

VIEW FROM THE HAGUE

BOROVČANIN IS ONE OF THE BEARA'S "COMRADES"

At his initial appearance Ljubiša Beara called on his fellow indictees to surrender to the Tribunal. As yet, no one seems to have heeded his recent call. In fact, there even appears to have been a failed arrest attempt last week of one of the individuals Beara was probably referring to - Ljubomir Borovčanin. Who is he?

The ICTY indictment against Ljubomir Borovčanin was confirmed on 6 September 2002 and unsealed on 27 September. It alleges that Ljubomir Borovčanin was present in and around the areas of Bratunac, Potočari, Sandići, Kravica, Srebrenica and Zvornik from 11 July to 18 July 1995 and that units under his command were deployed in and around these areas from 12 July to 18 July 1995. It states that Borovčanin was the commander of the police station in Bratunac from October 1993 until February 1994 and then the Deputy Commander of the Special Police Brigade of the Republika Srpska Ministry of Interior until December 1995. The indictment also alleges that in the several days following the attack on Srebrenica, the Bosnian Serb Army and Ministry of the Interior forces captured, detained, summarily executed, and buried over 7,000 Bosnian Muslim men and boys from the Srebrenica enclave, and forcibly transferred the Bosnian Muslim women and children of Srebrenica out of the enclave. The indictment against Ljubomir Borovčanin refers to his alleged involvement in: opportunist killings in Potočari, opportunistic killings in Bratunac, wide-scale and organised killings in Potočari and Tišća, killings and mistreatment of prisoners captured along the Bratunac/Milići road and wide-scale and organised killings in the Zvornik area, as well as other opportunistic killings. It is alleged that Ljubomir Borovčanin, together with other VRS and MUP officers and units, was a member of and knowingly participated in a joint criminal enterprise, the common purpose of which was, among other things: to forcibly transfer the women and children from the Srebrenica enclave to Kladanj on 12 July and 13 July 1995; and to capture, detain, summarily execute by firing squad, bury, and rebury thousands of Bosnian Muslim men and boys aged 16 to 60 from the Srebrenica enclave from 12 July 1995 until and about 19 July 1995.

It is alleged that the joint criminal enterprise, in which Ljubomir Borovčanin was a member and participant, was conceived and designed by General Ratko Mladić and others on 11 and 12 July 1995, and administered and carried out by members of the VRS and MUP forces through the time period and by the means alleged in the indictment. According to the indictment, members of this joint criminal enterprise also included: General Ratko Mladić, the Commander of the VRS, General Milenko Živanović, Commander of the Drina Corps until the evening of July 13 1995; General Radislav Krstić, Chief of Staff/Deputy Commander until the evening of July 13 1995 and thereafter Commander of the Drina Corps; Colonel Vidoje Blagojević, Commander of the Bratunac Brigade; Colonel Vinko Pandurević, Commander of the Zvornik Brigade; Lieutenant Colonel Dragan Obrenović, Deputy Commander and Chief of Staff of the Zvornik Brigade; Momir Nikolić, Assistant Commander for Security and Intelligence of the Bratunac Brigade; Dragan Jokić, Chief of Engineering of the Zvornik Brigade and various other individuals and military and police units.

The indictment charges Ljubomir Borovčanin on the basis of his individual criminal responsibility and command responsibility with complicity in genocide, crimes against humanity and violations of the laws or customs of war.

With the exception of Milenko Živanović, all individuals named in this indictment as members of the alleged joint criminal enterprise have been indicted by the Tribunal. Some of them have also already been in ICTY proceedings, but some are still at large.

The Appeals Chamber Judgement in the case of Radislav Krstić describes exactly what happened in Srebrenica in July 1995 and determines that the crime of genocide was committed. The confessions of Momir Nikolić and Dragan Obrenović regarding these mass killings further corroborate the gruesome details of these gruesome events.

Finally, the "Commission to investigate the events that took place in and around Srebrenica from 10 to 19 July 1995" of the government of Republika Srpska issued its final report on 14 October 2004, in which it lists over 7,000 names of Bosniaks from Srebrenica who were murdered or went missing during the attack of the Bosnian Serb forces in July 1995 and adds that the Serb forces later took measures to conceal these crimes. The report also states that the list of names is not final.

Thus, there is absolutely no doubt as to what happened in Srebrenica from 13 to 19 July 1995 and Ljubomir Borovčanin stands accused of participation in and command and control over the military units that committed these horrifying acts.

We hope that Mr. Borovčanin will appear before the Tribunal to answer to the charges.

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