

**WAR CRIMINALS
IN BOSNIA'S REPUBLIKA SRPSKA**

2 November 2000

WHO ARE THE PEOPLE IN YOUR NEIGHBOURHOOD?

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WAR CRIMINALS IN BOSNIA'S REPUBLIKA SRPSKA: WHO ARE THE PEOPLE IN YOUR NEIGHBOURHOOD?

EXECUTIVE SUMMARY

Five years after the signing of the Dayton Peace Accords, which brought an end to almost four years of bloody war in Bosnia, many of those believed to have carried out some of the war's worst atrocities remain at large. The continued presence in the municipalities of Republika Srpska (RS) of individuals suspected of war crimes—some indicated either publicly or secretly by the International War Crimes Tribunal for the former Yugoslavia (ICTY)—represents a significant obstacle to the return of ethnic minority refugees. It also undermines seriously Bosnia's chances for building central institutions, generating self-sustainable economic growth, and achieving the political transformation necessary to begin the process of integration with the rest of Europe. Moreover, the continued commitment of most war crimes suspects to the goal of a Greater Serbia, and their willingness to use violence to achieve it, could—in the long term—provoke renewed conflict in Bosnia and continued instability in the Balkans.

In many RS municipalities, individuals alleged to have committed violations of international humanitarian law during the 1992-1995 war—mass murder, ethnic cleansing, and mass rape—remain in positions of power. They continue to work in the police force, hold public office, exercise power through the legal and illegal economy, or influence politics from behind the scenes. In eastern Republika Srpska in particular, many of these “small fish,” who served in the local Serb wartime administrations and military units that carried out the policies of ethnic cleansing, remain a frightening force, often actively working to prevent refugee return and moves towards ethnic reconciliation.

2000 has seen a number of organised violent incidents directed against returning refugees (and in one case against the NATO-led Stabilisation Force (SFOR)) in Zvornik, Bratunac, Srebrenica and Janje. The systematic armed attacks on Bosniak returnees and their property—particularly in Janje and Srebrenica—demonstrate the continued presence of paramilitary groups in the region, whose aim is to maintain instability and discourage refugee return. Many of those involved in wartime ethnic cleansing have links with these groups, as well as with military and paramilitary elements in Serbia proper. SFOR's reluctance to give priority to making arrests has played a major role in slowing implementation of the Dayton Peace Accords, and has needlessly prolonged the international community presence.

Following the April 2000 Bosnian municipal elections, a number of individuals with questionable war records assumed positions as municipal assembly members, speakers and mayors. At least four of the recently elected Serbian Democratic Party (SDS) assembly members have already been referred to local authorities for arrest and trial under the “Rules of the Road” established by the ICTY in The Hague. In one of the worst municipalities, Bratunac, seven of the thirteen recently elected Serbian Democratic Party (SDS) candidates are allegedly connected with war crimes. This municipality continues to represent a centre for Serb radical national politics in the region, a fact demonstrated vividly during a violent May 2000 attack on a bus convoy of Bosniak women.

This report names individuals in eighteen Republika Srpska municipalities and the Brcko District who are alleged to have committed indictable acts or supervised those who did so, and are therefore potentially indictable for war crimes under the criteria established by the ICTY. Yet they continue to play a prominent role in their respective areas, and present significant barriers to the implementation of the Dayton Peace Accords. Senior international officials know about them. Many meet frequently with international officials and representatives of SFOR.

The influence of potential war criminals at the municipal and entity level is an open secret among international officials. The issue is often avoided, since it exposes contradictions between the international community's commitment to justice and the rule of law, on the one hand, and the temptations of political expediency, on the other. And yet the persistence of radical politics in eastern RS follows logically from the fact that the international community permitted the SDS of indicted war criminal Radovan Karadzic to participate in post-Dayton "democratic" elections. As one mayor in RS noted, "the SDS as a party protects war criminals because to do otherwise would call its entire concept into question."¹ More significantly, the failure to arrest Karadzic himself has sent a message to his wartime colleagues and political successors that they can obstruct return, actively work against Dayton implementation, exploit nationalist sentiments, and remain untouchable.

While acknowledging the moral imperative to apprehend war criminals, some policymakers have disputed the practical urgency of the issue, arguing that war criminals play a marginal role in local politics. This report shows this assumption to be flawed. In addition to the numerous individuals discussed below, Karadzic himself continues to operate behind the scenes, taking part in the day to day running of the SDS. The continued anti-Dayton activities of the SDS, as well as Karadzic's continued leadership role, argue for excluding the party from participation in Bosnian political life. If this is impracticable to achieve in the short remaining time before the 11 November elections, the possible banning of the party should remain actively on the international authorities' agenda with benchmark performance tests being set and enforced.

The continued freedom and influence of many individuals alleged to have been involved in war crimes has a debilitating influence on the prospects for long term peace and stability in Bosnia. Bosnia will never achieve the rule of law and inter-ethnic reconciliation until many more suspected war criminals appear before the ICTY or locally authorised courts. Only then will the local debate on war crimes pass from a debate about evils committed by ethnic groups to a debate on evils committed by individuals.

Unfortunately, the ICTY lacks the resources to even begin to fully carry out its mandate. The overall number of indictments—both public and secret—remains disturbingly low: measured in tens rather than hundreds. A number of war crimes cases have already been referred by The Hague to local courts and more can be expected, but these cases have simply shown up the inability of the Bosnian justice system, as presently constituted, to handle war crimes cases. The report makes a number of recommendations designed to give the ICTY the support it needs both to do its intended job and to make an impact on the general public—both in Bosnia and throughout the former Yugoslavia.

The report also sets out a number of other measures the international community can undertake to improve the situation, with little risk or additional expenditure. Much of what is needed is simply a rationalisation of existing international community efforts, with the primary focus on increased efficiency within the scope of existing mandates and resources.

¹ ICG interview with a mayor of an RS municipality who asked to remain anonymous, June 2000.

This report does not purport to be a comprehensive list of those who allegedly committed war crimes in RS; nor is there any suggestion that war crimes were committed only in RS, or only by Serbs and not Croats and Bosniaks (i.e. Muslims). But it is a particular matter of concern that Bosnian Serb authorities—in contrast to those of other ethnic groups—have yet to arrest a single Serb war crimes suspect, and have extended only minimal co-operation to the ICTY. The continued presence in positions of some prominence of so many people suspected of grave crimes remains a major obstacle to peace building.

If the report leads to more effective international action against not only alleged Serb war criminals, but those of other ethnic groups as well, Bosnia can only benefit. Only with the disappearance from public and political life, by one means or another, of the forces of extreme nationalism still determined to tear the country apart at the seams, will the country and its people fully emerge from the horror of the last decade.

RECOMMENDATIONS

International Criminal Tribunal on the former Yugoslavia (ICTY)

- 1) Funding for the ICTY should be increased through the UN to the extent necessary to enable it to:
 - (a) significantly increase its caseload;
 - (b) conduct trials in Bosnia; and
 - (c) significantly extend its outreach activity.

NATO

- 2) NATO governments should order the immediate arrest of Radovan Karadzic.
- 3) With the active support of the French and US governments, NATO should make a renewed effort to arrest all indicted war criminals in Bosnia before the end of 2000.
- 4) NATO governments should place war crimes evidence and information gained via electronic surveillance at the disposal of the ICTY.

Bosnian Government

- 5) The Council of Ministers should—within the context of its current efforts to develop a central court—authorise the creation of a special war crimes tribunal, with an ethnic balance similar to that of Bosnia's Constitutional Court, operating under the ICTY's "Rules of the Road."
- 6) The tax administrations, financial police and criminal police of Republika Srpska and the Federation should investigate the financial activities of indicted war criminals to determine if their assets were obtained through illegal means, and if so, seize these holdings under applicable local criminal law.

Office of the High Representative (OHR)

- 7) OHR should—in co-operation with OSCE—take all steps available to exclude the SDS and its officials from participation in Bosnian political life, including setting and enforcing performance benchmarks by elected SDS officials (if the party is not banned from participation in the November 2000 general elections).
- 8) OHR should use the powers at its disposal to preclude individuals reasonably suspected of war crimes, including former members of wartime Crisis Staffs, from holding positions as directors or members of the board of directors of public companies.
- 9) OHR, in co-operation with the Independent Media Commission (IMC), should seek ways to broadcast local language proceedings of the ICTY trials throughout Bosnia on television.
- 10) The OHR anti-fraud unit should expand its anti-corruption activities to include investigations of the sources of income of suspected war criminals.

Organisation for Security and Co-operation in Europe (OSCE)

- 11) OSCE should—in co-operation with the OHR—decertify the SDS and its candidates from participating in any further elections, including the November 2000 general elections.
- 12) OSCE should more actively use its powers to exclude from candidacy for public office any individual suspected on reasonable grounds of involvement in war crimes.
- 13) OSCE should require candidates to submit information on war time activities as part of the registration process for candidacy.
- 14) OSCE should monitor more closely the personal financial disclosure documentation provided by local politicians.

UN Mission in Bosnia and Herzegovina (UNMiBH):

- 15) UNMiBH should seek to further improve the efficiency and speed of implementation of its screening checks of police, and act decisively to remove from police functions individuals suspected on reasonable grounds of involvement in war crimes.

Sarajevo/Washington/Brussels, 2 November 2000



WAR CRIMINALS IN BOSNIA'S REPUBLIKA SRPSKA: WHO ARE THE PEOPLE IN YOUR NEIGHBOURHOOD?

I. INTRODUCTION: CRIME AND PUNISHMENT IN REPUBLIKA SRPSKA

This report deals exclusively with war crimes committed within the territory of Republika Srpska (RS), the Serb entity within Bosnia. It is not meant to be a comprehensive list of all those who are alleged to have committed war crimes in RS or, for that matter, in Bosnia. The fact that it does not discuss war crimes committed by Bosniaks or Croats does not mean that such crimes did not occur. Nor is it meant to imply that the International Crisis Group (ICG) considers as less serious war crimes committed by the Bosniak and Croat factions during the war. Rather, it is an attempt to understand why, five years after the signing of the Dayton Peace Accords,² the RS remains openly obstructionist and defies the international community's efforts to implement the key aspects of the Peace Agreement. It is also an effort to understand why Bosnia's Serb authorities—in contrast to those of other ethnic groups—have yet to arrest a single Serb war crimes suspect, and continue to extend the bare minimum of co-operation to the International Criminal Tribunal for the former Yugoslavia (ICTY). This obstructionism manifests itself in numerous areas, such as the refusal to support Bosnia's central institutions; obstruction to the formation of central state corporations for public services; the refusal to implement property laws; and the constant lack of co-operation with regard to minority refugee return. It also manifests itself in the refusal to co-operate with the UN-appointed Office of the High Representative (OHR) overseeing the civilian implementation of the Dayton Peace Accords.

This report examines the continued presence of alleged war criminals—some of them subject to secret indictment—and their impact on the quasi-closed society of the RS, in particular their impact in the tightly knit municipalities of the region.³ The individuals named in this report by no means represent a complete list of all those alleged to have committed war crimes. Rather, the concentration on these individuals is intended to identify a significant obstacle to Dayton implementation that has been heretofore downplayed both by the NATO-led Stabilisation Force (SFOR) and the international community.

² The General Framework Agreement for Peace, also known as the Dayton Peace Accords.

³ The ICTY has issued a limited number of sealed or "secret" indictments against war crimes suspects in the former Yugoslavia, the purpose of which is—by the absence of forewarning—to facilitate the safe capture of war crimes suspects. The 'indictment', as confirmed by a judge of the Tribunal, is the charge on the basis of which an arrest warrant is issued and can be sealed or unsealed. The practice is to make such indictments public immediately after an arrest is made. Ten suspects have been arrested to date on the basis of sealed indictments. The case of Momcilo Krajisnik illustrates their use: Krajisnik, the wartime President of the RS Assembly, post-Dayton Bosnia Presidency Member and "biggest fish" arrested to date seemed unaware or unconcerned about possible indictment when French troops stormed into his home on 3 April 2000, to find him asleep and offering no resistance.

A. Hiding War Criminals: A Conspiracy of Silence

The dominant ideology espoused in the RS by a great many politicians and the vast majority of citizens, asserts that the forced, planned ethnic cleansing of the non-Serb population on a massive scale did not occur, and where it did, it was not wrong. The reason for this is that many of the individuals responsible for the ethnic cleansing remain in positions of power to this day, mostly at the local levels of RS government. They function as pillars of their respective communities, dispensing political and economic patronage. Many control the local economies, both legal and illegal, while others continue to control illegal paramilitary groups. In all RS communities, indicted and suspected war criminals appear to enjoy respected status.

The conspiracy of silence extends to members of the RS police force, many of whom—despite UNMiBH's International Police Task Force's (IPTF) mandate to monitor them—have shady war records. To date, police in the RS have yet to arrest a single indicted war criminal, even though they have an obligation to do so under the Dayton Peace Accords. Rather, the RS police appear to be protecting these individuals. This may be caused in part by the presence of numerous alleged war criminals on the RS police force.

The depth of the problem and the degree to which it affects RS political life, may be seen in the recent refusal by RS Minister of Defence **Manojlo Milovanovic**, to attend a conference on Bosnian security issues in Norway. This refusal came when international authorities could not guarantee that he would not be arrested for war crimes.⁴ Milovanovic served as Chief of Staff of the RS Army during the 1992-1995 war, and is allegedly considered responsible for the war crimes committed against civilians during the siege of Sarajevo.⁵ The current President of the RS Supreme Court in Banja Luka, **Jovo Rosic**, served as a member of the Krajina Regional Crisis Staff during the war, along with Hague indictees **Radoslav Brdjanin** and **Momir Talic**.⁶ A list of allegedly secretly indicted individuals, created in the RS Ministry of Defence and signed by Assistant Minister

⁴ "Neka bude smena," Interview with the Minister of Defence of Republika Srpska, *Reporter*, 26 July 2000, p.11. Republika Srpska Army General, Momir Talic was arrested for war crimes in Austria in August 1999 while attending an OSCE conference. Following this arrest, Republika Srpska army officers were instructed not to travel abroad without assurances from SFOR and the ICTY that they would not be arrested.

⁵ The Public Prosecutor in Sarajevo has collected evidence against Milovanovic for committing war crimes against a civilian population on the basis of article 142, paragraph 2 of the Criminal Code of Bosnia and Herzegovina. This evidence has been turned over to the ICTY. In February 1994, Milovanovic publicly threatened to take international workers and peacekeepers hostage if NATO carried out air strikes. "Milovanovic also spoke of a potential 'massacre of international representatives' based in Bosniak enclaves if NATO launches any attack. 'We are openly telling everyone: In case of air strikes, all foreigners who find themselves on our territory will become hostages,' Milovanovic said in an interview published in this week's edition of the weekly *Intervju*, seen Thursday in Belgrade. 'Those include International Red Cross and (U.N. relief) workers, and sadly, journalists too,' Milovanovic was quoted as saying." Source: "Serb Head Threatens Reporters," Associated Press, 17 February 1994.

⁶ He was responsible for the supervision of jails throughout the region, a number of which were used as camps where prisoners were tortured and executed, including the Manjaca camp. A former inmate at the Manjaca concentration camp told ICG that Rosic visited the camp and inspected the prisoners' cells on a number of occasions. Rosic also served as the President of the Exchange Commission for the Krajina region. At the time that the Zepa and Srebrenica pockets fell, he was serving as vice-premier of the RS government for internal affairs.

of Defence Grujo Boric, included Rosic's name,⁷ suggesting that the Ministry either considers him to be the subject of a secret indictment, or that grounds for his indictment exist.

This pattern of individuals with potentially problematic backgrounds in positions of authority or influence repeats itself in a number of RS municipalities. In Bratunac, for example, two local officials were quoted in early 1996 as denying that the Srebrenica massacre had ever occurred. Both of these individuals were allegedly implicated in ethnic cleansing in the region by numerous sources. Both continue to serve on the Bratunac municipal assembly.⁸

When RS Prime Minister Milorad Dodik finally admitted this year that a mass crime had been committed in Srebrenica, and that the loved-ones of the victims have a right to commemorate this, it represented a major breakthrough in the eyes of international observers.⁹ Such a statement by an RS public official had never been made, and to this day could not be made publicly in eastern RS. Another exception to this rule of silence and denial was a series of articles which came out in 1999 in the independent RS newspaper *Nezavisne Novine*, detailing war crimes committed by Serb forces at Koricani and in Teslic. The articles asked why the individuals responsible had not been brought to justice, and urged the RS government to put them on trial. Following publication, a car bomb attack on the newspaper's editor, Zelko Kopanja, cost him both legs.¹⁰

To understand the depths to which this code of silence penetrates the RS, one must understand Radovan Karadzic's Serbian Democratic Party (SDS) and the role it played in planning, facilitating, and implementing ethnic cleansing from 1992 to 1995.

B. The Background: Crisis Staffs and Ethnic Cleansing

In 1992, following the referendum on Bosnian independence, the SDS, led by Karadzic, implemented a political and military plan to occupy the northern and eastern sections of Bosnia and Herzegovina in order to create "ethnically pure" Serb territory. This plan was executed through overt military aggression, in cooperation with the pro-Serb Yugoslav National Army (JNA), Serbian paramilitary units and locally recruited "Territorial Defence" (TO) units.

From 1992 to 1995, throughout Bosnia, Serb military occupation and civilian administrations were accompanied by brutally efficient and well-planned campaigns of "ethnic cleansing," designed to make the populations of Serb-administered territories exclusively Serb. The actual mechanics of ethnic cleansing included the random and mass executions of civilians, torture, rape, detainment in concentration camps, usurpation and destruction of private property, destruction of religious and cultural monuments, systematic

⁷ "Spisak 74 za Hag," *Reporter*, 6 September 2000, pp.9-11. As noted in Part II below, it has been suggested that the purpose of this list was to alert the individuals in question to the possible danger of arrest.

⁸ "Buried Truth: Many Bosnians are in State of Denial," *Boston Globe*, 20 May 1996.

⁹ "Bosnian Serb PM says Srebrenica was mass crime," *Reuters*, 14 July 2000.

¹⁰ See: "An Editor Pays the Price in Republika Srpska," Institute for War and Peace Reporting Crisis Report, No.86, 23 October 1999.

discrimination, and massive forced deportation to territories controlled by non-Serb ethnic groups.

These atrocities are well documented and form the basis of a number of public and sealed indictments from the ICTY against members of the Serb civilian and military authorities. The scope of the problem is illustrated by the Bosniak component of the Federation government, which presented the ICTY with more than 4,000 dossiers containing evidence concerning individuals who participated in war crimes. The dossiers contained information regarding a wide range of individuals, including those responsible for organising the war crimes, as well as those who implemented them.¹¹

When Serb forces took over a municipality, they worked in close co-ordination with local "Crisis Staffs," comprised of SDS members and key police, civilian, and military authorities.¹² These municipal Crisis Staffs were administered within the framework of regional Crisis Staffs of the so-called "Serb Autonomous Regions." These Crisis Staffs played a crucial and central role in planning and executing ethnic-cleansing operations. Their activities included the establishment and administration of concentration camps, co-ordinating the arrival and logistics of Serbian paramilitary units, creating lists of influential, rich or powerful non-Serbs for "liquidation," forming local territorial defence units, and numerous other tasks. Often these staffs overlapped with or transformed into bodies known as municipal "war councils" or "war presidencies."

A United Nations report on the municipality of Prijedor illustrates how these Crisis Staffs functioned, as well as their role in organising and implementing war crimes:

When the Serbs took power in the district of Prijedor, they immediately declared the existence of a Crisis Committee of the Serbian district of Prijedor (Krizni Stab Srpske Opstine Prijedor). Some of the members of this crisis committee were the military commanders Colonel Vladimir Arsic and Major Radmilo Zeljaja, and other district leaders, such as Major Slobodan Kuruzovic; the Chief of Police, Simo Drljaca; Mayor Milomir Stakic; the President of the Executive Board of the Assembly in Prijedor, Mico Kovacevic; the President of the Serbian Democratic Party (Srpska Demokratska Stranka or SDS) in Prijedor, Simo Miskovic; and the President of the Red Cross in Prijedor, Srdjo Srdic.¹³

In the context of the Crisis Staff, the military commanders, police and civilian administrators functioned together, and in co-operation with the regional authorities of the Banja Luka Security Centre (police) and the RS Ministry of the Interior. The Crisis Staff organised and executed the military take-over and

¹¹ ICG interview with a former ICTY associate.

¹² The term in Serbo-Croatian is 'Krizni Stab' which ICG has translated as 'Crisis Staff'. Some of the sources quoted in this report use the term 'Crisis Committee' which is simply a slightly different translation but refers to the same institution.

¹³ "The Prijedor Report: United Nations - Security Council," S/1994/674/Add.2 Vol. I, 28 December 1994.

ethnic cleansing of the region, murdering, torturing, raping and robbing the non-Serb residents and deporting them to local and regional concentration camps.¹⁴

Today, key actors in these regional and municipal Crisis Staffs occupy some of the most prominent positions in RS political and economic life.

C. Who Is Indictable?

In order to discuss the issue of war crimes, it is necessary to briefly review the applicable international law and the jurisdiction of the ICTY.¹⁵ A first important distinction is between "war crimes," defined as violations of international humanitarian law, and violations of international human rights covenants. International humanitarian law—often known as the "laws of armed conflict" or the "laws of war"—encompasses rules to prevent infliction of unnecessary suffering on soldiers and non-combatants in the context of an armed conflict. International humanitarian law has evolved and been codified over the last century, but the most definitive expression lies in the Geneva Conventions of 1949. Human rights law, in contrast, concerns certain inalienable rights to which all individuals are entitled, whether or not in the context of armed conflict.

The ICTY Statute¹⁶ grants jurisdiction to the tribunal for prosecution of four categories of crimes:

- a) **Grave breaches of the Geneva Conventions of 1949:** This category includes the following acts against persons or property under the provisions of the relevant Geneva Convention:
 - b) Willful killing;
 - c) Torture or inhuman treatment;
 - d) Wilfully causing great suffering or serious injury to body or health;
 - e) Extensive destruction and appropriation of property;
 - f) Compelling a prisoner of war or a civilian to serve in the forces of a hostile power;

¹⁴ "In the above-mentioned interview, Simo Drljaca [leading member of the Crisis Staff and chief of police] stated that: '[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior...The co-operation was excellent with the Army of Republika Srpska and with the officers of that army. The co-operation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups.' The secret police and the military police provided the concentration camps with interrogators and guards. For some of the most gruesome torture and killings of detainees, the assistance of paramilitary units and some locals was also called upon. The joint police and military intervention units were used to trace and capture the non-Serbian leadership. The latter units killed prisoners arbitrarily during transport to the Manjaca camp and arranged mass-killings of 'deported' prisoners in the Vlasica Mountain area...The other members of the Krizni Stab Srpske Opstine Prijedor ran the community in which all these violations occurred. They participated in the administrative decision-making. The gains of the systematic looting of non-Serbian property were shared by many Serbs on different levels." Ibid.

¹⁵ For a more detailed discussion of the applicable law and the ICTY's jurisdiction, see ICG's book-length report, *Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo 1999*, Brussels:2000, pp.xi,278.

¹⁶ The ICTY was established by Security Council resolution 827(1993) of 25 May 1993, and its statute amended by resolution 1166(1998) of 13 May 1998. The Statute, Rules of Procedure and other basic documents concerning its operation can be accessed at www.un.org/icty.

- g) Wilfully depriving a prisoner of war or a civilian the rights of fair and regular trial;
 - h) Unlawful deportation or transfer or unlawful confinement of a civilian; and
 - i) Taking civilians as hostages.
- 2) **Violations of the laws or customs of war:** The Tribunal's jurisdiction is not limited to enumerated acts, but the following are specifically identified:
- a) Employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
 - b) Wanton destruction of cities, towns or villages;
 - c) Attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
 - d) Seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science; and
 - e) Plunder of public or private property.
- 3) **Genocide:** The definition of genocide from the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was applied without amendment to the ICTY jurisdiction.¹⁷
- 4) **Crimes against humanity:** The Tribunal was given the power to prosecute the following acts when committed in armed conflict and directed against any civilian population:
- a) Murder;
 - b) Extermination;
 - c) Enslavement;
 - d) Deportation;
 - e) Imprisonment;
 - f) Torture;
 - g) Rape;
 - h) Persecutions on political, racial and religious grounds; and
 - i) Other inhumane acts.

Since individuals in a military chain of command perpetrated many of the crimes under The Hague's jurisdiction, it is particularly important to consider how individual criminal responsibility is distributed between the actual perpetrators and their superiors. The ICTY statute and case law from the Tribunal have been quite clear on this issue. Article 7 of the ICTY statute states:

- 1) A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or

¹⁷ Article 4 of the Statute of the International Tribunal states "[g]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group."

execution of a crime referred to in articles 2 to 5 of the present Statute shall be individually responsible for the crime.

2) The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such a person of criminal responsibility nor mitigate punishment.

3) The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish perpetrators thereof.

4) The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.¹⁸

Thus, superiors can be held individually responsible for crimes committed by their subordinates in two ways. First, through Article 7(1) they are held responsible for directly ordering, planning, instigating or aiding and abetting in the planning and preparation of a crime. Second, through Article 7(3) they are held responsible for failing to prevent or punish criminal action committed by their subordinates, of which they knew or had reason to know.

Given the provisions of Article 7 of the Statute of the ICTY concerning the responsibility of persons in authority, one would expect that the Crisis Staffs would come under suspicion in municipalities where war crimes have occurred. And this has indeed been the case. In Prijedor, for instance, two members of the wartime municipal Crisis Staff have been publicly indicted by the ICTY. Two members of the Krajina/Banja Luka regional Crisis Staff have also been publicly indicted.

In this regard, the ICTY's Bosanski Samac indictment is instructive. The case examines the events surrounding the Serb occupation of the municipalities of Bosanski Samac and Odzak, focusing on the fact that almost 17,000 non-Serb residents were expelled from Bosanski Samac in April and May of 1992 and about 22,000 from the Odzak municipality in July of that year. The indictment charges five members of the municipal Crisis Staff with "Crimes Against Humanity," "Violations of the Laws or Customs of War," and "Grave Breaches of the Geneva Conventions," stemming from their role in ethnic cleansing. The President of the local SDS and the Municipal Crisis Staff, **Blagoje Simic**, is said to be "criminally responsible as a superior for the acts of his subordinates, pursuant to Article 7(3) of the Statute of the Tribunal."¹⁹ The President of the Executive Board of the municipal assembly and second in charge of the Municipal Crisis Staff, **Milan Simic**, is also accused of criminal responsibility for his subordinates. **Miroslav**

¹⁸ See ICTY Statute of the Tribunal, Adopted 25 May 1993, Amended 13 May 1998. Available on ICTY website: www.un.org/icty/.

¹⁹ *Prosecutor v. Blagoje Simic, Miroslav Tadic, Stevan Todorovic and Simo Zaric*, Second Amended Indictment, Case No: IT-95-9.

Tadic, a member of the Crisis Staff and Chairman of the "Exchange Commission," **Stevan Todorovic**, the Chief of Police and a member of the Crisis Staff, and **Simo Zaric**, the deputy to the President of the war council for security matters, are also indicted.²⁰ In other words, the ICTY has placed clear command responsibility on the local and regional Crisis Staff, and indicated that its members are indictable.

Yet these public indictments seem to beg the question: what about the large number of local police, military and civilian SDS commanders in the Crisis Staffs of other cities in RS where atrocities were committed, whose members have not been publicly indicted? What responsibility do they bear? Are they indictable under the Statute of the ICTY?

D. Who Indicts and Arrests?

In discussing indictments and arrests of suspected war criminals, it is important to clarify the role of local judicial and police authorities and that of the ICTY and SFOR. First it must be understood that an individual may be under indictment by either local authorities, or by the ICTY, *or both concurrently*, for violations of humanitarian law, i.e. war crimes.

Article 9 of the Statute of the Tribunal states that Bosnian authorities and the ICTY have concurrent jurisdiction over such cases, although the ICTY has "primacy" over the Bosnian courts. This means that "[a]t any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal."²¹

In addition, Bosnian legal authorities are governed in their dealings with war crimes suspects by a set of procedural requirements adopted under the Rome Agreement in 1996, known as the "Rules of the Road". Under these rules, all Bosnian legal authorities are obligated to submit to the Office of the Prosecutor of the Tribunal, with accompanying evidence, lists of individuals they believe to have committed serious violations of humanitarian law. The Office of the Prosecutor reviews this documentation and returns it to authorities, classifying the case according to one of seven lettered categories. If the Office of the Prosecutor determines that grounds for suspicion have been demonstrated, then the Office classifies the case as "Category A," informing local authorities that they may arrest the suspect and begin proceeding against him in the local judicial system.²² "Category B" indicates that there is insufficient evidence, "Category C" that more evidence is required, "Category D" that the ICTY will have precedence over that individual as a witness, and so on.

The "Rules of the Road" were created in 1996 to prevent local authorities from using arrests in a random or politicised manner to block freedom of movement between Republika Srpska and the Federation. They require local authorities to obtain the approval of the Office of the Prosecutor of the ICTY before arresting and trying suspects in local courts.

²⁰ Ibid.

²¹ Statute of the International Tribunal, Article 9.

²² The arrested individual could then be tried by the local authorities pursuant to local judicial procedures or, if an indictment exists concurrently with the ICTY, the ICTY could seek transfer of the indicted individual to The Hague.

It is important to stress that the Office of the Prosecutor's procedure for approving requests by local authorities to initiate local legal proceedings against suspects, and the issuing of indictments, public or sealed, by the ICTY itself are separate and concurrent processes. In the case of ex-Presidency member Momcilo Krajisnik, for example, Bosnian legal authorities sent their dossier to the Office of the Prosecutor of the ICTY under the "Rules of the Road," and the Prosecutor approved their local proceedings against Krajisnik, as a "Category A" suspect. At this point the local authorities were authorised to arrest Krajisnik. At the same time, however, the ICTY itself had issued an indictment against him, which served as the basis for his subsequent arrest by SFOR.

The Krajisnik case points to the inherent inability of local judicial authorities to deal with war crimes cases. Most Serb suspects placed under "Category A" by the ICTY have been indicted by the authorities in the Federation, who are powerless to arrest suspects living and working in Republika Srpska. Likewise, RS judicial authorities do not have access to Bosniak and Croat suspects living in the Federation who may fall under "Category A." For this reason, Bosnia requires a strong central government court for trying war crimes cases. Police in both entities would be obligated to carry out arrest warrants from this court. Alternatively, the ICTY could begin carrying out some of its own war crimes proceedings in Bosnia.

A number of elected officials and other individuals discussed in this report fall under "Category A," i.e. the Office of the Prosecutor has determined that sufficient evidence exists for the local justice system to arrest and begin legal proceedings against them. These individuals may or may not be concurrently on the ICTY's sealed indictment list.

II. WHO AND WHERE ARE THEY TODAY?

This section examines eighteen of the more problematic municipalities in RS today, as well as the Brcko District,²³ and, using the criteria established by the ICTY, discusses numerous individuals whose alleged wartime behaviour appears to meet ICTY criteria for indictment and whose very presence and actions present an obstacle to implementation of the Dayton Peace Accords. ICG does not claim that the individuals named in this report are guilty of war crimes; rather, using ICTY criteria, we point out the presence of numerous individuals who appear potentially indictable. A similar approach appears to have been used by the RS Ministry of Defence when compiling its own list of 74 individuals in RS who it considers potentially indictable under the criteria used to date by the ICTY.²⁴ Interestingly, it appears the purpose of this list was to alert these individuals to the potential danger of arrest. Although the Defence Ministry report was published several months after research began for this report, many of the names on the Defence Ministry list coincided with names being investigated for the report.

ICG knows that some of the individuals discussed in this report are already on the ICTY's secret indictment list. However, out of respect for the ICTY, and in order not

²³ Eighteen municipalities are discussed, plus the Brcko district.

²⁴ *Reporter* article, op.cit.

to prejudice ICTY proceedings, this report will not seek to further identify them.²⁵ ICG is also aware that a number of the individuals in this report fall into "Category A," meaning that ICTY has acknowledged that sufficient evidence exists to warrant their arrest and trial by local authorities. Most of these "Category A" individuals have been indicted by local courts. Out of respect for the Bosnian judicial process, ICG will not identify them further.

A. Bijeljina

1. WAR CRIMES REPORTED IN BIJELJINA

Bijeljina, a mid-sized city in north-eastern Bosnia, had a pre-war population of 96,796, of whom 59.4 per cent identified themselves as Serb and 31.3 per cent as Muslim. The remaining citizens identified themselves as Croat, Yugoslav or "other." Strategically located on the main road connecting Serbia with the Krajina and Posavina regions of Bosnia, Bijeljina was the first town occupied by Serb forces. Zeljko Raznatovic ("Arkan"), the notorious head of the Serbian paramilitary "Tigers," came to Bijeljina in March 1992²⁶ and together with the local SDS began arming local Serb units.

Serb forces occupied the town in the first week of April, and were assisted in ethnic cleansing operations by the "Tigers" and the "Panthers," as well as a large number of local Serbs.²⁷ The "Panthers" were controlled by Ljubisa Savic Mauser, who personally co-ordinated the activities of the local community SDS Crisis Staffs.

Starting in April, Serb forces began a campaign of terror directed against local non-Serb residents, harassing them, robbing and destroying property and summarily executing unarmed civilians.²⁸ There were reports of mass executions.²⁹ "Although it is clear that many people were killed in Bijeljina in the first days of April 1992, in particular political leaders, businessmen and other prominent Bosniaks, the exact number remains unknown. Amnesty International claims that up to 40 people were killed, but other sources claim that the death toll may have been as high as several hundred or even a thousand."³⁰

The large village Janje, located just a few kilometres from Bijeljina town, fell to the Serbs quickly. Although, as in Bijeljina, Janje was handed over rather peacefully, terror followed. Many citizens remained in Janje, despite the killings, maltreatment, and forced mobilisation for the army and labour, until 1994, when

²⁵ ICG wishes to thank a number of sources close to the ICTY and SFOR for the information they provided in this regard. Also, ICG is indebted to the many individuals—whose identities must remain anonymous for reasons of personal security—who helped compile this information at great personal risk.

²⁶ United Nations - Security Council, S/1994/674/Add.2 (Vol. I), "Final report of the United Nations Commission of Experts established pursuant to Security Council resolution 780(1992), Annex III.A, Special forces," 28 December 1994.

²⁷ Ibid.

²⁸ Ibid.

²⁹ *War Crimes in Bosnia and Hercegovina*, Helsinki Watch, August 1992, p.63.

³⁰ "Unfinished Business: The Return of Refugees and Displaced Persons to Bijeljina," Human Rights Watch, May 2000.

in the space of a month a few thousand civilians were expelled, and about 1,000 detained in concentration camps.

During the war, thousands of Bijeljina residents were expelled or deported to Batkovic and other concentration camps established in the region. Following the occupation, a number of non-Serb residents stayed, but they were subject to systematic discrimination and harassment. Non-Serbs, especially Bosniaks, were subject to arrest and "disappearance." Most were fired from their jobs or forcibly conscripted as soldiers or labourers. Many were evicted from their homes or forced to accept Serb displaced persons from other areas into their homes, who eventually forced them out. Reportedly, any Bosniak was at the mercy of any Serb, not just the authorities. Ethnically motivated violence was high, mostly perpetrated by displaced persons, but also by local Serbs.³¹

The approximately 5,000 Bosniaks and other non-Serbs who remained in Bijeljina continued to be harassed by Major Vojkan Djurkovic, the head of the so-called exchange commission, whose role seems to have been to expel systematically non-Serb residents while also extorting money and property from them.³² During the war, the Belgrade-based Humanitarian Law Fund learned that the "Bosnian Serb leadership has set a quota for the Bijeljina area, whereby only 5 per cent of the region's 22,000 Muslims will be permitted to remain."³³

2. TODAY

A spate of violence directed against Bosniak returnees to Janje and their property this summer met with little reaction from local authorities, demonstrating that powerful forces in Bijeljina still oppose implementation of the Dayton Peace Accords. It seems likely that politically radical forces from within Bijeljina contributed to the violence, as well as individuals from neighbouring municipalities. In addition to the individuals mentioned below, individuals allegedly implicated in ethnic cleansing in other parts of Bosnia now influence local politics in Bijeljina. For example, **Vlado Vrkes**, the Deputy Head of the Sanski Most wartime Crisis Staff, is today a rich and influential resident of Bijeljina.³⁴ Some of the individuals allegedly involved in the ethnic cleansing of Bijeljina are described below.

(a) *Mirko Blagojevic*

One of the paramilitary leaders allegedly involved in the attack and ethnic cleansing of Bijeljina was **Mirko Blagojevic**, who led a group called "Mirkovi cetnici." His group also allegedly participated in the attack on Brcko.³⁵ He is very active and powerful in the Serbian Radical Party (SRS). The Provisional Election Commission forbade the SRS from participating in the April 2000 elections because the party neither replaced Blagojevic as Vice-President of the party nor two other party officials, including party

³¹ Ibid.

³² UN report, Special forces, op. cit.

³³ Ibid.

³⁴ See section on Sanski Most below.

³⁵ ICG obtained confirmation of this from documents provided by officials of a local Bosnian intelligence agency who wish to remain anonymous (hereafter Source A).

President Nikola Poplasen. In response, Blagojevic threatened to block elections. He was quoted as saying, "We will react by organising incidents, including very serious ones, to prevent holding the elections."³⁶

During the proceedings of the Dusko Tadic case in The Hague, a witness described Mirko Blagojevic, President of the SRS in Bijeljina and paramilitary leader, as someone who entered the Luka camp in Brcko frequently to abuse prisoners. The witness described one incident in which Blagojevic allegedly entered a cell and traced a cross into the forehead of a prisoner with a knife.³⁷

Today Mirko Blagojevic is one of the highest-ranking members of the Serbian Radical Party.

(b) *Vojkan Djurkovic*

A Major in Arkan's paramilitary group, the "Tigers," Djurkovic served as the head of the Commission for the Exchange of the Civilian Population in Bijeljina during the war. The Commission arranged for the supposedly "voluntary" transport of non-Serbs from Bijeljina to Bosnian-held territory. For this service, the commission charged huge fees, and usually the civilians were forced to hand over all their money, valuables and documents, and to sign away their property. Reportedly, Djurkovic co-operated closely with Mauser's Panthers and other groups in the forcible expulsion of the civilian population.³⁸

According to documents handed over to the ICTY by the Bosnian government, Djurkovic allegedly organised the detention of civilians in the Agricultural School in Bijeljina, from which they could only be released after handing over all their money and valuables. He also organised the separation of approximately 1,100 military age men who were detained in concentration camps and forced to dig trenches on the front lines. These documents also accuse Djurkovic of raping one of the civilians whom the Exchange Commission was "assisting" on the night of 17-18 September 1994.³⁹

According to several sources, Djurakvic and his cohorts allegedly forcibly expelled a massive group of civilians from the Bijeljina region in July 1994, rounding up groups of civilians and taking them to the front lines on trucks to be sent over to the other side. Djurkovic was named as a main organiser of the expulsion of an estimated 6,000 non-Serbs from Bijeljina between 17 July and 12 October 1994.⁴⁰

Vojkan Djurkovic lives in Bijeljina where he runs a detective agency.

³⁶ Weekly Review of Current Events, *Balkans Watch*, 9 November 1999. Available at Internet site www.balkanaction.org.

³⁷ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-1-T, Testimony of Witness, 15 May 1996.

³⁸ Bijeljina Report, op.cit.

³⁹ Information obtained from evidence presented to the ICTY by the Bosnian government.

⁴⁰ "Ethnic Cleansing' Continues in Northern Bosnia," Human Rights Watch, November 1994, p.7.

(c) *Jovan Acimovic*

Jovan Acimovic, as a member of the special police of the RS, allegedly played a major role in the final wave of violent evictions of Bosniaks from Bijeljina just before the signing of the Dayton Peace Agreement. Reports indicate that he continued to be involved in evictions following Dayton.⁴¹

Jovan Acimovic is apparently a member of the Ugljevik municipality police.

UNMiBH confirmed that he is currently undergoing screening for UN provisional authorisation.⁴²

B. Bratunac and Srebrenica

1. WAR CRIMES IN BRATUNAC IN 1992

Bordering Serbia along the Drina River, the town of Bratunac fell under Serb control at the start of the 1992-1995 Bosnian war. Local Serbs formed a Municipal Crisis Staff in charge of making administrative and military decisions necessary to create an ethnically pure municipality. During the 1992 take-over, local forces, the JNA's Novi Sad Corps and Serbian paramilitaries ethnically cleansed the area of more than 20,000 non-Serbs, committing rape, torture and murder against civilians, as well as establishing concentration camps where numerous atrocities were committed.

The ethnic cleansing of Bratunac and the conditions in the camps, particularly the local stadium and the notorious "Vuk Karadzic" Primary School camp, are described in Annex 8 of the UN Commission of Experts 1994 report:

By early May, Serb forces had robbed, burned, destroyed, and ethnically cleansed the villages of Hrancic, Glogova, Bijecevo, Krasnopolj, Miholjevici and a large part of Bratunac itself. ...Serbian extremists arrested Muslims en masse. Many were taken to the stadium or sport grounds and stripped of their possessions. The men were separated from the women and children and then transferred to other detention facilities.⁴³

One report cited by the UN suggested that 6,000 to 7,000 men were detained in the local stadium, where they were forced to donate blood. Many of those who

⁴¹ Ibid.

⁴² Provisional authorisation means that the individual has passed UNMiBH's first screening phase which concentrates on professional and other criteria. Although this phase also includes a requirement that there are no war crimes proceedings against the applicant in a domestic court under the "Rules of the Road," this phase relies primarily on self-reporting by the applicant. The second phase, leading to certification, will involve more detailed background checks. UN sources say this process will be completed in 12 to 18 months. Source: UNMiBH policy IPTF-P02/2000 and interviews with UNMiBH officials.

⁴³ United Nations - Security Council, S/1994/674/Add.2 (Vol. I), "Final report of the United Nations Commission of Experts established pursuant to Security Council resolution 780(1992), Annex VIII, Part 2, Prison Camps," 28 December 1994.

survived the stadium were then transferred to the "Vuk Karadzic" Elementary School, where a number of other atrocities were committed.⁴⁴

The UN Special Reporter detailed these alleged atrocities. As many as 600 men were crammed into the school hall and those who could not fit inside were shot with automatic weapons in front of the hall. As in many other municipalities, authorities singled out influential members of the community according to a list for particularly harsh beatings. The authorities reportedly detained and beat the prisoners for three days, before transferring them to the self-declared Bosnian Serb capital of Pale. As many as 50 prisoners died on just the first night from the beatings, while "nine others suffocated in the crush as the 500 to 600 struggled to escape the beatings."⁴⁵ "An Imam was allegedly beaten and stabbed to death after refusing to take the Christian faith and raise three fingers in the Serb manner."⁴⁶

A number of witness statements detailed the brutal torture and murder of hundreds of Bosniak prisoners by Serb paramilitary units and local authorities in April and May of 1992. This included beatings with wooden and iron poles, cutting off of noses, ears and genitals, cutting of crosses into the skin, burning victims alive in garbage containers. In the latter instance, "[t]he open containers were then placed under the windows of the containment area causing the smoke to fill the room. The dead were later transported by trucks and disposed of in the river Drina."⁴⁷ Others prisoners died of starvation. Still others report that they were forced to jump up and down on the corpses of tortured and executed prisoners.⁴⁸

2. WAR CRIMES FOLLOWING THE FALL OF SREBRENICA, JULY 1995

Srebrenica adjoins the Bratunac municipality on the south, near the Serbian border. Following the fall of the UN "safe haven" of Srebrenica in July 1995, Serb forces systematically executed over 7,000 unarmed Bosniak men. Some of these men were separated from the women and children in the enclave and bussed to massacre sites, while others were apprehended in the following days trying to escape to Bosniak territory. Massacre sites were located in the Srebrenica, Bratunac and Zvornik municipalities. Strong evidence exists implicating the Bratunac and Zvornik authorities and local military police in these massacres.

Local Serb authorities from Bratunac have also been implicated in the massacre of thousands of unarmed Bosniak men, as many were slain at massacre points in that municipality. Other massacres occurred in the Zvornik municipality, located along the Drina River to the north of Srebrenica, after the fall of Srebrenica. One particularly damning piece of evidence is the statements of Dutch soldiers who were being held hostage in Bratunac. They witnessed a number of buses of terrified male prisoners pass by and heard frequent gunshots, especially from the direction of the soccer field, one of the massacre sites. They also observed Serb military police leaving Bratunac early in the morning and returning at night

⁴⁴ UN report, Prison Camps, op. cit.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

exhausted. "Some of the Serbs chatted to the Dutch. Johan Bos, a 31-year-old sergeant, was quoted in the *Independent on Sunday* on 23 July 1995: "They bragged about how they had murdered people and raped women..."⁴⁹

3. TODAY

Despite significant evidence of mass torture and murder committed by Serb authorities in Bratunac in 1992, detailed in the first part of this section, the ICTY has not issued a single public indictment related to these events. Nor has SFOR arrested a single individual under sealed indictment for involvement in the 1992 Bratunac atrocities. While The Hague has issued indictments against Karadzic, Mladic and RS Army General Radoslav Krstic for the Srebrenica massacre, only Krstic has been brought before the Tribunal. Moreover, no public indictments have been issued for the involvement of local authorities from Bratunac, Srebrenica and Zvornik in the massacres of men from Srebrenica, which took place in these municipalities, with help from the local police and paramilitary units, in July 1995.

As a result, individuals involved in planning and carrying out the 1992 and 1995 massacres remain in these municipalities, making further Dayton implementation virtually impossible. Five years after the Srebrenica tragedy and more than eight years after the massacres in Bratunac, almost no Bosniaks have returned to Srebrenica or Bratunac. In 1999, the Bosniak Secretary of the Srebrenica Municipal Assembly was reportedly attacked and stabbed in the bathroom of the municipal building.⁵⁰ Recent violence and vandalism directed against minority returnees and their families in eastern RS included the burning of at least seven newly reconstructed Bosniak homes in Srebrenica in June and July 2000.⁵¹ In May of this year, a group of protesters in Bratunac stoned a convoy of buses bringing women who survived the Srebrenica massacre to a commemoration of the victims. Members of the international community received information from reliable sources that certain local public officials helped to organise this action.⁵²

Serb politicians and citizens alike continue to insist that no Bosniaks were massacred. Many of the same politicians and authorities in power in Bratunac in 1992 and 1995 remain active in local and regional politics, contributing to this ideology of collective denial. These politicians were also in power in September 1995, when US satellite imagery revealed attempts to destroy evidence of mass graves in Glogova and Pilica.⁵³ In 1996 local officials denied that the Srebrenica massacre ever occurred,⁵⁴ and continue to do so today.

(a) *Miroslav Deronjic*

One of the officials who denied that massacres took place was Miroslav Deronjic, who served as President of the Bratunac SDS and head of the Bratunac Crisis Staff in 1992, during the murderous ethnic cleansing of

⁴⁹ Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime*, London:1996, pp. 36-37.

⁵⁰ "Report about Human Rights Situation in Bosnia and Herzegovina, January-December 1999," *Helsinki Committee for Human Rights in Bosnia and Herzegovina*, 31 December 1999.

⁵¹ "More Moslem-owned homes burned in Srebrenica, *Reuters*, 24 July 2000.

⁵² Confidential internal OHR documentation obtained by ICG.

⁵³ "Buried Truth: Many Bosnians are in State of Denial," *Boston Globe*, 20 May 1996.

⁵⁴ *Ibid.*

Bratunac.⁵⁵ Numerous sources implicated Deronjic as one of the principal organisers of the atrocities committed in Bratunac during the war.⁵⁶

Deronjic allegedly played a crucial role in inviting and organising the arrival of Serbian paramilitaries, such as the "Beli Orlovi," and Arkan's and Seselj's groups to Bratunac in 1992.⁵⁷ He reportedly contributed financially to the hiring of Arkan's paramilitaries to kill respected Bosniaks.⁵⁸ A witness allegedly saw Deronjic accompany a group of Bosniak civilians into the Vuk Karadzic school where they were robbed and massacred.⁵⁹

The indicted war criminal General Radoslav Krstic confirmed that Deronjic was named as the Commissar of the President of Republika Srpska for Srebrenica in 1995. The appointment was made on 11 July,⁶⁰ the day Srebrenica fell. Deronjic, along with Mladic and Krstic, was present at the negotiations with Dutch UN peacekeepers and representatives of the Bosniak refugees in the Hotel Fontana on that day. An OHR document claims that at the time of the massacre Deronjic, minutes before a meeting with refugee representatives, urged Bosnian Serb General Ratko Mladic not to bother meeting with the Bosniaks because, "We are going to kill them all anyway."⁶¹

On 17 July, Deronjic brought a document which he had already signed to the Dutch UN Commander Major Franken and Bosniak representative Nesib Mandzic, who were being held hostage in the UN compound in Potocari. The two were effectively forced to sign a declaration that the evacuation of civilians from Srebrenica had proceeded correctly and in accordance with the Geneva Convention.⁶² Later they would learn the full truth, that Serb forces had massacred thousands of unarmed Bosniak men.

Deronjic reportedly played a key role in organising wartime ethnic cleansing throughout eastern Bosnia and continues to wield his power to obstruct Bosniak return and Dayton implementation. He reportedly maintains close links with Radovan Karadzic and Ratko Mladic and co-ordinates logistics and security for the former in eastern Bosnia.⁶³

Today Miroslav Deronjic is a member of the Bratunac municipal assembly.

⁵⁵ Ibid.

⁵⁶ ICG has reviewed 14 witness statements relating to Deronjic's role in organising the ethnic cleansing of Bratunac. These statements are in the possession of the ICTY.

⁵⁷ Based on two witness statements reviewed by the ICG, which are in the possession of the ICTY.

⁵⁸ Based on a witness statement reviewed by the ICG, which is in the possession of the ICTY.

⁵⁹ Based on a witness statement reviewed by the ICG, which is in the possession of the ICTY.

⁶⁰ "Ratka Mladica od Knina do Srebrenice pratili su isti zlocinci," Interview with Radoslav Krstic printed, *Slobodna Bosna*, 10 August 2000.

⁶¹ Confidential internal OHR documentation obtained by ICG.

⁶² Republika Srpska Civilian Affairs Committee for Srebrenica, Document of 17 July 1995. See also Honig and Both, op. cit., p.45.

⁶³ Confidential internal OHR documentation obtained by ICG.

His election was certified by the Organisation for Security and Co-operation in Europe (OSCE).

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) Ljubisav Simic

Another official who served in a decision-making position on the Crisis Staff, and later denied that the Srebrenica massacre took place, is **Ljubisav Simic**. Simic allegedly served as President of the municipal assembly from 1992-1995, was a close associate of Deronjic and one of the main organisers of ethnic cleansing in Bratunac,⁶⁴ and was involved in the massacre in the gym of the 'Vuk Karadzic' elementary school.⁶⁵

Today Ljubisav Simic is a member of the Bratunac municipal assembly.

His election was certified by the OSCE.

(c) Miodrag Josipovic

Yet another prominent Bratunac official whose alleged wartime profile matches the criteria for indictment by the ICTY is **Miodrag Josipovic**, the current mayor. According to a document provided by an international organisation, Josipovic was the chief of the guards in the "Vuk Karadzic" elementary school in 1992 and was seen together with Radovan Karadzic during a massacre at the school. This document reports that witnesses identified Josipovic as someone deeply involved in atrocities committed against Bosniaks throughout the war. Local sources indicate that Josipovic assumed the position of Commander of the Bratunac police in 1993, a position he held until Dayton. As head of the Bratunac police, following the fall of Srebrenica, he allegedly participated in organising massacres of Bosniak men. He also allegedly organised the deportation of prisoners from Srebrenica to Zvornik. Josipovic has also been allegedly closely connected to attempts to cover-up mass graves and evidence of concentration camps at the end of the war. More recently, Josipovic is reported to have been one of those who organised the stoning of a convoy of Srebrenica widows on 11 May 2000.⁶⁶

Miodrag Josipovic is the Mayor of Bratunac municipality.

His election was certified by the OSCE.

The RS Ministry of Defence considers him potentially indictable for war crimes.

⁶⁴ ICG has reviewed witness statements about Simic's role in ethnic cleansing. These statements are in the possession of the ICTY.

⁶⁵ ICG obtained confirmation of this from documents provided by an independent former war crimes investigator who collected information for the ICTY (hereafter Source B).

⁶⁶ Confidential internal OHR documentation obtained by ICG.

In May 2000, following the establishment of the Bratunac municipal assembly, a Bosniak refugee citizens group from Srebrenica and Zepa protested the election of Deronjic, Ljubisav Simic and Josipovic to public office. The group labelled them "war criminals, because as members of the Serb Emergency Provisional Government they were responsible for the expulsion of 22,000 non-Serbs from Bratunac."⁶⁷ Both the OSCE and the Office of the High Representative (OHR) ignored this plea.

(d) *Miladin Simic*

Another influential figure in Bratunac is **Miladin Simic**. Local sources allege that he participated in ethnic cleansing in Mihaljevici, Suha and other villages outside Bratunac in 1992, and that as a member of the Bratunac Infantry Leadership in 1995, he participated in the massacre of Srebrenica deportees at Pilice.

Although the OHR removed Simic from his position as President of the Municipal Assembly in November 1999, he remains one of the most influential figures in Bratunac. Following his removal, Simic was elected to the Yugoslavian board of the ultra-nationalist Serbian Radical Party (SRS). He reportedly continues to co-operate closely with Deronjic, Josipovic and other members of the Bratunac government. Simic demonstrated his continued influence recently by attending the inaugural session of the new Municipal Council in Bratunac. Other parties filed a complaint with the OSCE because Simic was making "threatening comments and inappropriate gestures." He also "attempted to control the meeting with head and hand movements, a fact he later admitted to international representatives."⁶⁸

Simic allegedly heads an illegal paramilitary organisation in Bratunac, and has strong links with "anti-terrorist" groups in the region and in Serbia. Members of this group allegedly participated in ethnic cleansing in Bratunac in 1992 and are reportedly active in Zvornik, Bijeljina and other parts of eastern Bosnia.⁶⁹ When minority returns began in northern Bratunac earlier this year, Simic reportedly showed up at the return area with approximately 25 men, wearing winter camouflage uniforms. They later explained to the UN International Police Task Force (IPTF) that they had been hunting.⁷⁰

Today Simic allegedly controls a paramilitary group and exerts significant influence in Bratunac and the region.

⁶⁷ "Srebrenica and Zepa Mothers' Protest, Mothers Want Deronjic, Josipovic, Simic Removed," *BH Press*, 25 May 2000.

⁶⁸ "EASC Issues Decisions on Complaints in Bratunac and Vares: EASC Sanctions Miladin Simic in Bratunac," OSCE Press Release, 21 July 2000.

⁶⁹ Confidential internal OHR documentation obtained by ICG.

⁷⁰ *Ibid.*

(e) *Novak Stjepanovic*

As the commander of a local SDS paramilitary formation in Srebrenica in 1992, **Novak Stjepanovic**, nicknamed "**Krke**", was allegedly one of the organisers and participants in ethnic cleansing in the region of Sase, Srebrenica⁷¹ and the settlements of Sikiric, Biljaca, Zaluzje and Voljavica in Bratunac.⁷²

In May 1992, he reportedly participated directly in the enslavement and detention of tens of civilians in the administrative building of the zinc and iron mine in Sase, Srebrenica. Stjepanovic and other paramilitaries allegedly horribly mistreated these civilians, raping the young women and girls, and murdering some of the civilians. Stjepanovic allegedly participated directly in the rapes. Then he reportedly ordered that a group of 42 civilians be exchanged and they were shipped off in two trucks. The group disappeared near Voljavica, Bratunac, most likely murdered.⁷³

On 20 May 1992, Stjepanovic, along with other paramilitaries, allegedly participated in the execution of a group of civilians in Stari Majdan, Bratunac. He was also implicated in the murder of civilians in Zaluzje, Bratunac.⁷⁴ Stjepanovic received a four-year jail sentence in 1995 for the murder of a Serb, which he served in Foca.⁷⁵

Novak Stjepanovic is the current President of the Serb Radical Party (SRS) in Srebrenica.

He continues to speak out publicly against the return of Bosniaks.

(f) *Others*

A number of other public figures in Bratunac are reported to have participated in ethnic cleansing during the war. **Zlatko Celanovic** reportedly handled security in Bratunac during the war, and oversaw the interrogation of captured Bosniaks. Following the war he is reported to have played a major role in the illegal reallocation of Bosniak property in Bratunac.⁷⁶

Zlatko Celanovic served as Secretary of the Bratunac Municipal Assembly until the April 2000 municipal elections, representing the Serb Radical Party.

He reportedly maintains close contacts with former Mayor Miladin Simic, who was removed from his position by the OHR.

⁷¹ Confidential internal OHR documentation obtained by ICG and information handed over to the ICTY.

⁷² ICG has reviewed thirteen witness statements. These statements are in the possession of the ICTY. Source A, Source B.

⁷³ Source A, Source B, Information handed over to the ICTY.

⁷⁴ Documents presented to the ICTY by Bosnian government investigators.

⁷⁵ Ibid.

⁷⁶ Confidential internal OHR documentation obtained by ICG.

Najdan Mladjenovic, a driver in the "Vihor" company, allegedly commanded a local Serb paramilitary unit in April 1992 which carried out attacks on the villages of Hrance and Glogova, in which dozens of civilians were killed and others were deported to the "Vuk Karadzic" concentration camp, described above.⁷⁷

Today Najdan Mladjenovic serves as the director of the public company "Kartonaza" in Bratunac.⁷⁸

In addition to current Bratunac authorities, some individuals believed to have participated in war crimes in Bratunac now serve public functions in neighbouring municipalities. For instance, the Commander of the Bratunac police in 1992 during the massacres and atrocities in the first wave of ethnic cleansing was **Luka Bogdanovic**.⁷⁹

Today Luka Bogdanovic is a police officer in Zvornik.

A number of other influential citizens in Bratunac and Srebrenica reportedly participated in the torture and execution of Bosniaks and continue to prevent minority returns and Dayton implementation in eastern Republika Srpska. Many of these radicals have strong links with Serbia, in terms of money and weapons flows, and paramilitary activities. Politically radical groups in Bratunac and Srebrenica with strong links to paramilitary groups continue to destabilise these municipalities, as well as the nearby municipalities such as Bijeljina, Rogatica and Zvornik.⁸⁰

C. Brcko

1. REPORTED WAR CRIMES IN BRCKO

Serb forces began their attack on Brcko in May 1992, destroying both bridges leading over the Sava River and into Croatia with artillery, and killing at least 50 civilians. Preparations for the take-over and ethnic cleansing of the town of Brcko and surrounding villages had begun in late 1991, and in April 1992 SDS authorities gave an ultimatum over the radio. "SDS Assemblyman Ristanic declared that Bosnia's Serbs wanted to be part of Yugoslavia. He announced that Brcko's Serbs wanted the city broken into three parts, one each for Muslims, Serbs, and Croats. ...He insisted that division must take place by 3 May or there would be war."⁸¹

Following the destruction of the bridges, Serb forces began heavy bombardment of Brcko neighbourhoods where Bosniaks and Croats were living. The JNA, locally mobilised forces and Serbian paramilitaries then executed a campaign of terror, in which the property of non-Serbs was systematically plundered and destroyed,

⁷⁷ ICG has read the statements of ten witnesses. These statements are in the possession of the ICTY. Source A, Source B.

⁷⁸ Source A, Source B.

⁷⁹ Confidential internal OHR documentation obtained by ICG.

⁸⁰ ICG interviews with international officials in the region, Source A and Source B.

⁸¹ UN report, Prison Camps, op. cit.

many non-Serb civilians were summarily executed, and thousands of non-Serbs were rounded up and imprisoned in concentration camps. At the "stara dzamija," "Partizan," "Laser," and "Luka" camps, as well as at the police station and other locations, a large number of prisoners were brutally tortured and executed. Activities at the most notorious of these camps, the Luka camp, formed the basis of a Hague indictment against two individuals, **Goran Jelusic** and **Ranko Cestic**.⁸² According to the indictment, "During the time the Luka camp operated, [May to July 1992] the Serb authorities killed hundreds of Muslim and Croat detainees."⁸³

During this time, a Serb Crisis Staff administered the municipality, as in other parts of Bosnia. The UN Commission of Experts named the members of this commission:

Reportedly, during the first few days of May, the local Serbs established what was called the 'War Presidency', a committee of local leaders representing important sources of authority in the region. These allegedly included: the chief of reformed police, Veselin Veselic; the commander of the military garrison, Colonel Pavle Milinkovic; the commander of the Luka camp, Dzokic; the commander of the fire brigade, Kristo Puric; the head of health, Milenko Vojinovic, aka Dr. Beli and reportedly in the Bosnian Serb Assembly in Pale; the head of the judiciary, Todor Gavric; the information director, Bosko Lomovic; the head of defence, Milutinovic; and the police commander, Drago Vesiljevic. **Djordje Ristanic** was reported to be the head of the executive body.⁸⁴

Among the Serb paramilitary units active in the ethnic cleansing of Bijeljina, reports mention the prominence of Ljubisa Savic "Mauser" and his "Panthers," as well as Mirko Blagojevic. Both of these groups were also active in the ethnic cleansing of Bijeljina, discussed above.

2. TODAY

In March 2000, then-Brcko Administrator Robert Farrand appointed an interim council for the Brcko district that included individuals implicated in the ethnic cleansing and atrocities committed in 1992 and 1993. To this day, there has been little sustainable return of refugees to the city centre, and Brcko remains a focal point for Serb nationalist activism, as seen in the organised violent four-day anti-District and anti-Dayton demonstrations held in the city during October 2000. During these riots, demonstrators injured two police officers, attacked a television crew from Tuzla and destroyed private property. The protesters demolished a hairdressing salon, a local café, a Baptist church, and the residences of international community officials. The primary targets were properties owned by Bosniaks.

⁸² *Prosecutor v. Goran Jelusic, also known as Adolf [and] Ranko Cestic*, Second Amended Indictment. The indictment also notes that Cestic "acted under the authority of the Brcko police."

⁸³ *Ibid.*

⁸⁴ UN report, *Prison Camps*, op. cit.

Although the demonstrators were primarily local Serb high school students, they appear to have been well organised and manipulated by radical Serb politicians. Local media reported that SDS politicians pressured the director of the local high school to destabilise the situation in Brcko. Students were also bussed in from Bijeljina.⁸⁵

(a) *Djordje Ristanic*

The head of the Brcko Crisis Staff and President of the municipality in 1992 and 1993 was **Djordje Ristanic**. A UN report claims that various sources mention him as allegedly one of the principal decision-makers in the municipality at the time of the atrocities described above.⁸⁶

Today Djordje Ristanic is a member of the District Interim Council.⁸⁷

He was appointed by former Brcko Administrator Robert Farrand in March 2000.

He is alleged to have participated in organising the October 2000 anti-Dayton riots in Brcko.⁸⁸

D. Cajnice

1. REPORTED WAR CRIMES IN CAJNICE/RUDO

In 1991 and 1992, members of the local SDS began arming local Serbs and formed a paramilitary unit called the "Plavi Orlovi." Following the division of the local police along ethnic lines, Serb forces established military checkpoints at the entrances of the town, and the President of the municipality and of the local SDS, Dusko Kornjaca, ordered all Bosniaks to hand over their weapons. In April 1992, SDS leaders formed the "Stakorina" camp in Mostina, where Bosniaks were tortured and killed. Allegedly, at least 76 civilians in the camp were murdered and their bodies buried in the village of Jovanovici.⁸⁹ Sources in the local intelligence community allege that the "Plavi Orlovi," led by Milan Kornjaca, committed these executions.

⁸⁵ "Nerazumni stari i buntovna omladina," *Oslobodenje*, "Pogled" insert, 21 October 2000, pp.2-3.

⁸⁶ See UN report, Prison Camps, op. cit. Also see "Farand je napravio skupstinu distrikta u dogovoru sa SDS," *Oslobodenje*, 30 March 2000.

⁸⁷ OHR Document, "Nalog Supervizora o uspostavljanju prelazne skupstine Brcko Distrikta Bosne i Hercegovine (Order of the Supervisor regarding the establishment of the interim council of the Brcko District Bosnia and Hercegovina)," 21 March 2000. Among a number of critics of Farrand's selection was the president of the Brcko SDP board Zekerijah Osmic, who mentioned the election of Ristanic: "At the same time, the supervisor brought into the assembly representatives of parties which until now had not participated in the government and who did not receive the support of voters. It is interesting that a councillor's place was granted to the party of Ljubisa Savic Mauser, known in Brcko only by the crimes committed by his guard. The crown on the whole thing was the selection of Djordje Ristanic as an independent candidate, who was the head of the war presidency in the municipality of Brcko in 1992 and 1993, when this town saw the greatest exodus of Bosniaks and Croats." "Farand je napravio skupstinu distrikta u dogovoru sa SDS," *Oslobodenje*, 30 March 2000.

⁸⁸ "Nerazumni stari i buntovna omladina," *Oslobodenje*, "Pogled" insert, 21 October 2000, p.3.

⁸⁹ UN report, Prison Camps, op. cit.

Following the establishment of the camp, local, Serbian and Montenegrin paramilitaries attacked the surrounding villages, summarily executing a number of civilians and deporting others to the camp in Mostina. In the spring and summer of 1992, about 4,000 Bosniaks were expelled from the Cajnice municipality. In addition, all mosques and buildings of the Islamic community in Cajnice were destroyed.

2. TODAY

(a) *Dusko Kornjaca*

Dusko Kornjaca, a medical doctor, served as the Defence Minister for the Serb Autonomous Region of Herzegovina, head of the Cajnice Crisis Staff during the war, and President of the Serb municipality of Cjanice.⁹⁰ He is alleged to bear responsibility for violations of international humanitarian law committed in Cajnice, Trebinje and other parts of the region.⁹¹ Sources allege Dusko Kornjaca to have been the most powerful figure in the area during the ethnic cleansing of Cajnice and Rudo.⁹² As head of the Crisis Staff and President of the Municipality he played an organising role in the deportation of non-Serbs from Cajnice, the establishment of the Mostina camp where civilians were murdered, and the formation of paramilitary groups.⁹³ According to local media, Kornjaca returned to Bosnia fresh from the war in Croatia and played an active role in the ethnic cleansing of Cajnice and Rudo, as well as being active in Zvornik.⁹⁴ In 1991, 45 per cent of Cajnice's 8,919 residents were Muslim.⁹⁵ According to a local journal, Kornjaca was quoted in the Serbian media in 1992 as saying, "Now, in Cajnice, there are no Muslims, it is possible for them to leave here and go back to the place where they left their ancestors in 1912."⁹⁶

Dusko Kornjaca currently serves as the Mayor of Cajnice.

His election was certified by the OSCE.

(b) *Others*

Milorad Zivkovic was allegedly the Chief of Police in Cajnice during the war and throughout the ethnic cleansing of the town.⁹⁷

⁹⁰ "Kapetan Dragan protiv doktora Kornjace," *Slobodna Bosna*, 26 July 1992, p.7.

⁹¹ The same UN report quoted above confirms this, adding that his position on the regional Crisis Staff gave him command responsibility over parts of eastern Bosnia including Visegrad and Foca. United Nations - Security Council, S/1994/674/Add.2 (Vol. I), "Final report of the United Nations Commission of Experts established pursuant to security council resolution 780(1992), Annex III.A, Special forces," 28 December 1994.

⁹² "Hundreds of Muslims from this region suffered in the murderous campaigns of Dusko Kornjaca and his criminals." "Ko su ratni zlocinci?" *Slobodna Bosna*, 23 June 1992, p. 12.

⁹³ ICG reviewed 9 witness statements regarding Kornjaca's commanding role in the municipality and documents confirming his positions in the regional and municipal government. These statements and documents are in the possession of the ICTY.

⁹⁴ *Slobodna Bosna*, 23 June 1992, po. cit.

⁹⁵ Yugoslav Census, 1991.

⁹⁶ *Slobodna Bosna*, 26 July 1992, op. cit.

⁹⁷ Source A, Source B.

Milorad Zivkovic continues to serve as Chief of the Cajnice police.

UNMiBH confirmed that he received provisional authorisation from the UN to carry out police functions.

Dusan Pejovic reportedly served as a member of the Crisis Staff in Cajnice during the war. Along with Kornjaca and others, he agreed to the formation of the camp in Mostina and reportedly visited the camp in April 1992.⁹⁸

Pejovic is on the candidates' list representing the SDS in the People's Assembly of Republika Srpska in the upcoming November 2000 elections.

E. Doboj

1. REPORTED WAR CRIMES IN DOBOJ

Doboj's prewar population consisted of 41,164 Bosniaks, 39,820 Serbs, 13,264 Croats and 5,765 Yugoslavs, plus 2,536 "others."

In the spring of 1992 the JNA, Bosnian Serb paramilitaries and paramilitaries from Serbia and Croatia occupied Doboj. These paramilitaries included Arkan's "Tigers", Seselj's "White Eagles," and Martić's Militia, as well as the Serbian "Red Berets":

They shelled and set fire to two mosques and the Catholic Church. Croats and Bosniaks were ordered to remain indoors as their homes were searched and looted. Male residents were often arrested, and still others were beaten. Women were taken away on three buses to a high school, where they were held for 28 days and raped repeatedly. One report specifically mentions the Red Berets as allegedly responsible for at least some of the rapes at the high school.⁹⁹

Having served as a railway hub in the former Yugoslavia, Doboj now served as a point to which detainees from other areas were shipped before being expelled to Croat or Bosniak held territory or deported to other detention centres. These people were subject to inhumane conditions in the trains and harassment, abuse, robbery and execution by Serb soldiers along the journey. "In some instances, the soldiers required that a ransom be paid by a specific car of detainees to ensure that the children contained within would not be killed."¹⁰⁰

A UN report confirmed the existence of several camps in the Doboj area, a number of them the scenes of frequent atrocities, including systematic rape. The Doboj School gymnasium, whose existence was confirmed by the *New York Times*

⁹⁸ ICG has reviewed witness statements regarding Pejovic. These documents are in the possession of the ICTY. Source A also confirmed Pejovic's position on the Crisis Staff.

⁹⁹ UN report, Prison Camps, op. cit.

¹⁰⁰ Ibid.

and *Helsinki Watch*, held between 600 and 2,000 women and girls. "When the women arrived at the school, they were 'classified' according to their education, financial status and appearance. The ugly and poor women disappeared." Local Serb militia, JNA, police forces from Knin and members of the Beli Orlovi reportedly visited the camp.¹⁰¹

The UN report describes in harrowing detail how the women were subject to constant humiliation, torture, starvation and rape by paramilitaries.

The Red Cross refugee camp, whose existence was confirmed by the US government, served as a refugee camp for Serb refugees, but also as a detention centre for Bosniaks and Croats. Serb soldiers wearing an "SMP" insignia entered the camp at night and took non-Serb women to apartments where they were repeatedly raped.¹⁰²

The report details the conditions of a number of other camps in Doboj, including rape camps. Other detention centres included the police station, where prisoners of political interest to the Serbs were held, and frequently tortured; the Usoro military facility, which was the scene of routine rapes, and the Vila Disco Bar, which housed 200 to 414 Bosniaks. About 23 of these prisoners died when the Serbs used them as "living shields" in combat.

2. CURRENT SITUATION IN DOBOJ

Despite the atrocities reported in Doboj, particularly against civilian men and women in the camps, The Hague tribunal has not issued a single public indictment related to the ethnic cleansing operation in Doboj and camps established there, and there have not been any arrests on sealed indictments. Although a number of Bosniaks and Croats have begun returning to the Doboj-Teslic area, this return has been accompanied by a number of attacks on returnees. In the first half of 2000, IPTF received reports of 27 such incidents in the wider Doboj area (municipalities of Doboj, Teslic, Derventa, Modrica and Bosanski Samac).¹⁰³ This begs the question of whether the paramilitary groups described in a 1996 Human Rights Watch report continue to obstruct return and Dayton implementation.¹⁰⁴

(a) *Milan Ninkovic*

This Human Rights Watch report identified **Milan Ninkovic** as allegedly "one of the five principal organisers of ethnic cleansing in the Doboj area."¹⁰⁵ Ninkovic served as President of the SDS for Doboj and President of the municipal council of Doboj during the war. In 1996, he retained these positions and also served as the Republika Srpska Minister of Defence. The report claims, "In early 1993, Ninkovic announced on Radio

¹⁰¹ See *War Crimes in Bosnia and Hercegovina*, Helsinki Watch, Volume 2, April 1993, pp.215-220. See also "Rape After Rape After Rape", *New York Times*, 13 December 1992, Section 4, p.17.

¹⁰² The designation "SMP" belonged to a military or paramilitary formation active in the region in 1992. ICG has been unable to determine the meaning of the initials.

¹⁰³ UNMiBH document: *Minority-Related Incidents Reported to IPTF: Reporting Period: 01/03/00 to 23/06/00 (inclusive)*.

¹⁰⁴ "The Continuing Influence of Bosnia's Warlords," Human Rights Watch, December 1996, p.12.

¹⁰⁵ Ibid.

Doboj that all Bosniaks should be killed and that the city should remain a Serb city."¹⁰⁶ He served on the Doboj municipal assembly until removed by OSCE in May 2000.

Milan Ninkovic remains one of the most influential people in Doboj.

OSCE banned Ninkovic from running for election in Doboj based on his previous obstructionism and removal by the Election Appeals Sub-Committee. He has also been prohibited from attending municipal council meetings.¹⁰⁷

He is President of the local SDS.

He is the director of the publicly owned firm "Technogas."

He is alleged to be one of the leaders of an underground paramilitary organisation.

The RS Ministry of Defence considers him indictable for war crimes.

(b) Andrija Bjelosevic

The Acting Commander of the Centre for Security Services in Doboj or regional Chief of Police from 1991 to 1993, was **Andrija Bjelosevic**. "During this period of time, the 'Red Berets' paramilitary unit reported to him on their activities in the region. Troops who took orders from Bjelosevic reported that he instructed them to 'kill Muslims, wherever you find them.'"¹⁰⁸ A Human Rights Watch report noted that Bjelosevic's position in the State Security Services and his connections with paramilitary groups demonstrate that the relationship between the state and paramilitaries in Republika Srpska was co-ordinated.¹⁰⁹ By virtue of his position, he allegedly had control over police engaged in the torture, arrest, deportation and detention of non-Serbs in various camps and in the building of the Doboj police. Members of the police in Bjelosevic's region of responsibility also allegedly participated in the attacks on the municipalities of Bosanski Brod, Derventa, Bosanski Samac, Odzak, Modrica and Teslic and in activities in Tesenj, Maglaj, Gacanica and Lukavac.

Andrija Bjelosevic reportedly works as an advisor to the Republika Srpska Minister of the Interior for questions of police and security.

UNMiBH confirmed that name was on a list of employees submitted by the Ministry.

¹⁰⁶ Ibid, pp.12-13.

¹⁰⁷ EASC Decision, 30 May 2000, Case No. 00-IMP-01.

¹⁰⁸ Human Rights Watch, December 1996, op. cit.

¹⁰⁹ Ibid, pp.19-20.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(c) *Vlado Djurdjevic*

Vlado Djurdjevic replaced Bjelosevic as the Doboj regional Chief of Police in 1993, having served as Secretary of the Crisis Staff since 1992. He remained Chief of Police until 1998. The Human Rights Watch report claims that Djurdjevic "was intimately involved with the organisation of the 'ethnic cleansing' campaign in Doboj."¹¹⁰

Vlado Djurdjevic is now the director of a private firm, "Doboj Invest," and is considered influential in the local community.

(d) *Drago Ljubcic*

In 1990, SDS member **Drago Ljubcic** became President of the Doboj municipal assembly. In this role he was directly involved in the formation of military units in 1991, well prior to the outbreak of the war in 1992. He ran the Doboj municipal government throughout the war, and is considered to have held command responsibility. In May and June 1992, Ljubcic allegedly took an active part in the occupation and ethnic cleansing of the surrounding villages of Grapska Gornja, Sevarlije, Potocani, Pridjel Gornji, Civcija Bukovacka, and Bukovica Mala. He is reported to have retained command authority over concentration camps in the Doboj area, including the military hangars at the Bosanka company, the military hangars at the Bare settlement, the former JNA camp at Sevarlija, the camp at the central prison in Doboj (Spreca), and a camp at the "PP" disoteque in the Vila settlement. Many of the inmates of these camps were allegedly murdered, starved to death, beaten, tortured and used as human shields on the front line. He is also alleged to have played a role in the second round of ethnic cleansing of the Doboj region in September 1995.¹¹¹ In 1997 he left the SDS and joined Biljana Plavsic's SNS.¹¹²

Today Drago Ljubcic is the Director of Customs in Doboj.

F. Foca

1. WAR CRIMES IN FOCA

In April 1992, local Serb military, police and civilian authorities took over the town of Foca, and together with JNA units and paramilitary forces, established a local Serb administration through the municipal Crisis Staff. As Serb forces consolidated their power over the rest of the municipality, they ethnically

¹¹⁰ Ibid, p.22.

¹¹¹ Ibid, p.23.

¹¹² ICG has possession of indictment material relating to Ljubcic presented to the ICTY by the Bosnian government.

cleansed these areas, establishing a number of concentration camps. One of The Hague indictments related to Foca summarised:

The Serb forces separated men and women and unlawfully confined thousands of Muslims and Croats in various short-term and long-term detention facilities or kept them essentially under house arrest. During the arrests many civilians were killed, beaten, or subjected to sexual assault.¹¹³

Under the authority of the Crisis Staff, military and paramilitary units carried out the "disappearance," torture, rape, imprisonment, execution, and expulsion of the majority of non-Serb civilians. A prison in Foca, the KPD Dom, was transformed into a detention facility primarily for men, while a number of houses, motels and apartments served as detention facilities for women, children and the elderly. Long-term detention centres for women, children and the elderly included the local high school, the Buk Bijela camp and the Partizan Sports Hall.¹¹⁴ Serb paramilitaries systematically raped women who were held in these and other camps. The systematic rape of women in these facilities, including the Partizan Sports Hall and the primary school of the neighbouring municipality of Kalinovik, formed the subject of the Hague indictment against **Dragoljub Kunarac** and **Radomir Kovac**.¹¹⁵

2. TODAY

Although the process of registration and provisional authorisation of police in Foca by the UNMIBH has begun, Jacques Klein has criticised the Foca police for offering less co-operation than their Federation counterparts in the process of creating a professional force.¹¹⁶ This is reflected in the fact that individuals whose alleged war time involvement in ethnic cleansing has been described in Human Rights Watch reports, and even ICTY indictments, reportedly still serve on the Foca police force. The alleged wartime activities of these and other influential members of the community in Foca are discussed below.

In addition, although The Hague tribunal has issued numerous public indictments against persons directly involved in the atrocities committed in Foca, no public indictments have been made against the three most powerful members of the wartime Foca Serb Crisis Staff. These men are widely believed to have planned, organised and ordered the crimes committed in Foca. All three of these figures were reportedly close to Radovan Karadzic, held high positions in the RS government during the war and continue to influence local and entity politics. These three are also discussed in this section.

¹¹³ *Prosecutor v. Gojko Jankovic et al*, Amended Indictment, IT-96-23-PT.

¹¹⁴ See: *A Closed, Dark Place: Past and Present Human Rights Abuses in Foca*, Human Rights Watch, July 1998.

¹¹⁵ *Prosecutor v. Dragoljub Kunarac Radomir Kovac*, Amended Indictment., IT-96-23-PT.

¹¹⁶ "Prvi korak u otvaranju Foce," *Oslobodjenje*, 3 November 1999.

(a) *Zoran Vladicic*

The head of the criminal division of the Foca police, **Zoran Vladicic** worked as an interrogator in the KPD Foca camp.¹¹⁷ In an interview with Human Rights Watch, a camp survivor alleged that Vladicic severely beat prisoners in the camp.¹¹⁸ In December 1997, Vladicic, allegedly beat two detainees in the Foca police station, one of whom subsequently died of the beating. The UN's IPTF investigated and reported on the incident.¹¹⁹

Today Zoran Vladicic is the head of the criminal department in the Foca police.

UNMiBH has granted Zoran Vladicic provisional authorisation to carry out police duties.

(b) *Miodrag Koprivica*

According survivors of the notorious KP Dom camp in Foca, Miodrag Koprivica served as an interrogator in the camp. Witnesses described how Koprivica would call out the names of prisoners from a list, who were then led out of their cells and subsequently disappeared. One survivor described the severe beating which Koprivica allegedly gave to a Bosniak inmate and how this inmate also later "disappeared."¹²⁰ Quoting from a witness statement:

I was taken to KP Dom on April 17. Every night at 8:00 they would come to the rooms to take people for interrogations. There were 730 people in KP Dom during the time I was there...Miodrag Koprivica came with two other guards and police officers to people's rooms every night at 8:00 and called people's names from a list. They would take some people to the former meeting room and beat them, and around 12 midnight we heard shooting and these people usually never returned...Of the eighteen men in my room, only eight were left at the end. On average more that half of each room was killed or "disappeared."¹²¹

In December 1997, Koprivica reportedly assisted Zoran Vladicic in beating two detainees in the Foca police station, one of whom subsequently died of the beating. The UN's IPTF investigated and reported on the incident.¹²²

Today Miodrag Koprivica serves in the Foca police.

¹¹⁷ Foca Report, op. cit., pp.14, 28.

¹¹⁸ Ibid, p.14.

¹¹⁹ IPTF brought this incident to the attention of Human Rights Watch.

¹²⁰ Foca Report, op. cit.

¹²¹ Ibid.

¹²² IPTF brought this incident to the attention of Human Rights Watch.

UNMIBH has granted him provisional authorisation to carry out police duties.

(c) *Brane Cosovic*

Brane Cosovic, the commander of the Foca military police during the take-over of Foca, allegedly organised a paramilitary unit in which Hague-indicted **Janko Janjic** and **Zoran Vukovic** served. Janjic killed himself and injured four German soldiers with a hand grenade in October 2000 when SFOR attempted to arrest him.¹²³ A 1998 Human Rights Watch report described Cosovic's involvement in the ethnic cleansing of Foca. He has been named as a "key link between paramilitary forces and the Crisis Committee."¹²⁴ His soldiers allegedly participated in rapes at the Partizan Sports Hall and High School and in taking prisoners away from the KP Dom, who subsequently disappeared.¹²⁵ The ICTY indictment against individuals for rapes committed in the Foca camps refers to the fact that military police committed rapes, calling themselves "Cosa's Guards," after Cosovic.¹²⁶ A 1998 Human Rights Watch report confirmed that Cosovic was still serving as a uniformed police officer at that time.¹²⁷

UNMiBH confirmed that Brane Cosovic has received their provisional authorisation to carry out police functions.

Although Cosovic apparently works for the Foca police, he also reportedly spends time in the Federal Republic of Yugoslavia (FRY).

(d) *Boro Ivanovic*

Another member of the Foca police department alleged to have participated in ethnic cleansing is **Boro Ivanovic**. Witnesses allege that Ivanovic was a member of the Crisis Staff in Foca, and that he commanded a unit that was allegedly responsible for ethnically cleansing the villages of Vikoc, Papratno, Josanica, Slatino, Dragocava, Brusna, Suljici, and Godijeno. He was also alleged to have been in charge of security at the KP Dom concentration camp.¹²⁸

Today Boro Ivanovic is commander of the Foca traffic police.

UNMiBH confirmed that Boro Ivanovic received provisional authorisation to perform police functions.

¹²³ "NATO Troops Hurt in War Crimes Suspect Arrest," *Dow Jones News*, 13 October 2000.

¹²⁴ Foca Report, op. cit.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ ICG has reviewed the statements of eight witnesses, as well as other documentation relating to this incident. These documents are in the possession of the ICTY.

(e) *Vojislav Bodiroga*

A number of other individuals allegedly connected with ethnic cleansing in Foca, while less powerful than Maksimovic, Ostojic and Cancar, whose roles are explained below, serve public functions in Foca and continue to make Foca a place hostile to minority return. During the war **Vojislav Bodiroga** was a member of the Foca Crisis Staff. After the war he served as director of the local branch of the publicly owned electric distribution company.¹²⁹

Vojislav Bodiroga is currently a member of the municipal assembly of Foca.

His election was certified by the OSCE.

(f) *Simo Mojevic*

According to a Human Rights Watch report, **Simo Mojevic** was a member of the Serb Crisis Committee for the Ustikolina region of Foca and commander of a Serb military battalion that ethnically cleansed that region.¹³⁰ An article published in the Bosnian periodical *DANI* alleged that he ordered killings in the villages of Odzak, Vina, Pilipovici, Mrdelici and other villages between Ustikolina and Jabuka and that he "ordered the murder of [one] Salko Andelija."¹³¹ Mojevic, along with **Petar Mihajlovic** (see below) and Radoje Zoric reportedly commanded the attack on the villages of Paunci and Filipovici, and Mojevic's unit allegedly ethnically cleansed the areas of Ustikolina, Njuhe, Mrdjelici and Osanica, along the left bank of the Drina River.¹³² In the summer of 1992, Mojevic is said to have participated in the transfer of Bosniaks from the KP Dom Camp in Foca to work detail on the front line. A group of twenty prisoners that Mojevic allegedly escorted back towards the camp after a day of digging trenches on the Stolasac hill were executed by paramilitaries before reaching the camp.¹³³

Witnesses alleged that Mojevic and Mihajlovic were the main organisers of ethnic cleansing in Ustokolina. Mojevic allegedly personally slit the throat of at least one civilian and he also allegedly personally set fire to a house, burning a 75 year-old woman inside to death.¹³⁴

Simo Mojevic is the director of an elementary school, "Sveti Sava" in the Gornje Polje settlement in Foca.

Bosniak returnees would send their children to this school.

¹²⁹ Foca Report, op. cit., pp.22,27.

¹³⁰ Ibid, p.27. This fact was also confirmed by witness statements reviewed by the ICG.

¹³¹ "Sami sebe sjekli i jeli," *DANI*, January 1998.

¹³² Source A.

¹³³ Ibid.

¹³⁴ ICG has reviewed witness statements. These statements are in the possession of the ICTY.

(g) *Petar Mihajlovic*

The wartime president of the SDS for Ustikolina, **Petar Mihajlovic**, was mentioned along with **Simo Mojevic** (see above) in a Human Rights Watch report, as one of the individuals who allegedly "supervised" the ethnic cleansing of the Ustikolina region of Foca.¹³⁵ Local sources support his alleged involvement in the ethnic cleansing of the villages in the Ustikolina region of Foca.¹³⁶

Petar Mihajlovic is currently the president of a Serb refugee return association in Foca.

(h) *Velibor Ostojic*

According to highly placed witnesses and international representatives in Foca, **Velibor Ostojic** was a founding member of the SDS, and one of the three leading members of the Serb Crisis Staff in Foca during the war, as well as Karadzic's Minister of Information, a post to which Karadzic personally appointed him.¹³⁷ During and after the war, Ostojic was reportedly one of Karadzic's closest political associates in the SDS. Witnesses identified Ostojic as one of the three principal organisers of ethnic cleansing in Foca. Ostojic reportedly organised the equipping and training of SDS members in Foca and co-ordinated the arrival of paramilitaries from Serbia.¹³⁸ Witnesses stated that Ostojic, Cancar and Maksimovic (see below) knew of the existence of camps in their area of responsibility and that Ostojic had visited the Livade facility.¹³⁹ As Minister of Information, Ostojic gave numerous false statements to the international press in an attempt to cover up the extent of Serb war crimes.

From 1997 to 1998 Ostojic served as the head of a Bosnian Parliament Commission for Human Rights.¹⁴⁰

Reportedly a close associate of Karadzic, Velibor Ostojic continues to exert significant political influence in Republika Srpska and Foca.¹⁴¹

He is the Director of the Agency for the Construction of Serb Sarajevo.

The RS Ministry of Defence considers him potentially indictable for war crimes.

¹³⁵ Foca Report, op. cit.

¹³⁶ ICG has reviewed eight witness statements relating to Mihajlovic's role in ethnic cleansing in Ustikolina, Foca.

¹³⁷ Ibid, p.36.

¹³⁸ Ibid, p.36.

¹³⁹ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-95-5-R61, Testimony of Mr. Mark Harmon, 1 July 1996.

¹⁴⁰ Foca Report, op. cit., p.24.

¹⁴¹ Source B.

(i) *Petar Cancar*

Petar Cancar was the wartime Mayor of Foca, a position he retained until 1997. Along with Ostojic (above) and Maksimovic (below), Cancar served as a decision-making member of the Foca Crisis Staff during the war. In 1997, he was appointed as a judge to the Constitutional Court of Republika Srpska. In 1998 RS Premier Milorad Dodik appointed him as Minister of Justice, an appointment which the international community did not oppose.¹⁴²

Cancar reportedly remains on the RS payrolls as a judge, but carries out other activities in Foca and Serbia.¹⁴³

The RS Ministry of Defence considers him potentially indictable for war crimes.

(j) *Vojislav Maksimovic*

Vojislav Maksimovic was the third decision-making member of the Foca Crisis Staff during the war. After the war he served as Mayor of Serb Sarajevo, Member of the Republika Srpska Parliament, and Rector of the University of Serb Sarajevo.

Vojislav Maksimovic is currently a professor of Serb language and literature at the University of Serb Sarajevo.

He lives in Foca but spends considerable time in Pale and Belgrade.

The RS Ministry of Defence considers him potentially indictable for war crimes.

G. Gacko and Trebinje

1. REPORTED WAR CRIMES IN GACKO

On 17 and 18 June 1992, Serb forces attacked a number of villages in the Fazlagic Kula community in the Gacko municipality. In the course of the attack, Serb forces killed tens of civilians. Serb authorities established a camp, "Podrum Hotela," where 150 Bosniak civilians were held in June and subjected to interrogation and torture. Ten prisoners were murdered in the camp. On 28 June 1992 and 1 July 1992, Serb forces attacked the villages of Ravno and Previla, killing ten civilians. On 4 July 1992, members of the Gacko police and the "Beli Orlovi" paramilitary formation "ethnically cleansed" Gacko itself, killing tens of civilians. Their remains were uncovered in two mass graves at Stanicki Most and Harem in Gacko. On 19 July that year, Serb forces attacked the Bjelesnica Mountain, to which non-Serbs from Gacko had fled earlier that month, executing and arresting a number of civilians. Those who were arrested and led to the Gacko police station later "disappeared." On 13 August, members of the Gacko

¹⁴² Foca Report, op. cit., pp.22-24.

¹⁴³ Source B.

police executed nine civilians in the Kotlina area of Gacko. Their remains were uncovered in the autumn of 1999.¹⁴⁴

The Serb Crisis Staff in Gacko consisted of **Mitar Lazetic**, president of the municipal council; **Konstadin Jegdic**, president of the local SDS; **Zdravko Zirojevic**, president of the main board of the municipal council; **Vojin Popovic**, head of the Gacko police; and **Goran Lucic**, commander of the territorial defence. The police, headed by Vojin Popovic, allegedly committed the majority of crimes described above.¹⁴⁵

2. TODAY

None of the former members of the Gacko Crisis Staff or police department has been publicly indicted. Reliable information has been received about eleven more members of the police, besides Popovic, who allegedly participated in the massacres described above.

(a) *Milijan Miric*

One of the individuals alleged to have participated in the arrest, deportation and execution of civilians was reserve police officer **Milijan Miric**.¹⁴⁶ On 26 June 1992 alone he allegedly was responsible for the death of six pensioners, all above the age of 60.¹⁴⁷

Milijan Miric serves in the Gacko police department.

He is undergoing screening for UNMIBH provisional authorisation.

(b) *Bozidar Vucurovic*

In addition to the municipal crisis staff members, members of the regional Crisis Staff of the Herzegovina "Autonomous Region" were part of the chain of command with alleged responsibility for war crimes committed in Gacko, Cajnice, Trebinje and other parts of Herzegovina. The president of the Herzegovina regional Crisis Staff was **Bozidar Vucurovic** from Trebinje, who also served on the Crisis Staff as the president of the Trebinje municipal council. Serb forces expelled most of that town's non-Serbs in 1992 and 1993, during which time at least 40 civilians were murdered.¹⁴⁸

Bozidar Vucurovic is a successful businessman and one of the most influential figures in the Herzegovina region of RS.

¹⁴⁴ Source A.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ ICG has reviewed the statements of six witnesses. The documents are in the possession of the ICTY.

¹⁴⁸ For a more complete account of the ethnic cleansing in the Trebinje region, see *Trebinje 1991-1995: zlocini koji se ne smiju zaboraviti*, Sarajevo:1998, pp.22-31, 54-55. Also Source B.

The RS Ministry of Defence considers him potentially indictable for war crimes.

H. Han Pijesak

1. REPORTED WAR CRIMES IN HAN PIJESAK

Before the war, approximately 40 per cent of Han Pijesak's 6,346 residents were Bosniak. Today the municipality has almost no Bosniak residents. In seven villages of Han Pijesak, 94 persons were murdered during the war.¹⁴⁹ A UN report cited the existence of a detention facility in Han Pijesak "where men were killed and women and young children raped. It has been previously reported that many people are also buried there."¹⁵⁰

2. TODAY

(a) *Bogdan Todorovic*

Bogdan Todorovic, one of the founders of the Han Pijesak SDS, allegedly led the Serb Crisis Staff and Municipal War Presidency at the time the municipality was ethnically cleansed.¹⁵¹

Bogdan Todorovic is the director of Radio Han Pijesak.

(b) *Goran Kanostravac*

Goran Kanostravac was the Commander of the Han Pijesak Police during the war.¹⁵²

Goran Kanostravac reportedly serves in the Bijeljina police.

UNMiBH confirmed that Goran Kanostravac was on a list of employees submitted by the RS Ministry of the Interior, although he had not been registered for UNMiBH screening.

(c) *Dusan Gasevic*

Dusan Gasevic served as a member of the Han Pijesak Crisis Staff during the war.

Today, Dusan Gasevic is the Speaker of the Han Pijesak municipal council.

His election was certified by the OSCE.

¹⁴⁹ Source B.

¹⁵⁰ UN report, Prison Camps, op. cit.

¹⁵¹ Source A, Source B.

¹⁵² Source A, Source B.

(d) *Others*

Ratko Mladic, the wartime Bosnian Serb army commander and a publicly indicted war criminal, has a weekend house in Han Pijesak that he reportedly visits from time to time.

I. **Kljuc**

1. REPORTED WAR CRIMES IN KLJUC

Before the ethnic cleansing in Kljuc, there were 17,714 Bosniaks and 3,360 Croats in the municipality. After the cleansing only 500 Muslims and 300 Croats remained. 525 Bosniaks and Croats were killed all told during the ethnic cleansing.

On 1 June 1992, 81 non-Serbs between the ages of 18 and 65 were called to assemble at the Serb checkpoint located at the building of the primary school in Velagici, in the municipality of Kljuc. They were briefly detained in the school and then executed by firearm. They were later buried in a mass grave in Laniste, Kljuc. The bodies of 80 non-Serbs were exhumed at the site on 5 October 1996. On the same day, in the village of Prhovo, members of the Bosnian Serb army killed 52 civilians by firearm, including women and children. The bodies were exhumed on 8 May 1997 and 24 September 1999 from two mass graves around Prhovo.

On 10 July 1992, in Biljani, members of the Bosnian Serb army and the Kljuc police murdered 220 non-Serb civilians from the village. In another mass grave found in Laniste, 188 of these bodies were recovered and in two mass graves in Crvena Zemlja, the remaining 32 were found. On 30 July 1992, in Donja Sanica, five Bosniaks were shot in a house, which was then set on fire. Their bodies were exhumed on 8 November 1996. In August 1992, in Zablece, seven Bosniaks were executed by firearm. Their bodies were exhumed on 19 April 2000. On 10 October 1992, in Kamicak, five Bosniaks were murdered. Their bodies were exhumed on 21 November 1996.

2. TODAY

(a) *Marko Adamovic*

Marko Adamovic was a member of the Kljuc municipal Crisis Staff and Deputy Commander of the Bosnian Serb Army's Kljuc Battalion of the 17th Light Infantry Brigade. Adamovic, along with two other individuals, allegedly ordered the massacre of 81 civilians in Velagici on 1 June 1992. Adamovic's unit also allegedly carried out the massacre of 52 civilians in Prhovo the same day.¹⁵³ The unit allegedly continued to actively ethnically cleanse the region and commit crimes against the remaining non-Serb

¹⁵³ The Una-Sava Cantonal Ministry of the Interior has prepared a criminal report of war crimes committed against the civilian population by Marko Adamovic. This indictment was prepared under existing BiH legislation taken from article 142, paragraph 1 of the Criminal Law taken over from the SFRY. This has been turned over to the ICTY. Criminal Report No. 05-11/03-KU-22/98. See also Bihac Cantonal Court document KU 150/96., as well as document 02-366/96 of 24 February 1996.

civilian population throughout 1992, 1993, and 1994.¹⁵⁴ His unit was allegedly responsible for the destruction of sixteen mosques and one Catholic Church.¹⁵⁵

Today Marko Adamovic reportedly serves as a Major in the RS Army in Skender Vakuf/Knezevo

(b) *Marko Samardzija*

Marko Samardzija, an officer in the RS Army, commanded the Third Company of the Sanica Battalion of the 17th Light Infantry Brigade (LPBR), which was allegedly one of the main perpetrators of the massacres in the Kljuc region, in particular in the villages of Domazti, Botonici, Jabukovac, Donji Biljani and Brkici. On 10 July 1992, Samarszija's unit allegedly entered these villages and rounded up all the men, who were then taken to the elementary school in Donji Biljani. A list was recovered containing the names of 201 Bosniak men confined to this school. In addition to these 201 individuals, others were killed prior to reaching the school. Some of them were taken out and shot nearby, while yet others were placed on buses and driven to Kljuc. Along the way the buses stopped and some people were taken out and shot. The rest were taken to the high school in Kljuc, where they were all killed. The bodies of the murdered Bosniaks were found in the mass graves of Laniste I and two at Crvena Zemlja. Samardzija reportedly supervised the gathering and transport of corpses from Biljani to the mass graves.¹⁵⁶

Today Marko Samardzija lives in Prijedor.

His present activities are unknown.

(c) *Milan Tomic*

The local police commander from Donje Sanice, **Milan Tomic**, reportedly commanded units which—along with Samardzija—participated in the ethnic cleansing of Kljuc.¹⁵⁷ This included the murder of more than 200 civilians.¹⁵⁸

Today Milan Tomic lives in Novi Sad, FRY.

He has filed a request for the return of his apartment in Kljuc.¹⁵⁹

¹⁵⁴ A former Bosnian Serb soldier gave testimony relating to these events. Zapisnik 14/02-4-998/95 of 8 July 1995. This document is in the possession of the ICTY.

¹⁵⁵ ICG has reviewed the statements of sixteen witnesses. These are in the possession of the ICTY.

¹⁵⁶ Taken from an indictment submitted to the ICTY by Bosnian prosecutors.

¹⁵⁷ Source A. Also taken from an indictment submitted to the ICTY by Bosnian prosecutors.

¹⁵⁸ ICG has reviewed the statements of twenty-eight witnesses. These documents are in the possession of the ICTY.

¹⁵⁹ Zahtjev za povrat stana, 04/2-2-372-344, 14 September 1998.

J. Prijedor

1. GENOCIDE IN PRIJEDOR

The municipality of Prijedor, west of Banja Luka, in northern Bosnia, was of strategic importance to the Serbs as part of a corridor between Krajina Serbs in Croatia and Serbia proper. In April 1992, Serb forces took control of Prijedor, following the military occupation of the city and surrounding villages with a brutal campaign of ethnic cleansing. It began with the shelling of areas populated by Croats and Bosniaks, forcing the residents to flee. The majority of these residents were taken to camps, and many were summarily executed.¹⁶⁰ Serb forces continued to apprehend civilians in Prijedor town, nearby Kozorac and other parts of the municipality in the following weeks.¹⁶¹

Serb authorities deported Croats and Bosniaks to a number of detention centres, including the notorious Omarska, Keraterm and Trnopolje concentration camps, where over 6,000 non-Serbs were reportedly held between May and August of 1992. The camps were the scenes of some of the worst atrocities in Europe since World War II. "Two of the concentration camps, Omarska and Karaterm, were places where killings, torture and brutal interrogations were carried out. The third, Trnopolje, had another purpose; it functioned as a staging area for massive deportations of mostly women, children and elderly men, and killing and rapes also occurred there."¹⁶²

The conditions in Omarska and Karaterm were described in a number of Hague indictments. Omarska was reportedly used to detain many of Prijedor's Croat and Bosniak intellectual, professional and political leaders. About 40 women were held in a special section of the camp where interrogations also took place. The indictment describes the "brutal" conditions in Omarska, which included inhumane overcrowding; lack of facilities for personal hygiene; inadequate water and food, bringing many prisoners close to starvation; regular and severe beatings; torture; rape; humiliation; and executions.¹⁶³ The conditions in the Karaterm camp did not differ much from those at Omarska. The Trnopolje camp was established especially for women, children and the elderly. In addition to the murder and torture of detainees, women in Trnopolje were systematically raped.¹⁶⁴ The indictment against Simo Drljaca and Milan Kovacevic noted that hundreds of detainees in these camps did not survive. The indictment cited a single night in July 1992, when 150 men from the "Brdo" area of Prijedor municipality were executed in the Keraterm camp.¹⁶⁵

The persecution of non-Serbs reportedly continued even after the closing of these camps in 1992.¹⁶⁶ In August 1992, thousands of non-Serbs were released from detention in camps in northwest Bosnia, including Keraterm and Omarska, and deported to Bosniak territory near Travnik. Hundreds never made it to Bosnian-

¹⁶⁰ *Prosecutor of the Tribunal v. Dusko Tadic aka Dule aka Dusan Goran Borovnica*, Amended Indictment.

¹⁶¹ *Ibid.*

¹⁶² *Helsinki Watch on Prijedor's War Criminals*, Human Rights Watch, January 1997.

¹⁶³ *Prosecutor v. Dusko Tadic aka Dule aka Dusan Goran Borovnica*, Amended Indictment.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Prosecutor v. Simo Drljaca and Milan Kovacevic*.

¹⁶⁶ *Helsinki Watch on Prijedor's War Criminals*, op. cit.

controlled territory. On 21 August, two buses of prisoners from the Trnopolje camp stopped at the Korcanske Stijene cliffs on Vlasic mountain near Skender Vakuf, on the road to Travnik. At this point, 150 to 200 men were led out of the buses, summarily executed and dumped into a deep ravine. Apparently seven men survived the massacre, five of them to be recaptured by Serbian forces and taken to the hospital in Banja Luka where they were mistreated.

During the successful campaigns of the Armija BiH in September and October of 1995, Serb authorities throughout northwest Bosnia, including Prijedor, conducted a new wave of ethnic cleansing, with the help of Zeljko Raznatovic "Arkan" and his paramilitary group, the "Tigers."¹⁶⁷

As discussed in the first part of this report, the municipal Crisis Staff of Prijedor played a key role in both the "ethnic cleansing" of the area and the administration of concentration camps. Allegedly, the Prijedor Serb police, led by indicted war criminal Simo Drljaca, "played a major role in violations of international humanitarian and human rights law during and after the war."¹⁶⁸

2. TODAY

In the first half of 2000, Prijedor had more reported incidents against "minorities" (nineteen Bosniaks and one Croat) than any other municipality in Bosnia.¹⁶⁹ Although The Hague has issued indictments against more than twenty individuals implicated in atrocities committed in Prijedor, including in the Keraterm and Omarska camps, Prijedor is still home to a number of persons implicated in violations of international humanitarian law committed against Bosniaks and Croats.

At the time of this writing, a number of publicly indicted persons from Prijedor remain at large, including the commander of the Omarska camp, **Zeljko Meakic**. In addition, The Hague has released a number of former camp guards and interrogators, citing the limited resources of the Tribunal and the fact that these individuals should be tried through the state justice system.¹⁷⁰ Unfortunately, the influence of politics and corruption on the Bosnian justice system is so great that the chance of a local court even trying the suspects in the next several years is remote. Local and international sources have indicated that most Prijedorians mistakenly assume that The Hague acquitted these men.¹⁷¹

In addition to these publicly indicted, a number of persons who may be under secret indictment are reportedly hiding out in the Prijedor area, occasionally coming into town. These include the commander of the Trnopolje camp, **Slobodan Kuruzovic**, and **Dragan Mrdja "Dado,"** whom survivors have alleged to be the chief executor of the massacre of about 200 non-Serb men on the Korcanske Stijene cliffs. Both of these men appeared on a list of supposedly

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ UNMiBH document: *Minority-Related Incidents Reported to IPTF: Reporting Period: 01/03/00 to 23/06/00 (inclusive)*.

¹⁷⁰ "Order granting Leave for Withdrawal of Charges against Nikica Janjic, Dragan Kondic, Goran Lajic, Dragomir Saponja, and Nedeljko Timarac," 5 May 1998. Obtained on ICTY Internet site: www.un.org/icty/.

¹⁷¹ ICG interview with international community official in Prijedor.

secretly indicted persons, publicised by the RS Ministry of Defence.¹⁷² This suggests that even if they have not been indicted, the RS Ministry of Defence considers them to be potentially indictable.

The Prijedor police force also employs individuals allegedly linked to ethnic cleansing, including a number of persons linked to violations of international humanitarian law in other municipalities, such as Sanski Most. These individuals are discussed specifically in the section on Sanski Most.

(a) *Ranko Mijic*

The head of the criminal investigation unit of the Prijedor police during the war, **Ranko Mijic** reportedly was in charge of interrogating Bosniaks and Croats in the concentration camps in the Prijedor region, including Keraterm and Omarska. Mijic worked in the police until recently.

Today Ranko Mijic has retired, and runs a private business.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) *Zivko Jovic*

A Human Rights Watch report connected **Zivko Jovic**, a former military policeman, to atrocities committed in the Keraterm and Trnopolje camps.¹⁷³ Local sources assert that Jovic served as an inspector/interrogator of prisoners at the camps in the Prijedor region.

Today Zivko Jovic continues to work as an inspector in the Prijedor police.

UNMiBH confirmed that his name was on a list of employees in Prijedor provided by the RS Ministry of the Interior.

The RS Ministry of Defence considers him indictable for war crimes.

(c) *Dusan Jankovic*

During the war, **Dusan Jankovic** served as commander of the police in Prijedor. He allegedly had command responsibility over the Keraterm, Trnopolje and Omarska camps, as well as the jail in the Prijedor police station, where a number of atrocities were committed. He was second in command to the indicted Simo Drljaca of the Prijedor police, who was shot by SFOR while resisting arrest in 1997.

Today Dusan Jankovic allegedly serves as an advisor to the RS Ministry of Interior.

¹⁷² See *Reporter* article, op. cit.

¹⁷³ "The Unindicted: Reaping the Rewards of 'Ethnic Cleansing,'" Human Rights Watch, January 1997.

UNMiBH confirmed Dusan Jankovic was on a list of employees submitted by the Ministry of the Interior.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(d) *Simo Miskovic*

Simo Miskovic was the head of the Prijedor SDS and a member of the Serb Crisis Staff during the war. Given these positions, he could be considered, under the Statute of the ICTY to have had command responsibility for the ethnic cleansing in the Prijedor region.

Simo Miskovic lives in Prijedor as a pensioner.

The RS Ministry of Defence considers him potentially indictable for war crimes.

K. Rogatica

1. WAR CRIMES IN ROGATICA

During the spring and summer of 1992, Serb forces ethnically cleansed the Rogatica municipality of approximately 14,000 Bosniak residents. According to the UN Commission of Experts Report, "Under the leadership of the commander of the local Serbian paramilitary forces, Serbs apparently began detaining Bosniak civilians in late May 1992. It is unclear how long this process continued, but there are reports that Serbs still were detaining Muslim civilians in late July and early August 1992."¹⁷⁴ The report cites twelve alleged detention facilities, primarily for Bosniak civilians, where as many as 4,513 persons may have been detained. Witnesses testified that, during the ethnic cleansing operation and in detention, prisoners were beaten, raped and executed.

In the Rasadnik Sladara camp formed in mid-June 1992 and operated until 1994, hundreds of non-Serb civilians from Rogatica were detained, and many were physically abused. At least twenty people were murdered in the camp. The director of the camp from 1992 until the end of 1993 was reportedly Vinko Bojic.¹⁷⁵

2. TODAY

Despite numerous reports of violations of international humanitarian law in Rogatica, during the war, the ICTY has yet to issue any public indictments, and SFOR has yet to apprehend any individuals on the basis of sealed indictments, in connection with the crimes documented there. As in many other parts of Bosnia, local authorities in Rogatica obstruct the return of so-called minorities. As of July 2000, claims for return of private and socially owned property by pre-war

¹⁷⁴ UN report, Prison Camps, op. cit.

¹⁷⁵ Source A.

residents in Rogatica resulted in return of property in only 1.28 per cent of cases.¹⁷⁶

(a) *Rajko Kusic*

Allegedly the most prominent figure in the ethnic cleansing of Rogatica is **Rajko Kusic**. He allegedly gained his experience in ethnic cleansing while fighting with a Serb paramilitary unit in Vukovar, Croatia, in 1991. He is named in a special UN report as the local military commander of the Borika Battalion, First Brigade, Drina Corps. The report also details testimony of atrocities allegedly committed under Kusic's command"

Serbian paramilitary forces under the command of Rajko Kusic killed 49 prisoners during a fake prisoner exchange. Serb forces under the command of an identified member of the group forced prisoners from Visegrad onto a bus, under the pretence of a prisoner exchange in Han Pijesak. However, once the prisoners were on the bus, several Serb soldiers tied them up, and then beat and taunted them. Eventually, the bus arrived at a curve along a muddy road. The Serb forces ordered the prisoners off the bus, walked them up the road, then killed 49 of the prisoners and piled them in a pit.¹⁷⁷

A Hague witness, who had served on the Rogatica police department up until the spring of 1992, testified to Kusic's role in the arming of local Serbs, as a military commander and as one of the decision-making members on the Rogatica Crisis Staff.¹⁷⁸

Kusic has been named as the main Serb military commander in the Rogatica region. Among other atrocities his forces are alleged to have slit the throats of 50 Bosniaks during an attack on the village of Gracanica on 22 May 1992.¹⁷⁹

According to local sources, Kusic's forces allegedly murdered fifteen civilians in the areas of Pasic Kula and Bjelogorci, on 3 June 1992, deporting the rest of the residents to camps in Rogatica. On 19 June Kusic's forces, along with those commanded by Mladen Vasiljevic, allegedly murdered at least 97 Bosniak civilians in the areas of Pticijak and Gracanica, deporting the remainder to camps in Rogatica. On 10 and 11 July Kusic's forces allegedly set fire to houses in the Kukavica, Kujundzica, and Mesica areas of Rogatica, killing 31 Bosniak civilians and herding others to camps in Rogatica. Kusic's unit allegedly conducted similar operations on 2 August, in the villages of Kramer Selo, Kozadre and Borovsko, murdering 37 Bosniak civilians. On 15 August Kusic's unit

¹⁷⁶ "Review of the Implementation of Property Laws in Republika Srpska," UNHCR, OHR and OSCE Statistics Implementation of the Property Laws:(31/07/00). For updated statistics on property law implementation, see the UNHCR Internet site www.unhcr.ba.

¹⁷⁷ UN report, Special Forces, op. cit.

¹⁷⁸ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-1-T, Testimony of Witness, 20 May 1996.

¹⁷⁹ Document reviewed by ICG. The document is in the possession of the ICTY.

allegedly attacked the village of Rakitnica, where eighteen civilians were murdered.¹⁸⁰ A reliable source in the international community alleges there to be evidence suggesting that Kusic, as commander of the battalion, was also involved in a massacre of over 100 Bosniak civilians in Rogatica, after which the bodies were then ground up in a local sawmill.¹⁸¹ All told, Kusic's forces are alleged to have killed over 349 civilians in the course of their ethnic cleansing operations.¹⁸² Kusic also allegedly issued written orders to his units specifying procedures for the disposition of plunder seized from civilians.¹⁸³ The Tuzla Canton prosecutor's office listed Kusic as one of the commanders involved in the military offensive on Srebrenica, in violation of international law and UN Security Council provisions declaring the area a safe haven.¹⁸⁴

Until recently, Rajko Kusic commanded the RS Army garrison in Rogatica.

He is now retired.

He reportedly maintains close ties with Radovan Karadzic and Ratko Mladic.¹⁸⁵

He is considered more powerful politically than the Mayor of Rogatica.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) Mile Sokolovic

During the war Sokolovic served as a leading member of the Rogatica Crisis Staff and a member of the SDS. As such he allegedly served in a decision-making position during the time that atrocities were committed in the municipality.¹⁸⁶ He allegedly visited the Sladar concentration camp to oversee its functioning.¹⁸⁷

Today Mile Sokolovic serves as a member of the Rogatica municipal council and a member of the Socialist Party of Republika Srpska (SPRS).¹⁸⁸

His election was certified by the OSCE.

¹⁸⁰ Source A, Source B.

¹⁸¹ Source in an international organisation in BiH.

¹⁸² ICG has examined evidentiary documents relating to this case, as well as the statements of thirteen witnesses. These documents currently are in the possession of the ICTY.

¹⁸³ Order signed by Rajko Kusic, Broj: Pov.-116/92 of 18 June 1992.

¹⁸⁴ "Prosecutor indicts former Serb commanders for acts in Srebrenica," *Oslobodjenje* (translated and printed in *BBC Summary of World Broadcasts*), 2 April 1999.

¹⁸⁵ Source B.

¹⁸⁶ ICG has reviewed 10 witness statements. Source A, Source B.

¹⁸⁷ Witness statement reviewed by ICG.

¹⁸⁸ Information obtained by ICG from OSCE. Source A.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(c) *Mladen Vasiljevic*

Vasiljevic served as head of the Rogatica police and commanded military forces in Rogatica during the war. He organised the re-appropriation of weapons and vehicles to the Serb police, under orders from the Serb Autonomous Region of Romanija. Witnesses described the involvement of local police under his command in the interrogation of prisoners in local detention centres, in leading women away from the centres at night and in expelling women and children and deporting men to camps, including Susica and Batkovic.¹⁸⁹ Vasiljevic's unit allegedly participated with Kusic's in the 19 June 1992 attack on Pticijak and Gracanica in which at least 97 Bosniak civilians were killed. Vasiljevic was allegedly involved in the murder and mistreatment of prisoners in the Sladara camp in Rogatica.¹⁹⁰

Mladen Vasiljevic reportedly works as a police officer in Pale. UNMiBH could not confirm this.

He ran for office as an SDS candidate for the Rogatica municipal assembly in April 2000, but failed to receive a mandate.

His candidacy was approved by OSCE.

L. Sanski Most

1. REPORTED WAR CRIMES IN SANSKI MOST

(a) *Ethnic Cleansing, 1992*

The municipality of Sanski Most borders Banja Luka to the west and Prijedor to the north. In the spring of 1992, forces of the Sixth Krajina (Sanska) Brigade and local Sanski Most SDS effected the military and civil take-over of Sanski Most and the surrounding villages. Serbian forces then bombarded the homes of local Bosniaks and Croats and embarked on a campaign of ethnic cleansing involving the robbery, brutal deportation, detention, mistreatment and murder of the civilian population.¹⁹¹

A UN report named the organisers of this ethnic cleansing campaign:

This campaign of 'ethnic cleansing' was carried out by the Sixth Sanski Most Brigade or Krajiska Brigade, the Serbian Democratic Party (SDS), and local Serbs. Organisers that are specifically named include: the head of the SDS who was later installed as the president of Sanski Most County; the man in

¹⁸⁹ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-1-T, Testimony of Witness, 20 May 1996.

¹⁹⁰ ICG has reviewed the statements of eight witnesses relating to this case. These documents are in the possession of the ICTY. Also Source A and Source B.

¹⁹¹ UN report, Prison Camps, op. cit.

charge of all camps and detention centres established in the region; commander of the Sixth Sanski Most Brigade which was responsible for executing the plans developed by the other two men; commander of the paramilitary organization called Srpske Oruzane Snage (SOS) which was made up of local Serbs; and the local leader of the Serbian Radical Party loyal to Vojislav Seselj. Fifteen other men were named.¹⁹²

In addition to ethnic cleansing in the town of Sanski Most, the Sixth Krajina Brigade undertook operations in May 1992 in surrounding settlements, including Muhici, Vrhpolje, Hrustov, Trnovi, Begici, Donji Kamicki, Kenjari, Fajtovci, Skucan Vakuf, Gorice, Okrec, Modra, Budim, Stari Majdan, Husimovci and Ostra Luka. The Fifth Kozara Brigade and the Sixth Krajina Brigade were also involved in the attack on the Croat villages of Stara Rijeka, Brisevo, Raljas and Carakovo in the Sanski Most Municipality. During the course of these attacks, at least 73 Croats,¹⁹³ and perhaps as many as 136, may have been killed, all of them civilians.¹⁹⁴

The expulsion and deportation of the civilian population of Sanski Most by Serb forces proved particularly brutal. For example, in August a convoy of women, children and elderly suffered continued harassment and robbery along their journey, only to walk the last twenty miles to Federation territory. Passing through a minefield, a number of these civilians died.¹⁹⁵

During these ethnic cleansing operations, Serb forces arrested non-Serb males, detaining them in a number of facilities. Eleven such detention centres were mentioned in the UN report cited above. Many of the prisoners were then transferred to the Manjaca camp in Banja Luka.¹⁹⁶

One of the detention facilities within Sanski Most was the police station, where a number of local non-Serb police were reportedly liquidated.

"Upon the attack of Sanski Most by Serbian forces, men were arrested and taken to the basement of police headquarters. There, they were interrogated and beaten for days. Thirty-three non-Serbian police officers were brought to police headquarters. Seventeen of them were killed during interrogations, eight were sent on to Manjaca, and four managed to escape."¹⁹⁷

Many men died of suffocation and lack of food during transport to other camps, while others were executed on the journey. For example, a group of men being transported from Sanski Most were ordered out of the truck near the bridge leading out of town. The prisoners were ordered to undress and were shot while scrambling under the bridge.¹⁹⁸

¹⁹² Ibid.

¹⁹³ UN report, Special Forces, op. cit.

¹⁹⁴ Source B.

¹⁹⁵ UN report, Special Forces, op. cit.

¹⁹⁶ UN report, Prison Camps, op. cit.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

(b) *Ethnic Cleansing in Northwest Bosnia, including Sanski Most, 1995*

A 1996 Human Rights Watch report called attention to a brutal campaign of ethnic cleansing perpetrated by Serb authorities and forces in northwest Bosnia in 1995. In retaliation for successful campaigns of Croatian and Bosnian forces in the area, Arkan's paramilitaries, along with local civil and military authorities subjected the remaining non-Serb residents in Banja Luka, Prijedor and Sanski Most to torture, rape, murder and deportation.¹⁹⁹ According to the report, "Paramilitaries from Serbia proper were also involved, as non-Serbs were detained, robbed of their possessions, beaten, raped and expelled from the region. An estimated 2,000 people were separated from their families; many are still missing." During this period of ethnic cleansing, about 22,055 non-Serbs were expelled from the region, primarily from Banja Luka.²⁰⁰

Some of the worst atrocities, including a number of massacres, occurred in towns and villages in and around Sanski Most. Bosnian Army troops and international journalists entering the town on 11 October 1995 found gruesome evidence of recent atrocities.

The proof of these atrocities could be observed plainly at the Betonirka concrete block factory, which has twice served as a detention centre where Muslims and Croats were held in unspeakable conditions and which now serves as a temporary morgue.²⁰¹

Within less than two weeks, 67 bodies had been recovered around the town, most shot in the head or clubbed to death.²⁰² During this time, as many as 700 men were reported missing from Sanski Most.²⁰³

During September 1995, thousands of men were separated and detained in the Betonirka cement factory and the ceramics factory and a coal mine. Many of these were later deported to the Manjaca camp in Banja Luka. Many others were executed or disappeared. As a Croat resident who survived the wave of terror explained, "When the Serbs realized Sanski Most was going to fall, they went crazy. No Muslim or Croat was going to get out alive."²⁰⁴

An article in *The Toronto Star* described the events in one small village, Okrec, near Sanski Most, on 21 September 1995, when armed Bosnian Serbs brutally murdered seven civilians while trying to extort money. The article was based on exhumations in the town, carried out according to information provided by witnesses of the massacres. The victims had been horribly murdered: some had their skulls crushed in, some had been

¹⁹⁹ *Northwestern Bosnia: Human Rights Abuses during a Cease-Fire and Peace Negotiations*, Human Rights Watch, February 1996, p.3.

²⁰⁰ *Ibid.*, p.6.

²⁰¹ "Fleeing Serbs Leave Trail of Death," Tom Hundley, *Chicago Tribune*, 22 October 1995.

²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ Statement of Mato Matijevic quoted in "Fleeing Serbs Leave Trail of Death," Tom Hundley, *Chicago Tribune*, 22 October 1995.

shot in the knees, and others had broken ribs. A sharp instrument had punctured the head and lungs of one victim. Witnesses named Tihomir Rajic, Milutin Rajic, Milorad Mrcic and about nine other villagers from the neighbouring village of Podvidaca as the alleged perpetrators.²⁰⁵

(c) *Mass Graves in the Sanski Most region*

The extent of atrocities committed in Sanski Most came to light with the uncovering of mass graves in the region in October 1995, a process still continuing today. In January 1996, Bosnian investigators reported that they had already identified six mass graves near Sanski Most containing about 240 bodies of the victims of Serb ethnic cleansing in 1992. European monitors also visited the sites.²⁰⁶ In early January 1996, Bosnian officials reported the seventh mass grave to be discovered in Sanski Most since Bosnian forces occupied the town in October 1995. This grave, located near the village of Krhojevci, contained at least 27 residents from Sanski Most, believed to have been murdered during a prisoner transfer to Manjaca.²⁰⁷ Another grave contained the bodies of fourteen Bosniak men from the same family found near Sanski Most in 1996.²⁰⁸ In April 1996, a Bosnian judge who was matching witness statements with physical evidence reported that eleven sites had been identified.²⁰⁹

One of the earliest sites uncovered in Sasina, near Sanski Most, contained the remains of 65 Croats and Bosniaks who had been working as forced labourers for the RS army and were executed on the night of 22-23 September 1995, just before Serb forces retreated from the area. In 1998, the international press reported the uncovering of a mass grave with about 144 bodies at the Hrastova Glavica cave near Sanski Most. The victims were believed to be Bosniak and Croat prisoners from the Omarska camp.²¹⁰ A specialist Bosnian team, along with a forensics expert from Physicians for Human Rights, excavated the remains in the cave that year.

2. TODAY

When the Bosnian Fifth Corps recaptured Sanski Most in 1995, the Serb authorities and much of the population fled. In their haste to evacuate Sanski Most, the Serb administration left detailed documentation, demonstrating the methods of ethnic cleansing and pointing to the officials who might be most responsible. A number of persons allegedly implicated in war crimes in Sanski Most remain active in other parts of RS and Serbia proper.

²⁰⁵ "Digging up the dead in Bosnia: Star reporter watches as bodies of Serb slaughter victims exhumed," *The Toronto Star*, 14 April 1996.

²⁰⁶ "Sanski Most," *Reuters* (printed in *The Independent*), 19 January 1996.

²⁰⁷ "New Mass Grave Said Found in Northwest Bosnia," *Agence France Presse*, 5 January 1996.

²⁰⁸ "New Mass Graves Found in Bosnia," *Agence France Presse*, 18 January 1996.

²⁰⁹ *The Toronto Star*, 14 April 1996, op. cit.

²¹⁰ "144 bodies exhumed from a mass grave in western Bosnia," *Agence France Presse*, 16 December 1998.

(a) *Nedeljko Rasulo*

The President of the Sanski Most Serb Crisis Staff and of the Serb Municipality of Sanski Most from 1992-1995, **Nedeljko Rasulo**, was in a position of superior authority in the municipality during the period described. He allegedly signed a number of documents organising the deportation of non-Serbs, the usurpation of property and other aspects of ethnic cleansing operations. Without naming Rasulo directly, a UN report lists as one of the organisers of ethnic cleansing in Sanski Most a man who was "the head of the SDS and later installed as the president of the Sanski Most County."²¹¹

Nedeljko Rasulo reportedly plays an influential role in Brcko.²¹²

The RS Ministry of Defence considers him potentially indictable for war crimes.²¹³

(b) *Vlado Vrkes*

Rasulo's deputy, with whom he consulted on all major decisions in the municipality, was Crisis Staff member **Vlado Vrkes**. Vrkes also reportedly served as Secretary of the central SDS in Pale during the war. As such, he is considered to have held command responsibility.

Today Vlado Vrkes is a wealthy and politically influential figure in Bijeljina.²¹⁴

The RS Ministry of Defence considers him potentially indictable for war crimes.

(c) *Mirko Vrucinic*

Mirko Vrucinic served as head of the Sanski Most police from 1992 until the Bosnian Army occupied Sanski Most in 1995.²¹⁵ The Sanski Most police were allegedly deeply implicated in war crimes committed in the municipality, including the camp which was located in the basement of the police station, where prisoners were tortured and from which reportedly more than 100 prisoners were "disappeared."²¹⁶ Vrucinic admitted that forces under his command summarily executed numerous individuals

²¹¹ UN report, Prison Camps, op. cit.

²¹² Source A, Source B and a highly reliable source in the Bosnian authorities (hereafter Source C).

²¹³ On the Ministry List published in *Reporter*, an individual by the name of "Nedeljko Rasina" in Brcko is noted. This was most likely a mistake in copying the last name of Rasulo, as the article explains that some of the names were transcribed with slight errors or with missing information. See *Reporter*, article, op. cit.

²¹⁴ Source A, Source B, Source C.

²¹⁵ The Sanski Most Crisis Staff named Vrucinic to this position in a document, KS 14-I/92 of 1 May 1992, but he reportedly performed this function much earlier. This document is in the possession of the ICTY.

²¹⁶ ICG has reviewed the statements of fifteen witnesses. These documents are in the possession of the ICTY.

without trial.²¹⁷ In his capacity as head of the police, Vrucinic also had responsibility over other camps, including "Betonirka," where a number of prisoners were abused and murdered. Vrucinic allegedly approved the transfer of prisoners from camps in Sanski Most to the Manjaca concentration camp, during which numerous prisoners disappeared. These disappearances included a group of six on 6 June 1992, six more on 12 June 1992 and 24 on 8 July 1992.²¹⁸ His police were served as guards at the Manjaca concentration camp.²¹⁹

Today Mirko Vrucinic currently serves as the assistant to the head of the Prijedor police.

UNMiBH confirmed that he is undergoing screening for provisional authorisation.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(d) Drago Vujanic

Drago Vujanic served as the criminal inspector of the Sanski Most police from 1992-1995 and the commander of the camps in Sanski Most, including the Betonirka concentration camp.²²⁰

Today Drago Vujanic reportedly works in the criminal division of the Banja Luka police.

UNMiBH confirmed that he is undergoing screening for provisional authorisation.

(e) Mikan Davidovic

Mikan Davidovic, the wartime secretary of the Sanski Most SDS, allegedly played a significant role in expelling the civilian population of Sanski Most, As a member of the Commission for Resettlement of Persons (a euphemism for an ethnic cleansing commission).²²¹ He also allegedly played a significant role in organising the attack by Arkan's forces in 1995, in which more than 500 non-Serb civilians on work detail for the Serb army were killed.²²²

²¹⁷ Letter from Vrucinic to the Ministry of the Interior of RS, Izvjestaj Broj.11-14 of 6 October 1992. This document is in the possession of the ICTY.

²¹⁸ Source C.

²¹⁹ Depesa br. 11-14/01-1316/92, signed by Vrucinic states that that his forces were responsible for guard duty at the camp. This document is in the possession of the ICTY.

²²⁰ Witness statements reviewed by ICG. These statements are in the possession of the ICTY.

²²¹ Letter of 19 May 1994 from RS Ministry of Internal Affairs Sanski Most, to the Executive Committee of the Municipal Assembly of Sanski Most, Broj. 11-19-154/94. This document is in the possession of the ICTY.

²²² ICG has reviewed the statements of eight witnesses. These documents are in the possession of ICTY.

Mikan Davidovic is currently a member of the municipal assembly of Serb Sanski Most.

His election was certified by the OSCE.

(f) *Branko Basara*

During the war, **Branko Basara** served as commander of the Sixth Krajina Brigade. In addition to police and civilian authorities, units of the Sixth Krajina Brigade, along with Arkan's paramilitaries, allegedly carried out a significant amount of ethnic cleansing in the Sanski Most and Kljuc areas. The Sixth Krajina Brigade allegedly carried out ethnic cleansing in the villages of Vrhpolje, Hrustovo and Kljevce, in which about 54 civilians were brutally murdered. The Brigade also allegedly murdered a group of 25 Bosniaks from Begic under a bridge on the Sana River in Sanski Most.²²³ The UN reported that the commander of the Sixth Sanski Most Brigade (another name for the Sixth Krajina Brigade) was one of the organisers of ethnic cleansing.²²⁴

Branko Basara is reported to be hiding in the Prijedor region.

He reportedly maintains contact with his war time associates.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(g) *Pero Colic*

The commander of the Fifth Kozara Brigade from Prijedor was **Pero Colic**. A Hague witness described him delivering a speech urging Serbs to join his brigade and to "avenge all the crimes committed against them," and attacking those Serbs who joined the other side as "traitors."²²⁵ His and Basara's brigades allegedly carried out the massacre of 73 civilians in Stara Rijeka and other villages on 24-25 July 1992. A Human Rights Watch report also linked Colic to a number of wartime atrocities.²²⁶ Biljana Plavsic named Colic as Mladic's replacement as commander of the RS Army in 1997.

Today Pero Colic owns a construction company in Pale.

(h) *Others*

Besides Mirko Vrucinic, other officers allegedly implicated in ethnic cleansing in Sanski Most now work in the Prijedor police department. As a criminal inspector in the Sanski Most police department, **Branko Sobot** allegedly interrogated and mistreated prisoners in the Sanski Most police

²²³ Source A.

²²⁴ UN report, Special Forces, op. cit.

²²⁵ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-1-T, Testimony of Witness, 29 May 1996.

²²⁶ "The Unindicted: Reaping the Rewards of 'Ethnic Cleansing,'" Human Rights Watch, January 1997.

station and the Manjaca concentration camp. One witness described how Sobot allegedly administered daily beatings to prisoners in the police station. In Manjaca he is alleged to have participated in the beating of at least one prisoner who died as a result.²²⁷

UNMiBH confirmed that Branko Sobot is currently undergoing screening for UN provisional authorisation.

A police officer in Sanski Most, **Gojko Macura**, allegedly involved in the mistreatment and murder of non-Serbs from prepared lists.²²⁸ He allegedly drove around Sanski Most with several other police officers in a black Mercedes with a red door, beating and torturing people. He is also allegedly responsible for beating inmates at the "Betonirka" concentration camp.²²⁹

Today Gojko Macura reportedly serves in the police, either in Prijedor or Srpski Sanski Most.²³⁰ UNMiBH was unable to confirm this.

Mico Prastalo was the commander of the III battalion of the Sixth Krajina Brigade, which allegedly carried out numerous atrocities in the course of military actions and ethnic cleansing in Sanski Most and Ključ. This included the murder of Zijad Alibegović and thirteen members of his family.²³¹ His activities go back as far as 1990, when he helped form the local SDS Crisis Staff. As such, he is alleged to have had command responsibility.

Today Mico Prastalo reportedly works for the Prijedor police. UNMiBH was unable to confirm this.

The RS Ministry of Defence considers him potentially indictable for war crimes.²³²

Danilusko Kajtez, a local resident who served as a volunteer in the Serbian paramilitary forces, allegedly killed over 100 persons, including two documented cases of killing twenty persons at once.²³³ As a member of the 6th Krajina Brigade he allegedly killed groups of 6 prisoners during transport from Sanski Most to the Manjaca concentration camp.²³⁴ In

²²⁷ Based on 16 witness statements reviewed by ICG. These statements are in the possession of the ICTY.

²²⁸ Source C, Source B.

²²⁹ ICG has reviewed the statements of twelve witnesses. These documents are in the possession of the ICTY.

²³⁰ Source A.

²³¹ ICG has reviewed the statements of twenty-nine witnesses. These documents are in the possession of the ICTY.

²³² On the Ministry List published in *Reporter*, an individual by the name of "Miodrag Pristana" in Brčko is noted. This was most likely a mistake in copying the name of "Mico Prastalo," as the article explains that some of the names were transcribed with slight errors or with missing information. See *Reporter* article, op. cit.

²³³ Source C. ICG also reviewed 27 witness statements concerning murders and "disappearances" committed by Kajtez. These statements are in the possession of the ICTY.

²³⁴ Document reviewed by ICG, in the possession of the ICTY.

1992, the Banja Luka Military Court of the Serb authorities indicted Kajtez and one other soldier for the massacre of 9 Croat civilians from Krljevita, Sanski Most in the Graoriste forest in Kruharima.²³⁵ Kajtez was detained by the Serb authorities briefly, but was released after reportedly sending a letter to Vrkes and Vujanic threatening to go public with evidence on their role in carrying out ethnic cleansing.²³⁶

Today Danilusko Kajtez is reportedly based in Nis, FRY.

He reportedly participated in a paramilitary unit during the 1999 ethnic cleansing of Kosovo.

M. Sokolac

1. REPORTED WAR CRIMES IN SOKOLAC

From April 1992 until the end of that year, Serb authorities "ethnically cleansed" this municipality of over 4,000 Bosniak residents, using similar methods as in other municipalities, including the execution of civilians. A mass grave was recently uncovered at a former garbage dump about eight kilometres east of Sokolac, in which 44 bodies had been covered with garbage, soil and pieces of a destroyed mosque. The President of the Commission for Missing Persons in Sarajevo reported that according to witness reports, about 37 of the bodies were, probably, Bosniaks from the village of Novoseoci, taken away from their families on 22 September 1992, while seven more were Bosniaks from Rogatica. It was also reported that a local Serb led the investigators to the gravesite.²³⁷

Serb military and police forces, under the guidance of the Crisis Staff, established camps in the basement of the Sokolac police station, in two local schools and in the settlement of Brezjak. Local sources claim that at least 135 Bosniak civilians in Sokolac were murdered or "disappeared" by Serb forces during the war.²³⁸

Forces from Sokolac are also alleged to have participated in the murder of 50 Bosniak civilians in Visegrad, along with forces from Rogatica. The bodies of these civilians were then thrown into the Paklenik canyon.²³⁹

2. TODAY

(a) *Milan Tupajic*

Milan Tupajic served as the President of the municipal assembly of Sokolac from 1991 to 1995, president of the Sokolac Serb Crisis Staff, and Vice-President of the Serb Autonomous Region Romanija-Birac.²⁴⁰ This

²³⁵ Military Court Banja Luka, Document No. 335/92, 3 February 1993. The massacre was described in a number of internal Republika Srpska reports, including two reports from the command of the 6th Krajina Brigade on 7 December 1992 and 17 February 1993.

²³⁶ Source C.

²³⁷ "Masovno pogubljenje u Ivan-Polju," *Oslobodjenje*, 10 September 2000.

²³⁸ Source A.

²³⁹ Ibid.

²⁴⁰ Document signed by Tupajic as vice president of the regional government: Act of the Government of the Serb Autonomous Region of Romanija Defence Ministry, No. 10-9/92, 10 February 1992.

region included the municipalities of Pale, Sokolac, Han Pijesak and Vlasenica.

Tupajic was allegedly one of the main organisers of the ethnic cleansing of Sokolac. He reportedly participated directly in ordering the illegal deportation of the non-Serb population of the villages of Novoseoci, Knezina, Zulje, and Vrbanje. As the highest civil authority in the municipality, he allegedly had command responsibility for the deaths of 45 Bosniak civilians killed in Novoseoci, 50 Bosniaks killed in Knezima and other atrocities committed in the course of ethnic cleansing. He also allegedly bears responsibility for the formation of concentration camps in Sokolac in which civilians were illegally detained and mistreated.²⁴¹

Milan Tupajic is currently a representative to the Republika Srpska National Assembly.

OSCE certified his election.

(b) *Milovan Bjelica*

Milovan Bjelica was a member of the Sokolac Crisis Staff and President of the Sokolac SDS during the war.

Milovan Bjelica currently serves on the main board of the SDS.

His private business operations reportedly contribute financially to the hiding and accommodation of Radovan Karadzic.²⁴²

The RS Ministry of Defence considers him potentially indictable for war crimes.

N. Teslic

1. REPORTED WAR CRIMES IN TESLIC

Before the war, about half of Teslic's 60,000 residents were Serbs, the rest identifying themselves as Muslims, Croats, Yugoslavs or "other" ethnic groups. In April 1992, Bosnian Serb authorities called on non-Serb residents to accept the new Serb authorities and hand over all weapons. During the first days of the occupation, Serb forces liquidated prominent Bosniaks and Croats, while local Serb police beat non-Serbs in the police station, extorting large sums of money from any families having relatives in Western Europe.

The Serb authorities reportedly detained at least 600 residents in local camps. "The inmates in these facilities were said to have been under the despotic control of members of the Serbian militia, the Armada Forces of the Serbian Republic of

²⁴¹ ICG has reviewed 7 witness statements about Tupajic's alleged role in the ethnic cleansing of Sokolac. These statements are in the possession of the ICTY.

²⁴² Source A, Source B.

Bosnia and Herzegovina, and the 'Red Beret' formations—all of whom had reportedly come from Banja Luka to assist in 'cleaning the terrain.'²⁴³

Women from the village of Kalosevic testified that they had been held in a camp in the woods west of Teslic where women were repeatedly raped and some executed. In a camp located in the basement of the "Stara Opstina" government building, men reported that "Red Berets" operated using a pre-compiled list. A camp in the "Proleter" stadium was allegedly the site of a mass murder on 22 July 1992, when 25 drunken soldiers murdered about 50 prisoners by stabbing and beating them to death.

In August 1999, investigators uncovered a mass grave in Teslic with 28 corpses, the victims evidently subjected to torture and shot at close range. According to local media sources, The Hague is investigating whether the victims were Croats and Bosniaks from Teslic and the nearby settlements of Rankovic and Stenjak, liquidated by the notorious paramilitary formation, "Mice," in June 1992. This group of about twenty heavily armed members reportedly arrived in Teslic from Doboj in June to "bring order" to Teslic. The recently uncovered mass grave supposedly contains the remains of non-Serbs who had been detained in the Teslic and Pribinic jails.²⁴⁴ Other mass graves containing victims of "Mice" are suspected to exist in Teslic.

Local police apprehended the members of "Mice" during the war, when the group got out of control of the Serb authorities, reportedly terrorising even Serb civilians. However, due to the influence of high authorities in the RS government, who may themselves have been involved in the formation of the organisation, the members were soon released from jail and never brought to trial.

2. CURRENT SITUATION IN TESLIC

In 1996 Human Rights Watch prepared a report, based on extensive in-country research, about the structure of paramilitary groups operating in the Doboj and Teslic regions. This report demonstrated how the same individuals who organised and executed the ethnic cleansing of non-Serbs from 1992 to 1995 continued to operate. In 1996, the Teslic authorities continued to intimidate, harass and expel non-Serbs by the hundreds, months after the signing of the Dayton Peace Accords.

Although the situation in Teslic has improved since 1996, many of the individuals highlighted in the Human Rights Watch report continue to influence the politics of Republika Srpska. In 1999, the Republika Srpska independent newspaper *Nezavisne Novine* began to publish articles about war crimes apparently committed by one of these groups in Doboj and Teslic. Soon after, the editor of that newspaper lost both of his legs in a car bomb attack.

(a) *Savo Knezevic*

The Human Rights Watch report named **Savo Knezevic**, the wartime President of the Teslic SDS, a member of the RS national assembly in Pale

²⁴³ UN report, "Prison Camps," 28 December 1994.

²⁴⁴ "Kako su 'Mice' terorisale po Teslicu," *Nezavisne Novine*, 15 September 1999, pp. 19-21.

and an Orthodox priest, as one of the alleged principal organisers of ethnic cleansing in Teslic. Knezevic is also reported to be the "right-hand man" of Milan Ninkovic (see below) in an underground paramilitary organisation operating in Teslic and Doboj. The report relates some of the violent acts Knezevic is alleged to have personally committed, including the mass murder of political opponents, and names him as the most politically extreme person mentioned in the report.²⁴⁵

Knezevic now serves as an orthodox priest in Teslic.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) *Nikola Peresic*

Nikola Peresic served as the president of the Teslic Crisis Staff and President of the municipality during the war and was also named as one of the "principal organisers of 'ethnic cleansing' during the war," by Human Rights Watch.²⁴⁶ He has also been connected to the formation of the "Mice" paramilitary group discussed above. In a recent interview for *Nesavisne Novine*, the former Serb public prosecutor in Teslic made a statement that was interesting both as a comment about Peresic and about war crimes in general. "When I told the president of the municipality, Nikola Perisic, that he would answer for crimes, he smiled, naively believing that no one would answer for them if more people were brought into the crimes. The entire political ideology and war strategy rested on this stupid assumption."²⁴⁷

Nikola Peresic has formally left politics and is involved in commerce, although still influential in Teslic.

(c) *Milan Stankovic*

An army officer in the JNA, **Milan Stankovic** became the most powerful military figure in the Doboj/Teslic region during 1991. On 3 June 1992, he allegedly carried out an artillery and infantry attack on Doboj, aimed primarily at driving the non-Serb civilian population from the town. Following the successful seizure of Doboj, his units surrounded the villages of Grapska Gornja, Sevarlije, Potocani, Pridjel Gornji, Civcija Bukovacka, and Bukovica Mala, and submitted them to sustained artillery barrages, aimed at driving out the civilian inhabitants. In the course of these attacks, numerous civilians were killed.²⁴⁸ He was reportedly also one of the organisers of the "Mice" paramilitary group. Following the imprisonment of the group by Serb authorities in 1992, he allegedly threatened the inspector of state security in Banja Luka, that "Teslic would

²⁴⁵ "The Continuing Influence of Bosnia's Warlords," Human Rights Watch, December 1996, p.13.

²⁴⁶ Ibid, p.16.

²⁴⁷ "Branko Peric, bivsi javni tuzilac u Teslicu: Peresic se smjeskao kada sam mu govorio da ce kad-tad odgovarati za zlocine," *Nezavisne Novine*, 22 September 1999, p.10.

²⁴⁸ Information obtained from evidence presented to the ICTY by the Bosnian government.

be reduced to dust," if the members of "Mice" were not set free immediately.²⁴⁹

Today Stankovic reportedly works for the security forces in Serbia, although a recent article in the RS media suggests he may still be in Doboj.²⁵⁰

The RS Ministry of Defence considers him potentially indictable for war crimes.

He is considered highly influential both in Doboj and Teslic.

(d) *Mirko Slavulja*

Stankovic's security officer, **Mirko Slavuljica**, allegedly obstructed the investigation against members of "Mice." His son was reportedly a member of that group.

Mirko Slavuljica was the Chief of Police in Doboj as of 1999.

UNMiBH confirmed that Mirko Slavuljica in Doboj was on a list of employees submitted by the RS Ministry of the Interior.

O. Visegrad

1. REPORTED WAR CRIMES IN VISEGRAD

Located on the Drina River of eastern Bosnia, next to the border with Serbia, Visegrad was one of the first towns to come under attack by Serb forces. The Uzica Corps of the JNA attacked and occupied the town in April 1992, although the vicious ethnic cleansing of Visegrad, perpetrated by local police and Serbian and local paramilitary groups, began in May. As a result of this ethnic cleansing, about 3,000 members of the town's pre-war population were reported killed or missing,²⁵¹ and virtually no non-Serbs live in Visegrad today.

The worst atrocities in Visegrad occurred after the withdrawal of the JNA Uzica Corps, which left the administration of the town to the local Serb authorities of the "Serb Municipality of Visegrad."²⁵² The campaign of terror and ethnic cleansing that followed, carried out by "paramilitary troops, local police and local Serbs," is described in the Hague indictment against **Mitar Vasiljevic**:²⁵³

Serb armed forces attacked and destroyed a number of Bosnian Muslim villages. Hundreds of civilians in the town of Visegrad were

²⁴⁹ Interview with Predrag Radulovic, who led the arrest of "Mice" as the main inspector of state security in Banja Luka and who now serves head of the Section for the Documentation of War Crimes in the Office of Reporting-Security Services of Republika Srpska and as Head of the Group for the Fight Against Terrorism. *Nazavisne Novine*, 29 September 1999.

²⁵⁰ Source A. *Reporter* article op. cit.

²⁵¹ "Serbian Military leader, Trail Of Pillage And Slaughter, *New York Times*, 25 March 1996.

²⁵² *Prosecutor v. Mitar Vasiljevic*, Background Section, Initial Indictment, Case No: IT-98-32; "Mi, Ili oni!" *Slobodna Bosna*, 13 February 1993, p. 17.

²⁵³ *Prosecutor v. Mitar Vasiljevic*, Background Section, Initial Indictment, Case No: IT-98-32.

killed in random shootings. Every day, men, women and children were killed on a famous bridge on the Drina and their bodies dumped in the river. Many of the Bosnian Muslim men and women were arrested and detained at various locations in the town... Serb soldiers raped many women and beat and terrorised non-Serb civilians.²⁵⁴

The indictment goes on to describe atrocities committed at a camp set up in the JNA Uzamnica barracks and the Vilina Vlas Hotel, "where prisoners were beaten, tortured and sexually assaulted."²⁵⁵

2. TODAY

In the course of investigations into Visegrad for this report, a picture emerged of a number of wartime paramilitary leaders and members, SDS officials and police officers, alleged to have committed atrocities, still living in Visegrad. Besides the persons mentioned below, information was received about eleven other persons, including owners of small businesses, a local teacher, carpenter, locksmith, taxi driver and other "average" citizens who allegedly participated as paramilitaries in the torture and execution of Bosniaks during the war. Other potentially indictable individuals, such as **Dusko Andric**, live in Visegrad as pensioners. Andric was allegedly the wartime director of the Vilna Vlas Hotel, which served as a rape camp. The presence of these individuals, as well as those discussed below, presents an enormous psychological barrier to minority returns.

(a) *Milan Lukic*

According to numerous witness accounts, including those of victims and Serb soldiers, paramilitary leader **Milan Lukic** allegedly organised and personally carried out the murder of hundreds of Bosniaks in Visegrad. Various reports indicate that Lukic's paramilitary group consisted of about fifteen members, including his cousins Sredoje and Milos Lukic, and Mitar Vasiljevic, the latter already in The Hague.²⁵⁶ The British *Guardian* newspaper named Lukic as responsible for the killing and mutilation of hundreds of Bosniaks in Visegrad, whose bodies were thrown over the old Ottoman bridge into the Drina River.²⁵⁷

Witnesses testified to cases of Lukic allegedly personally executing people in their homes, dragging a man behind his car until he died, and herding large groups of people into houses and setting the buildings on fire. In one such case, all but one of the 71 Bosniaks trapped in a house were burned alive. Lukic and his paramilitaries allegedly regularly shot civilians on the old Ottoman bridge in the town, allowing their corpses to fall into the Drina River. A man who lived down river from the bridge reported that he and his neighbours had buried over 180 bodies retrieved from the

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ *New York Times*, 25 March 1996, op. cit.

²⁵⁷ "British Daily Identifies Man Behind Visegrad Killings," *Open Media Research Institute Daily Digest*, 11 March 1996. For an extensive account of Lukic's alleged role in these crimes, see *Blood and Vengeance*, Chuck Sudetic, 1998, Penguin Books.

river, many horribly mutilated. Lukic and his paramilitaries also allegedly regularly visited the Vilina Vlas camp to rape non-Serb women and girls imprisoned there. Lukic is alleged to have taunted his victims by saying "write freely to America and to the entire world that I am the greatest criminal and no one can do anything to me."²⁵⁸ In 1995, Lukic was allegedly seen with the Serb army following the fall of Srebrenica, and was allegedly involved in the disappearance of about 65 Bosniaks who had escaped from Visegrad to the Srebrenica enclave.²⁵⁹

Although Lukic is currently in hiding, local sources indicate that he still visits Visegrad and that he has a significant influence on local politics. Among Lukic's relatives are a Serbian General and Serbian secret police chief, and Lukic most likely continues to command some military force. The barrier that Lukic's continued freedom poses to Bosniak return and Dayton implementation in Visegrad should not be underestimated.

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) Sredoje Lukic

Sredoje Lukic allegedly served in Milan Lukic's paramilitary formation, along with indicted war criminal Mitar Vasiljevic, and has been implicated in the brutal murder of hundreds of Bosniaks. He allegedly engaged in atrocities in a concentration camp at a school, where he and his group forced prisoners of both sexes to beat each other. He allegedly forced prisoners to disrobe, and women and girls to dance naked. His group allegedly beat prisoners with boards, clubs, and other instruments, and used electric shock torture. He allegedly participated in the gang rape of a fifteen year old girl, and decapitated Ibro Sabanovic, after which he threw the head into a room full of female prisoners.²⁶⁰

Sredoje Lukic lives near Visegrad and owns a restaurant.

He reportedly received a credit from an international humanitarian organisation for agricultural development and a small carpentry business.²⁶¹

The RS Ministry of Defence considers him potentially indictable for war crimes.

(c) Risto Peresic

Risto Peresic was Chief of Police and a member of the Crisis Staff at the time these atrocities were committed. A local source alleges that Peresic

²⁵⁸ Testimony of a victim reviewed by ICG. The document is in the possession of the ICTY.

²⁵⁹ *New York Times*, 25 March 1996, op. cit.

²⁶⁰ ICG has reviewed the statements of eight witnesses. These documents are in the possession of the ICTY.

²⁶¹ Source A, Source B.

organised a convoy of Bosniak civilians out of Visegrad and that eighteen of these civilians were massacred before the convoy reached its destination.²⁶² He also allegedly played a role in establishing the Vilna Vlas camp, described above, where detainees were tortured, raped and executed.²⁶³ The UN Experts' Commission mentions Peresic as an alleged participant in the ethnic cleansing of Visegrad.²⁶⁴

Risto Peresic now serves as the director of the publicly owned "Zito" company in Visegrad.

(d) *Momir Savic*

Another local paramilitary leader, **Momir Savic** was also allegedly involved in massacres of Bosniaks on the old bridge in Visegrad. According to the UN Experts Commission Report, his group reportedly "set fire to the villages of Repusevici, Jarci, Brezje, Sip, Bodeznik, Bluz and Moremeslje. They reportedly stole humanitarian aid, but their actions worsened after the Uzice Corps left Visegrad on 18 June 1992. They then harassed and arrested Muslims, defaced a mosque, and destroyed the property of Muslims."²⁶⁵

Savic allegedly participated in organising the attack on the civilian population of the Visegrad municipality. Even before the outbreak of war, he assisted in obtaining and distributing weapons from Serbia to forces in the Drinsko settlement of Visegrad.²⁶⁶

As the commander of a paramilitary formation from the village of Drinsko, and later as a member of the "Beli Orlovi" paramilitary group, he and his troops allegedly committed several war crimes against the civilian population in the municipalities of Visegrad and Rudo in 1992. From April to July of 1992, he and his unit were allegedly involved in the ethnic cleansing of Krusevica, Meremislje, Sip, Blaz, Brezje, Repusevici, Drinsko, Bikavac, Suha Gora, Donja Strmica and other settlements in the Visegrad and Rudo municipalities. This ethnic cleansing involved the deportation, torture and murder of civilians and the systematic destruction of Bosniak property.²⁶⁷

Other alleged crimes committed by Savic and his paramilitaries included the mistreatment of civilians being held in the Hotel Visegrad in May 1992. Savic reportedly escorted a convoy of Bosniak civilians to Skoplje in 1992. 19 of these civilians never reached their destination, brutally murdered on the journey, near the village of Bosanska Jagodina. His group apprehended 33 Bosniaks on the Limski Most near Visegrad and deported them to the Hasan Veletovac school in Visegrad. At this concentration

²⁶² Source B.

²⁶³ Source A.

²⁶⁴ "Risto Peresic, President of the Serbian community, was one of the organizers of 'ethnic cleansing' in the Visegrad region. He was formerly a teacher of Serbo-Croatian." UN report, Special Forces, op. cit.

²⁶⁵ Ibid.

²⁶⁶ Documents on Momir Savic handed over to the ICTY by the Bosnian government.

²⁶⁷ Ibid.

camp, members of his formation tortured civilians and raped female prisoners.²⁶⁸

Savic himself reportedly served as a guard in the concentration camp at the Uzamnica JNA barracks in Visegrad where a number of atrocities were committed against civilians.²⁶⁹

Momir Savic still lives in Visegrad, where he reportedly owns a construction company.

P. Vlasenica

1. WAR CRIMES IN VLASENICA AND IN THE SUSICA CONCENTRATION CAMP

According to the 1991 census, 55.3 per cent of the 33,817 pre-war residents of Vlasenica municipality, located just south of Zvornik, were Muslim, 42.5 per cent Serb and 2.2 per cent other. Following the ethnic cleansing operations in the spring and summer of 1992, fewer than 3,000 non-Serb residents remained in the municipality.²⁷⁰

In May 1992, Vlasenica territorial TO units, paramilitary units from Serbia and the JNA attacked the villages of Drum and Zaklopaca in the Vlasenica municipality. The civilian populations of these villages were murdered or deported to Kladanj in nearby Bosniak territory. In Zaklopaca paramilitaries executed at least 83 Bosniaks, including children and elderly on 16 May 1992.²⁷¹ Serb authorities took control of the equipment and troops of the JNA Novi Sad Corps, establishing a Serb administration in the town.

During the month of May, Serb forces burned houses and looted property, particularly the property of Bosniak Party of Democratic Action (SDA) members. In addition to Drum and Zaklopaca, Serb forces reportedly arrested, beat and killed Bosniaks in the villages of Alihodzici, Beros, Damdici, Durakovici, Dzemat, Esmici, Gradina, Kuljancici, Piskavice, Pustase and Sahmanovici.²⁷²

According to accounts compiled in the UN Commission of Experts Report, during the month of June the new Serb authorities began a systematic expulsion, detention and execution campaign, starting with the town's most influential Bosniaks and SDA members. This systematic ethnic cleansing lasted until mid-September. On 15 June 1992, approximately 50 Bosniaks whom the Serbs considered politically important were placed on a bus and driven to the village of Zalakovlje, approximately two kilometres away, where they were shot. Only one person survived the massacre.²⁷³ Other Bosniaks were reportedly brought to camps where they were tortured and killed.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ UN report, Prison Camps, op. cit.

²⁷¹ War Crimes in Bosnia and Hercegovina, *Helsinki Watch*, August 1992.

²⁷² UN report, Prison Camps, op. cit.

²⁷³ Ibid.

The UN report claims that the local SDS President, along with six other local Serb authorities, directed the June campaign of ethnic cleansing. To facilitate the ethnic cleansing, the Serbs established eight concentration camps. They were a former chicken farm in Sesari; the high school and the hospital at Vlasenica; the primary schools at Cerska, and Vlasenica; and the Milici, Susica and Vlasenica camps. Bosniak civilians from Vlasenica and the surrounding region were brought to these facilities,²⁷⁴ where large numbers of civilians were tortured, raped and murdered.

The activities at the Susica camp and the horrible atrocities committed there are the subject of a war crimes case in The Hague against Dragan Nikolic, the camp commander. According to former guards at the camp, executions of groups of prisoners were common. For example, at a ravine about five kilometres up the road towards Han Pijesak at least 1,000 prisoners were reportedly executed during the time in which the camp was operational.²⁷⁵

2. TODAY

(a) *Rajko Dukic*

Rajko Dukic established himself as a major power broker in RS at the beginning of the war. Along with Radovan Karadzic, Dukic was one of the founding members of the SDS and served as the first President of the SDS Executive Committee for all of Bosnia, and as such participated in planning the ethnic cleansing with Karadzic.²⁷⁶ Telephone wiretaps from 29 February 1992 and 24 February 1992 of conversations between Radovan Karadzic and Rajko Dukic indicate that Dukic played a major role in planning the placement of barricades in Sarajevo.²⁷⁷ At the start of the war, he allegedly helped orchestrate the massive illegal transfer of funds from Bosnian banks into accounts to support the Bosnian Serb Army.²⁷⁸ During the war Dukic served as President of the SDS Crisis Staff for all of Bosnia and as the co-ordinator for the Serb autonomous region of Birac, which included Vlasenica. As such, he allegedly bears command responsibility for ethnic cleansing operations conducted in Vlasenica and other areas under his control. Witnesses from the Vlasenica region allege that Dukic was responsible for the April 1992 massacre at Zaklopaca.²⁷⁹

A Hague witness in the trial against Dragan Nikolic identified Rajko Dukic as one of the two principal organisers of the take-over of Vlasenica. He alleged that Nikolic, the Commander of the Susica camp, and Dukic were

²⁷⁴ Ibid.

²⁷⁵ Ibid.

²⁷⁶ See SDS Executive Committee documents Br. 521-02/92 of 24 February 1992 and Br. 490-02/92 of 19 February 1992, signed by Dukic. This document is in the possession of the ICTY.

²⁷⁷ ICG has examined transcripts of these telephone wiretaps. These documents are currently in the possession of the ICTY. See also "One Bosnian Muslim Family, Torn Apart and Scattered by War," *New York Times*, 31 December 1994.

²⁷⁸ "Miljasev kredit Rajku Dukicu," *Slobodna Bosna*, 23 June 1992, p.3.

²⁷⁹ ICG has reviewed the statements of twelve witnesses. These statements are in the possession of the ICTY.

close political associates before and during the war.²⁸⁰ In testimony relating to the case against Karadzic and Mladic, witnesses indicated that Dukic was aware of camps operating in his area of responsibility.²⁸¹

In 1997 Dukic became a member of Biljana Plavsic's Serbian National Union (SNS) party and he serves on the Boards of Directors of several RS public companies. Since 1997 he has served as the director of the "Boksit" bauxite mine in Milici. He reportedly provided financial support to the SLOGA coalition totalling several million dollars.²⁸² International community officials in the region acknowledge Dukic as the most politically and economically powerful person in the Vlasenica/Milici area. He reportedly runs his own "industrial police," a quasi-paramilitary force that has been involved in intimidating local citizens.²⁸³

Today Rajko Dukic is the Director of "Boksit" Bauxite mine, a public company, and the largest employer in Vlasenica/Milici.

He sits on the Board of Directors of several RS public companies and reportedly runs a quasi-paramilitary formation called the "industrial police."

The RS Ministry of Defence considers him potentially indictable for war crimes.

(b) *Goran Viskovic, "Vjetar"*

Goran Viskovic, a member of a Vlasenica special police unit, was allegedly active in the ethnic cleansing of the Vlasenica region and in the deportation of Bosniaks to the Susica and Batkovic concentration camps.²⁸⁴ In particular, witnesses have tied Viskovic to the ethnic cleansing—abuse of civilians, deportation of civilians to concentration camps, and burning of their houses—in the villages of Dzemat, Piskuvica, Gradina, Mrsice, Sadici, Nedeljista and other places in the Vlasenica municipality. He was allegedly the commander of a unit that murdered civilians while destroying the village of Gradina and slit the throat of at least one unarmed civilian in Bucino Brdo.²⁸⁵ Local sources allege that Viskovic participated in the torture, rape and execution of prisoners at the Susica camp and is notoriously well known to survivors of Vlasenica's death camps.²⁸⁶

²⁸⁰ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-2-R61, Testimony of Witness, 12 October 1995.

²⁸¹ Ibid.

²⁸² Source B.

²⁸³ *Rule over Law: Obstacles to the Development of an Independent Judiciary in Bosnia and Herzegovina*, 5 July 1999. ICG Balkan Report No. 72.

²⁸⁴ ICG has reviewed 30 witness statements about Viskovic's participation in the ethnic cleansing of villages in the Vlasenica municipality the rounding up and deporting of civilians to concentration camps, and the mistreatment of prisoners. These statements are in the possession of the ICTY. See also "One Bosnian Muslim Family, Torn Apart and Scattered by War," *New York Times*, 31 December 1994.

²⁸⁵ Based on witness statements reviewed by ICG. These statements are in the possession of the ICTY.

²⁸⁶ Source A, Source B.

According to a Hague witness in the trial against Dragan Nikolic, Viskovic participated in the vicious and repeated beatings of detainees in the police building, above the courthouse and at other locations in Vlasenica, as well as in the deportation of prisoners to Susica. The witness described a beating he claimed he received from Viskovic during his half-month's detention above the courthouse, in which Viskovic fractured his skull.²⁸⁷

Today Goran Viskovic is a security guard at the Vlasenica Municipal Court. This means that non-Serb returnees may encounter a man who has been identified as committing atrocities against non-Serbs, now as an armed official of the court, as they enter to seek protection of their rights.

(c) *Milenko Stanic*

During the 1992 atrocities described above **Milenko Stanic** served as Mayor of the Serb municipality of Vlasenica, as well as a member of the SDS presidency, and local Crisis Staff. He is alleged to have been part of the chain of command that planned, ordered, and carried out the ethnic cleansing in Vlasenica, and reportedly held a position of significant authority in the local area.²⁸⁸ Following the war, Stanic served as Managing Director of RS Telecom.²⁸⁹

Today Milenko Stanic resides in Vlasenica, where he maintains a low profile.

(d) *Rade Bjelanovic*

Rade Bjelanovic, the former director of the "Boksit" mine, served as Chief of the Serb Police in the self-proclaimed Serb municipality of "Milici," located on the territory of the actual Vlasenica municipality. As such, he is alleged to have had responsibility over the forces which massacred 80 Bosniak civilians in Zaklopac.²⁹⁰ He is alleged to have participated, along with Rajko Dukic, in organising and ordering the destruction and ethnic cleansing of the villages of Hera, Vrsinja, Zilici, Gerovi, Pomol, Nurici, Besici, Zutici, Stedrici, Djile and Zaklopac in the Milici area of Vlasenica.²⁹¹

Bjelanovic lives in Milici, Vlasenica.²⁹²

²⁸⁷ International Criminal Tribunal for the Former Yugoslavia, Case No. IT-94-2-R61, Testimony of Witness, 12 October 1995.

²⁸⁸ ICG has reviewed the statements of five witnesses. Stanic, as a member of the local Serb government, signed a protocol with local Muslim representatives on 11 April 1991. Source A, Source B.

²⁸⁹ "Bosnian Serb telecommunications system divided into two entities," Bosnian Serb Television, Banja Luka, 13 February 1998.

²⁹⁰ ICG has reviewed 18 witness statements about Bjelanovic's position of authority in Milici during ethnic cleansing operations, and in particular his role in the massacre of 80 Bosniak civilians in Zaklopaci. These statements are in the possession of the ICTY.

²⁹¹ Source B.

²⁹² ICG was unable to learn of his current activities.

Q. Zvornik

1. WAR CRIMES IN ZVORNIK

In April and May of 1992, the JNA, Serbian paramilitary groups, and local defence units—reportedly recruited and equipped by the local SDS—took over the eastern Bosnian city of Zvornik and its surrounding areas. From the very first day of occupation and on through the subsequent weeks until the ethnic cleansing was completed, “there were random executions, rapes, and massacres.”²⁹³ The paramilitary units of SRS leader Vojislav Seselj and Zejlko Raznatovic (“Arkan”) were reportedly responsible for the cruellest and most horrible of the atrocities committed. Still, it appears that a number of local individuals and units—such as the locally formed Territorial Defence (TO)—could have played a “special role” in the ethnic cleansing, particularly when it came to looting and turning over wealthy and prominent Bosniaks to the Arkanovci, Arkan’s “Tiger” militia.²⁹⁴

In its report to the Security Council, the UN Commission of Experts described the role of the local Serb Crisis Staff in the ethnic cleansing of Zvornik, before, during and after the initial attack. It described a civil administration in the hands of the local SDS and militia groups, some of which were integrated into the civil defence.²⁹⁵ Local police, paramilitaries and SDS members participated in the violence.²⁹⁶ The report extensively documents the role of local Serb authorities and police in liquidating respected members of the Bosniak community, confiscating Bosniak property and expelling thousands of Bosniaks from Serb held territory in May and June of 1992.

One example of the role local authorities played in ethnic cleansing was a series of radio messages broadcast after the first wave of atrocities, which urged Bosniak residents to return to Zvornik. The messages assured listeners that the situation had normalised and also warned that all property had to be registered with the police by 15 May or it would pass to the “Serbian District of Zvornik.” With the return of the Bosniak inhabitants, new paramilitary units were called into Zvornik. The registration of property served a second purpose of registering the male Bosniak population. Only men were eligible to register property, even when owned by their wives. “[T]hese registrations led to arrests and deportations to camps, apparently on the basis of pre-established lists.”²⁹⁷

²⁹³ “‘Ethnic Cleansing Operations’ in the northeast-Bosnian City of Zvornik from April through June 1992,” Ludwig Boltzmann Institute of Human Rights, 1994.

²⁹⁴ Ibid.

²⁹⁵ United Nations - Security Council, S/1994/674/Add.2 (Vol. I), “Final report of the United Nations Commission of Experts established pursuant to Security Council resolution 780(1992), Annex 4, Part III, 28 December 1994.

²⁹⁶ “Apart from that, local Serbs took part in numerous acts of violence in town as members of paramilitary groups and units of the police and the SDS. Apparently, it was disadvantageous for local Serbs to talk to the Muslim inhabitants. However, there were also reports indicating a positive behaviour on the part of the Serbs. These reports included cases of food being supplied as well as the much-cited example of a young Serbian woman whose throat was cut by fighters of paramilitary units when she tried to protect her Muslim friends.” Ibid.

²⁹⁷ Ibid.

During this time a number of camps were set up in the area around Zvornik in which civilians were tortured and murdered. These included camps in the buildings of public industries "Novi Izvor" and "Alhos," a textile school in the area of Karakaj, cultural centres in the areas of Drinjaca, Pilici, and others. Witnesses reported mass executions at all of these camps.²⁹⁸

In addition to the systematic terrorisation, execution and expulsion of Bosniaks from Zvornik, Serb forces and authorities systematically looted and burned Bosniak property and destroyed mosques and other religious structures there in 1992.

Following the fall of Srebrenica, thousands of Bosniak men from Srebrenica were executed who had either been captured in Zvornik while fleeing or deported there. Mass execution sites in Zvornik included schools in Pilici, Petkovci, Grbavci and the Cultural Centre in Pilici. The head of the Zvornik police was present in Srebrenica following the take-over of the enclave and at negotiations with the UN and Bosniak representatives, all implying that Zvornik, Bratunac and Srebrenica authorities were involved in the planning of the Srebrenica massacre.

2. TODAY

Despite the documented involvement of Serb authorities in the atrocities committed in Zvornik between 1992 and 1995, the ICTY has not issued a single public indictment related to these events, nor has SFOR arrested a single individual under sealed indictment. As with most of eastern RS, Zvornik remains a hostile place for returning non-Serbs, with UNMiBH reporting ten registered incidents against Bosniaks in the first half of this year.²⁹⁹ In addition, a number of armed attacks on international officials and on property belonging to international agencies in Zvornik—including a 1999 rocket attack on the living quarters of SFOR's Joint Commission Observers (JCOs) and a 2000 grenade attack on SFOR living quarters—lend credibility to reports of paramilitary activity in the area.³⁰⁰

(a) *Dragan Spasojevic*

The role of the police in atrocities committed in Zvornik was indicated in the previous section. During the 1992 ethnic cleansing of the town, **Dragan Spasojevic** was a high-ranking member of the SDS and Chief of

²⁹⁸ E.g. the execution of 88 prisoners in the Drinjaca camp on 30 May 1992. A group of about 750 prisoners from Djulic, Klise, Bijeli Potok and other nearby settlements in the Zvornik municipality disappeared on 1 June 1992 while being transported to the camp in the textile school in Karakaj. Numerous mass executions were reported in areas around Zvornik in the spring and summer of 1992, such as the execution of 36 individuals with firearms in the Snagov settlement on 29 April. A group of 70 captured prisoners from Teocak were liquidated in the area of Lokanje. Many of the corpses of these 70 were later exchanged, showing signs of severe torture, many lacking body parts. Source B.

²⁹⁹ UNMiBH document: *Minority-Related Incidents Reported to IPTF: Reporting Period: 01/03/00 to 23/06/00 (inclusive)*.

³⁰⁰ Source: Bureau of Democracy, Human Rights, and Labour, US Department of State, "1999 Country Reports on Human Rights Practices, Bosnia and Herzegovina," 25 February 2000. "Grenades fired at peacekeepers' building," Reuters, 25 July 2000.

the Zvornik police station.³⁰¹ He also held a commanding position in the Serb Crisis Staff during this period, and some witnesses report that he was the Chief of the Zvornik TO (Territorial Defence).³⁰² It appears he assisted Arkan in bringing Arkan's "Tigrovi" to Zvornik.³⁰³ "Control over the town after the seizure was initially held by the 'crisis committee,' whose chairman reportedly was Dragan Spasojevic (a member of both the militia and the SDS in Boskovici near Zvornik)."³⁰⁴ Spasojevic's alleged culpability for the disappearance of 750 unarmed prisoners who were being deported to a camp at the textile school in Karakaj is occasionally mentioned in the local media.³⁰⁵

After the war, Spasojevic served as the manager of the customs administration in Zvornik,³⁰⁶ a primary point of entry from Serbia for black-market fuel and other illegal imports, which were subsequently distributed by companies alleged to be headed by Radovan Karadzic and the secretly indicted, now arrested, Momcilo Krajisnik, the former Serb member of Bosnia's tripartite presidency.³⁰⁷ Today Spasojevic is considered a highly influential and powerful businessman in the Zvornik area. The Belgrade biweekly *Svet* cited him as one of the richest individuals in RS.³⁰⁸ During a crackdown on organised crime by Dodik's government, Spasojevic was arrested but almost immediately released.³⁰⁹ Spasojevic ran as an independent candidate for the Zvornik Municipal Council in the April 2000 elections.³¹⁰ As with many officials throughout Bosnia reportedly linked with ethnic cleansing, Spasojevic may be trying to mask his wartime activities by dissociating himself from the SDS.

Spasojevic is also the owner of a company, *19 Novembar*, which has reportedly "begun building a large shopping centre on the private property of Zvornik Bosniaks," in direct defiance of the High Representative's decision on reallocation of illegally expropriated private property.³¹¹

Today Dragan Spasojevic is a member of the Zvornik Municipal Assembly.

³⁰¹ "Bosnian Serb Politicians: Nowhere to go but on with the war?" *Los Angeles Times*, 5 May 1993. See also "Ako se ne sprijeci divljanje ekstremnih srba, povrtak bi se mogao intenzivirati ali u suprotnom smjeru," *Slobodna Bosna*, 27 July 2000.

³⁰² ICG has reviewed the statements of five witnesses. These statements are in the possession of the ICTY.

³⁰³ "U otimacini bosnjacke zemlje prednjaci ratni komandir Dragan Spasojevic," *Dnevni Avaz*, 4 April 2000.

³⁰⁴ Ludwig Boltzmann Institute of Human Rights, op. cit.

³⁰⁵ "Ako se ne sprijeci divljanje ekstremnih srba, povrtak bi se mogao intenzivirati ali u suprotnom smjeru," *Slobodna Bosna*, 27 July 2000. See also: "U otimacini bosnjacke zemlje prednjaci ratni komandir Dragan Spasojevic," *Dnevni Avaz*, 4 April 2000.

³⁰⁶ "The Richest Serbs in the RS," *Svet*, 18 August 1997.

³⁰⁷ Source B.

³⁰⁸ *Svet*, 18 August 1997, op. cit.

³⁰⁹ "Criminalisation through the System," AIM Banja Luka, 11 September 1999.

³¹⁰ "Bosnian Agency Lists Parties Registered for Local Elections in April 2000," *ONASA*, 4 October 1999.

³¹¹ "U otimacini bosnjacke zemlje prednjaci ratni komandir Dragan Spasojevic," *Dnevni Avaz*, 4 April 2000.

His election was certified by the OSCE.

The Office of the High Representative rents office space in a building owned by Spasojevic.

(b) *Branko Grujic*

Branko Grujic was the wartime President of the SDS in Zvornik, head of the Crisis Staff and President of the "Serb Municipality of Zvornik" from 1992 to 1995. According to some reports, Grujic was also the leader of the Territorial Defence during the Serb take-over of Zvornik, later to become President of the Serb Municipality of Zvornik.³¹² Radio Belgrade has confirmed that Grujic served as head of the municipality from April 1992,³¹³ when the worst atrocities were committed.³¹⁴

Grujic reportedly organised the establishment of a parallel Serb authority in the municipality prior to the war, as well as the arming of the local Serb population. At the start of the war Grujic is reported to have invited Arkan and other paramilitary leaders to come to Zvornik and "protect" the rights of "threatened" Serbs.³¹⁵ He is alleged to have visited the camps in Zvornik regularly during the war.³¹⁶ In press interviews, Grujic characterised the ethnic cleansing operations in eastern Bosnia as a "normal population exchange."³¹⁷ In 1994 Grujic still served as the mayor of Zvornik and showed a visiting *New York Times* journalist sites where mosques had been destroyed and new building was in progress.³¹⁸

Today Branko Grujic exercises considerable political influence in Zvornik as a prominent local businessman.

(c) *Dragomir Vasic*

Dragomir Vasic allegedly participated in organising the 1992 ethnic cleansing of Zvornik, including the transfer of Bosniaks from Bijeli Potok to concentration camps and the disappearance of about 750 Bosniaks, described above. He also is alleged to have participated in organising the torture and rape of Bosniak women in the Djulici mosque and the expulsion and deportation of the non-Serb civilian population of Djulici. After the initial 1992 ethnic cleansing, Vasic served as the Chief of Police in Zvornik, from 1993 until 1998, during which time he allegedly played a

³¹² Ludwig Boltzmann Institute of Human Rights, op. cit., p.12.

³¹³ "Transitional Government Set Up in Zvornik," *BBC Summary of World Broadcasts*, 12 April 1992.

³¹⁴ ICG has examined the statements of 23 witnesses regarding Grujic's alleged involvement in organising military mobilisation and ethnic cleansing in Zvornik. These statements are in the possession of the ICTY.

³¹⁵ Documents presented to the ICTY by Bosnian government investigators.

³¹⁶ Source B.

³¹⁷ "Serb mayor confident in Bosnian town where mosques are rubble: Voters go to poll in referendum on peace plan," *Financial Times*, 17 May 1993.

³¹⁸ "Serbian Mayor Displays the Wares of 'Ethnic Cleansing,'" By Roger Cohen, *N.Y. Times News Service*, 6 March 1994.

significant role in the massacres and ethnic cleansing of Srebrenica.³¹⁹ Vasic was present at the "negotiations" with the Dutch UN soldiers following the fall of Srebrenica. A number of the sites where the Srebrenica men were massacred and buried were in the Zvornik municipality.

Since the war, Vasic has been implicated in activities designed to discourage the return of minorities to the Zvornik area. In 1996 members of his police force dynamited the homes of Bosniak returnees in Mahala and Jusici and took part in a tense, day-long armed stand-off with members of the U.S Army's First Armoured Division, which was attempting to protect the Mahala returnees. At the request of OHR, Vasic left his position in the police in 1998. During the 1998 rift between the Banja Luka and Pale factions in RS, Banja Luka Interior Minister Milovan Stankovic suspended Vasic and four other police officials, who he claimed were trying to set up a parallel interior ministry in the eastern RS.³²⁰

Today Dragomir Vasic is a member of the Zvornik Municipal Assembly.

His election was certified by the OSCE.

The RS Ministry of Defence considers him potentially indictable for war crimes.

III. WHY AREN'T THEY IN THE HAGUE?

As may be seen, the vast majority of the individuals identified in this report as alleged to have participated in war crimes maintain a relatively high profile. Many of them—as a result of their functions—meet regularly with representatives from SFOR, OSCE, UNMiBH, UNHCR, and the OHR. Interviews with field officers from these organisations indicate that the international community is fully aware of their alleged wartime activities, yet continues to work with them on a day-to-day basis.

The widespread presence of alleged war criminals throughout the municipalities of the RS in positions of power, authority and influence presents a serious obstacle to implementation of the Dayton Peace Accords. Were a casual observer to ask what the international community is doing about it, the honest answer would be "not much." The reasons for this are many, and primarily have to do with a lack of communication among different agencies and organisations, inefficiency, lack of funding, and competing mandates. In the case of SFOR – the organisation with the principle mandate for security under the Dayton Accords – caution has been taken in some cases to indefensible limits. And these factors together have produced a message for the alleged war criminals in RS that is all too clear.

³¹⁹ ICG has reviewed the statements of five witnesses. These statements are in the possession of the ICTY. Source B.

³²⁰ "Bosnian Serb police dismissals said to have shaken Belgrade," *Reporter* (translated in *BBC Summary of World Broadcasts*), 30 March 1999.

A. Avoidance Methods

Many of the people mentioned in Section II of this report have successfully diverted international community attention from their wartime activities, while maintaining significant influence in their local communities. An often-complacent international community and a politically cautious SFOR aid them in this endeavour. The following are some methods used by suspects to try to avoid becoming a target at The Hague:

1. Become useful to the international community by aligning against "hard-line" elements in the RS

The late paramilitary leader **Ljubisa "Mauser" Savic**, whose Panthers played a well-documented role in the ethnic cleansing of Bijeljina, Brcko and other areas, served as the second highest ranking police official in Republika Srpska until 1998. Why IPTF and the OHR permitted his appointment is unclear, except that Mauser had aligned himself with the anti-SDS political faction headed by Biljana Plavsic and Milorad Dodik. Perhaps the international community considered it more politically expedient to accept Mauser's appointment, since he had joined the "anti-Pale" forces of Banja Luka. Another example of this strategy would be **Petar Cancar**, one of the members of Foca Crisis Staff and widely considered to be one of the three officials in Foca primarily responsible for planning the brutal ethnic cleansing of that town, who once served as Milorad Dodik's Minister of Justice. An experienced observer might note that **Biljana Plavsic** herself served in the second most powerful post in RS during the war. After Radovan Karadzic, she is arguably more responsible for alleged wartime atrocities than the already apprehended and indicted **Momcilo Krajisnik**.

2. Assume nobody is paying attention, remembers, or cares

At least eleven apparently indictable municipal councillors were elected in the OSCE-monitored April 2000 elections. In addition, at least fifteen currently serving members of the Republika Srpska police appear to be indictable. One of the councillors appointed by the Supervisor to the Brcko District Interim Council in May 2000 also served as the head of the Brcko war presidency in 1992.

3. Move to another municipality and join the authorities there

A number of police officers with responsibility for events in Sanski Most, Kljuc and other municipalities lost by Serb forces in 1995, currently work on the Prijedor police force. This suggests that the current IPTF procedure for carrying out background checks is inadequate.

4. Show confidence in the power of the military forces at one's disposal

As current or former members of the RS and Yugoslav armed forces, commanders of paramilitary units or individuals with strong links to paramilitary groups, many of the persons mentioned in this report command significant military resources.

5. Live as a private figure, while exerting influence behind the scenes

This is done through business activities, holding the post of director of a public company or through black market and organised criminal activities. A number of the individuals described in this report are engaged in such activities.

6. Leave public office, but remain active in party politics, perhaps in Serbia

7. Live in the US or French sectors (MND-N or MND-SE)

Many of the alleged and as yet unindicted war criminals in Bosnia appear to reside in either the French or US sectors. The perception that, at least until quite recently, French and US forces have been reluctant to act against those suspected of war crimes—reflected in the relatively small numbers of arrests in the French and US sectors—has fostered an image of these areas as a safe haven. Although the French sector has now seen four arrests and two killings of war crimes suspects, this number is still less than one third of the apprehensions in the British Sector (MND-SW). And although it is now claimed that the US has arrested all indictees in its sector, the fact that Radovan Karadzic is reported to frequently move through this sector is in itself reason for concern.

8. Wait for the international community to give up, leave Bosnia and forget about war crimes

This is, in fact, the strategy urged by Radovan Karadzic in a recent letter to the SDS.³²¹ It seems to be the primary strategy of most perpetrators of war crimes in Bosnia. It appears to be working.

B. SFOR's Reluctance

The ICTY regularly forwards both its public and sealed indictments to SFOR. Yet war crimes arrests remain relatively few in number, which has led to the criticism that SFOR is not living up to its obligations under Dayton. When asked to justify the slow pace of arrests, many SFOR officers have repeated the mantra "its not part of our mandate." SFOR officials typically state that the local police are responsible for arresting war crimes suspects, and that it is not SFOR's job, ignoring that in the case of RS, the Serbs—in contrast to the Croats and Bosniaks—have yet to arrest suspected war criminals. As a result of RS refusal to co-operate with the ICTY, to date the majority of SFOR actions against war crimes suspects have occurred in RS.

SFOR has been arresting suspected war criminals since 1997 and extraditing them to The Hague, and to date there has yet to be a significant legal challenge to SFOR's right to arrest. When SFOR makes arrests on the basis of ICTY indictments, NATO and SFOR representatives frequently reiterate to the public

³²¹ "Buducnost Srba je 'gandijevski otpor,'" *Slobodna Bosna*, 12 October 2000, pp.5-8.

that such actions are within their mandate.³²² A sufficient legal basis for SFOR's power of arrest is to be found in Annex 1-A, Article VI of the Dayton Peace Accords, which gives SFOR sweeping powers to actively assist in implementing all aspects of the treaty, both civilian and military.³²³ This includes—by inference—the power to arrest war crimes suspects indicted by the ICTY.

The vast majority of the arrests to date have come within SFOR's Multi-National Division Southwest (MND-SW), commanded until recently by the British Army, which has an arrest record nearly double that of the other two SFOR sectors combined, MND North (US command) and MND Southeast (French command). The low number of arrests to date in the US and French sectors has led many observers to charge SFOR with failure to meet its treaty obligations under Dayton. The slow pace of arrests has become more visible recently, as ICTY Chief Prosecutor Carla Del Ponte has begun to put public pressure on Western capitals to co-operate more fully with the court.³²⁴

SFOR's reluctance to apprehend indicted war crimes suspects has caused some to question SFOR's commitment to full implementation of the Dayton Peace Accords. So too, it has raised questions as to whether some of the SFOR armies are avoiding arrests for political reasons, or to cover-up embarrassing incidents and deals during the 1992-1995 war, when some of them participated in the United Nations Protection Force (UNPROFOR).³²⁵

³²² NATO Secretary General George Robertson stated that the authority derived from the "mandate given to SFOR by the North Atlantic Council under authority contained in United Nations Security Council resolutions." www.eucom.mil/bosnia/usis/99dec21.htm.

³²³ General Framework Agreement for Peace (GFAP) Annex 1-A, Article VI: 2-6. "The Parties understand and agree that the IFOR shall have the right: to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods, and the establishment of Zones of Separation); to authorize and supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation as established by the General Framework Agreement; to establish liaison arrangements with local civilian and military authorities and other international organizations as necessary for the accomplishment of its mission; and to assist in the withdrawal of UN Peace Forces not transferred to the IFOR, including, if necessary, the emergency withdrawal of UNCRO Forces. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following: to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections; to assist the movement of organizations in the accomplishment of humanitarian missions; to assist the UNHCR and other international organizations in their humanitarian missions; to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person; and, to monitor the clearing of minefields and obstacles. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the IFOR in implementing this Annex. The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements." Article II, paragraphs 3 and 4 expand on these powers and include "investigators" as a category deserving of SFOR assistance.

³²⁴ See for example: "So Many of the Accused Are Still Fugitives," interview with Carla Del Ponte, *TIME Europe*, 4 September 2000.

³²⁵ See "The Reluctant Gendarme: Why is France protecting indicted war criminals in the sector of Bosnia it controls?," by Chuck Sudetic, *Atlantic Monthly*, April 2000.

In the case of the US Army sector (MND-N), the lack of arrests seems partly motivated by a desire to avoid casualties among US forces, as well as a desire to avoid provoking civil unrest. Arrests to date have shown the US Army's fears to be unfounded. To date, no US soldier has been killed in the line of duty while serving in Bosnia, other than in traffic accidents, accidental weapons discharges, or suicides. The citizens of RS are so used to war crimes arrests that they no longer react, as seen in the passivity surrounding both the Krstic and Krajisnik arrests. Even the removal of RS President Poplasen in March 1999 and the NATO bombing of Yugoslavia failed to spark an uprising. US Army timidity must be blamed on the Clinton Administration's emphasis on zero casualties and the primacy of force protection.

US Army officials have also stated that all the indicted war crimes suspects within their sector have been arrested. But – leaving aside the possibility of some individuals being arrestable under sealed indictments about which there is no public knowledge - the geographical reality remains that the US sector lies across all the major land routes between RS and Belgrade, particularly the vital river crossings near Zvornik and Bijeljina on the Drina River that constitutes the international border between Bosnia and Yugoslavia. Many war crimes suspects from the British and French sectors travel regularly to Belgrade through the US sector. In the course of the year 2000 Karadzic has been sighted in the US sector, both in Srebrenica and Bijeljina, and SFOR regularly monitors the border crossings with Yugoslavia. Yet to date there do not appear to have been any arrests of persons attempting to cross the border.

The relatively low number of arrests in the French sector (MND-SE) has already raised numerous questions regarding France's willingness to arrest indicted war criminals. These questions continued when French soldiers shot and killed indicted war crimes suspect Dragan Gagovic on 9 January 1999, while he drove a car full of five young girls back from a karate tournament. Suspicions were further heightened following the French refusal to turn over the videotape of the incident to NATO command. Even more disturbing are allegations by highly placed sources both within the Bosnian jurisprudence system and close to the ICTY, that the action was taken to prevent Gagovic from turning himself in to the ICTY. These sources asserted that Gagovic was in contact with the ICTY at the time of his death, in an effort to arrange his surrender.³²⁶ Gagovic's alleged wartime activities were rumoured to have included business dealings with the French UNPROFOR contingent. He had reportedly received anonymous threats that any attempt to turn himself in would cost him his life. The circumstances surrounding Gagovic's death remain suspicious, and French refusal to give a copy of the arrest videotape to NATO command can only fuel speculation that the French Army is trying to hide something.³²⁷ That videotape should be turned over without further delay.

Despite its initial slow start, the French Sector has seen a recent increase in arrests. Over the past twelve months, three individuals indicted for war crime—

³²⁶ ICG interview with a highly placed source in the Sarajevo jurisprudence system. ICG interview with a source close to the ICTY. Source A, Source B.

³²⁷ An interesting discussion of French activities vis-a-vis arresting war crimes' suspects may be found in "The Reluctant Gendarme: Why is France protecting indicted war criminals in the sector of Bosnia it controls?," by Chuck Sudetic, *Atlantic Monthly*, April 2000.

including the high profile arrest of the former Presidency member Momcilo Krajisnik—have been arrested in the French sector, and one committed suicide to avoid arrest. Yet these arrests have occurred largely as a result of German Army activity in that sector. During the same period of time, the British sector has seen five arrests and the US sector one.

SFOR's initial reluctance and mixed record on war crimes arrests has set back Dayton implementation by several years, and no doubt contributed significantly to the disappointing impact of international efforts to date, as well as to a prolongation of the international community's military and civilian presence in the region. Had SFOR moved more quickly and systematically to arrest indicted war crimes, fewer obstructionists would remain at large and in political life, and peace implementation would be far more advanced than it is today.

C. International Community Responsibility

One of the greatest problems facing the international community in dealing with war criminals is the lack of co-ordination and information sharing between the international organisations, agencies, militaries and governments active in the peace implementation process. NATO governments have to date been largely unco-operative with the ICTY, particularly in regard to sharing telephone wiretaps and radio intercepts of conversations among the key players during 1992-1995. As of this writing, the US government's satellite photographs of mass grave sites from the Srebrenica massacre are essentially the only national intelligence information turned over to the ICTY. Neither Britain nor France, both of which maintained substantial regional intelligence capabilities, have turned over any transcripts from electronic surveillance. Nor has the US.³²⁸ As a result, the ICTY has had to rely almost entirely on Bosnian Army (Armija BiH) electronic surveillance and captured documents. This has contributed to an appearance of anti-Serb and anti-Croat bias on the part of the tribunal.

Another difficulty lies in the process of information sharing among the agencies—both international and local—responsible for certifying and authorising publicly elected officials and police. As has been noted throughout Section II, numerous individuals alleged to have committed war crimes hold public office and serve in the police. The fact that some individuals identified as "Category A" or on the secret indictment list have held or currently hold elected office—such as former Presidency member Momcilo Krajisnik—indicates that OSCE may not have access to the information necessary to prevent these individuals from holding public office.

In contrast, the OHR, ICTY, and referring Federation courts all have access to select "Category A" information. Officials in the Federation judicial system indicated they had never been approached either by IPTF or by OSCE for information on war crimes. OSCE officials claimed that they had turned over lists of public officials and candidates for vetting to the ICTY, but that the ICTY has refused to respond, fearing it might jeopardise the integrity of its secret indictment list.³²⁹ All told, the dearth of free information flows has certainly

³²⁸ ICG interview with a source in The Hague.

³²⁹ ICG interview with OSCE source in Vienna.

handicapped international peace implementation efforts and permitted many war crimes suspects to remain free and in positions of influence and power.

With better information sharing, OSCE and other international agencies could use their powers to keep persons with questionable wartime records, such as members of Crisis Staffs in areas of significant ethnic cleansing, from holding public office and other positions of public trust, such as managing public companies. The current activities of political candidates or elected officials with "Category A" status or under ICTY indictments could be more closely scrutinised for removal using existing PEC rules.³³⁰

Regarding the Republika Srpska police, it is clear that a number of individuals who allegedly participated in violations of humanitarian law during the 1992-1995 war, continue to serve on the force. One of the main reasons for this state of affairs is the fact that the international agency responsible for monitoring the police in Bosnia, UNMiBH, only *began* the process of registering the RS police at the end of last year, four years after the signing of the Dayton Peace Agreement.

In fairness to the current UNMiBH administration it should be noted that a comprehensive process for screening police officers has begun. The first phase of this process consists of registering and provisionally authorising police officers based on a series of tests and procedures. A requirement exists denying provisional authorisation to individuals involved in domestic proceedings for war crimes under the "Rules of the Road," individuals with criminal records and individuals on the lists of former police anti-terrorist units.³³¹ Nevertheless, this phase of the process relies primarily on self-reporting by the applicant and is far from foolproof.

UNMiBH officials plan that the second phase of the screening process will involve more in-depth investigations into the activities of police officers seeking final certification. However, such certification will not be completed for at least 12 to 18 months. Considering the significance of this step for implementation of the peace process, one wonders why the process required four years to get started.

D. ICTY Limitations and Problems

Nowhere is the state of international justice better seen than in the ICTY offices in The Hague. The ICTY has only three courtrooms to try the 64 suspects with outstanding public indictments³³², as well as a number of secretly indicted

³³⁰ Article 604 of these rules, "Penalties and Fines," states: "The Election Appeals Sub-Commission, when it determines a violation of the principles established in the General Framework Agreement for Peace in Bosnia and Herzegovina or the *Rules and Regulations* of the Provisional Election Commission has occurred, shall have the authority to: 1) prohibit a political party, independent candidate, list of independent candidates or coalition from running in the elections; 2) decertify a political party, list of independent candidates, independent candidate or coalition already certified; and 3) remove a candidate from a candidates list and not allow the removed candidate to be replaced." Moreover, the article establishes that in determining violation of the principles of Dayton or the *Rules and Regulations*, the Election Appeals Sub-Commission can consider the actions of political party and coalition leaders and members, the actions of candidates, and the actions of their supporters in applying penalties.

³³¹ UNMiBH policy IPTF-P02/2000.

³³² "ICTY Key Figures" (updated 13 October 2000), ICTY Internet Site: www.un.org/icty/.

suspects. Given that more than 4,000 dossiers have been turned over to the ICTY by Bosniak authorities, the number of investigators, prosecutors, and courts is presently only a small fraction of what is needed. Nonetheless, the total number of indictments, both sealed and public, appears to be rather small. The fact that numerous individuals accused of prominent war crimes may not yet be indicted leads to concerns regarding the workload of ICTY investigators, as well as the resources available for investigative efforts.

Another serious shortcoming of the ICTY is its location in The Netherlands, far from the areas where the crimes took place. The only contact the average Bosnian has with the proceedings of the court are short daily television news stories, which show video footage of the accused wearing headphones, sitting in front of a panel of robed judges in a foreign court setting. As a result, the citizens of Bosnia are almost completely out of touch with the court's day-to-day proceedings. This lack of understanding prevents Bosnians—Serbs, Croats and Bosniaks alike—from hearing the evidence presented in the court.

And yet many of the day to day proceedings of the court could directly undermine the nationalist rhetoric and misinformation spread by many of Bosnia's politicians, provided that citizens had better access to the proceedings. For example, while the majority of RS politicians deny that a mass crime occurred in Srebrenica, RS Army General Radislav Krstic, a key figure in the chain of command at Srebrenica, has acknowledged openly in the course of ICTY court proceedings, the involvement of Serb authorities in the Srebrenica massacre. Unfortunately, the physical and linguistic distance between The Hague proceedings and Republika Srpska means that most of Krstic's statements have gone unseen by the vast majority of RS citizens.

In spite of this disconnect between the courtroom and the general public in the former Yugoslavia, several possible remedies exist. Although the ICTY's Charter places the Tribunal seat in The Hague,³³³ its Rules authorise it to "exercise its functions at a place other than the seat of the Tribunal if so authorised by the President in the interests of justice."³³⁴ There is no reason it could not sit anywhere in Bosnia. Despite the security considerations involved, the Tribunal has told ICG it would be willing to try cases locally, if provided with a sufficient budget. Similarly, the Rules provide for proceedings to be conducted in other than the official working languages,³³⁵ and the ICTY maintains a battery of interpreters to translate all the proceedings between Serbo-Croatian, English and French. In practice there should be no difficulty with live local language translations of the ICTY proceedings being available for broadcast.

Any real attempt at reconciliation in Bosnia will require that the public be fully informed of the truth about the events of 1992-1995. In this regard, it is not farfetched to see the ICTY proceedings as a kind of morality play, designed to force the residents of Bosnia to confront wartime misdeeds. On the other hand, as long as Bosnia's residents are unable to follow the court proceedings, nationalist politicians will effectively advance their claims that the court is biased and politically motivated. This has already contributed to a perception of the

³³³ Statute of the International Tribunal, adopted 25 May 1993, amended 13 May 1998, Art.31.

³³⁴ Rules of Procedure and Evidence (IT/32/REV.18), Rule 4

³³⁵ *Ibid.*, Rule 3.

ICTY's loss of legitimacy, particularly among Serbs - not what either the founders or the current officials of the ICTY had in mind.

In a rather tentative attempt to remedy its poor exposure, the ICTY has recently begun a public outreach program in Croatia and Bosnia, hoping to acquaint the local populations more closely with the court's mission and proceedings. In our recommendations we suggest a more robust international community strategy to remedy this situation.

IV. KARADZIC AND THE SDS

A. What About Radovan Karadzic?

Many of the persons mentioned in this report consult regularly with Radovan Karadzic. Some of them support him both financially and logistically. In eastern RS, police and state security appear to participate directly in securing his free movement.

So why doesn't SFOR arrest Karadzic? In spite of the five million US dollar reward for the arrest of Karadzic and Mladic, no action has been taken. This would imply that SFOR and NATO are not sufficiently informed of Karadzic's whereabouts to conduct an effective arrest operation. Yet SFOR has tracked Karadzic closely since the signing of the Dayton Peace Accords, and knows of his location much of the time. This includes advance knowledge of his movements.³³⁶ Karadzic is not difficult to spot: he travels with a relatively large security entourage, and is often sighted in various parts of RS, including a recent publicised sighting in the Serb-controlled Sarajevo suburb of Lukavica. In the course of researching this report, ICG has obtained extensive information regarding Karadzic's whereabouts, individuals and companies that support him financially, his associates, and places where he frequently stays. Certainly SFOR has far better intelligence gathering capabilities and resources than any NGO. Several sources used for this report provide information regularly to SFOR as well. These individuals expressed frustration with the fact that they have passed information regarding Karadzic's whereabouts to SFOR frequently and at great personal risk, but that SFOR never acted on the information.

ICTY Chief Prosecutor Carla Del Ponte expressed her frustration with SFOR recently, stating that "there must be something that they are not telling me."³³⁷ Meanwhile, NATO and the representatives of European nations and the US continue to promise the imminent arrest of Karadzic and Mladic, all the while doing nothing to bring it about. The failure to arrest Karadzic and Mladic is transparently due to a lack of political will from the US and its European allies to carry out his arrest. The reasons for this unwillingness might be traced to the previously mentioned desire of former UNPROFOR participants to prevent certain information from coming to light in an international forum, the desire of some

³³⁶ ICG interview with intelligence officials from NATO countries. When asked why Karadzic had not been arrested, one of the intelligence officials shrugged and answered, "We haven't yet received an order to arrest him."

³³⁷ "War Crimes Lawyer Pressures NATO," AP Online, 16 September 2000.

SFOR governments to avoid casualties or embarrassment that could cost them politically, or the fear of civil unrest in RS.³³⁸

Unfortunately, due largely to the international community's forcefulness in claiming that Karadzic will be brought to justice and unwillingness to follow through on this promise, Karadzic and Mladic have become symbols of national defiance to Bosnia's Serbs. As a Serb judge told ICG, Karadzic and Mladic represent the single knot holding together a twisted thread of collective and individual guilt that must be untied for Bosnia to begin the reconciliation process. For the "small-time" ethnic cleansers of Bosnia, Karadzic demonstrates that ethnic cleansing worked and that they can continue to rule over their fiefdoms, waiting for the weak resolve of the international community to dissipate entirely. For many Bosnians, Karadzic, along with many of the persons mentioned in this report, represents a reason to be cynical about the international community and pessimistic about the chances for ethnic reconciliation, as well as a reason not to return home.

In the meantime, Karadzic continues to defy the international community by participating actively in the running of the SDS.³³⁹

B. "Small Fish" Are the Real Problem

A review of documented violations of humanitarian law committed during the 1992-1995 war, against the backdrop of the actual number of individuals indicted and the regions of their responsibility, clearly demonstrates that a large number of war criminals in Bosnia have not yet been publicly indicted. Section II of this report examined just a few areas where such violations have not yet met with a response from the ICTY or the international community.

This problem is most blatant in the municipalities of eastern Republika Srpska, where persons whom international observers, journalists, witnesses and victims have identified as ethnic cleansers continue to run numerous municipalities. As this section demonstrated, many of these individuals have links with paramilitary groups in Bosnia and in Serbia. Many have founded small empires on fortunes amassed from money and goods stolen from ethnically cleansed non-Serbs. These individuals have a vested interest in obstructing Dayton implementation, particularly as regards minority return.

Moreover, these war crimes suspects have had significant success in preventing minority return and implementation of all other aspects of the Dayton Peace Accords. Whether attacking the homes of Bosniak returnees to Janje, bombing and burning Bosniak houses in Srebrenica or stoning a busload of Srebrenica widows, the wartime ethnic cleansers have shown a resolve to keep Bosnia ethnically clean.

Often, those individuals who are meant to be protecting and supporting returning minorities are exactly the same individuals who expelled them in 1992-1995. This report mentions seventeen police officers and eleven elected officials and is by no means comprehensive. Although UNMiBH has operated in Bosnia for more than

³³⁸ See Sudetic, *op. cit.*

³³⁹ *Slobodna Bosna*, 12 October 2000, *op. cit.*

four years with a mandate to monitor the police, numerous police officers working today have been implicated in war crimes. Many of these officers are mentioned in public documents, even UN reports.

With regard to elected officials, one need only mention that the OSCE barely convinced Radovan Karadzic not to represent his party, the SDS, in the premature 1996 general elections. Yet Karadzic, because of his lightning rod status, was the exception: post-war Bosnia has consistently seen the ethnic cleansers returned to power in international community-sponsored, democratic elections.

As this report goes to press, Radovan Karadzic has told his party, the SDS, that the best strategy to avoid Dayton implementation is to simply wait out the international community and do as little as possible in terms of co-operation.³⁴⁰ In the meantime, the Serb councillors in the Srebrenica municipal assembly moved to change the name of the 'Tito Street' to 'Karadzic Street'.³⁴¹ The international community has yet to succeed in marginalising war criminals in Bosnia.

C. Should The SDS Be Banned?

Since its very formation in 1990, the SDS has existed as a purely ultra-nationalist party, whose single aim appears to be the formation of an ethnically pure Greater Serbia. SDS party members and sympathisers clearly voice their opinions on this issue, both in public and private. The statement by Ljiljana Zelen-Karadzic, wife of the indicted Radovan Karadzic, at the tenth anniversary celebration of the founding of the SDS, where she claimed that the party's program of ethnic separatism had been fulfilled, was indicative.³⁴²

To achieve its goals, the SDS has engaged in blatant and defiant obstruction of the Dayton Peace Accords at all levels of implementation. Whether the issue is common passports, a unified border service, a functional central government, a central court system, the central bank, a common currency, the appointment of Spasoje Tusevljak as Premier, common corporations, a permanent election law, preservation of cultural monuments, respecting human rights, or refugee returns, the SDS has openly and unabashedly obstructed **all** aspects of Dayton implementation. This policy of blatant obstructionism continues unabated to this day.

The majority of the individuals named in this report are either current SDS members, or were at some point active in the SDS, before joining the even more radical SRS. Of the above named individuals currently active in political life, thirteen belong to the SDS, four to the SRS, two are independent, and one to the SPRS (Socialist Party of Republika Srpska, a branch of Milosevic's SPS). Most troubling, the SDS continues to operate under the day to day guidance of an individual indicted for war crimes, Radovan Karadzic. Although officially removing himself from political life, he continues to control the day to day operations of the SDS, and remains its leading figure, choosing which individuals will stand as candidates in elections, and creating party policy.

³⁴⁰ Ibid.

³⁴¹ "Titova ulica promijenjena u Karadzicevu," *Oslobodjenje*, 20 September 2000.

³⁴² "U.N. Boss wants Karadzic seized before vote," 13 July 2000, Reuters.

When the OSCE banned³⁴³ the Serbian Radical Party (SRS) from participating in the April 2000 municipal elections, it did so on the grounds that the party leadership included Nikola Poplasen, the former President of RS, who had been removed from office by the High Representative, Carlos Westendorph on 5 March 1999. High Representative Westendorph removed Poplasen because he "obstructed the implementation of the General Framework Agreement for Peace [Dayton], acted to trigger instability in the Republika Srpska and thus put peace into risk in the Republika Srpska and in the whole of Bosnia and Herzegovina."³⁴⁴ As part of its efforts to implement the Dayton Peace Accords, the OSCE has removed candidates and the OHR has removed sitting officials found to work in violation of Dayton. Acting on this logic, the OSCE banned the SRS from participating in the April 2000 municipal elections, based in part on the fact that "Nikola Poplasen obstructed the implementation of the GFAP;"³⁴⁵ that ban continues to apply for the November 2000 general elections.

Given Karadzic's continued involvement in the SDS, the continued obstruction by the SDS of all aspects of Dayton implementation, the number of SDS politicians who fall under "Category A," and the war-time activities of the party, ample grounds exist to ban the SDS's participation in elections and further political life. The OSCE has sufficient authority and cause under Articles 105 and 114 of the Provisional Election Commission Rules and Regulations to ban the SDS from participating in political life in Bosnia and Herzegovina.³⁴⁶

If the argument against a ban is that a significant proportion—perhaps 40 per cent—of the electorate would be disenfranchised, it is worth recalling that when the OSCE justifiably banned the SRS from participating in the electoral process, as many as 30 per cent of the electorate lost the right to vote for their preferred party. Yet, at the time a sufficiently weighty competing principle of peace implementation was involved. After the ban, no real unrest occurred, and the other RS political parties quickly moved in to fill the gap, divide up the political spoils, and win SRS voters to their political platform. All told, the SRS literally disappeared overnight as a political force, with few, if any, mourners.

Should a ban occur now, prior to the 11 November 2000 elections, it is likely to effect only positively the outcome of the general elections in Bosnia and

³⁴³ Technically, a pre-election ban of the kind that was applied to the SRS would take the form of the OSCE "decertifying" the party in question—stopping it participating in the election but not forcing it out of existence—using its powers under what is now Art 114 of the PEC Rules and Regulations. In a post-election environment, any action to deny a party or elected official the right to participate in the political process would be undertaken by the OHR, using powers granted to the High Representative by the Bonn, Sintra and Brussels Declarations of the Peace Implementation Council.

³⁴⁴ "Decision removing Mr. Nikola Poplasen from the Office of the President of Republika Srpska," 5 March 1999. Office of the High Representative.

³⁴⁵ Election Appeals Sub-Commission, OSCE, Case No. 99-ME-12, Case No. 99-Me-13, 19 November 1999. Under Article 114 of the PEC Rules and Regulations, "The application for certification to participate in the elections shall include a statement signed by the President of a political party, coalition or the independent candidate(s) stating that the activities of the political party, coalition or the independent candidate(s) will comply with the General Framework Agreement for Peace in Bosnia and Herzegovina. Failure to abide by the statement shall be a violation of these Rules and Regulations subjecting the political party, coalition, or independent candidate to the sanctions contained in Chapter 600."

³⁴⁶ Provisional Election Commission Rules and Regulations, Article 105 and 114.

Herzegovina, and would certainly pave the way to increased co-operation with the international community. International community fears of unrest, unmanageable political disarray, or a strong reaction from Yugoslavia are over-exaggerated. Any popular reaction in RS would be along the lines of that seen following the ban of the SRS, and could certainly be expected to be less than the (in fact few and half-hearted) demonstrations that accompanied the NATO bombing of Yugoslavia. A substantial number of voters would likely cast their ballots for the relatively moderate Mladen Ivanic and his PDP (Party of Democratic Progress). In the RS non-SDS politicians would be too busy dividing up the state-owned sources of economic and political patronage formerly controlled by the SDS and now newly available for exploitation by other political parties. A strong Yugoslav reaction is highly unlikely, given that country's current preoccupation with more pressing matters, such as heat, electricity, food, and saving the federal union with Montenegro. All told, a rapid move to ban the SDS prior to the elections would provide the international community a rare opportunity to present hard line Serb politicians with a fait accompli, with few downside risks.

In the event the international community decides against a ban prior to the elections, and there are obvious practical reasons given the shortage of time between now and the election date of 11 November, the banning issue should nonetheless stay firmly on the international agenda. The international community should examine seriously the possibility of setting concrete performance benchmarks – e.g. the non-obstruction of the passage of crucial PIC-required measures³⁴⁷ - with strict 100 day time deadlines³⁴⁷ for newly elected SDS politicians. In the event these individuals fail to meet these standards, the OSCE and OHR should call a special election for RS, and ban the SDS from participating in this election.

If the argument about banning the SDS is that this approach is selective, and that other extreme nationalist parties should be exposed to similarly rigorous standards, the answer must be that scrutiny of this kind is overdue for all these parties. It may be that nature is already taking its course with the Bosniak electorate's response to the Party of Democratic Action (SDA), such that robust measures may not be needed. But if action taken against the SDS is seen as a foretaste of things to come so far as the Croatian Democratic Union (HDZ) is concerned, then this can do no harm. The ultra-nationalist parties, their ranks replete with persons potentially indictable for war crimes, have been playing an obstructive and destructive role in Bosnian politics for far too long. It is time to move on.

V. CONCLUSIONS

This report has dealt with no more than a selection of war crimes suspects from one ethnic group in less than a quarter of the municipalities in just one part of Bosnia—but we have raised serious questions about 75 individuals, nearly all of whom still occupy positions of influence or significance from the point of view of their capacity to obstruct the implementation of the Dayton Accords.

³⁴⁷ For a possible menu from which these benchmarks might be drawn, see Annex to the PIC Declaration: Required Actions, Brussels, 23/24 May 2000.

The sheer number of war crimes suspects still at large in Bosnia and their impact on day to day political, social and economic life cannot be underestimated. Their very numbers argue for immediate action by the ICTY, SFOR and local law enforcement organs. The US and French governments should cease stalling and order the immediate arrest of Radovan Karadzic, so long a symbol of international community impotence. The arrest of Karadzic should not be a one-off event, but should signal the beginning of a concerted push to arrest all remaining indicted war criminals rapidly, preferably by the end of 2000. NATO governments and militaries should then go one step further and assist the ICTY in evidentiary matters by placing information gained via electronic surveillance at the disposal of the ICTY. This would not only improve the evidence available to the Tribunal but represent an important demonstration of international community support for the Tribunal.

To cope with the full case load required by the severity and scope of war crimes in Bosnia, the ICTY itself needs significantly increased financial support from the international community, through the UN. Its present budget enables it to undertake only a small portion of the activities needed for successful indictment and prosecution, which has resulted in the relatively small number of indictments so far, as well as less than desired visibility in the Balkans.

Any real attempt at reconciliation in Bosnia will require that the public be fully informed of the truth about the events of 1992-1995. Increased funding would enable the ICTY to bridge the gap between the Bosnian general public and the rarefied proceedings in The Hague's courtrooms. The ICTY should use available procedures to try selected war crimes suspects in Bosnia itself, with proceedings fully translated. With a substantial portion of its proceedings moved from The Hague to Bosnia, the ICTY would have the capacity to develop much greater legitimacy in the eyes of the Bosnian and general ex-Yugoslav public.

These proceedings should be televised live throughout Bosnia and the countries of the ex-Yugoslavia in the local language. The OHR, in co-operation with the Independent Media Commission (IMC), could assist these efforts by supporting local language broadcasting of live trial proceedings throughout Bosnia on television. This could include requirements that public stations devote a specified amount of daily airtime to ICTY trials. Only through such efforts will Bosnians come to grips with the issues needed to create inter-ethnic reconciliation. Only through these media efforts will the nationalist propaganda be purged from the lifeblood of Bosnian politics.

Additional funding should also extend to expanded ICTY outreach programs, including TV and radio broadcasts featuring Tribunal officials, special conferences on the work of the ICTY, and exchanges between domestic and Tribunal investigators, prosecutors, judges and staff.

To more fully facilitate the number of individuals arrested and tried in Bosnian courts as "Category A" cases under the under the ICTY's "Rules of the Road," the Bosnian government's Council of Ministers should—within the context of its current efforts to develop a central court—authorise the creation of a special war crimes tribunal, with an ethnic balance similar to that of Bosnia's Constitutional Court: two Croats, two Muslims, two Serbs, and three foreigners. The ICTY should be permitted to vet all judges of this court, and its proceedings should be televised live throughout Bosnia.

Although the problem of persons potentially indictable for war crimes in RS is unquestionably a difficult one to solve, there exist numerous other measures the international community could undertake with little risk, and little expenditure of resources. Much of what is needed is simply a rationalisation of existing international community efforts, with the primary focus on increased efficiency within the scope of existing mandates and resources.

The number of war crimes suspects still occupying significant positions in government and law enforcement argues for better communication and information sharing among international community agencies. UNMiBH should increase the efficiency of its screening process, as it is currently beginning to do, by paying greater attention to background checks of police officers. So too should the OSCE when screening candidates and politicians for compliance with PEC rules. Both UNMiBH and OSCE should utilise published human rights reports and ICTY trial transcripts, and explore the possibility of vetting names with local Bosnian judicial officials to ascertain whether evidence or indictments exist that could implicate a politician or police officer in war crimes. The OHR could facilitate this process by sharing the "Rules of the Road" information from "Category A" cases, which it routinely receives from the ICTY Office of the Prosecutor, with the OSCE and IPTF.

When such suspect individuals are identified, the OSCE, OHR, and UNMiBH should aggressively use the powers at their disposal to preclude individuals with questionable wartime records, including former members of wartime Crisis Staffs, from holding positions of public trust, or as directors or members of the boards of directors of public companies. This will sever the lifeline of political and economic patronage that has proven so important to maintaining many of these individuals in power. Membership on a Crisis Staff in an area of significant ethnic cleansing should be grounds for disqualification. This would have the immediate impact of removing some of these individuals from formal positions of political and economic power and public trust.

As a corollary, the OSCE should require that candidates running for public office submit—in addition to their income statements—information about their wartime activities. This information should also be a matter of public record. Membership on a Crisis Staff in an area of significant ethnic cleansing should be grounds for disqualification of candidacy, and should be studied closely when granting final certification to municipal authorities.

An important weakness of most war crimes suspects is their assets. Just as Al Capone was, notoriously, finally convicted of tax fraud rather than murder, bootlegging, or racketeering, so too do many of Bosnia's war crimes suspects have vulnerable assets. Many of these individuals reaped ill-gotten gains as a result of their illegal activities, and continue to do so today. The international community—in co-operation with Bosnian judicial authorities—should pay increased attention to using existing laws to undermine the positions of many suspects. For example, the recently passed Criminal Code of Republika Srpska does not permit anyone to hold property or money obtained through illegal activities. Considering the countless published reports of the systematic robbing of money and property during ethnic cleansing operations, there is reason to believe that high ranking officials in areas of such ethnic cleansing gained financially from this enterprise.

The criminal police, financial police and tax administration of Republika Srpska should investigate the financial activities of publicly indicted war criminals to determine if their assets and/or money should be seized in accordance with these laws. Similar action

should be taken in the Federation against Bosniak and Croat indictees under similar applicable laws. A closer monitoring of OSCE financial disclosure statements of individuals suspected of acquiring ill-gotten gain during the war might lead to the disqualification of suspected war criminals from running for public office or serving in the police force or on the boards of directors of public companies. OHR's anti-fraud unit should also expand its anti-corruption activities to include investigation of the sources of income of indicted war criminals. By cutting off their funds, war crimes suspects will lose much of their influence and ability to provide political patronage in a given community, thereby lessening their influence and prestige.

Last but not least, the OHR should—in co-operation with OSCE—be prepared to ban the SDS from participating in any further elections or political activities. This should be done on the grounds that the SDS actively opposes Dayton implementation, and continues to operate as an extremist organisation, run by an indicted war criminal, in clear violation of the Provisional Election Commission's Rules and Regulations. The SDS' record of anti-Dayton behaviour over the past five years has been lamentable, and the international community's tolerance of it should by now be exhausted.

The SDS is not the only extremist party still operating in Bosnia, and its treatment by the international authorities will lay down an unmistakable marker to the others. It may be that it proves impracticable to ban the SDS in the time remaining before the forthcoming 11 November elections, although the arguments against doing so are not compelling. If so, the pressure should be squarely maintained after the election, by the OHR setting concrete performance benchmarks for elected officials. Only with the disappearance from public and political life, by one means or another, of the forces of extreme nationalism still determined to tear Bosnia apart at the seams, will the country and its people fully emerge from the horror of the last ten years.

Sarajevo/Washington/Brussels, 2 November 2000

