

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yugoslavie

“GLOGOVA” (IT-02-61)

MIROSLAV DERONJIĆ


MIROSLAV DERONJIĆ
Convicted of persecutions on political, racial and religious grounds


From September 1990 to the end of April 1992, President of the Bratunac Municipal Board of the Serbian Democratic Party (SDS) of Bosnia and Herzegovina; from the summer of 1993, member of the Main Board of the SDS; from the end of April 1992 to June 1992, President of the Bratunac crisis staff; Bratunac is a town and municipality located in eastern Bosnia and Herzegovina

- Sentenced to 10 years' imprisonment

Crimes convicted of (examples):
Persecutions on political, racial and religious grounds (crimes against humanity)

- On the evening of 8 May 1992, Miroslav Deronjić, in his capacity as President of the crisis staff in the municipality of Bratunac, gave the orders to the Bratunac Territorial Defence (TO), including the police forces in Bratunac, to attack and partially burn the undefended village of Glogova in eastern Bosnia and Herzegovina. As a result, 65 Muslim civilians from the village were killed, Bosnian Muslim homes, private property, and the mosque were destroyed, and a substantial part of Glogova was razed to the ground.

Born	6 June 1954 in the municipality of Bratunac, Bosnia and Herzegovina
Indictment	Initial: 4 July 2002; first amended: 29 November 2002; second amended: 30 September 2003
Arrested	7 July 2002, by the multinational Stabilisation Force (SFOR)
Transferred to ICTY	8 July 2002
Initial appearance	10 July 2002, pleaded not guilty to all charges
Guilty plea	30 September 2003, pleaded guilty to persecutions
Trial Chamber sentencing judgement	30 March 2004, sentenced to 10 years' imprisonment
Appeals Chamber judgement	20 July 2005, sentence of 10 years' imprisonment was unanimously affirmed
Serving sentence	24 November 2005, transferred to Sweden to serve the remainder of his sentence; credit was given for time served since his arrest on 7 July 2002
	Died on 19 May 2007

STATISTICS

As the plea agreement was reached before the beginning of trial, no trial was necessary.

TRIAL CHAMBER SENTENCING JUDGEMENT	
<i>30 March 2004</i>	
Trial Chamber II	Judge Wolfgang Schomburg (presiding), Judge Carmel A. Agius, Judge Florence Ndepele Mwachande Mumba
Counsel for the Prosecution	Mark Harmon
Counsel for the Defence	Slobodan Cvijetić, Slobodan Zečević

APPEALS	
Appeals Chamber	Judge Theodor Meron (presiding), Judge Fausto Pocar, Judge Mohamed Shahabuddeen, Judge Mehmet Güney, Judge Inés Mónica Weinberg de Roca
Counsel for the Prosecution	Mark J. McKeon, Barbara Goy
Counsel for the Defence	Slobodan Cvijetić, Slobodan Zečević
Judgement	20 July 2005

RELATED CASES	
<i>by geographical area</i>	
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJIŠNIK (IT-00-39 AND 40) "BOSNIA AND HERZEGOVINA"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
PLAVŠIĆ (IT-00-39 AND 40/1) "BOSNIA AND HERZEGOVINA"	

INDICTMENT AND CHARGES

The initial indictment against Miroslav Deronjić was confirmed on 4 July 2002 together with a warrant for his arrest. After being apprehended by the multinational Stabilisation Force (SFOR) shortly after the indictment was issued, Miroslav Deronjić was immediately transported to The Hague to face the charges brought against him by the Tribunal. On 10 July 2002, he pleaded not guilty to all six charges set out in the initial indictment.

He also pleaded not guilty to the first amended indictment issued on 29 November 2002. Although all six counts still stood, minor changes to the indictment were made. Firstly, the distinction between the acts of the subordinates for which he was allegedly responsible as a superior, were clarified. Moreover, the Prosecution sought to amend the indictment with the identity of the murder victims in each incident for which the accused was individually charged.

After Miroslav Deronjić pleaded guilty to count 1 of the second amended indictment (on 30 September 2003), the Judges allowed the rest of the charges to be dropped.

Miroslav Deronjić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Persecutions on political, racial and religious grounds (crimes against humanity, Article 5).

PLEA AGREEMENT/GUILTY PLEA

The Tribunal's Rules of Procedure and Evidence provide for a plea agreement procedure (Rule 62 *ter*). The Prosecutor and the Defence may agree that, upon the accused entering a plea of guilty to the indictment or to one or more counts of the indictment, the Prosecutor can apply to the Trial Chamber to amend the indictment accordingly and ask for a sentence within a specific range or agree to the sentencing range suggested by the Defence. The Trial Chamber is not bound by any such agreement.

On 30 September 2003, a hearing was held to consider a joint motion for consideration of plea agreement between Miroslav Deronjić and the Office of the Prosecutor (OTP). This motion reflected a negotiated plea agreement, which was based on the indictment and a separate factual basis. In the plea agreement, the accused agreed to plead guilty to count 1 of the second amended indictment.

The Trial Chamber, satisfied that the guilty plea entered by the accused was made voluntarily with full understanding of all the terms of the agreement, accepted his guilt. As the plea agreement was reached prior to the trial date, no trial was necessary.

Immediately after the sentencing hearing, the Trial Chamber revisited Miroslav Deronjić's testimony and compared it with the indictment and the factual basis. As a result of this comparison, the Trial Chamber identified substantial material discrepancies that prompted it to re-examine again, in greater detail, all previous statements of the accused, the indictment, the factual basis, and, in particular, his witness statement of 25 November 2003.

In order to verify that the guilty plea of the accused could still fulfil the prerequisites of Rule 62 *bis* of the Rules, the Trial Chamber ordered a continuation of the sentencing hearing to be held on 5 March 2004. It also ordered the Prosecution to produce transcripts of Miroslav Deronjić's testimony given from 12 to 19 February 2004 (after the sentencing hearing) in other cases such as in *Prosecutor v. Krajišnik*.

However, all the existing material discrepancies were resolved by the Parties, thus eliminating any possibility for the guilty plea by the accused to be considered as not fulfilling the prerequisites.

Furthermore, as part of the agreement, the accused was given a chance to make a statement. He used this to express remorse and he accepted without any reservation full responsibility for the crimes contained in the indictment.

STATEMENT OF MIROSLAV DERONJIĆ

"Your Honours, I was born in a small place in Eastern Bosnia called Bratunac. I spent most of my life in that town. I grew up there, made my friends, and worked at the job that I was trained for. I established my family. I started my family. My life was no different from the life of the majority of the people I knew. In our neighbourhood, only about 10 kilometres away, there is a similar town called Srebrenica. We were connected by numerous connections which life itself weaved, business connection, family connections, neighbourly connections. We lived our ordinary lives. Altogether, we were a little bit poor, a little bit forgotten by everyone.

In the early 1990s, our common state began to break apart. The state was called Yugoslavia. Soon afterwards, war began. In the beginning, we hoped that perhaps it will not reach us. But connections amongst the people had begun to break apart. Instead of our lives, the only true value that we had, we began to make up and accept some other values. Instead of ordinary words that we knew, we began to speak some great words: State, nation, religion. Those who taught us those words did not even know us, and we believed that they were doing that precisely for us. Soon, we understood that we began to be endless lines of dead in the chronicles of the dead, the missing, the bereaved. The war, which did not pass us by for some inexplicable reasons, expressed its anti-humane and anti-civilisational nature precisely there, all of its brutality, precisely in that area, its bloodiest and most terrible events were acted out.

There is nothing that it did not touch. People, their property, everything that had been built up over decades, even the gifts of nature about which we were so proud, although we were poor, forests, places where we went for holidays. There is no way to explain and describe all of these things or express this entirely in words. When everything was over and it seemed as if it lasted for an eternity, those of us who survived, instead of the paradise that everybody promised, found ourselves in hell. Thousands of dead remained around us. Tens of thousands of destroyed homes. Deserted properties without people. Destroyed religious facilities. Bridges. Schools. Sadness and devastation remained inside us and all around us. Deep wounds which will continue to burn us for decades.

Today, the town that I am speaking about, the town called Bratunac, is situated between two graveyards. One is on the northern side, and the other is on the southern side. One contains the bodies of one group, and the other contains the bodies of another group, divided even in death. Both graveyards came to be during and after the war. When you count all of those who are buried in those graveyards, there are twice as many of those than those who today inhabit that town. That is the result of war, the result of the terrible events we went through. That is the result of mindless political concepts to which we agreed and in which we participated.

The town of Srebrenica does not exist any more. Whom does it belong to today? The Serbs? The Muslims? It is a town of the dead. Those who committed this killed a town. It doesn't have its present; it doesn't have its future. All that remains is its past which can be measured in centuries. Is there a greater condemnation for those who did that, no matter who they are and what their names are? They are hiding today, and they once spoke -- described themselves as heroes. They said that they were the faithful. How is it possible, then, that they're afraid of earthly justice and what are we to do with the justice that is expecting all of us quite soon?

It is difficult to live with the memories of everything that happened, with the feeling of shame and embarrassment. In the years that are behind me, during many sleepless nights, I kept asking myself the same questions: How is it possible that we did this to each other? How is it possible at all that we agreed to something like this? If we are the way we are, is there anything salvation for all of us together? A lot of time has passed since then, and I haven't found the answers to those questions. But I know one thing: If the truth cannot save us, then really nothing can save us. And that is why, Your Honour, I spoke the truth. I'm not claiming that it is the only truth or the complete truth; the only thing that I am asserting is that I said everything that I knew, and that it is all correct. The truth may not be liked by everybody, but it is also necessary to say that I myself don't like it either?

In numerous interviews to the Prosecution, which can be measured in thousands of pages, the four times that I testified before this Tribunal in different cases, I said everything that I had to say, including the truth about myself. From the very first day when I entered politics as far back as 1990 until the day I definitely left it, I did not conceal anything. I am what I am, no matter what that means. I cannot defend myself from myself. I accepted responsibility for Glogova, and I did not accuse anyone of the things that I am guilty of. I did not understand my guilt only in the legal sense, but in a broader, human sense. Even

the things that I did not understand in the best way at the time or the things that I did not know, I was obliged to know and understand. Because I know, Your Honours, that I am capable of it.

That is why my guilt is greater and more profound. I am aware of it completely, and that is why I admitted it. When I realised what really happened in Glogova, and I understood that for the first time completely when I was here listening to certain testimonies of survivors in other cases, I decided without much thinking to admit my guilt because what is my life in relation to the lives of those innocent victims? What is its value? And what can we measure it by? I did not calculate in any sense, particularly not in relation to a sentence which may be passed down. I did not think at that time, nor am I thinking about the sentence today. I have too many years and too much guilt to permit myself to think about that.

I will accept my punishment in the same way that I accepted my guilt, aware that it cannot in any way be greater than the one I passed on myself, having permitted myself to be in the position that I am in and of which I am ashamed, aware that no punishment can pay my debts to the -- settle my debts to the living and the dead. I loved those towns in Eastern Bosnia. Today, they don't love me. They have renounced me, and that is my punishment. There is no greater punishment.

Your Honours, I bow to the spirit of innocent victims in Glogova. Everything that I did in this Tribunal, for whatever it's worth, I dedicate to them in the hope that it will at least somewhat alleviate the pain of their dear ones. I am familiar with that pain because I also carry that pain. I regret the expulsion that I committed, and I express my remorse about all the victims of this war, no matter in which graveyards they lie. I apologise to all those whom -- to whom I caused sorrow and whom I let down.

The last sentence that I wish to state before this Trial Chamber, I address exclusively, solely to my family, to my children: Never in this war did I wish, order, nor commit a single murder." (Miroslav Deronjić, sentencing hearing, 28 January 2004)

TRIAL CHAMBER SENTENCING JUDGEMENT

The municipality of Bratunac and more specifically the village of Glogova are located in the eastern part of Bosnia and Herzegovina. This area was of major strategic significance to the Bosnian Serbs as it formed part of the land linking the Serbian population of Bosnia and Herzegovina to a contiguous Serbian state. The village itself was predominantly inhabited by Bosnian Muslims prior to 9 May 1992. According to the 1991 census, its population consisted then of 1,913 residents, of whom 1,901 were Muslims.

Between the end of April and early May 1992, and with the specific intent to discriminate against and ethnically cleanse the Bosnian Muslim residents of Glogova and the Bratunac municipality, Miroslav Deronjić, exercising both his practical and legal control as President of the Bratunac crisis staff over the Territorial Defence (TO), and his practical control over the Bratunac police forces, authorised the TO and the Bratunac police forces to disarm the Bosnian Muslim population in the village. From that point, Glogova was not only a disarmed but also an undefended village.

Following a crisis staff meeting of 8 May 1992, Miroslav Deronjić ordered an attack on Glogova, knowing that it was part of a systematic attack directed against the Bosnian Muslim civilian population within parts of Bosnia and Herzegovina. In the meeting, he explained that the plan to create Serbian ethnic territory could not be implemented in this municipality without first taking Glogova and displacing its entire Muslim population to a non-Serb territory.

He emphasised that if there was no resistance from the residents of Glogova, they should all be brought to the centre of the village and forcibly transported to the Muslim controlled Kladanj, outside the municipality of Bratunac. Miroslav Deronjić also stated that if everything went well in Glogova, the operation to permanently remove Bosnian Muslims would be extended to the neighbouring Bratunac and, amongst others, the communities of Voljavica and Suha.

The use of force included forcible removal of the Muslim population from their homes and the use of arms against Bosnian Muslims resulted in many casualties. The names of 65 unarmed Bosnian Muslim residents are specified in the judgement as being direct casualties of the Serb attacking forces on 9 May 1992. Although Miroslav Deronjić knew that there was likely to be casualties in the village, the order to attack was still given. Whilst the operation was in progress, Miroslav Deronjić encouraged the torching of local houses as well as the destruction of the village mosque. As a consequence of the attack ordered by Miroslav Deronjić, a considerable part of Glogova was razed to the ground and no Bosnian Muslims were left in the village.

In determining his sentence, the Trial Chamber took a number of factors into account. When evaluating the gravity of the crime and aggravating circumstances, the Trial Chamber considered the large number of victims resulting from the attack on Glogova. Furthermore, the abuse of his superior position as a political leader in the Bratunac municipality as well as his orders to disarm and eventually to attack Glogova and its residents, were also considered. Moreover, the special vulnerability and helplessness of the ambushed victims of the attack was another factor which was taken into account.

The Trial Chamber in particular looked into the long-term effects of the attack on the victims of Glogova and their relatives. Many of the former residents of Glogova suffer to this day from the lasting effects of the horrors of the attack on their village and state.

With this in mind, the Trial Chamber also recognised the importance of Miroslav Deronjić's guilty plea as his acceptance of individual criminal responsibility. His co-operation with the Prosecution investigations and his expression of remorse were also the factors considered by the Trial Chamber in determining an appropriate punishment for his crimes. Miroslav Deronjić's guilty plea and his readiness to testify in other trials assisted the Tribunal in its search for the truth. The Trial Chamber also determined that the plea not only saved the Tribunal time and money associated with a lengthy trial, but also sheltered the victims and witnesses from testifying about painful and traumatic events, thereby reopening old wounds.

On 30 March 2004, the Trial Chamber rendered its judgement, convicting Miroslav Deronjić on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) of:

- Persecutions on political, racial and religious grounds (crime against humanity, Article 5).

Sentence: 10 years' imprisonment.

APPEALS CHAMBER JUDGEMENT

On 28 April 2004, Miroslav Deronjić filed a notice of appeal against the Trial Chamber sentencing judgement. The Prosecution filed no appeal.

The Appeals Chamber dismissed all grounds of appeal and, on 20 July 2005, rendered its judgement unanimously affirming the sentence handed down by Trial Chamber II on 30 March 2004.

On 24 November 2005 Miroslav Deronjić was transferred to Sweden to serve the remainder of his sentence. Credit was given for time served since 6 July 2002.

Miroslav Deronjić died on 19 May 2007 while serving the sentence in Sweden.