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01 DECEMBER 2006

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

**Case No. IT-04-79-PT**

**IN TRIAL CHAMBER II**

**Before: Judge Kevin Parker, Presiding  
Judge Krister Thelin  
Judge Christine Van Den Wyngaert**

**Registrar: Mr Hans Holthuis**

**Date Filed: 1 December 2006**

**THE PROSECUTOR**

**v.**

**MİĆO STANIŠIĆ**

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**PROSECUTION'S PRE-TRIAL BRIEF**

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

**THE PROSECUTOR**

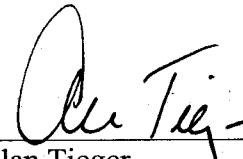
v.

**MICO STANIŠIĆ**

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Pursuant to Rule 65 ter (E)(i) of the Rule of Procedure and Evidence, the Prosecution hereby files its pre-trial brief. The word count for the brief is 13,540.



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Dated this first day of December 2006  
At The Hague  
The Netherlands

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### I. Introduction

1. **Mičo STANIŠIĆ** (hereinafter "**STANIŠIĆ**") was Minister of Internal Affairs and a key figure in the Bosnian Serb leadership structure responsible for the persecutory campaign directed against Bosnian Muslims and Bosnian Croats in 1992. Operating in conjunction with other formations such as the Bosnian Serb army (VRS), Yugoslav People's Army (JNA), Serb territorial defence (TO), Crisis Staffs and paramilitary formations, forces of the Bosnian Serb Ministry of Internal Affairs (hereinafter "MUP" or "RSMUP") participated in: disarming, arresting, rounding up, interrogating, detaining in inhumane conditions, beating, killing, and expelling non-Serbs from their homes and securing the forcible transfer of their property to the Bosnian Serb republic.
2. **STANIŠIĆ** interacted and co-operated closely with other members of the Bosnian Serb leadership, and others, who shared a common objective to remove Muslims and Croats, by fear and force, from a large part of Bosnia and Herzegovina (hereinafter "Bosnia" or "BiH"), which included the municipalities identified in the indictment.<sup>1</sup>
3. **STANIŠIĆ** was engaged at the leadership level from the earliest stages in forming the Bosnian Serb bodies that would implement the forcible division of BiH. He participated in setting the policy of the Bosnian Serb state as a member of the National Security Council and of the Government and participated in implementing this policy in his role as Minister of Internal Affairs. As the Bosnian Serb leadership moved forward to create the bodies and forces necessary to implement the forcible takeovers of municipalities and then the forcible

<sup>1</sup> The Bosnian Serb persecutory campaign took place in over 40 municipalities in 1992. The indictment municipalities are a subset of the total territory involved.

displacement of Muslims and Croats, **STANIŠIĆ** was consistently involved. Beginning in late 1991, he was a member of the first government-in-waiting (the Council of Ministers), a member of the first de facto executive body (the National Security Council), worked directly with the two pre-eminent Bosnian Serb leaders **KARADŽIĆ** and **KRAJIŠNIK**, and throughout 1992 headed the Bosnian Serb police. **STANIŠIĆ** was thus an important participant in the effort to create an entity containing a vastly reduced number of Muslims and Croats and oversaw the efforts of the police during the course of the campaign of persecution, including their involvement in the arrests and detention of Muslim and Croat civilians in inhumane conditions and their expulsion from RS territory.

4. **STANIŠIĆ** and the RSMUP were awarded, in 1993, the highest RS commendation (the Nemanjići commendation) for their efforts in 1992.<sup>2</sup>

## II. Joint Criminal Enterprise

5. **STANIŠIĆ** and others sought the establishment of a Bosnian Serb entity on territory where large numbers of non-Serbs lived. He and others jointly participated in a joint criminal enterprise,<sup>3</sup> the common purpose of which was the forcible removal of large numbers of Muslims and Croats, through a campaign of persecutions, from the part of BiH which had been targeted for inclusion in a Serb republic. The background to the intent of the Bosnian Serb leadership to wage a campaign to forcibly ethnically separate Bosnia, and the execution of that campaign, is set out below.
6. In the 1990 multi-party elections in BiH following the disintegration of the communist power structure, the political parties (SDA– Muslim; SDS– Serb; HDZ– Croat) representing the three dominant ethnic groups won the vast majority of seats. An initial period of cooperation slowly gave way to mistrust and tension, heightened particularly by commencement of the war in Croatia in the summer of 1991 and increasing concern of Bosnian Serbs that Bosnia would become an independent country. The SDS was opposed to any possibility that Bosnian Serbs would be separated by a border from other Serbs in the former Yugoslavia. Initially, it advocated that Bosnia remain in Yugoslavia. As that possibility became increasingly unlikely, the SDS sought the establishment of a Bosnian Serb entity on portions of Bosnian territory. It established parallel government authorities and armed forces, including the Assembly of the

<sup>2</sup> 0296-9857-0296-9871(BCS&ENG)

<sup>3</sup> For the elements of JCE liability, see *Vasiljević* Appeal Judgment, §100-101; *Stakić* Appeal Judgment, §62-65; For the applicability of JCE liability to a large-scale campaign, see *Stakić* Appeal Judgment §68-70 and *Krajišnik* Trial Judgement, §§, 876-886. See also *Karemera et al.*, Decision on Jurisdictional Appeals: Joint Criminal Enterprise, Appeals Chamber, 12 April 2006; *Milutinović et al.*, Decision on Ojdanić's Motion Challenging Jurisdiction: Indirect Co-Perpetration, 22 March 2006, Separate Opinion of Judge Bonomy.

Serbian People in BiH, a Council of Ministers, and immediately before the conflict began in early April, the establishment of a Serb MUP.

7. By October 1991, the Bosnian Serbs were determined to establish authority over large portions of Bosnia. As KARADŽIĆ told MILOŠEVIĆ on 24 October 1991, there was "no way" Bosnian Serbs would live in a country with the Muslims and that they had prepared "a *de facto* situation ... which they will break their teeth on... We are moving on. We will establish full authority over the Serbian territories in BiH... [Izetbegović] will not have control over 65% of his territory. That is our goal."<sup>4</sup> By that date, the SDS had already declared large areas of Bosnia autonomous Serb regions<sup>5</sup> and the first separate republic-level political body, the Bosnian Serb Assembly, had been established. KARADŽIĆ told Serb Assembly deputies in December 1991 that Bosnia "cannot remain unitary," that separate Serb, Croat and Muslim Bosnias should be established, and "we should aim for as much separation as possible."<sup>6</sup>
8. This intention resulted from a number of factors. First, Serbs were concerned about being demographically overwhelmed by the allegedly high Muslim birth rate. As KARADŽIĆ said: "...we cannot control the Muslims in such a unitary state. We know very well what the fundamentalism is and that we cannot live together, there's no tolerance, they quadruple through the birth-rate, and we Serbs are not up to that."<sup>7</sup> The Bosnian Serb leadership was also determined to preserve Serb "living space." KARADŽIĆ said in November 1991:
 

whatever Bosnia we have one day, no Muslim foundation shall ever be laid in Serb areas and Serb villages... The first foundations that are laid will be blown up, and all foundations that are laid will be blown up... we will not allow the demographic picture to change, either naturally or artificially.... You must not sell land to Muslims. You must not! Because this is a fight to the finish, a battle for living space.<sup>8</sup>
9. In addition to raising fears of Muslim demographics, the Bosnian Serb leadership told Serb people in BiH that Muslims wanted to create an Islamic state in Bosnia and promoted the idea that Serbs were at risk of oppression by Muslims and that the current circumstances raised the same dangers to Serbs as the genocide of World War II or the oppression of the Ottoman occupation. As KARADŽIĆ flatly told the Bosnian Serb deputies, "Muslims cannot live with others. We must be clear on that."<sup>9</sup> Accordingly, as Bosnian Serb Assembly President

<sup>4</sup> Intercepted conversation between Karadžić and Milošević, 24-Oct-91, 0211-6674-0211-6679(BCS), 0302-7804-0302-7806(ENG);

<sup>5</sup> Treanor Report §§ 35-137.

<sup>6</sup> SA02-5060-SA02-5164(BCS), 0093-9637-0093-9686(ENG); SA02-5060-SA02-5164(BCS), 0093-9637-0093-9686(ENG); 0214-9496-0214-9600(BCS&ENG)

<sup>7</sup> 0027-0631-0027-0639(BCS), 0190-6886-0190-6894(ENG); see also 0089-8228-0089-8355(BCS) 0093-3314-0093-3387(ENG) p.27 - Kuprešanić advocating separation of Serb territories and prevention of Muslims moving in because Serb "living space" was endangered; see 0224-1677-0224-1741(BCS), L004-6730-L004-6797(ENG) p.43 - Čančar asserting that the establishment of a Serb republic was required to preserve "our living space" and to prevent Muslims from moving into Serb territories and regions.

<sup>9</sup> SA02-5559-SA02-5625(BCS); 0096-8086-0096-8131(ENG), p.36

KRAJIŠNIK told the deputies, "everything we do in this Parliament, everything I do personally, I do exclusively for pure areas."<sup>10</sup>

10. These "pure areas" were to be established on large areas of BiH. The Bosnian Serbs, approximately 31% of the population, asserted a claim to 65% percent of Bosnian territory. This area corresponded to the autonomous regions created by the Bosnian Serb leadership and incorporated into RS when it was declared. This territory, however, encompassed land on which hundreds of thousands of Muslims and Croats lived and many municipalities in which Muslims were a majority.
11. The demographic possibilities that were an anathema to Bosnian Serb leaders could be resolved by a "civilized transfer of property and population" to achieve "the homogeneity of certain areas," as a Bosnian Serb leader discussed with Croatian President TUDMAN in early 1992, or through force – by expelling Muslims and "driving them into the river valleys," as KARADŽIĆ told MILOŠEVIĆ in July 1991.<sup>11</sup> And Bosnian Serb leaders were consistently clear about their willingness to use force if necessary.<sup>12</sup>
12. On 6 April 1992, the European Community recognized BiH as an independent and sovereign republic, followed the next day by the United States. The following day, the Bosnian Serb Assembly declared the independence of the Bosnian Serb republic.<sup>13</sup> This period signaled the onset of military attacks and take-overs by Serb forces.
13. On 12 May 1992, at the 16<sup>th</sup> session of the Bosnian Serb Assembly in Banja Luka,<sup>14</sup> KARADŽIĆ formally set forth the "Six Strategic Objectives" of the Serb people in Bosnia. The first, and most important objective, was ethnic separation. The other five objectives were sub-objectives of the first objective. The objectives of separation informed Bosnian Serb military operations throughout the indictment period. The VRS's retrospective report, published in 1993, concerning operations during 1992, acknowledged this point:

The strategic objectives of our war which were promptly defined and set before the Main Staff of the Army of RS, the Commands and units, served as a general guideline upon which we planned the actual operations and concerted battles. ... Our operations, the operations of all units are mutually supportive and in pursuit of single goals, which we have defined, such as: The defence of the Serbian people against genocide at the hands of the Muslim-Croat forces. ... The liberation of territories which are ours and which belong to us by historical birthright.<sup>15</sup>

14. STANIŠIĆ throughout supported the objective of ethnic separation by force.
15. The formal revelation of the strategic objectives was a confirmation of the accepted aims of the Bosnian Serb campaign, which was already underway. By 12 May 1992, many

<sup>10</sup> 0361-7689-0361-7693(BCS&ENG):p.4

<sup>11</sup> Milan Babić:(92bis testimony from *Krajišnik*:p.3404)

<sup>12</sup> "Serbs Outside the Bosnian Pot" interview with Radovan Karadžić 9 November 1990, *NIN* (Belgrade) (0027-6523; 0027-6524; 0027-6489; 0027-6490; trans. 0086-0891-0086-0898).

<sup>13</sup> On 12 August 1992, the name of the republic was changed to "Republika Srpska"- 0084-6385-0084-6387(BCS) 0090-1178-0090-1180(ENG)

<sup>14</sup> 0084-7716-0084-7761(BCS) 0091-3501-0091-3562(ENG)

<sup>15</sup> 0060-7339-0060-7479(BCS);0110-3019-0110-3182(ENG)

municipalities had already been taken over, including Zvornik on 9 April, Višegrad on 14 April, Bosanski Šamac on 17 April, Vogošća on 18 April, Sanski Most on 21 April, Vlasenica on 21 April, Brčko on 30 April, Prijedor on 30 April, Doboj on 3 May, Ilijaš on 4 May and Ključ on 7 May. In the case of Banja Luka, Donji Vakuf, Gačko, Kotor Varoš and some other municipalities, the take over process was more gradual.

16. The 1992 campaign of forcible expulsion was extraordinarily successful in achieving largely pure areas. For example, an Assembly deputy proudly reported to the Assembly, "every inch of the Serb territory in Foča was liberated"<sup>16</sup> and virtually no Muslims were left in Foča. KARADŽIĆ pointed out in January 1993 that in Zvornik, formerly a municipality that was approximately 50 percent Serb and 50 percent Muslim, "they're all Serbs."<sup>17</sup> On 7 May 1992, Čedo KLJAJIĆ (deputy-secretary of MUP) was told by ŽUPLJANIN (police chief in the Krajina region) that the Serbs had taken power in Ključ. ŽUPLJANIN reported that the takeover had gone "without a problem. We still have to resolve things a bit in two places and then it's done... We can tick that off without problems." By May 1993, as a result of the departure of between 14,000 and 15,000 Muslims and 200 Croats, only 1,000-1,500 Muslims and 100-130 Croats remained in Ključ municipality. In Prijedor, by May 1993, out of a pre-war population of 49,351 Muslims and 6,316 Croats,<sup>18</sup> 43,000 Muslims and 2,000 Croats were reported to have moved out. At the same time, the CSB Banja Luka reported that 24,000 Muslims and 3,000 Croats had moved out of the municipality of Sanski Most.<sup>19</sup>
17. As KARADŽIĆ retrospectively noted in 1995, pointing to municipalities in which Bosnian Muslims had been a majority:

To tell the truth, there are towns that we've grabbed for ourselves, and there were only 30% of us. I can name as many of those as you want, but we cannot give up the towns where we made up 70%. Don't let this get around, but remember how many of us there were in Bratunac, how many in Srebrenica, how many in Višegrad, how many in Rogatica, how many in Vlasenica, in Zvornik, etc. Due to strategic importance they had to become ours, and no one is practically questioning it any more.<sup>20</sup>

<sup>16</sup> 0214-9871-0214-9936(BCS&ENG)

<sup>17</sup> 0294-4123-0294-4207(BCS&ENG) p. 19

<sup>18</sup> 0048-1910-0048-2329; pp. 15-23.

<sup>19</sup> B009-8148-B009-8153(BCS)0300-9270-0300-9275(ENG); also see B003-1169-B003-1183(BCS), 0093-0351-0093-0366(ENG)

<sup>20</sup> 0215-4299-0215-4440(BCS&ENG)

### III. The Formation of the RSMUP

18. The RSMUP played a critical role in the execution of the JCE. As seen further below, it was, along with the Serb TO, the first armed formation directly under the control of the Bosnian Serb leadership, and its importance to the success of the campaign to forcibly divide Bosnia was understood by **STANIŠIĆ** and the rest of the Bosnian Serb leadership from an early stage. From as early as July 1991, the SDS contemplated the formation of a parallel government including a separate Serb MUP.<sup>21</sup> In September 1991, in a telephone conversation with **MILOŠEVIĆ**, **KARADŽIĆ** referred to the planned division of the MUP: "...they are simply heading towards division of BiH and we will carry out the establishment of regions and set up our MUPs wherever we are in power."<sup>22</sup> On 30 September 1991, in a speech in the Deputies' Club, **KARADŽIĆ** emphasized the importance of the police in achieving the goal of ethnic division, stating that "the final goal is to break off with Muslim and Croats forever. The most important thing is to have as many as possible reserve policemen."<sup>23</sup>
19. When the Bosnian Serb Assembly established a Council of Ministers in late 1991 to serve as a government-in-waiting, two high-ranking Serbian officials in the still-existing multi-ethnic Bosnian MUP, including **STANIŠIĆ**, became ministers. **STANIŠIĆ** participated in the first meeting of the Council of Ministers on 11 January 1992, two days after the Declaration of the Serbian Republic, at which the Council decided that "defining of ethnic territory" and the "establishment of government organs in the territory" were "priorities" which sprang from the Declaration.<sup>24</sup> **STANIŠIĆ** thereafter headed a working group that was charged with developing the "organization and scope of national security." As noted at the second meeting of the Council on 17 January 1992, the conclusions of the first meeting were being put into effect.<sup>25</sup>
20. Those efforts included the establishment of an ethnically-separate MUP. On 11 February 1992, **STANIŠIĆ** presented the decision of the Ministerial Council to establish a separate Serb MUP to a meeting of high-level Serb members of the BiH MUP.<sup>26</sup> At this meeting, attendees were tasked with "carrying out all the necessary preparations for the functioning of the Serbian MUP after promulgation of the Constitution of the Serbian Republic of BH." It would be this body, as noted at the Bosnian Serb Assembly, that would be one of the principal armed forces

<sup>21</sup> 0322-4664-0322-4666(BCS&ENG) - Karadžić stated that he informed Izetbegović and Zulfikarpašić that "we'll establish a parallel government, parallel police, we'll withdraw our people".

<sup>22</sup> 0206-6173-0206-6176(BCS),0092-2914-0092-2917(ENG)

<sup>23</sup> SA04-3587-SA04-3587(BCS),0304-6159-0304-6171(ENG)

<sup>24</sup> SA01-0907-SA01-0910(BCS),0084-8136-0084-8139(ENG)

<sup>25</sup> SA01-0901-SA01-0906(BCS),0084-8130-0084-8135(ENG)

<sup>26</sup> 0018-4237-0018-4244(BCS),0302-5609-0302-5613(ENG)



responsible for the *de facto* takeover of territory – “we must take possession of all our Serbian territories, physically, with our own territorial defence, our Serbian police.”<sup>27</sup>

21. The RSMUP was formally established by the Internal Affairs Act of the Serbian Republic of BiH, which was adopted by the Bosnian Serb Assembly on 28 February 1992 and came into effect on 31 March 1992. This Act provided for the withdrawal of Serbs from the multiethnic BiH police force, and the establishment of the Serb-only police force of the nascent Serb republic within BiH. On 24 March 1992, KARADŽIĆ told Assembly deputies about imminent instructions that “the actual and sovereign authority of the Serbian Assembly be established on the ground as soon as possible” and reassured them that “you can be sure that the police is absolutely sufficient.”<sup>28</sup> No army, he asserted, was needed at that moment – “what is important to us at this moment is the Minister of the Interior.” That day, STANIŠIĆ was appointed as the Minister.

22. The preparation for the division of the multi-ethnic MUP culminated with a telegram from Momčilo Mandić, who would serve as STANIŠIĆ’s deputy, to all police stations:

On the day this Law comes into force, the Security Services Centres and Public Security Stations of SRBiH MUP on the territory of the Serbian Republic of Bosnia and Herzegovina are abolished and cease to function, and their authority i.e., tasks and duties within the competence of organs of internal affairs are taken over by the above-mentioned organisational units of MUP of the Serbian Republic of Bosnia and Herzegovina.<sup>29</sup>

23. BiH Minister of Internal Affairs DELIMUSTAFIĆ immediately protested this unilateral abolition of BiH MUP stations and implored workers to remain within the multiethnic BiH MUP.<sup>30</sup> The independent union of the BiH MUP also protested the division and stated that the division may “provoke the beginning of the war”.<sup>31</sup> STANIŠIĆ acted quickly to ensure that Serbs did not respond to these pleas, forwarding a dispatch on 3 April 1992 reiterating the terms of the Law: “We are warning again to abide by the Serb Republic of BiH Constitution and Law on Internal Affairs as well as the orders issued by Mićo STANIŠIĆ, Minister of Interior.”<sup>32</sup>

24. After the formation of RSMUP, non-Serbs in the police in the RS were either dismissed from the service or compelled to take loyalty oaths to the RS. This resulted in a swift reduction in the non-Serb presence in the RSMUP: by the end of June 1992, there were only 6 non-Serbs serving in the RSMUP.<sup>33</sup> While non-Serb police officers were dismissed, STANIŠIĆ later told the Bosnian Serb Assembly that “criminals and crooks” who were willing to fight for the

<sup>27</sup> SA02-5710-SA02-5780

<sup>28</sup> 0089-6856-0089-6902 (BCS), 0300-2027-0300-2053(ENG)

<sup>29</sup> Article 126 of the Law on Internal Affairs 0018-4319-0018-4333(BCS) 0044-3757-0044-3783(ENG); also see 0049-0125(BCS) 0085-9466-0085-9467(ENG); also see 0328-3660-0328-3664(BCS&ENG)

<sup>30</sup> 0049-0126-0049-0129(BCS), L009-7976-L009-7981(ENG).

<sup>31</sup> 0210-0215-0210-0216

<sup>32</sup> P004-4288(BCS&ENG).

<sup>33</sup> Nielsen-report, §§186, 198-199

Serb state were recruited.<sup>34</sup> By 18 April, **STANIŠIĆ** was able to claim that over 4,000 active police officers and “several tens of thousands of reserve police officers” controlled “nearly 70% of the territory of the former BiH”<sup>35</sup> and by September 1992, the RSMUP numbered 11,240 employees, which was more than the 10,195 employees in all of the BiH MUP in January 1990.<sup>36</sup>

#### IV. Structure of the RSMUP

25. The RSMUP was a hierarchical organization with a centralized command, a mid-level regional level and cadres at all municipal levels. As minister of internal affairs, **STANIŠIĆ** was formally and *de facto* in command of MUP forces. As **STANIŠIĆ** observed on 3 October 1992, the MUP functioned as a “single centralised organ” and it had “never happened that anybody in the entire territory of the RS ignored any of my orders issued, in compliance with the law of course.”<sup>37</sup>
26. The MUP was the ministry entrusted with handling security affairs. Two divisions within the MUP executed the Ministry’s security functions: the National Security Service and the Public Security Service. The function of the former was mainly to collect intelligence and make security assessments. The Public Security Service, on the other hand, was responsible for administrative and technical affairs related to protection from threats to state security, crime prevention, and detection and confiscation of illicit weapons; in other words, regular policing tasks.
27. As Minister, **STANIŠIĆ** was responsible for the work of both the Public Security Service and the National Security Service of the MUP.<sup>38</sup> Undersecretaries for both the Public Security Service and National Security Service were in charge of the work of the respective services.<sup>39</sup> Both undersecretaries reported to **STANIŠIĆ**.
28. The regional police headquarters were called Security Services Centres (*Centre Službi Bezbednosti*, CSBs).<sup>40</sup> Directly subordinate to the CSBs were the Public Security Stations

<sup>34</sup> 0214-9632-0214-9749(BCS&ENG)

<sup>35</sup> 0208-9510-0208-9513

<sup>36</sup> Nielsen report, §173

<sup>37</sup> 0365-9864(BCS&ENG)

<sup>38</sup> Articles 14, 18 & 20 of the Law on Internal Affairs; also see Article 33 and Articles 3, 15 & 19

<sup>39</sup> Articles 14, 18 & 20 of the Law on Internal Affairs; Also see Article 33

<sup>40</sup> Article 28 Law on Internal Affairs.

(*Stanice Javne Bezbednosti*, SJBs) which were established in each municipality.<sup>41</sup> Police stations (*Stanice Milicije*, SMs) and reserve police stations (*Stanice Reservne Milicije*, SRMs) were subordinate to the SJBs.<sup>42</sup>

29. The location of each CSB and the region under its control was as follows:

- |    |                |                                      |
|----|----------------|--------------------------------------|
| 1. | Banja Luka CSB | Autonomous Region of Krajina         |
| 2. | Doboj CSB      | Autonomous Region of Northern Bosnia |
| 3. | Bijeljina CSB  | Autonomous Region of Semberija       |
| 4. | Sarajevo CSB   | Autonomous Region of Romanija-Birac  |
| 5. | Trebinje CSB   | Autonomous Region of Hercegovina.    |

30. Each CSB was headed by a Chief of the Centre.<sup>43</sup> Each CSB contained the following organisational units:<sup>44</sup>

- Sector of the National Security Service
- Sector of the Public Security Service
- Department for Communications
- Department for Foreigners, Legal, Administrative and Personnel Affairs
- Department for Material-Financial and Technical Affairs
- Public Security Station

31. Within this structure – republic, regional and local – instructions went down from **STANIŠIĆ** as Minister to the CSB, and from there to the SJBs and reports went up through the same hierarchy to the Minister, who coordinated with and reported to the leadership.

## V. Co-Ordination of Stanišić and RSMUP With Other JCE Participants

32. **STANIŠIĆ** dealt extensively with a wide range of figures at all levels (republic, regional and municipal) of the Bosnian Serb forces and political organs throughout 1991-92. He was involved in the development of policy at the top level, communication with regional police chiefs and regional Serb political figures, and liaised with figures on the ground. He was a hands-on minister for internal affairs, showing interest in knowing about the development of specific events taking place on the ground.

<sup>41</sup> Article 26 Law on Internal Affairs; Minutes of a Meeting of 06-May-92 in Banja Luka, wherein Župljanin states to his subordinates that his orders "must be carried out: they are your law". 0063-3164-0063-3168(BCS);0091-6498-0091-6502(ENG);

<sup>42</sup> Article 30 Law on Internal Affairs.

<sup>43</sup> Article 49 of RSMUP Rulebook 0324-3783-0324-3984.

<sup>44</sup> Article 19 of RSMUP Rulebook.

33. **STANIŠIĆ** was a member *ex officio* of the National Security Council (NSC), the Council of Ministers and the Government. These positions required him to meet frequently with the top level of the Bosnian Serb leadership and to implement decisions taken by the leadership.
34. The NSC was technically 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 to be responsible to the Assembly,<sup>45</sup> but it in fact exercised the powers of the presidency until acting presidents were named. It was established on 27 March 1992.<sup>46</sup> The NSC issued instructions to, and received reports from, municipal crisis staffs and TOs. The NSC met in joint sessions with the Bosnian Serb Government for the purpose of taking decisions on military, political, and administrative matters.<sup>47</sup>
35. As Minister of Internal Affairs, **STANIŠIĆ** was formally answerable to the Government and the Assembly,<sup>48</sup> and to the Presidency in an imminent threat of war.<sup>49</sup> **STANIŠIĆ** attended Government sessions and delivered reports to the Government. On 31 May, for example, the MUP informed the Government about current political and security issues in the Republic.<sup>50</sup> The minutes of the 5 June Government session<sup>51</sup> record that the President of the Government informed the Government about the current security issues in the Republic, based on daily reports from the MUP.
36. But in reality **STANIŠIĆ** often bypassed the Government and reported directly on many matters to the two most powerful Bosnian Serb leaders, **KARADŽIĆ** and **KRAJIŠNIK**. On 22 November 1992, President of the Government **ĐERIĆ** complained before the Bosnian Serb Assembly that the Minister of Justice and the Minister of Interior were reporting directly to the President of the Republic (**KARADŽIĆ**) and to the President of the Assembly (**KRAJIŠNIK**).<sup>52</sup> This reflected **STANIŠIĆ**'s involvement with the top leaders before the Government was formally formed and his continuing involvement with them.<sup>53</sup>
37. At Government meetings, **STANIŠIĆ** was an active figure, showing interest in a broad range of matters, *e.g.* tasked with going to various parts of the Serb republic to, for example, solve questions raised regarding the work of the Centre for Security in SAO Semberija, or involved in meetings discussing major security issues, such as measures to be taken along the strategic

<sup>45</sup> SA00-6125-SA00-6126(BCS);0091-7000-0091-7001(ENG)

<sup>46</sup> 0090-8340-0090-8351(BCS) 0092-6762-0092-6786(ENG)

<sup>47</sup> 0124-5291-0124-5293(BCS&ENG);0124-5299-0124-5301(BCS&ENG); 0124-5305 -0124-5306(BCS&ENG); 0214-5315-0124-5317(BCS&ENG); 0139-8841-0139-8844(BCS&ENG).

<sup>48</sup> Article 94 Constitution of the Serbian Republic of Bosnia and Herzegovina; Article 10 Government Act, 28 February 1992.; Article 10 Law on the Government of Republika Srpska, 15 September 1992,

<sup>49</sup> Article 6 of the Law on National Defence (28 February 1992) ; Article 7. (6) the Defence Act (1 June 1992),

<sup>50</sup> 0124-5335-0124-5338(BCS&ENG)

<sup>51</sup> 0124-5347-0124-5351(BCS&ENG)

<sup>52</sup> 0214-9632-0214-9749(BCS&ENG)

<sup>53</sup> See, *e.g.*, V000-1463; V000-1463: Stanišić, Karadžić and Krajišnik met with representatives of autonomous regions shortly before promulgation of the strategic objectives.

"Sarajevo corridor – Foča, Milići – the Boksit mine – Zvornik, Bijeljina – Doboj – Banja Luka."<sup>54</sup> He demonstrated interest not only in matters of general importance to the establishment of the Serb Republic but also was involved in the detail of specific decrees,<sup>55</sup> and instances of war profiteering.<sup>56</sup> Meetings between his Ministry, the MoD and the VRS Main Staff were scheduled and **STANIŠIĆ** was involved in meetings at which the Government discussed the exchange of prisoners<sup>57</sup> and the current political and security situation in various parts of the republic.<sup>58</sup>

### ***Co-ordination between the RSMUP and Crisis Staffs***

38. Serb Crisis Staffs provided crucial co-ordination at the municipal level among SDS bodies, state bodies, the Serb TO, RSMUP, paramilitary, JNA and VRS forces. The crisis staffs started out as SDS organs and were later transformed into organs of the Bosnian Serb Republic.
39. The top local Serb police official was a member of each crisis staff. Instructions issued by the SDS on 19 December 1991 and circulated on a top secret basis to municipal SDS leaders included the directive that SDS Municipal Boards should form Crisis Staffs of the Serb people in their respective municipalities and that each crisis staff was to be composed of a list of people holding key positions in the municipality, including the chief of the public security station or the commander of the police.<sup>59</sup> A later document, the Instructions for the Work of Crisis Staffs,<sup>60</sup> also confirms that the SJB Chief was to be a member of the Crisis Staff.<sup>61</sup>
40. The creation of Crisis Staffs was an important element in preparations for the assumption of power. On 27 March 1992, the day on which the Constitution of the Republic was proclaimed,<sup>62</sup> Karadžić told Assembly delegates: "The moment you arrive in your municipalities, you must urgently establish crisis staffs. You must try to organise the people so that they can defend themselves. ... They should organise territorial defence and if the JNA is there, they must be placed under its command. If they are not, let them be placed under the command of reserve officers."<sup>63</sup>

<sup>54</sup> 0124-5388-0124-5394(BCS&ENG)

<sup>55</sup> 0124-5442-0124-5446(BCS&ENG)

<sup>56</sup> 0124-5487-0214-5493(BCS&ENG)

<sup>57</sup> 0124-5447-0124-5454(BCS&ENG)

<sup>58</sup> 0124-5462-0124-5470(BCS&ENG)

<sup>59</sup> 0018-4274-0018-4283(BCS) 0049-8793-8799(ENG)

<sup>60</sup> 0027-0617-0027-0618

<sup>61</sup> 0027-0617-0027-0618

<sup>62</sup> SA02-5841-SA02-5876(BCS) 0092-6762-0092-6786(ENG) pp. 7-8.

<sup>63</sup> SA02-5841-SA02-5876(BCS) 0092-6762-0092-6786(ENG) p. 23.

41. Although the police remained under the overall command and control of the Minister of the Interior,<sup>64</sup> crisis staffs and the police co-ordinated closely at the municipal level during the campaign of forcible ethnic separation.<sup>65</sup>

### ***Co-ordination between the RSMUP and the JNA/VRS***

42. Until the establishment of the Army of Republika Srpska (VRS) on 12 May 1992, the armed forces within RSMUP and the Serb TO were the only armed forces exclusively and directly controlled by the RS leadership.<sup>66</sup> Following the creation of the VRS (and the subordination of the Serb TO to the VRS), the RSMUP cooperated closely with the army.
43. Three days after the establishment of the VRS, **STANIŠIĆ** ordered that all employees of RSMUP be organised formally into "war units".<sup>67</sup> These units could receive orders from the Minister of Internal Affairs, the Police Commander of the MUP and the heads of the CSBs. In the course of combat, the units received operational instructions from military officers but remained "directly commanded by the respective employees of the Ministry."<sup>68</sup> The MUP also had special police units armed with heavy weaponry, up to and including 120mm mortars.<sup>69</sup> The army provided substantial equipment and armaments to the RSMUP, including Gazelle and Mi-8 helicopters and armored personnel carriers.<sup>70</sup> In his comments at a meeting held in Belgrade on 11 July 1992, **STANIŠIĆ** noted that RSMUP was at times entirely engaged in combat, rather than police, activities.<sup>71</sup> The joint military efforts of the VRS and MUP were aimed at "conquests" or "liberation" of Bosnian territory that asserted Serb control and resulted in the killing or forcible displacement of vast numbers of Muslim and Croats.<sup>72</sup>
44. Closely related to these campaigns of conquest was the cooperation of MUP and VRS in the consequent detention of non-Serb civilians in brutal detention facilities. The MUP and the VRS maintained and secured such facilities, sometimes in tandem, and as the conquests mounted and facilities became more crowded detainees were transferred from one to another. MUP personnel provided lists of information relating to detainees to VRS personnel, including the "processing" and interrogation of detainees by MUP personnel before the detainees were transferred to VRS-run detention facilities.

<sup>64</sup> Prime Minister Đerić's instructions to the crisis staffs stressed the importance of avoiding interference with the professional command of the police commanders over their forces. The instructions also stated that "the command of the TO and the police forces is exclusively the responsibility of the professional staff. Therefore it is necessary to prevent any interference with the command of the TO or the use of the police force". 0027-0617-0027-0618

<sup>65</sup> Article 27, Law on Internal Affairs; also see 0063-3164-0063-3168(BCS) 0091-6498-0091-6502(ENG)

<sup>66</sup> Nielsen report, §185; 0324-6151-0324-6167; FI20-1276-FI20-1319

<sup>67</sup> 0323-8857-0323-8858(BCS&ENG)

<sup>68</sup> Nielsen report, §205-206

<sup>69</sup> Nielsen report, §208

<sup>70</sup> 0089-1572(BCS), L004-2883-L004-2884(ENG); 0018-3325-0018-3328(BCS), 0089-1620-0089-1626(ENG)

<sup>71</sup> 0324-1848-0324-1879

<sup>72</sup> 0060-7339-0060-7480(BCS); L000-9548-L000-9712(ENG)

45. The coordinated efforts cited above overlapped and converged. In Prijedor, for example, the MUP participated with the VRS in a mass roundup of Muslim civilians in July 1992, and the placement of military-aged men in the brutal Omarska and Keraterm camps, and women and children in the Trnopolje camp. While the police were responsible for security of the camp, military and police officials participated in the brutal interrogations of prisoners and, when the camp was disbanded, many of the prisoners were sent to the military run Manjača camp.<sup>73</sup> This joint effort was reflected in other municipalities.
46. Throughout the campaign of persecutions, with **STANIŠIĆ** at the helm of the MUP, the Ministry of Interior and the Main Staff of the VRS worked to ensure the “synchronized actions” of the MUP and VRS.<sup>74</sup> In the words of a report by **STANIŠIĆ** to the President of the Presidency, “co-operation was immediately achieved with other parts of the Serb defence forces, i.e., with the Army.”<sup>75</sup>

## VI. Implementation of the Common Plan

### *Pattern*

47. The steps by which Serb authorities took power in the indictment municipalities (and other targeted municipalities), in the period starting in early April 1992, had a number of shared elements, which reflect the implementation of a common plan. The combined effect of these elements was that life for non-Serbs in those municipalities became intolerable. The elements which were present prior to, during, and after the Serb takeover in each municipality included some or all of the following:<sup>76</sup>
- a) The Serb population was clandestinely armed.
  - b) The non-Serb population was systematically disarmed of whatever hunting and other weapons they had.
  - c) Local Serb newspapers and radio stations were established, which promoted false reports that Muslims and Croats were preparing to commit atrocities against Serbs.

<sup>73</sup> E.g. Muharem Mušelović.

<sup>74</sup> For example, government minutes (0124-5330-0124-5334), record the conclusion that a joint meeting of the MUP, MoD and VRS Main Staff should immediately be held. The purpose of the proposed meeting was to delineate their respective jurisdictions and to reach agreement “about their future work and synchronized actions”; other minutes (0124-5339-0124-5340) record that the Ministry of Traffic, the MUP and the VRS Main Staff were instructed to make a plans to establish and secure “permanent connection corridors between certain parts of Serbian Republic as well with the neighbouring Republics as soon as possible”; FI20-1276-F20-1319 refers to “important tasks of the police in cooperation with the Army were in mopping up the terrain of inserted terrorist and sabotage groups and neutralising armed rebellions organised by Muslim-Croat extremists”; 0124-5347-0124-5351 records that the MUP and VRS were entrusted with securing the wider area of Pale

<sup>75</sup> 0324-6825-0324-6867(BCS) 0306-2180-0306-2186 ENG)

<sup>76</sup> The evidence of these incidents in each of the indictment municipalities is too voluminous to summarise within the word limit applicable to this brief. The prosecution intends to discharge its burden of proof in relation to these events primarily through the mechanism of seeking judicial notice of adjudicated facts under Rule 94(B), as well as applying for admission of written evidence pursuant to Rules 92 bis and 92 ter.

- d) A local Serb crisis staff and Serb municipal assembly came into existence, both dominated by SDS-approved figures.
- e) Non-Serbs were harassed at checkpoints staffed by Serb soldiers, police and paramilitaries.
- f) Non-Serbs were dismissed from employment in the municipality, in particular in the police force and municipal institutions.
- g) Electricity, water, and telephone services to non-Serbs were cut off, and non-Serbs were required to report for work detail.
- h) MUP, VRS, TO and Serb paramilitary forces, working in co-ordination with Crisis Staffs, intimidated and terrorized local Muslims and Croats. These forces shelled non-Serb parts of towns and villages (often using anti-aircraft and other heavy weaponry) and took control of important town structures.
- i) Many unarmed non-Serbs (including women, children and the elderly) were summarily executed.
- j) Many non-Serbs were detained immediately and stripped of their valuables.
- k) Non-Serb men, and some women and children, were arrested and detained in military camps and in ad hoc detention locations (schools, factories, gymnasiums, sports halls, industrial storage facilities *etc*) guarded by police, army and sometimes by paramilitaries.
- l) Sanitary conditions at the detention facilities were terrible and detainees were given little food or water. Medical facilities, if they existed at all, were grossly inadequate. Overcrowding and lack of ventilation were common.
- m) Detainees were beaten by Serb guards (police and army and visitors who were permitted access to the camps); many were beaten to death. Some detainees were removed from the facilities for summary execution in other locations.
- n) Detainees were subjected to acts of particular humiliation, for example, being forced to beat each other, or being forced to engage in degrading sexual acts with each other in the presence of other detainees.
- o) Remaining non-Serbs were terrorized by Serb armed groups (including MUP, VRS, TO and paramilitaries) through killings, rapes, house searches, and looting.
- p) Non-Serbs signed documents which purported to confirm their "voluntary" departure from the municipality, and their "voluntary" decision to turn over their property to the Serb municipal authorities. Many were transferred by bus and train out of Serb-held territory.
- q) Abandoned Muslim houses were looted, and then allocated to Serbs.
- r) Mosques, Islamic libraries, Catholic churches and other sacred sites were deliberately destroyed or damaged. Some sites of destroyed mosques were levelled for use as rubbish dumps or parking lots.



## ***Arming the Serb Population***

48. There was a massive operation to arm the Serb population in Bosnia, much of which took place in 1991 and early 1992. This arming operation was an important element of ensuring the successful Serb takeover of targeted territory. KARADŽIĆ on 12 October 1991 claimed that there were already “three, four hundred thousand armed Serbs in Bosnia” as well as the Serb-dominated JNA.<sup>77</sup> A March 1992 report on the situation in BiH by JNA General KUKANJAC indicated that SDS leaders “at all levels” were trying to obtain weapons from the JNA and from the Serb MUP.<sup>78</sup> It also indicated that the SDS had distributed 17,298 weapons to “volunteer units”. Overall, KUKANJAC said that the JNA and the SDS had armed 69,198 Serbs, apart from those in the ranks of the TO and the JNA. The arming of the Serb population is also recorded in the VRS’s “combat readiness report”, concerning operations in 1992.<sup>79</sup>
49. The MUP also participated in arming themselves and the Serb civilian population. In a 1993 nomination for commendation by the Ilidža SJB, Tomisla KOVAČ was commended for having organized “illegal” meetings in 1991 in his capacity as commander of the SJB. The nomination referred to meetings held in Dobrinja, Ilidža and Blažuj at which “it was agreed to work intensively on the arming of citizens of Serbian nationality,” and named the areas in which the supplying of weapons took place.<sup>80</sup>

## ***Disarmament of the Non-Serb Population***

50. The RSMUP, together with crisis staffs, the JNA/VRS and the TO, worked to disarm non-Serbs in the spring and summer of 1992 in order to minimise resistance to the takeover of power by Bosnian Serb forces and to the expulsion of the non-Serb population. The police and the military were the primary forces which removed weapons from the non-Serb population.
51. MUP participation in disarmament was emphasized in the MUP Annual report: “In addition to other tasks, it should be stressed that police activity was directed at disarming paramilitary formations and individuals and at finding and seizing illegally held weapons and ammunition, explosive devices and the like”.<sup>81</sup> The so-called disarmament of paramilitary formations and individuals was a euphemism for illegal searches of non-Serb houses followed by attacks, destruction of properties, killings, rounding up and detention of men, women, children, and finally expulsion of those who survived.

<sup>77</sup> 0303-1271-0303-1287(ENG)

<sup>78</sup> Brown report (0106-5519-0106-5530(BCS);0300-5185-0300-5194(ENG)).

<sup>79</sup> 1992, 0060-7339-0060-7480(BCS), L000-9548-L000-9712(ENG)

<sup>80</sup> Nielsen report, §67; 0084-5781-0084-6113(BCS&ENG); 0297-0064-0297-0073(BCS&ENG)

<sup>81</sup> ENR Fi20-1276-Fi20-1319(BCS) Fi01-6050-Fi01-6080(ENG), page 18

52. On 16 April 1992, following the Government, NCS and Presidency's declaration of an imminent state of war<sup>82</sup>, the National Defence Minister Bogdan SUBOTIĆ, issued an order to implement that decision.<sup>83</sup> The same day STANIŠIĆ issued an order in accordance with the decision of the Government and NCS, that in the area of all the CSBs, measures be stepped up for the immediate protection of the constitutional order of the Serbian republic.<sup>84</sup> This preceded an intense campaign for disarmament of Muslims and Croats.
53. On 4 May 1992, the National Defence Council of the Autonomous Region of the Krajina ("ARK")<sup>85</sup>, implementing a republic-level order for mobilisation of 16 April 1992, ordered a general mobilisation in the ARK and set a deadline for the surrender of illegal weapons.<sup>86</sup> Stojan ŽUPLJANIN, the head of the Banja Luka CSB, implemented this order,<sup>87</sup> commencing a disarmament and cleansing campaign that would continue throughout the summer and autumn of 1992.<sup>88</sup> Similar measures were taken in SAO Semberija and Majevisa.<sup>89</sup>
54. As one example of implementation of disarmament, at a meeting of the Prijedor National Defence Council on 15 May, the disarmament of "paramilitary formations" was discussed: "The SJB in concert with the army command should draft the plan of disarmament, after which the actual process should be set in motion and with assistance of the media."<sup>90</sup> At a meeting of the Prijedor SDS Board, on 18 May 1992, it was decided that force would be used to enforce disarmament after the end of May. The villages of Hambarine and Kozarac were attacked in late May 1992 after the expiry of the ultimatum issued by the Crisis Staff to surrender weapons, resulting in the destruction of those communities, the deaths of hundreds, and thousands detained and/or expelled. Radoslav BRDANIN was president of the ARK Crisis Staff and in September 1992 became a member of the RS government. After touring combat zones and detention facilities in Prijedor, he praised efforts there to create a new Serb state: "What we have seen in Prijedor is an example of a job well done."<sup>91</sup>

### ***Arrest, Interrogation, Detention and "Exchange" of Non-Serbs***

55. The campaign of forcible displacement and persecution included the arrest and detention in brutal detention facilities of vast numbers of Bosnian Muslims and Croats by the Ministry of Interior. As the number of detainees increased, additional camps were established but

<sup>82</sup> 0040-8070-0040-8072

<sup>83</sup> 0057-4584-0057-4585

<sup>84</sup> 0360-9055

<sup>85</sup> Nielsen (92bis testimony; *Krajišnik*:T.13964).

<sup>86</sup> 0034-9522-0034-9523

<sup>87</sup> 0063-3791-0063-3792(BCS), 0190-8333-0190-8335

<sup>88</sup> Nielsen report, §191, 193-194; Also see Dr. Nielsen (92bis testimony; *Krajišnik*:T.13963). From the outset the Ključ SJB had warned the Muslim population of "catastrophic consequences" if they failed to comply with the order.

<sup>89</sup> 0045-6182-0045-6182

<sup>90</sup> 0108-9017

<sup>91</sup> 0031-9212-0031-9215(BCS) 0300-3570-0300-3573

conditions in them remained uniformly inhumane. Beatings and other mistreatment of non-Serb detainees held by RSMUP forces and others in detention facilities occurred frequently, and many non-Serb detainees were killed in custody.

56. From the early stage of the campaign of persecution, the Ministry of Interior was engaged in this process. The Minutes of a joint NSC/Government session, held on 24 April 1992, record the understanding that the "exchange" of prisoners of war would be handled "by the Ministry of Justice after the Ministry of Internal Affairs finish their work."<sup>92</sup>
57. From the outset, the system of rounding up and detaining non-Serbs envisioned the detention of civilians. Instructions by Prime Minister Branko ĐERIĆ on 28 April 1992 regarding detainees specifically referenced civilian detainees.<sup>93</sup> On 10 June, after the Presidency tasked ĐERIĆ to have the government prepare a report about detainees,<sup>94</sup> the Ministry of Justice was tasked to prepare such a report, paying special attention to the treatment of "civilian population."<sup>95</sup> In municipality after municipality, as witnesses attest, civilians were seized and held.
58. A Central Commission for the "exchange" of prisoners of war and "detained persons" was established on 8 May 1992. A network of regional and municipal exchange bodies reported to the Commission. The commission included representatives from the Ministry of Defence, the Ministry of Justice and the MUP. A 6 June 1992 order of the Commission<sup>96</sup> provided that no detainee was to be released or exchanged without an order from the central commission *except for* women whose detention or deprivation of liberty was not related to the war or war activities, children, the elderly and the infirm.<sup>97</sup> Thus, men remained in detention. The 6 June order reflected the reality of civilians detained indefinitely by Ministry of the Interior personnel. This was reflected, for example, in an order issued by Svetozar Andrić of the VRS on 28 May 1992 to the Zvornik TO:

The moving out of the Muslim population must be organised and co-ordinated with the municipalities through which the moving is carried out. Only women and children can move out, whilst men fit for military service are to be placed in camps for exchange.<sup>98</sup>

59. The detention of civilians was reflected also in the categorisation of prisoners undertaken by MUP and military interrogators. A report in August 1992 on camps in western Bosnia listed the categories:

<sup>92</sup> 0124-5302-0124-5304(BCS&ENG)

<sup>93</sup> 0063-3864(BCS) L000-5773-L000-5774(ENG)

<sup>94</sup> 0076-7939-0076-7940(BCS&ENG)

<sup>95</sup> 0124-5359-0124-5361(BCS&ENG))

<sup>96</sup> 0124-6748-0124-6749(BCS) L010-1953-L010-1956(ENG) p. 4.

<sup>97</sup> 0124-6748-0124-6749(BCS) L010-1953-L010-1956(ENG), pp. 1, 3.

<sup>98</sup> 0410-0270(BCS&ENG)

The first category is comprised of persons who directly participated in armed insurrection. The second category is comprised of persons who participated in procuring or financing arms or served as contacts for the extremists. The third category is comprised of persons who are not of security interest but were taken prisoner in zones of armed operations or were prevented from leaving these areas by their extremists.<sup>99</sup>

60. Following the media exposure of camps and a resulting international outcry in early August, **STANIŠIĆ's** Assistant Minister suggested that "the status of these people be legally changed in compliance with international conventions" by according refugee status to the "civilian population" in those facilities.<sup>100</sup>
61. These civilians were held in many detention facilities maintained and/or secured by the MUP. By way of example, the notorious camps at Omarska in western Bosnia and Susića in eastern Bosnia were maintained and secured by the MUP. While these camps held primarily (but not exclusively) military-age men, Muslim and Croat women and children were nevertheless not spared from the process of seizure, detention and expulsion. Apart from their detention in facilities holding primarily males, they were also placed in facilities such as the Trnopolje camp in Prijedor, from which they were ultimately expelled.
62. As the military conquests by the VRS and the MUP forces mounted in May, June and July 1992, the system of detention also increased. By 1 June 1992, for example, there were already approximately 2,000 persons detained in Omarska and the personnel and logistics required to secure it and other facilities was substantial. The Chief of Police reported that security for Omarska and Keraterm was provided "around-the-clock by police officers"<sup>101</sup> and that in the period until 21 August 1992, 187 police employees were involved in guard duty in Omarska, Keraterm and Trnopolje.<sup>102</sup> He recorded that several thousand people passed through these facilities and about 6000 "informational interviews" were conducted with them.<sup>103</sup> Additional camps to accommodate the swelling ranks of prisoners were established at the corps level of the army at Manjača in Banja Luka and Batković<sup>104</sup> in Bijeljina.
63. Despite denials from the outset by Bosnian Serb leaders,<sup>105</sup> the detention, mistreatment and expulsion of Muslims on this scale was known within and outside the Serb leadership. Representatives of the international community denounced the campaign. The President of the Bosnian Commission for Exchange, Filip Vuković, asserted in a facsimile dated 26 June 1992 to the Serb Exchange Commission that failure to allow detainees to return to their home

<sup>99</sup> 0124-5060-0124-5067(BCS&ENG)

<sup>100</sup> 0124-5167-0124-5168(BCS&ENG)

<sup>101</sup> P003-3215-P003-3226 (BCS) 0300-9594-0300-9602(ENG).

<sup>102</sup> 0063-3747-0063-3762(BCS) 0110-8984-0110-9000(ENG)

<sup>103</sup> P003-3215-P003-3226 (BCS) 0300-9594-0300-9602(ENG).

<sup>104</sup> 0360-5859(BCS&ENG).

<sup>105</sup> 0124-7000-0124-7001.

constituted "ethnic cleansing".<sup>106</sup> As an Assembly deputy noted to the entire Bosnian Serb Assembly in July 1992, "We have a huge problem with captured people of other nationalities, we have hundreds and thousands of these prisoners."<sup>107</sup> And as STANIŠIĆ observed in a report sent to the President of the Presidency and Prime Minister on 17 July 1992, in which he acknowledged the involvement of MUP staff in guarding Muslim civilians who had been rounded up:<sup>108</sup>

The Army, crisis staffs and war presidencies have requested that the Army round up or capture as many Muslim civilians as possible, and they leave such undefined camps to internal affairs organs. The conditions in some of these camps are poor: there is no food, individuals sometimes do not observe international norms, etc.

64. Thus, in municipality after municipality, the MUP engaged in the apprehension of Muslim and Croat civilians and their detention in inhumane facilities. Many were killed and the survivors were expelled from Serb-held territory. This process was not only widespread but a deliberate part of the structures put in place to ensure the forcible removal of non-Serbs. In his role as Minister of Interior, in particular, and as close associate of the pre-eminent leaders of the Bosnian Serbs, STANIŠIĆ was responsible for the seizure, detention and mistreatment of non-Serb civilians on a massive scale.

### ***RSMUP participation in deportation and forcible transfer of non-Serbs***

65. The forced collection of non-Serbs in detention facilities and their subsequent expulsion through the process of exchanges was one of the instruments through which non-Serbs were removed from the targeted territory.
66. Non-Serbs who were not detained were terrorised into leaving. The Serb authorities would then "facilitate" the non-Serbs' departure and at the same time ensure that the non-Serb properties would be transferred to the Serb authorities.<sup>109</sup>
67. The Birac SAO Government issued regulations on moving out of the Muslim population from the territory of Birac.<sup>110</sup> Most of the municipalities in the ARK issued criteria on the moving out of non-Serb population, and the involvement of the SJBs in it.<sup>111</sup> Municipal authorities often organised convoys to move the non-Serb population out, and the convoys were escorted by the police.<sup>112</sup>

<sup>106</sup> 0297-7173-0297-7175(BCS&ENG)

<sup>107</sup> 0214-9496-0214-9600(BCS&ENG)

<sup>108</sup> 0324-6855-0324-6867(BCS) 0306-2180-0306-2186(ENG); 0321-1848-0324-1879(BCS&ENG)

<sup>109</sup> Kotor Varoš Crisis staff meeting, dated 29 June 1992 0041-5607(BCS), 0190-9958(ENG); witness ST12.

<sup>110</sup> 0366-0303-0366-0304

<sup>111</sup> 0047-1756(BCS) 0093-0256(ENG); 0048-9849-0048-9850(BCS) 0110-7656-0110-7657

<sup>112</sup> 0063-3287-0063-3288(BCS) 0091-6561(ENG) advising that it had been arranged that a convoy of 5 buses depart from Trnopolje to Skender Vakuf; 0324-6754-0324-6757

68. On 4 July 1992, at the 36<sup>th</sup> meeting of the Government,<sup>113</sup> the question was raised whether there were agreed criteria regarding the moving out of the Muslim population from the territory of Serb Republic of BH. It was the MUP which was entrusted with preparing information on this issue that the Government would then consider. The same month, **STANIŠIĆ** urged Karadžić and Đerić that a meeting be held with the Justice Ministry and the MUP to resolve within whose competence fell the "issue of relocating certain citizens, villages, etc..."<sup>114</sup>
69. On 18 August, CSB Banja Luka prepared a report which included information on resettlement from the Prijedor, Sanski Most and Bosanski Novi municipalities.<sup>115</sup> It reported, *inter alia*, that from the beginning of the armed conflict until 16 August 1992, about 20,000 citizens, mainly of Muslim and Croat ethnicity, left Prijedor municipality. On 16 August, the SJB Prijedor received and made positive rulings on 13,180 applications to deregister the legal places of residence, mainly from citizens of Muslim nationality "who expressed the desire to depart". Regarding Sanski Most, the report states that about 3,000 persons had moved away from the municipality. Up to 16 August 1992, about 12,000 persons, mainly of Muslim but also Croat ethnicity, applied to the Sanki Most SJB to unregister their places of residence, and similar numbers apply in Bosanski Novi. Witness testimony confirms the policy of the moving out of non-Serbs from municipalities all over the Republika Srpska.<sup>116</sup>
70. This process was expressed in a report of the VRS 1st Krajina Corps to the VRS Main Staff on 2 August 1992: "Methods of exercising pressure are increasing, as are organized expulsions of the Muslim and Croat population from the area of Bosnian Krajina and further afield."<sup>117</sup> Two SNB Banja Luka reports from 1993 and 1995 confirm the massive scale of the expulsion of the non-Serb population which had lived in the ARK.<sup>118</sup>

### ***Stanišić's participation in sham commissions of inquiry into detention centre crimes***

71. As the international community became more fully aware of the camps, through international media exposure, **STANIŠIĆ** and the MUP, along with the Bosnian Serb leadership, participated in efforts to whitewash events and deflect responsibility.
72. By mid-July 1992, the ICRC had gained entry to Manjača camp and had submitted a damning criticism of conditions in this facility. It detailed "frequent and widespread traces of recent and

<sup>113</sup> 0124-5416-0124-5420

<sup>114</sup> 0306-2180-0306-2186(BCS&ENG)

<sup>115</sup> B003-2526-B003-2542

<sup>116</sup> See e.g. statements of: Prijedor – Idriz Merdzanić, ST24; Ključ – ST17; Donji Vakuf – Dževad Došlić; Sanski Most – Faik Bišćević; Kotor Varoš – ST12; Teslić – Mehmed Tenić, Bileća – Šaćir Avdić; Brčko – ST01; Bosanski Šamac – ST11; Dobo – Refik Buljubašić; Gačko – ST03; Ilijaš – ST04, Pale – Azem Omerović; Višegrad – Hasan Ajanović; Vlasenica – Mehmed Babić; Vogošća – Ahmet Hido; Zvornik – ST14.

<sup>117</sup> 0086-2392-0086-2393(BCS), 0110-5157-0110-5159(ENG)

<sup>118</sup> B009-8148-B009-8153(BCS) 0300-9270-0300-9275(ENG); B003-1169-B003-1183(BCS) 0093-0351-0093-0367(ENG);

often severe beatings; general living conditions which were “absolutely insufficient,” marked weight loss in many detainees, and grossly inadequate medical treatment and care of detainees. The ICRC emphasized that “Manjača camp is not suitable for detention and should be closed, with civilian detainees released and military detainees transferred to adequate facilities”.<sup>119</sup>

73. In anticipation of an impending visit by international journalists and ICRC representatives to certain camps, the Bosnian-Serb leadership initiated cosmetic improvements, as illustrated by General MLADIĆ's order of 3 August 1992: “Immediately undertake measures through the MUP and authorities to arrange POW camps in your zones of responsibility and *prepare* them for visits by foreign journalists and International Red Cross team”.<sup>120</sup>
74. Although KARADŽIĆ continued to deny publicly that the camps held civilians or that conditions were inhumane,<sup>121</sup> the preparations undertaken were inadequate to avoid the international media's damning footage of emaciated victims of the Omarska camp.<sup>122</sup> Following the broadcast of this footage on 7 August 1992, Branko ĐERIĆ issued a press release accusing CNN of “manufacturing news”.<sup>123</sup>
75. As a result of the international outcry concerning media reports on Bosnian Serb-run detention camps,<sup>124</sup> on 6 August 1992, KARADŽIĆ ordered the MUP and Ministry of Justice to collect information on the conditions and treatment of “prisoners of war” by the Bosnian Serb authority<sup>125</sup>. On 9 August 1992 the Government formed two commissions to look into conditions in detention centres and speed up the procedure of categorizing detainees. Both were headed by MUP and Ministry of Justice officials.<sup>126</sup>
76. Two reports dated 17 August 1992<sup>127</sup> and 22 August 1992<sup>128</sup> were received and reviewed by the Government in the presence of STANIŠIĆ.<sup>129</sup> Each of the two reports received were patently inadequate inquiries into the large-scale abuse and killing of non-Serb civilians in the custody of RS authorities, with virtually no information on the conditions which existed during the period before detection, the fate of the detainees or the identity of those responsible for crimes.

<sup>119</sup> 0124-6841-0124-6851; the Manjača camp was, however still operating in December as can be seen from IKK report 0084-1119-0084-1120(BCS) 0110-7262-0110-7263

<sup>120</sup> 0360-5860(BCS&ENG); 0102-9866-0102-9867(BCS) 0084-8550-0084-8551(ENG)

<sup>121</sup> R017-2064

<sup>122</sup> V000-0401-V000-0402, L007-5858-5861

<sup>123</sup> 0208-9884-0208-9886(BCS&ENG)

<sup>124</sup> M000-4554-M000-4557

<sup>125</sup> 0084-6311

<sup>126</sup> 0124-5481-0124-5486(BCS&ENG)

<sup>127</sup> 0124-5060-0124-5067(BCS&ENG)

<sup>128</sup> 0124-5058-0124-5059(BCS&ENG)

<sup>129</sup> 0124-5487-0124-5493; 0084-5012-0084-5013(BCS) 0090-1090-0090-1091(ENG) ; 0124-5512-0124-5519(BCS&ENG)

77. In stark contrast to these reports, a report dated 22 August 1992 sent to the Prijedor Garrison Commander stated that:

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 . . . One thing is certain: we are already starting to feel the cost of the needless spilling of Muslim blood.<sup>130</sup>

78. On 27 October 1992, the Government<sup>131</sup> received a third report dated 22 October 1992 prepared by a high-ranking Ministry of Justice official who had also served as President of the Exchange Commission.<sup>132</sup> Although it too did not concern itself with identifying responsibility for detention or mistreatment of civilians, it also noted that:

It is concluded that the existing illegal camps and assembly centers are to be dissolved as soon as possible. The existing penal institutions legally formed in large centers in Republika Srpska are to be used, since the conditions there are suitable for legal treatment of prisoners and inmates.

79. There was no discussion at this Government session or any previous sessions in regard to whether those who had created or maintained the illegal detention facilities should be prosecuted and no action was taken other than a decision, in the face of widespread international condemnation, indicating the intention to dismantle the facilities.

## VII. Stanišić's Failure to Investigate Crimes Against Non-Serbs

80. Notwithstanding his involvement in and awareness of the widespread attacks on civilians and their detention and maltreatment, in an interview which STANIŠIĆ gave in October 1992 (six months after the members of the RSMUP had commenced committing crimes against the non-Serb population), he asserted that the MUP was the only Ministry to have disciplined staff members in those "rare" instances when they succumbed to "basic instincts".<sup>133</sup> This assertion was a reflection of a general RS policy, shared by the RSMUP, not to investigate or prosecute those responsible for crimes against non Serbs. Instead, the Presidency,<sup>134</sup> the Government and the Ministry of the Interior explicitly sought to investigate crimes against Serbs only. In late May 1992, the Government instructed the MUP to prepare information relating to the "protection of state and personal property of Serb people."<sup>135</sup> This instruction was implemented by STANIŠIĆ by order dated 16 May 1992 wherein he requested, *inter alia*, a list of "cases of serious crimes committed against the Serbs living in the territory under the

<sup>130</sup> Brown report, para 2.125-2.126.

<sup>131</sup> 0124-5580-0124-5586(BCS&ENG)

<sup>132</sup> 0057-7933-0057-7959(BCS) 0057-7933-0057-7959(ENG)

<sup>133</sup> 0365-9864(BCS&ENG)

<sup>134</sup> 0076-7935-0076-7936(BCS&ENG); 0047-8730-0047-8731(BCS&ENG)

<sup>135</sup> 0124-5325-0124-5326(BCS&ENG)



control of the MUP.”<sup>136</sup> By 31 May 1992, CSB Bijeljina and SM Vraca had filed reports<sup>137</sup> which the Ministry of the Interior immediately conveyed to the Government.<sup>138</sup> Similarly, on 12 June 1992, the CSB Banja Luka filed its response to STANIŠIĆ’s 26 May 1992 order<sup>139</sup>, reporting on crimes committed against the Serbian civilian population.

81. While crimes were being committed with impunity on a colossal scale during this period against non-Serbs, the MUP carried out investigations into much more minor crimes. The 19 August Government minutes record that the MUP was to investigate the “theft of Golf cars from the TAS car factory”. Coincidentally, at the same session, a tour “of concentration centres and other detention facilities” in the ARK was discussed.<sup>140</sup> Notorious events such as the Vlasici Mountain massacre in which approximately 200 Muslim civilians were massacred by police went unpunished and, more generally, in October 1992 STANIŠIĆ issued an order that members of the police who had committed disciplinary or criminal violations would simply be put at the disposal of the VRS.<sup>141</sup>

## VIII. Crimes In Indictment Municipalities

82. As set out above, STANIŠIĆ participated in a joint criminal enterprise. The crimes described in the indictment and the schedules thereto were committed pursuant to that JCE, or were natural and foreseeable consequences of its implementation. Set out below is a brief, condensed summary of many of those crimes.<sup>142</sup> All dates in this section refer to the year 1992.

### BANJA LUKA

83. Throughout the summer, non-Serbs from various ARK municipalities were taken to Banja Luka CSB and interrogated before being transferred to other detention facilities. At the CSB building, non-Serbs were hit and kicked by policemen and by members of the Banja Luka Special Unit before, during and after interrogation.<sup>143</sup>
84. Manjača was run by the VRS, who co-operated with MUP staff in interrogation, processing and transfer of non-Serb detainees. It received detainees from other camps and detention facilities located across the ARK. Detainees were subjected to regular beatings, resulting in

<sup>136</sup> 2323-8855-2323-8856)(BCS&ENG)

<sup>137</sup> Nielsen report, §§239 & 240.

<sup>138</sup> 0124-5335-0124-5338(BCS&ENG)

<sup>139</sup> 0324-7416-0324-7416(BCS&ENG)

<sup>140</sup> 0124-5487-0124-5493(BCS&ENG)

<sup>141</sup> Nielsen, T. 13988-13989

<sup>142</sup> This summary is highly condensed, in order to fit within the word limit which applies to this brief. This summary does not purport to address all the criminal incidents alleged in the indictment and the schedules thereto.

<sup>143</sup> Witness: ST 27

serious injury and death. Omer Filipović, a prominent politician from Ključ, was beaten on a daily basis and died on 28 July as a result.

85. On 7 July, 65 inmates were taken on tarpaulin-covered trucks by police from Betonirka in Sanski Most to Manjača. Several suffocated due to the airless, sweltering conditions. After arriving at Manjača three men were selected to unload the dead and unconscious. Those who did the unloading and those who were unconscious but still alive were never seen again<sup>144</sup>.
86. When Omarska was closed down, detainees from that camp were transferred to Manjača. One of the transports of prisoners took place on 6 August. After arrival at Manjača, detainees were made to spend the entire night in a locked bus. Three men were called out from the bus by policemen accompanying the transport. The following day, the dead bodies of these three men were seen. Before the prisoners were allowed to enter the camp, one of them was stabbed by a policeman.<sup>145</sup>

## DONJI VAKUF

87. In May, Serb soldiers began breaking into and looting Muslim houses. They often arrested local Muslim men. Many Muslims fled.<sup>146</sup>
88. Non-Serbs were held at the police station and subsequently transferred to other detention facilities in the municipality.<sup>147</sup>
89. At the police station, or other places of detention guarded by police, detainees were severely beaten and several died as a result.<sup>148</sup>

## KLJUČ

90. In early May, there were announcements directed at the Muslim community that all paramilitary formations and individuals in possession of illegal weapons were to surrender weapons by 11 May.<sup>149</sup>
91. The Serb Crisis Staff issued a final ultimatum that all weapons should be given up to the police by 28 May. The shelling of Muslim villages in Ključ started the same day. Many Muslims were killed during the shelling. Many others left as a result of shelling. During June, many Muslim men were arrested and detained. Detainees were held in the Nikola Mačkić Elementary School<sup>150</sup> and the SJB building,<sup>151</sup> staffed by regular and reserve policemen.

<sup>144</sup> Zulić, Marić

<sup>145</sup> Sivac, Witness: ST 07, Muršelović

<sup>146</sup> Došlić

<sup>147</sup> Došlić; Bibić.

<sup>148</sup> Došlić Bibić

<sup>149</sup> Džafić

<sup>150</sup> Džafić

<sup>151</sup> Witness: ST17

Vinko Kondić, the commander of the SJB, participated in the interrogations. Those arrested were beaten and subjected to verbal ethnic abuse.<sup>152</sup>

92. On 1 June, RSMUP informed the predominantly Muslim hamlets of Vojići, Nežići, Hašići, Častovići and Hadžići to come to the village of Velagići to obtain a permit in order to be allowed to move around freely. Those who responded were taken to and detained at the local school. RSMUP and soldiers were present. Names of those detained were taken. Shortly before midnight, detainees were ordered to line up in front of the school. Two Serb soldiers armed with automatic rifles opened fire on them. At least 77 were killed.<sup>153</sup>
93. On 10 July, Serb special police and soldiers rounded up Muslim men and women from Biljani hamlets and detained them at the local school. 120-150 men were confined in two classrooms and their names written down. Some of the men were shot in front of the school, and some were taken to a house and summarily executed, together with most of the family that lived in the house. The rest were taken away by buses and killed elsewhere.<sup>154</sup>
94. In September, Serb authorities organised convoys which deported thousands of Muslims from the area under Serb control.

## KOTOR VAROŠ

95. In late April or early May, the Serb police commander asked all non-Serbs in the police force to sign an oath of allegiance to the SAO Krajina.
96. On 11 June, Serb forces attacked Kotor Varoš, Vrbanjci and Dabovci, and took power in the municipality. Some Muslim men managed to leave the town and warn people in outlying villages about the take-over. Small and scattered groups of village patrols and people who had fled from Kotor Varoš organised defence.<sup>155</sup>
97. After the takeover, Muslim villages were attacked. Muslims who did not flee to the forest were rounded up and taken to detention facilities.
98. During June and July, RSMUP arrested non-Serbs. Some detainees were taken to the police station in Kotor Varoš, where they were beaten, tortured and sexual assaulted.<sup>156</sup>
99. Non-Serbs were also held in Kotor Varoš prison. A policeman from Kotor Varoš was the commander of the prison. Prisoners were subjected to severe beatings; several were killed by policemen.<sup>157</sup>

<sup>152</sup> Džafić; Tičević, Egrlić

<sup>153</sup> Witness: ST17; Sebire

<sup>154</sup> Witness: ST16; Witness: ST18, Sebire

<sup>155</sup> Witness: ST 19

<sup>156</sup> Witness: ST27; Witness19; Witness ST12

<sup>157</sup> Witness: ST19.

100. Civilians, including women and children, were detained at the sawmill in Kotor Varoš.<sup>158</sup> They were guarded by Serb soldiers and members of the Special police unit from Banja Luka. Women detained there were raped.<sup>159</sup>
101. In July, the War Presidency started preparing a detailed plan for resettlement of the non-Serb population out of the municipality.<sup>160</sup>
102. On 25 June, the village of Kotor was attacked. Serb soldiers and police marched the surviving Muslim men from the village towards Kotor Varoš hospital. Some were killed on the way and other men were killed in front of the hospital area.<sup>161</sup>

## PRIJEDOR

103. On 30 April, Serb forces seized power in the municipality. The non-Serb population of the region was increasingly marginalised and dismissed from employment.<sup>162</sup>
104. From 23 May onwards, large-scale combined Serb military and police attacks were carried out against predominantly Muslim and Croat areas, including the villages of Prijedor, Kozarac<sup>163</sup> and the villages in the "Brdo" area including Hambarine, Bišćani and Čarakovo<sup>164</sup>. Men, women and children fled from their homes into neighbouring villages or nearby forests and mountains, where the great majority of them were captured or surrendered. Many people were killed during these attacks. Their homes, mosques and churches were looted and destroyed. After surrender or capture, Serb forces separated the men from the women, children and elderly. Most of the women, children and elderly were sent to the Trnopolje camp. Most men were taken to detention camps at Keraterm and Omarska.
105. Hambarine, a predominantly Muslim village in the Brdo area, was attacked by Serb forces, including police, on 22 May after the expiration of an ultimatum to surrender weapons. Civilian housing and the civilian population were targeted in the attack. A number of Muslims were killed<sup>165</sup>.
106. After the attack on Hambarine, Serb authorities issued a similar ultimatum to the inhabitants of Kozarac, another Muslim-majority area. The attack by Serb forces, including police, started on 24 May. At least 80 Muslims civilian were killed by Serb soldiers and police.<sup>166</sup>
107. On 20 July, Serb military and police attacked the Brdo area, including Bišćani. Muslims were gathered at collection points and many of them were killed. Čarakovo was attacked on 23 July

<sup>158</sup> Witness:ST26

<sup>159</sup> Witness:ST26

<sup>160</sup> War Presidency Minutes, 14 July 1992:0041-5572-0041-5573(BCS);0190-0444-0190-0445(ENG)

<sup>161</sup> Witness:ST13

<sup>162</sup> Witness:ST05

<sup>163</sup> Garibović

<sup>164</sup> Sivac

<sup>165</sup> Murselović; Witness:ST24

<sup>166</sup> Witness:ST20; Witness:ST07; Witness:ST25

after several demands that residents should hand in weapons. At least 16 civilians were killed during the attack.<sup>167</sup>

108. In July, Muslim civilians were detained in Miška Glava. On or about 25 July, a large number of non-Serb men were transferred to the Ljubija football stadium. They were guarded by RSMUP. Police and soldiers beat many men and killed several. Detainees were ordered to remove the dead bodies and put them in a bus.<sup>168</sup>
109. On 31 May, the camp at Omarska was set up. Thousands of Muslim and Croat civilians were detained. Many detainees were killed, beaten, tortured and sexually assaulted.<sup>169</sup> Police guarded the camp and participated in beatings, torture and killings.<sup>170</sup>
110. Following the attack on Kozarac, residents of the area were also brought to Trnopolje. Later, other civilians from all over the Prijedor municipality were brought in. The guards were Serb soldiers. A number of detainees died as a result of the beatings received by the guards. Female detainees were raped.<sup>171</sup>
111. Detainees were also held in the SJB building where they were subjected to beatings before transferred to other detention facilities, mainly Omarska.<sup>172</sup>
112. Keraterm camp was guarded by civilian and military police. It held around 4.000 detainees. Beatings occurred on regular basis and prisoners killed. On 20 and 21 July, room 3 in the Keraterm camp was filled with residents from the recently-cleansed Brdo area. In July, there was a mass killing of detainees of Room 3.<sup>173</sup>
113. On 5 August, about 120 detainees from Keraterm and Omarska were put on buses headed towards Sanski Most. Remains of some of them were later exhumed from a mass gravesite in Hrastova Glavica in Sanski Most.<sup>174</sup>
114. On 21 August, a convoy of trucks and buses carrying Muslims from villages around Prijedor and from Trnopolje camp set out from Tukovi in the direction of Travnik. The convoy was escorted by the Prijedor police intervention squad. After passing Skender Vakuf, about 200 men were taken off the trucks by the police and driven in two buses to Koričanske Stijene, where the men were taken to the edge of a cliff and executed.<sup>175</sup>

<sup>167</sup> Nasić; Witness: ST21; Witness: ST24; Mujadžić

<sup>168</sup> Nasić

<sup>169</sup> Nusret Sivac; Jusuf Arifagić; Witness: ST22; Kerim Mešanović; Emsud Garibović.

<sup>170</sup> Sivac, Nusret; Witness: ST22; Emir Beganović

<sup>171</sup> Merdzanić; Kenjar

<sup>172</sup> Witness: ST20; Poljak

<sup>173</sup> Arifagić

<sup>174</sup> Sebire

<sup>175</sup> Garibovic; Witness: ST23

**SANSKI MOST**

115. Military trucks distributed arms to the Serb population of Sanski Most. On 17 April, Serbs took control of the police force and demanded all non-Serbs to sign an oath of loyalty.
116. On about 1 May, Serb authorities demanded the disarmament of the non-Serb population. As of about 26 May, arrests started.
117. Some detainees were taken directly to the police building in Sanki Most for interrogation, while detainees from other detention facilities in Sanski Most were also brought to the police building for interrogation. Detainees were beaten. From the police building, some detainees were transferred to other detention facilities, such as Betonirka, and Kikić school
118. Non-Serbs were detained and beaten on a regular basis at Betonirka (guarded by police and soldiers)<sup>176</sup> and Kikić school, where 500-600 were detained in the gymnasium, guarded by police.<sup>177</sup>

**TESLIĆ**

119. On 6 April, at the session of the Municipal Assembly, the SDS voted to join the Serb Republic of BiH and to join ARK. Non-Serbs were dismissed or forced to sign oaths of loyalty. In late May, Teslić radio announced that by order of the Municipal President, all non-Serbs had to hand over their weapons no later than 4 June.<sup>178</sup>
120. On or about 4 June, Serb paramilitaries arrived in Teslić. Houses were searched, looted and set on fire. Catholic churches and mosques were damaged and destroyed. Muslim and Croat civilians were arrested. Detainees were held in the SJB building. Policemen and members of Miće paramilitary group severely beat detainees.<sup>179</sup>
121. Detainees were subsequently transferred from the SJB to the TO warehouse. The guards at the TO warehouse were RSMUP and members of the Miće group. Detainees were regularly beaten and many were killed.<sup>180</sup>

**BILEĆA**

122. On 31 March the local police force was separated when Muslim officers were fired for refusing to wear Serb uniforms.<sup>181</sup> Other Muslims were fired from their jobs, and their movements were restricted.<sup>182</sup>

<sup>176</sup> Zulić, Marić<sup>177</sup> Biščević<sup>178</sup> Tenić<sup>179</sup> Tenić; Witness: ST08<sup>180</sup> Tenić; Witness: ST08<sup>181</sup> Čustović<sup>182</sup> Čustović

123. In early June, Muslims were ordered to hand in weapons. Shortly after that, regular and reserve police officers arrested Muslims and detained them at the SJB building, the building behind the SJB, Đački Dom and Moše Pijade Barracks. Detainees were regularly beaten and tortured by police officers and soldiers.<sup>183</sup>
124. From the SJB building, prisoners were transferred to Đački Dom, staffed by police who severely beat and tortured detainees. White Eagles and policemen participated in a joint attack on the detainees, throwing canisters of tear gas into the detainees' rooms.<sup>184</sup> Before their release, prisoners were required to sign a document affirming that they wished to voluntarily leave Bileća.
125. In October, prisoners from the SJB building were taken to the Đački Dom to be exchanged. 38 prisoners remained at the SJB building and were subjected to more beatings and torture by police; a number died as a result.<sup>185</sup>

## BRČKO

126. Brčko town was shelled by Serb forces from 1-8 May. Beginning on 3 May, various Serb forces, including the police forces, began to forcibly remove the non-Serb people from the town and surrounding villages.
127. Non-Serbs were arrested and held in the SJB building,<sup>186</sup> Luka camp, the Laser Bus Company building and the Partisan Sports Hall.<sup>187</sup>
128. On about 8 May, 27 Muslims imprisoned in the Military barracks in Brčko volunteered to clean around the SJB building, but instead were taken for interrogation in the SJB building. Many were killed on that occasion, inside or around the police station by policemen.<sup>188</sup> Policeman Goran Jelisić was the perpetrator of many killings in Brčko. He killed a number of Muslims in and around the hotel Posavina on 4 May. Uniformed policemen killed three civilian in the market area in Stari Grad of Brčko on 8 May.
129. Non-Serbs were held in the restaurant of the Laser Bus Company (staffed by men in SMB uniforms) for several days and subsequently transferred to another detention facility. Detainees were brutally beaten and several killed by guards.<sup>189</sup>
130. Jelisić was in charge of Luka detention camp. He wore a regular civilian police uniform. Other policemen were also present in Luka. Prisoners at Luka were routinely interrogated, beaten

<sup>183</sup> Čustović; Šaćir Avdić

<sup>184</sup> Avdić

<sup>185</sup> Čustović

<sup>186</sup> Gasi

<sup>187</sup> Witness: ST01; Muminović

<sup>188</sup> Gasi

<sup>189</sup> Diviković

and tortured. A large number were killed by Jelisić, Ranko Cesić and others. Female detainees were raped.<sup>190</sup>

131. Non-Serbs were detained in Partisan Sports Hall, where several were killed by Serb forces.<sup>191</sup>

## **BOSANSKI ŠAMAC**

132. Following the take over in Bosanski Šamac on 17 April, large-scale arrests of non-Serbs were carried out by RSMUP and paramilitaries from Serbia. Those who were arrested were held at the SJB building and a prison attached thereto. Detainees were severely beaten by policemen at the SJB; some died.

133. Detainees from the SJB were transferred to a warehouse building in Crkvina, a Secondary School centre, Mitar Trifunović-Učo primary school<sup>192</sup> and the TO headquarters. Police interrogated and severely beat detainees. Some died from their injuries.<sup>193</sup>

134. Detainees in the warehouse were tortured by members of the paramilitary groups in the presence of police. Many were killed in or about Crkvina. After the killing, bodies were loaded on a truck which was followed by a bulldozer. A police car drove in front of them.<sup>194</sup>

135. As of July, Serb authorities organised mass exchange operations.

## **DOBOJ**

136. On 3 May, Serb paramilitaries, JNA and the police took over Doboj. Many non-Serbs fled the Doboj area.

137. Restrictions on the movements of Muslims were imposed. All non-Serbs were made to hand in their weapons at the local police station. By this stage the police force was entirely Serb.<sup>195</sup>

138. On 6 May, Serb forces began to inspect and loot Muslim houses. On 8 May, soldiers began to round up the Muslim residents of the town.<sup>196</sup> They were taken to the central prison in Doboj. It was staffed by RSMUP. Detainees were beaten, intimidated and abused by Serb soldiers.<sup>197</sup> Prisoners kept in the Central Prison were interrogated in the Doboj SJB building. Some prisoners were taken away from the prison and have not been seen since.<sup>198</sup> Some prisoners were taken to the Percó's discotheque.<sup>199</sup>

<sup>190</sup> Witness:ST01

<sup>191</sup> Muminović

<sup>192</sup> ST11

<sup>193</sup> Witness:ST11;Hodžić,Lukać

<sup>194</sup> Hodžić

<sup>195</sup> Hadžović

<sup>196</sup> Hadžović

<sup>197</sup> Hadžović

<sup>198</sup> Buljubašić

<sup>199</sup> Hadžović,



139. Detainees were held Perćo's discotheque between June and July.<sup>200</sup> Detainees were beaten regularly, and at least one man died from his injuries.<sup>201</sup>
140. Between June and August detainees were also held at Usora Barracks.<sup>202</sup>

## GAČKO

141. Muslims lost their jobs and were replaced by Serbs.<sup>203</sup>
142. Arrests of the Muslim population began in early May and June. The local police commander Popić together with the local leader of the White Eagles co-ordinated in arresting Muslims and taking them to the SJB building. In early June, there were around 120 Muslim detainees at the Gacko police station, where many were beaten and several killed. The wife of a detainee was raped at the SJB.<sup>204</sup>
143. Detainees were later moved to the Dom Kulture in Avtovac where they were severely beaten and tortured.<sup>205</sup> Many were transferred to the basement of the power station hotel, where detainees were beaten, sexually abused and a number were killed.<sup>206</sup>
144. Detainees were often transferred from the SJB in Gačko to detention facilities in Bileća.<sup>207</sup>
145. During June and July, many non-Serbs left the municipality.<sup>208</sup>

## ILIJAS

146. In late March, Serb flags were hoisted on the Ilijaš municipal building. The SJB split along ethnic lines. Muslim and Croat police officers, employees of schools, banks and hospitals, were dismissed.
147. In May, the RSMUP ordered the Muslim inhabitants of Ljesevo to surrender their weapons and on 4 June, Ljesevo was hit with gunfire and shells.
148. On 29 May, Serb forces shelled the Muslim village of Gornja Bioča. Soon thereafter, Serb soldiers detained the Muslim residents in the village primary school and then moved them to Podlugovi to a former school building.<sup>209</sup> In August, the detainees were transferred either to Semizovac or Planjo's house in Vogošća municipality. Detainees were also held in Podlugovi railway station and Ilijaš SJB building where they were subjected to severe beatings by the police.<sup>210</sup>

<sup>200</sup> Hadzović

<sup>201</sup> Hadzović

<sup>202</sup> Hadzović

<sup>203</sup> Čampara

<sup>204</sup> Čampara

<sup>205</sup> Witness:ST03

<sup>206</sup> Witness:ST03; Musić

<sup>207</sup> Čampara

<sup>208</sup> ST03

<sup>209</sup> Selimović

<sup>210</sup> Mensud Šehić; Selimović

**PALE**

149. Non-Serbs were arrested, taken to the police station, interrogated and beaten. A public call was directed to all non-Serbs to surrender all weapons to the police.<sup>211</sup> Local Serb authorities started a campaign to expel non-Serbs. Policemen visited Muslim neighbours weekly for about 3 weeks.<sup>212</sup>
150. Non-Serbs were held in the SJB building, and in the former Cultural Centre in Pale.<sup>213</sup> Detainees were beaten regularly, and some detainees held at the Cultural Centre died as a result of injuries inflicted by police.<sup>214</sup>
151. On 15 May over 400 prisoners from Bratunac were brought to and detained in Pale. They showed signs of beating and torture. In early August, many prisoners were transferred to Kula prison.<sup>215</sup>
152. In late June and early July, Serb authorities organised convoys to remove Muslims from the area.<sup>216</sup>

**VOGOŠĆA**

153. In early March, SDS delegates withdrew from the Vogošća municipal assembly and established their own assembly. Serb forces took control of much of Vogošća between 4 and 17 April.
154. RSMUP forces participated in looting of Muslim houses.<sup>217</sup>
155. Non-Serbs were arrested, beaten and interrogated at Vogošća police station. From the police station they were taken either to Kon Tiki bunker or the aircraft base in Rajlovac where detainees were beaten. Detainees from Kon Tiki were transferred to Planjo's house. Those detained there were subjected to beatings, and digging trenches at Žuč hill.<sup>218</sup>

**VIŠEGRAD**

156. Muslim citizens were disarmed or requested to surrender their weapons. From June, many non-Serbs were killed by a paramilitary group led by Milan Lukić.<sup>219</sup>
157. On or about 14 June, a group of approximately 70 non-Serbs were confined in a house on Pionirska Street, which had been pre-doused with inflammable material, and burned to

<sup>211</sup> Crnčalo<sup>212</sup> Crnčalo<sup>213</sup> Omeragić<sup>214</sup> Omeragić<sup>215</sup> Omeragić<sup>216</sup> Omeragić; Crnčalo<sup>217</sup> Report of SJB Vogošća, 0358-8232-0358-8235<sup>218</sup> Hido; Čutura<sup>219</sup> Ajanović

death.<sup>220</sup> A similar incident occurred in Bikavac on or about 27 June when another 70 non-Serbs were killed in the house of Meho Aljić.<sup>221</sup> On 7 June, a group of non-Serbs was taken to the banks of the River Drina and shot; many murdered non-Serbs were thrown in the river Drina.<sup>222</sup>

158. Non-Serbs were detained in a hotel in Višegrad.<sup>223</sup>

## VLASENICA

159. On 21 April, JNA soldiers took over the town of Vlasenica with the assistance of local armed Serbs. The police was purged of non-Serbs. Serb authorities requested the Muslim population to surrender their weapons.<sup>224</sup>

160. Soon after, arrests of Muslims started. Detainees were held at Sušica camp, where policeman Dragan Nikolić was commander. Many were regularly beaten and tortured and some died. Female detainees were raped.<sup>225</sup> Dragan Nikolić killed detainees in June-August.<sup>226</sup> Some prisoners from Sušica were transferred to Batković in Bijeljina.<sup>227</sup> When Sušica was disbanded in late September, many prisoners were killed.

161. Some prisoners were detained and beaten in the SJB building,<sup>228</sup> and also in the attached prison building. Many detainees were kept in the Civil Defence Warehouse.<sup>229</sup>

162. On June 2, a VRS/MUP offensive in the village of Drum took place. Women, children and some men were taken away to Sušica camp and over 20 were executed.<sup>230</sup> Detainees held in the municipal prison were later ordered to bury the bodies from the Drum massacre.<sup>231</sup>

163. On 16 May, soldiers killed many defenceless Muslims in the Muslim village of Zaklopača.<sup>232</sup>

## ZVORNIK

164. The RSMUP police station and Serb municipal headquarters were in Karakaj.

165. The Serb takeover began on 8 April. RSMUP, TO, the JNA and Arkan's men attacked Zvornik town and took power. Many Muslim civilians were killed during the attack.

166. On about 15 April, a car with a megaphone passed by the Muslim village of Divić and made an announcement to the village to surrender all weapons.<sup>233</sup>

<sup>220</sup> Proposed adjudicated fact from *Vasijević* trial judgement.

<sup>221</sup> Ajanović

<sup>222</sup> Ajanović

<sup>223</sup> Ajanović

<sup>224</sup> Hodzić

<sup>225</sup> Karić

<sup>226</sup> Babić; Osmanović

<sup>227</sup> Osmanović

<sup>228</sup> Osmanović

<sup>229</sup> Karić

<sup>230</sup> Babić

<sup>231</sup> Babić; Osmanović

<sup>232</sup> Hozic

167. In late May, soldiers started arresting Muslims. Detainees were held in the SJB building, Čelopek Dom Kulture,<sup>234</sup> Karakaj Technical School (KTS),<sup>235</sup> Gero's Slaughterhouse,<sup>236</sup> and Novi Izvor,<sup>237</sup> Drinjača school<sup>238</sup> and Ekonomija Farm.<sup>239</sup> The detainees at these facilities were regularly beaten. Some died from injuries, or were killed summarily.<sup>240</sup>
168. After the take over of Kula Grad, all surrounding villages surrendered without resistance, and their inhabitants were detained at Dom Kulture in Drinjača. Women and children were ordered to leave. The men stayed. Soldiers and members of Arkan's paramilitary group killed Muslim men.<sup>241</sup> In late May/early June, a group of non-Serb males was brought to Čelopek Dom Kulture, which was guarded by RSMUP. Paramilitary units would often abuse the detainees held therein. During June, Serb paramilitaries severely beat and killed several detainees in the presence of police.<sup>242</sup>
169. On 1 June, Serb soldiers took about 750 Muslim males by truck to KTS. About 20 men died the first night. Between 1 and 5 June, detainees were taken out and killed.<sup>243</sup>
170. On 5 June, the men who had survived the killings at KTS, about 550, were taken to Pilica cinema hall. On about 8 June, a group of 64 detainees were taken from the hall, to Gero's slaughterhouse under police escort. Inside the house, two guards, wearing SMB uniforms, opened fire, killing all but one. Trucks brought detainees to the house on two more occasions. In all, approximately 190 detainees were killed.<sup>244</sup>
171. Between May and June, a large number of men were held in the Novi Izvor factory. Police and paramilitaries units were present. Several detainees were taken from the factory and killed.<sup>245</sup>
172. Detainees were severely beaten at Ekonomija farm; at least one died.<sup>246</sup>
173. Most of the detainees were eventually transferred to Batković.<sup>247</sup>
174. Around 28 May, VRS Major Andrić ordered the Zvornik TO to coordinate the moving out of Muslim women and children. Military-aged men were to be placed in camps for exchange.<sup>248</sup>

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<sup>233</sup> Dogić

<sup>234</sup> Witness:ST14

<sup>235</sup> Witness:ST10

<sup>236</sup> Witness:ST15

<sup>237</sup> Dogić

<sup>238</sup> Witness:ST14

<sup>239</sup> Dautović

<sup>240</sup> Witness:ST14;Witness:ST10;Witness:ST15;Nijaz. Dogić

<sup>241</sup> Witness:ST14

<sup>242</sup> Witness:ST14;Dogić

<sup>243</sup> Witness:ST10

<sup>244</sup> Witness:ST15

<sup>245</sup> Dogić,

<sup>246</sup> Dautović

<sup>247</sup> Dautović

<sup>248</sup> Order of Birač Brigade command:0427-6215

## **Destruction of sacred sites and Muslim and Croat homes**

175. The evidence of the witness cited in this section also demonstrates that many mosques, Catholic churches and other sacred sites in their municipalities, as well as Muslim and Croat houses, were deliberately damaged or destroyed by Serb forces in 1992.

176. The witness testified that in 1992, he saw the following:

177. The witness testified that in 1992, he saw the following: the destruction of the mosque in the village of [redacted] and the destruction of the mosque in the village of [redacted].

178. The witness testified that in 1992, he saw the following:

179. The witness testified that in 1992, he saw the following: the destruction of the mosque in the village of [redacted] and the destruction of the mosque in the village of [redacted].

180. The witness testified that in 1992, he saw the following:

181. The witness testified that in 1992, he saw the following: the destruction of the mosque in the village of [redacted] and the destruction of the mosque in the village of [redacted].

# **ANNEX**

## **Maps of municipalities**

