



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

Case No: IT-08-91-T  
Date: 1 April 2010  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 1 April 2010

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION GRANTING IN PART PROSECUTION'S  
MOTIONS FOR JUDICIAL NOTICE OF ADJUDICATED  
FACTS PURSUANT TO RULE 94(B)**

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**The Office of the Prosecutor**

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**TRIAL CHAMBER II** (“Trial Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the following motions:

- (i) “Prosecution’s third motion for judicial notice of adjudicated facts, with annex”, filed on 25 January 2008 (“Third Motion”);
- (ii) “Prosecution’s fourth motion for judicial notice of adjudicated facts, with annex”, filed on 24 April 2008 (“Fourth Motion”);
- (iii) “Prosecution’s request and notice regarding application of adjudicated facts to Stojan Župljanin with annex”, filed on 23 February 2009 (“Notice”);
- (iv) “Prosecution’s fifth motion for judicial notice of adjudicated facts, with annex” filed on 21 August 2009 (“Fifth Motion”); and
- (v) “Prosecution’s sixth motion for judicial notice of adjudicated facts, with annex” filed on 2 February 2010 (“Sixth Motion”) (collectively, “Prosecution Motions for Judicial Notice”).

## **I. PROCEDURAL HISTORY**

1. On 14 December 2007, prior to the joinder of the cases against Mićo Stanišić and Stojan Župljanin, Trial Chamber II issued a “Decision on judicial notice” (“First Decision”) deciding the following three motions:

- “Prosecution’s motion for judicial notice of facts of common knowledge and adjudicated facts, with annex”, filed on 31 August 2006 (“First Motion”),
- the “Defence motion for judicial notice of adjudicated facts with annex”, filed on 1 February 2007 (“Stanišić Defence Motion”), and
- the “Prosecution’s second motion for judicial notice of adjudicated facts, with revised and consolidated annex”, filed on 10 May 2007 (“Second Motion”).

The Trial Chamber rejected the facts of common knowledge proposed by the Prosecution and took judicial notice of 853 of the adjudicated facts proposed by the Prosecution and the Defence of Mićo Stanišić (“Stanišić Defence”).

2. On 25 January 2008, the Prosecution filed the Third Motion, whereby it requests that the Trial Chamber take judicial notice of 59 proposed facts.<sup>1</sup> A further seven facts were proposed by the Prosecution in its Fourth Motion filed on 24 April 2008. On 8 February 2008, the Stanišić Defence responded to the Third Motion, requesting that the Trial Chamber deny judicial notice of all the 59 proposed facts.<sup>2</sup> The same request was made by the Stanišić Defence in its response filed 5 May 2008 in relation to the proposed seven facts in the Fourth Motion.<sup>3</sup>

3. On 23 September 2008, the Trial Chamber granted a Prosecution motion for joinder of the cases against Mićo Stanišić and Stojan Župljanin.<sup>4</sup> On 23 February 2009, the Prosecution requested that the adjudicated facts of which the Trial Chamber took judicial notice in the First Decision be admissible as evidence against Stojan Župljanin.<sup>5</sup> The Prosecution also requested that the Third Motion and Fourth Motion apply to both Accused.<sup>6</sup>

4. On 31 March 2009, the Defence of Stojan Župljanin (“Župljanin Defence”) replied to the Notice stating that it agreed to the admission of 161 proposed facts and requests the remaining proposed facts to be held inadmissible in the case against Stojan Župljanin (“Župljanin Response”).<sup>7</sup> On 7 April 2009, the Prosecution replied to the Župljanin Response, requesting that the Trial Chamber reject the objections of the Župljanin Defence.<sup>8</sup> The Chamber will grant leave to reply.

5. On 14 April 2009, the Župljanin Defence filed the “Defence request for leave to respond and supplement to the response to Prosecution request and notice regarding application of adjudicated facts to Stojan Župljanin” (“Supplemental Response”). The Trial Chamber notes that the Rules of Procedure and Evidence (“Rules”) do not provide for rejoinders or “supplemental

<sup>1</sup> The Trial Chamber notes that the Prosecution submits that there are 58 proposed facts. However, there are 59 proposed facts in the attached annex (Nos. 984-1042).

<sup>2</sup> Defence response to prosecution’s third motion for judicial notice of adjudicated facts, 8 Feb 2008 (“Stanišić Third Motion Response”), para. 11.

<sup>3</sup> Defence response to Prosecution’s fourth motion for judicial notice of adjudicated facts, with annex, 5 May 2008 (“Stanišić Fourth Motion Response”), para. 5.

<sup>4</sup> *Prosecutor v. Stanišić*, Case No. IT-04-79-PT and *Prosecutor v. Stojan Župljanin*, Case No. IT-99-3 6/2-PT, Decision on Prosecution’s motion for joinder and for leave to consolidate and amend indictments, 23 Sep 2008.

<sup>5</sup> Notice, para. 8. Except as specified in paragraph 6 and Annex A of the Notice.

<sup>6</sup> Notice, para. 8.

<sup>7</sup> Defence request for leave to exceed the word limit and response to Prosecution request and notice regarding application of adjudicated facts to Stojan Župljanin, 31 March 2009 (“Župljanin Response”), para 30. The Župljanin Response is timely because on 2 March 2009 the Župljanin Defence filed “Stojan Župljanin’s Request for an extension of time to respond to the Prosecution’s notice of 23 February 2009 regarding adjudicated facts” which requested an extension for filing a response until 1 May 2009. On 5 March 2009 the Prosecution filed “Prosecution response to Stojan Župljanin’s request for an extension of time to respond to the Prosecution’s notice of 23 February 2009 regarding adjudicated facts” in which no objection to the extension was raised. On 6 March 2009 the Trial Chamber issued an “Order regarding an extension of time for Stojan Župljanin’s response” which granted an extension until 1 April 2009, finding the original request by the Župljanin Defence to be excessive. Further, the request to exceed the word limit is granted.

responses”. In the interest of the clarity of the record, however, it will consider the Supplemental Response only insofar as it addresses mistakes or errors in the Župljanin Response. The Trial Chamber notes that this only concerns paragraph 4 of the filing, wherein the Župljanin Defence withdraws in part its objection regarding proposed fact 877.

6. On 24 August 2009, the Prosecution filed the Fifth Motion requesting that the Trial Chamber take judicial notice of an additional 393 proposed facts.<sup>9</sup> On 7 September 2009, in separate responses, the Stanišić Defence and Župljanin Defence both objected to the Fifth Motion in its entirety.<sup>10</sup> On 14 September 2009, the Prosecution requested leave to reply and filed a reply whereby it requested the Trial Chamber to dismiss the Stanišić Defence and Župljanin Defence responses.<sup>11</sup> The Chamber will grant leave to reply.

7. On 2 February 2010, the Prosecution filed a further motion requesting the Trial Chamber to take judicial notice of 10 proposed facts (“Sixth Motion”).<sup>12</sup> The Stanišić Defence responded on 5 February 2010, opposing the Sixth Motion.<sup>13</sup> On 15 February 2010, the Župljanin Defence joined the Stanišić response to the Sixth Motion.<sup>14</sup>

## II. SUBMISSIONS

### A. In respect of the Third Motion and the Fourth Motion

8. In the Third Motion, the Prosecution re-submits 41 proposed facts of which the Trial Chamber declined to take judicial notice in the First Decision, arguing that it has cured the defects found by the Trial Chamber.<sup>15</sup> Moreover, the Prosecution seeks judicial notice of 18 previously unsubmitted proposed facts.<sup>16</sup> The Prosecution argues that the proposed facts meet the nine criteria

<sup>8</sup> Prosecution leave to reply and reply to Stojan Župljanin’s request for leave to exceed the word limit and response to Prosecution request and notice regarding application of adjudicated facts to Stojan Župljanin, 8 April 2009, para. 25.

<sup>9</sup> Prosecution also filed a Corrigendum to the Prosecution’s fifth motion for judicial notice of adjudicated facts, 16 Sep 2009, amending the word “none” to “nine” in proposed fact 1365.

<sup>10</sup> Mr Mićo Stanišić’s response to the Prosecution’s fifth motion for judicial notice of adjudicated facts, with annex, 7 Sep 2009 (“Stanišić Fifth Motion Response”), para. 18; Defence request for leave to exceed the word limit and response to Prosecution’s fifth motion for judicial notice of adjudicated facts, with annex, 7 Sep 2009 (“Župljanin Fifth Motion Response”), para. 27.

<sup>11</sup> Prosecution’s motion for leave to reply and reply to Stanišić and Župljanin responses to the Prosecution fifth motion for judicial notice of adjudicated facts, 14 Sep 2009 (“Reply”).

<sup>12</sup> Prosecution’s sixth motion for judicial notice of adjudicated facts, with annex, 2 Feb 2010.

<sup>13</sup> Mr. Stanišić’s response to the Prosecution’s sixth motion for judicial notice of adjudicated facts, 5 Feb 2010 (“Stanišić Sixth Motion Response”).

<sup>14</sup> Župljanin submission joining the Stanišić response to Prosecution’s sixth motion for judicial notice of adjudicated facts, 15 Feb 2010 (“Župljanin Sixth Motion Response”).

<sup>15</sup> Third Motion, para. 10. The 41 proposed facts are found in the attached annex to the Third Motion. The Trial Chamber notes that the inserted wording in brackets are used by the Prosecution for a better understanding of each fact standing alone.

<sup>16</sup> Proposed facts 991, 1013-1029 in the attached annex to Third Motion.

for judicial notice set out in a decision in the *Popović et al.* case.<sup>17</sup> It submits that taking judicial notice of the proposed facts “would, without unfairness to the Accused, avoid time and resources being wasted at trial on issues which have been subject of previous final judicial determination”.<sup>18</sup> Specifically, the Prosecution states that if the proposed facts are accepted, this “would considerably reduce the duration of court time, in particular with respect to events occurring in the crime-base regions set out in the Schedules to the Indictment”.<sup>19</sup> This, the Prosecution submits, would allow the Trial Chamber and the parties to focus on the individual criminal responsibility of the accused.<sup>20</sup> The Prosecution further submits that taking judicial notice of proposed facts would not impair the rights of the Accused as judicial notice of adjudicated facts “has the legal effect of establishing a presumption for the accuracy of [the] fact, which therefore does not have to be proven again at trial, but which, subject to that presumption, may be challenged at trial”.<sup>21</sup> Recalling the First Decision, the Prosecution highlights the position that the taking of judicial notice does not shift the ultimate burden of persuasion, which remains with the Prosecution.<sup>22</sup>

9. In the Fourth Motion, the Prosecution requests the Trial Chamber to take judicial notice of seven proposed facts relating to the Keraterm camp in Prijedor municipality.<sup>23</sup> The Prosecution notes that the Trial Chamber denied judicial notice of the seven facts in the First Decision, concluding that there were differences and/or inconsistencies in the judgements from which the facts were taken.<sup>24</sup> The Prosecution submits that the majority of defects identified may be rectified with minor clarifications.<sup>25</sup> It argues that each fact meets the requirements laid down in the *Popović* Decision and also repeats the arguments, canvassed above, regarding judicial economy.<sup>26</sup>

10. With reference to proposed fact 895 the Prosecution submits that the Trial Chamber may have misunderstood the fact in that it refers to the date when the victims of the alleged massacre were placed in the relevant room at the Keraterm camp rather than the date when the massacre was allegedly carried out.<sup>27</sup>

<sup>17</sup> Third Motion, para. 11, referring to *Prosecutor v. Popović et al.*, Case No. IT-05-99-T, Decision on Prosecution motion for judicial notice of adjudicated facts, 26 Sep 2006 (“*Popović* Decision”).

<sup>18</sup> Third Motion, para. 21.

<sup>19</sup> Third Motion, para. 21.

<sup>20</sup> Third Motion, para. 21.

<sup>21</sup> Prosecution Third Motion, para 22, referring to *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Decision on Prosecution’s motion for judicial notice of adjudicated facts and Prosecution’s catalogue of agreed facts with dissenting opinion of Judge Harhoff, 10 Apr 2007, para. 29.

<sup>22</sup> Third Motion, para. 22, citing First Decision, para. 33.

<sup>23</sup> Fourth Motion, para. 1.

<sup>24</sup> Fourth Motion, para. 5.

<sup>25</sup> Fourth Motion, para. 6.

<sup>26</sup> Fourth Motion, paras 10-12, 13-15. See *supra* para. 9.

<sup>27</sup> Fourth Motion, para. 8.

11. With reference to the Trial Chamber's rejection of the facts concerning the Brdo area in Prijedor from which the victims of the alleged massacre came, the Prosecution submits that the village of Hambarine is part of the Brdo area and that the findings of the *Tadić* and *Stakić* Trial Chambers may therefore, be reconciled on this point.<sup>28</sup> In the Prosecution's opinion, the only unresolved issue is how many men were killed during the alleged massacre.<sup>29</sup> However, the Prosecution submits that, while the exact number of victims is unknown, "this fact cannot preclude the Trial Chamber from granting the facts relating to the existence of the massacre".<sup>30</sup>

12. The Stanišić Defence submits that the facts rejected by the Trial Chamber in the First Decision cannot be the subject of judicial notice again as they have been analysed and rejected on their merits and as the matter, therefore, has been "judicially determined within the case itself".<sup>31</sup> The Stanišić Defence also submits that the proposed facts do not meet the criteria for the Trial Chamber to take judicial notice of them.<sup>32</sup>

13. In its Notice, the Prosecution requests that the 853 adjudicated facts of which judicial notice was previously taken through the First Decision in the case against Mićo Stanišić be admitted as evidence against Stojan Župljanin except in so far as they go to proof of the acts, conduct or mental state of the accused.<sup>33</sup> The Prosecution submits that only proposed fact 325 relates entirely to the acts, conduct and mental state of Stojan Župljanin and should, thus, not be admitted as evidence against him.<sup>34</sup> It further submits that only certain discrete portions of proposed facts 134, 765, 789-790, 792-793, 864, 875 and 884 relate to the acts, conduct and mental state of Stojan Župljanin and that these facts are admissible provided the portions that contravene Rule 94(B) are omitted.<sup>35</sup>

14. The Prosecution also requests that the Third Motion and Fourth Motion apply in respect of both Accused and submits that none of the proposed facts in the Third Motion or the Fourth Motion relate to the acts, conduct and mental state of Stojan Župljanin and can therefore be admitted as

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<sup>28</sup> Fourth Motion, para. 9, referring to *Tadić* Trial Judgement, para. 171, and *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, Judgement, 31 Jul 2003, para. 204 (the Trial Chamber notes that the Prosecution refers to paragraph "2004" but concludes based on the contents of paragraph 204 that that must be the relevant paragraph).

<sup>29</sup> Fourth Motion, para. 9.

<sup>30</sup> Fourth Motion, para. 9.

<sup>31</sup> Stanišić Third Motion Response, para. 8, and Stanišić Fourth Motion Response, para. 2, citing *Prosecutor v. Prlić et al.*, IT-04-74-T, Decision on Prosecution motions for judicial notice of adjudicated facts of 14 and 23 June 2006, 7 Sep 2006 ("*Prlić* 7 September 2006 Decision"), para. 28.

<sup>32</sup> Stanišić Third Motion Response, para. 9, and Stanišić Fourth Motion Response, para. 3.

<sup>33</sup> Notice, paras 1 and 5.

<sup>34</sup> Notice, para. 6.

<sup>35</sup> Notice, para. 6.

evidence against him.<sup>36</sup> The Prosecution notes that the Župljanin Defence should be given the opportunity to file objections to the First Decision and the Third and Fourth Motions.<sup>37</sup>

15. The Župljanin Defence responded that the Prosecution is incorrect in stating that the only factor that requires further consideration is whether the proposed fact goes to the proof of the acts, conduct or mental state of Stojan Župljanin.<sup>38</sup> The Župljanin Defence submits that as the “proposed adjudicated facts in all four Prosecution motions are a matter of first impression for the Župljanin Defence”,<sup>39</sup> all relevant factors must be applied to the proposed facts to be potentially admitted in the case against Stojan Župljanin.<sup>40</sup> In this respect, the Župljanin Defence refers to the jurisprudence, in particular to the nine requirements set out in the *Popović* Decision.<sup>41</sup> The Župljanin Defence embraces the findings in the First Decision to the extent that proposed facts were denied and submits they should also be declared inadmissible in the case against Stojan Župljanin.<sup>42</sup> With regard to the facts of which judicial notice was taken in the First Decision in relation to Mićo Stanišić, the Župljanin Defence contends that a number of these facts should be held inadmissible in the case against Stojan Župljanin as they are irrelevant to the present case,<sup>43</sup> differ substantially from the formulation in the original judgement,<sup>44</sup> are unclear or misleading,<sup>45</sup> contain characterisations of a legal nature,<sup>46</sup> relate to the acts, conduct, or mental state of the accused<sup>47</sup> or would not serve the interests of justice if granted.<sup>48</sup>

16. Addressing the Third and Fourth Motions specifically, the Župljanin Defence contends that, in the entirety of both motions, there are only two proposed facts that are new,<sup>49</sup> all of the remaining proposed facts having previously been rejected in the First Decision. The Župljanin Defence argues that these re-submitted facts, all of which are being proffered again with either no change or non-material changes to their content,<sup>50</sup> as well as the two newly proposed facts, are inadmissible because they are irrelevant, differ substantially from the formulation in the original judgement, are

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<sup>36</sup> Notice, para. 7.

<sup>37</sup> Notice, para. 9.

<sup>38</sup> Župljanin Response, para. 4.

<sup>39</sup> Župljanin Response, para. 4.

<sup>40</sup> Župljanin Response, para. 4.

<sup>41</sup> Župljanin Response, paras 6-7.

<sup>42</sup> Župljanin Response, para. 30 (b).

<sup>43</sup> Župljanin Response, para. 8.

<sup>44</sup> Župljanin Response, para. 11.

<sup>45</sup> Župljanin Response, paras 12-14.

<sup>46</sup> Župljanin Response, paras 16-17.

<sup>47</sup> Župljanin Response, paras 19-22.

<sup>48</sup> Župljanin Response, paras 24-29.

<sup>49</sup> Župljanin Response, para. 3.

<sup>50</sup> Župljanin Response, para. 3.

unclear or misleading, contain characterisations of an essentially legal nature, relate to the acts, conduct and mental state of the accused or would not serve the interests of justice.<sup>51</sup>

17. The Župljanin Defence also raises objections to seven proposed facts proffered by the Stanišić Defence<sup>52</sup> “to which the Župljanin Defence does not stipulate”.<sup>53</sup> The Župljanin Defence agrees to admission of the remaining 161 proposed facts.<sup>54</sup>

### **B. In respect of the Fifth Motion and the Sixth Motion**

18. By its Fifth Motion, which was filed after the joinder of the *Stanišić* and the *Župljanin* cases, the Prosecution asks the Trial Chamber to take judicial notice of 392 proposed facts which pertain to the crime sites and incidents in 19 of the 20 municipalities charged in the indictment.<sup>55</sup> The Prosecution submits that the proposed facts are derived primarily from the trial judgement against Momčilo Krajišnik, who was charged with participating in the same alleged joint criminal enterprise as the Accused, and that these facts, therefore, are relevant to the present case.<sup>56</sup> The Prosecution contends that the one proposed fact from the *Brđanin* judgement will corroborate the testimony of a witness testifying pursuant to Rule 92 *bis*.<sup>57</sup> The Prosecution further submits that the proposed facts which derive from the *Vasiljević* judgement fill important factual gaps that have resulted from the removal of Prosecution witnesses.<sup>58</sup> The Prosecution submits that all proposed facts of the Fifth Motion satisfy the conditions for admissibility and that it is in the interest of judicial economy to take judicial notice of them.<sup>59</sup>

19. In response to the Fifth Motion, the Župljanin Defence submits that, given the late stage of the pre-trial proceedings when the motion was filed, granting judicial notice of the facts in question will not serve the interest of justice, particularly the accused’s right to a fair trial.<sup>60</sup> In particular, the Župljanin Defence contends that the Prosecution has provided no reason in explaining why the proposed facts could not have been offered in a more timely fashion, considering that the *Vasiljević* case was settled on appeal in early 2004, the *Brđanin* appeal was settled in early 2007 and the

<sup>51</sup> Župljanin Response to Notice, para. 30 (d).

<sup>52</sup> *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Defence motion for judicial notice of adjudicated facts, with annex filed 1 Feb 2007. The Stanišić Defence proposed a total of 20 facts, 18 of which were unopposed by the Prosecution. The First Decision considered these 18 proposed facts to be facts agreed upon by the parties and were therefore not taken judicial notice of. The remaining 2 proposed facts, proposed fact O and proposed fact P, were denied judicial notice, First Decision, paras 31 and 49.

<sup>53</sup> Župljanin Response, para. 30 (f).

<sup>54</sup> Župljanin Response, para. 30 (e).

<sup>55</sup> Fifth Motion, para. 2.

<sup>56</sup> Fifth Motion, paras 2 and 7.

<sup>57</sup> Fifth Motion, para. 9.

<sup>58</sup> Fifth Motion, para. 8.

<sup>59</sup> Fifth Motion, paras 4-13. See also *supra*, para. 8.

<sup>60</sup> Župljanin Fifth Motion Response, para. 2.

*Krajišnik* appeal was settled in March 2009.<sup>61</sup> The Župljanin Defence further submits that the proposed facts do not meet the *Popović* requirements. In this context, it refers specifically to facts pertaining to municipalities with which Mićo Stanišić is charged which may be entirely irrelevant to Stojan Župljanin.<sup>62</sup> It further submits that a number of the proposed facts differ substantially from the formulation in the original judgement,<sup>63</sup> are unclear or misleading,<sup>64</sup> contain essentially legal characterisations<sup>65</sup> or relate to the acts, conduct and mental state of the accused.<sup>66</sup>

20. The Stanišić Defence joins in the submissions and objections made by the Župljanin Defence in relation to municipalities which are relevant to the charges against both Accused. In relation to the remaining municipalities charged against Mićo Stanišić, the Stanišić Defence repeats its submissions that a number of the proposed facts differ in a substantial way from the formulation of the original judgement,<sup>67</sup> are unclear or misleading,<sup>68</sup> contain characterisations of a legal nature<sup>69</sup> or relate to the acts, conduct, or mental state of the accused.<sup>70</sup> The Stanišić Defence recalls the objections of the Župljanin Defence in relation to the exercise of the Trial Chamber's discretion to deny judicial notice of a proposed adjudicated fact.<sup>71</sup> Further still, the Stanišić Defence objects to proposed facts 1050-1442 and argues that if admitted "they will dramatically undermine the fairness of proceedings".<sup>72</sup>

21. In the reply, the Prosecution moves for the dismissal of the various objections raised in both the Stanišić Fifth Motion Response and the Župljanin Fifth Motion Response. It submits that it does not impact the fairness or the expeditiousness of the proceedings to take judicial notice of proposed facts at this stage.<sup>73</sup> The Prosecution submits that Rule 94(B) does not place any temporal limitation upon applications for judicial notice and that Tribunal practice shows that judicial notice of adjudicated facts has been taken by Trial Chambers both before and after the commencement of trial.<sup>74</sup> The Prosecution also contends that the proposed facts do not differ in a substantial way and that the few, minor deviations which have been made provide clarity to the proposed fact which,

<sup>61</sup> Župljanin Fifth Motion Response, para. 2 and fn 2.

<sup>62</sup> Župljanin Fifth Motion Response, para. 6.

<sup>63</sup> Župljanin Fifth Motion Response, para. 10.

<sup>64</sup> Župljanin Fifth Motion Response, para. 12.

<sup>65</sup> Župljanin Fifth Motion Response, para. 15.

<sup>66</sup> Župljanin Fifth Response, para. 19.

<sup>67</sup> Stanišić Fifth Motion Response, para. 4.

<sup>68</sup> Stanišić Fifth Motion Response, paras 5-6.

<sup>69</sup> Stanišić Fifth Motion Response, paras 7-8.

<sup>70</sup> Stanišić Fifth Motion Response, paras 9-11.

<sup>71</sup> Stanišić Fifth Motion Response, paras 12-16. *Supra* para. 19.

<sup>72</sup> Stanišić Fifth Motion Response, para. 16.

<sup>73</sup> Reply, para. 3.

<sup>74</sup> Reply, para. 5.

when abstracted from the context, could be ambiguous.<sup>75</sup> The Prosecution reasserts its submission that the proposed facts are suitable for judicial notice.<sup>76</sup>

22. In the Sixth Motion, the Prosecution requests the Trial Chamber to take judicial notice of ten proposed facts from the trial judgement in the *Lukić & Lukić* case. The Prosecution submits that the proposed facts satisfy the conditions for admissibility.<sup>77</sup> The Prosecution submits that taking judicial notice of these facts will shorten the trial by reducing “the Prosecution’s need to call additional crime-base witnesses for Višegrad”.<sup>78</sup> Specifically, it states that during the testimony of ST079 on 29 October 2009, the Prosecution learned for the first time that the Defence challenged the membership of Milan Lukić in the Bosnian Serb police in Višegrad. It notes that in the *Lukić & Lukić* judgement the Trial Chamber found that Milan Lukić was a member of the police based upon, *inter alia*, the testimony of five witnesses. The Prosecution contends that taking judicial notice of the proposed facts would remove the need for the Prosecution to call these witnesses.<sup>79</sup> The Prosecution also submits that the facts were not included in the Fifth Motion as the Milan Lukić Defence had not filed its appeal brief at that time and that, since doing so, the Prosecution has determined that the proposed facts are not at issue on appeal.<sup>80</sup>

23. In objecting to the Sixth Motion, both Accused submit that, as the *Lukić & Lukić* appeal is still pending, there has been no final adjudication of the case.<sup>81</sup> The Stanišić Defence contends that it is unknown “if or to what extent any of the proposed facts listed in [the Sixth Motion] were disputed by the parties in the *Lukić & Lukić* case”<sup>82</sup> and that, therefore, taking judicial notice of these facts “would preclude the accused from confronting the evidence”.<sup>83</sup> In particular, the Stanišić Defence takes issue with the Prosecution’s submission regarding the membership of Milan Lukić in the Bosnian Serb police in Višegrad, arguing that in the present case ST079 testified, *inter alia*, that Milan Lukić worked in Obrenovac, Serbia and that he wore a White Eagles uniform. The Stanišić Defence also notes that this information is contained in ST079’s Rule 92 *ter* package, which included his testimony in *Lukić & Lukić*, his testimony in *Vasiljević* and his interview with the

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<sup>75</sup> Reply, para. 8.

<sup>76</sup> Reply, paras 10-18.

<sup>77</sup> Sixth Motion, paras 9-14.

<sup>78</sup> Sixth Motion, paras 2 and 8.

<sup>79</sup> Sixth Motion, para. 8.

<sup>80</sup> Sixth Motion, para. 3.

<sup>81</sup> Stanišić Sixth Motion Response, para. 2.

<sup>82</sup> Stanišić Sixth Motion Response, para. 3.

<sup>83</sup> Stanišić Sixth Motion Response, para. 3.

Prosecution on 5 February 1998,<sup>84</sup> all of which have already been admitted into evidence in this case.<sup>85</sup>

### III. APPLICABLE LAW

24. Rule 94(B) confers a discretion on a Trial Chamber to take judicial notice of relevant facts adjudicated in trial or appeal judgements after having heard the parties, even if a party objects to the taking of judicial notice of a particular fact.<sup>86</sup> The aims of Rule 94(B) are to achieve judicial economy and to harmonise the judgements of the Tribunal.<sup>87</sup> In applying Rule 94(B), the Trial Chamber must achieve a balance between promoting these aims and safeguarding the fundamental right of the accused to a fair trial.<sup>88</sup> The Trial Chamber's assessment is a two-step process. First, the Trial Chamber must determine whether the fact fulfills a number of admissibility requirements, which have been set out in the jurisprudence, most recently in the *Popović* Decision ("*Popović* Requirements").<sup>89</sup> Secondly, for each fact that fulfills the requirements, the Trial Chamber must determine whether it should, in the exercise of its discretion, withhold judicial notice on the ground that taking judicial notice of the fact in question would not serve the interests of justice.<sup>90</sup> The *Popović* Requirements are the following:<sup>91</sup>

- 1) The fact must have some relevance to an issue in the current proceedings;
- 2) The fact must be distinct, concrete, and identifiable;

<sup>84</sup> Stanišić Sixth Motion Response, para. 4.

<sup>85</sup> Decision denying Mićo Stanišić's request for reconsideration of the Trial Chamber's Decisions of 29 September and 2 October 2009 concerning Rule 92 *ter* witness, 12 Mar 2010. ST079 Rule 92 *ter* package admitted 29 October 2009.

<sup>86</sup> *Prosecutor v. Popović et al.*, No. IT-05-88-T, Decision of Prosecution motion of judicial notice of adjudicated facts with annex, 26 Sep 2006 ("*Popović* Decision"), para. 3; *Prosecutor v. Karamera et al.*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's interlocutory appeal of decision on judicial notice, 16 Jun 2006 ("*Karamera* Appeals Decision"), para. 41; *Prosecutor v. Kupreškić et al.*, Case No. IT-95-16-A, Decision on the motions of Drago Josipović, Zoran Kupreškić and Vlatko Kupreškić to admit additional evidence pursuant to Rule 115 and for judicial notice to be taken pursuant to Rule 94 (B), 8 May 2001 ("*Kupreškić et al. Appeal* Decision"), para. 6; *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Decision on Prosecution's motion for judicial notice of adjudicated facts and documentary evidence, 19 Dec 2003 ("*Blagojević and Jokić* Decision"), para. 15; *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Decision on Prosecution's motion for judicial notice of adjudicated facts and Prosecution's catalogue of agreed facts with dissenting opinion of Judge Harhoff", 10 Apr 2007 ("*Dragomir Milošević* Decision"), para. 23; *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on motion for judicial notice of adjudicated facts pursuant to Rule 94 (B), 14 Mar 2006 ("*Prlić et al. Pre-Trial* Decision"), para. 9.

<sup>87</sup> *Prosecutor v. Tolimir*, Case No. IT-05-88-2/PT, Decision on Prosecution motion for judicial notice of adjudicated facts pursuant to Rule 94 (B), 17 Dec 2009 ("*Tolimir* Decision"), para. 6.

<sup>88</sup> *Popović* Decision, para. 3; *Karamera* Appeals Decision, para. 41; *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution's interlocutory appeal against the Trial Chamber's 10 April 2003 decision on Prosecution motion for judicial notice of adjudicated facts, 28 Oct 2003 ("*Slobodan Milošević* Appeals Decision"), pp. 3-4.

<sup>89</sup> The Trial Chamber highlights the fact that the *Popović* Decision replaces the earlier *Prlić* Decision referred to by the Stanišić Defence in its responses to the First and Second Motions.

<sup>90</sup> *Popović* Decision, para. 4; *Tolimir* Decision, para. 7; *Prosecutor v. Nikolić*, Case No. IT-02-60/1-A, Decision on appellant's motion for judicial notice, 1 Apr 2005, para. 12.

<sup>91</sup> *Popović* Decision, paras 5-14.

- 3) The fact as formulated by the moving party must not differ in any substantial way from the formulation of the original judgement;
- 4) The fact must not be unclear or misleading in the context in which it is placed in the moving party's motion;
- 5) The fact must be identified with adequate precision by the moving party;
- 6) The fact must not contain characterisations of an essentially legal nature;
- 7) The fact must not be based on an agreement between the parties to the original proceedings;
- 8) The fact must not relate to the acts, conduct, or mental state of the accused; and
- 9) The fact must clearly not be subject to pending appeal or review.

25. By taking judicial notice of an adjudicated fact, a Trial Chamber "establishes a well-founded presumption for the accuracy of the fact which, therefore, does not have to be proven again at trial, but which, subject to that presumption, may be challenged at that trial".<sup>92</sup> Judicial notice does not shift the ultimate burden of persuasion, which remains with the Prosecution.<sup>93</sup> The legal effect of taking judicial notice of an adjudicated fact is only to relieve the Prosecution of its initial burden to produce evidence on a particular point. The Defence may put the issue into question by introducing reliable and credible evidence to the contrary.<sup>94</sup>

## IV. DISCUSSION

### A. General considerations

26. In this Decision, the Chamber considers the proposed facts offered in the Third, Fourth, Fifth and Sixth Motions in relation to both Mićo Stanišić and Stojan Župljanin. Following the Notice, this Trial Chamber is also called upon to determine whether it should take judicial notice in relation to Stojan Župljanin of facts that were granted in the First Decision in *Prosecutor v. Mićo Stanišić*.<sup>95</sup> Where a proposed fact has failed to meet the admissibility requirements, the Chamber has declined to take judicial notice of the fact in respect of either of the accused.<sup>96</sup> As a result, this Trial Chamber has come to different findings in respect of some facts which the previous Trial

<sup>92</sup> *Slobodan Milošević Appeals Decision*, p. 4.

<sup>93</sup> *Karemera Appeals Decision*, para. 42.

<sup>94</sup> *Karemera Appeals Decision*, para. 42.

<sup>95</sup> Case No. IT-04-79.

<sup>96</sup> *Popović Decision*, para. 22(d), where the Trial Chamber withheld judicial notice of purported facts that "relate to the acts, conduct, or mental state of *one or more of the Accused*". This Trial Chamber therefore considers that in this multiple accused case, where a proposed fact relates to the acts, conduct, or mental state of either Mićo Stanišić or Stojan Župljanin then it fails to meet the necessary admissibility requirements.

Chamber accepted in the First Decision. The Chamber recalls that no principle of *stare decisis* applies between Trial Chambers of the Tribunal and that its findings come as a consequence of the joinder of the case against Mićo Stanišić and the case against Stojan Župljanin.

27. On a related note, it is observed that the Defence have not objected to certain proposed facts, including facts granted in the First Decision. This absence of objection of the Defence to a particular proposed fact does not mean that the proposed fact is “agreed” between parties in the sense of Rule 65 *ter*(H). It is in the interest of justice to consider facts proposed by one party, to which the other party does not object, as adjudicated facts. This allows the other party to challenge the proposed fact at trial. The Trial Chamber will take judicial notice of the proposed facts which meet the *Popović* Requirements and in respect of which the Trial Chamber has not found it necessary to exercise its discretion to deny judicial notice. In instances where the Chamber is satisfied that only a portion of the proposed fact meets the admissibility requirements, it has taken judicial notice of only that particular portion. The Chamber attaches as Annex A to this decision a list of all adjudicated facts, as reformulated and redacted, of which it takes judicial notice.

### **B. Res judicata**

28. The Stanišić Defence objects to the Prosecution re-submitting facts denied in the First Decision, arguing, with reference to the *Prlić* 7 September 2006 Decision, that “the facts have been analysed and rejected in their merits [and] the Prosecution should be prohibited from re-litigating on *res judicata* ground.”<sup>97</sup> The Trial Chamber considers that the present situation is distinguishable from the situation addressed by the *Prlić* 7 September 2006 Decision. In the current case, the Prosecution has proposed amendments to the facts in question to correct flaws that were identified by previous Trial Chamber in the First Decision. This Trial Chamber considers it permissible to resubmit previously denied facts. However, the Chamber declines to take judicial notice of proposed facts which are re-submitted and still do not meet the criteria set out above.

### **C. Popović Requirements**

#### **1. The fact must have some relevance to an issue in the current proceedings**

29. A Trial Chamber must withhold judicial notice of any proposed fact that has no relevance to any issue in the current proceedings. The Trial Chamber considers that “Rule 94 is not a mechanism that may be employed to circumvent the ordinary requirement of relevance and thereby clutter the

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<sup>97</sup> Stanišić Third Motion Response, para. 8; Stanišić Fourth Motion Response, para. 2. *Supra* para. 12.

record with matters that would not otherwise be admitted”.<sup>98</sup> The Trial Chamber has assessed the proposed facts in light of the indictment, in particular in relation to the municipalities and crime incidents listed therein. It has found that a number of proposed facts are irrelevant, either because they concern an uncharged municipality or crime incident or because they are too broad to have any probative value.<sup>99</sup>

## 2. The fact must be distinct, concrete and identifiable

30. A Trial Chamber must withhold judicial notice of a purported adjudicated fact if it is not distinct, concrete and identifiable in the findings of the original judgement.<sup>100</sup> The Trial Chamber has examined the proposed facts in the context of the original judgement “with specific reference to the place referred to in the judgement and to the indictment period of that case”.<sup>101</sup> On doing so, the Chamber has found a number of proposed facts that, even when considered in the context of the original judgement, are insufficiently distinct and concrete and therefore not admissible.<sup>102</sup>

## 3. The fact as formulated by the moving party must not differ in any substantial way from the formulation of the original judgement

31. A Trial Chamber must withhold judicial notice of a proposed fact if the moving party’s formulation of the fact is not the same as, or at least substantially similar to, the formulation used in the original judgement.<sup>103</sup> Facts altered in a substantial way by the moving party cannot be considered to have been truly adjudicated. However, if the moving party’s formulation of a proposed fact contains only a minor inaccuracy or ambiguity as a result of its abstraction from the context of the original judgement, the Chamber may, in its discretion, correct the inaccuracy or ambiguity. In such circumstances, the correction should introduce no substantive change to the

<sup>98</sup> *Semanza v. Prosecutor*, Case No. ICTR-97-20-A, Judgement, 20 May 2005, para. 189; *Accord Nikolić v. Prosecutor*, Case No. IT-02-60/1-A, Decision on appellant’s motion for judicial notice, 1 Apr 2005 (“*Nikolić Appeal Decision*”), para. 52; *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Decision on third and fourth Prosecution motions for judicial notice of adjudicated facts, 24 Mar 2005 (“*Krajišnik Decision*”), p. 10.

<sup>99</sup> For example, proposed fact 29 relates to Vojvodina and Kosovo. Proposed facts rejected under this requirement are the following: 28, 29, 38, 39, 40, 41, 42, 58, 149, 152, 185, 196, 656, 711, 905, 917 and 1017. Proposed facts redacted under this requirement are the following: 35, 36, 37, 1016 and 1028

<sup>100</sup> *Prlić et al.* Pre-Trial Decision, para. 12; *Prosecutor v. Hadžihasanović and Kubura*, Case No. IT-01-47-T, Decision on judicial notice of adjudicated facts following the motion submitted by counsel for the accused Hadžihasanović and Kubura on 20 January 2005, 14 Apr 2005 (“*Hadžihasanović and Kubura Decision*”), p. 5; *Krajišnik Decision*, para. 14.

<sup>101</sup> *Krajišnik Decision*, para. 14; *Hadžihasanović and Kubura Decision*, p. 6.

<sup>102</sup> For example, the Trial Chamber considers that the terms “at the same time” in proposed Fact 990 and “intimidated” in proposed Fact 1269 to be insufficiently concrete. Similarly, the Chamber notes that a number of proposed facts lack sufficient specificity, in particular lacking necessary time frame references so as to be concrete and admissible as an adjudicated fact. Proposed facts rejected under this requirement are the following: 130, 252, 253, 254, 255, 256, 257, 259, 260, 261, 263, 264, 265, 266, 270, 271, 290, 291, 656, 818 and 990.

<sup>103</sup> *Krajišnik Decision*, para. 14; *Blagojević and Jokić Decision*, para. 16.

proposed fact. A fact corrected in this manner may be judicially noticed, as long as it fulfills all the other admissibility requirements of Rule 94(B).<sup>104</sup>

32. The Trial Chamber observes that several of the proposed facts have been submitted with small portions of the original judgement omitted. The Trial Chamber has corrected the inaccuracies *proprio motu* so as to provide clarity.<sup>105</sup>

4. The fact must not be unclear or misleading in the context in which it is placed in the moving party's motion

33. A Trial Chamber must withhold judicial notice of a proposed fact if it is unclear or misleading in the context in which it has been placed in the moving party's motion.<sup>106</sup> When evaluating the clarity and accuracy of a proposed fact, the examination cannot be done in isolation and regard should be given to the surrounding proposed facts.<sup>107</sup> A Trial Chamber must deny judicial notice if the fact in question is unclear or misleading in this context, or if it will become unclear or misleading because one or more of the surrounding proposed facts will be denied judicial notice.<sup>108</sup>

34. The Trial Chamber is of the view that a number of proposed facts lack clarity on this basis.<sup>109</sup> The Trial Chamber has also declined to take judicial notice of proposed facts that are unclear as a result of the rejection of surrounding facts.<sup>110</sup> Furthermore,, the Chamber is of the view that several proposed facts are misleading in the context of the motion.<sup>111</sup>

<sup>104</sup> *Popović* Decision, para. 7. Cf. *Prosecutor v. Stanković*, Case No. IT-96-23/2-PT, Decision on Prosecution's motion for judicial notice pursuant to Rule 94 (B), 16 May 2003, para. 16 and p. 8, examining the *Kunarac* Trial and Appeal Judgements to determine whether instances of the term "Foča" referred to the town of Foča or the municipality and supplying the missing qualifications *proprio motu*.

<sup>105</sup> For example, with proposed Fact 465, the moving party has included the word "detention" which is not to be found in the original judgement. The proposed facts that fall under this requirement are the following: 30, 60, 278, 279, 465, 473, 806, 831, 1111, 1114, 1158, 1216, 1241,1259,1263, 1279, 1330, 1354,1355 and 1359.

<sup>106</sup> *Karamera* Appeals Decision, para. 55.

<sup>107</sup> *Popović* Decision, para. 8.

<sup>108</sup> *Popović* Decision, para. 8.

<sup>109</sup> For example, with proposed Fact 193, it is unclear to the Trial Chamber what is implied by the term "pledge loyalty to Bosnian Serb authorities". In addition, the Trial Chamber highlights proposed fact 670 where the original *Simić* judgement reads "a group of Croat Women and children were taken to Crkvina in mid-May 2003" and not "1992" as preferred by the Prosecution in its First Motion. See proposed facts 110, 130, 150 and 208-210.

<sup>110</sup> For example, proposed facts 630, 633-636 and 975-976.

<sup>111</sup> This is either because it has been taken from the legal findings of the original judgement, for example, proposed fact 211 is part of the *Tadić* Trial Chamber's legal discussion on discriminatory intent being a requirement for all crimes against humanity, see also proposed facts 256, 259-261, 263 and 264, or because the moving party has purposefully omitted the Accused's name from the fact, for example, proposed fact 1115 omits Mićo Stanišić's name and proposed facts 1094 and 1095 omit the name of Stojan Župljanin. Proposed facts rejected under this requirement are the following: 48, 110, 130, 150, 188, 189, 193, 204, 208, 209, 210, 224, 252, 253, 254, 255, 256, 257, 259, 260, 261, 263, 264, 265, 266, 267, 270, 271, 284, 288, 300, 315, 387, 495, 535, 630, 633, 634, 635, 636, 655, 658, 670, 695, 712, 713, 763, 803, 808, 809, 820, 844, 845, 846, 962, 975, 976, 977, 989, 990, 1005, 1075, 1080, 1094, 1095, 1103, 1115, 1199, 1217, 1269, 1376, 1427, 1444, 1445 and L Proposed facts redacted and reformulated under this requirement are the following: 118, 242, 630, 776, 781, 994, 1129, 1151, 1240 and 1296.

5. The fact must be identified with adequate precision by the moving party

35. A Trial Chamber must withhold judicial notice of a proposed fact if the moving party has not identified the fact with adequate precision by failing to “point out the paragraph(s) or parts of the judgment of which [moving party] wishes judicial notice to be taken”.<sup>112</sup> Where the moving party has provided an erroneous citation, the Trial Chamber may nevertheless take judicial notice of the proposed fact, provided that it is reasonably clear from which paragraph in the original judgement the proposed fact is derived and provided the other necessary criteria have been fulfilled.<sup>113</sup>

36. The Trial Chamber is of the view that the Prosecution and, as appropriate, the Stanišić Defence, has largely identified the proposed facts with adequate precision. Where the citation to the original judgement is incorrect or omitted, the Trial Chamber has amended the mistake either by replacing the incorrect citation with the correct one or by adding the omitted citation.<sup>114</sup>

6. The fact must not contain characterisations of an essentially legal nature

37. A Trial Chamber may only take judicial notice of a proposed fact where it represents the factual – and not the legal – findings of a Trial Chamber or the Appeals Chamber.<sup>115</sup> In other words, judicial notice “must be denied where the fact contains characterisations that are of an ‘essentially’ legal nature”.<sup>116</sup> The Chamber considers that it is necessary to make this determination on a case-by-case basis.<sup>117</sup> The Trial Chamber observes that a number of proposed facts fail to satisfy this requirement and therefore they have not been granted judicial notice.<sup>118</sup>

<sup>112</sup> *Kupreškić et al. Appeal Decision*, para. 12; *Nikolić Appeals Decision*, paras 47 & 56; *Prosecutor v. Bizimungu et al.*, Case No. ICTR-99-50-T, Decision on Prosper Mugiraneza’s first motion for judicial notice pursuant to Rule 94 (B), 10 Dec 2004, para. 13, holding that a blanket reference to adjudicated facts set out in specific paragraphs of a judgement will not be entertained.

<sup>113</sup> *Popović Decision*, para. 9.

<sup>114</sup> For example, proposed fact 653 correctly cites para. 986 of the *Simić* Trial judgement but fails to cite para. 985 which is included in the fact. Proposed facts that fall under this requirement are the following: 1, 91, 101, 167, 618, 653, 906, 1013, 1102, 1311, 1312, 1336, 1450 and 1452.

<sup>115</sup> *Prlić et al. Pre-Trial Decision*, para. 12; *Krajišnik Decision*, para. 14; *Blagojević and Jokić Decision*, para. 16; *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Decision on Prosecution motion for judicial notice of adjudicated facts, 10 Apr 2003 (“*Milošević April 2003 Decision*”), p. 3.

<sup>116</sup> *Popović Decision*, para. 10; see also *Krajišnik Decision*, para. 15.

<sup>117</sup> *Krajišnik Decision*, para. 15. See proposed facts 236, 664, 674, 808-809, 811-812 and 1042.

<sup>118</sup> For example, proposed fact 812 refers to the “process of ethnic cleansing”. The Trial Chamber is of the view that the term “ethnic cleansing” is used in a legal sense. Proposed facts rejected under this requirement are the following: 189, 211, 222, 236, 247, 256, 257, 259, 260, 261, 263, 264, 265, 266, 270, 271, 294, 459, 664, 673, 674, 784, 791, 796, 798, 808, 809, 811, 812, 1021, 1039, 1040 and 1042. Proposed facts rejected under this requirement are the following: 84, 192, 226, 666, 680, 681, 717, 733, 804, 879, 906, 1020, 1031, 1044, 1236, 1249, 1256 and 1341;

7. The fact must not be based on an agreement between the parties to the original proceedings

38. A Trial Chamber must withhold judicial notice of a proposed fact if the finding in the original judgement was based on an agreement between the parties to those proceedings.<sup>119</sup> Such agreed facts may, for example, be the result of a plea agreement under Rules 62 *bis* and 62 *ter*, or an agreement between the parties on matters of fact in accordance with Rule 65 *ter*(H). According to the jurisprudence of the Tribunal, a fact is only considered to be based on agreement “where the structure of the relevant footnote in the original judgement cites the agreed facts between the parties as a primary source of authority”.<sup>120</sup> If a Trial Chamber cannot readily determine, by examining the citations in the original judgement, that the fact was not based on an agreement between the parties, it must refrain from taking judicial notice of the fact.<sup>121</sup> On review of all the proposed facts, the Trial Chamber notes that only proposed fact 1012 is the subject of an agreement between the parties to the *Kvočka* proceedings and considers that it has not been properly adjudicated.

8. The fact must not relate to the acts, conduct, or mental state of the accused

39. A Trial Chamber must withhold judicial notice of a proposed fact relating to “the acts, conduct, and mental state of the accused”.<sup>122</sup> This exclusion focuses narrowly on the deeds, behaviour, and mental state of the accused – that is, on the conduct of the accused fulfilling the physical and mental elements of the form of responsibility with which he is charged.<sup>123</sup> The exclusion does not apply to the conduct of other persons for whose criminal acts and omissions the accused is alleged to be responsible through one or more of the forms of responsibility enumerated in the Statute.<sup>124</sup> Such persons include, for instance, alleged subordinates whose criminal conduct the accused is charged with failing to prevent or punish, persons said to have participated with the accused in a joint criminal enterprise and persons the accused is alleged to have aided and abetted.<sup>125</sup>

<sup>119</sup> *Milošević* April 2003 Decision, p. 3.

<sup>120</sup> *Popović* Decision, para 11.

<sup>121</sup> *Krajišnik* Decision, para. 14. n. 46.

<sup>122</sup> *Karemera* Appeals Decision, paras 47, 51-52, where the Appeals Chamber held that this “complete exclusion [...] strikes a balance between the procedural rights of the [a]ccused and the interest of expediency”, as judicially noticing such facts may impermissibly infringe the accused’s right to hear and confront the witnesses against him or her”.

<sup>123</sup> *Karemera* Appeals Decision, para. 52 citing *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2 Decision on interlocutory appeal concerning Rule 92 *bis* (C), 7 Jun 2002 (“*Galić* Appeal Decision”), para. 9. See also *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-PT, Decision on Prosecution’s request to have written statements admitted under Rule 92 *bis*, 21 Mar 2002, para. 22, where it is stated that “[t]he phrase “acts and conduct of the accused” in Rule 92 *bis* is a plain expression and should be given its ordinary meaning: deeds and behaviour of the accused. No mention is made of acts and conduct by alleged co-perpetrators, subordinates or, indeed, anybody else”.

<sup>124</sup> *Karemera* Appeals Decision, para. 52.

<sup>125</sup> *Karemera* Appeals Decision, para. 52. The *Karemera* Appeals Chamber drew a distinction between adjudicated facts going to the acts, conduct, and mental state of the accused” and all those facts merely bearing on the accused’s criminal responsibility in some way. As the purpose of a criminal trial is to adjudicate the criminal responsibility of the accused,

40. Having evaluated the proposed facts the Trial Chamber has found 6 proposed facts that directly relate to the acts, conduct or mental state of either Mićo Stanišić or Stojan Župljanin.<sup>126</sup> Accordingly, the Chamber denies taking judicial notice of these proposed facts.

41. Where the proposed fact goes to the core of the Prosecution's case and relates to the conduct of others for whose criminal acts and omissions the accused is alleged to be responsible, the Trial Chamber will nevertheless exercise its discretion to withhold judicial notice if it considers that doing so would be in the interests of justice.<sup>127</sup>

42. Furthermore, where the Trial Chamber has been unable readily to discern that the fact in question does not refer to the acts, conduct or mental state of one of the accused due to a lack of specificity in the original judgement, the Chamber has deemed the fact to be inadmissible.<sup>128</sup>

9. The fact must clearly not be subject to pending appeal or review

43. A Trial Chamber may only take judicial notice of a proposed fact if that fact is clearly not subject to pending appeal or review proceedings or inextricably commingled with findings that are being challenged by a party.<sup>129</sup> The Trial Chamber finds that proposed facts 726, 1334, 1337 and 1347 concern matters now pending before the Appeals Chamber and that therefore, they are not properly characterised as adjudicated.

**D. Judicial discretion**

44. Even when a proposed adjudicated fact meets the *Popović* Requirements, a Trial Chamber may exercise its discretion to withhold judicial notice if the Chamber determines that taking judicial notice would not serve the interests of justice.<sup>130</sup> This Trial Chamber has examined the proposed facts which it considers to meet the *Popović* Requirements and has decided to decline to take judicial notice of a number of facts on the basis of judicial discretion. The following discussion sets out the considerations the Chamber has borne in mind in conducting this exercise.

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"judicial notice under Rule 94 (B) is in fact available *only* for adjudicated facts that bear, at least in some respect, on the criminal responsibility of the accused", *Karemera* Appeals Decision, paras 48 and 51.

<sup>126</sup> These are proposed facts 790, 793, 864, 1094, 1095 and 1322.

<sup>127</sup> *Infra* para. 46.

<sup>128</sup> For example, proposed fact 535 refers to "specialists". It is unclear who the specialists are and whether they are linked to either of the accused. The same applies to proposed facts 523 and 525.

<sup>129</sup> *Kupreškić et al.* Appeal Decision, para. 6; *Prlić et al.* Pre-Trial Decision, paras 12 and 15, where it was held that "only those facts which are clearly not under appeal [...] may [...] be considered as having been finally adjudicated by the Trial Chamber". See also *Blagojević and Jokić* Decision, paras 16, 18-19; *Prosecutor v. Ljubičić*, Case No. IT-00-41-PT, Decision on Prosecution's motion for judicial notice of adjudicated facts, 23 Jan 2003, para. 12.

<sup>130</sup> *Prlić et al.* Pre-Trial Decision, para. 12; *Karemera* Appeals Decision, para. 41; *Krajišnik* Decision, para. 12; *Slobodan Milošević* Appeals Decision, pp 3-4.

45. The Trial Chamber's paramount duty is to ensure that the trial proceedings are fair and expeditious and that the rights of the Accused are fully respected. A key consideration is whether taking judicial notice of a fact will achieve judicial economy by "condensing the relevant proceedings to what is essential for the case of each party without rehearing supplementary allegations already proven in past proceedings".<sup>131</sup> Taking judicial notice of an adjudicated fact establishes a presumption for its accuracy that may be rebutted by the opposing parties. Because of this, the Trial Chamber has been mindful of the possibility that anticipated attempts at rebuttal may consume excessive time and resources, consequently frustrating the principle of judicial economy.<sup>132</sup> The Trial Chamber has also considered whether the volume or type of evidence which either of the Accused would have to produce in rebuttal could place such a significant burden on him that it would jeopardise his right to a fair trial. This is particularly the case where the proposed fact goes to the core of the Prosecution case.<sup>133</sup>

46. A proposed fact may go to the core of the Prosecution case for a number of reasons. For example, it may pertain to an objective of the joint criminal enterprise alleged by the Prosecution or it may relate to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.<sup>134</sup> In particular, and, noting the positions of Mićo Stanišić and Stojan Župljanin as Minister of the RS MUP and Chief of Regional Security Services Centre of Banja Luka, respectively, the Trial Chamber is of the view that, where a proposed fact refers to criminal activities conducted by the police within an ARK municipality, the fact is considered to go to the core of the case.<sup>135</sup> As noted above, such proposed facts are not inadmissible, yet the Trial Chamber retains its discretion to withhold judicial notice when it considers that the facts go to the core of the case and that taking judicial notice of them would not serve the interests of justice and a fair trial.

47. The Trial Chamber observes that a number of proposed facts contain subjective assessments, opinions and inferences made by the relevant Chamber.<sup>136</sup> The Chamber is of the view that

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<sup>131</sup> *Karemera* Appeals Decision, paras 39 and 41; *Krajišnik* Decision, para. 12; *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Decision on Prosecution motions for judicial notice of adjudicated facts and for admission of written statements of witnesses pursuant to Rule 92 bis, 28 Feb 2003, para. 11.

<sup>132</sup> *Karemera* Appeals Decision, para. 42; *Krajišnik* Decision, para. 16; *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, Final decision on Prosecution motion for judicial notice of adjudicated facts, 16 Dec 2003, paras 11-12, 19.

<sup>133</sup> *Tolimir* Decision, para. 32.

<sup>134</sup> For example, proposed fact 995, which concerns the decisions taken by the ARK Crisis Staff "in pursuit of the Strategic plan". See also proposed facts 744, 788, 798, 808, 1058 and 1429.

<sup>135</sup> For example, proposed fact 945 refers to the "extremely severe and lengthy" beatings suffered by detainees at Kotor Varoš Police Station; see also proposed facts 525, 549, 569, 573, 588, 591, 1007, 1072 and 1321. The ARK municipalities include the municipalities of Banja Luka, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Skender Vakuf and Teslić; see Corrigendum to Prosecution's submission of second amended consolidated indictment, 20 Nov 2009, para. 12.

<sup>136</sup> For example, proposed fact 1442 states that a number of Muslims left the Bijeljina municipality *out of fear*. The Chamber considers this to be an inference made by the *Krajišnik* Trial Chamber; see also proposed facts 61, 122, 736-737 and 992.

proposed facts containing subjective inferences cannot be considered to be of a factual nature and therefore, proposed facts that fall into this category have not been granted judicial notice.<sup>137</sup>

48. It is also noted that a number of proposed facts are repetitive when compared with other proposed facts. Therefore the Trial Chamber will also exercise its discretion to withhold notice of these redundant facts so as not to overburden the trial record. In deciding which of the two proposed facts to accept, the Chamber takes judicial notice of the proposed fact that is either the more specific, or, where the contents of the two proposed facts are identical, the proposed fact offered in the latest Prosecution motion.<sup>138</sup>

49. The Chamber has also deemed it inappropriate to take judicial notice of a proposed fact taken from one trial judgement which is fundamentally inconsistent with a factual finding on the same subject in another proposed fact. This is irrespective of whether the proposed facts arise from the same or a different trial judgement, and, even though in all other respects, both proposed facts fulfil the *Popović* Requirements. The Chamber has regarded an inconsistency as fundamental where the respective factual findings in the relevant original judgements cannot both at the same time be reasonably regarded as true. In such situations, the Chamber will deny both facts.<sup>139</sup>

<sup>137</sup> See *Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-T, Decision on the Prosecution motion to take judicial notice of facts under Rule 94 (B) of the Rules of Procedure and Evidence, 14 Dec 2007, para. 15. For example, proposed fact 1442 states that “large numbers left the municipality [Bijeljina] out of fear”. See also proposed facts 126-129 and 760-763.

<sup>138</sup> For example, proposed fact 2 is repeated as proposed fact 77. The Chamber will, therefore, not take judicial notice of proposed Fact 2 but will take judicial notice of proposed fact 77. See also proposed facts 175, 445, 830, 899, 1018, 1219, 1309 and 1326.

<sup>139</sup> For example, in proposed fact 1079 the *Krajišnik* Trial Chamber refers to the Trnopolje camp as a “long term detention centre” as compared to proposed fact 1099 where the same Chamber describes the camp as a place where detainees were held “for deportation to other parts of of Bosnia-Herzegovina and elsewhere”. Proposed facts which have been rejected in exercise of the Chamber’s judicial discretion are the following: 2, 61, 110, 122, 125, 126, 127, 128, 129, 175, 301, 307, 325, 350, 351, 429, 445, 471, 482, 492, 520, 521, 523, 524, 525, 533, 535, 550, 553, 560, 573, 574, 578, 579, 633, 634, 635, 636, 648, 650, 651, 653, 655, 659, 663, 675, 682, 711, 715, 718, 736, 737, 744, 760, 761, 762, 763, 764, 765, 772, 784, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 798, 803, 808, 809, 818, 827, 830, 859, 860, 861, 864, 875, 883, 899, 915, 916, 936, 945, 946, 955, 961, 967, 987, 992, 995, 996, 997, 998, 999, 1000, 1018, 1030, 1034, 1039, 1041, 1051, 1052, 1058, 1060, 1061, 1068, 1070, 1072, 1074, 1076, 1077, 1078, 1081, 1082, 1086, 1093, 1094, 1095, 1099, 1165, 1166, 1169, 1170, 1185, 1201, 1217, 1219, 1291, 1309, 1321, 1322, , 1369, 1404, 1438, 1439, 1440 , 1442, M and T. Proposed facts redacted and reformulated in exercise of the Chamber’s judicial discretion are the following: 99, 104, 132, 191, 223, 470, 483, 501, 504, 509, 545, 549, 551, 564, 569, 577, 588, 590, 591, 640, 645, 647, 654, 662, 667, 668, 676, 679, 683, 710, 752, 781, 799, 801, 806, 823, 824, 926, 928, 931, 934, 938, 984, 1007, 1057, 1073, 1079, 1121, 1139, 1142, 1145, 1157, 1178, 1181, 1200, 1210, 1226, 1263, 1311, 1314 and 1326.

## V. DISPOSITION

50. For the foregoing reasons, pursuant to Rule 94(B) of the Rules, the Trial Chamber:

**GRANTS** the Prosecution leave to reply to the Župljanin Response and to the Stanišić Fifth Motion Response and the Župljanin Fifth Motion Response;

**GRANTS IN PART** the Prosecution Motions for Judicial Notice;

**TAKES JUDICIAL NOTICE** of the 1086 adjudicated facts listed in attached Annex A, in the manner formulated therein;

**DENIES** the Prosecution Motions for Judicial Notice in all other respects;

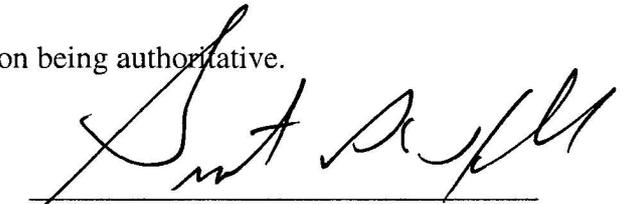
**DECLINES TO TAKE JUDICIAL NOTICE** of the following proposed facts which do not fulfil at least one of the *Popović* Requirements:

- a) Proposed facts which lack relevance to the current proceedings: 28, 29, 38, 39, 40, 41, 42, 58, 149, 152, 185, 196, 656, 711, 905, 917 and 1017;
- b) Proposed facts which are not distinct, concrete and identifiable: 130, 252, 253, 254, 255, 256, 257, 259, 260, 261, 263, 264, 265, 266, 270, 271, 290, 291, 656, 818 and 990;
- c) Proposed facts which are unclear or misleading in the context in which they are placed in the Prosecution Motions: 48, 110, 130, 150, 188, 189, 193, 204, 208, 209, 210, 224, 252, 253, 254, 255, 256, 257, 259, 260, 261, 263, 264, 265, 266, 267, 270, 271, 284, 288, 300, 315, 387, 495, 535, 630, 633, 634, 635, 636, 655, 658, 670, 695, 712, 713, 763, 803, 808, 809, 820, 844, 845, 846, 962, 975, 976, 977, 989, 990, 1005, 1075, 1080, 1094, 1095, 1103, 1115, 1199, 1217, 1269, 1376, 1427, 1444, 1445 and L.
- d) Proposed facts which contain characterisations of an essentially legal nature: 189, 211, 222, 236, 247, 256, 257, 259, 260, 261, 263, 264, 265, 266, 270, 271, 294, 459, 664, 673, 674, 784, 791, 796, 798, 808, 809, 811, 812, 1021, 1039, 1040 and 1042;
- e) Proposed facts which are based on an agreement between the parties to the original proceedings: 1012;
- f) Proposed facts which relate to the acts, conduct, or mental state of the accused: 523, 525, 535, 790, 793, 864, 1094, 1095 and 1322; and

**DECLINES TO TAKE JUDICIAL NOTICE** of the following proposed facts for which the Trial Chamber exercises its discretion to withhold judicial notice because taking judicial notice of them would not serve the interests of justice: 2, 61, 110, 122, 125, 126, 127, 128, 129, 175, 301, 307,

325, 350, 351, 429, 445, 471, 482, 492, 520, 521, 523, 524, 525, 533, 535, 550, 553, 560, 573, 574, 578, 579, 633, 634, 635, 636, 648, 650, 651, 653, 655, 659, 663, 675, 682, 711, 715, 718, 736, 737, 744, 760, 761, 762, 763, 764, 765, 772, 784, 787, 788, 790, 791, 792, 793, 794, 795, 796, 797, 798, 803, 808, 809, 818, 827, 830, 859, 860, 861, 864, 875, 883, 899, 915, 916, 936, 945, 946, 955, 961, 967, 987, 992, 995, 996, 997, 998, 999, 1000, 1018, 1030, 1034, 1039, 1041, 1051, 1052, 1058, 1060, 1061, 1068, 1070, 1072, 1074, 1076, 1077, 1078, 1081, 1082, 1086, 1093, 1094, 1095, 1099, 1165, 1166, 1169, 1170, 1185, 1201, 1217, 1219, 1291, 1309, 1321, 1322, 1369, 1404, 1438, 1439, 1440, 1442, M and T.

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



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Judge Burton Hall  
Presiding

Dated this first day of April 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**

## ANNEX A

1. Adjudicated facts below are taken from the Trial and Appeal Judgements in the cases of:

- TJ *Prosecutor v. Dusko Tadić*, Case No. IT-94-24-T, Judgement, 7 May 1997, settled on appeal on 15 July 1999
- CJ *Prosecutor v. Delalić, Mucić, Delić, and Landžo (Čelebići case)*, Case No. IT-96-21-T, Judgement, 16 November 1998, settled on appeal on 20 February 2001
- KVJ *Prosecutor v. Miroslav Kvočka et al*, Case No. IT-98-30/1-T, Judgement, 2 November 2001, settled on appeal on 28 February 2005
- VJ *Prosecutor v. Mitar Vasiljević*, Case No. IT-98-32-T, Judgement, 29 November 2002, settled on appeal on 25 February 2004
- SKJ *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, Judgement, 31 July 2003, settled on appeal on 22 March 2006
- SJ *Prosecutor v. Blagoje Simić*, Case No. IT-95-9-T, Judgement, 17 October 2003
- GJ *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, Judgement, 5 December 2003
- BJ *Prosecutor v. Radoslav Brđjanin*, Case No. IT-99-36-T, Judgement, 1 September 2004, settled on appeal on 3 April 2007 (“BJ”)
- BAJ *Prosecutor v. Radoslav Brđjanin*, Case No. IT-99-36-A, Appeals Judgement, 3 April 2007
- Krajišnik *Prosecutor v Momčilo Krajišnik*, Case No. IT-00-39-T, Judgement 27 September 2006, settled on appeal on 17 March 2009

2. A citation to the relevant paragraphs of the Judgements follows each of the adjudicated facts, using the abbreviations indicated above. In general, the original quotation has been used with some exceptions. Any information contained in brackets ([ ]) has been added by the moving party to provide clarity to the adjudicated fact. Any information contained in brackets and underlined ([ ]) has been added by the Trial Chamber to provide clarity to the adjudicated fact. Portions of the adjudicated fact that have been struck through (~~A~~) have been denied judicial notice.

<b>FACT No.</b>	<b>FACT</b>
Fact 1: TJ, para. [56]	For centuries the population of Bosnia and Herzegovina, more so than any other republic of the former Yugoslavia, has been multi-ethnic.
Fact 3: TJ, para. 56	The third ethnic population living in Bosnia and Herzegovina, also sizeable, are the Croats, living principally in the south-west adjacent to Croatia's Dalmatian coast.
Fact 5: TJ, para. 56	The large Muslim population of Bosnia and Herzegovina owes its religion and culture, and hence its identity, to the long Turkish occupation, during which time many Slavs adopted the Islamic faith.
Fact 6: TJ, para. 58	Immediately after the First World War, and as part of the break-up of the Habsburg empire, the Kingdom of Serbs, Croats and Slovenes was created out of the union of the Kingdom of Serbia, which in the nineteenth century had already achieved independence from Turkey, with Montenegro, which had also been an independent principality, and with Croatia, Slovenia, and Bosnia and Herzegovina.
Fact 7: TJ, para. 58	In 1929 that Kingdom changed its name to the Kingdom of Yugoslavia, that is, the Kingdom of the southern Slavs.
Fact 8: TJ, para. 58	For many centuries Roman Catholicism had predominated in the northern and western sectors, whereas Orthodox Christianity and Islam prevailed in its southern and eastern sectors under the rule of the Ottoman Empire.
Fact 9: TJ, para. 58	This same general religious division persisted into this century and indeed still persists.
Fact 10: TJ, para. 60	During the time of Axis occupation, a portion of the territory of the state was annexed by Italy and two other areas were transferred to Bulgarian and Hungarian control respectively.
Fact 11: TJ, para. 60	Much of what remained became the formally independent but in fact Axis puppet state of Croatia, extending far beyond previous, and subsequent, Croatian boundaries and divided between Italian and German zones.

Fact 12: TJ, para. 61	The Second World War was a time of prolonged armed conflict in Yugoslavia, in part the product of civil war, in part a struggle against foreign invasion and subsequent occupation.
Fact 13: TJ, para. 61	Although this wartime situation was short-lived, lasting only from 1941 to 1945, it left bitter memories, not least in Bosnia and Herzegovina, large parts of which, including the Prijedor municipality, were included in the puppet state of Croatia.
Fact 14: TJ, para. 61	Three distinct Yugoslav forces each fought one another during the Second World War: the Ustaša forces of the strongly nationalist Croatian State, supported by the Axis powers, the Chetniks, who were Serb nationalist and monarchist forces, and the Partisans, a largely communist and Serb group.
Fact 15: TJ, para. 62	Many of the hard-fought and bloody conflicts took place in Bosnia and Herzegovina.
Fact 16: TJ, para. 64	In the post-war years until about 1991, at least in the Prijedor municipality, particularly in rural areas, the three populations, Serbs, Croats and Muslims, tended to live separately so that in very many villages one or another nationality so predominated that they were generally regarded as Serb or Croat or Muslim villages.
Fact 17: TJ, para. 64	Many witnesses speak of good inter-communal relations, of friendships across ethnic and coincident religious divides, of intermarriages and of generally harmonious relations.
Fact 18: TJ, para. 65	Marshal Tito and his communist regime took stern measures to suppress and keep suppressed all nationalist tendencies.
Fact 19: TJ, para. 65	Under its Constitution of 1946, the country was to be composed of six Republics: Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia, and Montenegro and two autonomous regions, Vojvodina and Kosovo.
Fact 20: TJ, para. 65	According to the 1946 Yugoslav Constitution, the peoples of the Republics, other than Bosnia and Herzegovina, were regarded as distinct nations of federal Yugoslav.

Fact 21: TJ, para. 65	The situation of Bosnia and Herzegovina was unique; although it was one of the six Republics, it, unlike the others, possessed no one single majority ethnic grouping and thus there was no recognition of a distinct Bosnian nation.
Fact 22: TJ, para. 65	However, by 1974 the Muslims were considered to be one of the nations or peoples of federal Yugoslavia.
Fact 23: TJ, para. 66	Throughout the years of Marshal Tito's communist Yugoslavia, religious observance was discouraged.
Fact 24: TJ, para. 66	Nevertheless, the population remained very conscious of so-called ethnic identity, as Serb, Croat or Muslim.
Fact 25: TJ, para. 67	Today, in Bosnia and Herzegovina, whether practising or non-practising, the great majority of Serbs remain Orthodox Christian and the Croats Roman Catholic, while the title Muslim speaks for itself.
Fact 26: TJ, para. 68	Post-war Yugoslavia was, at first, a highly centralist State, with substantial power exercised federally from Belgrade.
Fact 27: TJ, para. 58	Then, in the 1960s and on into the 1970s, there was a trend towards devolution of power to the governments of the Republics, a trend enhanced by a new Constitution adopted in 1974 and which continued on into the 1980s.
Fact 30: TJ, para. 85	The concept of a Greater Serbia has a long history. It emerged at the forefront of political consciousness, in close to its modern form, as early as 150 years ago and gained momentum between the two World Wars. <del>In its modern form, the concept</del> [Kept in check during the years of Marshal Tito's rule, it became very active after his death. Greater Serbia] involved two distinct aspects: first, the incorporation of the two autonomous provinces of Vojvodina and Kosovo into Serbia, and secondly, the extension of the enlarged Serbia, together with Montenegro, into those portions of Croatia and Bosnia and Herzegovina containing substantial Serb populations.
Fact 31: TJ, paras. 87	The second aspect of a Greater Serbia was strongly pursued in the late 1980's and on into the 1990's, much encouraged by nationalist writings of earlier days, some of which advocated a Serbian state extending throughout Bosnia and Herzegovina

	and including the Dalmatian coast and parts of Croatia north of the River Sava. It was actively promoted by Serb propaganda, a key element of the campaign. By recalling the atrocities of the Croat Ustaša in the Second World War, its proponents sought to arouse the fears of Serbs everywhere and in the end to have them seek protection within a Greater Serbia.
Fact 32: TJ, paras. 88	The propaganda campaign that accompanied this movement began as early as 1989, with the celebration of the 600th anniversary of the Battle of Kosovo. During this celebration, the Serb-controlled media declared that Serbs had been let down by others in the area when the Ottoman Turks invaded. Through public speeches and the media, Serbian political leaders emphasised a glorious past, and informed their audiences that if Serbs did not join together they would be again subject to attack by "Ustaša", a term used to inspire fear in Serbs. The danger of a "fundamentalist, politicised" Muslim community was also represented as a threat.
Fact 33: TJ, para. 88	After the disintegration of the former Yugoslavia began, the theme of the Serb-dominated media was that "if for any one reason Serbs would become a minority population . . . their whole existence could be very perilous and endangered . . . [and therefore] they had no choice but a full-scale war against everyone else, or to be subjected to the old type concentration camp, the symbol being Jasenovac."
Fact 34: TJ, paras 89	In the early 1990s there were rallies that advocated and promoted the idea, with Serbian leaders in attendance. In 1992 Radoslav Brđanin, President of the Crisis Staff of the Serb Autonomous Region of the Banja Luka area, declared that 2 percent was the upper tolerable limit on the presence of all non-Serbs in this region. Radoslav Brđanin advocated three stages of ridding the area of non-Serbs: (1) creating impossible conditions that would have the effect of encouraging them to leave of their own accord, involving pressure and terror tactics; (2) deportation and banishment; and (3) liquidating those remaining who would not fit into his concept for the region.
Fact 35: TJ, para. 90	The propaganda continued throughout the war in Croatia and Slovenia, which was fought primarily by the JNA on the one side and those seeking independence on the other. <del>Colonel Vukelić, the Assistant for Ethics of the Commander of the 5<sup>th</sup> Corps of the 1<sup>st</sup> Military District of the JNA in 1991 and 1992, a Bosnian Serb responsible for moral and ethical preparation of military units and for maintaining relations with the media, political bodies and socio-political organizations, made</del>

	<del>many declarations against Muslim and Croat populations. He characterized Croats and Muslims as the enemies of Serbs and proclaimed that the Serbs in Bosnia and Herzegovina were in danger and needed to be protected, a need which should inspire Serb members of the JNA to join the struggle to save the Serbs from genocide.</del>
Fact 36: TJ, para. 91	Over time, the propaganda escalated in intensity and began repeatedly to accuse non-Serbs of being extremists plotting genocide against the Serbs. <del>Periodicals from Belgrade featured stories on the remote history of Serbs intended to inspire nationalistic feelings. In articles, announcements, television programmes and public proclamations, Serbs were told that they needed to protect themselves from a fundamentalist Muslim threat and must arm themselves and that the Croats and Muslims were preparing a plan of genocide against them.</del>
Fact 37: TJ, para. 92	By the spring of 1992 only Serb-controlled television channels and programmes were available in many parts of Bosnia and Herzegovina. This was achieved by the take-over of television transmitters throughout the Serb-controlled areas, <del>including the transmitter on Kozara Mountain which was taken over by the Wolves, a paramilitary unit acting in full cooperation with both military and political leaders.</del> In consequence, by the spring of 1992 residents in Prijedor and elsewhere in eastern Bosnia and Herzegovina were no longer able to receive television from Sarajevo or from Zagreb but only from Belgrade or Novi Sad in Serbia, and Pale or Banja Luka in Bosnia and Herzegovina, all of which broadcast anti-Muslim and anti-Croat propaganda.
Fact 44: SKJ, para. 25	Marshal Tito's death in 1980 and the rapid disintegration of the ruling League of Communists of Yugoslavia in the first months of 1990 resulted in a power vacuum and the emergence of national parties throughout the country.
Fact 45: TJ, para. 72	In 1989 at the fourteenth Congress of the League of Communists, Serbian delegates also sought to alter to the advantage of more populous Republics such as Serbia a fundamental feature of the Constitution, that of the voting equality of Republics, substituting for it the one person one vote principle.
Fact 46: TJ, para. 72	This caused the resignation of the Slovenian leadership from the League and a walkout from the Congress of the representatives of Croatia and of Bosnia and Herzegovina.

Fact 47: TJ, para. 72	Slobodan Milošević, already a powerful political figure in Serbia as a party chief, spoke at a mass rally at the site of the Kosovo battlefield itself.
Fact 49: TJ, para. 72	Slobodan Milošević's speech greatly enhanced his role as the charismatic leader of the Serb people in each of the Republics, after which he rapidly rose in power.
Fact 50: TJ, para. 73	In 1989 Slovenia formally amended the Republic's Constitution to empower the Slovene Assembly to take measures to protect the Republic's status and rights from violation by organs of the federation.
Fact 51: TJ, para. 73	This amendment was declared unconstitutional by Yugoslavia's constitutional court. In the following 18 months other Republics increasingly ignored federal authority.
Fact 52: TJ, para. 73	In December 1989 Slovenia chose to ignore the decision of the court.
Fact 53: TJ, para. 73	In the following 18 months other Republics increasingly ignored federal authority.
Fact 54: CJ, para. 98	In May 1990, a new government was elected into office in Slovenia after its first multi-party elections.
Fact 55: TJ, para. 73	In December 1990, a plebiscite was held in Slovenia, resulting in an overwhelming majority vote for independence from Yugoslavia.
Fact 56: TJ, para. 74	In Croatia the elections of 1990 produced a strongly nationalistic government led by Franjo Tudman who, upon assuming power, amended the Republic's Constitution to recreate Croatia as the national state of the Croatian nation, with citizens of other ethnic groups as minorities, not having the status of nations.
Fact 57: TJ, para. 74	A plebiscite in Croatia in May 1991 produced an overwhelming majority for independence.
Fact 59:	On 25 June 1991 Slovenia and Croatia declared their independence from the

TJ, para. 77	Socialist Federal Republic of Yugoslavia.
Fact 60: TJ, paras. [76]-77	On 19 December 1991, the two autonomous Serb regions [ <u>Krajina and Eastern Slavonia</u> ] within Croatia proclaimed themselves to be the Republic of Serbian Krajina.
Fact 62: TJ, para. 78	In Bosnia and Herzegovina, the Parliament declared the sovereignty of the Republic on 15 October 1991.
Fact 63: TJ, para. 78	The Republic of Serbian People of Bosnia and Herzegovina (later to become the <i>Republika Srpska</i> ) was declared on 9 January 1992, to come into force upon any international recognition of the Republic of Bosnia and Herzegovina.
Fact 64: TJ, para. 78	In March 1992 Bosnia and Herzegovina declared its independence following a referendum held in February 1992 sponsored by the Bosnian Muslims with some support from Bosnian Croats.
Fact 65: TJ, para. 78	The holding of the February referendum had been Opposed by Bosnian Serbs, who very largely abstained from voting.
Fact 66: TJ, para. 78	The European Community and the United States of America recognised the independence of the Republic of Bosnia and Herzegovina in April 1992.
Fact 67: TJ, para. 563	The Republic of Bosnia and Herzegovina was admitted as a State member of the United Nations, following decisions adopted by the Security Council and the General Assembly, on 22 May 1992, two days before the shelling and take-over of Kozarac.
Fact 68: TJ, para. 563	Even before 22 May 1992, the Republic of Bosnia and Herzegovina was an organised political entity, as one of the republics of the Socialist Federal Republic of Yugoslavia, having its own republican secretariat for defence and its own TO.
Fact 69: TJ, para. 79	Serbia and Montenegro meanwhile continued to support the concept of a federal state, no longer under its old name, but to be called the Federal Republic of Yugoslavia and wholly Serb dominated, consisting only of Serbia and Montenegro;

	it was formally established in April 1992.
Fact 70: TJ, para. 79	This completed the dissolution of the former Socialist Federal Republic of Yugoslavia.
Fact 71: TJ, para. 79	What had taken the place of state socialism in Yugoslavia were the separate nationalisms of each of the Republics of the former Yugoslavia, other than Bosnia and Herzegovina, which alone possessed no single national majority.
Fact 73: CJ, para. 120	The former Socialist Republic of Bosnia and Herzegovina was divided into territorial units of self-management which were possessed of a certain level of autonomy. Each of these municipalities (opština) were governed by a Municipal Assembly, consisting of members directly elected by the local population, which in turn elected an Executive Council from its own members. In Bosnia and Herzegovina there were 109 such municipalities.
Fact 74: TJ, para. 81	In 1990 the first free, multi-party elections were held in Bosnia and Herzegovina, for both municipal assemblies and for the Republican Legislature.
Fact 75: TJ, para. 81	The most prominent political parties in Bosnia and Herzegovina were the Muslim Party of Democratic Action (“SDA”), the Serb Democratic Party (“SDS”) and the Croat Democratic Union (“HDZ”).
Fact 76: TJ, para. 81	The outcome of the elections was, in effect, little more than a reflection of an ethnic census of the population with each ethnic group voting for its own nationalist party.
Fact 77: SKJ, para. 29	A census in April 1991 recorded that 43.7 percent of the residents of Bosnia and Herzegovina were ethnic Muslims, 32.4 percent were Serbs and 17.3 percent were Croats.
Fact 78: CJ, para. 99	After the elections in Bosnia and Herzegovina held in November 1990, a coalition government was thus formed headed by a seven member State Presidency, with the leader of the SDA, Alija Izetbegović, as the first President.
Fact 79: TJ, para. 82	In the Republican Assembly, co-operation between the Muslim and Serbian political parties proved increasingly difficult as time went by.

Fact 80: TJ, para. 82	What was initially a coalition government of the Republic broke down in October 1991 and failed completely in January 1992.
Fact 81: TJ, para. 83	The disintegration of multi-ethnic federal Yugoslavia was thus swiftly followed by the disintegration of multi-ethnic Bosnia and Herzegovina, and the prospect of war in Bosnia and Herzegovina increased.
Fact 82: TJ, para. 122	The conflict between Serbia and Croatia, following the declaration of independence by Croatia in June 1991, served greatly to exacerbate the tension between Bosnia and Herzegovina's three ethnic groups.
Fact 83: TJ, para. 83	Further, the Bosnian Serbs retained vivid memories, albeit now some 50 years old, of their suffering at the hands of the Croats during the Second World War.
Fact 84: BJ, para. 164	The SDS established Bosnian Serb controlled areas by linking Bosnian Serb populated municipalities together and by establishing parallel government bodies, with a view to removing that territory from the effective control of the authorities of the Socialist Republic of Bosnia and Herzegovina ("SRBH"). <del>In this way the foundations for an ethnically pure Bosnian Serb state were laid.</del>
Fact 85: KVJ, para. 11	In September 1991, it was announced that several Serb Autonomous Regions in Bosnia and Herzegovina had been proclaimed, including Krajina, Romanija and Stara Herzegovina.
Fact 87: BJ, para. 61	While the SDA and the HDZ promoted the secession of the SRBH from the Socialist Federal Republic of Yugoslavia ("SFRY"), the SDS strongly advocated the preservation of Yugoslavia as a state, in order to ensure that the Serbs would continue to live together in a single state, and would not become a minority in an independent Bosnian state.
Fact 89: SKJ, para. 31	The SDS and the SDA failed to reconcile their differences and started moving in opposite directions. Hostile rhetoric used by the leaders of both parties, echoed in their party-controlled mass media, created mutual suspicions and contributed to the increase of inter-communal tension.
Fact 90:	The Bosnian Serb deputies of the BiH parliament proclaimed a separate Assembly of the Serb Nation on 24 October 1991.

TJ, para. 78	
Facts 91: TJ, para. 99 and <del>CJ, para. 105</del>	In November 1991 the SDS sponsored, organised and conducted a plebiscite primarily for the Bosnian Serb population. Voters were given different ballots depending upon whether they were Serb or non-Serb. The Serb voters were asked to vote on the question: "Are you in favour of the decision reached by the Assembly of the Serbian People in Bosnia and Herzegovina on 24 October 1991 whereby the Serbian people shall remain in the common State of Yugoslavia which would include Serbia, Montenegro, Serb Autonomous Region Krajina, Serb Autonomous Region Slavonija, Baranja, Western Srem along with all others willing to remain in such a State?"
Fact 93: TJ, para. 100	The outcome of the plebiscite purported to be 100 percent in favour. The SDS leadership used this outcome as a basis on which to develop the separate Serb political structure. The plebiscite was cited as justification for all subsequent moves such as the ultimate walk-out of the SDS representatives from the Bosnia and Herzegovina Assembly, the various negotiations conducted at the federal and international levels and the proclamation, on 9 January 1992, of the Republic of the Serbian People of Bosnia and Herzegovina.
Fact 94: TJ, para. 101	Also on the basis of the plebiscite, the SDS and military forces in each region including the JNA, paramilitary organizations, local TO units, and special police units, began to establish physical and political control over certain municipalities where it had not already gained control by virtue of the elections.
Fact 95: TJ, para. 101	In these regions, which included the Prijedor municipality, the SDS representatives in public office in some cases established parallel municipal governments and separate police forces.
Fact 96: TJ, para. 101	Physical control was asserted by positioning military units, tanks and heavy artillery around the municipalities and setting up checkpoints to control the movement of non-Serbs.
Fact 97: TJ, para. 103	Crisis Staffs were formed in the Serb Autonomous Regions to assume government functions and carry out general municipal management.
Fact 98:	Members of the Crisis Staffs included SDS leaders, the JNA Commander for the

TJ, para. 103	area, Serb police officials, and the Serb TO Commander.
Fact 99: TJ, para. 103	Lieutenant-General Momir Talić, Commander of the 5 <sup>th</sup> Corps (which became the 1st Krajina Corps), was a member of the Crisis Staff in Banja Luka (“ARK Crisis Staff”), <del>thus demonstrating the relationship between the political and military branches of the Bosnian-Serb run government.</del> The ARK Crisis Staff, which had jurisdiction over the Prijedor municipality, was established in April or May 1992 as an organ of the Autonomous Region of Krajina.
Fact 100: BJ, para. 69; See also SKJ para. 37	On 19 December 1991, the Main Board of the SDS issued a document entitled “Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances” (“Variant A and B Instructions”). These instructions provided for the conduct of specified activities in all municipalities in which Serbs lived, and essentially mapped out the take-over of power by Bosnian Serbs in municipalities where they constituted a majority of the population (“Variant A”) and where they were in a minority (“Variant B”).
Fact 101: BJ, para. 69 <del>and SKJ para. 470.</del>	The stated purpose of the Variant A and B Instructions was “to carry out the results of the plebiscite at which the Serbian people in Bosnia and Herzegovina decided to live in a single state” and to “increase mobility and readiness for the defence of the interests of the Serbian people”.
Fact 102: BJ, para. 70	The Variant A and B Instructions included, amongst others, the directive that the SDS Municipal Boards should form Crisis Staffs of the Serbian people in their respective municipalities. The “tasks, measures and other activities” referred to in the Variant A and B Instructions were to be carried out exclusively at the order of the President of the SDS.
Fact 103: BJ, para. 93	Consequently, the existence of “Serbian municipalities” was declared even in municipalities, where the SDS did not have overall control (“Variant B municipalities”).
Fact 104: BJ, para. 95	The composition of the municipal Crisis Staffs in 1992 in the Serb Autonomous Regions <del>was designed to ensure that they not only had authority in the eyes of the general public, but also that they were able to ensure implementation of their decisions. Members</del> included the respective President of the Municipal Assembly or the President of the Municipal Executive Committee (Variant A) or the

	<p>President of the SDS Municipal Board (Variant B), the commander of the Municipal TO staff, and the Chief of the police. In addition, municipal Crisis Staff meetings were regularly attended by representatives of the army. <del>The municipal Crisis staffs thus resembled SDS shadow governments, as they included SDS members for most leading positions in the municipalities.</del></p>
<p>Fact 105: BJ, para. 93</p>	<p>Between the end of December 1991 and April 1992, the SDS increased its preparations to take over political power at the municipal level in areas ear-marked for incorporation into the new Bosnian Serb state. On 11 December 1992, the SerBiH Assembly adopted the recommendations on the establishment of municipal assemblies of the Serbian people in BiH in those municipalities where Bosnian Serbs were in a minority.</p>
<p>Fact 107: TJ, para. 103</p>	<p>In early May, after the official decision on its establishment was taken by the Executive Council of Krajina, the ARK Crisis Staff took over all powers of the government and other agencies. It was the highest-level decision-maker in the Autonomous Region of Krajina and its decisions had to be implemented throughout the Autonomous Region of Krajina by means of municipal Crisis Staffs. The municipal Crisis Staffs had to report to the ARK Crisis Staff daily regarding the steps taken to implement the decisions of the Main Board located in Banja Luka.</p>
<p>Fact 108: SKJ, para. 98</p>	<p>On 31 May 1992, the Serbian Assembly of Bosnia and Herzegovina issued a "Decision on the Formation of War Presidencies in Municipalities in Times of War or the Immediate Threat of War".</p>
<p>Fact 109: BJ, para. 71</p>	<p>In early 1992, while international negotiations to resolve the question of the status of BiH were ongoing, the Bosnian Serb leadership enforced its plan to separate the territories claimed by them from the existing structures of the SRBH and to create a separate Bosnian Serb State. On 9 January 1992, the SerBiH Assembly proclaimed the SerBiH, which on 12 August 1992 was renamed Republika Srpska ("RS"). It was composed of so-called Serbian autonomous regions and districts, which included the ARK.</p>
<p>Fact 111: TJ, para. 102</p>	<p>In March 1992, the Assembly of Serbian People of Bosnia and Herzegovina promulgated the Constitution of the Serb Republic of Bosnia and Herzegovina and proclaimed itself a distinct republic</p>

Fact 114:	There were three principal governmental or quasi-governmental entities in Bosnia and Herzegovina in 1992-1993: the Government of the Republic of Bosnia and Herzegovina based in Sarajevo, the Croatian Community of Herceg-Bosna based in Mostar and the Republika Srpska based in Pale.
Fact 115: BJ, para. 73	On 31 March 1992, Momčilo Mandić, Assistant Minister of Internal Affairs in BiH, sent a telex to all security centres and all the public security stations around the SerBiH, informing them of the establishment of the Serbian Ministry of Internal Affairs (MUP), decision taken at a meeting of the SerBiH Assembly, held on 27 March 1992, at which the Constitution of the SerBiH was ceremonially promulgated.
Fact 116: BJ, para. 73	On 16 April 1992, the Ministry of National Defence of the SerBiH issued a decision on the establishment of the Territorial Defence (“TO”) as an army of the SerBiH, putting the command and control of the TO with municipal, district and regional staffs, as well as the staff of the SerBiH TO. In the same decision the Ministry of National Defence of the SerBiH declared an imminent threat of war and ordered public mobilisation of the TO in the entire territory of the SerBiH. Moreover, the formation of TO staffs in the newly established Bosnian Serb municipalities was ordered.
Fact 117: BJ, para. 221	Cooperative links between the military and civilian authorities were also established at the regional level. These links were concentrated in the ARK Crisis Staff, of which General Major Momir Talić, Lieutenant Colonel Milorad Sajić and Major Zoran Jokić were all members. At one point or another, all three attended ARK Crisis Staff meetings. In addition, on 13 May 1992, the ARK Crisis Staff authorised two of its members, Vojo Kuprešanin and Predrag Radić, “to deal with all military and political issues in the territory of the ARK”.
Fact 118: BJ, para. 74	In April 1992, Radovan Karadžić and Nikola Koljević showed a map of the future BiH, according to which seventy per cent of the territory of BiH would be covered by the SerBiH. A few months later <del>this map was a reality</del> , as the Bosnian Serb forces controlled exactly those areas which according to the map would constitute the territory of the SerBiH.
Fact 124:	The Army of the Serbian Republic of BiH, later renamed VRS, was formally established on 19 May 1992.

BJ, para. 78	
Fact 131: TJ, para. 603	The Federal Republic of Yugoslavia (Serbia and Montenegro), heavily engaged as it had been in activities in Croatia against the forces of the Croatian Army, was concerned with maintaining a supply corridor running from Serbia through northern Bosnia (which included the Prijedor municipality) to the Serbian Krajina in Croatia.
Fact 132: BJ, para. 211	On 27 March 1992, the SerBiH Assembly established the Serbian Ministry of Internal Affairs (“MUP”). The legislation on the MUP came into effect on 31 March 1992, when a Minister was appointed who answered to the SerBiH Assembly. During the spring and summer of 1992, most non-Serbs were dismissed from the police force. <del>In doing so, the police was transformed into a Bosnian-Serb force.</del>
Fact 133: BJ, para. 175	On 4 March 1992, the ARK Assembly during its 15 <sup>th</sup> session adopted a decision to form the Security Services Centre of the ARK (“CSB”) with its seat in Banja Luka. Stojan Župljanin was appointed Chief of the CSB. On 27 April 1992, the ARK Assembly issued a decision to establish a “Special Purpose Police Detachment” within the CSB.
Fact 134: KVJ, para. 26	The chain of command in the security services was as follows: the service was headed on a ministerial level by the Minister of the Interior. Next in the chain of command were the regional authorities, the most relevant in this case being the Banja Luka Security Services Centre (CSB).
Fact 135: BJ, para. 85	In the spring of 1992, all employees in local Public Security Services (“SJBs”) and other public services were required to sign an oath of loyalty to the Bosnian Serbian authorities. Bosnian Muslims and Bosnian Croats who refused to sign the declaration of loyalty were dismissed. Those who accepted to sign could remain within the service.
Fact 136: KVJ, para. 26	The CSB was divided into two principal departments, the State Security Department (SDB) and the Public Security Department (SJB). The State Security Department was occupied with intelligence work. Within the Public Security Department there were several sub-sections dealing, for example, with crime, traffic, personnel, passports, and aliens.

Fact 137: KVJ, para. 26	Between 24 May and 30 August 1992, the head of the CSB of Banja Luka was Stojan Župljanin.
Fact 138: KVJ, para. 27	Simo Drljača was the Head of the Public Security Station in Prijedor during the duration of Omarska camp's existence. The uniformed police department of this station was headed by Dusan Janković, who was immediately subordinated to Simo Drljača.
Fact 139: KVJ, para. 27	There were three sub-offices of "Police Station Departments" attached to the Prijedor Police Station". Zeljko Meakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed.
Fact 140: CJ, para. 93	A defence system known as "All People's Defence" (or "Total National Defence") was devised to protect the SFRY from external attack.
Fact 141: TJ, para. 105	Prior to the break-up of the former Yugoslavia, the totality of Yugoslav armed forces included the regular army, navy and air force, collectively known as the JNA, consisting of an officer corps, non-commissioned officers and conscripts, together with a reserve force, and, as well as and distinct from the JNA, the TOs.
Fact 142: TJ, para. 105	The JNA was an entirely federal force with its headquarters in Belgrade.
Fact 143: TJ, para. 105	There was a distinct TO in each Republic, funded by that Republic and under the control of the Minister of Defence of that Republic.
Fact 144: TJ, para. 105	The JNA was a powerful national army, comprised of 45,000 - 70,000 regular officers and soldiers along with 110,000-135,000 conscripts who served on a more short-term basis, equipped with all the conventional weapons and equipment that modern European armies possess.
Fact 145: TJ, para. 105	The TOs were equipped with essentially infantry weapons; rifles, light machine-guns, some small calibre artillery, mortars, anti-personnel mines and the like.
Fact 147:	Traditionally all TO weapons were stored locally, within each municipality.

TJ, para. 107	
Fact 148:	In 1991, the federal government formally controlled the armed forces of the SFRY, the JNA and the Territorial Defence (TO). The JNA and the TO were under the Supreme Command of the SFRY Presidency. The Federal Secretary for National Defence at the time was General Kadijević and his deputy was Admiral Brovet.
Fact 155: TJ, para. 77	The independence of Slovenia and Croatia, ultimately recognised by the European Community on 15 January 1992, was challenged militarily by the JNA.
Fact 156: TJ, para. 124	By early 1992 there were some 100,000 JNA troops in Bosnia and Herzegovina with over 700 tanks, 1,000 armoured personnel carriers, much heavy weaponry, 100 planes and 500 helicopters, all under the command of the General Staff of the JNA in Belgrade.
Fact 157: CJ, para. 114	With its declaration of independence on 6 March 1992, open conflict erupted in Bosnia and Herzegovina and the units of the JNA already present in the territory were actively involved in the fighting that took place. Reports of combat include an attack on Bosanski Brod on 27 March 1992 and the occupation of Derventa, as well as incidents in Bijeljina, Foča and Kupres in early April. After Bosnia and Herzegovina's independence was recognised by the European Community on 6 April 1992, these attacks increased and intensified, especially in Sarajevo, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Prijedor and Brčko.
Fact 158: CJ, para. 212	The JNA strengthened its presence in Bosnia and Herzegovina throughout the latter half of 1991 and into 1992 and, consequently, significant numbers of its troops were on the ground when the government declared the State's independence on 6 March 1992. By the time of Bosnia and Herzegovina's declaration of independence, the JNA was dominated largely by Serbia and staffed mainly by Serb officers. In addition, the JNA had been providing arms and equipment to the Serb population of Bosnia and Herzegovina from 1991, who had, in turn, been organising themselves into various units and militia in preparation for combat. Similarly, the Bosnian Croat population had been receiving such support from the Government of Croatia and its armed forces.
Fact 159:	Prior to May 1992 the JNA had played a significant role in the training and equipping of Bosnian Serb paramilitary forces. In 1991 and on into 1992 the

TJ, para. 120	Bosnian Serb and Croatian Serb paramilitary forces cooperated with and acted under the command and within the framework of the JNA. These forces included Arkan's Serbian Volunteer Guard and various forces styling themselves as Chetniks, a name which, as has been seen, is of significance from the fighting in the Second World War against the German, Italian and Croat forces in Yugoslavia. Some were even given training in the compounds of the 5 <sup>th</sup> JNA Corps in Banja Luka. The reliance placed on such forces by the JNA reflected a general manpower shortage.
Fact 160: TJ, para. 125	Between March and May 1992, there were several attacks and takeovers by the JNA of areas that constituted main entry points into Bosnia or were situated on major logistics or communications lines such as those in Bosanski Brod, Derventa and Bijelina, Kupres, Foča and Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko and Prijedor.
Fact 161: TJ, para. 125	The first attack was in Bosanski Brod on 27 March 1992. At the same time, there were clashes at Derventa.
Fact 162: TJ, para. 125	On 2 April 1992 there was an incident at Bijelina and around this time also at Kupres. These were immediately prior to the recognition of Bosnia and Herzegovina's independence on 7 April 1992 by the European Community, with a retroactive date of 6 March 1992.
Fact 165: TJ, para. 126	In general, the military take-overs involved shelling, sniping and the rounding up of non-Serbs in the area. These tactics often resulted in civilian deaths and the flight of non-Serbs. Remaining non-Serbs were then forced to meet in assembly areas in towns for expulsion from the area. Large numbers of non-Serbs were imprisoned, beaten and forced to sing Chetnik songs and their valuables seized. This was accompanied by widespread destruction of personal and real property.
Fact 166: TJ, para. 113	On 15 May 1992 the Security Council, by resolution 752, demanded that all interference from outside Bosnia and Herzegovina by units of the JNA cease immediately and that those units either be withdrawn, be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded and disarmed.
Fact 167:	The remainder of the former JNA was to become the army of the new Federal

TJ, para. 114 and <del>CJ para.</del> 117	Republic of Yugoslavia (Serbia and Montenegro), known as the VJ.
Fact 168:  BJ, para. 151	In the months preceding the period covered in the Indictment (i.e. 1 April 1992 to 31 December 1992), the SFRY was already making preparations to cover-up the “over-all” control it planned to exercise on the Bosnian Serb Army once BiH gained independence and that this plan needed to be put in place as international pressure on Belgrade mounted. From the early stages of the war, the authorities in Belgrade expected further disintegration of the SFRY. As President of the Republic of Serbia, Slobodan Milošević made arrangements to ensure that Bosnian Serb forces could retain personnel and arms by ordering, on 5 December 1991, that soldiers who were native of BiH be transferred to BiH and that those in BiH who were native of other republics be moved out.
Fact 170:  BJ, para. 151	Throughout 1991 and into 1992, the Bosnian Serb leadership communicated with the SFRY leadership on strategic policy in the event that BiH would become independent. The FRY, despite the purported withdrawal of its armed forces, at the very least, maintained its support of the Bosnian Serbs and the VRS while exerting influence over their operations. Despite the change of name from JNA to Army of the SerBiH after 19 May 1992, and subsequently to the VRS, no consequential material changes actually occurred. While the change in name did not point to any alteration of military objectives and strategies, the equipment, the officers in command, the infrastructures and the sources of supply also remained the same.
Fact 171:  BJ, para. 151	In addition, the JNA military operations under the command of Belgrade that had already commenced by 19 May 1992 did not cease immediately and the same elements of the VJ continued to be directly involved in them.
Fact 173:  TJ, para. 115	The formal withdrawal of the JNA from Bosnia and Herzegovina took place on 19 May 1992.
Fact 174:  TJ, para. 115	The VRS was in effect a product of the dissolution of the old JNA and the withdrawal of its non-Bosnian elements into Serbia.
Facts 176:	The VRS inherited both officers and men from the JNA and also substantial arms and equipment, including over 300 tanks, 800 armoured personnel carriers and

TJ, para. 114	over 800 pieces of heavy artillery.
Fact 177: TJ, para. 115	Although these officers and non-commissioned officers had become formally members of the VRS rather than of the former JNA, they continued to receive their salaries from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).
Fact 178: TJ, para. 115	The pensions of those VRS officers and non-commissioned officers who in due course retired were paid by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro).
Fact 179: BJ, para. 145	After 19 May 1992, the FRY provided the VRS with three main types of operational support: logistics, personnel and training. The FRY provided considerable quantities of military equipment, fuel and ammunition to the VRS and the latter was almost entirely dependent on this procurement. Not only did the VRS repeatedly emphasise the critical state of its material reserves and request the assistance of the FRY, but the latter responded and sent the requested material support.
Fact 181: TJ, para. 120	The Banja Luka Corps, the 5 <sup>th</sup> Corps of the old JNA, became part of the VRS in Bosnia and Herzegovina, and was named the 1 <sup>st</sup> Krajina Corps, but retained the same Commander, Lieutenant-General Talić.
Fact 182: TJ, para. 120	Excluding the Rear Base troops, the Banja Luka Corps numbered some 100,000 men, expanded from a peacetime strength of 4,500 men.
Fact 183: TJ, para. 120	Units of the Banja Luka Corps took part in the attack on the town of Kozarac near Prijedor on 24 May 1992.
Fact 184: TJ, para. 122	The Muslim-dominated government of Bosnia and Herzegovina instructed the Bosnian population not to comply with the JNA's mobilisation order.
Fact 186: TJ, para. 148	Non-Serbs living within the territory of the Autonomous Region of Krajina faced an extremely difficult situation; as with Serbs who had not responded to their call for mobilisation, non-Serbs freedom of movement was restricted and a curfew was established.

Fact 191: BJ, para. 115	In the spring of 1992, camps and other detention facilities were established throughout the territory of the Bosnian Krajina in army barracks and compounds, factories, schools, sport facilities, police stations and other public buildings. <del>These camps and detention facilities were set up and controlled by the Bosnian Serb army, civilian authorities or the Bosnian Serb police.</del> Non-Serb civilians were arrested <i>en masse</i> and detained in these camps and detention facilities.
Fact 192: BJ, para. 116	<del>As the events in the Bosnian Krajina developed, from the spring of 1992 onwards, active and systematic repression and expulsion of Bosnian Muslims and Bosnian Croats was carried out by the Bosnian Serb authorities throughout the Bosnian Krajina.</del> Convoys of buses and trains were organised by the Bosnian Serb authorities to drive tens of thousands of men, women and children out of Bosnian Serb claimed territory to either Bosnian Muslim held territory within BiH or to Croatia.
Fact 194: TJ, para. 55	The Prijedor municipality is located in north-western Bosnia and Herzegovina.
Fact 195: TJ, para. 55	The Prijedor municipality includes the town of Prijedor and the town of Kozarac some 10 kilometres to its east.
Fact 197: TJ, para. 128	Before the take-over, the Prijedor municipality was ethnically a relatively mixed area: in 1991 Muslims were the majority in the municipality; out of a total population of 112,000, 49,700 (44%) were Muslims and about 40,000 (42.5%) Serbs, with the remainder made up of Croats (5.6%), Yugoslavs (5.7%) and aliens (2.2%).
Fact 200: SKJ, para. 59	At the meeting of the Prijedor Municipal Board of the SDS on 27 December 1991 Simo Misković read out “Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances.”
Fact 202: SKJ, para. 65	On 23 April 1992, the Prijedor Municipal Board of the SDS decided <i>inter alia</i> to reinforce the Crisis Staff and to subordinate to the Crisis Staff “all units and staff in managements posts” and “to immediately start working on the takeover, the co-ordination with JNA notwithstanding”.
Fact 205:	In the night of the 29/30 April 1992, employees of the public security station and

SKJ, para. 74	reserve police gathered in Čirkin Polje, part of the town of Prijedor. Only Serbs were present and some of them were wearing military uniforms. The people there were given the task of taking over power in the municipality and were broadly divided into five groups. Each group of about twenty had a leader and each was ordered to gain control of certain buildings. One group was responsible for the Municipal Assembly building, one for the SUP building, one for the courts, one for the bank and the last for the post office.
Fact 206: TJ, para. 137	The actual take-over was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings.
Fact 207: TJ, para. 138	The pretext for the take-over of the Prijedor municipality was the transmission on 29 April 1992 by the Belgrade television station of a facsimile to the effect that the leader of the Bosnia and Herzegovina TO had instructed the local TOs to attack and obstruct the JNA during its withdrawal from the Republic, although the authorities in Sarajevo immediately declared that the facsimile was false and publicly denounced it.
Fact 212: KVJ, para. 337	After the take-over of Prijedor, other changes occurred in the command structure of the police force in the Prijedor municipality: commanders of Muslim ethnicity were replaced with commanders of Serb ethnicity.
Fact 213: TJ, para. 153	After the take-over of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the “balijas”, a derogatory term for Muslims, as well as the need to destroy the “balijas” themselves.
Fact 216: TJ, para. 140	A shooting incident at a Muslim checkpoint located at the village of Hambarine on 22 May 1992, provided a pretext for the attack by Serb forces on that outlying area.
Fact 217: TJ, para. 140	Following the incident, the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons.
Fact 218:	The ultimatum warned that failure to do so by noon the following day would result

TJ, para. 140	in an attack on Hambarine.
Fact 219: TJ, para. 140	The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked.
Fact 220: TJ, para. 140	After several hours of shelling by artillery, armed Serb forces entered the area supported by tanks and other weaponry and after a brief period of intermittent fighting local leaders collected and surrendered most of the weapons.
Fact 221: TJ, para. 140	By this time many of the inhabitants of Hambarine had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was also shelled.
Fact 223: BJ, para. 407	On 20 July 1992, Bosnian Serb forces conducted an onslaught on the entire Brdo area, of which Bišćani, forms part. <del>They consisted of military and police and were wearing different kinds of uniforms.</del>
Fact 225: BJ, para. 410	On 23 July 1992, Bosnian Serb tanks attacked Čarakovo, after several demands that residents should hand in weapons had been issued. During the raid, at least 16 civilians were killed.
Fact 226: BJ, para. 508	<del>After the cleansing of the Brdo area</del> [I]n July 1992, a number of Bosnian Muslim men were ordered to assist the Bosnian Serb forces in collecting the dead bodies. They loaded between 300 and 350 bodies on trucks with their own hands.
Facts 227: TJ, para. 142	After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of the Prijedor municipality: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 percent were Muslim.
Fact 228: TJ, para. 142	As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens.
Fact 229:	On 22 May 1992 telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult.

TJ, para. 143	
Fact 230: TJ, para. 143	An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska Prijedor municipality, as well as to surrender all weapons.
Fact 231: TJ, para. 565	On 24 May 1992, the predominantly Muslim town of Kozarac was attacked by Bosnian Serb forces, with an artillery bombardment which lasted until 26 May 1992 and extended to surrounding Muslim villages.
Facts 232: TJ, para. 143	The attack on the town of Kozarac on 24 May 1992 began with heavy shelling, followed by the advance of tanks and infantry.
Fact 233: TJ, para. 143	After the shelling, the Serb infantry entered Kozarac, and began setting houses on fire one after another.
Fact 235: TJ, paras. 143	It was reported that by 28 May 1992 Kozarac was about 50 percent destroyed, with the remaining damage occurring in the period between June and August 1992.
Fact 237: TJ, paras. 143, 144	In the attack on Kozarac care was taken to try to avoid damage to Serb property. The Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction.
Fact 238: TJ, para. 565	As a result of the shelling of Kozarac that began on 24 May 1992, many dwellings were destroyed, over 800 inhabitants were killed and the remainder, including those from surrounding Muslim villages, were expelled, the town and its vicinity being then occupied by Bosnian Serb forces.
Fact 242: TJ, para. 146	<del>Unlike Hambarine,</del> [T]he non-Serb population was not permitted to return to Kozarac after the attack of 24 May 1992 and, subject to some exceptions, the men were taken either to the Keraterm or Omarska detention camps and the women and elderly to the Trnopolje detention camp.
Fact 243: TJ, para. 146	By the end of the summer of 1992, the area of Kozarac was desolate, with many of the buildings which had survived the attack undamaged subsequently being looted and destroyed.

Fact 244: TJ, para. 146	Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac.
Fact 246: TJ, para. 150	Throughout the Prijedor municipality, mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken.
Fact 275: SKJ, para. 298	In May 1992, the Čaršijska mosque was destroyed. A group of men (including a bodyguard of Simo Drljača, Milorad Vokić) set the main mosque in Prijedor alight.
Fact 276: SKJ, para. 298	In May 1992, the mosque in Zagred was destroyed.
Fact 277: SKJ, para. 297	The mosque in Hambarine was shelled during the attack on Hambarine.
Fact 278: SKJ, para. 299	[ <u>May/June 1992</u> ] the Mutnik mosque was destroyed by Serbs.
Fact 279: SKJ, para. 301	[ <u>June 1992</u> ] the mosque in Kamičani was set alight by Serbs.
Fact 280: SKJ, para. 302	On 20 July 1992, the mosque in Biščani was destroyed.
Fact 281: SKJ, para.	On 29 July 1992, the Catholic church in Briševo was destroyed.

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Fact 283: SKJ, para. 305	The Prijedor mosque (Puharska section) was destroyed on 28 August 1992 by Serbs.
Fact 285: SKJ, para. 277	Homes and businesses in Prijedor were heavily looted after the initial attack.
Fact 286: SKJ, para. 283	The town of Briševo was attacked and over a hundred houses were destroyed during the attack.
Fact 287: SKJ, para. 284	The soldiers looted various items from the houses.
Fact 289: SKJ, para. 286	The Muslim village of Čarakovo suffered extensive damage and destruction and houses were looted.
Fact 292: SKJ, para. 290	Muslim houses in Biščani were destroyed with traces of fire.
Fact 293: SKJ, para. 291	At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by the Serb armed forces.
Fact 295: TJ, para. 154	After the take-over of Prijedor and the outlying areas, the Serb forces confined thousands of Muslim and Croat civilians in the Omarska, Keraterm and Trnopolje detention camps.

Fact 297: TJ, para. 154	During confinement, both male and female prisoners in the Serb-run detention camps of Omarska, Keraterm and Trnopolje were subjected to severe mistreatment, which included beatings, sexual assaults, torture and executions.
Fact 298: TJ, para. 154	Prisoners were also subjected to degrading psychological abuse, by being forced to spit on the Muslim flag, sing Serbian nationalist songs or to give the Serbian three-fingered salute.
Fact 299: TJ, para 154	The guards cursed the prisoners, referring to them as “balijas” or “Ustaša”.
Fact 302: BJ, para. 862	Bosnian Muslims and Bosnian Croats were detained at the Prijedor SUP, including a woman and an underage boy.
Fact 303: BJ, para. 863	Detainees were beaten with metal objects by members of the intervention squad, including “Dado” Mrdja.
Fact 304: BJ, para. 863	Detainees were beaten during interrogation and humiliated. Detainees were subjected to ethnic slurs.
Fact 305: KVJ, para. 15	All non-Serb men arrested and taken to the SUP were then bussed to either the Omarska camp or the Keraterm camp.
Fact 306 KVJ, para. 15	Women, children, and the elderly tended to be taken to the Trnopolje camp.
Fact 308: TJ, para. 155,	Omarska was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village and the camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps.
Fact 310: TJ, para. 155	Omarska held as many as 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women.
Fact 311:	With few exceptions, all the prisoners in Omarska were Muslims or Croats.

TJ, para. 155	
Fact 312: TJ, para. 155	The only Serb prisoners held in Omarska were said to have been there because they were on the side of the Muslims.
Fact 313: KVJ para. 21.	The vast majority of the detainees at Omarska were men, but there was also a group of approximately thirty-six women, many prominent in local affairs, from the area. Boys as young as 15 were seen in the early days of the camp, as well as some elderly people.
Facts 317: KVJ, para. 17	Although efforts had already begun to set up the camp and staff and detainees began arriving around 27 May 1992, the Prijedor Chief of Police, Simo Drljača, issued the official order to establish the camps on 31 May 1992.
Fact 318: KVJ, para. 28	Simo Drljača was chief of the Prijedor municipality Public Security Station, and a member of the Prijedor Crisis Staff.
Fact 319: KVJ, para. 28	Simo Drljača's order was pronounced "in accordance with the Decision of the Crisis Staff", and it established the responsibilities of various actors. The order charged a "mixed group consisting of national, public and military security investigators" with the interrogation and resulting categorization of the detainees. This "mixed group" was comprised of the members of the crime branches of the public and state security services, as well as military investigators.
Fact 320: KVJ, para. 28	The order assigned responsibility for the work of the investigators to three named coordinators: Ranko Mijić, Mirko Jesić, and Lieutenant Colonel Majstorović.
Fact 321: KVJ, para. 29	Paragraph 6 of the Drljača order states that "Security services at the collection centre shall be provided by the Omarska Police Station", and according to paragraph 2, "the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public, and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees".
Fact 322:	Željko Meakić was the "chief of security" to which the order referred and he was

KVJ, para. 29	responsible for allocating detainees to the different detention sites in the camp.
Fact 323: KVJ, para. 29	Željko Meakić was not in a position of superior authority over the investigation coordinators. The order required the security services coordinators and the chief of security to submit reports to Simo Drljača every 24 hours.
Fact 324: TJ, para. 155	The commander of the Omarska camp was Željko Meakić.
Fact 326: KVJ, para. 36	In a report to the Crisis Staff dated 1 July 1992, Simo Drljača confirmed that “Conclusion number 02-111-108/92, by which the release of detainees is prohibited, is being fully observed”.
Fact 327: KVJ, para. 348	Miroslav Kvočka, as duty officer in the Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp.
Fact 329: KVJ, para. 512	Mlado Radić took up his duties in Omarska camp around 28 May 1992, and he remained there until the end of August 1992.
Fact 330: TJ, para. 158	When prisoners arrived by bus at Omarska, they were usually searched, their belongings taken from them, and then beaten and kicked as they stood, legs apart and arms upstretched, against the eastern wall of the administration building.
Fact 331: TJ, para. 158	The new arrivals were then sent either to stay outside on the “pista” or to rooms in the hangar or in the small garages in the office blocks or, if so selected, to the white house.
Fact 332: TJ, para. 159	Sometimes 200 persons were held in a room of 40 square metres. 300 prisoners were confined in one small room. Some Omarska prisoners spent the time crowded together in the lavatories.
Fact 333: TJ, para. 159	In the lavatories, prisoners were packed one on top of the other and often they had to lie in the midst of excrement.

Fact 334: TJ, para. 162	The crowded rooms at Omarska were stifling in the summer heat and often guards refused to open windows in rooms crowded to overflowing or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.
Fact 335: TJ, para. 239	It was the general practice at the Omarska camp to return to their rooms prisoners who had been beaten and survived and to remove from the camp the bodies of those who were dead or appeared to be dead.
Fact 336: TJ, para. 240	Dead prisoners were buried in makeshift graves and heaps of bodies were frequently seen in the grounds of the detention camps.
Facts 337: TJ, para. 160	The prisoners were fed in batches of about 30 at a time and had to run to and from their daily meal, often being beaten by guards as they came and went.
Fact 338: TJ, para. 160	Prisoners in Omarska were allowed only a minute or two in which to eat.
Fact 339: TJ, para. 160	Many of those prisoners confined in the white house received no food at all during their time there.
Fact 341: TJ, para. 160	Some prisoners, particularly those already badly injured by beatings in the camp, often chose to miss their daily meal for fear of further beatings on the way to, or return from, the meal.
Fact 342: TJ, para. 160	Some prisoners lost 20 to 30 kilograms in body-weight during their time at Omarska, others considerably more.
Fact 343: TJ, para. 161	Drinking water at Omarska was often denied to the prisoners for long periods.
Fact 344: TJ, para. 161	There was very little in the way of lavatories at Omarska; prisoners had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked to use them. Prisoners at Omarska were often forced to excrete and urinate in their rooms.

Fact 345: TJ, para. 161	There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.
Fact 346: TJ, para. 163	Some prisoners were very severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him, often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on.
Fact 347: TJ, para. 163	Prisoners, after their interrogation, were often made to sign false statements regarding their involvement in acts against Serbs.
Fact 348: TJ, para. 164	The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp would appear, would call out particular prisoners from their rooms and attack them with a variety of sticks, iron bars or lengths of heavy electric cable.
Fact 349: TJ, para. 164	Sometimes these weapons would have nails embedded in them so as to pierce the skin and on occasion knives would be used to slash a prisoner's body.
Fact 352: TJ, para. 164	Frequently prisoners who were called out failed to return and witnesses who were their close relatives gave evidence that they had never been seen since, and were assumed to have been murdered.
Fact 353: KVJ, para. 68	Interrogations were carried out in the administration building by mixed teams of investigators from the army and the state and public security services in Banja Luka.
Fact 354: KVJ, para. 46	The majority of the detainees at Omarska were housed in the "hangar", which was the largest of four buildings on the site of the camp, running north-south. The main part of the hangar had been designed for the heavy trucks and machinery used in the iron-ore mine and ran along the eastern side of the building. The western side consisted of two floors of over 40 separate rooms.
Fact 355:	There were three other structures on the Omarska camp site: the administration building, and two smaller structures, known as the "white house" and the "red

KVJ, para. 47	house”.
Fact 356: TJ, para. 156	To the north of the hangar and separated from it by an open concrete area, known as the “pista”, was the administration building, where prisoners ate and some were housed, with rooms upstairs where they were interrogated.
Fact 357: KVJ, para. 47	The administration building lay at the north of the grounds and was divided in two parts. The single-storied western portion contained a kitchen and eating area. The eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates’ sleeping quarters. There was also a small garage at the far north or outer edge of the building.
Fact 358: TJ, para. 156	The hangar was a large oblong structure, running north-south, along the eastern side of which were a number of roller doors leading into a large area extending the length of the building with the ground floor designed for the maintenance of heavy trucks and machinery used in the iron-ore mine.
Fact 459: BJ, para. 757	Božidar Popović, the camp commander of the Manjača detention camp, was aware of the beatings being inflicted upon the detainees.
Fact 359: TJ, para. 156	The bulk of the prisoners in Omarska were housed in the hangar.
Fact 360: TJ, para. 159	Some prisoners remained on the “pista” continuously regardless of the weather for many days and nights on end, and occasionally for as long as a month, with machine-guns trained on them.
Fact 361: TJ, para. 159	As many as 600 prisoners were made to sit or lie prone outdoors on the “pista”.
Fact 362: TJ, para. 156	To the west of the hangar building was a grassed area on the western side of which lay the white house, a small rectangular single-storied building, having a central corridor with two rooms on each side and one small room at its end, not wider than the corridor itself.
Fact 363:	The white house was a place of particular horror. One room in the white house

TJ, para. 166	was reserved for brutal assaults on prisoners, who were often stripped, beaten and kicked and otherwise abused.
Fact 364: TJ, para. 166	Many prisoners died as a result of these repeated assaults on them in the white house.
Fact 365: TJ, para. 166	Prisoners who were forced to clean up after these beatings in the white house reported finding blood, teeth and skin of victims on the floor.
Fact 366: TJ, para. 166	Dead bodies of prisoners, lying in heaps on the grass near the white house, were a frequent sight in Omarska.
Fact 367: TJ, para. 166	Those bodies would be thrown out of the white house and later loaded into trucks and removed from the camp.
Fact 368: TJ, para. 167	The other small building at Omarska, the red house, was also a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive.
Fact 369: TJ, para. 167	When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear and empty pistol cartridges.
Fact 370: TJ, para. 167	These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house.
Fact 371: KVJ, para. 98	Approximately thirty-six of the detainees held at Omarska camp were women. The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl.
Fact 372: TJ, para. 165	Women who were held at Omarska were routinely called out of their rooms at night and raped.
Fact 373: TJ, para. 165	One woman was taken out five times and raped and after each rape she was beaten.

Fact 374: SKJ, para. 211	On 5 August 1992 in the Omarska camp at least 120 people, amongst whom were Anto Gavranović, Juro Matanović, Refik Pelak, Ismet Avdić, Alija Alibegović, Esad Islamović and Raim Musić were called out. They were lined up and put on to two buses which drove away towards Kozarac under escort.
Fact 375: SKJ, para. 211	The corpses of some of those taken away on the buses were later found in Hrastova Glavica and identified. A large number of bodies, 126, were found in this area.
Fact 376: SKJ, para. 211	In 121 of the cases, the forensic experts determined that the cause of death was gunshot wounds.
Fact 377: TJ, para. 168	The Keraterm detention camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory.
Fact 378: TJ, para. 168	The Keraterm camp began operating on 25 May 1992 and held up to 1,500 prisoners crowded into a number of large rooms or halls.
Fact 379: TJ, para. 169	Conditions in Keraterm were atrocious; prisoners were crowded into its rooms, as many as 570 in one room, with barely space to lie down on the concrete floors.
Fact 380: TJ, para. 169	The rooms in Keraterm were unlit and without windows and were in the summer intensely hot, with no ventilation.
Fact 381: TJ, para. 169	Prisoners in Keraterm were kept locked in these rooms for days on end, crowded together.
Fact 382: TJ, para. 169	Initially one lavatory was available for all but it became blocked and barrels were supplied instead which leaked, the stench being overpowering.
Fact 383: KVJ, para.	In Keraterm camp, the conditions of hygiene were dreadful. There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, with five men at a time escorted by guards.

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Fact 384: KVJ, para. 113	Detainees could never bathe although, occasionally, they could wash a little with cold water. The detainees received no soap or toothpaste and they were given inadequate food and water. Infestations of lice appeared.
Fact 385: KVJ, para. 113	The quality and quantity of food provided was totally inadequate, and detainees suffered from malnutrition and starvation. The detainees received two pieces of bread that they had to eat very quickly or they would be beaten. Furthermore, the food was not delivered regularly and, sometimes there was no food provided at all.
Fact 386: KVJ, para. 113	To supplement the meagre camp provisions, detainees were sometimes allowed to receive food brought from their families, although these occasional supplements were not enough to alleviate the hunger and malnutrition.
Fact 390: TJ, para. 170	There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over; some died of their injuries.
Fact 391: TJ, para. 170	Some who were called out never returned, and prisoners assumed that they had died as a result of the beatings.
Fact 392: TJ, para. 170	Dysentery was rife at Keraterm and there was no medical care for illness or for the injuries inflicted by beatings.
Fact 394: TJ, para. 170	Some prisoners were questioned about money and taken to their homes and made to search for money, to be handed over to the guards if found.
Fact 424: SKJ, para. 245	Interrogations and beatings occurred at the Miška Glava Community Centre. It was a cultural club which had been transformed into a command post.
Fact 425: SKJ, para. 245	Around 21 July 1992, a group of 114 people were moved in buses to Miška Glava where their names were recorded by an officer. People were regularly called out at the detention unit to be beaten.

Fact 426 : BJ, para. 859	Detainees were beaten during interrogations by Bosnian Serb soldiers with fists and rifle butts. They suffered concussions, bleeding and heavy bruising.
Fact 427: BJ, para. 413	Bosnian Muslim civilians detained in Miška Glava were transferred to the Ljubija football stadium.
Fact 428: SKJ, para. 247	Around 25 July 1992 civilians were taken on buses to the stadium in Ljubija.
Fact 432: BJ 413	Detainees were ordered to remove the dead bodies and put them in a bus.
Facts 433: SKJ, para. 215	On 21 August 1992, buses started to arrive in the Trnopolje camp and the detainees were told to board them. It was mostly men who boarded the four buses. The camp commander, Slobodan Kuruzović was present for most of this time. The buses proceeded towards Kozarac, where they were joined by four other buses which had been loaded in Tukovi and eight lorries. The buses had been organised by the Serb authorities to transport people out of Prijedor into Muslim-held territory.
Fact 435: SKJ, para. 216	Mount Vlašić was a landmark on the way to the final destination which was the line of separation between Serb and Muslim controlled territory in the direction of Travnik.
Fact 436: SKJ, para. 216	The buses and lorries came to a halt near a creek. The passengers were ordered to leave the buses and line up outside.
Fact 437: SKJ, para. 216	A truck appeared and the women and children were told to board it. Another truck arrived and departed with more detainees but left behind a number of people who had been at the Trnopolje camp and some residents of Kozarac.
Fact 438: SKJ, para.	The prisoners were then ordered to line up and board two of the buses. There were approximately 100 people packed onto each bus.

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Fact 439: SKJ, para. 217	One individual in police uniform appeared to be in charge during this transfer procedure.
Fact 440: SKJ, para. 217	The bus travelled for about another 10-15 minutes and then drew up on a road flanked on one side by a steep cliff and on the other by a deep gorge.
Fact 441: BJ, para. 459	The area is referred to as Korićanske Stijene.
Fact 442: SKJ, para. 217	The men were ordered to get out and walk towards the edge of the gorge where they were told to kneel down.
Fact 444: SKJ, para. 217	Then the shooting began.
Fact 449: BJ, para. 436	In mid-May 1992, <del>Bosnian Serb authorities set up</del> a camp [was set up] on the Manjača mountain outside the city of Banja Luka.
Fact 450: BJ, para. 910	The camp was situated within a military training ground in what used to be its farm.
Fact 451: BJ, para. 436	The camp was run by Bosnian Serb military police under the command of the 1 <sup>st</sup> KK (i.e. 1 <sup>st</sup> Krajina Corps) and Colonel Božidar Popović was the camp commander.
Fact 452: BJ, para. 750	The overwhelming majority of detainees were civilians that had never taken part in any fighting.

Fact 453: BJ, para. 749	At one given point there were approximately 3640 men detained in Manjača. Detainees at Manjača were predominantly Bosnian Muslims; there were also some Bosnian Croats and very few Bosnian Serbs.
Fact 454: BJ, para. 911	The camp had no shower or bath facilities, and there was no running water.
Fact 455: BJ, para. 912	The food in the camp was extremely insufficient.
Fact 456: BJ, para. 751	Detainees were subjected to regular beatings. Sometimes these beatings were selective. However, detainees were systematically beaten upon arrival.
Fact 457: BJ, para. 751	On these occasions, detainees were beaten by the military police that were manning the camp, and by those who had accompanied them in their transfer from their municipalities of origin.
Fact 458: BJ, para. 751	Beatings also took place during interrogations. Beatings were inflicted with the use of, amongst others, fists, feet, batons, wooden poles, rifle-butts and electric cables.
Fact 460: BJ, para. 752	In some cases, these beatings were so severe as to result in serious injury.
Fact 461: BJ, para. 757	Detainees died inside Manjača camp as a result of beatings.
Fact 462: BJ, para. 437	Omer Filipović, a prominent detainee from Ključ, was beaten on a daily basis and died on 28 July 1992 as a result of the severe beatings.
Fact 463: BJ, para. 438	One night on or around 28 June 1992, Esad Bender, was called out from the stable where detainees were held at Manjača camp. Shortly after his return in the morning, Esad Bender died as a result of the beatings inflicted on him during that night.
Fact 464:	On 6 June 1992, several buses with around 150 mainly Bosnian Muslim prisoners

BJ, para. 452	left the Hasan Kikić Elementary School in Sanski Most, to arrive at Manjača detention camp on the same evening.
Fact 465: BJ, para. 452	On 7 July 1992, a second group of around 64 mainly Bosnian Muslim prisoners arrived at Manjača <del>detention</del> camp in locked trailers.
Fact 466: BJ, para. 452	This transport originated from the Betonirka detention facility in Sanski Most, where those people had been detained since the end of May 1992.
Fact 467: BJ, para. 452	In both transports, prisoners had to stand in extremely cramped conditions and were not provided with sufficient water to drink during the nine hours of the journey, despite the hot weather.
Fact 468: BJ, para. 452	As a consequence of these conditions, more than 20 prisoners died during the second transportation.
Fact 469: BJ, para. 453	On 6 August 1992 some prisoners from the Omarska camp were transferred to Manjača.
Fact 470: BJ, para. 453	After arrival at Manjača detention camp, detainees were made to spend the entire night in the locked bus. During the night, three men were called out from the bus <del>by the Bosnian Serb policemen accompanying the transport</del> . On the next day, the dead bodies of these three men were seen.
Fact 472: BJ, para. 102	In Sanski Most, the SDS took control over the municipality on 19 April 1992 through an armed attack on the municipality building conducted by the JNA's 6 <sup>th</sup> Krajina Brigade, TO forces and members of a Bosnian Serb paramilitary group known as the Red Berets.
Fact 473: BJ, para. 102	At the end of May 1992, after calls for disarmament had been made, attacks were launched on the Bosnian Muslim neighbourhoods and villages of Mahala, Muhići, Begići, Hrustovo, Vrhpolje and some other [small] villages. These attacks were planned well in advance by the army and the municipal Crisis Staff, and were carried out by the army acting jointly with the SOS ( <del>i.e. Serbian Defence Forces</del> ).
Fact 474:	The attacks followed a similar pattern. Heavy shelling from outside the targeted neighbourhoods or villages caused severe damage and people were killed. The

BJ, para. 102	shelling forced the inhabitants of these villages to flee. After the troops had entered the villages, a number of people who had not fled were killed. Houses were looted and people fleeing were deprived of the valuables that they were carrying with them.
Fact 476: BJ, para. 868	Beginning 27 May 1992, Bosnian Muslim and Bosnian Croat civilians were detained <del>both by regular and Bosnian Serb military police</del> . They were confined until about the end of August 1992.
Fact 477: BJ, para. 870	Some of those detained were initially taken to the SUP building in Sanski Most and interrogated. Those detained at the SUP were all prominent civilians who held important positions in the community life of Sanski Most, with the exception of one underage detainee.
Fact 478: BJ, para. 870	Some detainees remained confined at the SUP building for as long as three months.
Fact 479: BJ, para. 871	The SUP building was guarded by policemen.
Fact 480: BJ, para. 872	Detainees from other detention facilities in Sanski Most were also brought into the SUP for interrogation. <del>They were interrogated by criminal police investigators from Sanski Most police.</del>
Fact 481: BJ, para. 873	Beatings of detainees took place during interrogation, with the use of rifle-butts, electric cables, poles, feet and fists and threats were made.
Fact 483: BJ, para. 874	Beatings also took place in the SUP outside interrogation. <del>Beatings were mostly conducted by the guards.</del>
Fact 484: BJ, para. 874	Whilst detained at the cells in the SUP, Bosnian Serb soldiers, inebriated at times, were given access to detainees and would beat them, as would civilians.
Fact 485: BJ, para. 875	“Hodža” Emir Seferović and SDA (i.e. Party of Democratic Action) secretary Hasim Kamber were beaten daily, and were eventually killed.

Fact 486: BJ, para. 878	Bosnian Croat and Bosnian Muslim men from Sanski Most were detained at Betonirka factory garages. There were around 120 detainees. They were all civilians.
Fact 487: BJ, para. 950	The detainees' length of stay at the Betonirka factory garages varied between three days to over a month.
Fact 488: BJ, para. 950	A witness testified that at some point, one of the garages was so crowded that the detainees had to sleep sitting up.
Fact 489: BJ, para. 951	There was no ventilation in the garages, since the windows were covered.
Fact 490: BJ, para. 952	The amount of food given to detainees was insufficient and its quality deficient.
Fact 491: BJ, para. 953	The sanitary conditions at the Betonirka factory garages were totally inadequate. A witness testified that the detainees could only use the field toilet when the garage was open which depended on the whims of the guards. If not, they had to relieve themselves in a bucket inside the garage, or in nylon bags. There was no water for bathing or for washing clothes.
Fact 493: BJ, para. 880	Beatings took place with horrifying regularity at the Betonirka factory garages. Beatings were carried out with the use of cables, feet of tables, spades and feet.
Fact 494: BJ, para. 881	These beatings caused serious injuries to the detainees.
Fact 496: BJ, para. 884	About 500-600 individuals were taken to the gymnasium of the Hasan Kikić Elementary School, including 200 men that were brought in from Ključ. Their length of stay was about three or four days.
Fact 497: BJ, para. 885	The gymnasium was staffed by guards in police and camouflage uniforms, under the command of Martić.

Fact 498: BJ, para. 886	There were beatings at the Hasan Kikić gymnasium, as a result of which one detainee was suicidal.
Fact 499: BJ, para. 886	These beatings were particularly severe when detainees were led to board the truck that took around 150 of them to Manjača on 6 June 1992. They were transported in very hot temperatures in trucks covered by tarpaulin, and were not given any water during the whole journey that lasted from morning until evening.
Fact 500: BJ, para. 110	After the army blocked all the roads leading out of Teslić, the Bosnian Muslim village of Stenjak was shelled on 4 June 1992, following the expiration of a deadline issued to the inhabitants to surrender their weapons.
Fact 501: BJ, para. 110	<del>The Bosnian Serb army and the police, assisted by paramilitary groups, searched</del> [H]ouses belonging to Bosnian Muslims [ <u>were searched</u> ] for hidden weapons.
Fact 502: BJ, para. 110	Houses were looted and burnt.
Fact 503: BJ, para. 110	There was no resistance from the non-Serb population in Teslić.
Facts 504: BJ, para. 888	Beginning 3 June 1992, Bosnian Muslim and Bosnian Croat civilians were detained <del>by Bosnian Serb military police, regular police, reserve police or paramilitary forces.</del>
Fact 505: BJ, para. 888	Those detained were taken to the SUP building in Teslić, from where they were eventually transferred to the Territorial Defence warehouse in Teslić and a detention camp at Pribinić, until about the beginning of October 1992.
Fact 508: BJ, para. 892	Detainees being held at the SUP were Bosnian Muslim and Bosnian Croat men. Almost all were prominent citizens. Detainees were beaten with police batons, rifle-butts, fists and feet. Detainees witnessed the beatings of other detainees.
Fact 509: BJ, para. 893	Detainees, including a Bosnian Muslim who was the former commander of the police, were beaten <del>by policemen and also by the "Miće" paramilitary group.</del>

Fact 510: BJ, para. 894	There were between 100 and 130 Bosnian Muslim and Bosnian Croat civilian men detained at the TO warehouse.
Fact 511: BJ, para. 959	Some detainees remained at the TO building between 30 and 40 days.
Fact 513: BJ, para. 960	Detainees had to urinate in a canister, or else they would risk being beaten on the way to the toilet. They were not able to wash or change clothes.
Fact 514: BJ, para. 961	Detainees were fed a sandwich once a day.
Fact 515: BJ, para. 895	The TO building was staffed by the Bosnian Serb reserve police under the authority of the commanders of the Bosnian Serb police force, Predrag Marković and Marinko Đukić.
Fact 516: BJ, para. 896	Detainees were beaten with fists, feet, batons, chains, baseball bats and cables. They were beaten daily. They witnessed the beatings and deaths of other inmates as a result of the beatings. They were subjected to ethnic slurs.
Fact 518: BJ, para. 898	40 Detainees were killed by members of the “Miće” paramilitary group.
Fact 519: BJ, para. 111	In Kotor Varoš municipality, the take-over of power by the SDS was achieved in June 1992 through attacks by Bosnian Serb armed forces on the town of Kotor Varoš and villages of Večići, Hrvačani, Ravne, Hanifići and other villages, all of which were inhabited by Muslims or Croats. During these attacks, a number of people were killed. Most inhabitants of these villages eventually fled to neighbouring areas.
Fact 522: BJ, para. 821	The Chief of the SUP at the time was a Bosnian Serb, Savo Tepić. Slobodan Dubočanin was a member of the Banja Luka Special Unit present at the Kotor Varoš police station.
Fact 526:	Bosnian Muslim and Bosnian Croat detainees were held in Kotor Varoš prison. These included women who were kept separate. There were about 145 male

BJ, para. 826	detainees in three different rooms.
Fact 527: BJ, para.827	Goran Zarić, aka “Điba” a policeman from Kotor Varoš, was the commander of the prison. He was replaced with Zdravko Žutić.
Fact 528: BJ, para. 928	Food was severely insufficient – the detainees received a meal consisting of the soldiers’ leftovers once every two or three days. Sometimes it was bad and caused the detainees dysentery and stomach problems.
Fact 529: BJ, para. 828	Detainees were beaten upon arrival, with feet and fists, by policemen.
Fact 530: BJ, para. 829	Detainees in Room Three were physically mistreated by outsiders in olive-drab camouflage uniforms, particularly at night.
Fact 531: BJ, para. 831	Some detainees were beaten to death, or were executed after their beatings.
Fact 532: BJ, para. 831	Detainees in Room Three witnessed the deaths of other detainees as a result of the beatings.
Fact 534: BJ, para. 832	There were over three hundred Bosnian Muslim and Bosnian Croat women and children and elderly men held at the sawmill.
Fact 536: BJ, para. 834	The older men were mistreated by being forced to eat paper and drink petrol.
Fact 537: BJ, para. 835	Female detainees were taken out during the night by Bosnian Serb soldiers who wore camouflage uniforms, and who were from Banja Luka, and by policemen from Kotor Varoš. At least two female detainees were raped.
Fact 538: BJ, para. 428	On 25 June 1992, Bosnian Serb soldiers and police lined up a group of Bosnian Muslims and Bosnian Croats in front of the hospital in Kotor Varoš. Duško Vujčić, a police officer killed Miralem Avdić with two shots from his pistol from a

	close distance. The other men were then ordered to take Avdić's body to a place where there were already other dead bodies.
Fact 539: BJ, para. 622	The towns and villages in the municipality of Kotor Varoš were shelled by Bosnian Serb forces. When entering the villages, the Bosnian Serb forces looted and set the houses on fire.
Fact 540: BJ, para. 622	The town of Kotor Varoš and the village of Vrbanci was attacked by the Bosnian Serb army in June 1992.
Fact 541: BJ, para. 622	During the attack on Hrvačani, houses were either shelled or burned down. Furniture and other valuables inside the houses were looted by the Bosnian Serb forces.
Fact 542: BJ, para. 622	In the village of Dabovci, Bosnian Serb forces frequently looted Bosnian Muslim homes.
Fact 543: BJ, para. 623	Bosnian Serb forces destroyed the village of Večići by heavy artillery shelling and an air raid.
Fact 544: BJ, para. 623	In mid-1992, the villages of Hanifići, Plitska and Kotor were attacked and set on fire by Bosnian Serb forces.
Fact 545: BJ, para. 805	Following the Serb takeover of the municipality on 27 May, and during June 1992, Bosnian Muslim civilians from the town of Ključ and other villages in the municipality of Ključ were arrested, <del>by the police and the Bosnian Serb military</del> and taken to the SUP building and to the Nikola Mačkić School.
Fact 546: BJ, para. 806	The SUP building was staffed and operated by the Bosnian Serb police. Vinko Kondić was the commander of the SJB and a member of the Ključ Crisis Staff.
Fact 547: BJ, para. 807	Those arrested were beaten in a gauntlet at the steps of the entrance to the SUP building with feet, fists, batons, rifle-butts and chair legs, and were subjected to ethnic slurs.
Fact 548:	A prominent Bosnian Muslim was thrown down the stairs, and as a result carried

BJ, para. 807	into the SUP building unconscious, whilst another suffered a cut lip and broken ribs. As a result of the severity of the beatings, the former suffered a serious, lasting injury with continuing effects today.
Fact 549: BJ, para. 808	Those arrested were beaten inside the SUP building, during and outside interrogations. <del>The perpetrators of these beatings were Bosnian Serb police officers and local civilians.</del>
Fact 551: BJ, para. 811	Civilians taken to the Nikola Mačkić School were beaten when forced to run a gauntlet outside the school, when they were hit and struck with various objects such as sticks, bats and rifles, and were verbally abused. <del>Those gauntlets were variously composed of Bosnian Serb civilians or of regular and reserve Bosnian Serb soldiers and policemen.</del>
Fact 552: BJ, para. 812	Beatings took place both during and outside interrogations, including the beating of a boy who was 16 and a half and still attending high school, despite the fact that his age was known to the interrogators.
Fact 554: BJ, para. 108	On 28 May 1992, the Ključ Municipality Crisis Staff issued an ultimatum to Bosnian Muslims to surrender their weapons.
Fact 555: BJ, para. 108	Prior to the expiration of the ultimatum, the Bosnian Serb army started shelling Pudín Han, followed by Velagići, Prhovo and other Bosnian Muslim villages in the Ključ municipality.
Fact 556: BJ, para. 108	A number of inhabitants of Pudín Han and Prhovo died as a consequence of this attack.
Fact 557: BJ, para. 108	During the following days, the killings continued with major killing incidents occurring on the road to Peći and at the Velagići school.
Fact 558: BJ, para. 427	During the evening of 1 June 1992, Bosnian Serb police from the checkpoint at Velagići sent a man to the predominantly Bosnian Muslim hamlets of Vojići, Nežići, Hašići, Častovići and Hadžići. He informed the local population that they were obliged to come to Velagići.
Fact 559:	In the old primary school in Velagići, around a hundred residents from these

BJ, para. 427	hamlets were confined.
Fact 561: BJ, para. 427	Shortly before midnight, people were taken out from the school and ordered to line up in front of the building.
Fact 562: BJ, para. 427	Then, two Bosnian Serb soldiers armed with automatic rifles opened fire on them.
Fact 563: BJ, para. 427	At least 77 civilians were killed in this incident.
Fact 564: BJ, para. 462	On 10 July 1992, <del>Bosnian Serb special police and soldiers in JNA uniforms rounded up</del> Bosnian Muslim men and women from the Biljani hamlets [ <u>were rounded up</u> ] at the local school building.
Fact 565: BJ, para. 462	Between 120 and 150 men were confined in two classrooms.
Fact 566: BJ, para. 462	The men were then called out five by five. At least 144 men were killed in Biljani on that day.
Fact 567: BJ, para. 619	The houses belonging to Bosnian Muslims in the town of Ključ were destroyed by Bosnian Serb soldiers. The houses were first looted and then set on fire.
Fact 568: BJ, para. 620	In mid-1992, many villages in the municipality of Ključ predominantly inhabited by Bosnian Muslim and by Bosnian Croats were shelled and houses and cars were set on fire and destroyed by Bosnian Serb forces. In the same period, villages attacked by Bosnian Serb forces included Krasulje, Gornja and Donja Sanica, Crljeni, the hamlet of Dragonvići, Pudín Han, Velagići, Biljani and its surrounding Bosnian Muslim hamlets, and Prhovo.
Fact 569: BJ, para. 621	Bosnian Serb attacks upon Pudín Han, Prhovo, and Crljeni were also accompanied with the looting of valuables, including electronic devices, vehicles, furniture, money and jewelry. <del>Bosnian Serb soldiers, Bosnian Serb civilians and the Bosnian Serb police participated in the looting.</del>

Fact 570: BJ, para. 107	Donji Vakuf was a predominantly Bosnian Muslim municipality.
Fact 571: BJ, para. 107	In April 1992, a Bosnian Serb armed formation called 'White Eagles' arrived in Donji Vakuf.
Fact 572: BJ, para. 107	The population was requested to hand in weapons.
Fact 575: BJ, para. 107	In late summer of 1992, an armed Bosnian Serb formation went around Bosnian Muslim villages, such as Doganovci, and opened fire. Many houses were burnt to the ground.
Fact 576: BJ, para. 107	There was no armed resistance from the Bosnian Muslims.
Fact 577: BJ, para. 781	Between mid-June and mid-September 1992, Bosnian Muslim and Bosnian Croat male civilians were detained by <del>Bosnian Serb soldiers, military police and police officers</del> in the SUP building in Donji Vakuf, and later variously confined in a detention camp at Varbas Promet, a detention facility known as "The House" and the Territorial Defence warehouse.
Fact 580: BJ, para. 784	At least between four and 12 Bosnian Muslim men were kept in a private house owned by a Bosnian Serb woman that was across the street from the MUP (i.e. Ministry of Internal Affairs in BiH).
Fact 581: BJ, para. 785	At this detention facility, detainees were beaten with fists, chopped wood, rifle butts, police batons and feet.
Fact 582: BJ, para. , 785	As a result of those beatings one detainee sustained fractured ribs and a fractured index finger.
Fact 583: BJ, paras.	Detainees witnessed the beating and resulting death of Mulo Robović as he was being taken to the TO warehouse.

784, 785	
Fact 584: BJ, para. 787	The TO warehouse held around 80 Bosnian Muslim men, some for about 20 days. One of the detainees at the TO warehouse was underage.
Fact 585: BJ, para. 788	The commander of the TO warehouse was Miodrag Đurkić. The warehouse was staffed by the Bosnian Serb military.
Fact 586: BJ, para. 789	At the TO warehouse in Donji Vakuf, beatings occurred very often, also in front of other detainees. Detainees were beaten with electric cables, bats, rifle butts, and feet. Detainees who were relatives were forced to beat each other.
Fact 587: BJ, para. 789	Naim Sutković, an elderly detainee, died of his injuries as a result of a severe beating. Detainees witnessed the deaths of others.
Fact 588: BJ, para. 790	<del>The perpetrators of the beatings were Bosnian Serb local reserve policemen and two military policemen who were not from Donji Vakuf.</del> Some of the perpetrators of the beatings at the TO warehouse also perpetrated the beatings at the SUP building.
Fact 589: BJ, para. 791	Bosnian Muslim and Bosnian Croat civilians were confined in an empty warehouse at the Vrbas Promet trade factory. There were about 90 to 95 male detainees there. Two of them were underage. The length of detention varied between one and three months.
Fact 590: BJ, para. 792	Miodrag Đurkić, who was also the commander of the TO warehouse, was the commander of the detention facility at Vrbas Promet. <del>It was guarded by Bosnian Serb police.</del>
Fact 591: BJ, para. 793	Upon arrival, detainees had to run the gauntlet where they were beaten with fists, rifles and batons <del>by Bosnian Serb policemen and soldiers.</del>
Fact 592: BJ, para. 795	Beatings continued during the course of detention at Vrbas Promet. Amongst the perpetrators of the beatings were those who were also responsible for beatings at the TO warehouse.

Fact 593: BJ, para. 796	Two detainees died whilst at the Vrbas Promet. Other detainees witnessed their death.
Fact 594: SJ, para. 174	The municipality of Bosanski Šamac is located in the north eastern part of the then Republic of Bosnia and Herzegovina. Situated on the banks of the Bosna and the Sava Rivers, on the border between Bosnia and Croatia, the town of Bosanski Šamac was an important commercial centre in an industrial region that contained ports, oil refineries and duty-free zones. The bridge over the Sava River was vital for the exchange of goods and services between Croatia and Bosnia and Herzegovina. The municipality of Odžak is similarly located, immediately to the west of Bosanski Šamac, on the Sava River and on the border with Croatia.
Facts 595: SJ, para. 175	The town of Bosanski Šamac was of strategic importance for the conduct of military operations. The municipality formed part of the so-called Posavina Corridor, a narrow strip of flat land along the Sava River connecting the Serb-controlled areas within Croatia to the Bosnian Serb territories and the Republic of Serbia. The Corridor was the easiest and shortest way to establish a ground route between the Serb-controlled areas within Croatia to the west (Republika Srpska Krajina), and Serbia to the east.
Fact 596: SJ, para. 175	The Municipalities comprising the Posavina Corridor were inhabited by a population of mixed ethnic background, the Croats and the Muslims together forming a majority of the population. According to the 1991 census, the municipality of Bosanski Šamac was an ethnically diverse community of 32,960 people; Serb (41.3%), Croat (44.7%), Muslim (6.8%), Others (7.2%).
Fact 597: SJ, para. 176	The political situation in Bosanski Šamac in the period 1990 to 1992 was a reflection at the local level of the general political situation in Bosnia and Herzegovina. In the elections of 1990, the national parties won the majority of the 50 seats at the Municipal Assembly, the HDZ being the leading party, followed by the SDS, the SDP and the SDA. Similar to the practice at the Republican level, the parties shared power in accordance with the results from the elections.
Fact 598: SJ, para. 177	As part of the Serb referendum of November 1991, the vast majority of Serbs participated in a referendum held in Bosanski Šamac. The People's Assembly of the Serb People recommended the establishment of Serbian municipalities, following which meetings were held in all local Serb communes in the area, where

	residents were asked to vote on whether they supported the creation of Serbian municipalities in the Serb areas. On the basis of such voting, representatives of the local communes established the Serb Municipality of Bosanski Šamac and Pelagićevo in formation.
Fact 600: SJ, para. 180	During the period prior to the takeover of Bosanski Šamac, many meetings were held to discuss the increase of tensions. Meetings between representatives of the SDA, HDZ, and SDS, and of the military occurred prior to 17 April 1992. The purpose of these meetings was to resolve current issues, in particular those concerning incidents with patrols and checkpoints.
Fact 601: SJ, para. 13	Blagoje Simić became a member of the SDS in the summer of 1990, and was the President of SDS Municipal Board in Bosanski Šamac from 1991 to 1995. He was heading the SDS list in the elections of 1990. He was Vice-Chairman of the Municipal Assembly from 1991 through 17 April 1992.
Fact 603: SJ, para. 182	There was an escalation of tensions in Bosanski Šamac in the months prior to the takeover, starting in autumn 1991.
Fact 604: SJ, para. 183	There was an increase of shootings, grenade explosions, sabotage and violence in Bosanski Šamac. These incidents led to suspicion and blame on all sides as to the responsibility for the attacks.
Fact 605: SJ, para. 187	These tensions were exacerbated by the war underway in neighbouring Croatia. Citizens of Bosanski Šamac could hear explosions, battles and the movement of tanks, units and military vehicles in the surrounding area.
Fact 606: SJ, para. 188	In late 1991 prisoner exchanges between Croatia and Bosnia and Herzegovina were conducted largely through Bosanski Šamac. Refugees of all ethnicities arrived in Bosanski Šamac as a result of the war in neighbouring Croatia.
Fact 607: SJ, para. 192	The work of political parties and extremists from all ethnic groups who used negative or pejorative symbolism associated with past ethnic conflict increased the ethnic tensions.
Fact 608: SJ, para. 192	Rivalries increased between the three ethnic groups, culminating in a provocative display of nationalist flags, symbols and songs.

Fact 609: SJ, para. 194	The 4 <sup>th</sup> Detachment was established by an order of Lt. Col. Stevan Nikolić, Commander of the 17 <sup>th</sup> Tactical Group, on 5 January 1992, following the issuing of mobilisation summonses by the Secretariat for National Defence. The 4 <sup>th</sup> Detachment was part of the JNA's 17 <sup>th</sup> Tactical Group.
Fact 610: SJ, para. 200	There were around 450 soldiers in the 4 <sup>th</sup> Detachment.
Fact 611: SJ, para. 203	Its stated purpose was the prevention of inter-ethnic conflicts and the spread of war from Croatia.
Fact 613: SJ, para. 988	The municipal section of the Ministry of Defence (Secretariat for National Defence), represented by Miloš Bogdanović, together with Stevan Todorović, as a member of the command of the 1 <sup>st</sup> Detachment, pursuant to an order of the 1 <sup>st</sup> Battalion of the 17 <sup>th</sup> Tactical Group, participated in sending young men for military training to Ilok in mid-March 1992. The trainees at Ilok were instructed by highly skilled members of "special units".
Fact 615: SJ, paras. 212	Prior to 11 April 1992, Stevan Todorović took orders from Miloš Bogdanović and Mirko Jovanović, President of the Executive Board of the Municipal Assembly in Šamac, to obtain blue berets and the insignia for the berets.
Fact 616: SJ, paras. 212	Stevan Todorović visited the trainees at Ilok once, at the request of Miloš Bogdanović, when he went to Belgrade to purchase the blue berets for the paramilitaries.
Facts 617: SJ, para. 988	On 11 April 1992, paramilitaries arrived in Batkuša in JNA helicopters. Among the group of 50 men, 30 came exclusively from Serbia and the other 20 people were from Šamac municipality who were trained in Ilok. Maksim Simeunović, Chief of Intelligence and Security for the 17 <sup>th</sup> Tactical Group, Mico Ivanović, Commander of the 1 <sup>st</sup> Detachment, Major Brajković, the Chief of Staff of the 17 <sup>th</sup> Tactical Group, and Stevan Todorović, were present for the arrival of the paramilitaries.
Fact 618: SJ, para. 217, 988	Dragan Đorđević, also known as "Crni", Slobodan Milković, also known as "Lugar", and Srećko Radovanović, also known as "Debeli", were part of the group that arrived. "Crni" had the highest position amongst the 30 men from Serbia. "Crni"'s assistant was "Debeli".

Fact 620: SJ, para. 988	When a meeting was held on 12 April 1992 in Donji Žabar, Stevan Nikolić, Stevan Todorović, Mico Ivanović, Blagoje Simić, Simo Jovanović “Crni” and “Debeli” were present to discuss the arrival of the paramilitaries.
Fact 622: SJ, para. 221	The paramilitaries wore camouflage uniforms, face paint, red berets, black knitted hats or hats of various shapes and were recognisable by a grey wolf insignia. Some testified that they had a five-pointed star on their caps. They spoke in the Ekavski dialect.
Fact 623: SJ, para. 379	Prior to the forcible takeover of Bosanski Šamac, Serbian institutions, including the Serb Autonomous Region for Northern Bosnia and the Serb Autonomous Region of Semberija and Majevica, were established for the purpose of assuming power and consolidating Serb authority over the municipality of Bosanski Šamac.
Fact 624: SJ, para. 379	Radovan Karadžić came to Bosanski Šamac in December 1991 to discuss the formation of a Serbian municipality of Bosanski Šamac. Blagoje Simić, as President of the SDS Municipal Board, attended the meeting.
Fact 625: SJ, paras. 986, 380, 382	On 29 February 1992, the Assembly of the Serbian People of the municipality of Bosanski Šamac and Pelagićevo was established, pursuant to the recommendation of the National Assembly of Republika Srpska.
Fact 626: SJ, para. 380	The elected President of the Assembly of the Serbian Municipality of Bosanski Šamac and Pelagićevo was Dr. Ilija Ristić, and Dušan Tanasić was the Vice-President.
Fact 627: SJ, para. 381	The leadership of the Assembly of the Serbian People of the Municipality of Bosanski Šamac and Pelagićevo consisted of the deputies of the Serbian Democratic Party of Bosanski Šamac, Orašje and Odžak and of “other deputies of Serbian ethnicity”. The self-proclaimed Assembly of the Serbian People of the Municipality of Bosanski Šamac and Pelagićevo concentrated power in the hands of Serbs only and non-Serbs could not participate as elected representatives although the municipality had a non-Serb majority.
Fact 628: SJ, para.986	In a meeting in March 1992, the Serbian Municipal Assembly decided that the President and the Vice-President of the Municipality and the President of the Municipal Board of the SDS should establish a Crisis Staff in case the war broke

	out.
Fact 629: SJ, para. 383	During a meeting of 28 March 1992 in Obudovac, the Serb Assembly of Bosanski Šamac elected the representatives of the Executive Board of the Serbian Municipality of Bosanski Šamac, among these Stevan Todorović, who was elected chief of the public security station.
Fact 630: SJ, paras. 986, 385	On 15 April 1992, a Crisis Staff was <del>duly</del> appointed in Bosanski Šamac, and Blagoje Simić, the President of the SDS Municipal Board in Bosanski Šamac, became its President.
Fact 637: SJ, para. 397	The Crisis Staff influenced the removal of Colonel Djurdjević, the Commander of the 2nd Posavina Infantry Brigade, and in his replacement by “Crni”. The Crisis Staff and the War Presidency had knowledge of the murders committed by “Lugar”, “Crni” and the other paramilitaries.
Fact 638: SJ, para. 397	On the night of 7 May 1992 non-Serb civilians were killed by “Lugar” in Crkvina and the Crisis Staff was informed of the massacre.
Fact 639: SJ, para. 397, 991	Blagoje Simić travelled to Ugljevik in order to discuss with the Corps Commander the replacement of Colonel Đurđević by “Crni”, and in October 1992, the War Presidency requested the return of “Crni” and the paramilitaries.
Fact 640: SJ, para. 442	In the early morning of 17 April 1992, the town of Bosanski Šamac was subject to a forcible takeover <del>by members of the paramilitaries and Serb police. During the takeover, the Serb police and the paramilitaries secured the key facilities in town, including the police station, the post office and the Radio Station.</del>
Fact 643: SJ, para. 990	Members of the 17th Tactical Group of the JNA were present in the town of Bosanski Šamac during the takeover.
Fact 644: SJ, 443	The takeover of the town occurred without any significant resistance.
Fact 645: SJ, paras.	Blagoje Simić telephoned Lt. Col. Nikolić in the early morning of 17 April 1992 to inform him that the Crisis Staff of the Serbian Municipality of Bosanski Šamac had

446, 981, 990	been established and that, <del>with the assistance of the Serb paramilitaries and the police,</del> the Crisis Staff had taken the most important facilities in town in order to takeover authority in Bosanski Šamac.
Fact 646: SJ, para. 447, 490	As a result of the telephone conversation between Blagoje Simić and Lt. Col. Nikolić, Lt. Col. Nikolić ordered the 4th Detachment at 6.00 a.m. to be in a state of combat readiness.
Fact 647: SJ, paras. 451, 658, 990	An operation was conducted to collect weapons from the non-Serb population, in the town of Bosanski Šamac on 17 and 18 April 1992, <del>by Serb paramilitaries and police, and the 4th Detachment, which collected weapons from the 4th District of the town. They took away weapons regardless of whether they were possessed legally or illegally.</del>
Fact 649: SJ, para. 452	Miroslav Tadić and Simo Zarić were ordered by the command of the 4th Detachment on 17 April to supervise the collection of weapons.
Fact 652: SJ, para. 455	Forces that took control of the town of Bosanski Šamac, within a few days, controlled most of the municipality of Bosanski Šamac.
Fact 654: SJ, para. 873	Immediately after the forcible takeover of Bosanski Šamac individual looting on a large scale occurred. Cars, money, and jewellery were plundered from civilians. Furniture, kitchen appliances, and personal belongings were removed from private houses and apartments. Commercial property and farm equipment belonging to civilians in Bosanski Šamac and the neighbouring villages was looted. Sometimes property was taken by force or by threat of use of force. Property exclusively belonging to non-Serbs was targeted. <del>Paramilitaries, individual members of the 4<sup>th</sup> Detachment, policemen, and ordinary Serb civilians, were involved in acts of plundering of non-Serb property.</del>
Fact 657: SJ, para. 500	On 2 October 1992, the War Presidency adopted a decision renaming the municipality of Bosanski Šamac to Šamac. The preamble to this decision stated that its aim was “the expungement of all undesirable and imposed symbols and values.”
Fact 660:	Following the takeover in Bosanski Šamac municipality on 17 April 1992, and continuing throughout 1992, large-scale arrests of Bosnian Muslims and Bosnian

SJ, para. 654	Croats were carried out in the municipality. Within the first week of the conflict, up to 50 persons had been arrested and detained at the SUP. From May 1992 until the end of the year, numbers of those arrested and held at the SUP varied from 50 to 100 persons. Around 200 arrested persons were detained at the TO during this period, and between 300 and 500 arrested persons were brought to the secondary school in Bosanski Šamac. Large groups of persons were arrested and taken to facilities in Zasavica and Crkvina.
Fact 661: SJ, para. 980	Approximately 250 non-Serb civilians were detained at the Territorial Defence Building in Bosanski Šamac. The number of people detained at the secondary schools in Bosanski Šamac was between 300 and 500. In May 1992 almost 1000 people were detained at the Omladinski Dom in Crkvina. A large number of them were subjected to torture or to cruel and inhumane treatment. Hundreds of non-Serbs were deported or forcibly transferred.
Fact 662: SJ, para. 655	<del>The first arrests were largely carried out by local Serb members of the police, and paramilitaries from Serbia.</del> Methods of arrest included forming armed patrols and entering homes to arrest persons. The arrest of a large group of Croats in Bosanski Šamac, who were subsequently taken to Crkvina, was carried out by Serb police and military. <del>The arrest of a large group of women, children and elderly, who were taken to Zasavica, was also carried out by Serb police and military. Some people were arrested by members of the 4<sup>th</sup> detachment.</del>
Fact 665: SJ, para. 658	While some persons were arrested who were in possession of weapons, there were non-Serb civilians arrested from their homes and brought to detention facilities in the town of Bosanski Šamac who did not possess weapons at all, those who had heeded the call to surrender their weapons before their arrest, or those who possessed legal permits for their weapons. The detention facilities were full of people who did not have weapons and who were not on lists of people who belonged to paramilitary groups. People were detained who had nothing to do with arming or armed groups.
Fact 666: SJ, para. 658	Those arrested were not told the reason for their arrest, and many were beaten at the time of their arrests. Some were told that they were wanted for questioning but were not advised of the reasons of their arrest at the time of arrest. <del>Many civilian persons were arrested without legal basis.</del>

<p>Fact 667: SJ, para. 662</p>	<p>The SUP was used to detain many non-Serb persons taken into custody, following the takeover on 17 April 1992. Non-Serbs were detained in cells inside the SUP and in garages in the yard of the police station. <del>They were guarded by local Serb police, and paramilitaries.</del> During April 1992 people were continually brought into the SUP. This practice continued into May and throughout the year. Detainees were held for varying periods of time. Some were detained there for a day before being transferred to the TO across the street, while some were detained there for months.</p>
<p>Fact 668: SJ, para. 663</p>	<p>The TO, across the road from the SUP building in Bosanski Šamac, was used to detain many non-Serbs taken into custody following the takeover on 17 April 1992. Non-Serbs continued to be brought to the TO in April and May 1992 and throughout the year. Later in the year, detainees were transferred from other detention facilities to the TO. Some were brought into the TO directly upon arrest, while others were transferred there from the SUP. Detainees were held in several rooms at the TO, one large and one small, and they were also held in a storage room there. <del>They were guarded by Serb policemen and paramilitaries.</del> In the middle of April 1992 there were between 40 to 50 people detained in the TO. In the summer, the number of detainees rose to approximately two hundred and fifty detainees. Detainees were held at the TO for varying periods of time, and some were held there for months at a time.</p>
<p>Fact 669: SJ, para. 664</p>	<p>Detainees were held at the primary and secondary school gymnasiums, several hundred metres away from the SUP and TO in Bosanski Šamac. The numbers of detainees rose to 50 at the primary school, and between 300 and 500 in the secondary school. The first group of detainees at the primary and secondary school were transferred there on 13 May 1992 from the JNA barracks in Bijeljina. Throughout the spring and summer of 1992, people were brought to the primary and secondary schools and detained there, including men from the Kultur Dom in Crkvina and from Zasavica. Detainees were held in the schools for months at a time.</p>
<p>Fact 671: SJ, para. 666</p>	<p>Family members of some of the men detained in other facilities, including the SUP and TO in Bosanski Šamac, or who had been exchanged, were detained in Zasavica. In late June 1992, family members of men who escaped across the Sava River into Croatia, to avoid the mobilization call, were rounded up in military trucks and taken to Zasavica, and detained in camps there. Women, children and</p>

	<p>elderly were held in Zasavica, including some men. When Crkvina was evacuated, people from the neighbouring villages were detained in Zasavica. They were guarded and there were checkpoints at both entrances to the village. People did not go voluntarily to the camp in Zasavica, nor were they able to leave the village. People could not leave the area unless they wanted to be exchanged.</p>
<p>Facts 672: SJ, paras. 667</p>	<p>A group of approximately 47 Bosnian Muslim and Bosnian Croat detainees, who were held in the TO in Bosanski Šamac, were transferred to the JNA barracks in Brčko at the end of April 1992 and detained there. This group of detainees was held there until the conflict broke out in Brčko on 1 or 2 May 1992. They were then put on a bus and transferred to Bijeljina.</p>
<p>Fact 676: SJ, para. 683</p>	<p>Detainees were beaten as they were required to give statements, and many did not see the statements that they were forced to sign. Although some detainees were questioned about the offence of illegal possession of weapons, as charged in the “Law on Criminal Proceeding of former Social Federative Republic of Yugoslavia”, <del>they were all non-Serbs, and were clearly singled out and questioned on the basis of their ethnicity.</del></p>
<p>Fact 677: SJ, para. 683</p>	<p>No detainees were ever convicted for illegal possession of weapons. None of the detainees were ever advised of their procedural rights before or during their detention.</p>
<p>Fact 678: SJ, para. 685</p>	<p>In addition, members of the SDA and HDZ, Bosnian Muslim and Croat political parties were arrested and detained, while again, members of the Serb parties were not.</p>
<p>Fact 679: SJ, para. 770</p>	<p>On 17 April 1992 and in the following months, a large number of non-Serb civilians were repeatedly beaten in the detention facilities in Bosanski Šamac and in Crkvina, Brčko, and Bijeljina. Some of the victims had already been beaten upon their arrest. During their imprisonment in the detention facilities, detainees were severely beaten with various objects, such as rifles, metal bars, baseball bats, metal chains, police batons, and chair legs. The detainees were beaten on all parts of their bodies, and many of them suffered serious injuries. Some prisoners were beaten while undergoing interrogation. <del>The beatings were applied by paramilitary forces from Serbia, local policemen, and a few members of the JNA.</del> The beatings took place on a daily basis, day and night.</p>

Fact 680: SJ, para. 771	These beatings caused severe pain and suffering, both physically and mentally, to the detainees. <del>The beatings were committed on discriminatory grounds.</del> Practically all detainees who were beaten were non-Serbs. On one occasion, a victim was beaten on the crotch, and his assailants told him that Muslims should not propagate. Prisoners were regularly insulted on the basis of their ethnicity.
Fact 681: SJ, para. 772	Other heinous acts, including sexual assaults, the extraction of teeth, and the threat of execution caused severe physical and mental pain and suffering <del>and occurred in order to discriminate on ethnic grounds against the victims.</del>
Fact 683: SJ, para. 775	During detention in the detention centres in Crkvina and Bijeljina, the prisoners did not have sufficient space and sufficient food and water supply. They were kept in unhygienic conditions and did not have access to sufficient medical care. Furthermore, detainees were subjected to beatings. <del>These prisoners were confined under inhumane conditions.</del>
Fact 684: SJ, paras. 878, 968	On 4 and 5 July 1992, prisoners were placed on buses in Šamac and driven to Lipovac to be exchanged. These people being exchanged were mostly Croats from Hasići and Tišina, and some Muslims from Šamac.
Fact 685: SJ, paras. 878, 968	Most people who were exchanged on that day in Lipovac were elderly persons, women and children. About ten prisoners from the primary school gym were also exchanged. They first went to Šid, and the next day they were exchanged in Lipovac.
Fact 686: SJ, paras. 881, 968	70-80 non-Serbs from Bosanski Šamac were exchanged on 4 September 1992 in Dragalic. They were brought by bus from Bosanski Samac to Bosanski Gradiska, and then to Dragalić.
Fact 687: SJ, paras. 885, 968	At the exchange to Dragalić on 5 November 1992, about 100 persons were involved, women and children, men and elderly men, and the number that crossed to Croatia had to correspond to the number of people entering Bosnia and Herzegovina.
Fact 688: SJ, paras.	On 24 December 1992, prisoners from Šamac and surrounding villages were exchanged to Dragalić.

886, 968	
Fact 692: SJ, paras. 891, 968	There were other exchanges of non-Serb civilians to Dragalić on 19 September 1992, 7 October 1992, and 7 January 1993.
Fact 696: VJ, para. 39	The municipality of Višegrad is located in south-eastern Bosnia and Herzegovina, bordered on its eastern side by the Republic of Serbia. Its main town, Višegrad is located on the eastern bank of the Drina River.
Fact 697: VJ, para. 39	In 1991, about 21,000 people lived in the municipality, about 9,000 in the town of Višegrad. Approximately 63% of the population was of Muslim ethnicity, while about 33% was of Serb ethnicity.
Fact 698: VJ, para. 41	From early 1992, Muslim citizens were disarmed or requested to surrender their weapons. In the meantime, Serbs started arming themselves and organised military training.
Fact 699: VJ, para. 41	Muslims also attempted to organise themselves, although they were much less successful in doing so.
Fact 700: VJ, para. 42	Soon after 4 April 1992, both of the opposing groups raised barricades around Višegrad, which was followed by random acts of violence including shooting and shelling. In the course of one such incident, mortars were fired at Muslim neighbourhoods. As a result, many civilians fearing for their lives fled from their villages.
Fact 701: VJ, para. 42	In early April 1992, a Muslim citizen of Višegrad, Murat Sabanović, took control of the local dam and threatened to release water.
Fact 702: VJ, para. 42	On about 13 April 1992, Sabanović released some of the water, damaging properties downstream.
Fact 703: VJ, para. 42	The following day, the Užice Corps of the Yugoslav National Army (“JNA”) intervened, took over the dam and entered Višegrad.

Fact 704: VJ, para. 43	Even though many Muslims left Višegrad fearing the arrival of the Užice Corps of the JNA, the actual arrival of the Corps had, at first, a calming effect.
Fact 705: VJ, para. 43	After securing the town, JNA officers and Muslim leaders jointly led a media campaign to encourage people to return to their homes. Many actually did so in the later part of April 1992. The JNA also set up negotiations between the two sides to try to defuse ethnic tension. Some Muslims, however, were concerned by the fact that the Užice Corps was composed exclusively of Serbs.
Fact 706: VJ, para. 44	Soon thereafter, convoys were organised, emptying many villages of their non-Serb population. On one occasion, thousands of non-Serbs from villages on both sides of the Drina River from the area around the town of Višegrad were taken to the football stadium in Višegrad.
Fact 707: VJ, para. 44	There, they were searched for weapons and were addressed by a JNA commander. He told them that the people living on the left side of the Drina River could return to their villages, which had been cleansed of “reactionary forces”, whereas the people from the right side of the Drina River were not allowed to go back.
Fact 708: VJ, para. 44	As a consequence, many people living on the right side of the Drina River either stayed in the town of Višegrad, went into hiding or fled.
Fact 709: VJ, para. 45	On 19 May 1992, the JNA withdrew from Višegrad. Paramilitary units stayed behind, and other paramilitaries arrived as soon as the army had left town. Some local Serbs joined them.
Fact 710: VJ, para. 47	Those non-Serbs who remained in the area of Višegrad, or those who returned to their homes, found themselves trapped, disarmed and at the mercy of paramilitaries <del>which operated with the acquiescence, of the Serb authorities, in particular by the then Serb only police force.</del>
Fact 714: VJ, para. 53	The number of disappearances peaked in June and July 1992. Sixty-two percent of those who went missing in the municipality of Višegrad in 1992 disappeared during those two months. Most if not all of those who disappeared were civilians.
Fact 716:	Non-Serb citizens were subjected to other forms of mistreatment and humiliation, such as rapes or beatings.

VJ, para. 54	
Fact 717: VJ, para. 55	Many non-Serb civilians who had not yet fled were <del>systematically</del> expelled in an orderly fashion.
Fact 719: VJ, para. 55	Muslim homes were looted and often burnt down.
Fact 720: VJ, para. 55	The two mosques located in the town of Višegrad were destroyed.
Fact 725: VJ, para. 72	Soon after the withdrawal of the Užice Corps of the JNA from Višegrad on 19 May 1992, several paramilitary organisations carried out widespread criminal activity within the territory of the municipality of Višegrad.
Fact 726: VJ, para. 50	On 14 June 1992, more than 60 Muslim civilians of all ages fleeing from Koritnik and Sase were locked up in a Muslim house in Pionirska Street, <del>Višegrad, by local Serb paramilitaries, led by Milan Lukić.</del>
Fact 727: VJ, para. 50	The house was then set on fire.
Fact 728: VJ, para. 50	Those who tried to escape through one of the windows were shot at and all but six were burned alive.
Fact 729: VJ, para. 128	Approximately sixty six (66) people died as a result of the fire.
Fact 730: GJ, para. 198	Sarajevo was made up of ten municipalities: Stari Grad (Old Town), Centar (Centre), Novo Sarajevo, Novi Grad, Vogošća, Ilidža, Pale, Ilijaš, Hadžići, and Trnovo.
Fact 731: GJ, para. 198	According to the 1991 census, the municipality of Pale was the only one in which BiH Serbs constituted an absolute majority (around 69%). The Serbs were a simple majority in Ilidža and Ilijaš. In Novo Sarajevo they were in approximately equal

	numbers to the Muslims.
Fact 732: TJ, para. 84	The objective of Serbia, the JNA and Serb-dominated political parties, primarily the SDS, at this stage was to create a Serb-dominated western extension of Serbia, taking in Serb-dominated portions of Croatia and portions, too, of Bosnia and Herzegovina. This would then, together with Serbia, its two autonomous provinces and Montenegro, form a new and smaller Yugoslavia with a substantially Serb population.
Fact 733: TJ, para. 84	However, among obstacles in the way to the creation of a Serb-dominated western extension of Serbia were the very large Muslim and Croat populations native to and living in Bosnia and Herzegovina. <del>To deal with that problem the practice of ethnic cleansing was adopted.</del>
Fact 734: BJ, para. 56	Following the elections in November 1990, the SDS designated the President of the Assembly of the SRBH, Momčilo Krajišnik, and the HDZ designated the President of the Executive Council, <i>i.e.</i> , the Prime Minister, Jure Pelivan.
Fact 735: BJ, para. 58	From late summer 1991, many military aged men from BiH were mobilised to join the JNA in order to fight in Croatia. A large number of Bosnian Serbs responded, but Bosnian Muslims and Bosnian Croats, supported by their respective leaders, generally did not. This led to increased tension between the ethnicities, especially in the Bosnian Krajina region bordering Croatia.
Facts 738: BJ, para. 165	On 7 April 1991, the SDS Regional Board decided to create the Community of Municipalities of Bosnian Krajina (“ZOBK”). Vojo Kuprešanin was elected President of the ZOBK Assembly, while Radoslav Brđanin was elected First Vice-President and Dragan Knežević was elected Second Vice-President.
Fact 739: BJ, para. 165	The ZOBK was composed of sixteen municipalities from the Bosnian Krajina, all of which, except Ključ, had substantial Bosnian Serb majorities.
Fact 740: BJ, para. 166	At its 7 <sup>th</sup> session, held on 16 September 1991, the ZOBK Assembly transformed itself into the Autonomous Region of Krajina (“ARK”).
Fact 741:	On the same date the Statute of the ARK, which was almost identical to the ZOBK Statute, was adopted.

BJ, para. 166	
Fact 742: BJ, para. 168	The ARK was comprised of both the municipalities that were members of the ZOBK and a number of new municipalities. In most of these new municipalities the Serbs were in a minority.
Fact 743: BJ, para. 167	The SerBiH Assembly appointed Jovan Čizmović, a member of the Ministerial Council of the SerBiH Assembly, as the co-ordinator of the governments of the ARK and the other Serbian Autonomous Districts.
Fact 745: BJ, para. 66	On 15 October 1991, the SDS Party Council discussed strategies on how to set up a Serbian government, which included establishing parallel government bodies, the regionalisation of BiH and organising militarily.
Fact 746: BJ, para. 62	On 24 October 1991, the SDS Deputies in the Assembly of the SRBH, in a meeting of their club, established a separate Assembly of the Serbian People in Bosnia and Herzegovina (“SerBiH Assembly”) and elected Momčilo Krajišnik as its President.
Fact 747: BJ, para. 67	During the first session of the SerBiH Assembly, held on 24 October 1991, Radovan Karadžić made it clear that the Bosnian Serbs were prepared to use force and fear to achieve their ends if they were otherwise unsuccessful.
Fact 748: BJ, para. 61	On 15 October 1991, SDS President Radovan Karadžić made an impassioned speech before the Assembly of the SRBH in Sarajevo, indicating the possibility that Bosnian Muslims could disappear as a group if they declared the independence of the SRBH from the SFRY. SDA President Alija Izetbegović responded that Karadžić’s threatening message and its method of presentation illustrated why the SRBH might be forced to separate from the SFRY.
Fact 749: BJ, para. 61	After the Republican Assembly of the SRBH had adjourned for the day [15 October 1991] and the SDS delegation had departed, HDZ and SDA delegates reconvened without them and passed a “Declaration of Sovereignty”, a measure that moved the SRBH a step closer to independence.
Fact 750: BJ, para. 68	In a speech given on the occasion of the “Plebiscite of the Serb People” in Sarajevo in November 1991, Radovan Karadžić instructed SDS members representing the municipalities to impose complete Bosnian Serb authority in their respective municipalities, regions and local communities.

Fact 751: BJ, para. 68	On 11 December 1991, the Assembly of the Serbian Republic of Bosnia and Herzegovina (“SerBiH Assembly”) voted to recommend the establishment of separate Serbian municipalities. The declared aim of this decision was “to break up the existing municipalities where Serbs are not in a majority”.
Fact 752: BJ, para. 84	One of the measures taken <del>with a view to implementing the Strategic Plan</del> was the dismissal of Bosnian Muslims and Bosnian Croats from key positions in the army, the police and other public institutions and enterprises.
Fact 753: BJ, para. 84	This process had already started during the war in Croatia when the refusal of non-Serbs to respond to mobilisation had resulted in their dismissal. It escalated during the period relevant to the Indictment [i.e. 1 April to 31 December 1992] resulting in the dismissals of almost all Bosnian Muslims and Bosnian Croats from their positions, thus depriving them of their livelihood.
Fact 754: BJ, para. 85	By June 1992, the policy changed. To start, all non-Serbs holding managerial positions were fired and replaced by Bosnian Serbs. Bosnian Muslims and Bosnian Croats were dismissed from the judiciary, local enterprises, the media, hospitals, the police forces and the army. By the end of 1992, almost the entire Bosnian Muslim and Bosnian Croat community had been dismissed from their jobs. Many people who showed up for work during this period were turned back and denied access to their workplace. Generally speaking, people were sent home, told not to come back, and then fired soon thereafter.
Fact 756: BJ, para. 94	The Constitutions of the SFRY and the SRBH provided that in state of war or imminent threat of war, emergency governments could be established at both the republic and municipal level. These emergency governments, called Crisis Staffs or War Presidencies, would take over the functions of the Assembly if the latter was unable to sit.
Fact 758: BJ, para. 96	On 4 April 1992, Radovan Karadžić, as President of the Serb National Security Council (“SNSC”), ordered the activation of Crisis Staffs under certain conditions, and on 26 April 1992, after the Ministry of National Defence of the SerBiH had declared an imminent threat of war, the Bosnian Serb Government issued follow up instructions for the work of the municipal Crisis Staffs and defined their functions. By virtue of these instructions, Crisis Staffs were recognised by the SerBiH as governing bodies of the SerBiH, rather than as SDS bodies. Nevertheless, SDS

	control over the Crisis Staffs did not cease.
Fact 759: BJ, para. 220	Municipal Crisis Staffs as well as local SDS offices exerted great influence on local TO units and Light Infantry Brigades, which initially operated outside the formal chain of command of the VRS. These units were eventually subordinated to the command of the VRS and were recognised by the VRS Main Staff as having contributed to the formation and success of the Bosnian Serb army.
Fact 766: BJ, para. 91	In BiH, the JNA gradually changed from being the Yugoslav Peoples' Army and representing all ethnic groups and nationalities in the SRFY to becoming a <i>de facto</i> Serbian army. Already by early 1991, some ninety per cent of high ranking officers were Serbs and Montenegrins and not a single general was of Muslim ethnicity.
Fact 767: BJ, para. 91	When on 12 May 1992, the JNA was transformed into the VRS, non-Serbs were first dismissed from positions of command and soon after almost all non-Serb officers serving in the army were laid off. Bosnian Muslims and Bosnian Croats who had proved themselves in combat action and who Agreed to sign an oath of loyalty to the SerBiH could remain with the VRS.
Fact 768: BJ, para. 87	In September 1990, the JNA had ordered that weapons be removed from the depots under control of local TO units and moved to its own armouries. Therefore, when the tension between the ethnic groups increased, local communities throughout BiH did not have a significant number of weapons at their disposal. However, in late 1991 and early 1992, all three national parties began arming themselves.
Fact 769: BJ, para. 88	The SDS received substantial support from the JNA and had access to a military factory, which was under Bosnian Serb control.
Fact 770: BJ, para. 88	The JNA systematically supplied light arms to local SDS committees in Bosnian Serb claimed municipalities of the Bosnian Krajina as well as to Serbian paramilitary groups. Distribution to Bosnian Serb civilians was carried out by the local communes and was supervised by the SDS, with the support of the JNA and the local police. The arming of Bosnian Serb villages was well-organised and involved the use of trucks and occasionally even helicopters. The JNA also engaged in redistributing weapons to Serbian TO units in predominantly Bosnian Serb populated areas.

Fact 773: TJ, para. 125	On 22 April 1992 conflict began in Vlasenica with a police vehicle driving through the streets announcing through a loudspeaker that all armaments were to be surrendered. All vital functions of the town were taken over by JNA forces, including the town hall, bank, post office, police and courthouse, and there were present very many uniformed men as well as some local Serbs with arms.
Fact 774: TJ, para. 125	On 29 April 1992 there was a bloodless take-over of the town of Prijedor and on 30 April 1992 two bridges were blown up by Serb forces in Brčko. On 19 May 1992 the withdrawal of JNA forces from Bosnia and Herzegovina was announced but the attacks were continued by the VRS.
Fact 776: BJ, para. 152	<del>Despite attempts at a cover up by the authorities of the FRY,</del> [T]he United Nations Security Council, General Assembly and Secretary General repeatedly acknowledged the continued involvement and control of Belgrade over the Bosnian Serb Army and demanded the cessation of all forms of outside interference. In its Resolution 757 of 30 May 1992, the Security Council deplored the non-compliance with the demands it had made in Resolution 752 of 15 May 1992 regarding the immediate cessation of outside interference and the withdrawal of the JNA from BiH. The Security Council further decided that trade sanctions would be imposed until effective measures had been adopted to fulfil the requirements of Resolution 752.
Fact 777: BJ, para. 152	On 25 August 1992 the United Nations General Assembly adopted Assembly Resolution A/RES/46/242 whereby the General Assembly reiterated the United Nation's demand for cessation of outside interference of the JNA from the territory of BiH.
Fact 778: BJ, para. 170	The ARK was a regional body vested with both executive and legislative powers within its area of jurisdiction. It acted as an intermediate level of authority between the SerBiH and the municipalities. The ARK's principal role was that of co-ordinating the implementation by the municipalities of the instructions issued by the SerBiH and the SDS BiH Main Board.
Fact 779: BJ, para. 171	The ARK in terms of its Statute was a voluntary association. In this context in the municipalities where the Bosnian Serbs enjoyed a majority, the respective decision to join the ARK was in fact taken only by the Bosnian Serb municipal delegates of these municipalities, with the SDA and the HDZ delegates either Opposed to this

	idea or unaware that such a decision was being taken.
Fact 780: BJ, para. 171	In the municipalities where the Bosnian Serbs were in a minority, the decision by the respective municipalities to join the ARK was taken either without the majority of votes provided for by the law or by the Assemblies of the newly established Bosnian Serb Municipalities.
Fact 781: BJ, para. 172	Despite the provisions in Articles 4 and 5 of the ARK Statute, <del>suggesting that the ARK was a multi ethnic institution, the ARK was in practice a Serbian organisation.</del> Out of the 189 delegates to the ARK Assembly, only a negligible number were of Bosnian Croat or Bosnian Muslim ethnicity. <del>Moreover, while no senior SDA or HDZ politician ever participated in any session of the ARK Assembly, senior SDS members at the level of the SerBiH, including Radovan Karadžić, as well as high ranking officers of the army, took a vital interest in the work of the ARK and participated in a number of sessions of the ARK Assembly.</del>
Fact 782: BAJ, para. 2	Upon the creation of the Autonomous Region of Krajina (“ARK”) on 16 September 1991, Radoslav Brdanin became its First Vice-President. In October 1991, he became a member of the Assembly of the Serbian People of Bosnia and Herzegovina (“Bosnian Serb Assembly”).
Fact 783: BAJ, para. 2	On 5 May 1992, Radoslav Brdanin was appointed President of the newly created ARK Crisis Staff, which became the ARK War Presidency on 9 July. He retained his position at the head of this body until the abolition of the ARK on 15 September 1992.
Fact 789: BJ, para. 235	In a decision adopted on 22 June 1992 and directed to all the municipal Crisis Staffs, the ARK Crisis Staff held that <i>all posts important for the functioning of the economy may only be held by personnel of Serbian ethnicity</i> . In addition, Bosnian Serb personnel were expected to have “confirmed their Serbian nationality” in the plebiscite and expressed their loyalty to the SDS.
Fact 799: BJ, para. 254	On 12 June 1992, the ARK Crisis Staff established in Banja Luka an Agency for the Movement of People and Exchange of Properties, <del>aiding in the implementation of the resettlement policy.</del> At the municipal level other agencies were established.
Fact 800:	The municipal agencies throughout the ARK, along with other competent institutions, were charged with establishing the resettlement procedures.

BJ, para. 254	Departures of non-Serbs from the ARK had to be authorised by these competent institutions. In order to obtain permits to leave the territory of the ARK, Bosnian Muslims and Bosnian Croats usually had to “deregister” from their places of residence and either relinquish their property to the SerBiH without compensation or in a minority of cases exchange their property for property located outside the ARK.
Fact 801: BJ, para. 116	The non-Serb population often sought to leave, and requested the convoys, which were then organised by the Bosnian Serb authorities. <del>However, they did not leave of their own free will, but were forced to do so as a result of the conditions imposed on them.</del>
Fact 802: BJ, para. 116	Moreover, in many instances the Bosnian Serb authorities made them sign documents stating that they renounced claims to all the property that they left behind in favour of the SerBiH.
Fact 804: BJ, para. 117	At the same time, the <del>cleansed</del> areas in northern Bosnia that had been emptied of Bosnian Muslims and Bosnian Croats were re-populated by resettling Serbian refugees coming from Croatia.
Fact 806: BJ, para. 97	<del>The paramilitaries created an atmosphere of fear and terror amongst the non-Serb inhabitants of the Bosnian Krajina by committing</del> [In the Bosnian Krajina the <u>paramilitaries committed</u> ] crimes against Bosnian Muslims and Bosnian Croats and their property including rape, murder, plunder and the destruction of property. They engaged in war profiteering and looting. Serbian paramilitary groups also participated in combat operations of the 1 <sup>st</sup> Krajina Corps of the VRS throughout the ARK, and from mid June 1992 onwards, they were formally incorporated into the structure of the VRS and put under its command.
Fact 810: BJ, para. 549	Following attacks on towns and villages, Bosnian Muslim and Bosnian Croat men, women and children were rounded up and often separated.
Fact 816: BJ, para. 558	In October 1992, roughly 158 Bosnian Muslim and Bosnian Croat detainees from Manjača camp were exchanged at Turbe, near Travnik.
Fact 817:	Detainees at Manjača camp were also transported to Karlovac both prior to and

BJ, para. 558	following the closure of the camp in December 1992.
Fact 819: BJ, para. 605	The SDS publicly announced that non-Serb owned shops and businesses would be transferred to returning Bosnian Serb soldiers as a reward.
Fact 821: BJ, para. 607	People were not permitted to leave Banja Luka with more than three hundred German Marks.
Fact 822: BJ, para. 607	They were also warned not to take their belongings with them. However, when leaving Banja Luka, non-Serbs tried to hide valuables, for example, in coats and in pots of cosmetics. Restrictions were enforced at checkpoints where people were stripped and searched.
Fact 823: BJ, para. 104	Between May and July 1992, the predominantly Bosnian Muslim and Bosnian Croat inhabited areas and villages of Hambarine, Kozarac, Kamičani, Biščani, Čarakovo, Briševo and Ljubija were attacked <del>by the Bosnian Serb army acting jointly with the police and paramilitary groups.</del>
Fact 824: BJ, para. 104	These attacks mostly started after the expiry of a deadline for non-Serbs to surrender their weapons. <del>Sometimes an incident caused by non-Serbs would be used as a pretext.</del>
Fact 825: BJ, para. 104	Attacks were conducted by intensive shelling with heavy army weaponry. Houses in Muslim villages and neighbourhoods were targeted and shelled indiscriminately, resulting in extensive destruction and civilian casualties. Many of the survivors fled the villages and sought shelter in the surrounding forests.
Fact 826: BJ, para. 104	After the shelling, armed soldiers entered the villages, looted and torched houses, and expelled or killed some of the villagers who remained behind. In some instances, women were raped.
Fact 828: BJ, para. 407	The village of Biščani comprises the hamlets of Mrkalji, Hegići, Ravine, Sredići and Duratovići.
Fact 829: BJ, para. 407	On 20 July 1992, the Bosnian Muslim population of Biščani was told to gather at various collection points throughout the village. One collection point was at a coffee bar in Biščani. On that location, five unarmed men were shot dead by

	Bosnian Serb soldiers.
Fact 831: BJ, para. 409	Around 20 July 1992 in an orchard in Hegići, 12 persons were lined up and shot dead with rifles [by Bosnian Serb forces].
Fact 832: BJ, para. 409	Around 20 July 1992 around 20 individuals were killed at a bus stop between Alagići and Čemernica.
Fact 834: BJ, para. 410	Prior to 1992, almost the entire population of the village of Čarakovo were Bosnian Muslims.
Fact 835: BJ, para. 410	On 23 July 1992, Bosnian Serb tanks attacked Čarakovo, after several demands that residents should hand in weapons had been issued.
Fact 836: BJ, para. 410	During the raid, at least 16 civilians were killed.
Fact 837: BJ, para. 410	Three of them were shot dead in front of their houses.
Fact 839: BJ, para. 411	Briševo is a village belonging to the local commune of Ljubija. Prior to the conflict, it was inhabited mainly by Bosnian Croats.
Fact 840: BJ, para. 411	On 27 May 1992, the village of Briševo was shelled with mortars coming from the direction of Rasavci and Oštra Luka, two predominantly Bosnian Serb villages east of Briševo. Before the shelling, Bosnian Serb authorities in the area had requested that all weapons in the village be surrendered. Weapons were handed over to the Bosnian Serbs in Rasavci, despite there only being legally owned hunting rifles and pistols.
Fact 841: BJ, para. 412	In the early morning hours of 24 July 1992, Bosnian Serb military launched an attack on Briševo. Mortar shells landed on the houses, and the residents hid in cellars. The shelling continued throughout the day and, on the next day, infantry fire joined the artillery.

Fact 842: BJ, para. 412	On 24 and 24 July 1992, during the attack on Briševo, at least 68 persons were killed, 14 of whom being women.
Fact 843: BJ, para. 406	At least eight Bosnian Muslim men were shot and killed when on 14 June 1992, Bosnian Serb soldiers entered the village of Jaskići.
Fact 847: BJ, para. 405	The village of Kamičani was predominantly inhabited by Bosnian Muslims. From 24 to 26 May 1992, the village was attacked by Bosnian Serb military. At least eight Bosnian Muslims were hiding during that period in the basement of Mehmed Šahurić's house. These persons were shot dead by Bosnian Serb soldiers after their place of refuge was discovered. Their bodies have subsequently been retrieved and identified.
Fact 848: BJ, para. 625	In-mid 1992, the Bosnian Muslim villages in Prijedor municipality of Biščani, Kozaruša, Kamičani, Kevljani, Rakovčani, Čarakovo, and Rizvanovići were also destroyed by Bosnian Serb forces. The houses were set on fire and looted. The VRS loaded their trucks with goods belonging to non-Serbs.
Fact 852: BJ, para. 652	In late August 1992 Bosnian Serb soldiers broke into the Roman Catholic Church in Prijedor to plant explosives in it. At 0100 hours the explosives detonated and destroyed the church.
Fact 858: BJ, para. 863	From the Prijedor SUP, detainees were transferred to Omarska camp by policemen.
Fact 862: BJ, para. 445	Prominent members of the Bosnian Muslim and Bosnian Croat local communities were imprisoned in Omarska camp, such as Professor Muhamed Čehajić, the mayor of Prijedor prior to the Bosnian Serb take-over.
Fact 863: BJ, para. 842	Minors and mentally impaired individuals were also detained at the camp.
Fact 865: BJ, para. 444	Around 29 May 1992, detainees from the Benkovac military barracks were transferred to the camp. Upon arrival, around 120 persons were crammed into a garage for several days. Two young men suffocated to death as a result of the conditions inside the garage.

Fact 866: BJ, para. 845	Detainees were humiliated: one detainee was forced to hit his head against a wall. Another was forced to lick his own blood. Yet another was forced to cross the <i>pista</i> naked whilst pursued by a guard with a whip. Physically and mentally impaired detainees were humiliated and some eventually killed. Detainees were regularly threatened with death, including the female detainees. Detainees were subjected to ethnic slurs.
Fact 867: BJ, para. 847	At Omarska, there were frequent incidents of female detainees being called out by the camp guards and the camp commander to be raped and sexually assaulted.
Fact 868: BJ, para. 848	At Omarska camp, beatings were administered by camp guards, such as Milutin Popović aka “Pop” and Žarko Marmat.
Fact 869: BJ, para. 848	On religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified.
Fact 870: BJ, para. 848	Shift commander Mlado Radić aka “Krkan” was present during the beatings but did nothing to prevent the beatings, and in fact organised the gauntlet of guards that on one occasion beat the detainees.
Fact 871: BJ, para. 848	Moreover, the following were present when the name of those who would be beaten was called out: Žigić and Kvočka.
Fact 872: BJ, para. 848	Detainees were also beaten by outsiders, including Bosnian Serb soldiers from the front, whilst camp guards stood aside.
Fact 873: BJ, para. 932	As a rule, food at Omarska amounted to starvation rations. Detainees were fed once a day: a small piece of bread, stew and some cabbage. The food was usually spoiled. By contrast, the camp personnel enjoyed proper food.
Fact 874: BJ, para. 933	The water given to the detainees was not fit for human consumption: it was in fact destined for industrial use. This caused the detainees intestinal problems.
Fact 876:	On 27 July 1992, Professor Muhamed Čehajić was called out from the room in which he was detained and taken out of the camp. Muhamed Čehajić did not return

BJ, para. 445	and was never seen again.
Fact 877: BJ, para. 445	Dr. Esad Sadiković, a physician, had previously worked for the UNHCR and was described as a charismatic and deeply humane person. In Omarska, he helped other detainees wherever he could, and was regarded as a “moral and spiritual authority”. One night, a camp guard appeared and said: “Dr. Eso Sadiković, come out and take your stuff with you.” The other detainees knew that this meant he would not return. Everybody stood up and bid him farewell.
Fact 878: BJ, para. 445	Both Muhamed Čehajić and Esad Sadiković were taken out to be killed and were actually killed.
Fact 879: BJ, para. 446	At the end of July 1992, the killing of inmates with a special professional background started. One night, lawyers were targeted, following which policemen and physicians were marked for killing. In one night at the end of July 1992, a large number of detainees from the <del>recently cleansed</del> Brdo area were killed.
Fact 880: BJ, para. 506	In June or July 1992, at Omarska camp, a Bosnian Serb camp guard in camouflage uniform kicked Rizo Hadžalić with his heavy army boots and struck him with his rifle butt. The guard jumped all over Rizo Hadžalić’s body until he was dead. The incident was witnessed by other camp inmates.
Fact 881: BJ, para. 516	On 26 June 1992, Omarska camp guards tried to force Mehmedalija Sarajlić, an elderly Bosnian Muslim, to rape a female detainee. He begged them “Don’t make me do it. She could be my daughter. I am a man in advanced age.” The guards laughed and said “Well, try to use the finger.” A scream and the sound of beatings could be heard, and then everything was silent. The guards had killed the man.
Fact 882: BJ, para. 517	On an unknown date after May 1992, an armed man entered the Omarska camp restaurant where detainees were eating. He uncovered the breast of a female detainee, took out a knife, and ran it along her breast for several minutes. The other detainees were holding their breath because they thought he might cut off the breast at any second. Bystanding camp guards laughed and obviously enjoyed watching this incident.
Fact 884: BJ, para. 849	As in Omarska, interrogators also consisted of members of the Banja Luka CSB and of the Banja Luka Corps.

Fact 885: BJ, para. 849	Sikirica was the camp commander.
Fact 886: BJ, para. 849	Nenad Banović, aka “Čupo”, and Zoran Žigić, were amongst the guards. Damir Došen aka “Kajin” was amongst the shift commanders.
Fact 887: BJ, para. 850	Around 4,000 detainees were held in Keraterm camp, mostly Bosnian Muslim and Bosnian Croat men. There were also a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb. Detainees were eventually transferred to Omarska or Trnopolje.
Fact 888: BJ, para. 851	At Keraterm camp, detainees were beaten on arrival.
Fact 889: BJ, para. 851	Beatings were carried out with wooden clubs, baseball bats, electric cables and police batons.
Fact 890: BJ, para. 851	Two Bosnian Muslim former policemen were beaten with chains and metal rods.
Fact 891: BJ, para. 851	One Albanian man died after a few days as a consequence of a beating, just like a Bosnian Serb detainee and a half Bosnian Croat-half Bosnian Serb detainee.
Fact 892: BJ, para. 852	Beatings and humiliation were often administered in front of other detainees.
Fact 893: BJ, para. 852	Female detainees were raped in Keraterm camp.
Fact 894: BJ, para. 853	The beatings were administered by the camp guards, in particular Nenad Banović “Čupo”. In addition, beatings were administered by people from outside.
Fact 898:	In June or July 1992, at Keraterm camp, a number of other guards raped a female inmate on a table in a dark room until she lost consciousness. The next morning,

BJ, para. 512	she found herself lying in a pool of blood. Other women in the camp were also raped.
Fact 900: BJ, para. 513	Kuruzović raped that woman nearly every night for about a month.
Fact 901: BJ, para. 513	On two occasions, he stabbed her shoulder and her leg with his knife because she resisted against being raped.
Fact 902: BJ, para. 514	There were many more incidents of rape at the Trnopolje camp between May and October 1992. Not all of the perpetrators were camp personnel. Some were allowed to visit the camp from the outside.
Fact 903: BJ, para. 514	Soldiers took out girls aged 16 or 17 from the camp and raped them on the way to Kozarac on a truck.
Fact 904: BJ, para. 514	In one case, a 13 year old Bosnian Muslim girl was raped.
Fact 906: BJ, para. 855	<del>Trnopolje became a transfer facility for the expulsion of the non-Serb population from the Bosnian Krajina.</del> Many people from Prijedor were taken to Trnopolje after their villages had been attacked by the Bosnian Serb forces and others came to Trnopolje on their own initiative, from where they were driven out of the area in convoys of buses.
Fact 908: BJ, para. 941	There were no beds or blankets at Trnopolje camp and detainees had to sleep on the floor. Some of them had to sleep outside.
Fact 909: BJ, para. 450	Numerous killings occurred in Trnopolje camp. A number of detainees died as a result of the beatings received by the guards. Others were killed by camp guards with rifles. At least 20 inmates were taken outside the camp and killed there.
Fact 910: BJ, para. 450	Trnopolje camp was officially closed down at the end of September 1992, but some of the detainees stayed there longer.

Fact 911: BJ, para. 413	A police officer known as 'Stiven' executed Irfan Našić with a pistol from a close distance.
Fact 912: BJ, para. 503	One of the Bosnian Serb policemen then severed Irfan Našić's head from his body with an automatic rifle. He said: "Look at this. The man even didn't have any brains".
Fact 913: BJ, para. 413	Two men were singled out and taken to the other side of the stadium, where they were killed.
Fact 918: BJ, para. 459	The dead bodies fell into the abyss or were pushed over the edge, sometimes by other Bosnian Muslims prior to their own execution. Grenades were thrown into the gorge to make sure no one would survive.
Fact 919: BJ, para. 747	Manjača was one of the major places of detention in the ARK, receiving detainees from various ARK municipalities and from other camps and detention facilities located therein.
Fact 920: BJ, para. 910	The detainees were kept in large, crowded stables for livestock, where they sat or lay down for most of the day. There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.
Fact 921: BJ, para. 911	The camp was infested with lice.
Fact 922: BJ, para. 913	Water was severely insufficient, in terms of quantity as well as quality, since it originated from a lake.
Fact 923: BJ, para. 913	The poor water lead to prevalent intestinal and stomach problems amongst the detainees.
Fact 924: BJ, para. 913	There were also quite a number of people with diabetes, high blood pressure and injuries. However, the 'medical clinic' in the camp, staffed by detainees, suffered a severe shortage of medicines and supplies.
Fact 925:	Between June and November 1992, at least 10 prisoners died inside Manjača camp

BJ, para. 440	as a result of beatings or of sporadic killings.
Fact 926: BJ, para. 452	Upon arrival of the first group at Manjača camp, at least six prisoners were beaten and subsequently killed <del>by policemen from Sanski Most.</del>
Fact 927: BJ, para. 877	At the SUP, after the arrival of ICRC representatives, beatings became less frequent and were limited to once a week. Visits by family members were also allowed after that.
Fact 928: BJ, para. 881	Enver Burnić, a Bosnian Muslim former policeman, was taken outside the Betonirka factory garages, on St Vitus' day (28 June) <del>by shift commander Martić, a Bosnian Serb policeman, who was drunk, and by two policemen,</del> and beaten – he was told at the time that a bullet was too costly a way for him to die.
Fact 929: BJ, para. 560	In the municipality of Sanski Most, Bosnian Muslim representatives met with Bosnian Serb municipal authorities and representatives of the SDS on several occasions between June and August 1992, during which they requested that the Bosnian Serb municipal authorities organise convoys so that Bosnian Muslims could safely leave the area. They organised a convoy of approximately 2,000 Muslim men, women, children and elderly that left for Travnik at the beginning of August 1992.
Fact 930: BJ, para. 560	Bosnian Serb civilian and military police also escorted a Travnik-bound convoy of approximately 2,500 Bosnian Muslim men, women, children and elderly on 2 and 3 September 1992.
Fact 931: BJ, para. 632	In May 1992, the 6 <sup>th</sup> Sana Brigade attacked Mahala, the Bosnian Muslim neighbourhood of Sanski Most town. After shelling the town of Sanski Most, <del>Bosnian Serb military and police began looting</del> the houses and business premises of Bosnian Muslims and in some cases of Bosnian Croats [ <u>began to be looted</u> ]. Houses and business premises were also damaged with rockets launched from hand-held launchers called “zoljas”. The 6 <sup>th</sup> Sana Brigade was responsible for blowing up Bosnian Muslim business premises in Sanski Most. No efforts were made to prevent or stop the violence.
Fact 932: BJ, para. 633	The surrounding villages of Sanski Most municipality, including Hrustovo, Begići and Lukavice were shelled by Bosnian Serb forces. On 31 May 1992, soldiers

	arrived in the village of Begiči, looting homes and setting houses and barns on fire.
Fact 933: BJ, para. 655	Mosques in Sanski Most were subject to major damage by Bosnian Serb forces. The mosques in the villages of Čapalj, Hrustovo, Lukavice, Kamengrad and Tomina were destroyed in 1992 by the Bosnian Serb forces.
Fact 934: BJ, para. 519	After 3 June 1992, Bosnian Muslim men detained at the SUP building in Teslić were beaten by policemen with batons, bats and other items.
Fact 935: BJ, para. 959	Detainees were kept in a warehouse and stayed inside at all times. It was hot and stuffy. They had to sleep on the concrete floor.
Fact 937: BJ, para. 463	Many of the detainees were called out and subsequently killed at the TO warehouse.
Fact 938: BJ, para. 523	Over the period of July to October 1992, a number of Bosnian Muslim women were raped by members of the Bosnian Serb police and the VRS in Teslić municipality.
Fact 939: BJ, para. 657	In the town of Teslić, the Roman Catholic Church was demolished during an attack by the Serb forces in mid 1992.
Fact 941: BJ, para. 501	On 25 June 1992, in front of the Kotor Varoš hospital, Bosnian Serb soldiers in camouflage uniforms let loose a German shepherd on Enez Terzić, one of the detainees. Terzić was injured, but survived the attack.
Fact 942: BJ, para. 501	Also in front of the hospital, a Bosnian Serb soldier from Mahovljani beat a number of detainees with a log until they fell to the ground unconscious. During the beating, he cursed their 'balija mothers'. A Bosnian Serb soldier nicknamed 'Mama' also participated in the beatings and ordered detainees to beat each other.
Fact 943: BJ, para. 429	At least three Bosnian Muslim men from Dabovci were killed after Bosnian Serb soldiers had destroyed their village in mid-August of 1992. The men, all civilians, were taken to a nearby place and were summarily executed by the soldiers.
Fact 944:	At least eight Bosnian Muslim civilians were killed in the village of Hanifići in mid-August of 1992. Bosnian Serb forces had rounded up these persons and shot

BJ, para. 430	them dead in the local mosque, which was subsequently set on fire. Eight bodies have been retrieved and identified from the site of the mosque.
Fact 947: BJ, para. 564	In Kotor Varoš in June or July 1992, Bosnian Serb soldiers expelled Bosnian Muslim men, women, and children from Lihovići to Čejavani, after which soldiers separated the women and children from the men.
Fact 948: BJ, para. 564	Bosnian Muslim women and children from the villages of Šipure and Medare were brought by Bosnian Serb soldiers to join the group of women and children already gathered in Čejavani.
Fact 949: BJ, para. 564	A truck then took the two groups to a sawmill in Kotor Varoš, where they were joined by a third group of Bosnian Muslim women and children from the villages of Hanifići and Čirkino Brdo. There were approximately 150-200 children gathered in the sawmill, and soldiers ordered those whose names had been called out from the whole group to board one of three buses that left towards Travnik.
Fact 950: BJ, para. 565	A number of other convoys left for Travnik, including one that left Kotor Varoš municipality on 25 August 1992 and another that left the town of Kotor Varoš at the end of October 1992.
Fact 951: BJ, para. 565	A convoy of civilians, mostly Bosnian Muslim women and children, left the village of Grabovica in approximately mid to late October 1992. The convoy first traveled to Vrbanjci, and with thirteen other buses transporting mostly Bosnian Muslim women and children from Večići and surrounding villages, then left for Travnik.
Fact 952: BJ, para. 651	During attacks on villages in Kotor Varoš by Bosnian Serb forces in June and July 1992, the mosques in the villages of Vrbanjci and Hanifići were set on fire and mined.
Fact 953: BJ, para. 651	The Roman Catholic Church in the town of Kotor Varoš was also set on fire.
Fact 954: BJ, para. 423	Pudin Han is a village in the Kljič municipality which prior to the conflict had approximately 900 inhabitants, almost all of whom were Bosnian Muslims.
Fact 956:	At Nikola Mačkić School, one detainee who was bleeding as a result of the

BJ, para. 814	beatings was forced to lick his own blood off the floor, which others witnessed.
Fact 957:  BJ, para. 814	Detainees were forced to extend the three fingers in the Serbian salute.
Fact 958:  BJ, para. 561	In the municipality of Ključ, a number of convoys were organised prior to a convoy of approximately 1,000 people, the majority of whom included Bosnian Muslim women and children, that left Ključ for Travnik in late July 1992. People had to obtain the necessary documentation, and very few able-bodied men left in this convoy.
Fact 959:  BJ, para. 562	Convoys for Bosnian Muslims and Bosnian Croats leaving Ključ for Travnik were organised by the police, who issued the relevant documents.
Fact 960:  BJ, para. 562	On 11 September 1992, approximately 500 Bosnian Muslims were transported to Travnik. At least two other Travnik-bound convoys left in September, including one in which an over-crowded convoy transported 1,000 Bosnian Muslims and Bosnian Croats, whose names were called prior to their boarding from a list of people who had paid a fare.
Fact 963:  BJ, para. 650	The Ključ town mosque and its minaret was destroyed in August 1992, during the night.
Fact 964:  BJ, para. 650	The Biljani Mosque was set on fire in the morning of 10 July 1992 when the village was attacked by Bosnian Serb forces.
Fact 965:  BJ, para. 617	Villages in the municipality of Donji Vakuf were regularly shelled by the Bosnian Serb military. Bosnian Serb military shelled the village of Prusac in August 1992.
Fact 966:  BJ, para. 618	In mid 1992, Bosnian Serb soldiers broke into houses inhabited by Bosnian Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables. Bosnian Serb soldiers used garbage trucks and cars to carry away the booty. Bosnian Serb civilians also participated in the looting
Fact 970:	Three of the four mosques in the village of Prusac were damaged in August or September 1992. The mosques were riddled with bullets and some of the minarets

BJ, para. 649	were destroyed.
Fact 971: BJ, para. 649	The mosque in the hamlet of Šeherdžik was destroyed by men wearing JNA uniforms on 9 August 1992. Due to the explosion, the walls of the mosque collapsed but part of the minaret was left standing.
Fact 972: BJ, para. 649	The mosque in the village of Sokolina was set on fire by men wearing olive grey uniforms in June 1992.
Fact 973: SJ, para. 179	The creation of the Croatian Community of Bosanska Posavina at the end of 1991, and the Serbian municipality of Šamac and Pelagićevo on 29 February 1992, added to political polarisation on an ethnic basis.
Fact 974: SJ, para. 303	During a meeting of the Municipal Assembly held in Obudovac on 28 March 1992, the Serb Assembly of Bosanski Šamac elected the representatives of the Executive Board of the Serbian municipality of Bosanski Šamac. Stevan Todorović was elected chief of police.
Fact 978: SJ, para. 656	The majority of persons arrested were non-Serb civilians in Bosanski Šamac, namely Bosnian Muslims and Bosnian Croats. One category of persons arrested, who were civilians, were the women, children and elderly who were taken from their homes and brought to Zasavica.
Fact 979: SJ, para. 680	The non-Serb civilians who were detained in the camps in Zasavica, and for the short period in Crkvina, were detained arbitrarily. Non-Serb civilians were taken to the village of Zasavica where they were guarded and unable to leave. They were not brought before a judge to challenge the legality of their detention, nor were any lawful criminal proceedings conducted. There was no reasonable suspicion that they had committed any criminal offence. They were not informed of any accusation against them, but rather forced from their homes, rounded up and taken to Zasavica where they were prevented from leaving.
Fact 980: SJ, para. 694	Kemal Mehinović was beaten with a truncheon and with a knuckle-duster by two Serb policemen, Zoran Paležica and Radulović in front of his family upon his arrest on 27 May 1992.
Fact 981:	When Kemal Mehinović was arrested on 27 May 1992, at the SUP, Stevan Todorović and his bodyguard Goran hit him and Hasan Hadžialijagić, Admir

SJ, para. 697	Džakić and a man called Srna, nicknamed “Cuba”, with a truncheon, a baseball bat, and a metal bar for several hours all over their bodies and their heads. Several times, Kemal Mehinović had to spread his legs so that they could beat him in the crotch, and they told him that the Muslims should not propagate. Later, Stevan Todorović asked him which hand he used for shooting, and he hit him with the rifle butt on an index finger, which was broken as a result of the blow.
Fact 983:  SJ, para. 719	On or about 28 April 1992, Witness G was taken to a room in the SUP in which there were five men in different uniforms, among them Radulović, Nikoli and “Zvaka”. “Lugar” ordered her to take off her clothes. She did so very slowly and placed them on the table. At that time she had her period. One of the men swore at her, and she was told to lie down on the table and spread her legs. “Lugar” stood next to the table and told her to lie in such a way that his knife was resting underneath her throat. Then they beat her repeatedly with a belt and a bat. On one side a man was beating her with a belt, and on the other side another man with a bat. During this time, they insulted her. After the first stroke, the knife slipped. She was crying, and they turned up the music very loudly. One of the men said that they should cool her off, and he urinated on her. They hit her for a long time and she felt faint. At some point, she could face the door, and she saw Simo Zarić standing in the doorway. He then left, and the men continued beating her.
Fact 984:  BJ, paras. 81, 86	<del>As far as the Bosnian Krajina in particular is concerned Bosnian Serb authorities exerted undue pressure on Bosnian Muslims and Bosnian Croats in an organized manner to make them leave the area.</del> Non-Serbs did not receive the same attention and medical treatment at hospitals as Bosnian Serbs did. Their freedom of movement was severely restricted in the form of checkpoints and curfews, in contrast to the freedom of movement enjoyed by Bosnian Serbs. Non-Serbs were regularly mistreated at Bosnian Serb manned checkpoints. Moreover, they were not protected against harassment and abuse from Bosnian Serb armed individuals. Bosnian Muslims and Bosnian Croats were oppressed and pressurised so that living in the Bosnian Krajina became unbearable for them.
Fact 985:  BJ, paras. 94, 69	Pursuant to the Variant A and B Instructions [the “Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances” issued by the Main Board of the SDS on 19 December 1991] and to subsequent instructions for the work of the municipal Crisis Staffs issued by the Bosnian Serb Government on 26 April 1992, SDS

	<p>controlled Crisis Staffs were established both in municipalities where the SDS had a majority and in those where it was in a minority. These Crisis Staffs eventually played a leading role in the SDS take-over of power in numerous localities, allowing for co-ordination among party, government, police and armed forces at the municipal level and, later when a regional Crisis Staff was established, also at the regional level.</p>
<p>Fact 986: BJ, para. 75; see also SKJ, para. 548</p>	<p>During the 16th session of the SerBiH Assembly that took place on 12 May 1992, Radovan Karadžić articulated the six strategic goals of the Serbian People of Bosnia and Herzegovina. The first and most fateful goal was the “separation from the other two national communities – separation of states”. The other goals concerned the establishment of a corridor between Semberija and Krajina; the establishment of a corridor in the Drina Valley; the establishment of a border on the Una and Neretva rivers; the division of the city of Sarajevo into Serb and Muslim sectors; and, finally, securing access to the sea for the SerBiH.</p>
<p>Fact 988: BJ, para. 77</p>	<p>The first strategic goal [of the Serbian People of Bosnia and Herzegovina articulated by Radovan Karadžić during the 16th session of the SerBiH Assembly on 12 May 1992] entailed the permanent removal of a significant part of the non-Serb population from the territory of the planned Bosnian Serbian state.</p>
<p>Fact 991: TJ, para. 567</p>	<p>As early as 25 September 1991, considering that the situation in the former Yugoslavia constituted a threat to international peace and security, the Security Council invoked Chapter VII of the Charter of the United Nations to declare a total arms embargo on the region.</p>
<p>Fact 993: BJ, para. 144</p>	<p>From 1 April 1992 to 19 May 1992, when the JNA officially withdrew from BiH, the JNA intervened directly in the conflict occurring on the territory of BiH.</p>
<p>Fact 994: BJ, para. 151</p>	<p>Further, active elements of what had been the JNA remained in BiH after the purported 19 May 1992 withdrawal. <del>The steps taken to create a VRS independent of the JNA were merely a ploy to fend off any potential accusations that the FRȚ was intervening in the conflict taking place on the territory of BiH and to appease the requests of the international community to cease all involvement in the conflict.</del></p>
<p>Fact 1001: SKJ, para. 63;</p>	<p>In the meeting of the Prijedor Municipal Board of the SDS on 17 February 1992, in anticipation of the secession of Bosnia and Herzegovina from Yugoslavia and the</p>

See also SKJ, para. 37	creation of a separate Serbian state on ethnic Serbian territories, Simo Misković reported that it was time for the SDS to activate “the second stage” of the Variant B of the “Variant A and B Instructions” [the “Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances” issued by the Main Board of the SDS on 19 December 1991].
Fact 1002: TJ, para. 139	Calls were also made at that time [by mid-May 1992] for the surrender of weapons which, although addressed to the population at large, were only enforced in respect to Muslims and Croats, most of whom complied out of fear of punishment.
Fact 1003: BJ, paras. 402, 403	At least 80 Bosnian Muslim civilians were killed when Bosnian Serb soldiers and police entered the villages of the Kozarac area [after 24 May 1992].
Fact 1004: SKJ, para. 143	A large number of people in Kozarac surrendered on 26 May 1992. The Serb authorities explained that all those who wished to surrender should form a convoy and that a ceasefire would be in effect during this period. It was later learned that when the convoy, which left that day, reached the Banja Luka-Prijedor road the women and men were separated. The women were taken to Trnopolje and the men to Omarska and Keraterm camps.
Fact 1006: BJ, paras. 629, 104	The unlawful appropriation of real property began after the attack on Prijedor, Kozarac and Hambarine [between May and July 1992]. At first, real property certificates were issued in order to justify the confiscation. Later on certificates were no longer issued. In contrast, Bosnian Serb residents did not have their property confiscated.
Fact 1007: BJ, paras. 652, 642	[Within the summer months of 1992] the most systematic and brutal infliction of damage to both Muslim and Catholic institutions dedicated to religion occurred in Prijedor. <del>The police appeared indifferent to the reports on the events.</del>
Fact 1008: BJ, paras. 653, 642	[Within the summer months of 1992] the minaret of the mosque in Kozaruša was badly damaged.

Fact 1009: BJ, paras. 653, 642	[Within the summer months of 1992] the mosque in Gornji Puharska was razed to the ground.
Fact 1010: BJ, paras. 653, 642	[Within the summer months of 1992] the new mosque in Kevljani was completely destroyed by mines. The minaret and the mosque were blown up with explosives.
Fact 1011: BJ, paras. 653, 642	[Within the summer months of 1992] the Gornji Jakupovići mosque's minaret was badly damaged by mines.
Fact 1013: KVJ, para. 674	The Trnopolje camp was established in the village of Trnopolje at the same time as the Omarska and Keraterm camps were established in Prijedor.
Fact 1014: KVJ, para. 16	The Trnopolje camp was based in a variety of buildings in the village of Trnopolje, including a former school, a theatre, and the municipal centre.
Fact 1015: BJ, para. 449	Following the Bosnian Serb attack on Kozarac at the end of May 1992, residents of that area were brought to the school and community centre in Trnopolje. They were mainly women and children, with only a few military-aged men.
Fact 1016: SKJ, para. 189	At least between 25 May 1992 and the end of September 1992 the commander of the Trnopolje camp was Slobodan Kuruzović. He was referred to in the camp as "Major" and wore a military uniform. The camp guards were all dressed in military, rather than police uniform and were from Prijedor. Mr. Kuruzović stayed in a house very close to the Trnopolje compound. <del>He was often seen by the detainees accompanied by the Balaban brothers, well known for their brutality.</del>
Fact 1019: SKJ, para. 188	There were several thousand people detained in the camp, the vast majority of whom were Muslim and Croat, though there were some Serbs. Nusret Sivac estimated that when he arrived in Trnopolje on 7 August 1992, there were around 5,000 people detained there. Women and children were detained at the camp as

	well as men of military age, although the latter were not detained in large numbers. The camp population had a high turnover with many people staying for less than a week in the camp before joining one of the many convoys to another destination.
Fact 1020: BJ, para. 942	Food was not organised at the camp and there was not enough of it. Initially it would be brought by relatives into the camp or bought from the local population, although subsequently the Bosnian Serb Red Cross procured milk and bread which it bought locally. When the ICRC arrived in the camp around mid-August 1992, it arranged for the delivery of food. <del>This was providential since by that time most of the local population had been “cleansed” and could not assist with the provision of food.</del>
Fact 1022: BJ, para. 943	The quality of the water supplied was inadequate, as shown by the numerous cases of diarrhoea. At least one man who had also been beaten died of dysentery.
Fact 1023: BJ, para. 944	Basic hygiene was lacking: toilets quickly became unusable and septic pits were dug instead, but were not maintained. Lice and scabies were rife.
Fact 1024: BJ, para. 945	Some medical treatment was provided, but the camp was not sufficiently equipped beyond basic health care. There were no medical supplies available until the arrival of the ICRC.
Fact 1025: SKJ, para. 225	Although the killings in the Trnopolje camp [between 25 May and 30 September 1992] were committed on a much smaller scale than those in the Keraterm and Omarska camps, nonetheless, killings did occur.
Fact 1026: SKJ, para. 226	A detainee of the Trnopolje camp was on several occasions ordered to bury bodies from the camp. He recognised Muela Idrizvić, Sadik Idrizvić, Sakid Idrizvić, Munib Hodzić, Samir Elezović, Ante Mrgolja and his son Goran or Zoran and the Forić brothers.
Fact 1027: SKJ, para. 242	Although the scale of the abuse at the Trnopolje camp was less than that in the Omarska camp, mistreatment was commonplace. The Serb soldiers used baseball bats, iron bars, rifle butts and their hands and feet or whatever they had at their disposal to beat the detainees. Individuals were who taken out for questioning would often return bruised or injured. According to Dr. Merdžanić, who worked in the makeshift medical clinic in Trnopolje during his detention, detainees would

	often be taken to a room that had served as a laboratory for interrogation. Dr. Merdžanić could hear the sounds of beating and verbal abuse. Some of the victims were brought to the clinic to have their wounds dressed. Pictures were secretly taken of seriously injured detainees.
Fact 1028: BJ, para. 514; see similar finding BJ, para. 856	There were many incidents of rape at the Trnopolje camp between May and October 1992. Not all of the perpetrators were camp personnel. Some were allowed to visit the camp from the outside. Soldiers took out girls aged 16 or 17 from the camp and raped them on the way to Kozarac on a truck. In one case, a 13 year old Bosnian Muslim girl was raped. <del>One rape victim was told by a member of the camp staff that it was wartime and nothing could be done about these things.</del>
Fact 1029: BJ, para. 513	In August 1992, Slobodan Kuruzović, the commander of Trnopolje camp, personally arranged for a Bosnian Muslim woman to be detained in the same house in which he had his office. Kuruzović raped that woman nearly every night for about a month. On two occasions, he stabbed her shoulder and her leg with his knife because she resisted against being raped.
Fact 1031: TJ, para. 178	On or about 1 October 1992 people were removed from [Trnopolje] camp upon signing an agreement to relinquish all of their material goods. <del>Thus the Trnopolje camp was the culmination of the campaign of ethnic cleansing since those Muslims and Croats who were not killed at the Omarska or Keraterm camps were, from Trnopolje, deported from Bosnia and Herzegovina.</del>
Fact 1032: SKJ, para. 271	On arriving at the stadium around 25 July, people were seriously beaten. Between 10 and 15 people were killed at the stadium.
Fact 1033: BJ, para. 414; see also SKJ, para. 270	Thereafter on the same day [25 July 1992], around 50 detainees from the Ljubija football stadium were put on a bus provided by the local public transport company and taken to an iron ore mine south-west of Ljubija, locally referred to as 'Kipe'. Persons were called out from the bus and executed by Bosnian Serb soldiers in groups of three. The bodies were thrown into a depression in the ground.
Fact 1035: BJ, para. 519,	Dušan Kuzmanović and Predrag Markočević were respectively the Chief and the commander of the Teslić SJB at the relevant time [after 3 June 1992].

888, 891	
Fact 1036: BJ, para. 657; see also BJ, para. 642	Within the summer months of 1992 the mosques in the surrounding villages of Barići and Ruževići were also destroyed by Bosnian Serb forces.
Fact 1037: BJ, para. 649; see also BJ, paras. 19, 600	[In the period relevant to the indictment – i.e. 1 April and 31 December 1992] the three mosques in the town of Donji Vakuf were targeted by Bosnian Serb forces. The main mosque called Bašdžamija was mined and as a result was completely destroyed. The rubble of this mosque was loaded on trucks and thrown in the river Vrbas and on its banks. The location of the mosque was subsequently turned into a parking lot. The other two mosques in town were set on fire.
Fact 1038: BJ, para. 649; see also BJ, paras. 19, 600	A number of mosques were also destroyed by Bosnian Serb forces in the municipality [in the period relevant to the indictment – i.e. 1 April and 31 December 1992].
Fact 1043: SKJ, para. 203	A massacre was committed in the Keraterm camp on or about 24 July 1992.
Fact 1044: BJ, para. 455	On 20 or 21 July 1992, camp inmates from room 3 at the Keraterm camp were relocated to other rooms in the camp. Room 3 was subsequently filled with residents from the <del>recently cleansed</del> Brdo area.
Fact 1045: SKJ, para. 204	Brdo comprises the villages of Bišćani, Rizvanovići, Rakovćani, Hambarine, Čarakovo and Zecovi. For the first few days, the detainees were denied food as well as being subjected to beatings and abuse.
Fact 1046: BJ, para. 455	Approximately 200 persons were crammed into room 3. On one of the following days, detainees were ordered to go into their rooms, face the wall, and stay calm. After dark, Bosnian Serb army personnel entered the camp. A machine-gun was placed on a table outside room 3. At around 11:00 pm gun shots from light and heavy weaponry could be heard. There was the sound of breaking metal and

	shattered glass, and human cries.
Fact 1047: BJ, para. 456	The next morning, dead bodies were piled outside Room 3, and the entire area was covered with blood. A truck arrived to carry away the bodies. When the truck left, blood could be seen dripping from it. Finally, a fire engine cleaned Room 3 and the surrounding area from the traces of the massacre.
Fact 1048: SKJ, para. 206	The volunteer from Room 1 reported that there were 128 dead bodies on the truck.
Fact 1049: BJ, para. 456	The exact number of those who died at Room 3 has not been, and probably will never be established.
Fact 1050: Krajišnik, para. 375	According to the 1991 census in Bosnia-Herzegovina, the ethnic composition in Banja Luka municipality was 106,826 (55 per cent) Serbs, 29,026 (15 per cent) Croats, 28,558 (15 per cent) Muslims, 23,656 Yugoslavs, and 7,626 of other ethnicity.
Fact 1053: Krajišnik, para. 376	On 3 April, the SOS erected checkpoints around town and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue several goals of the SOS, including dismissal of Banja Luka Corps officers and public utility managers who voted "against Yugoslavia".
Fact 1054: Krajišnik, para. 377	The SOS's demands were adopted by the Serbian Democratic Party ("SDS"). Upon the establishment of a municipal Serb crisis staff in the beginning of April 1992, Predrag Radić, president of the crisis staff and a member of the SDS Main Board, announced several measures, including: the CSB employees had to pledge loyalty to the Bosnian-Serb Republic or lose their jobs; the presidency of the Socialist Federative Republic of Yugoslavia ("SFRY") would be requested to reinforce the Yugoslav's People Army's ("JNA") Banja Luka Corps and dismiss or transfer JNA officers who had not voted "for Yugoslavia"; and the directors of several public enterprises who pursued "an anti-Serbian policy" would be dismissed.
Fact 1055: Krajišnik,	To enforce compliance with these orders, mixed patrols of the police, the TO, and the JNA were to take over control of the roads from the SOS. The Banja Luka

para. 377	CSB, pursuant to Radić's demands, set 15 April as the deadline for its staff to pledge loyalty to the Bosnian-Serb Republic or be suspended.
Fact 1056: Krajišnik, 377	By early April, all SJBs throughout the ARK were cut off from Sarajevo and the Bosnia-Herzegovina Government, and the officers had started wearing the insignia of the Bosnian-Serb Republic.
Fact 1057: Krajišnik, para. 378	From March to October 1992, civilians were killed and frequent attacks carried out against businesses and private property owned by Muslims and Croats in Banja Luka municipality. <del>Many of these crimes were committed by members of the special police detachment of the Banja Luka CSB, Army of Republika Srpska ("VRS") soldiers and Serb paramilitaries.</del>
Fact 1059: Krajišnik, para. 380	Between May 1992 and February 1993, many Muslim and Croat civilians were leaving Banja Luka each month, out of fear and because they had lost their jobs and apartments. An agency for resettlements, known as "Brđanin's agency" in reference to Radoslav Brđanin, managed all aspects of relocation of the population. In July and August 1992, crowds were seen queuing at the officers of Brđanin's agency, and busloads of people left the municipality for Croatia and other places almost daily.
Fact 1062: Krajišnik, para. 386	Three detainees, after having been transported from Omarska camp in Prijedor to Manjača camp in August 1992, died of suffocation when the heat was turned on and the prisoners had to spend the night inside the bus.
Fact 1063: Krajišnik, para. 387	At a meeting on 22 June 1992, General Talić was informed by a representative of a Muslim organization that civilians were detained in inadequate conditions at Manjača camp and were being ill-treated.
Fact 1064: Krajišnik, para. 387	At the end of June 1992, Manjača camp was inspected by an official delegation consisting of SDS representatives, military and police officials, and both the "Muslim" Red Cross and the Serbian Red Cross. Omer Filipović, former deputy president of Ključ municipality who was being detained at Manjača, told the delegation that none of the detainees had been captured in combat and described the living conditions at the camp. No other detainee was allowed to speak afterwards, and the delegation left.

Fact 1065: Krajišnik, para. 390	Manjača camp was not closed until 16 December 1992. Some detainees were transferred, under the auspices of International Committee of the Red Cross (“ICRC”), to Croatia, some were transferred to Batković camp in Bijeljina, and some were released.
Fact 1066: Krajišnik, para. 391	In addition to Manjača camp, Serb authorities detained mostly Muslim and Croat civilians at seven detention centres in Banja Luka municipality in 1992, namely Banja Luka (Tunjice) prison, the CSB building, Mali Logor (the military investigation centre), a sports hall, the Kozara barracks, Kaštel, and the old Army Camp.
Fact 1067: Krajišnik, para. 392	In the period March to October 1992, in total, over 31 Muslims and Croats were killed by Serb forces in Banja Luka municipality.
Fact 1069: Krajišnik, para. 470	[Following the Serb takeover of Prijedor municipality] the SDS, through the newly created bodies, removed Party of Democratic Action (“SDA”) members from functions in the municipal assembly and the municipal administration. Muslim and Croat public officials were prohibited from entering the municipal assembly building.
Fact 1071: Krajišnik, para. 473	Property of Muslims and Croats who had left the area [of Prijedor municipality] was confiscated and assigned to Serbs.
Fact 1073: Krajišnik, para. 474	In late May 1992, following clashes between Serbs and Muslims at a checkpoint in the Muslim village of Hambarine on 22 May, areas to the south-west of the town of Prijedor were attacked by Bosnian-Serb forces, <del>including the police and VRS forces.</del>
Fact 1079: Krajišnik, para. 483	Serb authorities detained mostly Croat and Muslim civilians in 58 detention and collection centres in Prijedor municipality in 1992. <del>Five of them were considered long-term detention centres, including Keraterm, Trnopolje, Omarska and the police station in Prijedor town.</del>
Fact 1083: Krajišnik,	On or around 25 July 1992, about 90 detainees from the stadium in Ljubija were taken by bus to Kipe, an iron-ore mine, where Serb soldiers ordered them off the

para. 486	bus in groups of three and shot them, sparing only five.
Fact 1084: Krajišnik, para. 487	Teams representing both military and civilian authorities screened detainees in Keraterm and Trnopolje in order to determine their role in the conflict.
Fact 1085: Krajišnik, para. 487	As armed conflict spread throughout [Prijeđor] municipality, the need to process large numbers of captured persons led the municipal crisis staff to transform Keraterm into a transit centre and to establish another camp at Omarska.
Fact 1087: Krajišnik, para. 487	The Trnopolje collection centre remained in place until November 1992.
Fact 1088: Krajišnik, para. 488	Detainees at Keraterm were beaten, or ordered to beat each other, and some died as a result.
Fact 1089: Krajišnik, para. 488	Around 24 to 26 July [1992] Serb guards shot Muslim and Croat detainees in one of the rooms at Keraterm camp using machine guns, killing 150 to 200 and injuring others.
Fact 1090: Krajišnik, para. 489	Already on 27 May 1992 the Prijeđor crisis staff ordered detainees in Keraterm to be transferred to Omarska. According to a Prijeđor SJB report of August 1992 addressed to the CSB in Banja Luka, the great majority of the transferred men were between the ages of 18 and 60.
Fact 1091: Krajišnik, para. 489	In the days following the 27 May 1992 crisis staff order to transfer detainees from Keraterm to Omarska, Muslim men arrested in Kozarac were also transferred to Omarska.
Fact 1092: Krajišnik, para. 489	Omarska camp was to be set up at Ljubija's defunct iron-ore mine, two kilometres south of the village of Omarska. <del>The order was implemented by Drljača in cooperation with the Banja Luka CSB.</del>

Fact 1096: Krajišnik, para. 491	Around the beginning of August 1992, Serbian and foreign journalists were allowed into Omarska camp. Detainees were warned not to complain about the conditions of detention.
Fact 1097: Krajišnik, para. 492	Of the total number of persons processed at Omarska by mid-August 1992, 1,773 were transferred to facilities in Trnopolje and 1,331 to Manjača camp, in Banja Luka.
Fact 1098: Krajišnik, para. 492	A VRS 1st Krajina Corps report from January 1993 states that at the Trnopolje "open reception centre", in addition to women and children, there was a large concentration of Muslim men fit for military service including persons who had spent some time in Omarska and Keraterm because of their direct or indirect involvement in armed rebellion.
Fact 1100: Krajišnik, para. 492	Although in certain periods, people in Trnopolje were theoretically allowed to leave the camp, security conditions outside the camp rendered it, in effect, a place of detention.
Fact 1101: Krajišnik, para. 493	Camp authorities in Trnopolje did not distribute food. Sanitary conditions were very poor, and the majority of detainees developed dysentery and scabies while at the camp.
Fact 1102: Krajišnik, para. [496]	On 28 August 1992 Simo Drljača, in response to a request from the Ministry of Health, informed the CSB that there were no camps, prisons, or collection centres in Prijedor and that 1,335 "prisoners of war" had been moved to Manjača.
Fact 1104: Krajišnik, para. 497	According to the Prijedor SJB's own reporting, about 33,180 residents had moved out of the municipality in the period from the beginning of the conflict to August [1992], or had filed successful requests to this effect with the local authorities.
Fact 1105: Krajišnik, para. 497	[The residents who had moved out of Prijedor Municipality] comprised 13,180 Muslims who had complied with the required formalities, as well as about 20,000 (mainly, but not exclusively, Muslims and Croats) who had left without following the procedures.

Fact 1106: Krajišnik, para. 497	A 1993 MUP report indicates that 42,000 Muslims and 2,000 Croats moved out of Prijedor municipality in 1992, replaced by about 14,000 Serbs who moved in.
Fact 1107: Krajišnik, para. 498	Over 508 Muslims and Croats were killed by Serb forces in Prijedor municipality between May and August 1992.
Fact 1108: Krajišnik, para. 498	On 20 July, the last major population displacement in the municipality occurred with the removal of thousands of non-Serbs from Hambarine and nearby Ljubija. Property of Muslims and Croats who had left the area was confiscated and assigned to Serbs.
Fact 1109: Krajišnik, para. 498	From May to December 1992, mosques and other religious institutions throughout Prijedor municipality were targeted for destruction.
Fact 1110: Brdanin, para. 413	[In July 1992], at a minimum, 15 detainees were killed in the Ljubija football stadium.
Fact 1111: Krajišnik, para. 494	On 21 August 1992, 154 Muslims from the camps of Trnopolje and Tukovi, designated as category "C" detainees (members of the SDA or Muslims who were believed to have taken part in, or to have financed, the Muslim "attack" on Prijedor) were put on buses and taken to Korićanske Stijene, in Skender Vakuf municipality. <u>[There they were taken off the buses and executed.]</u>
Fact 1112: Krajišnik, para. 494	On the same day [as the killings at Korićanske Stijene] a local VRS infantry unit reported the incident to the 1st Krajina Corps command, stating that Prijedor and Sanski Most police had committed "genocide" against 154 Muslim civilians and requesting an investigation.
Fact 1113: Krajišnik, para. 494	On 22 August [1992] the VRS 1st Krajina Corps command reported the Korićanske Stijene killings to the VRS Main Staff twice, putting civilian casualties at about 100.

Fact 1114:  Krajišnik, para. 494	[The Korićanske Stijene] incident was mentioned again in a report of the 1 <sup>st</sup> Krajina Corps, dated 3 September 1992, to the VRS Main Staff. It claimed that Drljača was responsible, adding: "This action caused indignation not only among citizens but also among 1st Krajina Corps soldiers. This dark stain which was created did not have support, but it is [very] fortunate that the international community did not find out about it in more detail".
Fact 1116:  Krajišnik, para. 508	According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Sanski Most municipality was 28,136 (47 per cent) Muslims, 25,363 (42 per cent) Serbs, 4,322 (7 per cent) Croats, 1,247 Yugoslavs, and 1,239 persons of other or unknown ethnicity.
Fact 1117:  Krajišnik, para. 509	In March 1992, local SDS officials acting on the orders of regional SDS officials in Banja Luka repeatedly requested the Sanski Most Municipal assembly to discuss the issue of Sanski Most becoming part of the Bosnian- Serb Republic. When the assembly refused, the local SDS authorities called for a division of the municipality along ethnic lines.
Fact 1118:  Krajišnik, para. 509	On 25 March 1992, by proclamation signed by the president of the local SDS, Vlado Vrkeš, and the president of the Sanski Most Municipal Assembly Nedjeljko Rašula, all Serb territories in the municipality were declared to be part of the Bosnian-Serb Republic and known as the unified Serb municipality of Sanski Most.
Fact 1119:  Krajišnik, para. 509	On 3 April 1992, the Serb Assembly of Sanski Most decided that the municipality would become part of the ARK. The Serb Crisis Staff in Sanski Most issued a statement that, as of 20 April 1992, only the Constitution and laws of the Bosnian-Serb Republic shall be in effect in the territory of Serb Sanski Most. On the same day, the crisis staff declared the former municipal assembly illegal.
Fact 1120:  Krajišnik, para. 509	The Crisis Staff dismissed many Muslims and Croats from their jobs, including judges and directors of public companies, the local radio, and the health centre; others were put off from going to work by the treatment they received at work, and were replaced with Serbs.
Fact 1121:	Serb managers who permitted Croats and Muslims to work in their companies were also dismissed. <del>SDS president Vrkeš, accompanied by SOS members and the Serb</del>

Krajišnik, para. 509	<del>police, forced out the Croat director of the municipal SDK, appointing a Serb in her place.</del>
Fact 1122:  Krajišnik, para. 510	On 11 April 1992, Adil Draganović, the Muslim president of the Sanski Most municipal court, received a threatening letter signed by members of the White Eagles stating that he and the Muslim municipal deputy prosecutor, Enver Cerić, were to leave Sanski Most by 15 May 1992 or their families would be harmed.
Fact 1123:  Krajišnik, para. 510	On 15 May 1992, the Muslim employees of the Municipal Court were informed by the Serb police that they had to take mandatory leave. [Adil] Draganović was dismissed from his post and judicial authority was transferred to the Serbs, upon an order of the Crisis Staff.
Fact 1124:  Krajišnik, para. 511	[On 17 April 1992], police officers were ordered to demonstrate their loyalty to the Serb municipality by wearing the insignia of the Bosnian-Serb Republic and signing a declaration that they would respect its laws and regulations. Only persons of Serb ethnicity signed the declaration. Some non-Serb police officers and SDA leaders took refuge in the [Sanski Most] municipality building, where negotiations between the political parties continued.
Fact 1125:  Krajišnik, para. 511	On 19 April 1992, Nedjeljko Rašula, as head of the Crisis Staff, dismissed Muslim and Croat officers from the police force.
Fact 1126:  Krajišnik, para. 511	On 19 April 1992, Serb forces attacked the [Sanski Most] municipality building in the town. Around that time, members of the SOS who were supported by the SDS, armed with automatic weapons and dressed in camouflage, destroyed 28 shops and restaurants belonging to Muslims and Croats in the Sanski Most area.
Fact 1127:  Krajišnik, para. 511	As a result of these attacks and other acts of intimidation during March and April 1992, many Muslim and Croat inhabitants left the [Sanski Most] municipality.
Fact 1128:  Krajišnik, para. 512	In March and April 1992, Serb forces, <del>including soldiers of the JNA 6<sup>th</sup> Krajina Brigade, and Serb police,</del> erected checkpoints in the town of Sanski Most and around non-Serb villages, and the Crisis Staff established a curfew prohibiting

	movement at night.
Fact 1129: Krajišnik, para. 513	During May 1992, various armed groups were seen in the [Sanski Most] municipality, including the SOS, the White Eagles, and local SUP and JNA Units.
Fact 1130: Krajišnik, para. 513	On 5 August 1992, the Sanski Most SJB reported that in the previous two months, there had been a great deal of activity by certain paramilitary groups that had 'broken free' from the command of the army and conducted their own operations, such as planting explosives, torching houses, killings, looting and other types of crime against the Muslim and Croatian population, all aimed at acquiring material profit and putting pressure on them to move out. It further referred to 45 explosions that had been set off at Muslim houses and business premises, and two Mosques destroyed. It reported that it had registered four such groups, among them the SOS group, a former paramilitary group with a strength of around 30 men, which had formally been placed under the command of the local military unit.
Fact 1131: Krajišnik, para. 514	On 25 May 1992, calls upon Muslims to surrender their weapons to the Serb authorities were broadcasted over Sanski Most radio. Serb patrols collected the weapons.
Fact 1132: Krajišnik, para. 515	On 27 May 1992, between 50 to 100 Serb soldiers surrounded the majority-Muslim village of Lukavica and ordered the village be evacuated for the purpose of searching the houses for weapons.
Fact 1133: Krajišnik, para. 515	On 1 August 1992, a group of soldiers in olive-coloured uniform with a red stripe pinned to their epaulettes came to Lukavica and broke into several houses. They led away fourteen civilian men aged 22 to 60 years. The following day, the villagers found the bodies of thirteen of the men, marked with bullet holes and severe wounds. Only one of the men survived.
Fact 1134: Krajišnik, para. 516	On 27 May 1992, Serb forces shelled the village of Hrustovo, an almost exclusively Muslim village. On 30 May 1992, the Muslims of the village decided to hand in their weapons, but the shelling continued. The next day, as people from 21 households were forced to leave Jelečevići, a Muslim hamlet in the area of Hrustovo, about 30 women and children and one man took refuge inside a garage.

	Eight to ten Serb soldiers in camouflage uniform came to the garage and ordered the Muslims out. A man who tried to mediate was shot and the soldiers killed sixteen women and children when they tried to run away.
Fact 1135: Krajišnik, para. 516	Between 50 and 100 Serb soldiers escorted the survivors with around 200 inhabitants of neighbouring villages to the hamlet of Kljevci, where their valuables were confiscated. Serb soldiers detained the villagers at various locations before transporting them by bus and train to Doboј, where they were ordered to find their way to Muslim-held territory.
Fact 1136: Krajišnik, para. 518	On 28 May 1992, the Sanski Most Crisis Staff decided that the location for the burial of people killed in the municipality would be the Muslim cemetery and that the dead were to be buried in a common grave.
Fact 1137: Krajišnik, para. 519	On 31 May or 1 June 1992, Serb soldiers led by Jadranko Palja escorted nineteen Muslim men from the hamlet of Donji Begići to Vrhpolje bridge. Four of the men were killed by the soldiers along the way. The others arriving on the bridge were surrounded by 50 Serb soldiers, forced to surrender their belongings, beaten, and ordered to jump off the bridge. From the bridge the soldiers shot at the men in the water and killed almost all of them.
Fact 1138: Krajišnik, para. 520	On or around 27 June 1992, local Serb reservists in olive-grey uniform arrived in the Muslim hamlet of Kenjari. In a nearby house, 20 Muslim men were arrested, interrogated and taken before Vlado Vrkeš, president of the Sanski Most SDS, who assured them they had nothing to fear. They were led by Serb soldiers to a house in the hamlet of Blaževići. The soldiers threw explosives into the house, and then opened fire with rifles on those trying to escape. The bodies of the dead were taken back into the house and the house was set on fire.
Fact 1139: Krajišnik, para. 522	The Betonirka prison camp and Krings Hall as well as the detention centre at the Hasan Kikić sports hall were set up by the Crisis Staff of Sanki Most municipality in the beginning of May 1992. The detainees were delivered to these centres by the army and the SJB, on direct orders from the Crisis Staff. <del>The SJB was responsible for security at these detention centres.</del> According to information from the Bosnian-Serb authorities, of the 1,655 detainees at the three centres, the majority were men aged between 18 and 65. 1,538 were Muslims and the remainder Croats. About 900 detainees were sent to Manjača camp in Banja Luka upon an order of the Crisis

	Staff, and another 600 were set free.
Fact 1140: Krajišnik, para. 523	In late May 1992, Serb forces began to arrest Croat and Muslim leaders. Some, including the secretary of the SDA municipal board, a Muslim judge, and the municipal chief of police, were killed.
Fact 1141: Krajišnik, para. 523	Adil Draganović, President of the Municipal Court, was detained at the local police station from 25 May to 17 June 1992, when he was transferred to Manjača camp.
Fact 1142: Krajišnik, para. 523	The conditions at the police station were bad, with little food, insufficient space to lie down, no toilet, and no shower. <del>Police officers, soldiers and ordinary citizens several beat the detainees on a regular basis.</del> The detainees were not given any medical treatment.
Fact 1143: Krajišnik, para. 524	Mirzet Karabeg, president of the executive board of the municipal assembly, was detained at the Sanski Most police station and in the Betonirka prison camp from 25 May to 28 August 1992.
Fact 1144: Krajišnik, para. 525	Faik Bišćević, a member of the local SDA's main board, was arrested on 27 May 1992 and detained in a house in Magarice village for two days, without food or water. Around 29 May 1992, he was transferred to Sanski Most prison.
Fact 1145: Krajišnik, para. 526	In early July 1992, all Muslims from Hrustovo, Trnopolje, and Kamičak who had sought refuge in Tomina elementary school were taken to the Krings Hall in Sanski Most, where they were detained with 600 others. The hygiene conditions at Krings Hall were extremely poor, <del>and Serb police officers beat the detainees with batons and rifles.</del>
Fact 1146: Krajišnik, para. 528	In addition to the facilities mentioned, Serb authorities detained mostly Croat and Muslim civilians in twelve detention centres in Sanski Most municipality in 1992, namely a military garage, the Krkojevci sports hall, the SUP building at Lušci Palanka, the prison at Sana, the Narodni Front elementary school, Kamengrad, the Gornji Mahala elementary school, the house of Simo Miljuš, Keramika, Lufani, Podvidača, and Kozica school.

Fact 1147:  Krajišnik, para. 533	In total, more than 88 Muslim civilians were killed by Serb forces in the municipality of Sanski Most in the period from the end of May to August 1992. Serb forces attacked many majority-Muslim villages and settlements in the municipality and deliberately destroyed mosques and Muslim houses and business premises.
Fact 1148:  Krajišnik, para. 533	As a result of these attacks and other acts of intimidation, many Muslims and Croats left the municipality. Serb forces also detained more than 1,500 mainly Muslim and Croat civilians in eighteen detention facilities in the municipality. The detainees were mistreated on a regular basis. During September 1992, convoys of thousands of Muslims left the municipality <del>under the escort of civilian and military police</del> . They were forced to surrender their property to the municipality. Almost all Muslims had left the municipality of Sanski Most in 1992.
Fact 1149:  Krajišnik, para. 437	According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Donji Vakuf municipality was 13,509 (55 per cent) Muslims, 9,533 (39 per cent) Serbs, 682 (3 per cent) Croats, 593 Yugoslavs, and 227 persons of other or unknown ethnicity.
Fact 1150:  Krajišnik, para. 438	The local commander of the police station, a Serb, began preparing for a separate Serb SJB towards January 1992, and contacted the Banja Luka CSB at the end of February 1992. The latter offered support and possible financial aid to the leader of this project.
Fact 1151:  Krajišnik, para. 438	According to an SJB report, the Muslim leadership in [Donji Vakuf] had agreed to divide the police station <del>because they could not prevent it from happening</del> .
Fact 1152:  Krajišnik, para. 438	The Serb SJB of Donji Vakuf was set up on 17 April 1992 and took control of the entire town the same day.
Fact 1153:  Krajišnik, para. 439	On 6 May 1992, a general Serb mobilization was declared and Muslims were requested to lay down their arms. The following day, the Serb flag was hoisted on the municipality building.

Fact 1154: Krajišnik, para. 439	Between May and September 1992, the VRS and Serb police, fighting together, took control over the entire territory of Donji Vakuf municipality.
Fact 1155: Krajišnik, para. 439	There were at least seven clashes [in Donji Vakuf] between the Serb police, sometimes supported by VRS units, and Muslims.
Fact 1156: Krajišnik, para. 439	According to the Serb SJB, most of the Muslims in the municipality fled en masse from the municipality starting in May and throughout the summer.
Fact 1157: Krajišnik, para. 440	When Muslims and Croats left Donji Vakuf, their property was stolen <del>by both private individuals and uniformed men, including reserve policemen.</del>
Fact 1158: Krajišnik, para. 442	[A]1993 MUP report indicates that, in 1992, 12,970 Muslims and 480 Croats moved out of the municipality and that 5,450 Serbs moved in.
Fact 1159: Krajišnik, para. 442	The property of Muslims was looted after most of the Muslims had left the municipality throughout the summer of 1992 due to harassment and threats by Serbs.
Fact 1160: Krajišnik, para. 444	According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Ključ municipality was 18,506 (49 per cent) Serbs, 17,696 (47 per cent) Muslims, 330 (1 per cent) Croats, 579 Yugoslavs, and 280 persons of other or unknown ethnicity.
Fact 1161: Krajišnik, para. 445	By February 1992, Red Berets, White Eagles and a number of JNA units had entered the territory of the municipality and a Serb TO had been organized.
Fact 1162:	On 5 May, Jovo Banjac, in his capacity as president of the Council for National Defence, imposed a curfew in Ključ municipality <del>pursuant to a decision of the</del>

- Krajišnik, ~~ARK government.~~  
para. 445
- Fact 1163: Banjac told Asim Egrlić, the SDS-appointed president of Ključ municipality's executive board that Serbs would have to leave some territories of Bosnia-Herzegovina, while Muslims and Croats would have to leave others, so that their respective presence as minorities would amount to no more than five or six per cent.  
Krajišnik,  
para. 445
- Fact 1164: In the following days, Serb army units of the JNA 6th Partizan brigade took control of the roads leading to the town of Ključ. The Serbian flag was hoisted on the municipal building and the local police station.  
Krajišnik,  
para. 445
- Fact 1167: On 21 July, the war presidency of Ključ municipality issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the Bosnian-Serb Republic.  
Krajišnik,  
para. 445
- Fact 1168: Following this decision, the war presidency ordered the dismissal of several non-Serbs from municipal positions, including the positions of president and vice-president of the executive board of the municipality.  
Krajišnik,  
para. 445
- Fact 1171: The Ključ crisis staff issued an order to surrender "illegally acquired" weapons to the local authorities on 28 May. While the order was not enforced against Serbs, non-Serbs were required to surrender all the weapons in their possession, including those that were legally owned.  
Krajišnik,  
para. 446
- Fact 1172: Also, all residents of the municipality [of Ključ], who [on 28 May 1992] were members of armed units, including White Eagles, were ordered to place themselves under the command of the Ključ defence operative force.  
Krajišnik,  
para. 446
- Fact 1173: Following the crisis staff's order to surrender weapons [on 28 May 1992], one Catholic church, 3,500 Muslim-owned houses, and at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosives set by Serb forces during 1992.  
Krajišnik,  
para. 447

- Fact 1174: Following the crisis staff's order to surrender weapons [on 28 May 1992], a VRS battalion, together with other units, carried out "mopping up" operations from 28 May to around 31 May 1992. Serb forces entered or attacked a number of villages across the municipality, including Hadžići and [the hamlet of] Pudin Han.  
Krajišnik,  
para. 449
- Fact 1175: The population of Hadžići was almost exclusively Muslim. Following the crisis staff's order to surrender weapons [on 28 May 1992], houses were looted and destroyed, a village mosque in Pudin Han was levelled and village residents were forced to leave.  
Krajišnik,  
para. 449
- Fact 1176: Serb military and White Eagles searched Biljani village for weapons on 30 May 1992. No weapons were found during the search. Biljani was searched for weapons again on 27 June by JNA soldiers and by White Eagles.  
Krajišnik,  
para. 449
- Fact 1177: On 25 June [1992], the command of the VRS 17th Light Infantry Brigade issued an order pursuant to which the brigade units, jointly with the 6<sup>th</sup> Infantry Brigade and police squads, were to carry out "a complete blockade, search and mopping up of the terrain" in the areas of Rarnići, Krasulja, Hripavci, Ošljak, and Velagići. The order specifically forbade "the torching and destruction of houses except during combat operations if necessary".  
Krajišnik,  
para. 449
- Fact 1178: [On 1 June 1992, after the killings at the Velagići school], ~~Serb police and military authorities, who arrived at the site after the shooting, made~~ arrangements [were made] to transfer the bodies to a mass grave site in the woods outside Lanište. A total of 77 bodies were exhumed from the mass grave on Mount Grmeč (Lanište 11), Ključ municipality.  
Krajišnik,  
para. 451
- Fact 1179: All the persons whose bodies were found at the [Lanište mass grave] were male Muslim civilians who were identified as residents of Velagići village killed by Serb paramilitary forces outside Velagići primary school on 1 June 1992.  
Krajišnik,  
para. 451
- Fact 1180: Following the [killing at the Velagići school on 1 June 1992], an investigating judge was sent to the school to make a record of the crime. Several VRS soldiers were arrested in connection with the killings. The suspects were transferred to Mali Logor, in Banja Luka, where they were kept for a short time, before being released to their units in Ključ without being tried for their participation in the  
Krajišnik,  
para. 451

killings.

- Fact 1181: Around 30 May 1992, approximately 400 non-Serbs were detained by Serb soldiers in JNA uniforms and were guarded at the Sanica school gym, [Ključ municipality], ~~by reserve police officers.~~  
Krajišnik,  
para. 452
- Fact 1182: [After a number of men were executed at the Biljani school on 10 July 1992], the remaining people were taken out, beaten and loaded into a bus. When the bus filled up, those still waiting to board were taken aside and shot.  
Krajišnik,  
para. 453
- Fact 1183: An agency for the reception and removal of refugees had already been established on 27 May 1992 by the crisis staff [of the municipality of Ključ]. Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.  
Krajišnik,  
para. 455
- Fact 1184: In accordance with the crisis staff decision of 30 July [1992], those who wished to leave the municipality [of Ključ] had to submit a statement saying that they were leaving permanently, and were to exchange their property or surrender it to the municipality.  
Krajišnik,  
para. 455
- Fact 1186: In accordance with the ARK decision of 4 August [1992], individuals leaving the ARK could take with them no more than 300 German marks.  
Krajišnik,  
para. 455
- Fact 1187: Out of the 17,000 or so Muslims who had been living in the Ključ area only around 600 remained by the summer of 1992.  
Krajišnik,  
para. 455
- Fact 1188: A report from the VRS 17th Ključ Light Infantry Brigade command of the 2nd Krajina Corps, dated 16 February 1993, detailed the numbers of people who had left Muslim villages and communes in Ključ municipality between May 1992 and January 1993: 4,154 of the 4,200 residents of Sanica; 3,429 of the 3,649 residents of Velagići (lists indicating the desired destinations for the remaining 220 residents had been drafted); 2,655 of the 2,815 residents of Peći; 1,250 of the 1,732 residents of Humići; all of the 778 residents of Sokolovo; and all 24 residents of Gomji Ribnik.

- Fact 1189: A May 1993 MUP report indicates that between 14,000 to 15,000 Muslims, 200 Croats, and 1,000 Serbs had left the municipality of Ključ; replaced by 2,000 to 3,000 Serbs.  
Krajišnik,  
para. 455
- Fact 1190: Serb forces entered several villages and deliberately destroyed religious monuments and around 3,500 houses owned by Muslims [in the municipality of Ključ]. Already in May 1992, Muslims and Croats had been dismissed from their posts in public bodies and companies in the municipality.  
Krajišnik,  
para. 456
- Fact 1191: The Serb forces often arrested persons or rounded them up and sometimes opened the fire on them, for example at the villagers from Hadžići, Velagići, and surrounding villages on 1 June 1992, killing approximately 77, and at the Muslim villagers of Prhovo also on 1 June 1992.  
Krajišnik,  
para. 456
- Fact 1192: In six detention centres in the municipality of Ključ, mostly schools, many Muslim and Croat civilians were detained in harsh conditions and often severely beaten.  
Krajišnik,  
para. 456
- Fact 1193: Many detainees were executed by Serb guards [in the municipality of Ključ]. By end of August [1992], nearly all detainees had been transferred to Manjača camp in Banja Luka municipality.  
Krajišnik,  
para. 456
- Fact 1194: Most of the Muslims moved out of the municipality [of Ključ] in the summer of 1992 due to unbearable circumstances and out of fear.  
Krajišnik,  
para. 456
- Fact 1195: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Kotor Varoš municipality was 14,056 (38 per cent) Serbs, 11,090 (30 per cent) Muslims, 10,695 (29 per cent) Croats, 745 Yugoslavs, and 267 persons of other or unknown ethnicity.  
Krajišnik,  
para. 457
- Fact 1196: During April and May 1992, public institutions in Kotor Varoš such as the social and health services and the financial and postal services, began receiving instructions from their respective headquarters in Banja Luka.  
Krajišnik,  
para. 458

- Fact 1197: The SJB in Kotor Varoš also followed the orders of the CSB in Banja Luka. However, in contrast to most SJBs in the ARK, officers of the Kotor Varoš SJB continued to wear the insignia of the Bosnia-Herzegovina Government until 11 June 1992.  
Krajišnik,  
para. 458
- Fact 1198: On 11 and 12 June 1992, Serb soldiers in green camouflage uniform attacked the town of Kotor Varoš, causing many Muslims and Croats to flee into the woods. After a week, the Muslims and Croats surrendered their weapons and returned to the town.  
Krajišnik,  
para. 459
- Fact 1200: In June and July 1992, a dozen Croats and Muslims were detained in the police station of Kotor Varoš where they were beaten ~~by special police officers and by Serb soldiers wearing red berets~~. One of them was nearly strangled while being interrogated about the activities of other SDA members. Some of them were also sexually abused ~~by the police officers~~.  
Krajišnik,  
para. 461
- Fact 1202: In August 1992, approximately 1000 women, children and elderly civilians were detained at the Pilana sawmill. Many women and girls aged 13 and older were raped by Serb soldiers prior to being sent to Travnik from where they were released.  
Krajišnik,  
para. 463
- Fact 1203: Already in 29 June 1992, the Kotor Varoš crisis staff had decided to establish an agency to oversee the resettlement of persons; all buses in the municipality were to be made available for that purpose.  
Krajišnik,  
para. 466
- Fact 1204: The crisis staff decided that all those who wanted to move out of Kotor Varoš had to submit written requests to the basic court in Kotor Varoš and to fill in certain forms declaring their assets and stating that they were "leaving them in custody" of the political and social community.  
Krajišnik,  
para. 466
- Fact 1205: The term "leaving in custody" meant either selling at a lower price or exchanging assets. The persons moving out of the [Kotor Varoš] municipality were to be informed that they were allowed to take with them only 300 Marks.  
Krajišnik,  
para. 466
- Fact 1206: Persons who wished to leave were to surrender their immovable property to the [Kotor Varoš] municipality and declare that they were leaving voluntarily.  
Krajišnik,

para. 466

Fact 1207: On 28 July 1992, the Kotor Varoš war presidency decided that money that was confiscated from persons moving out, was not to be returned to those persons but was to be used to assist the families of fallen soldiers and to cover municipal expenses.

Krajišnik,  
para. 466

Fact 1208: A total of fourteen Muslim and Catholic monuments in Kotor Varoš municipality were heavily damaged or completely destroyed in 1992, most of them in July and August, by fire, explosives, or shelling, or by a combination of the three. The monuments included mosques in Hanifici, Kotor Varos town, Vrbanjci, Hrvancani, Ravni, Vranic, Donja Varoš, and Večići. The Nova mosque in Večići suffered minor shelling damage in August 1992.

Krajišnik,  
para. 467

Fact 1209: In total, over 157 Muslims and Croats were killed by Serb forces in the municipality of Kotor Varoš in the period mid-June to the beginning of November 1992.

Krajišnik,  
para. 468

Fact 1210: During the summer of 1992, Serb forces attacked Kotor Varoš town and a number of Croat and Muslim villages in Kotor Varoš municipality and ~~deliberately~~ damaged or destroyed Muslim and Croat cultural monuments. They met with resistance of Muslim forces, but in many villages they prevailed. When the Muslim population in these villages surrendered, Serb forces stripped them of their valuables and killed some of them.

Krajišnik,  
para. 468

Fact 1211: Serb forces detained many Muslim and Croat civilians in fourteen detention centres in the [Kotor Varoš] municipality. For example, there were approximately 1,000 women, children, and elderly civilians at the Pilana sawmill in August 1992. They were held under cramped conditions and were beaten on a regular basis. Detainees were sent to Travnik, in Skender Vakuf municipality, by bus from where they were released. Other Muslims and Croats also left in buses organized by the crisis staff and an agency.

Krajišnik,  
para. 468

Fact 1212: Large parts of the non-Serb population moved out of the [Kotor Varoš] municipality in 1992 due to unbearable circumstances in the municipality.

Krajišnik,para.  
468

- Fact 1213: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Teslić municipality was 32,962 (55 per cent) Serbs, 12,802 (21 per cent) Muslims, Krajišnik, 9,525 (16 per cent) Croats, 3,465 Yugoslavs, and 1,100 persons of other or para. 534 unknown ethnicity.
- Fact 1214: In April 1992, Teslić town was barricaded and road signs appeared in Cyrillic. The Krajišnik, Teslić SJB, which had been part of the Doboj CSB under the Bosnia-Herzegovina MUP, became part of the Banja Luka CSB. The SDS appointed president of the para. 534 municipality fired all non-Serb police officers.
- Fact 1215: Around May 1992, many paramilitary groups, such as Arkan's Men, the White Krajišnik, Eagles, and the Red Berets arrived in the town of Teslić. They beat and killed para. 536 people around the town and destroyed or damaged Muslim and Croat properties, including five or six mosques in Teslić town and surrounding villages as well as Catholic churches.
- Fact 1216: The Teslić public prosecutor and the investigating judge initiated proceedings Krajišnik, against persons who allegedly committed serious crimes against people and para. 536 property in Teslić municipality [in 1992]. The accused were subsequently arrested and remanded in custody, but due to pressure and threats from the command of the Doboj operational group, a paramilitary formation also called Mić[e]'s, were soon after released from the Banja Luka prison.
- Fact 1218: Serb authorities detained mostly Croat and Muslim civilians at five detention Krajišnik, centres in the municipality [of Teslić] in 1992, namely the detention centre in para. 539 Pribinić, Mladost school, Teslić prison, the Proleter football club stadium, and the Banja Vrućica health resort.
- Fact 1220: Serbs detained Muslim and Croats in several detention centres under cramped Krajišnik, conditions [in the municipality of Teslić in 1992]. Detainees were severely beaten para. 540 and some died as a result. Former detainees were obliged to work and dig trenches.
- Fact 1221: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Krajišnik, Bileća municipality was 10,628 (80 per cent) Serbs, 1,947 (15 per cent) Muslims, para. 607 39 Croats, 222 Yugoslavs, and 448 persons of other or unknown ethnicity.
- Fact 1222: After the 1990 elections, Serbs occupied all positions of power in municipal

- Krajišnik,  
para. 608
- Fact 1223:  
Krajišnik,  
para. 608
- Fact 1224:  
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- Fact 1225:  
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- Fact 1227:  
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- Fact 1228:  
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- Fact 1229:  
Krajišnik,  
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- Fact 1230:  
Krajišnik,  
para. 610
- offices in Bileća, including the head of police.
- In January 1992, all police officers [in Bileća municipality] were required to wear insignia showing their loyalty to the Bosnian-Serb Republic and the Muslim officers, who all refused to comply, were dismissed from their jobs.
- During 1992, many more Muslims were dismissed from their jobs [in Bileća municipality]. Leading up to April 1992 and onwards, Muslims in Bileća were intimidated by Serbs who increasingly carried weapons in public
- Checkpoints were erected in the [Bileća] municipality and restrictions on the movement of Muslim residents were imposed.
- On 10 June 1992, Serb paramilitary groups entered Bileća from Gacko. They included Arkan's Men, Yellow Wasps, and White Eagles. ~~Serb regular and reserve police officers selectively arrested Muslim civilians and confiscated all firearms.~~
- From June 1992 on, Muslim civilians were arrested and detained in five detention centres [in Bileća municipality] where they were regularly beaten by police and paramilitaries.
- In one detention centre [in Bileća municipality], they [detainees] were subjected to heavy electric shocks and tear gas. Some of the detainees were released after international delegations had visited the detention centres.
- In the following months, the detainees [in Bileća municipality detention centres] were beaten regularly by the police and paramilitaries, resulting in at least two fatalities.
- During this period, Serb authorities, among them the Bileća police chief and Milorad Vucericic, president of SAO Herzegovina, visited the detainees [in Bileća municipality detention centres].

- Fact 1231: Two detained Muslims were killed by Serb forces in the municipality of Bileća in summer 1992. Serb forces looted Muslim property throughout the entire municipality.  
Krajišnik,  
para. 614
- Fact 1232: Serbs destroyed three mosques in Bileća, using explosives and further demolished them with heavy machinery.  
Krajišnik,  
para. 613
- Fact 1233: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Brčko municipality was 38,617 (44 per cent) Muslims, 22,252 (25 per cent) Croats, 18,128 (20 per cent) Serbs, 5,731 Yugoslavs, and 2,899 persons of other or unknown ethnicity.  
Krajišnik,  
para. 321
- Fact 1234: In February 1992, Brčko SDS officials began to openly call for the division of the municipality along ethnic lines.  
Krajišnik,  
para. 322
- Fact 1235: Milenko Vojnović (Dr Beli) explained to leading Muslims that, on the orders from Radovan Karadžić and other senior SDS officials, local SDS members were seeking to establish a Serb autonomous entity in Brčko encompassing 70 per cent of Brčko town. He warned that the division would be carried out by force if necessary. Maps began to appear in Brčko town showing the division proposed by the SDS.  
Krajišnik,  
para. 322
- Fact 1236: On 17 April 1992, ~~hoping to avoid bloodshed,~~ SDA members of the Brčko municipal assembly accepted the SDS proposal for physical division of Brčko town.  
Krajišnik,  
para. 322
- Fact 1237: In February or March 1992, the JNA distributed weapons to Serb villagers and erected checkpoints on major roads around Brčko town.  
Krajišnik,  
para. 323
- Fact 1238: In April 1992, JNA heavy vehicles were seen in Brčko town. The JNA dug trenches and set up machine-gun nests. By the end of April, it had moved artillery, weapons and ammunition stores, out of Brčko town and into neighbouring Serb

- para. 323 villages.
- Fact 1239: During this period, local Serbs were mobilized, with a total of 3,400 Serbs joining military units. The policy was to place conscripts under the command of the Brčko Krajišnik, JNA garrison, and to have the garrison lead all war operations in order to prevent para. 323 local Serbs from forming paramilitary groups. The Brčko crisis staff met daily with local Serbs and told them that they were under threat from the Muslims.
- Fact 1240: On 30 April 1992, the two bridges crossing the Sava river and linking Brčko town to Croatia were blown up. ~~The bridges were blown up by Serbs and this is indicated by the fact that Serbs were warned beforehand about the operation.~~ Krajišnik, para. 324
- Fact 1241: On 1 May [1992], a total of 1,000 Serb forces, which included Serb units of the JNA from Bosnia and Serbia, White Eagles, Arkan's men, and others, launched an attack on Brčko town using heavy weapons, tanks and artillery. Areas of Brčko Krajišnik, town that were predominantly Muslim were shelled for several days. para. 324
- Fact 1242: Large paramilitary groups came from other areas of SAO Semberija- Majevisa, of which Brčko municipality was a part, to participate in operations in Brčko town. Krajišnik, The first group was the Serb (National) Guard, established by SAO Semberija- para. 324 Majevisa and comprised 600 men under Mauzer's command. Another group was the Serbian Radicals under the command of Mirko Blagojević.
- Fact 1243: Blagojević's group put itself at the disposal of the Brčko war presidency and cooperated with local JNA officers, including Pavle Milinković (commander of Krajišnik, the Brčko garrison), and Captain Žehovac. Other formations present in Brčko at para. 324 the time of the attack included a TO battalion from Bijeljina sent by the presidency of the SAO Semberija-Majevisa.
- Fact 1244: The attack on Brčko was initially met with armed resistance from groups using light infantry weapons, however Serb forces quickly took control of the town. Krajišnik, para. 325
- Fact 1245: On 2 May 1992, the TO from neighbouring Bijeljina took control of the Brčko Krajišnik, SJB. The war presidency appointed Dragan Veselić as chief of police and began para. 325 re-staffing the SJB with Serb members of the pre-war police force.

- Fact 1246: On 4 May 1992, a group of soldiers led by Mauzer arrived at the Brčko hospital, where 40 to 50 Muslim civilians had sought refuge. Mauzer told those present that Brčko town was now under his occupation.  
Krajišnik,  
para. 325
- Fact 1247: Mauzer interrogated and beat some of the hospital personnel. Later they were taken to Luka camp.  
Krajišnik,  
para. 325
- Fact 1248: In the days following the occupation of Brčko, a number of civilians, mostly of Muslim ethnicity, were killed, beaten, or otherwise abused by Serb forces. On 4 May 1992 Muslim firemen who had been detained at the fire station by JNA soldiers were beaten by Blagojević and taken to the SUP building where they saw other detainees covered in blood. Serb soldiers took 30, mostly Muslim, men to the SUP building. Approximately 26 men were detained at the Posavina Hotel, several of whom were beaten by Goran Jelesić. Of these men detained at the Posavina Hotel, three were killed, two of whom were killed by Goran Jelesić.
- Fact 1249: From 3 May 1992 onwards, Muslim and Croat men, women and children were systematically detained at various locations in Brčko municipality. Other Muslim civilians were temporarily detained by Mauzer's unit at Brčko Hospital.  
Krajišnik,  
para. 328
- Fact 1250: On 3 May 1992, approximately 200 persons were detained at the Kolobara mosque by soldiers in JNA uniform, Arkan's men, and the White Eagles.  
Krajišnik,  
para. 329
- Fact 1251: Prominent SDA members, those suspected of belonging to the SDA, and religious leaders, were specifically singled out by the soldiers for beatings. However, interrogations and beatings were not limited to Muslims, since Croats, and even Serbs who were not adhering to SDS policy, were subject to the same treatment.  
Krajišnik,  
para. 329
- Fact 1252: One of Arkan's men shot and killed Zikret Suljić, a detainee, who tried to escape.  
Krajišnik,  
para. 329
- Fact 1253: 200 Muslim and Croat men, women and children were detained by uniformed local Serbs at the Laser Bus Company in Brčko. On 6 May 1992 Goran Jelesić told

- Krajišnik,  
para. 330
- these detainees that he had already killed 80 Muslims and would kill them also.
- Fact 1254:  
Krajišnik,  
para. 333
- From 4 May to at least August 1992 non-Serbs from Brčko municipality were detained at Luka Camp in crowded, unsanitary conditions. Between 27 May and 7 June there were 100 to 200 detainees at Luka Camp consisting mainly of Muslim men aged between 20 and 60.
- Fact 1255:  
Krajišnik,  
para. 333
- Goran Jelesić was initially in charge at Luka Camp, but in late May or June 1992 he was replaced by Kosta (Kole) Simonović, a local Serb police officer.
- Fact 1256:  
Krajišnik,  
para. 333
- Detainees at Luka Camp were subjected to ~~systematic~~ abuse by Serb guards, particularly by Goran Jelesić and Ranko Češić. Detainees were frequently beaten and some female detainees raped.
- Fact 1257:  
Krajišnik,  
para. 334
- On numerous occasions detainees at Luka Camp were taken from the hangar and summarily executed, some of them being shot by Goran Jelesić. Other detainees were forced to assist in disposing of bodies into a canal or the Sava River. Goran Jelesić told detainees he had a duty to eradicate Muslims, and bragged of killing a number of people.
- Fact 1258:  
Krajišnik,  
para. 334
- One detainee at Luka Camp saw a document entitled "People to be executed" which listed approximately 50 prominent, educated or wealthy Muslims and Croats. Some persons killed at Luka Camp were buried in pits and covered with rubble from demolished Mosques.
- Fact 1259:  
Krajišnik,  
para. 335
- In addition to Luka Camp and Laser Bus Company Serb authorities detained mostly Muslim and Croat civilians in [at least] five detention centres in Brčko Municipality in 1992, namely Vestfalija Restaurant, a football stadium, Lončari elementary school, DTV Partizan, and Pelagićevo cooperative shop.
- Fact 1260:  
Krajišnik,  
para. 336
- In June or July 1992 three Mosques in Brčko town were destroyed within minutes of each other. During 1992 a further ten Muslim and Catholic monuments were heavily damaged or destroyed by explosives or shelling.
- Fact 1261:
- Over 41 Muslims were killed by Serb forces in Brčko municipality in May-June

- Krajišnik,  
para. 337 1992. Serb forces, consisting mainly of paramilitary groups, quickly took control of Brčko town in early May 1992. They specifically targeted Muslim parts of the town and destroyed several Mosques in the municipality.
- Fact 1262:  
Krajišnik,  
para. 337 From 3 May 1992 onwards, Serbs systematically detained mostly Muslim and Croat civilians in fourteen locations in Brčko municipality in harsh conditions. They beat the detainees on a regular basis. Some detainees were forced to dig trenches on the front lines.
- Fact 1263:  
Krajišnik,  
para. 337 In late May-early June 1992, there were 100 to 200 detainees at Luka camp who were ~~systematically~~ abused by Serb guards, in particular by Goran Jelisić and Ranko [Češić]. A large number of Muslim and Croat women, children, and elderly persons were transferred out of Brčko municipality to the neighbouring municipality of Lopare.
- Fact 1264:  
Krajišnik,  
para. 338 According to the 1991 census in Bosnia-Herzegovina, the ethnic composition in Doboj municipality was 41,164 (40 per cent) Muslims, 39,820 (39 per cent) Serbs, 13,264 (13 per cent) Croats, 5,765 Yugoslavs, and 2,536 persons of other or unknown ethnicity.
- Fact 1265:  
Krajišnik,  
para. 339 In March and April 1992, the JNA set up checkpoints in Doboj town.
- Fact 1266:  
Krajišnik,  
para. 339 In late March [1992], at the last session of the Doboj municipal assembly, the president of the Doboj SDS Milan Ninković proposed a division of Doboj town into a Serb and a Muslim-Croat section. SDA members of the assembly disagreed with the division, and left the session in protest. The division was debated again at a meeting attended by Ninković, JNA garrison commander Čazim Hadžić (a Muslim), his deputy Major Stanković, and Borislav Paravac, president of the SDS and of the Serb crisis staff. According to the proposal, all the main municipal facilities and military buildings would be within the Serb-controlled part of the town.
- Fact 1267:  
Krajišnik, A large unit of the White Eagles had entered the municipality [of Doboj] around January or February 1992. This paramilitary group consisted of approximately 500 men in olive-drab uniforms that often came to the town's JNA barracks for meals. Just prior to 3 May, this paramilitary group took over an area of Ankare, near

- para. 340 Dobož town, and forced the residents to leave.
- Fact 1268: On 3 May [1992], Serb paramilitaries, the JNA, and the police took over Dobož town. The Serb crisis staff took control of the municipality, and all remaining Muslim police officers were arrested. Muslims and Croats were ordered to surrender their weapons. The Serb authorities issued a curfew allowing Muslims and Croats to be outside their homes for only two hours per day, prompting many Muslims and Croats to leave town.
- Krajišnik,  
para. 340
- Fact 1270: As a result of the Serb take-over [of the municipality of Dobož on 3 May 1992] and of rumours of incidents occurring in Bratunac and Bijeljina, thousands of Muslims, Croats, and displaced persons left Dobož town for Tešanj, a Muslim-majority town south of Dobož in Tešanj municipality. Muslims set up a crisis staff there, and established a line of defence to the south of Dobož town to prevent Serbs from taking control over the entire municipality of Dobož.
- Krajišnik,  
para. 340
- Fact 1271: During May and June 1992, 21 Muslim and Catholic monuments in Dobož municipality, including the Trnjak mosque and one other mosque in Dobož town, the mosque in Gornja Grapska, and the Catholic Church in Dobož town, were either heavily damaged or completely destroyed through shelling or explosives, or occasionally both.
- Krajišnik,  
para. 341
- Fact 1272: On 20 May 1992, Serb forces sealed off the Muslim town of Dragalovci and set up checkpoints. On 2 June, Serb police officers called the villagers to gather at the town railway station and ordered them to surrender their weapons. Armed Serbs then separated out the male villagers at gunpoint, and Serb police took 26 of these men, including Jozo Garić, to Spreča prison in Dobož town.
- Krajišnik,  
para. 342
- Fact 1273: On 3 June [1992], Jozo Garić saw four detainees return with severe injuries after being interrogated by Dobož SUP officers at the SUP building across the street from the prison. One of them told Jozo Garić that he had been kicked and struck with chair legs and batons over one hundred times.
- Krajišnik,  
para. 342
- Fact 1274: [After the takeover of Dobož municipality], detainees were threatened and abused by soldiers wearing red berets and black shirts in the [Spreča Central] prison.
- Krajišnik,  
para. 342

- Fact 1275:       Around 12 June [1992], Serbs transferred the detainees to hangars in Doboj town.  
  
Krajišnik,  
para. 342
- Fact 1276:       [After being transferred from the Spreča Central Prison on or about 12 June 1992],  
Jozo Garić was detained in a hangar packed with about 400 Muslims and Croats.  
Krajišnik,       The hangar was very hot inside and sanitary conditions were poor. The detainees  
para. 342       were only allowed out to relieve themselves once a day, and were given little food  
or water.
- Fact 1277:       Around 22 June [1992], Jozo Garić and several other detainees were taken in  
armoured trucks to a discotheque in Usora in Doboj municipality. The Serb guards  
Krajišnik,       packed them tightly into the building, together with other detainees already  
para. 342       present, and beat them. One elderly man died due to the harsh conditions.
- Fact 1278:       Around 9 July [1992], Jozo Garić was transferred again, this time to a camp at  
Bare in Doboj municipality. By then, he had lost twelve kilograms. Serb soldiers  
Krajišnik,       forced him to herd cattle and pigs for sixteen hours a day. The camp was closed on  
para. 343       15 August 1992.
- Fact 1279:       In addition to the facilities mentioned above, Serb authorities detained mainly  
Muslim and Croat civilians in 24 [20] detention centres in Doboj municipality in  
Krajišnik,       1992, namely the JNA (Milikovac) 4th of July barracks, Šešlija camp, a warehouse  
para. 344       in Usora, the railway station, SRC Ozren, the high school, the tyre factory in Bare,  
the Stanari mine, Stanari elementary school, the handball stadium, Bosanska, the  
Rudanka transmission line factory, Kotorko village, Majeвица hangar PD, the  
Putnikovo brdo military premises, Seona, Grapska elementary school, Piperi shop,  
the Ševarlije military barracks, and Podnovlje.
- Fact 1280:       According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of  
Gacko municipality was 6,661 (62 per cent) Serbs, 3,858 (36 per cent) Muslims,  
Krajišnik,       29 Croats, 84 Yugoslavs, and 156 persons of other or unknown ethnicity.  
para. 654
- Fact 1281:       In early 1992 Serb reservists, the police (by then exclusively Serb), and Serb  
members of the TO put up barricades in the town of Gacko. In March, violence  
Krajišnik,       against non-Serbs began when members of a local Serb paramilitary unit arrested  
para. 655

and later killed two Muslim men.

- Fact 1282: Units of the White Eagles, under the command of Ljubo Jorgić, equipped with artillery and infantry weapons and cooperating with the local JNA, patrolled the [Gacko] town. They beat Muslims and looted their property with no response from the authorities. Serbs burned Muslim houses and villages.  
Krajišnik,  
para. 655
- Fact 1283: Around May or early June 1992, all Muslim police officers [in Gacko municipality] were dismissed, as were Muslim directors of local businesses and factories, all replaced by Serbs. The Muslim police commander was replaced by the Serb deputy commander, Vitomir Popić.  
Krajišnik,  
para. 655
- Fact 1284: In early June, there were around 120 Muslim detainees at the Gacko police station. Some of the detainees were beaten. These detainees were later moved to the Dom Kulture in Avtovac (three kilometres outside Gacko).  
Krajišnik,  
para. 656
- Fact 1285: On 17 June 1992, Serb forces attacked Fazlagića Kula and killed 130 women, children, and elderly who had not fled prior to the attack. Muslims had tried to defend themselves, but the Serb forces used artillery, mortars, and tank  
Krajišnik,  
para. 657
- Fact 1286: On 31 July 1992, the Gacko war presidency directed the Muslim residents of Bjelagnica, a village in the municipality, to surrender their weapons and gather at a collection area, where they were to be put on buses. Men were all to be considered prisoners of war and detained in Bileća, with the possibility of being exchanged.  
Krajišnik,  
para. 658
- Fact 1287: Throughout the summer of 1992, Serb forces and local Serb men killed, in total, 137 Muslims [in Gacko municipality], most of whom were women, children, and elderly persons.  
Krajišnik,  
para. 659
- Fact 1288: In Gacko municipality, Muslims and Croats were detained in six detention facilities where they were kept in cramped conditions and beaten on a regular basis.  
Krajišnik,  
para. 659
- Fact 1289: In March 1992, Serb paramilitary units beat Muslim men and looted Muslim houses in Gacko town.  
Krajišnik,

para. 659

Fact 1290: In June-July 1992, large numbers of Muslims and Croats left the [Gacko] municipality. Women, children and elderly persons were transferred to nearby municipalities or to Macedonia.  
Krajišnik,  
para. 659

Fact 1292: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Ilijaš municipality was 11,325 (45 per cent) Serbs, 10,585 (42 per cent) Muslims, 1,736 (7 per cent) Croats, 1,167 Yugoslavs, and 371 persons of other or unknown ethnicity.  
Krajišnik,  
para. 557

Fact 1293: In March 1992, Serb flags were hoisted on the Ilijaš municipal building and on the police station and SDA and HDZ representatives stopped attending the municipal assembly meetings.  
Krajišnik,  
para. 558

Fact 1294: Around the same time [March 1992], the SJB split along ethnic lines. The Serb part called itself the "Serb police" of SAO Romanija. Muslim and Croat police officers, as well as Muslims and Croats employed at schools, banks, and hospitals, were dismissed.  
Krajišnik,  
para. 558

Fact 1295: The Serb crisis staff took over all the major military and civilian institutions and facilities in the municipality, including the SDK, banks, a JNA fuel warehouse, and the media.  
Krajišnik,  
para. 559

Fact 1296: ~~The local SDS was assisted by a paramilitary formation.~~ Still later, [O]n 14 June 1992, the Serb crisis staff of the municipality invited Arkan's men to come to its assistance with at least one platoon.  
Krajišnik,  
para. 559

Fact 1297: Preparations to take over the majority-Muslim village of Lješevo began in March 1992 when Serbs erected checkpoints, distributed arms to the locals, and placed heavy artillery on the surrounding hills.  
Krajišnik,  
para. 560

Fact 1298: In April 1992, the Muslims in the village organized village guards and in May they formed a crisis staff, charged with organizing life and work in the village. Also in May, the Serb police ordered the Muslims to surrender their weapons. Most of the Muslims complied and 60 to 80 per cent of the Muslims left the village in fear of  
Krajišnik,  
para. 560

an attack.

- Fact 1299: On 4 June, Lješevo was hit with gunfire and shells. The shells hit several houses in the Muslim part of the village where no military target was present. On the following day, Serb soldiers entered the village and killed approximately 20 Muslim villagers, after capturing them and burning their personal documents. The Serb soldiers forced other villagers from their homes and assembled them at the railway station. From there, the Serb police transported the village residents by bus to a building in the Podlugovi area of Ilijaš, where they were detained for two months.
- Krajišnik,  
para. 560
- Fact 1300: Around May 1992, the Muslims in the predominantly Muslim village of Gornja Bioča organized guard shifts, armed with military and hunting rifles. On 29 May, Serb forces shelled the village. Soon thereafter local Serb soldiers detained the Muslim village residents, including women and children, and held them for five days in the village primary school. Soldiers then moved 80 men to another school, in Podlugovi. The detainees in Podlugovi were guarded by Serbs. They slept on the floor and received very little food, on some days nothing at all. Sometime in August 1992, a representative of the Ministry of Justice of the Bosnian-Serb Republic visited the detainees and informed them that, because of the poor conditions in detention, they would be moved elsewhere. Around 17 August, the detainees were indeed transferred, to another detention centre in Semizovac, Vogošća municipality.
- Krajišnik,  
para. 562
- Fact 1301: Serb authorities detained mostly Croat and Muslim civilians at nine additional detention centres in the [Ilijaš] municipality in 1992, namely the industrial school, the former railway station, the INA gasoline storage plant, the old homes in Jamjanovići, the old pit in Podlugovi, the town police station and prison, the Nišići winter services maintenance, the MIK factory hall in Podlugovi, and a concrete bunker by the Stavanja river in Podlugovi.
- Krajišnik,  
para. 563
- Fact 1302: During 1992, Serb forces destroyed a large number of historical and religious sites in Ilijaš, including the Catholic cathedral in Taraćin Do and 21 Muslim religious monuments, including the mosque in Stari Ilijaš, the mosque in Misoča, the mekhtab in Bioča, and a mosque in Srednje.
- Krajišnik,  
para. 564
- Fact 1303: At least 22 Muslims were killed by Serb forces in the municipality of Ilijaš in May

- Krajišnik, para. 565 and June 1992.
- Fact 1304: Krajišnik, para. 583 According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Pale municipality consisted of 11,284 Serbs (69 per cent), 4,364 Muslims (27 per cent), 129 Croats (1 per cent), 396 Yugoslavs, and 182 persons of other, or unknown, ethnicity.
- Fact 1305: Krajišnik, para. 584 In March 1992 Serbs started a campaign to convince Muslims to leave Pale municipality. In some parts of the municipality, Serb police officers and paramilitary commanders attempted, on a daily basis and for many weeks in a row, to convince Muslims to leave in peace and thereby avoid trouble later.
- Fact 1306: Krajišnik, para. 584 In the second half of March 1992, a Muslim delegation from Pale municipality met with Nikola Koljević and the Pale chief of police, Koroman. Koljević told the delegation that local Serbs did not want Muslims living in Pale. Koroman informed the delegation that he could no longer guarantee the Muslims' safety as he could not control the Red Berets who had arrived in the municipality.
- Fact 1307: Krajišnik, para. 584 Around the same time, in March and April 1992, Serb paramilitaries, local police and reserve soldiers set up checkpoints in Pale which severely restricted the movements of Muslims. In connection with this, many local Serbs were armed and assisted at the barricades.
- Fact 1308: Krajišnik, para. 584 In May and June 1992, there was an increasing concentration of regular and paramilitary personnel in the [Pale] municipality.
- Fact 1310: Krajišnik, paras. 585, 586 The Kikinda and Panorama hotels in Pale functioned as the seat of the Bosnian-Serb Government institutions (consisting of Assembly, Presidency, Government) until June 1992.
- Fact 1311: Krajišnik, para. 585, 586 In addition to the sports complex in Pale, the Serb authorities detained mostly Croat and Muslim civilians at ~~three~~ other detention centres in the municipality in 1992, namely [including] the movie theatre, the cultural centre, and the military barracks in Hrenovica.

- Fact 1312: In late June and early July 1992 the transfer of Muslims from Pale Municipality was organised with daily announcements made indicating which Muslims in which streets would be affected. This process was carried out with the support of the SDS Crisis Staff. These Muslims were transported to the Muslim part of Sarajevo in around 20 busloads and were only allowed to take with them the items they could carry.
- Krajišnik,  
para. 587,  
588
- Fact 1313: In total, at least three Muslims were killed by Serb forces in the [Pale] municipality in summer 1992. Serb forces shelled the predominantly Muslim village of Donja Vinča on 22 May 1992 forcing the villagers to leave.
- Krajišnik,  
para. 588
- Fact 1314: ~~In Pale, Muslims were detained in five detention facilities.~~ Between 400 and 600 detainees, mainly Muslims, were detained in harsh conditions in the sport complex where they were severely beaten, occasionally to death.
- Krajišnik,  
para. 588
- Fact 1315: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Vogošća municipality was 12,499 Muslims (51 per cent), 8,813 Serbs (36 per cent), 1,071 Croats (4 per cent), 1,730 Yugoslavs, and 34 persons of other, or unknown, ethnicity.
- Krajišnik,  
para. 594
- Fact 1316: In early March 1992, SDS delegates withdrew from the Vogošća Municipal Assembly and established their own Assembly.
- Krajišnik,  
para. 595
- Fact 1317: Jovan Tintor, member of SDS Main Board and President of the Vogošća Crisis Staff, Rajko Koprivica, president of the local SDS, and other local SDS leaders wanted the municipality of Vogošća to be divided along ethnic lines. The envisaged division would leave the Serbs with the town centre, important communication links, and all local industry.
- Krajišnik,  
para. 595
- Fact 1318: In March 1992, the JNA set up roadblocks around important factories in Sarajevo, including the Pretis artillery and rocket manufacturing plant in Vogošća, one of the largest such factories in Europe.
- Krajišnik,  
para. 595
- Fact 1319: In late March 1992, the police in Vogošća were divided along ethnic lines.
- Krajišnik,

para. 595

Fact 1320: A large part of Vogošća was brought under Serb control by military force between 4 and 17 April 1992 by Serb army units and the police organized by the Vogošća Crisis Staff. SDS and Crisis Staff control did not extend to the Serb paramilitaries who appeared in the municipality in the period April to August 1992. Paramilitaries acted in collusion with some members of Vogošća's military command, police force, and municipal authorities.

Krajišnik,  
para. 596

Fact 1323: On 2 May 1992, Serbs surrounded and shelled the villages of Svrake and Semizovac, in Vogošća municipality. Military aircraft bombed the villages, following which residents surrendered their weapons.

Krajišnik,  
para. 599

Fact 1324: After the take-over of Svrake and Semizovac in early May 1992, the Serbs took 470 Muslim men, women, and children to the barracks in Semizovac. The women, children, and the elderly were later released, but the men were kept. They were supposed to be exchanged for nine Serbs who had been taken prisoner by Muslim forces.

Krajišnik,  
para. 599

Fact 1325: On 29 May 1992, Gornja Bioča was shelled by Serb forces. Some Muslim men who had been guarding Gornja Bioča with hunting and military rifles fled into woods. These men were then arrested and detained at Planjo's House in Semizovac on 31 May 1992.

Krajišnik,  
para. 600

Fact 1326: From the beginning of June 1992 Serb police also detained men, from the village of Lješevno located in Ilijaš municipality, in Planjo's House. On 8 July 1992 the municipal secretariat for town planning, property rights, housing policy, and land register decided to temporarily turn over Planjo's House to the Ministry of Justice as a prison, upon request of that Ministry. ~~On 17 August 1992, a group of more than 80 Muslim men, who had previously been detained in a school in Podlugovi in Ilijaš Municipality, were transferred by police officers dressed in camouflage uniforms to Planjo's House.~~

Krajišnik,  
para. 600

Fact 1327: On 17 August 1992, a group of more than 80 Muslim men, who had previously been detained in a school in Podlugovi in Ilijaš Municipality, were transferred by police officers dressed in camouflage uniforms to Planjo's House. A total of 113 men were detained at Planjo's House, most of whom were Muslims, but also included some Croats and one Serb. Women and children were kept in a separate

Krajišnik,  
para. 600

section of Planjo's House. Detainees at Planjo's House were guarded by Serb soldiers and police officers in camouflage uniforms who would often beat the detainees. In October 1992 172 persons were detained at Planjo's House. Between August and November 1992 Serbs from Serbia would go to Planjo's House on weekends and beat detainees and force them to commit sexually humiliating acts.

Fact 1328: At the end of August 1992 Serb military personnel commenced taking Muslim detainees from Planjo's House to perform manual labour at the front lines in Ravne and Žuč, which included digging trenches, carrying ammunition, removing bodies of Serb soldiers. On occasion, detainees from Planjo's House were used as human shields. During September 1992 15 detainees from Planjo's House were killed while performing manual labour or acting as human shields.

Krajišnik,  
para. 601

Fact 1329: In May 1992 male, Muslim detainees from Svrake were taken from the Bunker detention facility by Boro Radić and sent to dig trenches in Žuč.

Krajišnik,  
para. 602

Fact 1330: The Sonja Cafe-Restaurant functioned as a detention centre in Vogošća and the warden was Brano Vlačo. Conditions at this detention centre were overcrowded with insufficient food.

Krajišnik,  
para. 603

Fact 1331: During 1992, in Vogošća Municipality, Serb authorities detained mostly Croat and Muslim civilians at various detention centres, namely the Sonje bunker beside the Kon Tiki boarding house, a sports complex, the Krivoglavci tunnel, the Kisikana Company Building, the UPI Distribution Centre, Nike's garage, the Park hotel, and the UNIS factories.

Krajišnik,  
para. 604

Fact 1332: At least fifteen Muslim and Croat detainees were killed by Serb forces in Vogošća municipality in September 1992.

Krajišnik,  
para. 606

Fact 1333: A large part of Vogošća was brought under Serb control by military force between 4 and 17 April 1992, but Serb forces shelled other villages in the municipality and damaged or destroyed several mosques in the ensuing months.

Krajišnik,  
para. 606

Fact 1335: After the take-over of villages [in Vogošća municipality], Serb forces arrested

- Krajišnik,  
para. 606
- Muslims and Croats and detained them in ten detention centres in the municipality under harsh conditions. Some prisoners were used as human shields and were killed. Up to November 1992, Serbs from Serbia regularly went detention centres in Vogošća to beat detainees and force them to perform sexually humiliating acts.
- Fact 1336:  
Krajišnik,  
para. [695]
- From 4 April 1992, Serb politicians repeatedly requested the division of the police in the [Višegrad] municipality along ethnic lines.
- Fact 1337:  
Krajišnik,  
para. 696
- After the JNA withdrew from Višegrad on 19 May 1992, many Muslims who remained in Višegrad were deprived of their valuables by, ~~among others, Milan Lukić and his men.~~
- Fact 1338:  
Krajišnik,  
para. 696
- Six Muslim monuments in Višegrad municipality, including the two mosques in the town of Višegrad, were completely destroyed by fire and explosives during 1992.
- Fact 1339:  
Krajišnik,  
para. 698
- In June 1992 and the following months approximately 200 non-Serb civilians, mostly Muslims, women, children, and elderly persons among them, were killed [in Višegrad municipality]. Some of them were shot on a bridge over the Drina river and their bodies then pushed over the side. The bodies were exhumed from a number of graves in 2000 and 2001. During these exhumations it was concluded that the victims' clothing was civilian and that there was no evidence of firearms. Ligatures were found on or near some of the bodies. The majority of the victims died of gunshot wounds, predominantly a single shot. Relatively few wounds were on the lower half of the body, which would suggest closeness of the perpetrator to the victim. Some of the bodies showed signs of blunt force trauma, which indicated injuries caused prior to death by blows from weapons, or, less likely, by kicking or falling.
- Fact 1340:  
Krajišnik,  
para. 701
- In total, more than 266 persons, mostly Muslims, were killed by Serb forces in the municipality of Višegrad in June 1992 and the following months.
- Fact 1341:  
Krajišnik,  
para. 701
- On 14 June 1992, a group comprising mainly of women, children and the elderly were forced to leave the village of Koritnik ~~as part of an ongoing campaign of~~

- Vasiljević, para. 118 ~~"ethnic cleansing"~~. They travelled on foot to the town of Višegrad in search of a convoy which would take them to Muslim-held territory. In its search for the convoy, the group inquired at the police station and was directed onwards to the Višegrad Hotel.
- Fact 1342: Vasiljević, para. 119 After reaching the Višegrad Hotel around 13:00, the group was instructed to spend the night in the houses vacated by the fleeing Muslim population in the Mahala neighbourhood.
- Fact 1343: Vasiljević, para. 120 The group departed from the hotel to Pionirska Street in the Mahala neighbourhood where the group first settled in two houses belonging to the Memić family. Later they moved into a single house, the house belonging to Jusuf Memić.
- Fact 1344: Vasiljević, para. 121 Between 16:30 and 18:00, a group of armed men arrived at the Memić house, ~~including Milan Lukić, Sredoje Lukić and Milan Sušnjar (also known as "Laco")~~. Some of the armed men entered the house whilst others remained outside. Inside the house, the armed men ordered the people in the group to hand over their money and valuables, and subjected them to a strip search. The search and collection of money and valuables took between one to two and a half hours.
- Fact 1345: Vasiljević, para. 122 The armed men left the house at around 19:00 to 19:30 and instructed the Koritnik group to remain in the house for the night. Before they left, some of the armed men took out Jasmina Vila and another woman and raped them.
- Fact 1346: Vasiljević, para. 123 No earlier than between 20:30 and 21:00, a car of armed men returned to the house and ordered the group to move to another house.
- Fact 1347: Vasiljević, para. 124 The men who had been at the house earlier were amongst those who returned, ~~including Milan Lukić, Sredoje Lukić and Milan Sušnjar~~. The armed men, carrying flashlights, moved the group to the house of Adem Omeragić, approximately 20 to 50 meters away from the Memić house and next to the creek.
- Fact 1348: Vasiljević, The Koritnik group was crowded into a single room in the ground floor of the Omeragić house where there were already a number of other people. Sometime later, the armed men opened the door to the room and introduced an incendiary or

- para. 125 explosive device.
- Fact 1349: The house had been prepared in advance for the fire. The carpet in the room was wet and smelt like glue, and the smoke from the fire was of unusual thickness. The fire was high and it spread quickly, demonstrating that some type of flammable substance had been used. Apart from the entrance door, two windows to the side of the room facing the creek provided the only escape routes.
- Vasiljević,  
para. 126
- Fact 1350: As some people in the house attempted to escape through the windows of the room, some of the armed men stood outside underneath the windows to shoot at those who were attempting to flee.
- Vasiljević,  
para. 127
- Fact 1351: According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Vlasenica municipality was: 18,727 (55 per cent) Muslims, 14,359 (42 per cent) Serbs, 39 Croats, 340 Yugoslavs, and 477 persons of other or unknown ethnicity.
- Krajišnik,  
para. 346
- Fact 1352: From late 1991 and up to May 1992, Muslims working in state-owned companies and other public services in Vlasenica municipality were dismissed from their jobs. Muslim shopkeepers feared keeping their businesses open, and Muslim workers of the local bauxite company stopped being paid, while their Serb colleagues continued to receive salaries.
- Krajišnik,  
para. 347
- Fact 1353: A large number of soldiers and reservists were present in the municipality, and during the first days of April 1992, tanks, artillery, and armed vehicles from Milići, Han Pijesak, and Šekovići, were deployed there.
- Krajišnik,  
para. 348
- Fact 1354: Also in the beginning of April 1992, SDS and local Muslims negotiated the division of the [Vlasenica] municipality into Serb and Muslim ~~the~~ parts.
- Krajišnik,  
para. 348
- Fact 1355: During the [April 1992] negotiations, Milenko Stanić, ~~the SDS~~ [appointed President of the] municipal assembly of Vlasenica, consulted with Rajko Dukić, president of the SDS executive board. Dukić told Izet Redžić, SDA-appointed president of the executive board of Vlasenica municipality, that he was following orders coming from "higher up". Redžić also received threats from Tomislav Savkić, the local SDS president that, if the Muslims refused the partition, armed

intervention would follow.

- Fact 1356: [After the takeover of Vlasenica town], the Serb crisis staff in Vlasenica, under Milenko Stanić, issued passes which Muslims were required to use in order to move around Vlasenica municipality or to travel to other municipalities. Checkpoints were erected under the authority of Dragiša Milaković, an SDS member.
- Krajišnik,  
para. 349
- Fact 1357: [After the takeover of Vlasenica town], the crisis staff ordered Muslims to surrender their weapons to the Serb authorities and introduced work obligations for them.
- Krajišnik,  
para. 349
- Fact 1358: On 16 May 1992, four or five army vehicles together with a white police car arrived in Zaklopača. The men in those vehicles were in army and police uniforms and some wore masks. The population tried to flee, but approximately 80 people, mostly men, were shot dead by the Serbs. A group of women and children and one elderly man surrendered to the Serbs on the following day. The Serbs took them to the municipality building in Vlasenica town, where the women had to sign statements giving away their houses and properties to "the Serbs". They were then put on a bus and dropped off at a point about ten kilometres outside Kladanj. From there, they walked to Kladanj town.
- Krajišnik,  
para. 350
- Fact 1359: In May and June 1992, a special MUP unit led by Mićo Kraljević [, but ultimately under the command of the local crisis staff,] conducted two operations, one in Sušica, and another in Gradina and other Muslim hamlets in the [Vlasenica] municipality, occasionally encountering armed resistance. Their orders were to search for weapons, detain men who surrendered for questioning, kill men trying to escape, and send women and children to Vlasenica town. Some men were arrested, detained at the municipal court house, and then transferred to Sušica camp. During the operations, the unit was explicitly ordered to burn all the houses to prevent the owners from returning, and almost all the Muslim houses in the area were in fact destroyed.
- Krajišnik,  
para. 351
- Fact 1360: Early in the morning on 2 June 1992, Serb soldiers supported by an APC with a machine gun, attacked the predominantly Muslim hamlet of Drum near the town of Vlasenica. The soldiers moved from house to house firing automatic weapons, and breaking into homes. More than 20 Muslim males were killed in a few
- Krajišnik,  
para. 352

minutes. Only three of the male residents of Drum survived the attack. The three male survivors and 20 Muslim women were taken by bus to Sušica camp.

Fact 1361: Sušica camp was established [in Vlasenica municipality] on 31 May 1992 by order of Svetožar Andrić, commander of the Birać Brigade, and pursuant to a decision of the Birać SAO which regulated the moving out of the Muslim population from the territory of Birać.

Krajišnik,  
para. 353

Fact 1362: The guards at the [Sušica] camp, under camp warden Veljko Bašić and deputy Vidosav Mladenović, were members of the MUP and VRS.

Krajišnik,  
para. 353

Fact 1363: The local MUP and the municipal crisis staff, led by Milenko Stanić, received regular reports on the situation at the [Sušica] camp. The crisis staff made decisions concerning the camp and detainees, such as decisions on release, visits, and exchanges.

Krajišnik,  
para. 353

Fact 1364: Approximately 2,000 to 2,500 Muslims of both genders and all ages passed through Sušica camp. The camp remained operational for four months, from June to September 1992. In the first days, over 1,000 persons were detained there. Just a few days later, Serb officials allowed the great majority of the women, more than 800, to leave after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily. The living conditions in the camp were extremely bad. The detainees performed several types of forced labour, including digging of trenches and carrying munitions at front lines. They were insufficiently fed, water was very scarce, sanitary conditions were poor, and medical care was not provided.

Krajišnik,  
para. 353

Fact 1365: Some time in June 1992, Dragan Nikolić was put in charge of Sušica [camp]. He told the detainees that he was "God and the law", and submitted them to all kinds of mistreatment, including frequent beatings. During this period, nine detainees in the camp were killed by camp guards or died from mistreatment. The deaths were reported to warden Bašić with no consequences. On two occasions, members of international organizations visited the camp. During both visits, Nikolić managed to conceal many detainees and the true state of the conditions of detention.

Krajišnik,  
para. 353

Fact 1366: [Around the time period that Sušica camp was operating], about 150 detainees

- Krajišnik,  
para. 354
- were held in very poor conditions in five rooms of the Vlasenica municipal prison, under the control of the police. Detainees were forced to perform tasks such as burying bodies, removing property from abandoned Muslim houses, and digging trenches at the front lines.
- Fact 1367:  
Krajišnik,  
para. 355
- [Around the time period that Sušica camp was operating], Muslims aged between 18 and 60 and five minors were detained at the police station in Vlasenica town, where they were repeatedly mistreated and beaten with metal pipes, chains, and other objects. No health care was provided, and the conditions of detention were poor. Džemal Ambesković, who had organized a local referendum on the independence, was killed while in detention at the police station on or about 22 May 1992.
- Fact 1368:  
Krajišnik,  
para. 355
- On 21 May, the detainees were ordered out of their cell [at the police station in Vlasenica] by two police officers and placed on buses where soldiers confiscated their personal belongings, including money and documents. The bus headed in the direction of Bratunac, accompanied by an armoured vehicle and four cars. It stopped on the outskirts of the village of Nova Kasaba, where the detainees were ordered off the bus in groups of five. As the detainees got off, they were shot by Serb soldiers using automatic rifles and a machine gun mounted on the armoured vehicle. The soldiers searched for survivors and shot them in the head. Muslim soldiers were sent to retrieve the bodies, but encountered fire from a Serb patrol and were therefore only able to recover the bodies of sixteen out of the 29 detainees killed.
- Fact 1370:  
Krajišnik,  
para. 358
- Over 279 Muslims were killed by Serb forces in Vlasenica municipality between mid-May and end of September 1992. After the take-over of the town of Vlasenica in April 1992, Muslims were dismissed from their jobs and subjected to all kinds of discriminatory measures.
- Fact 1371:  
Krajišnik,  
para. 358
- [Between mid-May and end of September 1992], Serb forces entered many Muslim villages and hamlets in Vlasenica municipality, destroyed Muslim houses, arrested Muslim civilians, and detained them in seventeen facilities where they were often mistreated.
- Fact 1372:  
Krajišnik,
- According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Zvomik municipality was 48,102 (59 per cent) Muslims, 30,863 (38 per cent) Serbs, 122 Croats, 1,248 Yugoslavs, and 960 persons of other or unknown

para. 359 ethnicity

Fact 1373: On 5 April 1992, the Serb TO was mobilized pursuant to an order of the Serb crisis staff. Around this time, paramilitary forces, including the White Eagles, the Krajišnik, Yellow Wasps and the Red Berets, began to arrive in the municipality. They had para. 360 been invited by Branko Grujić, president of the crisis staff of Zvornik.

Fact 1374: On 5 and 6 April 1992, Serb police and paramilitary forces - mainly Arkan's men - erected barricades throughout the municipality, the police was divided along Krajišnik, ethnic lines pursuant to a dispatch of Momčilo Mandić, and Serb members of the para. 361 Zvornik SJB relocated to Karakaj, where the Serb crisis staff was located.

Fact 1375: Krajišnik, paras. 361- 362	During the night of the 7 April, the SDA erected barricades, on the bridge linking Zvornik to Serbia. When shooting broke out on 8 April 1992, the barricades were temporarily taken down, allowing hundreds of Muslims and Serbs to leave the municipality.
Fact 1377: Krajišnik, para. 362	[On 8 April 1992] a combination of Serb forces - the police, the TO, the JNA, and Arkan's men - launched an attack against Zvornik town, which originated, at least partially, from inside Serbia.
Fact 1378: Krajišnik, para. 362	Many civilians were killed during the attack [on Zvornik], and Zvornik town was taken over by the Serb forces within a day. The Serbian flag was hoisted on top of the main town mosque.
Fact 1379: Krajišnik, para. 362	As a result of the take-over [of Zvornik town], many Muslims withdrew to the nearby deserted village of Kula Grad, which was also attacked and taken over by paramilitaries and local police on 26 April.
Fact 1380: Krajišnik, para. 364	On 10 April 1992, the provisional government of Zvornik instructed all persons with tenancy rights in socially owned apartments, as well as all owners of immovable property including private houses and businesses, to return and lay claim to those properties before 15 May, or face loss of title to the municipality.
Fact 1381: Krajišnik,	On 5 May, the provisional government established a "real estate exchange agency" authorized to execute exchanges of real estate between residents of Zvornik

para. 364	municipality and other municipalities.
Fact 1382: Krajišnik, para. 365	In order to remain employed, Muslims had to sign a pledge of loyalty to the Serb authorities.
Fact 1383: Krajišnik, para. 365	In late April or early May, Serb forces demanded the surrender of the Muslim village of Divić. However, before the deadline for surrender had expired, Divić was attacked by Serb forces consisting of Arkan's men, White Eagles, and reserve police officers.
Fact 1384: Krajišnik, para. 365	[When Serb forces attacked Divić], about 1,000 Muslims fled towards the nearby village of Jošanica. When some of them attempted to return later in May, they were turned away by Serb forces.
Fact 1385: Krajišnik, para. 365	Around 28 May, between 400 and 500 Muslims from Divić village, including women, children, and elderly persons, were forced onto buses by members of the Yellow Wasps and told that they would be taken to Muslim territory. In Crni Vrh they were released and allowed to depart on foot.
Fact 1386: Krajišnik, para. 365	[Around 28 May 1992], Major Svetozar Andrić, commander of the VRS 1 <sup>st</sup> Birač Brigade, ordered the Zvomik TO to organise and co-ordinate the moving out of the Muslim population with municipalities through which they would pass. Only women and children would be moved out, while men fit for military service were to be placed in camps for exchange.
Fact 1387: Krajišnik, para. 365	In early June 1992, Serbs were seen moving into the villages in Zvornik municipality where Muslims had been evicted. Some of them had been ordered to do so by the provisional government of the Serb municipality of Zvornik.
Fact 1388: Krajišnik, para. 366	By the end of May 1992, a large number of Muslim villagers gathered in the Muslim-majority village of Kozluk fearing paramilitaries and Serb forces who harassed them with demands to surrender arms.
Fact 1389: Krajišnik,	After the take-over of Zvomik town, paramilitary groups and local Serbs had set up barricades in nearby villages and isolated Kozluk.

para. 366	
Fact 1390: Krajišnik, para. 366	The police force in the village [of Kozluk] was split into Muslim and Serbian parts.
Fact 1391: Krajišnik, para. 366	In the beginning of June, Muslim police officers in Kozluk were forced to surrender their uniforms and weapons to a Serb police officer.
Fact 1392: Krajišnik, para. 366	On the night of 20 June, the Serb TO under the command of Marko Pavlović attacked Kozluk.
Fact 1393: Krajišnik,para. 366	On 26 June, a large number of Serb soldiers, TO, and paramilitary units entered Kozluk in tanks and other military vehicles. Among the group were Branko Grujić, president of the Zvornik SDS and crisis staff, Pavlović, and Jovan Mijatović, a member of the Zvornik crisis staff and a deputy to the Bosnian-Serb Assembly.
Fact 1394: Krajišnik, para. 366	[On 26 June 1992] the Serb forces [who entered Kozluk] informed the Muslims that they had one hour to leave, or they would be killed. They also told them that they could not take any personal belongings with them, and forced them to sign statements surrendering their property.
Fact 1395: Krajišnik, para. 366	[On 26 June 1992], a convoy of vehicles organized by the Serbs who had attacked and taken over Kozluk transported approximately 1,800 persons out of the Municipality to Serbia.
Fact 1396: Krajišnik, para. 367	Most of the nineteen Muslim monuments in Zvornik municipality had been damaged or completely destroyed through shelling or explosives during the attacks on Muslim villages in April and May 1992.
Fact 1397: Krajišnik,	According to the Zvornik SJB's own reports, during the [period from April to May 1992] the Serb police engaged in house searches and interrogations of Muslims on a massive scale, accusing the Muslims of having "prepared the liquidation of

para. 367	Serbs".
Fact 1398: Krajišnik, para. 368	Around the end of April 1992, several Muslim men were detained at the Standard factory in Karakaj, guarded by local Serbs. Around 10 May, they were moved by the Serb police to the Ekonomija factory, also in Karakaj, where a lot of Muslim men were already detained.
Fact 1399: Krajišnik, para. 368	Armed groups, including members of paramilitaries from Serbia, frequently visited [the Standard factory and Ekonomija factory] detention centres and severely mistreated the detainees. One detainee died in the Ekonomija factory.
Fact 1400: Krajišnik, para. 369	On 30 May 1992, about 150 Muslim men, women, and children from the village of Kostijerevo in Zvomik municipality were arrested by JNA soldiers. They were taken to the Dom Kulture in Drinjača. Muslim detainees from other villages in the municipality were also brought there, although all women and children were soon released.
Fact 1401: Krajišnik, para. 369	The male detainees who remained [at Drinjača Dom Kulture] were beaten by the guards and by Arkan's men.
Fact 1402: Krajišnik, para. 369	Soon after the arrival of the detainees [at Drinjača Dom Kulture], a unit of White Eagles took them out in groups of ten and shot them dead. In total, 88 people were killed at the Dom Kulture.
Fact 1403: Krajišnik, para. 370	In late May 1992, Muslim representatives met with local Serbs, including a member of the Zvornik provisional government, to discuss the removal of Muslims from the municipality.
Fact 1405: Krajišnik, para. 370	On 1 June 1992, soon after [a group of approximately 3,000 Muslims] had set off from Zvornik, Serb soldiers separated out men fit for military service from the column, and took the women, children, and elderly to Muslim controlled territory.
Fact 1406: Krajišnik,	The men [from a group of approximately 3,000 Muslims who left Zvornik in late May 1992] were taken, together with other Muslim men captured in the village of Klisa on the same day, to Karakaj technical school, where they were detained in a

para. 370	workshop building.
Fact 1407: Krajišnik, para. 370	Within hours of arriving at [Karakaj technical] school, approximately 20 detainees had died from heat stroke and lack of water.
Fact 1408: Krajišnik, para. 370	Over the course of several days, many of the detainees [at Karakaj technical school] were severely beaten.
Fact 1409: Krajišnik, para. 370	About 160 detainees [at Karakaj technical school] were removed in small groups and executed by Serb guards.
Fact 1410: Krajišnik, para. 371	On 5 June 1992, a total of 550 detainees from the Karakaj technical school were taken in a lorry to a cinema hall in Pilića. From there 64 men were taken to Gero's slaughterhouse in Karakaj. Guards in JNA uniform forced the men to face the wall and shot them dead. Witness 571, who managed to escape the execution, saw two more buses arrive at the slaughterhouse. A total of 190 men were executed.
Fact 1411: Krajišnik, para. 372	From late May 1992 onwards, Muslims were detained in the Dom Kulture building in Čelopek village and subjected to severe physical and psychological abuse.
Fact 1412: Krajišnik, para. 372	In early June, a paramilitary group from Serbia assaulted the detainees [in the Dom Kulture building in Čelopek] with spiked metal bars and chains. Some detainees were forced to beat each other, and three were murdered by the guards.
Fact 1413: Krajišnik, para. 372	The Yellow Wasps, headed by the Vučković brothers, Repić and Žučo, arrived at the Dom Kulture [building in Čelopek village] on 11 June and killed at least five detainees. One man had his ear cut off, others had their fingers cut off, and at least two men were sexually mutilated. Repić's men forced detainees to eat the severed body parts, killing two detainees who could not bring themselves to do so.
Fact 1414:	On 27 June, Repić returned to [Čelopek] Dom Kulture alone and shot 20 detainees

Krajišnik, para. 372	dead and wounded 22 others.
Fact 1415: Krajišnik, para. 372	In mid July, the remaining detainees at Čelopek Dom Kulture were transferred, with the assistance from the Serb municipal authorities of Zvomik, to Batković camp in Bijeljina municipality.
Fact 1416: Krajišnik, para. 374	In total, approximately 507 Muslim civilians were killed by Serb forces in Zvornik municipality from April to June 1992. Dozens were killed during the attack on Zvornik town on 8 April 1992 and many left the town in the direction of Tuzla.
Fact 1417: Krajišnik, para. 374	Serbs detained mainly Muslim civilians in 25 detention facilities in Zvornik municipality, where they were severely beaten, and large groups executed.
Fact 1418: Krajišnik, para. 297	According to the 1991 census in Bosnia-Herzegovina, the ethnic composition of Bijeljina municipality was 57,389 (59 per cent) Serbs, 30,229 (31 per cent) Muslims, 492 (1 per cent) Croats, 4,426 Yugoslavs, and 4,452 persons of other or unknown ethnicity.
Fact 1419: Krajišnik, para. 298	Bijeljina was the first municipality in Bosnia-Herzegovina to be taken over by the Bosnian Serbs in 1992. First, paramilitary groups, or so-called "volunteer units", from Serbia arrived, and started intimidating and terrorizing local Muslims, as well as Serbs they considered "disloyal". Many Muslims were killed. As a result, many of the remaining Muslims would eventually leave the territory.
Fact 1420: Krajišnik, para. 299	Actual fighting started in Bijeljina town on 31 March 1992. Members of Zeljko (Arkan) Raznatović's paramilitary group came to Bijeljina and, in cooperation with a local paramilitary group under the command of Mirko Blagojević, took control of important town structures.
Fact 1421: Krajišnik, para. 299	On 1 or 2 April 1992, armed JNA reservists surrounded the town and columns of JNA tanks and other vehicles were seen in the area.
Fact 1422:	Despite some resistance, Serb forces quickly took control of Bijeljina, and by 4

Krajišnik, para. 299	April, Serb flags had been hoisted on the two mosques in the town. Arkan's men were installed in the local SDS building and, for several days, accompanied all regular police patrols and were involved in arresting members of Bijeljina's SDA presidency. At this time, members of the White Eagles and the local TO were also present in Bijeljina town.
Fact 1423:  Krajišnik, para. 300	At least 48 civilians, most of whom were non-Serbs, had been killed by Serb paramilitaries during the Serb take-over of Bijeljina.
Fact 1424:  Krajišnik, para. 300	Around 3 April 1992, a police officer was sent by his commander to protect a hearse collecting dead bodies in Bijeljina town. A total of 48 bodies, including those of women and children, were collected from the town's streets and houses, 45 of these victims were non-Serbs and none wore uniforms. Most of the dead had been shot in the chest, mouth, temple, or back of the head, some at close range.
Fact 1425:  Krajišnik, para. 301	The removal of bodies from the streets of Bijeljina was ordered by Serb forces in anticipation of a visit on 4 April 1992 of a delegation of highranking Bosnia-Herzegovina officials, including Biljana Plavšić, Fikret Abdić, Minister of Defence Jerko Doko (a Croat), and chief-of-staff of the JNA 2nd Military District General Prašćević.
Fact 1426:  Krajišnik, para. 301	At the time of the [4 April delegation] visit, the roads to Bijeljina town were blocked by checkpoints attended by Serb soldiers in olive-green uniform. Journalists and European monitors were prevented from entering the town with the delegation. On arrival in Bijeljina, the delegation visited the crisis staff to inform itself about the situation, as well as the military barracks a few kilometres from the town centre.
Fact 1428:  Krajišnik, para. 302	At one stage during the official visit [to Bijeljina on 4 April], Arkan took the delegation on a tour of the town.
Fact 1429:  Krajišnik, para. 303	When, in the course of the visit [on 4 April], Plavšić asked Arkan to hand over control of Bijeljina to the JNA, he replied that he had not yet finished his "business" there, and that he would settle the situation in Bosanski Brod next. Plavšić did not persist with her request, and repeatedly praised the good job Arkan

	<p>had done in saving the local Serb population from the threat of the Muslims. When the group returned to the municipality building, Plavšić publicly thanked and kissed Arkan. This scene was met by shouts of approval from the local SDS member present. At a dinner with UNPROFOR representative Cedric Thornberry on 20 April 1992, Plavšić described Bijeljina as a "liberated" town. Arkan's men remained in Bijeljina until at least May 1992.</p>
<p>Fact 1430: Krajišnik, para. 304</p>	<p>From at least June 1992 until the end of the indictment period [31 December], Serbs detained Muslims and Croats in the Batković camp in Bijeljina municipality. The detainees originated from a large number of different municipalities, including Brčko, Ključ, Lopare, Rogatica, Sokolac, Ugljevik, Vlasenica and Zvornik. Many had been transferred from other detention facilities, particularly Sušica camp in Vlasenica and Manjača camp in Banja Luka.</p>
<p>Fact 1431: Krajišnik, para. 304</p>	<p>In August 1992, the commander at the [Batković] camp was Velibor Stojanović. At that time, around 1,280 Muslim men were detained in a single warehouse. There were also some women, children, and elderly persons detained in a separate area. Sanitary conditions at Batković were poor and detainees were given little food or water. The detainees were beaten by Serb guards. Three detainees were beaten to death while one was shot dead. Ten detainees were singled out for especially harsh treatment. They were beaten three times a day, forced to beat each other, and repeatedly forced to engage in degrading sexual acts with each other in the presence of other detainees.</p>
<p>Fact 1432: Krajišnik, para. 304</p>	<p>Detainees at Batković [camp] were forced to perform manual labour daily, including digging trenches and carrying munitions at the front line, burying bodies, working in fields and factories, and assisting in the construction of an airport near Bijeljina.</p>
<p>Fact 1433: Krajišnik, para. 304</p>	<p>In late August or September 1992, when representatives of the ICRC visited Batković [camp], the youngest and oldest prisoners, together with the most badly beaten detainees, were temporarily removed from the camp.</p>
<p>Fact 1434: Krajišnik, para. 305</p>	<p>In addition to the Batković camp, Serb authorities detained mostly Croat and Muslim civilians in six detention centres in Bijeljina municipality, including the Bijeljina SUP.</p>

Fact 1435:  Krajišnik, para. 305	[In 1992] Ljubiša (Mauzer) Savić was a leading SDS figure in Bijeljina and commander of the Serb (National) Guard paramilitary unit.
Fact 1436:  Krajišnik, para. 306	In the months following the take-over of Bijeljina, paramilitary groups in the municipality, together with members of the local MUP, engaged in criminal activities on a massive scale. Muslim residents of Bijeljina, as well as some Serbs, were terrorized by these groups through killings, rapes, house searches, and looting. During the summer of 1992, two mosques in Bijeljina municipality were damaged or destroyed.
Fact 1437:  Krajišnik, para. 306	On 15 June 1992, Mauzer stated that the presidency of SAO Semberija- Majeвица had decided to replace Muslims in managerial positions in Bijeljina, and should "the genocide against the Serbian people" in Bosnia- Hercegovina continue, all Muslims would be fired from their jobs and expelled from the territory. Mauzer also stated that the 2,500 Muslims aged between 18 and 35 who had fled Bijeljina in the aftermath of the Serb takeover would lose their jobs, and their apartments would be seized and sealed, and he advised them not to return.
Fact 1441:  Krajišnik, para. 309	At least 52 persons of mainly Muslim ethnicity were killed by Serb forces in Bijeljina municipality in April-September 1992.
Fact 1443:  LJ, para. 48	[From April 1992,] Muslims [in Višegrad] who did not have an appropriate certificate or permit, which could only be obtained at the police station, were not allowed to leave Višegrad or go to their jobs. As a result, their mobility was severely restricted.
Fact 1446:  LJ, para. 58	The police force in Višegrad was divided along ethnic lines at the beginning of the war. The Serb officers remained at the main police station at Višegrad, while the Muslim officers went to other police stations in the area. In April 1992, the [Serb] police force in Višegrad consisted of between 220 and 250 reserve and active duty officers.
Fact 1447:  LJ, para. 59	[After the ethnic division of the police], Risto Perišić, a teacher, became the chief of police at Višegrad, and Dragan Tomić was the commander. One of his

	escorts was Vidoje Andrić, a reserve police officer.
Fact 1448: LJ, para. 61	After the [ethnic] division of the police [in Višegrad], there were shortages and not all officers could be provided with police uniforms. Both active duty and reserve police officers wore blue uniforms, but some wore camouflage uniforms, some olive-drab, and some also wore their own uniforms. Some officers had cockades on their sleeves and caps, and insignia which read “Srpska Policija” or “Milicija”, but there were not enough badges for all officers.
Fact 1449: LJ, para. 62	[Višegrad Serb] reserve police officers were given various kinds of tasks. They stood guard outside the police building in Višegrad, manned checkpoints, handed out call-up papers or pulled out bodies of soldiers. Reserve police officers also participated in combat action. However, membership in the reserve police and in the army was mutually exclusive.
Fact 1450: LJ, paras. 79, 82 <del>883</del>	Serbs who had previously left Višegrad, returned when the Užice Corps arrived [on or about 14 April 1992], and began to arm themselves with weapons that were brought in from Serbia. The Užice Corps also supplied local Serbs with weapons, and provided them with military training. Serbs were mobilised into the Višegrad reserve police, and they also formed units which became part of the Serb forces.
Fact 1451: LJ, para. 480	[From May 1992,] Milan Lukić was often seen with Dragan Tomić, Vidoje Andrić and other police officers at the police station and in and around Višegrad, wearing a blue or camouflage police uniform.
Fact 1452: LJ, paras. 618, 206, 207, 887	In June 1992, Milan Lukić was a member of the [Serb] reserve police force of Višegrad.
Fact A: SKJ, para. 23	After the occupation of the Kingdom of Yugoslavia in 1941, the German Nazi regime created the “Independent State of Croatia”, headed by an anti-Serb Ustaša regime. Allied with Germany and Italy, Croatian fascists (Ustašas) fought both Serb monarchists (Chetniks) and communists (Tito’s partisans). Many Serbs, but also Jews and other targeted groups, were systematically killed in extermination camps because of their religion and ethnicity. One fo the most infamous camps

	was located at Jasenovac in Western Slavonia, north of Prijedor municipality, near the border between Bosnia and Herzegovina and Croatia.
Fact B: SKJ, para. 24	The “Socialist Republic of Bosnia and Herzegovina” became one of the six republics in the Socialist Federal Republic of Yugoslavia (SFRY) a successor state of the Kingdom of Yugoslavia. Due to the century-long dramatic and complicated history of the Balkans and political developments in the former Yugoslavia after the two World Wars, the Republic of Bosnia and Herzegovina was populated primarily by Serbs, Croats and members of the Muslim-Slavic community. Apart from the differences in their cultural heritage and religious tradition, the three groups had much in common and peacefully coexisted for most of the time.
Fact C: SKJ, para. 26	Three new parties basing themselves on an ethnic-national identity became key players on the political scene of Bosnia and Herzegovina by the autumn of 1990: the Croat Democratic Union (HDZ), the Party for Democratic Action (SDA) and the Serbian Democratic Party (SDS).
Fact D: SKJ, para. 27	During the campaign prior to the 18 November 1990 election, the HDZ, SDA and SDS reached an informal agreement not to confront one another, but rather to direct their campaign efforts against the League of Communists, the Social Democrats and other non-national parties.
Fact E: SKJ, para. 28	When the votes had been counted, it was clear that the HDZ, SDA and SDS had won an overwhelming victory in most of the 109 municipalities in Bosnia and Herzegovina. The three victorious parties soon extended their pre-election inter-party agreement on the division of primary positions on the national level to the regional and municipal levels.
Fact F: SKJ, para. 36	In response, on 24 October 1991, the Serb deputies of the Assembly proclaimed a separate “Assembly of the Serbian People” which called for a plebiscite of the Serbian people in Bosnia and Herzegovina on the question of whether or not they wanted to remain in the federal Yugoslav state.
Fact G: SKJ, para. 44	The municipality of Prijedor is located in the north-western region of Bosnia and Herzegovina known as the Bosnian Krajina. The municipality’s main road and railroad connect the town of Prijedor with Banja Luka to the southeast and Bosanski Novi, which borders the Republic of Croatia, to the northwest. The municipality’s second largest road connects Prijedor with the town of Sanski Most,

	which is located south of the municipality. The town of Prijedor is the largest settlement in the municipality.
Fact H: SKJ, para. 45	For centuries, the municipality of Prijedor was inhabited predominantly by Serbs, Muslims and Croats. Each group formed a majority of the population in some areas of the municipality, while in other parts the population was mixed. Serbian, Muslim and Croatian communities in the municipality of Prijedor usually co-existed in a rather peaceful manner, even during the radical geopolitical changes in the Balkans at the end of the nineteenth and beginning of the twentieth century.
Fact I: SKJ, para. 46	During World War II, when Yugoslavia was occupied by Germany and Italy, the municipality of Prijedor formally became part of the aforementioned “Independent State of Croatia”, led by an anti-Serb Ustaša government. The municipality was the scene of many massacres of Serbs by the German Nazi regime and the Ustaša, aided by a segment of the Muslim population. Croats and Muslims who sided with the predominantly Serb partisan resistance, which was particularly strong in a mountainous and heavily wooded northeastern area around Mount Kozara, also became victims. Thousands of Bosnian Serbs, Jews and other targeted groups were sent to concentration camps run by the forces of the German Nazi regime and the Ustaša.
Fact J: SKJ, para. 47	After World War II, the Partisan resistance in Prijedor acquired almost mythical proportions. As a memorial to these events, the famous Kozara Monument was built in the early 1970s to honour the partisans and civilians who perished.
Fact K: SKJ, para. 48	The systematic efforts of Marshal (Josip Broz) Tito, the leader of Communist Yugoslavia founded by a declaration at Jajce on 29 November 1943, to boost friendship between the peoples of Yugoslavia influenced the public conscience, especially the conscience of the young generation. They promoted the re-establishment of ethnic tolerance and a feeling of mutual confidence between the communities in the municipality of Prijedor. Marriages and personal friendships across ethnic lines were significant in number. Before, and immediately after the November 1990 multi-party election, the municipality remained an area of ethnic peace.
Fact N:	There is ample documentary evidence to prove that the Crisis Staff set up detention camps and determined who should be responsible for the running of those camps. In relation to the Omarska camp, an order of 31 May 1992 from the Chief of the

SKJ, para 159	<p>Prijedor SJB, Simo Drljača, states the following:</p> <p>With a view to the speedy and effective establishment of peace on the territory of Prijedor municipality and <i>in accordance with the Decision of the Crisis Staff</i>, I hereby order the following:</p> <p>1. The industrial compound of the “Omarska” Mines strip mine shall serve as a provisional collection centre for persons captured in combat or detained on the grounds of the Security Service’s operational information [...].</p> <p>The list of recipients on the last page of the order has the Prijedor Crisis Staff in first position.</p>
Fact Q: SKJ, para. 349	<p>Shortly after the takeover on 30 April 1992, the Prijedor Crisis Staff, presided over by Dr. Stakić, took over the role of the Municipal Assembly.</p>
Fact R: SKJ, para. 351	<p>Throughout the period for which the work of the Municipal Assembly was suspended, the Crisis Staff, and later the War Presidency, was the highest municipal authority, a repository of not only legislative, but also executive authority. As Slobodan Kuruzović testified: “From the 29<sup>th</sup> of April onwards [...] the supreme body in the municipality was the assembly, and later the Crisis Staff, and later the War Presidency”. Based on conclusions adopted by the Crisis Staff of the ARK, as of 18 May 1992, the Crisis Staffs were designated “the highest organs of authority in the municipalities.”</p>
Fact S: SKJ, para. 379	<p>On 31 May 1992, Simo Drljača, Chief of the Prijedor SJB, ordered that the detention facility in Omarska be established and indicated that order was issued “in accordance with the Decision of the Crisis Staff”.</p>