

FACTS ABOUT SREBRENICA

In June 2005, during cross-examination of a witness in the case against Slobodan Milošević¹ at the International Criminal Tribunal for the former Yugoslavia, the court viewed video footage showing a Serbian paramilitary unit, calling itself the Scorpions, execute six Bosnian Muslim men and teenagers captured after the fall of Srebrenica in 1995. The images of Serbian soldiers tormenting and then shooting the Bosnian Muslim prisoners, whose hands were tied behind their backs and who offered no resistance before being shot, broke through the wall of silence and denial about the subject of Srebrenica in Serbia and Montenegro. The Serbian Government condemned the killings, and the Serbian War Crimes Prosecutor acted swiftly to detain a number of suspects allegedly complicit in the murders of these six men.

There is a multitude of evidence publicly available that proves that Bosnian Serb and other forces executed 7,000 to 8,000 Bosnian Muslim prisoners from Srebrenica in one week in July 1995. Despite this, there are still many people in Serbia and Montenegro who try to deny the full enormity of the crime that Bosnian Serb military, police and other forces (including, allegedly, forces from Serbia) committed. They argue that the actual number of dead is exaggerated, that 'only' around 2,000 died. They also argue that most of these 2,000 dead were casualties of war—Bosnian Muslim soldiers killed in battle. Some who are even bolder, claim that it was a 'crime of passion'—revenge for all those Serbs killed in the villages around Srebrenica. Still others claim that what happened at Srebrenica was not genocide. The Tribunal has proved beyond a reasonable doubt that each of these claims is wrong.

The massacre that occurred in Srebrenica in July 1995 was the single worst atrocity committed in the former Yugoslavia during the wars of the 1990s and the worst massacre that occurred in Europe since the months after World War II. This is why the ICTY, which was established in 1993 to try those most responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991,² has invested a great deal of time and effort in investigating what happened in Srebrenica and bringing those responsible to justice. The ICTY has issued indictments against 19 individuals for crimes committed in Srebrenica, all but one of which are against high-level perpetrators—those who planned and ordered the killing operation. So far, the Tribunal has completed trials and appeals against three accused: General Radislav Krstić, commander of the Republika Srpska Army (VRS) Drina Corps, Dražen Erdemović, a VRS soldier with the 10th Sabotage Detachment and Dragan Obrenović, deputy commander of the VRS Zvornik Brigade. Erdemović and Obrenović admitted their participation in the Srebrenica killings. The facts about Srebrenica contained in the judgements against Krstić,³ Erdemović⁴ and Obrenović⁵ have been established beyond a reasonable doubt.⁶

¹ Slobodan Milošević has been charged under three indictments for crimes in Bosnia and Herzegovina, Croatia and Kosovo. The charges include responsibility for the massacre of over 7,000 Bosnian Muslim men and boys in Srebrenica in July 1995.

² The United Nations Security Council established the ICTY pursuant to its Resolution 827 (1993) on 25 May 1993.

³ Judgement, *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T, 2 August 2001, (hereinafter "Krstić Judgement").

⁴ Judgement, *Prosecutor v. Erdemović*, Case No.: IT-96-22-Tbis, *Sentencing Judgement*, 5 March 1998. Dražen Erdemović pleaded guilty to one count of crimes against humanity for participating in the Branjevo Military Farm executions, for which the Trial Chamber sentenced him to 10 years in prison. The Appeals Chamber revised his sentence to five years for violating the laws or customs of war.

⁵ Judgement, *Prosecutor v. Dragan Obrenović*, Case No.: IT-02-60/2-S, 10 December 2003, (hereinafter "Obrenović Judgement"). The Trial Chamber sentenced Dragan Obrenović to 17 years in prison.

⁶ The Tribunal has also completed first instance trials against Dragan Jokić and Vidoje Blagojević, both of whom the Trial Chamber convicted for participating in the Srebrenica killings. Facts that the Trial Chamber in their case found to be proven beyond a reasonable doubt are consistent with those that have been proven in the Krstić, Obrenović, and Erdemović cases. Also on appeal is the case against Momir Nikolić, who pleaded guilty to participating in the Srebrenica killings.

In particular, in its proceedings against these three accused, the Tribunal has found beyond a reasonable doubt that Bosnian Serb and other forces killed between 7,000 and 8,000 Bosnian Muslim men and boys between approximately 11 and 19 July 1995. The Tribunal has established beyond a reasonable doubt that the vast majority of those killed were not killed in combat, but were victims of executions. The Tribunal has established beyond a reasonable doubt that the killings did not occur in a moment of passion, but were the product of a well-planned and coordinated operation. Finally, the Tribunal has established beyond a reasonable doubt that the killing of 7,000 to 8,000 Bosnian Muslim prisoners was genocide.

The Number of Dead

The Tribunal has determined that the number of Bosnian men and boys killed in Srebrenica is between 7,000 and 8,000. In order to come to this conclusion, the Judges in the Krstić case accepted and reviewed a great deal of evidentiary material.

Exhumations

Among the evidence that the Judges used to establish the number of people the Bosnian Serbs killed was that from the mass graves where the victims were buried. The Chamber reviewed evidence from 21 mass graves that had been exhumed by the ICTY from 1996 to 2000.⁷ Of these, 14 were “primary gravesites”, where the victims’ bodies had been buried immediately after they were killed. Bosnian Serb forces subsequently disturbed eight of these primary gravesites in an attempt to cover up their crimes: during a period of several weeks in September and October 1995, they removed bodies from the primary graves and reburied them in other locations that are referred to as “secondary gravesites.” Seven of the 21 mass graves were such “secondary” burial sites.

Determining the exact number of bodies in each of the mass graves was a very difficult task, which was complicated by the fact that Bosnian Serb forces mutilated and dismembered many of the remains when they used heavy machinery to exhume and rebury them.⁸ Thus body parts from the same person could be found in two separate mass graves—a primary and a secondary one.

Nevertheless, the forensic experts were able to determine the minimum number of bodies contained in all the discovered graves. That number was 2,028 victims.⁹ At the time the Judges in the Krstić trial issued their Judgement in August 2001, they noted that the Prosecution had identified 18 other mass graves that had not yet been exhumed.¹⁰ In other words, the Judges recognized at that time that 2,028 exhumed bodies do not represent the sum total of the Bosnian Muslim men and boys killed at Srebrenica.

Demographic Expert

The Trial Chamber in the Krstić case heard evidence from a demographics expert whose task it was to determine the number of people who have been reported as missing from Srebrenica. The demographics expert cross-referenced the list of missing persons of the International Committee of the Red Cross with other sources, including lists of those who were missing or killed before July 1995, and other data that shows who was alive after. In this way, he was able to make sure that his figures could only refer to those who were missing as a result of the massacres at Srebrenica in July 1995. Based on this research, he testified that a conservative estimate of the number of people missing from Srebrenica is 7,475.¹¹

⁷ Krstić Judgement, para. 71.

⁸ Krstić Judgement, para. 80.

⁹ Krstić Judgement, paras. 73 and 80.

¹⁰ Krstić Judgement, para. 80.

¹¹ Krstić Judgement, para. 81.

Intercepts

The Trial Chamber in the Krstić case heard evidence of intercepted conversations between VRS soldiers, including the accused, which corroborates the fact that Bosnian Serb forces killed between 7,000 to 8,000 Bosnian Muslim prisoners.

As has become standard practice in modern warfare, both the VRS and the Bosnian Army (ABiH) monitored enemy communications. The VRS had secure means of communication, but they did not always work and took longer to set up, so the officers often used unsecured lines because they were quicker. Intelligence officers from the ABiH intercepted conversations over such lines and transcribed them. These recordings were then submitted to the Tribunal's Office of the Prosecutor.¹²

Determining the authenticity and reliability of such intercepts is a long and detailed process: the Trial Chamber heard direct evidence from the Bosnian Army personnel who were transcribing the conversations. It also heard about the Prosecution's efforts to determine whether the transcripts were reliable and genuine, including their efforts to find evidence from other sources to corroborate the information from the transcripts.¹³ As a result, not all the intercepts could be admitted as evidence, but those that were showed a conclusive story. Of the intercepts that were admitted as evidence in the Krstić case, the Trial Chamber found the following to be particularly significant in determining the number of Bosnian Muslims the Bosnian Serb forces took prisoner and killed:

- One intercepted telephone conversation from 1730 hours on 13 July 1995 shows that in that moment the Bosnian Serb forces had captured around 6,000 people.¹⁴ Consistent with this, around 14 July Colonel Radislav Janković, from the VRS General Staff, told a Dutch battalion soldier that they had captured around 6,000 POWs.¹⁵
- On 18 July 1995, an unidentified Bosnian Serb stated in an intercepted conversation that of the 10,000 military aged men who were in Srebrenica, "4,000-5,000 have certainly kicked the bucket."¹⁶
- The Trial Chamber also had an intercepted conversation between General Krstić and ICTY accused VRS Colonel Ljubiša Beara at 1000 hours on 15 July 1995, the middle of the killing operation. In it, Beara asks Krstić for more men. He states "I don't know what to do. I mean it, Krle [Krstić's nickname]. There are still 3,500 "parcels" that I have to distribute and I have no solution." Krstić replies, "Fuck it, I'll see what I can do." From other intercepted telephone conversations, the Prosecution was able to show that the word "parcel" means Bosnian Muslim prisoner, and the word "distribute" means to kill them.¹⁷

¹² Krstić Judgement, para. 105.

¹³ Krstić Judgement, para. 106, 116.

¹⁴ Krstić Judgement, para. 83, P 523.

¹⁵ Krstić Judgement, para. 83, Testimony of Major Robert Franken, T. 2050

¹⁶ Krstić Judgement, para. 83, P 684.

¹⁷ Krstić Judgement, para. 83, 380-382, P 478. The Trial Chamber found the following two conversations clearly indicated that the word "parcel" refers to Bosnian Muslim prisoner. During an intercepted conversation on 14 July 1995 at 2102 hours, a duty officer in the Zvornik Brigade, Major Jokić, spoke to Colonel Beara and said that there were "big problems with the people, I mean, with the parcel" (Krstić Judgement, para. 383, P 559). In another intercepted conversation on 2 August 1995 at 1240 hours between General Krstić and VRS Colonel Popović, Popović asked Krstić whether someone called "Čiča" was on his way towards him. Krstić stated that he was. Then Popović said, "(h)e went up there because we had some parcels, to check what they know." Krstić replied "Good" (Krstić Judgement, para. 383, P 851). The Trial Chamber heard evidence that VRS forces were still taking Bosnian Muslim prisoners in August when Krstić and Popović had this conversation. In the proceedings against him, Dragan Obrenović confirmed that they often spoke to each other in code. Obrenović Judgement, Annex B.

The intercept evidence corroborates the findings of the demographic expert and the exhumation evidence that shows that Bosnian Serb forces took prisoner and killed many thousands of Bosnian Muslim men and boys, and not just 2,000 as some people in Serbia and Montenegro claim.

Insider Witnesses

Perhaps the most compelling evidence that the Tribunal has heard that proves that Bosnian Serb forces killed 7,000 to 8,000 Bosnian Muslim men comes from the people who actually participated in the killing operation. In the Krstić trial, the Trial Chamber heard from Dražen Erdemović, a VRS soldier with the 10th Sabotage Detachment, who participated in one of the largest executions, which took place at the Branjevo Military Farm on 16 July 1995. Erdemović pleaded guilty to participating in these executions and later testified in the case against General Krstić.¹⁸ Dražen Erdemović's description of how his unit killed their victims assists in getting an idea of how many people lost their lives during those five days in July.

In his testimony, Erdemović explained that his unit received orders on the morning of 16 July 1995 to go to the Branjevo Military farm. Shortly after they reached the farm, buses carrying Bosnian Muslim men began to arrive. Erdemović and the other members of his unit were given orders to shoot the prisoners. Erdemović testified that, in his estimate, they killed between 1,000 and 1,200 Bosnian Muslim men on that day alone.¹⁹ And the Branjevo Military Farm was not the only site at which executions took place: the Trial Chamber examined evidence of mass executions at a total of nine sites, including the Branjevo Military Farm.

- (a) The Morning of 13 July 1995: Jadar River
- (b) The Afternoon of 13 July 1995: Čerska Valley
- (c) Late Afternoon of 13 July 1995: Kravica Warehouse
- (d) 13-14 July 1995: Tišća
- (e) 14 July 1995: Grbavci School Detention site and Orahovac Execution site
- (f) 14-15 July 1995: Petkovci School Detention Site and Petkovci Dam Execution Site
- (g) 14-16 July 1995: Pilica School Detention Site and Branjevo Military Farm Execution Site
- (h) 16 July 1995: Pilica Cultural Dom
- (i) 14-17 July 1995: Kozluk

All of this evidence points in no uncertain terms to the accuracy of the estimate that between 7,000 and 8,000 people were executed in Srebrenica in July 1995.

The Victims Were Not Battle Casualties

In Republika Srpska and Serbia one does not only hear that the number of dead was much lower than 7,000 to 8,000. One also hears that the victims were not civilians or prisoners of war, but rather soldiers who died in battle. Therefore, according to them, VRS forces were abiding by the laws of war and no crime was committed at Srebrenica.

Evidence from the exhumations that the Trial Chamber reviewed in the Krstić case paints quite a different picture. It shows that most of the victims were not killed in combat but in mass executions. In the mass graves that have been exhumed so far, Tribunal investigators found 448 blindfolds on or with the victims' bodies as well as 423 pieces of cloth, string or wire that were used to tie the victims' hands.²⁰ People who were blindfolded or had their hands tied behind their backs were obviously not killed in combat. The Trial Chamber also noted that

¹⁸ *Prosecutor v. Radislav Krstić*, Case No.: IT-98-33, Testimony of Dražen Erdemović on 22 May 2000.

¹⁹ Krstić Judgement, para. 234, 239 and 240.

²⁰ Krstić Judgement, para. 75.

some of the victims in the mass graves were handicapped, and therefore, very unlikely to have been combatants.²¹

Here, again, the testimony of the perpetrators is very important. Momir Nikolić, VRS Deputy Commander for Security and Intelligence, said clearly that the VRS did not treat the prisoners they captured according to the Geneva Conventions:

Do you really think that in an operation where 7.000 people were set aside, captured, and killed that somebody was adhering to the Geneva Conventions? Do you really believe that somebody adhered to the law, rules and regulations in an operation where so many were killed? First of all, they were captured, killed, and then buried, exhumed once again, buried again. Can you conceive of that, that somebody in an operation of that kind adhered to the Geneva Conventions? Nobody ... adhered to the Geneva Conventions or the rules and regulations. Because had they, then the consequences of that particular operation would not have been a total of 7.000 people dead.²²

Dragan Obrenović, who was the commander of the VRS Zvornik Brigade at the time and who confessed to his participation in the massacres, stated clearly that on 13 July 1995 he became aware of the fact that Bosnian Serb forces captured thousands of Bosnian Muslim prisoners and that the prisoners were to be shot.²³

Testifying about his role in the Branjevo Military Farm executions, Dražen Erdemović stated that buses carrying Bosnian Muslim prisoners began arriving there on the morning of 16 July 1995. He stated that all but one of the prisoners wore civilian clothes. He also testified that some of them were blindfolded and had their hands tied. He described how his unit shot the victims. He stated that, except for one prisoner who tried to escape, none resisted before being shot.²⁴

Testimony from the few victims who survived the executions also clearly shows that VRS forces were callously killing civilians or prisoners of war, in serious violation of international humanitarian law. One of the survivors of the Branjevo Military Farm executions, described above, related the moment when he was confronted by the firing squad:

When they opened fire, I threw myself on the ground.... And one man fell on my head. I think that he was killed on the spot. And I could feel the hot blood pouring over me... I could hear one man crying for help. He was begging them to kill him. And they simply said "Let him suffer. We'll kill him later."²⁵

Lastly, killing an enemy soldier in combat is not a war crime. If those buried in the mass graves had indeed been soldiers killed in battle, there would have been no need for Bosnian Serb forces to execute a massive cover-up campaign.²⁶ And there is much evidence that proves that is exactly what they did in September and October of 1995. In order to cover up their initial crimes of killing civilians and prisoners of war, the Bosnian Serb forces committed another crime—they attempted to relocate the bodies. They used bulldozers and other heavy machinery to exhume a number of the mass gravesites and move the bodies to other locations. The Prosecution conducted forensic analysis of the 21 mass graves that it exhumed and found that some of the primary and secondary sites were linked. Forensic experts analyzed the soil,

²¹ Krstić Judgement, para. 75.

²² *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No.: IT-02-60, Testimony of Momir Nikolić on 25 September 2003, T 1959.

²³ Obrenović Judgement, Annex B.

²⁴ Krstić Judgement, para. 234.

²⁵ Krstić Judgement, para. 235.

²⁶ Krstić Judgement, para. 78.

bullets and other materials found in the sites they exhumed and found that 12 of them were linked to each other.²⁷ The Trial Chamber in the Krstić case found that this evidence demonstrates an extensive campaign to conceal the bodies of the men who the Bosnian Serb forces killed and buried in mass gravesites in July 1995. This cover-up attempt shows not only that Bosnian Serb forces committed horrible crimes, but also that they were well aware that what they had done was against the law.

A Planned Killing Operation

Perhaps the most perfidious claim that one hears in Republika Srpska and Serbia is that Bosnian Serb forces killed the Bosnian Muslim prisoners from Srebrenica in revenge. It is claimed that Bosnian Serbs who perpetrated the massacre were upset by the crimes Bosnian Muslim forces committed against Serbs in the villages around Srebrenica,²⁸ and acted in the heat of passion, as if that would justify killing thousands of Bosnian Muslim prisoners. Revenge is not a defence under international law, which is clear to any army soldier and certainly experienced officers. It is a barbaric concept, and the law exists precisely to prevent it. Those who act out of revenge, or call on it in order to justify crimes, are dealing a blow to the rule of law, and thus to civilization itself. Nor can revenge morally justify killing 7,000 to 8,000 people simply because they share the same ethnicity as others who perpetrated crimes: one crime can never justify another.

Proceedings before the Tribunal have proven beyond a reasonable doubt that Srebrenica was a planned killing operation, and not an act of revenge by emotionally agitated Bosnian Serb soldiers. It is impossible to kill 7,000 to 8,000 people in the space of one week without methodical planning and substantial resources. Soldiers have to be mobilized to guard the prisoners, to move them from holding locations to execution sites, and to shoot them. Multiple locations to hold the prisoners and to execute them need to be identified and secured. Thousands of rounds of ammunition to shoot the prisoners need to be supplied. Numerous vehicles and hundreds of litres of fuel need to be commandeered to move the prisoners. A number of bulldozers and excavators need to be commissioned to dig their graves. During a state of war mobilizing such resources cannot be done at the whim of a few crazy soldiers. It needs to be ordered and authorized by commanders at high-levels.

In the Krstić case, the Trial Chamber heard a lot of evidence that demonstrated clearly that the Bosnian Serb army mobilized resources between 11 and 19 July 1995 in order to kill Bosnian Muslim prisoners.

- *Mobilizing men:* In the intercepted telephone conversation between General Krstić and ICTY accused VRS Colonel Ljubiša Beara at 1000 hours on 15 July 1995, referred to above,²⁹ Beara asks Krstić for men to help with the executions. Krstić actually did what Beara asked him to do: the very next day, 16 July 1995, men from the VRS Bratunac Brigade arrived to assist members of the 10th Sabotage Detachment with the executions at the Branjevo Military Farm.³⁰
- *Mobilizing fuel:* Another intercepted conversation shows that on 16 July 1995 VRS Colonel Popović made a request for 500 litres of diesel fuel. A VRS Zvornik Brigade

²⁷ Krstić Judgement, para. 78.

²⁸ Crimes committed in the area around Srebrenica are the subject of proceedings against Naser Orić, the commander of Bosnian Muslim forces in Srebrenica. Orić is currently standing trial before the Tribunal. See *Prosecutor v. Naser Orić*, Case No.: IT-03-68.

²⁹ Krstić Judgement, para. 380.

³⁰ Krstić Judgement, para. 240 and 386.

document confirms that 500 litres of diesel fuel was in fact given to Colonel Popović on 16 July 1995.³¹

- *Mobilizing machinery*: One victim of the Branjevo Military Farm executions on 16 July 1995 who survived testified that he heard heavy machinery in the killing field on 17 July.³² Aerial photographs of the area taken on 17 July 1995 show a large number of bodies lying in the field near the farm, and an excavator digging a hole.³³ Corroborating the witness' testimony and the aerial photographs, VRS Zvornik Brigade vehicle records show an ULT 220 bulldozer in operation at Branjevo for eight-and-a-half hours on 17 July 1995, and the Fuel Dispersal Log shows that 100 litres of diesel fuel was disbursed to a BGH-700 excavator on 17 July 1995.³⁴

Most importantly, when referring to his own responsibility for the crimes, Dragan Obrenović acknowledged that the VRS had a plan to kill the Bosnian Muslim prisoners. He stated that he became aware of the fact that Bosnian Serb forces captured thousands of Bosnian Muslim prisoners and that they were to be killed on 13 July 1995 during a conversation with ICTY indictee Drago Nikolić, who was Chief of Security of the VRS First Light Infantry Brigade at the time. Nikolić told Obrenović that the prisoners were to be brought to Zvornik to be shot. Nikolić also told him that the order came from ICTY indictee Ratko Mladić, Chief of the VRS General Staff, and that everyone knew about it, including Obrenović's commanding officer, ICTY indictee Vinko Pandurević, for whom he was standing in.³⁵ He also stated the following:

...I was in Command of the Zvornik Brigade during the absence of my Commander, Vinko Pandurević, until his return at about midday on 15th July. On hearing of this *plan* [emphasis added] to kill the prisoners I, as acting Commander, took responsibility for the plan and supported the implementation of this plan.³⁶

As is clear from the above, the Tribunal's proceedings in relation to Srebrenica have established beyond a reasonable doubt that the massacre there was a carefully planned and coordinated operation.

Srebrenica Was an Act of Genocide

Another objection that we hear frequently in Serbia and Montenegro is that what happened at Srebrenica is not genocide. General Krstić's Defence made precisely this claim during his trial. But before discussing the Defence's reasoning and why the Trial Chamber rejected it, it is first important to look at the legal definition of genocide, since the term is quite often misused. The Tribunal's Statute defines genocide as:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

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

³¹ Krstić Judgement, para. 116, P 620 and P 619.

³² Krstić Judgement, para. 236.

³³ Krstić Judgement, para. 237, 241, P 24/2, P 24/3, P 24/4.

³⁴ Krstić Judgement, para. 241, P 646, P 645.

³⁵ Obrenović Judgement, Annex B.

³⁶ Obrenović Judgement, Annex B.

General Krstić's Defence did not challenge the fact that Bosnian Serb forces killed a significant number of Bosnian Muslim men, but disagreed that it constitutes genocide. The Defence argued that killing up to 7,500 Bosnian Muslims does not constitute a substantial part of the Bosnian Muslim group, which numbers about 1.4 million people, or even a substantial part of the 40,000 Bosnian Muslims of Srebrenica. The Defence also argued that Bosnian Serb forces did not kill the women, children and elderly, which it could have, unlike in other genocides in history. It further argued that had it intended to destroy the Bosnian Muslims as a group, it would also have killed the Bosnian Muslims of Žepa.³⁷

The Trial Chamber found that the evidence disproved the Defence's claims. Bosnian Serb forces systematically massacred between 7,000 and 8,000 Bosnian Muslim men from Srebrenica during a period of no more than seven days. At the same time, they forcibly transferred the rest of the Bosnian Muslim population from Srebrenica, some 25,000 people. The Trial Chamber stated that it could not have escaped the Bosnian Serb forces that killing two or three generations of men would have a lasting and devastating impact on the survival of the Bosnian Muslim community from Srebrenica. Bosnian Serb forces knew that killing the men, and forcibly transferring the women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population of Srebrenica. The Trial Chamber pointed out that their intent to destroy the Bosnian Muslims of Srebrenica can also be seen in the fact that they destroyed Bosnian Muslim homes and the principal mosque in Srebrenica. In short, the evidence proved beyond a reasonable doubt that Bosnian Serb forces intended to kill the Bosnian Muslim men of military age in order to destroy the community of Bosnian Muslims in Srebrenica.³⁸ The Tribunal's Appeals Chamber confirmed the Trial Chamber's findings on this point and affirmed that what happened at Srebrenica was an act of genocide.³⁹

Conclusion

Evidence from exhumations, demographic experts, intercepted communications, documents, victim testimony and perpetrator testimony led the Trial Chamber to the following irrefutable conclusions: that Bosnian Serb forces killed between 7,000 and 8,000 Bosnian Muslim men and boys in July 1995; that the victims were either civilians or prisoners of war; that the massacre and the subsequent cover-up operation were planned and well-organised; and that it was an act of genocide. It is worthy of note that since the Judgement against General Radislav Krstić was handed down in August 2001, more evidence has emerged that affirms the Tribunal's findings. Among them is the Report of the Republika Srpska Commission to Investigate Events in and around Srebrenica from 10 to 19 July 1995. The Commission's report, which identifies 32 new mass graves, found that "in the period between 10-19 July 1995 many thousands of Bosnians were liquidated, in a manner that constitutes a serious violation of international humanitarian law."⁴⁰

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³⁷ Krstić Judgement, para. 593.

³⁸ Krstić Judgement, para. 594-599.

³⁹ Appeals Judgement, *Prosecutor v. Radislav Krstić*, Case No.: IT-99-33, 19 April 2004.

⁴⁰ "Events in and around Srebrenica from 10 to 19 July 1995," Commission for Investigating the Events in and around Srebrenica from 10 to 19 July 1995, Republika Srpska Government, Bosnia and Herzegovina, Banja Luka, June 2004, p. 40.