

VIEW FROM THE HAGUE

BEARA SOUGHT REINFORCEMENTS FOR EXECUTIONS IN SREBRENICA

When it comes to the International Criminal Tribunal for the former Yugoslavia, the media in Serbia and Montenegro often fail to focus on important issues. One case in point is the reporting on the transfer and first appearance of Ljubiša Beara, a former general in the army of the Republika Srpska (VRS).

After Beara's transfer to the Tribunal, the media in Serbia and Montenegro focused on whether he had been arrested or had voluntarily surrendered, since the Tribunal's Prosecutor and the Serbian authorities had expressed different views on the matter. At his first appearance, Beara chose to avail himself of the right to enter a plea after thirty days and called on his fellow indictees to surrender. Afterward, the media in Serbia and Montenegro began speculating whether Beara had cut some sort of deal with the Prosecution.

Generally missing from the reporting was a detailed explanation of the reasons why Beara had been arrested and brought before the Tribunal: crimes committed against civilians for which he is charged.

Ljubiša Beara has been charged with participating in a joint criminal enterprise to execute thousands of Bosnian Muslim prisoners from the Srebrenica enclave. Most of these killings took place between 12 July and about 19 July 1995; others took place as late as 1 November 1995. The indictment also charges Beara with involvement in attempts to conceal these killings by exhuming bodies of victims from the mass graves in which they had been initially buried and then burying them in new graves.

As has been established beyond a reasonable doubt in the Appeals Chamber judgment against VRS General Radislav Krstić, VRS forces took Srebrenica on 11 July 1995. Thousands of Bosnian Muslims from the Srebrenica enclave, including women, children, and some men, fled to the United Nations Compound at Potočari. Meanwhile, approximately 15,000 Bosnian Muslim men from the enclave, with some women and children, fled in a huge column through the woods towards Tuzla. One third of this group consisted of armed Bosnian Muslim military personnel. The rest were civilians and unarmed military personnel.

According to the indictment, the initial plan was to summarily execute the more than 1,000 Bosnian Muslim men and boys, who had been separated from the Bosnian Muslim women and children in Potočari on 12 and 13 July. The women and children were forcibly transferred to Bosnian army controlled territory.

On 12 July, as stated in the indictment, the plan was broadened. Now the summary executions would include more than 6,000 men and boys who were captured while they were fleeing Srebrenica in the column of Bosnian Muslim men. Most of these Bosnian Muslim men and boys were captured along the Bratunac-Milići road.

According to the indictment Beara himself was present along the Bratunac-Milići road on 13 July 1995 and was responsible for actively implementing the plan to transport and move prisoners to detention and execution sites in and around Srebrenica, Bratunac, and Zvornik. Beara is alleged to have issued orders to capture, detain and transport Bosnian Muslim prisoners along this road.

The indictment lists twelve execution sites where members of Bosnian Serb army and police units executed Bosnian Muslim prisoners. At some sites, dozens of Muslim men were executed; at others, hundreds; at others still, thousands.. In Potočari Bosnian Serb soldiers and police

decapitated approximately 80 to 100 men. At a Cultural Center in the village of Pilica, they executed 500 men. At the Military Farm in Branjevo, they executed 1200 men, and so on.

In addition to these organized killings, the indictment alleges that, at a number of locations, Bosnian Serb army and police forces committed a number of opportunistic killings of captured Bosnian Muslims. At one such location, from the many listed in the indictment, VRS and MUP forces captured twelve Bosnian Muslim men who had fled with the column; the VRS and MUP personnel then tied these men together in six pairs, shot each of them in the head, and buried them in a mass grave near the village of Glogova.

While in detention awaiting their execution, the Bosnian Muslim prisoners in Potočari and Bratunac were not provided with sufficient food, water or medical treatment. At the Petkovci school, where 1000 Bosnian Muslim men were being held, prisoners were beaten and assaulted.

The indictment says that, as Chief of Security of the VRS Main Staff, Ljubiša Beara had responsibility for the treatment of all Bosnian Muslim prisoners and that he assisted in implementing and overseeing their murders. The indictment states that, on 14 July 1995, Beara was involved in co-ordinating with the VRS's Zvornik Brigade headquarters regarding problems with the prisoners who were being executed in their area. On the morning of 15 July 1995, Beara was still fully engaged in the killing operation, and he repeatedly requested that he be provided with additional troops to assist in the executions.

In the case against VRS General Radislav Krstić, the Tribunal's Appeals Chamber determined that the Srebrenica killings constituted an act of genocide. Ljubiša Beara is at the Tribunal to answer charges that he violated the laws and customs of war, committed crimes against humanity, and directly participated in genocide.

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