

IT-00-39 & 40-PT D 6523

~~D 6523 - D 6517~~

30 SEPTEMBER 2002

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-00-39&40-PT

IN THE TRIAL CHAMBER

**Before: Judge Richard May, Presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon**

Registrar: Mr. Hans Holthuis

Date: 30 September 2002

Ex Parte
**Confidential
and
Filed Under Seal**

**THE PROSECUTOR
v.
MOMCILO KRAJINIK
BILJANA PLAVSIC**

FACTUAL BASIS FOR PLEA OF GUILT

The Office of the Prosecutor:

**Mr. Mark B. Harmon
Mr. Alan Tieger**

Counsel for the Accused:

Mr. Robert J. Pavich and Mr. Eugene O'Sullivan for Biljana Plavsic

FACTUAL BASIS

1. Mrs. Plavšić was born in Tuzla, Bosnia and Herzegovina (BH) on 7 July 1930. Her parents were from well-known and respected Bosnian families. Her father, a distinguished biologist who obtained his postgraduate degrees in Vienna, was Head of Natural Sciences at the State Museum for Research in Sarajevo.
2. Mrs. Plavšić was educated at elementary school and secondary school in Sarajevo. Between 1949 and 1954, she attended Zagreb University, graduating with a degree of Bachelor of Science in 1954. In the same year, she was appointed a teaching assistant in the Department of Natural Sciences at Sarajevo University. She continued her studies, and was subsequently awarded the degrees of Master of Science in 1964 and Doctor of Philosophy in 1967. In 1968, she spent three months as a research fellow at the Prague Institute of Virology.
3. Mrs. Plavšić became a biologist specializing in plant pathology. She has made extensive studies in the field of plant virology and the symptoms of unknown etiology, in which field she achieved international distinction. In 1971, Mrs. Plavšić was awarded a Fulbright Scholarship and travelled to the United States, where she engaged in research in her field for nine months at the Boyce-Thompson Institute for Plant Research in Yonkers, New York.
4. When Mrs. Plavšić returned from the United States, she was elected to the position of full professor in the Faculty of Natural Sciences at Sarajevo University. In 1972, she was elected Vice Dean of the Faculty and served in that capacity until 1975. She was elected Dean of the Faculty in 1986.
5. In 1963, Mrs. Plavšić married Zarko Banjac, a prominent lawyer from Sarajevo. They had no children. They were divorced in 1976, and she has not re-married.
6. Mrs. Plavšić joined the Serbian Democratic Party (SDS) when it was formed in BH in July 1990. Until that time, Mrs. Plavšić had never been involved in politics, and she played no part in the creation of the SDS in BH. Mrs. Plavšić subsequently became a prominent member of the SDS and occupied a leadership position within the Bosnian Serb republic in 1992.
7. Upon first joining the SDS, Mrs. Plavšić did not become a member of any body or institution of the party. In October 1990, Mrs. Plavšić began attending the weekly meetings of the SDS Political Council. The SDS Political Council was an association of BH Serbian intellectuals, which included members of the SDS. Its role was to provide input from the BH Serb intellectual community concerning the current political circumstances unfolding at that time in the former Yugoslavia. Within the SDS Political Council there was no hierarchical structure among its members, and the Council itself made its views and conclusions public. There were no direct ties between the Political Council and the other SDS bodies, such as the Main Board, Executive Board or the Personnel Commission. The SDS Political Council ceased functioning in early 1992.

8. As a prominent member of the Bosnian Serb intellectual and academic community, Mrs. Plavšić was nominated by the SDS as a candidate in the November 1990 elections for the Presidency of the Socialist Republic of Bosnia and Herzegovina (SRBiH). In the wake of the fall of Communism in Yugoslavia and elsewhere in Eastern Europe, Mrs. Plavšić was a popular political figure among Bosnian Serbs, with no ties to the Communist Party in the former Yugoslavia. Beginning with her election as a Serbian representative to the SRBiH Presidency on 11 November 1990, through to the end of 1992, Mrs. Plavšić was active as an SDS member in both the Presidency of the Republic of BH and the Presidency of Bosnian Serb republic. Mrs. Plavšić was the highest elected SDS official in the SRBiH from 1990-92 and was Acting Co-President of the Serbian Republic of Bosnia and Herzegovina from 28 February to 12 May and a member of the collective and expanded collective Presidencies of Republika Srpska from May to December 1992.
9. On 14-15 October 1991, the Assembly of Bosnia and Herzegovina, in the absence of and without the participation of Serb MPs passed a Memorandum supporting the creation of a sovereign BH. This allegedly violated the existing constitutional and political order in BH. On 15 October 1991, following this vote, the SDS Political Council held one of its most important meetings. All prominent SDS members and other members of the Political Council, including Mrs. Plavšić, were present and participated in these proceedings. This meeting was a significant step in the evolution of the general political strategy and objectives of the Bosnian Serbs, in particular the determination to create Serbian ethnic territories in BH. The Political Council voted to create a Bosnian Serb Assembly.
10. The SDS and the Bosnian Serb leadership were committed to a primary goal that all Serbs in the former Yugoslavia would remain in a common state. One method of achieving this goal was by separating the ethnic communities in BH. By October 1991, the Bosnian Serb leadership, including Mrs. Plavšić, knew and intended that the separation of the ethnic communities would include the permanent removal of ethnic populations, either by agreement or by force and further knew that any forcible removal of non-Serbs from Serbian-claimed territories would involve a discriminatory campaign of persecution. The intention to separate the ethnic communities by force, which included the knowledge that forcible permanent removal of non-Serb from Serbian-claimed territories would include a discriminatory campaign of persecution is hereinafter referred to as "the objective of ethnic separation by force".
11. In October 1991 and the months following, the SDS intensified efforts to ensure that the objective of ethnic separation by force would be achieved in the event that a negotiated solution did not occur. These steps included arming large segments of the Bosnian Serb population in collaboration with, among others, the JNA, the Ministry of Internal Affairs (MUP) of Serbia, and Serbian paramilitaries, establishing Serbian military and police formations, and coordinating with the JNA and paramilitary units from within and outside BH.

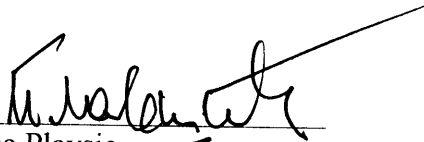
12. In addition, the SDS prepared and distributed written instructions to SDS municipal leaders to form crisis staffs, proclaim Serbian Municipal Assemblies and carry out preparations for the formation of municipal governmental bodies and to mobilise Bosnian Serb police and Territorial Defence forces and subordinate them to JNA command. The municipal crisis staffs implemented these objectives and directives in the field, including ultimately the objective of ethnic separation by force.
13. Numerous individuals participated in devising and executing the objective of ethnic separation by force, including Slobodan Milošević, Radovan Karadžić, Momčilo Krajišnik, and Ratko Mladić. Among these individuals, there were differences as to both their knowledge of the details concerning the conception and implementation of this objective and their participation in conceiving and implementing its execution. Mrs. Plavšić embraced and supported the objective of ethnic separation by force and contributed to achieving it. She did not participate with Milošević, Karadžić, Krajišnik and others in its conception and planning and had a lesser role in its execution than Karadžić, Krajišnik, and others.
14. Certain members of the Bosnian Serb leadership collaborated closely with Slobodan Milošević in the conception and execution of the objective of ethnic separation by force. The two principal leaders of the Bosnian Serbs, Radovan Karadžić and Momčilo Krajišnik, frequently went to Belgrade to consult with, take guidance from or arrange for support from Milošević in achieving this end. The Army of Republika Srpska (VRS) was financed and logistically supported by the political and military leadership in Belgrade, with whom it coordinated and cooperated in order to execute the objective of ethnic separation by force.
15. As an alternative to having all Serbs in the former Yugoslavia remain in a common state, in March 1992 the Bosnian Serbs signed the Cutileiro Plan which provided for the existence of a sovereign BH, based upon the principles of cantonization and ethnic identity. After the Bosnian Muslim leadership rejected the Cutileiro Plan, and in order to achieve its primary goal to remain in a common state, the Bosnian Serb leadership, in conjunction with Slobodan Milošević and others, continued to implement the objective of ethnic separation, according to which the separation of ethnic communities had to be achieved, either by negotiation or by force.
16. In late March 1992, the Bosnian Serb leadership declared the establishment of a separate Bosnian Serb police force. On 8 April 1992, Mrs. Plavšić and Nikola Koljević resigned in protest from the Presidency of the Republic of Bosnia and Herzegovina. Their resignation followed a meeting of the Presidency called by President Izetbegović to which they were not invited and at which a general mobilisation was declared. In mid-April 1992, Mrs. Plavšić and Nikola Koljević (the co-Presidents of the Serbian Republic of Bosnia and Herzegovina), ordered the mobilisation of the Territorial Defence forces of the Bosnian Serb republic. On 12 May 1992, the Army of the Serbian Republic of Bosnia and Herzegovina (VRS) was established. The Main Staff of the VRS was responsible to the


Presidency of the Serbian Republic of Bosnia and Herzegovina, which was composed from 12 May to 2 June 1992 of Radovan Karadžić, Nikola Koljević and Mrs. Plavšić. At the beginning of June 1992, the collective Presidency was expanded to include Momčilo Krajišnik and Branko Đerić. In addition to its authority over the VRS, the collective and expanded collective Presidencies were the supreme executive authority over the Bosnian Serb police, Territorial Defence and civilian authorities. The members of the SDS leadership and the collective and expanded collective Presidencies made different contributions to the objective of ethnic separation by force. Radovan Karadžić and Momčilo Krajišnik, the two pre-eminent and controlling figures in the SDS and the Bosnian Serb government, exercised primary power and control over the Bosnian Serb structures from their official posts within the Bosnian Serb republic and their positions as SDS leaders. As the leaders of the SDS and of the Bosnian Serb republic, it was primarily they who met with and provided direction to municipal and regional leaders who were responsible for carrying out the objective of ethnic separation by force.

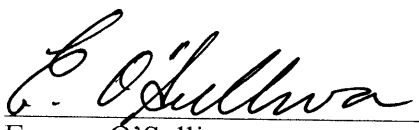
17. Mrs. Plavšić supported the objective of ethnic separation by force in various ways, including among other things, the following: she served as co-President and on the collective and expanded collective Presidencies, and thereby supported and maintained the Bosnian Serb government and military bodies at the local, municipal, regional and national levels through which the objective of ethnic separation by force was implemented; she encouraged participation in it by making public pronouncements that force was justified because certain territories within BH were Serbian by right and because Serbs should fear that Bosnian Muslims and Bosnian Croats would commit genocide against them; she invited and encouraged paramilitary forces from Serbia to assist Bosnian Serb forces in effecting the objective of ethnic separation by force; although not a representative of the Bosnian Serb republic at international peace conferences to resolve the conflict, she was delegated the responsibility of interacting with representatives of the international community on various issues on behalf of the Bosnian Serb republic.
18. The Bosnian Serb leadership, including Mrs. Plavšić, knew that the predominantly ethnically Serb-based armed forces fighting on the side of Bosnian Serbs – including the JNA (later the VRS), units of the Territorial Defence under the control of Bosnian Serb authorities, and paramilitary formations and police units from both Serbia and Montenegro as well as the Bosnian Serb republic – were far more powerful militarily than the non-Serbs in BH. Radovan Karadžić publicly warned Muslims that they would be destroyed if Muslims sought a sovereign and independent BH.
19. The Bosnian Serb military, police and civilian forces and authorities under the direction and control of the SDS and the authorities of the Serbian Republic of Bosnia and Herzegovina, including the collective Presidency and the expanded collective Presidency, collaborated with the JNA, the Ministry of Internal Affairs (MUP) of Serbia, and paramilitary units from within and outside BH to implement the objective of ethnic separation by force. The Bosnian Serb military, police, and civilian forces, collaborating with the JNA, the MUP of Serbia and

- paramilitary units, committed persecutions upon non-Serb populations through a persecutory campaign that included the acts, events and locations contained in Count 3 and schedules A, B, C, and D of the Amended Consolidated Indictment. The persecutory acts and events contained therein were committed in furtherance of the objective of ethnic separation by force and are supported by the evidence and are acknowledged by Mrs. Plavšić as having occurred. The persecutory acts included the imposition and maintenance of restrictive and discriminatory measures, killings during attacks on towns and villages, cruel and inhumane treatment during and after attacks on town and villages, forced transfer or deportation, unlawful detention and killing, cruel and inhumane treatment and inhumane conditions in detention facilities, destruction of cultural and sacral objects, plunder, wanton destruction, forced labour and use of human shields. These persecutions were widespread and systematic and occurred in territories controlled by Serb forces.
20. These crimes and preparatory acts thereof were committed in the course of an armed conflict to achieve the objective of ethnic separation by force or were a natural and foreseeable consequence of it. Mrs. Plavšić participated in the cover up of these crimes by making public statements of denial for which she had no support. When she subsequently had reason to know that these denials were in fact untrue, she did not recant or correct them.
 21. Members of the international community and the media, repeatedly made the Bosnian Serb leadership, including Mrs. Plavšić, aware of widespread allegations that crimes by Bosnian Serb forces were being committed against non-Serbs in 1992. The Bosnian Serb leadership, including Mrs. Plavšić ignored these allegations. She disregarded reports of widespread ethnic cleansing of non-Serbs by Serbian forces, and publicly rationalised and justified the ethnic cleansing of non-Serbs. Mrs. Plavšić was also aware that the key leaders of the Bosnian Serb republic, including Karadžić, Krajišnik, the Minister of Justice and the Minister of Internal Affairs, were willing to and did ignore crimes against non-Serbs committed by Bosnian Serb forces or forces collaborating with Bosnian Serb forces in furtherance of the objective of ethnic separation by force, despite the power and responsibility of the collective and expanded collective Presidencies or the Ministries to prevent and punish such crimes.
 22. As the objective of ethnic separation by force continued to be achieved through the crimes mentioned above, Mrs. Plavšić continued to support the regime through her presence within the leadership structure, through her public praise and defence of Bosnian Serb forces and their efforts and through the denial of Bosnian Serb crimes.

RP
M
EJS


Biljana Plavsic


Robert Pavich
Lead Counsel for Plavsic


Eugene O'Sullivan
Co-Counsel for Plavsic

14. 09. 2002