹ On 24 and 25 July 1992, 68 houses were set alight and burnt down and many others were damaged or destroyed by the shelling.⁵⁸⁸⁰ On 29 July 1992, the Catholic church in Briševo was destroyed.⁵⁸⁸¹ **Atlija** testified that it was shelled and set on fire.⁵⁸⁸² In the months after the attack up until November 1992, small groups of ‘*Chetniks*’ returned to Briševo and destroyed the remaining houses.⁵⁸⁸³ Out of the 120 houses in Briševo, not a single one was spared from destruction.⁵⁸⁸⁴

Kozarac, Hrnići, Jakupovići, Ljubija, Mujkanovići, Koncari, and Jaskići

1355. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the attack on Kozarac, which are reviewed in chapters 4.10.1 *Schedule A.6.1* and 4.10.7.⁵⁸⁸⁵ **Idriz Merdžanić** stated that during the attack on Kozarac, the clinic, while not being next to any other structures that could have been mistaken for military targets, received some direct hits from the artillery shells.⁵⁸⁸⁶ According to the witness, there may have been a red cross on the roof of the clinic.⁵⁸⁸⁷ Between May and June 1992 the Mutnik mosque was destroyed by Serbs.⁵⁸⁸⁸

⁵⁸⁷⁷ P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.

⁵⁸⁷⁸ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 26; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 40.

⁵⁸⁷⁹ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 43; Ivo Atlija, T. 2310-2311; P175 (Photograph of Catholic Church in Briševo); P176 (Video footage of the Catholic church in Briševo after attack on the village).

⁵⁸⁸⁰ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 47, 55, 62-63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 42.

⁵⁸⁸¹ Adjudicated Facts I, no. 1108.

⁵⁸⁸² P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 63; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 43; Ivo Atlija, T. 2310-2311; P175 (Photograph of Catholic Church in Briševo); P176 (Video footage of the Catholic church in Briševo after attack on the village).

⁵⁸⁸³ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 42.

⁵⁸⁸⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93.

⁵⁸⁸⁵ Adjudicated Facts I, nos 877-879 have been reviewed in chapter 4.10.1 *Schedule A.6.1*; Adjudicated Facts I, nos 867, 869-870 have been reviewed in chapter 4.10.7.

⁵⁸⁸⁶ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 13; P272 (Diagram of Kozarac drawn by Idriz Merdžanić).

⁵⁸⁸⁷ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 13; P272 (Diagram of Kozarac drawn by Idriz Merdžanić).

⁵⁸⁸⁸ Adjudicated Facts I, no. 1105.

1356. **Witness RM-017** stated that during the attack, large parts of Jakupovici and Koncari were razed to the ground.⁵⁸⁸⁹ **Mevludin Sejmenović** testified that during the campaign against Prijedor Municipality, Serb infantry destroyed the village of Mujkanovići.⁵⁸⁹⁰ **Witness RM-054** stated that when he was taken from Prijedor to Omarska camp on or around 10 June 1992, he saw Mujkanovići burning.⁵⁸⁹¹ **Sejmenović** testified that while being transferred to Omarska camp in the beginning of August 1992, he could see that the mosques in Mujkanovići and Jakupovići had been destroyed.⁵⁸⁹²

1357. **Witness RM-023** stated that during the attack on Ljubija in July 1992 many houses were burnt.⁵⁸⁹³ Only a couple of shells landed and only Muslim houses were damaged.⁵⁸⁹⁴ Serb soldiers forced Muslim villagers to put up a white flag on the windows as a sign of surrender.⁵⁸⁹⁵ Serb soldiers collected money and jewellery from the women.⁵⁸⁹⁶ The soldiers returned later on that day and robbed houses of all valuables.⁵⁸⁹⁷ Serb soldiers would come back every day to plunder houses, mistreat women, and take their valuables.⁵⁸⁹⁸ The witness saw a ring being ripped off a woman's finger along with her skin.⁵⁸⁹⁹ Later that month, the witness and the witness's family fled on foot to Gomjenica.⁵⁹⁰⁰ **Atlija** testified that all the religious property belonging to non-Serbs in the Ljubija commune was systematically destroyed during the war.⁵⁹⁰¹ In Ljubija, the church was set on fire and all traces of the mosque were removed.⁵⁹⁰² According to **Riedlmayer**, Serb forces torched and blew up the minaret of the Donja Ljubija and Brđani mosque in the last week of May 1992.⁵⁹⁰³ The Donja Ljubija

⁵⁸⁸⁹ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), p. 3331.

⁵⁸⁹⁰ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 33, 35, 40; Mevludin Sejmenović, T. 3541.

⁵⁸⁹¹ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2645-2648, 2750-2751.

⁵⁸⁹² Mevludin Sejmenović, T. 3467; *see* P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 52.

⁵⁸⁹³ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁵⁸⁹⁴ P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16130-16131; P3240 (Video showing houses on the road from Hambarine to Ljubija).

⁵⁸⁹⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16127.

⁵⁸⁹⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁵⁸⁹⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 6.

⁵⁸⁹⁸ P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16130.

⁵⁸⁹⁹ P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), p. 16130.

⁵⁹⁰⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 7; P3236 (Witness RM-023, *Stanišić and Župljanin* transcript, 18 October 2010), pp. 16129-16130.

⁵⁹⁰¹ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 11, 108.

⁵⁹⁰² P168 (Ivo Atlija, witness statement, 20 October 2000), para. 108.

⁵⁹⁰³ P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 18-19.

mosque's roof is gone, its interior is gutted and open to the sky, its minaret appears to have been blown up and only a three-metre stump remains, and the mosque's perimeter walls appear to have been damaged by the falling minaret.⁵⁹⁰⁴ The buildings adjacent to the Donja Ljubija mosque were in good condition.⁵⁹⁰⁵

1358. **Senija Elkasović** stated that her house in Jaskići was intact until around mid-July 1992 when the police 'expelled' her.⁵⁹⁰⁶ The witness identified a photograph of her destroyed house dated 21 February 1996.⁵⁹⁰⁷

1359. **Safet Tači** testified that the attack on Hrnići, a village located two kilometres from Kozarac, started on a Saturday, around noon.⁵⁹⁰⁸ The witness saw the shelling coming from the surrounding hills.⁵⁹⁰⁹ Four shells fell around the mosque before it was finally hit by one of the shells.⁵⁹¹⁰ While the shelling of other villages continued, the shelling of Hrnići stopped.⁵⁹¹¹ The shelling continued in other areas on Sunday during the day, but not during the night.⁵⁹¹² In the evening, the witness only heard rifle shots.⁵⁹¹³

1360. According to **Riedlmayer**, the Hrnići mosque was torched and its minaret was blown up in 1992.⁵⁹¹⁴ The Hrnići mosque's roof is gone, its interior is gutted and open to the sky, its interior walls are covered with soot and its minaret is destroyed by a blast which also blew away the north corner of the building.⁵⁹¹⁵

1361. Armed Serbs looted, vandalised, and partly burned the Roman Catholic Parish church of St. Leopold Mandić, located in Ljubija, in July 1992.⁵⁹¹⁶ The buildings adjacent to the parish church in Ljubija were in good condition.⁵⁹¹⁷

⁵⁹⁰⁴ P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 19.

⁵⁹⁰⁵ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁹⁰⁶ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4602, 4618-4619, 4622.

⁵⁹⁰⁷ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4622; P2591 (Photograph of Elkasović's home in Jaskići); P2593 (Senija Elkasović, table of concordance to *Tadić* transcript of 1 August 1996).

⁵⁹⁰⁸ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 6, 19-20.

⁵⁹⁰⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 20; Safet Tači, T. 2098.

⁵⁹¹⁰ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 21; Safet Tači, T. 2098.

⁵⁹¹¹ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 21; Safet Tači, T. 2098.

⁵⁹¹² P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 22.

⁵⁹¹³ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 23.

⁵⁹¹⁴ P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁹¹⁵ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁹¹⁶ P2511 (Survey database for expert report of Andrés Riedlmayer), P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 16; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁹¹⁷ P2511 (Survey database for expert report of Andrés Riedlmayer).

1362. Several other mosques were destroyed: the Mujkanovići, the Srednji Jakupovići, the Gornji Jakupovići mosques in 1992.⁵⁹¹⁸ The Mujkanovići mosque's minaret is gone, leaving only the base intact, the mosque's roof is destroyed, its interior is burnt out, and substantial sections of its perimeter walls were destroyed 'by blast'; the Srednji Jakupovići mosque is burned out, its roof is gone, its interior is gutted and open to the sky, and the upper part of the perimeter wall to the right of the entrance is partly destroyed; the Gornji Jakupovići mosque is burnt out, its roof is collapsed, its interior is gutted and open to the sky, its minaret was destroyed by a blast and toppled onto the mosque, and its perimeter walls remain standing up to the roofline.⁵⁹¹⁹

1363. Of the 16 mosques in the Kozarac area before the attack, not a single one was left intact.⁵⁹²⁰ By the end of the summer of 1992, the area of Kozarac was desolate, with many of the buildings which had survived the attack undamaged subsequently looted and destroyed.⁵⁹²¹ Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac.⁵⁹²² In the attack on Kozarac, care was taken to avoid damage to Serb property; the Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction.⁵⁹²³ Similarly, Serb-dominated villages such as Rajkovići and Podgrade were either not shelled at all or only shelled accidentally.⁵⁹²⁴

Susici

1364. **Witness RM-054** stated that when he was taken from Prijedor to Omarska camp on or around 10 June 1992, he saw Susići burning.⁵⁹²⁵

⁵⁹¹⁸ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 47; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁹¹⁹ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁹²⁰ P3229 (Witness RM-017, *Stakić* transcript, 22 May 2002), pp. 3333, 3382; P3231 (Photograph of Mutnik Mosque in Kozarac); P3232 (Photograph of Kalata Mosque in Kozarac).

⁵⁹²¹ Adjudicated Facts I, no. 1092.

⁵⁹²² Adjudicated Facts I, no. 1092.

⁵⁹²³ Adjudicated Facts I, no. 1090.

⁵⁹²⁴ Adjudicated Facts I, no. 1091

⁵⁹²⁵ P3408 (Witness RM-054, *Kvočka et al.* transcript, 6-7 June 2000), pp. 2645-2648, 2750-2751.

Šurkovac

1365. **Riedlmayer** learned from an interview with a priest that parishioner Franjo Matijević was an eye-witness to the destruction and that he had reported that Serb forces had mined and destroyed the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac on or around 26 December 1992.⁵⁹²⁶ During his 2002 site visit, Riedlmayer observed that the church's twin steeples were totally destroyed by a blast, the entrance façade of the church had collapsed, and its roof had been partly destroyed.⁵⁹²⁷ The adjacent buildings were lightly damaged.⁵⁹²⁸

Other religious buildings in Prijedor Municipality

1366. In addition to the evidence discussed above, the Trial Chamber also received evidence from **Riedlmayer** on the destruction of other religious buildings in Prijedor Municipality during the Indictment period.⁵⁹²⁹ With regard to this evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as 'Serb forces'. The Trial Chamber notes that Riedlmayer obtained his information on the dates and perpetrators of destruction from the Head Imam of Prijedor, the Ordinariate of the Roman Catholic Diocese of Banja Luka, and the Medžlis of the Islamic Community of Prijedor. However, Riedlmayer's report and its annexes, including the database, do not contain explanations on how these individuals and the Medžlis obtained this information. Consequently, the Trial Chamber cannot determine whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the dates of destruction and the perpetrators of the alleged destruction of these other religious buildings in Prijedor Municipality.

⁵⁹²⁶ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 57; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 18; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁵⁹²⁷ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁹²⁸ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁵⁹²⁹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 22-29, 65; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 16, 20; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013). These buildings were *inter alia* the following: Brežičani Old Mosque, Gomjenica Mosque, Čejreci Mosque, Ališići Mosque, Zecovi Mosque, Mahmuljini Mosque, Roman Catholic church of Saints Peter and Paul in Donja Ravska, Čela Mosque, Hrustići Mosque, Sivci mekteb,

1367. Throughout Prijedor Municipality, mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken.⁵⁹³⁰ During the attacks on the municipality, the main non-Serb settlements were surrounded, bombarded and invaded; and during these attacks, care was taken not to damage the property of Serbs.⁵⁹³¹

The Trial Chamber's findings

1368. With regard to the Defence's challenge of Riedlmayer's evidence, which itself is based on the expert report of Gojković, the Trial Chamber refers to its findings with regard to the reliability of Riedlmayer's and Gojković's evidence as set out in Appendix B.

Hambarine

1369. Based on the evidence earlier in this chapter, the Trial Chamber finds that on 21 May 1992, the predominantly Bosnian-Muslim village of Hambarine was shelled, following which Bosnian-Serb forces issued an ultimatum on Radio Prijedor demanding, *inter alia*, the surrender of weapons held by non-Serbs and threatening continued shelling in case of non-compliance. The Trial Chamber finds that there was very little resistance from the local Muslim TO unit which tried to defend the village but retreated to the nearby forest upon the arrival of the VRS. On 23 May 1992, the VRS, including the 5th Kozarac Brigade, again shelled Hambarine indiscriminately, acting jointly with the police and paramilitary groups. During this second attack, houses were hit by mortar shells and burnt. On 24 May 1992, the perpetrators of the attack shelled and destroyed the old mosque of Hambarine.⁵⁹³² The Trial Chamber further finds that on 11 June 1992, several groups of men described as '*Chetniks*', including Jevo Maseldzija

Duračci Mosque, Brđani Mosque, Hadžići Mosque, Softići Mosque, the Donji Alići mekteb, the Kalate and Dera mosques, the Trnopolje, and the Matrići mekteb.

⁵⁹³⁰ Adjudicated Facts I, no. 1084.

⁵⁹³¹ Adjudicated Facts I, no. 1085.

⁵⁹³² The Trial Chamber notes in this regard that the evidence of Nermin Karagić specifies that the mosque was fired upon during the shelling on Hambarine in 'late June or early July 1992'. While the Trial Chamber accepts that the witness did indeed recall that a shelling took place on the town of Hambarine, it will not rely on the timeframe specified by this witness, in light of the fact that he was unsure about the time frame during his testimony and given that the Trial Chamber received reliable evidence clearly specifying that the attack took place in mid-May 1992. The Trial Chamber further understands Witness RM-023's and Elvedin Nasić's evidence to refer to the old mosque in Hambarine.

and Mlado Jursić, set a café, a house, and a garage on fire in Hambarine. Considering that Hambarine was a predominantly Bosnian-Muslim village, the Trial Chamber finds that the owners were Bosnian Muslims.

Kozaruša

1370. In mid-1992, Bosnian-Serb forces set houses in the predominantly Bosnian-Muslim village of Kozaruša on fire. Pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff, Radovan Zdjelar destroyed houses belonging to Bosnian Muslims in Kozaruša with his excavator. On 24 May 1992, Serb fighters in JNA uniforms with 'Tito caps', led by Savan Končar, a Serb from Kozaruša set the Kozaruša mosque as well as the Kozaruša mekteb on fire. Only Serb houses, for the most part untouched, remained in the village.

Kamičani

1371. Beginning around 24 to 26 May and continuing until early June 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the predominantly Bosnian-Muslim village of Kamičani. The perpetrators of the attack torched all houses in the village and burnt down the mosque.

Biščani

1372. On 20 July 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the predominantly Bosnian-Muslim village of Biščani. The perpetrators of the attack set Muslim houses on fire and burnt down the mosque.

Čarakovo

1373. On 23 July 1992, the VRS, as well as Velimir Đurik a.k.a. Velja, Zoran Babić a.k.a. Babin, and Dragomir Soldat a.k.a. Čiča, acting jointly with the police and paramilitary groups attacked the predominantly Bosnian-Muslim village of

Čarakovo.⁵⁹³³ The perpetrators of the attack set houses on fire. During the attack, the mosque was burnt down and its minaret was blown up.

Kevljani

1374. In mid-1992, Bosnian-Serb forces attacked the predominantly Muslim village of Kevljani. The perpetrators of the attack set houses on fire and destroyed the new mosque with explosives and mines.

Rakovčani, Rizvanovići, Ravine

1375. During the onslaught on the Brdo area on 20 July 1992, Bosnian-Serb forces, consisting of military and police, destroyed the Rakovčani, Rizvanovići, and Ravine mosques with explosives. The perpetrators of the attack set houses on fire in the predominantly Bosnian-Muslim villages of Rakovčani and Rizvanovići.⁵⁹³⁴

Prijedor Town, including Stari Grad Mosque, Čaršijka Mosque, Zagrad Mosque, Donja Puharska Mosque, and Catholic church

1376. On 30 May 1992, Bosnian-Serb forces attacked Prijedor Town, including its old part known as ‘Stari Grad’, which was mostly inhabited by Bosnian Muslims. The 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorized Brigade, commanded by Arsić and Zeljaja, and some members of the 6th Krajina Brigade participated in the attack. These brigades cooperated with the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, and people from Bosanski Novi. The ‘Spare Ribs’ also took part in the attack. During the attack, a group of men, including Milenko Milić, a member of Milan Andžić’s paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača’s personal bodyguard set the Čaršijka mosque

⁵⁹³³ The Trial Chamber notes that in addition, Ivo Atljija testified about earlier detonations and burning houses in Čarakovo one day after the attack on Hambarine, which according to Adjudicated Fact number 894 happened on 23 May 1992. Absent any evidence on the perpetrators or circumstances of the destruction, the Trial Chamber will not further consider this evidence.

⁵⁹³⁴ The Trial Chamber notes that in addition, Ivo Atljija testified about earlier detonations and burning houses in Rizvanovići one day after the attack on Hambarine, which according to Adjudicated Fact number 894 happened on 23 May 1992. Absent any further evidence on the perpetrators or details of the destruction, the Trial Chamber will not further consider this evidence with regard to the time frame of May 1992.

on fire. The perpetrators of the attack also destroyed the old mosque in Stari Grad as well as the Zagrad mosque, in the Bereg part of town. Following its destruction, the Zagrad mosque's rubble, as well as the old Muslim gravestones in the adjacent cemetery were levelled by bulldozer and removed. In addition, during the attack on the town, the archive and library of the Medžlis of the Islamic Community were razed to the ground. The perpetrators of the attack burnt Muslim homes to the ground, but no Serb homes were damaged. Shortly after the conflict in Prijedor had started, Radovan Zdjelar destroyed Muslim homes in the old area of Prijedor Town and in the broader area of Prijedor with his excavator and pursuant to instructions received from Radiša Ljesnjak, a member of the Crisis Staff. In the summer of 1992, members of the Military Police Reconnaissance and Sabotage Company under the command of Mile Jović and Miloš Preradović demolished eight Serb cafés in Prijedor Town. At the end of August 1992, Serbs blew up the Donja Puharska mosque in Prijedor Town.⁵⁹³⁵ This explosion destroyed three houses in the immediate vicinity of the mosque and damaged a dozen other houses. Furthermore, after Bosnian-Serb soldiers had planted explosives in the Catholic church in Prijedor Town, the church exploded, only a few minutes after the mosque's explosion. The ruins of these buildings were razed to the ground several days after the explosions.

Kozarac, Hrnići, Jakupovići, Ljubija, Mujkanovići, Koncari, and Jaskići

1377. Between 24 May and July 1992, the VRS, acting jointly with the police and paramilitary forces, attacked the predominantly Bosnian-Muslim and Bosnian-Croat villages of Kozarac and Ljubija and their surrounding areas, including Hrnići, Jakupovići, and Koncari. The attack started with heavy shelling followed by the arrival of infantry in the villages. Muslim villages and neighbourhoods were shelled indiscriminately, resulting in extensive destruction of houses in particular. After the shelling, armed soldiers entered Kozarac and Ljubija and torched houses. In Kozarac, the medical clinic was hit. The Mutnik mosque was also destroyed during the attack. Care was taken to avoid damage to Serb property and the Serb Orthodox church

⁵⁹³⁵ The Chamber notes a minor discrepancy between Adjudicated Fact 1102, which refers to the date of destruction as having occurred on 28 August 1992 and the police statement of Rasim Džafić, who stated that the mosque was destroyed in the night of 30 August 1992. Given that both sources attest to the destruction of the mosque and that the difference between the dates of destruction is marginal, the Chamber finds that the mosque was destroyed at some time at the end of August 1992.

survived the attack and subsequent destruction. Predominately Serb villages, such as Rajkovići and Podgrade, were either not shelled at all or shelled only accidentally. Between 24 and 26 May, Serb infantry forces razed Koncari to the ground. During the attack on Hrnići, the mosque was hit by a shell. During the attack on Kozarac, large parts of the nearby village of Jakupovići were razed to the ground and the Srednji and Gornji mosques in Jakupovići were destroyed. During the attack on Ljubija in July 1992, many Muslim houses were damaged and the church and the mosque were set on fire.⁵⁹³⁶ On or around 10 June 1992, Serb infantry destroyed the village of Mujkanovići and heavily damaged its mosque. By the end of the summer of 1992, the Kozarac area was desolate, and buildings which had survived the attack were subsequently destroyed.

Briševo

1378. On 27 May 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the Bosnian-Croat village of Briševo. Adjudicated Fact 1093 states that over a hundred houses were destroyed during this first attack on Briševo while Ivo Atlija testified that no houses were destroyed on 27 May 1992. The Trial Chamber did not receive further evidence about destruction resulting from this first attack. Given that Ivo Atlija was an eye-witness to the events who gave a detailed and inherently consistent account of the two attacks on the village, the Trial Chamber considers Adjudicated Fact 1093 to be rebutted with respect to the destruction of houses during the first shelling of Briševo and therefore finds that no houses were destroyed on 27 May 1992. However, starting from 24 July 1992 onwards, the Bosnian-Serb military including soldiers in JNA uniforms with red ribbons around their arms, helmets and *subara* hats, acting jointly with the police and paramilitary groups, launched another attack on Briševo during which they targeted, shelled, and torched houses belonging to Bosnian Croats indiscriminately. Sixty-eight houses burnt down while many others were damaged or destroyed by the shelling. The 5th Kozara Brigade and the 6th Krajina Brigade, led by Basara and Veljko Brajić, took part in the attack. During this second attack, the Catholic church was shelled and set on fire. In the months following the attack up until November 1992, small groups of men described as '*Chetniks*' destroyed

⁵⁹³⁶ The Trial Chamber understands this mosque to be the Donja Ljubija mosque mentioned by Riedlmayer.

the remaining houses. Out of all of the 120 houses of the village, not a single one was spared.

Šurkovac Roman Catholic Parish Church

1379. On or around 26 December 1992, Serb forces mined and destroyed the Roman Catholic parish church of the Sacred Heart of Jesus in Šurkovac.

1380. Following the take-over of Prijedor Town and before the take-over of Kozarac, Serbs made continuous references on the radio to the destruction of mosques and all property belonging to Bosnian Muslims, whom they referred to as '*Balijas*'. While the main non-Serb settlements were surrounded, bombarded, and invaded, care was taken not to damage the property of Serbs during these attacks.

1381. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

Susići, Rajkovac, Gornji Puharska Mosque, a private house in Jaskići, and new mosque in Hambarine

1382. The Trial Chamber finds that the Bosnian-Muslim village of Susići, in the Kozarac area, was burnt around 10 June 1992. It also finds that the Rajkovac mosque was hit during the attack on Hambarine and that the Gornji Puharska mosque was destroyed sometime during the summer of 1992. Given the lack of evidence concerning the perpetrators of the destruction in Susići and of the Gornji Puharska mosque and the lack of evidence on the extent of the destruction, if any, of the Rajkovac mosque, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment. The Trial Chamber further received evidence on the destruction of a house, belonging to a Bosnian Muslim in the predominantly Muslim village of Jaskići, sometime after July 1992. Absent more precise evidence on the date and circumstances of this destruction, the Trial Chamber will not consider this incident further in relation to any count of the Indictment. With regard to the damage on the new mosque in Hambarine and an incident of 10 June 1992, during which a private house was set on fire in Hambarine, the Trial Chamber has not received any reliable evidence on the

perpetrators and therefore will not consider these incidents further in relation to any counts of the Indictment.

1383. In addition, the Trial Chamber received evidence from Riedlmayer on the destruction of a number of other religious buildings in Prijedor Municipality. As explained in Appendix B, the Trial Chamber will not rely on Riedlmayer's evidence with regard to the date and perpetrators of these destructions. Thus, in the absence of additional evidence on the date and perpetrators, the Trial Chamber will not consider these incidents further in relation to any counts of the Indictment.

4.10.4 Appropriation or plunder of property

1384. According to the Indictment, the Accused is responsible for the appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers in Prijedor Municipality between 12 May 1992 and 30 November 1995.⁵⁹³⁷ The Trial Chamber has taken judicial notice of a number of Adjudicated Facts relating to the alleged plunder in Prijedor Municipality.⁵⁹³⁸ It further received evidence from **Witness RM-074**, a Bosnian Muslim from Prijedor Municipality;⁵⁹³⁹ **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁵⁹⁴⁰ and **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992,⁵⁹⁴¹ whose evidence is reviewed in chapter 4.10.7, and finds that this evidence is consistent with the Adjudicated Facts.⁵⁹⁴² It also received evidence from **Nusret Sivac**, a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁵⁹⁴³ **Ivo Atlija**, a Croat from the Croat village of Briševo in Prijedor Municipality;⁵⁹⁴⁴ **Senija Elkasović**, **Witness RM-026**, **Elvedin**

⁵⁹³⁷ Indictment, paras 47, 59(i).

⁵⁹³⁸ The Chamber has also considered Adjudicated Facts 1062, 1084-1085, 1090, 1092-1094, 1096, and 1098, which are reviewed in chapters 4.10.2 *Schedule C.15.4* and 4.10.3.

⁵⁹³⁹ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1.

⁵⁹⁴⁰ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

⁵⁹⁴¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁵⁹⁴² **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 3-5. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21-22. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40.

⁵⁹⁴³ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁵⁹⁴⁴ P168 (Ivo Atlija, witness statement, 20 October 2000), p. 1, para. 9; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), para. 44; Ivo Atlija, T. 2301; P174 (Map of Prijedor Municipality).

Nasić, Witness RM-038, Jusuf Arifagić, Witness RM-709, Witness RM-060, Witness RM-017, Witness RM-023, and Witness RM-033, all Bosnian Muslims from Prijedor Municipality;⁵⁹⁴⁵ and **András Riedlmayer**, bibliographer and art documentation specialist.⁵⁹⁴⁶ The evidence of Witness RM-074, Idriz Merdžanić, Nusret Sivac, Witness RM-026, Elvedin Nasić, Jusuf Arifagić, Witness RM-017, and Witness RM-023 is also reviewed in chapters 4.10.2 *Schedules C.15.2 to C.15.4*, 4.10.3, and 4.10.7. The evidence of Elkasović, Sejmenović, Witness RM-033, and Riedlmayer is reviewed in chapters 4.10.2 *Schedule C.15.3*, 4.10.3, and 4.10.7.

Plunder in villages in Prijedor Municipality

1385. In chapter 4.10.3, the Trial Chamber reviewed evidence that Bosnian-Serb forces destroyed the Bosnian-Muslim villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići in Prijedor Municipality in mid-1992, that the houses were set on fire and looted, and that the VRS loaded their trucks with goods belonging to non-Serbs.⁵⁹⁴⁷ In chapter 4.10.7, the Trial Chamber reviewed evidence that the VRS, acting jointly with the police and paramilitary groups, attacked Bišćani, Kamičani, Čarakovo, and Ljubija between May and July 1992. In chapters 4.10.1 *Schedule A.6.6* and 4.10.3, the Trial Chamber also reviewed evidence that Bišćani was attacked on 20 July by the VRS, acting jointly with the police and paramilitary groups. With regard to the attack on Kamičani, it also reviewed evidence in chapters 4.10.1 *Schedule A.6.3* and 4.10.3 that beginning around 24 to 26 May and continuing until early June 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the village. As for Čarakovo, the Trial Chamber reviewed evidence in chapter

⁵⁹⁴⁵ **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2; **Witness RM-709**: P3437 (Witness RM-709, witness statement, 6 June 2000), pp. 1-4; P3438 (Witness RM-709, witness statement, 16 February 2002), pp. 1-2; P3439 (Witness RM-709, witness statement, 26 October 2002), pp. 1-2. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T), P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Witness RM-017**: P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. **Witness RM-033**: P3242 (Witness RM-033, *Kvočka et al.* transcript, 3-4 October 2000), p. 6189.

⁵⁹⁴⁶ P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

4.10.2 *Schedules A.6.2* and *A.6.5* that on 23 July 1992, the village was attacked by the VRS as well as Velimir Đurik a.k.a Velja, Zoran Babić a.k.a Babin, and Dragomir Soldat a.k.a Čiča, acting jointly with the police and paramilitary groups. In chapters 4.10.2 *Schedules A.6.5* and *A.6.6*, it reviewed evidence that Rakovčani and Rizvanovići were attacked on 20 July 1992 by Bosnian-Serb forces, consisting of the military and police. After the fall of Prijedor in 1992, **Witness RM-023** saw tanks and armoured vehicles, followed by trucks, going from house to house and taking out appliances and goods in the area between Prijedor and Ljubija.⁵⁹⁴⁸ **Witness RM-074** stated that Serb soldiers looted houses in Čarakovo in June 1992, saying that the tractors, cars, and cattle they confiscated were required for army duty.⁵⁹⁴⁹ The witness added that at the end of July 1992, Serbs looted anything of value from the village, including tractors, petrol, farming equipment, bicycles, videos, televisions, and other household goods.⁵⁹⁵⁰

1386. With regard to Hambarine, **Elvedin Nasić** stated that Serb soldiers robbed the houses of all valuable items and took the cars and tractors after the attack on 22 May 1992.⁵⁹⁵¹ According to the witness, anything that was worth something was taken.⁵⁹⁵² On 9 June 1992, **Witness RM-026** saw four armed men wearing JNA uniforms stepping out of a four-ton Zastava 640 truck in Hambarine, breaking the windows of a store and café owned by a relative, taking possession of the goods inside, and breaking whatever they could not take with them.⁵⁹⁵³ The witness was told that the men were from Ljeskare and he recognized Duro and Tijo Vukić among them.⁵⁹⁵⁴ The witness later heard that Duro Vukić, Tijo Vukić, Mićo Vasilević, and Vasilević's three sons Neso, Bajo, and Pedo, ransacked the area.⁵⁹⁵⁵

1387. With regard to Kozarac and surrounding villages, soldiers looted Kozarac town after it had been cleansed of its inhabitants.⁵⁹⁵⁶ **Idriz Merdžanić** testified that he observed this looting by Serb soldiers on 26 May 1992.⁵⁹⁵⁷ **Jusuf Arifagić** stated that during the time he stayed in the forest after the attack of the town at the end of May

⁵⁹⁴⁷ Adjudicated Facts I, no. 1083.

⁵⁹⁴⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3.

⁵⁹⁴⁹ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, p. 3.

⁵⁹⁵⁰ P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 4-5.

⁵⁹⁵¹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁵⁹⁵² P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁵⁹⁵³ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 6-7.

⁵⁹⁵⁴ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.

⁵⁹⁵⁵ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 7.

⁵⁹⁵⁶ Adjudicated Facts I, no. 1089.

⁵⁹⁵⁷ P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 21-22.

1992, he saw many Serb soldiers looting houses and property around Brđani village.⁵⁹⁵⁸ He recognized Zoran Žigić a.k.a. Ziga, who was dressed in a camouflage uniform, wearing a red beret, and carrying an automatic weapon, pistol, knife, and a hand grenade.⁵⁹⁵⁹ He also observed that Serbs were ‘plundering’ the villages on the outskirts of Kozarac. On one occasion, he saw the son of Milenko Žigić and others going from house to house in Softići village and taking cars, tractors, furniture, and electrical goods. If a car or tractor did not start they would blow it up.⁵⁹⁶⁰ **Witness RM-017** stated that sometime between May and August 1992, Slavko Puhalić took possession of the car of a Bosnian-Muslim man.⁵⁹⁶¹ Puhalić made that man’s brother sign a document declaring that the car was ‘voluntarily’ left with Puhalić for the latter to use it.⁵⁹⁶² Puhalić used the car until at least 5 August 1992, presumably to pick up people from other camps and bring them to Omarska camp.⁵⁹⁶³ Puhalić also took three trucks from the man’s father and brother in a similar manner.⁵⁹⁶⁴

1388. On 27 May 1992, during the attack on Briševo soldiers looted various items from the houses of the town.⁵⁹⁶⁵ **Ivo Atlija** testified that on 25 July 1992, while hiding during an attack on the village, he saw ‘Četnik’ groups and regular soldiers, who either had a star on their helmets or a Serb tri-coloured patch, *i.e.* red, blue, and white, carrying looted property in cars, small trucks, and carts.⁵⁹⁶⁶ Looted property included cars, agricultural equipment including tractors, and electronic equipment such as televisions and refrigerators.⁵⁹⁶⁷ The Četnik’ groups and regular soldiers were all involved in the looting.⁵⁹⁶⁸ After the initial attack, small groups of ‘Četniks’, bearing distinct insignia and led by Draško Topić, returned to Briševo on a daily basis to loot until November 1992.⁵⁹⁶⁹ They also took cattle.⁵⁹⁷⁰

1389. With regard to Prijedor Town, **Nusret Sivac** testified that on 30 May 1992 soldiers wearing red berets came to his apartment in town a number of times, looking

⁵⁹⁵⁸ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.

⁵⁹⁵⁹ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 7.

⁵⁹⁶⁰ P3388 (Jusuf Arifagić, witness statement, 22 October 1994), p. 8.

⁵⁹⁶¹ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 11, 19-20.

⁵⁹⁶² P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 19-20.

⁵⁹⁶³ P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 10-11, 20, 22.

⁵⁹⁶⁴ P3228 (Witness RM-017, witness statement, 1 September 1994), p. 20.

⁵⁹⁶⁵ Adjudicated Facts I, no. 1094.

⁵⁹⁶⁶ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 43, 47, 50, 55.

⁵⁹⁶⁷ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 55.

⁵⁹⁶⁸ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 55.

⁵⁹⁶⁹ P168 (Ivo Atlija, witness statement, 20 October 2000), para. 93; P169 (Statement by Ivo Atlija to Croatian authorities, 30 January 1993), paras 42, 49.

for weapons, alcohol, and valuables.⁵⁹⁷¹ They also searched other flats, mostly those owned by Muslims, and took whatever they liked.⁵⁹⁷²

1390. **Witness RM-038** testified that on 21 July 1992, soldiers entered the village of Čemernica and looted property from the houses.⁵⁹⁷³ The soldiers would come in small groups in private cars and fill their cars, leave, and come back again to get more.⁵⁹⁷⁴ Looted property included television sets, gold, and other valuables.⁵⁹⁷⁵ When the witness returned to his house on 24 July 1992, door and window frames had been ripped off and all valuables had been taken.⁵⁹⁷⁶

1391. Villagers forced to leave the area had to sign over their property to either the ARK or the Bosnian-Serb Republic.⁵⁹⁷⁷ While at first real property certificates were issued in order to justify the confiscation, later on certificates were no longer issued.⁵⁹⁷⁸ Bosnian-Serb residents did not have their property confiscated.⁵⁹⁷⁹

Plunder at detention centres in Prijedor Municipality

1392. With regard to Omarska camp, **Nusret Sivac** testified that during his detention there from 20 June 1992 to 7 August 1992, he observed that Milorad Tadić was tasked with calling out the names of wealthy and distinguished people from Prijedor after which he took them somewhere and pressed them to give him money.⁵⁹⁸⁰ He and a group of guards would then take them somewhere to collect or find the money.⁵⁹⁸¹ With regard to this camp, the Trial Chamber has also considered the evidence of Witness RM-017 and Witness RM-026, reviewed in chapter 4.10.2 *Schedule C.15.2*.

1393. With regard to Trnopolje camp, **Witness RM-709** stated that on 26 May 1992, men from Kuruzović's unit searched the detainees that were held at the hall in the old

⁵⁹⁷⁰ P168 (Ivo Atlija, witness statement, 20 October 2000), paras 93-94

⁵⁹⁷¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6565, 6576.

⁵⁹⁷² P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.

⁵⁹⁷³ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5881, 5885, 5910-5911.

⁵⁹⁷⁴ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5910-5911.

⁵⁹⁷⁵ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5910-5911.

⁵⁹⁷⁶ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5965, 5972.

⁵⁹⁷⁷ Adjudicated Facts I, no. 934. The Chamber interprets 'forced' in this adjudicated fact in a factual manner and does not attribute any legal meaning to it.

⁵⁹⁷⁸ Adjudicated Facts I, no. 934.

⁵⁹⁷⁹ Adjudicated Facts I, no. 934.

⁵⁹⁸⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6619-6621, 6639, 6687.

⁵⁹⁸¹ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6639.

school in Trnopolje and took away their belongings, including documents, watches, wallets, and jackets.⁵⁹⁸² They took a gold chain and 10,000 DEM from the witness.⁵⁹⁸³

Witness RM-060 stated that on 20 July 1992 the men living in Bišćani were bussed to Trnopolje camp, while the women were permitted to stay in Bišćani.⁵⁹⁸⁴ Upon arrival at the camp, the men were searched by Serb soldiers⁵⁹⁸⁵ and they had to hand over their valuables.⁵⁹⁸⁶

1394. On 21 August 1992, while Witness RM-060 and other detainees from Trnopolje camp were bussed in the direction of Banja Luka, one guard on the bus ordered the witness to collect from the men on the bus all of their bank notes and valuables, *i.e.* watches, gold, and jewellery.⁵⁹⁸⁷ Later that day, after the bus had stopped near a creek, a person wearing a police uniform told the men to put all their valuables in a plastic bag.⁵⁹⁸⁸ The bag was passed around and eventually returned to the man in police uniform.⁵⁹⁸⁹ With regard to the treatment of detainees leaving Trnopolje camp, the Trial Chamber has also considered the evidence of Idriz Merdžanić, Witness RM-074, Nusret Sivac, Jusuf Arifagić, Senija Elkasović, Elvedin Nasić, and Witness RM-023 in chapters 4.10.2 *Schedule C.15.5* and 4.10.7.

1395. With regard to Keraterm camp, the Trial Chamber has considered the evidence of Jusuf Arifagić and Witness RM-033, reviewed in chapter 4.10.2 *Schedule C.15.3*.

The Trial Chamber's findings

1396. Based on the above, the Trial Chamber finds that in mid-1992, during the attacks on the villages of Bišćani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići, all located in Prijedor Municipality, members of the VRS looted houses belonging to non-Serbs. Considering that these villages were Bosnian Muslim, the Trial Chamber finds that the looted property belonged to the Bosnian-Muslim inhabitants of the villages. Looted goods included tractors, cars, cattle, farming equipment, and household goods.

⁵⁹⁸² P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.

⁵⁹⁸³ P3437 (Witness RM-709, witness statement, 6 June 2000), p. 6.

⁵⁹⁸⁴ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6860.

⁵⁹⁸⁵ During his testimony, the witness referred to 'soldiers of Serb nationality'. Considering the overall context, the Trial Chamber understands the witness to have referred to soldiers of Serb ethnicity.

⁵⁹⁸⁶ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6878.

⁵⁹⁸⁷ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6897-6898; P2598 (Map).

⁵⁹⁸⁸ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6900-6903; P2598 (Map).

1397. With regard to Hambarine, the Trial Chamber recalls its finding set out in chapter 4.10.3 that on 21 May 1992, Hambarine was shelled by Bosnian-Serb forces and that on 23 May 1992, the VRS, including the 5th Kozara Brigade, acting jointly with the police and paramilitary groups, again shelled Hambarine. The Trial Chamber finds those involved in the attack of Hambarine looted property, including valuables, cars, and tractors after it was attacked on 21 May 1992. Considering that Hambarine was a predominantly Bosnian-Muslim village, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the village. Additionally, the Trial Chamber finds that on 9 June 1992, four armed men wearing JNA uniforms looted goods from a café in Hambarine that was owned by a Bosnian Muslim.

1398. The Trial Chamber recalls its finding in chapter 4.10.1 *Schedule A.6.1* that between 24 until around 26 May 1992, VRS units of the Banja Luka Corps, commanded by Talić, including the 343rd Mechanised Brigade, later known as the 43rd Motorized Brigade commanded by Vladimir Arsić together with Radmilo Zeljaja, described as the commander of the 'Prijeđor army', attacked Kozarac. It further recalls that in addition, Duško Tadić, Andžić's paramilitaries, members of the 5th Kozara Brigade, the 6th Krajina Brigade commanded by Branko Basara including a platoon under the command of Macola, as well as the *Crni Đorđe* intervention platoon, a scouts platoon and a police platoon and the Serb police from Prijeđor, headed by Simo Drljača, participated in the attack. The Trial Chamber finds that those involved in the attack on Kozarac, looted houses in and around Kozarac after it was attacked at the end of May 1992. Considering that Kozarac was a predominantly Bosnian-Muslim town, the Trial Chamber finds that some, if not all of the property looted belonged to the Bosnian-Muslim inhabitants of the town. They took cars, tractors, furniture, and electrical goods.

1399. With respect to the incident involving a Bosnian-Muslim man's car, the Trial Chamber finds that sometime between the end of May and August 1992, Slavko Puhalić took the man's car in Prijeđor Municipality and made the brother of that man sign a document declaring that the car was voluntarily left to Puhalić. During the same time-period, Puhalić also took three trucks that belonged to the man's father and brother. The Trial Chamber recalls its finding in chapter 3.1.2 that Puhalić was a member of the VRS 43rd Motorised Brigade.

⁵⁹⁸⁹ P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), p. 6903.

1400. With regard to Briševo village, the Trial Chamber recalls its finding in chapter 4.10.3 that on 27 May 1992, the VRS, acting jointly with the police and paramilitary groups, attacked the village. The Trial Chamber finds that those involved in this first attack on Briševo, looted houses. The Trial Chamber further recalls its finding in chapter 4.10.3 that starting from 24 July onwards, the Bosnian-Serb military, including the 5th Kozarac Brigade and the 6th Krajina Brigade, led by Branko Basara and Veljko Brajić, soldiers in JNA uniforms with red ribbons around their arms, helmets, and *subara* hats, acting jointly with the police and paramilitary groups, launched a second attack on Briševo. The Trial Chamber finds that on 25 July 1992, during the second attack on the village, those involved in the second attack looted property, including cars, agricultural equipment, and electronic equipment. After the attack on 25 July until at least November 1992, small groups of ‘Chetniks’ led by Draško Topić returned to Briševo on a daily basis to loot. Considering that Briševo was inhabited mainly by Bosnian Croats, the Trial Chamber finds that the property looted belonged to the Bosnian-Croat inhabitants of the village.

1401. The Trial Chamber recalls its finding in chapter 4.10.3 that on 30 May 1992, Bosnian-Serb forces attacked Prijedor Town and that the following groups and persons were involved in the attack: the 5th Kozara Brigade, commanded by Pero Colić, the 43rd Motorized Brigade, commanded by Arsić and Zeljaja, some members of the 6th Krajina Brigade, the Prijedor police led by Simo Drljača, Dule Janković, Milutin Cadzo, people from Bosanski Novi, the ‘Spare Ribs’, a group of men, including Milenko Milić, a member of Milan Andžić’s paramilitary unit, his commander Momčilo Radanović a.k.a. Cigo, and Milorad Vokić, Simo Drljača’s personal bodyguard. The Trial Chamber finds that on 30 May 1992, those involved in the attack took goods from apartments owned by Bosnian Muslims in Prijedor Town.

1402. In relation to Čemernica village, the Trial Chamber finds that after entering the village on 21 July 1992, sometime between 21 and 24 July 1992, soldiers repeatedly came in small groups by car to take household appliances and valuables from houses. Considering that Čemernica was exclusively inhabited by Bosnian Muslims, the Trial Chamber finds that the property taken belonged to the Bosnian-Muslim inhabitants of the village.

1403. The Trial Chamber recalls its finding in chapter 4.10.3 that between 24 May and July 1992, the VRS, acting jointly with the police and paramilitary forces, attacked

Ljubija. Based on the foregoing, the Trial Chamber finds that in July 1992, after the attack on Ljubija, over the course of several days those involved in the attack took money and jewellery from Bosnian-Muslim women and valuables from Bosnian-Muslim and Bosnian-Croat houses in the village.

1404. Furthermore, the Trial Chamber finds that Bosnian-Muslim and Bosnian-Croat⁵⁹⁹⁰ villagers forced to leave Prijedor Municipality had to sign over their property to either the ARK or the Bosnian-Serb Republic pursuant to a law passed by the Crisis Staff. Real property certificates were issued initially in order to justify the confiscations, but this practice was later discontinued.

1405. In relation to Omarska camp, the Trial Chamber finds that between May and August 1992, during their detention, detainees in the camp were forced to hand over valuables and money to Serb guards, the police, as found in chapter 4.10.2 *Schedule C.15.2*.

1406. In relation to Keraterm camp, the Trial Chamber finds that on 14 June 1992, Serb soldiers under the command of Draze Mitrović forced a group of 43 men that had been arrested to hand over money and valuables as they were being walked in the direction of Omarska along the Prijedor-Banja Luka highway, before being transferred to the camp. The Trial Chamber also finds that on 14 July 1992, upon arrival at Keraterm camp two Bosnian-Muslim women and a number of men were forced to remove all of their jewellery and valuables by Duško Sikirica, the camp commander of Keraterm.

1407. In relation to Trnopolje camp, the Trial Chamber finds that on 26 May 1992, men from Kuruzović's unit took valuables, cash, and personal effects from detainees held in the camp.⁵⁹⁹¹ On 20 July 1992, Serb soldiers forced newly arrived detainees to hand over their valuables. Since this happened at the camp, the Trial Chamber finds that the Serb soldiers were guards at Trnopolje camp, members of the TO and VRS as found in chapter 4.10.2 *Schedule C.15.4*.

⁵⁹⁹⁰ The Trial Chamber notes that the evidence refers to non-Serbs. Considering that the population of Prijedor Municipality was largely composed of Bosnian Serbs, Bosnian Muslims, and Bosnian Croats (see P2788 (Ewa Tabeau, Demography report, Annex B), p. 25), the Trial Chamber understands that non-Serbs, for the purposes of Prijedor Municipality, refers to Bosnian Muslims and Bosnian Croats.

⁵⁹⁹¹ Witness RM-709 testified that detainees were held at the hall in the old school and in the community hall of Trnopolje. Adjudicated Fact 1062 states that Trnopolje camp consisted of a former school building and what had been a municipal centre. Thus, the Trial Chamber considers that Witness RM-709 was in fact referring to detainees held at Trnopolje camp.

1408. The Trial Chamber further finds that on several occasions between late May and September 1992, detainees from Trnopolje and Omarska camps were allowed to leave the municipality in bus convoys, on the condition that they handed over their money and valuables to the camp guards, members of the police, TO, and VRS as found in chapter 4.10.2 *Schedules C.15.2 and C.15.4*, or signed a form stating that they voluntarily transferred all of their real and personal property to the Serb authorities or the Serbs. During this same period, while being bussed from Trnopolje and Omarska camps, detainees were forced to hand over money and valuables to the guards at both camps, to Serb soldiers, to a man wearing a police uniform, to Serb soldiers from the Special Task Force, and to the military police.

1409. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1410. With regard to several incidents concerning mosques and a church, the Trial Chamber finds that the Čaršijska mosque located in Prijedor Town, the Ćela mosque, the Hadžići mosque, and the Roman Catholic parish church of St. Leopold Mandić located in Ljubija were looted. The Trial Chamber notes that it did not receive evidence concerning the date on which the Hadžići mosque was looted or on the identity or affiliation of the perpetrators. As explained in Appendix B, the Trial Chamber will not rely on evidence provided by Riedlmayer if it was not specified how his sources had obtained their information or the methods they had used to compile the written information he ultimately relied on. It will therefore not rely on his evidence on alleged perpetrators and dates. Consequently, the Trial Chamber is unable to establish the date and perpetrators of the looting of the Čaršijska, Ćela, and Hadžići mosques or of the Roman Catholic parish church of St Leopold Mandić. Therefore, it will not further consider these incidents in relation to any counts of the Indictment.

4.10.5 Forced labour and human shields

1411. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Prijedor Municipality to forced labour and using them as human shields between 12 May 1992 and 30 November 1995.⁵⁹⁹² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this allegation,

⁵⁹⁹² Indictment, paras 39(c), 47, 59(h).

which are set out in chapters 4.10.1 *Schedules A.6.5 and B.13.2* and 4.10.2 *Schedule C.15.2*. It also received evidence from **Witness RM-704**, **Witness RM-038**, **Witness RM-026**, **Nermin Karagić**, **Nusret Sivac**, **Azra Blažević**, **Safet Tači**, **Jusuf Arifagić**, and **Witness RM-047**. All the mentioned witnesses are Bosnian Muslims from Prijedor Municipality. The Trial Chamber finds this evidence to be consistent with the Adjudicated Facts.⁵⁹⁹³ The Trial Chamber received further evidence from **Witness RM-384**, a driver mobilised into the JNA on 5 May 1992;⁵⁹⁹⁴ **Witness RM-383**, a Serb truck driver who lived in Prijedor;⁵⁹⁹⁵ **Witness RM-385**, a Serb from Prijedor;⁵⁹⁹⁶ **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁵⁹⁹⁷ as well as **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990-1992.⁵⁹⁹⁸ The Adjudicated Facts and evidence deal with forced labour incidents in Omarska, Trnopolje and Keraterm camps, as well as elsewhere in Prijedor Municipality.

1412. With regard to the alleged forced labour in Prijedor following Schedule Incidents A.6.5 and A.6.6, the Trial Chamber took judicial notice of Adjudicated Fact no. 904, and recalls the evidence of Witness RM-038, Witness RM-383, Witness RM-384 and Witness RM-704, reviewed in chapter 4.10.1 *Schedule A.6.5*.

⁵⁹⁹³ **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5913-5914, 5930-5931, 5966-5969; T. 19905. **Witness RM-704**: P2602 (Witness RM-704, witness statement, 12 October 2001), pp. 4-7. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 9; **Witness RM-704**: P2602 (Witness RM-704, witness statements) statement of 12 October 2001, pp. 1-2; **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879; **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2; **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210; **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), p. 1; **Nusret Sivac**: P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6691; Nusret Sivac, T. 4843; **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092; **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2; **Witness RM-047**: P2594 (Witness RM-047, witness statement, 14 March 2000), pp. 1-2; P2595 (Witness RM-047, *Stakić* transcript, 22 July 2002), p. 6204. The evidence of Witness RM-704, Witness RM-038, and Witness RM-026 has been reviewed in chapter 4.10.1 *Schedules A.6.5 and B.13.2*. The evidence of Nermin Karagić has been reviewed in chapter 4.10.1 *Schedule A.6.8*. The evidence of Nusret Sivac and Azra Blažević has been reviewed in chapter 4.10.2 *Schedule C.15.4*. The evidence of Safet Tači and Jusuf Arifagić has been reviewed in chapter 4.10.1 *Schedule B.13.1*. The evidence of Witness RM-047 has been reviewed in chapter 4.10.4 *Schedule B.13.5*.

⁵⁹⁹⁴ P7313 (Witness RM-384, witness statement, 30 January 2014), p.1, para. 2. The evidence of Witness RM-384 has been reviewed in chapter 4.10.1 *Schedule A.6.5*.

⁵⁹⁹⁵ P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2. The evidence of Witness RM-383 has been reviewed in chapter 4.10.1 *Schedule A.6.5*.

⁵⁹⁹⁶ P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10. The evidence of Witness RM-385 has been reviewed in chapter 4.10.1 *Schedule B.13.1*.

⁵⁹⁹⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2. The evidence of Witness RM-023 has been reviewed in chapter 4.10.1 *Schedule B.13.1*.

⁵⁹⁹⁸ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4. The evidence of Mevludin Sejmenović has been reviewed in chapter 4.10.1 *Schedule B.13.5*.

1413. With regard to the alleged forced labour in Prijedor following Scheduled Incident A.6.8, the Trial Chamber took judicial notice of Adjudicated Facts nos 912 and 913, and recalls the evidence of Nermin Karagić reviewed in chapter 4.10.1 *Schedule A.6.8* that detainees at the Ljubija football stadium were ordered to load dead bodies onto a bus.

1414. With regard to the alleged forced labour in Omarska camp, the Trial Chamber took judicial notice of Adjudicated Facts nos 946, 947, 1012, 1015, and 1016, and recalls the evidence of Witness RM-026, reviewed in chapters 4.10.1 *Schedule B.13.2* and 4.10.2 *Schedule C.15.2* that detainees were forced to clean up the rooms after the beatings in the white house at Omarska camp, and to load dead bodies onto trucks.

1415. With regard to the alleged forced labour in Trnopolje camp, **Azra Blažević** stated that detainees were taken out of Trnopolje camp and forced to dig graves and bury bodies in the surrounding area of the camp.⁵⁹⁹⁹ **Safet Tači** testified that the detainees in Trnopolje were often called for forced labour, but the witness never participated.⁶⁰⁰⁰ The Trial Chamber also recalls the evidence of Azra Blažević, Nusret Sivac, Witness RM-047, and Mevludin Sejmenović, reviewed in chapters 4.10.1 *Schedule B.13.5* and 4.10.2 *Schedule C.15.4*.

1416. With regard to the alleged forced labour in Keraterm camp, the Trial Chamber took judicial notice of Adjudicated Facts nos 1053 and 1054, and recalls the evidence of Jusuf Arifagić, Witness RM-023, Safet Tači, and Witness RM-385, reviewed in chapter 4.10.1 *Schedule B.13.1*.

1417. Based on the foregoing, the Trial Chamber finds that in July 1992, members of the VRS ordered Bosnian Muslims, including Bosnian-Muslim and Bosnian-Croat detainees from the Ljubija stadium to collect approximately 300 to 400 corpses in Prijedor Municipality, which they loaded onto buses and military trucks.

1418. The Trial Chamber also finds that some time between 25 May and late August 1992, guards, the police as found in chapter 4.10.2 *Schedule C.15.2*, made detainees in Omarska camp load and unload corpses onto and from trucks, as well as clean the white and red houses after detainees were beaten there. In relation to the ethnicity of the detainees at Omarska camp, the Trial Chamber further found in chapter 4.10.2 *Schedule*

⁵⁹⁹⁹ P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2528.

⁶⁰⁰⁰ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 92-93.

C.15.2 that approximately 3,300 Bosnian Muslims and Bosnian Croats were detained at Omarska, as well as a few Bosnian Serbs.

1419. The Trial Chamber also finds that from mid-July 1992, guards selected Bosnian-Muslim and Bosnian-Croat detainees at Trnopolje camp, including women and children, to perform labour, including the burial of corpses in the area surrounding the camp, and around 10 August 1992, some detainees were ordered by guards to remove wire from the fencing around the camp. With regard to the affiliation of the guards, the Trial Chamber found in chapter 4.10.2 *Schedule C.15.4* that Trnopolje camp was initially secured by members of the Prijedor TO and soon afterwards by VRS soldiers.

1420. The Trial Chamber further finds that on or around 25 July 1992, guards, members of the SJB and VRS as found in chapter 4.10.2 *Schedule C.15.3*, made detainees in Keraterm camp load and unload corpses onto a truck, clean Room 3 and the surrounding area where detainees were murdered, as well as wash the truck in which the corpses were being transported. In respect of the ethnicity of Keraterm camp detainees, the Trial Chamber found in chapter 4.10.1 *Schedule B.13.1* that they were primarily Bosnian Muslims and Bosnian Croats, with a small number of Albanians and at least one Bosnian Serb.

1421. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.10.6 Imposition and maintenance of restrictive and discriminatory measures

1422. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Prijedor Municipality between 12 May 1992 and 30 November 1995.⁶⁰⁰¹ The Defence argued that all measures taken by both VRS and civilian authorities were not discriminatory as they were enacted for legitimate and security reasons.⁶⁰⁰² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.⁶⁰⁰³ Further, it received evidence from witnesses **Sead Sučić**, a

⁶⁰⁰¹ Indictment, paras 47, 59(k).

⁶⁰⁰² Defence Final Brief, paras 1016-1017, 1023, 1026, 1028-1052.

⁶⁰⁰³ Adjudicated Facts I nos 847, 849-852 have been reviewed in chapter 4.10.7. Adjudicated Facts I no. 935 has been reviewed in chapter 8.2.2.

Bosnian Muslim from Čarakovo, Prijedor Municipality;⁶⁰⁰⁴ **Elvedin Nasić**, a Bosnian Muslim from Hambarine, Prijedor Municipality;⁶⁰⁰⁵ **Witness RM-023**, a Muslim residing in Prijedor Municipality in 1991 and 1992;⁶⁰⁰⁶ **Mevludin Sejmenović**, the Vice-President of the SDA in Prijedor from 1990 to 1992;⁶⁰⁰⁷ **Witness RM-387**, a Bosnian-Serb employee at the Ljubija Mining Company in Prijedor as of the spring of 1992;⁶⁰⁰⁸ **Witness RM-383**, a Serb truck driver who lived in Prijedor;⁶⁰⁰⁹ **Nusret Sivac** a Bosnian-Muslim journalist for TV Sarajevo who covered events in Prijedor and surrounding municipalities;⁶⁰¹⁰ **Idriz Merdžanić**, a Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁶⁰¹¹ and **Witness RM-065**, a Bosnian Muslim from Prijedor,⁶⁰¹² and finds that this evidence is consistent with the Adjudicated Facts.⁶⁰¹³

1423. Upon its formation in May 1992, the Prijedor Crisis Staff implemented restrictive measures against non-Serbs, who were fired from their jobs, and whose children were barred from attending primary and secondary schools.⁶⁰¹⁴ Non-Serbs no longer qualified for leadership positions in Prijedor and were eventually forced to leave

⁶⁰⁰⁴ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, p. 1, paras 1, 5, witness statement of 1 December 2014, p. 1.

⁶⁰⁰⁵ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6.

⁶⁰⁰⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 1-2.

⁶⁰⁰⁷ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁶⁰⁰⁸ P7316 (Witness RM-387, witness statement, 4 July 2014), p. 1, para. 1.

⁶⁰⁰⁹ P7416 (Witness RM-383, witness statement, 28 January 2014), p. 1, paras 1-2.

⁶⁰¹⁰ P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, pp. 6561-6562; Nusret Sivac, T. 4839.

⁶⁰¹¹ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T. 3321.

⁶⁰¹² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). See also P3279 (Table of Concordance).

⁶⁰¹³ **Sead Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 8, 14. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2, witness statement of 10 January 2002, p. 1. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 4-5; P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), pp. 2390, 2392. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 17-19, 40; Mevludin Sejmenović, T. 3459, 3507-3510; P290 (Ruling by the Executive Committee of Prijedor regarding Mirzad Mufić, signed by Milan Kovačević, 18 May 1992); P285 (Conclusions of the ARK Crisis Staff, sent to municipal presidents, signed by ARK Crisis Staff President Radoslav Brđanin, dated 11 May 1992), p. 1. **Witness RM-387**: P7316 (Witness RM-387, witness statement, 4 July 2014), para. 13. **Witness RM-383**: P7416 (Witness RM-383, witness statement, 28 January 2014), paras 4-5. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 6, 7; Idriz Merdžanić, T. 3327, 3355, 3394-3396; D55 (Map of Kozarac, Omarska); D61 (List of employees of Prijedor General Hospital with expired contracts), pp. 1-3. **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 23-24. **Nusret Sivac**: Nusret Sivac, T. 4835-4836, 4841-4842; P480 (Nusret Sivac, transcripts from prior cases), *Stakić* transcript, 29-30 July 2002, p. 6576.

⁶⁰¹⁴ Adjudicated Facts IV, no. 929.

almost all positions.⁶⁰¹⁵ **Mevludin Sejmenović** testified that shortly after the take-over of Prijedor, non-Serbs were denied access to banks and to the municipal building.⁶⁰¹⁶ The conclusions of the ARK Crisis Staff of 11 May 1992 were that classes in all elementary and secondary schools were to finish by 20 May 1992, and that '[o]nly persons who are absolutely loyal to the Serbian Republic of Bosnia and Herzegovina can be placed in the management positions in enterprises'.⁶⁰¹⁷ On 22 June 1992, the ARK Crisis Staff decided that 'all executive posts, posts involving a likely flow of information, posts involving the protection of public property, that is, all posts of importance to the functioning of the economy may only be held by personnel of Serbian nationality'.⁶⁰¹⁸ On 2 July 1992, the Prijedor Crisis Staff ordered all organs, enterprises and communities to terminate the employment of workers who had participated in the armed rebellion, and who were in Omarska and Keraterm. Information about those workers was to be submitted by the Prijedor SJB. The SJB and the competent Municipal Inspection Service were to be responsible for the execution of the order.⁶⁰¹⁹

1424. The control over movement of non-Serbs in Prijedor Municipality extended as far as private residences through the use of registers in which Muslims and Croats had to record the movements of individuals within apartment buildings and daily searches were conducted in almost every apartment inhabited by Muslims and Croats.⁶⁰²⁰

1425. **Witness RM-065** stated that from late May 1992, Serbs forced Muslim inhabitants to register on the ground floor before entering their apartment buildings in Prijedor and every evening give the list to a Serb living in the building.⁶⁰²¹ Additional restrictions suffered by non-Serbs included the blocking of telephone lines and the partial shut-down of electricity.⁶⁰²² After the take-over of Prijedor, non-Serbs were prevented from travelling outside the municipality, and within the municipality travel was severely restricted by means of a curfew and checkpoints.⁶⁰²³ **Nusret Sivac** specified that between 20 April 1992 and 20 May 1992, the Prijedor Crisis Staff issued

⁶⁰¹⁵ Adjudicated Facts IV, no. 929.

⁶⁰¹⁶ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 17; Mevludin Sejmenović, T. 3509-3510.

⁶⁰¹⁷ P285 (Conclusions of the ARK Crisis Staff, sent to municipal presidents, signed by ARK Crisis Staff President Radoslav Brđanin, dated 11 May 1992), p. 1.

⁶⁰¹⁸ P289 (Dispatch of the CSB Banja Luka to the Chiefs of all SJBs, forwarding Decision of the ARK Crisis Staff of 22 June 1992, 6 July 1992).

⁶⁰¹⁹ P4006 (Prijedor Crisis Staff order on termination of employment of workers, 2 July 1992).

⁶⁰²⁰ Adjudicated Facts I, no. 930.

⁶⁰²¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 22.

⁶⁰²² Adjudicated Facts I, no. 931.

directives, ultimatums, and instructions to Prijedor Municipality inhabitants: a curfew was imposed, media was controlled, there was a general call-up for the Serb population, non-Serbs had to hand over their weapons, all economic activity had to cease by 20 May and workers were to go home, and all schools and kindergartens had to close before 20 May.⁶⁰²⁴ **Idriz Merdžanić** testified that in April 1992, a Serb military unit set up checkpoints in Prijedor Town.⁶⁰²⁵ **Elvedin Nasić** stated that Serbs set up checkpoints in Prijedor Town after 31 May 1992.⁶⁰²⁶ **Sead Sušić** stated that in early July 1992, there was a checkpoint between Čarakovo and Tukovi, manned by police wearing an insignia saying 'Srpska Krajina'.⁶⁰²⁷ On 26 June 1992, another checkpoint was established at the Žeger bridge by Janjo Stijepić who wore an SMB uniform.⁶⁰²⁸ Inhabitants needed to carry papers to get through the checkpoints.⁶⁰²⁹ **Witness RM-023** had to show an identity card to pass through a checkpoint on the way to Prijedor.⁶⁰³⁰

1426. After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of the Prijedor Municipality: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 per cent were Muslim.⁶⁰³¹ As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens.⁶⁰³² On 22 May 1992, telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult.⁶⁰³³ An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska Prijedor Municipality, as well as to surrender all weapons.⁶⁰³⁴

⁶⁰²³ Adjudicated Facts I, no. 933.

⁶⁰²⁴ Nusret Sivac, T. 4835-4836, 4841-4842.

⁶⁰²⁵ P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 6.

⁶⁰²⁶ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2, witness statement of 10 January 2002, p. 1.

⁶⁰²⁷ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, paras 10, 13.

⁶⁰²⁸ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 14.

⁶⁰²⁹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 8.

⁶⁰³⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 3.

⁶⁰³¹ Adjudicated Facts I, no. 874.

⁶⁰³² Adjudicated Facts I, no. 874.

⁶⁰³³ Adjudicated Facts I, no. 875.

⁶⁰³⁴ Adjudicated Facts I, no. 876.

1427. Based on the foregoing, the Trial Chamber finds that upon its formation in May 1992, from 12 May 1992 onwards members of the Prijedor Crisis Staff dismissed Bosnian Muslims and Bosnian Croats in the municipality.⁶⁰³⁵ Between the end of May and end of June 1992, Serbs limited the freedom of movement of Bosnian Muslims and Bosnian Croats in the municipality by requiring them to register their movements. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment. Although the Adjudicated Facts and the evidence indicate that the freedom of movement in the municipality was additionally restricted by curfew and checkpoints, the Trial Chamber is not convinced that these measures were directed only against non-Serbs. In this respect, the Trial Chamber has in particular considered D422 and the evidence of Nusret Sivac, which appears to be referring to a general curfew. The Trial Chamber will not consider this further.

1428. According to Adjudicated Fact 929, the Prijedor Crisis Staff upon its formation in May 1992 implemented measures to bar Bosnian-Croat and Bosnian-Muslim children from attending primary and secondary schools. However, the Trial Chamber has also received evidence that all elementary and secondary schools were to close by 20 May 1992 and that enrolment in Krajina secondary schools was to be postponed until the beginning of August. The Trial Chamber will therefore not consider this incident further.

1429. With regard to the disconnection of telephone lines, shut-down of electricity, and denial of access to the municipal building and banks, the Trial Chamber considers that there is insufficient evidence as to who imposed these measures. With regard to the denial of access to the municipal building and banks the Trial Chamber further considers that since the evidence suggests that this was done shortly after the takeover of Prijedor around late April 1992, this does not fall within the temporal scope of the Indictment in relation to Count 3. The Trial Chamber will therefore not consider these incidents further.

⁶⁰³⁵ This finding is based on Adjudicated Facts and evidence that referred to non-Serbs. Considering that the population of Prijedor Municipality was predominantly Bosnian Muslim, Bosnian Serb, and Bosnian-Croat (*see* Adjudicated Facts I, no. 839), the Trial Chamber understands that non-Serbs for the purposes for Prijedor Municipality refers to Bosnian Muslims and Bosnian Croats.

4.10.7 Forcible transfer and deportation

1430. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Prijedor Municipality between 12 May 1992 and 30 November 1995.⁶⁰³⁶ The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention; harassment; torture; rape and other acts of sexual violence; killing; the destruction of houses, cultural monuments, and sacred sites; and the threat of further such acts - all targeting Bosnian Muslims and Bosnian Croats. Others were physically driven out.⁶⁰³⁷ The Defence argued that many residents had left Prijedor Municipality at the end of 1991, before the outbreak of the conflict, resulting in a noticeable decrease of the Bosnian-Muslim population in Prijedor Municipality.⁶⁰³⁸ The Defence argued that the reasons for the shift in the ethnic makeup of the Prijedor area were twofold: (i) a large part of the Bosnian-Muslim population voluntarily left the municipality in order to get away from the conflict and violence; and (ii) the region of Prijedor was overwhelmed by an influx of Bosnian-Serb refugees who had chosen to relocate to Prijedor from Croatia and other areas in Bosnia-Herzegovina.⁶⁰³⁹ The Defence also argued that the Bosnian-Serb authorities even tried to stop the departure of non-Serbs by offering temporary accommodation in places where the houses were in better condition.⁶⁰⁴⁰

1431. The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.⁶⁰⁴¹ It also received evidence from **Witness RM-065, Senija Elkasović, Safet Tači, Elvedin Nasić, Witness RM-023, Witness RM-026, Nermin Karagić**, all Bosnian Muslims from Prijedor;⁶⁰⁴² as well as evidence from **Idriz Merdžanić**, a

⁶⁰³⁶ Indictment, paras 11-12, 47-54, 59(f), 67-68, 70.

⁶⁰³⁷ Indictment, paras 52-54, 70.

⁶⁰³⁸ Defence Final Brief, para. 1011.

⁶⁰³⁹ Defence Final Brief, paras 1010, 1012-1014.

⁶⁰⁴⁰ Defence Final Brief, para. 1012.

⁶⁰⁴¹ Adjudicated Facts 879 and 884 are reviewed in chapter 4.10.1 *Schedule A.6.I*; Adjudicated Facts 905-907 are reviewed in chapter 4.10.1 *Schedule A.6.6*; Adjudicated Fact 933 is reviewed in chapter 4.10.6; Adjudicated Fact 934 is reviewed in chapter 4.10.4 and Adjudicated Fact 1083 is reviewed in chapter 4.10.3.

⁶⁰⁴² **Witness RM-065:** P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 1-2, witness statement of 28 August 2000, p. 2; P3274 (Pseudonym sheet for Witness RM-065). **Senija Elkasović:** P3279 (Table of Concordance). P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4597, 4601. **Safet Tači:** P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 1; P159 (Safet Tači, witness statement, 20 September 2000), p. 1; Safet Tači, T. 2092. **Elvedin Nasić:** P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 1-2, witness statement of 15 March 2000, pp. 1, 6. **Witness RM-023:** P3234 (Witness RM-023, witness statement, 25 August

Bosnian-Muslim doctor from Kreševo, Sarajevo Municipality;⁶⁰⁴³ **Mevludin Sejmenović**, the Vice President of the SDA in Prijedor from 1990 to 1992;⁶⁰⁴⁴ **Kerim Mešanović**, a Bosnian Muslim from Prijedor;⁶⁰⁴⁵ and **Azra Blažević**, a Bosnian Muslim from Kozarac detained in Trnopolje camp from 26 May to August 1992;⁶⁰⁴⁶ and finds that this evidence is consistent with the Adjudicated Facts.⁶⁰⁴⁷ The Trial Chamber has also received evidence from **Charles McLeod**, a member of the ECMM in north-west Bosnia since July 1992;⁶⁰⁴⁸ **Witness RM-385**, a Serb from Prijedor;⁶⁰⁴⁹ **Draško Vujić**, a VRS battalion commander from Prijedor;⁶⁰⁵⁰ and **Witness RM-038**, **Jusuf Arifagić**, **Witness RM-008**, **Witness RM-060**, **Sead Sušić**, **Witness RM-017**, and **Witness RM-074**, all Bosnian Muslims from Prijedor.⁶⁰⁵¹

2000), pp. 1-2. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, pp. 1-2. **Nermin Karagić**: P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5203-5204, 5209-5210.

⁶⁰⁴³ P269 (Idriz Merdžanić, witness statement, 28 August 2000), p. 1, paras 1-3; Idriz Merdžanić, T.3321.

⁶⁰⁴⁴ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), para. 4.

⁶⁰⁴⁵ P3414 (Kerim Mešanović, witness statement, 18 March 2013), p. 1, para. 3.

⁶⁰⁴⁶ P3617 (Azra Blažević witness statement, 10 November 1994), pp. 1, 10, 27; P3618 (Azra Blažević, *Tadić* transcript, 12-13 June 1996), p. 2539.

⁶⁰⁴⁷ **Witness RM-065**: P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 4, 16-17, 22; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1260-1261, 1263-1264. **Mevludin Sejmenović**: P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40. **Senija Elkasović**: P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4618, 4619-4620. **Safet Tači**: P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 94-95; Safet Tači, T. 2129. **Azra Blažević**: P3617 (Azra Blažević witness statement, 10 November 1994), pp. 16, 28. **Elvedin Nasić**: P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2; P2601 (Elvedin Nasić, *Brđanin* transcript, 12 December 2002), pp. 12686-12687. **Witness RM-023**: P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 2, 16; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3975. **Witness RM-026**: P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6. **Idriz Merdžanić**: P269 (Idriz Merdžanić, witness statement, 28 August 2000), paras 76-77; P270 (Corrections and clarifications to witness statement of Idriz Merdžanić), p. 1; Idriz Merdžanić, T. 3367-3368.

⁶⁰⁴⁸ P3258 (Charles McLeod, *Brđanin* transcript 21-24 June 2002), p. 7281.

⁶⁰⁴⁹ P7314 (Witness RM-385, witness statement, 5 April 2014), p. 1, paras 2, 4, 8-10.

⁶⁰⁵⁰ D1041 (Draško Vujić, witness statement, 24 January 2014), paras 1, 7; Draško Vujić, T. 34990.

⁶⁰⁵¹ **Witness RM-038**: P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5874, 5878-5879. **Jusuf Arifagić**: P3388 (Jusuf Arifagić, witness statement, 22 October 1994), pp. 1-2. **Witness RM-060**: P2596 (Witness RM-060, *Stakić* transcript, 26-27 August 2002), pp. 6850-6851, 6853; P2597 (Witness RM-060, pseudonym sheet from *Prosecutor v. Stakić*, Case No. IT-97-24-T); P2599 (Witness RM-060, table of concordance to *Stakić* transcript, 7 March 2013), p. 1. **Saed Sušić**: P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33. P3228 (Witness RM-017, witness statement, 1 September 1994), pp. 1-2. **Witness RM-074**: P3431 (Witness RM-074, witness statements), witness statement of 2 October 2000, pp. 1-2, witness statement of 12 December 2012, p. 1, witness statement of 8 July 2013, p. 1. The evidence of Jusuf Arifagić, Witness RM-008, Witness RM-060, Witness RM-017, and Witness RM-074 is reviewed in chapter 4.10.2 *Schedule C.15.4*.

Events prior to 12 May 1992

1432. Before the takeover on 30 April 1992, Prijedor Municipality was ethnically a relatively mixed area: in 1991 Muslims were the majority in the municipality; out of a total population of 112,000, 49,700 (44 per cent) were Muslims and about 40,000 (42.5 per cent) Serbs, with the remainder made up of Croats (5.6 per cent), Yugoslavs (5.7 per cent), and others (2.2 per cent).⁶⁰⁵²

1433. **Mevludin Sejmenović** testified that before the takeover of the municipality, the President of the ARK Crisis Staff, Radoslav Brđanin, said on television something like ‘non-Serbs would not need wood for the winter’ which among the non-Serb population was understood as a concealed threat and caused fear and panic.⁶⁰⁵³ By the end of April 1992, a number of clandestine Serb police stations were created in the municipality of Prijedor and more than 1,500 armed men were ready to take part in the takeover.⁶⁰⁵⁴ On 30 April 1992, the SDS conducted a bloodless takeover of the town of Prijedor with the aid of the military and police forces.⁶⁰⁵⁵ The forcible takeover of the municipal authorities in Prijedor was prepared well in advance of 1 May 1992.⁶⁰⁵⁶

1434. In the night of 29 to 30 April 1992, employees of the SJB and reserve police gathered in Čirkin Polje, part of the town of Prijedor.⁶⁰⁵⁷ Only Serbs were present and some of them were wearing military uniforms.⁶⁰⁵⁸ The actual takeover was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings.⁶⁰⁵⁹ JNA soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre, and bank.⁶⁰⁶⁰ The JNA soldiers entered buildings, declared that they had taken power and announced their decision to rename opština Prijedor ‘Srpska opština Prijedor’.⁶⁰⁶¹ **Witness RM-065** stated that on the morning of 30 April, on his way to work, he saw a Serbian flag on the Municipal Assembly

⁶⁰⁵² Adjudicated Facts I, nos 839, 847, 849-850.

⁶⁰⁵³ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 11-12.

⁶⁰⁵⁴ Adjudicated Facts I, no. 846.

⁶⁰⁵⁵ Adjudicated Facts I, no. 847.

⁶⁰⁵⁶ Adjudicated Facts I, no. 848.

⁶⁰⁵⁷ Adjudicated Facts I, no. 849.

⁶⁰⁵⁸ Adjudicated Facts I, no. 849.

⁶⁰⁵⁹ Adjudicated Facts I, no. 850.

⁶⁰⁶⁰ Adjudicated Facts I, no. 851.

⁶⁰⁶¹ Adjudicated Facts I, no. 852.

building.⁶⁰⁶² The witness recognised soldiers at Radio Prijedor as Serbs from Prijedor and some from surrounding villages.⁶⁰⁶³ He also recognized Milomir Stakić, Vice-President of the Prijedor Municipal Assembly, among the soldiers.⁶⁰⁶⁴ Calls were also made at that time for the surrender of weapons which, although addressed to the population at large, were only enforced with respect to Muslims and Croats, most of whom complied out of fear of punishment.⁶⁰⁶⁵ A declaration on the takeover prepared by the SDS was read out on Radio Prijedor the day after the takeover and was repeated throughout the day.⁶⁰⁶⁶ **Witness RM-065** stated that the declaration confirmed that the Serbs would not put their army in Muslim areas, but would instead control the areas they considered to be theirs, as well as all the important buildings in Prijedor.⁶⁰⁶⁷ After the takeover of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the ‘*balijas*’, as well as the need to destroy the ‘*balijas*’ themselves.⁶⁰⁶⁸ **Witness RM-065** stated that in the first five or six days after the takeover, he saw that some of the soldiers in town wore regular JNA uniforms, with the five-pointed Yugoslav star. The witness saw ‘Knindza’ and ‘Marticevci’ soldiers with red berets. He observed insignia which he had not seen before.⁶⁰⁶⁹ With regard to Hambarine, by May 1992, many of the inhabitants had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was shelled.⁶⁰⁷⁰

Events after 12 May 1992

1435. Between May and July 1992, the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Biščani, Čarakovo, Briševo, and Ljubija were attacked by the VRS acting jointly with the police and paramilitary groups.⁶⁰⁷¹ These attacks mostly started after the expiry of a deadline

⁶⁰⁶² P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 16.

⁶⁰⁶³ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 16-17.

⁶⁰⁶⁴ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 4, 7, 16-17.

⁶⁰⁶⁵ Adjudicated Facts I, no. 854.

⁶⁰⁶⁶ Adjudicated Facts I, no. 855.

⁶⁰⁶⁷ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 17.

⁶⁰⁶⁸ Adjudicated Facts I, no. 857.

⁶⁰⁶⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 17.

⁶⁰⁷⁰ Adjudicated Facts I, no. 1112.

⁶⁰⁷¹ Adjudicated Facts I, no. 867.

for non-Serbs to surrender their weapons.⁶⁰⁷² Sometimes an incident caused by non-Serbs would be used as a pretext.⁶⁰⁷³ Attacks were conducted by intensive shelling with heavy army weaponry. Houses in Muslim villages and neighbourhoods were targeted and shelled indiscriminately, resulting in extensive destruction and civilian casualties. Many of the survivors fled the villages and sought shelter in the surrounding forests.⁶⁰⁷⁴ After the shelling, armed soldiers entered the villages, looted and torched houses, and expelled or killed some of the villagers who remained behind.⁶⁰⁷⁵ In some instances, women were raped.⁶⁰⁷⁶ The Bosnian-Muslim and Bosnian-Croat population of Prijedor municipality was not able to set up any efficient resistance to these armed attacks by the Bosnian-Serb army acting jointly with the police and paramilitary groups.⁶⁰⁷⁷ They were not adequately organised and they did not have sufficient weapons with which they could oppose the attackers.⁶⁰⁷⁸

1436. **Witness RM-065** stated that the attack on Hambarine began in the evening of 22 May 1992.⁶⁰⁷⁹ Just before the start of the attack, an announcement was made on Radio Prijedor saying that a Serb had been killed in Hambarine, following an altercation with Muslim guards concerning a Serb patrol.⁶⁰⁸⁰ The witness stated that in almost all Muslim villages just before an attack a Serb soldier would be found dead, and suggested that this provided a justification for the attack.⁶⁰⁸¹ **Elvedin Nasić** stated that he and the rest of the local Muslim TO unit tried to evacuate the villagers and to defend the village.⁶⁰⁸² With the arrival of Serb infantry and tanks, however, the TO abandoned the village and retreated to the forest.⁶⁰⁸³ **Witness RM-026** stated that all houses of the village as well as the two mosques were shelled.⁶⁰⁸⁴ The homes located in the centre of the village were damaged the most. After the shelling stopped, the witness heard shooting from the checkpoints. When people started to withdraw from the main checkpoint towards the other one, the witness and his family left the village along with

⁶⁰⁷² Adjudicated Facts I, no. 868.

⁶⁰⁷³ Adjudicated Facts I, no. 868.

⁶⁰⁷⁴ Adjudicated Facts I, no. 869.

⁶⁰⁷⁵ Adjudicated Facts I, no. 870.

⁶⁰⁷⁶ Adjudicated Facts I, no. 870.

⁶⁰⁷⁷ Adjudicated Facts I, no. 871.

⁶⁰⁷⁸ Adjudicated Facts I, no. 871.

⁶⁰⁷⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1254, 1261.

⁶⁰⁸⁰ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.

⁶⁰⁸¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.

⁶⁰⁸² P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁶⁰⁸³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁶⁰⁸⁴ P2586 (Witness RM-026, *Stakić* transcript, 26 April and 1 May 2001), p. 2303.

other villagers.⁶⁰⁸⁵ **Witness RM-065** stated that after the attack on Hambarine, open ‘propaganda’ against Muslims and Croats was transmitted, often using derogatory terms to characterise Muslims.⁶⁰⁸⁶ A number of the residents of Hambarine eventually returned to the village, by then under Serb control.⁶⁰⁸⁷ The return of residents was only temporary because on 20 July 1992 the last major cleansing in the municipality occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija.⁶⁰⁸⁸

1437. **Elvedin Nasić** stated that there were around 500 ‘civilians’ hiding in the forest between 22 May 1992 and 21 July 1992.⁶⁰⁸⁹ Women and children stayed in the forest for two or three days before going to other villages.⁶⁰⁹⁰ From 26 July 1992, the witness took refuge in the woods and, along with other people, in different villages.⁶⁰⁹¹ The witness was told that there would be a convoy, accompanied by UNPROFOR soldiers and the Red Cross, leaving from Tukovi and going to Travnik.⁶⁰⁹² On the basis of this information, the witness went to a collection centre in Tukovi where he saw a large number of ‘civilians’.⁶⁰⁹³ On 21 August 1992, at around 10:30 a.m., trucks and buses started to arrive in Tukovi.⁶⁰⁹⁴ The witness boarded a truck and helped his cousin with his small child.⁶⁰⁹⁵ On the same day, at 11 a.m., the convoy left for the Trnopolje camp where a large number of detainees boarded the trucks and the buses.⁶⁰⁹⁶ The convoy made additional stops at Omarska and Skender Vakuf. At that point, Serb military police asked those onboard the vehicles to hand over their money and other valuables. The convoy reached Smet from which point the witness and the rest of the people walked towards and reached Travnik and Novi Travnik.⁶⁰⁹⁷ At Travnik, a list was created of all persons who had arrived from Tukovi.⁶⁰⁹⁸

⁶⁰⁸⁵ P2585 (Witness RM-026, witness statements), statement of 23 September 1994, p. 6.

⁶⁰⁸⁶ P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1254-1256.

⁶⁰⁸⁷ Adjudicated Facts I, no. 1113.

⁶⁰⁸⁸ Adjudicated Facts I, no. 1113.

⁶⁰⁸⁹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁶⁰⁹⁰ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 2.

⁶⁰⁹¹ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, pp. 5-6.

⁶⁰⁹² P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.

⁶⁰⁹³ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6, witness statement of 15 March 2000, p. 3.

⁶⁰⁹⁴ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.

⁶⁰⁹⁵ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.

⁶⁰⁹⁶ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.

⁶⁰⁹⁷ P2600 (Elvedin Nasić, witness statements), witness statement of 15 January 1995, p. 6.

⁶⁰⁹⁸ P2600 (Elvedin Nasić, witness statements), witness statement of 15 March 2000, p. 3.

1438. Shortly after the attack on Hambarine, there was an attack on the Kozarac area, with the most violent part of the attack targeting Kozaruse village.⁶⁰⁹⁹ Radio Prijedor reported the incident, stating that 13 or 14 policemen had been captured and liquidated.⁶¹⁰⁰ The inhabitants from Kozarac fled to Prijedor Town, where Serb soldiers placed them in a sports hall in the centre of town near the secondary school building.⁶¹⁰¹ In an interview with a reporter, Milomir Stakić, President of the Prijedor Municipal Crisis Staff, stated that the entire municipality of Prijedor was under their control after the takeover of Kozarac and added that ‘in Kozarac itself, the operation “cleaning”, as the military call it, is still ongoing because those who have now stayed behind are the most extreme ones and the professionals’.⁶¹⁰²

1439. Many people from Prijedor Municipality were taken to the Trnopolje camp after their villages had been attacked by the Bosnian-Serb forces and others came to the camp on their own initiative, from where they were driven out of the area in convoys of buses.⁶¹⁰³ Bosnian Muslims and Bosnian Croats were gathered in the camp for their further transfer to other locations.⁶¹⁰⁴ The Trnopolje camp became a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina.⁶¹⁰⁵ **Azra Blažević** stated that people were being brought to Doboju, Tuzla, and Gračanica in freight trains and later on, in buses and trucks.⁶¹⁰⁶ She stated that camp detainees were being released in large numbers in convoys.⁶¹⁰⁷

1440. Security was provided by the Commander of the SJB, the Bosnian-Serb police and military for a number of convoys that transported people from the Trnopolje camp to Travnik prior to 21 August 1992.⁶¹⁰⁸ A number of witnesses provided further details about their transport from the Trnopolje camp. **Senija Elkasović** stated that one old man died during the bus ride and was left by the road.⁶¹⁰⁹ The ‘army’ stopped the bus several times and during one of the inspections, one soldier cursed Kuruzović’s mother, saying:

⁶⁰⁹⁹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21.

⁶¹⁰⁰ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, p. 21; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), p. 1262.

⁶¹⁰¹ P3271 (Witness RM-065, witness statements), witness statement of 22 March 1995, pp. 21-22; P3272 (Witness RM-065, *Tadić* transcript, 23 May 1996), pp. 1261-1262.

⁶¹⁰² P280 (Excerpt from video interview with Milomir Stakić), pp. 1-2.

⁶¹⁰³ Adjudicated Facts I, no. 1116.

⁶¹⁰⁴ Adjudicated Facts I, no. 1114.

⁶¹⁰⁵ Adjudicated Facts I, no. 1116.

⁶¹⁰⁶ P3617 (Azra Blažević, witness statement, 10 November 1994), p. 16.

⁶¹⁰⁷ P3617 (Azra Blažević, witness statement, 10 November 1994), p. 28.

⁶¹⁰⁸ Adjudicated Facts I, no. 1114.

⁶¹⁰⁹ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4619-4620.

‘Why is he letting those through? We kill individuals like this’.⁶¹¹⁰ People on the bus were given a small bag in which they had to place their money and jewellery.⁶¹¹¹ The bus stopped at a garbage yard, the detainees were told to get off the bus and go towards barricades nearby; ‘[d]own there are your folk, Alija, Tudjman, are awaiting you’.⁶¹¹² The detainees continued on foot and when they reached the stone barricades, they heard gunfire.⁶¹¹³ One soldier said ‘[d]on’t be afraid. We are yours’ and suggested that further on they should split into smaller groups and to move as fast as they could because the Serb soldiers could shell and kill them.⁶¹¹⁴ The groups of the women and children had to walk approximately 40 to 50 kilometres before they arrived at a school in Stari Travnik while several of the elderly remained on the road and were later picked up by the ABiH military at nightfall.⁶¹¹⁵ Only a few of the detainees who left the Trnopolje camp that morning had water with them, while the others left the camp without any supplies.⁶¹¹⁶

1441. **Safet Tači** testified that when the bus from Trnopolje camp stopped at Kozarac, he saw other people in buses and trucks arriving from the direction of Prijedor Town.⁶¹¹⁷ Two soldiers entered the witness’s bus and ordered the passengers to board a truck because the bus was overcrowded.⁶¹¹⁸ By hiding behind the women and the seats, the witness managed to stay on the bus.⁶¹¹⁹ His brother-in-law, Safet Sivac, left the bus. After 30 minutes, the witness saw the men lined up outside, two-by-two, as the bus drove away. Soon after, the witness was ordered to leave the bus to walk towards the ‘federation territory’. The witness never saw Safet Sivac again.⁶¹²⁰

1442. **Sead Sušić** stated that he lived in the forest for 41 days with approximately ten other men following the Serb attack on Čarakovo in the early morning of 23 July 1992.⁶¹²¹ After three days, he told his wife to move because women in the village were

⁶¹¹⁰ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4619.

⁶¹¹¹ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4619-4620.

⁶¹¹² P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4620.

⁶¹¹³ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4620.

⁶¹¹⁴ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), pp. 4620-4621.

⁶¹¹⁵ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4621.

⁶¹¹⁶ P2588 (Senija Elkasović, *Tadić* transcript, 1 August 1996), p. 4622.

⁶¹¹⁷ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 96.

⁶¹¹⁸ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 96.

⁶¹¹⁹ P158 (Safet Tači, proffer of testimony, 4 May 1998), paras 96, 98.

⁶¹²⁰ P158 (Safet Tači, proffer of testimony, 4 May 1998), para. 98.

⁶¹²¹ P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33.

being raped.⁶¹²² Following the attack on Čarakovo, people from the village were taken to Trnopolje, and then to Travnik by Bosnian-Serb forces.⁶¹²³

1443. **Nermin Karagić** testified that on 21 August 1992, he joined a convoy in Tukovi which went to Smetovi, where he reached ‘free territory’.⁶¹²⁴ **Witness RM-038** testified that he and his family left the Prijedor area on 22 August 1992 on a packed bus and truck convoy to Banja Luka through Vlasić, Turbet, and Travnik.⁶¹²⁵

1444. The Trial Chamber recalls the evidence of **Witness RM-023** in relation to scheduled incident C.15.4, which has been placed in the confidential annex in Appendix D. The Trial chamber considered additional evidence of Witness RM-023 on the transportation from Trnopolje camp, which has also been placed in the confidential annex. Witness RM-023 stated that the convoy was stopped at the Kozarac crossroads where Serb soldiers from the special task forces wearing blue camouflage uniforms told them to wait for more trucks with women and children from Prijedor.⁶¹²⁶ One of the soldiers threw a hand grenade near one of the buses.⁶¹²⁷ Another soldier entered each bus to collect money and valuables from the detainees.⁶¹²⁸ The passengers were asked to keep their heads down but the witness saw the soldiers beat and take things from people and heard people shouting.⁶¹²⁹ The soldiers were distributing the stolen goods among themselves.⁶¹³⁰ Then, two special task policemen entered each bus and the convoy departed for Vlašić Mountain.⁶¹³¹ Buses often stopped and passengers were asked to get off and were beaten.⁶¹³² The convoy stopped at the top of a plateau dotted with rocket launchers firing at houses in a valley.⁶¹³³ The convoy departed an hour later and headed towards a clearing in the Mount Vlašić area. One bus was missing. ‘Chetniks’ came out

⁶¹²² P7312 (Sead Sušić, witness statements), witness statement of 28 March 2014, para. 33.

⁶¹²³ Adjudicated Facts I, no. 1114.

⁶¹²⁴ P998 (Nermin Karagić, *Stakić* transcript, 26 June 2002), pp. 5270-5276; Nermin Karagić, T. 9150; P999 (Map of the Brdo Region, Prijedor).

⁶¹²⁵ P2946 (Witness RM-038, *Stakić* transcript, 15-16 July 2002), pp. 5972-5973.

⁶¹²⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 16; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3975.

⁶¹²⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), pp. 16-17.

⁶¹²⁸ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.

⁶¹²⁹ P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.

⁶¹³⁰ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.

⁶¹³¹ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3976.

⁶¹³² P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.

⁶¹³³ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3977.

of the woods, armed with rifles, wearing sleeveless lamb coats, tall fur hats, traditional badges, long beards, and 'kokarda'. The 'Chetniks' rolled large boulders down a hill towards the detainees, injuring some as they were walking away from the buses, and then told them to walk faster.⁶¹³⁴ The detainees continued on to Travnik while the Serbs were shelling them heavily.⁶¹³⁵ Many of them were killed.⁶¹³⁶ The witness fled Bosnia-Herzegovina on 16 October 1992.⁶¹³⁷

1445. Those Muslims and Croats from the Trnopolje camp who were not killed at the Omarska or Keraterm camps were deported from Bosnia-Herzegovina.⁶¹³⁸ **Witness RM-385** stated that three trips were made transporting refugees from Prijedor to Turbe next to Travnik: two from Tukovi and one from Trnopolje after the camp was disbanded. The refugees were Muslims and Croats who left because they feared for their lives. Prijedor police were present on the convoy escorting the refugees.⁶¹³⁹

1446. Over 30,000 of the Muslim and Croat population of Prijedor Municipality moved out of the municipality in the period from the beginning of the conflict in April through August 1992 out of fear or due to unbearable circumstances.⁶¹⁴⁰ **Mevludin Sejmenović** testified that the non-Serb population was made to leave Prijedor Municipality. The Crisis Staff passed a law requiring non-Serbs to sign a declaration giving up their property and stating that they were leaving the municipality permanently.⁶¹⁴¹ **Idriz Merdžanić** testified that before allowing him on the bus, just like all the detainees at the Trnopolje camp, he had to sign a form stating that he voluntarily transferred all of his real and personal property to the Serbs.⁶¹⁴²

1447. **Charles McLeod** stated that during a meeting on 31 August 1992, Milomir Stakić commented that Croats or Muslims had not left the territory and that the Bosnian-Serb authorities did not have the intention to 'kick them out'.⁶¹⁴³ According to Stakić,

⁶¹³⁴ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), p. 3978.

⁶¹³⁵ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17; P3235 (Witness RM-023, *Stakić* transcript, 4-5 June 2002), pp. 3978-3979.

⁶¹³⁶ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.

⁶¹³⁷ P3234 (Witness RM-023, witness statement, 25 August 2000), p. 17.

⁶¹³⁸ Adjudicated Facts I, no. 1115.

⁶¹³⁹ P7314 (Witness RM-385, witness statement, 5 April 2014), para. 27.

⁶¹⁴⁰ Adjudicated Facts I, no. 1117.

⁶¹⁴¹ P283 (Mevludin Sejmenović, witness statement, 13 August 2012), paras 17, 40.

⁶¹⁴² P269 (Idriz Merdžanić, witness statement, 28 August 2000), para. 82; Idriz Merdžanić, T. 3386.

⁶¹⁴³ P3265 (ECMM report, 3 September 1992), para. 21; P3269 (Charles McLeod's personal notes, 20-31 August 1992), p. 52.

some of the Muslims and Croats held appointments in the town and in the forces.⁶¹⁴⁴ ECMM had seen large numbers of Muslims being bussed from Northern Bosnia to Croatia.⁶¹⁴⁵ Stakić told the witness that Muslim extremists had brought women and children to the frontlines and that the Serb army and police put them on buses and took them to safety.⁶¹⁴⁶ On 1 October 1992, people from Trnopolje were taken in Serbian buses by the ICRC to the border and told to walk to the Croatian side.⁶¹⁴⁷

1448. Based on the Adjudicated Facts and the evidence reviewed above, the Trial Chamber finds that after the SDS takeover of the municipal institutions in Prijedor Town with the aid of the military and police forces on 30 April 1992, VRS soldiers changed the name of the town to ‘Serbian Prijedor’ and occupied all of the prominent institutions such as the radio station, medical centre, and bank. A Serbian flag was raised over the Municipal Assembly building. Sometime before the attack on Prijedor, the President of the ARK Crisis Staff, Radoslav Brđanin, said on television that ‘non-Serbs would not need wood for the winter’, which among the non-Serb population was understood as a concealed threat and caused fear and panic. The Trial Chamber also finds that by May 1992, many of the inhabitants of Hambarine, a predominantly Bosnian Muslim village in Prijedor Municipality, had already fled to other Muslim or Croat-controlled areas. The Trial Chamber understands therefore that many left before 12 May 1992.

1449. During the SDS takeover of the municipality between May and July 1992, and in particular following the attacks on the predominantly Bosnian-Muslim and Bosnian-Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Bišćani, Čarakovo, Briševo, and Ljubija, many survivors fled the villages, seeking shelter in the surrounding forests. The Trial Chamber recalls its findings in chapter 4.10.3 with respect to the attacks on the villages. After the attacks in Prijedor Municipality, non-Serbs were made to leave the municipality, some with the involvement of the police and local civilian authorities. The Crisis Staff passed a law requiring non-Serbs to sign a declaration giving up their property and stating that they were leaving permanently. With regard to these people leaving the municipality, the Trial Chamber finds that beginning in late May 1992, Bosnian Muslims and Bosnian Croats from Prijedor

⁶¹⁴⁴ P3265 (ECMM report, 3 September 1992), para. 21.

⁶¹⁴⁵ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), pp. 7325-7326.

⁶¹⁴⁶ P3265 (ECMM report, 3 September 1992), paras 1, 4, 6, 9; P3269 (Charles McLeod’s personal notes, 20-31 August 1992), p. 50.

Municipality were gathered in Tukovi and in Trnopolje camp, having been taken there by Bosnian-Serb forces or arriving on their own after fleeing attacks on their villages and fearing for their lives. Until November 1992, Trnopolje camp was used as a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina to Travnik, Turbe, Doboje, Banja Luka, Tuzla, and Gračanica. Some detainees had to sign a document stating that they were leaving Prijedor of their own free will before being released from Trnopolje. People were transferred from Trnopolje using freight trains, trucks, and bus convoys organized and secured by Simo Drljača, the Commander of the SJB, as well as by the Bosnian Serb police and military. In early October 1992, detainees from Trnopolje were transferred to Croatia while others were taken as far as the border, some in Serbian buses by the ICRC, and then told to walk to the Croatian side. On one occasion, passengers of these convoys were ordered to disembark and continue on foot across the border to ABiH-controlled territory, and on at least one occasion were subjected to heavy shelling by Bosnian-Serb forces. From 12 May through August 1992, tens of thousands Bosnian Muslims and Bosnian Croats from Prijedor were either physically removed from the municipality or left their homes due to the unbearable living conditions imposed on them or fearing for their lives.

1450. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7 to 8 of the Indictment in chapter 8 below.

⁶¹⁴⁷ P3258 (Charles McLeod, *Brđanin* transcript, 21-24 June 2002), p. 7331.

4.11 Rogatica Municipality

4.11.1 Murder

Schedule B.14.1

1451. According to the Indictment, the Accused is responsible for the killing of men taken from Veljko Vlahović Secondary School in Rogatica Municipality between June and September 1992.⁶¹⁴⁸ The Defence argued that there is no direct evidence that killings occurred ‘in the school’, and that the Prosecution failed to identify both the men taken from the school and the individuals that allegedly killed them.⁶¹⁴⁹ Based on the evidence received, the Trial Chamber has structured the incident into two smaller incidents: first, the alleged killing of a number of men taken out of the school; and second, the alleged killing of Mujo Bešlija.

1452. On some occasions between June and September 1992, male detainees were taken out of Veljko Vlahović Secondary School in Rogatica town and killed.⁶¹⁵⁰ **Witness RM-081**, a Bosnian Muslim from Rogatica municipality,⁶¹⁵¹ and **Elvir Pašić**, a Bosnian Muslim from Rogatica,⁶¹⁵² were detainees at the school, as discussed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5. Witness RM-081 testified that he did not directly observe any killings there, but on various occasions he saw men taken out to an area behind the school, followed by the sound of shooting, with the men never returning.⁶¹⁵³ While Pašić was detained at the school, one person taken for interrogation was never returned.⁶¹⁵⁴ In this respect, the Trial Chamber has also considered other evidence by Witness RM-081 concerning his detention at the school, including the ethnicity of the detainees, as discussed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5. In addition, the Trial Chamber considered other Adjudicated Facts related to the detention centre in the school, including in relation to the number of detainees, as discussed in chapter 4.11.2 *Schedule C.16.1*.

1453. Based on un rebutted Adjudicated Fact number 1135 and Witness RM-081’s and Elvir Pašić’s evidence, the Trial Chamber finds that between June and September 1992,

⁶¹⁴⁸ Indictment, paras 39, 47, 59, 62, Schedule B.14.1.

⁶¹⁴⁹ Defence Final Brief, para. 1440.

⁶¹⁵⁰ Adjudicated Facts I, no. 1135.

⁶¹⁵¹ P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).

⁶¹⁵² P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

⁶¹⁵³ P309 (Witness RM-081, witness statement, 17 September 2011), para. 87.

at least three men were taken out of Veljko Vlahović School in Rogatica and killed behind it. Neither the evidence nor the Adjudicated Facts refer to any perpetrators in relation to this crime. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. The Trial Chamber finds that members of these groups killed the detainees. The Trial Chamber recalls its finding that the detainees at Veljko Vlahović Secondary School were mostly Bosnian-Muslim and therefore cannot exclude the reasonable possibility that those killed were of another ethnicity. The Trial Chamber will therefore not further consider this incident.

1454. With regard to the second incident, **Witness RM-081** testified that he saw Mujo Bešlija, a Bosnian-Muslim detainee, ordered out of a classroom by a soldier named Radisav 'Pjano' Ljubinac and brought to Dragan a.k.a. Macola, who was waiting in a car.⁶¹⁵⁵ According to the witness, Macola was the commander of the camp and a paramilitary belonging to 'Arkan's men'. Ljubinac told Bešlija not to take any clothes as he would not be needing anything. Bešlija never returned. The witness later learned from Ljubinac that Macola had killed Bešlija.⁶¹⁵⁶ **Elvir Pašić** testified that he last saw Mujo Bešlija on 27 June 1992, when Bešlija and others remained behind at the school while around 280 detainees including Pašić were transferred away.⁶¹⁵⁷ According to Pašić, Bešlija was possibly left behind because he was educated and a dentist.⁶¹⁵⁸ According to a missing person certificate, Mustafa Bešlija disappeared on 2 August 1992.⁶¹⁵⁹

1455. Based on Witness RM-081's evidence, the Trial Chamber finds that between on or around 19 July and the end of October 1992, Mujo Bešlija⁶¹⁶⁰, a Bosnian-Muslim civilian, was taken out of Veljko Vlahović School by Ljubinac and brought to Macola, who was waiting in a car. Based on the foregoing, as well as Witness RM-081's testimony in relation to Ljubinac's remarks, the Trial Chamber finds that Macola killed Bešlija after he was taken out of the school. Consequently, the Trial Chamber rejects the Defence's arguments in relation to the killing of Mujo Bešlija. The Trial Chamber will

⁶¹⁵⁴ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 29.

⁶¹⁵⁵ P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 88.

⁶¹⁵⁶ P309 (Witness RM-081, witness statement, 17 September 2011), para. 88.

⁶¹⁵⁷ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 30; Elvir Pašić, T. 4475.

⁶¹⁵⁸ P436 (List of names and comments by Elvir Pašić), p. 8.

⁶¹⁵⁹ P4835 (Missing person certificate for Mustafa Bešlija).

⁶¹⁶⁰ The Trial Chamber is satisfied that Mujo is short for Mustafa thus referring to the same person.

further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8 below.

Schedule B.14.2

1456. According to the Indictment, the Accused is responsible for the killing of at least 24 men taken from the detention facilities at Rasadnik in Rogatica Municipality on 15 August 1992.⁶¹⁶¹ The Defence argued that Dragoje Paunović, who would have ordered the killings, acted on his own initiative and outside the scope of his duties, thus in contravention of SRK's or the Accused's orders.⁶¹⁶² The Prosecution, however, contends that the Brigade Command took no action against those involved, albeit it learned of the crime immediately.⁶¹⁶³ The Defence further submits that activities of the Rogatica Brigade were subjected to the justice system.⁶¹⁶⁴ The Chamber received evidence from **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;⁶¹⁶⁵ **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;⁶¹⁶⁶ **Alija Isaković**, a Bosnian Muslim from Rogatica;⁶¹⁶⁷ **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp from August 1992 through April 1994;⁶¹⁶⁸ **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;⁶¹⁶⁹ **Witness RM-081**, a Bosnian Muslim from Rogatica Municipality;⁶¹⁷⁰ and **Ewa Tabeau**, a demographer and statistician,⁶¹⁷¹ as well as documentary evidence.

⁶¹⁶¹ Indictment, paras 39(a)ii, 47, 59(a)ii, 62(b), Schedule B.14.2.

⁶¹⁶² Defence Final Brief, paras 1442, 1444-1445.

⁶¹⁶³ Prosecution Final Brief, Annex A, pp 163-164, para. 29.

⁶¹⁶⁴ Defence Final Brief, para. 1446.

⁶¹⁶⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.

⁶¹⁶⁶ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

⁶¹⁶⁷ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.

⁶¹⁶⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.

⁶¹⁶⁹ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

⁶¹⁷⁰ P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).

⁶¹⁷¹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

1457. On 15 August 1992, **Witness RM-037, Armin Baždar**, and 25 other persons detained in the Rasadnik prison were taken to the front-line by Radisav Ljubinac a.k.a. 'Pjano', Nada Rajak, Mile Đerić, and others, on the order of Rajko Kušić.⁶¹⁷² There, Baždar saw about 50 armed 'Chetniks' wearing caps with Serb insignia depicting a two-headed eagle.⁶¹⁷³ Witness RM-037 saw 'Chetniks' wearing yellow shoulder straps.⁶¹⁷⁴ He also saw 10-15 Serb soldiers, and recognized among them Zoran Rajak, Duško Štica, Ratko Nešković, Vojo Nešković, Dragan Bojević, and Uglješa Pečenica.⁶¹⁷⁵ Some soldiers were wearing olive-grey uniforms and others camouflage uniforms.⁶¹⁷⁶ A Serb soldier named Dragoje Paunović, a.k.a. Špiro, ordered other soldiers to tie the hands of the detainees behind their backs.⁶¹⁷⁷ Then, some of the detainees were ordered to walk down an alley two by two in order to be used as human shields.⁶¹⁷⁸ According to Baždar, two of the detainees, Mustafa Tanković and Hamdija Jašarević, were injured as a result.⁶¹⁷⁹ According to Witness RM-037, also a third detainee was injured during this incident.⁶¹⁸⁰ When the detainees who had been taken to the front-line returned, Paunović ordered a Serb soldier to take them in the opposite direction from the front-line and, after approximately 50 metres, the detainees were taken off the road and ordered to stop.⁶¹⁸¹

1458. Paunović and two 'Chetniks' then lined up the detainees and opened fire at them.⁶¹⁸² Witness RM-037 immediately fell to the ground pretending to be dead.⁶¹⁸³ Baždar was shot in the arm.⁶¹⁸⁴ On Paunović's order, the soldiers fired pistols at the

⁶¹⁷² P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 26-27, 30.

⁶¹⁷³ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.

⁶¹⁷⁴ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 28.

⁶¹⁷⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 29.

⁶¹⁷⁶ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 29.

⁶¹⁷⁷ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 30, 37.

⁶¹⁷⁸ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 30-32.

⁶¹⁷⁹ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6.

⁶¹⁸⁰ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 33, 35-36.

⁶¹⁸¹ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 5-6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18388-18389.

⁶¹⁸² P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18388, 18390; P2227 (Witness RM-037, witness statement, 27 November 2012), para. 38.

⁶¹⁸³ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 38.

⁶¹⁸⁴ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18388, 18390.

potential survivors to ensure that they were all dead.⁶¹⁸⁵ Baždar overheard a radio conversation during which Rajko Kušić (who mentioned his own name) was asking who was shooting and Paunović answered that it was him.⁶¹⁸⁶ The soldiers then left the area.⁶¹⁸⁷ Nedžad Kazić survived the shooting and Serb soldiers who arrived shortly afterwards and said ‘look there’s one sitting’, killed him.⁶¹⁸⁸ These soldiers also left and Baždar then noticed that, besides himself, two other detainees, Ago Kapo and Vahudin Čatić, were still alive.⁶¹⁸⁹ Kapo left them, and when another group of ‘Chetniks’ came towards them Baždar also left Čatić, who could not walk.⁶¹⁹⁰ After having been chased by Serb soldiers for a while, Baždar wandered around the forest for 18 hours before reaching the Bosnia-Herzegovina TO.⁶¹⁹¹ Witness RM-037 hid in the forest, where he met Kapo and the next day they reached Brčigovo.⁶¹⁹² Twenty-four Muslim male civilians were executed in the incident, while three survived.⁶¹⁹³ In September 1998, Witness RM-037 went to the area of the killings with the BCMP and identified the area as a field called Vranica, in the village of Duljevac.⁶¹⁹⁴ The bodies of the 24 detainees were exhumed at this location and were identified.⁶¹⁹⁵

1459. The Trial Chamber further received evidence from three other witnesses who were detained in Rogatica at the time. They all corroborated the evidence of Witness RM-037 and Armin Baždar. **Alija Isaković** stated that on 15 August 1992, Radisav Ljubinac a.k.a. ‘Pjano’, took around 25-28 young prisoners, including the witness’s son, from the detention facilities in Rasadnik to be used as human shields in the area of Dubljevac.⁶¹⁹⁶ **Šefik Hurko** testified that Rajko Kušić had ordered that he and his father should not board a bus, as Kušić wanted to question them.⁶¹⁹⁷ Ten minutes after the bus

⁶¹⁸⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 39.

⁶¹⁸⁶ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18383, 18390-18391.

⁶¹⁸⁷ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6.

⁶¹⁸⁸ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6.

⁶¹⁸⁹ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.

⁶¹⁹⁰ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.

⁶¹⁹¹ P2223 (Armin Baždar, witness statement, 23 January 1999), p.7; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18384-18385.

⁶¹⁹² P2227 (Witness RM-037, witness statement, 27 November 2012), paras 40-41.

⁶¹⁹³ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 6; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18384, 18388-18389; P2227 (Witness RM-037, witness statement, 27 November 2012), paras 42-45, 47. In relation to the status of these males, *see also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 99-100.

⁶¹⁹⁴ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 46.

⁶¹⁹⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 46.

⁶¹⁹⁶ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶¹⁹⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15-16.

left the witness heard intense infantry fire in the direction where it had left, and a Serb soldier who was with them instructed them not to look that direction.⁶¹⁹⁸ Afterwards, a person called Krsmanović told the soldier, ‘We killed all the *balijas*.’⁶¹⁹⁹ Later that day another soldier told the witness, ‘I killed 30 *balijas* today; if you don’t obey, you’ll be the next.’⁶²⁰⁰ **Witness RM-081** provided mainly hearsay evidence with regard to the incident.⁶²⁰¹

1460. **Mile Ujić** also provided hearsay evidence with regard to the incident. He heard that in August 1992 Ljubinac brought a group of 25 people detained in Rasadnik to Paunović, who was the Commander of the Kozići unit of the Rogatica Brigade.⁶²⁰² The witness further heard that Paunović had killed them.⁶²⁰³ He overheard Paunović mentioning during a conversation that these people were needed as human shields.⁶²⁰⁴ On 26 May 2006, the Court of Bosnia-Herzegovina convicted Paunović, with regards to the events described in this chapter, of the crime of persecution of Bosniak civilians by murder and other inhuman acts committed between May and September 1992.⁶²⁰⁵

1461. According to **Ewa Tabeau** and forensic documentation, 24 bodies were exhumed from the Duljevac mass grave in Rogatica Municipality on 16 and 17 September 1998 and subsequently identified.⁶²⁰⁶ According to forensic documentation, 20 of the victims died from gunshot wounds.⁶²⁰⁷ Two victims additionally exhibited blunt force trauma to the jaw.⁶²⁰⁸ For the remaining four victims no cause of death could be established as the bones that could be found had no visible signs of injuries.⁶²⁰⁹ For

⁶¹⁹⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 16.

⁶¹⁹⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 17.

⁶²⁰⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 17.

⁶²⁰¹ P309 (Witness RM-081, witness statement, 17 September 2011), para. 86; Witness RM-081, T. 3703-3704.

⁶²⁰² Mile Ujić, T. 26902-26903, 26925, 26946-26947, 26996-27000.

⁶²⁰³ Mile Ujić, T. 26902-26903, 26996-27001.

⁶²⁰⁴ Mile Ujić, T. 26903, 26997-26998.

⁶²⁰⁵ P6832 (Verdict of Dragoje Paunović, 26 May 2006), pp. 1-4, 14, 26-27.

⁶²⁰⁶ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 28; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 585-593; P4837 (Record of exhumation pertaining to the Duljevac mass grave); P4838 (Identification report pertaining to the Duljevac mass grave); P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13. The following persons were identified: Edis Čatić (1971), Mevludin Čatić (1976), Midhat Čatić (1974), Vahudin Čatić (1977), Mehmed Delija (1953), Halil Halilović (1944), Eldin Hodžić (1975), Faruk Isaković (1972), Hamdija Jašarević (1936), Husein Jašarević (1939), Sulejman Jašarević (1954), Asim Kapo (1967), Fuad Kažić (1936), Nedžad Kazić (1936), Sulejman Kazić (1930), Besim Kurcehajić (1935), Šukrija Omeragić (1957), Derviš Pašić (1930), Mesud Pašić (1974), Mujo Pašić (1953), Zajko Salihović (1938), Fuad Šetić (1932), Osman Solak (1932), and Mustafa Tanković (1931).

⁶²⁰⁷ P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13.

⁶²⁰⁸ P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 4, 10.

⁶²⁰⁹ P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 5, 8-9.

20 of the victims no or only little clothing was found.⁶²¹⁰ Two of the victims were found in civilian clothing.⁶²¹¹ The remaining two victims were found in clothing resembling civilian clothing.⁶²¹² Four of the victims were under the age of 18 and five were 60 or older.⁶²¹³

1462. Based on the foregoing, the Trial Chamber finds that on 15 August 1992, Radisav Ljubinac took a number of detainees from the detention facilities in Rasadnik, and brought them to Duljevac in a bus, where several uniformed Serb soldiers, wearing caps with Serb insignia depicting a two-headed eagle, were present. There, some of the detainees were used as human shields, which incident has been dealt with in chapter 4.11.5. The Trial Chamber recalls its findings concerning this incident. Following this, they were lined up and Dragoje Paunović and two soldiers opened fire at them. Twenty-four Muslim males were killed; 22 of them instantly whereas two were killed later by soldiers who returned to kill any survivors. Four of the victims were under the age of 18. After the killings a soldier said to a detainee that he killed *balijas*. Based on the evidence reviewed above and elsewhere in chapter 4.11, the Trial Chamber finds that Paunović was the Commander of the Kozići unit of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2). The Trial Chamber will address the merits of both Defence's and Prosecution's arguments on whether the killings occurred outside the scope of the Accused's effective control in chapter 9.3. The Trial Chamber will further consider this incident in relation to Counts 3-6 of the Indictment in chapter 8 below.

Schedule C and unscheduled murder incidents

1463. In addition to Scheduled Incidents B.14.1 and B.14.2, discussed above, the Indictment further alleges that the Accused is responsible for the killing of other Bosnian Muslims and Bosnian Croats in Rogatica Municipality between 12 May 1992 and 30 November 1995.⁶²¹⁴

⁶²¹⁰ P4838 (Identification report pertaining to the Duljevac mass grave), pp. 3-10, 13-34, 39-46, 49-50.

⁶²¹¹ P4838 (Identification report pertaining to the Duljevac mass grave), pp. 37-38, 47-48.

⁶²¹² P4838 (Identification report pertaining to the Duljevac mass grave), pp. 11-12, 35-36.

⁶²¹³ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 585-593; P4837 (Record of exhumation pertaining to the Duljevac mass grave), pp. 3-8; P4838 (Identification report pertaining to the Duljevac mass grave), pp. 3-50; P4839 (Autopsy report pertaining to the Duljevac mass grave), pp. 3-5, 8-10, 13.

⁶²¹⁴ Indictment, paras 39(a), 47, 53, 59(a), (g).

Rasadnik camp (Schedule C.16.3)

1464. With regard to alleged murders committed in Rasadnik camp, the Trial Chamber received evidence from **Šefik Hurko** and **Alija Isaković**, Bosnian Muslims from Rogatica who were detained in Rasadnik camp from August 1992 through April 1994 and from 5 August 1992 to 16 March 1993, respectively.⁶²¹⁵

1465. **Alija Isaković** testified that one evening, between 5 August 1992 and 1 November 1992, he heard noise and screams coming from the room next to the room where he was detained.⁶²¹⁶ The screams continued almost all night.⁶²¹⁷ The next morning, a member of the Serb police, Radisav Ljubinac, a.k.a. 'Pjano', ordered the witness and another detainee, Enes Vatreš, to dig a grave.⁶²¹⁸ Mišo Vojinović, a guard in the camp, then told them to take a corpse from the room where they beat prisoners, and bury it in the grave.⁶²¹⁹ When the witness entered the room, he saw two detainees who had been beaten to the point of being unrecognizable.⁶²²⁰ One, who was wearing trousers worn by the reserve police, was already dead, and the other died from the beating the next day.⁶²²¹ After 1 December 1992, Bojić beat a detainee called Himzo Branković so severely and mercilessly every day that Branković died after some 20 days.⁶²²² Bojić had been told that Branković's son was a member of the ABiH.⁶²²³

1466. **Šefik Hurko** testified that on 21 March 1993, Edina Mušović, a detainee who distributed food to the detainees at the camp, told him that a detainee named Bećir Čutahija had been taken to the office of the warden of the camp, Vinko Bojić.⁶²²⁴ The witness could hear the sounds of beatings through the walls of the office for a long time, and, that night, Čutahija was not brought back to the room where the detainees were kept.⁶²²⁵ In the morning, Bojić summoned a detainee, Suljo Kustura.⁶²²⁶ Kustura later

⁶²¹⁵ **Šefik Hurko**: P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220. **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 1, 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 1, 4.

⁶²¹⁶ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶²¹⁷ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4, 8.

⁶²¹⁸ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶²¹⁹ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶²²⁰ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-5.

⁶²²¹ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-5.

⁶²²² P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 5-6.

⁶²²³ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 6.

⁶²²⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 34, 38; Šefik Hurko, T. 2226.

⁶²²⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.

⁶²²⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.

told the witness that he buried Ćutahija's body, which had been cut to pieces.⁶²²⁷ One evening, another detainee, Ibro Karaman, who suffered from asthma, was taken out.⁶²²⁸ The same night, he was brought back severely beaten, and the witness and other detainees found him dead the next morning.⁶²²⁹ On 29 March 1993, a detainee, Adil Mušović, was taken to Bojić.⁶²³⁰ The witness could hear the sounds of beating followed by a gunshot, and Adil Mušović never returned to his room.⁶²³¹ Another detainee, Nail Mušović, was called out on 1 April 1993.⁶²³² The witness could hear the sounds of beating followed by a shot, and the witness did not see Nail Mušović again.⁶²³³

1467. On 9 July 1993, Bojić took twelve detainees, including Šefik Hurko and Mirsad Omanović, a captured member of the ABiH, to the village of Starčići, where they were ordered to recover the bodies of 17 Serb soldiers in a mined area.⁶²³⁴ Mirsad Omanović was ordered to lead the group, as he was supposed to know where the mines were located.⁶²³⁵ In the process of recovering the bodies, a young man who was supervising the detainees hit a land mine, which blew off his leg.⁶²³⁶ In retaliation, Bojić stabbed Omanović in the side and threatened the other detainees with a rifle, cursing their '*Balija*' mothers.⁶²³⁷ The witness heard seven to ten gunshots and then saw Omanović lying in blood with his neck cut and his chest riddled with bullets.⁶²³⁸ Bojić ordered the witness and another man to bury Omanović in a 50 to 60 centimetre-deep grave.⁶²³⁹ The witness and the remaining ten detainees spent three days searching for the bodies of the fallen Serb soldiers.⁶²⁴⁰

1468. On 18 December 1993, Sejfo Mirvić, a detainee from the solitary cell, was killed.⁶²⁴¹ According to Šefik Hurko, his death was confirmed by a doctor and Bojić told the detainees that Mirvić had been killed while trying to escape.⁶²⁴² On 27 April 1994, Bojić killed a man called Alija, a captured member of the ABiH, in the presence of

⁶²²⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.

⁶²²⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.

⁶²²⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.

⁶²³⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 39.

⁶²³¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 39.

⁶²³² P164 (Šefik Hurko, witness statement, 1 September 2011), para. 40.

⁶²³³ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 40.

⁶²³⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 41-42; Šefik Hurko, T. 2213-2214.

⁶²³⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 42.

⁶²³⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶²³⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶²³⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶²³⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶²⁴⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶²⁴¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 47.

Edina Mušović.⁶²⁴³ Alija's body was thrown in a manhole, which was then filled by Hurko's father and other men.⁶²⁴⁴ The witness further testified that during the beatings or killing incidents he witnessed, the perpetrators were cursing 'Balija mothers', 'Balijas', 'Ustašas', and saying 'where is Alija for you' and 'who did you vote for'.⁶²⁴⁵

1469. Alija Isaković and Šefik Hurko, who were both detainees in Rasadnik camp, provided a detailed account of several killing incidents, which took place in and around Rasadnik camp, and in particular with regard to the above-mentioned incidents.⁶²⁴⁶ In particular, Hurko saw detainees being taken away, some to Vinko Bojić's office, and heard detainees being severely beaten; he found detainees dead, in the room in which he was detained, following beatings; and he saw Bojić kill a detainee.⁶²⁴⁷ Isaković provided a reliable account of the killing of three other detainees in the camp. With regard to these incidents, the Trial Chamber has not identified any inconsistencies in their respective evidence and finds their evidence to be reliable.

1470. Based on the foregoing, the Trial Chamber finds that on one occasion between 5 August and 1 November 1992, camp guards beat to death two detainees, one of whom was wearing trousers of the reserve police, in Rasadnik camp. The Trial Chamber recalls its findings in chapter 4.11.2 *Schedule C.16.3* that between June and October 1992, members of the SJB and the VRS acted as camp guards. Radisav Ljubinac, also called 'Pjano', a member of the Serb police, and Mišo Vojinović, a guard, were involved in the burial of the bodies. Considering that all those detained at Rasadnik camp were Bosnian Muslims, other than Serb soldiers who were kept separately, the Trial Chamber finds that those killed were Bosnian Muslims. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment.

1471. Furthermore, between December 1992 and April 1994, Vinko Bojić killed several detainees in and around Rasadnik camp: he beat to death Himzo Branković after being informed his son was a member of the ABiH; and killed Alija and Mirsad Omanović, two captured members of the ABiH detained at the camp. In particular, Bojić stabbed and shot Omanović numerous times, killing him in retaliation for the

⁶²⁴² P164 (Šefik Hurko, witness statement, 1 September 2011), para. 47.

⁶²⁴³ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48.

⁶²⁴⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48.

⁶²⁴⁵ Šefik Hurko, T. 2226-2227.

⁶²⁴⁶ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 4-6, 8.

⁶²⁴⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para.34, 36, 38-40, 43, 47; Šefik Hurko, T. 2226.

injury incurred by a young man supervising a group of detainees. Considering that all those detained at Rasadnik camp were Bosnian Muslims, other than Serb soldiers who were kept separately, the Trial Chamber finds that those killed were Bosnian Muslims. Based on the evidence reviewed above and elsewhere in chapter 4.11, the Trial Chamber finds that Bojić was the warden of Rasadnik camp and a member of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2). The Trial Chamber further finds that on 18 December 1993 and around March and April 1993, guards killed five Bosnian-Muslim detainees. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.3* that after October 1992, members of the VRS acted as guards at Rasadnik detention facility. During the killings of Omanović, Alija, and others, the detainees were called ‘*Balijas*’, ‘*Ustašas*’, and were otherwise cursed at. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment in chapter 8 below.

Rogatica town and surrounding area

1472. With regard to alleged murders committed in Rogatica Town, the Trial Chamber received evidence from **Witness RM-081**, and **Elvir Pašić**, Bosnian Muslims from Rogatica Municipality and Rogatica, respectively.⁶²⁴⁸

1473. **Elvir Pašić** testified that he was arrested on 7 June 1992 in the apartment building where he lived in Rogatica by around 30 uniformed and masked personnel, who were wearing olive green-grey camouflage JNA uniforms or grey-blue uniforms.⁶²⁴⁹ At the time of the arrest, there were already two groups of people from the same apartment building who had been arrested.⁶²⁵⁰ Approximately 25 men were separated from the same number of women.⁶²⁵¹ The witness and the other men were beaten, kicked, and cursed at.⁶²⁵² Slaviša Vukojčić threatened to cut the witness’s throat.⁶²⁵³ Then Vlado Marković, a former regular policeman, reminded Vukojčić that he was in charge.⁶²⁵⁴ The witness last saw the following men alive lying outside his

⁶²⁴⁸ P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

⁶²⁴⁹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; Elvir Pašić, T. 4472.

⁶²⁵⁰ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.

⁶²⁵¹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.

⁶²⁵² P434 (Elvir Pašić, witness statement, 21 October 1994), para. 23.

⁶²⁵³ P434 (Elvir Pašić, witness statement, 21 October 1994), paras 23-24.

⁶²⁵⁴ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 24; Elvir Pašić, T. 4491.

apartment building with their hands tied with wire: Ferid Nuredini, Fehim Gušić, Jasmin Pezo, Sulejman Džaferović, Teufik Behlulović, Adonis Mladenović, Suad Đezo, Nihad Čengić, Galib Hasečić, Salko Kukavica, and the witness's uncle Abdulah Krajina who was subsequently found in a mass grave in Paklenik.⁶²⁵⁵ To the witness's knowledge, none of these individuals were involved in any military activity in Rogatica.⁶²⁵⁶ The remains of four of these individuals were also identified in a mass grave in Paklenik.⁶²⁵⁷ One of them, Asim Neuredini, whom the witness knew as the brother of Ferid Nuredini went to hide with his wife and child in the witness's apartment building in Rogatica.⁶²⁵⁸ A few days before Pašić's arrest, Asim left the apartment building to bring milk to his child.⁶²⁵⁹ He was shot dead on the way.⁶²⁶⁰ His body was found by one of the neighbours who went out to look for him.⁶²⁶¹ Asim was buried in his garden.⁶²⁶²

1474. **Witness RM-081** testified that around the end of August 1992, he walked through a part of Rogatica called Krušućica where there were numerous decomposed bodies, some of which the witness recognised to be of Muslim civilians.⁶²⁶³ The witness also testified that during his detention at the Veljko Vlahović secondary school, the detainees could peer through a row of windows looking out onto the street and the hills where the artillery positions were located, including Ptičjak hill from which a cannon fired at Goražde. One day, the detainees saw a fire emitting yellow-golden smoke, and this flame continued burning for around a month. The witness later learned from a drunk guard named Cerović that the fire was the result of bodies being burned after a mass grave in Donje Polje was no longer used.⁶²⁶⁴ This guard also told the witness that the bodies were the remains of a large group of Muslim men, including Sakib Čolić,

⁶²⁵⁵ Elvir Pašić, T. 4472-4475; P436 (List of names and comments by Elvir Pašić), pp. 1-8.

⁶²⁵⁶ Elvir Pašić, T. 4474.

⁶²⁵⁷ P315 (Court Record of Exhumation, Jama Paklenik), pp. 11, 23, 36, 41-42.

⁶²⁵⁸ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; P436 (List of names and comments by Elvir Pašić), p. 7.

⁶²⁵⁹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 22; P436 (List of names and comments by Elvir Pašić), p. 7.

⁶²⁶⁰ P436 (List of names and comments by Elvir Pašić), p. 7.

⁶²⁶¹ P436 (List of names and comments by Elvir Pašić), p. 7.

⁶²⁶² P436 (List of names and comments by Elvir Pašić), p. 7.

⁶²⁶³ P309 (Witness RM-081, witness statement, 17 September 2011), para. 80.

⁶²⁶⁴ P309 (Witness RM-081, witness statement, 17 September 2011), para. 81.

who were killed in Ptičjak.⁶²⁶⁵ According to a missing person certificate, Sakib Čolić disappeared on 19 June 1992 in Rogatica.⁶²⁶⁶

1475. Based on the above, the Trial Chamber finds that around 7 June 1992, a man was shot and killed on the street in Rogatica Town. However, the Trial Chamber has received no evidence regarding the ethnicity of the man or the alleged perpetrator(s) of the killing. Similarly, the Trial Chamber has received no evidence on the alleged perpetrator(s) of the killing of the eleven men Pašić saw in Rogatica. Therefore, the Trial Chamber will not further consider this incident in relation to any Counts of the Indictment.

1476. Concerning Witness RM-081's evidence on the presence of decomposed bodies, including the bodies of some Muslim civilians, in the Krušućica area of Rogatica and on the killing of Muslim men in Ptičjak around 1992, the Trial Chamber has received no evidence regarding the circumstances of the killings or the alleged perpetrators and will not further consider these incidents in relation to any counts of the Indictment.

4.11.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.16.1

1477. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Veljko Vlahović Secondary School, Rogatica Municipality during a period which included 12 May to 31 August 1992.⁶²⁶⁷ The Defence argued that people went to the Veljko Vlahović Secondary School voluntarily and were free to leave whenever they wished.⁶²⁶⁸ The Defence further argued that there is no evidence that people housed in the Secondary School were maltreated, physically abused, raped or sexually assaulted.⁶²⁶⁹ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-081, Alija Isaković, Armin**

⁶²⁶⁵ P309 (Witness RM-081, witness statement, 17 September 2011), para. 81.

⁶²⁶⁶ P4835 (Missing person certificate for Mustafa Bešlija); P4836 (Missing person certificate for Sakib Čolić).

⁶²⁶⁷ Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), 59(g), Schedule C.16.1.

⁶²⁶⁸ Defence Final Brief, paras 1449-1450.

⁶²⁶⁹ Defence Final Brief, paras 1451-1453.

Baždar, Elvir Pašić, all Bosnian Muslims from Rogatica;⁶²⁷⁰ and finds that this evidence is consistent with the Adjudicated Facts.⁶²⁷¹ The Trial Chamber also received evidence from **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica Brigade until 1 June 1994;⁶²⁷² **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;⁶²⁷³ **Novica Andrić**, a Serb member of the Serb TO of Rogatica as of 20 April 1992;⁶²⁷⁴ **Mile Ujić**, the President of the Executive Committee of Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;⁶²⁷⁵ **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993;⁶²⁷⁶ and **Sveto Veselinović**, member of the SDS and of the Rogatica Crisis Staff.⁶²⁷⁷ The evidence of Milenko Rajak has also been reviewed in chapter 3.1.2.

1478. From June to August 1992, up to 1,100 mostly Muslim civilians were detained at the secondary school in Rogatica town.⁶²⁷⁸ Guards and machine-gun nests were posted around the school and the detainees were informed that the surrounding area had been

⁶²⁷⁰ **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Armin Baždar**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

⁶²⁷¹ **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 40, 42-43, 45-46, 56, 59, 62-63, 65, 67-68, 75-76, 99; P313 (Rogatica police station, May 1992 payment list). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 1, 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 1-4. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 23, 25-27, 29; Elvir Pašić, T. 4472.

⁶²⁷² D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8; Milenko Rajak, T. 27348.

⁶²⁷³ D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

⁶²⁷⁴ D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2; Novica Andrić, T. 26403; P6803 (Combat report from Rogatica Brigade to SRK, 15 June 1992).

⁶²⁷⁵ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

⁶²⁷⁶ D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.

⁶²⁷⁷ D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

⁶²⁷⁸ Adjudicated Facts I, nos 1130, 1134.

set with landmines.⁶²⁷⁹ **Elvir Pašić** testified that when he was detained at the school for 20 days in June 1992, there were approximately 300 elderly men, women, and children there.⁶²⁸⁰ **Witness RM-081** testified that he and his family surrendered at the school sometime after 19 July 1992 and that all the detainees were Muslim, except for a Serb family with three sons who did not want to fight in the army, and two Serb women married to Muslims.⁶²⁸¹ For the first month of the witness's detention the school held about 400 people, mostly women and children, with only 70-90 men, but the population eventually grew to 1,100 people.⁶²⁸² **Armin Baždar** stated that when he was held at the school on 4 and 5 August 1992, he saw about 90 people, mostly women and children, detained there.⁶²⁸³ **Šefik Hurko** testified that on 14 August 1992, Rajko Kušić took him and his parents to the school.⁶²⁸⁴ On arrival, the witness saw between 35-40 Muslim men, women, and children there.⁶²⁸⁵

1479. A number of witnesses provided further evidence about whether the people at the school were brought and kept there against their will. **Sveto Veselinović** testified that he heard that civilians were asked to come to the school to be shielded from war operations.⁶²⁸⁶ One of the people who called them to the school was Rajko Kušić.⁶²⁸⁷ According to the witness, some 'loyal' Muslims handed over their weapons and moved into the secondary school together with some Serbian families, from where they were sent to their desired destinations.⁶²⁸⁸ The witness testified that he never went to the Veljko Vlahović School in 1991 and 1992, while Muslims were there.⁶²⁸⁹ **Novica Andrić** testified that he heard about a collection centre for civilians and families of all ethnicities at the Veljko Vlahović Secondary School, which was held by armed

⁶²⁷⁹ Adjudicated Facts I, no. 1131.

⁶²⁸⁰ P434 (Elvir Pašić, witness statement, 21 October 1994), paras 22, 25, 27, 29-30; Elvir Pašić, T. 4471, 4490-4492, 4494.

⁶²⁸¹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 58.

⁶²⁸² P309 (Witness RM-081, witness statement, 17 September 2011), para. 65.

⁶²⁸³ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4.

⁶²⁸⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 13-14.

⁶²⁸⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 14.

⁶²⁸⁶ Sveto Veselinović, T. 28273.

⁶²⁸⁷ Sveto Veselinović, T. 28273.

⁶²⁸⁸ D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18.

⁶²⁸⁹ D771 (Sveto Veselinović, supplemental statement, 17 November 2013), paras 3, 4; Sveto Veselinović, T. 28238.

Muslims.⁶²⁹⁰ The witness never entered the school; he passed by the school once in late May 1992 and saw people playing football in the school's courtyard.⁶²⁹¹

1480. **Milenko Janković** testified that he was told by those securing the school that people of all ethnicities were accommodated there to be protected from the combat in Rogatica.⁶²⁹² According to the witness, the purpose of securing the facility was solely to prevent anyone coming in, but everyone was free to leave the facility at any time.⁶²⁹³ However, the witness never visited the school himself.⁶²⁹⁴ According to **Milorad Sokolović**, the Veljko Vlahović Secondary School was a place where Serbs, Muslims, and Croats could find shelter.⁶²⁹⁵ The witness never went to the school himself.⁶²⁹⁶ **Mile Ujić** testified that Serbian and Croatian families as well as unarmed Muslims and their families, and others who were unarmed and afraid of the war, took shelter in the school following an ultimatum from the Rogatica Serb TO demanding that Muslims surrender their weapons and threats that the municipality would be attacked in case of non-compliance.⁶²⁹⁷ Rajko Kušić invited unarmed people to go to the school due to an impending war operation in Rogatica.⁶²⁹⁸ Around 15 people were escorted to the school by armed soldiers through Gracanica, a part of the town still under Muslim control.⁶²⁹⁹ According to the witness, at first the school was a safe house offering shelter to Muslims, Serbs, and Croats, including women and children, to protect them from war operations and separate unarmed from armed individuals.⁶³⁰⁰

1481. With regard to the conditions of detention at the school, **Witness RM-081** testified that when he and his family arrived at the school, sometime after 19 July 1992, they had to sign papers stating that they had voluntarily converted to the Serbian Orthodox religion.⁶³⁰¹ On this occasion, Radisav 'Pjano' Ljubinac and a man called

⁶²⁹⁰ D665 (Novica Andrić, witness statement, 23 February 2013), para. 16; D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26383, 26385.

⁶²⁹¹ D665 (Novica Andrić, witness statement, 23 February 2013), para. 16; D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26385-26386.

⁶²⁹² Milenko Janković, T. 26641-26642.

⁶²⁹³ Milenko Janković, T. 26642-26643.

⁶²⁹⁴ D683 (Milenko Janković, witness statement, 2 August 2014), para. 12; Milenko Janković, T. 26642.

⁶²⁹⁵ Milorad Sokolović, T. 26050-26052.

⁶²⁹⁶ Milorad Sokolović, T. 26052.

⁶²⁹⁷ D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26932-26933.

⁶²⁹⁸ Mile Ujić, T. 26900-26902.

⁶²⁹⁹ Mile Ujić, T. 26988.

⁶³⁰⁰ D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26891-26893, 26989-26990; P6824 (Police interview of Mile Ujić of 6 June 2004), p. 5.

⁶³⁰¹ P309 (Witness RM-081, witness statement, 17 September 2011), para. 57.

'Macola' stole their jewellery.⁶³⁰² Food and washing facilities at the school were inadequate, and there were no sleeping quarters. Forty-seven detainees, including the witness, women, and children, slept in the same room. For days the detainees had nothing to eat, and then on other days the Serb army would deliver some food, for example five or six sacks of potatoes, cooking oil, and pasta. On one of these occasions, the witness's family received three potatoes and three or four thin pieces of pasta for a period approximately 21 days.⁶³⁰³ There was also very limited water; the witness was only able to partially wash himself once during the three and a half months he and his family were detained in the school.⁶³⁰⁴ The Serb detainees were treated in the same way as the Muslim detainees.⁶³⁰⁵ **Pašić** testified that the detainees were held in classrooms, where they slept on the floor.⁶³⁰⁶ There were 17 detainees in the classroom in which the witness was detained, and for the first few days, they each received a can of fish.⁶³⁰⁷ The detainees were then permitted to obtain three stoves from neighbouring houses, but they only found one which then had to be used to prepare food for the 300 detainees at the school.⁶³⁰⁸ Each family cooked for itself, with female detainees being permitted to leave the school for a certain period of time to search neighbouring houses for food.⁶³⁰⁹ Drinking water was available.⁶³¹⁰

1482. **Ujić** testified that the detainees were treated equally and, like in Rasadnik, were given the same food as the soldiers.⁶³¹¹ During a visit to the school in late July 1992 or early August 1992, the witness heard no complaints about the clothing, food, and the conduct of the police guarding the facility.⁶³¹² **Janković** testified that the people at the school received the same food as the members of the Rogatica TO and there was a water supply to the school throughout the whole period.⁶³¹³ There were sanitation and other equipment in the school.⁶³¹⁴

⁶³⁰² P309 (Witness RM-081, witness statement, 17 September 2011), para. 57.

⁶³⁰³ P309 (Witness RM-081, witness statement, 17 September 2011), para. 59.

⁶³⁰⁴ P309 (Witness RM-081, witness statement, 17 September 2011), paras 59, 99.

⁶³⁰⁵ P309 (Witness RM-081, witness statement, 17 September 2011), para. 58.

⁶³⁰⁶ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.

⁶³⁰⁷ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.

⁶³⁰⁸ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4492-4493.

⁶³⁰⁹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4492-4493.

⁶³¹⁰ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27.

⁶³¹¹ D691 (Mile Ujić, witness statement, 2 August 2014), para. 28; Mile Ujić, T. 26894.

⁶³¹² D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26906, 26991-26992.

⁶³¹³ Milenko Janković, T. 26643-26644, 26668.

⁶³¹⁴ Milenko Janković, T. 26644.

1483. With regard to who was guarding the school, the Trial Chamber took judicial notice of two Adjudicated Facts and received evidence from numerous witnesses. According to Adjudicated Fact number 1134, Serb forces detained the people at the school.⁶³¹⁵ Adjudicated Fact number 1130 provides that these forces included local Serbs under the authority of Rajko Kušić.⁶³¹⁶ **Witness RM-081** testified that a Serb soldier named Macola told the witness that he had replaced Kušić as camp commander, although the witness got the impression that Kušić remained the chief commander, and Macola was subordinated to him.⁶³¹⁷ The witness saw Kušić at the school a total of 10-15 times.⁶³¹⁸

1484. The evidence of numerous witnesses indicates that different groups were involved in guarding the school. **Pašić** testified that the Serb guards were members of the Bosnian-Serb police.⁶³¹⁹ **Milenko Rajak** testified that the school was under the control of the civilian authorities, *i.e.* the police.⁶³²⁰ The witness was never present himself and learned this after 1993.⁶³²¹ **Hurko** testified that on 16 August 1992 a person named Kojić from the Bosnian-Serb MUP ordered that all 'loyal' Muslims be released, and everyone else taken to the Rasadnik camp.⁶³²² **Ujić** testified that civilian police and later 'the army' guarded the school.⁶³²³ **Witness RM-081** testified that the school was guarded by Serb police and soldiers, along with paramilitary unit members.⁶³²⁴ One of Arkan's soldiers in the school was nicknamed 'Noka' and was from Pančevo.⁶³²⁵ He was not the only paramilitary at the camp, there were many others who came to the camp, and one knew who they were by sight; they were under Kušić's control.⁶³²⁶ **Janković** testified that Serb TO soldiers were securing the school.⁶³²⁷

1485. With regard to the treatment of the detainees, the Trial Chamber took judicial notice of Adjudicated Facts setting out that the guards mistreated, beat, raped, and

⁶³¹⁵ Adjudicated Facts I, no. 1134.

⁶³¹⁶ Adjudicated Facts I, no. 1130.

⁶³¹⁷ P309 (Witness RM-081, witness statement, 17 September 2011), para. 68.

⁶³¹⁸ P309 (Witness RM-081, witness statement, 17 September 2011), para. 89.

⁶³¹⁹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 27; Elvir Pašić, T. 4491-4492.

⁶³²⁰ D708 (Milenko Rajak, witness statement, 6 June 2014), para. 10; Milenko Rajak, T. 27286, 27350.

⁶³²¹ Milenko Rajak, T. 27345-27346, 27351.

⁶³²² P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15, 21.

⁶³²³ D691 (Mile Ujić, witness statement, 2 August 2014), para. 28.

⁶³²⁴ P309 (Witness RM-081, witness statement, 17 September 2011), paras 54, 56.

⁶³²⁵ P309 (Witness RM-081, witness statement, 17 September 2011), para. 56.

⁶³²⁶ P309 (Witness RM-081, witness statement, 17 September 2011), para. 56.

⁶³²⁷ Milenko Janković, T. 26641-26642.

tortured the Muslim detainees.⁶³²⁸ **Witness RM-081** specified that he was beaten, raped, and verbally abused as a Muslim by, among others, ‘Noka’ from Pančevo; Mandžo; Mirko Planojević; Mišo Planojević, a.k.a. Mekenzi; Danko Nerić, Ozren Planojević, and Feđa Planinčić.⁶³²⁹ The witness suffered from post-traumatic stress disorder from the violence and suffering he and his family underwent and witnessed throughout their ordeal.⁶³³⁰ Women and girls as young as 13 were taken out randomly on an almost nightly basis and brought to apartments to be raped.⁶³³¹ The people removing them were all soldiers or policemen, including Mladen Kojić; Zlatko Nešković; Vlado Marković; Dragomir Cerović; Ljuban Kojić; Danko Nerić; Feđa Planinčić; Zoran Perović; Milenko ‘Miko’ Ikonić; Radisav ‘Pjano’ Ljubinac; a man called Dragan or ‘Macola’; and Nebojša Motka.⁶³³² The soldiers competed with one another in relation to the number of rapes they could commit, referring to all Muslim girls and women as ‘Bula’, a religious Muslim woman who prays for, and washes, a dead body to prepare it for burial.⁶³³³ **Ujić** testified that a woman told him that the police had raped several Muslim and Serbian women.⁶³³⁴ Following his demand to punish the perpetrators, the witness received death threats from Mladen Kojić and Mladen Vasiljević, the police station commander, and was transferred to another position.⁶³³⁵ He was told that human lives meant nothing and that he should not get involved.⁶³³⁶

1486. The Trial Chamber received evidence from Milenko Janković, Sveto Veselinović, and Milorad Sokolović disputing that the people at the secondary school were detained against their will. For example, according to Janković, people of all ethnicities sheltered there from the war and were given the same food as the Rogatica TO and the water was provided throughout the whole period. The Trial Chamber notes that the evidence of the three witnesses is, in this respect, in stark contrast to the Adjudicated Facts. However, considering that they never visited the school and provided no basis for their knowledge, the Trial Chamber finds that their evidence is not sufficiently reliable to rebut the Adjudicated Facts.

⁶³²⁸ Adjudicated Facts I, nos 1133-1134.

⁶³²⁹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 75-76.

⁶³³⁰ P309 (Witness RM-081, witness statement, 17 September 2011), paras 103-105.

⁶³³¹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 69-70, 77.

⁶³³² P309 (Witness RM-081, witness statement, 17 September 2011), paras 51, 70-72; Witness RM-081, T. 3696-3697; P313 (Rogatica police station, May 1992 payment list).

⁶³³³ P309 (Witness RM-081, witness statement, 17 September 2011), para. 72.

⁶³³⁴ D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26991.

⁶³³⁵ D691 (Mile Ujić, witness statement, 2 August 2014), para. 29; Mile Ujić, T. 26991-26992.

⁶³³⁶ Mile Ujić, T. 26906, 26991-26992.

1487. Novica Andrić's evidence also challenged the fact that the detainees were detained against their will, in that he conveyed that the secondary school was a collection centre for civilians and families, held by armed Muslims. The witness did not clarify which time period he was referring to. Even if his evidence in this regard relates to the time period for this scheduled incident, the Trial Chamber notes that it is based on unsourced hearsay, and therefore finds that the evidence, in this respect, is not sufficiently reliable to rebut the Adjudicated Facts.

1488. The Trial Chamber received evidence from Mile Ujić that the Veljko Vlahović Secondary School was a safe-house for Muslims, Serbs, and Croats where they were treated equally with the soldiers, and were provided with the same food. The Trial Chamber notes that this evidence is in stark contrast to the Adjudicated Facts as to whether people were detained at the school against their will, and as to the conditions at the school. However, Ujić was only sporadically present at the school and his evidence that he heard no complaints about the conditions is internally inconsistent with his evidence that he received a complaint regarding rapes at the school. Under these circumstances, the Trial Chamber finds that Ujić's evidence, in this respect, is not sufficiently reliable to rebut the Adjudicated Facts.

1489. Based on the foregoing, the Trial Chamber finds that in the period of at least June to August 1992, several hundred civilians, including elderly men, women, and children, all Bosnian Muslims, with the exception of a Serb family and two Serb women married to Bosnian-Muslim men, were detained at Veljko Vlahović Secondary School. They were kept in unhygienic, cramped conditions, with very little food or water. There were no sleeping quarters and the detainees slept on the floor; in one instance 47 detainees slept in one room. Rajko Kušić was camp commander, and the camp was guarded by local Serbs under his authority, civilian police, Serb TO, and paramilitary unit members. Guards and machine-gun nests were posted around the school and the detainees were informed that the surrounding area had been set with landmines. Bosnian-Muslim detainees, including Witness RM-081, were beaten, tortured, raped, and verbally abused during June, July, and August 1992 by the guards. Guards raped women at the Secondary School and women and girls as young as 13, were taken from the school by soldiers or policemen and raped elsewhere. These women and girls were referred to by derogatory names such as 'Bula', meaning a religious Muslim woman

who prays for, and washes, a dead body to prepare it for burial. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Schedule C.16.3

1490. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in the Rasadnik detention facility, Rogatica Municipality at least between August 1992 and October 1994.⁶³³⁷ The Defence argued that Rasadnik was both (i) a prison in which Serb and Muslim soldiers were detained for reasons such as failing to respond to mobilization and; (ii) a reception center for civilians who were only designated as POWs on exchange lists in order to assist their departure from the center.⁶³³⁸ It submitted that detainees were not separated on ethnic grounds.⁶³³⁹ It further argued that although the commander of the center was from the Rogatica Brigade, various parts of the centre were under the authority of different organs.⁶³⁴⁰ The Trial Chamber received evidence from four witnesses who were detained at Rasadnik: **Šefik Hurko**, a Bosnian Muslim who was detained in the camp from August 1992 through April 1994,⁶³⁴¹ as well as **Alija Isaković**, **Witness RM-037**, and **Armin Baždar**, all Bosnian Muslims from Rogatica.⁶³⁴² Further, the Trial Chamber received evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;⁶³⁴³ **Novica Andrić**, a Serb member of the Serbian TO of Rogatica as of 20 April 1992;⁶³⁴⁴ **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica

⁶³³⁷ Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g), Schedule C.16.3.

⁶³³⁸ Defence Final Brief paras 1441, 1456, 1462.

⁶³³⁹ Defence Final Brief para. 1441.

⁶³⁴⁰ Defence Final Brief para. 1456.

⁶³⁴¹ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.

⁶³⁴² **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 1. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

⁶³⁴³ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

⁶³⁴⁴ D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2.

Brigade until 1 June 1994;⁶³⁴⁵ **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;⁶³⁴⁶ **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;⁶³⁴⁷ and **Sveto Veselinović**, member of the SDS and of the Crisis Staff of Rogatica Municipality.⁶³⁴⁸ The evidence of **Armin Baždar** and parts of the evidence of **Mile Ujić** have been reviewed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5.

1491. Four witnesses, who were detained at Rasadnik in 1992 and 1993, provided evidence about their experiences at the facility. **Šefik Hurko** testified that on 15 August 1992, his father was taken to Rasadnik camp from the secondary school centre in Rogatica, where the witness and his family were held.⁶³⁴⁹ Hurko and his mother were taken to the camp the next day and, upon arrival, the women and men were separated.⁶³⁵⁰ The witness was taken to a room that held ten men, including his father.⁶³⁵¹ His father informed him that detainees were beaten at the camp.⁶³⁵² The witness estimated that there were about 100 Muslim detainees, aged new-born to 80 years old, at the Rasadnik camp, including those who had been taken from the school.⁶³⁵³ They were given 200-gram portions of food with a slice of bread twice a day and there were no medical supplies or medicines at the camp.⁶³⁵⁴ On 1 September 1992, the witness's father was brought to warden Mišo Vojinović's office and the witness could hear sounds of beating through the wall.⁶³⁵⁵ After that, the witness was taken to Vojinović's office, where he was questioned by Vojinović and severely beaten by a guard named Despot, nicknamed Buce.⁶³⁵⁶ On another occasion, during two days all

⁶³⁴⁵ D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8.

⁶³⁴⁶ D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

⁶³⁴⁷ D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.

⁶³⁴⁸ D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serb Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

⁶³⁴⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 15, 19. The Trial Chamber understands this to refer to Veljko Vlahović Secondary School; see chapter 4.11.2 *Schedule C.16.1*.

⁶³⁵⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 22; Šefik Hurko, T. 2220.

⁶³⁵¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 22.

⁶³⁵² P164 (Šefik Hurko, witness statement, 1 September 2011), para. 23.

⁶³⁵³ Šefik Hurko, T. 2220-2221.

⁶³⁵⁴ P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2221-2222.

⁶³⁵⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 23, 25; P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 2(i); Šefik Hurko, T. 2223-2224.

⁶³⁵⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25-26; Šefik Hurko, T. 2223-2224.

detainees recently brought to the camp, as well as the witness himself, were beaten by Vojinović and a guard called Šolaja.⁶³⁵⁷

1492. When the witness arrived at the camp, it was guarded by the civilian police from Rogatica, but later the military police took over security.⁶³⁵⁸ Mile Bojat was appointed warden in October 1992.⁶³⁵⁹ Shortly after, Vinko Bojić took charge of the camp on Kušić's orders.⁶³⁶⁰ According to the witness, detainees were often brought to Bojić's office by a guard named Brano Planojević and returned cruelly beaten.⁶³⁶¹ The violence in the camp was usually accompanied by cursing detainees 'Balija mothers', calling them 'Balijas' or 'Ustašas', or asking whom they voted for, or: 'Where is Alija for you?'⁶³⁶² The witness himself was summoned to Bojić's office and cruelly beaten around 10 June 1993 in the presence of Mladen Vasiljević, the chief of the police station in Rogatica, and his deputy, a man called Mrki.⁶³⁶³ Around three days after a visit of the ICRC, which took place on 28 July 1993, Bojić severely beat and mistreated the witness, e.g. by extinguishing cigarettes on him and forcing him to eat the cigarettes; he also broke one of the witness's ribs with a knife handle.⁶³⁶⁴ Bojić then beat the witness's father in front of him, and ordered the witness to beat his father himself.⁶³⁶⁵ During the beating Bojić was referring to the information the witness and his father had revealed to the ICRC, including the insufficient amount of food.⁶³⁶⁶

1493. Women were frequently taken out at night and Bojić forced them to strip naked and to perform sexual acts with elderly detainees, after which Bojić would take them to another room.⁶³⁶⁷ According to the witness, several Muslim women said that Bojić raped them, whereas male detainees were forced to perform 'unnatural sexual acts'.⁶³⁶⁸ One day in February 1993, a guard called Planojević took five male detainees, including the witness, to Bojić's office where they found four Muslim women undressing, one of them aged around 65. Five Serb soldiers, wearing hats with skull insignia, were sitting in his office. Bojić ordered the Muslim men and women to undress completely and to

⁶³⁵⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 33.

⁶³⁵⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 23, 34.

⁶³⁵⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 32.

⁶³⁶⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 32, 34; Šefik Hurko, T. 2281.

⁶³⁶¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 35.

⁶³⁶² Šefik Hurko, T. 2226-2227.

⁶³⁶³ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 41; Šefik Hurko, T. 2213.

⁶³⁶⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 44-45.

⁶³⁶⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 46.

⁶³⁶⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 45-46.

⁶³⁶⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 35.

dance together around the Serb soldiers, while touching each others' breasts and penises.⁶³⁶⁹

1494. According to the witness, Rajko Kušić visited the Rasadnik camp on several occasions in 1992 and 1993 and the witness saw him there seven or eight times.⁶³⁷⁰ The witness was under the impression that Kušić had complete control over the camp based on his ability to order detainee transfers and organise a humanitarian visit by the Red Cross.⁶³⁷¹ The witness also saw Jadranko Vuković, Mile Ujić, Radomir Furtula, Razdoljac a.k.a. Đoko, Zoran Ćarkić, and Stojan Perković visit the camp.⁶³⁷²

1495. **Alija Isaković** stated that he was detained at Rasadnik from 5 August 1992 to 16 March 1993.⁶³⁷³ The 'main person' of the prison, Radisav Ljubinac, called 'Pjano', as well as the prison guards were all members of the Serb police.⁶³⁷⁴ The detainees were regularly beaten in the building and in the office, where the beating was so severe that they needed to be carried back to their rooms.⁶³⁷⁵ Apart from Pjano, the guards that beat the detainees the most were Mišo Vojinović; a man called Brđanin, who was a policeman in Rogatica before the war; and a man called Šolaja, who worked in Sjemeč before the war. On one occasion two of them beat the witness and other detainees for two days and two nights. The witness was then beaten by Mišo Vojinović, who slapped him over 150 times, permanently damaging his hearing. On another occasion, the witness was beaten by a man called Rajak and a man called Ikonić.⁶³⁷⁶

1496. On 1 November 1992, the Serb policemen were replaced by guards in military uniforms, calling themselves 'Chetniks'.⁶³⁷⁷ The beatings continued, although Mile Bojat, who was appointed commander, promised that there would be no more beatings.⁶³⁷⁸ Bojat left after one month.⁶³⁷⁹ The witness was aware of officers from

⁶³⁶⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 36.

⁶³⁶⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 37.

⁶³⁷⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 44; Šefik Hurko, T. 2293-2294.

⁶³⁷¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 44.

⁶³⁷² P164 (Šefik Hurko, witness statement, 1 September 2011), paras 54-60; Šefik Hurko, T. 2284-2287, 2293-2295.

⁶³⁷³ P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 4-5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.

⁶³⁷⁴ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.

⁶³⁷⁵ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), pp. 4-5.

⁶³⁷⁶ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

⁶³⁷⁷ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

⁶³⁷⁸ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

Serbia, who were regular JNA officers, and Rajko Kušić visiting the facility.⁶³⁸⁰ Vinko Bojić, who wore a military police uniform, was one of the guards who beat the detainees the most following Bojat's departure.⁶³⁸¹ Bojić also broke six of the witness's ribs by jumping on him, carved a cross on the witness's chest with a hunting knife, and pushed lit cigarettes into the witness's ears.⁶³⁸² Bećir Ćutarija was also beaten by Bojić: Bojić burned him with cigarettes, pulled his teeth out, jumped on him, and forced him to swallow two bullets.⁶³⁸³ Other 'Chetniks', including Branko Planojević, a man called Sorak, and Bojić's brother, also beat the detainees.⁶³⁸⁴

1497. **Witness RM-037** was held at Rasadnik for a relatively short period of time in August 1992. On 10 August 1992, a group of 'Chetniks', including two locals called Radomir Lalović a.k.a. Duca and Mihajlo Vučković, took the witness and 12 other men to Rogatica and detained them in the Rasadnik farm.⁶³⁸⁵ They stayed there for six days during which Novak Džida, dressed in civilian clothes, interrogated them and Radmir Lalović and Dragomir Kanostrevac, among others, beat them with rifle butts.⁶³⁸⁶ The men were detained in a small room while 22 other detainees were held in two other rooms, and some additional people in a fourth room.⁶³⁸⁷ They did not have access to running water or toilets.⁶³⁸⁸ The detention facility was controlled by the 'Serb army' and the witness heard that the warden at that time was Miloš Vojinović.⁶³⁸⁹ The witness also saw Milorad Bojat at the camp and heard from other detainees that he later became a warden.⁶³⁹⁰ According to a document titled 'Official Record' by the Rogatica SJB and dated 17 June 2004, the 'building of the former Nursery-garden' was within the competence of the police and the VRS in the period 'most probably' from mid-June

⁶³⁷⁹ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

⁶³⁸⁰ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 5.

⁶³⁸¹ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.

⁶³⁸² P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.

⁶³⁸³ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.

⁶³⁸⁴ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 6.

⁶³⁸⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 14-16, 57; P2228 (Photograph of Rasadnik prison complex in Rogatica, marked and signed by Witness RM-037).

⁶³⁸⁶ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 15, 17.

⁶³⁸⁷ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 17.

⁶³⁸⁸ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 19.

⁶³⁸⁹ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 18, 20.

⁶³⁹⁰ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 20.

1992 to the end of 1992, when it was taken over by the VRS.⁶³⁹¹ The witness clarified that the ‘Nursery-garden’ referred to Rasadnik.⁶³⁹²

1498. The Trial Chamber received evidence from a number of Serb municipal and military officials, present in Rogatica in 1992, concerning the conditions in the Rasadnik detention facility. **Mile Ujić** testified that the facility, commanded as of late 1992 by Vinko Bojić from the Rogatica Brigade, was situated 300-400 metres from the Crisis Staff Headquarters located in the Sladara factory.⁶³⁹³ Serbs and Muslims were detained in the facility, which was guarded by the civilian and the military police.⁶³⁹⁴ Miloš Vojnović, member of the reserve police force, was present at the facility.⁶³⁹⁵ **Milenko Rajak** testified that the facility was partially under TO/ military control and partially controlled by the police.⁶³⁹⁶ He was never present at the Rasadnik detention facility himself, but learned this after 1993.⁶³⁹⁷ **Milenko Janković** testified that Serb and Muslim soldiers were detained at Rasadnik.⁶³⁹⁸ The detainees were guarded by civilian policemen at first and later by the military police.⁶³⁹⁹ As far as the witness remembered, detainees were not separated on ethnic grounds and were kept under the same conditions.⁶⁴⁰⁰ The witness went to Rasadnik several times, but he never visited the area where people were kept.⁶⁴⁰¹

1499. **Sveto Veselinović** testified that, while a member of the municipal Crisis Staff, he worked in the Sladara building in Rogatica Municipality on a daily basis during May and June 1992, and, on his way home, he used to pass by Rasadnik, in Rogatica Municipality.⁶⁴⁰² The witness learned from his brother that both Serb soldiers and Muslim ‘prisoners’ were detained at Rasadnik.⁶⁴⁰³ In late 1992, the witness’s brother, a judge, became engaged in investigations concerning this detention facility, and conducted interviews with both Serbs and Muslims for crimes committed in the

⁶³⁹¹ P2229 (Official Record, 17 June 2004), p. 1.

⁶³⁹² P2227 (Witness RM-037, witness statement, 27 November 2012), para. 51.

⁶³⁹³ Mile Ujić, T. 26992-26993, 26995-26996; P6831 (Map of Rasadnik Facility, marked by Mile Ujić).

⁶³⁹⁴ D691 (Mile Ujić, witness statement, 2 August 2014), para. 31.

⁶³⁹⁵ D691 (Mile Ujić, witness statement, 2 August 2014), para. 31.

⁶³⁹⁶ D708 (Milenko Rajak, witness statement, 6 June 2014), para. 10; Milenko Rajak, T. 27285-27286, 27350.

⁶³⁹⁷ Milenko Rajak, T. 27346, 27351.

⁶³⁹⁸ D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26665.

⁶³⁹⁹ D683 (Milenko Janković, witness statement, 2 August 2014), para. 12.

⁶⁴⁰⁰ D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26667.

⁶⁴⁰¹ D683 (Milenko Janković, witness statement, 2 August 2014), para. 13; Milenko Janković, T. 26667.

⁶⁴⁰² Sveto Veselinović, T. 28267, 28271.

⁶⁴⁰³ D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 19; Sveto Veselinović, T. 28271-28272.

municipality.⁶⁴⁰⁴ **Milovan Lelek** testified that he visited the detention facility in Rasadnik on several occasions to interview members of his brigade detained there with Muslims because of discipline violations.⁶⁴⁰⁵ The witness had no knowledge of any torture of detainees and testified that civilians who had not committed crimes were accommodated in Rasadnik, not detained.⁶⁴⁰⁶ According to the witness, Rasadnik consisted of two buildings, a military remand prison building for the detention of soldiers, and a longer, bigger, reception centre building for civilians and elderly.⁶⁴⁰⁷ The witness acknowledged that he never entered either of these buildings, and that the people he went to interview were brought out.⁶⁴⁰⁸

1500. **Novica Andrić** testified that he found out about the Rasadnik detention facility when he arrived in Rogatica in October 1992 to join the Rogatica Brigade.⁶⁴⁰⁹ He served as a policeman/driver in the Rogatica Brigade and sometimes he drove soldiers who had violated military discipline to Rasadnik.⁶⁴¹⁰ By then, Rasadnik was the only detention facility in Rogatica for Muslims and Serbs.⁶⁴¹¹ The warden was Vinko Bojić, a.k.a. 'Vili'.⁶⁴¹² Until October 1992, security was provided by the MUP and in October security was provided jointly with, or exclusively by, the military police.⁶⁴¹³

1501. According to the witness, there were two separate facilities at Rasadnik, a military remand detention and a collection centre, which had been moved from the Veljko Vlahović Secondary School to Rasadnik.⁶⁴¹⁴ When he was at Rasadnik, he could see the civilians, who were not locked up as opposed to the soldiers held in detention, moving in front of the pavilion in the courtyard.⁶⁴¹⁵ The POWs and the civilians were kept in different 'pavilions' but were, in the summer of 1993, included on the same lists

⁶⁴⁰⁴ D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 19.

⁶⁴⁰⁵ D849 (Milovan Lelek, witness statement, 2 August 2014), para. 17.

⁶⁴⁰⁶ D849 (Milovan Lelek, witness statement, 2 August 2014), para. 17; Milovan Lelek, T. 29603-29604, 29611.

⁶⁴⁰⁷ Milovan Lelek, T. 29615, 29618-29619, 29625, 29651-29652.

⁶⁴⁰⁸ Milovan Lelek, T. 29607.

⁶⁴⁰⁹ D665 (Novica Andrić, witness statement, 23 February 2013), paras 16-17.

⁶⁴¹⁰ D665 (Novica Andrić, witness statement, 23 February 2013), paras 15, 17; D666 (Novica Andrić, witness statement, 6 June 2014), para. 7; Novica Andrić, T. 26379-26380, 26384, 26405.

⁶⁴¹¹ D665 (Novica Andrić, witness statement, 23 February 2013), para. 16.

⁶⁴¹² Novica Andrić, T. 26405-26406. The Trial Chamber understands that the transcript reference to Vinko Bosic in fact refers to Vinko Bojić.

⁶⁴¹³ D666 (Novica Andrić, witness statement, 6 June 2014), para. 6.

⁶⁴¹⁴ D666 (Novica Andrić, witness statement, 6 June 2014), paras 5-6; Novica Andrić, T. 26406, 26409-26410.

⁶⁴¹⁵ Novica Andrić, T. 26409.

of detainees to be exchanged.⁶⁴¹⁶ On 1 February 1993, the DK Command issued a list of POWs at the Rasadnik facility, which contained names of female Muslims; one woman being born, as stated in the column 'year of birth', in 1892.⁶⁴¹⁷ On 10 April 1993, the DK issued a larger list of 'captured persons of Muslim ethnicity' containing the same female Muslim names.⁶⁴¹⁸ According to the witness, the people at the Rasadnik facility were free to go but felt safer at the facility.⁶⁴¹⁹ During his few visits, he personally saw that the detainees were given the same food as the detention facility staff and the soldiers of the brigade.⁶⁴²⁰ According to the witness, the conditions were the same for all individuals, regardless of age and ethnicity.⁶⁴²¹ The detainees mainly chopped wood for the kitchen and worked in the barn.⁶⁴²²

1502. The Trial Chamber notes that Novica Andrić and Milovan Lelek testified that Rasadnik included a collection or reception centre for civilians. They emphasised that civilians were not detained there. Similarly, Milenko Janković only referred to Serb and Muslim soldiers being detained at Rasadnik. This evidence is in stark contrast with the first-hand evidence from four former detainees that civilians were kept at Rasadnik against their will. The Trial Chamber considers that Andrić's evidence in this respect is only based on what he saw during a few visits, and how he interpreted what he saw. While Lelek and Janković claimed to have visited Rasadnik on several occasions, they acknowledged that they never visited the area or entered the buildings where people were kept. Under these circumstances, the Trial Chamber will rely on the consistent evidence of the four former detainees in this respect.

1503. Based on the foregoing, the Trial Chamber finds that between at least August 1992 and April 1994, Bosnian-Muslim male and female detainees of all ages were held at the Rasadnik detention facility for periods ranging from a few days to over a year. Although the Trial Chamber has not received any evidence on the total number of detainees, it finds that in August 1992, there were approximately 100 Muslims at the

⁶⁴¹⁶ D666 (Novica Andrić, witness statement, 6 June 2014), para. 6; Novica Andrić, T. 26406-26409; P6804 (DK List of prisoners of war in Vili Camp, Rogatica, 1 February 1993); P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993).

⁶⁴¹⁷ Novica Andrić, T. 26406-26407; P6804 (DK List of prisoners of war in Vili Camp, Rogatica, 1 February 1993), pp. 1-2.

⁶⁴¹⁸ Novica Andrić T. 26408; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.

⁶⁴¹⁹ Novica Andrić, T. 26411.

⁶⁴²⁰ D665 (Novica Andrić, witness statement, 23 February 2013), para. 17.

⁶⁴²¹ D666 (Novica Andrić, witness statement, 6 June 2014), para. 6.

⁶⁴²² D665 (Novica Andrić, witness statement, 23 February 2013), para. 17.

facility. The Trial Chamber notes that there were also Serb soldiers held separately at the facility, including Serb soldiers detained there for disciplinary violations. The Trial Chamber finds that the detainees had no access to running water, toilets, medical care, and had insufficient food.

1504. The building of the Rasadnik detention facility was within the competence of the police and the VRS as of June 1992, although the guards were members of the civilian police from Rogatica until October 1992. For at least part of the period until October 1992, Miloš Vojinović was the warden. Sometime in October or November 1992, the VRS took charge of the detention facility and it was guarded by members of the military police. Milorad 'Mile' Bojat was appointed warden in October 1992. In late 1992 he was replaced by Vinko Bojić a.k.a. 'Vili', a member of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule C and unscheduled murder incidents*; with regard to the VRS Rogatica Bigade, *see* chapter 3.1.2). The Trial Chamber finds accordingly that between June and October 1992, the SJB and the VRS, and after October 1992, the VRS detained people at Rasadnik detention facility and were responsible for the conditions at the facility.

1505. When the facility was within the competence of the police and the VRS, the detainees were frequently interrogated and severely beaten by Radisav Ljubinac a.k.a. 'Pjano' of the Serb police, Miloš Vojinović, and some guards.

1506. The beatings continued after the takeover by the VRS and worsened under Vinko Bojić. During the beatings, Bojić was assisted by his brother; and guards Branko Planojević; and 'Sorak,' all from the military police. Sometimes the beatings continued for days and were so severe that some detainees had to be carried back to their rooms and suffered permanent damage as a consequence. Bojić mistreated some of his victims with cigarettes and a hunting knife, broke their bones, pulled their teeth, jumped on them, made them swallow bullets, and ordered some of them to beat their own relatives. Assisted by Planojević, Bojić frequently raped female detainees and forced male and female detainees to perform sexual acts. The violence in the detention facility was often accompanied by the perpetrators shouting '*balijas*', '*balija* mothers', or '*ustašas*'.

1507. The Trial Chamber will further consider the above in relation to Count 3 of the Indictment in chapter 8 below.

Unscheduled incidents

1508. In addition to Scheduled Incidents C.16.1 and C.16.3 discussed above, according to the Indictment the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention facilities in Rogatica Municipality.⁶⁴²³ With respect to these allegations, the Trial Chamber has received evidence from **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality,⁶⁴²⁴ about alleged detention at the Rogatica police station; documentary evidence as well as evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992,⁶⁴²⁵ and **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993,⁶⁴²⁶ and **Sveto Veselinović**, member of the SDS, and of the Crisis Staff of Rogatica Municipality,⁶⁴²⁷ about alleged detention at the Sladara factory in Rogatica; and evidence from **Đoko Razdoljac**, Assistant Commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995,⁶⁴²⁸ as well as documentary evidence about alleged detention at the Rogatica military reception centre.

Rogatica police station

1509. **Šefik Hurko** testified that on 2 September 1992, during his detention at Rasadnik (*see* chapter 4.11.2 *Schedule C.16.3*), he was driven to the Rogatica police

⁶⁴²³ Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

⁶⁴²⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220. The evidence of Šefik Hurko has also been reviewed in chapter 4.11.2 *Schedule C.16.3*.

⁶⁴²⁵ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

⁶⁴²⁶ D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.

⁶⁴²⁷ D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

⁶⁴²⁸ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.

station.⁶⁴²⁹ En route, he was threatened with death by a policeman of the 'Serbian' SUP named Kovačević to admit that his father had organized a meeting between two people named Lelek and Ramiz Alajbegović.⁶⁴³⁰ Kovačević informed the witness that his father had already admitted to organizing the meeting after being beaten at the police station.⁶⁴³¹ Upon arrival, the witness saw his father who was covered in blood, together with several policemen and a former policeman named Anđelko, who had questioned his father.⁶⁴³² The witness also recognized Željko Bogdanović among the policemen.⁶⁴³³ The men ordered Hurko to sit next to his father and asked him if his father had organized the meeting between Alajbegović and Lelek.⁶⁴³⁴ The witness was taken to 'work' and returned to Rasadnik camp in the evening.⁶⁴³⁵ On the same day, his father was brought back to Rasadnik camp so severely beaten that he could not move for 15 days.⁶⁴³⁶

1510. Based on the foregoing, the Trial Chamber finds that on 2 September 1992, Šefik Hurko's father, a Muslim detained in Rasadnik as found in chapter 4.11.2 *Schedule C.16.3*, was held at the Rogatica police station. During his detention, several policemen, including Željko Bogdanović, and a former policeman, named Anđelko, questioned and beat him so severely that he could not move for 15 days. Hurko's father was brought back to Rasadnik camp on the same day. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

Sladara factory

1511. **Mile Ujić** testified that Mehmed Agić, the commander of the joint TO before the war and the commander of the Muslim TO during the war, was detained at the Sladara factory.⁶⁴³⁷ On 23 June 1992, Rajko Kušić, the Commander of the Rogatica Brigade, informed the SRK Command that Mehmed Agić, one of the founders of the TO, had been

⁶⁴²⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25, 27-29.

⁶⁴³⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 28; Šefik Hurko, T. 2224.

⁶⁴³¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 28.

⁶⁴³² P164 (Šefik Hurko, witness statement, 1 September 2011), para. 29.

⁶⁴³³ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 29.

⁶⁴³⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 30.

⁶⁴³⁵ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 30-31.

⁶⁴³⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 31.

⁶⁴³⁷ Mile Ujić, T. 26985-26986.

captured in Vragolovi.⁶⁴³⁸ During a visit to the Sladara factory, Ujić saw that Agić was lying on the ground, blindfolded, and with his hands tied.⁶⁴³⁹ Shortly thereafter, Kušić came into the room and told the witness to leave.⁶⁴⁴⁰ **Milorad Sokolović** testified that the headquarters of the Rogatica Crisis Staff were in the Sladara malt factory.⁶⁴⁴¹ According to the witness, neither Mehmed Agić nor other people were ever detained or mistreated in the part of the factory where the Crisis Staff was headquartered.⁶⁴⁴² According to Sokolović, it was possible that Agić was kept in other parts of the building.⁶⁴⁴³ **Sveto Veselinović** testified that when he was a member of the Rogatica Crisis Staff he worked in the Sladara building every day.⁶⁴⁴⁴

1512. The Trial Chamber finds that the evidence of Mile Ujić, with respect to Agić's detention at the Sladara factory, is not contradicted by Milorad Sokolović's evidence, as, according to Sokolović, Agić was not detained in the part of the factory where the Crisis Staff was headquartered. However, in accordance with Sokolović's evidence, it is possible that Agić was detained in other parts of the building. Based on the foregoing, the Trial Chamber finds that sometime after 23 June 1992, Mehmed Agić, the commander of the Muslim Rogatica TO during the war, was detained at the Sladara factory in Rogatica, under the authority of Rajko Kušić, the Commander of the VRS Rogatica Brigade (with regard to this brigade, *see* chapter 3.1.2). On at least one occasion, Agić was blindfolded and had his hands tied. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

Rogatica military reception centre

1513. According to a letter from the security and intelligence organ of the 1st Mountain Brigade command addressed to the security administration of the VRS Main Staff and the security department of the DK command, 44 Muslims were held from 28 July 1995

⁶⁴³⁸ P4387 (Report from the Rogatica Brigade to the SRK Command, 23 June 1992), p. 1. The Trial Chamber understands Mehmed Agić and Mehud Agić to be the same person.

⁶⁴³⁹ Mile Ujić, T. 26986-26987, 27019-27020.

⁶⁴⁴⁰ Mile Ujić, T. 26986-26987, 27020. The Trial Chamber understands the Sladara factory and the Sladara malt factory (Tvornica Slada) to be the same building.

⁶⁴⁴¹ Milorad Sokolović, T. 26014-26015.

⁶⁴⁴² Milorad Sokolović, T. 26056-26057, 26063.

⁶⁴⁴³ Milorad Sokolović, T. 26056.

⁶⁴⁴⁴ Sveto Veselinović, T. 28267.

onward at the Rogatica military reception centre.⁶⁴⁴⁵ Among those held at the reception centre there were an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff.⁶⁴⁴⁶ The people were granted POW status by the 1st Mountain Brigade.⁶⁴⁴⁷ **Đoko Razdoljac** stated that Serb soldiers were also detained in other rooms of the centre.⁶⁴⁴⁸ A doctor frequently checked the wounded detainees and the security organs of the 1st Mountain Brigade informed the relevant security organs of the VRS Main Staff and the DK command that some wounded were in need of surgery.⁶⁴⁴⁹ Pursuant to an order from General Tolimir, the ‘POWs’ were separated according to their health and former membership in the administration, the imam was allowed to pray in his room, the detainees were fed three times a day, could use a field toilet, had access to medical care, and they were registered by the ICRC.⁶⁴⁵⁰

1514. Based on the foregoing, the Trial Chamber finds that from 28 July 1995 onward, 44 Muslims, including, referred to as ‘POWs’ by the VRS 1st Mountain Brigade, were held at the Rogatica military reception centre under the authority of the VRS 1st Mountain Brigade. The detainees included an imam and former president of the Žepa War Presidency, an electrical engineer and former president of the municipal executive committee, and a forestry engineer and former commander of civilian protection staff. The detainees were fed three times a day, had access to medical care, could use a field toilet, were registered by the ICRC, and the imam was allowed to pray. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

⁶⁴⁴⁵ P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 1-2.

⁶⁴⁴⁶ P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), p. 1.

⁶⁴⁴⁷ P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 1-2.

⁶⁴⁴⁸ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8263.

⁶⁴⁴⁹ P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), p. 3.

⁶⁴⁵⁰ P3496 (Letter from the 1st Mountain Brigade to the VRS Main Staff and the DK command, 30 July 1995), pp. 3-4.

4.11.3 Destruction of private and public property, including cultural monuments and sacred sites

1515. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.12, in Rogatica Municipality between 12 May 1992 and 30 November 1995.⁶⁴⁵¹ In particular, the Indictment sets out that the Arnaudija and the Čaršija mosques, in Rogatica Town, and three mosques in the area of Vragolovi were destroyed at least between June and December 1992.⁶⁴⁵² The Defence argued that ‘Muslim extremists’ set on fire flats and houses during the initial departure of Bosnian Serbs from the municipality.⁶⁴⁵³ The Defence further argued that the evidence points to the mosques of the municipality being destroyed while the territory of the municipality was under Muslim control, including two in Rogatica Town which were used for military purposes and destroyed during combat.⁶⁴⁵⁴ The Defence also argued that the evidence does not establish that the VRS intended to destroy Rogatica’s non-Serb religious and cultural sites.⁶⁴⁵⁵ The Trial Chamber will address the latter in its related finding in chapter 8. The Indictment, as far as the charge of destruction is concerned, is however not limited to the Scheduled Incidents.⁶⁴⁵⁶ Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident D.12. The Trial Chamber took judicial notice of Adjudicated Facts 1136 and 1137 in relation to this charge. The Trial Chamber further received evidence from **Witness RM-081, Alija Isaković, Witness RM-037, Elvir Pašić, and Armin Baždar**, Bosnian Muslims from Rogatica Municipality;⁶⁴⁵⁷ **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp from August 1992 through April 1994;⁶⁴⁵⁸ **Milenko Janković**, a former member

⁶⁴⁵¹ Indictment, paras 47,52, 59(j), Schedule D.12.

⁶⁴⁵² Indictment, Schedule D.12.

⁶⁴⁵³ Defence Final Brief, para. 1432.

⁶⁴⁵⁴ Defence Final Brief, paras 1470-1471, 1477, 1482.

⁶⁴⁵⁵ Defence Final Brief, para. 1482.

⁶⁴⁵⁶ Further on this issue, *see* Appendix B.

⁶⁴⁵⁷ **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

⁶⁴⁵⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220).

of a Rogatica TO unit in Pješevica and former VRS soldier;⁶⁴⁵⁹ **Sveto Veselinović**, a member of the SDS and of the Crisis Staff of Rogatica Municipality;⁶⁴⁶⁰ and **András Riedlmayer**, bibliographer and art documentation specialist;⁶⁴⁶¹ and finds that this evidence does not rebut the Adjudicated Facts.⁶⁴⁶² The Trial Chamber also received evidence from **Đoko Razdoljac**, assistant commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995;⁶⁴⁶³ **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;⁶⁴⁶⁴ and from **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994.⁶⁴⁶⁵ The evidence of **Elvir Pašić** and **Šefik Hurko** as well as parts of the evidence of **Witness RM-081**, **Witness RM-037**, and **Alija Isaković** have been reviewed in chapters 4.11.5 and 4.11.7.

1516. **Alija Isaković** stated that from the end of 1991 until 9 or 10 June 1992, he saw JNA units pass through Rogatica Town in armoured vehicles and fire at Muslim houses and mosques.⁶⁴⁶⁶

⁶⁴⁵⁹ D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

⁶⁴⁶⁰ D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

⁶⁴⁶¹ P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

⁶⁴⁶² **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 30-32, 83-84; Witness RM-081, T. 3705. **Witness RM-037**: P2227 (Witness RM-037, witness statement, 27 November 2012), paras 56-57. **Armin Baždar**: P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4. **Sveto Veselinović**: D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18; Sveto Veselinović, T. 28237; D772 (Video recording of Rogatica Town centre), 21:34-22:10. **András Riedlmayer**: P2510 (Formatted entries to expert report of András Riedlmayer), pp. 69-79; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 24; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013). **Milenko Janković**: Milenko Janković, T. 26645-26646. **Šefik Hurko**: Šefik Hurko, T. 2222. **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 2-3. The evidence of Šefik Hurko has also been reviewed in chapter 4.11.5 and the evidence of Alija Isaković, Witness RM-081, and Witness RM-037 has also been reviewed in chapter 4.11.7. With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, see Appendix B.

⁶⁴⁶³ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.

⁶⁴⁶⁴ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1

⁶⁴⁶⁵ D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14.

⁶⁴⁶⁶ P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 2, 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP, 30 March 1993), p. 4.

1517. **Witness RM-037** stated that from 22 May until at least August 1992 all of the Muslim houses in the villages around Rogatica Town, were burnt down without justification.⁶⁴⁶⁷ According to the witness, the destruction of the Muslim villages was systematic and without justification because there were no Muslim military installations and no military resistance in the municipality.⁶⁴⁶⁸ The TO had been disarmed, and the Muslims did not have weapons to organize resistance.⁶⁴⁶⁹

1518. By the end of 1992, more than ten mosques in Rogatica Municipality were destroyed by mines.⁶⁴⁷⁰ They included the Rogatica Town mosque, the Arnaudija mosque, and three mosques in the Vragolovi area west of Rogatica Town, including the mosque in Vragalovi.⁶⁴⁷¹

1519. With regard to the Arnaudija mosque in Rogatica Town, **Witness RM-081** specified that it was destroyed at the end of June or the beginning of July 1992.⁶⁴⁷² While he was detained at the Veljko Vlahović school, the witness saw Danko Nerić, who wore a drab olive JNA uniform, and his brother passing by the school in a tank moving in the direction of one of the mosques, and then heard a couple of blows or knocks. Ten minutes later, the witness saw the tank return. In the afternoon, the brothers talked to a few people in the hall of the school. The witness's wife, who was present in the hall, told the witness that she heard that the mosque was partially destroyed. The next day, other people came to complete the destruction of the mosque.⁶⁴⁷³ The witness assumed that the Čaršija mosque was destroyed when its district was cleansed in the latter part of July 1992.⁶⁴⁷⁴ **Isaković** stated that the Serbs bulldozed the mosques in Rogatica Town to the ground.⁶⁴⁷⁵ According to **András Riedlmayer**, the Arnaudija Mosque and the Čaršijska Mosque burned down, and their ruins were razed.⁶⁴⁷⁶

1520. Three witnesses provided additional evidence about the circumstances of destruction of the mosques in Rogatica Town. **Milovan Lelek** testified that these

⁶⁴⁶⁷ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 11-12, 56.

⁶⁴⁶⁸ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 56.

⁶⁴⁶⁹ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 56.

⁶⁴⁷⁰ Adjudicated Facts I, no. 1137.

⁶⁴⁷¹ Adjudicated Facts I, no. 1137. The Trial Chamber understands that Vragalovi refers to Vragolovi.

⁶⁴⁷² P309 (Witness RM-081, witness statement, 17 September 2011), paras 83-84; Witness RM-081, T. 3691, 3705.

⁶⁴⁷³ P309 (Witness RM-081, witness statement, 17 September 2011), para. 84.

⁶⁴⁷⁴ P309 (Witness RM-081, witness statement, 17 September 2011), para. 83.

⁶⁴⁷⁵ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5.

⁶⁴⁷⁶ P2510 (Formatted entries to expert report of András Riedlmayer), pp. 69-73; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

mosques were used for military purposes and that fire was opened from them. Muslim forces had a sniper nest on one mosque, where the Green Berets were formed. This mosque was destroyed by tank fire during fighting. Next to another mosque there was a machine-gun nest. This mosque was used by Muslim forces for storing mines and was destroyed by mortar fire when the machine-gun nest was targeted during fighting.⁶⁴⁷⁷ **Sveto Veselinović** testified that on 29 or 30 July 1992, five or six days after the ‘armed Muslims’ left Rogatica, he entered the town and saw a machine-gun nest placed on the roof of a residential building 30 metres away from one of the mosques.⁶⁴⁷⁸ **Milenko Janković** testified that a mosque, which was destroyed on 24 June 1992, was located in a part of Rogatica Town where the Serbian forces were not in control.⁶⁴⁷⁹

1521. With regard to the destruction of other religious monuments as well as private and public property in Rogatica Town, **Witness RM-037** stated that the Muslim cemetery in Rogatica was destroyed during the war.⁶⁴⁸⁰ **Riedlmayer** testified that the building hosting the chancery, historical archive, and library of the Rogatica Islamic community was burned in June 1992, resulting in the destruction of the entire library.⁶⁴⁸¹ According to the witness, the adjacent buildings were in good condition.⁶⁴⁸² According to **Witness RM-081**, the only Catholic church in Rogatica, which was located opposite the Veljko Vlahović school, remained intact.⁶⁴⁸³ **Mile Ujić** testified that the church was located in Serb-controlled territory.⁶⁴⁸⁴ He also testified that, when he entered the town on 23 July 1992, the synagogue was razed to the ground and burned.⁶⁴⁸⁵ Ujić added that after the Serbs left Rogatica, Muslim extremists torched many private houses and flats, two cafés, a hotel, and the transformer station in Rogatica.⁶⁴⁸⁶

1522. With regard to Seljani village, **Armin Baždar** stated that, in the days following 3 June 1992, armed Serb soldiers in camouflage uniforms and SDS insignia, along with members of the White Eagles, came to the village and placed the witness and about 20

⁶⁴⁷⁷ D849 (Milovan Lelek, witness statement, 2 August 2014), para. 20.

⁶⁴⁷⁸ D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 18; Sveto Veselinović, T. 28237; D772 (Video recording of Rogatica Town centre).

⁶⁴⁷⁹ Milenko Janković, T. 26645-26646.

⁶⁴⁸⁰ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 56-57.

⁶⁴⁸¹ P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁶⁴⁸² P2511 (Survey database for expert report of Andrés Riedlmayer).

⁶⁴⁸³ Witness RM-081, T. 3705. See also Mile Ujić, T. 26897.

⁶⁴⁸⁴ Mile Ujić, T. 26897.

⁶⁴⁸⁵ Mile Ujić, T. 26897; D691 (Mile Ujić, witness statement, 2 August 2014), para. 27.

other inhabitants, who were mostly children, under house arrest until August 1992.⁶⁴⁸⁷ The witness could tell from their accent that the members of the White Eagles were from Serbia.⁶⁴⁸⁸ Some Muslim houses in the village were set on fire from May to August 1992.⁶⁴⁸⁹

1523. According to **Riedlmayer**, the Vezir Jusuf Mosque in Žepa was blown up on or after 25 July 1995.⁶⁴⁹⁰ **Đoko Razdoljac** stated that he saw a VRS sapper unit blow up the mosque after the fall of the enclave.⁶⁴⁹¹ Houses in Žepa were burned.⁶⁴⁹²

1524. Concerning Mile Ujić's evidence on the perpetrators of the destruction of private and public property in Rogatica Town, the Trial Chamber finds his evidence to be vague and that he does not identify a basis of knowledge for his conclusions, in particular since it is unknown if he was present in the town at the time of these destructions. With regard to Milovan Lelek's evidence that the mosques in Rogatica Town were used for military purposes and that fire was opened from them, the Trial Chamber considers that this evidence lacks a basis of knowledge. Moreover, the Trial Chamber finds that his evidence is contradicted by the reliable testimony of Witness RM-037 and Witness RM-081, who were both present in the municipality during the take-over and who testified that there was no resistance or military installations in the municipality at the time. Accordingly, the Trial Chamber finds the evidence of Witness RM-037 and Witness RM-081 to be reliable with regard to the absence of resistance and military installations in the municipality during the take-over and has not relied on the evidence of Mile Ujić and Milovan Lelek in this respect.

1525. The Trial Chamber has considered Janković's evidence that Serb forces were not in control of the part of Rogatica Town where a mosque was destroyed. However, it considers that this is not determinative as to the perpetrator of the destruction, particularly considering that the reliable testimony of Witness RM-081 and an operative report of the Rogatica Brigade Command, in evidence as P312, indicate that there was no armed resistance in town.

⁶⁴⁸⁶ D691 (Mile Ujić, witness statement, 2 August 2014), paras 25, 27.

⁶⁴⁸⁷ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 3-4; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), pp. 18381-18382.

⁶⁴⁸⁸ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 3

⁶⁴⁸⁹ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 4.

⁶⁴⁹⁰ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 41; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁶⁴⁹¹ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8263-8266, 8269-8270.

1526. Consequently, the Trial Chamber rejects the Defence's arguments that Muslim extremists set on fire flats and houses and that some of the mosques were destroyed during armed fights.

1527. Based on the above, the Trial Chamber finds that from 21 May until August 1992, Serb forces targeted and burned down Muslim houses using flame-throwers and fired at shops, using tanks and APCs, in Rogatica Town. Serb areas of the town were left unscathed. Kušić's detachment, the VRS, and volunteer units from Pančevo and Zrenjanin, destroyed a house in town in July 1992. The Trial Chamber further finds that on 2 August 1992, Serb infantry set houses on fire in the Muslim village of Kozadre.

1528. The Trial Chamber further finds that Serb forces destroyed the Čaršija and the Arnaudija mosques in Rogatica Town, around the end of June and the end of July 1992, and three mosques in the Vragolovi area. Danko Nerić, a soldier wearing a JNA uniform, destroyed the Arnaudija mosque. Based on the Adjudicated Facts and the evidence, the Trial Chamber finds that these mosques were destroyed using different modes of destruction, including mining. The Trial Chamber further finds that Serb forces burned the building hosting the archives, the chancery, and the library of the Islamic community in Rogatica Town.

1529. The Trial Chamber also finds that a VRS sapper unit blew up the Žepa mosque after the fall of the enclave.

1530. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1531. The Trial Chamber finds that other mosques as well as Muslim houses and villages in the municipality, including in Tičijak, Mala Žepa, Biljino Polje, Pašić Kula, and Seljani, were burnt down or otherwise destroyed. The Trial Chamber has not received evidence concerning the perpetrators of these destructions and will therefore not consider these incidents further in relation to any counts of the Indictment.

4.11.4 Appropriation or plunder of property

1532. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and

⁶⁴⁹² P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8266.

during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Rogatica Municipality between 12 May 1992 and 30 November 1995.⁶⁴⁹³ The Defence argued that (i) paramilitaries, whose objective was looting, were active and problematic in Rogatica and deserted Muslim property was unfortunately plundered; (ii) there is no evidence as to who committed the appropriation or plunder of property and due to the departure of the alleged perpetrators from the area, it was impossible to follow up and discipline the individuals; and (iii) the Accused did not have any control over the alleged perpetrators due to the fact that they did not form part of the VRS structure.⁶⁴⁹⁴ The Trial Chamber received evidence from **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;⁶⁴⁹⁵ **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994;⁶⁴⁹⁶ **Alija Isaković**, a Bosnian Muslim from Rogatica;⁶⁴⁹⁷ **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;⁶⁴⁹⁸ and **Witness RM-081**, a Bosnian Muslim from Rogatica Municipality.⁶⁴⁹⁹ This evidence is reviewed in chapters 4.11.2 *Schedule C.16.1* and 4.11.5.

1533. In addition, **Witness RM-037** provided evidence about one specific incident. He stated that on 15 August 1992, he and other detainees were gathered into a room of the post office in a settlement called Gračanica. Radisav Ljubinac and another man, who was introduced by Ljubinac as a Serb from Zagreb and was called Macola, were present. Macola ordered the witness to undress, searched his pockets, and took all his money and valuables. According to the witness, Macola and Ljubinac also took things from the other detainees but he did not know what and how much. The detainees were also told that they should declare themselves loyal to the Serb state.⁶⁵⁰⁰

1534. Based on the above, the Trial Chamber finds that after 19 July 1992, Radisav Ljubinac, called 'Pjano', and a Serb from Zagreb nicknamed 'Macola', took jewellery

⁶⁴⁹³ Indictment, paras 47, 59(i).

⁶⁴⁹⁴ Defence Final Brief, para. 1433

⁶⁴⁹⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.

⁶⁴⁹⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220

⁶⁴⁹⁷ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.

⁶⁴⁹⁸ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

⁶⁴⁹⁹ P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).

from detainees. On this occasion, the detainees were also forced to sign papers stating that they had voluntarily converted to the Serbian Orthodox religion. The Trial Chamber will consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1535. Between 9 or 10 June and 5 August 1992, the Muslim Alija Isaković and other detainees at the high school of Veljko Vlahović were ordered, by guards at the school to remove goods from apartments in Rogatica and load them onto trucks. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. The evidence does not indicate the ethnicity of the owners of the goods. The Trial Chamber will therefore not further consider this incident in relation to any count of the Indictment.

1536. The Trial Chamber further finds that on 15 August 1992, in a room at the post office in Gračanica in Rogatica Municipality, 'Macola', in the presence of Radisav Ljubinac, took money and valuables from Witness RM-037, a Bosnian-Muslim civilian who was detained at Rasadnik at the time. On the same occasion, 'Macola' and Ljubinac also took unidentified items from other detainees of the Rasadnik camp. The Trial Chamber also finds that between August and September 1992, detainees from the Rasadnik camp, including the Bosnian Muslims Šefik Hurko and Armin Baždar, were forced by guards at the camp to take objects, including furniture, from Bosnian-Muslim houses in Rogatica, load them onto lorries, and unload them in Serb houses and flats. The Trial Chamber recalls its findings in chapter 4.11.2 *Schedule C.16.3* that between June and October 1992, members of the SJB and the VRS acted as camp guards. The Trial Chamber will consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.11.5 Forced labour and human shields

1537. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Rogatica municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.⁶⁵⁰¹ The Trial

⁶⁵⁰⁰ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 23.

⁶⁵⁰¹ Indictment, paras 39(c), 47, 59(h).

Chamber received evidence from four Bosnian Muslims from the Rogatica Municipality: **Witness RM-037**, from Kozadre;⁶⁵⁰² **Witness RM-081**,⁶⁵⁰³ **Armin Baždar**, from Seljani who was 15 years old in 1992;⁶⁵⁰⁴ and **Alija Isaković**, from Rogatica town.⁶⁵⁰⁵ The Trial Chamber also received evidence from **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992,⁶⁵⁰⁶ **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS soldier;⁶⁵⁰⁷ **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994,⁶⁵⁰⁸ and documentary evidence. Some of this evidence has been reviewed in chapters 4.11.1 *Schedule B.14.2* and *Schedule C and unscheduled murder incidents* and 4.11.4.

1538. The Trial Chamber has received evidence with regard to detainees at two detention centres in Rogatica Municipality being forced to perform labour of different kinds. These detention centres are the Rasadnik camp and the Veljko Vlahović School. The Trial Chamber has dealt with them in chapter 4.11.2 *Schedules C.16.1* and *C.16.3*. With regard to Rasadnik camp, **Armin Baždar** stated that during his ten-day detention, in the beginning of August 1992, Serb soldiers forced him and other men to carry out labour.⁶⁵⁰⁹ The witness had to clean Muslim apartments in order to prepare them for Serbs moving into them.⁶⁵¹⁰ He also had to take furniture and belongings from Muslim apartments and bring them to Serb houses.⁶⁵¹¹

1539. **Witness RM-037** stated that during his detention at the camp for six days in mid-August 1992, Radisav Ljubinac a.k.a. Pjano, who was dressed in a camouflage uniform, took him and other detainees to Rogatica Town to clean up shelling debris

⁶⁵⁰² P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.

⁶⁵⁰³ P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081).

⁶⁵⁰⁴ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

⁶⁵⁰⁵ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1.

⁶⁵⁰⁶ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

⁶⁵⁰⁷ D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

⁶⁵⁰⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.

⁶⁵⁰⁹ P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 4-5.

⁶⁵¹⁰ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.

every day.⁶⁵¹² On 15 August 1992, the witness and two other detainees named Asim Kapo and Edin Ćatić were taken to the Sladara factory, where they were ordered to unload a lorry full of cooking oil and sponges.⁶⁵¹³ The events of this day are described in chapter 4.11.2 *Schedule C.16.3*.

1540. **Šefik Hurko** testified that the detainees at the camp were taken to work on a daily basis at least between 17 or 18 August and mid-September 1992.⁶⁵¹⁴ Usually the detainees would be taken to the main centre in Rogatica where they would be made to sweep the main street or take furniture from Muslim houses and load it onto lorries, which they would later unload in 'Serbian' houses and flats.⁶⁵¹⁵ They were also made to clear two mosques that had been razed to the ground.⁶⁵¹⁶

1541. Hurko further testified that on 21 March 1993 the detainees of the Rasadnik camp were made to dig trenches in Trnovo, a village in the vicinity of Rogatica.⁶⁵¹⁷ In July 1993, he and ten other detainees were forced to search for bodies of fallen Serb soldiers during a period of three days. This incident is described in more detail in chapter 4.11.1 *Schedule C and unscheduled murder incidents*. Hurko testified that on 9 July 1993, Bojić took twelve detainees, including Šefik Hurko and Mirsad Omanović, a captured member of the ABiH, to the village of Starčići, where they were supposed to recover bodies of 17 Serb soldiers in a mined area.⁶⁵¹⁸ Bojić threatened the other detainees with a rifle, cursing their '*Balija*' mothers.⁶⁵¹⁹ The detainees spent three days searching for the bodies of the fallen Serb soldiers.⁶⁵²⁰ On 28 July 1993 he informed the ICRC that they were being taken to the confrontation line.⁶⁵²¹ From 1 April 1994 to 17 or 18 April 1994, the witness and other detainees were taken to Trovrh Hill where they were made to bring ammunition, food, and supplies up the hill and the injured down the hill.⁶⁵²² The witness estimated that hundreds of Muslims were working there.⁶⁵²³ The

⁶⁵¹¹ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 5.

⁶⁵¹² P2227 (Witness RM-037, witness statement, 27 November 2012), paras 13-16, 19; P2228 (Photograph of Rasadnik prison complex in Rogatica, marked and signed by Witness RM-037).

⁶⁵¹³ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 24.

⁶⁵¹⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 25, 27, 30-31; Šefik Hurko, T. 2222.

⁶⁵¹⁵ Šefik Hurko, T. 2222-2223.

⁶⁵¹⁶ Šefik Hurko, T. 2222.

⁶⁵¹⁷ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 38; Šefik Hurko, T. 2226.

⁶⁵¹⁸ P164 (Šefik Hurko, witness statement, 1 September 2011), paras 41-42; Šefik Hurko, T. 2213-2214.

⁶⁵¹⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶⁵²⁰ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 43.

⁶⁵²¹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 45.

⁶⁵²² P164 (Šefik Hurko, witness statement, 1 September 2011), para. 48; P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2227.

⁶⁵²³ P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3.

witness further described when he and other detainees were brought to Gnila Hill to work in the forest.. Hurko further testified that sometime between 17 April and 27 April 1994, 10-15 detainees from the camp, including the witness, were brought to Gnila hill and instructed by Bojić to work in the forest.⁶⁵²⁴

1542. Armin Baždar and Šefik Hurko, as well as numerous witnesses, also provided evidence about the murder of a number of detainees from Rasadnik camp, shortly after some of these detainees had been used as human shields. The relevant evidence regarding these incidents has been reviewed in chapter 4.11.1 *Schedule B.14.2*. The alleged murder incident has been dealt with in that chapter and the alleged human shield incident will be dealt with below.

1543. With regard to the Veljko Vlahović School, **Alija Isaković** stated that during his detention there between 9 or 10 June 1992 and 5 August 1992, he and other detainees were ordered by ‘Chetniks’ to clean the streets of Rogatica, to clean the apartments of ‘Chetniks’, and to remove ‘stolen goods’ out of apartments and load them on trucks.⁶⁵²⁵ Younger men were ordered to arrange sandbags for machine-gun nests on tall buildings.⁶⁵²⁶ The Serbs took away men to be used as human shields.⁶⁵²⁷ The witness believed that they were to be used to rescue a damaged Serb tank.⁶⁵²⁸

1544. **Witness RM-081**, who was detained at the school with his family for approximately three and a half months after 19 July 1992, testified that the detainees including the witness’s wife and his 13-year-old son, were ordered to carry out ‘forced’ labour for the ‘Serbian Army’: digging trenches for the Serb forces, carrying ammunition, arranging sandbags to make machine-gun nests, burying corpses, collecting garbage, etc.⁶⁵²⁹ If the detainees did not work fast enough or did not carry out the work satisfactorily, they would be beaten, verbally abused, and threatened that they would be killed.⁶⁵³⁰ The witness could not work due to the injuries he suffered from his beatings.⁶⁵³¹ Rajko Kušić, collected four or five Muslim detainees from the school and

⁶⁵²⁴ P167 (Šefik Hurko, proofing notes, 2 September 2012), para. 3; Šefik Hurko, T. 2228-2229, 2231, 2281-2282, 2284.

⁶⁵²⁵ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4

⁶⁵²⁶ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶⁵²⁷ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.

⁶⁵²⁸ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.

⁶⁵²⁹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 42, 46, 49, 59, 78-79, 99.

⁶⁵³⁰ P309 (Witness RM-081, witness statement, 17 September 2011), para. 78.

⁶⁵³¹ P309 (Witness RM-081, witness statement, 17 September 2011), para. 79.

used them as a human shield to extract dead and wounded soldiers from a tank that had struck a mine.⁶⁵³²

1545. **Milenko Janković** testified in general terms that detainees collected firewood or worked on private farms in Rogatica and also worked about 200 metres away from the defence line. According to the witness, the detainees volunteered to work in order to receive clothes, cigarettes, and better food.⁶⁵³³

1546. With regard to Milenko Janković's evidence that detainees 'volunteered' to work in order to receive clothes, cigarettes, and better food, the Trial Chamber notes that it is not linked to a specific place or date. The Trial Chamber did not receive any further evidence on voluntary work by detainees in Rogatica Municipality. On the contrary, the Trial Chamber received reliable evidence from former detainees that they were ordered to work, and that they were beaten, threatened, and insulted before and during the work. Accordingly, the Trial Chamber will not rely on Janković's evidence in this respect.

1547. Based on the foregoing, the Trial Chamber finds that between the beginning of August and mid September 1992, detainees from Rasadnik camp were ordered to clean apartments and move furniture from Muslim into Serb homes. In the first two weeks of August 1992, the detainees were brought to Rogatica by Radisav Ljubinac to clean up shelling debris on a daily basis. On 15 August 1992, detainees were told by Ljubinac, Sinan Ćatić, and a Serb called 'Macola', to declare their loyalty to the Serb state. Later that day, three detainees from Rasadnik had to unload a lorry at the Sladara Factory. These and other detainees, in total at least 24 Muslim males, were brought by Ljubinac to the front-line in Duljevac, where Serb soldiers were present, their hands were tied behind their backs and they were used as a human shield by Dragoje Paunović, the Commander of the Kozići unit of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule B.14.2*; with regard to the VRS Rogatica Brigade, *see* chapter 3.1.2). At least two of the detainees were wounded.

1548. The Trial Chamber further finds that on 21 March 1993, detainees from Rasadnik camp were ordered to dig trenches in Trnovo, near Rogatica by guards. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.3* that after October 1992, members of the VRS acted as guards at Rasadnik detention facility. Between 9 and 11 July 1993, twelve detainees, including one captured combatant, were taken out

⁶⁵³² P309 (Witness RM-081, witness statement, 17 September 2011), para. 85.

by Vinko Bojić, the warden of Rasadnik camp and a member of the VRS Rogatica Brigade (*see* the Trial Chamber's finding in chapter 4.11.1 *Schedule C and unscheduled murder incidents*; with regard to the VRS Rogatica Brigade, *see* chapter 3.1.2), and ordered to recover the bodies of 17 Serb soldiers in a mined area in Starčići. Bojić antagonised the detainees by calling their mothers '*Balija*'. During the offensive on Goražde between 1 and 17 April 1994, more than 100 Muslim detainees were ordered to carry food and ammunition up Trovrh Hill. Between 17 and 27 April 1994, 10-15 detainees were instructed by Bojić to work in the forest at Gnila Hill.

1549. With regard to the incidents involving detainees from Rasadnik, the Trial Chamber also recalls its findings in chapter 4.11.2 *Schedule C.16.3* concerning the conditions of detention.

1550. The Trial Chamber finds that between 9 or 10 June and the end of October 1992, detainees at the Veljko Vlahović School were ordered to perform several different types of manual labour. The detainees, including a woman and a 13-year-old boy, dug trenches, carried ammunition, arranged sandbags for machine-gun nests, buried corpses, and cleaned streets and apartments. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. Detainees whose work was not carried out to a satisfactory standard would be beaten and threatened with death. Between July and the end of October 1992, Rajko Kušić used four or five Muslim detainees as human shields in order to extract dead and wounded soldiers. In this respect, the Trial Chamber also recalls its findings in chapter 4.11.2 *Schedule C.16.1* concerning the conditions of detention.

1551. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.11.6 Imposition and maintenance of restrictive and discriminatory measures

1552. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

⁶⁵³³ Milenko Janković, T. 26668-26669.

4.11.7 Forcible transfer and deportation

1553. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Rogatica Municipality between 12 May 1992 and 30 November 1995.⁶⁵³⁴ The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - all targeted at Bosnian Muslims and Bosnian Croats. Others were physically driven out.⁶⁵³⁵ The Defence argued that in May 1992, many Serbs and Muslims moved out of Rogatica Town to its suburbs due to growing insecurity and shootings in the streets.⁶⁵³⁶ It further submitted that members of the TO, the VRS, and the civilian police did not carry out forcible removal of Bosnian Muslims.⁶⁵³⁷ It also submitted that Muslim civilians were given the choice to leave in the areas under the control of the VRS or to stay.⁶⁵³⁸ Furthermore, the Defence argued that the individuals who reported to collection centres did so voluntarily and were escorted out of the municipality by the police for their safety.⁶⁵³⁹ The arguments about the forcible nature of the displacement and departure of Bosnian-Muslims will be addressed more particularly in chapter 8.5.2. The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Alija Isaković**, **Witness RM-081**, and **Elvir Pašić**, Bosnian Muslims from Rogatica;⁶⁵⁴⁰ **Mile Ujić**, the President of the Executive Committee of the Rogatica Municipality from 1990 until March 1992 and the Chief and acting Chief of Staff of the Rogatica Brigade from the beginning of May 1992 until the end of 1992;⁶⁵⁴¹ **Milenko Janković**, a former member of a Rogatica TO unit in Pješevica and former VRS

⁶⁵³⁴ Indictment, paras 47, 59(f), 67-68.

⁶⁵³⁵ Indictment, para. 70.

⁶⁵³⁶ Defence Final Brief, paras 1427

⁶⁵³⁷ Defence Final Brief, para. 1430.

⁶⁵³⁸ Defence Final Brief, paras 1427-1431.

⁶⁵³⁹ Defence Final Brief, paras 1430-1431.

⁶⁵⁴⁰ **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 1; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 1. **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), p. 1, paras 1-2; Witness RM-081, T. 3686-3687; P308 (Pseudonym sheet for Witness RM-081). **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1. The evidence of Elvir Pašić is also reviewed in chapter 4.2.2 *Schedule C.2.1*.

⁶⁵⁴¹ D691 (Mile Ujić, witness statement, 2 August 2014), para. 4; Mile Ujić, T. 26856-26857, 26863, 26925-26926, 27027-27029; P6824 (Police interview of Mile Ujić of 6 June 2004), pp. 2, 4; P6833 (Order by the Rogatica Commander Rajko Kušić, 15 December 1992), p. 1.

soldier;⁶⁵⁴² **Milovan Lelek**, Assistant Chief of Staff for Training and Operations for the Rogatica Brigade from late May 1992 until 1994;⁶⁵⁴³ and **Milorad Sokolović**, President of the Rogatica Crisis Staff from April 1992 until 25 June 1992 and President of the Executive Board of the Rogatica Municipality from May 1992 until October 1993;⁶⁵⁴⁴ and finds that this evidence is consistent with the Adjudicated Facts.⁶⁵⁴⁵ The Trial Chamber further received evidence from **Šefik Hurko**, a Bosnian Muslim who was detained in the Rasadnik camp, Rogatica Municipality, from August 1992 through April 1994;⁶⁵⁴⁶ **Witness RM-037**, a Bosnian Muslim from the Muslim village of Kozadre in Rogatica Municipality;⁶⁵⁴⁷ **Witness RM-098**, a Bosnian from Rogatica Municipality;⁶⁵⁴⁸ **Novica Andrić**, a Serb member of the Serbian TO of Rogatica as of 20 April 1992;⁶⁵⁴⁹ **Sveto Veselinović**, member of the SDS and of the Crisis Staff of Rogatica Municipality;⁶⁵⁵⁰ **Đoko Razdoljac**, assistant commander for logistics in the VRS Rogatica Brigade from the end of 1992 until the end of 1995;⁶⁵⁵¹ **Armin Baždar**, a Bosnian Muslim from Seljani in Rogatica Municipality who was 15 years old in 1992;⁶⁵⁵² **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and

⁶⁵⁴² D683 (Milenko Janković, witness statement, 2 August 2014), para. 3; Milenko Janković, T. 26664.

⁶⁵⁴³ D849 (Milovan Lelek, witness statement, 2 August 2014), paras 8, 14; Milovan Lelek, T. 29584.

⁶⁵⁴⁴ D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 7, 15-16; Milorad Sokolović, T. 26014, 26029, 26054, 26057; P6776 (Bosnian-Serb MUP official note, 17 June 2004), p. 1.

⁶⁵⁴⁵ **Alija Isaković**: P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), pp. 2-3. **Witness RM-081**: P309 (Witness RM-081, witness statement, 17 September 2011), paras 13, 30, 43, 46. The evidence of this witness is also reviewed in chapter 9.2.11. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 17, 19-21, 29; Elvir Pašić, T. 4470-4471, 4478, 4487-4489. **Mile Ujić**: D691 (Mile Ujić, witness statement, 2 August 2014), para. 25; Mile Ujić, T. 26871, 26886-26889, 27017-27018; D696 (Map of Rogatica, marked by Mile Ujić). **Milenko Janković**: D683 (Milenko Janković, witness statement, 2 August 2014), paras 9-11; Milenko Janković, T. 26637-26638, 26675. **Milovan Lelek**: D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13. **Milorad Sokolović**: D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 10-11.

⁶⁵⁴⁶ P164 (Šefik Hurko, witness statement, 1 September 2011), p. 1, paras 15, 21-22, 49; Šefik Hurko, T. 2220.

⁶⁵⁴⁷ P2227 (Witness RM-037, witness statement, 27 November 2012), p. 1, para. 3.

⁶⁵⁴⁸ P3012 (Witness RM-098, witness statement, 1 September 2011), p. 1, para. 2; P3025 (Pseudonym sheet for Witness RM-098).

⁶⁵⁴⁹ D665 (Novica Andrić, witness statement, 23 February 2013), para. 7; D666 (Novica Andrić, witness statement, 6 June 2014), p. 1, para. 2.

⁶⁵⁵⁰ D770 (Sveto Veselinović, witness statement, 15 February 2013), paras 1, 3, 13, 15, 22; Sveto Veselinović, T. 28226, 28248-28250, 28258; P6906 (Politika article, 5 July 1991), p. 1; P6908 (Decision on the appointment of Sveto Veselinović as member of the Crisis Staff of the Serbian Municipality of Rogatica, 24 May 1992); D774 (Decision of the Rogatica Municipal Executive Committee on the appointment of Sveto Veselinović as Secretary of the Secretariat in the Municipal Public Revenue Administration, 18 February 1991).

⁶⁵⁵¹ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8228, 8233.

⁶⁵⁵² P2223 (Armin Baždar, witness statement, 23 January 1999), pp. 1-2; P2224 (Armin Baždar, *Karadžić* transcript, 5 September 2011), p. 18382.

President of the Sokolac Crisis Staff from April 1992 until 1996;⁶⁵⁵³ **Milenko Rajak**, at first a member of the Rogatica Serb TO and later of the Rogatica Brigade until 1 June 1994;⁶⁵⁵⁴ and **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities between 1994 and 1996.⁶⁵⁵⁵ The evidence of **Elvir Pašić**, **Armin Baždar**, **Šefik Hurko**, **Milenko Rajak**, and **Witness RM-037** has also been reviewed in chapters 4.2.2 *Schedule C.2.1*, 4.11.1 *Schedule B.14.2*, 4.11.2 *Schedules C.16.1* and *C.16.3* and 4.11.5.

1554. According to census data, in 1991 Rogatica had a total population of 21,976 people, of which 13,209 were Muslims and 8,391 were Serbs.⁶⁵⁵⁶ **Witness RM-098** stated that Rogatica Municipality was an area of strategic importance with significant roads between Serbia and Sarajevo.⁶⁵⁵⁷ He also stated that Rajko Kušić accelerated the division of Muslims and Serbs in the municipality by issuing ultimatums to Muslim villages.⁶⁵⁵⁸ He told them that if they handed over their weapons, they would be able to live there and their safety would be guaranteed.⁶⁵⁵⁹ All those who failed to turn in their weapons would be expelled, arrested, or suffer the worst consequences.⁶⁵⁶⁰ During March, April, right up until the first half of May and later on until 1 June 1992, Kušić disarmed Muslims in some villages of the municipality.⁶⁵⁶¹ **Novica Andrić** testified that in May 1992, during a meeting with the SDA representative, Ramiz Alajbegović, the Serb TO command requested in particular that the three Muslim villages of Mader, Kozići, Kopljevići, hand over their weapons to the Serb authorities.⁶⁵⁶² As Alajbegović

⁶⁵⁵³ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

⁶⁵⁵⁴ D708 (Milenko Rajak, witness statement, 6 June 2014), paras 2-3, 8. The evidence of Armin Baždar is also reviewed in chapters 4.11.1 *Schedule B.14.2* and 4.11.5. The evidence of Witness RM-037 is also reviewed in chapter 4.11.1 *Schedule B.14.2*. The evidence of Šefik Hurko is also reviewed in chapter 4.11.2 *Schedules C.16.1* and *C.16.3*. The evidence of Milenko Rajak is also reviewed in chapter 4.11.2 *Schedule C.16.3*. The evidence of Đoko Razdoljac is also reviewed in chapter 4.11.4.

⁶⁵⁵⁵ D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

⁶⁵⁵⁶ P6772 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 2-3. *See also* P309 (Witness RM-081, witness statement, 17 September 2011), paras 3-4; P2227 (Witness RM-037, witness statement, 27 November 2012), para. 4; P3012 (Witness RM-098, witness statement, 1 September 2011), para. 5; P3019 (Map of Rogatica Municipality); P6773 (Report by the Rogatica Executive Board on the current situation in the area of the Rogatica Municipality, 26 June 1992), p. 1.

⁶⁵⁵⁷ P3012 (Witness RM-098, witness statement, 1 September 2011), para. 4.

⁶⁵⁵⁸ P3012 (Witness RM-098, witness statement, 1 September 2011), para. 66.

⁶⁵⁵⁹ P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66-67, 70.

⁶⁵⁶⁰ P3012 (Witness RM-098, witness statement, 1 September 2011), para. 70.

⁶⁵⁶¹ P3012 (Witness RM-098, witness statement, 1 September 2011), para. 66.

⁶⁵⁶² D665 (Novica Andrić, witness statement, 23 February 2013), para. 9. *See also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66, 69.

refused, the TO command decided to carry out an attack on these villages.⁶⁵⁶³ According to the witness, the villagers were warned beforehand by ‘Serbs’ and withdrew towards Pokrivenik and Kopljevići.⁶⁵⁶⁴ Concerning the Muslim villages of Kozadre and Kramer Selo, **Mile Ujić** testified that he coordinated the artillery attacks on these villages, which he considered legitimate military targets as the villagers had failed to comply with the ultimatum asking them to surrender their weapons.⁶⁵⁶⁵

1555. According to **Milorad Sokolović**, already before the conflict broke out in Rogatica in May 1992, Muslims were leaving Rogatica in an organised manner and in large numbers, concentrating around the Kozići and Stijenice villages.⁶⁵⁶⁶ **Witness RM-098** stated that the civilian authority of Rogatica escaped to Kozići and formed a defence line there.⁶⁵⁶⁷ **Sokolović** testified that in April 1992, the Muslims organized transportation to Sarajevo en masse using buses and passenger vehicles.⁶⁵⁶⁸ He estimated that about 2,500 to 3,000 Muslims left Rogatica in this manner and of their own free will before 21 May 1992.⁶⁵⁶⁹ After the conflict began, the small number of Muslims who had remained in Rogatica, organized by their own leadership, left towards Žepa and Goražde, among other locations.⁶⁵⁷⁰ **Ujić** testified that some Muslims, residing in villages who had surrendered their weapons such as Šatorovići, stayed in their home and did not go to collection centres.⁶⁵⁷¹ The Crisis Staff provided them with the same quantity of food per capita as a person of Serb ethnicity.⁶⁵⁷² According to a New York Times article, Serb authorities put the remaining Muslim inhabitants of Šatorovići onto buses departing to Sarajevo in 1994.⁶⁵⁷³ **Milovan Lelek** testified that the inhabitants of the village of Zahum asked Radivoje Planojević to contact the Municipal Assembly of Rogatica to have transportation provided for them as they were threatened by a

⁶⁵⁶³ D665 (Novica Andrić, witness statement, 23 February 2013), para. 9. *See also* P3012 (Witness RM-098, witness statement, 1 September 2011), paras 66, 69.

⁶⁵⁶⁴ D665 (Novica Andrić, witness statement, 23 February 2013), para. 9.

⁶⁵⁶⁵ D691 (Mile Ujić, witness statement, 2 August 2014), para. 32; Mile Ujić, T. 26963-26964.

⁶⁵⁶⁶ D652 (Milorad Sokolović, witness statement, 6 June 2014), paras 10-11.

⁶⁵⁶⁷ P3012 (Witness RM-098, witness statement, 1 September 2011), para. 96.

⁶⁵⁶⁸ D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 11; Milorad Sokolović, T. 26011.

⁶⁵⁶⁹ D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 11; Milorad Sokolović, T. 26011, 26027-26028, 26074.

⁶⁵⁷⁰ D652 (Milorad Sokolović, witness statement, 6 June 2014), para. 14; Milorad Sokolović, T. 26011, 26043, 26074.

⁶⁵⁷¹ D691 (Mile Ujić, witness statement, 2 August 2014), para. 35; Mile Ujić, T. 26895-26896.

⁶⁵⁷² D691 (Mile Ujić, witness statement, 2 August 2014), para. 35; Mile Ujić, T. 26895-26896.

⁶⁵⁷³ P6830 (New York Times article on displacement of Muslims to Sarajevo, 6 October 1994). *See also*, Mile Ujić, T. 26981-26982.

neighboring Muslim village due to their loyalty to the Serbs. A bus was sent and they were taken to the collection centre in Rogatica.

1556. **Ujić** testified that following the killing of a Serb on 22 May 1992, clashes occurred on a daily basis in Rogatica.⁶⁵⁷⁴ Both sides had several barricades, functioning as checkpoints, in Rogatica around 22 May 1992.⁶⁵⁷⁵ Beginning on 22 May and for approximately seven days, Serb forces – including the VRS, Kušić’s men, and volunteer forces – shelled and, finally, took control of Rogatica Town and the surrounding villages.⁶⁵⁷⁶ **Witness RM-081** testified that the shelling of the town began without warning.⁶⁵⁷⁷ **Alija Isaković**, who had received military training, testified that the firing involved mortars, anti-aircraft guns, tanks, artillery, and heavy machine guns.⁶⁵⁷⁸ At the time, the Serb forces met resistance from only about 50 Muslims armed with light weapons.⁶⁵⁷⁹ **Elvir Pašić** testified that there was no organized resistance in Rogatica but the Serb forces shelled the town continuously for about two days.⁶⁵⁸⁰ Another witness, **Witness RM-081** testified that there was no defence from the inhabitants of Rogatica, all of whom were unarmed.⁶⁵⁸¹ On 26 May 1992, **Pašić** heard bombing from aircraft targeting the villages located outside Rogatica in the direction of Višegrad where local Muslims had sought refuge.⁶⁵⁸²

1557. After the shelling, the Serbs ordered the Muslims to gather in the Rogatica Town’s central square.⁶⁵⁸³ Serb police and others in olive-green camouflage uniform removed from their homes those who did not comply with the orders to go to the secondary school, proceeding to separate the men from the women and then beating the men.⁶⁵⁸⁴ **Isaković** stated that the Muslim residents of the town hid in cellars in order to avoid death and capture.⁶⁵⁸⁵ Serb tanks fired into the cellars and used dogs to force

⁶⁵⁷⁴ D691 (Mile Ujić, witness statement, 2 August 2014), para. 25; Mile Ujić, T. 26871, 26886-26889, 27017-27018; D696 (Map of Rogatica, marked by Mile Ujić).

⁶⁵⁷⁵ Mile Ujić, T. 26873; D693 (Map of Rogatica with road blocks).

⁶⁵⁷⁶ Adjudicated Facts IV, no. 1128.

⁶⁵⁷⁷ P309 (Witness RM-081, witness statement, 17 September 2011), paras 30-32. *See also* P434 (Elvir Pašić, witness statement, 21 October 1994), para. 17; Elvir Pašić, T. 4470-4471.

⁶⁵⁷⁸ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3.

⁶⁵⁷⁹ Adjudicated Facts IV, no. 1128.

⁶⁵⁸⁰ P434 (Elvir Pašić, witness statement, 21 October 1994), paras 17, 19.

⁶⁵⁸¹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 31, 38-39; Witness RM-081, T. 3690-3691; P312 (Regular Operative Report No. 01-80/92 of the Rogatica Brigade Command to the SRK Command, signed by Commander Rajko Kušić, 11 June 1992), p. 1.

⁶⁵⁸² P434 (Elvir Pašić, witness statement, 21 October 1994), para. 19.

⁶⁵⁸³ Adjudicated Facts IV, no. 1128.

⁶⁵⁸⁴ Adjudicated Facts I, no. 1129.

⁶⁵⁸⁵ P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

people out.⁶⁵⁸⁶ The witness saw Serb soldiers carrying large liquid containers on their backs, with which they sprayed chemical into buildings, ignited it with incendiary rounds, and then captured the people escaping the flames.⁶⁵⁸⁷ On one occasion, an earthquake, described as powerful by the witness, made the population leave their shelters, and as they gathered on the streets, the Serb firing and shelling intensified.⁶⁵⁸⁸ The witness saw a young boy being killed and others being wounded.⁶⁵⁸⁹ According to the witness, the visibility was clear and the crowd could not have been mistaken for a military target.⁶⁵⁹⁰ Anyone pulling a trigger would have been able to see that they were firing at unarmed civilians, including women and children.⁶⁵⁹¹ Soldiers in JNA uniform, including a reserve JNA captain, demanded that the Muslim population sign a loyalty oath to surrender and move to the Veljko Vlahović secondary school, under the threat of being killed if they did not comply.⁶⁵⁹² The ‘Chetniks’ were also announcing that those Muslims who would come out of their hiding places would not be harmed.⁶⁵⁹³ **Pašić** testified that a Serb announcement stated that the Serbs intended to ‘cleanse’ Rogatica of Muslim extremists and so-called Green Berets, allegedly consisting of 4,000 people.⁶⁵⁹⁴ According to the witness, who was a former policeman in Rogatica, there were no Muslim military organizations or extremists in the area.⁶⁵⁹⁵ After the shelling, a total of 2,500-3,000 Muslims assembled in the town square.⁶⁵⁹⁶

1558. **Pašić** testified that the attack on Rogatica Town targeted exclusively the Muslim-populated parts of the town.⁶⁵⁹⁷ **Witness RM-081** also testified that only Muslim houses were targeted during the shelling, while Serb areas of the town were left unscathed.⁶⁵⁹⁸ The shelling of Rogatica continued for around three months, with Serb military formations entering gradually and cleaning up the town.⁶⁵⁹⁹ **Isaković** stated that

⁶⁵⁸⁶ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.

⁶⁵⁸⁷ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.

⁶⁵⁸⁸ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

⁶⁵⁸⁹ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 3.

⁶⁵⁹⁰ P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4.

⁶⁵⁹¹ P1637 (Alija Isaković, witness statement, 22 January 1999), pp. 3-4.

⁶⁵⁹² Adjudicated Facts IV, no. 1128.

⁶⁵⁹³ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

⁶⁵⁹⁴ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 21.

⁶⁵⁹⁵ Elvir Pašić, T. 4471, 4484-4485.

⁶⁵⁹⁶ Adjudicated Facts IV, no. 1128.

⁶⁵⁹⁷ Elvir Pašić, T. 4478.

⁶⁵⁹⁸ P309 (Witness RM-081, witness statement, 17 September 2011), para. 34; P311 (Photo of a destroyed house).

⁶⁵⁹⁹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 36-37.

tanks and APCs fired at Muslim houses, shops, and mosques in Rogatica on a daily basis.⁶⁶⁰⁰ **Witness RM-081** testified that Serb forces would throw hand grenades into a house, then break down the door, and fire their automatic rifles and machine guns, killing anyone inside.⁶⁶⁰¹ Any survivors would be detained, and then the house would be set on fire by specialists with flame throwers.⁶⁶⁰² In particular, Kušić's detachment, the VRS, and volunteer units from Pančevo and Zrenjanin destroyed a house in July 1992.⁶⁶⁰³

1559. In May 1992 a group of 1,500-2,000 Muslims left Rogatica Town due to the intensified shelling. When the group arrived at the village of Vragolovi in Rogatica Municipality, there were approximately 5,000-6,000 displaced Muslims and refugees. In July 1992, 1,500 of these Muslims escaped to Goražde when Serb forces shelled Vragolovi. In August 1992, all but ten of the remaining refugees left the village for Goražde after having received a warning about another Serb attack.⁶⁶⁰⁴

1560. **Sveto Veselinović** testified that in May 1992, both Serbs and Muslims left the town and moved to its suburbs and 'further away', due to growing insecurity in the town and shooting in the streets.⁶⁶⁰⁵ By the end of the war, there were almost no Muslims left in the municipality.⁶⁶⁰⁶ **Lelek** testified that the Serb population and part of the Muslim population of Rogatica were evacuated towards Kopljevići, Koprivenik, and Goražde around 23 to 24 May.⁶⁶⁰⁷

1561. According to a combat report addressed to the Supreme Command of the Bosnian-Serb Republic, dated 23 May 1992, on 22 May 1992, a battalion of the Rogatica Municipal Assembly commanded by Rajko Kušić, together with the Military Police Company, conducted armed operations against enemy strongholds in the villages of Dub, Pokrivenik, Kopljevići, Kozići, and Čadovi, as well as against Pašić Kula, Rajs

⁶⁶⁰⁰ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 4.

⁶⁶⁰¹ P309 (Witness RM-081, witness statement, 17 September 2011), para. 37.

⁶⁶⁰² P309 (Witness RM-081, witness statement, 17 September 2011), para. 37.

⁶⁶⁰³ P309 (Witness RM-081, witness statement, 17 September 2011), paras 34, 40; P311 (Photo of a destroyed house).

⁶⁶⁰⁴ Adjudicated Facts I, no. 1136.

⁶⁶⁰⁵ D770 (Sveto Veselinović, witness statement, 15 February 2013), para. 16.

⁶⁶⁰⁶ Sveto Veselinović, T. 28275.

⁶⁶⁰⁷ D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13; Milovan Lelek, T. 29564-29565. The Trial Chamber notes that D849 uses the term 'evacuated themselves'. The Trial Chamber also notes that D849 as well as the transcript, referred to hereto, contain further references to subsequent evacuation of the population without the use of the reflexive pronoun. Therefore, the Trial Chamber understands the sentence in para. 13 of D849 as referring to the evacuation of the population.

Laze, and Rudo 2 settlement, and that the ‘enemy was crushed’.⁶⁶⁰⁸ **Šefik Hurko** testified that Kopljevići and Rudo 2, a neighbourhood in Rogatica Town, were civilian Muslim areas.⁶⁶⁰⁹ From May through August 1992, a police unit, under the command of Ramiz Alajbegović, operated in several Muslim villages of the municipality.⁶⁶¹⁰ According to **Isaković**, the Muslim villages surrounding Rogatica Town, among them Tičijak, Mala Žepa, Biljino Polje, and Pašić Kula, were burned down.⁶⁶¹¹ A man from Pašić Kula told the witness that he saw ‘Chetniks’ burn down his house by spraying it with fluids and firing incendiary bullets at it.⁶⁶¹²

1562. **Pašić** testified that on 19 June 1992, there was military activity in Rogatica Town. For two days, a tank stationed near the Veljko Vlahović school directed fire towards the centre of town and approximately 30 tank rounds were fired. On 20 June 1992, on the second day of his detention at the school, the witness was allowed to go to town to check if his girlfriend who resided in town was alright. He saw that the town was burnt down and that the shelling continued.⁶⁶¹³ **Milenko Janković** testified that after this attack on the town by a unit under the command of Rajko Kušić, the Serb TO took control of the town and most Muslims left Rogatica Municipality.⁶⁶¹⁴ Several villages in the municipality, including Burati, Šatorovići, and Žepa, remained Muslim.⁶⁶¹⁵ According to the witness, there was no organized moving of civilians by what the witness called ‘Serbian forces’, described as a reference to the TO and to the VRS, nor were civilians ordered to leave the municipality, but individuals who reported to the collection centres and expressed their desire to leave were escorted by the police for their safety.⁶⁶¹⁶

1563. **Pašić** testified that on 22 June 1992, Rajko Kušić announced that Veljko Vlahović secondary school detainees with relatives in the ‘free zone’ would be transported there. On 27 June 1992, the people who had signed up to be transferred, with the exception of doctors, engineers, and mechanics, were put on buses and a few

⁶⁶⁰⁸ P166 (Combat report from the Rogatica Municipal Assembly to the Supreme Command of the Bosnian-Serb Republic and Sokolac TO Commander, signed by Rajko Kušić, 23 May 1992).

⁶⁶⁰⁹ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 4.

⁶⁶¹⁰ Šefik Hurko, T. 2255.

⁶⁶¹¹ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

⁶⁶¹² P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 3.

⁶⁶¹³ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 28.

⁶⁶¹⁴ D683 (Milenko Janković, witness statement, 2 August 2014), paras 9-11; Milenko Janković, T. 26637-26638, 26675.

⁶⁶¹⁵ Milenko Janković, T. 26689.

civilian trucks driven by individuals in military uniform and escorted by guards in military vehicles and were told that they would be transferred to Muslim-held territory. Approximately 280 detainees were transferred while about 50 remained in the camp.⁶⁶¹⁷ At around one kilometre away from the school, the convoy was stopped and men aged 18-60 were requested to get off the vehicles.⁶⁶¹⁸ Twenty-eight men, including the witness, left the vehicles and the witness heard that the remaining group was taken to Olovo, which was Muslim-controlled.⁶⁶¹⁹ **Lelek** testified that around 20 to 25 June 1992, the mostly Muslim civilian population was safely evacuated.⁶⁶²⁰

1564. **Witness RM-081** testified that the cleansing operation conducted in Muslim areas of the town resulted in the destruction of a house in July 1992, which prompted him to flee to the centre of the town.⁶⁶²¹ On the way to the centre, he saw APCs and tanks, and heard announcements broadcast over a loudspeaker by Živojin Novaković, on behalf of the VRS Command, directing the Muslim residents of Rogatica without weapons to surrender themselves to the Veljko Vlahović School.⁶⁶²² Novaković told him that the school was too small to accommodate all the Muslims. Novaković was asked to let the Muslims go as the Serbs already had control of the town. He replied that he would ask command if this were possible, but later said that it would not be possible. Novaković further said that the town would be cleansed and anyone found in the town would be killed.⁶⁶²³ Novaković added that the Muslims would have to stay in the school for only two to three days until the situation calmed down.⁶⁶²⁴ The witness testified that he and his family left Rogatica in August or September 1993.⁶⁶²⁵ With the help of a Serb friend, they hid for nine days and eventually managed to escape from Rogatica and reach Plužine in Montenegro.⁶⁶²⁶ The Serb inhabitants started to return to Rogatica in March 1993.⁶⁶²⁷

⁶⁶¹⁶ Milenko Janković, T. 26675-26676, 26690-26691; D683 (Milenko Janković, witness statement, 2 August 2014), para.11.

⁶⁶¹⁷ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 30.

⁶⁶¹⁸ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 31.

⁶⁶¹⁹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 31.

⁶⁶²⁰ D849 (Milovan Lelek, witness statement, 2 August 2014), para. 13; Milovan Lelek, T. 29565.

⁶⁶²¹ P309 (Witness RM-081, witness statement, 17 September 2011), paras 40, 42-43.

⁶⁶²² P309 (Witness RM-081, witness statement, 17 September 2011), paras 43, 46-47.

⁶⁶²³ P309 (Witness RM-081, witness statement, 17 September 2011), paras 43, 46.

⁶⁶²⁴ P309 (Witness RM-081, witness statement, 17 September 2011), paras 46, 50.

⁶⁶²⁵ P309 (Witness RM-081, witness statement, 17 September 2011), para. 99.

⁶⁶²⁶ P309 (Witness RM-081, witness statement, 17 September 2011), paras 101-102.

⁶⁶²⁷ P309 (Witness RM-081, witness statement, 17 September 2011), para. 100.

1565. **Ujić** testified that on 23 July 1992, the Serbs entered Rogatica and pushed the Muslims out of the centre.⁶⁶²⁸ On 1 August 1992, the Sokolac TO, then placed under the command of the SRK, fired at enemy firing groups in the mixed village Rakitnica.⁶⁶²⁹ On 2 August 1992, a column of Muslims from Rakitnica withdrew from the mixed village of Borovsko under fire.⁶⁶³⁰ They were under fire and accompanied by members of an ABiH unit returning fire.⁶⁶³¹ The Serb artillery, while not able to see the column, fired 82-millimetre mortars wounding two or three children subsequently left behind by the column and treated by the Serb military.⁶⁶³²

1566. **Witness RM-037** stated that on 2 August 1992, Kozadre and the neighbouring predominantly Muslim villages of Kramer Selo, Dobrašina, and Borovsko were shelled.⁶⁶³³ In the afternoon of the same day, Serb ‘infantry’ attacked Kozadre and houses were set on fire. The witness and his family, along with 30 women, children, and elderly people, consequently took shelter in the forest called Rudine. The attackers looted and burned the houses.⁶⁶³⁴ The witness was later told that the ‘Chetniks’ killed a number of people during the attack of Kozadre.⁶⁶³⁵

1567. **Milan Tupajić** stated that around late May-July 1992, columns of Muslim ‘refugees’, mainly from the Drina valley, Rogatica, and Višegrad passed through Sokolac in buses.⁶⁶³⁶ Once in Sokolac, those heading to Olovo were escorted by members of the Sokolac police station.⁶⁶³⁷

1568. Several witnesses provided evidence about exchange of detainees from Rasadnik camp. **Isaković** stated that after his wife had been separated from him on 5 August 1992 at the Veljko Vlahović School detention facility, he learned that she had been exchanged in Sarajevo.⁶⁶³⁸ The witness further stated that at some point during his detention at the Rasadnik detention facility, Lazar Veselinović, a Serb investigating judge in the prison, informed him that he would be exchanged.⁶⁶³⁹ From that moment,

⁶⁶²⁸ Mile Ujić, T. 26889, 26897, 26899; D696 (Map of Rogatica, marked by Mile Ujić).

⁶⁶²⁹ Mile Ujić, T. 26977-26978; P6827 (Order by the SRK command, 22 May 1992), p. 2.

⁶⁶³⁰ Mile Ujić, T. 26965-26966, 26969-26971, 26975, 26978-26980.

⁶⁶³¹ Mile Ujić, T. 26965-26966, 26969-26971, 26978-26980.

⁶⁶³² Mile Ujić, T. 26965-26967, 26969-26975, 26977.

⁶⁶³³ P2227 (Witness RM-037, witness statement, 27 November 2012), paras 12, 53.

⁶⁶³⁴ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 12.

⁶⁶³⁵ P2227 (Witness RM-037, witness statement, 27 November 2012), para. 49.

⁶⁶³⁶ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15376, 15388-15389.

⁶⁶³⁷ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15389.

⁶⁶³⁸ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 4.

⁶⁶³⁹ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.

the witness's status had changed: he was examined by a doctor, his hair was cut by a barber, and he received a clean set of clothes.⁶⁶⁴⁰ On 16 March 1993, the witness was exchanged for Danko Knežević near Bristol hotel in Grbavica.⁶⁶⁴¹ On the 'Chetnik' side, the exchange was carried out by a uniformed man who held the rank of a captain.⁶⁶⁴² **Šefik Hurko** testified that on 30 April 1994, he, alongside 11 other Rasadnik camp detainees and a large number of women and children, was transported to Kula to be exchanged.⁶⁶⁴³ On 6 October 1994 he was exchanged at the *Bratstva i Jedinstva* bridge in Sarajevo.⁶⁶⁴⁴

1569. **Novica Andrić** testified that in the summer of 1993, he, together with the Rasadnik warden and Captain Zoran Čarkić, escorted a bus of civilians of Muslim ethnicity, including one man who had appeared on the 10 April 1993 list of 'captured persons' from Rasadnik to Zvornik where they were handed over by the latter.⁶⁶⁴⁵ According to the witness, nobody forced them to go on the bus.⁶⁶⁴⁶ The civilians and 'others' were supposed to be exchanged from Zvornik to Tuzla and let go to the Muslim controlled territory.⁶⁶⁴⁷ 'Muslim authorities' did not allow the people to enter the Muslim-controlled territory and some people were sent back to Rogatica one or two days later.⁶⁶⁴⁸

1570. **Milenko Rajak** testified that some of the detainees from Rasadnik (*see* chapter 4.11.2 *Schedule C.16.3*) were later exchanged in Sarajevo following the approval of Rajko Kušić.⁶⁶⁴⁹

1571. The Trial Chamber has reviewed the evidence of **Armin Baždar** concerning scheduled incident B.14.2 in chapter 4.11.1 *Schedule B.14.2*. The witness stated that two days after reaching Bosnia-Herzegovina TO, following his survival of this incident,

⁶⁶⁴⁰ P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.

⁶⁶⁴¹ P1637 (Alija Isaković, witness statement, 22 January 1999), p. 5; P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 8.

⁶⁶⁴² P1638 (Alija Isaković, statement before the Bosnia-Herzegovina MUP), p. 7.

⁶⁶⁴³ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 49.

⁶⁶⁴⁴ P164 (Šefik Hurko, witness statement, 1 September 2011), para. 50.

⁶⁶⁴⁵ Novica Andrić, T. 26406, 26408-26409, 26422-26423; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.

⁶⁶⁴⁶ Novica Andrić T. 26422; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.

⁶⁶⁴⁷ Novica Andrić, T. 26409, 26412, 26422; P6805 (DK Command 'List of captured persons of Muslim ethnicity', 10 April 1993), pp. 1-3.

⁶⁶⁴⁸ Novica Andrić, T. 26412, 26422.

⁶⁶⁴⁹ D708 (Milenko Rajak, witness statement, 6 June 2014), para. 9; Milenko Rajak, T. 27284, 27346, 27349; P6854 (1st Podrinje Infantry Brigade command document No. 01-1057/93, dated 28 January 1994).

a Muslim soldier took him to Kopači, where he stayed with his uncle for two months.⁶⁶⁵⁰ On 7 January 1993, he finally reached Sarajevo and joined his family there.⁶⁶⁵¹ The Trial Chamber has also reviewed the evidence of Armin Baždar concerning the incidents of forced labour in chapter 4.11.5.

1572. The Trial Chamber also received evidence of the transfer of people from Žepa in 1995. **Milovan Milutinović** testified that sometime in July 1995, he attended talks between Mladić, Muslim representatives of Žepa, and the Commander of the Ukrainian Battalion of UNPROFOR.⁶⁶⁵² VRS Main Staff Assistant Commander for Intelligence and Security, General Zdravko Tolimir, was also present.⁶⁶⁵³ Upon a request from the Muslim representatives, it was agreed to organise the transport and departure from Žepa of the entire population and of the members of the brigade in Žepa.⁶⁶⁵⁴ The Ukrainian Battalion Commander conveyed that the population of Žepa requested, upon their own free will, to be transported out of Žepa.⁶⁶⁵⁵ They were guaranteed safe transport to the Federation of Bosnia-Herzegovina.⁶⁶⁵⁶ On 13 July 1995, Tolimir informed the VRS Main Staff, and Mladić personally, as well as other VRS units that the ‘representatives’ from Žepa informed large number of the civilian population and soldiers that they would be allowed to leave or to stay in the Žepa area, if they surrendered their weapons and recognize the ‘Serbian authority’.⁶⁶⁵⁷ Tolimir added that the VRS informed the Žepa leadership through UNPROFOR that the process of evacuation and the weapons surrender had to start at 9 a.m. on 15 July 1995 and that in case of non-compliance the VRS was planning to start with combat activities.⁶⁶⁵⁸ On 14 July 1995, Tolimir informed the VRS Main Staff that the Muslim leadership in Sarajevo did not approve the evacuation from Žepa and that according to UNPROFOR intelligence the ABiH was ‘at the front’ and civilians were taking refuge outside the populated area.⁶⁶⁵⁹ Tolimir

⁶⁶⁵⁰ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.

⁶⁶⁵¹ P2223 (Armin Baždar, witness statement, 23 January 1999), p. 7.

⁶⁶⁵² D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 94, 96-97; Milovan Milutinović, T. 30078. *See also* P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8252-8253, 8255-8256, 8270-8271.

⁶⁶⁵³ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97.

⁶⁶⁵⁴ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97; Milovan Milutinović, T. 30077.

⁶⁶⁵⁵ Milovan Milutinović, T. 30077-30079, 30081.

⁶⁶⁵⁶ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 97.

⁶⁶⁵⁷ P3478 (Tolimir’s Report to the VRS Main Staff about the situation in Žepa, 13 July 1995), pp. 1-2.

⁶⁶⁵⁸ P3478 (Tolimir’s Report to the VRS Main Staff about the situation in Žepa, 13 July 1995), p. 2.

⁶⁶⁵⁹ P3480 (Tolimir’s Report to the VRS Main Staff about the situation in Žepa, 14 July 1995), p. 1, 3.

suggested to start with the execution of combat operations according to the plan of superior command.⁶⁶⁶⁰

1573. Upon Mladić's request, the witness, dressed in uniform, was present in Žepa while preparations for the evacuation were taking place.⁶⁶⁶¹ The witness felt no ill will from the people, and nothing unpleasant happened.⁶⁶⁶² The witness worked with Captain Guduras, security officer of the 1KK, in using loudspeakers in Žepa to broadcast messages to the Muslim population, so that they would not put up resistance, and so that they would assemble in certain areas.⁶⁶⁶³ According to the witness, when the population, escorted by UNPROFOR members, was leaving Žepa, Mladić entered a large number of buses, greeting the people and telling them that they had no reason to be afraid.⁶⁶⁶⁴

1574. **Đoko Razdoljac** stated that he had been tasked to secure, with the assistance of other municipalities, 50 to 60 buses and trucks for the evacuation.⁶⁶⁶⁵ According to an order from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, on 20 July 1995, 50 buses were to be secured for the transport of women and children, and one bus for the sick and wounded.⁶⁶⁶⁶ The order further tasked the command of the Rogatica Brigade, assisted by units of the Drina Corps, to set up a team to collect and store assets and cattle, and record them as material assets obtained through regular supply and to report to the VRS Main Staff.⁶⁶⁶⁷ Colonel Milisav Jovanović was in charge of the collection and pull out of the war booty on behalf of the VRS Main Staff.⁶⁶⁶⁸ According to a request for mobilisation of motor vehicles from the DK command to sections of the MoD in nine municipalities, including

⁶⁶⁶⁰ P3480 (Tolimir's Report to the VRS Main Staff about the situation in Žepa, 14 July 1995), p. 2.

⁶⁶⁶¹ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 100; Milovan Milutinović, T. 30081.

⁶⁶⁶² D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 100; Milovan Milutinović, T. 30082-30083.

⁶⁶⁶³ Milovan Milutinović, T. 30083, 30087.

⁶⁶⁶⁴ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 98; Milovan Milutinović, T. 30082.

⁶⁶⁶⁵ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8270, 8286-8287.

⁶⁶⁶⁶ P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 1.

⁶⁶⁶⁷ P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 2.

⁶⁶⁶⁸ P3497 (Order on the transport of people and the pull-out of war booty from Žepa from the logistics sector of the VRS Main Staff to the assistant commander for logistics of the Rogatica Brigade, 19 July 1995), p. 2.

Vlasenica, Sokolac, Pale, and Rogatica, General Krstić requested the mobilisation of 21 trucks and 50 buses and ordered the concerned municipal organs to report with the vehicles 20 kilometre north-east of Rogatica on 20 July 1995.⁶⁶⁶⁹ On 24 July 1995, an agreement was signed between Rajko Kušić and Hamdija Torlak and certified by Mladić about the disarmament of the able-bodied population in the enclave of Žepa.⁶⁶⁷⁰ The agreement stated *inter alia* that: there be an immediate cease-fire; Avdo Palić would issue an order to his soldiers to move with the displaced population to 'settled places' to try to illegally cross over the territory of the Bosnian-Serb Republic; the civilian population of Žepa was to be enabled to freely choose their place of residence and the UNPROFOR, ICRC, and other international organisations, in cooperation with the VRS enable their transport to territory under the control of ABiH or to third countries of their choice; the able-bodied population of Žepa would be registered and accommodated in a holding centre under the control of the VRS and the ICRC up to the liberation of all VRS and Serbian detainees held in prisons in territory controlled by the ABiH under the command of Rasim Delić.⁶⁶⁷¹ Further, the agreement stated that all UNPROFOR members in Žepa were to be immediately released and 'deblocked' and that all weapons and equipment be returned to them so that they can act as intermediaries in the implementation of the agreement.⁶⁶⁷²

1575. On 25 July 1995, Jovica Karanović, informed Tolimir that the Muslim Government accepted on that day the agreement in its entirety on the condition that both civilians and able-bodied men be evacuated together from Žepa and that the government were willing to secure release of all POWs demanded by the VRS.⁶⁶⁷³ Karanović emphasized that 'it is important that civilians, disarmed soldiers and able-bodied men are evacuated together from Žepa and they demand guarantees that they are not going to be killed'.⁶⁶⁷⁴

⁶⁶⁶⁹ P3498 (Request for mobilization of motor vehicles from the DK command to sections of the MoD in 9 municipalities, 19 July 1995).

⁶⁶⁷⁰ P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995), p. 1, 3.

⁶⁶⁷¹ P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995).

⁶⁶⁷² P3483 (Report on the Agreement on the disarmament of the able-bodies population in the enclave of Žepa, 24 July 1995), p. 2.

⁶⁶⁷³ P3482 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 25 July 1995).

⁶⁶⁷⁴ P3482 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 25 July 1995).

1576. To **Milutinović's** knowledge, all inhabitants and members of the brigade were transferred to the Federation of Bosnia-Herzegovina.⁶⁶⁷⁵ **Razdoljac** stated that, as far as he knew, the negotiations resulted in the departure of people, in several buses, from Žepa to Sarajevo in July 1995.⁶⁶⁷⁶ Following the evacuation of women and children, the ABiH remained in the Žepa area.⁶⁶⁷⁷

1577. On 27 July 1995, Jovica Karanović informed *inter alia*, Tolimir, and the Drina Corps Intelligence Department about the 'intentions of the Muslim forces in the Žepa enclave' and namely that they intercepted conversations referring to the 'first 30 buses with the Žepa Muslims on board went to Zenica'. Karanović further stated that the Muslims were very cautious with evacuation because they have no confidence in the agreement they made with the VRS. He added that the ABiH hoped to pull out all the civilians by 28 July 1995 and that after, they expected to evacuate members of the 1st Žepa Brigade of the ABiH.⁶⁶⁷⁸

1578. **Novica Andrić** testified that on 27 July 1995, refugees from Žepa appeared at Bokšanica.⁶⁶⁷⁹ Among them, the witness recognised Ahmet Bruglja, a Muslim.⁶⁶⁸⁰ The latter told the witness, that 'everything was alright'.⁶⁶⁸¹ After that, Ahmet Bruglja was transferred to Kladanj in a convoy.⁶⁶⁸²

1579. According to a letter from the security and intelligence organ of the Rogatica Brigade command addressed to the security administration of the VRS Main Staff and to the security department of the DK command, during the evacuation of the 'civilian' population from Žepa and separation of the Muslim military conscripts on 28 July 1995, men under the command of Lieutenant Matić seized money from Muslims during a

⁶⁶⁷⁵ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 99.

⁶⁶⁷⁶ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), pp. 8252-8253, 8255-8256, 8270-8271.

⁶⁶⁷⁷ P3491 (Đoko Razdoljac, *Tolimir* transcript, 30 November 2010), p. 8292.

⁶⁶⁷⁸ P3473 (Information sent by the Sector for Intelligence and Security of the VRS Main Staff to Tolimir, 27 July 1995).

⁶⁶⁷⁹ D665 (Novica Andrić, witness statement, 23 February 2013), para. 18.

⁶⁶⁸⁰ D665 (Novica Andrić, witness statement, 23 February 2013), para. 18; Novica Andrić, T. 26392-26393.

⁶⁶⁸¹ D665 (Novica Andrić, witness statement, 23 February 2013), para. 18.

⁶⁶⁸² D665 (Novica Andrić, witness statement, 23 February 2013), para 18; Novica Andrić, T. 26392-26394.

search.⁶⁶⁸³ According to the letter, General Tolimir demanded that the case be investigated and that the money be found.⁶⁶⁸⁴

1580. Based on the foregoing, the Trial Chamber finds that in May 1992, due to intensified shelling, between 1,500 and 2,000 Muslims left Rogatica Town for Vragolovi, where there were already approximately 5,000 to 6,000 Muslims. By August, almost all of the Muslims in Vragolovi had left for Goražde due to shelling by Serb forces and a threat about another Serb attack (*see* the Trial Chamber's findings in chapter 4.11.3). Further, between 12 May and August 1992, Muslims left Rogatica Town and villages of the municipality, due to shooting, the shelling of Rogatica Town on 19 June 1992, and growing insecurity, stemming in part from Serb attacks on the Muslim villages of Mader, Kozići, and Kopljevići as well as on the villages of Borovsko, Kozadre, Kramer Selo, and Dobrašina. Some Muslims left for Pokrivenik and Kopljevići while others took shelter in a forest called Rudine. Around 26 May 1992, a Serb announcement stated that the Serbs intended to 'cleanse' Rogatica of Muslim extremists and so-called Green Berets, allegedly consisting of 4,000 people. Once the Serb forces had taken over Rogatica Town, Živojin Novaković said the town would be cleansed and that anyone found in the town would be killed.

1581. The Trial Chamber also finds that from late May to July 1992, Muslims, including some from Rogatica Town, were transported by bus to Olovo in Muslim-held territory under the escort of members of the Sokolac police station. In particular, on 27 June 1992, guards at Veljko Vlahović Secondary School in military vehicles escorted approximately 280 Muslims held at the school (*see* the Trial Chamber's findings chapter 4.11.2 *Schedule C.16.1*), with the exception of the able-bodied men, to Olovo. The Trial Chamber recalls its finding in chapter 4.11.2 *Schedule C.16.1* that local Serbs under Rajko Kušić, civilian police, Serb TO, and paramilitary unit members guarded the camp. On 22 June 1992, Rajko Kušić had announced that the Muslims held at Veljko Vlahović Secondary School with relatives in the 'free zone' would be transported there.

1582. The Trial Chamber finds that, after his escape from Rasadnik camp in August 1992, one Bosnian Muslim from Rogatica Municipality stayed in Kopači for two months and eventually reached Sarajevo on 7 January 1993 to join his family. The Trial

⁶⁶⁸³ P3496 (Letter from the Rogatica Brigade to the VRS Main Staff and the Drina Corps command, 30 July 1995), p. 4.

⁶⁶⁸⁴ P3496 (Letter from the Rogatica Brigade to the VRS Main Staff and the Drina Corps command, 30 July 1995), p. 4.

Chamber also finds that in August or September 1993, following attacks on Rogatica Town and detention at Veljko Vlahović Secondary School (*see* the Trial Chamber's findings in chapter 4.11.2 *Schedule C.16.1*) , one Bosnian Muslim, together with his family, left Rogatica for Montenegro by his own means.

1583. The Trial Chamber finds that between March 1993 and April 1994, Bosnian Muslim male and female detainees at Rasadnik Camp were exchanged in Sarajevo. Some were exchanged for Serb detainees or transported to Zvornik, including some following the approval of Rajko Kušić. In the summer of 1993, the Rasadnik camp warden and Captain Zoran Čarkić escorted a bus transporting detainees to Zvornik. All of these exchanges were carried out by the VRS, in charge of Rasadnik between March 1993 and April 1994 (*see* chapter 4.11.2 *Schedule C.16.3*).

1584. The Trial Chamber finds that on 21 July 1993, one Bosnian-Muslim detainee from Batković camp, originating from Rogatica Municipality, was exchanged and taken to Croatia with the assistance of the Red Cross. This exchange was carried out by the VRS, in charge of Batković camp at the time (*see* the Trial Chamber's findings in chapter 4.2.2 *Schedule C.2.1*).

1585. The Trial Chamber finds that at the end of July 1995, Muslim women and children were transported from Žepa to Sarajevo by bus, upon a request from the Muslim representatives and following an agreement reached during talks with the VRS and UNPROFOR. Despite the existence of the agreement, the Muslim representatives requested from the VRS guarantees that, *inter alia*, the civilians would not be killed during their transportation out of Žepa. The transport was facilitated by the VRS and Mladić was present during the evacuation.

1586. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7-8 of the Indictment.

1587. With regard to the evidence on the exchange and transfer to Croatia of 40 detainees and the transfer of 350 detainees to Tuzla, all from Batković Camp, on 21 July 1993, the Trial Chamber has not received evidence on their municipality of origin. Thus, the Trial Chamber will not consider this incident further in relation to any counts of the Indictment.

1588. The Trial Chamber will review the evidence related to the alleged Overarching JCE and, in particular, the Accused's alleged responsibility and his presence in Rogatica Municipality (some of which has been reviewed above) in chapters 9.2.2 and 9.3.

4.12 Sanski Most Municipality

4.12.1 Murder

Schedule A.7.1

1589. According to the Indictment, the Accused is responsible for the killing of about 28 men between Begići and Vrhpolje Bridge in Sanski Most Municipality on or about 31 May 1992.⁶⁶⁸⁵ The Defence argued that (i) the alleged killings were committed by a ‘spontaneously formed disparate group of Bosnian-Serb individuals’; (ii) the Adjudicated Facts associated with this incident have been rebutted⁶⁶⁸⁶; and (iii) while there is evidence that a VRS officer was a perpetrator, he was not acting in accordance with any formal orders or within an organized military unit and therefore his actions were not foreseeable by the VRS chain of command.⁶⁶⁸⁷ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this Scheduled Incident. The Trial Chamber further received evidence from **Adem Seferović**, **Rajif Begić**, and **Ahmet Zulić**, all Bosnian Muslims from Sanski Most Municipality;⁶⁶⁸⁸ **Witness RM-015**, a Bosnian Serb from Sanski Most;⁶⁶⁸⁹ **Witness RM-016**, a Bosnian Serb from Banja Luka;⁶⁶⁹⁰ **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;⁶⁶⁹¹ Branko Predojević, a VRS officer;⁶⁶⁹² and **Ewa Tabeau**, a demographer and statistician;⁶⁶⁹³ as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁶⁶⁹⁴

⁶⁶⁸⁵ Indictment, paras 39(a)i, 47, 59(a)i, 62(a), Schedule A.7.1.

⁶⁶⁸⁶ The Defence refers in particular to Adjudicated Facts nos 1143, 1165-1169, and 1190. The Trial Chamber notes that Adjudicated Facts nos 1143 and 1190 are not relevant to this finding and did not address the Defence’s argument in this regard.

⁶⁶⁸⁷ Defence Final Brief, paras 1196-1197, 1199-1200.

⁶⁶⁸⁸ **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2. **Rajif Begić**: Rajif Begić, T. 2139, 2141, 2143. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

⁶⁶⁸⁹ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁶⁶⁹⁰ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁶⁶⁹¹ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁶⁹² D881 (Branko Predojević, witness statement, 7 July 2014), pp. 1-2; Branko Predojević, T. 30788-30833.

⁶⁶⁹³ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁶⁶⁹⁴ **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4. **Rajif Begić**: Rajif Begić, T. 2147-2154, 2156-2158, 2162, 2164-2166, 2168, 2174, 2176-2178, 2181-2184, 2188, 2198, 2202, 2205. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 83. The evidence of Witness RM-016 is also reviewed in chapter 9.2.12. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 36. **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-45; Branko Basara, T. 34520, 34522-34524. **Ewa Tabeau and documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 18-19, 32-34;

1590. **Adem Seferović** stated that at the end of May 1992 soldiers told the villagers of Hrustovo that men aged between 16 and 60 had to gather in groups and go to certain places.⁶⁶⁹⁵ He was part of a group of 60-80 men who were escorted by Serb soldiers to Kukavice in Sanski Most municipality. They stopped in Merdanovići, where they saw the mosque burning. Seferović subsequently decided to flee and returned to his house in Hrustovo to seek shelter. On 1 June 1992, Seferović and his family decided to surrender. They went to Kukavice where he and 130-150 other men were told to walk to Vrhpolje Bridge, while the women and children stayed behind.⁶⁶⁹⁶

1591. **Rajif Begić** testified that on 31 May 1992, soldiers, a few of whom the witness recognized as coming from the Kljevci area and who did not appear to be members of 'regular army forces', entered Kljevci.⁶⁶⁹⁷ In particular, Bosnian-Serb soldiers entered Begići and rounded up its inhabitants.⁶⁶⁹⁸ According to **Begić**, Begići was one of the hamlets that formed Kljevci village.⁶⁶⁹⁹ Locals from Dizdarevici and Donji Begići were also rounded up and brought to Gornji Begići.⁶⁷⁰⁰ Men were separated from women and children, and 20 to 30 of them were later taken towards the Vrhpolje Bridge, which spans the Sana River, where they were supposed to be put on buses.⁶⁷⁰¹ **Begić** testified that among the group taken to the bridge, two men were approximately 70 years old and one person was a child between 15 and 16 years old.⁶⁷⁰² Jadranko Paliija, who was in charge of leading the column of men from Begići to the bridge, killed four Muslim men

P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996); P4679 (Identification report for Šaćir Begić, 14 March 2013), p. 1; P4680 (Identification report for Enver Cerić, 23 May 2013); P4681 (Identification report for Ismet Kurbegović, 23 May 2013); P5915 (Identification report for Nedžad Begić, 4 April 2006), pp. 1, 4; P5916 (Death certificate for Nedžad Begić, 4 July 2006), pp. 1-2; P5917 (Autopsy report for Nedžad Begić, 25 May 2006), pp. 1-2; P5918 (Court ruling on death for Nedžad Begić, 7 September 1996), p. 1; P5919 (Identification report for Muharem Begić, 29 March 2006), p.1; P5920 (Death certificate for Muharem Begić, 4 July 2006), pp. 1-2; P5921 (Autopsy report for Muharem Begić, 25 May 2006), pp. 1-2; P5922 (Identification report for Enes Dizdarević, 9 May 2006), p. 1; P5923 (Death certificate for Enes Dizdarević, 4 July 2006), pp. 1-2; P5924 (Autopsy report for Enes Dizdarević, 15 May 2006), pp. 1-2; P5925 (Death certificate for Munib Begić, 17 August 2007), pp. 1-2; P5926 (Death certificate for Hamid Begić, 17 August 2007), pp. 1-2; P5927 (Identification report for Elmedin Begić, 22 May 2006), p. 1; P5928 (Death certificate for Elmedin Begić, 22 May 2006), pp. 1-2; P5929 (Autopsy report for Elmedin Begić, 25 May 2006), pp. 1-2; P5930 (Identification report for Najil Begić, 25 June 2007), p. 1; P5931 (DNA identification report for Najil Begić, 25 June 2007), p. 2; P5932 (Court ruling on death for Safet Kljajić, 9 February 1996), p.1; P5933 (Court ruling on death for Ismet Kurbegović, 6 May 1998), p.1.

⁶⁶⁹⁵ P2502 (Adem Seferović, witness statement, 26 July 1999), p. 3.

⁶⁶⁹⁶ P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.

⁶⁶⁹⁷ Rajif Begić, T. 2146-2147, 2202.

⁶⁶⁹⁸ Adjudicated Facts I, no. 1165. *See also* Adjudicated Facts I no. 1169.

⁶⁶⁹⁹ Rajif Begić, T. 2139.

⁶⁷⁰⁰ Rajif Begić, T. 2147, 2202.

⁶⁷⁰¹ Adjudicated Facts I, nos 1165-1167.

on the way there.⁶⁷⁰³ Upon arrival, the other members of the group were ordered to take off their clothes and line up.⁶⁷⁰⁴ They were also searched.⁶⁷⁰⁵

1592. Many Bosnian-Serb soldiers in different uniforms were present at the bridge.⁶⁷⁰⁶ **Begić** testified that he recognized some of them.⁶⁷⁰⁷ Some of the soldiers wore camouflage uniforms, some wore blue uniforms, some had 'Chetnik' insignia, and some wore regular waistcoats and jackets.⁶⁷⁰⁸ The witness heard a man, whom he identified as Nenad Kaurin, say that they had to kill 70 Muslims that day because seven Serb soldiers had been killed in that area.⁶⁷⁰⁹ The witness knew Nenad Kaurin to be a member of the reserve police force and he wore a blue police uniform with a blue cap.⁶⁷¹⁰ One soldier asked the members of the group who was good at jumping into the water and another Serb soldier, Marinko Ačimović, pointed at Midhet Cerić.⁶⁷¹¹ **Witness RM-015** testified that a paramilitary formation from Tomina, commanded by Živko Čeranić, was also present at the bridge.⁶⁷¹²

1593. The Bosnian-Muslim men were beaten and ordered to jump off the bridge into the river one by one.⁶⁷¹³ **Begić** testified that, in particular, Nenad Kaurin ordered one man to jump in the water.⁶⁷¹⁴ Once in the water, the soldiers opened fire upon them killing at least 28 of them.⁶⁷¹⁵ **Begić** was ordered to open his mouth and Jadranko Palija put his automatic gun in it. The witness heard another soldier asking Palija not to kill him on the bridge so as to not make it dirty and that the witness should jump. The witness then jumped into the water and managed to climb out of the water under the bridge.⁶⁷¹⁶ When he heard the soldiers looking for him, he took his white shirt off and threw it into the river.⁶⁷¹⁷ As soon as the soldiers noticed the white shirt they started to shoot at it.⁶⁷¹⁸ The witness dived under the water and reached the bank 50-150 metres

⁶⁷⁰² Rajif Begić, T. 2148, 2176-2178.

⁶⁷⁰³ Adjudicated Facts I, nos 1167-1168.

⁶⁷⁰⁴ Adjudicated Facts I, no. 1168.

⁶⁷⁰⁵ Rajif Begić, T. 2157-2158.

⁶⁷⁰⁶ Adjudicated Facts I, no. 1168.

⁶⁷⁰⁷ Rajif Begić, T. 2153-2154.

⁶⁷⁰⁸ Rajif Begić, T. 2199.

⁶⁷⁰⁹ Rajif Begić, T. 2158.

⁶⁷¹⁰ Rajif Begić, T. 2194.

⁶⁷¹¹ Rajif Begić, T. 2163-2164.

⁶⁷¹² P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138.

⁶⁷¹³ Adjudicated Facts I, nos 1168-1169.

⁶⁷¹⁴ Rajif Begić, T. 2162, 2164, 2181-2184, 2188, 2205.

⁶⁷¹⁵ Adjudicated Facts I, no. 1168.

⁶⁷¹⁶ Rajif Begić, T. 2166.

⁶⁷¹⁷ Rajif Begić, T. 2167.

⁶⁷¹⁸ Rajif Begić, T. 2167.

down the river, and hid in the bushes.⁶⁷¹⁹ From there, he could hear people groaning as the beatings continued.⁶⁷²⁰ The bodies of the members of the group he last saw on the bridge were found in several locations, some in a grave under the bridge.⁶⁷²¹

1594. **Seferović** stated that on his way to to the bridge, he heard shooting coming from the direction of it and upon his arrival, he saw many bodies lying in the river and the river banks.⁶⁷²² According to the witness, there were soldiers present.⁶⁷²³ The commander of the 6th Krajina Brigade, Branko Basara, said that a group of 20 men, which Seferović was part of, was to be taken to Sanski Most police station.⁶⁷²⁴ With regard to the other men, Seferović recalled Captain Kličković, a member of the TO, telling soldiers to ‘finish these’.⁶⁷²⁵ Seferović stated that he knew the names of the high-ranking officers through his work in TO communications prior to the war.⁶⁷²⁶

1595. **Witness RM-015** specified that the military police of the 6th Krajina Brigade, including Jadranko Palija, forced the Muslims to jump off the bridge and fired at them.⁶⁷²⁷ He was not present at the bridge but did talk to some of those who had been present.⁶⁷²⁸ **Branko Basara** testified that the killings were carried out by eight uniformed armed members of a paramilitary unit.⁶⁷²⁹ The eight members of the paramilitary unit escaped towards the other side of the bridge in the direction of Ključ when they heard somebody shout that Basara was approaching the bridge.⁶⁷³⁰ He recognized two people on the bridge, a person with the last name Mutić and a person with the first name Ilja, both escorts of Major Brajić and members of the 6th Krajina Brigade, but testified that he did not have any grounds for arresting them as he saw that both had their weapons on their shoulders.⁶⁷³¹ There was also a checkpoint near the bridge that was manned by armed men wearing either blue or camouflage uniforms.⁶⁷³² According to the witness, these men were not involved in the shooting at the bridge,

⁶⁷¹⁹ Rajif Begić, T. 2167, 2186.

⁶⁷²⁰ Rajif Begić, T. 2168.

⁶⁷²¹ Rajif Begić, T. 2186.

⁶⁷²² P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.

⁶⁷²³ P2502 (Adem Seferović, witness statement, 26 July 1999), p. 4.

⁶⁷²⁴ P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 4-5.

⁶⁷²⁵ P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.

⁶⁷²⁶ P2502 (Adem Seferović, witness statement, 26 July 1999), p. 5.

⁶⁷²⁷ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 138.

⁶⁷²⁸ Witness RM-015, T. 17339-17340.

⁶⁷²⁹ D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-45; Branko Basara, T. 34520.

⁶⁷³⁰ D1031 (Branko Basara, witness statement, 21 July 2014), paras 42-44; Branko Basara, T. 34522, 34573-34574.

⁶⁷³¹ Branko Basara, T. 34525-34526.

⁶⁷³² Branko Basara, T. 34521.

they were in the shelters when the witness got out of his vehicle and ran towards the bridge.⁶⁷³³

1596. **Branko Predojević** testified that he recalled a big, dark-haired man named Jadranko Palija, 'not older than 25', who according to a certificate from the Sanski Most military post had been a member of a war unit of the 6th Krajina Brigade between 13 November 1991 and 13 July 1993.⁶⁷³⁴ The witness indicated that Jadranko Palija was not amongst the soldiers who joined his unit on 7 April 1993 from SOS forces.⁶⁷³⁵ According to the certificate from the Sanski Most military post, no criminal proceedings were being conducted against Jadranko Palija on 24 June 1994.⁶⁷³⁶ Also, the witness did not recall the involvement of Jadranko Palija or his subsequent prosecution and sentencing to 28 years imprisonment by the Bosnia-Herzegovina state court in 2008 for his role in an attack conducted by VRS soldiers against the village of Kljevci in the hamlet of Begići and in the murder of 19 civilians, as part of the Vrhpolje bridge massacre, on 31 May 1992, as stated in a press release from the court of Bosnia-Herzegovina.⁶⁷³⁷

1597. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.⁶⁷³⁸

1598. According to **Ewa Tabeau** and forensic evidence, the remains of 29 bodies were exhumed from four sites in Sanski Most Municipality and subsequently identified.⁶⁷³⁹

⁶⁷³³ Branko Basara, T. 34521-34522.

⁶⁷³⁴ Branko Predojević, T. 30812-30815; P7072 (Sanski Most military post certificate regarding Jadranko Palija, 24 June 1994).

⁶⁷³⁵ Branko Predojević, T. 30812, 30814-30815.

⁶⁷³⁶ P7072 (Sanski Most military post certificate regarding Jadranko Palija, 24 June 1994).

⁶⁷³⁷ Branko Predojević, T. 30815-30819; P7073 (Court of Bosnia-Herzegovina Press Release, 15 July 2008).

⁶⁷³⁸ Witness RM-015, T. 17292.

⁶⁷³⁹ The following persons were identified at Vrhpolje Bridge grave no. 1: Daut Begić (1921), Elmedin Begić (1973), Fuad Begić (1964), Irfan Begić (1966), Muharem Begić (1968), Munib Begić (1965), Nedžad Begić (1973), Miralem Cerić (1928), Enes Dizdarević (1976), Mirsad Dizdarević (1974), Muhamed Dizdarević (1969), and Sead Merdanović (1958). The following persons were identified at Vrhpolje Bridge grave no. 2: Hakija Begić (1927), Muhamed Begić (1923), Esad Handanović (1939), Ibrahim Handanović (1936), Hasib Kljajić (1928), Mumin Kljajić (1906), Safet Kljajić (1939), Rešid Šljivar (1929), Hakija Handanović (1930), Elmin Heder (1961), Ale Hračić (1935), Hamed Karanović (1924), and Hikmet Keranović (1959). The following persons were identified at Vrhpolje Bridge grave no. 3: Najil Begić (1929), Ismet Dizdarević (1939), and Hasib Kadirić (1924). The following person was identified at 'Čapljanske Bare-Krnjadevac': Šaćir Begić (1913).

12 from Vrhpolje Bridge Grave No. 1 in May 1996,⁶⁷⁴⁰ 13 from Vrhpolje Bridge Grave No. 2 in May 1996,⁶⁷⁴¹ three from Vrhpolje Bridge Grave No. 3 in May 1996,⁶⁷⁴² and one from 'Čapljanske Bare-Krnjadevac' on 6 June 2012.⁶⁷⁴³

1599. In relation to the Defence argument that the Adjudicated Facts relevant to this Scheduled Incident have been rebutted, the Trial Chamber notes that it received evidence identifying the specific perpetrators of the Scheduled Incident and considers that this evidence does not contradict the Adjudicated Facts and therefore rejects the Defence argument.

1600. With regard to the evidence of Witness RM-015 that every armed Serb in Sanski Most was under the command of Basara, without any further specific evidence, the Trial Chamber understands this to mean that Basara was the highest military commander in the area but not that every armed Serb was within the formal command structure.

1601. Based on the foregoing, the Trial Chamber finds that on or about 31 May 1992, inhabitants of the village of Kljevci, including the hamlets of Donji and Gornji Begići, and of Dizdarevići were rounded up and men were separated from women and children. Men, commanded by Jadranko Palija escorted approximately 20 to 30 Bosnian Muslims towards the Vrhpolje Bridge. Jadranko Palija killed four of them on the way to the bridge. Upon arrival at the bridge, the Bosnian Muslims were ordered to take their

⁶⁷⁴⁰ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-11, 20-21; P5588 (ICMP notice of DNA report for Munib Begić), part one, p. 51; P5915 (Identification report for Nedžad Begić, 4 April 2006); P5916 (Death certificate for Nedžad Begić, 4 July 2006); P5917 (Autopsy report for Nedžad Begić, 25 May 2006); P5918 (Court ruling on death for Nedžad Begić, 7 September 1996); P5919 (Identification report for Muharem Begić, 29 March 2006); P5920 (Death certificate for Muharem Begić, 4 July 2006), p.2; P5921 (Autopsy report for Muharem Begić, 25 May 2006), p. 1; P5922 (Identification report for Enes Dizdarević, 9 May 2006); P5923 (Death certificate for Enes Dizdarević, 4 July 2006); P5924 (Autopsy report for Enes Dizdarević, 15 May 2006); P5925 (Death certificate for Munib Begić, 17 August 2007), p. 1; P5927 (Identification report for Elmedin Begić, 22 May 2006); P5928 (Death certificate for Elmedin Begić, 22 May 2006); P5929 (Autopsy report for Elmedin Begić, 25 May 2006).

⁶⁷⁴¹ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-4, 11-18, 20-21; P5588 (ICMP notice of DNA reports for Muhamed Begić), part one, p. 51; P5926 (Death certificate for Hamid Begić, 17 August 2007); P5932 (Court ruling on death for Safet Kljajić, 9 February 1996).

⁶⁷⁴² (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 18-19, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 243-252; P3295 (Record on the Investigation and Exhumation of the bodies of Muslims from mass-graves by the Vrhpolje Bridge Sanski Most, 7 May 1996), pp. 1-2, 18-21; P5930 (Identification report for Najil Begić, 25 June 2007); P5931 (DNA identification report for Najil Begić, 25 June 2007).

⁶⁷⁴³ P4679 (Identification report for Šaćir Begić, 14 March 2013).

clothes off, line up, then were searched and beaten. More men, wearing various uniforms, including blue and camouflage uniforms as well as men with insignia referred to as 'chetnik' were present at the bridge. The Bosnian Muslims were forced to jump off the bridge into the Sana river one by one. Once in the water, men on the bridge opened fire, killing at least 28 of the Bosnian Muslims, all male, and including a minor and two elderly people.

1602. With regard to the perpetrators of the killings, the Trial Chamber will not rely on **Witness RM-015**'s evidence since he was not present at the bridge and his knowledge of the incident stems from a source he could not reveal. Branko Basara's testimony indicates that the Muslim men were killed by paramilitaries. He also acknowledged, however, the presence of members of the 6th Krajina Brigade on the bridge. The Adjudicated Facts do not specify the perpetrators of the killings of the men who were forced to jump from the bridge. Rajif Begić was an eye-witness to the crimes and named two of the alleged perpetrators: Nenad Kaurin and Jadranko Palija. As Basara was not present at the time of the incident, the Trial Chamber attaches less weight to his evidence on the perpetrators compared to that of Begić. The Trial Chamber finds that Nenad Kaurin and Jadranko Palija were among the perpetrators of the killings. Palija was a member of the military police of the VRS 6th Krajina Brigade and Kaurin was a member of the reserve police. Kaurin said that, prior to the killings, they were told that they had to kill 70 Muslims on that day because seven Serb soldiers had been killed in that area.

1603. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.2

1604. According to the Indictment, the Accused is responsible for the killing of a number of people in Hrustovo village on or about 31 May 1992.⁶⁷⁴⁴ The Defence argued that it is impossible to conclude that the perpetrators were VRS members only on the basis of Witness RM-042's evidence.⁶⁷⁴⁵ The Trial Chamber took judicial notice of Adjudicated Facts numbers 1171 and 1177 in relation to this incident. It received

⁶⁷⁴⁴ Indictment, paras 39, 47, 59, 62, Schedule A.7.2.

⁶⁷⁴⁵ Defence Final Brief, paras 1203-1207.

evidence from **Witness RM-042**, **Witness RM-706**, and **Ahmet Zulić**, all Bosnian Muslims from Sanski Most Municipality,⁶⁷⁴⁶ and **Ewa Tabeau**, a demographer and statistician,⁶⁷⁴⁷ as well as forensic documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁶⁷⁴⁸ The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most and **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.⁶⁷⁴⁹

1605. **Witness RM-015** testified that on 3 April 1992 the 6th Light Partisan Brigade returned to Sanski Most from Croatia and prepared the way for the takeover of the municipalities of Sanski Most and Ključ, which included ‘clearing’ the villages of Hrustovo and Vrhpolje.⁶⁷⁵⁰ **Witness RM-706** stated that Hrustovo surrendered all rifles and pistols on 30 May 1992, following a Sanski Most radio announcement made on behalf of ‘the Serbian republic’.⁶⁷⁵¹ Members of Witness RM-015’s unit, including 30 men under the command of Pero Vujković, were ordered by Captain Čolić, Commander of the 3rd Battalion of the 6th Krajina Brigade, to participate in combat operations on 30 and 31 May 1992 in Hrustovo and Vrhpolje.⁶⁷⁵² The following units were ordered to participate in these combat operations: the entire 6th Krajina Brigade, the paramilitary formations located in Lušci Palanka, Dabar, Klejevci, Tomina, Kozica, Podlug, and

⁶⁷⁴⁶ **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2. **Witness RM-706**: P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), p. 7246. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

⁶⁷⁴⁷ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁶⁷⁴⁸ **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2-5; P2498 (Photographs), pp. 3-4. **Witness RM-706**: P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7248, 7250-7253, 7261-7266, 7269, 7271-7272. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 36. **Ewa Tabeau and documentary evidence**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), p. 10; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 253-263; P3298 (Court record of exhumation of ‘Hrustovo I’, 15 April 1997), pp. 3-19; P4682 (Record of identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P4683 (Report on exhumation and identification of bodies in Sanski Most and Ključ), p. 8; P5934 (Autopsy reports for Asim Jelečević and Elvira Jelečević, 28 August 1997); P5935 (Court ruling on death of Elvira Jelečević, 1 November 1996); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5937 (Court ruling on death of Besima Merdanović and Edita Merdanović, 9 February 1996); P5938 (Court ruling on death of Sabra Merdanović, 15 January 1996); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.

⁶⁷⁴⁹ **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111. **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁷⁵⁰ Witness RM-015, T. 17282-17283; P2365 (History of the 6th Krajina Brigade signed by Colonel Basara, estimated date end of 1992), p. 3.

⁶⁷⁵¹ P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7246-7247.

⁶⁷⁵² P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134; Witness RM-015, T. 17278.

Tramošinja, all subordinated to Colonel Basara for this attack.⁶⁷⁵³ At this point, Colonel Basara's command post had been established at the Donja Tramošinja village which overlooked Hrustovo.⁶⁷⁵⁴ After the members of Witness RM-015's unit returned from Hrustovo and Vrhpolje, Witness RM-015 learned from them that they were driven to a location called the 'tunnel' above Hrustovo and their task was to close the circle around Hrustovo and block the exit out of the village.⁶⁷⁵⁵

1606. **Branko Basara** testified that when the battalion commander entered Hrustovo village with his unit on 31 May 1992 he saw that two VRS soldiers had been killed at the entrance of the village and notified the witness immediately.⁶⁷⁵⁶ The battalion did not know how many Muslim fighters were in that village but they had information that there was a Green Berets training centre in the Golaja woods.⁶⁷⁵⁷ The VRS launched combat operations to enter the village after giving civilians a two-hour evacuation period.⁶⁷⁵⁸ The witness testified that 'those who remained in Hrustovo would be the ones who wished to fight'.⁶⁷⁵⁹

1607. On 31 May 1992, as people from 21 households were forced to leave Jelečevići, a Muslim hamlet in the area of Hrustovo, about 30 women and children and one man took refuge inside a garage. Eight to ten Serb soldiers in camouflage uniform came to the garage.⁶⁷⁶⁰ **Witness RM-042** stated that through the garage's windows and its door, which was sometimes open, she heard the soldiers, who were searching houses in the village, speaking in a Bosnian dialect.⁶⁷⁶¹ **Witness RM-706** stated that the soldiers in the village referred to themselves as 'the Serbian army'.⁶⁷⁶² **Witness RM-042** heard shooting in the village and then soldiers started shooting at the garage door.⁶⁷⁶³ The soldiers ordered the Muslims out. A man who tried to mediate was shot.⁶⁷⁶⁴ **Witness RM-042** stated that the man who was shot, Husein Merdanović, was unarmed and approximately 50 to 60 years of age. The soldiers kept firing into the garage but the

⁶⁷⁵³ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134.

⁶⁷⁵⁴ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 134.

⁶⁷⁵⁵ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.

⁶⁷⁵⁶ D1031 (Branko Basara, witness statement, 21 July 2014), para. 47.

⁶⁷⁵⁷ D1031 (Branko Basara, witness statement, 21 July 2014), para. 47.

⁶⁷⁵⁸ D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34517.

⁶⁷⁵⁹ Branko Basara, T. 34517.

⁶⁷⁶⁰ Adjudicated Facts IV, no. 1171.

⁶⁷⁶¹ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2-4.

⁶⁷⁶² P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7248, 7269, 7271.

⁶⁷⁶³ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 4.

⁶⁷⁶⁴ Adjudicated Facts IV, no. 1171.

witness and others managed to escape.⁶⁷⁶⁵ However, the soldiers killed 16 women and children when they tried to get away.⁶⁷⁶⁶ At a minimum, 15 members of the Merdanović family were killed.⁶⁷⁶⁷ **Witness RM-042** first hid approximately 15-20 metres away from the garage and then ran to a neighbouring house.⁶⁷⁶⁸ A ‘Serb soldier’ nicknamed ‘Mitra’, accompanied by another soldier and one civilian, arrived in the house and asked what had happened. After being told about the shootings, Mitra was speechless. Mitra told them to remain there and went to the garage to see if there were any other survivors. He then came back with an infant and said that everybody else was dead.⁶⁷⁶⁹ **Witness RM-706** stated that on 1 June 1992, he found Nahid Keranović severely injured in front of a barn next to a house and Muharema Keranović as well as her two young daughters, Almina and Sabina, in front of a garage, all shot in the back and killed.⁶⁷⁷⁰ Then he found that 27 people had been killed in the garage, either by shooting or by hand grenades.⁶⁷⁷¹ The witness took Nahid Keranović to his home, where he died.⁶⁷⁷²

1608. According to **Ewa Tabeau** and forensic evidence, the remains of 30 bodies were exhumed from three sites and subsequently identified:⁶⁷⁷³ 27 from ‘Hrustovo I’ mass grave in the Kukavice hamlet of Hrustovo on 4 October 1996, two from individual graves in the Jeleći hamlet of Hrustovo, and one from the ‘Hrustovo XI’ single grave in Sanski Most between 5 and 14 October 1996.⁶⁷⁷⁴ No clothing was found on one of the victims, while 27 victims were found in civilian clothing.⁶⁷⁷⁵

⁶⁷⁶⁵ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 3-4; P2498 (Photographs), p. 2.

⁶⁷⁶⁶ Adjudicated Facts IV, no. 1171.

⁶⁷⁶⁷ Adjudicated Facts I, no. 1177.

⁶⁷⁶⁸ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 3-5; P2498 (Photographs), p. 3.

⁶⁷⁶⁹ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5.

⁶⁷⁷⁰ P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7251-7252, 7263, 7265.

⁶⁷⁷¹ P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7250-7253, 7261-7266, 7272.

⁶⁷⁷² P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7253, 7265.

⁶⁷⁷³ The following persons were identified at ‘Hrustovo I’: Almina Keranović (1985), Muharema Keranović (1962), Sabina Keranović (1990), Seida Merdanović (1963), Besima Merdanović (1961), Edita Merdanović (1991), Husein Merdanović (1935), Jasmin Merdanović (1989), Sabra Merdanović (1959), Zumra Merdanović (1902), Fatima Zukić (1975), Husein Bektasević (1966), Namka Brković (1975), Emin Jelečević (1931), Idriz Kadirić (1973), Aldina Keranović (1984), Asim Keranović (1988), Dursum Keranović (1961), Fatima Keranović (1941), Josima Keranović (1969), Nahid Keranović (1977), Nira Keranović (1964), Smajil Keranović (1926), Đemka Omanović (1934), Emina Omanović (1942), Arifa Zukić (1937), and Smaila Zukić (1939). The following persons were identified in individual graves in the hamlet of Jeleći: Asim Jelečević (1978) and Elvira Jelečević (1974). The following person was identified at ‘Hrustovo XI’: Hiza Mehmedović (1932).

⁶⁷⁷⁴ P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2, 12; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 253-263; ; P3298 (Court record of exhumation of ‘Hrustovo I’, 15 April 1997), pp. 3-19; ; P4682 (Record of identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P4683 (Report on exhumation and identification of

1609. **Witness RM-015** testified that, following the attack on Hrustovo, members of his unit entered the village and did not find any armed people or resistance; there were only women, children and a few men.⁶⁷⁷⁶ Hidajet Dudić, whose son, Sejad, was killed during the operations, was arrested by Captain Čolić.⁶⁷⁷⁷ According to the witness, the SDS had spread false rumours that the Muslims had multiple rocket-launchers in Hrustovo owned by Dudić.⁶⁷⁷⁸ Witness RM-015 heard that members of the 6th Light Partisan Brigade, including Žarko Utješanović, a.k.a. ‘Pilot’, and Darko Cicić, perpetrated the ‘Hrustovo garage massacre’.⁶⁷⁷⁹ **Branko Basara** testified that members of the Muslim armed forces, who were dressed in civilian clothing, died during combat and were later on buried without their weapons.⁶⁷⁸⁰ Although the witness excluded the possibility that anyone who died during these events did not take part in combat activities, he acknowledged that he heard later on that there were people killed in the Merdanović garage in Hrustovo during these operations, among them women and children.⁶⁷⁸¹

1610. Based on the foregoing, the Trial Chamber finds that on 31 May 1992, people from 21 households of Jelečevići, a Bosnian-Muslim hamlet in the area of Hrustovo, left their village in a group and approximately 30 Bosnian-Muslim women and children, and one man, Husein Merdanović, from this group took refuge inside a garage. Eight to ten soldiers came to the garage and ordered the people out. These soldiers were either part of the VRS’s 6th Krajina Brigade or a paramilitary formation, all under the command of Colonel Basara, commander of the VRS 6th Krajina Brigade. The paramilitary formations were located in Lušci Palanka, Dabar, Klejevci, Tomina, Kozica, Podlug, and Tramošinja. The Trial Chamber understands that the paramilitary group from Lušci Palanka was the one headed by Mićo ‘Kudra’ Praštalo (*see* chapter 4.12.1 *Schedule*

bodies in Sanski Most and Ključ), pp. 2, 8; ; P5935 (Court ruling on death of Elvira Jelečević, 1 November 1996); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.

⁶⁷⁷⁵ P3298 (Court record of exhumation of ‘Hrustovo I’, 15 April 1997), pp. 3-19; P4682 (Record of Identification and autopsy of bodies in Sanski Most, 12 June 1997) pp. 10-11; P5934 (Autopsy reports for Asim Jelečević and Elvira Jelečević, 28 August 1997); P5936 (Sketch and photo documentation of exhumation of Hiza Mehmedović); P5939 (Autopsy reports of bodies exhumed from Hrustovo and Vrhpolje mass graves in Sanski Most), pp. 3-46.

⁶⁷⁷⁶ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 135, 136.

⁶⁷⁷⁷ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.

⁶⁷⁷⁸ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 135.

⁶⁷⁷⁹ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 136; Witness RM-015, T. 17286-17287.

⁶⁷⁸⁰ D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34517.

⁶⁷⁸¹ D1031 (Branko Basara, witness statement, 21 July 2014), para. 47; Branko Basara, T. 34515-34519.

A.7.4). Husein Merdanović, who was unarmed, tried to mediate and was shot and killed by the soldiers. The soldiers then proceeded to kill around 30 people. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.3

1611. According to the Indictment, the Accused is responsible for the killing of approximately 18 men from Kenjari in the hamlet of Blaževići in Sanski Most municipality on or about 27 June 1992.⁶⁷⁸² The Defence argued that the killings were perpetrated by local Serb reservists.⁶⁷⁸³ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Witness RM-028**, a Bosnian Muslim from Hrustovo in Sanski Most municipality,⁶⁷⁸⁴ **Ewa Tabeau**, a demographer and statistician,⁶⁷⁸⁵ as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁶⁷⁸⁶ The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most,⁶⁷⁸⁷ **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,⁶⁷⁸⁸ and **Rajif Begić**, a Bosnian Muslim from the village of Kljevci in Sanski Most municipality.⁶⁷⁸⁹

1612. On or around 27 June 1992, local Serb reservists in olive-grey uniforms arrived in the Muslim hamlet of Kenjari.⁶⁷⁹⁰ **Witness RM-028** specified that the Serbs were armed Kljevci inhabitants, and that they wore Serb army insignias and were dressed

⁶⁷⁸² Indictment, paras 39, 47, 59, 62, Schedule A.7.3.

⁶⁷⁸³ Defence Final Brief, para. 1208.

⁶⁷⁸⁴ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhopolje).

⁶⁷⁸⁵ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁶⁷⁸⁶ **Witness RM-028**: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8055-8056, 8059-8060, 8062-8067; P2495 (On-site investigation report, issued by the Basic Court in Sanski Most, 12 January 1996), pp. 2-3. **Ewa Tabeau and forensic documentation**: P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 3; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 4; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 19-20, 33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267; P4683 (Exhumation report for mass graves in Sanski Most and Ključ, 22 October 1996), p. 7; P4684 (Exhumation report for Kasapnica), pp. 1-4.

⁶⁷⁸⁷ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁶⁷⁸⁸ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁷⁸⁹ Rajif Begić, T. 2139, 2141, 2143.

⁶⁷⁹⁰ Adjudicated Facts I, no. 1178.

either in olive-grey, camouflage or coloured uniforms, or jeans coupled with shirts or pullovers of the same olive-grey colour.⁶⁷⁹¹ The witness identified the commander as being a 'Serb' by the name of Milorad Mijatović from Kljevci.⁶⁷⁹² **Rajif Begić** testified that on 21 or 23 May 1992, Mile Mijatović told him whilst visiting his house that he was in charge of a unit of the 6th Krajina Brigade based in Kljevci.⁶⁷⁹³ **Witness RM-028** also recognised Nikola Balać, Miško Erak, the two Damjanović brothers, and Željko Karanović, who wore the uniform of the Serb 'reservists'.⁶⁷⁹⁴ According to the witness, reservists were mostly 'Serb' civilians before they were mobilised and dressed as soldiers.⁶⁷⁹⁵ These men told the villagers to leave their houses, after which the houses were searched.⁶⁷⁹⁶ Women and children were then permitted to return to their homes and all the men were told they would be interrogated.⁶⁷⁹⁷ Twenty Muslim men were arrested and taken to a house where Vlado Vrkeš, president of the Sanski Most SDS, appeared before them and assured them they had nothing to fear.⁶⁷⁹⁸ According to **Witness RM-028**, Vrkeš said that they would probably be exchanged for 'Serbs' in Eastern Bosnia-Herzegovina.⁶⁷⁹⁹ Karanović informed the group that they were going to his 'command' in the hamlet of Blaževići for interrogation.⁶⁸⁰⁰ They were led by Serb soldiers to a house in the hamlet.⁶⁸⁰¹ While on route there, two 'Serb soldiers' dressed in uniforms with the Serbian tri-coloured flag on their caps, identified by the witness as Rade and Milutin Đukić a.k.a. 'Mićo', joined the group.⁶⁸⁰² In Blaževići, Karanović broke into a house and instructed the group to enter after which he went to get the 'command'.⁶⁸⁰³ The soldiers then threw explosives into the house, and opened fire with rifles against those trying to escape.⁶⁸⁰⁴ **Witness RM-028** stated that Muharem Kenjar

⁶⁷⁹¹ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8056.

⁶⁷⁹² P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8057-8058.

⁶⁷⁹³ Rajif Begić, T. 2142-2143.

⁶⁷⁹⁴ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8059.

⁶⁷⁹⁵ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8051.

⁶⁷⁹⁶ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8055-8056.

⁶⁷⁹⁷ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8058.

⁶⁷⁹⁸ Adjudicated Facts I, no. 1179; P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8059-8060.

⁶⁷⁹⁹ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8060.

⁶⁸⁰⁰ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8060; P2493 (Map of Hrustovo-Vrhoplje).

⁶⁸⁰¹ Adjudicated Facts I, no. 1179.

⁶⁸⁰² P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8061-8062; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), p. 19075.

⁶⁸⁰³ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8062; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19080-19081.

⁶⁸⁰⁴ Adjudicated Facts I, no. 1179.

managed to escape.⁶⁸⁰⁵ The bodies of the dead were taken back into the house and the house was set on fire.⁶⁸⁰⁶ According to the witness, that day 18 Muslim men were killed.⁶⁸⁰⁷

1613. According to **Ewa Tabeau** and forensic evidence, as the bones of the victims were only partly preserved, forensic experts could not give their opinion as to the direct causes of death except that all bones had been exposed to high temperatures.⁶⁸⁰⁸ Three victims were under the age of 18 and three of the victims were older than 60 years old in 1992.⁶⁸⁰⁹

1614. **Witness RM-015** testified that in June 1992, in Kenjari, the paramilitary force from Kljevci locked 19 Muslims up in a wooden barn in Kenjari, threw fire bombs into the barn and burned them to death.⁶⁸¹⁰ One of the perpetrators was Željko Karanović, while Milan Klepić was a witness but not an active participant.⁶⁸¹¹ **Branko Basara** testified that four soldiers, after hearing that two soldiers had been killed during the attack on Hrustovo on 31 May 1992, carried out a crime near Kenjari. These soldiers executed 17 out of 18 Muslim men, who had earlier approached members of the 1st Battalion and said that they wanted to join them as combatants, and who were then held by the soldiers in a house near Kenjari under the order of the Commander of the 1st Battalion, Lieutenant Ranko Brajić.⁶⁸¹² The witness testified that when Brajić found out about this crime, the four soldiers were arrested and handed over for further proceedings.⁶⁸¹³ The witness was not aware of what happened after these men were arrested.⁶⁸¹⁴ **Witness RM-015** testified that Captain Ranko Brajić commanded battalions within the 6th Krajina Brigade.⁶⁸¹⁵

⁶⁸⁰⁵ P2489 (Witness RM-028, *Brdanin* transcript, 5 July 2002), pp. 8063, 8065.

⁶⁸⁰⁶ Adjudicated Facts I, no. 1179.

⁶⁸⁰⁷ P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19082-19084; P2494 (Bosnia-Herzegovina MUP Official report, 22 October 1996), p. 7; P2495 (On-site investigation report, issued by the Basic Court in Sanski Most, 12 January 1996), pp. 2-3; P2496 (Excerpt from complete court record of exhumation - Hrustovo I, 15 April 1997), p. 2.

⁶⁸⁰⁸ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267; P4684 (Exhumation report for Kasapnica), pp. 3-4.

⁶⁸⁰⁹ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 264-267.

⁶⁸¹⁰ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 148.

⁶⁸¹¹ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 148; Witness RM-015, T. 17274, 17292.

⁶⁸¹² D1031 (Branko Basara, witness statement, 21 July 2014), paras 39, 46-47.

⁶⁸¹³ D1031 (Branko Basara, witness statement, 21 July 2014), para. 46.

⁶⁸¹⁴ D1031 (Branko Basara, witness statement, 21 July 2014), para. 46.

⁶⁸¹⁵ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 128.

1615. The Trial Chamber notes that Adjudicated Fact 1178 states that the individuals who carried out the killings were ‘local Serb reservists in olive-grey uniforms’ whereas Adjudicated Fact 1179 makes reference to ‘soldiers’. Witnesses RM-028 and RM-015 provided clarificatory evidence that the killings were perpetrated by Serb men from Kljevcı and that they were individuals, reservists, or paramilitaries who were under the command of Milorad Mijatović. These individuals were dressed in various uniforms including some with the ‘insignia of Serb army’ and some with the ‘uniform of reservists’. The Trial Chamber, therefore, considers given the differing uniforms of the individuals alleged to have carried out the killings and the fact that they were all commanded by Milorad Mijatović – who was in turn subordinated to the 6th Krajina Brigade under Branko Basara – that references to Serb soldiers, paramilitaries, or reservists is not inconsistent.

1616. Based on the foregoing, the Trial Chamber finds that on or about 27 June 1992, Serbs from Kljevcı wearing olive-grey, camouflage uniforms and civilian clothing, who were under the command of Milorad Mijatović, including Željko Karanović, Nikola Balać, Miško Erak, and two Damjanović brothers, arrested approximately 20 Bosnian-Muslim men from the Bosnian-Muslim hamlet of Kenjari. Milorad Mijatović and his men from Kljevcı were subordinated to the 6th Krajina Brigade commanded by Branko Basara. The detained Bosnian-Muslim men had earlier approached members of the 1st Battalion to join them as combatants. The men under Mijatović took them before Vlado Vrkeš, the president of the SDS in Sanski Most, who told them that they had nothing to fear and that they would probably be exchanged. Mijatović’s men as well as Milutin (a.k.a. Mićo) Đukić and Rade Đukić, Željko Karanović, under the order of the Commander of the 1st Battalion of the 6th Krajina Brigade, Lieutenant Ranko Brajić took and held the Bosnian-Muslim men in a house near Kenjari in the Blaževići hamlet. Mijatović’s men, Milutin (a.k.a. Mićo) Đukić and Rade Đukić, Željko Karanović then killed at least 17 of the 20 Bosnian-Muslim men taken from Kenjari inside and outside the house using explosives and gunfire. After the killings, they moved the bodies of the victims killed outside back into the house and set the house on fire. When Lieutenant Captain Ranko Brajić found out about this crime, four soldiers were arrested and handed over for further proceedings. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule A.7.4

1617. According to the Indictment, the Accused is responsible for the killing of a number of people from the hamlet of Budin⁶⁸¹⁶, Lukavica village in Sanski Most Municipality on or about 1 August 1992.⁶⁸¹⁷ The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident.⁶⁸¹⁸ It also received evidence from **Witness RM-001**, a Bosnian Muslim from Lukavica in Sanski Most Municipality;⁶⁸¹⁹ and **Ewa Tabeau**, a demographer and statistician,⁶⁸²⁰ as well as forensic documentary evidence, and finds that this evidence is partly consistent with the Adjudicated Facts.⁶⁸²¹ The Trial Chamber will further consider this evidence below. The Trial Chamber also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most,⁶⁸²² **Branko Basara**, Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.⁶⁸²³

1618. On 1 August 1992, a group of soldiers in olive-coloured uniforms with a red stripe pinned to their epaulettes came to Budim and broke into several houses.⁶⁸²⁴ Budim was a hamlet of Lukavica which before 1992 was nicknamed ‘Alibegović’ because the majority of its Bosnian-Muslim inhabitants shared that surname.⁶⁸²⁵ **Witness RM-001** stated that there were about 200 soldiers and that they were commanded by a person called Mićo Praštalo, a.k.a. Kudra.⁶⁸²⁶ He knew four of the soldiers to be from Palanka in Sanski Most Municipality.⁶⁸²⁷ They led away 14 civilian

⁶⁸¹⁶ The Indictment refers to the hamlet of ‘Budim’ while Adjudicated Fact I, no. 1181 and Witness RM-001’s evidence refer to ‘Budim’. The Trial Chamber is satisfied that ‘Budim’ and ‘Budim’ refer to the same hamlet.

⁶⁸¹⁷ Indictment, paras 39, 47, 59, 62, Schedule A.7.4.

⁶⁸¹⁸ Adjudicated Facts I, nos 1181, 1183.

⁶⁸¹⁹ P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6405-6406.

⁶⁸²⁰ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁶⁸²¹ **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-5; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6405-6407, 6425-6426, 6428-6433, 6438 **Ewa Tabeau and forensic documentary evidence**: P2789 (*Curriculum vitae* of Ewa Tabeau); P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 20, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19; Ewa Tabeau, T. 19307-19308.

⁶⁸²² P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁶⁸²³ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁸²⁴ Adjudicated Facts I, nos 1181, 1183.

⁶⁸²⁵ Adjudicated Facts I, nos 1181, 1183.

⁶⁸²⁶ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6430.

⁶⁸²⁷ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6425-6426, 6438.

men.⁶⁸²⁸ When the witness asked the soldiers if they would all be killed or beaten, they told him to go home and proceeded to walk towards the brook with the other men.⁶⁸²⁹ The witness tried to seek refuge in a Serb neighbour's house but the man refused to give him shelter claiming they would both be killed if the army were to find them.⁶⁸³⁰ As the witness was hiding in a bush, Kudra stopped in front of Simo Ševo's house and asked Ševo if 'everything was done'.⁶⁸³¹ The witness heard Ševo say yes.⁶⁸³² Later in the afternoon, the witness learned that the Serbs had shot and killed the 14 men that they had led towards the brook.⁶⁸³³ When a Bosnian-Muslim villager asked to move the bodies to the cemetery, Dragan Praštalo gave him permission to do so but told him to wait until the next morning for the burial pending the approval of 'the command of the Crisis Staff in Fajtovci'.⁶⁸³⁴ The witness further learned that the killings had been perpetrated by 'Chetniks' whom he did not know.⁶⁸³⁵ The following day, Lučić conveyed to the villager the command's authorization to bury the dead in the presence of a local Serb, Branko Vukojević.⁶⁸³⁶ The bodies of 13 of the men were found with bullet holes and severe wounds; one of the men survived.⁶⁸³⁷ Five men moved the bodies with tractors and one noticed that the bodies, located in a concealed place along a brook, were black, were lying on top of one another in one location, and all had been shot.⁶⁸³⁸ He also saw cartridges from automatic weapons.⁶⁸³⁹ The belongings of the men had been taken away and their personal documents were missing.⁶⁸⁴⁰ Lazo Ževo brought empty wallets and the personal documents of the victims to Dragan Praštalo and

⁶⁸²⁸ Adjudicated Facts I, no. 1183.

⁶⁸²⁹ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6428.

⁶⁸³⁰ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 3; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), pp. 6429-6430.

⁶⁸³¹ P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 3-4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6430.

⁶⁸³² P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6430.

⁶⁸³³ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6430.

⁶⁸³⁴ P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6431.

⁶⁸³⁵ P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6431.

⁶⁸³⁶ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6431.

⁶⁸³⁷ Adjudicated Facts I, no. 1183.

⁶⁸³⁸ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), pp. 6431-6432.

⁶⁸³⁹ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4.

⁶⁸⁴⁰ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), pp. 6432-6433.

claimed they were dropped behind his house.⁶⁸⁴¹ The bodies were all buried in one grave and later exhumed by Bosnian authorities, monitored by the UNPROFOR.⁶⁸⁴² **Witness RM-015** testified that Mićo 'Kudra' Praštalo was the commander of a paramilitary unit from Lušci Palanka.⁶⁸⁴³

1619. **Branko Basara** testified that he had information that the killings in Budin were committed by members of the paramilitary from Budim Japra, who were very aggressive and eager to seek retaliation against Muslims because the village had suffered at the hands of the 'Ustaše' during World War II whose ranks in that area mostly comprised of Muslims.⁶⁸⁴⁴ The witness often had to send members of his brigade to provide security for Muslim villages and very often there would be skirmishes between the members of his brigade and this paramilitary formation.⁶⁸⁴⁵

1620. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.⁶⁸⁴⁶

1621. According to **Ewa Tabeau** and forensic evidence, the remains of 14 bodies were exhumed from the Lukavice mass grave in Sanski Most Municipality on 2 June 1997, and subsequently identified.⁶⁸⁴⁷ The cause of death for all 14 victims was found to be from gunshot injuries.⁶⁸⁴⁸ Adjudicated Fact no. 1183 states that the victims were

⁶⁸⁴¹ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.

⁶⁸⁴² P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.

⁶⁸⁴³ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 65, 103, 128.

⁶⁸⁴⁴ D1031 (Branko Basara, witness statement, 21 July 2014), paras 48-49.

⁶⁸⁴⁵ D1031 (Branko Basara, witness statement, 21 July 2014), para. 48.

⁶⁸⁴⁶ Witness RM-015, T. 17292.

⁶⁸⁴⁷ P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 12, 20, 32-34; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19. The following persons were identified at Lukavice Mass Grave: Hasan Alibegović (1956), Hilmo Alibegović (1927), Husein Alibegović (1931), Ibrahim Alibegović (1943), Ismet Alibegović (1971), Jasmin Alibegović (1972), Muhamed Alibegović (1951), Mujaga Alibegović (1928), Nazif Alibegović (1930), Nijaz Alibegović (1960), Sakib Alibegović (1956), Sejad Alibegović (1959), Sevdaga Alibegović (1930), and Zijad Alibegović (1953).

⁶⁸⁴⁸ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19.

between 22 and 60 years old.⁶⁸⁴⁹ However, according to **Ewa Tabeau** and forensic evidence, five victims were older than 60 years of age in 1992.⁶⁸⁵⁰

1622. The Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.1* in relation to Witness RM-015's evidence that every armed Serb in Sanski Most was under the command of Basara.

1623. The Trial Chamber finds that Adjudicated Fact number 1183 is inconsistent with the evidence the Trial Chamber has received in relation to the number of victims and their ages. The Trial Chamber finds the evidence of Witness RM-001, Ewa Tabeau, and the forensic evidence to be sufficiently reliable to rebut the Adjudicated Facts in this respect.

1624. Based on the foregoing, the Trial Chamber finds that on 1 August 1992, a group of around 200 Serb individuals led by Mićo 'Kudra' Praštalo entered Budim, a hamlet of Lukavica, and broke into several houses. Some of the group's members were men from Lušci Palanka, Sanski Most Municipality. The group then led away 14 Bosnian-Muslim civilian men, five of whom were older than 60, to a brook and shot and killed all of them.

1625. With regard to the perpetrators of the killings, the Trial Chamber finds, based on evidence provided by Witness RM-015, that Mićo 'Kudra' Praštalo was the commander of the paramilitary unit from Lušci Palanka. The Trial Chamber found the reference by Witness RM-001 to 'soldiers' from Palanka under Praštalo's command to be consistent with this conclusion and accords with the first hand information Witness RM-015 had about Praštalo and his activities. The Trial Chamber did not rely on Branko Basara's evidence that the paramilitaries were from Budim Japra given the clear, detailed, and consistent information provided by Witnesses RM-015 and RM-001; Basara's basis of knowledge about the paramilitaries was not provided, he made no connection made between their activities and the killings in Budim, and he did not refer to the role of Mićo 'Kudra' Praštalo in the killings.

1626. The Trial Chamber will further consider the incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

⁶⁸⁴⁹ Adjudicated Facts I, no. 1183.

⁶⁸⁵⁰ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 268-274; P5940 (Autopsy reports for Lukavice Mass Grave, 25 August 1997), pp. 1-28; P5941 (Court record of autopsies from Lukavice Mass Grave, 11 June 1997), pp. 1-19.

Schedule A.7.5

1627. According to the Indictment, the Accused is responsible for the killing of approximately seven men near the village of Škrljevita on or about 2 November 1992.⁶⁸⁵¹ The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this incident. It received evidence from **Grgo Stojić**, a Croat from Škrljevita in Sanski Most municipality,⁶⁸⁵² and **Nenad Davidović**, the Chief of Medical Service in the 6th Krajina Brigade from June 1992 until the end of the war,⁶⁸⁵³ as well as documentary evidence with regard to this incident, and finds that it is consistent with the Adjudicated Facts.⁶⁸⁵⁴ The Trial Chamber also received evidence from **Tomislav Delić**, a member of the 6th Krajina Brigade,⁶⁸⁵⁵ and documentary evidence and finds this evidence to be partially consistent with the Adjudicated Facts and will address this evidence below.⁶⁸⁵⁶ The Trial Chamber also received evidence from **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,⁶⁸⁵⁷ and **Witness RM-016**, a Bosnian Serb from Banja Luka.⁶⁸⁵⁸

1628. On 2 November 1992, seven Bosnian Croats from Škrljevita, a village with a majority Bosnian-Croat population, were rounded up by Bosnian-Serb paramilitary forces at the Glamošnica forest.⁶⁸⁵⁹ The Bosnian-Serb paramilitaries claimed to belong to 'Šešelj's Army' and one of them was wearing a military police belt and camouflage

⁶⁸⁵¹ Indictment, paras 39, 47, 59, 62, Schedule A.7.5.

⁶⁸⁵² P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763.

⁶⁸⁵³ D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.

⁶⁸⁵⁴ **Grgo Stojić**: P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6775-6777; Grgo Stojić, T. 4082, 4088, 4096, 4098, 4109. **Nenad Davidović**: D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3, 31; D1951 (List of criminal reports by the Command of the 6th Krajina Brigade's Military Police Company, 19 February 1993), p. 1; D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1, 3. P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992); P7016 (Minutes of the Extraordinary Session of the Executive Committee of the Municipal Assembly of Sanski Most, 10 November 1992), p. 1. P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2. D1961 (Health Centre Sanski Most report, 9 November 1992); D1963 (MUP, Findings and opinion of expert witness, 5 February 1993), p. 1.

⁶⁸⁵⁵ D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926.

⁶⁸⁵⁶ **Tomislav Delić**: D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6, 36. T. 32926, 32938-32939, 32947. P369 (Indictment, 2 June 1993). See also P366 (Handwritten letter by Daniluško Kajtez); P372 (Ruling of Military Court in Banja Luka, 14 March 1995); P373 (Ruling of Military Court in Banja Luka, 9 July 1993).

⁶⁸⁵⁷ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁸⁵⁸ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

uniform, another had Serb insignia carved into his rifle butt.⁶⁸⁶⁰ After having body-searched their captives, the Bosnian Serbs, among them a certain Daniluško Kajtez, executed the seven Bosnian Croats.⁶⁸⁶¹ **Grgo Stojić** provided evidence, in particular with regard to the victims and perpetrators. He observed and was injured during the execution of Dragan Tadić, Ante Tutić, Petar (Pero) Nikić, Žarko Nikić, and Josip Banović.⁶⁸⁶² The witness was later told that Ivo Tutić, Bono Tutić, Karlo Tadić, and Tomica Potalec also had been killed.⁶⁸⁶³ According to a report by Dr. Ljiljana Prosić of Sanski Most Health Centre, on 3 November 1992, she examined the bodies of the mentioned nine persons from Škrljevitā, in Graorište forest near the village of Kruhari in Sanski Most municipality.⁶⁸⁶⁴ According to forensic documentation, the remains of these nine persons were exhumed from a mass grave in Škrljevitā on 20 June 1997.⁶⁸⁶⁵ The victims were dressed in civilian clothing.⁶⁸⁶⁶

1629. With regard to the perpetrators, **Stojić** testified that there were four of them and one of the men wore civilian clothes.⁶⁸⁶⁷ He later learned from his friends (who knew them personally) that the names of two of the perpetrators were Daniluško (Dane) Kajtez and Goran Vukojević.⁶⁸⁶⁸ **Tomislav Delić** testified that Kajtez acted independently of any unit and was considered a renegade.⁶⁸⁶⁹ According to **Stojić**, the third and fourth men were Todo Vokić and Miloš Maksimović.⁶⁸⁷⁰ Just before the execution the witness heard his captors declare that they belonged to 'Šešelj's Army'.⁶⁸⁷¹ He and the other men were lined up with their backs turned to the shooters

⁶⁸⁵⁹ Adjudicated Facts I, nos 1184-1185.

⁶⁸⁶⁰ Adjudicated Facts I, no. 1186.

⁶⁸⁶¹ Adjudicated Facts I, no. 1187.

⁶⁸⁶² P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6773-6774; P449 (Report by Sanski Most Health Centre, 9 November 1992), pp. 1-2.

⁶⁸⁶³ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6779; Grgo Stojić, T. 4066, 4101-4104.

⁶⁸⁶⁴ P449 (Report on death of nine men in Graorište forest, signed by Ljiljana Prosić, 9 November 1992), pp. 1-2. See also P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6791.

⁶⁸⁶⁵ P4685 (Exhumation report for the mass grave Škrljevitā, 20 June 1997); P5942 (Autopsy report, scheduled incident A.7.5, 29 August 1997); P5943 (Court on-site investigation for incident A.7.5, 3 November 1992).

⁶⁸⁶⁶ P5942 (Autopsy report, scheduled incident A.7.5, 29 August 1997); P5943 (Court on-site investigation for incident A.7.5, 3 November 1992).

⁶⁸⁶⁷ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6774-6777, 6797; Grgo Stojić, T. 4083, 4088-4090, 4097.

⁶⁸⁶⁸ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6775-6776, 6795; Grgo Stojić, T. 4082, 4118-4119.

⁶⁸⁶⁹ D929 (Tomislav Delić, witness statement, 17 July 2014), para. 36; Tomislav Delić, T. 32938-32939, 32947.

⁶⁸⁷⁰ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6792-6793, 6795; Grgo Stojić, T. 4086, 4096, 4118-4119.

⁶⁸⁷¹ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6777; Grgo Stojić, T. 4088, 4096, 4098, 4109.

and the witness was hit by a bullet in his left upper arm and another in his hip, and he fell to the ground.⁶⁸⁷² He heard the shooting stop and then a call amongst the captors to run away, followed by the sounds of running.⁶⁸⁷³ According to the witness, on 2 November 1992 there were no military operations in Škrleževita or in the area where the execution took place, nor any tanks or military vehicles close to the execution site.⁶⁸⁷⁴ According to the minutes of a meeting of the executive committee of the Sanski Most Municipal Assembly of 10 November 1992, those killed were not extremists and the motive for killing them was said to be retaliation for fallen soldiers from Krihare.⁶⁸⁷⁵ According to an SJB report of 30 November 1992 on the security situation in Sanski Most Municipality, ethnic vengeance was the most probable motive for the crime.⁶⁸⁷⁶

1630. According to **Witness RM-015**, in June 1992 every armed Serb in Sanski Most Municipality was directly or indirectly under the command of Colonel Basara. Those who were not directly under his control were directly under the control of his subordinate officers.⁶⁸⁷⁷

1631. The Trial Chamber received extensive documentary evidence concerning this incident. According to some of this documentary evidence, on 2 November 1992, Miloš Maksimović; Tode Vokić; Goran Vukojević, and Daniluška, a.k.a. Dane, Kajtez took part in a mass murder of Croats.⁶⁸⁷⁸ The group set off for Glamošnica, the pass for Škrleževita village in Sanski Most Municipality.⁶⁸⁷⁹ Kajtez had asked Vukojević to bring a weapon with him so that they would not be attacked.⁶⁸⁸⁰ Kajtez and Vokić also carried

⁶⁸⁷² P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6777-6778; Grgo Stojić, T. 4078, 4096; P367 (Newspaper article).

⁶⁸⁷³ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6778; Grgo Stojić, T. 4098.

⁶⁸⁷⁴ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6797; Grgo Stojić, T. 4108.

⁶⁸⁷⁵ P7016 (Minutes of the Extraordinary Session of the Executive Committee of the Municipal Assembly of Sanski Most, 10 November 1992), p. 1.

⁶⁸⁷⁶ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.

⁶⁸⁷⁷ Witness RM-015, T. 17292.

⁶⁸⁷⁸ D1951 (List of criminal reports by the Command of the 6th Krajina Brigade's Military Police Company, 19 February 1993), p. 1; D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1956 (Letters from the Command of the 6th Krajina Brigade's Military Police Company in Sanski Most to the Military Court Banja Luka, 6 and 17 February 1993), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 1. *See also* D1961 (Health Centre Sanski Most report, 9 November 1992); D1962 (MUP Banja Luka, expert examination of weapons and cartridges, 29 December 1992); D1963 (MUP, Findings and opinion of expert witness, 5 February 1993).

⁶⁸⁷⁹ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1.

⁶⁸⁸⁰ D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

weapons, while Maksimović did not.⁶⁸⁸¹ Kajtez told the others that Croats would come along and that it would be good if they questioned them.⁶⁸⁸² A man came along and following a brief questioning, Kajtez killed the man with a single bullet from his light machine gun.⁶⁸⁸³ Shortly thereafter, three local men came along whom Kajtez questioned and then killed.⁶⁸⁸⁴ Kajtez later said that one of the three Croats had tried to hit him and that he was forced to shoot.⁶⁸⁸⁵ They then waited for the next person to come along.⁶⁸⁸⁶ After a short wait, a group of six men came along.⁶⁸⁸⁷ They took them across a clearing to a stream, where they lined them up with Kajtez questioning them.⁶⁸⁸⁸ Vokić stood on the other side of the stream.⁶⁸⁸⁹ After the questioning, Kajtez and Vokić fired and killed the men.⁶⁸⁹⁰ Kajtez later said that they had lined them up and killed them 'just like Serbs were executed during World War II'.⁶⁸⁹¹ Several days later they heard that one of these six men had survived.⁶⁸⁹² According to a statement of Vukojević, he left prior to all of the killings because he did not want to get involved.⁶⁸⁹³ During the killing of the six men, Kajtez had sent Vokić to get Vukojević's weapon. Kajtez was the only one wearing camouflage uniform, the others were in civilian clothes. Vukojević, who was 17 years old at the time of the events, was called in for compulsory military service on 18 June 1993.⁶⁸⁹⁴ Maksimović was a member of the 6th Krajina Brigade on 31 January 1994.⁶⁸⁹⁵

⁶⁸⁸¹ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

⁶⁸⁸² D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

⁶⁸⁸³ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 1.

⁶⁸⁸⁴ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

⁶⁸⁸⁵ D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 2.

⁶⁸⁸⁶ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.

⁶⁸⁸⁷ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.

⁶⁸⁸⁸ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.

⁶⁸⁸⁹ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.

⁶⁸⁹⁰ D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2; D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.

⁶⁸⁹¹ D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.

⁶⁸⁹² D1953 (Official note of interview with Miloš Maksimović by the Command of the 6th Krajina Brigade, 7 December 1992), p. 2.

⁶⁸⁹³ D1959 (Record of questioning of Goran Vukojević, 2 June 1993), pp. 2-3.

⁶⁸⁹⁴ D1959 (Record of questioning of Goran Vukojević, 2 June 1993), p. 3.

⁶⁸⁹⁵ D1958 (Correspondence between the Lower Court in Sanski Most and Dragana Sekulić, 26 and 31 January 1994), p. 2.

1632. A 6th Krajina Brigade Military Police Report of 7 December 1992 provides that Croatian villagers were ‘mass murdered’ in the village of Škrlejevita on 2 November 1992 by Daniluško Kajtez, Goran Vukojević (born in 1975), Miloš Maksimović, and Tode Bokić (born in 1977).⁶⁸⁹⁶ An empty cartridge found at the crime site was found to match the light-machine gun taken from Kajtez.⁶⁸⁹⁷ **Branko Basara** testified that his unit was not in the village of Škrlejevita but that a paramilitary unit would go from municipality to municipality.⁶⁸⁹⁸ However, the witness signed a criminal report addressed to the Office of the Military Prosecutor about Daniluško Kajtez, nicknamed ‘Dane’, who he reported, among others, to have committed the crime of murder.⁶⁸⁹⁹

1633. On 7 December 1992, a Banja Luka Military Court Investigating Judge ordered that Daniluško Kajtez and Miloš Maksimović be detained.⁶⁹⁰⁰ The ruling was based upon Kajtez and Maksimović admitting to having committed the crime of murder.⁶⁹⁰¹ **Witness RM-016** testified that Kajtez, a soldier from the 6th Krajina Brigade, and Miloš Maksimović were placed in custody in relation to the killing.⁶⁹⁰² On 9 December 1992, the investigating judge of the Banja Luka military court in the case against four accused (Kajtez, Maksimović, Vukojević, and Vokić) regarding the killing severed the case against Goran Vukojević (17 years old at the time of the crime) and Todo Vokić (15 years old at the time of the crime) and passed the files relating to these two accused onto a judge for minors of the Sanski Most lower court for special proceedings.⁶⁹⁰³ **Witness RM-016** testified that units of the 6th Krajina Brigade, the 6th Krajina Brigade Command, and Vrkeš exercised pressure on the Banja Luka Military Court to release Kajtez from pre-trial detention.⁶⁹⁰⁴ Kajtez was released back to his unit.⁶⁹⁰⁵ Since the

⁶⁸⁹⁶ P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992).

⁶⁸⁹⁷ P2368 (Report from Predrag Lazić of the command of the 6th Krajina Brigade, 7 December 1992).

⁶⁸⁹⁸ D1031 (Branko Basara, witness statement, 21 July 2014), para. 50; Branko Basara, T. 34532-34533.

⁶⁸⁹⁹ Branko Basara, T. 34535; P7323 (Criminal report to office of the military prosecutor, signed by Branko Basara, 7 December 1992), pp. 1-2.

⁶⁹⁰⁰ P2428 (Ruling by Banja Luka Military Court Investigating Judge in Daniluško Kajtez case, 7 December 1992).

⁶⁹⁰¹ P2428 (Ruling by Banja Luka Military Court Investigating Judge in Daniluško Kajtez case, 7 December 1992).

⁶⁹⁰² P2375 (Witness RM-016, witness statement, 5 August 2013), paras. 130-131; Witness RM-016, T. 17452, 17458; P2377 (Chart of documents reviewed by Witness RM-016 during proofing session); P2428 (Ruling from an investigating judge of the Banja Luka Military Court, 7 December 1992).

⁶⁹⁰³ P7017 (Decision of the Banja Luka Military Court, 9 December 1992), pp. 1-2. *See also* Grgo Stojić, T. 4086, 4092-4093; D76 (Newspaper article).

⁶⁹⁰⁴ P2375 (Witness RM-016, witness statement, 5 August 2013), paras. 130, 132; Witness RM-016, T. 17380-17382; P2371 (Letter from Vlado Vrkeš and Ostoja Čukov, Commander of the 4th battalion of the 6th Krajina Brigade, to the Banja Luka Military Court, 10 September 1993).

⁶⁹⁰⁵ P2375 (Witness RM-016, witness statement, 5 August 2013), paras. 143, 147; Witness RM-016, T. 17458-17459.

crime for which he was charged carried a minimum sentence of ten years or longer, Kajtez should have been required to remain in pre-trial detention.⁶⁹⁰⁶

1634. According to an indictment dated 2 June 1993, issued by the 1KK Military Prosecutor, Daniluško Kajtez and Miloš Maksimović were charged with the murders in Glamošnica on 2 November 1992.⁶⁹⁰⁷ **Stojić** confirmed that during the trial he was not able to identify Daniluško Kajtez and Miloš Maksimović and they were acquitted on 13 December 2007.⁶⁹⁰⁸

1635. The Trial Chamber observes that Adjudicated Facts 1186-1187 states that Daniluško Kajtez was among the Bosnian-Serb paramilitaries claiming to belong to 'Šešelj's Army' who together executed the Bosnian Croats. Exhibit P369, a Banja Luka Military Court indictment against Kajtez and exhibit P373, a Banja Luka Military Court decision, and testimony from Witness RM-016, however, specified that Kajtez was a member of the 6th Krajina Brigade. The Trial Chamber finds the two exhibits and Witness RM-016's testimony to be clear, detailed, and consistent. The Trial Chamber finds that the Adjudicated Facts have been rebutted insofar as they relate to Daniluško Kajtez's affiliation. Further, the cited evidence provides a strong basis from which to conclude that Kajtez was a member of the 6th Krajina Brigade.

1636. The Trial Chamber recalls its finding in chapter 4.12.1 *Schedule A.7.1* in relation to Witness RM-015's evidence that every armed Serb in Sanski Most was under the command of Basara.

1637. Based on the foregoing, the Trial Chamber finds that on 2 November 1992, Bosnian-Serb forces claiming to belong to 'Šešelj's Army' searched, interrogated, and severely beat Bosnian Croats at the Glamošnica forest close to Škrljevitica in Sanski Most Municipality. Based on the forensic evidence that nine victims were found at the same location, the Škrljevitica forest, and killed on or about the same time, the Trial Chambers finds that nine victims were killed on 2 November 1992. All of the nine victims were Bosnian Croats and wore civilian clothing at the time of their deaths. The Trial Chamber further finds that there were four perpetrators and that Daniluško Kajtez and Miloš Maksimović, members of the 6th Krajina Brigade, were two of them. The Trial

⁶⁹⁰⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 142; Witness RM-016, T. 17364.

⁶⁹⁰⁷ P365 (Grgo Stojić, *Brdanin* transcript, 6-7 June 2002), p. 6792-6793, 6799-6800; P369 (Indictment, 2 June 1993). See also P366 (Handwritten letter by Daniluško Kajtez); P372 (Ruling of Military Court in Banja Luka, 14 March 1995); P373 (Ruling of Military Court in Banja Luka, 9 July 1993).

⁶⁹⁰⁸ Grgo Stojić, T. 4118-4120.

Chamber finds that the second and third perpetrators were Todo Vokić and Goran Vukojević, who were minors at the time of the incident. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

4.12.2 Unlawful detention and cruel or inhumane treatment in detention facilities

1638. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.12.3 Destruction of private and public property, including cultural monuments and sacred sites

1639. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites as set out in Scheduled Incident D.13, in Sanski Most Municipality between at least 12 May 1992 and 30 November 1995.⁶⁹⁰⁹ In particular, the Indictment sets out that the following were destroyed between at least 12 May and December 1992: the Sanski Most Town mosque, the Pobjriježje mosque, the old and new mosques at Hrustovo-Kukavice, the Vrhpolje mosque, the Šehovci mosque, the Trnova mosque, the Stari Majdan (Palanka) mosque, the Stari Majdan (Utriška) mosque, the Dževar mosque, the Husimovci mosque, the Donji Kamengrad mosque, the Skucani Vakuf mosque, the Lukavice mosque, the Tomina mosque, the Čaplje mosque, and the Sanski Most Town Catholic church.⁶⁹¹⁰ Scheduled Incident D.13 is limited to the destruction of the aforementioned sites. The charge of destruction is, however, not limited to the Scheduled Incidents.⁶⁹¹¹ Accordingly, the Trial Chamber has considered evidence falling outside the scope of Scheduled Incident D.13. The Defence argued that Adjudicated Facts 1161, 1188, and 1191 are rebutted.⁶⁹¹² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge.⁶⁹¹³ It also received evidence from **Ahmet**

⁶⁹⁰⁹ Indictment, paras 47, 52, 59(j), Schedule D.13.

⁶⁹¹⁰ Indictment, Schedule D.13.

⁶⁹¹¹ Further on this issue, *see* Appendix B.

⁶⁹¹² Defence Final Brief, para. 1221.

⁶⁹¹³ Adjudicated Facts I, no. 1201 has been reviewed in chapter 4.12.7.

Zulić, Witness RM-001, Sakib Muhić, Bekir Delić, and Witness RM-042, all Bosnian Muslims from Sanski Most Municipality;⁶⁹¹⁴ **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality;⁶⁹¹⁵ **Witness RM-015**, a Bosnian Serb from Sanski Most; **Witness RM-016**, a Bosnian Serb from Banja Luka;⁶⁹¹⁶ **Branko Davidović**, Assistant Commander for Morale, Legal Affairs and Information of the 6th Krajina Brigade since June 1992,⁶⁹¹⁷ and **András Riedlmayer**, a bibliographer and art documentation specialist,⁶⁹¹⁸ and finds that this evidence is consistent with the Adjudicated Facts.⁶⁹¹⁹ The Trial Chamber also received evidence from **Branko Basara**, commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992,⁶⁹²⁰ which is partially consistent with the Adjudicated Facts.⁶⁹²¹ The Trial Chamber further received evidence from **Adem Seferović, Witness RM-706**, and **Witness RM-028**, all Bosnian Muslims from Hrustovo in Sanski Most Municipality;⁶⁹²²

⁶⁹¹⁴ P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6405. P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2. P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2.

⁶⁹¹⁵ P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

⁶⁹¹⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁶⁹¹⁷ D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504.

⁶⁹¹⁸ P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

⁶⁹¹⁹ **Andras Riedlmayer**: András Riedlmayer, T. 17917-17921; P2503 (Expert report of András Riedlmayer, December 2012), paras 28, 56, 59; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 80-82, 88-93, 95-95, 97-101-102, 104-108, 112-117; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), pp. 25, 27-28, 30-31; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013). With regard to the Trial Chamber's approach concerning Riedlmayer's evidence, see Appendix B. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 2, 31-33, 38-39, 41; Ahmet Zulić's evidence is also reviewed in chapter 4.12.7. **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 2, 3; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6409-6411, 6413, 6422, 6424. Witness RM-001's evidence is also reviewed in chapter 4.12.7. **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 3-4. **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), p. 4. Bekir Delić's evidence is also reviewed in chapter 4.12.7. **Jakov Marić**: P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 60, 67, 85. Witness RM-016's evidence has also been reviewed in chapter 4.12.7. **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 112, 127, 134, 152; Witness RM-015, T. 17278. Witness RM-015's evidence is also reviewed in chapters 4.12.1 *Schedule A.7.2* and 4.12.7. **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 4-5; P2498 (Photographs), p. 5. Witness RM-042's evidence is reviewed in chapter 4.12.7. **Branko Davidović**: Branko Davidović, T. 26526-26527, 26529.

⁶⁹²⁰ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁶⁹²¹ **Branko Basara**: D1031 (Branko Basara, witness statement, 21 July 2014), paras 36-38; Branko Basara, T. 34494-34496, 34498-34513, 34562, 34566. Branko Basara's evidence is also reviewed in chapters 4.12.1 *Schedule A.7.2* and 4.12.7.

⁶⁹²² **Adem Seferović**: P2502 (Adem Seferović, witness statement, 26 July 1999), pp. 1-2. Adem Seferović's evidence is reviewed in chapter 4.12.1 *Schedule A.7.1*. **Witness RM-706**: P2499 (Witness

Rajif Begić, a Bosnian Muslim from the village of Kljevci in Sanski Most Municipality;⁶⁹²³ **Tomislav Delić**, a member of the 6th Krajina Brigade,⁶⁹²⁴ and documentary evidence.

Destruction and the forces present in the municipality

1640. **Bekir Delić** stated that in late 1991 or early 1992, the SOS, wearing camouflage uniforms, arrived in Sanski Most under the command of Dušan Saović, a.k.a. Nunja.⁶⁹²⁵ In the spring of 1992, the SOS commenced destroying businesses owned by non-Serbs in Sanski Most, including the office of Suad Sabić, and the local authorities did nothing to stop them.⁶⁹²⁶ According to **Witness RM-016**, the SOS was responsible for the destruction of Sabić's office.⁶⁹²⁷ The house of a prominent SDA member in Sanski Most, Faik Bišćević, was looted and set on fire by the SOS while he was detained.⁶⁹²⁸

1641. **Ahmet Zulić** stated that in May 1992, various units were present in and passed through the municipality.⁶⁹²⁹ There were the SOS, the White Eagles, 'Šešelj's Chetniks', the military reservists as well as regular JNA forces.⁶⁹³⁰ The SOS was in charge in Sanski Most; they were easily distinguishable from the other groups as they drove around in an old LADA car and wore olive-grey/olive-drab SMB uniforms without any specific insignia, in addition to a 'Chetnik' badge on their caps.⁶⁹³¹ Its members were mostly local Serbs and members of the SDS and they were commanded by Dušan Šaović, a.k.a. 'Nunja' and a man called 'Medeni'.⁶⁹³² **Witness RM-016** testified that the SOS in Sanski Most, including Njunja, Medeni, Šico, and Daniluško

RM-706, *Brđanin* transcript, 21 June 2002), p. 7246. RM-706's evidence is also reviewed in chapter 4.12.1 *Schedule A.7.2. Witness RM-028*: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhpolje).

⁶⁹²³ Rajif Begić, T. 2146, 2150.

⁶⁹²⁴ D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926. Tomislav Delić's evidence is reviewed in chapter 4.12.4.

⁶⁹²⁵ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 2.

⁶⁹²⁶ P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 2-3. *See also* P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62; Witness RM-016, T. 17411.

⁶⁹²⁷ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62.

⁶⁹²⁸ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 62; Witness RM-016, T. 17411-17412. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 119.

⁶⁹²⁹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 11.

⁶⁹³⁰ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 11.

⁶⁹³¹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 11, 17.

⁶⁹³² P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 11, 17.

Kajtez.⁶⁹³³ Its members were mostly local criminals and were placed under the control of the civilian authorities.⁶⁹³⁴

1642. **Zulić** also knew that the 6th Krajina Brigade was operating in that area.⁶⁹³⁵ **Witness RM-015** testified that Colonel Basara strictly followed his chain of command and on this basis, the witness concluded that General Talić had authorised the attacks in Sanski Most and was familiar with the outcome of the attack.⁶⁹³⁶ On 29 May 1992, the 1KK Command issued a report, signed by General Talić, to the VRS Main Staff concerning the combat situation which, according to Witness RM-015, demonstrates that regular VRS army units were engaged in the activities of 26-27 May and that General Talić was aware of them and may have authorised them.⁶⁹³⁷ The report also states that ‘cooperation with the Bosnian-Serb MUP in mopping-up the terrain and confiscating weapons from illegal formations in the area of Prijedor, Sanski Most, and Ključ continues.’⁶⁹³⁸

1643. **Witness RM-016** testified that in 1992, the civilian police and military authorities in Sanski Most were working in close cooperation.⁶⁹³⁹ **Witness RM-015** testified that on 20 May 1992, the Sanski Most Crisis Staff ordered the Serb TO staff to prepare an operation to disarm non-Serb paramilitary formations in Sanski Most Municipality.⁶⁹⁴⁰ The Serb paramilitary formation in Podlug, received similar orders from the 6th Krajina Brigade.⁶⁹⁴¹ Witness RM-015 thus concluded that the Sanski Most Crisis Staff and 6th Brigade were cooperating in disarming non-Serbs, based also on the fact that Colonel Basara and Colonel Aničić were both members of the Crisis Staff.⁶⁹⁴² No efforts were made to disarm the Serb civilians.⁶⁹⁴³

⁶⁹³³ P2375 (Witness RM-016, witness statement, 5 August 2013), paras 73-74; Witness RM-016, T. 17470.

⁶⁹³⁴ P2375 (Witness RM-016, witness statement, 5 August 2013), paras 73-74; Witness RM-016, T. 17470.

⁶⁹³⁵ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.

⁶⁹³⁶ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 129.

⁶⁹³⁷ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 129-130; P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992), p. 1.

⁶⁹³⁸ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 131; P2405 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 29 May 1992), p. 1.

⁶⁹³⁹ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 66.

⁶⁹⁴⁰ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121; P2413 (Sanski Most Crisis Staff order to the Serb TO to disarm paramilitary formations in Sanski Most 4 June 1992), p. 2.

⁶⁹⁴¹ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 12, 120-121.

⁶⁹⁴² P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121.

⁶⁹⁴³ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 121.

1644. On or about 23 May 1992, Serbs threw a hand grenade into Bekir Delić's house.⁶⁹⁴⁴ Delić reported the incident to the police, but no investigation was undertaken.⁶⁹⁴⁵ On 24 May 1992, there were several explosions of non-Serb owned property around Sanski Most.⁶⁹⁴⁶ The majority of the explosions occurred during curfew hours when only persons with permission were allowed out.⁶⁹⁴⁷

Destruction in Sanski Most Town

1645. In the evening of 25 May 1992, Sanski Most Town was shelled by Serb forces.⁶⁹⁴⁸ In late May 1992, the town mosque in Sanski Most⁶⁹⁴⁹ was destroyed by members of the 6th Krajina Brigade, and a parking lot was laid out on top of the mosque's cemetery.⁶⁹⁵⁰ **Witness RM-015** testified that Majkić and his squad blew up this mosque, once at the beginning of the conflict and then at a later time, laying mines under it so as to completely destroy it.⁶⁹⁵¹ **András Riedlmayer** testified that the site of the Town mosque was levelled and its rubble taken away in late 1992.⁶⁹⁵² The Trial Chamber received evidence about the destruction of other religious buildings in Sanski Most Town. Riedlmayer testified that the chancery and archives of the Medžlis of the Islamic community of Sanski Most, as well as the Islamic library, all hosted in the *vakuf* located next to the Town mosque, were destroyed with the mosque.⁶⁹⁵³ Prior to its destruction, in July 1992 the Roman Catholic church was vandalised and damaged by machine-gun fire.⁶⁹⁵⁴ Serb forces razed the ruins of the church at the time of its

⁶⁹⁴⁴ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3; P3434 (Weekly report regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), p. 3.

⁶⁹⁴⁵ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3.

⁶⁹⁴⁶ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 3; P3434 (Weekly report regarding the situation in the area covered by CSB Banja Luka, 26 May 1992), p. 3.

⁶⁹⁴⁷ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 2.

⁶⁹⁴⁸ Adjudicated Facts I, no. 1160.

⁶⁹⁴⁹ András Riedlmayer names this mosque, *inter alia*, as the Hamza-begova and as the town mosque in Sanski Most. The Trial Chamber will refer to this mosque as the town mosque in Sanski Most.

⁶⁹⁵⁰ Adjudicated Facts I, no. 1191.

⁶⁹⁵¹ Witness RM-015, T. 17296.

⁶⁹⁵² P2503 (Expert report of András Riedlmayer, December 2012), para. 56; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 80-82; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 30.

⁶⁹⁵³ P2503 (Expert report of András Riedlmayer, December 2012), paras 62-63; P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

⁶⁹⁵⁴ P2510 (Formatted entries to expert report of András Riedlmayer), p. 99; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 25.

destruction.⁶⁹⁵⁵ The parish rectory, across the street from the church, was shot at and vandalised but suffered no structural damage.⁶⁹⁵⁶ According to Riedlmayer, the buildings adjacent to the Town mosque and the *vakuf* hosting the chancery, the archives, and the Islamic library were in good condition.⁶⁹⁵⁷ ‘Serb forces’ blew up the Roman Catholic Parish church of the Assumption of the Blessed Virgin Mary on 19 August 1995.⁶⁹⁵⁸ According to **Witness RM-015**, Majkić and his squad from the TO staff also destroyed the Catholic church in Sanski Most Town either in 1993 or 1994.⁶⁹⁵⁹

Destruction in Begići, Hrustovo, Vrhpolje, and Okreč

1646. At the end of May 1992, after calls for disarmament had been made, attacks were launched by Bosnian-Serb forces on the Bosnian-Muslim neighbourhoods and villages of Begići, Hrustovo, Vrhpolje, and some other small villages, including the hamlet of Okreč, which was predominantly Muslim.⁶⁹⁶⁰ These attacks were planned well in advance by the army and the municipal crisis staff, and were carried out by the army acting jointly with the SOS.⁶⁹⁶¹ Heavy shelling from outside the targeted neighbourhoods or villages caused severe damage and killed people, forcing the inhabitants of these villages to flee.⁶⁹⁶² After the troops had entered the villages, a number of people who had not fled were killed.⁶⁹⁶³ Houses were looted and people fleeing were dispossessed [sic] of the valuables that they were carrying with them.⁶⁹⁶⁴ On 31 May 1992, soldiers arrived in the village of Begići, looting homes and setting houses and barns on fire.⁶⁹⁶⁵ With regard to Hrustovo, **Witness RM-706** specified that

⁶⁹⁵⁵ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 56; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 99-100; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 25.

⁶⁹⁵⁶ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 99; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 25.

⁶⁹⁵⁷ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 80; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁶⁹⁵⁸ P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 56, 59; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 80-82, 99-100; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), pp. 25, 30; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁶⁹⁵⁹ Witness RM-015, T. 17295.

⁶⁹⁶⁰ Adjudicated Facts I, nos 1143, 1160, 1190.

⁶⁹⁶¹ Adjudicated Facts I, no. 1143.

⁶⁹⁶² Adjudicated Facts I, no. 1144.

⁶⁹⁶³ Adjudicated Facts IV, no. 1146.

⁶⁹⁶⁴ Adjudicated Facts IV, no. 1146.

⁶⁹⁶⁵ Adjudicated Facts I, no. 1190.

while soldiers searched the houses in Hrustovo on 31 May 1992, he saw the old mosque of Kukavice, a hamlet in Hrustovo, burning.⁶⁹⁶⁶ **Rajif Begić** testified that as he approached the Hrustovo station on 31 May 1992, he noticed that all the houses were burning, the shooting was still going on, and some soldiers were resting, drinking, and cursing.⁶⁹⁶⁷ **Witness RM-028** stated that on his way from Blaževići to Tomina on 29 or 30 June 1992, he observed houses that had been burned down in the Muslim hamlet of Handanovići.⁶⁹⁶⁸ The mosque in Hrustovo was destroyed in 1992 by the Bosnian-Serb forces.⁶⁹⁶⁹

1647. On 1 June 1992, the 1KK Command's daily combat report indicated that the units of the 1KK controlled Prijedor, Ključ and Sanski Most, although mopping up was still being carried out in some Muslim populated villages in Ključ and Sanski Most.⁶⁹⁷⁰ Until 3 June, the only area that was not under Serb control was the Golaja forest in Vrhpolje village where there were approximately 180 armed Muslims.⁶⁹⁷¹ **Witness RM-016** testified that Muslims from Vrhpolje were well-armed and had established their own military units.⁶⁹⁷² **Witness RM-015** testified that on 8 June 1992 the Sanski Most Crisis Staff tasked the Civil Defence Staff, Nenad Davidović, and the 6th Krajina Brigade with the 'clearing up' of the Vrhpolje-Hrustovo theatre of operations and with the mopping-up any remaining Muslim groups or forces in the area.⁶⁹⁷³ The VRS was ultimately in command of this operation under the command of Colonel Basara. A Serb paramilitary unit from Podlug was involved in the operation. The units were driven in civilian buses to the bridge over the river Sana and were each told by Captain Milovan Lazić which sectors they were to mop-up. The units were instructed to send any Muslim survivors to the check-point on the Vrhpolje Bridge. One unit was assigned the sector along the bank of the river Sana, and ordered that wherever they found one empty bullet case, they were to burn the house down. The commander of that unit did not convey this

⁶⁹⁶⁶ P2499 (Witness RM-706, *Brdanin* transcript, 21 June 2002), p. 7249.

⁶⁹⁶⁷ Rajif Begić, T. 2146, 2150.

⁶⁹⁶⁸ P2489 (Witness RM-028, *Brdanin* transcript, 5 July 2002), pp. 8047, 8068.

⁶⁹⁶⁹ Adjudicated Facts I, no. 1192.

⁶⁹⁷⁰ Witness RM-015, T. 17289-17291; P2367 (1KK Command daily combat report to VRS Main Staff signed by General Talić, 1 June 1992), pp 1-2.

⁶⁹⁷¹ Witness RM-015, T. 17291.

⁶⁹⁷² Witness RM-016, T. 17390.

⁶⁹⁷³ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 147; P2414 (Sanski Most Crisis Staff conclusions, 8 June 1992).

order to his unit. Officers of the 1st Serbian Battalion burned down at least one house that day and blew up Arif Hukanović's house in Vrhpolje using TNT.⁶⁹⁷⁴

1648. **Riedlmayer** testified that Serb forces burned down the old mosque in Hrustovo-Kukavice in May 1992, and the Hrustovo-Kerani mosque in Gornje Hrustovo in May-June 1992.⁶⁹⁷⁵ The new mosque in Hrustovo-Kukavice was vandalised and its building materials, including copper sheeting from its roof, were stolen.⁶⁹⁷⁶ Many projectile impacts could be seen on the perimeter walls of the new mosque in Hrustovo-Kukavice, under construction at the start of the war.⁶⁹⁷⁷ The Hrustovo-Kerani mosque's interior was gutted and open to the sky, and the perimeter walls were still standing up to the roofline.⁶⁹⁷⁸ According to Riedlmayer, the buildings adjacent to the Hrustovo-Kukavice old mosque were lightly damaged, and those adjacent to the new mosque in Hrustovo-Kukavice were heavily damaged.⁶⁹⁷⁹ With regard to Vrhpolje, Riedlmayer testified that 'Serb extremists' blew up the minaret of the village mosque in 1992.⁶⁹⁸⁰ According to Riedlmayer, the buildings adjacent to the mosque were heavily damaged.⁶⁹⁸¹ The Okreč mosque burned in 1992.⁶⁹⁸²

Destruction in Mahala, Muhići, and Otoka

1649. A Sanski Most TO staff combat order, signed by Colonel Ančić, ordered Operation 'Grmeč-92', the disarmament of Mahala, Otoka, Muhići, Marija Bursać, the Omladinsko neighbourhood, the Alagića neighbourhood, in coordination with units

⁶⁹⁷⁴ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 147.

⁶⁹⁷⁵ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 97-98, 106-108; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), pp. 27-29; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁶⁹⁷⁶ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 104; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁶⁹⁷⁷ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 104-105; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁶⁹⁷⁸ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁶⁹⁷⁹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 104, 106; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁶⁹⁸⁰ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 109-111; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁶⁹⁸¹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 109; P2511 (Survey database for expert report of Andrés Riedlmayer).

from the 6th Brigade, after artillery preparations, ‘in order to cause the enemy great human, material and technical losses’.⁶⁹⁸³ The order asserted that the Croatian Defence forces, National Guard Corps, and Green Berets had joined up with ‘hostile villages and towns’ in Sanski Most municipality.⁶⁹⁸⁴ **Witness RM-015** believed this to be pure propaganda used to justify the attacks. According to him, Croatian Defence forces and National Guard Corps were not present in Sanski Most in 1992 and the ABiH had not even been formed in this area. The only Muslim forces operating were the Patriotic League who were not in Sanski Most, but primarily in Ključ. If armed groups were in existence, they were villagers trying to defend themselves. The witness testified that the second part of the order, namely that the Serbs managed to maintain control of the territory and organized the defence of Serb populated areas, was true.⁶⁹⁸⁵

1650. On or around 25 May 1992, the 6th Krajina Brigade and the TO launched an artillery attack on the Muslim settlements of Mahala, Muhići, and Otoka.⁶⁹⁸⁶ **Branko Davidović** testified that the SOS was also involved in the ‘mopping up’ operations in Mahala.⁶⁹⁸⁷ Serb soldiers forced Mahala residents to gather at a training ground and then shelled the village and partially destroyed houses and the local mosque.⁶⁹⁸⁸ **Ahmet Zulić** stated that some houses in Mahala started burning immediately after the launch of the attack.⁶⁹⁸⁹ According to him, there were no legitimate military targets in Mahala.⁶⁹⁹⁰ **Witness RM-016** testified that Muslims from Mahala were poorly armed and were only in possession of hunting rifles and side arms.⁶⁹⁹¹ According to **Davidović**, there were no civilian casualties in Mahala, because there was no fighting, apart from some sporadic rifle fire in passing through and during the search of the area, which was finished in a few hours.⁶⁹⁹² **Sakib Muhić** stated that save for two streets, the entire settlement was

⁶⁹⁸² P2511 (Survey database for expert report of András Riedlmayer); P2514 (Excel spreadsheet provided as an update to András Riedlmayer’s expert report, 27 September 2013).

⁶⁹⁸³ P2411 (Serb TO order no. 1/92), pp. 1-2. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 124.

⁶⁹⁸⁴ P2411 (Serb TO order no. 1/92), p. 1. *See also* P2362 (Witness RM-015, witness statement, 13 March 2002), para. 124.

⁶⁹⁸⁵ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 126; P2411 (Serb TO order no. 1/92), p. 1.

⁶⁹⁸⁶ Adjudicated Facts I, nos 1161, 1188.

⁶⁹⁸⁷ Branko Davidović, T. 26526, 26529.

⁶⁹⁸⁸ Adjudicated Facts I, no. 1161.

⁶⁹⁸⁹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 33.

⁶⁹⁹⁰ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 33.

⁶⁹⁹¹ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 60; Witness RM-016, T. 17389.

⁶⁹⁹² D675 (Branko Davidović, witness statement, 30 June 2014), para. 30.

destroyed.⁶⁹⁹³ **Bekir Delić** stated that when he walked through Mahala on 27 May 1992, the settlement was on fire.⁶⁹⁹⁴ **Witness RM-016** testified that local police were also involved in the looting and destruction of Mahala, adding that the mosque was mined and destroyed with explosives.⁶⁹⁹⁵ **Branko Basara** initially stated to the Prosecution that Veljko Brajić, his Chief of Staff, had ordered the destruction of the mosque and even destroyed it himself.⁶⁹⁹⁶ However, he testified to have heard after his statement that the Mahala mosque was blown up by a man known as ‘Njunja’, the commander of the SOS.⁶⁹⁹⁷

Destruction in Pobrježje

1651. On 26 May 1992, as stated by **Ahmet Zulić**, Serb forces attacked Pobrježje, a village located about two kilometres northwest of Sanski Most.⁶⁹⁹⁸ **Witness RM-015** testified that Pobrježje was a predominantly Muslim village.⁶⁹⁹⁹ **Zulić** testified that after two shells were fired on private houses, the attack was announced on the radio.⁷⁰⁰⁰ In mid-July 1992, there was again concentrated shelling on Pobrježje.⁷⁰⁰¹ **Witness RM-015** testified that the Pobrje mosque was destroyed by Nikica Dobrijević and some ‘drunken friends’.⁷⁰⁰² **Riedlmayer** testified that the Pobrježje mosque was destroyed in August 1992.⁷⁰⁰³ Photographs taken after the war show that the ruins of the Pobrježje mosque were razed and the site levelled, except for the stump of the minaret destroyed by a blast.⁷⁰⁰⁴

⁶⁹⁹³ P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 4. *See also* P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.

⁶⁹⁹⁴ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 4.

⁶⁹⁹⁵ P2375 (Witness RM-016, witness statement, 5 August 2013), paras 67, 85.

⁶⁹⁹⁶ Branko Basara, T. 34496-34500; P7322 (excerpt from record of interview of Basara by Prosecution in 2002), pp. 1-2.

⁶⁹⁹⁷ Branko Basara, T. 34496-34511, 34566.

⁶⁹⁹⁸ P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 2, 31, 33.

⁶⁹⁹⁹ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 12.

⁷⁰⁰⁰ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 31.

⁷⁰⁰¹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 31.

⁷⁰⁰² Witness RM-015, T. 17298. The Trial Chamber understands this to be a reference to the village of the Pobrježje.

⁷⁰⁰³ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 101; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁷⁰⁰⁴ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 101-102; P2511 (Survey database for expert report of Andrés Riedlmayer).

Destruction in Čirkići, Skucani Vakuf, Trnova, and Šehovci

1652. **Zulić** testified that the Muslim villages of Čirkići, Skucani Vakuf, and Trnova were also attacked at the end of May 1992.⁷⁰⁰⁵ Trnova was shelled from Đedovača, from the garbage dump, and from the stadium in Podlug.⁷⁰⁰⁶ There was no response from the villagers, as they simply had nothing with which to fire back after they had surrendered all their weapons.⁷⁰⁰⁷ More particularly, **Riedlmayer** testified that Serb forces mined and blew up the Čirkići mosque in August 1992, that the Skucani Vakuf mosque and its minaret were destroyed by a blast in 1992, and that the Trnova mosque burned in the summer of 1992.⁷⁰⁰⁸ Photographs taken after the war show that the Čirkići mosque's minaret was shattered and toppled, a perimeter wall had partly collapsed, the mosque's façade had numerous projectile impacts and its interior was gutted and open to the sky.⁷⁰⁰⁹ The Trnova mosque's roof and wooden minaret were gone, its interior gutted and open to the sky, and the front façade contained projectile impacts.⁷⁰¹⁰ The Imam's house next to the Čirkići mosque burned down.⁷⁰¹¹

1653. According to an SJB Report on the security situation in Sanski Most Municipality, during October and November 1992, there were armed attacks on the Muslim villages of Trnova, Šehovci, Skucani Vakuf, and Stari Majdan.⁷⁰¹² The attacks were perpetrated by groups composed of six to 30 reservists, using infantry weapons, heavy equipment, such as 60 millimetres mortars, hand-held rocket launchers, grenades, and explosives.⁷⁰¹³ Bombs were thrown in the yards of houses belonging to Muslims and, on three occasions, explosive devices were planted in houses and facilities belonging to Serbs.⁷⁰¹⁴ In Trnova, explosives were thrown at homes belonging to

⁷⁰⁰⁵ P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 41-42.

⁷⁰⁰⁶ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 42.

⁷⁰⁰⁷ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 42.

⁷⁰⁰⁸ P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 27; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁷⁰⁰⁹ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰¹⁰ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰¹¹ P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 27.

⁷⁰¹² P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), pp. 2-3.

⁷⁰¹³ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 3.

⁷⁰¹⁴ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.

Muslims.⁷⁰¹⁵ Three mosques in Šehovci, Trnova, and Skucani Vakuf and a Catholic church in Stara Rijeka were blown up with a very large amount of explosives and mine.⁷⁰¹⁶ Some of the perpetrators, among whom were officers, were known to the SJB who recommended that the competent military organs and command deal with this matter.⁷⁰¹⁷ The operations were carried out to expel the Muslims from these densely populated villages.⁷⁰¹⁸ According to the report, some operations were carried out by local groups.⁷⁰¹⁹ The SJB patrols in the settlements could not prevent these attacks.⁷⁰²⁰

1654. **Jakov Marić** stated that when he passed through Šehovci on 29 June 1992, he saw that the town's mosque and most of the houses were destroyed.⁷⁰²¹ **Riedlmayer** testified that Serb forces destroyed the Šehovci mosque in October 1992.⁷⁰²² Photographs taken after the war show the roof of the Šehovci mosque had collapsed, its interior was gutted and open to the sky, the perimeter walls remained standing up to the roofline, and the base of the minaret, split apart by a blast, remained at the site.⁷⁰²³ According to Riedlmayer, the buildings adjacent to the Šehovci mosque were in good condition.⁷⁰²⁴

Destruction in Čaplje, Lukavice, Kamengrad, and Tomina

1655. The Trial Chamber received further evidence on the destruction of religious buildings and monuments in the municipality. The mosques in the villages of Čaplje, Lukavice, Kamengrad, and Tomina were destroyed in 1992 by the Bosnian-Serb

⁷⁰¹⁵ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.

⁷⁰¹⁶ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.

⁷⁰¹⁷ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 5.

⁷⁰¹⁸ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992S), p. 3.

⁷⁰¹⁹ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.

⁷⁰²⁰ P2506 (Report on the security situation in Sanski Most Municipality from the Chief of the Sanski Most SJB, 30 November 1992), p. 2.

⁷⁰²¹ P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.

⁷⁰²² P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 112; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 31; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

⁷⁰²³ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 112-114; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer's expert report, 30 September 2013), p. 31.

forces.⁷⁰²⁵ **Riedlmayer** specified that the Čaplje mosque was burned and its minaret blown up.⁷⁰²⁶ In mid-1992, the SDS ordered the destruction of the Donji Kamengrad mosque.⁷⁰²⁷ Mladen Majkić, a military engineer, was ordered by a member of the SDS to set explosives in the mosque.⁷⁰²⁸ **Witness RM-015** learned that Colonel Aničić, a member of the Sanski Most Crisis Staff, former JNA officer and Chief of the TO, had ordered Majkić, who was trained in the use of explosives, to set explosives at the Donji Kamengrad mosque. In mid-1992, Majkić destroyed the mosque with a team of Serbs who at that time were not part of the 6th Krajina Brigade and directly responsible to Colonel Aničić and the TO Staff. After the destruction of this mosque, Colonel Basara wanted to find the perpetrators and ‘bring them to justice’, which displeased the SDS.⁷⁰²⁹ According to **Riedlmayer**, the new mosque in Donji Kamengrad was blown up.⁷⁰³⁰ Photographs taken after the war show the Donji Kamengrad new mosque had collapsed, its roof and all but one perimeter wall were crushed, and only part of the damaged entrance façade and the domes on top of the collapsed roof remained.⁷⁰³¹ The Tomina mosque, as well as its minaret, was destroyed by a blast in July 1992.⁷⁰³² According to Riedlmayer, the buildings adjacent to the Tomina mosque were lightly damaged.⁷⁰³³ **Witness RM-015** testified that Čaplje and Kamengrad were predominantly Muslim villages.⁷⁰³⁴

⁷⁰²⁴ P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 112; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰²⁵ Adjudicated Facts I, no. 1192.

⁷⁰²⁶ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 28; P2510 (Formatted entries to expert report of Andrés Riedlmayer), p. 104; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁷⁰²⁷ Adjudicated Facts I, no. 1193.

⁷⁰²⁸ Adjudicated Facts I, no. 1193.

⁷⁰²⁹ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 152.

⁷⁰³⁰ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 88-91; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁷⁰³¹ P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 88-91; P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰³² P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 94-95; P2511 (Survey database for expert report of Andrés Riedlmayer); P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁷⁰³³ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰³⁴ P2362 (Witness RM-015, witness statement, 13 March 2002), p. 12.

Destruction in Kerani, Sasina, and Poljak

1656. On 1 June 1992, **Witness RM-706** observed the mosque in Kerani partly damaged due to shelling.⁷⁰³⁵ **Marić** stated that he heard that the Sasina Catholic church was blown up at the end of 1992.⁷⁰³⁶ According to **Witness RM-016**, the Catholic church in the settlement of Poljak was destroyed, and no investigation took place.⁷⁰³⁷

Destruction of other religious buildings and sacred sites in the municipality

1657. The Trial Chamber received further evidence on the destruction of religious buildings and sacred sites from **Riedlmayer**. He testified that the Catholic church of St. Michael the Archangel in Kljevci was destroyed with explosives in September 1992, and that ‘Serb troops’ commanded by the VRS 6th Krajina Brigade commander, Branko Basara, mined the Roman Catholic Parish Church of Saint Anthony the Hermit in Stara Rijeka on 11 November 1992.⁷⁰³⁸ Photographs taken after the war show the damage caused to these buildings: the Kljevci church’s perimeter walls were damaged, the gables had collapsed, and its interior was gutted and filled with rubble; the Stara Rijeka church’s steeple was destroyed and large holes could be seen in two of its façades.⁷⁰³⁹

1658. With regard to the perpetrators of some of the destruction, **Witness RM-015** learned that Majkić and his team destroyed 14 mosques in Sanski Most Municipality, including the Šehovci mosque with TNT obtained from the JNA, under orders from Colonel Aničić.⁷⁰⁴⁰ According to the witness, 18 mosques were destroyed in Sanski Most Municipality.⁷⁰⁴¹ Four other mosques were destroyed by ‘freelancers’.⁷⁰⁴² **Branko Basara** testified that all other mosques in the villages he came through had been knocked down except for the old mosque in Kamengrad, which was still standing,

⁷⁰³⁵ P2499 (Witness RM-706, *Brđanin* transcript, 21 June 2002), pp. 7250-7254.

⁷⁰³⁶ P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.

⁷⁰³⁷ P2376 (Clarifications to statement of Witness RM-016).

⁷⁰³⁸ P2503 (Expert report of Andrés Riedlmayer, December 2012), para. 59; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés Riedlmayer’s expert report, 30 September 2013), p. 25; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer’s expert report, 27 September 2013).

⁷⁰³⁹ P2511 (Survey database for expert report of Andrés Riedlmayer).

⁷⁰⁴⁰ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 152; Witness RM-015, T. 17294-17298.

⁷⁰⁴¹ Witness RM-015, T. 17295, 17297-17298.

⁷⁰⁴² Witness RM-015, T. 17297-17298.

whereas the new mosque there had also been destroyed.⁷⁰⁴³ Although the witness testified that he did not know who destroyed the mosques in Sanski Most, other than the mosque in Mahala, he testified that he knew that the perpetrators put masks on their heads, were equipped with machine guns and explosives, and would arrive in groups of 15 to 20 men and overpower the four guards the witness had appointed to secure the mosques at night.⁷⁰⁴⁴ According to the witness, the religious facilities in the municipality were destroyed in agreement between politicians and the SOS forces.⁷⁰⁴⁵

1659. **Witness RM-015** testified that on 27 May 1992, Kljevci was attacked by Mićo 'Kudra' Praštalo's paramilitary unit from Lušci Palanka in cooperation with the battalions commanded by Captain Ranko Brajić of the 6th Krajina Brigade.⁷⁰⁴⁶ In May or early June 1992, following a battle between the 6th Krajina Brigade and the Muslim forces at Golaja, Colonel Basara negotiated with the Muslim Captain Mir Avdić for the safe passage of 180 Muslim fighters. The SDS was furious with Colonel Basara for having let the Muslims go to Bihać instead of killing them. Colonel Aničić of the Sanski Most Crisis Staff ordered Mićo 'Kudra' Praštalo, the commander of the paramilitary unit from Lušci Palanka, to set up an ambush for the buses carrying the Muslim resistance fighters travelling on the road between Lušci Palanka and Bosansja Krupa and to kill them as they were being escorted by the Serbs.⁷⁰⁴⁷

The Trial Chamber's findings

1660. In addition to the evidence discussed above, the Trial Chamber also received evidence from Riedlmayer on the destruction of other religious buildings in Sanski Most Municipality during the Indictment period.⁷⁰⁴⁸ With regard to that evidence, Riedlmayer identified the perpetrators of some of the destruction, referring to them as 'Serb forces' or 'Serb troops'. The Trial Chamber notes that Riedlmayer obtained his evidence for the dates and perpetrators of destruction from Husein-efendića Kovačević,

⁷⁰⁴³ Branko Basara, T. 34512-34513. The Trial Chamber understands the witness's reference to the new mosque is a reference to the new mosque in Donji Kamengrad.

⁷⁰⁴⁴ D1031 (Branko Basara, witness statement, 21 July 2014), paras 64-65; Branko Basara T. 34510.

⁷⁰⁴⁵ D1031 (Branko Basara, witness statement, 21 July 2014), para. 65.

⁷⁰⁴⁶ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 128.

⁷⁰⁴⁷ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 103.

⁷⁰⁴⁸ Andrés Riedlmayer, T. 17903; P2503 (Expert report of Andrés Riedlmayer, December 2012), paras 28, 46-47, 50-51, 56-57, 59; P2510 (Formatted entries to expert report of Andrés Riedlmayer), pp. 83-87, 118-122; P2511 (Survey database for expert report of Andrés Riedlmayer); P2513 (Annex to Andrés

Head Imam of Sanski Most; Don Ivica Božinović, Chancellor of the Roman Catholic Diocese of Banja Luka; Izet Veletanjić, member of the board of the Islamic community of Bosanski Novi; and the Medžlis of the Islamic Community of Sanski Most. However, Riedlmayer's report and its annexes, including the database, do not contain information on how these persons and the Medžlis obtained this information and, consequently, whether there was a solid basis for the conclusions presented to Riedlmayer. For these reasons, the Trial Chamber has not relied on his evidence concerning the date of destruction and perpetrators of the destruction of these other religious buildings in the municipality.

1661. Concerning Witness RM-015's testimony on Mladen Majkić's involvement in the destruction of the Sanski Most Town mosque, Donji Kamengrad mosque, Šehovci mosque and the Roman Catholic parish church, the Trial Chamber finds it to be consistent with evidence received from witnesses Ahmet Zulić, Jakov Marić, Sakib Muhić, Witness RM-016, and Branko Basara. The Trial Chamber will therefore rely on Witness RM-015's evidence in this respect. With regard to Witness RM-015's evidence on the destruction of other mosques in the municipality, the Trial Chamber finds that it is vague in comparison to the other detailed evidence he provided on the destruction of religious buildings in the municipality. In particular, the witness does not identify the other mosques that he refers to as being destroyed. While the witness refers to four mosques being destroyed by 'freelancers', he does not list them all. He also states that 14 mosques were destroyed by Majkić and his team, bringing the number of destroyed mosques in the municipality to 18, which according to the witness was the total number of mosques in the municipality at the time. However, when calculating the number of mosques in the municipality on the basis of the evidence reviewed, the Trial Chamber found a higher number than the one provided by Witness RM-015. The evidence of the witness with regard to the destruction of the other 14 mosques is unclear and leaves considerable doubt as to which mosques the witness is referring. Therefore, the Trial Chamber finds that Witness RM-015's evidence is not reliable enough, as far as these other destructions are concerned, and will not rely on it in this respect.

1662. While Adjudicated Fact 1188 states that private property belonging to Bosnian Muslims were destroyed during the attack on Mahala, Basara testified that the burning

Riedlmayer's expert report, 30 September 2013), pp. 25-31; P2514 (Excel spreadsheet provided as an update to Andrés Riedlmayer's expert report, 27 September 2013).

and destruction of private property took place after the attack and the withdrawal of the 6th Krajina Brigade (*see* chapter 4.12.7). The Trial Chamber notes that Basara's testimony on this course of events contains internal inconsistencies. In particular, Basara testified that upon being fired at by mortars fire during the attack, the brigade's unit used all available weapons at their disposal and added that the village was shelled during the attack. Thus, the Trial Chamber finds Basara's testimony on the course of events described in Adjudicated Fact 1188 to be unreliable and not rebutting the latter. Therefore, it rejects the Defence's argument in this regard.

1663. Based on the foregoing, the Trial Chamber finds that at the end of May 1992, after calls for disarmament had been made, some by Dragan Praštalo, attacks were launched by Bosnian-Serb forces on the Bosnian-Muslim neighbourhoods and villages of Mahala, Muhići, Begići, Hrustovo, Vrhpolje, Čirkići, Lukavice, Otoka, and its hamlets and other small villages within the municipality. These attacks were planned well in advance by the VRS and the municipal crisis staff and were carried out by the 6th Krajina Brigade, commanded by Colonel Basara, acting jointly with the SOS. The attacks against Hrustovo and Vrhpolje were carried out in cooperation with paramilitary units subordinated to Basara; while the attacks against Mahala, Muhići, and Otoka were carried out in cooperation with the TO. Heavy shelling from outside the targeted neighbourhoods and villages caused severe damage, destroying some houses. Until 3 June 1992, at least, approximately 180 armed Muslims were in the Golaja woods near Hrustovo and Vrhpolje.

1664. Following the departure of the population of Mahala in late May 1992, the local police and the SOS set houses on fire. The perpetrators of the attack blew up houses in Vrhpolje and set houses on fire in Hrustovo. On 31 May 1992, they also set houses and barns on fire in Begići. Furthermore, on the same day, the perpetrators of the attack destroyed two mosques located in hamlets of Hrustovo: the old mosque in Kukavice burned and the Kerani mosque was shelled. They also destroyed the Lukavice mosque, shelled the new Hrustovo-Kukavice mosque, burned the Okreč mosque, and blew up the Mahala and Vrhpolje mosques. Due to discrepancies in Basara's evidence on the perpetrator of the destruction of the Mahala mosque whereby he attributed the destruction of the mosque to different perpetrators in a statement to the Prosecution and in court, the Trial Chamber will not rely on his evidence in this respect. Therefore, the Trial Chamber rejects the Defence's argument concerning the rebuttal of Adjudicated

Fact 1161. The Trial Chamber will also not rely on Seferović's evidence of a mosque burning while he was in Merdanovići, as it is unclear as to which mosque he is referring. The Trial Chamber further finds that the Čirkići mosque was mined and blown up and the Imam's house next to the mosque burned down.

1665. On 26 May 1992, Serb forces including Nikita Dobrijević attacked the predominantly Bosnian-Muslim village of Pobrjeđe. Shells were fired on houses, and in particular one owned by a Muslim. Around that date, Nikita Dobrijević participated in the destruction of the Pobrjeđe mosque, after which the ruins of the mosque were razed.

1666. In 1992, Bosnian-Serb forces destroyed mosques in the predominantly Bosnian-Muslim villages of Čaplje and Kamengrad as well as in Tomina. The Čaplje mosque was burned and its minaret was blown up, and the Tomina mosque was destroyed with explosives.

1667. With respect to the destruction of a mosque in Kamengrad, the Trial Chamber finds that in mid-1992, Mladen Majkić and his team from the TO blew up the new Donji Kamengrad mosque pursuant to an order from Colonel Aničić, a member of the Sanski Most Crisis Staff and chief of the TO.

1668. From 12 May until late May 1992, members of the SOS, commanded by Dušan Saović a.k.a. Nunja, blew up properties and businesses owned by non-Serbs in Sanski Most Town. While Adjudicated Fact 1191 states that members of the 6th Krajina Brigade destroyed the Sanski Most Town Mosque, Witness RM-015 testified that Mladen Majkić and his TO unit were responsible for its destruction. The Trial Chamber finds Adjudicated Fact 1191 to be rebutted with respect to the perpetrator of the destruction of Sanski Most Town Mosque. The Trial Chamber will therefore consider the evidence it received concerning the destruction of that mosque, namely Witness RM-015's evidence. With regard to Witness RM-015's evidence on the destruction of the Sanski Most Town mosque, the Trial Chamber considered the witness's source of knowledge and refers to the confidential annex in Appendix D for more specific reasoning in this respect. Considering that Witness RM-015 testified before the Trial Chamber, that the Defence had the opportunity to cross-examine him, and that his testimony, as far as this incident is concerned, does not contain any internal inconsistencies, the Trial Chamber finds the witness's evidence reliable with respect to

the perpetrators of its destruction. Thus, the Trial Chamber finds that in late May 1992, Mladen Majkić and his team from the TO blew up the Sanski Most Town mosque.

1669. With regard to the destruction of the Catholic church in Sanski Most Town, the Trial Chamber received divergent information from Jakov Marić, Ahmet Zulić, and Witness RM-015 with respect to the perpetrators and the date of the alleged destruction. The Trial Chamber will not rely on Marić's evidence on the date of destruction of the church as his knowledge is based on second hand information from an unidentified source. Furthermore, the Trial Chamber will not rely on Zulić's evidence on the alleged perpetrators of destruction in Sanski Most Town in 1992 with regard to this specific incident. The information he provided goes to the destruction of the town itself, and not the church. Concerning Witness RM-015, the Trial Chamber notes that the witness testified before the Trial Chamber, that the Defence had the opportunity to cross-examine him, and that his testimony, as far as this incident is concerned, does not contain any internal inconsistencies. Thus, the Trial Chamber finds the witness's evidence to be reliable with respect to the perpetrators of the destruction of this church and finds that Mladen Majkić and his TO unit destroyed the Catholic church in 1993 or 1994, after the attack on Sanski Most Town.

1670. In October or November 1992, a group composed of 6 to 30 reservists attacked the Muslim villages of Trnova and Skucani Vakuf. The Trial Chamber finds that the perpetrators of the attacks threw bombs in the yards of houses belonging to Muslims and, on three occasions, planted explosive devices in buildings belonging to Serbs. Furthermore, in Trnova, the perpetrators of the attack threw explosives at homes belonging to Muslims and blew up the Skucani Vakuf and the Trnova mosques. The perpetrators also blew up the Stara Rijeka Catholic church with explosives and mines.

1671. With regard to the Šehovci mosque, an SJB report, in evidence as exhibit P2506, mentioned that a group of reservists blew up the mosque while Witness RM-015 testified that Mladen Majkić and his TO unit destroyed the mosque. The Trial Chamber finds that the evidence of Witness RM-015 does not contradict the evidence in P2506 in so far as the TO units may have been referred to as reservists. Thus, the Trial Chamber finds that Mladen Majkić and his TO unit, pursuant to orders from Colonel Aničić, destroyed the Šehovci mosque with explosives in October or November 1992.⁷⁰⁴⁹

⁷⁰⁴⁹ With regard to the Trial Chamber's approach on Riedlmayer's evidence with regard to this incident, see Appendix B.

1672. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1673. With regard to Riedlmayer's evidence on the destruction of other mosques and Muslim and Catholic religious buildings in Sanski Most Municipality⁷⁰⁵⁰, and as explained previously, the Trial Chamber will not rely on the witness's evidence with regard to the date and perpetrators of these destructions. Furthermore, with regard to Witness RM-016's evidence on the destruction of the Poljak Catholic church, the Trial Chamber has not received any evidence on the date and perpetrators of the alleged destruction and will not consider it further. Thus, in the absence of additional evidence on the date and alleged perpetrators, the Trial Chamber will not further consider these incidents in relation to any counts of the Indictment.

4.12.4 Appropriation or plunder of property

1674. According to the Indictment, the Accused is responsible for the appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Sanski Most Municipality between 12 May 1992 and 30 November 1995.⁷⁰⁵¹ The Defence argued that Adjudicated Fact 1188 is rebutted because the burning and looting of Mahala village in Sanski Most was committed after the VRS had left the area.⁷⁰⁵² The Trial Chamber took judicial notice of Adjudicated Facts numbers 1143, 1188 and 1190 (reviewed in chapter 4.12.3). It also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;⁷⁰⁵³ **Ahmet Zulić**, a Bosnian Muslim from the village of Pobriježje near Sanski Most;⁷⁰⁵⁴ **Witness RM-042**, a Bosnian Muslim from Sanski Most Municipality;⁷⁰⁵⁵ **Witness RM-016**, a Bosnian Serb from Banja

⁷⁰⁵⁰ These buildings are: the Palanka and Utriška mosques in Stari Majdan, Dževar mosque in Novo Naselje, Husimovci mosque, Sasina Catholic church, Budimlić Japra mosque, Naprelje mosque, Kijevo mosque, Vrše mosque, the new mosque in Modra, the Old mosque and the Sultan Mehmed II mosque in Donji Kamengrad, the Gornji Kamengrad mosque, the *mesdžid* in Zenkovići and Došci, and the Kljevci Catholic Church.

⁷⁰⁵¹ Indictment, paras 47, 59(i).

⁷⁰⁵² Defence Final Brief, para. 1221

⁷⁰⁵³ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁷⁰⁵⁴ P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

⁷⁰⁵⁵ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2. The evidence of Witness RM-042 is reviewed in chapter 4.12.7.

Luka;⁷⁰⁵⁶ **Tomislav Delić**, a member of the 6th Krajina Brigade,⁷⁰⁵⁷ and **Branko Basara**, the Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992.⁷⁰⁵⁸

1675. **Witness RM-015** testified that on 30 May 1992, the Sanski Most Crisis Staff ordered the TO to block the Mahala region for everyone except the authorized persons working on the cleaning of the area.⁷⁰⁵⁹ The witness ‘learned later’ that Mahala had been looted and that this looting ‘was done under the command of’ non-commissioned officer Dobrivoje Ribić of the first company of the 1st Battalion.⁷⁰⁶⁰ **Ahmet Zulić** stated that on or about 1 June 1992_all property in the village of Mahala that had not been damaged by the shelling was looted and taken away.⁷⁰⁶¹ **Tomislav Delić** testified that he saw ‘criminals’ from Banja Luka in SOS uniforms looting the deserted Muslim houses in Mahala.⁷⁰⁶² At the time of the fall of Sanski Most, the witness saw Arkan’s men in town.⁷⁰⁶³ Arkan’s men robbed the Muslims of Sanski Most of their jewellery, money, automobiles, trucks, and other domestic appliances.⁷⁰⁶⁴

1676. Based on the foregoing, the Trial Chamber finds that on 31 May 1992, Bosnian-Serb forces entered the village of Begići and looted houses there. Considering that Begići was a Bosnian-Muslim village, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the village. That same day, in Kljevci, about 100 Serb soldiers in olive grey-green uniforms and camouflage uniforms with red scarves and black armbands robbed 120 Bosnian-Muslim villagers they had taken to Kukavice of their jewellery and other valuables. The Trial Chamber understands from Witness RM-042’s evidence that the soldiers took these items, and that they were not returned to the villagers. The soldiers told the villagers that this was for their own safety so that no one could commit suicide. The Trial Chamber further finds that from 12 May through June 1992, the neighbourhood of Mahala was looted by the local police and the

⁷⁰⁵⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398. The evidence of Witness RM-016 is reviewed in chapter 4.12.3.

⁷⁰⁵⁷ D929 (Tomislav Delić, witness statement, 17 July 2014), p.1, paras 1, 6; Tomislav Delić, T. 32926.

⁷⁰⁵⁸ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401. The evidence of Branko Basara is also reviewed in chapter 4.12.7.

⁷⁰⁵⁹ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 132; P2408 (Sanski Most Crisis Staff order to the Serb TO, 31 May 1992), p. 2.

⁷⁰⁶⁰ P2362 (Witness RM-015, witness statement, 13 March 2002), para. 132.

⁷⁰⁶¹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 39.

⁷⁰⁶² D929 (Tomislav Delić, witness statement, 17 July 2014), para. 15.

⁷⁰⁶³ D929 (Tomislav Delić, witness statement, 17 July 2014), para. 19.

⁷⁰⁶⁴ D929 (Tomislav Delić, witness statement, 17 July 2014), para. 20.

Sanski Most SOS.⁷⁰⁶⁵ Considering that Mahala was a Bosnian-Muslim neighbourhood, the Trial Chamber finds that the property looted belonged to the Bosnian-Muslim inhabitants of the neighbourhood. Some looting was carried out under the command of non-commissioned officer Dobrivoje Ribić of the first company of the 1st Battalion. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.12.5 Forced labour and human shields

1677. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Sanski Most municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines between 12 May 1992 and 30 November 1995.⁷⁰⁶⁶ The Trial Chamber received evidence from **Jakov Marić**, a Catholic Bosnian Croat from Sasina in Sanski Most Municipality,⁷⁰⁶⁷ which is reviewed in chapter 4.12.7, and **Boro Tadić**, Commander of the 1st Battalion of the 6th Krajina Brigade in 1992.⁷⁰⁶⁸

1678. **Boro Tadić** testified that he selected from the non-Serb population in Sanski Most those considered to be fit for various jobs and handed them over to, among others, the VRS.⁷⁰⁶⁹ They were then used by the VRS to perform tasks at the front lines, which included digging trenches, carrying and delivering food and water, and chopping wood.⁷⁰⁷⁰ From early September 1993 until October 1994, over a hundred Muslims were mobilised into ‘work obligation units’ and deployed to the battlefield.⁷⁰⁷¹

1679. Based on the foregoing, the Trial Chamber finds that from early September 1993 until at least October 1994, Boro Tadić, Commander of the 1st Battalion of the 6th Krajina Brigade, selected Bosnian Muslims from Sanski Most considered to be ‘fit for various jobs’ to perform different types of manual labour for the VRS, including digging trenches, carrying and delivering food and water, and chopping wood at the

⁷⁰⁶⁵ In light of the Trial Chamber’s finding that the perpetrators of the plunder in Mahala were members of the local police and the Sanski Most SOS, the Trial Chamber will not further consider the Defence argument that the plunder in Mahala was not committed by members of VRS.

⁷⁰⁶⁶ Indictment, paras 39(c), 47, 59(h).

⁷⁰⁶⁷ P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

⁷⁰⁶⁸ Boro Tadić, T. 29961.

⁷⁰⁶⁹ Boro Tadić, T. 30010-30012, 30023; P7022 (MoD report, 5 October 1994).

⁷⁰⁷⁰ Boro Tadić, T. 30010-30011, 30014-30015; P7022 (MoD report, 5 October 1994), p. 2.

⁷⁰⁷¹ Boro Tadić, T. 30011-30012, 30014-30015; P7022 (MoD report, 5 October 1994).

front lines. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1680. With regard to Marić's evidence that in May 1992, non-Serb inhabitants of Sanski Most Municipality were required to perform various tasks without receiving any payment, the Trial Chamber has not received any evidence on who required the non-Serbs to carry out the labour in that period, and therefore will not further consider it in relation to any count of the Indictment.

4.12.6 Imposition and maintenance of restrictive and discriminatory measures

1681. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Sanski Most Municipality between 12 May 1992 and 30 November 1995.⁷⁰⁷² The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this charge. It also received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;⁷⁰⁷³ **Witness RM-028**, a Bosnian Muslim from Hrustovo;⁷⁰⁷⁴ **Witness RM-016**, a Bosnian Serb from Banja Luka;⁷⁰⁷⁵ **Ahmet Zulić**, a Bosnian Muslim from the village of Pobježje near Sanski Most;⁷⁰⁷⁶ **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was and detained in Manjača camp from 17 June 1992 to 14 December 1992;⁷⁰⁷⁷ and **Grgo Stojić**, a Croat from Škrljevit, ⁷⁰⁷⁸ and finds that this evidence is consistent with the Adjudicated Facts.⁷⁰⁷⁹ The Trial Chamber further received evidence from **Witness RM-001**, a Bosnian

⁷⁰⁷² Indictment, paras 47, 59(k).

⁷⁰⁷³ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁷⁰⁷⁴ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8046-8048; P2490 (Witness RM-028, *Karadžić* transcript, 19 September 2011), pp. 19074-19075; P2491 (Pseudonym Sheet for Witness RM-028 in the *Brđanin* case); P2492 (Pseudonym Sheet for Witness RM-028 in *Karadžić* case); P2493 (Map of Hrustovo-Vrhoplje).

⁷⁰⁷⁵ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁷⁰⁷⁶ P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3.

⁷⁰⁷⁷ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

⁷⁰⁷⁸ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6763.

⁷⁰⁷⁹ **Witness RM-028**: P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), pp. 8050-8051.

Witness RM-015: P2362 (Witness RM-015, witness statement, 13 March 2002), para. 118. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), paras 64, 69. **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 8-9. **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10. **Grgo Stojić**: P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6767-6769.

Muslim from Lukavica in Sanski Most Municipality;⁷⁰⁸⁰ and **Jakov Marić**, a a Catholic Bosnian Croat from Sasina in Sanski Most Municipality.⁷⁰⁸¹ The evidence of Jakov Marić is reviewed in chapter 4.12.7.

1682. In March and April 1992, Serb forces, including soldiers of the JNA 6th Krajina Brigade, and Serb police, erected checkpoints in the town of Sanski Most and around non-Serb villages where armed Serb forces checked the Muslims who went through.⁷⁰⁸² The crisis staff established a curfew prohibiting movement at night.⁷⁰⁸³ **Ahmet Zulić** stated that as of April 1992, the checkpoints were manned by Serb members of the military police and that there were no longer any Muslims among them.⁷⁰⁸⁴ At these checkpoints, Muslims were stopped and checked, while Serbs were allowed to pass without being checked.⁷⁰⁸⁵ One checkpoint towards the Stari Majdan, on the Sanski Most-Prijedor road, was manned by the White Eagles or 'Šešelj's chetniks'.⁷⁰⁸⁶ **Witness RM-028** stated that only Muslims were checked.⁷⁰⁸⁷ **Zulić** stated that during the second half of May 1992, the freedom of movement of Muslim inhabitants of Sanski Most was more and more restricted and they could not pass through the checkpoints.⁷⁰⁸⁸ **Witness RM-001** specified that at the end of May 1992, 'local Serbs' established four checkpoints on the main roads around the predominantly Muslim village of Lukavica, thereby preventing the villagers from leaving the village.⁷⁰⁸⁹ These checkpoints were manned by 'local Serbs' and 'Martić's men', all wearing olive-grey or olive-green camouflage uniforms.⁷⁰⁹⁰ In order to leave the village, Muslims had to obtain permission from Dragan Praštalo, who would then issue a certificate or assign a Serb soldier as an escort.⁷⁰⁹¹

1683. The Serb crisis staff dismissed many Muslims and Croats from their jobs, including judges and directors of public companies, the local radio, and the health

⁷⁰⁸⁰ P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6405.

⁷⁰⁸¹ P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

⁷⁰⁸² Adjudicated Facts I, no. 1158.

⁷⁰⁸³ Adjudicated Facts I, no. 1158.

⁷⁰⁸⁴ P3611 (Ahmet Zulić, witness statement, 22 February 2010), paras 8-9.

⁷⁰⁸⁵ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 9.

⁷⁰⁸⁶ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 10.

⁷⁰⁸⁷ P2489 (Witness RM-028, *Brđanin* transcript, 5 July 2002), p. 8051.

⁷⁰⁸⁸ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 28.

⁷⁰⁸⁹ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6412-6413.

⁷⁰⁹⁰ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 2; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6413-6414.

⁷⁰⁹¹ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6411-6413.

centre; others were put off from going to work by the treatment they received there, and were replaced with Serbs.⁷⁰⁹² Serb managers who had allowed Croats and Muslims to work in their companies were also dismissed.⁷⁰⁹³ **Witness RM-015** testified that this happened in April and May 1992 and that the municipal crisis staff in this respect implemented decisions of the ARK Crisis Staff.⁷⁰⁹⁴ SDS president Vrkeš, accompanied by SOS members and the Serb police, forced out the Croat director of the municipal SDK, appointing a Serb in her place.⁷⁰⁹⁵ **Witness RM-016** testified that the dismissal of non-Serbs in the municipality continued during the summer of 1992.⁷⁰⁹⁶

1684. On 11 April 1992, Adil Draganović, the Muslim President of the Sanski Most Municipal Court, received a threatening letter signed by members of the White Eagles stating that he and the municipal deputy prosecutor, Enver Cerić, also a Muslim, were to leave Sanski Most by 15 May 1992 or their families would be harmed.⁷⁰⁹⁷ **Draganović** stated that around 30 April 1992, the Muslim staff of the Sanski Most Municipal Court, including the witness, was not permitted to enter the court.⁷⁰⁹⁸ A few days before 15 May 1992 offices of non-Serbs working at the courthouse were searched.⁷⁰⁹⁹ On 15 May 1992, armed soldiers barricaded the courthouse and forced non-Serb employees, including the witness, out of their offices onto the streets.⁷¹⁰⁰ On the same day, the Muslim employees of the court were informed by the Serb police that they had to take mandatory leave.⁷¹⁰¹ Vlado Vrkeš and a Serb judge read out a decision from the Serb Crisis Staff mentioning that they had to take the judicial authorities by force.⁷¹⁰² **Witness RM-016** heard that Vlado Vrkeš had said, at a meeting held in Sanski Most, that only loyal Serbs could be employed in the court in Sanski Most.⁷¹⁰³ Draganović was dismissed from his post and the judicial authority was transferred to the Serbs, upon

⁷⁰⁹² Adjudicated Facts I, no. 1151.

⁷⁰⁹³ Adjudicated Facts I, no. 1151.

⁷⁰⁹⁴ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 49, 118. See also P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 21.

⁷⁰⁹⁵ Adjudicated Facts I, no. 1151.

⁷⁰⁹⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), paras 60, 64.

⁷⁰⁹⁷ Adjudicated Facts I, no. 1152.

⁷⁰⁹⁸ P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 16; P3294 (Diary of Nedeljko Rašula, entries from 28 December 1991-14 April 1992), p. 32.

⁷⁰⁹⁹ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.

⁷¹⁰⁰ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.

⁷¹⁰¹ Adjudicated Facts I, no. 1152.

⁷¹⁰² P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.

⁷¹⁰³ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 64.

an order of the crisis staff.⁷¹⁰⁴ He heard on the radio that they were being accused of illegal possession of weapons and of shooting at Serbs.⁷¹⁰⁵

1685. On 22 June 1992,² the Sanski Most Crisis Staff decided to deny access to the areas of Mahala, Hrustovo, and Vrhpolje to civilians without movement permission.⁷¹⁰⁶

On 14 July 1992,² the Sanski Most War Presidency decided that Croat and Muslim pensioners, who did not have a certificate confirming their permanent residence in Sanski Most, would not receive their pensions until further notice.⁷¹⁰⁷ Croat and Muslim employees, whose war assignments did not envisage that they remained at their work posts in their companies, were considered to be on unpaid leave, whereas Serb employees were considered to be on paid leave.⁷¹⁰⁸

1686. Based on the foregoing, the Trial Chamber finds that from 12 May to the end of May 1992, soldiers of the 6th Krajina Brigade; Serb policemen; local Serbs from Lukavica and persons described as Martić's men, both of whom wore olive-grey or olive-green camouflage uniforms; the White Eagles; and persons described as Šešelj's Chetniks, maintained checkpoints in and around the town of Sanski Most and around non-Serb villages. Only Bosnian Muslims were checked and during the second half of 1992 Bosnian-Muslim inhabitants of the municipality could no longer pass through the checkpoints, at least not without a special permission from Dragan Praštalo or with a Serb soldier as an escort.

1687. The Trial Chamber further finds that on 15 May 1992, the Sanski Most Crisis Staff implemented decisions from the ARK Crisis Staff and dismissed Muslim employees of the municipal court, including its president, and transferred judicial authority to the Serbs.

1688. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

⁷¹⁰⁴ Adjudicated Facts I, no. 1152.

⁷¹⁰⁵ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 10.

⁷¹⁰⁶ P3787 (Decisions of the Crisis Staff of the Serbian municipality of Sanski Most, 23 June 1992), pp. 1, 3.

⁷¹⁰⁷ P3998 (Decision of the Sanski Most War Presidency, 14 July 1992), p. 1.

⁷¹⁰⁸ P3998 (Decision of the Sanski Most War Presidency, 14 July 1992), p. 2.

4.12.7 Forcible transfer and deportation

1689. According to the Indictment, the Accused is responsible for the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality between 12 May 1992 and 30 November 1995.⁷¹⁰⁹ The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts, which caused Bosnian Muslims and Bosnian Croats to flee in fear.⁷¹¹⁰ Others were physically driven out.⁷¹¹¹ The Defence argued that: (i) the perpetrators of these alleged crimes were insufficiently identified and, in particular, that the VRS bears no responsibility; (ii) there was no evidence indicating that displaced persons were forcibly moved or moved across national borders and that evidence shows that some civilians were moved for their own safety; (iii) the displacement of the population was not intended to be permanent; (iv) people left the municipality voluntarily in fear of the general circumstances relating to the war; and (v) Bosnian Muslims and Bosnian Croats were extended as much protection as possible by the Sanski Most Municipality authorities and the VRS.⁷¹¹² The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.⁷¹¹³ It received evidence from **Witness RM-015**, a Bosnian Serb from Sanski Most;⁷¹¹⁴ **Adil Draganović**, a Muslim Judge, President of the Sanski Most Municipal Court, who was detained in Manjača camp from 17 June 1992 to 14 December 1992;⁷¹¹⁵ **Witness RM-042**, a Bosnian Muslim from Sanski Most Municipality;⁷¹¹⁶ **Witness RM-016**, a Bosnian Serb from Banja Luka;⁷¹¹⁷ **Jakov Marić**, a Bosnian Croat from Sasina in Sanski Most Municipality;⁷¹¹⁸ **Edward Vulliamy**, a journalist for the Guardian who

⁷¹⁰⁹ Indictment, paras 47, 59(f), 67-71.

⁷¹¹⁰ Indictment, para. 70.

⁷¹¹¹ Indictment, para. 70.

⁷¹¹² Defence Final Brief, paras 1231-1232.

⁷¹¹³ Adjudicated Facts numbers 492 and 493 are reviewed in chapter 4.1.7. Adjudicated Fact number 1144 is reviewed in chapter 4.12.3.

⁷¹¹⁴ P2362 (Witness RM-015, witness statement, 13 March 2002), paras 2, 6, 9, 111.

⁷¹¹⁵ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, pp. 1-2, 7, 10, 12, witness statement of 6 October 2000, p. 1, witness statement of 7 July 2000, pp. 1, 3.

⁷¹¹⁶ **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 1-2.

⁷¹¹⁷ P2375 (Witness RM-016, witness statement, 5 August 2013), p. 1, paras 4, 11, 16; Witness RM-016, T. 17398.

⁷¹¹⁸ P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-2.

covered events in Bosnia-Herzegovina between 1992 and 1995;⁷¹¹⁹ **Mirzet Karabeg**, a Bosnian Muslim who served as the SDA President of the Executive Board of the Sanski Most Municipal Assembly from 1 January 1991 until 17 April 1992 and as the President of the Sanski Most War Presidency in Zenica and Travnik from 30 March 1993 until 15 March 1996;⁷¹²⁰ and finds that this evidence is consistent with the Adjudicated Facts.⁷¹²¹ The Trial Chamber further received evidence from **Ahmet Zulić** and **Witness RM-001**, Bosnian Muslims from Sanski Most Municipality;⁷¹²² **Duško Čorokalo**, a reserve Second Lieutenant in the command of the 6th Krajina Brigade;⁷¹²³ **Nenad Davidović**, the Chief of Medical Service in the 6th Sana Infantry Brigade from June 1992 until the end of the war;⁷¹²⁴ **Grgo Stojić**, a Bosnian-Croat from Škrlejevita in Sanski Most Municipality;⁷¹²⁵ **Bekir Delić**, **Rajif Begić** and **Sakib Muhić**, Bosnian Muslims from Sanski Most Municipality;⁷¹²⁶ **Branko Basara**, the Commander of the 6th Krajina Brigade from 29 October 1991 to mid-December 1992;⁷¹²⁷ **Boro Tadić**, the Commander of the 1st Battalion of the 6th Krajina Brigade in 1992;⁷¹²⁸ **Radoslav Daničić**, a driver for Branko Basara who was stationed in Sanski Most Municipality;⁷¹²⁹ **Vinko Nikolić**, a member of the SOS from November 1991 to mid-May 1992 and a member of the Sanski Most Crisis Staff from its creation on 14 April 1992;⁷¹³⁰ **Charles Kirudja**, a UN

⁷¹¹⁹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7899-7904, 7989-7990, 8035.

⁷¹²⁰ P3248 (Mirzet Karabeg, witness statement, 25 July 1999), pp. 1-2; P3249 (Mirzet Karabeg, witness statement, 23 May 2002), pp. 1-2.

⁷¹²¹ **Witness RM-015**: P2362 (Witness RM-015, witness statement, 13 March 2002), paras 57, 75; P2409 (Sanski Most Crisis Staff decisions no. 29/92, 4 June 1992). **Adil Draganović**: P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 2. **Witness RM-042**: P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-6; P2498 (Photographs), p. 5. **Witness RM-016**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 72. **Edward Vulliamy**: P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7980-7982, 8055-8056. Mirzet Karabeg: P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18707-18708. **Jakov Marić**: P2375 (Witness RM-016, witness statement, 5 August 2013), para. 72. **Mirzet Karabeg**: P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18707-18708.

⁷¹²² **Ahmet Zulić**: P3611 (Ahmet Zulić, witness statement, 22 February 2010), p. 1, paras 1-3. **Witness RM-001**: P2487 (Witness RM-001, witness statement, 16 March 2000), pp. 1-2; P2486 (Witness RM-001, *Brdanin* transcript, 31 May 2002), p. 6405.

⁷¹²³ D785 (Duško Čorokalo, witness statement, 6 February 2014), para. 3.

⁷¹²⁴ D897 (Nenad Davidović, witness statement, 4 March 2014), para. 3.

⁷¹²⁵ P365 (Grgo Stojić, *Brdanin* transcript, 6-7 June 2002), p. 6763.

⁷¹²⁶ **Bekir Delić**: P3432 (Bekir Delić, witness statement, 13 September 2001), pp. 1-2. **Rajif Begić**: Rajif Begić, T. 2139, 2141, 2143. **Sakib Muhić**: P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2.

⁷¹²⁷ D1031 (Branko Basara, witness statement, 21 July 2014), para. 4; Branko Basara, T. 34386, 34401.

⁷¹²⁸ Boro Tadić, T. 29961.

⁷¹²⁹ D1321 (Radoslav Daničić, witness statement, 19 June 2014), paras 1, 5.

⁷¹³⁰ D892 (Vinko Nikolić, witness statement, 13 January 2014), paras 5, 28; Vinko Nikolić, T. 31248-31249; P7111 (Crisis Staff decision on the appointment of Vinko Nikolić as transport commissioner, 19 June 1992)

Civil Affairs Officer in Croatia between April 1992 and March 1994;⁷¹³¹ **Branko Davidović**, Assistant Commander for Morale, Legal Affairs and Information of the 6th Krajina Brigade since June 1992;⁷¹³² and **Enis Šabanović**, a Bosnian Muslim from Trnova in Sanski Most Municipality who was detained at Manjača camp from about 6 June to 24 November 1992.⁷¹³³ The Trial Chamber also considered documentary evidence relating to this charge.⁷¹³⁴

1690. According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Sanski Most Municipality was 28,136 (47 per cent) Muslims, 25,363 (42 per cent) Serbs, 4,322 (7 per cent) Croats, 1,247 Yugoslavs, and 1,239 persons of other or unknown ethnicity.⁷¹³⁵ **Adil Draganović** stated that the town of Sanski Most had a slight Muslim majority.⁷¹³⁶

Departures related to attacks on and actions by the VRS and MUP in towns and villages

1691. In May or June 1992, Bosnian-Serb police were seen forcing people out of their homes in a Muslim area of Sanski Most.⁷¹³⁷ **Witness RM-016** testified that around June 1992, Serb military police took out people from their homes in the Muslim neighbourhoods of Sanski Most and drove them away.⁷¹³⁸ Specifically with regard to Sasina, **Jakov Marić** stated that in May 1992 the inhabitants were not permitted to leave their village, all roads were closed, and Serbs had formed checkpoints above the village.⁷¹³⁹ The municipal assembly in Sanski Most allowed non-Serbs to leave if they could provide a written guarantee from their relatives or friends outside of Bosnia-Herzegovina. Those that were allowed to leave were required to sign a document that stated that they were leaving voluntarily and that their property was ‘signed off’. The ‘Serbs’ organized convoys which took people to different places. Those inhabitants who remained in Sanski Most Municipality had to carry out, and carried out, unpaid work for the ‘Serbs’. Such work included wood cutting, trench digging, carrying of ammunition,

⁷¹³¹ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 2. The evidence of Charles Kirudja is also reviewed in chapter 4.1.7.

⁷¹³² D675 (Branko Davidović, witness statement, 30 June 2014), paras 14-16; Branko Davidović, T. 26504. Branko Davidović’s evidence is also reviewed in chapter 4.12.3.

⁷¹³³ P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2.

⁷¹³⁴ D422, D423 are reviewed in chapter 4.1.6. P885 is reviewed in chapter 4.1.7.

⁷¹³⁵ Adjudicated Facts I, no. 1138.

⁷¹³⁶ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 2.

⁷¹³⁷ Adjudicated Facts I, no. 1198.

⁷¹³⁸ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 58.

or any other work required. At the end of May or beginning of June 1992, the Serb police came to Sasina and arrested people. At the end of May or beginning of June 1992, Marić heard shelling in the village.⁷¹⁴⁰

1692. **Branko Basara** testified that on 26 May 1992, the 6th Krajina Brigade launched a disarming operation against Mahala after the inhabitants had been told that those who did not wish to fight should leave Mahala during a three-hour evacuation period.⁷¹⁴¹ According to the witness, those who evacuated, including women, children, elderly people, and able-bodied men, were protected by the army and not mistreated.⁷¹⁴² The witness claimed that after the evacuation, the Green Berets and forces from Golaja (*see* chapter 4.12.1 *Schedule A.7.2*) remained in Mahala. The units of the 6th Krajina Brigade were fired at and then the attack on Mahala began. The brigade used all weapons available to them and charged forward.⁷¹⁴³ The brigade shelled the village and as a consequence, civilians in Mahala died.⁷¹⁴⁴ During the night after the attack and after the troops of the 6th Krajina Brigade had withdrawn, private property in Mahala was burned and looted.⁷¹⁴⁵ The witness was sure that no one from his brigade engaged in the burning and looting of private property in Mahala.⁷¹⁴⁶

1693. **Witness RM-016** testified that the populations of Mahala and of the neighbouring Muslim area, Muhići, were ‘forcibly expelled’.⁷¹⁴⁷ According to **Adil Draganović**, people from the Mahala, Muhići, and Otoke neighbourhoods were expelled.⁷¹⁴⁸ Men were taken in different groups to Manjača camp.⁷¹⁴⁹ **Ahmet Zulić** stated that on 27 May 1992, he heard on the radio that the ‘regular army and reservists’ gathered the population of Mahala and Muhići at a soccer field located in Krkojevći and at a driving school training ground on the road to Ključ, respectively.⁷¹⁵⁰ On 29 May 1992, about 1,200 ‘refugees’ comprising women, children, and elderly people from

⁷¹³⁹ P3117 (Jakov Marić, witness statement, 11 March 2000), pp. 1-3.

⁷¹⁴⁰ P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.

⁷¹⁴¹ D1031 (Branko Basara, witness statement, 21 July 2014), paras 36-37; Branko Basara, T. 34494-34496.

⁷¹⁴² D1031 (Branko Basara, witness statement, 21 July 2014), para. 36.

⁷¹⁴³ D1031 (Branko Basara, witness statement, 21 July 2014), para. 37.

⁷¹⁴⁴ Branko Basara, T. 34494-34496, 34562.

⁷¹⁴⁵ D1031 (Branko Basara, witness statement, 21 July 2014), para. 38.

⁷¹⁴⁶ D1031 (Branko Basara, witness statement, 21 July 2014), para. 38.

⁷¹⁴⁷ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 57; P2376 (Clarifications to statement of Witness RM-016).

⁷¹⁴⁸ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.

⁷¹⁴⁹ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 12.

⁷¹⁵⁰ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 32.

Mahala started to arrive in Pobrje. ⁷¹⁵¹ The Serb police used loud speakers to inform the refugees where they were supposed to go. ⁷¹⁵² On the same day, the Serb police escorted about 700 'refugees' to Stari Majdan, namely women, children, and elderly, as there was no space left anymore to shelter them in Pobrje. ⁷¹⁵³ In Pobrje, the Serb police informed the 'refugees', using speakers, that they should gather near the cultural centre and that they would go to Jajce. They went to Jajce and were then brought back again; some to Pobrje and others to Stari Majdan. After three days, the Serb police made another announcement that the refugees should gather in Pobrje so that they could be taken to Velika Kladuša. Once, however, the refugees realized that they were to be 'expelled' they did not want to leave. The Serb police had organized buses and soldiers went from house to house, forcing the refugees out. Once the buses were full, the remaining refugees were chased across the river to the *Krings* company where new buses would arrive and take them to Velika Kladuša. According to the witness, the soldiers had five-coronet stars and were reservists and he knew that the 6th Krajina Brigade was operating in that area. ⁷¹⁵⁴

1694. On 27 May 1992, between 50 and 100 Serb soldiers surrounded the majority-Muslim village of Lukavica and ordered the village be evacuated for the purpose of searching the houses for weapons. ⁷¹⁵⁵

1695. **Witness RM-042** stated that Hrustovo was composed of the following hamlets: Merdanovići, Keranovići, Jelečevići, Kukavice, Handanovići, and Zukići. ⁷¹⁵⁶ **Basara** testified that as resistance was expected in Hrustovo, the 6th Krajina Brigade disarmed Muslims there on 31 May 1992, while the other villages adjacent to Sanski Most had already been disarmed by the TO and security services. ⁷¹⁵⁷ In May 1992, after the shelling of Hrustovo, between 50 and 100 Serb soldiers escorted the survivors and around 200 inhabitants of neighbouring villages to the hamlet of Kljevci, where their valuables were confiscated. ⁷¹⁵⁸ **Witness RM-042** stated that the shelling happened on

⁷¹⁵¹ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 37.

⁷¹⁵² P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.

⁷¹⁵³ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 38.

⁷¹⁵⁴ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 40.

⁷¹⁵⁵ Adjudicated Facts I, no. 1162.

⁷¹⁵⁶ P2497 (Witness RM-042, witness statement, 21 April 2001, p. 2.

⁷¹⁵⁷ D1031 (Branko Basara, witness statement, 21 July 2014), paras 33-35; Branko Basara, T. 34474-34475, 34489.

⁷¹⁵⁸ Adjudicated Facts I, no. 1201. The evidence on the shelling of Hrustovo is reviewed in chapter 4.12.3.

31 May 1992.⁷¹⁵⁹ The survivors of the shelling included Muslim women and children.⁷¹⁶⁰ The witness, along with other survivors, fled to Kukavice.⁷¹⁶¹ Upon arrival, the witness saw that all of the villagers had been gathered at a school and that the men were separated from the women and children. The Serb soldiers were dressed in olive grey-green uniforms or camouflage uniforms with red scarves or wearing black armbands. The witness heard shooting coming from other villages. On the way, the Serb soldiers said that they wanted to take women and girls from the group to rape them and that there was no use for them to be alive.⁷¹⁶² Also on the way, the witness saw a mosque burning in Kukavice. The minaret was still standing. The witness heard gunfire around the mosque.⁷¹⁶³ In Kljevci, the 200 women, children, infants, elderly people, and the disabled persons were ordered to sit in a field where they were guarded by soldiers.⁷¹⁶⁴ The Serb soldiers told those who were in good condition to go to the church while the weak ones would be driven by trucks to Sanski Most.⁷¹⁶⁵ At the church, a soldier asked the group of 120 people to remove their jewellery and other valuables, and that this was for their own safety so that no one could commit suicide.⁷¹⁶⁶ Serb soldiers detained the villagers at various locations before transporting them by bus and train to Dobož, where they were ordered to find their way to Muslim-held territory.⁷¹⁶⁷ In Gračanica they were met by Muslim soldiers.⁷¹⁶⁸ About 15 days later, Witness RM-042 left Bosnia-Herzegovina.⁷¹⁶⁹

The involvement of local civilian authorities and the military in departures

1696. **Draganović** stated that, according to an entry in the diary of Nedeljko Rašula, on 19 May 1992, Boško Banjac, a member of the Crisis Staff, was dealing with 3,000

⁷¹⁵⁹ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-5. The evidence of Witness RM-042's flight from Hrustovo is reviewed in chapter 4.12.1 *Schedule A.7.2*.

⁷¹⁶⁰ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 2, 4-5.

⁷¹⁶¹ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5. The evidence of Witness RM-042's flight from Hrustovo is reviewed in chapter 4.12.1 *Schedule A.7.2*.

⁷¹⁶² P2497 (Witness RM-042, witness statement, 21 April 2001), p. 5.

⁷¹⁶³ P2497 (Witness RM-042, witness statement, 21 April 2001), pp. 4-5; P2498 (Photographs), p. 5.

⁷¹⁶⁴ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6. The Trial Chamber understands this to be a reference to the village of Kljevci.

⁷¹⁶⁵ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.

⁷¹⁶⁶ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.

⁷¹⁶⁷ Adjudicated Facts I, no. 1201.

⁷¹⁶⁸ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.

⁷¹⁶⁹ P2497 (Witness RM-042, witness statement, 21 April 2001), p. 6.

Muslims and 700 unidentified ‘refugees’ who had arrived in Sanski Most.⁷¹⁷⁰ The witness later found out that the Muslims were from the villages surrounding Bosanska Krupa and Sanski Most and were accommodated in the village of Kamengrad which was patrolled by Serb forces.⁷¹⁷¹ A week later, the Muslims were transported on trucks and tractors to Bihać Municipality under escort by Serb soldiers.⁷¹⁷²

1697. **Nenad Davidović** testified that between 20 and 24 May 1992, the Sanski Most Crisis Staff decided to guarantee safety only to ‘loyal citizens’.⁷¹⁷³ Around 24 May 1992, Colonel Basara issued a decree calling for Muslim and Croat citizens in Sanski Most to be expelled from the municipality forever.⁷¹⁷⁴

1698. On 27 May 1992, Radio Sanski Most broadcast announcements stating that the departure of Muslims and Croats from Sanski Most Municipality would be made possible and asking interested persons to report to the municipality building on 1 June 1992.⁷¹⁷⁵ Another announcement mentioned that most women and children had fled Sanski Most.⁷¹⁷⁶ Another one indicated that the Sanski Most authorities would assist Muslims and Croats to move to another part of Bosnian-Herzegovina or a state of their choice, ‘where there would be no inter-ethnic division in order for all the three peoples to feel safe and secure in their areas’.⁷¹⁷⁷ Bosnian Muslims and Bosnian Croats were asked to move to a state they could be loyal to, as living with mutual hatred was ‘impossible’.⁷¹⁷⁸ ‘Refugees’ housed in various neighbourhoods of Sanski Most were asked to report with their belongings to *Narodni Front* Elementary School to be transported to new accommodations in Pobrjeđe and Stari Majdan.⁷¹⁷⁹ An announcement broadcasted on 27 or 28 May 1992 on Radio Sanski Most called on Muslims temporarily housed in Stari Majdan, Pobrjeđe, and Zdena to gather at the

⁷¹⁷⁰ P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, pp. 9, 17; P3294 (Diary of Nedeljko Rašula, entries from 28 December 1991-14 April 1992), p. 47.

⁷¹⁷¹ P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 17.

⁷¹⁷² P3293 (Adil Draganović, witness statements), witness statement of 7 July 2000, p. 17.

⁷¹⁷³ P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), pp. 3-4, 6; Nenad Davidović, T. 31550.

⁷¹⁷⁴ P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 5; Nenad Davidović, T. 31554-31555, 31558-31560.

⁷¹⁷⁵ P3301 (Audio tape of a radio recording of Vlado Vrkeš), pp. 7-8; P3302 (Audio tape of Sanski Most radio recordings), p. 2; P3293 (Adil Draganović, witness statements), witness statement of 6 October 2000, p. 4.

⁷¹⁷⁶ P3302 (Audio tape of Sanski Most radio recordings), p. 1.

⁷¹⁷⁷ P3302 (Audio tape of Sanski Most radio recordings), p. 2.

⁷¹⁷⁸ P3302 (Audio tape of Sanski Most radio recordings), p. 2.

⁷¹⁷⁹ P3301 (Audio tape of a radio recording of Vlado Vrkeš), p. 8.

entrance of Stari Majdan and in front of the sports hall.⁷¹⁸⁰ **Vinko Nikolić** testified that around the end of May 1992, the Red Cross and the civilian protection secured the convoys of people who requested to voluntarily leave Sanski Most Municipality.⁷¹⁸¹

1699. On 30 May 1992, the Crisis Staff of Sanski Most Municipality discussed ‘the problem of refugees’ from the Mahala area, as well as that of Muslims and Croats who were disloyal to the Bosnian-Serb Republic and its laws.⁷¹⁸² The Crisis Staff decided that all persons who had not taken up arms and who wished to leave the municipality would be allowed to do so.⁷¹⁸³ It also decided to contact the ARK leadership regarding population resettlement.⁷¹⁸⁴ On 4 June 1992, the Sanski Most Municipality Crisis Staff tasked Mirko Vrućinić, Nedjeljko Rašula, and Colonel Aničić with specifying categories of detained persons, including ‘politicians’, ‘nationalist extremists’, and people ‘unwelcome’ in Sanski Most Municipality, for transfer to Manjača camp.⁷¹⁸⁵

1700. **Davidović** testified that the Sanski Most Municipal Assembly’s conclusion on moving the Muslim and Croat population was discussed in a Crisis Staff meeting on 8 June 1992 and subsequently issued by the Sanski Most Municipal Assembly on 14 August 1992.⁷¹⁸⁶ It stated that all persons who had expressed a wish to move out voluntarily would be allowed to do so as long as they had the required documentation, *i.e.* a telex guaranteeing them accommodation.⁷¹⁸⁷ It added that the first group of about 3,000 people was expected to leave on 18 August 1992 and *Sanatrans* was in charge of providing buses.⁷¹⁸⁸ Each departing household had to pay 1,000 dinars into the *Sana* Sanski Most solidarity fund giro account.⁷¹⁸⁹

1701. **Witness RM-016** testified that meetings of the ARK Crisis Staff in Banja Luka, which were attended by Rašula concerned, *inter alia*, ‘population issues’, including the expulsions of the non-Serb population.⁷¹⁹⁰ On 22 June 1992, the Sanski Most Municipality Crisis Staff was informed about the ARK Crisis Staff’s decision that every

⁷¹⁸⁰ P3302 (Audio tape of Sanski Most radio recordings), p. 3.

⁷¹⁸¹ D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 17.

⁷¹⁸² Adjudicated Facts I, no. 1196.

⁷¹⁸³ Adjudicated Facts I, no. 1197.

⁷¹⁸⁴ Adjudicated Facts I, no. 1197.

⁷¹⁸⁵ Adjudicated Facts I, no. 1205.

⁷¹⁸⁶ P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 24; P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).

⁷¹⁸⁷ P7418 (Excerpts from diary of Nenad Davidović, 5 May 1992 to 3 March 1993), p. 24; P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).

⁷¹⁸⁸ P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).

⁷¹⁸⁹ P7125 (Conclusion of the Sanski Most Municipal Assembly, 14 August 1992).

⁷¹⁹⁰ P2375 (Witness RM-016, witness statement, 5 August 2013), paras 56, 57.

municipality in the region was to appoint a person responsible for matters relating to the removal and exchange of populations and prisoners, and that this person was to report to Vojo Kuprešanin of the ARK.⁷¹⁹¹ The Crisis Staff of Sanski Most Municipality appointed Vlado Vrkeš for this purpose and established a five-member committee for population migration.⁷¹⁹² On 2 July 1992, the Crisis Staff of Sanski Most Municipality decided that departure from the municipality would be granted to persons who had given a statement to the municipal authority that they were permanently leaving the municipality and who had exchanged their immovable property or surrendered it to the municipality.⁷¹⁹³

1702. Between June and August 1992, in Sanski Most Municipality, Bosnian-Muslim representatives met with Bosnian-Serb municipal authorities and representatives of the SDS on several occasions, during which they requested that the Bosnian-Serb municipal authorities organize convoys so that Bosnian Muslims could safely leave the area.⁷¹⁹⁴ In June 1992, Besim Islamčević, a Muslim from Podbriježje, organized a meeting attended by Vrkeš during which a procedure for the departure of the Muslims was discussed.⁷¹⁹⁵ Muslims wishing to stay had to sign an oath of loyalty to the Serb authorities in the municipality.⁷¹⁹⁶ **Duško Čorokalo** testified that he was aware of civilian and military organs in Sanski Most launching an initiative in August 1992 that required Muslims and Croats who wished to stay in the municipality to provide a written request and a declaration of loyalty.⁷¹⁹⁷

1703. **Kirudja** stated that on 19 August 1992, UNHCR and 'Civil Affairs' received a delegation of nine representatives, comprising both Serbs and Muslims from Bosanska Krupa, Prijedor, and Sanski Most, including: Vrkeš, the SDS President in Sanski Most; Dragan Majkić, the Police Chief of Sanski Most; and Besim Islamčević, the representative of Muslims and Croats willing to leave Sanski Most.⁷¹⁹⁸ According to Kirudja, the delegation intended to convince the UN to assist in the evacuation of up to

⁷¹⁹¹ Adjudicated Facts I, no. 1202.

⁷¹⁹² Adjudicated Facts I, no. 1202.

⁷¹⁹³ Adjudicated Facts I, no. 1203.

⁷¹⁹⁴ Adjudicated Facts I, no. 1194.

⁷¹⁹⁵ Adjudicated Facts I, no. 1199.

⁷¹⁹⁶ Adjudicated Facts I, no. 1199.

⁷¹⁹⁷ Duško Čorokalo, T. 28468-28469. *See also* P3597 (Official letter by Mirko Vrućinić, Sanski Most SJB to Banja Luka CSB, 17 August 1992).

⁷¹⁹⁸ P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 111, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

11,000 mostly Muslim people from Sanski Most and 8,000 from Prijedor.⁷¹⁹⁹ They handed over a printed list detailing 7,782 names of people allegedly ready to leave voluntarily.⁷²⁰⁰ Islamčević said that those requesting evacuation did not want to be moved to another part of Bosnia-Herzegovina and that the Serb authorities were treating them fairly.⁷²⁰¹ Vrkeš claimed that non-Serbs feared ‘forcible developments’ and effects of war.⁷²⁰² He further explained that the Sanski Most authorities offered those people who wished to leave the possibility to sign a declaration, which stated that the signatories were leaving the area voluntarily, that they had no wish to come back to the area, and that they were leaving their property to the authorities.⁷²⁰³ The process of offering such declaration for the people to sign was identical to the process employed in Bosanski Novi.⁷²⁰⁴ He also claimed that historically, Muslims were not part of the region of Sanski Most. According to the Kirudja, Vrkeš that felt Muslims and Croats posed a danger to Serbs. This feeling was consistent with the 30 July 1992 Decision from the Executive Committee of the Sanski Most Municipal Assembly which stated that there were currently 18,000 Muslims and Croats in Sanski Most Municipality and that ‘in order to avoid a danger to the Serbian people it is necessary to organise their voluntary resettlement.’⁷²⁰⁵ During the 19 August 1992 meeting, the UNHCR representative specifically mentioned that the UNHCR would not assist with the removal of people but would rather assist people in the location of their present residence.⁷²⁰⁶ These offers of assistance to help the people to stay in Bosnia-Herzegovina were ignored.⁷²⁰⁷ Kirudja stated that the systematic nature of the whole process of ethnic cleansing was clear and that the population was not leaving voluntarily.⁷²⁰⁸

1704. Between the end of May and August 1992, around 3,000 Muslims and Croats left the municipality, and as of 16 August 1992 the SJB had approved the applications of

⁷¹⁹⁹ P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 112, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

⁷²⁰⁰ P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 112, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

⁷²⁰¹ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 113.

⁷²⁰² P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.

⁷²⁰³ P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 114, 120; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

⁷²⁰⁴ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.

⁷²⁰⁵ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 116.

⁷²⁰⁶ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 115.

⁷²⁰⁷ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 115.

⁷²⁰⁸ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 114.

12,000 people, mostly Muslims, who wished to leave the municipality but had not been able to do so.⁷²⁰⁹ According to a report by the Prijedor, Bosanski Novi, and Sanski Most SJB and the Commission for the Inspection of the Municipalities from 18 August 1992, about 3,000 persons had moved away from the municipality since the beginning of the armed conflict without applying to the SJB to ‘de-register’ their permanent residence in the municipality.⁷²¹⁰ In the last 20 days preceding 18 August 1992, about 12,000 persons, mainly Muslims but also Croats, had applied to Sanski Most SJB to ‘de-register’ their place of residence.⁷²¹¹ **Mirzet Karabeg** stated that in 1992, non-Serbs who wanted to remain in Sanski Most or Banja Luka had to sign a ‘statement of loyalty’, or would otherwise be threatened.⁷²¹² No one left the municipality ‘voluntarily’; the pressure to leave was great, whoever refused to sign over their property received threats that their homes would be blown up or that hand grenades would be thrown at them.⁷²¹³ On 2 July 1992, the Crisis Staff of Sanski Most Municipality issued a decision which stated that voluntary departure from Sanski Most was to be permitted to persons who gave a ‘statement’ to the municipal administrative body leaving their immovable property at the disposal of the municipality.⁷²¹⁴

1705. **Witness RM-016, Bekir Delić, Witness RM-001, Edward Vulliamy, Kirudja, Marić, and Karabeg** provided evidence about convoys leaving the municipality during this period.

1706. **Witness RM-016** testified that at a certain time, people were asked to report to the municipal authorities and register their intention to leave, and transportation to Travnik and Zenica was organized.⁷²¹⁵ Croats and Muslims left following the release of perpetrators of crimes against non-Serbs.⁷²¹⁶ Vrkeš told the witness that Muslims needed to be resettled away from Sanski Most so that the town could become a purely Serb town.⁷²¹⁷

1707. **Delić** stated that two or three days prior to 5 or 7 June 1992, when he was released from his detention in the sports hall of the Sanski Most school, he saw a

⁷²⁰⁹ Adjudicated Facts I, nos 1204, 1206.

⁷²¹⁰ P2900 (Banja Luka CSB report, 18 August 1992), pp. 8, 12, 15.

⁷²¹¹ P2900 (Banja Luka CSB report, 18 August 1992), p. 15.

⁷²¹² P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18701.

⁷²¹³ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18701, 18706-18707.

⁷²¹⁴ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18701, 18703-18706; P3256 (Decision of the Crisis Staff of Sanski Most, 2 July 1992).

⁷²¹⁵ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 59.

⁷²¹⁶ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 65.

convoy of 12 buses, led by Nemanja Tripković, wearing a uniform, transporting hundreds of non-Serb ‘civilians’ out of Sanski Most to be exchanged in Jajce.⁷²¹⁸

1708. In a meeting at the local Red Cross headquarters in Velika Kladuša on 19 June 1992 held between local UN representatives, the local Red Cross, and representatives of the displaced persons from Sanski Most, a representative of 850 displaced persons from Sanski Most mentioned that on 11 June 1992 in Sanski Most, guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka, forced a group of 850 Muslim women, children, and men above 60 years to get on buses, while threatening them with heavy guns. The buses travelled to Bosanska Krupa, where the people were forced to get off the buses and local authorities arranged further transport. On 12 June 1992, the group arrived in Velika Kladuša.⁷²¹⁹ The representative explained that all of the 850 people from Sanski Most wanted to return to their houses or, alternatively, be evacuated to Croatia.⁷²²⁰

1709. On 3 August 1992, Pero Maličević informed the 6th Krajina Brigade Command that ‘[t]he Muslim and Croatian populations are moving out on a massive scale. This, in our opinion, should be done selectively, in accordance with set criteria. There is a potential threat coming from those who are combat ready and likely to join the enemy’s ranks’⁷²²¹ Bosnian-Serb municipal authorities organised a convoy of approximately 2,000 Muslim men, women, children, and elderly that left for Travnik at the beginning of August 1992.⁷²²²

1710. **Witness RM-001** was one of those leaving with the convoys. He testified that on 3 August 1992, one villager asked Dragan Praštalo if the women and children from the hamlet of Alibegovići could move to another village but Praštalo told him to stay in the hamlet until the next day.⁷²²³ At night, Praštalo, Lučić and other men shelled Hajrudin Alibegović’s house, which was empty at the time.⁷²²⁴ The witness and women and children from Alibegovići were allowed to go to the hamlets of Okrač and Došći two

⁷²¹⁷ P2375 (Witness RM-016, witness statement, 5 August 2013), para. 71.

⁷²¹⁸ P3432 (Bekir Delić, witness statement, 13 September 2001), p. 5.

⁷²¹⁹ P3588 (Report about meeting with the representative from Sanski Most, 20 June 1992), p. 1.

⁷²²⁰ P3588 (Report about meeting with the representative from Sanski Most, 20 June 1992), p. 2.

⁷²²¹ P6924 (Performance Report to the 6th Krajina Brigade Command, 3 August 1992).

⁷²²² Adjudicated Facts I, no. 1194.

⁷²²³ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6433.

⁷²²⁴ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4; P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6435.

days later.⁷²²⁵ They had to fill out a form stipulating that they would pay their bills and taxes, and leave their property to the Bosnian-Serb Republic, except for personal belongings which could be packed in their bags.⁷²²⁶ They were told they would be allowed to leave in a convoy for Travnik.⁷²²⁷ The witness filled out all of the forms in Sanski Most Municipality.⁷²²⁸ Some women who had relatives in Lukavica stayed.⁷²²⁹ From Došći, he left with a convoy to Travnik and then to another country.⁷²³⁰

1711. **Vulliamy** testified that on 17 August 1992 he saw a convoy in Prijedor Municipality.⁷²³¹ The convoy was escorted by armed guards he believed to be police units in light blue uniforms, with some wearing jackets of a darker blue colour.⁷²³² The people whom he spoke with in this convoy told him that they were from Sanski Most Town, south of Prijedor, and that they had been told to leave the town early that morning.⁷²³³ Most of the people the witness spoke to did not know where they were going; it became clear to some people later in the day that the convoy was heading to Travnik.⁷²³⁴ Based on his conversations with between 20 and 30 people in the convoy during that day and night, the witness believed that the people travelling in the convoy were not doing so voluntarily.⁷²³⁵ The witness estimated that there were about 1,600 people in the convoy, travelling in 58 cars and approximately eight buses and trucks.⁷²³⁶ The convoy moved through Banja Luka, took a turn off the main road into a hillier terrain, and passed by the town of Skender Vakuf.⁷²³⁷ On the way, the witness observed several Serb 'gun positions' on hilltops, as well as trucks and people giving the Serb salute, spitting and shouting at the convoy.⁷²³⁸ Passing the town of Vitovlje, he observed people running across the fields towards the column shouting something which he was told meant 'slaughter them', and using a term which applied to animals.⁷²³⁹ As dusk fell,

⁷²²⁵ P2487 (Witness RM-001, witness statement, 16 March 2000), p. 4.

⁷²²⁶ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.

⁷²²⁷ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), pp. 6433-6434.

⁷²²⁸ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.

⁷²²⁹ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6434.

⁷²³⁰ P2486 (Witness RM-001, *Brđanin* transcript, 31 May 2002), p. 6435.

⁷²³¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7980-7982.

⁷²³² P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7983.

⁷²³³ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7982-7983.

⁷²³⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7983.

⁷²³⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 8056-8057.

⁷²³⁶ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7985, 8057.

⁷²³⁷ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7983-7984.

⁷²³⁸ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7984.

⁷²³⁹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7984.

they heard shooting over the top of the convoy.⁷²⁴⁰ The convoy was stopped and the units accompanying the convoy to that point, which he believed to be police, went through the convoy taking property.⁷²⁴¹ The shooting increased as the convoy moved towards the front line at Smet.⁷²⁴² There, the police units left.⁷²⁴³ The convoy then fell into the hands of what the witness described as ‘a different lot of people, some irregulars, and others in a sort of paramilitary uniform’, or ‘a fairly rough lot’ in ‘military, khaki camouflage’ uniforms.⁷²⁴⁴ These groups pulled the people in the convoy out of their cars at gunpoint and drove the cars away.⁷²⁴⁵ At this stage, the convoy consisted only of a few cars with the rest of the people travelling on foot.⁷²⁴⁶ The convoy crossed the demarcation point marking the front line, and entered the village of Kozice, which was being shelled.⁷²⁴⁷ The witness observed recently-shed blood on the road and stepped on a body part, which he believed was the result of mortar fire.⁷²⁴⁸ Because of the heavy fighting in the valley into which the convoy had moved, they were told to move up Mount Vlašić.⁷²⁴⁹ Across Mount Vlašić, the convoy was met by members of the ABiH who told them that they had arranged for buses to take them the rest of the way, welcoming them to Travnik.⁷²⁵⁰ Facilities had been arranged for the arrival of the people from the convoy; these facilities were already packed with people the witness identified as civilians, including elderly people and children, and there was little space left.⁷²⁵¹ On the basis of the number of people gathered in Travnik, and the facilities that had been arranged for their arrival, the witness concluded that the arrival of convoys in Travnik had been a matter of regularity.⁷²⁵² The witness was told that at this point, there were already approximately 36,000 refugees in Travnik.⁷²⁵³

⁷²⁴⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985.

⁷²⁴¹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), pp. 7983, 7985.

⁷²⁴² P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985.

⁷²⁴³ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2603.

⁷²⁴⁴ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2604.

⁷²⁴⁵ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7985; Edward Vulliamy, T. 2604.

⁷²⁴⁶ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986.

⁷²⁴⁷ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986; Edward Vulliamy, T. 2605.

⁷²⁴⁸ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7986; Edward Vulliamy, T. 2605.

⁷²⁴⁹ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7988.

⁷²⁵⁰ P199 (Edward Vulliamy, *Stakić* transcript, 16-18 September 2002), p. 7988.

⁷²⁵¹ Edward Vulliamy, T. 2605.

⁷²⁵² Edward Vulliamy, T. 2605.

⁷²⁵³ Edward Vulliamy, T. 2605, 2739.

1712. During September 1992, convoys of thousands of Muslims left the municipality and they were forced to surrender their property to the municipality.⁷²⁵⁴ Bosnian-Serb civilian and military police escorted a Travnik-bound convoy of approximately 2,500 Bosnian-Muslim men, women, children and elderly on 2 and 3 September 1992.⁷²⁵⁵ **Kirudja** stated that well into September 1992, people seeking refuge from Prijedor and Sanski Most arrived daily in Dvor and that the UN estimated that between 30 and 50 people crossed the border into Dvor each day during this period.⁷²⁵⁶ In September 1992, the witness still received reports from 'refugees' regarding 'ethnic cleansing' taking place in these municipalities.⁷²⁵⁷ On 26 September 1992, the witness reported that the flow of small groups of refugees from Bosnia-Herzegovina had continued unabated.⁷²⁵⁸

1713. **Marić** stated that at the end of 1992, the Municipal Assembly in Sanski Most allowed non-Serbs to leave if they could provide a written guarantee from their relatives or friends outside of Bosnia-Herzegovina. Those who were allowed to leave were required to sign a document stating that they were leaving voluntarily and that their property was 'signed off'. The Serbs organized convoys which took people to different places. Inhabitants remaining in Sanski Most had to carry out unpaid work for the Serbs. Such work included wood cutting, trench digging, carrying of ammunition, and any other work required.⁷²⁵⁹

1714. **Grgo Stojić** testified that sometime after the first attack against Sanski Most Municipality around 27 to 29 May 1992, he heard announcements over the Serb radio in Sanski Most advising people to go to Room 26 in the municipality building if they wanted to leave the municipality.⁷²⁶⁰ Those who stayed needed a permanent permit of residence which, according to the witness, was rumoured to protect that person from harm.⁷²⁶¹ The witness, his brother, and his mother received permission to leave on 21 September 1992, however they remained in Škrljevita because their local representative was unable to organise a convoy.⁷²⁶² On 11 November 1992, the Croatian Office for

⁷²⁵⁴ Adjudicated Facts I, no. 1206.

⁷²⁵⁵ Adjudicated Facts I, no. 1195.

⁷²⁵⁶ P3587 (Charles Kirudja, witness statement, 17 November 2010), paras 120, 122; P3599 (Chart by Charles Kirudja regarding evacuations through sector north, undated).

⁷²⁵⁷ P3587 (Charles Kirudja, witness statement, 17 November 2010), para. 122.

⁷²⁵⁸ P3601 (UNPROFOR Situation report no. 6, 26 September 1992), p. 6.

⁷²⁵⁹ P3117 (Jakov Marić, witness statement, 11 March 2000), p. 3.

⁷²⁶⁰ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6766, 6771.

⁷²⁶¹ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), p. 6771.

⁷²⁶² P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6772-6773; P368 (Certificate of permission to leave, 21 September 1992).

Displaced Persons and Refugees approved the witness's entry into the Republic of Croatia.⁷²⁶³ The witness left Sanski Most on or soon after 11 December 1992 and went to Croatia.⁷²⁶⁴

1715. **Zulić** stated that in December 1992, his wife decided to leave the municipality to ensure a safer life for their four children. In order to be allowed to leave, she first had to sign-off their house, its contents, their land, car and machinery, to the Serb resettlement authorities in Sanski Most. After she had paid 22,500 dinars for bureau expenditures and 175,000 dinars for transport costs, on top of the bus fare, the witness's family was allowed to 'resettle'.⁷²⁶⁵

1716. In 1992 almost all Muslims had left Sanski Most Municipality.⁷²⁶⁶ **Karabeg** stated that from the end of 1992 until March 1995, people in four to five convoys consisting of five to ten buses each, were exchanged on an annual basis from Travnik to Turbe.⁷²⁶⁷ Karabeg, in his capacity as President of the 'War Presidency', received these convoys himself and it was from the people in these convoys that he learned the details of the situation in Sanski Most.⁷²⁶⁸ On 13 October 1995 only 575 non-Serbs remained in the municipality.⁷²⁶⁹ **Vinko Nikolić** estimated that more than 8,000 Muslims and Croats continued to live in Sanski Most Municipality during the war.⁷²⁷⁰ **Boro Tadić** testified that Muslims and Croats from all municipalities moved to areas controlled by their armies and where their ethnicities were in the majority.⁷²⁷¹ The people moved because of fear of the ensuing conflicts, the worsening of the general security situation, and the economic and social conditions.⁷²⁷² By February 1995, the MUP estimated that some 3,350 Bosnian Muslims and 1,050 Bosnian Croats remained in the municipality.⁷²⁷³

1717. **Radoslav Daničić** stated that considerable number of Muslims stayed in Sanski Most throughout the war.⁷²⁷⁴

⁷²⁶³ P376 (Permit to enter Croatia, 11 November 1992).

⁷²⁶⁴ P365 (Grgo Stojić, *Brđanin* transcript, 6-7 June 2002), pp. 6806, 6829,

⁷²⁶⁵ P3611 (Ahmet Zulić, witness statement, 22 February 2010), para. 140.

⁷²⁶⁶ Adjudicated Facts I, no. 1207.

⁷²⁶⁷ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700.

⁷²⁶⁸ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700.

⁷²⁶⁹ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), pp. 18707-18708.

⁷²⁷⁰ D892 (Vinko Nikolić, witness statement, 13 January 2014), para. 12; Vinko Nikolić, T. 31279-31280.

⁷²⁷¹ D861 (Boro Tadić, witness statement, 2 July 2014), paras 13, 27.

⁷²⁷² D861 (Boro Tadić, witness statement, 2 July 2014), para. 27.

⁷²⁷³ P3850 (Population by municipality for 1991 and 1995, MUP, Department of the State Security Centre, February 1995), p. 8.

Departure from the municipality following detention

1718. The Trial Chamber also received evidence about a number of people from Sanski Most Municipality who left, following their detention in facilities in the municipality or elsewhere, such as in Manjača camp in Banja Luka Municipality. For example, **Karabeg**, who was detained at Manjača camp, stated that on 31 October 1992, he was part of a convoy of detainees sent from Manjača camp to Travnik as part of an exchange.⁷²⁷⁵ **Sakib Muhić** stated that detainees born prior to 1953, including himself, were released from Manjača camp already in November while others were released one month later.⁷²⁷⁶ The witness left for Karlovac and then abroad.⁷²⁷⁷ **Enis Šabanović** stated that as many as 1,400 detainees, including himself, were released from Manjača on 24 November 1992 and transferred to Karlovac.⁷²⁷⁸ After a few days, he went abroad and only returned permanently to Sanski Most after 20 June 1996.⁷²⁷⁹ **Draganović**, who also had been detained at Manjača camp, stated that the camp was closed on 16 December 1992 after international pressure.⁷²⁸⁰ He travelled to Germany on 25 December 1992.⁷²⁸¹ **Rajif Begić** testified that together with others from his area, he was transferred from *Krings* camp in Sanski Most to Manjača camp in July 1992.⁷²⁸² Before that, his mother and youngest brother had been transferred from *Krings* camp to central Bosnia-Herzegovina.⁷²⁸³ The Sanski Most SJB was responsible for the transportation of ‘POWs’ from Betonirka facility, *Krings* factory, and the sports hall to Manjača camp, and provided security and escorts for resettlement transports going to other areas.⁷²⁸⁴ Around 18 August 1992, the Sanski Most SJB also provided security and escorts for the transport of people resettling in other areas.⁷²⁸⁵ **Begić** stayed at Manjača camp until 16 December 1992, when he was released as the camp was disbanded and went to Karlovac with other detainees.⁷²⁸⁶

⁷²⁷⁴ D1321 (Radoslav Daničić, witness statement, 19 June 2014), para. 25.

⁷²⁷⁵ P3252 (Mirzet Karabeg, *Karadžić* transcript, 13 September 2011), p. 18700; P3248 (Mirzet Karabeg, witness statement, 25 July 1999), p. 1.

⁷²⁷⁶ P3426 (Sakib Muhić, witness statement, 11 April 2000), pp. 1-2, 10.

⁷²⁷⁷ P3426 (Sakib Muhić, witness statement, 11 April 2000), p. 10.

⁷²⁷⁸ P3124 (Enis Šabanović, witness statement, 19 February 2001), pp. 1-2, 17-18.

⁷²⁷⁹ P3124 (Enis Šabanović, witness statement, 19 February 2001), p. 18.

⁷²⁸⁰ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15.

⁷²⁸¹ P3293 (Adil Draganović, witness statements), witness statement of 30 October 1999, p. 15, witness statement of 7 July 2000, p. 6.

⁷²⁸² Rajif Begić, T. 2172.

⁷²⁸³ Rajif Begić, T. 2173.

⁷²⁸⁴ P2900 (Banja Luka CSB report, 18 August 1992), pp. 8, 11, 16.

⁷²⁸⁵ P2900 (Banja Luka CSB report, 18 August 1992), p. 16.

⁷²⁸⁶ Rajif Begić, T. 2172-2173.

1719. **Marić**, who had been detained in Batković camp, stated that he was transferred from the camp to Kamenica on 23 June 1993 and on 20 July 1993, at approximately 2 a.m., he and approximately 60 other Catholics were exchanged at Čelebići near Livno.⁷²⁸⁷

The Trial Chamber's findings

1720. The Trial Chamber took judicial notice of Adjudicated Fact 1207 which states that by the end of 1992 almost all Bosnian Muslims had left Sanski Most. The Trial Chamber received evidence from Daničić that a considerable number of Muslims stayed in Sanski Most Municipality throughout the war which contradicts Adjudicated Fact 1207. The Trial Chamber notes that: (a) Daničić's assertion about a 'considerable number' of Bosnian Muslims remaining in Sanski Most is ambiguous; and (b) in view of the proportion of Bosnian Muslims to the population of Sanski Most as a whole, the Trial Chamber is unable to assess, without further details, how many Bosnian Muslims would have been sufficient to constitute a 'considerable number' overall. Therefore, the Trial Chamber does not consider Daničić's evidence sufficiently reliable in this respect to rebut the Adjudicated Fact. The Trial Chamber also received evidence from Vinko Nikolić that some 8,000 Bosnian Muslims and Bosnian Croats remained in the municipality during the war. The Trial Chamber notes that the witness: (a) could not provide any details, when cross examined, as to how many of those 8,000 were Bosnian Muslims; (b) had no basis for this figure other than it was a 'free estimate' that he had come up with 'spontaneously'; (c) was unable to justify the figure in light of other evidence presented to him indicating that the figure was significantly lower than he claimed. Therefore, the Trial Chamber does not consider Nikolić's evidence sufficiently reliable in this respect to rebut the Adjudicated Fact.

Policies of the Sanski Most Crisis Staff and actions of the VRS

1721. Based on the foregoing, the Trial Chamber finds that decisions of the civilian and military organs operating in Sanski Most from 20 May 1992 onwards called for the departure of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality as

⁷²⁸⁷ P3117 (Jakov Marić, witness statement, 11 March 2000), p. 5; P3118 (Jakov Marić, *Brdanin* testimony, 16 October 2002), pp. 10837, 10839.

demonstrated below and specifically as indicated by the decree of 24 May 1992 signed by Branko Basara as well as decisions and directions, such as requirements for oaths of loyalty, issued by the Sanski Most Crisis Staff.

1722. Vrkeš, President of the local SDS with responsibility for the removal and exchange of populations and detainees, stated that Muslims were historically not part of the Sanski Most region and needed to be resettled away from Sanski Most so that the town could become a purely Serb town. Announcements were broadcast on Sanski Most Radio declaring that the departure of Bosnian Muslims and Bosnian Croats from Sanski Most Municipality would be made possible and that interested persons were to report to the municipal authorities to register their intention to leave. The Trial Chamber recalls its findings in chapter 4.1.7 relating to the decisions of the ARK Crisis Staff in respect of the moving of people from the ARK territory. On 29 May 1992, the ARK Crisis Staff adopted a ‘family for family’ principle allowing Bosnian Muslims and Bosnian Croats to move out of the ARK on the condition that Serbs from outside ‘Serbian autonomous districts and regions’ were allowed to move into the ARK and the Bosnian-Serb Republic. The Sanski Most Crisis Staff required non-Serbs to pay, including fees or outstanding bills, or sign declarations handing over their movable and immovable property to the Bosnian-Serb Republic in order to leave the municipality. Those who were allowed to leave were required to sign a document that stated that they were leaving permanently and voluntarily.

1723. The Trial Chamber recalls its findings on destruction in the municipality (*see* chapter 4.12.3) with regard to the actions of the military organs operating in Sanski Most Municipality. The Trial Chamber finds that the VRS 6th Krajina Brigade, along with the TO and paramilitary groups including the SOS, carried out attacks and shelling campaigns in order to ‘mop up’ predominantly Muslim villages and hamlets pursuant to policies of the Crisis Staff and the SDS. The 6th Krajina Brigade, the TO, and paramilitaries carried out transfers and evacuations.⁷²⁸⁸ Furthermore, heavy shelling from outside the targeted neighbourhoods and villages caused severe damage and killed people, forcing the inhabitants to flee.

⁷²⁸⁸ The Trial Chamber received evidence from Branko Basara that ‘expulsions and arrests’ of Bosnian Muslims and Bosnian Croats were carried out by paramilitary groups and the municipal authorities, and that the VRS did not take part. The Trial Chamber, however, received a large amount of reliable evidence demonstrating that the VRS was involved in a number of actions including transfers and evacuations. Therefore, the Trial Chamber does not consider Basara’s evidence, in this respect, to be persuasive and will not consider it further.

1724. The Trial Chamber also recalls its findings on murders, unlawful detention, destruction, appropriation or plunder of property and the imposition and maintenance of restrictive and discriminatory measures in the municipality in chapters 4.12.1, 4.12.2, 4.12.3, 4.12.4, and 4.12.6.

Specific attacks in Sanski Most Municipality

1725. The Trial Chamber recalls its findings on the attacks on Mahala, Muhići, and Otoka, all Bosnian-Muslim neighbourhoods of Sanski Most Town, on 26 and 27 May 1992 (*see* chapter 4.12.3) and finds that the 6th Krajina Brigade made inhabitants of these neighbourhoods leave their homes. The Trial Chamber finds that the inhabitants of Mahala were told by the 6th Krajina Brigade that those who did not wish to fight should leave the neighbourhood during a three-hour evacuation period before the 6th Krajina Brigade attacked. The 6th Krajina Brigade, after gathering them in Krkojevći, evacuated women, children, the elderly and able-bodied men; first to Pobrjeđe on 29 May 1992. Around 2 June 1992, they were later all rounded up and transferred in buses to Velika Kladuša.

1726. The Trial Chamber recalls its finding on the attack on the Bosnian-Muslim village of Hrustovo in chapters 4.12.1 *Schedule A.7.2*, 4.12.3, and 4.12.4 and finds that the perpetrators of this attack made the surviving inhabitants of the village, along with approximately 200 inhabitants of neighbouring villages, go to Doboj from where they followed an order by Serb soldiers to find their way to Muslim-held territory, which they did.

1727. The Trial Chamber also recalls its finding on the imposition and maintenance of restrictive and discriminatory measures in the municipality in chapter 4.12.6 and finds that one Bosnian Croat from Sanski Most obtained permission to leave the municipality on 21 September 1992, following the imposition of the measures specified in chapter 4.12.6 and the broadcasting of announcements informing non-Serbs what to do in order to leave the municipality. The Trial Chamber finds that he went to Croatia in December 1992.

Specific convoys leaving Sanski Most Municipality

1728. The Trial Chamber finds that on 19 May 1992, Boško Banjac, a member of the Sanski Most Crisis Staff, arranged for the departure of part of a group of Bosnian Muslims⁷²⁸⁹ from the municipality. These people were transported by truck to Bihać Municipality at the end of May under escort from Serb soldiers.

1729. The Trial Chamber further finds that in May and June 1992, at least two convoys of Bosnian Muslims and Bosnian Croats left Sanski Most Municipality for Velika Kladuša. The first convoy was made up of approximately 1,200 women, children, and elderly people from Mahala, who were escorted out of the town against their will by the Bosnian-Serb police in May 1992. The second convoy, which left on 11 June 1992, contained 850 Bosnian Muslims who were threatened at gunpoint and forced into buses by guards under the direction of Davidović, the Commander of the Serb Crisis Committee of Banja Luka.

1730. The Trial Chamber also finds that in August and September 1992, at least three convoys organized by the Bosnian-Serb municipal authorities and escorted by Bosnian-Serb civilian and military police, transported a total of at least 6,100 Bosnian Muslims from Sanski Most Municipality to Travnik. The Trial Chamber understands that the above reference to 'Bosnian-Serb municipal authorities' refers to the Sanski Most Crisis Staff and the SDS. The Trial Chamber makes this inference on the basis of evidence that has been led demonstrating their specific role in organizing convoys during this period. One of the three convoys, which left on 17 August 1992, was made up of at least 1,600 people from Sanski Most Town who had been ordered to leave the town early that morning. One of the Bosnian Muslims who went to Travnik in the August convoy with the permission of the municipal authorities left due to threats and the shelling of houses in Lukavica.

1731. The Trial Chamber additionally finds that in July 1992, 'Mitra' and another soldier took one Bosnian-Muslim woman from Hrustovo to Tomina along with her children, following the attack on Hrustovo (*see* chapters 4.12.3 and 4.12.4). Two weeks later, the Serb soldiers instructed them to walk to Muslim-held territory.

⁷²⁸⁹ The Trial Chamber notes the group comprised 3,000 Muslims, an undetermined number of whom originated from Sanski Most Municipality.

1732. The Trial Chamber received evidence that, every year from the end of 1992 until March 1995, four to five convoys from Sanski Most Municipality, consisting of five to ten buses each, were exchanged in Turbe. These convoys included one on 3 September 1994, in which 500 non-Serbs, the majority of whom were Bosnian Muslims and Bosnian Croats, and some of whom were from Sanski Most, were made to leave Sanski Most Municipality and arrived in Turbe.⁷²⁹⁰ Given the reliable evidence on the organisation of the transport of Bosnian Muslims and Bosnian Croats from the municipality to destinations both inside and outside Bosnia-Herzegovina by the Sanski Most Crisis Staff and the SDS from May 1992 until September 1992, the Trial Chamber infers that the Sanski Most Crisis Staff and the SDS organized the transport of people to Turbe.

The Trial Chamber's conclusion concerning departures from Sanski Most Municipality

1733. In conclusion, the Trial Chamber finds that Bosnian Muslims and Bosnian Croats left Sanski Most Municipality following the implementation of decisions of the Crisis Staff and SDS and actions of VRS units, TO, MUP, and paramilitary groups operating in the municipality which included threats, shelling, burning of private property, killings, and arrests (*see* the Trial Chamber's findings in chapters 8.3 and 8.9), as well as transferrals via convoys, as further specified above. Between 27 May 1992 and 13 October 1995, almost all Bosnian Muslims and Bosnian Croats left Sanski Most Municipality. In particular, the vast majority of Bosnian Muslims and Bosnian Croats in Sanski Most Municipality had left the municipality by the end of 1992.

1734. The Trial Chamber will further consider the incidents, as set out in further details in the previous sections above, in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

Exchanges and departures from detention facilities

1735. The Trial Chamber finds that on 31 October 1992, a Bosnian Muslim from Sanski Most Municipality, detained in Manjača camp, was sent to Travnik as part of an exchange. In November and December 1992, three Bosnian Muslim detainees from

⁷²⁹⁰ The Trial Chamber notes that it received evidence that some non-Serbs, including Bosnian Muslims, from Sanski Most Municipality were part of the 3 September 1994 convoy.

Sanski Most Municipality, who had been detained at Manjača camp, went to Karlovac in Croatia. The Trial Chamber recalls its finding in chapters 4.1.2 *Schedule C.1.2* and 4.1.7 and finds that the authorities at Manjača camp exchanged the four detainees.⁷²⁹¹

1736. The Trial Chamber finds that on 20 July 1993, one Bosnian Croat from Sanski Most Municipality, who had been detained in Batković camp, was exchanged at Čelebići, near Livno. The Trial Chamber recalls its finding in chapter 4.2.2 *Schedule C.2.1* and finds that the authorities at Batković camp exchanged this detainee.

1737. The Trial Chamber will further consider the above incidents in relation to Counts 3 and 7 to 8 of the Indictment in chapter 8 below.

1738. The Trial Chamber received evidence about the exchange of detainees from Manjača camp to Travnik on 31 October 1992, the exchange of 60 Catholics detained in Batković camp on 20 July 1993, and the departure of approximately 1,400 detainees from Manjača camp to Croatia in November and December 1992. The Trial Chamber, however, has not received evidence regarding the municipalities of origin of these detainees.⁷²⁹² Therefore, the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

⁷²⁹¹ With regard to the evidence of Adil Draganović concerning the departure of one Bosnian Muslim detained in Manjača camp, the Trial Chamber has not received any evidence on the circumstances of his departure and will not consider it further.

⁷²⁹² With regard to the Trial Chamber's approach concerning counts 7 and 8, *see* Appendix B.

4.13 Sokolac Municipality

4.13.1 Murder

Schedule A.8.1

1739. According to the Indictment, the Accused is responsible for the killing of at least 40 men in the village of Novoseoci in Sokolac Municipality on or about 22 September 1992.⁷²⁹³ The charge of murder is however not limited to the Scheduled Incidents.⁷²⁹⁴ Accordingly, the Trial Chamber has not disregarded evidence falling outside the scope of Scheduled Incident A.8.1. The Defence argued that the evidence presented by the Prosecution is insufficient to establish that the perpetrators of this incident were VRS soldiers.⁷²⁹⁵ The Trial Chamber took judicial notice of Adjudicated Facts 1237 and 1238 with regard to this incident. Further, it received evidence from **Munira Selmanović**, a Bosnian Muslim from the Muslim village Novoseoci in Sokolac Municipality;⁷²⁹⁶ **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;⁷²⁹⁷ **John Clark**, a forensic pathologist;⁷²⁹⁸ **Ewa Tabeau**, a demographer and statistician;⁷²⁹⁹ as well as documentary evidence and finds that this evidence does not rebut the Adjudicated Facts.⁷³⁰⁰

⁷²⁹³ Indictment, paras 39, 59(a), 62, Schedule A.8.1.

⁷²⁹⁴ Further on this issue, see Appendix B.

⁷²⁹⁵ Defence Final Brief, paras 1492-1498.

⁷²⁹⁶ P717 (Munira Selmanović, witness statement, 23 January 2009), p. 1, paras 1-2.

⁷²⁹⁷ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

⁷²⁹⁸ John Clark, T. 17185; P2236 (Curriculum vitae of John Clark); P2257 (John Clark, Krstić transcript, 30 and 31 May 2000), pp. 3897-3899; P2258 (John Clark, Karadžić transcript, 10 January 2012), pp. 22692-22693.

⁷²⁹⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁷³⁰⁰ **Munira Selmanović**: P717 (Munira Selmanović, witness statement, 23 January 2009), paras 1, 7-10, 12-13, 17-23; Munira Selmanović, T. 6715, 6719, 6723-6727, 6817-6828, 6835-6836; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), pp. 1-2; P727 (Exhumation report from Ivan Polje, 4-8 September 2000). **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15427-15430, 15435-15439, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992). **John Clark, Ewa Tabeau, and forensic documentary evidence**: P2262 (John Clark, Report on autopsies of human remains from Paklenik Cave and Ivan Polje grave sites, 2000), pp. 1, 14-17; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), p. 3; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 3, 20-21, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 279-287; All forensic documentation relating to this scheduled incident admitted into evidence pursuant to the Trial Chamber's bar table decisions both dated 31 January 2014; P7529 (Exhumation report by Judge Ibrahim Hadžić, 2000), pp. 9-11. **Documentary evidence**: P3822 (Combat report of the 2nd Romanija Motorised Brigade Command, 22 September 1992), pp. 1-2; P4162 (Associated Press, '41 Muslims finally buried in Bosnia', 5 November 2000), pp. 1-3; P4106 (DK Command, 'Proposal for exceptional Promotion', 12 September 1995).

1740. On 14 September 1992, Galić issued an operational order to all units of the SRK instructing *inter alia* that the 2nd Romanija Brigade '[c]reate conditions and extend operations with the aim of taking Olovo'.⁷³⁰¹ On 20 September 1992, Krstić, Commander of the 2nd Romanija Brigade, ordered that an attack along the Kruševo-Olovo-Paklenik-Grabovica axis in Sokolac Municipality be extended by applying various offensive combat actions.⁷³⁰² The combat operations were to be carried out by the 1st Motorised Battalion, the 5th Motorised Battalion, the Armoured Battalion, and the Brigade Artillery Group within four to five days.⁷³⁰³

1741. On 22 September 1992, members of the VRS 2nd Romanija Brigade surrounded the village of Novoseoci and, despite there being no armed resistance, killed 40 to 45 Muslim civilian men, and put the women and children on buses and transported them to Sarajevo.⁷³⁰⁴ **Munira Selmanović** testified that Momčilo Pajić, a Serb from Sokolac who had often visited Novoseoci, appeared to be the one in charge of those surrounding the village.⁷³⁰⁵ Before the killings, Pajić told the villagers that he was waiting on 'orders from Sokolac'.⁷³⁰⁶ At a certain time before the killings, Pajić sent Devla Karić to get her husband, Nail Karić, who was not among the detained villagers in Metaljka, which was an area located close to Novoseoci.⁷³⁰⁷ The witness heard two gun shots from the direction in which Devla Karić had gone, and when Nail Karić later joined the villagers he told them that he had seen the body of his dead wife on the way from Pavičići to Metaljka.⁷³⁰⁸ Nail Karić told them that she had been shot and her throat cut.⁷³⁰⁹ According to an entry in the logbook of the Stari Grad SJB, on 22 or 23 September 1992, 'a refugee named Delva Karić' was killed by 'Chetniks' when refugees were passing from Novoseoci to Hrešo.⁷³¹⁰ General Krstić informed the VRS Main Staff on

⁷³⁰¹ P7408 (SRK Combat Order by Galić, 14 September 1992).

⁷³⁰² P6641 (2nd Romanija Brigade order for attack, 20 September 1992), pp. 1-2, 4.

⁷³⁰³ P6641 (2nd Romanija Brigade order for attack, 20 September 1992), pp. 1-2.

⁷³⁰⁴ Adjudicated Facts I, no. 1237.

⁷³⁰⁵ P717 (Munira Selmanović, witness statement, 23 January 2009), para. 12.

⁷³⁰⁶ P717 (Munira Selmanović, witness statement, 23 January 2009), paras 12, 17; Munira Selmanović, T. 6726.

⁷³⁰⁷ P717 (Munira Selmanović, witness statement, 23 January 2009), paras 8, 14; Munira Selmanović, T. 6724.

⁷³⁰⁸ P717 (Munira Selmanović, witness statement, 23 January 2009), para. 14; P549 (Stari Grad police station notebooks, April 1992), p. 140; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), p. 2.

⁷³⁰⁹ P717 (Munira Selmanović, witness statement, 23 January 2009), para. 14; P549 (Stari Grad police station notebooks, April 1992), p. 140.

⁷³¹⁰ P549 (Stari Grad police station notebooks, April 1992), p. 140.

22 September 1992 that ‘during the day, the village of Novoseoci was cleansed’.⁷³¹¹ **Milan Tupajić** stated that he was informed of the killings in Novoseoci on the evening of 22 September 1992.⁷³¹²

1742. Based on the foregoing, the Trial Chamber finds that on 22 September 1992, members of the VRS 2nd Romanija Brigade, including Momčilo Pajić, surrounded the Bosnian-Muslim village of Novoseoci and, despite there being no armed resistance, killed 40 to 45 Bosnian-Muslim civilian men. One woman, Devla Karić, had previously been sent by Pajić to get her husband. After she left, gunshots were heard and her husband found her body. Based on the fact that the VRS 2nd Romanija Brigade had surrounded the village and proceeded to kill 40-45 men there, the Trial Chamber finds that Devla Karić was also killed by a member of this unit. The Trial Chamber will further consider these incidents in relation to Counts 3-6 of the Indictment in chapter 8 below.

4.13.2 Unlawful detention and cruel or inhumane treatment in detention facilities

1743. Scheduled Incidents C.18.1 and C.18.2 are not part of the Indictment, as a result of the decision pursuant to Rule 73bis (D) of 2 December 2011. The Prosecution has not presented evidence with regard to any detention centres in Sokolac Municipality. The Trial Chamber therefore finds that the charges in relation to detention in this municipality have not been proven.

4.13.3 Destruction of private and public property, including cultural monuments and sacred sites

1744. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites, listed in Scheduled Incident D.14, in Sokolac Municipality, between 12 May 1992 and 30 November 1995..⁷³¹³ In particular, the Indictment sets out that the Kruševci, Knežina, Kaljina, Novoseoci, and

⁷³¹¹ Adjudicated Facts I, no. 1238.

⁷³¹² P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15428-15429.

⁷³¹³ Indictment, paras 47, 52, 59(j), Schedule D.14.

Koštica mosques were destroyed between at least August and September 1992.⁷³¹⁴ The Trial Chamber took judicial notice of Adjudicated Fact number 1239 in relation to this charge. It further received evidence from **Milan Tupajić**, President of the Sokolac Municipal Assembly in 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;⁷³¹⁵ and **András Riedlmayer**, bibliographer and art documentation specialist,⁷³¹⁶ and finds that this evidence is consistent with the Adjudicated Fact.⁷³¹⁷

1745. In the period from the end of July to the end of September 1992, the VRS 2nd Romanija Brigade attacked and destroyed several Muslim villages in Sokolac Municipality, including Pihlice, Kaljina, Šahbegovići, Mangurići, and Meljine.⁷³¹⁸ **Milan Tupajić** added that clashes occurred between the brigade and locals in the village of Donje Babine and that the villages of Šaševci, Pridvorica, Grabenice, Išerić Brdo, and Ivazovići were burned and destroyed.⁷³¹⁹ Attacks began with artillery fire, followed by infantry incursions and lastly, the villages were burnt.⁷³²⁰ **Tupajić** specified that after the villages were hit by artillery fire, the inhabitants withdrew and the infantry therefore met little resistance.⁷³²¹ The witness also specified that engineers from the brigade blew up the Novoseoci mosque.⁷³²² All five mosques in Sokolac Municipality, namely in Knežina, Kruševci, Kaljina, Novoseoci, and Košutica, were blown up or destroyed during these attacks.⁷³²³ According to **András Riedlmayer**, the buildings adjacent to the Knežina mosque remained in good condition.⁷³²⁴

1746. Based on the foregoing, the Trial Chamber finds that from the end of July to the end of September 1992, engineers of the VRS's 2nd Motorised Romanija Brigade attacked and destroyed several Muslim villages in Sokolac Municipality, including

⁷³¹⁴ Indictment, Schedule D.14.

⁷³¹⁵ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471.

⁷³¹⁶ P2503 (Expert report of András Riedlmayer, December 2012), para. 75; András Riedlmayer, T. 17888; P2504 (*Curriculum vitae* of András Riedlmayer), p. 1.

⁷³¹⁷ **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15403-15409, 15413, 15427-15431. **András Riedlmayer**: P2503 (Expert report of András Riedlmayer, December 2012), paras 47-48; P2510 (Formatted entries to expert report of András Riedlmayer), pp. 123-128, 130-135; P2511 (Survey database for expert report of András Riedlmayer); P2513 (Annex to András Riedlmayer's expert report, 30 September 2013), p. 32; P2514 (Excel spreadsheet provided as an update to András Riedlmayer's expert report, 27 September 2013).

⁷³¹⁸ Adjudicated Facts I, no. 1239.

⁷³¹⁹ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15403-15404, 15409.

⁷³²⁰ Adjudicated Facts I, no. 1239.

⁷³²¹ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15409, 15413-15414, 15417.

⁷³²² P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15431.

⁷³²³ Adjudicated Facts I, no. 1239.

⁷³²⁴ P2510 (Formatted entries to expert report of András Riedlmayer), p. 125; P2511 (Survey database for expert report of András Riedlmayer).

Pihlice, Kaljina, Šahbegovići, Mangurići, and Meljine, as well as the villages of Šaševci, Pridvorica, Grabenice, Išerić Brdo, and Ivazovići. Attacks began with artillery fire after which the inhabitants withdrew and the infantry arrived, encountering little resistance. The villages were then burnt. During these attacks, the members of the brigade also destroyed the Knežina, Kruševci, Kaljina, Novoseoci, and Košutica mosques.⁷³²⁵ The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.13.4 Appropriation or plunder of property

1747. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.13.5 Forced labour and human shields

1748. The Trial Chamber finds that the Prosecution has presented insufficient evidence to prove this charge.

4.13.6 Imposition and maintenance of restrictive and discriminatory measures

1749. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Sokolac Municipality between 12 May 1992 and 30 November 1995.⁷³²⁶ The Trial Chamber received evidence from **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996,⁷³²⁷ and documentary evidence in relation to this charge.

1750. According to the minutes of a meeting of the Sokolac Crisis Staff on 15 May 1992, Dragan Podinić informed the Sokolac Crisis Staff that the SDS Sokolac Municipal Board had formed a personnel commission to nominate candidates for ‘certain managerial positions in the economy and elsewhere’, and that the Municipal

⁷³²⁵ The Trial Chamber understands that Košutica and Koštica refer to the same mosque.

⁷³²⁶ Indictment, paras 47, 59(k).

⁷³²⁷ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

Board had decided that ethnic Muslim workers ‘may work and receive tasks’.⁷³²⁸ It was noted at the meeting that the crisis staff of the Romanija wood processing company had decided that Muslim workers should not come to work but that the company ‘should have better co-ordination with the authorities’ and was obliged to implement the decisions of the Sokolac Crisis Staff, rather than acting alone.⁷³²⁹ **Milan Tupajić** stated that there were groups of ‘Serb workers’ that were harassing Muslim workers, trying to prevent them from coming to work, but that the Sokolac Crisis Staff tried to eliminate such incidents.⁷³³⁰

1751. Based on the foregoing, the Trial Chamber finds that the crisis staff of the Romanija wood processing company in Sokolac Municipality decided that Muslim workers should not come to work. However, the Trial Chamber does not consider that the evidence establishes that Muslim workers were actually dismissed from their employment, especially considering that the Sokolac Crisis Staff took steps to counter the company crisis staff’s decision. Therefore, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

4.13.7 Forcible transfer and deportation

1752. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Sokolac Municipality between 12 May 1992 and 30 November 1995.⁷³³¹ The forcible transfers and deportations were implemented through the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts – all aimed at Bosnian Muslims and Bosnian Croats. Others were physically driven out.⁷³³² The Defence submitted that forcible transfer of Bosnian Muslims and Bosnian Croats was not evidenced in Sokolac as the Bosnian Muslims and Bosnian Croats themselves requested to be ‘deported’ and that, therefore, they were transferred voluntarily.⁷³³³ The Trial Chamber took judicial notice

⁷³²⁸ P3175 (Minutes of the Sokolac Crisis Staff session, 15 May 1992), p. 1.

⁷³²⁹ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), p. 15384; P3175 (Minutes of the Sokolac Crisis Staff session, 15 May 1992), pp. 2-3.

⁷³³⁰ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15383-15384.

⁷³³¹ Indictment, paras 47, 59(f), 67-68, 70.

⁷³³² Indictment, para. 70.

⁷³³³ Defence Final Brief, paras 1486-1487.

of a number of Adjudicated Facts with regard to this incident. Further, it received evidence from **Safet Gagula**, a Bosnian Muslim from Knežina, Sokolac Municipality (also reviewed in chapter 4.2.2 *Schedule C.2.1* and 4.4.2 *Schedule C.8.1*);⁷³³⁴ **Milan Tupajić**, President of the Sokolac Municipal Assembly from 1991 and President of the Sokolac Crisis Staff from April 1992 until 1996;⁷³³⁵ and **Munira Selmanović**, a Bosnian Muslim from Novoseoci, a Muslim village in Sokolac Municipality;⁷³³⁶ as well as documentary evidence in relation to alleged forcible transfer and deportation from Sokolac Municipality and finds that this evidence is consistent with the Adjudicated Facts.⁷³³⁷

1753. **Safet Gagula** stated that Sokolac Municipality was predominantly Serb and the village of Knežina was a predominantly Muslim settlement of around 2,000 people.⁷³³⁸ In March 1992, barricades were set up in Sokolac and some local Serbs began appearing in JNA and camouflage uniforms carrying automatic weapons.⁷³³⁹ During April 1992, several paramilitary units including Arkan's men, the White Eagles, and some local groups, based themselves in Sokolac town and its surrounding villages.⁷³⁴⁰ The threat of violence felt by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities, forced them to leave their homes from May 1992 onwards.⁷³⁴¹ **Gagula** confirmed that many Muslims left Knežina in the second half of May 1992 which became more pronounced at the end of June 1992.⁷³⁴² Most Muslims from the town of Sokolac left for Olovo by the end of May 1992 while most Muslims from the surrounding villages stayed.⁷³⁴³ At the end of May or early June 1992, a meeting was held between Muslims and Serbs at the

⁷³³⁴ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 1-2, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

⁷³³⁵ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15321, 15469, 15471; P3182 (Letter of resignation by Milan Tupajić, 9 October 1992).

⁷³³⁶ P717 (Munira Selmanović, witness statement, 23 January 2009), p. 1, paras 1-2.

⁷³³⁷ **Safet Gagula**: P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 4. **Milan Tupajić**: P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15374, 15376, 15399-15400, 15427-15430, 15435-15439. **Munira Selmanović**: P717 (Munira Selmanović, witness statement, 23 January 2009), paras 1, 9-10, 12-16, 18-21; Munira Selmanović, T. 6715, 6719, 6723-6727, 6821-6826, 6828; P726 (List of people killed in Novoseoci on 22 September 1992 prepared by Munira Selmanović, 16 November 2012), pp. 1-2. **Documentary evidence**: P3178 (Minutes of the Sokolac Crisis Staff meeting, 22 June 1992).

⁷³³⁸ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, pp. 2-3.

⁷³³⁹ Adjudicated Facts I, no. 1234.

⁷³⁴⁰ Adjudicated Facts I, no. 1236.

⁷³⁴¹ Adjudicated Facts I, no. 1240.

⁷³⁴² P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

elementary school in Knežina, called by the local community office and military command of Sokolac, in which the Serb representatives stated that they would protect the Muslim population of Knežina from the paramilitaries stationed there.⁷³⁴⁴ The witness did not believe that they would be protected but thought that the Serb representatives wanted Muslims to stay to perform agricultural work.⁷³⁴⁵ On one occasion, the witness met the President of the municipality, Milan Tupajić, and when he mentioned that Muslims were scared and leaving the municipality, Tupajić said ‘Let leave to wherever they want to. If you ever try anything against us, we will destroy you.’⁷³⁴⁶ **Milan Tupajić** stated that in 1992, all Muslim villagers left the village of Knežina, except for two elderly infirm women, who were later taken to the village of Burate, situated between the municipalities of Sokolac and Rogatica, where Muslims were still present.⁷³⁴⁷ He also stated that, as President of the Sokolac Crisis Staff and despite formal executive authority, he had little influence or control over the security of Muslim civilians. They could have been endangered as a result of actions of the Sokolac municipal police prior to 21 May 1992 and of the 2nd Motorised Romanija Brigade and state security of the VRS as of this date.⁷³⁴⁸ Muslim civilians could also have been endangered by some 4,000 Serb refugees who had arrived in Sokolac in mid-May 1992 who were harassing Muslims.⁷³⁴⁹ On 5 August 1992, Radislav Krstić, Commander of the 2nd Romanija Motorised Brigade, instructed the 4th Motorised Battalion Command to take charge of and escort a bus carrying ‘Muslim people’ and ‘deport’ them from Parževići in Sokolac Municipality to Sarajevo.⁷³⁵⁰ According to Krstić, the people were being ‘deported’ at the explicit request of the Muslims.⁷³⁵¹ **Gagula** stated that, following detention in various places (for further details, *see* chapters 4.2.2 *Schedule C.2.1* and 4.4.2 *Schedule C.8.1*), he was exchanged on 20 August 1993 at Sarajevo airport.⁷³⁵²

1754. Based on the foregoing, the Trial Chamber finds that in March 1992, barricades and local armed Serbs in JNA and camouflage uniforms appeared in Sokolac, and

⁷³⁴³ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5, Bosnia-Herzegovina statement of 20 August 1993, p. 1.

⁷³⁴⁴ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.

⁷³⁴⁵ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.

⁷³⁴⁶ P2525 (Safet Gagula, witness statements), witness statement of 12 June 2001, p. 5.

⁷³⁴⁷ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15417-15418.

⁷³⁴⁸ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15375-15382.

⁷³⁴⁹ P3170 (Milan Tupajić, *Krajišnik* transcript, 28-29 June 2005), pp. 15383-15384, 15387-15388.

⁷³⁵⁰ P6639 (2nd Romanija Brigade order to 4th Motorised Battalion Command, 5 August 1992), p. 1.

⁷³⁵¹ P6639 (2nd Romanija Brigade order to 4th Motorised Battalion Command, 5 August 1992), p. 1.

during April 1992, several paramilitary units based themselves in Sokolac town and its surrounding villages. From mid-May 1992, many Muslims were leaving Sokolac town and by the end of May 1992, most had left for Olovo. Specifically in relation to Knežina, in late May or early June 1992, Serb representatives stated that they would protect the Muslim population from the paramilitaries stationed there. When Safet Gagula, a Bosnian Muslim, however, met Milan Tupajić and explained that Muslims were scared and leaving the municipality, Tupajić said, 'Let [them] leave to wherever they want to. If you ever try anything against us, we will destroy you.' He also claimed that he had no way of protecting Muslim civilians. The Muslim villagers of Knežina began to leave in May and June 1992, and all Muslims left this village in 1992. Therefore, the Trial Chamber finds that the threat of violence perceived by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities including the Crisis Staff and its President, Milan Tupajić, led them to leave their homes from 12 May 1992 onwards. Concerning the Defence's argument that Bosnian Muslims and Bosnian Croats themselves requested to be 'deported', the Trial Chamber considers that this is merely based on a 5 August 1992 2nd Romanija Brigade order and only concerns an incident in Parževići. This evidence does not affect the Trial Chamber's findings above.

1755. The Trial Chamber recalls its finding that on 22 September 1992, members of the VRS 2nd Romanija Brigade, including Momčilo Pajić, surrounded the Muslim village of Novoseoci, and further finds that the members put the women and children on buses and transported them to Sarajevo.

1756. With regard to Safet Gagula, a Bosnian Muslim from Knežina, the Trial Chamber finds that he was arrested in July 1992 and detained in various detention centres until 15 March 1993 when he was transferred to the Batković camp near Bijeljina and later, on 23 June 1993, to the Kula prison. He was finally exchanged on 20 August 1993 at Sarajevo airport.

1757. The Trial Chamber will consider these incidents further in relation to Counts 3 and 7-8 of the Indictment, in chapter 8 below.

⁷³⁵² P2525 (Safet Gagula, witness statements), Bosnia-Herzegovina statement of 20 August 1993, p. 3.

4.14 Vlasenica Municipality

4.14.1 Murder

Schedule A.9.1

1758. According to the Indictment, the Accused is responsible for the killing of at least 20 men in the village of Drum in Vlasenica Municipality on or about 2 June 1992.⁷³⁵³ The Defence argued that the evidence does not clearly identify the perpetrator of this killing.⁷³⁵⁴ The Trial Chamber took judicial notice of a number of Adjudicated Facts in relation to this incident. It also received evidence from **Ibro Osmanović**, a Bosnian Muslim from Vlasenica;⁷³⁵⁵ **Witness RM-004**, a Bosnian Muslim from Vlasenica Municipality;⁷³⁵⁶ **Witness RM-066**, a Serb from Vlasenica;⁷³⁵⁷ **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;⁷³⁵⁸ and **Ewa Tabeau**, a demographer and statistician;⁷³⁵⁹ as well as documentary evidence, and finds that the received evidence is consistent with the Adjudicated Facts.⁷³⁶⁰

⁷³⁵³ Indictment, paras 39(a)(i), 47, 59(a)(i), 62(a), Schedule A.9.1.

⁷³⁵⁴ Defence Final Brief, paras 1661, 1663.

⁷³⁵⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.

⁷³⁵⁶ P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

⁷³⁵⁷ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷³⁵⁸ Mane Đurić, T. 27630.

⁷³⁵⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁷³⁶⁰ **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 26, 28; Ibro Osmanović, T. 2757-2758, 2789. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 2, 8, 22-23; P3393 (Witness RM-004, *Karadžić* transcript, 1 September 2011), p. 18132. **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), para. 39; Mane Đurić, T. 27698-27701, 27703. **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 41-42, 48. **Ewa Tabeau**: P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 4-5; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 21, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 288-293. **Documentary evidence**: P4687 (Autopsy report for case number V.ORG-01/128B, 23 September 2005); P4688 (ICMP Notice of DNA Identifications for Ekrem Jahić, undated); P4689 (Identification report for Huso Aličević, 4 April 2008); P5945 (Identification report for Fahro Salihović, 6 April 2007); P5946 (Identification report for Selver Salihović, 28 March 2008); P5947 (Identification report for Amir Džamdžić, 13 July 2000); P5948 (Identification report for Hasan Džamdžić, 13 July 2000); P5949 (Identification report for Jasmin Mahmutović, 28 March 2008); P5950 (Identification report for Hadžo Smaljović, 25 March 2010); P5951 (Identification report for Nedžad Hodžić, 11 July 2000); P5952 (Death certificate for Nedžad Hodžić, 14 July 2000); P5953 (Identification report for Mujo Kuljančić, 13 July 2000); P5954 (Death certificate for Mujo Kuljančić, 14 July 2000); P5955 (Autopsy report for Mujo Kuljančić, 6 June 2000); P5956 (Death certificate for Hasan Džamdžić, 14 July 2000); P5958 (Death certificate for Amir Džamdžić, 14 July 2000); P5959 (Autopsy report for body marked Džam-4/2, 11 July 2000); P5960 (Court record of exhumation and autopsy reports, 6 June 2000); P5961 (Autopsy reports for case numbers V.OGR-01/169B, V.OGR-01/190B, V.OGR-01/253B, V.OGR-01/257B, V.OGR-01/154B, undated); P5962 (Identification report for Ekrem Jahić, 2 December 2005); P5963 (Identification report

1759. In May and June 1992, a ‘MUP special unit’ led by Mićo Kraljević conducted two operations, one in Sušica, and another in Gradina and other Muslim hamlets in the municipality, occasionally encountering armed resistance.⁷³⁶¹ **Witness RM-066** explained that Kraljević was directly subordinate to Radenko Stanić, the police station commander, who was in turn subordinate to Mane Đurić, the Chief of SJB Vlasenica since May 1992 and a member of the Crisis Staff.⁷³⁶² However, the witness did not know whether or to what extent Đurić was influenced in making decisions by the Crisis Staff.⁷³⁶³ **Đurić** testified that the unit led by Kraljević was under the TO command and only in mid-June 1992, half of the unit was attached in a formal way to the SJB and the other half was put on leave.⁷³⁶⁴

1760. **Witness RM-066** testified that on 30 or 31 May 1992, Kraljević gave orders to his unit with regard to the takeover of Gradina.⁷³⁶⁵ The orders were to search for weapons, detain men who surrendered for questioning, kill men trying to escape, and send women and children to Vlasenica town.⁷³⁶⁶ The unit was also explicitly ordered to burn all the houses to prevent the owners from returning.⁷³⁶⁷ **Witness RM-066** testified that Kraljević also told his unit that the territory had to be ‘100 per cent clean’ without any Muslims remaining in the area.⁷³⁶⁸ During a meeting later that day, Kraljević made it clear that there was no intention to take prisoners but instead to kill any Muslim men from the area who did not manage to escape.⁷³⁶⁹ During the operation Kraljević’s unit was supported by a VRS unit as well as the SJB.⁷³⁷⁰ The operation also involved the TO and local Serbs from Piskavice.⁷³⁷¹

1761. In Hrastovac, before reaching Gradina, police officers from SJB Vlasenica brought three Muslim prisoners from the Vlasenica prison so that the witness’s unit could interrogate them about the locations of Muslim armed formations. The witness testified that the three prisoners were taken to a house in Barice where they were

for Meho Jahić, 6 April 2007); P5964 (Identification report for Fadil Salihović, 6 April 2007); P5965 (ICMP Notice of DNA Reports), Reports for Osmo Hodžić and Fadil Salihović, 5 August 2005, pp. 4-7.

⁷³⁶¹ Adjudicated Facts I, no. 1251.

⁷³⁶² P182 (Witness RM-066, witness statement, 7 April 2010), paras 15, 17.

⁷³⁶³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 17.

⁷³⁶⁴ D732 (Mane Đurić, witness statement, 30 July 2014), paras 27, 29; Mane Đurić, T. 27626, 27651.

⁷³⁶⁵ P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 41.

⁷³⁶⁶ Adjudicated Facts I, no. 1251.

⁷³⁶⁷ Adjudicated Facts I, no. 1251.

⁷³⁶⁸ P182 (Witness RM-066, witness statement, 7 April 2010), para. 35.

⁷³⁶⁹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 36.

⁷³⁷⁰ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 37, 41.

⁷³⁷¹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 41.

interrogated and beaten for approximately 15 minutes before being executed by the police officers from SJB Vlasenica. The witness saw the execution from 20 to 30 metres away.⁷³⁷² The witness also saw three other Muslim men being killed by members of the special police platoon, following Kraljević's orders.⁷³⁷³

1762. During the operation, they met no organized or significant resistance and soon after entering Gradina they started to torch the houses.⁷³⁷⁴ Many Muslim houses in Gradina and the surrounding villages, including Barice, were burnt down.⁷³⁷⁵ Witness RM-066 personally set fire to five or six houses and his group burned almost 50 with the operational objective to destroy as much Muslim property as possible in order to prevent the Muslims from returning to their homes.⁷³⁷⁶ In Piskavice, which was a mixed Serb and Muslim village, they only torched the Muslim houses and the Serbs continued to live in theirs.⁷³⁷⁷ Almost all the Muslim houses in the area were destroyed.⁷³⁷⁸ Mainly Muslim women and elderly were captured during the operation, as well as 20 unarmed Muslim men who were detained in the prison behind the courthouse.⁷³⁷⁹ All together 500 Muslims were captured and taken to either Sušica camp or transported to the Vlasenica bus station of the football field before they were taken to Kladanj.⁷³⁸⁰ In addition, many corpses were scattered around the villages in the Gradina area that day.⁷³⁸¹ The witness testified that as his unit continued to take over villages they 'basically killed everything that moved'.⁷³⁸²

1763. Early in the morning on 2 June 1992, Serb soldiers supported by an APC with a machine gun, attacked the predominantly Muslim hamlet of Drum near the town of Vlasenica.⁷³⁸³ Kraljević's unit had been split into groups of 10-12 men and the group that went in the direction of Drum had the support of VRS members.⁷³⁸⁴ **Witness RM-004** stated that after the soldiers had arrived in Drum, the arrival of the APC acted as a

⁷³⁷² P182 (Witness RM-066, witness statement, 7 April 2010), para. 44.

⁷³⁷³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 45.

⁷³⁷⁴ P182 (Witness RM-066, witness statement, 7 April 2010), paras 37-38, 43.

⁷³⁷⁵ P182 (Witness RM-066, witness statement, 7 April 2010), para. 38.

⁷³⁷⁶ P182 (Witness RM-066, witness statement, 7 April 2010), paras 38, 47.

⁷³⁷⁷ P182 (Witness RM-066, witness statement, 7 April 2010), para. 48.

⁷³⁷⁸ Adjudicated Facts I, no. 1251.

⁷³⁷⁹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 39.

⁷³⁸⁰ P182 (Witness RM-066, witness statement, 7 April 2010), para. 43.

⁷³⁸¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 45.

⁷³⁸² P182 (Witness RM-066, witness statement, 7 April 2010), para. 46.

⁷³⁸³ Adjudicated Facts I, no. 1252.

⁷³⁸⁴ P182 (Witness RM-066, witness statement, 7 April 2010), paras 41-42.

signal for things to start happening.⁷³⁸⁵ The machine gunner in the APC opened fire.⁷³⁸⁶ The soldiers moved from house to house firing automatic weapons, and breaking into homes.⁷³⁸⁷ **Witness RM-004** stated that they dragged people out and killed some.⁷³⁸⁸ More than 20 Muslim males were killed in a few minutes and only three of the male residents of Drum survived the attack.⁷³⁸⁹ The Serb soldiers took the three male survivors and 20 Muslim women by bus to Sušica camp.⁷³⁹⁰

1764. While detained in a prison in Vlasenica Municipality, uniformed Serbs from the prison took **Ibro Osmanović** to Drum on or about 2 June 1992.⁷³⁹¹ There, he had to bury 22 male bodies, which he estimated to be between the ages of 20 and 60, and all had a single gunshot wound between the eyes except for one who was shot in the chest.⁷³⁹² The bodies, wearing civilian clothes, were placed next to each other in front of the local bar.⁷³⁹³ It appeared to the witness from their dirty clothing, which was ripped at the back, as if they had been dragged to the bar.⁷³⁹⁴ The witness loaded the bodies onto a tractor and drove to the Rakite cemetery behind the Boksit stadium in Vlasenica.⁷³⁹⁵ At the cemetery, the guards Zoran Obrenović, Zoran Stupar, Dragan Pečenica, and 'Simo' were present. The guards asked the witness to search the bodies and to take all valuables and documents before placing them in a hole that had already been dug. They poured lime on the bodies, put some soil on top and then used a large motorized vehicle for digging to cover the bodies.⁷³⁹⁶ According to **Ewa Tabeau** and forensic evidence, the remains of 13 bodies, associated with this incident, were exhumed from two sites in Vlasenica Municipality and subsequently identified.⁷³⁹⁷ Five

⁷³⁸⁵ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 9.

⁷³⁸⁶ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 9.

⁷³⁸⁷ Adjudicated Facts I, no. 1252.

⁷³⁸⁸ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 10-13, 15.

⁷³⁸⁹ Adjudicated Facts I, no. 1252.

⁷³⁹⁰ Adjudicated Facts I, no. 1253.

⁷³⁹¹ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 26, 28; Ibro Osmanović, T. 2757, 2789.

⁷³⁹² P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2757-2758.

⁷³⁹³ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2757-2758.

⁷³⁹⁴ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2773.

⁷³⁹⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28; Ibro Osmanović, T. 2758, 2789.

⁷³⁹⁶ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 28.

⁷³⁹⁷ The following people were identified at the Ogradice mass grave: Huso Aličević (1944), Osmo Hodžić (1966), Ekrem Jahić (1959), Meho Jahić (1927), Jasmin Mahmutović (1974), Fadil Salihović (1938), Fahro Salihović (1968), Selver Salihović (1973) and Hadžo Smaljović (1937). The following person was identified at the grave identified by Tabeau as Džamdžići: Mujo Kuljančić (1927). The

victims were found in civilian clothing.⁷³⁹⁸ Three victims were older than 60 in 1992.⁷³⁹⁹

1765. Based on the foregoing, the Trial Chamber finds that on 2 June 1992, a unit under the command of Mićo Kraljević, the TO, the SJB Milići, as well as local Serbs from Piskavice participated in an operation covering a large area, including the Bosnian-Muslim village of Drum.⁷⁴⁰⁰ The Trial Chamber recalls its finding in chapter 4.14.7 and the evidence of Witness RM-066 above that on 2 June 1992 Kraljević's unit was operationally under the command of SJB Vlasenica and working from the SJB Vlasenica building from at least mid-May 1992. Based on the evidence of Mane Đurić, Mićo Kraljević's unit was under TO command until later in June when it was formally attached to the SJB.

1766. Kraljević ordered his unit to clean the territory from Muslims and to kill fleeing persons. Kraljević also told his unit in respect of an operation in the Gradina area that the territory had to be '100 per cent clean' without any Muslims remaining in the area. In a meeting Kraljević made it clear that there was no intention to take prisoners but instead to kill any Bosnian-Muslim men from the area who did not manage to escape. Kraljević's unit was split into different groups and the one heading for Drum was supported by VRS members. In Drum, members of Kraljević's unit or the VRS members fired automatic weapons and dragged people out of their houses. They killed at least 20 Bosnian-Muslim males, almost all with a single gunshot to the head. All victims wore civilian clothes. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

following person was identified at the Džamdžići I grave: Nedžad Hodžić (1961). The following persons were identified at the Džamdžići IV grave: Amir Džamdžić (1956) and Hasan Džamdžić (1931).

⁷³⁹⁸ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 289-293; P4687 (Autopsy report for case number V.OGR-01/128B, 23 September 2005); P5947 (Identification report for Amir Džamdžić, 13 July 2000); P5948 (Identification report for Hasan Džamdžić, 13 July 2000); P5955 (Autopsy report for Mujo Kuljančić, 6 June 2000), p. 2; P5957 (Autopsy report for body marked Džam-4/1, 11 July 2000), p. 2; P5959 (Autopsy report for body marked Džam-4/2, 11 July 2000), p. 2; P5963 (Identification report for Meho Jahić, 6 April 2007); P5964 (Identification report for Fadil Salihović, 6 April 2007); P5965 (ICMP Notice of DNA Reports), Report for Fadil Salihović, 5 August 2005, pp. 4-5, 7.

⁷³⁹⁹ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 288-293.

⁷⁴⁰⁰ The Trial Chamber notes that in the Defence Final Brief, the Defence refers to Mane Đurić who could not confirm whether 'this was an action by the army or some paramilitary unit'. With regard to perpetrators, the Trial Chamber has relied on other evidence, in particular Witness RM-066.

Schedule B.16.1

1767. According to the Indictment, the Accused is responsible for the killing of approximately nine men from Sušica camp between June and August 1992.⁷⁴⁰¹ The Defence argued that the police rather the VRS had control over the camp and that therefore, the killings alleged cannot be attributed to the Accused.⁷⁴⁰² The Defence further argued that the killings were motivated by personal reasons and that two of the alleged victims died as a result of heart attacks rather than beatings.⁷⁴⁰³ The Trial Chamber took judicial notice of two Adjudicated Facts with regard to this incident. It further received evidence from **Witness RM-066**, a Serb from Vlasenica;⁷⁴⁰⁴ **Witness RM-030**, **Witness RM-004**, and **Ibro Osmanović**, all Bosnian Muslims from Vlasenica;⁷⁴⁰⁵ **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;⁷⁴⁰⁶ **Ewa Tabeau**, a demographer and statistician;⁷⁴⁰⁷ and **John Clark**, a forensic pathologist who worked for the Prosecution as the Chief Pathologist for Bosnia-Herzegovina Exhumations from 1999-2001;⁷⁴⁰⁸ as well as documentary evidence, and finds that the evidence does not rebut the Adjudicated Facts.⁷⁴⁰⁹

⁷⁴⁰¹ Indictment, paras 39, 47, 59, 62, Schedule B.16.1.

⁷⁴⁰² Defence Final Brief, paras 1669-1674.

⁷⁴⁰³ Defence Final Brief, paras 1669-1674.

⁷⁴⁰⁴ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁴⁰⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

⁷⁴⁰⁶ P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

⁷⁴⁰⁷ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁷⁴⁰⁸ P2258 (John Clark, *Karadžić* transcript, 10 January 2012), p. 2; P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), p. 5; P2265 (John Clark, report on Jama Lisac grave-site, 21 September 2000), p. 4.

⁷⁴⁰⁹ **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 108, 114-115, 117-118; Witness RM-066, T. 2516, 2530; P187 (Legal documentation), 14-16. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2-5; P1611 (Witness RM-030, witness statement, 7 October 1997), pp. 2-3. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 29, 35. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 34, 37-38; Ibro Osmanović, T. 2758-2761, 2789, 2805, 2813; P210 (Report by Veljko Bašić concerning the deaths of Durmo Handžić and Asim Zildžić at Sušica camp, 22 June 1992); D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 2-3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 37-39; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement). **Ewa Tabeau, John Clark, and documentary evidence**: P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), pp. 1-5; P2335 (Autopsy report for Ismet Zekić, 6 October 2000), pp. 1-3; P2336 (Autopsy report for Dževad Šarić, 6 October 2000), pp. 1-3; P2337 (Autopsy report for Muharem Kolarević, 6 October 2000), pp. 1-3; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 594-597; P4840 (Identification report pertaining to the

1768. Nine detainees in Sušica camp were killed by camp guards or died from mistreatment.⁷⁴¹⁰ Specifically, **Witness RM-066**, **Witness RM-088**, and **Ibro Osmanović** testified that one evening on or about 22 June 1992, Dragan Nikolić and other camp guards subjected Durmo Handžić and Asim Zildžić to severe physical abuse for over 45 minutes, which resulted in the death of both detainees shortly thereafter.⁷⁴¹¹ **Witness RM-030** specified that he saw both Dragan Nikolić and Goran Tešić, a.k.a. Goce, take the two detainees out and brutally beat them.⁷⁴¹² On the night of 23-24 June 1992, Tešić took out Muharem Kolarević and Dževad Šarić.⁷⁴¹³ The witness heard screams over the next 30 minutes, followed by a gunshot after another 15 minutes.⁷⁴¹⁴ The witness later found the bodies of Kolarević and Šarić with gunshot wounds to the chest, and the latter also had wounds in the stomach and back.⁷⁴¹⁵ Tešić then ordered a detainee to bring Ibrahim Zekić, a.k.a. Musa, outside, where Tešić shot him dead after interrogating him and accusing him of killing a Serb.⁷⁴¹⁶ **Witness RM-066** and **Witness RM-030** testified that on the same night, Nikolić, Tešić, and some local policemen entered the hangar, picked out Rašid Ferhatbegović, took him outside, and shot him.⁷⁴¹⁷ **Witness RM-066** testified that during the first and second week of July 1992, Dragan Nikolić severely beat Ismet Dedić, Mevludin Hatunić, and Galib Musić, a 59-year-old

remains of Galib Musić, 10 April 2012); P4841 (Identification report pertaining to the remains of Mevludin Hatunić, 20 March 2012); P4842 (Court record of exhumation pertaining to Durmo Handžić, 15 March 2002), p. 2; P4843 (Bosnia-Herzegovina State Commission for the Search of Missing Persons, regarding 4 exhumed bodies from Vlasenica (Sušica), 21 November 2001); P4844 (Record of identification for Asim Zildžić, 3 March 2001); P4888 (Missing Persons List for Vlasenica in 1992), pp. 4, 9, 13, 16, 19, 21; P6456 (Death certificate for Ismet Dedić, 18 February 2011); P6457 (Autopsy report for Durmo Handžić, 18 March 2002), pp. 2-3; P6458 (Death certificate for Durmo Handžić, 20 March 2002), pp. 1, 3; P6459 (Court record of post-mortem examination for Asim Zildžić, 8 February 2001), pp. 1, 3; P6460 (Death certificate for Asim Zildžić, 8 March 2001), pp. 1, 3.

⁷⁴¹⁰ Adjudicated Facts I, no. 1265.

⁷⁴¹¹ **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 114; P187 (Legal documentation), p. 14. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 37-38. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 34, 37-38; Ibro Osmanović, T. 2759-2761, 2805, 2813; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 2-3; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2.

⁷⁴¹² P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2-3.

⁷⁴¹³ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 4; P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

⁷⁴¹⁴ P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

⁷⁴¹⁵ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 4.

⁷⁴¹⁶ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5; P1611 (Witness RM-030, witness statement, 7 October 1997), p. 2.

⁷⁴¹⁷ **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 114; P187 (Legal documentation), p. 15. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 4-5; P1611 (Witness RM-030, witness statement, 7 October 1997), pp. 2-3.

detainee, as a result of which they all died.⁷⁴¹⁸ All these deaths were reported to warden Bašić with no consequences.⁷⁴¹⁹ **Witness RM-066** testified that Dragan Nikolić and Goran Tešić were members of the Bosnian-Serb MUP and of Mićo Kraljević's unit.⁷⁴²⁰ Dragan Nikolić was a member of this unit from 15-20 May 1992.⁷⁴²¹ Nikolić and Tešić were the only representatives of the Bosnian-Serb MUP permanently stationed at the camp and both were at Sušica camp under orders from Kraljević from 15-18 June to September 1992 when Sušica camp was closed.⁷⁴²²

1769. **Ibro Osmanović** testified that all detainees who had been killed or mistreated in the Sušica camp were of Muslim ethnicity.⁷⁴²³ According to **Ewa Tabeau, John Clark**, and forensic evidence, five of the victims associated with this incident wore civilian clothing when they were exhumed from Sušica and Rakita Groblje, both in Vlasenica Municipality.⁷⁴²⁴ The victims were between 29 and 59 years old in 1992.⁷⁴²⁵

1770. Based on the foregoing, the Trial Chamber finds that in June and July 1992, Dragan Nikolić and Goran Tešić, both members of the Bosnian-Serb MUP and Kraljević's unit, killed eight Muslim detainees in the Sušica camp, either through shooting or severe mistreatment. Nikolić and Tešić were permanently stationed at the camp under orders from Kraljević from 15-18 June to September 1992 when Sušica camp was closed. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that Dragan Nikolić was directly accountable to Kraljević and was subordinate to him. One of the victims was shot dead after Tešić accused him of killing a Serb. On the night of 23-24 June 1992, Nikolić, Tešić, or some local policemen killed a ninth Muslim civilian detainee at the camp. The detainees were between 29 and 59 years old and five of them wore civilian clothing when exhumed. With regard to the status of the victims, the Trial Chamber has also considered its finding in chapter 4.14.2 *Schedule C.19.3*

⁷⁴¹⁸ P182 (Witness RM-066, witness statement, 7 April 2010), paras 114, 117-118; P187 (Legal documentation), pp. 15-16. *See also* P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), p. 595.

⁷⁴¹⁹ Adjudicated Facts I, no. 1265.

⁷⁴²⁰ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 71, 76, 77.

⁷⁴²¹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10.

⁷⁴²² P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 71-73, 76, 77.

⁷⁴²³ Ibro Osmanović, T. 2762.

⁷⁴²⁴ P2264 (John Clark, report on Vlasenica grave-site, 30 September 2002), pp. 1-5; P2335 (Autopsy report for Ismet Zekić, 6 October 2000), pp. 1-3; P2336 (Autopsy report for Dževad Šarić, 6 October 2000), pp. 1-3; P2337 (Autopsy report for Muharem Kolarević, 6 October 2000), pp. 1-3; P4842 (Court record of exhumation pertaining to Durmo Handžić, 15 March 2002), p. 2; P6457 (Autopsy report for Durmo Handžić, 18 March 2002), p. 3; P6459 (Court record of post-mortem examination for Asim Zildžić, 8 February 2001), pp. 1, 3.

⁷⁴²⁵ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 594-597.

concerning the detainees at Sušica camp. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* with respect to the conditions in which the detainees were kept. The Trial Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

Schedule B.16.2

1771. According to the Indictment, the Accused is responsible for the killing of up to 140 detainees in Sušica camp on or about 30 September 1992.⁷⁴²⁶ The Defence argued that the killings cannot be attributed to the Accused because the camp was not under the control of the VRS and the VRS had no knowledge of the killings.⁷⁴²⁷ The Trial Chamber understands Scheduled Incident B.16.2 as referring to the alleged killing of up to 140 persons in relation to their detention in Sušica camp, and thus not limited to killings inside the camp. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,⁷⁴²⁸ and **Ewa Tabeau**, a demographer and statistician,⁷⁴²⁹ as well as documentary evidence and finds that the evidence does not rebut the Adjudicated Facts.⁷⁴³⁰

⁷⁴²⁶ Indictment, paras 39(a)ii, 47, 59(a)ii, 62, Schedule B.16.2.

⁷⁴²⁷ Defence Final Brief, para. 1670.

⁷⁴²⁸ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁴²⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁷⁴³⁰ **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 120, 128-130, 134-137; Witness RM-066, T. 2430-2431, 2455-2456, 2495, 2528-2529; P197 (List of missing civilians in Vlasenica Municipality). **Ewa Tabeau and forensic documentary evidence**: P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 598-615; P4845 (Certificate of a missing person for Nedžmin Aganović, 23 May 2013); P4846 (Certificate of a missing person for Amir Alihodžić, 23 May 2013); P4847 (Certificate of a missing person for Jakub Alihodžić, 23 May 2013); P4848 (Certificate of a missing person for Salko Arifhodžić, 23 May 2013); P4849 (Certificate of a missing person for Naser Atalov, 23 May 2013); P4850 (Record of DNA identification for Osmo Efendić, 7 November 2008); P4851 (Certificate of a missing person Osmo Efendić, 30 May 2013); P4852 (Record of identification for Salko Efendić, 25 March 2009); P4853 (Record of identification for Ragib Fehratbegović, 17 April 2008); P4854 (Certificate of a missing person for Bernes Hadžić, 23 May 2013); P4855 (Record of identification for Enes Hadžić, 1 April 2009); P4856 (Certificate of a missing person for Namko Hadžić, 23 May 2013); P4857 (Record of identification for Armin Hasanbegović, 16 February 2007); P4858 (Record of identification for Mevludin Hasanbegović, 22 March 2007); P4859 (Record of DNA identification for Mevludin Hodžić, 25 October 2011); P4860 (Certificate of a missing person for Mevludin Hodžić, 30 May 2013); P4861 (Record of identification for Sead Mehanović, 16 April 2010); P4862 (Certificate of a missing person for Seid Mehanović, 23 May 2013); P4863 (Record of identification for Sejfo Mehanović, 17 April 2008); P4864 (Certificate for a missing person for Hasan Parić, 23 May 2013); P4865 (Record of Identification for Edhem Šahbegović, 10 April 2008); P4866 (Record of identification for Esad Šahinpašić, 12 April 2007); P4867 (Certificate of a missing person for Mersudin Šahinpašić, 23 May 2013); P4868 (Record of identification for Nedim Šahinpašić, 17 April 2013); P4869 (Record of identification for Senahid Šahinpašić, 17 April 2013); P4870 (Record of identification for Alija Smajlović, 6 April 2007); P4871 (Record of identification for Muhamed Telalović,

1772. On 30 September 1992, a public burial of more than 20 Serb soldiers killed in an ambush by the ABiH was held in Vlasenica town.⁷⁴³¹ After concerns about the safety of the detainees of Sušica camp had been raised with Mane Đurić and it had been recommended to him that they be transferred somewhere else until things calmed down, he promised to send vehicles to have the detainees transferred.⁷⁴³² During the night, three MUP officers arrived at the Sušica camp with a bus.⁷⁴³³ According to **Witness RM-066**, the MUP officers were from SJB Vlasenica, and included a man nicknamed ‘Chetnik’, a man called Garić, and Pedrag Bastah, and they arrived with an order from Đurić that the detainees were to be removed as soon as possible.⁷⁴³⁴ The MUP officers removed all 140-150 inmates in four loads and killed them.⁷⁴³⁵ **Witness RM-066** testified that the last group of detainees was loaded onto a small bus owned by the Birać company and escorted by a police car carrying Bastah, Garić, and ‘Chetnik’.⁷⁴³⁶ A number of Serbs wearing military and police uniforms were on the bus.⁷⁴³⁷ The last group consisted mostly of local Muslims from Vlasenica town.⁷⁴³⁸ Soon after the police took away the last group, a group of soldiers arrived at the camp and demanded to know where the Muslims were.⁷⁴³⁹ The massacre was reported to the Vlasenica crisis staff members, who took no action except to order the dismantling of the camp and the concealment of its traces.⁷⁴⁴⁰ **Witness RM-066** testified that a member of Kraljević’s unit was told to quickly remove all traces of the camp, destroy any documents, knock

11 November 2005); P4872 (Certificate of a missing person for Ibrahim Zlatić, 23 May 2013); P4883 (Autopsy report for Armin Hasanbegović, 4 October 2004); P4884 (Autopsy report for Mujo Smajlović, 24 September 2005); P4885 (Autopsy report for Ahmet Taljić, 29 September 2005); P4886 (Autopsy report for Bego Topčić, 18 June 2003); P4887 (Autopsy report for Mensur Tutić, 24 September 2005); P4888 (List of missing civilians in Vlasenica municipality in 1992), pp. 1-2, 5-10, 15, 17-18, 20-21; P5588 (ICMP notice of DNA reports), part one, pp. 170, 172, 414, 428, 452, 454, 475-476, 481, 485; P5961 (Collection of autopsy reports pertaining to bodies exhumed from the Ogradice mass grave), pp. 7, 17, 22; P6461 (Record of DNA identification for Šaban Durmanović, 9 April 2013); P6462 (Certificate of a missing person for Šaban Durmanović, 23 May 2013); P6463 (Record of identification for Jasmin Fehratbegović, 17 April 2012); P6464 (Certificate of a missing person for Jusuf Gruhonjić, 23 May 2013); P6465 (Autopsy report for Šemsudin Hasanbegović, 4 October 2005); P6466 (Certificate of a missing person for Mehmed Mlačo, 23 May 2013); P6467 (Autopsy report for Osman Saračević, 4 October 2005).

⁷⁴³¹ Adjudicated Facts I, no. 1266.

⁷⁴³² P182 (Witness RM-066, witness statement, 7 April 2010), para. 126.

⁷⁴³³ Adjudicated Facts I, no. 1267.

⁷⁴³⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 128; Witness RM-066, T. 2528-2529.

⁷⁴³⁵ Adjudicated Facts I, no. 1267.

⁷⁴³⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 132.

⁷⁴³⁷ P182 (Witness RM-066, witness statement, 7 April 2010), para. 132.

⁷⁴³⁸ P182 (Witness RM-066, witness statement, 7 April 2010), paras 132, 134; P197 (List of missing civilians in Vlasenica Municipality).

⁷⁴³⁹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 133.

⁷⁴⁴⁰ Adjudicated Facts I, no. 1268.

down the latrines and burn any items left by detainees, and to report to the Crisis Staff once the order was completed.⁷⁴⁴¹

1773. Based on the foregoing, the Trial Chamber finds that on the evening of 30 September 1992, Serb MUP officers from the SJB Vlasenica arrived at Sušica camp and, on the order of Mane Đurić, removed 140-150 non-Serb detainees in four trips. Serbs wearing military uniforms were also present when the last group of detainees was removed by the MUP officers. The MUP officers killed all the detainees. Considering that Sušica camp comprised only Bosnian-Muslim detainees, the Trial Chamber finds that those killed were Bosnian Muslims. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* with respect to the conditions in which the detainees were kept at Sušica camp. The Chamber will further consider this incident in relation to Counts 1 and 3-6 of the Indictment in chapter 8 below.

4.14.2 Unlawful detention and cruel or inhumane treatment in detention facilities

Schedule C.19.3

1774. According to the Indictment, the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in Sušica camp in Vlasenica Municipality at least between 12 May and about 30 September 1992⁷⁴⁴² The Defence argued that Sušica was initially a reception center hastily established under international law temporarily for the safety of Bosnian-Serbs and Bosnian-Muslims.⁷⁴⁴³ The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to this charge.⁷⁴⁴⁴ It also received evidence from **Witness RM-066**, a Serb from Vlasenica;⁷⁴⁴⁵ **Mujo Ramić**, a Muslim school teacher from Šeher, Osmaci Municipality;⁷⁴⁴⁶ **Witness RM-030**, **Ibro Osmanović**, and **Witness RM-004**, Bosnian Muslims from Vlasenica

⁷⁴⁴¹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 135-136; Witness RM-066, T. 2430-2431, 2456.

⁷⁴⁴² Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), 59(g), Schedule C.19.3.

⁷⁴⁴³ Defence Final Brief, para. 1665.

⁷⁴⁴⁴ Adjudicated Facts nos 1252 and 1253 have been reviewed in chapter 4.14.1 *Schedule C.9.1*.

Adjudicated Facts nos 1266-1268 have been reviewed in chapter 4.14.1 *Schedule B.16.1*.

⁷⁴⁴⁵ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1. Part of Witness RM-066's evidence is reviewed in chapter 4.14.1 *Schedule B.16.2*.

⁷⁴⁴⁶ P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1.

Municipality;⁷⁴⁴⁷ **Elvir Pašić**, a Bosnian Muslim from Rogatica;⁷⁴⁴⁸ **Mirsad Kuralić**, a Bosnian Muslim member of the ABiH;⁷⁴⁴⁹ **Witness RM-088**, a Bosnian Muslim from Šekovići Municipality;⁷⁴⁵⁰ **Tahir Ferhatbegović**, a Bosnian Muslim from Paprača in Šekovići Municipality;⁷⁴⁵¹ as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.⁷⁴⁵² The Trial Chamber further received evidence from **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992;⁷⁴⁵³ **Svetozar Andrić**, Commander of the VRS Birač Brigade in Šekovići from 19 May 1992 to 6 August 1995, then Chief of Staff of the DK until March 1996;⁷⁴⁵⁴ **Momir Deurić**, member of the Vlasenica TO until the beginning of the war in 1992 and assigned to providing security for one of the TO facilities in Sušica from April to

⁷⁴⁴⁷ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1; P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1. Part of Witness RM-030's evidence is reviewed in chapter 4.14.1 *Schedule B.16.1*. Part of Ibro Osmanović's evidence is also reviewed in chapter 4.14.1 *Schedule B.16.1*.

⁷⁴⁴⁸ P434 (Elvir Pašić, witness statement, 21 October 1994), p. 1, para. 1.

⁷⁴⁴⁹ P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6. Part of Mirsad Kuralić's evidence is reviewed in chapter 4.2.2 *Schedule C.2.1*.

⁷⁴⁵⁰ P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

⁷⁴⁵¹ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 1-2.

⁷⁴⁵² **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), paras 10, 67, 69, 71-72, 74, 76-77, 80, 87-88, 90-91, 139; Witness RM-066, T. 2446, 2449, 2458-2459, 2470-2471, 2482, 2512, 2517; P183 (Colour aerial of Sušica camp); P189 (VRS Main Staff order from Mladić to IBK Command, 17 June 1992), p. 1; P190 (Order dated 31 May 1992 setting up a camp in Vlasenica); P194 (Report from Vlasenica SJB Chief on holding centre Sušica camp); P186 (Strictly Confidential document no. 26 to Command of IBK regarding 640 prisoners in Vlasenica); P192 (Strictly Confidential document no. 19 to Command of the IBK regarding 640 prisoners in Vlasenica), p. 1; P193 (VRS assessment report on security at Sušica Camp), pp. 1-10. **Mujo Ramić**: P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 8, 11. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 31-32, 37, 39, 40, 42, 44, 52; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 3; Ibro Osmanović, T. 2759, 2761-2766, 2774-2776, 2802, 2805-2806, 2813; P211 (Photograph of Sušica camp with markings by Ibro Osmanović); D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), pp. 1-2; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 2. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17-21, 24-25, 27-28, 30, 33-35. **Elvir Pašić**: P434 (Elvir Pašić, witness statement, 21 October 1994), paras 32-33. **Mirsad Kuralić**: P2521 (Mirsad Kuralić, witness statement, 27 June 1996), pp. 3-6. **Witness RM-088**: P524 (Witness RM-088, witness statement, 17 October 1994), paras 33, 35, 37; Witness RM-088, T. 5348, 5374, 5346; P526 (Video still taken from V000-8168 showing Sušica camp). **Tahir Ferhatbegović**: P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 6-7; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), pp. 1-2. **Documentary Evidence**: P353 (Mladić notebook, 27 May - 31 July 1992), p. 232.

⁷⁴⁵³ Mane Đurić, T. 27630.

⁷⁴⁵⁴ D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 1; Svetozar Andrić, T. 34737; D1034 (Order of hand-over of duties as Commander of the 1st Birač Infantry Brigade from Andrić to Colonel Ljubomir Vlačić, 6 August 1995).

September 1992;⁷⁴⁵⁵ **Milenko Stanić**, President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council;⁷⁴⁵⁶ and **Tomislav Savkić**, the former Commander of the First Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly,⁷⁴⁵⁷ and finds that this evidence is partially consistent with the Adjudicated Facts.⁷⁴⁵⁸ The Trial Chamber will further address the evidence of Mane Đurić, Svetozar Andrić, Tomislav Savkić, Momir Deurić, and Milenko Stanić below.

Establishment and security at Sušica camp

1775. On 31 May 1992, Sušica camp was established in Vlasenica Municipality by order of Svetozar Andrić, Commander of the Birač Brigade, and pursuant to a decision of the Birač SAO which regulated the moving out of the Muslim population from the territory of Birač.⁷⁴⁵⁹ Andrić's order specified that the camp was to be organised and secured in the spirit of international law.⁷⁴⁶⁰ **Andrić** testified that the camp pre-existed his order, which only referred to the organization and not to the establishment of the camp.⁷⁴⁶¹ **Mane Đurić** testified that the camp fell under the control of the Birač Brigade.⁷⁴⁶² **Witness RM-066** testified that although the military was responsible for the administration of the camp, in fact the Vlasenica SJB determined how the camp was run.⁷⁴⁶³ Detainees could be released, transferred or exchanged via a written order from Mane Đurić, Branislav Sokanović, Risto Vidović, Veljko Bašić, and Mićo Kraljević.⁷⁴⁶⁴

⁷⁴⁵⁵ D797 (Momir Deurić, witness statement, 16 February 2012), paras 2-3, 15; Momir Deurić, T. 28702, 28725, 28733. Part of Momir Deurić's evidence is reviewed in chapter 4.14.1 *Schedule B.16.1*.

⁷⁴⁵⁶ D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904. The evidence of Stanić is reviewed in chapter 9.2.11.

⁷⁴⁵⁷ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.

⁷⁴⁵⁸ **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), paras 47, 50; Mane Đurić, T. 27706-27707. **Svetozar Andrić**: D1033 (Svetozar Andrić, witness statement, 16 July 2013), para. 7; Svetozar Andrić, T. 34811, 34816-34817, 34823, 34830-34831, 34884-34887. **Momir Deurić**: D797 (Momir Deurić, witness statement, 16 February 2012), paras 17-19, 21; Momir Deurić, T. 28709, 28711-28712, 28721, 28723, 28728; P6936 (Excerpt of war diary of Novica Simić, 20 September 1992); P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), pp. 2-3. **Milenko Stanić**: D884 (Milenko Stanić, witness statement, 16 February 2013), paras 26, 28; Milenko Stanić, T. 30904-30905, 30907, 30909, 30912, 30915. **Tomislav Savkić**: D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 33-37; Tomislav Savkić, T. 27177.

⁷⁴⁵⁹ Adjudicated Facts I, no. 1254.

⁷⁴⁶⁰ P190 (Order dated 31 May 1992 setting up a camp in Vlasenica).

⁷⁴⁶¹ Svetozar Andrić, T. 34811, 34816.

⁷⁴⁶² Mane Đurić, T. 27707.

⁷⁴⁶³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 69, 75; P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 6, 9. *See also* Svetozar Andrić, T. 34816.

⁷⁴⁶⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 139.

The Serb municipal crisis staff, led by Milenko Stanić, also made decisions concerning the camp and its detainees, such as decisions on release, visits, and exchanges.⁷⁴⁶⁵ The local MUP and the crisis staff received regular reports on the situation at Sušica camp.⁷⁴⁶⁶ **Andrić** ordered the security organ of the 4th Battalion to conduct interviews with detainees in order to provide information to the Chief of the Security Services in the Command.⁷⁴⁶⁷ The Chief of Security and related officials took detainees out of the camp for these interviews.⁷⁴⁶⁸

1776. The guards at the camp, under camp warden Veljko Bašić and deputy Vidosav Mladenović, were members of the MUP and VRS.⁷⁴⁶⁹ **Witness RM-004** stated that Bašić was a former policeman.⁷⁴⁷⁰ **Đurić** testified that Bašić was a retired police officer who had been mobilized into the TO.⁷⁴⁷¹ **Witness RM-066** testified that Bašić was a retired police officer who was mobilised back into the police force at the outbreak of the conflict.⁷⁴⁷² Bašić updated a list of detainees he kept daily and delivered it to SJB Vlasenica and the Crisis Staff.⁷⁴⁷³ Prior to Bašić, during **Witness RM-004**'s first week at the camp, from 2 June 1992, the commander was an approximately 20-year-old man, who wore a green camouflage uniform similar to the ones used by IFOR and had a scar across his cheek.⁷⁴⁷⁴ Sometime in June 1992, Dragan Nikolić was put in charge of Sušica camp.⁷⁴⁷⁵ **Witness RM-066** testified that Dragan Nikolić was assigned by Mićo Kraljević.⁷⁴⁷⁶ Dragan Nikolić was directly accountable to Kraljević and was subordinate to him and was given instructions to take whatever security measures he felt were necessary.⁷⁴⁷⁷ Nikolić was the camp commander in charge of security and daily operations.⁷⁴⁷⁸ **Witness RM-030** recognized the following camp guards: Nikolić's brother; Luka Majstrović; Mićo Gojgolović; and Goran Tešić, a.k.a. Goc.⁷⁴⁷⁹ The camp

⁷⁴⁶⁵ Adjudicated Facts I, nos 1256-1257.

⁷⁴⁶⁶ Adjudicated Facts I, no. 1256.

⁷⁴⁶⁷ Svetozar Andrić, T. 34817.

⁷⁴⁶⁸ Svetozar Andrić, T. 34817-34818.

⁷⁴⁶⁹ Adjudicated Facts I, no. 1255.

⁷⁴⁷⁰ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 34. *See also* D797 (Momir Deurić, witness statement, 16 February 2012), para. 17; Momir Deurić, T. 28709, 28728.

⁷⁴⁷¹ Mane Đurić, T. 27707.

⁷⁴⁷² P182 (Witness RM-066, witness statement, 7 April 2010), para. 75.

⁷⁴⁷³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 75.

⁷⁴⁷⁴ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 34.

⁷⁴⁷⁵ Adjudicated Facts I, no. 1263.

⁷⁴⁷⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 71; Witness RM-066, T. 2459, 2470-2471, 2512.

⁷⁴⁷⁷ P182 (Witness RM-066, witness statement, 7 April 2010), paras 73-75.

⁷⁴⁷⁸ P182 (Witness RM-066, witness statement, 7 April 2010), paras 75-76.

⁷⁴⁷⁹ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.

personnel had no rank insignia on their white armbands.⁷⁴⁸⁰ **Witness RM-004** stated that one soldier waiting at the camp when he and others arrived was nicknamed Krune and was from Sušica.⁷⁴⁸¹ **Momir Deurić** testified that Pedrag Bastah and Goran Višković also worked as guards at Sušica camp.⁷⁴⁸²

Detainees at Sušica camp

1777. Approximately 2,000 to 2,500 Muslims of both genders and all ages passed through Sušica camp, which remained operational for four months, from June to September 1992.⁷⁴⁸³ **Witness RM-066** testified that in June and July 1992 approximately 50 to 60 per cent of the detainees were men.⁷⁴⁸⁴ This percentage increased to approximately 70 per cent in September 1992, and 98 per cent during the second half of September.⁷⁴⁸⁵ **Mujo Ramić** stated that the camp housed many civilians.⁷⁴⁸⁶ **Ibro Osmanović** testified that he was never given an explanation for his detention at the camp.⁷⁴⁸⁷

1778. The Trial Chamber has further taken judicial notice of a number of Adjudicated Facts and received evidence concerning the number of detainees held at Sušica camp in the first days of its existence, as well as concerning the transfer of detainees to and from the camp. In the first days of its existence, over 1,000 persons were detained at the camp.⁷⁴⁸⁸ A few days later, Serb officials allowed the great majority of the women, more than 800, to leave, after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily.⁷⁴⁸⁹ **Witness RM-030** stated that on 2 June 1992, a man called Anđelko and Zoran Deurić a.k.a. Gehura, who was a member of the 'Serbian Army' in Vlasenica, arrested him, along with his family and some of their neighbours, took them to the camp, and ordered the adult men to place their hands behind their heads so that the 'Serbian police' (dressed in JNA uniforms)

⁷⁴⁸⁰ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.

⁷⁴⁸¹ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 24-25.

⁷⁴⁸² Momir Deurić, T. 28723-28724.

⁷⁴⁸³ Adjudicated Facts I, nos 1258-1259.

⁷⁴⁸⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 88.

⁷⁴⁸⁵ P182 (Witness RM-066, witness statement, 7 April 2010), para. 88.

⁷⁴⁸⁶ P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.

⁷⁴⁸⁷ Ibro Osmanović, T. 2759, 2762-2763.

⁷⁴⁸⁸ Adjudicated Facts I, no. 1260.

⁷⁴⁸⁹ Adjudicated Facts I, no. 1260.

could search them.⁷⁴⁹⁰ Dragan Nikolić then ordered them to surrender all their possessions, threatening them with death if they refused.⁷⁴⁹¹

1779. **Witness RM-066** testified that upon the establishment of the camp, approximately 300 people that the VRS had temporarily detained in a Vlasenica high school gym and who originated from Šekovići Municipality were brought there.⁷⁴⁹² Soon after this, the VRS and the Serb police began bringing more Muslims from Vlasenica Municipality.⁷⁴⁹³ **Ramić** stated that he was among approximately 150 Muslims who had been previously detained at the Vlasenica secondary school gym and transferred to Sušica camp on about 7 or 8 June 1992.⁷⁴⁹⁴ **Tahir Ferhatbegović** stated that on 8 June 1992, Veljko Bašić told him and the other men held in the school that they were to be transferred.⁷⁴⁹⁵ Most of the men were transferred to Sušica camp where they arrived that day at about 3 p.m.⁷⁴⁹⁶

1780. **Mirsad Kuralić** stated that on 15 June 1992, Veljko Bašić brought him to the prison in Vlasenica.⁷⁴⁹⁷ **Ferhatbegović** stated that on 27 June 1992, buses arrived and took about 450 men, including the witness, to Batković camp.⁷⁴⁹⁸ **Witness RM-004** stated that on 28 June 1992, a group composed of approximately 200 Muslims from Kalejisa Municipality was transferred from the camp to Batković.⁷⁴⁹⁹ The witness recalled that on the day he was taken from Sušica to Batković, there were five buses loaded with Muslims.⁷⁵⁰⁰ Every bus, including the bus he was on, was accompanied by a man wearing a camouflage outfit.⁷⁵⁰¹ **Andrić** testified that on 12 and 17 June, respectively, Mladić ordered the Eastern Bosnia Corps Command that the ‘question [of POWs] be resolved urgently and that POWs be relocated’, after which, on 1 July, 400

⁷⁴⁹⁰ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2; P1612 (Witness RM-030, MUP statement, 25 November 1993), p. 1.

⁷⁴⁹¹ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.

⁷⁴⁹² P182 (Witness RM-066, witness statement, 7 April 2010), para. 67; Witness RM-066, T. 2482.

⁷⁴⁹³ P182 (Witness RM-066, witness statement, 7 April 2010), paras 67, 91; P194 (Report from Vlasenica SJB Chief on holding centre Sušica camp).

⁷⁴⁹⁴ P2528 (Mujo Ramić, witness statement, 23 February 2010), paras 8, 11.

⁷⁴⁹⁵ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1.

⁷⁴⁹⁶ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1. *See also* P524 (Witness RM-088, witness statement, 17 October 1994), para. 35.

⁷⁴⁹⁷ P2521 (Mirsad Kuralić, witness statement, 27 June 1996), pp. 6-7.

⁷⁴⁹⁸ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 8; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 2.

⁷⁴⁹⁹ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 35.

⁷⁵⁰⁰ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 35.

⁷⁵⁰¹ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 35.

'prisoners' from Sušica were transferred to Batković camp, on the basis of an order from the witness's unit.⁷⁵⁰²

Conditions at Sušica camp

1781. Detainees at Sušica camp were insufficiently fed, water was very scarce, sanitary conditions were poor, and medical care was not provided.⁷⁵⁰³ **Witness RM-066** specified that there were no beds.⁷⁵⁰⁴ According to a CSCE mission report, mattresses and blankets were available at the camp.⁷⁵⁰⁵ According to **Deurić**, the detainees and the guards in charge of the security of the premises received the same food, prepared by a local company, and all detainees who were at the camp were fed.⁷⁵⁰⁶ However, the witness did not observe when food was served, as the food was distributed outside, and also did not know whether the detainees who were out to perform work were fed.⁷⁵⁰⁷ According to **Andrić**, there was not enough food in the municipality.⁷⁵⁰⁸ With regard to the provision of medical care, on two occasions, **Deurić** saw from a distance of 20 to 30 metres a doctor and two nurses examining some detainees at the camp.⁷⁵⁰⁹ The witness heard from the guards and the detainees that the detainees complained about stomach problems.⁷⁵¹⁰ The witness did not know who the doctor examining the detainees was.⁷⁵¹¹ According to the CSCE report, the organization was told that a physician provided medical care but did not observe any clinic in the centre.⁷⁵¹² On two occasions, members of international organizations visited Sušica camp, and on both visits, Nikolić managed to conceal many detainees and the true state of the conditions of detention.⁷⁵¹³ According to a VRS assessment report on security at Sušica Camp, recording devices,

⁷⁵⁰² Svetozar Andrić, T. 34884-34885.

⁷⁵⁰³ Adjudicated Facts I, no. 1262.

⁷⁵⁰⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 74.

⁷⁵⁰⁵ P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 3.

⁷⁵⁰⁶ Momir Deurić, T. 28701-28702, 28714, 28722.

⁷⁵⁰⁷ Momir Deurić, T. 28722.

⁷⁵⁰⁸ Svetozar Andrić, T. 34830-34831.

⁷⁵⁰⁹ Momir Deurić, T. 28738-28739.

⁷⁵¹⁰ Momir Deurić, T. 28738-28740.

⁷⁵¹¹ Momir Deurić, T. 28740.

⁷⁵¹² P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 3.

⁷⁵¹³ Adjudicated Facts I, no. 1264.

interviews, visits and extensive movement were to be prohibited in order to prevent the public from becoming aware of the prisoners' living conditions.⁷⁵¹⁴

Treatment of detainees at Sušica camp

1782. **Ramić** described the conditions at Sušica camp as atrocious and Dragan Nikolić as 'particularly evil'.⁷⁵¹⁵ Nikolić told the detainees that he was 'God and the law', and subjected them to all kinds of mistreatment, including frequent beatings.⁷⁵¹⁶ **Witness RM-066** testified that Nikolić tortured a number of non-Serb detainees at Sušica camp in June and July 1992.⁷⁵¹⁷ **Ramić** added that women were raped and some detainees were taken out, never to return.⁷⁵¹⁸ **Witness RM-088** observed that every night, usually after 10 p.m., young women and girls were taken out and brought back after half an hour in a pitiful state, with creased clothes and bruises.⁷⁵¹⁹ The witness was later told by the families of these women and girls that they had been raped.⁷⁵²⁰ **Witness RM-066** testified that between June and September 1992, Nikolić provided Serb guards, soldiers, and other men access to non-Serb female detainees at the camp, in order to commit rape and other acts of sexual violence.⁷⁵²¹ According to an excerpt of a judgment from the Court of Bosnia-Herzegovina, on 4 February 2010 Goran Višković was convicted of raping, including with a foreign object, in the presence of several guards, a female detainee from Sušica camp in the guard house in the first half of June 1992.⁷⁵²²

1783. **Witness RM-066** testified that most non-Serb detainees brought directly to Sušica camp were interrogated by police officers from the Vlasenica SJB.⁷⁵²³ The police officers would beat the detainees during these interrogations.⁷⁵²⁴ **Witness RM-088** testified that at the camp, the detainees who came from Vlasenica were taken out and beaten the most, including one who the witness heard Dragan Nikolić accuse of having

⁷⁵¹⁴ P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 3, 4.

⁷⁵¹⁵ P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.

⁷⁵¹⁶ Adjudicated Facts I, no. 1263. The Trial Chamber notes that P6938, an excerpt of a judgment of the Court of Bosnia-Herzegovina, deals with ill-treatment of detainees by other guards. However, as explained in chapter 4.14.7, the Trial Chamber does not rely on the facts as set out therein.

⁷⁵¹⁷ P182 (Witness RM-066, witness statement, 7 April 2010), para. 108.

⁷⁵¹⁸ P2528 (Mujo Ramić, witness statement, 23 February 2010), para. 11.

⁷⁵¹⁹ P524 (Witness RM-088, witness statement, 17 October 1994), para. 36; Witness RM-088, T. 5347.

⁷⁵²⁰ P524 (Witness RM-088, witness statement, 17 October 1994), para. 36; P525 (Witness RM-088, Clarification chart relating to ICTY witness statement).

⁷⁵²¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 108.

⁷⁵²² P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgment in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 5.

⁷⁵²³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 111.

a Croatian flag on his car.⁷⁵²⁵ **Witness RM-030** stated that a man called Đuro, who was not a guard but came to the camp from Vlasenica together with others every night, would beat the last ones to return from the toilet.⁷⁵²⁶ The witness saw Nikolić physically assault detainees and scare them by putting a knife in their mouths if they asked questions.⁷⁵²⁷ **Osmanović** described how Nikolić beat 'Cice' Arnaut; on one occasion he came into the hangar and told him to put his hands behind his head, kneel down on the floor and tilt his head back.⁷⁵²⁸ Nikolić then put a bayonet in Arnaut's mouth so that he was coughing and spitting blood afterwards.⁷⁵²⁹ **Elvir Pašić** testified that Nikolić⁷⁵³⁰ lined up the witness's group from Rogatica consisting of 29 men and two women and together with two guards struck and kicked each of the men, including the witness. Some were assaulted with rifle butts. Nikolić and the two guards returned later on and took away young women.⁷⁵³¹ The next morning, the witness's entire group was transferred to Batković camp.⁷⁵³²

1784. **Witness RM-030** saw Goran Tešić and Đuro tie people up and heard Nikolić order people to be tied up – detainees would have their thumbs tied together behind their backs with wire and were then tied to rain spouts at the warehouse entrance.⁷⁵³³ They would also have to kneel and remain in that position all day.⁷⁵³⁴ A man called Goran, a.k.a. Vjetar, beat the detainees and referred to them as 'Balija's mother'.⁷⁵³⁵ **Deurić** testified that there was no discipline at the camp as the guards, including Nikolić, were often drunk.⁷⁵³⁶

⁷⁵²⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 111.

⁷⁵²⁵ P524 (Witness RM-088, witness statement, 17 October 1994), para. 37.

⁷⁵²⁶ P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 3, 6.

⁷⁵²⁷ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.

⁷⁵²⁸ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 40.

⁷⁵²⁹ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 40.

⁷⁵³⁰ The witness referred to the man as 'Dragan' and testified that he appeared to be the chief of the camp because the guards consulted him when detainees were brought into and taken out of the camp, The Trial Chamber understands this to refer to Dragan Nikolić.

⁷⁵³¹ P434 (Elvir Pašić, witness statement, 21 October 1994), para. 34.

⁷⁵³² P434 (Elvir Pašić, witness statement, 21 October 1994), paras 33, 36; Elvir Pašić, T. 4497.

⁷⁵³³ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.

⁷⁵³⁴ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 5.

⁷⁵³⁵ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 6.

⁷⁵³⁶ D797 (Momir Deurić, witness statement, 16 February 2012), para. 19.

The issue of detention at Sušica camp

1785. According to a VRS assessment report on security at Sušica camp, POWs were detained at the camp.⁷⁵³⁷ On 25 June 1992, Mladić reported in his notebook that Milenko Stanić had informed him about problems in Vlasenica caused by the detention of over 800 prisoners, 200 of whom were women and children.⁷⁵³⁸

1786. Some witnesses addressed specifically whether people were held against their will at Sušica camp. In this respect, **Milenko Stanić** testified that when the military operations started in the villages surrounding Vlasenica, a large number of Muslims poured into Vlasenica Town, the majority of whom were housed in the ‘holding centre’ in Sušica.⁷⁵³⁹ The centre was ‘owned’ by the JNA and served, in the beginning, as a reception centre.⁷⁵⁴⁰ According to the witness, the municipal organs did not receive any further information about what went on in the centre.⁷⁵⁴¹ Muslim civilians from Kalesija, on the frontline, were also brought to the centre and Serbs ‘expelled’ from Goražde spent some time there as well.⁷⁵⁴² **Deurić** testified that in early May 1992, one of the two TO depots in Sušica was used as a reception centre to accommodate Serb refugees from Muslim villages from Vlasenica Municipality and from other municipalities, pending their relocation in the municipality, facilitated by the local authorities, or their departure to Serbia.⁷⁵⁴³ The depot was secured by the police before the army took control of the facility, sometime in May 1992.⁷⁵⁴⁴ According to the witness, starting May 1992, ‘POWs’ were detained at Sušica.⁷⁵⁴⁵ There were also civilians and soldiers wearing civilian clothing detained at the camp.⁷⁵⁴⁶ According to the witness, there were instances where some Muslim families stayed overnight of their own will until transport to Kladanj or Tuzla was arranged for them.⁷⁵⁴⁷ Once there were

⁷⁵³⁷ P193 (VRS assessment report on security at Sušica Camp, June 1992), pp. 1-10.

⁷⁵³⁸ P353 (Mladić notebook, 27 May - 31 July 1992), p. 232. *See also* P182 (Witness RM-066, witness statement, 7 April 2010), para. 90; Milenko Stanić, T. 30907; P189 (VRS Main Staff order from Mladić to IBK Command, 17 June 1992), p. 1.

⁷⁵³⁹ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 26.

⁷⁵⁴⁰ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 28; Milenko Stanić, T. 30908.

⁷⁵⁴¹ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 28.

⁷⁵⁴² D884 (Milenko Stanić, witness statement, 16 February 2013), paras 26, 28.

⁷⁵⁴³ D797 (Momir Deurić, witness statement, 16 February 2012), paras 16-17.

⁷⁵⁴⁴ D797 (Momir Deurić, witness statement, 16 February 2012), paras 16-18; Momir Deurić, T. 28711.

⁷⁵⁴⁵ Momir Deurić, T. 28711.

⁷⁵⁴⁶ Momir Deurić, T. 28711-28712, 28721, 28723; P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 2.

⁷⁵⁴⁷ D797 (Momir Deurić, witness statement, 16 February 2012), para. 18; Momir Deurić, T. 28712.

a lot of people in the camp, they would be ‘sent for an exchange’.⁷⁵⁴⁸ The witness was present at Sušica only during the day and spent most of the time at the premises where he was providing security, where there were no detainees.⁷⁵⁴⁹ **Tomislav Savkić** testified that after the TO entered Vlasenica on 21 April 1992, some Muslims came to the municipality and police buildings requesting transport to Tuzla and Kladanj - while waiting for transport they would be put up in the Sušica camp.⁷⁵⁵⁰ Several families would come to the TO facilities in Sušica every day in order to depart for the Muslim territory while others would come to spend the night at the facility because they felt safer there.⁷⁵⁵¹ These individuals would then return home the following morning.⁷⁵⁵² Organised transport was provided to Tuzla and Kladanj on a daily basis.⁷⁵⁵³ ‘Serb’ refugees were also temporarily placed in the Sušica camp while waiting for accommodation in Vlasenica.⁷⁵⁵⁴ The witness heard ‘from a Muslim’ that a number of Muslim soldiers, who had been detained near Zelina, were also held in the Sušica camp, and were later moved to the Batković camp in Bijeljina.⁷⁵⁵⁵ **Đurić** testified that Sušica was not a camp but a reception centre offering shelter to Muslims, Serbs, and Croats, pending their departure from Vlasenica, their installation in the municipality, or for the night.⁷⁵⁵⁶ However, the witness never visited the camp himself.⁷⁵⁵⁷ **Andrić** testified that the women and children held at the camp were not prisoners.⁷⁵⁵⁸ However, the witness had also never visited the camp himself.⁷⁵⁵⁹ According to a CSCE mission report, the CSCE was told that the camp was used to hold and document prisoners as well as Serb ‘refugees’ for several days.⁷⁵⁶⁰ The ‘Serbian’ authorities categorized the centre as a transfer site rather than a place of detention.⁷⁵⁶¹

⁷⁵⁴⁸ Momir Deurić, T. 28711.

⁷⁵⁴⁹ D797 (Momir Deurić, witness statement, 16 February 2012), paras 19-20.

⁷⁵⁵⁰ D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 33, 36.

⁷⁵⁵¹ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.

⁷⁵⁵² D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.

⁷⁵⁵³ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37.

⁷⁵⁵⁴ D699 (Tomislav Savkić, witness statement, 11 August 2014), paras 34-36; Tomislav Savkić, T. 27177.

⁷⁵⁵⁵ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 37; Tomislav Savkić, T. 27177.

⁷⁵⁵⁶ D732 (Mane Đurić, witness statement, 30 July 2014), paras 45-47, 49; Mane Đurić, T. 27706-27707.

⁷⁵⁵⁷ Mane Đurić, T. 27706-27707.

⁷⁵⁵⁸ Svetozar Andrić, T. 34823-34824.

⁷⁵⁵⁹ See Svetozar Andrić, T. 34827.

⁷⁵⁶⁰ P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 2.

⁷⁵⁶¹ P6937 (Inspection report of the CSCE mission in places of detention in Bosnia-Herzegovina, 29 August-4 September 1992), p. 4.

The Trial Chamber's findings

1787. The Trial Chamber received evidence from Mane Đurić and Svetozar Andrić disputing that the people at Sušica camp were detained against their will, which is in contrast to the Adjudicated Facts related to this charge. According to Đurić, Sušica was a reception centre, rather than a camp, offering temporary shelter to Muslims, Serbs, and Croats. However, the Trial Chamber notes that Đurić never visited the camp himself. Furthermore, his testimony on this issue is internally inconsistent, as he testified that pursuant to Andrić's order dated 31 May 1992, Sušica was defined as a camp.⁷⁵⁶² According to Andrić, the women and children held at the camp were not prisoners, but the witness could not give a plausible explanation why contemporary documents, some of which bear his signature, referred to them as such.⁷⁵⁶³ Additionally, the Trial Chamber notes that Andrić had also never visited the camp. Under these circumstances, the Trial Chamber finds that the evidence of these two witnesses in this respect is not sufficiently reliable to rebut the Adjudicated Facts related to this charge.

1788. The Trial Chamber further received evidence from Momir Deurić and Tomislav Savkić that some Muslim families stayed overnight at Sušica camp of their own will, until transport to different locations was arranged for them. The Trial Chamber notes that Savkić also testified that he was told by a Muslim that Muslim soldiers were being detained at the camp. The Trial Chamber finds that while there may have been instances where some Muslims voluntarily spent the night at the camp, this does not mean that others could come and go according to their own free will. Under these circumstances, the Trial Chamber finds that Deurić and Tomislav's evidence does not contradict the Adjudicated Facts according to which people were detained at Sušica camp.

1789. The Trial Chamber also received evidence from Milenko Stanić, disputing that the people at Sušica camp were held against their will, as well as stating that the municipal organs did not receive information about the situation at Sušica. The Trial Chamber notes that Stanić's evidence is internally inconsistent in this respect, given that he admitted knowing in late May and June 1992 that the number of Muslims *detained* in Vlasenica Municipality, including at Sušica, was becoming a problem.⁷⁵⁶⁴ The Trial Chamber therefore finds that this evidence is not sufficiently reliable to rebut the

⁷⁵⁶² See Mane Đurić, T. 27706-27707.

⁷⁵⁶³ See Svetozar Andrić, T. 34823-34827, 34885-34887.

⁷⁵⁶⁴ See Milenko Stanić, T. 30907, 30909.

Adjudicated Facts according to which people were held at the camp against their will and according to which the Serb municipal crisis staff received reports on the situation at the camp.

1790. The Trial Chamber further received evidence from Deurić that after May 1992, the police were no longer involved in providing security at the camp, which contradicts Adjudicated Fact number 1255, according to which the guards were members of the MUP and the VRS. Given that the witness provided security at the building storing military equipment and not at the camp itself and returned home at night, his knowledge of activities at the camp is limited. Under these circumstances, the Trial Chamber finds that his evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact number 1255.

1791. Deurić also provided evidence that the detainees in Sušica camp were fed and received the same food as the guards. The witness's evidence, to the extent that it suggests that detainees were not insufficiently fed, contradicts part of Adjudicated Fact number 1262. The Trial Chamber notes however that Deurić provided no basis for his knowledge, as he did not personally observe when food was distributed, and did not know whether the detainees who were out to perform work were fed. Therefore, the Trial Chamber finds that his evidence in this respect is not sufficiently reliable to rebut Adjudicated Fact number 1262.

1792. The Trial Chamber further received evidence from Deurić that on two occasions he saw a doctor and two nurses examining some of the detainees, which contradicts part of Adjudicated Fact number 1262. Given that Deurić was, at least sporadically, present at the camp during the day, the Trial Chamber finds his evidence in this respect sufficiently reliable to rebut a part of the Adjudicated Fact. Under these circumstances, the Trial Chamber finds that Adjudicated Fact number 1262 is rebutted with respect to *no* medical care having been provided at Sušica camp. Accordingly, the Trial Chamber reviewed the evidence before it in order to make a determination on the matter.

1793. The Trial Chamber received evidence from Mane Đurić that Veljko Bašić was a former policeman mobilized into the TO. It also received evidence from Witness RM-066 that Veljko Bašić was a former policeman mobilized into the 'police force'. The Trial Chamber received evidence in chapter 4.14.1 *Schedules A.9.1* and *B.16.1* that members of the TO in Vlasenica were incorporated into the SJB Vlasenica in or around May 1992, such as Mićo Kraljević and Dragan Nikolić. The Trial Chamber observes

that the evidence regarding Bašić's affiliation is not necessarily contradictory. The Trial Chamber recalls its finding in chapter 4.14.2 that Veljko Bašić wore a blue police uniform. It also received evidence that Veljko Bašić relayed detailed information of prisoners daily to the SJB Vlasenica while at Sušica camp. Based on the foregoing, the Trial Chamber finds that Veljko Bašić was a member of the SJB Vlasenica during his time at Sušica camp.

1794. Based on the foregoing, the Trial Chamber finds that between 2,000 and 2,500 Bosnian Muslims of both genders and all ages, including civilians, were detained at Sušica camp. In June and July 1992, approximately half of the detainees were women. The detainees were kept in unhygienic conditions. There were no beds but mattresses and blankets were available. Water was scarce and the detainees were insufficiently fed. With respect to the provision of medical care, on two occasions, a doctor and two nurses examined some of the detainees at the camp.

1795. With regard to the responsibility for the camp, the Trial Chamber finds that Sušica camp was established on 31 May 1992, by order of Svetozar Andrić, Commander of the VRS Birač Brigade, pursuant to a decision of the Birač SAO.⁷⁵⁶⁵ The camp was operational until 30 September 1992. The camp commanders included Veljko Bašić, a former policeman mobilized into SJB Vlasenica, and, from sometime in mid-June 1992, Dragan Nikolić, who was appointed by Mićo Kraljević. The Trial Chamber recalls that on 2 June 1992, Kraljević's unit was operationally under the command of SJB Vlasenica from at least mid-May 1992 (*see* chapter 4.14.1 *Schedule A.9.1*). The Trial Chamber also recalls from chapter 4.14.1 *Schedule B.16.1* that Dragan Nikolić was a member of the Bosnian-Serb MUP and Kraljević's unit. The Trial Chamber finds that Nikolić was the camp commander in charge of security and daily operations. Nikolić was directly accountable to Kraljević and was subordinate to him and was given instructions to take whatever security measures he felt were necessary. With regard to the authorities in charge of the camp, the Trial Chamber has considered the Adjudicated Fact stating that the Serb municipal crisis staff made decisions concerning the camp and its detainees, the evidence of Andrić that the VRS made decisions about taking

⁷⁵⁶⁵ The Trial Chamber notes that in his testimony, Svetozar Andrić disputed the fact that Sušica camp was established pursuant to his order, which is in contrast to Adjudicated Fact no. 1254. However, the witness's testimony on the matter is internally inconsistent and contradicted by the claim made by Dragan Nikolić in the Plea Hearing from the *Nikolić* case, which Andrić referred to in order to support his assertion, *see* Svetozar Andrić, T. 34811-34815. The Trial Chamber therefore considers that Andrić's evidence in this respect is not sufficiently reliable to rebut the Adjudicated Fact.

detainees out of the camp for questioning and about transferring detainees to Batković and the evidence of RM-066 that the VRS, the SJB, the police, and the special police platoon had the authority to release, transfer or exchange detainees. It has further considered the Adjudicated Fact stating that members of the MUP and the VRS served as camp guards. The Trial Chamber finds that the Vlasenica crisis staff and guards, consisting of members of the VRS and the MUP, kept individuals detained at Sušica camp and were responsible for the conditions at the camp.

1796. Nikolić and camp guards, including Goran Tešić, a.k.a. Goce, a member of the Bosnian-Serb MUP and Kraljević's unit (*see* the Trial Chamber's finding in chapter 4.14.1 *Schedule B.16.1*), and other police officers, who were often drunk, frequently and severely beat several detainees, including during interrogations, and subjected them to mistreatment, such as scaring them by putting a knife in their mouths if they asked questions; tying the detainees' thumbs together behind their backs with wire and then tying them to rain spouts at the warehouse entrance; forcing them to remain in a kneeling position all day; and stabbing them in the mouth.⁷⁵⁶⁶ Others beating the detainees were Goran a.k.a. Vjetar and Đuro. Vjetar referred to the detainees as 'Balija's mother'. One of the detainees who was frequently beaten had been accused by Nikolić of having a Croatian flag on his car. The guards and people coming from outside the camp also raped female detainees.

1797. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

Other detention incidents – Vlasenica secondary school

1798. In addition to Scheduled Incident C.19.3, discussed above, the Indictment also includes that the Accused is responsible for unlawful detention, torture, beating, abuse, rape, other acts of sexual violence, and subjecting Bosnian Muslims and Bosnian Croats to inhumane living conditions in other detention centres in Vlasenica Municipality between 12 May 1992 and 30 November 1995.⁷⁵⁶⁷ The Defence generally submitted that the VRS was not involved in any of the Serbs' activities in Vlasenica and that Mladić had warned the then President of the Municipal Assembly to protect Bosnian

⁷⁵⁶⁶ As it is unclear on what evidentiary basis the Court of Bosnia-Herzegovina convicted Predrag Bastah and Goran Višković, the Trial Chamber does not rely on further details contained in P6938.

⁷⁵⁶⁷ Indictment, paras 39(b)-(c), 47, 53, 59(b)-(d), (g).

Muslims and Bosnian Croats.⁷⁵⁶⁸ In this respect, the Trial Chamber received evidence from **Tahir Ferhatbegović** and **Witness RM-088**, both Bosnian Muslims from Papraća in Šekovići Municipality,⁷⁵⁶⁹ about their detention at the Vlasenica secondary school,⁷⁵⁷⁰ as well as **Mujo Ramić**, a Muslim school teacher from Šeher, Osmaci Municipality,⁷⁵⁷¹ and **Witness RM-066**, a Serb from Vlasenica.⁷⁵⁷²

1799. **Witness RM-088** testified that on 31 May 1992, he was arrested by Serb soldiers from the village of Željeznik, who entered through the backyard of his house in the village of Odžaci, informed him that he would be exchanged for Serb soldiers, and took him to the town centre where he joined his Muslim neighbours.⁷⁵⁷³ The Serb soldiers did not allow the witness to take anything with him.⁷⁵⁷⁴ The Serb army platoon commander, Lieutenant Ćirković from Šekovići, was present and in charge of arresting and cleansing the Muslims.⁷⁵⁷⁵ Men and women were separated and the men were taken to the Papraća primary school gym.⁷⁵⁷⁶ While at the gym, the witness heard Predrag Bunijevac, who introduced himself as the commander, ordered the guards to register the detainees and to take away all of their identification and personal property.⁷⁵⁷⁷ The witness also testified that Veljko Bašić came to the school and introduced himself as the commander of all detention centres in Vlasenica, including the school.⁷⁵⁷⁸ The second time Bašić came, he was accompanied by Dragan Nikolić, who asked Bašić: ‘Are there any bad ones here for me?’ and then he heard Nikolić state to the detainees: ‘Veljko is the head of all the prisons.’⁷⁵⁷⁹ **Ferhatbegović** stated that Bašić wore a blue police uniform.⁷⁵⁸⁰ **Witness RM-088** testified that they remained at the school only for a few hours after which Aleksandar Vukašinić and the White Eagles loaded the detainees

⁷⁵⁶⁸ Defence Final Brief, para. 1681.

⁷⁵⁶⁹ P524 (Witness RM-088, witness statement, 17 October 1994), p. 1, para. 1.

⁷⁵⁷⁰ The evidence of Tahir Ferhatbegović and of Witness RM-088 is also reviewed in chapter 4.14.2 *Schedule C.19.3*.

⁷⁵⁷¹ P2528 (Mujo Ramić, witness statement, 23 February 2010), p. 1, para. 1. Mujo Ramić’s evidence is reviewed in chapter 4.14.2 *Schedule C.19.3*.

⁷⁵⁷² P182 (Witness RM-066, witness statement, 7 April 2010), p. 1. Witness RM-066’s evidence is also reviewed in chapter 4.14.2 *Schedule C.19.3*.

⁷⁵⁷³ P524 (Witness RM-088, witness statement, 17 October 1994), paras 14, 30-31; Witness RM-088, T. 5372.

⁷⁵⁷⁴ P524 (Witness RM-088, witness statement, 17 October 1994), para. 31

⁷⁵⁷⁵ P524 (Witness RM-088, witness statement, 17 October 1994), para. 31.

⁷⁵⁷⁶ P524 (Witness RM-088, witness statement, 17 October 1994), para. 32; Witness RM-088, T. 5373.

⁷⁵⁷⁷ P524 (Witness RM-088, witness statement, 17 October 1994), para. 32; Witness RM-088, T. 5373.

⁷⁵⁷⁸ P524 (Witness RM-088, witness statement, 17 October 1994), para. 33; Witness RM-088, T. 5374.

⁷⁵⁷⁹ P524 (Witness RM-088, witness statement, 17 October 1994), para. 33; Witness RM-088, T. 5346.

⁷⁵⁸⁰ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 6; P2527 (Tahir Ferhatbegović, supplemental information sheet, 21 August 2003), p. 1.

onto buses and took them to the Vlasenica secondary school gym.⁷⁵⁸¹ The women and the children were transferred from Papraća to Kladanj.⁷⁵⁸² **Ferhatbegović** stated that on 31 May 1992, he and the other men, aged between 13 and 87 years, Muslims from Papraća, as well as a Roma man and his wife detained at the Papraća primary school were loaded on three buses and driven to Vlasenica secondary school.⁷⁵⁸³ On the bus, the witness saw only one Serb soldier with a weapon.⁷⁵⁸⁴ The detainees were not allowed to take any personal belongings, as they were told that they ‘would not need them’.⁷⁵⁸⁵ When the bus passed a checkpoint, the witness heard soldiers saying, ‘[L]et’s kill them all; why are we protecting the Ustaša’. Upon arrival at the school, the men were forced to sit on the floor in the gym with their legs out in front and heads down. People from the villages of Osmaci, Borogovo, Matkovac, and Kusonje were also at the gym.⁷⁵⁸⁶ According to census data, in 1991 the villages of Osmaci, Borogovo, Matkovac, and Kusonje were in Kalesija Municipality.⁷⁵⁸⁷ Osmaci and Borogovo were composed of 798 Bosnian Serbs out of 844 inhabitants and 275 Bosnian Serbs out of 276 inhabitants, respectively.⁷⁵⁸⁸ Matkovac was composed of 278 Bosnian Muslims and 213 Bosnian Serbs.⁷⁵⁸⁹ Kusonje was composed of 371 Bosnian Muslims and 42 Bosnian Serbs.⁷⁵⁹⁰

1800. The witness recalled several occasions on which men were taken out of the gym and beaten severely; some of them did not return. Emin Kuduzović was beaten because he was found smoking in the toilet. Nusret Hodžić was also beaten. The witness stated that he heard the beating and the screams of the men. A soldier said to Hodžić, ‘[I]f you don’t lick this blood by the time I return, I will cut your throats.’ Hodžić then started licking his blood. The guards put cigarettes out on the hands of Mirsad Kuralić. At times the detainees had to sing ‘Chetnik’ songs and if they refused, they were beaten. The about 160 men in the school received two litres of water per day. They were fed a

⁷⁵⁸¹ P524 (Witness RM-088, witness statement, 17 October 1994), para. 32.

⁷⁵⁸² Witness RM-088, T. 5345.

⁷⁵⁸³ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, pp. 3-5.

⁷⁵⁸⁴ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 4.

⁷⁵⁸⁵ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 4-5.

⁷⁵⁸⁶ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

⁷⁵⁸⁷ P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 1-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).

⁷⁵⁸⁸ P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 1-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).

⁷⁵⁸⁹ P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 3-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).

⁷⁵⁹⁰ P7354 (Excerpt from census data by Municipalities published in Zagreb in 1995), pp. 3-4. *See also* P7353 (1991 Census Map for Kalesija Municipality).

small slice of bread and a small portion of egg each day and they were not allowed to maintain personal hygiene. Some of the detainees did not have enough clothing.⁷⁵⁹¹

Witness RM-066 stated that there was no functioning lavatories at the school and described the condition of the detainees as ‘horrible’.⁷⁵⁹²

1801. The guards in the school wore camouflage uniforms and white masks over their noses and mouths.⁷⁵⁹³ Among the guards were, Vojin Grabovica, a person called Zoran, Milorad Petrović and Dragan Lukić.⁷⁵⁹⁴ On one occasion, Dragan Nikolić, who the witness recognized from having seen him in bars before, came to the school and asked, ‘[W]hen are those to come to me?’⁷⁵⁹⁵

1802. Based on the foregoing, the Trial Chamber finds that between 31 May 1992 and 8 June 1992, about 160 men were detained in Vlasenica secondary school, after which they were transferred to Sušica camp. The detainees included Bosnian-Muslim men, aged between 13 and 87, from Papraća; a Roma couple; and people from the villages of, Osmaci, Borogovo, Matkovac, and Kusonje. In light of the ethnic composition of these villages, the Trial Chamber finds that the detainees at Vlasenica secondary school included Bosnian Serbs from Osmaci and Borogovo, and Bosnian Muslims from Kusonje. During their detention, the detainees were not allowed to maintain personal hygiene with no functioning lavatories provided in the building. They were fed a small slice of bread and a small portion of egg each day. There were two litres of water for 160 people each day. The Trial Chamber finds that the guards at the school severely beat the detainees. Detainees were beaten when they refused to sing songs, identified as ‘chetnik’ songs by Tahir Ferhatbegović, and the guards put out cigarettes on the hands of Mirsad Kuralić. A soldier said to Hodžić, ‘[I]f you don’t lick this blood by the time I return, I will cut your throats.’⁷⁵⁹⁶ The Trial Chamber finds that Veljko Bašić was the commander at the Vlasenica secondary school at this time. Bašić wore a blue police uniform. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that Veljko Bašić was a member of the SJB Vlasenica. The guards wore camouflage uniforms. Among the guards were Vojin Grabovica, a person called Zoran, Milorad

⁷⁵⁹¹ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

⁷⁵⁹² P182 (Witness RM-066, witness statement, 7 April 2010), para. 67.

⁷⁵⁹³ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

⁷⁵⁹⁴ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

⁷⁵⁹⁵ P2527 (Tahir Ferhatbegović, supplemental information sheet of 21 August 2003), p. 2.

⁷⁵⁹⁶ P2526 (Tahir Ferhatbegović, witness statements), witness statement of 13 October 1994, p. 5.

Petrović, and Dragan Lukić. The Trial Chamber will further consider the above in relation to Counts 1 and 3 of the Indictment in chapter 8 below.

4.14.3 Destruction of private and public property, including cultural monuments and sacred sites

1803. According to the Indictment, the Accused is responsible for wanton acts of destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites in Vlasenica Municipality, between 12 May 1992 and 30 November 1995.⁷⁵⁹⁷ The Trial Chamber took judicial notice of Adjudicated Fact number 1251 in relation to these incidents. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,⁷⁵⁹⁸ and finds that this evidence is consistent with the Adjudicated Fact.⁷⁵⁹⁹ The Trial Chamber also received evidence from **Ibro Osmanović**, a Bosnian Muslim from Vlasenica⁷⁶⁰⁰, and **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992.⁷⁶⁰¹ The Adjudicated Fact, the evidence of Witness RM-066, and parts of the evidence of Mane Đurić are reviewed in chapters 4.14.1 *Schedule A.9.1* and 4.14.7.

1804. **Ibro Osmanović** testified that one day while he was detained at Sušica camp, between 18 and 30 June 1992, he and Emin Gobeljić were called out by some of the guards.⁷⁶⁰² They were taken to the apartment of Jusuf Dautović, a Muslim, on Trg Oslobodjenja and told to carry almost everything away.⁷⁶⁰³ Zoran Obrenović, Bato Milić, and ‘another soldier’ were also there.⁷⁶⁰⁴ The items were then transported back to Sušica camp and all burned, except for a mattress which was taken to an invalid at the camp.⁷⁶⁰⁵

⁷⁵⁹⁷ Indictment, paras 47, 52, 59(j).

⁷⁵⁹⁸ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁵⁹⁹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 35, 38.

⁷⁶⁰⁰ P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.

⁷⁶⁰¹ Mane Đurić, T. 27630.

⁷⁶⁰² P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.

⁷⁶⁰³ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.

⁷⁶⁰⁴ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 28, 41.

⁷⁶⁰⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 41.

1805. **Mane Đurić** testified that the Vlasenica Town mosque was destroyed by explosives in August 1992.⁷⁶⁰⁶ The Vlasenica SJB was given a two or three-hour notice from a VRS unit and asked the population to leave the area.⁷⁶⁰⁷ In its report, the SJB recorded that the mosque was blown up by unidentified perpetrators.⁷⁶⁰⁸ According to the witness, in order to avoid a conflict of authority with the VRS, the SJB did not undertake any preventative action.⁷⁶⁰⁹

1806. Based on the foregoing, the Trial Chamber finds that during the Gradina operations at the end of May and early June 1992, Kraljević ordered his unit to burn all the Muslim houses in order to prevent the owners from returning (*see* chapter 4.14.1 *Schedule A.9.1*). The unit was supported by a VRS unit as well as police officers from the SJB Vlasenica. Many Muslim houses in Gradina and the surrounding villages, including Barice and Turalići, were burnt down. In Piskavice, a mixed Serb and Muslim village, they torched only the Muslim houses. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

1807. The Trial Chamber further finds that sometime between 18 and 30 June 1992, Ibro Osmanović, a Bosnian Muslim detained at the Sušica camp, together with Emin Gobelji were called out by some of the guards, taken to the apartment of Jusuf Dautović in Vlasenica and told to take almost everything away. The items were then transported to Sušica camp and almost everything was burned. The Trial Chamber recalls its finding from chapter 4.14.2 *Schedule C.19.3* that the Vlasenica crisis staff and guards, consisting of members of the VRS and the MUP, were responsible for the conditions at the camp. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment in chapter 8 below.

1808. The Trial Chamber also finds that in August 1992, a VRS unit ordered the destruction of the Vlasenica Town mosque, after giving a two-three hour notice to the SJB Vlasenica and asking the population to leave the area. The mosque was destroyed by explosives. The Trial Chamber will further consider this incident in relation to Count 3 of the Indictment.

⁷⁶⁰⁶ Mane Đurić, T. 27679.

⁷⁶⁰⁷ Mane Đurić, T. 27679-27682, 27685.

⁷⁶⁰⁸ Mane Đurić, T. 27680.

⁷⁶⁰⁹ Mane Đurić, T. 27685.

4.14.4 Appropriation or plunder of property

1809. According to the Indictment, the Accused is responsible for appropriation or plunder of property during and after take-overs, during arrests and detentions, and during or after deportations or forcible transfers of Bosnian Muslims and Bosnian Croats in Vlasenica Municipality between 12 May 1992 and 30 November 1995.⁷⁶¹⁰ The Trial Chamber has taken judicial notice of Adjudicated Facts⁷⁶¹¹ and received evidence from **Witness RM-030** and **Ibro Osmanović**, both Bosnian Muslims from Vlasenica Municipality,⁷⁶¹² in relation to alleged incidents of appropriation or plunder, in chapters 4.14.2 *Schedule C.19.3*, 4.14.6, and 4.14.7.⁷⁶¹³

1810. In addition, **Witness RM-066**, a Serb from Vlasenica,⁷⁶¹⁴ testified that during his time at Sušica camp, sometime after 31 May 1992, Đurić and Stanić permitted members of the reserve and special police, including the witness, to loot non-Serb property.⁷⁶¹⁵ In June 1992, 20 members of ‘the special police platoon’ of the SJB Vlasenica participated in an operation in which they searched approximately 30 Muslim residences near the Panorama hotel, from which they took televisions and other property.⁷⁶¹⁶ One of the members of this platoon claimed a Muslim house for himself, into which he later moved.⁷⁶¹⁷ The witness further testified that the platoon was allowed to take personal property from non-Serb houses only after Mićo Kraljević and his brothers had taken their share, mostly consisting of electronic devices and weapons.⁷⁶¹⁸ It appeared to the witness that Kraljević and the other members of the platoon were allowed to loot non-Serb property primarily as a reward for doing certain jobs.⁷⁶¹⁹

⁷⁶¹⁰ Indictment, paras 47, 59(i).

⁷⁶¹¹ Adjudicated Facts I, nos 1247, 1259-1260, 1269.

⁷⁶¹² **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.

⁷⁶¹³ Adjudicated Facts nos 1259-1260 and the evidence of Witness RM-030 are reviewed in chapter 4.14.2 *Schedule C.19.3*. The evidence of Ibro Osmanović is reviewed in chapter 4.14.6. Adjudicated Fact nos 1247 and 1269 are reviewed in chapter 4.14.7.

⁷⁶¹⁴ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁶¹⁵ P182 (Witness RM-066, witness statement, 7 April 2010), paras 51, 67; P190 (Order dated 31 May 1992 setting up a camp in Vlasenica).

⁷⁶¹⁶ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10, 26.

⁷⁶¹⁷ P182 (Witness RM-066, witness statement, 7 April 2010), para. 26.

⁷⁶¹⁸ P182 (Witness RM-066, witness statement, 7 April 2010), paras 15, 51.

⁷⁶¹⁹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 51.

1811. Based on the foregoing, the Trial Chamber finds that on or shortly after 17 May 1992 the Vlasenica municipal authorities forced a group of Bosnian-Muslim women⁷⁶²⁰ from Zaklopač to sign over their houses and properties to Serbs.

1812. Based on Witness RM-066's evidence, the Trial Chamber further finds that in June 1992, members of Kraljević's unit took televisions and other property from Bosnian-Muslim residences in Vlasenica Town, and that one of the members claimed, and subsequently moved into, a Bosnian-Muslim house in Vlasenica Town. Members of the unit were permitted to take property from non-Serbs. Based on Adjudicated Facts 1259 and 1260, and evidence of Witness RM-030, the Trial Chamber finds that in early June 1992, Dragan Nikolić ordered Bosnian-Muslim detainees at Sušica camp to surrender all of their possessions. The Trial Chamber understands from Witness RM-030's evidence that the possessions were taken and were not returned to the detainees. Further, the Trial Chamber finds that Sušica camp guards, members of the VRS and MUP, stripped more than 800 Bosnian-Muslim women of their valuables. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.14.5 Forced labour and human shields

1813. According to the Indictment, the Accused is responsible for subjecting Bosnian Muslims and Bosnian Croats in Vlasenica municipality to forced labour, including digging graves and trenches and other forms of forced labour at front lines, and using them as human shields between 12 May 1992 and 30 November 1995.⁷⁶²¹ The Defence argued that detainees at Sušica camp volunteered to work and were not forced.⁷⁶²² The Defence further argued that at the camp, all ethnicities, Bosnian Serbs included, were equally subjected to comparable work obligations.⁷⁶²³ The Trial Chamber took judicial notice of adjudicated fact no. 1216 related to forced labour for detainees at the Sušica camp. It also received evidence from **Witness RM-066**, a Serb from Vlasenica,⁷⁶²⁴

⁷⁶²⁰ According to P6870, Zaklopac consisted of 288 Muslims and 146 Serbs (and 3 others or unknown). Considering this, and that the women were forced to sign over the property to Serbs, the Trial Chamber concludes that the women were Bosnian Muslims.

⁷⁶²¹ Indictment, paras 39(c), 47, 59(h).

⁷⁶²² Defence Final Brief, para. 1675.

⁷⁶²³ Defence Final Brief, para. 1675.

⁷⁶²⁴ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

Witness RM-030, a Bosnian Muslim from Vlasenica,⁷⁶²⁵ and **Witness RM-004**, a Bosnian Muslim from Vlasenica municipality,⁷⁶²⁶ as well as documentary evidence and finds that the evidence is consistent with the Adjudicated Fact.⁷⁶²⁷

1814. The detainees at Sušica camp performed several types of forced labour, including burial of the men killed in Drum, digging of trenches, and carrying munitions at the front lines.⁷⁶²⁸ According to a judgement before a local court in 2010, Goran Višković was convicted of, among others, ordering 20 detainees to get on a truck to perform forced labour on 27 June 1992.⁷⁶²⁹ **Witness RM-066** specified that by the second half of July 1992, a group of 50-100 detainees was taken to work on various projects on a daily basis, such as the VRS barracks, the Alpro factory, the hospital, or agricultural work.⁷⁶³⁰ Mane Đurić, Branislav Sokanović, and Risto Vidović could authorize the use of Sušica camp detainees through written order.⁷⁶³¹ Police or battalion commanders, Milanko Sargić or Radenko Stanić, personally came to the camp to take detainees.⁷⁶³² Vojislav Nikolić and Veljko Bašić could also take detainees for work without a written order.⁷⁶³³ The persons taking them to carry out labour had to provide this order, specifying the number of detainees to be taken, and sign a list of the detainees taken prior to the departure of the detainees so that it could be confirmed whether all were returned in the evening.⁷⁶³⁴ Veljko Bašić was informed if a detainee was missing and would require explanations as to whether the detainee was released, taken by the SJB, or killed.⁷⁶³⁵

1815. The Trial Chamber finds that detainees at the Sušica camp performed several types of forced labour, including burial of the men killed in Drum, digging of trenches,

⁷⁶²⁵ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1.

⁷⁶²⁶ P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

⁷⁶²⁷ **Witness RM-066**: Witness RM-066, T. 2520; P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 99. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 2, 5-6. **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), paras 7, 17, 24, 27, 32, 35. **Documentary evidence**: P6938 (Excerpt from Bosnia-Herzegovina State Court verdict against Predrag Bastah and Goran Višković, 4 February 2010), pp. 1, 4-5; and P7532 (Report of UN Commission of Experts investigative mission into treatment of Muslim women in former Yugoslavia), p. 10.

⁷⁶²⁸ Adjudicated Facts I, no. 1261; P182 (Witness RM-066, witness statement, 7 April 2010), para. 28.

⁷⁶²⁹ P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgment in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 5.

⁷⁶³⁰ P182 (Witness RM-066, witness statement, 7 April 2010), para. 99; Witness RM-066, T. 2520.

⁷⁶³¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 100; Witness RM-066, T. 2521.

⁷⁶³² P182 (Witness RM-066, witness statement, 7 April 2010), para. 100.

⁷⁶³³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 100.

⁷⁶³⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 101.

⁷⁶³⁵ P182 (Witness RM-066, witness statement, 7 April 2010), para. 101; Witness RM-066, T. 2521.

and carrying munitions at the front lines.⁷⁶³⁶ From at least mid-June until the end of September 1992, Vojislav Nikolić, Veljko Bašić, a member of the SJB Vlasenica during his time at Sušica camp as established in chapter 4.14.2 *Schedule C.19.3*, Milanko Sargić, and Radenko Stanić, personally selected and/or took out non-Serb detainees from Sušica camp to carry out forced labour.⁷⁶³⁷ From the second half of July onwards, some of these individuals forced a group of 50-100 detainees to work on various projects on a daily basis. In this respect, the Trial Chamber also recalls its findings in chapter 4.14.2 *Schedule C.19.3* concerning the conditions of detention. The Trial Chamber will further consider these incidents in relation to Count 3 of the Indictment in chapter 8 below.

4.14.6 Imposition and maintenance of restrictive and discriminatory measures

1816. According to the Indictment, the Accused is responsible for imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and/or Bosnian Croats in Vlasenica Municipality between 12 May 1992 and 30 November 1995.⁷⁶³⁸ Such measures included, but were not limited to, the denial of freedom of movement, the removal from positions of authority in local government institutions and the police, the general dismissal from employment, the invasion of privacy through arbitrary searches of homes, unlawful arrest and/or the denial of the right to judicial process, and the denial of equal access to public services.⁷⁶³⁹ The Trial Chamber took judicial notice of a number of Adjudicated Facts. It also received evidence from **Ibro Osmanović** and **Witness RM-004**, both Bosnian Muslims from Vlasenica,⁷⁶⁴⁰ as well

⁷⁶³⁶ The Trial Chamber notes that Ibro Osmanović was one of the detainees involved in the burial of the men killed at Drum, as described in chapter 4.14.1 *Schedule A.9.1*. It also observes that Osmanović was held at a detention facility that was stricken from the Indictment. The Trial Chamber has therefore not considered Osmanović's evidence for its finding on the occurrence of forced labour in Vlasenica and refers to its considerations regarding this type of evidence set out in Appendix B. The Trial Chamber has relied on the un rebutted adjudicated fact that detainees at the Sušica camp performed several types of forced labour, including burial of the men killed in Drum.

⁷⁶³⁷ As it is unclear on what evidentiary basis the Court of Bosnia-Herzegovina convicted Predrag Bastah and Goran Višković, the Trial Chamber does not rely on further details contained in P6938.

⁷⁶³⁸ Indictment, paras 47, 59(k).

⁷⁶³⁹ Indictment, para. 59(k).

⁷⁶⁴⁰ P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1; P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

as **Witness RM-066**, a Serb from Vlasenica;⁷⁶⁴¹ and finds that the evidence is consistent with the Adjudicated Facts.⁷⁶⁴² The Trial Chamber further received evidence from **Mane Đurić**, Head of the SJB Vlasenica as of 20 May 1992.⁷⁶⁴³ The evidence of Witness RM-004 and Witness RM-066 is reviewed in chapter 4.14.7.

1817. From late 1991 and up to May 1992, Muslims working in state-owned companies and other public services in Vlasenica Municipality were dismissed from their jobs.⁷⁶⁴⁴ According to **Đurić**, following the adoption of the decision of 19 April 1992 to take over the municipality, Muslims no longer reported to their workplace in the municipality, partly because a majority had already left.⁷⁶⁴⁵ Muslim shopkeepers feared keeping their businesses open.⁷⁶⁴⁶ **Ibro Osmanović** testified that after a Serb-only JNA unit had collected weapons with the help of local Serbs, Serb shops and bars began to re-open, but the Muslims were afraid to open their stores because the stores of those Muslims who had left, had been broken into and their homes and shops had signs posted or painted on them saying ‘Muslims leave’ and ‘We will kill all *Ustaša*.’⁷⁶⁴⁷

1818. **Osmanović** testified that around 17 or 18 May 1992, all the former Serb police officers and MUP personnel were called back to work, while Muslims, even those that worked there, were not allowed to enter the building containing the police station.⁷⁶⁴⁸ According to **Đurić**, following the disarmament of policemen in execution of the Crisis Staff’s decision on disarming active and reserve police forces on 19 April 1992, the non-Serb policemen did not report for work at the police station.⁷⁶⁴⁹ Rade Bjelanović, the Chief of the SJB, was authorised to establish the police station with new personnel.⁷⁶⁵⁰ The police officers with a Serb ethnic background were re-employed.⁷⁶⁵¹

1819. The crisis staff, under Milenko Stanić, issued passes which Muslims were required to use in order to move around Vlasenica Municipality or to travel to other

⁷⁶⁴¹ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁶⁴² **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 6-7, 9, 13; **Witness RM-004**: P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31; **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.

⁷⁶⁴³ Mane Đurić, T. 27630. Mane Đurić’s evidence is also reviewed in chapter 4.14.7.

⁷⁶⁴⁴ Adjudicated Facts I, no. 1242.

⁷⁶⁴⁵ Mane Đurić, T. 27648.

⁷⁶⁴⁶ Adjudicated Facts I, no. 1242.

⁷⁶⁴⁷ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 6-7.

⁷⁶⁴⁸ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 12, 14.

⁷⁶⁴⁹ D732 (Mane Đurić, witness statement, 30 July 2014), paras 20, 22; Mane Đurić, T. 27644-27647, 27650, 27677; P6875 (Decision of the Vlasenica Crisis Staff to disarm the active and reserve forces of the Vlasenica SJB, 19 April 1992).

⁷⁶⁵⁰ D732 (Mane Đurić, witness statement, 30 July 2014), para. 20.

municipalities.⁷⁶⁵² Checkpoints were erected under the authority of Dragiša Milaković, an SDS member.⁷⁶⁵³ **Osmanović** confirmed that contrary to the ‘Serbian’ population, the Muslim population of Vlasenica was not allowed to move freely within the municipality.⁷⁶⁵⁴ At some point between 17 May and 22 May 1992, Milaković showed him a list containing the witness’s name and the names of other Muslim men between the ages of about 18 and 55, who had remained in Vlasenica after the JNA occupation.⁷⁶⁵⁵ Milaković warned the witness not to walk around the town at night, to ignore anyone breaking into houses and taking property, and to take care of his life, because it was uncertain who had weapons now.⁷⁶⁵⁶

1820. Based on the foregoing, the Trial Chamber finds that following a Crisis Staff’s decision, dated 19 April 1992, on disarming active and reserve police forces, non-Serb policemen did not report for work at the police station. Rade Bjelanović, the Chief of the SJB, was authorised to establish the police station with new personnel. Around 17 or 18 May 1992, all the former Serb police officers and MUP personnel were called back to work, whereas Bosnian Muslims, even those that worked there, were not allowed to enter the police station. The Trial Chamber therefore finds that the Bosnian-Muslim staff members of the police were dismissed.

1821. The Trial Chamber further finds that around the time of the takeover of the municipality, on 23 April 1992, checkpoints were established under the authority of Dragiša Milaković, an SDS member. On 19 May 1992, the Serb Crisis Staff issued instructions on the procedure for persons to leave Vlasenica, requiring all Bosnian Muslims to sign a statement admitting that they were leaving of their own free will, before they were issued a pass to leave the Municipality. The Crisis Staff, under Milenko Stanić, issued passes which Bosnian Muslims were required to use in order to move around Vlasenica Municipality or to travel to other municipalities, whereas this requirement was not imposed on the Serb population.

1822. The Trial Chamber will further consider these incidents in relation to Count 3 in chapter 8 below.

⁷⁶⁵¹ Mane Đurić, T. 27645.

⁷⁶⁵² Adjudicated Facts I, no. 1248.

⁷⁶⁵³ Adjudicated Facts I, no. 1249.

⁷⁶⁵⁴ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 10; Ibro Osmanović, T. 2755-2756, 2781. See e.g. P209 (Vlasenica Crisis Staff document no. 25, undated).

⁷⁶⁵⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 8.

⁷⁶⁵⁶ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 9.

4.14.7 Forcible transfer and deportation

1823. According to the Indictment, the Accused is responsible for forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Vlasenica Municipality between 12 May 1992 and 30 November 1995.⁷⁶⁵⁷ The forcible transfers and deportations were implemented by the imposition of restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, the destruction of houses and cultural monuments and sacred sites, and the threat of further such acts - aimed at Bosnian Muslims and Bosnian Croats.⁷⁶⁵⁸ Others were physically driven out.⁷⁶⁵⁹ The Defence argued that large numbers of Bosnian Muslims had already left Vlasenica by 19 April 1992, following an imminent threat of war by the Crisis Staff.⁷⁶⁶⁰ The movement of civilians was voluntarily and caused by natural fear and panic to the rising of political tension and chaotic armed conflict in the municipality.⁷⁶⁶¹ The Trial Chamber took judicial notice of a number of Adjudicated Facts related to this charge.⁷⁶⁶² It received evidence from **Witness RM-066**, a Serb from Vlasenica (also reviewed in chapter 4.14.1 *Schedule A.9.1*);⁷⁶⁶³ **Witness RM-030**, a Bosnian Muslim from Vlasenica (also reviewed in chapter 4.2.2 *Schedule C.2.1*);⁷⁶⁶⁴ **Ibro Osmanović**, a Bosnian Muslim from Vlasenica (also reviewed in chapter 4.14.6);⁷⁶⁶⁵ **Mane Đurić**, Head of the Vlasenica SJB as of 20 May 1992 (also reviewed in chapters 4.14.1 *Schedule A.9.1* and 4.14.6);⁷⁶⁶⁶ and **Momir Deurić**, member of the Vlasenica TO until the beginning of the war in 1992 and assigned to providing security for one of the TO facilities in Sušica from April to September 1992,⁷⁶⁶⁷ and finds that this evidence is consistent with the Adjudicated

⁷⁶⁵⁷ Indictment, paras 47, 59(f), 67-68, 70-71.

⁷⁶⁵⁸ Indictment, para. 70.

⁷⁶⁵⁹ Indictment, para. 70.

⁷⁶⁶⁰ Defence Final Brief, para. 1678.

⁷⁶⁶¹ Defence Final Brief, para. 1678.

⁷⁶⁶² These are set out below but also include Adjudicated Facts 1242, set out in chapter 4.14.6 and Adjudicated Facts 1251 and 1252, set out in chapter 4.14.1 *Schedule A.9.1*.

⁷⁶⁶³ P182 (Witness RM-066, witness statement, 7 April 2010), p. 1.

⁷⁶⁶⁴ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 1; P1612 (Witness RM-030, MUP statement, 25 November 1993), p.1.

⁷⁶⁶⁵ P207 (Ibro Osmanović, witness statement, 10 October 1994), p. 1, para. 1; P208 (Ibro Osmanović, witness statement, 11 October 1995), p. 1; Ibro Osmanović, T. 2747; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1; D50 (Statement by Ibro Osmanović to the ABiH, 23 July 1993), p. 1.

⁷⁶⁶⁶ Mane Đurić, T. 27630.

⁷⁶⁶⁷ D797 (Momir Deurić, witness statement, 16 February 2012), paras 2, 15; Momir Deurić, T. 28702, 28725, 28733.

Facts.⁷⁶⁶⁸ The Trial Chamber also received evidence from **Witness RM-004**, a Bosnian Muslim from Vlasenica Municipality (also reviewed in chapters 4.2.2 *Schedule C.2.1* and 4.14.1 *Schedule A.9.1*, and 4.14.2 *Schedule C.19.3*);⁷⁶⁶⁹ **Tomislav Savkić**, the former Commander of the First Infantry Battalion in Milići and from 1 November 1993 President of the Milići Municipal Assembly (also reviewed in chapter 4.14.2 *Schedule C.19.3*);⁷⁶⁷⁰ **Mirsad Kuralić**, a Bosnian-Muslim member of the ABiH from Tojšići in Kalesija Municipality (reviewed in chapter 4.2.2 *Schedule C.2.1*);⁷⁶⁷¹ and **Milenko Stanić**, President of the Vlasenica Municipal Assembly from the beginning of 1991 to the beginning of 1993 and President of the SAO Birač Executive Council (also reviewed in chapter 4.14.2 *Schedule C.19.3*),⁷⁶⁷² as well as documentary evidence.

Transfer of people in connection with and following the attack on the municipality

1824. In accordance with the 1991 census in Bosnia-Herzegovina, the ethnic composition of Vlasenica Municipality was: 18,727 (55 per cent) Muslims, 14,359 (42 per cent) Serbs, 39 Croats, 340 Yugoslavs, and 477 persons of other or unknown ethnicity.⁷⁶⁷³ After 24 October 1991, members of the Vlasenica SDS founded an Assembly of the Serbian people.⁷⁶⁷⁴ **Mane Đurić** testified that the Assembly started functioning in mid-April 1992.⁷⁶⁷⁵

1825. During the first days of April 1992, tanks, artillery, and armed vehicles from Milići, Han Pijesak, and Šekovići were deployed in the municipality.⁷⁶⁷⁶ A large

⁷⁶⁶⁸ **Witness RM-066**: P182 (Witness RM-066, witness statement, 7 April 2010), para. 13; P182 (Witness RM-066, witness statement, 7 April 2010), paras 38, 47. **Witness RM-030**: P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2. **Ibro Osmanović**: P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 5-6; Ibro Osmanović, T. 2778, 2782; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1. **Mane Đurić**: D732 (Mane Đurić, witness statement, 30 July 2014), paras 3-4; Mane Đurić, T. 27634-27635; P6870 (Excerpt from 1991 Census Data), pp. 2-4, 23. **Momir Deurić**: D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.

⁷⁶⁶⁹ P3391 (Witness RM-004, witness statement, 30 August 2011), p. 1, paras 1-2; P3392 (Witness RM-004, witness statement, 3 April 2013), p. 1.

⁷⁶⁷⁰ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 2.

⁷⁶⁷¹ P2521 (Mirsad Kuralić, witness statement, 28 June 1996), pp. 1-3; P2524 (Medical record of Mirsad Kuralić, 21 June 1993), p. 6.

⁷⁶⁷² D884 (Milenko Stanić, witness statement, 16 February 2013), paras 1-2, 5; Milenko Stanić, T. 30850, 30883-30884, 30904.

⁷⁶⁷³ Adjudicated Facts I, no. 1241.

⁷⁶⁷⁴ P6871 (Decision of the Vlasenica Crisis Staff to found an Assembly of the Serbian People in the Municipality of Vlasenica).

⁷⁶⁷⁵ Mane Đurić, T. 27637-27638.

⁷⁶⁷⁶ Adjudicated Facts I, no. 1243.

number of soldiers and reservists were already present there.⁷⁶⁷⁷ In the beginning of that month, SDS and local Muslims negotiated the division of the municipality into Serb and Muslim parts.⁷⁶⁷⁸ During the negotiations, Milenko Stanić, the SDS-appointed President of the Municipal Assembly, consulted with Rajko Dukić, President of the SDS Executive Board.⁷⁶⁷⁹ Dukić told Izet Redžić, SDA-appointed President of the executive board of Vlasenica Municipality, that he was following orders coming from ‘higher up’.⁷⁶⁸⁰ According to **Momir Deurić**, the Serb representatives in the municipal government proposed to divide the territory of the municipality into a Serb and a Muslim municipality.⁷⁶⁸¹ Redžić received threats from Tomislav Savkić, the Vlasenica SDS President, that if the Muslims refused the partition, armed intervention would follow.⁷⁶⁸² **Deurić** testified that Muslims accepted the proposal but started leaving Vlasenica *en masse* for Kladanj, Tuzla, and Cerska shortly thereafter.⁷⁶⁸³ **Đurić** testified that around 13 April 1992, the municipality was split into the Serb municipality of Vlasenica, the Muslim municipality of Vlasenica, and the Serb municipality of Milići.⁷⁶⁸⁴ On 19 April 1992, the Vlasenica Crisis Staff adopted a decision on taking over power in the territory of Vlasenica Municipality.⁷⁶⁸⁵ Power was taken over a day or two later by the Serb authorities.⁷⁶⁸⁶ On or about 23 April 1992, JNA soldiers took over the town of Vlasenica with the assistance of local armed Serbs, by taking control of the municipality premises, the police station, the post office, and the bank.⁷⁶⁸⁷ Immediately after that, the seat of the Serb municipality of Vlasenica was moved from Milići to Vlasenica town, and a Serb crisis staff was set up.⁷⁶⁸⁸

1826. **Deurić** testified that in mid-April 1992, people also left the municipality due to fighting in the area of Bijeljina and Zvornik: Serbs left for Serbia and Muslims left for Tuzla, Kladanj and other places.⁷⁶⁸⁹ **Đurić** testified that by 19 April 1992, Serbs and large numbers of Muslims, including Muslim representatives from the municipal

⁷⁶⁷⁷ Adjudicated Facts I, no. 1243.

⁷⁶⁷⁸ Adjudicated Facts I, no. 1244.

⁷⁶⁷⁹ Adjudicated Facts I, no. 1245.

⁷⁶⁸⁰ Adjudicated Facts I, no. 1245.

⁷⁶⁸¹ D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.

⁷⁶⁸² Adjudicated Facts I, no. 1246.

⁷⁶⁸³ D797 (Momir Deurić, witness statement, 16 February 2012), para. 14.

⁷⁶⁸⁴ D732 (Mane Đurić, witness statement, 30 July 2014), para. 11; Mane Đurić, T. 27638, 27645.

⁷⁶⁸⁵ D732 (Mane Đurić, witness statement, 30 July 2014), para. 18.

⁷⁶⁸⁶ Mane Đurić, T. 27648.

⁷⁶⁸⁷ Adjudicated Facts I, no. 1247.

⁷⁶⁸⁸ Adjudicated Facts I, no. 1247.

⁷⁶⁸⁹ D797 (Momir Deurić, witness statement, 16 February 2012), paras 11-12. *See also* P3391 (Witness RM-004, witness statement, 30 August 2011), para. 5.

government, had left the Vlasenica area.⁷⁶⁹⁰ According to him, the Muslims left voluntarily, without pressure, fearing for their safety.⁷⁶⁹¹ The Muslims left for Tuzla, Kladanj, Sarajevo, Olovo, or went abroad.⁷⁶⁹²

1827. **Ibro Osmanović** testified that between 21 and 23 April 1992, Serb JNA soldiers from the Sremska Mitrovica Motorized Unit of the Novi Sad Corps came from the direction of Šekovići Municipality and entered Vlasenica Town with tanks and an APC.⁷⁶⁹³ During the night of 23 and 24 April 1992, the Serb soldiers occupied Vlasenica Town and took control of the municipal defense and justice departments, the police station, the post office, and the bank.⁷⁶⁹⁴ **Witness RM-066** testified that it was the Serb police and TO that took control of Vlasenica with the aid of approximately 200 JNA soldiers from the Novi Sad Corps.⁷⁶⁹⁵ There was no Muslim resistance to the take-over.⁷⁶⁹⁶

1828. According to **Đurić**, some departures of Muslims took place on 21 April 1992. Seeing the number of soldiers in town, Muslims became scared and started leaving towards Kladanj, Olovo, Tuzla, or Cerska. Those without transportation came to the municipal authorities asking for transportation, which was then secured for them.⁷⁶⁹⁷ More departures took place following the take-over and, more particularly, the arrival of Serbs *en masse* at the end of April. The Muslims left because they were in a minority and feared for their safety. Others were forcibly removed from their houses and apartments by the arriving Serbs, who themselves had been evicted by Muslims elsewhere.⁷⁶⁹⁸

1829. **Osmanović** testified that following the take-over, the Serbs arranged a command structure and established the Serb Municipality Crisis Committee, which appeared to make all the final decisions in the town.⁷⁶⁹⁹ According to **Witness RM-066**, the Crisis Staff, headed by Milenko Stanić, was the main municipal authority in Vlasenica in

⁷⁶⁹⁰ D732 (Mane Đurić, witness statement, 30 July 2014), paras 16, 36; P6874 (Decision on an imminent threat of war, 19 April 1992); *See also* Witness RM-066, T.2475.

⁷⁶⁹¹ D732 (Mane Đurić, witness statement, 30 July 2014), para. 36.

⁷⁶⁹² D732 (Mane Đurić, witness statement, 30 July 2014), paras 16, 36.

⁷⁶⁹³ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 5-6; Ibro Osmanović, T. 2778, 2782; D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 1.

⁷⁶⁹⁴ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 5; Ibro Osmanović, T. 2778-2780.

⁷⁶⁹⁵ P182 (Witness RM-066, witness statement, 7 April 2010), paras 6, 20. *See also* D732 (Mane Đurić, witness statement, 30 July 2014), paras 24-25, 37.

⁷⁶⁹⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.

⁷⁶⁹⁷ D732 (Mane Đurić, witness statement, 30 July 2014), para. 37.

⁷⁶⁹⁸ D732 (Mane Đurić, witness statement, 30 July 2014), para. 38.

⁷⁶⁹⁹ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 66.

1992.⁷⁷⁰⁰ Other members of the Crisis Staff included Savo Čeliković, Risto Vidović, and Miloš Savić.⁷⁷⁰¹ **Osmanović** believed Milomir Stanić to be in charge of all civil and military departments in Vlasenica. Mane Đurić and Kraljević reported to him. Mane Đurić, was in charge of civil affairs; another person with the name of Stanić reported to Đurić and Vojo Nikolić reported to the person named Stanić. Policemen reported to Vojo Nikolić. Kraljević was in charge of military affairs; Bašić reported to Kraljević.⁷⁷⁰² Kraljević commanded the Serb special forces, which were the only ones who wore camouflage uniforms and who were headquartered together with the Crisis Committee.⁷⁷⁰³ Dragan Nikolić was the direct subordinate of Kraljević and a member of his special forces, as were Zoran Obrenović; Sladjan Pajić; Zoran Stupar; Ljubiša Vukotić; Slaviša Orašanin; Goran Višković; Goran Pajić; Elvis and Aleksandar, a.k.a. Aco, Đurić; two brothers called Sekulić; and a man called Simo from Piskavice.⁷⁷⁰⁴ **Witness RM-066** testified that Dragan Nikolić received a summons to join Kraljević's unit between 15 and 20 May 1992.⁷⁷⁰⁵ According to **Witness RM-066**, at 7 a.m. every morning, all members of this special police platoon reported to the Vlasenica SJB building, where Kraljević assigned groups to their daily tasks.⁷⁷⁰⁶ Occasionally Radenko Stanić and Mane Đurić attended these morning roll calls.⁷⁷⁰⁷ The orders to conduct operations against Muslim villages in the municipality were received from Stanić, but specific direction for these operations lay within Kraljević's discretion.⁷⁷⁰⁸

1830. The Crisis Staff ordered that the Muslims surrender their weapons and around 1 May 1992, the Serb police started arresting and mistreating Muslims suspected of weapons possession.⁷⁷⁰⁹ According to Witness RM-066, many of these arrests were a pretext for obtaining information from Muslims about other things, such as where they hid their money.⁷⁷¹⁰ **Osmanović** testified that between 17 and 18 May 1992, the JNA

⁷⁷⁰⁰ P182 (Witness RM-066, witness statement, 7 April 2010), para. 17.

⁷⁷⁰¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 19.

⁷⁷⁰² P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 65.

⁷⁷⁰³ P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 69-71.

⁷⁷⁰⁴ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 70. *See also* P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10. The Trial Chamber considered the individual with first name 'Aleksandar' to be the same person as 'Aco' having been identified in similar terms and context by two witnesses, Ibro Osmanović and Witness RM-066.

⁷⁷⁰⁵ P182 (Witness RM-066, witness statement, 7 April 2010), paras 8, 10.

⁷⁷⁰⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 13.

⁷⁷⁰⁷ P182 (Witness RM-066, witness statement, 7 April 2010), paras 13, 15, 36.

⁷⁷⁰⁸ P182 (Witness RM-066, witness statement, 7 April 2010), para. 13.

⁷⁷⁰⁹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 20, 25.

⁷⁷¹⁰ P182 (Witness RM-066, witness statement, 7 April 2010), para. 20.

started to leave Vlasenica, leaving all of its equipment behind.⁷⁷¹¹ Some local Serbs put on their uniforms, others wrapped a white band around their arms, and eventually they took over the JNA's role in the municipality.⁷⁷¹²

1831. **Witness RM-066** testified that Serb forces took over the following 16 Muslim villages in Vlasenica Municipality in 1992: Dragaši, Džemat, Drum, Alihadžić, Piskavice, Pijuci, Gradina, Turalići, Zaklopača, Kašaha, Neđeljište, Peševina, Hodžići, Mršići, Smajići, and Kuljančić.⁷⁷¹³ No non-Serb inhabitants remained in those villages after the take-overs and the ones that 'survived' either escaped or were taken to Sušica camp.⁷⁷¹⁴ While in Vlasenica, **Osmanović** heard that 'Chetniks' had cleansed several Muslim villages, killing 87 inhabitants in Zaklopača, 12 in Pijuci, 27 in Drum, 12 in Džamdžići, and about 30 in each Kula and Zeban.⁷⁷¹⁵ According to the witness, the special police platoon conducted the operation in Turalići in early May 1992, under the orders of Kraljević, and that village was burnt almost entirely to the ground.⁷⁷¹⁶ On 15 May 1992, Radovan Tačić, the Commander of the Birač Brigade Command, ordered the 3rd Infantry Battalion to control the territory of Milići municipality by fighting the renegade groups in coordination with the TO, in order to enable the functioning of the organs of the government.⁷⁷¹⁷ The following day on 16 May 1992, there was a take-over of Zaklopača killing 60 to 80 people, which, according to **Đurić**, encouraged Muslims to leave the area of Vlasenica.⁷⁷¹⁸ **Witness RM-066** heard that prior to the attack on Zaklopača, the Muslims from that village had expressed their wish to stay, signed an oath of loyalty to the Bosnian-Serb Republic and posed no threat to the Serbs.⁷⁷¹⁹ The Trial Chamber took judicial notice of Adjudicated Facts that, on 17 May 1992, in Zaklopača in Vlasenica Municipality, a group of women and children and one elderly man surrendered to the Serbs.⁷⁷²⁰ The Serbs took them to the municipality building in Vlasenica town, where the women had to sign statements giving away their houses and

⁷⁷¹¹ P207 (Ibro Osmanović, witness statement, 10 October 1994), para. 16.

⁷⁷¹² P207 (Ibro Osmanović, witness statement, 10 October 1994), paras 16, 69.

⁷⁷¹³ P182 (Witness RM-066, witness statement, 7 April 2010), paras 31-32; P185 (Two Maps of Vlasenica Municipality). The Trial Chamber replaced the reference to 'Piskavica' with 'Piskavice' as Piskavica was considered to be a typographical error and that the reference here could only relate to the village of Piskavice.

⁷⁷¹⁴ P182 (Witness RM-066, witness statement, 7 April 2010), paras 31-32.

⁷⁷¹⁵ D49 (Statement by Ibro Osmanović to the Lukavac war crimes office, 4 August 1993), p. 4.

⁷⁷¹⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 32.

⁷⁷¹⁷ P4092 (Order of the Command of Birač Brigade, 15 May 1992), pp. 1,3,5.

⁷⁷¹⁸ Mane Đurić, T. 27694-27695.

⁷⁷¹⁹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 49-50.

⁷⁷²⁰ Adjudicated Facts I, no. 1269.

properties to 'the Serbs'.⁷⁷²¹ They were then put on a bus and dropped off at a point about ten kilometres outside Kladanj, from where they walked to Kladanj town.⁷⁷²² On 26 and 28 May 1992, Svetozar Andrić ordered the Osmaci Light Infantry Battalion and Zvornik TO Staff respectively to move women and children out of the Muslims villages to Kalesija and Gračanica and to bring the men to the collection centres.⁷⁷²³ **Witness RM-066** testified that non-Serbs were harassed and did not feel their lives were secure in the municipality.⁷⁷²⁴ Muslims from villages that were taken over by the end of May 1992 were fleeing for their lives although the Vlasenica municipal authorities were calling their departure voluntary.⁷⁷²⁵ These Muslims waited with their belongings either at the bus station or on the football field for an opportunity to leave the municipality.⁷⁷²⁶

1832. **Witness RM-004** testified that during the attack in Drum on 2 June 1992, the Serbs were killing all of the men and moving every Muslim woman out of the village.⁷⁷²⁷ He was taken to an area where the women and children were being gathered, put onto a bus, and later transferred to the Sušica camp.⁷⁷²⁸ According to **Witness RM-066**, the primary goal of the operation in Drum and Gradina was to surround and round up all Muslims, including women and children, and to transport them from Vlasenica.⁷⁷²⁹

1833. According to **Đurić**, by August 1992, almost all Muslims had left Vlasenica.⁷⁷³⁰ **Witness RM-066** testified that by October 1992, the only non-Serbs that remained in Vlasenica Town were a few Muslims who were married to Serbs and one Croat married to a Serb.⁷⁷³¹ By that time, no non-Serbs remained in the surrounding villages; the area that had been 'cleansed' of non-Serbs had expanded almost to Cerska.⁷⁷³² According to **Tomislav Savkić**, the departure of Muslims from Vlasenica took place in three stages: (i) those who did not support the war option and who saw that their extremist leadership was leading them into war left; (ii) those who were afraid of the revenge of the Serbs for what their ancestors had done to the Serbs in World Wars I and II left; and (iii)

⁷⁷²¹ Adjudicated Facts I, no. 1269.

⁷⁷²² Adjudicated Facts I, no. 1269.

⁷⁷²³ P7086 (Order of the Command of Birač Brigade, 26 May 1992);

⁷⁷²⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 27.

⁷⁷²⁵ P182 (Witness RM-066, witness statement, 7 April 2010), para. 54.

⁷⁷²⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 54.

⁷⁷²⁷ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 17.

⁷⁷²⁸ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 17, 21, 24.

⁷⁷²⁹ P182 (Witness RM-066, witness statement, 7 April 2010), paras. 41-42.

⁷⁷³⁰ Mane Đurić, T. 27709.

⁷⁷³¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 54, 58.

'Serbian' refugees who were expelled by Muslims from Goražde, Srebrenica, Kladanj, and Olovo started arriving in Vlasenica in mid-May 1992, which made Muslims feel unsafe because they were in the minority and they were afraid of revenge attacks by Serbs which resulted in Muslims leaving.⁷⁷³³

The involvement of the Vlasenica crisis staff in the transfer of people

1834. The Trial Chamber received some evidence about the involvement of the Vlasenica Crisis Staff in the departure of Muslims from the municipality. **Witness RM-066** testified that on 19 May 1992, the Crisis Staff issued instructions on the procedure for persons to leave the municipality, requiring all Muslims to sign a statement admitting that they were leaving of their own free will, before they were issued a pass to leave the municipality.⁷⁷³⁴ Serb civilians did not need a pass to go through the checkpoints and move to another part of the municipality.⁷⁷³⁵ On many occasions Muslims also had to pay a substantial amount of money in order to be permitted to leave.⁷⁷³⁶ According to **Đurić**, the procedure laid out by the Crisis Staff was applicable to Muslims and Serbs and involved obtaining a certificate to allow a person to leave the municipality; it was applicable to Serbs to prevent them from leaving the municipality to avoid military service.⁷⁷³⁷ Inhabitants could not obtain this certificate unless they signed a statement confirming that they were leaving the municipality voluntarily.⁷⁷³⁸

1835. On 4 February 2010, the Court of Bosnia and Herzegovina convicted Predrag Bastah of ordering a couple as well as a woman and her underage children to leave Vlasenica Municipality in late August 1992.⁷⁷³⁹ He threatened to kill them and all of them were 'forced' to leave for Muslim-controlled territory.⁷⁷⁴⁰

⁷⁷³² P182 (Witness RM-066, witness statement, 7 April 2010), paras 56, 58.

⁷⁷³³ D699 (Tomislav Savkić, witness statement, 11 August 2014), para. 38.

⁷⁷³⁴ P182 (Witness RM-066, witness statement, 7 April 2010), para. 23; P196 (Letter from the Vlasenica Municipal Crisis Staff, 19 May 1992), para. 2.

⁷⁷³⁵ Witness RM-066, T. 2474.

⁷⁷³⁶ P182 (Witness RM-066, witness statement, 7 April 2010), para. 55.

⁷⁷³⁷ D732 (Mane Đurić, witness statement, 30 July 2014), para. 35; Mane Đurić, T. 27627-27628, 27709.

⁷⁷³⁸ D732 (Mane Đurić, witness statement, 30 July 2014), para. 35.

⁷⁷³⁹ P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgement in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 4.

⁷⁷⁴⁰ P6938 (Excerpt of the Court of Bosnia-Herzegovina Judgement in the case of Predrag Bastah and Goran Višković, 4 February 2010), p. 4.

The transfer of people from Sušica camp

1836. The Trial Chamber also received evidence about people leaving the municipality after having been detained at Sušica camp in Vlasenica Municipality. In this respect, **Witness RM-066** testified that between 15 or 18 June 1992 until the end of September 1992, instructions were to release detainees for exchange or transfer only upon seeing a written order with the signature of Risto Vidović, Mane Đurić, Branislav Sokanović, Veljko Bašić, Mićo Kraljević, or Milenko Stanić.⁷⁷⁴¹ While the official position of the Bosnian-Serb authorities in Vlasenica was that the detainees were exchanged for Serb detainees, no ‘real’ prisoner exchanges took place while he was stationed at Sušica camp and the general policy was that the able-bodied men of military age were transferred to the Batković detention facility in Bijeljina, while women, children and the elderly were generally taken to the frontlines in Kladanj or Cerska and simply ‘released’.⁷⁷⁴² When the Serb police or military would come to the Sušica camp for a group of detainees, they had a list of names, and would transport the majority of detainees by buses or trucks.⁷⁷⁴³ On average, the trucks and buses arrived every seven to ten days, and excluding the smaller transportations of four or five detainees, the witness observed about 20 transports of between 20 to 300 detainees between 15 or 18 June 1992 until the end of September 1992.⁷⁷⁴⁴

1837. **Witness RM-004** stated that on 5 June 1992, at Sušica camp, a group of men, one of whom he identified as working for the Vlasenica Municipality, came to issue permits to people in order to leave Vlasenica.⁷⁷⁴⁵ The witness and others were told by these people that such permits were needed in order to leave Vlasenica without being mistreated or sent back at a roadblock.⁷⁷⁴⁶ Anyone could sign and leave the camp but mostly women, children, and the elderly did so; approximately 800 women left in this manner with only about 10 women choosing to remain.⁷⁷⁴⁷ Those who signed up to leave went on a bus bound for Kladanj.⁷⁷⁴⁸ The witness understood that if he signed, he

⁷⁷⁴¹ P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 139.

⁷⁷⁴² P182 (Witness RM-066, witness statement, 7 April 2010), para. 140; Witness RM-066, T. 2532-2533.

⁷⁷⁴³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.

⁷⁷⁴⁴ P182 (Witness RM-066, witness statement, 7 April 2010), paras 71-72, 142.

⁷⁷⁴⁵ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.

⁷⁷⁴⁶ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.

⁷⁷⁴⁷ P3391 (Witness RM-004, witness statement, 30 August 2011), paras 31-32.

⁷⁷⁴⁸ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.

would voluntarily abandon his home and property and leave without anyone driving him away.⁷⁷⁴⁹

1838. **Witness RM-030** stated that on 6 June 1992, the men were separated from the women and children at the camp. The women including the witness's wife, daughter, mother, and sister-in-law were made to sign a book stating that they were leaving of their own volition and transported to Luke in buses and trucks. From there, they travelled on foot to Kladanj. Others (including the witness's father) were taken to Cerska in Vlasenica Municipality.⁷⁷⁵⁰ **Witness RM-066** testified that on one day in July 1992, 200 to 300 male detainees were taken in four or five buses to Batković camp.⁷⁷⁵¹ In July or August 1992, in the presence of camp warden Veljko Bašić and deputy camp warden Vidoslav Mladenović, a large number of women, children, and elderly men were taken by Serb police or military in three separate buses.⁷⁷⁵² An order was issued by Drago Nikolić and two police officers from Vlasenica SJB to rob women in that transport of their jewellery and valuables.⁷⁷⁵³ According to **Deurić**, when lots of detainees were arriving at Sušica camp, those who wanted to go to Kladanj or Cerska, especially women and children, were immediately taken away to be exchanged.⁷⁷⁵⁴

1839. **Milenko Stanić** testified that on 26 December 1991, the municipal assembly of Vlasenica Municipality decided to join the SAO Birač.⁷⁷⁵⁵ On 13 April 1992, the municipal assembly of Vlasenica Municipality adopted an agreement on the division of the territory into three municipalities: a Muslim municipality, a Serbian municipality, and the municipality of Milići.⁷⁷⁵⁶ According to the witness, the Muslim representatives gave up on its implementation shortly after its adoption under pressure from the SDA leadership and only the decision on the establishment of Milići Municipality was implemented.⁷⁷⁵⁷

⁷⁷⁴⁹ P3391 (Witness RM-004, witness statement, 30 August 2011), para. 31.

⁷⁷⁵⁰ P1610 (Witness RM-030, witness statement, 29 September 1994), p. 2.

⁷⁷⁵¹ P182 (Witness RM-066, witness statement, 7 April 2010), para. 143; P191 (List of persons detained in Batković camp).

⁷⁷⁵² P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.

⁷⁷⁵³ P182 (Witness RM-066, witness statement, 7 April 2010), para. 142.

⁷⁷⁵⁴ Momir Deurić, T. 28711, 28715.

⁷⁷⁵⁵ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 13

⁷⁷⁵⁶ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 14.

⁷⁷⁵⁷ D884 (Milenko Stanić, witness statement, 16 February 2013), para. 15.

1840. **Witness RM-030** stated that on 30 June 1992, he was transferred from Sušica detention camp in Vlasenica Municipality to Batković camp in Bijeljina Municipality.⁷⁷⁵⁸

The Trial Chamber's findings

1841. Based on the foregoing, the Trial Chamber finds that throughout May 1992, as Serb refugees arrived in Vlasenica, Bosnian Muslims left because they feared for their safety. The arriving Serb refugees forced some Bosnian Muslims from their homes. The Trial Chamber recalls its finding in chapter 4.14.6. The Trial Chamber also recalls its finding in chapter 4.14.1. A decision of the Vlasenica Crisis Staff, on 19 May 1992, compelled all Bosnian Muslims leaving Vlasenica to sign a statement admitting that they were leaving of their own volition.⁷⁷⁵⁹ The Trial Chamber, accordingly, finds that Bosnian Muslims did not feel their lives were secure in Vlasenica Municipality and that, by August 1992, almost all Bosnian Muslims had left the municipality. The Trial Chamber notes, however, that many of the almost 19,000 Bosnian Muslims had departed Vlasenica prior to 12 May 1992. The Trial Chamber will further consider the departure of Bosnian Muslims from Vlasenica Municipality between 12 May and August 1992 in relation to Counts 3 and 7-8 of the Indictment.

1842. The Trial Chamber finds that the attack on the Bosnian-Muslim village of Zaklopača on 16 May 1992, which killed 60 to 80 people, had encouraged Muslims to leave Vlasenica. On 17 May 1992, Serbs took a group comprised of women, children, and one elderly man from Zaklopač in Vlasenica Municipality who had surrendered to them to the municipality building in Vlasenica town. There the women had to sign statements giving away their houses and properties to 'the Serbs'. They were then put on a bus and dropped off at a point approximately ten kilometres outside Kladanj, from where they walked to Kladanj town. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

1843. The Trial Chamber finds that in May and June 1992, Kraljević, under the command of the Vlasenica Crisis Staff, led his unit, supported by a VRS unit, to take over Gradina, Sušica, and other Bosnian Muslim hamlets and send women and children

⁷⁷⁵⁸ P1610 (Witness RM-030, witness statement, 29 September 1994), pp. 5-6.

⁷⁷⁵⁹ The Trial Chamber notes that the procedure for obtaining permits was also required of Serbs in order to prevent them from avoiding military service.

to Vlasenica town. The Trial Chamber recalls its finding in chapter 4.14.1 *Schedule A.9.1*. Kraljević ordered the unit to torch all Muslim houses in order to prevent owners from returning. The Trial Chamber recalls its finding in chapter 4.14.3. In relation to the incidents on 2 June 1992, in the village of Drum in Gradina, approximately 500 Muslims were captured by Kraljević's unit, accompanied by other VRS forces, and were taken either to Sušica camp or transported to the Vlasenica bus station or the football field before they were taken to Kladanj. The Trial Chamber recalls its finding in chapter 4.14.1 *Schedule A.9.1* in relation to this incident and finds that it was aimed to kill all the men and transfer the women and children outside the village. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

1844. The Trial Chamber makes the following findings in relation to the numerous incidents at Sušica camp. The Trial Chamber finds that on or around 6 June 1992, following the separation of men from women and children at Sušica camp, approximately 800 women were transported, in buses and trucks, to Luke. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that those detaining the women were VRS and MUP members. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that the detainees at Sušica camp were Bosnian Muslims. Some of the women continued to Kladanj on foot. Others were taken to Cerska in Vlasenica Municipality. Women and others were required to sign statements by camp authorities stating that they left of their own volition, which they understood to entail the abandonment of their property. The Trial Chamber will further consider this incident in relation to Counts 3 and 7-8 of the Indictment.

1845. The Trial Chamber finds that sometime after 28 June 1992, Witness RM-004, a Bosnian-Muslim man from Vlasenica was transferred from Sušica camp to Batković camp by a bus that was accompanied by a man wearing a camouflage outfit. On 30 June 1992, Witness RM-030, a Bosnian-Muslim man from Vlasenica was transferred from Sušica camp to the Batković camp. Between December 1992 and July 1993, Bosnian-Muslim detainees were released as part of an exchange after having been detained in both the Sušica camp and Batković camp, including Witness RM-004 and Witness RM-030 in Tuzla. The Trial Chamber will further consider the incidents related to the transfer of Witness RM-004 and Witness RM-030 in relation to Counts 3 and 7-8 of the Indictment in chapter 8 below.

1846. In relation to the incident in July or August 1992 at Sušica camp, the Trial Chamber finds that in the presence of camp wardens, a large number of women, children, and elderly men were taken in three separate buses from Sušica camp to either Kladanj or Cerska by Serb police or military. The Trial Chamber recalls its finding in chapter 4.14.2 *Schedule C.19.3* that the detainees at Sušica camp were Bosnian Muslims.

1847. With regard to the evidence on the transfer from Sušica camp to Batković camp of approximately 200 Bosnian-Muslim detainees from Kalejisa Municipality on 28 June 1992, the Trial Chamber notes that Kalejisa Municipality is not within the scope of the Indictment and the allegations concerning the forced transfer or deportation of those Bosnian Muslims therefore fall outside of the Indictment. Similarly, the Trial Chamber notes that Mirsad Kuralić was residing in Kalejisa Municipality until the war. Thus, the allegations that he was forcibly transferred or deported on 13 August 1992 after his detention at Sušica camp and Batković camp fall outside the scope of the Indictment. For these reasons, it will not further consider these incidents in relation to any count of the Indictment.

1848. As for the evidence provided by Witness RM-066 on the transfer of 200 to 300 male detainees from Sušica camp to Batković camp on a day in July 1992, the Trial Chamber notes that the witness did not specify from which Municipality the detainees originated. Since only a limited number of municipalities fall within the scope of the Indictment and some or all of the 200 to 300 detainees may have originated from a municipality that falls outside the scope of the Indictment, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

1849. In relation to the evidence of the incident of alleged forcible transfer involving Predrag Bastah, the Trial Chamber does not rely on the facts as set out in the excerpt of the Judgment of the Court of Bosnia-Herzegovina dated 4 February 2010, in evidence as exhibit P6938, as it is unclear on what basis the court found that Bastah ordered people to leave Vlasenica Municipality in late August 1992 and there is a lack of supporting evidence thereof. The Trial Chamber, therefore, will not further consider this incident in relation to any Count of the Indictment.

5. Sarajevo

5.1 Introduction

5.1.1 Conditions in Sarajevo

1850. In chapters 5.2 and 5.3 below, the Trial Chamber will address specific instances of sniping and shelling. In this chapter, it will review evidence and make findings concerning the general situation in Sarajevo. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the conditions in Sarajevo.⁷⁷⁶⁰ It further received evidence from **Tarik Kupusović**, a member of the Sarajevo town assembly from 1990 to 1994 and the mayor of Sarajevo from 1994 to 1996;⁷⁷⁶¹ **Sabina Šabanić**, **Witness RM-155**, and **Rasema Menzilović**, all Bosnian Muslims from Sarajevo;⁷⁷⁶² **Nedžib Dozo**, a former Bosnian-Muslim JNA mortar platoon commander and civilian police investigator;⁷⁷⁶³ **Husein Abdel-Razek**, UNPROFOR Sector Sarajevo Commander from 21 August 1992 to 20 February 1993;⁷⁷⁶⁴ and **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;⁷⁷⁶⁵ as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.⁷⁷⁶⁶ It also received evidence from **John**

⁷⁷⁶⁰ Adjudicated Facts 1673-1674, 1676-1677, 1679-1681, 1703, 1706, 1713-1714, 1745, 1756-1767, 1919, 1922, 1930-1932, 1936-1937, 2018, 2020-2021, 2023-2025, 2036-2037, 2039, 2045, 2047-2050, 2052, 2065, 2115, 2117, 2121-2122, 2134-2135, 2143, 2153-2154, 2159-2162, 2206. The Trial Chamber also considered Adjudicated Facts 1809-1810, 1813, 1855-1857, 1859, 1866, 1868-1869, 1881-1883, 1886-1889, 1891, 2053-2054, 2056, and 2865, which are reviewed in chapters 5.1.2 and 9.4.2.

⁷⁷⁶¹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 607, 609, 612.

⁷⁷⁶² **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7. **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), p. 1, paras 2, 14-15, 22. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.

⁷⁷⁶³ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564.

⁷⁷⁶⁴ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, p. 1, paras 2, 65, supplemental witness statement of 16 July 2002, p. 1; Husein Abdel-Razek, T. 3578.

⁷⁷⁶⁵ P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.

⁷⁷⁶⁶ **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 648, 650; P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 641, 648, 651-653, 653. **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, addendum of 24 April 2010 to the witness statement of 1995, witness statement of 22 May 2006, paras 6-7, addendum of 24 April 2010 to the witness statement of 2006. **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), paras 16-22, 24-25. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 7010. **Nedžib Dozo**: P544 (Nedžib Dozo, witness statement, 7 December 2010), para. 16; Nedžib Dozo, T. 5543-5544, 5550; P547 (Photograph marked by Nedžib Dozo, showing alleged VRS sniping position on Špicasta Stijena). **Husein Abdel-Razek**: P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 116, 123, 144; Husein Abdel-Razek, T. 3643. **David Fraser**: P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56-59, 60-61, 87; P577 (David Fraser, Clarifications to witness statement); P3 (Sarajevo map book), p. 30;

Wilson, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;⁷⁷⁶⁷ **Richard Gray**, the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June to 20 September 1992, who was based in Sarajevo from 10 April 1992;⁷⁷⁶⁸ **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;⁷⁷⁶⁹ **Youssef Hajir**, a Muslim surgeon from Palestine, who established the Dobrinja Hospital in Sarajevo in May 1992;⁷⁷⁷⁰ **Fahra Mujanović**, a Bosnian Muslim who lived with her family in Vogošća in the suburbs of Sarajevo before the war;⁷⁷⁷¹ **Alen Gičević** and **Fatima Pita**, both Bosnian Muslims from Sarajevo;⁷⁷⁷² **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo;⁷⁷⁷³ **Refik Sokolar**, a Bosnian-Muslim police officer who from the middle of 1993 onwards was tasked with investigating and reporting on shelling and sniping incidents in the Dobrinja area of Sarajevo;⁷⁷⁷⁴ **Jan Segers**, a Belgian UNPROFOR officer and UNMO deployed in the former Yugoslavia from 1991 until 1995;⁷⁷⁷⁵ **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;⁷⁷⁷⁶ **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;⁷⁷⁷⁷ **Witness RM-163**, an UNPROFOR soldier stationed in Sarajevo in 1993 and 1994, and a member of the RRF in 1995;⁷⁷⁷⁸ **Witness RM-120**, an UNPROFOR soldier stationed in Sarajevo in 1994 and 1995;⁷⁷⁷⁹ **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December

P596 (Map of Sarajevo, marked by David Fraser). **Documentary evidence:** P1079 (UNMO daily sitrep, 13 July 1994), p. 4.

⁷⁷⁶⁷ P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.

⁷⁷⁶⁸ D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).

⁷⁷⁶⁹ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

⁷⁷⁷⁰ P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.

⁷⁷⁷¹ P387 (Fahra Mujanović, witness statement, 5 November 2008), p. 1, paras 1-2, 4.

⁷⁷⁷² **Alen Gičević:** P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 1, witness statement of 21 April 2006, p. 1, para. 4. **Fatima Pita:** P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 1-2, witness statement of 25 September 2001, p. 1, witness statement of 10 August 2012, p. 1; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5875.

⁷⁷⁷³ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.

⁷⁷⁷⁴ P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.

⁷⁷⁷⁵ D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.

⁷⁷⁷⁶ P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

⁷⁷⁷⁷ P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.

⁷⁷⁷⁸ P628 (Witness RM-163, witness statement, undated), paras 4, 6-7, 9-10.

⁷⁷⁷⁹ P807 (Witness RM-120, witness statement, undated), p. 3.

1995 with prior training in weaponry and ballistics;⁷⁷⁸⁰ **Richard Mole**, a senior UNMO in Sarajevo from 16 September 1992 to 26 December 1992;⁷⁷⁸¹ **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo in 1995;⁷⁷⁸² **Francis Thomas**, a senior UNMO in Sarajevo between 15 October 1993 and 14 July 1994;⁷⁷⁸³ **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;⁷⁷⁸⁴ **Sergii Moroz**, a mission commander for the engineering section of UNPROFOR forces in Sarajevo from October 1993 to October 1994;⁷⁷⁸⁵ **Witness RM-147**, a member of the VRS from June 1992 onwards;⁷⁷⁸⁶ **Milenko Indić**, a VRS liaison officer for cooperation with international organisations and institutions;⁷⁷⁸⁷ and **Vladimir Radojčić**, the Commander of the VRS Ilidža Brigade from January 1993 until the end of the war.⁷⁷⁸⁸ The Trial Chamber also considered the evidence included in chapters 5.2, 5.3, and 9.4.

General background

1851. Sarajevo was well-known as a multi-ethnic, multi-religious city, with a long history of religious and cultural tolerance.⁷⁷⁸⁹ By 1992, Sarajevo had grown into the most important political, cultural, industrial, and commercial centre of Bosnia-Herzegovina.⁷⁷⁹⁰ The central area of Sarajevo was composed of six municipalities, namely Sarajevo Centar, Ilidža, Novi Grad, Novo Sarajevo, Stari Grad, and Vogošća.⁷⁷⁹¹ The broader Sarajevo area included four other municipalities: Hadžići, Ilijaš, Pale, and Trnovo.⁷⁷⁹² **Tarik Kupusović** stated that in 1991 there were approximately 500,000 people living in Sarajevo.⁷⁷⁹³ At that time, 40 per cent were of Muslim ethnicity, 32 per cent were of Serb ethnicity, and eight per cent were of Croat

⁷⁷⁸⁰ P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁷⁷⁸¹ P421 (Richard Mole, witness statement, 7 May 2010), paras 3-4; Richard Mole, T. 4302.

⁷⁷⁸² P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.

⁷⁷⁸³ P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.

⁷⁷⁸⁴ P749 (Witness RM-055, witness statement, undated), p. 3.

⁷⁷⁸⁵ D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18116; Sergii Moroz, T. 42342-42344.

⁷⁷⁸⁶ P107 (Witness RM-147, witness statement, 3 June 2012), p. 1, paras 3-4, 12.

⁷⁷⁸⁷ D614 (Milenko Indić, witness statement, 31 July 2014), paras 1-2.

⁷⁷⁸⁸ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

⁷⁷⁸⁹ Adjudicated Facts III, no. 1673.

⁷⁷⁹⁰ Adjudicated Facts III, no. 1674.

⁷⁷⁹¹ Adjudicated Facts III, no. 1676.

⁷⁷⁹² Adjudicated Facts III, no. 1677.

ethnicity; the remainder of the population either identified themselves as Yugoslavs or belonged to other ethnic groups.⁷⁷⁹⁴ According to the 1991 census, Pale Municipality was the only one in which Bosnian Serbs constituted an absolute majority, estimated at around 69 per cent of the population.⁷⁷⁹⁵ According to the census, the Serbs were a simple majority in Ilidža and Ilijaš, while they were in approximately equal numbers to the Muslims in Novo Sarajevo.⁷⁷⁹⁶

Agreements and ceasefires

1852. Several witnesses provided evidence about agreements made between the Bosnian-Serb and the Bosnia-Herzegovina leadership or with the UN concerning the withdrawal of heavy weapons and ceasefires. **John Wilson** testified that following and pursuant to the airport agreement signed on 5 June 1992, Serb artillery was concentrated in a number of areas so that they could be observed by military liaison officers.⁷⁷⁹⁷ **Husein Abdel-Razek** testified that according to ‘the agreement’, the airport was under the supervision and management of UNPROFOR.⁷⁷⁹⁸ UNPROFOR used the airport for humanitarian relief purposes, for receiving the delegations of peacekeeping missions, and for facilitating the movement of Bosnian officials to attend peace negotiations outside of Sarajevo.⁷⁷⁹⁹ Only liaison officers were allowed to be present in the airport facilities or on the runway; members of the armed forces of both parties were prohibited on the premises. Civilians were also not allowed to use the airport or to be present in and around it.⁷⁸⁰⁰ **Richard Gray** stated that as early as 18 June 1992, the leadership of both parties signed an agreement providing for the continuation of a unilateral ceasefire and for concentration of all heavy weapons within range of the airport in five collection centres where the weapons would be under the observation of UNPROFOR.⁷⁸⁰¹

⁷⁷⁹³ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 610.

⁷⁷⁹⁴ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 610-611.

⁷⁷⁹⁵ Adjudicated Facts III, no. 1679.

⁷⁷⁹⁶ Adjudicated Facts III, nos 1680-1681.

⁷⁷⁹⁷ John Wilson, T. 3926-3927, 3989, 3991, 3994; P334 (Agreement on the re-opening of Sarajevo airport, signed by Radovan Karadžić, 5 June 1992), p. 1.

⁷⁷⁹⁸ Husein Abdel-Razek, T. 3650-3652.

⁷⁷⁹⁹ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 133-134; Husein Abdel-Razek, T. 3650-3652.

⁷⁸⁰⁰ Husein Abdel-Razek, T. 3651-3653.

⁷⁸⁰¹ D1413 (Richard Gray, witness statement, 22 April 2012), para. 24; D1420 (Agreement by the Bosnian-Serb Republic with regard to the opening of the Sarajevo airport); D1416 (Unilateral ceasefire reconfirmation, signed by Nikola Koljević, 15 June 1992); D1421 (Agreement by the Republic of Bosnia Herzegovina with regard to the concentration of all heavy weapons in and around Sarajevo).

Similarly, **Michael Rose** testified that in February 1994 both parties signed agreements concerning an immediate ceasefire in Sarajevo and the withdrawal of all heavy weapons from a 20-kilometre circle around Sarajevo.⁷⁸⁰² During the withdrawal, the Bosnian Serbs produced a far greater amount of weapons than the Bosnian Muslims⁷⁸⁰³ but both sides concealed a certain number of weapons within the TEZ.⁷⁸⁰⁴ **David Fraser** testified that on 14 August 1994, an anti-sniping agreement was signed between Bosnia-Herzegovina, represented by ABiH Corps Commander Karavelić, and the Bosnian Serbs, represented by SRK Commander General Dragomir Milošević, by which the parties undertook to issue, within 24 hours, orders explicitly forbidding sniping activities against military personnel, civilians, and UN personnel.⁷⁸⁰⁵ The anti-sniping agreement led to a short-term improvement, but it did not eliminate sniping altogether.⁷⁸⁰⁶ According to a 15 September 1994 UNPROFOR assessment, thanks to the anti-sniping agreement, the tram and bus transport began functioning properly and an average of 15 snipers' victims per week was reduced to four victims.⁷⁸⁰⁷

1853. Neither the SRK nor the ABiH adhered to the TEZ.⁷⁸⁰⁸ On 24 May 1995, the SRK removed weapons from WCPs, following an increase in the fighting, and refused to return them.⁷⁸⁰⁹ General Smith issued an ultimatum to re-establish the TEZ but this was ignored, resulting in NATO air strikes on bunkers in an ammunition depot outside Pale on 25 May 1995.⁷⁸¹⁰ During the night of 25 May 1995, the shelling of safe areas in Bosnia-Herzegovina, including Sarajevo, by the VRS, continued.⁷⁸¹¹ On 25 and 26 May 1995, the SRK took a number of heavy weapons from WCPs.⁷⁸¹² NATO targeted the ammunition depot outside Pale on 26 May 1995.⁷⁸¹³ The SRK and the ABiH kept

⁷⁸⁰² P736 (Michael Rose, witness statement, 26 March 2009), paras 40, 43-44, 47-49.

⁷⁸⁰³ The Trial Chamber understands the witness's reference to Bosnians to refer to the ABiH.

⁷⁸⁰⁴ P736 (Michael Rose, witness statement, 26 March 2009), para. 50.

⁷⁸⁰⁵ P576 (David Fraser, witness statement, 3 December 2012), para. 90. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 139; P1 (David Harland, witness statement, 4 September 2009), paras 129, 133; David Harland, T. 719-720; P15 (Milošević order, 18 August 1994).

⁷⁸⁰⁶ P576 (David Fraser, witness statement, 3 December 2012), paras 92, 94. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 141; P1 (David Harland, witness statement, 4 September 2009), paras 129, 133; David Harland, T. 719-720; P15 (Milošević order, 18 August 1994).

⁷⁸⁰⁷ P594 (UNPROFOR Assessment of the anti-sniping agreement, 15 September 1994), p. 3.

⁷⁸⁰⁸ Adjudicated Facts III, no. 1745.

⁷⁸⁰⁹ Adjudicated Facts III, no. 1756.

⁷⁸¹⁰ Adjudicated Facts III, no. 1757.

⁷⁸¹¹ Adjudicated Facts III, no. 1758.

⁷⁸¹² Adjudicated Facts III, no. 1759.

⁷⁸¹³ Adjudicated Facts III, no. 1760.

heavy weaponry within the 20-kilometre zone around Sarajevo, and outside WCPs, at times between August 1994 and November 1995.⁷⁸¹⁴

1854. During the night of 29 August 1995, air attacks against Bosnian-Serb positions began.⁷⁸¹⁵ These attacks lasted until 1 September 1995.⁷⁸¹⁶ The NATO attacks, targeting the wider area of Sarajevo, resumed on 5 September 1995 and lasted until 14 September 1995.⁷⁸¹⁷ On 15 September 1995, representatives of the VRS, including Dragomir Milošević, and UNPROFOR agreed to a ceasefire and withdrawal of VRS troops from the area surrounding Sarajevo.⁷⁸¹⁸ On 5 October 1995, a 60-day ceasefire was agreed upon; this was to come into force on 10 October 1995, on the condition that the utilities in Sarajevo were re-connected.⁷⁸¹⁹ On 11 October 1995, the parties agreed to a 60-day ceasefire as of 12 October 1995.⁷⁸²⁰ The fighting subsided by 14 October 1995.⁷⁸²¹

Shelling and sniping in Sarajevo

1855. On 6 April 1992, gunfire erupted in Sarajevo, with each side accusing the other of having started the hostilities.⁷⁸²² By the end of April, the contour of Sarajevo's siege was largely established.⁷⁸²³ From 2 or 3 May and for several weeks onwards, Baščaršija, the centre of old Sarajevo, was set alight; the national and university libraries, the railway station, the post office, and many key buildings and apartment buildings in town were heavily shelled and destroyed.⁷⁸²⁴ The above-mentioned buildings were scattered all over town, so one could not identify a particular part of town being targeted, except for the buildings themselves, that were symbols of the town and were essential for its functioning, like the post office, the railway stations, the Zetra sports hall, and similar facilities.⁷⁸²⁵

⁷⁸¹⁴ Adjudicated Facts III, no. 1745.

⁷⁸¹⁵ Adjudicated Facts III, no. 1762. The Trial Chamber understands this to refer to air attacks carried out by NATO. It further notes that according to Adjudicated Facts 1757 and 1560, NATO had carried out air attacks in May 1995. Thus, it understands that the word 'began' in Adjudicated Fact 1762 is only applicable in the context of the air attacks that started in August 1995.

⁷⁸¹⁶ Adjudicated Facts III, no. 1762.

⁷⁸¹⁷ Adjudicated Facts III, no. 1763.

⁷⁸¹⁸ Adjudicated Facts III, no. 1764.

⁷⁸¹⁹ Adjudicated Facts III, no. 1765.

⁷⁸²⁰ Adjudicated Facts III, no. 1766. The Trial Chamber understands 'parties' to refer to the parties of the conflict.

⁷⁸²¹ Adjudicated Facts III, no. 1767.

⁷⁸²² Adjudicated Facts III, no. 1703.

⁷⁸²³ Adjudicated Facts III, no. 1706.

⁷⁸²⁴ Adjudicated Facts III, no. 1713.

⁷⁸²⁵ Adjudicated Facts III, no. 1714.

1856. Several witnesses provided extensive evidence about the situation in Sarajevo during the first months of the conflict. **Kupusović** stated that in the beginning of May 1992, there was shooting from armoured vehicles from Maršal Tito Barracks.⁷⁸²⁶ All areas of the town within reach of the barracks were targeted and shots were fired in all directions.⁷⁸²⁷ Throughout this time, the city was also shelled, often from various positions around Sarajevo, but also from barracks in the city that were still under the control of the JNA.⁷⁸²⁸ Kupusović estimated that there were approximately 10 to 15 casualties per day that could be attributed to shelling and sniping incidents, 95 per cent of whom were civilian.⁷⁸²⁹ He stated that the young men in the police force did not have heavy weapons.⁷⁸³⁰ The shooting from the Maršal Tito Barracks continued for several weeks, until it was agreed that the JNA had to move to Serbia and the barracks were evacuated approximately in mid-June.⁷⁸³¹ The JNA were to leave behind their heavy weapons for the ABiH and only take personal weapons. Some JNA members remained in Grbavica.⁷⁸³²

1857. **Witness RM-147**, a VRS member from June onwards, testified that in May and June 1992, living in Grbavica as a Muslim or Croat meant to be under constant fear of being exposed to dangers such as being evicted, physically or psychologically abused, or killed by the VRS or the civilian or military police.⁷⁸³³ Many were expelled from Grbavica or were forced to perform labour.⁷⁸³⁴ Women were sometimes raped. Those taken away never returned.⁷⁸³⁵ The witness testified that there were a lot of snipers in Grbavica and that sniping was incessant.⁷⁸³⁶ Members of a VRS platoon used abandoned Muslim houses as shelter.⁷⁸³⁷ Snipers also used these houses as firing positions and used various kinds of weaponry, such as a rifle with telescopic sights and some kind of binoculars, as well as a special machine gun with optic infrared sights fitted onto it which allowed them to also shoot at night.⁷⁸³⁸ The snipers targeted persons

⁷⁸²⁶ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 638.

⁷⁸²⁷ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 640.

⁷⁸²⁸ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 641, 646.

⁷⁸²⁹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 646.

⁷⁸³⁰ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 640-641.

⁷⁸³¹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 641.

⁷⁸³² P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 643.

⁷⁸³³ P107 (Witness RM-147, witness statement, 3 June 2012), paras 12, 23, 29.

⁷⁸³⁴ P107 (Witness RM-147, witness statement, 3 June 2012), paras 23, 86-89.

⁷⁸³⁵ P107 (Witness RM-147, witness statement, 3 June 2012), para. 23.

⁷⁸³⁶ P107 (Witness RM-147, witness statement, 3 June 2012), para. 41.

⁷⁸³⁷ P107 (Witness RM-147, witness statement, 3 June 2012), paras 43-44; Witness RM-147, T. 1698;

P117 (Photograph marked by witness).

⁷⁸³⁸ P107 (Witness RM-147, witness statement, 3 June 2012), para. 45.

at intersections despite there being containers or barriers which were set up for protection.⁷⁸³⁹

1858. **Kupusović** stated that narrower streets or streets with taller buildings were known by the inhabitants to be safer.⁷⁸⁴⁰ The people who were shot crossing streets and moving around were civilians. People could not stay in their basements to wait for the situation to end because they had to go out to take care of the basic necessities of life. They had to continue living their lives in very risky conditions among all the sniping and shelling.⁷⁸⁴¹ There was no way to discern why sniping started or when it would start or stop.⁷⁸⁴² When the Sarajevo Presidency started functioning in early June 1992, it received reports as to where people were wounded or killed. If several people had been killed or wounded at a certain location, that location was given priority as a place for anti-sniping protection.⁷⁸⁴³ Funerals and other gatherings were targeted with shells or sniper fire. As a result, people buried the dead at night when there was little or no visibility.⁷⁸⁴⁴ The two main cemeteries could not be used because one was outside the Sarajevo encirclement and the other was very close to the separation lines. Temporary burials were organised at several locations in Sarajevo and many old cemeteries from the last century were used.⁷⁸⁴⁵

1859. **Sulejman Crnčalo** testified that when he and his family moved to Sarajevo in July 1992, there was constant shelling and sniping in the city.⁷⁸⁴⁶ Civilians were targeted by snipers and shell-fire all the time, for example when they were out fetching water, in line waiting for bread, or while attending funerals.⁷⁸⁴⁷ Children were also killed by snipers while playing.⁷⁸⁴⁸ There was a risk of being hit by a shell or a sniper's bullet at almost every intersection in the city.⁷⁸⁴⁹ Crnčalo witnessed corpses and blood all over the streets of Sarajevo; the corpses had not been buried because the ongoing shelling and sniping made it too dangerous to retrieve them and because of the high

⁷⁸³⁹ P107 (Witness RM-147, witness statement, 3 June 2012), paras 46, 49, 51, and Appendix E; P110 (Photograph); P121 (Map marked by witness); P122 (Map marked by witness).

⁷⁸⁴⁰ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 650.

⁷⁸⁴¹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 648.

⁷⁸⁴² P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 649.

⁷⁸⁴³ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 652.

⁷⁸⁴⁴ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 666. *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 94-96.

⁷⁸⁴⁵ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 666.

⁷⁸⁴⁶ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 86.

⁷⁸⁴⁷ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 91.

⁷⁸⁴⁸ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 92.

⁷⁸⁴⁹ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 88.

number of corpses to be collected.⁷⁸⁵⁰ The witness testified that he was living in constant fear that he or his family members would be killed as a result of shelling or sniping.⁷⁸⁵¹ If he left the house, he was never sure that he would return alive or that those he left behind in the house would be alive when he returned.⁷⁸⁵²

1860. Between September 1992 and August 1994, civilians were shot at almost every day.⁷⁸⁵³ Civilians in ABiH-held areas of Sarajevo were attacked from SRK-controlled territory. As a result, and at a minimum, hundreds of civilians were killed and thousands of others were injured.⁷⁸⁵⁴ During this time, the conflict in the city of Sarajevo was mainly static and apart from some changes, most of the confrontation lines remained unchanged.⁷⁸⁵⁵ The SRK's main forces were positioned around what was colloquially called the inner ring of Sarajevo, in particular in the area of Ilidža, Neđarići, and Grbavica.⁷⁸⁵⁶ ABiH-held territory, including most of the city, was almost completely surrounded by SRK forces.⁷⁸⁵⁷ Fire into ABiH-held areas of Sarajevo followed a temporal pattern.⁷⁸⁵⁸ It was intense between September and December 1992.⁷⁸⁵⁹ According to an UNPROFOR report, on 8 December 1992, 'indiscriminate shelling of the city' intensified.⁷⁸⁶⁰ Fire into Sarajevo was still significant throughout 1993, with daily or weekly fluctuations (days of little shootings followed by days of extreme activity), followed by an intensification of fire in winter 1993 and up to the wake of the Markale shelling incident in February 1994 before subsiding.⁷⁸⁶¹ Although there were periods of relative inactivity in shelling during 1994, people venturing outside were still targeted.⁷⁸⁶²

1861. Between September 1992 and August 1994, throughout the city of Sarajevo, there were points in SRK-controlled territory, such as the Jewish Cemetery, the Orthodox Church and the School for the Blind in the areas of Neđarići, Špicasta Stijena, Mount Trebević, and Baba Stijena or Orahov Brijeg, which were prominent sources of

⁷⁸⁵⁰ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 85.

⁷⁸⁵¹ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 87.

⁷⁸⁵² P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 87.

⁷⁸⁵³ Adjudicated Facts III, no. 2018.

⁷⁸⁵⁴ Adjudicated Facts III, nos 2036-2037.

⁷⁸⁵⁵ Adjudicated Facts III, nos 1922, 2020.

⁷⁸⁵⁶ Adjudicated Facts III, no. 1919.

⁷⁸⁵⁷ Adjudicated Facts III, no. 2021.

⁷⁸⁵⁸ Adjudicated Facts III, no. 2023.

⁷⁸⁵⁹ Adjudicated Facts III, no. 2024.

⁷⁸⁶⁰ P425 (UNPROFOR end of month report December 1992), para. 2.

⁷⁸⁶¹ Adjudicated Facts III, no. 2025.

⁷⁸⁶² Adjudicated Facts III, no. 2052.

sniper fire against civilians.⁷⁸⁶³ The same pattern of regular fire at civilians from SRK-controlled positions or areas appeared consistently throughout ABiH-held areas of the city of Sarajevo.⁷⁸⁶⁴

1862. Grbavica was a neighbourhood in the municipality of Novo Sarajevo located in the southern-central part of the city of Sarajevo.⁷⁸⁶⁵ Between September 1992 and August 1994, it was under SRK control.⁷⁸⁶⁶ The confrontation line in Grbavica ran along the Miljacka River, with Grbavica lying to the south.⁷⁸⁶⁷ During this period, civilians in Novo Sarajevo were targeted from the SRK-controlled area of Grbavica.⁷⁸⁶⁸ The ‘sky-scrapers’ were located on Lenjinova Street, directly across the Maršal Tito Barracks.⁷⁸⁶⁹ During the same period, in the general area of Grbavica, fire was opened against civilians from different high-rise buildings on the southern side of the Miljacka River, in the SRK-controlled neighbourhood of Grbavica.⁷⁸⁷⁰ The Metalka building was located at the end of Franje Račkog Street, across the Miljacka River, about 300 metres from the Holiday Inn and the Museum.⁷⁸⁷¹ These positions allowed soldiers to ‘literally shoot down streets’ in the central part of Sarajevo, exposing all pedestrians at intersections, as well as cars, buses and trams travelling from the east to the west of the city, to sniper fire.⁷⁸⁷² The main thoroughfare of Sarajevo, part of which was then called the Maršal Tito Boulevard, became known as ‘Sniper Alley’ as it was particularly prone to regular gunfire.⁷⁸⁷³ Containers were set up at intersections, such as near the Presidency and Energoinvest buildings and in proximity to the Holiday Inn, to shield civilians against fire coming from the tall buildings in Grbavica.⁷⁸⁷⁴ The central district of Marin Dvor, in particular Marin Dvor square, was also particularly targeted from Grbavica.⁷⁸⁷⁵ The area of Vraca, to the southwest of Grbavica, was also under the

⁷⁸⁶³ Adjudicated Facts III, no. 2134.

⁷⁸⁶⁴ Adjudicated Facts III, no. 2135.

⁷⁸⁶⁵ Adjudicated Facts III, no. 1930.

⁷⁸⁶⁶ Adjudicated Facts III, no. 1931.

⁷⁸⁶⁷ Adjudicated Facts III, no. 1932.

⁷⁸⁶⁸ Adjudicated Facts III, no. 2143.

⁷⁸⁶⁹ Adjudicated Facts III, no. 2153.

⁷⁸⁷⁰ Adjudicated Facts III, no. 2159.

⁷⁸⁷¹ Adjudicated Facts III, no. 2154.

⁷⁸⁷² Adjudicated Facts III, no. 2159.

⁷⁸⁷³ Adjudicated Facts III, no. 2160.

⁷⁸⁷⁴ Adjudicated Facts III, no. 2161.

⁷⁸⁷⁵ Adjudicated Facts III, no. 2162.

control of the SRK.⁷⁸⁷⁶ The neighbourhood of Hrasno was a residential area located in the south-western part of Sarajevo, adjacent to Grbavica.⁷⁸⁷⁷

1863. People in Sarajevo were affected by the knowledge that one might be killed or wounded any day and by living in a city under siege for such a long time without basic necessities.⁷⁸⁷⁸ Between September 1992 and August 1994, no civilian activity and no area of Sarajevo held by the ABiH seemed to its residents to be safe from sniping or shelling attacks from SRK-held territory.⁷⁸⁷⁹ Children were targeted in schools, or while playing outside, riding a bicycle, near their home, or in the street.⁷⁸⁸⁰ There was an extensive destruction of civilian inhabitations in Sarajevo.⁷⁸⁸¹ The natural and urban topography of the city of Sarajevo, such as ridges and high-rise buildings, provided vantage-points to SRK forces to target civilians moving around the city.⁷⁸⁸² Civilians tilled at night, fetched water or collected wood at night or when the visibility was reduced or developed alternative routes to traverse the city to avoid sniping fire seen from SRK-controlled territory.⁷⁸⁸³ The trams did not run during periods when there was combat activity and tram drivers were told to return to the depot if combat activity began.⁷⁸⁸⁴ Although civilians adapted to that hostile environment by closing schools, living at night, hiding during the day in their apartments or cellars, moving around the city of Sarajevo as little as possible, setting up containers and barricades to provide shelter against sniping fire, they were still not safe from sniping and shelling fire from SRK-controlled territory.⁷⁸⁸⁵ A bus line that was established to carry people on an alternative route to 'Sniper Alley' also came under fire.⁷⁸⁸⁶ SRK soldiers shot without knowing whether the movements they saw on the runway⁷⁸⁸⁷ were caused by civilians or by soldiers dressed as civilians.⁷⁸⁸⁸ The SRK was well aware that civilians crossed the runway.⁷⁸⁸⁹

⁷⁸⁷⁶ Adjudicated Facts III, no. 1936.

⁷⁸⁷⁷ Adjudicated Facts III, no. 1937.

⁷⁸⁷⁸ Adjudicated Facts III, no. 2206.

⁷⁸⁷⁹ Adjudicated Facts III, no. 2039.

⁷⁸⁸⁰ Adjudicated Facts III, no. 2045.

⁷⁸⁸¹ Adjudicated Facts III, no. 2047.

⁷⁸⁸² Adjudicated Facts III, no. 2048.

⁷⁸⁸³ Adjudicated Facts III, no. 2050.

⁷⁸⁸⁴ Adjudicated Facts III, no. 2115.

⁷⁸⁸⁵ Adjudicated Facts III, no. 2049.

⁷⁸⁸⁶ Adjudicated Facts III, no. 2117.

⁷⁸⁸⁷ The Trial Chamber understands this to refer to the runway of the Sarajevo airport.

⁷⁸⁸⁸ Adjudicated Facts III, no. 2121.

⁷⁸⁸⁹ Adjudicated Facts III, no. 2122.

1864. In the city of Sarajevo, there was a functioning institute for public health.⁷⁸⁹⁰ Its job, among other things, was to work with statistical data on citizens of Sarajevo who had died or who had been killed.⁷⁸⁹¹ It collected data according to its own methodology, from people in the field, and on the basis of reports received from hospitals, funeral parlours, and other institutions that had such information.⁷⁸⁹² In the course of the whole war in Sarajevo, from May 1992 until October 1995, reportedly 12,000 civilians were killed by shelling and sniping, including 1,600 children, and an additional 4,500 civilians died of natural causes due to the prevailing conditions.⁷⁸⁹³ Furthermore, in the first two years of the war about 100,000 citizens left Sarajevo.⁷⁸⁹⁴

1865. From August 1994 to November 1995, sniper fire and shelling against civilians within the confrontation lines primarily came from SRK-held territory. As a result of the sniping and shelling, civilians were seriously injured or killed. The shots and shells, originating from SRK-held territory, were fired by members of the SRK.⁷⁸⁹⁵

1866. **Witness RM-155, Sabina Šabanić, and Fahra Mujanović** provided evidence that from the start of the war in 1992, life in Sarajevo was a continuous struggle and there was a constant fear of being hit by snipers or shells in Sarajevo as none of the neighbourhoods was safe and residential areas were also heavily targeted by VRS artillery.⁷⁸⁹⁶ **Šabanić** testified that travelling by tram was particularly dangerous because trams were frequently shot by sniper fire.⁷⁸⁹⁷ **Mujanović** stated that around April 1992, the shelling and sniping were constant and occurred on most days, reaching an intensity level of over 1,000 shells falling on their neighbourhood and its surroundings.⁷⁸⁹⁸

1867. **Kupusović** stated that the fire brigade and the ambulance service were still operating, but that their buildings were frequently shelled and often hit by snipers, and

⁷⁸⁹⁰ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 667.

⁷⁸⁹¹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 667, 749.

⁷⁸⁹² P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 749.

⁷⁸⁹³ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 666-667.

⁷⁸⁹⁴ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 680.

⁷⁸⁹⁵ Adjudicated Facts III, no. 2065.

⁷⁸⁹⁶ **Witness RM-155:** P1925 (Witness RM-155, witness statement, 17 May 2006), para. 26. **Sabina Šabanić:** P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, paras 3, 7-8. **Fahra Mujanović:** P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 6-7; P388 (Fahra Mujanović, *Karadžić* transcript, 1 November 2010), p. 8751.

⁷⁸⁹⁷ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, witness statement of 22 May 2006, paras 3, 7.

⁷⁸⁹⁸ P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 6-7; P388 (Fahra Mujanović, *Karadžić* transcript, 1 November 2010), p. 8751.

that many fire brigade vehicles and ambulances were damaged as a result of sniping and shelling and lacked proper equipment.⁷⁸⁹⁹ From time to time, hospitals, health centres, and clinics were also subjected to shelling and sniping and the staff and patients had to withdraw to basement areas and or lower floors.⁷⁹⁰⁰ **Husein Abdel-Razek** testified that the Serbs also shelled a maternity hospital, which according to the witness was the main hospital for civilians. It comprised an intensive care unit and maternity units, and it was completely bombarded and had no electricity.⁷⁹⁰¹ According to the witness, Galić denied that the Serbs shelled the hospital and alleged that the shelling came from the Bosnian side. The Muslims had no artillery in that particular Sarajevo Sector and the shelling had come from the hills, which were controlled by the Serbs.⁷⁹⁰²

1868. Some witnesses provided evidence concerning the investigations into shelling and sniping incidents in Sarajevo. **Refik Sokolar** testified that his investigations as a police officer, carried out as part of a team, involved both on-site investigations and visiting victims in the hospital.⁷⁹⁰³ Sokolar stated that he made over 200 investigations during the war.⁷⁹⁰⁴ On the basis of these investigations and from spending many years in Dobrinja, Sokolar concluded that there were five locations from where sniper fire originated.⁷⁹⁰⁵ These were Nedžarići, the Theological Faculty, the Ikića Kuće settlement, the Orthodox Church on Veljine, and buildings near the confrontation lines.⁷⁹⁰⁶ In the witness's opinion, the sniping originated from Serb-controlled areas, including the Aerodrom area and Nedžarići, and most of the victims of sniping activity in Dobrinja that he investigated were civilians.⁷⁹⁰⁷

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⁷⁸⁹⁹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 662-663.

⁷⁹⁰⁰ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 670-671.

⁷⁹⁰¹ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 79.

⁷⁹⁰² P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 80.

⁷⁹⁰³ P567 (Refik Sokolar, witness statement, 8 November 1995), paras 3-4; Refik Sokolar, T. 5633, 5636, 5658, 5661-5662.

⁷⁹⁰⁴ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 27; Refik Sokolar, T. 5638.

⁷⁹⁰⁵ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5676, 5683.

⁷⁹⁰⁶ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5623

⁷⁹⁰⁷ P567 (Refik Sokolar, witness statement, 8 November 1995), para. 15; Refik Sokolar, T. 5635.

⁷⁹⁰⁸ P567 (Refik Sokolar, witness statement, 8 November 1995), paras 3-4; Refik Sokolar, T. 5633, 5636, 5658, 5661-5662.

during the war.⁷⁹⁰⁹ On the basis of these investigations and from spending many years in Dobrinja, Sokolar concluded that there were five locations from where sniper fire originated.⁷⁹¹⁰ These were Nedžarići, the Theological Faculty, the Ikića Kuće settlement, the Orthodox Church on Veljine, and buildings near the confrontation lines.⁷⁹¹¹ In the witness's opinion, the sniping originated from Serb-controlled areas, including the Aerodrom area and Nedžarići, and most of the victims of sniping activity in Dobrinja that he investigated were civilians.⁷⁹¹²

1870. **Nedžib Đozo** testified that the Sedrenik neighbourhood of Sarajevo was a residential area in the area of responsibility of the Stari Grad police station and located approximately 500 to 700 metres below Špicasta Stijena hill.⁷⁹¹³ According to the witness, Špicasta Stijena was the only elevation with a clear line of sight to Sedrenik and was under the control of the VRS.⁷⁹¹⁴ Based on his numerous investigations into the injuries or killings of civilians, the witness estimated around 50 to 100 civilians in Sedrenik to have been killed or wounded by VRS sniping and shelling.⁷⁹¹⁵ Sniper fire from Špicasta Stijena made life in Sedrenik very difficult, forcing people to access their homes through windows and to come and go when it was dark. The civilian protection service hung blankets and sheets to block the line of sight of the snipers at Špicasta Stijena.⁷⁹¹⁶ These snipers rarely fired a single bullet, but instead fired multiple times at anything they could see moving.⁷⁹¹⁷

1871. Several international observers provided evidence concerning sniping and shelling incidents in Sarajevo. **John Wilson** testified that during his six weeks in Sarajevo, from 14 May to 23 June 1992, heavy artillery, involving thousands of rounds and directed at virtually the whole city occurred on most days, with only brief respites.⁷⁹¹⁸ On some days, the attack would last for 16 to 20 hours.⁷⁹¹⁹ The witness estimated that, on days with particularly heavy attacks, such as 14 and 28 May 1992,

⁷⁹⁰⁹ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 27; Refik Sokolar, T. 5638.

⁷⁹¹⁰ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5676, 5683.

⁷⁹¹¹ P568 (Refik Sokolar, witness statement, 4 September 2000), para. 29; Refik Sokolar, T. 5623

⁷⁹¹² P567 (Refik Sokolar, witness statement, 8 November 1995), para. 15; Refik Sokolar, T. 5635.

⁷⁹¹³ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 16-19; Nedžib Đozo, T. 5543-5544, 5550, 5573, 5578; P547 (Photograph marked by Nedžib Đozo, showing alleged VRS sniping position on Špicasta Stijena).

⁷⁹¹⁴ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 16-17.

⁷⁹¹⁵ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 19-21.

⁷⁹¹⁶ P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 22.

⁷⁹¹⁷ P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 23.

⁷⁹¹⁸ P320 (John Wilson, witness statement, 26 March 2009), paras 56, 83; John Wilson, T. 3924, 3928, 3934, 3952, 4028.

5,000 to 10,000 rounds of artillery were fired into Sarajevo by the Bosnian Serbs.⁷⁹²⁰ Most of Sarajevo's major buildings were hit by artillery.⁷⁹²¹ By 25 May 1992, Serb forces controlled Sarajevo and it was virtually impossible to move in or out of the city without their permission.⁷⁹²² In May 1992, sniper fire could be heard regularly in Sarajevo, restricting movement, and the streets were deserted.⁷⁹²³ It was dangerous to move around the city centre and the Dobrinja area due to Bosnian-Serb sniper activity.⁷⁹²⁴ On 14 May 1992, heavy fighting broke out in the Dobrinja area and fire appeared to be coming from outside the city.⁷⁹²⁵ There was also heavy infantry and artillery fire in the Ilidža area where UNPROFOR staff was headquartered. The artillery fire began at 5 a.m. and lasted until well into the evening.⁷⁹²⁶ Around 21 May 1992, there was high-volume, indiscriminate, and heavy artillery fire directed towards the centre of the city.⁷⁹²⁷ In May and June 1992, the witness received regular reports from the Bosnian Presidency and occasional reports from local employees and travellers about Serb snipers injuring or killing civilians in Sarajevo.⁷⁹²⁸ Later in 1992, the witness received reports from his military observers that the Serb forces moved gun crews by bus between the various firing positions, because they had more guns than men to fire them.⁷⁹²⁹

1872. **Abdel-Razek** testified that sniping and shelling occurred on almost a daily basis and heavily affected civilians when the witness arrived in Sarajevo in August 1992 and remained frequent until it calmed down a bit at the beginning of 1993.⁷⁹³⁰ From his observations, the witness concluded that shelling was directed towards the city and not at specific military targets.⁷⁹³¹ The Serbs sniped at civilians, including women and children, who were crossing the airport.⁷⁹³² Colonel Sartre told the witness that the Serbs placed lights at the airport so that they would be able to shoot at targets crossing

⁷⁹¹⁹ P320 (John Wilson, witness statement, 26 March 2009), para. 56; John Wilson, T. 3934.

⁷⁹²⁰ P320 (John Wilson, witness statement, 26 March 2009), paras 42-43; John Wilson, T. 3924, 4037.

⁷⁹²¹ P320 (John Wilson, witness statement, 26 March 2009), para. 49.

⁷⁹²² John Wilson, T. 3964-3965.

⁷⁹²³ P320 (John Wilson, witness statement, 26 March 2009), paras 31, 40, 56.

⁷⁹²⁴ John Wilson, T. 3935.

⁷⁹²⁵ P320 (John Wilson, witness statement, 26 March 2009), para. 41; John Wilson, T. 3920-3921.

⁷⁹²⁶ John Wilson, T. 3921.

⁷⁹²⁷ P320 (John Wilson, witness statement, 26 March 2009), para. 66.

⁷⁹²⁸ John Wilson, T. 3935.

⁷⁹²⁹ John Wilson, T. 3955.

⁷⁹³⁰ Husein Abdel-Razek, T. 3592-3593.

⁷⁹³¹ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 56.

⁷⁹³² P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 91, 94-95.

the airport.⁷⁹³³ The witness, Sartre, and Colonel Davout also discussed it with Galić, who said he would continue to shoot at civilians if they kept crossing the airport.⁷⁹³⁴ Shelling and sniping was directed at the civilian population, the UN headquarters, and other UN centres and facilities.⁷⁹³⁵ Both sides engaged in sniping, but according to the witness, the Serb side was most active.⁷⁹³⁶ According to the witness, hardly a moment passed when there was not a sniping attack.⁷⁹³⁷ Reports from observers indicated that there were a lot of women, children, and the elderly who were wounded as a result of sniping.⁷⁹³⁸ There were several notorious sniper areas in Sarajevo, including the areas near the presidency as well as around the airport and the confrontation lines.⁷⁹³⁹ As part of the continuous shelling of the city, the Serbs purposely shelled the market and the bus station on many occasions. According to the witness, professional units designated these targets and they used artillery and mortars in a careful manner to achieve their aim and it was done to retaliate.⁷⁹⁴⁰ There was fighting around the airport, Butmir, and Ilidža.⁷⁹⁴¹ In early December 1992, shelling increased greatly and UNPROFOR reported 1,284 rounds fired by the parties, with the Serbs firing the preponderance of shells.⁷⁹⁴² Also in December 1992, Serb forces used tanks and artillery to shell Otes, a civilian Muslim area located near the airport.⁷⁹⁴³

1873. Turajlić, the Bosnian Deputy Prime Minister, was shot and killed while travelling in a UN armoured vehicle on the road close to the airport that was controlled by the UN.⁷⁹⁴⁴ According to the witness, no investigation was conducted by the Serbs. Plavšić apologized for the incident but said that the soldier who killed Turajlić was arrested but not in a reasonable mental condition because he had lost many friends and family in the fighting.⁷⁹⁴⁵

⁷⁹³³ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 145.

⁷⁹³⁴ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 91-92, 96.

⁷⁹³⁵ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 74, 78; Husein Abdel-Razek, T. 3642-3643.

⁷⁹³⁶ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 124-125.

⁷⁹³⁷ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 121.

⁷⁹³⁸ Husein Abdel-Razek, T. 3642-3643.

⁷⁹³⁹ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, paras 123, 144; Husein Abdel-Razek, T. 3643.

⁷⁹⁴⁰ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 102.

⁷⁹⁴¹ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 90.

⁷⁹⁴² P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 53.

⁷⁹⁴³ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 63.

⁷⁹⁴⁴ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 135.

⁷⁹⁴⁵ P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 136.

1874. **Richard Mole** testified that there was always daily random shelling of the city during his tenure.⁷⁹⁴⁶ **David Harland** testified that for well over the 95 per cent of casualties of those sniping incidents for which the direction of fire could be identified, the fire came from the Serb side.⁷⁹⁴⁷ According to the witness, UNPROFOR and UNMOs counted an average of 1,000 shells falling on Sarajevo daily, mostly on the civilian areas during the period from 1993 to 1995, though there were significant lulls during the period of the 1994 ceasefire.⁷⁹⁴⁸ **Michael Rose** testified that upon his arrival to Sarajevo on 23 January 1994, he observed the whole city being reduced to a state of siege: there was no water, electricity, or heating.⁷⁹⁴⁹ There were 1,500 to 2,000 shells falling on Sarajevo per day, 'going both ways'.⁷⁹⁵⁰ Even though both sides engaged in sniping activities, the level of sniping by the Bosnian Serbs was higher.⁷⁹⁵¹

1875. **Witness RM-163** testified that between February and May 1994, following a ceasefire agreement, there was a period of calm and the situation in Sarajevo was almost normal.⁷⁹⁵² There was electricity and water, and the trams were running.⁷⁹⁵³ The ceasefire agreement was generally complied with well until May 1994.⁷⁹⁵⁴ During this period few light weapons were fired and no shelling took place.⁷⁹⁵⁵ From May until at least the end of September 1994, the sniping and shelling of civilians and UNPROFOR resumed.⁷⁹⁵⁶ From the beginning of May 1994, the situation in Sarajevo deteriorated gradually, but from the end of July until September it got worse.⁷⁹⁵⁷ The largest area surrounding Sarajevo was under the control of the SRK.⁷⁹⁵⁸

1876. **Francis Thomas** testified that the indiscriminate nature of shelling by the Serbs was underscored by the fact that they never carried out target assessments, *i.e.* evaluated the damage done to a target and determining if further shelling was required.⁷⁹⁵⁹ Serbs

⁷⁹⁴⁶ P421 (Richard Mole, witness statement, 7 May 2010), para. 119.

⁷⁹⁴⁷ David Harland, T. 901.

⁷⁹⁴⁸ P1 (David Harland, witness statement, 4 September 2009), paras 34, 290; David Harland, T. 734, 904, 906.

⁷⁹⁴⁹ P736 (Michael Rose, witness statement, 26 March 2009), paras 21-22, 30.

⁷⁹⁵⁰ P736 (Michael Rose, witness statement, 26 March 2009), para. 30.

⁷⁹⁵¹ P736 (Michael Rose, witness statement, 26 March 2009), paras 23, 217.

⁷⁹⁵² P628 (Witness RM-163, witness statement, undated), paras 24, 70, 94; Witness RM-163, T. 6095-6096.

⁷⁹⁵³ P628 (Witness RM-163, witness statement, undated), para. 70; Witness RM-163, T. 6095.

⁷⁹⁵⁴ P628 (Witness RM-163, witness statement, undated), para. 94; Witness RM-163, T. 6095-6096.

⁷⁹⁵⁵ P628 (Witness RM-163, witness statement, undated), para. 94.

⁷⁹⁵⁶ P628 (Witness RM-163, witness statement, undated), paras 24, 70.

⁷⁹⁵⁷ Witness RM-163, T. 6098.

⁷⁹⁵⁸ P628 (Witness RM-163, witness statement, undated), para. 42.

⁷⁹⁵⁹ P503 (Francis Thomas, witness statement, 15 May 2009), para. 72.

would often fire once into the city without any follow-up.⁷⁹⁶⁰ According to Thomas, their use of artillery and tanks to shell Sarajevo in an attempt to affect the will of the Bosnian government had little impact. The resort to ‘terror shelling’ to discourage Bosnian infantry attacks in reality played into the hands of the Bosnians, in that the international media centred at the Holiday Inn in Sarajevo and they tended to report the war based on the situation in the city.⁷⁹⁶¹

1877. **David Fraser** testified that there were several notorious sniping positions in Sarajevo, including Grdonj, and the airport.⁷⁹⁶² Sniper Alley was a three-kilometre road that ran in front of the Holiday Inn hotel and was located in the territory held by the ABiH.⁷⁹⁶³ There were no ABiH military positions there and the only people using the road were Bosnian civilians and UN personnel; both groups were targeted by the Bosnian-Serb snipers.⁷⁹⁶⁴ The witness learned from the UN troops stationed along Sniper Alley that the snipers would use a telephone pole or UN vehicles for target practice each morning, so that they could ‘range’ their weapons.⁷⁹⁶⁵ Because of the number of incidents involving civilians in Sniper Alley, a special UN task-force was dedicated to this area.⁷⁹⁶⁶ In Grbavica, the VRS snipers used the red-brick buildings opposite the Holiday Inn.⁷⁹⁶⁷ UNPROFOR could not travel freely within Grbavica and UN personnel were always escorted by the VRS.⁷⁹⁶⁸ The witness went on tours to the sniping positions in Grbavica.⁷⁹⁶⁹ The sniping positions overlooked the ABiH-held territory and some UN positions.⁷⁹⁷⁰ UNPROFOR received complaints that the ABiH was targeting Serb civilians in Grbavica, but the Bosnian Serbs did not allow them to investigate these incidents.⁷⁹⁷¹ According to the witness, except for the airport, where the parties had a roughly equal share in the sniping, the sniping in Sharpstone, Grdonj, the Jewish cemetery, and ‘Sniper Alley’ came predominantly from the Serb side and the

⁷⁹⁶⁰ P503 (Francis Thomas, witness statement, 15 May 2009), paras 71-72.

⁷⁹⁶¹ P503 (Francis Thomas, witness statement, 15 May 2009), para. 71.

⁷⁹⁶² P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56, 58, 60; P577 (David Fraser, Clarifications to witness statement); P596 (Map of Sarajevo, marked by David Fraser).

⁷⁹⁶³ P576 (David Fraser, witness statement, 3 December 2012), paras 19, 56; P577 (David Fraser, Clarifications to witness statement); P596 (Map of Sarajevo, marked by David Fraser).

⁷⁹⁶⁴ P576 (David Fraser, witness statement, 3 December 2012), para. 75.

⁷⁹⁶⁵ P576 (David Fraser, witness statement, 3 December 2012), para. 74.

⁷⁹⁶⁶ P576 (David Fraser, witness statement, 3 December 2012), para. 86.

⁷⁹⁶⁷ P576 (David Fraser, witness statement, 3 December 2012), paras 25, 67; P3 (Sarajevo map book), p. 25; P577 (David Fraser, Clarifications to witness statement); P593 (Photograph of Sarajevo, marked by David Fraser).

⁷⁹⁶⁸ P576 (David Fraser, witness statement, 3 December 2012), para. 68.

⁷⁹⁶⁹ P576 (David Fraser, witness statement, 3 December 2012), para. 69.

⁷⁹⁷⁰ P576 (David Fraser, witness statement, 3 December 2012), para. 73.

VRS sniped people engaged in civilian activities.⁷⁹⁷² The Muslims used cars, trenches, and screens to erect anti-sniping barricades and UNPROFOR tried to help in these activities, but the VRS snipers would overcome such obstacles by changing their positions.⁷⁹⁷³ The ABiH held its positions at the base of Špicasta Stijena.⁷⁹⁷⁴ The ABiH also had snipers, but as they moved around, UNPROFOR was not aware of their precise locations.⁷⁹⁷⁵

1878. When possible, the UN would investigate the shelling incidents and would in most cases be able to identify the responsible party as well as determine whether the target was legitimate.⁷⁹⁷⁶ Although some of the shelling by the Bosnian Serbs was in response to offensive operations by the ABiH, in the witness's view it was generally disproportionate and indiscriminate.⁷⁹⁷⁷ Fraser admitted that the fact that both warring factions were fighting each other in a city full of non-combatants made it extremely difficult to analyse the three criteria that should normally be taken into consideration in such a situation, which are military necessity, proportionality, and collateral damage.⁷⁹⁷⁸ Having talked to the Muslim civilians employed at the UN headquarters in Sarajevo as well as other Bosnian civilians, Fraser opined that people in Sarajevo had lived in terror and were all visibly traumatised and stressed about the uncertainty of their future.⁷⁹⁷⁹

1879. **Witness RM-120** testified that according to UNPROFOR reports, almost all of the sniper fire in Sarajevo originated from Serb positions on the other side of the Miljacka River.⁷⁹⁸⁰ As of November 1994 the population of Sarajevo was 'strangled' when it came to supplies.⁷⁹⁸¹ The Serbs completely blocked the city.⁷⁹⁸² Sniping was a permanent threat to the population.⁷⁹⁸³ General Dragomir Milošević was regularly informed about conditions in Sarajevo.⁷⁹⁸⁴ The witness also testified that the Muslim

⁷⁹⁷¹ P576 (David Fraser, witness statement, 3 December 2012), para. 96.

⁷⁹⁷² P576 (David Fraser, witness statement, 3 December 2012), para. 59.

⁷⁹⁷³ P576 (David Fraser, witness statement, 3 December 2012), paras 61, 87.

⁷⁹⁷⁴ P576 (David Fraser, witness statement, 3 December 2012), para. 58.

⁷⁹⁷⁵ P576 (David Fraser, witness statement, 3 December 2012), para. 95.

⁷⁹⁷⁶ P576 (David Fraser, witness statement, 3 December 2012), paras 100, 114.

⁷⁹⁷⁷ P576 (David Fraser, witness statement, 3 December 2012), para. 103.

⁷⁹⁷⁸ David Fraser, T. 5916-5920.

⁷⁹⁷⁹ P576 (David Fraser, witness statement, 3 December 2012), paras 148-149.

⁷⁹⁸⁰ P807 (Witness RM-120, witness statement, undated), p. 7.

⁷⁹⁸¹ P807 (Witness RM-120, witness statement, undated), pp. 27-28, 62.

⁷⁹⁸² P807 (Witness RM-120, witness statement, undated), pp. 27-28.

⁷⁹⁸³ P807 (Witness RM-120, witness statement, undated), p. 42.

⁷⁹⁸⁴ P807 (Witness RM-120, witness statement, undated), p. 31.

side was trying to portray that the situation in Sarajevo was worse than it actually was.⁷⁹⁸⁵

1880. **Thom Knustad** stated that after a number of investigations of shelling incidents he discerned that some of the targeted areas were those where people normally gathered, for example food pick-up points, water collection points, parks, cemeteries, and hospitals.⁷⁹⁸⁶ **Anton Brennskag** testified that in June 1995, he observed up to 150 rounds being fired into Sarajevo within a 24-hour period, hitting both military and civilian targets.⁷⁹⁸⁷ On 18 June 1995, UNPROFOR withdrew from all WCPs around Sarajevo because UNPROFOR units could no longer be deployed safely in isolated parts of SRK-held territory.⁷⁹⁸⁸ On 8 July 1995, Harland notified Phillip Corwin that the Serbs continued to snipe and shell Sarajevo and that the sniping and shelling carried no military benefit but contributed to an atmosphere of terror in Sarajevo.⁷⁹⁸⁹ During that week the Bosnian Ministry of Health reported 39 civilian deaths and 190 wounded.⁷⁹⁹⁰ Serb ‘gunners’ were targeting UN convoys using the Igman road.⁷⁹⁹¹ Finally Harland reported that the humanitarian situation was poor and that UNHCR had no food to distribute.⁷⁹⁹²

1881. **Milenko Indić** testified that during 1992, an UNMO office was established at the SRK Command, and there was regular communication between them. According to the witness, from the UNMOs’ location, it was not possible to establish an approximate number of shells fired, and their reports were mainly based on information received from the parties to the conflict.⁷⁹⁹³ The reporting on military fire only became objective when UNPROFOR installed artillery radars around Sarajevo.⁷⁹⁹⁴

Daily life of civilians in Sarajevo

1882. **Kupusović, Crnčalo, Alen Gičević, Fatima Pita, Witness RM-147, Sergii Moroz, Rasema Menzilović, Husein Abdel-Razek, and Michael Rose** all provided

⁷⁹⁸⁵ Witness RM-120, T. 7718-7719.

⁷⁹⁸⁶ P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1993.

⁷⁹⁸⁷ P992 (Anton Brennskag, witness statement, 26 October 2010), para. 31; Anton Brennskag, T. 9087.

⁷⁹⁸⁸ Adjudicated Facts III, no. 1761.

⁷⁹⁸⁹ P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), pp. 1-2.

⁷⁹⁹⁰ P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 2.

⁷⁹⁹¹ P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 3.

⁷⁹⁹² P6620 (Fax message from David Harland of UNPROFOR, 8 July 1995), p. 5.

⁷⁹⁹³ D614 (Milenko Indić, witness statement, 31 July 2014), para. 18.

⁷⁹⁹⁴ D614 (Milenko Indić, witness statement, 31 July 2014), para. 19.

evidence that the living conditions in Sarajevo during the war were very difficult, as there was a shortage of electricity, water, and food, limited access to medical care, and constant shelling and sniper fire.⁷⁹⁹⁵ From approximately mid-June 1992 onwards, the telephone lines were not functioning.⁷⁹⁹⁶ **Kupusović** stated that when an individual had to go out to fetch bread or water or simply because they could not spend all of their time in a basement or some other safe part of an apartment, there was a fear that the person who went out would not return or would come back wounded. This level of stress was a regular occurrence.⁷⁹⁹⁷ In October 1992, the electricity was shut down and therefore the people of Sarajevo had to face a winter without electricity and water because the pumps ran on electric power. In order to survive the winter, trees in the town, parks and gardens were cut down for firewood.⁷⁹⁹⁸ The water supply was organised from the city brewery's old wells and fuel was provided by UN forces.⁷⁹⁹⁹

1883. While many children were evacuated by humanitarian organizations, many more children remained in Sarajevo.⁸⁰⁰⁰ From May 1992 school buildings were out of commission and it was only in late autumn 1992 that 'they' were able to organise teaching in basements and secure apartments. The teaching took place once or twice a week; the rest of the time, children had to study with their parents.⁸⁰⁰¹ The type of education the children of Sarajevo received during the war was poor and the effects of this were felt for years to follow.⁸⁰⁰²

⁷⁹⁹⁵ **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 670. **Sulejman Crnčalo**: P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 82. **Alen Gičević**: P1935 (Alen Gičević, witness statements), witness statement of 21 April 2006, para. 13; P1937 (Alen Gičević, *Karadžić* transcript, 11 October 2010), pp. 7613-7614. **Fatima Pita**: P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5880. **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 20; Witness RM-147, T. 1718 **Sergii Moroz**: D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18129; Sergii Moroz, T. 42349, 42489. *See also* P7779 (UNPROFOR weekly political assessment, 17 February 1994), p. 3. **Rasema Menzilović**: P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6981. **Husein Abdel-Razek**: P293 (Husein Abdel-Razek, witness statements), witness statement of 16 July 2002, para. 18; Husein Abdel-Razek, T. 3620. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), paras 21-22, 30.

⁷⁹⁹⁶ **Witness RM-147**: P107 (Witness RM-147, witness statement, 3 June 2012), para. 20; Witness RM-147, T. 1718. *See also* **Tarik Kupusović**: P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 637-638, 660. **Fatima Pita**: P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5880.

⁷⁹⁹⁷ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 681.

⁷⁹⁹⁸ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 660.

⁷⁹⁹⁹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 660, 662.

⁸⁰⁰⁰ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 672.

⁸⁰⁰¹ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 671-672.

⁸⁰⁰² P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), p. 672.

1884. **Crnčalo** testified that he and his family received food from humanitarian supplies, but these supplies were sometimes cut off by the Serbs.⁸⁰⁰³ The witness and his children stayed in Sarajevo until the siege of the city ended in 1996, but if the option had existed to leave Sarajevo during the siege they would have taken it.⁸⁰⁰⁴ **Kupusović** stated that there were two large hospitals in Sarajevo: the clinical centre at Koševo and the state hospital at Marin Dvor. Several doctors from the Koševo clinical centre also established a provisional hospital in Dobrinja, which functioned during the war and then was dismantled.⁸⁰⁰⁵ **Youssef Hajir**, one of the doctors who were involved in the provisional hospital in Dobrinja, stated that in May 1992, the conditions in Sarajevo were poor and the most basic medical equipment was unavailable.⁸⁰⁰⁶ In July, the situation improved and more medical equipment became available.⁸⁰⁰⁷ Driving an ambulance was considered a dangerous occupation, even if the ambulance was marked with a Red Cross sign; Hajir recalled two drivers being wounded and one being killed all while on duty.⁸⁰⁰⁸

1885. **Jan Segers** testified that when he arrived in Sarajevo in October 1992, most of the city had no water or electricity.⁸⁰⁰⁹ Finding food and water would take hours, and people who went outside in search of these resources were wounded or killed by sniping and shelling.⁸⁰¹⁰ Civilians told the witness that they were living in constant panicked fear and were under the impression that they could get shot at any minute.⁸⁰¹¹ **Witness RM-126** stated that Serb forces used loudspeakers to insult and threaten the inhabitants of Sarajevo.⁸⁰¹² With regard to the situation in Sarajevo, he stated that people were afraid for their lives and that it was more than fear, but also a form of paranoia. Nevertheless, people still had to go out daily in order to get food, water, and fuel. According to the witness, it could be seen in their faces 'that it had passed beyond normal fear, it was a fatalism'.⁸⁰¹³ According to an UNPROFOR report dated 28 August 1994, on 26 August 1994, the gas supply to Sarajevo was cut off as of 26 August.⁸⁰¹⁴

⁸⁰⁰³ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 84.

⁸⁰⁰⁴ P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 97.

⁸⁰⁰⁵ P2468 (Tarik Kupusović, *Galić* transcript, 3-4 December 2001), pp. 664-665.

⁸⁰⁰⁶ P2616 (Youssef Hajir, witness statement, 25 February 2010), paras 27-30.

⁸⁰⁰⁷ P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 30.

⁸⁰⁰⁸ P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 47.

⁸⁰⁰⁹ Jan Segers, T. 43747, 43756.

⁸⁰¹⁰ Jan Segers, T. 43756-43757.

⁸⁰¹¹ Jan Segers, T. 43758.

⁸⁰¹² P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 3.

⁸⁰¹³ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2.

⁸⁰¹⁴ P887 (Political assessment of Bosnia-Herzegovina for 21-27 August 1994, 28 August 1994), para. 1.

1886. According to an UNPROFOR report from the headquarters in Sarajevo for the week of 29 May to 4 June 1995, the utilities situation in Sarajevo had been critical since 26 May 1995.⁸⁰¹⁵ On that day, Bosnian Serbs cut off the electricity supplies to the city and as a result water could not be pumped to the city.⁸⁰¹⁶ Gas supplies were completely disconnected by the Bosnian Serbs on 28 May, depriving the city of all utilities, and in retaliation the Bosnian authorities switched off the gas valve at Kladanj, which supplied the Serb side. The food situation was also unsatisfactory, and while reassurances were given by the Serb side that humanitarian agencies could continue their normal activities, the UNHCR had decided to suspend its convoys due to the security situation and the lack of UNPROFOR convoys.⁸⁰¹⁷

1887. According to an UNPROFOR report of 24 June 1995, Sarajevo needed about 6,000 tonnes of food aid per month to meet basic needs. This target had not been met since the air lift had been stopped on 8 April 1995. On 22 June 1995, the first food convoys in four weeks arrived in Sarajevo, carrying 270 tonnes for Bosnian-controlled areas and 160 tonnes for Serb-controlled areas. After the ABiH shelled convoys that were approaching the UNHCR warehouse in the Serb-controlled area of Rajlovac, Koljević stated that there would be no more convoys until the Bosnians provide written guarantees that they would not shell the area again. The Bosnians stated that the convoys had been moving without UNPROFOR escort and had been attended by Serb police vehicles.⁸⁰¹⁸ On 2 July 1995, for the first time since the war began, a convoy arrived in Sarajevo without the express consent of the Serbs.⁸⁰¹⁹

The Trial Chamber's findings

1888. Based on the foregoing, the Trial Chamber finds that the conflict erupted in Sarajevo around early May 1992. By 25 May 1992, the Bosnian-Serb forces were in control of Sarajevo and it was virtually impossible to enter the city without their permission. From at least 14 May to 23 June 1992, Sarajevo was targeted by heavy artillery almost daily. On some days, attacks would last for as long as 16 hours. On certain days during that period, thousands of rounds of artillery were fired into the city.

⁸⁰¹⁵ P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), pp. 1, 4.

⁸⁰¹⁶ P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), p. 4.

⁸⁰¹⁷ P6716 (Weekly situation report by UNPROFOR HQ in Sarajevo, 4 June 1995), p. 5.

⁸⁰¹⁸ P991 (UNPROFOR weekly situation report, 24 June 1995), p. 4.

⁸⁰¹⁹ P1089 (UNPROFOR weekly sitrep, 2 July 1995), p. 5.

Sniping fire could be heard regularly. The main thoroughfare of Sarajevo, part of which was then called the Maršal Tito Boulevard, was particularly prone to regular gunfire and therefore became known as 'Sniper Alley'. Sniper Alley was an approximately three-kilometre-long stretch of a road that ran in front of the Holiday Inn hotel and was located in ABiH-controlled territory. Trams were also frequently subjected to sniper fire. A bus line that was established to carry people on an alternative route to Sniper Alley also came under fire. From July 1992 until August 1994, sniping occurred almost every day. Many hundreds of civilians were killed, while thousands were injured. Sniping occurred in places where people would gather, such as food and water pick-up points, parks, cemeteries, hospitals, and schools. From 1993 to 1995, an average of at least 1,000 shells fell on Sarajevo on a daily basis, although there were significant breaks during the 1994 ceasefire. Following the ceasefire agreement of 18 February 1994, the situation in Sarajevo improved and the number of sniping and shelling incidents dropped significantly. From May 1994 onwards, the situation worsened again and sniping and shelling resumed. After August 1994, the sniping and shelling became even worse.

1889. The Trial Chamber further finds that between May 1992 and November 1995, the inhabitants of Sarajevo were forced to undertake daily activities, like fetching water or collecting wood, at night or when visibility was reduced, and hid in their apartments or basements during the day. They also developed alternative routes to traverse the city to avoid sniper fire. If people were forced to go outside, for instance to fetch water, there was a fear that they would be killed or injured and they would run across streets and seek shelter. In several instances, civilians were killed on the streets. Civilians were also forced to bury the dead at night, because it was considered too dangerous for funerals to take place during the day due to the risk of being targeted by sniping or shelling. Civilians hung blankets or sheets in front of their windows or in close proximity of their houses in order to block the line of sight of snipers. From May 1992 onwards, schools were closed and it was not until late autumn 1992 that classes were organized in basements and secure apartments, and these classes were only held once or twice per week. As a result, the level of education received by the children living in Sarajevo was of poor quality. Inhabitants of Sarajevo lived in constant fear that they or their loved ones would be hit by sniper or artillery fire. This constant fear inevitably took its toll on the population and caused them significant stress and trauma. Some

witnesses described their fear as going being normal fear and were fatalistic about the future. Inhabitants were severely hampered in their daily activities as a result of this.

1890. The Trial Chamber finds that the living conditions for the inhabitants of Sarajevo were extremely difficult as a result of living in constant fear and the lack of basic necessities, such as food, water, gas, and electricity, which forced them to go outside and be exposed to sniping and shelling. Only urgent medical care was provided, and hospitals and clinics were operating with very limited supplies. Hospitals, clinics, and ambulances were also targeted by snipers and shelled. As of mid-June 1992, telephone lines were cut. In October 1992, electricity was shut down, while there was no gas supply to Sarajevo as of 26 August 1994. In September 1995, the supply of water, electricity, and gas to the Bosnian-Muslim part of Sarajevo was halted.

1891. The Trial Chamber will further consider these findings when determining whether crimes were committed in Sarajevo.

5.1.2 Modified air bombs

1892. The Trial Chamber received evidence concerning modified air bombs used by the SRK in 1994 and 1995 in Sarajevo. In this section, the Trial Chamber will examine the evidence on accuracy and properties of modified air bombs. It will also discuss examples of the evidence it received regarding the production and distribution of these weapons within the VRS, in particular the SRK. The Defence argued that modified air bombs were well-designed, accurate, and valid weapons, having been extensively tested.⁸⁰²⁰ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to modified air bombs. It received documentary evidence which it finds consistent with the Adjudicated Facts.⁸⁰²¹ It also received evidence from **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;⁸⁰²² **Witness RM-159**, a police employee;⁸⁰²³ **Ekrem Suljević**, a

⁸⁰²⁰ Defence Final Brief, paras 2265-2267, 2275-2285, 2288.

⁸⁰²¹ P897 (SRK information to the VRS Main Staff about launching gear and aircraft weaponry, 15 June 1995); P902 (3rd Sarajevo Infantry Brigade report on possession of arms, 14 June 1995); P904 (Response to SRK Request for information about possession of arms, 9 June 1995); P907 (1st Ilidža Infantry Brigade report on possession of arms, 12 June 1995); P910 (1st Romanija Infantry Brigade report on possession of arms, 10 June 1995).

⁸⁰²² P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.

⁸⁰²³ P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.

mechanical engineer employed in the Bosnian MUP as of November 1993;⁸⁰²⁴ **Đorđe Đukić**, the Assistant for Logistics of the VRS Main Staff;⁸⁰²⁵ **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994 and Commander of the 4th Sarajevo Light Infantry Brigade from early August 1995 until February 1996;⁸⁰²⁶ **Nedžib Dozo**, a former JNA mortar platoon commander and civilian police investigator;⁸⁰²⁷ **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December 1995 with prior training in weaponry and ballistics;⁸⁰²⁸ **Thorbjorn Overgard**, a Norwegian UNMO deployed to Sarajevo from late October 1994 until 1 May 1995;⁸⁰²⁹ **Zorica Subotić**, a ballistics expert;⁸⁰³⁰ **Vladimir Radojčić**, Commander of the VRS Ilidža Brigade from January 1993 until the end of the war;⁸⁰³¹ **Savo Simić**, an artillery officer in the SRK throughout the conflict;⁸⁰³² **Nikola Mijatović**, the Chief of Security of the Ilidža Brigade from the end of May or June 1993 until September 1994 and later its Chief of Staff;⁸⁰³³ **Dragiša Masal**, chief of artillery at the VRS Main Staff during the war;⁸⁰³⁴ and **Manojlo Milovanović**, the Chief of Staff and deputy commander of the VRS Main Staff from 1992 to 1996.⁸⁰³⁵

⁸⁰²⁴ P889 (Ekrem Suljević, witness statement, 9 February 2010), p. 1, paras 2-3, 11; Ekrem Suljević, T. 8407-8408, 8410.

⁸⁰²⁵ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 7.

⁸⁰²⁶ D532 (Stevan Veljović, witness statement, 19 October 2012), para. 28; D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13; P6610 (Stevan Veljović, *Dragomir Milošević* transcript, 30 May 2007), pp. 5834-5835.

⁸⁰²⁷ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564.

⁸⁰²⁸ P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁸⁰²⁹ P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 626, 629, 631, 633.

⁸⁰³⁰ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

⁸⁰³¹ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

⁸⁰³² D1062 (Savo Simić, witness statement, 4 November 2012), paras 1, 3; Savo Simić, T. 35932, 35935, 35944, 35949-35850.

⁸⁰³³ D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 11; Nikola Mijatović, T. 21445-21446; P6532 (Proofing note for Nikola Mijatović, 21 May 2014), para. 2f.

⁸⁰³⁴ D942 (Dragiša Masal, witness statement, 20 July 2014), para. 2.

⁸⁰³⁵ Manojlo Milovanović, T. 16889; P2211 (Signed *Curriculum Vitae* of Manojlo Milovanović), 22 April 2010, pp. 1-2; P2212 (VRS Main Staff Structure - organisation chart, July 1995).

Accuracy of modified air bombs

1893. **Vladimir Radojčić** testified that air bombs of 250 kilograms or more were designed as a weapon to be dropped from overhead by a plane flying over its target.⁸⁰³⁶ They have no independent propulsion or guidance system and hit their target by the force of gravity; their accuracy is determined by how and when they are dropped.⁸⁰³⁷ In the second phase of the war, modified air bombs were used because of shortage of other ammunition.⁸⁰³⁸ These bombs were previously used by the JNA air force, and were adapted to be launched from the ground.⁸⁰³⁹ The range of an air bomb fired from the ground was between 600 metres and 4 kilometres.⁸⁰⁴⁰

1894. Radojčić believed that one rocket would be attached to a 100-kilogram air bomb, whereas three rockets would be attached to a 250-kilogram air bomb.⁸⁰⁴¹ Air bombs could be fired by a *Plamen* rocket system, an *Orkan* system, and an *Oganj* system with the first two containing a system that made it possible to adjust the bearing of the tubes and achieve a specific azimuth.⁸⁰⁴² Every rocket system had its own firing table.⁸⁰⁴³ The Ilidža Brigade used 250-kilogram bombs and, the witness believed, *Plamen* rockets, which were launched from a launcher that was mounted to the back of a trailer of a large vehicle.⁸⁰⁴⁴ The launcher was built by the Ilidža Brigade on the basis of sketches it had received from the SRK Command.⁸⁰⁴⁵ The Ilidža Brigade used provisional firing tables, which it had received from the SRK Command.⁸⁰⁴⁶ There was no manual available for the firing tables.⁸⁰⁴⁷ When the target was not visible, an artillery protractor and a compass were used to adjust the angle and the azimuth.⁸⁰⁴⁸ The Ilidža Brigade had

⁸⁰³⁶ Vladimir Radojčić, T. 22966-22967, 23141.

⁸⁰³⁷ Vladimir Radojčić, T. 23141.

⁸⁰³⁸ D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 54-55; Vladimir Radojčić, T. 23184.

⁸⁰³⁹ Vladimir Radojčić, T. 23038, 23141.

⁸⁰⁴⁰ Vladimir Radojčić, T. 23172.

⁸⁰⁴¹ Vladimir Radojčić, T. 23142.

⁸⁰⁴² Vladimir Radojčić, T. 23044, 23136-23140, 23149, 23298; P6616 (Photographs of rocket launchers, undated), pp. 2-4; D536 (Photograph of 'Plamen' rocket launcher, undated); D537 (Photographs of 'Oganj' rocket launcher, undated); D538 (Photograph of 'Plamen' rocket launcher, undated).

⁸⁰⁴³ Vladimir Radojčić, T. 23164-23165.

⁸⁰⁴⁴ Vladimir Radojčić, T. 23044, 23134, 23136, 23142, 23158, 23302; P6616 (Photographs of rocket launchers, undated), p. 1.

⁸⁰⁴⁵ Vladimir Radojčić, T. 23044, 23143.

⁸⁰⁴⁶ Vladimir Radojčić, T. 23039-23040, 23044, 23047, 23163, 23165, 23167.

⁸⁰⁴⁷ Vladimir Radojčić, T. 23169.

⁸⁰⁴⁸ Vladimir Radojčić, T. 23171, 23173.

at its disposal a 'laser gauge', a device that could measure the exact distance to the target.⁸⁰⁴⁹

1895. **Stevan Veljović** heard from brigade commanders in 1993 that 'craftsmen and engineers' were working on modified air bomb launchers.⁸⁰⁵⁰ The witness heard from Dragomir Milošević that the air bombs were inaccurate and could be off-target by as much as two kilometres.⁸⁰⁵¹ The witness further testified that the engines of modified air bombs were very unreliable - sometimes one engine fired later than the other causing the bomb to drift either to the left or to the right; as a result, it was impossible to predict where the bomb would land.⁸⁰⁵² For this reason they were not meant to be used in urban areas as this would risk hitting their own men or civilians.⁸⁰⁵³ The witness testified that modified air bombs had not been tested, and there were no firing tables for the modified air bombs and there were no rules detailing how the modified air bombs and accompanying launchers were to be used.⁸⁰⁵⁴ The witness testified that as a result, modified air bombs were also dangerous to the artillery crew firing it; some artillery crews dealing with modified air bombs were killed as the bombs exploded when they were activated.⁸⁰⁵⁵

1896. **Dragiša Masal, Radojčić,** and **Savo Simić** testified that modified air bombs were professionally designed and were precise with regard to target firing.⁸⁰⁵⁶ **Nikola Mijatović** testified that modified air bombs were less precise than conventional weapons.⁸⁰⁵⁷

1897. **Thom Knustad** stated that modified air bombs were highly inaccurate weapons.⁸⁰⁵⁸ **Thorbjorn Overgard** added that a modified air bomb can be aimed at a general area but is very inaccurate because it descends whenever the fuel is finished or a

⁸⁰⁴⁹ Vladimir Radojčić, T. 23036.

⁸⁰⁵⁰ Stevan Veljović, T. 22955-22956.

⁸⁰⁵¹ Stevan Veljović, T. 22949-22950, 22953, 22966.

⁸⁰⁵² Stevan Veljović, T. 22949, 22952-22954.

⁸⁰⁵³ Stevan Veljović, T. 22949, 22967.

⁸⁰⁵⁴ Stevan Veljović, T. 22949-22950, 22953-22954.

⁸⁰⁵⁵ Stevan Veljović, T. 22953.

⁸⁰⁵⁶ Dragiša Masal, T. 33503-33506, 22437; D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras. 55, 57; P6611 (Statement of Vladimir Radojčić from the *Karadžić* case, 8 December 2012), paras. 55, 57; Vladimir Radojčić, T. 23037-23040, 23044-23047, 23136-23137, 23157, 23165-23167, 23169-23173, 23182, 23184-23185; D1062 (Savo Simić, witness statement, 4 November 2012), para. 21; Savo Simić, T. 36046, 36054.

⁸⁰⁵⁷ Nikola Mijatović, T. 21579.

⁸⁰⁵⁸ P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1990-1992. *See also* P889 (Ekrem Suljević, witness statement, 9 February 2010), paras 40, 60; Ekrem Suljević, T. 8578.

set timer expires.⁸⁰⁵⁹ **Nedžib Dozo** testified that he investigated modified aircraft bombs and examined one of the bombs at close range, as it had fallen into the Mošćanice River without exploding. The witness testified that these types of bombs were unguided aircraft bombs retrofitted with rocket motors and fired from multi-rocket launchers and opined that as such, the bombs were inherently inaccurate.⁸⁰⁶⁰

1898. **Zorica Subotić** testified that based on an analysis of firing tables at a distance of 6,000 metres modified air bombs were more precise than regular rockets in terms of target deviation.⁸⁰⁶¹ The witness testified that at one point, ‘before they were being used in the war’, she had been shown contemporaneous firing tables of modified air bombs by a colleague of her, an engineer from the *Pretis* factory who was working on modified air bombs; she further testified she believed that these bombs were tested at the Nikinći test site in Belgrade.⁸⁰⁶² The witness testified that for her research, she could not get a hold of these tables anymore, and did not know whether these tables still existed.⁸⁰⁶³ The witness testified that as a result, she consulted firing tables from 2001 or 2002.⁸⁰⁶⁴

Destructive properties of modified air bombs

1899. Two types of air bombs were used in Sarajevo: the FAB-100 and the FAB-250. The numbers in the name indicate the approximate weight of the bombs in kilograms.⁸⁰⁶⁵ Some of these air bombs carried fuel-air explosives, rather than only TNT.⁸⁰⁶⁶ The FAB-100 air bomb had TNT as its explosive charge, whereas the typical explosive charge for a FAB-250 air bomb was a fuel-air mixture.⁸⁰⁶⁷ Fuel-air explosions cause a lethal wave of overpressure and destroy everything and everyone in the blast.⁸⁰⁶⁸

David Fraser testified that apart from having a devastating psychological effect on the civilian population, modified air bombs, which were aerial bombs propelled by rocket

⁸⁰⁵⁹ P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), p. 695. *See also* P1953 (Witness RM-159, witness statement, 21 October 2012), para. 14.

⁸⁰⁶⁰ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 48-49.

⁸⁰⁶¹ Zorica Subotić, T. 39825-39826, 39920.

⁸⁰⁶² Zorica Subotić, T. 39536-39539, 39544. In relation to the Nikinći test site in Belgrade, *see e.g.* P4549 (Firing protocol of the Nikinći test centre, 28 March 1994); P5101 (Proposal by Mladić to the Chief of Staff of the VJ General Staff, 16 June 1995).

⁸⁰⁶³ Zorica Subotić, T. 39536-39540, 39544, 39554-39558, 39809-39811, 39820-39821.

⁸⁰⁶⁴ Zorica Subotić, T. 39539-39540

⁸⁰⁶⁵ Adjudicated Facts III, no. 1882.

⁸⁰⁶⁶ Adjudicated Facts III, no. 1881.

⁸⁰⁶⁷ Adjudicated Facts III, no. 1887.

⁸⁰⁶⁸ Adjudicated Facts III, no. 1888.

motors and launched from the ground, were capable of destroying much larger areas than conventional mortar artillery.⁸⁰⁶⁹

Production, distribution, and use of modified air bombs by the SRK and VRS

1900. In 1994 and 1995, the SRK possessed modified air bombs and air bomb launchers.⁸⁰⁷⁰ During this time, the SRK requested and received 100/105 kilogram, 150 kilogram, and 250 kilogram air bombs. The VRS attached rockets to air bombs to enable their launch from the ground.⁸⁰⁷¹ Air bombs were produced in the *Pretis* factory, which was used by the SRK between August 1994 and November 1995.⁸⁰⁷² The ABiH did not possess modified air bombs.⁸⁰⁷³

1901. **Stevan Veljović** testified that the Igman and Ilidža Brigades, located west of Sarajevo, the 3rd Sarajevo and Ilijaš Brigades, located north of Sarajevo, and ‘possibly’ the 2nd Sarajevo Infantry Brigade, had modified air bomb launchers.⁸⁰⁷⁴ According to **Radojčić**, the Ilidža Brigade had about ten modified air bombs available, but only launched three, including a first ‘test bomb’ on a cooler plant near Stup, which missed its target by a hundred metres and did not explode.⁸⁰⁷⁵ **Veljović** testified that the use of modified air bombs had to be approved by the SRK Commander.⁸⁰⁷⁶

1902. **Đorđe Đukić** stated that as far as he remembered, the idea to use modified aerial bombs originated from the IBK, whose commander was Novica Simić.⁸⁰⁷⁷ Mladić, who was in contact with commanders of the IBK, ordered that investigations be undertaken for producing launchers at the level of this corps.⁸⁰⁷⁸ The fitting of the rocket engines to the aerial bombs was done in the *Pretis* factory.⁸⁰⁷⁹ According to the witness, the first system with a single rocket engine for propulsion failed and therefore a modified system with two or three engines with a maximum range of around two kilometres was developed. Mladić personally ordered the construction of these launchers.⁸⁰⁸⁰ The corps

⁸⁰⁶⁹ P576 (David Fraser, witness statement, 3 December 2012), paras 127, 129.

⁸⁰⁷⁰ Adjudicated Facts III, nos 1883, 2865.

⁸⁰⁷¹ Adjudicated Facts III, no. 1883.

⁸⁰⁷² Adjudicated Facts III, no. 1886.

⁸⁰⁷³ Adjudicated Facts III, nos 1892, 2548, 2865.

⁸⁰⁷⁴ Stevan Veljović, T. 22948, 22956.

⁸⁰⁷⁵ Vladimir Radojčić, T. 23039-23042, 23049, 23174, 23188-23192.

⁸⁰⁷⁶ Stevan Veljović, T. 22950-22951.

⁸⁰⁷⁷ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 23.

⁸⁰⁷⁸ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 4.

⁸⁰⁷⁹ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 24.

⁸⁰⁸⁰ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 23.

commanders would propose that launchers be used and every single use was approved personally by Mladić.⁸⁰⁸¹ With regard to the reporting on the use of this system, the language commonly used would not directly mention aerial bombs; instead the corps commanders would give their reports to Mladić using phrases such as ‘Boss, what we had agreed on has been used’.⁸⁰⁸² The witness believed that apart from Mladić and VRS Main Staff Chief of Artillery Rajko Balać, no one from the VRS Main Staff worked on this program.⁸⁰⁸³

1903. **Manojlo Milovanović** testified that the VRS did not have launchers capable of firing four aerial bombs at the same time.⁸⁰⁸⁴ With regard to a specific makeshift device to transport aerial bombs from the firing position to a target, Milovanović testified that he had neither seen the device after it was manufactured and assembled, nor had he ever seen it in action.⁸⁰⁸⁵ According to Milovanović, the device was not very precise and could only target an area.⁸⁰⁸⁶

1904. A large number of documents were admitted regarding the production, distribution, and use of modified air bombs. On 27 December 1993, following a meeting with VJ General Perišić in Belgrade, Mladić recorded that the matter of fuel-air bombs, and FAB air bombs which would come with blueprints, had been resolved.⁸⁰⁸⁷ Pursuant to an order from the VRS headquarters to proceed with the construction of launching systems, on 26 May 1994 Ratko Savić, the Director of the Technical Repair Institute in Hadžići, asked the Director of the ‘Ironworks’ company in Ilijaš for six pieces of six metre long INP-140 launchers. These launchers could not be acquired elsewhere and were intended to be built into the launching systems to meet VRS needs.⁸⁰⁸⁸ On 7 October 1994 – following a meeting in Belgrade with Slobodan Milošević, Momčilo

⁸⁰⁸¹ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), pp. 4, 24.

⁸⁰⁸² P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 24.

⁸⁰⁸³ P1052 (Đorđe Đukić, Extracts from redacted interview, February 1996), p. 23. *See* Manojlo Milovanović, T. 17017.

⁸⁰⁸⁴ Manojlo Milovanović, T. 17013-17015. The Trial Chamber notes that while at first, it appeared that the witness testified that the VRS did not possess FAB-250 air bombs, the witness corrected this impression and later testified that the VRS did not have launchers capable of firing four FAB-250 air bombs at the same time.

⁸⁰⁸⁵ Manojlo Milovanović, T. 17014, 17017.

⁸⁰⁸⁶ Manojlo Milovanović, T. 17017.

⁸⁰⁸⁷ P359 (Mladić notebook, 28 October 1993-15 January 1994), p. 108.

⁸⁰⁸⁸ P895 (Hadžići Technical Repair Institute Request to Ilijaš ‘Ironworks’ company to manufacture and deliver INP-140 launchers, 26 May 1994).

Perišić, and Jovica Stanišić – Mladić recorded a request for ammunition, which included air bombs.⁸⁰⁸⁹

1905. On 11 January 1995, pursuant to a VRS Main Staff request for information, the SRK Command was informed of the ammunition consumption by the SRK in November and December 1994, which included three aerial bombs.⁸⁰⁹⁰

1906. The Trial Chamber received evidence detailing the process through which the VRS Main Staff organized the logistics of procuring VRS and SRK units with modified air bombs in 1995, which included organizing the provision of components,⁸⁰⁹¹ storage,⁸⁰⁹² assembly,⁸⁰⁹³ inspection,⁸⁰⁹⁴ collection,⁸⁰⁹⁵ and, ultimately, the distribution⁸⁰⁹⁶ of modified air bombs. When the *Pretis-Vogošća* – a factory which was contracted by the VRS in the manufacturing of modified air bombs as discussed in chapter 9.2.6 – came under attack, the VRS Main Staff ordered that modified air bombs be moved to another location.⁸⁰⁹⁷ The Trial Chamber also received evidence of Mladić's involvement in procuring modified air bombs from the VJ. The Trial Chamber will further discuss Mladić's involvement in procuring materiel from the VJ, including modified air bombs, in chapter 9.3.6.

1907. The Trial Chamber further received evidence detailing how the VRS Main Staff assessed the necessary levels of production of modified air bombs; to this end, the VRS Main Staff instructed Corps Commanders to report on their current stock and their

⁸⁰⁸⁹ P362 (Mladić notebook, 4 September 1994-28 January 1995), pp. 81, 100-101.

⁸⁰⁹⁰ P4520 (SRK Command information regarding ammunition spending for November and December 1994, 11 January 1995).

⁸⁰⁹¹ See e.g. P909 (Letter from VRS Main Staff Logistics Sector, 19 April 1995); P4525 (Request of the Pretis Vogošća manufacture for supplies, 18 January 1995).

⁸⁰⁹² See e.g. P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995); P915 (VRS Main Staff order for the take over of air bombs from 'Pretis' Holding Company, 20 June 1995).

⁸⁰⁹³ See e.g. P894 (VRS Main Staff Logistics Sector order for the completion of air bombs, 18 June 1995); P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995); P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995).

⁸⁰⁹⁴ P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995). See also Adjudicated Facts III, no. 1883.

⁸⁰⁹⁵ See e.g. P906 (SRK instructions for the collection of assets from 'Pretis' Holding Company, 4 June 1995); P911 (VRS Main Staff order to the SRK to collect and transport air bombs, 16 May 1995).

⁸⁰⁹⁶ See e.g. P901 (VRS Main Staff order of the collection of air bombs, 4 June 1995); P906 (SRK instructions for the collection of assets from 'Pretis' Holding Company, 4 June 1995); P915 (VRS Main Staff order for the take over of air bombs from 'Pretis' Holding Company, 20 June 1995); P920 (VRS Main Staff order to 'Pretis' to issue ammunition, 23 July 1995), pp. 1-2.

⁸⁰⁹⁷ P928 (SRK Command order to return air bombs to 'Pretis', 27 August 1995), pp. 1-2; see also P913 (SRK order to issue air bombs, 24 August 1995); P914 (SRK Request for VRS approval for the issuing of air bombs, 18 June 1995).

needs for modified air bombs.⁸⁰⁹⁸ This order was passed down to the individual units,⁸⁰⁹⁹ who in turn promptly reported on their needs to the Corps Commander.⁸¹⁰⁰ The Corps Commander would pass on the information to the VRS Main Staff.⁸¹⁰¹ If a corps (deputy) commander believed more air bombs were necessary for combat activities, he could indicate the same to the VRS Main Staff. For example, on 18 June 1995, the SRK Chief of Staff Čedomir Sladoje requested approval from the VRS Main Staff to issue a large number of air bombs (50 pieces) to the SRK in order to ‘crush the Muslim offensive’.⁸¹⁰²

1908. The Trial Chamber received evidence regarding the development and deployment of air bombs which carried 500 kilograms of explosives. On 23 July 1995, Radoslav Pandžić of the SRK IKM, informed the SRK Commander about Colonel Savić’s visit, during which Savić informed them that the Maintenance and Repair Depot Hadžići had manufactured a launcher with the capacity of launching air bombs up to 500 kilogram. The launcher was mounted on a FAP-2226 vehicle taken from the Igman Infantry Brigade. Pandžić suggested that a commission be founded to test its functions. Following testing, the launcher would be deployed to one of the Corps artillery units.⁸¹⁰³

1909. The Trial Chamber received evidence of the active involvement of SRK staff in the manufacturing of air bombs. Following a request from the 1st Sarajevo Motorised Brigade for the manufacturing of air bomb launchers on 9 August 1995, on 10 August 1995 the SRK head of artillery, Tadija Manojlović, ordered that the brigade carry out all material preparations, in the shortest possible time period, for the manufacturing of such launchers. Such preparations included securing vehicles, rails, cranes, and other means necessary, which the brigade would regulate in contact with responsible persons of the Maintenance and Repairs Depot Hadžići. Manojlović ordered the 4th Mixed Artillery Regiment to dismantle one irregular Howitzer 155 and hand it over the howitzer to the 1st Sarajevo Motorised Brigade, after which the brigade was to transport it to the

⁸⁰⁹⁸ See e.g. P908 (VRS Main Staff Request for information about possession of arms, 7 June 1995).

⁸⁰⁹⁹ See e.g. P899 (SRK Request for information about possession of arms, 8 June 1995), p. 1.

⁸¹⁰⁰ See e.g. P902 (3rd Sarajevo Infantry Brigade report on possession of arms, 14 June 1995); P904 (Response to SRK Request for information about possession of arms, 9 June 1995); P907 (1st Ilidža Infantry Brigade report on possession of arms, 12 June 1995); P910 (1st Romanija Infantry Brigade report on possession of arms, 10 June 1995).

⁸¹⁰¹ See e.g. P897 (SRK information to the VRS Main Staff about launching gear and aircraft weaponry, 15 June 1995).

⁸¹⁰² P914 (SRK Request for VRS approval for the issuing of air bombs, 18 June 1995).

⁸¹⁰³ P903 (SRK Letter suggesting testing of a 500 kilogram air bomb launcher, 23 July 1995); P926 (SRK proposal to test functions of air bomb launcher, 23 July 1995).

Maintenance and Repairs Depot Hadžići. After approval from the VRS Main Staff, the parts required for manufacturing would be transported to the Maintenance and Repairs Depot Hadžići. Further, Manojlović ordered the head of the 1st Sarajevo Motorised Brigade to select staff to be trained to make arms and bombs ‘ready for action’, together with staff from the Igman Infantry Brigade, at the Maintenance and Repairs Depot Hadžići.⁸¹⁰⁴

The Trial Chamber’s findings

1910. Before turning to its findings on the accuracy of modified air bombs, the Trial Chamber will first discuss the evidence of Zorica Subotić, who testified that modified air bombs could hit a target more precisely than regular rockets. In order to arrive at this conclusion, Subotić calculated the distance between the ‘most probable target’ and the ‘point of impact’, and assumed that the average range of modified air bombs of any type was 6,000 metres.⁸¹⁰⁵ The Trial Chamber observes that the calculations made by the witness in her report to determine the accuracy of modified air bombs appear to ignore significant circumstances on the ground that could have affected their accuracy when fired.⁸¹⁰⁶ It further observes that in her research on the accuracy of modified air bombs, Subotić relied on firing tables that she testified she had access to at some point in time, but conceded that she could not produce them.⁸¹⁰⁷ The Trial Chamber notes that following the witness’s testimony, it has not been furnished with these tables. More importantly, however, the Trial Chamber was not assisted by Subotić’s assumptions regarding targets. Subotić assumed that military targets near the points of impact were in fact the targets. In doing so, the witness ignored the possibility that the projectiles had been aimed at a civilian object or that the firing was so inaccurate that it missed its target by far.⁸¹⁰⁸ The Trial Chamber observes that these assumptions, which touch on the core issues which keep the parties in this case apart, were used by the witness as a starting point for determining the accuracy of modified air bomb; as such, they were

⁸¹⁰⁴ P905 (SRK order for the manufacturing of launchers, 10 August 1995).

⁸¹⁰⁵ See D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 217-218.

⁸¹⁰⁶ See Subotić’s testimony on calculating the ‘probable deviation by range’ for each of the modified air bombs she examined. The factors not considered in this calculation included: the type of air bomb used, the weight of the air bomb (e.g. 100 kilograms or 250 kilograms), and the number of rockets attached to the bomb, D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 218. See also Zorica Subotić, T. 39804-39806, 39818-39820.

⁸¹⁰⁷ See Zorica Subotić, T. 39536-39539, 39554-39555, 39588-39589, 39809-3911, 39817-39818.

self-serving the witness's conclusion that modified air bombs are accurate. Based on the foregoing, the Trial Chamber finds that Subotić's evidence regarding the accuracy of modified air bombs is insufficiently reliable.

1911. In relation to the accuracy of modified air bombs, the Trial Chamber received contradictory evidence. The evidence of Masal, Radojčić, and Simić suggests that the bombs were precise in targeting, whereas the evidence of Veljović, Knustad, Overgard, Dozo, and Mijatović suggests that they were not. The Trial Chamber considered that those witnesses testifying that the modified air bombs were imprecise were not only witnesses affiliated with the Bosnian-Muslim side, but also those affiliated with the UN, and even those employed by the VRS. On the other hand, the evidence suggesting that modified air bombs were precise only stemmed from witnesses affiliated with the Bosnian-Serb side. Furthermore, the evidence on the accuracy from Masal, Radojčić, and Simić is mainly based on conjecture following apparent knowledge with regard to testing and manufacture, rather than the actual firing in combat situations. Under these circumstances, also considering that despite the repeated references to firing tables of modified air bombs, such tables were not submitted to the Trial Chamber, the Trial Chamber considers the evidence of Masal, Radojčić, and Simić insufficiently reliable in this respect.

1912. The Trial Chamber observes that the Defence argued in its final brief that the ABiH possessed and used modified air bombs.⁸¹⁰⁹ In support, the Defence referred to the evidence of Milorad Šehovac and Vladimir Radojčić that the ABiH had 'modified naval bombs', as well as the statement of Mile Sladoje that the ABiH used 'some sort of modified projectiles'.⁸¹¹⁰ Additionally, the Defence referred to a statement of Nikola Mijatović, who stated that he received reports from intelligence sources and that he saw

⁸¹⁰⁸ See e.g. D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 219, table 5, row 14; Zorica Subotić, T. 39814-39818.

⁸¹⁰⁹ Defence Final Brief, paras 1819-1821.

⁸¹¹⁰ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 13 (referring to 'some sort of modified projectiles'); D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 47 (referring to 'modified naval shells'); D560 (Milorad Šehovac, corrections to witness statement, 10 July 2014), para. 13 (referring to 'naval mines'); D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 59 (referring to 'modified naval bombs'); P6611 (Statement of Vladimir Radojčić from the *Karadžić* case, 8 December 2012), para. 59 (referring to 'modified naval bombs' and 'modified projectiles'). The Trial Chamber observes that the foregoing Defence witnesses did not provide further specifics in relation to this topic. It further observes, in relation to Vladimir Radojčić, that the witness was deeply familiar with the subject-matter of modified air bombs, yet with regard to the ABiH used different terminology, i.e. 'modified *naval* bombs'.

a television program after the war claiming that the ABiH used modified air bombs.⁸¹¹¹ The Trial Chamber finds that the evidence of Šehovac, Radojčić, and Sladoje in this respect does not relate to modified air bombs, and finds that the general statement of Mijatović on this subject is not sufficiently reliable to rebut the adjudicated fact that the ABiH did not possess modified air bombs.⁸¹¹²

1913. Based on the foregoing, the Trial Chamber finds that in 1994 and 1995, the VRS and SRK possessed and used modified air bombs in Sarajevo. Air bombs are designed to be dropped from the air; they have no independent propulsion or guidance system. Modified air bombs were essentially unguided aircraft bombs retrofitted with rocket motors and fired from multi-rocket launchers. They could be aimed at a general area and would descend whenever the fuel ran out or a set timer expired. As a result of their make-shift design, modified air bombs were highly inaccurate and had a devastating effect on impact. This was particularly the case when the explosive charge of the air bomb (TNT) was replaced by a fuel-air mixture which caused a lethal wave of overpressure and destroyed everything and everyone in the blast. The Trial Chamber further finds that the ABiH did not possess modified air bombs. In light of this, the Trial Chamber rejects the Defence's arguments.

1914. The Trial Chamber will address Mladić's personal involvement with regard to the production and use of modified air bombs in chapter 9.

⁸¹¹¹ D468 (Nikola Mijatović, witness statement, 10 May 2014), para. 20.

⁸¹¹² The Trial Chamber notes that in its Final Brief at para. 1819 (and corresponding footnote 5228), the Defence referenced an erroneous representation of an exhibit given by the Prosecution at T. 23124, which the Prosecution corrected at T. 23131-23132. Accordingly, the Trial Chamber will not further address the Defence's submission in this respect.

5.2 Sniping incidents

5.2.1 Schedule F.1

1915. According to the Indictment, the Accused is responsible for shooting and wounding Anisa Pita, a three-year-old girl, in her right leg when she was on the porch of her residence on Žagrići Street in the Širokača area of Sarajevo on 13 December 1992.⁸¹¹³ The Defence argued that (i) the evidence regarding this incident is contradictory in various respects, (ii) based on the evidence of Poparić, the house on Žagrići Street was not visible from VRS positions, and (iii) based on the evidence of Poparić, Pita was not targeted but hit by a combat ricochet.⁸¹¹⁴ The Trial Chamber has taken judicial notice of a number of Adjudicated Facts with regard to this incident. Furthermore, it received evidence from **Fatima Pita**, a Bosnian Muslim from Sarajevo,⁸¹¹⁵ and **Patrick van der Weijden**, an expert in sniping,⁸¹¹⁶ and finds that this evidence is consistent with the Adjudicated Facts.⁸¹¹⁷ The Trial Chamber also received evidence from **Miloš Škrba**, the Commander of the 2nd Infantry Company of the 2nd Infantry Battalion in the 1st Sarajevo Mechanised Brigade of the SRK,⁸¹¹⁸ and **Mile Poparić**, a weapons and military equipment expert.⁸¹¹⁹

1916. On 13 December 1992, Anisa Pita, three-and-a-half years old, was targeted and injured by a shot from an area that SRK soldiers had access to.⁸¹²⁰ **Fatima Pita** stated that in the morning, Anisa was in front of the door of her parents' house on the open

⁸¹¹³ Indictment, paras 15-17, 76, 81, Schedule F.1.

⁸¹¹⁴ Defence Final Brief, paras 2115-2125. In the context of challenging the alleged campaign of sniping and shelling against the civilian population of Sarajevo, the Defence submits that the SRK did not deliberately target or fire upon civilians or civilian features at any stage during the conflict (Defence Final Brief, paras 1759, 1762). The Trial Chamber addressed this submission in chapter 9.4.2, rather than in each of the sniping and shelling incidents.

⁸¹¹⁵ P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 1-2, witness statement of 25 September 2001, p. 1, witness statement of 10 August 2012, p. 1; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), p. 5875.

⁸¹¹⁶ Patrick van der Weijden, T. 6463.

⁸¹¹⁷ **Fatima Pita**: P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, pp. 2-3, witness statement of 25 September 2001, p. 2, witness statement of 10 August 2012, p. 2; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5879, 5907; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan). **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 13-15; Patrick van der Weijden, T. 6564-6565; D125 (Photograph marked by witness as to sniping incident F1).

⁸¹¹⁸ D524 (Miloš Škrba, witness statement, 10 May 2014), paras 1, 6, 15; Miloš Škrba, T. 22797-22798, 22803-22804, 22822, 22902, 22887.

⁸¹¹⁹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4

⁸¹²⁰ Adjudicated Facts III, no. 2222.

porch to take her shoes off, and visibility was clear.⁸¹²¹ Although it had been foggy earlier in the day, the fog had lifted by the time of the incident.⁸¹²² She was wearing a pair of overall jeans and a red jacket.⁸¹²³ She was standing on the porch alone when she was shot, and there was no one nearby carrying a weapon or wearing a uniform. There were no military positions around her house and Fatima did not see ABiH soldiers in the area during the period 1992 to April 1994, when she lived there.⁸¹²⁴ The shot was fired from the area of the ridge known as Baba Stijena.⁸¹²⁵ The entrance to the Pitas' house was completely walled in by neighbouring houses and structures such as fences, offering only a narrow line of sight in the direction of Baba Stijena.⁸¹²⁶ The distance from the house to Baba Stijena was 895 or 900 metres.⁸¹²⁷ In this respect, the Trial Chamber has also considered Adjudicated Facts numbers 1943 and 2134.

1917. **Miloš Škrba** testified that the 2nd Infantry Company of the 2nd Infantry Battalion of the VRS 1st Sarajevo Mechanised Brigade reached its positions in 1992 and did not move from there until 1995.⁸¹²⁸ Baba Stijena was within its zone of responsibility.⁸¹²⁹ The witness estimated that the distance between Baba Stijena and Zagrići Street was over 1,000 metres and that his unit's visibility was only about 800 metres.⁸¹³⁰ He testified that his unit was not in a position to snipe from Baba Stijena because its positions did not offer a clear line of sight, but he also acknowledged that it had an excellent view from there to the parts of Sarajevo to the north.⁸¹³¹ The witness also testified that his unit at Baba Stijena was under constant sniper and mortar fire from

⁸¹²¹ P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 2, witness statement of 25 September 2001, p. 2; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan), 15:45-16:00.

⁸¹²² P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 2, , witness statement of 25 September 2001, p. 2, witness statement of 10 August 2012, p. 2; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5879, 5889, 5907; P2454 (Video of witness Fatima Pita and ICTY investigator Barry Hogan), 15:45-16:00.

⁸¹²³ P2452 (Fatima Pita, witness statements), witness statement of 25 September 2001, p. 2.

⁸¹²⁴ P2452 (Fatima Pita, witness statements), witness statement of 25 June 2001, p. 3; P2453 (Fatima Pita, *Galić* transcript, 21 March 2002), pp. 5877, 5906.

⁸¹²⁵ Adjudicated Facts III, no. 2221.

⁸¹²⁶ Adjudicated Facts III, no. 2219.

⁸¹²⁷ Adjudicated Facts III, no. 2220.

⁸¹²⁸ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 6; Miloš Škrba, T. 22789-22790; D527 (Map of Zone of Responsibility for the 2nd Infantry Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade).

⁸¹²⁹ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22789, 22835-22836, 22902-22903; D527 (Map of Zone of Responsibility for the 2nd Infantry Company of the 2nd Infantry Battalion of the 1st Sarajevo Mechanised Brigade).

⁸¹³⁰ Miloš Škrba, T. 22790-22793; D531 (Map marked by Miloš Škrba).

⁸¹³¹ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22789, 22795-22796, 22836-22839; P6600 (Excerpt from DVD titled Radovan Karadžić Items 1-31).

the ABiH positions, located exclusively in civilian houses and facilities.⁸¹³² According to him, his unit returned enemy fire but he also claimed that no sniper or infantry weapon was fired from Baba Stijena while he was in command.⁸¹³³ The witness did not notice any other VRS unit, or member of a VRS unit, firing from Baba Stijena.⁸¹³⁴ The witness further testified that there was no sniper or sniper rifles in his company throughout the entire war.⁸¹³⁵ He never issued any order for fire to be opened on civilian targets from this or any other location.⁸¹³⁶ Also, he never received any written or oral orders from the battalion command to open fire on civilians.⁸¹³⁷ The task of the witness's company was of a defensive nature.⁸¹³⁸

1918. **Mile Poparić** testified that (i) there was no line of sight from the actual location of Baba Stijena to Žagrić Street 38 and therefore to the door where Anisa Pita was shot,⁸¹³⁹ and (ii) even if there was a line of sight, fences, the weather, and Anisa Pita's appearance would have made it impossible to shoot her from Baba Stijena.⁸¹⁴⁰ Using Google Earth and landmarks such as the Lukavica-Pale road, the Osmice Motel, the Orthodox Church, and the Cathedral, Poparić drew a line from the site he identified as Baba Stijena to Žagrić Street 38.⁸¹⁴¹ Relying on topographic maps of Sarajevo issued by the JNA Military and Geographic Institute in Belgrade, 'NIMA', and Google Earth, Poparić determined that even if all the trees and buildings were removed, there would still be no line of sight from Baba Stijena to Žagrić Street 38 due to a topographic elevation of 2-4.2 metres, depending on the map used.⁸¹⁴²

1919. Some of the evidence received stands in stark contrast to the Adjudicated Facts. Adjudicated Fact numbers 1943, 2134, 2219, 2221, and 2222 indicate that the shot was

⁸¹³² D524 (Miloš Škrba, witness statement, 10 May 2014), para. 7; Miloš Škrba, T. 22790, 22794-22796, 22805-22806, 22823, 22839, 22843-22844.

⁸¹³³ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 7; Miloš Škrba, T. 22789, 22840-22841, 22843-22844, 22902-22903.

⁸¹³⁴ Miloš Škrba, T. 22902.

⁸¹³⁵ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22793, 22795, 22826.

⁸¹³⁶ D524 (Miloš Škrba, witness statement, 10 May 2014), paras 9 (as printed), 16.

⁸¹³⁷ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 9 (as printed).

⁸¹³⁸ D524 (Miloš Škrba, witness statement, 10 May 2014), para. 16; Miloš Škrba, T. 22795.

⁸¹³⁹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 30, 34, 36, 262; Mile Poparić, T. 40396, 40404, 40406.

⁸¹⁴⁰ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 28, 30, 35.

⁸¹⁴¹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 30, 36, 262.

⁸¹⁴² D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), paras 34, 36, 262; Mile Poparić, T. 40405-40406, 40409-40414.

fired from SRK-controlled Baba Stijena. Poparić testified that there was no such line of sight and Škrba, who was stationed at Baba Stijena, testified that no sniper fire was opened from there. When examined on this topic, the Trial Chamber found that Škrba's testimony contained numerous internal contradictions. For example, the witness testified that his unit could not snipe from Baba Stijena because its position there did not offer any clear line of sight to ABiH-controlled territory. However, he also testified that his unit was targeted by the ABiH, which would mean that there was a line of sight enabling the opposing forces to shoot at each other. When questioned about this apparent contradiction, the witness was unable to provide a plausible explanation.⁸¹⁴³ Further, the witness testified that no sniper or infantry weapon was fired from Baba Stijena while he was in command, but upon questioning he acknowledged that his unit had returned enemy fire. The Trial Chamber therefore finds that the evidence of Miloš Škrba in this respect is not sufficiently reliable to rebut the above-mentioned Adjudicated Facts.

1920. In relation to Poparić's evidence, the Trial Chamber observed that his conclusions are based on an examination of three topographical maps, all of which produced differing results in relation to the topographic elevation. The Trial Chamber notes that Poparić was unable to visit the precise location where Anisa Pita was shot. It also considers that Poparić's main expertise is not related to drawing conclusions on differences between various topographical maps. Although Poparić refers to obstructions to any line of sight, he did not appear to have considered other reasonable possibilities for compensating any difference in elevation and simply assumed that 'one needs to lie down during combat'.⁸¹⁴⁴ In this regard, the Trial Chamber notes that Poparić conceded that a small change in positioning from the origin of fire would have overcome obstacles to a line of sight.⁸¹⁴⁵ The Trial Chamber finds that Poparić's evidence about this incident is not sufficiently reliable to rebut the above-mentioned Adjudicated Facts.

1921. The Defence's arguments regarding contradictions in the evidence relate to immaterial details of this incident with respect to determining whether the charge has been proven, namely the exact time of the shooting or the exact time the victim prior to

⁸¹⁴³ See Miloš Škrba, T. 22795-22796.

⁸¹⁴⁴ Mile Poparić, T. 40411.

⁸¹⁴⁵ Mile Poparić, T. 40415.

being shot went to fetch water with her father. Accordingly, the Trial Chamber will not further consider this argument.

1922. Based on the foregoing, the Trial Chamber finds that on 13 December 1992, Anisa Pita, who was three-and-a-half years old at the time, was targeted and injured by a single bullet while she was standing on the porch of her parents' house. The Trial Chamber finds that the shot was fired from Baba Stijena. On the basis of Adjudicated Fact number 2134 and the evidence of Miloš Škrba, who acknowledged that his VRS unit was stationed at Baba Stijena, the Trial Chamber finds that Anisa Pita was shot by a member of the SRK. Anisa was alone on the porch when she was shot and there were no armed personnel in the vicinity. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.2 Schedule F.3

1923. According to the Indictment, the Accused is responsible for shooting dead Munira Zametica, a 48-year-old woman, while she was collecting water from the Dobrinja River in the area of Dobrinja on 11 July 1993.⁸¹⁴⁶ The Defence argued that (i) Zametica was not deliberately targeted by the SRK; and (ii) there were ABiH positions at the bridge.⁸¹⁴⁷ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Sadija Šahinović**, who lived in Dobrinja II in Sarajevo in 1993;⁸¹⁴⁸ **Patrick van der Weijden**, an expert in sniping;⁸¹⁴⁹ and documentary material and finds that this evidence is consistent with the Adjudicated Facts.⁸¹⁵⁰ The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert.⁸¹⁵¹

⁸¹⁴⁶ Indictment, paras 15-17, 64, 76, 81, Schedule F.3.

⁸¹⁴⁷ Defence Final Brief, paras 2128-2137.

⁸¹⁴⁸ P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3414.

⁸¹⁴⁹ Patrick van der Weijden, T. 6463.

⁸¹⁵⁰ **Sadija Šahinović**: P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3416, 3422-3424, 3434, 3436-3437, 3453; P1906 (Video of Sadija Šahinović and ICTY investigator); P1907 (360-degree photograph shot from approximate location of the victim Munira Zametica at the time of the shooting); P1908 (Photograph marked by Sadija Šahinović in the case of *Prosecutor v. Stanislav Galić*). **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 19-20. **Documentary evidence**: P973 (Investigative file, 11 July 1993), pp. 2-4; P2389 (ABiH report, 2 October 1993), p. 2; P2390 (ABiH report, 30 December 1993), pp. 2, 5.

⁸¹⁵¹ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

1924. On 11 July 1993, **Sadija Šahinović** and Munira Zametica, a 48-year-old woman in 1993,⁸¹⁵² went to the Dobrinja River, where they joined a group of six or seven civilians who had found shelter below a bridge connecting Dobrinja II with Dobrinja III.⁸¹⁵³ Those people said that they had seen bullets hit the river. After some time had passed without sniping, the group decided to go for water one by one.⁸¹⁵⁴ Zametica was filling her bucket with water when she was shot.⁸¹⁵⁵ She was hit by a bullet in the right side of her chest.⁸¹⁵⁶ Šahinović saw her suddenly putting her hands on her chest and crying for a moment.⁸¹⁵⁷ Then Zametica turned around and was hit by another bullet in the right side of her neck.⁸¹⁵⁸ She tried to get out of the water and fell on the concrete embankment at the side of the river.⁸¹⁵⁹ The perpetrator repeatedly shot toward Zametica, preventing rescuers from approaching her.⁸¹⁶⁰ Soon after, two or three soldiers who passed by, stopped and shot back into the direction of a church in order to cover the persons who pulled Zametica out of the river.⁸¹⁶¹ She died later that afternoon.⁸¹⁶² The area of the Orthodox Church from where the fire came, Dobrinja IV, was within SRK-controlled territory.⁸¹⁶³ There were SRK firing positions on the tower of the church and nearby high-rise buildings.⁸¹⁶⁴ There was a line of sight between the tower and the spot where the victim was shot.⁸¹⁶⁵ **Mile Poparić** testified that the spot where Zametica was shot was 1,100 metres away from the Orthodox Church at Dobrinja IV.⁸¹⁶⁶ Poparić concluded that the likelihood that Munira Zametica was shot from a

⁸¹⁵² P973 (Investigative file, 11 July 1993), pp. 2-4.

⁸¹⁵³ P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3417, 3440, 3448; P1906 (Video of Sadija Šahinović and ICTY investigator).

⁸¹⁵⁴ P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.

⁸¹⁵⁵ Adjudicated Facts III, no. 2238.

⁸¹⁵⁶ P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2, witness statement of 8 October 2001, p. 1; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417; P973 (Investigative file, 11 July 1993), pp. 2-3; P1907 (360-degree photograph shot from approximate location of the victim Munira Zametica at the time of the shooting).

⁸¹⁵⁷ P1904 (Sadija Šahinović, witness statements), witness statement of 25 February 1996, p. 2; P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.

⁸¹⁵⁸ P1904 (Sadija Šahinović, witness statements), witness statement of 8 October 2001, p. 1.

⁸¹⁵⁹ P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), p. 3417.

⁸¹⁶⁰ Adjudicated Facts III, no. 2237.

⁸¹⁶¹ P1905 (Sadija Šahinović, *Galić* transcript, 11 February 2002), pp. 3418, 3434, 3453.

⁸¹⁶² Adjudicated Facts III, no. 2227.

⁸¹⁶³ Adjudicated Facts III, nos 2233, 2238.

⁸¹⁶⁴ Adjudicated Facts III, no. 2230.

⁸¹⁶⁵ Adjudicated Facts III, no. 2231.

⁸¹⁶⁶ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 90, 95; Mile Poparić, T. 40416, 40444.

distance of 1,100 metres was extremely small and that she was most probably killed by projectiles that were the result of a ricochet of a burst of fire from a shorter distance.⁸¹⁶⁷

1925. Based on the foregoing, the Trial Chamber finds that on 11 July 1993, Munira Zametica, a 48-year-old woman, was shot and killed when collecting water from the Dobrinja River. After hitting Munira Zametica twice, the shooting continued, preventing rescuers from approaching her. On the basis that the shot originated from an SRK position, the Trial Chamber finds that she was shot by a member of the SRK. The Trial Chamber considered in this regard that Poparić's expressions of likelihoods do not contradict the Adjudicated Facts with regard to this incident. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below, where it will also address the Defence arguments with respect to whether Zametica was targeted.

5.2.3 Schedule F.4

1926. According to the Indictment, the Accused is responsible for shooting and wounding Nafa Tarić, a 35-year-old woman, and her eight-year-old daughter Elma Tarić, by a single bullet while they were walking together on Ivana Krndelja Street, in the centre of Sarajevo on 3 September 1993. The bullet wounded the mother in her left thigh and the daughter on her right hand and in her abdomen.⁸¹⁶⁸ The Defence argued, based on Poparić's evidence, that the shot was not fired by an SRK member.⁸¹⁶⁹ The Trial Chamber took judicial notice of a number Adjudicated Facts in relation to this incident. It also received evidence from **Mile Poparić**, a weapons and military equipment expert.⁸¹⁷⁰

1927. On 3 September 1993, Nafa Tarić and her eight-year-old daughter Elma were targeted and injured by a shot fired from an SRK-controlled position in the area of Ozrenka Street on Hrasno Hill.⁸¹⁷¹ At approximately 5 p.m., Nafa and Elma went to get school books. They walked from their apartment in Hrasno through the neighbourhood

⁸¹⁶⁷ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 94-95, 97, 269; Mile Poparić, T. 40445-40446.

⁸¹⁶⁸ Indictment, paras 15-17, 76, 81, Schedule F.4.

⁸¹⁶⁹ Defence Final Brief, paras 2140-2150.

⁸¹⁷⁰ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 1-4.

⁸¹⁷¹ Adjudicated Facts III, no. 2256.

and down Ivana Krndelja Street.⁸¹⁷² Nafa was wearing jeans, a denim waistcoat, and white T-shirt, while Elma was dressed in a red tracksuit.⁸¹⁷³ Nafa recalled it was a sunny and peaceful day.⁸¹⁷⁴ They crossed the street holding hands behind a line of containers installed to provide protection against SRK snipers.⁸¹⁷⁵ As they emerged from the cover of the containers, they were shot.⁸¹⁷⁶ A single bullet hit Nafa's left thigh, then grazed her daughter's hand and penetrated her stomach.⁸¹⁷⁷ They fell to the ground. Nafa said that another bullet 'whizzed past our bodies as we lay there'.⁸¹⁷⁸ People who witnessed the incident did not dare approach them.⁸¹⁷⁹ The two managed to crawl away from the exposed position and were taken to the hospital.⁸¹⁸⁰ Nafa and Elma were civilians.⁸¹⁸¹ There was no on-going military activity at the time of the incident. There were neither soldiers, uniformed personnel, nor any military equipment present in the immediate vicinity.⁸¹⁸² There was an unobstructed line of sight from SRK positions on Hrasno Hill to the location of the incident.⁸¹⁸³

1928. **Mile Poparić** testified that based on his review of Nafa Tarić's testimony and Google Earth, he concluded that the maximum distance at which a shooter could see and target the incident site was around 540 metres, due to obstructions from houses and trees.⁸¹⁸⁴ According to Poparić, only positions in ABiH-controlled territory afforded a line of sight within that distance as the closest VRS positions were located at 680 metres from the incident site.⁸¹⁸⁵ Based on footage of a reconstruction of the incident, Poparić calculated that it took Nafa Tarić 1.02 seconds to get from the barrier to the place where she was shot.⁸¹⁸⁶ The shortest time required for a bullet to cover a distance of 680

⁸¹⁷² Adjudicated Facts III, no. 2239.

⁸¹⁷³ Adjudicated Facts III, no. 2240.

⁸¹⁷⁴ Adjudicated Facts III, no. 2241.

⁸¹⁷⁵ Adjudicated Facts III, no. 2242.

⁸¹⁷⁶ Adjudicated Facts III, no. 2243.

⁸¹⁷⁷ Adjudicated Facts III, no. 2244.

⁸¹⁷⁸ Adjudicated Facts III, no. 2245.

⁸¹⁷⁹ Adjudicated Facts III, no. 2246.

⁸¹⁸⁰ Adjudicated Facts III, no. 2247.

⁸¹⁸¹ Adjudicated Facts III, no. 2248.

⁸¹⁸² Adjudicated Facts III, no. 2249.

⁸¹⁸³ Adjudicated Facts III, no. 2252.

⁸¹⁸⁴ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 100-103, 119-120, 270.

⁸¹⁸⁵ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 103-104, 120, 270-271; Mile Poparić, T. 40448, 40473.

⁸¹⁸⁶ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 99, 104, 119-120, 270-271; Mile Poparić, T. 40450, 40452-40453, 40455, 40561.

metres was 1.2 seconds.⁸¹⁸⁷ According to Poparić, Nafa Tarić could therefore not have been deliberately targeted from VRS positions.⁸¹⁸⁸

1929. In relation to the origin of fire, the Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact number 2256. Poparić's specific calculations are based on an assumption of where exactly the VRS positions were located. In relation to these positions, Poparić excluded certain positions because '[i]t doesn't make sense to have positions there'.⁸¹⁸⁹ Poparić's conclusion that fire could not have originated from VRS positions because such positions were too far away to allow a shooter to see and target the victim, is also based on his interpretation of the victim's testimony and Google Earth. According to Poparić, Google Earth shows houses and trees obstructing the view. However, it is unclear whether any such possible obstructions were already present at the time of the incident.⁸¹⁹⁰ Turning to Poparić's calculation of the time it took Nafa Tarić to get from the barrier to the place where she was shot and his inference that she was therefore not 'deliberately' targeted from VRS positions, the Trial Chamber finds that his specific calculations lack consideration of important other factors, such as whether the speed of walking at the time of the incident matched that during the reconstruction, or whether the impact spot was indeed indicated with such precision that would allow this kind of very specific calculation. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut Adjudicated Fact number 2256 in this respect.

1930. Based on the foregoing, the Trial Chamber finds that on 3 September 1993, Nafa Tarić and her eight-year-old daughter Elma were targeted and injured by a single bullet. On the basis that the shot originated from an SRK position, the Trial Chamber finds that they were shot by a member of the SRK. The victims, both civilians, were shot when they were on their way to get school books. They had just emerged from the cover of containers installed to provide shelter against SRK snipers when they were hit by the bullet. The bullet hit Nafa's left thigh, then grazed her daughter's hand and penetrated her stomach. A second bullet flew past them when they were lying on the ground wounded. People who witnessed the incident did not dare approach them. The Trial

⁸¹⁸⁷ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 99, 104, 119, 270; Mile Poparić, T. 40449-40457, 40461.

⁸¹⁸⁸ D1330 (Mile Poparić and Zorica Subotić, Expert Report for the Defence Small Arms Fire on the Sarajevo Area 1992-1995, 25 April 2014), pp. 104, 120, 271; Mile Poparić, T. 40449, 40476.

⁸¹⁸⁹ Mile Poparić, T. 40580-40581.

⁸¹⁹⁰ See Mile Poparić, T. 40754.

Chamber understands that this was due to the risk of being shot. In the immediate vicinity of the location of the incident there was no ongoing military activity at the time and no soldiers, uniformed personnel, or any military equipment were present. The Trial Chamber will further consider the incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.4 Schedule F.5

1931. According to the Indictment, the Accused is responsible for shooting and wounding Ramiza Kundo, a 38-year-old woman, in her left leg, while she was carrying buckets of water across Briješko Street in the west end of Sarajevo on 2 November 1993.⁸¹⁹¹ The Defence argued that the evidence received in relation to this incident is contradictory and inconclusive and, with regard to the origin of fire, unclear.⁸¹⁹² The Trial Chamber took judicial notice of some Adjudicated Facts with regard to this incident. It further received evidence from **Ramiza Kundo** herself, a Muslim resident of Brijesće, which was an exclusively Muslim area of Sarajevo in 1993,⁸¹⁹³ and **Rasema Menzilović**, a Bosnian Muslim from Sarajevo,⁸¹⁹⁴ and finds that this evidence is consistent with the Adjudicated Facts.⁸¹⁹⁵ The Trial Chamber also received evidence from **Patrick van der Weijden**, an expert in sniping;⁸¹⁹⁶ **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸¹⁹⁷ **Mile Poparić**, an expert in weapons and military equipment;⁸¹⁹⁸ and documentary evidence.

1932. At approximately 4 p.m. on 2 November 1993, Ramiza Kundo and Rasema Menzilović were returning from a well around 50 to 60 metres from Kundo's house.⁸¹⁹⁹

⁸¹⁹¹ Indictment, paras 15-17, 76, 81, Schedule F.5.

⁸¹⁹² Defence Final Brief, paras 1675-1687.

⁸¹⁹³ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 1-3, witness statement of 30 October 2001, p. 1.

⁸¹⁹⁴ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.

⁸¹⁹⁵ **Ramiza Kundo**: P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3. **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6989, 6999-7000; P1923 (Two photographs, marked by Rasema Menzilović).

⁸¹⁹⁶ Patrick van der Weijden, T. 6463.

⁸¹⁹⁷ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸¹⁹⁸ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸¹⁹⁹ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5939. See also P1921 (Rasema Menzilović, witness

It was a cold day with clear visibility.⁸²⁰⁰ The well was mainly used by women, children, and elderly, and sometimes by men, none of whom were dressed in uniform.⁸²⁰¹ Kundo was wearing a long colourful skirt (red or violet), a shirt, and a pullover.⁸²⁰² The well was downhill across the road from her house and sheltered by a protective ditch, which had been dug by the inhabitants at the beginning of the war.⁸²⁰³ According to Kundo, a Serb-held position was in the train depot in Sarajevsko Polje, about 800 metres down the hill from her house.⁸²⁰⁴ There were no Muslim-held positions near her house or the well.⁸²⁰⁵ There were neither soldiers nor military vehicles nearby at the time of the incident.⁸²⁰⁶ On her way back, coming up the hill from the well with two buckets of water, Kundo was shot in her leg and wounded.⁸²⁰⁷ This happened when the two women were about to cross the Briješćo Brdo road.⁸²⁰⁸ Kundo was able to cross the road where she lay down in a garage close to her house.⁸²⁰⁹ Menzilović and other people helped her and took her to Koševo Hospital.⁸²¹⁰ Kundo was diagnosed with a gunshot wound in her left leg below her knee and discharged after three days.⁸²¹¹ She was targeted and injured by a bullet fired from SRK-held territory in the field area where Briješće and Bačići are.⁸²¹² The ABiH confrontation line was

statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6983, 6988-6989.

⁸²⁰⁰ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3. *See also* P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6989.

⁸²⁰¹ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2.

⁸²⁰² Adjudicated Facts III, no. 2265.

⁸²⁰³ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1920 (360 degree photograph of Schedule F.5 incident area).

⁸²⁰⁴ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5949; P1920 (360 degree photograph of Schedule F.5 incident area).

⁸²⁰⁵ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2.

⁸²⁰⁶ P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6989-6990.

⁸²⁰⁷ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5942, 5945-5946; P1920 (360 degree photograph of Schedule F.5 incident area).

⁸²⁰⁸ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6984-6985, 6990-6991, 7058-7059; P1923 (Two photographs, marked by Rasema Menzilović).

⁸²⁰⁹ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2, witness statement of 30 October 2001, p. 2; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), pp. 5945-5950, 5956-5957, 6000-6001; P1919 (Photograph of Schedule F.5 incident area); P1920 (360 degree photograph of Schedule F.5 incident area).

⁸²¹⁰ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3.

⁸²¹¹ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, p. 2; P1918 (Medical registration from Koševo Hospital). *See also* Milan Mandilović, T. 6649-6651; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 4; P691 (Medical Records regarding Ramiza Kundo), p. 1.

⁸²¹² Adjudicated Facts III, nos 2263, 2266.

between 300 and 400 metres away from the site of the incident.⁸²¹³ There was no line of sight to nearby ABiH-controlled areas.⁸²¹⁴ **Van der Weijden** testified that several locations at the alleged shooting position offered an unobstructed view on the road where the incident took place.⁸²¹⁵ A shooter at such positions, the furthest of which would be at a distance of 825 metres, would have easily been able to identify a woman carrying two containers of water.⁸²¹⁶ **Mile Poparić** testified that the incident site had lines of sight to both ABiH and VRS sniper positions.⁸²¹⁷ Poparić further assessed that the shot could not have come from Serb-held positions because the ‘lie of the land’ did not afford a line of sight for a sniper to shoot a person in the lower leg at the incident site.⁸²¹⁸

1933. Poparić’s argument that there was a line of sight from ABiH-held territory to the impact site stands in stark contrast with Adjudicated Fact number 2262 which stipulates that there was no such line of sight. The Trial Chamber considers, however, that whether there was a line of sight from ABiH-held territory does not need to be established in light of Adjudicated Facts numbers 2263 and 2266 which clearly establish the origin of fire.

1934. With regard to Poparić’s claim that the shot could not have been fired from SRK-held territory due to the ‘lie of the land’, the Trial Chamber notes that this evidence stands in stark contrast with Adjudicated Facts numbers 2263 and 2266 which stipulate that the shot was fired from SRK-held territory. In this regard, the Trial Chamber considered that Poparić had plotted the impact site some 130 metres down along the road from actual site. Later, he testified that he had merely made a plotting mistake and that his calculations had in fact taken into account the correct impact site.⁸²¹⁹ Further, the Trial Chamber considers Poparić’s evidence in this respect to be very unclear, despite having been extensively questioned while in court. In light of this and the Trial Chamber’s assessment of Poparić’s evidence and methodology as set out in other incidents dealt with in chapter 5.2, the Trial Chamber finds that Poparić’s evidence in

⁸²¹³ Adjudicated Facts III, no. 2260.

⁸²¹⁴ Adjudicated Facts III, no. 2262.

⁸²¹⁵ P1130 (Patrick van der Weijden, expert report), pp. 30-31.

⁸²¹⁶ P1130 (Patrick van der Weijden, expert report), pp. 31-32.

⁸²¹⁷ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 128, 274; Mile Poparić, T. 40485, 40487, 40502.

⁸²¹⁸ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 128, 274.

⁸²¹⁹ Mile Poparić, T. 40584-40591, 40597, 40600-40608, 40867-40870, 40875-40877.

this respect is not sufficiently reliable to rebut Adjudicated Facts numbers 2263 and 2266.

1935. The Defence further submits that the evidence is too contradictory and unclear to serve as a basis for finding that the charge has been proven. The Trial Chamber notes that, with regard to the origin of fire and the question whether Kundo was targeted and injured, it relied on the un rebutted Adjudicated Facts numbers 2263 and 2266, as opposed to the evidence pointed to by the Defence.

1936. With regard to the remainder of the Defence's submission, the Trial Chamber considers that even if the evidence could be seen as contradictory with regard to certain matters, such contradictions relate to marginal aspects of this incident (for example which leg was injured, where the exact location of the well was, or whether Kundo was on her way to or from the well) and do not affect the outcome of this finding. Accordingly, the Trial Chamber will not further consider this Defence submission.

1937. Based on the foregoing, the Trial Chamber finds that on 2 November 1993, Ramiza Kundo was targeted, shot, and injured in her leg. The victim was a Bosnian-Muslim woman, dressed in civilian clothes, who was shot between her house and a well, carrying two water buckets. There were neither soldiers nor any military vehicles present in the immediate vicinity. On the basis that the shot originated from SRK-held territory, the Trial Chamber finds that Ramiza Kundo was shot by a member of the SRK.⁸²²⁰ The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.5 Schedule F.9

1938. According to the Indictment, the Accused is responsible for shooting and wounding Sanela Muratović, a 16-year-old girl, while she was walking with a friend on Đure Jakšića Street in the west end of Sarajevo on 26 June 1994.⁸²²¹ The Defence argued, based on the evidence of Poparić, that Sanela Muratović was shot during

⁸²²⁰ The Trial Chamber also considered its finding in relation to the functioning command and control in the SRK, as set out in chapter 3.1.2 in coming to this conclusion. Furthermore, the Trial Chamber noted that the Defence's only citation when arguing that ABiH units sneaked into SRK-held territory and fired from there into the city (Defence Final Brief, para. 1814) is transcript page 42345, which is not evidence, but merely the Defence's summary of Witness Moroz's Rule 92 *ter* material. The actual evidence this summary references is D1370 (Moroz's *Galić* transcript) at pp. 18187-18188. However, that hearsay evidence is very vague and insufficiently probative to affect the Trial Chamber's finding in this regard.

combat activity by a bullet which ricocheted off a building.⁸²²² The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Further, it received evidence from **Medina Omerović**, a Bosnian Muslim from Sarajevo;⁸²²³ **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸²²⁴ **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992 until the end of the war;⁸²²⁵ **Youssef Hajir**, a Muslim surgeon from Palestine who established the Dobrinja Hospital in Sarajevo in May 1992;⁸²²⁶ **Patrick van der Weijden**, an expert in sniping,⁸²²⁷ and finds that this evidence is consistent with the Adjudicated Facts.⁸²²⁸ The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert;⁸²²⁹ and documentary evidence.

1939. On 26 June 1994, on a sunny early evening between 7 and 7:30 p.m., Sanela Muratović, age 16, and Medina Omerović, age 17, were walking side by side to Omerović's apartment in Đure Jakšića street 17 (on the eastern side of Lukavička Road), in the neighbourhood of Vojničko Polje (Novi Grad).⁸²³⁰ Muratović was wearing a T-shirt, trousers, and sneakers, while Omerović was wearing shorts.⁸²³¹ As the two young women were about to cross the street towards Omerović's apartment block, some ABiH uniformed soldiers warned them that 'sniper fire had started and to hurry up'. They started running.⁸²³² Muratović was hit by a single shot in her right shoulder, from

⁸²²¹ Indictment, paras 15-17, 76, 81, Schedule F.9.

⁸²²² Defence Final Brief, paras 2165-2171.

⁸²²³ P1931 (Medina Omerović, witness statements), 8 November 1995 statement, p. 1, 26 September 2001 statement, p. 1.

⁸²²⁴ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸²²⁵ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.

⁸²²⁶ P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.

⁸²²⁷ Patrick van der Weijden, T. 6463.

⁸²²⁸ **Medina Omerović**: P1931 (Medina Omerović, witness statements), 8 November 1995 statement, p. 2 and 26 September 2001 statement, p. 2; P1932 (Medina Omerović, *Galić* transcript, 15 February 2002), pp. 3851-3852; P1933 (Photograph of building in Sarajevo); P1934 (Video pertaining to sniping incident). **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), paras 118-119; Milan Mandilović, T. 6647-6648; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012); P707 (Medical records issued by the Dobrinja General Hospital for Sanela Muratović, Elma Tarić and Nafa Tarić, 26 June 1994). **Mile Sladoje**: Mile Sladoje, T. 21058, 21098-21101; P6512 (Marked photograph); D457 (Marked map). **Youssef Hajir**: P2616 (Youssef Hajir, witness statement, 25 February 2010), para. 69. **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 35, 37-38.

⁸²²⁹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸²³⁰ Adjudicated Facts III, no. 2267.

⁸²³¹ Adjudicated Facts III, no. 2268.

⁸²³² Adjudicated Facts III, no. 2269.

the front.⁸²³³ Omerović, walking to Muratović's left, was not injured.⁸²³⁴ Both young women went on and took shelter in a trench located to their right.⁸²³⁵ Muratović was admitted to the Dobrinja General Hospital for emergency treatment on the same day.⁸²³⁶

1940. Muratović was targeted from SRK-controlled territory.⁸²³⁷ The shot originated from the area of the Institute for the Blind.⁸²³⁸ The distance between the area of the Institute for the Blind and the position of the victim at the time of the incident was about 200 metres.⁸²³⁹ According to **Mile Sladoje**, the institute was never used as a sniper's nest. However, he acknowledged that members of the 1st Battalion of the Ilidža Brigade were positioned there.⁸²⁴⁰ No fighting was going on in the area at the time of the incident.⁸²⁴¹ Soldiers were not garrisoned in the immediate vicinity of the spot where the incident occurred, and there was no military facility nearby.⁸²⁴² According to **Sladoje**, the 101st Brigade of the 1st Corps of the ABiH had a trench on Đure Jakšića Street.⁸²⁴³

1941. **Mile Poparić** testified that based on a photograph of the Institute for the Blind taken after the war, there was only one potential spot from which fire could be opened in the direction of the trench, and only if the position of the shooter was inside the room and on a platform.⁸²⁴⁴ Based on the traces on buildings surrounding the Institute for the Blind, Poparić concluded that fire was opened from VRS-controlled territory in the vicinity of the Institute for the Blind during an exchange of fire between the warring sides and that Muratović was 'most probably' hit by a projectile ricocheting off the building located at Đure Jakšića Street No. 17.⁸²⁴⁵

1942. Poparić's conclusion that Muratović was hit by a combat ricochet contradicts Adjudicated Fact number 2283, which states that she was targeted. The basis of

⁸²³³ Adjudicated Facts III, nos 2270, 2277.

⁸²³⁴ Adjudicated Facts III, no. 2271.

⁸²³⁵ Adjudicated Facts III, no. 2273.

⁸²³⁶ P707 (Medical records issued by the Dobrinja General Hospital for Sanela Muratović, Elma Tarić and Nafa Tarić, 26 June 1994). The records were authenticated by Milan Mandilović, *see* P679 (Milan Mandilović, witness statement, 24 February 2010), paras 118-119; Milan Mandilović, T. 6647-6648; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 2.

⁸²³⁷ Adjudicated Facts III, no. 2283.

⁸²³⁸ Adjudicated Facts III, no. 2275.

⁸²³⁹ Adjudicated Facts III, no. 2281.

⁸²⁴⁰ Mile Sladoje, T. 21100-21101.

⁸²⁴¹ Adjudicated Facts III, no. 2278.

⁸²⁴² Adjudicated Facts III, no. 2280.

⁸²⁴³ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 31.

⁸²⁴⁴ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 170-173, 178, 282; Mile Poparić, T. 40494, 40710-40712.

⁸²⁴⁵ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 174-176, 178, 283; Mile Poparić, T. 40489, 40494, 40684-40685, 40709-40710, 40712-40718.

Poparić's conclusion is that he observed firing traces on buildings surrounding the Institute for the Blind. The Trial Chamber notes that Poparić conceded that there was no evidence of an exchange of fire on the day of the incident.⁸²⁴⁶ He concluded though that there must have been an exchange of fire and that consequently Muratović's hit was a combat-related ricochet. The Trial Chamber considers this line of reasoning to be purely speculative and therefore insufficiently reliable to rebut Adjudicated Fact number 2283.

1943. Based on the foregoing, the Trial Chamber finds that on 26 June 1994, 16-year-old Sanela Muratović was, at a distance of 200 metres, targeted, shot, and injured from the Institute for the Blind, where the 1st Battalion of the SRK Ilidža Brigade held positions.⁸²⁴⁷ On the basis that the shot originated from an SRK position, the Trial Chamber finds that Muratović was shot by a member of the SRK. The victim was wearing civilian clothes and was shot when she was on her way home with a friend. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.6 Schedule F.11

1944. According to the Indictment, the Accused is responsible for shooting and wounding Alma Čutuna, a 43-year-old woman, in her right upper leg when she was travelling on the tram on Zmaja od Bosne Street on 8 October 1994.⁸²⁴⁸ The Defence argued, mainly based on Poparić's evidence, that the ABiH shot at the tram.⁸²⁴⁹ Scheduled Incident F.11 is limited to the shooting of Alma Čutuna on 8 October 1994. The Indictment is, however, not limited to the Scheduled Incidents.⁸²⁵⁰ Accordingly, the Trial Chamber also considered Adjudicated Facts and evidence about two other shootings at the same time and place. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Witness RM-112**, a Bosnian Muslim living in Sarajevo from April 1992;⁸²⁵¹ **Patrick**

⁸²⁴⁶ See Mile Poparić, T. 40712-40713.

⁸²⁴⁷ In light of the finding that Muratović was targeted (which is based on an Adjudicated Fact), it is immaterial whether ABiH soldiers were nearby.

⁸²⁴⁸ Indictment, paras 15-17, 76, 81, Schedule F.11. Although the text of Schedule F.11 of the Indictment does not specify that the victim was shot, the Trial Chamber understands the charge to cover this from this incident's inclusion as one of the sniping examples in Schedule F.

⁸²⁴⁹ Defence Final Brief, paras 2173-2187.

⁸²⁵⁰ Further on this issue, see Appendix B.

⁸²⁵¹ P1948 (Witness RM-112, witness statements), 2006 statement, para. 5, 1996 statement, pp. 1-2.

van der Weijden, an expert in sniping;⁸²⁵² and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁸²⁵³ The Trial Chamber also received evidence from **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995,⁸²⁵⁴ and **Mile Poparić**, a weapons and military equipment expert.⁸²⁵⁵

1945. On 8 October 1994, a tram was shot at the S-curve on Zmaja od Bosne Street with machinegun fire and Alma Čutuna was hit and seriously injured in her right upper leg.⁸²⁵⁶ The tram was crowded and came under fire when it approached the Faculty of Philosophy.⁸²⁵⁷ A cease-fire was in place and there were no military vehicles or equipment in the area at the time.⁸²⁵⁸ Two other sniping incidents took place in the same area and within minutes of each other.⁸²⁵⁹ Two to three minutes after the tram was hit, another tram travelling between the Faculty of Philosophy and the museum was hit by a burst of gunfire and several passengers were wounded.⁸²⁶⁰ Shortly after the second tram was hit, four children between 12 and 14 years of age, running in the same area, near the Faculty of Philosophy and the Executive Council, were shot and wounded.⁸²⁶¹ In total, eleven people were injured.⁸²⁶² Nedžad Hadžibajrić died from a perforating wound to the right of his head.⁸²⁶³ During the on-site investigation, the investigation team found two stationary trams that were damaged, with traces of fire, blood stains, and broken glass on the inside.⁸²⁶⁴ The shots came from the direction of the Metalka Building,

⁸²⁵² Patrick van der Weijden, T. 6463.

⁸²⁵³ **Witness RM-112:** P1948 (Witness RM-112, witness statements), 2006 statement, paras 8-10, 1996 statement, pp. 2-3; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), pp. 824, 826-828, 832. **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 40, 42, 46-48. **Documentary evidence:** P493 (Official Report of MUP Sarajevo, 10 October 1994), pp. 1-2; P670 (UNPROFOR report, October 1994), pp. 2, 5-6; P1952 (Letter of hospital discharge), p. 1.

⁸²⁵⁴ P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.

⁸²⁵⁵ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

⁸²⁵⁶ Adjudicated Facts III, nos 2302, 2304. The Trial Chamber understands *Zmaja od Bosne* to refer to the same street as *Zmaja od Bosne*, as mentioned in the Indictment.

⁸²⁵⁷ P1948 (Witness RM-112, witness statements), 2006 statement, para. 8, 1996 statement, p. 2; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), pp. 826-828.

⁸²⁵⁸ P1948 (Witness RM-112, witness statements), 2006 statement, para. 9, 1996 statement, p. 2; P1949 (Witness RM-112, *Dragomir Milošević* transcript, 22 January 2007), p. 827.

⁸²⁵⁹ Adjudicated Facts III, no. 2297.

⁸²⁶⁰ P493 (Official Report of MUP Sarajevo, 10 October 1994), p. 2.

⁸²⁶¹ Adjudicated Facts III, no. 2300.

⁸²⁶² P493 (Official Report of MUP Sarajevo, 10 October 1994), pp. 2-4. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994).

⁸²⁶³ P493 (Official Report of MUP Sarajevo, 10 October 1994), p. 3. *See also* P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994).

⁸²⁶⁴ Adjudicated Facts III, no. 2299.

which was held by the SRK. The shots were fired by a member of the SRK.⁸²⁶⁵ Visibility on the day was sufficient to allow a sniper at the Metalka Building to identify and target a tram negotiating the S-curve.⁸²⁶⁶

1946. The first shooting was heard by UNPROFOR staff on the ground.⁸²⁶⁷ The burst of fire was very loud and seemed to have come from very close.⁸²⁶⁸ Later, investigators on the ground using antenna rods were able to determine that the fire for all three shootings came from 'directions that converged toward house number 14', which was situated in Serb territory. Investigators placed these antenna rods into six fresh traces of impact in the ground near the impact location.⁸²⁶⁹ **Patrick van der Weijden** commented that this location indicated by UNPROFOR was inaccurate.⁸²⁷⁰ There was no line of sight to the location of the incident due to the presence of buildings in between. Furthermore, the suggested location was over 600 metres away from the location of the incident. According to van der Weijden, '[f]ire from that distance has lost its very loud crack and most of the noise will be the sound of bullets flying at supersonic speed which has a distinctively different sound'. Since the Metalka building was 290 metres away from the S-curve, the noise of the shot would have been clearly 'noticeable' for the UNPROFOR personnel on the ground.⁸²⁷¹ According to UNPROFOR, a total of six people were wounded during the shooting of the two trams.⁸²⁷²

1947. **Michael Rose** testified that Serbs fired at the two trams from their positions located at the Jewish cemetery.⁸²⁷³ According to a report of a meeting between UNPROFOR and Mladić on 10 October 1994, UNPROFOR condemned the incident of 8 October 1994 in which the Sarajevo tramway was shot at. In response, Mladić denied that the Serbs were involved, claimed that the shooting had come from the Holiday Inn,

⁸²⁶⁵ Adjudicated Facts III, no. 2303.

⁸²⁶⁶ Adjudicated Facts III, no. 2302.

⁸²⁶⁷ P670 (UNPROFOR report, October 1994), pp. 2, 5-6.

⁸²⁶⁸ P670 (UNPROFOR report, October 1994), p. 6.

⁸²⁶⁹ P670 (UNPROFOR report, October 1994), pp. 3, 6-7.

⁸²⁷⁰ P1130 (Patrick van der Weijden, expert report), pp. 41, 46-47; Patrick van der Weijden, T. 6473-6474.

⁸²⁷¹ P1130 (Patrick van der Weijden, expert report), p. 47.

⁸²⁷² P670 (UNPROFOR report, October 1994), p. 5.

⁸²⁷³ P736 (Michael Rose, witness statement, 26 March 2009), para. 156; P771 (UN cable on discussion of sniping incident, 11 October 1994); P784 (Video clip depicting General Rose and General Gobillard visiting a tram-sniping incident scene).

i.e. from the Bosnian side, and that it was all a ‘scenario’ engineered by the other side. He added that Rose should not be duped by ‘Muslim propaganda’.⁸²⁷⁴

1948. **Mile Poparić** testified that based on his review of statements and other evidence, both trams were hit at locations that had no line of sight to positions of the VRS.⁸²⁷⁵ Poparić concluded that the trams were hit from the executive council building, which was under the control of the ABiH.⁸²⁷⁶

1949. In relation to the origin of fire, the Trial Chamber notes that the Adjudicated Facts and some of the evidence differ. The origin of fire may be an important element in establishing the affiliation of the perpetrator. According to the Adjudicated Facts, the shots were fired from the direction of the Metalka Building by a member of the SRK. According to an UNPROFOR report, the shooting came from ‘house number 14’. Rose testified that the shots came from the Jewish Cemetery. Mladić claimed that they originated from the Holiday Inn. Poparić testified that there was no line of sight to VRS positions and that the shots came from the ABiH.

1950. There is no indication on what basis Rose concludes that the shooting came from the Jewish Cemetery, or why Mladić, according to a report, concluded that it came from the Holiday Inn. The Trial Chamber finds that neither Rose’s evidence nor the evidence of Mladić as set out in a report is sufficiently reliable to rebut the Adjudicated Facts in this respect.

1951. In relation to the UNPROFOR report, the Trial Chamber notes that UNPROFOR was present at the scene of the shootings. However, UNPROFOR did not observe the shooting in determining its origin but employed a test using antenna rods. The Trial Chamber considered the description of this method of establishing the origin of fire as given by UNPROFOR and the exact phrasing of the results. The Trial Chamber is not convinced that this method could yield the kind of precision in the origin of fire that UNPROFOR put forward. Accepting that the antenna rod test lacks precision, the Trial Chamber finds that the UNPROFOR report is not sufficiently reliable to rebut the Adjudicated Fact that the shots were fired from the *direction* of the Metalka Building.

⁸²⁷⁴ P16 (UNPROFOR report, 10 October 1994), p. 2.

⁸²⁷⁵ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 208, 286; Mile Poparić, T. 40496-40497.

⁸²⁷⁶ Mile Poparić, T. 40497, 40510-40511, 40802.

1952. Poparić's conclusions are mainly based on an analysis of (i) the location of shattered glass from the tram windows, (ii) the angle of entry wounds on a victim, and (iii) the shape of a dust column caused by the bullets as observed on a video.⁸²⁷⁷ In relation to (i), Poparić assumed that the tram stopped immediately upon impact arguing that '[the tram driver] was probably scared and stopped because of his instinct'.⁸²⁷⁸ In relation to (ii), Poparić argued that one civilian was hit in his lip with the bullet ending up in his shoulder, suggesting that this must mean a large angle of descent. In relation to (iii), Poparić argues that the shape of the dust column indicates a short, high-angle shooting.⁸²⁷⁹ The Trial Chamber considers that Poparić, in reaching his conclusion, made a number of assumptions so that only his conclusion seems reasonable. For (i), Poparić conceded that glass can also shatter at a later moment and not directly upon impact and failed to convincingly explain why the tram windows in this incident must have shattered upon impact.⁸²⁸⁰ For (ii), Poparić did not seem to consider the possibility of a ricochet and also seemed to assume that the victim's head was upright when hit. Poparić conceded that a different position of the victim would affect his conclusion and failed to convincingly explain why the victim must have been upright.⁸²⁸¹ For (iii), other factors which may affect a dust column, such as wind conditions or composition of the ground, do not seem to have been considered by Poparić. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

1953. Based on the foregoing, the Trial Chamber finds that on 8 October 1994, an SRK member, from the direction of the Metalka building, shot and seriously wounded Alma Ćutuna who was travelling on a crowded tram at Zmaja od Bosne Street. The shot was part of a set of shootings which also hit another tram and four children running in the area. A total of eleven people were wounded and one died.⁸²⁸² The shootings took place during a cease-fire and there were no military vehicles or equipment, apart from those of UNPROFOR, near the location of the incidents at that time. The Trial Chamber will

⁸²⁷⁷ Mile Poparić, T. 40802-40803.

⁸²⁷⁸ Mile Poparić, T. 40506.

⁸²⁷⁹ Mile Poparić, T. 40511.

⁸²⁸⁰ Mile Poparić, T. 40806-40808. When asked why in this case the glass shattered immediately, the witness answered 'Because the shards are next to the tram'.

⁸²⁸¹ Mile Poparić, T. 40815-40819.

⁸²⁸² In relation to the number of wounded, the Trial Chamber considered the official report of the MUP (P493) more reliable than the UNPROFOR report (P670), given that the former provides the names of all wounded.

further consider these incidents in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

5.2.7 Schedule F.12

1954. According to the Indictment, the Accused is responsible for firing at Dženana Sokolović, a 31-year-old woman, and her seven-year-old son Nermin Divović, while they were walking on Zmaja od Bosne Street on 18 November 1994. Dženana Sokolović was wounded by a bullet in the abdomen, which passed through her and hit her son in the head, killing him. The two were walking home from Hrasno, where they had gone to collect firewood the previous day.⁸²⁸³ The Defence argued that the evidence is contradictory and inconclusive, suggesting that the fire did not come from the SRK.⁸²⁸⁴ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from **Dženana Sokolović**, a Bosnian Muslim from Sarajevo,⁸²⁸⁵ **Šefik Bešlić**, a Bosnian-Muslim doctor and surgeon who worked as the head of abdominal surgery at Koševo Hospital in Sarajevo from 1980 to 2004,⁸²⁸⁶ as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁸²⁸⁷ The Trial Chamber further received evidence from **John Jordan**, a volunteer firefighter in Sarajevo from 1992 until 1995;⁸²⁸⁸ **Patrick van der Weijden**, an expert in sniping;⁸²⁸⁹ **Barry Hogan**, an investigator for the Prosecution;⁸²⁹⁰ and **Mile Poparić**, a weapons and military equipment expert.⁸²⁹¹

1955. On 18 November 1994, Dženana Sokolović was returning home to Bistrik from Hrasno in Sarajevo, walking on the right side of the road with her seven-year-old son,

⁸²⁸³ Indictment, paras 15-17, 76, 81, Schedule F.12.

⁸²⁸⁴ Defence Final Brief, paras 2189-2198.

⁸²⁸⁵ P1909 (Dženana Sokolović, witness statement, 14 November 1995), pp. 1-2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 763.

⁸²⁸⁶ P2609 (Šefik Bešlić, witness statement, 30 January 2007), p. 1, para. 1; P2610 (Šefik Bešlić, *Dragomir Milošević* transcript, 3 April 2007), pp. 4416-4418.

⁸²⁸⁷ **Dženana Sokolović**: P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 797-798, 812. **Šefik Bešlić**: P2609 (Šefik Bešlić, witness statement, 30 January 2007), paras 2-5; P2610 (Šefik Bešlić, *Dragomir Milošević* transcript, 3 April 2007), pp. 4418-4419, 4421-4423, 4425, 4428-4429, 4436. **Documentary evidence**: P951 (Criminal investigation file, 18 November 1994), pp. 1-3, 5, 14.

⁸²⁸⁸ P126 (John Jordan, witness statement, 24 August 2006), paras 2, 4-6; John Jordan, T. 1762.

⁸²⁸⁹ Patrick van der Weijden, T. 6463.

⁸²⁹⁰ P2379 (Barry Hogan, *Karadžić* transcript, 3 February 2011), p. 11192; Barry Hogan, T. 17489, 17492.

⁸²⁹¹ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

Nermin Divović, by her side and her eight-year-old daughter nearby.⁸²⁹² At the crossroads of Zmaj (Zmaja) od Bosne Street, formerly Vojvode Putnika Street, and Franjo Rački (Račkog) Street in the area of the Holiday Inn, she heard gunfire and saw her son fall down immediately.⁸²⁹³ She was shot in the right side of her body and the bullet went through her abdomen and exited on the left side, continuing through her son's head.⁸²⁹⁴ Dženana Sokolović was severely wounded and her son was killed.⁸²⁹⁵ She stated that the shooting originated from Grbavica, which was under the control of 'Chetniks'.⁸²⁹⁶ According to a criminal investigation file, dated 18 November 1994, in evidence as P951, the shot originated from the direction of the Metalka building in that neighbourhood.⁸²⁹⁷ According to one Adjudicated Fact, the shot was fired by a member of the SRK.⁸²⁹⁸ To **Dženana Sokolović's** knowledge, there were no soldiers present, no fighting was taking place, and she had assumed there was a truce because other people were on the streets and trams were running.⁸²⁹⁹ Similarly, according to the criminal investigation file, at the time of the incident there was no combat action or ABiH military formations reported in the area, the intersection was guarded by UNPROFOR, and was one of the few intersections which residents could use at great risk.⁸³⁰⁰ It was not a foggy day, and there was little leaf coverage on the trees.⁸³⁰¹ **John Jordan** testified that some firefighters of his NGO 'Global Operation Fire Rescue Services' were on the scene at the time of the incident and that they were often positioned at that location on days with good weather because of increased sniper activity.⁸³⁰² **Patrick van der Weijden** testified that within the Grbavica neighbourhood, the Metalka

⁸²⁹² P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 763, 766, 773-774, 784-785; P1912 (Colour photo of Sarajevo).

⁸²⁹³ P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 766; P951 (Criminal investigation file, 18 November 1994), pp. 1, 3, 10-13.

⁸²⁹⁴ Adjudicated Facts III, no. 2317.

⁸²⁹⁵ P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 763, 779-780; P951 (Criminal investigation file, 18 November 1994), pp. 1-4, 9; P1911 (Photo of shot child); P6478 (Autopsy report for Nermin Divović, 16 March 1995).

⁸²⁹⁶ P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2.

⁸²⁹⁷ P951 (Criminal investigation file, 18 November 1994), pp. 1, 3, 10-13.

⁸²⁹⁸ Adjudicated Facts III, no. 2319.

⁸²⁹⁹ P1909 (Dženana Sokolović, witness statement, 14 November 1995), p. 2; P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), pp. 766, 810.

⁸³⁰⁰ P951 (Criminal investigation file, 18 November 1994), pp. 2-3, 11.

⁸³⁰¹ P1910 (Dženana Sokolović, *Dragomir Milošević* transcript, 22 January 2007), p. 773.

⁸³⁰² P126 (John Jordan, witness statement, 24 August 2006), paras 2, 12; John Jordan, T. 1777; P127 (World & Nation report); P136 (Video of scheduled incident F.12).

building offered a direct line of sight to the location where the victims were shot.⁸³⁰³ **Barry Hogan** confirmed this.⁸³⁰⁴ According to van der Weijden, at a distance of 320 metres from the Metalka building it would have been possible to determine with the naked eye that the victim and her two children were not combatants.⁸³⁰⁵

1956. **Mile Poparić** testified that based *inter alia* on his own estimate of the height of the victims, established during his review of the evidence, and Divović's entry wound, it is impossible to conclude that the victims were both hit by the same shot.⁸³⁰⁶ He further testified that based on his interpretation of the evidence related to the bullet trajectory, including audiovisual evidence and photographs, and the uncertainties as to whether one or more projectiles hit the victims, he concluded that the shot may have come from the opposite side of the Metalka building.⁸³⁰⁷

1957. The Trial Chamber has considered Adjudicated Facts 2317 and 2319, according to which both victims were shot with the same projectile originating from Grbavica. It has also considered Poparić's evidence on the number of projectiles and direction of fire. The Trial Chamber notes that Poparić draws his conclusions from the identification of inconsistencies in the evidence and from his own assumptions. Drawing conclusion from evidence is not part of Poparić's expertise. Accordingly, the Trial Chamber finds the witness's conclusions to be insufficiently founded. Therefore, the Trial Chamber finds the witness's conclusions on the number of projectiles and direction of fire to be insufficiently reliable to rebut Adjudicated Facts 2317 and 2319.

1958. In relation to the Defence's argument about contradictions in the evidence, the Trial Chamber notes that its finding on the affiliation of the perpetrator is solely based on the Adjudicated Facts. The Defence did not present reliable evidence rebutting this fact. Accordingly, any inconsistencies in the evidence, as submitted by the Defence, do not impact the Trial Chamber's findings in this respect. Under these circumstances, the Trial Chamber will not further consider the Defence submissions.

1959. Based on the foregoing, the Trial Chamber finds that on 18 November 1994, a member of the SRK shot and wounded Dženana Sokolović, a Bosnian-Muslim woman,

⁸³⁰³ P1130 (Patrick van der Weijden, expert report), p. 53.

⁸³⁰⁴ Barry Hogan, T. 17777-17778; P2401 (Marked photograph).

⁸³⁰⁵ P1130 (Patrick van der Weijden, expert report), p. 54.

⁸³⁰⁶ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 215-217, 223-225, 288-290; Mile Poparić, T. 40527-40528, 40533-40535.

⁸³⁰⁷ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), pp. 211-213, 217, 223-225, 288-290; Mile Poparić, T. 40536.

with a single bullet which passed through her abdomen and hit her seven-year-old son Nermin Divović in the head, killing him, while they were walking on Zmaj (Zmaja) od Bosne Street on their way home. Her eight-year-old daughter was also nearby. There was no combat at the time and place of the incident and there were no military personnel or equipment present in the immediate vicinity. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

5.2.8 Schedule F.13

1960. According to the Indictment, the Accused is responsible for shooting and wounding Afeza Karačić, a 31-year-old woman, and Sabina Šabanić, a 26-year-old woman, both in the right shoulder when the tram they were travelling in came under fire on Zmaja od Bosne Street, between the Technical School and Maršal Tito Barracks on 23 November 1994.⁸³⁰⁸ The Defence argued that in relation to the tram the victims were travelling on the evidence is contradictory and inconclusive with regard to the origin of fire, excluding SRK responsibility.⁸³⁰⁹ Scheduled Incident F.13 is limited to the shooting of tram 263 on 23 November 1994. The Indictment is, however, not limited to the Scheduled Incidents.⁸³¹⁰ Accordingly, the Trial Chamber also considered the evidence with regard to the shooting of tram 238 shortly after the shooting of the first tram. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to the first shooting. Further, it received evidence from **Sabina Šabanić**, a Bosnian Muslim from Sarajevo;⁸³¹¹ **Dragan Mioković**, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993;⁸³¹² **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;⁸³¹³ **Patrick van der Weijden**, an expert in sniping;⁸³¹⁴ and finds that this evidence is consistent with the

⁸³⁰⁸ Indictment, paras 15-17, 76, 81, Schedule F.13.

⁸³⁰⁹ Defence Final Brief, paras 2201-2216.

⁸³¹⁰ Further on this issue, *see* Appendix B.

⁸³¹¹ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7.

⁸³¹² P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.

⁸³¹³ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3; Mirza Sabljica, T. 8039-8040, 8047.

⁸³¹⁴ Patrick van der Weijden, T. 6463.

Adjudicated Facts.⁸³¹⁵ The Trial Chamber further received evidence from **Mile Poparić**, a weapons and military equipment expert.⁸³¹⁶

1961. On 23 November 1994, a tram was hit at the intersection in front of the Holiday Inn, or shortly thereafter, in front of the Maršal Tito Barracks between the two museums.⁸³¹⁷ Sabina Šabanić and Afeza Karačić, who were on the tram, sustained serious injuries.⁸³¹⁸ Šabanić stated that panic erupted and many people around her were bleeding heavily.⁸³¹⁹ The passengers could not exit the tram directly and lay down on the floor as the tram driver continued driving until he reached a safer place for passengers to disembark near the Maršal Tito Barracks, by the museum.⁸³²⁰ When Šabanić left the tram, she felt dizziness and pain and realised she had been shot.⁸³²¹ The bullet had entered the front of her right shoulder and exited on the back, without hitting the bone. UNPROFOR soldiers took her to Koševo Hospital, before she was transferred to the Koševo trauma clinic, where she underwent surgery and had to stay for four days. She is 50 per cent disabled as a consequence of the wounding.⁸³²² Karačić suffered a fracture in the upper arm and was admitted to the Koševo trauma clinic.⁸³²³ According to Šabanić, trams were only running during cease-fire periods and the passengers were exclusively civilian, mostly women, and she did not see anyone carrying a weapon on

⁸³¹⁵ **Sabina Šabanić**: P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, witness statement of 22 May 2006, addendum of 24 April 2010 to the witness statements of 1995 and 2006; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), p. 1450. **Dragan Mioković**: Dragan Mioković, T. 5973-5977, 6042-6045; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P615 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P616 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P618 (Centar SJB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994). **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 60-61, 63, 67, 69, 71-72; Mirza Sabljica, T. 8065-8066. **Patrick van der Weijden**: P1130 (Patrick van der Weijden, expert report), pp. 56-57.

⁸³¹⁶ D1330 (Zorica Subotić and Mile Poparić, sniping report, 25 April 2014), p. 1.

⁸³¹⁷ Adjudicated Facts III, no. 2334.

⁸³¹⁸ Adjudicated Facts III, no. 2336.

⁸³¹⁹ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), pp. 1448-1450; P1915 (Photograph marked by Sabina Šabanić).

⁸³²⁰ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), pp. 1448, 1450.

⁸³²¹ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2; P1914 (Sabina Šabanić, *Dragomir Milošević* transcript, 2 February 2007), p. 1450.

⁸³²² P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, p. 2, addendum of 24 April 2010 to the witness statement of 1995.

⁸³²³ P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994), p. 2.

tram 263.⁸³²⁴ Visibility was clear.⁸³²⁵ The origin of fire was either the high-rise buildings on Lenjinova Street or the Metalka Building, both held by the SRK.⁸³²⁶ Both these locations are in Grbavica.⁸³²⁷ The shots were fired by a member of the SRK.⁸³²⁸ **Dragan Mioković** specified that fire had been opened twice from Grbavica in Novo Sarajevo Municipality, first hitting tram 263 at 3:30 p.m. and then tram 238 at 3:45 p.m. on Zmaja od Bosne Street, near the Holiday Inn hotel and between the Philosophy Faculty and Museum respectively.⁸³²⁹ A man and his wife, both born in 1934, travelling on tram 238 were respectively fatally wounded and seriously wounded in the left shoulder.⁸³³⁰ According to the witness, between 1992 and 1995, tram passengers were generally civilians, often elderly people and women.⁸³³¹

1962. **Mile Poparić** testified that during his review of the evidence, he identified contradictory statements concerning the origin of fire. Based on his own estimate of the angle of descent on the basis of the evidence concerning Šabanić and Karačić's entry and exit wounds and of the unspecified height of the buildings from which the shots were allegedly fired, Poparić concluded that the shots could not have been fired from VRS positions but only from the ABiH positions in the Executive Council Building or on Golo Brdo, in the east.⁸³³²

1963. The Trial Chamber notes that Poparić's evidence contradicts Adjudicated Fact number 2335 in relation to the affiliation of the perpetrator. Poparić drew his conclusions from assumed contradictions in the evidence and his review of evidence in general (as opposed to on-site analyses). Given his field of expertise, the Trial Chamber

⁸³²⁴ P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, paras 2, 5.

⁸³²⁵ P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, para. 4.

⁸³²⁶ Adjudicated Facts III, no. 2335.

⁸³²⁷ P3 (Sarajevo map book), p. 6.

⁸³²⁸ Adjudicated Facts III, no. 2335.

⁸³²⁹ Dragan Mioković, T. 5973-5977, 6042-6045; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P615 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P616 (MUP Bosnia-Herzegovina photo documentation concerning a tram shooting in Zmaja od Bosne Street, 23 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P618 (Centar SJB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994).

⁸³³⁰ Dragan Mioković, T. 5973, 6044; P614 (Sarajevo CSB report concerning a tram shooting in Zmaja od Bosne Street, 24 November 1994); P617 (Sarajevo CSB criminal investigation report concerning a tram shooting in Zmaja od Bosne Street, 28 November 1994); P619 (Sarajevo CSB official note concerning a tram shooting in Zmaja od Bosne Street, 15 December 1994).

⁸³³¹ Dragan Mioković, T. 5958.

⁸³³² D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 230-232, 291-292.

finds the witness's conclusions to be insufficiently reliable to rebut Adjudicated Fact number 2335 with respect to the origin of fire. In this context, the Trial Chamber also notes that it will not further consider the Defence submission with respect to inconsistencies in the evidence regarding origin of fire of the shooting of tram 263, as the Trial Chamber relied on the un rebutted Adjudicated Fact and not on the evidence in this respect.

1964. Based on the foregoing, the Trial Chamber finds that on 23 November 1994, a member of the SRK fired shots at tram 263, which was travelling on Zmaja od Bosne Street in Sarajevo. Two women, Afeza Karačić and Sabina Šabanić, were seriously wounded. After the shots, panic erupted and many people were bleeding heavily. The passengers could not exit the tram directly and lay down on the floor as the tram driver continued driving until he reached a safer location. Shortly thereafter, tram 238 was also hit on the same street. A man and his wife, both born in 1934, were respectively fatally wounded and seriously injured. Considering the proximity of the trams and the limited time between the two shootings, as well as Mioković's evidence that both shootings came from Grbavica, the Trial Chamber finds that the firing at tram 238 and tram 263 originated from the same SRK source. There was a cease-fire at the time of the incidents and visibility was clear. The Trial Chamber will further consider these incidents in relation to Counts 5-6, 9, and 10 of the Indictment in chapter 8, below.

5.2.9 Schedule F.15

1965. According to the Indictment, the Accused is responsible for shooting and wounding Azem Agović, a 46-year-old man, and Alen Gičević, a 33-year-old man, travelling on Zmaja od Bosne Street in an eastbound tram, which was near the Holiday Inn at the time of the incident on 3 March 1995.⁸³³³ The Prosecution argued that the bullets were fired from Serb-controlled Grbavica, and more specifically from the Metalka building.⁸³³⁴ The Defence, based on the evidence of Poparić, argued that it is impossible that the tram was hit from the direction of the Metalka building and that it was in fact hit from ABiH territory.⁸³³⁵ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. Further it received evidence

⁸³³³ Indictment, paras 15-17, 76, 81, Schedule F.15.

⁸³³⁴ Prosecution Final Brief, para. 868.

⁸³³⁵ Defence Final Brief, paras 2219-2222.

from **Alen Gičević** himself, a Bosnian Muslim from Sarajevo;⁸³³⁶ **Dragan Mioković**, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993;⁸³³⁷ **Zlatko Mededović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;⁸³³⁸ **Patrick van der Weijden**, an expert in sniping,⁸³³⁹ as well as documentary evidence and finds that the evidence is consistent with the Adjudicated Facts.⁸³⁴⁰ The Trial Chamber also received evidence from **Mile Poparić**, an expert in weapons and military equipment.⁸³⁴¹

1966. **Alen Gičević** stated that at around 12:30 p.m. on 3 March 1995 he was travelling in a crowded tram from Čengić Vila to Baščaršija, when it came under fire.⁸³⁴² He and Azem Agović, both civilians, were seriously injured by the shots.⁸³⁴³ Gičević was hit above the right knee.⁸³⁴⁴ He stayed in the Sarajevo State Hospital for 15 days and was operated on twice in order to remove the bullet fragment in his knee.⁸³⁴⁵ The shots came from Grbavica, which was SRK-held territory, and were fired by a member of the SRK.⁸³⁴⁶ Visibility on the day of the incident was sufficient for a shooter from Grbavica to identify the victims as civilians.⁸³⁴⁷ It was the beginning of the Bajram holiday and there was a cease-fire on that day.⁸³⁴⁸ According to a Bosnia-Herzegovina MUP criminal investigation file, the tram driver stated that the only military formations in the

⁸³³⁶ P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 1, witness statement of 21 April 2006, p. 1, para. 4.

⁸³³⁷ P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.

⁸³³⁸ P3165 (Zlatko Mededović, witness statement, 20 November 1995), p. 2; P3166 (Zlatko Mededović, witness statement, 5 September 2000), pp. 1, 3.

⁸³³⁹ Patrick van der Weijden, T. 6463.

⁸³⁴⁰ **Alen Gičević:** P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, paras 8-9, 11; P1936 (Alen Gičević, *Perišić* transcript, 28 October 2008), pp. 801-802, 811-813; P1938 (Medical record of Alen Gičević, 15 November 1995); P1939 (Photograph of Sarajevo, marked by Alen Gičević. **Dragan Mioković:** Dragan Mioković, T. 5962-5964, 5966, 6023-6027; P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), pp. 1-2, 4-5, 7-9, 11-20, 22-26, 31-32; D109 (Map showing where Tram 268 was hit by sniper bullets). **Zlatko Mededović:** P3165 (Zlatko Mededović, witness statement, 20 November 1995), p. 3; P3167 (MUP report of 10 March 1995), pp. 2-4. **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 59-61. **Documentary evidence:** P954 (Medical notes concerning Azem Agović and Alen Gičević), pp. 1-2.

⁸³⁴¹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸³⁴² P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 8.

⁸³⁴³ Adjudicated Facts III, nos 2345, 2352.

⁸³⁴⁴ P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2.

⁸³⁴⁵ P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 9; P1938 (Medical record of Alen Gičević, 15 November 1995).

⁸³⁴⁶ Adjudicated Facts III, no. 2351.

⁸³⁴⁷ Adjudicated Facts III, no. 2353.

⁸³⁴⁸ P1935 (Alen Gičević, witness statements), witness statement of 21 April 2006, paras 6, 8.

area had been UNPROFOR vehicles and UNPROFOR soldiers.⁸³⁴⁹ There were no military assets or ABiH personnel involved in combat operations in this part of town at the time.⁸³⁵⁰ **Gičević** confirmed that there were no military institutions, vehicles, or other military equipment in the area and that the Tito barracks was the closest military facility and was situated about 500 metres away.⁸³⁵¹

1967. **Mile Poparić** testified that the seat in which Azem Agović sat when the tram was hit was positioned at an angle of 45 degrees relative to the axis of the tram.⁸³⁵² The angle of descent at which it was possible to hit the tram was between 8 and 45 degrees in order to inflict a wound like the one sustained by Agović.⁸³⁵³ Based on the angle of his seat and the injury sustained by Agović, Poparić narrowed the range of possible trajectories at which the tram was hit to between 15 and 30 degrees, which correspond to locations in ABiH-held territory.⁸³⁵⁴ The angle of descent at which it was possible to hit the tram on the specific stretch of the tracks from the direction of the Metalka building was between 80 and 90 degrees.⁸³⁵⁵ The witness therefore concluded that it was impossible that the tram was hit by a projectile fired from the Metalka building.⁸³⁵⁶

1968. In relation to the origin of fire, the Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact number 2351. Poparić's conclusion that the fire came from ABiH territory is premised on his understanding of: (i) where exactly the tram at the time of the shooting was located;⁸³⁵⁷ (ii) how Agović was positioned in the tram seat;⁸³⁵⁸ and (iii) what the possible angles of fire were.⁸³⁵⁹ In relation to (i), Poparić conceded that there was no consistent evidence on the exact location of the tram at the

⁸³⁴⁹ P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), p. 24.

⁸³⁵⁰ P612 (MUP Bosnia-Herzegovina criminal investigation file, March 1995), pp. 31-32.

⁸³⁵¹ P1935 (Alen Gičević, witness statements), witness statement of 15 November 1995, p. 2, witness statement of 21 April 2006, para. 11; P1936 (Alen Gičević, *Perišić* transcript, 28 October 2008), pp. 801-802; P1939 (Photograph of Sarajevo, marked by Alen Gičević).

⁸³⁵² D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-241, 246, 294.

⁸³⁵³ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 242, 246, 294.

⁸³⁵⁴ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-247, 294-295.

⁸³⁵⁵ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-242, 245-246, 294.

⁸³⁵⁶ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 242, 246, 294-295.

⁸³⁵⁷ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 239-240.

⁸³⁵⁸ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 240-241.

time of the shooting, yet made very specific calculations about shooting angles. In relation to (ii), Poparić merely assumed how Agović was positioned inside the tram and also did not seem to account for possible ricochets. In relation to (iii), the Trial Chamber notes that Poparić's specific calculations are based on a number of unsubstantiated assumptions. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of fire is not sufficiently reliable to rebut Adjudicated Fact number 2351 in this respect.

1969. Based on the foregoing, the Trial Chamber finds that on 3 March 1995 at around 12:15 p.m., at the beginning of the Bajram holiday, a member of the SRK, from Grbavica, shot and injured the civilians Azem Agović and Alen Gičević who were travelling on a crowded tram. There was no ABiH presence at the time and place of the incident. The closest military facility was at a distance of about 500 metres and visibility on the day of the incident was sufficient for a shooter to identify the victims as civilians. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.10 Schedule F.16

1970. According to the Indictment, the Accused is responsible for shooting and wounding Tarik Žunić, a 14-year-old boy, in the hand while he was walking home from school at Sedrenik Street in Sarajevo on 6 March 1995. He was hit when he emerged from behind a protective screen about 100 metres from his house.⁸³⁶⁰ The Trial Chamber took judicial notice of two Adjudicated Facts in relation to this incident. It further received evidence from **Tarik Žunić** himself, a Muslim resident of Sarajevo in 1995;⁸³⁶¹ **Siniša Maksimović**, a Bosnian Serb from Blažuj, Ilidža Municipality and member of the VRS from the beginning of the war;⁸³⁶² as well as documentary material and finds that this evidence is consistent with the Adjudicated Facts.⁸³⁶³ The Trial

⁸³⁵⁹ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 241-242.

⁸³⁶⁰ Indictment, paras 15-17, 76, 81, Schedule F.16.

⁸³⁶¹ P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, pp. 1-2, witness statement of 21 April 2006, pp. 1-2.

⁸³⁶² D547 (Siniša Maksimović, witness statement, 20 May 2014), pp. 1, 4, paras 1-2.

⁸³⁶³ **Tarik Žunić**: P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2, addendum witness statement, 25 April 2010. **Siniša Maksimović**: Siniša Maksimović, T. 23531-23532. **Documentary evidence**: P955 (Findings and

Chamber also received evidence from **Patrick van der Weijden**, an expert in sniping;⁸³⁶⁴ **Slavko Gengo**, the Commander of the 7th Infantry Battalion of the 1st Romanija Infantry Brigade from the end of January 1994 until May 1995;⁸³⁶⁵ and **Mile Poparić**, an expert in weapons and military equipment.⁸³⁶⁶

1971. On 6 March 1995, Tarik Žunić, aged 14 years and wearing jeans and a green jacket, was shot and seriously wounded by machine gun fire from SRK-held positions at Špicasta Stijena when he was walking on Sedrenik Street and appeared from behind a sheet of canvas.⁸³⁶⁷ **Slavko Gengo** testified that it was his battalion which was deployed at Špicasta Stijena, a position held by the VRS throughout 1992 until 1995.⁸³⁶⁸ The evening of 18 September 1994 was the only time when this feature shortly fell under the control of the ABiH.⁸³⁶⁹ **Patrick van der Weijden** testified that the ridgeline along which the Serb positions were at the time of the shooting was approximately 650-900 metres from the incident site.⁸³⁷⁰ **Tarik Žunić** opined that the confrontation line was 800 metres from the street.⁸³⁷¹ Further, there were no trenches, military installations, guns, or barracks close to the place where he was shot or in the surrounding areas.⁸³⁷² Žunić clarified that the jacket he was wearing was a normal green more akin to 'Benetton green' than olive-drab and that he had a blue rucksack on his right shoulder.⁸³⁷³ Žunić did not receive any help for half an hour as the shooting continued. A civilian vehicle approached as people wanted to pick him up but the car was immediately forced to leave due to heavy shooting from the snipers.⁸³⁷⁴ Some other people tried to help, but one of them, a man who Žunić believed may have been Sefo

Opinion of Specialist pertaining to Tarik Žunić, 6 March 1995); P674 (UNMO daily situation report, 6 March 1995), paras 3, 8.

⁸³⁶⁴ Patrick van der Weijden, T. 6463.

⁸³⁶⁵ D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.

⁸³⁶⁶ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸³⁶⁷ Adjudicated Facts III, nos 2354, 2362.

⁸³⁶⁸ D473 (Slavko Gengo, witness statement, 10 May 2014), para. 18; Slavko Gengo, T. 21635.

⁸³⁶⁹ Slavko Gengo, T. 21636.

⁸³⁷⁰ Patrick van der Weijden, T. 6505-6506; P1130 (Patrick van der Weijden, expert report), pp. 65-68.

⁸³⁷¹ P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2.

⁸³⁷² P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 3, witness statement of 21 April 2006, pp. 2-3.

⁸³⁷³ P2980 (Tarik Žunić, *Dragomir Milošević* transcript, 7 February 2007), pp. 1724-1725.

⁸³⁷⁴ P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2, witness statement of 21 April 2006, p. 2.

Pašić, was hit.⁸³⁷⁵ Finally, an APC driven by Egyptian UNPROFOR soldiers picked Žunić up and brought him to the Koševo Hospital.⁸³⁷⁶

1972. **Mile Poparić** testified that based on Žunić's statement and medical files, he concluded that the victim was shot with a bullet whose incoming trajectory extended from right to left and upwards, meaning that Žunić was shot with a bullet fired from the direction of Sedrenik, which was under ABiH control, instead of Špicasta Stijena, which was under VRS control.⁸³⁷⁷

1973. Poparić's evidence that the shots came from ABiH territory contradicts Adjudicated Fact numbers 2354 and 2362 that state they were fired from the SRK side. Poparić bases his conclusion of the direction of fire on an interpretation of Zunić's statement and medical files. The Trial Chamber considers that a determination on the direction of fire cannot be reliably made on the basis of Zunić's medical files and statements, and without, as in this instance, very precise evidence on the exact positioning of the victim at the time of shooting. The Trial Chamber, therefore, concludes that Poparić's evidence is not sufficiently reliable to rebut Adjudicated Facts numbers 2354 and 2362.

1974. Based on the foregoing, the Chamber finds that on 6 March 1995, Tarik Žunić, a 14-year-old Muslim civilian, wearing jeans, a 'Benetton green' jacket, and a blue rucksack was shot, and seriously wounded in Sedrenik Street in Sarajevo by a member of the 7th Infantry Battalion of the SRK's 1st Romanija Infantry Brigade. The victim was shot from a distance of approximately 800 metres. The shooting continued for half an hour and intensified when people tried to approach and assist Žunić. There were no barracks, trenches, or other military installations close to the place where he was shot. The Trial Chamber will further consider the incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.2.11 Other sniping incidents

1975. The Trial Chamber has received evidence with regard to a number of unscheduled sniping incidents and will deal with them in turn.

⁸³⁷⁵ P1945 (Tarik Žunić, witness statements), witness statement of 21 April 2006, p. 2.

⁸³⁷⁶ P1945 (Tarik Žunić, witness statements), witness statement of 10 November 1995, p. 2.

⁸³⁷⁷ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 249-251, 296; Mile Poparić, T. 40547-40548, 40662-40664.

Incidents on 20 and 22 March 1993 ('Ubala 27. Juli' Street)

1976. **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,⁸³⁷⁸ stated that on 20 March 1993 he was injured in 'Ubala 27. Juli' Street, on the street by a bullet fired from a skyscraper on Đure Salaja Street, which was VRS-held territory and had a clear view 'over the whole area'.⁸³⁷⁹ At the time, the witness was dressed in civilian clothes and there was no military activity in the neighbourhood.⁸³⁸⁰ On 22 March 1993, Sabid Hukara, a 17-year-old male, was killed on a bridge near Ivana Krndelja Street by a sniper shot coming from the same place.⁸³⁸¹ Hukara was a civilian and there was no military activity in the neighbourhood on that day.⁸³⁸²

1977. Based on the foregoing, the Trial Chamber finds that on 20 March 1993, Witness RM-126 was injured by a bullet. Although the witness claims that it was fired from a skyscraper on Đure Salaja Street, the only basis of knowledge he gives for this precision in relation to the origin of fire is that the skyscraper provided a clear view 'over the whole area'. The Trial Chamber does not consider this sufficient to rely on the witness's evidence in this respect. The Trial Chamber further finds Witness RM-126's evidence about Sabid Hukara's death to be of low probative value as the witness does not specify his source of knowledge with regard to the circumstances of Hukara's death including information he provides about the alleged perpetrators. Therefore the Trial Chamber will not further consider these incidents in relation to any count of the Indictment.

Incident of 31 March 1993 (Sedrenik)

1978. **Witness RM-153**, a taxi driver from Sarajevo,⁸³⁸³ stated that on 31 March 1993 he found Džemo Parla dead and Mirsada Parla wounded outside their house in the

⁸³⁷⁸ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.

⁸³⁷⁹ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).

⁸³⁸⁰ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3.

⁸³⁸¹ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 3, witness statement of 18 November 1995, p. 3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).

⁸³⁸² P1942 (Witness RM-126, witness statements), witness statement of 18 November 1995, p. 3.

⁸³⁸³ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5481, 5501-5502.

Sedrenik neighbourhood of Stari Grad.⁸³⁸⁴ When he arrived at the house approximately an hour after the two people were shot, the witness was told that they had been struck by sniper fire from Špicasta Stijena.⁸³⁸⁵ He learned that the man was shot and hit in the stomach while retrieving water from a water fountain behind his neighbour's house.⁸³⁸⁶ The man then called his wife and daughter, who ran to where he was, but the sniper fired again, hitting the wife in the upper leg, while the daughter entered a neighbour's house and called for help. Despite continued sniper fire, some friends and relatives were able to bring the woman inside a neighbouring house and stop the bleeding in her leg.⁸³⁸⁷ She was wrapped in a blanket and, under continuing fire, taken to the hospital.⁸³⁸⁸ In the meantime, a relative attempted to retrieve the man, but he was already dead.⁸³⁸⁹ The wound left the woman an invalid for life.⁸³⁹⁰ According to the witness, the area of Špicasta Stijena was under control of the VRS.⁸³⁹¹ The VRS position in Špicasta Stijena was located about 150-200 metres away from the victims' house, and was visible from there.⁸³⁹² The witness stated that there was an active sniper position there for the duration of the war.⁸³⁹³ Džemo Parla was 57 years old and was not a member of any army.⁸³⁹⁴

1979. According to an entry in the war diary of the Stari Grad SJB dated 2/3 April 1993, a man named Džemo Parla, born in 1937, was killed and a woman named Mirsada Parla, both residing at Sedrenik 101, was seriously wounded by 'the sower of death'.⁸³⁹⁵ **Nedžib Dozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,⁸³⁹⁶ testified that this was a weapon with an extremely rapid rate of fire and that the VRS fired it from multiple VRS positions at elevations

⁸³⁸⁴ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5485-5486; P2462 (Witness RM-153, *Slobodan Milošević* transcript, 28 October 2003), p. 28181; P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).

⁸³⁸⁵ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5486-5487.

⁸³⁸⁶ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487-5490; P2463 (Diagram drawn by Witness RM-153); P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).

⁸³⁸⁷ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5490-5492.

⁸³⁸⁸ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5491-5492.

⁸³⁸⁹ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5487, 5492.

⁸³⁹⁰ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5486.

⁸³⁹¹ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5487.

⁸³⁹² P2462 (Witness RM-153, *Slobodan Milošević* transcript, 28 October 2003), p. 28182; P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).

⁸³⁹³ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5489; P2462 (Witness RM-153, *Slobodan Milošević* transcript, 28 October 2003), p. 28182; P2463 (Diagram drawn by Witness RM-153); P2464 (Photographs of Spicasta Stijena taken from the Sedrenik area in Sarajevo).

⁸³⁹⁴ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), p. 5488.

⁸³⁹⁵ P549 (Stari Grad police station notebooks, April 1992), p. 20.

around Sarajevo, including from Špicasta Stijena.⁸³⁹⁷ With regard to the origin of fire, the Trial Chamber has further considered Adjudicated Facts number 1986 as well as the evidence of Slavko Gengo (reviewed in chapter 5.2.10) and Nedžib Đozo (reviewed in chapter 5.1.1).

1980. Based on the foregoing, the Trial Chamber finds that on 31 March 1993, Džemo Parla, who was not a member of any army, was shot in the stomach and killed while retrieving water from a fountain in the Sedrenik neighbourhood of Stari Grad. His wife, Mirsada Parla, was then shot in the upper leg after she had gone to her husband's aid. The bullet wounded Mirsada Parla and left her an invalid for life. On the basis that the fire originated from an SRK position, the Trial Chamber finds that the couple was shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 5-6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 25 June 1993 (Kobilja Glava)

1981. On 25 June 1993, a man was picking lettuce in the vegetable plot of his farm in Kobilja Glava when, around 1:20 p.m., he heard sounds of shooting from Orahov Brijeg.⁸³⁹⁸ He lay down for two or three minutes and when he got up, he was shot in the back.⁸³⁹⁹ Another person,⁸⁴⁰⁰ who was visiting the victim that day, saw him lying on the ground, on his back, at a distance of 50 to 100 metres from his house.⁸⁴⁰¹ This person went to get the assistance of a neighbour and returned with him to take the victim away.⁸⁴⁰² While they were carrying the victim, they heard intense shooting directed towards them.⁸⁴⁰³ The three dropped to the ground.⁸⁴⁰⁴ The shooting then stopped.⁸⁴⁰⁵ They then ran several metres before the shooting restarted.⁸⁴⁰⁶ They ran short distances

⁸³⁹⁶ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.

⁸³⁹⁷ Nedžib Đozo, T. 5549-5551, 5580; P549 (Stari Grad police station notebooks, April 1992), p. 21.

⁸³⁹⁸ Adjudicated Facts III, no. 2585, 2645. The person was referred to as Witness G in the case *Prosecutor v. Stanislav Galić* (Adjudicated Facts III, no. 2585).

⁸³⁹⁹ Adjudicated Facts III, no. 2586.

⁸⁴⁰⁰ This person was referred to as Witness K in the the case *Prosecutor v. Stanislav Galić* (Adjudicated Facts III, no. 2587).

⁸⁴⁰¹ Adjudicated Facts III, no. 2587.

⁸⁴⁰² Adjudicated Facts III, no. 2588.

⁸⁴⁰³ Adjudicated Facts III, nos 2587-2589.

⁸⁴⁰⁴ Adjudicated Facts III, no. 2590.

⁸⁴⁰⁵ Adjudicated Facts III, no. 2591.

⁸⁴⁰⁶ Adjudicated Facts III, no. 2592.

four or five times, then fell to the ground to avoid being shot at.⁸⁴⁰⁷ One of the persons counted 10 to 15 periods of shooting in total, and it took them 15 to 20 minutes to carry the victim to the house.⁸⁴⁰⁸ The victim was dressed in no more than a pair of shorts.⁸⁴⁰⁹ The man was shot from SRK-controlled territory.⁸⁴¹⁰

1982. Based on the foregoing, the Trial Chamber finds that on 25 June 1993, a man was shot and injured in the back as he was picking lettuce in his farm in Kobilja Glava. He was dressed in civilian clothes. On the basis that he was shot from SRK-controlled territory, the Trial Chamber finds that he was shot by an SRK member.⁸⁴¹¹ Two other persons were targeted and shot at ten to fifteen times as they were trying to assist the victim. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 27 June 1993 (Kranjčevića Street)

1983. On 27 June 1993, Almasa Konjhodžić was targeted and killed by a shot fired from SRK-controlled territory in Grbavica.⁸⁴¹² At around noon on 27 June 1993, Milada Halili and her husband Sabri Halili were walking with Almasa Konjhodžić, Milada's mother, to the 'PTT' building.⁸⁴¹³ They were commemorating the death by sniper fire of a relative.⁸⁴¹⁴ As they approached the traffic lights at the intersection of Kranjčevića Street, in the vicinity of the Maršal Tito Barracks, they heard the sound of gunfire.⁸⁴¹⁵ Milada, who was a bit ahead, ran across the intersection behind a barrier of containers which had been set up to protect against shooting from Grbavica.⁸⁴¹⁶ Frightened by the shot, Almasa lost her balance and fell.⁸⁴¹⁷ Sabri helped her to her feet and they continued.⁸⁴¹⁸ They had walked ten metres when Almasa was struck by a bullet.⁸⁴¹⁹ She

⁸⁴⁰⁷ Adjudicated Facts III, no. 2593.

⁸⁴⁰⁸ Adjudicated Facts III, no. 2594.

⁸⁴⁰⁹ Adjudicated Facts III, no. 2595.

⁸⁴¹⁰ Adjudicated Facts III, nos 2601-2602, 2604, 2645

⁸⁴¹¹ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴¹² Adjudicated Facts III, no. 2628.

⁸⁴¹³ Adjudicated Facts III, no. 2606.

⁸⁴¹⁴ Adjudicated Facts III, no. 2607.

⁸⁴¹⁵ Adjudicated Facts III, no. 2608.

⁸⁴¹⁶ Adjudicated Facts III, no. 2609.

⁸⁴¹⁷ Adjudicated Facts III, no. 2610.

⁸⁴¹⁸ Adjudicated Facts III, no. 2611.

⁸⁴¹⁹ Adjudicated Facts III, no. 2612.

was taken to hospital where she died from the wound.⁸⁴²⁰ Although Sabri was a member of the ABiH, he was off-duty that day and was not dressed in uniform or carrying weapons.⁸⁴²¹ Almasa was wearing civilian clothes.⁸⁴²² There were no soldiers or other military targets in the vicinity of the incident.⁸⁴²³ There was an unobstructed line of sight from Grbavica to the intersection where Almasa was shot.⁸⁴²⁴ Containers had been placed at the intersection to give protection from gunfire coming from Grbavica as the intersection had been targeted before.⁸⁴²⁵ The bullet which killed Almasa was fired from Grbavica.⁸⁴²⁶ Grbavica was under SRK control at the time of the incident.⁸⁴²⁷

1984. Based on the foregoing, the Trial Chamber finds that at around noon on 27 June 1993, Almasa Konjhodžić was targeted and shot as she was walking near the intersection of Kranjčevića Street, in the vicinity of the Maršal Tito Barracks. She subsequently died from this wound. She was wearing civilian clothes and there were no uniformed soldiers or other military activity in the vicinity of the incident at that time. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.⁸⁴²⁸ The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in Chapter 8, below.

Incident of 24 July 1993 (Sedrenik)

1985. Around 3 a.m. on 24 July 1993, Mejra Jusović, who lived at 133B Sedrenik Street in Sedrenik, went with a neighbour to Pašino Brdo, a wooded area to the immediate northeast, to collect firewood.⁸⁴²⁹ Once there, she gathered the wood into a bundle which she tied together with rope.⁸⁴³⁰ At about 6 a.m., she placed the load on her back and decided to return home.⁸⁴³¹ She was walking alone on her way back to her house, since her neighbour had left about half an hour earlier, when at approximately

⁸⁴²⁰ Adjudicated Facts III, no. 2613.

⁸⁴²¹ Adjudicated Facts III, no. 2616.

⁸⁴²² Adjudicated Facts III, no. 2617.

⁸⁴²³ Adjudicated Facts III, no. 2618.

⁸⁴²⁴ Adjudicated Facts III, no. 2624.

⁸⁴²⁵ Adjudicated Facts III, no. 2625.

⁸⁴²⁶ Adjudicated Facts III, no. 2626.

⁸⁴²⁷ Adjudicated Facts III, no. 2627.

⁸⁴²⁸ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴²⁹ Adjudicated Facts III, no. 2629.

⁸⁴³⁰ Adjudicated Facts III, no. 2630.

⁸⁴³¹ Adjudicated Facts III, no. 2631.

200 metres from her house, she heard gunshots.⁸⁴³² She immediately lay down on the ground for cover.⁸⁴³³ Two shots were fired, followed by a third one which hit her left buttock.⁸⁴³⁴ At the time of the incident, Jusović was not wearing a military uniform.⁸⁴³⁵ There was an unobstructed line of sight from the place where she was injured to Špicasta Stijena.⁸⁴³⁶ The shot which injured Jusović originated from SRK-controlled territory in the area of Špicasta Stijena.⁸⁴³⁷

1986. Based on the foregoing, the Trial Chamber finds that on 24 July 1993, Mejra Jusović was shot and injured in Sedrenik. At the time of the incident, Jusović was not wearing a military uniform and was on her way home having collected firewood. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.⁸⁴³⁸ There was an unobstructed line of sight from the place where she was injured to this territory. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 5 August 1993 (Stara Cesta)

1987. Vildana Kapur, Sabina Zeković, and Ifeta Šahić, who was 14 years old in August 1993 and was living at her sister's house in Kobilja Glava, went to fetch water on 5 August 1993 around noon.⁸⁴³⁹ There was neither water nor electricity in houses in Kobilja Glava during the conflict, and the fetching of water was usually done at the nearby river at dawn or dusk, to avoid being detected and shot.⁸⁴⁴⁰ That day, the girls had not heard any shooting.⁸⁴⁴¹ On the morning of the incident, the weather was fine and the friends were dressed in T-shirts and denims.⁸⁴⁴² On their way back, pulling a wheelbarrow loaded with jerry cans of water, Šahić and her friends heard gunshots

⁸⁴³² Adjudicated Facts III, no. 2632.

⁸⁴³³ Adjudicated Facts III, no. 2633.

⁸⁴³⁴ Adjudicated Facts III, no. 2634.

⁸⁴³⁵ Adjudicated Facts III, no. 2635.

⁸⁴³⁶ Adjudicated Facts III, no. 2637.

⁸⁴³⁷ Adjudicated Facts III, no. 2639.

⁸⁴³⁸ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴³⁹ Adjudicated Facts III, no. 2646.

⁸⁴⁴⁰ Adjudicated Facts III, no. 2647.

⁸⁴⁴¹ Adjudicated Facts III, no. 2648.

⁸⁴⁴² Adjudicated Facts III, no. 2653.

ahead of them.⁸⁴⁴³ Šahić saw the flash from a machine gun shooting at them.⁸⁴⁴⁴ They ran and sought shelter in an orchard on the left side of the street.⁸⁴⁴⁵ The first bullets were shot at Šahić and her friends, striking the ground around their feet while they were walking along Stara Cesta.⁸⁴⁴⁶ The shooting continued while they ran for shelter to the orchard.⁸⁴⁴⁷ Despite their having moved into the orchard, the shooting continued.⁸⁴⁴⁸ Kapur leaned against a tree and was then shot in her left leg.⁸⁴⁴⁹ Kapur was targeted from SRK-controlled territory.⁸⁴⁵⁰ On the same date, Kapur, who was 21 years old, was admitted to the Koševo Hospital, with an entry/exit wound, both with a diameter of 35 millimetres, on the left thigh inflicted by a fire arm. She was released after surgery on 8 August 1993.⁸⁴⁵¹

1988. Based on the foregoing, the Trial Chamber finds that on 5 August 1993, three young females dressed in civilian clothes, including Vildana Kapur, were targeted and shot at with sniper fire while walking along Stara Cesta in Sarajevo. After they had fled into an orchard, the shooting continued and Kapur was hit. Kapur sustained an injury to her left thigh from the sniper fire and was admitted to the Koševo Hospital. On the basis that the shots originated from SRK-controlled territory, the Trial Chamber finds that they were shot by an SRK member.⁸⁴⁵² The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 6 August 1993 (Dobrinja)

1989. **Refik Sokolar**, a Bosnian-Muslim police officer who, from the middle of 1993 onwards, was tasked with investigating and reporting on shelling and sniping incidents in the Dobrinja area, Sarajevo,⁸⁴⁵³ testified that he conducted an on-site investigation concerning the sniping of Vahida Sarić on 6 August 1993, who was wounded in her

⁸⁴⁴³ Adjudicated Facts III, no. 2649.

⁸⁴⁴⁴ Adjudicated Facts III, no. 2650.

⁸⁴⁴⁵ Adjudicated Facts III, no. 2651.

⁸⁴⁴⁶ Adjudicated Facts III, no. 2659.

⁸⁴⁴⁷ Adjudicated Facts III, no. 2660.

⁸⁴⁴⁸ Adjudicated Facts III, no. 2661.

⁸⁴⁴⁹ Adjudicated Facts III, no. 2652.

⁸⁴⁵⁰ Adjudicated Facts III, no. 2662.

⁸⁴⁵¹ P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2;

P2615 (Medical record of Vila Kapur), p. 1.

⁸⁴⁵² The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴⁵³ P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.

kitchen by bullet fragments in the left shoulder.⁸⁴⁵⁴ Sokolar concluded that the bullet originated from Miroslava Krleže Street, in the Dobrinja 1 complex, which was held by the VRS.⁸⁴⁵⁵

1990. Based on the foregoing, the Trial Chamber finds that on 6 August 1993, Vahida Sarić was shot and wounded in her left shoulder while she was in her kitchen in the Dobrinja area. Sokolar did not provide a clear basis of knowledge for his conclusion regarding the origin of fire. The Trial Chamber also did not receive a contemporaneous report regarding the investigation mentioned by Sokolar. Under these circumstances, the Trial Chamber considers the evidence on the origin of fire insufficiently reliable and will not further consider this incident.

Incident of 26 September 1993 (Ivana Krndelja Street)

1991. **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,⁸⁴⁵⁶ stated that during the war he investigated a large number of snipings of civilians in the area of Trg Pere Kosorića and Hrasno and that in all of them the origin of fire was in VRS-held positions in Ozrenka Street and Grbavica.⁸⁴⁵⁷ In particular, the witness stated that when he investigated an incident that had occurred on 26 September 1993, in which Edina Trto was killed by a sniper round on Ivana Krndelja Street, in a residential area without ongoing military activity, he came to the conclusion that the shot was fired from a VRS-held position in Ozrenka Street.⁸⁴⁵⁸

1992. Based on the foregoing, the Trial Chamber finds that on 26 September 1993 Edina Trto was shot and killed on Ivana Krndelja Street. The incident occurred in a residential area where there was no military activity. On the basis that the shot originated from a VRS-held position, the Trial Chamber finds that he was shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

⁸⁴⁵⁴ P567 (Refik Sokolar, witness statement, 8 November 1995), paras 2, 5; Refik Sokolar, T. 5666.

⁸⁴⁵⁵ P567 (Refik Sokolar, witness statement, 8 November 1995), paras 5, 7-8; Refik Sokolar, T. 5666; P569 (Map marked by Refik Sokolar).

⁸⁴⁵⁶ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2.

⁸⁴⁵⁷ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 2, witness statement of 18 November 1995, p. 3.

⁸⁴⁵⁸ P1942 (Witness RM-126, witness statements), witness statement of 25 June 2000, p. 2, witness statement of 18 November 1995, p. 2; P1943 (Report on the killing of Edina Trto), pp. 1, 2, 5; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).

Incident of 2 November 1993 (Braće Ribara Street)

1993. On 2 November 1993, Ramiz Velić was targeted from SRK-controlled territory in Vraca.⁸⁴⁵⁹ At approximately 9:30 a.m., Velić, an employee of the Public Utilities Company in Sarajevo, was collecting rubbish with a front-end loader on Braće Ribara Street, in a settlement known as Trg Heroja (Heroes' Square) in Hrasno.⁸⁴⁶⁰ He was being escorted by Egyptian forces in two UNPROFOR APCs marked 'UN'.⁸⁴⁶¹ He was wearing black corduroy trousers and a leather driver's jacket.⁸⁴⁶² The loader and the trucks onto which the rubbish was being loaded were yellow.⁸⁴⁶³ Blankets hung on a wire across the street as protection against sniper fire.⁸⁴⁶⁴ As Velić reversed the loader he moved away from the blankets and the protection of one of the buildings into an open area where the UNPROFOR vehicles were, and was shot.⁸⁴⁶⁵ When he sensed the bullet strike his left hand, he jumped out of the cabin and took cover behind a tyre.⁸⁴⁶⁶ The shooting continued and he heard several bullets strike the left side of the vehicle.⁸⁴⁶⁷ After the shooting stopped, Velić was transported to hospital.⁸⁴⁶⁸ He was deliberately targeted.⁸⁴⁶⁹ The location of the incident was clearly visible from the SRK positions in Vraca.⁸⁴⁷⁰ The bullets fired at the loader, one of which hit the victim, originated from the area of Vraca.⁸⁴⁷¹

1994. Based on the foregoing, the Trial Chamber finds that on 2 November 1993, Ramiz Velić, an employee of the Public Utilities Company in Sarajevo, was targeted and injured by sniper fire while he was collecting rubbish on Braće Ribara Street, in Sarajevo. On the basis that the fire originated from SRK-controlled territory in Vraca, the Trial Chamber finds that he was shot by an SRK member.⁸⁴⁷² At the time of the incident Velić was being escorted by Egyptian forces in two UNPROFOR APCs

⁸⁴⁵⁹ Adjudicated Facts III, no. 2663.

⁸⁴⁶⁰ Adjudicated Facts III, no. 2664.

⁸⁴⁶¹ Adjudicated Facts III, no. 2665.

⁸⁴⁶² Adjudicated Facts III, no. 2666.

⁸⁴⁶³ Adjudicated Facts III, no. 2667.

⁸⁴⁶⁴ Adjudicated Facts III, no. 2668.

⁸⁴⁶⁵ Adjudicated Facts III, nos 2669, 2674.

⁸⁴⁶⁶ Adjudicated Facts III, no. 2670.

⁸⁴⁶⁷ Adjudicated Facts III, no. 2671.

⁸⁴⁶⁸ Adjudicated Facts III, no. 2673.

⁸⁴⁶⁹ Adjudicated Facts III, no. 2676.

⁸⁴⁷⁰ Adjudicated Facts III, no. 2679.

⁸⁴⁷¹ Adjudicated Facts III, no. 2680.

marked 'UN' and was dressed in civilian clothes. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 9 November 1993 (Briješko Brdo Street)

1995. On or around 9 November 1993, at around noon, Fatima Osmanović, aged 44, was shot in her cheek on Briješko Brdo Street while returning home from a well.⁸⁴⁷³ **Rasema Menzilović**, a Bosnian Muslim from Sarajevo,⁸⁴⁷⁴ stated that she was bleeding heavily out of her mouth. After the witness called a nurse, Fatima Osmanović was taken to hospital and survived the incident.⁸⁴⁷⁵ Osmanović was wearing a skirt, a T-shirt, and a sweater.⁸⁴⁷⁶ She was targeted from an SRK-controlled area.⁸⁴⁷⁷ **Menzilović** specified that the shot came from an area known as 'polje' or 'bačići', 500 metres away and across the main road by the rail depot.⁸⁴⁷⁸ Although it happened on a cloudy day, visibility was good, and there were no military positions or people carrying weapons nearby.⁸⁴⁷⁹ **Ramiza Kundo**, a Muslim resident of Briješće, an exclusively Muslim area of Sarajevo in 1993,⁸⁴⁸⁰ stated that there was no fighting ongoing when the incident happened.⁸⁴⁸¹ The Trial Chamber finds that some of the evidence from Menzilović and Kundo is consistent with the Adjudicated Facts.⁸⁴⁸²

⁸⁴⁷² The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴⁷³ Adjudicated Facts III, no. 2687.

⁸⁴⁷⁴ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 1-2, witness statement of 1 November 2001, p. 1; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), p. 6980.

⁸⁴⁷⁵ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 2.

⁸⁴⁷⁶ Adjudicated Facts III, no. 2689.

⁸⁴⁷⁷ Adjudicated Facts III, no. 2693.

⁸⁴⁷⁸ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6985, 6989, 6999-7000; P1923 (Two photographs, marked by Rasema Menzilović).

⁸⁴⁷⁹ P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, p. 2; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6993, 6995. *See also* chapter 5.2.4 for further evidence on this respect.

⁸⁴⁸⁰ P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 1-3, witness statement of 30 October 2001, p. 1.

⁸⁴⁸¹ P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), p. 5981.

⁸⁴⁸² **Rasema Menzilović**: P1921 (Rasema Menzilović, witness statements), witness statement of 5 May 2001, pp. 2-3; P1922 (Rasema Menzilović, *Galić* transcript, 10 April 2002), pp. 6991-6993, 7058-7059; P1923 (Two photographs, marked by Rasema Menzilović). **Ramiza Kundo**: P1916 (Ramiza Kundo, witness statements), witness statement of 4 May 2001, pp. 2-3; P1917 (Ramiza Kundo, *Galić* transcript, 22 March 2002), pp. 5939, 5979, 5981.

1996. Based on the foregoing, the Trial Chamber finds that on or around 9 November 1993, at approximately noon, Fatima Osmanović, a 44-year-old woman, was targeted, shot and injured on her cheek on Briješko Brdo Street on her way back from a well. Osmanović was dressed in civilian clothes. On the basis that the shot originated from an SRK-controlled area, the Trial Chamber finds that she was shot by an SRK member.⁸⁴⁸³ At the time of the incident, there were no military positions or armed individuals nearby. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 11 January 1994 ('27 Ubala Juli' Street)

1997. In January 1994, Akif Mukanović lived with his wife Hatema and two teenage children on the first floor of an apartment block on '27 Ubala Juli' Street in Hrasno.⁸⁴⁸⁴ The apartment faced the direction of the confrontation lines, which were approximately 800 metres away.⁸⁴⁸⁵ To minimize the risk of being seen from SRK territory on Hrasno Brdo, the Mukanović family would, in addition to blinds, use blankets to cover the windows at night.⁸⁴⁸⁶ On 11 January 1994, Mukanović arrived home from work around 7 p.m. It was already dark outside.⁸⁴⁸⁷ Mukanović noticed that the blinds had not been covered with blankets.⁸⁴⁸⁸ Because there was no electricity, a candle was lit on the table.⁸⁴⁸⁹ Two bullets struck the apartment.⁸⁴⁹⁰ One bullet passed through the wooden frame of the left side of the window and wounded his wife in the right shoulder blade, cutting through her aorta and lodging in her body.⁸⁴⁹¹ A second bullet went through the left windowpane, across the dining-room and through the wall into the outside hallway of the building.⁸⁴⁹² Hatema was taken to hospital but she did not survive the injury.⁸⁴⁹³ There was an unobstructed line of sight between Hrasno Brdo and Mukanović's apartment.⁸⁴⁹⁴ The shots fired into Mukanović's apartment were aimed at the window of

⁸⁴⁸³ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁴⁸⁴ Adjudicated Facts III, no. 2694.

⁸⁴⁸⁵ Adjudicated Facts III, no. 2695.

⁸⁴⁸⁶ Adjudicated Facts III, no. 2696.

⁸⁴⁸⁷ Adjudicated Facts III, no. 2697.

⁸⁴⁸⁸ Adjudicated Facts III, no. 2698.

⁸⁴⁸⁹ Adjudicated Facts III, no. 2699.

⁸⁴⁹⁰ Adjudicated Facts III, no. 2700.

⁸⁴⁹¹ Adjudicated Facts III, no. 2701.

⁸⁴⁹² Adjudicated Facts III, no. 2702.

⁸⁴⁹³ Adjudicated Facts III, no. 2703.

⁸⁴⁹⁴ Adjudicated Facts III, no. 2705.

the apartment.⁸⁴⁹⁵ Hatema Mukanović was killed by a shot fired from territory on Hrasno Brdo under SRK control.⁸⁴⁹⁶ There were no soldiers inside or in the proximity of the building and no combat activity was underway at the time.⁸⁴⁹⁷ The Trial Chamber also received evidence from **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo,⁸⁴⁹⁸ and finds that this evidence is consistent with the Adjudicated Facts.⁸⁴⁹⁹

1998. Based on the foregoing, the Trial Chamber finds that on 11 January 1994, Hatema Mukanović was shot and killed while she was in her apartment at '27 Ubala Juli' Street in Hrasno. Another bullet, fired at the window, also struck the apartment. On the basis that the shot originated from SRK-controlled territory, the Trial Chamber finds that she was shot by an SRK member.⁸⁵⁰⁰ There was no soldier inside the apartment building or any military activity in the vicinity. There was an unobstructed line of sight between Hrasno Brdo and Mukanović's apartment. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9 and 10 of the Indictment in chapter 8, below.

Incident of 13 June 1994 (on the road from Alipašino Polje to Dobrinja)

1999. On 13 June 1994, a bullet struck Fatima Salčin's palm on the road from Alipašino Polje to Dobrinja and lifted her arm up in front of her.⁸⁵⁰¹ The shot was fired from within SRK-controlled territory, by SRK personnel, to the west of the confrontation line.⁸⁵⁰² Salčin was targeted from SRK-controlled territory.⁸⁵⁰³

2000. Based on the foregoing, the Trial Chamber finds that on 13 June 1994, a member of the SRK targeted and shot Fatima Salčin in the hand while she was on the road from Alipašino Polje to Dobrinja. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in Chapter 8, below.

⁸⁴⁹⁵ Adjudicated Facts III, no. 2709.

⁸⁴⁹⁶ Adjudicated Facts III, no. 2706.

⁸⁴⁹⁷ Adjudicated Facts III, no. 2711.

⁸⁴⁹⁸ P1942 (Witness RM-126, witness statements), witness statement of 18 November 1995, pp. 1-2, witness statement of 25 June 2000, p. 1, witness statement of 1 September 2000, p. 1.

⁸⁴⁹⁹ P1942 (Witness RM-126, witness statements), witness statement of 25 June 2000, p. 2, witness statement of 18 November 1995, pp. 2-3; P1944 (Map of Novo Sarajevo, marked by Witness RM-126).

⁸⁵⁰⁰ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁵⁰¹ Adjudicated Facts III, no. 2733.

⁸⁵⁰² Adjudicated Facts III, no. 2734.

Incident of 24 October 1994 (Vojničko Polje)

2001. On 24 October 1994, Adnan Kasapović, a 14-year-old civilian boy, was shot and killed when walking by a passageway in Vojničko Polje.⁸⁵⁰⁴ He was shot in a passageway to one side of Vemek's department store.⁸⁵⁰⁵ The shots came from the School of the Blind, a known sniper location of the SRK.⁸⁵⁰⁶ The shots were fired by a member of the SRK.⁸⁵⁰⁷ There was a direct line of sight from the School of the Blind to the passageway.⁸⁵⁰⁸ Nothing obstructed the view.⁸⁵⁰⁹ The sniper in the School of the Blind, particularly with the benefit of telescopic sights and from the upper floors of the School of the Blind, had a clear view of Kasapović.⁸⁵¹⁰ There was sufficient visibility in the early morning of that day for a shooter with telescopic sight to see him.⁸⁵¹¹ The Trial Chamber, moreover, received evidence from **Patrick van der Weijden**, an expert in sniping,⁸⁵¹² and finds that this evidence is consistent with the Adjudicated Facts.⁸⁵¹³ The Trial Chamber also received evidence from **Mile Poparić**, a weapons and military equipment expert.⁸⁵¹⁴ He testified that at the time there were tall trees in front of the School of the Blind which very likely blocked visibility.⁸⁵¹⁵ The Defence argued that in relation to this incident the Prosecution presented defective evidence from Van der Weijden in relation to whether there was a clear line of sight.⁸⁵¹⁶

2002. The Trial Chamber considers that Poparić's testimony that trees *likely* blocked the view from the School of the Blind does not contradict the Adjudicated Facts. In addition, the Trial Chamber will not further address the Defence submission as it refers to the evidence of van der Weijden and the Trial Chamber relied on the un rebutted Adjudicated Facts instead.

⁸⁵⁰³ Adjudicated Facts III, no. 2738.

⁸⁵⁰⁴ Adjudicated Facts III, no. 2741.

⁸⁵⁰⁵ Adjudicated Facts III, no. 2745.

⁸⁵⁰⁶ Adjudicated Facts III, no. 2752.

⁸⁵⁰⁷ Adjudicated Facts III, no. 2753.

⁸⁵⁰⁸ Adjudicated Facts III, no. 2755.

⁸⁵⁰⁹ Adjudicated Facts III, no. 2754.

⁸⁵¹⁰ Adjudicated Facts III, no. 2756.

⁸⁵¹¹ Adjudicated Facts III, no. 2757.

⁸⁵¹² Patrick van der Weijden, T. 6463.

⁸⁵¹³ P1130 (Patrick van der Weijden, expert report), pp. 71-72.

⁸⁵¹⁴ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸⁵¹⁵ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), p. 255.

⁸⁵¹⁶ Defence Final Brief, paras 2234-2239.

2003. Based on the foregoing, the Trial Chamber finds that on 24 October 1994, a member of the SRK shot and killed Adnan Kasapović, a 14-year-old civilian boy in Vojničko Polje. The shots came from the School of the Blind and there was a direct line of sight from the school to the position of the victim. The sniper in the School of the Blind had a clear view of Kasapović. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 9 November 1994 (Zmaja od Bosne Street)

2004. **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996,⁸⁵¹⁷ testified that on 9 November 1994 he was informed that several persons had been wounded by bullets on Zmaja od Bosne Street (formerly Vojvode Putnika) near the technical school.⁸⁵¹⁸ The witness was part of the team investigating the incident on 10 November 1994.⁸⁵¹⁹ The investigation concluded that on 9 November 1994 around 4:50 p.m., five persons were wounded by several firearm projectiles. Three of the wounded were pedestrians, two of whom were soldiers. The other two of the wounded were passengers in a Golf car, one of whom was a soldier.⁸⁵²⁰ One of the soldiers who were walking wore a camouflage jacket.⁸⁵²¹ The investigation concluded that the bullets had been 'most probably' fired from a window of a skyscraper on Lenjinova Street in Grbavica, which was under VRS control at that time.⁸⁵²²

2005. Based on the foregoing, the Trial Chamber finds that on 9 November 1994 at around 4:50 p.m., five persons, three of whom were soldiers, were shot and wounded on Zmaja od Bosne Street near the technical school. Two of the five, including one soldier, were in a Golf car. The other three, including two soldiers, one of whom in a camouflage jacket, were walking nearby. On the basis that the shots originated from a

⁸⁵¹⁷ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁸⁵¹⁸ P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 63; P870 (MUP reports, 10 November 1994), p. 1.

⁸⁵¹⁹ P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 64; P870 (MUP reports, 10 November 1994), p. 1.

⁸⁵²⁰ P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 64; P870 (MUP reports, 10 November 1994), pp. 1-4.

⁸⁵²¹ P870 (MUP reports, 10 November 1994), pp. 2, 4.

⁸⁵²² P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 64-65, 67; P870 (MUP reports, 10 November 1994), pp. 1-3.

VRS-controlled position, the Trial Chamber finds that the five persons were shot by an SRK member. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 22 November 1994 (Sanela Dedović)

2006. On 22 November 1994, Sanela Dedović was shot and seriously wounded in the ankle by a fragment of a bullet fired from a sniper weapon.⁸⁵²³ The shot originated from the ridge Špicasta Stijena, which was controlled by the SRK.⁸⁵²⁴ The shots were fired by a member of the SRK.⁸⁵²⁵ **Mile Poparić**, an expert in weapons and military equipment,⁸⁵²⁶ testified that there was no line of sight between the incident site as indicated in van der Weijden's report, the intersection of Sedrenik Street and Redzepa Gaorušanovica Street, and the Špicasta Stijena ridge.⁸⁵²⁷ The Defence argued that in relation to this incident the Prosecution presented defective evidence from Van der Weijden and Hogan, who committed errors in marking the exact impact spot.⁸⁵²⁸

2007. Based on the foregoing, the Trial Chamber finds that on 22 November 1994 an SRK member shot and seriously wounded Sanela Dedović. Even if Poparić's evidence referred to the correct impact site, and would thus contradict Adjudicated Fact number 2802, it would not impact the Trial Chamber's finding which solely rests on Adjudicated Fact number 2803. In relation to the Defence's argument, the Trial Chamber notes that it relied on the Adjudicated Facts and not the evidence of van der Weijden or Hogan with regard to this incident. Accordingly, the Trial Chamber will not further address the Defence submission. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 10 December 1994 (Sedrenik)

2008. The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Nedžib Dozo**, a Bosnian-

⁸⁵²³ Adjudicated Facts III, no. 2801.

⁸⁵²⁴ Adjudicated Facts III, no. 2802.

⁸⁵²⁵ Adjudicated Facts III, no. 2803.

⁸⁵²⁶ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸⁵²⁷ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 257-259, 296.

Muslim former JNA mortar platoon commander and civilian police investigator;⁸⁵²⁹ **Patrick van der Weijden**, an expert in sniping,⁸⁵³⁰ and finds that this evidence does not rebut the Adjudicated Facts.⁸⁵³¹ The Trial Chamber also received evidence from **Mile Poparić**, an expert in weapons and military equipment.⁸⁵³² The Defence submitted that (i) the Prosecution's sniping expert Van der Weijden committed a number of errors in relation to the line of sight when analysing this incident, and (ii) the victim was not shot from VRS positions at Špicasta Stijena.⁸⁵³³

2009. On 10 December 1994, Derviša Selmanović went out into a friend's garden to get firewood.⁸⁵³⁴ Selmanović was shot with a machine gun and seriously wounded in her leg when she was in the backyard of the house in Sedrenik.⁸⁵³⁵ **Nedžib Đozo** testified that the victim took shelter behind her home as another 20-30 bullets were fired at and around her house. She was then taken to hospital, where she was treated for an entry-and-exit infantry-weapon-bullet wound.⁸⁵³⁶ The shots came from the SRK-controlled ridge Špicasta Stijena.⁸⁵³⁷ The shots were fired by a member of the SRK.⁸⁵³⁸ Selmanović was an unarmed cook.⁸⁵³⁹ An on-site investigation report completed by Nedžib Đozo set out that a detailed on-site investigation could not be conducted on this day due to constant fire activity from the 'aggressor's positions'.⁸⁵⁴⁰ **Patrick van der Weijden** testified that the ridgeline along which the Serb positions were during the war was approximately 950 to 1,050 metres from the incident site.⁸⁵⁴¹ **Mile Poparić** testified that due to the weather at the time of the incident, the incident site was not clearly visible from VRS positions.⁸⁵⁴² He also testified that Selmanović could not have been

⁸⁵²⁸ Defence Final Brief, paras 2242-2245.

⁸⁵²⁹ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.

⁸⁵³⁰ Patrick van der Weijden, T. 6463.

⁸⁵³¹ **Nedžib Đozo:** Nedžib Đozo, T. 5545, 5574-5575, 5596; P548 (Official note of the Stari Grad SJB, compiled by Nedžib Đozo, 12 March 1995); P4600 (On-site investigation report prepared by Nedžib Đozo, 14 December 1994). **Patrick van der Weijden:** P1130 (Patrick van der Weijden, expert report), pp. 79-80.

⁸⁵³² D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 1-4.

⁸⁵³³ Defence Final Brief, paras 2248-2249.

⁸⁵³⁴ Adjudicated Facts III, no. 2807.

⁸⁵³⁵ Adjudicated Facts III, no. 2817.

⁸⁵³⁶ P548 (Official note of the Stari Grad SJB, compiled by Nedžib Đozo, 12 March 1995), p. 1.

⁸⁵³⁷ Adjudicated Facts III, no. 2817.

⁸⁵³⁸ Adjudicated Facts III, no. 2819.

⁸⁵³⁹ Adjudicated Facts III, no. 2820.

⁸⁵⁴⁰ P4600 (On-site Investigation Report prepared by Nedžib Đozo, 14 December 1994).

⁸⁵⁴¹ P1130 (Patrick van der Weijden, expert report), p. 80.

⁸⁵⁴² D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), p. 260.

shot from Špicasta Stijena because Van der Weijden mistakenly identified where the victim was located when she was shot.⁸⁵⁴³

2010. The Trial Chamber notes that Poparić's evidence is contradictory to Adjudicated Fact no. 2817, in the sense that he suggests that it was impossible to shoot Selmanović from Špicasta Stijena. However, whether there was fog at the time of the incident and where Selmanović was located when shot are factual matters which Poparić, an expert, cannot put forth as reliable arguments. Under these circumstances, the Trial Chamber finds that Poparić's evidence about the origin of the fire is not sufficiently reliable to rebut Adjudicated Fact number 2817. In this context, the Trial Chamber also notes that it will not further consider the Defence submission with respect to any errors regarding the determination of the line of sight committed by van der Weijden, as the Trial Chamber relied on the un rebutted Adjudicated Fact and not on van der Weijden's evidence in this respect.

2011. Based on the foregoing, the Trial Chamber finds that on 10 December 1994, an SRK member shot and wounded Derviša Selmanović, an unarmed cook, who was fetching wood in the backyard of a house in Sedrenik. The shot originated from the SRK-controlled ridge Špicasta Stijena. The Trial Chamber further finds that once Derviša Selmanović took shelter behind her house, another 20 to 30 bullets were fired at and around her house. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 14 May 1995 (Dobrinja)

2012. On 14 May 1995, Jasmina Tabaković was killed by a shot while she was in her bedroom in Dobrinja.⁸⁵⁴⁴ The shots came from SRK-held territory in Dobrinja I.⁸⁵⁴⁵ The shots were fired by a member of the SRK.⁸⁵⁴⁶ The Trial Chamber received evidence in the form of an Official MUP report and finds that this evidence is consistent with the Adjudicated Facts.⁸⁵⁴⁷ According to the report, the victim's father, who was in the

⁸⁵⁴³ D1330 (Mile Poparić and Zorica Subotić, small arms fire on the Sarajevo area report, 25 April 2014), pp. 263-264.

⁸⁵⁴⁴ Adjudicated Facts III, no. 2826.

⁸⁵⁴⁵ Adjudicated Facts III, no. 2827.

⁸⁵⁴⁶ Adjudicated Facts III, no. 2828.

⁸⁵⁴⁷ P494 (Official Report of MUP Sarajevo, 15 May 1995), pp. 1-3.

apartment at the time, told the MUP that when his daughter was shot he only heard one shot.⁸⁵⁴⁸

2013. Based on the foregoing, the Trial Chamber finds that on 14 May 1995, an SRK member shot and killed Jasmina Tabaković in her apartment in Dobrinja. The shot was fired from SRK-held territory in Dobrinja I. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 25 June 1995 (Titova Street)

2014. **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993,⁸⁵⁴⁹ testified that on 25 June 1995, a 16-year-old boy was shot in the head while riding his bicycle near the Ali Pašina Mosque and UNPROFOR headquarters on Titova Street, in Sarajevo.⁸⁵⁵⁰ UNPROFOR concluded that he had been shot from a Serb position on a tall building to the west.⁸⁵⁵¹

2015. The Trial Chamber finds David Harland's evidence regarding UNPROFOR's conclusion of the position from which the shot originated to be of low probative value as its basis of knowledge is unknown. The Trial Chamber will therefore not further consider this incident in relation to any count of the Indictment.

⁸⁵⁴⁸ P494 (Official Report of MUP Sarajevo, 15 May 1995), p. 3.

⁸⁵⁴⁹ P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

⁸⁵⁵⁰ P1 (David Harland, witness statement, 4 September 2009), paras 213, 215; David Harland, T. 707; P10 (UNPROFOR weekly situation report, 2 July 1995), p. 3.

⁸⁵⁵¹ P1 (David Harland, witness statement, 4 September 2009), paras 214-215.

5.3 Shelling incidents

5.3.1 Schedule G.1

2016. According to the Indictment, the Accused is responsible for heavily shelling civilian targets in Sarajevo, damaging or destroying them and, causing the deaths of several civilians and injuring others from on or about 28 May 1992.⁸⁵⁵² The Trial Chamber received evidence from **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸⁵⁵³ **Bakir Nakaš**, a Muslim doctor from Sarajevo who worked as the general manager of the Sarajevo State Hospital throughout the war;⁸⁵⁵⁴ **Witness RM-115**, a Bosnian Muslim from Sarajevo;⁸⁵⁵⁵ **Fadila Tarčin**, a Bosnian Muslim living with her family in the predominantly Muslim residential area of Širokača in south-east Sarajevo in 1992;⁸⁵⁵⁶ **Nedžib Dozo**, a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator;⁸⁵⁵⁷ and **John Wilson**, the chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;⁸⁵⁵⁸ as well as documentary evidence.

2017. **Milan Mandilović** testified that in April 1992, he observed that Bosniak personnel from the Sarajevo State Hospital left the city and went ‘home’; he believed they did so out of fear that the situation in Slovenia and Croatia, where war had broken out, would repeat itself in Sarajevo.⁸⁵⁵⁹ In May 1992, there was shooting around the city and the city was hit by artillery shelling.⁸⁵⁶⁰ As of 10 May 1992, the JNA withdrew

⁸⁵⁵² Indictment, paras 11-12, 76, 81, Schedule G.1. The language of the Indictment suggests that the temporal scope of Scheduled Incident G.1 extends from on or about 28 May 1992 until November 1995. However, the Trial Chamber also considered the language used in the description of Scheduled Incident G.1, the structure of Schedule G in general, and the parties’ submissions on this incident’s temporal scope, and concludes that Scheduled Incident G.1 covers the alleged shelling which started on 28 May 1992 and concluded soon thereafter.

⁸⁵⁵³ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸⁵⁵⁴ P941 (Bakir Nakaš, witness statement, 8 September 2010), p. 1, paras 1, 10; Bakir Nakaš, T. 8601.

⁸⁵⁵⁵ P102 (Witness RM-115, witness statement 4 November 2008), p. 1, para. 1.

⁸⁵⁵⁶ P281 (Fadila Tarčin, witness statement, 24 February 2004), p. 1, paras 1-2; P282 (Fadila Tarčin, witness statement, 2 November 2008), p. 1; C1 (Map of Širokača marked by witness Fadila Tarčin in court on 2 October 2012), *see* the marked ‘K’ for the position of the witness’s house; Fadila Tarčin, T. 3411, 3419.

⁸⁵⁵⁷ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564.

⁸⁵⁵⁸ P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.

⁸⁵⁵⁹ P679 (Milan Mandilović, witness statement, 24 February 2010), paras 20, 29.

⁸⁵⁶⁰ P679 (Milan Mandilović, witness statement, 24 February 2010), paras 18, 21.

from the Sarajevo State Hospital, and the hospital became a civilian body.⁸⁵⁶¹ As a result, the witness no longer reported to the JNA, but to the local community of Sarajevo.⁸⁵⁶² The JNA's departure from the Sarajevo State Hospital was organised and drugs, supplies, and equipment were left behind at the hospital.⁸⁵⁶³ As a result of the JNA's departure, many Bosniak personnel who had earlier left the hospital, returned.⁸⁵⁶⁴ The hospital appointed a Serb, a Bosniak, and a Croat to its management.⁸⁵⁶⁵ The guards at the entry of the hospital never barred people from entering or leaving the hospital.⁸⁵⁶⁶

2018. **Bakir Nakaš** testified that on 10 May 1992, the JNA withdrew from the hospital.⁸⁵⁶⁷ No armed Bosnian soldiers or security guards were allowed to be inside the hospital, and there were no military-related facilities in the hospital's vicinity.⁸⁵⁶⁸ During the witness's time as general manager the rule was that the only armed people on the grounds were the perimeter security.⁸⁵⁶⁹ In 1992, within the compound of the hospital, some of the facilities were mobilised for the treatment of members of the ABiH 1st Corps for their rehabilitation after surgery.⁸⁵⁷⁰ After a shelling on 13 May 1992, a flag with the Red Cross emblem was placed on the south side of the building facing Vrace Hill and Trebević which, in the witness's view, could be seen from 500 metres away. The flag remained in place from May to September 1992.⁸⁵⁷¹ **Witness RM-115** stayed at the State hospital in Sarajevo from the beginning of May 1992.⁸⁵⁷² The State hospital was a former military hospital and was located in the Marin Dvor neighbourhood.⁸⁵⁷³ The witness testified that there was heavy shelling in the night of 28 May 1992.⁸⁵⁷⁴ The soldiers had left before the shelling and only medical staff

⁸⁵⁶¹ P679 (Milan Mandilović, witness statement, 24 February 2010), paras 4, 25.

⁸⁵⁶² P679 (Milan Mandilović, witness statement, 24 February 2010), paras 28; Milan Mandilović, T. 6654.

⁸⁵⁶³ P679 (Milan Mandilović, witness statement, 24 February 2010), para. 26; Milan Mandilović, T. 6693-6694.

⁸⁵⁶⁴ P679 (Milan Mandilović, witness statement, 24 February 2010), para. 29.

⁸⁵⁶⁵ P679 (Milan Mandilović, witness statement, 24 February 2010), para. 30.

⁸⁵⁶⁶ P679 (Milan Mandilović, witness statement, 24 February 2010), para. 27; Milan Mandilović, T. 6656-6657, 6659, 6671, 6700-6701.

⁸⁵⁶⁷ P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 5; Bakir Nakaš, T. 8632.

⁸⁵⁶⁸ P941 (Bakir Nakaš, witness statement, 8 September 2010), paras 14-15; Bakir Nakaš, T. 8669-8677.

⁸⁵⁶⁹ P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 15.

⁸⁵⁷⁰ P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 14.

⁸⁵⁷¹ P941 (Bakir Nakaš, witness statement, 8 September 2010), para. 22.

⁸⁵⁷² P102 (Witness RM-115, witness statement 4 November 2008), paras 2-3; Witness RM-115, T. 1653, 1660, 1665.

⁸⁵⁷³ Witness RM-115, T. 1653. With regard to the location of the State hospital in Sarajevo, the Trial Chamber considers the hospital to be in the vicinity of Velešići and Pofalići. *See* P3 (Sarajevo map book), pp. 32, 71; D127 (Photograph from the Sarajevo court binder marked by Milan Mandilović); Milan Mandilović T. 6662-6666.

⁸⁵⁷⁴ P102 (Witness RM-115, witness statement 4 November 2008), para. 4; Witness RM-115, T. 1659.

remained.⁸⁵⁷⁵ The witness was unable to move for four hours because the shelling of the hospital was so heavy.⁸⁵⁷⁶ Around midnight, the witness wanted to move from one of the offices to another room when, passing through the connection passage, the witness was hit by shrapnel and lost consciousness.⁸⁵⁷⁷ The witness believed that a shell had exploded somewhere on the third floor and that shrapnel had come through a window.⁸⁵⁷⁸ The witness was found lying in a pool of blood and brought to the emergency room, where the witness underwent surgery.⁸⁵⁷⁹ Due to the seriousness of the injuries, the witness was evacuated from Sarajevo in November 1993 for further surgery abroad.⁸⁵⁸⁰

2019. **Fadila Tarčin** testified that late in the night of 28 May 1992 she and her family went to the cellar of their house, due to the shelling of their neighbourhood, Širokača.⁸⁵⁸¹ The witness, who was 16 years old at the time, estimated that Širokača was positioned about one or two kilometres from the frontlines.⁸⁵⁸² The witness testified that she once or twice observed three or four men from the reserve police pass through her area, but that the only military position close to her house was the military barracks at Bistrik about 1.5 kilometres away, which the witness believed was occupied by the JNA until about May 1992.⁸⁵⁸³ On the night of the shelling, neighbours who would usually come to the witness's house to seek shelter did not dare venture the 20-30 metres between their houses due to the intensity of the shelling, which remained unchanged for two hours and then subsided after midnight.⁸⁵⁸⁴ Suddenly there was a massive explosion and the witness who was sitting on the floor next to the exit of the cellar felt an impact on her foot and discovered that she could not move her legs. The witness's right foot was bleeding, as was her right leg which was bleeding heavily from inside the knee, but the shelling prevented the witness from leaving the cellar until about 4:30 a.m., when a

⁸⁵⁷⁵ Witness RM-115, T. 1653-1654.

⁸⁵⁷⁶ P102 (Witness RM-115, witness statement 4 November 2008), para. 4; Witness RM-115, T. 1659-1660.

⁸⁵⁷⁷ P102 (Witness RM-115, witness statement 4 November 2008), paras 5-6; Witness RM-115, T. 1659, 1683.

⁸⁵⁷⁸ P102 (Witness RM-115, witness statement 4 November 2008), para. 6.

⁸⁵⁷⁹ P102 (Witness RM-115, witness statement 4 November 2008), paras 6-7; Witness RM-115, T. 1659.

⁸⁵⁸⁰ P102 (Witness RM-115, witness statement 4 November 2008), paras 8-11; Witness RM-115, T. 1660-1661; P104 (Medical documentation concerning Witness RM-115).

⁸⁵⁸¹ P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 3-4.

⁸⁵⁸² P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 11; Fadila Tarčin, T. 3413, 3418; P549 (Stari Grad police station notebooks, April 1992), p. 71.

⁸⁵⁸³ P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 2; Fadila Tarčin, T. 3415, 3417.

⁸⁵⁸⁴ P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 6-7.

neighbour was able to organise a van to take her to the hospital.⁸⁵⁸⁵ The witness arrived at the Koševo hospital at about 5 a.m., where she was operated on and received a cast for her broken foot. The witness testified that two days later, after she was released from the hospital, she saw that a shell had hit the valley side of her neighbour's house across the road, causing extensive damage to three houses, and realised that it was shrapnel from this shell that had shot through the plywood door of her cellar.⁸⁵⁸⁶ The witness learnt from men in the neighbourhood, who had previously served with the JNA, that the shell was a large calibre howitzer shell and that it had been launched from Borije, east of Širokača.⁸⁵⁸⁷ Throughout the war, the witness's neighbourhood remained under constant shelling and her house was hit twice.⁸⁵⁸⁸ The witness has continued to suffer from her injuries and cannot walk properly as a result of the injury to her foot.⁸⁵⁸⁹ The Stari Grad SJB's logbook recorded that on 27 and 28 May 1992, VRS artillery shelled Pogledine, Kamenice, Mahumatovac, and Colina Kapa.⁸⁵⁹⁰ **Nedžib Dozo** testified that these were neighbourhoods of Stari Grad.⁸⁵⁹¹ Two persons were wounded in the Pogledine area.⁸⁵⁹²

2020. **John Wilson** testified that on 28 May 1992, one of the most intense shelling attacks struck Sarajevo, commencing in the evening around 5 p.m. and continuing until early the next morning.⁸⁵⁹³ Rounds of all calibres, including rocket-launchers, impacted throughout the city, with a concentration on the old town, in such a manner that there appeared to be no particular targets involved.⁸⁵⁹⁴ During the night, the JNA liaison officer contacted UNPROFOR in Sarajevo and asked them to ask the Presidency to stop the attacks of mortars, rockets, and small arms on Lukavica, which had caused casualties. The JNA liaison officer threatened that there would be heavy retaliation against the city.⁸⁵⁹⁵ The witness was not aware of any attacks or outgoing fire by Presidency forces that night, although it would have been hard to discern given the

⁸⁵⁸⁵ P281 (Fadila Tarčin, witness statement, 24 February 2004), paras 8-9.

⁸⁵⁸⁶ P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 9; P282 (Fadila Tarčin, witness statement, 2 November 2008), paras 2-3; Fadila Tarčin, T. 3447-3448.

⁸⁵⁸⁷ P282 (Fadila Tarčin, witness statement, 2 November 2008), para. 3; Fadila Tarčin, T. 3424.

⁸⁵⁸⁸ P282 (Fadila Tarčin, witness statement, 2 November 2008), paras 4-5; Fadila Tarčin, T. 3416.

⁸⁵⁸⁹ P281 (Fadila Tarčin, witness statement, 24 February 2004), para. 10; Fadila Tarčin, T. 3411.

⁸⁵⁹⁰ P549 (Stari Grad police station notebooks, April 1992), p. 72.

⁸⁵⁹¹ Nedžib Dozo, T. 5547-5548.

⁸⁵⁹² P549 (Stari Grad police station notebooks, April 1992), p. 72.

⁸⁵⁹³ John Wilson, T. 3969, 3979, 3981-3982, 3986.

⁸⁵⁹⁴ P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3969-3970; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.

⁸⁵⁹⁵ P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.

volume of fire.⁸⁵⁹⁶ On 29 May 1992, the witness met with JNA General Bošković, Colonel Čađo, and Lieutenant Colonel Janković.⁸⁵⁹⁷ At the meeting, General Bošković stated that Mladić had ordered the firing of artillery, rockets, and mortars against Sarajevo in response to the attacks on Lukavica.⁸⁵⁹⁸ Bošković and Čađo recognised the gravity and severity of the attack and apologised on behalf of the JNA for Mladić's actions.⁸⁵⁹⁹ According to Bošković, Mladić had been acting independently of the JNA, as Bošković personally, and the Serbian leadership, had attempted to prevent this attack.⁸⁶⁰⁰ Bošković added that Mladić was no longer a member of the JNA and would not respond to their orders.⁸⁶⁰¹ Around 1 p.m., Minister Đoko and two other representatives of the Bosnia-Herzegovina government joined the meeting and played an audiotape of a radio intercept of the Serb territorial command from the previous night.⁸⁶⁰² Čađo translated Mladić's words from Bosnian into English.⁸⁶⁰³ On the tape, Mladić personally directed the attack, including selecting targets (the Presidency, the town hall, police headquarters, and the children's embassy) and directing fire away from Serb-populated areas.⁸⁶⁰⁴ Mladić also determined the calibre of fire to be used and ordered fire at his command, meaning Serb forces could fire only on his say-so.⁸⁶⁰⁵ The JNA representatives at the meeting, including General Bošković and Colonel Čađo, recognized Mladić's voice on the tape.⁸⁶⁰⁶

2021. On 30 May 1992, the witness met with General Mladić and Plavšić at the Lukavica barracks to convey the UN Secretary-General's appeal to Mladić to cease the shelling of Sarajevo.⁸⁶⁰⁷ Mladić responded that he shared the Secretary-General's

⁸⁵⁹⁶ John Wilson, T. 3986.

⁸⁵⁹⁷ P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3913-3914, 3971; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992).

⁸⁵⁹⁸ P320 (John Wilson, witness statement, 26 March 2009), para. 76; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 1.

⁸⁵⁹⁹ John Wilson, T. 3971, 3973.

⁸⁶⁰⁰ P320 (John Wilson, witness statement, 26 March 2009), para. 76; John Wilson, T. 3971; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), pp. 1-2.

⁸⁶⁰¹ P320 (John Wilson, witness statement, 26 March 2009), para. 76; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.

⁸⁶⁰² P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.

⁸⁶⁰³ John Wilson, T. 3972-3973.

⁸⁶⁰⁴ P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972, 3978; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.

⁸⁶⁰⁵ John Wilson, T. 3972.

⁸⁶⁰⁶ P320 (John Wilson, witness statement, 26 March 2009), paras 76, 126; John Wilson, T. 3972, 3983-3984, 3986; P329 (Record of conversation with Bosnia-Herzegovina and JNA delegations, 29 May 1992), p. 2.

⁸⁶⁰⁷ P320 (John Wilson, witness statement, 26 March 2009), para. 77; John Wilson, T. 3938, 3984-3985; P331 (UN Secretary-General appeal to cease bombardment of Sarajevo press release, 30 May 1992);

concerns for Sarajevo, but that the Maršal Tito Barracks was under continuous fire from Presidency forces.⁸⁶⁰⁸ Mladić stated that he was not aware of President Karadžić's offer to withdraw all heavy weapons from Sarajevo, but that he would abide by any agreement the government made.⁸⁶⁰⁹ The witness and Mladić also discussed the heavy shelling of 28 May 1992 and Mladić accepted that he was responsible for the attack, but stated that he was acting in response to provocations and was simply defending the Serb people and neighbourhoods in Sarajevo from Presidency forces.⁸⁶¹⁰ According to the witness, Mladić regularly stated that the shelling of Sarajevo had the purpose of defending Serbs or responding to attacks.⁸⁶¹¹ On the same day, General Philippe Morillon met President Slobodan Milošević and asked him to use his influence to have Mladić stop the bombardment of Sarajevo.⁸⁶¹² Milošević responded that he disagreed with Mladić's actions completely and had done his utmost to persuade Mladić to cease the unjustified bombardment of the civilian population of Sarajevo, including by trying to contact Karadžić.⁸⁶¹³ Milošević added that General Panić had told him that the Serb side had even fired at a JNA convoy, killing one soldier, and that he considered Mladić 'totally crazy'.⁸⁶¹⁴ Later that day, General Morillon met with Karadžić and Koljević.⁸⁶¹⁵ Karadžić told Morillon that the Serb parts of the city were attacked nightly by the Green Berets. According to Karadžić, the Serb forces were inexperienced and self-organized and as a result, had overreacted to attacks. Mladić did not have all Serb forces under his command but was trying to bring them under control.⁸⁶¹⁶ Karadžić agreed to travel to Sarajevo to contact Mladić and stop the bombardment.⁸⁶¹⁷ Later that day, Karadžić's assistant informed General Morillon that Mladić had spoken to Karadžić by phone and

P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 1; P341 (UNPROFOR special incident report, 30 May 1992).

⁸⁶⁰⁸ P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 1.

⁸⁶⁰⁹ P320 (John Wilson, witness statement, 26 March 2009), para. 78; P332 (Record of meeting between Colonel Wilson and Mladić, 30 May 1992), p. 2.

⁸⁶¹⁰ John Wilson, T. 3938, 3985.

⁸⁶¹¹ P320 (John Wilson, witness statement, 26 March 2009), paras 55, 126.

⁸⁶¹² P320 (John Wilson, witness statement, 26 March 2009), paras 79, 81; John Wilson, T. 3988; P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 1.

⁸⁶¹³ P320 (John Wilson, witness statement, 26 March 2009), paras 79, 81; John Wilson, T. 3988; P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 1.

⁸⁶¹⁴ P333 (UNPROFOR report on meeting with President Milošević, 30 May 1992), p. 2.

⁸⁶¹⁵ P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992).

⁸⁶¹⁶ P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 1.

⁸⁶¹⁷ P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 2.

had indicated that the bombardment would stop.⁸⁶¹⁸ The Trial Chamber also recalls evidence of Witness RM-511 set out in chapter 9.4.2.

2022. Based on the foregoing, and recalling its finding in chapter 3.1.4 that Mladić was the commander of the VRS Main Staff, the Trial Chamber finds that members of the SRK fired artillery, rockets, and mortars against Sarajevo from 5 p.m. on 28 May 1992 until early the next morning, following an order from Mladić. Rounds of all calibres, including rocket-launchers, impacted throughout the city with a concentration on the old town. Mladić personally directed the attack, including selecting targets such as the Presidency, the town hall, police headquarters, and the children's embassy and directing the fire away from Serb-populated areas. Witness RM-115 was seriously injured at the State hospital in the Marin Dvor neighbourhood, when shrapnel came through a window and hit her. A flag with the Red Cross emblem was placed on the south side of the building facing Vrace Hill and Trebević which, could be seen from 500 metres away. No armed ABiH soldiers or security guards were inside the hospital, and there were no military-related facilities in the hospital's vicinity. Shells also hit the predominantly Muslim residential area of Širokača. In her home in Širokača, the then 16-year-old Fadila Tarčin sustained a broken foot and a leg injury due to an explosion. The shell had also caused extensive damage to three houses, across the road from Tarčin's home. The closest military position was the military barracks at Bistrik about 1.5 kilometres away. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

2023. With regard to Mladić's role in this incident, the Trial Chamber will consider this further in chapter 9.

5.3.2 *Schedule G.2*

2024. According to the Indictment, the Accused is responsible for carrying out a massive bombardment of Sarajevo, with a variety of artillery fired from positions all around the city from on or about 6 June 1992. Civilian targets were damaged and destroyed and a number of civilians were killed and wounded.⁸⁶¹⁹ The Trial Chamber

⁸⁶¹⁸ P320 (John Wilson, witness statement, 26 March 2009), paras 80-81; P342 (UNPROFOR report on meeting with Karadžić, 30 May 1992), p. 3.

⁸⁶¹⁹ Indictment, paras 11-12, 64, 76, 81, Schedule G.2. The language of the Indictment suggests that the temporal scope of Scheduled Incident G.2 extends from on or about 6 June 1992 until November 1995.

received evidence with regard to two specific incidents covered by Schedule G.2 of the Indictment and will consider it below. The Defence argued that (i) the evidence presented by the Prosecution, and in particular the evidence of Fahra Mujanović and Ziba Avdić, is vague, (ii) the SRK could not be responsible for these incidents as during the timeframe of this alleged bombardment, it was under strict order to restrict its use of fire and to focus on the fortification of its positions,⁸⁶²⁰ and (iii) the evidence establishes that the SRK is not responsible for the incident of 9 June 1992 due to the fact that Vogošća was subject to consistent fighting between the warring sides and that both the ABiH and the SRK held important positions in the area with a good view of the surrounding area.⁸⁶²¹

Incident of 6 June 1992

2025. With regard to the alleged shelling of Sarajevo on 6 June 1992, the Trial Chamber received evidence from **Fatima Palavra**, a Bosnian Muslim from Sarajevo who was 14 years old in 1992;⁸⁶²² **Ziba Avdić** and **Zilha Granilo**, both Bosnian Muslims from Sarajevo;⁸⁶²³ as well as documentary evidence.

2026. **Fatima Palavra** stated that on 6 June 1992, she was living in an apartment in the *Papagajka* building on H. Kreševljakovića Street, which housed refugees at that time.⁸⁶²⁴ While having breakfast with four family members in the apartment, she saw what appeared to be a very bright shining light followed by a shell exploding.⁸⁶²⁵ The next thing she remembered was waking up in Koševo Hospital.⁸⁶²⁶ The witness sustained injuries to her right leg and right temple, and she was discharged from the hospital on 9 June 1992.⁸⁶²⁷ Fatima's mother, Ismeta Bećirović, a Bosnian-Muslim from

However, the Trial Chamber also considered the language used in the description of Scheduled Incident G.2, the structure of Schedule G in general, and the parties' submissions on this incident's temporal scope, and concludes that Scheduled Incident G.2 covers the alleged shelling which started on or about 6 June 1992 and concluded soon thereafter.

⁸⁶²⁰ Defence Final Brief, paras 1915-1916, 1918-1922.

⁸⁶²¹ Defence Final Brief, paras 1918, 1921-1922.

⁸⁶²² P1946 (Fatima Palavra, witness statement, 30 October 2008), p. 1, paras 2-3; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 1.

⁸⁶²³ **Ziba Avdić**: P380 (Ziba Avdić, witness statement, 31 October 2008), p. 1, para. 1. **Zilha Granilo**: P386 (Zilha Granilo, witness statement, 30 October 2008), p. 1, para. 1.

⁸⁶²⁴ P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 2-4; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 1.

⁸⁶²⁵ P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 5-7.

⁸⁶²⁶ P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 7.

⁸⁶²⁷ P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 8; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), pp. 1-3.

Sarajevo, and other three family members present at the apartment during the explosion, were also brought to the hospital with injuries and discharged within a few days.⁸⁶²⁸ The witness's uncle informed her that his partner died as a result of the explosion.⁸⁶²⁹ The apartment was completely destroyed.⁸⁶³⁰ **Ziba Avdić** stated that her residential neighbourhood on Koševo Hill was shelled on 6 June 1992 from 8 until 11 a.m., and again during the evening.⁸⁶³¹ The witness thought that the shells were coming from the direction of Poljine based on 'the sounds the shells made and the direction they seemed to travel'.⁸⁶³² She sought shelter in the basement of her apartment building at Mitra Trifunovića Uče number 65.⁸⁶³³ The witness's apartment building was located within a residential area of other apartment buildings with no barracks, police stations, or factories nearby.⁸⁶³⁴ The witness could see in the direction of Poljine from her building.⁸⁶³⁵

2027. **Zilha Granilo** stated that on 6 June 1992, she heard shells flying through the air and it appeared to her as though all of Sarajevo was being shelled very heavily.⁸⁶³⁶ She lived on Bjelave Street in a residential area without factories or military facilities. There was a one-room police office in the area.⁸⁶³⁷ Between 4 and 5 p.m., because of heavy shelling nearby, she decided to take shelter in the basement of a nearby bank building.⁸⁶³⁸ As she left her house, a shell fell on her neighbour's shed some 10 to 15 metres away, and the blast threw her two to three metres.⁸⁶³⁹ As she had shrapnel in her leg and back and suffered a small puncture to her neck, her neighbour took her to hospital.⁸⁶⁴⁰ While being treated, she saw a badly wounded or dead person, covered in

⁸⁶²⁸ P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 10; P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), pp. 1-7.

⁸⁶²⁹ P1946 (Fatima Palavra, witness statement, 30 October 2008), paras 5, 10. *See* P1947 (Fatima Palavra, official note of 23 June 2000, with medical documentation), p. 8.

⁸⁶³⁰ P1946 (Fatima Palavra, witness statement, 30 October 2008), para. 11.

⁸⁶³¹ P380 (Ziba Avdić, witness statement, 31 October 2008), paras 1, 3-4.

⁸⁶³² P380 (Ziba Avdić, witness statement, 31 October 2008), para. 3.

⁸⁶³³ P380 (Ziba Avdić, witness statement, 31 October 2008), paras 1, 3. The Trial Chamber notes the Defence submission that 'it is unlikely that the witness was able to see the direction of any shelling when she was in the basement', Defence Final Brief, para. 1919. However, the Trial Chamber understands from Avdić's statement that she sought shelter in the basement after the shelling had commenced and that she observed the shells' direction of travel before she entered the basement.

⁸⁶³⁴ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 1.

⁸⁶³⁵ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 4.

⁸⁶³⁶ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 3.

⁸⁶³⁷ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 2.

⁸⁶³⁸ P386 (Zilha Granilo, witness statement, 30 October 2008), paras 3-4.

⁸⁶³⁹ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 4.

⁸⁶⁴⁰ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 5.

blood, being brought into the hospital. She was unable to recognize the individual.⁸⁶⁴¹ When she returned home, she realized that her daughter, Jasna Zeničanin-Granilo, who had joined the police at the beginning of the war, had not come home.⁸⁶⁴² She later learned that her daughter had been killed in a shelling incident on Breka Street in Sarajevo, and that her daughter was the person she had seen in the hospital earlier that day.⁸⁶⁴³ As a result of continued heavy shelling and shooting, the witness was not able to bury her daughter until six days later. She buried her daughter at night to avoid being targeted.⁸⁶⁴⁴

2028. **Ziba Avdić** stated that the shelling recommenced in the evening with illuminating rockets coming from the direction of Poljine.⁸⁶⁴⁵ Two shells landed near her building, setting her car and camping caravan on fire.⁸⁶⁴⁶ The witness's husband, Muhamed Avdić, a retired Bosnian-Muslim mechanic with no police or military affiliation, attempted to extinguish the fire with the assistance of Abdulah Fetahović, Osman Kapetanović, Ivan Onešćuk, and Hašim.⁸⁶⁴⁷ At 9:30 p.m., a shell landed near the entrance of the building, and Fetahović was thrown into a tree.⁸⁶⁴⁸ The witness's husband was severely injured.⁸⁶⁴⁹ According to a Centar SJB Sarajevo official note dated 18 January 1996, the witness reported that Muhamed Avdić was wounded in front of the entrance of a house on Mitra Trifunovića Uče Street number 65 as a result of the explosion of a 120-millimetre shell fired by 'the aggressor' from the direction of Poljine.⁸⁶⁵⁰ A TO member living in the building notified the TO.⁸⁶⁵¹ When the TO arrived, the witness saw them take her husband to hospital, where he died at 11 p.m.⁸⁶⁵²

⁸⁶⁴¹ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 6. *See also* P6480 (Centar Sarajevo SJB official note regarding the incident of 6 June 1992).

⁸⁶⁴² P386 (Zilha Granilo, witness statement, 30 October 2008), paras 6-7.

⁸⁶⁴³ P386 (Zilha Granilo, witness statement, 30 October 2008), paras 1, 6. *See also* P6480 (Centar Sarajevo SJB official note regarding the incident of 6 June 1992); P6479 (Death certificate of Jasna Zeničanin, 16 June 1993), p. 1.

⁸⁶⁴⁴ P386 (Zilha Granilo, witness statement, 30 October 2008), para. 6.

⁸⁶⁴⁵ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 4.

⁸⁶⁴⁶ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 5.

⁸⁶⁴⁷ P380 (Ziba Avdić, witness statement, 31 October 2008), paras 2, 6.

⁸⁶⁴⁸ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7.

⁸⁶⁴⁹ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7. *See also* P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 6.

⁸⁶⁵⁰ P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 5.

⁸⁶⁵¹ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 8.

⁸⁶⁵² P380 (Ziba Avdić, witness statement, 31 October 2008), paras 7-8. *See also* P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), pp. 6-7.

Only Onešćuk and Hašim survived.⁸⁶⁵³ The remaining corpses at the entrance were collected the following day.⁸⁶⁵⁴

2029. According to an official note from the Agency for Investigation and Documentation of Bosnia-Herzegovina Sarajevo Sector dated 26 June 2000, Mejra Fetahović and Ziba Avdić reported that Abdulah Fetahović, Muhamed Advić, and Osman Kapetanović were killed on 6 June 1992 on Mitra Trifunovića Uče Street as a result of the explosion of a shell fired from the direction of positions held by 'Serbian' military forces. They also reported that Ivan Orušćuk and a man named Hašim had been wounded by the same shell.⁸⁶⁵⁵ According to an ABiH certificate dated 20 December 1994 and issued for the purposes of regulating entitlements, Abdulah Fetahović, a member of the ABiH 105th Motorised Brigade, died on 6 June 1992.⁸⁶⁵⁶

2030. Based on the foregoing, the Trial Chamber finds that on 6 June 1992, shells landed and exploded in Sarajevo on the *Papagajka* building on H. Kreševljakovića Street, on the yard of a house on Bjelave Street, and near an apartment building on Mitra Trifunovića Street number 65. As a result of the shelling, four people were killed, and five others were wounded, including two children. Among the casualties, four were Bosnian Muslims and one was a member of the ABiH. The explosions also set a car and a camping van on fire. With regard to the first two incidents, the Trial Chamber has not received evidence on the origin of fire or the identity or affiliation of the perpetrators. With regard to the third incident, the Trial Chamber has received evidence from Mejra Fetahović and Ziba Avdić that the shells were fired from the direction of positions held by 'Serbian' military forces in Poljine. Fetahović did not provide any basis of knowledge for this information, whereas Avdić's source of knowledge is that her building faced toward the north, so she could see the direction of Poljine. The Trial Chamber considers this information to be imprecise and does not find it reliable to establish the origin of fire. Under these circumstances, the Trial Chamber is unable to establish the identity or affiliation of the perpetrator(s) of the above incidents and will not further consider them in relation to any count of the Indictment.

2031. The Trial Chamber has received further evidence that one woman was killed by a shell landing on Breka Street in Sarajevo, on 6 June 1992. The Trial Chamber did not

⁸⁶⁵³ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 7.

⁸⁶⁵⁴ P380 (Ziba Avdić, witness statement, 31 October 2008), para. 8.

⁸⁶⁵⁵ P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 8.

⁸⁶⁵⁶ P4889 (Documentation regarding the shelling incident from on or about 6 June 1992), p. 4.

receive any evidence regarding the origin of fire or the identity or affiliation of the perpetrators of this shelling. Therefore, the Trial Chamber will not further consider this incident in relation to any count of the Indictment.

Incident of 9 June 1992

2032. With regard to the alleged shelling of Sarajevo on 9 June 1992, the Trial Chamber received evidence from **Fahra Mujanović**, a Bosnian Muslim who lived with her family at Barica 89 in Vogošća in the suburbs of Sarajevo;⁸⁶⁵⁷ **Dragan Maletić**, a Bosnian-Serb Commander of the 1st Romanija Corps in Sarajevo;⁸⁶⁵⁸ **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994;⁸⁶⁵⁹ and **Aernout van Lynden**, a Sky News journalist covering the conflict in the former Yugoslavia from Sarajevo, Pale, and Central Bosnia from May 1992 until 1995.⁸⁶⁶⁰

2033. **Fahra Mujanović** testified that her house in Barica, a Muslim and Serb settlement, was located in a valley between the Žuč and Poljine hills.⁸⁶⁶¹ In April 1992, Bosnian-Serb military positions, including commanding positions, were established on the hills around the settlement in the area of Žuč, Krivoglavci, Kromolj, Vogošća, Poljine and Tihovići. According to the witness, shelling from these positions was constant since April 1992 and occurred most days.⁸⁶⁶² **Dragan Maletić** testified that the VRS Vogošća Brigade initially held a position on Žuč Hill, which was later taken over by the ABiH.⁸⁶⁶³ **Aernout van Lynden** testified that at the end of 1992, the ABiH recaptured Žuč hill.⁸⁶⁶⁴ **Stevan Veljović** testified that the ABiH fired shells, *inter alia*, from Žuč.⁸⁶⁶⁵ **Mujanović** testified that around 9 June 1992, she went outside to play with her four-year-old son, as the sky had cleared.⁸⁶⁶⁶ Suddenly, a shell hit the ground and its tail hit the façade of the house, about one metre away from her.⁸⁶⁶⁷ The impact of

⁸⁶⁵⁷ P387 (Fahra Mujanović, witness statement, 5 November 2008), p. 1, paras 1-2, 4.

⁸⁶⁵⁸ D482 (Witness Statement, Dragan Maletić, 10 May 2014), p. 1, 3; Dragan Maletić; T. 21741.

⁸⁶⁵⁹ D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13.

⁸⁶⁶⁰ P66 (Aernout van Lynden, witness statement, 16 March 2010), paras 5, 10-11, 17, 27, 38, 40-43; Aernout van Lynden, T. 1343.

⁸⁶⁶¹ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 4.

⁸⁶⁶² P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 6.

⁸⁶⁶³ D482 (Dragan Maletić, witness statement, 10 May 2014) para. 13.

⁸⁶⁶⁴ P66 (Aernout van Lynden, witness statement, 16 March 2010), para. 144.

⁸⁶⁶⁵ D532 (Stevan Veljović, witness statement, 19 October 2012) para. 27.

⁸⁶⁶⁶ P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 8, 12.

⁸⁶⁶⁷ P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 8-9.

the explosion threw the witness several feet across the yard. Shrapnel from an 82-millimetre mortar shell injured the witness in her legs, left arm, back, chest, and head; she was bleeding heavily. Because the shelling continued, it took about an hour until anyone was able to help her.⁸⁶⁶⁸ A young man finally took the witness to Koševo Hospital in a private car, which was hit by sniper fire on the way.⁸⁶⁶⁹ She was operated on, but several pieces of shrapnel remained in her body.⁸⁶⁷⁰ On that day, around 150 people injured in the shelling in Sarajevo were admitted to the hospital.⁸⁶⁷¹ The witness was discharged from the hospital on 21 July 1992, but was unable to stay at her house due to the trauma that she experienced at the sounds of impending shellfire.⁸⁶⁷² When the witness and her family returned to Vogošća five years after the attack, their house had been destroyed.⁸⁶⁷³ The witness still suffers from constant pain and headaches related to her injuries.⁸⁶⁷⁴

2034. Based on the foregoing, the Trial Chamber finds that around 9 June 1992, a shell landed and exploded near a house in Vogošća in the suburbs of Sarajevo, injuring Fahra Mujanović, a Bosnian-Muslim woman who was playing outside with her four-year-old son. The Trial Chamber did not receive any evidence on the origin of fire. Accordingly, the evidence relating to the armed forces holding positions around Barica does not need not to be addressed further. The Trial Chamber also did not receive evidence on the identity or affiliation of the perpetrators. Under these circumstances, the Trial Chamber is unable to establish the identity or affiliation of the perpetrator(s) of this incident and will not further consider it in relation to any count of the Indictment.

5.3.3 Schedule G.4

2035. According to the Indictment, the Accused is responsible for firing two shells upon a crowd of approximately 200 people who were watching and participating in a football game in a parking lot bordered on three sides by residential apartment blocks and on the fourth side by the Lukavica Road in Dobrinja IIIB, a residential settlement, on 1 June 1993. Over ten people were killed and approximately 100 were wounded. The

⁸⁶⁶⁸ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 9.

⁸⁶⁶⁹ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 10.

⁸⁶⁷⁰ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 11.

⁸⁶⁷¹ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 12.

⁸⁶⁷² P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 12-13.

⁸⁶⁷³ P387 (Fahra Mujanović, witness statement, 5 November 2008), paras 13-14.

⁸⁶⁷⁴ P387 (Fahra Mujanović, witness statement, 5 November 2008), para. 11.

origin of fire was VRS/SRK-held territory approximately to the east-south-east.⁸⁶⁷⁵ The Defence argued that (i) the shells were fired by the ABiH, and (ii) the conclusions of the three investigations, carried out by UNPROFOR, ICTY investigators, and Prosecution expert Higgs, are unreliable.⁸⁶⁷⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It further received evidence from **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;⁸⁶⁷⁷ **Witness RM-176**, a member of the UNPROFOR troops deployed in Sarajevo from 6 January to 13 July 1993;⁸⁶⁷⁸ **John Hamill**, an UNMO stationed on the Serb side of the confrontation line near Sarajevo between May and August 1993;⁸⁶⁷⁹ **Nedim Gavranović**, a boy who lived in Dobrinja III in 1993;⁸⁶⁸⁰ **Youssef Hajir**, a Muslim surgeon from Palestine who established the Dobrinja Hospital in Sarajevo in May 1992;⁸⁶⁸¹ **Faris Gavrankapetanović**, a Muslim doctor from Sarajevo;⁸⁶⁸² **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸⁶⁸³ **Bakir Nakaš**, a Muslim doctor from Sarajevo who worked as the general manager of the Sarajevo State Hospital throughout the war;⁸⁶⁸⁴ **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo in 1992-1995;⁸⁶⁸⁵ and **Ewa Tabeau**, a demographer and statistician,⁸⁶⁸⁶ and finds that the evidence does not rebut the Adjudicated Facts.⁸⁶⁸⁷ The Trial Chamber also received evidence from **Zorica Subotić**, an expert in ballistics.⁸⁶⁸⁸

⁸⁶⁷⁵ Indictment, paras 15-17, 64, 76, 81, Schedule G.4.

⁸⁶⁷⁶ Defence Final Brief, paras 1925-1957.

⁸⁶⁷⁷ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁸⁶⁷⁸ P640 (Witness RM-176, witness statement, 4 July 2000), pp. 6-7, 20; Witness RM-176, T. 6302; P639 (Pseudonym sheet for Witness RM-176).

⁸⁶⁷⁹ P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6060.

⁸⁶⁸⁰ P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002) pp. 6711, 6721.

⁸⁶⁸¹ P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.

⁸⁶⁸² P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 October 2001, p. 1, witness statement of 13 December 2001, p. 1, witness statement of 11 January 2002, p. 1.

⁸⁶⁸³ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸⁶⁸⁴ P941 (Bakir Nakaš, witness statement, 8 September 2010), p. 1, paras 1, 10; Bakir Nakaš, T. 8601.

⁸⁶⁸⁵ P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.

⁸⁶⁸⁶ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁸⁶⁸⁷ **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 18-19; Mirza Sabljica, T. 8074, 8078, 8083, 8091; P872 (MUP report, 24 November 1995). **Witness RM-176**: P640 (Witness RM-176, witness statement, 4 July 2000); Witness RM-176, T. 6323-6324, 6398, 6404-6405, 6431-6437; P644 (Excerpts from UNPROFOR investigating report, 1 June 1993). **John Hamill**: P537 (John Hamill, *Galić* transcript, 25 March 2002); D104 (Investigator notes re John Hamill, 18 September 2001); John Hamill, T. 5506. **Youssef Hajir**: P2616 (Youssef Hajir, witness statement, 25 February

2036. On 1 June 1993, an explosion in Dobrinja killed over ten people and injured approximately 100 others.⁸⁶⁸⁹ Some residents of Dobrinja had decided to organize a football tournament in the community of Dobrinja IIB.⁸⁶⁹⁰ It was a beautiful, sunny day.⁸⁶⁹¹ Being aware of the danger of organising such an event, the residents looked for a safe place to hold the tournament.⁸⁶⁹² Children aged between 10 and 15 years positioned themselves next to some old cars, damaged by previous shelling, that had been overturned and placed around the football pitch to mark the field.⁸⁶⁹³ The football pitch was set up in the corner of a parking lot, which was bounded by six-storey apartment blocks on three sides and on the fourth side, which faced the north, by Mojmiilo hill, and was not visible from any point on the SRK-side of the confrontation line.⁸⁶⁹⁴ Around 200 spectators, among whom were women and children, gathered to watch the teams play.⁸⁶⁹⁵ The first match of the tournament began at around 9 a.m., and the second one started an hour later.⁸⁶⁹⁶ Some minutes after 10 a.m., during the second match, two shells exploded at the parking lot.⁸⁶⁹⁷

2037. Ismet Fažlić, a member of the civil defence, was the referee of the second game.⁸⁶⁹⁸ About 10-20 minutes into that game, as they carried out a penalty kick, the

2010); P2617 (Youssef Hajir, *Karadžić* transcript, 1 November 2010). **Faris Gavrankapetanović:** P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2613 (Protocol book from the morgue at Koševo Hospital). **Nedim Gavranović:** P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002) pp. 6711-6718, 6721, 6723-6724, 6726-6727, 6730. **Ewa Tabeau:** P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), pp. 8-9; P2797 (Ewa Tabeau, annex to proof of death expert report), pp. 619-621. **Milan Mandilović:** P961 (Medical Documentation concerning victims of the shelling of Dobrinja on 1 June 1993), pp. 1-6; P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 27, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 4; P715 (Medical documentation from the State Hospital in Sarajevo regarding patients Amir Hasagić, Ismet Fazlić, Smail Celebić, Nedim Sandal, Zejna Zečić, Muamer Mrdić, Igor Skopljak, and Ferid Nuzaći), pp. 1-2. **Bakir Nakas:** P970 (List of wounded treated at the University Hospital in Sarajevo and at the Dobrinja General Hospital on 1 June 1993), pp. 1-2, 8-9, 12-14, 16-17; P971 (Medical Report and Death Certificates of victims of the shelling of Dobrinja on 1 June 1993), p. 1. **Fatima Zaimović:** P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1875-1878; P2622 (Diary extracts concerning experiences of Fatima Zaimović while nursing at the Koševo children's ward, Sarajevo), p. 12.

⁸⁶⁸⁸ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), pp. 2-24.

⁸⁶⁸⁹ Adjudicated Facts III, no. 2385.

⁸⁶⁹⁰ Adjudicated Facts III, no. 2364.

⁸⁶⁹¹ Adjudicated Facts III, no. 2365.

⁸⁶⁹² Adjudicated Facts III, no. 2366.

⁸⁶⁹³ Adjudicated Facts III, no. 2367.

⁸⁶⁹⁴ Adjudicated Facts III, nos 2368, 2406.

⁸⁶⁹⁵ Adjudicated Facts III, no. 2370.

⁸⁶⁹⁶ Adjudicated Facts III, no. 2371.

⁸⁶⁹⁷ Adjudicated Facts III, no. 2372.

⁸⁶⁹⁸ Adjudicated Facts III, no. 2373.

first shell landed among the players in the centre of the pitch.⁸⁶⁹⁹ Fažlić was hit by shrapnel and sustained serious injuries in both legs as well as in other parts of his body.⁸⁷⁰⁰ There were eleven young men on the ground, eight of whom died on the spot.⁸⁷⁰¹ Omer Hadžiabdić, who was 15 years old at the time, was watching the match from the overturned cars when the first shell struck the football pitch.⁸⁷⁰² He was wounded by shrapnel in his leg.⁸⁷⁰³ Nedim Gavranović, who was 12 years old at the time, was standing behind one of the goals when he heard the first explosion and felt a very strong blow.⁸⁷⁰⁴ He sustained an entry and exit wound in his right lower leg caused by shrapnel.⁸⁷⁰⁵ Within seconds of the first shell, a second shell landed at almost the same spot in Dobrinja IIIB.⁸⁷⁰⁶ It fell in front of a young man and tore his leg off.⁸⁷⁰⁷ There were many wounded people on the ground.⁸⁷⁰⁸

2038. The shells that hit the football pitch in Dobrinja were of a calibre of at least 81-82 millimetres and originated from the direction east-south-east, within SRK-held territory.⁸⁷⁰⁹ The distance from the site of the event to the confrontation lines in the direction of the origin of fire was approximately 300 metres.⁸⁷¹⁰ There was a nuclear shelter of the Dobrinja IIIB community, located approximately 100 metres away from the parking lot behind a block of flats.⁸⁷¹¹ Only two shells were fired, they fell in quick succession and landed at almost the same spot on the parking lot; the second shell did not land any closer to the nuclear shelter.⁸⁷¹² The trench system was not the intended target of the attack, considering the pattern of the firing and that the second shell fired did not fall any closer to the location of the trenches.⁸⁷¹³ There were ABiH soldiers present at the parking lot, who were off-duty, unarmed, and not engaged in any military activity.⁸⁷¹⁴ **Nedim Gavranović** specified that about 20-30 per cent of the spectators

⁸⁶⁹⁹ Adjudicated Facts III, no. 2374.

⁸⁷⁰⁰ Adjudicated Facts III, no. 2375.

⁸⁷⁰¹ Adjudicated Facts III, no. 2376.

⁸⁷⁰² Adjudicated Facts III, no. 2377.

⁸⁷⁰³ Adjudicated Facts III, no. 2378.

⁸⁷⁰⁴ Adjudicated Facts III, no. 2379.

⁸⁷⁰⁵ Adjudicated Facts III, no. 2380.

⁸⁷⁰⁶ Adjudicated Facts III, no. 2381.

⁸⁷⁰⁷ Adjudicated Facts III, no. 2382.

⁸⁷⁰⁸ Adjudicated Facts III, no. 2383.

⁸⁷⁰⁹ Adjudicated Facts III, nos 2386, 2391.

⁸⁷¹⁰ Adjudicated Facts III, no. 2389.

⁸⁷¹¹ Adjudicated Facts III, no. 2396.

⁸⁷¹² Adjudicated Facts III, no. 2397.

⁸⁷¹³ Adjudicated Facts III, no. 2399.

⁸⁷¹⁴ Adjudicated Facts III, no. 2401.

wore uniforms.⁸⁷¹⁵ The crowd was carrying out a civilian activity, i.e. playing football.⁸⁷¹⁶

2039. The evidence of Zorica Subotić is in stark contrast to the Adjudicated Facts. In relation to her evidence on the location of the football match, the witness fails to plausibly explain why the match would have considered FIFA rules on the size of the pitch. The suggestion that because the location of the pitch must be wrong because *inter alia* the size of the pitch did not conform with FIFA rules is simply absurd and is premised on the assumption that FIFA rules were considered by the organisers of the match. In relation to her evidence on the imprint of the second shell, the witness is unclear on why she established that the imprint was only discovered in 2001 and even if that was the case, how such discovery would indicate that the shell could not have been fired prior to 1995. In relation to her evidence on the perpetrators, the Trial Chamber observes that the witness partly based her very specific calculations on *photographs* and interspersed such calculations with apparent knowledge of VRS positions and strategically secure mortar positions, something which is outside the witness's expertise.⁸⁷¹⁷ Furthermore, the witness's arguments on the line of sight fail to recognise that shelling, unlike sniping, does not require a line of sight between perpetrators and target. Based on all of this, the Trial Chamber finds that Subotić's evidence in relation to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2040. In relation to the Defence's argument about the reliability of the conclusions of the three investigations, the Trial Chamber recalls that in relation to this incident it relied on the un rebutted Adjudicated Facts, and not the evidence challenged by the Defence. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2041. Based on the foregoing, the Trial Chamber finds that on 1 June 1993, two mortar shells were fired from SRK-held territory at a make-shift football pitch at a parking lot where a football tournament with around 200 spectators was held in the community of Dobrinja IIIB. The Trial Chamber finds that the shells were fired by members of the

⁸⁷¹⁵ P3102 (Nedim Gavranović, *Galić* transcript, 5 April 2002), pp. 6712-6713, 6715-6718, 6723, 6726-6727, 6730.

⁸⁷¹⁶ Adjudicated Facts III, no. 2402.

⁸⁷¹⁷ For example, in D2117, para. 46, Subotić draws significant conclusions about the accuracy of the investigators' determination of the azimuth based on the apparently incorrect placement of the magnetic compass. However, the photograph is too unclear to draw any such conclusions. In D2117, para. 45,

SRK⁸⁷¹⁸, killed over 10 people, and injured approximately 100 others, including children and a member of the civil defence.⁸⁷¹⁹ There were around 40-60 ABiH soldiers in uniform present at the parking lot, who were off-duty, unarmed, and not engaged in any military activity. There were also women and children. The two shells fell in quick succession, landed at almost the same spot, and were not fired at a nuclear shelter about 100 metres from the parking lot or a nearby trench system. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.4 Schedule G.6

2042. According to the Indictment, the Accused is responsible for firing three mortar shells, which landed in the area of Alipašino Polje: the first in a park behind, and the second and third in front of residential apartment buildings at 3 Geteova Street (previously Cetijska Street) and at 4 Bosanska Street (previously Klara Cetkin Street), where children were playing, on 22 January 1994. Six children were killed and five people were wounded. The origin of the fire was from VRS/SRK-held territory approximately to the west.⁸⁷²⁰ The Defence argued that the shells were not fired from SRK-held territory and challenges the accuracy of the investigations.⁸⁷²¹ The Trial Chamber took judicial notice of Adjudicated Facts with regard to this incident. Further, it received evidence from **Muhamed Kapetanović**, a Bosnian Muslim from Alipašino Polje Sarajevo who was nine years old in January 1994;⁸⁷²² **Refik Aganović**, a Bosnian Muslim living in Alipašino Polje Sarajevo in 1994;⁸⁷²³ **Witness RM-172**, a Bosnian Muslim from Sarajevo;⁸⁷²⁴ **Mirza Sabljica**, a mechanical engineer specialised in

Subotić makes assumptions about which locations would have been sufficiently secure to fire a mortar from.

⁸⁷¹⁸ The Trial Chamber considers the Defence's argument about evidence that no shots were fired from the Lima 5A position irrelevant, considering that neither the Indictment nor the Adjudicated Facts identify this position as the origin of fire. Furthermore, the Defence cites to no evidence when it puts forth the submission that there were no other SRK firing positions along the projected bearing, *see* Defence Final Brief, para. 1928. Lastly, the Defence fails to point to clear evidence which would support its theory that the shot originated from ABiH positions, which accordingly remains pure speculation.

⁸⁷¹⁹ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁷²⁰ Indictment, paras 15-17, 64, 76, 81, Schedule G.6.

⁸⁷²¹ Defence Final Brief, paras 1959-1973.

⁸⁷²² P415 (Muhamed Kapetanović, witness statement, 12 February 2000), p. 1, para. 1; Muhamed Kapetanović, T. 4265-4266, 4269.

⁸⁷²³ P1940 (Refik Aganović, witness statement, 28 February 1996), pp. 1-2; P1941 (Refik Aganović, *Galić* transcript, 24 April 2002), pp. 7716-7717.

⁸⁷²⁴ P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, p. 1, Bosnia-Herzegovina statement, p. 1; P2467 (Medical Record, 17 October 1994).

ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;⁸⁷²⁵ **Francis Thomas**, the UN Senior Military Observer in Sarajevo between 15 October 1993 and 14 July 1994;⁸⁷²⁶ **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸⁷²⁷ **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo in 1992-1995;⁸⁷²⁸ and **Ewa Tabeau**, a demographer and statistician,⁸⁷²⁹ as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁸⁷³⁰ The Trial Chamber also received evidence from **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992,⁸⁷³¹ and finds that this evidence is partially consistent with the Adjudicated Facts.⁸⁷³² The Trial Chamber will further address the evidence of Sladoje below. Lastly, the Trial Chamber received evidence from **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade between January 1993 and the end of the war;⁸⁷³³ and **Zorica Subotić**, an expert in ballistics.⁸⁷³⁴

⁸⁷²⁵ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁸⁷²⁶ P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.

⁸⁷²⁷ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸⁷²⁸ P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.

⁸⁷²⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁸⁷³⁰ **Muhamed Kapetanović**: P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 5-6, 9; Muhamed Kapetanović, T. 4267, 4272-4273; 4278-4282, 4292-4293, 4296. **Refik Aganović**: P1940 (Refik Aganović, witness statement, 28 February 1996), p. 2; P1941 (Refik Aganović, *Galić* transcript, 24 April 2002), pp. 7717-7720, 7722-7725, 7727-7728. **Witness RM-172**: P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, paras 2-5, 7, Bosnia-Herzegovina statement, p. 1; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), pp. 7664, 7666-7667, 7669-7670, 7672. **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 19-20, 25-26, 29-30; Mirza Sabljica, T. 8058, 8091, 8097, 8099. **Francis Thomas**: P503 (Francis Thomas, witness statement, 15 May 2009), para. 96 (p. 30). **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), p. 23 (item 2); Milan Mandilović, T. 6649-6651. **Fatima Zaimović**: P2621 (Fatima Zaimović, Karadžić transcript, 5 May 2010), pp. 1878-1879; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 21. **Ewa Tabeau**: P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 30, 32-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 622-623. **Documentary evidence**: P416 (360 Degree Quick-time movies pertaining to shelling incidents G4, G6 and G7); P417 (Still image from video exhibit P416); P418 (Still image from video exhibit P416); P419 (Still image from video exhibit P416); P420 (Video tape containing TV Sarajevo broadcasting regarding VRS attacks on Sarajevo), p. 3; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 4-5; P692 (Medical documentation from the Sarajevo University Clinic Centre regarding patient Muhamed Kapetanović), pp. 1-5; P704 (Medical documentation from the State Hospital in Sarajevo concerning Elvir and Admir Ahmetodžić, who had been injured on 22 January 1994), pp. 1-2; P865 (MUP investigation file), pp. 1-5, 7-9, 14-16; P6507 (Map with military facilities in ABiH territory additionally marked by Mile Sladoje); D82 (Aerial map of witness Muhamed Kapetanović's neighbourhood); P2467 (Medical Record, 17 October 1994); D176 (Map marked by Mirza Sabljica).

⁸⁷³¹ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.

⁸⁷³² Mile Sladoje, T. 21069.

⁸⁷³³ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

2043. Around noon on 22 January 1994, three mortar shells (two 82-millimetre and one 120-millimetre calibre) were fired into the residential neighbourhood of Alipašino Polje, killing six children and injuring other civilians, including children.⁸⁷³⁵ The approximate location of the impact of the shelling on Geteova Street (in Alipašino Polje) is depicted in exhibit P1090, as agreed to by the parties.⁸⁷³⁶ According to **Ewa Tabeau**, two of the killed victims were female and all six were under the age of 12 in 1994.⁸⁷³⁷ A MUP investigation file specified that of the six individuals who were wounded, five were children.⁸⁷³⁸ **Muhamed Kapetanović**, who was one of the injured, was taken to the medical centre in Dobrinja, where he received first aid, before being transported to the Koševo hospital, where he remained for one and a half months.⁸⁷³⁹ He was taken to Italy for further treatment. He suffered several injuries and as a result he could not walk for about one year.⁸⁷⁴⁰ Shrapnel went through his left hand and right cheek.⁸⁷⁴¹ He had seven operations in total.⁸⁷⁴² **Witness RM-172** stated that, as a result of the injuries he sustained, he was not able to eat solid food and chew, lost sensitivity in part of his face because of nerve damage, and the skin of his face became brittle and bleeds easily.⁸⁷⁴³ Due to his injuries he was kept in the hospital for a total of five and a half months over three different occasions.⁸⁷⁴⁴ **Kapetanović** testified that at the time of the attack the children were in an open area, situated next to some kind of military headquarters which was occupied by the Kulin Ban unit, bearing the insignia of the ABiH.⁸⁷⁴⁵ The shelling ceased after just three volleys were fired, all of which landed wide off 'Kulin Ban' (two at a distance of at least 150 metres). 'Kulin Ban' was not the intended target of this

⁸⁷³⁴ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), pp. 2-24.

⁸⁷³⁵ Adjudicated Facts III, no. 2426.

⁸⁷³⁶ T. 9481-9482; P1090 (Map of Sarajevo), p. 2.

⁸⁷³⁷ P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 622-623.

⁸⁷³⁸ P865 (MUP investigation file), pp. 2-3, 14-16.

⁸⁷³⁹ P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 7; Muhamed Kapetanović T. 4273, 4286-4287; P420 (Video tape containing TV Sarajevo broadcasting regarding VRS attacks on Sarajevo), p. 2.

⁸⁷⁴⁰ P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 7-8.

⁸⁷⁴¹ P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 7; Muhamed Kapetanović, T. 4267-4268.

⁸⁷⁴² P415 (Muhamed Kapetanović, witness statement, 12 February 2000), para. 8.

⁸⁷⁴³ P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, para. 8; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), p. 7667.

⁸⁷⁴⁴ P2465 (Witness RM-172, witness statements), Bosnia-Herzegovina statement, p. 1; P2466 (Witness RM-172, *Galić* transcript, 22 April 2002), pp. 7666, 7670; P2467 (Medical Record, 17 October 1994).

⁸⁷⁴⁵ P415 (Muhamed Kapetanović, witness statement, 12 February 2000), paras 5, 9; Muhamed Kapetanović, T. 4267, 4282, 4292-4293, 4296; D82 (Aerial map of witness Muhamed Kapetanović's neighbourhood).

attack.⁸⁷⁴⁶ The attack was carried out on an otherwise quiet day during a lull in hostilities.⁸⁷⁴⁷ No activity of a military nature was underway in the neighbourhood, nor were any soldiers to be seen, and groups of children had gone out onto the streets to play.⁸⁷⁴⁸ According to **Witness RM-172**, there was no military target in the vicinity of the spot where he was wounded.⁸⁷⁴⁹ The three shells were fired from SRK positions somewhere to the west of Alipašino Polje.⁸⁷⁵⁰ **Francis Thomas** testified that the rounds were fired from the same mortar tube over a period of several minutes.⁸⁷⁵¹

2044. The Trial Chamber also received evidence from two members of the Ilidža Brigade regarding this incident. **Mile Sladoje** testified that his battalion faced enemy forces belonging to the 1st Corps of the ABiH in Alipašino Polje.⁸⁷⁵² He testified that there were no military facilities or objects on Geteova Street⁸⁷⁵³, but that a police station was nearby.⁸⁷⁵⁴ Sladoje's unit had no direct line of sight to Geteova Street, and although it was possible to fire from the mortar positions held by his unit near the Theological Faculty, this did not happen.⁸⁷⁵⁵ **Vladimir Radojčić** testified that he never issued an order to any unit of his brigade, including the Nedžarići Battalion, to fire on the street where this incident was alleged to have occurred and that he never received any information that this street had been fired upon.⁸⁷⁵⁶

2045. **Zorica Subotić** testified that two of the three mortar shells had a calibre of 120 millimetres.⁸⁷⁵⁷ The shell which impacted on the curb at 4 Klare Cetkin Street (currently

⁸⁷⁴⁶ Adjudicated Facts III, no. 2434.

⁸⁷⁴⁷ Adjudicated Facts III, no. 2427.

⁸⁷⁴⁸ Adjudicated Facts III, no. 2428.

⁸⁷⁴⁹ P2465 (Witness RM-172, witness statements), witness statement of 22 November 1995, para. 6.

⁸⁷⁵⁰ Adjudicated Facts III, nos 2431-2433.

⁸⁷⁵¹ P503 (Francis Thomas, witness statement, 15 May 2009), para. 96 (p. 30). *See also* D178 (UNPROFOR investigation report, 23 January 1994), pp. 2-3.

⁸⁷⁵² D453 (Mile Sladoje, witness statement, 10 May 2014), paras 6-7, 10; P6507 (Map with military facilities in ABiH territory marked by Mile Sladoje); P6508 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade additionally marked by Mile Sladoje); D454 (Map with military positions of ABiH); D455 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade); D456 (Map with confrontation line in Nedžarići); D457 (Marked map); D458 (Map with military positions of ABiH).

⁸⁷⁵³ While the witness referred to 'Gete Street' (T. 21067, 21069), it was clarified that this referred to 'Geteova Street' (T. 21064) and the witness referred to a map which also reads 'Geteova Street' (T. 21064, D454 (Map with military positions of ABiH)).

⁸⁷⁵⁴ Mile Sladoje, T. 21069, 21084-21085; P6507 (Map with military facilities in ABiH territory additionally marked by Mile Sladoje).

⁸⁷⁵⁵ Mile Sladoje, T. 21063-21067, 21077-21081, 21091; P6508 (Map with position of mortars and tank of the 1st Battalion of the Ilidža Brigade additionally marked by Mile Sladoje); P6509 (Panorama photo of surroundings of Faculty of Theology with mortars positions marked by Mile Sladoje).

⁸⁷⁵⁶ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 109.

⁸⁷⁵⁷ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 63-75, 160; Zorica Subotić, T. 39264-39265.

4 Bosanska Street) originated from an azimuth of 238 degrees and therefore came from an area in the direction about 30 degrees to the south of the Institute for the Blind in Nedžarići.⁸⁷⁵⁸ The shell that landed on 3 Cetinjska Street (currently 3 Geteova Street) originated from an azimuth slightly less than 240 degrees, which rules out the possibility that the shell was fired from the Institute for the Blind in Nedžarići.⁸⁷⁵⁹ The witness concluded that the shells were fired from the same weapon from an area close to the 'UPI' Institute at a distance of 3,720 metres which, according to the witness, was under ABiH control at the time.⁸⁷⁶⁰

2046. With regard to the origin of fire, the Trial Chamber notes that Vladimir Radojčić, the commander of the Ilidža Brigade, testified that he neither issued an order to fire nor heard that the street was fired upon. This does not contradict the Adjudicated Facts.

2047. The Trial Chamber notes that the evidence of Mile Sladoje contradicts the Adjudicated Facts with regard to the origin of fire. Sladoje testified that his unit did not fire the shells, whereas Adjudicated Facts numbers 2431-2433 state that the shells were fired from SRK positions to the west of Alipašino Polje, which according to Sladoje were occupied by the Ilidža Brigade. The Trial Chamber took into consideration that Sladoje, as a member of the Ilidža Brigade, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, the Trial Chamber notes that Sladoje's basis of knowledge for stating that the unit of which he was a member did not fire the shells remained unclear. For example, he did not testify where he was exactly on the day of the incident. In addition, during cross-examination, the Trial Chamber found Sladoje to be very defensive. After stating, without substantiation, that his position was that the incident was caused by a shell having been fired from ABiH territory, Sladoje responded to a question about possible military targets by emphasizing that his unit did not have a line of sight to the impact site.⁸⁷⁶¹ Further, when asked about the impact of

⁸⁷⁵⁸ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 68 (pp. 106-107), 75 (p. 118), 160 (pp. 217-218); Zorica Subotić, T. 39264, 39279, 39640, 39866-39869, 39875-39876; D1279 (Photograph of Klare Cetkin Street, marked by witness Mirza Sabljica).

⁸⁷⁵⁹ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 70 (p. 112), 75 (pp. 118-119), 160 (p. 218); Zorica Subotić, T. 39282-39283.

⁸⁷⁶⁰ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 72-75, 160 (p. 219); Zorica Subotić, T. 39283-39285, 39635-39636, 39876-39877.

⁸⁷⁶¹ Mile Sladoje, T. 21083-21085.

such shelling, the witness responded that ‘[i]n combat there is no terrorising’, showing a skewed understanding of *ius in bello*.⁸⁷⁶² In this particular situation, and for these reasons, the Trial Chamber finds that this evidence is not sufficiently reliable to rebut the Adjudicated Facts with respect to the origin of fire.

2048. The evidence of Zorica Subotić contradicts the Adjudicated Facts with regard to the origin of fire for this incident.⁸⁷⁶³ Subotić based part of her analysis of crater size and origin of fire on photographs and a video.⁸⁷⁶⁴ She failed to give a clear explanation of how she calculated the distance between an alternative firing position and the impact sites.⁸⁷⁶⁵ Furthermore, Subotić failed to plausibly explain her criticism of contemporaneous azimuth measurements, when it was revealed in court that she had failed to take into account in her calculations the usual margins of error for direction of fire measurements.⁸⁷⁶⁶ The Trial Chamber considers, therefore, that Subotić’s evidence on this incident is not sufficiently reliable to rebut the Adjudicated Facts with respect to the origin of fire.

2049. In relation to the Defence’s argument about inaccuracies in the CSB’s investigation (exhibit P865) and conclusion on origin of fire, the Trial Chamber recalls that it relied on the un rebutted Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2050. Based on the foregoing, the Trial Chamber finds that at approximately noon on 22 January 1994, three mortars were fired by a member or members of the SRK’s Ilidža Brigade. The Trial Chamber finds that the mortars hit an area where children were playing around what are today known as 3 Geteova Street and 4 Bosanska Street, killing six individuals under the age of 12 and severely wounding six other civilians, five of whom were children. The attack came at a time when there was a lull in hostilities and no activities of a military nature were underway in the neighbourhood, nor were any

⁸⁷⁶² Mile Sladoje, T. 21085.

⁸⁷⁶³ The Trial Chamber notes that Subotić’s evidence also contradicts the Adjudicated Facts about the types of shells, but considers this a marginal detail, which does not require resolution by the Trial Chamber.

⁸⁷⁶⁴ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 69-70 (pp. 107-109), 70 (pp. 110-112), 75 (pp.117-118), 160 (pp. 216-218); Zorica Subotić, T. 39282-39283, 39288, 39625.

⁸⁷⁶⁵ D2117 (Zorica Subotić and Mile Poparić, Expert report on mortar attacks on the Sarajevo area in 1992-1995, 25 April 2014), paras 72-75, 160 (p. 219); Zorica Subotić, T. 39283-39285, 39288, 39635-39636, 39876-39877.

⁸⁷⁶⁶ Zorica Subotić, T. 39635-39636.

soldiers visible. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.5 Schedule G.7

2051. According to the Indictment, the Accused is responsible for firing a salvo of three 120-millimetre mortar shells, which hit civilians in the Dobrinja residential area on 4 February 1994. The first shell landed in front of a block of flats at Oslobodilaca Sarajeva Street, hitting persons who were distributing and receiving humanitarian aid and children attending religious classes. The second and third landed among persons trading at a market in an open area to the rear of the apartment buildings at Mihajla Pupina Street and Oslobodilaca Sarajeva Street. Eight people were killed and at least 18 people were wounded. The origin of fire was from VRS/SRK-held territory, approximately to the east.⁸⁷⁶⁷ The Defence argued that (i) numerous errors in the local CSB investigation render the CSB's report unreliable, and (ii) the shells could not have come from SRK positions.⁸⁷⁶⁸ The Trial Chamber took judicial notice of several Adjudicated Facts relevant to this incident. It further received evidence from **Eldar Hafizović** and **Enver Taslaman**, both Bosnian Muslims from Sarajevo;⁸⁷⁶⁹ **Francis Thomas**, the UN Senior Military Observer in Sarajevo between 15 October 1993 and 14 July 1994;⁸⁷⁷⁰ **Refik Sokolar**, a Bosnian-Muslim police officer who was tasked from the middle of 1993 onwards with investigating and reporting on shelling and sniping incidents in the Dobrinja area in Sarajevo;⁸⁷⁷¹ **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;⁸⁷⁷² **Witness RM-159** a police employee from Sarajevo;⁸⁷⁷³ **Zlatko Medjedović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;⁸⁷⁷⁴

⁸⁷⁶⁷ Indictment, paras 15-17, 64, 76, 81, Schedule G.7.

⁸⁷⁶⁸ Defence Final Brief, paras 1975-1994.

⁸⁷⁶⁹ P2455 (Eldar Hafizović, witness statement, 24 June 2001), p. 1, para. 1; P1050 (Enver Taslaman, witness statement, 20 November 1995), pp. 1-2; P1051 (Enver Taslaman, witness statement, 8 February 2001), p. 1.

⁸⁷⁷⁰ P503 (Francis Thomas, witness statement, 15 May 2009), paras 1, 13, 82.

⁸⁷⁷¹ P567 (Refik Sokolar, witness statement, 8 November 1995), p. 1, para. 1; P568 (Refik Sokolar, witness statement, 4 September 2000), p. 1, paras 1, 3-4, 13, 16.

⁸⁷⁷² P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁸⁷⁷³ P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.

⁸⁷⁷⁴ P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 2; P3166 (Zlatko Medjedović, witness statement of 5 September 2000), pp. 1, 3.

Milan Mandilović, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸⁷⁷⁵ **Youssef Hajir** a Muslim surgeon from Palestine, who established the Dobrinja Hospital in Sarajevo in May 1992;⁸⁷⁷⁶ **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;⁸⁷⁷⁷ **Faris Gavrankapetanović**, a Muslim doctor from Sarajevo;⁸⁷⁷⁸ and **Ewa Tabeau**, a demographer and statistician,⁸⁷⁷⁹ as well as documentary evidence, and finds that this evidence does not rebut the Adjudicated Facts.⁸⁷⁸⁰ In addition, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics,⁸⁷⁸¹ and **Dušan Škrba**,

⁸⁷⁷⁵ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸⁷⁷⁶ P2616 (Youssef Hajir, witness statement, 25 February 2010), p. 1, paras 1-2.

⁸⁷⁷⁷ P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.

⁸⁷⁷⁸ P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 October 2001, p. 1, witness statement of 13 December 2001, p. 1, witness statement of 11 January 2002, p. 1.

⁸⁷⁷⁹ Ewa Tabeau, T. 19307-19308; P2789 (*Curriculum vitae* of Ewa Tabeau, 5 November 2013).

⁸⁷⁸⁰ **Eldar Hafizović**: P2455 (Eldar Hafizović, witness statement, 24 June 2001), paras 4, 7-9, 12; P2456 (Eldar Hafizović, *Galić* transcript, 24 April 2002), pp. 7759-7760, 7762-7763. **Enver Taslaman**: P1050 (Enver Taslaman, witness statement, 20 November 1995), p. 3. **Francis Thomas**: P503 (Francis Thomas, witness statement, 15 May 2009), para. 108. **Refik Sokolar**: P567 (Refik Sokolar, witness statement, 8 November 1995), paras 1, 18; P568 (Refik Sokolar, witness statement, 4 September 2000), para. 33. **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 49, 50-54; Mirza Sabljica, T. 8147-8148, 8151, 8153, 8155-8156, 8165; P867 (MUP investigative file), pp. 2, 5-6, 8-9, 11-12, 15-16, 27, 35, 46-49, 78, 80, 82, 93, 95, 98, 100. **Witness RM-159**: P1953 (Witness RM-159, witness statement, 21 October 2012), paras 7-11; P1954 (Forensic report on 4 February 1994 incident, 4 February 1994), p. 1; P1955 (Diagram of Dobrinja shelling), p. 1; P1956 (Sketch annotated by Witness RM-159), p. 1. **Zlatko Medjedović**: P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 3; P3168 (CSB Report by Mirza Sabljica, 5 February 1994), pp. 1-2. **Milan Mandilović**: Milan Mandilović, T. 6649-6651, 6697-6699, 6704; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 1, 3; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), pp. 1, 3; P684 (Dobrinja General Hospital Specialist's Report pertaining to Eldar Hafizović, 4 February 1994), p. 1; P688 (Medical document from the Dobrinja General Hospital listing patients from a shelling incident in Dobrinja on 4 February 1994), p. 1; P689 (Dobrinja General Hospital Report pertaining to patient Eldar Hafizović, dated 12 February 1994), p. 1; P690 (Dobrinja General Hospital medical records pertaining to Sbahudin Ljuška). **Youssef Hajir**: P2616 (Youssef Hajir, witness statement, 25 February 2010), paras 69-71. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), paras 35-36; Michael Rose, T. 6876-6877. **Ewa Tabeau**: P1954 (Forensic report on 4 February 1994 incident, 4 February 1994), p. 1; P2791 (Ewa Tabeau, revised table of names to the proof of death expert report, 30 August 2013), pp. 6-7; P2793 (Ewa Tabeau, table of corrections to proof of death expert report and annex, 7 November 2013), p. 9; P2796 (Ewa Tabeau, proof of death expert report, 24 July 2013), pp. 2-3, 10, 12, 30-33; P2797 (Ewa Tabeau, annex to proof of death expert report, 24 July 2013), pp. 624-626; P4891 (Death certificate for Saida Baličević), p. 1; P4892 (Personal information of the funeral company for the burial of Muskića Pribinja, 5 February 1994); P6481 (Death certificate for Aiša Šito), pp. 1-2. **Faris Gavrankapetanović**: P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2613 (Protocol book from the morgue at Koševo Hospital), pp. 13-14. **Documentary evidence**: P4 (Weekly report drafted by David Harland, 9 February 1994), p. 2; P7778 (UNPROFOR status report, 9 February 1994), p. 1.

⁸⁷⁸¹ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.

commander of the mixed artillery battalion of the 1st Sarajevo Mechanised Brigade as of 27 May 1992.⁸⁷⁸²

2052. On 4 February 1994 around 11:30 a.m. three mortar shells struck a residential neighbourhood in Dobrinja killing at least eight civilians including a child and injuring at least 18 people including two children.⁸⁷⁸³ **Eldar Hafizović** stated that on that day humanitarian aid was scheduled to be distributed.⁸⁷⁸⁴ According to **Michael Rose**, people were in fact queuing for food when a minimum of three mortar rounds fell.⁸⁷⁸⁵ Medical records confirm that Sabahudin Ljusa sustained severe shrapnel wounds to the chest.⁸⁷⁸⁶ A medical record from Dobrinja General Hospital states that a woman⁸⁷⁸⁷ was 'injured by shell explosion' in the leg.⁸⁷⁸⁸ In addition, a hospital record dated 4 February 1994 describes an injury Hafizović received.⁸⁷⁸⁹ The shell which exploded against the eastern facade of the apartment block on Oslobodilaca Sarajeva Street, and which injured Sabahudin Ljusa, struck first.⁸⁷⁹⁰ The latter two shells were 120-millimetre calibre and flew in from the east and from the east-north-east, respectively.⁸⁷⁹¹ The confrontation line east of the site of the incident was not more than 600 metres away.⁸⁷⁹² With respect to two shells, the origin of fire was SRK-held territory.⁸⁷⁹³ The first shell to strike formed part of the same attack and therefore also originated in SRK territory. Three shells struck civilians engaged in peaceful activities.⁸⁷⁹⁴ The TO office was not the target of the attack.⁸⁷⁹⁵ **Refik Sokolar** testified that there was no ongoing military activity in the area at the time of the shelling.⁸⁷⁹⁶

2053. **Dušan Škrba** testified that on 4 February 1994, he did not order, nor did he receive any orders, for his unit to open fire from the 120-millimetre mortars under his command. Given that these weapons could only have been fired upon the witness's

⁸⁷⁸² D463 (Dušan Škrba, witness statement, 11 May 2014), para. 7.

⁸⁷⁸³ Adjudicated Facts III, no. 2436.

⁸⁷⁸⁴ P2455 (Eldar Hafizović, witness statement, 24 June 2001), para. 6; P2456 (Eldar Hafizović, *Galić* transcript, 24 April 2002), p. 7762.

⁸⁷⁸⁵ P736 (Michael Rose, witness statement, 26 March 2009), para. 35.

⁸⁷⁸⁶ Adjudicated Facts III, no. 2444.

⁸⁷⁸⁷ Also known as Witness R in *Prosecutor v. Galić* (Case No. IT-98-29).

⁸⁷⁸⁸ Adjudicated Facts III, no. 2458.

⁸⁷⁸⁹ Adjudicated Facts III, no. 2466.

⁸⁷⁹⁰ Adjudicated Facts III, no. 2473.

⁸⁷⁹¹ Adjudicated Facts III, no. 2474.

⁸⁷⁹² Adjudicated Facts III, no. 2475.

⁸⁷⁹³ Adjudicated Facts III, no. 2476.

⁸⁷⁹⁴ Adjudicated Facts III, no. 2477. The Trial Chamber understands this Adjudicated Fact to refer to the three shells which are relevant to this incident.

⁸⁷⁹⁵ Adjudicated Facts III, no. 2478.

⁸⁷⁹⁶ P567 (Refik Sokolar, witness statement, 8 November 1995), para. 18.

explicit command, he claimed that no fire was opened that day.⁸⁷⁹⁷ According to the witness, he was never informed of the alleged incident and only learned about it shortly before testifying in the *Karadžić* case.⁸⁷⁹⁸ **Zorica Subotić** testified that, based on traces and photo documentation, all shells came from a direction of north-north-east and therefore could not have come from SRK positions.⁸⁷⁹⁹

2054. The Trial Chamber notes that the evidence of Zorica Subotić stands in stark contrast to Adjudicated Facts numbers 2474, 2476, and 2477. Subotić makes projections and calculations regarding the origin of fire based on photographs. In particular, Subotić relied on a photograph (P7554) to conclude that there were certain shrapnel traces which could not be explained by a shell impact as suggested by Prosecution evidence.⁸⁸⁰⁰ However, as revealed during questioning, the witness could not plausibly explain her initial assumption that what could be seen on the photograph were indeed shrapnel traces as opposed to rubble or something else.⁸⁸⁰¹ In light of this, the Trial Chamber finds that Subotić's evidence in relation to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2055. The evidence of Dušan Škrba also contradicts Adjudicated Facts numbers 2474, 2476, and 2477. The Trial Chamber took into consideration that Škrba, as commander of the mixed artillery battalion of the 1st Sarajevo Mechanised Brigade, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, Škrba claimed to have had no knowledge of the incident, up until his preparation for testimony in the *Karadžić* case. The Trial Chamber notes that the fact that the incident occurred is well-documented and not disputed by the Defence. It therefore finds it highly implausible that a commander of a unit in the area would not even have heard about such an incident for many years. In addition, in spite of being confronted about the inconsistencies about when exactly he heard about the incident, the witness was unable to clarify this issue.⁸⁸⁰² The Trial Chamber considered these matters to be significant in a situation where Škrba may have had a personal interest in distancing himself from this

⁸⁷⁹⁷ D463 (Dušan Škrba, witness statement, 11 May 2014), para. 25.

⁸⁷⁹⁸ D463 (Dušan Škrba, witness statement, 11 May 2014), para. 25; Dušan Škrba, T. 21309-21310.

⁸⁷⁹⁹ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 122, 124, 129, 134-137, 147, 150, 220-222; Zorica Subotić, T. 39292, 39294-39295, 39305, 39670.

⁸⁸⁰⁰ Zorica Subotić, T. 39669.

⁸⁸⁰¹ Zorica Subotić, T. 39674-39678.

⁸⁸⁰² Dušan Škrba, T. 21309-21310.

shelling. In this particular situation, and for these reasons, the Trial Chamber finds that Škrba's evidence with regard to this incident is not sufficiently reliable to rebut the Adjudicated Facts.

2056. In relation to the Defence's argument about errors in the CSB's investigation (exhibit P867), the Trial Chamber recalls that this evidence was found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2057. On the basis of the foregoing, the Trial Chamber finds that on 4 February 1994, three mortar shells were fired on a residential neighbourhood in Dobrinja, killing at least eight civilians. On the basis that the shells originated from SRK-held territory, the Trial Chamber finds that the shells were fired by a member of the SRK.⁸⁸⁰³ In addition, at least 18 persons were wounded during the shelling. Medical records of the wounded victims confirmed, *inter alia*, serious injuries by shrapnel. There was no ongoing military activity in the area. The TO office was not the target of the attack. The civilians were engaged in peaceful activities and were queuing for humanitarian aid which was scheduled to take place that day. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9 and 10 in chapter 8, below.

5.3.6 Schedule G.8

2058. According to the Indictment, the Accused is responsible for firing a 120-millimetre mortar shell which hit a crowded open air market called 'Markale' situated in a civilian area of Old Town Sarajevo, killing 66 people and wounding over 140 people on 5 February 1994.⁸⁸⁰⁴ The origin of fire was VRS/SRK-held territory approximately to the north-north-east.⁸⁸⁰⁵ According to the Defence, the mortar shell that exploded at Markale Market was not fired from a mortar, but was instead planted at the market and activated remotely with a timer.⁸⁸⁰⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. It also received evidence from

⁸⁸⁰³ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁸⁸⁰⁴ Indictment, paras 11-12, 16-17, 64, 76, 81, Schedule G.8.

⁸⁸⁰⁵ Indictment, Schedule G.8.

Witness RM-153, a Bosnian taxi driver from Sarajevo;⁸⁸⁰⁷ **Michael Rose**, the UNPROFOR Commander from 5 January 1994 to 23 January 1995;⁸⁸⁰⁸ **John Hamill**, an UNMO stationed on the Serb side near Sarajevo between May and August 1993;⁸⁸⁰⁹ **Sead Bešić**, a police officer in Sarajevo since 1975 and forensic technician since 1987;⁸⁸¹⁰ **Mirza Sabljica**, a mechanical engineer specialised in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996;⁸⁸¹¹ **Fatima Zaimović**, a Bosnian Muslim and chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo between 1992 and 1995;⁸⁸¹² **Milan Mandilović**, a Serbian surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁸⁸¹³ as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁸⁸¹⁴ The Trial Chamber further received evidence from **John Russell**, a Military Assistant to the Assistant of the Delegate of the UNSG in Bosnia-Herzegovina in

⁸⁸⁰⁶ Defence Final Brief, paras 2030-2036. At para. 2036, the Defence submits that '[t]he one and only possible conclusion [...] is that the mortar shell at *Markale Market* on 5 February 1994 was planted and activated remotely [...] with a timer'.

⁸⁸⁰⁷ P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5481, 5501-5502.

⁸⁸⁰⁸ P736 (Michael Rose, witness statement, 26 March 2009), paras 5, 195; Michael Rose, T. 6839.

⁸⁸⁰⁹ P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6060.

⁸⁸¹⁰ P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2567-2568.

⁸⁸¹¹ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁸⁸¹² P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.

⁸⁸¹³ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁸⁸¹⁴ **Witness RM-153**: P2461 (Witness RM-153, *Galić* transcript, 15 March 2002), pp. 5499-5502. **Michael Rose**: P736 (Michael Rose, witness statement, 26 March 2009), para. 37. **John Hamill**: P537 (John Hamill, *Galić* transcript, 25 March 2002), pp. 6086, 6088-6090, 6109; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 3, 9, 11-12, 17; **Sead Bešić**: P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4797, 4805, 4906, 4915-4917, 5030; **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 30, 31, 37, 40-41, 47; P868 (MUP investigative file), pp. 3, 4, 5, 16, 17, 19, 22, 39, 44, 64-70; Mirza Sabljica, T. 8060-8063. **Fatima Zaimović**: P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1880-1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22. **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), p. 23 (items 3 and 4), 27 (item 22); P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), pp. 3-4. **Documentary evidence**: P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 12; P965 (Medical Documentation, 10 February 1995), pp. 2-27, 29-64; P968 (Extracts from the records of the Sarajevo Clinical Centre), pp. 2-25-32, 63-72; P705 (Medical documentation from State Hospital in Sarajevo and the Kosevo Hospital relating to patients admitted as a result of explosions on 5 February 1994); P969 (List of people admitted to Kosevo Hospital, 5 February 1994), pp. 1-24; P976 (Handwritten Medical Documentation, 5 February 1994), pp. 1-12, 14-18, 20; P2611 (Faris Gavrankapetanović, witness statements), witness statement of 11 January 2002, p. 2; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12603-12604, 12630-12632; P2612 (Faris Gavrankapetanović, *Galić* transcript, 30 July 2002), pp. 12631-12632; P2613 (Protocol book from the morgue at Koševo Hospital), pp. 15-15-24; P6482 (List of persons killed on 5 February 1994 at Markale Market in Sarajevo, compiled by CSB Sarajevo, 17 February 1994); P7778 (UNPROFOR status report, 9 February 1994), p. 1.

Sarajevo from 20 December 1993 to 28 April 1994;⁸⁸¹⁵ **Jan Segers**, a Belgian UNPROFOR officer and UNMO who was deployed in the former Yugoslavia from 1991 until 1995;⁸⁸¹⁶ **Michel Gauthier**, a Colonel in the Canadian armed forces and UNPROFOR Force Engineer stationed at the UNPROFOR headquarters in Zagreb from September 1993 to August 1994;⁸⁸¹⁷ **Witness GRM-116**, a member of Izetbegović's personal security;⁸⁸¹⁸ **Witness GRM-097**, an UNPROFOR official;⁸⁸¹⁹ **Witness GRM-037**, an intelligence analyst working in Bosnia-Herzegovina between November 1994 and July 1995;⁸⁸²⁰ **Witness GRM-065**, an UNPROFOR member stationed in the former Yugoslavia from October 1993 until at least 11 February 1994;⁸⁸²¹ **Zorica Subotić**, an expert in ballistics;⁸⁸²² **Siniša Maksimović**, a Bosnian Serb from Blažuj, Ilidža Municipality, and member of the VRS as of the beginning of the war;⁸⁸²³ **Slavko Gengo**, Commander of the 7th Infantry Battalion of the 1st SRK Romanija Infantry Brigade from the end of January 1994 until May 1995;⁸⁸²⁴ **Milorad Džida**, a company and battalion commander in the 216th Mountain Brigade, renamed 1st Romanija Infantry Brigade, from 30 June 1991 to 9 August 1993 and from 17 October 1994 until the end of the war, respectively, and Assistant Commander for Intelligence and Security in the SRK 7th Battalion of the 1st Romanija Infantry Brigade from 9 August 1993 to April 1994;⁸⁸²⁵ **Sergii Moroz**, a mission commander for the engineering section of UNPROFOR forces in Sarajevo from October 1993 to October 1994;⁸⁸²⁶ and **Milorad**

⁸⁸¹⁵ D1219 (John Russell, witness statement, 17 October 2011), paras 4-5; John Russell, T. 38686-386987, 38738-38739, 38754-38756.

⁸⁸¹⁶ D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.

⁸⁸¹⁷ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 2-3.

⁸⁸¹⁸ Witness GRM-116, T. 42648-42649, 42681-42682; D1388 (Prosecution information re Witness GRM-116, 14 February 2014); D1389 (Identification of Witness GRM-116, 25 May 1993); D1390 (Identification of Witness GRM-116, undated).

⁸⁸¹⁹ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 3.

⁸⁸²⁰ D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 3-5; D1239 (Pseudonym sheet for Witness GRM-037).

⁸⁸²¹ D1440 (Witness GRM-065, questionnaire, 27 March 2012), pp. 2-3.

⁸⁸²² D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 2-27.

⁸⁸²³ D547 (Siniša Maksimović, witness statement, 20 May 2014), pp. 1, 4, paras 1-2.

⁸⁸²⁴ D473 (Slavko Gengo, witness statement, 10 May 2014), paras 3, 30; Slavko Gengo, T. 21613.

⁸⁸²⁵ D489 (Milorad Džida witness statement, 10 May 2014), paras 1-5, 17; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21878-21880; P6544 (Excerpt of the personnel records of the MoD of the Bosnian-Serb Republic, 2 March 1998), pp. 5, 7.

⁸⁸²⁶ D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18116; Sergii Moroz, T. 42342-42344.

Batinić, a Serb who worked as an interpreter for the Igman Brigade from about 28 June 1992 and for UNMOs from 30 June 1992 until 1995.⁸⁸²⁷

Events before 5 February 1994

2059. **Witness GRM-116** testified that he was present at three meetings between Alija Izetbegović and Mustafa Cerić, the head of the Islamic Community for Bosnia-Herzegovina in which they discussed Markale in a room in the national bank.⁸⁸²⁸ In the meetings, the attendees discussed that the Bosnian Muslims were in no position to stand up to the Bosnian Serbs and needed to provoke a military intervention on the part of the international community. They wanted to create a major massacre.⁸⁸²⁹ Cerić stated that 50 to 70 Bosnian-Muslim men died every day anyway and the loss of 200 people would cause an outcry and provoke a foreign military intervention.⁸⁸³⁰ At first, Izetbegović was reluctant to accept this idea, but Cerić convinced him. At another meeting, Izetbegović and others discussed the planning of the incident, which was to be carried out by Sefer Halilović and Talić.⁸⁸³¹ The witness was present when the plan was approved.⁸⁸³² A mortar was to be placed ‘facing Špicasta Stijena’ and was to be fired on the axis of Mrkovići-Spičasta Stijena, as Mrkovići village was a well-known Bosnian-Serb position and often used for firing.⁸⁸³³ Fire was to be deliberately directed ‘in the direction the Bosnian Serbs’ would usually use.⁸⁸³⁴ Shortly after the plan’s approval, Halilović and Talić returned saying that they had failed and that the shell had hit a roof near the market due to a miscalculation.⁸⁸³⁵ Izetbegović then ordered them to try again.⁸⁸³⁶

⁸⁸²⁷ Milorad Batinić, T. 22613, 22619-22621, 22685, 22696-22697, 22715-22716; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

⁸⁸²⁸ Witness GRM-116, T. 42658-42659, 42688-42694, 42697-42701, 42710.

⁸⁸²⁹ Witness GRM-116, T. 42688-42689.

⁸⁸³⁰ Witness GRM-116, T. 42690, 42710.

⁸⁸³¹ Witness GRM-116, T. 42690-42692, 42696-42697.

⁸⁸³² Witness GRM-116, T. 42698.

⁸⁸³³ Witness GRM-116, T. 42690-42692. In light of the witness’s overall testimony, the Trial Chamber understands that the witness must have meant that the mortar was to be fired from ABiH territory, facing Markale market, on the axis Mrkovići-Spičasta Stijena, suggesting that it would have come from SRK-held territory.

⁸⁸³⁴ Witness GRM-116, T. 42690-42692. In light of the witness’s overall testimony, the Trial Chamber understands that the witness must have meant that mortar fire was to be deliberately directed in the direction of the Bosnian Muslims.

⁸⁸³⁵ Witness GRM-116, T. 42699.

⁸⁸³⁶ Witness GRM-116, T. 42701.

2060. On 26 January 1994, SRK Commander Stanislav Galić issued an order to all SRK units on combat operations in the Sarajevo region.⁸⁸³⁷ Galić ordered that ‘by using all available means, exert strong pressure on the Muslim forces in Sarajevo and liberate [...] Grdonj [...] and penetrate deep into the region of [...] Dobrinja creating thus favourable conditions for the wider-scale offensive activities by the forces of the Corps and the reinforcement’. Galić then described the SRK’s subsequent combat activities along axes west of Sarajevo: ‘Further in operation, by holding the Muslim armed forces in Sarajevo firmly encircled, inflicting casualties, preventing supplies from arriving and preventing /medical/ evacuations, using all means to exasperate them and with offensive activities [...] cut the Muslim armed forces in Sarajevo off from the forces in Eastern Herzegovina, link up the forces of the Corps at the north-west and the south-east part of the Sarajevo frontline and liberate the Serb part of Sarajevo’.⁸⁸³⁸

Events on 5 February 1994

2061. On 5 February 1994 between noon and 12:30 p.m., a 120-millimetre mortar shell exploded upon contact with the ground in Markale open-air market, killing over 60 persons and injuring over 140 others.⁸⁸³⁹ That market drew large numbers of people.⁸⁸⁴⁰ **Mirza Sabljica** testified that the injured included women, children, and elderly.⁸⁸⁴¹ **Fatima Zaimović** stated that Denis Stuhlik, born in 1979, Nejla Basić, born in 1991, Aldijan Daidžić, born in 1980, and his mother Enesa Daidžić were injured at the market on 5 February 1994.⁸⁸⁴² Enesa Daidžić had wounds from explosives in her legs and thorax and Aldijan Daidžić had an injury above the knee caused by shrapnel from the shells.⁸⁸⁴³ The shrapnel from shells hit and wounded them.⁸⁸⁴⁴ Stuhlik and Basić also

⁸⁸³⁷ P4476 (Order for the use of SRK units signed by Stanislav Galić, 26 January 1994), p. 1.

⁸⁸³⁸ P4476 (Order for the use of SRK units signed by Stanislav Galić, 26 January 1994), p. 8.

⁸⁸³⁹ Adjudicated Facts III, no. 2513.

⁸⁸⁴⁰ Adjudicated Facts III, no. 2528.

⁸⁸⁴¹ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 30, 47; Mirza Sabljica, T. 8060-8061; P868 (MUP investigative file), pp. 3, 16, 19, 64-70.

⁸⁸⁴² P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), pp. 1880-1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children’s ward, Sarajevo), p. 22.

⁸⁸⁴³ P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1881; P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children’s ward, Sarajevo), p. 22.

⁸⁸⁴⁴ P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1881.

had explosive wounds.⁸⁸⁴⁵ Edin Suljić, on behalf of a local investigative team set up to investigate the incident at Markale, and Afzaal Niaz, on behalf of the UN, visited the hospitals and the morgue where the victims of the blast were taken.⁸⁸⁴⁶

2062. A man was in the garden of his mother's house on the day, when he heard the sound of a heavy weapon like a mortar shell being fired from behind an SRK position, Špicasta Stijena, at Mrkovići.⁸⁸⁴⁷ The 120-millimetre mortar shell was fired from the direction north-northeast of the market or at a bearing of approximately 18 degrees.⁸⁸⁴⁸ From the angle of descent alone, it is not possible to calculate the distance a shell travelled. The number of charges (one to six) used in addition to the initial (0) charge progressively increase the distance a shell travels.⁸⁸⁴⁹ The distance between Markale Market and the SRK confrontation line to the north-north-east at the time of the incident was approximately 2,600 metres.⁸⁸⁵⁰ The shell which exploded in Markale Market travelled a distance considerably greater than 2,600 metres from the north-east direction, placing the position from which the shell was fired well within SRK-controlled territory.⁸⁸⁵¹ The crater caused by the explosion was approximately nine centimetres deep and the depth of the tunnel of the tail fin and the depth of the crater were together 200-250 millimetres.⁸⁸⁵² The shell could not have been fired from any place on the ABiH side of the confrontation lines in a direction north-north-east of Markale Market.⁸⁸⁵³

2063. A target such as Markale Market can be hit from a great distance with one shot if the area is pre-recorded.⁸⁸⁵⁴ In the four months preceding the incident at Markale Market, about 10 to 12 mortar shells fell around Markale Market and most of them were of a 120-millimetre calibre and originated from the direction north-north-east of Sedrenik.⁸⁸⁵⁵ The mortar shell which exploded at Markale Market on 5 February 1994 was fired from SRK-controlled territory.⁸⁸⁵⁶

⁸⁸⁴⁵ P2622 (Diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 22.

⁸⁸⁴⁶ Adjudicated Facts III, no. 2482.

⁸⁸⁴⁷ Adjudicated Facts III, no. 2499.

⁸⁸⁴⁸ Adjudicated Facts III, no. 2515.

⁸⁸⁴⁹ Adjudicated Facts III, no. 2517.

⁸⁸⁵⁰ Adjudicated Facts III, no. 2504.

⁸⁸⁵¹ Adjudicated Facts III, no. 2519.

⁸⁸⁵² Adjudicated Facts III, no. 2520.

⁸⁸⁵³ Adjudicated Facts III, no. 2522.

⁸⁸⁵⁴ Adjudicated Facts III, no. 2523.

⁸⁸⁵⁵ Adjudicated Facts III, no. 2524.

⁸⁸⁵⁶ Adjudicated Facts III, no. 2525.

Investigations

2064. Numerous investigations were carried out into the incident, on the same day and in the weeks that followed. **Michael Rose** testified that both sides blamed each other for the attack. General Milovanović proposed that a mixed commission of military experts be formed to determine the provenance of the attack, but the commission was never established.⁸⁸⁵⁷ Rose testified that there were two investigations into the incident, one conducted by the Sector Sarajevo and involving representatives of the Muslim authorities, and the other run by the UNPROFOR headquarters.⁸⁸⁵⁸ The French engineers investigating the scene as part of the first investigation told Rose that they were unable to locate all the items from the site, as some had been removed by the Bosnian government prior to their arrival.⁸⁸⁵⁹ Their initial view was that the bomb had been fired from the Bosnia-Herzegovina side.⁸⁸⁶⁰ The subsequent investigation established that the shell had come from the north-east, but the exact distance from the firing point was not identified.⁸⁸⁶¹

2065. **Sead Bešić** stated that he was in the police station when he learned about the shelling of Markale Market on 5 February 1994.⁸⁸⁶² When he arrived with his investigation team at the incident site - an open marketplace in the centre of Sarajevo town - police officers from Stari Grad had already secured the area.⁸⁸⁶³ **Mirza Sabljica**, who was part of the same investigative team, testified that they arrived at the scene around 1:20 p.m.⁸⁸⁶⁴ He recalled that during the initial site inspection, Bešić said 'please have a look at the roof, the tail fin may be there'.⁸⁸⁶⁵ According to **Bešić**, the investigative team found a crater where the projectile had landed, and then started recording the scene of the incident, taking photographs, and drawing sketches.⁸⁸⁶⁶ While cleaning the crater of human tissue, blood, soil, and other items, the witness discovered

⁸⁸⁵⁷ P736 (Michael Rose, witness statement, 26 March 2009), para. 38; Michael Rose, T. 6879.

⁸⁸⁵⁸ P736 (Michael Rose, witness statement, 26 March 2009), para. 39; Michael Rose, T. 6880.

⁸⁸⁵⁹ Michael Rose, T. 6880-6881.

⁸⁸⁶⁰ Michael Rose, T. 6885-6887.

⁸⁸⁶¹ P736 (Michael Rose, witness statement, 26 March 2009), para. 39.

⁸⁸⁶² P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 4795.

⁸⁸⁶³ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4795-4796, 4906.

⁸⁸⁶⁴ P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 31; P868 (MUP investigative file), p. 4.

⁸⁸⁶⁵ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 46-47.

⁸⁸⁶⁶ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4796-4797.

the tail fin of the projectile.⁸⁸⁶⁷ Bešić did not move the tail fin but UNPROFOR soldiers, who arrived at the incident site about 10-15 minutes after the witness, cleared the crater and extracted it.⁸⁸⁶⁸ Bešić took the tail fin to the laboratory for further technical investigation.⁸⁸⁶⁹ The tail fin was marked on the inside as 'MM-74' and 'KB 87-01'.⁸⁸⁷⁰ According to the witness, 'KB' is Cyrillic for 'KV', standing for the Krušik factory in Valjevo (Serbia) with the year of production having been January 1987.⁸⁸⁷¹

2066. **John Russell** testified that on 5 February 1994, he carried out a crater analysis at the scene of the incident.⁸⁸⁷² He arrived at the market between 4:15 and 4:30 p.m., unaware that other UN personnel had carried out crater analyses before.⁸⁸⁷³ He found a chisel and a red pipe wrench within one metre of the crater, although he did not believe these had been used to alter the crater.⁸⁸⁷⁴ According to the witness, the entire area had been swept thoroughly and he did not find any shrapnel.⁸⁸⁷⁵ During his analysis, he observed that debris had fallen into the hole and that the victims had been removed, disturbing the evidence, such as the location of fragments.⁸⁸⁷⁶ In his initial assessment and after observing that the size of the crater was smaller than expected, he concluded that the mortar round may have struck an object before hitting the ground.⁸⁸⁷⁷ However, after learning that a tail fin had been found embedded in the ground, he was of the view

⁸⁸⁶⁷ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4797, 4805, 4906, 4915-4917.

⁸⁸⁶⁸ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, pp. 4805, 5031-5032. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 33; Mirza Sabljica, T. 8064; P864 (Video of Markale Market shelling aftermath, 5 February 1994), 08:53-09:19; P868 (MUP investigative file), pp. 5, 17, 19, 39, 60.

⁸⁸⁶⁹ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 4806. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 34-35.

⁸⁸⁷⁰ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 5034. *See also* P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 40; P868 (MUP investigative file), pp. 5, 17, 19, 22, 44.

⁸⁸⁷¹ P1896 (Sead Bešić, prior testimony), *Galić* transcript of 4, 6-7 March 2002, p. 5034.

⁸⁸⁷² D1219 (John Russell, witness statement, 17 October 2011), paras 9, 12; John Russell, T. 38690-38691.

⁸⁸⁷³ D1219 (John Russell, witness statement, 17 October 2011), paras 12-13; John Russell, T. 38690-38691, 38756.

⁸⁸⁷⁴ D1219 (John Russell, witness statement, 17 October 2011), para. 16.

⁸⁸⁷⁵ D1219 (John Russell, witness statement, 17 October 2011), para. 17; John Russell, T. 38693-38694, 38757.

⁸⁸⁷⁶ D1219 (John Russell, witness statement, 17 October 2011), paras 14, 15, 24; John Russell, T. 38708; D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994), p. 1.

⁸⁸⁷⁷ D1219 (John Russell, witness statement, 17 October 2011), para. 18; John Russell, T. 38700-38701, 38753-38754, 38758; P7538 (UNMO daily situation report for Sector Sarajevo, 5 February 1994); D1221 (John Russell's report on the crater analysis with handwritten notes, 5 February 1994).

that the round had not struck any object before hitting the ground.⁸⁸⁷⁸ According to the witness, the approximate direction of fire of the mortar shell was east-north-east.⁸⁸⁷⁹ The witness accepted that the angle of descent was reported at 1,200 to 1,300 mils.⁸⁸⁸⁰ He further noted that the angle of descent must have been steep in order to leave the adjacent building undamaged.⁸⁸⁸¹ As both parties held positions in the direction of fire and the distance could not be determined, the witness concluded, consulting *inter alia* data in firing tables, that it was impossible to determine with certainty whether the shell was fired from the ABiH or Serb positions.⁸⁸⁸² According to the witness, the depth of the crater at the time of the impact could not be accurately determined because the crater had been disturbed.⁸⁸⁸³

2067. The incident was reported in a number of UNMO and UNPROFOR reports. According to an UNMO daily situation report of 5 February 1994, one mortar round landed on a market table and exploded at a height of 90 centimetres in a crowded market in Sarajevo. UNMOs confirmed 58 people were killed and 142 were wounded, none of whom were Bosnian-Serbs. On the same day, UNMOs observed that 18 mixed rounds were fired from Serb-controlled territory while none were fired from ABiH-controlled territory. Similarly, the UNMOs observed 55 mixed impacts in ABiH-controlled territory while none were observed in Serb-controlled territory.⁸⁸⁸⁴ According to an UNPROFOR situation report of the same day, on 5 February 1994, a single 120-millimetre mortar shell exploded at the market in Sarajevo during rush hour. Fifty-eight ‘civilians’ were killed and 142 were wounded. The crater analysis carried out showed that the shell could have been fired from ABiH or Serb positions.⁸⁸⁸⁵ According to an UNPROFOR weekly report of 9 February 1994, on 5 February 1994, a 120-millimetre mortar bomb hit the old town market in Sarajevo, injuring almost 200 people and killing

⁸⁸⁷⁸ D1219 (John Russell, witness statement, 17 October 2011), para. 19; John Russell, T. 38700-38701, 38703-38704, 38758; D1221 (John Russell’s report on the crater analysis with handwritten notes, 5 February 1994), p. 1.

⁸⁸⁷⁹ D1219 (John Russell, witness statement, 17 October 2011), para. 20.

⁸⁸⁸⁰ D1219 (John Russell, witness statement, 17 October 2011), para. 21; John Russell, T. 38761.

⁸⁸⁸¹ D1219 (John Russell, witness statement, 17 October 2011), para. 22; John Russell, T. 38691-38692.

⁸⁸⁸² D1219 (John Russell, witness statement, 17 October 2011), paras 23, 31; John Russell, T. 38704-38705, 38728-38729, 38735, 38765-38768, 38774, 38779-38780; P7539 (Excerpts from Firing Tables for M74 120 mm Light Mortar, 1982); D1220 (UNPROFOR situation report, 5 February 1994), p. 2; D1221 (John Russell’s report on the crater analysis with handwritten notes, 5 February 1994), p. 2.

⁸⁸⁸³ D1219 (John Russell, witness statement, 17 October 2011), para. 24.

⁸⁸⁸⁴ P7538 (UNMO daily situation report for Sector Sarajevo, 5 February 1994).

⁸⁸⁸⁵ D1220 (UNPROFOR situation report, 5 February 1994), p. 1.

68.⁸⁸⁸⁶ Almost all of the victims were civilians.⁸⁸⁸⁷ UNPROFOR ballistics experts concluded that the bomb had been fired from the north-east, from near the confrontation line but that it was not possible to say that the round had come from Serb positions.⁸⁸⁸⁸ UNPROFOR reported that after the incident, in a letter to the Presidents of Russia and the USA, the Serbs claimed that the Muslim authorities had brought in people who were already dead to the marketplace in order to frame the Serbs. Similarly, according to UNPROFOR, Krajišnik claimed that many of the dead bodies seen on TV were just dummies dressed up as blast victims.⁸⁸⁸⁹ A second, more thorough, investigation by UNPROFOR concluded that it still could not be determined from which side of the confrontation line the bomb had been fired.⁸⁸⁹⁰

2068. On 6 February 1994, another investigation team, led by Berko Zečević, set out to determine the range and origin of fire of the shell.⁸⁸⁹¹ The team did not find signs that the projectile hit the market stalls.⁸⁸⁹² The angle of descent was estimated to be 60 degrees plus-or-minus five degrees.⁸⁸⁹³ The team found that the tail fin's markings showed that the shell had been manufactured by 'Krušik - Valjevo' in 1987 as part of the first batch.⁸⁸⁹⁴ During an interview, Kenan Parla stated that when situated at a house near the frontline, he heard the sound of the firing of a shell coming from behind Špicasta Stijena from the direction of the village of Mrkovići around 12:30 p.m. on 5 February 1994.⁸⁸⁹⁵ In another interview, Sehida Hrković, who was situated at her house on a hill near Sedrenik, stated that she heard the sound of a shell being fired from the direction of the village of Mrkovići on 5 February 1994 around 12:20 p.m.⁸⁸⁹⁶ According to a Bosnia-Herzegovina MUP report, Markale Market and its surrounding buildings were not used by the ABiH.⁸⁸⁹⁷ The difference in altitude between the potential firing location and the centre of the explosion was reported as 400 metres. The

⁸⁸⁸⁶ P4 (Weekly report drafted by David Harland, 9 February 1994), pp. 1-2. *See also* P7778 (UNPROFOR status report, 9 February 1994), p. 1.

⁸⁸⁸⁷ P4 (Weekly report drafted by David Harland, 9 February 1994), pp. 1-2.

⁸⁸⁸⁸ P4 (Weekly report drafted by David Harland, 9 February 1994), p. 2. *See also* P7778 (UNPROFOR status report, 9 February 1994), p. 1; P7779 (UNPROFOR weekly political assessment, 17 February 1994), p. 3.

⁸⁸⁸⁹ P4 (Weekly report drafted by David Harland, 9 February 1994), p. 5.

⁸⁸⁹⁰ David Harland, T. 772; D8 (Weekly UNPROFOR report, 17 February 1994), p. 3.

⁸⁸⁹¹ P855 (Mirza Sabljica, witness statement, 11 February 2010), p. 48; P868 (MUP investigative file), pp. 5-6.

⁸⁸⁹² P868 (MUP investigative file), pp. 6, 36.

⁸⁸⁹³ P868 (MUP investigative file), pp. 6, 39, 41, 44.

⁸⁸⁹⁴ P868 (MUP investigative file), p. 38.

⁸⁸⁹⁵ P868 (MUP investigative file), p. 10.

⁸⁸⁹⁶ P868 (MUP investigative file), p. 14.

investigation calculated the following possible ranges taking into account the difference in altitude and the angle of descent: 1,640-1,840 metres for charge one; 2,577 to 2972 metres for charge two; 3,622 to 4,120 metres for charge three; 4,570-5,110 metres for charge four; 5,500 to 5,979 metres for charge five; and 6,170 to 6,546 metres for charge six.⁸⁸⁹⁸ These calculations led to the conclusion that there were six potential firing origins, one of which was under the control of the ABiH, and the remaining five under the control of the VRS.⁸⁸⁹⁹

2069. **Michel Gauthier** testified that he was assigned as the team leader of the UN team tasked to investigate the 5 February 1994 Markale shelling incident on 11 February 1994.⁸⁹⁰⁰ The UNPROFOR Deputy Force Commander instructed the team to confine its investigation to crater analysis and the related technical aspects of the explosion.⁸⁹⁰¹ **John Hamill**, a member of the team, testified that the team concluded that the explosion had occurred between 12:10 and 12:15 p.m. on 5 February 1994.⁸⁹⁰² **Gauthier** testified that the team found that the results of the initial two crater analyses conducted on the day of the explosion by the FreBat 4 team and UNPROFOR Sector Sarajevo (Captain Verdy) were flawed and suspect and could not be relied upon.⁸⁹⁰³ Also on 5 February, a third crater analysis had been conducted by John Russell, who calculated that the mortar had been fired at a bearing of 450 mils and at an angle of descent of between 1,200 and 1,300 mils.⁸⁹⁰⁴ Gauthier's team interviewed Russell during its investigation and obtained a copy of his report.⁸⁹⁰⁵ The team also concluded that an accurate measurement of the direction of fire remained possible six days after the incident, on 11 February 1994, because the scrapes on the pavement remained untouched and the general condition of the fuse tunnel could not have changed.⁸⁹⁰⁶ The investigative team further determined that the possible distance from the origin of fire to the point of detonation was between 300 and 5,551 metres, depending on the number of

⁸⁸⁹⁷ P868 (MUP investigative file), p. 3.

⁸⁸⁹⁸ P868 (MUP investigative file), p. 41.

⁸⁸⁹⁹ P868 (MUP investigative file), pp. 44, 48.

⁸⁹⁰⁰ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 5, 7; Michel Gauthier, T. 39075.

⁸⁹⁰¹ D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 7.

⁸⁹⁰² P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6077; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 1, 5, 17.

⁸⁹⁰³ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8-11; Michel Gauthier, T. 39109, 39116-39117. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), pp. 6097, 6108; John Hamill, T. 5500; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 2, 7-8, 11, 14.

⁸⁹⁰⁴ D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 12; Michel Gauthier, T. 39106.

⁸⁹⁰⁵ D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 13.

⁸⁹⁰⁶ D1242 (Michel Gauthier, witness statement, 6 February 2012), para. 14.

charges used when firing the mortar.⁸⁹⁰⁷ Although some members of the team made estimates about the angle of descent based on an analysis of the crater on 11 February 1994, the team ultimately concluded that as the crater had been thoroughly excavated, an accurate measurement could not be taken.⁸⁹⁰⁸ FreBat did not measure the angle of descent before it excavated and removed the tail fin.⁸⁹⁰⁹ Russell's measurements of 5 February were taken after FreBat had removed the tail fin.⁸⁹¹⁰ Given that the estimated distance range included areas on both sides of the confrontation line, the team concluded that there was insufficient physical evidence to prove that one side or the other fired the mortar bomb on 5 February 1994.⁸⁹¹¹

2070. **Witness GRM-065** determined that the mortar shell crater was clean and sharply defined.⁸⁹¹² According to the witness, it is more difficult to determine a shell's precise angle of descent after the tail fin has been extracted.⁸⁹¹³ The witness determined that the crater was not created by a static explosion device based on its shape and the appearance of the ground around the crater.⁸⁹¹⁴

2071. A representative of the SRK, Colonel Cvetković, confirmed to Hamill that there were a number of 120-millimetre mortars in Mrkovići along the estimated line of fire to the north-north-east of Markale.⁸⁹¹⁵ **Hamill** testified that Cvetković told him that the VRS had not fired the round in question. Cvetković asked the witness why he was so worried about this particular mortar round when during the previous year, the VRS had fired some 30,000 to 40,000 rounds into the city of Sarajevo.⁸⁹¹⁶ Bombs had fallen on Sarajevo city centre in the period leading up to the time of the Markale bomb, including some on the neighbouring grid some 900 to 1,900 metres from Markale between 11:30 a.m. and 12:45 p.m.⁸⁹¹⁷ During the investigation, Hamill became aware that there was a

⁸⁹⁰⁷ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 19, 26.

⁸⁹⁰⁸ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 20-21; Michel Gauthier, T. 39106-39109. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6101; P538 (UNPROFOR investigation report Markale, 15 February 1994), pp. 11, 17.

⁸⁹⁰⁹ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8, 21.

⁸⁹¹⁰ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 8, 10-12.

⁸⁹¹¹ D1242 (Michel Gauthier, witness statement, 6 February 2012), paras 26-27. *See also* P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6084; P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 3.

⁸⁹¹² D1442 (Witness GRM-065, *Karadžić* transcript, 16 January 2013), pp. 32009, 32010, 32012.

⁸⁹¹³ D1440 (Witness GRM-065, questionnaire, 27 March 2012), pp. 2-3.

⁸⁹¹⁴ D1442 (Witness GRM-065, *Karadžić* transcript, 16 January 2013), p. 32018.

⁸⁹¹⁵ Adjudicated Facts III, no. 2511.

⁸⁹¹⁶ P537 (John Hamill, *Galić* transcript, 25 March 2002), p. 6109.

⁸⁹¹⁷ John Hamill, T. 5473-5475; P538 (UNPROFOR investigation report Markale, 15 February 1994), p. 42.

police building located within 300 metres of the site of the blast.⁸⁹¹⁸ The witness testified that the lethal radius of a 120-millimetre bomb is 54 metres and the danger zone radius for unprotected troops is 500 metres.⁸⁹¹⁹ Hamill testified that air temperature conditions have a minor impact on the margin of error of mortar targeting. Taking into account all meteorological factors, the margin of error of a mortar bomb would be up to 100 metres at a distance of 3,000 metres.⁸⁹²⁰

2072. Several witnesses commented on the results of the investigations into this incident. **Sergii Moroz** testified that the Markale incident in 1994 was not the result of a mortar shell as reported on television.⁸⁹²¹ Moroz acknowledged that he had no special training in interpreting traces or craters from mortar explosions, ballistics, or explosives.⁸⁹²² Visiting the marketplace the day after the explosion, Moroz noted that the source of the explosion was not a mortar shell, because the traces from the explosion and the trajectory of the shell could not have been close to the tall buildings.⁸⁹²³ He mentioned that the crater that resulted from the explosion had a diameter of about 30 centimetres and a depth of five to seven centimetres, which was deeper than other craters he saw in the city.⁸⁹²⁴ He emphasized that a Russian, Mr Rumyansev, from the UNMO mission, told him that the mortar shell could not have come from the Serb side due to the trajectory and the direction of the fragments left on the asphalt after the explosion, and because the number of fragments and victims was too large to be from a mortar shell; instead his supposition was that a special explosive device was the cause.⁸⁹²⁵

2073. **Witness GRM-097**, who was in Mostar at the time of the Markale Market shelling, testified that UNPROFOR received information casting doubt on the conclusion that the Bosnian Serbs were responsible.⁸⁹²⁶ The shell that landed at the market appeared to have come in with a very high trajectory, indicating a close-range

⁸⁹¹⁸ John Hamill, T. 5499.

⁸⁹¹⁹ John Hamill, T. 5519-5520.

⁸⁹²⁰ John Hamill, T. 5524-5525.

⁸⁹²¹ D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145; Sergii Moroz, T. 42364-42366.

⁸⁹²² Sergii Moroz, T. 42364-42366, 42515.

⁸⁹²³ D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145; Sergii Moroz, T. 42364-42365.

⁸⁹²⁴ Sergii Moroz, T. 42368-42370.

⁸⁹²⁵ D1370 (Sergii Moroz, *Galić* transcript, 22-23 January 2003), p. 18145, 18155, 18166-18167, 18169; Sergii Moroz, T. 42365-42366, 42370-42372.

⁸⁹²⁶ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 6; Witness GRM-097, T. 40059-40060, 40067; D1299 (Diary of Witness GRM-097, February 1994), pp. 2-3.

firing.⁸⁹²⁷ Major John Russell told the witness that no shrapnel or other physical evidence could be found at the scene on 5 February 1994.⁸⁹²⁸ The initial investigation could not confirm the perpetrator of the shelling.⁸⁹²⁹ During a meeting held on 6 February 1994, Milovanović adamantly denied that the Bosnian Serbs had fired the shell.⁸⁹³⁰ During a meeting with the Bosnian-Muslim leadership held on 8 February 1994, General Rose suggested that the shelling may have been carried out by the Bosnian-Muslim side. Following this suggestion, a long silence followed, after which the Bosnian-Muslim leaders asked whether the interpretation had been correct, and then denied responsibility, claiming to have intercepted a conversation involving the Bosnian Serbs confessing to the shelling.⁸⁹³¹

2074. **Jan Segers** testified that following media reports about the Markale Market shelling in February 1994, he received an oral report from UNMOs returning from inspection and crater analysis.⁸⁹³² The UNMOs reported that they could not perform a thorough crater analysis, as no artillery had been fired and there was no impact on the ground, which led them to the preliminary conclusion that the explosion had most likely been caused by an explosive device under a table.⁸⁹³³ While in Zagreb working as a Military Information Officer, the witness saw a copy of a code cable that had been sent to New York, which also stated that the incident had in all likelihood been caused by an explosive device that had been placed under a table.⁸⁹³⁴

2075. **Witness GRM-037** testified that around late November to early December 1994, a sergeant from the United States intelligence cell told him, during an official meeting arranged specifically to discuss the shelling of Markale Market, that the Muslims were responsible for the first Markale Market shelling incident.⁸⁹³⁵ The sergeant flashed a five by eight inch photograph from a distance of about 10 to 15 feet and told the witness

⁸⁹²⁷ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 7.

⁸⁹²⁸ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 8; D1299 (Diary of Witness GRM-097, February 1994), p. 3.

⁸⁹²⁹ Witness GRM-097, T. 40146.

⁸⁹³⁰ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 10; Witness GRM-097, T. 40065; D1299 (Diary of Witness GRM-097, February 1994), p. 3.

⁸⁹³¹ D1298 (Witness GRM-097, witness statement, 21 November 2012), para. 11; Witness GRM-097, T. 40067–40068; D1299 (Diary of Witness GRM-097, February 1994), pp. 3-4.

⁸⁹³² D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43778-43779, 43782-43784, 43787, 43790, 43798, 43800-43801.

⁸⁹³³ D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43784, 43790-43794, 43803.

⁸⁹³⁴ Jan Segers, T. 43782.

⁸⁹³⁵ D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 11; Witness GRM-037, T. 39014-39015, 39051.

that it was a photograph of a person dropping a mortar shell from a window overlooking the market.⁸⁹³⁶ The witness could not see the photograph well.⁸⁹³⁷ He was told that the Bosnian-Muslim side had provided the United States with this photograph.⁸⁹³⁸ During his visit to the marketplace, sometime between November 1994 and July 1995, the witness personally saw the imprint of a shell in a narrow street and its trajectory looked as if it had been straight down.⁸⁹³⁹ When confronted with a sketch of the place of the impact and the surrounding buildings, the witness agreed that the buildings were too far away for it to be possible to drop the shell from one of the buildings onto the marketplace.⁸⁹⁴⁰

2076. **Milorad Batinić** testified that on 5 February 1994, he attended a meeting at Hotel Serbia with UNMO Jan Pedersen and Colonel Marko Lugonja, who was in charge of security, intelligence, and the police in the SRK, during which Lugonja stated that 'the Serb side did not do this'.⁸⁹⁴¹ Lugonja then asked Pedersen and the witness to come back to his headquarters in Lukavica an hour later so that he could provide them with all the necessary information after inquiring with his security service.⁸⁹⁴² In Lukavica, Lugonja showed video footage of the Markale incident, recorded by his service, to the witness and Pedersen.⁸⁹⁴³ The footage showed two men running away from the scene, which Lugonja described as suspicious, a plastic leg without a body, and pyramids of potatoes and bottles on the stalls that had not been disturbed.⁸⁹⁴⁴ Lugonja also mentioned that his intelligence service found out that over the previous seven days no funerals had taken place and that bodies had been kept in a mortuary in Koševo and relied *inter alia* on this point to suggest that the incident was a set-up.⁸⁹⁴⁵

2077. **Slavko Gengo** testified that a mortar platoon, subordinated to his unit, the 7th Infantry Battalion of the 1st Romanija Infantry Brigade, positioned 82- and 120-

⁸⁹³⁶ D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 11; Witness GRM-037, T. 39009, 39014, 39028-39029, 39041, 39051, 39056.

⁸⁹³⁷ Witness GRM-037, T. 39029, 39041, 39055.

⁸⁹³⁸ Witness GRM-037, T. 39014, 39034, 39055-39056.

⁸⁹³⁹ Witness GRM-037, T. 39013-39014, 39034.

⁸⁹⁴⁰ Witness GRM-037, T. 39046-39047.

⁸⁹⁴¹ Milorad Batinić, T. 22632-22635, 22712-22713; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

⁸⁹⁴² Milorad Batinić, T. 22633.

⁸⁹⁴³ Milorad Batinić, T. 22633-22634; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

⁸⁹⁴⁴ Milorad Batinić, T. 22633-22634.

⁸⁹⁴⁵ Milorad Batinić, T. 22634; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

millimetre mortars to face targets located inside the inner ring of Sarajevo.⁸⁹⁴⁶ Two 120-millimetre as well as two 82-millimetre mortars were placed at firing positions in Mrkovići, in addition to two 82-millimetre mortars at Gornije Biosko and two 120-millimetre mortars on Debelo Brdo.⁸⁹⁴⁷ While it was not possible to see into the city of Sarajevo from these positions, observers reported the direction of fire so that the mortar crew was able to adjust its aim.⁸⁹⁴⁸ According to the witness all of their mortars only had coordinates for the line of confrontation.⁸⁹⁴⁹ A 120-millimetre mortar fired from Mrkovići had a firing range of approximately three to four kilometres.⁸⁹⁵⁰ The 4th Mixed Artillery Regiment was located at Debelo Brdo and also able to target the centre of Sarajevo; it was supposed to back-up and support the 7th Infantry Battalion.⁸⁹⁵¹ The 4th Mixed Artillery Regiment possessed 155-millimetre howitzers, 122-millimetre assets, and a 130-millimetre cannon.⁸⁹⁵² According to the witness, all SRK Brigades save for the Igman and Ilijaš brigades were able to target the city centre of Sarajevo.⁸⁹⁵³ The witness claimed not to have heard, nor to have received any report regarding mortar fire from Mrkovići on 5 February 1994.⁸⁹⁵⁴

2078. **Milorad Džida** testified that on 5 February 1994 no shell was fired from any firing position in the zone of defence of the SRK 7th Battalion.⁸⁹⁵⁵ On 6 February 1994, the witness accompanied a mixed commission, comprising representatives of the VRS Main Staff, the SRK, the UNPROFOR, and the 1st Romanija Infantry Brigade, to the 7th Battalion's two firing position of 120-millimetre mortars.⁸⁹⁵⁶ Members of the commission examined the mortars, measured the coordinates and the distance between the mortars, and spoke with the soldiers assigned to these positions.⁸⁹⁵⁷ The witness heard the UNPROFOR interpreter say that the weapons could not have fired on the previous day since they had not been used for a long time.⁸⁹⁵⁸ After calculating the

⁸⁹⁴⁶ D473 (Slavko Gengo, witness statement, 10 May 2014), para. 3; Slavko Gengo, T. 21614-21615.

⁸⁹⁴⁷ D473 (Slavko Gengo, witness statement, 10 May 2014), para. 13, Slavko Gengo, T. 21638.

⁸⁹⁴⁸ Slavko Gengo, T. 21615, 21619.

⁸⁹⁴⁹ D473 (Slavko Gengo, witness statement, 10 May 2014), para. 42.

⁸⁹⁵⁰ Slavko Gengo, T. 21615-21616.

⁸⁹⁵¹ Slavko Gengo, T. 21614, 21624-21625, 21627, 21712.

⁸⁹⁵² Slavko Gengo, T. 21624.

⁸⁹⁵³ Slavko Gengo, T. 21626-21627.

⁸⁹⁵⁴ D473 (Slavko Gengo, witness statement, 10 May 2014), para. 40.

⁸⁹⁵⁵ D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21912.

⁸⁹⁵⁶ D489 (Milorad Džida witness statement, 10 May 2014), paras 18-19; Milorad Džida, T. 21895-21897.

⁸⁹⁵⁷ D489 (Milorad Džida witness statement, 10 May 2014), para. 19; Milorad Džida, T. 21907-21908, 21910.

⁸⁹⁵⁸ D489 (Milorad Džida witness statement, 10 May 2014), para. 19; Milorad Džida, T. 21910.

coordinates, a commission member explained that mortar fire on the market could not have been opened from that position.⁸⁹⁵⁹ The witness further specified that the coordinates were not consistent with the funnel-like traces observed at Markale and typically going backwards towards the direction of fire.⁸⁹⁶⁰ According to the witness, there were no footsteps around the mortars and the six and three-storey buildings in between the positions and the market were too high for a round to fly over.⁸⁹⁶¹ At the time, the witness or Gengo were the only ones approving firing round, rounds were scarce, and the soldiers were not allowed nor would they have dared to fire ammunitions independently.⁸⁹⁶² The battalion was under strict orders to observe cease-fires and only fired on enemy positions in case of defence actions and never on civilians or civilian buildings.⁸⁹⁶³ Civilian casualties only occurred when the battalion engaged military targets without realizing that they were near civilian buildings.⁸⁹⁶⁴ After a few days, UNPROFOR soldiers and officers came for a regular inspection of the battalion and inspected the mortar positions for approximately ten minutes without measuring anything.⁸⁹⁶⁵ The witness heard the interpreter translate that the French major had concluded that the battalion was not involved in the Markale incident.⁸⁹⁶⁶

2079. **Siniša Maksimović** provided a statement regarding the Markale Market shelling which reads: ‘As [SRK] company commander I had contact with all members of my unit [stationed near Grdonj and Mrkovići], and their unanimous conviction about the incident in Markale on 5 February 1994 was that it was an incident staged by the Muslims. All operations were aimed towards the enemy lines, which were very close to ours’.⁸⁹⁶⁷

2080. **Zorica Subotić** testified that a number of professionals, including experts in ballistics and munitions, staged the Markale Market incident by simultaneously and remotely activating, through a timer or another trigger, either two static 120-millimetre mortar shells, or a single 120-millimetre mortar shell and some other unidentified

⁸⁹⁵⁹ D489 (Milorad Džida witness statement, 10 May 2014), para. 20; Milorad Džida, T. 21908, 21913.

⁸⁹⁶⁰ D489 (Milorad Džida witness statement, 10 May 2014), para. 20.

⁸⁹⁶¹ Milorad Džida, T. 21910-21911.

⁸⁹⁶² Milorad Džida, T. 21911-21912.

⁸⁹⁶³ D489 (Milorad Džida witness statement, 10 May 2014), paras 22-23.

⁸⁹⁶⁴ D489 (Milorad Džida witness statement, 10 May 2014), para. 22.

⁸⁹⁶⁵ D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1; Milorad Džida, T. 21914-21915.

⁸⁹⁶⁶ D489 (Milorad Džida witness statement, 10 May 2014), para. 21; D490 (Milorad Džida supplemental witness statement, 28 May 2014), p. 1.

⁸⁹⁶⁷ D547 (Siniša Maksimović, witness statement, 20 May 2014), para. 6.

explosive device, in the busiest part of the market.⁸⁹⁶⁸ Subotić considered that the incident probably occurred pursuant to orders from the Bosnia-Herzegovina government.⁸⁹⁶⁹ She based her opinion on (i) the speed and method of evacuation of the wounded that, in her view, was illogical unless someone knew of the explosion in advance;⁸⁹⁷⁰ (ii) discrepancies in the lists of dead and wounded persons coupled with the high number of dead and wounded compared to the number of people at the market, which showed that the number of dead and wounded was inflated by misrepresenting existing hospital patients as victims and transporting corpses from Koševo Hospital and other places to the incident;⁸⁹⁷¹ (iii) the quick response of the media, namely the use of television cameras to broadcast shocking imagery and, in particular, the filming of the above-mentioned corpses;⁸⁹⁷² and (iv) her analysis of the dimensions of the market stalls, the minimum angle of descent, the crater, the stabilizer, and the material traces of the mortar.⁸⁹⁷³

2081. To reach her conclusions, Subotić relied on drawings, photographs, maps, and video footage to reconstruct the dimensions of the stalls and the layout of the market at the time of the incident and examine traces of the explosion.⁸⁹⁷⁴ On the basis of these calculations, Subotić determined that the minimum angle of descent was 73 degrees for the mortar shell to land and avoid hitting a stall.⁸⁹⁷⁵ Subotić concluded that if the analysis of the CSB investigators and Berko Zečević at the time of the incident were

⁸⁹⁶⁸ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 84-88, 90, 93-95, 141, 146-147; Zorica Subotić, T. 39372, 39436-39438, 39440-39441, 39734-39738, 39740-39742, 39744-39746.

⁸⁹⁶⁹ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 86-87, 140.

⁸⁹⁷⁰ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 38-44, 85, 87, 140.

⁸⁹⁷¹ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 45-52, 54-61, 86-88, 140-141; Zorica Subotić, T. 39372, 39742-39744.

⁸⁹⁷² D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 40-41, 45-53, 85, 87, 93, 140, 146-147; Zorica Subotić, T. 39734.

⁸⁹⁷³ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 30-37, 63-66, 72-76, 80-86, 88-95, 141-142, 144-147; Zorica Subotić, T. 39372-39374, 39376-39379, 39383, 39435-39437, 39731, 39729-39730, 39740-39741, 39744-39748, 39754-39755.

⁸⁹⁷⁴ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 30-37, 88-89, 142, 146; Zorica Subotić, 39376-39379, 39436, 39729-39730.

correct, it would have been impossible for the mortar shell to land without it also hitting the roof of the stall, and that therefore the mortar shell must have been planted and statically activated.⁸⁹⁷⁶ She opined that the mortar shell was placed on a stand with the measurements carefully calculated to make it appear as if the mortar shell came from a VRS position and had been fired with a large charge.⁸⁹⁷⁷

2082. Subotić noted that ordinarily, small objects are blown away from the crater by the detonation wave, but the crater in this incident was buried by rubble, which is impossible to occur naturally.⁸⁹⁷⁸ Further, because the ground consisted of hard-packed gravel with a layer of asphalt, the stabilizer should have been fully or partially visible, whereas in this case, the stabilizer completely penetrated the ground.⁸⁹⁷⁹ Subotić also considered it unusual and virtually impossible that the fins and cylindrical part of the stabilizer lacked any scratches or other longitudinal markings, as it would have been the first part to penetrate the surface.⁸⁹⁸⁰ According to Subotić, these inconsistencies reaffirmed that the mortar shell was statically activated and that the stabilizer had been placed into the ground before the explosion.⁸⁹⁸¹

2083. Finally, relying on video footage, Subotić concluded that shrapnel damage on a red stall next to the '22 Decembar' building could not have been caused by the mortar shell that left the crater and that therefore, there must have been a second mortar shell or some other explosive device.⁸⁹⁸² According to Subotić, a single explosion could not

⁸⁹⁷⁵ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 80-82, 92, 145-146.

⁸⁹⁷⁶ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 80-86, 88, 92-95, 141, 145-147; Zorica Subotić, T. 39744-39746.

⁸⁹⁷⁷ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 88, 141; Zorica Subotić, T. 39740, 39744-39745.

⁸⁹⁷⁸ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 63-66, 72, 86, 91, 144; Zorica Subotić, T. 39372-39374, 39754.

⁸⁹⁷⁹ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 64-65, 76, 86, 91-92, 144-145; Zorica Subotić, T. 39373-39374, 39435, 39744-39745, 39754-39755.

⁸⁹⁸⁰ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 76, 90-91, 144; Zorica Subotić, T. 39435-39437.

⁸⁹⁸¹ D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 86, 88, 90, 141, 143, 147; Zorica Subotić, T. 39436-39437, 39741, 39744-39748.

⁸⁹⁸² D2113 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area – Incidents at the Markale Market 5 February 1994 and 28 August 1995, 25 April 2014), pp. 84, 93, 146; Zorica Subotić, T. 39383.

have caused the shrapnel damage on the wall behind the stall and on the wall perpendicular to it.⁸⁹⁸³

Consideration of Adjudicated Facts and assessment of reliability and credibility of witnesses

2084. The Trial Chamber has taken judicial notice of Adjudicated Facts regarding the perpetrator(s) of this incident. According to Adjudicated Facts numbers 2519 and 2525, the mortar shell which exploded at Markale Market a) was fired from SRK-controlled territory, and b) travelled a distance considerably greater than 2,600 metres from the north-east direction, placing the position from which the shell was fired well within SRK-controlled territory. The Trial Chamber has received evidence from both parties which deals with the origin of fire as stated in the Adjudicated Facts, namely that an investigation carried out by UNPROFOR concluded that – at that time – it could not be determined from which side of the confrontation line the mortar shell had been fired. Additionally, it received evidence that an investigation carried out by the Bosnian MUP concluded that there were six potential firing origins, one of which was under the control of the ABiH and five of which were under the control of the SRK. These investigations do not provide – nor do they intend to provide – conclusive answers to the matters established in the Adjudicated Facts regarding the mortar shell's origin of fire and the entity controlling that position. Therefore, the Trial Chamber finds that this evidence does not contradict the Adjudicated Facts.

2085. The Trial Chamber has also taken judicial notice of an Adjudicated Fact, which sets out the precise bearing of the mortar shell fired at Markale Market. According to Adjudicated Fact no. 2515, the 120-millimetre mortar shell fired at Markale Market was fired from the direction north-northeast of the market or at a bearing of approximately 18 degrees. John Russell, on the other hand, testified that the approximate direction of the mortar shell fired at Markale Market to be east-north-east. The Trial Chamber examined whether Russell's evidence was sufficiently reliable to rebut Adjudicated Fact no. 2515. The Trial Chamber considered that prior to his assignment in Sarajevo, Russell had attended a two and a half day crater analysis course and had conducted four

⁸⁹⁸³ Zorica Subotić, T. 39407-39408.

crater analyses.⁸⁹⁸⁴ While the Chamber considered the witness to be generally truthful in answering questions from the parties and the Chamber, the witness was not thorough in his analyses or his measurements and often testified that he was unaware of important factors that would have been relevant to making his determinations.⁸⁹⁸⁵ Furthermore, the witness conceded that he had used incorrect firing tables to calculate the mortar shell's angle of descent.⁸⁹⁸⁶ The witness did not believe it was necessary, however, to revise his statement when he learned that the information on which his conclusions were based was either incomplete or incorrect.⁸⁹⁸⁷ According to his diary entry of 5 February 1994, the witness had done 'a quick crater analysis'.⁸⁹⁸⁸ In light of the foregoing, the Trial Chamber finds that the witness's evidence in relation to the direction of fire is not sufficiently reliable to rebut Adjudicated Fact no. 2515.

2086. The Trial Chamber notes that Witness GRM-097 testified that the shell that landed on Markale Market was fired from close-range. Milorad Batinić provided evidence about having seen a video showing two men running away from the market, which the witness found suspicious. Jan Segers testified that he had heard two theories about the event from UNMO personnel: that an explosive placed under a market table had caused the explosion at Markale Market and that the explosive had been caused by the Serb army firing a mortar shell at the market. The evidence from these witnesses does not contradict, and therefore does not rebut, the Adjudicated Facts concerning the events on 5 February 1994, in particular concerning the origin of fire.⁸⁹⁸⁹

2087. The Trial Chamber received evidence from Witness GRM-037, Slavko Gengo, Milorad Džida, Sergii Moroz, Jan Segers, Siniša Maksimović, Zorica Subotić, and Witness GRM-116 disputing that the VRS/SRK fired the mortar shell which exploded

⁸⁹⁸⁴ John Russell, T. 38684, 38689.

⁸⁹⁸⁵ John Russell, T. 38715-38716, 38729, 38757, 38761-38763, 38766, 38767, 38774, 38775. 38778-38779.

⁸⁹⁸⁶ John Russell, T. 38757, 38767-38768.

⁸⁹⁸⁷ John Russell, T. 38767-38768, 38778-780.

⁸⁹⁸⁸ John Russell, T. 38726. The Trial Chamber notes that - despite his testimony that he could not conclude which side had shot the mortar - the witness wrote in his diary that '[I] agree with the direction that the round came from, I disagree with the distance, believing that the BiH shot at themselves'. The witness could not, however, tell who he disagreed with at the time, and the Trial Chamber observes that none of the investigative teams at that time had drawn any conclusions regarding the origin of fire of the mortar shell, *see* John Russell, T. 38726-38728.

⁸⁹⁸⁹ With respect to Witness GRM-097, whose conclusions were in part based on visual estimates following a visit to Markale, the Trial Chamber observes that the witness's evidence was not based on actual measurements or expertise, including experience in handling or analysing similar situations. *See* Witness GRM-097, T. 40145-40148, 40170-40171. The witness's estimates related to, amongst others, the height of the buildings surrounding Markale Market and their proximity to the location where the shell landed.

at Markale Market on 5 February 1994. Some disputed the direction of fire, angle of descent, or suggested that the mortar shell had been fired – either detonated remotely or from a close distance – by the ABiH, which would starkly contrast a number of Adjudicated Facts in relation to this incident. The Trial Chamber will consider the reliability of the evidence of these witnesses, in turn.

2088. Witness GRM-037 testified he saw someone flash a photograph, described by that person as being of a person dropping a mortar shell from a window overlooking the market. The photograph was small (five x eight inches), it was being waved at a distance of approximately 10 to 15 feet away by an unknown person, and the witness was unable to make out anything on the picture as a result.⁸⁹⁹⁰ In his statement, the witness supported his claims that the shell had been dropped from a window of a high-rise building nearby based on the point of impact of the mortar shell and the fact that these two (the point of impact and the building) were three feet apart.⁸⁹⁹¹ When shown a picture of Markale Market, the witness appeared at first not to recognize the site.⁸⁹⁹² The witness then testified that the mortar shell's point of impact was not at a distance of three feet from any building surrounding Markale Market, and that in fact it could not have been dropped from a window.⁸⁹⁹³

2089. Slavko Gengo and Milorad Džida testified that a commission set up to investigate the Markale incident concluded that the 7th Battalion stationed at Mrkovići was not responsible for the mortar shell fired at Markale Market. Both witnesses gave evidence in the *Karadžić* case, which the Trial Chamber observes was often inconsistent with the evidence they provided in the present case. Gengo testified that, on behalf of his battalion, he sent Milorad Džida, who he conceded had no mortar experience, to take part in a commission that was to investigate the Markale incident.⁸⁹⁹⁴ Both witnesses testified that this commission was composed of VRS Main Staff members, UNPROFOR members, or SRK Command members.⁸⁹⁹⁵ When asked, neither of the witnesses could recall a single name of the aforementioned officials who would have taken part in the commission.⁸⁹⁹⁶

⁸⁹⁹⁰ Witness GRM-037, T. 39054-39055.

⁸⁹⁹¹ Witness GRM-037, T. 39043-39044.

⁸⁹⁹² Witness GRM-037, T. 39045-39047.

⁸⁹⁹³ Witness GRM-037, T. 39047.

⁸⁹⁹⁴ Slavko Gengo, T. 21655-21656.

⁸⁹⁹⁵ Slavko Gengo, T. 21654-21656; Milorad Džida, T. 21895-21897.

⁸⁹⁹⁶ Slavko Gengo, T. 21654-21656; Milorad Džida, T. 21895-21897.

2090. Sergii Moroz provided hearsay evidence that a Russian UNMO informally told him that if a mortar had been fired at the market, it could not have come from the Serb side. The UNMO also told the witness that the explosion was probably not caused by a mortar, but by some sort of special explosive. The witness further testified that, following a visit to the Markale site one day after the explosion, he concluded that the explosion was not the result of mortar fire. The Trial Chamber considered that Moroz had no special training in interpreting traces or craters from mortar explosions, ballistics, or explosives.

2091. With regard to Zorica Subotić, the Trial Chamber notes that a number of topics dealt with by her fell squarely outside of her expertise, such as: an assessment of the credibility of witnesses who testified in this case; evidence regarding where the VRS/SRK or ABiH held positions during the war; the speed and method of evacuation of the wounded following the explosion; and the media's response to the incident. Subotić testified that the mortar shell that exploded at Markale Market was planted there. In this respect, the Trial Chamber observes with concern the lengths to which the witness was prepared to go to 'prove' that the evidence regarding the Markale market incident had been staged. One of the most disconcerting theories offered by the witness was her evidence that bodies at the scene of the explosion had been 'staged' or planted there for the occasion. This theory, besides falling squarely outside her area of expertise, rested on rampant speculation.

2092. The witness's basic claims were that (i) the mortar shell which hit Markale Market could not have fallen at the angle which other experts concluded it had, and (ii) that the tail fin of the mortar shell – also called the stabilizer – was planted at the Markale Market site after the explosion. The witness testified that she examined whether there were two stabilizers. The witness's research on the Markale incident was based on examining photographs of the tail fin that was found at Markale Market and using a similar tail fin she had brought into court. On this basis, the witness drew her conclusions. The claim that the stabilizer was planted at the site was, in the witness's opinion, supported by the fact that the mortar shell's base charge could not by any kind of force before, during, or after the mortar shell exploded, be disconnected from the body of the stabilizer. To prove this point, the witness brought a stabilizer attached to base charge to court and stated that they could not be unscrewed from each other which,

the witness claimed, was a technical matter not in dispute.⁸⁹⁹⁷ When the charge was handed to the bench, the judges managed to unscrew the charge within a matter of seconds using a plastic ballpoint pen.⁸⁹⁹⁸ For her research on the Markale incident, the witness used firing tables from 2001 and testified that she did not have firing tables from before that time.⁸⁹⁹⁹ At the same time, the witness acknowledged that precise firing tables are essential to calculate matters such as a mortar's velocity or its angle of descent.⁹⁰⁰⁰

2093. Siniša Maksimović testified that the Markale incident was staged by the ABiH. The Trial Chamber notes that the witness testified that he had no personal knowledge on the events of 5 February 1994 and he was not in Sarajevo at that time.⁹⁰⁰¹

2094. Witness GRM-116 testified that he had heard Izetbegović approve a plan to strike the market with a mortar from Serb positions in order to provoke a foreign military intervention. The Trial Chamber observes that the witness often confused dates and facts and his recollections of the events. At first, the witness testified he was present at meetings between Izetbegović, Halilović, and Talijan regarding attempts at a mortar strike at Markale Market, but then testified he was not present in the room when the discussions took place but claimed to have overheard what was said in the meetings.⁹⁰⁰² Later, the witness went back to his earlier testimony that he was present at the meetings.⁹⁰⁰³ The witness's testimony varied on the number of meetings during which discussions were held regarding the Markale Market incident, which varied between one and three.⁹⁰⁰⁴ The witness suggested that the Trial Chamber should base its conclusion regarding the Markale incident on the basis of conversations between Izetbegović and others regarding a failed attempt to strike Markale Market; at the same time, however, the witness did not draw a clear conclusion on the event itself.⁹⁰⁰⁵ More concretely, the witness was unaware about whether Izetbegović and others would have wanted to continue with the plan after the first failed attempt. The witness's testimony on the meetings that Izetbegović would have had regarding a strike on the Markale Market was

⁸⁹⁹⁷ Zorica Subotić, T. 39432.

⁸⁹⁹⁸ Zorica Subotić, T. 39420-39423.

⁸⁹⁹⁹ Zorica Subotić, T. 39535-39536.

⁹⁰⁰⁰ Zorica Subotić, T. 39587-39589.

⁹⁰⁰¹ Siniša Maksimović, T. 23528-23529.

⁹⁰⁰² Witness GRM-116, T. 42684, 42693-42694.

⁹⁰⁰³ Witness GRM-116, T. 42701, 42704-42705.

⁹⁰⁰⁴ Witness GRM-116, T. 42704-42705.

⁹⁰⁰⁵ Witness GRM-116, T. 42701.

imprecise with regard to dates, times, places, who attended these meetings, and the manner in which the witness obtained the information.

2095. Based on the Trial Chamber's findings regarding the credibility and reliability of Witness GRM-037, Slavko Gengo, Milorad Džida, Sergii Moroz, Jan Segers, Siniša Maksimović, Zorica Subotić, and Witness GRM-116, the Trial Chamber concludes that their evidence is not sufficiently reliable to rebut the Adjudicated Facts that relate to this incident.

2096. Based on the Trial Chamber's findings regarding the credibility and reliability of these witnesses, the Trial Chamber concludes that their evidence is not sufficiently reliable to rebut the Adjudicated Facts that relate to this incident.

2097. Based on the foregoing, the Trial Chamber finds that on 5 February 1994, members of the SRK⁹⁰⁰⁶ fired a 120-millimetre mortar shell from Mrkovići which hit Markale Market, killing 68 people and injuring over 140 others. At the time of the incident, there was no ABiH presence in the vicinity of the explosion site. Almost all of the victims were civilians and included women, children, and elderly. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 in chapter 8, below.

5.3.7 Schedule G.10

2098. According to the Indictment, the Accused is responsible for firing a modified air bomb which hit a residential area in Hrasnica at the foot of Mount Igman destroying one dwelling, severely damaging eleven other dwellings, and inflicting civilian casualties of one killed and three injured on 7 April 1995. The origin of the fire was Iliđža, VRS/SRK-held territory.⁹⁰⁰⁷ The Defence argued that (i) numerous errors in the investigations into this incident carried out by the SJB and UNMOs render their reports unreliable, and (ii) the modified air bomb was fired in a 'legitimate act of self-defence at a known military target', namely the Aleksa Šantić Primary School.⁹⁰⁰⁸ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this

⁹⁰⁰⁶ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

⁹⁰⁰⁷ Indictment, paras 15-17, 76, 81, Schedule G.10.

⁹⁰⁰⁸ Defence Final Brief, paras 2299-2322 (the Trial Chamber understands this submission to mean that the modified air bomb was fired at a legitimate military target).

incident. Further, it received evidence from **David Fraser**, a Military Assistant to the UNPROFOR Commander in Sector Sarajevo from 17 April 1994 to 26 May 1995;⁹⁰⁰⁹ **Ziba Šubo**, a Bosnian Muslim from Foča who lived in Hrasnica since 13 August 1993;⁹⁰¹⁰ **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;⁹⁰¹¹ **Thorbjorn Overgard**, a Norwegian UNMO deployed to Sarajevo from late October 1994 until 1 May 1995;⁹⁰¹² **Witness RM-159**, a police employee;⁹⁰¹³ **Ilija Mišćević**, a Serb who lived in Hrasnica, Ilidža Municipality;⁹⁰¹⁴ **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war;⁹⁰¹⁵ **Milorad Šehovac**, the Chief of Staff of the 1st Posavina Brigade in Brčko between 23 May and 15 August 1992 and the Commander of the SRK 2nd Sarajevo Light Infantry Brigade between 18 August 1992 and mid-September 1995;⁹⁰¹⁶ as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁹⁰¹⁷ Lastly, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics.⁹⁰¹⁸

⁹⁰⁰⁹ P576 (David Fraser, witness statement, 3 December 2012), paras 7, 11.

⁹⁰¹⁰ P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 1-2.

⁹⁰¹¹ P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.

⁹⁰¹² P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 626, 629, 631, 633.

⁹⁰¹³ P1953 (Witness RM-159, witness statement, 21 October 2012), paras 1-3.

⁹⁰¹⁴ D1246 (Ilija Mišćević, witness statement, 26 April 2012), paras 1-3; D1247 (Ilija Mišćević, *Karadžić* transcript, 17 January 2013), p. 32078; D1248 (Marked map of Hrasnica).

⁹⁰¹⁵ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

⁹⁰¹⁶ D559 (Milorad Šehovac, witness statement, 13 May 2014), p. 1, paras 1-2; Milorad Šehovac, T. 24055.

⁹⁰¹⁷ **David Fraser:** P576 (David Fraser, witness statement, 3 December 2012), paras 20, 130, 132; P577 (David Fraser, Clarifications to witness statement); P595 (Map, marked by David Fraser). **Ziba Šubo:** P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 2-3; P391 (Ziba Šubo, *Dragomir Milošević* transcript, 22 February 2007), pp. 2772-2773; P392 (First photograph of Ziba Šubo's house after the shelling); P393 (Second photograph of Ziba Šubo's house after the shelling); P394 (Chart of exhibits from previous testimony). **Martin Bell:** P832 (Martin Bell, witness statement, 8 March 2010), para. 100. **Thorbjorn Overgard:** P1047 (Thorbjorn Overgard, *Dragomir Milošević* transcript, 18-19 January 2007), pp. 634, 639-640; Thorbjorn Overgard, T. 9164, 9175, 9178, 9214-9215. **Witness RM-159:** P1953 (Witness RM-159, witness statement, 21 October 2012), paras 12, 14. **Ilija Mišćević:** D1246 (Ilija Mišćević, witness statement, 26 April 2012), para. 10; D1247 (Ilija Mišćević, *Karadžić* transcript, 17 January 2013), pp. 32076-32077, 32081-32083. **Vladimir Radojčić:** D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23041-23042, 23049, 23196, 23200, 23209, 23225, 23227, 23258-23259; P6618 (Photographs, and a map of Hrasnica, undated). **Milorad Šehovac:** D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; P6678 (Map of the area of Papas Brdo). **Documentary evidence:** P582 (Special Report from SI-1 entitled Large Explosion in Hrasnica on 7 April 1995, 10 April 1995), pp. 1-3, 5-8; P591 (SRK combat report, signed by Commander Dragomir Milošević, 7 April 1995), p. 2; P592 (Order by Commander Dragomir Milošević, 6 April 1995); P839 (Video clip of Sarajevo shelling incident G.10); P952 (Death Certificate of Ziba Custović, 7 April 1995); P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 5; P1049 (Report on forensic on-site investigation, 7 April 1995), pp. 1-2; D1268 (MUP investigation file regarding incident of 7 April 1995).

⁹⁰¹⁸ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

2099. An order from the SRK, dated 6 April 1995 and signed by Dragomir Milošević, states '[t]he Ilidža Brigade will immediately prepare a launcher with an aerial bomb and transport the bomb for launching. [...] The most profitable target must be selected in Hrasnica or Sokolović Kolonija, where the greatest casualties and material damage would be inflicted'.⁹⁰¹⁹ **Vladimir Radojčić** testified that he interpreted Milošević's order as an order to open fire at military targets.⁹⁰²⁰ **David Fraser** commented that this order did not contain any reference to a military target and even if there had been a military target in Hrasnica, it would have been inappropriate to fire a modified air bomb in such a densely populated area.⁹⁰²¹

2100. On the morning of the attack, there was some firing in the area of the Famos factory, but no more than usual.⁹⁰²² A VRS Main Staff report to the Bosnian-Serb President dated 7 April 1995, stated that in the 2nd Sarajevo Light Infantry Brigade area of responsibility, the 'enemy' opened very heavy fire on the 'Famos factory' and the neighbourhoods of Grlica and Vojkovići from the direction of Gradina, Igman, and Lasica at 6 a.m.⁹⁰²³ According to the report, the VRS responded to 'enemy activities' by launching an air bomb.⁹⁰²⁴ **Radojčić** confirmed that the bomb on Hrasnica was in response to ABiH actions; Ilidža was exposed to artillery fire from Hrasnica and Sokolović Kolonija daily.⁹⁰²⁵

2101. According to an SRK combat report, dated 7 April 1995, a 250-kilogram aerial bomb was launched at the centre of Hrasnica on that day.⁹⁰²⁶ It was fired by members of the SRK from the SRK-controlled Ilidža area northwest of the impact site.⁹⁰²⁷ The members belonged to the Ilidža Brigade.⁹⁰²⁸ **Radojčić** testified that he ordered his brigade to target the Aleksa Šantić School or the Hrasnica post office.⁹⁰²⁹ The ABiH 104th Brigade was deployed on Mount Igman with its command located in the Hrasnica

⁹⁰¹⁹ Adjudicated Facts III, no. 2529.

⁹⁰²⁰ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23215, 23219-23220.

⁹⁰²¹ P576 (David Fraser, witness statement, 3 December 2012), paras 132-133; David Fraser, T. 5783-5784.

⁹⁰²² Thorbjorn Overgard, T. 9168.

⁹⁰²³ P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 4.

⁹⁰²⁴ P1048 (VRS Main Staff report, 7 April 1995), pp. 1, 5; P1049 (Report on forensic on-site investigation, 7 April 1995), p. 1.

⁹⁰²⁵ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23223. *See also* D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; P6678 (Map of the area of Papas Brdo).

⁹⁰²⁶ Adjudicated Facts III, no. 2530.

⁹⁰²⁷ Adjudicated Facts III, nos 2541-2542.

⁹⁰²⁸ P591 (SRK combat report, signed by Commander Dragomir Milošević, 7 April 1995), p. 2.

post office, which was situated in a civilian area in the centre of Hrasnica.⁹⁰³⁰ The ABiH 104th Brigade was trained and shells were manufactured at the Aleksa Šantić School, which was next to the post office.⁹⁰³¹ The witness learned about trainings in the school from a television clip showing Izetbegović visiting the school.⁹⁰³² **Milorad Šehovac** testified that the SRK Command and his brigade had known for a long time that the Aleksa Šantić School was used to train Special Police Units of the MUP of Bosnia-Herzegovina and to produce ammunition for the use of the 1st Corps of the ABiH.⁹⁰³³ **Radojčić** testified that the artillery officers picked the school, because the command of the 104th Brigade was not in the post office at the time, due to ongoing combat.⁹⁰³⁴ The witness testified that he knew that there were civilians in Hrasnica, but that there should have been no civilians in the building that was targeted.⁹⁰³⁵

2102. Radojčić testified that the bomb missed the school by 20 metres and destroyed a small house.⁹⁰³⁶ Thirty to forty minutes after the launch, the witness, based on information from his own observers, told Dragomir Milošević where the bomb had fallen, and Milošević was satisfied with the result.⁹⁰³⁷ A few hours after the launch, UNPROFOR members informed the witness that the bomb destroyed a house with guards close to the school and showed him a photograph of a leg in a camouflage uniform and with a boot, protruding from the rubble of the house.⁹⁰³⁸ The witness learned about the distance of 20 metres from the UNPROFOR members who had visited the site.⁹⁰³⁹ One civilian, Ziba Ćustović, was killed and three others were injured, one of whom seriously, as a result of the explosion.⁹⁰⁴⁰ One of the three was witness **Ziba**

⁹⁰²⁹ Vladimir Radojčić, T. 23198-23199.

⁹⁰³⁰ D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 4, 16-17, 20, 107; Vladimir Radojčić, T. 23031; D812 (map of Hrasnica with markings of the post office and school, undated); D813 (map with marking of the zones of responsibility of the 102nd, 104th and 155th ABiH brigades, undated).

⁹⁰³¹ D535 (Vladimir Radojčić, witness statement, 11 May 2014), paras 20, 107; Vladimir Radojčić, T. 23041; D812 (map of Hrasnica with markings of the post office and school, undated).

⁹⁰³² Vladimir Radojčić, T. 23041-23042.

⁹⁰³³ D559 (Milorad Šehovac, witness statement, 13 May 2014), para. 62; Milorad Šehovac, T. 24037-24038.

⁹⁰³⁴ Vladimir Radojčić, T. 23198-23199.

⁹⁰³⁵ Vladimir Radojčić, T. 23226-23228.

⁹⁰³⁶ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 107; Vladimir Radojčić, T. 23041-23042, 23049, 23196, 23200, 23209, 23225, 23227, 23258-23259; P6618 (Photographs, and a map of Hrasnica, undated).

⁹⁰³⁷ Vladimir Radojčić, T. 23204, 23207, 23225, 23328.

⁹⁰³⁸ Vladimir Radojčić, T. 23305-23308, 23310, 23328-23329, 23332.

⁹⁰³⁹ Vladimir Radojčić, T. 23261.

⁹⁰⁴⁰ Adjudicated Facts III, no. 2531, 2539.

Šubo, whose house collapsed on top of her.⁹⁰⁴¹ When visiting the site after the impact, **Thorbjorn Overgard** saw one uniformed body where only the legs protruded from a damaged house.⁹⁰⁴² The explosion completely destroyed two houses and damaged at least ten other houses nearby.⁹⁰⁴³

2103. Hrasnica was a civilian area.⁹⁰⁴⁴ **Fraser** testified that Hrasnica is at the foot of Mount Igman.⁹⁰⁴⁵ **Witness RM-159** stated that there were no military targets ‘in the neighbourhood’.⁹⁰⁴⁶ **Ilija Mišćević** stated that the impact location was not more than 100 metres east of the Aleksa Šantić School, which was used by the ABiH to detain Serb civilians.⁹⁰⁴⁷

2104. **Zorica Subotić** testified that the projectile in this incident exploded instantaneously on impact with the house.⁹⁰⁴⁸ Subotić concluded this from the fact that the entire roof collapsed into the house. Had the projectile exploded inside, the roof structure would have been scattered around the house.⁹⁰⁴⁹ Another indication of this conclusion is the fact that the surrounding houses mainly had damage to their roofs.⁹⁰⁵⁰ As the longitudinal walls were not demolished, Subotić concluded that the projectile did not have a large enough explosive charge to demolish all the walls.⁹⁰⁵¹ According to Subotić, a fuel-air bomb would kill any civilians within a 20-metre radius from the centre of the explosion.⁹⁰⁵² Subotić concluded that the projectile in this incident was not a fuel-air bomb, but a modified aircraft bomb called ‘FAB-100’.⁹⁰⁵³

⁹⁰⁴¹ P390 (Ziba Šubo, witness statement, 21 November 1995), pp. 2-3; P391 (Ziba Šubo, *Dragomir Milošević* transcript, 22 February 2007), pp. 2772-2773; P392 (First photograph of Ziba Šubo’s house after the shelling); P393 (Second photograph of Ziba Šubo’s house after the shelling); P394 (Chart of exhibits from previous testimony).

⁹⁰⁴² Thorbjorn Overgard, T. 9171-9174, 9206.

⁹⁰⁴³ Adjudicated Facts III, no. 2540.

⁹⁰⁴⁴ Adjudicated Facts III, no. 2535.

⁹⁰⁴⁵ P576 (David Fraser, witness statement, 3 December 2012), paras 20, 130, 132; P577 (David Fraser, Clarifications to witness statement); P595 (Map, marked by David Fraser).

⁹⁰⁴⁶ P1953 (Witness RM-159, witness statement, 21 October 2012), para. 14.

⁹⁰⁴⁷ D1246 (Ilija Mišćević, witness statement, 26 April 2012), paras 3, 8, 10; D1247 (Ilija Mišćević, *Karadžić* transcript, 17 January 2013), pp. 32076-32077, 32081-32083, 32090.

⁹⁰⁴⁸ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51-52, 59, 221; Zorica Subotić, T. 39501.

⁹⁰⁴⁹ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51, 60, 222.

⁹⁰⁵⁰ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 51-52, 60, 222.

⁹⁰⁵¹ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), p. 52.

⁹⁰⁵² D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 53, 60, 222.

⁹⁰⁵³ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 53, 59-60, 206, 221; Zorica Subotić, T. 39829.

2105. In relation to the Defence's argument about errors in the investigation reports, the Trial Chamber recalls that exhibits P582, P1049, and D1268 were found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2106. Based on the foregoing, the Trial Chamber finds that Dragomir Milošević ordered the Ilidža Brigade on 6 April 1995 to prepare an air bomb and select a target, which would cause the greatest casualties and damage. In the morning of 7 April 1995, the ABiH opened fire on the 'Famos factory'. Thereafter, the members of the Ilidža Brigade of the SRK launched a modified air bomb from Ilidža. The bomb exploded in the densely populated civilian area of Hrasnica. The explosion resulted in the death of one civilian. Also, a number of civilians, including Ziba Šubo, were injured, one of whom seriously. The explosion also destroyed two houses and damaged at least ten others nearby. The Trial Chamber recalls its finding about the accuracy of modified air bombs in chapter 5.1.2. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, where it will also address the Adjudicated Facts and evidence in relation to what was targeted.

5.3.8 Schedule G.13

2107. According to the Indictment, the Accused is responsible for firing a modified air bomb that struck a building near apartment blocks in Safeta Hadžića Street, destroying the top three floors of an apartment building on 26 May 1995. The explosion was followed by several artillery rounds. As a result of this incident two persons were seriously injured, 15 persons were slightly injured, and serious damage was caused to a number of buildings.⁹⁰⁵⁴ The Defence argued that inconsistencies in the SJB investigation into this incident render the investigation's conclusions unreliable.⁹⁰⁵⁵ The Trial Chamber took judicial notice of Adjudicated Facts relevant to this incident and received evidence from **Witness RM-104**, a Bosnian Muslim from Ilidža

⁹⁰⁵⁴ Indictment, paras 15-17, 76, 81, Schedule G.13.

⁹⁰⁵⁵ Defence Final Brief, paras 2324-2338. The Trial Chamber notes that the Defence seemingly takes the position that the Prosecution alleged in relation to Scheduled Incident G.13 that the modified air bomb contained toxic aerosol (Defence Final Brief, para. 2323). However, no such allegation is contained in the Indictment. The Trial Chamber will not further consider the Defence's submission in this regard.

Municipality;⁹⁰⁵⁶ **Witness RM-110**, a Bosnian Muslim police officer;⁹⁰⁵⁷ **Zorica Subotić**, an expert in ballistics;⁹⁰⁵⁸ as well as documentary evidence, and finds that this evidence is consistent with the Adjudicated Facts.⁹⁰⁵⁹ The Trial Chamber moreover received evidence from **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war.⁹⁰⁶⁰

2108. On 26 May 1995, a modified air bomb hit Safeta Hadžića Street.⁹⁰⁶¹ According to **Vladimir Radojčić**, Safeta Hadžića Street was located in the immediate vicinity of an industrial complex with many military installations, units, and firing points.⁹⁰⁶²

Witness RM-110 testified that ten 90-millimetre armour-piercing artillery projectiles also hit the street that day.⁹⁰⁶³ The bomb impacted on the roof of an apartment building and destroyed the top floors.⁹⁰⁶⁴ The artillery projectiles also caused damage to a number of houses.⁹⁰⁶⁵ The bomb was fired from the area of Ilidža-Rajlovac, which was SRK-held territory.⁹⁰⁶⁶ **Witness RM-110** specified that the bomb was fired from the south-south-westerly direction corresponding to the positions of the ‘rebel Bosnian Serbs in the Lukavica area’, while the other ten projectiles were fired from the westerly direction corresponding to the positions of the ‘rebel Bosnian Serbs in the Ilidža area’.⁹⁰⁶⁷ **Radojčić** testified that, according to the Muslim police, the bomb came from

⁹⁰⁵⁶ P381 (Witness RM-104, witness statements), 10 March 1997 statement, pp. 1-2.

⁹⁰⁵⁷ P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.

⁹⁰⁵⁸ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

⁹⁰⁵⁹ **Witness RM-110**: P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892-4893, 4922-4924, 4926-4927, 4937. **Witness RM-104**: P381 (Witness RM-104, witness statements), 10 March 1997 statement, p. 3; P382 (Witness RM-104, *Dragomir Milošević* transcript, 5 April 2007), pp. 4523-4524. **Zorica Subotić**: D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 80, 82, 89-90, 92, 111-112, 224. **Documentary evidence**: P383 (Photograph of Sarajevo apartment buildings marked by Witness RM-104); P385 (Chart of Exhibits from previously tendered testimony); P953 (Certificate, 23 November 1995); P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-3, 5, 9, 12, 14; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).

⁹⁰⁶⁰ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

⁹⁰⁶¹ Adjudicated Facts III, no. 2546.

⁹⁰⁶² D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 110.

⁹⁰⁶³ P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892, 4922-4924, 4926-4927; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-2, 12, 14; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).

⁹⁰⁶⁴ P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4892-4893, 4922-4924; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 2, 5, 9; P497 (Photographs of the incident of 26 May 1995); D95 (Photograph marked by Witness RM-110).

⁹⁰⁶⁵ P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 1-2.

⁹⁰⁶⁶ Adjudicated Facts III, no. 2555.

⁹⁰⁶⁷ P492 (Witness RM-110, witness statement, 1 November 2010), para. 20; Witness RM-110, T. 4925, 4934-4937; P495 (Official report of MUP Sarajevo, 1 June 1995), pp. 2-3.

the west, south-west direction.⁹⁰⁶⁸ The bomb was launched by members of the SRK.⁹⁰⁶⁹ At least 14 persons were slightly injured and two persons were seriously injured as a result of this shelling. They were all civilians.⁹⁰⁷⁰

2109. **Zorica Subotić** testified that the bomb was aimed at and hit the 'RTV' building, from where it ricocheted.⁹⁰⁷¹ Regarding the additional projectiles, for the first, based on the limited damage that can be seen on a photograph depicting the impact location and the shape of the crater, Subotić concluded that no projectile had impacted at this location and that the crater had been dug manually.⁹⁰⁷² Regarding the second, based on the damage that can be seen from two photographs and the fact that the windscreen of the car that was hit was thrown outwards, Subotić concluded that the car was not hit by a projectile but damaged by way of explosives which had been planted in the gearbox.⁹⁰⁷³ Regarding the third, based on the shrapnel trace pattern observed in a photograph, Subotić concluded that the façade of the house was hit by a projectile flying upwards, meaning that it would have been fired from very nearby, more specifically not more than 10 to 15 metres away.⁹⁰⁷⁴ Regarding the fourth, Subotić testified that the crater depicted in the analysed photo file did not show indicia that it was caused by a projectile.⁹⁰⁷⁵ Regarding the fifth, Subotić held that there were no indicia that the crater depicted in the analysed photo file was caused by a projectile and that it was a typical crater caused in asphalt by the sinking of the ground due to a defect in the underground water supply or sewage system.⁹⁰⁷⁶ Regarding the sixth, based on the appearance of the crater and differing descriptions of the crater size, Subotić wondered whether any projectile landed at the site at all.⁹⁰⁷⁷ Regarding the seventh, Subotić explained that this type of projectile did not belong to the VRS and did not contain markings indicating that it had ever been stored by the JNA, suggesting that it stemmed from World War

⁹⁰⁶⁸ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 110.

⁹⁰⁶⁹ Adjudicated Facts III, no. 2555.

⁹⁰⁷⁰ Adjudicated Facts III, no. 2554.

⁹⁰⁷¹ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 89-90, 112.

⁹⁰⁷² D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 92-95, 112-113, 224.

⁹⁰⁷³ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 95, 97, 113, 225.

⁹⁰⁷⁴ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 97-99, 113, 225; Zorica Subotić, T. 39517-39519, 39837-39838.

⁹⁰⁷⁵ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 99, 113, 225.

⁹⁰⁷⁶ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 100, 113, 225.

⁹⁰⁷⁷ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 101-102, 113, 225.

II.⁹⁰⁷⁸ Subotić also suggested, based on the shell traces, that this projectile had never been fired.⁹⁰⁷⁹ Regarding the eighth, based on the traces at the site as analysed on a photograph, Subotić concluded that the house was hit from a relatively short distance.⁹⁰⁸⁰ Regarding the ninth and tenth, Subotić stated that there is no material available to review.⁹⁰⁸¹

2110. In relation to the ten additional projectiles which landed in the vicinity, the evidence from Zorica Subotić sits in stark contrast to the account of Witness RM-110. Subotić provided a detailed account of why each of the projectiles could not have been fired as described by Witness RM-110. The Trial Chamber considered that Witness RM-110 investigated the impact site on the ground contemporaneously, whereas Subotić focused on the review of documentary material, including statements and testimony, at a later stage. Subotić's conclusions are moreover often based on unexplained assumptions. Under these circumstances, the Trial Chamber relied on the evidence of Witness RM-110 in this respect.

2111. With regard to the origin of fire of the modified air bomb, the Trial Chamber notes that the evidence before it presents a different picture than the Adjudicated Facts. While Adjudicated Fact number 2555 reads that the modified air bomb was fired from the area of Ilidža-Rajlovac, located in the west of Sarajevo, the evidence of Witness RM-110 and Vladimir Radojčić indicates that it was fired from the area of Lukavica, located in the south-west of Sarajevo. The Trial Chamber considers that even if this Adjudicated Fact was rebutted with regard to the origin of fire, this would not impact the affiliation of the perpetrator; a fact that has been judicially noticed.⁹⁰⁸²

2112. Based on the foregoing, the Trial Chamber finds that a modified air bomb and ten projectiles hit Safeta Hadžića Street on 26 May 1995. The bomb was fired by an SRK member, destroyed the top floors of the apartment building on Safeta Hadžića Street number 52, and injured at least 16 civilians, two of whom seriously. While the projectiles were fired from the *direction* of Ilidža and damaged a number of houses, the

⁹⁰⁷⁸ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 102-104, 107, 114, 225-226; Zorica Subotić, T. 39522.

⁹⁰⁷⁹ Zorica Subotić, T. 39522-39524.

⁹⁰⁸⁰ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 107, 109-110, 114, 226.

⁹⁰⁸¹ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 110, 114-115, 226.

Trial Chamber considers that the evidence is too vague to determine the exact origin of fire. It will therefore not further consider the consequences of the firing of these projectiles.

2113. The Trial Chamber will further address Subotić's evidence regarding the aiming of the modified air bomb in its legal findings in chapter 8. Finally, the Trial Chamber recalls its finding about the accuracy of modified air bombs in chapter 5.1.2.

2114. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

5.3.9 Schedule G.15

2115. According to the Indictment, the Accused is responsible for firing a modified air bomb from Lukavica, which exploded next to house 10 on Trg Međunarodnog Prijateljstva Street, lightly injuring seven persons and causing considerable damage to neighbouring buildings on 16 June 1995 at about 3:20 p.m.⁹⁰⁸³ The Defence argued that numerous errors in the Sarajevo CSB investigation render the CSB's report unreliable.⁹⁰⁸⁴ The Trial Chamber took judicial notice of a number of Adjudicated Facts with regard to this incident. In addition, it received evidence from **Witness RM-155**, a Bosnian Muslim from Sarajevo;⁹⁰⁸⁵ **Witness RM-159**, a police employee;⁹⁰⁸⁶ and documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁹⁰⁸⁷ The Trial Chamber also received evidence from **Mile Sladoje**, a member of the 1st Battalion of the Ilidža Brigade as of April 1992,⁹⁰⁸⁸ and **Vladimir Radojčić**, the commander of the VRS Ilidža Brigade from January 1993 until the end of the war.⁹⁰⁸⁹

⁹⁰⁸² Accordingly, as the Trial Chamber relied on the un rebutted Adjudicated Fact number 2555, there is no need to further address the Defence's challenges of the origin of fire based on inconsistencies in the SJB's investigation report (P495).

⁹⁰⁸³ Indictment, paras 15-17, 76, 81, Schedule G.15.

⁹⁰⁸⁴ Defence Final Brief, paras 2340-2347.

⁹⁰⁸⁵ P1925 (Witness RM-155, witness statement, 17 May 2006), p. 1, paras 2, 14-15, 22.

⁹⁰⁸⁶ P1953 (Witness RM-159, witness statement, 21 October 2012), p. 1, paras 1-3.

⁹⁰⁸⁷ **Witness RM-155**: P1925 (Witness RM-155, witness statement, 17 May 2006), paras 6-7; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3513-3514, 3520, 3543; P1927 (Photo marked by Witness RM-155); P1928 (Bosnia-Herzegovina MUP, official note, 16 June 1995). **Witness RM-159**: P1953 (Witness RM-159, witness statement, 21 October 2012), paras 23-24, 26; P1957 (On-site sketch by Witness RM-159), pp. 1, 3. **Documentary evidence**: P932 (Photographs with captions); P1099 (On-site investigation report, 26 June 1995), p. 1.

⁹⁰⁸⁸ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 5.

⁹⁰⁸⁹ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 1.

The Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics,⁹⁰⁹⁰ and finds that this evidence is partially consistent with the Adjudicated Facts.⁹⁰⁹¹ The Trial Chamber will further address the evidence of Zorica Subotić below.

2116. **Witness RM-155** explained that on 16 June 1995, she was at the civil defence office a.k.a. local community centre located on the ground floor of a residential apartment building on Trg Međunarodnog Prijateljstva Street 10 in Alipašino Polje, Novi Grad Municipality.⁹⁰⁹² This office was a civilian institution providing humanitarian aid to civilians.⁹⁰⁹³ According to the witness, the weather was fine and there was good visibility on that day.⁹⁰⁹⁴ There were no soldiers or military facilities in the vicinity.⁹⁰⁹⁵ At approximately 3:30 p.m. she heard a loud noise, as if a plane was flying past.⁹⁰⁹⁶ A modified air bomb exploded on Trg Međunarodnog Prijateljstva Street 10 and injured seven people.⁹⁰⁹⁷ The witness could not hear properly for a year after the explosion, had pain in the right side of her body, and continued suffering from headaches.⁹⁰⁹⁸ The whole office was destroyed with only its exterior walls remaining.⁹⁰⁹⁹ **Witness RM-159** stated that the bomb fell in a residential area, causing severe damage to several buildings.⁹¹⁰⁰ The bomb was fired from a position under the control of the SRK and was launched by members of the SRK.⁹¹⁰¹

2117. **Zorica Subotić** testified that the modified air bomb had crossed over the Bitumenka factory, which was ‘most probably’ the target of the attack.⁹¹⁰² **Vladimir Radojčić** testified that in June 1995, forces and mortars of the ABiH were deployed in the Bitumenka building, which was located along the axis of the Trg Međunarodnog

⁹⁰⁹⁰ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

⁹⁰⁹¹ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 126, 131, 227.

⁹⁰⁹² P1925 (Witness RM-155, witness statement, 17 May 2006), paras 1, 3-4, 6; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3509, 3513-3514.

⁹⁰⁹³ P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3509, 3513-3514, 3546.

⁹⁰⁹⁴ P1925 (Witness RM-155, witness statement, 17 May 2006), para. 3.

⁹⁰⁹⁵ P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3515.

⁹⁰⁹⁶ P1925 (Witness RM-155, witness statement, 17 May 2006), para. 6; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), pp. 3513, 3516. See also P932 (Photographs with captions); P1099 (On-site investigation report, 26 June 1995), p. 1.

⁹⁰⁹⁷ Adjudicated Facts III, no. 2561.

⁹⁰⁹⁸ P1925 (Witness RM-155, witness statement, 17 May 2006), paras 7, 12-13; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3516.

⁹⁰⁹⁹ P1925 (Witness RM-155, witness statement, 17 May 2006), para. 8; P1926 (Witness RM-155, *Dragomir Milošević* transcript, 12 March 2007), p. 3517.

⁹¹⁰⁰ P1953 (Witness RM-159, witness statement, 21 October 2012), paras 23, 26; P1957 (On-site sketch by Witness RM-159), pp. 1, 3.

⁹¹⁰¹ Adjudicated Facts III, no. 2562.

Prijateljstva Street.⁹¹⁰³ **Mile Sladoje** testified that the Bitumenka facility was a military target throughout the conflict, as Muslim forces fired mortar rounds from this position.⁹¹⁰⁴ According to maps of Novi Grad Municipality, the location of Scheduled Incident G.15 is approximately 250 metres from the Bitumenka building.⁹¹⁰⁵

2118. In relation to the Defence's argument about errors in the CSB's investigation (exhibits P1928 and P1099), the Trial Chamber recalls that this evidence was found to be consistent with the Adjudicated Facts. As a result, the Trial Chamber did not further consider this evidence, but relied on the Adjudicated Facts. Under these circumstances, the Trial Chamber will not further consider this Defence submission.

2119. Based on the foregoing, the Trial Chamber finds that on 16 June 1995, a modified air bomb exploded in a residential area in Alipašino Polje. The bomb was fired by members of the SRK and injured seven people, one of whom sustained hearing problems for one year following the incident. The explosion severely damaged several buildings, one of which contained a civil defence/local community centre office. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 in chapter 8, below.

5.3.10 Schedule G.18

2120. According to the Indictment, the Accused is responsible for firing a 120-millimetre mortar shell which landed in Mula-Mustafe Bašeskije Street outside the entrance to the City Market, killing 43 people and injuring 75 on 28 August 1995.⁹¹⁰⁶ The origin of fire was Trebević, VRS/SRK-held territory.⁹¹⁰⁷ Scheduled Incident G.18 is limited to this shelling incident. The Indictment is, however, not limited to Scheduled Incidents.⁹¹⁰⁸ Accordingly, the Trial Chamber has also considered evidence falling outside the scope of Scheduled Incident G.18. The Defence argued that the shell was not fired from the SRK.⁹¹⁰⁹ The Trial Chamber took judicial notice of a number of

⁹¹⁰² D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), paras 84-85.

⁹¹⁰³ D535 (Vladimir Radojčić, witness statement, 11 May 2014), para. 111.

⁹¹⁰⁴ D453 (Mile Sladoje, witness statement, 10 May 2014), para. 21.

⁹¹⁰⁵ D469 (Map of Novi Grad Municipality); D470 (Map of Novi Grad Municipality).

⁹¹⁰⁶ Indictment, paras 15-17, 64, 76, 81, Schedule G.18.

⁹¹⁰⁷ Indictment, Schedule G.18.

⁹¹⁰⁸ Further on this issue, *see* Appendix B.

⁹¹⁰⁹ Defence Final Brief, para. 2077.

Adjudicated Facts in relation to this incident. It also received evidence from **Ismet Svraka**, a Muslim living in Sarajevo since 1978;⁹¹¹⁰ **Đula Leka** and **Zaim Košarić**, Bosnian Muslims from Sarajevo;⁹¹¹¹ **Sulejman Crnčalo**, a Bosnian Muslim from Radačići in Pale Municipality;⁹¹¹² **Witness RM-110**, a Bosnian-Muslim police officer;⁹¹¹³ **Nedžib Dozo**, a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator;⁹¹¹⁴ **Rupert Smith**, UNPROFOR Commander in Bosnia-Herzegovina between 23 January and December 1995;⁹¹¹⁵ **Harry Konings**, an UNMO stationed in Sarajevo from 4 May to 23 October 1995;⁹¹¹⁶ **Witness RM-055**, an UNPROFOR soldier stationed in Sarajevo between 12 May and 28 September 1995;⁹¹¹⁷ **Thom Knustad**, a Norwegian UNMO stationed in Sarajevo between 21 June and 1 December 1995 with prior training in weaponry and ballistics;⁹¹¹⁸ **Emir Turkušić**, a Sarajevo police officer in 1994 and 1995;⁹¹¹⁹ **Sead Bešić**, a forensic technician and police officer in Sarajevo since 1975;⁹¹²⁰ **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and implementation of the Dayton Agreement;⁹¹²¹ **Milan Mandilović**, a Serb surgeon at the Sarajevo State Hospital from May 1992 until the end of the war;⁹¹²² as well as documentary evidence and finds that this evidence is consistent with the Adjudicated Facts.⁹¹²³ The Trial Chamber also received evidence

⁹¹¹⁰ P444 (Ismet Svraka, witness statement, 5 November 2008), p.1, para. 1.

⁹¹¹¹ **Đula Leka**: P564 (Đula Leka, witness statement, 25 February 1996), pp. 1-2. **Zaim Košarić**: P566 (Zaim Košarić, witness statement, 5 November 2008), p. 1, para. 2.

⁹¹¹² P260 (Sulejman Crnčalo, witness statement, 1 November 2009), p. 1, para. 3; Sulejman Crnčalo, T. 3229.

⁹¹¹³ P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.

⁹¹¹⁴ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564.

⁹¹¹⁵ P785 (Rupert Smith, witness statement, 27 October 2009), paras 4, 6; Rupert Smith, T. 7287.

⁹¹¹⁶ P1741 (Harry Konings, witness statement, 11 November 2010), paras 2, 9.

⁹¹¹⁷ P749 (Witness RM-055, witness statement, undated), p. 3.

⁹¹¹⁸ P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 1-2, 4; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1986, 1989, 1992; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹¹⁹ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 4.

⁹¹²⁰ P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2567-2568.

⁹¹²¹ P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.

⁹¹²² P679 (Milan Mandilović, witness statement, 24 February 2010), p. 1, paras 1, 4-6, 84; P680 (Milan Mandilović, corrections to witness statement dated 24 February 2010, 9 January 2013), p. 1.

⁹¹²³ **Ismet Svraka**: P444 (Ismet Svraka, witness statement, 5 November 2008), paras 4-6, 8-11; Ismet Svraka, T. 4542-4545, 4549-4553, 4557-4558, 4561, 4567, 4569, 4574, 4577, 4579. **Đula Leka**: P564 (Đula Leka, witness statement, 25 February 1996), p. 2; P565 (Đula Leka, witness statement, 29 August 1995). **Zaim Košarić**: P566 (Zaim Košarić, witness statement, 5 November 2008), paras 3-4, 6-12. **Sulejman Crnčalo**: P260 (Sulejman Crnčalo, witness statement, 1 November 2009), paras 6, 94-96; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Sulejman Crnčalo, T. 3240-

from **Fatima Zaimović**, the Bosnian-Muslim chief of nurses at the children's surgery department at Koševo Hospital in Sarajevo from 1992 to 1995;⁹¹²⁴ **Per Oien**, a Norwegian UN Senior Military Observer deployed to Sarajevo from early March 1995 until October 1995;⁹¹²⁵ **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993;⁹¹²⁶ **Paul Conway**, an Irish UNMO stationed in Sarajevo from mid-August 1995 until January 1996, with prior training in mortars and artillery;⁹¹²⁷ **Witness GRM-037**, an intelligence analyst working in Bosnia-Herzegovina between November 1994 and July 1995;⁹¹²⁸ **Milovan Milutinović**, Chief of the Press Centre and the Information Service at the 1KK between 1992 and 1994 and head of the VRS Main Staff Information Service and Centre for Information and Propaganda Activities

3241, 3307. **Witness RM-110**: P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905, 4962-4963. **Nedžib Đozo**: P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 24, 41; Nedžib Đozo, T. 5587-5589. **Rupert Smith**: P785 (Rupert Smith, witness statement, 27 October 2009), paras 198, 201-202; Rupert Smith, T. 7350. **Harry Konings**: P1741 (Harry Konings, witness statement, 11 November 2010), paras 49-50. **Witness RM-055**: P749 (Witness RM-055, witness statement, undated), p. 28. **Thom Knustad**: P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1995; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1. **Emir Turkušić**: Emir Turkušić, T. 15869. **Sead Bešić**: P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, pp. 2568-2570, 2579-2581. **Martin Bell**: P832 (Martin Bell, witness statement, 8 March 2010), para. 104. **Milan Mandilović**: P679 (Milan Mandilović, witness statement, 24 February 2010), paras 4-5, 87-89, 117; P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), pp. 1-2; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 3; Milan Mandilović, T. 6643, 6647-6651, 6694-6695. **Documentary evidence**: P12 (UNPROFOR daily situation report, 28 August 1995), p. 3; P445 (Medical records of Ismet Svraka, various dates between 26 October 1995 and 23 March 2000); P446 (Video of victims being removed, following the shelling of the Markale market on 28 August 1995); P447 (Still of video exhibit P446); P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17-18, 34; P499 (Photographs of the incident of 28 August 1995); P687 (Medical record pertaining to Andreja Svoboda, 29 August 1995), p. 1; P693 (Medical documentation concerning Ismet Svraka, 11 September 1995); P694 (Specialist report of the emergency medical centre pertaining to Ruza Galić, 28 August 1995), p. 1; P695 (Findings and opinion of a specialist physician concerning an injury to Samir Marevac); P696 (Medical certificates concerning Rasim Koso, Ferid Kanlić, Mensuda Klarić, and Ferida Bajrić); P697 (Medical certificates concerning Ajkuna Cocalić, Đula Leka, Razija Čolić, Janja Pašić, and Adisa Duran); P698 (Admission records for Osman Levanta, Mehmed Ahmetović, Fatima Čulesker, Mumo Kadrić, Mirza Hodžić, Bilal Habibović, Muhidin Begić, and Mustafa Karkelja); P699 (Certificates concerning Dževad Hodžić and Edhem Husović); P700 (Report concerning Zijad Bejtić and Hasib Bjelak); P701 (Medical documentation pertaining to patients admitted to the hospital on 28 August-1 September 1995); P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 6, 9, 13-14, 21; P946 (Medical records), pp. 22-44; P1851 (Video clip of Sarajevo shelling incident); P2014 (Marked photograph of shell crater); P2608 (UNMO report, 30 August 1995), pp. 20-21, 24; P7808 (UNMO headquarters daily situation report, 29 August 1995), pp. 1-2; D1466 (Newspaper article 'Yugoslavia: the Great Bluff', undated), pp. 1, 5-6.

⁹¹²⁴ P2620 (Fatima Zaimović, witness statement, 26 February 2010), p. 1, para. 1.

⁹¹²⁵ Per Oien, T. 43162-43163.

⁹¹²⁶ P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

⁹¹²⁷ D1236 (Paul Conway, witness statement, 7 November 2011), paras 3-7; Paul Conway, T. 38936-38938, 38944.

⁹¹²⁸ D1240 (Witness GRM-037, witness statement, 14 September 2012), paras 3-5; D1239 (Pseudonym sheet for Witness GRM-037).

between 1994 and 1996;⁹¹²⁹ **Zorica Subotić**, a ballistics expert;⁹¹³⁰ **Andrey Demurenko**, Chief of Staff for UNPROFOR Sector Sarajevo from January to December 1995;⁹¹³¹ and **Stevan Veljović**, Assistant Chief of Staff for Operations and Training of the 1st Romanija Brigade from 19 May 1992 until December 1994, and Commander of the 4th Sarajevo Light Infantry Brigade as of early August 1995 until February 1996.⁹¹³²

Impact at Markale Market

2121. On the morning of 28 August 1995, **Ismet Svraka** did not notice any fighting in or around Sarajevo.⁹¹³³ The street at the Markale Market was crowded with people.⁹¹³⁴ There was no military activity, and the witness had never seen any military installation, posts, or activity there.⁹¹³⁵ **Đula Leka** stated the market was a strictly civilian area, in a neighbourhood with no military activity.⁹¹³⁶ **Nedžib Dozo** testified that at the time of the incident, the police or Sarajevo government had forbidden the residents of Sarajevo to assemble or linger in public places and Markale was the only place in Sarajevo where large numbers of people still gathered to buy things because it was generally considered safe, as the area could not be seen from VRS positions.⁹¹³⁷ Active and reserve policemen were deployed at the Stari Grad police station around 500 metres from the Markale Market at the time of the incident and the witness testified that there were no army facilities in the old part of town and he did not know whether the ABiH used

⁹¹²⁹ D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 3, 5, 51, 54, 140; Milovan Milutinović, T. 30038.

⁹¹³⁰ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 1-3.

⁹¹³¹ D2120 (Andrey Demurenko, witness statement, 13 October 2012), para. 4.

⁹¹³² D532 (Stevan Veljović, witness statement, 19 October 2012), para. 28; D533 (Stevan Veljović, witness statement, 10 May 2014), para. 13; P6610 (Stevan Veljović, *Dragomir Milošević* transcript, 30 May 2007), pp. 5834-5835.

⁹¹³³ Ismet Svraka, T. 4563.

⁹¹³⁴ P444 (Ismet Svraka, witness statement, 5 November 2008), para. 6. *See also* P566 (Zaim Košarić, witness statement, 5 November 2008), para. 6.

⁹¹³⁵ P444 (Ismet Svraka, witness statement, 5 November 2008), para. 6.

⁹¹³⁶ P564 (Đula Leka, witness statement, 25 February 1996), p. 2; P565 (Đula Leka, witness statement, 29 August 1995). *See also* P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995).

⁹¹³⁷ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 36-39; Nedžib Dozo, T. 5559, 5590.

civilian facilities there.⁹¹³⁸ **Sead Bešić** stated that the closest ABiH facility to the Markale Market was the army hall about 500 metres away.⁹¹³⁹

2122. On 28 August 1995, at 11:10 a.m., there was an explosion on Mula Mustafe Bašeskije Street just outside the Markale Market.⁹¹⁴⁰ **Witness RM-110** testified that the shell was a 120-millimetre light contact fuse shell.⁹¹⁴¹ At least 35 people died and at least 78 people were wounded, many of them seriously.⁹¹⁴² The great majority of wounded were civilians. Only one of the deceased was a soldier of the ABiH. The other 34 deceased were civilians.⁹¹⁴³ **Witness RM-110** testified that at least 43 people were killed.⁹¹⁴⁴ **Rupert Smith** testified that 88 were wounded.⁹¹⁴⁵ **Fatima Zaimović** stated that on 28 August 1995, Andreja Svoboda, born 22 March 1991, was brought to the hospital from Darovalaca Krvi, number 15.⁹¹⁴⁶ She had explosive wounds.⁹¹⁴⁷ **Milan Mandilović** authenticated documentation from the Sarajevo Forensics Institute that, following their autopsy, a forensic specialist of the Institute declared 37 people dead on 28 August 1995 as a result of injuries sustained during an incident that occurred that same day.⁹¹⁴⁸ The same forensic specialist, following their autopsy, declared another six

⁹¹³⁸ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 39-40; Nedžib Dozo, T. 5578, 5591-5592.

⁹¹³⁹ P1897 (Sead Bešić, prior testimony), *Karadžić* transcript of 8 December 2010, p. 9430.

⁹¹⁴⁰ Adjudicated Facts III, no. 2564.

⁹¹⁴¹ P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995). *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 6; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Nedžib Dozo, T. 5587-5589.

⁹¹⁴² Adjudicated Facts III, no. 2577.

⁹¹⁴³ Adjudicated Facts III, no. 2578.

⁹¹⁴⁴ P492 (Witness RM-110, witness statement, 1 November 2010), paras 24-27; Witness RM-110, T. 4900-4905; P498 (Official Report of MUP Sarajevo, 29 August 1995), pp. 2, 6, 17, 34; P499 (Photographs of the incident of 28 August 1995). *See also* P260 (Sulejman Crnčalo, witness statement, 1 November 2009), para. 6; P261 (Sulejman Crnčalo, Clarifications to the ICTY Statement, September 2012); Nedžib Dozo, T. 5587-5589.

⁹¹⁴⁵ P785 (Rupert Smith, witness statement, 27 October 2009), para. 198; P797 (Comprehensive report on Markale attack, 8 September 1995), p. 2.

⁹¹⁴⁶ P2621 (Fatima Zaimović, *Karadžić* transcript, 5 May 2010), p. 1885; P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 18. *See also* P679 (Milan Mandilović, witness statement, 24 February 2010), para. 117; P683 (Chart listing documents reviewed by witness Milan Mandilović during proofing, dated 9 January 2013), p. 3; Milan Mandilović, T. 6649-6651; P687 (Medical record pertaining to Andreja Svoboda, 29 August 1995), p. 1. According to the evidence, other children were also among those brought to the hospital that day, *see* P701 (Medical documentation pertaining to patients admitted to the hospital on 28 August-1 September 1995).

⁹¹⁴⁷ P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 18.

⁹¹⁴⁸ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 22 (item 11); P703 (Autopsy reports, 28-30 August 1995), pp. 1-36, 42. The 37 victims are Samir Topuzović, Senad Muratović, Hajrudin Hozo, Muhamed Kukić, Zeno Bašević, Salko Duraković, Najla Duraković, Husein Duraković, Ilija Keranović, Ismet Klarić, Meho Zećo, Jasmina Hodžić, Mejra Cocalić, Salko Alić, Blaženka Smoljan,

people dead one to several days later as a result of injuries sustained during the same 28 August 1995 incident.⁹¹⁴⁹

2123. The Trial Chamber received further evidence about a number of investigations of the scene dealing mostly with the origin of fire of the shell. Below, the Trial Chamber sets out the evidence in relation to the investigations conducted by (i) Bosnian authorities, (ii) UNPROFOR Sector Sarajevo, (iii) UNMO, (iv) UNPROFOR member Brian Powers, and (v) Defence expert Zorica Subotić. The Trial Chamber also sets out evidence from members of the VRS in relation to whether a shell was fired from its positions.

2124. In relation to the Bosnian investigation, **Emir Turkušić** testified that the shell had impacted directly against the road without hitting anything along its trajectory. This conclusion was based on the fact that there was no damage to any of the roofs or buildings. Turkušić testified that contact-fuse mortar shells do not ricochet, meaning that they explode as soon as there is any contact.⁹¹⁵⁰ There were many indications that the shell had been launched with three charges, which would give an approximate distance of 2,400 to 2,500 metres.⁹¹⁵¹ The witness's examination showed that the minimum possible angle of descent was 67.25 degrees.⁹¹⁵² It also showed that the likely actual angle of descent (70.01 degrees) was very close to the minimum possible angle of descent.⁹¹⁵³ The examination of the witness and his team further showed that the azimuth was 170 plus/minus five degrees.⁹¹⁵⁴ The stabilizer of the 120-millimetre shell recovered from the market was marked 'MKM74KB9307'.⁹¹⁵⁵ The witness knew of only one stabilizer recovered from the scene.⁹¹⁵⁶ Turkušić testified that he heard on

Omer Ajanović, Vehid Komar, Adnan Ibrahimagić, Mirsad Kovačević, Hidajet Alić, Hamid Smailhodžić, Goran Poturković, Meho Hercegljić, Mesudija Kerović, Vera Brutus, Hajro Šatrović, Ajdin Vukotić, Ibrahim Hajvaz, Sevda Brkan, Halida Cepić, Paša Crnčalo, Sabaheta Vukotić, Hašim Kurtović, Esad Čoranbegić, Merima Žiga, Dario Dlouhi, and Osman Mahmutović.

⁹¹⁴⁹ P679 (Milan Mandilović, witness statement, 24 February 2010), p. 22 (item 11); P703 (Autopsy reports, 28-30 August 1995), pp. 37-41, 43. *See also* P681 (Milan Mandilović, table of concordance to 2010 witness statement, 12 December 2012), p. 1; P697 (Medical certificates concerning Ajkuna Cocalić, Đula Leka, Razija Čolić, Janja Pašić, and Adisa Duran), p. 3. These six victims are Hamza Tunović, Alija Dževlan, Jusuf Hašimbegović, Razija Čolić, Rijad Garbo, and Masija Lončar.

⁹¹⁵⁰ P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 57, 66; Emir Turkušić, T. 15729-15730.

⁹¹⁵¹ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 61.

⁹¹⁵² P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 65-68; Emir Turkušić, T. 15878.

⁹¹⁵³ P2009 (Emir Turkušić, witness statement, 19 July 2013), paras 70-72; P2016 (Sketch of shell impact).

⁹¹⁵⁴ Emir Turkušić, T. 15869; P2014 (Marked photograph of shell crater).

⁹¹⁵⁵ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 112; Emir Turkušić, T. 15780, 15918; P2053 (Stabiliser tail fin artefact).

⁹¹⁵⁶ Emir Turkušić, T. 15856-15857, 15884; P2053 (Stabilizer tail fin artefact).

television that the French UNPROFOR contingent provided the radar above Sarajevo but that it had broken down very soon after the beginning of the war.⁹¹⁵⁷

2125. **Bešić** stated that the stabilizer was found approximately 25 to 30 metres from the crater.⁹¹⁵⁸ It was partly flattened.⁹¹⁵⁹ While the stabilizer was moved around during the investigation, the witness stated that only one stabilizer was found at the scene.⁹¹⁶⁰

2126. In relation to the UNPROFOR Sector Sarajevo investigation, **Witness RM-055** testified that an analysis of the Serb-manufactured tail-fin confirmed that the mortar had been fired from 2,850 mils.⁹¹⁶¹ The minimum angle of impact of the shell was calculated by French specialists as 67 degrees.⁹¹⁶² From the angle of impact one could determine that the shell was fired either with charge 1 or charge 6, excluding other charges.⁹¹⁶³ The firing distance for charge 1 would be at least 1,300 metres, and for charge 6 eight to nine kilometres.⁹¹⁶⁴ The source-of-fire locations for these two possibilities were: an area north-east of Mount Trebević, which was controlled by the SRK (for charge 6) and an SRK position close to the confrontation line (for charge 1).⁹¹⁶⁵ This analysis was provided by UNPROFOR specialists.⁹¹⁶⁶ UNPROFOR had two French cymbeline radars in operation in the area at that time. The radar monitoring the south of Sarajevo was located in the southern part of Sarajevo airport, and the other one was located towards Rajlovac.⁹¹⁶⁷ The airport radar detected no trajectory, which led UNPROFOR to believe that the shell flew under the radar and thus must have been fired with charge 1.⁹¹⁶⁸ The confrontation line in the azimuth direction was between 800 and 1,000 metres away from the Markale Market entrance.⁹¹⁶⁹

2127. In relation to the UNMO investigation, **Per Oien** testified that an UNMO investigation of the Markale Market shelling could not determine the accurate origin of

⁹¹⁵⁷ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 102; Emir Turkušić, T. 15858.

⁹¹⁵⁸ P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, p. 2582.

⁹¹⁵⁹ P1897 (Sead Bešić, prior testimony), *Dragomir Milošević* transcript of 20 February 2007, p. 2584.

⁹¹⁶⁰ P3449 (Sead Bešić, *Karadžić* transcript, 9 December 2010), pp. 9522-9523.

⁹¹⁶¹ P755 (UNPROFOR engineering cell report, 6 September 1995), pp. 1-2.

⁹¹⁶² Witness RM-055, T. 7150, 7172-7173; P755 (UNPROFOR engineering cell report, 6 September 1995), p. 8.

⁹¹⁶³ Witness RM-055, T. 7150-7152.

⁹¹⁶⁴ Witness RM-055, T. 7173-7174, 7259.

⁹¹⁶⁵ Witness RM-055, T. 7259.

⁹¹⁶⁶ Witness RM-055, T. 7257-7258.

⁹¹⁶⁷ Witness RM-055, T. 7148-7149, 7175, 7182.

⁹¹⁶⁸ Witness RM-055, T. 7175.

⁹¹⁶⁹ Witness RM-055, T. 7176.

fire as it was unknown with which charge the projectiles were fired.⁹¹⁷⁰ The UNMOs were also unable to confirm which warring faction had fired the rounds.⁹¹⁷¹ According to a newspaper article, Jan Segers stated that UNMOs who investigated immediately after the incident, as well as several UN officers, considered it likely that the shell had come from the Muslim side.⁹¹⁷²

2128. **Harry Konings** stated that during his investigation of the Markale shelling, he and other UNMOs found the mortar projectile's tail-fin, which had Cyrillic writing on it, 10 to 20 metres away from the place of impact.⁹¹⁷³ Based on a rough estimate, the UNMOs determined that the compass bearing was 170 degrees and the minimum angle of impact 67 degrees.⁹¹⁷⁴ In measuring the bearing Konings used a normal civilian compass, which is less accurate than a military one as it uses degrees instead of mils.⁹¹⁷⁵ He estimated that there was a margin of error of five to ten degrees on each side (10 to 20 degrees in total) for the compass he used.⁹¹⁷⁶ Furthermore, he wore a flak jacket at the time and acknowledged that the metal in the jacket may have had an impact on the compass.⁹¹⁷⁷ Konings did not see a fuse funnel in the crater at the market.⁹¹⁷⁸ Konings and his team also investigated the other four shell impacts nearby and came to the conclusion that their bearing was between 220 and 240 degrees.⁹¹⁷⁹ He concluded that these four rounds were fired from a different location from the Markale one.⁹¹⁸⁰ He disagreed with the notion that the Markale mortar projectile had hit a roof prior to impact which would have changed its trajectory, stating that the shape of the crater was normal and there were no signs of a prior impact.⁹¹⁸¹ Konings stated that Majors Conway and Knustad, manning the UNMO OP that day, neither heard the round nor saw any shots being fired from Bosnian territory although the weather was very clear

⁹¹⁷⁰ Per Oien, T. 43172.

⁹¹⁷¹ Per Oien, T. 43173.

⁹¹⁷² D1466 (Newspaper article 'Yugoslavia: the Great Bluff', undated), p. 6. The Trial Chamber notes that in his statement, Jan Segers stated that he had no recollection of the second Markale shelling, *see* D1465 (Jan Segers, witness statement, 4 February 2016) p. 10.

⁹¹⁷³ P1741 (Harry Konings, witness statement, 11 November 2010), paras 49-50, 56.

⁹¹⁷⁴ P1741 (Harry Konings, witness statement, 11 November 2010), paras 61, 80.

⁹¹⁷⁵ P1741 (Harry Konings, witness statement, 11 November 2010), paras 77-78.

⁹¹⁷⁶ P1741 (Harry Konings, witness statement, 11 November 2010), para. 78.

⁹¹⁷⁷ P1741 (Harry Konings, witness statement, 11 November 2010), para. 77.

⁹¹⁷⁸ P1741 (Harry Konings, witness statement, 11 November 2010), para. 75.

⁹¹⁷⁹ P1741 (Harry Konings, witness statement, 11 November 2010), para. 64.

⁹¹⁸⁰ P1741 (Harry Konings, witness statement, 11 November 2010), paras 79, 82, 86.

⁹¹⁸¹ P1741 (Harry Konings, witness statement, 11 November 2010), paras 84-85.

and they could see the entire city from the post.⁹¹⁸² Between 8 a.m. and the time when the shelling incident occurred, there was no exchange of fire.⁹¹⁸³

2129. **Thom Knustad** stated that at about 9 a.m. on 28 August 1995 he and his colleague Paul Conway and interpreter Emina Hasanović went to the UN OP on Colina Kapa a.k.a. OP-1 for their shift.⁹¹⁸⁴ OP-1 was situated on a hill in the south-eastern part of Sarajevo, overlooking the city and only 100 to 200 metres north of the confrontation line.⁹¹⁸⁵ Colina Kapa is about 340 metres higher than the city of Sarajevo.⁹¹⁸⁶ The first Bosnian-Serb positions were about 1.5 kilometres south of OP-1.⁹¹⁸⁷ Another hill is located behind OP-1.⁹¹⁸⁸ Some time between 10 a.m. and noon, while near OP-1, Knustad saw smoke rising and then heard the sound of an impact explosion in the city.⁹¹⁸⁹ The market was approximately two kilometres away from OP-1.⁹¹⁹⁰ Knustad did not hear the projectile prior to impact. According to Knustad, had the projectile been fired from Muslim-controlled territory along the measured bearing of 170 degrees, he would have heard the firing.⁹¹⁹¹ **Paul Conway** testified that he was unable to determine whether the explosion came from incoming or outgoing fire and he could not, due to the acoustics of the area, conclude that the fire definitely came from the Bosnian-Serb side.⁹¹⁹²

2130. In relation to the investigation of Powers, **Smith** testified that two teams, one from UNPROFOR Sector Sarajevo's engineering cell and the other consisting of

⁹¹⁸² P1741 (Harry Konings, witness statement, 11 November 2010), paras 72, 89.

⁹¹⁸³ P1741 (Harry Konings, witness statement, 11 November 2010), para. 95.

⁹¹⁸⁴ P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1987-1988, 1993-1994; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹⁸⁵ P3158 (Thom Knustad, witness statement, 21 May 1996), pp. 2-3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1994, 2001, 2005, 2026; P3162 (Marked map of Sarajevo); P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1; P3161 (Marked map of Sarajevo).

⁹¹⁸⁶ P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2025.

⁹¹⁸⁷ P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2001.

⁹¹⁸⁸ P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 2005; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹⁸⁹ P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 1995-1997; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹⁹⁰ P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), p. 1995; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹⁹¹ P3158 (Thom Knustad, witness statement, 21 May 1996), p. 3; P3159 (Thom Knustad, *Dragomir Milošević* transcript, 12-13 February 2007), pp. 2004-2006; P3164 (Thom Knustad, witness interview, 2 October 2003), p. 1.

⁹¹⁹² D1236 (Paul Conway, witness statement, 7 November 2011), paras 13-15; Paul Conway, T. 38936-38937, 38959, 38961-38962, 38965, 38969.

UNMOs, investigated the scene, focusing on crater analyses.⁹¹⁹³ The UNMO investigation could not establish the firing point as the charge of the mortar was unknown.⁹¹⁹⁴ The two reports differed on the direction of the rounds, the UNMO report finding the bearing to the firing point at 170 degrees (plus/minus five degrees) and the Sector Sarajevo report at 2,850 mils or 160 degrees.⁹¹⁹⁵ As a result, the witness ordered another collection of all available evidence on the incident from UNPROFOR G2 officer Brian Powers.⁹¹⁹⁶ Another crater analysis, a re-examination of the fuse furrow, and information that the shell had hit a roof or a wall on entry, established that the mortar had been fired along the direction of approximately 220 degrees south-west.⁹¹⁹⁷ The cymbeline radar above the old town of Sarajevo did not pick up the trajectory of the shell, suggesting that the shell must have been fired at a low trajectory, thus from at least 1,550 metres away.⁹¹⁹⁸ Assuming an azimuth of 220-240 degrees, the confrontation line was at a distance of 1,050 metres from the impact point.⁹¹⁹⁹ Lastly, none of the OPs near the confrontation lines reported hearing any firing from there.⁹²⁰⁰ Smith testified that this absence of sound was very significant as a 120-millimetre mortar makes 'quite a noise' when fired. On the basis of this data, Smith concluded that the shells had been fired from Bosnian-Serb positions outside the enclave, somewhere between Lukavica and Miljevići.⁹²⁰¹

2131. **David Harland** testified that the UNPROFOR technical team which investigated the Markale Market site following its shelling on 28 August 1995 reported to him and Rupert Smith that the mortar bombs had been fired from Serb positions between

⁹¹⁹³ P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 6, 9, 13-20.

⁹¹⁹⁴ P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 14, 17; D138 (UNMO patrol report, 28 August 1995), p. 1.

⁹¹⁹⁵ P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 6-7, 14, 17-18; D138 (UNMO patrol report, 28 August 1995), p. 3.

⁹¹⁹⁶ P785 (Rupert Smith, witness statement, 27 October 2009), para. 200; Rupert Smith, T. 7439-7440, 7445-7446; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 2-3, 17-19, 21.

⁹¹⁹⁷ P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7571; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.

⁹¹⁹⁸ P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7350; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.

⁹¹⁹⁹ P797 (Comprehensive report on Markale attack, 8 September 1995), p. 3.

⁹²⁰⁰ P785 (Rupert Smith, witness statement, 27 October 2009), para. 201; Rupert Smith, T. 7350; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.

⁹²⁰¹ P785 (Rupert Smith, witness statement, 27 October 2009), para. 202; P797 (Comprehensive report on Markale attack, 8 September 1995), pp. 3, 21.

Lukavica and Miljević.⁹²⁰² The technical team reported that the ballistic signature of four of the five mortar bombs that day indicated a firing point from Serb territory.⁹²⁰³ This assessment was based on an analysis of the fuse furrows, the cymbeline radar, as well as the lack of any observations from UN posts close to the nearby confrontation line.⁹²⁰⁴

2132. **Zorica Subotić** testified that the splinter pattern on the asphalt was very shallow, which is indicative of a very slow-speed or static mortar shell.⁹²⁰⁵ Based on the appearance of the crater and the asphalt traces, she concluded that the shell could not have been fired with a charge larger than charge 2.⁹²⁰⁶ Based on her finding that the stabilizer was not found near the point of impact and that no sound was detected, Subotić concluded that the explosion must have been static or that the shell was thrown from a roof or window.⁹²⁰⁷

2133. In relation to reactions of the VRS following the shelling, **Smith** talked to Mladić on the phone on 28 August 1995 and Mladić stated that his staff had confirmed that no fire orders had been issued to his units.⁹²⁰⁸ Mladić claimed that this was a Muslim attack designed to discredit the VRS.⁹²⁰⁹ Mladić asked that Smith organize a mixed commission made up of representatives from both sides to investigate the incident.⁹²¹⁰ Later that day and on the following day, Mladić confirmed to Smith over the phone that no VRS forces had been involved in the attack.⁹²¹¹

⁹²⁰² P1 (David Harland, witness statement, 4 September 2009), para. 231; David Harland, T. 878; D9 (Report to Smith, 29 August 1995).

⁹²⁰³ P1 (David Harland, witness statement, 4 September 2009), para. 232.

⁹²⁰⁴ D9 (Report to Smith, 29 August 1995).

⁹²⁰⁵ D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 132, 134, 137, 139, 149, 154-155.

⁹²⁰⁶ D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 128, 132, 137, 139, 149, 154-155.

⁹²⁰⁷ D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 128, 132, 135, 137, 139, 149, 151, 153-156; Zorica Subotić, T. 39760.

⁹²⁰⁸ P785 (Rupert Smith, witness statement, 27 October 2009), para. 205; P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 1-2, 4; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.

⁹²⁰⁹ P785 (Rupert Smith, witness statement, 27 October 2009), para. 205; P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 2-3; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.

⁹²¹⁰ P798 (Phone conversation between Mladić and Smith, 28 August 1995), pp. 1-2.

⁹²¹¹ P785 (Rupert Smith, witness statement, 27 October 2009), paras 207-208; P799 (Second phone conversation between Mladić and Smith, 28 August 1995), p. 1; P800 (Third phone conversation between Mladić and Smith, 29 August 1995), p. 2; P801 (Summary of three phone conversations between Mladić and Smith re Markale II, 29 August 1995), p. 1.

2134. **Milovan Milutinović** testified that when the VRS Main Staff was informed about a shell exploding at Markale Market on 28 August 1995, he received a call from Mladić, who told him that he had called the commanders of the units who told him that none of the units had opened fire on Sarajevo.⁹²¹² After the event, a VRS Main Staff public announcement was issued in which any involvement of the VRS in the incident was categorically denied.⁹²¹³ According to the witness, on the same day Mladić sent a letter to Smith, denying any VRS responsibility for the event and requesting the establishment of a joint Muslim-Serb-International commission to investigate the incident.⁹²¹⁴ Further, according to the witness, the Russian investigative team involved in the joint commission on behalf of UNPROFOR found and informed the VRS Main Staff that among the alleged victims of the incident were a number of individuals who had perished earlier and had recently been exchanged.⁹²¹⁵

2135. **Stevan Veljović** testified that the Markale Market shelling could not have been caused by a 120-millimetre mortar shell fired from the line of defence of the 4th Sarajevo Brigade, which included Trebević in its zone of responsibility, as all such artillery pieces were at the Trebinje front at that time.⁹²¹⁶ In any case, from their position it would have been impossible to cause the incident.⁹²¹⁷ According to a report on the availability of ammunition and fuel, dated 31 August 1995, the 4th Sarajevo Light Infantry Brigade had 13 120-millimetre mortars available.⁹²¹⁸ According to the witness, there were indeed 13 mortar pieces: six at the Nišić plateau (50 kilometres away from Sarajevo), two in Trebinje, and five in the direction of Goražde.⁹²¹⁹

2136. According to a VRS Main Staff report of 28 August 1995, the commanders of the 1st, 2nd, and 4th Serbian Infantry Brigade, the Igman and the Ilidža Infantry Brigades, and the Mixed Artillery Regiment had confirmed to the Corps Command in

⁹²¹² D862 (Milovan Milutinović, witness statement, 11 July 2014), paras 115-116.

⁹²¹³ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 116.

⁹²¹⁴ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 117.

⁹²¹⁵ D862 (Milovan Milutinović, witness statement, 11 July 2014), para. 118; Milovan Milutinović, T. 30045-30046.

⁹²¹⁶ D532 (Stevan Veljović, witness statement, 19 October 2012), paras 28-29, 34; D533 (Stevan Veljović, witness statement, 10 May 2014), paras 17, 20. *See also* D463 (Dušan Škrba, witness statement, 11 May 2014), para. 26.

⁹²¹⁷ D533 (Stevan Veljović, witness statement, 10 May 2014), para. 20.

⁹²¹⁸ P6609 (Report on availability of ammunition and fuel, 31 August 2015), p. 1.

⁹²¹⁹ Stevan Veljović, T. 23010, 23014-23016.

writing that they did not fire artillery weapons on the city of Sarajevo between 10 a.m. and noon on 28 August 1995.⁹²²⁰

2137. **Harland** testified that in a press statement, General Smith mentioned that it was unclear who had fired the bomb into the market.⁹²²¹ Harland had advised Smith to make this kind of neutral statement despite evidence to the contrary in order to deceive the Serbs so that they could not prepare for upcoming air strikes by, e.g., taking further UN hostages.⁹²²²

2138. **Witness GRM-037** testified that based on telephone conversations with his successor and some British individuals, he concluded that the shelling round relating to the Markale Market shelling incident in August 1995 was recorded on the cymbeline radar, but that it could not be determined which side had fired it.⁹²²³

2139. **Andrey Demurenko** testified that following the incident at Markale, he set up his own inspection group.⁹²²⁴ Demurenko and his team took as a starting point the findings of other investigations with regard to the direction of fire.⁹²²⁵ From the point of impact, the team travelled for six kilometres along the direction of fire, inspecting the area on a width of 100 metres.⁹²²⁶ The group did not find any traces of a mortar having been fired and determined that the inspected area was unsuitable for mortar firing.⁹²²⁷ Accordingly, the group's report concluded that the VRS could not have fired a shell in this incident.⁹²²⁸ Demurenko testified that the incident was not caused by shelling but by a mine set up to imitate a mortar mine.⁹²²⁹

⁹²²⁰ D2139 (VRS Main Staff situation report, 28 August 1995), pp. 1, 5.

⁹²²¹ P1 (David Harland, witness statement, 4 September 2009), para. 233.

⁹²²² P1 (David Harland, witness statement, 4 September 2009), para. 233; David Harland, T. 790.

⁹²²³ D1240 (Witness GRM-037, witness statement, 14 September 2012), para. 12; Witness GRM-037, T. 39015-39017.

⁹²²⁴ D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 44-45, 51, 55, 76, 79-80; Andrey Demurenko, T. 44075-44077.

⁹²²⁵ D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 91, 116-117; Andrey Demurenko, T.44085-44086, 44112-44116, 44195; D2122 (Video of Andrey Demurenko commenting on Markale II incident).

⁹²²⁶ Andrey Demurenko, T.44172, 44193-44194.

⁹²²⁷ Andrey Demurenko, T.44132-44133, 44173-44174.

⁹²²⁸ D2120 (Andrey Demurenko, witness statement, 13 October 2012), para. 52; Andrey Demurenko, T. 44120-44121; D2122 (Video of Andrey Demurenko commenting on Markale II incident).

⁹²²⁹ D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 65, 139; Andrey Demurenko, T. 44101.

Four other impacts in the vicinity of the market

2140. According to an UNMO report of 30 August 1995, an UNMO patrol investigated five 120-millimetre mortar impacts in the general area of the market place on 28 August 1995.⁹²³⁰ The minimum possible impact angle was 67 degrees.⁹²³¹ OP-1 members did not see or hear any outgoing mortar rounds from either side.⁹²³² Two of the projectiles caused seven injuries.⁹²³³ These and two other rounds were fired from bearings of 220 to 240 degrees plus/minus five and impacted 300 metres further south from the lethal round, close to the 'UPI' business centre. These four projectiles were marked 'MKM74KB9307'.⁹²³⁴

2141. **Turkušić** testified that his department attended the shelling site at the 'UPI' (Agricultural Processing Complex) company building at Branilaca Grada Street number 20 on 28 August 1995. The azimuth of the crater was determined to be 240 degrees plus/minus five. The projectile which impacted on the building's roof at 11:30 a.m. was a 120-millimetre light contact fuse mortar shell with 'MKM74KB9307' markings.⁹²³⁵ This site was around 200 metres away from the Markale Market.⁹²³⁶ No one was killed but four people were wounded.⁹²³⁷

2142. The witness also attended the site of the shelling at Branilaca Sarajeva 24, 'BKC' (Bosniak Cultural Centre) building, on 28 August 1995. The azimuth of the crater was determined to be 240 degrees plus/minus five. The projectile impacted on the building's roof at 11 a.m. and was a 120-millimetre light contact-fuse mortar shell with 'KB 9307' markings.⁹²³⁸ This site was 'a couple hundred metres' away from the Markale Market.⁹²³⁹ No one was killed but two individuals were injured.⁹²⁴⁰

2143. According to a MUP report, two further 120-millimetre shells with the same markings impacted at the square located between the National Theatre building and the

⁹²³⁰ P2608 (UNMO report, 30 August 1995), pp. 20, 24. *See also* P12 (UNPROFOR daily situation report, 28 August 1995), p. 3; David Harland, T. 720-721.

⁹²³¹ P2608 (UNMO report, 30 August 1995), pp. 21, 24.

⁹²³² P2608 (UNMO report, 30 August 1995), p. 24.

⁹²³³ P2608 (UNMO report, 30 August 1995), p. 21.

⁹²³⁴ P2608 (UNMO report, 30 August 1995), pp. 21-22.

⁹²³⁵ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 116; P2010 (MUP report, 28 August 1995), p. 2; P2011 (MUP reports, September 1995), pp. 2-3.

⁹²³⁶ Emir Turkušić, T. 15726.

⁹²³⁷ P2011 (MUP reports, September 1995), p. 2.

⁹²³⁸ P2009 (Emir Turkušić, witness statement, 19 July 2013), para. 115; P2010 (MUP report, 28 August 1995), p. 2; P2011 (MUP reports, September 1995), pp. 5-6.

⁹²³⁹ Emir Turkušić, T. 15728.

‘UPI’ building but there were no injuries.⁹²⁴¹ The shells’ direction of fire was established as 240 degrees plus/minus five. These two shells were the last of the four impacts, all of which occurred between 11:05 and 11:15 a.m.⁹²⁴²

The Trial Chamber’s findings

2144. The evidence of Zorica Subotić is in stark contrast to the Adjudicated Facts. Whereas the Adjudicated Facts state that the shell that landed outside Markale Market on 28 August 1995 was fired by the SRK, Subotić concluded that the explosion must have been static or that the shell was thrown from a roof or window. The Trial Chamber notes that Subotić first assumed, without testing the veracity of such assumption, that every SRK shelling would have been caught by the radar.⁹²⁴³ She therefore excluded the SRK as perpetrators.⁹²⁴⁴ In relation to the radar, Subotić delved further into a detailed technical analysis, which again is riddled with numerous assumptions, the basis of which remains unclear.⁹²⁴⁵ She then reasoned that, as there is evidence that no blast was heard, the ABiH can also be excluded. This left her with the sole conclusion that the explosion must have been triggered by a static device.⁹²⁴⁶ Subotić also concluded, based on a photograph where shrapnel traces apparently cannot be seen, that the shell was fired at very low speed or activated statically.⁹²⁴⁷ Due to this flawed methodology and her focus on interpreting evidence rather than providing a ballistic analysis, the Trial Chamber finds that Subotić’s evidence in relation to the shelling incidents of 28 August 1995 is not sufficiently reliable to rebut the Adjudicated Facts related to these incidents.

2145. Exhibit D1466, a newspaper article, suggests that UN officials, including those who investigated the site, considered it likely that the shell had been fired from the Muslim side. This is also in stark contrast with the Adjudicated Facts related to this incident. The newspaper article is an interview with Jan Segers, a Belgian UNPROFOR officer and UNMO who was deployed in the former Yugoslavia from 1991 until 1995.⁹²⁴⁸ The Trial Chamber considers this evidence to be unclear in relation to the UN

⁹²⁴⁰ P2011 (MUP reports, September 1995), p. 5.

⁹²⁴¹ P2010 (MUP report, 28 August 1995), pp. 2-3.

⁹²⁴² P2010 (MUP report, 28 August 1995), p. 2.

⁹²⁴³ See D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 137.

⁹²⁴⁴ See D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 153.

⁹²⁴⁵ See D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 126, 153.

⁹²⁴⁶ See D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), p. 153.

⁹²⁴⁷ See D2113 (Zorica Subotić and Mile Poparić, Markale report, 25 April 2014), pp. 110, 132.

⁹²⁴⁸ See D1465 (Jan Segers, witness statement, 4 February 2016) p. 2; Jan Segers, T. 43744.

members' bases of knowledge for pronouncing on the likelihood of the shell's origin of fire. The Trial Chamber also considered that this information only stemmed from an interview in a newspaper article and that the interviewee, Jan Segers, subsequently did not have recollections about the 28 August 1995 incident. Under these circumstances, the Trial Chamber finds that this evidence is not sufficiently reliable to rebut the Adjudicated Facts.

2146. The evidence of Stevan Veljović also contradicts the Adjudicated Facts. His evidence indicates that the 4th Sarajevo Light Infantry Brigade, which included Trebević in its zone of responsibility, had no 120-millimetre mortar shells at Mount Trebević on 28 August 1995, and even if it did, that such shells could not have reached the Markale Market. The Trial Chamber took into consideration that Veljović, as commander of the brigade which allegedly fired the shell at the Markale Market, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated his evidence with great caution. With regard to the reliability of his evidence, the Trial Chamber considered that the witness stated in court that he 'came [to court] to defend General Mladić'.⁹²⁴⁹ The witness also testified 'I survived these two strokes. I am a sick man, after all. I cannot remember each and every thing. Please take that into consideration'.⁹²⁵⁰ Specifically with regard to Veljović's evidence that such a shell could not have reached the market from the brigade's positions, the Trial Chamber considers this evidence, without further details about the alleged more limited range of such shells, to be too sweeping to be reliable. Based on these considerations, the Trial Chamber finds that Veljović's evidence is not sufficiently reliable to rebut the Adjudicated Facts.

2147. Rupert Smith's and Milovan Milutinović's evidence regarding Mladić's reaction to the 28 August 1995 shelling, as well as D2139, also contradict the Adjudicated Facts in relation to a member of the SRK as the perpetrator. The Trial Chamber took into consideration that Mladić, as commander of the army which allegedly fired the shell at the Markale Market, may have had a personal interest in distancing himself from this shelling. Accordingly, it treated this evidence with great caution. With regard to its reliability, the Trial Chamber did not receive information about how intensively, if at all, Mladić investigated whether his own troops had fired the shell on the Markale

⁹²⁴⁹ Stevan Veljović, T. 22959.

⁹²⁵⁰ Stevan Veljović, T. 22960.

Market. Under these circumstances, the Trial Chamber finds that the evidence on the general statement by Mladić that his troops had not been involved in the attack, as well as D2139, is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

2148. The evidence of Demurenko also contradicts the Adjudicated Facts. Demurenko testified that a shell could not have been fired by the VRS. The Trial Chamber considered that during his testimony, Demurenko was often evasive when answering questions, to the point of even being obstructive.⁹²⁵¹ Furthermore, the witness gave incomplete answers in relation to central aspects of his evidence during his testimony.⁹²⁵² Demurenko's evidence that he inspected the area of possible firing on a six kilometre by 100 metres stretch, plainly ignores that the margin of error for any direction of fire crater analysis leads to an increasingly larger area the further one travels away from the point of impact.⁹²⁵³ As such, at a distance of six kilometres, a margin of error of plus minus five degrees leads to possible firing positions on a stretch that is more than one kilometre wide. Lastly, the Trial Chamber finds that Demurenko's evidence contained a number of internal inconsistencies.⁹²⁵⁴ Under these circumstances, the Trial Chamber finds that the evidence of Demurenko is not sufficiently reliable to rebut the Adjudicated Facts in this respect.

2149. The Trial Chamber took judicial notice of Adjudicated Fact 2571, which states that the direction of fire was 170 degrees. It also heard evidence that the direction of fire was 160 or 220 degrees. Even if one were to conclude that this Adjudicated Fact is rebutted, this would not affect the finding as irrespective of the exact direction of fire, none of the evidence received by the Trial Chamber contradicts Adjudicated Fact 2580, according to which the shell was fired by the SRK. The Trial Chamber therefore refrains from making a determination as to whether Adjudicated Fact 2571 is rebutted. In coming to this conclusion, the Trial Chamber considered whether the inclusion of the origin of fire in the description of Scheduled Incident G.18 in the Indictment meant that

⁹²⁵¹ Andrey Demurenko, T. 44181, 44184, 44191-44192.

⁹²⁵² Andrey Demurenko, T. 44184.

⁹²⁵³ See Andrey Demurenko, T. 44194.

⁹²⁵⁴ See *e.g.* Demurenko's initial focus on inspecting possible firing positions on the travelled 'line' versus his later testimony that the inspection was broader in width (D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 99-100, 105, Andrey Demurenko, T. 44172, 44193-44194); Demurenko's initial focus on inspecting four specific possible firing points versus his later testimony that everything was inspected (D2120 (Andrey Demurenko, witness statement, 13 October 2012), paras 57, 97, Andrey Demurenko, T. 44120-44121, 44132-44133, 44173-44174); or Demurenko's initial view that a road he crossed during his inspection mostly had the tarmac removed versus his later testimony that he did not know the extent of any tarmac removal (Andrey Demurenko, T. 44178-44179).

this was such a vital component of the charge so as to require a finding. As the origin of fire is not a material element to be proven, the Trial Chamber was satisfied that this matter required no finding.

2150. Based on the foregoing, the Trial Chamber finds that on 28 August 1995, at 11:10 a.m., a mortar shell struck the street in the vicinity of the crowded Markale Market. At least 43 people died and 88 people were wounded, many of them seriously. The great majority of wounded were civilians and included children as young as four years of age. Of the deceased, the vast majority were civilians; one was an ABiH soldier. The shell was fired by members of the SRK. There were no military facilities close to the market. Prior to the incident, the authorities had forbidden the residents of Sarajevo to assemble or linger in public places and Markale was the only place in Sarajevo where large numbers of people still gathered.

2151. On the same day, four other rounds impacted 200 to 300 metres south of the Markale Market, close to the 'UPI' (Agricultural Processing Complex) business centre and the 'BKC' (Bosniak Cultural Centre) building. The direction of fire of these rounds was approximately 220 to 240 degrees. Six to seven people were injured. Considering that these rounds impacted very close to the round impacting at the Markale Market and all five rounds exploded between 11 and 11:30 a.m., the Trial Chamber finds that the four rounds, just like the one that hit the market, were fired by members of the SRK.

2152. The Trial Chamber will further consider these incidents in relation to Counts 5, 6, 9, and 10 in chapter 8 below.

5.3.11 Other shelling incidents

Shelling on or about 14 May 1992

2153. With regard to the alleged shelling of Sarajevo on or about 14 May 1992, the Trial Chamber received evidence from **John Wilson**, the Chief Military Observer for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;⁹²⁵⁵ **Richard Gray**, the Senior Military Observer for UNPROFOR in Sector Sarajevo from 11 June 1992 to

⁹²⁵⁵ P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020. The evidence of John Wilson is reviewed in chapter 5.1.1.

20 September 1992, and present in Sarajevo as of 10 April 1992;⁹²⁵⁶ as well as documentary evidence.⁹²⁵⁷

2154. According to an entry in the war diary of the Stari Grad SJB, on 14 May 1992, the area of Vratnik was targeted the entire day with rockets from the direction of Borije and Trebević, burning two homes and damaging two mosques and other homes.⁹²⁵⁸ The area of Hrid-Jarčedoli was also targeted on 13 and 14 May 1992 from the direction of Borije, Trebević, and Lapišnica with all available weapons and artillery, causing extensive material damage and wounding three persons, including one child.⁹²⁵⁹ The *Bosnalijek* building on Jukićeva Street was listed by fire brigade commander Mesud Jusufović as a facility which caught fire as a result of shelling or other activities from ‘the aggressor’ on 14 May 1992.⁹²⁶⁰ According to an annex to the UN Commission of Experts report dated 27 May 1994, 40 individuals were killed in Sarajevo on 14 May 1992.⁹²⁶¹

2155. Based on the foregoing, the Trial Chamber finds that on or about 14 May 1992 there was heavy shelling in Sarajevo, causing material damage and wounding three people. Specifically based on P2733 and P549, the Trial Chamber finds that members of the SRK committed the shelling. The Trial Chamber did not receive conclusive evidence that the 40 killed individuals were related to that day’s shelling. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8 below.

Incident of 27 May 1992

2156. With regard to the alleged shelling of Sarajevo on 27 May 1992, the Trial Chamber received evidence from **Zlatko Medjedović**, a ballistic expert employed by the Secretary of the Interior in Sarajevo from 1978 until 1998;⁹²⁶² **Jose Cutileiro**, the chairman of the talks on the future constitutional arrangements for Bosnia-Herzegovina

⁹²⁵⁶ D1413 (Richard Gray, witness statement, 22 April 2012), paras 2, 4-5; D1423 (Certification of UN medal for service with UNPROFOR – Richard Gray).

⁹²⁵⁷ P2733 is reviewed in chapter 9.4.2.

⁹²⁵⁸ P549 (Stari Grad SJB war diary), pp. 1, 65. *See also* D1414 (Richard Gray, *Karadžić* transcript, 8 November 2012), p. 29982.

⁹²⁵⁹ P549 (Stari Grad SJB war diary), pp. 65-66.

⁹²⁶⁰ P4612 (List of fires caused by shelling and other activities), pp. 1, 5.

⁹²⁶¹ P7171 (Excerpts from UNSC Document no. S/1994/674, 27 May 1994), pp. 1-2, 15.

⁹²⁶² P3165 (Zlatko Medjedović, witness statement of 20 November 1995), p. 2; P3166 (Zlatko Medjedović, witness statement of 5 September 2000), pp. 1, 3.

from 13 February to 14 August 1992;⁹²⁶³ **Milorad Batinić**, a Serb who worked as an interpreter from about 28 June 1992 for the Igman Brigade and for UNMOs from 30 June 1992 to 1995;⁹²⁶⁴ **John Wilson**, the Chief UNMO for UNPROFOR deployed to Sarajevo from 22 March to 24 June 1992;⁹²⁶⁵ **Milorad Bukva**, the Chief of the SRK Intelligence Department from May 1992 to March 2007;⁹²⁶⁶ and **Zorica Subotić**, an expert in ballistics;⁹²⁶⁷ as well as documentary evidence. Regarding who had control over Mount Trebević during the conflict, the Trial Chamber took judicial notice of Adjudicated Facts 2134 and 2571⁹²⁶⁸ and received evidence from **Witness RM-126**, a Bosnian-Muslim policeman from Sarajevo;⁹²⁶⁹ and **Nedžib Dozo**, a Bosnian-Muslim former JNA mortar platoon commander and civilian police investigator.⁹²⁷⁰ The Defence argued that the 27 May 1992 shelling was carried out by the ABiH and that the SRK could not have been responsible for it as: (i) a review of the incident site excluded SRK-held positions as the origin of fire; (ii) the SRK had been forbidden to open fire that day; and (iii) an investigation carried out by Mladić indicated that there had been no unauthorized engagement of targets in the area.⁹²⁷¹ The Defence further argued that the crater analyzed by the Prosecution and the Bosnia-Herzegovina Prosecutor was not formed at the time of the incident and that the findings of their investigation cannot be relied upon in determining SRK responsibility for this incident.⁹²⁷²

2157. According to a Bosnia-Herzegovina MUP investigative file, on 27 May 1992 at 9:55 a.m. an 82-millimetre mortar shell was fired, landing in a pedestrian precinct in front of a shop called *Planika* and a shop called *Elektrotehna*, between house numbers 5

⁹²⁶³ D1371 (Jose Cutileiro, witness statement, 11 April 2012), paras 3, 5, 31.

⁹²⁶⁴ Milorad Batinić, T. 22613, 22619-22621, 22685, 22696-22697, 22715-22716; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

⁹²⁶⁵ P320 (John Wilson, witness statement, 26 March 2009), paras 6-8, 25, 64, 93; John Wilson, T. 3919, 4020.

⁹²⁶⁶ D608 (Milorad Bukva, witness statement, 18 July 2014), p. 1, paras 1, 16; Milorad Bukva, T. 25016-25017.

⁹²⁶⁷ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.

⁹²⁶⁸ Adjudicated Facts 2134 and 2571 are reviewed in chapters 5.1.1 and 5.3.10, respectively.

⁹²⁶⁹ P1942 (Witness RM-126, witness statements), witness statement of 1 September 2000, p. 1, witness statement of 25 June 2000, p. 1, witness statement of 18 November 1995, pp. 1-2. The evidence of Witness RM-126 is reviewed in chapter 5.1.1.

⁹²⁷⁰ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564. The evidence of Nedžib Dozo is reviewed in chapter 5.3.1.

⁹²⁷¹ Defence Final Brief, paras 1856, 1890-1898.

⁹²⁷² Defence Final Brief, paras 1899-1905.

and 12 in Vase Miškina Street.⁹²⁷³ The explosion caused extensive material damage to surrounding buildings, slightly or seriously wounded 112 civilians, and killed 17 civilians as they were waiting in line for bread or passing by.⁹²⁷⁴ A list of children treated for war-related injuries at the Clinic for Children's Surgery in Sarajevo includes two children who were treated for explosive wounds sustained on 27 May 1992.⁹²⁷⁵ Vase Miškina 11 and Vase Miškina 6 are listed below the names of the first and second child.⁹²⁷⁶ Following the explosion, those helping the wounded were sniped at from positions at Mount Trebević. The on-site investigation conducted by the MUP determined that the shell was fired from positions at Trebević.⁹²⁷⁷ The pedestrian precinct and the surrounding area were not used for military purposes.⁹²⁷⁸

2158. In an intercepted conversation between Nedeljko Prstojević and Tomislav Šipčić dated 27 May 1992, Šipčić, the SRK commander, while waiting to be connected to Prstojević, questioned an unknown person 'what do you mean they're fuckin' shooting from Trebević? Where from for fuck's sake?'.⁹²⁷⁹ In an intercepted conversation between Colonel Čađo and Miroslav Gagović dated 27 May 1992, Čađo, who was 'at the UNPROFOR' at the time, informed Gagović that he had heard that a shell coming from the direction of Trebević had landed near the Faculty of Economics, killing five people. Gagović responded '[w]ho the fuck is firing from up there constantly [...] fuck him [...] [s]crew him, there are barbarians there, screw them, and who knows what they fucking used from Trebević'.⁹²⁸⁰ Gagović further said that 'Mladić has forbidden everything this morning. Nobody must shoot a bullet, otherwise he would execute the one who does that. I am seriously telling this, he has threatened with court-martial that he would execute everybody who fires a bullet'. Before concluding the conversation,

⁹²⁷³ D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3-4, 8-10. *See also* P3165 (Zlatko Medjedović, witness statement of 20 November 1995), pp. 3-4; P3169 (Report by Zlatko Medjedović, 20 November 1995).

⁹²⁷⁴ D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3-8, 11, 14, 23-143. *See also* P946 (Medical records), pp. 3-16; P7171 (Excerpts from UN Security Council Document No. S/1994/674, 27 May 1994), pp. 1, 7, 12, 15, 18; D1425 (Article by Leonard Doyle), pp. 1-2; P2052 (Report of Secretary-General to UNSC, 30 May 1992), pp. 1-2.

⁹²⁷⁵ P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), pp. 1-2.

⁹²⁷⁶ P2623 (Additional diary extracts concerning experiences of Fatima Zaimović whilst nursing at the Koševo children's ward, Sarajevo), p. 2.

⁹²⁷⁷ D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), pp. 1, 3, 9-10. *See also* P3165 (Zlatko Medjedović, witness statement of 20 November 1995), pp. 3-4; P3169 (Report by Zlatko Medjedović, 20 November 1995).

⁹²⁷⁸ D1243 (MUP Investigative File for Vase Miškina Street Shelling, 27 May 1992), p. 3.

⁹²⁷⁹ P1602 (Intercept between Nedeljko Prstojević and Tomislav Šipčić, 27 May 1992), p. 1. For Šipčić's role, *see* chapter 3.1.2.

Gagović exclaimed, ‘barbarians, fuck them all. The one who did that is under nobody’s command, he probably came from somewhere, there are some means installed on vehicles. He comes, fires and then you cannot find him, damn it’.⁹²⁸¹

2159. **Jose Cutileiro** testified that a Portuguese artillery officer who was stationed in Sarajevo told him that he had participated in the investigation of the shelling of people in the bread queue at Vase Miškina Street and was convinced that the shell had come from the area where the ‘Bosnian’ government had its positions.⁹²⁸²

2160. According to an article from *The Independent* dated 22 August 1992, UN officials said that they were suspicious about the circumstances of the 27 May incident, and one UN official was quoted as having said that they believed that it was a ‘command-detonated explosion, probably in a can’, because the impact was not necessarily similar or anywhere near as large as expected with a mortar round landing on a paved surface.⁹²⁸³

2161. **Milorad Batinić** testified that in the beginning of 1993, he attended a meeting with Commander Spasoje Cojić of the Igman Brigade and UNMOs during which the 27 May incident was discussed.⁹²⁸⁴ During the meeting, Cojić said, relying on pathology reports, that the incident had been staged: the people standing in line had not been injured by artillery shells coming from Serb positions but by claymore mines which had been hidden in the cellars of buildings in Vase Miškina Street.⁹²⁸⁵ Photographs from the CSB Sarajevo of the Vase Miškina Street area dated 27 May 1992 show traces of a mortar shell explosion on the concrete sidewalk.⁹²⁸⁶

2162. **John Wilson** testified that in a conversation following the 27 May incident with Karadžić, Mladić, and Plavšić, Mladić stated that the ABiH had perpetrated the attack. Mladić added that he had initiated an investigation into the incident and confirmed that there had been no authorised or unauthorised engagement of targets in that area.

⁹²⁸⁰ P7552 (Intercept between Colonel Čađo and Miroslav Gagović, 27 May 1992), pp. 1-2.

⁹²⁸¹ P7552 (Intercept between Colonel Čađo and Miroslav Gagović, 27 May 1992), p. 3.

⁹²⁸² D1371 (Jose Cutileiro, witness statement, 11 April 2012), para. 27. The Trial Chamber understands Cutileiro’s reference to ‘the area where the “Bosnian” government had its positions’ to refer to ABiH-held positions.

⁹²⁸³ D1425 (Article by Leonard Doyle), p. 2.

⁹²⁸⁴ Milorad Batinić, T. 22630-22632, 22686; P6593 (Copy of notes taken from Milorad Batinić during his testimony, 12 June 2014), p. 2.

⁹²⁸⁵ Milorad Batinić, T. 22630-22632.

⁹²⁸⁶ P6594 (Photo documentation by CSB Sarajevo regarding the explosion of 82 millimetre mortar shells in Vase Miškina Street, 27 May 1992), pp. 3, 5-9.

Karadžić and Plavšić also denied that the Serbs had committed the attack.⁹²⁸⁷ According to Wilson, the results of a crater analysis of the site conducted by French soldiers were inconclusive, as the round could have come from either Serb or Muslim positions.⁹²⁸⁸

2163. **Milorad Bukva** testified that the Muslim authorities had staged the 27 May 1992 incident. According to Bukva, intelligence data in his possession at the time showed that Mirza Jamaković, a pre-war expert for explosives at the SUP, had planted an explosive device at a cellar window of an apartment building about 10 to 15 metres from people waiting at a bread kiosk.⁹²⁸⁹

2164. **Zorica Subotić** testified that the shell which exploded in Vase Miškina Street on 27 May was fired from ABiH-controlled territory.⁹²⁹⁰ The angle of descent of the shell was 83 to 84 degrees.⁹²⁹¹ Subotić drew her conclusions on the basis of contemporaneous television footage, a site visit which took place on 17 September 2010, technical specifications of the relevant weapon, the pattern of marks scattered on the pavement, and photo evidence of the Sarajevo CSB and a wartime correspondent, Roger Richards.⁹²⁹² The two key determining factors for Subotić that indicated that the shell could not have emanated from VRS positions were that: (a) the stabiliser had not embedded itself in the pavement and, therefore, only a shell with charge 3 or lower could have been used and the shell was therefore fired from a location nearer to the target;⁹²⁹³ and (b) an orthogonal projection of a photo of the site apparently taken sometime between June and September 1992 by wartime correspondent Roger Richards indicated a smaller crater size than photos taken by the police and a high angle of descent (83 to 84 degrees), which means that it was not fired by the VRS from the Lukavica-Pale road as such a shell would have required an M74 shell with charge 6.⁹²⁹⁴

⁹²⁸⁷ P320 (John Wilson, witness statement, 26 March 2009), para. 62.

⁹²⁸⁸ P320 (John Wilson, witness statement, 26 March 2009), para. 63; John Wilson, T. 4028.

⁹²⁸⁹ D608 (Milorad Bukva, witness statement, 18 July 2014), para. 34.

⁹²⁹⁰ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 30-32, 36, 54-55, 212, 213; Zorica Subotić, T. 39157-39158, 39613.

⁹²⁹¹ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 50-51; Zorica Subotić, T. 39162-39163, 39594-39596.

⁹²⁹² D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 36-38, 213; Zorica Subotić, T. 39594-39595, 39596-39597.

⁹²⁹³ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 41-42, 51-54.

⁹²⁹⁴ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 43-46, 48-52; Zorica Subotić, T. 39144-39147, 39162-39163.

The Trial Chamber's findings

2165. The Trial Chamber received contradictory evidence with respect to the cause of the explosion which took place in Vase Miškina Street in Sarajevo on 27 May 1992. Exhibit D1425, a newspaper article, suggests that unidentified UN officials considered it likely that the explosion had been caused by an explosive detonated on the ground because the impact point was not as large as expected as in the case of a mortar shell landing on a paved surface. The Trial Chamber observes that there is no information concerning whether the UN officials were ballistic experts or what kind of impact size they would have expected and on what basis. Accordingly, the Trial Chamber considers the conclusions drawn by the unidentified UN officials to be based on speculations and too unsupported to be reliable.

2166. Milorad Batinić suggested that the incident was caused by claymore mines. Milorad Bukva suggested that the incident was staged by the Bosnian-Muslim authorities. The Trial Chamber notes that both witnesses, given their positions in the VRS, may have had a personal interest in concluding that the incident was not caused by a shell fired by the VRS. Accordingly, it treated the evidence of these two witnesses with great caution. In relation to the reliability of their evidence, the Trial Chamber notes that Batinić received such information from Spasoje Cojić, the Commander of the Igman Brigade, who based his conclusion that the victims had not been injured by a mortar shell on unidentified pathology reports which were never shown to Batinić. With respect to Bukva's evidence, the Trial Chamber observes that he did not provide any details with respect to how he obtained the intelligence data and what information it exactly contained. The Trial Chamber also notes that the evidence of Batinić and Bukva is contradicted by photo evidence taken at the incident site by the CSB Sarajevo that day,⁹²⁹⁵ as well as by exhibits P2052 and D1243, and the evidence of Zlatko Medjedović, John Wilson, Jose Cutileiro, and Zorica Subotić, which all indicate that a shell landed in Vase Miškina Street on 27 May 1992. In light of the foregoing, the Trial Chamber considers the evidence of Batinić and Butka to be unreliable in this respect and will not consider it further.

2167. With respect to the evidence of Jose Cutileiro on the perpetrators of the incident, the Trial Chamber notes that Cutileiro obtained his information from an unidentified

⁹²⁹⁵ See exhibit P6594.

Portuguese artillery officer who allegedly participated in the investigation of the incident. However, the Trial Chamber notes that Cutileiro did not specify whether the Portuguese artillery officer's opinion in relation to the origin of the shell was based on the outcome of the investigation or whether it was his own conclusion. Under these circumstances, and in the absence of further evidence on the matter, the Trial Chamber finds that Cutileiro's evidence in this respect is not reliable and will not consider it further.

2168. With respect to Wilson's evidence about Mladić's, Karadžić's, and Plavšić's denial of VRS responsibility, the Trial Chamber took into consideration that Mladić, as VRS Commander, as well as Karadžić and Plavšić, given their positions in the Bosnian-Serb Presidency, may have had a personal interest in shifting responsibility away from the VRS for this incident. Accordingly, it treated this evidence with great caution. With regard to its reliability, the Trial Chamber did not receive information detailing how, if at all, Mladić investigated whether there had been any engagements in the area and what steps were taken in the process. Additionally, Karadžić and Plavšić did not specify to Wilson on which basis they denied Bosnian-Serb involvement in the incident. Under these circumstances, the Trial Chamber finds the denial of VRS responsibility not reliable and will not consider it further.

2169. According to the evidence of Zorica Subotić, the shell which landed in Vase Miškina Street was fired from ABiH-held territory and its angle of descent was 83 to 84 degrees. However, during her testimony, when it was put to her that the peripheral traces of the crater measured in May 1992 were at least 40 centimetres from the centre, the witness conceded that based on those measurements, the angle of descent would have been much lower than 83 degrees.⁹²⁹⁶ Furthermore, Subotić did not take into account the difference in elevation on Mount Trebević when using the firing tables which would have given different firing ranges.⁹²⁹⁷ In relation to her argument that the stabilizer had not embedded itself in the pavement and that, therefore, only a shell with charge three or lower could have been used, Subotić contends that on this basis, the shell must have been fired from a location near the target, thereby excluding VRS-held positions. The Trial Chamber notes in this respect that, as conceded by the witness, the

⁹²⁹⁶ See Zorica Subotić, T. 39608-39610.

⁹²⁹⁷ See Zorica Subotić, T. 39614.

quality of the impact surface was not taken into account in her analysis.⁹²⁹⁸ With respect to Subotić's argument that an orthogonal projection of a photograph of the site indicated that the shell could not have been fired by the VRS, the Trial Chamber notes that the photograph used by Subotić is not dated and contains no specific reference to a location. Notwithstanding this, Subotić assumed the photograph's contemporaneous nature on the basis of tenuous claims made outside her area of expertise. The witness then used this photograph as a basis to calculate the type of shell and origin of fire.⁹²⁹⁹

2170. Turning to Subotić's argument that the crater analyzed by the Bosnia-Herzegovina Prosecutor was formed after the time of the incident, the Trial Chamber notes that her conclusion is based on comparisons with the aforementioned undated photograph and with photographs and measurements of the incident site taken in 2010. The Trial Chamber observes that there are obvious limitations to both photographs in terms of reliability.⁹³⁰⁰ Furthermore, Subotić's suggestion that the investigation led by the Bosnia-Herzegovina Prosecutor was fraudulent is unsubstantiated and based upon claims made outside the witness's expertise. Due to her flawed methodology and her focus on interpreting evidence rather than providing a ballistic analysis, the Trial Chamber considers Subotić's evidence in relation to this incident to be unreliable and will not consider it further.

2171. With respect to the Defence's argument that the crater analyzed by the Prosecution was not formed at the time of the incident, the Trial Chamber notes that the Defence refers to photographs allegedly taken by the Prosecution investigators in 2010 which do not form part of the evidentiary record and are also not referred to in Subotić's expert report, which is the only piece of evidence referred to by the Defence in the section of its final brief related to this argument. The Trial Chamber therefore considers the Defence's argument in this respect to be irrelevant.

2172. In light of the foregoing, the Trial Chamber rejects the Defence's arguments in relation to this incident as unmeritorious.

2173. Based on the foregoing, the Trial Chamber finds that on 27 May 1992, a shell landed on Vase Miškina Street in Sarajevo. At least ten individuals were killed and at

⁹²⁹⁸ See Zorica Subotić, T. 39164.

⁹²⁹⁹ See D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 39-43; Zorica Subotić, T. 39608.

⁹³⁰⁰ At T. 39604, the witness conceded that the crater is located in a part of Sarajevo with heavy foot traffic and that at the time of her site visit, the blast marks were visibly worn down.

least 100 were wounded, including two minors. All victims were civilians and the area where the shell landed was not used for military purposes. At the time when the shell struck, some of the victims were waiting in a bread queue. On the basis that the shell originated from Mount Trebević, which was SRK-held territory, the Trial Chamber finds that the shell was fired by a member of the SRK. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8 below.

Incidents of 6 and 7 September 1994 (Butmir Bridge and Igman Road)

2174. According to UNPROFOR reports, the UNPROFOR Sector Sarajevo Infantry Battalion was engaged to counter the shooting by the Serbs in the area of Ilidža on 6 and 7 September 1994. In the first incident on 6 September, the Serbs fired a 20-millimetre cannon from the Terme Hotel in Ilidža, at civilians crossing the Butmir Bridge.⁹³⁰¹ UNPROFOR returned fire.⁹³⁰² The second incident involved the Serbs directing 20-millimetre cannon fire at civilians and two UNPROFOR vehicles travelling along the Igman road. The two vehicles were used in the rescue of wounded journalists.⁹³⁰³ UNPROFOR subsequently fired back at the artillery below the Terme Hotel.⁹³⁰⁴ After this date there were no shots fired at the Bosnian population in the vicinity of the bridge.⁹³⁰⁵

2175. With regard to the relative stability of the confrontation lines in and around Sarajevo the Trial Chamber received evidence from **Jeremy Bowen**, the BBC's foreign correspondent in the territory of the former Yugoslavia between July 1992 and 1995;⁹³⁰⁶ **Martin Bell**, a foreign affairs war correspondent for the BBC who covered the events in Bosnia-Herzegovina from around March 1992 through to the signing and

⁹³⁰¹ P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3-4, 7-12.

⁹³⁰² P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3, 7, 9, 11.

⁹³⁰³ P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 3-4, 7-10, 12.

⁹³⁰⁴ P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 4, 7, 10.

⁹³⁰⁵ P584 (UNPROFOR Infantry Battalion No. 2 reports on incidents in Sarajevo, 14 September 1994), pp. 4, 7.

⁹³⁰⁶ P2515 (Jeremy Bowen, witness statement, 10 August 2009), pp. 1-2, paras 3, 5; Jeremy Bowen, T. 18027.

implementation of the Dayton Agreement;⁹³⁰⁷ and **David Harland**, an UNPROFOR civil affairs officer assigned to Sarajevo as of May 1993.⁹³⁰⁸ **Bell** testified that by the end of April or 2 May 1992, front lines in Sarajevo were established.⁹³⁰⁹ **Bowen** testified that at least from July 1992 the high ground of the city's periphery was under Bosnian-Serb control.⁹³¹⁰ The witness's impression was that after 1992, the lines around the city's perimeter were more or less set, and the frontlines did not really shift.⁹³¹¹ **Harland** testified that by the time he arrived the confrontation line had stabilised, and he understood it had remained the same since the summer of 1992, and it remained largely the same until the end of the conflict.⁹³¹²

2176. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the position of the SRK in Ilidža during the war. They have been reviewed in chapters 5.1.1 and 5.3.8.

2177. Based on the foregoing, the Trial Chamber finds that on 6 September 1994, civilians crossing the Butmir Bridge were fired at by a 20-millimetre cannon and the day after civilians and two UNPROFOR vehicles were fired at while travelling along Igman road. In both instances UNPROFOR returned fire. With regard to the perpetrator, the Trial Chamber concluded based on Adjudicated Facts 1919, 1922, 2020, 2546, and 2555, that Ilidža was SRK-held territory between September 1992 and August 1994, and in May 1995. Given that the confrontation lines remained relatively static throughout the conflict, the Trial Chamber concluded that Ilidža was also SRK-held territory in September 1994. Accordingly, the Trial Chamber finds that in both instances the SRK fired at the civilians.⁹³¹³ The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 8 November 1994 (Livanjska Street)

2178. With regard to the shelling of Sarajevo on 8 November 1994, the Trial Chamber took judicial notice of a number of Adjudicated Facts. It also received evidence from

⁹³⁰⁷ P832 (Martin Bell, witness statement, 8 March 2010), para. 3; Martin Bell, T. 7811-7812.

⁹³⁰⁸ P1 (David Harland, witness statement, 4 September 2009), p. 1, para. 5; David Harland, T. 661.

⁹³⁰⁹ P832 (Martin Bell, witness statement, 8 March 2010), para. 61.

⁹³¹⁰ P2515 (Jeremy Bowen, witness statement, 10 August 2009), paras 13-14.

⁹³¹¹ P2515 (Jeremy Bowen, witness statement, 10 August 2009), para. 14.

⁹³¹² P1 (David Harland, witness statement, 4 September 2009), para. 30.

⁹³¹³ The Trial Chamber refers to its further considerations with regard to this conclusion, as set out in its factual finding on Scheduled Incident F.5 in chapter 5.2.4.

Dragan Mioković, a Bosnian-Serb police inspector at the Sarajevo CSB since 1993,⁹³¹⁴ and **Mirza Sabljica**, a mechanical engineer specialized in ballistics and mechanical traces employed by the Bosnia-Herzegovina MUP's criminal forensics department in Sarajevo from June 1993 to July 1996,⁹³¹⁵ and finds that this evidence is consistent with the Adjudicated Facts.⁹³¹⁶

2179. In the afternoon of 8 November 1994, three shells exploded on Livanjska Street.⁹³¹⁷ Three civilians (Lejla Hodžić, Dino Blekić, and Nena Deljanin) were killed and six civilians were seriously injured as a result of the explosion of the first shell.⁹³¹⁸ The first shell came from a north-westerly direction, that of Poljine, which was under the control of the SRK.⁹³¹⁹ The first shell was fired by members of the SRK.⁹³²⁰ The second and third shells were fired from SRK-held territory in the north-east.⁹³²¹ At least four civilians were killed and six civilians were seriously injured as a result of the three shells.⁹³²²

2180. **Dragan Mioković** testified that at 7 p.m. on 8 November 1994, he and his team arrived at Livanjska Street to conduct an investigation into the second and third shells that had landed there.⁹³²³ The witness's team ascertained that these shells had been fired from Serb positions in 'Špicasta stijena-Hladvode' to the north-east.⁹³²⁴ The witness testified that the impact site of the second and third shells was several hundred metres from the military police headquarters at Koševo Hill and at least two kilometres from

⁹³¹⁴ P609 (Dragan Mioković, witness statement, 14 November 1995), p. 1, para. 2; P610 (Dragan Mioković, witness statement, 25 February 1996), p. 1, para. 1; Dragan Mioković, T. 5957, 5997-6000.

⁹³¹⁵ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 1-3.

⁹³¹⁶ **Dragan Mioković**: P609 (Dragan Mioković, witness statement, 14 November 1995), paras 5-14; P611 (Dragan Mioković, supplemental information sheet, 2 October 2010); Dragan Mioković, T. 6000-6001, 6004-6006, 6048-6049; P621 (Sarajevo CSB report concerning shelling in Livanjska Street, 8 November 1994); P622 (Sarajevo CSB report and note concerning shelling in Livanjska Street, 9 November 1994); P623 (Video of impact site of shelling in Livanjska Street); P624 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994); P625 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994). **Mirza Sabljica**: P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 54-55; Mirza Sabljica, T. 8167; D184 (MUP investigation file), pp. 1, 3, 5-7, 9-11, 14, 17.

⁹³¹⁷ Adjudicated Facts III, no. 2759.

⁹³¹⁸ Adjudicated Facts III, no. 2760.

⁹³¹⁹ Adjudicated Facts III, no. 2769.

⁹³²⁰ Adjudicated Facts III, no. 2770.

⁹³²¹ Adjudicated Facts III, no. 2771.

⁹³²² Adjudicated Facts III, no. 2774. The Trial Chamber understands that the impact of the first shell resulted in the death of three civilians and the injury of six others, while the impacts of the second and third shells resulted in the death of one more civilian.

⁹³²³ P611 (Dragan Mioković, supplemental information sheet, 27 October 2010), p. 1.

⁹³²⁴ P609 (Dragan Mioković, witness statement, 14 November 1995), para. 15; Dragan Mioković, T. 6009-6013; P625 (Sarajevo CSB criminal report concerning shelling in Livanjska Street, 21 December 1994).

the front line.⁹³²⁵ **Mirza Sabljica** testified that the direction of fire of the second and third shells was 15 to 20 degrees from the north to east, which was the general direction of Špicasta Stijena, occupied by the Serbs.⁹³²⁶

2181. According to an UNPROFOR report, ‘the most suspected area’ from which the shells were fired was an area under the control of the ABiH. This conclusion was based on a calculation that excluded SRK positions as being possible areas from which the shells were fired.⁹³²⁷ UNPROFOR established the shells’ possible range as being from 100 to 5,000 metres, the angles of descent estimated as between 70 and 75 degrees, and the azimuth as 1,400 mils.⁹³²⁸ **Mioković** testified that, when his team compared their finding with UNPROFOR’s finding, they found that they had reached different conclusions regarding the location from which these shells had been fired – UNPROFOR had concluded that they had come from ABiH positions because the Serb positions would have been too far away.⁹³²⁹ Further communication revealed that UNPROFOR had used incorrect firing tables – they had used the specifications of Finnish shells to calculate the distance instead of the JNA shells that had actually been used, leading to the miscalculation.⁹³³⁰ When the witness’s team pointed out that the Finnish charts could not be relevant, UNPROFOR immediately accepted that and took the correct firing tables from the witness’s team.⁹³³¹ **Sabljica** testified that UNPROFOR calculated the approximate origin of fire but utilized a firing table for Finnish shells rather than the JNA shells that had been fired.⁹³³²

2182. The UNPROFOR report on an investigation into the second and third shells to land on Livanjska Street, which excluded that the shells were fired from SRK positions, contradicts Adjudicated Fact no. 2771, which states that these shells were fired from SRK-held territory. The Trial Chamber finds the UNPROFOR report sufficiently reliable to rebut the Adjudicated Fact. Under these circumstances, the Trial Chamber

⁹³²⁵ Dragan Mioković, T. 6018-6019.

⁹³²⁶ P855 (Mirza Sabljica, witness statement, 11 February 2010), pp. 59-60; D184 (MUP investigation file), pp. 1, 3, 6-7, 9.

⁹³²⁷ D185 (UNPROFOR report, 9 November 1994), p. 3.

⁹³²⁸ D185 (UNPROFOR report, 9 November 1994), pp. 1-2.

⁹³²⁹ P609 (Dragan Mioković, witness statement, 14 November 1995), para. 17; Dragan Mioković, T. 6006, 6014-6015.

⁹³³⁰ P609 (Dragan Mioković, witness statement, 14 November 1995), para. 17; Dragan Mioković, T. 6006, 6015. The Trial Chamber notes that while the witness does not explicitly state which findings his team compared with UNPROFOR, his description of the UNPROFOR findings makes it clear that the discussion pertains to the second and third shells. *See* D185 (UNPROFOR report, 9 November 1994), pp. 1-3.

⁹³³¹ Dragan Mioković, T. 6006.

finds that Adjudicated Fact no. 2771 is rebutted. Accordingly, the Trial Chamber reviewed the evidence before it in order to make a determination on this matter.

2183. Based on the foregoing, the Trial Chamber finds that on 8 November 1994, the SRK fired one shell from Poljine. This shell landed and exploded on Livanjska Street in Sarajevo, killing three civilians and seriously injuring six civilians. Two additional shells landed and exploded on Livanjska Street later on that same day. The Trial Chamber received conflicting evidence as to whether these second and third shells were fired from territory controlled by Serbs or by the ABiH. The Sarajevo CSB concluded that these shells were fired from Serb positions, a conclusion supported by both Dragan Mioković and Mirza Sabljica at trial, while an UNPROFOR report concluded that the shells were most likely fired from ABiH-controlled territory. Mioković and Sabljica explained that UNPROFOR's flawed conclusion was based on their use of firing tables for Finnish shells rather than the appropriate tables for the JNA shells that were fired. Mioković further testified that UNPROFOR's investigative team conceded this error when the Sarajevo CSB team drew their attention to it. The Trial Chamber finds Mioković and Sabljica reliable in this respect and therefore finds that the second and third shells to land on Livanjska Street on 8 November 1994 were fired by SRK members from Špicasta Stijena. In total, these three shells killed at least four civilians and seriously injured at least six civilians. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 21 November 1994 (Grbavica)

2184. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to a shelling incident in Grbavica on 21 November 1994. It also received evidence from **Sabina Šabanić**, a Bosnian Muslim from Sarajevo,⁹³³³ and finds that this evidence is consistent with the Adjudicated Facts.⁹³³⁴

2185. On 21 November 1994, a tram in Grbavica was hit by an M80 hand-held rocket.⁹³³⁵ Hajrudin Hamidić, a civilian and the driver of the tram, was seriously injured

⁹³³² Mirza Sabljica, T. 8167, 8174, 8183; D185 (UNPROFOR report, 9 November 1994), p. 1.

⁹³³³ P1913 (Sabina Šabanić, witness statements), witness statement of 16 November 1995, pp. 1-2, witness statement of 22 May 2006, p. 1, para. 7.

⁹³³⁴ P1913 (Sabina Šabanić, witness statements), witness statement of 22 May 2006, para. 3.

⁹³³⁵ Adjudicated Facts III, no. 2782.

as a result of this explosion.⁹³³⁶ The tram was fired at by sniper fire immediately after being targeted by the rocket projectile.⁹³³⁷ The sniper fire and the rocket projectile originated from the high-rise buildings at Grbavica which were held by the SRK.⁹³³⁸ The shots were fired by a member of the SRK.⁹³³⁹

2186. Based on the foregoing, the Trial Chamber finds that on 21 November 1994, a member of the SRK fired a rocket from an M80 hand-held rocket-launcher at a tram in Grbavica. The explosion seriously injured Hajrudin Hamidić, the civilian driver of the tram. Immediately after being targeted by the rocket projectile, a member of the SRK fired sniper shots at the tram. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 16 June 1995 (Čobanija Street)

2187. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995,⁹³⁴⁰ and Adjudicated Facts regarding an incident at Čobanija Street on 16 June 1995. It also received documentary evidence, and evidence from **Harry Konings**, an UNMO stationed in Sarajevo from 4 May to 23 October 1995,⁹³⁴¹ and found that this evidence is consistent with the Adjudicated Facts with regard to this incident.⁹³⁴²

2188. On 16 June 1995, at least three civilians were injured, two of whom seriously, as a result of the explosion of a modified air bomb on Čobanija Street.⁹³⁴³ The modified air bomb was launched by members of the SRK.⁹³⁴⁴

2189. Based on the foregoing, the Trial Chamber finds that on 16 June 1995, members of the SRK launched a modified air bomb which exploded on Čobanija Street 7 in Sarajevo. As a result of the explosion at least three civilians were injured, two of whom seriously. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy

⁹³³⁶ Adjudicated Facts III, no. 2783.

⁹³³⁷ Adjudicated Facts III, no. 2786.

⁹³³⁸ Adjudicated Facts III, no. 2787.

⁹³³⁹ Adjudicated Facts III, no. 2788.

⁹³⁴⁰ Adjudicated Facts III, nos 1883, 1886, 1892, 2548, and 2865 are reviewed in chapter 5.1.2.

⁹³⁴¹ P1741 (Harry Konings, witness statement, 11 November 2010), paras 2, 9.

⁹³⁴² P1741 (Harry Konings, witness statement, 11 November 2010), para. 45; P933 (Color photos of bomb blast site at Cobanija Street no. 7 where a modified air bomb missile impacted on 16 June 1995); P1100 (MUP reports, 17 and 26 June 1995), pp. 1, 4-5.

⁹³⁴³ Adjudicated Facts III, no. 2830.

⁹³⁴⁴ Adjudicated Facts III, no. 2833.

of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 22 June 1995 (Geteova street)

2190. **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo,⁹³⁴⁵ testified that a modified aircraft bomb explosion in Geteova Street next to no. 12, in the Alipašino Polje neighbourhood of Sarajevo, which occurred on 22 June 1995, killed a girl aged one year and ten months and injured five other people.⁹³⁴⁶ One of those injured died from his injuries later that same day.⁹³⁴⁷ The rockets comprising the modified aircraft bomb were fired from the direction of VRS-held territory of Ilidža, azimuth 250 degrees plus minus ten.⁹³⁴⁸ There were no military targets in the vicinity.⁹³⁴⁹

2191. Based on the foregoing, the Trial Chamber finds that on 22 June 1995 a member or members of the SRK launched a modified air bomb which exploded in Geteova Street next to no. 12, Alipašino Polje, Sarajevo. Upon impact the explosion killed two persons, one of whom was a girl of one year and 10 months, and injured four people. There were no military targets in the vicinity. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs.⁹³⁵⁰ The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

⁹³⁴⁵ P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.

⁹³⁴⁶ P992 (Anton Brennskag, witness statement, 26 October 2010), paras 37, 39-40; P991 (UNPROFOR weekly situation report, 24 June 1995), p. 3; P993 (Photographs of 22 June incident); D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1995), pp. 2, 21-22, 25. *See also* P1103 (MUP report, 18 July 1995), p. 1.

⁹³⁴⁷ D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1993), pp. 2, 16, 19-20, 26.

⁹³⁴⁸ P992 (Anton Brennskag, witness statement, 26 October 2010), paras 44-45; D240 (Official report, CSB MUP Sarajevo No. 19/04-1.3, 22 June 1993), pp. 2, 7. *See also* P1103 (MUP report, 18 July 1995), p. 3; P2019 (Map).

⁹³⁴⁹ P992 (Anton Brennskag, witness statement, 26 October 2010), para. 41.

⁹³⁵⁰ Adjudicated Facts III, nos 1883, 1886, 1892, 2548, and 2865 are reviewed in chapter 5.1.2.

Incident of 25 June 1995 (Dženetića Čikma Street)

2192. **Nedžib Đozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,⁹³⁵¹ testified that on 26 June 1995, he participated in an on-site investigation of a shelling incident which occurred on the afternoon of 25 June 1995, on Dženetića Čikma Street no. 12 in Stari Grad, Sarajevo.⁹³⁵² Ballistic experts determined that the 120-millimetre shell which landed on the street had been fired from VRS-controlled territory near Barice or Mrkovići in the north, located on the opposite side of Špicasta Stijena from Sedrenik.⁹³⁵³ The witness testified that two or three children were injured as a result of this incident.⁹³⁵⁴ According to the Stari Grad CJB official report, Sidbela Zimić (nine years old), Amina Pajević (ten years old), and Ljiljana Janjić (eleven years old) died as a result of the shelling, while Maja Škorić (seven years old) and Almira Krasnić (12 years old) were gravely injured.⁹³⁵⁵

2193. Based on the foregoing, the Trial Chamber finds that on 25 June 1995 a member or members of the SRK fired a 120-millimetre shell which landed on Dženetića Čikma Street no. 12 in Stari Grad, Sarajevo, gravely injuring two and killing three other children. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 28 June 1995 (Geteova Street)

2194. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2), and regarding the incident at Geteova Street no. 5 on

⁹³⁵¹ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 4-7; Nedžib Đozo, T. 5539, 5563-5564.

⁹³⁵² P544 (Nedžib Đozo, witness statement, 7 December 2010), para 25; Nedžib Đozo, T. 5552-5577; P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995) The Trial Chamber notes that the date of this report is 26 May 1995, while the contents of the report state that it was in fact created on 26 June 1995. The Trial Chamber considers the date of 26 May 1995 to be a typographical error, given that the content of the report relates to events on 26 June 1995; P551 (Hand-drawn map of location of shelling incidents in Stari Grad).

⁹³⁵³ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 24-26; Nedžib Đozo, T. 5577-5579; P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995), pp. 2, 7. The Trial Chamber notes that while at transcript page T. 5578 the area referred to is spelled Mrkonjići, the Trial Chamber has taken into consideration the context of the witness's evidence and the other evidence before it in relation to this incident and understands that the witness was in fact referring to the area of Mrkovići.

⁹³⁵⁴ P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 25; Nedžib Đozo, T. 5577.

28 June 1995. It also received evidence from **Witness RM-110**, a Bosnian-Muslim police officer,⁹³⁵⁶ and documentary evidence relating to the incident and found that this evidence is consistent with the Adjudicated Facts.⁹³⁵⁷ In addition, the Trial Chamber received evidence from **Zorica Subotić**, an expert in ballistics.⁹³⁵⁸

2195. On 28 June 1995, three people died and seven others were injured in an explosion. They were all civilians living in the residential apartment building at Geteova Street no. 5, Sarajevo.⁹³⁵⁹ The modified air bomb originated from SRK-held territory, either Ilidža or Butila, and it was launched by a member of the SRK.⁹³⁶⁰ The effective range of a FAB-250 air bomb is between 5,780 and 7,680 metres.⁹³⁶¹

2196. **Zorica Subotić** testified that the incoming trajectory of the modified air bomb was roughly north-south and that, based on this, the most probable target was the Žica factory.⁹³⁶²

2197. Based on the foregoing, the Trial Chamber finds that on 28 June 1995 a member or members of the SRK launched a modified air bomb which exploded on a residential apartment building at Geteova Street no. 5, Sarajevo, killing three people and injuring seven, all of whom were civilians. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below, where it will also address the evidence regarding the possible targeting of the Žica factory.

⁹³⁵⁵ P550 (Bosnia-Herzegovina MUP Security Services Centre report on shelling of Stari Grad, 26 May 1995), pp. 2, 4.

⁹³⁵⁶ P491 (Witness RM-110, witness statement, 22 February 1996), p. 1; P492 (Witness RM-110, witness statement, 1 November 2010), p. 1, para. 3; Witness RM-110, T. 4912, 4914.

⁹³⁵⁷ P492 (Witness RM-110, witness statement, 1 November 2010), para. 22; D165 (UNPROFOR memorandum, 28 June 1995), p. 1; P752 (Correspondence from Robert Meille to Dragomir Milošević concerning attacks on civilian targets in Sarajevo by forces of the SRK using powerful bombs and heavy artillery); P4622 (Investigative file concerning the air-bomb incident at Geteova Street 5 on 28 June 1995), pp. 1, 3-5, 9-11, 28, 36-51.

⁹³⁵⁸ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.

⁹³⁵⁹ Adjudicated Facts III, no. 2852.

⁹³⁶⁰ Adjudicated Facts III, no. 2849.

⁹³⁶¹ Adjudicated Facts III, no. 2848.

⁹³⁶² D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 163-164, 168-172, 229-230; Zorica Subotić, T. 39532-39533; 39550-39551.

Incident of 1 July 1995 (Bunički Potok Street and Alekse Šantića Street)

2198. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2), and regarding the incidents at Bunički Potok Street and Alekse Šantića Street 1 July 1995. It also received evidence from **Zorica Subotić**, an expert in ballistics.⁹³⁶³

2199. On the evening of 1 July 1995, two modified air bombs fell, one on Bunički Potok Street and the other on Alekse Šantića Street.⁹³⁶⁴ The explosion on Bunički Potok Street caused injuries to thirteen civilians, two of whom were seriously injured.⁹³⁶⁵ The modified air bombs were launched by members of the SRK from the Ilidža area, which was controlled by the SRK.⁹³⁶⁶

2200. **Zorica Subotić** testified that a single modified air bomb landed at Alekse Šantića Street, travelled some distance underground, resurfaced, continued its flight, and landed approximately 150 metres away at Bunički Potok Street.⁹³⁶⁷ She further testified that the target of the modified air bomb was most likely a house on Alekse Šantića Street used by the ABiH.⁹³⁶⁸

2201. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 members of the SRK launched one or two⁹³⁶⁹ modified air bombs, which fell on Bunički Potok Street and Alekse Šantića Street. The Trial Chamber did not receive any evidence as to the explosion on Alekse Šantića Street, in terms of injury or damage caused, and will therefore not further consider this incident in relation to any count of the Indictment. The explosion in Bunički Potok injured thirteen civilians, two of whom were seriously injured. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider these incidents in relation to Counts 9 and 10 of the Indictment in chapter 8, below, where it will also

⁹³⁶³ D2117 (Zorica Subotić and Mile Poparić, Expert report on Mortar Attacks on the Sarajevo Area in 1992-1995, 25 April 2014), pp. 2-24.

⁹³⁶⁴ Adjudicated Facts III, no. 2855.

⁹³⁶⁵ Adjudicated Facts III, no. 2858.

⁹³⁶⁶ Adjudicated Facts III, no. 2866.

⁹³⁶⁷ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 152, 160-163, 229; Zorica Subotić, T. 39550, 39909.

⁹³⁶⁸ D2114 (Zorica Subotić and Mile Poparić, modified air bomb report, 25 April 2014), pp. 153, 162-163, 229.

⁹³⁶⁹ While Subotić's evidence contradicts the Adjudicated Facts with regard to the number of bombs fired, the Trial Chamber considers this to be a marginal detail not requiring resolution.

address the evidence regarding the possible target of the bomb hitting Bunički Potok Street.

Incident of 1 July 1995 (east of PTT Building)

2202. **Anton Brennskag**, a former lieutenant-colonel with the Royal Norwegian Army who was stationed as an UNMO in Sarajevo,⁹³⁷⁰ testified that on 1 July 1995 a modified aircraft bomb, fired from an east to north easterly direction, landed in the garden of a family house just east of the PTT building, causing a crater two to three metres deep, but did not injure anyone.⁹³⁷¹ This was a residential area without any military targets.⁹³⁷² The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2203. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 a member or members of the SRK launched a modified air bomb which landed in the garden of a house in a residential area, just east of the PTT building. There were no military targets in the vicinity. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incidents of 1 July 1995 (Skenderija Street, Branilaca Grada Sarajeva, Mula Mustafe Baseškije Street and Ferhadija Street)

2204. **Nedžib Dozo**, a Bosnian Muslim former JNA mortar platoon commander and civilian police investigator,⁹³⁷³ testified that he investigated shelling incidents that occurred in Stari Grad on 1 July 1995 in which 120-millimetre mortar shells landed in close proximity and shortly after one another with each shell coming from the same

⁹³⁷⁰ P992 (Anton Brennskag, witness statement, 26 October 2010), pp. 1-3.

⁹³⁷¹ P992 (Anton Brennskag, witness statement, 26 October 2010), paras 49-50; Anton Brennskag T. 8994-8995, 9042-9043; P995 (Map of Novi Grad area of Sarajevo, signed by Anton Brennskag, 26 October 2006); P996 (Bosnian police photographs of damage, 1 July 1995).

⁹³⁷² P992 (Anton Brennskag, witness statement, 26 October 2010), para. 49.

⁹³⁷³ P544 (Nedžib Dozo, witness statement, 7 December 2010), paras 4-7; Nedžib Dozo, T. 5539, 5563-5564.

direction of fire and landing closer to the Markale market.⁹³⁷⁴ The first shell landed on Skenderija Street near a secondary school (around 250-300 metres from Markale); the second shell exploded in front of the Stari Grad municipal building on Ulica Branilaca Grada Sarajeva Street (then known as JNA Street, around 150-200 metres from Markale), wounding several people; the third shell hit a food store on Mula Mustafe Baseškije Street (then known as Maršal Tito Street, around 30 metres from Markale), killing one person and injuring several people; and the fourth shell landed on the roof of a building on Ferhadija Street across from the Faculty of Economics, but did not cause any casualties.⁹³⁷⁵ A man told the witness that his son, a young man who had gone to enrol as a student, died as a result of the first shell.⁹³⁷⁶ An official report of these investigations, noted that the second shell killed Mensur Sećibović and injured Mustafa Aganagić, Zijo Međuselac, and four others, while the third shell killed Fahrudin Nikšić and Hasija Kalamujić, and injured Meho Kadušić and ten others.⁹³⁷⁷

2205. The witness testified that he and others at the Stari Grad police station concluded, based on their experience in Sarajevo, that the VRS mortar fire on Stari Grad on 1 July 1995 came from the same weapon, which was being adjusted or corrected to reach Markale market so as to cause a large number of casualties.⁹³⁷⁸ The shells came from the direction of the Serb-controlled area of Lukavica or Vraca on the slopes of Trebević.⁹³⁷⁹ According to a MUP report, a 120-millimetre contact-fuse shell arrived from the direction of south-west and exploded on 1 July 1995 at around 2:15 p.m. in the vicinity of the Branilaca Grada Street, across from house number 40, killing one person and injuring six.⁹³⁸⁰

2206. Based on the foregoing, the Trial Chamber finds that on 1 July 1995 a member or members of the SRK fired four 120-millimetre mortar shells. The shells landed on Skenderija Street, Branilaca Grada Sarajeva Street, Mula Mustafe Baseškije Street, and Ferhadija Street, killing four people and injuring 17 others. The Trial Chamber will

⁹³⁷⁴ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 25-27, 33-35; Nedžib Đozo, T. 5556-5558, 5581-5583; P552 (Bosnia-Herzegovina MUP Security Services Centre report on Stari Grad shelling, 3 July 1995).

⁹³⁷⁵ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 27-34; Nedžib Đozo, T. 5582, 5584-5585.

⁹³⁷⁶ P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 29; Nedžib Đozo, T. 5585-5586.

⁹³⁷⁷ P552 (Bosnia-Herzegovina MUP Security Services Centre report on Stari Grad shelling, 3 July 1995), p. 2.

⁹³⁷⁸ P544 (Nedžib Đozo, witness statement, 7 December 2010), paras 27, 35; Nedžib Đozo, T. 5583, 5586.

⁹³⁷⁹ P544 (Nedžib Đozo, witness statement, 7 December 2010), para. 28.

further consider these incidents in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

Incident of 19 July 1995 (Marice Uherke Street)

2207. According to a MUP report, on 19 July 1995 one 120-millimetre mortar shell with markings 'KB-9504' was fired from Serb positions in Ilidža in the north exploded in the Sokolovići settlement of Sarajevo, at Marice Uherke Street no. 8, in the yard of the family house owned by Adnan Hodžić, injuring three people.⁹³⁸¹ The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the position of the SRK in Ilidža during the war. These Adjudicated Facts are reviewed in chapters 5.1.1 and 5.3.8.

2208. Based on the foregoing, the Trial Chamber finds that on 19 July 1995, a member or members of the SRK fired a 120-millimetre shell with markings 'KB-9504' at the Sokolovići settlement of Sarajevo. The shell landed in the yard of the family house at Uherke Street no. 8, injuring three people. The Trial Chamber will further consider this incident in relation to Counts 9 and 10 of the Indictment in chapter 8, below.

Incident of 23 July 1995 (Bjelašnička Street)

2209. The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995. Further, the Trial Chamber took judicial notice of a number of Adjudicated Facts relating to a shelling incident at Bjelašnička Street on 23 July 1995 and received documentary evidence in this respect and finds that this evidence is consistent with the Adjudicated Facts.⁹³⁸²

2210. At 6:30 p.m. on 23 July 1995, a modified air bomb exploded on Bjelašnička Street in Sokolovići.⁹³⁸³ Two civilians were killed and eleven civilians were injured, some seriously, as a result of the explosion.⁹³⁸⁴ The modified air bomb was fired from a

⁹³⁸⁰ P2027 (MUP report, 9 July 1995), pp. 1, 4.

⁹³⁸¹ P2040 (MUP report, 19 July 1995), pp. 1-2.

⁹³⁸² P972 (Certificate of death and injury, 1 December 1995), pp. 1-3, 5-7

⁹³⁸³ Adjudicated Facts III, no. 2868.

⁹³⁸⁴ Adjudicated Facts III, no. 2869.

north-westerly direction, from SRK-controlled territory.⁹³⁸⁵ It was launched by members of the SRK.⁹³⁸⁶ The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2211. The Defence argued that the Prosecution 'has not led any substantial evidence other than the adjudicated facts' for this incident and that 'taking judicial notice of adjudicated facts without any other substantial evidence would create a presumption of guilt of the Accused'.⁹³⁸⁷ Requiring the Defence to present contradictory evidence under these circumstances would violate the Accused's right to remain silent.⁹³⁸⁸ First, the Trial Chamber recalls its approach to Adjudicated Facts, set out in Appendix B. Second, the Trial Chamber notes that the Defence bases its argument on a comment by the Trial Chamber in its Rule 98 *bis* decision. In that decision, the Trial Chamber noted that 'failure of the Prosecution to adduce any evidence or insufficient evidence on individual charges has an effect on proceedings that will follow'.⁹³⁸⁹ The Trial Chamber clearly was referring to a situation where no evidence was presented (and no Adjudicated Facts were taken judicial notice of). In fact, where the Trial Chamber has taken judicial notice in relation to an incident, there should in fact not be further evidence presented in this regard. The Trial Chamber considers that the Defence's submissions are without merit. They are rejected.

2212. Based on the foregoing, the Trial Chamber finds that on 23 July 1995, a member or members of the SRK launched a modified air bomb which exploded on Bjelašnička Street in Sokolovići, killing two civilians and injuring eleven others, some seriously. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

⁹³⁸⁵ Adjudicated Facts III, no. 2871.

⁹³⁸⁶ Adjudicated Facts III, no. 2872.

⁹³⁸⁷ Defence Final Brief, paras 2365, 2367.

⁹³⁸⁸ Defence Final Brief, para. 2367.

⁹³⁸⁹ Rule 98 *bis* Decision, T. 20924.

Incident of 22 August 1995 (Zmaja od Bosne Street)

2213. On 22 August 1995 a modified air bomb exploded on the BITAS Building on Zmaja od Bosne 64 Street.⁹³⁹⁰ As a result of the explosion one civilian was killed and another person was slightly injured.⁹³⁹¹ The modified air bomb was fired from the area of Rajlovac, an area under the control of the SRK.⁹³⁹² A large part of the outer wall on the West side of the building was blasted away.⁹³⁹³ The Trial Chamber took judicial notice of a number of Adjudicated Facts relating to the SRK's possession of modified air bombs between August 1994 and November 1995 (reviewed in chapter 5.1.2).

2214. With regard to the Defence's arguments concerning this incident,⁹³⁹⁴ the Trial Chamber refers to its considerations and conclusion concerning Incident of 23 July 1995 (Bjelašnička Street), above. On this basis, the Defence's submissions are rejected.

2215. Based on the foregoing, the Trial Chamber finds that on 22 August 1995, a member or members of the SRK launched a modified air bomb, which hit the BITAS Building on Zmaja od Bosne 64, killing a civilian, injuring another person, and causing damage to the building. The Trial Chamber also recalls its findings in chapter 5.1.2 about the accuracy of modified air bombs. The Trial Chamber will further consider this incident in relation to Counts 5, 6, 9, and 10 of the Indictment in chapter 8, below.

⁹³⁹⁰ Adjudicated Facts III, no. 2874.

⁹³⁹¹ Adjudicated Facts III, no. 2877.

⁹³⁹² Adjudicated Facts III, no. 2878.

⁹³⁹³ Adjudicated Facts III, no. 2880.

⁹³⁹⁴ Defence Final Brief, paras 2364-2368.