



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-T

Date: 14 June 2010

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 14 June 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON FOURTH PROSECUTION MOTION FOR
JUDICIAL NOTICE OF ADJUDICATED FACTS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the “Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 26 August 2009 (“Motion”) and of the Accused’s “Motion for Reconsideration of Decisions on Judicial Notice of Adjudicated Facts”, filed on 4 March 2010 (“Motion for Reconsideration”), and hereby renders its decision thereon.

I. Background and Submissions

1. The Motion represents the fourth instalment of five motions on judicial notice of adjudicated facts filed by the Office of the Prosecutor (“Prosecution”), and, accordingly, is preceded by the “First Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 27 October 2008 (“First Motion”), the “Second Prosecution Motion for Judicial Notice of Adjudicated Facts and *Corrigendum* to First Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 17 March 2009 (“Second Motion”), and the “Third Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 7 April 2009 (“Third Motion”). The Prosecution has subsequently filed the “Fifth Motion for Judicial Notice of Adjudicate Facts” on 15 December 2009 (“Fifth Motion”), with a resubmission of Appendix A, filed 2 February 2010, and a *Corrigendum* filed on 9 February 2010.¹ The Chamber rendered its decisions on the first three adjudicated facts motions, taking judicial notice of 302 out of 337 facts proposed by the Prosecution in its First Motion,² 466 out of 497 facts proposed in the Third Motion,³ and 744 out of 1049 facts proposed in the Second Motion.⁴

2. In the Motion, the Prosecution requests that the Chamber exercise its power under Rule 94(B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) to take judicial notice of facts set out in Appendix A. The Appendix is divided into two sections. The first relates to the Bosnian-Serb institutions and events in Bosnia and Herzegovina (“BiH”) between 1990 and 1992, and the second section deals with events related to the take-over of the municipalities of Banja Luka, Bijeljina, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Bratunac, Brčko, Čajnice, Donji Vakuf, Foča, Hadžići, Ilidža, Ilijaš, Kalinovik, Ključ, Kotor Varoš, Novi Grad,

¹ Submission of Renumbered Appendix to Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts, filed 2 February 2010; *Corrigendum* to Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts with Appendix A, filed 9 February 2010.

² Decision on First Prosecution Motion for Judicial Notice of Adjudicated Facts, 5 June 2009 (“First Decision on Adjudicated Facts”), para. 39.

³ Decision on Third Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 July 2009 (“Third Decision on Adjudicated Facts”), para. 63.

Novo Sarajevo, Pale, Prijedor, Rogatica, Sanski Most, Sokolac, Višegrad, Vlasenica, Vogošća, and Zvornik.⁵

3. The facts proposed in the Motion have all been previously adjudicated by the Trial and the Appeals Chamber in the case of *Prosecutor v. Krajišnik*.⁶ The Prosecution incorporates by reference its submissions in the First Motion and the Second Motion, as well as in the “Prosecution Reply to the ‘Response to First Prosecution Motion for Judicial Notice of Adjudicated Facts’ and Further Corrigendum to First Prosecution Motion for Judicial Notice of Adjudicated Facts”, filed on 6 April 2009, regarding the legal requirements to be met before judicial notice can be taken of an adjudicated fact.⁷ It also submits that the adjudicated facts listed in Appendix A to the Motion meet the requirements set out in the relevant jurisprudence of the Tribunal, and that taking judicial notice of these adjudicated facts will reduce the length of the trial by condensing the process to matters essential to each party’s case; thus, achieving judicial economy while preserving the Accused’s right to a fair, public, and expeditious trial.⁸

4. Specifically, the Prosecution argues that the facts submitted in Section I of Appendix A to the Motion are relevant to proving the existence of an overarching joint criminal enterprise aimed at permanently removing Bosnian Muslims and Bosnian Croats from Bosnian-Serb claimed territory (“Overarching JCE”). With regard to Section II of Appendix A, the Prosecution submits that the facts are relevant to proving counts 1 and 3–8 of the Third Amended Indictment (“Indictment”), and illustrate a pattern of conduct proving the implementation of the Overarching JCE.⁹

5. The Chamber recalls that on 22 July 2009, it ordered the Prosecution to prepare a written submission on how Rule 73 *bis* (D) may be utilised to reduce the size of the trial and ensure that it is conducted fairly and expeditiously.¹⁰ The Prosecution filed its submission on 31 August 2009, making a number of proposals, including the reduction of a number of crime sites or incidents alleged in the Indictment.¹¹ Following a discussion on the matter at the Status Conference held on 8 September 2009, the Prosecution filed a second written submission on 18

⁴ Decision on Second Prosecution Motion for Judicial Notice of Adjudicated Facts, 9 October 2009 (“Second Decision on Adjudicated Facts”), para. 54.

⁵ Motion, para. 2.

⁶ See *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Judgement, 27 September 2006 (“*Krajišnik* Trial Judgement”); *Prosecutor v. Krajišnik*, Case No. IT-00-39-A, Judgment, 17 March 2009 (“*Krajišnik* Appeal Judgement”).

⁷ Motion, para. 4.

⁸ Motion, para. 4.

⁹ Motion, para. 2.

¹⁰ Order to the Prosecution under Rule 73 *bis*, 22 July 2009.

¹¹ Prosecution Submission pursuant to Rule 73 *bis* (D), 31 August 2009 (“First Submission”), Appendix B.

September 2009,¹² and the Accused filed a written response on 30 September 2009.¹³ At the Pre-Trial Conference on 6 October 2009, the Chamber delivered its decision on the application of Rule 73 *bis*, which was followed by a written decision on 8 October 2009.¹⁴ The effect of the Decision on Rule 73 *bis* on the Motion will be discussed in more detail below.

6. On 4 September 2009, the Accused filed his “Motion for Extension of Time to Respond to 4th Motion for Judicial Notice of Adjudicated Facts” (“Motion for Extension of Time”), arguing that the sheer volume of the Motion required four months to prepare his response, and therefore requesting an extension of time until 11 January 2010 to do so.¹⁵ The Chamber heard from the parties regarding the Motion for Extension of Time during the Status Conference held on 8 September 2009. The Prosecution did not object to the granting of an extension of time in principle, but argued that the amount of time requested was excessive.¹⁶ The Accused reiterated his claim that the complexity of the case warranted a longer extension, and submitted that the lack of effective assistance of counsel in the *Krajišnik* case required a closer look at the facts and more time to respond.¹⁷ In an order following the Status Conference, the Chamber instructed the Accused to file his response by 30 November 2009.¹⁸

7. On 30 November 2009, the Accused filed his “Response to Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts” (“Response”) opposing the Motion, and incorporating by reference the arguments raised in his responses to the First Motion, the Second Motion, and the Third Motion.¹⁹ As an additional consideration, the Accused submits that, in light of the fact that the Chamber has already taken judicial notice of almost 1600 adjudicated facts, and that the Prosecution had requested the Chamber to admit more than 200 statements and transcripts of prior testimony into evidence pursuant to Rules 92 *bis* and 92 *quater*, he “will be so far behind the [P]rosecution at the trial’s opening bell that the trial will proceed with a presumption of guilt”.²⁰ He also argues that the cumulative effect of taking judicial notice of adjudicated facts

¹² Prosecution Second Submission pursuant to Rule 73 *bis* (D), 18 September 2009 (“Second Submission”), para. 2.

¹³ Response to Prosecution’s Second Rule 73 *bis* Submission, 30 September 2009.

¹⁴ Decision on Application of Rule 73 *bis*, 8 October 2009 (“Decision on Rule 73 *bis*”).

¹⁵ Motion for Extension of Time, paras. 3–5.

¹⁶ Status Conference, T. 439–440 (8 September 2009).

¹⁷ Status Conference, T. 440–441 (8 September 2009).

¹⁸ Order Following Status Conference, 9 September 2009, p. 2.

¹⁹ Response para. 2. See Response to First Prosecution Motion for Judicial Notice of Adjudicated Facts, 30 March 2009 (“Response to First Motion”); Response to Second Prosecution Motion for Judicial Notice of Adjudicated Facts, 22 July 2009; Response to Third Prosecution Motion for Judicial Notice of Adjudicated Facts and Motion for List of Witnesses to be Eliminated, 29 May 2009 (“Response to Third Motion”).

²⁰ Response, para. 1.

and admission of written evidence violates the presumption of innocence, and denies him the right to a fair trial.²¹

8. The Accused further points to the “Report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda”, which, according to him, was tasked by the Security Council with preventing unnecessary delays in the work of these tribunals.²² He argues that the Report recommends the “greater use of judicial notice in a manner that fairly protects the rights of the accused [...]”,²³ and that the use by the Chamber of judicial notice following the Report to the Security Council is not commensurate with the benefits to judicial efficiency or the rights of the Accused.²⁴

9. The Accused also submits that the defence in the *Krajišnik* case was ineffective, and suffered from a lack of adequate preparation time and little or no investigation. Consequently the factual findings of the *Krajišnik* Trial Judgement “should not be given any weight, let alone afforded a presumption that they are true”.²⁵

10. Furthermore, he argues that, even if the Chamber agrees to take judicial notice of adjudicated facts from the *Krajišnik* Trial Judgement in general, it should nevertheless deny judicial notice of certain facts on the basis that they do not meet the legal requirements under the Tribunal’s jurisprudence.²⁶ Finally, the Accused requests the Chamber to exercise its discretion not to take judicial notice of certain proposed facts as they are in whole or in part founded on documentary evidence, and established either on the basis of evidentiary material to which he does not have access, or on the basis of evidence which is not identifiable or properly cited in the *Krajišnik* Trial Judgement.²⁷

11. While the Motion was under consideration by the Chamber, on 4 March 2010, the Accused filed the Motion for Reconsideration requesting the Chamber to reconsider its First Decision on Adjudicated Facts, Second Decision on Adjudicated Facts, and Third Decision on Adjudicated Facts, in light of a decision by the Trial Chamber in the *Zdravko Tolimir* (“*Tolimir*”) case, and to apply that Trial Chamber’s reasoning in assessing the proposed facts in

²¹ Response, para. 3.

²² Report of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, U.N. Doc. A/54/634, 11 Nov. 1999 (“Report to the Security Council”).

²³ Response, para. 4, quoting Report to the Security Council, para. 85 (emphasis appears in the Response).

²⁴ Response, para. 4.

²⁵ Response, para. 5.

²⁶ Response, paras. 6–22, Annex A.

²⁷ Response, para. 13.

the Motion and the Fifth Motion.²⁸ The Prosecution responded to the Motion for Reconsideration on 9 March 2010, arguing in part that the decision whether or not to take judicial notice of adjudicated facts lies within the discretion of the Chamber, regardless of the fact that another Trial Chamber may have exercised its discretion to deny judicial notice of the same facts.²⁹ On 11 March 2010, the Accused filed the “Leave to Reply: Motion for Reconsideration of Adjudicated Facts” (“Request for Leave to Reply”), which included the substance of the reply. The Chamber hereby grants the Accused leave to reply to the Response on Reconsideration, as it narrowly addresses a new issue raised by the Prosecution in the Response to Reconsideration. In the Request for Leave to Reply, the Accused argues *inter alia* that the spirit of judicial notice recommends that Trial Chambers exercise their discretion in a similar manner to ensure consistent judgements. Consequently, since the *Tolimir* Trial Chamber has reached a different conclusion on the same facts by applying the same legal test, this ought to cause the Chamber to exercise its discretion in order to avoid taking judicial notice of those same facts rejected by it.³⁰

12. The Chamber notes here that the Accused addresses facts in the Motion for Reconsideration on which this Chamber has not yet rendered a decision. However, in light of the fact that the Motion for Reconsideration raises new challenges based on a Trial Chamber decision which had not been issued at the time the Motion was filed, the Chamber will take into account the arguments raised by the Accused only to the extent that he addresses pending, proposed facts contained in this Motion. Arguments raised by the Accused pertaining to facts already judicially noticed by this Chamber³¹ will be addressed in a separate decision to be issued by this Chamber on the Motion for Reconsideration.

II. Applicable Law

13. Rule 94(B) of the Rules provides that:

At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

²⁸ Motion for Reconsideration, paras. 4–10. Specifically, the Accused’s arguments relate to proposed facts that (i) contain the elements of the “chapeau of the Statute”, (ii) are based on agreed facts where it remains unclear from the structure of the relevant footnote in the original judgement whether the agreement was relied more upon than other evidence, and (iii) relate to the core of the Prosecution’s case.

²⁹ Prosecution Response to Motion for Reconsideration of Decision on Adjudicated Facts, 9 March 2010 (“Response on Reconsideration”), para. 4.

³⁰ Request for Leave to Reply, paras. 5–6.

³¹ Specifically facts accepted for judicial notice in the First Decision on Adjudicated Facts, the Second Decision on Adjudicated Facts, and the Third Decision on Adjudicated Facts.

14. Rule 94(B) aims at achieving judicial economy and harmonising judgements of the Tribunal by conferring on the Trial Chamber discretionary power to take judicial notice of facts or documents from other proceedings. The Appeals Chamber has held that “[w]hen applying Rule 94 of the Rules, a balance between the purpose of taking judicial notice, namely to promote judicial economy, and the fundamental right of the accused to a fair trial must be achieved”.³² The Appeals Chamber has further held that “while it is possible to take judicial notice of adjudicated facts regarding the existence of [...] crimes, the *actus reus* and the *mens rea* supporting the responsibility of the accused for the crimes in question must be proven by other means than judicial notice”.³³

15. As to the effects of taking judicial notice, the Appeals Chamber has held that “by taking judicial notice of an adjudicated fact, a Chamber establishes a well-founded presumption for the accuracy of this fact, which therefore does not have to be proven again at trial”.³⁴ However, the Appeals Chamber has clarified that:

judicial notice [under Rule 94(B)] does not shift the ultimate burden of persuasion, which remains with the Prosecution. . . [T]he effect is only to relieve the Prosecution of its initial burden to produce evidence on the point; the defence may then put the point into question by introducing reliable and credible evidence to the contrary.³⁵

16. In exercising its discretion under Rule 94(B), the Trial Chamber must assess: (1) whether each adjudicated fact satisfies the various requirements established by the Tribunal’s case law for judicial notice, and (2) whether a fact, despite having satisfied the aforementioned requirements, should be excluded on the basis that its judicial notice would not be in the interests of justice.³⁶ The Rule 94(B) requirements have been established by other Chambers,³⁷ as follows:

- (a) The fact must be relevant to the current proceedings;³⁸

³² *Prosecutor v. Nikolić*, Case No. IT-02-60/1-A, Decision on Appellant’s Motion for Judicial Notice, 1 April 2005, para. 12.

³³ *Prosecutor v. D. Milošević*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeal against Trial Chamber’s Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Prosecution’s Catalogue of Agreed Facts, 26 June 2007 (“*D. Milošević* Appeal Decision”), para. 16.

³⁴ *Prosecutor v. S. Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution’s Interlocutory Appeal against the Trial Chamber’s 10 April 2003 Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4.

³⁵ *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006 (“*Karemera* Appeal Decision”), para. 42.

³⁶ *See Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex, 26 September 2006 (“*Popović* Decision”), para. 4.

³⁷ *See, e.g., Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-PT, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts, 22 August 2008, para. 20.

³⁸ *Prosecutor v. Niyitegeka*, ICTR-96-14-A, Reasons for Oral Decision Rendered 21 April 2004 on Appellant’s Motion for Admission of Additional Evidence and for Judicial Notice, 17 May 2004, para. 16.

- (b) The fact must be distinct, concrete, and identifiable;³⁹
- (c) The fact, as formulated by the moving party, must not differ in any substantial way from the formulation of the original judgement;⁴⁰
- (d) The fact must not be unclear or misleading in the context in which it is placed in the moving party's motion.⁴¹ In addition, the fact must be denied judicial notice "if it will become unclear or misleading because one or more of the surrounding purported facts will be denied judicial notice";⁴²
- (e) The fact must be identified with adequate precision by the moving party;⁴³
- (f) The fact must not contain characterisations or findings of an essentially legal nature;⁴⁴
- (g) The fact must not be based on an agreement between the parties to the original proceedings;⁴⁵
- (h) The fact must not relate to the acts, conduct, or mental state of the accused;⁴⁶ and
- (i) The fact must clearly not be subject to pending appeal or review.⁴⁷

If a proposed adjudicated fact satisfies all nine of these requirements, a Trial Chamber may take judicial notice of it.⁴⁸ However, the power of judicial notice under

³⁹ See, e.g., *Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts Concerning Sarajevo, 26 June 2008 ("Perišić Decision"), para. 18; *Prosecutor v. Mičo Stanišić*, Case No. IT-04-79-PT, Decision on Judicial Notice, 14 December 2007 ("Stanišić Decision"), para. 37; *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 14 March 2006 ("Prlić Decision"), para. 12; *Prosecutor v. Hadžihasanović and Kubura*, Case No. IT-01-47-T, Decision on Judicial Notice of Adjudicated Facts Following the Motions Submitted by Counsel for the Accused Hadžihasanović and Kubura on 20 January 2005, 14 April 2005 ("Hadžihasanović Decision"), p. 5; *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005 ("Krajišnik Decision"), para. 14.

⁴⁰ *Krajišnik Decision*, para. 14.

⁴¹ *Karemera Appeal Decision*, para. 55; *Popović Decision*, para. 8.

⁴² *Popović Decision*, para. 8.

⁴³ *Prosecutor v. Kupreškić et al.*, Case No. IT-95-16-A, Decision on the Motions of Drago Josipović, Zoran Kupreškić and Vlatko Kupreškić to Admit Additional Evidence Pursuant to Rule 115 and for Judicial Notice to be Taken Pursuant to Rule 94(B), 8 May 2001 ("Kupreškić Appeal Decision"), para. 12; *Popović Decision*, para. 9.

⁴⁴ *Popović Decision*, para. 10; *Krajišnik Decision*, para. 15. See also *Hadžihasanović Decision*, p. 5; *Prosecutor v. Mejakić et al.*, Case No. IT-02-65-PT, Decision on Prosecution Motion for Judicial Notice pursuant to Rule 94(B), 1 April 2004 ("Mejakić Decision"), p. 4; *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts and Documentary Evidence, 19 December 2003, para. 16; *Prlić Decision*, paras. 12, 19.

⁴⁵ *Popović Decision*, para. 11; *Mejakić Decision*, p. 4; *Prosecutor v. Krajišnik*, Case No. IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 bis, 28 February 2003, para. 15.

⁴⁶ *Karemera Appeal Decision*, para. 50.

⁴⁷ *Kupreškić Appeal Decision*, para. 6.

⁴⁸ *Prlić Decision*, para. 12.

Rule 94(B) is discretionary, and the Chamber always retains the right to withhold judicial notice, even when a particular adjudicated fact fulfils all of the requirements, if it determines that taking judicial notice of that fact would not serve the interests of justice.

III. Discussion

A. General considerations

17. The Chamber notes that the Accused again incorporates by reference the arguments raised in his responses to the First Motion, the Second Motion, and the Third Motion.⁴⁹ The Chamber has repeatedly rejected his argument that taking judicial notice of previously adjudicated facts is unlawful and inconsistent with international law, or that it violates his rights to a fair trial, to be presumed innocent, to examine witnesses against him, or that it places an unreasonable burden upon him in terms of the time and resources needed to rebut those facts.⁵⁰ Considering that the Accused does not substantiate any of the arguments set out in his previous responses, and that each and every argument submitted in these responses has already been dealt with by the Chamber in its First Decision on Adjudicated Facts, its Second Decision on Adjudicated Facts, and its Third Decision on Adjudicated Facts, the Chamber will not address the same arguments here.⁵¹

18. The Chamber further notes that the Accused again raises the argument that the Chamber should decline to take judicial notice of certain proposed facts, which are “[...] (largely) based on documentary evidence [...]”.⁵² Again, the Chamber recalls that it has dealt with this argument in the Second Decision on Adjudicated Facts and the Third Decision on Adjudicated Facts.⁵³ It reiterates, however, that the facts proposed in the Motion have already been established in the *Krajišnik* Trial Judgement, and it is therefore irrelevant, in terms of the test set out in paragraph 16 above, whether the Chamber issuing the relevant judgement relied on documentary evidence or on witness testimonies when establishing the facts contained in said

⁴⁹ Response, para. 2.

⁵⁰ Response to First Prosecution Motion for Judicial Notice of Adjudicated Facts, filed 30 March 2009, paras. 3–8; Response, para. 3. The Chamber has rejected these arguments in the Decision on Motion for Stay of Proceedings, filed 8 April 2010, para.5; the Second Decision on Adjudicated Facts, paras. 17, 53; the Third Decision on Adjudicated Facts, para. 13; and the First Decision on Adjudicated Facts, para. 11.

⁵¹ First Decision on Adjudicated Facts, para. 11; Second Decision on Adjudicated Facts, paras. 17, 53; Third Decision on Adjudicated Facts, para. 13.

⁵² This challenge relates to proposed facts 1897–1898, 1902, 1904, 1906, 1910, 1912, 1924, 1935, 1940, 1953, 1957, 1962, 1987, 1998, 2028, 2034, 2044, 2084–2085, 2097, 2100, 2111, 2124–2127, 2129, 2144–2146, 2152–2155, 2158, 2160–2165, 2174, 2177, 2179–2180, 2182, 2187, 2191, 2193, 2201, 2204, 2206–2207, 2211, 2213–2215, 2218, 2220–2222, 2226, 2243, 2283, 2299, 2301, 2303, 2305–2306, 2320, 2327, 2330, 2333, 2337–2338, 2340–2341, 2343–2344, 2346, 2363, 2366–2369, 2376, 2389, 2392, 2396, 2419, 2422, 2426, 2437, 2447–2450, 2454, 2457, 2459, 2461, 2466, 2467, 2475, 2484, 2487, 2491–2492, 2500, 2557, 2560, 2579, 2596–2597, 2600, 2668, and 2677; Response, paras. 7–8. See Third Decision on Adjudicated Facts, paras. 14–15.

⁵³ Third Decision on Adjudicated Facts, paras. 14–15; Second Decision on Adjudicated Facts, para. 18.

original judgement.⁵⁴ Consequently, the Chamber rejects the Accused's submission in relation to these proposed facts and will consider taking judicial notice of them as long as they satisfy the remaining requirements set out in paragraph 16 above.

19. The Accused additionally argues that the factual findings from the *Krajišnik* case should not be afforded any weight, let alone a presumption of truth, as Krajišnik's defence was ineffective and suffered from a lack of adequate time to prepare for trial.⁵⁵ The Chamber notes that neither the *Krajišnik* Trial Chamber nor the Appeals Chamber found that Krajišnik was denied adequate representation, or that his right to a fair trial pursuant to Article 21 of the Statute was violated.⁵⁶ In the absence of a finding that the rights of the accused in the *Krajišnik* case were violated, this Chamber is not in a position to evaluate the effectiveness of Krajišnik's defence counsel, nor is it in a position to reconsider issues already adjudicated by the Appeals Chamber in that case. Additionally, if the Accused wishes to challenge any of the facts proposed in the Motion, he is entitled to put the relevant points into question by introducing reliable and credible evidence to the contrary during the trial.⁵⁷

20. The Chamber therefore does not consider it appropriate to deny the Motion in its entirety, and will now turn to the individual consideration of the facts pursuant to the analysis outlined in paragraph 16 above.

B. Further requirements for judicial notice under Rule 94(B)

21. The Accused has directed certain challenges against particular proposed facts on the basis that they do not meet one or more requirements of the test set out above. The Chamber not only has given consideration to all of these, but also has considered whether each and every one of the facts proposed by the Prosecution meets the aforementioned test in its entirety.

[a] The fact must be relevant to the current proceedings

22. The Accused generally challenges the Motion on relevance grounds, arguing that the absence of any specific submission as to how each fact fits into the Prosecution's case prevents the Accused from fairly challenging all of the potentially irrelevant facts.⁵⁸ The Chamber has previously dealt with essentially the same argument in its First Decision on Adjudicated Facts,⁵⁹ and reiterates here that the plain language of Rule 89(C) of the Rules dictates that "a Chamber

⁵⁴ Third Decision on Adjudicated Facts, para. 14; Second Decision on Adjudicated Facts, para. 18.

⁵⁵ Response, para. 5.

⁵⁶ See *Krajišnik* Appeal Judgement, paras. 38–120, 395–415.

⁵⁷ *Karemera* Appeal Decision, para. 42.

⁵⁸ Response, paras. 17–19.

may admit any relevant evidence which it deems to have probative value.”⁶⁰ The Chamber does not consider that the lack of specific linkages between each fact and its relevance to the case as a whole, in any way precludes the Accused from challenging the relevance of these facts. In that regard, the Chamber notes that prior to the Accused filing his Response, the Prosecution submitted its Rule 65 *ter* Pre-Trial Brief, which underlines the factual foundation of its case, and further gave an opening statement doing the same.⁶¹ Therefore, the Chamber considers that the Accused has been provided with an adequate basis for understanding the Prosecution’s case against, sufficient to enable him to challenge the facts contained in the Motion.

23. In addition, the Accused argues that this Chamber has taken an overly broad approach when assessing the relevance of evidence, and that “[h]aving no minimum threshold makes this requirement for relevance arguably meaningless.”⁶² Consequently, the Accused argues that it is insufficient for a fact to be “somewhat relevant”, but instead must be “significantly or substantially relevant”.⁶³ The Chamber rejects this proposition as being unsupported by the jurisprudence of the Tribunal. In contrast to the more stringent approach recommended by the Accused, the Chamber notes that “Rule 94 of the Rules is not a mechanism that may be employed to circumvent the *ordinary* requirement of relevance and thereby clutter the record with matters that would not otherwise be admitted”.⁶⁴ At the admissibility stage of these proceedings, relevance, in the context of Rule 89(C), “has been defined by the Appeals Chamber as a consideration of ‘whether the proposed evidence sought to be admitted relates to a material issue’”.⁶⁵ The “material issues of a case are found in the indictment.”⁶⁶ The Chamber, therefore, considers that, for the purposes of Rule 94(B), proposed facts must simply relate to issues raised in the Indictment, as there is no requirement that they be “significantly or substantially relevant”. However, it is for the party proffering evidence for admission to make

⁵⁹ First Decision on Adjudicated Facts, paras. 13–14.

⁶⁰ Rule 89(C) of the Rules (emphasis added); *see* First Decision on Adjudicated Facts, para. 14.

⁶¹ Prosecution Opening Statement, T. 510–611 (27 October 2009), T. 612–673 (2 November 2009).

⁶² Response, para. 19.

⁶³ Response, para. 19.

⁶⁴ *Semanza v. Prosecutor*, case No. ICTR-97-20-A, Judgement, 20 May 2005, para. 189 (emphasis added), *citing Momir Nikolić v. Prosecutor*, Case No. IT-02-60/1-A, Decision on Appellant’s Motion for Judicial Notice, 1 April 2005, para. 17.

⁶⁵ *Prosecutor v. Prlić et al.*, Case No. IT-04-74-AR73.13, Decision on Jadranko Prlić’s Consolidated Interlocutory Appeal Against the Trial Chamber’s Orders of 6 and 9 October 2008 on Admission of Evidence, 12 January 2009 (“Prlić Appeal Decision”), para. 17 (citing *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Decision on Appellants Jean-Bosco Barayagwiza’s and Ferdinand Nahimana’s Motions for Leave to Present Additional Evidence Pursuant to Rule 115, 12 January 2007, paras. 7, 13, 18–20).

⁶⁶ Prlić Appeal Decision, para. 17 (citing *Cf. Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-AR73, Decision on Pauline Nyiramasuhuko’s Request for Reconsideration, 27 September 2004, para. 12: “The Trial Chamber has the discretion under Rule 89(C) to admit any evidence which it deems to have probative value, to the extent that it may be relevant to the proof of other allegations specifically pleaded in the Indictment”).

submissions on its relevance.⁶⁷ In this respect, the Chamber is satisfied that the proposed facts in Section I of Appendix A to the Motion relating to the political developments between 1990 and 1992 are relevant to proving the Overarching JCE as alleged in paragraphs 6 and 7 of the Indictment. The Chamber is also satisfied that the facts related to the various municipalities identified in Section II of Appendix A to the Motion are relevant to proving counts 1 and 3–8 of the Indictment, and might illustrate a pattern of conduct suggesting the existence of a JCE as alleged in paragraphs 9–13 of the Indictment. The Chamber therefore rejects this argument raised by the Accused. However, after a review of the proposed facts in the Motion, the Chamber is not satisfied that every proposed fact is indeed relevant to these proceedings, and it will detail these considerations below.

24. In addition to the general challenges to relevance, the Accused specifically challenges proposed facts 2008, 2032, 2124, and 2147, on relevance grounds.⁶⁸

25. Proposed fact 2008 identifies the date that Branko Đerić was elected as Prime Minister by the Bosnian Serb Assembly.⁶⁹ As Prime Minister he was inherently part of the Bosnian Serb leadership, and a potential member of the Overarching JCE as alleged in paragraph 12 of the Indictment. The Chamber therefore rejects the Accused's contention that proposed fact 2008 has no relevance to this case, and will consider taking judicial notice of it as long as it satisfies the remaining requirements set out in paragraph 16 above.

26. With respect to proposed facts 2124 and 2147, the Chamber notes that proposed fact 2147 describes the date on which the Law of Internal Affairs for the Republika Srpska entered into force; when read in conjunction with proposed fact 2148, it is clear that the date of the enactment of this law marks the date upon which the former Regional and Municipal Security Centres in the Bosnian Serb Republic were to cease functioning. The Chamber considers that the enactment of this law and its repercussions are relevant to establish the Overarching JCE alleged in paragraphs 9–14 and 38 of the Indictment. However, the Chamber notes that proposed fact 2124 adds no information that is not contained in proposed fact 2147, and it is therefore unnecessarily repetitive. The Chamber therefore declines to take judicial notice of proposed fact 2124, and will accept proposed 2147 for judicial notice only if it satisfies the remaining elements of the test articulated in paragraph 16 above.

⁶⁷ *Prlić* Appeal Decision, para. 17.

⁶⁸ Response para. 20; *see* challenge to proposed fact 2032 in Annex A of the Response.

⁶⁹ Proposed fact 2008 states: "On 24 March 1992 the Bosnian-Serb Assembly elected Branko Đerić as Prime Minister and he was sworn in on the same day."

27. Finally, the Chamber notes that the Accused does not articulate the basis for his argument that proposed fact 2032 is not relevant to the current proceedings. Nevertheless, the Chamber finds that when read in conjunction with the preceding fact, proposed fact 2032 relates to the interaction of alleged Overarching JCE member Ratko Mladić with the Bosnian-Serb Assembly, and is relevant to paragraphs 6, 9–14 and 38 of the Indictment.⁷⁰ The Chamber will therefore consider taking judicial notice of proposed fact 2032 as long as it satisfies the remaining requirements set out above.

28. The Chamber finds that a number of the proposed facts, which may have been relevant to the proceedings when the Motion was filed, now fail to meet this requirement as a result of the Chamber's Decision on Rule 73 *bis*.⁷¹ Following an order by this Chamber, the Prosecution filed a marked-up version of the Indictment on 19 October 2009, clearly identifying all of the crime sites or incidents, which will not be the subject of evidence at trial.⁷² Facts relating to these crime sites or incidents are therefore rendered irrelevant to the current case. The Chamber has identified the following proposed facts as falling within this category, and will decline to take judicial notice of them: 2265–2278, 2288–2289, 2294–2307, 2348–2351, 2353, 2368–2397, 2412–2425, 2458–2483, 2575–2579, 2602–2606, 2619–2625, 2657, 2659, 2661, and 2722–2726.

29. Additionally, the Chamber finds that proposed fact 2613 is no longer relevant, as the Prosecution has agreed not to lead evidence on the specific crimes which underlie this fact. Proposed fact 2613 states: “Around 25 June 1992, a woman known as Witness 141 in *Prosecutor v. Krajišnik* (IT-00-39) and her sister were moved to the garage of the municipal building from the Hadžići civil defence headquarters, at the municipal building the witness' sister was sexually abused by a Serb paramilitary soldier.”⁷³ The Prosecution states in the Indictment, that it does not allege criminal responsibility for rape and other acts of sexual violence in relation to the detention facility at the Garage of the Hadžići Municipal Assembly building.⁷⁴ The Chamber is of the view that the second part of this fact fails to meet the

⁷⁰ Proposed fact 2032 states: “They, together with other military officials, would address the Bosnian-Serb Assembly on the strategic situation and proposed plans of action.”

Proposed fact 2031 states: “Following the establishment of the Army of the Bosnian-Serb Republic (“VRS”) on 12 May 1992, Generals Ratko Mladić, Milan Gvero, and Momir Talić, as well as Colonel Zdravko Tolimir, would also often attend Assembly Sessions.”

⁷¹ See Decision on Rule 73 *bis*; Second Decision on Adjudicated Facts, para. 22.

⁷² Decision on Rule 73 *bis*, para. 11.

⁷³ Motion, Appendix A, p. 139.

⁷⁴ Indictment, para. 60(c) note 5.

relevance requirement of the test set out in paragraph 16 above, and will exercise its discretion pursuant to Rule 94(B) to deny this portion of proposed fact 2613.⁷⁵

30. Finally, the Chamber considers that proposed fact 2244 presents no link to the crimes alleged in this case.⁷⁶ The fact appears only to be relevant to the *Krajišnik* case because it sets up the identification of a witness. Therefore, the Chamber will decline to take judicial notice of this fact.

[b] The fact must be distinct, concrete, and identifiable

31. The Accused challenges various proposed facts on the basis that they are not distinct, concrete, or identifiable.⁷⁷ When considering whether proposed facts in the Motion indeed satisfy this requirement, the Chamber must examine the proposed facts in the context of the original judgement “with specific reference to the place referred to in the judgement and to the indictment period of that case”.⁷⁸ Furthermore, “[t]he Chamber must also deny judicial notice where a purported fact is inextricably commingled either with other facts that do not themselves fulfil the requirements for judicial notice under Rule 94(B), or with other accessory facts that serve to obscure the principal fact.”⁷⁹

32. Having reviewed the Accused’s challenges, the Chamber considers it more appropriate to discuss proposed facts 1942 and 1943 in section [c] below; proposed facts 2082, 2536, and 2670 in section [d] below; proposed fact 1961, 2196 and 2197 in section [h] below; and proposed fact 2081 in section [j] below; and therefore, will not analyse these proposed facts here. Furthermore, proposed facts 2390, 2576, and 2619, which the Accused challenges on this ground,⁸⁰ have previously been discussed in section [a] above, and denied judicial notice. Consequently, the Chamber will not discuss these facts again here.

33. The Chamber notes that the Accused does not articulate in the Response, or in Annex A thereto, any basis for his argument that proposed facts 1933, 2132–2134, 2136, 2139, and 2140

⁷⁵ Third Amended Indictment, para 60(c), note 5.

⁷⁶ Proposed fact 2244 states: “Around 3 April 1992, a police officer, was sent by his commander to protect a hearse collecting dead bodies in Bijeljina town.”

⁷⁷ Specifically, proposed facts 1890, 1891, 1895, 1899, 1900, 1913, 1914, 1917, 1921, 1933, 1938, 1942, 1943, 1961, 1969, 1974, 1975, 1984, 1990, 1999, 2001, 2010, 2031, 2032, 2035, 2060, 2061, 2065, 2080–2082, 2086, 2096, 2098, 2101, 2104, 2112, 2120, 2132–2134, 2136, 2139–2140, 2145, 2180, 2186–2187, 2196–2197, 2201, 2207, 2213–2214, 2216, 2251, 2390, 2500–2501, 2505, 2511, 2518, 2524, 2526, 2530, 2536, 2559, 2561, 2576, 2588, 2589, 2596, 2614, 2617, 2619, 2670, 2685, 2742, 2755, 2757, and 2773; Response, para. 9, Annex A.

⁷⁸ *Krajišnik* Decision, para. 14, note 44; see also *Prosecutor v. Mičo Stanišić & Stojan Župljanin*, Decision Granting In Part Prosecution’s Motions for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 1 April 2010 (“*Stanišić & Župljanin* Decision”), para. 30; *Tolimir* Decision, para. 13; *Hadžihanović* Decision, p. 6.

⁷⁹ *Tolimir* Decision, para.,13 (citing *Prlić* Decision, para. 12).

⁸⁰ Response, para. 9.

are not sufficiently distinct, concrete or identifiable. With regard to these proposed facts, the Chamber is satisfied that they are indeed sufficiently distinct, concrete, or identifiable. The Chamber will therefore consider taking judicial notice of them if they satisfy the remaining elements of the test stated in paragraph 16 above.

34. After considering the challenges raised by the Accused in relation to proposed facts 1913, 1914, 1974, 2010, 2031, 2032, 2080, 2251, 2500, 2505, 2511, 2518, 2559, 2588, 2589, 2614, 2742, 2755, and 2773, the Chamber is satisfied that when considering each fact in the context of the place identified in the *Krajišnik* Trial Judgement and the indictment period of the *Krajišnik* case, they are adequately distinct, concrete and identifiable for the purposes of judicial notice. For example, the phrases “frequent meetings”, “[b]y early April 1992”, “many”, “others”, “[a]lmost all”, and “severely restricted” do not render proposed facts 1974, 2080, 2251, 2518, 2559, and 2589, respectively, insufficiently distinct, concrete, or identifiable.⁸¹ In light of these considerations, the Chamber rejects the challenges to proposed facts 1913, 1914, 1974, 2010, 2031, 2032, 2080, 2251, 2500, 2505, 2511, 2518, 2559, 2588, 2589, 2614, 2742, 2755, and 2773, and it will consider taking judicial notice of them, as long as they satisfy the requirements of the test articulated in paragraph 16 above.

35. With regard to the Accused’s challenges to proposed facts 1917, 1921, 1938, 1984, 1990, 2061, 2065, 2101, and 2617, the Chamber is of the view that these facts become sufficiently distinct, concrete, and identifiable when considered in the context of the paragraph in the *Krajišnik* Trial Judgement from which they were extracted. For example, the reference to “regionalization” in proposed fact 1921 is clarified in paragraph 57 of the *Krajišnik* Trial Judgement.⁸² The Chamber also notes that this portion of the *Krajišnik* Trial Judgement appears as proposed fact 1922 in the Motion, and the Chamber therefore considers proposed fact 1921 sufficiently concrete in the context of the Motion as well. The Chamber therefore rejects the Accused’s arguments in relation to proposed facts 1917, 1921, 1938, 1984, 1990, 2061, 2065, 2101, and 2617 for this reason, and it will consider taking judicial notice of these proposed facts as long as they satisfy the remaining elements of the test articulated in paragraph 16 above.

36. In the Response, the Accused also challenges proposed facts 2526 and 2530 as being insufficiently distinct, concrete, and identifiable.⁸³ Having carefully considered these proposed facts, the Chamber rejects these arguments of the Accused. Although these proposed facts

⁸¹ See *Krajišnik* Trial Judgment, paras. 108, 162, 304, 509, 533, and 584.

⁸² Proposed fact 1921 states: “In September 1991 the SDS implemented a policy of ‘regionalization’”. Paragraph 57 of the *Krajišnik* Trial Judgement clarifies the use of the term “regionalization”, stating: “This consisted in the creation of ‘regions’ in which Serbs were the relative majority.”

⁸³ Response, para. 9.

contain sweeping generalisations or uncertain terms, they each include specific examples clarifying the fact as a whole.⁸⁴ The Chamber is satisfied that the second half of these proposed facts render them sufficiently distinct, concrete, and identifiable. Therefore the Chamber will consider taking judicial notice of proposed facts 2526 and 2530 as long as they satisfy the remaining elements of the test articulated in paragraph 16 above.

37. Turning to the remaining proposed facts challenged by the Accused under this heading, the Chamber considers that the following facts are insufficiently distinct, concrete, or identifiable for the purposes of judicial notice.

38. The Accused challenges proposed facts 1890 and 1891 on the basis that they are generalised statements.⁸⁵ The Chamber agrees with this assessment, and does not consider these general descriptions of SDS policy sufficiently concrete for the purposes of judicial notice.⁸⁶ In addition, although the Accused does not challenge proposed fact 1968, the Chamber finds a similar consideration applies to the description of the general policy position of the SDS contained in this fact.⁸⁷ It will, therefore deny judicial notice of proposed facts 1890, 1891 and 1968. In the absence of proposed fact 1890, which defines the abbreviation “SDS”, the Chamber will further exercise its discretion to add this definition to proposed fact 1892 to clarify this term in the context of the Motion.⁸⁸ Furthermore, the Chamber considers proposed facts 1969 and 1970 relate to proposed fact 1968, and in its absence from the Motion, proposed facts 1969 and 1970 become out of context, and will therefore be denied judicial notice as well.

39. The Accused also challenges proposed fact 1895 as being insufficiently distinct, concrete and identifiable.⁸⁹ This proposed fact states: “In the months following early November 1990, the close relationship between SDS municipal organs and the apex of the party was enhanced: by July 1991, for example, members of the Main Board and of the Executive Board were

⁸⁴ Proposed fact 2526 states: “During May 1992, various armed groups were seen in the municipality, including the SOS, the White Eagles, and local SUP and JNA units.”

Proposed fact 2530 states: “In late May 1992, Serb forces began to arrest Croat and Muslim leaders. Some, including the secretary of the SDA municipal board, a Muslim judge, and the municipal chief of police, were killed.”

⁸⁵ See challenges to proposed facts 1890 and 1891 in Annex A of the Response.

⁸⁶ Proposed fact 1890 states: “From the moment of its creation, the Serbian Democratic Party (“SDS”) political platform included an emphasis on the protection of the Serb nation, which was said to be disadvantaged by the purported lower birth rate of Serbs and by the way Bosnia-Herzegovina had been divided into municipalities, effectively making Serbs an ethnic minority in areas where they might otherwise have dominated.”

Proposed fact 1891 states: “The SDS advocated the maintenance of a federal Yugoslavia, respect for the rule of law, and an equal distribution of power between the three main national groups in Bosnia-Herzegovina.”

⁸⁷ Proposed fact 1968 states: “During this period, the SDS started contemplating military conflict as a likelihood, and no longer as a mere possibility.”

⁸⁸ Proposed fact 1892 shall read as follows: “In 1990 and 1991 the **Serbian Democratic Party (“SDS”)** was funded by voluntary contributions and enjoyed the support of the overwhelming majority of Bosnian Serbs.”

⁸⁹ Response, para. 9.

instructed to be involved in the work of local boards in the areas they represented.”⁹⁰ The Chamber does not consider the sweeping introductory portion of this fact to be sufficiently concrete for the purposes of judicial notice, and will exercise its discretion pursuant to Rule 94(B) to strike the broad statement from proposed fact 1895, leaving only the concrete example at the end of the fact.⁹¹ The same consideration applies to proposed facts 2096 and 2145.⁹² As such, the Chamber will exercise its discretion pursuant to Rule 94(B) to only take judicial notice of the second sentences of proposed facts 1895, 2096, and 2145, as long as these portions satisfy the other requirements set forth in paragraph 16 above.

40. The Chamber also considers that several proposed facts challenged by the Accused include terms or phrases that are not distinct, concrete, or identifiable in the *Krajišnik* Trial Judgement. For example, proposed fact 2120 states that “[f]rom very early on following its creation, the VRS was aware of the serious problems posed by the paramilitary formations in various municipalities, as well as their unruly behaviour”.⁹³ The Chamber considers that this fact is insufficiently concrete for the purposes of judicial notice as it combines several phrases which, when considered together, fail to identify a concrete or distinct fact or time period. Furthermore, the fact does not concretely identify who in the VRS had actual awareness, but asserts only that the VRS was generally “aware”. As such, the Chamber will deny judicial notice of proposed fact 2120.

41. Similarly, the Chamber finds that the phrases in the following proposed facts challenged by the Accused are not sufficiently concrete or identifiable:

- “[...] for practical purposes [...]” in proposed fact 1899;⁹⁴
- “[...] to put pressure on the deputies [...]” in proposed fact 2035;⁹⁵
- “[...] a certain amount of control [...]” in proposed fact 2060;⁹⁶

⁹⁰ Motion, Appendix A, p. 11. *See also* *Krajišnik* Trial Judgement, para. 26.

⁹¹ Proposed fact 1895 shall state: ~~“In the months following early November 1990, the close relationship between SDS municipal organs and the apex of the party was enhanced: [B]y July 1991, for example, members of the Main Board and of the Executive Board were instructed to be involved in the work of local boards in the areas they represented.”~~

⁹² Proposed fact 2096 shall read: ~~“The ethnic make up of the armed forces changed significantly in the first half of 1992. Already in early 1992, and partly due to the refusal of non-Serbs to mobilize for the war in Croatia, the JNA units in Bosnia-Herzegovina were progressively becoming all-Serb units.”~~

Proposed fact 2145 shall read: ~~“The Bosnian-Serb MUP was one of the first institutions of the nascent Republic to start functioning effectively. At its session of 11 March 1992, the Bosnian-Serb Assembly unanimously called for the implementation of the new Law on Internal Affairs by the Ministerial Council.”~~

⁹³ Motion, Appendix A, p. 46. *See* *Krajišnik* Trial Judgement, para. 222.

⁹⁴ *See* *Krajišnik* Trial Judgement, para. 29.

⁹⁵ *See* *Krajišnik* Trial Judgement, para. 139.

⁹⁶ *See* *Krajišnik* Trial Judgement, para. 151.

- “[i]mportant functions relevant to the armed forces [...]” in proposed fact 2086;⁹⁷
- “[t]he political leadership [...]” in proposed fact 2098;⁹⁸
- “[...] major role in organizing TO units [...]” in proposed fact 2180;⁹⁹
- “[...] significant overlap [...]” in proposed fact 2186;¹⁰⁰
- “[...] generally was completed [...]” in proposed fact 2187;¹⁰¹
- “[...] provocative shooting [...]” in proposed fact 2501;¹⁰²
- “[...] other acts of intimidation [...]” in proposed fact 2524;¹⁰³
- “[d]uring the following months [...]” in proposed fact 2561;¹⁰⁴ and
- “[a] large part of Vogošća [...]” in proposed fact 2596.¹⁰⁵

The Chamber will therefore deny judicial notice of proposed facts 1899, 2035, 2060, 2086, 2098, 2180, 2186, 2187, 2501, 2524, 2561, and 2596. In addition, the Chamber is mindful that it must also deny facts which will become unclear or misleading because one or more of the surrounding proposed facts will be denied judicial notice.¹⁰⁶ Thus, in denying proposed fact 1899, it will also deny judicial notice of proposed fact 1900 as its comprehension depends on the former.¹⁰⁷ Similarly, the Chamber finds that the meaning of proposed facts 2036 and 2037 will become ambiguous in the absence of proposed fact 2035. However, instead of denying judicial notice of these facts, the Chamber will exercise its discretion pursuant to Rule 94(B) of the Rules to make minor revisions to proposed facts 2036 and 2037, in order to rectify minor ambiguities resulting from the rejection of proposed fact 2035.¹⁰⁸

⁹⁷ See *Krajišnik* Trial Judgement, para. 189. The Chamber also notes that the Prosecution drops the word “other” from the beginning of the fact, which, when read in connection with the previous sentence of the *Krajišnik* Trial Judgement, makes clear that the “other important functions” were an alternative to the control executed by the Bosnian-Serb Presidency as commander-in-chief. The fact therefore differs substantially from its formulation in the *Krajišnik* Trial Judgement.

⁹⁸ See *Krajišnik* Trial Judgement, para. 201.

⁹⁹ See *Krajišnik* Trial Judgement, para. 261.

¹⁰⁰ See *Krajišnik* Trial Judgement, para. 264.

¹⁰¹ See *Krajišnik* Trial Judgement, para. 264.

¹⁰² See *Krajišnik* Trial Judgement, para. 677.

¹⁰³ See *Krajišnik* Trial Judgement, para. 511.

¹⁰⁴ See *Krajišnik* Trial Judgement, para. 575.

¹⁰⁵ See *Krajišnik* Trial Judgement, para. 596.

¹⁰⁶ *Popović* Decision, para. 8.

¹⁰⁷ Proposed fact 1900 states: “This arrangement stamped out opposition by smaller parties and sowed the seeds for the establishment of parallel ethnic structures. The SDS, for example, received a vice-presidential position, two Ministers without portfolio, and five out of thirteen departmental portfolios in the Government, as well as eight out of thirty chairmanships of Assembly committees and commissions.”

¹⁰⁸ Proposed fact 2036 shall read: “~~In addition,~~ [T]he activities of the Assembly were supported financially by the SDS.”

42. In the Response, the Accused also challenges proposed fact 1975 on this ground. The Chamber notes that the proposed fact identifies a document as “contextually dated January or early February 1992”. This identification is adequate in terms of precision for the Chamber to take judicial notice of it. In light of the denial of proposed fact 1975, the Chamber further considers that proposed facts 1976 to 1980 must also be denied judicial notice, as these facts are founded on the same document discussed in proposed fact 1975, and are no longer clear in the context of the Motion as a whole.

43. Furthermore, proposed fact 1999 states that: “[t]he looming crisis was poorly handled in March and early April 1992 by the republican organs, weakened by dissent among the coalition parties.”¹⁰⁹ The Chamber considers that the formulation of this fact is insufficiently concrete for the purposes of the test set forth in paragraph 16 above, as it is an introductory remark by the *Krajišnik* Trial Chamber. Furthermore, the ambiguity in this proposed fact is not sufficiently clarified by the portions of the *Krajišnik* Trial Judgement contained in the proposed facts in the Motion.¹¹⁰ The Chamber therefore considers that proposed fact 1999 is not appropriate for judicial notice. As a consequence, proposed fact 2000 and 2001 become ambiguous in the context of the Motion, and the Chamber will also deny judicial notice of these facts.

44. With regard to the Accused’s challenge to proposed fact 2112, the Chamber also finds that this fact is insufficiently distinct, concrete and identifiable. Specifically, the proposed fact contains a broad generalisation, stating that “[l]ocal SDS boards, crisis staffs, and regional (SAO) governments often invited and assisted paramilitary groups.”¹¹¹ Although the Chamber notes that the following proposed fact, 2113, contains specific examples, the Chamber is unsatisfied that the two proposed facts when read together provide adequate concreteness, as it remains ambiguous which paramilitary was affiliated with or “invited” by which municipality.¹¹² As a result of this ambiguity, the Chamber will decline to take judicial notice of proposed fact 2112. As a consequence, it will also deny judicial notice of proposed fact 2113, as it would become unclear in the context of the Motion, in the absence of proposed fact 2112.

Proposed fact 2037 shall read: “The Assembly’s composition and operating methods ~~thus~~ ensured that the decision-making process was heavily influenced by SDS policy.”

¹⁰⁹ See *Krajišnik* Trial Judgement, para. 122 (emphasis added).

¹¹⁰ Proposed fact 2000 states: “For example, the Council for the Protection of Constitutional Order, a body constituted of representatives of the three constituent peoples from the Bosnia-Herzegovina Government and the Assembly, issued recommendations to the parties and the organs of public administration, but they were not followed up.”

¹¹¹ *Krajišnik* Trial Judgement, para. 215.

¹¹² Proposed fact 2113 states: “This occurred, for example, with the Yellow Wasps, the Red Berets, Mauzer’s men, and Arkan’s men, operating in north-eastern Bosnia-Herzegovina (Bijeljina, Brčko, and Zvornik).”

45. The Chamber also considers that proposed fact 2201, which states that “[t]he decision to establish war presidencies was acted upon in some municipalities”, is not sufficiently concrete. Similarly, proposed facts 2104,¹¹³ 2207,¹¹⁴ 2213,¹¹⁵ 2214,¹¹⁶ and 2216,¹¹⁷ suffer from broad generalisations regarding the relationship between political, paramilitary, and military organs throughout Bosnia and Herzegovina. The Chamber will therefore deny judicial notice of these proposed facts. As a consequence, it will also deny judicial notice of proposed fact 2208, as it would become unclear in the context of the Motion, in the absence of proposed fact 2207.¹¹⁸

46. The Accused challenges proposed fact 2685 on the ground that it is not sufficiently concrete for the purposes of judicial notice.¹¹⁹ The Chamber considers the vague reference to “the threat of violence” in this fact to be insufficiently concrete or identifiable in the context of the surrounding facts in the Motion.¹²⁰ Therefore, it will decline to take judicial notice of proposed fact 2685.

47. Finally, the Chamber has undertaken its own review of the proposed facts in the Motion and has identified several facts that it considers insufficiently distinct, concrete, or identifiable. Thus, even when considering the specific reference to the place referred to in the *Krajišnik* Trial Judgement and to the indictment period of that case, the reference to “SDS members in various organs” in proposed fact 1927 is insufficiently concrete, and the Chamber will decline to take judicial notice of this fact.¹²¹ Proposed fact 1928 becomes unclear in the absence of fact 1927,

¹¹³ Proposed fact 2104 states: “Many paramilitary units were seen operating independently at first. Often, paramilitary units were later incorporated within the TO structures and eventually ended up being either disbanded or integrated within the VRS structures.”

¹¹⁴ Proposed fact 2207 states: “Generally there was a progression from SDS-formed military units to infantry units under the command of the crisis staffs, to full VRS control of military units by mid-June 1992.”

¹¹⁵ Proposed fact 2213 states: “As the municipal defence force, the TO came to have close links with the crisis staffs. Many crisis staffs appointed and dismissed municipal TO commanders and received reports from TO units.”

¹¹⁶ Proposed fact 2214 states: “In some cases, crisis staffs issued orders to the TO on military matters. On a few occasions crisis staffs or their members assumed a very direct military role and got involved in military activities.”

¹¹⁷ Proposed fact 2216 states: “The contacts between municipal crisis staffs and paramilitary units varied from municipality to municipality.”

¹¹⁸ Proposed fact 2208 states: “Thus, the crisis staffs filled the gap between the withdrawal, disintegration, or general failure of command structures within the JNA, and the establishment of a VRS with effective control of the armed forces on the ground.”

¹¹⁹ Response, para. 9.

¹²⁰ Proposed fact 2685 states: “The threat of violence felt by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities, forced them to leave their homes from May 1992 and onwards.”

¹²¹ Proposed fact 1927 states: “In September and October 1991, SDS officials and top-ranking personnel of republican (Bosnia-Herzegovina) organs met to exchange information and establish coordination and cooperation between SDS members in various organs.”

and the Chamber will also decline to take judicial notice of it.¹²² Similar considerations apply to the following phrases:

- “[...] appears to be due [...]” in proposed fact 2100;¹²³
- “[e]ven before the hostilities began [...]” in proposed fact 2103;¹²⁴
- “[...] weaponry up to and including 120 mm mortars [...]” in proposed fact 2155;¹²⁵
- “[i]n a formal sense [...]” in proposed fact 2211;¹²⁶
- “[...] extensive dealings [...]” in proposed fact 2217;¹²⁷
- “[i]n some cases [...] [o]n certain occasions [...]” in proposed fact 2218;¹²⁸
- “[...] out of fear [...]” in proposed fact 2231;¹²⁹
- “[...] for an unspecified period of time [...]” in proposed fact 2282;¹³⁰
- “[...] much of the Muslim population [...] due to threats[...]” in proposed fact 2332;¹³¹
- “[...] various locations [...]” in proposed fact 2352;¹³²
- “[...] together with other units [...]” from proposed fact 2449;¹³³
- “[...] unbearable circumstances [...]” from proposed facts 2456 and 2493;¹³⁴
- “[...] repressive measures [...]” from proposed fact 2663;¹³⁵
- “[...] civilian authorities [...]” from proposed fact 2664;¹³⁶
- “[...] a paramilitary group from Serbia [...]” from proposed fact 2746;¹³⁷ and

¹²² Proposed fact 1928 states: “They adopted a resolution to set up ‘a duty system in order to monitor activities, implantation of tasks in state organs, day-to-day problem management in different fields and serve as a liaison with the SDS.’”

¹²³ See *Krajišnik* Trial Judgement, para. 202.

¹²⁴ See *Krajišnik* Trial Judgement, para. 208.

¹²⁵ See *Krajišnik* Trial Judgement, para. 242.

¹²⁶ See *Krajišnik* Trial Judgement, para. 283.

¹²⁷ See *Krajišnik* Trial Judgement, para. 286.

¹²⁸ See *Krajišnik* Trial Judgement, para. 286.

¹²⁹ See *Krajišnik* Trial Judgement, para. 380.

¹³⁰ See *Krajišnik* Trial Judgement, para. 405.

¹³¹ See *Krajišnik* Trial Judgement, para. 320.

¹³² See *Krajišnik* Trial Judgement, para. 328.

¹³³ See *Krajišnik* Trial Judgement, para. 449.

¹³⁴ See *Krajišnik* Trial Judgement, paras. 456, 499.

¹³⁵ See *Krajišnik* Trial Judgement, para. 555.

¹³⁶ See *Krajišnik* Trial Judgement, para. 555.

¹³⁷ See *Krajišnik* Trial Judgement, para. 372.

- “[...] including members of paramilitaries from Serbia [...]” in proposed fact 2764.¹³⁸

The Chamber will therefore deny judicial notice of proposed facts 2100, 2103, 2155, 2211, 2217, 2218, 2231, 2282, 2332, 2352, 2449, 2456, 2493, 2663, 2664, 2746, and 2764.

48. Finally the Chamber considers that proposed facts 2178–2179 contain broad generalisations relating to the functions of the crisis staffs throughout BiH, with regard to their control over “civilian, military, and paramilitary affairs.”¹³⁹ It does not view the use of such broad terms to describe the command relationship in every crisis staff sufficiently concrete for the purposes of judicial notice. The Chamber will therefore decline judicial notice of proposed facts 2178 and 2179.

**[c] The fact must not differ in any substantial way
from the formulation of the original judgement**

49. In turning to the challenges presented by the Accused on the basis of this requirement, the Chamber notes that the Accused combines his challenges under requirement [c] and [d] of paragraph 16 above.¹⁴⁰ This Chamber has previously conducted its analysis under these two headings separately, rejecting those facts which are formulated in a substantially different way from the original judgement, and rejecting proposed facts that when read in the context of the proposed facts in the previous motions, as a whole, are unclear, misleading or out of context.¹⁴¹ The Chamber is cognisant, however, that the underlying concept for both of these considerations is whether each proposed fact has a substantially different meaning from that intended by the original judgement, and therefore cannot be considered a previously adjudicated fact.¹⁴² Thus, there is the potential for significant overlap between these requirements, and in fact several Trial Chambers have combined them.¹⁴³ The Chamber has reviewed all of the challenges to specific

¹³⁸ See *Krajišnik* Trial Judgement, para. 368.

¹³⁹ Proposed fact 2178 states: “As the leading governing body in the municipality, the crisis staffs exercised control over civilian, military, and paramilitary affairs.” See *Krajišnik* Trial Judgement, para. 260.

Proposed fact 2179 states: “In addition, throughout the period of their existence, the crisis staffs functioned as the coordinating body between municipal authorities, the SDS, and the central republican level (both state and SDS) on the one side, and the military, the police, and other forces on the ground in the municipalities, on the other.”

See *Krajišnik* Trial Judgement, para. 261.

¹⁴⁰ Response, para. 10.

¹⁴¹ First Decision on Adjudicated Facts, paras. 19–28; Second Decision on Adjudicated Facts, paras. 34–39; Third Decision on Adjudicated Facts, paras. 22–36.

¹⁴² *Karemera* Appeal Decision, para. 55.

¹⁴³ See, e.g., *Prosecutor v. Jovica Stanišić & Simatović*, Case No. IT-03-69-T, Decision on Second Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 January 2010, paras. 24, 56; *Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts Concerning Sarajevo, 26 June 2008, paras. 16, 32.

facts raised by the Accused on this basis, and will address each of them under the heading that best represents the argument of the Accused as understood by the Chamber.

50. The Chamber considers the challenges raised by the Accused in relation to proposed facts 1958, 1991, 2011, 2081, 2106, 2120, 2140, 2193, 2196, 2197, 2200, 2203, 2218, 2230, 2236, 2288, 2289, 2299, 2319, 2324, 2338, 2348, 2370, 2448, 2481, 2482, and 2493 fall under this heading.¹⁴⁴ As such, the Chamber will consider whether the formulation of these proposed facts differ in a substantial way from the original facts adjudicated in the *Krajišnik* Trial Judgement.

51. As a preliminary matter, the Chamber notes that proposed facts 2288, 2289, 2299, 2348, 2370, 2481, and 2482 have already been denied judicial notice on the basis of relevance as discussed in section [a] above, and proposed facts 2120, 2218, and 2493 have already been denied judicial notice as insufficiently discrete, concrete and identifiable in section [b] above. Furthermore, the Chamber finds the Accused's challenges to proposed facts 1991, 2196, 2197, and 2200 are better addressed in section [h] below, and the challenge to proposed fact 2081 is better addressed under sections [j] below. Consequently, the Chamber will not deal with the Accused's arguments in relation to these proposed facts here.

52. In the Response, the Accused challenges proposed fact 2319 on the ground that it omits from the proposed fact the second half of the sentence from the *Krajišnik* Trial Judgement,¹⁴⁵ which states: "[...] and to forcibly transfer the population to Muslim-controlled Kladanj municipality".¹⁴⁶ The Chamber does not consider the omission of this additional information from the *Krajišnik* Trial Judgement to alter the meaning or the substance of the entire fact in such a way to render it inappropriate for judicial notice. Similarly, the Accused challenges proposed fact 2448 on the basis that it omits certain details contained in paragraph 447 of the *Krajišnik* Trial Judgement.¹⁴⁷ However, the omitted parts of paragraph 447 of the *Krajišnik* Trial Judgement appear as part of proposed fact 2450,¹⁴⁸ and, after reviewing the formulation of

¹⁴⁴ Response, para. 10, Annex A.

¹⁴⁵ See challenge to proposed fact 2319 in Annex A of the Response.

¹⁴⁶ Proposed fact 2319 states: "On 8 May 1992, during a Muslim attack against Serb paramilitaries in Potočari, Goran Zekić, a prominent SDS main board member visiting from Srebrenica, was killed. The Bratunac crisis staff met the same day and planned to attack the Muslim village of Glogova the next morning." However, paragraph 314 of the *Krajišnik* Trial Judgement states: "On 8 May 1992, during a Muslim attack against Serb paramilitaries in Potočari, Goran Zekić, a prominent SDS main board member visiting from Srebrenica, was killed. The Bratunac crisis staff met the same day and planned to attack the Muslim village of Glogova the next morning, and to forcibly transfer the population to Muslim-controlled Kladanj municipality."

¹⁴⁷ See challenges to proposed fact 2448 in Annex A of the Response.

¹⁴⁸ Paragraph 447 of the *Krajišnik* Trial Judgement states: "Following the crisis staff's order, one Catholic Church, 3,500 Muslim-owned houses, and at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992."

these two facts, the Chamber does not consider the way they have been extracted from the original judgement in any way substantially alters their meaning. Consequently, the Chamber rejects these arguments by the Accused and will consider taking judicial notice of proposed facts 2319 and 2448, as long as they satisfy the other requirements set forth in paragraph 16 above.¹⁴⁹

53. The Chamber does, however, consider that the formulation of proposed facts 2011, 2140, and 2236 does not accurately reflect the adjudicated facts from the corresponding paragraphs in the *Krajišnik* Trial Judgment. Nonetheless, it finds these inconsistencies to be minor, and will exercise its discretion to correct them in paragraph 65 below.

54. Furthermore, the Accused challenges proposed facts 1958, 2106, 2193, and 2203 as either inconsistent, out of context, or misleading.¹⁵⁰ As noted above, this Chamber finds that these challenges raised by the Accused are best dealt with under this heading, and indeed these proposed facts substantially differ from the way they are formulated in the *Krajišnik* Trial Judgment. Specifically, in the context of paragraph 103 of the *Krajišnik* Trial Judgment, proposed fact 1958 refers to the 9 January 1992 proclamation of the Bosnian-Serb Assembly.¹⁵¹ However, when reading proposed facts 1954 through 1958, it appears as if the Bosnian-Serb Assembly modified its 21 December 1991 statement, and not the proclamation. Therefore, proposed fact 1958 substantially differs from the fact adjudicated by the *Krajišnik* Trial Chamber. In addition, proposed facts 1959 and 1960 relate to proposed fact 1958, and will become unclear once proposed fact 1958 is removed from the Motion. Therefore the Chamber will decline taking judicial notice of proposed facts 1958 through 1960.

55. The Chamber also finds proposed fact 2106 omits specifics from the original judgement; namely, that the SOS paramilitary group under the command of Nenad Stevandić and operating in Banja Luka in the spring and summer of 1992 contained convicted criminals.¹⁵² The absence of this additional information substantially alters the meaning of proposed fact 2106, as it is

Proposed fact 2448 states: "Following the crisis staff's order 3,500 Muslim-owned houses in Ključ municipality were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992."

Proposed fact 2450 states: "Following the crisis staff's order, one Catholic church, and at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992."

¹⁴⁹ The Chamber also notes that the Accused argues that these facts are repetitive. *See* challenges to proposed facts 2448 and 2450 in Annex A of the Response. However, as each proposed fact includes different details from paragraph 447 of the *Krajišnik* Trial Judgment, the Chamber does not consider these two facts impermissibly repetitive.

¹⁵⁰ *See* challenge to proposed facts 1958, 2106, 2193, and 2203 in Annex A of the Response.

¹⁵¹ Proposed fact 1958 states: "The Assembly added that the 'territorial delimitation with political communities of other peoples in Bosnia-Herzegovina, as well as the solution of other mutual rights and obligations, shall be performed in a peaceful manner and with mutual agreement.'"

formulated in the Motion to suggest that the SOS paramilitary groups *generally* contained convicted criminals. Thus, the Chamber will decline to take judicial notice of proposed fact 2106.

56. Similarly, in formulating proposed fact 2193 in the Motion, the Prosecution omitted the preceding sentences from the *Krajišnik* Trial Judgement, which clarify that the crisis staffs, war presidencies, and war commissions were essentially the same body.¹⁵³ In light of this omission, proposed facts 2193 and 2194 do not convey substantially the same meaning as paragraph 272 of the *Krajišnik* Trial Judgement.¹⁵⁴ The omission of the conclusion by the *Krajišnik* Trial Chamber that “[t]he three were essentially the same body” is necessary for understanding the relationship between proposed facts 2193 and 2194, and the Chamber considers this omission to substantially alter the meaning of both proposed facts.¹⁵⁵ As such, the Chamber will decline to take judicial notice of proposed facts 2193, and 2194.

57. The same consideration applies to proposed fact 2203, which refers to events occurring “on the same day”.¹⁵⁶ When reading the proposed fact in the context of the Motion, it appears to relate to the date of 1 June 1992 contained in proposed fact 2200; however, the actual fact adjudicated in the *Krajišnik* Trial Judgement refers to 10 June 1992.¹⁵⁷ Therefore the Chamber will decline to take judicial notice of proposed fact 2203.

58. The Accused further challenges proposed fact 2230 on the basis that it omits the phrase “[...] and that almost all the detainees were prisoners of war” which appears in the original sentence in the *Krajišnik* Trial Judgement.¹⁵⁸ The Chamber finds that the formulation of the

¹⁵² Compare *Krajišnik* Trial Judgement, para. 212 with proposed fact 2106, which states simply: “The SOS paramilitary group included convicted criminals. Members of the SOS even acted as escorts for SDS leaders such as Radoslav Brđanin.”

¹⁵³ See *Krajišnik* Trial Judgement, para. 272.

¹⁵⁴ Proposed fact 2193 states: “One distinction between crisis staffs, war presidencies and war commissions was that while the crisis staffs were meant to be replacing the municipal assemblies only, the war presidencies and war commissions were to replace both the assembly and the executive committee.”

Proposed fact 2194 states: “There might not have been any practical difference, however, since, as explained above, the crisis staffs already acted as executive organs.”

¹⁵⁵ The two sentences preceding proposed fact 2193 in the *Krajišnik* Trial Judgement state: “In June 1992, in order to further centralize the power and streamline its authority, the Bosnian-Serb leadership pursued efforts to transform the municipal crisis staffs first into war presidencies and then, later into war commissions. The three were, however, essentially the same body.” *Krajišnik* Trial Judgement, para. 272.

¹⁵⁶ Proposed fact 2203 states: “A list of commissioners was drawn up on the same day and included Dragan Đokanović, Nikola Poplašen, Milimir Mučibabić, Miroslav Radovanović, Jovan Tintor, and Danilo Veselinović. Soon thereafter, Dragan Đokanović was appointed state commissioner for Zvornik, Vlasenica, Skelani, Bratunac, Šekovići, and Novo Sarajevo.”

¹⁵⁷ *Krajišnik* Trial Judgement, para. 276.

¹⁵⁸ Proposed fact 2230 states: “The Muslim lawyer Amir Džonlić visited Manjača camp with members of a local human rights organization in late May or early June 1992. Predrag Radić, General Momir Talić, commander of the VRS 1st Krajina Corps, and Lieutenant Colonel Božidar Popović, head of Manjača camp, explained to

proposed fact differs in a substantial way from the original judgement, because the identity of the detainees as prisoners of war is indeed a significant detail. Proposed fact 2230 will therefore be denied judicial notice.

59. In the Response, the Accused also identifies proposed fact 2324 as inconsistent with paragraph 320 of the *Krajišnik* Trial Judgement.¹⁵⁹ It appears that the Prosecution has borrowed the first part of the fact, namely that “[o]ver 5,000 Muslim civilians were detained on the Bratunac football field [...]”,¹⁶⁰ from paragraph 320, and combined it with the substance of paragraph 316 of the *Krajišnik* Trial Judgement which states: “Around 5,000 Muslims who had been forcibly removed from their homes were detained at the Bratunac football stadium [...]”.¹⁶¹ In light of this ambiguity between the number of prisoners actually held in the Bratunac football stadium, the Chamber will refuse judicial notice of proposed fact 2324.

60. The Accused challenges proposed fact 2338 because it concludes that the “two bridges crossing the Sava river and linking Brčko town to Croatia were blown up by Serbs”, and the *Krajišnik* Trial Judgement states merely that the bridges were “blown up”, and that “[t]he Chamber is convinced that they were blown up by Serbs because Serbs were warned beforehand about the operation.”¹⁶² The Chamber considers that the omission of the details upon which the *Krajišnik* Trial Chamber based its findings renders the proposed fact sufficiently different from the formulation in the Motion, and will therefore deny judicial notice of it.

61. Although the Accused challenges proposed fact 1942 as insufficiently distinct, concrete, or identifiable, the Chamber finds that it is more appropriate to discuss this fact here. In reviewing the Motion, it appears that proposed fact 1942 relates to one of the 23 sessions of the Bosnian-Serb Assembly between October 1991 and December 1992, described in proposed fact 1941.¹⁶³ However, upon reviewing the *Krajišnik* Trial Judgement, it is clear that proposed fact 1942 actually relates to a meeting between the Accused and the SDS presidents of the ARK

Džonlić that the camp was under the control of the VRS 1st Krajina Corps. Popović admitted that food at the camp was insufficient.”

Para. 384 of the *Krajišnik* Trial Judgement states in relevant part: “The Muslim lawyer Amir Džonlić visited Manjača camp with members of a local human rights organization in late May or early June 1992. Predrag Radić, General Momir Talić, commander of the VRS 1st Krajina Corps, and Lieutenant Colonel Božidar Popović, head of Manjača camp, explained to Džonlić that the camp was under the control of the VRS 1st Krajina Corps, and that almost all the detainees were prisoners of war. Popović admitted that food at the camp was insufficient.”

¹⁵⁹ Proposed fact 2324 states: “Over 5,000 Muslim civilians were detained on the Bratunac football field in May 1992. Armed Serbs forced the Muslims to surrender their valuables, after which the women and children were separated from the men, placed in buses, and transported out of the municipality.”

¹⁶⁰ Response, Annex A.

¹⁶¹ *Krajišnik* Trial Judgement, para. 316.

¹⁶² *Krajišnik* Trial Judgement, para. 324. See Response, Annex A.

¹⁶³ Motion, Appendix A, p. 18; *Krajišnik* Trial Judgement, para.69.

municipalities and the “ARK government”, on 26 October 1991.¹⁶⁴ Therefore, the Chamber finds that when reading proposed fact 1942 as formulated in the Motion, it takes on a substantially different meaning than the fact in the *Krajišnik* Trial Judgement. In the absence of proposed fact 1942 from the Motion renders, proposed facts 1943 to 1945 become unclear in the context of the surrounding facts, and the Chamber will, for this reason, deny judicial notice of proposed facts 1942 to 1945.¹⁶⁵

62. In addition to the facts challenged by the Accused, the Chamber has identified several proposed facts which are formulated in a substantially different way in the Motion than the underlying fact in the *Krajišnik* Trial Judgement. Specifically, proposed fact 1920 states that: “[a] plan in August 1991 envisaged the institution of separate Serb political, police, and military structures in order to institute, at a later stage, separate governmental functions uniting the Serbs in Bosnia-Herzegovina.” Paragraph 55 of the *Krajišnik* Trial Judgement, however, states that in late August 1991 the SDS leadership only began to consider such a plan.¹⁶⁶ The Chamber considers the formulation of the proposed fact omitting that the plan was only *considered*, significantly differs from the original judgement. Thus, it will not take judicial notice of proposed fact 1920.

63. Proposed fact 2405 states that: “[t]hese men had been Muslim civilians who had been detained at the KP Dom at the time of their killing”. However, the relevant sentence from the *Krajišnik* Trial Judgement does not specify that these civilians were in fact detained at the KP Dom, and instead states only that they were detained.¹⁶⁷ Although this may be a permissible inference from the construction of paragraph 647 of the *Krajišnik* Trial Judgement, the Chamber will only take judicial notice of clear findings of fact by previous Trial Chambers. In light of the ambiguity between the factual finding in paragraph 647 of the *Krajišnik* Trial Judgement, and the way the Prosecution has constructed proposed fact 2405, the Chamber will decline to take judicial notice of proposed fact 2405.

¹⁶⁴ *Krajišnik* Trial Judgement, para. 70.

¹⁶⁵ Proposed fact 1943 states: “(It is not clear whether the order pre-dated 26 October 1991, and whether it was distributed outside the ARK before that date).”

Proposed fact 1944 states: “The order consisted of fourteen points and called for, among other things, a ‘town command’ amounting to a military administration; intensified mobilization of the Territorial Defence (‘TO’); formation of military units; subordination of the TO to the JNA; disbanding of paramilitary units and their reassignment to the TO; take-over of public enterprises, the post office, banks, judiciary, media, and the SDK (Social Accounting Service); coordination with local directors and with the SDS in Sarajevo to ensure supplies for the population; and imposition of war taxes.”

Proposed fact 1945 states: “The order was sent by telex on 29 October 1991 to presidents of all municipalities in the ARK by Radoslav Brđanin, in his capacity as ‘coordinator for implementing decisions’.”

¹⁶⁶ *Krajišnik* Trial Judgement, para. 55.

¹⁶⁷ *Krajišnik* Trial Judgement, para. 647.

64. The Chamber also notes that proposed fact 2721 replaces the phrase “where the women had to sign statements giving away their houses and properties to, as one witness put it, ‘the Serbs’”,¹⁶⁸ with the phrase “where the women had to sign statements giving away their houses and properties to ‘the Serbs’”.¹⁶⁹ The Chamber considers that such an alteration of the fact significantly changes the underlying fact, and will therefore decline to take judicial notice of it.

65. As previously noted by the Chamber in its First Decision on Adjudicated Facts, if a proposed fact contains only a minor inaccuracy or ambiguity, it is within the Chamber’s discretion to correct it, as long as the correction accurately reflects the fact adjudicated in the original judgement.¹⁷⁰ This applies not only to typographical errors but also to other inaccuracies which can be corrected having regard to either the original judgement or the surrounding facts proposed in the motion.¹⁷¹ In order to render the relevant proposed facts consistent in every respect with the factual adjudication made in the *Krajišnik* Trial Judgement, the Chamber has corrected minor errors in the following proposed facts:

- Proposed fact 2011 shall read as follows: **On 7 April 1992**, the Bosnian-Serb Assembly, chaired by Milovan Milanović, declared the independence of the Bosnian-Serb Republic (on 12 August 1992, the name of the republic was changed to “Republika Srpska”). Plavšić and Koljević resigned from their positions in the Presidency of Bosnia-Herzegovina.
- Proposed fact 2079 shall read as follows: Ex officio members of the SNB also included the President of the Bosnian-Serb Assembly (Momčilo Krajišnik), and the Bosnian-Serb Republic’s Prime Minister, and the Ministers of Defence and Interior.
- Proposed fact 2140 shall read as follows: The Minister could also limit public movement and assembly if the security of the Republic, the work of republican organs, or the freedom and rights of the citizens of the Republic were threatened, although before doing so the Minister was obliged to consult the Assembly – **or, if the circumstances made it impossible to consult the Assembly, the Republic’s President.**
- Proposed fact 2236 shall read as follows: At a dinner with **UNPROFOR representative** Cedric Thornberry on 20 April 1992, Plavšić described Bijeljina as a “liberated” town.

¹⁶⁸ *Krajišnik* Trial Judgement, para. 350.

¹⁶⁹ Motion, Appendix A, p. 162.

¹⁷⁰ *Popović* Decision, para. 10; cf. First Decision on Adjudicated Facts, para. 22.

¹⁷¹ See *Stanišić* Decision, para. 38; First Decision on Adjudicated Facts, para. 22.

- Proposed fact 2315 shall read as follows: On 17 May 1992, Serbs shelled the Muslim settlement of Konjević Polje, near Hrnčići, and attacked it on 27 May.
- Proposed fact 2407 shall read as follows: **Some** women from the village of Mješaja/Trošanj were taken by Serb soldiers to a detention centre at the construction site Buk Bijela, where Gojko Janković was in charge.
- Proposed fact 2629 shall read as follows: On 14 June 1992, **a Serb man called Žuti** and some other guards took about 52 detainees by bus to Sokolina, near Srednje, in Ilijaš municipality. There the guards and the driver got off the bus and attacked it with grenades and automatic weapons. A total of 47 detainees were killed during this incident.
- Proposed fact 2741 shall read as follows: On 8 April 1992, **a combination of Serb forces** – the police, the TO, the JNA, and Arkan’s men – launched an attack against Zvornik town, which originated, at least partially, from inside Serbia.
- Proposed facts 1988, 2009, 2142, and 2411 shall have the quotation marks added to accurately reflect the quoted material from the *Krajišnik* Trial Judgement.
- Proposed facts 2030, 2059, and 2147 shall have the term “Official Gazette” placed in italics to accurately reflect its appearance in the *Krajišnik* Trial Judgement.
- Proposed fact 2002 shall have the spelling of “negotiations” corrected, and proposed fact 2490 shall have the spelling of “executed” corrected.

**[d] The fact must not be unclear or misleading
in the context in which it is placed in the Motion**

66. In the Response, the Accused challenges proposed facts 1958, 2105, 2106, 2193, 2196, 2197, 2200, and 2203, as misleading or out of context.¹⁷² The Chamber recalls its discussion of the Accused’s arguments related to requirements [c] and [d] of the test for judicial notice from paragraph 47 above, and finds that it has already denied judicial notice of proposed facts 1958, 2106, 2193, and 2203 in section [c] above. Furthermore, the Chamber will discuss proposed facts 2196, 2197, and 2200 in section [h] below, and proposed fact 2105 in section [j], below. Thus, it does not deem it necessary to deal with these proposed facts here. However, the Chamber has further identified several proposed facts that it considers misleading, out of context, or unclear in the context of the Motion, and will not take judicial notice of them.

¹⁷² Response, para. 10, Annex A..

67. The Chamber notes that the Accused has challenged proposed fact 2105 on the ground that it is “out of context”.¹⁷³ The Chamber reiterates here that the requirement that facts are not “misleading in the context” does not relate to the context of the original judgement, but to the context of the Motion.¹⁷⁴ Consequently, the Chamber has reviewed the Motion and finds that this proposed fact is not unclear or misleading in the context of the Motion. It will therefore take judicial notice of proposed fact 2105 as long as it satisfies the remaining elements of the test articulated in paragraph 16 above. The Chamber will, however, exercise its discretion to correct a minor error in the formulation of the fact.¹⁷⁵

68. Although the Accused challenges proposed facts 2082 and 2670 on the ground that they are insufficiently concrete for judicial notice,¹⁷⁶ the Chamber finds it more appropriate to discuss these proposed fact here. The Chamber considers that proposed facts 2082–2084 appear out of context when read under the heading in Appendix A of the Motion entitled “The Bosnian-Serb National Security Council”.¹⁷⁷ The Chamber notes here that the headings provided in Appendix A of the Motion carry no evidentiary weight and that they serve only to organise the numerous proposed facts in a coherent manner. In this respect however, the Chamber is mindful it must have regard for the surrounding proposed facts in the Motion when determining whether a fact is unclear or out of context.¹⁷⁸ Considering the location of these proposed facts relating to the creation of the collective presidency for the Bosnian-Serb Republic, the Chamber finds that they are out of context in the Motion. Indeed, it is not clear from the context of the Motion what the relationship between the Bosnian-Serb National Security Council (“SNB”) and the Bosnian-Serb Presidency is or how these proposed facts fall under the heading “The Bosnian-Serb National Security Council”. The Chamber will therefore decline to take judicial notice of proposed facts 2082 to 2084.

69. Furthermore, the Chamber finds that the final sentence of proposed fact 2669 conveys essentially the same conclusion as proposed fact 2670, except that both facts make reference to different dates.¹⁷⁹ When reading these two proposed facts in the context of the Motion,

¹⁷³ See challenge to proposed fact 2105 in Annex A of the Response.

¹⁷⁴ Third Decision on Adjudicated Facts, para. 34.

¹⁷⁵ Proposed fact 2105 shall read as follows: “According to a VRS Main Staff intelligence report on paramilitary formations dated 28 July 1992 ~~report~~, the paramilitary groups operating in the Bosnian-Serb Republic at that time (about 60 groups, totalling 4,000 to 5,000 men) were mostly formed of individuals of low morals, many of them convicted criminals, whose interest was looting.”

¹⁷⁶ Response, para. 9.

¹⁷⁷ Motion, Appendix A, p. 40.

¹⁷⁸ *Popović* Decision, para. 8.

¹⁷⁹ Proposed fact 2669 states: “In early June 1992, many non-Serbs, in order to escape harassment or arrest, paid large sums of money to the Serb authorities to allow them to leave the municipality. Serb forces expelled Muslims on a large scale from the commune of Grbavica.”

proposed fact 2669 identifies the expulsion of Muslims in early June 1992, and proposed fact 2670 adopts the same language regarding the expulsion of Muslims, but references the specific date of 30 September 1992. In light of the discrepancy between these proposed facts, the Chamber is unclear whether these are two separate expulsions or not. For this reason, it will decline to take judicial notice of proposed facts 2669 and 2670.

70. In reviewing the Motion, the Chamber notes that the terms “invited”, “Serbian Cause”, and “legitimate” are placed in quotation marks in proposed fact 2121.¹⁸⁰ However, in the context of the Motion, it is unclear why these specific terms are placed in quotation marks, and it is not immediately clear from the surrounding facts in the Motion what is implied by the use of the quotation marks around only these terms. The Chamber also finds that proposed fact 2255 is constructed in such a way that it remains unclear from the context of the Motion whether or not all the detainees were beaten.¹⁸¹ Finally, the Chamber finds with respect to proposed facts 2533 to 2536, which appear in the Motion under the heading “SJB Building and Prison in Sanski Most”, and relate to those two detention facilities,¹⁸² that it is not sufficiently clear, in the context of the Motion, which of these facts corresponds to which facility. Therefore, the Chamber will decline to take judicial notice of proposed facts 2121, 2255, and 2533 to 2536. In light of the absence of proposed fact 2121 from the Motion, the Chamber also notes that proposed fact 2122 will become unclear and out of context in the Motion, and it will be denied judicial notice as well.

71. Additionally, regarding proposed facts 2551 and 2553, the Chamber finds that it is not entirely clear what “additional pressure” in proposed fact 2553 entails, as proposed fact 2551 already describes the physical removal of Muslims from their homes in Sanski Most.¹⁸³ In light

Proposed fact 2670 states: “Serb forces expelled Muslims on a large scale from the commune of Grbavica on 30 September 1992.”

¹⁸⁰ See *Krajišnik* Trial Judgement, para. 222.

¹⁸¹ Proposed facts 2255 states: “The detainees at Batković camp were beaten by Serb guards.”

¹⁸² Proposed fact 2533 states: “Muslim religious leader from Vrhpolje, Emir Seferović, was mistreated more frequently than other detainees and was forced by prison guards to eat pork.”

Proposed fact 2534 states: “Nedjeljko Rašula was seen on several occasions eating in the prison kitchen.”

Proposed fact 2535 states: “Conditions at the police station were bad, with little food, insufficient space to lie down, no toilet, and no shower.”

Proposed fact 2536 states: “Police officers, soldiers and ordinary citizens severely beat detainees at the police station on a regular basis. The detainees were not given any medical treatment.”

¹⁸³ Proposed fact 2551 states: “In May or June 1992, Bosnian-Serb police were seen forcing people out of their homes in a Muslim area of Sanski Most.”

Proposed fact 2552 states: “In June 1992, Besim Islamčević, a Muslim from Podbriježje, organized a meeting attended by Vlado Vrkeš during which a procedure for the departure of the Muslims was discussed. Muslims wishing to stay had to sign an oath of loyalty to the Serb authorities in the municipality.”

Proposed fact 2553 states: “In June 1992, Besim Islamčević, a Muslim from Podbriježje, organized a meeting attended by Vlado Vrkeš during which a procedure for the departure of the Muslims was discussed. Muslims wishing to stay had to sign an oath of loyalty to the Serb authorities in the municipality.”

of the requirement to consider surrounding facts in determining what is unclear or misleading in the context of the Motion, the Chamber will decline to take judicial notice of proposed fact 2553. A similar consideration applies to proposed fact 2581, as it refers to the creation of barricades in “other places in the municipality”. However, the Chamber notes that the term “other places” is out of context, as the preceding proposed facts do not describe any specific places at all. The Chamber will, therefore, decline to take judicial notice of proposed facts 2553 and 2581.

72. Finally the Chamber has further identified minor ambiguities in proposed facts 2107 and 2093, but does not consider it necessary to deny judicial notice of them. It will, however, exercise its discretion pursuant to Rule 94(B) of the Rules to make the minor corrections necessary for understanding these proposed facts.¹⁸⁴

[e] The fact must be identified with adequate precision by the moving party

73. The Accused argues that the sources of proposed facts 2081, 2175, 2324, 2390, and 2490 have not been identified correctly in the Motion.¹⁸⁵ The Chamber has already denied judicial notice of proposed fact 2324 in section [c] above, and proposed fact as 2390 in section [a], above, and will not discuss them again here. Furthermore, the Chamber considers that proposed facts 2081 and 2175 are more appropriately addressed in section [j], below, and will not also address them here.

74. In relation to proposed fact 2490, the Accused submits that paragraphs 489 and 491 of the *Krajišnik* Trial Judgement are not related to the proposed fact.¹⁸⁶ The Chamber has reviewed the *Krajišnik* Trial Judgement and finds that paragraphs 489 and 491 identify the full names of Stojan Župljanin and Simo Drljaća, which are not contained in paragraph 494.¹⁸⁷ It therefore rejects this challenge by the Accused.

75. The Chamber notes that, although the Accused has not challenged proposed fact 2526, it is incorrectly identified in the Motion. However, as the Chamber has been able to find the appropriate location of the proposed fact in the adjacent paragraphs of the *Krajišnik* Trial Judgement, it considers that this minor error does not warrant denial of judicial notice.

¹⁸⁴ Proposed fact 2107 shall read as follows: “**The Serbian Defence Forces (“SOS”) paramilitary** groups were also active in Sanski Most, where the local crisis staff decided to transform them into a TO unit on 22 April 1992.”

Proposed fact 2093 shall read as follows: “In June 1992 the VRS comprised 177,341 personnel divided into five Corps, as well as some units not attached to any specific Corps, all under the command of ~~an Army~~ **the Main Staff** headed by Ratko Mladić.”

¹⁸⁵ See challenges to proposed facts 2081, 2175, 2324, and 2490 in Annex A of the Response.

¹⁸⁶ Challenge to proposed facts 488 in Annex A to the Response.

Therefore, the Chamber will consider taking judicial notice of proposed fact 2526, if it otherwise satisfies the other elements of the test in paragraph 16 above.

[f] The fact must not contain characterisations or findings of an essentially legal nature

76. The Chamber acknowledges that taking judicial notice of facts adjudicated in previous cases before the Tribunal does not serve the purpose of importing the legal conclusions from those past proceedings as well.¹⁸⁸ While a finding is legal when it involves interpretation or application of legal principles,¹⁸⁹ many findings have a legal aspect, if this expression is interpreted broadly. The Chamber considers that it is necessary to determine on a case-by-case basis whether the proposed fact must be excluded because it contains findings or characterisations which are of an essentially legal nature, or whether the factual content prevails.¹⁹⁰ In general, “findings related to the *actus reus* or the *mens rea* of a crime are deemed to be factual findings”.¹⁹¹

77. In the Response, the Accused challenges proposed facts 1972, 2103, 2178, 2262, 2286, 2292, 2293, 2304, 2319, 2324, 2331, 2333, 2458, 2479, 2509, 2510, and 2585, on the grounds that they are essentially of a legal nature.¹⁹² The Chamber has discussed and rejected proposed facts 2304, 2458, and 2479 in section [a] above, proposed facts 2103 and 2178 in section [b] above, and proposed fact 2324 in section [c] above, and it will not repeat the analysis of these facts here. Furthermore, the Chamber will discuss proposed fact 2333 in section [h] below, and will not also address it here.

78. In relation to proposed fact 2319, the Chamber has already decided, in section [c] above, that it was acceptable to formulate the proposed fact in the Motion to omit the phrase containing the legally significant term “forcibly transfer”.¹⁹³ As the proposed fact no longer contains this term, the Chamber further rejects the argument of the Accused in relation to this proposed fact under this section.

¹⁸⁷ Cf. *Krajišnik* Trial Judgement, paras. 489, 491, and 494.

¹⁸⁸ *D. Milošević* Appeal Decision, para. 22; *Prosecutor v. Lukić & Lukić*, Case No. IT- IT-98-32/1-T, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts, 22 August 2008, para. 21.

¹⁸⁹ See *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Decision on Appeals Chamber Remand of Judicial Notice of Adjudicated Facts with Separate Opinion of Judge Robinson, 18 July 2007, para. 11.

¹⁹⁰ See *Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on the Second Motion for Judicial Notice of Facts Relevant to the Sarajevo Crime Base, 17 September 2008, para. 15.

¹⁹¹ *Krajišnik* Decision, para. 15.

¹⁹² Response, para 14.

¹⁹³ See para. 52.

79. The Accused specifically challenges proposed facts 1972, 2262, 2286, 2292, 2293, 2331, 2509, 2510, and 2585 on the grounds that they all contain legally significant terms.¹⁹⁴ The Chamber recalls its First Decision on Adjudicated Facts, and repeats that legally significant terms may be used in a “factual sense” to describe victims, objects, or situations.¹⁹⁵ After a review of the Motion with respect to these proposed facts, the Chamber is satisfied that the term “civilians” in proposed fact 1972,¹⁹⁶ the term “forced” in proposed fact 2286,¹⁹⁷ and the term “voluntary” in proposed facts 2292¹⁹⁸ and 2293¹⁹⁹ are used in a descriptive manner, and do not contain characterizations or findings of an essentially a legal nature. Similarly, the Chamber finds that the terms “extort” in fact 2262, “raped” in facts 2509, 2510 and 2585, and “tortured” in fact 2509 are used to describe conduct and events related to the underlying crimes alleged in the Indictment, and are not characterisations or findings of an essentially legal nature. Finally, the Accused challenges the use of the term “deliberately” in proposed fact 2331, arguing that it goes towards intent and renders the proposed fact essentially a legal conclusion.²⁰⁰ However, the Chamber recalls that, in general, “findings related to the *actus reus* or the *mens rea* of a crime are deemed to be factual findings.”²⁰¹ Therefore, the Chamber is satisfied that this proposed fact is permissible for judicial notice as it relates to the crime-base alleged in Schedule D.6 of the Indictment.

80. For these reasons, the Chamber will consider taking judicial notice of proposed facts 1972, 2262, 2286, 2292, 2293, 2331, 2509, 2510, and 2585, as long as they satisfy the other requirement of the test as outlined in paragraph 16 above.

¹⁹⁴ Response, para. 14; Annex A.

¹⁹⁵ First Decision on Adjudicated Facts, para. 30.

¹⁹⁶ Proposed fact 1972 states: “These battalions then armed and equipped Serb civilians in neighbouring villages and, from March 1992 onwards, their commanders reported exclusively to the brigade commander, Colonel Dragomir Milošević who, in turn, reported directly to General Vojislav Durnevac, commander of the JNA 4th Corps”.

¹⁹⁷ Proposed fact 2286 states: “On 24 May 1992, Serb units forced the entire Muslim population in the Japra valley, which included villagers from Gornji Agići, Hozići, and Suhača, as well as from Donji Agići, Dedići, Dolovljani, Crna Rijeka, Ekići, and Maslovare, to move to the village of Blagaj Japra. Serb soldiers told Muslims in Suhača that they had to leave as their safety could no longer be ensured. The operation was completed in the course of two days.”

¹⁹⁸ The relevant portion of proposed fact 2292 states: “... Persons wishing to leave also had to provide a list of all the members of the household, obtain a certificate showing that they had no previous convictions, obtain a certificate showing that all utility bills were paid; obtain documentation from the municipal secretariat for national defence stating that they had completed military service; and obtain a document from the SJB allowing them to leave. All documents had to state that the action taken was on a voluntary basis.”

¹⁹⁹ Proposed fact 2293 states: “Several weeks later, the Bosanski Novi SJB reported that by 23 July it had “deregistered” 5,629 Muslims who had applied to leave the municipality ‘voluntarily’.”

²⁰⁰ See challenge to proposed fact 2331 in Annex A of the Response. Proposed fact 2331 states: “During the attacks on Muslim villages, including Glogova, Serb forces deliberately torched and destroyed Muslim houses and mosques.”²⁰⁰

²⁰¹ First Decision on Adjudicated Facts, para. 28 (citing *Krajišnik* Decision, para. 15).

**[g] The fact must not be based on an agreement
between the parties to the original proceedings**

81. The Accused has contested proposed facts 1998 and 2079 on the basis that they rely upon an agreement to the original proceedings as a primary authority.²⁰² The Chamber recalls that it has been established that a fact is only considered to be based on an agreement “where the structure of the relevant footnote in the original judgement cites the agreed facts between the parties as a primary source of authority”.²⁰³ In this regard, the Chamber finds that proposed fact 2079 is acceptable for judicial notice. Although the corresponding footnote in the *Krajišnik* Trial Judgement cites the “[l]ist of matters admitted by the Accused, 31 August 2001, paras. 7 and 34(b)”, this is not the primary source relied upon by the Chamber, and is cited only to support other evidence. However, proposed fact 1998 does not qualify for judicial notice as the corresponding paragraph of the *Krajišnik* Trial Judgement clearly cites the “[l]ist of matters admitted by the Accused, 31 August 2001, para. 34(a)” as the primary citation. Thus, the Chamber will consider taking judicial notice of proposed fact 2079, subject to the amendment made by the Chamber in section [c] above, as long as the other requirements of the test as set out in paragraph 16 above are satisfied, and will decline judicial notice of proposed fact 1998.

[h] The fact must not relate to the acts, conduct, or mental state of the accused

82. A Trial Chamber may not take judicial notice of any proposed adjudicated fact that relates to the acts, conduct and mental state of the Accused.²⁰⁴ In the view of the Appeals Chamber, “‘complete exclusion’ ‘strikes a balance between the procedural rights of the [a]ccused and the interest of expediency,’ as judicially noting such facts may impermissibly infringe the accused’s right to hear and confront the witnesses against him or her”.²⁰⁵ However, this exclusion focuses narrowly on the deeds, behaviour, and mental state of the Accused, which is defined as conduct of the accused fulfilling the physical and mental elements of the form of responsibility through which he or she is charged with responsibility.²⁰⁶

83. The Accused challenges proposed fact 1991 on the basis that the Prosecution has formulated it to omit the reference to him.²⁰⁷ Proposed fact 1991 states: “On a parallel track, by

²⁰² Response, para. 11.

²⁰³ *Perišić* Decision, para. 27; *Popović* Decision, para. 11.

²⁰⁴ *Karemera* Appeal Decision, paras. 47, 51–52.

²⁰⁵ *Tolimir* Decision, para. 27 (quoting *Karemera* Appeal Decision, para. 51).

²⁰⁶ *Karemera* Appeal Decision, para. 52 (citing *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92bis(C), 7 June 2002, para. 9). See also *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-PT, Decision on Prosecution’s Request to Have Written Statements Admitted under Rule 92 bis, 21 March 2002, para. 22.

²⁰⁷ Response, para. 15. See challenge to proposed fact 1991 in Annex A of the Response.

23 February 1992, representatives of the SDS and of the other two national groups had agreed on a statement of principles for a new constitutional arrangement for Bosnia-Herzegovina.” It does not state that the Accused was one of the SDS representatives who agreed to the new constitutional arrangement for BiH, although this is apparent from the relevant paragraph of the *Krajišnik* Trial Judgement.²⁰⁸ Similarly, proposed fact 2333 states: “In February 1992, Brčko SDS official began to call openly for the division of the municipality along ethnic lines. Milenko Vojinović (Dr. Beli) warned that the division would be carried out by force if necessary. Maps began to appear in Brčko town showing the division proposed by the SDS.” It does not state that the calls for the division of municipalities were on the orders of the Accused, which is contained in the same paragraph of the *Krajišnik* Trial Judgement.²⁰⁹ The Chamber will decline to take judicial notice of both proposed facts 1991 and 2333 as containing references to the acts and conduct of the Accused.

84. The Accused challenges proposed fact 2196 on the basis that it omits the portion of the *Krajišnik* Trial Judgement, which states: “On 31 May 1992, the Bosnian-Serb Presidency took the formal decision to form war presidencies in the municipalities.”²¹⁰ Although this portion of the *Krajišnik* Trial Judgement is omitted from the proposed fact, the Chamber considers that it impermissibly touches upon the acts and conduct of the Accused as the *Krajišnik* Trial Chamber clearly held that the foundation of the war presidencies was based upon action by the Bosnian-Serb Presidency, of which the Accused is alleged to have been a member.²¹¹ In the absence of proposed fact 2196, proposed facts 2197–2199 become out of context in the Motion, and they will also be denied judicial notice.

85. The Chamber has also reviewed the Accused’s challenge to proposed fact 2200, and finds that it should similarly be denied judicial notice on the basis that it is selectively quoted, and fails to reflect the involvement of the Accused.²¹² Furthermore, although the Accused does not challenge proposed facts 1986 and 1987, after reviewing the Motion, the Chamber finds that these proposed facts should also be denied judicial notice on this ground.²¹³ Therefore, the Chamber will deny judicial notice of proposed facts 1986–1987 and 2196–2200.

²⁰⁸ See *Krajišnik* Trial Judgement, para. 114.

²⁰⁹ See *Krajišnik* Trial Judgement, para. 322.

²¹⁰ Challenge to proposed fact 2196 in Annex A of the Response.

²¹¹ See *Krajišnik* Trial Judgement, para. 274. Proposed fact 2196 states: “On 31 May 1992, war presidencies were formed in the municipalities. The war presidencies were to consist of the president of the municipal assembly or another prominent figure in the municipality and ‘a representative of the Republic’.”

²¹² Proposed fact 2200 omits that it was the “Bosnian-Serb Presidency” that had amended the Bosnian-Serb Constitution on 1 June 1992. See *Krajišnik* Trial Judgement, para. 275.

²¹³ Proposed facts 1986 and 1987 omit to account for the Accused’s presence at “... a meeting of representative of three SAO’s ...”; see *Krajišnik* Trial Judgement, para. 111.

86. Although the Accused challenges proposed fact 1961 on the basis that it is insufficiently distinct, concrete, and identifiable,²¹⁴ the Chamber finds it more appropriate to discuss it here. Proposed fact 1961 states that “[t]he SDS leadership had lost hope that a compromise could be reached with the other parties.”²¹⁵ After a review of the corresponding paragraph in the *Krajišnik* Trial Judgement, the Chamber finds that this is indeed a factual conclusion based on statements of the Accused.²¹⁶

87. Finally, the Chamber also considers that proposed facts 2166 and 2167 relate to the acts, conduct and mental state of the Accused. Although these proposed facts refer simply to general “guidelines”,²¹⁷ it is clear from the preceding sentence in the relevant paragraph of the *Krajišnik* Trial Judgement that the “guidelines” were specifically issued by the Accused. The Chamber will, therefore, decline to take judicial notice of proposed facts 2166 and 2167 as well.

[i] The fact must clearly not be subject to pending appeal or review

88. The Accused does not challenge any of the proposed facts on the basis that they are subject to pending appeal or review. In light of its review of the facts and the *Krajišnik* Appeal Judgement, the Chamber considers that requirement [i] is met by all the proposed facts contained in the Motion.

[j] Discretion to refuse notice

89. The Accused requests the Chamber to exercise its discretion pursuant to Rule 94(B) and find that it is not in the interests of justice to take judicial notice of proposed facts “when the Accused does not have access to some of the evidentiary material upon [which] the original judgement was based or when relevant witnesses or sources are not identified [...]”.²¹⁸ With respect to the first of these arguments, the Chamber notes that this has been raised by him previously, and has been dismissed in this Chamber’s previous decisions on adjudicated facts.²¹⁹ Furthermore, the Accused has already been granted access to confidential materials from the

²¹⁴ See challenge to proposed fact 1961 in Annex A of the Response.

²¹⁵ Motion, Appendix A, p. 22.

²¹⁶ *Krajišnik* Trial Judgement, para. 104.

²¹⁷ Proposed fact 2166 states: “Pursuant to guidelines, the MUP Minister was to pass an act adjusting the internal structure of the Ministry to wartime conditions, and to issue instructions on how members of the MUP were to perform tasks and duties.”

Proposed fact 2167 states: “Active and reserve police, as well as special units which would not form part of the MUP’s wartime structure, were to be transferred to the Army or used for other wartime tasks.”

²¹⁸ Response, paras. 21–22.

²¹⁹ Second Decision on Adjudicated Facts, para. 52; First Decision on Adjudicated Facts, para. 37.

Krajišnik case,²²⁰ and he does not point to any specific facts where the underlying material is not accessible to him. In light of the Accused's failure to expand upon this argument, despite this Chamber's clear position on this issue in the First Decision on Adjudicated Facts, the Chamber rejects this argument.²²¹

90. In relation to the second argument, the Accused specifically identifies 370 proposed facts which he asserts are not clearly cited in the *Krajišnik* Trial Judgement.²²² This is now the fourth time he has raised this argument before the Chamber. As noted in the Second Decision on Adjudicated Facts, the Chamber will not exercise its discretion to challenge the factual findings of the original judgement, nor is judicial notice of a factual finding dependant on the ability of the Accused to trace it back to an original source.²²³ Furthermore, while the Chamber acknowledges that the *Krajišnik* Trial Chamber has often only provided a single reference for an entire paragraph of its judgement, it again reiterates that it is not its task to assess whether another Trial Chamber has properly edited the text of its judgement.²²⁴ The Chamber again does not find it to be in the interests of justice to deny judicial notice of facts on the basis that they are "uncited" in the *Krajišnik* Trial Judgement.

91. In turning to the consideration of specific proposed facts, the Chamber notes that proposed facts 1995, 2012, and 2123 list 28 February 1992 as the date when the Constitution of the Bosnian-Serb Republic was adopted by the Bosnian-Serb Assembly.²²⁵ However, proposed fact 2150 identifies 27 March 1992 as the date of the adoption of the Constitution of the Bosnian-Serb Republic by the Bosnian-Serb Assembly.²²⁶ In light of this inconsistency, the Chamber will exercise its discretion to deny judicial notice to proposed facts 1995, 2012, 2123, and 2150. Consequently, the Chamber finds that proposed fact 2013 will become unclear in the

²²⁰ Decision on Access to Confidential Materials in Complete Cases, 5 June 2009, paras. 29, 32(z). To the extent partial access to confidential materials from the *Krajišnik* case have been denied, the Chamber notes that they relate to municipalities outside the scope of the Indictment, and have no bearing on the facts proposed in the Motion. See Decision on Access to Confidential Materials in Complete Cases, 5 June 2009, para. 29.

²²¹ See First Decision on Adjudicated Facts, para. 37.

²²² Response, para. 22; see also challenges to proposed facts 2164, 2172, and 2619 in Annex A of the Response.

²²³ See Second Decision on Adjudicated Facts, paras. 40, 49; Third Decision on Adjudicated Facts, para. 37; First Decision on Adjudicated Facts, para. 16.

²²⁴ See Second Decision on Adjudicated Facts, para. 49.

²²⁵ Proposed fact 1995 states: "On 28 February 1992, the Bosnian-Serb Assembly unanimously adopted the Constitution of the Serbian Republic of Bosnia-Herzegovina, along with a Government Act, a Law on Defence, and a Law on Internal Affairs."

Proposed fact 2012 states: "The Constitution of the Bosnian-Serb Republic, adopted by the Bosnian-Serb Assembly on 28 February 1992, vested the Bosnian-Serb Assembly with constitutional and legislative authority."

Proposed fact 2123 states: "The Bosnian-Serb Law on Internal Affairs was enacted by the Bosnian-Serb Assembly on 28 February 1992, on the same day that the Assembly adopted the Constitution."

²²⁶ Proposed fact 2150 states: "On 27 March, the Constitution of the Bosnian-Serb Republic was adopted by the Bosnian-Serb Assembly. No operational plan was on the agenda that day. The plan was eventually issued on 26 April 1992."

context of the Motion in the absence of proposed fact 2012, and it will be denied judicial notice as well.²²⁷

92. The Prosecution has formulated proposed fact 2081 as follows: “The SNB would meet in joint sessions with the Bosnian-Serb Government for the purpose of taking decisions on military, political, and administrative matters.” However, in the *Krajišnik* Trial Judgement this sentence is preceded with “[a]s mentioned earlier [...]”.²²⁸ The Chamber considers that proposed fact 2081 merely summarises the findings made by the *Krajišnik* Trial Chamber in paragraph 137 of the *Krajišnik* Trial Judgement.²²⁹ This portion of the *Krajišnik* Trial Judgement is contained in proposed facts 2028 and 2029, and the Chamber is of the view that 2081 is repetitive and less concrete than proposed facts 2028 and 2029.²³⁰ Therefore, the Chamber will decline to take judicial notice of proposed fact 2081.

93. The Chamber is also of the view that the factual conclusion by the *Krajišnik* Trial Chamber contained in proposed fact 1916 is phrased in such a manner as to appear to be an opinion or observation by the *Krajišnik* Trial Chamber, and not a concrete finding of fact. It will therefore decline to take judicial notice of it.²³¹ Furthermore, proposed facts 2171–2174 appear to be an interpretation of the relationship between the 1974 Constitution of Bosnia-Herzegovina and the 1984 Law on All-People’s Defence.²³² It is also unclear in the Motion, what the relationship between these proposed facts and the SDS crisis staffs are, as proposed fact 2175 states:

The crisis staffs that came into being in the Bosnian-Serb Republic in late 1991 and early 1992 were created without reference to the legal instruments mentioned above. Instead, they started out as SDS organs and were only later transformed into organs of the Bosnian-Serb Republic.²³³

For these reasons, the Chamber does not consider it in the interest of justice to take judicial notice of proposed facts 2171–2175. Therefore, the Chamber will decline to take judicial notice of proposed facts 1916 and 2171–2175.

²²⁷ Proposed fact 2013 states: “It stipulated that the Assembly was to consist of 120 deputies reflecting as closely as possible the national composition of the Bosnian-Serb Republic.”

²²⁸ See *Krajišnik* Trial Judgement, para. 162.

²²⁹ See *Krajišnik* Trial Judgement, para. 137.

²³⁰ Proposed fact 2028 states: “On 27 March 1992, the Bosnian-Serb Assembly established the National Security Council (SNB).”

Proposed fact 2029 states: “It was to be an advisory organ to the Assembly, on political, legal, constitutional, and other issues relevant to the security of Serbs in Bosnia-Herzegovina, and it was to be responsible to the Assembly.”

²³¹ Proposed fact 1916 states: “When considered together with the arming and mobilization of the Serbian population, this policy shows that the SDS was prepared to oppose even by force the possibility that Bosnia-Herzegovina would become an independent unitary state.”

94. In addition, the Chamber considers that proposed facts 2023, 2026, 2191, and 2339 contain broad introductory remarks made by the *Krajišnik* Trial Chamber, which are subsequently supported by more detailed proposed facts in the Motion. This Chamber does not consider it in the interests of justice to take judicial notice of these four introductory remarks, when more concrete findings supporting the Trial Chamber's conclusion in the *Krajišnik* Trial Judgement also appear in the Motion. In this respect, the Chamber considers that proposed facts 2023, 2026, 2191, and 2339 merely introduce the subsequent fact or facts, and are generalisations that are not necessary for understanding the context of the Motion.²³⁴ The Chamber will therefore decline to take judicial notice of proposed facts 2023, 2026, 2191, and 2339. Consequently, the absence of proposed fact 2191 renders proposed fact 2192 unclear in the context of the Motion, and the Chamber will therefore re-formulate proposed 2192 to render it acceptable for judicial notice.²³⁵

95. The Chamber further finds that proposed facts 2220 and 2221 also contain broad conclusions regarding the relationship between the VRS and the Crisis Staffs, and are supported by only one example from the text of the *Krajišnik* Trial Judgement.²³⁶ The Chamber therefore

²³² See *Krajišnik* Trial Judgement, para. 257

²³³ See *Krajišnik* Trial Judgement, para. 259.

²³⁴ Proposed fact 2023 states: "The President of the Bosnian-Serb Assembly controlled the procedure of the legislative body." This introduces the following fact proposed fact which states: "The president, had the power to propose the agenda of Assembly sessions and to convene the Assembly at his initiative, or upon demand of the Bosnian-Serb Government or one-third of the deputies of the Assembly."

Proposed fact 2026 states: "The procedure also allowed for a shortened draft adoption of laws." This simply introduces the following proposed fact, namely 2027, which contains the substance of the proposition and states: "In a state of war or imminent threat of war, the Assembly President could propose that laws be adopted without debate."

Proposed fact 2339 states: "Serb forces mainly consisting of paramilitary groups quickly took control of Brčko town in early May 1992. They specifically targeted Muslim parts of the town and destroyed several mosques in the municipality." This general statement is unnecessary in light of the details contained in proposed facts 2340–2344. For example, proposed fact 2340 states: "On 1 May 1992, a total of 1,000 Serb forces, which included Serb units of the JNA from Bosnia and Serbia, White Eagles, Arkan's men, and others, launched an attack on Brčko town using heavy weapons, tanks and artillery. Areas of the town that were predominantly Muslim were shelled for several days."

Proposed fact 2191 states: "This composition of the municipal crisis staffs reflected the coordinating role of the body, between political, military and other forces in the municipality, as well as the dominant influence of SDS." This sweeping consideration is based on only one example, contained in proposed fact 2192, which states: "For example, in Ključ municipality, the members of the crisis staff were the president of the municipal assembly, the chief of the SJB, the Council for National Defence ("SNO") secretary, the TO commander, the president of the SDS municipal board, a local deputy to the Bosnian-Serb Assembly, and the vice-president of the municipal executive committee."

²³⁵ Proposed fact 2192 shall read: "~~For example, [I]n Ključ municipality, the members of the crisis staff were the president of the municipal assembly, the chief of the SJB, the Council for National Defence ("SNO") secretary, the TO commander, the president of the SDS municipal board, a local deputy to the Bosnian-Serb Assembly, and the vice-president of the municipal executive committee.~~"

²³⁶ Proposed fact 2220 states: "Coordination and contacts between the crisis staffs and the armed forces continued, however."

Proposed fact 2221 states: "Indeed, the relationship between the two became closer and more institutionalized at this point. One example of this is the fact that some VRS officers were members of the crisis staffs, or participated in the meetings of these organs."

does not find it in the interests of justice to take judicial notice of the sweeping conclusions contained in these proposed facts. Furthermore, the Chamber finds that it is impractical to re-draft the proposed facts to remove these broad conclusions without substantially altering their meaning and it will therefore deny judicial notice of them. In the absence of proposed facts 2220 and 2221, both proposed facts 2219 and 2222 will become unclear and out of context in the Motion, and the Chamber will deny judicial notice of these proposed facts as well.

96. Finally, the Chamber notes that in the Motion for Reconsideration, the Accused requests that this Chamber exercise its discretion in a similar manner to the *Tolimir* Trial Chamber, and specifically, that it deny facts which (i) contain the elements of the “chapeau of the Statute”, (ii) are based on agreed facts where it remains unclear from the structure of the relevant footnote in the original judgement whether the agreement was relied more upon than other evidence, and (iii) relate to the core of the Prosecution’s case.²³⁷ Furthermore, in the Request for Leave to Reply, the Accused argues that if this Chamber were to exercise its discretion in a dissimilar fashion than other Chambers of the Tribunal, such differences undermine the spirit of Rule 94(B), which “[...] in essence, presumes that a subsequent Trial Chamber would reach the same conclusion when assessing the same facts and employing the same legal tests, and on that rationale, relieves the [P]rosecution of presenting evidence on those same issues at a subsequent trial.”²³⁸

97. The Chamber has reviewed the arguments raised by the Accused in the Motion for Reconsideration and in the Request for Leave to Reply, and stresses that Rule 94(B) clearly places the decision to take judicial notice of previously adjudicated facts solidly within the discretion of the Trial Chamber.²³⁹ The Chamber has already dealt with the arguments of the Accused that he is unfairly prejudiced or that his rights under the Statute have been violated by the approach to judicial notice taken by this Chamber, and it does not consider that the different exercise of a Trial Chamber’s discretion in *Tolimir* and now also in *Stanišić and Župljanin*, warrants a change of approach, or in any way further infringes upon the rights of the Accused.²⁴⁰

²³⁷ Motion for Reconsideration, para. 8.

²³⁸ Request for Leave to Reply, para. 5.

²³⁹ Rule 94(B) of the Rules; *Karemera* Appeal Decision, para. 41; *D. Milošević* Appeal Decision, p. 5.

²⁴⁰ The Chamber notes that in the “Second Motion for Reconsideration of Decision on Judicial Notice of Adjudicated Facts”, filed on 26 April 2010 (“Second Motion for Reconsideration”), the Accused requests the Chamber to reconsider 86 adjudicated facts from the Second Decision on Adjudicated Facts in light of the recent decision from the *Stanišić and Župljanin* Trial Chamber. As the Accused does not challenge any proposed facts from the Motion in the Second Motion for Reconsideration, the Chamber will address the Accused’s submission in a separate decision on the Second Motion for Reconsideration.

V. Disposition

98. Accordingly, pursuant to Rule 54 of the Rules, the Trial Chamber hereby **GRANTS** the Accused leave to reply, and pursuant to Rules 54 and 94(B) of the Rules, hereby **GRANTS** the Motion in part, and decides as follows:

- Noting that the headings provided in Appendix A are afforded no evidentiary weight and are for organisational purposes only, the Trial Chamber takes judicial notice of the adjudicated facts in the Annex attached to this decision, in the manner formulated therein, including the reformulation of the following facts: 1892, 1895, 1988, 2002, 2009, 2011, 2030, 2036, 2037, 2059, 2079, 2093, 2096, 2105, 2107, 2140, 2142, 2145, 2147, 2192, 2236, 2315, 2407, 2411, 2490, 2613, 2629, and 2741;
- The following adjudicated facts proposed in the Motion are denied judicial notice:
1890–1891, 1899–1900, 1916, 1920, 1927–1928, 1942–1945, 1958–1961, 1968–1970, 1975–1980, 1986–1987, 1991–1995, 1998–2001, 2012–2013, 2023, 2026, 2035, 2060, 2081–2084, 2086, 2098, 2100, 2103–2104, 2106, 2112–2113, 2120–2124, 2150, 2155, 2166–2167, 2171–2175, 2178–2180, 2186–2187, 2191, 2193–2194, 2196–2201, 2203, 2207–2208, 2211, 2213–2214, 2216–2222, 2230–2231, 2244, 2255, 2265–2278, 2282, 2288–2289, 2294–2307, 2324, 2332–2333, 2338–2339, 2348–2353, 2361, 2368–2397, 2405, 2412–2425, 2449, 2456, 2458–2483, 2493, 2501, 2524, 2533–2536, 2553, 2561, 2575–2579, 2581, 2596, 2602–2606, 2619–2625, 2657, 2659, 2661, 2663–2664, 2669–2670, 2685, 2721–2726, 2746, and 2764;

Done in English and French, the English text being authoritative.



Judge O-Gon Kwon
Presiding

Dated this fourteenth day of June 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

Appendix A

Proposed Fact No.	Adjudicated Fact	Source
1. POLITICAL DEVELOPMENTS IN BOSNIA AND HERZEGOVINA FROM 1990 TO EARLY 1991		
1890	From the moment of its creation, the Serbian Democratic Party (“SDS”) political platform included an emphasis on the protection of the Serb nation, which was said to be disadvantaged by the purported lower birth rate of Serbs and by the way Bosnia-Herzegovina had been divided into municipalities, effectively making Serbs an ethnic minority in areas where they might otherwise have dominated.	Krajišnik TJ, para. 25.
1891	The SDS advocated the maintenance of a federal Yugoslavia, respect for the rule of law, and an equal distribution of power between the three main national groups in Bosnia-Herzegovina.	Krajišnik TJ, para. 25.
1892	In 1990 and 1991 the Serbian Democratic Party (“SDS”) was funded by voluntary contributions and enjoyed the support of the overwhelming majority of Bosnian Serbs.	Krajišnik TJ, para. 26.
1893	Its main organs included the party Assembly, formally the supreme body; the SDS Main Board, the highest party organ at times when the Assembly was not in session; the SDS Executive Board, the executive arm of the Main Board; the president of the party, who was also the president of the Main Board; and several advisory bodies, such as the SDS Political and Economic Councils and the Commission for Personnel and Organization.	Krajišnik TJ, para. 26.
1894	The party was a hierarchical structure, organized into municipal assemblies and boards resembling the republican organs.	Krajišnik TJ, para. 26.
1895	In the months following early November 1990, the close relationship between SDS municipal organs and the apex of the party was enhanced. By July 1991, for example, members of the Main Board and of the Executive Board were instructed to be involved in the work of local boards in the areas they represented.	Krajišnik TJ, para. 26.
1896	Following the November 1990 elections, the Party of Democratic Action (“SDA”), SDS, and HDZ (“Croatian Democratic Union”) reached an agreement among themselves on a formula for the distribution of power.	Krajišnik TJ, para. 29.
1897	It was agreed that, at the most senior level, the Prime Minister would be from the HDZ, the President of the Assembly from the SDS, and the President of the Presidency from the SDA (the persons appointed were Jure Pelivan, Momčilo Krajišnik, and Alija Izetbegović, respectively).	Krajišnik TJ, para. 29.
1898	Biljana Plavšić and Nikola Koljević were appointed to the Presidency of Bosnia-Herzegovina as SDS representatives.	Krajišnik TJ, para. 29

1899	Positions in all Government organs and public institutions with government appointees were distributed in accordance with party quotas. This meant that, for practical purposes, personnel were chosen on the basis of nationality and allegiance to the views of the three coalition parties.	Krajišnik TJ, para. 29.
1900	This arrangement stamped out opposition by smaller parties and sowed the seeds for the establishment of parallel ethnic structures. The SDS, for example, received a vice-presidential position, two Ministers without portfolio, and five out of thirteen departmental portfolios in the Government, as well as eight out of thirty chairmanships of Assembly committees and commissions.	Krajišnik TJ, para. 29.
1901	The three parties also divided among themselves top positions in the Ministry of Internal Affairs (MUP), which controlled the police.	Krajišnik TJ, para. 30.
1902	Alija Delimustafić (SDA) became MUP Minister, Vitomir Žepinić (SDS) became deputy Minister, Avdo Hebib (SDA) became assistant Minister for police affairs, and Momčilo Mandić (SDS) became assistant Minister for the prevention and detection of crime.	Krajišnik TJ, para. 30.
1903	The regional organization of the Bosnia-Herzegovina MUP was based on nine Security Services Centres (CSBs), located in Bihać, Banja Luka, Doboj, Tuzla, Livno, Mostar, Zenica, Sarajevo, and Gorazde.	Krajišnik TJ, para. 30.
1904	Chief positions in three of these were assigned to the SDS.	Krajišnik TJ, para. 30.
1905	At the local level, a similar division of posts was made, reflecting the percentages gained by each party in the elections. These percentages corresponded to the ethnic composition of each municipality.	Krajišnik TJ, para. 31.
1906	After the quotas were distributed, the three parties shared control over appointments made at every level of administration.	Krajišnik TJ, para. 31.
1907	The municipal assembly was by law the highest organ of municipal authority.	Krajišnik TJ, para. 32.
1908	It was headed by the assembly president and one or more vice-presidents, who were elected by the assembly from its members for a four-year term. It consisted of a single chamber with quotas for its ethnic composition.	Krajišnik TJ, para. 32.
1909	The assembly could also determine the organization and functioning of the executive board and other local government authorities.	Krajišnik TJ, para. 33.
1910	The assembly president was to convene assembly sessions, initiate debate, and sign assembly decisions, which were to be reached by majority vote.	Krajišnik TJ, para. 33.
1911	An executive organ (a board or a committee), together with a number of administrative organs or departments, was to be in charge of the implementation of assembly decisions.	Krajišnik TJ, para. 34.

1912	This body consisted of the committee president, elected from among the municipal assembly delegates for a four-year term, and of functionaries directing various municipal administrative organs.	Krajišnik TJ, para. 34.
2. THE CREATION OF SERB AUTONOMOUS REGIONS AND DISTRICTS IN BOSNIA AND HERZEGOVINA		
1913	During the first months of 1991 the SDS began to organize Serb-majority municipalities in Bosnia-Herzegovina into communities of municipalities, in some cases severing ties with pre-existing communities of municipalities.	Krajišnik TJ, para. 48.
1914	SDS party leaders justified the associations of municipalities in terms of economic necessity.	Krajišnik TJ, para. 49.
1915	However, Among the functions the SDS assigned to the Bosnian Krajina community of municipalities was the organization of its defence in times of war or imminent threat of war.	Krajišnik TJ, para. 49.
1916	When considered together with the arming and mobilization of the Serbian population, this policy shows that the SDS was prepared to oppose even by force the possibility that Bosnia Herzegovina would become an independent unitary state.	Krajišnik TJ, para. 49.
1917	A confidential SDS document, dated 23 February 1991, considered specific actions to be taken should Bosnia-Herzegovina move towards independence.	Krajišnik TJ, para. 51.
1918	In such a case municipal authorities were to ensure that only Yugoslav (federal) law would apply, suspending the implementation of republican regulations and thus creating “a legal foundation for direct communication (assistance, cooperation, and the like) between these municipalities and the Federation and its organs (such as the Socialist Federal Republic of Yugoslavia (“SFRY”) Assembly, Presidency, federal Executive Council ...) and through them, this would provide particularly for the need to engage the Yugoslav People’s Army, [and] the Federal Secretariat for National Defence.”	Krajišnik TJ, para. 51.
1919	This policy was adopted by the SDS Deputies’ Club, the parliamentary caucus of the party, and was made public in a document dated 10 June 1991.	Krajišnik TJ, para. 51.
1920	A plan in August 1991 envisaged the institution of separate Serb political, police, and military structures in order to institute, at a later stage, separate governmental functions uniting the Serbs in Bosnia Herzegovina.	Krajišnik TJ, para. 55.
1921	In September 1991 the SDS implemented a policy of “regionalization”.	Krajišnik TJ, para. 57.
1922	This consisted in the creation of “regions” in which Serbs were the relative majority.	Krajišnik TJ, para. 57.

1923	On 16 September the SDS Executive Board approved the appointment of a regionalization staff. At least three communities of municipalities – Eastern and Old Herzegovina, Bosnian Krajina (ARK), and Romanija – became Serb Autonomous Districts or Regions (SAOs) in September 1991.	Krajišnik TJ, para. 57.
1924	More SAOs were formed between September and November 1991: Semberija-Majeвица, Northern Bosnia, and Birač.	Krajišnik TJ, para. 57.
1925	The ARK, in particular, distinguished itself for strong independent action since its inception, when its authorities started taking over television and radio installations, and broadcasting “Serb” programs that intimidated persons of other nationalities.	Krajišnik TJ, para. 58.
1926	The pursuit of regionalization, according to Momčilo Krajišnik, was used by the SDS in response to the HDZ’s and SDA’s attempts to discuss independence of Bosnia-Herzegovina. Regionalization was a leverage, in his view, to suggest to the SDS’s coalition partners that the three parties should reach an overall agreement on the whole of Bosnia-Herzegovina: its status within Yugoslavia as well as its internal organization.	Krajišnik TJ, para. 59.
1927	In September and October 1991, SDS officials and top ranking personnel of republican (Bosnia-Herzegovina) organs met to exchange information and establish coordination and cooperation between SDS members in various organs.	Krajišnik TJ, para. 60.
1928	They adopted a resolution to set up “a duty system in order to monitor activities, implementation of tasks in state organs, day to day problem management in different fields and serve as a liaison with the SDS.”	Krajišnik TJ, para. 60.
1929	By autumn 1991, two political options for the settlement of the “Bosnian question” openly competed in the Assembly of Bosnia-Herzegovina.	Krajišnik TJ, para. 62.
1930	One option, espoused by the SDA and the HDZ as well as the majority of opposition parties, envisaged sovereign and internationally recognized statehood for Bosnia-Herzegovina.	Krajišnik TJ, para. 62.
1931	The other option, preferred by the SDS and some of the smaller parties, was that Bosnia-Herzegovina should remain within Yugoslavia.	Krajišnik TJ, para. 62.
1932	Each side radically opposed the other’s option, and the SDS was ready to have “Serb” territories secede from an independent Bosnia-Herzegovina if that was the only way for Serbs to remain in Yugoslavia.	Krajišnik TJ, para. 62.
3. THE CREATION OF THE BOSNIAN-SERB ASSEMBLY		
1933	By October 1991, the three-party coalition was crumbling. The SDA and HDZ pressed the Bosnia-Herzegovina Assembly to discuss a declaration of sovereignty of Bosnia-Herzegovina, which would pave the way for the republic to assert its independence from Yugoslavia.	Krajišnik TJ, para. 63.

1934	The SDS protested that such a declaration would be unconstitutional as it would infringe on the rights of one nationality recognized by the Bosnia-Herzegovina constitution, namely the Serbs, and it had not been vetted by the Council for Ethnic Equality.	Krajišnik TJ, para. 63.
1935	In the course of the debate on whether to vote on such a declaration of sovereignty, during the night of 14 and 15 October 1991 when the other parties decided to proceed with the vote, Momčilo Krajišnik, as President of the Assembly, adjourned the session to the next morning.	Krajišnik TJ, para. 64.
1936	The SDS deputies, as well as most Serb deputies not in the SDS, left the hall. However, the vice-president of the Assembly then reconvened the session and the declaration was adopted.	Krajišnik TJ, para. 64.
1937	On 15 October 1991 the SDS Political Council met to assess the situation.	Krajišnik TJ, para. 65.
1938	During this and other meetings, the idea emerged that the SDS should form its own institutions, which would function in parallel to those of Bosnia-Herzegovina.	Krajišnik TJ, para. 65.
1939	On 16 October 1991 the SDS's "Announcement to the Serbian people" stated that the SDA and HDZ had breached the constitutional order. It reiterated the SDS's support for federal institutions, including the Yugoslav People's Army ("JNA").	Krajišnik TJ, para. 65.
1940	During the session of the Bosnian Serb Assembly on 24 October 1991, Bosnian-Serb deputies passed a resolution that "the Serbian people of Bosnia-Herzegovina shall stay in the joint state of Yugoslavia together with Serbia, Montenegro, SAO Krajina, SAO Slavonija, Baranja, Western Sirmium [Zapadni Srem], and others who may declare that they wished to stay," subject to confirmation by a plebiscite.	Krajišnik TJ, paras. 67-68.
1941	Twenty-three sessions of the Bosnian-Serb Assembly were held between October 1991 and December 1992.	Krajišnik TJ, para. 69.
1942	On 26 October 1991 during a meeting an order was presented and "fully accepted" by those present.	Krajišnik TJ, para. 70.
1943	(It is not clear whether the order pre-dated 26 October 1991, and whether it was distributed outside the ARK before that date).	Krajišnik TJ, para. 70.
1944	The order consisted of fourteen points and called for, among other things, a "town command" amounting to a military administration; intensified mobilization of the Territorial Defence ("TO"); formation of military units; subordination of the TO to the JNA; disbanding of paramilitary units and their reassignment to the TO; take-over of public enterprises, the post office, banks, judiciary, media, and the SDK (Social Accounting Service); coordination with local directors and with the SDS in Sarajevo to ensure supplies for the population; and imposition of war taxes.	Krajišnik TJ, para. 70.
1945	The order was sent by telex on 29 October 1991 to presidents of all municipalities in the ARK by Radoslav Brđanin, in his capacity as "coordinator for implementing decisions".	Krajišnik TJ, para. 70.

1946	On 21 November 1991 the Bosnian-Serb Assembly proclaimed as part of the territory of federal Yugoslavia all those municipalities, communes, and settlements where a majority of registered citizens of Serb nationality had voted in favour of remaining in Yugoslavia.	Krajišnik TJ, para. 74.
1947	If the majority in one municipality had voted to remain within Yugoslavia, the whole of that municipality would remain. Municipalities where the majority of people had not participated in the plebiscite (and were, thus, presumably, non-Serb-majority municipalities), the SDS proposed to look at single communes or settlements: if local communities had voted to remain, then only that community would be considered part of Yugoslavia, while the rest of the territory of the municipality would be allowed to join an independent Bosnia-Herzegovina.	Krajišnik TJ, para. 74.
1948	Also on 21 November 1991, the Bosnian-Serb Assembly adopted a resolution declaring full support for the JNA in defence of the common state of Yugoslavia and in conducting mobilization of the Serb people in Bosnia-Herzegovina, in order to reinforce military units.	Krajišnik TJ, para. 75.
1949	The resolution added: “Serbian people and other people who wish to preserve Yugoslavia are called upon to respond to military call-ups”.	Krajišnik TJ, para. 75.
1950	The third act of the Assembly on 21 November 1991 was to certify the proclamation of the SAOs in Bosnia-Herzegovina.	Krajišnik TJ, para. 76.
1951	Fourth, the Assembly appointed a commission on the adoption of a constitution. Momčilo Krajišnik was elected to this commission.	Krajišnik TJ, para. 77.
1952	Fifth, the Assembly recommended to the SDS Deputies’ Club in the Bosnia-Herzegovina Assembly to foster a division of the joint mass media and the creation of separate radio and television channels, “which shall provide objective, true and just accounts of the Serbian people.”	Krajišnik TJ, para.78.
4. THE PROCLAMATION OF THE BOSNIAN-SERB REPUBLIC		
1953	Around 20 December 1991, SDS members Nikola Koljević and Biljana Plavšić voiced their opposition to the Bosnia-Herzegovina Presidency’s decision to apply to the Badinter Commission – established by the European Community to issue advisory opinions on legal matters relating to the Yugoslav crisis – for recognition as an independent state.	Krajišnik TJ, para. 100.
1954	On 21 December 1991 the Bosnian-Serb Assembly adopted a statement pointing out that the decisions of the Bosnia-Herzegovina Presidency in favour of independence were taken unconstitutionally and contrary to the equality of the three ethnicities.	Krajišnik TJ, para. 101.
1955	It also decided “to commence preparations for the establishment of the Republic of Serbian Bosnia and Herzegovina as a federal unit within Yugoslavia”.	Krajišnik TJ, para. 101.
1956	The deputies proceeded to establish a Ministerial Council, which was to act under the Assembly.	Krajišnik TJ, para. 102.

1957	Vitimir Žepinić and Mićo Stanišić, high-level officials in the Bosnia-Herzegovina MUP, were named to the Council, the former as Minister of Internal Affairs and the latter as Minister without portfolio.	Krajišnik TJ, para. 102.
1958	The Assembly added that the “territorial delimitation with political communities of other peoples in Bosnia-Herzegovina, as well as the solution of other mutual rights and obligations, shall be performed in a peaceful manner and with mutual agreement.	Krajišnik TJ, para. 103.
1959	The implementation of the proclamation was conditional upon the recognition of independence of Bosnia-Herzegovina by the international community.	Krajišnik TJ, para. 103.
1960	Nevertheless, the SDS backed arming of the Serb population during this period shows that the Bosnian-Serb leadership was also simultaneously preparing for another course of action.	Krajišnik TJ, para. 103.
1961	The SDS leadership had lost hope that a compromise could be reached with the other parties.	Krajišnik TJ, para. 104.
1962	On 31 December 1991 the Oslobođenje newspaper published an interview with Alija Izetbegović, in which he called for the establishment of a sovereign and independent Bosnia-Herzegovina.	Krajišnik TJ, para. 104.
1963	Following 11 January 1992, Bosnian-Serb authorities moved ahead with the organization of a separate Serb MUP.	Krajišnik TJ, para. 106.
1964	On 17 January 1992, at a session of the Ministerial Council a draft programme of work for the Council was presented.	Krajišnik TJ, para. 107.
1965	It called for the adoption of the Constitution and for the organization of the territory in such a way so as to “enlarge the territory of the regions and encompass a larger number of inhabitants wherever possible in order to consolidate the regions both ethnically and economically.”	Krajišnik TJ, para. 107.
1966	It placed “particular stress ... on the need for political and territorial organization of the regions by the formation of new municipalities in border areas of these regions.”	Krajišnik TJ, para. 107.
1967	At that same session it was decided that the Commission on the Constitution and the Ministerial Council, would be tasked with preparation, by 15 February 1992, of draft legislation to enable the Bosnian-Serb Republic to start functioning.	Krajišnik TJ, para. 107.
1968	During this period, the SDS started contemplating military conflict as a likelihood, and no longer as a mere possibility.	Krajišnik TJ, para. 108.
1969	Thus, arming and mobilization of the population in cooperation with the JNA increased.	Krajišnik TJ, para. 108.

1970	For example, the SDS formed its own military unit in Milići, Vlasenica municipality, which was equipped by the JNA's 216th Brigade.	Krajišnik TJ, para. 108.
1971	Furthermore, in order to replace Croat and Muslim soldiers who refused to mobilize in Rogatica and Sokolac municipalities, two exclusively Serb battalions of the 216th Brigade were formed with the assistance of the SDS.	Krajišnik TJ, para. 108.
1972	These battalions then armed and equipped Serb civilians in neighbouring villages and, from March 1992 onwards, their commanders reported exclusively to the brigade commander, Colonel Dragomir Milošević who, in turn, reported directly to General Vojislav Đurđević, commander of the JNA 4th Corps.	Krajišnik TJ, para. 108.
1973	Rajko Kušić, a prominent SDS leader of Rogatica, created his own unit composed of Serb volunteers, under the auspices of Colonel Milošević.	Krajišnik TJ, para. 108.
1974	Between January and March 1992, Colonel Milošević had frequent meetings with SDS leaders, including Rajko Đukić.	Krajišnik TJ, para. 108.
1975	A confidential document, contextually dated January or early February 1992, from the "organs of the Republic of Serbian Bosnia-Herzegovina" to the JNA Chief of the Main Staff in Belgrade and the commanders of the 2nd and 4th Military Districts (covering Bosnia-Herzegovina and small areas of Croatia), noted that the Bosnian-Serb Assembly had decided to "institutionalize" a situation, in which the "Serbian territories" of Bosnia-Herzegovina would remain in federal Yugoslavia.	Krajišnik TJ, para. 109.
1976	The document stated that this was to be done through peaceful means, but went on to note that the organs of the Bosnian-Serb Republic were soon to establish full control over these Serb territories, and requested various forms of assistance from the JNA in this respect.	Krajišnik TJ, para. 109.
1977	First, the "organs" requested the JNA to assign officers to assist municipal TOs, Public Security Stations ("SJB"), and CSBs, and to supply materiel, including weapons, ammunition, vehicles, helicopters, communications equipment, and uniforms, all of which was required by 20 February 1992 at the latest. Second, the "organs" asked the JNA to support them in taking over "Serbian territories in Bosnia-Herzegovina that remain part of Yugoslavia".	Krajišnik TJ, para. 109.
1978	The requested support included deploying JNA units to positions, from which they could protect the borders of Serb territories and preparations for providing rapid assistance in establishing control of territory by securing important areas.	Krajišnik TJ, para. 109.
1979	The "deadline" for completion of tasks in relation to the second request was 25 February 1992.	Krajišnik TJ, para. 109.
1980	In their turn, the "organs" undertook to enlist volunteers through municipal organs, and to designate persons (municipal presidents and TO commanders) to coordinate cooperation and joint operations with the JNA—a list with the phone numbers of these persons was to be provided to JNA Military District commands.	Krajišnik TJ, para. 109.
1981	On 11 February 1992 Momčilo Mandić attended a meeting of Serb officials from the Bosnia-Herzegovina MUP.	Krajišnik TJ, para. 110.

1982	Mičo Stanišić, then a member of the Bosnian-Serb Ministerial Council, stated that the Council and the Bosnian-Serb Assembly had decided to create a separate Serb MUP, and that it would be organized at state, regional, and municipal levels.	Krajišnik TJ, para. 110.
1983	The minutes of the meeting record a resolution to create a steering committee, a “Serbian advisory board” within the Bosnia-Herzegovina MUP under the direction of Momčilo Mandić “to carry out all preparations necessary for the functioning of the Serbian MUP after the adoption of the constitution of the Serbian Republic of BiH.”	Krajišnik TJ, para. 110.
1984	Part of the preparation for separation included the arming of Serb police officers and Serb police stations.	Krajišnik TJ, para. 110.
1985	The CSBs and SJBs reassigned stockpiled weapons belonging to the reserve police force to the new Serb MUP.	Krajišnik TJ, para. 110.
1986	On or about 12 February 1992 a meeting of representatives of three SAOs was held in Dobož.	Krajišnik TJ, para. 111.
1987	During the meeting, an exchange of population was discussed to achieve territorial continuity between Croatian and Bosnian Krajina, on the one side, and Semberija and Serbia proper, on the other.	Krajišnik TJ, para. 111.
1988	Three days after 14 February 1992, the Prijedor SDS municipal board noted that “it is necessary to activate the second stage of the position stated by the SDS BH Main Board. It is absolutely necessary to cover the territory and population (Serbs) by activists and representatives. Each should secure his own area.”	Krajišnik TJ, para. 112.
1989	On 15 February 1992 the Bosnian-Serb Assembly discussed a draft Constitution, according to which the Bosnian-Serb Republic would become part of federal Yugoslavia.	Krajišnik TJ, para. 113.
1990	The Assembly also discussed the adoption of a Law on the Implementation of the Constitution.	Krajišnik TJ, para. 113.
1991	On a parallel track, by 23 February 1992, representatives of the SDS and of the other two national groups had agreed on a statement of principles for a new constitutional arrangement for Bosnia-Herzegovina.	Krajišnik TJ, para. 114.
1992	According to this statement, the territory of Bosnia-Herzegovina would keep its external borders.	Krajišnik TJ, para. 114.
1993	It would become an independent state made up of three constituent units which would group municipalities according to the nationality principle based on the last three censuses (1971, 1981, and 1991).	Krajišnik TJ, para. 114.
1994	Freedom of movement would be allowed only within each unit, while resettlement from one unit to another would be subject to a “special permit”.	Krajišnik TJ, para. 114.

1995	On 28 February 1992, the Bosnian-Serb Assembly unanimously adopted the Constitution of the Serbian Republic of Bosnia-Herzegovina, along with a Government Act, a Law on Defence, and a Law on Internal Affairs.	Krajišnik TJ, para. 118.
1996	The Constitution defined the Bosnian-Serb Republic as part of federal Yugoslavia, and not of Bosnia-Herzegovina.	Krajišnik TJ, para. 118.
1997	It stated: "Citizens of the Republic have equal rights in their freedom, rights and obligations. They are equal before the law and enjoy the same legal protection regardless of race, sex, language, ethnic origin, social background, birth, education, financial situation, political and other beliefs, social position or other personal attributes."	Krajišnik TJ, para. 118.
1998	Biljana Plavšić and Nikola Koljević became the two acting Presidents of the Bosnian-Serb Republic.	Krajišnik TJ, para. 118.
5. THE ESTABLISHMENT OF THE BOSNIAN-SERB REPUBLIC		
1999	The looming crisis was poorly handled in March and early April 1992 by the republican organs, weakened by dissent among the coalition parties.	Krajišnik TJ, para. 122.
2000	For example, the Council for the Protection of Constitutional Order, a body constituted of representatives of the three constituent peoples from the Bosnia-Herzegovina Government and the Assembly, issued recommendations to the parties and the organs of public administration, but they were not followed up.	Krajišnik TJ, para. 122.
2001	Armed clashes among ethnic groups occurred throughout Bosnia-Herzegovina: checkpoints and barricades were erected in and around Sarajevo by people associated with the three national parties.	Krajišnik TJ, para. 122.
2002	After the republican referendum, and due to the fact that the Yugoslav leadership had by then clearly expressed its position to SDS leaders that a Bosnian-Serb entity would not be allowed to be part of the new Yugoslavia in the near future, negotiations persisted, but mainly turned on the nature of what an independent Bosnia-Herzegovina would be like (unitary or federal) and what the division of power among the entities would be.	Krajišnik TJ, para. 123.
2003	On 11 March 1992 the Bosnian-Serb Assembly decided to continue international negotiations on a confederative arrangement for the three national groups, albeit on its own terms.	Krajišnik TJ, para. 124.
2004	In response to an invitation from José Cutileiro, international mediator, to continue the multi-party negotiations, the Bosnian-Serb Assembly unanimously rejected a draft of constitutional arrangements in Bosnia-Herzegovina.	Krajišnik TJ, para. 124.
2005	On 18 March 1992 the negotiators once again reported to the Bosnian-Serb Assembly.	Krajišnik TJ, para. 125.

2006	The new draft proposal, they explained to the deputies, aimed at a division of Bosnia-Herzegovina into three constituent units based not only on nationality, but also on economic and geographic considerations.	Krajišnik TJ, para. 125.
2007	Each component nation would moreover be allowed special ties with other states. The proposal was marked as “basis for further negotiations.”	Krajišnik TJ, para. 125.
2008	On 24 March 1992 the Bosnian-Serb Assembly elected Branko Đerić as Prime Minister and he was sworn in on the same day.	Krajišnik TJ, para. 126.
2009	The Bosnian-Serb Assembly proceeded to instruct the new Government to prepare, by 27 March, “an operational plan for assuming power, that is, for establishing power in the Serbian Republic of Bosnia and Herzegovina, and in particular in the field of internal affairs, national defence and money transactions ... in all municipalities where we already have Serbian authorities, and in those municipalities where we have only recently established Serbian municipalities.”	Krajišnik TJ, para. 126.
2010	On 24 March 1992 the Bosnian-Serb Assembly also issued a decision verifying the proclamation of various Serb municipalities.	Krajišnik TJ, para. 127.
2011	On 7 April 1992 , the Bosnian-Serb Assembly, chaired by Milovan Milanović, declared the independence of the Bosnian-Serb Republic (on 12 August 1992, the name of the republic was changed to “Republika Srpska”). Plavšić and Koljević resigned from their positions in the Presidency of Bosnia-Herzegovina.	Krajišnik TJ, para. 128.
6. THE STATUTORY FRAMEWORK OF THE BOSNIAN-SERB ASSEMBLY		
2012	The Constitution of the Bosnian-Serb Republic, adopted by the Bosnian-Serb Assembly on 28 February 1992, vested the Bosnian-Serb Assembly with constitutional and legislative authority.	Krajišnik TJ, para. 129.
2013	It stipulated that the Assembly was to consist of 120 deputies reflecting as closely as possible the national composition of the Bosnian-Serb Republic.	Krajišnik TJ, para. 129.
2014	Chaired by a President (Speaker) and two vice-presidents, this legislative body could adopt laws and determine the budget and territorial organization of the Republic.	Krajišnik TJ, para. 129.
2015	It could also call referendums, elections for deputies, and elections for the President of the Republic.	Krajišnik TJ, para. 129.
2016	Proposals for legislation could be launched by the deputies, by the Government, or by the President of the Republic.	Krajišnik TJ, para. 130.

2017	Thereafter, a draft would be prepared by the relevant Ministry, adopted by the Government, and then forwarded to the Assembly.	Krajišnik TJ, para. 130.
2018	This meant that, regardless of who initiated the legislation, the body officially proposing it would always be the Government.	Krajišnik TJ, para. 130.
2019	The Bosnian-Serb Assembly was to exercise control over the matters within the competence of the Bosnian-Serb Government.	Krajišnik TJ, para. 131.
2020	It elected the Prime Minister and voted to appoint the Government Ministers.	Krajišnik TJ, para. 131.
2021	In addition, the Assembly debated matters related to the work of the Supreme Court, the Public Prosecutor, and the constitutionality of the laws of the Republic upon advice given to it by the Constitutional Court.	Krajišnik TJ, para. 131.
2022	The Assembly was also tasked with cooperating with the assemblies of other republics, autonomous provinces, and municipalities, through information exchange and visits by Assembly deputies.	Krajišnik TJ, para. 132.
2023	The President of the Bosnian-Serb Assembly controlled the procedure of the legislative body.	Krajišnik TJ, para. 133.
2024	The president, had the power to propose the agenda of Assembly sessions and to convene the Assembly at his initiative, or upon demand of the Bosnian-Serb Government or one-third of the deputies of the Assembly.	Krajišnik TJ, para. 133.
2025	The Assembly President was to sign laws following their adoption.	Krajišnik TJ, para. 134.
2026	The procedure also allowed for a shortened draft adoption of laws.	Krajišnik TJ, para. 134.
2027	In a state of war or imminent threat of war, the Assembly President could propose that laws be adopted without debate.	Krajišnik TJ, para. 134.
7. THE OPERATIONS OF THE BOSNIAN-SERB ASSEMBLY		
2028	On 27 March 1992, the Bosnian-Serb Assembly established the National Security Council (SNB).	Krajišnik TJ, para. 137.

2029	It was to be an advisory organ to the Assembly, on political, legal, constitutional, and other issues relevant to the security of Serbs in Bosnia-Herzegovina, and it was to be responsible to the Assembly.	Krajišnik TJ, para. 137.
2030	Its decisions were sometimes published in the Bosnian-Serb Republic's <i>Official Gazette</i> .	Krajišnik TJ, para. 137.
2031	Following the establishment of the Army of the Bosnian-Serb Republic ("VRS") on 12 May 1992, Generals Ratko Mladić, Milan Gvero, and Momir Talić, as well as Colonel Zdravko Tolimir, would also often attend Assembly sessions.	Krajišnik TJ, para. 138.
2032	They, together with other military officials, would address the Bosnian-Serb Assembly on the strategic situation and proposed plans of action.	Krajišnik TJ, para. 138.
2033	In its early days, the Bosnian-Serb Assembly was composed of 82 deputies. All but seven were SDS members.	Krajišnik TJ, para. 139.
2034	Other parties represented in the Bosnian-Serb Assembly were the Reformist Party, the former Communist League, and the Serb Renewal Movement.	Krajišnik TJ, para. 139.
2035	The members of the SDS Main Board would at times be allowed in the hall where the Assembly was meeting to put pressure on the deputies.	Krajišnik TJ, para. 139.
2036	In addition, The activities of the Assembly were supported financially by the SDS.	Krajišnik TJ, para. 139.
2037	The Assembly's composition and operating methods thus ensured that the decision-making process was heavily influenced by SDS policy.	Krajišnik TJ, para. 140.

8. THE STATUTORY FRAMEWORK OF THE BOSNIAN-SERB GOVERNMENT

2038	The Bosnian-Serb Constitution vested the Bosnian-Serb Government with executive authority, under the formal control of the Assembly.	Krajišnik TJ, para. 141.
2039	Headed by the Prime Minister, two deputy Prime Ministers, and thirteen Ministers, the Government functioned through the work of its Ministries and permanent working bodies.	Krajišnik TJ, para. 141.
2040	The Bosnian-Serb government was to report to the Assembly on its progress in policy implementation and law enforcement.	Krajišnik TJ, para. 141.

2041	Based on an evaluation of the Government's work, the Assembly could hold a vote of no-confidence.	Krajišnik TJ, para. 141.
2042	The Government was to make its decisions by a simple majority vote, in sessions with a majority of the members attending.	Krajišnik TJ, para. 142.
2043	It was to cooperate with municipal executive organs by having their representatives participate in Government sessions, as well as by having Ministers participate in sessions of the municipal organs.	Krajišnik TJ, para. 142.
9. THE ESTABLISHMENT OF THE BOSNIAN-SERB GOVERNMENT		
2044	The Ministerial Council, established on 21 December 1991, became the Bosnian-Serb Government following the Assembly's passage of the Government Act on 28 February 1992.	Krajišnik TJ, para. 143.
2045	While still a member of the Bosnia-Herzegovina Government, Branko Đerić was nominated by Biljana Plavšić for the post of Prime Minister in the Bosnian-Serb Government.	Krajišnik TJ, para. 144.
2046	Serbs who had been serving in ministerial posts in the Government of Bosnia-Herzegovina were appointed by the Bosnian-Serb Assembly as Ministers to equivalent positions in the Bosnian-Serb Government.	Krajišnik TJ, para. 144.
2047	Where no Serb sat as Minister or deputy Minister in the Bosnia-Herzegovina Government, the Prime Minister was to propose candidates for ministerial posts in the Bosnian-Serb Government to the Bosnian-Serb Assembly.	Krajišnik TJ, para. 144.
2048	Aleksandar Buha, Minister of Foreign Affairs, was in charge of contacts with international representatives, including those from the United States and OSCE.	Krajišnik TJ, para. 145.
2049	The Ministry of Information, under Velibor Ostojić, dealt with general public information, and would distribute and report on the statements from Government sessions, press briefings, and news conferences.	Krajišnik TJ, para. 145.
2050	Dragan Kalinić, Minister of Health and Social Affairs, was in charge of cooperation with international humanitarian organizations.	Krajišnik TJ, para. 145.
2051	The Government sat for the first time as an independent executive body, distinct from the SNB, at its 13th session on 23 May 1992.	Krajišnik TJ, para. 146.
2052	In the first days of April 1992, following international recognition of Bosnia-Herzegovina as an independent state and the beginning of the conflict, the Bosnian-Serb leadership relocated to Pale, about 20 kilometers from Sarajevo.	Krajišnik TJ, para. 147.

2053	The Kikinda Hotel functioned as the seat of the Bosnian-Serb institutions (Assembly, Presidency, Government) until June 1992.	Krajišnik TJ, para. 147.
2054	In April 1992, Nikola Koljević proposed to JNA colonel Bogdan Subotić that he set up a Bosnian-Serb Ministry of Defence. Branko Đerić and the Assembly were aware of this approach.	Krajišnik TJ, para. 149.
2055	Subotić accepted the assignment, moved to Pale, and with the assistance of the SFRY Ministry of Defence, started organizing the Ministry and preparing drafts of the Law on Defence and Law on the Army.	Krajišnik TJ, para. 149.
2056	These drafts were eventually adopted by the Government and submitted to the Bosnian-Serb Assembly.	Krajišnik TJ, para. 149.
10. THE OPERATIONS OF THE BOSNIAN-SERB GOVERNMENT		
2057	In the course of 1992, the Bosnian-Serb Government held around 90 sessions. Nedeljko Lakić, secretary of the Government from 27 April 1992 onwards, would see Prime Minister Đerić about twice a week and would liaise with him and other Ministers to organize the sessions.	Krajišnik TJ, para. 150.
2058	After each session, Lakić would write the minutes of the meetings, and show them to Đerić	Krajišnik TJ, para. 150.
2059	Legislative proposals were forwarded to the Assembly, while decisions within the competence of the Government were published in the <i>Official Gazette</i> .	Krajišnik TJ, para. 150.
2060	As far as its input on the municipal level is concerned, the Government exercised a certain amount of control over, and cooperated with, municipal authorities and crisis staffs.	Krajišnik TJ, para. 151.
2061	The Government was also concerned with the issue of deserted houses and apartments in the municipalities, as well as the issue of Muslim-owned property in general.	Krajišnik TJ, para. 152.
2062	It would send individual Ministers to visit municipal assemblies in order to be kept up to date on the situation.	Krajišnik TJ, para. 152.
2063	By early May 1992, the Government had at its disposal in Pale a Republican Information Centre which connected with regional communication centres in the Bosnian-Serb territory.	Krajišnik TJ, para. 153.
2064	It operated 24 hours per day and had five employees.	Krajišnik TJ, para. 153.

2065	By June 1992, written reports, as well as dozens of telegrams, were received daily by the Centre and sent on to the intended recipients.	Krajišnik TJ, para. 153.
11. THE BOSNIAN-SERB JUDICIARY		
2066	The Bosnian-Serb Constitution vested the Constitutional Court and lower courts of the Bosnian-Serb Republic with judicial authority.	Krajišnik TJ, para. 154.
2067	The judicial system of the Bosnian-Serb Republic, with the Constitutional Court at the top of the hierarchy, was to be autonomous and independent and was entrusted with protection of human rights and freedoms.	Krajišnik TJ, para. 154.
2068	Members of the judiciary, including judges and public prosecutors, were to be elected by the Bosnian-Serb Assembly.	Krajišnik TJ, para. 154.
2069	The Assembly discussed and voted on appointment and dismissal of judges and prosecutors at its 19th and 22nd sessions on 12 August 1992 and 23-24 November 1992, respectively.	Krajišnik TJ, para. 154.
2070	The lower courts were to ensure that all coercive actions on behalf of the state authorities were conducted in accordance with the rule of law.	Krajišnik TJ, para. 155.
2071	No state official could enter a dwelling against the tenant's will without a court warrant.	Krajišnik TJ, para. 155.
2072	No-one could be deprived of his or her freedom without a valid court decision. In addition, pre-trial detention could not exceed two months, unless extended by the Constitutional Court for up to another two months.	Krajišnik TJ, para. 155.
2073	The Constitution set forth the principle of a fair trial in criminal proceedings.	Krajišnik TJ, para. 155.
2074	An accused person had the right to be informed of the nature of the allegation against him or her in the shortest time provided by the law, and guilt could not be established except by pronouncement of a valid court verdict.	Krajišnik TJ, para. 155.
12. THE BOSNIAN-SERB EXCHANGE COMMISSION		
2075	On 8 May 1992, the Government established a Central Commission for the Exchange of Prisoners of War and Arrested Persons.	Krajišnik TJ, para. 156.

2076	On 10 May the SNB and the Government appointed the members of the Commission, who included representatives from the Bosnian-Serb Ministry of Defence, the MUP, and the Ministry of Justice.	Krajišnik TJ, para. 156.
2077	The Commission's official role was to coordinate exchanges and provide information on captured persons.	Krajišnik TJ, para. 157.
2078	As part of that role the Commission was to differentiate between civilians and prisoners of war, with a view to releasing the former and preventing crisis staffs or paramilitary formations from committing crimes against the latter.	Krajišnik TJ, para. 157.

13. THE BOSNIAN-SERB NATIONAL SECURITY COUNCIL

2079	Ex officio members of the SNB also included the President of the Bosnian-Serb Assembly (Momčilo Krajišnik) and the Bosnian-Serb Republic's Prime Minister, and the Ministers of Defence and Interior.	Krajišnik TJ, para. 161.
2080	By early April 1992, the SNB developed into an executive organ issuing instructions to, and receiving reports from, municipal crisis staffs and TOs.	Krajišnik TJ, para. 162.
2081	The SNB would meet in joint sessions with the Bosnian-Serb Government for the purpose of taking decisions on military, political, and administrative matters.	Krajišnik TJ, para. 163.
2082	The idea of creating a collective presidency for the Bosnian-Serb Republic first emerged when the Assembly was drafting the Law for Implementing the Constitution.	Krajišnik TJ, para. 163.
2083	Biljana Plavšić and Nikola Koljević, as elected Serb members of the Bosnia-Herzegovina Presidency, became ipso facto members of this collective body.	Krajišnik TJ, para. 163.
2084	On 12 May 1992, the Bosnian-Serb Assembly passed a constitutional law instituting a three-member Presidency until a President of the Bosnian-Serb Republic could be elected by the people.	Krajišnik TJ, para. 164.

14. THE OPERATIONS OF THE BOSNIAN-SERB PRESIDENCY

2085	On 9 October 1992 Đerić resigned from his post as Prime Minister because he considered that the authorities of the Bosnian-Serb Republic did not function and that "the party structures outweighed the rule of law aspect of the state".	Krajišnik TJ, para. 186.
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15. THE STATUTORY FRAMEWORK OF THE BOSNIAN-SERB ARMED FORCES

2086	Important functions relevant to the armed forces were to be carried out by the Ministry of Defence, the Ministry of Interior, and by the Bosnian-Serb Assembly.	Krajišnik TJ, para. 189.
2087	The Government had the authority to propose a defence plan and carry out defence preparations.	Krajišnik TJ, para. 189.
2088	The Ministry of Defence was to be in charge of mobilization efforts.	Krajišnik TJ, para. 189.
2089	The MUP would deploy the police force in case of conflict.	Krajišnik TJ, para. 189.
2090	The Assembly was responsible for adopting a defence development plan, determining sources of defence finance, and enabling the acquisition of material supplies.	Krajišnik TJ, para. 189.
2091	In accordance with the Bosnian-Serb Republic's Defence Act, defence equipment, funds, and other property previously belonging to Bosnia-Herzegovina were to be transferred to the Bosnian-Serb Republic.	Krajišnik TJ, para. 190.
2092	JNA officers, Bosnian-Serb Republic citizens, and citizens of other Yugoslav republics who wished to serve in the VRS, could be transferred to the Bosnian-Serb Republic's Army.	Krajišnik TJ, para. 190.
16. THE COMPOSITION AND LOGISTICS OF THE BOSNIAN-SERB ARMED FORCES		
2093	In June 1992 the VRS comprised 177,341 personnel divided into five Corps, as well as some units not attached to any specific Corps, all under the command of an Army the Main Staff headed by Ratko Mladić.	Krajišnik TJ, para. 197.
2094	The five Corps were the 1st Krajina Corps (formerly the JNA 5th Corps, headed by Momir Talić from 17 March 1992); the 2nd Krajina Corps (formerly the JNA 10th Corps); the East Bosnia Corps (formerly the JNA 17th Corps); the Sarajevo-Romanija Corps (formerly the JNA 4th Corps); and the Herzegovina Corps (formerly part of the JNA 9th Corps).	Krajišnik TJ, para. 197.
2095	The VRS had control over several weapons-production plants in Bosnia-Herzegovina. They manufactured air-jet engines, radar and telecommunications systems, artillery and non-guided rocket munitions, armoured vehicles, optical electronics, and engines for military vehicles.	Krajišnik TJ, para. 199.
2096	The ethnic make up of the armed forces changed significantly in the first half of 1992. Already in early 1992, and partly due to the refusal of non-Serbs to mobilize for the war in Croatia, the JNA units in Bosnia-Herzegovina were progressively becoming all-Serb units.	Krajišnik TJ, para. 201.
2097	By April 1992, more than 90 per cent of all JNA officers were Serbs or Montenegrins, and the JNA was openly favouring Serbs in its personnel policy.	Krajišnik TJ, para. 201.

2098	The political leadership often exerted influence on the military leaders to remove the remaining non-Serbs from the armed forces. There was also pressure from within the JNA on non-Serb officers to resign which was expressed in the form of threats coming from Serb soldiers and reassignments to menial jobs.	Krajišnik TJ, para. 201.
2099	By late 1992 or early 1993 out of 2,579 VRS officers, the majority were Serb (2,165, or 84 per cent) or Yugoslav (204, or 8 per cent). Only 62 (or 2 per cent) were Croat and 33 (1 per cent) were Muslim.	Krajišnik TJ, para. 202.
2100	The fact that a few non-Serbs did remain appears to be due to the circumstance that, after 16 July 1992, in view of lack of qualified personnel, non-Serbs who proved themselves in combat and declared that they wanted to become citizens of the Bosnian-Serb Republic were allowed to remain in the VRS.	Krajišnik TJ, para. 202.
2101	The JNA was not the only armed force in the Bosnian-Serb Republic whose composition changed in such dramatic fashion. The TO was also struggling to fill up its ranks following the departure of non-Serbs.	Krajišnik TJ, para. 203.
2102	In a letter dated 27 April 1992 Minister of Defence Subotić requested reinforcements from the JNA's 2nd Military District, pursuant to an order received by Prime Minister Đerić. The letter provided as follows: "In view of the essential need to bring the TO in the Serbian Republic of Bosnia and Herzegovina up to the basic level of manpower, in accordance with an agreement reached and a promise made in Belgrade, we request your urgent assistance in providing us with the following officers."	Krajišnik TJ, para. 203.
17. PARAMILITARY FORMATIONS IN BOSNIA AND HERZEGOVINA		
2103	Even before the hostilities began in Bosnia Herzegovina, there existed a centre in Belgrade where volunteers were gathered to be sent to fight in Bosnia Herzegovina. Furthermore, the Serbian Radical Party (SRS) recruited volunteers from within Bosnia Herzegovina.	Krajišnik TJ, para. 208.
2104	Many paramilitary units were seen operating independently at first. Often, paramilitary units were later incorporated within the TO structures and eventually ended up being either disbanded or integrated within the VRS structures.	Krajišnik TJ, para. 209.
2105	According to a VRS Main Staff intelligence report on paramilitary formations dated 28 July 1992 report , the paramilitary groups operating in the Bosnian-Serb Republic at that time (about 60 groups, totalling 4,000 to 5,000 men) were mostly formed of individuals of low morals, many of them convicted criminals, whose interest was looting.	Krajišnik TJ, para. 210.
2106	The SOS paramilitary group included convicted criminals. Members of the SOS even acted as escorts for SDS leaders such as Radoslav Brđanin.	Krajišnik TJ, para. 212.
2107	The Serbian Defence Forces ("SOS") paramilitary groups were also active in Sanski Most, where the local crisis staff decided to transform them into a TO unit on 22 April 1992.	Krajišnik TJ, para. 212.
2108	In Zvornik, in the period April to May 1992, the Yellow Wasps, a paramilitary unit consisting of around 100 heavily armed men, cooperated closely with the TO and was even issued with arms by the TO's logistics staff.	Krajišnik TJ, para. 213.

2109	On 11 July 1992, the leader of the Yellow Wasps, Vojin (Žučo) Vučković, went to the Pale SJB to collect arms and ammunition. While in Pale, Vučković met with Plavšić. He also met with the Minister of Defence Subotić.	Krajišnik TJ, para. 213.
2110	At this meeting, Subotić explained to Vučković that whoever took orders from VRS officers was considered to be a full member of the VRS, irrespective of whether that person was a reservist, a Serbian volunteer, or a member of a paramilitary.	Krajišnik TJ, para. 213
2111	In Prnjavor, the “Wolves of Vučjak” were a paramilitary group, consisting of approximately 150 men. They were headed by Veljko Milanković, a convicted criminal, trained in Knin (Croatia) in the summer of 1991.	Krajišnik TJ, para. 214.
2112	Local SDS boards, crisis staffs, and regional (SAO) governments often invited and assisted paramilitary groups.	Krajišnik TJ, para. 215.
2113	This occurred, for example, with the Yellow Wasps, the Red Berets, Mauzer’s men, and Arkan’s men, operating in north-eastern Bosnia-Herzegovina (Bijeljina, Brčko, and Zvornik).	Krajišnik TJ, para. 215.
2114	On 28 July 1992, and as a result of the VRS Main Staff Intelligence report mentioned earlier, Mladić issued an order regarding the disarmament of paramilitary formations.	Krajišnik TJ, para. 216.
2115	The order noted that paramilitaries engaged in looting were operating in all territories under the VRS. It ordered all paramilitary formations with “honourable” intentions to place themselves under the command of the VRS.	Krajišnik TJ, para. 216.
2116	No individual or group responsible for crimes was to be incorporated into the army, and any member of a paramilitary unit who refused to submit to the unified command of the VRS was to be disarmed and arrested.	Krajišnik TJ, para. 216.
2117	The report, while aimed at bringing law back to areas now under Bosnian-Serb control, also shows that the VRS was more concerned with looting and the breakdown of order than with the widespread crimes committed by the paramilitaries.	Krajišnik TJ, para. 217.
2118	The report also does not account for the fact that incorporation of paramilitaries had already been the rule even before July 1992 and that crimes were committed, and were continuing to be committed, by the paramilitaries under the auspices of the Bosnian-Serb armed forces.	Krajišnik TJ, para. 217.
2119	For example, the Prijedor paramilitary units named in the report took part in the attacks on Kozarac, Hambarine, and other areas in Prijedor as part of the VRS in May 1992.	Krajišnik TJ, para. 218.
2120	From very early on following its creation, the VRS was aware of the serious problems posed by the paramilitary formations in various municipalities, as well as their unruly behaviour.	Krajišnik TJ, para. 222.
2121	Some paramilitary groups, “invited” by SDS local boards, crisis staffs, and regional government, were accepted as fighters for the “Serbian cause” despite their record of lawlessness and ruthless efficiency.	Krajišnik TJ, para. 222.

2122	Others were tolerated as long as they did not pose too much of a problem for Bosnian-Serb “legitimate” authorities.	Krajišnik TJ, para. 222.
18. THE STATUTORY FRAMEWORK OF THE BOSNIAN-SERB MINISTRY OF INTERNAL AFFAIRS		
2123	The Bosnian-Serb Law on Internal Affairs was enacted by the Bosnian-Serb Assembly on 28 February 1992, on the same day that the Assembly adopted the Constitution.	Krajišnik TJ, para. 225.
2124	The law was published in the Official Gazette on 23 March 1992.	Krajišnik TJ, para. 225.
2125	The new Law on Internal Affairs was based to an overwhelming extent on the 17 April 1990 Bosnia-Herzegovina Law on Internal Affairs.	Krajišnik TJ, para. 226.
2126	One of the differences was that the 1992 law referred to “national security” whereas the 1990 law referred to “state security”.	Krajišnik TJ, para. 226.
2127	Another difference was that the new law made reference to the MUP’s ethnic composition and invited “employees of Serbian nationality and other employees who so desire” to take employment in the MUP.	Krajišnik TJ, para. 226.
2128	The Bosnian-Serb MUP was to handle security affairs on behalf of the Government.	Krajišnik TJ, para. 227.
2129	The 1992 law provided for five Security Services Centres (CSBs) in the Bosnian-Serb Republic: Banja Luka for the territory of the ARK; Trebinje for the SAO of Herzegovina; Doboј for the SAO of Northern Bosnia; Sarajevo for the SAO of Romanija-Birač; and Bijeljina for the SAO of Semberija.	Krajišnik TJ, para. 228.
2130	Each of the five CSBs was in charge of a number of Public Security Stations (SJBs) found in municipalities covered by that particular CSB.	Krajišnik TJ, para. 228.
2131	In this structure the SJBs would continue to play the role of the main organ of the Ministry of Internal Affairs at the municipal level.	Krajišnik TJ, para. 228.
2132	The new law stipulated that CSBs and SJBs were to cease cooperating with the Bosnia-Herzegovina MUP.	Krajišnik TJ, para. 229.
2133	The law specified SJB competencies as including protection of life and personal security of citizens, prevention and detection of criminal acts, and the tracking down and apprehension of perpetrators.	Krajišnik TJ, para. 229.

2134	The law tasked SJBs to cooperate with any “organs” or “organizations” that had been legally charged with maintaining order in a given area.	Krajišnik TJ, para. 229.
2135	The 1992 law extended the maximum period of allowable detention on the premises of CSBs and SJBs to three days (from the maximum of 24 hours permitted by the 1990 law).	Krajišnik TJ, para. 230.
2136	In addition, persons of unknown identity suspected of serious criminal offences could be detained indefinitely under the 1992 law.	Krajišnik TJ, para. 230.
2137	According to internal regulations, the MUP’s head office was to coordinate the work of CSBs, and, in circumstances that jeopardized the security of the Bosnian-Serb Republic, to activate reserve police forces and supply police units with arms.	Krajišnik TJ, para. 231.
2138	In addition to tasks assigned to them by the MUP’s head office, the CSBs and SJBs were to implement the regulations of municipal assemblies in connection with the maintenance of law and order.	Krajišnik TJ, para. 231.
2139	The Law on Internal Affairs authorized the MUP Minister to form additional police units to carry out specific tasks, if needed to preserve peace and public order.	Krajišnik TJ, para. 232.
2140	The Minister could also limit public movement and assembly if the security of the Republic, the work of republican organs, or the freedom and rights of the citizens of the Republic were threatened, although before doing so the Minister was obliged to consult the Assembly — or, if the circumstances made it impossible to consult the Assembly, the Republic’s President.	Krajišnik TJ, para. 232.
2141	The new law tasked all MUP personnel to “preserve the lives of people and human dignity” in the course of carrying out their duties.	Krajišnik TJ, para. 233.
2142	Moreover, it provided that “Authorized officials shall execute orders issued by the Minister, or by their immediate supervisor, given in order to carry out matters and tasks of national and public security, except when such orders are contrary to the constitution of the law.”	Krajišnik TJ, para. 233.
2143	On the question of the division of existing assets, the Law on Internal Affairs stipulated that fixed assets, equipment, and archives were to be transferred to the Bosnian-Serb MUP in proportion to the percentage of the representatives of the Serb people in the Bosnia-Herzegovina Assembly.	Krajišnik TJ, para. 234.
2144	Fixed and movable assets of the CSBs and SJBs in districts, parts of which had become part of SAOs, were to be transferred to the Bosnian-Serb Republic in proportion to the size of the parts separated from the districts.	Krajišnik TJ, para. 234.
19. THE ESTABLISHMENT OF THE BOSNIAN-SERB MINISTRY OF INTERNAL AFFAIRS		
2145	The Bosnian-Serb MUP was one of the first institutions of the nascent Republic to start functioning effectively. At its session of 11 March 1992, the Bosnian-Serb Assembly unanimously called for the implementation of the new Law on Internal Affairs by the Ministerial Council.	Krajišnik TJ, para. 235.

2146	On 24 March 1992, Mićo Stanišić was appointed Minister of Internal Affairs by the Bosnian-Serb Assembly.	Krajišnik TJ, para. 235.
2147	The Law on Internal Affairs, published in the <i>Official Gazette</i> on 23 March 1992 was to enter into force on 31 March 1992.	Krajišnik TJ, para. 236.
2148	From that date, all CSBs and SJBs of Bosnia-Herzegovina throughout the territory of the Bosnian-Serb Republic were to stop functioning.	Krajišnik TJ, para. 236.
2149	On 24 March 1992, the Bosnian-Serb Assembly instructed the Ministerial Council to prepare an operational plan for “assuming power, that is for establishing power and rendering operational the authorities in the territory of the [the Bosnian-Serb Republic] and in particular in the field of internal affairs” and to submit it to the Assembly on 27 March.	Krajišnik TJ, para. 236.
2150	On 27 March, the Constitution of the Bosnian-Serb Republic was adopted by the Bosnian-Serb Assembly. No operational plan was on the agenda that day. The plan was eventually issued on 26 April 1992.	Krajišnik TJ, para. 236.
2151	Already on 30 March 1992, the Bosnian-Serb MUP was set up in SAO Romanija.	Krajišnik TJ, para. 237.
2152	On 6 April 1992, Momčilo Mandić organized the take-over of the Vraca police academy, which became the first headquarters of the new MUP and the CSB Sarajevo.	Krajišnik TJ, para. 239.
2153	The MUP headquarters was later moved to two locations in Pale. At the beginning of July 1992, CSB Sarajevo was moved to Lukavica.	Krajišnik TJ, para. 239.
20. THE COMPOSTION AND LOGISTICS OF THE BOSNIAN-SERB MINISTRY OF INTERNAL AFFAIRS		
2154	By September 1992, the Bosnian-Serb MUP numbered 11,240 employees, which was more than the 10,195 employees in all of the Bosnia-Herzegovina MUP in January 1990.	Krajišnik TJ, para. 241.
2155	Already in April 1992 the Bosnian-Serb MUP started establishing special police units armed with weaponry up to and including 120 mm mortars. The commander of the first Bosnian-Serb MUP special unit was Milenko Karišik.	Krajišnik TJ, para. 242.
2156	By 29 April 1992, Stojan Župljanin, head of the Banja Luka CSB, had at his disposal armed combat vehicles, anti-aircraft artillery, and helicopters.	Krajišnik TJ, para. 242.
2157	By early May 1992, Župljanin had established a “counter-sabotage and counter-terrorist” police unit equipped for combat and numbering 150 men who had had combat experience in Croatia.	Krajišnik TJ, para. 242.

2158	At the end of June 1992, the MUP noted the presence of special police units at Sokolac and Pale. By September 1992 the Special Brigade of the police had five detachments, one based at each of the five CSBs. Some SJBs, such as those in Ilidža and Novo Sarajevo, also had their own special police units.	Krajišnik TJ, para. 242.
21. CONTROL OVER AND OPERATIONS OF BOSNIAN-SERB MINISTRY OF INTERNAL AFFAIRS FORCES		
2159	On 16 April 1992, the Minister of Defence, Bogdan Subotić, declared that a state of imminent threat of war existed in the Bosnian-Serb Republic, and ordered full mobilization. Subotić's order allowed the authorities to take "all necessary measures appropriate to the situation."	Krajišnik TJ, para. 243.
2160	The measures decreed by the ARK on 4 May pursuant to Subotić's order included a general mobilization, introduction of a curfew, and a deadline of 11 May for the surrender of illegal weapons.	Krajišnik TJ, para. 243.
2161	These orders were disseminated to all SJBs within CSB Banja Luka.	Krajišnik TJ, para. 243.
2162	The MUP also cooperated closely with the VRS. On 15 May 1992, Stanišić ordered that all employees of the MUP organize into "war units".	Krajišnik TJ, para. 245.
2163	This order formalized the cooperation by explaining how MUP units should cooperate with the VRS. Stanišić authorized the CSB heads to implement these arrangements.	Krajišnik TJ, para. 245.
2164	MUP's first annual report, covering the period April to December 1992, stated that participation in combat activities stood at "1,451 police officers, on average, every day."	Krajišnik TJ, para. 250.
2165	The Ministry had put 6,167 police officers at the disposal of the VRS, most of them from the reserve.	Krajišnik TJ, para. 250.
2166	Pursuant to guidelines, the MUP Minister was to pass an act adjusting the internal structure of the Ministry to wartime conditions, and to issue instructions on how members of the MUP were to perform tasks and duties.	Krajišnik TJ, para. 251.
2167	Active and reserve police, as well as special units which would not form part of the MUP's wartime structure, were to be transferred to the Army or used for other wartime tasks.	Krajišnik TJ, para. 251.
22. STATUTORY FRAMEWORK RELATING TO BOSNIAN SERB CRISIS STAFFS, WAR PRESIDENCIES AND WAR COMMISSIONS		
2168	The Bosnian-Serb Constitution provided for the territorial division of the Bosnian-Serb Republic into local units of self-management, such as cities and municipalities. Organization and operation of municipal authorities was to be determined and regulated by municipal statutes.	Krajišnik TJ, para. 256.

2169	Each assembly had an executive committee and a network of municipal administrative organs charged with the implementation of the assembly decisions.	Krajišnik TJ, para. 256.
2170	The Bosnian-Serb Constitution also bestowed on the municipalities the right and obligation to manage and organize territorial defence.	Krajišnik TJ, para. 256.
2171	Although the Bosnian-Serb Constitution did not specify the mechanisms of municipal decision-making in times of conflict or envision the existence of crisis staffs, the 1974 Constitution of Bosnia-Herzegovina and the 1984 Law on All-People's Defence suggested that certain mechanisms could come into being if regular municipal authorities were unable to function properly.	Krajišnik TJ, para. 257.
2172	Thus, the 1974 Constitution provided for collective municipal presidencies.	Krajišnik TJ, para. 257.
2173	A collective presidency was to be formed in time of war or imminent threat of war to replace a municipal assembly, and was to remain in existence until the assembly was able to reconvene.	Krajišnik TJ, para. 257.
2174	This war presidency, consisting of the municipal assembly leadership and some additional members, was accorded extraordinary powers in dealing with situations of war or imminent threat of war.	Krajišnik TJ, para. 257.
2175	The crisis staffs that came into being in the Bosnian-Serb Republic in late 1991 and early 1992 were created without reference to the legal instruments mentioned above. Instead, they started out as SDS organs and were only later transformed into organs of the Bosnian-Serb Republic.	Krajišnik TJ, para. 258.
23. THE FUNCTIONS OF THE BOSNIAN-SERB CRISIS STAFFS		
2176	The SDS crisis staffs in the Bosnian-Serb Republic were all fully set up and operational by April or May 1992.	Krajišnik TJ, para. 260.
2177	Once they became municipal organs they functioned as the municipal authority when municipal assemblies could not operate due to the state of emergency, replacing both the municipal assembly and the executive committee.	Krajišnik TJ, para. 260.
2178	As the leading governing body in the municipality, the crisis staffs exercised control over civilian, military, and paramilitary affairs.	Krajišnik TJ, para. 260.
2179	In addition, throughout the period of their existence, the crisis staffs functioned as the coordinating body between municipal authorities, the SDS, and the central republican level (both state and SDS) on the one side, and the military, the police, and other forces on the ground in the municipalities, on the other.	Krajišnik TJ, para. 261.
2180	From 1 April to 15 June 1992, municipal and regional SDS organs played a major role in organizing TO units. These units, sometimes working together with JNA, then proceeded to secure Serb municipalities, especially in the ARK.	Krajišnik TJ, para. 261.

2181	On 24 February 1992, the SDS Executive Board assigned “coordinators” for the ARK and the different SAOs. Among other tasks, these coordinators were to ensure the implementation of decisions of the Bosnian-Serb Assembly and the Bosnian-Serb Government and to take part in the work of the regional crisis staffs.	Krajišnik TJ, para. 262.
2182	The municipal crisis staffs in the ARK received instructions from, acted upon decisions of, and reported to the ARK crisis staff.	Krajišnik TJ, para. 262.
2183	On 24 March 1992, the Bosnian-Serb Assembly asked the Government to draw up a plan on assuming power and rendering operational the new governmental authorities, for example in the field of internal affairs and national defence, in the territory of the Bosnian-Serb Republic.	Krajišnik TJ, para. 263.
2184	Such a plan was then issued by the Government about a month later, on 26 April 1992, and concerned the functioning of crisis staffs in the municipalities: "In the conditions of war, the Crisis Staff shall take over all the prerogatives and functions of municipal assemblies when they are not able to convene ... The operation of the Crisis Staffs shall be based on constitutional and legal provisions and also on the decisions of the Assembly, the Presidency and the Government of the Serb Republic of Bosnia-Herzegovina. ... The Crisis Staffs shall collect information on the situation in the field and notify and consult competent authorities of the Serbian BiH, that is commissioners of the Government who shall be appointed especially for the communities and areas threatened by the war ... The Crisis Staffs shall ... prepare weekly reports which shall be submitted to the regional and state organs of the Serbian BiH."	Krajišnik TJ, para. 263.
2185	This plan was distributed and implemented in municipalities throughout the Bosnian-Serb Republic.	Krajišnik TJ, para. 264.
2186	During the transformation from SDS to republican organs, which differed in speed and character in different municipalities, there was significant overlap between party and municipal functions.	Krajišnik TJ, para. 264.
2187	Although the transformation, which did not include any change of membership, generally was completed by the end of April 1992, some crisis staffs continued to regard themselves as SDS organs after that time.	Krajišnik TJ, para. 264.
2188	As for the membership, the crisis staffs included leaders at the municipal level but also people with ties to the republican level of the SDS.	Krajišnik TJ, para. 265.
2189	Members of the SDS Main Board but, in particular, the Bosnian-Serb Assembly deputies “were the link from the republic level to the municipal”.	Krajišnik TJ, para. 265.
2190	Their role was to transfer authority from the central to the municipal level, and also to convey information between those two levels.	Krajišnik TJ, para. 265
2191	This composition of the municipal crisis staffs reflected the coordinating role of the body, between political, military and other forces in the municipality, as well as the dominant influence of SDS.	Krajišnik TJ, para. 266.

2192	For example, In Ključ municipality, the members of the crisis staff were the president of the municipal assembly, the chief of the SJB, the Council for National Defence (“SNO”) secretary, the TO commander, the president of the SDS municipal board, a local deputy to the Bosnian-Serb Assembly, and the vice-president of the municipal executive committee.	Krajišnik TJ, para. 266.
24. BOSNIAN-SERB WAR PRESIDENCIES AND WAR COMMISSIONS		
2193	One distinction between crisis staffs, war presidencies and war commissions was that while the crisis staffs were meant to be replacing the municipal assemblies only, the war presidencies and war commissions were to replace both the assembly and the executive committee.	Krajišnik TJ, para. 272.
2194	There might not have been any practical difference, however, since, as explained above, the crisis staffs already acted as executive organs.	Krajišnik TJ, para. 272.
2195	Abolition of the crisis staffs and establishment of war presidencies were first discussed within the Bosnian-Serb Government on 23 May 1992.	Krajišnik TJ, para. 273.
2196	On 31 May 1992, war presidencies were formed in the municipalities. The war presidencies were to consist of the president of the municipal assembly or another prominent figure in the municipality and “a representative of the Republic”.	Krajišnik TJ, para. 274.
2197	This representative was in fact the commissioner mentioned in the Bosnian-Serb Government instructions.	Krajišnik TJ, para. 274.
2198	One representative could cover several municipalities “in conformity with the organization of the Army of the Serbian Republic of Bosnia and Herzegovina.	Krajišnik TJ, para. 274.
2199	This was essentially an exercise in renaming municipal crisis staffs and changing their name to “war presidencies”, without altering their membership.	Krajišnik TJ, para. 274.
2200	On 1 June 1992, the Constitution of the Bosnian-Serb Republic was amended to allow war presidencies at both the republican and municipal levels.	Krajišnik TJ, para. 275.
2201	The decision to establish war presidencies was acted upon in some municipalities.	Krajišnik TJ, para. 275.
2202	The state commissioner on a war commission was responsible for appointing municipal war commissions and providing them with his expertise and other assistance.	Krajišnik TJ, para. 276.

2203	A list of commissioners was drawn up on the same day and included Dragan Đokanović, Nikola Poplašen, Milimir Mučibabić, Miroslav Radovanović, Jovan Tintor, and Danilo Veselinović. Soon thereafter, Dragan Đokanović was appointed state commissioner for Zvornik, Vlasenica, Skelani, Bratunac, Šekovići, and Novo Sarajevo.	Krajišnik TJ, para. 276.
2204	The exact setting up and transformation from crisis staff, to war presidency, to war commission varied from municipality to municipality. Some of the factors determining this variation were location, time, and personalities.	Krajišnik TJ, para. 279.
25. THE RELATIONSHIP BETWEEN BOSNIAN SERB CRISIS STAFFS, WAR PRESIDENCIES, WAR COMMISSIONS AND THE BOSNIAN SERB ARMED FORCES		
2205	The relationship between crisis staffs and the various military forces present in the municipalities (JNA units, the TO, paramilitary units, and the VRS), differed from municipality to municipality.	Krajišnik TJ, para. 280.
2206	At a minimum, however, the relationship involved a coordinating and supporting role for the crisis staffs. In at least one municipality, Zvornik, the local JNA commander was listed as member of the crisis staff.	Krajišnik TJ, para. 280.
2207	Generally there was a progression from SDS formed military units to infantry units under the command of the crisis staffs, to full VRS control of military units by mid-June 1992.	Krajišnik TJ, para. 281.
2208	Thus, the crisis staffs filled the gap between the withdrawal, disintegration, or general failure of command structures within the JNA, and the establishment of a VRS with effective control of the armed forces on the ground.	Krajišnik TJ, para. 281.
2209	At the time when the SDS crisis staffs were being formed, the JNA was the dominant military structure in the municipalities of Bosnia-Herzegovina.	Krajišnik TJ, para. 283.
2210	The Zvornik SDS municipal board elected a crisis staff for the municipality, consisting of leading SDS persons from Zvornik, as well as the municipal command staff of the JNA.	Krajišnik TJ, para. 283.
2211	In a formal sense no other relationship existed, however, in practice, the military presence in the crisis staffs ensured a high degree of commonality of purpose.	Krajišnik TJ, para. 283.
2212	According to the Bosnian-Serb Constitution, it was “the right and the obligation of regions and municipalities to set up and organize the national defence in their territories and to manage the territorial defence”.	Krajišnik TJ, para. 285.
2213	As the municipal defence force, the TO came to have close links with the crisis staffs. Many crisis staffs appointed and dismissed municipal TO commanders and received reports from TO units.	Krajišnik TJ, para. 285.
2214	In some cases, crisis staffs issued orders to the TO on military matters. On a few occasions crisis staffs or their members assumed a very direct military role and got involved in military activities.	Krajišnik TJ, para. 285.

2215	Crisis staffs also provided various forms of general assistance to the TO, calling for mobilization within their municipalities and providing financial assistance.	Krajišnik TJ, para. 285.
2216	The contacts between municipal crisis staffs and paramilitary units varied from municipality to municipality.	Krajišnik TJ, para. 286.
2217	The crisis staff in the municipality of Iliđža had extensive dealings with various paramilitary groups, including Arkan's men, and Nedjeljko Prstojević, the president of the Iliđža crisis staff, was visited by Vojislav Šešelj several times.	Krajišnik TJ, para. 286.
2218	In some cases the municipal authorities extended financial and logistical support to paramilitary groups operating in the municipality. On certain occasions paramilitary units worked together with the TO, under the command or supervision of the municipal crisis staffs, on specific military tasks.	Krajišnik TJ, para. 286.
2219	With the establishment of the VRS, the central role envisioned for the crisis staffs when it came to defence became less pertinent, as the aim was then to place all armed forces under the unified command of the Main Staff of the VRS.	Krajišnik TJ, para. 287.
2220	Coordination and contacts between the crisis staffs and the armed forces continued, however.	Krajišnik TJ, para. 287.
2221	Indeed, the relationship between the two became closer and more institutionalized at this point. One example of this is the fact that some VRS officers were members of the crisis staffs, or participated in the meetings of these organs.	Krajišnik TJ, para. 287.
2222	In at least one municipality, Ključ, these officers reported on their activities to the crisis staffs. In addition, the crisis staffs also issued orders to the armed forces.	Krajišnik TJ, para. 287.

26. THE MUNICIPALITY OF BANJA LUKA

i. Measures taken against non-Serbs

2223	The SOS paramilitary group under Nenad Stevandić, a member of the ARK crisis staff, operated in Banja Luka municipality in spring and summer of 1992.	Krajišnik TJ, para. 376.
2224	During the republican referendum on independence, 29 February and 1 March 1992, the SOS blockaded the municipality building in Banja Luka town.	Krajišnik TJ, para. 376.
2225	On 3 April 1992, the SOS erected checkpoints around town and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue several goals of the SOS, including dismissal of Banja Luka Corps officers and public utility managers who voted "against Yugoslavia".	Krajišnik TJ, para. 376.

2226	The SOS's demands were adopted by the SDS. Upon the establishment of a municipal Serb crisis staff in the beginning of April 1992, Predrag Radić, president of the crisis staff and a member of the SDS Main Board, announced several measures, including: CSB employees had to pledge loyalty to the Bosnian-Serb Republic or lose their jobs; the presidency of the SFRY would be requested to reinforce the JNA Banja Luka Corps and dismiss or transfer JNA officers who had not voted "for Yugoslavia"; and the directors of several public enterprises who pursued "an anti-Serbian policy" would be dismissed. To enforce compliance with these orders, mixed patrols of the police, the TO, and the JNA were to take over control of the roads from the SOS.	Krajišnik TJ, para. 377.
2227	On 11 May 1992, the ARK crisis staff issued an order confiscating the property of able-bodied men aged between 18 and 55 who had left the area and had not immediately returned. This specifically applied to non-Serbs who had fled the territory of the ARK.	Krajišnik TJ, para. 379.
2228	Employers in Banja Luka were told to evict non-Serbs from employer-owned apartments in order to make space for families of fallen Serb soldiers. Those who attempted to protect non-Serbs in Banja Luka were reprimanded or even replaced.	Krajišnik TJ, para. 379.

ii. Manjača camp – Schedule C, 1.2

2229	The number of detainees at Manjača at any one time between June and December 1992 varied from several hundred to over 3,000.	Krajišnik TJ, para. 383.
2230	The Muslim lawyer Amir Džonlić visited Manjača camp with members of a local human rights organization in late May or early June 1992. Predrag Radić, General Momir Talić, commander of the VRS 1st Krajina Corps, and Lieutenant Colonel Božidar Popović, head of Manjača camp, explained to Džonlić that the camp was under the control of the VRS 1st Krajina Corps. Popović admitted that food at the camp was insufficient.	Krajišnik TJ, para. 384.

iii. Removal of non-Serbs

2231	Between May 1992 and February 1993, many Muslim and Croat civilians were leaving Banja Luka each month, out of fear and because they had lost their jobs and apartments.	Krajišnik TJ, para. 380.
2232	An agency for resettlements, known as "Brđanin's agency" in reference to Radoslav Brđanin, managed all aspects of relocation of the population. In July and August 1992, crowds were seen queuing at the offices of Brđanin's agency, and busloads of people left the municipality for Croatia and other places almost daily.	Krajišnik TJ, para. 380.

27. THE MUNICIPALITY OF BIJELJINA

i. Background

2233	The municipality of Bijeljina is located in the north-east of Bosnia-Herzegovina. Approximately two-thirds of its municipal boundaries form part of the border between Bosnia-Herzegovina and Serbia.	Krajišnik TJ, para. 297.
2234	Bijeljina is the closest municipality in Bosnia-Herzegovina to Belgrade. One of the roads connecting Sarajevo and Belgrade crosses the municipality.	Krajišnik TJ, para. 297.
ii. Takeover of the municipality		
2235	Bijeljina was the first municipality in Bosnia-Herzegovina to be taken over by the Bosnian Serbs in 1992.	Krajišnik TJ, para. 298; Krajišnik AJ, para. 606.
2236	At a dinner with UNPROFOR representative , Cedric Thornberry on 20 April 1992, Plavšić described Bijeljina as a “liberated” town.	Krajišnik TJ, para. 303.
iii. Measures taken against non-Serbs		
2237	Ljubiša (Mauzer) Savić was a leading SDS figure in Bijeljina and commander of the Serb (National) Guard paramilitary unit.	Krajišnik TJ, para. 305.
2238	On 15 June 1992, Mauzer stated that the presidency of SAO Semberija-Majevisa had decided to replace Muslims in managerial positions in Bijeljina, and should “the genocide against the Serbian people” in Bosnia-Herzegovina continue, all Muslims would be fired from their jobs and expelled from the territory.	Krajišnik TJ, para. 306.
2239	Mauzer also stated that the 2,500 Muslims aged between 18 and 35 who had fled Bijeljina in the aftermath of the Serb take-over would lose their jobs, and their apartments would be seized and sealed, and he advised them not to return.	Krajišnik TJ, para. 306.
iv. Killings - Schedule A, 1.1		
2240	Actual fighting started in Bijeljina town on 31 March 1992.	Krajišnik TJ, para. 299.
2241	Members of Željko (Arkan) Ražnatović’s paramilitary group came to Bijeljina and, in cooperation with a local paramilitary group under the command of Mirko Blagojević, took control of important town structures. On 1 or 2 April 1992, armed JNA reservists surrounded the town and columns of JNA tanks and other vehicles were seen in the area.	Krajišnik TJ, para. 299.
2242	Arkan’s men were installed in the local SDS building and, for several days, accompanied all regular police patrols and were involved in arresting members of Bijeljina’s SDA presidency. At this time, members of the White Eagles and the local TO were also present in Bijeljina town.	Krajišnik TJ, para. 299.

2243	At least 48 civilians, most of whom were non-Serbs, had been killed by Serb paramilitaries during the Serb take-over of Bijeljina.	Krajišnik TJ, para. 300.
2244	Around 3 April 1992, a police officer, was sent by his commander to protect a hearse collecting dead bodies in Bijeljina town.	Krajišnik TJ, para. 300.
2245	A total of 48 bodies, including those of women and children, were collected from the town's streets and houses, 45 of these victims were non-Serbs and none wore uniforms.	Krajišnik TJ, para. 300.
2246	Most of the dead had been shot in the chest, mouth, temple, or back of the head, some at close range.	Krajišnik TJ, para. 300.
2247	The removal of bodies from the streets of Bijeljina was ordered by Serb forces in anticipation of a visit on 4 April 1992 of a delegation of high-ranking Bosnia-Herzegovina officials, including Biljana Plavšić, Fikret Abdić, Minister of Defence Jerko Đoko (a Croat), and chief-of-staff of the JNA 2nd Military District General Praščević.	Krajišnik TJ, para. 301.
2248	When, in the course of the visit, Plavšić asked Arkan to hand over control of Bijeljina to the JNA, he replied that he had not yet finished his "business" there, and that he would settle the situation in Bosanski Brod next. Plavšić did not persist with her request, and repeatedly praised the good job Arkan had done in saving the local Serb population from the threat of the Muslims. When the group returned to the municipality building, Plavšić publicly thanked and kissed Arkan. This scene was met by shouts of approval from the local SDS members present.	Krajišnik TJ, para. 303.
2249	Arkan's men remained in Bijeljina until at least May 1992.	Krajišnik TJ, para. 303.
v. Batković camp – Schedule C, 2.1		
2250	From at least June 1992 until 30 December 1992, Serbs detained Muslims and Croats in the Batković camp in Bijeljina municipality.	Krajišnik TJ, paras. 304, 5.
2251	The detainees held at Batković originated from a large number of different municipalities, including Brčko, Ključ, Lopare, Rogatica, Sokolac, Ugljevik, Vlasenica, and Zvornik. Many had been transferred from other detention facilities, particularly Sušica camp in Vlasenica and Manjača camp in Banja Luka.	Krajišnik TJ, para. 304.
2252	In August 1992, the commander at the Batković camp was Velibor Stojanović.	Krajišnik TJ, para. 304.
2253	In August 1992, around 1,280 Muslim men were detained in a single warehouse at Batković camp. There were also some women, children, and elderly persons detained in a separate area.	Krajišnik TJ, para. 304.

2254	Sanitary conditions at Batković camp were poor and detainees were given little food or water.	Krajišnik TJ, para. 304.
2255	The detainees at Batković camp were beaten by Serb guards.	Krajišnik TJ, para. 304.
2256	Ten detainees at Batković camp were singled out for especially harsh treatment. They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees.	Krajišnik TJ, para. 304.
2257	Detainees at Batković were forced to perform manual labour daily, including digging trenches and carrying munitions at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina.	Krajišnik TJ, para. 304.
2258	In late August or September 1992, when representatives of the ICRC visited Batković, the youngest and oldest prisoners, together with the most badly beaten detainees, were temporarily removed from the camp.	Krajišnik TJ, para. 304.
2259	Conditions at Batković improved after the ICRC began to visit the facility.	Krajišnik TJ, para. 304.
vi. Killings related to Batković camp – Schedule B, 2.1		
2260	Three detainees were beaten to death while one detainee was shot dead at Batković camp.	Krajišnik TJ, para. 304.
vii. Removal of non-Serbs		
2261	From at least July 1992, Muslims in Bijeljina were targeted by an organized campaign of looting and expulsion.	Krajišnik TJ, para. 307.
2262	The Bijeljina SDS compiled a list of names of wealthy Muslims. Aided by Mauzer's men, Vojkan Đurković of the Bijeljina SDS paid visits to those on the list in order to extort property from them. Some of these Muslims initially paid to be able to stay in Bijeljina. Others were detained immediately, stripped of their valuables, and transferred to "no-man's land" between the warring factions, where they remained, sometimes for days, before being able to cross into Muslim-controlled territory.	Krajišnik TJ, para. 307.
2263	The abandoned Muslim houses were looted, and then allocated by Đurković to Serbs upon payment of a fee.	Krajišnik TJ, para. 307.

2264	The Bijeljina SDS was determined to rid the municipality of its remaining Muslims. The plan was to kill a Muslim family on each side of town to create an atmosphere of fear. This plan was implemented in September 1992 by Duško Malović's special police unit, at the instigation of Drago Vuković, an employee of the local MUP and a member of the Bijeljina crisis staff. At the same time, the Serb municipal assembly passed a decision that Muslims who refused to be mobilized would be fired, have their electricity, water, and telephone services cut off, and be required to report for work detail. Prominent Muslims were humiliated by being forced to perform menial tasks, and those who refused were taken to Batković camp or expelled from the municipality. The SDS operation caused large numbers of Muslims to flee Bijeljina.	Krajišnik TJ, para. 308.
28. THE MUNICIPALITY OF BOSANSKA KRUPA		
i. Takeover of the municipality		
2265	Around March 1992, the SDS created its own police force in the municipality and demanded the division of Bosanska Krupa into Serb and Muslim areas. Members of the police in the areas claimed by the Serbs were asked to pledge loyalty to the Bosnian-Serb Republic.	Krajišnik TJ, para. 394.
2266	On 19 April 1992, the Serbs unilaterally proclaimed Bosanska Krupa a Serb municipality.	Krajišnik TJ, para. 395.
2267	On 19 and 20 April 1992, Serb civilians were seen leaving Bosanska Krupa town.	Krajišnik TJ, para. 395.
2268	On 21 April 1992, the Serbs issued an ultimatum over the radio requiring all Muslims to relocate to the left bank of the Una river, thus ordering the division of the municipality along ethnic lines.	Krajišnik TJ, para. 396.
2269	On 21 April 1992, Serb forces attacked the town. Serb paramilitaries shelled the town with mortars from surrounding hills. Heavy shelling and sniper fire was directed against certain buildings, in particular the police station.	Krajišnik TJ, para. 396.
2270	Resistance in Bosanska Krupa town lasted four days, during which time most of the Muslim residents fled.	Krajišnik TJ, para. 396.
ii. Petar Kočić elementary school—Schedule C, 3.1		
2271	Hygienic conditions at the Petar Kočić school were poor.	Krajišnik TJ, para. 397.

2272	On 21 May 1992, 25 detainees from the Petar Kočić school were taken to Kamenica camp, in Drvar municipality.	Krajišnik TJ, para. 397.
iii. Property related crimes		
2273	On 25 May 1992, the Bosanska Krupa war presidency “proposed” to the command of the 1st Podgrmeč Brigade to prepare for a “mop-up” of the left bank of the Una river. As part of the mop-up, as many dwellings and other buildings as possible were to be destroyed and devastated. The purpose of this proposal was to “undermine enemy morale and provoke fear and panic”.	Krajišnik TJ, para. 400.
iv. Removal of non-Serbs		
2274	On 28 April 1992, Gojko Kličković, who had become president of the Bosanska Krupa war presidency, ordered the commanders of three battalions of the 1st Podgrmeč Brigade to immediately “evacuate Muslim population” from the territory under their control. He wrote that the war presidency was “unable to guarantee safety to the Muslim population” and the evacuation of several villages, including Arapuša, was considered necessary.	Krajišnik TJ, para. 398.
2275	Pursuant to Kličković’s order of 28 April 1992, on 1 May 1992, the executive committee of Arapuša commune, jointly with the local “refugee committee” and the “battalion command”, issued instructions for the evacuation of all Arapuša residents and refugees, 460 people in total.	Krajišnik TJ, para. 398.
2276	On 1 May 1992, 461 persons were transferred to the village of Fajtovići in Sanski Most municipality, where 1,200 persons were already detained.	Krajišnik TJ, para. 398.
2277	On 22 May 1992, the Bosanska Krupa war presidency issued an order to the SJB and the military police “To evacuate the remaining Muslim population from the territory” of the Serb municipality of Bosanska Krupa.	Krajišnik TJ, para. 400.
2278	By May 1992, most of the Muslims had left the right bank of the Una river out of fear and due to unbearable circumstances, and eventually almost all Muslims moved out of the municipality.	Krajišnik TJ, para. 402.
29. THE MUNICIPALITY OF BOSANSKI NOVI		
i. Takeover of the municipality		
2279	In mid April 1992, the newly appointed Serb police chief dismissed all Muslim police officers in Bosanski Novi because they refused to sign an oath of loyalty to the Serb authorities. The remaining police officers were issued with a new camouflage uniform with a Serb flag on the epaulette. Muslims who worked in companies in Bosanski Novi municipality also lost their jobs.	Krajišnik TJ, para. 404.

2280	In the Muslim village of Suhača, discussions with SDS representatives from the village of Jošova about the handover of Muslim weapons began in late March 1992.	Krajišnik TJ, para. 405.
2281	The Muslims in Suhača decided to surrender their firearms to the Serbs in late April 1992. Soon after, the villagers were instructed to go to a field in Jošova, where they had to wait while Serb soldiers searched Suhača for any remaining weapons. Nothing was found.	Krajišnik TJ, para. 405.
2282	Three days after the search of Suhača, Serb forces attacked Suhača with artillery for an unspecified period of time. Exits to the village were barricaded, making it impossible to escape.	Krajišnik TJ, para. 405.
2283	Around 9 May 1992, the Bosanski Novi crisis staff under Radomir Pašić issued an ultimatum over Bosanski Novi radio for Muslims in the municipality to hand in their weapons within 24 hours.	Krajišnik TJ, para. 406.
2284	In the days following 9 May 1992, Serb forces launched an attack on Blagaj Japra using heavy artillery which had been positioned around the village beforehand. Shells were fired into the village for two days and JNA soldiers shot and wounded civilians.	Krajišnik TJ, para. 406.
2285	During May 1992, other Muslim villages in the Japra valley such as Hozići and Agići were attacked and houses were set alight.	Krajišnik TJ, para. 407.
2286	On 24 May 1992, Serb units forced the entire Muslim population in the Japra valley, which included villagers from Gornji Agići, Hozići, and Suhača, as well as from Donji Agići, Dedići, Dolovljani, Crna Rijeka, Ekići, and Maslovare, to move to the village of Blagaj Japra. Serb soldiers told Muslims in Suhača that they had to leave as their safety could no longer be ensured. The operation was completed in the course of two days.	Krajišnik TJ, para. 407.
ii. Mlakve Stadium – Schedule C, 4.1		
2287	During the detention at the Mlakve Stadium, the soldiers called out names of detained Muslims and brought them to the police station, the fire department or Hotel Una for interrogation.	Krajišnik TJ, para. 409.
iii. Bosanski Novi Police Station – Schedule C, 4.3		
2288	From May 1992 on, SDA members in the town of Bosanski Novi were taken away for interrogation at the police station where they were badly beaten.	Krajišnik TJ, para. 406.
iv. Bosanska Kostajnica Police Station – Schedule C, 4.4		

2289	Serb authorities detained mainly Muslim and Croat civilians at the police station in Bosanska Kostajnica in 1992.	Krajišnik TJ, para. 414.
v. Destruction of a sacred site listed in Schedule D, 4		
2290	Several houses and the mosque were damaged in the shelling of Blagaj Japra.	Krajišnik TJ, para. 406.
vi. Removal of non-Serbs		
2291	In the beginning of June 1992, there were many rounds of negotiations between Muslim representatives, the Serb municipal authorities and international representatives. The subject of the negotiations was the departure of Croats and Muslims in a convoy from Bosanski Novi. The negotiations took place in Radomir Pašić's office, in Dvor, twice in Emin Purić's house, and twice on the bridge over the Una river. There was no discussion regarding the possibility for people to return.	Krajišnik TJ, para. 410.
2292	At the end of June or beginning of July 1992, the Bosanski Novi crisis staff issued instructions regulating the conditions for people to be allowed to leave. Persons who did not own property had to obtain an official document from the municipal land registry office certifying this. Those who owned property were required to draft a contract either leaving the property to the Serbs or the Serb state, or simply renouncing it. Persons wishing to leave also had to provide a list of all the members of the household, obtain a certificate showing that they had no previous convictions, obtain a certificate showing that all utility bills were paid; obtain documentation from the municipal secretariat for national defence stating that they had completed military service; and obtain a document from the SJB allowing them to leave. All documents had to state that the action taken was on a voluntary basis.	Krajišnik TJ, para. 416.
2293	Several weeks later, the Bosanski Novi SJB reported that by 23 July it had "deregistered" 5,629 Muslims who had applied to leave the municipality "voluntarily".	Krajišnik TJ, para. 417.
30. THE MUNICIPALITY OF BOSANSKI PETROVAC		
i. Measures taken against non-Serbs		
2294	On 24 May 1992, the Bosanski Petrovac crisis staff decided that the SJB, with the help of the JNA and the TO, would begin the disarmament of paramilitaries and citizens "who illegally possess weapons". Muslims were ordered, through the media and from an APC driving round the town, to hand in their weapons.	Krajišnik TJ, para. 421.
2295	On 27 or 28 May 1992, Muslim houses in town were searched for weapons. Roadblocks were set up around the municipality and the movement of non-Serbs was restricted.	Krajišnik TJ, para. 421.

2296	On 16 June 1992, the Bosanski Petrovac crisis staff decided to detain all individuals who “possess illegal weapons or have been registered as Muslim extremists, thus posing a potential threat”. The crisis staff had already identified about 40 Muslim “extremists”, most of whom had been found to possess illegal weapons.	Krajišnik TJ, para. 423.
2297	On 29 June 1992, the Bosanski Petrovac crisis staff planned to arrest and bring into custody all Muslims fit for military service that were thought to be capable of causing harm to Serbs.	Krajišnik TJ, para. 423.
2298	Between April and June 1992, the Bosanski Petrovac crisis staff dismissed many Muslims from their jobs and imposed discriminatory measures against them.	Krajišnik TJ, para. 428.
2299	Between April and June 1992, the Bosanski Petrovac crisis staff ordered the disconnection of phone lines belonging to Muslim households.	Krajišnik TJ, para. 421.
ii. Kozila Logging Camp – Schedule C, 5.1		
2300	On 15 June 1992, Serb police arrested Mihdo Družić, a Muslim from Bosanski Petrovac, although he had handed in his hunting rifle, and brought him to the SJB where he was detained with about 30 other Muslim men. On 1 July, the group was taken to Kozila camp about 20 kilometers from Bosanski Petrovac.	Krajišnik TJ, para. 424.
2301	The Kozila camp was closed on 21 August 1992, after the ICRC had requested to visit the facilities.	Krajišnik TJ, para. 424.
iii. Property related crimes		
2302	In the summer of 1992, Serb soldiers attacked and burnt Muslim houses in the village of Bjelaj, forcing the Muslim villagers to spend the nights in shelters around the village.	Krajišnik TJ, para. 422.
iv. Destruction of sacred sites listed in Schedule D, 5		
2303	In the period May through September 1992, four mosques in the municipality of Bosanski Petrovac were blown up.	Krajišnik TJ, para. 422.
2304	Mosques were deliberately damaged or blown up in Bosanski Petrovac.	Krajišnik TJ, para. 428.
v. Removal of non-Serbs		

2305	In July and August 1992, the municipal authorities asked the UNPROFOR, the ICRC, and the UNHCR for assistance in the moving out of Muslims from the municipality. These organizations refused, citing ethnic cleansing, and instead urged the local authorities to allow people to stay where they wanted.	Krajišnik TJ, para. 426.
2306	On 31 July 1992, the municipal authorities decided to create a commission to determine who could leave the municipality. The commission was also to set conditions for those leaving to exchange their property or assign it to the Serb municipality.	Krajišnik TJ, para. 427.
2307	On 28 October 1992, the war presidency of Bosanski Petrovac adopted a decision, stating that “all families that have signed contracts on the exchange of flats, houses and other immovable property may leave Petrovac Municipality.” Muslim families who had not produced exchange contracts were allowed to leave only if they donated all movable and immovable property to Bosanski Petrovac. These decisions left Muslims with no choice but to sign over their property to the Serb municipality, receiving nothing in exchange except for a written authorization to leave the area.	Krajišnik TJ, para. 427.
31. THE MUNICIPALITY OF BRATUNAC		
i. Takeover of the municipality		
2308	In early April 1992, Muslim police officers in Bratunac municipality were forced to turn over their firearms, and on 9 April Serbs established their own police force displaying the insignia of the Bosnian-Serb Republic. Thereafter, Bratunac Serbs set up barricades and checkpoints, and carried out attacks with firearms and explosives. Two coffee bars, one owned by a Muslim and the other owned by a Croat were blown up.	Krajišnik TJ, para. 311.
2309	On 16 April 1992, the TO in Bratunac was mobilized and in the following days, Arkan’s and Šešelj’s paramilitary units, and a JNA unit under the command of Captain Reljić, arrived in the municipality.	Krajišnik TJ, para. 311.
2310	While the JNA and TO began disarming Muslim villagers throughout the municipality, including the majority-Muslim villages Podčauš and Suha, the paramilitaries harassed locals and pillaged abandoned Muslim homes. Most of the Muslim leadership left Bratunac municipality for Srebrenica after receiving threats from these Serb paramilitary units.	Krajišnik TJ, para. 311.
2311	Serb authorities issued a 29 April 1992 deadline by which non-Serbs, almost exclusively Muslims, had to sign oaths of loyalty to Serb rule in the municipality of Bratunac.	Krajišnik TJ, para. 312.
2312	Most Muslims left Bratunac by 29 April 1992.	Krajišnik TJ, para. 312.
2313	Serb soldiers looted the abandoned Muslim properties.	Krajišnik TJ, para. 312.

2314	On 1 May 1992, the Bratunac crisis staff ordered that all paramilitaries and “illegal citizens” cease activity and leave the municipality within one week. The paramilitary units, however, did not leave. The Bratunac crisis staff further declared that only JNA and TO units had the right to deal with military issues and perform duties in the state of war that had been declared in the territory.	Krajišnik TJ, para. 313.
2315	On 17 May 1992, Serbs shelled the Muslim settlement of Konjević Polje, near Hrnčići, and attacked it on 27 May.	Krajišnik TJ, para. 317.
ii. Killings, Schedule A		
a. Schedule A, 3.1		
2316	On 3 May 1992, the Serb TO surrounded the Muslim village of Hranča and torched 43 houses.	Krajišnik TJ, para. 313.
2317	Over the following week, the Serb TO attacked and arrested the remaining residents of the village of Hranča. The Serb TO captured nine villagers, and killed four of them, including a six-year-old girl.	Krajišnik TJ, para. 313.
2318	On 9 May 1992, members of the same TO shot eight Muslims.	Krajišnik TJ, para. 313.
b. Schedule A, 3.2		
2319	On 8 May 1992, during a Muslim attack against Serb paramilitaries in Potočari, Goran Zekić, a prominent SDS main board member visiting from Srebrenica, was killed. The Bratunac crisis staff met the same day and planned to attack the Muslim village of Glogova the next morning.	Krajišnik TJ, para. 314.
2320	On 9 May 1992, JNA forces and Serb TO units surrounded Glogova. There was no armed resistance to the Serb advance because the village of Glogova had already been disarmed on 25 April 1992. Approximately 65 inhabitants of Glogova were killed during the operation. The remaining Muslims were taken into Serb custody, and most of the buildings in the village were then burned.	Krajišnik TJ, para. 314.
iii. Bratunac football stadium and the Vuk Karadžić school – Schedule C, 6.1 & 6.2		
2321	On 10 May 1992, Serb soldiers attacked the Muslim villages of Suha and Mihaljevići, near the town of Bratunac. Male villagers were arrested and taken to the Vuk Karadžić school, while women and children were taken to the Bratunac football stadium.	Krajišnik TJ, para. 314.

iv. Bratunac football stadium – Schedule C, 6.1

2322	On 17 May 1992, police chief Vidoje Radović demanded that all Muslims in the village of Vitkovići hand in their weapons. Armed local Serbs dressed in camouflage uniform surrounded the village. The next day, soldiers from the Novi Sad Corps entered the village of Vitkovići and told the Muslims to gather in the streets at noon with their belongings, to be taken to Tuzla. Around noon, two buses arrived escorted by armed paramilitary units. The villagers from Vitkovići were taken to the Bratunac football field. The villagers from Vitkovići were later placed on buses and sent to Vlasenica municipality, where they were detained under the guard of additional armed Serb paramilitaries, including members of Arkan's men and the White Eagles.	Krajišnik TJ, para. 317.
2323	From mid-May 1992 on, detainees held at the Bratunac football field were forced on buses and sent to Vlasenica municipality.	Krajišnik TJ, para. 320.
2324	Over 5,000 Muslim civilians were detained on the Bratunac football field in May 1992. Armed Serbs forced the Muslims to surrender their valuables, after which the women and children were separated from the men, placed in buses, and transported out of the municipality.	Krajišnik TJ, para. 320.

v. Vuk Karadžić school – Schedule C, 6.2

2325	On 10 May 1992, Serb paramilitaries attacked Krasan Polje, near Vitkovići in Bratunac municipality. On that day, over 500 Muslim men from villages in Bratunac were detained in the Vuk Karadžić School.	Krajišnik TJ, para. 315.
2326	Detainees at the Vuk Karadžić school were severely mistreated and beaten repeatedly.	Krajišnik TJ, para. 315.
2327	On 11 May 1992, the Serb TO of Bratunac brought approximately 250 of Hranča's inhabitants to the municipal hall of Bratunac. From there, approximately 60 men, were taken to the Vuk Karadžić school.	Krajišnik TJ, para. 313.

vi. Killings related to the Vuk Karadžić school – Schedule B, 4.1

2328	Several men detained at the Vuk Karadžić school were taken out by the guards and killed.	Krajišnik TJ, para. 315.
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vii. Property related crimes

2329	On 9 May 1992, Serb forces set fire to houses in the Muslim villages of Cerivac and Polje in Bratunac municipality.	Krajišnik TJ, para. 314.
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viii. Destruction of sacred sites listed in Schedule D, 6

2330	Four Muslim monuments in Bratunac municipality were heavily damaged or completely destroyed between April and June 1992, including the mosque in Bratunac town and the mosque in Glogova, which was demolished with explosives during the 9 May 1992 attack	Krajišnik TJ, para. 318.
2331	During attacks on Muslim villages, including Glogova, Serb forces deliberately torched and destroyed Muslim houses and mosques.	Krajišnik TJ, para. 320.

ix. Removal of non-Serbs

2332	Between 10 and 29 April 1992, much of the Muslim population left the municipality of Bratunac due to threats by Serb paramilitary forces.	Krajišnik TJ, para. 320.
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32. THE MUNICIPALITY OF BRČKO

i. Takeover of the municipality

2333	In February 1992, Brčko SDS officials began to call openly for the division of the municipality along ethnic lines. Milenko Vojinović (Dr. Beli) warned that the division would be carried out by force if necessary. Maps began to appear in Brčko town showing the division proposed by the SDS.	Krajišnik TJ, para. 322.
2334	On 17 April 1992, hoping to avoid bloodshed, SDA members of the Brčko municipal assembly accepted the SDS proposal for physical division of Brčko town.	Krajišnik TJ, para. 322.
2335	Already in February 1992, the JNA began preparations for military operations in Brčko. In February or March, the JNA distributed weapons to Serb villagers and erected checkpoints on major roads around Brčko town.	Krajišnik TJ, para. 323.
2336	By the end of April 1992, the JNA had moved artillery, weapons and ammunition stores, out of Brčko town and into neighbouring Serb villages. During this period, local Serbs were mobilized, with a total of 3,400 Serbs joining military units. The policy was to place conscripts under the command of the Brčko JNA garrison, and to have the garrison lead all war operations in order to prevent local Serbs from forming paramilitary groups.	Krajišnik TJ, para. 323.
2337	The Brčko crisis staff met daily with local Serbs and told them that they were under threat from the Muslims.	Krajišnik TJ, para. 323.

2338	On 30 April 1992, the two bridges crossing the Sava river and linking Brčko town to Croatia were blown up by Serbs.	Krajišnik TJ, para. 324.
2339	Serb forces mainly consisting of paramilitary groups quickly took control of Brčko town in early May 1992. They specifically targeted Muslim parts of the town and destroyed several mosques in the municipality.	Krajišnik TJ, para. 337.
2340	On 1 May 1992, a total of 1,000 Serb forces, which included Serb units of the JNA from Bosnia and Serbia, White Eagles, Arkan's men, and others, launched an attack on Brčko town using heavy weapons, tanks and artillery. Areas of the town that were predominantly Muslim were shelled for several days.	Krajišnik TJ, para. 324.
2341	Large paramilitary groups came from other areas of SAO Semberija-Majevisa, of which Brčko municipality was a part, to participate in operations in Brčko town. The first group was the Serb (National) Guard, established by SAO Semberija-Majevisa and comprised of 600 men under Mauzer's command. Another group was the Serbian Radicals under the command of Mirko Blagojević.	Krajišnik TJ, para. 324.
2342	Blagojević's group put itself at the disposal of the Brčko war presidency and cooperated with local JNA officers, including Pavle Milinković (commander of the Brčko garrison), and Captain Šehovac.	Krajišnik TJ, para. 324.
2343	Other formations present in Brčko at the time of the attack included a TO battalion from Bijeljina sent by the presidency of SAO Semberija-Majevisa.	Krajišnik TJ, para. 324.
2344	The attack on Brčko was initially met with armed resistance from groups using light infantry weapons. Serb forces, however, quickly took control of the town.	Krajišnik TJ, para. 325.
2345	On 2 May 1992, the TO from neighbouring Bijeljina took control of the Brčko SJB.	Krajišnik TJ, para. 325.
2346	The war presidency appointed Dragan Veselić as chief of police and began re-staffing the SJB with Serb members of the pre-war police force.	Krajišnik TJ, para. 325.
2347	On 4 May 1992, a group of soldiers led by Mauzer arrived at the Brčko hospital, where 40 to 50 Muslim civilians had sought refuge. Mauzer told those present that Brčko town was now under his occupation. He interrogated and beat some of the hospital personnel. Later they were brought to Luka camp.	Krajišnik TJ, para. 325.
ii. Killings, Schedule A		
a. Schedule A, 4.1		
2348	Approximately 26 men were detained at the Posavina hotel.	Krajišnik TJ, para. 326.

2349	Several detainees at the hotel were beaten by Goran Jelisić, and three were subsequently killed, two by Jelisić himself.	Krajišnik TJ, para. 326.
b. Schedule A, 4.2		
2350	On 7 May 1992, at least six Muslim men who had been hiding in Mujkići, a part of Brčko town, were shot dead by Mauzer and soldiers presenting themselves as Šešelj's men.	Krajišnik TJ, para. 327.
e. Schedule A, 4.3		
2351	On 7 May 1992, there were a number of incidents where police and soldiers executed approximately twelve unarmed civilians in Brčko town, in the vicinity of the police station.	Krajišnik TJ, para. 327.
iii. Detention facilities generally – Schedule C, 7.1 – 7.5		
2352	From 3 May 1992 onwards, Muslim and Croat men, women, and children were detained in various locations in Brčko municipality.	Krajišnik TJ, para. 328.
iv. SJB Building in Brčko – Schedule C, 7.1		
2353	On 4 May 1992, Muslim firemen who had been detained at the fire station by JNA soldiers were beaten by Blagojević and taken to the Secretariat of Internal Affairs (“SUP”) building where they saw other detainees covered in blood. Another 30 men, mostly Muslim, were taken to the SUP building by Serb soldiers.	Krajišnik TJ, para. 326.
v. Luka camp – Schedule C, 7.2		
2354	From 4 May until at least August 1992, many non-Serbs from Brčko municipality were taken to Luka camp and detained in a hangar in crowded, unsanitary conditions.	Krajišnik TJ, para. 333.
2355	Jelisić was initially in charge of the Luka camp. Sometime in late May or June 1992, Jelisić was replaced by Kosta (Kole) Simonović, a local Serb police officer.	Krajišnik TJ, para. 333.
2356	In early May 1992, a large number of Muslim and Croat women, children, and elderly persons were transferred out of Brčko municipality to Čelić, a predominantly Muslim village in the neighbouring municipality of Lopare. Military-aged men were placed in detention at Luka camp.	Krajišnik TJ, para. 333.

2357	Many of the detainees transferred to Luka camp came from other temporary detention facilities.	Krajišnik TJ, para. 333.
2358	Between 27 May and 7 June 1992, there were 100 to 200 detainees at Luka camp, consisting of mostly Muslim men aged between 20 and 60.	Krajišnik TJ, para. 333.
2359	Detainees at Luka camp were subjected to abuse by Serb guards, particularly by Jelisić and Ranko Češić.	Krajišnik TJ, para. 333.
2360	Detainees at Luka camp were frequently beaten.	Krajišnik TJ, para. 333.
2361	Some female detainees at Luka camp were raped.	Krajišnik TJ, para. 333.
vi. Killings related to Luka camp – Schedule B, 5.1		
2362	On numerous occasions, groups of detainees at Luka camp were taken out of the hangar and summarily executed. At least nine detainees were killed in this manner.	Krajišnik TJ, para. 334.
2363	On 9 May 1992, Jelisić brought Stjepo Glavočević, a Muslim, into the hangar, while he was holding the man's cut-off ear. He then struck Glavočević with a sabre, killing him.	Krajišnik TJ, para. 334.
2364	Other detainees at Luka camp were forced to help dispose of the bodies, which included dumping them into a canal or the Sava river.	Krajišnik TJ, para. 334.
2365	Jelisić, who called himself the "Serb Adolf Hitler", told detainees at Luka camp he had a duty to eradicate Muslims, sometimes bragging about the number of people he had killed.	Krajišnik TJ, para. 334.
2366	While at the camp, one detainee saw a document entitled "People to be executed", which listed approximately 50 prominent, educated, or wealthy Muslims and Croats.	Krajišnik TJ, para. 334.
2367	Some of the bodies of those killed in Brčko municipality, including those killed in Luka camp, were buried in pits and covered with rubble from demolished mosques.	Krajišnik TJ, para. 334.
vii. Laser Bus Company building – Schedule C, 7.3		

2368	From 5 to 7 May 1992, a total of 200 Muslim and Croat men, women, and children were detained by local Serbs wearing uniforms at the Laser Bus Company in Brčko.	Krajišnik TJ, para. 330.
2369	Goran Jelisić told the detainees at the Laser Bus Company in Brčko on 6 May 1992 that he had already killed 80 Muslims and was going to kill them, too.	Krajišnik TJ, para. 330.
viii. Brčko Partisan Sports Hall— Schedule C, 7.4		
2370	Serb authorities detained mostly Muslim and Croat civilians at DTV Partizan in 1992.	Krajišnik TJ, para. 335.
ix. Wooden Mosque (Kolobara)— Schedule C, 7.5		
2371	On 3 May 1992, approximately 200 persons were detained at the Kolobara mosque by soldiers in JNA uniform, Arkan's men, and the White Eagles.	Krajišnik TJ, para. 329.
2372	Prominent SDA members, those suspected of belonging to the SDA, and religious leaders, were specifically singled out by the soldiers for beatings.	Krajišnik TJ, para. 329.
2373	Interrogations and beatings were not limited to Muslims, since Croats, and even Serbs who were not adhering to SDS policy, were subject to the same treatment.	Krajišnik TJ, para. 329.
2374	One of Arkan's men shot and killed Zikret Suljić, a detainee, who tried to escape.	Krajišnik TJ, para. 329.
x. Destruction of sacred sites listed in Schedule D, 7		
2375	In June or July 1992, the three mosques in the centre of Brčko town were destroyed within minutes of each other. Soldiers seen near one of the mosques expressed satisfaction at the mosque's destruction. One soldier told firemen not to put out the fire in the mosque.	Krajišnik TJ, para. 336.
2376	In the course of 1992, another ten Muslim and Catholic monuments in the municipality were either heavily damaged or completely destroyed by explosives or shelling.	Krajišnik TJ, para. 336.
33. THE MUNICIPALITY OF ČAJNICE		

i. Takeover of the municipality		
2377	In March 1992, the local SDS leader and municipal president, Duško Kornjača, gained control of local armed forces, assumed the presidency of the Čajniče crisis staff, and became SAO Herzegovina defence minister.	Krajišnik TJ, para. 616.
2378	In March 1992, local Serbs also formed a paramilitary brigade in the municipality and Serbs began to carry weapons openly.	Krajišnik TJ, para. 616.
2379	In April 1992, local Serb authorities dismissed Muslim police officers and many other Muslims from positions of public authority. Serb authorities erected barricades on the roads out of Čajniče with the effect of controlling the movement of the Muslims in the municipality. Muslims were required to have documents, signed by Kornjača, in order to leave Čajniče.	Krajišnik TJ, para. 616.
2380	After the imposition of many restrictive measures upon Muslims and the dismissal of Muslim police officers and other Muslims from positions of public authority in April 1992, many Muslims began to leave the municipality for Goražde and Montenegro.	Krajišnik TJ, para. 621.
2381	In April 1992, the crisis staff in Čajniče ordered the disarming of local Muslims and the arrest of well known Muslims.	Krajišnik TJ, para. 617.
2382	In early May 1992, Serb forces, some in JNA uniform, some in police uniform, worked in conjunction with paramilitary forces, including the Blue Eagles, as they occupied by force Muslim towns in the area.	Krajišnik TJ, para. 619.
2383	Muslim homes were looted and burned in multiple areas across western and central Čajniče.	Krajišnik TJ, para. 619.
ii. Container adjacent to Mostina Lodge — Schedule C, 8.1		
2384	In mid April 1992, several Muslim civilians were arrested and detained in a storage container adjacent to a hunting lodge at Mostina, a Serb checkpoint along the road from Čajniče to Pljevlja in Montenegro.	Krajišnik TJ, para. 618.
2385	Duško Kornjača's brother, Milun Kornjača, was in charge at the checkpoint, which was operated by the paramilitary group the Blue Eagles.	Krajišnik TJ, para. 618.
2386	The paramilitaries occasionally took detainees out of the container and beat them.	Krajišnik TJ, para. 618.
iii. Killings related to the Container adjacent to Mostina Lodge — Schedule B, 6.1		

2387	On 18-19 May 1992, members of the Blue Eagles killed around 30 detainees held in a hunting lodge.	Krajišnik TJ, para. 621.
iv. Destruction of a sacred site listed in Schedule D, 8		
2388	In June 1992, Serb authorities destroyed the mosques in the town of Čajniče using artillery and explosives.	Krajišnik TJ, para. 620.
2389	Later in 1992, the SDS crisis staff president Kornjača ordered the destruction of all other Muslim religious sites in order to eradicate traces of the Muslim presence in Čajniče.	Krajišnik TJ, para. 620.
v. Removal of non-Serbs		
2390	After members of the Blue Eagles killed around 30 detainees held in a hunting lodge on 18-19 May 1992, the majority of the Muslims were removed from or left Čajniče. The local SDS organized buses for the departure from the municipality. The evacuation was later justified by Kornjača as being in the best interests of the Muslims.	Krajišnik TJ, paras. 621, 619.
34. THE MUNICIPALITY OF DONJI VAKUF		
i. Takeover of the municipality		
2391	The local commander of the police station, a Serb, began preparing for a separate Serb SJB towards January 1992, and contacted the Banja Luka CSB at the end of February 1992. The latter offered support and possible financial aid to the leader of this project.	Krajišnik TJ, para. 438.
2392	The Serb SJB of Donji Vakuf was set up on 17 April 1992 and took control of the entire town the same day.	Krajišnik TJ, para. 438.
2393	On 6 May 1992, a general Serb mobilization was declared and Muslims were requested to lay down their arms. The following day, the Serb flag was hoisted on the municipality building.	Krajišnik TJ, para. 439.
2394	Between May and September 1992, the VRS and Serb police, fighting together, took control over the entire territory of Donji Vakuf municipality. There were at least seven clashes between the Serb police, sometimes supported by VRS units, and Muslims.	Krajišnik TJ, para. 439.

2395	Serb forces exercised control over the entire municipality of Donji Vakuf by September 1992.	Krajišnik TJ, para. 443.
ii. Property related Crimes		
2396	When Muslims and Croats left Donji Vakuf, their property was stolen by both private individuals and uniformed men, including reserve policemen. The SJB submitted 35 requests to the military police to institute misdemeanour proceedings in relation to such crimes.	Krajišnik TJ, para. 440.
2397	The SJB stated, however, that it was not able to prevent theft of Muslim and Croat property due to its involvement in direct combat operations.	Krajišnik TJ, para. 440.
35. THE MUNICIPALITY OF FOČA		
i. Killings - Schedule A, 5.4		
2398	In early July 1992, local Serb soldiers, including Gojko Janković and Radomir Kovač, attacked the Muslim village of Mješaja/Trošanj. Three villagers were killed during the attack.	Krajišnik TJ, para. 638.
2399	The rest of the villagers, consisting of a group of about 50 Muslims, were violently forced towards a meadow and another two male villagers were severely mistreated.	Krajišnik TJ, para. 638.
2400	Serb soldiers hit the villagers with rifle butts and tree branches, kicking them, and calling them Ustashas. One of the Muslims lost an eye as a result of the brutal beating.	Krajišnik TJ, para. 638.
2401	At the meadow, the Serb soldiers separated the men from the women and the women were chased down a hill towards the village of Trošanj. The seven detained men were killed.	Krajišnik TJ, para. 638.
ii. Killings related to KP Dom Foča – Schedule B, 8.1		
2402	62 bodies were found and exhumed from a mass grave on Maluša mountain, Foča municipality.	Krajišnik TJ, para. 647.
2403	The bodies were male, were clad in civilian clothes and a number of them were identified as having been Muslims.	Krajišnik TJ, para. 647.

2404	The limbs of almost every body had been tied and the discovery of a large amount of spent infantry ammunition in the vicinity of the grave showed that the persons were killed at that location.	Krajišnik TJ, para. 647.
2405	These men had been Muslim civilians who had been detained at the KP Dom at the time of their killing.	Krajišnik TJ, para. 647.
iii. Karaman's house in Miljevina – Schedule C, 10.2		
2406	Radovan Stanković was in charge at the “Karaman's” house in Miljevina.	Krajišnik TJ, para. 641.
iv. Worker's Huts at Buk Bijela – Schedule C, 10.4		
2407	Some women from the village of Mješaja/Trošanj were taken by Serb soldiers to a detention centre at the construction site Buk Bijela, where Gojko Janković was in charge.	Krajišnik TJ, para. 638.
v. Partizan Hall – Schedule C, 10.5		
2408	The Partizan hall was in fact guarded by police officers.	Krajišnik TJ, para. 640.
vi. Srednja škola – Foča high school – Schedule C, 10.7		
2409	Mitar Sipčić was in charge of the guards at the Srednja Škola.	Krajišnik TJ, para. 638.
vii. Removal of non-Serbs		
2410	Many Muslims left the municipality out of fear for their safety. In order to leave they had to arrange for certificates from the local police and sign a form transferring whatever property they had to the Bosnian-Serb Republic.	Krajišnik TJ, para. 649.
2411	In the autumn of 1994, Momčilo Krajišnik addressed a gathering of people in Foča town, thanking them for creating a “true Serbian town” and for preventing it from becoming “another Mecca.”	Krajišnik TJ, para. 651

36. THE MUNICIPALITY OF KALINOVIK

i. Takeover of the municipality

2412	Starting already in 1991, Muslims in Kalinovik municipality were subjected to harassment and physical intimidation by Serbs.	Krajišnik TJ, para. 661.
2413	On 20 April 1992, Muslim police officers, including the chief of police, were dismissed from their jobs following an order from Momčilo Mandić.	Krajišnik TJ, para. 661.
2414	In May 1992, Grujo Lalović, president of the municipal assembly and president of the SDS municipal crisis staff, issued a request for Muslim residents to surrender their weapons.	Krajišnik TJ, para. 661.
2415	In addition, Serbs went to every village in the municipality, demanding that the Muslims hand over their weapons. Muslim residents complied.	Krajišnik TJ, para. 661.
2416	On 17 May 1992, the SDS crisis staff issued an order calling upon all military-aged Muslim men to report to the municipal secretariat for national defence, and to the police twice a week.	Krajišnik TJ, para. 662.
2417	Also in May 1992, Muslims in the municipality were required to carry a permit issued by the crisis staff in order to move around.	Krajišnik TJ, para. 662.
2418	When Kalinovik municipality was declared a war zone by the Serb armed forces on 11 June 1992, the movement of the Muslim population was further restricted.	Krajišnik TJ, para. 662.
2419	At the end of July and beginning of August 1992, villages such as Ljuta, Jelašca, Jezero, Mjehovina, and Daganj were shelled, burnt, and taken by the VRS. Many villagers, including elderly and women, were killed during these attacks.	Krajišnik TJ, para. 664.

ii. Kalinovik elementary school (Miladan Radovejić school) – Schedule C, 14.1

2420	On 25 June 1992, Muslim men were summoned by order of Nedžo Banjanin, secretary of the municipal secretariat for national defence, to the municipal assembly building to be given work assignments at the Zelengora wood processing plant. Around 60 Muslim men responded, were arrested, and taken to the Kalinovik elementary school. Those men who had failed to respond to the summons were later arrested and also brought to the school.	Krajišnik TJ, para. 663.
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2421	Between 1 and 5 August 1992, Serbs arrested, rounded up, separated and imprisoned, or detained almost all remaining Muslim men and women from Kalinovik, and also approximately 190 women, children, and elderly persons from Gacko. All detainees were subsequently taken to Kalinovik elementary school.	Krajišnik TJ, para. 665.
2422	During detention at the Kalinovik elementary school, some detainees were beaten and killed, and women were raped. The sole reason for this treatment of the civilians was their Muslim ethnicity.	Krajišnik TJ, para. 665.
iii. An ammunition warehouse in Jelašaćko Polje— Schedule C, 14.2		
2423	On 6 July 1992, the detainees from the Kalinovik elementary school were transferred to an ammunition warehouse in Jelašaćko Polje where, by the beginning of August 1992, some 85 Muslim men were held and where many detainees were severely beaten.	Krajišnik TJ, para. 663.
2424	There were no sanitary facilities in the warehouse, the detainees had to sleep on the concrete floor and received little food and water.	Krajišnik TJ, para. 663.
iv. Killings related to the ammunition warehouse in Jelašaćko Polje— Schedule B, 9.1		
2425	On 5 August 1992, around 25 Muslim detainees from the ammunition warehouse in Jelašaćko Polje were called out by Serb soldiers and transported under police escort to the village of Ratine near Jeleč, in Foča municipality. The detainees were severely mistreated, their hands tied with wire, and their valuables taken away. At a stable in Ratine, the convoy stopped and about 20 Muslims were shot. Four men were spared and ordered to place the dead bodies in the stable. Later on, they were shot, as well. The soldiers poured petrol over the bodies, set the stable on fire and left. There was only one survivor.	Krajišnik TJ, para. 663.
37. THE MUNICIPALITY OF KLJUČ		
i. Takeover of the municipality		
2426	By February 1992, Red Berets, White Eagles and a number of JNA units had entered the territory of the municipality and a Serb TO had been organized.	Krajišnik TJ, para. 445.
2427	On 5 May 1992, Jovo Banjac, in his capacity as president of the Council for National Defence, imposed a curfew in Ključ municipality pursuant to a decision of the ARK government.	Krajišnik TJ, para. 445.
2428	In the days following 5 May 1992, Serb army units of the JNA 6th Partizan brigade took control of the roads leading to the town of Ključ. The Serbian flag was hoisted on the municipal building and the local police station.	Krajišnik TJ, para. 445.

2429	On 7 May 1992, active and reserve police officers were asked to pledge loyalty to the ARK and were issued uniforms with ARK insignia. Muslim and Croat police officers were given another chance to sign the pledge on 21 and 22 May 1992. Those who refused to sign were relieved of their duties.	Krajišnik TJ, para. 445.
2430	In the days prior to 7 May 1992, Muslims were dismissed from the SDK and from the local radio. Muslims, who had failed to sign a pledge of loyalty to the new state, as well as one Serb married to a Muslim, were fired from executive posts in public bodies and companies.	Krajišnik TJ, para. 445.
2431	On 21 July 1992, the war presidency of Ključ municipality issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic. Following this decision, the war presidency ordered the dismissal of several non-Serbs from municipal positions, including the positions of president and vice-president of the executive board of the municipality.	Krajišnik TJ, para. 445.
2432	On 25 May 1992, after disarming Muslim police officers, the Serb police established a checkpoint between the predominantly Muslim villages of Biljani and Sanica. Freedom of movement for Muslims was severely restricted.	Krajišnik TJ, para. 446.
2433	On 27 May 1992, armed clashes broke out in the village of Krasulje between local Muslims and the Serb police.	Krajišnik TJ, para. 446.
2434	All residents of the municipality, who were members of armed units, including White Eagles, were ordered to place themselves under the command of the Ključ defence operative force.	Krajišnik TJ, para. 446.
2435	Serb military and White Eagles searched Biljani village for weapons on 30 May 1992. No weapons were found during the search.	Krajišnik TJ, para. 449.
2436	Biljani was searched for weapons again on 27 June 1992 by JNA soldiers and by White Eagles.	Krajišnik TJ, para. 449.
ii. Killings, Schedule A		
a. Schedule A, 7.2		
2437	Around 1 June 1992, approximately one hundred Serb police officers armed with automatic weapons arrived in the Muslim village of Prhovo. They assembled about 40 male villagers and a number of women and children, none of whom were armed. The villagers were ordered to line up facing the wall of a house. Several residents were beaten and between five and eight men were killed.	Krajišnik TJ, para. 450.
2438	The commander of the Serb unit, Marko Adamović, ordered the soldiers through a megaphone to set the village on fire and to kill the women and children.	Krajišnik TJ, para. 450.

b. Schedule A, 7.3		
2439	On 10 July 1992, in accordance with an order issued by the commander of the local battalion, Muslim males, aged 18 to 60, were rounded up by VRS soldiers near Biljani primary school.	Krajišnik TJ, para. 453.
iii. SJB Building in Ključ – Schedule C, 15.1		
2440	On 28 May 1992, the SDA-appointed president of Ključ municipality's executive board, Asim Egrić, was arrested at a checkpoint, and taken to the police station in Ključ where he was severely beaten.	Krajišnik TJ, para. 448.
2441	On the same day, Muhamed Filipović, a Muslim member of the Ključ municipal assembly, was arrested by two Serbs in military uniforms and taken to the local police station, where he was subjected to beatings by Serb soldiers. At the time, at least 22 other Muslims were held at the station.	Krajišnik TJ, para. 448.
2442	The detainees, including Egrić and Filipović, were later taken from the police station to Stara Gradiška and subsequently to Manjača camp in Banja Luka municipality.	Krajišnik TJ, para. 448.
2443	On 24 June 1992, a former Muslim reserve police officer was arrested pursuant to an order of Dragan Stojčić – the police commander in Ključ – and taken to the police station in Ključ. There the detainee was severely beaten by four reserve police officers and a man in civilian clothes. The next day he was transferred to Manjača camp and in December 1992 taken to Croatia.	Krajišnik TJ, para. 448.
iv. Nikola Mačkić elementary school – Schedule C, 15.2		
2444	Around 2 June 1992, approximately 300 Muslim men were detained by Serb reserve police in the elementary school in Ključ.	Krajišnik TJ, para. 452.
2445	On 5 June 1992, Serb reserve police escorted detainees from the school to Manjača camp in Banja Luka municipality.	Krajišnik TJ, para. 452.
v. Killings related to Velagići school – Schedule B, 10.1		
2446	Serb police and military authorities, who arrived at the site after the shooting at the school building in Velagići made arrangements to transfer the bodies to a mass grave site in the woods outside Lanište. A total of 77 bodies were exhumed from the mass grave on Mount Grmeč (Lanište II), Ključ municipality.	Krajišnik TJ, para. 451.

2447	All the persons whose bodies were found at the site were male Muslim civilians who were identified as residents of Velagići village killed by Serb paramilitary forces outside Velagići primary school on 1 June 1992. Following the incident, an investigating judge was sent to the school to make a record of the crime. Several VRS soldiers were arrested in connection with the killings. The suspects were transferred to Mali Logor, in Banja Luka, where they were kept for a short time, before being released to their units in Ključ, without being tried for their participation in the killings.	Krajišnik TJ, para. 451.
vi. Property related crimes		
2448	Following the crisis staff's order 3,500 Muslim-owned houses in Ključ municipality were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992.	Krajišnik TJ, para. 447.
2449	Following the crisis staff's order to surrender weapons, a VRS battalion, together with other units, carried out "mopping up" operations from 28 May to around 31 May 1992. Serb forces entered or attacked a number of villages across the municipality, including Hadžići and [the hamlet of] Pudín Han. The population of Hadžići was almost exclusively Muslim. Houses were looted and destroyed.	Krajišnik TJ, para. 449.
vii. Destruction of a sacred site listed in Schedule D, 13		
2450	Following the crisis staff's order, one Catholic church, and at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992.	Krajišnik TJ, para. 447.
2451	When Serb forces attack Pudín Han, a village mosque in Pudín Han was leveled and village residents were forced to leave.	Krajišnik TJ, para. 449.
viii. Removal of non-Serbs		
2452	An agency for the reception and removal of refugees had already been established on 27 May 1992 by the crisis staff. Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.	Krajišnik TJ, para. 455.
2453	In accordance with the crisis staff decision of 30 July 1992, those who wished to leave the municipality had to submit a statement saying that they were leaving permanently, and were to exchange their property or surrender it to the municipality. The SNO and SJB were in charge of issuing the relevant documents.	Krajišnik TJ, para. 455.
2454	In accordance with the ARK decision of 4 August 1992, individuals leaving the ARK could take with them no more than 300 German marks.	Krajišnik TJ, para. 455.
2455	Out of the 17,000 or so Muslims who had been living in the Ključ area only around 600 remained by the summer of 1992.	Krajišnik TJ, para. 455.

2456	Most of the Muslims moved out of the municipality in summer 1992 due to unbearable circumstances and out of fear.	Krajišnik TJ, para. 456.
2457	A report from the VRS 17th Ključ Light Infantry Brigade command of the 2nd Krajina Corps, dated 16 February 1993, detailed the numbers of people who had left Muslim villages and communes in Ključ municipality between May 1992 and January 1993: 4,154 of the 4,200 residents of Sanica; 3,429 of the 3,649 residents of Velagići (lists indicating the desired destinations for the remaining 220 residents had been drafted); 2,655 of the 2,815 residents of Peći; 1,250 of the 1,732 residents of Humići; all of the 778 residents of Sokolovo; and all 24 residents of Gornji Ribnik.	Krajišnik TJ, para. 455.
38. THE MUNICIPALITY OF KOTOR VAROŠ		
i. Killings, Schedule A		
a. Schedule A, 8.1		
2458	On 25 June 1992, there was fighting between Muslim formations and a paramilitary unit under the command of Slobodan Dubočanin in the Kotor settlement. The members of this unit took a group of Muslims from Kotor outside the town and beat them with rifles, verbally abused them, calling them "balijas" and "Ustashas" and stripped them of their valuables. They also let a dog loose on one of the Muslims and forced several Muslims to beat their family members. Then they alleged that a Serb soldier had been killed and warned that for each Serb, five non-Serbs would be killed "in retaliation". The paramilitaries killed six of the group and they mistreated many others. They also forced them to set stores and houses in town on fire.	Krajišnik TJ, para. 459.
2459	Another Muslim was killed near the hospital, in this instance by a police officer in the presence of the commander of the police station.	Krajišnik TJ, para. 459.
b. Schedule A, 8.4		
2460	By early October 1992, a small pocket surrounding the predominantly Muslim village of Večići was the only area of Kotor Varoš municipality not under the control of the VRS 1st Krajina Corps. The local Muslim and Croat population had armed and defended Večići through the summer months and the area had seen combat actions including the ambushing and killing of Serb soldiers.	Krajišnik TJ, para. 465.
2461	By the autumn, however, the population of Večići had been surrounded by Serb forces and negotiations began for the surrender of the population. Due to the unwillingness of some of the Muslim and Croat population to disarm, there were discussions within the Serb authorities on whether to let the people go before they disarmed.	Krajišnik TJ, para. 465.

2462	On 2 November 1992, during a session of the Kotor Varoš war presidency, Colonel Bogojević informed everyone present that he had received explicit orders from General Mladić that no one would be allowed to leave Večiči until unconditional surrender of arms was completed.	Krajišnik TJ, para. 465.
2463	During the night of 2 and 3 November 1992, armed men from Večiči attempted to escape towards Travnik whilst the women and children decided to surrender. The Serb military was informed about this and as the armed men from Večiči fled, they were ambushed and captured by the VRS. Some were killed and the others were brought to Grabovica school.	Krajišnik TJ, para. 465.
2464	The armed men were held separately in the school and the women, the elderly, and the children were sent with buses provided by the crisis staff to join the rest of the population.	Krajišnik TJ, para. 465.
2465	The war presidency decided to organize the departure of a convoy as soon as possible. It also decided that Pejić, Slobodan Župljanin, Balaban and Lieutenant Colonel Novaković should be responsible for the captured soldiers.	Krajišnik TJ, para. 465.
2466	On 4 November 1992, approximately 150 of these men were killed at the Grabovica School.	Krajišnik TJ, para. 465.
2467	According to a report of the 1st Krajina Corps Command of 4 November, “a brutal massacre of the captured members of the Green Berets started because of the wounding of four and the killing of one soldier of the Kotor Varoš Light Infantry Brigade and the burning of wounded soldiers on Gola Planina (Jajce)”.	Krajišnik TJ, para. 465.
2468	Nedeljko Đekanović, president of Kotor Varoš, went to Grabovica school on 5 November 1992 to monitor the “clearing up of the terrain and cleaning of the school”.	Krajišnik TJ, para. 465.
ii. Kotor Varoš Sawmill – Schedule C, 16.3		
2469	In August 1992, approximately 1,000 women, children, and elderly civilians were detained at the Pilana sawmill.	Krajišnik TJ, para. 463.
2470	Many women and girls aged 13 and older were raped by Serb soldiers prior to being sent to Travnik from where they were released.	Krajišnik TJ, para. 463.
2471	Along the way to Travnik, at Skender Vakuf, Šešelji’s and Arkan’s men boarded the bus in which they were travelling and stripped the detainees of their remaining money and jewellery.	Krajišnik TJ, para. 463.
iii. Kotor Varoš elementary school – Schedule C, 16.4		
2472	Some of the more than 100 Muslims and Croats detained at the Kotor Varoš elementary school, including boys, were beaten and tortured by Serb soldiers and special police forces between 8 July and late September 1992.	Krajišnik TJ, para. 462.

2473	The Kotor Varoš elementary school was run by the Serb special police.	Krajišnik TJ, para. 462.
iv. Destruction of sacred sites listed in Schedule D, 14		
2474	A total of fourteen Muslim and Catholic monuments in Kotor Varoš municipality were heavily damaged or completely destroyed in 1992, most of them in July and August, by fire, explosives, or shelling, or by a combination of the three. The monuments included mosques in Hanifići, Kotor Varoš town, Vrbanjci, Hrvačani, Ravni, Vranić, Donja Varoš, and Večići.	Krajišnik TJ, para. 467.
2475	The Nova mosque in Večići suffered minor shelling damage in August 1992.	Krajišnik TJ, para. 467.
v. Removal of non-Serbs		
2476	Already on 29 June 1992, the Kotor Varoš crisis staff had decided to establish an agency to oversee the resettlement of persons; all buses in the municipality were to be made available for that purpose.	Krajišnik TJ, para. 466.
2477	The crisis staff decided that all those who wanted to move out of Kotor Varoš had to submit written requests to the basic court in Kotor Varoš and to fill in certain forms declaring their assets and stating that they were "leaving them in custody" of the political and social community.	Krajišnik TJ, para. 466.
2478	The persons moving out of the municipality were to be informed that they were allowed to take with them only 300 German Marks.	Krajišnik TJ, para. 466.
2479	Persons who wished to leave were to surrender their immovable property to the municipality and declare that they were leaving voluntarily.	Krajišnik TJ, para. 466.
2480	On 28 July 1992, the Kotor Varoš war presidency decided that money that was confiscated from persons moving out, was not to be returned to those persons but was to be used to assist the families of fallen soldiers and to cover municipal expenses.	Krajišnik TJ, para. 466.
2481	Muslims and Croats left in buses organized by the crisis staff and an agency.	Krajišnik TJ, para. 468.
2482	In July and August 1992, there were incidents where Serb soldiers, as well as Šešelji's and Arkan's men, robbed Muslims and Croats who were leaving Kotor Varoš of their valuables.	Krajišnik TJ, para. 466.
2483	Large parts of the non-Serb population moved out of the municipality in 1992 due to unbearable circumstances in the municipality; some villages like Večići, Sokoline, Viševice, Ravan, and Bilice, were completely abandoned by their Muslim population.	Krajišnik TJ, para. 468.

39. THE MUNICIPALITY OF PRIJEDOR

i. Detention Facilities Generally

2484	On 22 August 1992 an unsigned report stamped “Command of Doboj Operative Group 2” addressed to the Prijedor Operations Group command stated: “all are now washing their hands regarding camps and reception centres, attempting to pass responsibility for issuing orders for mass execution of civilians in the camps and centres onto someone else. This has become particularly noticeable since the visit of foreign reporters to Prijedor, more precisely to Omarska and Trnopolje. Forged (antedated) documents about this are even appearing ... One thing is certain: we are already starting to feel the cost of the needless spilling [of] Muslim blood.”	Krajišnik TJ, para. 495.
2485	On 28 August 1992 Simo Drljača, in response to a request from the Ministry of Health, informed the CSB that there were no camps, prisons, or collection centres in Prijedor and that 1,335 “prisoners of war” had been moved to Manjača.	Krajišnik TJ, para. 496.
2486	On or about 24 September 1992 Milomir Stakić, local SDS president, answered complaints by local Serbs on the release of detainees from Keraterm, Omarska, and Trnopolje, stating that the Government in Pale had decided to release them for two reasons: “pressure from international public opinion and official policy and the steep cost of maintaining the prisons.”	Krajišnik TJ, para. 496.

ii. Omarska camp – Schedule C, 20.2

2487	One of the groups abusing prisoners at Omarska was a special MUP detachment placed under the command of the Banja Luka CSB.	Krajišnik TJ, para. 490.
2488	Around the beginning of August 1992 Serbian and foreign journalists were allowed into Omarska camp. Detainees were warned not to complain about the conditions of detention.	Krajišnik TJ, para. 491.
2489	Of the total number of persons processed at Omarska by mid-August 1992, 1,773 were transferred to facilities in Trnopolje and 1,331 to Manjača camp, in Banja Luka.	Krajišnik TJ, para. 492.

iii. Killings related to Trnopolje Camp – Schedule B, 15.6

2490	On 23 or 24 August a police unit from Prijedor, accompanied by Simo Drljača and Stojan Župljanin, returned to Korićanske Stijene and removed the bodies of those executed on 21 August 1992.	Krajišnik TJ, paras. 489, 491, 494.
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2491	This incident was mentioned again in a report of the 1st Krajina Corps, dated 3 September 1992, to the VRS Main Staff. It claimed that Drljača was responsible, adding: "This action caused indignation not only among citizens but also among 1st Krajina Corps soldiers. This dark stain which was created did not have support, but it is very fortunate that the international community did not find out about it in more detail."	Krajišnik TJ, para. 494.
2492	On 14 September Drljača, responding to a request by Mićo Stanišić, the MUP Minister, to start an investigation into the matter, wrote that an investigation could not be carried out because the officers who had participated in the convoy were currently deployed in the battlefield.	Krajišnik TJ, para. 494.
iv. Removal of non-Serbs		
2493	Over 30,000 of the Muslim and Croat population of Prijedor moved out of the municipality in the period from the beginning of the conflict in April through August 1992 out of fear or due to unbearable circumstances.	Krajišnik TJ, para. 499.
40. THE MUNICIPALITY OF ROGATICA		
i. Takeover of the municipality		
2494	By the beginning of 1992, Rajko Kušić, a prominent SDS leader in Rogatica and a member of the SDS Main Board, had formed a paramilitary unit composed of 45-50 Serbs, among them SDS supporters from Rogatica municipality.	Krajišnik TJ, para. 675.
2495	Rajko Kušić, and Sveto Veselinović, the municipal SDS president, sought the partition of the municipality as well as the division of the police and the TO in Rogatica. In March 1992, Muslim negotiators agreed to the partition in order to avoid war.	Krajišnik TJ, para. 675.
2496	The Serbs then implemented the division of the police station, keeping the weapons they had been issued, a part of the police building, and two-thirds of the vehicles.	Krajišnik TJ, para. 675.
2497	Around the same time, the SDS established a Serb crisis staff, of which Kušić and Veselinović were members.	Krajišnik TJ, para. 675.
2498	Serbs also declared the establishment of the Serb municipality of Rogatica.	Krajišnik TJ, para. 675.
2499	Kušić and the SDS ordered all Muslims in Rogatica municipality to surrender their weapons under threat of arrest and expulsion.	Krajišnik TJ, para. 675.

2500	On 5 or 6 March 1992, about 50 people in camouflage armed with automatic weapons, including six members of the reserve police force, gathered in the majority-Serb village Borika, declared themselves to be "Serbian police", and proceeded to tour other majority-Serb villages in the municipality, firing weapons into the air threatening the Muslim population.	Krajišnik TJ, para. 676.
2501	At the end of March 1992, most of the Serb population left Rogatica town. Following their departure, there commenced provocative shooting at the town, from rifles and anti-aircraft machinegun fire installed in the villages of Plješevica and Krnčevići	Krajišnik TJ, para. 677.
2502	At the beginning of May 1992, representatives of the local SDS, including the SDS board member Tomo Batinić, and by that time president of the crisis staff Milorad Sokolović demanded control of the whole municipality of Rogatica from Muslim representatives with whom they were negotiating. The Muslim authorities objected.	Krajišnik TJ, para. 677.
ii. Veljko Vlahović secondary school – Schedule C, 21.1		
2503	On the night of 12 to 13 May 1992, the area of Živaljevina in Rogatica municipality was shelled by mortar and anti-aircraft weapons, airplanes, and cannons from the villages of Plješevica and Seljani.	Krajišnik TJ, para. 678.
2504	After the shelling of Rogatica which began on 22 May 1992 and lasted for approximately seven days, the Serbs ordered the Muslims to gather in the town's central square. Soldiers in JNA uniform, including a reserve JNA captain, demanded that the Muslim population sign a loyalty oath to surrender and move to the Veljko Vlahović secondary school, under the threat of being killed if they did not comply. A total of 2,500-3,000 Muslims assembled in the town square.	Krajišnik TJ, para. 678.
2505	Serb police and others in olive-green camouflage uniform removed from their homes those who did not comply with the orders to go to the secondary school, proceeding to separate the men from the women and then beating the men.	Krajišnik TJ, para. 678.
2506	Later on, local Serbs under the authority of Rajko Kušić detained up to 1,100 Muslims of Rogatica in the secondary school.	Krajišnik TJ, para. 679.
2507	Guards and machine-gun nests were posted around the secondary school and the detainees were informed that the surrounding area had been set with landmines.	Krajišnik TJ, para. 679.
2508	Serb soldiers, police officers, special unit members, and paramilitaries interrogated Muslims detained in the secondary school for periods of up to three and a half months.	Krajišnik TJ, para. 679.
2509	The guards beat, raped, and tortured the Muslim detainees.	Krajišnik TJ, para. 679.
2510	Serb forces detained up to 1,100 Muslim civilians at the secondary school in Rogatica where they were mistreated, beaten and raped in the period June to August 1992	Krajišnik TJ, para. 685.

iii. Killings related to the Veljko Vlahović secondary school – Schedule B, 16.1		
2511	On some occasions between June and September 1992, male detainees were taken out and killed.	Krajišnik TJ, para. 679.
iv. Removal of non-Serbs		
2512	A group of 1,500-2,000 Muslims left Rogatica town due to the intensified shelling in May 1992. When the group arrived at the village of Vragolovi in Rogatica municipality, there were approximately 5,000-6,000 displaced Muslims and refugees. In July, 1,500 of these Muslims escaped to Goradže when Serb forces shelled Vragolovi. In August, all but ten of the remaining refugees left the village for Goradže after having received a warning about another Serb attack.	Krajišnik TJ, para. 682.
v. Destruction of sacred sites listed in Schedule D, 18		
2513	By the end of 1992, more than ten mosques in the municipality were destroyed by mines. They included the Rogatica town mosque, the Arnaudija mosque and three mosques in the Vragolovi area, west of Rogatica town, including the mosque in Vragalovi	Krajišnik TJ, para. 684.
41. THE MUNICIPALITY OF SANSKI MOST		
i. Takeover of the municipality		
2514	In March 1992, local SDS officials acting on the orders of regional SDS officials in Banja Luka repeatedly requested the municipal assembly to discuss the issue of Sanski Most becoming part of the Bosnian-Serb Republic. When the assembly refused, the local SDS authorities called for a division of the municipality along ethnic lines.	Krajišnik TJ, para. 509.
2515	On 25 March 1992, by proclamation signed by the president of the local SDS Vlado Vrkeš, and the president of the Sanski Most municipal assembly Nedjeljko Rašula, all Serb territories in the municipality were declared part of the Bosnian-Serb Republic as the unified Serb municipality of Sanski Most.	Krajišnik TJ, para. 509.
2516	On 3 April 1992, the Serb assembly of Sanski Most decided that the municipality would become part of the ARK.	Krajišnik TJ, para. 509.
2517	The Serb crisis staff in Sanski Most issued a statement that, as of 20 April 1992, only the Constitution and laws of the Bosnian-Serb Republic shall be in effect in the territory of Serb Sanski Most. On the same day, the crisis staff declared the former municipal assembly illegal.	Krajišnik TJ, para. 509.

2518	The crisis staff dismissed many Muslims and Croats from their jobs, including judges and directors of public companies, the local radio, and the health centre; others were put off from going to work by the treatment they received there, and were replaced with Serbs. Serb managers who had allowed Croats and Muslims to work in their companies were also dismissed. SDS president Vrkeš, accompanied by SOS members and the Serb police, forced out the Croat director of the municipal SDK, appointing a Serb in her place.	Krajišnik TJ, para. 509.
2519	On 11 April 1992, Adil Draganović, the Muslim president of the Sanski Most municipal court, received a threatening letter signed by members of the White Eagles stating that he and the municipal deputy prosecutor, Enver Cerić, also a Muslim, were to leave Sanski Most by 15 May 1992 or their families would be harmed. On 15 May 1992, the Muslim employees of the court were informed by the Serb police that they had to take mandatory leave. Draganović was dismissed from his post and the judiciary authority was transferred to the Serbs, upon an order of the crisis staff.	Krajišnik TJ, para. 510.
2520	On 17 April 1992, Stojan Župljanin, head of CSB Banja Luka, ordered the division of the police along ethnic lines. Police officers were ordered to demonstrate their loyalty to the Serb municipality by wearing the insignia of the Bosnian-Serb Republic and signing a declaration that they would respect its laws and regulations. Only persons of Serb ethnicity signed the declaration.	Krajišnik TJ, para. 511.
2521	Some non-Serb police officers and SDA leaders took refuge in the municipality building, where negotiations between the political parties continued. On 19 April 1992, the crisis staff addressed an ultimatum to those inside the municipality building.	Krajišnik TJ, para. 511.
2522	The municipality building was surrounded by soldiers of the JNA 6th Krajina Brigade. Those inside the building managed to flee to surrounding villages. Nedjeljko Rašula, as head of the crisis staff, dismissed Muslim and Croat officers from the police force.	Krajišnik TJ, para. 511.
2523	On the same day, Serb forces attacked the municipality building in the town. Around that time, members of the SOS who were supported by the SDS, armed with automatic weapons and dressed in camouflage, destroyed 28 shops and restaurants belonging to Muslims and Croats in the Sanski Most area.	Krajišnik TJ, para. 511.
2524	As a result of these attacks and other acts of intimidation during March and April 1992, many Muslim and Croat inhabitants left the municipality.	Krajišnik TJ, para. 511.
2525	In March and April 1992, Serb forces, including soldiers of the JNA 6th Krajina Brigade, and Serb police, erected checkpoints in the town of Sanski Most and around non-Serb villages, and the crisis staff established a curfew prohibiting movement at night. At the checkpoints, armed Serb forces checked the Muslims that went through.	Krajišnik TJ, para. 512.
2526	During May 1992, various armed groups were seen in the municipality, including the SOS, the White Eagles, and local SUP and JNA units.	Krajišnik TJ, para. 513.
2527	On 25 May 1992, calls upon Muslims to surrender their weapons to the Serb authorities were broadcast over Sanski Most radio. Serb patrols collected the weapons. The broadcasts also called on several named individuals – wealthy Muslims and Muslim intellectuals – to surrender. That same evening, Sanski Most town was shelled by Serb forces. Serb forces also shelled the hamlet of Okreč, which was predominantly Muslim.	Krajišnik TJ, para. 514.

2528	On or around 25 May 1992, the JNA 6th Krajina Brigade and the TO also launched an artillery attack on the Muslim settlements of Mahala, Muhići, and Otoka. Serb soldiers forced Mahala residents to gather at a training ground and then shelled the village and partially destroyed houses and the local mosque.	Krajišnik TJ, para. 514.
2529	On 27 May 1992, between 50 to 100 Serb soldiers surrounded the majority-Muslim village of Lukavica and ordered the village be evacuated for the purpose of searching the houses for weapons.	Krajišnik TJ, para. 515.
2530	In late May 1992, Serb forces began to arrest Croat and Muslim leaders. Some, including the secretary of the SDA municipal board, a Muslim judge, and the municipal chief of police, were killed.	Krajišnik TJ, para. 523.
ii. Killings - Schedule A, 12.3		
2531	On or around 27 June 1992, local Serb reservists in olive-grey uniform arrived in the Muslim hamlet of Kenjari.	Krajišnik TJ, para. 520.
2532	In a nearby house, 20 Muslim men were arrested, interrogated and taken before Vlado Vrkeš, president of the Sanski Most SDS, who assured them they had nothing to fear. They were led by Serb soldiers to a house in the hamlet of Blaževići. The soldiers threw explosives into the house, and then opened fire with rifles against those trying to escape. The bodies of the dead were taken back into the house and the house was set on fire.	Krajišnik TJ, para. 520.
iii. SJB Building and Prison in Sanski Most – Schedule C, 22.1		
2533	A Muslim religious leader from Vrhpolje, Emir Seferović, was mistreated more frequently than other detainees and was forced by prison guards to eat pork.	Krajišnik TJ, para. 525.
2534	Nedjeljko Rašula was seen on several occasions eating in the prison kitchen.	Krajišnik TJ, para. 525.
2535	Conditions at the police station were bad, with little food, insufficient space to lie down, no toilet, and no shower.	Krajišnik TJ, para. 523.
2536	Police officers, soldiers and ordinary citizens severely beat detainees at the police station on a regular basis. The detainees were not given any medical treatment.	Krajišnik TJ, para. 523.
iv. Betonirka factory garage, Hasan Kikić school sport halls & Krings Hall – Schedule C, 22.2 – 22.4		

2537	The Betonirka prison camp and Krings Hall as well as the detention centre at the Hasan Kikić sports hall were set up by the crisis staff of Sanki Most municipality in the beginning of May 1992.	Krajišnik TJ, para. 522.
2538	The detainees were delivered to these centres by the army and the SJB, on direct orders from the crisis staff.	Krajišnik TJ, para. 522.
2539	The SJB was made responsible for the security at these detention centres.	Krajišnik TJ, para. 522.
2540	According to information from the Bosnian-Serb authorities, of the 1,655 detainees at the three centres, the majority were men from 18 to 65 years; 1,538 were Muslims and the rest Croats. About 900 detainees were sent to Manjača camp in Banja Luka upon an order of the crisis staff, and another 600 were set free.	Krajišnik TJ, para. 522.
v. Killings relating to Betonirka factory garage - Schedule B, 17.1		
2541	On 22 June 1992, around 20 detainees from Betonirka prison camp were taken to nearby Kriva Cesta, where they were ordered at gunpoint by soldiers in olive-grey uniforms to dig their own graves.	Krajišnik TJ, para. 524.
2542	A group of ten persons, among them Nedjeljko Rašula, sat at a picnic table nearby, watching the digging.	Krajišnik TJ, para. 524.
vi. Krings Hall – Schedule C, 22.4		
2543	In early July 1992, all Muslims from Hrustovo, Trnopolje, and Kamićak who had sought refuge in Tomina elementary school were taken to the Krings Hall in Sanski Most, where they were detained with 600 others.	Krajišnik TJ, para. 526.
2544	The hygiene conditions at this detention centre were extremely poor.	Krajišnik TJ, para. 526.
2545	Serb police officers beat the detainees with batons and rifles.	Krajišnik TJ, para. 526.
vii. Magarica Military Facility – Schedule C, 22.5		
2546	Faik Bišćević, a member of the local SDA's main board, was arrested on 27 May 1992 and detained in a house in Magarice village for two days, without food or water.	Krajišnik TJ, para. 525.

viii. Property related Crimes		
2547	In late May 1992, the Hasanbegova mosque in Sanski Most was destroyed by members of the 6th Krajina Brigade. A parking lot was laid out on top of its cemetery.	Krajišnik TJ, para. 521.
ix. Destruction of a sacred site listed in Schedule D, 19		
2548	In mid 1992, the SDS ordered the destruction of the Donji Kamengrad mosque. Mladen Majkić, a military engineer, was ordered by a member of the SDS to set explosives in the mosque.	Krajišnik TJ, para. 521.
x. Removal of non-Serbs		
2549	On 30 May 1992, the crisis staff of Sanski Most discussed “the problem of refugees” from the Mahala area, as well as that of Muslims and Croats who were disloyal to the Bosnian-Serb Republic and its laws.	Krajišnik TJ, para. 529.
2550	The crisis staff decided that all persons who had not taken up arms and who wished to leave the municipality would be allowed to do so. It also decided to contact the ARK leadership regarding population resettlement.	Krajišnik TJ, para. 529.
2551	In May or June 1992, Bosnian-Serb police were seen forcing people out of their homes in a Muslim area of Sanski Most.	Krajišnik TJ, para. 529.
2552	In June 1992, Besim Islamčević, a Muslim from Podbriježje, organized a meeting attended by Vlado Vrkeš during which a procedure for the departure of the Muslims was discussed. Muslims wishing to stay had to sign an oath of loyalty to the Serb authorities in the municipality.	Krajišnik TJ, para. 530.
2553	After additional pressure on the Muslim community during June-July 1992, Muslim representatives considered that it would be safer for the Muslims to leave Sanski Most.	Krajišnik TJ, para. 530.
2554	After Serb soldiers killed a man and sixteen women and children, who had taken refuge inside a garage in Jelečevići, a Muslim hamlet in the area of Hrustovo, on 31 May 1992, between 50 and 100 Serb soldiers escorted the survivors with around 200 inhabitants of neighbouring villages to the hamlet of Kljevci, where their valuables were confiscated. Serb soldiers detained the villagers at various locations before transporting them by bus and train to Doboj, where they were ordered to find their way to Muslim-held territory.	Krajišnik TJ, para. 516.
2555	On 22 June 1992, the Sanski Most crisis staff was informed about the ARK crisis staff’s decision that every municipality in the region was to appoint a person responsible for matters relating to the removal and exchange of populations and prisoners, and that this person was to report to Vojo Kuprešanin of the ARK. The crisis staff of Sanski Most appointed Vrkeš for this purpose and established a five-member committee for population migration.	Krajišnik TJ, para. 531.

2556	The crisis staff also decided on 2 July 1992 that departure from the municipality would be granted to persons who had given a statement to the municipal authority that they were permanently leaving the municipality and who had exchanged their immovable property or surrendered it to the municipality.	Krajišnik TJ, para. 531.
2557	Around 3,000 persons left Sanski Most municipality between May and August 1992, and as of 16 August 1992 the SJB had approved the applications of 12,000 persons, mostly Muslims, who wished to leave the municipality but had not been able to do so.	Krajišnik TJ, para. 532.
2558	On 4 June 1992, the Sanski Most crisis staff tasked Mirko Vrućinić, Nedjeljko Rašula, and Colonel Aničić with specifying categories of detained persons in the municipality for transfer to Manjača camp. The categories comprised “politicians”, “nationalist extremists”, and people “unwelcome” in Sanski Most municipality.	Krajišnik TJ, para. 527.
2559	Almost all Muslims had left the municipality of Sanski Most in 1992.	Krajišnik TJ, para. 533.
42. SARAJEVO MUNICIPALITIES – HADŽIĆI, ILIDŽA, ILIJAŠ, NOVI GRAD, NOVO SARAJEVO, PALE & VOGOŠĆA		
i. Takeover of Sarajevo municipalities generally		
2560	On 1 March 1992, Serbs, including Serb employees of the Bosnia-Herzegovina MUP such as the then assistant Minister of Interior, Momčilo Mandić, and the head of the Novo Sarajevo SJB, Milenko Jovanović, and SDS officials such as Rajko Dukić, Jovan Tintor, and Ratko Adžić, began to organize barricades at strategic points in Sarajevo and surrounding municipalities.	Krajišnik TJ, para. 575.
2561	During the following months, Serb police and Serb soldiers in JNA uniforms continued to restrict the movement of non-Serbs.	Krajišnik TJ, para. 575.
ii. Takeover of Hadžići		
2562	From mid April 1992, SDS leaders and JNA barracks commanders in Hadžići cooperated openly in bringing in JNA reserve units from Serbia and Montenegro. These units occupied strategically important buildings and positions in the town of Hadžići in the course of the second half of April 1992.	Krajišnik TJ, para. 542.
2563	In early May 1992, the SDS held a session to establish a Serb municipality of Hadžići and to define its boundaries.	Krajišnik TJ, para. 542.
2564	On 7 May 1992, armed Serb reservists and Serb policemen entered the Hadžići municipal building, evicting the employees.	Krajišnik TJ, para. 542.
2565	On 7 May 1992, the SDS issued an ultimatum demanding that the Muslim police, TO officers, and members of other municipal bodies leave Hadžići municipality by the following day.	Krajišnik TJ, para. 542.

2566	On 8 May 1992, an artillery attack against the police station of Hadžići was launched. During the next few days, Serbs took control over parts of the municipality and started to arrest people and expel and evict large parts of the non-Serb population.	Krajišnik TJ, paras. 542-543.
2567	Two to three thousand Muslim and Croat men, women and children left Hadžići town, many left on foot and withdrew through the woods. Serb women and children were evacuated from Hadžići on buses. Only two to three hundred members of the original Muslim and Croat population remained in Hadžići town.	Krajišnik TJ, para. 543.
2568	Serb reservists set up checkpoints and positions in the town centre, restricting movement.	Krajišnik TJ, para. 543.
2569	Between 15 and 20 May 1992, the Serbs also shelled the settlement of Musići, part of the village of Ušivak.	Krajišnik TJ, para. 544.
2570	Serb forces took over Hadžići town and parts of Hadžići municipality with the assistance of JNA forces and expelled most of the non-Serb population in May 1992.	Krajišnik TJ, para. 550.
2571	In late 1992, the Serb assembly of the municipality of Hadžići decided to rescind citizenship rights in the Bosnian-Serb Republic to all former residents of Hadžići who had not returned to the territory of the municipality or had not provided an explanation for their inability to return before 20 July 1992. The decision also terminated their tenancy rights and employment rights and stated that their property was to be used temporarily for the requirements of the defence of the municipality.	Krajišnik TJ, para. 549.
iii. Takeover of Ilidža		
2572	In the beginning of March 1992, a Serb SJB was created after the Muslim police officers were dismissed from their positions.	Krajišnik TJ, para. 552.
2573	By the end of April 1992, under the orders of Lieutenant Colonel Tadija Manojlović, JNA heavy artillery, rocket launchers, anti-aircraft guns, and tanks, fired every evening on targets in Sarajevo, including the neighbourhoods of Butmir and Hrasnica in Ilidža municipality. The Serb SJB also took part in the attacks.	Krajišnik TJ, para. 553.
2574	By early May 1992, Serb forces controlled Ilidža.	Krajišnik TJ, para. 553.
iv. Takeover of Ilijaš		
2575	In March 1992, Serb flags were hoisted on the Ilijaš municipal building and on the police station and SDA and HDZ representatives stopped attending the municipal assembly meetings. Around the same time, the SJB split along ethnic lines. The Serb part called itself the "Serb police" of SAO Romanija and came under the control of the Serb crisis staff.	Krajišnik TJ, para. 558.

2576	Muslim and Croat police officers, as well as Muslims and Croats employed at schools, banks, and hospitals, were dismissed.	Krajišnik TJ, para. 558.
2577	Muslims proceeded to establish their own crisis staff and police station in a village close to the town of Ilijaš.	Krajišnik TJ, para. 558.
2578	The Serb crisis staff took over all the major military and civilian institutions and facilities in the municipality, including the SDK, banks, a JNA fuel warehouse, and the media. The local SDS was assisted by a paramilitary formation.	Krajišnik TJ, para. 559.
2579	Still later, on 14 June 1992, the Serb crisis staff of the municipality invited Arkan's men to come to its assistance with at least one platoon.	Krajišnik TJ, para. 559.
v. Takeover of Novi Grad		
2580	On or about 22 February 1992, a Serb municipality was established in Rajlovac, comprised of mixed population villages including the predominantly Muslim village Ahatovići.	Krajišnik TJ, para. 567.
2581	In April 1992, Serbs set up barricades in other places in the municipality. One barricade was set up at the bridge across the Bosna River in the Reljevo settlement where only Serbs could pass through.	Krajišnik TJ, para. 567.
vi. Takeover of Novo Sarajevo		
2582	At the end of April 1992, JNA forces shelled Sarajevo and its neighbourhoods, such as Bijelo Polje and Novo Sarajevo.	Krajišnik TJ, para. 576.
2583	From June 1992 onwards, soldiers, assigned to sniper duty, took position at the upper floors of four multi-storey buildings in the commune of Grbavica.	Krajišnik TJ, para. 576.
2584	Members of the Serb army, the Serb police, and Šešelj's men, searched Muslim and Croat houses of Grbavica for weapons.	Krajišnik TJ, para. 576.
2585	Three women, two Muslim and one of mixed ethnicity, were raped during these house searches from June to September 1992, by an armed man, named Batko, who had come to their apartments.	Krajišnik TJ, para. 576.
2586	Batko also looted and plundered in Grbavica in June-July 1992.	Krajišnik TJ, para. 576.

vii. Takeover of Pale		
2587	In early March 1992, Muslims were dismissed from the police in Pale.	Krajišnik TJ, para. 584.
2588	During March 1992, the Serbs started a campaign to convince Muslims to leave the municipality. In some parts of the municipality, Serb police officers and paramilitary commanders attempted, on a daily basis and for many weeks in a row, to convince Muslims to leave in peace and thereby avoid trouble later.	Krajišnik TJ, para. 584.
2589	In March and April 1992, Serbs paramilitaries, local police and reserve soldiers set up checkpoints in Pale which severely restricted the movements of Muslims. In connection with this, many local Serbs were armed and assisted at the barricades.	Krajišnik TJ, para. 584.
2590	In May and June 1992, there was an increasing concentration of regular and paramilitary personnel in the municipality of Pale.	Krajišnik TJ, para. 584.
2591	On 22 May 1992, Serb forces attacked and shelled the predominantly Muslim village of Donja Vinča, setting houses on fire and forcing the villagers to leave.	Krajišnik TJ, para. 584.
viii. Takeover of Vogošća		
2592	In early March 1992, the SDS delegates withdrew from the Vogošća municipal assembly and established their own assembly.	Krajišnik TJ, para. 595.
2593	Jovan Tintor, member of the SDS Main Board and president of the Vogošća crisis staff, Rajko Koprivica, president of the local SDS, and other local SDS leaders wanted the municipality of Vogošća to be divided along ethnic lines. The division, as envisaged by them, would leave the Serbs with the town centre, the important communication links, and all local industry.	Krajišnik TJ, para. 595.
2594	In March 1992, the JNA set up roadblocks around important factories in Sarajevo, including the Pretis artillery and rocket manufacturing plant in Vogošća, which was one of the largest in Europe.	Krajišnik TJ, para. 595.
2595	In late March 1992, the police were divided along ethnic lines.	Krajišnik TJ, para. 595.
2596	A large part of Vogošća was brought under Serb control by military force between 4 and 17 April 1992 by Serb army units and the police organized by the Vogošća crisis staff.	Krajišnik TJ, para. 596.
2597	On 30 July 1992, the Vogošća war commission decided to remunerate the volunteers under Major Jovo Ostojić, referred to as the “Šoša detachment”.	Krajišnik TJ, para. 596.

2598	On the basis of instructions received from the MUP and the local military command, all Serb police forces in Vogošća municipality were sent to the front lines as early as mid-April 1992. Rather than maintaining law and order, police officers engaged in combat activities.	Krajišnik TJ, para. 597.
2599	Many police officers participated in criminal activities, such as looting of Muslim houses.	Krajišnik TJ, para. 597.
2600	A special platoon from Sokolac, led by Duško Malović and assigned to Mićo Stanišić, was involved in the large scale theft of cars from the TAS factory in Vogošća, while the reserve police looted Muslim houses.	Krajišnik TJ, para. 597.
2601	On 2 May 1992, Serbs surrounded and shelled the villages of Svrake and Semizovac, in Vogošća municipality. Military aeroplanes bombed the villages, following which residents surrendered their weapons. After the take-over of Svrake and Semizovac in early May 1992, the Serbs took 470 Muslim men, women, and children to the barracks in Semizovac. The women, children, and the elderly were later released, but the men were kept. They were supposed to be exchanged for nine Serbs who had been taken prisoner by Muslim forces.	Krajišnik TJ, para. 599.
ix. Killings, Schedule A		
a. Schedule A, 6.1		
2602	Preparations to take over the majority Muslim village of Lješevo began in March 1992 when Serbs erected checkpoints, distributed arms to the locals, and placed heavy artillery on the surrounding hills.	Krajišnik TJ, para. 560.
2603	In April 1992, the Muslims in the village of Lješevo organized village guards and in May they formed a crisis staff, charged with organizing life and work in the village.	Krajišnik TJ, para. 560.
2604	Also in May 1992, the Serb police ordered the Muslims to surrender their weapons. Most of the Muslims complied and 60 to 80 per cent of the Muslims left the village of Lješevo in fear of an attack.	Krajišnik TJ, para. 560.
2605	On 4 June 1992, Lješevo was hit with gunfire and shells. The shells hit several houses in the Muslim part of the village where no military target was present.	Krajišnik TJ, para. 560.
2606	On 5 June 1992, Serb soldiers entered the village and killed approximately 20 Muslim villagers, after capturing them and burning their personal documents.	Krajišnik TJ, para. 560.
b. Schedule A, 9.1		

2607	In March 1992, at the talks between local SDA and SDS representatives in the village of Ahatovići, the Serbs threatened to attack the Muslims if they did not leave the village. The Muslims refused to comply with the demand and established a local crisis staff, set up barricades, organized village guards and armed themselves with infantry weapons.	Krajišnik TJ, para. 567.
2608	On 24 or 25 May 1992, women, children, and the elderly attempted to leave Ahatovići for the nearby municipality of Visoko, but were prevented from doing so by Serb soldiers who fired at them. Following this incident, about 120 men from Ahatovići, armed with light infantry weapons, organized resistance in the village.	Krajišnik TJ, para. 567.
2609	On or about 27 May 1992, Serb tanks and armoured vehicles took up positions in the hills around Ahatovići. Using megaphones, the Serbs urged the villagers to surrender. They threatened: "Balijas, surrender, or we kill your children." When they refused, Serb infantry launched an attack but they were repelled by the Muslims.	Krajišnik TJ, para. 567.
2610	Serb forces proceeded to shell the village of Ahatovići from the hills. Serb former JNA soldiers and White Eagles then entered the village with APCs and tanks whereupon the Muslim villagers surrendered. During the attack, a number of Muslim villagers were killed and about fifteen wounded and captured Muslims were executed by Serb soldiers.	Krajišnik TJ, para. 567.
x. Garage of the Hadžići Municipal Assembly building – Schedule C, 11.1		
2611	On 20 May 1992, armed Serbs in JNA uniform or dressed in olive-green camouflage uniforms entered Musići, gathered fourteen Muslim men and took them to the garage in the Hadžići municipal assembly building. Another 46 men were held in the same garage.	Krajišnik TJ, para. 544.
2612	The Serb forces ill-treated the detainees at the garage in the Hadžići municipal assembly building and did not give them sufficient food and water.	Krajišnik TJ, para. 544.
2613	Around 25 June 1992, a woman known as Witness 141 in <i>Prosecutor v. Krajišnik</i> (IT-00-39) and her sister were moved to the garage of the municipal building from the Hadžići civil defence headquarters. at the garage of the municipal building the witness' sister was sexually abused by a Serb paramilitary soldier.	Krajišnik TJ, para. 547.
xi. Hadžići Culture and Sport centre – Schedule C, 11.2		
2614	On 25 May 1992, Serb forces transferred some of the detainees from the garage of the municipal building to the Hadžići sports centre where at that time 60 men and one woman were detained.	Krajišnik TJ, para. 545.
2615	It was a decision of the crisis staff to keep the Muslims at the Hadžići sports centre	Krajišnik TJ, para. 545.
2616	While in detention in the Hadžići sports centre, the detainees were often beaten and sexually abused by members of the paramilitary units.	Krajišnik TJ, para. 545.

2617	Around 22 June 1992, the detainees were transferred from the Hadžići sports centre to the Slaviša Vajner Čiča barracks in Lukavica, Novo Sarajevo municipality, in order to be exchanged.	Krajišnik TJ, para. 546.
2618	When the exchange attempts had failed, on 8 September 1992, Musić was returned to Hadžići town and detained at the Hadžići sports centre along with 500 others. The majority of the detainees were women and children.	Krajišnik TJ, para. 546.
xii. Graphic School – Schedule C, 12.2		
2619	In 1992, Serb authorities detained mostly Croat and Muslim civilians in the graphic school.	Krajišnik TJ, para. 554.
xiii. Hijaš elementary school (Gornja Bioča school) – Schedule C, 13.3		
2620	Around May 1992, the Muslims in the predominantly Muslim village of Gornja Bioča organized guard shifts, armed with military and hunting rifles.	Krajišnik TJ, para. 562.
2621	On 29 May 1992, Serb forces shelled the village of Gornja Bioča.	Krajišnik TJ, para. 562.
2622	Local Serb soldiers detained the Muslim village residents of Gornja Bioča, including women and children, and held them for five days in the village primary school.	Krajišnik TJ, para. 562.
2623	Soldiers then moved 80 men to another school, in Podlugovi. The detainees in Podlugovi were guarded by Serbs. The detainees slept on the floor and received very little food, on some days nothing at all.	Krajišnik TJ, para. 562.
2624	Sometime in August 1992, a representative of the Ministry of Justice of the Bosnian-Serb Republic visited the detainees and informed them that, because of the poor conditions in detention, they would be moved elsewhere.	Krajišnik TJ, para. 562.
2625	Around 17 August 1992, the detainees were indeed transferred, to another detention centre in Semizovac, Vogošća municipality.	Krajišnik TJ, para. 562.
xiv. Cisterns near the Rajlovac Army barracks – Schedule C, 17.1		
2626	On 2 June 1992, after the attack on Ahatovići, Muslims from the village were taken to the Rajlovac army barracks where other Muslims were already being detained. On the way to the barracks, the Serbs cursed Alija Izetbegović and “balija mothers”.	Krajišnik TJ, para. 568.

2627	The commander of the detention centre at the barracks was Mile Stojanović.	Krajišnik TJ, para. 568.
2628	The detainees received no food and little water during their detention.	Krajišnik TJ, para. 568.
xv. Killings related to the Cisterns near the Rajlovac Army Barracks – Schedule B, 12.2		
2629	On 14 June 1992, a Serb man called Žuti and some other guards took about 52 detainees by bus to Sokolina, near Srednje, in Ilijaš municipality. There the guards and the driver got off the bus and attacked it with grenades and automatic weapons. A total of 47 detainees were killed during this incident.	Krajišnik TJ, para. 569.
xvi. Slaviša Vajner Čiča Barracks in Lukavica – Schedule C, 18.1		
2630	Another detention centre in Novo Sarajevo where non-Serbs were detained was under army jurisdiction and located at Lukavica, Novo Sarajevo.	Krajišnik TJ, para. 578.
2631	In Lukavica detainees were regularly beaten.	Krajišnik TJ, para. 578.
2632	At the Lukavica barracks, detainees were forced to perform manual labour such as digging trenches and graves.	Krajišnik TJ, para. 578.
xvii. KP Dom Butmir (Kula Prison) – Schedule C, 18.2		
2633	From the outbreak of conflict until October 1992, KP Dom Butmir or Kula accommodated 10,000 Muslim civilians of all ages, for periods ranging from a few days to several months.	Krajišnik TJ, para. 577.
2634	Between 12 May 1992 and 20 May 1992, 118 unarmed persons, including 31 from Dobrinja, were detained by TO forces on various grounds at Kula.	Krajišnik TJ, para. 577.
2635	Kula was under the Serb MUP jurisdiction until the beginning of August 1992, when it was taken over by the Ministry of Justice.	Krajišnik TJ, para. 577.
2636	In Kula detainees were regularly beaten.	Krajišnik TJ, para. 578.

2637	In Kula detainees were forced to perform manual labour such as digging trenches and graves.	Krajišnik TJ, para. 578.
2638	In several cases, detainees were transferred to Kula prison within a month after their arrival at the Lukavica barracks.	Krajišnik TJ, para. 578.
xviii. Killings related to KP Dom Butmir (Kula Prison)		
a. Schedule B, 13.1		
2639	In Kula, two detainees were beaten to death by the guards on or about 7 April 1992.	Krajišnik TJ, para. 578.
b. Schedule B, 13.3		
2640	In Kula, detainees were obliged to participate in a work platoon. Some of them were ordered to dig trenches at front lines, and as a result, at least four detainees were killed by snipers or shells and others were injured.	Krajišnik TJ, para. 578.
xix. Former Culture Centre/Dom Culture in Pale (also referred to as a Gym) – Schedule C, 19.2		
2641	Mirsad Smajš and other detainees from the Sarajevo area were transferred from the Kula prison in Novo Sarajevo to the sport complex in Pale on 10 May 1992. They were detained at the sport complex for three days before they were exchanged. At this time, the sport complex held between 400 and 600 detainees.	Krajišnik TJ, para. 585.
2642	In mid-May 1992, Rešid Hasanović and others who had been arrested and detained in Bratunac were also brought to the sports complex.	Krajišnik TJ, para. 585.
2643	When, on 4 June 1992, Azem Omerović and three other men were taken to the sport complex by Serbs in camouflage uniforms using police cars, there were about 50 detainees held there.	Krajišnik TJ, para. 585.
2644	The conditions at the detention centre were harsh: the detainees slept on the floor without blankets and were provided with food only every other day.	Krajišnik TJ, para. 585.
2645	Many of the detainees were humiliated and beaten by guards and Serb men who were allowed into the facility.	Krajišnik TJ, para. 585.

2646	In early August 1992, the detainees were told that they were going to be taken for exchange but were instead transferred back to Kula.	Krajišnik TJ, para. 585.
xx. Killings related to the Former Culture Centre/Dom Culture in Pale (also referred to as a Gym) – Schedule B, 14.1		
2647	On one occasion three detainees were beaten to death.	Krajišnik TJ, para. 585.
xxi. Planjo's house (Planjina kuća) in Svrake – Schedule C, 26.1		
2648	On 29 May 1992, Gornja Bioča was shelled by Serb forces. Some Muslim men who had been guarding Gornja Bioča with hunting and military rifles fled into the woods. They were arrested and detained in Planjo's house in Semizovac on 31 May 1992.	Krajišnik TJ, para. 600.
2649	Since the beginning of June 1992, Serb police also detained men from the village of Lješevno, in Ilijaš municipality, in Planjo's house.	Krajišnik TJ, para. 600.
2650	On 8 July 1992, the municipal secretariat for town planning, property rights, housing policy, and land register decided, upon request of the Ministry of Justice, to temporarily turn over Planjo's house to the Ministry, for use as a prison.	Krajišnik TJ, para. 600.
2651	On 17 August 1992, a group of more than 80 Muslim men who had been in detention in a school in Podlugovi, in Ilijaš municipality, were transferred by police officers in camouflage uniform to Planjo's house.	Krajišnik TJ, para. 600.
2652	There were a total of 113 men detained at Planjo's house, most of whom were Muslims, but also some Croats and one Serb. Women and children were held in separate quarters upstairs. They were guarded by Serb soldiers and police officers in camouflage uniform, who would often severely beat them.	Krajišnik TJ, para. 600.
2653	In October 1992, 172 people were detained at Planjo's house.	Krajišnik TJ, para. 600.
2654	In the period between August and November 1992, Serbs would come from Serbia on the weekends to beat the detainees at Planjo's house and force them to perform sexually humiliating acts.	Krajišnik TJ, para. 600.
2655	At the end of August 1992, Serb military personnel began to take Muslim detainees from Planjo's house to perform labour at the front lines in Ravne and Žuč. This included digging trenches, carrying ammunition, and removing the bodies of Serb soldiers killed in battle. Sometimes groups of detainees from Planjo's house were used as human shields.	Krajišnik TJ, para. 601.
xxii. Killings related to Planjo's house (Planjina kuća) in Svrake – Schedule B, 19.1		

2656	During the month of September 1992, at least fifteen Muslim detainees from Planjo's house were killed while performing labour at the front lines or being used as human shields. Several detainees were also wounded.	Krajišnik TJ, para. 601.
xxiii. SJB Building in Vogošća – Schedule C, 26.2		
2657	On 1 May 1992, a Muslim police officer in Sarajevo and his colleague were arrested by the Serb TO while driving to his home in Vogošća. They were taken to the police station in Vogošća town, where they were interrogated and beaten by Jovan Tintor.	Krajišnik TJ, para. 598.
xxiv. "Bunker" in Vogošća – Schedule C, 26.3		
2658	In May 1992, some detainees from a detention facility called "bunker" where 35 male villagers from a Muslim majority village Svrake were detained were taken out by a man called Boro Radić and also sent to dig trenches in Žuč.	Krajišnik TJ, para. 602.
xxv. Property related crimes in Ilijaš		
2659	During 1992, Serb forces destroyed 21 Muslim religious monuments, including the mosque in Srednje.	Krajišnik TJ, para. 564.
xxvi. Property related crimes in Novi Grad		
2660	Almost all 130 houses in Ahatovići were damaged or destroyed during the attack against the village.	Krajišnik TJ, para. 567.
xxvii. Destruction of sacred sites listed in Schedule D, 11		
2661	During 1992, Serb forces destroyed the Catholic cathedral in Taračin Do, the mosque in Stari Ilijaš, the mosque in Misoča and the mekhtab in Bioča.	Krajišnik TJ, para. 564.
xxviii. Destruction of a sacred site listed in Schedule D, 15		
2662	A few days after the attack against Ahatovići, the village mosque was blown up.	Krajišnik TJ, para. 567.

xxix. Removal of non-Serbs from Ilidža		
2663	Due to repressive measures undertaken against them, many Muslims fled and moved out of the municipality of Ilidža.	Krajišnik TJ, para. 555.
2664	Tomislav Kovač, the wartime chief of the Ilidža SJB, said on one occasion that the civilian authorities had declared a general policy of expelling Muslims from Ilidža.	Krajišnik TJ, para. 555.
2665	On 25 June 1992, Nedjeljko Prstojević, president of the Ilidža crisis staff, spoke with Rade Ristić, a local official from Ilidža, about the situation in the Kasindol area. Upon hearing that the Serbs were holding their ground, Prstojević told Ristić: "All right. But have them hold on to it tightly and have them all killed there please ... Kill all the Muslims, like Alija ... I don't want to see one military aged Muslim alive there".	Krajišnik TJ, para. 555.
2666	Prstojević went on to authorize Ristić to give Muslim apartments in the area to Serbs involved in the fighting, saying that he had printed the requisite forms for the transfer of property, and that on that same day authorities in Ilidža had already filled out 30 such forms for apartments in the Nedžarići area, east of Ilidža town.	Krajišnik TJ, para. 555.
xxx. Removal of non-Serbs from Novi Grad		
2667	Following the attack against Ahatovići, all the surviving Muslims in the village were either arrested or expelled, together with some Serbs and Croats who were married to Muslims.	Krajišnik TJ, para. 567.
2668	A May 1993 MUP report indicates that 13,000 Muslims and 40 Croats had left the municipality while 3,400 Serbs had arrived.	Krajišnik TJ, paras. 572-573.
xxxi. Removal of non-Serbs from Novo Sarajevo		
2669	In early June 1992, many non-Serbs, in order to escape harassment or arrest, paid large sums of money to the Serb authorities to allow them to leave the municipality. Serb forces expelled Muslims on a large scale from the commune of Grbavica.	Krajišnik TJ, para. 581.
2670	Serb forces expelled Muslims on a large scale from the commune of Grbavica on 30 September 1992.	Krajišnik TJ, para. 582.
xxxii. Removal of non-Serbs from Pale		

2671	In late June and early July 1992, the transfer of Muslims from the municipality was organized, with announcements and schedules indicating which streets would be affected each day. This was carried out with the support of the SDS crisis staff.	Krajišnik TJ, para. 587.
2672	The Muslims were transported to the Muslim part of Sarajevo in around 20 busloads and were allowed to take with them only the items they could carry.	Krajišnik TJ, para. 587.
43. THE MUNICIPALITY OF SOKOLAC		
i. Takeover of the municipality		
2673	In March 1992, barricades were set up and some local Serbs began appearing in JNA and camouflage uniforms and carrying automatic weapons.	Krajišnik TJ, para. 687.
2674	Some time in March or April 1992, Zoran Cvijetić, chief of the Sokolac SJB, dismissed all Muslim police officers from their jobs.	Krajišnik TJ, para. 687.
2675	During April 1992, several paramilitary units based themselves in Sokolac town and its surrounding villages. These units included Arkan's men, the White Eagles, and some local groups.	Krajišnik TJ, para. 687.
ii. Killings, Schedule A, 13.1		
2676	On 22 September 1992, members of the VRS 2nd Romanija Brigade surrounded the village of Novoseoci and, despite there being no armed resistance, killed 40 to 45 Muslim civilian men, and put the women and children on buses and transported them to Sarajevo.	Krajišnik TJ, paras. 691, 693.
2677	General Krstić informed the VRS Main Staff on 22 September 1992 that "During the day, the village of Novoseoci was cleansed".	Krajišnik TJ, para. 691.
iii. Slaviša Vajner Čiča elementary school – Schedule C, 23.2		
2678	Around 20 July 1992, four Serbs from Sokolac and Knežina dressed in military police uniforms, driving an APC with an anti-aircraft machine placed on it, arrested Gagula, a Muslim teacher from Knežina in Sokolac municipality. They brought him to a barrack situated in the former KTK factory in Knežina, where he was interrogated and beaten by one of the officers.	Krajišnik TJ, para. 690.
2679	Gagula was then transported to the elementary school "Slaviša Vajner Čiča" in Sokolac by local Serb soldiers where he was detained with thirteen other detainees until 3 October 1992. On his arrival at the school, Gagula was again interrogated and beaten by members of Serb soldiers.	Krajišnik TJ, para. 690.

iv. Former elementary school in Čavarine – Schedule C, 23.1

2680	On 3 October 1992, Gagula, along with other detainees, was transferred to the former elementary school in Čavarine.	Krajišnik TJ, para. 690.
2681	Conditions in the former elementary school in Čavarine were harsh with insufficient food and hygiene facilities.	Krajišnik TJ, para. 690.
2682	Detainees at the former elementary school in Čavarine were beaten by Serb paramilitaries coming from Ilijaš.	Krajišnik TJ, para. 690.
2683	Gagula was detained in Čavarine until 15 March 1993, when he was transferred to the Batković camp in Bijeljina.	Krajišnik TJ, para. 690.

v. Destruction of sacred sites listed in Schedule D, 20

2684	In the period from the end of July to the end of September 1992, the VRS 2nd Romanija Brigade attacked and destroyed several Muslim villages in Sokolac municipality, including Pihlice, Kaljina, Sahbegovići, Mangurići, and Meljine. Attacks began with artillery fire, followed by infantry incursions and lastly, the villages were burnt. All five mosques in Sokolac municipality, namely in Knežina, Kruševci, Kaljina, Novoseoci, and Košutica, were blown up or destroyed during these attacks.	Krajišnik TJ, para. 689.
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vi. Removal of non-Serbs

2685	The threat of violence felt by the Muslim population in the town of Sokolac and the village of Knežina, and the lack of protection from the municipal authorities, forced them to leave their homes from May 1992 and onwards.	Krajišnik TJ, para. 693.
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44. THE MUNICIPALITY OF VLASENICA

i. Takeover of the municipality

2686	From late 1991 and up to May 1992, Muslims working in state-owned companies and other public services in Vlasenica municipality were dismissed from their jobs. Muslim shopkeepers feared keeping their businesses open, and Muslim workers of the local bauxite company stopped being paid, while their Serb colleagues continued to receive salaries.	Krajišnik TJ, para. 347.
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2687	A large number of soldiers and reservists were present in the municipality, of Vlasenica and during the first days of April 1992, tanks, artillery, and armed vehicles from Milići, Han Pijesak, and Šekovići, were deployed there.	Krajišnik TJ, para. 348.
2688	Also in the beginning of April 1992, SDS and local Muslims negotiated the division of the municipality of Vlasenica into Serb and Muslim parts.	Krajišnik TJ, para. 348.
2689	Izet Redžić, the SDA-appointed president of the executive board of Vlasenica municipality, received threats from Tomislav Savkić, the local SDS president that, if the Muslims refused the partition, armed intervention would follow.	Krajišnik TJ, para. 348.
2690	On or about 23 April 1992, JNA soldiers took over the town of Vlasenica with the assistance of local armed Serbs, by taking control of the municipality premises, the police station, the post office, and the bank. Immediately after that, the seat of the Serb municipality of Vlasenica was moved from Milići to Vlasenica town, and a Serb crisis staff was set up.	Krajišnik TJ, para. 349.
2691	The crisis staff, under Milenko Stanić, issued passes which Muslims were required to use in order to move around Vlasenica municipality or to travel to other municipalities.	Krajišnik TJ, para. 349.
2692	Checkpoints were erected under the authority of Dragiša Milaković, an SDS member.	Krajišnik TJ, para. 349.
2693	The crisis staff ordered Muslims to surrender their weapons to the Serb authorities and introduced work obligations for them.	Krajišnik TJ, para. 349.
2694	In May and June 1992, a MUP special unit led by Mićo Kraljević, but ultimately under the command of the local crisis staff, conducted two operations, one in Sušica, and another in Gradina and other Muslim hamlets in the municipality, occasionally encountering armed resistance. Their orders were to search for weapons, detain men who surrendered for questioning, kill men trying to escape, and send women and children to Vlasenica town. Some men were arrested, detained at the municipal court house, and then transferred to Sušica camp. During these operations, the unit was explicitly ordered to burn all the houses to prevent the owners from returning, and almost all the Muslim houses in the area were in fact destroyed.	Krajišnik TJ, para. 351.
ii. Killings, Schedule A		
a. Schedule A, 15.1		
2695	Early in the morning on 2 June 1992, Serb soldiers supported by an APC with a machine gun, attacked the predominantly Muslim hamlet of Drum near the town of Vlasenica. The soldiers moved from house to house firing automatic weapons, and breaking into homes. More than 20 Muslim males were killed in a few minutes. Only three of the male residents of Drum survived the attack.	Krajišnik TJ, para. 352.

2696	The soldiers took the three male survivors and 20 Muslim women by bus to Sušica camp.	Krajišnik TJ, para. 352.
b. Schedule A, 15.2		
2697	At the beginning of May 1992, the Muslims in Zaklopača, a Muslim-majority village, were asked to hand over their weapons by a Serb delegation led by Milenko Đurić, a manager at the Milići bauxite mines and SDS member. The Muslims did not comply and hid their hunting rifles.	Krajišnik TJ, para. 350.
2698	On 16 May 1992, four or five army vehicles together with a white police car arrived in Zaklopača. The men in those vehicles were in army and police uniforms and some wore masks. The population tried to flee, but approximately 80 people, mostly men, were shot dead by the Serbs. The dead bodies were left lying around the village.	Krajišnik TJ, para. 350.
iii. The SJB Building in Vlasenica – Schedule C, 25.1		
2699	Muslims aged between 18 and 60 and five minors were detained at the police station in Vlasenica town, where they were repeatedly mistreated and beaten with metal pipes, chains, and other objects. No health care was provided, and the conditions of detention were poor.	Krajišnik TJ, para. 355.
iv. Killings related to the SJB Building in Vlasenica		
a. Schedule B, 18.3		
2700	Džemal Ambesković, who had organized a local referendum on the independence, was killed while in detention at the police station on or about 22 May 1992.	Krajišnik TJ, para. 355.
b. Schedule B, 18.4		
2701	On 21 May 1992, the detainees were ordered out of their cell at the police station in Vlasenica by two police officers and placed on buses where soldiers confiscated their personal belongings, including money and documents.	Krajišnik TJ, para. 355.
2702	The bus headed in the direction of Bratunac, accompanied by an armoured vehicle and four cars. It stopped on the outskirts of the village of Nova Kasaba, where the detainees were ordered off the bus in groups of five. As the detainees got off, they were shot by Serb soldiers using automatic rifles and a machine gun mounted on the armoured vehicle. The soldiers searched for survivors and shot them in the head.	Krajišnik TJ, para. 355.
v. The Prison building in Vlasenica – Schedule C, 25.2		

2703	About 150 detainees were held in very poor conditions in five rooms of the Vlasenica municipal prison, under the control of the police.	Krajišnik TJ, para. 354.
2704	Detainees at the Vlasenica municipal prison were forced to perform tasks such as burying bodies, removing property from abandoned Muslim houses, and digging trenches at the front lines.	Krajišnik TJ, para. 354.
2705	When the commander of the prison Sukanović was present, however, the premises were aired and cleaned, and no ill-treatment of detainees took place.	Krajišnik TJ, para. 354.

vi. Sušica camp – Schedule C, 25.3

2706	Sušica camp was established on 31 May 1992 by order of Svetozar Andrić, commander of the Birač Brigade, and pursuant to a decision of the Birač SAO which regulated the moving out of the Muslim population from the territory of Birač.	Krajišnik TJ, para. 353.
2707	The guards at the Sušica camp, under camp warden Veljko Bašić and deputy Vidosav Mladenović, were members of the MUP and VRS.	Krajišnik TJ, para. 353.
2708	The local MUP and the municipal crisis staff, led by Milenko Stanić, received regular reports on the situation at the Sušica camp.	Krajišnik TJ, para. 353.
2709	The crisis staff made decisions concerning the Sušica camp and detainees, such as decisions on release, visits, and exchanges.	Krajišnik TJ, para. 353.
2710	Approximately 2,000 to 2,500 Muslims of both genders and all ages passed through Sušica camp.	Krajišnik TJ, para. 353.
2711	The Sušica camp remained operational for four months, from June to September 1992.	Krajišnik TJ, para. 353.
2712	In the first days, over 1,000 persons were detained at the Sušica camp. Just a few days later, Serb officials allowed the great majority of the women, more than 800, to leave after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily.	Krajišnik TJ, para. 353.
2713	The detainees at the Sušica camp performed several types of forced labour, including burial of the men killed in Drum, digging of trenches, and carrying munitions at front lines.	Krajišnik TJ, para. 353.
2714	Detainees at the Sušica camp were insufficiently fed, water was very scarce, sanitary conditions were poor, and medical care was not provided.	Krajišnik TJ, para. 353.

2715	Some time in June 1992, Dragan Nikolić was put in charge of Sušica. He told the detainees that he was “God and the law”, and submitted them to all kinds of mistreatment, including frequent beatings.	Krajišnik TJ, para. 353.
2716	On two occasions, members of international organizations visited the Sušica camp. During both visits, Nikolić managed to conceal many detainees and the true state of the conditions of detention.	Krajišnik TJ, para. 353.
vii. Killings related to Sušica Camp		
a. Schedule B, 18.1		
2717	Nine detainees in the Sušica camp were killed by camp guards or died from mistreatment. These deaths were reported to warden Bašić with no consequences.	Krajišnik TJ, para. 353.
b. Schedule B, 18.2		
2718	On the last day of September 1992, a public burial of more than 20 Serb soldiers killed in an ambush by the Bosnia-Herzegovina army was held in Vlasenica town.	Krajišnik TJ, para. 357.
2719	On the night of 30 September 1992, three MUP officers arrived at the Sušica camp with a bus, removed all 140 to 150 inmates in four loads, and killed them.	Krajišnik TJ, paras. 357, 358.
2720	The massacre was reported to the Vlasenica crisis staff members, who took no action except to order the dismantling of the camp and the concealment of its traces.	Krajišnik TJ, para. 357.
viii. Removal of non-Serbs		
2721	A group of women and children and one elderly man surrendered to the Serbs on 17 May 1992. The Serbs took them to the municipality building in Vlasenica town, where the women had to sign statements giving away their houses and properties to “the Serbs”. They were then put on a bus and dropped off at a point about ten kilometres outside Kladanj. From there, they walked to Kladanj town.	Krajišnik TJ, para. 350.
45. THE MUNICIPALITY OF VIŠEGRAD		
i. Killings, Schedule A, 14.3		

2722	In June 1992 and the following months approximately 200 non-Serb civilians, mostly Muslims, women, children, and elderly persons among them, were killed. Some of them were shot on a bridge over the Drina river and their bodies then pushed over the side.	Krajišnik TJ, para. 698.
2723	The bodies were exhumed from a number of graves in 2000 and 2001.	Krajišnik TJ, para. 698.
2724	During these exhumations it was concluded that the victims' clothing was civilian and that there was no evidence of firearms. Ligatures were found on or near some of the bodies.	Krajišnik TJ, para. 698.
2725	The majority of the victims died of gunshot wounds, predominantly a single shot. Relatively few wounds were on the lower half of the body, which would suggest closeness of the perpetrator to the victim.	Krajišnik TJ, para. 698.
2726	Some of the bodies showed signs of blunt force trauma, which indicated injuries caused prior to death by blows from weapons, or, less likely, by kicking or falling	Krajišnik TJ, para. 698.

46. THE MUNICIPALITY OF ZVORNIK

i. Takeover of the municipality

2727	On 3 April 1992, despite ongoing discussions between representatives of the SDA, SDS, and JNA about defence measures to be taken in case of an attack, a long convoy of Serbs left Zvornik town.	Krajišnik TJ, para. 360.
2728	On 5 April 1992, the Serb TO was mobilized pursuant to an order of the Serb crisis staff. Around this time, paramilitary forces, including the White Eagles, the Yellow Wasps and the Red Berets, began to arrive in the municipality. They had been invited by Branko Grujić, president of the crisis staff of Zvornik.	Krajišnik TJ, para. 360.
2729	On 5 and 6 April 1992, Serb police and paramilitary forces – mainly Arkan's men – erected barricades throughout the municipality, the police was divided along ethnic lines pursuant to a dispatch of Momčilo Mandić, and Serb members of the Zvornik SJB relocated to Karakaj, where the Serb crisis staff was located.	Krajišnik TJ, para. 361.
2730	During the night of 7 April 1992, the SDA also erected barricades, on the bridge linking Zvornik to Serbia. When shooting broke out on 8 April 1992, the barricades were temporarily taken down, allowing hundreds of Muslims and Serbs to leave the municipality.	Krajišnik TJ, paras. 361-362.
2731	The Serb civilians had been informed of a plan to have them killed, and some were forced by Serb paramilitaries to abandon their homes.	Krajišnik TJ, para. 362.
2732	As a result of the take-over of Zvornik town, many Muslims withdrew to the nearby deserted village of Kula Grad, which was also attacked and taken over by paramilitaries and local police on 26 April 1992.	Krajišnik TJ, para. 362.

2733	By late April 1992, Serb authorities had taken control of the Muslim village of Đulići in Zvornik municipality, and the villagers surrendered their weapons to Serb forces.	Krajišnik TJ, para. 365.
2734	In order to remain employed, Muslims had to sign a pledge of loyalty to the Serb authorities.	Krajišnik TJ, para. 365.
2735	Also in late April or early May 1992, Serb forces demanded the surrender of the Muslim village of Divič. However, before the deadline for surrender had expired, Divič was attacked by Serb forces consisting of Arkan's men, White Eagles, and reserve police officers. About 1,000 Muslims fled towards the nearby village of Jošanica. When some of them attempted to return later in May, they were turned away by Serb forces	Krajišnik TJ, para. 365.
2736	By the end of May 1992, a large number of Muslim villagers gathered in the Muslim-majority village of Kozluk fearing paramilitaries and Serb forces who harassed them with demands to surrender arms.	Krajišnik TJ, para. 366.
2737	After the take-over of Zvornik town, paramilitary groups and local Serbs had set up barricades in nearby villages and isolated Kozluk.	Krajišnik TJ, para. 366.
2738	The police force in the village of Kozluk was split into Muslim and Serb parts.	Krajišnik TJ, para. 366.
2739	In the beginning of June 1992, Muslim police officers in Kozluk were forced to surrender their uniforms and weapons to a Serb police officer.	Krajišnik TJ, para. 366.
2740	On the night of 20 June 1992, the Serb TO under the command of Marko Pavlović attacked Kozluk.	Krajišnik TJ, para. 366.
ii. Killings, Schedule A		
a. Schedule A, 16.1		
2741	On 8 April 1992, a combination of Serb forces – the police, the TO, the JNA, and Arkan's men – launched an attack against Zvornik town, which originated, at least partially, from inside Serbia.	Krajišnik TJ, para. 362.
2742	Many civilians were killed during the attack, and Zvornik town was taken over by the Serb forces within a day. The Serbian flag was hoisted on top of the main town mosque.	Krajišnik TJ, para. 362.

2743	On 10 April 1992, Arkan's men looted houses in Zvornik town and piled dozens of dead bodies – including the bodies of children, women, and elderly persons – onto trucks. More dead bodies lay in the streets and outside houses	Krajišnik TJ, para. 362.
b. Schedule A, 16.3		
2744	On 5 June 1992, a total of 550 detainees from the Karakaj technical school, including a person known as Witness 571 in <i>Prosecutor v. Krajišnik</i> (IT-00-39), were taken in a lorry to a cinema hall in Pilića. From there Witness 571 together with another 63 men was taken to Gero's slaughterhouse in Karakaj. Guards in JNA uniform forced the men to face the wall and shot them dead. Witness 571, who managed to escape the execution, saw two more buses arrive at the slaughterhouse. A total of 190 men were executed	Krajišnik TJ, para. 371.
iii. Čelopek Dom Culture – Schedule C, 27.1		
2745	From late May 1992 onwards, Muslims were detained in the Dom Kulture building in Čelopek village and subjected to severe physical and psychological abuse.	Krajišnik TJ, para. 372.
2746	In early June 1992, a paramilitary group from Serbia assaulted the detainees in the Dom Kulture building in Čelopek village with spiked metal bars and chains.	Krajišnik TJ, para. 372.
2747	Some detainees in the Dom Kulture building in Čelopek village were forced to beat each other.	Krajišnik TJ, para. 372.
2748	In mid July 1992, the remaining detainees in the Dom Kulture building in Čelopek village were transferred, with the assistance from the Serb municipal authorities of Zvornik, to Batković camp in Bijeljina municipality.	Krajišnik TJ, para. 372.
iv. Killings related to the Čelopek Dom Culture – Schedule B, 20.2		
2749	The Yellow Wasps, headed by the Vučković brothers, Repić and Žučo, arrived at the Dom Kulture on 11 June 1992 and killed at least five detainees. One man had his ear cut off, others had their fingers cut off, and at least two men were sexually mutilated. Repić's men forced detainees to eat the severed body parts, killing two detainees who could not bring themselves to do so.	Krajišnik TJ, para. 372.
2750	On 27 June 1992, Repić returned to the Dom Kulture alone and shot 20 detainees dead and wounded 22 others.	Krajišnik TJ, para. 372.
v. Karajak Technical School – Schedule C, 27.2		

2751	In late May 1992, Muslim representatives met with local Serbs, including a member of the Zvornik provisional government, to discuss the removal of Muslims from the municipality.	Krajišnik TJ, para. 370.
2752	A group of approximately 3,000 Muslim men, women, and children left in fear for their safety. On 1 June 1992, soon after the group had set off, Serb soldiers separated out men fit for military service from the column, and took the women, children, and elderly to Muslim-controlled territory. The men were taken, together with other Muslim men captured in the village of Klisa on the same day, to the Karakaj technical school, where they were detained in a workshop building.	Krajišnik TJ, para. 370.
2753	The Karakaj technical school was guarded by Serb soldiers.	Krajišnik TJ, para. 370.
2754	Within hours of arriving at the Karakaj technical school, approximately 20 detainees had died from heat stroke and lack of water.	Krajišnik TJ, para. 370.
2755	Over the course of several days, many of the detainees at the Karakaj technical school were severely beaten.	Krajišnik TJ, para. 370.
vi. Killings related to Karajak Technical School – Schedule B, 20.3		
2756	About 160 detainees at the Karakaj technical school were removed in small groups and executed by Serb guards.	Krajišnik TJ, para. 370.
vii. Alhos Factory – Schedule C, 27.3		
2757	The Serb police, Arkan's men, and the White Eagles detained Muslims in the Alhos factory in the Karakaj area of Zvornik town, where the Muslims were extensively mistreated.	Krajišnik TJ, para. 367.
2758	On 9 April 1992, a person known as Witness 674 in <i>Prosecutor v. Krajišnik</i> (IT-00-39) was interrogated and beaten by Branko Grujić and approximately eighteen other Muslim detainees were killed by Arkan's men that same day or soon thereafter.	Krajišnik TJ, para. 367.
viii. Novi Izvor company (also known as Ciglana) – Schedule C, 27.4		
2759	The Novi Izvor factory was guarded by the reserve police.	Krajišnik TJ, para. 368.

2760	The Novi Izvor factory received 186 Muslim detainees from Divič village on 27 May 1992.	Krajišnik TJ, para. 368.
2761	Armed groups, including members of paramilitaries from Serbia, frequently visited the Novi Izvor factory and severely mistreated the detainees.	Krajišnik TJ, para. 368.
ix. Killings related to the Drinjača building (Dom Culture) - Schedule B, 20.1		
2762	Soon after the arrival of the detainees, a unit of White Eagles took them out in groups of ten and shot them dead. In total, 88 people were killed at Dom Kulture.	Krajišnik TJ, para. 369.
x. Ekonomija Farm – Schedule C, 27.6		
2763	Around 10 May 1992, several Muslim men were moved by the Serb police from the Standard factory in Karakaj to the Ekonomija factory, also in Karakaj, where a lot of Muslim men were already detained. Some time later, they were moved again, to the Novi Izvor factory.	Krajišnik TJ, para. 368.
2764	Armed groups, including members of paramilitaries from Serbia, frequently visited the Ekonomija Farm and severely mistreated the detainees.	Krajišnik TJ, para. 368.
xi. Killing related to the Ekonomija Farm – Schedule B, 20.4		
2765	One detainee died in the Ekonomija factory.	Krajišnik TJ, para. 368.
xii. Standard Factory – Schedule C, 27.7		
2766	Around the end of April 1992, several Muslim men were detained at the Standard factory in Karakaj, guarded by local Serbs.	Krajišnik TJ, para. 368.
2767	Armed groups, including members of paramilitaries from Serbia, frequently visited the Standard factory and severely mistreated the detainees.	Krajišnik TJ, para. 368.
xiii. Destruction of sacred sites listed in Schedule D, 22		

2768	Most of the nineteen Muslim monuments in Zvornik municipality had been damaged or completely destroyed through shelling or explosives during the attacks on Muslim villages in April and May 1992.	Krajišnik TJ, para. 367.
xiv. Removal of non-Serbs		
2769	On 10 April 1992, the provisional government of Zvornik instructed all persons with tenancy rights in socially owned apartments, as well as all owners of immovable property including private houses and businesses, to return and lay claim to those properties before 15 May, or face loss of title to the municipality.	Krajišnik TJ, para. 364.
2770	On 5 May 1992, the provisional government established a "real estate exchange agency" authorized to execute exchanges of real estate between residents of Zvornik municipality and other municipalities.	Krajišnik TJ, para. 364.
2771	Around 28 May 1992, between 400 and 500 Muslims from Divič village, including women, children, and elderly persons, were forced onto buses by members of the Yellow Wasps and told that they would be taken to Muslim territory. In Crni Vrh, the captives were released and allowed to depart on foot.	Krajišnik TJ, para. 365.
2772	The same day, Major Svetozar Andrić, commander of the VRS 1st Birač Brigade, ordered the Zvornik TO to organise and co-ordinate the moving out of the Muslim population with municipalities through which they would pass. Only women and children would be moved out, while men fit for military service were to be placed in camps for exchange.	Krajišnik TJ, para. 365.
2773	In early June 1992, Serbs were seen moving into the villages in Zvornik municipality where Muslims had been evicted. Some of them had been ordered to do so by the provisional government of the Serb municipality of Zvornik.	Krajišnik TJ, para. 365.
2774	On 26 June 1992, a large number of Serb soldiers, TO, and paramilitary units entered Kozluk in tanks and other military vehicles. Among the group were Branko Grujić, president of the Zvornik SDS and crisis staff, Pavlović, and Jovan Mijatović, a member of the Zvornik crisis staff and a deputy to the Bosnian-Serb Assembly. They informed the Muslims that they had one hour to leave, or they would be killed. They also told them that they could not take any personal belongings with them, and forced them to sign statements surrendering their property.	Krajišnik TJ, para. 366.
2775	On 26 June 1992, a convoy of vehicles organized by the Serbs who had attacked and taken over Kozluk transported approximately 1,800 persons out of the municipality to Serbia.	Krajišnik TJ, para. 366.