

RETHINKING SREBRENICA

Stephen Karganović

Ljubiša Simić

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Unwritten History, Inc.
UPS Store #1052
PMB 199, Zeckendorf Towers
111 E. 14th Street
New York, NY 10003
e-mail: unwrittenhistory@hotmail.com
website: www.unwrittenhistory.com

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INTRODUCTION

It is impossible to discuss Srebrenica unless we take a holistic approach. The holistic approach¹ prescribes that a phenomenon ought to be studied as an integral whole. An analysis must take all the components into account. The perception of the whole will be distorted and inauthentic to the extent that certain elements of the whole are stripped of the weight and significance properly due to them. The principle of holistic analysis, as the basis of an accurate perception of the way things really are, does not apply simply to pure science, medicine, anthropology, and sociology, but as well to similar branches of knowledge in the exact or social sciences. This applies just as well to the study and interpretation of historical events.

Reductionism prevails whenever the obligation to take into account all factors that have played a role in a certain event has been systematically avoided. Every form of reductionism is selective with regard to factual data.² We apply reductionism when we deliberately reduce complex phenomena to only a few selected factors that tend to corroborate the interpretation or thesis that we have formulated in advance. By doing so, we do not merely commit an egregious methodological error; we are also displaying crude contempt for the truth.

In the debate concerning the events that occurred in Srebrenica in July 1995 — which has not subsided in the subsequent decade and a half, but in some respects has gained increasing momentum as new data are discovered — the need to reject re-

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1. The general principle of holism was articulated by Aristotle as follows in his *Metaphysics* thus: “The whole is more than the sum of its parts” (1045a10).
 2. The degree of bias which characterizes the practice of the selectivity may vary from one case to another.

ductionism and to adopt an all-inclusive, holistic approach becomes not only more apparent but more urgent. Only two competing schools of thought exist in relation to Srebrenica. The Reductionist School which, until recently was dominant and is now slowly but surely ceding ground, advocates compressing the entire event to a three-day period in July 1995. Even within such a drastically reduced time frame, this school insists on a dogmatic and one-dimensional presentation and interpretation of events. The Holistic School, on the other hand, maintains that it is impossible to conduct a meaningful dialogue about those three days without a contextual grasp of all the events and contacts between the Serbian and Muslim communities in the region of Srebrenica during the preceding three years (1992–1995) of the conflict.

The anxiety of the Reductionist camp is perceptible and, realistically speaking, it is entirely warranted. New facts and scientifically sound analyses of available data suggest alternative interpretations that do not at all favor their inflexible thesis. In order to survive, advocates of Reductionism must seek the support — to an ever increasing extent — of various political and administrative structures. Examples of such palpably unacademic behavior include demands for the adoption of political resolutions that sacralize such a dogmatic version of the events that took place in Srebrenica and impose it as the only correct one;³ persistent attempts to criminalize the public expression of doubt concerning the official account;⁴ and, finally, as an extraordinary

3. An example is the European Parliament Resolution of January 15, 2009, and the Declaration of the Parliament of Serbia adopted on March 31, 2010.

4. An example of this is the pending proposal to change the Criminal Code of the Federation of Bosnia and Herzegovina (the Muslim-Croat entity) to make “Srebrenica genocide denial” a crime, and there is the demand advanced in May 2007 by Serbian politician Nenad Čanak for the introduction of similar legislation in Serbia [*Blic* (Belgrade), May 28, 2007]. The latest call for repressive legis-

sign of desperation, resorting to criminal complaints in order to silence, intimidate, and financially ruin skeptics.⁵ The old adage that the truth should be self-sufficient and not a ward of the coercive apparatus of the state in order to prevail is in this context particularly significant. The proponents of the official version of the events that took place in Srebrenica act as if they themselves are unsure of the verisimilitude of such “truth” and its ultimate vindication by the exclusive use of the standard methods of intellectual discourse.

The central issue that we analyze in this study concerns the casualties suffered by the Muslim side in July 1995 as a result of the attack by the Army of the Republic of Srpska (Vojaska Republike Srpske or “VRS”) on the enclave of Srebrenica. This issue is important in several respects because first and foremost these casualties, by being conflated with the execution victims, are framed in terms of the guilt of the Serbian side, which even goes so far as to impute collective guilt. Assuming, *arguendo*, that some form of guilt were properly attributable to these casualties, it is necessary to establish their nature and scope so that the degree of applicable guilt may be fairly assessed. Further, these conflated casualties-plus-execution-victims in the case of Srebrenica have not been treated as a standard war crime but have been raised to the level of genocide — the most heinous crime known in international law. This provides additional impetus to clarify with the greatest possible accuracy the dimensions

lation on this subject was made by Serbian Helsinki Committee President Sonja Biserko on July 10, 2012 (http://www.helsinki.org.rs/tjsrebrenica_t10.html).

5. An illustration of this tactic is the recent lawsuit filed against the Swiss newspaper *La Nation* for expressing what were, in fact, some very mild and moderate doubts. See: *Balkan Insight*, April 19, 2010, “Complaint Filed for Srebrenica Genocide Denial”, <http://www.balkaninsight.com/en/main/news/27445/>.

of that event in terms of actual human losses as well as their proper legal classification.

Finally, the truth must not only be welcomed but it must also be actively sought, and when found, it must be given unhindered opportunity to affect thinking and to work its healing power in human relations. That is why it is essential to establish the truth about Srebrenica. If the official version is incorrect with respect to key material aspects, its successful perpetuation and imposition will result in the most negative consequences. It will further poison the relations of and mutually alienate the Orthodox and Muslim communities in Srebrenica, who have no other choice — if they care for a better future — than to live in peace and harmony, assuming, of course, that they do not wish to see the horrors of the recent war repeated.

The Holistic approach prescribes, above all, a careful and unprejudiced analysis of the available data. In question is the extent and classification of Muslim casualties that were the direct result of the takeover of the Srebrenica enclave by the Army of the Republika Srpska in July 1995.⁶ The principal task of this study is clarification. In the chapters written by Dr. Ljubiša

6. Oddly, there is a school of thought that holds that the number of victims is essentially unimportant in order for genocide to be established. The promotion of this point of view is the Plan B of the Muslim side and its apologists. It is not important, they say, whether 8,000 or 800 were executed — the nature of the crime remains unchanged. But if figures are of such minor significance, and if factual verification is anyway such a futile enterprise, then why, instead of removing a zero, shouldn't we just add a zero and claim that the number of Muslims executed in July of 1995 was not 8,000 but 80,000? There is no material evidence (in the form of bodies and other forensic material) to reliably support any of these figures, and any of them may be promoted with equal ease. Perhaps *reductio ad absurdum* is still the best method of debunking a self-evidently absurd argument which holds that the actual number of victims is of minor importance when referring to a major crime such as genocide.

Simić, we present a detailed analysis of the forensic material used by the Prosecution of The Hague Tribunal in Srebrenica-related trials. This evidence is the only *corpus delicti* — so to speak — of the existence of a crime having been committed in Srebrenica and it is the sole corroboration for the claim that in July 1995 the Serbian side committed genocide by murdering “8,000 Muslim men and boys.” Simultaneously, this (numerically) hazy evidence also serves as the basis for the legal conclusion that this was an act of genocide.⁷ At the moment, it constitutes the entire body of material evidence in relation to a crime having been committed in Srebrenica. For that reason, it merits exhaustive analysis, which is precisely the kind of analysis to which Dr. Simić has subjected it.

One aspect of this issue is practically unknown to the general public and is hardly known to specialists. It has to do with the losses suffered by the retreating (partially armed) mixed military-civilian column of the Muslim Army’s 28th Division. It elected to breakout of the Srebrenica enclave in order to reach Muslim-held territory in Tuzla through mountainous terrain in Serbian-held territory on the night of July 11-12, 1995. The column had numerous clashes with the VRS along its path of retreat. As a result of these combat activities, which also include internecine Muslim conflicts, the column — estimated to have

7. In addition to this forensic material, there are also the results of exhumations conducted after 2002 by the international organization ICMP in conjunction with the Institute for Missing Persons in Bosnia and Herzegovina. We discuss that organization and its work separately (see Chapter V, p. 107–128). For the moment, it is sufficient to point out that the ICTY Prosecution never formally presented the results of ICMP’s post-2002 exhumations in any Srebrenica-related trial. Thus, the validity of that evidence and how it compares professionally to the work previously performed by ICTY forensic teams (1996–2002) has never been tested in court. The problems arising with the DNA data allegedly obtained from those exhumations will also be discussed in due course (see p. 28–39).

numbered between 12,000 and 15,000 at the start of the trek — suffered significant casualties. In relation to Muslim casualties as a whole during this period, the column's losses were not only enormous but also, legally, very specific. Under international law, a military column is a legitimate military target, even when civilians are included in its composition. Thus, regardless of the execution of prisoners of war elsewhere and the indisputable fact that it does constitute a war crime, the column's casualties must be considered separately.⁸ These casualties do not even fall within the ambit of an ordinary war crime, let alone of genocide.

The topic to be addressed — and it is long overdue — is the systematic neglect of the column as a legally distinct and separate tessera in the Srebrenica mosaic during the crisis of July 1995, and the subsequent avoidance of any systematic discussion of the nature and scope of its casualties. It serves as another compelling illustration of the dangers inherent in Reductionism and persuasively demonstrates why the Holistic approach is preferable. If there is an honest desire to fix responsibility for war crimes and to pursue war criminals, it is first necessary to ascertain — in a legal sense — the actual number of genuine victims in Srebrenica in July 1995. Only thus can the real dimensions of the crime — that may form the basis for an accusation against the Serbs — be established. The first step in this process is to distinguish legitimate losses resulting from combat activity from those which resulted from the execution of prisoners of war. This is elementary, but has been left undone and has been tacitly ignored in a manner that practically excludes the possibility of honest error. In the chapter I wrote on Muslim column losses, the structure and causes of those legitimate casualties have been analyzed and estimates of their probable scope have

8. For a legal definition of a legitimate military target, see First Additional Protocol of the Geneva Convention (1977), article 52.

been offered. Statements given by surviving members of the column (who succeeded in reaching Tuzla and who gave detailed accounts of combat activities and human losses along the way) are first-rate historical sources that are being published here for the first time.

The Holistic approach to Srebrenica is not confined to the classification of Muslim losses in July 1995. It must encompass all essential elements of the situation on the ground in and around Srebrenica from the beginning of the conflict in April 1992 to July 1995. At a minimum, it requires that two key elements of the total picture be considered: the unimplemented demilitarization of Muslim forces in the Srebrenica enclave and the systematic attacks by Muslim forces on surrounding Serbian village communities and their subsequent devastation, which was accompanied by the mass killing and expulsion of unarmed non-Muslims. These two elements are not irrelevant nor are they causally unrelated phenomena. They are an integral part of the Srebrenica mosaic and are inseparable from the events of July 1995; they form a single moral and forensic whole. That is why they are treated as such in this study.

Stephen Karganović

I. SREBRENICA: A CRITICAL OVERVIEW

Our purpose is not to argue with the cult of Srebrenica or, for that matter, to dispute or deny anything.¹ Our goal is to accomplish something affirmative. That can mean only one thing with respect to Srebrenica: to delineate some realistic parameters in the ongoing discussion. One must set modest goals, such as “realistic parameters” even though every researcher dreams of discovering everything possible in connection with the subject of his study. Srebrenica may be thought of as an archaeological site where, in addition to genuine artifacts and evidence, there are also numerous false and misleading layers that enormously complicate the task of sorting things out. Therefore, the first thing that needs to be done is the removal of deliberately planted, misleading “information.” Contaminated layers must first be swept away, then the remaining false representations must be deconstructed. Only when that is done will we have a genuine opportunity to assemble authentic data that will allow us to reconstruct a real picture of the events that transpired in Srebrenica.

The basic problem confronting every Srebrenica researcher at the outset is that essential data is either accessible only with great difficulty or completely inaccessible.² Almost as daunting

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1. For a glimpse of how Srebrenica is being elevated to the status of a planetary crime, see *Dani* (Sarajevo): „Prljavi dil Klajna i Ivanica,” no. 256, May 10, 2002; Srebrenica is also somewhat immoderately depicted as an example of “planetary genocide” on this Bosnian Muslim Internet site: <http://www.bosnjaci.net/prilog.php?pid=16877>, September 10, 2004; acting in a similar spirit, the main Bosnian Muslim political party, the SDA, demanded that the finale of the World Soccer Cup scheduled for July 11, 2010 be cancelled because “that is the day of remembrance for the victims of Srebrenica”: (<http://www.frontal.rs/cyrl/?page=3&kat=2&vijest=41775>).
 2. The UN Srebrenica archive has been sealed for fifty years and the alleged aerial photographs which are supposed to demonstrate that

is the fact that the sources of much of the accessible data are so tainted by fabrication that even the most experienced researchers would find it difficult to wend their way through the labyrinth of contradictions and false leads.³ Excessive caution, which can lead to paralysis, serves no purpose; uncritical receptiveness to a multitude of dubious “facts” and superficially seductive but inevitably misleading explanations does not help in reaching reliable conclusions.

The one thing that may be stated with certainty is that the official version of the fall of Srebrenica is a colossal bluff.⁴ Even the realistic-looking elements of that bluff, such as the remains of human victims, have been transformed into stage props — virtual evidence — because they have not been used primarily to establish facts but to corroborate illusions. This is demonstrated in two chapters that are devoted to the subject of the brazen misuse of forensic evidence for quasi-judicial purposes. The fraudu-

the ground in the vicinity of execution and burial sites had been “disturbed” will also be inaccessible for several decades.

3. A textbook example is the incredible mixture of possible and entirely absurd propositions concerning Srebrenica that have been advanced by a certain Yugoslav Petrušić, a self-proclaimed confidante and “insider” of the French intelligence service (see Petrušić’s evidence in the *Kos et al.* trial in Sarajevo at <http://www.youtube.com/watch?v=fQKav11Zsmk&list=UUz8ealo8pF7J0m1iQiD7WqA&index=7&feature=plcp>). Petrušić’s sensational claims hardly sound as if their purpose were to clarify things. Side by side, we have the uncritically assembled “evidence” of The Hague Tribunal, a voluminous transcript of the most bizarre statements and assertions which, if made before a legitimate judicial institution, would have had slight chance of making it into the official record. They have, nevertheless, found their way into numerous ICTY verdicts, and are thus infiltrating history itself.
4. Professor Edward Herman was spot on when he called Srebrenica “the triumph of propaganda at the end of the twentieth century.”

lent version of the fall of Srebrenica is a distillation of the most effective propaganda techniques that have been developed during the twentieth century. It is a supreme testament to the effectiveness of these propaganda techniques to lure the public into a thick fog and abandon it there in a state of permanent delusion.⁵

The presence of a sufficient number of authentic elements in such foggy terrain does not assist us in perceiving the truth; instead it strengthens the illusory impression of authenticity made by the entire construct. Srebrenica is a great Rorschach inkblot in which every viewer is free to read a meaning that accords with his or her own indoctrination on the subject. This applies to the partisans of both extremes in the interpretation of the Srebrenica story. The advocates of the official version insist on a number of phantom victims as well as on the legal conclusion of genocide, while they pay no attention to the factual baselessness — bordering on the absurd — and legal unsustainability of their thesis.⁶ At

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5. According to Professor Edward Herman, Srebrenica is: "...a final stroke demonizing the Serbs and that master demon Slobodan Milošević, and underpinning the political and moral environment that allowed him to be kidnapped, tried, and allowed to die in prison based on inadequate medical attention (if not worse), and allowed Serbia and the Bosnian Serbs to be kept under pressure and made to grovel more or less indefinitely. It was also a propaganda masterpiece in that it had all of these political benefits while resting on a huge double standard, impunity for the major law violators in NATO and their Balkans' clients, and with the unchallengeable Srebrenica charges very problematic, crucially decontextualized, and infused with disinformation." [From private correspondence with the author.]
 6. The absurdity of this thesis — even from a legal standpoint — may be seen from the fact that The Hague Tribunal was obliged to construct a ludicrous *ad hoc* anthropological theory, evidently applicable only to Bosnian Muslims (and if we study the court's exposition carefully, it would appear applicable only in the district of Srebrenica which had been noted for its specific "patriarchal" features) so that the evacuation of women, children, and the entire non-combatant population to safety could be incorporated into its

the other extreme, equally passionate and irrational opponents claim that absolutely everything having to do with Srebrenica is a big lie and that in July 1995 nothing significant occurred there and no violation of the laws and customs of war took place.⁷

Both these positions are false and face certain refutation. All who have thoughtlessly committed themselves to one or the other will, in the end, be obliged to pay a high moral and historical price for their ill-considered choices.

genocide rationale. In addition, viewed in the context of the massive violence which is routinely practiced in the world today, even assuming that 8,000 had been executed in Srebrenica, compared to the casualties resulting from the attacks on Iraq and Afghanistan, and putting aside other examples of mass depopulation such as those that took place in Guatemala or East Timor, it would still be a crime of relatively modest proportions. This is perhaps why the crime that took place in Srebrenica, whenever it is referred to, is usually re-contextualized as the “greatest massacre in Europe after World War II,” and the like. Critical thinking invites us to pose the question: What do geographical and temporal parameters have to do with the legal qualification of a crime, assuming that it actually did take place as described and that it does constitute genocide?

7. A report was proposed to the government of the Republic of Srpska in 2002 concerning these events. It was angrily rejected by the High Representative who put the government under extreme duress in 2003 and 2004 to create and adopt a different version that reflected the views of the opposite extreme, but which had factually as little to do with reality as the first report. It was absurdly alleged in the first report that there were no more than 100 Muslim casualties in Srebrenica! So, in order to please the High Representative, the creators of the second version based their factual matrix on the concoctions of the ICTY's *Krstić* judgment, which hardly resulted in a factual improvement. See: *Report About Srebrenica Case*, The Center for Documentation of the Government of Republic of Srpska and The Bureau of the Government of RS for relations with ICTY, Banja Luka, Republic of Srpska, 2002, (139 pages), <http://www.slobodan-milosevic.org/documents/srebrenica.pdf>.

Srebrenica is the *raison d'être* of The Hague Tribunal. Empirical investigation of real Muslim casualties and their proper classification in many ways constitutes the essence of the Srebrenica question. Without a corpse, there is no murder, much less genocide.⁸ When a murder occurs, the mortal remains of the victim constitute the *corpus delicti*. The fundamental questions in a murder case concern the physical evidence, its quality as well as its correct interpretation. This is precisely the approach that was taken by Dr. Ljubiša Simić, who examined the very source of this evidence, the voluminous forensic record of the ICTY Prosecution, which amounts to about 30,000 pages of documents.

Dr. Simić's meticulous analysis of the forensic material, supported by numerous illustrative annexes, does not leave any room for doubt that our assessment of the official Srebrenica story as a "colossal bluff" is correct. The criticisms that Dr. Simić puts forward in relation to the performance and results obtained by the forensic teams of the ICTY Office of the Prosecutor are not merely intriguing — nor do they simply cast the shadow of a doubt on some inessential portions of their work while leaving open the possibility of its rehabilitation as a whole — no, they go much further than that. Dr. Simić's criticisms are absolutely fatal to the claims based on the results obtained by the ICTY Office of the Prosecutor. They not only raise the issue of the professionalism of the forensic "experts" to whom the Tribu-

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8. The American weekly *Newsweek*, understandably impatient in November 1996 after persistent allegations that a mass slaughter of enormous proportions had occurred, reacted with an incisive question: "Genocide without corpses: Srebrenica was said to be Europe's biggest atrocity since World War II. So why haven't more bodies been found?" (*Newsweek*, November 4, 1996.) As can be seen from Dr Ljubiša Simić's analysis of the forensic evidence, whatever could not be found in the available physical evidence was soon afterwards simply improvised.

nal entrusted this task, but to an equal degree challenge the integrity and *bona fides* of the institution that engaged them and relied on their results. Henceforth, there is no honorable reserve position to which the Tribunal may resort. Yes, a certain number of people were summarily executed. This is entirely correct. But this fact is very slight consolation for the authors and purveyors of these sloppy and sometimes clearly manipulated “expert reports.” The problem does not merely lie in the obvious and enormous numerical disparity between the approximate figure of the number of those who were actually executed and the entirely baseless propaganda figure of the total number of alleged victims that was officially adopted by The Hague Tribunal and certified by the simulacrum of its authority, but it lies elsewhere. No responsible judicial institution would ever close its eyes to such blatant deficiencies in key evidence nor would it base a significant ruling — such as genocide — on data that not only remains unproven but has also been largely falsified. Yet that is precisely what the International Criminal Tribunal for the Former Yugoslavia in The Hague has done.

In order to censure this Tribunal, it is not necessary to resort to political conspiracy theories or to ask who set it up or who finances it or to speculate whose purposes its unalterably biased verdicts serve. It suffices to point out, as Dr. Simić has methodically done, that due to elementary flaws in critical segments of this Court’s conclusions, the bulk of its “legal findings” and “judgments” must be disqualified.

The longer one studies the events that took place in Srebrenica during 1992–1995, the clearer it becomes that the official narrative is a vehicle that rides on only one wheel. Although the issue of forensic evidence — which in the case of Srebrenica is indeed a very serious matter — is more than sufficient to cast doubt on the entire construct, it does not exhaust the subject. All the fundamental elements of the cult of the “official” Srebrenica

narrative share the same common denominator: either the complete absence of a reliable factual basis or the complete unpersuasiveness of the argument being presented.

We will corroborate this conclusion by a brief review of three key segments of the official Srebrenica narrative: the evidence provided by Dražen Erdemović, the DNA evidence, and the evidence provided by the “satellite” photos.

1. **The Erdemović Evidence.** Dražen Erdemović is not simply an ordinary witness for The Hague Tribunal. He is unique because he is simultaneously a witness as well as the perpetrator of a crime in Srebrenica in July 1995, which was allegedly committed in a place called Branjevo-Pilica. The significance that the Prosecution attributes to Erdemović’s testimony may be judged by the fact that there are several other alleged direct witnesses to the killings who are said to have managed to escape execution. One of the surviving witnesses is Mevludin Orić, a cousin (coincidentally!) of Naser Orić, commander of Muslim armed forces in the “demilitarized” Srebrenica enclave. Another alleged witness is Ahmo Husić, whose testimony will be dealt with later. None of the other supposed survivors has merited being placed on the same pedestal as Erdemović. That in itself is strange. Shouldn’t the court be more (or at least equally) interested in the evidence given by a victim than in a story by one of the perpetrators of the crime, one who has entered into a plea bargaining arrangement with the Prosecution in order to avoid serious punishment for his crimes, including his admitted killing (by his own hand — although he is now deeply repentant, of course) of up to 100 men? But, as Pascal might have said, The Hague Tribunal probably has its reasons that are unfathomable to the ordinary intellect.⁹

9. Ahmo Husić has testified in The Hague, and his evidence has resulted in some interesting revelations, but on the whole it has passed almost unnoticed.

Erdemović was not held to account for his admitted crimes in any significant manner because he agreed to make a deal with the Tribunal. He acquired immunity from prosecution, a new identity, and a life-long pension. In return for the Tribunal's indulgence, his only obligation is to appear as a Prosecution witness at every Srebrenica trial and to recite his story about the mass execution of Muslim prisoners in Pilica, in which he claims to have personally taken part.

But the Prosecution had a stroke of bad luck. While Erdemović, the Star Witness, was giving his testimony in the Milošević trial, there was someone sitting in the gallery taking note of all the bizarre and contradictory elements in his testimony. (Later, of course, the Prosecution was to suffer another stroke of bad luck when Dr. Simić became interested in verifying its forensic evidence.) In this present instance, it was the Bulgarian journalist Germinal Čivikov who has been a long-time *Deutsche Welle* correspondent. Čivikov gives a detailed account of the gaps, contradictions, and inconsistencies in Erdemović's testimony in his book, *Erdemović: The Star Witness*.¹⁰ He dissects the testimony of the ICTY's star witness with implacable and surgical precision. After having read Čivikov's critique, the fact that several Chambers in The Hague Tribunal gullibly accepted Erdemović's version as a credible description of events will be viewed with utter astonishment. Čivikov's critique and Dr. Simić's analysis intersect at Pilica. Erdemović claims, regardless of what realistically may or may not have been physically possible under the circumstances, that he and his unit, the 10th Sabotage Detachment, managed to execute about 1,200 prisoners of war in Pilica in groups of ten in less than five hours.

10. Germinal Čivikov, *Erdemović: The Star Witness* (Belgrade, 2010) (Translated from the German by John Lochland.)

The forensic evidence that was actually discovered in Pilica and how it conforms to Erdemović's testimony, which was given under oath, will be examined in later chapters. Čivikov calculated, after having taken into consideration the method and tempo of the executions as described by Erdemović, that the alleged extrajudicial executions ought to have lasted not five hours but almost the entire day. In the end, when the Pilica mass grave was exhumed by the Prosecution's own forensic team, it yielded the remains (or, to be exact, "cases") of only 137 potential victims, of whom 70 had been handcuffed and/or blindfolded, which strongly suggests that they were prisoners of war who had been shot. This figure is obviously far below the total asserted by Erdemović's testimony. As we said elsewhere, "Yet once again ICTY Chambers accepted evidence of dubious quality without a murmur, but this evidence has a direct factual bearing on the issue of Srebrenica's legal, moral, and political magnitude. And Erdemović, be it noted once again, is the Prosecution's key eyewitness as well as a participant in the crime. A large portion of the official Srebrenica narrative depends upon his credibility."¹¹

It is now appropriate to introduce the testimony of Ahmo Husić, an alleged survivor. Husić gives a predictably standard account of events culminating in the Pilica massacre in his testimony in *Popović et al.* But tucked away in his testimony is a detail of considerable significance that failed to draw any attention from either the Chamber or the several Defense teams. Namely, Husić revealed that the Pilica victims had been taken to the execution site in seven buses¹² that could seat "about 50 per-

11. Proceedings, pp. 23-24.

12. *Prosecutor v. Popović et al.*, 6 September 2006, Transcript, p. 1190.

sons each.”¹³ This unfortunate detail was glossed over because of simple mathematics. Seven multiplied by fifty yields a total of 350. This total would have provided ample accommodation for all the remains that were actually exhumed of those who had been taken to the site, but not nearly enough to accommodate the 1,200 claimed by Erdemović. It is a small but significant detail that gives the game away, doesn’t it?

Controversy has embroiled Erdemović’s testimony ever since the appearance of Čivikov’s book-length study. In the latest round, after apparently concluding that Erdemović would be a poor witness now that all the holes in his testimony had been clearly exposed, the Prosecution in both The Hague Tribunal and in Sarajevo concluded that the best strategy would be shielding Erdemović from further cross-examination. Erdemović accordingly announced that he now “refused” to testify in person. Instead of calling him *viva voce*, as it had every right to do,¹⁴ the Prosecution proposed to merely submit transcripts of his past testimonies in other cases, thus simultaneously advancing its point of view and enabling its witness to avoid the rigors of cross-examination. This is a clear violation of the Defendant’s right in criminal proceedings to confront and cross-examine witnesses against him.¹⁵

13. *Ibid.*, Transcript, p. 1198.

14. Since Erdemović signed a commitment to testify in all Srebrenica-related cases whenever called upon as a result of his plea-bargaining agreement, he does not have a choice in the matter except in collusion with the Prosecution and with the indulgence of the Court.

15. In *Kos et al.* in Sarajevo, the indulgent Chamber, Defense protests notwithstanding, allowed Erdemović to refuse to appear and as well allowed the Prosecution to submit a summary of his previous testimony. In an unusual “cross-examination” procedure, the Defense was directed to submit its questions for the witness to the Chamber, with the assurance that the Chamber would then forward

The Chamber in the Karadžić case, after strenuous objections having been made by the Defense, agreed to the surprise of one and all to issue Erdemović an order to appear and the witness was, therefore, compelled to testify and be cross-examined on February 27 and 28, 2012. The cross-examination established some important points.

In response to Karadžić's question: "How much time did it take for these five groups of ten to come out of the first bus?" i.e., the bus that brought the prisoners to the execution site, witness Erdemović pleaded ignorance: "I don't know, I cannot answer that question."¹⁶

Karadžić then put another important question to the witness: "How big is that area, is that field? Fifteen by fifteen meters or twenty by twenty meters, isn't it?" where the alleged executions took place? Erdemović's equally disingenuous answer was: "Mr. Karadzic, I can't remember the size of the area. I really wasn't that interested in it."¹⁷

Erdemović was, perhaps, not interested but these are important issues. If one knows how much time is needed to shoot groups of ten prisoners, then that provides a basis for calculating the number that could have been executed during the four- or five-hour period during which the witness claimed the executions had taken place. Similarly, if one knows the dimensions of the area where the executions took place, one can estimate the number of bodies that the area could reasonably contain.

them to Erdemović by post. For the ruling in full, see http://www.srebrenica-project.com/index.php?option=com_content&view=article&id=155:when-the-clone-outdoes-the-original&catid=12:2009-01-25-02-01-02

16. *Prosecutor v. Karadžić*, Transcript, p. 25383.

17. *Prosecutor v. Karadžić*, *ibid*.

The conclusion suggests that the estimate of 1,200 victims in Pilica — which has been accepted over the years and which has been confirmed in several ICTY judgments — is groundless. Erdemović and the Prosecution do not offer any rational foundation for the acceptance of this figure, of which we now learn that Erdemović is unsure and which diverges by a factor of ten from the results of the exhumations carried out in Pilica. One strongly suspects, therefore, that the standard accepted number of victims from Pilica was simply pulled out of thin air.

Other potentially significant details also emerged during Erdemović's cross-examination. It turns out that some mass graves were also located in Pilica that predated July 1995.¹⁸ This conforms perfectly with the findings of Dr. Simić, based on his analysis of autopsy reports by ICTY Prosecution forensic experts who conducted exhumations at that site during the period 1996–1997. They found a relatively high number of completely decomposed human remains in Pilica. This triggers an alarm because the decomposition process generally takes four to five years. Whether the decomposed remains could have belonged to persons executed there only a year earlier is open to question.

Of equal interest were Erdemović's admissions concerning the motive behind these killings. The charge, lest we forget, is genocide. Genocide is the intention to exterminate a target group as such and the motive is the key legal element proving the perpetration of such a crime.

In response to Karadžić's direct question: "Did you fire at them with the intention to destroy Muslims as an ethnic group in Bosnia, destroying them as a people?" Erdemović replied: "No, Mr. Karadzic." Karadžić then pressed on by asking if anyone in Erdemović's unit explained "why this killing was taking place, what were the intentions involved?" Erdemović's reply was: "I

18. *Prosecutor v. Karadžić*, Transcript, p. 25387-25389.

don't remember exactly, Mr. Karadžić, who was killing with what intentions in mind.”¹⁹ Erdemović, still claiming poor memory, tried to clarify his previous statements regarding the underlying intent: “I cannot remember, but I do not believe that we discussed who had which intention on that day and whether anyone wanted to exterminate the Muslims. We did not have such discussions. I don't remember discussing that with anyone from my unit.”²⁰

The next luminous detail revealed by the witness was that the unit commander, Milorad Pelemiš was corrupt and that he had used the Tenth Sabotage Detachment for his personal enrichment. According to Erdemović, “there were rumors in Bijeljina according to which Mr. Pelemiš had received I don't know how many kilos of gold that had been found in Srebrenica, and that's why he sent us there to shoot these civilians.”²¹

There is an understated but clear suggestion here that the Tenth Sabotage Detachment committed the crime because someone may have bribed its commander to make his unit available for such criminal purposes.²² If this is correct, it casts serious doubt on the claim that the execution plans had been received through the official chain of command of the Bosnian Serb Army. Why would Gen. Mladić offer Pelemiš material inducements to motivate his unit to execute prisoners of war when he could simply have ordered Pelemiš to do so?

Although he could have accomplished much more if he had been an attorney, Karadžić's cross-examination successfully elicited from Erdemović responses that challenge the feasibility of the crime in Pilica as it had been previously described by the

19. *Prosecutor v. Karadžić*, Transcript, p. 25410.

20. *Prosecutor v. Karadžić*, Transcript, p. 25415.

21. *Prosecutor v. Karadžić*, Transcript, p. 25395.

22. *Prosecutor v. Karadžić*, Transcript, p. 25392.

witness. It also elicited admissions that shed new and explicit light on the motivation behind the crime, which undermines the Prosecution's theory that it was genocide.

Why is this discredited testimony by the star witness Erdemović so essential for the credibility of the official Srebrenica narrative? For the following reason: if we were to put aside the two witnesses who allegedly and miraculously survived the execution (to whom even the Prosecution has assigned the modest role of supporting actors in the performance of the star witness Erdemović), and if we were also to put aside momentarily the problems with the forensic evidence, it turns out that Erdemović's story is the only available first-hand evidence about what supposedly happened in Srebrenica. Therefore, regardless of the value of Erdemović's testimony, the official Srebrenica narrative cannot amount *in toto* to much more than his unsupported allegations.

2. **The DNA evidence.** DNA did not appear as a significant element in Srebrenica cases until *Popović et al.*²³ Its imminence of its use to bolster the rather disappointing results of standard forensic procedures was announced with considerable pomp. It must be noted that this aspect of "official" Srebrenica research is being conducted under the patronage of an organization called *The International Commission on Missing Persons in the Former Yugoslavia* (ICMP). Officially, the ICMP, according to its mission statement posted on its web site, is working: "[T]o ensure the cooperation of governments in locating and identifying those who have disappeared during armed conflict or as a result of human rights violations."²⁴ The ICMP is making great efforts to create the public image of an independent and non-political organization devoted to the noble purpose of assisting surviving

23. *Prosecutor v. Popović et al.*, par. 638 et passim.

24. See ICMP website, <http://www.ic-mp.org/about-icmp>

relatives to establish the fate of their loved ones, to enable them to find solace through the identification of the mortal remains of the missing, and finally to make a decent funeral possible.

However, the ICMP's autonomy is questionable. The organization itself was established in 1996 at the G-7 summit in Lyon, France on the initiative of President Clinton. The list of its chairmen reads like an excerpt from the *Who's Who* of the U.S. political establishment. The first Chairman was former Secretary of State Cyrus Vance (1996–1997). Then this position was held by Senator Bob Dole (1997–2001). He was succeeded by James V. Kimsey, reputed to be a generous philanthropist, who had previously been a Director of *America Online*. The current Chairman is Thomas Miller, a former U.S. diplomat.

Is the carefully cultivated impression of the ICMP's independence a reality or is it, in fact, yet another illusion? The likelihood of the latter may be deduced from a U.S. State Department press release of May 11, 2001, which states that the then-chairperson of the ICMP was appointed by none other than the U.S. Secretary of State:

Secretary Powell has appointed Jim Kimsey as the new U.S. chairperson of the International Commission for Missing Persons (ICMP), the leading organization involved in the identification of remains of people killed in recent conflicts in the Balkans. Mr. Kimsey is the Founding CEO and Chairman Emeritus of America Online, Inc.²⁵

Although the ICMP's publicity material is publicly posted on the Internet in order to promote the image of a classic NGO which has purely humanitarian objectives, this revelation suggests an overtly sinister dimension or, at minimum, a serious

25. U.S. Department of State, International Information Programs, Press Statement, May 11, 2001. Annex 1.

conflict of interest. The U.S. government which apparently played an influential role in Kimsey's appointment, is also keenly interested in promoting a specific version of the contested Srebrenica narrative. Not only that, but it also appears that the ICMP is not accountable to any scientific or judicial body which may in any way be related to its official mission. As was pointed out by the American political analyst, George Pumphrey:

It is a wing of the U.S. State Dept. and publishes *n'import quoi* to serve the propaganda interests of its master. Many of their reports are so ambiguously worded²⁶ that even if someone would attempt to verify their announcements, it would be impossible, because one is not sure if they are speaking of whole corpses or of pieces of corpses.²⁷

Pumphrey adds that no ICMP findings, such as, for instance, DNA matching data, have ever been reviewed or confirmed by any independent professional agency or laboratory. We will discuss this — and the ICMP's lack of professional certification for its principal facility — later.

The fact that ICMP's staff is "93 per cent Bosnian"²⁸ (as reported by London's *Financial Times* on December 11, 2007)

26. An example of the clarity of ICMP institutional discourse is the way its Director of Forensic Science, Thomas Parsons, answered a question that was put to him when he was giving evidence at the *Popović* trial: " ... these assumptions are likely to be nearly true, but ICMP does not represent that they are strictly true, or that the degree of uncertainty can be empirically estimated with accuracy. [...] A wide range of variables that are beyond the ICMP's ability to consider with empirical accuracy could have a minor effect on the estimate either upward or downward, but the overall high matching rate supports an estimate close to 8,100 [missing] individuals".

27. Private correspondence with the author.

28. <http://www.ft.com/intl/cms/s/0/c4474d94-a6f1-11dc-a25a-0000779fd2ac.html#axzz1RjIqNP8c>

also invites some grave doubts as to whether an organization with such a lopsided ethnic composition could perform credible work in the wake of a bitter inter-communal war.

For these reasons, at least, it would seem appropriate to express some uncertainty as to whether the ICMP is truly the unbiased institution it purports to be or — to the contrary — is engaged to play the role of an amanuensis for a country that is an interested party in documenting what happened in Srebrenica.

The background of this organization, under whose auspices DNA analyses of the mortal remains of Srebrenica victims have been and are being performed, is essential to an assessment of ICMP's objectivity and — most importantly — of the validity of its results. In view of the acute shortage of bodies that were actually exhumed and which, using the methods of classical forensics, could reasonably be identified as Srebrenica victims, the assertion set forth by the ICMP — that they have managed to identify over 6,000 Srebrenica victims — sounds sensational. If that assertion is demonstrably true, it should place the advocates of the official thesis within sight of their goal, which is to provide empirical proof that the number of dead could, indeed, amount to 8,000.

But, as is usually the case, nothing is as it appears to be whenever Srebrenica is involved. The ICMP's data is extremely difficult to rely on and that is largely because, for the moment, they are completely unverifiable.

DNA evidence in relation to the factual matrix of Srebrenica has never been the subject of an exhaustive and transparent public analysis at the ICTY. DNA evidence was offered to the Chamber in *Popović et al.* but in closed session. And even that was orchestrated under conditions that were extremely onerous for the Defense teams, which were denied adequate time and resources to subject the DNA evidence to thorough and exhaustive independent verification. The explanation for this secretive-

ness was that exposure to public scrutiny would constitute an act of callousness injurious to the dignity of the victims and, at the same time, could cause immense pain to the surviving relatives. The feelings and legitimate legal interests of individuals and communities, who, as a result of the acceptance of such evidence, might be burdened by decades of imprisonment and the stigma of genocide, did not apparently play a significant role in the Chamber's deliberations. In response to every request by private individuals or interested public entities to review the ICMP's laboratory data for independent verification, an unfailingly polite but unalterably firm response followed: that it was not possible without the written consent of the victims' relatives who had donated blood samples. This is, in turn, was motivated by the supposed need for protecting "privacy."

It appears, however, that the ICMP's entirely laudable goal of the protection of privacy has been taken to the point of absurdity. This does not appear to be confined to the accused and to Defense teams, but it also extends to the Office of the Prosecutor of The Hague Tribunal, the very agency that is supplying this material to the Court as evidence. There are valid reasons to suspect that the Prosecution has not even had an opportunity to properly review the DNA material prepared by the ICMP, which it submitted as evidence in order to demonstrate to the Court the massive scope of the genocide it alleges occurred in Srebrenica. How else can one interpret the statement made by ICTY prosecutor Hildegard Uertz-Retzlaff in response to the demand made by the accused Radovan Karadžić for the right to examine this evidence: "ICMP has not shown the DNA to us either. So that it is not correct that they gave it to us, but not to others."²⁹

29. *Prosecutor v. Karadžić*, Status conference, 23 July, 2009, p. 364, lines 21-23.

A ruling was issued by the *Karadžić* Chamber suggesting that the Defense may, after all, be allowed to examine a limited number of samples (a mere 300 out of over 6,000), and this was hastily praised as an important step forward in relation to the situation as it had previously stood. But a careful reading of the ruling reveals even that small concession was conditional because built into it was the possibility that the Defense might still receive nothing at all.³⁰ For, first of all, in making its ruling, the Chamber did not discard in principle the position championed by the ICMP that the DNA analyses may be shown to others only with the relatives' written consent. The implicit retention of that position, the effect of which is always to deny the Defense the opportunity to independently check the most significant evidence in the Prosecution's case is in itself scandalous and constitutes a grave breach of the procedural rights of the accused. Then, the Chamber only states in its ruling that the "ICMP has agreed to obtain the consent of the approximately 1,200 family members who provided samples relevant to the 300 cases selected by the Accused, so that the Accused's expert can then conduct the necessary analysis."³¹ It is left unexplained in the Court's decision what would follow if those 1,200 relatives, or a substantial num-

30. Although the *Karadžić* Chamber is verbally committed to enable the defence to check 300 DNA reports, it continues to hold inviolate ICMP's principled position that independent verification of samples without the written approval of relatives is impermissible: "**NOTING** that the ICMP has stated that it cannot provide its entire database of genetic profiles obtained from blood samples taken from family members of missing persons to the Accused without obtaining the consent of each family member who provided such a sample, and that this process would take significant time in view of the volume of samples taken," *Prosecutor v. Karadžić*, "Order on selection of cases for DNA analysis," 19 March, 2010, p. 2.

31. *Prosecutor v. Karadžić*, "Order on selection of cases for DNA analysis," 19 March, 2010, p. 2.

ber of them, simply refused to grant the requested permission. If we take it as a matter of principle that their permission is required,³² we must also accept the possibility that they might refuse to grant it. The Defense, in that case, would be back to square one, and the alleged gesture in its favor would be clearly seen for what it really is — another illusion.

The degree of indulgence shown by The Hague Tribunal to the ICMP is phenomenal. Over the course of the *Popović* trial, it was disclosed that until October of 2007, the ICMP had been operating for years without professional certification from Gednap, the international agency that regulates and certifies DNA laboratories. The fact was freely admitted by the ICMP's Director of Forensic Studies, Thomas Parsons, under cross-examination.³³ However, when the Chamber rendered its judgment in the *Popović* case, it turned out that failure to demonstrate compliance with professional standards to which every DNA laboratory is held was not treated as a disability in the case of the ICMP. Amazingly, the Chamber resorted to convoluted logic to turn the apparent shortcoming to the ICMP's advantage: "...[T]he Trial Chamber is of the opinion that the ICMP's lack of accreditation prior to October 2007 does not undermine the authenticity of the identifications concluded before this time. While Stojković [DNA expert for the Defense] speculates that the lack of accreditation undermines the work of the ICMP, the Trial

32. Which, of course, is not correct at all because the Tribunal is endowed with full inherent jurisdiction over all aspects of a criminal case. It only needs to decide to make use of it. But the use of that authority is not universally discretionary. The court unconditionally must make use of its power to make available to the accused all evidentiary materials that are submitted as part of the case against him.

33. *Popović et al.*, 1 February, 2008, Transcript, p. 20872.

Chamber is of the opinion that the accreditation is rather an expression of approval of the ICMP's work."³⁴

"Better late than never" seems to be the Chamber's sympathetic message. But would the Chamber have been equally indulgent in a medical malpractice case concerning, for instance, a neurosurgeon who had been operating without a license to practice medicine for a number of years? Would it have found as much reason to praise him retroactively for professionalism because at some later time he finally managed to obtain certification?

But subsequent inquiries with Gednap³⁵ led to a shocking discovery that suggests Parsons' sworn testimony was not the entire story. Even now, the ICMP's position is still far from professionally regular. Parsons, its Director of Forensic Studies, had been, in fact, less than candid in that part of his sworn testimony before the Chamber in the *Popović* case. The ICMP has three locations in Bosnia and Herzegovina: Sarajevo, Tuzla, and Banja Luka. Sarajevo is the site of its administrative office while there is only a small specialized laboratory in Banja Luka that deals with a handful of difficult cases. These sites were, indeed, visited by Gednap representatives prior to the issuance of professional certification in 2008. But the important work, the thousands of alleged matches which form the bulk of the DNA evidence that was presented to the court and that has been touted as proof of massive executions that approach genocidal levels, is being done at the Tuzla facility. It turns out that the site, the only operationally significant one of the lot, was never inspected by Gednap and no explanation has been offered for this awkward exception. So the culture of secrecy continues to envelop this enigmatic

34. ICTY, *Prosecutor v. Popović et al.*, par. 645.

35. Annex 2. (Correspondence with and about GEDNAP.)

organization which had effectively managed to resist even minimal judicial (ICTY) and professional (Gednap) oversight.

The insistence on verification is much more than simple hairsplitting. It is now known that not just DNA results, but even DNA samples which generate those results, can be plausibly faked.³⁶ Dr. Dan Frumkin, a founder of Nucleix, a Tel Aviv company which has developed methods to distinguish genuine DNA from a counterfeit, has stated that “you can just engineer a crime scene” by planting authentic-looking counterfeit DNA and he adds that the task is so uncomplicated that “any biology undergraduate could perform this.”³⁷

This is a very real danger (one that Dr. Frumkin warns has been overlooked³⁸), especially in view of the complete impenetrability of the ICMP’s operations and the opaque evidence it provides to The Hague Tribunal.

But, as we have seen, the ICMP was not disqualified for its steadfast refusal to permit its results to be independently verified and for operating for years without proper professional certification. In one of the most bizarre segments of the *Popović* judgment, the ICMP was practically acclaimed for its persistence in circumventing accountability under applicable professional standards.

These standards are clear and they are well understood by professionals. Page 3 of the Gednap Manual, *The GEDNAP blind trial system*³⁹ states that: “The system must comply with

36. “DNA evidence can be fabricated, scientists show,” *The New York Times*, August 18, 2009; also, “Report: Israeli scientists discover way to counterfeit DNA,” *Haaretz*, August 18, 2009.

37. *The New York Times*, *ibid*.

38. *FSI Genetics*, July 17, 2009; also, [http://www.fsigenetics.com/article/S1872-4973\(09\)00099-4/abstract](http://www.fsigenetics.com/article/S1872-4973(09)00099-4/abstract).

39. http://gednap.forensischegenetik.de/Information/Manual_englisch07_04.pdf.

the generally acceptable state-of-the-art which means that the system must not only be proven to be reproducible within the developing laboratory, but must also be reproducible in other equally qualified laboratories.” Thus, the reproducibility requirement is crucial. But if the participating (or developing) laboratory refuses to make its data available, how can the reproducibility requirement ever be met? If it cannot be met, what is the level of credibility that we may attribute to the results claimed by such a developing laboratory?

The *Popović* Chamber, based on unseen DNA evidence which had originated with the ICMP and that had been provided to it by the Prosecution, solemnly drew the awkward conclusion that: “5,336 identified individuals were killed in executions following the fall of Srebrenica.”⁴⁰ The reason this conclusion will surely enter the annals of jurisprudence as a supreme oddity (if not absurdity) is the following. As any secondary school biology student could have informed the Chamber, the most that DNA matching can possibly do is identify mortal remains. It has nothing whatsoever to say about the place or manner of death.⁴¹ That information is derived exclusively from classical forensic procedures and the data it yields.

Under cross-examination in the Karadžić trial, the ICMP’s Parsons was forced to admit that DNA evidence provides no information about the manner or time of death. Parsons, when asked by Karadžić, “are we to understand or can you tell us

40. *Prosecutor v. Popović et al.*, par. 793; also see footnote 837.

41. This fact is not unknown to the Prosecution’s lead investigator, Jean-René Ruez, and he admitted it freely under cross-examination at the Karadžić trial. While emphasizing that DNA science is not strictly his domain, Ruez confirmed that “[F]or sure, the cause of death is not to be read in the DNA of those who have been assassinated.” (*Prosecutor v. Karadžić*, 2 February 2012, Transcript, p. 23985, lines 15-18).

whether you have established the manner of their death?”, offered an evasive but clearly unaffirmative reply:

The manner of death has been established in a very, very large number of those cases by the pathologists in question. But the manner of death played no role in the establishment of this list.⁴²

Karadžić, reminding the witness that “one of the charges is unlawful killings and executions,” pressed on for a crucial clarification:

Karadžić: So is it your claim that those people whose DNA profiles you have established were killed in an unlawful manner and did you separate them from those who were killed in action?

Parsons: The ICMP does not concern itself with whether — with the legal question of how these people were killed or — particularly with whether their deaths were lawful or not. I’m reporting on the identifications that have been made with regard to mortal remains recovered from these graves.⁴³

That certainly was the correct scientific answer but, in spite of its huge impact on the Srebrenica evidence, it did not make the front page of *The New York Times*. A list with the names and surnames of the 5,336 victims supposedly identified by the ICMP at the time of the *Popović* trial has not been published nor has it been appended to the Chamber’s judgment. The trial record does not even contain an indication that such a list exists or that it was ever submitted into evidence so that it might have been examined by the Chamber at any point during the trial. So, the logical question must be asked. On what basis did the Cham-

42. *Prosecutor v. Karadžić*, Transcript, p. 26633.

43. *Prosecutor v. Karadžić*, *ibid*.

ber draw its conclusions about the nature of the ICMP's identifications, that they refer to "individuals [who] were killed in executions following the fall of Srebrenica"? Equally important, and it bears reiteration, what kind of "identification" process is it if it does not result in a list of personal names?

If all the principal players, the Prosecution, the Chamber, and the Defense, are operating in the dark in relation to this evidence, which has, since the *Popović* trial, moved to center stage and which, we are told, constitutes the last scientific word on the subject, what is the value of the findings of fact that are based on it? The issue of the ICMP's professional credentials, important as it obviously is, pales when it is compared to the highly unprofessional conduct of the trial Chamber of The International Criminal Tribunal for the Former Yugoslavia. Based in significant part on ICMP data, it drew, and in the recent *Popović* case, it proceeded to incorporate into its judgment factual and legal findings of far-reaching significance that are based on DNA evidence that remains unseen and unexamined.⁴⁴

3. **Satellite photos.** DNA data is not the only example of the unseen and unverified "evidence" in relation to the fall of Srebrenica. In the same category are the infamous "satellite photographs" which were presented (but never actually subjected to forensic examination) to the Security Council of the United Na-

44. In Great Britain, in the Belfast Crown Court, Sean Hoey was recently charged with 56 counts of murder in a terrorism case involving a bomb attack. The Prosecution essentially built its case on DNA evidence provided by the Forensic Science Service [FSS]. As reported by *BBC News* on December 20, 2007, the DNA testing "ha[d] been validated only by FSS's own scientists, rather than by outside experts." The similarity in the way the FSS and the ICMP operate is striking. But the difference between UK and ICTY procedure is that in the UK court the Defense teams were given an opportunity to properly challenge the probative value of such evidence and they succeeded in having it dismissed.

tions as irrefutable technological proof of the mass execution and burial of Muslim prisoners of war. This alleged evidence, which the U.S. delegate Madeleine Albright waved before the Security Council and highlighted verbally in the dramatic public début of the Srebrenica genocide story, but which she never — then or later — allowed anyone to review, played a key role in creating the impression that a crime of enormous magnitude had been committed in Srebrenica and that Serbs were responsible for it. It became axiomatic to hold such a view and also to believe that all the main phases of that crime had been under constant observation by spy satellites through the use of state-of-the-art technology. So, even if some gaps remain in the story, these are mere details which do not affect the essential parameters of the amply demonstrated official narrative.

But, as we have recently learned, even that widespread impression of irrefutable “satellite” surveillance imagery of Srebrenica is unfounded. The source of that revelation is unimpeachable and it is quite literally first hand: Jean-René Ruez, the former Chief Investigator (1996-2001) of ICTY Office of the Prosecutor.

Over the course of a wide-ranging interview on the activities of the Prosecutor’s office and the background of the Srebrenica massacre, the conversation moved inevitably to the “satellite evidence” which had been dramatically presented by Madeleine Albright to the UN on August 10, 1995.⁴⁵ As the Dutch War Research Institute (NIOD) pointed out in its Report:

Albright used the photos to provide the Security Council with evidence of the atrocities and to pressurize both the Security Council and the Clinton Ad-

45. Although the judicial use of this “evidence” has so far been restrained, it should be noted that it is, nevertheless, mentioned as proof in paragraphs 255 and 380 of the ICTY trial judgment in *Blagojević and Jokić*.

ministration into taking a harder line. She stated that there definitely was sharper and better Imint but this had not been released in order to safeguard the techniques and the technology. Albright also reputedly used the photos in an attempt to win support for the idea of a larger peacekeeping operation in Bosnia with US involvement.⁴⁶

In response to interviewer Isabelle Delpla's question about the significance of the satellite photos which suggest "that the massacre could be followed as it unfolded in real time," the former Chief Investigator of The Hague Prosecution comments:

That is a good question, but the expression 'satellite photos' ought to be discarded. The official designation is: 'images made by aerial reconnaissance platforms.' These are pictures that were made by the U2.... With regard to this, we must correct some erroneous notions.... U2 planes are technology from the sixties. The picture covers an area 30 km in diameter and everything there is potentially visible... Theoretically, if you have that picture you should know what is going on in the zone; but, practically speaking, the picture is impossible to interpret if you do not know in advance what it is that you are searching for within it and if you do not conduct cross comparisons with ground-based observations.⁴⁷

Have we correctly understood the former Chief Investigator for The Hague Prosecution? Does this mean — contrary to the impression that has been assiduously nurtured and disseminated over the years — that these photos, which figure as critical evidence,⁴⁸ were not made at all by satellites equipped with cutting-

46. NIOD Report (2002), Annex 2, chapter 7, part 4.

47. *Cultures & Conflicts*, 2007 — 1, no. 65; on the internet: <http://conflicts.revues.org/index2198.html>.

48. The evidentiary status of satellite photos should be clarified. No sustained attempt has been made so far by the Prosecution to use

edge technology but by obsolete intelligence technology left over from the 1960s that was used to monitor the Bosnian war theatre? The answer to this question is important. If the latter is correct, then the concealment of this “definitive” visual proof of the crime for the next fifty years is completely unjustified. The absurd official rationale — that its publication could compromise U.S. intelligence-gathering techniques — does not withstand scrutiny. We should recall that in 1960 Francis Gary Powers was shot down over the Soviet Union in a U2 spy plane. His plane fell on the territory of the USSR and we may safely assume that its basic intelligence capabilities have been known ever since to the Russian secret services. What, then, could possibly justify the deliberate concealment of U2 photographs? We must ask this question because these photographs should resolve most of the

them in ICTY proceedings on the pretext that the U.S. government refuses to divulge them out of concern that public dissemination might compromise its intelligence techniques. But the frequent political and media invocation of this evidence, and its role in shaping the perception of Srebrenica, makes it a fair target for Defense disclosure requests so that its status and the issues it raises could finally be settled in court. All such applications, however, have been routinely dismissed by various ICTY Chambers based on the same security rationale. So, the real impact of this unseen evidence, if it is at all evidence, although potent, has been mainly extra-judicial. Paradoxically, it is precisely the mystification surrounding this evidence that gives these alleged “satellite photos” a status, due to their psychological effect, that in all probability they would never have had if the satellite photos had been properly ventilated in a courtroom. The Prosecutor at the Karadžić trial recently made these mysterious photos even more intriguing when he referred to “[ICTY Rules of Procedure and Evidence] Rule 70 restrictions on the discussion about the platform on which these images were taken.” The Prosecutor moved to cut off further inquiry into the subject by noting that the question goes “directly into that area that’s precluded by Rule 70 restrictions.” (*Prosecutor v. Karadžić*, 2 February 2012, Transcript, p. 24069, lines 18-21.)

remaining doubts in relation to the alleged genocide in Srebrenica and dispel the concomitant climate of manufactured opinion.

But there are also other significant questions that could be posed as well. What kind of aerial photographs are these that have been presented as a *smoking gun* that cannot be interpreted without supplementary information from the ground to enable an analyst to know what it is that he is actually looking at? Is it an image that depicts something relatively clear and discernible or is it a Rorschach inkblot where what is essential is not the picture itself but the viewer's perception of what it allegedly contains?

As he continues, Ruez only reinforces doubts concerning the possibility of extracting a reliable analysis from those images of what took place in Srebrenica:

“The image in and of itself does not contain anything definite, and it could even be the cause of very serious errors in the process of interpretation.”

The question must now be asked: Is this all there is to the story that the Srebrenica satellite photos proposed implicitly to the courts and explicitly to the public (together with DNA) as the most damning state-of-the-art evidence of a “genocide“ having taken place in Srebrenica?

Ruez goes on to reveal one more intriguing detail which also reinforces our thesis that the official Srebrenica narrative is a construct that is founded upon a brazen, high-stakes bluff. To succeed, the bluff depends upon one key element: the prohibition or the practical impossibility of verification. Ruez discloses that Madeleine Albright did not, in fact, tell the whole truth to the International Community in her famous address (delivered *en toute bonne foi*, Ruez maintains) at the UN. She first displayed the U2 image of a football field in Nova Kasaba which at that moment was full of detained refugees, and then she went on to show another picture allegedly depicting a mass grave. Albright's UN performance produced an overwhelming (and calcu-

lated) impression that the next destination for the detainees was a mass grave. But we have now been informed by Ruez, a decade and a half later, that there is, in fact, no geographical or causal relationship whatsoever between these two images.

En toute bonne foi, would it not be correct to say that all this impeachable evidence underscores the urgency of conducting a thorough and objective review of the official Srebrenica narrative?

Genocide by political arrangement? A number of circumstances suggest the conclusion reached above, although perhaps not in the form contemplated by Sylvie Matton in her extremely tendentious book.⁴⁹ There are reasons to believe that the dimensions of the Srebrenica “genocide” have not only been deliberately inflated, and that it had been a staged event,⁵⁰ but also that it occurred by political arrangement.

One of the persuasive arguments in support of this view is the disclosures made by the wartime president of the SDA (the Muslim political party) in Srebrenica, Hakija Meholjić, concerning an alleged suggestion that was made by U.S. President Clinton to Alija Izetbegović as to what ought to occur in order to create a favorable political and psychological climate conducive to an American intervention in Bosnia in favor of the Muslim side. Meholjić described the visit he made to Sarajevo in September

49. Sylvie Matton, *Srebrenica: un génocide annoncé*, Flammarion, Paris 2005.

50. In late 1994, a book was published whose authorship was attributed to Naser Orić, *Srebrenica testifies and accuses: genocide against Bosnians in Eastern Bosnia, April 1992-September 1994*. Although its literary qualities are debatable, Orić prophetically anticipates some of the events which would indeed take place almost a year later; even so he withdrew to safety from the enclave in Spring 1995 shortly before the predicted dénouement.

1993 with a delegation from Srebrenica, and the conversation they had with Izetbegović.⁵¹ The thrust of Izetbegović's message was clear: a strategy should be developed to accomplish the killing of at least 5,000 Srebrenica Muslims so that indignant public opinion in America would apply pressure from below on its government to intervene in Bosnia. Ten years later, not only did Meholfjić stand by his revelations but he has also added to them piquant Balkan details:

At that time in 1993, Alija Izetbegović demanded not just the killing of 5,000 Muslims in Srebrenica, but the slitting of their throats. We were at the Holiday Inn hotel in Sarajevo and I stood up and asked him if he were demented and who was supposed to kill that many people. After that, all that remained was to wait for the convenient opportunity for the International Community to become involved and the dice fell on Srebrenica. Alija Izetbegović endorsed the commission of genocide, and the Serbs fell for something that had been arranged in advance.⁵²

With respect to Meholfjić's last point,⁵³ it echoes an assessment General Morillon made along the same lines.⁵⁴ But this

51. *Dani* (Sarajevo), 22 June, 1998. For an unofficial English translation, see: <http://www.freerepublic.com/focus/f-news/900587/posts>.

52. *Glas Srpske* (Banja Luka), 22 April, 2010.

53. Meholfjić's account is corroborated by the Bosnian Muslim Army Chief-of-Staff Sefer Halilović in his memoir *A Cunning Strategy*, p. 131: "I was present on two occasions when in the early Spring of 1993 Izetbegović made an offer to representatives from Srebrenica and Žepa that the following land swap be made: Srebrenica and Žepa for the Sarajevo suburbs of Vogošća and Ilijaš. The proposal was resolutely rejected after consultations with the population and the soldiers. Izetbegović and Silajdžić made the same offer to the Srebrenica delegation that attended the Bosniak Assembly at the Sarajevo Holiday Inn hotel." (*Lukava strategija*, Sarajevo, 1998.) If Halilović's recollections are reliable, they not only corroborate Meholfjić's revelations but also backdate the substance of the fa-

hypothesis of the arranged surrender of the enclave (with the intention of capitalizing on Serb revenge) is supported as well by strong circumstantial evidence originating from statements made by local Muslims, members of the 28th Division, who — strange as it may seem — never offered significant resistance to Serbian forces. A few illustrative examples will suffice.

Ibrahim Mešanović, a soldier from the 28th Division, stated that on July 11 two military men came and conveyed the order that women, children, and the elderly were to gather in Potočari, while the remaining men and civilians were to undertake a breakout.⁵⁵ This account in its essential features is confirmed by other Muslim soldiers who reached Tuzla successfully: Idriz Mustafić, who related that all males from his village between the ages of 13 and 60 were instructed to go to the village of Šušnjari, whence the column was departing, and where eventually about 15,000 men gathered;⁵⁶ Ahmet Smajlović;⁵⁷ Omer Velić, who stated that: “we received the order from our government to flee through the woods to Šušnjari, in the direction of Tuzla ... the women, children, and the elderly and the handicapped were to go to the UN compound in Potočari, where they would be protected and evacuated,”⁵⁸ to mention just a handful of many such testimonies.⁵⁹

mous Holiday Inn offer to the early Spring 1993. If true, this means that the idea was gestating in Izetbegović’s mind for at least about six months before Meholjić reported its official debut.

54. *Prosecutor v. Milošević*, p. 32029.

55. EDS: 00464633.

56. EDS: 00464638.

57. EDS: 00464647.

58. EDS: 00464650.

59. Similar recollections are also found in the statements of Ahmet Dervišagić, EDS: 00464614; Ahmet Dozić, EDS: 00464615; Sa-

Dutch UN battalion personnel, who on July 11, 1995 happened to be in Srebrenica, viewed such conduct toward the vulnerable members of the Muslim community most unfavorably:

At the time of the movement of refugees from Srebrenica to Potočari Dutchbat personnel were struck by the fact that young, male inhabitants left the women /children/elderly to their fate. This was considered to be cowardly.⁶⁰

Interestingly, some recently disclosed American diplomatic correspondence also contains hints of a similar nature. It states that “[name of informant deleted] reported that the main body of Bosnian government forces and most younger men had not resisted the BSA [i.e., Bosnian Serb Army] and had fled the city heading west to Tuzla over the last few days.”⁶¹

Such conduct on the part of armed Srebrenica males is all the more puzzling when the topographic features of the terrain are taken into account, because, in this case, they gave the defenders a clear advantage.⁶² This highly unusual combination of circum-

bahudin Gutić, EDS: 00464618. What bewilders the reader of these statements is the failure of armed males to even consider attempting to defend themselves and their families, and their readiness to meekly submit to the instructions of “our government” to withdraw to safety while leaving the vulnerable members of their community to the enemy’s mercy. This appears to be conduct quite contrary to normal human impulses in such a situation.

60. *Report Based on the Debriefing on Srebrenica* [Assen], par. 6.11., 4 October, 1995, EDS: 00349980.

61. Dispatch no. 03780 of US Embassy at The Hague to the State Department, July 12, 1995.
See: <http://news.intelwire.com/SrebrenicaDossier>.

62. That is the opinion of Major Wright of the UN Observer Mission, which he articulated in par. 5 of his July 26, 1995, report “Postscript to Srebrenica,” (EDS file designation R0050422). Major Wright estimates the strength of the Serbian attackers at about 1,500 along with a few tanks, and the strength of the Bosnian Muslim Army in the enclave at around 4,000. In his view, combined

stances, from the Srebrenica delegation's alleged meeting with Izetbegović in Sarajevo in 1993 (when they learned of the American President's unusual offer) to the uncharacteristic behavior of the Muslim Army in the enclave when it came under Serbian attack,⁶³ could probably be explained by diverse hypotheses. But which is the most logical and comprehensive?

There exists one more odd circumstance in close conjunction with the facts presented above which also forms an integral part of the Srebrenica enigma. Returning for a moment to Jean-René Ruez, the long-time Chief Investigator for The Hague Prosecution, we are informed that even before the bodies of execution victims had turned cold, when no one had any precise reports about what may have really occurred, Ruez had already been instructed to fly to Tuzla where he was given the responsibility to open an official inquiry into the Srebrenica "genocide."

What hypothesis best explains the following curious chronology of events?

20 July, 1995: Investigator Ruez arrives in Tuzla to open his inquiry on behalf of ICTY Office of the Prosecutor;⁶⁴

with the advantages offered by the terrain, these factors should have facilitated a successful defense. In the Dutch Debriefing, the combined strength of Muslim forces within the enclave was estimated at 3,000 to 4,000 men, par. 2.34.

63. It is stressed in the Dutch *Debriefing* that already on July 6, 1995 the Dutch command informed the Bosnian Muslim Army command in Srebrenica that, if Serbians "crossed the enclave boundary, the arms in the WCP in Srebrenica would be released." The Dutch confirm that "the BIH [Bosnian Muslim Army] did not avail itself of this opportunity," par. 3.9, p. 22.

64. Interview with Jean-René Ruez, *Le Point*, no. 1862, 26. May, 2008. But like so many operational details regarding Srebrenica, the precise chronology of Ruez's assignment to investigate the massacre is somewhat murky. During cross-examination at the Karadžić trial, he suggested that his investigation started on "July

24 July, 1995: Journalist Tim Butcher reports from Bosnia to the London *Daily Telegraph* under the headline “Serb atrocities in Srebrenica are unproved.” It features an interview with Henry Wieland, UN Commissioner for Human Rights who had spent the preceding five days in Tuzla interviewing many of the 20,000 or so refugees from Srebrenica who had made it there. According to Butcher, “After five days of interviews the United Nations Chief Investigator into alleged human rights abuses during the fall of Srebrenica has not found any first-hand witnesses of atrocities....” While accepting that “the whole ejection of a civilian population is an enormous abuse of human rights,” in the matter of atrocities Wieland nevertheless pointed out that “we have not found anyone who saw with their own eyes an atrocity taking place.”⁶⁵

25 July, 1995: The International Criminal Tribunal for the Former Yugoslavia, which five days earlier had dispatched Ruez to Tuzla to investigate evidence of possible criminal conduct in the aftermath of the Srebrenica operation, published indictments of Radovan Karadžić and Ratko Mladić for genocide,

15.” (Transcript, p. 24026, lines 17–18.) He described that his initial goal was checking “the rumour of these 8.000 disappearances.” (Transcript, p. 24023, lines 23–24.) He also confirmed that UN Secretary-General’s Personal Representative in the Former Yugoslavia, Yasushi Akashi, cautioned on July 19, 1995 against entering into the Srebrenica “numbers game” and recommended confining “any public statements ... to the broad reference of several thousand missing.” (*Prosecutor v. Karadžić*, 1 February, 2012, Transcript, p. 24028, lines 1–12.)

65. Tim Butcher, “Serb atrocities in Srebrenica are unproved,” *The Daily Telegraph* (London), 24 July, 1995.

crimes against humanity, and other war related offences.⁶⁶

Should we take this to mean that after having arrived in Tuzla on July 20, Ruez had managed to conduct in the matter of only a few days a thorough investigation of Srebrenica and to submit a report to the Office of the Prosecutor at the ICTY with all the supporting evidence? Was it based on his findings that The Hague Tribunal by July 25 already had in its possession sufficient preliminary proof to indict Karadžić and Mladić for genocide in Srebrenica? We do not have the answers to these questions. Although it is conceivable that Wieland had spoken to the wrong people and that he had, therefore, been misinformed, the odd fact remains that Wieland's perception of the relevant events were based on his field research, and that the position of The Hague Tribunal, to which Investigator Ruez was also reporting from the field, were diametrically opposed. Did Wieland and Ruez' paths ever cross in Tuzla, and did they ever have an opportunity to exchange information and insights on the situation that they had both come to investigate for their respective institutions? We do not know.

There are no indications what information Ruez may have obtained in such a short period of time that was so damning as to justify the drastic action taken by The Hague Prosecution with respect to Karadžić and Mladić on July 25. Incidentally, as a result of this indictment, Dr. Karadžić was unable to participate on behalf of the Serbian side in the upcoming peace negotiations in Dayton because he was liable to arrest on foreign territory.

A recapitulation of the central elements is in order.

In 1993, Izetbegović conveys Clinton's suggestion to the Muslim leadership of Srebrenica that an intervention might take place following a massacre of 5,000 Srebrenica inhabitants;

66. *Ibid.*, *Le Point*, no. 1862, 26 May, 2008.

armed provocations are being conducted against nearby Serbian villages over a two-year period from the UN protected and “demilitarized” zone of Srebrenica and it should have been obvious that sooner or later these provocations would trigger a reaction; regardless of the existence in the enclave of an armed military unit that had the strength of an entire division, no efforts are undertaken in July 1995 from within the enclave to resist the attackers;⁶⁷ instead of fighting, the Muslim Army was ordered to undertake a breakout, which military specialists consider to be one of the most complex and risky of operations; the women and the children are concentrated in Potočari, almost as a bait for the Serbian forces to commit a revenge massacre; UNPROFOR Commander General Morillon coldly avers that “Mladić walked into a trap” in Srebrenica; The Hague Tribunal opens an investigation into the alleged occurrence of a genocide just days after the event and considerably before sufficient facts about the nature and scope of the fighting in and around Srebrenica could have been known; the principal actors on the Serbian side are indicted for the most heinous crimes before the investigation even got off the ground; but the field representative of another interested party, the UN, simultaneously makes the claim that he failed to locate anyone who had personally witnessed the commission of the alleged atrocities.

Certainly, various hypotheses could be put forward, but at this point only one conclusion may be drawn with confidence: this unusual combination of circumstances is bizarre. There is no need to resort to conspiracy theories. It is right and just to raise

67. This unusual fact was laconically noted even by the ICTY trial Chamber in the *Krstić* case, when it observed that: “Undeniably, the enclave was not defended in the manner that would have been anticipated,” par. 35.

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the reasonable doubt that the “official” story of the fall of Srebrenica is not the entire story.

Stephen Karganović

II. DEMILITARIZATION OF THE UN SAFE ZONE OF SREBRENICA

The issue of the demilitarization of the Srebrenica safe zone is essential for a proper assessment of the liability of the UN as well as of the International Community for setting the stage for the events that took place in Srebrenica in July 1995. The failure to implement the demilitarization of the Srebrenica enclave enabled the commission of crimes against the non-Muslim population in the region of Srebrenica after the UN safe zone had been established. This is, therefore, one of the key issues in sorting out the consequences and the reasons why they occurred.

The duty of the UN to intervene on behalf of unprotected non-combatants (not only Muslim but also Serbian and other non-Muslim non-combatants) has been established by the prevailing norms of international humanitarian law. In this particular case, this duty is doubly binding because it is also based on specific obligations that arise from the formal tripartite demilitarization agreements to which the UN was a signatory. The complete failure to implement the demilitarization process of Muslim armed forces within the protected Srebrenica enclave created the key material conditions that allowed Muslim forces to continue to conduct military operations. Those military operations resulted in human casualties and material damage to the Serbian community of Srebrenica which must also be taken into account.

The UN bears the principal responsibility (general as well as specific) for the failure to implement demilitarization.

Two demilitarization agreements, essentially indistinguishable from one another, were signed. The first agreement was signed by the warring parties and witnessed by an UNPROFOR representative on April 17, 1993 (see Annex 3); the second agreement which, in addition to Srebrenica, applied also to the

nearby enclave of Žepa, was signed on May 8, 1993 (see Annex 4). On that occasion, the UN was represented in the person of Gen. Morillon.¹

It is stated in par. 4 of the April 17, 1993 demilitarization agreement that: “The demilitarization of Srebrenica will be complete within 72 hours of the arrival of an UNPROFOR company to Srebrenica (1100 hours 18 April 1993, if they arrive later this will be changed). All weapons, ammunition, mines, explosives, and combat supplies (except medicines) inside Srebrenica will be submitted/handed over to UNPROFOR under the supervision of three officers from each side with control being carried out by UNPROFOR. No armed persons or units except for UNPROFOR will remain within the city once the demilitarization process is complete. Responsibility for the demilitarization process remains with UNPROFOR.”

This provision is significant, *inter alia*, because according to it the UN expressly assumes “responsibility” for the implementation of the demilitarization process by means its armed forces on the ground.

The manner in which UN forces went about implementing this obligation is reflected in the UN Secretary-General’s report on Srebrenica in 1998:

61. Approximately 170 UNPROFOR troops, principally from the Canadian contingent, deployed into the Srebrenica area on 18 April, establishing a substantial UNPROFOR presence there for the first time. The Canadian force then proceeded to oversee the demilitarization of the town of Srebrenica, though not of the surrounding area. Halilović has stated that he ordered the Bosniacs in Srebrenica not to hand over any serviceable weapons or ammunition. The Bosniacs accordingly handed over approximately 300

1. See Annex 3.1.

weapons, a large number of which were non-serviceable; they also handed over a small number of heavy weapons, for which there was no significant amount of ammunition. A large number of light weapons were removed to areas outside the town.²

It became clear from the very start that “demilitarization” was a shell game — and not an obligation that the Muslim side was seriously committed to fulfilling. Just as obvious was the UN’s lack of serious intention to insist on it, as is made clear already in the following paragraph of the UN Secretary-General’s document:

62. The Secretariat informed the Force Commander that, in the light of the views of several Security Council members, he should not pursue the demilitarization process in Srebrenica with undue zeal, ruling out, for example, house-to-house searches for weapons. On 21 April UNPROFOR released a press statement entitled “Demilitarization of Srebrenica a success.”³

The April 21, 1993 UNPROFOR press release presented a collection of largely unserviceable weapons (and even those had been obtained without “undue zeal”), which gives the whole game away. The demilitarization of Srebrenica was a deliberate sham.

The demilitarization agreement of May 8, 1993, whose scope was expanded to cover the nearby enclave of Žepa, provides in par. 3 that all “military and para-military units must withdraw from the demilitarized zone or turn over their weapons”; it further stated that “UNPROFOR ... will place the weapons and ammunition so collected under its supervision” [par. 4];

2. <http://www.un.org/News/ossg/srebrenica.pdf>

3. *Ibid.*

the position of UNPROFOR is defined so that it shall “control the demilitarized zone so as to facilitate the implementation of this agreement and UNPROFOR units of sufficient strength to control the demilitarized area shall remain in the demilitarized zone until the contracting parties should agree otherwise” [par. 5]; furthermore, no one “except for UNPROFOR personnel shall have the right to possess any weapons, munitions, or explosives. Weapons, munitions, and explosives in their possession shall be removed by UNPROFOR. Combatants shall not be allowed entry into the demilitarized zone” [par. 5]; and finally, “at the beginning of the demilitarization process, UN civilian police shall oversee the maintenance of law and order within the demilitarized zone” [par. 7].⁴

This new, more detailed agreement, it may be supposed, was concluded at the insistence of the Serbian side, which was dissatisfied by the practical fiasco of the prior agreement, signed on April 17, 1993. On that occasion, it will be recalled, UN officers in the field were advised from New York not to resort to “undue zeal” in their efforts to demilitarize Muslim military units. The new agreement contains several new, interesting elements. First of all, “military and para-military” units within the enclaves are given the choice either to turn over their weapons to the UN or to withdraw. In other words, this agreement announced a policy of Zero Tolerance for the existence of any military units in Srebrenica, except for those belonging to the UN. Then, UN forces are charged with “controlling” the demilitarized zone “so as to facilitate the implementation of this agreement,” which logically includes the demilitarization provision, and that means in practical terms that the UN would not allow any armed persons to enter the zone after the weapons have been collected. Finally, the “UN civilian police” is to assume supervision of the maintenance

4. See Annex 3.2.

of law and order in the demilitarized zone. This can only mean that: a) the UN shall be responsible for the security of citizens within the zone; and b) that it will not permit within the zone any planning or organization for operations to be carried out beyond its parameters that are contrary to the principles of law and order. This agreement, therefore, prohibits in the enclave of Srebrenica any planning or launching of attacks, the goal or the consequence of which would be the killing of non-combatants in the surrounding communities.

As a result of the expansion of this agreement relative to the preceding one, the supervisory role of the UN is defined here with greater clarity and the UN is endowed with additional authority for the implementation of the assigned goals. The personal presence of the Commander of UN forces in Sarajevo, General Morillon, highlights the gravity of this agreement and the obligatory nature of the responsibilities assumed by the United Nations under it.

The correctness of these conclusions was confirmed by Gen. Morillon himself when he testified on February 12, 2004 before the International Criminal Tribunal for the Former Yugoslavia in the trial of Slobodan Milošević: “The agreement provided that all those who were not ready to lay down their arms would have to leave the enclave...”⁵

It should be noted that the Dutch military authorities, whose battalion took over supervision of the enclave from the Canadians at the beginning of 1994, understood their mandate in a similar way:

The most important aspect of this agreement was the demilitarization of Srebrenica and Žepa enclaves. It was intended that all military or paramilitary units would either withdraw from the demilitarized zone,

5. Page 32045, lines 22-24.

or surrender all their arms and all ammunition, mines and explosives to UNPROFOR. Furthermore, UNPROFOR would now be authorized to confiscate arms and ammunition in the possession of civilians.⁶

The Muslim side, when criticized for not cooperating in the implementation of the demilitarization process, referred to alleged linguistic ambiguities in the Serbo-Croat translation of key terms, such as “safe zone.” But regardless of subsequent linguistic debates concerning the precise meaning of the English phrase “safe zone” and how best to render it into Serbo-Croatian,⁷ it remains an undisputed fact that the UN Security Council did declare by its Resolution 824 of May 6, 1993 that the Srebrenica “safe zone” was to be “demilitarized,” and thus it accepted the concept that in return for the cessation of military operations by the Serbian side, all weapons and military equipment in the possession of Muslim armed forces within the enclave would be collected and placed in UN custody. The word “safe” or “*bezbedan*” in Serbo-Croatian may be the subject of various interpretations, but the concept of “demilitarization” is crystal clear. In case of any doubts, paragraph 4 of the agreement of April 17, 1993, and paragraphs 3, 4, 5 and 7 of the agreement of May 8, 1993, also put those doubts to rest.

The progress of the “demilitarization” can be followed in numerous reports that were submitted by the Srebrenica Muslim Army Command (initially known as 8th Tactical Group, but from October 24, 1994 as the 28th Division) to their superiors in Tuzla and Sarajevo, and the responses they made. For illustrative purposes, the following report by armed forces staff in Srebreni-

6. Report based on the Debriefing on Srebrenica [Rapporteur O. van der Wind, Brigadier General], October 4, 1995, par. 2.20, p. 8 (See Annex 4.)

7. Translation difficulties are discussed by journalist Chuck Sudetic in his book *Blood and Vengeance* (W.W. Norton, 1998), p. 290.

ca [no. 35/93 of July 28, 1993] to the 2nd Corps Command of the Muslim Army in Tuzla is highly indicative. The Supreme Command was informed that in July 1993 (i.e., at a time when the “safe zone” and “demilitarization” were fully operational) that the Srebrenica Operational Group had the following resources:

- Potočari Brigade, three battalions,
- Sućeska Brigade, three battalions
- Kragljivoda Brigade, three battalions
- Five independent battalions and autonomous units

Unit commanders were also appointed by order of the Srebrenica civil authorities, no. 124/92, of December 8, 1993. How is it possible that the existence of such significant and regularly organized military units could escape the attention of the UN contingent which had been deployed in the safe zone precisely to make sure that this did not occur?

The conditions of the demilitarization agreement were clear and they were formulated on a *quid pro quo* basis: the Muslim side agreed to demilitarize and renounced further attacks on the surrounding Serbian villages and killing of civilian inhabitants, while the Serbian side, in return, renounced further offensive operations against the enclave. That bargain was advantageous to the Muslim side because, in the assessment the UN Secretary General made in 1998, there was no doubt in April 1993 that the Serbian advance had been halted by the agreement:

59. While the Security Council was speaking out strongly against the actions of the Bosnian Serbs, UNPROFOR was confronted with the reality that the Serbs were in a position of complete military dominance around Srebrenica, and that the town and its population were at risk.⁸

8. <http://www.un.org/News/ossg/srebrenica.pdf>

It is an accepted principle in international law that when one side ceases to respect the terms that had been agreed to, the other side is also relieved of the obligation to observe provisions that apply to it. That is the clear conclusion based on the First Additional Protocol of the Geneva Convention (1977), par. 60, clause 7, which refers specifically to Demilitarized Zones:

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarized zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.⁹

Paragraphs 3 and 7 define conditions that must be fulfilled for status as a demilitarized zone to be recognized and to receive the protections which flow from it.

As time went on, it became obvious that, contrary to signed commitments, and in spite of the presence of UN forces in the enclave, first of the Canadian and then the Dutch battalion, the organizational complexity and battle readiness of the illegal Muslim forces were growing continuously. A review the available files of the Muslim command confirms it.

On February 8, 1994 the Municipal National Defense Secretariat in Srebrenica forwarded dispatch no. 03-2/94 to the District Defense Secretariat in Tuzla, i.e., to the seat of the 2nd Corps of B-H Army, where it reported on the current state of preparedness as of January 1994:

9. <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079> (See Annex 5.)

DEMILITARIZATION OF THE UN SAFE ZONE OF SREBRENICA

- Armed forces [Army and Interior ministry] consist of 5,271 personnel
- Labor obligation service, 1,221 personnel
- Civil defense, 939 personnel
- Serving the needs of the armed forces: 28 motor vehicles and 174 horses
- Unassigned: 3,247 personnel, including wounded and invalids

On February 12, 1994, the Command of Operational Group Srebrenica forwarded to the 2nd Corps Command in Tuzla a *Report on personnel losses and replenishment in 8th OG* [Operational Group] *units as of February 2, 1994*.¹⁰

According to this dispatch, 8th OG units were up to 98.8% of their planned manpower level, i.e., out of 5,193 personnel slots, 5,133 were filled.

Second Corps Command forwarded the following order to the command of 8th Srebrenica OG, no. 02/2-356-1, on February 12, 1994 entitled *Activities plan and measures for enhancing combat preparedness, Order*.

In the preamble to the Order, it stated:

Based on reports forwarded to the OG command in relation to combat preparedness and 2nd Corps plan for the correction of battle preparedness deficiencies within the 2nd Corps, and in order to raise the total battle preparedness of 2nd Corps, it is ordered:

...(1) unit reorganization to be completed as soon as practicable; ...(6) all units to send in officer promotion nominations; ...(10) personnel replenishment in units to be conducted through district and municipal secretariats up to mandated levels; (11) situation summaries and combat reporting to be conducted in

10. Dispatch of 8th OG Srebrenica command, 42/94, of 12 February 1994

accordance with the most recent order of the supreme command.

The strength of the 28th Division is also discussed in a document that is chronologically very close to the date of the fall of the enclave. This is the report on the Division's June 1995 manpower resources which the local command in Srebrenica forwarded to the Defense Department in Sarajevo on July 5, 1995. In this report, the personnel strength of the division is stated to be 5,037 men.¹¹

The logical question arises: What unit reorganization and combat reporting could possibly be taking place here, when in that period and in that general area no military units of any sort were allowed, save for those of the United Nations, to carry out combat operations? Srebrenica Muslim military commander Naser Orić, as if wanting to dramatize the farce of "demilitarization," informed 2nd Corps Command (Office of Recruitment and Personnel Affairs) in dispatch no. 130-29-25/94 of June 4, 1994 as follows:

In relation to your Order, strictly confidential, no. 03/96-53 of March 14, 1994, we are forwarding to you information about personnel levels in OG units. The data are listed on the RP-1 form, with all changes indicated.

According to this report, personnel levels for 8th OG were as follows on June 4, 1994: officers, 429; non-commissioned officers, 562; soldiers, 4,535, for a total of 5,526 military personnel in 8th OG Srebrenica.

It is important to note that the manpower levels of the Srebrenica 8th OG were steadily increasing by about 100 new personnel per month. On February 12, 1994, Srebrenica 8th OG units had a total of 5,133 in personnel; on March 9, 1994, there

11. ICTY archival designation: 1D26-0121.

were 5,254; and on June 4, 1994, there were 5,526. This manpower increase was occurring at a time after the Srebrenica enclave had officially been “demilitarized” and it was taking place in the presence of and in full view of UN forces.

Considering that Muslim units had been organized according to professional military standards, it may be assumed that they were not meant to act as unarmed observers. Not only were these armed forces not asked in April or May 1993 to turn their weapons and equipment over to the UN as stipulated by signed agreements, but they were also constantly receiving new shipments of military equipment that were arriving by a variety of channels. By failing to interdict this weapons flow, and by failing to confiscate the weapons that were already there, the UN seriously compromised its obligations and it must be held liable for the consequences.

One example is a request forwarded on July 26, 1994 by the Srebrenica Command of Muslim forces to a member of Srebrenica War Presidency in Sarajevo, Murat Efendić, and to the commander of 2nd Corps in Tuzla. It speaks eloquently of the extent of this supply pipeline as well as of the gravity of the UN’s failure to fulfill its commitments:

With reference to the conversation with the member of Srebrenica municipality war presidency on July 21, 1994, we forward to you a list of indispensable materiel and technical supplies and ask you to procure them and have them delivered to the free territory of the municipality of Srebrenica:

- | | |
|-----------------------------------------------------|---------------------|
| <i>a) Guns, sub-machineguns, and machineguns</i> | <i>4,000 pieces</i> |
| <i>b) Ammunition for the above weapons</i> | |
| <i>c) Mortars 60mm</i> | <i>60 pieces</i> |
| <i>d) Mortars 82mm</i> | <i>36 pieces</i> |
| <i>e) Recoilless cannon 82mm</i> | <i>20 pieces</i> |
| <i>f) Ammunition suitable for the above weapons</i> | |
| <i>g) Artillery pieces: howitzers, MB 120mm</i> | |
| <i>and others in similar quantities</i> | |

h) Ammunition for existing weapons:

– Bullet 7.62mm for AP, PAP and PM	500,000 pieces
– Bullet 7.9mm for P and PM	300,000 pieces
– Bullet 7.62mm for machinegun M-84	1,000,000 pieces
– Bullet 9mm long	5,000 pieces
– Bullet 12.7mm for PAM	100,000 pieces
– Bullet 20mm for Pat 20/3	1,000,000 pieces
– Bullet for Pat 20/4	1,000,000 pieces
– Mines for MB 60mm	10,000 pieces
– Mines for MB 82mm	10,000 pieces
– Projectile 76mm for cannon B-1	3,000 pieces
– RBR “Wasp” [Zolja]	5,000 pieces
– RBR “OSA” with filling	100 pieces
– Hand held mortar	100 pieces
– Mine for RB	1,000 pieces

We request that you procure the listed supplies, that you see to it that they are delivered to the free territory of the Srebrenica municipality, and that you keep us informed of it.

*Until final victory,
Commander,
Orić Naser*

The same commander, Naser Orić, forwarded on November 3, 1994 the following report, no. 01/130-204, to the Chief of Staff of the B-H [Muslim] Army, Gen. Hadžihasanović:

Reference: your letter no. 02-1/1347-1

In relation to your letter no. 02-1/1347-1 of November 1, 1994, we inform you that we also are working intensely on preparations for the forthcoming operation. Earlier, we communicated to you our proposals as to how to execute the task.... To facilitate execution and in order to familiarize you with our resources, I have authorized and I have decided to send to you again Suljić Kasim who will orally and in detail inform you of our resources and intentions.

What conceivable “tasks” were being planned by a military unit that did not even formally have the right to exist, much less

to make use of the material resources necessary for the execution of any tasks of a military nature? And against whom were these “tasks” being planned? UN forces had been stationed there to control the enclave and to guarantee its demilitarization. Were they looking in the other direction?

The successful performance of these military tasks required a steady supply of munitions and materiel that had already been contravened by signed agreements. The process was described by ARBiH General Rasim Delić in an illuminating July 30, 1996 address to the Bosnian parliament: “On the military causes of the fall of Srebrenica in 1995.”¹²

This is a partial list, according to General Delić’s disclosures, of military materiel that had been diverted to the enclave:

Bullets, 7.62mm and 7.9mm	374,982
Bombs (various kinds)	436
RPG-7 launchers	44
RPG-7 projectiles	292
107mm rocket launcher	1
107mm rockets	28
TF-8 “Red Arrow” launchers	
TF-8 rockets	12
AP 762 mm	150
60mm mortar	6
60mm mortar rounds	275
82mm mortar rounds	730
120mm mortar rounds	10
“Zolja” portable anti-tank weapon	24

General Delić remarked that “Goražde did not receive so much in supplies, and we defended Sarajevo with far less in 1992 and 1993.” And he added: “In addition to sending supplies we were also doing everything possible to improve the organiza-

12. EDS [ICTY] file number 01854595–01854601.

tional structure of the units in Srebrenica from a military standpoint. We were doing that by means of instructions, orders, and directives, and in response to our inquiries we were informed that these were implemented.”¹³

A variety of means were used to facilitate the clandestine arming:

When in April of 1994 first MTS convoys began to arrive, we organized deliveries of MTS to Srebrenica and Žepa in such a way that it would not jeopardize their “demilitarized and protected zone” status.¹⁴

This is a clear indication that not only the demilitarization requirement was actively being subverted but that the military authorities in Sarajevo and, by implication, the political authorities as well, were violating one of the key points underpinning the protected non-combatant status of the Srebrenica enclave.

Perhaps UN forces were looking the other way while these activities, at cross-purposes with their mission in Srebrenica, were going on. But, as it is clear from the Dutch Army Debriefing that was published *post factum* in October 1995, this does not at all mean that Dutchbat was unaware of what was going on. It means only that they chose to do nothing about it.

According to the Debriefing, there was no dilemma as to the principal military task of the UN contingent, which was defined with adequate precision:

The military task was to maintain the *status quo*: as a result of the UN presence, the BSA [Bosnian Serb Army] was to be deterred from launching an offensive on the enclave, and the BiH [Bosnian Muslims]

13. *Ibid.*, p. 4

14. *Ibid.*, p. 2

was to respect the demilitarized status of the enclave.¹⁵

We learn, however, that Dutch military personnel were facing an obstacle in performing their task:

A problem for the Dutchbat personnel in this respect was that if during patrols they came across armed BiH personnel or civilians, they were not authorised to use force in disarming them, nor were they authorised to enter homes without consent.¹⁶

We further learn from the Dutch Debriefing that, as a result of this tolerant attitude, “the BiH forces carried out systematic actions from within the enclave, and subsequently withdrew to UN protected territory.”¹⁷ The BiH forces in question were “organized into four brigades with a combined strength of 3,000 to 4,000 men.”¹⁸ As far as nearby Bosnian Serb forces were concerned, the Dutch Debriefing states that “operations of the BSA troops around the enclave were geared to maintaining the *status quo* and protecting the Bosnian Serb population in the enclave from offensives by BiH from within the enclave.”¹⁹

The Serbian side made no attempts to conceal its dissatisfaction with this situation: “.... the BSA regularly accused Dutchbat of failing to prevent the BiH’s military actions undertaken from within the enclave. However, because of its size, Dutchbat was not at all able to prevent such actions, apart from urging the local BiH leaders to desist.”²⁰

15. Debriefing, par. 2.30, p. 12

16. Debriefing, par. 2.38, p. 13

17. Debriefing, par. 2.34, p. 12-13

18. Debriefing, *ibid.*

19. Debriefing, par. 2.35, p. 13

20. Debriefing, par. 2.43, p. 14.

Serbian reactions to such provocative behavior by Muslim forces within the enclave became more strident: “.... at the end of April [1995] the BSA — in response to incessant sorties by the BiH — went so far as to hermetically seal the enclave, as a result of which it was impossible to provide supplies.”²¹ One such incident, when seven Serbs were killed during an attack launched from within the enclave, caused a “fierce” reaction on the part of the Serbian side.²²

The facts that were known to the Dutch military authorities on the ground were also familiar to the political leadership of the United Nations in New York. In a report on the situation in Bosnia and Herzegovina published on May 30, 1995, references to those matters were couched in diplomatic language, but were nevertheless clear:

The party defending a safe area must comply with certain obligations if it is to achieve the primary objective of the safe area regime, that is, the protection of the civilian population. Unprovoked attacks launched from safe areas are inconsistent with the whole concept.

In recent months, (Bosnian) government forces have considerably increased their military activity in and around most safe areas, and many of them, including Sarajevo, Tuzla and Bihac, have been incorporated into the broader military campaigns of the government side. The headquarters and logistic installations of the Fifth Corps of the government army are located in the town of Bihac and those of the Second Corps in the town of Tuzla. The Government also maintains a substantial number of troops in Srebrenica (in this case, a violation of a demilitarization

21. Debriefing, par. 2.43, p. 14.

22. Debriefing, par. 2.46, p. 15.

agreement), Gorazde and Žepa, while Sarajevo is the location of the General Command of the government army and other military installations.²³

Numerous reports and orders illustrate the complete contempt the Muslim leadership in Srebrenica had for the control regime that ought to have been instituted in Srebrenica and that those Muslim forces were violating it with impunity.

In this regard, it is significant to consider the routine *Report for the month of October 1994 on the state of combat morale* that was forwarded by the 8th OG Srebrenica assistant to the 2nd Corps Commander for Morale, Nijaz Mašić, on November 7, 1994, no. 13-28-169/94.

It states that “*there is an intense desire among the soldiers of 8th OG to take part in combat activity to liberate the area which separates the free territory of Srebrenica from the free territory of the district of Tuzla. Reconnaissance activities against the enemy have been conducted for that purpose. Personnel have been selected for combat and the necessary psychological and physical preparations have been made.*” It is clear that combat operations were being contemplated beyond the parameters of the Srebrenica enclave. This means that such operations were going to be directed against nearby Serbian-controlled territory and the local inhabitants were going to be targeted.

But one more conclusion can be drawn. It turns out that Muslim forces in Srebrenica indeed had an assigned role in the strategic planning of the Supreme Command of the B-H Army. The documents referred to suggest that those combat activities were being planned and carried out without regard for the UN or the Dutch Battalion, and without any apparent opposition from

23. Bosnia-Herzegovina report of the Secretary-General pursuant to Security Council Resolutions 982 (1995) and 987 (1995), May 30, 1995, par. 36, 38.

them, although their mission was precisely to prevent such combat activities. Regardless of the motive — negligence or tacit strategic collaboration — one must conclude that the United Nations is liable for the consequences of its inaction. In this specific situation, inaction amounts to passively permitting the Muslim side to mortally endanger innocent Serbian non-combatants who stood in the way of the execution of these “combat operations” in the vicinity of Srebrenica.

In his book *Planned Chaos*,²⁴ Ibro Mustafić, a local Muslim municipal official in Srebrenica both before and during the conflict, offers additional information on this subject and his eyewitness testimony corroborates the conclusion that the United Nations took no steps to disarm Muslim forces or to implement the agreed-upon demilitarization of the enclave. Thus, on p. 342 of his book, Mustafić says that it was precisely around the time of the Dutch Battalion’s arrival that the Muslim Army in Srebrenica visibly began to acquire the characteristics of a serious and well-organized military formation. Further, on p. 346, Mustafić mentions the strange — to his mind — digging of embankments in mid-1995, something that should have been quite unnecessary in a demilitarized zone, but which he interpreted as preparation for imminent military operations. “*Embankments were not being dug during the war,*” Mustafić says, “*and even trenches were a rarity, and now all of a sudden embankments were being dug to encircle the entire safe zone. What could have been the meaning of that? Young and old were asked to lend a hand in the digging. It is interesting that this did not bother the Dutch at all. After coming up to our army’s lines and expressing disapproval, they turned increasingly tolerant, so that in the end they were just observing the digging of the embankments.*” Mustafić interprets the Dutch soldiers’ passivity as follows: “*Obvi-*

24. Ibro Mustafić: *Planirani Haos* [Sarajevo, 2008]

ously, they were keen to rid themselves of some of the responsibility for the defense of Srebrenica and to shift it onto us."

These activities, which were rather awkward for a "demilitarized zone," reached their crescendo when "*at more or less the same time ... helicopters began to fly into Srebrenica. All those flights had Žepa as their ultimate destination, and some of our units would afterwards trek to Žepa and then to Srebrenica on foot and would return with a variety of cargo, uniforms, and arms*" [p. 349].

It is plain that the activities reported by Mustafić, an "insider" — who, as a member of Alija Izetbegović's ruling Muslim party (the SDA), is testifying against their interests and for that reason deserves greater credibility — whose revelations cannot be reconciled with the concept of a demilitarized zone under the supervision and control of the United Nations.

It appears, therefore, that the following conclusions may reasonably be drawn: from April 18, 1993 to the end of June 1995, Srebrenica was not demilitarized; Muslim military units did not withdraw from it; the United Nations not only failed to confiscate and take into their custody weapons the Muslim forces possessed, but over time they established a pattern of passivity in their conduct and assumed an attitude of indifference. This encouraged the Muslim side within the safe zone to reorganize their forces and to re-arm for an even broader range of combat activities. The direct victims of such conduct by the United Nations were Serbian and other non-Muslim citizens who were killed or suffered other losses at the hands of the armed and greatly emboldened Muslim forces.

In the summer of 1995, the situation emanating from the UN-protected Srebrenica enclave became intolerable in both strategic and humanitarian terms. In order to prevent a further humanitarian catastrophe from the standpoint of its obligation to protect the local Serbian population, the Bosnian-Serb Army re-

acted with a military offensive. This is how the Dutch War Research Institute (NIOD Report, Part I, Chapter 10: *Srebrenica under siege*, p. 603) describes the conditions that led to that offensive:

Throughout the remainder of 1992 the Serbs remained on the defensive in this region. Overall, Muslim fighters from Srebrenica attacked 79 Serbian places in the districts of Srebrenica and Bratunac. They followed a certain pattern. Initially, Serbs were driven out of ethnically mixed towns. Then Serbian hamlets surrounded by Muslim towns were attacked and finally the remaining Serbian settlements were overrun. The residents were murdered, their homes were plundered and burnt down or blown up. There was a preference to launch these attacks on Serbian public holidays (those of Saint George, Saint Vitus and the Blessed Peter, and Christmas Day), probably because least resistance was expected. Yet it simultaneously contributed to the development of profound Serbian grievances. Many of these attacks were bloody in nature. For example, the victims had their throats slit, they were assaulted with pitchforks or they were set on fire.

It is estimated that between 1,000 and 1,200 Serbs died in these attacks, while about 3,000 of them were wounded. Ultimately, of the original 9,390 Serbian inhabitants of the Srebrenica district, only 860 remained, mainly in the four villages of Skelani, Crvica, Petrica and Lijesce. 4,456 Serbian attempts to defend other villages met with little success. The Serbs in the district of Bratunac were largely driven back to the town of the same name. Faced with a constant shortage of troops, the authorities of the Republika

Srpska [Serb Republic] showed little interest in defending the area.²⁵

Instead of offering their services as honest brokers and peacekeepers, the UN and, by extension, the International Community, disingenuously rebuked the Serbs while perfidiously overlooking crimes committed by the Muslim Army.

These observations are troubling for the UN as well as for the “International Community” in whose name the UN was acting in Bosnia and Herzegovina. They provide no coherent answer to the unavoidable question why, contrary to their express obligations, and after having established the safe zone, they deliberately left weapons in the hands of Muslim forces in Srebrenica. They were in a position to know that this would leave the Muslim forces’ fighting capabilities intact and would lead to the continuing commission of atrocities. Based alone on the evidence cited here, it is clear that they knew or had the means to find out the grave consequences of their conduct.

The facts outlined above are so flagrant that the possibility that the UN and the “International Community” were unaware of them at the time of their occurrence can safely be dismissed. As noted by international security specialist, Prof. Richard Aldrich at the University of Warwick:

Weapons flown in during the spring of 1995 were to turn up only a fortnight later in the besieged and demilitarized enclave at Srebrenica. When these shipments were noticed, Americans pressured UNPROFOR to rewrite reports, and when Norwegian officials protested about the flights, they were reportedly threatened into silence.²⁶

25. *NIOD Report*, Part I, Chapter 10: “Srebrenica under siege”, p. 603

26. Richard J. Aldrich, “America used Islamists to arm Bosnian Muslims,” *The Guardian*, 22 April 2002.

The NIOD Report (published by the Dutch Institute for War Research) presents the following summary of the conditions in the UN “safe zone” in Srebrenica and reveals the purpose that zone actually served:

...the [Srebrenica] enclave increasingly acquired the status of a ‘protected area’ for the ABiH, from which the ABiH could carry out hit and run operations against, often civilian, targets. These operations probably contributed to the fact that at the end of June the VRS [Bosnian-Serb Army] was prepared to take no more, after which they decided to intervene: the VRS decided shortly after to capture the enclave. In this respect, the [illegal US-sponsored] Black Flights to Tuzla and the sustained arms supplies to the ABiH in the eastern enclaves did perhaps contribute to the ultimate decision to attack the enclave. In this connection it is not surprising that Mladić and other Bosnian Serbs constantly complained about this, but usually received no response to their complaints....²⁷

Stephen Karganović

27. “Srebrenica — A Safe Area?” Appendix II — Intelligence and the war in Bosnia 1992–1995: The role of the intelligence and security services, Chapter 4, Secret arms supplies and other covert actions.

III. GENOCIDE OR BLOWBACK?

If there is going to be an honest discussion about Srebrenica, the question of whether the events that took place in Srebrenica are “genocide” or blowback is one of the central issues that must be confronted. But it is also a taboo subject. Merely raising the question provokes extreme disapproval. For the officially institutionalized version of Srebrenica to make sense, this question must be suppressed and — whenever possible — it must be banned, and at any price.¹ The promoters of the official propaganda version of Srebrenica have compelling reasons for taking such an inflexible stand. This extraordinary question is a potential detonator powerful enough to cause the embarrassing collapse of their contrived Srebrenica narrative.

The reason for this is simple. If the promoters of the official Srebrenica narrative were to admit that the original crime in Srebrenica was the pogrom of the Serbian population during the first three years of the Bosnian War, then the entire picture changes drastically. A different conclusion would then be more logical and compelling: the crime that was committed in July 1995 against Muslim soldiers, who were treated as symbolic perpetrators of the original crime, was an act of revenge, a settlement of accounts. But this is precisely the conclusion that

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1. A Western NGO, in conjunction with a Muslim association of the surviving relatives of the alleged Srebrenica victims, which is called the Mothers of Srebrenica, filed a civil suit against the Swiss newspaper *La Nation* on April 19, 2010 for damages. The motive for the legal action was the allegation that an article in *La Nation* questioned the official account of the Srebrenica “genocide.” In Serbia, Nenad Čanak, an influential Western-aligned politician, has urged that a law be passed “to punish the denial of genocide.” (*Blic* (Belgrade), May 28, 2007), while Muslim deputies in the Parliamentary Assembly of Bosnia and Herzegovina had already submitted a bill for such a crime to be added to the criminal code, but the opposition of Serbian deputies has so far blocked its passage.

cannot be allowed. It is the very antithesis of the elements that forge the myth of innocent people suffering genocide.

Paving the way for impunity. One of the most ominous features of the 1992–1995 civil war in Bosnia and Herzegovina was the biased role that the foreign factor played. We can define this factor in the broadest sense as: international institutions (led by the UN); several influential governments (which arbitrarily declared themselves to be the “International Community” and the institutions established under their patronage supposedly for the purpose of helping to resolve the crisis); the global media, which acted as a transmission belt for simplistic war propaganda and acted as a filter to prevent the flow of comprehensive information about the complex causes of the conflict and the course it was taking;² and, finally, the various non-government organizations (“NGOs”) and public institutions from Western countries, which, by unsubtly taking sides, shaped the way the uninformed general public viewed the conflict and perceived the warring parties. The foreign factor, instead of offering its good offices as genuine mediators and peacekeepers to the warring parties in Bosnia and Herzegovina, for the most part selected one side for hypocritical condemnation and degradation, while neglecting the crimes of the other, thereby tacitly endorsing them.

The destructive effects of the approach taken by these institutions, which during the war in Bosnia and Herzegovina had portrayed themselves as the “International Community,” was noted by General Satish Nambiar, who was in command of UNPROFOR forces in Sarajevo at the beginning of the conflict:

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2. See Peter Brock, *Dateline Yugoslavia: The Partisan Press*, Foreign Policy, Number 93, Winter 1993–94, pp. 152–172. Brock astutely describes the mechanism of the media’s unprofessional conduct and its deception even as the conflict was still in progress.

Portraying the Serbs as evil and everybody else as good was not only counter-productive but also dishonest. According to my experience, all sides were guilty but only the Serbs would admit that they were no angels, while the others would insist that they were. With 28,000 forces under me and with constant contacts with UNHCR and the International Red Cross officials, we did not witness any genocide beyond killings and massacres on all sides that are typical of such conflict conditions.³

General Nambiar was but the first in a series of UNPROFOR military commanders who eventually formed a more objective picture of the conflict and its actors that was based on direct field experience. Many of them, such as Generals Michael Rose, Lewis MacKenzie, and Philippe Morillon assumed their duties under the palpable influence of the predominantly anti-Serbian media and its propaganda campaign, which marked not only the beginning but the entire course of the Bosnian conflict. Later, after having been influenced by personal experience and empirical facts, most of them gradually shifted to more balanced positions. One may speculate that this was the main reason why their political overlords were replacing them in rather quick succession as soon as their changing viewpoints became unsuitable.

General Philippe Morillon, who commanded UNPROFOR forces in the critical period during 1993 when the UN safe zone was established in Srebrenica, is a typical example of such ambivalence.⁴ He was well acquainted with the real character of Naser Orić, the Muslim commander of the 28th Division in Sre-

3. Cited in the testimony of General Morillon, *Prosecutor v. Milošević*, 12 February, 2004, Transcript, p. 32042, lines 11-18.

4. It is worth noting that Morillon's theatrical media performance in Srebrenica in spring 1993 set off the chain of political events which culminated in April 1993 with the Security Council resolution that made Srebrenica a safe zone.

brenica, and he harbored few illusions about Orić's capacity to perform the most heinous atrocities:

I think you will find this in other testimony, not just mine. Naser Orić was a warlord who reigned by terror in his area and over the population itself. I think that he realized that those were the rules of this horrific war, that he could not allow himself to take prisoners. According to my recollection, he didn't even look for an excuse. It was simply a statement: One can't be bothered with prisoners.⁵

I wasn't surprised when the Serbs took me to a village to show me the evacuation of the bodies of the inhabitants that had been thrown into a hole, a village close to Bratunac. And this made me understand the degree to which this infernal situation of blood and vengeance ... led to a situation when I personally feared that the worst would happen if the Serbs of Bosnia managed to enter the enclaves and Srebrenica.⁶

In General Morillon's view (and his competence on this subject is unquestionable), the atrocities committed by Muslim forces under Naser Orić's command were precisely the factor which — on the local level at least — triggered the cycle of unquenchable hatred which in July 1995 culminated in a slaughter of Muslim prisoners:

I feared that the Serbs, the local Serbs, the Serbs of Bratunac, these militiamen, they wanted to take their revenge for everything that they attributed to Naser Orić. It wasn't just Naser Orić that they wanted to ... take their revenge on, they wanted to avenge their dead on Orthodox Christmas. They were in this hell-

5. *Op. cit.*, fn. 3, p. 31966, lines 5-10.

6. *Ibid.*, p. 31966, lines 12-19.

ish circle of revenge. It was more than revenge that animated them all. Not only the men. The women, the entire population were imbued with this... [I]t was pure hatred...[S]uch hatred cannot be worse than it is towards neighbors and brothers.⁷

Asked by Judge Robinson if, in his view, the massacre of Muslim prisoners in July 1995 occurred as a direct reaction to the way local Serbs had been treated by Naser Orić and his followers during the preceding years, Morillon replied:

Yes, Your Honor. I am convinced of that. This doesn't mean to pardon or diminish the responsibility of the people who committed that crime, but I am convinced of that, yes.⁸

Morillon also reiterated in his Tribunal testimony the response that he had given on a previous occasion to deputy Pierre Brané of the French Parliament, when, in the course of a Parliamentary inquiry, he was asked what provoked the massacre in July 1995:

Accumulated hatred. There were heads that rolled. There were terrible massacres committed by the forces of Naser Orić in all the surrounding villages. And when I went to Bratunac at the time when I intervened, I felt that.⁹

Morillon went on to say that Orić admitted to him in a personal conversation that he was slaughtering Serbs,¹⁰ with the explanation that these were “the rules of the game and that in this kind of guerrilla warfare there are no prisoners.”¹¹

7. *Ibid.*, p. 31975, lines 8-18.

8. *Ibid.*, p. 31975, lines 22-25.

9. *Ibid.*, p. 32031-2, lines 22-1.

10. *Ibid.*, p. 32044, lines 5-9.

11. *Ibid.*, p. 32044, lines 17-20.

Asked whether he was in a position to confirm the view he had taken in par. 3 of his statement to the International Tribunal at The Hague where he said that it appeared to him that Orić was implementing “political directives which he was receiving from the Presidency,”¹² Morillon replied without hesitation:

Yes ... Naser Orić obeyed. He was head of a band. He was waging guerrilla war in the enclave, but he himself considered himself to be a combatant in the service of the Presidency.¹³

Now is the proper time to clarify what sort of a “Presidency” it was whose directives, according to General Morillon, Naser Orić and the Muslim forces in Srebrenica were implementing. It was the Sarajevo “government” led by Alija Izetbegović, which at that time was enjoying international recognition despite the blood on the hands of its representative in Srebrenica and elsewhere. General Morillon was obliged *ex officio* to communicate with him. The self-declared “International Community” maintained relations with this “government,” which were for the most part cordial, but never less than functional, throughout the conflict in Bosnia and Herzegovina.

Techniques of guerrilla warfare. The following lurid example of the style of “guerrilla warfare” that Naser Orić and his forces waged in the Srebrenica enclave during their attacks on surrounding Serbian villages is representative. Bosnia correspondent John Pomfret conveys some of his impressions from his meeting with Mr. Orić in an article that appeared in the *Washington Post* on February 16, 1994:

Nasir Orić’s war trophies don’t line the wall of his comfortable apartment— one of the few with elec-

12. *Ibid.*, p. 32044, lines 23-24.

13. *Ibid.*, p. 32045, lines 1-4.

tricity in this besieged Muslim enclave stuck in the forbidding mountains of eastern Bosnia. They're on a videocassette tape: burned Serb houses and headless Serb men, their bodies crumpled in a pathetic heap.

"We had to use cold weapons that night," Orić explains as scenes of dead men sliced by knives roll over his 21-inch Sony. "This is the house of a Serb named Ratso," he offers as the camera cuts to a burned-out ruin. "He killed two of my men, so we torched it. Tough luck."¹⁴

Pomfret, on the occasion of his visit to Orić, was accompanied by *Toronto Star* correspondent Bill Schiller, whose own report corroborates and complements his American colleague's observations:

Orić is a fearsome man, and proud of it. I met him in January 1994, in his own home in Serb-surrounded Srebrenica.

On a cold and snowy night, I sat in his living room watching a shocking video version of what might have been called Nasir Orić's Greatest Hits. There were burning houses, dead bodies, severed heads, and people fleeing.

Orić grinned throughout, admiring his handiwork. "We ambushed them," he said when a number of dead Serbs appeared on the screen. The next sequence of dead bodies had been done in by explosives: "We launched those guys to the moon," he boasted.

When footage of a bullet-marked ghost town appeared without any visible bodies, Orić hastened to announce: "We killed 114 Serbs there."

14. John Pomfret, *Washington Post*, 16 February 1994.

Later there were celebrations, with singers with wobbly voices chanting his praises.¹⁵

A climate of impunity conducive to crime. If the representatives of the International Community were perfectly informed not just about the nature of the conflict but also about the activities of the principal actors, does it have any persuasive response to the following question: Why didn't it implement the agreement to demilitarize Srebrenica, since it was its explicit obligation to do so? This question is not merely formal but of essential significance. When the International Community opted to allow the forces under Orić's command to retain their arms, it knew that it was leaving them weapons to continue to wage war as well as the capability to continue to commit atrocities. For this reason, the International Community must also bear responsibility for at least some of the consequences. The generally biased attitude favoring the Muslim side created a persistent climate of moral and political impunity. This largely explains the heinous crimes to which Naser Orić referred in his meeting with the aforementioned foreign correspondents. He spoke with evident pride as well as with a complete lack of remorse or shame, and he clearly spoke without any palpable fear that he would ever be called to account for his crimes.

The evident bias of the international factor, which, in due course intervened in Bosnia and Herzegovina — and it involved not only military and political structures in the field but also military and political structures that were farther removed and which coordinated the popular perception of the war from behind the scenes and determined its course — permitted Orić to take advantage of this bias, as reflected in his boastful remarks. The climate of impunity settled in and shielded criminal perpetrators as long as they fought on the Muslim side. The persistence of

15. Bill Schiller, *Toronto Star*, July 16, 1995.

this climate stimulated the commission of additional atrocities and it accounts for Naser Orić's contempt for international norms of warfare and humanitarian law. Anyone who cares to read Orić's public statement will clearly see that the subtext is that, in his view, he was engaged in a war in which he was not obliged to take "any prisoners." Taking fully into account that his statement was made before July 1995, it is nevertheless appropriate to ask without the slighted hint of irony: Is the normal application of the laws and customs of war with respect to the treatment of prisoners suspended only when the victims are Serbs? Or may the whirlwind of war also serve as an excuse to suspend these laws with respect to others, as well?

Attacks from the safe zone. The frequency and severity of these attacks from the supposedly demilitarized zone of Srebrenica is illustrated by the following Muslim Army document.

The acting Commander of the 8th Operational Group (soon to be renamed 28th Division),¹⁶ Major Bećirević, wrote the following to the *Morale Department* of the 2nd Corps Command in Tuzla on June 30, 1995, in his "Operational Report" no. 04-114/95. There is a note on the report that it is "For Internal Use Only." The report states:

1. Soldiers of the 28th Division, deployed in the enclaves of Srebrenica and Žepa, in spite of enormous problems involving food supplies and the obligation to preserve the free territory under their control, have decided to contribute as much as possible to the BH Army in its struggle against the aggressor and they have, therefore, increased their activities deep in the territory under the aggressor's temporary control. While conducting reconnaissance, 28th Divi-

16. *Nota bene*: these are the official designations of the Muslim unit under Naser Orić's command in Srebrenica.

sion units on several occasions have had to exchange fire with aggressor units and as a result have achieved the following results:

- 13 Chetniks liquidated;
- 2 PM M-72s captured;
- 8 APs captured;
- 2 pistols captured;
- several dozen Chetniks were wounded.

Our losses were 2 dead and 3 wounded soldiers.

2. In order to prevent enemy forces from repositioning additional troops from the Srebrenica and Žepa to the Sarajevo theatre, two sabotage operations were conducted in the vicinity of Srebrenica. That took place on 23/6/1995 in Osmaći and on 23/6/1995 in Bijelo Stenje near Koprivno, with the following results:

- 7 Chetniks liquidated;
- one PM M-72 captured;
- two AP captured;
- one pistol captured;
- one passenger vehicle “Kombi” completely destroyed;
- there were no losses on our side.

3. In order to draw enemy forces away from the Sarajevo theatre in the direction of Srebrenica and Žepa, on 26/6/1995 several successful sabotage operations were conducted 20–40 km deep in territory under the temporary control of the aggressor, in Han Pijesak and Vlasenica municipalities in the following locations:

- Village of Višnjica and fortified point Bajte;
- Locality of Crna Rijeka [monument near the crossroads];
- Locality of Crna Rijeka [Bojčino Brdo];
- Locality of Vrani kamen.

In all those localities successful sabotage activities was conducted targeting exclusively enemy manpower, with the following results:

- We estimate that more than 40 Chetniks were liquidated, although we have unverified reports that the aggressor lost 71 soldiers;
- One enemy soldier was captured;
- Two radio stations were captured;
- One carbine was captured;
- About 5,000 bullets were captured;
- Several dozen head of cattle, large and small, were captured.

In the village of Višnjica large quantities of ammunition were obtained but, due to the exhaustion of our soldiers, more could not be carried away so the remainder was destroyed as well as all significant facilities which the aggressor could use for war waging purposes.

It may be noted that the attacks listed here took place in June 1995. This was immediately before Serbian forces began their operation, which culminated in the taking of Srebrenica and Žepa in July.

Maj. Bećirević's report shows that in 1995 alone, Muslim forces from Srebrenica, which were completely unimpeded in reorganizing themselves into a powerful division-size unit and whose weapons had not been confiscated, conducted the following attacks or attempted raids outside of the safe zone:

- On 8/2/1995 a Reconnaissance and Sabotage Group ("RSG") of the 283rd Brigade waded into a mine field while reconnoitering VRS positions in the Kriva Kaldrma zone and suffered 2 wounded;
- In the period from 18/2 to 1/3/1995, 7th detachment of the 285th Brigade blocked off and laid mines on the Bogodol–Stublic road;

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- On 16/3/1995, RSG belonging to the 285th Brigade suffered 2 wounded in the Stublica zone;
- On 9/4/1995, RSG belonging to the 281st Brigade wandered into a mine field and suffered 2 wounded;
- On 10/4/1995, RSG belonging to the 281st Brigade waded into a mine field in the Stedar zone and suffered 1 killed;
- In the period from 7/5 to 16/5/1995, 217 members of the 283rd Brigade were deployed to patrol the Žepa–Srebrenica corridor outside of the “demilitarized zones”;
- On 16/5/1995, RSG belonging to the 285th Brigade killed two VRS soldiers in the Sadikov Cair zone;
- In mid-May 1995, a group of soldiers from the 284th Brigade and the 28th Independent Battalion carried away 110 sheep from the vicinity of the village of Lukic Polje [2 km from Milići];
- Between May 19 and 25, 1995, 28th Division RSGs occupied points known as Šljivovo and Borovo Brdo, which are located outside the “demilitarized zone”;
- On 27/5/1995 an RSG in the Rupovo Brdo area liquidated 5 VRS soldiers and captured one PM M-72, 1 AP, and 1 pistol;
- On 29/5/1995, in the Podravanje area, two 28th Division soldiers wandered into a mine field and were wounded;
- On 29/5/1995, in front of the UN observation post in Zeleni Jadar, a 28th Division RSG killed 2 VRS soldiers;
- On 31/5/1995, a VRS reconnaissance patrol wounded two soldiers of the 282nd Brigade near the locality of Opreš, outside the Srebrenica enclave;
- On 31/5/1995, near the locality of Opreš, a 282nd Brigade RSG killed 2 VRS soldiers in Zeleni Jadar area, in front of the UN observation post;
- On 1/6/1995. in the Podravanje area, VRS killed 2 civilians, while 1 civilian got away;
- On 1/6/1995, in the Podravanje area, VRS killed 1, and wounded 3, soldiers of the 285th Brigade;

- Between June 5 and 10, 1995, a 28th Division RSG, acting on orders of Major Bećirević, reconnoitered the Podravanje–Kragljivoda–Jezero region;
- On 7/6/1995, members of an RSG unit opened fire on VRS in the Jasenovo area, VRS losses unknown, while 1 RSG soldier was wounded on the way back through the mine field;
- On 8/6/1995, a Srebrenica MUP [Interior Ministry] patrol wandered into a mine field in the Jasenovo area, leaving 1 dead and 3 wounded;
- On 10/6/1995, a group of 285th Brigade soldiers carried away a herd of cattle from the area of Han Pijesak;
- On 11/6/1995, a group of armed soldiers and civilians from the enclave made their way to Kladanj from the direction of Srebrenica and Žepa;
- On 12/6/1995, a group of soldiers from Srebrenica carried away cattle from the village of Djile;
- On 15/6/1995, 28th Division soldiers in the Žutica area killed 2 VRS soldiers and captured personal firearms;
- On 17/6/1995, a group of about 15 soldiers made its way to Kladanj from Srebrenica and Žepa;
- In mid-June, three groups of soldiers from Srebrenica, numbering 44 in total, made their way to Kladanj from Srebrenica and Žepa;
- On 19/6/1995, in the Zeleni Jadar area, a VRS jeep was destroyed, and the personnel inside were most likely killed;
- On 19/6/1995, a member of an RSG was wounded in the Zeleni Jadar area while going through a mine field;
- Between June 19–21, 1995, a 28th Division RSG consisting of 5 men reconnoitered the terrain east of Srebrenica enclave;
- Between 20 and 25 June, 1995, a 28th Division RSG consisting of 5 men reconnoitered the terrain west of Srebrenica enclave;
- On 22/6/1995, under orders from Major Bećirević from Srebrenica, Major Tursunović, Major Mandžić, and Cap-

tain Salihović were directed to Žepa with the personnel of RSGs belonging to the 280th, 281st, and 284th Brigades, and the 28th Independent battalion;

- On 22/6/1995, in the Han Pogled area, along the Srebrenica–Kladanj corridor, VRS thwarted an attempt by about 20 28th Division soldiers to reach Kladanj;
- On 23/6/1995, in the Kragljivode area, a VRS vehicle was destroyed. There is no information on VRS losses;
- On 23/6/1995, a 28th Division RSG unit killed 4 VRS soldiers in the vicinity of the village of Simići;
- On 26/6/1995, a 28th Division RSG attacked and burned down the village of Višnjica and killed its civilian population.
- On 3/7/1995, a 28th Division RSG killed 4 VRS soldiers in an ambush.

This chronology clearly shows the extent and intensity of military activity that was launched from the safe zone, and, furthermore, these military activities took place during the time period the Dutch contingent was present in Srebrenica.

Major Bećirević's report constitutes irrefutable evidence of events as they unfolded in the field, and it also provides a striking record of the Muslims' incessant provocations that finally exhausted the patience of the Serbian side.

A professional or an amicable relationship? Inequality in the treatment of the warring sides was reflected on several levels. Such disparate treatment, above all, resulted from the simplistic and cartoonish roles that Western propaganda had assigned to the local protagonists at the very onset of the war. One consequence was the invisibility of the Serbian victims; another was the firm conviction held by Naser Orić that he was at liberty to commit crimes and to boast about them publicly without the slightest fear that he would ever be held accountable. Other Muslim commanders elsewhere in Bosnia regarded themselves in the

same manner. Another consequence of such inequality was the absence of any semblance of symmetry in the International Community's reactions when — to give but one example — one of the warring parties decided to embark on the extreme measure of taking UN soldiers hostage. The Serbian side was not the only one to deploy such tactics.

It is true that the Serbs took UN soldiers hostage in May 1995 after NATO bombed their positions, allegedly in response for the shelling of Sarajevo. This caused an intense crisis in the Serbs' relations with the International Community. UNPROFOR and NATO reacted with pointed threats and with intimations of destructive retaliation unless the hostages were released without delay. These threats were addressed not only to the leadership of the Republika Srpska, but to the Federal Republic of Yugoslavia, as well. The agreement that led to the release of UNPROFOR hostages was finally reached in June 1995 in an atmosphere of tremendous tension.

The contrast between this and the incident that lasted from January 27 to 31, 1995, could not have been greater or more illustrative of the International Community's asymmetrical response. In the latter case, forces under the command of the Army of Bosnia and Herzegovina operating from within the UN-protected Srebrenica enclave took 99 members of the Dutch battalion as hostages. But this incident passed almost unnoticed.¹⁷

17. The event that triggered the taking of the Dutch hostages was an order to the Dutch made by the ABiH military authorities in Srebrenica (an entity that the Dutch were supposed to ensure could not exist) to stop conducting patrols in the so-called "Bandera Triangle" inside the enclave. When the Dutch decided to ignore their protégés' order and to continue patrolling the area, Muslim forces took them captive. Par. 2.40, Report based on the Debriefing on Srebrenica, [Assen, 4 October, 1995.], ICTY document, EDS: 00349314.

Correspondence relative to this incident was exchanged between UNPROFOR, as represented by Dutch General Ridderstadt, and officials in charge on the Muslim side, Naser Orić and Rasim Delić, in an attempt to find a solution. General Ridderstadt's messages do not merely offer clear evidence that United Nations authorities were well aware that the zone of Srebrenica under their protection had not been demilitarized at all, but it also points to something even more alarming.

With respect to the first point, Ridderstadt writes as follows in his letter, dated February 1, 1995, to Orić:

I should add that the subject of the enclave is always at the top of my priority list. We are fully aware that the demilitarization of the area has not been realized.¹⁸

Here is how Ridderstadt addresses Delić, the Chief of Staff of the Muslim Army of Bosnia and Herzegovina in a letter:¹⁹

You will be well aware of the background. Srebrenica was declared a Safe area by UN Security Council Resolution 819 of 16 April 1993. The UN initiative to develop Srebrenica enclave as a UN 'Safe Area' has been thwarted. The articles of the 'Agreement on the Demilitarization of Srebrenica' dated 8 May 1993 have never been fulfilled by either of the warring parties. Military activity and ceasefire violations by both the BSA [Bosnian Serb Army], externally, and the BIH [Bosnian Muslim Army], internally, continue unabated; even with a Cessation of Hostilities Agreement in force. UNPROFOR is subjected continually to restrictions of movement, threats, intimidation by firing close, and actual attack. The civilian population inside the Enclave is suffering great hard-

18. ICTY document, EDS: 01837510

19. ICTY document, EDS: 01837512

ship. Since the signature of the Demilitarization Agreement of 8 May 1993, both parties have steadfastly refused to cooperate with UNPROFOR forces, all this despite the best endeavors of UNPROFOR.

Without more information, it is difficult to determine from the Dutch general's message which forces had taken Gen. Ridderstadt's soldiers hostage, and which side was responsible for this specific violation he was complaining about. Was it the Muslim or the Serbian army? Even after all doubt has been removed that the responsibility for this gross violation rested exclusively on the Muslim side, Gen. Ridderstadt must balance his criticisms by a list of objections to the conduct of the Serbian side, as well. For some incomprehensible reason, the Dutch commander, although he had the full backing of the UN and NATO, hesitated to address Delić in the imperative voice. Instead, Ridderstadt humbly begged for the release of his soldiers. He made no threats that Muslim forces would be targeted by NATO air strikes as punishment for their reckless and aggressive behavior in case his request went unanswered. He "threatened" them only with the bad publicity to which they might be exposed if the details of their knavish conduct became publicly known:

There can be no possible justification for this action by soldiers under your direct command. I appeal to you to issue the necessary instructions for the immediate release of my soldiers forthwith. I am preparing a Press Release to the media and I am sure the news of this unacceptable action will shortly be published in Holland. The Dutch are very sensitive to this and its publication will not do the image of the BIH any good at all.

This correspondence suggests several important conclusions.

First, UN forces and their highest representatives on the ground, in this case General Ridderstadt, were fully cognizant of the fact that there was a Muslim army in Srebrenica and that it

had the official designation of 8th Operational Group,²⁰ yet they ignored it, even though Srebrenica was supposed to have been disarmed according to the relevant agreements;

Second, they failed to undertake effective steps to ensure that the demilitarization agreement would be carried out. By this failure, they not only exposed (whether deliberately or not) the surrounding Serbian population to marauding attacks, but they also made it possible for their own soldiers in Srebrenica to be taken hostage by the Muslims. This is precisely the subject of the letter to Delić, in which Ridderstadt complains that forces under Orić's command had taken ninety-nine soldiers of the Dutch battalion hostage in "demilitarized" Srebrenica; and

Third, regardless of the evident tensions, the personal and almost friendly tone of General Ridderstadt's letters to Orić and Delić (especially those to Orić) is astonishing. In view of the circumstances in which these letters were composed, it borders on the absurd.²¹

It is, therefore, necessary to pose the logical question: since the UNPROFOR general had reacted so diffidently to the illegal captivity of his own troops, whom he had an absolute duty to protect by any and all available means, what could have been

20. This is clear from the correspondence when it is read in its entirety. See Annexes 6 and 7. The designation 8th Operational Group was changed to 28th Division soon thereafter.

21. Scarcely less absurd is that part of Ridderstadt's "threat" to Delić where he says that he has begun to draft a press release about the incident, which implies that even four days after the Srebrenica Muslims took UN soldiers hostage, news of the incident remained undisclosed to the general public. What could have been the reason for such enormous discretion? It is quite understandable in light of the biased attitude of international factors and the media in particular. A public portrayal of such aggressive conduct on the part of the "victims" toward their protectors and saviors would have had a catastrophic impact on the image of the Muslim side.

expected from his military unit (or from UN forces in general) in the fulfillment of their duty to protect the Serbian population in and around Srebrenica?

The deeper causes of the pogrom. Bare statistics cannot successfully portray either the mentality or the principal causes of the inhuman conduct that characterized both sides in the Srebrenica region, which was remarkable even by the standards of cruelty that have distinguished previous Balkan wars. In his testimony, Gen. Morillon voiced his indignation and the stupefaction he felt after he confronted the infernal, mutual hatred that had seized almost all the members of both communities and which was motivating them to act with unspeakable ferocity, all of which would have been unfathomable if viewed out of context. That is why the recently published memoir of Ibran Mustafić, one of the protagonists of the events that took place in Srebrenica, is of great significance.²² Before the outbreak of the war, Mustafić had been an elected representative in the BH Parliament for the main Muslim political party, the SDA. He was deeply involved in organizing a local chapter of the SDA in the Srebrenica area. Mustafić was performing a variety of party and political functions in Srebrenica throughout the conflict. That is why his testimony, having been written from the point of view of an observer as well as that of a direct participant in many of the events he describes, is of inestimable value.

Mustafić's account not only deals with war-time events, but also describes their background, frequently through a portrayal of the author's own upbringing in a local Muslim family. We will quote selected portions of Mustafić's book because they shed light on the insularity of the community in which he was

22. Ibran Mustafić: *Planirani kaos* (Planned Chaos): Sarajevo, 2008.

reared and the suspiciousness of outsiders that permeates its mentality:

p. 11: The author glorifies the Ustashi pro-Nazi collaborationist movement of World War II, in particular its “Black Legion” death squad, and states that his grandfather fought in an Ustashi unit. He rationalizes the Muslims’ World War II alliance with the Ustashi against the Serbs and quotes some verses which he had learned from his grandmother: “The Croat is my half-brother, the Serb can f— his own father.” Further on, he states clearly that BH Muslims had two parallel educational systems: one at home, where they were taught history by their parents; and the other being official public education, sponsored by the state and taught in schools. He suggests that Muslims in the former Yugoslavia harbored great hatred toward Serbs in BH.

p. 12, 13: A general description of Muslim attitudes toward Serbs, the partiality of Muslim school teachers in their treatment of Muslim children, and the general disparagement of Serbs.

p. 15: The Ustashi movement is praised. Further on, he makes remarks suggesting that BH Muslims were dreaming of an independent Bosnia with borders going as far as the Drina River even during the former Yugoslavia’s existence.

p. 25: An impassioned critique of mixed Serb-Muslim marriages.

p. 26: Praise for Muslims from Sandžak, a region with a dense Muslim population within Serbia proper, because they do not have much to do with Serbs and they allegedly hate Serbs even more than BH Muslims do.

p. 49: The author claims that many Muslims will not rest until their border is on the Drina River: "...retrospectively, I think that unless Muslims (now Bosniaks) do not go all the way to the Drina and if they are not prepared, should it be necessary, to destroy everything that exists, our long-term future in this area will be uncertain."

p. 76: The author states that in March 1991 a meeting was held at the Srebrenica police station in order to implement some personnel changes. This was the occasion of an intense disagreement with Momčilo Mandić (a Serb). Mustafić opposed the appointment of a Serb as police commander. During this argument, Mustafić threatened Mandić and told him that he was not allowed to set foot in Srebrenica without asking Mustafić for permission, otherwise his safety could not be guaranteed.²³

p. 129: A description of the disagreement between Mustafić and Izetbegović concerning the BH independence referendum in 1992. A speech by Mustafić is quoted in which, among other things, he says: "I love Novi Pazar [capital of the Serbian region of Sandžak, see p. 29 of his book for his reasons for admiring Muslims who hail from there] and Istanbul a thousand times more than Drvar and Bosansko Grahovo. Deep inside, I love BH but closest to my heart is the 43.7% of it," (i.e., the percentage of Muslims in the total population of BH according to the most recent census at that time).

p. 136: Mustafić recounts how Hamed Salihović called him into the police station in Srebrenica to tell him the following: "I received a dispatch from the

23. *Nota bene*: This incident took place before the official outbreak of the war.

police station in Zvornik stating that a café was robbed in the Sapna area and that poker playing equipment and a Jeep cabriolet were taken away. Naser Orić took part in that robbery.”²⁴

p. 153: A description of an incident in the BH Parliament in Sarajevo, where Mustafić was a deputy, when, together with Muslim politician Abdulah Konjicija, he ran into a group of female journalists from Belgrade who were waiting for the conclusion of the Session in one of the conference rooms in the Parliament. Konjicija grabbed one of the women and threw her down a flight of stairs.

p. 178: Mustafić approvingly describes the successes of the Srebrenica Muslim army in 1992 in expanding the area under its control while attacking surrounding Serbian territory.

When government structures collapsed in BH in the spring of 1992, it resulted (in the absence of external constraints) in intolerance and even violence directed against members of other ethnic communities. This had already become clear in April 1992 when Goran Zekić, a Serbian BH parliamentary representative, was murdered in a Muslim ambush. The overwhelming majority of the Serbian inhabitants of Srebrenica clearly understood the message conveyed by the assassination and soon thereafter they fled the town in fear. Less than fifty remained in Srebrenica. Villagers in the surrounding area grasped the turn of events, so they began keeping armed vigils and paid increased attention to their security. Many could still vividly recall the conduct of their Muslim neighbors during World War II, when the Nazi puppet government of the “Independent State of Croatia” unleashed its Ustaša army to terrorize and kill local Serbs *en masse*.

24. *Ibid.*

Ibran Mustafić, an eyewitness and “insider” of the events that took place in Srebrenica during the Bosnian War, amply documents the fact that Srebrenica served, while under Muslim control, as a launching pad for relentless attacks on the surrounding territory where the Serbian population lived in villages. According to Mustafić’s revelations, it is difficult to ascribe a predominantly military significance to most of these operations; their main purpose was to cleanse and depopulate areas inhabited by Serbs through intimidation, torching of villages (in order to render them uninhabitable), and mass murder.²⁵

Examples of atrocities committed by Muslim forces abound in the pages of Mustafić’s book. For instance, Mustafić recounts in *Planned Chaos* that Naser Orić told him how he murdered the Srebrenica judge Slobodan Ilić, a Serb. According to Mustafić, Orić first gouged out both his eyes, and then slashed his throat. It should be noted that The Hague Tribunal sentenced Orić to just two years in prison for war crimes committed in the Srebrenica area, only to throw out even this token sentence on appeal.

There is also testimony in the pages of *Planned Chaos* about the murder of Slobodan Zekić and his mother, Zagorka. According to Mustafić’s account, they were murdered by Emir Halilović, a local Muslim who smashed their heads with his gun butt. Mustafić also points to Halilović as the murderer of an elderly Serb (whom he does not name), who had been hospitalized in Srebrenica. Mustafić links another Srebrenica Muslim, Ejub Golić, to the murder of Krsta and Velinka Dimitroski, a bedridden elderly couple.

25. Of course, these operations did also have the purely military purpose of diverting as many Serbian military units as possible from other theatres of war, but this goal could have been accomplished by legitimate military methods and without the massacres of civilians and the destruction of their homes and villages. (For a list of affected Serbian villages and dates of attack, see Annex 8.)

Mustafić also confirms that units of the Muslim BH Army from the supposedly demilitarized UN-protected zone were conducting systematic forays into territory that was under the control of the Army of the Republika Srpska where they launched attacks on Serbian soldiers and civilians. Furthermore, he suggests that the fall of Srebrenica was the consequence of a “betrayal” by the Muslim political and military leadership. Mustafić’s assertion on p. 388 is intriguing:

Interestingly, after my release from prison [Mustafić had been taken prisoner by the Serbs after their army’s entry in Srebrenica in July 1995], Alija’s [Izetbegović, President of the Muslim government in Sarajevo] secret police AID [Agency for Investigation and Documentation], acting through its director at the time, made just one single suggestion to me, and that was not to meddle in the Srebrenica issue or they would liquidate me.

Whatever the case may be, Mustafić’s book contains a number of relevant affirmations that leave no room for doubt that the Srebrenica branch of the Muslim government in Sarajevo, notwithstanding the latter’s official mask of “multiethnicity” and “multiculturalism” (and even of “European values”), which was designed for international public consumption, was, in fact, a lair harboring the most primitive obscurantism which, in its external manifestations, was far closer to the mentality of the Middle Ages than it was to twentieth-century European civilization:

p. 187: A group of Serbian soldiers were taken captive and then liquidated in the locality of Zalazje. Mustafić lists the names of the victims, and then comments: “Far from feeling sorry for them, on the contrary, I rejoiced at the death of every Chetnik [a derogatory term for Serbs] who perished...” Mustafić goes on to say: “...this occurrence intrigued me because I thought that it was a bad move and not in ac-

cord with the rules of warfare, and I also thought that in the long run such behavior would boomerang back at us,” which suggests not only his excellent intuition but the ferocity of the massacre, as well.

p. 187: “I learned in Tuzla that Kemo from Pale was showing off a severed head around Srebrenica to frighten people. That made me realize that you could literally expect anything from those who were in charge in Srebrenica.”

p. 213: The attack on the Serbian village of Čumavice: “After trying to convince them for a long time, we lined up the women and children. We were beginning to lose our patience with persuasion, so Hajro pulled a little girl standing with her mother out of the line-up and threatened to slash her throat if they did not comply with the ultimatum to turn over their weapons.”

Evidently, this threat turned out to be productive in the end.

p. 214: A description of the attack on the Serbian village of Sijemovo that was carried out by Orić’s forces, the pillaging that followed, and the murder of the elderly Miloš Zekić, a resident of the village who had been left behind.

p. 214–215: Mustafić describes a repeat attack on the Serbian village of Čumavice. Further on he discussed the division of spoils between Naser Orić and the imam [a Muslim cleric] Alija Jusić, who was in charge of supplies, and later in the text he mentions the brutal treatment of the captured villagers from Čumavice.

p. 217: The attack on the villages of Gniona, Viogor, and Orahovica in order to link Muslim controlled ter-

ritories: “In Gniona we did not kill anyone, while in Orahovica about 30 people were burned to death in their houses, mostly the elderly, while some were liquidated in brutal fashion.”

p. 218–219: The chapter “Refugees, Plunder, Murder” presents a panoramic view of the horrific conditions in Srebrenica under Muslim rule. The quote that follows refers to some specific malefactors and their crimes: “After the attack on [the Serbian village of] Ježestica, Kemo brought a severed head in a sack with which he frightened people in Srebrenica. He used it also to intimidate hospital personnel. I do not know this for certain, but it is said that he was involved in the liquidation of Bata and his mother from Srebrenica. Their screams, it was said, were frightful.”

p. 229: A description of the takeover of mountainous areas around Srebrenica by Naser Orić’s army and celebrations in Srebrenica that followed these events.

p. 231: The taking and plundering of the mining settlement of Sase, near Srebrenica, where a fourteenth-century Orthodox monastery had been demolished.²⁶

p. 243: A description of the attack carried out by Naser Orić and his army on the Serbian village of Kravica on Orthodox Christmas day, January 7, 1993 (i.e., before the demilitarized zone was established).

p. 261: A description of an attack by Naser Orić and his army on the Serbian communities of Jezero and

26. Unfortunately, a Muslim mosque that was situated about 20 meters from the monastery was also demolished when Serb forces retook this territory. That is an appalling example of the vicious cycle of violence and revenge.

Skelane (before the demilitarized zone was established).

p. 269: A description of the desecration of the dead body of an officer of the Yugoslav National Army: “When I dropped by Srebrenica to look around to see how things were going, the dead Yugoslav officer was loaded on top of a cart which was being pushed around Srebrenica in order to give an additional boost to army morale...”

p. 288: A dialogue between Ibran Mustafić and Naser Orić, where Orić tells him of the gruesome murder of a Serb that he had committed. The victim’s name was Slobodan Ilić from Zalazje. Orić first poked his eyes with the tip of his bayonet, and then killed him.

p. 289: A description of the massacre committed by Orić’s men of prisoners in Zalazje.

p. 291: At the beginning of the chapter “Liquidations in Srebrenica,” the author details the liquidations of the handful of Serbs who had remained in Srebrenica or who had been brought there as prisoners by Orić’s soldiers.

p. 295: A description of weapons trafficking engaged in by the inhabitants of Srebrenica, despite of the fact that it was supposed to be a demilitarized zone.

p. 315: Mustafić describes seeing on Serbian TV *SRNA* two Muslim girls who asserted on-camera that they had been raped in Srebrenica by members of the Srebrenica Mafia; and two Muslim men who said that they had fled from Srebrenica to escape the reign of terror.

p. 366: Mustafić gives an example of the systematic conduct of Muslim forces within the enclave: forays

out of the demilitarized zone and the laying of ambushes for Serbs along the Bratunac–Skelani road in order to, as the author says, “cause grief.” Muslim forces were doing the same thing along the Milići–Podravanje road.

p. 369: Mustafić describes an attack by Srebrenica Muslim forces against the Serbian village of Višnjica on June 26, 1995. This chapter is telling because it deals with the preparation and execution of a deliberate attack on a Serbian village from the Srebrenica safe zone.

A war not conducted in accordance with “European standards.” In an atmosphere of hatred and primitive passions, especially such as the one that existed under the leadership of the sadistic Mafioso, “brigadier” Naser Orić, the concept of warfare could only degenerate quickly to the point of bearing no resemblance to military operations in the conventional sense. There followed attacks on nearby Serbian communities, villages that were located in the general vicinity of Srebrenica as well as in neighboring municipalities, whose exclusive purpose was pillage, mayhem, and murder. But as survivors’ statements have made clear, murder without attendant cruelty was a privilege enjoyed by few. The majority were slaughtered in a bestial fashion, which surviving relatives and neighbors still vividly recalled, unfortunately, when a settlement of accounts took place in July 1995.

The attack that was carried out on the Serbian village of Bjelovac on December 14, 1992, when 68 residents were slaughtered, illustrates the ferocity of such assaults. A document from the command of the Muslim army²⁷ describes the impact of the attack on Bjelovac and several neighboring villages. Two things

27. *See* Annex 8 (in Serbian).

are stated matter-of-factly in the report detailing the results of the “operation,” which are quite appalling: (1) about 50 of the prisoners are said to have been “liquidated,” which may reliably be taken as a euphemism for execution; and (2) after the village was conquered, Muslim forces “took captive” two women and three children.

Taking women and children into captivity in the course of military operations is a concept alien to modern European warfare, to the extent that it conforms to generally accepted norms and conventions. A cursory review of Muslim documents relating to the attack on Bjelovac and the neighboring villages reveals the absence of a crucial element (assuming, of course, that this attack was intended to be more than a simple act of brigandage): there is no mention of any legitimate military objective nor is there any attempt to place the attack within the context of a broader strategic plan. The fact that these villages were inhabited by Serbs was sufficient reason for them to be attacked and destroyed; and sufficient reason as well for their residents to be slaughtered.

During 1992 and 1993, at least 39 Serbian villages and locations in the general vicinity of Srebrenica were attacked and devastated while the inhabitants were massacred or expelled. This is confirmed in the subsequent statements given by survivors to the investigating authorities of the Republika Srpska Ministry of the Interior:²⁸

1. Village of Blječeva
2. Ambush on the Srebrenica–Sase road
3. Village of Čumavići
4. Village of Viogor
5. Village of Sjemovo

28. Statements of Serbian villagers who survived those attacks are posted on www.srebrenica-project.com. A list of the villages and dates they were attacked is in Annex 9.

6. Village of Osredak
7. Village of Orahovica
8. Village of Medje
9. Ambush on the Srebrenica–Skelani road
10. Murder of Simić Vojislav
11. Ambush at Žutica
12. Ambush at Konjević Polje
13. Ambush at Bakrač
14. Village of Oparci
15. Village of Crkvine
16. Village of Rupovo Brdo
17. Village of Ratkovci
18. Village of Loznica
19. Village of Brežani
20. Village of Krnjići
21. Village of Zagoni
22. Village of Zalazje
23. Village of Magašići
24. Village of Stanatovići
25. Village of Ježestica
26. Village of Gornji Sadići
27. Village of Gornja Kamenica
28. Village of Silovanje
29. Attack on Barke
30. Village of Podravanje
31. Village of Rogosija
32. Village of Faković
33. Village of Kamenica
34. Village of Bjelovci
35. Village of Kravica
36. Attack on Skelane
37. Village of Kalabače
38. Village of Metaljka
39. Village of Gniona

This lengthy list and the accompanying statements strongly suggest that Serbian villages and their population around Srebrenica were the object of a pattern of “widespread and systematic” attacks, to use the terminology of the International Criminal Tribunal for the Former Yugoslavia (ICTY), at least in indictments and judgments that target Serbian defendants. The territory under the control of Muslim forces commanded by Naser Orić

was constantly expanding with each of these attacks, which resulted in the ensuing cleansing of the Serbian population. Muslim territory, at its peak in spring 1993, was estimated to have covered about 500 square kilometers, which finally convinced the Army of the Republika Srpska of the urgent need to take appropriate counter-measures. It is significant that UNPROFOR, the UN military contingent in Bosnia and Herzegovina, and its overlords in the political chain of command that ascended to the UN Security Council in New York, began to react to events on the ground only when the success of the Serbian counter-offensive in March and April 1993 threatened to crush the Muslim army in Srebrenica. Throughout the preceding year, this same Muslim army was obliterating Serbian communities and mercilessly slaughtering their peaceful civilian inhabitants without any hindrance or objection from those lofty seats of international authority.

Such a reaction by the UN, undertaken with the pretext of urgent humanitarian need to protect Muslims from the advance of the Serbian army and emphasizing the alleged threat to civilians in Srebrenica, was in reality nothing more than a political operation to rescue Muslim armed forces that had been strategically embedded deep in Serbian territory from the successful advance of the Serbian army. But there is also another, perhaps unintended, dimension. In reacting as it did, the UN admitted in principle (though with some political ambiguity) its clear obligation to use all available means at its disposal to protect any endangered civilians. That was the unspoken underlying principle of its "humanitarian" intervention in April 1993, although it was triggered publicly by the need to ensure the safety of the Muslim population of Srebrenica. But if such an obligation to extend protection to any and all communities in a war zone exists, it follows that it cannot be restricted to the provision of security and protection to only one ethnic group to the exclusion or neglect of

others. If the obligation to protect does exist, it is applicable to one and all, whether they be Muslims, Serbs, or others.

The manner in which the UN Secretary General articulated his understanding of the parameters of the UNPROFOR mission in Srebrenica after the establishment of the safe zone in 1993 raises a number of interesting questions:

To protect the civilian populations of the designated safe areas against armed attacks and other hostile acts, through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedure.²⁹

Leaving aside the issue of the moral parameters of UN intervention, attention may be called to the way its actual purpose was expressed in this enigmatic and insufficiently noted exposition. What “civil populations,” referred to in the plural, might have been meant unless it were understood, at least in the formal sense, that the Serbian civilians of Srebrenica should also be included within the protective ambit of such a safe zone? Is it not implicit here that protection ought to be due to every endangered human being in Srebrenica as well as in every other designated safe area, on either side of the line of confrontation, without ethnic or religious distinction?

If we closely examine the UN’s obligations in the context of the events that gave rise to them, then we shall note that the required demilitarization of the Muslim side also reaches this same conclusion in implicit form. If it is accepted that it was necessary to remove weapons from the custody of the Muslims, then the reason for it must have been that, in the event of the failure to do so, those weapons might be misused (as they were until then) in order to wage a campaign of mass murder and terror against the

29. U.N. Security Council, “Report of the Secretary-General Pursuant to Resolution 844 (1993),” S/1994/555, May 9, 1994, p. 5.

Serbian population in the surrounding areas. An armed Muslim side constituted a threat that the requirement of demilitarization had been put in place to neutralize, and the threat in question was directed against the Serbian population. The Serbian side clearly had compelling and justifiable reasons for insisting on demilitarization that were based not only on the language of the agreement by which the safe zone was established, but also on the facts as they were known to be on the ground. It was the need to protect its own population in the region. The acceptance of such a condition by the International Community, exemplified by the UN, signified its recognition of the validity of that concern and assumption of responsibility to extend its protection in Srebrenica not only to the Muslims but to the Serbs, as well.

Stephen Karganović

IV. GENERAL PRESENTATION AND INTERPRETATION OF SREBRENICA FORENSIC DATA (PATTERN OF INJURY BREAKDOWN)

The subject of this presentation is the results of the forensic analyses performed by expert teams of The Hague Tribunal (“ICTY”) between 1995 and 2002 at several locations in the region of Eastern Bosnia during the exhumation and examination of human remains from thirteen locations that were presumed to contain the bodies of Srebrenica victims. ICTY Chief Investigator Jean-René Ruez confirmed under cross-examination at the Karadžić trial that, in the opinion of Prosecution investigators, the material on which our analysis is based constitutes all the available forensic evidence believed to be related to post-July 11, 1995 executions of prisoners in the Srebrenica area:

This is the reason why the sites we have identified and that we later learned through analysis of captured documents of the Zvornik Brigade that we had in fact found all of the sites that had been used for the purpose of the extermination process of the prisoners, where the full number of them, since we found the logs of the drivers who on 13 July transported the security officers to these sites so that they could assess the detention facilities and identify nearby execution sites. We focused only on the graves where we had information that during the days of 14, 15, and 16 July people had been executed on these spots....¹

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1. *Prosecutor v. Karadžić*, February 1, 1995, Transcript, p. 23983, lines 20-25 and 23984, lines 1-5. This is a clarification of extraordinary significance. It explains why ICTY Prosecution forensic investigators terminated their operations at the end of 2001 when they ran out of mass graves suspected of being related to extrajudicial executions in Srebrenica. It also raises serious questions about the character of subsequent exhumations carried out by ICMP and the Bosnian Institute for Missing Persons. The geographical scope of this operation, which is still in progress, coincides remarkably

Autopsy examinations were performed on the remains of victims found in the following mass-grave sites: Glogova, Kozluk, Konjević Polje, Hodžići Road, Nova Kasaba, Pilica, Ravnice, Zeleni Jadar, Lažete, Cerska, Liplje, Brana (Dam), and Čančari Road. At the outset, it would be useful to state the following: Richard Butler, the military expert for the Prosecution, after having been asked by the Defense in the *Popović et al.* case² whether it would be relevant to try to determine how many Muslims perished as a result of combat activity, replied:

It would be relevant if the forensic evidence of mass graves were showing evidence that would reflect that the bodies in those graves reflected combat casualties. The forensic evidence, as I understand it, coming out of those mass graves reflects the opposite, that they are not combat casualties.³

Nevertheless, Butler admitted later during the Defense cross-examination that it would be reasonable to assume that “between 1,000 and 2,000” Muslims could have died as a result of combat activity in the immediate aftermath of the fall of Srebrenica.⁴ Indeed, a careful analysis of the forensic material that had been

with the route followed by the Bosnian Army’s 28th Division, a legitimate military target, during its breakout from Srebrenica. The specific sites within the scope of the ICTY forensic teams investigation are referred to by Ruez, *ibid.*, p. 23997–23998.

2. *Popović et al.* was the third multiple-defendant Srebrenica-related trial, which focused mainly on military security service officers and high-level field commanders. The trial judgment was announced on June 10, 2010. The judgment and related legal documents may be found at: <http://www.icty.org/case/popovic/4#tjug>
3. *Popović et al.*, 23 January, 2008, Transcript 20250.
4. *Ibid.*, Transcript 20251, lines 6-8. Subsequently, at the Jević Srebrenica war crimes trial in Sarajevo (September 19, 2011), Butler increased his estimate of Muslim combat casualties to between 2,000 and 4,000.

prepared by experts of the same Office of the Prosecutor where Butler also worked indicates that — contrary to Butler's initial claim in *Popović* — a significant number of casualties demonstrably resulted from combat activity and, therefore, does not fit into the execution and war-crime scenario.

Hypothesis

This analysis of the forensic data is based on the following working hypothesis. Assuming that the prevalent view that about 8,000 prisoners of war were summarily shot in Srebrenica is correct, we should expect to find all or an overwhelming majority of the human remains in the various Srebrenica-related mass graves to exhibit a pattern of injury consistent with execution, at least whenever such a pattern is discernible. The objective of this analysis is to test this hypothesis. If the hypothesis is true, then we should reasonably expect to find a generally uniform pattern of injury that is broadly consistent with the theory of execution.

Source Material Used for the Purposes of This Analysis

A total of 3,568 cases were analyzed. They represent the sum total of all the material gathered by the Prosecution of The Hague Tribunal at thirteen different Srebrenica-related locations between 1995 and 2002.

Each of these locations is discussed separately, and the pertinent data for each is presented in the form of a graph.

The results were divided into nine classes of casualties:

Class 1: Bodies with a bullet in both the upper and the lower region.

Class 2: Bodies with a bullet only in the upper region.

Class 3: Bodies with a bullet only in the lower region.

Class 4: Bodies which, in addition to traces of bullets, also contain traces of various kinds of metal fragments.

Class 5: Bodies which contain only metal fragments of various kinds.

Class 6: Various body parts or bone fragments, *i.e.* cases in which the exhumed remains were not definable as a body and which, in some instances, relied on no more than a single bone.

Class 7: Incomplete bodies, *i.e.* autopsy reports which describe only the upper or lower region of the body or only the cranium.

Class 8: Bodies for which a cause of death could not be determined.

Class 9: Bodies with blindfolds and/or ligatures.⁵

We reiterate that our principal goal is to analyze and classify the findings of the forensic experts who had been engaged by the ICTY Office of the Prosecutor. These forensic specialists had direct access to the exhumed human remains that form the subject matter of these autopsy reports. When these reports state, for instance, that “the cause of death was not determined,” this is not a conclusion that had been independently reached by this author. This conclusion was drawn by The Hague Tribunal forensic experts who actually conducted the autopsies.

5. There is a controversy with respect to blindfolds. It is commonly known, and numerous photographs taken by both sides during the conflict amply confirm it, that Serbian and Muslim combatants had the habit of wearing bandanas on their heads for religious and/or identification purposes. This obviously raises the issue of a possible confusion between the one and the other in the exhumation process. Dr. William Haglund, director of the ICTY Prosecution forensic team which had exhumed Srebrenica-related mass graves, said under cross-examination by Radovan Karadžić that he “did not know” whether he could discern the difference between a blindfold and a bandana during the examination of exhumed mortal remains and that he “just assumed that they were blindfolds next to people” (*Prosecutor v. Karadžić*, 31 January, 2012, Transcript, p. 23947-23948).

Glogova

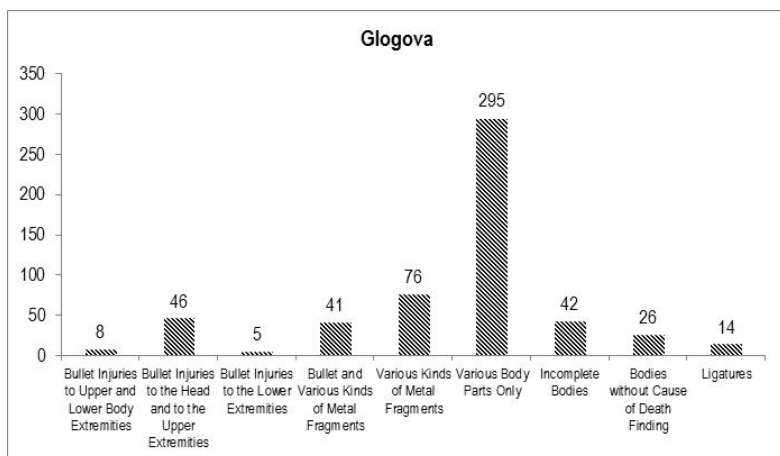
Several mass graves were found at this location, some of which contained the remains of two to three bodies, while others contained a much larger number.

Almost all the mass graves at this location were exhumed during September and October 1999, with the exception of the mass grave denoted as Glogova 1, which was exhumed in May 2001.

As the following graph shows, the column representing “Various Body Parts Only” plays the dominant role. In a significant number of cases, five or fewer bones are involved. Taking into consideration that a human body is composed of over 200 bones, it is clear that such a small sample is insufficient for drawing any forensically significant conclusions (unless it involves cranial bones or others that shield vital organs, and unless the bones themselves do not exhibit injuries caused by bullets or other weapons). It is important to note that Prosecution experts themselves have been unable to determine the cause of death in 280 out of 295 cases at this location where only small body parts were found. Thirty-five bodies reveal traces of shrapnel, which unambiguously indicates that these persons died from the concussive impact of a grenade, mortar, or other heavy weapon. Blast wounds were the cause of death in thirty-two cases. It is also relevant that 53.3% of the Glogova material does not consist of complete bodies but only of body parts or bone fragments. Of that percentage, ICTY forensic experts could not determine the cause of death in 95% of the cases. When referring to incomplete bodies, the cause of death could not be determined in thirty-three cases; the cause of death was injury to the upper body region in eight cases, and lower body region injuries were cited as the cause of death in one case.

A total of fourteen bodies had blindfolds and/or ligatures, which may be interpreted as suggesting execution.

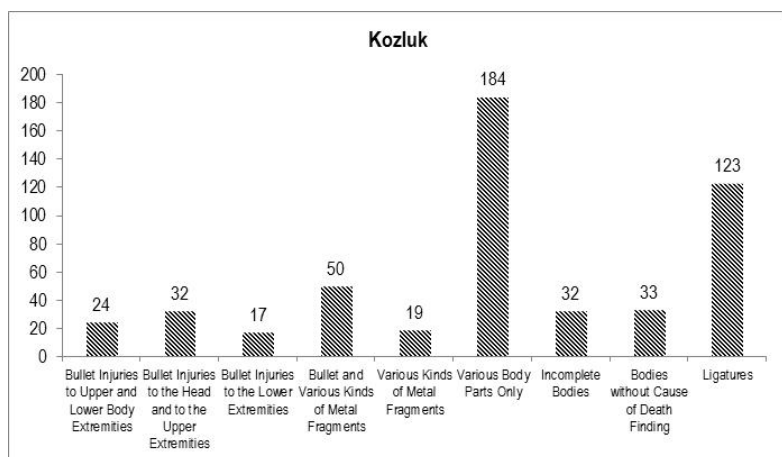
PRESENTATION AND INTERPRETATION OF SREBRENICA FORENSIC DATA



Kozluk

The Kozluk mass graves were exhumed in July, August, and September 1999.

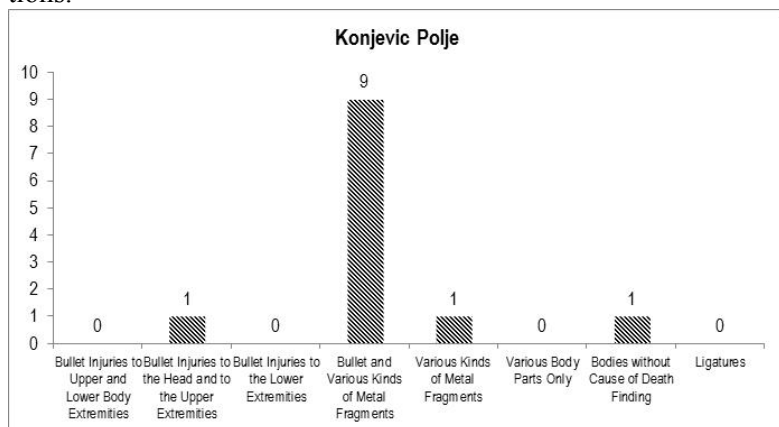
The majority of these cases consist only of body fragments, *i.e.* a total of 184 autopsy reports. Of this number, ICTY forensic experts could not determine the cause of death in 176 cases, which comprises more than 95.7% of the total. Here as well, it is important to note that 123 bodies were found with ligatures and/or blindfolds, which suggests that they were executed. The cause of death could not be determined in twenty-six out of thirty-two cases of incomplete bodies.



Konjević Polje

These exhumations were performed in September 1999.

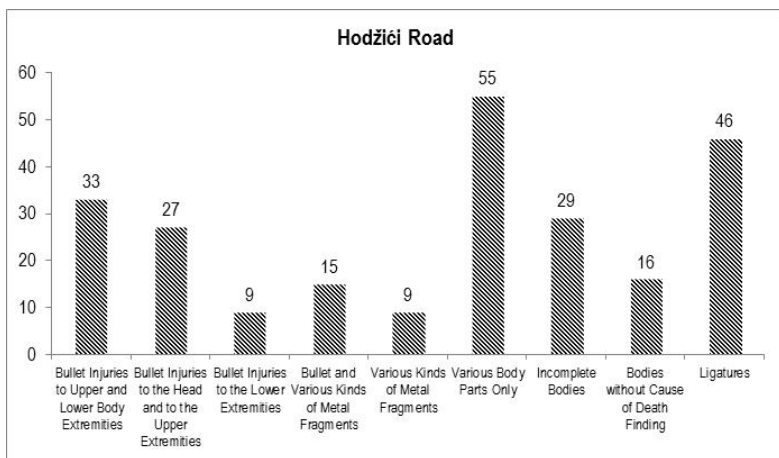
Twelve bodies were found in the Konjević Polje mass grave. Most of them sustained injuries from bullets or from metal fragments of various kinds. It is highly likely, based on the nature and pattern of most of the injuries, that the bodies exhumed from this mass grave are those who perished during combat operations.



Hodžići Road

These mass graves were exhumed during September and October 1998.

As in Konjević Polje, fifty-five out of a total of 239 cases in the Body Parts category form the largest single group. The cause of death could not be determined in fifty-two of these fifty-five cases, or 94.5% of the total. The number of bodies with blindfolds and/or ligatures is forty-six out of 239. The cause of death could not be determined in thirteen of twenty-nine incomplete bodies.

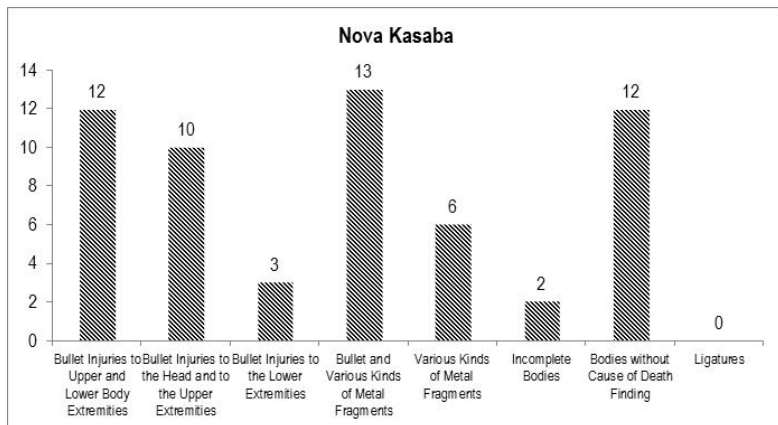


Nova Kasaba

These exhumations took place in September 1999.

The human remains in Nova Kasaba exhibit a somewhat different picture with respect to the distribution of injuries. Here, the number of injuries caused by bullets and those that were caused by metal fragments of various kinds is about equal. Also notable is the number of whole bodies without any injuries or tissue damage, as a result of which no cause of death could be determined. The cause of death could also not be determined for

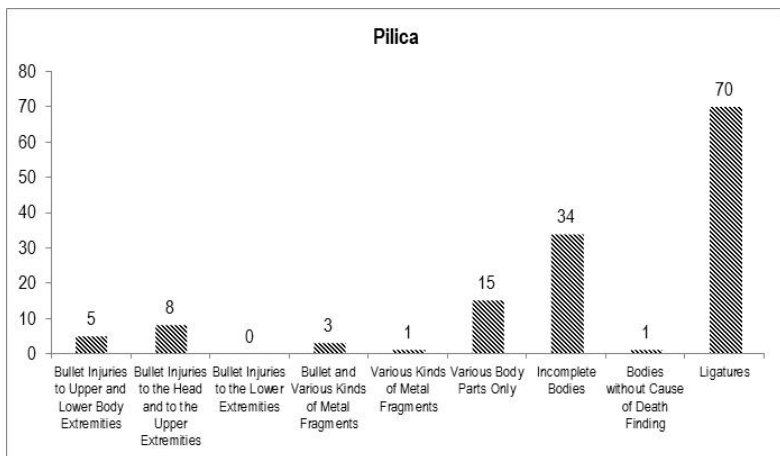
the two incomplete bodies found at this location. There were no bodies with ligatures and/or blindfolds in this mass grave.



Pilica

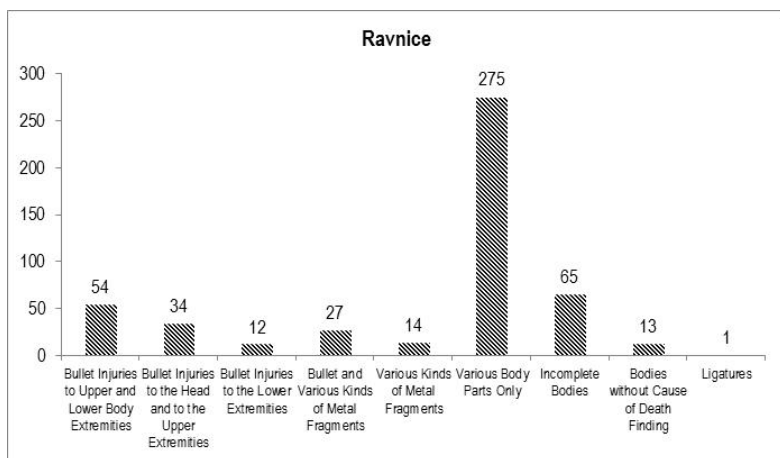
This mass grave was exhumed in October 1996.

The Pilica-Branjevo farm is notable for the number of bodies with blindfolds and/or ligatures. They number 70, or 51% of the total number of cases examined here. The remaining cases are mainly body parts or incomplete bodies. The graph below shows that there are traces of bullet and various metal fragments, and there are two categories of bullet-related injuries in addition to the Incomplete Bodies category. The remainder did not exhibit any injuries at all so no cause of death could be determined. The cause of death could not be determined in twelve of the fifteen cases in which only a small body part or a few bones were involved.



Ravnice

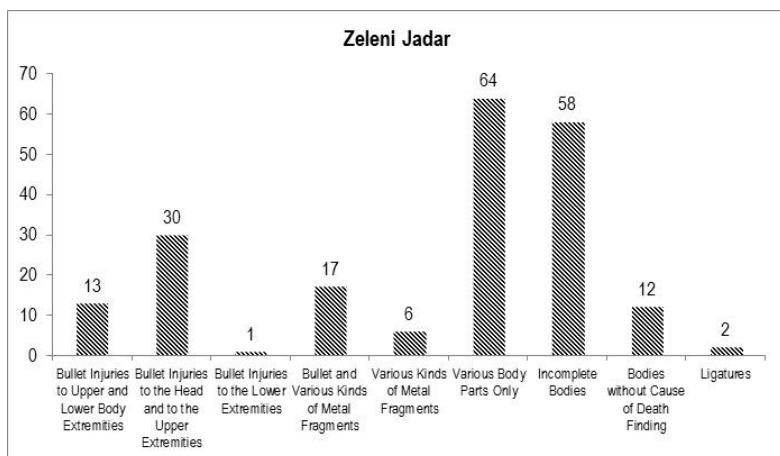
Exhumations were twice carried out at this location, first in September 2000 and then in August and September 2001. This mass grave is characterized by the high number of cases in which only body parts were found. Two hundred and seventy-five out of a total of 495 autopsy reports refer to cases involving only a single body part. These proportions can easily be seen in the graph below. In order for the data to be viewed more clearly, this means that in 55% of the cases only one single body part, often just one or more bones, was found. Perhaps even more significantly, the cause of death could not be determined in 259 of 275 autopsy reports which involve only a few bones, or 94.2% of the cases. The cause of death could not be determined in seventeen of sixty-five cases that involved Incomplete Bodies. Injuries caused by a bullet were apparent in one hundred cases. The cause of death could not be determined in the cases of thirteen complete or almost complete bodies. Various metal fragments with or without bullets were found in forty-four cases, which is indicative of different kinds of weapons that were used. One ligature was also found at this location.



Zeleni Jadar

The Zeleni Jadar mass graves, which were exhumed in October 1998, also contain a significant number of autopsy reports based on a small number of bones. The percentage of cases where only a body part was found, *e.g.* a thigh or a foot, is 31.5%. The cause of death could not be determined in fifty-four out of a total of sixty-four cases where only a body part was located (84.3% of the total). The cause of death could not be determined in twenty-eight of fifty-eight cases of Incomplete Bodies. The cause of death could not be determined in two cases of ligatures nor in twelve cases of complete or almost complete bodies.

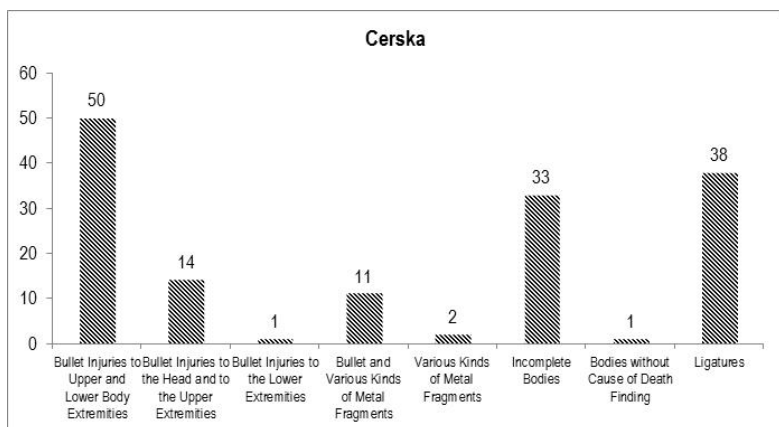
In forty-four cases, there were bullet injuries to the different parts of the body. The remaining twenty-three bodies exhibited injuries inflicted by various weapons, including mines and artillery shells.



Cerska

Exhumations were conducted at this location in July and August 1996. The total number of autopsy reports is 150, of which there are sixty-five cases in which bullet or bullet fragments were found.

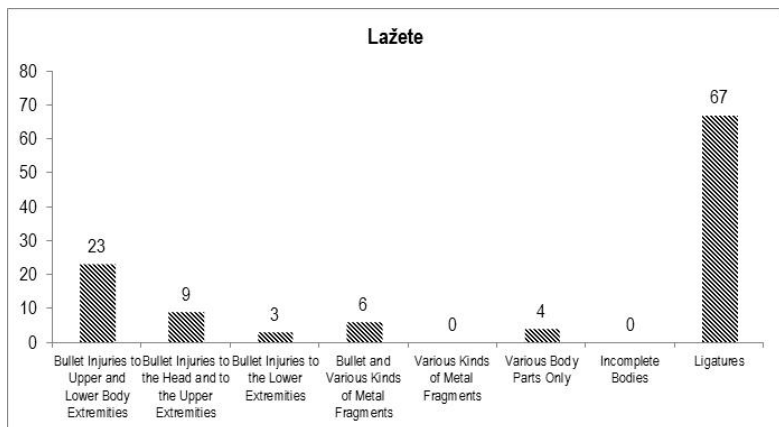
The presence of bullets in a broad range of distribution characterizes these mass graves. In a vast number of cases, bullets were found in both the upper and lower extremities. Even in cases involving incomplete remains, it was possible to determine the cause of death by noting the presence of a bullet or bullet fragments. There is a total of thirty-three such autopsy reports referring to incomplete bodies in which the cause of death is injuries sustained by firearms to both the upper and lower extremities. Here we must also mention thirty-eight bodies that were found with blindfolds and/or ligatures, which indicates execution, as well as thirty-three bodies that were incomplete. In thirteen cases, in addition to the presence of bullets, different sorts of metal fragments that did not originate from a bullet were found.



Lažete

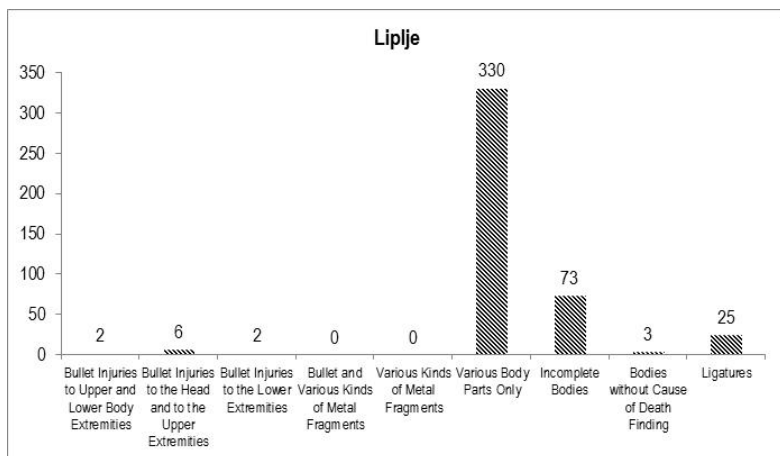
These exhumations were conducted in September 1996.

As reflected in the graph below, this mass grave is characterized by a high percentage of bodies with blindfolds and/or ligatures. There are sixty-seven such bodies (59.8% of the total). The remaining bodies exhibit injuries caused by a bullet to the upper or lower extremities.



Liplje

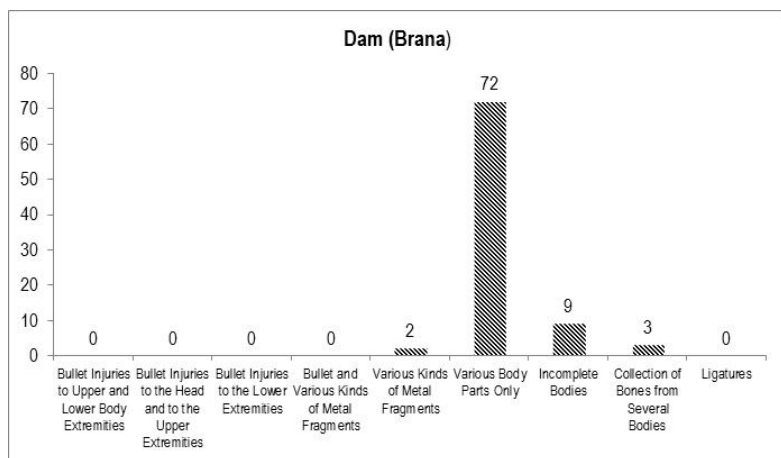
Exhumations in Liplje were conducted in September and October 1998. These mass graves are distinguished by the number of autopsy reports in which only one body part was found. Out of a total of 441 reports, 330 (74.8%) refer to body parts, while in seventy-three cases (17.5%), the body is incomplete. The cause of death could not be determined in 318 (96.4%) of the 330 cases that refer only to body parts. With regard to incomplete bodies, the cause of death could not be determined in fifty-three cases out of seventy-three such autopsy reports. The remaining twenty reports show an even distribution of fatal injuries inflicted by firearms to the upper and lower extremities, respectively.



Dam [Brana]

Mass graves in the vicinity of the Dam share the characteristics of the human remains exhumed in most of the previously discussed locations. The distinguishing feature of these mass graves is that the majority of the cases consist of just a few bones or small body parts. This applies to seventy-two out of ninety-one autopsy reports from this location. The cause of death could

be determined in only three cases. In contrast to previous sites, we find here a new category of autopsy reports consisting of collections of fifty or more bones and bone fragments per “case” without any attempt at individual classification and, apparently, without a basis for valid evidentiary conclusions. These bones presumably belong to a variety of persons. There were eight such collective “cases.” In two cases, metal fragments were found that were not bullet related. The remaining nine cases were incomplete bodies. The exhumations were conducted in June 1998.⁶

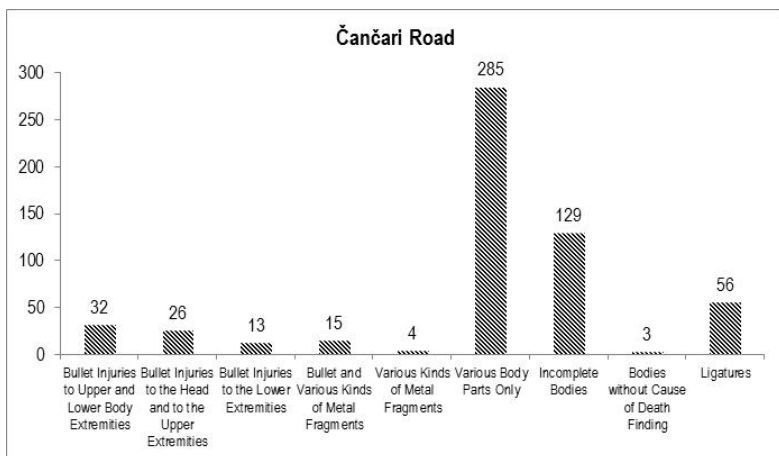


Čančari Road

The Čančari Road mass graves also contain a high percentage of autopsy reports in which only a few bones were found. There are 285 such reports (50.6%) out of a total of 563. The cause of death could not be determined in 240 cases (84.2%) out of 285. There is also a high percentage of autopsy reports with incomplete bodies that total 129. Of these, in seventy-seven cas-

6. Prosecution forensic team archaeologist Richard Wright confirmed the general situation at the Dam: “there were no complete bodies ... there were isolated bones” (*Prosecution v. Karadžić*, Transcript, p. 22262, lines 12-13).

es (60% of the total), the cause of death could not be determined. The remaining reports, in which the cause of death was determined, contain a high percentage of injuries inflicted by fire-arms. There were also fifty-six reports with blindfolds and/or ligatures, about 10% of the Čančari Road total.



Data summary

There is a total of 3,568 autopsy reports that were reviewed. That is the total number of autopsy reports available to the Prosecution of The Hague Tribunal and it was submitted into evidence in 2010. It must be pointed out that this figure represents 3,568 autopsy reports, which does not equal the same number of actual bodies. The principle is clear: one report does not equal one body. Almost 44.4% of the reports refer to only a body part, often just a single bone. That undoubtedly explains the inability of the Prosecution forensic specialists to determine the cause of death in a high percentage of these cases. Taking into consideration that the human body consists of over 200 bones, it is obvious why an autopsy report that refers to a few bone fragments is not synonymous with a body. The corollary is that the number of actual bodies may very well be far less than the number of au-

topsy reports. That is strongly suggested by the data breakdown for individual mass burial sites in the graph below.

These autopsy reports were divided into five groups to make the results analytically clear.

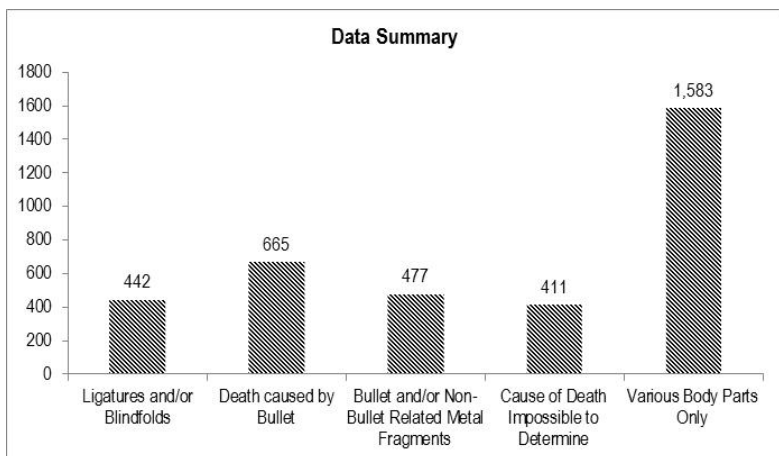
The first group consists of bodies and body parts that were found with blindfolds and/or ligatures.

The second group includes bodies that suffered injuries consistent with the impact resulting from bullets or bullet fragments. Such fatal injuries could have been inflicted either as a result of combat or execution.

The third group consists of bodies that did not have only injuries inflicted by bullets but also had metal projectile fragments (such as shrapnel from shells or mortars) as well as bodies that established the presence of various metal fragments only. The injuries sustained by this group are mostly consistent with combat activity.

The fourth group consists of incomplete bodies where no cause of death could be determined.

The fifth, and largest group, consists of autopsy reports where there were only a few body fragments, often just a single bone or a foot encased in a boot, a thigh, or the like. There are 1,583 (44.4% of the total) autopsy reports in this category out of the total of 3,568. This figure acquires even greater significance when it is taken into consideration that in 92.4% of these reports in which only one single body part was found, the Tribunal forensic experts were unable to determine the cause of death.



Discussion

The following professionally responsible conclusions, based on the autopsy reports that were reviewed and on the breakdown of the data, may be drawn about the manner and causes of death of these victims:

1. The first group consists of 442 bodies on or about which blindfolds and/or ligatures were found. That indicates that those persons may have been executed.

2. There are 655 cases in which autopsy reports indicate that the fatal injuries had been inflicted by bullets. It is impossible to conclude based on this alone whether the victims had been executed or killed in combat or whether death was the consequence of some other cause, *e.g.* suicide. However, based on a close pattern of injury analysis (as noted in the Prosecution autopsy reports), it may be said with a high degree of certainty that death was not caused by a gunshot in about 150 of these cases. The reason for this conclusion is the peculiar characteristics of the pattern of injury reported in these cases. The extent of bone damage and the pronounced bone fragmentation are more con-

sistent with the impact of a projectile launched from a “Praga”⁷ or a similar weapon than with the impact of an ordinary bullet.⁸

3. It would be reasonable to conclude with respect to 477 of the victims that they were not executed, because autopsy reports indicate the presence of shrapnel and other metal fragments which are not bullet-related or have not been reliably established as bullet-related injuries. Such a pattern of injury is more consistent with combat activity, *e.g.* the breakout of the 28th Division column from Srebrenica to Tuzla, rather than with execution as the probable cause of death.

4. It was impossible to determine for 411 bodies whether death was due to execution or some other cause because those bodies and the forensic information associated with them were incomplete. Also in this group are bodies which did not exhibit traces of projectiles of any kind, and for this reason, as well, the cause of death could not be determined.

5. The last, and largest single group, totaling 1,583 cases, consists of autopsy reports which refer to only a few bones. Based on such reports, it is impossible to draw any forensically significant conclusions, all the more so since no trauma is noted in a high percentage of them. This view is confirmed by the fact that Prosecution forensic experts could not determine a cause of death in 92.4% of the cases in this category.

7. The Praga M53/59 is a 30 mm double-barreled anti-aircraft cannon that was deployed as an anti-personnel weapon during the Bosnian War.

8. For example, cranial perforations greater than 10 cm or fragmentation of the scapula with the fracture of six ribs. In forensic terminology, injuries such as these are characterized as “burst out” wounds which, in most cases, would rule out an ordinary bullet. For evidence of the use of high velocity projectiles, see Chapter VI, “Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts”.

The initial hypothesis, derived from the prevalent view of the events that took place in Srebrenica, was that all or most of the exhumed remains would exhibit a pattern of injury consistent with execution. This has not been confirmed. Instead of the anticipated uniformity, there is, in fact, a great deal of diversity in the patterns of injury. This is consistent with the existence of more than one single predominant explanation for the fatal outcome.

Control Analysis

Although these results are clear, we thought it would be in the general interest of our inquiry and conducive to clarity to conduct a parallel or control analysis because the previous procedure did not give a definitive answer to the total number of victims in the Srebrenica-related mass graves. Because of the enormous number of autopsy reports which are based on only a small number of bones, we sought another convenient way to cross-check the results. We therefore decided to conduct an additional analysis. Our objective was to establish, as reliably as possible, the total number of bodies in the mass graves which were exhumed by ICTY Prosecution forensic experts for which they composed autopsy reports, and which were ultimately submitted into evidence to form the basis for several ICTY court decisions about the total number of Srebrenica war-crime victims. Once we have a fairly reliable total figure of victims, we can then proceed with an enhanced degree of confidence to contemplate the actual dimensions of the Srebrenica tragedy, including both those who were probably executed as well as those who were probably killed in combat.

Initially, we thought of using the total number of craniums and femurs to establish a parameter. Since the craniums were smashed or fragmented in a significant number of cases, sometimes into more than 20 individual pieces, that approach proved

impractical and was abandoned. We then concentrated on counting the femurs.⁹ In the course of our research, we counted all the right and left femurs, as well as femur fragments whenever it was possible to determine whether they belonged to the right or the left femur bone.

It was not possible to determine for a small number of femur fragments (a total of twenty-eight) whether they belonged to the right or the left femur bone due to their insufficient size.

As the attached table demonstrates, control results are broadly consistent with the results of the preceding analysis, although they were reached using a different approach. Both approaches yield a total of fewer than 2,000 bodies in the thirteen Srebrenica-related mass graves, in this case between 1,919 and 1,923.

We stress that this total figure of victims for all Srebrenica mass graves includes the key categories of those who were executed and those who were killed in combat. Thus, the thesis we advance in our main study,¹⁰ that a considerable number of these autopsy reports (44.4%), which involve only bone fragments, cannot legitimately be treated as corresponding to an equivalent number of bodies, now stands fully corroborated. To repeat, the number of autopsy reports which pertain only to bone fragments is 1,583. When we subtract 1,583 from the total number of “cases” (3,568) for which Tribunal forensic experts have created autopsy reports, we are left with about 1,985 bodies in various states of completeness. This coincides, within acceptable parameters, with the results of our control analysis, which, relying on

9. Reliance on femur bones as a method of counting the probable number of persons in a mass grave was admitted by Prosecution forensic anthropologist Jose Pablo Baraybar in evidence he presented at the Karadžić trial: see Prosecution Rule 65 ter Summary, Transcript, p. 22342, lines 1-6.

10. See Chapter VI, “Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts.”

PRESENTATION AND INTERPRETATION OF SREBRENICA FORENSIC DATA

the count of femur bones, yields a range between 1,919 and 1,923 casualties from all causes in Srebrenica-related mass graves.

Mass grave	Right Femur	Left Femur	Bone Fragment
Liplje	131	131	4
Ravnice	221	224	1
Glogova	275	273	2
Čančari road	233	240	3
Kozluk	318	315	0
Hodžići road	155	156	2
Cerska	146	146	0
Nova Kasaba	56	56	0
Lažete	110	110	0
Pilica	115	115	0
Zeleni Jadar	116	113	1
Dam (Brana)	31	32	15
Konjević Polje	12	12	0
Total Femur Bones	1,919	1,923	28

Ljubiša Simić

**V. AN ANALYSIS OF THE
SREBRENICA FORENSIC REPORTS
PREPARED BY ICTY PROSECUTION EXPERTS**

A thorough analysis of the forensic evidence that was used in the various Srebrenica trials could make an important contribution to clarifying what happened in Srebrenica in July 1995 and it could also provide insight into the way the ICTY operates. These materials have clearly been a cause of controversy over the last fifteen years that began shortly after the initial exhumations. Equally controversial is the professional conduct of the Tribunal as a whole. The manner in which these forensic data were collected, processed, offered into evidence, and finally incorporated into ICTY judgments, thus forming the basis for far-reaching conclusions, sheds additional light on the *modus operandi* of the International Tribunal.

For our purposes, it is unnecessary — and would even be uncalled for — to dwell on the political, legal, and moral background of the events that took place in Srebrenica in July 1995. Instead, our intention is to focus on the methodology of the international teams of forensic experts who were tasked between 1996 and 2001 by the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to conduct exhumations of Srebrenica-related mass graves and to record their findings in the form of individual autopsy reports. All relevant and available data must be taken into account for the forensic experts' task to be performed in a credible and professional manner. Significant issues arising from the autopsy reports must be clearly identified and they must be discussed thoroughly. The finder of fact, the judicial Chamber, must take all those elements into account in making its assessment.

It may be said at the outset that the following critique strongly encourages the formation of a new perspective on the events that took place in Srebrenica, to the extent that the methodology

used by the international teams of forensic experts (which forms a major component of the accepted narrative of the Bosnian War 1992–1995) was flawed. The conclusions drawn by ICTY Chambers based on it are, to the same degree, unsustainable.

Outside Experts and Their *Modus Operandi*. It could be plausibly argued that considerably more progress might have been made in establishing the facts, at least on the forensic level, if outside professional intervention had been more constructive or if it had at least resisted the demand to fit forensic realities into the inflexible preconceptions of the ICTY.

The following analysis will shed light on one aspect of such foreign intervention that was designed to “pick up the pieces” in the aftermath of the Bosnian War. The importance of these materials may be judged by the fact that The Hague Tribunal relied on them to define the events in Srebrenica as genocide, which is the most serious charge in its arsenal of jurisprudence. Individuals accused of involvement in these events have received prison sentences totaling many decades. Yet, until now, no one has bothered to subject the forensic methods and the autopsy reports prepared by Tribunal experts to serious review, notwithstanding their far-reaching impact.

One may assume that trust in the competence and objectivity of the forensic experts was implicit, so the thought never occurred to anyone to review seriously their work. This impression is reinforced by the fact that the Tribunal’s forensic experts were granted complete autonomy in the execution of their task while their colleagues from Bosnia and the Former Yugoslavia were denied access to all of the twenty or so mass graves that had been identified and exhumed by the ICTY.¹ Given the bitter mu-

1. This was confirmed by Prosecution forensic team expert Richard Wright. Under cross-examination at the Karadžić trial, when asked if any citizen of the Former Yugoslavia had taken part in the ex-

tual hostility of local warring parties, entrusting the delicate task of sorting out the forensic evidence to disinterested foreigners may have appeared to be a wise move under the circumstances. But the corollary is that the forensic experts and the ICTY must now bear complete responsibility for the quality and the results of their work. At the same time, taking into account the countries from which many of these experts were recruited, as well as countries from which forensic experts were pointedly excluded, skeptics may be excused for forming the impression that this particular detail may explain many of the shortcomings in these autopsy reports, which will be identified in due course.²

humations, Wright stated that: “[N]o citizen of the former Yugoslavia was allowed to come to the sites in the four years that I excavated. And at night the sites were under armed guard to prevent anyone coming in. Had ICTY said to me that they wished me to admit such a person, I would have, of course, admitted them, but the general rule was that no citizen of the former Yugoslavia was allowed near the work. To the extent, for instance, at the Red Dam where we needed a heavier excavator, an owner driver, somebody who owned the heavier excavator and drove the excavator, was not allowed into the site to use it. Our engineer drove the vehicle. So it was a strict policy.” (*Prosecutor v. Karadžić*, Transcript, p. 22298, lines 15-25.) Further on in his testimony, the witness frankly reiterated the actual application in Bosnia of the *No Dogs or Chinese Allowed* policy attributed by André Malraux to Western administrators in Shanghai: “...it was a policy that we were not to allow such people into the site, yes.” (*Ibid.*, p. 22299, lines 5-6.) It appears that Wright had inadvertently managed to put this policy in a very broad but useful historical context.

2. Note may be taken that while the “international commission” of forensic experts engaged in 1943 by wartime German authorities to investigate evidence of a massacre in the Katyn Forest was composed mostly of practitioners from satellite countries, it did also include a neutral member, Prof. François Naville of the Swiss Red Cross, as well as several Allied military officers who were prisoners of war in Germany, in the capacity of observers. See Frédéric Sallot, *Katyn: de l'utilité des massacres*, Paris, L'Harmattan 2010, p. 60 *et passim*.

The data will be analyzed from several different perspectives so that major issues may be properly highlighted and understood. In addition to the data itself, we will also deal with the important question of how the data was presented to and interpreted by the Tribunal, and how it was subsequently used as the foundation for several convictions. This approach will generate useful information and it will enable us to better explain this complex material.

The subject of the analysis that follows is the results obtained and conclusions drawn by several teams of Prosecution forensic experts after having been engaged by The Hague Tribunal to conduct exhumations of mass graves (between 1996 and 2001) suspected of containing the remains of Srebrenica massacre victims.³ These exhumations were performed in the Podrinje (Drina River Valley) region of Bosnia and Herzegovina.

Autopsy reports prepared by these expert teams relate to victims in over twenty mass graves in thirteen locations: Glogova, Kozluk, Konjević Polje, Hodžići Road, Nova Kasaba, Pilica, Ravnice, Zeleni Jadar, Lažete, Cerska, Liplje, the Dam, and Čančari Road.

Is That What Is Meant by *Lege Artis*? Before proceeding with our examination, it would be useful to consider how The Hague Tribunal experts view the forensic evidence yielded by the Srebrenica locations.

ICTY military expert for the Prosecution Richard Butler, after having been asked by the Defense during the *Popović et al.* trial whether, in his view, it would serve a useful purpose to try

3. The fact that their work was purposefully confined to Srebrenica massacre-related mass graves was confirmed by ICTY Prosecution Chief Investigator Jean-René Ruez. See *Prosecutor v. Karadžić*, February 1, 1995, Transcript, p. 23983, lines 20-25 and 23984, lines 1-5.

to establish how many Srebrenica Muslims were killed in combat, answered as follows:

It would be relevant if the forensic evidence of mass graves were showing evidence that would reflect that the bodies in those graves reflected combat casualties. The forensic evidence, as I understand it, coming out of those mass graves reflects the opposite, that they are not combat casualties.⁴

Nevertheless, later in the cross-examination, Butler felt compelled to revise his statement and admit that, based on his military experience, it would be reasonable to assume that “between 1,000 and 2,000” Muslims could have died as a result of combat activity.⁵

Butler’s initial response, though he eventually felt compelled to backtrack on this statement, encapsulates the dogmatic position that has marked the way this forensic evidence has been implicitly treated from the beginning by the Prosecution, successive Tribunal Chambers, and the various experts the ICTY has called upon to prepare it. This rigid position, as will become evident, does not find any empirical support whatsoever in the forensic evidence itself.

It turns out that some responsible members of the Prosecution expert team had apparently not been adequately briefed on the wider context of the conflict whose forensic consequences they were charged to investigate in the field. Dr. William Haglund, Director of the Prosecution team of experts who conducted the Srebrenica exhumations, freely admitted that it did not occur to him during the actual exhumations that combat activity could

4. *Popović et al.*, Transcript p. 20250 .

5. *Popović et al.*, Transcript p. 20251, lines 6-8. Subsequently, in his testimony at the *Jević* war crimes trial in Sarajevo on September 19, 2011, Butler doubled this estimate to “between 2,000 and 4,000” Muslim combat casualties.

also have been the cause of some of the deaths that were being examined.⁶

The Issue of Professionalism. It must be made clear that no expert, regardless of skill or reputation, can state with absolute certainty whether an injury was the result of execution or combat activity merely on the basis of a bullet wound or damage to some part of the body, especially if the body is in an advanced state of decomposition or has been reduced to a skeleton. Such unqualified assertions are always a sure sign that the “expert” is overstepping the legitimate bounds of his or her mandate.

The Chamber in the *Krstić* case reasoned along the lines of Butler’s initial position, which tended to minimize the number of combat-related deaths within the overall total. Their conclusions on forensic matters, as stated in the judgment, had been largely adopted from the language of the indictment, without much apparent attempt at critical analysis of the Prosecution’s claims that the majority of the deaths were due to execution. In many instances, the Prosecution’s views were incorporated into the judgment with little or no modification.⁷

The following aspects of the *Krstić* judgment, which intersect with the Prosecution’s forensic evidence, must be red-flagged because they are questionable and do not withstand scru-

6. Haglund: “... [T]hat never came to my mind... I don’t think that there was anything that would lead me to believe that had happened.” (*Prosecutor v. Karadžić*, Transcript, p. 23951, lines 17-19.) Note should be taken that Chief Investigator Jean-René Ruez, by contrast, did profess knowledge of that particular aspect of the situation. (*Ibid.*, Transcript, p. 23982, lines 21-24.)

7. “The results of the forensic investigations suggest that the majority of the bodies exhumed were not killed in combat; they were killed in mass executions.” (*Prosecutor v. Krstić*, Trial Judgment, par. 75.)

tiny. They have, nevertheless, entered the reasoning and infected the principal conclusions of the judgment.

1. It is tacitly accepted that each forensic report represents one body. This is not correct because a significant number of reports refer to only a few bones from which no conclusions can be drawn. This is particularly true of hand or foot bones, some of which do not even exhibit any evidence of injury. (See Annex 10.)
2. The total number of cases (or purported bodies) with blindfolds and/or ligatures is, by our count, 442. In the Krstić judgment, two figures are cited. One refers only to blindfolds (448), and the other only to ligatures (423).⁸ It is thus implied in the judgment that these are two separate groups of prisoners. When these figures are combined, the resulting total is 871. However, while there were some who had only blindfolds and others with only ligatures, there was a large number who had both. There was, in fact, a great deal of overlap between the two groups. This, however, is not reflected in the judgment. There is not the slightest allusion to the fact that, in a significant number of cases, the same individuals may have had a blindfold as well as a ligature. That is important because this is the only group of which it may be unequivocally stated that they were prisoners of war who had been executed. The Prosecution's objective, naturally, was to augment the number of potentially executed persons and thus to impress the judges, but it was the Chamber's duty to check these allegations by examining the evidence. The Prosecutors were apparently successful and the Chamber did not bother to check. It resulted in the lengthy sentence that General Krstić received.

8. *Krstić Trial Judgment*, par. 75: "Investigators discovered at least 448 blindfolds on or with the bodies uncovered during the exhumations at ten different sites. At least 423 ligatures were discovered during exhumations at 13 different sites...."

3. The judgment also fails to discuss numerous autopsy reports which refer to bodies in which only shell or mortar fragments were found. The presence of such metal fragments militates strongly against the thesis of Prosecution expert Butler that an overwhelming number of the victims who were exhumed from mass graves had been executed. (*See Annex 11.*)
4. The issue of “high velocity bullet injuries” is referred to in many autopsy reports, and it has important implications with regard to the manner of death. (*See Annex 12.*) But it is only casually mentioned in the autopsy reports and its significance is left completely unexamined, whether by unprofessional omission or by intentional de-emphasis. However, the presence of such injuries is directly pertinent to whether or not an execution had occurred in a particular case. The gravity and the extent of bone damage in these cases clearly suggests the impact not of conventional bullets but of shells associated with the Praga cannon,⁹ an artillery piece that was widely used. Its use in the Srebrenica theater as an anti-personnel weapon is amply documented in the statements of survivors.
5. The Krstić judgment ignores the significance of autopsy reports which refer to complete bodies with soft tissue to a greater or lesser extent present but without any visible injuries inflicted by firearms or any other weapon. This category of human remains suggests that some individuals in the enclave may have died of natural causes or in some other manner that rules out execution. (*See Annex 13.*)

9. Praga M53/59. The Praga is a double-barrelled, self-propelled anti-aircraft gun. Although it was designed to be used against low-flying aircraft and helicopters, it was used mainly as an anti-personnel weapon and against lightly fortified military objects during the war in Bosnia-Herzegovina.

6. The *Krstić* judgment also states that “the minimum number of bodies in the graves exhumed” by forensic specialists “was 2,028.”¹⁰ But this clearly misstates the actual situation as of August 2001, when the *Krstić* judgment was published. Our material, which includes not only the data available to the *Krstić* Chamber but also two additional mass graves exhumed after the *Krstić* trial was over, shows that there was a maximum combined total of about 1,920 individual bodies in all the exhumed mass graves.
7. The Chamber concluded in the *Krstić* judgment that eighteen then-unopened mass graves contain a “minimum of 2,571” additional unexhumed bodies.¹¹ We may set aside the obvious question: What entitles the Chamber to venture such precise figures about the content of yet unexhumed gravesites? But, more importantly, eleven years have passed since then and there still is no trace of the 2,571 bodies of executed prisoners claimed in the estimate of Tribunal experts,¹² who are also quoted in the judgment as having claimed that the total number of victims “detected” in the mass graves is 4,805.¹³ After a decade of assiduous digging, there is still no sign of the anticipated additional 4,805 bodies which, in order to support the Chamber’s conclusion, must not only be discovered but also forensically demonstrated to be victims of a Srebrenica-related execution and not of some other cause of death. The failure, after such a long period of time, to bring to light what the Chamber was assured had been “detected” suggests that this estimate was pure guesswork and that it was professionally unsound.

10. *Krstić* Trial Judgment, par. 80.

11. *Krstić* Trial Judgment, par. 80.

12. *Krstić* Trial Judgment, footnote 166.

13. *Ibid.*

Other ICTY Chambers in Srebrenica cases were hardly less ham-fisted in their reasoning. Examples include some of the conclusions drawn by the Chamber in the *Blagojević* judgment. We may disregard numerous flaws, such as those discussed above, which this judgment shares with the *Krstić* judgment. New examples include:

1. The Chamber represents that 132 bodies were exhumed in the Pilica (Branjevo farm) mass grave, of which eighty-two had ligatures.¹⁴ This information is incorrect. In fact, 115 bodies were exhumed, of which seventy had ligatures.
2. It is represented that the Glogova 1 and Glogova 2 mass graves contain 317 bodies. Our analysis of the Prosecution forensic experts' data shows this to be incorrect. There is, in fact, a total of 275 bodies not just in the Glogova 1 and 2 mass graves, but in all the mass graves exhumed at that location taken together, i.e. Glogova 1, Glogova 2, Glogova 3, Glogova 4, Glogova 5, and Glogova 6. Simple arithmetic shows that these six mass graves contain a total of 275 bodies, while it is claimed in the *Blagojević* judgment that there were 317 bodies in only two of the grave sites found there.¹⁵
3. Some paragraphs of the judgment state that there were estimated to be 219 bodies in the Hodžići Road mass grave. In fact, 156 were exhumed there.¹⁶

The Tribunal dealt with these issues not only by relying on the findings the forensic experts made in the field, but also by considering the evidence of witnesses who took part in these events in July 1995. To be exact, it heard, for all practical purposes, the testimony of just one such witness, Dražen Erde-

14. *Blagojević and Jokić* Trial Judgment, paragraphs 312 and 352.

15. *Blagojević and Jokić* Trial Judgment, paragraphs 312 and 352.

16. *Blagojević and Jokić* Trial Judgment, paragraphs 312 and 352.

mović, who appeared as the Prosecution's star witness in several Srebrenica trials. The place where our analysis intersects with Erdemović's evidence is Pilica, which is located about forty kilometers from Srebrenica. According to Erdemović, this was one of the locations where the executions of prisoners took place in July 1995. In his book, *The Star Witness*,¹⁷ Germinal Čivikov discredits Dražen Erdemović's claims that between 1,000 and 1,200 prisoners could have been executed in less than five hours by him and seven other members of his unit.

Čivikov critically assessed Erdemović's claim that the prisoners were bound and that the buses in which they were being transported were parked 100 to 200 meters from the execution site (in one of Erdemović's statements the distance was 100 meters, in another 200), and that about 1,200 prisoners had been shot in groups of ten. Having established such a tempo, simple arithmetic dictates that the executioners would have had no more than 2.5 minutes per group to commit the crime.¹⁸ It is clear, given the general setting of the crime, and in combination with Er-

17. Germinal Čivikov: *The Star Witness* (Belgrade, 2010), p. 65 and 66.

18. For an instructive comparison, see par. 763 of the *Blagojević and Jokic* Trial Judgment. There, another Chamber describes what it evidently regards as a credible account of the execution of prisoners at the Grbavci School near Orahovac. On p. 219 of the judgment, it is stated that 1,000 persons were executed there, which is less than the 1,200 that Erdemović claims were shot at Pilica and which the *Krstić* Chamber, based on his allegations, accepted as a credible fact. The strange thing is the following. In par. 763 in *Blagojević*, it is accepted that the execution of a group of 1,000 prisoners in Orahovac began on July 14 in the afternoon, continued all evening long, and then through the following night, until 5 a.m. the next morning, July 15. A logical question arises: If Erdemović is to be believed, then how was it possible to execute 1,200 men in only five hours, when it took three times longer to execute 1,000 prisoners elsewhere?

demović's claim that within a five-hour period the executioners found enough time to take breaks, to have drinks, to abuse the prisoners, to force them to empty their pockets and to surrender their personal documents, and then to take them to the execution site and finally to verify that everyone was dead, that this story has some serious credibility problems. One might well doubt the claim that all this could have been accomplished in 2.5 minutes per executed group. However, such doubts did not arise in the mind of any of the judges, at least not with sufficient intensity to cause Erdemović's testimony to be questioned. Oddly, it never occurred to any of the Chambers that heard Erdemović's evidence to invite any of the other perpetrators of the Pilica crime to testify. Nor did it motivate the Prosecution to charge those co-perpetrators with any crime, although Erdemović had identified them all by name and, arguably, the Prosecution was duty-bound to act, given the dimensions of the crime Erdemović claims had occurred.¹⁹ The possibility that Erdemović was exaggerating, or

19. At the *Popović et al.* trial (2007), judge Agius asked Erdemović to name the members of the Tenth Sabotage Detachment who took part in the execution of prisoners at Pilica along with him. Erdemović (who is himself a Croat) named the following persons and their ethnicity: Marko Boškić (Croat), Franz Kos (Slovene), Vlastimir Golijan (Serb), Brano Gojković (Serb), Stanko Savanović (Serb), Aleksandar Cvetković (Serb), and Zoran Goronja (Serb). It is perhaps significant that, although as a result of the evidence provided by Erdemović these individuals were known to the authorities over ten years ago as potential suspects in the commission of a serious war crime, no investigation of their role was conducted. There was no attempt to take them into custody until Germinal Čivikov's *The Star Witness* was published in Serbian translation in 2009. Proceedings against most of them are currently in progress before the War Crimes Department of the State Court of Bosnia and Herzegovina in Sarajevo; some have finally been convicted and their sentences are on appeal. An Erdemović-style plea bargain with the Prosecution has already been made by one of the defendants (Boškić). After a trial that was more farcical than substantive, Kos, Golijan, Savanović (who has inexplicably changed his sur-

perhaps even not speaking the whole truth, is suggested by an analysis of the Pilica mass grave. That is why Erdemović's evidence is being given special consideration. The number of bodies exhumed in Pilica was 115, and of that number seventy had blindfolds and/or ligatures. But that is fifteen times less than the figures cited by Erdemović. Yet even such significant incongruities were not sufficient for the various ICTY Chambers to begin to question the credibility of the "star witness." Nor were these incongruities enough to persuade the ICTY before 2005, when it was still indicting war crimes suspects, to order the other alleged perpetrators of the Pilica crime to be brought to the bar of justice so that their account of the events could also be heard and compared to Erdemović's.

It remains a mystery how the Court could have accepted these contradictions without bothering to verify the facts. Even this cursory survey compellingly suggests that one of the proffered versions has to be incorrect. Either Erdemović is speaking the truth when he claims that he executed 1,200 men in groups of ten in five hours with the help of seven associates, or the findings of forensic experts are wrong because they managed to exhume the remains of only 115 individuals in Pilica, or the obvious implications of Germinal Čivikov's math are wrong. Even such drastic evidentiary inconsistencies, however, have not persuaded the ICTY judges to order a further investigation or to call the co-perpetrators to court in order to clarify important issues. Both poles of the contradiction are tacitly accepted without any attempt to resolve them, and have been used as the basis for draconian sentencing in several Tribunal cases.

In the *Krstić* case, the Chamber makes an attempt to ameliorate the contradictions by asserting that the Pilica remains were

name to Kojić) and Goronja were found guilty and sentenced in Sarajevo on June 15, 2012.

partially reburied in the Čančari Road 12 mass grave. This explanation, however, is unpersuasive. The Čančari Road 12 mass grave, according to our analysis, contains ninety bodies, yielding a total of 205 when combined with Pilica. This is still six times less than the figure claimed by Erdemović.

For the sake of accuracy, it should be stated that the Chamber in the *Krstić* judgment accepts the possibility that a certain number of persons may have perished during combat. But as a practical matter, and in disregard of considerable evidence pointing in another direction, it takes the dogmatic view that the overwhelming majority were executed.²⁰

How the ICTY Interprets Forensic Data. In case there is any doubt that interpreting forensic reports is an intricate affair that requires attention be paid to minute details, there is one specific detail that keeps recurring in the forensic reports but which seems to have been generally overlooked. Focusing on this detail will give us a better understanding of the complexity of Srebrenica.

While reviewing materials from some of the mass graves, we noticed that autopsy reports kept cropping up in which cause of death was attributed to a *high velocity bullet injury*. Several mass graves display evidence of this phenomenon and the number of such reports is not negligible. There is, of course, a natural tendency to focus on the reference to the “bullet injury” without further inquiry. But, upon closer examination, these autopsy reports described these injuries as *burst-out injuries*, and they are said to have resulted from the impact of high velocity projectiles that cause extensive damage and that are fatal in most instances. The first question that arose was: Why didn’t the Chamber ever discuss these reports and their implications, and why did it not attempt to draw any conclusions about the type of weapon that

20. *Krstić* Trial Judgment, par. 77.

could have caused such extensive bodily damage? Are bullets from ordinary firearms capable of causing such damage to tissue?

The real reason this question is important is because it leads to another level of inquiry: What kind of weapon was used to cause the death of these particular individuals in the manner described?

The specific nature of injuries inflicted by high velocity bullets may be described as follows. When projectiles traveling at speeds greater than 900 m/s^{21} impact the body, they create a cavity around the entry point that is of considerably greater diameter than the projectile itself, which causes correspondingly greater tissue damage. High velocity projectiles also transmit an enormous amount of kinetic energy to the surrounding tissue which causes additional damage and, if the projectile strikes bone structures, a phenomenon known as *burst-out injuries* results. The characteristic of such injuries is that bones disintegrate into many tiny fragments.

An example of this phenomenon would be a burst-out injury to the cranium or some other part of the body, which causes it to splinter into dozens of small fragments. Injuries of this type would cause cranial perforations whose diameter usually would exceed 10 cm in diameter, or if the point of impact were the chest area, then the result would be a shoulder blade shattered into dozens of tiny fragments and (as happened in one particular case) the fragmentation of six ribs. So the question must be posed: What kind of weapon could inflict such serious and extensive injuries? The example cited in Annex 12 suggests that the probability of such injuries resulting from conventional au-

21. For a technical account of this issue, see:
http://www.kenrahn.com/jfk/scientific_topics/wound_ballistics/Ho_w_a_high-speed.html

tomatic or semi-automatic weapons is low and that there is a high probability that burst-out bone injuries, as they are described here, were inflicted by projectiles launched from an M53/59 anti-aircraft cannon, better known as the Praga. All the elements fit. First, the initial speed of the projectile when fired from this weapon is 1,000 m/s. Second, the size of the Praga projectile is such that an enormous amount of energy would be transmitted to the body upon impact, which means that the injuries would be correspondingly more extensive.²² The Praga is known to have been used in the Srebrenica theatre; its velocity is much greater than that of an ordinary bullet; and it would, therefore, be sufficient to explain the recorded injuries.

Finally, according to numerous witness statements of survivors, the execution weapons that were actually used²³ were of the type which had incomparably less velocity.

For example, the velocity of a bullet discharged from the famous AK-47, also known as the Kalashnikov, is 700 m/s;²⁴ the velocity of an M-92 automatic bullet is 645 m/s;²⁵ for the automatic M-70 the velocity is 720 m/s;²⁶ for the semi-automatic M72B1, bullet velocity is 745 m/s.²⁷ The familiar Scorpion projectile travels at a speed of only 320 m/s.²⁸

22. Prosecution anthropologist Richard Wright accepted that the unusual fragmentation of some bones was caused by blast injuries: "I have no doubt that these bodies suffered blast damage." (*Prosecutor v. Karadžić*, Transcript, p. 22273, lines 6-16.)

23. For instance, Srebrenica witness Salihović Bećir [EDS: 00464530] claims that he survived execution and that the firing squad used automatic and semi-automatic weapons.

24. <http://www.wikipedia.org/sr-el/A-47>

25. <http://www.zastava-arms.rs>

26. *Ibid.*

27. *Ibid.*

28. http://www.wikipedia.org/wiki/Scorpion_gun

There are not many studies focusing on the impact of the Praga on civilian targets. The Praga, of course, was conceived as an anti-aircraft weapon. However, during the Bosnian conflict it was also widely used as an anti-personnel weapon. This fact was amply confirmed in the statements of members of the 28th Division of the BH Army who were in the column that was retreating to Tuzla under fire in mid-July 1995. They state that the enormous number of casualties the column suffered was in part the result of the use of the Praga by Serbian forces all along the column's path.²⁹

To summarize the essential points: First, it is correct that bullets from standard-issue firearms, which are commonly used in executions, are classified ballistically as high velocity bullets but their speed is insufficient to cause the severe bone damage that was observed. Second, the extensiveness of these injuries indicates that the energy transmitted to the body during impact was enormous and that it must have greatly exceed the amount of energy that projectiles originating from automatic or semi-automatic weapons could have been expected to transmit.

Our fundamental conclusions have been extensively confirmed by surviving members of the 28th Division. They confirmed in numerous independently given statements that one of the reasons their side suffered enormous casualties during the breakout toward Tuzla was precisely because they were being fired upon by Pragas, which the Serbian side had deployed and used in the theatre of operations. In assessing observed damage

29. Of interest is the statement of Alić Mevlid [00371771] who says that the 28th Division column was being shelled by "artillery" and "anti-aircraft guns." The use of weapons of this type is also mentioned by Mehanović Hašmir [00371774], who also mentions mortar fire, and Halilović Suljo [01008121]. All these witnesses are 28th Division soldiers who successfully withdrew from Srebrenica to Tuzla, where they gave their statements.

to human tissue in conjunction with these statements, it is important to remember that the velocity of 1,000 m/s³⁰ is more than sufficient to produce just such an effect. A 30 mm projectile propelled at such velocity conveys to the point of impact kinetic energy of extremely lethal and destructive force.³¹

If we rule out the possibility that prisoners were being executed using artillery and the Praga, the only remaining conclusion that is congruent with the autopsy reports and the statements made by numerous surviving members of the 28th Division column is that injuries of this type, as described by ICTY Prosecution forensic specialists, could only have resulted from combat activity.

It appears incredible that the judges expressed no interest in how such destructive injuries, which had been adequately described in the autopsy reports that were submitted to them and were clearly labeled by the Prosecution's own experts as "burst-out injuries," came about. Could the presence of such inconvenient injuries have caused an unnecessary complication in their rigidly held view that most of the deaths were caused by executions? At any rate, this contradiction did not seem to strike them as illogical, so it did not provoke curiosity or warrant further investigation.

Had they bothered to examine more thoroughly the forensic evidence before them, the judges would have noticed something else. The burst-out injuries are referred to in only some of the autopsy reports. This should have been a signal to ask why those reports differed from the rest. On the other hand, if such injuries were a characteristic feature of the use of automatic and semi-automatic weapons commonly used in executions, then why

30. http://yumodelclub.tripod.com/vehicals/m5359_twin_30mm_self.htm

31. *Ibid.*

were they not referred to in the vast majority of the autopsy reports if — as it is maintained — most of the victims had been executed? Although the approximately 150 reports in this category clearly stand out with their salient characteristics and the injuries that are described, this apparently was not enough to raise some obvious new questions in the judges' minds.

The Court failed to raise these new questions that might have clarified the manner of death of some of the soldiers and reclassified them as combat casualties. By failing to make pattern-of-injury distinctions in the Prosecution's forensic reports, which clearly have different manner-of-death implications, the Court, in effect, misrepresented the forensic material to the public by propagating the illusion that forensic evidence generally corroborated the execution scenario, although it manifestly does not.

There is also another category of autopsy reports that demonstrates that soldiers who were killed in combat were illegitimately conflated with Srebrenica execution victims. In this category, it is the Prosecution's own forensic experts who, on occasion, unambiguously state that the fatal injury had been inflicted by shrapnel (*see* Annex 11), *i.e.* a grenade or mortar fragment, or fragment of some projectile other than a bullet. Such autopsy reports also are in harmony with statements given by soldiers who took part in military operations on the Muslim side, which clearly indicate that many of them had been killed by artillery shelling during the withdrawal of the 28th Division.³²

Prosecution archaeologist Richard Wright, under cross-examination by Radovan Karadžić, admitted the widespread presence of injuries caused by shrapnel from a variety of artillery weapons. Wright described a cranium shattered by a grenade³³

32. These statements are discussed later in this chapter.

33. *Prosecutor v. Karadžić*, Transcript, p. 22271, lines 5-8.

and fragments of a hand grenade found near a body,³⁴ all suggesting combat deaths. He also confirmed finding “explosive devices and bits of grenade and other metal embedded in some of the bodies” in one of the Glogova mass graves³⁵ and “remains of explosive devices in the form of grenades and shrapnel”³⁶ in another. Not unreasonably, Prosecution witness Wright accepted that he could not “completely rule out” that bodies found in such condition were combat casualties that had been collected during the clearing operation after the battle and buried in a particular grave.³⁷

The Hague Tribunal, ever skillful with inventing rhetorical deniability strategies to cover its sweeping generalizations, admits in the *Krstić* judgment that it “cannot rule out the possibility that a percentage of the bodies in the gravesites examined could have been of men killed in combat.”³⁸ This one single sentence encapsulates their position on the complex issue of combat deaths. While this statement is in principle correct, it would have been equally correct to say that, based on the same evidence, the Chamber “cannot rule out the possibility that some of the men were executed,” since both of those statements are in equal measure true. In *Krstić* and in subsequent Srebrenica cases, Tribunal Chambers paid not the scantest attention to this considerable collection of forensic autopsy reports which the Prosecution had submitted to them. If they had done so, it might have seriously undermined their sweeping conclusion that execution was the overwhelming cause of death after the fall of Srebrenica.

34. *Ibid.*, also Transcript, p. 22272, lines 17-21.

35. *Ibid.*, Transcript, p. 22311, lines 1-4.

36. *Ibid.*, Transcript, p. 22273, lines 19-22.

37. *Ibid.*, Transcript, p. 22305, lines 21-25 and 22306, line 1.

38. *Krstić* Trial Judgment, par. 77.

Such inconvenient autopsy reports were essentially ignored and there is no indication that any thought was given to conducting a more detailed analysis of these data and their implications.

The Bed of Procrustes — A Good Place to Dump the Facts. It is difficult to ward off the impression that The Hague Tribunal is attempting to marginalize important facts about Srebrenica. It is commonplace in the judicial culture of The Hague Tribunal to marginalize facts that are difficult to refute but which are equally difficult to fit into the Court's conceptual scheme. So, the Court's usual response is to ignore such facts and to refrain from conducting further inquiries into the matter. Least of all is it prepared to exercise its inherent power to summon experts and witnesses whose evidence might upset the applecart by encouraging skepticism concerning the Court's official version of events. The Tribunal's technique in such cases is to allow important nonconforming material to be lost in the avalanche of other data and thus to remain unnoticed and practically stripped of significance. In stark contrast to this, the Tribunal rarely misses an opportunity — when the task is to create the appearance of an evidentiary foundation in order to corroborate conclusions that may have been reached in advance — to accept evidence from any available source, no matter how dubious. Dražen Erdemović is a prime example.

Our thesis that significant losses suffered by the Muslim side are attributable to a large extent to artillery fire — which by definition rules out execution — is supported not only by autopsy reports that were prepared by ICTY Prosecution's own forensic experts but also by the testimony of numerous Muslim Army survivors.

What follows is a brief list of these statements which advances a strong case that, shortly after the fall of Srebrenica, a certain number of men on the Muslim side must have been killed by artillery and other weapons, which absolutely excludes execu-

tion. The ICTY database reference number for each of these statements is given. This is important because it shows that this evidence is located in the Tribunal's own records and that it was available at all times to both the Prosecution and the Chamber. More specific details about the withdrawal of the 28th Division and individual statements that corroborate our conclusions are to be found elsewhere in this volume.³⁹ Dates are given when they appear in the original source. From the internal evidence of the narrative, it is clear that they refer to the withdrawal of the 28th Division column after the fall of Srebrenica on July 11, 1995.

Hasanović, Sead 03021142-43
Shelling in the vicinity of Kamenica.

Jusufović, Azim #93, 00464628
Shelling in the vicinity of Kamenica.

Muhić, Azem #97, 00464635
Shelling in the vicinity of Kamenica.

Sinanović, Sabrija #106, 00464646
Shelling in the vicinity of Baljkovica.

Bašić, Adem #67, 00464604
Shelling in the vicinity of Kamenica.

Jašarević, Fehim 00464628
July 12 — Serbian forces opened fire on the column from all sides and the witness estimates that there were up to 5,000 casualties.

Jusufović, Azmir 00464629
July 12 — column attacked in the vicinity of Kamenica, about 300 dead and 100 wounded.

Mahmutović, Haris 00464630

39. See Chapter VII, "Analysis of Muslim Combat Losses Due to Minefields and Combat Activity."

The retreating column was ambushed at a location the witness is unable to identify. About 100 civilians were killed and many were wounded.

Mehmedović, Adil 00464631

July 12 — The column was shelled from the surrounding hills on the Kamenica–Pobudje Road and there were a great many dead and wounded. On the way to Snagovo, the witness came across many of the dead. In Perunik, he saw over 200 dead.

Hasanović, Admir 00464621

July 11 — Chetnik shelling of a column that resulted in twenty dead and forty wounded.

Hasanović, Hasan 00464621

July 11 — His column was shelled.

Hasanović, Vejz 00464622

July 11 — Ambush in the woods near Kravica that left many dead and wounded.

Hodžić, Džanan 00464624

July 11 — The column wandered into a mine field in Jaglići, which resulted in the death of five and the wounding of ten civilians.

Hodžić, Nezir 00464624

July 11 — The column was subjected to constant shelling. The witness saw many dead in Srebrenica, Konjević Polje, Cerska, and Kamenica.

Hodžić, Zuhra 00464625

July 11 — The column was ambushed at Buljim, about 200 dead.

July 13 — Ambush at Velika Glava, many dead; also at Lipanj and Baljkovica, leaving a minimum of fifty dead.

Beganović, Ragib 00464609

July 11 — An intense artillery attack lasting forty-five minutes resulted in numerous casualties.

July 26 — While walking through the Drina River Valley (in the direction of the Konjević Polje–Kaldrmica Road) where the col-

umn was initially ambushed, the witness saw about 2,500 decomposing corpses.

Ćosić, Muharem 00464612

July 11 — Ambush in Jadar, 500-600 dead.

July 14 — About 150 men killed in an ambush at Baljkovica.

Gutić, Sabahudin 00464618

July 11 — The column was shelled near Bukovik Hill by Chetniks using 82 mm and 120 mm cannons, which resulted in many casualties.

Orić, Fadil 00464653

July 12 — The column was shelled near Buljim.

Muhić, Azem 00464635

July 12 — The column was shelled constantly all the way to Kamenica.

Muratović, Sakib 00464637

July 11 — Chetniks were shelling his column and men were being killed in front of him.

Mustafić, Idriz 00464638

July 11 — Chetniks shelled the column near Buljim and the witness saw men being killed.

July 12 — Chetniks continued shelling and the witness saw dead and wounded men.

Ridžić, Ramo 00464640

July 11 — The column was attacked from the direction of Kravice, Zabrđe, and the surrounding hills on the Buljim–Nova Kasaba Road, which resulted in about 700 dead between Kamenica and Kasaba.

Salihović, Sefedin 00464642

July 11 or 12 — The column, while crossing the road near Konjević Polje, was shelled and at least 500–600 men were killed. In the shelling near the village of Jagličići, about twelve to fifteen men were killed.

Sandžić, Bajro 00464643

July 12 — Gunfire opened on the column followed by artillery shelling near Pobudje. The same evening near Kasaba, there was an artillery attack resulting in many dead and wounded. After the shelling, many of the dead and wounded were abandoned on a plateau in the vicinity of Kasaba.

Sinanović, Sabrija 00464647

Chetnik shelling near Baljkovica resulted in about 100 dead and 100 wounded.

Smajlović, Ahmed 00464647

July 11 — The column was attacked near Konjević Polje, which resulted in many casualties.

Suljić, Mevludin 00464649

July 12 — Ambush near Konjević Polje. The witness estimates that about 400 to 500 men were killed.

Udovičić, Edin 00464649

The column was shelled and subjected to gunfire continually during its retreat: "The Chetniks were shelling us without interruption."

There are statements by other witnesses who also confirm that the column was shelled and suffered enormous losses during its retreat. These witnesses include:

Osmanović, Ramo 00512683; **Ramić, Sado** 01008163; **Zukanović, Bego** 00371759; **Ade-mović, Ševal** 01008095; **Alić, Mevlid** 00371771; **Avdić, Enver** 00371746; **Hakić, Nermin** 01185308; **Halilović, Osman** 00818527; **Halilović, Suljo** 01008121; **Hasanović, Sead** 03021141; **Husić, Ramiz** 00813498; **Kadrić, Midhat** 00371768; **Mehanović, Hašmir** 00371774; **Memišević, Nurif** 00396028; **Muminović, Behudin** 00464352; **Muminović, Sejdaliya** 00371757; **Muratović, Kadrija** 01185372; **Mustafić, Husejn** 00401647; **Osmanović, Nazif** 01008158; **Orić,**

Mevludin 00464519; **Avdić, Nedžad** 00464521; and **Ahmetović, Nedžad** 03053077.

Information in the forensic reports that refers to shrapnel and other artillery munitions as the cause of death, when viewed in conjunction with statements given by members of the 28th Division and Srebrenica civilians who had joined the retreating column, is of particular significance. It explains the cause of death of a considerable number of Srebrenica Muslim casualties.

This evidence seems clear enough. It does not refute that some prisoners were executed, but it does demonstrate beyond reasonable doubt that a significant number were killed in combat, and not executed. It suggests that another, and very significant, category of Srebrenica victims has been systematically de-emphasized. These are the combat casualties, which encompass a significant portion of Muslim losses in July 1995. Inexplicably, The Hague Tribunal continues to be reluctant to clearly separate these two categories. Why?

More Flies in the Tribunal's Ointment. In addition to these autopsy reports that suggest widespread combat activity and that are fundamentally at odds with the official narrative, which claims execution as the only — or the predominant — cause of death, there are other autopsy reports, as well, that are difficult to fit into the Tribunal's official narrative. For instance, a number of the reports refers to bodies with various quantities of soft tissue (*see* Annex 5.13) in which the autopsy did not disclose any signs of injury, but which could belong to a certain number of individuals in the enclave who, logically, must have died of natural causes. It goes without saying that The Hague Tribunal did not acknowledge these autopsy reports or take them explicitly into account. Clearly, doing so would have served as an admission that all persons who died in Srebrenica had not necessarily been executed.

Other bodies were exhumed in 1996 from primary graves that merit special attention. They consist of bones only, without any soft tissue (*see* Annex 5.3). These cases are significant for the following reason.

It is an accepted scientific fact that between four and eight years' time is required for soft tissue to disintegrate.⁴⁰ If the individuals in question were executed in mid-1995, the disintegration of their soft tissue already by the following year is not an outcome that would normally be expected. This suggests that a number of individuals whose remains were found and autopsied in some of the Srebrenica-related mass graves, and assumed to be Srebrenica victims, probably died well before the critical period in July 1995.⁴¹ Thus, it is improper to categorize them automatically as Srebrenica victims. This is another subtlety that The Hague Tribunal has apparently failed to take into account in reaching its findings and legal conclusions.

Such a posture may indicate mere carelessness, but the following issue concerns something so vital to sustaining the claim that thousands were executed after the fall of Srebrenica that mere carelessness is insufficient either to explain or to excuse it. The huge number of bogus "cases" that consist of only a handful of forensically insignificant bones cuts to the heart of the matter: How many prisoners were actually executed? As has been shown, one autopsy report does not equal one body, although these reports have been tacitly arranged and presented to create just such an impression. There is, however, a substantial number

40. Dr. Dušan Dunjić et al.: *Forensic Medicine*, p. 53 (Belgrade, 2008).

41. Forensic anthropologist Jose Pablo Baraybar, testifying for the Prosecution at the Karadžić trial, agreed that in many cases the "findings about the time of death and time of burial were not established either through forensic or anthropological examination." (*Prosecutor v. Karadžić*, Transcript, p. 22426, lines 3-8.)

of such autopsy reports (1,583) that refer to only a few bones. In 92.4% of these “cases,” ICTY Prosecution forensic experts conceded that conclusions concerning the cause of death could not be drawn.⁴² This means that 44.4%, or nearly half of the 3,568 autopsied “cases” that are implicitly represented as execution victims, should automatically be excluded from further consideration. An example of such a case is presented in Annex 5.

The implicit and totally misleading equivalence between a “case” and a body is critical because it is one of the principal mechanisms for creating a hugely exaggerated and inaccurate impression of the number of executed individuals whose remains were exhumed by the forensic teams of The Hague Tribunal. In fact, notwithstanding assiduous efforts to inflate this figure, seventeen years after the event, it still has not passed 2,000, and — let this be clearly understood — this includes not only victims of execution, but also of other causes, most notably combat casualties.⁴³

The immense zeal to increase by any means the number of potential execution victims is evident in the *Krstić* judgment,⁴⁴ in which the Chamber treated as valid evidence the supposition that over 2,000 more bodies were going to be found in an additional eighteen mass graves which at that time had still not been exhumed.

42. See Graph entitled “Data Summary” in Chapter V, “General Presentation and Interpretation of Srebrenica Forensic Data (Pattern of Injury Breakdown).”

43. The *circa* 2,000 figure does not reflect the number of those executed but the verifiable number of the dead who are associated with Srebrenica burial sites. For a breakdown according to the cause of death, see Chapter V, “General Presentation and Interpretation of Srebrenica Forensic Data (Pattern of Injury Breakdown).”

44. *Krstić* Trial Judgment, par. 80.

It is disturbing that a court ruling in a criminal case should, in its factual findings and legal conclusions, be based on conjecture. Instead of confining itself to the available evidence established at the time of judgment concerning the number of execution victims, ICTY Chambers have acted on speculations about undiscovered evidence and “estimates.” Such evidentiary surmises characterized the Chamber’s approach in *Krstić* and also exercised a notable influence on the draconian punishment to which the defendant was sentenced. Let us allow, however, for the possibility that eleven years ago the *Krstić* Chamber honestly thought that the expectation of the imminent discovery of a significant number of additional execution victims was reasonable. What are we now to make of the fact that, in the intervening period and in the context of other Srebrenica cases that were subsequently heard, the Tribunal has made no effort to exhume the gravesites that were the subject of this conjecture in order to settle doubts about what they contain? In fact, we are not even informed in the *Krstić* judgment about the precise location of these conjectural, alleged mass graves.

Obvious Errors in the Forensic Reports. Some individual reports demand special attention because they are emblematic of the way the Hague Tribunal functions. They also strongly corroborate our suspicion that some far-reaching general conclusions about what took place in Srebrenica may have been formulated without any serious assessment of the evidence.

A number of autopsy reports pertaining to the Pilica exhumations in 1996 offer a telling, practical illustration of the Tribunal’s professional culture. Four such reports are of particular interest.

For the gravity of the errors these reports contain to be properly appreciated, the following features they all have in common should be noted.

First, these remains were exhumed from a primary mass grave in Pilica in 1996.

Second, the skeletons exhibit the presence of soft tissue to various degrees.

Third, in the reports under consideration, no bodily injuries were found that could be linked to a bullet, a blunt object, or any other cause.

Fourth, neither bullet nor metal fragments were found on the body or in its proximity.

Fifth, there was no blindfold or ligature associated with these remains.

Sixth, from all of the above, it clearly follows that the cause of death is impossible to determine. That is precisely what the forensic scientists stated in their autopsy report.

However, when the Tribunal was obliged to state the manner of death, it nevertheless concluded that it was — homicide. (*See* Annexes 15, 16, 17, and 18.)

The Tribunal drew the conclusion that death in these cases must have been the result of a punishable crime — murder — and it stated that conclusion in its report, fully cognizant that there were no signs of injury, no material evidence pointing to homicide, and no forensic determination as to the cause of death.

In response to the cross-examination question whether “[A]n autopsy report based on a post-mortem which was done by the book, descriptions based on facts and based on the scientific procedure, should lead to the same conclusion by any expert anywhere in the world,” Prosecution expert Dr. William Haglund has testified correctly that it would.⁴⁵ Is it conceivable that scientists or jurists anywhere else would reach a similar conclusion based on the same factual foundation?

45. *Prosecutor v. Karadžić*, Transcript, p. 23955, lines 1-5.

It appears that forensic specialists working for The Hague Tribunal are the only professionals in their field in the entire world who are not bound by material evidence when making a determination of the manner (and sometimes even the cause) of death. A glimpse into the circumstances underlying this professional detachment from the evidence may have been provided by Dr. Haglund further on in his cross-examination. Asked to confirm whether “... in several of your reports you acknowledge Mr. McCloskey for his active participation in the establishment of conclusion on the cause and manner of death as well as editing final autopsy reports, isn’t that right?” — it being understood that Peter McCloskey is the ICTY lead Prosecutor in charge of Srebrenica trials, Haglund replied:

Yes. I had to put that in there because I wanted people to be aware that he didn’t make changes at anything. He just went around the world to see the particular pathologists. I had done particular cases, had them look it over, and if there was a change to — made these pathologists make the change, not McCloskey.⁴⁶

The precise wording in Dr. Haglund’s report, which refers to the personal role of Prosecutor McCloskey in the redaction of the scientific team’s autopsy reports, is as follows:

Finalization of cause and manner of death as well as editing of final autopsy reports was facilitated by ICTY legal advisor Peter McCloskey.⁴⁷

Possible interference by the Office of the Prosecutor in the creation of proper autopsy reports is a serious issue of which the public might have remained unaware but for Dr. Haglund’s allusion. What business did ICTY Srebrenica Prosecutor Peter

46. *Ibid.*, Transcript, p. 23939, lines 23-25 and 23940, lines 1-6.

47. *Ibid.*, Transcript, p. 23939, lines 18-20.

McCloskey, who is a lawyer and not a pathologist, have “going around the world to see the particular pathologists” who were preparing scientific reports for his case? Would it be unreasonable to raise concerns about undue influence here? How many of these autopsy reports were subsequently “fixed” under the influence of the Office of the Prosecutor? Granted that OTP hired the scientific experts and was paying them. But for the results of their work to be credible, the scientists should have been in a position to perform their work autonomously, without any external guidance or even the appearance of their employers’ influence upon the conclusions they were expected to reach, and certainly without pressure to amend conclusions that did not meet their employer’s expectations.

Given that nearly 41% of the 3,568 completed autopsy reports are practically useless for criminal prosecution purposes because they contain no forensically significant conclusions at all, the usefulness of the remainder to the Prosecution becomes an especially important issue. In this light, the allegations of prosecutorial interference in the redaction process take on particular significance.

Why did the Tribunal bother to spend vast resources to go through the motions of dispatching forensic teams to the crime scene if it was not prepared to abide by their autonomously reached professional conclusions?

It is difficult to assess the extent of external influence upon the preparation and content of these autopsy reports that may have been exerted behind the scenes. It appears, however, that a few months later someone did take the trouble to review and correct some of these autopsy reports. We can see evidence of this because someone crossed out “homicide” in the “manner of death” field and altered it to the only answer that in this instance could possibly be correct: “unknown.” (*See Annexes 17 and 18.*)

Alterations of one kind suggest that other types of changes by third parties could also have been introduced.

After such a scandal, a proper court surely would have dismissed the Prosecution's frivolous evidence and the conclusions based on it would have been discarded. But The Hague Tribunal instead went on to construct its factual and legal findings precisely on data of such dubious integrity. It may be assumed that in some of the trials these compromised findings must also have affected the severity of the punishment that was meted out.

If we hypothesize that the unspoken but clearly understood task of the Tribunal investigators was not primarily to follow the evidence wherever it may have led, but instead to doctor it up when required in order to create a public illusion that court judgments are credibly supported, many pieces of the puzzle come into place. This would explain why there is so little objectivity and professionalism at the ICTY. It would also explain another key aspect of these forensic activities: the complete exclusion of independent experts during the exhumation process.

After reviewing these autopsy reports, it would be proper to ask: Can The Hague Tribunal still be trusted? This is a court that embraces flimsy evidence to uncritically draw conclusions of the utmost factual and legal significance. As a result, this Court determined that genocide had taken place in Srebrenica; that finding was given an official judicial imprimatur and the accused were sentenced to draconian prison sentences. All this was done without critically examining the evidence used to reach these conclusions.

The Banishment of Common Sense. Many other examples illustrate the Tribunal's preference for arbitrary conclusions.

Some of the flawed autopsy reports stand out because they literally defy common sense. In one such report, Tribunal forensic experts found a handkerchief in the victim's pocket which they characterized as a possible ligature. Assuming this were

true, it should have been helpful to the Prosecution because of the suggestion that the person had been executed. (*See* Annex 19.)

That, however, would be a stunning conclusion, given the detailed description in the autopsy report of the condition of these remains.

First, what is clearly described is a handkerchief — not a rope or a wire or any other item suitable for a ligature.

Second, the handkerchief was found in the person's pocket.

Third, ligatures are usually long pieces of wire or other material which can be used to bind the wrists.

It is of particular interest that the handkerchief was found in the person's pocket. This suggests that if it had played the role of a ligature, the soldiers who performed the execution must have first used it to bind the victim's wrists and then, after the execution, removed it and returned it to the victim's pocket.

Such an action is inconceivable after an execution and it is even more difficult to fathom how it occurred to anyone that it could ever have taken place. But this is not the sole example of utterly astonishing conclusions that can be found in these autopsy reports.

In another case (*see* Annex 20), a knee injury is treated as a possible cause of death. The rationale is ingenious: the autopsy report states that unless such injuries are treated medically, they can lead to hemorrhage and result in death. This may theoretically be true, but how likely is it that a firing squad shot the prisoner in the knee and then left him to bleed to death?

In still another case (*see* Annex 21), someone crossed out the originally determined cause of death, said to be a calf injury. The reviewing authority then wrote in its own assessment (as happened also with numerous other Pilica reports) that the cause of death could not be determined. The person who corrected this report finally got it right because, of course, a calf injury is hard-

ly fatal. But this slapstick treatment of autopsy reports has serious professional implications that illustrate the general level of competence of at least some of the ICTY forensic specialists.

We also have a case (*see* Annex 22) in which Tribunal forensic specialists examined the skeletal remains of a leg that did not have any apparent bone damage. The absence of bone trauma, however, did not discourage the Tribunal forensic experts from seriously proposing the following hypothetical scenario: the cause of death was the nearby bullet that had damaged this individual's soft tissue which, unfortunately, has disintegrated and is, therefore, no longer visible or attached to the bone.

It is a generally accepted principle in forensic work that specialists have no mandate to engage in fanciful hypotheses or to advance unsupported conclusions. They are expected to confine themselves to noting observable facts. Conclusions, particularly if they have significant legal implications, are the exclusive province of the court. A forensic specialist who strays into the legal domain — because of overzealousness or for any other reason — does serious harm to the integrity of the judicial process. A court which condones such conduct acts as a tacit enabler of unsupported conclusions.

Could it go beyond mere condoning? When a handkerchief in a pocket is treated as a ligature, when the cause of death is determined for a body that has no apparent injury, when imaginary conclusions are drawn about non-existent soft tissue, or when hemorrhaging knees, calves, and feet are speculated to have been the cause of death even though medical science does not consider these to be vital organs, it is difficult to avoid the impression that Tribunal forensic experts were operating with a mandate that was broader than merely reporting observable facts. Were at least some of the Tribunal's experts trying to actively respond to the expectation to provide professional cover for institutional perceptions of

Srebrenica that had been settled on a political level before the forensic experts were even sent out to perform their task?

By some accounts, this question seems to have been answered some time before the fall of Srebrenica in July 1995,⁴⁸ in the reported expectation dating over a year back that there should be a slaughter of several thousand Muslims. But whatever the case may be, a proper court must dispense justice based solely on the available evidence and not on political expectations. Since, in this particular instance, the forensic evidence is the sole *corpus delicti*,⁴⁹ the court ought to be required to reference its factual findings to the number of bodies that were exhumed from mass graves. If the finding of 7,000 to 8,000 execution victims is sustainable, we should expect that Tribunal forensic experts would have discovered physical evidence of at least 7,000 to 8,000 executed persons at the conclusion of their task.

The facts, however, present a different picture. What the ICTY has managed to produce so far (seventeen years after the

48. Hakija Mehlojić, Chief of Police in the Srebrenica enclave during the war, was a member of a delegation from Srebrenica that was received by Alija Izetbegović in 1993 during a conference in Sarajevo. He has revealed that Izetbegović informed the delegation that U.S. President Clinton had told him that the political precondition for an American intervention was the slaughter of at least 5,000 Srebrenica Muslims. (Reported by *Srna*, 24 April 2010.) For essentially the same version of Mehlojić's account, which has remained consistent over the years, see *Dani* (Sarajevo), June 22, 1998. This information is also cited in the Report of the Secretary-General Pursuant to General Assembly Resolution 53/35, November 1, 1999, paragraph 115. It is noted in the Secretary-General's Report that Izetbegović subsequently denied having made this statement which Mehlojić had attributed to him.

49. Prosecution Chief Investigator Jean-René Ruez has testified that the much touted satellite imagery notwithstanding, there is no photographic evidence of the actual executions but only "before and after" photographs. (*Prosecutor v. Karadžić*, Transcript, p. 24020, lines 20-22.)

fact) is 3,568 autopsy reports. These are implicitly presented to the court and to the public as if each autopsy report equaled one body, perhaps to foster the impression that although the anticipated number of bodies has not yet been reached the quota is at least being approached. This impression is illusory. As stated earlier, an enormous number of these reports consist of just one or a few bones, and in over 90% of these cases even Tribunal experts concede that the cause of death is undeterminable. It was necessary to count femur bones in order to gain an accurate picture of the number of bodies in these mass graves.⁵⁰

According to our analysis, the number of bodies is 1,923⁵¹ and this figure includes individuals who perished from all causes, principally combat activity and execution. This is slightly more than half the number of Tribunal autopsy reports (3,568), and it is more than four times less than the figure of 8,000 dead that has been sacralized as the Srebrenica genocide total over the past seventeen years. The numbers simply do not add up, no matter how they are manipulated or rearranged.

Finally, another significant fact ought to be noted. The Office of the Prosecutor of The Hague Tribunal has made some odd choices in the selection of its forensic specialists. A significant number of the experts it invited were from the United States and Turkey. Many of the corrected reports were originally prepared by Turkish staff. Serbian and independent specialists, on the oth-

50. An individual analysis for each mass grave is presented in Chapter V, "General Presentation and Interpretation of Srebrenica Forensic Data (Pattern of Injury Breakdown)."

51. According to OTP forensic anthropologist Jose Pablo Baraybar, the "most conservative estimate" of "how many people may have been represented by all the remains collected by ICTY until that time [2004]...is 2,541." That number is still quite distant from the number of 8,000 victims that is generally assumed. (*Prosecutor v. Karadžić*, Transcript, p. 22351, lines 1-3.)

er hand, were not granted access to the sites and they were denied any role whatsoever in these procedures. This must have some impact on the assessment of the overall credibility of the forensic reports.

Why were the Russian Federation, Finland, Sweden, France and other countries — arguably more medically advanced than Turkey or Peru⁵² — excluded from the Prosecution forensic teams? A more diversely composed group of international scientists performing Srebrenica exhumations and helping to prepare reliable autopsy reports possibly would have served the cause of establishing the truth immeasurably better. At the same time it would have been perceived as more reliable and therefore would have commanded broader public acceptance. It might even have made a credible contribution to the administration of justice.

Ljubiša Simić

52. The country of origin of one of the participating experts, Pablo Baraybar.

VI. AN ANALYSIS OF MUSLIM COLUMN LOSSES ATTRIBUTABLE TO MINEFIELDS, COMBAT ACTIVITY, AND OTHER CAUSES

The Issue of the Number of Muslim Casualties

One of the fundamental issues in the Srebrenica controversy is the number of Muslim casualties during the four critical days between July 12–16, 1995. There is a considerable body of evidence that all of those casualties were not due to the single cause of execution. A subsidiary issue, therefore, is whether these casualties were inflicted by one or more legally distinct causes. In other words, whatever the final number of the casualties may be, were all or the vast majority attributable to execution, which the Prosecution and the Chambers in various ICTY trials have also chosen in this situation to classify as an act of genocide? Or is a significant portion of the casualties attributable to other causes with completely different legal implications?

This issue was particularly topical in the first half of December 2010 when the ICTY announced that a “Srebrenica-related mass grave” had been exhumed in the locality of Kaldrmica. The spokesperson for the forensic team that conducted the exhumations stated unambiguously that “they are assumed to be Srebrenica victims of July 1995.”¹ The *Associated Press* strongly suggested that there was a link between the Kaldrmica mass grave and what has become known as the Srebrenica massacre: “Forensic experts say they have opened a mass grave that may contain the remains of Muslim Bosniak civilians killed in the 1995 Srebrenica massacre....” To drive the point home and make sure the reading public do not miss it, AP elucidated further: “In

1. December 9, 2010: <http://www.vidiportal.ba/drutvo/1518-foto-stratita-kaldrmica-krije-12-dua-muki-ubijjenih-bonjaka?tmpl=component&print=1&layout=default&page=>

1995, Serb troops overran the east Bosnian town of Srebrenica, which the United Nations had declared a safe zone, and killed as many as 8,000 men and boys, in what was the worst mass killing in Europe since World War II. Their bodies were dumped in several mass graves.”²

The possibility that the remains found in Kaldrmica could have been linked to Srebrenica prisoner executions should have been discarded several months before this hasty and misleading announcement was made. On May 26, 2011, at the *Tolimir* trial in The Hague, the Defense filed exhibit 1D780, which was the statement of Muslim column survivor Suljo Halilović given to the Bosnia and Herzegovina’s Agency for Research and Documentation (AID) in Tuzla. Referring with precision to what he saw and experienced in the area of Kaldrmica during the combat that accompanied the column’s breakout from Srebrenica to Tuzla, Mr. Halilović stated:

In the vicinity of Kamenica, before one crosses the asphalt roads, Konjević Polje-Kasaba, nearby Kaldrmica, fire opened against the column from Pragas, artillery weapons and infantry weapons from all sides. Chetniks were very close to us, and I concluded that we were surrounded. We managed to organize and start resisting, making a narrow passage through their lines. Most of the people managed to get through this passage. According to my estimates, about a thousand people got killed in the Chetnik assault, and there were hundreds of wounded. Since it was already night, I could not see or recognise any one of the people who had been killed.³

2. *AP*, December 6, 2010.

3. *Prosecutor v. Tolimir*, May 26, 2011, Transcript, p. 14711, lines 3-19.

The bodies exhumed in Kaldrmica could not have been of victims of execution because Kaldrmica was the site of a military engagement between the column of the 28th Division, which was attempting a breakout from Srebrenica, and the Army of the Republic of Srpska (VRS). The individuals killed in this location were most likely casualties in lawful combat as opposed to execution victims. These two categories are constantly conflated by the ICTY. But they must be separated and their respective implications clearly distinguished.⁴

It is not our purpose here to prove how many inhabitants of the former Srebrenica enclave perished as a result of combat after July 11, 1995. The purpose of the analysis that follows is to determine, based on available Muslim, Serbian, UN and other competent sources, the following:

- (a) Was there combat activity involving significant segments of the enclave population that could have caused substantial casualties on the Muslim side?⁵
- (b) Were there minefields laid along the path of the Muslim column's retreat from Srebrenica to

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- 4. OTP forensic anthropologist Jose Pablo Baraybar, when asked whether he was expected to distinguish between combat and non-combat deaths in mass graves linked to Srebrenica in July 1995, replied "No," and explained that he was not in a position to do so either when doing the field work or while testifying (2012) "to determine the nature of the people buried there, meaning combatants or non-combatants." (*Prosecutor v. Karadžić*, Transcript, p. 22381-22382.)
 - 5. In the opinion of Prosecution military expert Richard Butler, "I would think that from my knowledge of the situation, that that number [of casualties from legitimate military engagements — SK] would be high for any particular combat engagements." (*Popović et al.*, Transcript, January 23, 1008, p. 20250, lines 23-25).

Tuzla that also could have caused substantial casualties to those who wandered into them?

- (c) Are there credible non-Serbian and non-Muslim sources according to which the column did suffer significant legitimate casualties during its retreat that do not fall within the category of genocidal executions? and,
- (d) Based on available data, what is the likely, if not precise, total of these lawfully inflicted Muslim casualties?

The Legal Status of the Muslim Column

Setting aside complex legal questions surrounding the alleged executions of captured prisoners and the proper classification of such executions under international law, we shall focus on the column which, starting around midnight on July 11, 1995, attempted to perform a breakout maneuver from the Srebrenica enclave to the Muslim-controlled zone in Tuzla.

It is an established principle of international law that a mixed military/civilian group or column is a legitimate target.⁶ The following statements, given by members of the column to various authorities upon reaching safety in Tuzla, confirm the column's mixed military/civilian character:⁷

Mehanović, Hašmir: 00371774;

Hasanović, Sead: 03021141;

Avdić, Enver: 00371746;

Salihović, Selvid: 00371738;

Orić, Meho: 01008156;

6. Krstić Trial Judgment, par. 163.

7. The eight-digit numbers following each name are from EDS, the Electronic Data System of The Hague Tribunal.

Muminović, Sejdaliya: 00371757;

Alić, Hasan: 00371752;

Salčinović, Sadik: 02112340;

Husić, Ramiz: 00813498.

Additional support for the mixed military/civilian character of the column was provided by ICTY Prosecution military expert Richard Butler. In par. 3.21 of his expert *Report* dated November 1, 2002, EDS number 03072366, Butler states that: “depending on the source, 10,000 to 15,000 persons formed a mixed [military and civilian] column...” which sought to escape through the Srebrenica-Tuzla route.⁸

Testifying on various occasions, Butler consistently stated that the mixed column was a legitimate target under international law and that engaging the column in combat was not a war crime.⁹ Butler reiterated this position during recent testimony at the *Karadžić* trial:

From an analytical perspective, once I came to the conclusion myself that the column was a legitimate military target for the VRS to engage, the casualties that occurred in that column would not be considered to be casualties from the other Srebrenica-related war crimes.¹⁰

This lends strong support to the view that, while retreating through the woods to Tuzla, the mixed military-civilian column from Srebrenica was a legitimate military target.

8. Butler explicitly confirmed the mixed nature of the column and its legitimacy as a military target in his testimony in *Popović*, Transcript, p. 20244, lines 19—25 and 20245, line 1.

9. See evidence of ICTY Prosecution expert Richard Butler in *Popović et al.*, 23. January 2008, Transcript, p. 20244, lines 19-25 and 20245, line 1.

10. *Prosecutor v. Karadžić*, Transcript, p. 27775, lines 21-25.

ICTY Srebrenica Chief Investigator from 1995 to 2001, Jean-René Ruez, held a substantially identical view of the retreating column. When asked during the *Karadžić* trial whether his team had seen any reason to investigate a Muslim mass grave at Nezuk, which dated back to the July 1995 column breakout, Ruez responded negatively:

Nezuk being indeed the spot where the column of men, most of them being members of the 28th Division, went through the lines ... we indeed considered that it was battle casualties, so we didn't check about it since there was no link at all with any of what I name the extermination operation. This grave of battle casualties was absolutely not relevant for investigation.¹¹

Later in his cross-examination, Ruez again confirmed that, from a professional investigator's standpoint, it was important to draw a distinction between combat casualties and deaths attributable to execution. His investigation, he said, was focused only on sites believed to be related to prisoner executions carried out on July 14, 15, and 16, 1995.¹² "... the only number that counts for a criminal case is the number of people who have been assassinated in this extermination of prisoners,"¹³ Ruez unambiguously concluded.

Legitimate Combat Engagements Involving the Column

Ruez also confirmed elsewhere that combat engagements had occurred during which a significant number of Srebrenica

11. *Prosecutor v. Karadžić*, February 1, 2012, Transcript, p. 23981, lines 8-14.

12. *Ibid.*, p. 23983, lines 20-25 – 23984, lines 1-5.

13. *Prosecutor v. Karadžić*, Transcript, 2 February 2012, p. 24088, lines 15-17.

Muslims had been killed. Ruez said that in an interview for the Montenegrin newspaper *Monitor*:¹⁴

A significant number [of Muslims] were killed in combat. The Zvornik brigade of the VRS Drina Corps had organized ambushes and that is when it had the most casualties during the entire war. Many were killed while trying to make it through mine-fields. An unknown number probably committed suicide in fear that they would be tortured before being put to death. It cannot be excluded that some [Muslims] had shot those who may have wanted to surrender.

Ruez then adds the following significant remark:

We shall rely on the number of the people who were executed directly, who were prisoners. They were prisoners, end of story.

Ruez' analytical framework correctly articulates the distinction between those who were killed in lawful combat and those who were executed extrajudicially. Further on in the same interview, Ruez offers the following useful clarifications:

(1) "As for those who perished in the woods, we are compelled to figure that they were killed in battle."¹⁵

(2) "For the main part, we believe the witness accounts..."¹⁶

If we accept with Ruez that those who perished in the woods were "killed in battle," and if it can further be shown that the column was mixed, it would follow that these combat losses are to be viewed differently from the losses attributable to those who were "executed directly, who were prisoners." Whenever possible, combat casualties must be separated from Muslim execution

14. *Monitor*, April 19, 2001; EDS number 06038344.

15. *Ibid.*

16. *Ibid.*

victims. To say that combat casualties were murdered in a genocidal frenzy would be manifestly incorrect.

The fact that Ruez, and by implication the Prosecution which employed him, place credence in the accounts of witnesses is important. There are numerous primary Muslim witness accounts that confirm the existence of many combat casualties.

Locations of the Column's Combat Engagements

Ruez's readiness, based on his access to much relevant information as Prosecution Investigator, to admit that the Zvornik Brigade suffered its greatest number of casualties throughout the war during the four-day period when it was engaged in combat with the retreating Muslim column from Srebrenica is significant.

To focus just on the most obvious conclusions: 1) the column from the "demilitarized zone" must have been formidably armed in order to inflict such casualties on the Serbian Zvornik Brigade; 2) the fighting must have been rather fierce for the Serbian side to have suffered significant casualties; and, (3) if so, it was also likely to result in comparably heavy casualties on the Muslim side.

At what locations did these combat engagements take place? That question was put in vain to Prosecution military expert Richard Butler on January 23, 2008 during the *Popović et al.* trial.¹⁷

Question: With respect to your analysis, did you analyze at any time how many military combat engagements were there with respect to the column of Bosnian Muslims that were leaving Srebrenica and Potočari from Susnjari and the VRS?

17. *Popović et al.*, January 23, 2008, Transcript, p. 20243, lines 17 – 21.

Answer: No, sir. I never engaged in a process to do a step-by-step accounting of each particular engagement of the column.¹⁸

But we can help Mr. Butler. A review of thirty-three witness statements given by surviving Muslim members of the Srebrenica column who reached Tuzla or other points of safety shows that during their breakout there were combat engagements with the Serbian side at the following locations:

Kamenica	Kaldrmica
Konjević Polje	Udrč-Baljkovica Road
Sandići	Snagovo
Jadar area	Jaglić
Buljin	Crni Vrh
Forest near Buljin	Cerska
Baljkovica	Šiljković village
Lipanj	Pervani village
Sućeska	Velja Glava
Kravica	

Combat Activity along the Path of Retreat

According to witness statements that column survivors gave to various authorities after having reached the Muslim-controlled zone, there was constant combat along the column's path of retreat from the enclave of Srebrenica to Tuzla.

Based on our research of EDS¹⁹ materials, we have so far been able to locate thirty-three statements relevant to this issue. Debriefings after the event are standard operating procedure under these circumstances. It is therefore reasonable to assume that there must be many more similar statements. Several thousand members of the column had made it to Muslim-controlled territory, so it is reasonable to assume that many, if not most of them

18. *Popović et al.*, January 23, 2008, Transcript, p. 20244, lines 7-18.

19. EDS: Electronic Data System, the ICTY computerized database. EDS uses an eight-digit number to identify its documents.

— certainly more than thirty-three — were interviewed by local authorities and gave statements about what they experienced and observed. Former ICTY Chief Investigator Ruez, as mentioned elsewhere, has referred to the existence of 1,200 such statements.²⁰

We also have reason to believe that at least seven similar statements with observations of events along the retreat route are in the files of Human Rights Watch.²¹ A request has been sent to Human Rights Watch to provide these statements, but the organization has not responded.

But even the database of thirty-three witness statements offers a dramatic picture of fierce combat and estimates of severe casualties all along the column's path of retreat:

ENGAGEMENT SITES AND ESTIMATED CASUALTIES

Kamenica

Ademović, Ševal, 01008095: 200–250 dead and wounded

Alić, Hasan, 00371752: seven dead, seven gravely wounded;

Dedić, Sulejman, 01189551: a great number of dead and wounded;

20. *Le Point*, 22 May, 2008. Francois-Guillome Lorrain: "Six ans dans les charniers de Srebrenica."

21. (1) Ekrem Salihović, Tuzla, July 24, 1996
 (2) Mensur Memić, Tuzla, July 24, 1996
 (3) Ramiz Mašić, Tuzla, July 3, 1996
 (4) Senad Grabovica, Tuzla, July 24, 1996
 (5) Muhamed Matkić, Gornja Tuzla, July 19, 1996
 (6) Dr. Ilijaz Pilav, Vogošća, July 24, 1996
 (7) Ramiz Bećirović, Živinice, July 1996

RETHINKING SREBRENICA

Hasanović, Sead, 03021141: “many” bodies observed, at least 100 near the brook;

Jusufović, Azmir, 00464628: 300 killed, 100 wounded;

Kovačević, Sadik, 00371749: about 200 casualties;

Memišević, Nurif, 00396028: 2,000–3,000 dead;

Muminović, Behudin, 00464652: six corpses;

Muratović, Kadrija, 01185372 : “thousands” of dead;

Osmanović, Ramo, 00512683: several hundred killed and 300–400 wounded;

Ramić, Sado, 01008163: about 1,000 casualties;

Salkić, Abdulah, 01008169: several hundred casualties.

Konjević Polje

Ademović, Bekir, 01185273 : “many bodies”;

Alić, Melvid, 00371771: many dead and wounded along the road to Baljkovica;

Smajlović, Muhamed, 00953447: estimated 500–1,000 killed.

Lipanj

Hasanović, Sead, 03021141: “many dead bodies.”

Sandići

Muminović, Behudin, 00464652: witnessed the mass burial of about 500 bodies;

Smajlović, Muhamed, 00953447: estimated 200 dead;

Zukanović, Bego, 00371759: witnessed five die; later “several” killed.

Jadar area

Jusufović, Azmir, 00464628: some killed, no estimate.

Buljin

Avdić, Enver, 00371746: 1,000 casualties;

Kovačević, Sadik, 00371749: thirty casualties;

Mehanović, Hašmir, 00371774: about 100 killed;

Memišević, Nurif, 00396028: many skeletons and parts of bodies;

Osmanović, Nazif, 01008158: 100 dead and many wounded;

Ramić, Sado, 01008163: fifty casualties;

Smajlović, Muhamed, 00953447: thirty killed, forty-five injured.

Forest near Buljin

Mehanović, Hašmir, 00371774: twenty dead males.

Šušnjari area

Mustafić Husejn, 00401647: “hundreds of casualties.”

Baljkovica

Dedić, Sulejman, 01189551: corpses and unpleasant odor;

Hakić, Nermin, 01185308: witnessed men getting killed, no estimate;

Mehanović, Hašmir, 00371774: five dead soldiers and civilians;

Mustafić, Husejn, 00401647: five dead;

Salkić, Abdulah, 01008169: on route from Kamenica, several hundred corpses;

RETHINKING SREBRENICA

Smajlović, Muhamed, 00953447: many black and swollen corpses.

Sućeska

Alić, Mevlid, 00371771: pounded by artillery, no casualty estimate.

Kravica

Ademović, Ševal, 01008095: “many dead and wounded”;

Husić, Ramiz, 00813498: twelve suicides;

Kadrić, Midhat, 00371768: “great number of killed”;

Memišević, Nurif, 00396028: “many people” killed and maimed in artillery shelling;

Mustafić, Husejn, 00401647: “many dead and dismembered corpses”;

Orić, Fadil, 00512727: “several hundred” casualties.

Kaldrmica

Halilović, Suljo , 01008121: 1,000 dead and several hundred wounded.

Udrč-Baljkovica Road

Salihović, Selvid, 00371738: “several hundred corpses.”

Crni Vrh

Hakić, Nermin, 01185308: witnessed men being killed all along the route from Srebrenica.

Snagovo

Ademović, Ševal, 01008095: dead bodies and many wounded;

Dedić, Sulejman, 01189551: great number of dead giving off unpleasant odor;

Jusupović, Šefik, 01185316: eighteen killed;

Osmanović, Nazif, 01008158: “many dead and wounded.”

Jaglić

Halilović, Osman, 00818527: heard of many dead and wounded;

Muratović, Kadrija, 01185372: three dead and many wounded.

Šiljković village

Halilović Osman, 00818527: heard there were thirty dead, forty-two wounded.

Pervani village

Memišević, Nurif, 00396028: six dead.

Velja Glava

Ramić, Sado, 01008163: twenty dead.

Lolići Road

Memišević, Nurif, 00396028: 200 dead.

Cerska

Avdić, Enver, 00371746: about 100 dead.

Unidentified location[s]

Alić, Hasan, 00371752: about 1,000 casualties 8 km from Kamenica;

Efendić, Mensur, 01189563: observed dozens of corpses all along the route;

Halilović, Osman, 00818527: observed thirty-four corpses and twenty suicides;

Husić, Ramiz, 00813498: forty-four dead bodies, ten wounded;

Jusupović, Šefik, 01185316: “hundreds of dead Muslims” in the woods;

Kovačević, Sadik, 00371749: about 300 dead;

Kadrić, Midhat, 00371768: about 500 killed;

Muratović, Kadrija, 01185372: saw dead and dismembered bodies in the woods;

Orić, Meho, 01008156: seventy dead;

Salčinovic, Sadik, 02112340: six dead;

Vejzović, Gadafi, 01185356: “hundreds of dead bodies” in the woods;

Muminović, Sejdalija, 00371757: five dead at one point and a “considerable number” of casualties and wounded at another point.

A general assessment of these casualties will be made at the end of this chapter. Clearly, these observations and estimates have to be treated with great caution. The authors of these statements are not trained observers and their impressions were formed under conditions of great stress. They, nevertheless, project a vivid picture of frequent clashes and speak of enormous loss of life. The frequent use of artillery weapons against the column tended also to increase the number of casualties. But these losses occurred during lawful combat and they must therefore be separated from victims of a war crime.

The Presence of Minefields in the Column's Path

Thirty-three survivor statements are the primary source of data for the column's casualties. They refer also to the presence of minefields and describe the terror and losses caused by mass movement through minefields. The following Muslim witnesses specifically mention minefields:

Hasanović, Sead, 03021142: expressed fear of landmines;

Jusufović, Azmir, 00464628: passage to Muslim side had to be demined;

Efendić, Mensur, 01189563;

Memišević, Nurif, 00396028;

Husić, Ramiz, 00813498: crossed a minefield with a large group; and

Mešanović, Ibrahim : 00464633.

In fact, the column's path of retreat was infested with so many minefields that, according to Prosecution's military expert Richard Butler, the retrieval of the remains of those who had been killed by mines in remote areas was hampered "because of the ordnance and mine threat."²²

In addition to the statements of the column survivors, there is a log entry by a staff member of the 28th Division that refers to the presence of mines. It reads:

The column set off from Jaglič, and Vejz went through a minefield at Buljina, clearly marking it with cloths and items of clothing. Vejz led the column and we all went to Udrč. The division staff, president of the municipality Osman SULJIĆ and El-jub GOLIĆ, and I were at the back.²³

Serbian sources also make extensive reference to the presence of minefields. The following is an overview:

(1) Echoing the just cited July 13, 1995 Muslim log entry, a Serbian report to the command of Drina Corps states:

On 12 July of this year, at 1945 hours, a radio network of elements of the 28th Muslim Division was activated; during the morning, at around 0500 hours,

22. *Popović et al.*, Transcript, p. 20252, lines 17-20 and 24-25 and 20253, line 1.

23. EDS number 0308-3682.

these elements came across our minefield in the sector of /?Ravni Buljim/ at the juncture between the Milić and Bratunac Brigades.²⁴

(2) A Bratunac Brigade minefield map, where the location of known minefields was marked, was presented as a Prosecution Exhibit in the Blagojević case.²⁵

(3) While the Bratunac Brigade minefield map deals with the location of minefields the Muslim column had to cross during the first phase of its trek, there is also evidence that danger from mines continued unabated as the column reached the zone of responsibility of the Zvornik Brigade further to the north.²⁶ Brano Djurić, a member of the Zvornik Brigade Engineering Battalion, confirmed that there were also minefields in the Zvornik Brigade zone that the column had to cross. He testified that he had made sketches of the minefields' locations.²⁷ According to Djurić, there were even Serbian casualties as a result of the broad dissemination of these mines.

(4) The fact that the Zvornik Brigade possessed a supply of mines is documented.²⁸

24. EDS number 0308-3838.

25. *Blagojević and Jokić*, OPT exhibit 617.

26. It is important to document the presence of mines in the Zvornik Brigade area because Prosecution military expert Richard Butler stuck to his view under cross-examination that "we were able to conclude, particularly with respect to Zvornik, that the individuals that were coming out of these particular mass graves and the associated secondaries ... were not meeting the characteristics of combat casualties, in fact they were meeting the characteristics of victims from crime scenes," *Popović et al.*, Transcript, p. 20250, lines 6-10.

27. *Blagojević and Jokić*, 15 July 2004, Transcript, p. 11,963-11,979.

28. EDS number 0084-6748.

(5) A log kept by military police commander Ljubiša Borovčanin shows that the enclave's approaches were mined and that a path had to be cleared to allow access to Serbian motorized forces:

Between 0500 and 0630 hours, the pioneers of the Bratunac Brigade, led by Captain GAVRIĆ, cleared a passage through a mine-field or groups of mines towards Budak or immediately around the Žuti Most-Potočari road. Members of the 1st Company of the Zvornik Special Police Unit, led by a pioneer from the Bratunac Brigade, set off through the cleared passages towards Potočari to create the conditions for the introduction of hardware. As personnel were being introduced, a sapper stepped on a PROM/anti-personnel bouncing fragmentation mine/-1. He was taken to the Bratunac Health Centre, where he died. In a way, this incident slowed down the advance.²⁹

The mines were evidently so numerous that they even caused a Serbian casualty.

(6) Momir Nikolić, the Bratunac Brigade security and intelligence officer, states that he received reports of the Muslim column's movement "through minefields across combat lines in the direction of Konjević Polje."³⁰ It should be noted that Nikolić is a Prosecution witness and that the "Statement of Facts" in which this assertion is made was most likely written in cooperation with the Office of the Prosecutor.

(7) There is also a Zvornik Brigade report dated July 8, 1995 on "minefield maintenance ... in progress," which indicates the existence of minefields in the brigade's zone of responsibility.³¹

29. EDS number 0308-2252.

30. EDS number R042-7397.

31. EDS number 0081-1224.

(8) The fact that the Srebrenica enclave was surrounded by minefields is confirmed by ex-soldier Radenko Ubiparipović during a U.S. Immigration Court removal proceeding, in which he stated that: “There were mines surrounding the entire safe area. Both sides laid mines.”³²

(9) The abundance of mines and minefields was also confirmed by Prosecution witness DP-105 at the *Blagojević* trial. He said that there were “many minefields”,³³ that some of the minefields in the area had been laid during earlier battles;³⁴ and that minefields were present in the Konjević Polje area,³⁵ which may be significant because there was a mass crossing by the column of the Konjević Polje Road which produced enormous casualties.

This Serbian witness also noted that even Serbian forces, which had laid the mines, had to move circumspectly as they deployed to engage the Muslim column because “the terrain we had to cross was very inaccessible, and there were the minefields.”³⁶ He also said, astonishingly, that “this area contained minefields that we did not know the location of, and that is what put a restriction on our movement along certain roads, like village roads and things like that.”³⁷ This indicates that minefields were so numerous that even Serbs, who had laid them, were beginning to lose track of their location.

(10) Col. Nedeljko Trkulja stated in his ICTY interview that after the decision was made to create a corridor for the passage

32. U.S. Immigration Court removal proceedings, In matter of Radenko Ubiparipović, File A 75 067 541, p. 132.

33. *Blagojević and Jokić*, 3 June 2004, Transcript, p. 10,265.

34. *Ibid.*, p. 10,264.

35. *Ibid.*, p. 10,222.

36. *Ibid.*, 1 June 2004, p. 10,075.

37. *Ibid.*, 1 June 2004, p. 10,082.

of the Muslim column on July 16, 1995, a path had to be cleared for it through the minefields.³⁸ This is additional confirmation of the ubiquity of minefields because the corridor for the safe passage of the Muslim column was negotiated when the main body of the column was already passing through remote mountain areas.

(11) In relation to the enclave perimeter, Zoran Jovanović also affirms that: “In front of the defense line, there were minefields. And it would take a lot of time to clear the minefields, to remove the mines, to enable them to go through. We had to remove the mines in at least one section of that field to let the troops past.”³⁹ The reference is to Serbian troops advancing toward Srebrenica, but this principle is also conversely true for Muslim forces.

Further on, he refers to the presence of “minefields everywhere, both in front of our defense lines and in front of the enemy’s defense line ... nobody dared to do a proper search of the terrain.”⁴⁰

It may therefore be regarded as settled that minefields were located in the path of the retreating Muslim column. There is evidence as well from a variety of sources that the column came into contact with minefields and that some of its casualties were inflicted by mines. There is also evidence that mines were so abundantly and widely dispersed that even Serbian forces, which had laid them, were obliged to exercise extreme caution, and, indeed, in some cases, had suffered casualties from what probably were their own land mines.

38. ICTY Interview with Nedeljko Trkulja, 28 September 2005, p. 10.

39. *Blagojević and Jokić*, 25 May 2004, p. 9868.

40. *Ibid.*, p. 9869.

OTHER CAUSES OF DEATH: SUICIDE

In addition to combat activity, which includes shelling and the perils of minefields, witness statements often mention suicide as a factor that took many lives among the members of the retreating column. The following witness statements confirm this:

Hodžić, Smail: 00464517

July 13, 1995 When his part of the column reached the village of Pobudje, numerous civilians committed suicide there.

Avdić, Nedžad: 00464521

[Undated] Many of the men who were with him committed suicide in the area of Kamenica.

Husić Ramiz: 00813498

[Undated] Witnessed twelve persons commit suicide.

Halilović, Osman : 00818527

[Undated] Witnessed twenty suicides.

Mešanović, Ibrahim : 00464625

July 11, 1995 Reports that when the men "understood" that it was the end, they began shooting each other.

July 13, 1995 The same witness saw a man blow himself up with a hand grenade.

Muhić, Azem: 00464635

July 12, 1995 Found out near the Kaldrmica bridge that numerous individuals had committed suicide.

Velić, Omer: 00464650

[Undated] Reports knowledge that a number of individuals had committed suicide.

Sandžić, Bajro: 00464643

July, 13 Witnessed several young men blow themselves up with hand grenades.

REPORTS OF CASUALTIES SUFFERED BY THE RETREATING MUSLIM COLUMN

To summarize, eyewitness evidence shows that the Muslim column retreating from Srebrenica was engaged in combat; that it had to cross numerous minefields; and that it had suffered con-

siderable casualties. In order to assess the scale of these casualties, estimates by non-participating observers can also be helpful.

1. The most contemporary and available authoritative source in this category is the report of a UN official in Tuzla, Edward Joseph, dated July 17, 1995, addressed to Michel Moussalli of the UNPROFOR Tuzla office. Joseph refers to the arrival of “Srebrenica men” in Tuzla and comments that “five to six thousand crossed into BiH 2 Corps controlled territory in the southern Sapna area last night (16 July).” He then continues: “Up to three thousand were killed on the way, mostly by mines and BSA engagements. Unknown others were captured. Some committed suicide. Unknown others went to Žepa.”⁴¹

2. Prosecution military expert Richard Butler claimed in his testimony at the *Popović* trial that he had not made an analysis of BH military casualties.⁴² He denied having studied in great detail the issue of what casualties the column may have suffered as a result of landmines.⁴³ He also denied having made any accounting of the military engagements which could have given rise to casualties on the Muslim side.⁴⁴ Under cross-examination, however, Butler accepted that since the column had a mixed military-civilian character, it had the status of a legitimate military target.⁴⁵ Based on his “knowledge of the situation”, Butler also conceded that “the number [of casualties] would have been high for any particular combat engagement.”⁴⁶ Pressed to offer his

41. EDS number R043-3424

42. *Popović et al.*, Transcript p. 20248, lines 24-25, p. 20249, lines 1-2;

43. *Ibid.*, p. 20248, lines 1-5

44. *Ibid.*, p. 20243, lines 17-22.

45. *Ibid.*, p. 20244, lines 22-25 and 20245, line 1.

46. *Ibid.*, p. 20250, lines 23-25.

own reasonable estimate of column losses, given those combat engagements, Butler replied: “I am not aware of any specific number, but that particular number of 1,000 to 2,000 sounds reasonable, given the context of the combat that I am aware of.”⁴⁷ His casualty estimate was confined to the period of July 12–18, 1995.⁴⁸ On September 19, 2011, in testimony in the *Jević et al.* case before the Court of Bosnia and Herzegovina in Sarajevo, in response to the same question, Butler raised his estimate to “between 2,000 and 4,000” Muslim combat casualties.

3. Additional estimates are to be found in the “UNMO HQ Daily Sitrep,” dated July 18, 1995.⁴⁹ The document was prepared by Captain Hassan. It is a BH-wide situation report, summarizing reports from UNPROFOR observers located in different areas of the country. On p. 19, under the heading “Other significant/relevant information,” Hassan summarized reports from the Srebrenica area. The report states that on July 10–11, between 12,000 and 15,000 men had left the enclave, of whom about 3,000 were armed. It is estimated that 3,000 “are believed to have been killed by minefields, snipers, and ambush conflict with BSA.” A specific BSA ambush in Konjević Polje is mentioned. In a comment, it is added that these figures are likely to be exaggerated and should be divided by ten. No explanation is given for this recommendation and there is no compelling reason to go along with it.

4. Testimony in the *Krstić* trial by ARBiH General and Chief of Staff Enver Hadžihasanović, in these matters an apparently reliable source, also deals with the losses of the 28th Division column during the breakout. Hadžihasanović’s official position makes him a competent and knowledgeable witness on this par-

47. *Ibid.*, p. 20251, lines 6-8.

48. *Ibid.*, p. 20251, lines 12-14.

49. EDS number R003-8723.

ticular subject. Besides revealing that 3,175 members of the column did manage to reach territory under the control of the Second Corps of the Bosnian Muslim Army, Hadžihasanović also stated in his *Krstić* testimony that 2,628 officers and soldiers of the 28th Division were killed in action during the breakout.⁵⁰ With regard to total Muslim casualties, yet without offering a breakdown, Hadžihasanović referred to a range “between 8,300 and 9,722” persons.⁵¹

Hadžihasanović’s testimony in the *Krstić* trial created a strong presumption that he regarded most of these 2,628 officers and men as combat casualties. In the transcript, he is recorded as having used the word “killed” instead of “executed,” as would have been more logical if he believed that they had been shot as prisoners. In his description of the column’s progress, Hadžihasanović indicates a clear awareness that it was involved in significant combat activity and, therefore, must have suffered corresponding casualties:

... some APCs and a tank, I believe, arrived and the Serb forces pierced the column on that spot. So the first third of the column managed to cross the asphalt road, and they were waiting to see what would happen with the rest of the column. However, throughout that day, the second half of the column was exposed to heavy shooting and shelling, and during the night, they probably thought that other members of the column would also cross the road, but nobody did so they decided to move on. I know that because the Chief of Staff who told me about this was with that portion of the column. (*Krstić*, Transcript, p. 9529.)

50. <http://www.icty.org/x/cases/krstic/trans/en/010406ed.htm>

51. *Prosecutor v. Krstić*, April 6, 2001, Transcript, p. 9532, lines 16 – 21.

So on the 13th of July, they continued on their way across the Udrč mount in the direction of Kalesija that is towards the Kalesija-Zvornik asphalt road. On that part of the road, they were ambushed on several occasions. There were fatalities and casualties there.... (*Krstić*, Transcript, p. 9529.)

They tried to move closer to the front lines but they were ambushed again so they had to go back and they spent the night there. In the afternoon hours of the 15th of July, they selected a large group of people who then fought with the Serbs at one point in time, but they were unable to do anything. (*Krstić*, Transcript, p. 9529-9530.)

5. Carl Bildt, a peace negotiator during the war and High Representative in Bosnia after the end of the conflict, also made an estimate of column casualties. In his memoirs, published shortly after the signing of the Dayton Peace Accords, he offers the following assessment:

In five days of massacres, Mladić had arranged for the methodical execution of more than three thousand men who had stayed behind and become prisoners of war. And probably more than four thousand people had lost their lives in a week of brutal ambushes and fighting in the forests, by the roadside and in the valleys between Srebrenica and the Tuzla district, as the column was trying to reach safety....⁵²

6. Also of some interest is a contemporary BBC Radio 4 report of July 17, 1995:

In another development, Bosnian government troops have accused the Serbs of trying to slaughter units of their army which fled after the fail [corrects himself]

52. Carl Bildt, *Peace Journey: The struggle for peace in Bosnia*, Weidenfeld and Nicolson: London, 1998., p. 66.

the fall last week of Srebrenica. The allegations have been made by some of the three thousand soldiers who reached Tuzla today after fighting their way through enemy lines. They say the Serbs ambushed their retreating column killing hundreds if not thousands of soldiers. It's not been possible to confirm their claims.⁵³

7. There is another estimate of the column's losses that deserves serious consideration. In the recently screened Norwegian documentary *Srebrenica: A Town Betrayed*, directed by Ola Flyum and David Hebditch, there is an interview with John Schindler, a former US intelligence officer and currently professor at the U.S. Naval War College. According to Schindler, Bosnian Muslim combat casualties during the breakout of the Srebrenica column were "about 5,000 men" while he estimates that "about 2,000" prisoners were executed.⁵⁴

Just as with the reports made by direct participants in the march from Srebrenica to Tuzla, great caution should be exercised also in assessing the numbers presented by foreign observers and experts. The common denominator of their estimates of the column's casualties, however, is that they were substantial and that they range from 2,000 to 5,000. That constitutes a sizeable portion of the human losses suffered by the Muslim side, even if the lower or some median figure were accepted. Whatever final conclusion is reached about the number of combat casualties, that this figure must be distinguished from extrajudicially

53. http://ccgi.yugofile.co.uk/v2/player.php?movie=http://www.yugofile.co.uk/qt/1995071-_22Bull.mov

54. *Srebrenica: A Town Betrayed*,
 "http://tv.globalresearch.ca/2011/07/srebrenica-town-betrayed, between 51:14 and 52:02 minutes.

executed Srebrenica victims, who — unlike those in the column — were killed contrary to the laws and practice of war.

Stephen Karganović

VII. THE GENOCIDE ISSUE: WAS THERE DEMONSTRABLE INTENT TO EXTERMINATE ALL MUSLIMS?

This question must be answered if we are to deal seriously with Srebrenica. In light of the depiction of events that took place in Srebrenica immediately following July 11, 1995, there are only two ways to characterize the ensuing executions: 1) as a massacre of significant proportions which is a major violation of the laws and customs of war; or 2) as an act of genocide. If allegations of genocide are sustainable, then one must further ask: Was there intent to execute all Muslims who might have been captured by Serbian forces? The answer to this question must unequivocally be “yes” for genocide to be established. The genocide thesis, however, is undermined to the extent that conditionality is attached to an affirmative answer.¹ Any “yes, but” answer would tend to distance the mass killing from genocide and would ultimately favor the characterization of what had happened in terms of the first option: massacre.

In the *Krstić* case, the Chamber articulated a clear position with respect to this point. The Chamber’s reasoning with regard to the Srebrenica executions in Par. 546 imposes rather strict evidentiary standards and leaves little room for maneuver:

The Trial Chamber is ultimately satisfied that murders and infliction of serious bodily or mental harm were committed with the intent to kill all the Bosnian Muslim men of military age at Srebrenica. (...) All of the executions systematically targeted Bosnian Mus-

1. The UN Convention on Preventing and Punishing Genocide (1948) defines this crime as the “deliberate and systematic extermination, in whole or in part, of an ethnic, racial, or religious group.”

lim men of military age, regardless of whether they were civilians or soldiers.²

And further on:

Evidence shows ... that a decision was taken, at some point, to capture and kill all the Bosnian Muslim men indiscriminately....³

Finally:

Except for the wounded, all the men, whether separated in Potočari or captured from the column, were executed, either in small groups or in carefully orchestrated mass executions.... *The evidence shows that the VRS sought to kill all the Bosnian Muslim military aged men in Srebrenica, regardless of their civilian or military status.* [Emphasis added.]⁴

The ICTY Chamber in the *Popović et al.* case was equally emphatic in its trial judgment that the criterion for genocide required that the killings in Srebrenica had to be all-inclusive in nature:

The Trial Chamber has found that several thousand Bosnian Muslim males were killed by members of the Bosnian Serb Forces. The scale and nature of the murder operation, the targeting of the victims, the

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2. Trial judgment in *Krstić*, Par. 546.
 3. Trial judgment in *Krstić*, Par. 547. The Chamber does not say at what moment the decision was made or by whom. That is a gaping lacuna in a factual analysis that involves such an important and dramatic conclusion.
 4. *Ibid.*, Par. 547. The Chamber must in some fashion explain the problem of the wounded Muslim prisoners who were treated — and not executed — because the defense offered evidence to that effect in support of its own view. The Chamber's response was the cynical claim that the Serbian side spared those wounded prisoners for purely propaganda reasons. (*Ibid.*, Par. 86.)

systematic and organized manner in which it was carried out, and *the plain intention to eliminate every Bosnian Muslim male who was captured or surrendered* [emphasis added] proves beyond reasonable doubt that members of the Bosnian Serb Forces, including members of the VRS Main Staff and Security Branch, intended to destroy the Muslims of Eastern Bosnia as a group.⁵

Two things stand out in these paragraphs. First, the ICTY Chambers have erected a strict standard of proof for the hypothesis that genocide occurred in Srebrenica. They must now be held to that standard and the evidence must be scrutinized to determine whether or not the standard has been met. Second, assuming that ICTY Chambers had decided beforehand, for whatever reason, that it was their “public duty” to validate the prevalent perception of what had taken place in Srebrenica in the framework of the requirements of the Genocide Convention, they clearly had no choice but to set the stage with precisely such strict rhetoric. Only the specific and indiscriminate intent to destroy a protected group unconditionally satisfies the standard for genocide. So, at least theoretically, the Chambers figured out what they had to say. For the finding of genocide to be valid, the existence of the requisite intent must be maintained at all cost and it must be attributed to someone, even if that necessitates shaping the evidence to fit the charges. Any limitations or conditions placed upon such an intention would actually create far more theoretical problems than it would resolve.⁶

5. *Prosecutor v. Popović et al.*, par. 856.

6. For genocide to be applicable, the intent must have existed that every targeted Muslim be killed, which is overwhelmingly contradicted by the evidence. As soon as the door is opened for discrimination in the selection of victims within the target group, the notion that, regardless of its scale or barbarity, the killing was genocide, is undermined. So, on a theoretical level, assuming that the ICTY had

The distinction between genocide and massacre is not a matter of nuance; it is fundamental. Genocide assumes the presence of a particular element, *dolus specialis*, and it is defined as specific intent to destroy a protected human group or a significant part of it. If the presence of the *dolus specialis* that characterizes genocide cannot be established, then, regardless of the scale or method of the extrajudicial killing, it cannot be considered genocide. That is why legal scholarship regards genocide, which has been a relatively rare occurrence in history, as one of the most difficult crimes to prove. For that very reason, when genocide can be proved, the authors and instruments of this crime are subject to the most severe punishment, which is entirely proper, given the heinousness of the crime.

Statements by Surviving Soldiers and Civilians from the Srebrenica Enclave. We have fifty-eight statements by both Muslim soldiers and civilians from Srebrenica and Žepa who happened to be in one of these UN protected zones in July 1995. They gave their statements either to Muslim authorities or to ICTY investigators after reaching territory under the control of the Bosnian Muslim authorities. Many of these statements were taken shortly after the events to which they relate; others were taken a few months later. But in no instance is there a significant gap of time between the statements and the events they describe.

decided in advance what legal categorization it was looking for, from the standpoint of its own coherence, the Court did the right thing in narrowly defining the description of the Serbs' intent by saying that *all* members of the group targeted for genocide — not just military aged men, but every captured male Muslim — were slated for extermination. If they had shown more flexibility and had allowed for selection, they would have faced a far more complicated situation. Instead of simply ignoring contradictory evidence, which is what they are doing now, they would have had a lot of tortuous explaining to do in order to fit uncooperative facts within their definition of genocide. They chose the simpler option.

Another important fact must be noted: *All of these statements may be found in the electronic database of The Hague Tribunal.* It appears, however, that they comprise but a fraction of the total number of pertinent statements. The long-time ICTY Prosecution Chief Investigator, Jean-René Ruez, has stated that about 1,200 such statements had been taken from survivors after the arrival of the 28th Division column in Tuzla following the breakout from Srebrenica in mid-July of 1995.⁷ Making this material available to researchers and to the interested public — as we are doing now with the statements that we have obtained — would be of enormous benefit and not just in facilitating a better understanding of the Srebrenica tragedy. It would also be enormously helpful in resolving many factual questions that still remain unanswered.

There are three reasons why the statements made by the surviving residents of Srebrenica and Žepa are of great value: 1) in thirteen of the statements which relate to the critical period of July 12–19, 1995 — since this was when most of the legal combat engagements as well as the extrajudicial executions took place — it is evident that the Muslim prisoners of war in question were processed by the Bosnian Serb Army on a regular basis (murder is clearly ruled out because these individuals were subsequently able to give statements), and in many cases, medical attention was also extended to the prisoners when that was necessary; 2) of the fifty-eight available statements (which include the aforementioned thirteen) twenty-eight state that the captured individual was registered with the International Committee of the Red Cross (ICRC); and 3) there are references (in statements given by individuals who took part in the column's withdrawal and arrived successfully in Tuzla or in statements given by those

7. *Le Point*, 22 May, 2008. Francois-Guillome Lorrain: “Six ans dans les charniers de Srebrenica.”

who had been captured along the way) to combat engagements between the column and the Bosnian Serb Army (VRS). The description of combat includes shelling and other forms of military engagement to which the column, as a legitimate military target, was subjected by the VRS, as well as references to enormous casualties inflicted on the column in the process.

Summaries of these statements that were given by Muslim soldiers and civilians follow. The first group consists of individuals who were captured and who survived during the critical week of July 12–19, 1995. These are followed by statements made by those who had successfully withdrawn to Tuzla or had been captured by the VRS, regularly processed, and subsequently exchanged.

The year of birth and the ICTY database (EDS) number of the statement are provided after each name. The “status unclear” description means that it was not possible to determine whether the declarant was a soldier or a civilian. A relevant summary of each statement follows.⁸

1. **Ademović, Bekir** (1975), 01185273. Soldier, captured July 13 with seventeen wounded individuals. Mentions by name five other individuals who were captured with him. During the column’s withdrawal, he witnessed combat activity in the area of Konjević Polje and gave an estimate of Muslim casualties. After having been captured, he was taken to the Bratunac Health Clinic, where he spent two days without treatment, and was then placed in the care of a Dutch doctor. During the night of July 17–

8. Hereinafter, the number following the name refers to the file number of the document in the database of ICTY Office of the Prosecutor at The Hague Tribunal. Data deemed relevant to this inquiry is information about the treatment prisoners received after having been captured, the date and location of combat activity, the presence of mines and other obstacles that may have caused casualties, exposure to artillery and other forms of attack that may have caused massive casualties to the column, etc.

18, he was transferred to the Batković Prisoner of War Camp. He witnessed prisoners being beaten but he was not mistreated.

2. **Memišević, Nurudim**. Civilian, captured on July 14 near Baljkovica. For further details, see the statement given by father, **Memišević, Nurif** 00396028. He was transferred to Batković on July 14; he was beaten.

3. **Ahmetović, Nedžad** (1953) 01189539. Soldier, captured on July 13. He was taken to Karakaj (near Zvornik) where he was held for two to three days. While retreating with the column, he witnessed combat activity and gave an assessment of casualties. He was transferred to the Batković POW camp where he was exchanged on December 24, 1995.

4. **Mustafić, Zazim** (1964), 01185284. Soldier who was wounded, and then captured by the Drina Corps military police on July 12. He names ten other individuals who were captured with him. He was transferred to Batković on July 18, and was exchanged on September 29, 1995.

5. **Hašemović, Aziz** (1960), 01185332. Soldier, captured on July 16 with nine other wounded persons, of whom he names four. Received medical assistance at the Bratunac Health Clinic, following which he was transferred to the Batković POW camp on July 17. He was exempted from labor obligations because of his medical condition and was exchanged on September 29, 1995.

6. **Vilić, Sadik** (1960), 00401652. Civilian, captured on July 13. After the withdrawal of the Dutch Battalion, was captured by the VRS with a large group of wounded Muslims in Potočari. Confirms that all received proper medical treatment at the health clinic in Bratunac; was not mistreated. He was interrogated by VRS intelligence personnel, registered with the ICRC on July 18, and evacuated to the Batković POW camp on July 19 with twenty-two other wounded prisoners. Exchanged on September 29, 1995. In Batković, he was interrogated by a VRS officer on

military matters but was not mistreated; he was later interrogated and abused by a war crimes investigator.

7. **Tabaković, Reuf** (1960), 01185288. Soldier, wounded, captured July 12. Held in Bratunac for five days. On July 17, transferred to Batković, where he was exchanged on December 24, 1995.

8. **Tabaković, Šukrija** (1973), 00371755. Soldier, wounded, then captured on July 11-12, according to the best of his recollection. He spent six days at the UN camp in Potočari, then was taken to the hospital in Bratunac with six other wounded Muslims for treatment (July 17–18). He gives the names of other wounded prisoners who were captured and treated with him. He was transferred to Batković on July 18, where he was treated in accordance with the Geneva Convention and was exchanged on September 30, 1995.

9. **Kaljević, Rifet** (1945), 01185280. Soldier, wounded, then captured on July 14. He took part in the withdrawal, tried to commit suicide, was captured, and was finally taken by Serbian forces to the Bratunac Hospital for treatment after his suicide attempt. He mentions a “gravely ill” prisoner, also from Srebrenica, who was being treated but who expired at the Bratunac hospital. He was transferred to Batković and exchanged on December 24, 1995.

10. **Smajlović, Idriz** (1956), 12122824. Soldier, wounded, then captured on July 11. He spent several days at the clinic in Potočari, where he was registered with the Red Cross. He was transferred to Bratunac on July 15, where he was interrogated and mistreated. He was transferred to Batković on July 16, and exchanged on September 29, 1995. The witness expressed bitterness toward the Serbs because he had stepped on a landmine and was wounded, but he states that as a prisoner he was treated properly. He confirms that the 28th Division of the BH Army

from Srebrenica was conducting attacks on surrounding Serbian villages.

11. **Selimović, Sadik** (1962), 03052246 (statement number in the files of the Muslim intelligence service, AID); 02131234 (statement number in the database of ICTY Office of the Prosecutor). Soldier, wounded, captured in Potočari on July 12. Taken to the Bratunac hospital with other wounded soldiers where some of the staff treated them properly, but others did not. Eight days after his capture, he was transferred to Batković and was registered with the Red Cross. He gave statements to both the Muslim authorities (AID) and to the ICTY Prosecution (OTP).

12. **Hasić, Sakib** (1968), 00588878 (statement number in the database of ICTY Office of the Prosecutor). Status unclear, wounded, then captured by the VRS at the UN clinic in Potočari. Serbian soldiers separated gravely wounded Muslim prisoners who were to be freed. In Bratunac, he saw wounded Muslims with Red Cross registration cards. He was given a medical exam on July 13. He was interrogated on July 15 and was then registered with the Red Cross a day or two later. He was transferred to Batković and exchanged on December 24, 1995.

13. **Gračanlić, Džemo** (1974), 00371741. Status unclear, wounded, then captured by the VRS at the UN clinic in Potočari with twenty-three other wounded Muslims. He was transferred to the Bratunac hospital on July 14, then on July 19 to Bijeljina, and finally to the Batković POW camp. He was registered with the Red Cross, and then exchanged on September 29, 1995.

14. **Zukanović, Bego** (1978), 00371759. Civilian, captured on July 21. While retreating with the column, he witnessed combat activity and reported detailed observations. After having been held in Karakaj for two hours, was transferred to Batković on July 21. He was not mistreated, and was registered with the Red Cross. He was exchanged on September 19, 1995.

15. **Hasanović, Alvir** (1974), 01008132. Civilian, captured on July 22. He was interrogated with other prisoners captured in his group. He was taken to Karakaj, and then on July 23 to Batković. He was not mistreated and was transferred to the Kotorско POW camp with forty-five other prisoners on October 7, 1995.

16. **Mehanović, Hašmir** (1979), 00371774. Civilian, captured on July 25. During the withdrawal of the column, he witnessed combat activity at Buljim and described what he saw. He was initially transferred to Osmaći, where he was interrogated and mistreated, and then on July 25 was transferred to Batković. He was registered with the Red Cross.

17. **Kadrić, Midhat** (1978), 00371768. Civilian, captured on July 25. During the column's retreat, he witnessed combat activity at Kravice and Baljkovica and presented his assessment of the casualties. He was transferred to Batković on July 26 and was immediately registered with the Red Cross.

18. **Salihović, Hasan** (1946), 01097604. Soldier, captured with seven others on July 25. He was mistreated after being captured. He stated that wounded members of the group were given medical treatment. He was transferred to Batković on July 25–26, and was registered with the Red Cross. He was exchanged in December 1995.

19. **Alić, Mevlid** (1961), 00371771. Civilian, captured on July 23–24. He is a relative of Mevludin Orić and Naser Orić. During the withdrawal of the column, he witnessed combat activity at Baljkovica and Konjević Polje and reported his assessment of the casualties. He was mistreated after capture. On July 25, he was transferred to Batković, where he was registered with the Red Cross. He saw about seventy wounded Muslim prisoners of war in Batković, including twenty to thirty from the hospital in Bratunac. He was exempted from hard labor due to his medical condition and was exchanged on December 28, 1995.

20. **Avdić, Enver** (1977), 00371746. Civilian, captured with several others, whom he named. While withdrawing with the column, he witnessed combat activity at Buljim and Kravice and reports his assessment of the casualties. Initially, he was taken to Šekovići, where he was not mistreated, and then on July 26 he was taken to Batković. He was registered with the Red Cross, and reported no mistreatment. According to him, the wounded were given medical attention.

21. **Orić, Fadil** (1971), 00512727. Civilian, captured on July 23. While withdrawing with the column, he witnessed combat activity and reports his assessment of the casualties. He was taken to Karakaj, and later the same day he was transferred to Batković. He was exchanged on December 24, 1995.

22. **Salihović, Selvid** (1978), 00371738. Civilian, captured on July 23. While withdrawing with the column, he witnessed combat activity on the Udrč–Baljkovica road and reported his assessment of the casualties. After having been captured by the VRS, he was taken to Karakaj, where he was interrogated by security personnel who had lists of war crimes suspects. The next day, he was transferred to Batković and was registered with the Red Cross. He was interrogated on military matters but was not mistreated.

23. **Orić, Meho** (1962), 01008156. Captured on July 25. During the column's withdrawal, he saw corpses along the way. He was first taken to Memići where he was mistreated, then to Karakaj, where he was treated properly. He was transferred to Batković on July 25 and was registered with the Red Cross. He experienced no further mistreatment.

24. **Salkić, Abdulah** (1946), 01008169. Civilian, captured on July 25. While withdrawing with the column, he witnessed combat activity on the road from Kušlat to Baljkovica and reported his assessment of the casualties. Initially, he was taken to Karakaj, and then he was taken Batković later the same day. He

was registered with the Red Cross and exchanged on September 29, 1995.

25. **Ramić, Omer** (1961), 01189559. Soldier, captured on July 22. While withdrawing with the column, he witnessed combat activity in the areas of Buljin and Kamenica and reported his assessment of the casualties. Initially, he was taken to Karakaj, and was taken to Batković later the same day.

26. **Hakić, Nermin** (1980), 01185308. Civilian, captured on July 24. While withdrawing with the column, he witnessed combat activity between Srebrenica and Crni Vrh and reported his assessment of the casualties. He was taken to Karakaj, where he was interrogated and beaten. He was transferred to Batković and exchanged on September 21, 1995.

27. **Ibrahimović, Fahidin** (1968), 01008138. Soldier, no date of capture. He was taken to Batkovic, where he joined 150 other prisoners of war from Srebrenica. He was later exchanged.

28. **Muminović, Serdalija** (1978), 00371757. Civilian, captured on July 24. While withdrawing with the column, he witnessed combat activity and saw “many casualties” as a result of Serbian artillery shelling. He was initially taken to Karakaj, and then to Batković later the same day. He was exchanged on September 29, 1995.

29. **Alić, Hasan** (1969), 00371752. Soldier, wounded, captured July 24. While withdrawing with the column, he witnessed combat activity and reported seeing about 1,000 corpses as a result of ambushes set for the column. Initially, he was taken to Karakaj, and then to the military hospital in Zvornik where he underwent surgery and received medical care. After his recovery, he was transferred to Batković and registered with the Red Cross. He was not mistreated.

30. **Vejzović, Gadafi** (1977), 01185356. Civilian, captured in an ambush on July 24. Reported seeing “hundreds” of corpses in the forest during the retreat. Initially taken to the village of

Šekovići, he was ultimately transferred to Batković. He was exchanged on December 25, 1995.

31. **Kovačević, Sadik** (1977), 00371749. Civilian, captured on July 25. During the withdrawal of the column toward Tuzla, he witnessed combat activity around Kamenica and reported his assessment of the casualties. He was mistreated in Osmači after being captured. He was transferred to Batković on July 26, was registered with the Red Cross, and was exchanged on September 29, 1995.

32. **Ademović, Ševal** (1951), 01008095. Soldier, captured in Memići on July 24. He estimated the size of the column to be between 10,000 and 15,000 men. During the withdrawal of the column, he witnessed combat activity and reported his assessment of the casualties. He was transferred to Batković, and was registered with the Red Cross. He was exchanged on December 24, 1995.

33. **Hasanović, Sead** (1964), 03021141. Civilian, captured near Memići several days after the column's departure from Srebrenica. During the withdrawal of the column, he witnessed combat activity in the area of Kamenica and reported his assessment of the casualties. He was transferred to Batković where he was registered with the Red Cross. He complained of conditions in the prisoner of war camp.

34. **Memišević, Nurif** (1948), 00396028 (statement number in the database of ICTY Office of the Prosecutor). Civilian, who managed to reach Muslim territory after wandering for about seventy days. During the withdrawal of the column, he witnessed combat activity in the forest between Kravice and Kamenica and reported his assessment of the casualties.

35. **Mustafić, Ibran** (1960), 02015277. Civilian, wounded. During the war, he served in the civilian government of the Srebrenica enclave. He was taken to Bijeljina and accused of war crimes. Later, he was exchanged.

36. **Smajlović, Muhamed** (1970), 00953447. Status unclear, captured on July 18 or 19 in Baljkovica. During the withdrawal of the column, he witnessed combat activity at Buljim, on the Konjević Polje–Kravice road in Sandići, and near Baljkovica. He was interrogated and mistreated in Zvornik. Was registered with the Red Cross and exchanged on December 24, 1995.

37. **Dedić, Sulejman** (1958), 01189551. Civilian, captured on July 22 near Pandurica. During the withdrawal of the column, witnessed combat activity near Kamenica, Snagovo, and Baljkovica and reported his assessment of the casualties. He was interrogated in Karakaj but did not allege mistreatment. Transferred to Batković on July 24 and was exchanged December 24, 1995.

38. **Efendić, Mensur** (1977), 01189563. Soldier, captured on July 25 near Zvornik. During the withdrawal of the column, he witnessed combat activities near Kamenica and further along the way, and he reported his assessment of the casualties. Transferred to Batković the same day and exchanged on December 25, 1995.

39. **Jusupović, Šefik** (1959), 01185316. Soldier, captured July 21 near Snagovo. He left Srebrenica with a group of about thirty intending to reach Muslim-controlled territory. While wandering through the hills over a twelve-day period, saw “hundreds of dead Bosnian Muslims.” After being captured, was taken to Bijeljina and was exchanged on December 24, 1995.

40. **Muratović, Kadrija** (1973), 01185372. A soldier who tried to escape from Srebrenica with seven others but was captured on July 24. During the withdrawal of the column, witnessed combat activity near Kamenica and reported his assessment of the casualties. Transferred to Batković and exchanged on December 24, 1995.

41. **Mustafić, Husejn** (1963), 00401647. Soldier, captured by Serbian military police on July 25 near Zvornik. While the

column was retreating, he witnessed combat activity about 2 km from Šušnjari and in the proximity of Kravica, and reported his assessment of the casualties. Transferred to Batković and exchanged on December 24, 1995.

42. **Osmanović, Nazir** (1946), 01008158. Status unclear, captured near Snagovo on July 25. While the column was retreating, he witnessed combat activity at Kaldrmica and Snagovo, and reports his assessment of the casualties. Transferred to Batković the same day and exchanged on December 24, 1995.

43. **Osmanović, Ramo** (1975), 00512683. Status unclear, captured on July 18 or 19 near Baljkovica. While the column was retreating, he witnessed combat activity around Konjević Polje, and reports his assessment of the casualties. Five men in his group were executed, but he was kept for exchange. He was transferred to Batković and registered with the Red Cross. He was exchanged on December 24, 1995.

44. **Malkić, Hamza** (1964), 02918842. Status unclear. He crossed over into Serbia with a small group and was captured there on July 22. He was mistreated during interrogation. Transferred to Batković on July 24 and registered with the Red Cross. Exchanged on December 24, 1995.

45. **Ramić, Sado** (1966), 01008163. Status unclear. He was captured on July 22 near Snagovo. During the withdrawal of the column, he witnessed combat activity and reported his assessment of the casualties. Transferred to Batković on July 23; exchanged on December 24, 1995.

46. **Muminović, Behudin**, 00464652. Status unclear. Captured on July 23 near Baljkovica, and transferred to Batković on July 26, where he was registered with the Red Cross. Exchanged on December 24, 1995.

47. **Hasić, Ahmo** (1937), 01097609. Civilian, surrendered to Serbian forces after wandering through the woods for several days. He saw physical abuse of prisoners in Bratunac and Pilica.

Claims to have survived execution at Pilica and tried unsuccessfully to cross over to Muslim-controlled territory. Interrogated at Batković but does not mention being mistreated. Transferred to Batković with other Muslim prisoners on July 26 and registered with the Red Cross. Exchanged in December 1995.

48. **Rizvić, Hasudin** (1974), 01008167. Captured with a group near Snagovo, then transferred to Karakaj, where he was interrogated and mistreated. Later transferred to Batković on July 22 and finally exchanged.

49. **Salčinović, Sadik** (1965), 02112340. Civilian, who hid in the hills with a small group until they were all captured on October 18. During the withdrawal of the column, he witnessed combat activity near Buljim and reported his assessment of the casualties. He was taken to Bratunac, where he was not mistreated. Transferred to Foča on October 25 and registered with the Red Cross. Exchanged on January 28, 1996.

50. **Halilović, Suljo** (1960), 01008121. Status unclear. Initially joined the column setting off from Srebrenica but later decided to go back and crossed over to Serbia with a group of others. There, he was captured and turned over to the Republika Srpska authorities. During the withdrawal of the column, he witnessed combat activity at Kamenica and reported his assessment of the casualties. He was beaten by the Serbian police. Most of the individuals from his group, whom he names, were on the list of prisoners of war released from the Foča POW camp on February 27, 1996.

51. **Kadrić, Nedžad** (1971), 00686336 (OTP). Soldier, captured in Žepa on July 25, 1995, the same day the town was taken by Serbian forces. Registered with the Red Cross on July 26. In the statement given to the Office of the Prosecutor of The Hague Tribunal, said that he wished to modify some aspects of another statement he had given earlier to AID (the Bosnian Muslim intelligence service), which suggests that the AID may have pres-

sured him. He affirms that the majority of the captured “civilians” in Žepa were in fact soldiers of the Muslim Army who had removed their uniforms. He was transferred to the Serbian POW camp in Rogatica where he was interrogated properly.

52. **Čavić, Bego** (1936), 03358253. Civilian, evacuated from Žepa on July 27. Transferred to the Rogatica POW camp with a group of other prisoners. Interrogated and initially treated properly but was later treated roughly after NATO began bombing Serbian positions.

53. **Gladović, Bego** (1936), 03358257. Civilian, captured on July 27 with a group of forty-three. Interrogated professionally and was then transferred to the Rogatica POW camp. Exchanged in Butmir on January 19, 1996.

54. **Kulovac, Jasmin** (1977), 00510272. Status unclear. He tried to break out of Žepa with others. On August 5, he was captured by a paramilitary group under the command of Milan Lukić. After Lukić’s men executed several members of his group, he was turned over to the Serbian military police and transferred to the Rogatica POW camp on August 8, later to be transferred to Kula (in Foča). There were monthly Red Cross visits to the camp but the prisoners were formally registered only on January 11, 1996. Exchanged in Butmir in January 1996.

55. **Osmanović, Pasan** (1937), 03358269. Civilian, captured on July 27 at a checkpoint near Kladanj. Was beaten in prison. Transferred to Rogatica the day of his capture.

56. **Džebo, Meho** (1962), 03358245. Civilian (policeman), captured in Žepa on July 27. Transferred to Rogatica the same day with twelve wounded Muslim prisoners. Registered with the Red Cross, and exchanged on January 19, 1996.

57. **Uvejzović, Ejub** (1932), 0335-8276-0335-8278. Civilian from Žepa, evacuated on July 27. Transferred to Rogatica and exchanged on January 19, 1996.

58. **Jusufović, Azmir** 00464628. Status unclear, surrendered to Serbian forces on July 18 with a group of thirty. During the withdrawal of the column, he witnessed combat activity at Kamenica and reported his estimate of the casualties. He was interrogated in Bratunac and Zvornik. Was taken to the Muslim front line in the vicinity of Baljkovica and allowed to cross over to Muslim-controlled territory after the Serbs cleared the path for him through a mine field.

Do the Killings that Took Place after the Fall of Srebrenica Qualify as Genocide? There can be little dispute that these witness statements, even in the terse form related here,⁹ are informative and shed new light on critical issues. Significant evidence from Muslim sources of behavior that is inconsistent with an intent to commit genocide against Srebrenica Muslims casts serious doubt on a key point of the official narrative. It remains to be seen to what extent this evidence is a “game changer” in terms of an overall re-evaluation of what happened in Srebrenica. But even if we reserve a definitive impact assessment for later, it is apparent that these statements do not leave the official narrative unchanged.

The legal status of Srebrenica, viewed as genocide, consists principally of the deliberations of the International Criminal Tribunal for the Former Yugoslavia and, indirectly, an opinion rendered by the International Court of Justice in The Hague.¹⁰ An important caveat is that ICJ did not conduct its own inquiry into the matter but merely incorporated the ICTY’s legal conclusion

9. The complete statements have been posted on the website of the Srebrenica Historical Project, www.srebrenica-project.com.

10. The ICJ in the matter of *Bosnia and Herzegovina v. Serbia and Montenegro* (2007) did not consider the merits of the charge that what occurred in Srebrenica was genocide. In fact, the ICJ does not have any mechanisms of its own to conduct a criminal investigation.

into its own judgment. Obviously, such an incorporated conclusion is only as valid and persuasive as the original ICTY judgment that the ICJ relied on in that part of its opinion.

Those who uncritically acclaim the ICTY's legal conclusion will be quite satisfied because they can now advance the extravagant notion that a genocide in Srebrenica has been confirmed in the judgments of not just one but two eminent international legal institutions. It would serve no purpose to debate this issue here, because it is technical rather than substantive. It is more useful to focus on key aspects of the ICTY's position.

There are solid reasons for skepticism with regard to the ICTY's conclusion, which maintains that what took place in Srebrenica was genocide.¹¹ We will discuss some aspects of its position.

1. Serbian forces facilitated the evacuation of (estimates vary) about 20,000 women, children, and elderly Muslims from Srebrenica after its fall on July 11, 1995. It may come as a surprise, but the trial Chamber in the *Krstić* case offered grudging praise for the conduct of Serbian forces. It was, the Chamber said, "...a disciplined and orderly operation, and ... Krstić specifically ordered that no harm was to befall the Bosnian Muslim civilians being transferred forcibly."¹² This fact, which even the Court recognizes in a certain form, is intuitively incompatible with a genocide scenario.

2. On July 16, 1995, the Republika Srpska Army ("VRS") opened a corridor that allowed unhindered passage to a mixed military-civilian column of the 28th Division in its journey from Srebrenica toward Tuzla. During the preceding days, there had

11. The *Krstić* judgment is not entirely clear in the matter, but since the appellate Chamber found that General Krstić was guilty of aiding and abetting genocide, the conclusion that genocide had occurred is strongly suggested.

12. *Prosecutor v. Krstić*, Appellate Judgment, par. 239.

been bitterly fought combat engagements between the VRS and armed elements of that column. During that time, the column, as well as the VRS Zvornik Brigade, suffered enormous casualties. These casualties were geographically distinct from executions and more importantly were the result of legitimate combat activities, so they may not be considered as a violation of the laws and customs of war. It is, therefore, proper to treat these Muslim casualties separately from illegally executed prisoners of war. If the political and military leadership of the Republika Srpska had been operating with the intent to annihilate all Muslims within its reach, as such, then why did they allow the column to pass? It would have been more in accord with genocidal intent to use all available military and other resources at their disposal to destroy it. Opening a passage for the column could have been a pragmatic military decision under the circumstances; on the other hand, genocidal maniacs obsessed with hatred do not generally act on practical impulses when their prey is within grasp.¹³

3. The fact that a war crimes suspects list circulated at the time of the Serbian Army's entry into Srebrenica is another fact that casts reasonable doubt on the existence of the required genocidal intent.¹⁴ There would have been no need for a list of war crimes suspects if there had been a plan to destroy indiscriminately all members of the target group as such, *i.e.*, Bosnian Muslim men of military age. As we saw in a previous chapter, *Genocide or Blowback?*, Muslim armed forces operating from

13. Since invidious comparisons are frequently made between Serbs and Nazis, it would be instructive to recall that the Nazis pursued their genocidal designs against European Jewry up to the very end of the war, even at the cost of diverting critically needed resources from the war effort. If there were ever any valid comparison, it certainly collapsed when the Serbs opened a corridor to allow their enemies to pass in safety.

14. EDS: 00799571; *see* Annex 23.

within the enclave committed crimes during the preceding three years against the Serbian community in and around Srebrenica that furnished dossiers for many suspected war criminals. If the release and evacuation of women, children, and the elderly suggests that all Muslims were not targeted “as such,” the circulation of a list of war crimes suspects for prosecution is also relevant to the state of mind of the Serbian side. It contraindicates the intent to commit genocide.

4. The prior planning of mass extrajudicial killings is obviously an important issue. At the *Karadžić* trial, it was put to Prosecution Chief Investigator Jean-René Ruez that, in his testimony on Srebrenica given to a French Parliamentary commission, he had been asked, “Do you have evidence that there was any possible planning before the massacre?” His response was, “No, there is no evidence of prior planning. In fact, it was not planned to take the enclave.”¹⁵ When asked about planning for the “extermination process,” Ruez professed not to be sufficiently informed because additional facts had come to light after he left the OTP in 2001. He referred the Court to the OTP Military Analyst Richard Butler as a better source of information on this subject.¹⁶

And so he is. Evidence recently offered by Richard Butler before the State Court of Bosnia-Herzegovina in Sarajevo¹⁷ in the trial of *Pelemiš and Perić*, who were charged with genocide in relation to the Kravica massacre, does indeed cover the issue of intent. Butler did not find any indication that there had ever been a plan to exterminate Muslims, at least until immediately after the Serbs took over Srebrenica on July 11, 1995.

15. *Prosecutor v. Karadžić*, Transcript, p. 24009, lines 17–23. Ruez confirmed that this was his answer.

16. *Ibid.*, Transcript, p. 24010, lines 20–23.

17. *Prosecutor v. Pelemiš et al.*, X-KR-08/602, 22 March 2010.

Butler made several affirmations that rendered the existence of prior genocidal intent highly dubious, to say the least. First, he confirmed that the initial goal of the Serbian military operation, for which the planning had begun on June 30, 1995, was only the reduction of the UN protected area to the city limits of Srebrenica. Second, the order to enter the city was issued by President Karadžić on July 10, *i.e.* only one day before it actually occurred, so the taking of the enclave was not a premeditated but an improvised decision made in light of the operation's overall success up to that point. Third, it was conducted entirely on the Drina Corps level without any involvement of the VRS General staff or other authorities at a higher level until the scope of the operation was suddenly broadened on July 10 to include the taking of the entire enclave. Fourth, Butler was "not aware" of a single case in which the VRS used firepower on civilians in Srebrenica after July 11, the date the enclave was taken and the operation concluded. Fifth, there was "no evidence in the documents" of any planning for the deportation of civilians from the enclave prior to the morning of July 11, when the decision was made to take Srebrenica. Sixth, Butler accepted that there was no expectation within the ranks of the VRS that prisoners might be executed on July 12 or even July 13.¹⁸

How compatible are Butler's timeline and analysis of events with the thesis that the political and military leadership of the Serbian side intended to destroy the Bosnian Muslim community in Srebrenica, as such? If genocide had taken place in Srebrenica, would it have occurred as a matter of intent or as an improvisation?

18. Butler does further state that he thinks that Zvornik Brigade officers and troops must have grasped (after the executions of July 14) that the prisoners being held in their zone of responsibility would be shot.

5. The account of A. A. Schouten, a doctor and officer in the Dutch Battalion, also bears heavily on the re-assessment of these events. Dr. Schouten was on the scene during the critical period. Shortly thereafter, on July 27, 1995, while his impressions were fresh and before any external factors could have influenced his account, he discussed his experiences with Amsterdam's *Het Parool* reporter Michiel Zonneveld. Here follow salient excerpts from the article:

As a member of the Dutch armed forces, [A. A. Schouten] was in Bratunac but he did not see any indication of the alleged massacre of male Bosnian Muslims:

"There were reports of ten thousand Muslims that Serbs were supposed to have imprisoned on a soccer field. I find that puzzling. I did not see any stadium in Bratunac. Can you really believe that a village of five thousand inhabitants would have a stadium capable of accommodating ten thousand people?"

Later in Bratunac there were supposed to have been executions at a sports field and in a school. Just last week, on Monday, the Serbs are said to have executed 1,600 people. The Dutch battalion doctor says that he saw none of that: "Everybody talks about it, but nobody is offering any hard evidence".

After the fall of Srebrenica, the Serbs sent Schouten to the Bratunac hospital along with some gravely wounded Muslim soldiers. He says that the Serbs did not obstruct him in any way. If there had been any killing by the Serbs, it was then a well-kept secret.

I do not believe in that at all. After the fall of Srebrenica, on July 13, I arrived in Bratunac and remained there for eight days. During that time, I was able to go wherever I wanted. I had every assistance, and nobody was in my way.

Besides, it is impossible to transport ten thousand men without anybody noticing it. You need at least two hundred busses for that and that would have created a huge column. And they would have had to drive by us without the Dutch soldiers noticing it.¹⁹

6. Another source casts a shadow of doubt over many of the elements of the official Srebrenica genocide narrative. It is a United Nations document produced on July 24, 1995, shortly after the events to which it refers. The document carries the ICTY EDS designation R 002 1272. Its official title is: *Debrief of UNMOS from the Srebrenica Enclave*. Three UN military observers in the enclave of Srebrenica, one each from the Netherlands, Ghana, and Kenya gave debriefing statements. In Paragraph 2 of the document, it states that the observations of the three witnesses are so close that they could be combined in a single narrative describing the fall of the enclave and ensuing events.

It would, indeed, be beneficial to compare the entire UN document critically to the description of the same events in the judgments of The Hague Tribunal, most notably in the *Krstić* case. The unavoidable impression such a reading conveys is that the UN military observers, who were on the scene, and ICTY judges, who were not, are referring to entirely different locations and events. Par. 28 of the UN document vividly reflects this difference in perspective:

28. There were no armed men amongst the refugees. The rumor was that they were trying to fight their way out via the Bandera triangle and between OP [Observation Points] 'M' and OP 'N' to Tuzla. There was a suggestion that they would try to take BSA [Bosnian Serb Army] hostages in order to get out.

19. *Het Parool* (Amsterdam), 27 July, 1995: Arts: "Geen bewijs genocide"

The UNMO [UN Observer Mission personnel] were with the refugees for 24 hrs a day and knew nothing about the reports of the killing of men of military age. Single gun shots were heard but there was nothing to suggest they were from executions. A group of Dutch soldiers said that on the first night that the men were taken they saw 9 men taken behind a house and then heard shots and the men never came back, however, on investigation there were no bodies or signs of execution.

Those who had taken the trouble to read the judgment in the *Krstić* case will have noted the abundance of fantastic details provided by Prosecution witnesses who appear to have been coached by the AID, the Muslim intelligence service. The *Krstić* Chamber uncritically accepted their statements (*see*, for instance, Paragraphs 43 and 44 of the Trial Judgment) and used them as building blocks for further legal findings. The difference between these bombastic tales and the professional reportage of foreign observers, who were under no obligation to shape their impressions to fit the needs of one side or the other, is startling. It is difficult to conceive that widespread murders could have occurred in the way and to the extent alleged by ICTY witnesses without neutral foreign observers having been able to take notice of them.

7. There is also another problem so obvious that its very conspicuousness may have been the reason it escaped notice: Why would the Republika Srpska have wasted its resources to execute thousands of Muslim prisoners of war if these prisoners could have been incomparably more useful for the purpose of prisoner exchange? It should be noted that the trial Chamber in *Krstić* explicitly recognized this absurdity, but it did not elaborate further on the subject, nor did it attempt to analyze its logical implications:

The decision to execute these Bosnian Muslim men is unfathomable in military terms... As Mr. Richard Butler, the Prosecution military expert, has pointed out: "... it is hard to envision a better bargaining chip in dealing with the political authorities of ... the BiH government and the International Community than having 10,000 to 15,000 Muslim men in the middle of Potočari in a legitimate prisoner of war facility under the control or under the supervision of ... the UN troops that were there and ICRC [International Committee of the Red Cross]."²⁰

Only clear and compelling evidence of genocidal intent — which so far has not been shown — would suffice to explain such strangely impractical conduct on the part of the Bosnian Serbs.

8. If we view the Srebrenica operation with the assumption that it was initiated by the Serbian side with the intent to destroy all Muslims within the enclave, then the military plan for the operation also strikes one as being odd. The thrust of the Serbian attack was from the south, roughly in the shape of a horseshoe, which left the potential victims several open corridors for withdrawal.²¹ If one assumes that a plan had been formulated in advance by the Serbs to physically destroy their adversaries, then the attackers would most likely have surrounded their opponents' territory, thus denying them any possibility of escape.

9. Also notable is the absence of the psychological prerequisites for genocide, if — as Luis Moreno Ocampo, Chief Prosecutor of the International Criminal Court at The Hague²² described

20. Trial Judgment, *Prosecutor v. Krstić*, par. 70. Butler has recently restated this view while testifying in *Prosecutor v. Pelemiš et al.* in Sarajevo, X-KR-08/602, 22 March 2010.

21. This fact was also noted in the report of UN Military Observer Maj. P.H.D. Wright, dated July 26, 1995, forwarded to commands in Zagreb and Sarajevo. EDS: R0050422.

22. ICC (International Criminal Court) should not be confused with the ICTY or the International Court of Justice, which deals with legal issues between sovereign states.

it — genocide is “primarily a crime of intention.”²³ The Chamber in *Krstić* quite possibly operated under a questionable conceptual framework when it ruled that: “the existence of a plan or policy is not a legal ingredient of the crime [of genocide].”²⁴ If there were no genocidal plan, concept or policy (while genocide is, indeed, primarily a crime “of intention” as Moreno Ocampo correctly stated), then what is the basis for the allegation that it was committed in Srebrenica? If the actions that allegedly resulted in genocide occurred not as a result of a plan but spontaneously, then how can the finding of the requisite element of intent be made? In Par. 26 of the *Krstić* Appellate Judgment, it states: “The main evidence underlying the trial Chamber’s conclusion that the VRS forces intended to eliminate all the Bosnian Muslims of Srebrenica was the massacre by the VRS of all men of military age from that community.” The primary evidence on which this chapter is based is drawn from the testimonies of Bosnian Muslims from Srebrenica who were of military age and, in particular, who ought to have been massacred by the VRS if the Chamber’s reasoning were correct, but they were not massacred. How can the Chamber’s sweeping conclusions still be accurate? The fact that they had not been massacred exposes a fundamental weakness in the Court’s reasoning. If, on the other hand, genocidal intent did exist at the highest levels of the Republika Srpska political and military leadership, then how does that fit in with the scenario in which ten days later, when the VRS took the neighboring enclave of Žepa, they chose not to perpetrate a similar crime?²⁵ The *Krstić* Chamber linked the in-

23. <http://www.sudantribune.com/spip.php?article27898>.

24. *Prosecutor v. Krstić*, Appellate Judgment, par. 225.

25. It is also perplexing, as we saw from several of the statements cited earlier, that many Muslim soldiers from Srebrenica and Žepa sought refuge in Serbia in July 1995. Were they aware of the alleged genocidal intent that, according to the Sarajevo authorities

ception of the Srebrenica plan to commit genocide to a meeting of Serbian military and political leaders at the Hotel Fontana in Bratunac on the morning of July 12, 1995, even though it admits that it lacks firm evidence for such a hypothesis.²⁶ Was the “genocidal intent” that took shape at the Hotel Fontana at that time merely a passing whimsy? This is a valid question precisely because soon after that, when the VRS set out for Žepa, the *dolus specialis* of genocide mysteriously vanished from the minds of the Serbs and was replaced by routine military conduct generally conforming to the laws and the customs of war.

In fact, the issue of Žepa, which has been systematically ignored or downplayed, is highly embarrassing to the existence and implementation of an alleged intent to destroy the Muslim community of Srebrenica, with all its arbitrary restrictions in terms of territory,²⁷ chronology, and category [“all men of mili-

who claim to speak in their name, also existed in Serbia, which was the Republika Srpska’s principal sponsor? That would have resembled the absurd scenario of a prisoner escaping from Auschwitz in Poland and then fleeing westward, crossing the Oder River, and seeking refuge in Nazi Germany.

26. See *Prosecutor v. Krstić*, Par. 126-134 and Par. 573 of the trial judgment and Par. 84, 85 and 91 of the Appellate Judgment for the manner in which the Chambers treats the Fontana Hotel meetings on July 11 and 12, 1995. Par. 573 of the trial judgment is a typical example of the Chamber drawing a pre-arranged conclusion regardless of whether or not it was persuasively supported by factual evidence: “The Trial Chamber is unable to determine the precise date on which the decision to kill all military age men was taken. Hence it cannot find that the killings committed in Potočari on 12 and 13 July 1995 formed part of the plan to kill all the military aged men. Nevertheless, the Trial Chamber is confident that the mass executions and other killings committed from July 13 onward were part of this plan.” If it is to be a credible judgment, how can “confidence” replace indisputable evidence? Isn’t this simply another example of resorting to *n’import quoi* conclusions?

27. We will sidestep the controversy whether the concept of “municipal” genocide or another form of genocide with similar qualifying

tary age”].²⁸ The uncontested return to normal patterns of warfare at Žepa as of July 25, and Prosecution Military Expert Butler’s difficulties in identifying the point when the departure from those patterns occurred after the takeover of Srebrenica on July 11, frames the events which are said to constitute the Srebrenica genocidal interlude. Such an abrupt descent into genocide, and equally abrupt abandonment of its practice, is very odd, to say the least.

The neglect of Žepa, which is separated from the events in and around Srebrenica by only a few days and a dozen kilometers, can only be understood as part of a tactic to exclude from consideration — and from public scrutiny — all factors which suggest that from a strategic and operational point of view Srebrenica and Žepa constitute an integral whole.²⁹ The following report by Chris Hedges in *The New York Times*, published after the takeover of Žepa in late July 1995, illustrates the need for a comprehensive approach:

restrictions, engendered to facilitate the Prosecution’s task, makes any sense at all. The notion of a “municipal genocide” was conveniently developed by some Srebrenica genocide advocates in order to circumvent the fact that it was obviously not country-wide in scope. International law did not recognize such a restrictive concept of genocide before ICTY, but once it has been introduced, one can now also talk about neighborhood “genocide” or even “genocide” on a single city block.

28. The Serbian side obviously does not have the privilege (enjoyed by others) of redefining its operational terminology in order to elude the legal consequences of its conduct. See *The New York Times*, 29 May, 2012, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”: “Mr. Obama embraced a disputed method of counting civilian casualties.... It in effect counts all military age-males in a strike zone as combatants ... unless there is explicit intelligence posthumously proving them innocent.”
29. The operational objective of “Krivaja 95,” it should be recalled, was to physically separate the two enclaves, Srebrenica and Žepa, and to secure the road that runs between them.

The wounded troops were left behind, and when the Bosnian Serbs overran the town on Tuesday, the wounded were taken to Sarajevo for treatment at Kosevo Hospital. Many of them had begun their journey in Srebrenica, and fled into the hills when that “safe area” fell to the Bosnian Serbs on July 11. These men did not make it to Tuzla, where most of the refugees ended up, but became the defenders of Žepa instead. ‘Some 350 of us managed to fight our way out of Srebrenica and make it into Žepa,’ said Sadik Ahmetovic, 25, one of 151 people evacuated to Sarajevo for treatment today... They said they had not been mistreated by their Serb captors. “Everything was very correct,” said Mr. Ahmetovic.³⁰

The assistance extended by Serbian forces to this large group of wounded Bosnian Muslim prisoners from Žepa to reach safety and to obtain medical treatment in Sarajevo was also noted in a U.S. diplomatic cable:

According to IRC’s [International Red Cross] head of office for B-H and UNHCR’s public information office, 150 of Žepa’s wounded civilians were transported to Sarajevo on July 26, while approximately 1,400 other residents were transported on Serbian buses to Kladanj.³¹

10. This series of fundamental questions about the riddle of Srebrenica would have remained incomplete without reference to the enigmatic evidence of General Philippe Morillon, UNPROFOR commander in Sarajevo during much of the Bosnian war:

30 Chris Hedges, “Bosnia Troops Cite Gassings at Žepa”, *The New York Times*, July 27, 1995. This news report eloquently addresses the issue of the Bosnian Serb Army’s alleged genocidal *dolus specialis* in July 1995.

31. U.S. Embassy in Zagreb dispatch, DDA576 271627Z /38.

...Mladić had entered an ambush in Srebrenica, a trap in fact. He expected to find resistance, but there was none. He did not expect the massacre to occur but he completely underestimated the amount of hatred that accrued. I do not believe that he ordered the massacres, but I don't know. That is my personal opinion.³²

It was at that moment that the representative of the French government, who was in the courtroom as the general was testifying in the trial of Slobodan Milošević, asked for the trial to switch to closed session. Later, the presiding judge asked Morillon to comment on a statement he made before the French Parliamentary committee that was conducting an inquiry into the events that had taken place in Srebrenica. The statement was as follows:

I was convinced that the population of Srebrenica was the victim of a higher interest, of a state reason, a *raison d'état*, but this higher interest was located in Sarajevo and New York but certainly not in Paris.³³

General Morillon's response was significant. After the view he expressed to the French Parliamentary committee was read back to him before the ICTY trial Chamber, he confirmed that it was still his position. But even more significantly, shortly thereafter the Chamber decided to abandon this fascinating line of inquiry and to move on to other, obviously safer and less sensitive topics.³⁴

A More Nuanced Picture. The debriefings and other information about: 1) Muslim soldiers and civilians who were captured

32. *Prosecutor v. Milošević*, p. 32029.

33. *Ibid.*, p. 32029.

34. Clever readers will have noted the amazing similarity between Gen. Morillon's allusions concerning the background of Srebrenica events and statements made by Ibran Mustafić on the same issue.

during the critical week of July 12–19, 1995, but who were treated properly as prisoners of war; and 2) wounded Muslims who were captured, given proper medical attention, were treated in accordance with the laws and the customs of war, and were subsequently transferred to prisoner-of-war camps and later exchanged, is evidence that has never before been systematically considered or properly reviewed in any Srebrenica trial. This evidence is critical, however, to forming a reliable factual picture and ultimately reaching a sound legal judgment about Srebrenica.

In the absence of a “Srebrenica smoking gun,” the various Srebrenica Chambers and their apologists have maintained that the Court is composed of eminent jurists and is, therefore, qualified to freely connect and interpret the often disjointed and even contradictory circumstantial data into a coherent whole. We are thus assured that, in the hands of such illustrious professionals, purely circumstantial evidence is sufficient to yield reliable conclusions on matters of great bearing. But this comforting and rather naïve notion may be stretched only so far before it snaps. In the general genocidal picture constructed by The Hague Tribunal, the statements of percipient Muslim witness-participants in the Srebrenica operation are a considerable fly in the ointment. They detract from the seamless coherence of the narrative, yet they must somehow be integrated into the institutionalized picture or the official narrative cannot survive intact in its present form. Unless they are credibly explained, these testimonies raise serious questions not only about important facets of the standard narrative about Srebrenica, but quite possibly also raise serious questions about the integrity of that narrative’s creators and promoters.

This is why. If ICTY’s official position is accepted, that on July 11 or 12, 1995 an agreement was reached at a meeting of Serbian military and civilian leaders at the Fontana Hotel in

Bratunac³⁵ to execute all captured Muslim soldiers and civilians, then we must expect the following chain of events: a) the leadership's decision would be passed down the chain of command; and b) subordinates in the field would be required to implement the decision.³⁶

35. Readers will not fail to notice the Prosecution's lamentable lack of creativity. Unable to fix the manner, place, and time of inception of the "joint criminal enterprise" to annihilate Srebrenica Muslims, the Prosecution proposes the meeting at the Fontana Hotel to be some sort of the Serbian equivalent of the Wannsee Conference in 1942, during which Hitler and his staff decided to exterminate European Jews. The Appellate Chamber in *Krstić* admits that it lacks concrete evidence of what was discussed at the meeting in the Fontana Hotel (Par. 91: "it is reasonable to infer..."), but it believes that in light of all the circumstances the opportunity was ideal to formulate the plan for a "genocidal operation." It then proceeds on the theory that this is what actually happened (*Prosecutor v. Krstić*, Appellate Judgment, Par. 91-94). The Chamber's neat parallel is spoiled only by the fact that, in the case of Wannsee, we know who was in attendance, the agenda, and the decisions that were made, all of which is conspicuously missing in the case of the Hotel Fontana meeting. The Tribunal's inability — seventeen years after the fact — to assign intellectual authorship to the Srebrenica "genocide" or to render a reasonable account of the idea's inception is reflected in the Court's subterfuge. The latest example of this is in the *Popović et al.* Judgment, Par. 1072: "This plan emanated from the highest echelons of the VRS Main Staff, including Mladić, the Commander of the VRS." Genocides are organized by people with identities — not by anonymous "echelons."

36. During the ongoing *Karadžić* trial, former UNPROFOR commander Gen. Michael Rose was asked by ICTY Prosecutor Carolyn Edgerton for his assessment of Karadžić's level of control over the Bosnian Serb army. "I would say it was absolute," was Gen. Rose's reply.

<http://www.sense-agency.com/en/stream.php?sta=3&pid=16322&kat=3>. Karadžić was president of the Republic of Srpska and Commander-in-Chief of its Armed Forces.

Any significant deviation from this logical and expected result, in terms of implementing a key decision allegedly made at the highest levels, casts doubt on the entire construct of events that supposedly took place in Srebrenica. It renders dubious that such a decision was ever made, and it renders questionable the way that events took place in Srebrenica in general are depicted in ICTY indictments and judgments.

The only way the military and civil authorities of the Republika Srpska could act after allegedly having made the decision to destroy the Muslims of Srebrenica, in particular during the “critical week” of July 12–19, 1995, the only *modus operandi* compatible with the official thesis that such a decision even existed would have been to apprehend and to execute every single captured Muslim on the spot or to remove him to a killing field. If there is evidence that this did not happen, the official genocide narrative is undermined and its advocates must offer a rational explanation for this departure from the anticipated outcome.

The facts outlined here not only suggest that no policy of indiscriminate killing of Muslim prisoners existed, nor that such policy was ever implemented, but also something else. It casts general doubt on the credibility of the official thesis. Numerous Muslim prisoners were processed regularly and in accordance with the laws and customs of war precisely during the period when a genocide was purported to have occurred; captured Muslims were registered with the Red Cross and transferred to prisoner-of-war camps. In numerous cases, and precisely during this period when peremptory executions should have been the norm, wounded Muslim prisoners were being given proper care in Serbian medical facilities.³⁷ In one such case, an officer of the

37. The trial Chamber in *Krstic* accepts that a certain number of wounded Muslims were treated in Serbian medical facilities after having been captured. (Par. 86.) The Chamber refers to this fact as an “anomaly.” The Chamber then goes on to disregard the obvious

Bratunac Brigade ordered armed guards to protect wounded Muslim prisoners from infuriated Serbian civilians who were clamoring for revenge.³⁸ In another, a captured Muslim was interrogated and then allowed to cross over into territory controlled by Muslim Armed Forces; this was accomplished by the VRS clearing a path through a minefield for him.³⁹ Finally, there is the unusual case of the unsuccessful Muslim suicide who was removed by Serbian soldiers from the gallows he had improvised for himself, was then sent to a hospital for medical treatment where he recovered, then ended up in a prisoner-of-war camp, and was ultimately exchanged.⁴⁰ Assuming that a plan for the mass murder of Muslims existed, Serbian forces would have had no reason to remove him from the gallows nor would they have had reason to expend resources on his treatment and recovery that could have been placed at the disposal of their own wounded soldiers.

If the objective is a responsible analysis of the events that took place in Srebrenica in July 1995, these statements and facts may not be glossed over. They must either be incorporated into the general picture of events — even at the cost of renouncing the genocide thesis — or they must be suppressed because they are incompatible with the charge of genocide. What is required is a broad and nuanced explanation of the complex matrix of events

implications of this “anomaly” in a way that is most bizarre: “It may perhaps be explained, to some degree, as a strategy on the part of the Bosnian Serbs to avoid attracting international suspicion...” The number of qualifying convolutions in this sentence (“perhaps” and “some degree”) suggests that even the Chamber did not find its own reasoning exceedingly compelling.

38. See statement by Selimović, Sadik, EDS: 03052248 (AID) and 02131234 [OTP].

39. See statement by Jusupović, Azmir, EDS: 00464628 (OTP).

40. See statement by Kaljević, Rifet, EDS: 01185280 (OTP).

that took place in Srebrenica in July 1995. To be convincing, this explanation must be capable of withstanding honest scrutiny and it must encompass all the factual elements. The one-dimensional thesis of genocide fails to satisfy this requirement. Only by an open and unfettered public discussion of the allegation of genocide in Srebrenica, and by putting all available evidence on the table, will clarity and closure be brought to this painful and divisive dispute.

Stephen Karganović

VIII. ICTY RADIO INTERCEPT EVIDENCE

In addition to “satellite photos” (which turned out not to be that at all and are unavailable for expert scrutiny anyway), autopsy reports prepared between 1996 and 2001 (when exhumations of Srebrenica-related mass graves were abruptly terminated because there were none left to open and the numbers generated up to that point were far below the anticipated total), the notoriously flawed evidence of “Star Witness” Dražen Erdemović (whose latest performance at the Karadžić trial on February 27 and 28, 2012 was a flop), and the ICTY’s latest gimmick — independently unverifiable DNA matches (introduced at the *Popović at al.* trial and publicized and misrepresented relentlessly ever since), intercept evidence is another very important evidentiary component of The Hague trials.

A thorough analysis of the spurious use and rampant abuse of “intercepted conversations” to buttress allegations of criminal guilt before various ICTY chambers is yet to be written. But the notes that follow should leave no doubt that this form of evidence, on which the Prosecution routinely and heavily relies to impart an appearance of precision and undeniability to its accusations, like most things that go on in that strange judicial institution, fails to withstand scrutiny.

The pretense of solemn deliberation in which some ICTY chambers indulge for the record would suggest even to a confirmed cynic that rigorous professional standards are practiced and that great care is taken to observe every procedural nicety for the benefit of the accused. A recent ruling rendered in the Karadžić case appears to support such an impression:

On 17th of January, 2012, during the testimony of Witness Pyers Tucker, the Chamber admitted associated exhibit at P4230, a summary of three intercepted conversation from March 1993, between, number one, General Mladić and the accused; number two,

Vinko Pandurevic and General Milovanovic; and number three General Mladić and Vinko Pandurevic. In the relevant portion of his amalgamated statements discussing Exhibit P4230, Mr. Tucker says “I have been told this is the record of three conversations produced by Croatian intelligence services” and then proceeds to discuss how the intercepted conversation relate to a meeting he had on the 11th of March, 1993, with General Morillon, Branko Grujic and Vinko Pandurevic.

The Chamber recalls its previous rulings that intercepts are a special category of evidence which, before being admitted, requires further evidence about their authenticity and reliability from sources such as the relevant intercept operator or a participant in the intercepted conversation. The Chamber considers that summaries of intercepts such as those in P4230 fall into the same category and therefore that Exhibit P4230 was not sufficiently authenticated for it to be admitted through Pyers Tucker. The Chamber thus reconsiders its decision of 17th of January, 2012, to admit P4230 and orders that the documents be marked for identification as MFI P4230.¹

A similar impression of scrupulous correctness is cultivated by the Karadžić Chamber. The Prosecutor, Ms. Edgerton, tries to introduce some intercept evidence allegedly involving General Mladić, but is sternly rebuked by Judge Kwon for failing to produce a satisfactory foundation:

MS. EDGERTON: The second conversation that’s no longer on the screen in front of us, Your Honour, involves General Mladić speaking with an intermediary from the VRS Main Staff. General Mladić is

1. *Prosecutor v. Karadžić*, Transcript, p. 23968-9.

not heard, but the interlocutor has been identified as General Mladić.²

And further on:

JUDGE KWON: Ms. Edgerton, last year on 4th of February in the decision of judicial notice decision, we ruled as follows: “Therefore, declaration from persons who are neither participants in the conversation themselves nor intercept operators are not sufficient for the purpose of establishing an intercept’s authenticity. The Chamber is thus not satisfied that the authenticity of the following intercept was sufficiently established.”

I think this case should be no different. In order for you to tender that intercept, it should have been discussed through [Prosecution Investigator] Mr. Blaszczyk, who at least could have provided at least some foundation as to how this intercept came into the possession of the Prosecution.³

Fair enough. But have ICTY chambers been universally reluctant to accept dubious intercept evidence? What real guarantee do we have that even the Karadžić Chamber is not merely posturing in its apparent adherence to high standards? The verdict will tell.

In the meantime, we do have some indications of how this type of evidence has been received and treated by ICTY chambers in past cases. A short review is in order.

In the fourth paragraph of the *Krstić* trial judgment, the Chamber sets the stage for the benevolent consideration of every conceivable variety of evidentiary materials that elsewhere would scarcely be admissible:

2. *Prosecutor v. Karadžić*, Transcript, p. 25316.

3. *Prosecutor v. Karadžić*, Transcript, p. 25324.

The Trial Chamber draws upon a mosaic of evidence that combines to paint a picture of what happened during those few days in July 1995.⁴

A concrete and (in the specific context of the Krstić case) vitally important application of that “mosaic” principle appears in due course. The Chamber discusses how it reached the conclusion that the Bosnian Serb Army had in its custody the requisite number of prisoners to render the mass slaughter that was attributed to it possible:

There are also fragments of information from VRS communications about the possible magnitude of the executions. An intercepted conversation, at 1730 hours on 13 July 1995, indicates that about 6,000 men had been captured from the Bosnian Muslim column by that time... Other intercepted VRS conversations reveal that, on 15 July 1995, midway through the executions, at least 3,000–4,000 Bosnian Muslim prisoners were being detained by the VRS.¹⁷¹ Further, on 18 July 1995, two unidentified Bosnian Serbs were heard in an intercepted conversation reflecting on the recent events in Eastern Bosnia, including matters relating to the Bosnian Muslim column.¹⁷² One participant said that of the 10,000 military aged men who were in Srebrenica, “4,000–5,000 have certainly kicked the bucket.”⁵

This evidence — as the Chamber says — based in great part on intercepted communications leads to a dramatic conclusion in the next paragraph:

The Trial Chamber is satisfied that, in July 1995, following the take-over of Srebrenica, Bosnian Serb

4. *Prosecutor v. Krstić*, Par. 4.

5. *Ibid.*, Par. 83. Footnote referents within the quoted text denote footnotes in the text that have here been omitted.

forces executed several thousand Bosnian Muslim men. The total number is likely to be within the range of 7,000–8,000 men.⁶

The serious cumulative impact of that “mosaic,” including its intercept component, is clearly reflected in a further paragraph of the *Krstić* Judgment:

The Trial Chamber finds that, following the takeover of Srebrenica in July 1995, the Bosnian Serbs devised and implemented a plan to execute as many as possible of the military aged Bosnian Muslim men present in the enclave.⁷

Of course the *Krstić* Chamber was obliged to consider, *pro forma* at least, the reliability of the evidence on which it relied so heavily to form its “picture mosaic.” This is done in Pars. 105 *et passim* where the issue of the reliability of intercept evidence is addressed.

To paraphrase the Chamber’s narrative, intercept records were handed over to the OTP by the Bosnian government. VRS did have secure means of communication, but their use was too cumbersome, so they often used unsecured lines for expediency. The resulting intercept evidence was relied on by OTP for key elements of its case.

After attributing such great weight to intercept evidence in the presentation of the Prosecution case, the Chamber concludes reassuringly:

The Trial Chamber was told that all possible measures were taken to ensure the accuracy of the transcribed conversations.⁸

6. *Ibid.*, Par. 84.

7. *Ibid.*, Par. 87.

8. *Ibid.*, Par. 109.

Noting that defense expert, General Radinović, had expressed some doubts about the reliability of this type of evidence, the Chamber takes the position that it “accepts that the OTP did in fact diligently check and cross-reference the intercept material as part of the ‘intercept project’,” which should be sufficient to allay the General’s concerns. The *Krstić* Chamber goes on to say that “The Trial Chamber accepts that the OTP did in fact diligently check and cross-reference the intercept material as part of the ‘intercept project’. In order to determine whether the material was reliable and genuine, the OTP looked at the internal consistency between the notebooks and the printouts of each conversation. Transcripts of a single conversation, which were recorded by two or more interceptors, were also compared. The OTP also embarked on a process of “corroborating the intercepts with information obtained from other sources, such as documents acquired from the VRS, the RS Ministry of Defence and UNPROFOR, as well as aerial images.”⁹

It is difficult to avoid the impression that, when it comes to presenting such important evidence, the Chamber leaves it to the Prosecution to monitor itself and that it is quite happy with the results of that arrangement.

Should there be any lingering doubts advanced by skeptics such as General Radinović, the Chamber draws its trump card:

A former OTP employee assigned to the ‘intercept project’ testified that, as a result of this corroboration process, she became convinced that the intercepts were ‘absolutely reliable’... the former OTP employee [identified as Mrs. Frease] who appeared before the Trial Chamber testified with ‘absolute certainty’

9. *Ibid.*, Par. 114.

that the dates ascribed to the individual conversations were accurate.¹⁰

This should surely suffice to put all doubts to rest. Unsurprisingly, Prosecution military Expert Richard Butler endorsed the Chamber's view.¹¹

To make things even more iron clad, it was not just Prosecution personnel at The Hague who took great care to guarantee the integrity of the intercept evidence gathering process. It turns out that Bosnian Muslim technicians at the source were equally professional and conscientious:

All possible measures were taken by the Bosnian Muslim interceptors to ensure the accuracy of the recorded conversations, as would be expected in any prudent army. This fact was reinforced by the measures taken by the OTP to verify the reliability of the intercepted evidence as part of the 'intercept project'.¹²

We shall soon see to what degree this is really true when we review the statement one of those intercept operators gave to the Office of the Prosecutor.

We find similar dicta in the *Blagojević and Jokić* case. Most notably, the Chamber announced up front that "the Trial Chamber is convinced that the intercept-related evidence admitted is a reliable source of information." (*Prosecutor v. Blagojević and Jokić*, Par. 30.) Defense objections to that conclusion are summarized, but they are promptly overridden: "The Defence of Dragan Jokić argued that the intercept transcripts were taken down by unknown personnel or personnel with a history of unreliable transcriptions

10. *Ibid.*, Par. 114.

11. *Ibid.*, Par. 115.

12. *Ibid.*, Par. 116.

lacking sufficient training, that substandard equipment was used, that by not providing original tape recordings the Prosecution was effectively submitting hearsay evidence, which ought not to be admissible.”¹³

When the Chamber says: “...bearing in mind the testimonial evidence and the very large amount of documentary evidence, the Trial Chamber cannot find that it is necessary to have access to the original audio recordings of the intercepts,” it is important to recall that of the more than 100 intercepts used in the *Krstić* case, there was audio for only one intercept.

In the *Popović et al.* judgment rendered in June 2010, the chamber considered various factors regarding 213 intercepts that had been admitted into evidence prior to concluding that: “The Trial Chamber has found the intercepts to be overall probative and reliable”¹⁴

The Trial Chamber’s procedure was to examine whether, “based on the totality of the evidence, a reasonable trier of fact could find the intercepts to be what the Prosecution purports them to be — a contemporaneous record of intercepted VRS communications.” The Trial Chamber says that in the process it “considered the testimony of several witnesses relating to the intercepts, such as intercept operators, an expert in radio relay communications, and a Prosecution analyst. It considered all challenges made by the Defense, including the theory that the intercepts had been fabricated, evidence relating to the chain of custody, and the general lack of audio recordings. In sum, the Trial Chamber concluded that the Prosecution had established that the intercepts as a whole were *prima facie* relevant and probative.”¹⁵

13. *Ibid.*, Footnote 72.

14. *Prosecutor v. Popović et al.*, Par. 66.

15. *Ibid.*, Par. 64.

It thus seems that all those challenges turned out to be without foundation, after all, and that the record-keeping practices of the Bosnian Muslim intercept operators in besieged Srebrenica were meticulous and satisfactory in every way. In fact, the Chamber made its determination to view this evidence favorably “particularly in light of the evidence given by the intercept operators.”¹⁶

Two examples set in bold relief some of the issues raised by the high level of receptivity shown by various ICTY chambers to intercept evidence tendered by the Prosecution. They strongly suggest that the way this evidence was gathered would almost certainly be found questionable by non-political judges in regular criminal cases in most national jurisdictions.

The reference in Par. 383 to a key purported intercept that provided information that was vital to the construction of the factual underpinnings of the Popović judgment and, therefore, vital to the credibility of the judgment as a whole, is an apt illustration. It concerns a July 13, 1995 intercept indicating the capture by Serbian forces of about 6,000 Srebrenica Muslim POWs. It is the only clear reference to the number of POWs in custody at that point. In case of failure to establish this fact, the case against the defendants would be seriously undermined because without the prior capture of thousands of Muslim prisoners, executions on such a huge scale could not have occurred. This is the Trial Chamber’s summary of the intercept’s content:

A conversation intercepted at 5:30 p.m. on 13 July indicates that approximately 6,000 Bosnian Muslim prisoners were detained in the Bratunac area at three locations, with about 1,500 to 2,000 men in each location. One of the locations appears to be the football field at Nova Kasaba, another was ‘up there where the checkpoint at the intersection is,’ and a third was

16. *Ibid.*, Par. 65.

‘halfway between the checkpoint and the loading place.’ In this context, the Trial Chamber is of the view that one of the places is Sandici Meadow and the other Nova Kasaba.¹⁷

But a review of the actual intercept, as presented by the Prosecution and available as a trial exhibit and as a document in the Tribunal data base,¹⁸ raises some serious concerns. The interlocutors are designated only as X and Y, which means that they are completely anonymous and that even their existence cannot be verified, not to mention the possibility of cross-examining them. Other than the sheet of paper with some writing on it, purporting to be an intercept of their conversation, we do not have any objective evidence from first hand sources that such a dialogue even took place or, if it did, that the participants were in a position to know what they were talking about. The latter point is of critical importance. A key conclusion about the number of prisoners is drawn exclusively based on a conversation attributed to these two individuals and the underlying assumption that they were competent reporters of the relevant facts.

But even if we were to credit this piece of evidence, it is still susceptible to varying interpretations. According to the Prosecution, and the Chamber concurred, anonymous individuals X and Y had a conversation at 5:30 pm on July 13, 1995 where Y informs X that there were at each of three different locations “about 1,500 to 2,000” prisoners, or a total of “6,000.” Even if we accept its authenticity, the conversation does not support “beyond a reasonable doubt” the interpretation that the Prosecution and the Chamber ascribe to it with respect to the total number of captured prisoners. A range of 1,500 to 2,000 captured prisoners is given for each location cited. Assuming that the

17. *Ibid.*, Par. 383. (See Annex 24.)

18. EDS document 0104 3225

Chamber chose, for whatever reason, to lend credence to the information contained in the intercept of nameless participants, it still had the option of choosing the lower total of about 4,500 POWs. The principle *in dubio pro reo* would strongly recommend such a view. Since in the purported intercept there is no claim of an accurate headcount, the Chamber could have acted reasonably by erring on the side of caution. But no, four and a half thousand captured prisoners, though a considerable number, would not do because it is still too far from the requisite total of 8,000 “victims of genocide.” The court, therefore, simply added up maximum numbers from an unsubstantiated document and used it as the basis for its calculation. Mass murder of the required magnitude is at last rendered plausible. With a bit of evidentiary engineering, it is shown that approximately the projected number of victims were under the control of the executioners.

There is another curious use of “intercept evidence.” We turn our attention again to the *Krstić* trial, and the evidence of Prosecution military expert Richard Butler about a July 18, 1995 intercept from which he draws equally significant conclusions. The relevant section of his testimony is in the *Krstić* trial transcript, p. 5205. Essentially, using an English translation, Butler offers his interpretation of the July 18 intercept and claims that the execution of several thousand Muslim prisoners is being described in coded terms as their having “kicked the bucket.” “I can only assume,” Butler testified, “that this was a reference to Muslim men who were transferred to the Zvornik Brigade zone of responsibility, where they were executed.”¹⁹ The issue is important because the interlocutors in the intercept refer to 4,000 to 5,000 persons.

Two important observations are in order. First, Butler admitted that he does not speak Serbo-Croatian and, therefore, would have been unable to follow the conversation in the original lan-

19. *Ibid.*, Transcript, p. 5205.

guage of the speakers if it had been shown to him. Second, there is no record of the existence of a Serbo-Croatian original in the ICTY data base.

In his expert opinion, based on the version of this intercept that was shown to him by the Prosecution (and, as it turns out, accepted as authentic by the Chamber in its Judgment), Butler advanced the view that the phrase “kicked the bucket,” which is used in the English version, signifies a mortal outcome. But both Serbo-Croatian and English speakers may question this. First, there is no expression equivalent to “kick the bucket” that native Serbo-Croatian speakers in the intercept might have used that comes to mind. Since there is not even a purported Serbo-Croatian original of this key conversation, what they actually said to each other is something that we will never know. Second, from the standpoint of the English language, in which Butler presumably is fluent, “to kick the bucket” is not customarily used to describe violent death. So, at a minimum, some serious questions can be raised not just about the authenticity of this intercept, but about the interpretation attached to it as well.

This brings us to the central issue: how reliable are the intercepts that have been accepted as evidence in the ICTY? A corollary question is: how trustworthy are the judicial conclusions that are based on such evidence?

Dramatic — but completely ignored — answers to these questions were provided by Emir Osmić, one of the Bosnian Muslim Army’s intercept operators who was keeping tabs on Srebrenica radio traffic within the Army of the Republika Srpska [VRS]. In a statement given to Office of the Prosecutor investigators on May 6, 1999, Osmić described in detail his duties as a BH Army intercept operator and the way he and his colleagues performed their job. This is the way he depicts that process:

When my shift on duty was over, I would hand my notebooks over to the commander who would then

type them up, and return them to the next shift to continue to use. When the notebooks were filled with notes the commander would take them and, I believe, carry them over to the division headquarters, after which they would send them to the archive or something like that. I had nothing to do with what went on with them after I turned them over to the commander. The tapes that we used we kept reusing because we did not have enough tapes. We used tape-recorder tapes and we would tape over the previously recorded material if during the shift the tape ran out. I am not sure if a single one of the tapes on which we recorded important conversations was preserved. The one thing I do recall is that we had to use the same tapes over and over again because we did not have enough of them. I have no idea what happened to those tapes.²⁰

The situation we have here, according to operator Osmić, is that in numerous instances no physical evidence for the incriminating conversations between VRS officers and personnel is available. The same tapes were used repeatedly, and, with each use, what had been previously recorded was erased. Written notes were made of what was heard and supposedly recorded before erasure, but they ended up in some black hole at the headquarters and in “the archive.” Between the time of their archiving and their appearance in court at The Hague, there seems to be no verifiable chain of custody, and no assurance that they had not been tampered with by Bosnian Muslim authorities, who had them under their control and were not a neutral party in the ICTY proceedings.

These facts should be assessed against the backdrop of pious protestations by some ICTY chambers about “authentication” that were cited at the beginning. How consistent is the judicial

20. Statement of Emir Osmić, EDS file number 0084 8061.

branch of the ICTY in adhering to the enunciated principles? If they were consistent, would that not be reflected at key junctures where intercepts were being used to buttress major elements of the Prosecution case? We saw some examples which indicate that it was not.

We may, for the moment, set aside the issue of purported audio intercepts made by foreign intelligence agencies during the Bosnian war. They were used also in The Hague proceedings, but to a relatively minor extent (just as in the case of “aerial photographs,” considerations of national security were advanced to frustrate the subjection of this form of signals intelligence to independent evaluation). But from both the quantitative and qualitative standpoint, their courtroom role was not nearly as prominent as that of locally produced intercepts, originating from the monitoring sources of the Army of Bosnia and Herzegovina. To the extent that they have been used (*e.g.* at the *Popović et al.* trial), it was under limitations which constituted a severe handicap for the Defense. It is important to bear this in mind because, just as with the DNA evidence, modern technology makes it extremely easy to falsify audio recordings. When effective expert analysis of the proffered data is thwarted or is not insisted upon, the purported evidence is as good as useless.

It is noteworthy that audio technology has advanced to hitherto unimagined levels with a potentially direct impact on the trustworthiness of the relatively few, but in the context of some ICTY cases, very significant recorded intercepts that were offered in evidence. (The famous “kill them all” audio intercept from the Krstić trial is a prime example.²¹) While objecting un-

21. *Prosecutor v. Krstić*, “Decision on the defence motions to exclude exhibits in rebuttal and motion for continuance,” May 4, 2001. The gist of the controversy was articulated by the Chamber thus in Par. 14 of its ruling: “...the Prosecution sought admission of the recorded intercept between Krstic and Obrenovic dated 2 August in which the accused is said to utter ‘kill them all’. When confront-

successfully on a variety of legal grounds to the admission of the recording, the Defense in the Krstić case stopped there. Neither there nor in any of the subsequent Srebrenica cases where similar tenders of evidence were made by the Prosecution did the Defense take the logical step of demanding that the audio material be subjected to a thorough and competent forensic analysis before any legal issues were even reached.

Defense attorneys were perhaps inadequately informed of the current state of scientific advancement on this subject, but it so happens that technological progress in this area might have a striking impact on the integrity of evidence. Just as it is now possible to create authentic-looking but completely false DNA readings, it is also possible to generate an authentic-sounding voice that does not belong to the purported speaker. The technology is known as “voice conversion” or “voice morphing.” It is defined as “modifying the speech signal of one speaker (the source speaker) so that it sounds as if it had been spoken by a different speaker (the target speaker).”²² Another group of researchers describes it thus:

Voice conversion (VC) is an area of speech processing that deals with the conversion of the perceived speaker identity. In other words, the speech signal uttered by a first speaker, the *source* speaker, is modified to sound as if it was spoken by a second speaker, referred to as the *target* speaker.²³

ed with this intercept, the accused denied that the conversation took place and called it a ‘montage’.”

22. Yannis Stylianou, Olivier Cappe, and Eric Moulines, “Continuous Probabilistic Transform for Voice Conversion”, IEEE *TRANSACTIONS ON SPEECH AND AUDIO PROCESSING*, Vol. 6, No. 2 March 1998, p. 131.

23. Jani Nurminen et al., “Voice conversion”, Speech Enhancement, Modeling and Recognition – Algorithms and Applications, Tampere-

The scientists also indicate some of the applications of voice conversion technology:

The term voice conversion refers to the modification of speaker identity by modifying the speech signal uttered by a source speaker to sound as if it was spoken by a target speaker. In general, a voice conversion system is first trained using speech data from both the source and the target speakers, and then the trained models can be used for performing the actual conversion. Potential applications for voice conversion include security related usage (hiding the identity of the speaker), entertainment applications, and text-to-speech (TTS) synthesis in which voice conversion techniques can be used for creating new and personalized voices in a cost-efficient way.²⁴

Like many similar technologies, this one is also broadly dual-use. It clearly has benign applications (as in the dubbing of foreign films while preserving the original voice texture of the actors) but also nefarious potential. The falsification of evidence by recreating the defendant's voice and making him say, to his detriment, things he may never have uttered is one such application that comes readily to mind.

The possibility of the abuse of voice conversion technology in the context of ICTY proceedings is an issue that has so far never been acknowledged or explored. Until this is done and all audio intercept recordings that were accepted into evidence and have affected factual findings made by the various ICTY Sre-

re University of Technology, Finland
[<http://www.cs.tut.fi/~moncef/publications/voice-conversion-Intech-2012.pdf>].

24. Jani Nurminen et al., A parametric approach for voice conversion, TC-STAR Workshop on Speech-to-Speech Translation, June 19–21, 2006, Barcelona, Spain, p. 225 [http://www.elda.org/tcstar-workshop_2006/pdfs/tts/tcstar06_nurminen.pdf].

brenica chambers are thoroughly examined by competent and independent forensic specialists, their integrity will remain under the shadow of a doubt.

There are sufficient reasons for imputing inherent untrustworthiness to intercept data used at ICTY (and, by extension, its Sarajevo clone, the State War Crimes Court for of Bosnia and Herzegovina, which follows identical procedures) and they warrant the sounding of an alarm. We need more than the disingenuous assurances of intercept operators of one of the warring parties and the “absolute certainty” of Ms. Frease. The trial records of these courts, particularly with respect to Srebrenica, where the greatest concentration of possible intercept evidence abuse may be noted, should be carefully combed and the authenticity of all intercepts the court relied on should be subjected to thorough professional scrutiny. ICTY (and Sarajevo court) intercepts that fail to meet fundamental standards for admission in ordinary criminal cases in national jurisdictions should be excluded from consideration. The verdicts of both courts should be modified as necessary to reflect the exclusion of such flawed evidence.

Stephen Karganović

IX. THE BALANCE SHEET

The question of “revisionism” cannot arise with respect to Srebrenica. No fundamental aspect of Srebrenica has ever been clarified and no compelling case has ever been made for the principal claims of the official narrative since the Bosnian War ended a decade and a half ago.¹ No factually acceptable narrative of the events that took place in Srebrenica has ever been written. Srebrenica is still an open question. Hence, at this moment, there is literally nothing to “revise.”

The aggressive campaign to brand every independent inquiry as “revisionism” and to tag what may have been a revenge massacre, which certainly would have been a war crime, as “genocide” (and thus to link Srebrenica by association to a genuine genocide that took place during World War II and to denounce efforts to broaden our factual knowledge of what took place in Srebrenica as “Holocaust denial”)² is an audacious political game. But we can leave politics aside. The relentless drive to stifle public debate about Srebrenica is a dangerous threat to liberal values and the spirit of free inquiry. It is a pernicious attempt to regiment opinion, and it is clearly detrimental to the principle of unfettered public expression. Its goal is to achieve the same *Gleichschaltung*, the reduction of most public discourse on the subject to a uniform and similarly intoned line, which has already been successfully imposed in the domains of politics and media.

We are not asking for anything that is inherently unreasonable. Anyone who is satisfied with the *status quo* of Srebrenica has nothing to fear. Our goal is, simply, first to assemble all the

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1. These are: (1) 8,000 executed prisoners; and (2) genocide.
 2. It would be more correct to say that the portrayal of Srebrenica as the site of a “genocide” is Holocaust devaluation.

evidence before drawing any final conclusions, and then to make a sustained effort to ensure that whatever conclusions have been reached are compatible with the evidence. Why is that so threatening or difficult to understand? Why is it — to some — even repugnant?

This volume contains two important new sources that are published here for the first time. These are the complete set of autopsy reports prepared by ICTY Prosecution forensic teams from 1996 to 2001, and statements given by Srebrenica residents, most of them surviving members of the 28th Division column which reached Muslim-held territory after the Serbs took control of enclave on July 11, 1995.

Both sources shed fundamentally new light on Srebrenica.

The autopsy reports are important because they include all the results of Srebrenica-related mass grave sites exhumed by ICTY forensic experts and they tell us two significant things. First, that Srebrenica suspected execution mass grave sites contain the remains of less than 2,000 (or about 1,920) individuals.³ Second, that pattern of injury analysis reveals at least two major causes of death: execution and combat. So, the conclusion based on this empirical evidence is that there are less than 2,000 verified Srebrenica-related fatalities that resulted from at least two different causes, one constituting a war crime and the other not.⁴ This alone removes the props holding up the institutionalized

3. The reference is to mass graves exhumed by ICTY prosecution forensic teams from 1996 to 2001. The status of grave sites subsequently exhumed by the Bosnian Institute for Missing Persons and the ICMP is ambiguous because of strong geographical and internal evidence that most of the human remains there belong to combat casualties from the 28th Division column.

4. There may be more but, unlike the ICTY, we must confine ourselves to the evidence that has been discovered and reject speculation and conjecture. If more evidence comes to light, it will be taken into account.

Srebrenica narrative's most popular misconception, which holds simplistically that about 8,000 prisoners were lined up and shot.

We have not ignored autopsy reports from exhumations conducted after ICTY forensic teams ceased their activities in 2001; they are not available. Since 2001, exhumations have been conducted by the Bosnian Institute for Missing Persons,⁵ whose headquarters are in Sarajevo. The Institute maintains a high media profile, especially as the July 11 Srebrenica anniversary approaches each year. And it announces with much fanfare the discovery of new mass graves every year. The remains found in these new mass graves are presented to the general public as execution victims and each year they are solemnly buried in the Memorial Center in Potočari. The curious thing is that these exhumation results — said to be in the thousands — unlike the findings of Prosecution forensic experts made between 1996 and 2001, have never been offered as evidence in the form of autopsy reports in any Srebrenica-related trial before the ICTY in The Hague. Is this an indication of Prosecution's lack of confidence in the professional quality of those autopsy reports (assuming the Institute and ICMP have made any)? Does it reflect skepticism that such autopsy reports, if they exist, could manage to withstand professional legal scrutiny, even under conditions as unfavorable to the Defense as those that prevail at ICTY? It is not at all an unreasonable hypothesis to advance considering that the Institute is a dependency of the Sarajevo-based government and that it is basically tasked with promoting its agenda.⁶

To recapitulate: ICTY forensic teams have covered all known and suspected Srebrenica-execution mass graves during

5. Institut za nestala lica BiH.

6. The authenticity of these mortal remains is not questioned, but their origin in the context of post-July 11 events in Srebrenica is a legitimate subject for examination and review.

the period of their activity (1996–2001). The quality of their autopsy reports, as we have shown, is uneven and in many respects highly questionable. But at least they have been presented as evidence in court where there was an opportunity to examine them critically in adversarial proceedings, and they are available. None of this applies to the exhumations and autopsy reports performed by the Bosnian Institute for Missing Persons in collaboration with the ICMP. On occasions when their claims had been checked, they were found wanting. One example is the exhumations the Institute conducted in Kaldrmica, which was misrepresented as a burial site for Srebrenica execution victims but which turned out to be one of the locations where legitimate combat engagements had taken place between the retreating 28th Division column and Serbian forces in July 1995.⁷ DNA matches, even if properly performed, are of no help in distinguishing combat casualties from execution victims. In locations where combat is known to have taken place, DNA evidence without autopsy findings about the manner of death cannot make the case for unlawful execution or genocide.

Survivor statements are the other important addition to the Srebrenica dossier that will be appreciated by all who value primary sources. These statements refer to fierce combat engagements and enormous casualties (unrelated to executions) that resulted from them. The obvious first question to ask Srebrenica genocide advocates is: Why have we not been told before of these combat engagements and of the resulting casualties? The following question is: What steps have been taken to distinguish these “legal” casualties⁸ from the genuine victims of execution

7. For a more detailed discussion, see Chapter VII, “Analysis of Muslim Column Losses.”

8. This is the terminology used by Richard Butler’s, the ICTY’s Prosecution military expert, who testifies regularly in Srebrenica trials. See *Prosecutor v. Popović*, Transcript, p. 20245, lines 14-23.

and to make certain that they have not been conflated, although, even when these casualties are combined, their aggregate total still falls far short of the target figure of 8,000?⁹ If no such steps have been taken, then it does not reflect good faith on the part of the advocates of the official Srebrenica narrative and it does not demonstrate an open-minded commitment on their part to the truth, no matter where the facts may lead.

Taking into account both categories of losses: execution victims and combat casualties which occurred during the withdrawal of the 28th Division column, how many residents of the Srebrenica enclave lost their lives in July 1995?

In order to answer this question, two key parameters must be compared: 1) the population of the enclave in July 1995 before the Serbian attack; and 2) the number of Srebrenica residents who were registered in territory under Muslim control shortly thereafter.¹⁰

Fortunately, there is fairly reliable data for both parameters.

Population of the enclave in July 1995. There are several sources for the probable population of the Srebrenica enclave prior to its fall on July 11, 1995.

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9. Dr. William Haglund, Director of the OTP forensic expert team that conducted Srebrenica exhumations, allowed that it was possible that combatants and execution victims could have been buried in the same graves. See *Prosecutor v. Karadžić*, Transcript, p. 23953, lines 5-12.
 10. This approach, which would seem optimal and perfectly logical, was explicitly rejected by the Trial Chamber in the *Tolimir* case, Trial Judgment, *Prosecutor v. Tolimir*, Par. 573. In Par. 574 the Chamber declined to consider evidence of pre-July 11, 1995, Srebrenica population (including demographic facts already adjudicated by previous ICTY chambers) in conjunction with World Health Organization records of the number of Srebrenica survivors who by the end of that month had reached Tuzla safely, by claiming that these data were unreliable estimates.

1. In the *Debriefing* of the Dutch battalion, which was stationed inside the enclave at the time of the attack, we find the following information:

At the beginning of July, the population in the enclave amounted to approximately 40,000 people, of whom the majority (80%) consisted of refugees.¹¹

This report on the population is important because it originates from a competent source that was on the scene when the estimate was made and which was neutral.

2. Another assessment of the population was made by an officer of the UN Observer Mission in Srebrenica. In his official report to superiors in Zagreb and Sarajevo on July 26, 1995, Major P. H. D. Wright estimated Army of Bosnia and Herzegovina forces in the enclave to have numbered 4,000. He explained that when estimating the number of military-age males, the usual procedure is to take 10% of the total population.¹² This suggests that in Major Wright's perception, just as that of the Dutch military authorities, 40,000 was a fair estimate of the number of residents in the enclave.

3. In his July 15, 1995, dispatch entitled "Situation in Tuzla and Srebrenica," UN special representative Yakushi Akashi says that the "Base figure of 42,500 inhabitants of Srebrenica was established in 1993 and remained unconfirmed."¹³ If the figure of 42,500 inhabitants was considered valid in 1993, and since there had been no population influx since that time, then the total could have only decreased, not increased between 1993 and July 1995. So, taking into account the period when this somewhat

11. Report Based on the *Debriefing* on Srebrenica [Assen], 2.33, 4 October 1995, EDS: 00349926.

12. Postscript to Srebrenica, July 26, 1995, par. 8, EDS: R0050422.

13. Cable from Akashi, July 15, 1995: Situation in Tuzla and Srebrenica, par. 5, EDS: 1D19-1603.

higher figure came into being, as well as the factors that might have influenced it since then, the population in July 1995 would probably have been close to the 40,000 estimates.

4. We have one more assessment of the population of the Srebrenica enclave that was made by the Chamber in the appellate judgment in the case of General Radislav Krstić. In paragraph 15 we find:

The size of the Bosnian Muslim population in Srebrenica prior to its capture by the VRS forces in 1995 amounted to approximately forty thousand people.

In Paragraph 37 the Chamber reiterates a similar view on this issue:

They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general.

The Prosecution follows similar demographic parameters. The Chamber in the Trial Judgment in *Krstić* cites the view of the ICTY Prosecution that the population of Srebrenica

...numbered in total approximately 38,000 to 42,000 prior to the fall.¹⁴

Adherents of the official Srebrenica narrative will find it difficult to dispute the population estimate made by the Chamber that found General Krstić guilty because their favorite thesis — that what took place in Srebrenica was genocide — is at the forefront of this judgment. To hold a credible discussion of whether or not genocide occurred, material evidence concerning these numbers is of great significance. If the Chamber erred with respect to the numerical size of the population to which the genocide refers, how can we credit its other findings such as, for instance, that genocide had occurred in the first place?

14. *Prosecutor v. Krstić*, Trial Judgment, par. 592.

We may now summarize the data from several different sources. In July 1995, there were roughly 40,000 people in the Srebrenica enclave, with the proviso that this is not an official census figure but the best estimate of competent and neutral observers, and the best estimate of a judicial institution which had the duty to ascertain the demographic situation to the best of its ability. The credibility of this figure is enhanced by the fact that it is the numerical point of convergence of several independent estimates.

How many Srebrenica residents did not die? The next question is: How many Srebrenica residents survived after Serbian forces took the enclave on July 11, 1995? The difference between the initial population and the number who survived after losses occurred will give us a reliable indication of the number of those who perished.

1. The Report of the UN Command for Sector North-East, Tuzla Air Base, to sector commander on August 4, 1995, provides the following information:

Subject: Srebrenica Displaced Persons Situation Update
 Total number in SNE AOR: 35.632 (approx.)
 Housed in private accommodation: 17.383
 Housed in collective centers: 9.749
 Tuzla air base camp: 6.500¹⁵

The breakdown of the total figure into several accommodation categories enhances the impression that the total is a generally reliable figure, not a rough estimate.

2. This figure was accepted by Dutch military authorities in their Srebrenica *Debriefing*:

15. EDS: 00412059. (See Annex 25.)

It appears from UN sources that 35,632 refugees had reached Tuzla by August 4, 1995.¹⁶

3. With the evident intention of assisting The Hague Tribunal in clarifying the events in Srebrenica, Dutch Defense Minister J. J. C. Voorhoeve sent ICTY Prosecutor Richard Goldstone on October 20, 1995 the following official communication:

Herewith I send a document that was received during the debriefing of Dutchbat about the registration of approximately 35,632 refugees from Srebrenica. If this number is correct — which is not sure — it can help to determine the number of missing and executed men from Srebrenica. Therefore, I think the document could be of interest to you.¹⁷

The Dutch Defense Minister's letter is of interest for three reasons. First, it indicates that one more competent authority accepts as a fact that over 35,500 persons had left the enclave safely after the Serbian attack on Srebrenica. Second, the Minister points out that the figure he quotes — if correct — might be relevant to determining how many people perished as a result of the Srebrenica operation. Thus, the need for speculation (on the condition that we have prior demographic data, of course) is greatly reduced. Finally, we also learn from this correspondence that the ICTY Office of the Prosecutor was officially apprised by an official source that data about the number of Srebrenica survivors were available.

Was the ICTY working in good faith? When all these data (which are easily accessible in the ICTY database as well as in

16. Report Based on the *Debriefing* on Srebrenica [Assen], 5.38, 4 October, 1995, EDS: 00349976.

17. EDS: 00412058 and 3D39-0410. *Nota bene*: the document shows a stamp confirming that the addressee received it on October 24, 1995. (See Annex 26.)

other open sources) are combined, the question that is raised is not of mathematical error but something more serious: Was there good faith, *bona fides*? In this particular case, where the quantitative scope of genocide is being defined, “mathematical errors” can also have extraordinary legal and moral implications.

If we take as our point of departure the lower estimate of the ICTY Prosecution, according to which the population of Srebrenica in July of 1995 was 38,000,¹⁸ then that would leave a difference of 2,368 individuals who could be classified as casualties. If we base our calculations on the higher estimate of 42,000, we get a resulting difference of 6,368 potential casualties. This does not answer the key question of how many were executed, since we know that some were summarily executed while others were killed in combat. However, this figure would put a ceiling on the total number of possible combined losses. Clearly, the execution of eight thousand individuals is simply impossible under both scenarios.

It must be granted that the Prosecution — like the Defense — is an interested party in the proceedings and it is free to make whatever claims it wishes. The neutral organ tasked with impartially assessing arguments and facts is the Chamber. As we have seen, the Chamber found that when the Srebrenica operation started at the beginning of July 1995, about 40,000 people were living there.¹⁹ As of August 4, 1995, according to the UNPROFOR headcount, however imperfect under wartime conditions, 35,632 of them had successfully reached Tuzla,²⁰ result-

18. *Prosecutor v. Krstić*, Trial Judgment, par. 592, 593.

19. Conclusion of the Appellate Chamber in *Krstić*, par. 15 and 37.

20. EDS: 3D39-0411. In combination with the World Health Organization estimate of 34,341 Srebrenica refugees on July 29, 1995 [EDS: 3D39-0413; see Annex 27], these figures display obvious internal coherence because they show an increase over time as groups of stragglers kept arriving in Tuzla.

ing in a difference of 4,368 persons who could have lost their lives from various causes. The fact that on August 4 some residents of the enclave at the time of its fall were not in Tuzla does not necessarily mean that they were dead; it only means that they were not in Tuzla. However, all those who were registered as originating from Srebrenica and who were in Tuzla definitely were not victims of genocide.

So how was the trial Chamber in the *Krstić* case able to draw the following conclusion?

The Trial Chamber concluded that almost all of those murdered at the execution sites were adult Bosnian Muslim men and that up to 7,000–8,000 men were executed.²¹

As we have seen, this conclusion is unsupported by the factual evidence not only because it is at odds with available data but also because the number of bodies that have been exhumed and which could be linked in any way to events in and around Srebrenica in July 1995, is under 2,000. This does not even approach the figure that must be proved for the Chamber's conclusion to be credible. But the Chamber's finding is not credible for another reason. It is also mathematically impossible because it diverges wildly from the accepted demographic situation in the enclave in July 1995 when viewed in combination with the number of registered survivors at the beginning of August of the same year.

There is another important issue. What is the factual basis for the following conclusion that the Chamber draws?

The results of the forensic investigations suggest that the majority of bodies exhumed were not killed in combat; they were killed in mass executions.²²

21. *Prosecutor v. Krstić*, Trial Judgment, par. 487.

22. *Prosecutor v. Krstić*, Trial Judgment, par.75.

The Chamber's purpose is to produce the impression that after having carefully weighed the forensic evidence, it made the finding that a high percentage of exhumed remains were of persons not linked to combat activities and that the few exceptions only confirm the rule. However, the analysis of the forensic results completely refutes the Chamber's interpretation.

The category of exhumed "cases" which are linked to bullet injuries, and which, therefore, could support the thesis that these individuals had been executed, amounts to 655, which is 18% of the total.²³ That is far from being "most" of the 3,658 ultimately available autopsy reports.²⁴ Furthermore, 150 cases in this category must be reviewed separately. In these instances, it appears highly likely that the cause of injury was not a bullet from a conventional firearm but a projectile of larger caliber, such as is typically used by a Praga.²⁵ That would leave us about 500 potential victims of execution in this category, but even that with the proviso that a similar pattern of injury could also occur in combat.

If we concede nevertheless that all 500 were execution victims and add to them the 442 with blindfolds and ligatures, the

23. It should be noted that at the time the *Krstić* Chamber was assessing the evidence it had even fewer "cases," only 1,883 to work with, even less than the 3,568 "cases" OPT forensic experts ultimately had come up with by the time their exhumations had ended in 2001. Dean Manning, *Srebrenica Investigation: Summary of forensic evidence – execution points and mass graves*, Report of 16 May 2000, p. 3/21, EDS: 00950901.

24. As noted in Chapter V, which deals with the tabular presentation of the forensic evidence, one case does not equal one body. Nevertheless, ICTY Chambers act implicitly on the assumption that each autopsy report does represent one body. It must, therefore, accept the mathematical consequences of the application of its own premise.

25. Chapter V, "Analysis of Srebrenica forensic reports prepared by ICTY."

maximum number of potential victims of execution in this lot would be about 950.²⁶ That is 26% of the Tribunal's 3,658 cases, which falls considerably short once again of the "majority" of those exhumed who were claimed to be execution victims. When to the 477 cases where the victims were incontestably killed by shrapnel, mortar, or other types of artillery munitions, we add the 150 who are listed as having been killed by a "bullet," but whose injury pattern causes a reasonable suspicion that they were killed by a Praga or similar type of high velocity projectile, we obtain the significant figure of 627 who, quite contrary to what the ICTY Chamber says, very likely did perish in combat. This is another important segment of the evidence where the facts do not support the sweeping and careless generalizations of the Hague Tribunal.

These calculations sound ghoulish, to be sure, but such detailed analysis of the evidence is necessitated by the general refusal of the proponents of the institutionalized Srebrenica narrative to accept conclusions that fit the facts. As discussed earlier, ICTY exhumations began in 1996, and they continued until 2001. They were conducted by international forensic specialists under the auspices of the ICTY Office of the Prosecutor. The actual results of the exhumations appear quite meager when compared to the genocide victim figure of 8,000 that was confidently announced at the beginning, and which sounded rather

26. The figures that we have arrived at are obviously very close to the estimate of the number of executed prisoners that was offered by Phillip Corwin, the UN civilian representative in Bosnia and Herzegovina in July 1995. According to Corwin, the actual number of executions was about 700. See Phillip Corwin, "Foreword," *Report of the Srebrenica Group*, <http://www.srebrenica-report.com/foreword.htm>. Corwin reiterated the figure of 700 in his interview to the German newspaper *Junge Welt*, on 31 July, 2008, („Srebrenica ist Teil einer größeren Tragödie," Cathrin Schütz).

like a minimum quota by which to measure the forensic specialists' field performance. By the end of this process, when ICTY Prosecution forensic teams ceased operating, all they had to show for their labors were 3,568 autopsy reports, misleadingly inflated by the many disarticulated body fragments which were raised to the status of "cases," and disingenuously presented as complete bodies, deniability being preserved by carefully avoiding any explicit affirmation to that effect. This is clearly not even half of the "target" figure. However, based on the internal evidence of those autopsy reports, the actual number of individuals in the mass graves was about 1,920, and they perished of various causes. This is still only about a quarter of the "target."

Slightly less ghoulish, but no less misleading, is what passes for DNA evidence that has been offered in support of the official version. We have demonstrated that this evidence — in the form in which it was presented in the Srebrenica-related *Popović et al.* trial — is juridically useless. It has no probative value whatsoever because it has not been made available to the Defense in verifiable form; its results can only be accepted on faith. To accept it without proof would be most unwise not simply for reasons of general principle but more specifically because the relevant results are, as we saw, extremely easy to fake. Complete transparency in the production and use of this type of evidence is imperative if it is to serve as credible evidence in any context. When ICTY Chambers,²⁷ based on motives that are palpably spurious,²⁸ deny the Defense a reasonable opportunity to examine this evidence, they are blatantly violating the fundamental precepts of the adversarial system. Reliance on such questionable DNA-derived "evidence," especially when formulating weighty "find-

27. This was done during the trial in the *Popović* case and more recently in the *Karadžić* case.

28. i.e. "victim privacy."

ings” about genocide and the alleged number of its executed victims, can only be regarded as a travesty of the judicial process.²⁹

The misjudgments discussed above are far too significant to be attributable to poor math or to ICTY Chambers’ procedural flexibility. There may be several possible explanations why ICTY Chambers have consistently disregarded both the principles of mathematics and their own Rules of Procedure and Evidence in much of their reasoning.³⁰ *Mala fides* or bad faith is one of them. But the explanation most strongly suggested by the Chambers’ irresponsible conduct arises from the implicit obligation to issue not juridically proper but politically correct judgments, which is something that is expected of them, as George Pumphrey put it, *n’importe quoi*.

Speculation about motives aside, this much is clear: ICTY judgments are result- and not evidence-driven. This alone should raise doubts about the integrity of the entire process.

The political uses of the institutionalized tale. Several years ago, author and political analyst Diana Johnstone raised the

29. ICTY Chambers are so accustomed to operating on the assumption that they are shielded from criticism that it was seriously suggested in the *Popović et al.* Trial Judgment that, based on DNA evidence, 5,336 Srebrenica execution victims have been identified and that another, larger number, are expected to be identified in the near future. Basing judgments on the prospective, rather than actual, number of victims is a highly unusual procedure for a court of law. But, more to the point, the Chamber seems oblivious of the fact that while personal identification is possible using DNA, ascertaining the manner and time of death is not.

30. ICTY Rules of Procedure and Evidence, Rule 66, (B) and (C). Rule 66 (B) mandates Defense review, upon request, of all documents “which are material to the preparation of the Defense, or are intended by the Prosecutor as evidence at trial.” Rule 66 (C) provides that when such disclosure is deemed prejudicial or contrary to some legitimate interest, the Prosecutor shall provide it to the Chamber.

issue of the “uses of Srebrenica.”³¹ As she explains her analytical approach, the important question is not: What happened? but: What are its political uses?

Of the numerous interested parties that systematically exploit Srebrenica’s political gold mine, one particular group must be set apart. It is the political elite that shapes the thinking, perception, and collective vision of the Muslim community in Bosnia and Herzegovina. The political elite finds Srebrenica to be priceless as a mass mobilization vehicle and — perhaps equally important — as a means to achieve the permanent separation of Muslims from the other major group in Bosnia and Herzegovina which is indistinguishable from it in all essential aspects except religion — the Serbs. Srebrenica, which carries the venomous connotation of an attempted extirpation of a tiny Islamic island far from its spiritual and civilizational homeland and surrounded by a sea of hostility, is the ideal pretext for nurturing a persistent feeling of insecurity and cultivating fear of a permanent existential threat among Bosnian Muslims. The Pied Pipers of the self-perpetuating political establishment in Sarajevo are masters of transforming this anxiety into abundant political capital. They claim that they alone are capable of protecting their community from such mortal dangers.

Srebrenica serves the Muslim establishment as an ideal mechanism to ensure that members of the Bosnian Muslim community, which they have already pitilessly regimented, will not find the courage to begin thinking for themselves because

31. Diana Johnstone, “Srebrenica Revisited,” *Counterpunch*, 12 October, 2005: <http://www.counterpunch.org/johnstone10122005.html>. Some of the enumerated uses are: providing rationales for future “preventive” aggressions; instrument of endless political blackmail of Serbia and reduction of its leadership to complete subservience; myth that would permanently poison relations between the two principal communities in Bosnia and make the presence of foreign “arbiters” indispensable.

they have been conditioned to think that lurking outside the gates are not neighbors or relatives, but brutal enemies bent on their destruction. Under the cover of Srebrenica, the counter-revolution of the beys,³² whose preparations began in the 1980s as soon as it became evident that the Yugoslav regime's days were numbered, is being consolidated unnoticed while the attention of ordinary Bosnian Muslim citizens is diverted elsewhere by false slogans of a return to Islam and a revitalization of the Bosniak identity.

Whatever additional uses Srebrenica may have on the global political scene, on the local level it is a mechanism of mass homogenization within the Muslim community. For the Muslim leadership, the desacralization of the cult of Srebrenica is inconceivable. Sarajevo will never tolerate an honest investigation into what happened in Srebrenica. That would not only jeopardize one of its most effective levers of control over its population, but it could also — depending on the thoroughness of the investigation — catastrophically compromise the leadership's own war-time conduct.³³

If the self-appointed leaders of the Muslim community are Srebrenica's principal local beneficiaries, then the Muslim community of Bosnia and Herzegovina is its monumental loser.

32. The reactionary, wealthy, landowning families from whose ranks the leadership of Bosnia's Islamized community has traditionally been drawn. Their surnames, e.g. Izetbegović and Saćirbey (Bosnia's wartime UN representative) speak eloquently enough of their origin and status.

33. The underlying thesis of the Ola Flyum and David Hebditch documentary, "Srebrenica, a town betrayed," shown on Norwegian State Television and elsewhere in 2011 and 2012 to the loud protests of the Srebrenica lobby, is that the Izetbegović government began working on a scheme in 1993 to abandon Srebrenica in exchange for maximum political profit.

The Muslims of Srebrenica, who were sacrificed physically with pitiless cynicism at the conclusion of the war, a decade and a half later continue to be sacrificial pawns, only now politically. Instead of acting in unity and agreement with its Serbian neighbors and relatives, which is absolutely the only hope it has of becoming a significant player capable of ensuring its vital interests in the Balkans and in Europe, Bosnia's Muslims have ended up with comparatively the worst settlement in post-war Bosnia. Although they are a relative majority in Bosnia and Herzegovina, they are penned up in a territorial and political ghetto. In that ghetto, they are in a position of absolute dependence, where locals or foreigners — but always others — motivated exclusively by their own interests and geopolitical requirements, shape its fate. And, perhaps the most fatal thing of all, their only present link to the outside world, in which neither the East nor the West has any affection for them, is precisely the self-centered, amoral, and infinitely foolish ruling caste that has arisen from their own ranks.

That ruling caste will never quote to the Muslim people the sobering warning of Hannah Arendt, which should be displayed prominently in every Muslim household right next to the picture of Mecca:

Only folly could dictate a policy which trusts a distant imperial power for protection, while alienating the goodwill of neighbors.³⁴

If an example is necessary of how such folly operates in practice, it would suffice to consider the following statement by U.S. Congressman Tom Lantos, allegedly a great friend of Balkan Muslims, who in fact disclosed the pragmatic reasons behind his government's pretense of support for its Balkan clients:

34. Hannah Arendt, "Zionism Reconsidered," *Menorah Journal*, vol. 23, no. 2 (October-December, 1945).

[This should serve as] a reminder to the predominantly Muslim-led governments in this world that here is yet another example that the United States leads the way for the creation of a predominantly Muslim country in the very heart of Europe. This should be noted by both responsible leaders of Islamic governments, such as Indonesia, and also for jihadists of all color and hue.³⁵

This simulacrum of support, based entirely on a calculated perception of momentary geopolitical interest, can be withdrawn at any moment should global conditions that gave rise to it change drastically. The world-wide media machinery, mobilized to maintain the myth of a genocide that did not occur, can also be called off at any moment when a revised situational assessment dictates that the myth's benefits have outlived its usefulness. It

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35. Julia Gorin, *Huffington Post*, 20 April, 2007 (quoting a April 17, 2007 transcript provided by Federal News Service, Inc.). The quote in its entirety: "Let me just raise a few items, Mr. Secretary. The first one: just a reminder to the predominantly Muslim-led governments in this world that here is yet another example that the United States leads the way for the creation of a predominantly Muslim country in the very heart of Europe. This should be noted by both responsible leaders of Islamic governments, such as Indonesia, and also for jihadists of all color and hue. The United States' principles are universal, and in this instance, the United States stands foursquare for the creation of an overwhelmingly Muslim country in the very heart of Europe." When making this speech, Lantos specifically had in mind the narco-statelet of Kosovo, which less than a year later would be recognized unilaterally with the encouragement of its Western sponsors, support for which was also meant to send a balancing message to the Islamic world. But, *mutatis mutandis*, that message of "support" was meant for Bosnian Muslims as well. A relevant and related issue concerns the implementation of those "universal values" in Iraq and Afghanistan, where over the last decade several hundred thousand Muslims, a Srebrenica per week, were slaughtered in neo-colonialist wars. These are just some of the unpleasant things that "support" for Balkan Muslims is designed to downplay and obscure.

goes without saying that the global propaganda logistics are a machinery over which Bosnian Muslims, of course, have no influence or control, and which in the international arena appears to support their cause only because of a temporary overlap of strategic interest. It is a media production in which Bosnian natives are but stage extras, but without it the Srebrenica story would not have gotten off the ground. Nobody would be paying the slightest attention to the sorrow of the Muslim Mothers of Srebrenica, just as no one at all is paying attention to the sorrow of Serbian mothers. Or Iraqi or Afghan mothers, for that matter.

The phony version of Srebrenica, the core of which is a heinous crime that did not occur, which the Serbs did not commit, and which they will never accept as their collective act, was invented deliberately to serve as a permanent and unbridgeable obstacle to the unity of two religious communities which are component parts of the same people. That is one of the uses, as Diana Johnstone would put it, of the cult of Srebrenica. The real Srebrenica, that portion of the official narrative which does correspond to reality, as well as the suppressed portion of that story which has to do with the mass destruction of the Serbian community in Srebrenica during the same wartime period, also has legitimate uses, but in the diametrically opposite sense. Shared suffering brings people closer and deepens their solidarity. A joint perspective on the disaster that occurred between 1992 and 1995 as a shared and mutual — instead of one-sided — misfortune is closest to a guarantee that the people of Srebrenica will never again allow anybody to trick them into allowing it to be repeated. For the users (perhaps it would be better to call them beneficiaries) of Srebrenica, the encouragement of such a perspective would be a catastrophe and they will spare no effort to thwart it. We must struggle even more persistently to make sure that just such a “catastrophe” should occur as soon as possible.

A decade and a half after the war's end, Srebrenica continues to be an enigma that provokes countless questions to which we still have few honest answers. The only statement about it that we can make confidently is that this toxic myth is beyond the pale of truth. We must invest every effort to use the truth to neutralize it and to replace it with an account of events which, at least in its fundamental features, correlates with reality. That is the best way that we can help the people of Srebrenica to achieve the one goal that at this precise moment many of them may not recognize as the most essential, but without which they have no future: lasting peace, with themselves and their neighbors.

Stephen Karganović

X. SREBRENICA: USES OF THE NARRATIVE

First, several preliminary considerations:

- How could Serbian Army commanders have thought that a massacre of 8,000 individuals, and the subsequent relocation of nearly as many corpses, could have remained unnoticed by NATO forces that were controlling the airspace over Bosnia and monitoring all troop movements on the ground?¹
- How could an allegation of the execution of 8,000 individuals be made and then widely accepted if the only hard evidence in The Hague Tribunal's possession that points to summary execution involves the remains of 442 persons that were found with blindfolds and ligatures?
- How can it be asserted that the human remains exhumed so far prove summary executions on a large scale when ICTY Prosecution forensic experts conceded in their autopsy reports that out of 3,568 exhumed "cases" 1,583 or 44.4% consisted only of body parts, and that in 1,462 or 92.4 % of these cases, no conclusion could be drawn regarding the cause of death?²

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1. It is, in the final analysis, irrelevant from a technical point of view whether the "aerial platforms" that were observing the goings-on in Srebrenica and its environs in July 1995 were satellites or U2s, as ICTY Prosecution Chief Investigator Jean-René Ruez belatedly informed us. It suffices to know that there was continuous observation and that photographic evidence exists, but that, nevertheless, this potentially damning evidence remains under lock and key and has never been subjected to forensic examination.
 2. These findings can also be presented in another way so that their significance might more easily be grasped. Of the 3,568 exhumed and autopsied remains thought by ICTY forensic teams to be re-

- How can the Prosecution and the chambers accept that a great deal of combat also took place simultaneously with executions, and then down-play combat as a significant source of casualties without any serious inquiry into its scope?
- DNA is currently presented as undeniable proof of “genocide.” However, DNA findings cannot establish the key elements of a murder case, the cause and time of death, which is important given the possibility of numerous combat deaths as well as natural deaths that resulted in burials in the Srebrenica area prior to July 1995.
- The DNA matching performed by the ICMP is characterized by a complete lack of transparency. No independent laboratory has been allowed to check or confirm claimed DNA results. Technically, even the validity of personal identification remains in doubt.
- Exhumations between 1996 and 2001 were conducted by ICTY forensic teams. They involved mass graves presumed to contain the bodies of the victims of summary execution. Exhumations which continued after 2001 were conducted by Bosnian Muslim authorities in collaboration with the ICMP. Evidence strongly suggests that most of these mass graves that were exhumed after 2001 are located along the breakout path of the Srebrenica Muslim column and in the proximity of sites where it engaged Serbian forces in combat. Based on autopsy report evidence, a signifi-

lated to Srebrenica executions, only 2,105 could yield forensically meaningful conclusions. However, even many of those show diverse patterns of injury, consistent with causes of death other than execution.

cant portion of these remains are presumptively combat-related. Without specific forensic proof to the contrary, they cannot be presented as execution victims or, *a fortiori*, as victims of “genocide.”

- Has the number of execution victims been inflated by Muslim authorities? That is reasonable to suspect, because fighting in the area is known to have occurred before July 1995; pattern-of-injury analyses of available autopsy reports and survivor statements relating to the events of July 1995 confirm that numerous individuals were killed in combat. Furthermore, during the three and a half preceding years, there must also have been some natural deaths in the enclave. There are strong indications, therefore, that the July 1995 combat casualties and deaths from a variety of other causes pre-dating July 1995 have been amalgamated with execution victims in order to generate the impression of a significantly higher total of extrajudicial executions.

These are just some of the major issues that compromise the received Srebrenica narrative. The narrative’s unrealistic claims are not salvaged by the consideration that they are based upon an underlying fact which is authentic — the criminal execution of several hundred prisoners. The attention and vast logistical resources invested in propping up this misleading narrative could have been more effectively used to conduct a proper investigation.

The fact that almost no standard professional criminological or juridical procedures were followed in the official investigation of Srebrenica is in itself a red flag.³ It suggests that Srebrenica

3. For example, exhumation sites were sealed off to all but prosecution forensic teams, so independent verification of DNA testing re-

was much more than simply an abhorrent war crime in the minds of its promoters. Primarily, it was a major political opportunity which was eagerly seized on several levels.

First, as former U.S. ambassador to Croatia Peter Galbraith recently revealed, Croatia's Operation Storm in 1995 against Serb-held areas in the Krajina would not have been feasible (in terms of the Bosnian conflict "endgame") had not "Srebrenica" prepared the ground for it, morally and psychologically.⁴ The Srebrenica narrative and the outrage it produced served as a convenient veil to shield atrocities committed during the Croatian offensive in August 1995 from substantial public examination or criticism.⁵

Secondly, in terms of "nation building," the applied Srebrenica narrative has played an important role both as a mobilizer of Bosnian Muslims and as a device to estrange them from the neighboring Serbian community, by injecting into their mutual relations a deep and permanent enmity which now seems extremely difficult to overcome. Identity politics based on a spurious genocide narrative is generally not beneficial for the community that embraces it. Such a strategy does not hold the promise of stable development, but quite the contrary. The Jewish people, for example, are not defined by victimhood implied by

sults has been consistently obstructed. As a result, there is no publicly available list of identified individuals claimed to be missing — only a number. This prevents further investigation of their identities and rules out production of additional evidence about the manner and circumstances of their death.

4. *Vesti*, November 21, 2012, <http://www.vesti.rs/Ratko-Mladi%C4%87/Oljuju-smo-im-dali-zbog-Srebrenice.html>
5. It should be recalled that U.S. Secretary of State Madeline Albright demonstratively waved alleged Srebrenica execution photos in the UN on August 10, 1995, as the Croatian Operation Storm, which displaced a quarter of a million Serbs from the Krajina and killed several thousand, was in progress.

the Holocaust. They have indisputably played an historical role and could point to a sophisticated identity long before the Holocaust. Far from yielding the anticipated “nation building” results, the Bosnian Muslims’ internalization of Srebrenica as a genocide is bound to have quite the opposite effect. By stimulating an attitude of resentment and by blocking salutary inquiry into their own share of responsibility for war crimes, the separate Bosnian Muslim “identity” that “Srebrenica” reinforces will remain an artificial and sterile construct of brief duration.

Third, the Srebrenica narrative serves as the cornerstone of an important new doctrine in international relations. It has been variously articulated, but “R2P” or “Responsibility to Protect,” which seems to summarize it well. Its beneficiaries are the Western interventionist powers. The underlying rationale and its practical consequences were described somewhat simplistically (but on the whole accurately) by Bruno Waterfield, The *Daily Telegraph*’s EU and European Affairs correspondent in Brussels:

Nearly 8,000 Muslim men and boys died. The International Community’s failure to prevent an act of genocide traumatised European and Western powers and set the world on course for a new doctrine of “liberal interventionism.”

By 1999, as the Serbs threatened to do in Kosovo what had been done in Srebrenica, then British Prime Minister Tony Blair vowed that this time the West would not stand by in a crisis he regarded as his “first real moral test.”

As Bill Clinton, the U.S. President who had stood by in Bosnia, wavered again, Mr Blair warned that Kosovo was a test of whether civilised nations acted before it was too late. “This is not a battle for territory; this is a battle for humanity. It is a just cause, it is a rightful cause,” he argued.

Britain's involvement in the successful military action in Kosovo marked a turning point in Mr Blair's "ethically based" foreign policy. In 2003, he used the example of Srebrenica to illustrate the consequences of Western inaction while battling to convince reluctant European allies that the use of military force against the Iraqi regime was necessary.

Although the Iraq occupation discredited Mr Blair, in 2011 another British Prime Minister used the spectre of the West standing by in the face of genocide to rally Barack Obama, another reluctant American president. David Cameron made a passionate plea that as Colonel Muammar Gaddafi killed civilians in Libya "words are not enough; what we will be judged on is our actions. We cannot stand by."⁶

This panoramic view of R2P's application is useful not only because of its essential correctness but also because, perhaps in a way not intended by the commentator, it demonstrates the new, Srebrenica-inspired doctrine's wide reach, as well as its enormous potential for mischief.

Quite recently, in the aftermath of the Libyan crisis and during the still unresolved conflict in Syria, UN Secretary-General Ban Ki-moon invoked Srebrenica as an object lesson of what might happen when the "international community" chooses to remain unresponsive to "genocide":

"In a tragedy of such epic proportions, there was so much blood and so much blame. The United Nations did not live up to its responsibility. The international community failed in preventing the genocide that un-

6. *The Age*, May 28, 2011, <http://www.theage.com.au/world/failure-to-prevent-the-massacre-at-srebrenica-weighs-heavily-on-west-20110527-1f8kl.html#ixzz2JksU1tF6>

folded,” the Secretary-General said. “But we have learned from the horror, and we are learning still.”⁷

Linking his observations directly to Srebrenica, Ban added that the events there “helped bring about a new international resolve for justice, accountability, for a responsibility to protect civilians.”⁸ Addressing the Bosnian Parliament during a visit to the region, he drove his point home and drew the appropriate analogies in no uncertain terms:

UN Secretary-General Ban Ki-moon called on world powers on Wednesday to urgently unite to end the bloodshed in Syria, recalling the inertia of the United Nations in 1995 as genocide occurred in the Bosnian town of Srebrenica.

“That is why, here in the heart of a healing Bosnia and Herzegovina, I make a plea to the world: do not delay. Come together. Act. Act now to stop the slaughter in Syria.”⁹

It sounds as if the Secretary-General were merely taking his cues from Western statesmen who were going about their business without waiting for his approval. They were, in fact, already spinning their interventionist agenda around the “failure to act” allegedly exemplified by Srebrenica, and the resulting imperative not to waver in the face of the next humanitarian catastrophe.

7. UN News Center, July 25, 2012, “In Bosnia and Herzegovina, Ban notes country’s progress and affirms UN support,” <http://www.un.org/apps/news/story.asp?NewsID=42558&Cr=bosnia&Cr1=>

8. *Ibid.*

9. *Reuters*, July 25, 2012, *Recalling Srebrenica, U.N’s Ban urges action on Syria*, <http://www.reuters.com/article/2012/07/25/us-syria-crisis-ban-idUSBRE86O1D020120725Free>

Thus, U.S. Secretary of State Hillary Clinton (“We came, we saw, he died...”)¹⁰ evinced evident satisfaction with the successful conclusion of the Libya campaign: “We prevented a new Srebrenica in Libya.”¹⁰ It was, according to her, a hugely successful “Srebrenica prevention” week: “In a single week, we prevented a potential massacre, stopped an advancing army (loyal to Libyan leader Muammar Gaddafi) and expanded the coalition.”¹¹ That view was shared by French President Nicolas Sarkozy in a speech to the European Council in Brussels:

“If the coalition hadn’t acted, in a very short time the population of Benghazi would have been massacred. I had the opportunity to talk about Srebrenica, where 8,000 people were assassinated in 1995 in conditions you are aware of. The international community did not take the right steps to prevent this massacre.... Just imagine if we hadn’t intervened what would have happened in Benghazi.... We are there to put in place a historic principle: the protection of the Libyan population.”¹²

There is little doubt that UN Security Council Resolution 1973 authorizing military operations in Libya was adopted under the intimidating impression produced by the guilt-ridden Srebrenica narrative: “The vote was also a seminal moment for the 192-member United Nations and was being watched closely as a critical test of its ability to take collective action to prevent atrocities against civilians. Diplomats said the specter of former conflicts in Bosnia, Rwanda and Darfur, when a divided and sluggish Security Council was seen to have cost lives, had given a

10. *Free Republic*, April 16, 2011, <http://www.freerepublic.com/focus/f-news/2705764/posts>

11. *Ibid.*

12. Speech to the European Council, Brussels, March 24, 2011, <http://www.youtube.com/watch?v=MyyCw4De1Hk>

sense of moral urgency to Thursday's debate," reports *The New York Times*.¹³ According to morally concerned officials, the just-in-the-nick-of-time Western intervention in Libya "may have saved up to a 100,000 people," thus atoning somewhat for their failure in Srebrenica.¹⁴

The ineluctable link between Srebrenica and any crisis anywhere in the world that might offer the slightest rationale for Western intervention can now be found in the most unexpected settings. An example of that is the statement made by former UN Sri Lanka spokesman Gordon Weiss, commenting on an episode in that country's civil war, to the effect that even remote Sri Lanka was not spared its "Srebrenica moment."¹⁵

This posturing is somewhat shorn of its moral lustre, however, by the persistent refusal of Western interventionist powers to permit an investigation of the considerable death toll caused in Kosovo, Iraq, Libya, and now Syria, not by hypothetical massacres but by NATO humanitarian bombing missions launched to prevent them, and by the mayhem perpetrated by NATO-backed-and-armed local militias. In Libya, this reluctance to face responsibility has been criticized by international human rights organizations, including Amnesty International.¹⁶ Regardless, the nascent R2P doctrine is now being propped up by a quasi-academic discipline loosely named Genocide Prevention and by

13. *The New York Times*, March 18, 2011, "Military Action Against Qaddafi Is Backed by UN."

14. *Agence France Presse*, March 23, 2011, "Obama, allies, defend handling of Libya."

15. http://www.youtube.com/watch?v=a6OD_sWHCnw, at 2:35 minutes.

16. *Reuters*, March 19, 2011, Michael Holden, "NATO failed to probe Libya civilian deaths: Amnesty International." Also, *Counter-punch*, March 15, 2012, Vijay Prashad, "NATO's Craven Coverup of Its Libyan Bombing."

a U.S. government agency, Atrocities Prevention Board, formed to put theoretical principles into practice. Once it is admitted that military action to prevent anticipated genocides is legitimate, it is up to the interventionists themselves to determine when criteria allowing such operations against sovereign states to take place have been met. It appears from the proceedings of a recent high-level conference on the subject that the theoretical underpinnings of unbridled interventionism are being elaborated meticulously to justify future interventions and conflicts, potentially on a global scale:

[The US Administration] has ordered the CIA to compile the first ever National Intelligence Estimate analyzing factors that contribute to mass violence against civilians and identifying common warning signals. According to Christopher Kojm, the chairman of the National Intelligence Council, risk factors include the struggle for natural resources, a history of ethnic conflict, and demographic imbalances, including disproportionate numbers of young men.

Yale historian Timothy Snyder identified food imbalances and Germany's effort to acquire productive agricultural land as one of the main contributing factors to the Holocaust. He drew an unsettling parallel between Hitler's expansion to eastern Europe — the first killing fields of the Holocaust — and a drive by modern-day China to control farmland in Ukraine and Africa in order to compensate for a chronic agricultural deficit. He predicted that similar imbalances could result in widespread killing in the future, particularly if accompanied by the collapse of existing states.¹⁷

17. *Foreign Policy Online*: Michael Dobbs, July 24, 2012, "Debating the causes of genocide." It is noted somewhat ominously that at this Genocide Prevention Conference: "The consensus among the

Furthermore, as part of a “comprehensive strategy” to “prevent and respond to atrocities,” the Atrocities Prevention Board, instituted in accord with Presidential Study Directive Number 10 issued in 2011, is tasked with “helping the U.S. government identify and address atrocity threats, and oversee[ing] institutional changes that will make us more nimble and effective.” By adopting an expansive concept of “core national security interest,” it argues that:

Our security is affected when masses of civilians are slaughtered, refugees flow across borders, and murderers wreak havoc on regional stability and livelihoods. America’s reputation suffers, and our ability to bring about change is constrained, when we are perceived as idle in the face of mass atrocities and genocide.

It all seems a long way from Srebrenica, but there is a linear link between these policy directives and events alleged to have taken place in Eastern Bosnia in 1995. Ever subtle or “nimble” Srebrenica-inspired atrocity preventers are nevertheless careful to nuance their doctrine to exclude their own protégés from the impact of the thinly disguised regime change strategy:

It could be objected that repression in Egypt, Saudi Arabia and Bahrain has not reached genocidal levels, but it has surely included atrocities. The new policy and board are framed, after all, in “atrocity” rather than “genocide” terms. It is surely the point of “pre-

speakers, including Secretary of State Hillary Clinton, was that the most effective kind of intervention is long-term preventive action. Once the killing starts, whether in Bosnia or Rwanda or Syria, it is virtually impossible to prevent it.” Who decides when the time is right for “preventive action,” how can we be sure of the purity of the decision makers’ motives, and are they prepared to accept liability for all the consequences of their “humanitarian” actions?

ventative” policy to act at lower levels of violence, to stop escalation.¹⁸

It therefore comes as no surprise that Turkey, a notorious “atrocities preventer,” should come up with some creative proposals of its own on how to apply the “The Srebrenica Lesson” by setting up safe havens for the countless unfortunates displaced in the Syrian conflict. Never mind that some would argue that this war could scarcely have reached its present stage without Turkey’s active and one-sided interference:

There is no better lesson about the perils of setting up a safe zone in a country in conflict than Srebrenica, where Bosnian Serbs killed some 8,000 Muslim men and boys in 1995 in what had been declared a U.N.-protected enclave. Now Turkey is pressing the United Nations to set up a safe haven inside Syria to protect thousands of people fleeing the country’s civil war as it strains to shelter an increasing flow of refugees.¹⁹

These unctuous sentiments came duly garnished with all the right ritualistic references:

Mindful of that bloody episode in the Balkans — Europe’s worst massacre since World War II — Turkey and its allies, particularly the United States, have conducted detailed planning and extensive diplomacy ahead of a possible occupation of some territory in Syria, where activists say more than 20,000 people have died since an uprising began in March 2011 — many of them civilians killed by regime forces.²⁰

18. Open Democracy, *April 27, 2012*: Martin Shaw, “The United States and ‘Atrocities Prevention’,” <http://www.opendemocracy.net>

19. *Associated Press*, August 29, 2012: Christopher Torchia, “The Srebrenica lesson: Turkish proposal to set up a safe zone in Syria carries heavy risks.”

20. *Ibid.*

The direct link between Srebrenica and newly emboldened Western interventionism, with all its grievous results that have been witnessed in the last decade, could not have been stated more clearly than was done by one of its most vociferous cheerleaders, Bernard-Henri Lévy:

What is much more interesting is that all four of us had the same reason to be convinced (i.e., of the need to intervene in Libya) — the three heads of state or ministers and me. What was this same reason? It was Bosnia. The secret password, the silent pact which unites those three, the three non-Libyan heroes of the film — Sarkozy, Cameron, Clinton — and me, is the watchword “Never again Srebrenica.”²¹

To summarize. Much more than historical truth or the integrity of judicial procedure is at stake in the rigorous insistence that the contrived Srebrenica narrative must be kept intact and immune to criticism at all costs. It seems to have its well defined political uses and whenever these higher purposes are in conflict with mere facts, the latter are required to yield.²² For some time, therefore, we shall have to deal with “Srebrenica” as a modern Platonic state lie, though evidence is decidedly against the proposition that in its contemporary form this lie is benign, either in intention or in its effects. Since 1995, “Srebrenica” has been invoked repeatedly to unleash violence on a world scale and with

21. Bernard-Henri Lévy, interview on TV 5 Monde, 5 June 2012, available online at http://www.dailymotion.com/video/xreeux_bhl-quelques-heures-avant-la-sortie-en-salles-du-serment-de-tobrouk-tv5-monde_news. These remarks come at 04.54 minutes into the video.

22. The heuristically priceless concept of the “political uses of Srebrenica” is, of course, Diana Johnstone’s.

lethal consequences surpassing by many multiples even the most inflated estimate of its original victims.

Stephen Karganović

ANNEXES

ANNEX 1



Press Statement
Richard Boucher, Spokesman
Washington, DC
May 11, 2001

Secretary Appoints New Chairperson of the International Commission for Missing Persons

Secretary Powell has appointed Jim Kimsey as the new U.S. chairperson of the International Commission for Missing Persons (ICMP), the leading organization involved in the identification of remains of people killed in recent conflicts in the Balkans. Mr. Kimsey is the Founding CEO and Chairman Emeritus of America Online, Inc.

Mr. Kimsey has extensive experience as a member of the board of directors for several international organizations, both non-profit and for-profit. His notable business success, combined with his international humanitarian work, ensures he will provide excellent leadership to this important organization.

Under Mr. Kimsey's leadership, the organization will continue to play a vital role in bringing closure to a large number of families and enabling the region to move beyond the problems of the past.

Past chairpersons include former Secretary of State Cyrus Vance, and most recently, former Senator Bob Dole.

We look forward to working with Mr. Kimsey during his tenure as U.S. chairperson of the International Commission for Missing Persons.

Released on May 11, 2001

ANNEX 2

Von: Human Rights [mailto:amicusiusuris1@gmail.com]
Gesendet: Dienstag, 20. Juli 2010 11:56
An: Professor B. Brinkmann
Betreff: Questions about ICMP

Dear Professor Brinkmann,

I thank you for giving me so much of your time and attention yesterday. As I explained to you, we are interested in assessing critically the operation and results of the ICMP laboratory which performs DNA analyses in Tuzla. We do not need any information that is confidential or private. We can perform our task by using public data. You can help us enormously by answering our questions and giving us an idea to what extent ICMP follows normal procedures that can be expected from any other similar laboratory.

My questions are as follows:

- [1] Were ICMP blind sample results in 2007 (the first year that ICMP applied for Gednap certification) completely satisfactory?
- [2] Did ICMP attempt to contact Gednap or try to obtain certification prior to 2007?
- [3] Did a Gednap commission ever conduct a site visit of ICMP facilities in Tuzla to evaluate their technical adequacy? If not, are you aware of any other competent agency that did?
- [4] Is there a transparency requirement for participation in Gednap? In legal cases where test results are presented as evidence in court, is a Gednap participant required to make all its data available to the court and to the parties in the case?
- [5] Where a participant in your certification program refuses to make its data available by claiming a need to protect the privacy of relatives who donated biological samples, what is Gednap's recommendation or policy in such cases?
- [6] On page 3 of your internet brochure "The GEDNAP (German DNA profiling group) blind trial system" it says that "The system must comply with the generally acceptable state-of-the-art which means that the system must not only be proven to be reproducible within the developing laboratory but must also be reproducible in other equally qualified laboratories." How important is the reproducibility requirement? If the participating (or developing) laboratory refuses to make its data available, how can the reproducibility requirement be met? If it cannot be met, what is the level of credibility that we may attach to the results claimed by the developing laboratory?
- [7] You mentioned to me in our telephone conversation that there are about 250 laboratories that cooperate in your certification program, of which about 90% are in

ANNEX 2

Europe. When a special task arises, would it be a usual procedure to subcontract one of the existing laboratories to perform it? If you have an opinion, in these circumstances why was there a need to organize a new laboratory if one of the existing laboratories could have been subcontracted to do the DNA work associated with the Bosnian war?

I thank you warmly for your willingness to help us with your time and knowledge.

Sincerely yours,

Stephen Karganovic
President
Amicus Iuris

Reply Forward

Bernd Brinkmann

Dear Mr. Karganovic,
Thank you for your inquiry.

We do not have the ICMP Tuzla laboratory on our list of GEDNAP participants. That means, that the Tuzla laboratory is unknown to the organizers of GEDNAP Proficiency Tests. [Emphasis added.] However, there are two ICMP laboratories which participate in the GEDNAP Proficiency Tests (i.e., from Sarajevo and Banja Luka).

I do not know whether they are in conjunction with the Tuzla laboratory.
For these reasons it makes no sense to answer your questions.
Kind regards
Prof. B. Brinkmann

ANNEX 3

AGREEMENT FOR THE DEMILITARIZATION OF SREBRENICA

At a meeting held at Sarajevo on 17 April 1993, Lt Gen Mladic and Gen Halilovic in the presence of Lt Gen Wahlgren representing UNPROFOR, acting as a mediator, agreed the following:

1. A total ceasefire in the Srebrenica area effective from 0459 on 18 April 1993. Freezing all combat actions on the achieved lines of confrontation including supporting artillery and rocket fire.
2. The deployment of a company group of UNPROFOR into Srebrenica by 1100 18 April 1993. This company group is guaranteed safe and unhindered passage from Tuzla to Srebrenica by both sides.
3. The opening of an air corridor between Tuzla and Srebrenica via Zvornik for evacuation of the seriously wounded and seriously ill. The air corridor opens at 1200 18 April 1993 and continues on 19 April 1993, weather permitting, for as long as it takes to evacuate all the existing seriously wounded and seriously ill. The helicopters will fly from Tuzla to Zvornik and land for an inspection at Zvornik which will not cause unnecessary delay to the evacuation. The seriously wounded and seriously ill will be evacuated after identification by UNPROFOR in the presence of two doctors from each side and the ICRC. All categories of seriously wounded and seriously ill will be evacuated by air unhindered by either side. The number of seriously wounded and seriously ill is believed to be approximately 500. This will be verified on 18 April 1993 by UNPROFOR and the result notified to each side.
4. The demilitarization of Srebrenica will be complete within 72 hours of the arrival of the UNPROFOR company in Srebrenica (1100 hours 18 April 1993, if they arrive later this will be changed). All weapons, ammunition, mines, explosives and combat supplies (except medicines) inside Srebrenica will be submitted/handed over to UNPROFOR under the supervision of three officers from each side with control carried out by UNPROFOR. No armed persons or units except UNPROFOR will remain within the city once the demilitarization process is complete. Responsibility for the demilitarization process remains with UNPROFOR.
5. A working group will be established to decide the details of the demilitarization of Srebrenica. This group will study in particular; the action to be taken if the demilitarization is not complete within 72 hours; the correct treatment for any personnel who hand over/submit their weapons to UNPROFOR. The working group will report to Lt Gen Wahlgren, Lt Gen Ratko Mladic and Gen Sefer Halilovic. The first report will be made at a meeting to be held at Sarajevo airport on Mon 19 April 1993 at 1200.
6. Both sides are to submit a report on the minefields and explosive obstacles in the Srebrenica area to UNPROFOR. Each side is to clear its minefields under the supervision of UNPROFOR.
7. Neither side is to hinder the freedom of movement. The UNHCR and ICRC are to investigate allegations of hinderance of movement

ANNEX 3

in Srebrenica and Tuzla in particular.

8. Humanitarian aid will continue to be allowed into the city as planned.

9. The officers and the doctors supervising the demilitarization process are under the protection of UNPROFOR, their safety is to be guaranteed by both conflicting sides.

10. The working group is to make recommendations on carrying out an exchange of the prisoners, the killed and the wounded according to the principle "all for all" in the region of Srebrenica within 10 days. This is to be under the control of the ICRC.

11. All the disputed issues are to be resolved by a mixed military working group or at another meeting of the respective delegations of the conflicting sides under the mediation of Lt Gen Wahlgren.

signed:

Gen Sefer Halilovic

Lt Gen Ratko Mladic

witnessed by:

Lt Gen Lars-Eric Wahlgren

The day of April 1993

00451979

ANNEX 4

AGREEMENT ON THE DEMILITARIZATION OF SREBRENICA
CONCLUDED BETWEEN LT GEN RATKO MLADIC AND GEN SEFER HALILOVIC
ON 8 MAY 1993
IN THE PRESENCE OF LT GEN PHILIPPE MORILLON

Contracting Parties,

Gen Ratko Mladic

1

Gen Sefer Halilovic

confirming their will to establish peace within the territory of Bosnia and Herzegovina as stated in the agreement between contracting parties concluded on 8 May 1993;

confirming resolution 824 of the Security Council in which is declared that the towns of ZEPA and SREBRENICA and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act;

confirming also that the GENEVA CONVENTIONS OF 12 AUGUST 1949 AND THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I) are fully applicable in the conflict in Bosnia and Herzegovina.

reconfirming the demilitarization of the city of Srebrenica,

have agreed on the following:

SECTION 1

THE DEMILITARIZED ZONE

ARTICLE 1

To demilitarize the areas of Srebrenica and Zepa.

The demilitarized areas will include the area within the current lines of conflict. The precise boundaries will be marked by the UNPROFOR commander on the ground after consultations.

At a later stage Contracting Parties can agree, verbally or in writing, to enlarge the demilitarized zone.

ARTICLE 2

On the ground the demilitarized zone shall be marked by UNPROFOR by means of boards on which is stated in English, Serbian and Bosnian written in Cyrillic and Latin as follows:

DEMILITARIZED ZONE

ANY MILITARY OPERATION IS STRICTLY FORBIDDEN
(ARTICLE 60, PROTOCOL 1 ADDITIONAL TO THE GENEVA CONVENTIONS)

DEMILITARIZOVANA ZONA
SVAKA VOJNA OPERACIJA JE STROGO ZABRANJENA.
(CLAN 60, PROTOKOL I DODATNI ZENEVSKE KONVENCIJE)

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ANNEX 4

DEMILITARIZATION

ARTICLE 3

Every military or paramilitary unit will have either to withdraw from the demilitarized zone or submit/hand over their weapons, ammunition, mines, explosives and combat supplies in the demilitarized zones will be handed over/submitted to UNPROFOR.

After submission/hand over of all weapons, ammunition, mines and combat supplies in the DMZ, the contracting parties will declare that the demilitarization is complete.

Submitting/hand over will be completed:

- a. In Srebrenica by Mon 10 May 1993 by 1700 hours.
- b. In Zepa by Wed 12 May 1993 by 1700 hours.

Submitting/hand over of weapons will be observed by a team of 3 officers from both sides together with UNPROFOR officers who will arrange the places where the handover will be done.

ARTICLE 4

UNPROFOR shall take the handed over/submitted weapons into custody.

UNPROFOR shall take the handed over/submitted ammunition into custody separately.

ARTICLE 5

UNPROFOR shall control the demilitarized zone.

To be able to implement this, an UNPROFOR unit and UNMOs with sufficient strength to control the area shall be present in the demilitarized zone. Until the Contracting Parties agree otherwise the UNPROFOR strength shall be of at least a company group with command and supplying elements in each demilitarized zone.

In order to be able to resupply and rotate the unit, UNPROFOR shall have freedom of movement to and from the demilitarized zone.

Non combatants who are in or who are willing to enter the demilitarized zone, except members of UNPROFOR, are not permitted to have in their possession any weapon, ammunition or explosives. Weapons, ammunition and explosives in their possession shall be seized by UNPROFOR.

Combatants will not be allowed to enter or to be in the demilitarized zone.

SECTION 3

PROTECTION OF OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE POPULATION IN THE DEMILITARIZED ZONE

ARTICLE 6

Without prejudice to the provisions made in PROTOCOL 1, article 54, all objects indispensable to the survival of the population in the

ANNEX 4

demilitarized zones in particular the water supplies shall be kept intact. These objects shall be open to inspections by UNPROFOR.

Complete freedom of movement is granted to all humanitarian supplies of food medicine and shelter as required by the population.

SECTION 4

POLICE

ARTICLE 7

At the beginning of the demilitarization process UNCIVPOL will oversee the maintenance of law and order in the demilitarized zone.

SECTION 5

MEDICAL EVACUATION

ARTICLE 8

Both sides will guarantee the evacuation of the seriously wounded and sick to the hospitals and places according to their wish. The evacuation will be carried out by UNPROFOR by air (helicopters) or by road if this is necessary.

SECTION 6

MINEFIELDS

ARTICLE 9

Both sides are obliged to give UNPROFOR the details of the minefields.

SECTION 7

PRISONERS OF WAR AND KILLED PERSONS

ARTICLE 10

Both sides will submit the lists of the prisoners of war as well as the places where the killed soldiers are buried to UNPROFOR.

SECTION 8

WITHDRAWAL OF WEAPONS AND TROOPS

ARTICLE 11

When both sides in the presence of UNPROFOR agree that the operation has been completed all heavy weapons and units that constitute a menace to the demilitarized zones which will have been established in Zepa and Srebrenica will be withdrawn. Heavy weapons and tanks will be concentrated in limited areas that will be monitored by UNPROFOR and in principle out of range of the demilitarized zone. Infantry will be withdrawn to a range from which their weapons cannot constitute a menace to the security of the demilitarized zone, in principle 1.5kms.

ANNEX 4

SECTION 9

ARTICLE 12

all areas of dispute will be solved by negotiations by both parties in the presence of UNPROFOR.

signed:

Lt Gen Ratko Mladic

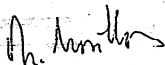


Gen Sefer Halilovic



witnessed by:

Lt Gen Philippe Morillon
Representative of UNPROFOR



8 May 1993

00263477

ANNEX 5

Translation

REPUBLIC OF BOSNIA AND HERZEGOVINA
FEDERATION OF BOSNIA AND HERZEGOVINA
MINISTRY OF DEFENCE
MUNICIPAL DEFENCE DEPARTMENT

S R E B R E N I C A
Strictly confidential no: 03-145-3/95
Srebrenica, 5 July 1995

DEFENCE OF THE REPUBLIC
MILITARY SECRET
STRICTLY CONFIDENTIAL

DEFENCE SECRETARIAT IN TUZLA

SUBJECT: Report on manning level of the military units of the BH Armed Forces
with elements of the basic mobilisation plan
Z L A

Re: your document, strictly confidential no: 11.6-129/95 of 1 May 1995

Pursuant to your above document, we are sending to you a breakdown of the
manning level of the VJ /military units/ of the Armed Forces of BH, with elements of
the basic mobilisation plan for the month of June 1995.

The figures for military unit 5037 relate to the 28th Division Command and
headquarters support units (communications platoon, headquarters administration,
PEB /counter-electronic warfare/ platoon, reconnaissance and sabotage company and
logistics company).

The data for the public security station is given based on the real situation,
because the station has not sent in its manning level plans. (The SJB /public security
station/ claims not to have received unit's – numerical code).

Until the final victory!

C H I E F
Prof Suljo HASANOVIĆ

REV – 6
MO /Ministry of Defence/
Organisational Unit
military secret
strictly confidential
Srebrenica

Manning level of the VJ of
the OS of BH with elements of
the basic mobilisation plan

/rest unintelligible/

ANNEX 6

01/02 '95 10:27 35144

TUZLA COMMCEN

TV0/1055
F-50T/VL8

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HEADQUARTERS SECTOR NORTH EAST

TOR 1024A

Page 1 of 1

UNRESTRICTED
IMMEDIATE

HL DU 004

For info to:	DTG	010976 B 1 Feb 95
From:	From: HQ SECTOR NE	
To: DUTCHBAT		
Subject:	Drafter: Col CA L. HARDY	
	Released by: Brig Gen G. RIDDERSTAD Full: Sector Commander	
Info: HQ BHG	Signature: <i>Gen G. Ridderstad</i>	
Internal:		
SUBJECT:	VISIT TO SREBRENICA	

Please pass following letter to Commander 8 OG, Mr ORIC

From: Brig Gen RIDDERSTAD, Commander Sector North East UNPROFOR

To: Mr ORIC, Commander 8 OG 2 CORPS BiH Army

Dear Mr ORIC

This is a very brief note to express my regret we will not be able to meet today as planned. Despite our best efforts and a helicopter clearance request we have received in reply from PALF. It is not therefore possible to travel to SREBRENICA, at least today. Please accept my apologies.

I should also add that the subject of the enclave is always at the top of my priority list. We are fully aware that the Demilitarisation of the area has not been realised. Both sides have not helped in this process. It is my view that the only way forward is for a Joint Commission to be held in SARAJEVO. I shall continue my best endeavours to realise that objective.

Yours Sincerely

Gen G. Ridderstad



ANNEX 6

01837510

Od: Brigadnog Generala RIDDERSTAD,
Komandant Sektora Sjever-Istok UNPROFOR-a

Za: Gosp. Nasera Orica Komadant 8 Operativne Grupe, 2. Korpusa
Armije BiH

Dragi gospodine Oricu

Ovo je veoma sazeta biljeska da izrazim moje zaljenje, mi necemo biti u mogucnosti da se sastanemo danas kao sto je planirano. Uprkos nasem najboljem trudu i molbi za odobrenje helikoptera mi nismo dobili odgovor sa Pala. Zbog toga nije moguće da doputujemo u Srebrenicu bar danas. Molim vas uzvazite moje izvinjenje.

Ja bih isto tako trebao dodati da subjekat u vezi enklave je uvijek na vrhu moje liste prioriteta. Mi smo potpuno svijesni da demilitarizacija regije nije bila realizovana. Obadvije strane nisu pomagale u ovom procesu. Moje glediste je da jedini nacin naprijed je Zajednicka komisija da se odrzi u Sarajevu. Ja cu nastaviti moja najbolja nastojanja da realizujem taj objektiv.

Vas odani

ANNEX 7

FROM: Brig Gen Ridderstad
Commander Sector North East,

TO : Brig Gen Delic
Commander 2 Corps ABIIH

2/2

01837511

I must protest most strongly the actions of one of your OG commanders, Mr Naser Oric in Srebrenica. Yesterday afternoon, Saturday 28 January 1995 ninety nine officers and soldiers of my DUTCH battalion have been blockaded by force in three locations; at two of our Observation Posts in the Western part of the enclave and at a third location between roadblocks, at Vasic and Russia Junction which are manned by BIH soldiers and civilians. Almost half of these patrols will have been forced to spend two nights in the open without proper cover, food or shelter. Mr Oric has demanded the immediate attention of the Commander of BH Command UNPROFOR and I understand the BIH Army commander. I have to express my surprise at the latter. Certainly my own Commander will be most unwilling to be forced under duress to a meeting and will not to do so until the soldiers are released.

There can be no possible justification for this action by soldiers under your direct command. I appeal to you to issue the necessary instructions for the immediate release of my soldiers forthwith. I am preparing a Press Release to the media and I am sure the news of this unacceptable action will shortly be published in Holland. The DUTCH are very sensitive to this and its publication will not do the image of the BIH any good at all.

You will be well aware of the background. Srebrenica was declared a Safe area by UN Security Council Resolution 819 of 16 April 1993. The UN initiative to develop the Srebrenica Enclave as a UN "Safe Area" has been thwarted. The Articles of the "Agreement on the Demilitarization of Srebrenica" dated 8 May 1993, have never been fulfilled by the either of the warring parties. Military activity and ceasefire violations by both the BSA, externally, and the BIH, internally, continue unabated; even with a Cessation of Hostilities Agreement in force. UNPROFOR is subjected continually to restrictions of movement, threats, intimidation by firing close, and actual attack. The civilian population inside the Enclave is suffering great hardship. Since the signature of the Demilitarization Agreement on the 8th May 1993 both parties have steadfastly refused to co-operate with UNPROFOR forces, all this despite the best endeavours of UNPROFOR.

The only solution is for a Joint Commission of both parties to meet and through discussion and negotiation to resolve the issues. But for that to happen the co-operation of the both parties is required as part of the Peace Process. Mr Oric's action is unlikely to improve the prospects of that meeting.

01837512

OD: Brigadnog Generala Ridderstada
Komadant Sjevero-Istocnog Sektora

ZA: Brigadnog Generala Delica
Komadant 2. korpusa BiH armije

Ja moram da protestujem veoma zestoko na akciju jednog vases komadanta Operacione Grupe, gosp. Naser Oric u Srebrenici. Jucer poslije podne, Subota 28. Januari 1995. devedeset i devet mojih oficira i vojnika iz Holandskog bataljona su sa silom blokirani na tri lokacije; kod dva nasa posmatracka punkta u Zapadnom dijelu enklave i treca lokacija izmedju blokiranih puteva u Vasicima i na Ruskoj raskrsnici, koje su BiH vojnici i civili napravili. Skoro pola od ovih patrola su bile prisiljene da provedu dvije noci napolju bez neophodnih pokrивaca, hrane i sklonista. Gosp. Oric je zahtjevao neposrednu pozornost Komadanta iz BiH UNPROFOROVE Komande i kako razumijem pozornost Komadanta BiH armije. Ja moram izraziti moje iznenadjenje u ovom pismu. Sigurno moj Komadant nece biti rad na forsiranje pod prisilom na sastanak i to nece uraditi dok njegovi vojnici ne budu oslobođeni.

Tu nemoze biti mogucnost opravdavanja za ovu akciju sa vojnicima koji su pod tvojom direktnom komandom. Ja apelujem na tebe da iznadжете potrebne instrukcije za neposredno oslobadjanje mojih vojnika, odmah. Ja pripremam stampu o ovome i pusticu je u medija i ja sam siguran da ova vijest o ovoj neprihvatljivoj akciji ce biti sigurno objavljena u Holandiji. Holandjani su veoma osjetljivi na ovo i takav narod nece pomisliti na nista dobro o BiH.

Ti moras biti veoma dobro svijestan pozadine. Srebrenica je bila otvorena Sigurnosna regija sa UN Savjetom Bezbjednosti Rezolucijom 819 od 16-og Aprila 1993. UN prave prvi korak na razvijanju Srebrenicke ehklave kao UN "Sigurnosna Regija" i to je bilo osuđeno. Artikl o "Sporazumu Demilitarizovanja Srebrenice" datum 8. maj 1993. nikad nije bio ispunjen od obje zaracene strane. Vojne aktivnost i krsenje primirja sa obadviije strane BSA vanjske, i BiH unutrašnje, nastavljene su nesmanjeno; cak sta vise sa Sporazumom o Prekidu Neprijateljstava koja su jako zahtjevana. UNPROFOR je vrlo cest subjekt ogranicenog kretanja, ugrozavanja, zastrasavanja sa blizom pucnjavom i sadasnjim napadima. Civilni narod unutra enklave pate od velikih nevolja. Od kada je potpisan Sporazum o Demilitarizaciji na 8. maj 1993. obe strane stalno su odbijale suradnju sa UNPROFORO-vim snagama, sav ovaj prezir je najbolje nastojanje UNPROFOR-a.

Jedina solucija je Kontakt Komisija sa obje strane da se sastanu i da kroz diskusiju i pregovore rastvore izlazenje i ovog. Ali da se ta suradnja desi sa obadviije strane zahtjeva se kao dio Mirovnog procesa. Akcija Gosp. Orica nije ni nalik za poboljsanje izgleda za sastanak.

IZVIJEŠTAJ VP. OS SUKESKE OD 11-12-1992.

Dana dvanaestog obilježavajućemo raspodjelu humanitarne pomoći za stanovništvo sućelne. Naši problemi jant su se bad padjeft zbog nepravilnosti i nereaknit spiskova koje su prantli porperenici antke zedite.

Najbitnije stvari događale su se od trinaestog do zeznaestog. Tih dana učestvoval smo, sa još sedamdeset baraca, u uništenju jatag silo-četvrtog uporišta u Bjelovcu.

Dana 14-12-1992 zauzeli smo važnu liniju od Drine i Tuang u 6³⁰ napali smo četnike. Bomba je zrajala do 17⁰⁰ kad smo uspjeli da se izručimo iz okruća. U tom danu četnici iz Srbije i iz Bjelovca tukli su po nama svim raspoloživim sredstvima, pamenima, tenkovima i avionima.

Pa moga slabodnog proazeni tog dana izbacili smo iz stonj, oko sedamtu četnika, a preko pedeset je likvidirano. Zarobljene su dvije žene i trije djece.

Sa naše strane jedan barac je poginuo i desetak ranjenih.

Zadate naše grupe ispunjen je 90% a ispunili bi ga u potpunosti da nisu zabavali druge grupe.

ANNEX 9

Village or hamlet under attack:	Date of attack:
ČUMAVIĆI / ЧУМАВИЋИ	May 1992.
BLJEČEVA / БЉЕЧЕВА	6.5.1992.
GNIONA / ГНИОНА	6.5.1992.
STUDENAC / СТУДЕНАЦ	May 1992.
VIGOR / ВИГОР	15.5.1992.
OSREDAK / ОСРЕДАК	15.5.1992.
SARAČI / САРАЧИ	May 1992.
KOVAČICE / КОВАЧИЦЕ	May 1992.
JEREMIĆI / ЈЕРЕМИЋИ	May 1992.
PETROVIĆI / ПЕТРОВИЋИ	May 1992.
ORANOVICA / ОРАХОВИЦА	15.5.1992.
BOROVAC / БОРОВАЦ	May 1992.
BOJNA / БОЈНА	May 1992.
RAJNE / РАЈНЕ	May 1992.
VITLOVAC / ВИТЛОВАЦ	May 1992.
SOLOČUŠA / СОЛОЋУША	May 1992.
ČIČEVAC / ЧИЧЕВАЦ	20.5.1992.
GOSTILJ / ГОСТИЉ	24.5.1992.
KIPROVO / КИПРОВО	15.5.1992.
PRIBOJEVIĆI / ПРИБОЈЕВИЋИ	25.5.1992.
JASENOVA / ЈАСЕНОВА	May 1992.
BUKOVA GLAVA / БУКОВА ГЛАВА	May 1992.
PRIBIČEVAC / ПРИБИЋЕВАЦ	May 1992.
VUKOSAVLJEVIĆ / ВУКОСАВЉЕВИЋ	May 1992.
MAŁA TURJA / МАЉА ТУРИЈА	May 1992.
TURJA / ТУРИЈА	May 1992.
GAJLĆ / ГАЈИЋ	May 1992.
BREŽANI / БРЕЖАНИ	30.6.1992.
PRIMALAC / PRIMALAC	May 1992.

ANNEX 9

KNEZOVI / КНЕЗОВИ	May 1992.
LUBNICA / ЛУБНИЦА	May 1992.
MARKOVIĆI / МАРКОВИЋИ	May 1992.
RADOŠEVIĆI / РАДОШЕВИЋИ	20.5.1992.
KARNO / КАРНО	20.5.1992.
MEĐE / МЕЂЕ	15.5.1992.
RADAČEVIĆI / РАДАЧЕВИЋИ	20.5.1992.
MEDE / МЕДЕ	May 1992.
CRNI VRH / ЦРНИ ВРХ	20.5.1992.
POSTOLJE / ПОСТОЉЕ	23.5.1992.
PODRTO / ПОДРТО	23.5.1992.
GRUBANOVIĆI / ГРУБАНОВИЋИ	10.5.1992.
DOLOVI / ДОЛОВИ	15.5.1992.
OPARCI / ОПАРЦИ	1.6.1992.
DAROŠNICA / ДАРОШНИЦА	6.6.1992.
RADONIĆI / РАДОНИЋИ	8.6.1992.
CRKVINE / ЦРКВИНЕ	June 1992.
RAČIĆI / РАЧИЋИ	27.6.1992.
DUČIĆI / ДУЧИЋИ	21.6.1992.
DVORIŠTA / ДВОРИШТА	21.6.1992.
RATKOVIĆI / РАТКОВИЋИ	21.6.1992.
MAGUDOVIĆI / МАГУДОВИЋИ	27.6.1992.
BRAĐEVINA / БРАЂЕВИНА	27.6.1992.
RULJEVIĆI / РУЉЕВИЋИ	27.6.1992.
VRANEŠEVIĆI / ВРАНЕШЕВИЋИ	27.6.1992.
KALUDRA / КАЛУДРА	21.6.1992.
POLIMCI / ПОЛИМЦИ	21.6.1992.
JASIKOVAČA / ЈАСИКОВАЧА	27.6.1992.
LIPENOVIĆI / ЛИПЕНОВИЋИ	27.6.1992.
DOLOVI / ДОЛОВИ	27.6.1992.

ANNEX 9

GORNJI MRATINCI / ГОРЊИ МРАТИНЦИ	27.6.1992.
DONJI MRATINCI / ДОЊИ МРАТИНЦИ	27.6.1992.
KRNJICI / КРНЈИЋИ	5.7.1992.
ZEČIĆI / ЗЕЧИЋИ	5.7.1992.
ZALAZJE / ЗАЛАЗЈЕ	12.7.1992.
AŽLICA / АЖЛИЦА	12.7.1992.
ŠPAT / ШПАТ	12.7.1992.
ZAGONI / ЗАГОНИ	12.7.1992.
MAGAŠIĆI / МАГАШИЋИ	20.7.1992.
HRANČA / ХРАНЧА	25.7.1992.
OBARAK / ОБАРАК	25.7.1992.
GRUJČIĆI / ГРУЈЧИЋИ	25.7.1992.
ZAVIGANI / ЗАВИГАНИ	25.7.1992.
MLEČVA / МЛЕЧВА	25.7.1992.
SEONA / СЕОНА	25.7.1992.
PRIBOJEVIĆI / ПРИБОЈЕВИЋИ	5.8.1992.
BLAŽIJEVIĆI / БЛАЖИЈЕВИЋИ	5.8.1992.
MOŠIĆI / МОШИЋИ	5.8.1992.
KLEKOVIĆI / КЛЕКОВИЋИ	5.8.1992.
BOŽIĆI / БОЖИЋИ	5.8.1992.
G. KOSTOLOMCI / Г. КОСТОЛОМЦИ	5.8.1992.
KOLARI / КОЛАРИ	5.8.1992.
KRSTAČA / КРСТАЧА	16.9.1992.
STUBLOVI / СТУБЛОВИ	16.9.1992.
ĐURIĆI / ЂУРИЋИ	16.9.1992.
TOPLICE / ТОПЛИЦЕ	14.8.1992.
LAŠČIĆI / ЛАШЧИЋИ	18.8.1992.
JAGODNJA / ЈАГОДЊА	August 1992.
TUK / ТУК	5.10.1992.

ANNEX 9

G. RIJEKA / Г. РИЈЕКА	5.10.1992.
JARČENOVIĆI / ЈАРЧЕНОВИЋИ	5.10.1992.
PODSELO / ПОДСЕЛО	5.10.1992.
FAKOVIĆI / ФАКОВИЋИ	5.10.1992.
G. FAKOVIĆI / Г. ФАКОВИЋИ	5.10.1992.
DIVOVIĆI / ДИВОВИЋИ	5.10.1992.
RADIJEVIĆI / РАДИЈЕВИЋИ	5.10.1992.
BOLJEVIĆI / БОЉЕВИЋИ	5.10.1992.
KUTIJAŠI / КУТИЈАШИ	5.10.1992.
TOPL. OPARCI / ТОПЛ. ОПАРЦИ	June 1992.
TEGARE / ТЕГАРЕ	26.8.1992.
OGRLICA / ОРЛИЦА	26.8.1992.
GAJ / ГАЈ	8.12.1992.
ŽIVKOVIĆI / ЖИВКОВИЋИ	8.12.1992.
ZGUNJA / ЗГУЊА	10.12.1992.
SIKIRIĆI / СИКИРИЋИ	14.12.1992.
S. LOZNICA / С. ЛОЗНИЦА	14.12.1992.
KUNJARAC / КУЊАРАЦ	14.12.1992.
BJELOVAC / БЈЕЛОВАЦ	14.12.1992.
NEŠKOVIĆI / НЕШКОВИЋИ	16.2.1992.
KOŠTANOVIC / КОШТАНОВИЦЕ	16.12.1992.
SASE / САСЕ	16.12.1992.
DONJE SASE / ДОЊЕ САСЕ	16.12.1992.
JAŽESTICA / ЈЕЖЕШТИЦА	7.1.1993.
LAZARIĆI / ЛАЗАРИЋИ	7.1.1993.
ŠILJKOVIĆI / ШИЉКОВИЋИ	7.1.1993.
MARIĆI / МАРИЋИ	7.1.1993.
KRAVICA / КРАВИЦА	7.1.1993.
DOLJANI / ДОЛЈАНИ	7.1.1993.
D. BAČIĆI / Д. БАЋИЋИ	7.1.1993.

ANNEX 9 524

G. BAČIĆ / Г. БАЧИЋИ	7.1.1993.
D. BRANA / Д. БРАНА	7.1.1993.
G. BRANA / Г. БРАНА	7.1.1993.
BANJEVIĆI / БАЊЕВИЋИ	7.1.1993.
BEGIĆI / БЕГИЋИ	7.1.1993.
OĐENOVIĆI / ОЂЕНОВИЋИ	7.1.1993.
ANĐIĆI / АНЂИЋИ	7.1.1993.
ČOLAKOVIĆI / ЧОЛАКОВИЋИ	7.1.1993.
POPOVIĆI / ПОПОВИЋИ	7.1.1993.
OPRAVDIĆI / ОПРАВДИЋИ	7.1.1993.
MANDIĆI / МАНДИЋИ	7.1.1993.
RADELJEVAC / РАДЕЉЕВАЦ	7.1.1993.
BRADIĆI / БРАДИЋИ	2.1.1993.
JAKETIĆI / ЈАКЕТИЋИ	6.1.1993.
DRMNIK / ДРМНИК	16.1.1993.
KUŠIĆI / КУШИЋИ	16.1.1993.
DVIZDOVIĆI / ДВИЗОВИЋИ	16.1.1993.
SAVIĆI / САВИЋИ	16.1.1993.
MALTA / МАЛТА	16.1.1993.
ROSULJE / РОСУЉЕ	16.1.1993.
ČOSIĆI / ЧОСИЋИ	16.1.1993.
VISOČNIK / ВИСОЧНИК	16.1.1993.
PAVKOVIĆI / ПАВКОВИЋИ	16.1.1993.
STAJČIĆI / СТАЈЧИЋИ	16.1.1993.
PRIBIDOLI / ПРИБИДОЛИ	16.1.1993.
ARAPOVIĆI / АРАПОВИЋИ	16.1.1993.
ANDRIĆI / АНДРИЋИ	08.06.1992.
OBADI / ОБАДИ	08.06.1992.
PODRAVANJE / ПОДРАВАЊЕ	24.09.1992.

ANNEX 9

JEZERO / ЈЕЗЕРО	December 1992.
METALJKA / МЕТАЉКА	02.06.1992.
VANDŽICI / ВАНЦИЋИ	08.02.1993.

ANNEX 10



X008 6556

United Nations International Criminal Tribunal for
the former Yugoslavia

AUTOPSY REPORT RAVNICE GRAVE SITE

Case No: RV01 / 216BP

Autopsy Date: 13-Sep-00

Mortuary: Visoko

Summary:

A right forearm bone (radius), from an adult, and intact.

No cause of death can be determined.

Cause of Death:

It is my determination that the cause of death in case number **RV01 / 216BP** was:

Unascertained

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed:
John Clark

Dr John Clark MB ChB FRCPath Dip FM

Date: 02-Oct-00

ANNEX 11



United Nations International Criminal Tribunal for
former Yugoslavia

AUTOPSY REPORT
ZJ05 GRAVE SITE

X0034090

CASE No: ZJ05B248

AUTOPSY DATE: 21.10.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height, by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

SUMMARY:

In my opinion the cause of death of ZJ05B248 was shrapnel injury.

Comment:

Anthropology examination confirmed male, > 22 years old. Stature indeterminate.

A partial skeleton of an adult male showing shrapnel injury to chest and neck. Skull was intact. Post mortem crush injury and fragmentation was present with many missing parts. Two ferrous shrapnel projectiles were found. (Pockets showed a flint kit and razor blades).

Clothes showed holes and burning to shirt.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed:

Dr. C. Gray BSc, MBChB, DMJ, FRCPath

Date: 21.10.98

ANNEX 11

CLOTHING:

Jacket
Shirt
Vest

LIGATURE/BLINDFOLD/BANDAGE: NONE

PERSONAL EFFECTS:

Flint kit (pockets)
Razor blades (x 2)

X0034091

IDENTIFICATION PAPERS OR ID CARD: NONE

PRESERVATION:

Partial skeleton with residual soft tissue.

BODY PARTS PRESENT:

Skull – cervical axis; 1-4 thoracic vertebrae; rib fragments; parts of left and right scapulae; manubrium sterni; left and right clavicles; left humerus; left radius and ulna; left hand bones

COMINGLING: NO

HEAD HAIR: NO

Colour:

Length:

BEARD/MOUSTACHE/BODY HAIR: N/A

SKIN CHARACTERISTICS:

Surgical scars: N/A

Injury scars: N/A

Old injuries: None

Other identifying characteristics: None

DENTAL STATE: N/A

TRAUMA RELATED TO DEATH:

Fractures of right side of C2, C3, C4

Shrapnel (ferrous) in muscle of right scapula.

RECENT TRAUMA UNRELATED TO DEATH:

Crush fractures left ribs posteriorly

Fragmentation of ribs

INTERNAL ORGANS Recognisable: No

RECOVERED OBJECTS:

Projectiles:

Ferrous metal shrapnel (right scapula)

Ferrous metal shrapnel (in clothing)

ANNEX 11

(continued)

Other objects: None

HANDED TO: SOCO

BONE FLUOROSCOPED BY: Patrick Reynolds

X0034092



X0124298

United Nations International Criminal Tribunal for
the former Yugoslavia

AUTOPSY REPORT
RAVNICE GRAVE SITE

Case No: RV02 / 221B

Autopsy Date: 09-Aug-01

Mortuary: Visoko

Summary:

Fully skeletonized human remains of an adult with some clothing and other personal belongings. Most of the bones of the main skeleton with commingled bones of another skeleton were found. Anthropologically estimated sex is male, age is 35-55 years and the stature is 182.0+/- 7.7 cm.

The deceased has sustained several high velocity bullet injuries to the head, chest and the pelvic region. Even though no bullet holes found in the remaining skull bone, the fracture pattern is consistent with a high velocity bullet injury. There was a fracture of the right humerus, which appears to be a blunt force-type injury and whether it is ante-mortem or post-mortem cannot be determined. The deceased could have died instantaneously after receiving the fatal bullet injury to the head of which direction cannot be determined.

Cause of Death:

It is my determination that the cause of death in case number **RV02 / 221B** was:

High velocity penetrating bullet injury to the head.

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed: 

Dr A. Samarasekera, MD, MBBS, DLM, DMJ, Dip.FM

Date: **13-Aug-01**

ANNEX 12

Case No: RV02 / 221B XU124299

A. General Description of Remains:

Fully skeletonized human remains of an adult with some clothing and personal belongings. All bones are dry and some of them were found within the clothes. There was a large part of a skeleton of one individual and some commingled bones of another were found. The commingled bones were separated from the main skeleton and taken into a separate bag.

B. Clothing and Other Items:

Clothing:

1. Trouser with a belt . Torn
2. Some torn scraps of clothes
3. A pair of socks
4. Elastic band
5. Underpants

Blindfolds: No

Ligatures: No

Other Items:

1. Small silver colour container.
2. Broken piece of a small mirror in a plastic case (red), plastic pendant -like structure.
3. A key
4. Two beaded chains.
5. A razor and two razor blades.

C. Identifying Features:

Sex

From examination of soft tissues: Not possible

From anthropology details: Male

Age Range

From anthropology data: 35 - 55 years

Build Not possible

Height (cm)

From estimation of intact body: Not possible

From anthropology data: 182.0+/-7.7 cm

Hair

Head hair: Not possible

Beard: Not possible

Moustache: Not possible

Teeth

General description: Some teeth in-situ in the broken jaw.

Tattoos: Not possible

Scars: Not possible

Other Features: None

D. Body Parts Missing: See Anthropology Report Anthropologist L. Leppo

E. Injuries:

Findings on fluoroscopy

- Opacity in the image (? Object).

Radiographer E. Canniff

ANNEX 12

Case No: RV02 / 221B **X0124300**

Main injuries described

Head & Neck

- | | Probably
ante-mortem | Probably
post-mortem | Cannot
tell |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 1 Burst-out type fracture of the skull. The vault and the base are fractured into several small and large pieces. The mandible is also fractured from its body from both sides and the front portion is missing. Upon reconstruction of the skull large areas of bone deficiency in the facial, frontal, parietal and the base of the skull were noted. No bullet holes were found. Fracture pattern is consistent with high velocity bullet-injury. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Trunk

- | | Probably
ante-mortem | Probably
post-mortem | Cannot
tell |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|--------------------------|
| 2 Fracture of the pelvic bone. Iliac crest and the articular surface of left iliac bone are fractured with loss of bone tissue in a 2 x 3 cm wide area. Corresponding area in the sacrum is also fractured. The iliac bone is fractured into three separate pieces due to two linear fractures extending to the crest across the bone vertically. The ischial bone is also fractured but fracture fragments are intact. Upon reconstruction an area of 3 x 2 cm bone deficiency consistent with high velocity bullet injury was found in relation to the articular surface. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Arms

- | | Probably
ante-mortem | Probably
post-mortem | Cannot
tell |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| 3 Fracture of the shaft of right humerus in its lower third. The bone is separated into two. No bone deficient areas. The injury is consistent with blunt force type injury. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 fracture of the shaft of right clavicle in its middle third with chipped-off bone fragment in the inner surface in 3 x 2 cm area. The fracture pattern is consistent with bullet injury. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

F. Internal Tissues:

No remaining tissue

G. Samples and Other Items Recovered:

Soco J. McCartney

Bullets / Shrapnel

None

Anthropology

None

DNA

- right femur
- tooth (no. 35)

Other

None

ANNEX 13



United Nations International Criminal Tribunal for
the former Yugoslavia

X 0045547

AUTOPSY REPORT
NOVA KASABA GRAVE SITE

CASE NO: NK04 032B

AUTOPSY DATE: 20.09.99
MORTUARY: Visoko

SUMMARY:

These were remains of an almost skeletonized body, complete in all its parts.

From the anthropological data, the person was male, aged between 31 and 65 years, and measured 168 +/- 7.7 cm in height.

The autopsy revealed no injuries or other ante mortem traumatic evidence.

CAUSE OF DEATH:

It is my determination that the cause of death in case number **NK04 032B** was:
Unascertained

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed: 

Dr Enrico Manfredi, Medico Chirurgo, Specialista in Medicina Legale

Date: 20.09.99

ANNEX 13

A. GENERAL DESCRIPTION OF REMAINS:

These were remains of an almost skeletonized body, complete in all its parts

B. CLOTHING:

- Black and red overalls
- One sports shoe

X 0045548

OTHER ITEMS:

- Yellow metal ring

C. IDENTIFYING FEATURES:

Sex:

From examination of soft tissues: Not possible

From anthropology details: Male

Age range (from anthropology data): 31 - 65

Build: Not possible

Height (cm):

From estimation of intact body: Not possible

From anthropology data: 168.3 +/- 7.7

Hair:

Head hair: Blond hair, 3 cm in length, at left side of the skull

Facial hair: Not possible

Teeth:

General description: Almost complete dentition

Retained for dentist: No

Tattoos: Not possible

Scars: Not possible

Other features: None

D. BODY PARTS MISSING: See Anthropology Report

E. INJURIES:

None

F. INTERNAL TISSUES:

Brain

ANNEX 13

CASE NO. H004 032B

H. SAMPLES AND ITEMS RETAINED:

SOCO: Ronnie Govender

Bullets/Shrapnel:

None

Anthropology:

Pubic symphysis

Left 4th rib

DNA:

Right femur diaphysis

Tooth

X 0745549

Other:

None

ANNEX 14

01491953

AUTOPSY REPORT LAZETE MASS GRAVESITE

CASE NO: LZZ-S1 & R2

AUTOPSY DATE: 06 Septembre 1996

Age: 35 - 55 Years (Mean 45)

Height: 174 cm +/- 3.27 cm

Sex: Male

Handedness: Right-handed

CLOTHING:

Shirt: Black, red, yellow and blue checkered shirt, 1 L front pocket, front white buttons, red buttons at wrists, long sleeved, regular collar (collar is separate)

Trousers: None

Sweater: None

Jacket: None

Undershirt: None

Undershirts: None

Belt: None

Socks: None

Footwear: None

Other: None

PERSONAL EFFECTS:

Cigarettes: None

Tobacco supplies: None

Keys: None

Pendants: None

Ring(s): None

Wallet: None

Watch: None

Other: None

IDENTIFICATION PAPERS: None

EXTERNAL EXAMINATION:

Condition: Not complete

Articulation: None

Preservation: Completely skeletalized

Commingleing: None

Hair: Unknown

Color: Unknown Length: Unknown

ANNEX 14

01491954

CASE NO: LZ2-S1 & R2

Type: Unknown Balding: Unknown

Beard: Unknown

Color: Unknown Length: Unknown

Moustache: Unknown

Color: Unknown Length: Unknown

Chest hair: Unknown

Back Hair: Unknown

Skin Characteristics:

Tattoos: Unknown

Surgical scars: Unknown

Injury scars: Unknown

Circumcision: Unknown

Other marks: Unknown

Deformities, Congenital: None with present bones

Deformities, Acquired: None with present bones

Old fractures: None with present bones

Amputations: None with present bones

INTERNAL EXAMINATION:

General: Unknown

Resected organs: None

Medical devices, implants, prostheses: None

DENTAL EXAMINATION:

Extraction: # 17, 18, 19, 20, 29, 30, 31, 32

Missing PM: # 22, 24, 25, 28

Caries:

Restorations:

Crowns:

Bridge:

Other: Maxilla is missing

EVIDENCE OF TRAUMA:

1. Elements present; L scapula, mandible, L & R clavicles, manubrium, corpus sternum, ossified xiphoid process, all vertebra (7 cervical, 12 thoracic, 5 lumbar), sacrum, 6 R ribs, 9 L ribs, R & L humerus, R & L ulnae, L os coxae, R femur, R tibia, R lunate, R capitate

ANNEX 14

01491955

CASE NO: LZ2-S1 & R2

2. Nondistinctive fracture of L 2 rib at sternal end
3. Defect of L iliac wing with missing portion and radiating fissured fractures, bevelling at anterior surface, consistent with infliction by gunshot
4. Defect of L ischio-pubic ramus with missing portion
5. Gunshot wounds of L ala sacralis and L5 vertebra L transverse process & spinous process, with missing portion, trajectory is from posterior to anterior & from lateral to medial

RECOVERED EVIDENCE:

Projectiles:

None

Other evidence:

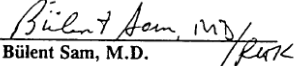
None

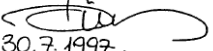
CAUSE OF DEATH:

GUNSHOT WOUND

MANNER OF DEATH:

HOMICIDE


Bülent Sam, M.D.
Forensic Physician


30.7.1997.

Bülent Sam, M.D.
Forensic Physician.

01491956

APPENDIX I

CERTIFICATION OF CAUSE OF DEATH

On 06 September, 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as LZ2-S1 & R2.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of LZ2-S1 & R2 was caused by

Gunshot Wound. and I so certify.

This statement is true and correct to the best of my knowledge.

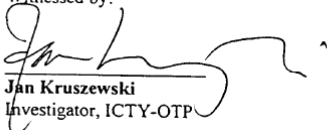
Signed this 30 day of July, 1997,
in Istanbul, Turkey.

Signature:



Bulent Sam, M.D.
Forensic Physician

Witnessed by:



Jan Kruszewski
Investigator, ICTY-OTP

ANNEX 15

01493184

AUTOPSY REPORT PILICA MASS GRAVESITE

CASE NO: PLC 9

AUTOPSY DATE: 17 October 1996

Age: 21-46

Height: 169.46

Sex: Male

Handedness: ND

CLOTHING:

Shirt: No
Trousers: Corduroy navy blue with 2 side pockets and 2 back pockets. Label on back pocket United Garment - Diesel Basic.
Sweater: No
Jacket: Blue jeans jacket with 6 metal buttons, 2 breast pockets, 2 side pockets. Lining has cursive writing (illegible). Size 52.
Undershirt: No
Undershirts: Red with fine white stripe, elastic band, no opening.
Belt: Black with silver buckle and end.
Socks: One blue
Footwear: Left shoe, black leather with white lace. Size approximately 8 ½ - 10 (41-43).
Other: No

PERSONAL EFFECTS:

Cigarettes: No
Tobacco supplies: No
Keys: No
Pendants: No
Ring(s): No
Wallet: No
Watch: No
Other: No

IDENTIFICATION PAPERS:

No

EXTERNAL EXAMINATION:

Condition: Not complete - missing head, thorax, upper extremities and vertebral column.
Articulation: Partial
Preservation: Putrefaction/Saponification/Partially Skeletalized
Commingling: No

ANNEX 15

01493185

CASE NO: PLC 9

Hair: Unk.
Color: NA Length: NA
Type: NA Balding: Unk.

Beard: Unk.
Color: NA Length: NA
Moustache: Unk.
Color: NA Length: NA
Chest hair: Unk.
Back Hair: Unk.

Skin Characteristics:

Tattoos: Unk.
Surgical scars: Unk.
Injury scars: Unk.
Circumcision: Unk.
Other marks: Unk.

Deformities, Congenital: Unk.
Deformities, Acquired: Unk.
Old fractures: Unk.
Amputations: Unk.

INTERNAL EXAMINATION:

General: No
Resected organs: No
Medical devices, implants, prostheses: No

DENTAL EXAMINATION:

Extraction: No dental findings
Missing PM: NA
Caries: NA
Restorations: NA
Crowns: NA
Bridge: NA
Other: NA

EVIDENCE OF TRAUMA:

None seen

ANNEX 15

01493187

CASE NO: PLC 9

RECOVERED EVIDENCE:

Projectiles:

None

Other evidence:

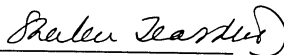
No

CAUSE OF DEATH:

Undetermined

MANNER OF DEATH:

Homicide



Shaku Teas, M.D.
Forensic Pathologist

10/23/96

ANNEX 16

01493370

AUTOPSY REPORT PILICA MASS GRAVESITE

CASE NO: PLC 57

AUTOPSY DATE: 16 October 1996

Age: 18-23

Height: 179.70

Sex: Male

Handedness: ND

CLOTHING:

Shirt: No

Trousers: Sweatpants with elastic waist, right zippered pocket. Elastic band hand sewn in front. Piping on side. Color: Blue/Maroon.

Sweater: No

Jacket: No

Undershirt: No

Undshrts: White jockey type with elastic waist, no fly opening. Label: 100% Baumwolle. Size 44.

Belt: No

Socks: No

Footwear: No

Other: No

PERSONAL EFFECTS:

Cigarettes: No

Tobacco supplies: No

Keys: No

Pendants: No

Ring(s): No

Wallet: No

Watch: No

Other: No

IDENTIFICATION PAPERS:

No

EXTERNAL EXAMINATION:

Condition: Not complete - incomplete skeleton including only left pelvis, left leg and foot, right femur and 1 lumbar vertebra.

Articulation: None

Preservation: Putrefaction/Partially Skeletalized

Commingleing: No



ANNEX 16

01493371

CASE NO: PLC 57

Hair: Unk.
Color: Black (pubic) Length: NA
Type: NA Balding: Unk.

Beard: Unk.
Color: NA Length: NA
Moustache: Unk.
Color: NA Length: NA
Chest hair: Unk.
Back Hair: Unk.

Skin Characteristics:
Tattoos: Unk.
Surgical scars: Unk.
Injury scars: Unk.
Circumcision: Unk.
Other marks: Unk.

Deformities, Congenital: Unk.
Deformities, Acquired: Unk.
Old fractures: Unk.
Amputations: Unk.

INTERNAL EXAMINATION:

General: No
Resected organs: No
Medical devices, implants, prostheses: No

DENTAL EXAMINATION:

Extraction: No dental findings
Missing PM: NA
Caries: NA
Restorations: NA
Crowns: NA
Bridge: NA
Other: NA

EVIDENCE OF TRAUMA:

None seen

86

ANNEX 16

01493372

CASE NO: PLC 57

RECOVERED EVIDENCE:

Projectiles:

No

Other evidence:

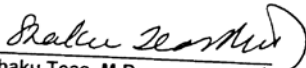
No

CAUSE OF DEATH:

Undetermined

MANNER OF DEATH:

Homicide


Shaku Teas, M.D.
Forensic Pathologist

10/23/96

01493634

**AUTOPSY REPORT
PILICA MASS GRAVESITE**

CASE NO: PLC 133

AUTOPSY DATE: 09 October 1996

Age: 25-30

Height: 166.37

Sex: Male

Handedness: ND

CLOTHING:

Shirt: No
Trousers: Outer - dark grey, zip fly with 1 hook and 1 button, 2 side front pockets, 1 right back pocket, pleated. Inner trousers - dark blue with no zip fly, no buttons, 2 side pockets, string around waist.
Sweater: No
Jacket: No
Undershirt: No
Undrshrts: White long legged, elastic waist band, hand sewn red, green and blue repair on front.
Belt: Brown leather, metal buckle.
Socks: One brown, hand knitted.
Footwear: One left black, imitation leather, black shoe lace, white and black rubber sole. Label: Mixer Lech. Size 39.
Other: Blue baseball cap from left pocket outer trousers. Light blue piece of cloth from right pocket outer trousers.

PERSONAL EFFECTS:

Cigarettes: No
Tobacco supplies: No
Keys: No
Pendants: No
Ring(s): No
Wallet: From right pocket of outer trousers.
Watch: No
Other: No

IDENTIFICATION PAPERS:

No

EXTERNAL EXAMINATION:

Condition: Not complete - missing cranium, mandible, bilateral upper extremities, all ribs and vertebrae, bilateral scapulae-clavicles,

ANNEX 17

01493635

CASE NO: PLC 133

right fibula, right tarsal, metatarsal, phalanges and right coxae.
Articulation: Partial
Preservation: Putrefaction/Saponification
Commingleing: No

Hair: Unknown
Color: NA Length: NA
Type: NA Balding: Unknown

Beard: Unknown
Color: NA Length: NA

Moustache: Unknown
Color: NA Length: NA

Chest hair: Unknown
Back Hair: Unknown

Skin Characteristics:

Tattoos: Unknown
Surgical scars: Unknown
Injury scars: Unknown
Circumcision: Unknown
Other marks: Unknown

Deformities, Congenital: Unknown
Deformities, Acquired: Unknown
Old fractures: Unknown
Amputations: Unknown

INTERNAL EXAMINATION:

General: Unknown
Resected organs: Unknown
Medical devices, implants, prostheses: Unknown

DENTAL EXAMINATION:

Extraction: No dental findings
Missing PM: NA
Caries: NA
Restorations: NA
Crowns: NA
Bridge: NA
Other: NA



ANNEX 17

01493636

CASE NO: PLC 133

EVIDENCE OF TRAUMA:

No

RECOVERED EVIDENCE:

Projectiles:

No

Other evidence:

No

CAUSE OF DEATH:


Undetermined

MANNER OF DEATH:

~~Homicide~~

30. July. 1997




Bülent Savran, M.D.
Forensic Medicine Specialist

Addendum.

Manner of death:

Undetermined.

30. July. 1997



ANNEX 18

01493639

AUTOPSY REPORT PILICA MASS GRAVESITE

CASE NO: PLC 135

AUTOPSY DATE: 09 October 1996

Age: ND

Height: 165.42

Sex: Male

Handedness: Right

CLOTHING:

Shirt: No
Trousers: Left leg of trousers. Black velvet, pleated, one pocket on left.
Sweater: No
Jacket: No
Undershirt: No
Undershirts: No
Belt: Black leather, metal buckle.
Socks: No
Footwear: No
Other: No

PERSONAL EFFECTS:

Cigarettes: No
Tobacco supplies: No
Keys: No
Pendants: No
Ring(s): No
Wallet: No
Watch: No
Other: No

IDENTIFICATION PAPERS:

No

EXTERNAL EXAMINATION:

Condition: Not complete - missing cranium, mandible, bilateral upper extremities, sternum, bilateral scapula-clavicle, all ribs and vertebrae, sacrum, coccyx, right femur, tibia, fibula, tarsal, metatarsal, and phalanges.
Articulation: Partial
Preservation: Putrefaction/Saponification
Commingling: No



ANNEX 18

01493640

CASE NO: PLC 135

Hair: Unk.
Color: NA Length: NA
Type: NA Balding: Unk.

Beard: Unk.
Color: NA Length: NA
Moustache: Unk.
Color: NA Length: NA
Chest hair: Unk.
Back Hair: Unk.

Skin Characteristics:
Tattoos: Unk.
Surgical scars: Unk.
Injury scars: Unk.
Circumcision: Unk.
Other marks: Unk.

Deformities, Congenital: Unk.
Deformities, Acquired: Unk.
Old fractures: Unk.
Amputations: Unk.

INTERNAL EXAMINATION:

General: Unk.
Resected organs: Unk.
Medical devices, implants, prostheses: Unk.

DENTAL EXAMINATION:

Extraction: No dental findings
Missing PM: NA
Caries: NA
Restorations: NA
Crowns: NA
Bridge: NA
Other: NA

EVIDENCE OF TRAUMA:

No



ANNEX 18

01493641

CASE NO: PLC 135

RECOVERED EVIDENCE:

Projectiles:

No

Other evidence:

No

CAUSE OF DEATH:

Undetermined

MANNER OF DEATH:

~~Homicide~~ *Umit Bicer*
30.7.97

Umit Bicer, M.D.
Umit Bicer, M.D.
Forensic Medicine Specialist

addendum

Manner of death : Undetermined

30. July. 1997

Umit Bicer

ANNEX 19

X0016497



United Nations International Criminal Tribunal for
former Yugoslavia

AUTOPSY REPORT
CR03 GRAVE SITE

CASE NO: CR03B639

AUTOPSY DATE: 10.09.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

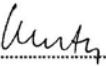
SUMMARY:

In my opinion the cause of death of CR03B639 is not ascertainable.

Comment:

The left lower leg of an adult person with old fractures of the left tibia and left fibula without any obvious peri-mortem injury.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed:.....

Dr. W. Marty Spec. Forensic Med., University of Zürich

Date: 10.09.98

ANNEX 20

X0016498

Case No: CR03B639

CLOTHING: YES

1 pair of trousers
1 pair of underpants
1 handkerchief (ligature?)

BLINDFOLD/BANDAGE: NONE

LIGATURE: PROBABLY

PERSONAL EFFECTS: YES

CR03B639.1 -- 1 small bag with flint stones (recovered from left pocket)
CR03B639.2 -- 1 handkerchief in the right pocket, probably used as a ligature

IDENTIFICATION PAPERS OR ID CARD: NONE

PRESERVATION:

Decomposed

BODY PARTS MISSING:

Pelvis, right femur, teeth, thorax, upper limbs, head.

COMMINGLING: NO

HEAD HAIR: NO

Colour:

Length:

BEARD/MOUSTACHE/BODY HAIR: N/A

SKIN CHARACTERISTICS:

Surgical scars: N/A

Injury scars: N/A

Old injuries:

Old fracture of the left tibia near the ankle and old fracture of the tibia in the middle part.

Other identifying characteristics: None

DENTAL STATE: N/A

TRAUMA RELATED TO DEATH: NONE SEEN

RECENT TRAUMA UNRELATED TO DEATH: NONE SEEN

EXTERNAL EXAMINATION: N/A

INTERNAL ORGANS Recognisable: NO

ANNEX 20

RECOVERED OBJECTS: X0016499 **Case No: CR03B639**

Projectiles:

Many very small metallic fragments in the region of the left femur as a possible site of bullet contact. Not recovered.

Other objects: None

HANDED TO: SOCO

BONE FLUOROSCOPED BY: Chris Gosling

ANNEX 20

X0015987



United Nations International Criminal Tribunal for
former Yugoslavia

ISOLATED BONE REPORT
CR03 GRAVE SITE

CASE NO: CR03B614

AUTOPSY DATE: 11.09.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height, by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

SUMMARY:

In my opinion the cause of death of CR03B614 was a possible gunshot wound.

Comment:

Right knee in a piece of jeans. There is a gunshot wound in the lower femur/knee with metal fragments in and above the knee. Most of the body is missing. In the absence of medical treatment this injury would immobilise and could cause fatal blood loss.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed: 

Dr. C. Lawrence MB BS FRCPA BSc (med)

Date: 11.09.98

ANNEX 20

Case No: CR03B614

CLOTHING: YES

Leg of jeans.

X0015988

PERSONAL EFFECTS: NONE

IDENTIFICATION PAPERS OR ID CARD: NONE

BONES PRESENT (length and condition):

Right femoral condyles, right upper 2/3 tibia, upper 1/3 tibia.

COMMINGLING: NO

HEAD HAIR: N/A

Colour:

Length:

BEARD/MOUSTACHE/BODY HAIR: N/A

OLD INJURIES: NONE

IDENTIFYING CHARACTERISTICS: NONE

DENTAL STATE: N/A

TRAUMA RELATED TO DEATH:

1. Gunshot wound, right knee. Comminuted fractures of the distal right femur with bullet jacket fragments in the bony fragments and joint space. The direction of the bullet track cannot be identified.

RECENT TRAUMA UNRELATED TO DEATH:

Possible crush injury in addition to bullet injury.

INTERNAL EXAMINATION: N/A

RECOVERED OBJECTS: YES

Projectiles:

CR03B614.1 -- Piece of copper jacket recovered in the joint space at the right knee.

Other objects: None

HANDED TO: SOCO

BONE FLUOROSCOPED BY: Chris Gosling

ANNEX 20

X0015989

CASE NO: CRO3
B614



United Nations International Criminal Tribunal for
former Yugoslavia

.....CRO3.....GRAVE-SITE, BOSNIA

ISOLATED BONES REPORT

AUTOPSY DATE: 11/19/98

AUTOPSY ROOM: VISOKO

PATHOLOGIST: LAWRENCE

EXTERNAL EXAMINATION R knee in house leg.

HEIGHT see anthropology report

CLOTHING Leg & jeans

List as removed (Detail on special form)

PERSONAL EFFECTS AND ID (handed to:) NAME

Brief details (e.g., "wallet", no need to list contents which will be listed by evidence gatherers)

Item	Recovered from	Item	Recovered from

Initials

[Signature]

ANNEX 21

01493396

AUTOPSY REPORT PILICA MASS GRAVESITE

CASE NO: PLC 65

AUTOPSY DATE: 15 October 1996

Age: ND

Height: 168.99

Sex: Unknown

Handedness: ND

CLOTHING:

Shirt: No
Trousers: Right side of trousers - green, 1 pocket on the right side and one flapped pocket on the back
Sweater: No
Jacket: No
Undershirt: No
Undershirts: No
Belt: No
Socks: One white cotton
Footwear: No
Other: No

PERSONAL EFFECTS:

Cigarettes: No
Tobacco supplies: No
Keys: No
Pendants: No
Ring(s): No
Wallet: No
Watch: No
Other: No

IDENTIFICATION PAPERS:

No

EXTERNAL EXAMINATION:

Condition: Not complete - only right lower extremity is present
Articulation: Partial
Preservation: Putrefaction and saponification
Commingling: No



ANNEX 21

01493397

CASE NO: PLC 65

Hair: Unknown
Color: NA Length: NA
Type: NA Balding: NA

Beard: Unknown
Color: NA Length: NA
Moustache: Unknown
Color: NA Length: NA
Chest hair: Unknown
Back Hair: Unknown

Skin Characteristics:
Tattoos: Unknown
Surgical scars: Unknown
Injury scars: Unknown
Circumcision: Unknown
Other marks: Unknown

Deformities, Congenital: Unknown
Deformities, Acquired: Unknown
Old fractures: Unknown
Amputations: Unknown

INTERNAL EXAMINATION:

General: Unknown
Resected organs: Unknown
Medical devices, implants, prostheses: Unknown

DENTAL EXAMINATION:

Extraction: No
Missing PM: No
Caries: No
Restorations: No
Crowns: No
Bridge: No
Other: No

EVIDENCE OF TRAUMA:

Gunshot wound to the right calf



ANNEX 21

01493398

RECOVERED EVIDENCE:

Projectiles:
Bullet fragment from right calf
Other evidence:
No

CASE NO: PLC 65

CAUSE OF DEATH:

Gunshot wound of leg

MANNER OF DEATH:

Homicide

6/2/97
Bulent
Do GS by Dog OK with
you in ligament to
bone. Please submit to
Rokk
30 Jul 1997
B. Savran

Bulent Savran, MD / *RSK*
Bulent Savran, M.D.
Forensic Medicine Specialist

Autodism.
Cause of death.
Undetermined.
30-Jul-1997

RSK

ANNEX 22

X001740⁹



United Nations International Criminal Tribunal for
former Yugoslavia

ISOLATED BONE REPORT
CR03 GRAVE SITE

CASE NO: CR03B682

AUTOPSY DATE: 14.09.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height, by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

SUMMARY:

In my opinion the cause of death of CR03B682 was a possible gunshot wound to the leg.

Comment:

Adult individual. The presence of a bullet in the trousers could indicate a gunshot wound to the soft tissue.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed:

Dr. W. Marty Spec. Forensic Med., University of Zürich

Date: 14.09.98

ANNEX 22

Case No: CR03B682

X0017410

CLOTHING: YES

Trousers
Possibly a handkerchief.

PERSONAL EFFECTS: NONE

IDENTIFICATION PAPERS OR ID CARD: NONE

BONES PRESENT (length and condition):

Left femur, tibia, fibula, patella.

COMMINGLING: NO

HEAD HAIR: N/A

Colour:

Length:

BEARD/MOUSTACHE/BODY HAIR: N/A

OLD INJURIES: NONE

IDENTIFYING CHARACTERISTICS: NONE

DENTAL STATE: N/A

TRAUMA RELATED TO DEATH: NONE SEEN

RECENT TRAUMA UNRELATED TO DEATH: NONE SEEN

INTERNAL EXAMINATION: N/A

RECOVERED OBJECTS: YES

Projectiles:

CR03B682.1 -- 1 deformed copper jacket bullet loose in the trouser leg, near the tibia plateau.

Other objects: None

HANDED TO: SOCO

BONE FLUOROSCOPED BY: Chris Gosling

CASE NO:

X 0017411



United Nations International Criminal Tribunal for
former Yugoslavia

CROZ GRAVE-SITE, BOSNIA

ISOLATED BONES REPORT

AUTOPSY DATE: 14 09 98

AUTOPSY ROOM: Vjeko

PATHOLOGIST: Reuty

EXTERNAL EXAMINATION

HEIGHT see anthropology report

CLOTHING

1 trouser + probably 1 Handkerchief

List as removed (Detail on special form)

PERSONAL EFFECTS AND ID (handed to:)

howe

Brief details (e.g., "wallet", no need to list contents which will be listed by evidence gatherers)

Item

Recovered from

Item

Recovered from

Initials

fy

00799571

Translation

LIST OF WAR CRIMINALS KNOWN TO THE COMMAND OF THE 1st LIGHT INFANTRY BRIGADE, WHO COMMITTED WAR CRIMES IN THE AREA OF BRATUNAC, SREBRENICA, MILIĆI, VLASENICA AND SKELANI MUNICIPALITIES AND ARE BELIEVED TO BE IN SREBRENICA

Officials and organizers:

1. Mulin ADEMOVIĆ, Cerska
2. Ibrahim ADEMOVIĆ, nicknamed Cakura, Dile, Milići
3. Bešir ALJUKIĆ, son of Beče, born 1960, Nedeljište, Vlasenica
4. Munib AHMETOVIĆ, son of Mujo, born 1960, Skugrić, Vlasenica
5. Ramo BABJIĆ, son of Omer, born 1936, Glogova, Bratunac
6. Bekir BAKAR, Srebrenica
7. Azem BEGIĆ, Srebrenica
8. Hajrudin BEGIĆ, son of Azem, Srebrenica
9. Nezir BEGIĆ, son of Azem, Srebrenica
10. Sadik BEGIĆ, Luka, Srebrenica
11. Dr. Sabit BEGIĆ, Srebrenica
12. Izet BEGOVIĆ, Glogova, Bratunac
13. Jusuf BEKTIĆ, Srebrenica
14. Džemail BEČIREVIĆ, son of Bešir, born 1960, Bratunac
15. Dževad GUŠIĆ, son of Hamed, born 1960, Bratunac
16. Izet GUŠIĆ, son of Sulejman, born 1955, Bratunac
17. Ismet DAUTBAŠIĆ, Bratunac
18. Fajko DAUTOVIĆ, Vlasenica
19. Nijaz DUBIČIĆ, son of Salčin, born 1948, Bratunac
20. Alija ĐELOVIĆ, son of Hamed, born 1957, Urkovići, Bratunac
21. Hasan ĐINDO, Vlasenica
22. Abid ĐOZIĆ, Pusmulici, Srebrenica
23. Murat EFENDIĆ, son of Besim, Srebrenica
24. Hamed EFENDIĆ, Potočari, Srebrenica
25. Sakib ZUBOVIĆ, nicknamed Kibo, Vlasenica
26. Besim IBIŠEVIĆ, Dobrak, Srebrenica
27. Hasib IBRAHIMOVIĆ, son of Ramo, born 1952, Blječeva, Bratunac
28. Mustafa IMAMOVIĆ, Vlasenica
29. Mirsad KAVAZBAŠIĆ, son of Husein, born 1954, Bratunac
30. Ahmed KAZIĆ, Srebrenica
31. Adnan KAROVIĆ, Potočari, Srebrenica
32. Sado KORKUTOVIĆ, son of Mehmedalija, Nedeljišta, Vlasenica
33. Hamdija KORKUTOVIĆ, son of Hamed, Nedeljišta, Vlasenica
34. Bahret KUSTURA, son of Husein, born 1950, Bratunac
35. Enver KUBAT, son of Smajil, born 1943, Bratunac
36. Mesud MAHMUTOVIĆ, son of Mujo, born 1956, Abdulići, Bratunac
37. Nuriya MEMIŠEVIĆ, son of Hajdar, born 1966, Sase, Srebrenica
38. Šaćir MEMIŠEVIĆ, Srebrenica
39. Sabit MUJIKIĆ, son of Sejfulah, born 1957, Bratunac
40. Ibran MUSTAFIĆ, Potočari, Srebrenica
41. Sadik MUSTAFIĆ, Sušnjari, Srebrenica
42. Adil OSMANOVIĆ, son of Adem, born 1960, K. Polje, Bratunac
43. Huso PATKOVIĆ, Vlasenica
44. Muradif PAŠAGIĆ, Srebrenica
45. Nuriya POROBIĆ, Srebrenica

00799572

46. Huso POROBIĆ, Srebrenica
47. Šaban REDŽIĆ, Kamenica, Zvornik
48. Muhamed RUSTANBEGOVIĆ, Srebrenica
49. Hamed SALIHOVIĆ, Potočari, Srebrenica
50. Nusret SALIHOPVIĆ, Srebrenica
51. Rizo SELMANAGIĆ, Srebrenica
52. Mevludin SINANOVIĆ, Bratunac
53. Munib SIRUČIĆ, son of Nurija, born 1935, Bratunac
54. Sadik SMAJLOVIĆ, Srebrenica
55. Raif SULJIĆ, Drum, Vlasenica
56. Omer TABAKOVIĆ, son of Ibro, born 1949, Bratunac
57. Mujo TEPIĆ, Srebrenica
58. Fadil TURKOVIĆ, son of Halil, born 1953, Nazda, Milići
59. Meho USTIĆ, son of Enes, Srebrenica
60. Mustafa FERHATBEGOVIĆ, son of Ibrahim, born 1952, Bratunac
61. Mevludin HASANBEGOVIĆ, Vlasenica
62. Fadil HASANOVIĆ, Potočari, Srebrenica
63. Hamdija HASANOVIĆ, Potočari, Srebrenica
64. Hasib HASANOVIĆ, nicknamed Žučo, son of Hasan, born 1946, Bratunac
65. Esad HASKIĆ, Kamenica, Zvornik
66. Sulejman HADŽIĆ, son of Ahmet, born 1934, Bratunac
67. Husein HADŽIĆ, Srebrenica
68. Senad HODŽIĆ, son of Sulejman, born 1961, Bratunac
69. Azem DŽANIĆ, son of Amir, born 1941, Bratunac
70. Nedžad DŽANIĆ, son of Izet, born 1960, Bratunac
71. Nurija DŽANIĆ, son of Hamdija, born 1944, Bratunac
72. Salčin DŽANIĆ, son of Hamdija, born 1941, Bratunac

Commanders:

73. Dževad AVDIĆ, Zapolje
74. Sidik ADEMOVIĆ, Šušnjari, Srebrenica
75. Behajja ALJKANOVIĆ, Osatica, Srebrenica
76. Mujo BAJRAMOVIĆ, son of Hasan, born 1965, Vlasenica
77. Bego BARJAKTAREVIĆ, Pusmulici, Srebrenica
78. Bešir BARJAKTAREVIĆ, Pusmulici, Srebrenica
79. Mujo BEKTIĆ, Osmaće, Srebrenica
80. Nedžad BEKTIĆ, nicknamed Poručnik /lieutenant/, Karačići, Srebrenica
81. Meho VELIĆ, Cerska
82. Ejub GOLJIĆ, son of Mustafa, born 1958, Glogova, Bratunac
83. Ejub DEDIĆ, son of Ramiz, born 1957, Skugrić, Vlasenica
84. Ibro DEDIĆ, Skelani
85. Fadil DEDIĆ, son of Hasan, born 1961, Pobude, Bratunac
86. Šaban DELIĆ, son of Avdo, Kutuzero, Srebrenica
87. Nezir ĐOZIĆ, Bajramović-Pusmulici, Srebrenica
88. Nezir ZEBRIĆ, Glogova, Bratunac
89. Sadik ZUKIĆ, son of Salih, born 1955, Biljača, Bratunac
90. Idriz IBRAHIMOVIĆ, son of Nazif, born 1947, Tegare, Bratunac
91. Ilijaz JAŠAREVIĆ, son of Fadil, Vlasenica
92. Nurija JUSUFOVIĆ, Srebrenica
93. Džemal JUSUPOVIĆ, son of Muharem, born 1970, K. Polje, Bratunac
94. Sakib (or Atif) KRĐIĆ, Osmaće, Srebrenica

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Translation

95. Dr. Ismet KUTLOVAC, Vlasenica
96. Esad MALJIŠEVIĆ, son of Rasim, Gradina, Vlasenica
97. Bećir MEKANIĆ, son of Jakub, born 1957, Bešići, Vlasenica
98. Mustafa MERDŽIĆ, son of Ševko, born 1957, K. Polje, Bratunac
99. Hakija MEHOLJIĆ, son of Husein, Srebrenica
100. Safet MUJIĆ, Soločuša, Srebrenica
101. Sulejman MUJČINOVIĆ
102. Velid MUMINOVIĆ, son of Fahro, born 1969, K. Polje, Bratunac
103. Mustafa MUMINOVIĆ, son of Mumin, born 1957, K. Polje, Bratunac
104. Hamid MUMINOVIĆ, son of Suljo, born 1963, Urkovići, Bratunac
105. Hasib MUMINOVIĆ, son of Avdo, born 1968, Urkovići, Bratunac
106. Hašim MUMINOVIĆ, son of Suljo, born 1964, Urkovići, Bratunac
107. Šaban MUMINOVIĆ, son of Šahbaz, Urkovići, Bratunac
108. Sadik MUSTAFIĆ, Potočari, Srebrenica
109. Adil OMEROVIĆ, son of Osman, born 1963, Vlasenica
110. Safet OMEROVIĆ nicknamed Miš, son of Bajro, Voljavica, Bratunac
111. Naser ORIĆ, son of Džemail, born 1967, Potočari, Srebrenica
112. Ibro OSMANOVIĆ nicknamed Bili, Soločuša, Srebrenica
113. Meho OSMANOVIĆ, son of Junuz, born 1960, Magašići, Bratunac
114. Šaban OSMANOVIĆ, son of Junuz, born 1956, Magašići, Bratunac
115. Ismet RAMIĆ, son of Salko, born 1949, Hranča, Bratunac
116. Besim SALIHOVIĆ, son of Avdo, born 1957, Biljača, Bratunac
117. Hidan SALIHOVIĆ, son of Avdo, born 1968, Biljača, Bratunac
118. Huso SALIHOVIĆ, Močevići, Srebrenica
119. Šemsudin SALIHOVIĆ, son of Smajkan, born 1964, Mačesi, Vlasenica
120. Zihinja SINANOVIĆ, son of Rahman, Bjelovac, Bratunac
121. Rešid SINANOVIĆ, son of Rahman, born 1949, Pirići, Bratunac
122. Atif SIRČO, Vlasenica
123. Mirsad SULEJMANOVIĆ, son of Šaban, Skugrić, Vlasenica
124. Nusret SULEJMANOVIĆ, Skelani
125. Hajro SULJIĆ, Gostilj, Srebrenica
126. Omer TUPKOVIĆ, son of Mehmed, Srebrenica
127. Zulfo TURSUNOVIĆ, Sućeska, Srebrenica
128. Akif USTIĆ, son of Enez, born 1948, Srebrenica
129. Adem HABIBOVIĆ, Srebrenica
130. Rašid HALILOVIĆ, son of Redžo, Tegare, Bratunac
131. Bahrudin HASANOVIĆ nicknamed Bjelac, son of Edhem, Pirići, Bratunac
132. Ferid HODŽIĆ, son of Avdo, born 1959, Drum, Vlasenica
133. Azem HUBALIĆ, Skelani
134. Halid HUKIĆ, son of Huso, born 1967, Zaplje, Bratunac
135. Muhamed ČIKARIĆ, Kamenica, Vlasenica
136. Veiz ŠABIĆ, son of Vehbija, born 1966, Urkovići, Bratunac
137. Velid ŠABIĆ, son of Vehbija, born 1964, Urkovići, Bratunac

Direct perpetrators:

138. Avdić SENAHD, son of Idriz, born 1963, Glogova, Bratunac
139. Enver ALISPAHIĆ, Jaglići, Srebrenica
140. Hamdija ALISPAHIĆ, son of Hamed, Jaglići, Srebrenica
141. Abdulah ALIĆ, nicknamed Dule, Brezovice, Srebrenica
142. Kadir ALIĆ, son of Ibrahim, born 1972, Tegare, Bratunac
143. Mehmed ALIĆ, Močevići, Srebrenica

144. Munib ALIĆ, son of Adem, born 1963, Mačesi, Vlasenica
145. Meho ALIĆ, son of Mušan, born 1969, Mačesi, Vlasenica
146. Ibro ALJUKIĆ, son of Sulejman, born 1954, Nedeljište, Vlasenica
147. Čile ALIĆ, son of Fazlija, Tegare, Bratunac
148. Izet ARIFOVIĆ, son of Husein, born 1960, Hranča, Bratunac
149. Redžo ARIFOVIĆ, son of Husein, born 1951, Hranča, Bratunac
150. Jusuf AHMETOVIĆ, nicknamed Juka, son of Ohran, born 1960, Vlasenica
151. Safet AHMETOVIĆ, son of Šaban, born 1965, Raševo, Vlasenica
152. Haris AHMETOVIĆ, nicknamed Hari, Bratunac
153. Osman ADEMOVIĆ, son of Adem, born 1937, Đile, Vlasenica
154. Sabrija AJŠIĆ, Kutuzero, Srebrenica
155. Hasan ADEMOVIĆ, son of Bego, born 1937, Đile, Vlasenica
156. Nedžad ADEMOVIĆ, son of Hasan, born 1970, Đile, Vlasenica
157. Šefik AHMETOVIĆ, son of Šerif, Glogova, Bratunac
158. Šemsudin BAJRIĆ, son of Bajro, born 1967, Cerska, Vlasenica
159. Ahmo BEGIĆ, Srebrenica
160. Bekir BEGIĆ, Srebrenica
161. Idriz BEGIĆ, Srebrenica
162. Medo BEGIĆ, Srebrenica
163. Sevdalija BEGIĆ, Pirići, Bratunac
164. Izet BEGOVIĆ, Glogova, Bratunac
165. Hajrudin BEGZADIĆ, son of Alija, born 1969, Pirići, Bratunac
166. Salko BEGZADIĆ, Sikirić, Bratunac
167. Mehmedalija BEGZADIĆ, son of Šahman, Pirići, Bratunac
168. Salih BEČIROVIĆ, Nedeljišta, Vlasenica
169. Mujo BEČIROVIĆ, Nedeljišta, Vlasenica
170. Alaga BEČIROVIĆ, son of Mešan, born 1966, Pomol, Vlasenica
171. Safet BEČIROVIĆ, son of Nezir, born 1966, Nedeljišta, Vlasenica
172. Mehmedalija BEČIROVIĆ, son of Meho, born 1970, Nedeljišta, Vlasenica
173. Mevludin BEČIROVIĆ, son of Rasim, born 1971, Nedeljišta, Vlasenica
174. Halil BEČIROVIĆ, son of Habib, born 1964, Nedeljišta, Vlasenica
175. Šahbaz BEČIROVIĆ, son of Rahman, born 1966, Nedeljišta, Vlasenica
176. Hasan BEČIROVIĆ, Opetci, Srebrenica
177. Hajro BEČIĆ, Potočari, Srebrenica
178. Hajrudin BEŠIĆ, son of Mehmed, born 1960, Podčauš, Bratunac
179. Sulejman VEJZOVIĆ, son of Suljo, Johovača, Milići
180. Čazim VELIĆ, son of Čamil, born 1971, Ceska, Vlasenica
181. Ešref GABELJIĆ, Bratunac
182. Alija GEROVIĆ, Glogova, Bratunac
183. Mevludin GEROVIĆ, Glogova, Bratunac
184. Musa GEROVIĆ, Glogova, Bratunac
185. Ramiz GEROVIĆ, Glogova, Bratunac
186. Ramo GEROVIĆ, Glogova, Bratunac
187. Hasan GEROVIĆ, Glogova, Bratunac
188. Huso GEROVIĆ, Glogova, Bratunac
189. Mustafa GOLIĆ, Glogova, Bratunac
190. Juso DAUTBAŠIĆ, son of Ramo, Tegare, Bratunac
191. Rifet DAUTBAŠIĆ, Bjelovac, Bratunac
192. Hasan DAUTBAŠIĆ, son of Rifet, Bjelovac, Bratunac
193. Nedžad DEDIĆ, son of Hamdija, born 1961, Skugrić, Vlasenica
194. Nijaz DEDIĆ, son of Nezir, born 1972, Skugrić, Vlasenica

195. Kemal DEDIĆ, son of Hamdija, born 1969, Skugrić, Vlasenica
196. Sead DELIĆ, son of Selmo, born 1966, Glogova, Bratunac
197. Smajo DELIĆ, son of Alija, born 1960, Glogova, Bratunac
198. Hamdija DERVIŠEVIĆ, son of Halid, born 1952, Skugrić, Vlasenica
199. Samir DERVIŠEVIĆ, son of Šaban, born 1972, Skugrić, Vlasenica
200. Ramiz DELIĆ, Bijelo Polje, Srebrenica
201. Ibro DELIĆ, Kutuzero, Srebrenica
202. Bajazit DELIĆ, Soločuša, Srebrenica
203. Kiram DELIĆ, Soločuša, Srebrenica
204. Mirsad DUDIĆ, Osmaće, Srebrenica
205. Huso ĐUKIĆ
206. Suljo ĐULAK, Soločuša, Srebrenica
207. Hajro EKMIC
208. Midhat EKMIC
209. Dževad EKMIC
210. Ramiz EKMIC
211. Mulija ZUKIĆ
212. Mustafa ZUKIĆ, son of Muarem, Potočari, Srebrenica
213. Osman ZUKIĆ, Biljača, Bratunac
214. Sabit ZUKIĆ, Biljača, Bratunac
215. Huso ZUKIĆ, Potočari, Srebrenica
216. Esad IBIŠEVIĆ, Glogova, Bratunac
217. Ahmo IBRAHIMOVIĆ, nicknamed Hepa, son of Ibrahim, born 1979, Močila, Bratunac
218. Bego IBRAHIMOVIĆ, nicknamed Austrija, son of Bekto, born 1959, Srebrenica
219. Idriz IBRAHIMOVIĆ, son of Nazif, born 1947, Tegare, Bratunac
220. Osmo IBRAHIMOVIĆ, son of Omer, born 1962, Magašići, Bratunac
221. Alija IBRIĆ, nicknamed Kurta, son of Mujo, born 1947, Pirići, Bratunac
222. Vehbija JAHIC, son of Salkica, Skenderovići, Srebrenica
223. Husein JAŠAREVIĆ, son of Fejzo, born 1964, Mačesi, Vlasenica
224. "Grbo" JAŠAREVIĆ, son of Husein
225. Džemail JUSUPOVIĆ, son of Omer, born 1966, Nurići, Vlasenica
226. Bekto KAMENICA, Jaglići, Srebrenica
227. Avdo KAMENICA, son of Munib, Jaglići, Srebrenica
228. Munib KAMENICA, son of Idriz, Jaglići, Srebrenica
229. Ramiz KAMENICA, son of Idriz, Jaglići, Srebrenica
230. Džemail KAMENICA, son of Idriz, Jaglići, Srebrenica
231. Smajo KARIĆ
232. Esma KIVERIĆ, daughter of Ibiš, born 1951, Bjelovac, Bratunac
233. Asim KURJAK, son of Mujo, born 1975, Cerska, Vlasenica
234. Mujo MALAGIĆ, Loznička Rijeka, Bratunac
235. Mirsad MALAGIĆ, son of Mujo, L. Reka, Bratunac
236. Hajrudin MALAGIĆ, son of Hilmo, born 1945, Osmaće, Srebrenica
237. Nasir MAMUTOVIĆ
238. Ibrahim MANDIĆ, Potočari, Srebrenica
239. Behaija MARTIĆ
240. Alija MEMIŠEVIĆ
241. Amir MEHMEDOVIĆ, nicknamed Geza
242. Kemal MEHMEDOVIĆ, nicknamed Kemo, son of Mustafa, Pale, Srebrenica
243. Haris MEHMEDOVIĆ, nicknamed Hari
244. Esad MURATOVIĆ, son of Rašid, born 1961, Nurići, Milići
245. "Špico" MURATOVIĆ, son of Nurija, Blječeva, Bratunac

246. Ramiz MEHMEDOVIĆ, son of Muradif, born 1967, Mačesi, Vlasenica
247. Selim MUSTAFIĆ, son of Salko, born 1971, Skugrići, Vlasenica
248. Sulejman MUJČINOVIĆ, son of Ibro, born 1957, Pobude, Bratunac
249. Hasan MUHAREMOVIĆ, son of Husein, born 1967, Pobude, Bratunac
250. Munib MUŠKIĆ, son of Huso, born 1954, Cerska, Vlasenica
251. Ramiz MEHMEDOVIĆ, son of Hakija, born 1971, Rovaši, Vlasenica
252. Džemo MURATOVIĆ, son of Omer, Nurići, Vlasenica
253. Mevludin MALNIĆ
254. Zulfo MEMIŠEVIĆ, son of Mehmed, born 1968, Bešići, Vlasenica
255. Azem MEMIŠEVIĆ, nicknamed Faca, son of Mahmut, born 1957, Bešići, Vlasenica
256. Ifet MALOVIĆ, son of Emin, born 1967, Dile, Vlasenica
257. Rifet MALOVIĆ, son of Emin, born 1967, Dile, Vlasenica
258. Asim MUJIĆ, Soločuša, Srebrenica
259. Ibrahim MUJIĆ, Srebrenica
260. Reuf MUJKIĆ, Soločuša, Srebrenica
261. Junuz MEHIĆ, K. Polje, Bratunac
262. Behadin MUJKANOVIĆ, Srebrenica
263. Ibro MUJKANOVIĆ, Srebrenica
264. Senad MUJKANOVIĆ, Srebrenica
265. Nisvet MUKIĆ
266. Sarija MULALIĆ, Bajramovići, Srebrenica
267. Mujčin MURATOVIĆ, Zagoni, Bratunac
268. Zejneb MURATOVIĆ, Zagoni, Bratunac
269. Muriz MURATOVIĆ, Blječeva, Bratunac
270. Fikret MUSTAFIĆ, Bratunac
271. Ismet MEHMEDOVIĆ
272. Fikret MUSIĆ, Kamenica, Zvornik
273. Alija NUKIĆ, son of Sade, born 1968, Skugrić, Vlasenica
274. Mušan OSMANOVIĆ, son of Meho, born 1967, Mačesi, Vlasenica
275. Osman OSMANOVIĆ, son of Safet, Soločuša, Srebrenica
276. Redžo or Dževad OSMANOVIĆ, son of Ibrahim, Gostilj, Srebrenica
277. Džemal OSMANOVIĆ, son of Ibrahim, born 1965, Skugrić, Vlasenica
278. Hamed OSMANOVIĆ, son of Derviš, born 1961, Pobude, Bratunac
279. Ibro OSMANOVIĆ, son of Sinana, Nurići, Vlasenica
280. Muhidin OSMANOVIĆ, nicknamed Braco, son of Osman, born 1963, Štedrić, Vlasenica
281. Smail OMEROVIĆ, nicknamed Fero
282. Mevludin OMEROVIĆ, nicknamed Piki
283. Mujo OMEROVIĆ, Kamenica, Zvornik
284. Mehmedalija OSMANOVIĆ, Soločuša, Srebrenica
285. Abid ORLOVIĆ
286. Sead OSMANOVIĆ, Soločuša, Srebrenica
287. Hajrudin OSMANOVIĆ, son of Ibrahim, born 1962, Magašići, Bratunac
288. Nedžib OSMANOVIĆ, son of Munib, born 1969, Magašići, Bratunac
289. "Cvrko" OSMANOVIĆ, son of Munib
290. "Tuzlo" OSMANOVIĆ, son of Hakija
291. "Čičo" OSMANOVIĆ, son of Hakija
292. Andrija OSMANOVIĆ
293. Midhat OTANOVIĆ, nicknamed Mijač, Srebrenica
294. Medo OMEROVIĆ, Kamenica, Vlasenica
295. "Crtan" OMEROVIĆ, Kamenica, Vlasenica
296. Šaćir OMEROVIĆ, Kamenica, Vlasenica

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Translation

297. Hajro OSMANOVIĆ, son of Ibrahim
298. Meho ORIĆ, Blječeva, Bratunac
299. Adem PALIĆ, son of Šaban, born 1958, Kivača, Han Pijesak
300. Nurif RIZVANOVIĆ
301. Arif RIDŽIĆ
302. Avdo SALIHOVIĆ, Bratunac
303. Adil SALIHOVIĆ, son of Avdo, born 1960, Biljača, Bratunac
304. Edhem SALIHOVIĆ, son of Ramo, born 1945, Biljača, Bratunac
305. Juso SALIHOVIĆ, Bratunac
306. Kiram SALIHOVIĆ, son of Rifat, born 1972, Biljača, Bratunac
307. Midhat SALIHOVIĆ, son of Edhem, born 1969, Biljača, Bratunac
308. Rifet SALIHOVIĆ
309. Sead SALIHOVIĆ
310. Fikret SALIHOVIĆ, son of Edhem, born 1970, Biljača, Bratunac
311. Ibrahim SALČINOVIĆ, son of Beuret
312. Murat SALČINOVIĆ, son of Abdurahman
313. Džemail SEJMEHOVIĆ, son of Alija, born 1961, Rovaši, Vlasenica
314. Alija SEJMEHOVIĆ, son of Šaban, born 1960, Rovaši, Vlasenica
315. Emin SEJMEHOVIĆ /as written/, son of Alija, born 1957, Rovaši, Vlasenica
316. Edo SELIMOVIĆ, son of Džemal, born 1971, Skugrići, Vlasenica
317. Zaim SELIMOVIĆ, son of Džemal, born 1968, Skugrići, Vlasenica
318. Zijad SINANOVIĆ, son of Safet, born 1969, Pirići, Bratunac
319. Muriz SINANOVIĆ, son of Rahman, born 1963, Loznica, Bratunac
320. Nedžad SINANOVIĆ, son of Safet, Bjelovac, Bratunac
321. Rahman SINANOVIĆ, Loznica, Bratunac
322. Sead SINANOVIĆ, son of Safet, born 1956, Bratunac
323. Senada SINANOVIĆ, nicknamed Beba, daughter of Mehmed, Bratunac
324. Hajrudin SINANOVIĆ, son of Edhem, born 1965, Pirići, Bratunac
325. Dževad SINANOVIĆ, son of Safet, born 1961, Pirići, Bratunac
326. Šuhra SINANOVIĆ, Bjelovac, Bratunac
327. Kemo SMAILOVIĆ, son of Ibrahim, Tegare, Bratunac
328. Mehidin SMAILOVIĆ, son of Hašim, Jagličići, Srebrenica
329. Mirsad SMAILOVIĆ, son of Bekto, born 1962, Joševa, Bratunac
330. Vahid SULEJMANOVIĆ, son of Mujo, born 1966, Urkovići, Bratunac
331. Ibrahim SULEJMANOVIĆ, son of Mujo, born 1954, Glogova, Bratunac
332. Ibro SULEJMANOVIĆ, son of Šaban, /?nicknamed INC/, born 1957, Rovaši, Vlasenica
333. Mevludin SULEJMANOVIĆ, Bratunac
334. Munib SULEJMANOVIĆ, son of Mujo, born 1953, Urkovići, Bratunac
335. Jusuf SULEJMANOVIĆ, Bratunac
336. Šefket SULEJMANOVIĆ
337. Avdo SULJIĆ
338. Jusuf SULJIĆ
339. Mido SULJIĆ
340. Mirsad SULJIĆ
341. Nasir SULJIĆ
342. Refik SULJIĆ, Gostilj, Srebrenica
343. Sadik SULJIĆ, nicknamed Slovenac, Pale, Srebrenica
344. Sabahudin SULJIĆ, Srebrenica
345. Sulejman SULJIĆ, son of Husein
346. Fadil SULJIĆ
347. Fahro SULJIĆ

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348. Fikret SULJIĆ
349. Hamdija SULJIĆ
350. Mirsad HAJDAREVIĆ, son of Mehmedalija, born 1974, Nedeljišta, Vlasenica
351. Mirzet HAJDAREVIĆ, Soločuša, Srebrenica
352. Mehmed HAJDAREVIĆ, Soločuša, Srebrenica
353. Šabanija HAKIĆ, Grabić, Vlasenica
354. Osman HALILOVIĆ, son of Ibri, born 1963, Tegare, Bratunac
355. Reuf HALILOVIĆ, Gostilj, Srebrenica
356. Salih HALILOVIĆ, son of Hasan, born 1938, Tegare, Bratunac
357. Sevdalija HALILOVIĆ, son of Mehmed, born 1971, Tegare, Bratunac
358. Hajrudin HALILHODŽIĆ, Močevići, Srebrenica
359. Huso HALILOVIĆ
360. Mevludin HALILOVIĆ, nicknamed Kiko, son of Edhem, born 1963, Pirići, Bratunac
361. Mirza HASANOVIĆ, Sase, Srebrenica
362. Hamed HASANOVIĆ, son of Mehmed, Buče, Srebrenica
363. "Kokan" HASANOVIĆ, son of Edhem, Pirići, Bratunac
364. Hasan HASANOVIĆ, Srebrenica
365. Rifet HASANOVIĆ, son of Edhem, born 1970, Pirići, Bratunac
366. Mešo HASANOVIĆ, Soločuša, Srebrenica
367. Sabahudin HASANOVIĆ, son of Edhem, born 1938, Pirići, Bratunac
368. Suad HASANOVIĆ, Soločuša, Srebrenica
369. Fahrudin HASANOVIĆ, son of Edhem, born 1965, Pirići, Bratunac
370. Hajrudin HASANOVIĆ, Mačesi, Vlasenica
371. Čamil HASANOVIĆ, son of Mehmed, born 1947, Glogova, Bratunac
372. Šaban HASANOVIĆ, son of Edhem, born 1958, Pirići, Bratunac
373. Meho HIRKIĆ, Kutuzero, Srebrenica
374. Alija HIRKIĆ, nicknamed "Kiljara", Kutuzero, Srebrenica
375. Zulfo HURIĆ, D. Šadići, Vlasenica
376. Hasan HIRKIĆ, son of Mahmut, Kutuzero, Srebrenica
377. Mulaga HODŽIĆ, Babuljice, Srebrenica
378. Aljo HUSEINOVIĆ, nicknamed "Kološčura", Glogova, Bratunac
379. Husein HUSEINOVIĆ, son of Hašim, born 1963, Skugrići, Vlasenica
380. Vekaz HUSIĆ
381. Hasib ČELEBIĆ, son of Mujo, born 1958, Cerska, Vlasenica
382. Hamdija ČELEBIĆ, son of Hamed, born 1962, Cerska, Vlasenica
383. Meho ČOSIĆ
384. Salih ŠAČIROVIĆ, son of Idriz, born 1961, Hranča, Bratunac
385. Mujo ŠAČIROVIĆ, son of Zahid, born 1957, Hranča, Bratunac
386. Mujo ŠAČIROVIĆ, son of Emin, born 1949, Hranča, Bratunac
387. Ibri ŠILJKOVIĆ, son of Buljkan, born 1966, Nedeljišta, Vlasenica

Bratunac, 12 July 1995

ANNEX 24

Revised Translation of Highlighted Text

785.000 Channel 11 1730 hrs

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Participants:

- X: Is it possible for us to send about ten buses from Bijeljina?
- Y: Well, tell them right away to come, there're about 6,000 of them now.
- X: Of military age?
- Y: Shut up, don't repeat.
- X: OK, then I'll send them?
- Y: Yeah, send them. I have three points; fuck it. There's the one where you and I were, then there's the one up there where the checkpoint at the intersection is and there's the one halfway between the checkpoint and the loading place.
- X: So, over there as well?
- Y: At each point there are roughly 1,500 - 2,000.
- X: And they're still transporting the women and children?
- Y: Well, there're still some left.
- X: I thought that it was it. We were there too, on the spot, there aren't that many of them.
- Y: Well, I was there just now.
- X: So, there are still some?
- Y: There are, I've just come.
- X: So I am to send /object missing/ and have them report in Kasaba to the last /as written/.
- Y: Have them report to the stadium.
- X: OK, we'll fill up over at Jovo's.
- Y: Let them fill up over there at KUNDAŠEVIĆ's.
- X: Yeah, that's what I'm saying. Good.
- Y: OK, have them start right away. I'll see if I can get two more of these guys to drive.
- X: Give as many as you can. Over there I figured out not to use our *Deutz* /trucks/.
- Y: Yeah, I know, I was with RADAKOVIĆ.
- X: Because there's really no /need/. They can carry a small number, fuck it. There's no need and we might need them to transport units or something like that.
- Y: Yeah, I was with RADAKOVIĆ.

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ANNEX 24

Revised Translation of Highlighted Text

X: Is it finished?
Y: Well, they're at the intersection gathering /object missing/.
X: Good, let them drive /object missing/ away and come back.
Y: Well, so they drive until there are none left.
X: Good. OK, I'll tell him.
Y: OK, bye.
X: Bye.

01043226

/signed/

ANNEX 25

UNITED NATIONS



PROTECTION FORCE

HQ SECTOR NORTH EAST - TUZLA AIR BASE

G5, CIVIL MILITARY OPERATIONS

TO: Commander, SNE

DATE: 4 August 1995

SUBJECT: Srebrenica Displaced Persons Situation Update

*Relieved
Outward
P*

The following points are made as an update to the current humanitarian situation in SNE concerning the Srebrenica Displaced Persons.

a. TOTAL NUMBER IN SNE AOR: 35,632 (approx)

-- HOUSED IN PRIVATE ACCOMODATION: 17,383

-- HOUSED IN COLLECTIVE CENTERS: 9,749

-- TUZLA AIR BASE CAMP: 6,500

b. AGE STRUCTURE OF SREBRENICA DISPLACED PERSONS:

-- AGE 0-3: 10.2 %

-- AGE 4-6: 10.0 %

-- AGE 7-13: 14.13 %

-- AGE 14-18: 10.8 %

-- MEN OVER 18: 15.40 %

-- WOMEN OVER 18: 40.0 %

c. PLAN FOR MOVEMENT OF DISPLACED PERSONS POPULATION FROM TUZLA AIR BASE TO COLLECTIVE CENTERS IS COORDINATED WITH BIH CIVIL DEFENSE STAFF THROUGH AND BY UNHCR HEAD OF OFFICE. DISPLACED PERSONS WILL BE TRANSPORTED WITH BIH TRANSPORT AND MOVED TO ACCOMODATIONS WHICH HAVE BEEN REPAIRED OR RENOVATED BY EITHER SEA, IRC, IGASE, OR NRC OVERSIGHT. ONCE MOVE IS COMPLETED (EXPECTED DATE ON/ABOUT 18 AUGUST) TUZLA AIRBASE CAMP WILL BEGIN DECONSTRUCTION OF FACILITIES LOCATED AT THE AIR FIELD.

P/S DCO

1. Coming from Srebrenica

approx 4-5000 will arrive

Reception points:

Kladanj (1500-2000)

Kitljica (2000-2500)

Tuzla sector wounded 2000 (?) Not confirmed

2. Former LP DIV (BOG) also exist as LP DIV for the time being; possibly

concentrated in Kladanj, possibly in Gradanica. It will be planned to execute a mission as a mobile reserve in the 1st Corps

00412059

GUY SANDS

Major

Chief, G5

3010 000000 00 12

1000

001 1001

001 1001 001 1001

3D39-0411

ANNEX 26



950240

24 OKT. 1995

The Hague, October 20, 1995
Nr. V 95019720

Dear Mr. Goldstone,

Herewith I send a document that was received during the debriefing of Dutchbat about the registration of approximately 35,632 refugees from Srebrenica.

If this number is correct - which is not sure - it can help to determine the number of missing and executed men from Srebrenica. Therefore, I think the document could be of interest to you.

Sincerely,

Dr. Ir. J.J.C. Voorhoeve

To:
The International Criminal Tribunal
for the Former Yugoslavia
Justice R. Goldstone
Postbus 13888

00412058

3D39-0410

ANNEX 27



WHO

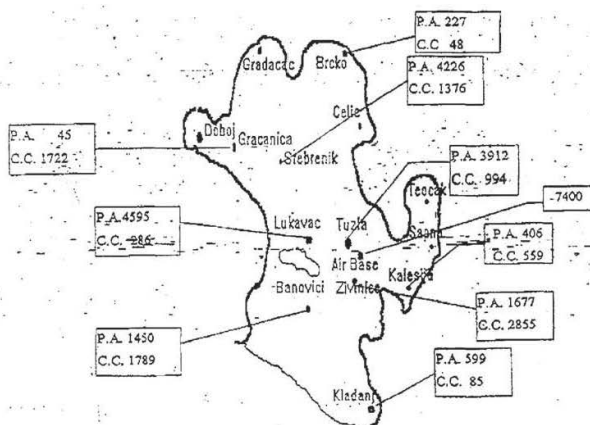
Tuzla Field Office.

29/07/95

Health of recently displaced people from Srebrenica to Tuzla-Podrinje Canton

Figure 1. Mapping of estimated population in private accommodation and collective centers (source of data: MoH and UNHCR)

TOTAL:	34341
PRIVATE ACCOMMODATION(PA):	17137
COLLECTIVE CENTERS(CC):	9804
AIRBASE:	7400



00412001

Rudarska 73 75000 Tuzla Tel/Fax 387(75)821 619

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