

**DECONSTRUCTION OF A VIRTUAL GENOCIDE:  
AN INTELLIGENT PERSON'S GUIDE TO SREBRENICA**





NGO Srebrenica Historical Project, The Netherlands

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## INTRODUCTION

One question that anybody who takes up the critical study of the regnant narrative of the “Srebrenica massacre” always faces is *‘why?’*

As a field of research and inquiry, hasn’t the basic outline of the events that befell the Srebrenica ‘safe-area’ population after the enclave was captured by the Bosnian Serb army on 11 July 1995 been well-established since the second-half of that year, when Western reporters such as the *Christian Science Monitor*’s David Rohde allegedly stumbled upon a ‘decomposing human leg protruding from the freshly turned dirt’ in a landscape that, Rohde claimed, he recognized from ‘spy-satellite photos’ that had been faxed to him just days before by ‘American officials’?

Why then would it occur to someone to challenge what appears to be well-known about the ‘Srebrenica massacre’? And why should this task be of interest and importance to anyone outside survivors and a relatively small coterie of fanatics?

The critical study of the ‘Srebrenica massacre’ that Stephen Karganović collects in this volume is important because, taken as a whole, they show that within a very brief period of time — no longer than a handful of weeks — what had originated in self-serving wartime propaganda and whispers about an atrocity that symbolized Serb evil, became institutionalized as The Truth, effectively removing the actual event from inquiry, and placing it under seal in a sacrosanct realm of myth where it has flourished ever since.

Initially generated by a nexus between the NATO-bloc powers that had intervened on behalf of the Bosnian Muslim and Croat sides in the civil wars that destroyed the unitary Yugoslavia, and Western news media and human rights organizations committed to proving the veracity of this wartime propaganda, the myth of the ‘Srebrenica massacre’ has been re-institutionalized with every Srebrenica-related judgment at the International Criminal Tribunal for the Former Yugoslavia (e.g., *Krstić* in August 2001) as well as the International Court of Justice (February 2007).

As this book reminds us, it serves also as a “mass mobilisation vehicle” every year during the 11 July internment ceremony at the Srebrenica-Potocari Memorial and Cemetery for the Victims of the 1995 Genocide, where yet new layers of propaganda are laid upon the propaganda of the earlier years.

It is of course also one of the two most frequently cited symbolic bloodbaths in the Western canon (the other being Rwanda 1994) whenever someone invokes the ‘Never again’ imperative of the Nazi holocaust to urge the great powers towards ‘humanitarian intervention’, the ‘responsibility to protect’, and most recently ‘mass atrocity response operations’.

Because this ‘Srebrenica massacre’, with its alleged 8,000 victims, conformed so well to framework of what could be expected from the monster Serbs held responsible for the wars, very few inquiries into the real, if far smaller, massacres and executions carried out against the males of the fleeing ‘safe area’ population have ever been undertaken.

This is why the critical study of the ‘Srebrenica massacre’ undertaken here is vital and stands as a far more honest tribute to these real victims than does the vast literature which it challenges and helps to overturn.

There is a further pertinent question to answer: why has it taken so long for the core facts about Srebrenica, so clearly expressed in this book, to be collected in this way?

The answer comes in two parts. First, the process of international investigation and prosecution was very slow and much of the ‘evidence’ supporting the judgements handed down by the ICTY was not revealed in any form until years after the events.

Second, few people have tried to make an independent assessment of what happened. For example, of all the journalists who have ever written or broadcast about Srebrenica, only a handful appear to have made any real efforts to investigate the official account. It has, as a result, been solely through the efforts of a loose collaboration of individuals around the world that we now have a thorough analysis of what happened in July 1995.

Predictably, many attacks have been made on these people. They have been repeatedly accused of genocide denial. Serious attempts have been made, in Europe and elsewhere, to criminalise their investigative efforts.

The collaborations which have finally led to the publication of this book have developed almost entirely by chance. In the UK a number of us began to collect reports and broadcasts, building a chronology of events and a background database. We did this separately at first, but by 1995, thanks to the former “Observer” journalist Nora Beloff, a group of us were in touch with one another, exchanging information and ideas.

We had become quite an efficient monitoring machine by the time the Bosnian Serb Army took control of Srebrenica in July 1995. We archived hundreds of reports. As we went along, we noted many pieces of information which conflicted with the consensus narrative in the media in the UK, the USA and Europe.

We were conscious of Srebrenica’s short-term political importance in drawing attention away from the US-backed invasion of Krajina and the final abandonment of the international ‘neutrality’, which led to the ending of the civil wars and the terms imposed at Dayton in November. But we did not yet foresee the full extent to which the ‘Srebrenica massacre’ would become the most complete symbol of Serbian evil in the Balkan conflicts. Our work was therefore much more widely focused until at least 1997, and was further diverted by the Kosovo war in 1999.



Our network was gradually expanding. Through the internet, people researching aspects of the Balkan conflicts eventually became aware of each other and often made contacts that would lead to new partnerships.

One such development was the Srebrenica Research Group<sup>1</sup>, an international collective brought together by Professor Edward Herman in the summer of 2003. This was not only a platform for the free exchange of knowledge, information and ideas, but a determined attempt to investigate exactly what had happened on the basis of academic rigour.

The work of the group was exciting and, I think, highly productive. The outcome was in my opinion about the best analysis that could be made on the basis of available information. Our constraint was that we had no resources beyond the limited amounts of our own time we could devote to Srebrenica research. And we certainly had no means of carrying out our own fundamental investigations.

In September 2008 I was contacted by Stephen Karganović, who had recently set up the Srebrenica Historical Project. Based in Holland, this organisation had secured funding to mount conferences and to commission its own investigations and expert analysis of key questions about Srebrenica.

The extent and quality of the work done by the SHP since that time has been remarkable. In a little over two years they have taken on a range of challenges that would daunt the most skilled data crunchers. I believe this work has rewritten the Srebrenica narrative decisively.

The purpose of this Introduction is not to summarise the many revelations published on the pages that follow. It is, rather, to commend this book in the strongest terms. This collection demonstrates that the stories about ‘the worst war crime in Europe since the 2nd World War’ are fictions, unrelated to what took place.

It is vital that the unadorned truth about the Balkan conflicts should be freed from the lies and misrepresentations that have characterised the first draft of this history. Only then can there be some kind of genuine process of truth and reconciliation in the aftermath of the Balkan wars. This work provides a platform from which such a process can begin.

*Jonathan Rooper*

Jonathan Rooper was a BBC TV News & Current Affairs journalist from 1983–1999. After several years as a desk producer on daily programmes, he became a field producer making short investigative films on social and political affairs issues. He was head of the BBC News Features department for four years. Since leaving the BBC he has worked in corporate communications and now earns his living as a freelance, specialising in corporate video production and editing, media and presentation training and corporate journalism.

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<sup>1</sup> <http://www.srebrenica-report.com>



## I. PUBLISHER'S PREFACE

Unless we are to take a holistic approach, talking about Srebrenica is impossible and useless. The holistic approach<sup>1</sup> prescribes that a phenomenon ought to be studied as an integral whole. All its components must be taken into account in the analysis. To the extent that some elements of the whole are stripped of the weight and significance that is properly due to them, the perception of the whole will be warped and inauthentic. The principle of holistic viewing, as the basis of the accurate perception of the way things really are, does not apply only in pure science, in medicine, anthropology, sociology, and similar branches of knowledge in the exact or social sciences. It applies equally to the study and interpretation of historical events.

Where the obligation to take into account all factors which have played a role in some event is systematically avoided, reductionism prevails. Every form of reductionism is selective with regard to factual data.<sup>2</sup> We apply reductionism when we deliberately reduce complex phenomena to only a few selected factors which tend to corroborate the interpretation or thesis that we have formulated in advance. By doing so, we do not merely commit a huge methodological error; we also display crude contempt for the truth.

In the debate concerning the events that occurred in Srebrenica in July of 1995, which a decade and a half later not only has not subsided but — as new data are discovered — gains increasing momentum, the need to discard reductionism and to adopt an all-inclusive, holistic, approach becomes more apparent and urgent. In relation to Srebrenica there exist, in fact, just two contrasting schools of thought. The reductionist school which, until recently, was dominant but is now slowly but surely ceding ground, advocates compressing the entire event to three days in July of 1995.<sup>3</sup> The holistic school, on the other hand, maintains that it is impossible to conduct a meaningful conversation about those three days without a contextual grasp of all the events and contacts between the Serbian and Moslem communities in the region of Srebrenica during the preceding three years of the conflict, from 1992 to 1995.

The nervousness of the reductionist camp is perceptible and, realistically speaking, it is entirely warranted. New facts and scientifically sounder analyses

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<sup>1</sup> The general principle of holism was articulated by Aristotle as follows in his *Metaphysics* thus: "The whole is more than the sum of its parts" (1045a10).

<sup>2</sup> The degree of bias which characterises the selectivity that is practiced varies from one case to another.

<sup>3</sup> Even within such a drastically reduced time frame, this school insists on a dogmatic and one-dimensional presentation and interpretation of events.

of available data suggest alternative interpretations which do not favor the entrenched theses at all. For these to survive, their advocates must seek to an ever increasing extent the support of various political and administrative structures. Examples of such palpably unacademic behaviour are demands for the adoption of political resolutions which sacralise the dogmatic version of Srebrenica events and impose it as the only correct one,<sup>4</sup> persistent attempts to criminalise the public expression of doubt in the official account<sup>5</sup> and — finally — as an extraordinary sign of desperation, resorting to criminal complaints in order to silence, intimidate, and financially ruin skeptics.<sup>6</sup> The old adage that the truth should be self-sufficient and not be made a ward of the coercive apparatus of the state in order to prevail, in this context becomes particularly significant. The protagonists of the official version of Srebrenica events act as if they themselves were unsure of the sustainability of their “truth” and of its vindication by the exclusive use of the standard methods of intellectual discourse.

The central issue which we analyse in this monograph has to do with the casualties suffered by the Moslem side in July of 1995 as a result of the attack by the Army of the Republic of Srpska [VRS] on the enclave of Srebrenica. This issue is important in several respects. First and foremost because those casualties are framed in terms of the Serbian side’s guilt, going even as far as implying it in the collective sense. Assuming for the sake of argument that some form of guilt were properly attributable in relation to those casualties, it is imperative to establish their nature and scope so that the degree of guilt could also be fairly assessed. Further, in the case of Srebrenica those casualties are not treated as a standard event incidental to war but are raised to the level of the most heinous crime known in international law — genocide. That is an additional motive to clarify with maximum possible accuracy the dimensions of that event in terms of the actual human losses.

Finally, in any situation the truth should not just be welcome, but it must be sought after and given unhindered opportunity to affect thinking and to work its healing power in human relations. That is why it is essential with regard to Srebrenica also to establish the truth. If in its key material aspects the official version of Srebrenica is incorrect, its successful perpetuation and imposition will have most nefarious effects. It will further poison relations and promote the mutual alienation of the two communities in Srebrenica which have no other choice — if they care for a better future — except to live in peace and harmony. It is assumed, of course, that they do not wish the horrors of the recent war to be repeated.

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<sup>4</sup> An example is the European Parliament Resolution of 15 January, 2009, and the Declaration of the Parliament of Serbia adopted on 31 March, 2010.

<sup>5</sup> An example of this is the pending proposal to change the Criminal Code of Bosnia and Herzegovina to make “Srebrenica genocide denial” a crime, and the proposal made by Serbian politician Nenad Čanak for the introduction of similar legislation in Serbia.

<sup>6</sup> An illustration of this tactic is the recent lawsuit filed against the Swiss newspaper “La Nation” for expressing what were, in fact, some very mild and moderate doubts. See: Balkan Insight, April 19, 2010, “Complaint Filed for Srebrenica Genocide Denial”, <http://www.balkaninsight.com/en/main/news/27445/>

The comprehensive approach prescribes, above all, a careful analysis of the available data which relate to the major issue under consideration. That issue is the scope of Muslim casualties which were the direct result of the takeover of the Srebrenica enclave by VRS [Army of the Republic of Srpska] in July of 1995.<sup>7</sup> Its clarification is the principal task of this monograph. In the chapters written by Dr. Ljubiša Simić, we present a detailed analysis of the forensic material used by the Hague Tribunal Prosecution in Srebrenica-related trials. That evidence is the only *corpus delicti* in existence of the crime in Srebrenica and it is the sole corroboration for the claim that in July of 1995 the Serbian side committed genocide by murdering “8000 Moslem men and boys”. At the same time, this evidence also serves as the basis for the legal conclusion that this was an act of genocide.<sup>8</sup> At the moment, that constitutes the entire material evidence of the crime committed in Srebrenica. For that reason, it merits exhaustive analysis and that is precisely the kind of analysis to which Dr. Simić has subjected it.

The other segment of this issue is practically unknown to the general public and barely to specialists. It has to do with the losses suffered by the retreating partially armed and mixed military and civilian column of the Moslem army's 28th Division which undertook a breakout from Srebrenica enclave to Moslem held territory in Tuzla, over mountainous terrain, starting in the night of July 11/12, 1995. Along its path of retreat, the column had numerous combat clashes with VRS. As a result of these combat activities, and also of internecine conflict, the column — estimated to have numbered between 12,000 and 15,000 at the start of the trek — suffered significant casualties. In relation to Moslem casualties as a whole during this period, the column's losses are very specific. Under international law, a military column is a legitimate target, even when there are civilians in its composition. Thus, regardless of the execution of prisoners of war elsewhere and the indisputable fact that this does constitute a war crime, the col-

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<sup>7</sup> Oddly, there is a school of thought which holds that for genocide to be established, the number of victims is essentially unimportant and that it is unnecessary to dwell on that question. The promotion of that view is the Plan B of the Muslim side and its apologists. It is not important, they say, whether 8,000 or 800 were executed — the nature of the crime remains unchanged. But if figures are of such minor significance, and if factual verification is such a futile enterprise, then why, instead of removing a zero, shouldn't we add a zero and claim that the number of Moslems executed in July of 1995 was not 8,000 but 80,000? There is no material evidence, in the form of bodies and other forensic material, to reliably support any of those figures, so we can promote either of them with equal ease. Perhaps *reductio ad absurdum* is still the indicated method of debunking a self-evidently absurd argument which holds that when we are talking about a major crime the actual number of victims is of minor importance.

<sup>8</sup> In addition to this forensic material, there are also the results of exhumations conducted after 2004 by the international organisation ICMP. We discuss that organisation and its work separately in this monograph. For the moment, it is sufficient to point out that the ICTY Prosecution never formally presented the results of ICMP exhumations in any Srebrenica-related trial. Thus, the validity of that evidence in terms of classical forensics analogous to the work previously performed by ICTY forensic teams [1996–2002] has not been tested in court. As for the DNA data supposedly derived from those exhumations, its problems will be discussed in due course.

umn's casualties must be considered separately.<sup>9</sup> They do not even fall within the ambit of an ordinary war crime, let alone of genocide.

The systematic overlooking of the column as a legally distinct and separate chard in the Srebrenica mosaic during the crisis period in July of 1995, and — naturally — the consequent avoidance of any systematic discussion of the nature and scope of its casualties, is a topic long overdue to be addressed. It serves as another compelling illustration of the dangers inherent in reductionism and shows persuasively why the holistic approach is preferable. If there is an honest desire to fix responsibility and pursue war criminals it is first necessary to ascertain, in the legal sense, the actual number of genuine victims of Srebrenica in July of 1995, thus establishing the real dimensions of the crime which could form the basis for an accusation. The first step in that process is to distinguish legitimate losses as a result of combat activity from the execution of prisoners of war. That is elementary, but it is something that has been left undone and is tacitly ignored, in a way that practically excludes the possibility of honest error. In the chapter written by Stephen Karganović on Moslem column losses, the causes and structure of those legitimate casualties are analysed and estimates of their probable scope are offered. Statements by surviving members of the column who made it successfully to Tuzla, and who gave detailed accounts of combat activities and human losses along the way, are a first-rate historical source from which data are being published here for the first time.

The holistic approach to Srebrenica is not confined to the classification of Moslem losses in July of 1995. It must encompass all essential elements of the situation on the ground in and around Srebrenica from the beginning of the conflict in April of 1992 to July of 1995. At a minimum, that requires that two key segments of the total picture be considered: the unimplemented demilitarisation of Moslem forces within the enclave of Srebrenica and the systematic attacks on surrounding Serbian village communities and their devastation, accompanied by the mass killing and expulsion of unarmed non-Muslims. In relation to the events of July of 1995, these two elements are not irrelevant nor are they in any way causally unrelated phenomena. They are an integral part of the Srebrenica mosaic and stand in conjunction with the events of July of 1995; they form a single moral and forensic whole. That is why in this monograph they are treated as such.

It is for us an honour to be able to include in this English-language edition several original research texts that did not appear in the Serbian version of this book.

First, there is Professor Edward Herman's essay on the media's treatment of the Srebrenica story. Secondly, George Pumphrey's exposition on the six sources of the Srebrenica legend. Finally, there is also a research paper by Professor John Peter Maher on the origin of the catchphrase "8,000 Moslem men and boys". It focuses on the time lapse between the event to which the catch-

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<sup>9</sup> For a legal definition of a legitimate target, see First Additional Protocol of the Geneva Convention (1977), article 52.

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phrase refers and the point when the phrase was invented and actually entered widespread usage.

That interval is emblematic of the contrived nature of the official story as a whole. It suggests strongly that the ritualistically repeated phrase which has practically become synonymous with Srebrenica was more likely a deliberate, after the fact, PR creation rather than an articulation of the facts or a spontaneous expression of moral sympathy.

*Stephen Karganović*





## II. SREBRENICA: A CRITICAL OVERVIEW

Our purpose is not to argue with the cult of Srebrenica, or for that matter to dispute or deny anything.<sup>1</sup> Our goal is to accomplish something affirmative. With regard to Srebrenica that can mean only one thing: to mark off at least some parameters of realism in that ongoing discussion. One must set the goal modestly: “at least some,” although it is the dream of every researcher to discover everything possible concerning the object of his study. Srebrenica may be thought of as an archaeological dig where in addition to genuine artefacts and evidence there are also numerous layers of deliberately constructed fabrications and falsehoods which enormously complicate sorting things out. Therefore, the first thing that needs to be done is to remove those layers of pseudo information. Misleading and planted tidbits and sources of “information” about Srebrenica must be discarded. The greater part of those contaminated layers must first be swept away and the remaining false representations must be substantially deconstructed. Only once that is done will we have a genuine opportunity to engage in the collection of authentic data with the help of which we might manage to construct the real picture.

The basic problem confronting every Srebrenica researcher at the outset is that essential data are accessible only with great difficulty, or not at all.<sup>2</sup> Almost as daunting is the fact that the sources of much of the data that are accessible are so poisoned with fabrications that even the most experienced researchers will find it difficult to find their way in the labyrinth of contradictions and false leads.<sup>3</sup> Excessive caution, leading to analytical paralysis serves no purpose; uncritical recep-

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<sup>1</sup> For a glimpse of how Srebrenica is being elevated to the status of a planetary crime, see *Dani* (Sarajevo): „Prljavi dil Klajna i Ivanica,” no. 256, 10 May 2002; Srebrenica is also somewhat immoderately depicted as an example of “planetary genocide” on this Bosnian Moslem internet site: <http://www.bosnjaci.net/prilog.php?pid=16877>, 10 September 2004; acting in similar spirit, the main Bosnian Moslem political party, SDA, demanded that the finale of the world soccer cup scheduled for 11 July 2010 be cancelled because “that is the day of remembrance for the victims of Srebrenica”: (<http://www.frontal.rs/cyrl/?page=3&kat=2&vijest=41775>).

<sup>2</sup> The UN Srebrenica archive is under seal for 50 years and the alleged aerial photographs which are supposed to demonstrate that the ground in the vicinity of execution and burial sites has been “disturbed” also will not be accessible for several decades.

<sup>3</sup> A textbook example is the incredible mixture of possible and entirely absurd theses concerning Srebrenica that have been advanced by a certain Yugoslav Petrušić, a self-proclaimed collaborator and “insider” of the French intelligence service (see <http://www.frontal.rs/cyrl/?page=87&kat=14&vijest=34637&vijest=34637>), which hardly sound as if their purpose were to clarify things and connect the dots. Side by side, we have the uncritically assembled “evidence” of the Hague Tribunal, a voluminous transcript of the most bizarre statements and assertions which, if made before a serious judicial institution, would have a very slight chance of making it into the official record. They have nevertheless found their way into numerous ICTY verdicts, thus in a certain sense infiltrating history.

tiveness to a multitude of dubious “facts” and superficially seductive, but inevitably misleading, explanations also does not help to form reliable conclusions.

The one thing that can be stated with certainty is that the official version of Srebrenica is a colossal bluff.<sup>4</sup> Even the realistic-looking elements of that bluff, such as the remains of human victims, have been converted into props, virtual evidence, because they do not serve the purpose of establishing reality but of corroborating illusion. That is demonstrated in two chapters which are devoted precisely to that subject, the brazen misuse of the forensic evidence for quasi-judicial purposes. As a fraud, Srebrenica is the distillation of the most effective propaganda techniques that were developed in the course of the twentieth century. It is a master stroke of the science of propaganda and a supreme testament to its ability to lure the public into a thick fog and abandon it there in a state of permanent delusion.<sup>5</sup>

The presence in that fog of a sufficient amount of authentic elements does not serve to conduct us to the truth but, on the contrary, to strengthen the illusory impression of authenticity of the entire construct. Srebrenica is a big Rorschach drawing and everyone viewing it is free to read into it the meaning that is in accord with his or her own indoctrination on the subject. That applies to the partisans of both extremes in the interpretation of the Srebrenica story. The advocates of the official version insist on the phantom number of victims and on the legal conclusion of genocide, paying no attention to the factual baselessness and legal unsustainability — bordering on the absurd — of their thesis.<sup>6</sup> At the other extreme, their equally passionate and irrational opponents for the most part

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<sup>4</sup> Professor Herman was spot on when he called Srebrenica “the triumph of propaganda at the end of the twentieth century.”

<sup>5</sup> According to Professor Edward Herman, Srebrenica is: “...a final stroke demonizing the Serbs and that master demon Slobodan Milosevic, and underpinning the political and moral environment that allowed him to be kidnapped, tried, and allowed to die in prison based on inadequate medical attention (if not worse), and allowed Serbia and the Bosnian Serbs to be kept under pressure and made to grovel more or less indefinitely. It was also a propaganda masterpiece in that it had all of these political benefits while resting on a huge double standard, impunity for the major law violators in NATO and their Balkans’ clients, and with the unchallengeable Srebrenica charges very problematic, crucially decontextualized, and infused with disinformation.” [From private correspondence with the author.]

<sup>6</sup> The absurdity of that thesis even from the legal standpoint may be seen from the fact that the Hague Tribunal saw itself obliged to construct a ludicrous ad hoc anthropological theory, evidently applicable to Bosnian Moslems only (and if we study the court’s exposition carefully, it would appear applicable only in the district of Srebrenica which is noted for its specific “patriarchal” characteristics) so that the evacuation of women, children, and the entire non-combatant population to safety could be fitted into its genocide rationale. In addition, viewed in the context of the massive violence which is routinely practiced in the world today, even assuming that 8,000 were executed in Srebrenica, compared to the casualties resulting from the attacks on Iraq and Afghanistan, putting aside other examples of mass depopulation such as Guatemala or East Timor, that would still be a crime of modest proportions. That is perhaps why the crime of Srebrenica, whenever it is referred to, is usually contextualized as the “greatest massacre in Europe after World War II,” and the like. Critical thinkers would surely pose the question: What do geographical and temporal parameters have to do with the legal qualification of a crime, assuming that it actually took place as described and that it does constitute genocide?

claim that absolutely everything having to do with Srebrenica is a great lie and that in July of 1995 nothing at all of significance and in violation of the laws and customs of war occurred there.<sup>7</sup>

Both these positions are false and are facing certain disrepute. All who have committed themselves thoughtlessly to one or the other will in the end be obliged to pay a high moral and historical price for their ill-considered choice.

Empirical investigation of real Moslem casualties and their proper classification in many ways constitutes the essence of the Srebrenica question. Without a corpse, there is no murder, even less so genocide.<sup>8</sup> When any sort of murder occurs the mortal remains of the victim constitutes the *corpus delicti*. The fundamental question, which must always be asked in a murder case, concerns the physical evidence, its quality, and correct interpretation. That is precisely the approach that was taken by Dr. Simić, who consulted the very source of that evidence, which is the voluminous forensic record of the Hague Prosecution encompassing about 30,000 pages.

His meticulous analysis of the forensic material, supported by numerous illustrative annexes, does not leave any room for doubt that our assessment of the official Srebrenica story as a “colossal bluff” is fully appropriate. The criticisms which Dr. Simić puts forward in relation to the performance and results of the Hague Tribunal’s (in this particular case, the Prosecutor’s, to be absolutely precise) forensic teams are not merely intriguing, nor do they just cast a shadow of doubt but only on some specific portions of their work while still leaving open the possibility of general rehabilitation; they are more than that. They are absolutely fatal. They raise not only the issue of the professionalism of the “experts” to whom the Tribunal entrusted this task, but to no lesser degree also of the integrity and *bona fide* of the institution which hired them and accepted their work. After this, there is no reserve position for the Tribunal where it could withdraw with honour. It is still the case that a certain number of people were executed, that is entirely correct. But for the authors, and the purveyors, of these sloppy and in part very clearly manipulated “expert reports” that is very slight consolation. The problem does not lie merely in the obvious and enormous nu-

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<sup>7</sup> A report was proposed to the government of the Republic of Srpska in 2002 concerning these events. It was furiously rejected by the High Representative who went on in 2003 and 2004 to put the government under extreme duress to create and adopt a different version which reflected the views of the opposite extreme, but which factually had as little to do with reality as the first one. It was absurdly alleged in the first report that there were no more than 100 Moslem casualties in Srebrenica! So to please the High Representative the creators of the second version based their factual matrix on the concoctions of ICTY’s *Krstić* judgment, which was hardly a factual improvement. See: “Report About Srebrenica Case,” The Center for Documentation of the Government of Republic of Srpska and The Bureau of the Government of RS for relations with ICTY, Banja Luka, Republic of Srpska, 2002, (139 pages), <http://www.slobodan-milosevic.org/documents/srebrenica.pdf> .

<sup>8</sup> The American weekly *Newsweek*, understandably impatient in November 1996 after noisy allegations that mass slaughter of enormous proportions had occurred, reacted with an incisive comment and question: “Genocide without corpses: Srebrenica was said to be Europe’s biggest atrocity since World War II. So why haven’t more bodies been found?” (*Newsweek*, 4 November 1996.) As can be seen from Dr Ljubiša Simić’s analysis of the forensic evidence, whatever could not be found in the available physical evidence was soon afterwards simply improvised.

merical disproportion between the approximate figure of the genuinely executed and the entirely baseless propaganda figure of the alleged victims, the latter having been officially adopted by the Hague Tribunal and certified by the simulacrum of its authority, but in something else. It is that no responsible judicial institution wishing to be taken seriously would ever nonchalantly close its eyes to such a blatant factual deficiency nor would it base a finding as significant as genocide on data which are not just unproved, but are to a large extent falsified. But that is precisely what the International Criminal Tribunal for the Former Yugoslavia in The Hague has done.

In order to morally censure that tribunal, it is not even necessary to resort to political conspiracy theories and to ask who set it up and who finances it, nor is there a need to speculate whose purposes are served by its unalterably biased verdicts. It suffices to point out some of its elementary failings in a few critical segments of its work, as has been done calmly and methodically by Dr. Simić, for that court to be disqualified along with the bulk of its “legal findings” and “judgments.”

The longer one studies Srebrenica, the clearer it becomes that the official narrative is a vehicle riding on but one wheel. However, although the forensic evidence issue — which in the case of Srebrenica is indeed a very serious matter — is more than sufficient to cast doubt on the entire construct that nevertheless does not exhaust the subject. The common denominator of all fundamental elements of the Srebrenica cult is the same: either the complete absence of a factual basis or the complete unpersuasiveness of what is being offered.

We will corroborate this conclusion by a brief review of three of the most salient segments of the Srebrenica story: the Dražen Erdemović evidence, DNA evidence, and “satellite” photos.

1. **The Erdemović evidence.** Dražen Erdemović is not just an ordinary Hague Tribunal witness. He is unique because he is simultaneously endowed with the status of a witness and perpetrator of the crime of Srebrenica, which is itself in a very special category amongst all the various crimes ICTY is concerned with. Srebrenica is the *raison d’être* of the Hague Tribunal. The significance which the Prosecution attributes to Erdemović may be judged by the fact that in addition to him there are alleged to be several other direct witnesses to the killing, individuals who are said to have managed to avoid execution. One such almost executed but surviving witness is Mevludin Orić, the cousin (what a coincidence!) of the commander of Moslem armed forces within the “demilitarised” enclave. Another is Ahmo Husić, but more about him later. It is a fact that none of the three supposed survivors has merited being placed on the same pedestal with Erdemović. That in itself is rather strange. Shouldn’t the court be more (or at least equally) interested in the evidence of a victim than in the story of a person who is alleged to be a perpetrator and who has made an agreement with the Prosecution whereby he avoids significant penalties for his crimes, including for the admitted killing by his own hand (although he is now deeply repentant) of at least 100 men? But, as Pascal would put it today, the Hague Tribunal probably has its reasons which to the ordinary intellect are quite unfathomable.

Erdemović was not held to account for his admitted crimes in any significant way, because he agreed to make a deal with the Tribunal. He acquired immunity, a changed identity, and a life-long pension. In return for the Tribunal's indulgence, his only obligation is to appear as a prosecution witness at every Srebrenica trial and to recite his story about the mass execution of Moslem prisoners at the Pilica execution site, in which he claims to have taken part personally.

But the Prosecution had the bad luck that while this Star Witness of the Hague Tribunal was giving his evidence in the Milošević trial, in the galleries someone was sitting and taking note of all the bizarre elements and contradictions of his testimony, just as later it had more bad luck when Dr. Ljubiša Simić became interested in its forensic evidence and began to check it. In this particular case, it was the Bulgarian journalist and long-time *Deutsche Welle* correspondent Germinal Čivikov. Čivikov gives a detailed account of those gaps, contradictions, and inconsistencies in Erdemović's testimony in his book, *Erdemović: The Star Witness*.<sup>9</sup> Implacably and with surgical precision, he dissects what ICTY's Srebrenica star witness has to say. After reading Čivikov's critique, the fact that several Hague Tribunal chambers gullibly accepted Erdemović's version as a credible description of the relevant events will be viewed with utter amazement. Čivikov's critique and Dr. Simić's analysis intersect at a location called Pilica. Regardless of what realistically may have been physically possible under the circumstances, Erdemović claims that he and his unit, the 10th Sabotage Detachment, managed at the Pilica execution site to execute about 1,200 in barely five hours.

Concerning what was actually discovered in Pilica, and how it conforms to Erdemović's testimony, which he gave solemnly and under oath, more will be said in chapters five and six. But considering the method and tempo of the killing, as described by Erdemović, Čivikov calculated that such a job should have lasted almost an entire day. In the end, when the Pilica mass grave was exhumed by the Prosecution's own forensic team, it yielded the remains of only 137 potential victims, of whom 70 had handcuffs and/or blindfolds which strongly suggested that they were prisoners. That result is obviously far below the total asserted by witness Erdemović. As we said elsewhere, "Yet once again ICTY chambers accepted without murmur evidence of very debatable quality, but with a direct factual bearing on the issue of Srebrenica's legal, moral, and political magnitude. And Erdemović, be it noted once again, is the Prosecution's key percipient witness and participant in the incriminating events. Upon his credibility a large portion of the official Srebrenica narrative depends."<sup>10</sup>

Perhaps this is a suitable place to reintroduce survivor Ahmo Husić. In his evidence at the *Popović et al.* trial Husić gives a predictably standard account of events culminating in the Pilica massacre. But tucked away in his testimony is a detail of considerable significance which failed to draw any attention from either

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<sup>9</sup> Germinal Čivikov, *Erdemović: The star witness* (Belgrade, 2010) [Translated from the German by John Lochland]

<sup>10</sup> Proceedings, pp. 23–24.

the chamber or the several defence teams who were also present in the courtroom. Namely, Husić reveals that the Pilica victims were taken to the execution site in seven busses<sup>11</sup> which could seat “about 50 persons” each.<sup>12</sup> The reason it is unfortunate that this detail was glossed over has to do with simple mathematics. Seven multiplied by 50 gives a total of 350. That would have provided ample room in the busses to accommodate all the actually exhumed victims who were being driven to the site of their execution, but not nearly enough to transport the 1,200 claimed by Erdemović. It is a tiny detail but it rather gives the game away, does it not?

Why is the story of the discredited star witness Erdemović so essential for the official Srebrenica narrative to be seen as credible? For the following reason. If we put aside the three alleged survivors who miraculously lived through the execution, and to whom even the Prosecution has assigned the modest role of supporting actors to the performance of the Star Witness and if we also momentarily put aside the problems with the forensic evidence, it turns out that Erdemović’s story is the only available first-hand evidence about what supposedly happened in Srebrenica. Therefore, whatever Erdemović’s story is worth, the official Srebrenica story as a whole cannot amount to much more than that.

**2. DNA evidence.** DNA did not appear as a significant evidentiary feature in Srebrenica cases until the *Popović et al.* trial.<sup>13</sup> The imminence of its use to bolster the rather disappointing results of standard forensic procedures was being announced with considerable pomp going back some time. It should be noted that this aspect of official Srebrenica research is being conducted under the patronage of an organisation which is called *The International Commission on Missing Persons in the former Yugoslavia* (ICMP). Officially, ICMP’s mission, according to the public statement which is posted on its web page, is: “[T]o ensure the cooperation of governments in locating and identifying those who have disappeared during armed conflict or as a result of human rights violations”.<sup>14</sup> ICMP is making great efforts to nurture the official profile of an independent and non-political organisation devoted to the noble purpose of assisting surviving relatives to find out what happened to their loved ones, to enable them to find some solace through the identification of the mortal remains of the missing, and finally to make a decent funeral possible.

However, ICMP’s autonomy is quite questionable. The organisation itself was set up in 1996 at the G-7 summit in Lyon, France, on the initiative of the American president Clinton. The list of its chairmen reads like an excerpt from the *Who’s Who* of the American establishment. The first chairman was former secretary of state Cyrus Vance from 1996 to 1997. Between 1997 and 2001 the position was occupied by Senator Bob Dole. The current chairman, James V.

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<sup>11</sup> *Prosecutor v. Popović et al.*, 6 September 2006, TRANSCRIPT p. 1190.

<sup>12</sup> *Ibid.*, Transcript, 1198.

<sup>13</sup> *Prosecutor v. Popović et al.*, par. 638 *et passim*.

<sup>14</sup> See ICMP website, <http://www.ic-mp.org/about-icmp>

Kimsey, reputed to be a generous philanthropist, was previously a director of America Online.

Is the carefully cultivated impression about the independence of ICMP a reality, or is it in fact yet another illusion? The likelihood of the latter might be deduced from a US State Department press release of 11 May, 2001, which suggests that the chairperson of ICMP is appointed by none other than the US secretary of state:

Secretary Powell has appointed Jim Kimsey as the new U.S. chairperson of the International Commission for Missing Persons (ICMP), the leading organization involved in the identification of remains of people killed in recent conflicts in the Balkans. Mr. Kimsey is the Founding CEO and Chairman Emeritus of America Online, Inc.<sup>15</sup>

Although ICMP's publicly posted materials on the internet promote the image of a classic NGO with purely humanitarian objectives, this information suggests if nothing overtly sinister then, at a minimum, the possibility of a serious conflict of interest. The government which apparently played an influential role in Kimsey's appointment is also very keenly interested in promoting a specific version of the contested Srebrenica narrative. Not only that, but it also appears that ICMP does not render an account to any scientific or judicial body which might in any way be related to its official mission. As was pointed out by the American political analyst, George Pumphrey,

It is a wing of the US State Dept. and publishes n'import quoi to serve the propaganda interests of its master. Many of their reports are so ambiguously worded<sup>16</sup> that even if someone would attempt to verify their announcements, it would be impossible, because one is not sure if they are speaking of whole corpses or of pieces of corpses.<sup>17</sup>

Pumphrey adds that no ICMP conclusion, such as for instance DNA matching data, has ever been reviewed or confirmed by any independent professional agency or laboratory.

For that reason at least, it would seem appropriate to express some doubt whether ICMP is truly the neutral institution it purports to be or — on the contrary — is a very engaged one, and whether in the politically sensitive area of documenting what happened in Srebrenica it may be playing the role of an auxil-

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<sup>15</sup> U.S. Department of State, International Information Programs, Press Statement, May 11, 2001. Annex 2.1.

<sup>16</sup> For a sample of the clarity of ICMP institutional discourse, this is the way its director of forensic science, Thomas Parsons, answered a question that was put to him when he was giving evidence at the *Popović* trial: "... these assumptions are likely to be nearly true, but ICMP does not represent that they are strictly true, or that the degree of uncertainty can be empirically estimated with accuracy. [...] A wide range of variables that are beyond the ICMP's ability to consider with empirical accuracy could have a minor effect on the estimate either upward or downward, but the overall high matching rate supports an estimate close to 8,100 [missing] individuals".

<sup>17</sup> Private correspondence with the author.

itary service to a country which is an extremely interested party on the Balkan political scene.

The background of the organisation under whose auspices the DNA analysis of the mortal remains of Srebrenica victims is being performed is very essential to an assessment of ICMP's objectivity and — most important of all — the validity of its results. In view of the acute shortage of bodies which were actually located and which by the employment of the methods of classical forensics could reasonably be linked to Srebrenica casualties, the assertion launched by ICMP — that they have managed to identify over 6,000 Srebrenica victims — sounds quite sensational. If that assertion is demonstrably true, it should then place the advocates of the official thesis within sight of their goal, which is to provide empirical proof that the number of the dead could indeed be around 8,000.

But as is usually the case whenever Srebrenica is involved, nothing is as it appears to be. ICMP's data are extremely difficult to rely on and that is mainly because for the moment they are completely unverifiable.

DNA evidence in relation to the factual matrix of Srebrenica was never the subject of an exhaustive and transparent public analysis before ICTY. DNA evidence was offered to the chamber in *Popović et al.* but in closed session. And even that was orchestrated under extremely onerous conditions which did not afford to the defence teams adequate time or resources to subject the tendered DNA material to thorough and exhaustive independent verification. The explanation for this secretiveness was that exposure of those data to the gaze of the public would constitute a callous act injurious to the dignity of the victims and could, at the same time, cause immense pain to their surviving relatives. The feelings and legitimate legal interests of individuals and communities who, as a result of the acceptance of such tenders of evidence, might be burdened by decades of imprisonment and the stigma of genocide did not apparently play a significant role in the deliberations of the chamber. In response to every request by private individuals or interested public entities for insight into ICMP laboratory data for purposes of independent verification, there follows an unfailingly polite but unalterably firm response: that is not possible without the written consent of the victim's relatives who donated their own blood samples, this again being motivated by the desire of protecting "privacy."

It appears, however, that at ICTY the entirely laudable goal of privacy protection has been taken a bit too far and virtually to the point of absurdity. It does not even seem to be confined to the accused and to their defence teams but extends also to the Office of the Prosecutor of the Hague Tribunal, the very agency that is tendering that material to the court in the form of evidence. There are valid reasons to suspect that not even the Prosecution has had an opportunity to review properly the DNA material prepared by ICMP which it tendered into evidence in order to demonstrate to the court the massive scope of the genocide it alleges to have occurred in Srebrenica. How else to interpret the statement made by ICTY prosecutor Hildegard Uertz-Retzlaff in response to the demand made by the accused Radovan Karadžić for the right to examine that evidence: "ICMP



has not shown the DNA to us either. So that it is not correct that they gave it to us, but not to others”.<sup>18</sup>

But a careful reading of the ruling issued by the Karadžić chamber, which intimated to the defence that it might be allowed to examine a small number of samples (a mere 300 out of over 6,000), something that was hastily praised as an important step forward in relation to the situation as it stood previously, reveals that even that small concession was conditional and that built into it was the possibility that the defence might still receive nothing.<sup>19</sup> For, first of all, in making its ruling the chamber did not discard in principle the position championed by ICMP that DNA analyses may be shown to others only with the relatives’ written consent. The implicit retention of that position, the potential effect of which is always to deny to the defence the opportunity to independently check one of the most significant elements of proof in the Prosecution’s case against the accused, is in itself scandalous and constitutes a grave breach of the procedural rights of the accused person. Then, in its ruling the chamber only states that “ICMP has agreed to obtain the consent of the approximately 1,200 family members who provided samples relevant to the 300 cases selected by the Accused, so that the Accused’s expert can then conduct the necessary analysis.<sup>20</sup> It is left unexplained in the court’s decision what would follow if those 1,200 relatives, or a substantial number of them, simply refused to sign the requested permission. If we take it as a matter of principle that their permission is, indeed, required<sup>21</sup> we must then accept it as a possibility that they might refuse to grant it. The defence in that case would be back to square one, and the alleged ‘movement’ in its favour would be clearly seen for what it really is — another illusion.”

The degree of indulgence the Hague Tribunal has shown to ICMP is truly phenomenal. In the course of the *Popović* trial it was disclosed that for years until October of 2007 ICMP was operating without professional certification from the international agency which approves DNA laboratories, Gednap. The fact was freely admitted by ICMP’s director of forensic studies, Thomas Parsons, under cross-examination.<sup>22</sup> However, when the chamber composed its judgment in

<sup>18</sup> ICTY, *Prosecutor v. Karadžić*, Status conference, 23 July, 2009, p. 364, lines 21–23.

<sup>19</sup> Although the Karadžić chamber is verbally committed to enable the defence to check 300 DNA reports, it continues to hold inviolate ICMP’s principled position that independent sample verification without the written approval of relatives is impermissible: “NOTHING that the ICMP has stated that it cannot provide its entire database of genetic profiles obtained from blood samples taken from family members of missing persons to the Accused without obtaining the consent of each family member who provided such a sample, and that this process would take significant time in view of the volume of samples taken”, ICTY, *Prosecutor v. Karadžić*, “Order on selection of cases for DNA analysis,” 19 March, 2010, p. 2.

<sup>20</sup> ICTY, *Prosecutor v. Karadžić*, “Order on selection of cases for DNA analysis,” 19 March, 2010, p. 2.

<sup>21</sup> Which, of course, is not the case at all because the Tribunal is endowed with full jurisdiction over all aspects of a criminal case under its consideration if only it should decide to make use of it. But the use of that authority is not in every instance discretionary. The court has an obligation to effectively use its powers to make unconditionally available to the accused all evidentiary materials that are submitted as part of the case against him.

<sup>22</sup> *Popović et al.*, 1 February, 2008, Transcript, p. 20872.

the *Popović* case it turned out that failure to demonstrate compliance with professional standards to which every DNA laboratory which aspires to be credible is held was not treated as a disability where ICMP was concerned. Amazingly, the chamber resorted to convoluted logic to turn the apparent disability to ICMP's advantage: "...[T]he Trial Chamber is of the opinion that the ICMP's lack of accreditation prior to October 2007 does not undermine the authenticity of the identifications concluded before this time. While Stojković [defence DNA expert] speculates that the lack of accreditation undermines the work of the ICMP, the Trial Chamber is of the opinion that the accreditation is rather an expression of approval of the ICMP's work".<sup>23</sup>

Better late than never seems to be the chamber's message. But in a medical malpractice case, would the chamber be equally indulgent with a neurosurgeon who had been operating without proper professional accreditation for a number of years? Would it find as much reason to praise him retroactively for professionalism because at some later point he finally managed to make his position regular?

But subsequent inquiries with Gednap<sup>24</sup> led to a shocking discovery which suggests that Mr. Parsons' sworn testimony was not the entire story. Even now, ICMP's position is still far from being professionally regular. Its forensic studies director Parsons was in fact less than candid in that part of his sworn testimony before the chamber in the *Popović* case. ICMP has three locations in Bosnia and Herzegovina: in Sarajevo, Tuzla, and Banja Luka. Sarajevo is the site of its administrative office and in Banja Luka there is only a small specialised laboratory which deals with a handful of difficult cases. Those sites were, indeed, visited by Gednap representatives prior to the issuance of professional certification in 2008. But the important work, the thousands of alleged matches which form the bulk of the DNA evidence which was presented to the court and which is touted as proof of massive executions approaching genocidal levels, is being done at the Tuzla laboratory. That site, the only operationally significant of the lot, it turns out never was inspected by Gednap and no explanation has been offered for that awkward exception. So the culture of secrecy continues to envelop this enigmatic organisation which effectively manages to resist both judicial (ICTY) and professional (Gednap) oversight of an even minimally meaningful sort.

The insistence on verification is much more than mere pedantry. It is now known that not just DNA results, but even DNA samples which generate those results, can be plausibly faked.<sup>25</sup> Dr. Dan Frumkin, a founder of Nucleix, a Tel Aviv company which has developed methods to distinguish genuine DNA from the false, has stated that by planting authentic-looking counterfeit DNA "you can just engineer a crime scene" and he adds that the task is so uncomplicated that "any biology undergraduate could perform this."<sup>26</sup>

<sup>23</sup> ICTY, *Prosecutor v. Popović et al.*, par. 645.

<sup>24</sup> Annex 2.2. [Correspondence with and about GEDNAP]

<sup>25</sup> "DNA evidence can be fabricated, scientists show," *New York Times*, 18 August, 2009; also, "Report: Israeli scientists discover way to counterfeit DNA," *Haaretz*, 18 August, 2009.

<sup>26</sup> *New York Times*, *ibid.*

This is a very real danger (one that Dr. Frumkin's scientific paper warns has been overlooked<sup>27</sup>) especially in view of the complete impenetrability of the ICMP's operations, with its opaque evidence furnished to the Hague Tribunal.

But as we saw, ICMP was not disqualified for its steadfast refusal to permit its results to be independently tested and for operating for years without proper professional credentials. In one of the most bizarre segments of the *Popović* judgment, ICMP was practically acclaimed for its persistence in circumventing accountability under applicable professional standards.

On page 3 of the Gednap Manual, "The GEDNAP (German DNA profiling group) blind trial system"<sup>28</sup> it is stated that "The system must comply with the generally acceptable state-of-the-art which means that the system must not only be proven to be reproducible within the developing laboratory but must also be reproducible in other equally qualified laboratories." So the reproducibility requirement is very important. But if the participating (or developing) laboratory refuses to make its data available, how can the reproducibility requirement ever be met? If it cannot be met, what is the level of credibility that we may attach to the results claimed by such a developing laboratory?

Based on unseen DNA evidence, which was transmitted to it by the Prosecution and which originated with the ICMP, the *Popović* chamber solemnly drew the awkward conclusion that "5,336 identified individuals were killed in executions following the fall of Srebrenica."<sup>29</sup> The reason this conclusion will surely enter the annals of jurisprudence as a supreme oddity is the following. As any secondary school biology student could have informed the chamber, the maximum that DNA matching can possibly do is identify mortal remains. It has nothing whatsoever to say about the place or manner of death. That information is derived exclusively from other sources, including classical forensic procedures and whatever data that might yield.

And if this were not sufficient to raise reasonable doubt about the judgment's credibility on this particular point, it should be noted that a list with the names and surnames of the supposedly identified 5,336 victims has not been published, nor is it appended to the chamber's judgment. The trial record does not contain an indication that such a list exists or that it was ever even tendered into evidence so that it might have been seen by the chamber at any point during the trial. So the logical questions must be asked. On what basis did the chamber draw its conclusions about the identifications to which it refers? Equally important, what kind of "identification" process is it if personal names are not disclosed?

If in relation to this evidence, which since the *Popović* trial has moved to centre stage and which, we are told, constitutes the last word of science on the subject, all the principal players, the Prosecution, the chamber, and the defence, are operating in the dark, how much can the findings of fact that are based on it

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<sup>27</sup> *FSI Genetics*, 17 July, 2009; also, [http://www.fsigenetics.com/article/S1872-4973\(09\)00099-4/abstract](http://www.fsigenetics.com/article/S1872-4973(09)00099-4/abstract).

<sup>28</sup> [http://gednap.forensishegenetik.de/Information/Manual\\_englisch07\\_04.pdf](http://gednap.forensishegenetik.de/Information/Manual_englisch07_04.pdf).

<sup>29</sup> ICTY, *Prosecutor v. Popović et al.*, par. 793; also see footnote 837.

be worth? The issue of ICMP's professional credentials, important as it obviously is, pales into insignificance when it is compared to the highly unprofessional conduct of the trial chamber of the International Criminal Tribunal for the Former Yugoslavia. Based in significant part on ICMP data, it drew, and in the recent *Popović* case it proceeded to incorporate into its judgment, factual and legal findings of far-reaching significance that are based on evidence that was unseen and unexamined.<sup>30</sup>

3. **Satellite photos.** DNA data are not the only example of unseen and unverified "evidence" of Srebrenica. In the same category are the famous "satellite photographs" which were mentioned (but also never actually given to anyone to conduct a close examination) before the Security Council of the United Nations as irrefutable technological proof of the mass execution and burial of Moslem war prisoners. That alleged evidence, which the US delegate Madeleine Albright waved in the Security Council and highlighted verbally in the dramatic public début of the Srebrenica genocide story, but which she never — then or later — allowed anyone to review, played a key role in creating the impression and the climate of opinion that a crime of enormous magnitude had occurred in Srebrenica and that Serbs were responsible for it. It became axiomatic to hold such a view and to believe that by using the most up-to-date instruments of technology, all the main phases of that crime were under constant observation from outer space. So if there remain some blank spots in the story these are but details which do not affect the essential parameters of the official narrative.

But as we recently learned, even that widespread impression concerning Srebrenica is unfounded. The source of that revelation is unimpeachable and it is quite literally first hand: the former chief investigator (1996–2001) of ICTY Office of the Prosecutor, Jean-René Ruez.

In the course of a wide-ranging interview on the activities of the prosecutor's office and the background of the Srebrenica massacre, the conversation moved inevitably to the "satellite evidence" which was dramatically presented by Madeleine Albright to the UN on 10 August, 1995.<sup>31</sup> As the Dutch War Research Institute [NIOD] pointed out in its report:

Albright used the photos to provide the Security Council with evidence of the atrocities and to pressurize both the Security Council and the Clinton

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<sup>30</sup> In Great Britain recently, in the Belfast Crown Court, Sean Hoey was charged with 56 counts of murder in a terrorism case involving a bomb attack. The Prosecution built its case essentially on DNA evidence provided by the Forensic Science Service [FSS]. As reported by *BBC News* on 20 December, 2007, the DNA testing "ha[d] been validated only by FSS's own scientists, rather than by outside experts." The similarity between FSS and the way ICMP operates was striking. But the difference between that and ICTY procedure was that when in a British court the defence were given a proper opportunity to challenge the probative value of such evidence they were successful in having it dismissed.

<sup>31</sup> Although the judicial use of this "evidence" has so far been restrained, it should be noted that it is nevertheless mentioned as proof in paragraphs 255 and 380 of the ICTY trial judgment in *Blagojević and Jokić*.

Administration into taking a harder line. She stated that there definitely was sharper and better Imint but this had not been released in order to safeguard the techniques and the technology. Albright also reputedly used the photos in an attempt to win support for the idea of a larger peacekeeping operation in Bosnia with US involvement.<sup>32</sup>

In response to interviewer Isabelle Delpla's question about the significance of those famous photos which suggest "that the massacre could be followed as it unfolded in real time," the former chief investigator of the Hague prosecution comments:

That is a good question, but the expression 'satellite photos' ought to be discarded. The official designation is: 'images made by aerial reconnaissance platforms.' These are pictures that were made by the U2...With regard to this, we must correct some erroneous notions...U2 planes are technology from the sixties. The picture covers an area 30 km in diameter and everything there is potentially visible... Theoretically, if you have that picture you should know what is going on in the zone; but, practically speaking, the picture is impossible to interpret if you do not know in advance what it is that you are searching for within it and if you do not conduct cross comparisons with ground-based observations.<sup>33</sup>

Have we understood correctly the former chief investigator for the Hague prosecution? Does this mean that — contrary to the impression that has been assiduously nurtured and disseminated over the years — those photos, which figure as critical evidence,<sup>34</sup> were not made at all by satellites equipped with cutting-edge technology, but that the Bosnian war theatre was being monitored using obsolete intelligence technology left over from the sixties? The precise answer to this question is quite essential. If the latter is correct, then the concealment of this "definitive" visual proof of the crime for the next 50 years is completely unjustified. The absurd official rationale, that its publication could compromise US intelligence-gathering techniques, does not withstand scrutiny. We should recall that in 1960 Francis Gary Powers was shot down over the Soviet Union in a U2 spy plane. His plane fell on USSR territory and we may safely as-

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<sup>32</sup> NIOD Report [2002], Annex 2, chapter 7, part 4.

<sup>33</sup> *Cultures & Conflicts*, 2007 — 1, no. 65; on the internet: <http://conflicts.revues.org/index2198.html>.

<sup>34</sup> The evidentiary status of satellite photos should be clarified. No sustained attempt has been made by the Prosecution to use them in ICTY proceedings so far on the pretext that the US government refuses to divulge them out of concern that public dissemination might compromise its intelligence techniques. But the frequent political and media invocation of this evidence, and its role in shaping the perception of Srebrenica, makes it a fair target for defence disclosure requests so that finally its status and the issues it raises could be settled in court. All such applications, however, have been routinely dismissed by various ICTY chambers based on the same security rationale. So the real impact of this unseen evidence, if such it is, although potent has been mainly extra-judicial. Paradoxically, it is precisely the mystification that surrounds it that in psychological terms gives these alleged "satellite photos" a status and an aura that in all probability they would never have if they had been properly ventilated in a courtroom.

sume that its intelligence capabilities have from then on been basically known to Russian special services. What, then, could possibly justify the deliberate concealment of what turns out to be U2 photographs which — according to the manufactured climate of opinion on this subject — should be capable of resolving most of the remaining doubts in relation to genocide in Srebrenica?

But there are also further, and very significant, questions that could be posed. What kind of aerial photographs are these, presented as a *smoking gun*, which are not susceptible to interpretation without supplementary information from the ground, allegedly to enable the analyst to know what it is that he is looking for in the images? Is that an image which depicts something relatively clear and visible, or is that a Rorschach test where what is essential is not the picture itself or how you interpret it, but the viewer's perception of what is alleged to be in it?

As he continues, Ruez only reinforces doubts concerning the possibility of a reliable analysis of those images:

“The image in and of itself does not contain anything definite, and it could even be the cause of very serious errors in the process of interpretation.”

The question must now be plainly asked: Is this what the story of Srebrenica satellite images, proposed implicitly to the courts and explicitly to the public (together with DNA) as the most cutting-edge evidence of Srebrenica “genocide”, in the end comes down to?

Ruez goes on to reveal one more intriguing detail which also goes to reinforce our thesis that the official Srebrenica narrative is a construct which is founded upon a brazen bluff which for its success depends upon a key element: the prohibition, or the practical impossibility, of verification. He discloses that in her famous address at the UN (*en toute bonne foi*, Ruez maintains as a perfect gentleman) Madeleine Albright did not, in fact, tell the whole truth to the international community. She displayed first the U2 picture of a football field in Nova Kasaba which at that moment was full of detained refugees, and then she went on to show another picture allegedly depicting a mass grave. Albright's UN performance produced an overwhelming (and undoubtedly calculated) impression that right after the football field the next destination of the detainees was the mass grave. But we are now informed by Ruez, with just the slight delay of a decade and a half, that between those two images there is in fact no geographical or causal connection whatsoever.

*En toute bonne foi*, would it not be correct to say that all these gaps in the evidence underscore the urgency of conducting a thorough and objective review of the entire official narrative about Srebrenica?

**A genocide by political arrangement?** The conclusion above is suggested also by a number of other circumstances, although perhaps not in the form contemplated by Mme. Sylvie Matton in her extremely tendentious book.<sup>35</sup> There

<sup>35</sup> Sylvie Matton, *Srebrenica: un génocide annoncé*, Flammarion, Paris 2005.

are reasons to believe not just that the dimensions of Srebrenica “genocide” have been purposefully inflated, and not only that it was a staged event,<sup>36</sup> but also that it occurred by political arrangement.

One of the persuasive arguments in support of this view are the disclosures of the wartime president of the Moslem political party SDA in Srebrenica, Hakija Meholjić, concerning an alleged suggestion that was made by US President Clinton to Alija Izetbegović as to what ought to happen in order to create a positive political and psychological climate that would be conducive to American intervention in Bosnia on the Moslem side. Meholjić described the visit to Sarajevo in September of 1993 that he made with a delegation from Srebrenica, and the conversation they had with Izetbegović at that time.<sup>37</sup> The thrust of Izetbegović’s message was clear: a way should be improvised to accomplish the killing of at least 5,000 Srebrenica Moslems so that indignant public opinion in America would apply pressure on its government from below to intervene in Bosnia. Ten years later, not only has Meholjić not retracted his revelations but he has added to them a very piquant, typically Balkan, detail:

At that time in 1993 Alija Izetbegović demanded not just the killing of 5,000 Moslems in Srebrenica, but the slitting of their throats. We were at the ‘Holiday Inn’ hotel in Sarajevo and I stood up and asked him if he were demented and who was supposed to kill that many people. After that, all that remained was to wait for the convenient opportunity for the international community to become involved and the dice fell on Srebrenica. Alija Izetbegović endorsed the commission of genocide, and the Serbs fell for something that had been arranged in advance.<sup>38</sup>

With respect to Meholjić’s last point, it is but an echo of an assessment made along the same lines by General Morillon.<sup>39</sup> But in relation to the arranged surrender of the enclave with the intention of capitalising Serb revenge, that hypothesis is supported as well by other strong circumstantial evidence originating from statements made by local Moslems, members of the 28th Division, to whom — as it very oddly turns out — it did not ever occur to offer significant resistance to Serbian forces. A few examples will illustrate this.

A 28th Division soldier, Mešanović Ibrahim, has stated that on 11 July, two military men came and conveyed the order that women, children, and the elderly were to gather in Potočari, while the remaining men and civilians were to conduct a breakout.<sup>40</sup> This account in its essential features is confirmed by other

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<sup>36</sup> In late 1994 a book was published with authorship attributed to Naser Orić, *Srebrenica testifies and accuses: genocide against Bosnians in Eastern Bosnia, April 1992-September 1994*. Its literary qualities are debatable, however in it Orić prophetically anticipates some of the events which would indeed take place almost a year later, but shortly before the predicted dénouement in the Summer of 1995 he withdrew to safety from the enclave.

<sup>37</sup> *Dani* (Sarajevo), 22 June, 1998. For an unofficial English translation, see: <http://www.freerepublic.com/focus/f-news/900587/posts>.

<sup>38</sup> *Glas Srpske* (Banja Luka), 22 April, 2010.

<sup>39</sup> *Prosecutor v. Milošević*, p. 32029.

<sup>40</sup> EDS: 00464633.

Moslem soldiers who made it to Tuzla successfully: Mustafić Idriz [all males from his village between the ages of 13 and 60 were instructed to go to the village of Šušnjari, whence the column was departing, and where eventually about 15,000 men had gathered],<sup>41</sup> Smajlović Ahmet,<sup>42</sup> Velić Omer [“we received the order from our government to flee through the woods to Šušnjari, in the direction of Tuzla...the women, children, and the elderly and the handicapped were to go to the UN compound in Potočari, where they would be protected and evacuated”],<sup>43</sup> to mention just a few out of many.<sup>44</sup>

Dutch UN battalion personnel which at that time [11 July, 1995] happened to be in Srebrenica viewed most unfavourably such conduct toward the vulnerable members of one’s own community:

At the time of the movement of refugees from Srebrenica to Potočari Dutchbat personnel were struck by the fact that young, male inhabitants left the women /children/elderly to their fate. This was considered to be cowardly.<sup>45</sup>

Interestingly, some recently disclosed American diplomatic correspondence also contains hints of a similar nature. It is stated there that “[name of informant deleted] reported that the main body of Bosnian government forces and most younger men had not resisted the BSA and had fled the city heading west to Tuzla over the last few days.”<sup>46</sup>

This conduct on the part of armed Srebrenica males is all the more puzzling when the topographic features of the terrain, which in this case give clear advantage to the defenders, are taken into account.<sup>47</sup> This highly unusual combination of circumstances, from the alleged séance of the Srebrenica delegation with Izetbegović in Sarajevo in 1993, when they learned of the American presi-

<sup>41</sup> EDS: 00464638.

<sup>42</sup> EDS: 00464647.

<sup>43</sup> EDS: 00464650.

<sup>44</sup> Similar recollections are also found in the statements of Dervišagić Ahmet, EDS: 00464614; Dozić Ahmet, EDS: 00464615; Gutić Sabahudin, EDS: 00464618. What bewilders the reader of these statements is the failure of armed males to even consider attempting to defend themselves and their families, and their readiness to meekly submit to the instruction of “our government” to withdraw to safety while leaving the vulnerable members of their community at the opponent’s mercy. That would appear to be conduct quite contrary to normal human impulses in such a situation.

<sup>45</sup> *Report Based on the Debriefing on Srebrenica* [Assen], par. 6.11., 4 October, 1995, EDS: 00349980.

<sup>46</sup> Dispatch no. 03780 of US Embassy at The Hague to the State Department, July 12, 1995. See: <http://news.intelwire.com/SrebrenicaDossier>.

<sup>47</sup> That is the opinion of Major Wright of the UN Observer Mission, which he articulates in par. 5 of his 26 July, 1995 report “Postscript to Srebrenica,” EDS file designation R0050422. Major Wright estimates the strength of the Serbian attackers at about 1,500 and a few tanks, and the strength of the Bosnian Moslem army in the enclave at around 4,000. In his view, combined with the advantages offered by the terrain, that should have facilitated a successful defence. In the Dutch Debriefing, the combined strength of Moslem forces within the enclave is estimated at 3,000 to 4,000 men, par. 2.34.



dent's unusual offer, to the unnatural behaviour of the Moslem army in the enclave when it came under Serbian attack,<sup>48</sup> could probably be explained by reference to diverse hypotheses. But which of them is the most logical and all-encompassing?

There exists, in close conjunction with the facts which have been presented above, one more odd circumstance which also forms an integral part of the Srebrenica enigma. Returning, for a moment, to Jean-René Ruez, the long-time chief investigator for the Hague prosecution, we are informed by him that at a time when the bodies of execution victims had scarcely even turned cold, and when nobody had any precise reports about what might have really occurred in the field, Ruez was already instructed to fly to Tuzla and to open there an official inquiry into the horrible Srebrenica genocide.

What is the hypothesis that best explains the following curious chronology of events?

20 July, 1995: Investigator Ruez arrives in Tuzla to open his inquiry on behalf of ICTY Office of the Prosecutor;<sup>49</sup>

24 July, 1995: Journalist Tim Butcher reports from Bosnia to the London *Daily Telegraph* under the headline "Serb atrocities in Srebrenica are unproved." It features an interview with Henry Wieland, UN Commissioner for Human Rights who had spent the preceding five days in Tuzla interviewing many of the 20,000 or so refugees from Srebrenica who had made it there. According to Butcher, "After five days of interviews the United Nations chief investigator into alleged human rights abuses during the fall of Srebrenica has not found any first-hand witnesses of atrocities... " While accepting that "the whole ejection of a civilian population is an enormous abuse of human rights," in the matter of atrocities Wieland nevertheless pointed out that "we have not found anyone who saw with their own eyes an atrocity taking place."<sup>50</sup>

25 July, 1995: The International Criminal Tribunal for the Former Yugoslavia, which five days earlier had dispatched Ruez to Tuzla to investigate evidence of possible criminal conduct in the aftermath of the Srebrenica operation, published indictments of Radovan Karadžić and Ratko Mladić for genocide, crimes against humanity, and other war related offences.<sup>51</sup>

Should we take this to mean that after arriving in Tuzla on 20 July, Ruez had managed in the space of only a few days to conduct a thorough investigation

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<sup>48</sup> It is stressed in the Dutch *Debriefing* that already on 6 July, 1995 the Dutch command informed the Bosnian Moslem army command in Srebrenica that, if Serbians "crossed the enclave boundary, the arms in the WCP in Srebrenica would be released." The Dutch confirm that "the BIH [Bosnian Moslem army] did not avail themselves of this opportunity," par. 3.9, p. 22.

<sup>49</sup> Interview with Jean-René Ruez, *Le Point*, no. 1862, 26. May, 2008.

<sup>50</sup> Tim Butcher, "Serb atrocities in Srebrenica are unproved," *The Daily Telegraph* [London], 24 July, 1995.

<sup>51</sup> *Ibid.*, *Le Point*, no. 1862, 26 May, 2008.

of Srebrenica and to submit a report to the Office of the Prosecutor at ICTY, with all the supporting evidence? Was it based on his findings that by 25 July the Hague Tribunal already had in its possession sufficient preliminary proof to indict Karadžić and Mladić for genocide in Srebrenica? We do not have the answers to those questions. Although it is conceivable that Wieland had spoken to the wrong people and that he therefore was misinformed, the odd fact remains that Wieland's perception of the relevant events based on his field research, and the position of the Hague Tribunal, to which investigator Ruez was reporting also from the field, were diametrically opposed. Did Wieland's and Ruez's paths ever cross in Tuzla, and did they have an opportunity to exchange information and insights into the situation which they each separately came to investigate for their respective agencies? That is also something that we do not know.

There are no indications what information Ruez may have gained in such a short interval that was so damning as to justify the drastic action taken by the Hague prosecution in relation to Karadžić and Mladić by 25 July. Incidentally, as a result of that indictment the participation of Dr. Karadžić at the forthcoming Bosnia peace negotiations on behalf of the Serbian side was effectively thwarted because on foreign territory he was facing the prospect of arrest.

Let us recapitulate some of the central elements.

In 1993 Izetbegović conveys to the Moslem leadership of Srebrenica Clinton's suggestion that an intervention might take place following a massacre of 5,000 inhabitants of Srebrenica; over a two-year period armed provocations are being conducted from the UN protected and "demilitarised" zone of Srebrenica against the nearby Serbian villages and it should have been obvious that sooner or later they would trigger a reaction; without regard for the existence in the enclave of a division-strength military unit under arms, no efforts are undertaken from within the enclave in July of 1995 to resist the attackers<sup>52</sup>; instead of fighting, the Moslem army was issued the order to undertake a break-out, which is considered by military specialists to be one of the most complex and riskiest of operations; the women and the children are concentrated in Potočari, almost as a bait to the Serbian forces to commit a revenge massacre; UNPROFOR commander General Morillon coldly averred that in Srebrenica "Mladić walked into a trap"; the Hague Tribunal opens an investigation with genocidal connotations just days after the event and considerably before sufficient facts about its nature and scope could have been known; before the investigation could even get off the ground, the principal actors on the Serbian side are indicted for the most heinous crimes; but the field representative of the other interested institution, the UN, simultaneously is making the claim that he had failed to locate anyone who personally witnessed the commission of the alleged atrocities...

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<sup>52</sup> This very unusual fact was laconically noted even by the ICTY trial chamber in the *Krstić* case, when it observed that "Undeniably, the enclave was not defended in the manner that would have been anticipated," par. 35.

Certainly various hypotheses could be put forward, but at this point only one conclusion may be stated with confidence: This combination of circumstances is odd to the highest degree and — without the slightest need to resort to conspiracy theories- it is fully sufficient to raise reasonable doubt that the official story of Srebrenica is not the entire story.

*Stephen Karganović*



### III. DEMILITARISATION OF THE UN SAFE ZONE OF SREBRENICA

The issue of the demilitarisation of the Srebrenica safe zone is essential to a proper assessment of the UN's, and in general, the international community's, liability for setting the stage for what happened in Srebrenica in July of 1995. The failure to implement demilitarisation in the Srebrenica enclave made the commission of crimes against the non-Moslem population in the region of Srebrenica possible after the UN safe zone was set up. It is, therefore, one of the key issues in sorting out what happened and why.

The general duty of the UN to intervene on behalf of unprotected non-combatants, not just Moslem but also Serbian and other non-Moslems, is established by the prevailing norms of international humanitarian law. In this particular case, that duty is especially pronounced because — in addition to general provisions — it is also based on specific obligations arising from formal tripartite demilitarisation agreements to which the UN was a party. The complete failure to implement the demilitarisation process for Moslem armed forces within the protected Srebrenica enclave created the key material condition which allowed Moslem forces to continue to conduct their military operations. Those military operations resulted in human casualties and material damage to the Serbian community of Srebrenica which must also be taken into account.

The UN bears particular and chief responsibility for the failure to implement demilitarisation.

Two demilitarisation agreements were signed, with little of essence to distinguish them. The first agreement was signed by the warring parties and witnessed by an UNPROFOR representative on April 17, 1993; the second agreement which, in addition to Srebrenica, applied also to the nearby enclave of Žepa, was signed on May 8, 1993. On that occasion, the UN was represented personally by Gen. Morillon.<sup>1</sup>

In the relevant portion of the April 17, 1993, demilitarisation agreement, in par. 4 it is stated: "The demilitarisation of Srebrenica will be complete within 72 hours of the arrival of an UNPROFOR company to Srebrenica (1100 hours 18 April 1993, if they arrive later this will be changed). All weapons, ammunition, mines, explosives, and combat supplies (except medicines) inside Srebrenica will be submitted/handed over to UNPROFOR under the supervision of three officers from each side with control being carried out by UNPROFOR. No armed persons or units except for UNPROFOR will remain within the city once the de-

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<sup>1</sup> See Annex 3.1.

militarisation process is complete. Responsibility for the demilitarisation process remains with UNPROFOR.”

This provision is significant, *inter alia*, because according to it the UN, through its armed forces on the ground, expressly assumes “responsibility” for the implementation of the demilitarisation process.

The manner in which UN forces went about implementing their obligation is reflected in the UN Secretary-General’s report on Srebrenica in 1998:

61. Approximately 170 UNPROFOR troops, principally from the Canadian contingent, deployed into the Srebrenica area on 18 April, establishing a substantial UNPROFOR presence there for the first time. The Canadian force then proceeded to oversee the demilitarisation of the town of Srebrenica, though not of the surrounding area. Halilović has stated that he ordered the Bosniacs in Srebrenica not to hand over any serviceable weapons or ammunition. The Bosniacs accordingly handed over approximately 300 weapons, a large number of which were non-serviceable; they also handed over a small number of heavy weapons, for which there was no significant amount of ammunition. A large number of light weapons were removed to areas outside the town. <sup>2</sup>

It had become clear from the very start that the “demilitarisation” of the safe zone was a game, and not an obligation that the Moslem side was seriously committed to fulfill. But just as clearly the UN did not have any serious intention of insisting on it, as is made clear already in the following paragraph of the UN Secretary-General’s document:

62. The Secretariat informed the Force Commander that, in the light of the views of several Security Council members, he should not pursue the demilitarisation process in Srebrenica with undue zeal, ruling out, for example, house-to-house searches for weapons. On 21 April UNPROFOR released a press statement entitled “Demilitarisation of Srebrenica a success”.<sup>3</sup>

The April 21, 1993, UNPROFOR press release, presenting the collection of largely unserviceable weapons (and even that having been obtained without “undue zeal”) gives the whole game away. Srebrenica demilitarisation was a deliberate sham.

The demilitarisation agreement of May 8, 1993, whose range is expanded to cover the nearby enclave of Žepa, provides in par. 3 that all “military and para-military units must withdraw from the demilitarised zone or turn over their

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<sup>2</sup> <http://www.un.org/News/oss/srebrenica.pdf>

<sup>3</sup> Ibid.

weapons”; that “UNPROFOR...will place the weapons and ammunition so collected under its supervision” [par. 4]; the position of UNPROFOR is defined so that it shall “control the demilitarised zone so as to facilitate the implementation of this agreement and UNPROFOR units of sufficient strength to control the demilitarised area shall remain in the demilitarised zone until the contracting parties should agree otherwise” [par. 5]; furthermore, no one “except for UNPROFOR personnel shall have the right to possess any weapons, munitions, or explosives. Weapons, munitions, and explosives in their possession shall be removed by UNPROFOR. Combatants shall not be allowed entry into the demilitarised zone” [par. 5]; finally, “at the beginning of the demilitarisation process, UN civilian police shall oversee the maintenance of law and order within the demilitarised zone” [par. 7].<sup>4</sup>

This new agreement, it may be supposed, was concluded at the insistence of the Serbian side, dissatisfied by the practical fiasco of the preceding one, signed on April 17, 1993. On that occasion, it will be recalled, UN officers in the field were advised from New York not to go too far in their efforts to find and seize Moslem arms. The new agreement contains several very interesting elements. First of all, “military and para-military” units within the enclaves are given a choice, either to turn over their weapons to the UN or to withdraw. In other words, this agreement announces a policy of Zero tolerance for the existence of any military formations in Srebrenica, except for those belonging to the UN. Then, UN forces are charged with “controlling” the demilitarised zone “so as to facilitate the implementation of this agreement”, which logically includes the demilitarisation provision, and that means in practical terms that after the weapons had been collected the UN will not allow any armed persons to enter the zone. Finally, “UN civilian police” assumes supervision over the maintenance of law and order in the demilitarised zone. That can only mean that: [a] the UN shall be responsible for the security of citizens within the zone, and [b] that it will not permit any organizing within the zone for operations to be carried out beyond it that are contrary to the principles of law and order. This agreement, therefore, prohibits in the enclave of Srebrenica any planning or carrying out of attacks, the goal or the consequence of which would be the killing of non-combatants in the surrounding communities.

As a result of the expansion of this agreement, relative to the preceding one, the supervisory role of the UN is defined here with greater clarity and the UN is endowed with additional authority for the implementation of the assigned goals. The personal presence of the commander of UN forces in Sarajevo, General Morillon, highlights the gravity of this agreement and the obligatory nature of the responsibilities assumed by the United Nations under it.

The correctness of these conclusions was confirmed by Gen. Morillon himself when he testified on February 12, 2004, before the International Criminal Tribunal for the Former Yugoslavia in the trial of Slobodan Milošević: “The

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<sup>4</sup> See Annex 3.2.

agreement provided that all those who were not ready to lay down their arms would have to leave the enclave..."<sup>5</sup>

It should be noted that the Dutch military authorities, whose battalion took over supervision of the enclave from the Canadians at the beginning of 1994, understood their mandate in a similar way:

The most important aspect of this agreement was the demilitarisation of Srebrenica and Žepa enclaves. It was intended that all military or paramilitary units would either withdraw from the demilitarised zone, or surrender all their arms and all ammunition, mines and explosives to UNPROFOR. Furthermore, UNPROFOR would now be authorised to confiscate arms and ammunition in the possession of civilians.<sup>6</sup>

When criticized for not cooperating in the implementation of the demilitarisation process, the Moslem side referred to alleged linguistic ambiguities in the Serbo-Croat translation of key terms, such as „safe zone.“ But regardless of subsequent linguistic debates concerning the precise meaning of the English phrase “safe zone,” and how best to render it into the Serbo-Croatian language,<sup>7</sup> it remains an undisputed fact that by its Resolution 824 of May 6, 1993, the UN Security Council did declare that Srebrenica “safe zone” was to be “demilitarised,” and thus it accepted the concept that in return for cessation of military operations by the Serbian side all weapons and military equipment in the possession of Moslem armed forces within the enclave should be collected and placed in UN custody. The word “safe”, or “*bezbedan*” in Serbo-Croatian, may be the subject of various interpretations, but the concept of “demilitarisation” is crystal clear. In case of any doubts, paragraph 4 of the agreement of April 17, 1993, and paragraphs 3, 4, 5 and 7 of the agreement of May 8, 1993, put those doubts to rest.

How the “demilitarisation” process was coming along can be followed in numerous reports that were submitted by the Srebrenica Moslem army command [initially known as 8<sup>th</sup> Tactical Group, and from October 24, 1994, as 28<sup>th</sup> Division] to their superiors in Tuzla and Sarajevo, and the responses received from there. For illustrative purposes, the following report of armed forces staff in Srebrenica [no. 35/93 of July 28, 1993] to the 2<sup>nd</sup> Corps command of the Moslem army in Tuzla is highly indicative. The superior command is informed that in July of 1993, which means at a time when the “safe” and “demilitarised” zone was fully operational, the Srebrenica Operational Group had the following resources:

- Potočari brigade, three battalions,
- Sućeska brigade, three battalions
- Kragljivoda brigade, three battalions
- Five independent battalions and autonomous units

Also, by order of the Srebrenica civil authorities, no. 124/92, of 8 December 1993, unit commanders were appointed. How is it possible that the existence

<sup>5</sup> Page 32045, lines 22–24.

<sup>6</sup> Report based on the Debriefing on Srebrenica [Rapporteur O. van der Wind, brigadier general], October 4, 1995, par. 2.20, p. 8 [See Annex 4]



of such significant and regularly organised military units could escape the attention of the UN contingent which was deployed in the safe zone precisely to make sure that something like this did not happen?

The conditions of the demilitarisation agreement were clear and they were formulated on a *quid pro quo* basis: the Moslem side agrees to demilitarise and renounces further attacks on the surrounding Serbian villages and killing of their civilian inhabitants while the Serbian side, in return, renounces further offensive operations against the enclave. That bargain was advantageous for the Moslem side because, in the assessment of the UN Secretary General made in 1998, there was no doubt that in April of 1993, when the Serbian advance was halted by the agreement:

59. While the Security Council was speaking out strongly against the actions of the Bosnian Serbs, UNPROFOR was confronted with the reality that the Serbs were in a position of complete military dominance around Srebrenica, and that the town and its population were at risk.<sup>8</sup>

It is an accepted principle in international law that when one side ceases to respect the terms that had been agreed to, the other side is also relieved of the obligation to observe provisions that apply to it. That is the clear conclusion based on the First Additional Protocol of the Geneva Convention (1977), par. 60, clause 7, which refers specifically to Demilitarised Zones:

7. If one of the Parties to the conflict commits a material breach of the provisions of paragraphs 3 or 6, the other Party shall be released from its obligations under the agreement conferring upon the zone the status of demilitarised zone. In such an eventuality, the zone loses its status but shall continue to enjoy the protection provided by the other provisions of this Protocol and the other rules of international law applicable in armed conflict.<sup>9</sup>

Paragraphs 3 and 7 define the conditions which must be fulfilled for the status of a demilitarised zone to be recognized, with the protections which flow from it.

As time went on, if we review the available files of the Moslem command, it became obvious that contrary to signed commitments, and in spite of the presence of UN forces in the enclave, first of the Canadian and then the Dutch battalion, the organisational complexity and battle readiness of the illegal Moslem forces were growing continuously.

On February 8, 1994, the Municipal National defence Secretariat in Srebrenica forwarded dispatch no. 03-2/94 to the District Defence Secretariat in

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<sup>7</sup> Translation difficulties are discussed by journalist Chuck Sudetic in his book "Blood and Revenge," p. 290.

<sup>8</sup> <http://www.un.org/News/oss/srebrenica.pdf>

<sup>9</sup> <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079> [See Annex 3.3]

Tuzla, i.e. to the seat of the 2<sup>nd</sup> Corps of BH Army, where it reports on the current state of preparedness in the enclave as of January 1994:

- Armed forces [Army and Interior ministry] consist of 5271 personnel
- Labour obligation service, 1221 personnel
- Civil defence, 939 personnel
- Serving the needs of the armed forces: 28 motor vehicles and 174 horses
- Unassigned: 3247 personnel, including wounded and invalids

On February 12, 1994, the command of Operational Group Srebrenica forwarded to 2<sup>nd</sup> Corps command in Tuzla a “*Report on personnel losses and replenishment in 8<sup>th</sup> OG [Operational Group] units as of February 2, 1994*”.<sup>10</sup>

According to this dispatch, 8<sup>th</sup> OG units were up to 98,8% of their planned manpower level, i.e. that out of 5193 personnel slots, 5133 were filled.

Second Corps command forwarded the following order to the command of 8<sup>th</sup> Srebrenica OG, no. 02/2–356–1, on February 12, 1994, entitled “*Activities plan and measures for enhancing combat preparedness, Order*”.

In the preamble to the Order, it is said: “*Based on reports forwarded to the OG command in relation to combat preparedness and 2<sup>nd</sup> Corps plan for the correction of battle preparedness deficiencies within the 2<sup>nd</sup> Corps, and in order to raise the total battle preparedness of 2<sup>nd</sup> Corps, it is ordered:*

*...(1) unit reorganization to be completed as soon as practicable; ... (6) all units to send in officer promotion nominations; ... (10) personnel replenishment in units to be conducted through district and municipal secretariats up to mandated levels; (11) situation summaries and combat reporting to be conducted in accordance with the most recent order of the supreme command.”*

The strength of the 28th Division is also discussed in a document which is chronologically very close to the fall of the enclave. That is the report on the Division’s June 1995 manpower resources which the local command in Srebrenica forwarded to the Defence Department in Sarajevo on July 5, 1995. In that report the personnel strength of the division is stated to be 5,037 men.<sup>11</sup>

A logical question arises: What unit reorganisation and combat reporting could possibly be taking place here, when in that period and in that general area no military units of any sort were allowed, save for those of the United Nations, and least of all non-UN units equipped to carry out combat operations? As if wanting to dramatize the farce of “demilitarisation,” Srebrenica Moslem military commander Naser Orić, in dispatch no. 130–29–25/94 of June 4, 1994, informs 2<sup>nd</sup> Corps command [Office of recruitment and personnel affairs] as follows: “*In relation to your Order, strictly confidential, no. 03/96–53 of March 14, 1994, we are forwarding to you information about personnel levels in OG units. The data are listed on the RP–1 form, with all changes indicated.*”

<sup>10</sup> Dispatch of 8<sup>th</sup> OG Srebrenica command, 42/94, of 12 February 1994

<sup>11</sup> ICTY archival designation: 1D26-0121.

According to this report, personnel levels for 8<sup>th</sup> OG were as follows on June 4, 1994: officers, 429; non-commissioned officers, 562; soldiers, 4535, for a total of 5526 military personnel in 8<sup>th</sup> OG Srebrenica.

It is important to note that the manpower levels of Srebrenica 8<sup>th</sup> OG were constantly increasing by about 100 new personnel per month. On February 12, 1994, Srebrenica 8<sup>th</sup> OG units had a total of 5133 personnel; on March 9, 1994, there were 5254 personnel; and on June 4, 1994, there were 5526. This manpower increase was occurring at a time when Srebrenica enclave was officially “demilitarised” and it was taking place in the presence and in full view of UN forces.

Considering that Moslem units were organized according to professional military standards, it may be assumed that they were not meant simply to remain in place and to act as unarmed observers. Not only were those armed forces not asked in April or May of 1993 to turn their weapons and equipment over to the UN, as required by signed commitments, but they were constantly provided with new supplies of military equipment which were arriving by a variety of channels. By failing to react in order to interdict this weapons flow, and by not confiscating the weapons that were already there, the UN compromised seriously their obligations under the relevant agreements and they must be held liable for the consequences.

An example is a request forwarded on July 26, 1994, by the Srebrenica command of Moslem forces to the member of Srebrenica war presidency in Sarajevo, Efendić Murat, and to the commander of 2<sup>nd</sup> Corps in Tuzla. It speaks eloquently of the scope of this supply pipeline and of the gravity of the UN’s failure to fulfil their solemnly undertaken commitments:

*With reference to the conversation with the member of Srebrenica municipality war presidency on July 21, 1994, we forward to you a list of indispensable materiel and technical supplies and ask you to procure them and have them delivered to the free territory of the municipality of Srebrenica:*

<i>a) Guns, sub-machineguns, and machineguns</i>	<i>4000 pieces</i>
<i>b) Ammunition for the above weapons</i>	
<i>c) mortars 60 mm</i>	<i>60 pieces</i>
<i>d) mortars 82 mm</i>	<i>36 pieces</i>
<i>e) recoilless cannon 82 mm</i>	<i>20 pieces</i>
<i>f) Ammunition suitable for the above weapons</i>	
<i>g) Artillery pieces: howitzers, MB 120 mm and others in similar quantities</i>	
<i>h) Ammunition for existing weapons:</i>	
<i>— Bullet 7,62 mm for AP, PAP and PM</i>	<i>500,000 pieces</i>
<i>— Bullet 7,9 mm for P and PM</i>	<i>300,000 pieces</i>
<i>— Bullet 7,62mm for machinegun M-84</i>	<i>1,000,000 pieces</i>
<i>— Bullet 9 mm long</i>	<i>5000 pieces</i>
<i>— Bullet 12,7 mm for PAM</i>	<i>100,000 pieces</i>
<i>— Bullet 20 mm for Pat 20/3</i>	<i>1,000,000 pieces</i>
<i>— Bullet for Pat 20/4</i>	<i>1,000,000 pieces</i>
<i>— Mines for MB 60 mm</i>	<i>10,000 pieces</i>
<i>— Mines for MB 82 mm</i>	<i>10,000 pieces</i>
<i>— Projectile 76 mm for cannon B-1</i>	<i>3,000 pieces</i>

– RBR “Wasp” [Zolja]	5,000 pieces
– RBR “OSA” with filling	100 pieces
– Hand held mortar	100 pieces
– Mine for RB	1000 pieces

*We request that you procure the listed supplies, that you see to it that they are delivered to the free territory of Srebrenica municipality, and that you keep us informed of it.*

*Until final victory,  
Commander,  
Orić Naser*

The same commander, Naser Orić, forwarded on November 3, 1994, the following report, no. 01/130–204, to the chief of staff of the BH [Moslem] Army, Gen. Hadžihasanović:

*Reference: your letter no. 02–1/1347–1*

*In relation to your letter no. 02–1/1347–1 of November 1, 1994, we inform you that we also are working intensely on preparations for the forthcoming operation. Earlier, we communicated to you our proposals as to how to execute the task...To facilitate execution and in order to familiarise you with our resources, I have authorised and I have decided to send to you again Suljic Kasim who will orally and in detail inform you of our resources and intentions.*

What conceivable “tasks” could have been planned by a military unit that formally did not even have the right to exist, much less to make use of material resources necessary for the execution of any tasks of a military nature? Against whom were those „tasks“ being planned while UN forces, which were in place to exercise control over the enclave and to guarantee its demilitarisation, were looking in another direction?

Perhaps UN forces were looking the other way while activities incompatible with their mission in Srebrenica were going on. But, as it is clear from the Dutch army Debriefing, published *post factum* in October of 1995, that does not mean at all that they were unaware of what was going on. All that means is that they did not choose to do anything about it.

According to the Debriefing, there is no dilemma as to the principal military task of the UN contingent, and it is defined with adequate precision:

*The military task was to maintain the status quo: as a result of the UN presence, the BSA [Bosnian Serb Army] was to be deterred from launching an offensive on the enclave, and the BIH [Bosnian Moslems] was to respect the demilitarised status of the enclave.<sup>12</sup>*

We learn, however, that in the performance of their task Dutch military personnel were facing an obstacle:

<sup>12</sup> Debriefing, par. 2.30, p. 12

A problem for the Dutchbat personnel in this respect was that if during patrols they came across armed BIH personnel or civilians, they were not authorised to use force in disarming them, nor were they authorised to enter homes without consent.<sup>13</sup>

We learn further from the Dutch Debriefing that, as a result of that tolerant attitude, “the BIH forces carried out systematic actions from within the enclave, and subsequently withdrew to UN protected territory.”<sup>14</sup> The BIH forces in question were “organized into four brigades with a combined strength of 3,000 to 4,000 men.”<sup>15</sup> As for the Bosnian Serb forces on the outside, the position in the Dutch Debriefing is that „operations of the BSA troops around the enclave were geared to maintaining the status quo and protecting the Bosnian Serb population in the enclave from offensives by BIH from within the enclave.“<sup>16</sup>

The Serbian side made no attempts to conceal its dissatisfaction in the face of that situation: “...the BSA regularly accused Dutchbat of failing to prevent the BIH’s military actions undertaken from within the enclave. However, because of its size Dutchbat was not at all able to prevent such actions, apart from urging the local BIH leaders to desist.”<sup>17</sup>

Serbian reactions to such provocative behavior of Moslem forces from within the enclave were getting more strident: “...at the end of April [1995] the BSA — in response to incessant sorties by the BIH — went so far as to hermetically seal the enclave, as a result of which it was impossible to provide supplies.”<sup>18</sup> One such incident, when during an attack from within the enclave seven Serbs were killed, caused a “fierce” reaction from the Serbian side.<sup>19</sup>

The facts that were known to the Dutch military authorities on the ground were also familiar to the political leadership of the United Nations in New York. In a report on the situation in Bosnia and Herzegovina published on May 30, 1995, references to those matters were couched in diplomatic language, but still they were very clear:

The party defending a safe area must comply with certain obligations if it is to achieve the primary objective of the safe area regime, that is, the protection of the civilian population. Unprovoked attacks launched from safe areas are inconsistent with the whole concept.

In recent months, (Bosnian) government forces have considerably increased their military activity in and around most safe areas, and many of them, including Sarajevo, Tuzla and Bihac, have been incorporated into

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<sup>13</sup> Debriefing, par. 2.38, p. 13

<sup>14</sup> Debriefing, par. 2.34, p. 12–13

<sup>15</sup> Debriefing, *ibid.*

<sup>16</sup> Debriefing, par. 2.35, p. 13

<sup>17</sup> Debriefing, par. 2.43, p. 14

<sup>18</sup> Debriefing, par. 2.43, p. 14

<sup>19</sup> *Debriefing*, par. 2.46, p. 15.

the broader military campaigns of the government side. The headquarters and logistic installations of the Fifth Corps of the government army are located in the town of Bihac and those of the Second Corps in the town of Tuzla. The Government also maintains a substantial number of troops in Srebrenica (in this case, a violation of a demilitarisation agreement), Gorazde and Žepa, while Sarajevo is the location of the General Command of the government army and other military installations.<sup>20</sup>

Numerous reports and orders illustrate the complete contempt of the Moslem leadership in Srebrenica for the control regime which should have been put in place in Srebrenica if the demilitarisation commitments undertaken in April and May of 1993 had been carried out, as well as the impunity with which they were violating that control regime.

In this regard, it is significant to consider the regular “*Report for the month of October 1994 on the state of combat morale*” which was forwarded to the 2<sup>nd</sup> Corps command by 8<sup>th</sup> OG Srebrenica assistant to the commander for morale, Nijaz Mašić, on November 7, 1994, no. 13–28–169/94.

It is said there that “*there is an intense desire among the soldiers of 8<sup>th</sup> OG to take part in combat activity to liberate the area which separates the free territory of Srebrenica from the free territory of the district of Tuzla. Reconnaissance activities against the enemy have been conducted for that purpose. Personnel have been selected for combat and the necessary psychological and physical preparations have been made.*” The clear reference here is that combat operations beyond the limits of Srebrenica enclave were contemplated. That means that such operations were to be directed against nearby Serbian-controlled territory and, as was the practice until then, its inhabitants were to be targeted.

But one more conclusion follows from this. It turns out that Moslem forces in Srebrenica indeed had a place and role in the strategic planning of the supreme command of the BH Army. The documents referred to suggest that those combat activities were being planned and carried out without regard for the UN or the Dutch battalion, and without any apparent hindrance from them, although their mission was precisely to prevent such things from happening. Regardless of the motive — negligence, or tacit strategic collaboration with one party in the conflict against the other — the same conclusion follows: the United Nations is liable for the consequences of its inaction. In this specific situation, that inaction amounts to passively permitting the Moslem side to mortally endanger innocent Serbian non-combatants in the vicinity of Srebrenica, who stood in the way of the execution of those „combat operations.“

In his book “*Planned Chaos*,”<sup>21</sup> Ibro Mustafić, local Moslem municipal functionary in Srebrenica both before and during the conflict, offers additional information on this subject and by his eyewitness evidence corroborates the conclusion that the United Nations took no steps to disarm Moslem forces in the en-

<sup>20</sup> Bosnia-Herzegovina report of the secretary-general pursuant to Security Council resolutions 982 (1995) and 987 (1995), May 30, 1995, par. 36, 38.

<sup>21</sup> Ibro Mustafić: *Planirani Haos* [Sarajevo, 2008].

clave or to implement the agreed-upon demilitarisation. Thus, on p. 342 of his book Mustafić says that it was precisely around the time of the Dutch battalion's arrival that the Moslem army in Srebrenica began more visibly to acquire the characteristics of a serious and well-organized military formation. Further, on p. 346 Mustafić mentions what he thought was a strange digging of embankments in mid-1995, something that should have been quite unnecessary in a demilitarised zone, but which he interpreted as preparation for imminent military operations. "*Embankments were not being dug during the war,*" Mustafić says, "*and even trenches were a rarity, and now all of a sudden embankments were being dug to encircle the entire safe zone. What could have been the meaning of that? Young and old were asked to lend a hand in the digging. It is interesting that this did not bother the Dutch at all. After coming up to our army's lines and expressing disapproval, they turned increasingly tolerant, so that in the end they were just observing the digging of the embankments.*" Mustafić interprets the Dutch soldiers' passivity as follows: "*Obviously, they were keen to rid themselves of some of the responsibility for the defence of Srebrenica and to shift it onto us.*"

These activities, which were rather awkward for a "demilitarised zone" and which, according to Mustafić, were proceeding under the observant eye of Dutchbat personnel, reached their point of culmination when "*at more or less the same time...helicopters began to fly into Srebrenica. All those flights had Žepa as their ultimate destination, and some of our units would afterwards trek to Žepa and then to Srebrenica on foot and would return with a variety of cargo, uniforms, and arms*" [p. 349].

It is plain that the activities reported by "insider" Mustafić who, as a Moslem and a member of Alija Izetbegović's ruling party SDA, is in some sense testifying against interest and for that reason deserves greater credibility, cannot be reconciled with the concept of a demilitarised zone under the supervision and control of the United Nations.

It therefore appears that the following conclusions would be reasonable: From April 18, 1993, until the end of June 1995, Srebrenica was not demilitarised; Moslem military units did not withdraw from it; the United Nations not only failed to take away and place under custody weapons in possession of the Moslem forces, but over time established a pattern of passivity in its conduct and assumed an attitude of indifference. That encouraged the Moslem side within the safe zone to reorganise their forces and to equip themselves for an even wider spectrum of combat activities and strategic assignments. The direct victims of such conduct of the United Nations were Serbian and other non-Muslim citizens who were killed or suffered other losses at the hands of the armed and, due to the benevolence showed them, greatly emboldened Moslem forces.

In the Summer of 1995, the situation emanating from the UN-protected Srebrenica enclave became intolerable in both strategic and humanitarian terms. In order to prevent a further humanitarian catastrophe from the standpoint of its obligation to protect the local Serbian population, the Bosnian-Serb Army reacted with a military offensive. This is how the Dutch War Research Institute

[NIOD Report, Part I, Chapter 10: Srebrenica under siege, p. 603] describes the conditions which led up to that:

Throughout the remainder of 1992 the Serbs remained on the defensive in this region. Overall, Muslim fighters from Srebrenica attacked 79 Serbian places in the districts of Srebrenica and Bratunac. They followed a certain pattern. Initially, Serbs were driven out of ethnically mixed towns. Then Serbian hamlets surrounded by Muslim towns were attacked and finally the remaining Serbian settlements were overrun. The residents were murdered, their homes were plundered and burnt down or blown up. There was a preference to launch these attacks on Serbian public holidays (those of Saint George, Saint Vitus and the Blessed Peter, and Christmas Day), probably because least resistance was expected. Yet it simultaneously contributed to the development of profound Serbian grievances. Many of these attacks were bloody in nature. For example, the victims had their throats slit, they were assaulted with pitchforks or they were set on fire.

It is estimated that between 1,000 and 1,200 Serbs died in these attacks, while about 3,000 of them were wounded. Ultimately, of the original 9,390 Serbian inhabitants of the Srebrenica district, only 860 remained, mainly in the four villages of Skelani, Crvica, Petrica and Lijesce. 4456 Serbian attempts to defend other villages met with little success. The Serbs in the district of Bratunac were largely driven back to the town of the same name. Faced with a constant shortage of troops, the authorities of the Republika Srpska [Serb Republic] showed little interest in defending the area.<sup>22</sup>

Instead of offering their services as honest brokers and peacekeepers, the UN and, by extension, the international community, disingenuously chastised one side, while perfidiously overlooking and rationalizing the crimes of the other.

These observations are very troubling for the UN and the „international community“, in whose name the UN was acting in Bosnia and Herzegovina. They provide no coherent answer to the unavoidable question why, contrary to their express obligations, and after the establishment of the safe zone, they deliberately left weapons in the hands of Moslem forces in Srebrenica although they were in a position to know that this would leave intact Moslem forces' war-making ability and would lead to the continued commission of atrocities. Based on the cited evidence alone it is clear that they knew, or had the facilities to find out (which is the same thing), the gravity of the consequences of their conduct.

The facts outlined above were so flagrant that the possibility that the UN and the „international community“ were unaware of them at the time of their occurrence can safely be excluded. As noted by international security specialist, Prof. Richard Aldrich at the University of Warwick,

Weapons flown in during the spring of 1995 were to turn up only a fortnight later in the besieged and demilitarised enclave at Srebrenica. When these shipments were noticed, Americans pressured UNPROFOR to rewrite reports,

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<sup>22</sup> *NIOD Report*, Part I, Chapter 10: "Srebrenica under siege", p. 603.



and when Norwegian officials protested about the flights, they were reportedly threatened into silence.<sup>23</sup>

The NIOD Report (published by the Dutch Institute for War Research) presents the following summary of the conditions in the UN “safe zone” in Srebrenica and reveals the actual purpose that zone actually served:

...the [Srebrenica] enclave increasingly acquired the status of a ‘protected area’ for the ABiH, from which the ABiH could carry out hit and run operations against, often civilian, targets. These operations probably contributed to the fact that at the end of June the VRS was prepared to take no more, after which they decided to intervene: the VRS [Bosnian-Serb Army] decided shortly after to capture the enclave. In this respect, the [illegal US-sponsored] Black Flights to Tuzla and the sustained arms supplies to the ABiH in the eastern enclaves did perhaps contribute to the ultimate decision to attack the enclave. In this connection it is not surprising that Mladic and other Bosnian Serbs constantly complained about this, but usually received no response to their complaints...<sup>24</sup>

*Stephen Karganović*

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<sup>23</sup> Richard J. Aldrich, “America used Islamists to arm Bosnian Muslims,” *The Guardian*, 22 April 2002.

<sup>24</sup> “Srebrenica — A Safe Area?” Appendix II — Intelligence and the war in Bosnia 1992 — 1995: The role of the intelligence and security services, Chapter 4, Secret arms supplies and other covert actions.



## IV. GENOCIDE OR BLOWBACK?

If an honest discussion about Srebrenica is to take place, this is one of the central issues that will have to be faced. But that also happens to be practically a taboo topic. Merely raising it is an act that provokes extreme disapproval. For the institutionalized version of Srebrenica to work, that is a question that must be suppressed and — whenever possible — simply banned, and at any price.<sup>1</sup> The promoters of the institutionalised, propaganda version of Srebrenica have compelling reasons for taking such an inflexible stand. That is not an ordinary question. It is a potential detonator, powerful enough to cause the embarrassing collapse of their entire version of the Srebrenica story.

The reason for that is very simple. If it were admitted that the primordial crime of Srebrenica was the pogrom of the Serbian population during the initial three years of the war, the entire picture changes drastically. A different perspective would then seem more logical and even compelling: That the crime which in July of 1995 was committed against the symbolic perpetrators of the original crime was an act of revenge, a settling of accounts (Annex 4.5). But that is precisely the conclusion that cannot be allowed. It is the very antithesis of the stuff out of which myths of innocent genocidal suffering are forged.

**Paving the way for impunity.** One of the most portentous features of the civil war in Bosnia and Herzegovina from 1992 to 1995 was the biased role of the foreign factor in it. We can define it in the broadest sense as international institutions (led by the UN); several influential governments which arbitrarily declared themselves to be the “international community” and the institutions set up under their patronage, supposedly for the purpose of helping to resolve the crisis; the global media, which acted as transmission belts for simplistic war propaganda and as an informational filter which prevented the flow of comprehensive information about the complex causes and the course of the conflict;<sup>2</sup> and, fi-

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<sup>1</sup> A Western NGO, in combination with a Moslem Srebrenica surviving relatives' association, filed a damage suit against the Swiss newspaper “La Nation” on 19 April, 2010. The motive for the legal action was the allegation that in an article in “La Nation” the official account of Srebrenica “genocide” was questioned. In Serbia, an influential politician, Nenad Čanak, has urged that a law be passed “to punish the denial of genocide.” [*Blic* (Belgrade), 28 May, 2007] while in the Parliamentary Assembly of Bosnia and Herzegovina Moslem deputies have already submitted a bill for such a punishable crime to be inserted in the criminal code, but the opposition of Serbian deputies has so far blocked its passage.

<sup>2</sup> See: Brock, Peter, *Dateline Yugoslavia: The Partisan Press*, Foreign Policy, Number 93, Winter 1993 — 94, pp. 152 — 172. Journalist and author Peter Brock astutely described the mechanism of the media's unprofessional conduct and deception even while the conflict was still in progress.

nally, the various “non-government organizations” and public institutions of Western countries which by unsubtly taking sides shaped the way in which the poorly informed general public viewed the conflict and perceived the warring sides. Instead of offering to the contending parties in Bosnia and Herzegovina its good offices of genuine mediators and peacekeepers, on the whole the foreign factor in the conflict selected one side for hypocritical condemnation and degradation, while neglecting and tacitly endorsing the crimes of the other.

The harmful effects of this approach by institutions which during the war in Bosnia and Herzegovina proclaimed themselves to constitute the “international community” was noted by General Satish Nambiar, who was in command of UNPROFOR forces in Sarajevo at the beginning of the conflict:

Portraying the Serbs as evil and everybody else as good was not only counter-productive but also dishonest. According to my experience, all sides were guilty but only the Serbs would admit that they were no angels, while the others would insist that they were. With 28,000 forces under me and with constant contacts with UNHCR and the International Red Cross officials, we did not witness any genocide beyond killings and massacres on all sides that are typical of such conflict conditions.<sup>3</sup>

General Nambiar was but the first in the series of UNPROFOR military commanders who, based on direct field experience, eventually formed a more objective picture of the conflict and the actors in it. Many amongst them, such as generals Michael Rose, Lewis MacKenzie, and Philippe Morillon himself were taking up their duties under the palpable influence of the predominantly anti-Serbian media and the propaganda campaign which marked the start and the entire course of the Bosnian conflict. Later, under the impression of personal experience and empirical facts, most of them gradually shifted to more balanced positions. One may speculate that this was the main reason why their political superiors were replacing them in rather quick succession as no longer suitable.

General Philippe Morillon, who commanded UNPROFOR forces in the critical period of 1993 when the UN safe zone was established in Srebrenica, is a typical example of this sort of ambivalence.<sup>4</sup> He knew superbly well the real character of Naser Orić, the Moslem commander in Srebrenica, and he harboured few illusions about Orić’s capacity to perform the most heinous atrocities:

I think you will find this in other testimony, not just mine. Naser Orić was a warlord who reigned by terror in his area and over the population itself. I think that he realised that those were the rules of this horrific war, that he could not allow himself to take prisoners. According to my recollection, he

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<sup>3</sup> Cited in the testimony of General Morillon, *Prosecutor v. Milošević*, 12 February, 2004, T. p. 32042, lines 11–18.

<sup>4</sup> It is worth noting that Morillon’s theatrical media performance in Srebrenica in the Spring of 1993 set off the chain of political events which in April of 1993 culminated with the Security Council resolution which made Srebrenica a safe zone.

didn't even look for an excuse. It was simply a statement: One can't be bothered with prisoners.<sup>5</sup>

I wasn't surprised when the Serbs took me to a village to show me the evacuation of the bodies of the inhabitants that had been thrown into a hole, a village close to Bratunac. And this made me understand the degree to which this infernal situation of blood and vengeance... led to a situation when I personally feared that the worst would happen if the Serbs of Bosnia managed to enter the enclaves and Srebrenica.<sup>6</sup>

In General Morillon's view, and his competence on this subject is scarcely to be doubted, the atrocities committed by Moslem forces under Naser Orić's command were precisely the factor which — on the local level at least — set off the cycle of unquenchable hatred which in July of 1995 culminated in the slaughter of Moslem prisoners:

I feared that the Serbs, the local Serbs, the Serbs of Bratunac, these militia-men, they wanted to take their revenge for everything that they attributed to Naser Orić. It wasn't just Naser Orić that they wanted to... take their revenge on, they wanted to avenge their dead on Orthodox Christmas. They were in this hellish circle of revenge. It was more than revenge that animated them all. Not only the men. The women, the entire population were imbued with this... [I]t was pure hatred...[S]uch hatred cannot be worse than it is towards neighbours and brothers.<sup>7</sup>

Asked by Judge Robinson if in his view the massacre of Moslem prisoners in July of 1995 occurred in direct reaction to the way local Serbs were treated by Naser Orić and his followers during the preceding years, Morillon replied:

Yes, Your Honour. I am convinced of that. This doesn't mean to pardon or diminish the responsibility of the people who committed that crime, but I am convinced of that, yes.<sup>8</sup>

During his Tribunal testimony Morillon also reiterated the response that on a previous occasion he had given to French Parliament deputy Pierre Brané when in the course of the parliamentary inquiry he was asked what provoked the massacre in July of 1995:

Accumulated hatred. There were heads that rolled. There were terrible massacres committed by the forces of Naser Orić in all the surrounding villages. And when I went to Bratunac at the time when I intervened, I felt that.<sup>9</sup>

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<sup>5</sup> Ibid., p. 31966, lines 5–10.

<sup>6</sup> Ibid., p. 31966, lines 12–19.

<sup>7</sup> Ibid., p. 31975, lines 8–18.

<sup>8</sup> Ibid., p. 31975, lines 22–25.

<sup>9</sup> Ibid., p. 32031–2, lines 22–1.

Morillon went on to say that in personal conversation Orić admitted to him that he was slaughtering Serbs<sup>10</sup>, with the explanation that these were “the rules of the game and that in this kind of guerrilla warfare there are no prisoners.”<sup>11</sup>

Asked whether he was in a position to confirm the view he had taken in par. 3 of his statement to the International Tribunal at The Hague where he said that it appeared to him that Orić was implementing “political directives which he was receiving from the Presidency,”<sup>12</sup> Morillon complied without hesitation:

Yes... Naser Orić obeyed. He was head of a band. He was waging guerilla war in the enclave, but he himself considered himself to be a combatant in the service of the Presidency.<sup>13</sup>

This would seem the proper place to clarify what sort of a “Presidency” that was whose directives — according to General Morillon’s information — Naser Orić and the Moslem forces in Srebrenica were implementing in the field in the manner described by Morillon. That was the Sarajevo “government” of Alija Izetbegović which at that time was enjoying international recognition irrespective of the bloody hands of its field representative in Srebrenica. General Morillon was obliged *ex officio* to communicate with it. Throughout the conflict in Bosnia and Herzegovina, the self-declared international community maintained relations with that “government” which were for the most part cordial, but never less than functional.

**Techniques of guerrilla warfare.** If a lurid example is required of the style of “guerrilla warfare” that was practiced by Naser Orić and his forces in the Srebrenica enclave during their attacks on the surrounding Serbian villages, the following should suffice.

In an article which appeared in the *Washington Post* on 16 April 1994, Bosnia correspondent John Pomfret conveys some of his impressions from a séance with the local Srebrenica warlord, Naser Orić:

Nasir Orić's war trophies don't line the wall of his comfortable apartment--one of the few with electricity in this besieged Muslim enclave stuck in the forbidding mountains of eastern Bosnia. They're on a videocassette tape: burned Serb houses and headless Serb men, their bodies crumpled in a pathetic heap.

We had to use cold weapons that night," Orić explains as scenes of dead men sliced by knives roll over his 21-inch Sony. "This is the house of a Serb named Ratso," he offers as the camera cuts to a burned-out ruin. "He killed two of my men, so we torched it. Tough luck."<sup>14</sup>

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<sup>10</sup> Ibid., p. 32044, lines 5–9.

<sup>11</sup> Ibid., p. 32044, lines 17–20.

<sup>12</sup> Ibid., p. 32044, lines 23–24.

<sup>13</sup> Ibid., p. 32045, lines 1–4.

<sup>14</sup> John Pomfret, *Washington Post*, 12 February 1994.

On the occasion of this visit to Orić, Pomfret was accompanied by *Toronto Star* correspondent Bill Schiller whose report picturesquely complements his American colleague's observations:

Orić is a fearsome man, and proud of it.

I met him in January, 1994, in his own home in Serb-surrounded Srebrenica.

On a cold and snowy night, I sat in his living room watching a shocking video version of what might have been called Nasir Orić's Greatest Hits.

There were burning houses, dead bodies, severed heads, and people fleeing.

Orić grinned throughout, admiring his handiwork.

"We ambushed them," he said when a number of dead Serbs appeared on the screen.

The next sequence of dead bodies had been done in by explosives: "We launched those guys to the moon," he boasted.

When footage of a bullet-marked ghost town appeared without any visible bodies, Orić hastened to announce: "We killed 114 Serbs there."

Later there were celebrations, with singers with wobbly voices chanting his praises.<sup>15</sup>

**A climate of impunity conducive to crime.** If, as would appear from these fragments, representatives of the "international community" were perfectly informed not just about the nature of the conflict but also about the activities of the principal actors, have they any persuasive response to the following question: why did they not insist on the implementation of the agreement to demilitarise Srebrenica, contrary to their explicitly assumed obligation to do so? This question has an essential rather than merely formal significance. When they opted to allow the forces under Orić's command to retain their arms, they in fact knew that they were leaving in their hands tools to continue to wage war and the capability to continue to commit atrocities. For that reason they must also bear responsibility for some of the consequences. The generally biased attitude favoring the Moslem side created a psychological and political climate of impunity. The persistence of that climate explains in great measure the heinous crimes to which in his meeting with the foreign correspondents Naser Orić referred with evident pride or at least a total lack of remorse or shame, and clearly without any visible fear that he might ever be called to account for them.

The partiality of the international factor which in due course became involved in the conflict in Bosnia and Herzegovina — including not just the military and political structures in the field but also those that were farther removed and which from the background coordinated the course and the popular perception of the war — had, therefore, a very important dimension which is reflected in Orić's boastful remarks. A climate of impunity and untouchableness settled in and it

<sup>15</sup> Bill Schiller, *Toronto Star*, 16 July 1995.

shielded criminal perpetrators as long as they belonged to the Moslem side. The persistence of that climate stimulated the commission of additional crimes and it accounts for Naser Orić's contempt for international norms of warfare and humanitarian law. Anyone capable of reading will clearly see that as the subtext of Orić's scornful statement that, in his opinion, he was engaged in a war in which there were "no prisoners". Without irony, and taking fully into account that this statement was delivered before July of 1995, it is nevertheless appropriate to ask: with respect to the treatment of prisoners, is the normal operation of the laws and customs of war suspended only when the victims are Serbs, or may the whirlwind of war serve as an excuse also when that suspension is applied to others?

**Attacks from the safe zone.** The frequency and gravity of those attacks from the supposedly "demilitarised" zone of Srebrenica is illustrated by the following Moslem army document.

Acting commander of the 8<sup>th</sup> Operational Group, soon to be renamed 28<sup>th</sup> Division [*nota bene*: these are the official designations of the Moslem unit under Naser Orić's command in Srebrenica], Major Bećirević, wrote as follows to the *Morale Department* of 2<sup>nd</sup> Corps Command in Tuzla on June 30, 1995, in his "Operational Report" no. 04-114/95. There is a note on the report that it is "For internal use only." The report states:

1. Soldiers of the 28<sup>th</sup> Division, deployed in the enclaves of Srebrenica and Žepa, in spite of enormous problems involving food supplies and the obligation to preserve the free territory under their control, have decided to contribute as much as possible to the BH Army in its struggle against the aggressor and they have, therefore, increased their activities deep in the territory under the aggressor's temporary control. While conducting reconnaissance, 28<sup>th</sup> Division units on several occasions have had to exchange fire with aggressor units and as a result have achieved the following results:

- 13 Chetniks liquidated
  - 2 PM M-72s captured
  - 8 APs captured
  - 2 pistols captured
  - Several dozen Chetniks were wounded
- Our losses were 2 dead and 3 wounded soldiers.

2. In order to prevent enemy forces from repositioning additional troops from the Srebrenica and Žepa to the Sarajevo theater, two sabotage operations were conducted in the vicinity of Srebrenica. That took place on 23/6/1995 in Osmači and on 23/6/1995 in Bijelo Stenje near Koprivno, with the following results:

- 7 Chetniks liquidated
- one PM M-72 captured
- two AP captured
- one pistol captured
- one passenger vehicle „Kombi“ completely destroyed

There were no losses on our side.



3. In order to draw enemy forces away from the Sarajevo theater in the direction of Srebrenica and Žepa, on 26/6/1995 several successful sabotage operations were conducted 20 – 40 km deep in territory under the temporary control of the aggressor, in Han Pijesak and Vlasenica municipalities in the following locations:

- Village of Višnjica and fortified point Bajte
- Locality of Crna Rijeka [monument near the crossroads]
- Locality of Crna Rijeka [Bojčino Brdo]
- Locality of Vrani kamen

In all those localities successful sabotage activities were conducted targeting exclusively enemy manpower, with the following results:

-We estimate that more than 40 Chetniks were liquidated, although we have unverified reports that the aggressor lost 71 soldiers

- One enemy soldier was captured
- Two radio stations were captured
- One carbine was captured
- About 5000 bullets were captured
- Several dozen head of cattle, large and small, were captured

In the village of Višnjica large quantities of ammunition were obtained but, due to the exhaustion of our soldiers, more could not be carried away so the remainder was destroyed as well as all significant facilities which the aggressor could use for war waging purposes.

It may be noted that the attacks listed here took place in June of 1995, which is immediately before Serbian forces started their operation which culminated in the takeover of Srebrenica and Žepa in July of that year.

In 1995 alone, Moslem forces from Srebrenica, which were completely unimpeded in reorganizing themselves into a powerful division-size unit, and whose armaments nobody had bothered to remove from their possession, conducted the following attacks or attempted raids outside of the safe zone:

- On 8/2/1995 a Reconnaissance and Sabotage Group [further on: RSG] of the 283rd Brigade waded into a mine field while reconnoitering VRS positions in the Kriva Kaldrma zone and suffered 2 wounded;
- In the period from 18/2 to 1/3/1995, 7th detachment of the 285th Brigade blocked off and laid mines on the Bogodol–Stublic road;
- On 16/3/1995, RSG belonging to the 285th Brigade suffered 2 wounded in the Stublica zone;
- On 9/4/1995, RSG belonging to the 281st Brigade waded into a mine field and suffered 2 wounded;
- On 10/4/1995, RSG belonging to the 281st Brigade waded into a mine field in the Stedar zone and suffered 1 killed;

- In the period from 7/5/ to 16/5/1995, 217 members of the 283rd Brigade were deployed to patrol the Žepa—Srebrenica corridor outside of the „demilitarized zones“;
- On 16/5/1995, RSG belonging to the 285th Brigade killed two VRS soldiers in the Sadikov Cair zone;
- In mid-May 1995, a group of soldiers from the 284th Brigade and the 28th Independent Battalion carried away 110 sheep from the vicinity of the village of Lukic Poloje [2 km from Milići];
- Between May 19 and 25, 1995, 28th Division RSGs occupied points known as Šljivovo and Borovo Brdo, which are located outside the „demilitarized zone;“
- On 27/5/1995 an RSG in the Rupovo Brdo area liquidated 5 VRS soldiers and captured one PM M-72, 1 AP, and 1 pistol;
- On 29/5/1995, in the Podravanje area, two 28th Division soldiers waded into a mine field and were wounded;
- On 29/5/1995, in front of the UN observation post in Zeleni Jadar, a 28th Division RSG killed 2 VRS soldiers;
- On 31/5/1995, a VRS reconnaissance patrol wounded two soldiers of the 282nd Brigade near the locality of Opres, outside the Srebrenica enclave;
- On 31/5/1995, near the locality of Opreš, a 282nd Brigade RSG killed 2 VRS soldiers in Zeleni Jadar area, in front of the UN observation post;
- On 1/6/1995. in the Podravanje area, VRS killed 2 civilians, while 1 civilian got away;
- On 1/6/1995, in the Podravanje area, VRS killed 1, and wounded 3, soldiers of the 285th Brigade;
- Between June 5 and 10, 1995, a 28th Division RSG, Acting on orders of Major Bećirević, reconnoitered the Podravanje—Kragljivoda—Jezero region;
- On 7/6/1995, members of an RSG unit opened fire on VRS in the Jasenov area, VRS losses unknown, while 1 RSG soldier was wounded on the way back through the mine field;
- On 8/6/1995, a Srebrenica MUP [interior ministry] patrol waded into a mine field in the Jasenova area, leaving 1 dead and 3 wounded;
- On 10/6/1995, a group of 285th Brigade soldiers carried away a herd of cattle from the area of Han Pijesak;
- On 11/6/1995, a group of armed soldiers and civilians from the enclave made their way to Kladanj from the direction of Srebrenica and Žepa;

- On 12/6/1995, a group of soldiers from Srebrenica carried away cattle from the village of Djile;
- On 15/6/1995, 28th Division soldiers in the Žutica area killed 2 VRS soldiers and captured personal firearms;
- On 17/6/1995, a group of about 15 soldiers made its way to Kladanj from Srebrenica and Žepa;
- In mid-June, three groups of soldiers from Srebrenica, numbering 44 in total, made their way to Kladanj from Srebrenica and Žepa;
- On 19/6/1995, in the Zelene Jadar area, a VRS jeep was destroyed, and the personnel inside were most likely killed;
- On 19/6/1995, a member of an RSG was wounded in the Zelene Jadar area while going through a mine field;
- Between 19 and 21 June, 1995, a 28th Division RSG consisting of 5 men reconnoitered the terrain east of Srebrenica enclave;
- Between 20 and 25 June, 1995, a 28th Division RSG consisting of 5 men reconnoitered the terrain west of Srebrenica enclave;
- On 22/6/1995, under orders from Major Bećirević from Srebrenica, Major Tursunović, Major Mandžić, and Captain Salihović were directed to Žepa with the personnel of RSGs belonging to the 280th, 281st, and 284th Brigades, and the 28th Independent battalion;
- On 22/6/1995, in the Han Pogled area, along the Srebrenica—Kladanj corridor, VRS thwarted an attempt by about 20 28th Division soldiers to reach Kladanj;
- On 23/6/1995, in the Kragljivode area, a VRS vehicle was destroyed. There is no information on VRS losses;
- On 23/6/1995, a 28th Division RSG unit killed 4 VRS soldiers in the vicinity of the village of Simići;
- On 26/6/1995, a 28th Division RSG attacked and burned down the village of Višnjica and killed its civilian population.
- On 3/7/1995, a 28th Division RSG killed 4 VRS soldiers in an ambush.

These facts show clearly the dimensions and the intensity of military activities which originated from the zone which was under the protection and demilitarization guarantee of UN forces, and during the particular time period of the presence of the Dutch contingent.

This constitutes evidence of the first order not only of events as they unfolded in the field, but also a striking depiction of the conditions and incessant provocations which finally led to the exhaustion of the Serb side's patience.

**A professional or an amicable relationship?** The inequality in the treatment of the warring sides was reflected on several levels. Such disparate treatment was above all the result of simplistic and cartoon character roles which from the very start propaganda assigned to the local protagonists. That had as its consequence not just the invisibility of the Serbian victims but also the conviction held by Naser Orić [and by others similarly situated elsewhere in Bosnia] that he was at liberty to commit crimes and to boast about them without fear that he would be called to account. Another consequence was the absence of any semblance of symmetry in the reactions of the international community when — to give but one example — one of the warring parties decided to embark on the extreme step of taking UN soldiers hostage. The Serbian side was not the only one to engage in such conduct.

It is quite true that the Serbs did it in May of 1995 after NATO, allegedly in response for the shelling of Sarajevo, bombed their positions. That caused an intense crisis in the Serbs' relations with the international community. UNPROFOR and NATO reacted with sharp threats and with intimations of destructive retaliation unless the hostages were released without delay. These threats were addressed not only to the leadership of the Republic of Srpska, but of the Federal Republic of Yugoslavia as well. The agreement which led to the release of UNPROFOR hostages was finally concluded in June of 1995, in an atmosphere of enormous tension.

The contrast between that and the incident which lasted from 27 to 31 January, 1995, could not have been greater and more illustrative. In the latter case, it was forces under the command of the Army of Bosnia and Herzegovina, operating from inside Srebrenica enclave under UN protection, which took captive and kept hostage 99 members of the Dutch battalion. But this was an incident which passed almost unnoticed.<sup>16</sup>

In relation to that incident, correspondence took place between UNPROFOR, represented by the Dutch General Ridderstadt and officials who were in charge on the Moslem side, Naser Orić and Rasim Delić, in an attempt to find a solution. General Ridderstadt's messages do not merely offer clear evidence that United Nations authorities were well aware that the zone of Srebrenica under their protection was not at all demilitarised, but points to something that possibly was even more alarming than that.

With regard to the first point, in his letter to Orić dated 1 February 1995 Ridderstadt writes as follows:

I should add that the subject of the enclave is always at the top of my priority list. We are fully aware that the demilitarization of the area has not been realized.<sup>17</sup>

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<sup>16</sup> The immediate trigger for taking the Dutch hostage was an order of the ABiH military authorities in Srebrenica [an entity that the Dutch were there to ensure could not exist] to the Dutch not to conduct patrols in the so-called "Bandera Triangle" within the enclave. When the Dutch decided to ignore this order of their protégés and to continue patrolling in the area that was declared off limits to them, Moslem forces took them captive. Par.2.40, Report based on the Debriefing on Srebrenica, [Assen, 4 October, 1995.], ICTY document, EDS: 00349314.

<sup>17</sup> ICTY document, EDS: 01837510

In the letter to Delić, the chief of staff of the Moslem Army of Bosnia and Herzegovina, this is how Ridderstadt addresses him: <sup>18</sup>

You will be well aware of the background. Srebrenica was declared a Safe area by UN Security Council Resolution 819 of 16 April 1993. The UN initiative to develop Srebrenica enclave as a UN 'Safe Area' has been thwarted. The articles of the 'Agreement on the Demilitarization of Srebrenica' dated 8 May 1993 have never been fulfilled by either of the warring parties. Military activity and ceasefire violations by both the BSA [Bosnian Serb Army], externally, and the BIH [Bosnian Moslem Army], internally, continue unabated; even with a Cessation of Hostilities Agreement in force. UNPROFOR is subjected continually to restrictions of movement, threats, intimidation by firing close, and actual attack. The civilian population inside the Enclave is suffering great hardship. Since the signature of the Demilitarization Agreement of 8 May 1993 both parties have steadfastly refused to cooperate with UNPROFOR forces, all this despite the best endeavours of UNPROFOR.

From the mere reading of the Dutch general's message, and without more information about the matter under discussion, it would be difficult to draw a clear conclusion which forces had taken his soldiers hostage and who was responsible for violation of the rules in this specific situation. Was it the Moslem or the Serbian army? It is characteristic that even when all doubt is removed that the responsibility for gross violations rests exclusively on the Moslem side its imputation must be balanced by including a list of objections to the conduct of the Serbian side as well. For some incomprehensible reasons the Dutch commander, although he has the full backing of UN authority and of a NATO army, hesitates to address Delić in the imperative voice. Instead, Ridderstadt humbly begs for the release of his soldiers. In case his supplication remains unanswered he makes no threats that as punishment for their reckless and aggressive behaviour Moslem forces will be targeted by NATO air strikes. He "threatens" them only with the bad publicity which they may suffer in the event that the details of their knavish conduct become known to the public:

There can be no possible justification for this action by soldiers under your direct command. I appeal to you to issue the necessary instructions for the immediate release of my soldiers forthwith. I am preparing a Press Release to the media and I am sure the news of this unacceptable action will shortly be published in Holland. The Dutch are very sensitive to this and its publication will not do the image of the BIH any good at all.

This paradigmatic correspondence suggests several important conclusions.

First, UN forces and their highest representatives on the ground, in this case the Dutch General Ridderstadt, were fully cognizant of the fact that there was a Moslem army in Srebrenica and that it had the official designation of 8<sup>th</sup>

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<sup>18</sup> ICTY document, EDS: 01837512

Operational Group,<sup>19</sup> yet they did not react in any way whatsoever to that fact, although according to the relevant agreements that was clearly unacceptable;

Second, they also failed to undertake effective steps to see to it that the demilitarization agreement was carried out. By that failure, deliberately or not, they did not expose to marauding attacks just the surrounding Serbian population, but—as shown by the theme of these letters—they had made it possible for their own soldiers in Srebrenica to be taken hostage by the Moslems. That precisely is the subject of the letter to Delić, where Ridderstadt complains that forces under Orić's command in “demilitarized” Srebrenica had taken captive ninety-nine soldiers of the Dutch battalion; and

Third, regardless of the evident tensions, the personal and almost friendly tone of General Ridderstadt's letters to Orić and Delić, especially to Orić, is astonishing. In view of the circumstances which caused those letters to be written, it borders on the absurd.<sup>20</sup>

It is therefore necessary to raise again a logical question: if the UNPROFOR general reacted so diffidently to the illegal blockade of his own troops, whom he had an absolute duty to protect by any and all available means, what could be expected from his military unit, or from UN forces in general, in the fulfillment of their duties toward others, to be specific, their duty to protect the Serbian population in and around Srebrenica?

**The deeper causes of the pogrom.** Bare figures cannot come even close to portraying the mentality and the principal causes behind the inhuman conduct which characterized both sides in the merciless conflict in the region of Srebrenica, which stood out even by the general standards of cruelty which marked the Bosnian war. The indignation voiced by Gen. Morillon when he testified, his stupefaction when faced with the infernal and generalised mutual hatred which had seized almost all the members of both communities, and which was motivating them to act with unspeakable ferocity, all that would be unfathomable if viewed abstractly and outside of a more comprehensive context. That is why the recently published memoir of Ibran Mustafić, one of the main protagonists of these events, is of great significance.<sup>21</sup> Before the war's outbreak, Mustafić was elected deputy in BH parliament for the main Moslem political party, SDA, and he was deeply involved in organizing the local chapter of that party in the Srebrenica area. Throughout the conflict, Mustafić was in Srebrenica performing a variety of party and political functions. That is why his testimony

<sup>19</sup> That is clear from the correspondence when it is read in its entirety. See Annexes 4.1 and 4.2.

<sup>20</sup> Scarcely less absurd is that part of Ridderstadt's “threat” to Delić where he says that he has begun to draft a press release about the incident, which implies that even four days after the taking of UN soldiers hostage by Srebrenica Moslems that fact remained undisclosed to the general public. What could have been the reason for such enormous discretion? In view of the biased attitude of international factors, and the media in particular, it is quite understandable. A public portrayal of such aggressive and ungracious conduct on the part of the “victims” toward their protectors and saviours would have had a catastrophic impact upon the propaganda construction of the conflict.

<sup>21</sup> Ibran Mustafić: *Planirani haos* (Planned chaos) [Sarajevo, 2008].

is of inestimable value, being written as much in the capacity of an observer as in the capacity of a direct participant in many of the events.

Mustafić's account does not deal with war-time events only, but also with their background, frequently through a portrayal of the author's own upbringing in a local Moslem family. We will quote selected portions of Mustafić's book because they shed light on the insularity of the community in which he was reared and the suspiciousness of outsiders which permeates the mindset of its members:

p. 11: The author glorifies the Ustashi pro-Nazi collaborationist movement of World War II, in particular its "Black Legion" death squad, and says that his grandfather fought in an Ustashi unit. He rationalizes many Moslems' World War II alliance with the Ustashi against the Serbs and quotes some verses which he had learned from his grandmother: "The Croat is my half brother, the Serb can f \_\_\_ his own father." Further on in the text, it is stated clearly that BH Moslems had two parallel educational systems; one was at home, where they were taught history by their parents, while the other was the official one, sponsored by the state and taught in school. He suggests that Moslems in the former Yugoslavia harboured great hatred toward Serbs in BH.

p. 12, 13: A general description of Moslem attitudes toward Serbs, the partiality of Moslem school teachers in their treatment of Moslem children, and general disparagement of Serbs.

p. 15: The Ustashi movement which collaborated with the Axis during World War II is praised. Further on, remarks suggesting that even while the former Yugoslavia was in existence BH Moslems were dreaming of an independent Bosnia with borders up to the Drina River.

p. 25: An impassioned critique of mixed Serb/Moslem marriages.

p. 26: Praise for Muslims from Sandžak, a region with a dense Moslem population within Serbia proper, because they do not have much to do with Serbs and allegedly hate Serbs more than even BH Moslems do.

p. 49: The authors claims that many Muslims will not rest until their border is on the Drina River: "...retrospectively, I think that unless Moslems [now Bosniaks] do not go all the way to the Drina and if they are not, should that be necessary, prepared to destroy everything that exists, our long-term future in this area will be uncertain."

p. 76: The author states that in March of 1991 a meeting was held at the Srebrenica police station in order to implement some personnel changes and that he had an intense disagreement with Momčilo Mandić [Serb]. Mustafić opposed the appointment of a Serb as police commander. During that argument, Mustafić threatened Mandić and told him that he was not allowed to set foot in Srebrenica without asking Mustafić for permission,

otherwise his safety could not be guaranteed. [*Nota bene*: this allegedly happened before the official outbreak of the war.]

p. 129: A description of the disagreement between Mustafić and Izetbegović concerning the BH independence referendum in 1992. A speech by Mustafić is quoted where, among other things, he says: “I love Novi Pazar [capital of the Serbian region of Sandžak, see p. 29 and Mustafić’s reasons for admiring Moslems who are from there] and Istanbul a thousand times more than Drvar and Bosansko Grahovo. Deep inside, I love BH but closest to my heart is the 43,7% of it [the percentage of Moslems in the total population of BH according to the census].”

p. 136: Ibran Mustafić recounts how Hamed Salihović called him in to the police station in Srebrenica to tell him the following: “I received a dispatch from the police station in Zvornik stating that a café was robbed in the Sapna area and that poker playing equipment and a Jeep cabriolet were taken away. Naser Orić took part in that robbery.” [*Nota bene*: during the conflict, Naser Orić commanded Moslem units in Srebrenica, and this incident occurred before war had officially started.]

p. 153: Description of a day in the BH parliament in Sarajevo, where Mustafić was a deputy, when together with Moslem politician Abdulah Konjicija he ran into a group female journalists from Belgrade who were waiting for the conclusion of a session in one of the conference rooms of the BH parliament. Konjicija grabbed one of the women and threw her down a flight of stairs from the first floor.

p. 178: Mustafić approvingly describes the successes of the Srebrenica Moslem army in 1992 in expanding the area under its control while attacking surrounding Serbian territory.

When government structures collapsed in BH at the time of the definitive disintegration of the former Yugoslav republic in the Spring of 1992, in the absence of external constraints such an insular mentality could result only in intolerance and even violence against members of other ethnic communities. That became clear already in April of 1992 when Serbian BH parliament deputy Goran Zekić was murdered in a Moslem ambush. The overwhelming majority of Serb inhabitants of Srebrenica understood perfectly the message of that event and soon thereafter fled the town in fear. Less than 50 of them remained in Srebrenica. In the surrounding villages, residents began to keep an armed watch and pay increased attention to their safety, as they grasped the direction in which things were moving. Many still could vividly recall the conduct of their Moslem neighbours during World War II, when members of the puppet army of the “Independent State of Croatia” were terrorizing and killing local Serbs *en masse*. Ibran Mustafić writes approvingly of that World War II alliance of Moslems and Croats, and expresses admiration for the Ustashi cutthroats from that period on p. 11 of his book.



The book by Ibran Mustafić, an eyewitness and “insider” of Srebrenica events during the Bosnian war, amply documents the fact that Srebrenica under Moslem control served as a launching pad for constant and relentless attacks on the surrounding territory where Serb villages were located and which were populated by Serbs. Based on Mustafić’s telling, it is difficult to ascribe to the majority of those operations an exclusively or even predominantly military significance; their main purpose was the cleansing of areas populated by Serbs by a combination of intimidation, torching of their villages in order to make them uninhabitable, and simply by mass murder.<sup>22</sup>

Examples of atrocious conduct by Moslem forces abound on the pages of Mustafić’s book. For instance, Mustafić recounts in “Planned chaos” that Naser Orić, commander of the BH Army 28<sup>th</sup> Division, told him of the way he murdered Srebrenica judge Slobodan Ilić, who happened to be a Serb. According to Mustafić, Orić first gouged both his eyes, and then slashed his throat. It should be noted that the Hague Tribunal sentenced Orić to just two years in prison for war crimes committed in the Srebrenica area, only to annul on appeal even that insignificant sentence.

In the pages of “Planned chaos” there is also testimony about the murder of Slobodan Zekić and his mother, Zagorka. According to Mustafić’s information, they were murdered by local Moslem Emir Halilović who smashed their heads with the butt of his gun. Mustafić also points to Halilović as the murderer of an elderly Serb, whose name he does not give, who was hospitalized in Srebrenica. Mustafić links Srebrenica Moslem Ejub Golić to the murder of the bedridden couple of Krsta and Velinka Dimitroski.

Mustafić also confirms in his book that units of the Moslem BH Army from the supposedly demilitarized zone, which was under the protection of the United Nations, were conducting systematic forays onto the territory which was under the control of the Army of the Republic of Srpska where they committed attacks upon Serb soldiers and civilians. Additionally, he suggests that the fall of Srebrenica was the consequence of a “betrayal” by the Moslem political and military leadership. In that regard, Mustafić’s assertion on p. 388 is intriguing:

Interestingly, after my release from prison [Mustafić was taken captive by the Serbs after their army’s entry in Srebrenica in July 1995], Alija’s [Izetbegović, president of the Moslem government in Sarajevo] secret police AID, acting through its director at the time, made just a single suggestion to me, and that was not to meddle in the Srebrenica issue, or they would liquidate me.

As the case may be, Mustafić’s book contains a number of relevant affirmations which leave no room for doubt that the Srebrenica branch of the Moslem government in Sarajevo, notwithstanding the latter’s official mask of

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<sup>22</sup> Of course, those operations did also have a purely military mission of drawing away from other theaters as many Serb military units as possible, but that goal could also be accomplished by legitimate military methods, without civilian massacres or the destruction of their places of residence.

“multiethnicity” and “multiculturalism” (and even of “European values”) designed for the consumption of international public opinion, was in fact a lair of the most primitive obscurantism which in its external manifestations was far closer to the Middle Ages than to twentieth century European civilization:

p. 187: A group of Serb soldiers were taken captive and then liquidated in the locality of Zalazje. Mustafić lists the names of the victims, and then comments: “Far from feeling sorry for them, on the contrary, I rejoiced at the death of every Chetnik [a derogatory term for Serbs] who perished...” Mustafić goes on: “...this occurrence intrigued me because I thought that it was a bad move and not in accord with the rules of warfare, and I also thought that in the long run such behavior would boomerang on us” which suggests not just an excellent intuition but also the ferocity of that massacre.

p. 187: “I learned in Tuzla that Kemo from Pale was showing a severed head around Srebrenica to frighten people with it. That made me realize that from those who were in charge in Srebrenica you literally could expect anything.”

p. 213: Attack on the Serbian village of Čumavice: “After trying to convince them for a long time, we lined up the women and children. We were beginning to lose our patience with persuasion, so Hajro pulled out of the lineup a little girl standing with her mother and threatened to slash her throat if they did not comply with the ultimatum to turn over their weapons.”

Evidently, this threat turned out in the end to be quite persuasive.

p. 214: A description of the attack on the Serbian village of Sijemovo that was carried out by Orić’s forces, the pillaging that followed, and the murder of the elderly Miloš Zekić, a resident of the village who was left behind.

pp. 214–215: Mustafić described a repeat attack on the Serbian village of Čumavice. Further on he discussed the division of spoils between Naser Orić and the imam [Moslem religious functionary] Alija Jusić, who was in charge of supplies, and later in the text he mentions the brutal treatment of captured villagers from Čumavice.

p. 217: Attack on the villages of Gniona, Viogor, and Orahovica in order to link Moslem controlled territories: “In Gniona we did not kill anyone, while in Orahovica about 30 people were burned in the houses, mostly the elderly, while some were liquidated in brutal fashion.”

pp. 218–219: The chapter *Refugees, plunder, murder* presents a panoramic view of the horrific conditions in Srebrenica under Moslem rule. The quote that follows refers to some specific malefactors and their crimes: “After the attack on [Serbian village] Ježestica, Kemo brought a severed head in a sack with which he frightened people in Srebrenica. He used it also to intimidate hospital personnel. I do not know this for certain, but it is said that he was involved in the liquidation of Bata and his mother from Srebrenica. Their screams, it was said, were frightful.”

- p. 229: A description of the takeover of mountainous areas around Srebrenica by Naser Orić's army and celebrations in Srebrenica which followed those events.
- p. 231: Takeover and plunder of the mining settlement of Sase, at a small distance from Srebrenica, where a 14<sup>th</sup> century Orthodox monastery was demolished.<sup>23</sup>
- p. 243: Description of the attack carried out by Naser Orić and his army on the Serbian village of Kravica on Orthodox Christmas day, January 6, 1993 [before the demilitarized zone was established].
- p. 261: Description of attack by Naser Orić and his army on the Serbian communities of Jezero and Skelane [before the demilitarized zone was established].
- p. 269: Description of the desecration of the dead body of an officer of the Yugoslav National Army: "When I dropped by Srebrenica to look around to see how things were going, the dead Yugoslav officer was loaded on top of a cart which was being pushed around Srebrenica in order to give an additional boost to army morale..."
- p. 288: Dialogue between Ibran Mustafić and Naser Orić, where Orić tells him of the gruesome murder of a Serb that he had committed. The victim's name was Slobodan Ilić from Zalazje. Orić first poked his eyes with the tip of his bayonet, and then killed him.
- p. 289: Description of the massacre committed by Orić's men on prisoners in Zalazje.
- p. 291: The beginning of the chapter entitled *Liquidations in Srebrenica*. The author details the liquidations of the handful of Serbs who had remained in Srebrenica or were brought there as prisoners by Orić's army.
- p. 295: Description of the commerce in weapons engaged in by the inhabitants of Srebrenica, in spite of the fact that it was supposed to be a demilitarized zone.
- p. 315: Mustafić describes seeing on Serbian TV *Srna* two Moslem girls who asserted in front of the cameras that they had been raped in Srebrenica by members of the Srebrenica mafia; also two Moslem men who said that they had fled from Srebrenica to avoid the terror.
- p. 366: Mustafić gives an example of systematic conduct by Moslem forces within the enclave: forays out of the demilitarized zone and laying of ambushes for Serbs along the Bratunac—Skelani road in order to, as the

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<sup>23</sup> Unfortunately, a Moslem mosque that was situated about 20 meters from the monastery was also demolished when Serb forces retook this territory. That is an appalling example of the vicious cycle of violence and revenge.

author says, “cause grief.” The same was happening along the Milići—Podravanje road.

p. 369: Mustafić describes the attack of Srebrenica Moslem forces on the Serbian village of Višnjica on June 26, 1995. This chapter is very telling because it deals with the preparation and carrying out of a deliberate attack on a Serb village from the Srebrenica safe zone.

**A war not conducted in accordance with “European standards”.** In the atmosphere of hatred and primitive passions, especially under the leadership of a sadist and greedy Mafioso like “brigadier” Naser Orić, the concept of war could not but degenerate quickly to the point of losing resemblance to military operations in the conventional sense of that word. There followed attacks on nearby Serbian communities, villages which were located in the general vicinity of Srebrenica and neighbouring municipalities, the exclusive purpose of which was pillage and mayhem. But as survivors’ statements make clear, murder without attendant cruelty was a privilege enjoyed by very few. The majority were slaughtered in bestial fashion, a fact that their surviving relatives and neighbours recalled vividly when in July of 1995, unfortunately, there came the moment for the settlement of accounts.

The attack that was carried out on the Serbian village of Bjelovac on 14<sup>th</sup> December, 1992, when 68 residents were slaughtered, illustrates the ferocity of such assaults. The annexed document from the command of the Moslem army<sup>24</sup> describes the impact of the attack on Bjelovac and several neighbouring villages. In the report detailing the results of the “operation” two things are stated matter-of-factly which are quite disturbing: [1] about 50 of the prisoners are said to have been “liquidated,” which may justifiably be taken as a code word for execution, and [2] after the village was conquered, Muslim forces “took captive” and took away with them two women and three children.

The taking of women and children captive in the course of conducting military operations strikes one as a concept basically unknown to European warfare of the recent times, at least not the kind of warfare which seeks to conform to generally accepted norms and conventions. After even a cursory review of Moslem documents relating to the attack on Bjelovac and the neighbouring villages, one is struck by the absence of a very essential element, assuming that this was supposed to be more than an act of brigandage and was indeed conceived as a legitimate military operation: there is no mention of military objectives of any kind nor is there any attempt to place it within the context of a broader strategic plan. It seems that the fact that Bjelovac and the neighbouring villages were inhabited by Serbs was a sufficient reason for them to be attacked and destroyed, and their residents slaughtered.

During 1992 and 1993 at least 39 Serbian villages and locations in the general vicinity of Srebrenica were attacked and devastated while the inhabitants were massacred or expelled. This is confirmed in the statements given subse-

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<sup>24</sup> See Annex 4.3.

quently by the survivors to the investigating authorities of the Republic of Srpska Ministry of the Interior:<sup>25</sup>

1. Village of Blječeva
2. Ambush on the Srebrenica—Sase road
3. Village of Čumavići
4. Village of Viogor
5. Village of Sjemovo
6. Village of Osredak
7. Village of Orahovica
8. Village of Medje
9. Ambush on the Srebrenica—Skelani road
10. Murder of Simić Vojislav
11. Ambush at Žutica
12. Ambush at Konjević Polje
13. Ambush at Bakrač
14. Village of Oparci
15. Village of Crkvine
16. Village of Rupovo Brdo
17. Village of Ratkovci
18. Village of Loznica
19. Village of Brežani
20. Village of Krnjići
21. Village of Zagoni
22. Village of Zalazje
23. Village of Magašići
24. Village of Stanatovići
25. Village of Ježestica
26. Village of Gornji Sadići
27. Village of Gornja Kamenica
28. Village of Silovanje
29. Attack on Barke
30. Village of Podravanje
31. Village of Rogosija
32. Village of Fakovići
33. Village of Kamenica
34. Village of Bjelovci
35. Village of Kravica
36. Attack on Skelane
37. Village of Kalabače
38. Village of Metaljka
39. Village of Gniona

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<sup>25</sup> Statements of Serbian villagers who survived those attacks are posted on [www.srebrenica-project.com](http://www.srebrenica-project.com). A list of the villages and dates when they were attacked is in Annex 4.4.

This lengthy list and the accompanying statements suggest strongly that Serbian villages and their population around Srebrenica were the object of a pattern of “widespread and systematic” attacks, to use the terminology of the International Criminal Tribunal for the Former Yugoslavia [ICTY], at least in indictments and judgments which target Serb defendants. With almost each of these attacks, and the ensuing cleansing of the Serbian population, the territory under the control of Moslem forces commanded by Naser Orić was constantly expanding. At its peak, in the Spring of 1993, it was estimated to cover about 500 square kilometres, which finally convinced the Army of the Republic of Srpska of the urgent need to take appropriate counter-measures. It is significant that UNPROFOR, the UN military contingent in Bosnia and Herzegovina, and its superiors in the political chain of command going up to the UN Security Council in New York, started to react to events on the ground only when in March and April of 1993 the success of the Serbian counter-offensive threatened to crush the Moslem army in Srebrenica. Throughout the preceding year, without any hindrance or objection from those high places, this same army was obliterating Serbian communities and mercilessly slaughtering their peaceful inhabitants.

That reaction of the UN, undertaken under the pretext of urgent humanitarian need to protect Moslems from the advance of the Serbian army, with emphasis on the alleged threat to civilians in Srebrenica, was in reality nothing more than a political operation to rescue Moslem armed forces which were strategically embedded deep in Serbian territory from the successful advance of the Serbian army. But it is nevertheless also significant on another level. Perhaps it was with some political ambiguity, but in reacting as they did the UN admitted in principle their clear obligation during the Bosnian conflict to use available means to protect all endangered civilians. That was the unspoken underlying principle of their “humanitarian” intervention in April of 1993, although publicly it was triggered by the need to ensure the safety of the Moslem population of Srebrenica. But if such an obligation exists to extend protection to any community in a war zone, it follows that it cannot be restricted to the rendering of protection to individuals belonging to just one ethnic group to the exclusion or indifferent neglect of others. If it exists it extends to all, whether they are Moslems, Serbs, or other human beings.

The manner in which the UN Secretary General articulated his understanding of the parameters of UNPROFOR mission in Srebrenica after the establishment of the safe zone in 1993 raises a number of interesting questions:

To protect the civilian populations of the designated safe areas against armed attacks and other hostile acts, through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedure.<sup>26</sup>

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<sup>26</sup> U.N. Security Council, “Report of the Secretary-General Pursuant to Resolution 844 (1993),” S/1994/555, May 9, 1994, p. 5.

Leaving aside the issue of the moral parameters of UN intervention, attention may usefully be drawn to the way its actual parameters are expressed in this enigmatic and insufficiently noted exposition of the Secretary General. What “civil populations,” referred to in the plural, might have been meant unless it were understood, at least in the formal sense, that Serb civilians of Srebrenica should also be included within the protective ambit of the safe zone? Is it not implicit here that protection ought to be due to every endangered human being in the Srebrenica theatre and in every other designated safe area, on either side of the line of confrontation, without ethnic or religious discrimination, as long as that person was endangered?

If we analyse international obligations closely and in the context of the events which gave rise to them we shall notice that the condition requiring the demilitarization of the Moslem side also contains this conclusion in implicit form. If it is accepted that there was a necessity to remove weapons from the custody of the Moslems, the reason for that was that in the event of failure to do so those weapons might (as they were until then) be misused to wage a campaign of mass murder and terror against the Serbian population in the surrounding area. An armed Moslem side constituted a threat which the requirement of demilitarisation was put in place to neutralise, and the threat in question was directed against the Serbian population. Based not only on the language of the agreement by which the safe zone was established, but also based on the facts as they were known on the ground, the Serbian side clearly had huge reasons for insisting on demilitarisation. It was the need to protect its own population in the region. The acceptance of that condition by the international community, personified by the UN, signified its assumption of responsibility to extend its protection in Srebrenica not only to the Moslems, but also to the Serbs.

*Stephan Karganović*





## V. ANALYSIS OF SREBRENICA FORENSIC REPORTS PREPARED BY ICTY PROSECUTION EXPERTS

Thorough analysis of forensic materials that were used in the various Srebrenica trials could make an important contribution to clarifying what happened in Srebrenica in July of 1995 and it provides also a useful glimpse into the way the ICTY operates. Clearly, over the last 15 years, virtually from the time of the initial exhumations, these materials have been controversial. Equally controversial is the professional activity of the Tribunal as a whole. The way in which these forensic data were collected, processed, offered into evidence, and finally incorporated into ICTY judgments and thus came to form the basis of far-reaching conclusions sheds additional light on the International Tribunal's *modus operandi*.

For our purposes here it is unnecessary, and even uncalled for, to dwell on the political, legal, or moral background of the events which took place in Srebrenica in July of 1995. Instead, the intention here is to focus on the methodology of the international teams of forensic experts who were asked by the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to conduct exhumations of Srebrenica-related mass graves and record their findings in the form of individual autopsy reports between 1996 and 2001. For this task to be performed credibly, all relevant and available data must be taken into account. Significant issues must be clearly identified and they should be discussed as thoroughly as possible.

It may be said at the outset that the critique that follows strongly encourages the formation of a new perspective not only about Srebrenica but, to the extent that this major component of the accepted narrative of the Bosnian war 1992 — 1995 is found to be unsustainable, about that conflict as a whole.

**Outside experts and their *modus operandi*.** It could plausibly be argued that considerably more progress might have been made in establishing the facts, at least on the forensic level, if outside intervention had been more constructive, or at least more moderate in its harsh demands to fit forensic realities into pre-conceived concepts.

The analysis that follows will shed light on one aspect of that foreign intervention which was designed to “pick up the pieces” in the aftermath of the Bosnian war. The importance of these materials may be judged by the fact that the Hague Tribunal relied on them to define the events in Srebrenica as genocide, which is perhaps the most serious legal characterisation in the arsenal of jurisprudence. Individuals accused of involvement in these events have received prison sentences totaling many decades. Yet until now no one has bothered to

subject the forensic methods and autopsy reports prepared by Tribunal experts to serious review, notwithstanding their far-reaching impact.

One may assume that trust in their competence and objectivity was so implicit, that the thought never occurred to anyone to seriously question their work.

That impression is reinforced by the fact that in their work Tribunal experts were granted complete autonomy while their local colleagues from Bosnia or the Former Yugoslavia more generally were not allowed access to any of the about 20 mass graves that were identified and exhumed by ICTY in the region. Given the bitter mutual hostility of local contenders, entrusting the delicate task of sorting out the forensic evidence to detached foreigners may have appeared as a wise move under the circumstances. But the corollary to that is that since no one but Tribunal experts attended the exhumations, they and the institution which assigned them their task must now bear complete professional responsibility for the quality of the results. At the same time, taking into account the countries from which many of these experts were drawn, as well as countries from which they were pointedly excluded, skeptics may be excused for thinking that this particular detail may explain many of the shortcomings in these autopsy reports which will be pointed out in due course.

In order that the main issues may be properly highlighted and understood, the data will be analysed from several different angles. In addition to the data itself, we will deal also with the important question of how they were presented to and interpreted by the Tribunal, and thus used as the foundation for several convictions. This approach will generate more useful information and it will enable us to explain this complex material by using numerous examples.

The subject of the analysis that follows are the results and conclusions reached by several teams of prosecution forensic experts of the Hague Tribunal after the exhumations they conducted between 1996 and 2001. These exhumations were performed in the Podrinje (Drina Valley) region of Bosnia and Herzegovina in mass graves believed to contain the remains of Srebrenica victims.

Autopsy reports prepared by these expert teams refer to victims in over 20 mass graves in 13 localities: Glogova, Kozluk, Konjević Polje, Hodžići Road, Nova Kasaba, Pilica, Ravnice, Zeleni Jadar, Lazete, Cerska, Liplje, the Dam, and Čančari Road.

**Is that what they mean by *lege artis*?** Before going further, it would be useful to consider the way Hague Tribunal experts view the forensic evidence where Srebrenica is concerned.

Asked by the defence during the *Popović et al.* trial whether in his view it would serve a useful purpose to try to establish how many Srebrenica Moslems were killed in combat, ICTY prosecution military expert Richard Butler answered as follows:

It would be relevant if the forensic evidence of mass graves were showing evidence that would reflect that the bodies in those graves reflected combat casualties. The forensic evidence, as I understand it, coming out of

those mass graves reflects the opposite, that they are not combat casualties.<sup>1</sup>

Nevertheless, further along during the cross examination, Butler felt compelled to admit that based on his military experience it would be reasonable to assume that “between 1,000 and 2,000” Moslems could have died as a result of combat activity.<sup>2</sup>

Though he was eventually compelled to backtrack to a certain extent, it is Butler’s initial response that encapsulates the dogmatic position which has implicitly marked from the start the way this forensic evidence was viewed by the prosecution, successive Tribunal chambers, and the experts they called to prepare it. As will be evident, that rigid position does not have any empirical support whatsoever in the forensic evidence itself.

**The issue of professionalism.** It must be made clear that no expert, regardless of skill or reputation, can state with absolute certainty whether an injury was the result of execution or combat merely on the basis of a bullet or an injury to some portion of the body, especially if the body is in an advanced state of decomposition or has been reduced to a skeleton. Unqualified assertions are always a sure sign that the expert is overstepping the legitimate bounds of his or her mandate.

The chamber in the *Krstić* case reasoned in a way that was quite similar to Butler’s. Their conclusions on forensic matters, as stated in the judgment, are largely adapted to the prosecution’s claims without much apparent attempt at critical analysis. In many instances, the prosecution’s views were incorporated into the judgment with little or no modification.

The following aspects of the *Krstić* judgment where it intersects with the prosecution’s forensic evidence should be red-flagged because they are seriously questionable. They have, nevertheless, infected the reasoning and the principal conclusions of the judgment as a whole.

1. It is tacitly accepted that each forensic report represents a body. That is not correct because a significant number of reports refer to only a few bones from which no conclusions can be drawn. That is particularly true of hand or foot bones, some of which do not even exhibit any evidence of injury. [Annex 5.4]
2. The total number of cases (or purported bodies) with blindfolds and/or ligatures is, by our count, 442. In the *Krstić* judgment, two figures are cited. One refers only to blindfolds (448), and the other only to ligatures (423).<sup>3</sup> It is thus implied in the judgment that these are two sepa-

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<sup>1</sup> *Popović et al.*, Transcript p. 20250

<sup>2</sup> *Popović et al.*, Transcript p. 20251, lines 6–8

<sup>3</sup> *Krstić* trial judgment, par. 75: “Investigators discovered at least 448 blindfolds on or with the bodies uncovered during the exhumations at ten different sites. At least 423 ligatures were discovered during exhumations at 13 different sites...”

rate groups of prisoners. When these figures are combined, the resulting total is 871, and that is somewhat more than the actual number of victims found in a state which suggests execution. Some had only blindfolds, others had only ligatures, but many had both. Thus there was much overlap between the two groups. However, this is not mentioned anywhere in the judgment nor is there the slightest allusion to the fact that in a significant number of cases the same individuals may have had a blindfold and a ligature. The objective of the prosecution, naturally, was to augment the number of potentially executed persons and thus to impress the judges. They were apparently successful. The result is reflected in the lengthy sentence that was in the end meted out to General Krstić.

3. The judgment also fails to discuss numerous autopsy reports which refer to bodies where only shell or mortar fragments were found. The presence of such materials militates strongly against the self-confident thesis of prosecution expert Butler that overwhelmingly victims exhumed from mass graves were executed. (Annex 5.2)
4. Deliberately or by design, the issue of “high velocity bullet injuries” referred to in many autopsy reports, and the important implications that it carries with regard to the manner of death, is casually mentioned in the autopsies but its significance is left completely unexplored. However, the presence of such injuries is directly pertinent to whether or not an execution occurred in a particular case. The gravity and the extent of bone damage in these situations clearly suggests the impact not of conventional bullets but of shells associated with the Praga cannon,<sup>4</sup> an artillery piece that was widely used. Its use in the Srebrenica theater and particularly as an anti-personnel weapon is amply documented in the statements of survivors. (Annex 5.1)
5. The Krstić judgment ignores the significance of autopsy reports which refer to complete bodies with soft tissue present to greater or lesser extent but without any visible injuries inflicted by firearms or any other weapons. This category of human remains suggests that some individuals in the enclave may have died of natural causes or in some other way that rules out execution. (Annex 5.13)
6. It is also stated in the *Krstić* judgment that at the time the judgment was announced “the minimum number of bodies in the graves exhumed” by forensic specialists “was 2,028”.<sup>5</sup> But that clearly misstates the actual situation as of August of 2001, when the *Krstić* judgment was published. Our material, which includes not only the data available to the *Krstić* chamber but also two additional mass graves

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<sup>4</sup> Praga: **M53/59**. The Praga is a double-barrelled self-propelled anti-aircraft gun. Although it was designed to counter low-flying aircraft and helicopters, during the war in Bosnia and Herzegovina it was used mainly as an anti-personnel weapon and against lightly fortified facilities.

<sup>5</sup> *Krstić* trial judgment, par. 80.

exhumed after the *Krstić* trial judgment, shows that there was a maximum total of about 1,920 bodies, or individuals, in all the exhumed mass graves taken together.

7. In the *Krstić* judgment, the chamber delivers the conclusion that 18 then-unopened mass graves contain a “minimum of 2,571” unexhumed additional bodies.<sup>6</sup> We may set aside the obvious question: What entitles the chamber to venture such precise figures about the content of as yet unopened gravesites? But, more importantly, nine years have passed since then and there still is no trace of the 2,571 bodies of executed prisoners estimated by Tribunal experts,<sup>7</sup> who are also quoted in the judgment as claiming that the total number of victims “detected” in the mass graves is 4,805.<sup>8</sup> After a decade, and in spite of assiduous digging, there is no sign of these additional 4,805 bodies which, in order to support the chamber’s conclusion, must not only be discovered but also forensically demonstrated to be victims of Srebrenica-related execution and not of some other cause of death. The failure after such a long time to bring to light what the chamber was told had been “detected” in numerically quite precise terms suggests that this estimate was pure guesswork and that it was professionally unsound.

Other ICTY chambers in Srebrenica cases were hardly less awkward in their reasoning. Examples include some of the conclusions drawn by the chamber in the *Blagojević* judgment. Disregarding numerous defects which it has in common with the *Krstić* judgment in this respect, and which were mentioned above, there are also some new ones.

1. The chamber represents that in the Pilica (Branjevo farm) mass grave 132 bodies were exhumed, of which 82 had ligatures.<sup>9</sup> That information is incorrect. In fact 115 bodies were exhumed, of which 70 had ligatures.
2. It is represented that the Glogova 1 and Glogova 2 mass graves contain 317 bodies. Our analysis of the pertinent data shows that to be incorrect. There is, in fact, a total of 275 bodies not just in the Glogova 1 and 2 mass graves, but in all the mass graves exhumed at that location taken together, i.e. Glogova 1, Glogova 2, Glogova 3, Glogova 4, Glogova 5, and Glogova 6. Using simple mathematics, all six of those mass graves contain 275 bodies while in the *Blagojević* judgment it is claimed that in just two of them there are 317 bodies.<sup>10</sup>

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<sup>6</sup> *Krstić* trial judgment, par. 80.

<sup>7</sup> *Krstić* trial judgment, footnote 166.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Blagojević and Jokić* trial judgment, paragraphs 312 and 352.

<sup>10</sup> *Blagojević and Jokić* trial judgment, paragraphs 312 and 352.

3. In some of the paragraphs of the judgment, it is stated that in the Hodžići Road mass grave there were estimated to be 219 bodies. In fact, 156 were exhumed there.<sup>11</sup>

The Tribunal dealt with these issues not only with reliance on the findings of forensic experts from the field, but also by considering the evidence of witnesses who took part in these events in July of 1995. To be exact, for all practical purposes it heard the testimony of just one witness, Dražen Erdemović, who appeared as the prosecution's star witness in several Srebrenica trials. The place where our analysis intersects with Erdemović's evidence is Pilica, located about 40 kilometers from Srebrenica. According to Erdemović, that was one of the locations where executions of prisoners took place in July of 1995. In his book, *The Star Witness*,<sup>12</sup> Germinal Čivikov discredits the claims of Dražen Erdemović that together with seven other members of his unit he could have executed between 1,000 and 1,200 prisoners in less than 5 hours.

Čivikov points out that, when account is taken of Erdemović's claim that the prisoners were bound and that the busses in which they were being driven were parked 100 to 200 meters from the execution site (in one of Erdemović's statements the distance was 100 meters, in another 200), and that the prisoners were being shot in groups of 10, given such a tempo, using simple mathematics they would have had no more than 2,5 minutes per group to commit the crime.<sup>13</sup> Given the general setting of the crime, and in combination with Erdemović's claim that within a five-hour period the executioners found enough time to take breaks, to have drinks, to abuse the prisoners, to force them to empty their pockets and set aside their personal documents, and then to take them to the execution site and finally to verify that everyone was dead, it is clear that this story has some serious credibility problems. One might well doubt the claim that all that could have been accomplished in 2,5 minutes per executed group. However, such doubts did not arise in the mind of any of the judges, at least not with sufficient intensity to cause him to be incredulous. Oddly, it never occurred to any of the chambers which heard Erdemović's evidence to invite any of the other perpetrators of the Pilica crime to testify, nor did it motivate the prosecution to charge them with anything, although Erdemović had identified them all by name and arguably the prosecution was duty-bound to react given the dimensions of the

<sup>11</sup> *Blagojević and Jokić* trial judgment, paragraphs 312 and 352.

<sup>12</sup> Germinal Čivikov: *The Star Witness* (Belgrade, 2010), p. 65 and 66.

<sup>13</sup> For an instructive comparison, see par. 763 of the *Blagojević and Jokić* trial judgment. There, the chamber describes what it evidently regards as a credible account of the execution of prisoners at the Grbavci School, near Orahovac. On p. 219 of the judgment, it is stated that 1,000 persons were executed there, which is less than the 1,200 that Erdemović claims were shot at Pilica and which the chamber, based on his allegations, accepted as a credible fact with regard to that location. The strange thing is the following. In par. 763 in *Blagojević* it is accepted that the execution of a group of 1,000 in Orahovac began on 14 July in the afternoon, continued all evening long, and then through the following night, until 5 a.m. the next morning, 15 July. There necessarily arises a logical question: If Erdemović is to be believed, how was it possible to execute 1,200 men in only five hours, while elsewhere it took three times longer to execute 1,000?

crime Erdemović claims had occurred.<sup>14</sup> The possibility that Erdemović was exaggerating, or perhaps even not speaking the truth, is suggested by the analysis of the Pilica mass grave. That is the reason that we are giving Erdemović's evidence special consideration. The number of bodies exhumed at Pilica was 115, and of that number 70 had headscarves and/or ligatures. But that is 15 times less than the figures cited by Erdemović. Yet even such significant incongruities did not suffice for Tribunal chambers to begin to question the credibility of the "star witness" or to motivate them to order the other alleged perpetrators of the crime in Pilica to come to the bar of justice so that at least their versions could be compared to that of Erdemović.

It remains a mystery how the court could accept these contradictions without bothering to verify the facts. Even this cursory survey suggests compellingly that one of the offered versions has to be incorrect. Either Erdemović is speaking the truth when he claims that with the help of seven associates he executed 1,200 men, or the findings of forensic experts are wrong because at Pilica they managed to exhume the remains of only 115 individuals. Even such drastic inconsistencies in the evidence could not persuade ICTY judges to order a further investigation or to call the co-perpetrators to court in order to clarify that important issue. Both poles of the contradiction are tacitly accepted without any attempt to resolve them, and have been used as the basis for draconian sentences in several Tribunal cases.

In the *Krstić* case, the chamber makes an attempt to ameliorate the contradiction by asserting that the Pilica remains were partially reburied in the Čančari Road 12 mass grave. However, that explanation is not overly persuasive. The Čančari Road 12 mass grave according to our analysis contains 90 bodies, giving a total of 205 when combined with Pilica. Even that is six times less than the figure claimed by Erdemović.

For the sake of accuracy, it should be stated clearly that in the *Krstić* judgment the chamber accepts as a possibility that a certain number of persons may have perished during combat, but it nevertheless takes the view that the overwhelming majority were executed.<sup>15</sup>

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<sup>14</sup> At the *Popović et al.* trial (2007), judge Agius asked Erdemović to name the members of the Tenth sabotage detachment who took part in the execution of prisoners at Pilica alongside him. Erdemović (who is himself a Croat) named the following persons and their ethnicity: Marko Boškić (Croat), Franz Kos (Slovene), Vlastimir Golijan (Serb), Brano Gojković (Serb), Stanko Savanović (Serb), Aleksandar Cvetković (Serb), and Zoran Goronja (Serb). It is perhaps significant that although as a result of Erdemović's evidence over the last ten years these individuals were known to the authorities as potential suspects in the commission of a serious war crime, no investigation involving them was conducted and there was no attempt to take them into custody until Germinal Čivikov's *The Star Witness* was published in Serbian translation in 2009. Currently proceedings against most of them are in progress before the War crimes department of the State Court of Bosnia and Herzegovina in Sarajevo. Erdemović style plea bargains with the Prosecution have already been made by some defendants or were on the verge of being made by others.

<sup>15</sup> *Krstić* trial judgment, par. 77.

**How ICTY interprets forensic data.** In case there is any doubt that forensic reports can be more complicated than may appear at first sight, there is a specific detail that recurs in a number of them that seems to have been overlooked by almost everyone. Focusing light on that detail will help us to gain a better understanding of the actual complexity of Srebrenica events.

While reviewing materials from some of the mass graves, it was noticed that autopsy reports kept cropping up where the cause of death was attributed to *high velocity bullet injury*. Several mass graves feature this phenomenon and the number of such reports is not negligible. Body injuries are described as *burst-out*, and they are said to have resulted from the impact of high velocity projectiles which cause extensive and in most instances lethal damage. The first question that arose was: Why didn't the chamber ever offer a discussion of these reports, and why did it not attempt to draw a conclusion about the type of weapon that could have caused such destructive body damage? Are ordinary firearm bullets capable of causing this type of tissue destruction?

The real reason this question is important is precisely that it directs the inquiry to the next level: What kind of weapon must have been used to cause the death of these particular individuals, which is capable of causing such extensive damage?

The specific nature of injuries inflicted by high velocity bullets may be described thus. When projectiles, which move at speeds greater than 900 m/s<sup>16</sup> impact the body, they cause a false cavity around the entering projectile that is of considerably greater diameter than the projectile itself, causing correspondingly greater tissue damage. On the other hand, high velocity projectiles also transmit to the tissue an enormous amount of kinetic energy which serves as the cause of additional damage and, if they impact bone structures, what is known as *burst-out injuries* will result. The characteristic of such injuries is that bone tissue will disintegrate into many tiny fragments.

The example cited in Annex 5.1 suggests the conclusion that the probability that such injuries might result from conventional automatic or semi-automatic weapons is low and that there is a high likelihood that burst-out bone injuries, as they are described there, might have been inflicted by projectiles launched from the Praga artillery piece. It is known to have been used in the theater and its velocity is much greater and therefore sufficient to cause the observed damage.

An example of this phenomenon would be a burst-out injury to the cranium or some other part of the body which causes it to splinter into dozens of small fragments. Injuries of this type would cause cranial defects whose diameter usually would exceed 10 cm across, or where the point of impact was the chest area the result would be shoulder blade fracture into dozens of tiny fragments and (as in one particular case) the fragmentation of six neighbouring ribs. So the question must be put: What kind of weapon was it that inflicted such serious and extensive injuries? The anti-aircraft gun M53/59, better known as the

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<sup>16</sup> For a technical account of this issue, see:

[http://www.kenrahn.com/jfk/scientific\\_topics/wound\\_ballistics/How\\_a\\_high-speed.html](http://www.kenrahn.com/jfk/scientific_topics/wound_ballistics/How_a_high-speed.html)



Praga, would be an obvious answer. All the elements fit. First, the initial speed of the projectile when fired from this weapon is 1,000 m/s. Second, the size of the Praga projectile is such that an enormous and sufficient amount of energy will be transmitted to the body upon impact, which means that the injuries will be correspondingly more extensive.

And third, according to numerous witness statements of survivors, the execution weapons that were actually used<sup>17</sup> were of the type which had incomparably less velocity.

As an example, the velocity of a bullet discharged from the famous AK-47, also known as the Kalashnikov, is 700 m/s;<sup>18</sup> the velocity of an M-92 automatic bullet is 645 m/s;<sup>19</sup> for the automatic M-70 the velocity is 720 m/s;<sup>20</sup> for the semi-automatic M72Б1, bullet velocity is 745 m/s.<sup>21</sup> The familiar Scorpion's projectile travels at a speed of only 320 m/s.<sup>22</sup>

There are not many studies focusing on the impact of the Praga on civilian targets. Of course, the Praga was conceived as an anti-aircraft weapon. However, during the Bosnian conflict it was widely used also against civilian targets. This fact was amply confirmed in the statements of members of the 28<sup>th</sup> Division of the BH Army who were in the column that was retreating to Tuzla under fire in mid-July of 1995. They confirm that the enormous number of casualties that the column suffered was in part the result of the use of the Praga by Serbian forces all along the column's path.<sup>23</sup>

To clarify the essential points one more time: First, it is correct that regular firearm bullets, which are commonly used in executions, are ballistically classified as high velocity bullets, but their speed is not sufficient to be the cause of the grave damage that was observed. Second, the extensiveness of the injuries indicates that the energy transmitted to the body during impact was enormous and that it must exceed greatly the amount of energy that projectiles originating from automatic or semi-automatic weapons would be expected to transmit.

Our fundamental conclusions have been extensively confirmed by surviving members of the 28<sup>th</sup> Division. In numerous independently given statements they admitted that during the breakout toward Tuzla their side did suffer enormous casualties, and that one of the reasons was precisely that they were exposed to fire from Pragas which were deployed and used in the theater of opera-

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<sup>17</sup> For instance, Srebrenica witness Salihović Bećir [EDS: 00464530] claims that he survived execution and that the firing squad used automatic and semi-automatic weapons.

<sup>18</sup> <http://www.wikipedia.org/sr-el/A-47>

<sup>19</sup> <http://www.zastava-arms.rs>

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> [http://www.wikipedia.org/wiki/Scorpion\\_gun](http://www.wikipedia.org/wiki/Scorpion_gun)

<sup>23</sup> Of interest in this regard is the statement of Alić Mevlid [00371771] who says that the 28<sup>th</sup> Division column was being shelled by "artillery" and "anti-aircraft guns". The use of weapons of this type is also mentioned by Mehanović Hašmir [00371774], who also mentions mortar fire, and Halilović Suljo [01008121]. All these witnesses are 28<sup>th</sup> Division soldiers who successfully withdrew from Srebrenica to Tuzla, where they gave their statements.

tions by the Serbian side. In assessing observed damage to human tissue in combination with those statements, it is important to remember that the velocity of 1,000 m/s<sup>24</sup> is more than sufficient to produce just such an effect. When propelling a 30 mm projectile, that velocity conveys to the point of impact kinetic energy of extremely destructive and lethal force.<sup>25</sup>

If we rule out the possibility that prisoners were being executed using artillery and the Praga specifically for that purpose, the only remaining conclusion that is also congruent with the reports of numerous surviving members of the 28<sup>th</sup> Division column is that this category of injuries, as described by Hague Tribunal forensic specialists, could have resulted only from exposure to combat operations.

It appears incredible that the judges did not make an effort to inquire how such destructive damage which was clearly labeled as “burst-out injuries” in the forensic reports submitted to them came about. Might the presence of such inconvenient injuries, when juxtaposed to their view that most deaths were caused by executions, have caused an unnecessary complication? At any rate, it did not seem to strike them as illogical, nor did it stimulate their intellectual curiosity.

Had they bothered to examine the forensic evidence before them more thoroughly, the judges would have noticed that burst-out type injuries are not referred to in all, but only in some, of the autopsy reports. That should have been a signal to them to ask why those reports are different from the rest. On the other hand, if such injuries are indeed a characteristic feature of the use of automatic and semi-automatic weapons commonly used in executions, why were they not present and referred to in the great majority of the autopsy reports if — as asserted — most of the victims were executed? Although the approximately 150 reports in this category clearly stand out in terms of both their salient characteristics and resulting injuries, that was apparently not enough to raise some obvious new issues in the judges’ minds.

The court failed to raise these new issues which might have clarified the manner of death of some of the soldiers and reclassified them as combat casualties. By failing to make pattern-of-injury distinctions in the prosecution forensic reports, which clearly have different manner-of-death implications, the court in effect misrepresented the forensic material to the public by propagating the illusion that the forensic evidence generally corroborated the execution scenario, although it manifestly does not.

There is also another category of reports which demonstrates that soldiers who were killed in combat were illegitimately conflated with Srebrenica execution victims. In this category, the prosecution’s own forensic experts sometimes unambiguously state that the lethal injury was inflicted by shrapnel (Annex 5.2), i.e. a grenade or mortar fragment, or fragment of some projectile other than a bullet. Such autopsy reports also are in harmony with statements given by soldiers who took part in military operations on the Moslem side that many among them were killed by artillery shelling during the withdrawal of the 28<sup>th</sup> Division.

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<sup>24</sup> [http://yumodelclub.tripod.com/vehicals/m5359\\_twin\\_30mm\\_self.htm](http://yumodelclub.tripod.com/vehicals/m5359_twin_30mm_self.htm)

<sup>25</sup> Ibid.

Always skillful at formulating rhetorical deniability strategies to give cover to its blanket generalisations, the Hague Tribunal admits in the Krstić judgment that it “cannot rule out the possibility that a percentage of the bodies in the gravesites examined could have been of men killed in combat”.<sup>26</sup> That one sentence encapsulates their comments on the complex subject of combat deaths. While this statement is in principle correct, it would have been equally correct to say that based on the same evidence the chamber “cannot rule out the possibility that some of the men were executed”, since both of those statements are true. In neither the Krstić nor in the subsequent Srebrenica cases did Tribunal chambers pay the scantest attention to this considerable category of forensic reports. If they had done so, it might have seriously undermined their sweeping conclusions about execution as the cause of death of the overwhelming majority of Srebrenica casualties. Such dissonant reports were essentially ignored and there is no indication that any thought was given to conducting a more detailed analysis of these data and their implications.

**Bed of Procrustes—a good place to dump the facts.** It is difficult to ward off the impression that the Hague Tribunal is attempting to marginalize some very relevant facts. If we accept it as a possibility that the Tribunal is operating with preconceived conclusions about what happened in Srebrenica, these facts must be seen as rather uncomfortable because if given due recognition they might change the way Srebrenica is perceived. In the judicial culture of the Hague Tribunal it has become commonplace to marginalize or ignore facts which are difficult to refute but which are equally difficult to fit into the court’s scheme of things. So the usual response is to ignore them and not conduct any further inquiry or call experts and witnesses whose evidence might “upset the applecart” and encourage skepticism of the official version. The Tribunal’s technique in such cases is to allow important nonconforming material to be lost in the avalanche of other data and thus to remain unnoticed and practically stripped of its significance. In stark contrast, when the task is to create an apparent evidentiary basis in order to corroborate conclusions that were probably drawn in advance, the Tribunal rarely misses the opportunity to accept the evidence from any available sources, no matter how dubious their credentials, such as the already mentioned Erdemović.

In addition to the reports of ICTY prosecution’s forensic experts, our thesis that significant losses suffered by the Moslem side are explainable to a great extent by the impact of artillery — which by definition rules out execution — is supported by the testimony of numerous Moslem survivors.

What follows is a brief list of those statements which indicate beyond doubt that a certain number of men must have been killed by artillery and other weapons which definitely exclude execution. The ICTY database reference number for each of those statements is given. That is important because it shows that this evidence is located in the Tribunal’s own records and that it was available at

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<sup>26</sup> *Krstić* trial judgment, par. 77.

all times to both the prosecution and the chamber. More specific details about the withdrawal of the 28<sup>th</sup> Division and individual statements which corroborate our conclusions are located in another chapter of this volume.<sup>27</sup>

**Hasanović Sead** 03021142–43

Shelling in the vicinity of Kamenica.

**Jusufović Azim** #93, 00464628

Shelling in the vicinity of Kamenica.

**Muhić Azem** #97, 00464635

Shelling in the vicinity of Kamenica.

**Sinanović Sabrija** #106, 00464646

Shelling in the vicinity of Baljkovica.

**Bašić Adem** #67, 00464604

Shelling in the vicinity of Kamenica.

**Jašarević Fehim** 00464628

12 July — Serbian forces opened fire on the column from all sides and the witness estimates that there were up to 5000 casualties.

**Jusufović Azmir** 00464629

12 July — column attacked in the vicinity of Kamenica, about 300 dead and 100 wounded.

**Mahmutović Haris** 00464630

Along the column's path of retreat it was ambushed at a location the witness is unable to identify and about 100 civilians were killed and many were wounded.

**Mehmedović Adil** 00464631

12. July — the column was shelled from the surrounding hills on the Kamenica-Pobudje Road and there was a great number of dead and wounded. On the way to Snagovo, came across many dead. In Perunik, saw over 200 dead.

**Hasanović Admir** 00464621

11. July — Chetniks shelled column, resulting in 20 dead and 40 wounded.

**Hasanović Hasan** 00464621

11. July — the column was shelled.

**Hasanović Vejz** 00464622

11. July — ambush in the woods near Kravica, many dead and wounded.

**Hodžić Džanan** 00464624

11. July — the column stepped into a mine field in Jagličići, resulting in the death of five and wounding of 10 civilians.

**Hodžić Nezir** 00464624

11. July — column subjected to constant shelling and the witness saw many dead in Srebrenica, Konjević Polje, Cerska, and Kamenica.

<sup>27</sup> See chapter VII, "Analysis of Moslem combat losses due to minefields and combat activity."

**Hodžić Zuhra** 00464625

- 11. July — column ambushed at Buljim, about 200 dead.
- 13. July — ambush at Velika Glava, many dead; also at Lipanj and Baljkovica, minimum 50 dead.

**Beganović Ragib** 00464609

- 11. July — an intense artillery attack lasting 45 minutes resulting in numerous casualties.
- 26. July — while walking through the valley (in the direction of the Konjević Polje-Kaldrmica Road) where the column was initially ambushed, saw about 2500 decomposing corpses.

**Ćosić Muharem** 00464612

- 11. July — ambush in Jadar, 500–600 dead.
- 14. July — about 150 men killed in an ambush at Baljkovica.

**Gutić Sabahudin** 00464618

- 11. July — column shelled near Bukovik hill by Chetniks using 82 mm and 120 mm cannon resulting in many casualties.

**Orić Fadil** 00464653

- 12. July — column shelled near Buljim.

**Muhić Azem** 00464635

- 12. July — column shelled constantly all the way to Kamenica.

**Muratović Sakib** 00464637

- 11. July — Chetniks were shelling the column and men were being killed in front of him.

**Mustafić Idriz** 00464638

- 11. July — Chetniks shelled the column near Buljim and witness saw men being killed.
- 12. July — Chetniks continued the shelling and witness saw dead and wounded men.

**Ridžić Ramo** 00464640

- 11. July — the column was attacked from the direction of Kravice, Zabrdje, and the surrounding hills on the Buljim-Nova Kasaba Road resulting in about 700 dead between Kamenica and Kasaba.

**Salihović Sefedin** 00464642

- 11 or 12 July — while crossing the road near Konjević Polje the column was shelled and at least 500–600 men were killed. In the shelling near the village of Jagličići, about 12 to 15 men were killed.

**Sandžić Bajro** 00464643

- 12. July — gunfire, followed by artillery shelling of the column, near Pobudje. The same evening near Kasaba there was an artillery attack resulting in many dead and wounded. After the shelling, many of the dead and wounded were abandoned on the plateau in the vicinity of Kasaba.

**Sinanović Sabrija** 00464647

- Chetnik shelling near Baljkovica resulting in about 100 dead and 100 wounded.

**Smajlović Ahmed** 00464647

11. July — column attacked near Konjević Polje resulting in many casualties.

**Suljić Mevludin** 00464649

12. July — ambush near Konjević Polje, estimates that about 400 to 500 men were killed.

**Udovičić Edin** 00464649

The column was shelled and subjected to gunfire continuously during its retreat: „The Chetniks were shelling us without interruption.”

There are statements of other witnesses also which demonstrate that the column suffered enormous losses during its retreat. These witnesses include:

**Osmanović Ramo** 00512683, **Ramić Sado** 01008163, **Zukanović Bego** 00371759, **Ademović Ševal** 01008095, **Alić Mevlid** 00371771, **Avdić Enver** 00371746, **Hakić Nermin** 01185308, **Halilović Osman** 00818527, **Halilović Suljo** 01008121, **Hasanović Sead** 03021141, **Husić Ramiz** 00813498, **Kadrić Midhat** 00371768, **Mehanović Hašmir** 00371774, **Memišević Nurif** 00396028, **Muminović Behudin** 00464352, **Muminović Sejdalija** 00371757, **Muratović Kadrija** 01185372, **Mustafić Husejn** 00401647, **Osmanović Nazif** 01008158, **Orić Mevludin** 00464519, **Avdić Nedžad** 00464521, **Ahmetović Nedžad** 03053077.

When viewed in combination with statements given by members of the 28<sup>th</sup> Division and Srebrenica civilians who were also part of the retreating column, data in the forensic reports which refer to shrapnel as the cause of death become particularly significant and helpful to explain the manner of death of a considerable number of Srebrenica Moslem casualties.

This evidence seems clear enough. It does not refute that some prisoners were executed, but it does prove beyond reasonable doubt that a significant number of those who died could not have been in that category. It demonstrates the existence of another category, combat casualties, which encompass a significant portion of Moslem casualties in July of 1995. Inexplicably, the Hague Tribunal continues to be reluctant to recognize the factual and legal distinction between those two categories. Why?

**Other flies in the Tribunal's ointment.** In addition to autopsy reports which reflect widespread combat activity and which are fundamentally incompatible with the univocal official picture which claims that execution was the only, or the predominant, manner of death, there are also other reports which are difficult to fit into the official narrative. For instance, a number of the reports refer to bodies with various quantities of soft tissue (Annex 5.13) where autopsy did not disclose any signs of injury, but which may be assumed to belong to a certain number of individuals in the enclave who must have died at some point of natural causes. It goes without saying that the Hague Tribunal did not mention or in any known way take these reports into account. Clearly, doing so would

have been an acknowledgment of the fact that all persons who died were not necessarily executed.

There are other bodies that were exhumed from primary graves in 1996 which merit special attention. They consist of bones only, without any soft tissue (Annex 5.3). These cases are significant for the following reason:

It is an accepted scientific fact that for soft tissue to disintegrate, the passage of between four and eight years is required.<sup>28</sup> If the individuals in question were executed in mid-1995, the disintegration of their soft tissue already by the following year is not an outcome that would normally be expected. That suggests that a number of individuals whose remains were found and autopsied in some of the Srebrenica-related mass graves, and assumed to be Srebrenica victims, must have died considerably before the critical period in July of 1995. Therefore, it is improper to categorise them automatically as Srebrenica victims. This is another subtlety that the Hague Tribunal has apparently failed to notice and give due weight to in formulating its factual findings and legal conclusions.

If the issues discussed above indicate mere sloppiness, the one that follows is of such far-reaching significance that mere sloppiness cannot serve as an excuse. It goes to the very heart of the matter: how many prisoners were executed? As mentioned already, one autopsy report does not equal one body, although things are tacitly arranged to create that impression. Very often, autopsy reports refer to only a few bones. In over 90% of such instances even Hague prosecution forensic experts were obliged to admit that valid cause of death conclusions could not be drawn.<sup>29</sup> An example in this category is presented in Annex 5.4.

The implicit, but misleading, equivalence between a “case” and a body is vitally important here because it is one of the principal mechanisms for creating the hugely exaggerated impression of the actual number of individuals whose remains were allegedly exhumed by the forensic teams of the Hague Tribunal. In fact, notwithstanding assiduous efforts to inflate that figure, 15 years after the event it still has not passed 2,000, and — let this be clearly understood — due not only to execution but also to other causes.<sup>30</sup>

The immense zeal to inflate by any means the number of potential execution victims is evident in the *Krstić* judgment,<sup>31</sup> where the chamber treats as valid evidence the prognosis that in an additional 18 then-unexhumed mass graves, over 2,000 more bodies were going to be found.

It strikes one as a very odd procedure to base factual and ultimately legal conclusions about the number of victims in a criminal case not on the actual situation established at the time judgment is rendered, as would befit a serious legal in-

<sup>28</sup> Dr. Dušan Dunjić et al.: *Forensic medicine* (Belgrade, 2008), p. 53.

<sup>29</sup> See section “Data summary” in Chapter VI, “Presentation and interpretation of Srebrenica forensic data.”

<sup>30</sup> The 2,000 figure, of course, does not reflect the number of executed but the number of the dead. For a breakdown according to the cause of death, see Chapter VI, “Presentation and interpretation of Srebrenica forensic data.”

<sup>31</sup> *Krstić* trial judgment, par. 80.

stitution, but on what is termed an “estimate”. It is, nevertheless, precisely this sort of evidentiary speculation which characterised the chamber’s approach in *Krstić* and exercised a notable influence on the draconian punishment that the defendant received. But let us allow for the possibility that ten years ago the *Krstić* chamber may have honestly thought that there was a solid basis for such speculation. What are we now to make of the fact that in the intervening period the Tribunal has made no effort to exhume the gravesites in question and thus to settle any residual doubts about what they may contain? In fact, in the *Krstić* judgment we are not even informed about the precise location of those alleged mass graves.

**Some obvious errors in forensic reports.** Some individual reports merit special attention because they are emblematic of the way the Hague Tribunal functions. They also strongly corroborate our suspicion that some fundamental general conclusions were formulated independently of any serious prior consideration of the facts.

A number of reports which refer to Pilica exhumations in 1996 are perhaps the most telling practical illustration of the Tribunal’s professional culture. We will look at some of them.

For the gravity of these errors to be properly appreciated, some preliminary remarks may be useful.

First, these remains were exhumed from a primary mass grave in Pilica in 1996.

Second, the skeletons exhibit the presence of soft tissue to various degrees.

Third, no bodily injuries were found that could be linked to a bullet, dull objects, or any other cause.

Fourth, neither bullet nor any other metal fragments were found on the body or in its proximity.

Fifth, there were no blindfolds or ligatures associated with these remains.

Sixth, from the above it clearly follows that the cause of death is impossible to determine, and that is precisely what the forensic scientists stated in their autopsy report.

However, when they were obliged to state the manner of death, they nevertheless concluded that it was homicide. (Annexes 5 .5, 5 .6, 5 .7 and 5.8)

In simple language, fully cognizant that there were no signs of injury, without any material evidence pointing to homicide, and without being able to determine the cause of death, they nevertheless drew the conclusion that death must have been the result of a culpable act, murder, and this is the conclusion that they put in their report.

Forensic specialists of the Hague Tribunal are perhaps the only professionals in their field in the entire world who do not depend on material evidence in order to determine the manner (and sometimes even the cause) of death.

The obvious question is if the Tribunal knew *a priori* the number of victims, as well as the manner of their death, and a number of other parameters, as many of these reports imply that it did, then why did it spend money on seemingly redundant field research?



As if to draw attention to these absurdities, it appears that a few months later someone took the trouble to review and correct these autopsy reports. In the “manner of death” rubric they wrote in the only response that could possibly be correct under the circumstances, i.e. that it was “unknown”. (Annexes 5.7 and 5.8)

After such a scandal, a proper court would surely have dismissed the prosecution’s frivolous team of “experts” and their conclusions would have been discarded.

But instead the Hague Tribunal went on to construct its factual and legal findings precisely on such data of dubious integrity and it may be assumed that in some trials this also may have exercised an influence on the severity of the punishment.

If we theorise that the unspoken but actual task of Tribunal investigators and other experts is not to follow the evidence wherever it leads but to doctor it up in order to create the public illusion that court judgments are factually supported, then many pieces of the puzzle come into place. That explains why space for objectivity and professionalism at the ICTY is so drastically reduced. It also explains another key element that characterised these particular activities: the complete exclusion of independent experts during the exhumation process.

The question that underlies all these critical comments is this: After a review of these autopsy reports, how much can the Hague Tribunal still be trusted? That was, after all, the court that embraced flimsy evidence to draw uncritical conclusions of the highest order and of the utmost legal significance. By virtue of those conclusions a genocidal mass slaughter was found to have taken place, that finding was given an official judicial imprimatur, and the accused persons were sentenced to draconian punishments. And all that was done apparently without ever having seriously examined the purported factual underpinnings of the judgment in question.

**The banishment of common sense.** Many other examples could be offered to demonstrate the Tribunal’s predilection for arbitrary conclusions.

In the mass of defective autopsy reports, some indeed stand out because they literally defy common sense. In one such report, Tribunal forensic experts found a handkerchief in the victim’s pocket and they characterised it as a possible ligature. Assuming that were true, it would obviously be helpful to the prosecution’s case because it would suggest that the person was executed. (Annex 5.9)

This is a stunning conclusion, and for the following reasons.

First, we are dealing with a handkerchief, not rope or wire or any other material suitable for a ligature.

Second, the handkerchief was found in the person’s pocket.

Third, ligatures are usually long pieces of wire or other material which could be wound and tied around the wrist.

It is of particular interest that the handkerchief was found in the person’s pocket. That suggests that if it was indeed used as a ligature the soldiers who performed the execution must have first used it to tie the victim’s wrists and then, after the execution, removed it and placed it in the pocket of the executed person.

Such a procedure after execution is difficult to conceive and it is even more difficult to fathom how it occurred to anybody that it could have taken place.

But this is not the end to manifestly startling conclusions.

In another example (Annex 5.10) a knee injury is treated as a possible cause of death. The rationale is quite ingenious: It is stated that unless such injuries are treated medically, they can lead to hemorrhage and result in death.

In the case which is featured in Annex 5.11, the originally determined cause of death, said to be a calf injury, was crossed out by someone. The reviewing authority then wrote in its own assessment, as happened with numerous other Pilica reports, to the effect that the cause of death could not be determined. The corrector, of course, finally got it right because without more, a calf injury will scarcely be fatal. But this almost slapstick comedy with very serious implications is just another interesting illustration of the general level of professionalism of ICTY specialists.

In Annex 5.12 we have a case where Tribunal forensic specialists were faced with the skeletonised remains of a leg without any apparent bone damage. The absence of bone trauma did not discourage Tribunal forensic experts from seriously drawing the following hypothetical scenario: a nearby bullet was said to have been the cause of death by damaging that individual's soft tissue which, unfortunately, is unavailable for examination because it has disintegrated and is no longer attached to the bone.

It is a settled principle of forensic work that specialists in this branch do not have a mandate to engage in fanciful hypotheses and conclusions and that they must confine themselves strictly to noting observable facts. Conclusions, especially if they are of a legal nature, are the exclusive province of the court. A forensic specialist who because of an excess of zeal or for whatever reason strays into the legal domain does great damage to the integrity of the legal process. A court which condones such conduct acts as his tacit enabler in inflicting that damage.

And perhaps more than merely tacit. Where a handkerchief in the pocket is treated as a ligature, when the cause of death is determined without a single apparent injury, when imaginary conclusions are drawn about non-existent soft tissue which had disintegrated, or hemorrhaging knees, calves, and feet are speculated to have been the cause of death although in medicine these are still not known to be vital organs, it is difficult to avoid the impression that Tribunal forensic experts were operating with a mandate which was broader than merely reporting observed facts. Could it also have encompassed, on the implicit level at least, the prosaic task of providing professional cover for institutional conclusions that somehow had been formulated in advance?

Besides the issue of the legal characterisation of the crime, the other central issue of Srebrenica, which is the subject of intense debate, is the number of victims. The answer which, oddly, seems to have been anticipated even before the actual events in July of 1995<sup>32</sup> is based on the expectation that there should be several thousand executed Moslems. A proper court would perform its task based not on expectations, but solely on the available evidence. Since in this particular case, the forensic evidence is the sole *corpus delicti*, it would be normal

to expect that the court would reference its factual findings to the number of bodies that were actually exhumed from mass graves. If the finding of 7,000 to 8,000 execution victims is sustainable, we should expect to find that, upon the conclusion of their work, Tribunal forensic experts had turned up evidence of at least 7,000 to 8,000 executed persons in those mass graves.

The facts, however, belie that expectation. What they have managed to produce are 3,658 autopsy reports which are presented to the court and to the public on the implicit premise that one report equals one body. That premise is false. An enormous number of these reports consist of only one or a few bones, often of a hand or foot, which may or may not exhibit any injuries, and in about 90 % of them even Tribunal experts concede that cause of death is undeterminable. In order to gain an accurate picture of the number of bodies those mass graves really contain, it was necessary to count femur bones.<sup>33</sup>

According to that analysis, the number of bodies is 1,923 for individuals who perished of a variety of causes, the principal ones being combat activity and execution. That is almost half as many as there are Tribunal autopsy reports (3,658), and it is over four times less than the figure (8,000) that has been sacralised over the last 15 years.

Finally, it should also be pointed out that in selecting its forensic specialists, the Office of the Prosecutor of the Hague Tribunal has made some very odd choices. A significant number were from the United States and Turkey, and many of the corrected reports that we have mentioned were prepared by Turkish specialists. That is a matter of some significance when it is considered that Serbian and independent specialists were not allowed access to the sites or any role whatsoever in these proceedings.

It would perhaps be legitimate to inquire why countries like the Russian Federation, Finland, Sweden, France, and others which are arguably more advanced in medicine than Turkey or some of the other countries that were represented on these international teams, did not receive an invitation to take part in these exhumations and in the critical task of preparing accurate and reliable autopsy reports.

*Ljubiša Simić*

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<sup>32</sup> Hakija Meholfjić, chief of police in the Srebrenica enclave during the war, was a member of the delegation from Srebrenica which was received by Alija Izetbegović in 1993 during a conference in Sarajevo. He has revealed that Izetbegović informed the delegation that the then US President Clinton had told him that the political precondition for an American intervention was the slaughter of at least 5000 Srebrenica Moslems. [Reported by *Srna*, 24 April 2010]. For essentially the same version of Meholfjić's account, which has remained consistent over the years, see *Dani* (Sarajevo), 22 June 1998. This information is also cited in the Report of the Secretary-General Pursuant to General Assembly Resolution 53/35, November 1, 1999, paragraph 115. It is noted in the Secretary-General's Report that Izetbegović subsequently denied the accuracy of the statement which Meholfjić attributed to him.

<sup>33</sup> In Chapter VI, "Presentation and interpretation of Srebrenica forensic data," an individual analysis for each mass grave is presented.



## VI. PRESENTATION AND INTERPRETATION OF FORENSIC DATA (PATTERN OF INJURY BREAKDOWN)

The subject of this presentation are the results of the forensic analysis performed by expert teams of the Hague Tribunal [ICTY] between 1995 and 2002 at several locations in the region of Eastern Bosnia when they exhumed and examined human remains from 13 locales which were presumed to contain Srebrenica victims.

Post-mortem examinations were conducted on the remains of victims from the following mass graves: Glogova, Kozluk, Konjević Polje, Hodžići Road, Nova Kasaba, Pilica, Ravnice, Zeleni Jadar, Lazete, Cerska, Liplje, Dam and Čančari Road. At the very start, it would be useful to state the following. Asked by the defense in the *Popović et al.* case<sup>1</sup> whether it would be relevant to try to determine how many Moslems perished as a result of combat activity, prosecution military expert Richard Butler replied:

“It would be relevant if the forensic evidence of mass graves were showing evidence that would reflect that the bodies in those graves reflected combat casualties. The forensic evidence, as I understand it, coming out of those mass graves reflects the opposite, that they are not combat casualties.”<sup>2</sup>

Nevertheless, a little further on in the cross examination by the defense, Butler admitted that it would be a reasonable assumption that “between 1,000 and 2,000” Moslems could have died as a result of combat activity.<sup>3</sup> A careful analysis of the forensic material that had been prepared by experts of the same Office of the Prosecutor where Butler worked indicates that—contrary to Butler’s claim—a significant number of casualties did indeed have its origin in combat activity and therefore does not fit into the execution scenario.

### Hypothesis

This analysis of the forensic data is based on the following working hypothesis. If the prevalent view, that in Srebrenica about 8,000 captives were summarily shot, were correct then we should expect to find all or the overwhelming majority of the human remains in the various Srebrenica-related mass graves to exhibit a pattern of injury consistent with execution, at least whenever such a pattern is discernible. That hypothesis will now be tested against the

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<sup>1</sup> The third multiple defendant Srebrenica-related trial, focusing mainly on military security service officers and high level field commanders. The trial judgment was announced on June 10, 2010. Judgment and related legal documents are located at: <http://www.icty.org/case/popovic/4#tjug>

<sup>2</sup> *Popovic et al.*, 23 January, 2008, Transcript 20250

<sup>3</sup> *Ibid.*, Transcript 20251, lines 6–8

available data which consist of autopsy reports created by the forensic specialists of the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia. If that hypothesis were correct we should reasonably expect to find a pattern of injury which is generally uniform and broadly consistent with the theory of execution.

### **Material used for the purposes of this analysis**

A total of 3,568 cases were analysed. They represent the sum total of material gathered by the prosecution of the Hague Tribunal at 13 different Srebrenica-related locations between 1995 and 2001.

Each of these locations is discussed separately, and for each of them the pertinent data are presented in the form of a graph which provides a clearer insight into the results.

In order to make the results easily understandable, they were divided into nine classes of casualties:

**First:** bodies with a bullet in both the upper and the lower region.

**Second:** bodies with a bullet only in the upper region.

**Third:** bodies with a bullet only in the lower region.

**Fourth:** bodies which in addition to bullet traces contain also traces of various kinds of metal fragments.

**Fifth:** bodies which contain only metal fragments of various kinds.

**Sixth:** various body parts or fragments, i. e. cases where what was exhumed was not a body but only a few bones, in some instances just one bone.

**Seventh:** incomplete bodies, i.e. reports which describe only the upper or lower region of the body, or only the cranium.

**Eighth:** bodies without a finding as to the cause of death.

**Ninth:** bodies with blindfolds and/or ligatures.

It should be noted that the analyst's principal function was to note and classify the findings of the forensic experts hired by the ICTY Office of the Prosecutor. Those forensic specialists had direct access to the exhumed human remains which form the subject of these autopsy reports. Thus, for instance, when it is stated in the comments in any of the autopsy reports that "the cause of death was not determined," that is not the conclusion of the author but of the Hague Tribunal experts who actually conducted the autopsies.

### **Glogova**

At this locality, several mass graves were found, some of which contain the remains of two to three bodies, while others contain a much greater number.

Almost all mass graves at this locality were exhumed during September and October of 1999, with the exception of the mass grave denoted as Glogova 1, which was exhumed in May of 2001.

As the graph shows, the column representing body parts plays the dominant role. In a significant number of cases, five or fewer bones are involved. Assuming that a human body is composed of over 200 bones, it is clear that such a small

sample is insufficient for drawing any forensically significant conclusions (unless it involves cranial or some other bones which shield vital organs) and if the bones themselves do not exhibit injuries caused by bullets or other weapons. It is important to note that, out of 295 cases at this location where only a small body fragment was found, prosecution experts were themselves unable to determine the cause of death in 280 of those cases. Thirty-five bodies show shrapnel traces, which indicates unambiguously that these persons died from the impact of a grenade, mortar, or some other heavy weapon. Blast wounds were the cause of death in 32 cases. It is also relevant that 53,3 % of the Glogova material does not consist of complete bodies, but only of body parts or fragments. Out of that percentage, in 95% of the cases the cause of death was not determined by ICTY forensic experts. When referring to incomplete bodies, in 33 cases the cause of death was not determined, in eight cases the cause of death was injury to the upper body region, and in one case lower body region injuries were cited as the cause of death.

A total of 14 bodies had blindfolds and/or ligatures, which may be interpreted as suggesting execution.

### **Kozluk**

Kozluk mass graves were exhumed in July, August, and September of 1999.

By far the majority of the cases here consist only of body fragments, i.e. a total of 184 reports. Out of this number, in 176 cases the cause of death was not determined by ICTY forensic experts, comprising more than 95,7 % of the total. Here as well, it is important to mention 123 bodies that were found with ligatures and/or blindfolds, which suggests that they were executed. Out of 32 incomplete bodies, in 26 cases the cause of death was not determined.

### **Konjević Polje**

In the Konjević Polje mass grave, 12 bodies were found. Most of them sustained injuries from bullets or from metal fragments of various kinds. It is highly likely, based on the nature and pattern of most injuries, that bodies exhumed in this mass grave perished during combat operations. Exhumations were performed in September of 1999.

### **Hodžići Road**

These mass graves were exhumed during September and October of 1998.

As in the preceding mass graves, out of a total of 239 cases, the body parts category, totaling 55, is the largest single group. The cause of death was not determined in 52 of those 55 cases, which in percentage terms comes to 94,5 %. The number of bodies with blindfolds and/or ligatures is 46 out of 239. Of an additional 29 incomplete bodies, the cause of death was not determined in 13.

### **Nova Kasaba**

Exhumations took place in September of 1999.

With respect to the distribution of injuries, the human remains in Nova Kasaba exhibit a somewhat different picture. Here, the number of injuries caused by bullets and those that were caused by metal fragments of various kinds are about equal. Also notable is the number of whole bodies without any injuries or tissue damage, as a result of which no cause of death was determined. Cause of death also was not determined for the two incomplete bodies at this locality. There were no bodies with ligatures and/or blindfolds in this mass grave.

### **Pilica**

This mass grave was exhumed in October of 1996.

Pilica—Branjevo farm is notable for the number of bodies with blindfolds and/or ligatures. They number 70, or 51 % of the total number of cases examined here. The remainder are mainly body fragments or incomplete bodies. With regard to incomplete bodies from this mass grave, it may be noted from the graph that alongside some of the incomplete bodies, in addition to a bullet, various metal fragments were found as well, while another portion had only bullet-related injuries, and the rest did not exhibit any injuries at all so that no cause of death could be determined. Of the 15 cases where only a small body fragment or a few bones were involved, cause of death could not be determined in 12.

### **Ravnice**

Exhumations at this location were carried out twice, first in September of 2000, then in August and September of 2001. What characterises this mass grave is the high number of cases where only body fragments were located. Out of a total of 495 autopsy reports, 275 refer to cases involving only a fragment. These proportions can easily be seen in the graph but for the data to be even clearer, this means that in 55 % of the cases only a body part, often just one or more bones, was found. Perhaps even more significantly, out of 275 reports which involve only a few bones, in 259, or 94,2 %, the cause of death was not determined. With regard to incomplete bodies, the cause of death was not determined in 17 cases out of 65 incomplete bodies. In one hundred cases injuries caused by a bullet or the bullet itself were found. The cause of death was left undetermined in 13 complete or almost complete bodies. In 44 cases there were found different metal fragments with or without bullets, which is indicative of different kinds of weapons that were used there. In this grave one ligature was also found.

### **Zeleni Jadar**

Zeleni Jadar mass graves, exhumed in October of 1998, also contain a significant number of reports with very few bones. The percentage of cases where only a body part was found, e.g. a thigh or a foot, is 31,5 %. Out of a total of 64 reports where only a body part was located, in 54 cases, or 84,3%, the cause of



death was not determined. Where incomplete bodies are concerned, of 58 such cases the cause of death was not determined in 28 cases. In two cases ligatures were found, and in 12 cases complete or almost complete bodies were found, but the cause of death was undetermined.

In 44 cases there were found bullet injuries in different parts of body. The rest of 23 bodies contain injuries made by different kinds of weapons which includes mines and artillery.

### **Cerska**

At this locality exhumations were conducted in July and August of 1996. The total number of autopsy reports is 150. Out of that number in 65 cases bullet or bullet fragments were found .

These mass graves are characterized by the presence of bullets with a wide-ranging distribution. In a great number of cases, bullets were found in both the upper and the lower extremities. Even in cases where the body was not complete, it was possible to determine the cause of death by noting the presence of a bullet or bullet fragments among the remains. There is a total of 33 such reports referring to incomplete bodies where the cause of death are injuries caused by firearms to both upper and lower extremities. Here we must also mention 38 bodies where blindfolds and/or ligatures were found, which indicates execution, as well as 33 bodies which were incomplete. In 13 cases along with bullets there were found different sorts of metal fragments that do not originate from the bullet.

### **Lažete**

As reflected in the graphs, this mass grave is characterised by a high percentage of bodies with blindfolds and/or ligatures. There are 67 such bodies, or 59,8 % of the total. The remaining bodies contain mainly bullet injuries to the upper or lower extremities.

These exhumations were conducted in September of 1996.

### **Liplje**

The Liplje mass graves, where exhumations were conducted in September and October of 1998, are distinguished by the number of reports where only a body fragment was found. Out of a total of 441 reports, 330, or 74,8 %, refer to body fragments, while in 73 cases, or 17,5%, the body is incomplete. Of the 330 cases which refer only to body fragments, in 318, or 96,4 %, the cause of death was not determined. With regard to incomplete bodies, out of 73 such reports the cause of death was not determined in 53 cases. The remaining 20 reports show an even distribution of injuries inflicted by firearms to the upper and lower extremities, respectively, causing death in all these cases.

### **Dam [Branja]**

Mass graves in the vicinity of the Dam share the characteristics of some of the human remains exhumed at most of the previously discussed locations. In the majority of the cases the exhumed material consists of just a few bones or small body parts. There is a total of 72 such reports out of 91 autopsy reports made at this location. In those reports, cause of death is determined in only three cases. In contrast to previous sites, we find here a new category of reports based on collections of 50 or more bones and bone fragments, without any attempt at classification, or apparent basis for valid evidentiary conclusions. These bones presumably belong to a variety of persons. There were 8 cases like this. In two cases there were found metal fragments that are not bullet related. The remaining 8 cases were incomplete bodies. Exhumations were conducted in June of 1998.

### **Čančari road**

The Čančari Road mass graves also contain a high percentage of reports, or “cases”, where only a few bones were found. There are 285 such reports, out of a total of 563, or 50,6%. The cause of death was not determined in 240 cases out of 285, or 84,2% of these reports. There is also a high percentage of reports with incomplete bodies, totaling 129. Out of these 129, in 77 cases the cause of death was not determined, or 60% of the total. The remaining reports, where the cause of death was determined, contain a high percentage of injuries inflicted by firearms. There were also 56 reports with blindfolds and/or ligatures, or about 10% of the Čančari Road total.

### **Data summary**

There is a total of 3,568 autopsy reports in the material that was reviewed. That is the total number of autopsy reports that were available to the Hague Tribunal and tendered into evidence as of 2010. It must be pointed out that this figure represents 3,568 autopsy reports, which is not in every instance the same as an actual body. The principle is clear: one report does not equal one body. In almost 44,4 % of the reports only a body part, often just a bone, is involved. Considering that a human body consists of over 200 bones, it is obvious why an autopsy report here may not be considered as the equivalent of a body. The corollary to the above is that the number of actual bodies must be far less than the number of reports, a fact which can easily be noticed by reviewing the data for the mass burial sites and the graphs which accompany each of them.

To make the results as analytically accessible as possible, they were divided into five groups.

The first group consists of bodies and body parts where blindfolds and/or ligatures were found.

The second group includes bodies where only a bullet or bullet fragments and injuries consistent with their impact were found. Such injuries could have been inflicted either during combat or as a result of execution.

The third group consists of bodies which did not have just bullet injuries, but also metal fragments of projectiles other than bullets (such as shells or mortars) as well as bodies with various metal fragments only. The injuries sustained by this group are mostly consistent with combat activity.

The fourth group consists of incomplete bodies where no cause of death could be determined.

The fifth, and largest group, consists of reports where only a few body fragments were found, often just a single bone, or a foot encased in a boot, a thigh, or the like. In this category there are 1,583 reports out of the total of 3,568, or 44,4 %. This figure acquires greater significance when it is considered that in these reports, where only a body fragment was found, in 92,4 % of the cases no determination of the cause of death was made by Tribunal forensic experts.

### Discussion

Based on the post-mortem reports that were reviewed and on the classification of the data they contain, the following professionally responsible conclusions may be drawn about the manner and causes of death of these victims:

1. The first group consists of 442 bodies on or about which blindfolds and/or ligatures were found, which indicates that those persons may have been executed.

2. There are 655 cases which are treated in the autopsy reports as bullet-inflicted. Based on that circumstance alone it is impossible to conclude whether they might have been executed or were killed during combat, or whether death was the consequence of another cause, e.g. suicide. However, based on close pattern of injury analysis (based on Tribunal autopsy reports) of about 150 of these victims it may be said with a high degree of certainty that their death was not caused by a gunshot bullet. The reason for that conclusion is the peculiar characteristics of the reported pattern of injury in these cases. The dimensions of bone damage and the pronounced bone fragmentation are more consistent with the impact of a projectile launched from the „Praga“ or a similar weapon than with the impact of an ordinary bullet.<sup>4</sup>

3. With respect to 477 of the victims, it would be reasonable to conclude that they were not executed, because of the presence of shrapnel and other metal fragments which are not bullet-related or whose origin was not reliably established. Such a pattern of injury is more consistent with combat activity, e.g. during the breakout of the 28<sup>th</sup> Division column from Srebrenica to Tuzla, rather than with execution, as the probable cause of death.

4. For 411 bodies it was impossible to determine whether or not death was caused by execution, because those bodies were incomplete. In this group are also bodies which did not exhibit traces of projectiles of any kind, and for that reason as well the cause of death could not be determined.

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<sup>4</sup> For example, cranial defects greater than 10 cm or fragmentation of the scapula with the fracture of six ribs. In forensic terminology, injuries such as these are characterised as “burst out” wounds which, in most cases, would rule out an ordinary bullet.

5. The last, and largest single group, totaling 1,583 cases, consists of reports which refer to a few bones only. Based on such autopsy reports it is impossible to draw any forensically significant conclusions, the more so since in a high percentage of these reports no trauma is referred to. This view is confirmed by the fact that in 92,4 % of the cases in this category, Tribunal forensic experts did not state any cause of death determination.

The initial hypothesis, derived from the prevalent view of Srebrenica events, that all or most of the exhumed remains would exhibit a pattern of injury consistent with execution, was not borne out. Instead of the expected uniformity, there is great diversity in the patterns of injury, which is consistent with more than a single explanation of the mortal outcome.

### **Control Analysis**

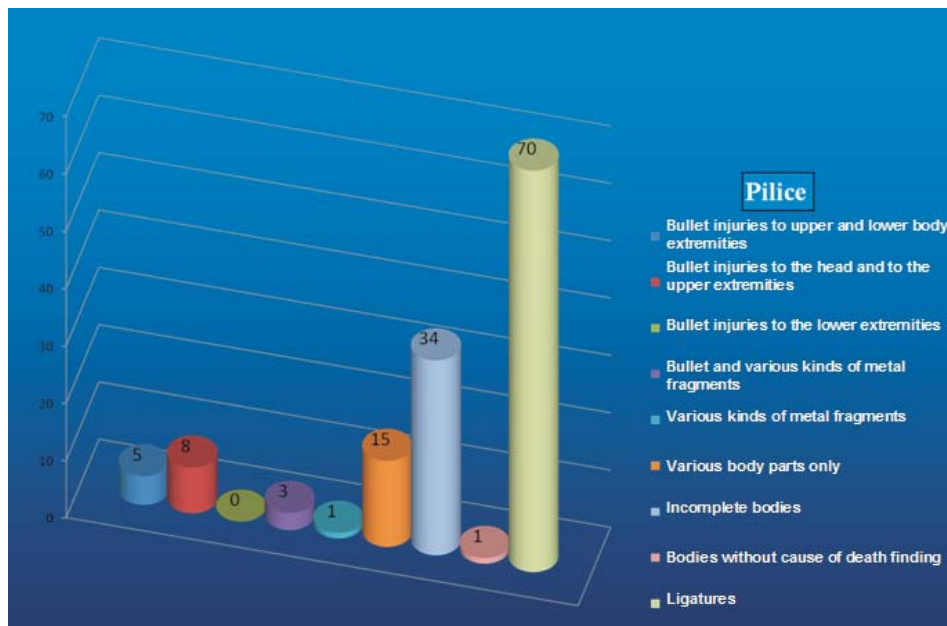
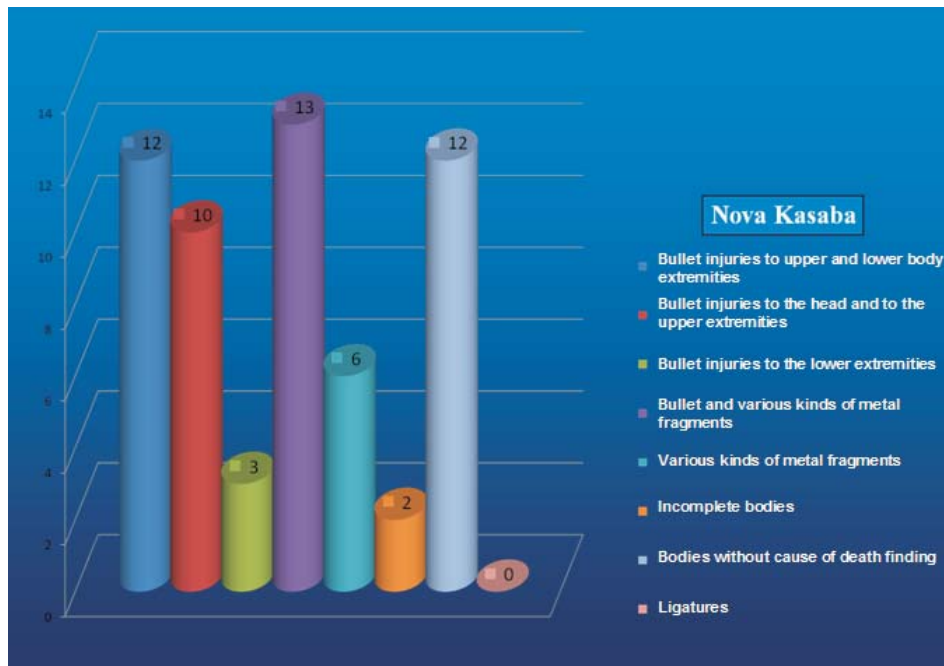
Regardless of the fact that these results are very clear, we thought that it would be in the general interest to conduct a parallel, or control, analysis because the previous procedure did not give a definitive answer about the total number of victims in Srebrenica mass graves. Because of the enormous number of post-mortem reports which consist of only a handful of bones, we sought another convenient way to check the results. We therefore decided to conduct an additional analysis. Our basic objective was to establish as closely as possible the total number of bodies in the mass graves which were exhumed by ICTY prosecution forensic experts and for which they composed autopsy reports which were tendered into evidence and formed the basis for several ICTY court decisions about the total number of Srebrenica victims. Once we have a fairly reliable total figure, with some degree of confidence we can then proceed to classify the victims as probably executed or as probably having been killed in combat.

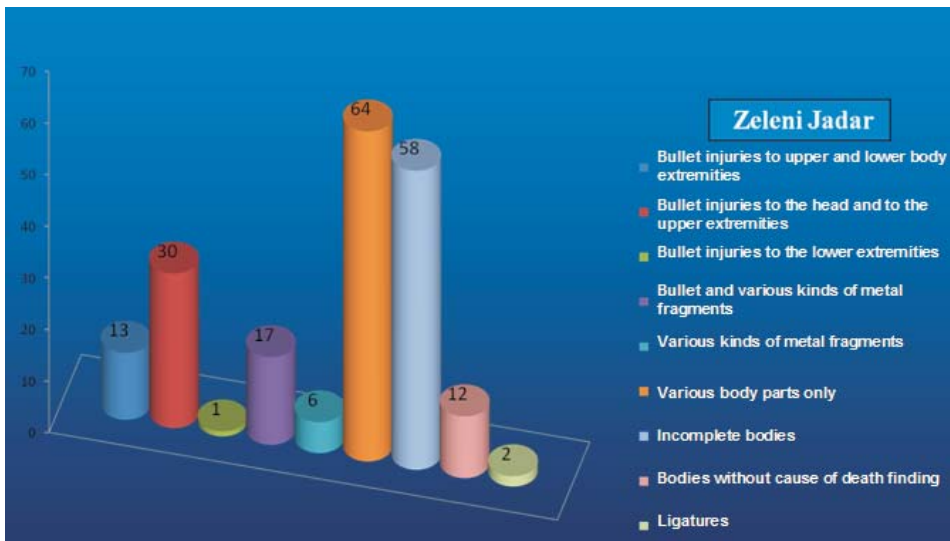
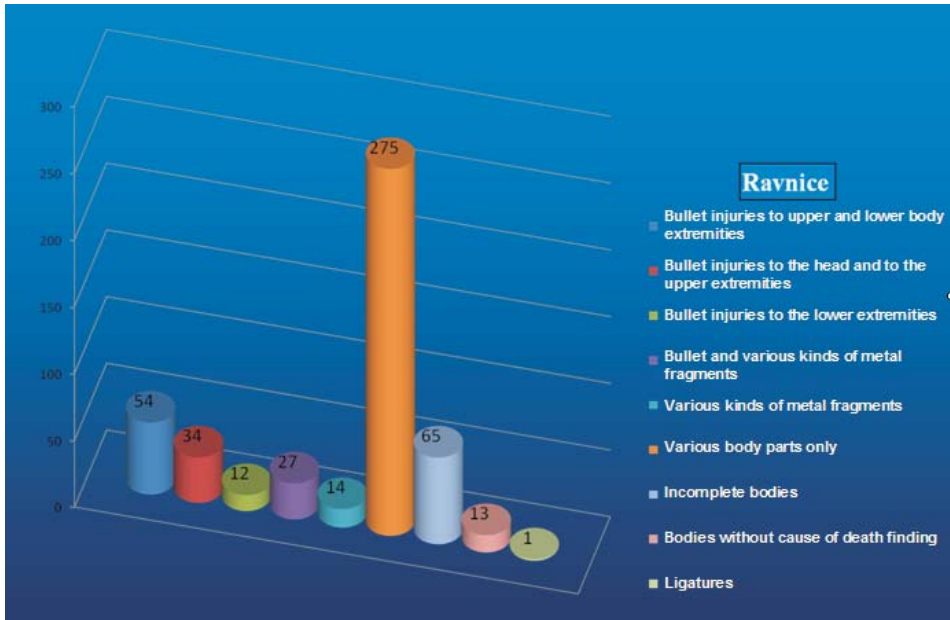
The parameters we used were the total number of craniums and femurs. Since in a significant number of cases the craniums were smashed or fragmented, sometimes into more than 20 individual pieces, that approach proved impractical and was abandoned. We then concentrated on counting the femurs. In the course of our research, we counted all the right and left femurs, as well as femur fragments whenever it was possible to determine whether they belonged to the right or the left femur bone.

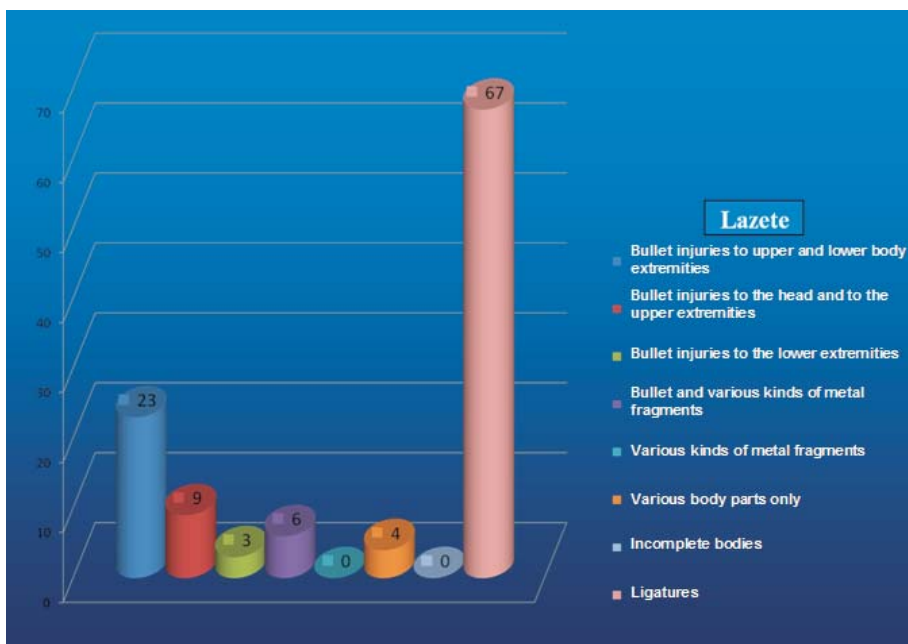
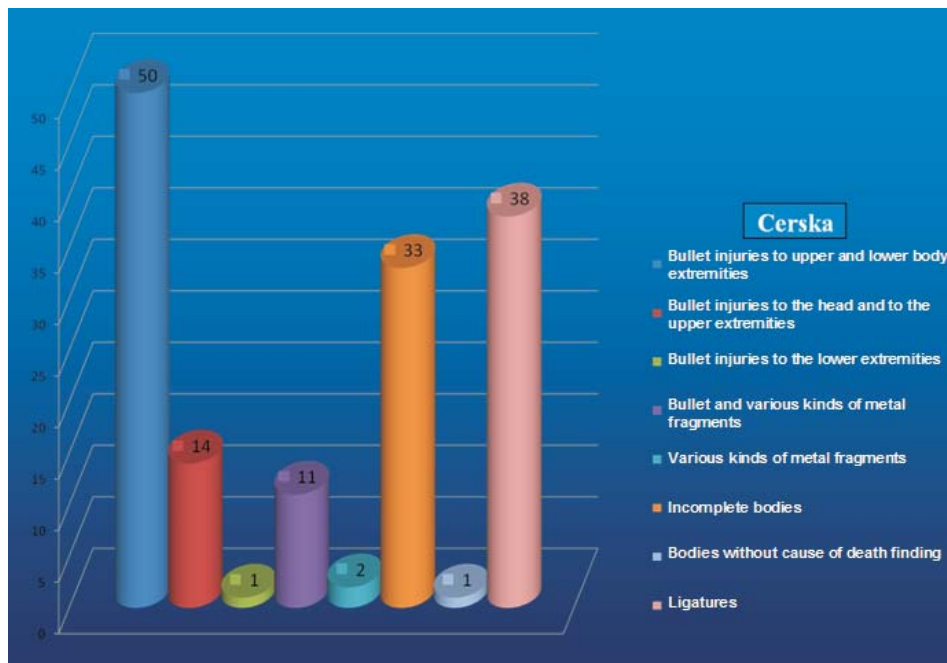
For a small number of fragments (a total of 28) that was not possible, due to their insufficient size.

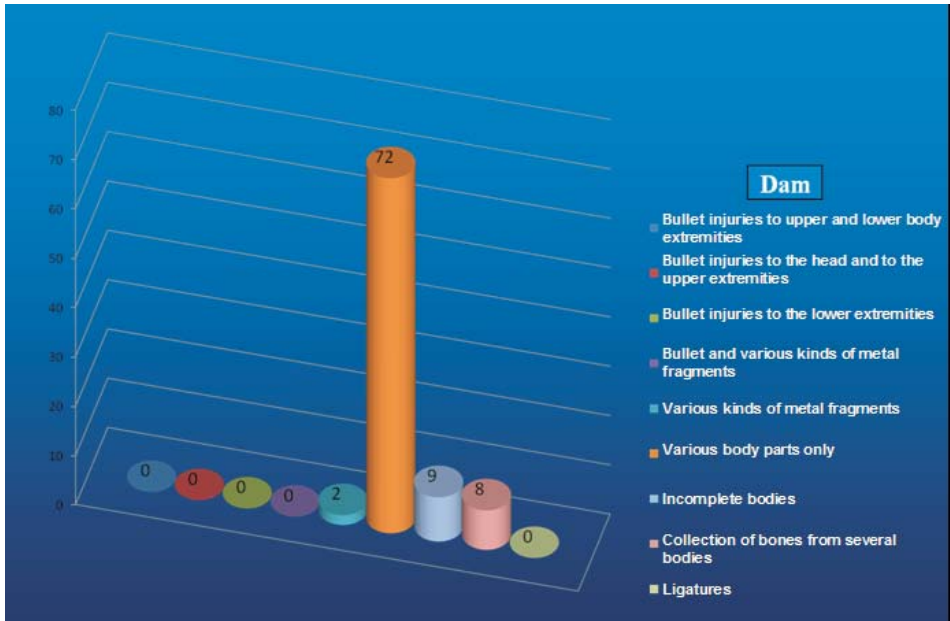
As the attached table demonstrates, control results are entirely consistent with the preceding analysis. Both approaches yield a total of fewer than 2,000 bodies in the thirteen mass graves, or between 1,919 and 1,923.

We stress that this total figure of victims for all Srebrenica mass graves includes both key categories, those who were executed and those who were killed during combat engagements. Thus, the thesis which we put forward in our main study, that the considerable number of reports [44,4%] which consist only of fragments cannot legitimately be treated as bodies, now stands fully corroborated. To repeat, the number of those reports which only refer to fragments is 1,583. When we deduct that number [1,583] from the total number of "cases" for

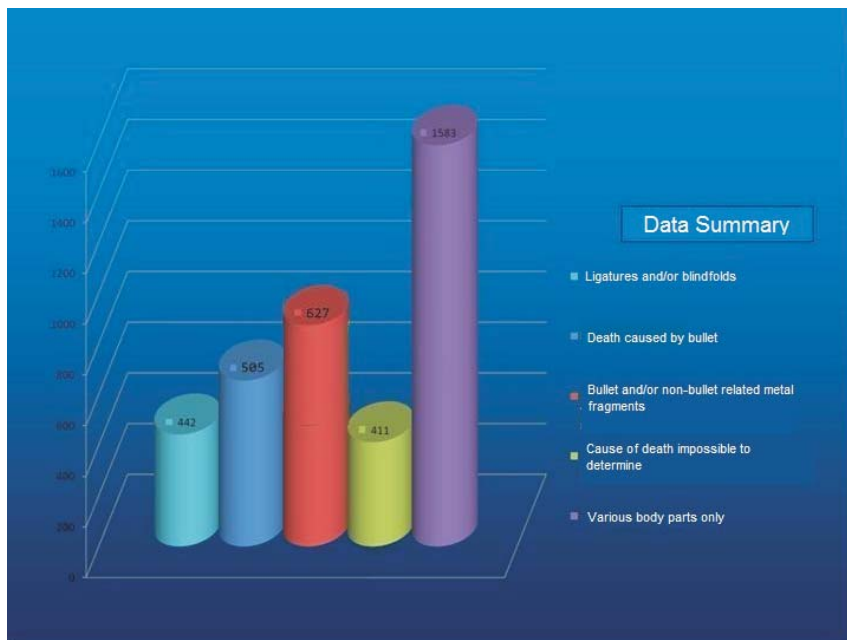
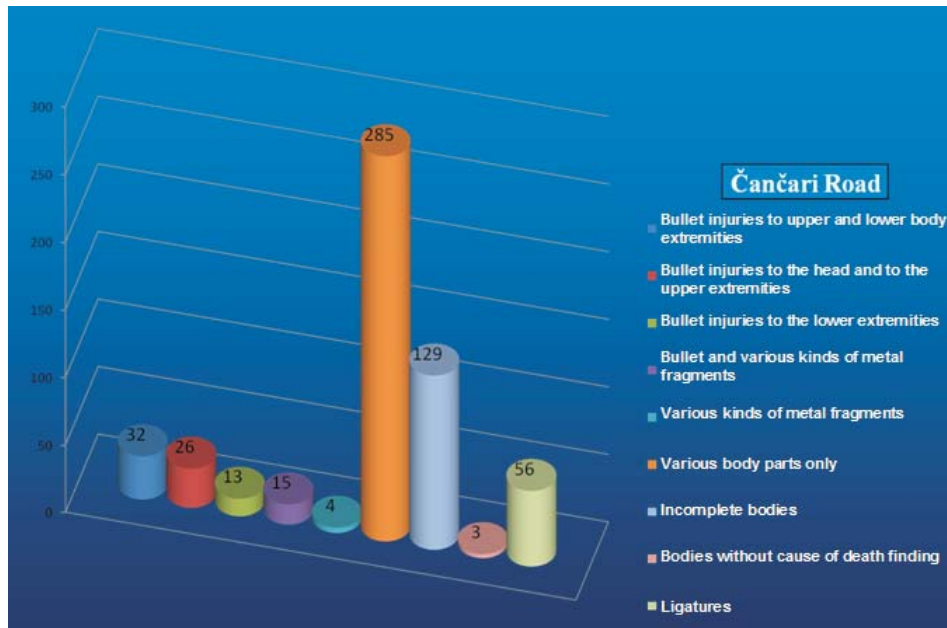


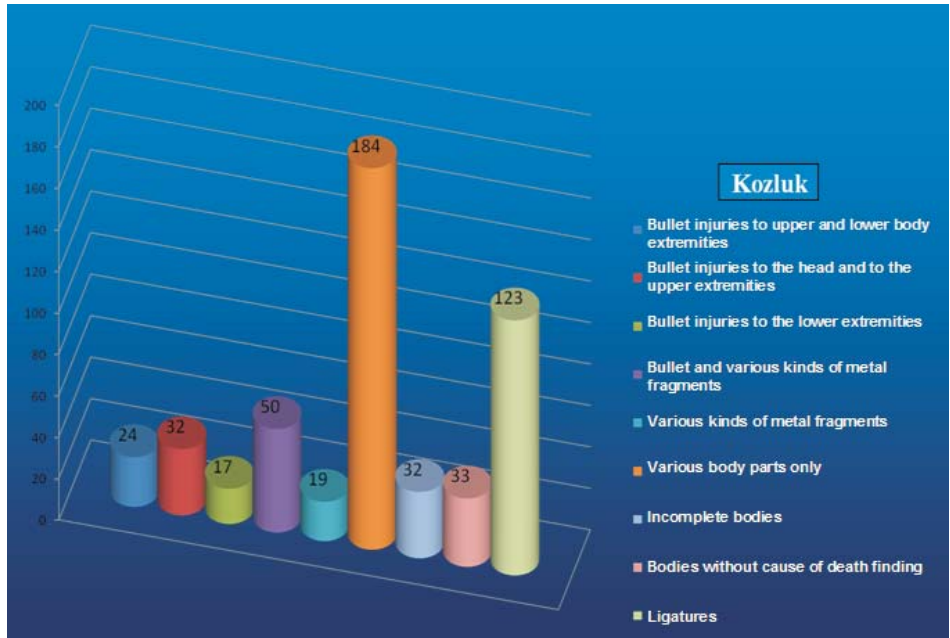


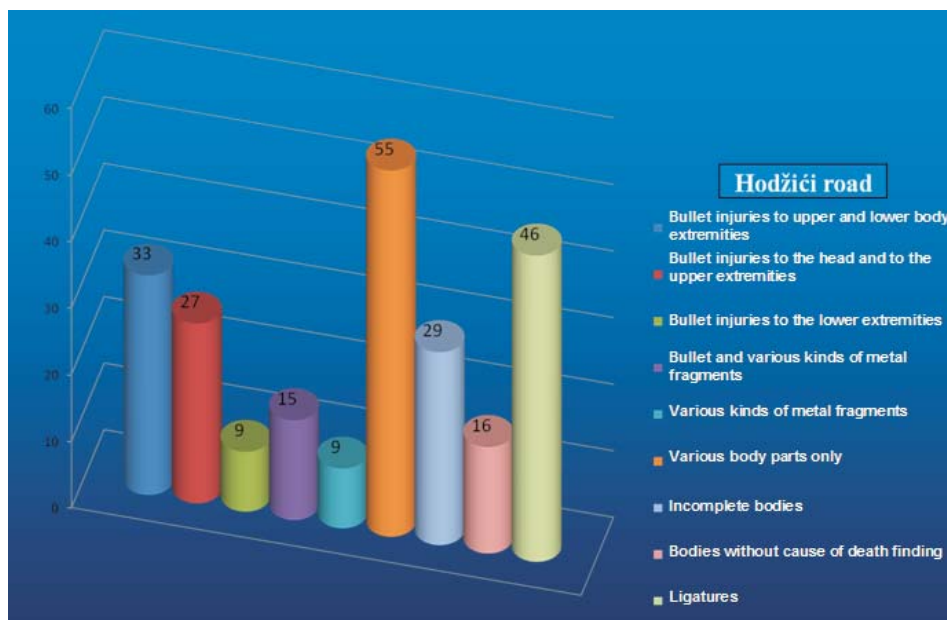
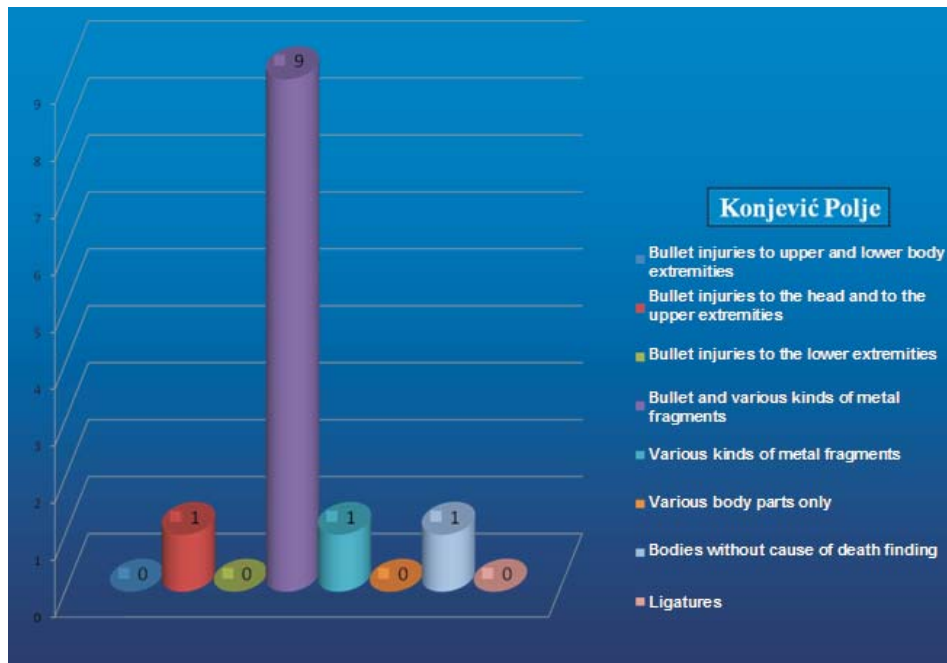












which Tribunal forensic experts have opened autopsy reports [3,568], we are left with about 1,985 bodies in various states of completeness. Within acceptable parameters, that coincides with the results of our control analysis which relies on femur bones and which gives us a range of between 1,919 and 1,923 casualties from all causes in Srebrenica-related mass graves.

<b>Mass grave</b>	<b>Right femur</b>	<b>Left femur</b>	<b>Bone fragment</b>
Liplje	131	131	4
Ravnice	221	224	1
Glogova	275	273	2
Čančari road	233	240	3
Kozluk	318	315	0
Hodžići road	155	156	2
Cerska	146	146	0
Nova Kasaba	56	56	0
intblLazete	110	110	0
Pilica	115	115	0
Zeleni Jadar	116	113	1
Dam (Brana)	31	32	15
Konjević Polje	12	12	0
<b>Total femur bones</b>	<b>1,919</b>	<b>1,923</b>	<b>28</b>

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## VII. ANALYSIS OF MOSLEM COLUMN LOSSES DUE TO MINEFIELDS, COMBAT ACTIVITY, AND OTHER CAUSES

### The issue

One of the fundamental issues in the Srebrenica controversy is the number of Moslem casualties during the critical period, which is usually defined as the four days between July 12<sup>th</sup> and 16<sup>th</sup>, 1995. A subsidiary issue is whether these casualties were precipitated by one or more legally distinct causes. Whatever the ultimate number may be, are they all to be attributed to execution, which the prosecution has chosen to classify as a genocidal act? Or are some, or even a significant portion, of the casualties due to other causes and thus obviously carry different legal implications?

This issue was made particularly topical in the first half of December of 2010 when it was announced that a “Srebrenica-related mass grave” was exhumed in the locality of Kaldrmica. It was unambiguously stated by the spokesperson for the forensic team which conducted the exhumations that “they are assumed to be Srebrenica victims of July of 1995.”<sup>1</sup> The Associated Press report was written to strongly suggest a link between the Kaldrmica mass grave and what has become known as the Srebrenica massacre: “Forensic experts say they have opened a mass grave that may contain the remains of Muslim Bosniak civilians killed in the 1995 Srebrenica massacre...” As if to make sure the connection is not lost on the reader, they went on to make it even more explicit: “In 1995, Serb troops overran the east Bosnian town of Srebrenica, which the United Nations had declared a safe zone, and killed as many as 8,000 men and boys, in what was the worst mass killing in Europe since World War II. Their bodies were dumped in several mass graves.”<sup>2</sup>

As will become clear in due course, the bodies exhumed in Kaldrmica could hardly have belonged to execution victims because Kaldrmica was a site of military combat between the column of the 28<sup>th</sup> Division attempting a breakout from Srebrenica and the Army of the Republic of Srpska (VRS). Individuals killed at that location were casualties in legal combat, not execution victims. The two categories are constantly conflated. They must be separated and their implications clearly distinguished.

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<sup>1</sup> December 9, 2010: <http://www.vidiportal.ba/drutvo/1518-foto-stratita-kaldrmica-krije-12-dua-muki-ubijenih-bonjaka?tmpl=component&print=1&layout=default&page=>

<sup>2</sup> AP, December 6, 2010.

It is not the purpose of this analysis to try to establish how many inhabitants of the former Srebrenica enclave perished as a result of execution, nor is it to take a position whether, whatever that number may be, it meets the legal standard for genocide or not.

The purpose of this presentation is to determine the following, based on available Moslem, Serb, UN and other competent sources:

[a] whether there was combat activity involving significant segments of the enclave population which could have been the cause of substantial casualties on the Moslem side;<sup>3</sup>

[b] whether there were minefields laid along the path of the Moslem column's breakthrough from Srebrenica to Tuzla which could also have caused substantial casualties;

[c] whether according to credible non-Serb and non-Moslem sources the column might have suffered significant legitimate casualties during its retreat which cannot be subsumed under the rubric of genocidal executions; and

[d] based on available data, what the probable total of these legitimate Moslem casualties might be.

### **The legal status of the Moslem column**

Setting aside the complex legal questions surrounding the alleged executions of captured prisoners, and the proper qualification of such executions under international law — genocide or some other category — we focus on the column which, starting around midnight on July 11, 1995, attempted to perform a breakthrough manoeuvre from the Srebrenica enclave to the Moslem-controlled zone in Tuzla.

It is a settled principle of international law that a mixed military/civilian group or column is a legitimate target.

Analysis of the following statements subsequently given by members of that column confirms the column's mixed military/civilian nature:

Mehanović Hašmir, EDS location of witness statement: 00371774

Hasanović Sead, EDS location of witness statement: 03021141

Avdić Enver, EDS location of witness statement: 00371746

Salihović Selvid, EDS location of witness statement: 00371738

Orić Meho, EDS location of witness statement: 01008156

Muminović Sejdalija, EDS location of witness statement: 00371757

Alić Hasan, EDS location of witness statement: 00371752

Salčinović Sadik, EDS location of witness statement: 02112340

Husić Ramiz, EDS location of witness statement: 00813498

Additional support for the proposition that the column was mixed, military/civilian, is provided by prosecution military expert Richard Butler. In par.

<sup>3</sup> In the opinion of prosecution military expert Richard Butler, "I would think that from my knowledge of the situation, that that number [casualties from legitimate military engagements referred to--SK] would be high for any particular combat engagements," *Popović et al.*, Transcript, January 23, 1008, p. 20250, lines 23–25.

3.21 of his Report dated November 1, 2002, EDS number 03072366, Butler states the view that “depending on the source, 10,000 to 15,000 persons formed a mixed [military and civilian] column...” which sought escape following the Srebrenica-Tuzla route.<sup>4</sup>

It may therefore safely be concluded that the column retreating through the woods from Srebrenica to Tuzla was mixed, military and civilian, and therefore must be considered a legitimate target.

### **Legitimate combat engagements involving the column**

The proposition that there were combat engagements in the course of which a significant number of Srebrenica Moslems perished receives support also from the prosecutor’s chief investigator, Jean-Rene Ruez.

In an interview published in the Montenegrin newspaper *Monitor*<sup>5</sup>, Ruez states the following:

“A significant number [of Moslems] were killed in combat. The Zvornik brigade of the VRS Drina Corps had organized ambushes and that is when it had the most casualties during the entire war. Many were killed while trying to make it through minefields. An unknown number probably committed suicide in fear that they would be tortured before being put to death. It cannot be excluded that some [Moslems] had shot those who may have wanted to surrender.”

Ruez then adds significantly the following thought:

“We shall rely on the number of the people who were executed directly, who were prisoners. They were prisoners, end of story.”

It is debatable whether Ruez and the Prosecution ultimately stuck to this plan, presumably because, if followed, it would not have yielded a satisfactory number of dead bodies. But further on in the same interview, Ruez makes the following significant admissions:

[1] “As for those who perished in the woods, we are compelled to figure that they were killed in battle.”<sup>6</sup>

[2] “For the main part, we believe the witness accounts...”<sup>7</sup>

If we agree with Ruez that those who perished in the woods were killed in battle, and if it can be shown, further, that the column was mixed, then it follows that those losses must be treated as distinct from those who were “executed directly, who were prisoners.” These casualties therefore must be deducted from the total concerning whom it is speculated that they were murdered in a genocidal frenzy.

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<sup>4</sup> Butler admitted specifically the mixed nature of the column and its character as a legitimate target in his testimony in Popović, Transcript, p. 20244, lines 19–25 and 20245, line 1.

<sup>5</sup> *Monitor*, April 19, 2001; EDS number 06038344.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

It is also useful to know that Ruez, and by implication the Prosecution, places credence in the accounts of witnesses, because we shall offer many of them to shed light on the nature of these human losses.

### **Locations of combat engagements with the column**

Ruez's admission, undoubtedly supported by brigade records and statements of witnesses, that the Zvornik Brigade suffered its greatest number of casualties throughout the war in that four-day period while engaging the retreating Moslem Srebrenica column in combat in itself speaks volumes.

To focus on the most obvious conclusions:

First, the column proceeding from the "demilitarized zone" must have been respectably armed in order to inflict casualties on the Serbian forces trying to engage it.

Second, for the Serbian side to have suffered such significant casualties the fighting must have been rather fierce and that, logically, must also have resulted in at least proportionate casualties on the Moslem side.

The next question must therefore be: At what points did those combat engagements take place? That question is put in vain to the Prosecution military expert Richard Butler, as evidenced by his response in the trial of Popović et al. on January 23, 2008:<sup>8</sup>

17 Q. With respect to your analysis, did you analyse at any time how  
18 many military combat engagements were there with respect to the col-  
umn of

19 Bosnian Muslims that were leaving Srebrenica and Potocari from  
Susnjari

20 and the VRS?

21 A. No, sir. I never engaged in a process to do a step-by-step accounting of each particular engagement of the column.

We are in a position to help Mr. Butler.<sup>9</sup> Based on a review of 33 Moslem witness statements of Srebrenica column members who had made it to Tuzla or other points of safety, during their withdrawal combat engagements with the Serbian side took place at a minimum at the following locations:

Kamenica  
Konjević Polje  
Sandići  
Jadar area  
Buljin  
Forest near Buljin  
Baljkovica  
Lipanj  
Sućeska

<sup>8</sup> *Popović et al.*, Transcript, January 23, 2008, p. 20243.

<sup>9</sup> *Popović et al.*, Transcript, January 23, 2008, p. 20244, lines 7–18.



Kravica  
 Kaldrmica  
 Udrč-Baljkovica Road  
 Snagovo  
 Jaglič  
 Crni Vrh  
 Cerska  
 Šiljković village  
 Pervani village  
 Velja Glava

### **Combat activity along the path of retreat**

According to statements given by column survivors to various authorities upon reaching the Moslem-controlled zone, there was constant combat along the column's path from the Srebrenica enclave toward Tuzla.

It should be noted that based on our research of EDS<sup>10</sup> materials, we were able to locate only 33 statements bearing on this issue. It is reasonable to assume that there must be hundreds more in various archives. Debriefing is standard operating procedure under the given circumstances. Several thousand members of the column had made it to Moslem-controlled territory and it is safe to assume that very many, if not most, of them — but certainly more than 33 — were interviewed and gave statements on what they had observed. As already mentioned elsewhere, former ICTY Chief Investigator Ruez has referred to the existence of 1,200 such statements.

In addition, we have reason to believe that at least seven similar statements, describing observations along the retreat route, are in the files of Human Rights Watch.<sup>11</sup> A request has been sent to Human Rights Watch to provide these statements, but they have not responded.

But even the database of 33 witnesses offers a dramatic picture of fierce combat and severe human casualties all along the column's withdrawal route:

### **ENGAGEMENT SITES AND ESTIMATED CASUALTIES**

#### **Kamenica**

Ademović Ševal: 200–250  
 Alić Hasan: 7 dead, 7 gravely wounded  
 Dedić Sulejman: great number of dead and wounded

<sup>10</sup> EDS: Electronic Data System, ICTY computerised database.

<sup>11</sup> [1] Ekrem Salihović, Tuzla, July 24, 1996  
 [2] Mensur Memić, Tuzla, July 24, 1996  
 [3] Ramiz Mašić, Tuzla, July 3, 1996  
 [4] Senad Grabovica, Tuzla, July 24, 1996  
 [5] Muhamed Matkić, Gornja Tuzla, July 19, 1996  
 [6] Dr. Ilijaz Pilav, Vogošća, July 24, 1996  
 [7] Ramiz Bećirović, Živinice, July 1996

Hasanović Sead: “many” bodies observed, at least 100 near the brook  
 Jusufović Azmir: 300 killed, 100 wounded  
 Kovačević Sadik: about 200 casualties  
 Memišević Nurif: 2000–3000 dead  
 Muminović Behudin: 6 corpses  
 Muratović Kadrija: “thousands” of dead  
 Osmanović Ramo: several hundred killed and 300–400 wounded  
 Ramić Sado: about 1000 casualties  
 Salkić Abdulah: several hundred casualties

### **Konjević Polje**

Ademović Bekit: “many bodies”  
 Alić Melvid: many dead and wounded along road to Baljkovica  
 Smajlović Muhamed: estimated 500–1000 killed

### **Lipanj**

Hasanović Sead: “many dead bodies”

### **Sandići**

Muminović Behudin: saw mass burial of about 500 bodies  
 Smajlović Muhamed: estimated 200 dead  
 Zukanović Bego: saw 5 die; later “several” killed

### **Jadar area**

Jusufović Azmir: some killed, no estimate

### **Buljin**

Avdić Enver: 1000 casualties  
 Kovačević Sadik: 30 casualties  
 Mehanović Hašmir: about 100 killed  
 Memišević Nurif: many skeletons and parts of bodies  
 Osmanović Nazif: 100 dead and many wounded  
 Ramić Sado: 50 casualties  
 Smajlović Muhamed: 30 killed, 45 injured

### **Forest near Buljin**

Mehanović Hasmir: 20 dead males

### **Šušnjari area**

Mustafić Husejn: “hundreds of casualties”

### **Baljkovica**

Dedić Sulejman: corpses and unpleasant odour  
 Hakić Nermin: saw men getting killed, no estimate  
 Mehanović Hašmir: 5 dead soldiers and civilians  
 Mustafić Husejn: 5 dead  
 Salkić Abdulah: on route from Kamenica, several hundred corpses  
 Smajlović Muhamed: many black and swollen corpses

**Sučeska**

Alić Melvid: pounded by artillery, no casualty estimate

**Kravnica**

Ademović Ševal: “many dead and wounded”

Husić Ramiz: 12 suicides

Kadrić Midhat: “great number of killed”

Memišević Nurif: “many people” killed and maimed in artillery shelling

Mustafić Husejn: “many dead and dismembered corpses”

Orić Fadil: “several hundred” casualties

**Kaldrnica**

Halilović Suljo: 1000 dead and several hundred wounded

**Udrc-Baljkovica Road**

Salihović Selvid: “several hundred corpses”

**Crni Vrh**

Hakić Nermin: observed men getting killed all long route from Srebrenica

**Snagovo**

Ademović Ševal: dead bodies and many wounded

Dedić Sulejman: great number of dead giving off unpleasant odor

Jusupović Šefik: 18 killed

Osmanović Nazif: “many dead and wounded”

**Jaglić**

Halilović Osman: heard of many dead and wounded

Muratović Kadrija: 3 dead and many wounded

**Šiljković village**

Halilović Osman: heard there were 30 dead, 42 wounded

**Pervani village**

Memišević Nurif: 6 dead

**Velja Glava**

Ramić Sado: 20 dead

**Lolići Road**

Memišević Nurif: 200 dead

**Cerska**

Avdić Enver: about 100 dead

**Unidentified location[s]**

Alić Hasan: about 1000 casualties 8 km from Kamenica

Efendić Mensur: Observed dozens of corpses all along the route

Halilović Osman: Observed 30–40 corpses and 20 suicides

Husić Ramiz: 44 bodies, 10 wounded

Jusupović Šefik: “hundreds of dead Muslims” in the woods

Kovačević Sadik: about 300 dead

Kadrić Midhat: about 500 killed

Muratović Kadrija: dead and dismembered bodies in the woods

Orić Meho: 70 dead

Salcinovic Sadik: 6 dead

Vežović Gadafi: “hundreds of dead bodies” in the woods

Muminović Sejdalija: 5 dead at one point and a “considerable number” of casualties and wounded at another

A summary assessment of these casualties will be made at the end of this chapter. Obviously, these observations and estimates have to be treated with great caution and they should not be invested with the degree of precision which they cannot possibly claim. But they project a powerful impression of frequent clashes and enormous human losses generated by those clashes. The frequent use of artillery weapons against the column tended to increase the volume of human losses. Those losses must be accorded a distinct legal character and their separate place in the casualty ledger.

The presence of minefields in the column’s path

In our primary information source about the column and the losses it faced, the 33 statements given by survivors, we find references to the presence of minefields and to the casualties those mines inflicted. The following Moslem witnesses specifically mention minefields:

Hasanović Sead, 03021142: expressed fear of landmines;

Jusufović Azmir, 00464628: passage to Moslem side had to be demined;

Efendić Mensur, 01189563;

Memišević Nurif, 00396028;

Husić Ramiz, 00813498; crossed a minefield with a large group; and

Mešanović Ibrahim 00464633

In fact, the column’s retreat route was so strewn with minefields that according to prosecution military expert Richard Butler the retrieval of the remains of those who were killed by the mines in the remoter areas was hampered “because of the ordnance and mine threat.”<sup>12</sup>

In addition to the statements of the column survivors, there is also an apparent log entry of a staff member of the 28<sup>th</sup> division which makes a reference to the presence of mines. It states:

“The column set off from Jagličić, and Vež went through a minefield at Buljina, clearly marking it with cloths and items of clothing. Vež led the column and we all went to Udrč. The division staff, president of the municipality Osman SULJIĆ and Eljub GOLIĆ, and I were at the back.”<sup>13</sup>

Serb sources also extensively refer to the presence of minefields. The following is an overview:

<sup>12</sup> *Popović et al.*, Transcript, p. 20252, lines 17–20 and 24–25 and 20253, line 1.

<sup>13</sup> EDS number 0308–3682.

[1] In a direct echo to the Moslem report above, a July 13<sup>th</sup>, 1995, report to the command of Drina Corps states:

On 12 July of this year, at 1945 hours, a radio network of elements of the 28<sup>th</sup> Muslim Division was activated; during the morning, at around 0500 hours, these elements came across our minefield in the sector of /?Ravni Buljim/ at the juncture between the Milić and Bratunac Brigades.<sup>14</sup>

[2] In the same vein, the presence of minefields is marked on the Bratunac Brigade minefield map which was presented as a prosecution exhibit in the Blagojević case.<sup>15</sup>

[3] While the Bratunac Brigade minefield map deals with the location of mines the Moslem column had to cross during the first phase of its trek, there is also evidence that the danger from mines was unabated as it reached the zone of responsibility of the Zvornik Brigade, further to the north.<sup>16</sup> The fact that there were minefields in the Zvornik Brigade zone that the column had to face was confirmed by Brano Djurić, a member of the Zvornik Brigade engineering battalion. He also claims to have made sketches of the minefields' locations.<sup>17</sup> According to Djurić, there were even Serb casualties as a result of the broad distribution of these mines.

[4] The fact that Zvornik Brigade possessed a supply of mines is documented.<sup>18</sup>

[5] A log kept by military police commander Ljubiša Borovčanin shows that the enclave's approaches were mined and that a path had to be cleared to allow access to Serb motorized forces:

Between 0500 and 0630 hours, the pioneers of the Bratunac Brigade, led by Captain GAVRIĆ, cleared a passage through a mine-field or groups of mines towards Budak or immediately around the Žuti Most-Potočari road. Members of the 1<sup>st</sup> Company of the Zvornik Special Police Unit, led by a pioneer from the Bratunac Brigade, set off through the cleared passages towards Potočari to create the conditions for the introduction of hardware. As personnel were being introduced, a sapper stepped on a PROM /anti-personnel bouncing fragmentation mine/-1. He was taken to the Bratunac Health Centre, where he died. In a way, this incident slowed down the advance.<sup>19</sup>

<sup>14</sup> EDS number 0308-3838.

<sup>15</sup> *Blagojević and Jokić*, OPT exhibit 617.

<sup>16</sup> It is important to document the presence of mines in the Zvornik Brigade area because under cross-examination prosecution military expert Richard Butler stuck to the view that "we were able to conclude, particularly with respect to Zvornik, that the individuals that were coming out of these particular mass graves and the associated secondaries...were not meeting the characteristics of combat casualties, in fact they were meeting the characteristics of victims from crime scenes," Popović et al., Transcript, p. 20250, lines 6-10.

<sup>17</sup> *Blagojević and Jokić*, 15 July 2004, Transcript, p. 11,963-11,979.

<sup>18</sup> EDS number 0084-6748.

<sup>19</sup> EDS number 0308-2252.

Again, it is noted that the mines were so numerous that they even caused a Serbian casualty.

[6] Bratunac Brigade security and intelligence officer Momir Nikolić reports that he was informed of the Moslem column's movement "through minefields across combat lines in the direction of Konjević Polje."<sup>20</sup> It should be noted that Nikolić is a Prosecution witness and that the "Statement of facts" where this assertion is made was written by him most likely in cooperation with the Office of the Prosecutor.

[7] There is also a Zvornik Brigade report dated July 8, 1995, on "minefield maintenance...in progress," which logically implies the existence of minefields in the brigade's zone of responsibility.<sup>21</sup>

[8] The fact that the Srebrenica enclave was surrounded by minefields is confirmed by ex-soldier Radenko Ubiparipović in the course of U.S. Immigration Court removal proceedings, where he stated that: "There were mines surrounding the entire safe area. Both sides laid mines."<sup>22</sup>

[9] The abundance of mines and minefields is confirmed also by Prosecution witness DP-105 at the *Blagojević* trial. He said that there were "many minefields,"<sup>23</sup> that some of the minefields in the area had been laid during earlier battles,<sup>24</sup> and that minefields were present in the Konjević Polje area,<sup>25</sup> which may be significant because of the mass crossing of the Konjević Polje Road and the enormous casualties which it produced.

Again, this Serb witness notes that even Serb forces, which had laid the mines, had to move slowly in their deployment to engage the Moslem column because "the terrain we had to cross was very inaccessible, and there were the minefields."<sup>26</sup> He also said, astonishingly, that "this area contained minefields that we did not know the location of, and that is what put a restriction on our movement along certain roads, like village roads and things like that."<sup>27</sup> That suggests that minefields were so numerous that even the Serbs, who had laid them, were beginning to lose track of their location.

[10] Col. Nedeljko Trkulja, in his ICTY interview, stated that after the decision was made to create a corridor for the passage of the Moslem column on July 16, 1995, a path had to be cleared for it through the minefields.<sup>28</sup> Because

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<sup>20</sup> EDS number R042-7397.

<sup>21</sup> EDS number 0081-1224.

<sup>22</sup> U.S. Immigration Court removal proceedings, In matter of Radenko Ubiparipović, File A 75 067 541, p. 132.

<sup>23</sup> *Blagojević and Jokić*, 3 June 2004, Transcript, p. 10,265.

<sup>24</sup> *Ibid.*, p. 10,264.

<sup>25</sup> *Ibid.*, p. 10,222.

<sup>26</sup> *Ibid.*, 1 June 2004, p. 10,075.

<sup>27</sup> *Ibid.*, 1 June 2004, p. 10,082.

<sup>28</sup> ICTY Interview with Nedeljko Trkulja, 28 September 2005, p. 10.

the corridor for the safe passage of the Moslem column was negotiated when the main body of the column was already passing through remote mountain areas, that is an additional confirmation of the ubiquitousness of the minefields.

[11] Zoran Jovanović, also affirms in relation to the enclave perimeter, that “In front of the defence line, there were minefields. And it would take a lot of time to clear the minefields, to remove the mines, to enable them to go through. We had to remove the mines in at least one section of that field to let the troops past.”<sup>29</sup> The reference is to Serb troops advancing toward Srebrenica, but obviously the same principle also operates in reverse.

Further on, he refers to the presence of “minefields everywhere, both in front of our defence lines and in front of the enemy’s defence line...nobody dared to do a proper search of the terrain.”<sup>30</sup>

To summarize, it would appear indisputable that minefields were located in the path of the retreating column. There is evidence from a variety of sources that the column came into contact with minefields and that some of its casualties were inflicted by mines. There is also evidence that mines were so abundantly and widely dispersed that even Serb forces, which had laid them, were obliged to exercise extreme caution, and indeed had suffered casualties from what probably were their own mines.

### **Reports of casualties suffered by the retreating Moslem column**

After presenting evidence that the Moslem column retreating from Srebrenica was engaged in combat, that it had to cross numerous minefields, and that it admittedly had suffered considerable casualties, it becomes appropriate to review the perception of some contemporary expert observers concerning the extent of those casualties.

1. The most contemporary authoritative source available on this subject is the report written by a UN official in Tuzla, Edward Joseph, on July 17<sup>th</sup>, 1995, directed to Michel Moussalli at the UNPROFOR office in Tuzla. Joseph refers in his report to the arrival of “Srebrenica men” in Tuzla and comments that “5 to 6 thousand crossed into BiH 2 Corps controlled territory in the southern Sapna area last night (16 July).” He then continues: “Up to three thousand were killed on the way, mostly by mines and BSA engagements. Unknown others were captured. Some committed suicide. Unknown others went to Žepa.”<sup>31</sup>
2. In the evidence he gave in the *Popović* trial, Prosecution military expert Richard Butler claimed that he had not made an analysis of BH military casualties.<sup>32</sup> He denied specifically having studied the question of casualties that may have been suffered by the column as a re-

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<sup>29</sup> *Blagojević and Jokić*, 25 May 2004, p. 9868.

<sup>30</sup> *Ibid.*, p. 9869.

<sup>31</sup> EDS number R043-3424 (Annex 7.1)

<sup>32</sup> *Popović et al.*, Transcript p. 20248, lines 24-25, p. 20249, lines 1-2;

sult of landmines.<sup>33</sup> He also denied having made any accounting of the military engagements which could have given rise to casualties on the Moslem side.<sup>34</sup> Under cross-examination, he did concede the mixed character of the column and its status as a legitimate target.<sup>35</sup> Butler conceded also, based on his “knowledge of the situation, that the number [of casualties] would be high for any particular combat engagement.”<sup>36</sup> Pressed to offer his own reasonable estimate of column losses, given those combat engagements, Butler responded that “I am not aware of any specific number, but that particular number of 1000 to 2000 sounds reasonable, given the context of the combat that I am aware of.”<sup>37</sup> He confined this casualty estimate to the period of 12 to 18 July, 1995.<sup>38</sup>

3. Additional estimates are to be found in the “UNMO HQ Daily Sitrep,” dated July 18<sup>th</sup>, 1995.<sup>39</sup> It was prepared by a certain Captain Hassan. It is apparently a BH-wide situation report, summarizing reports from UNPROFOR observers located in different areas of the country. On p. 19, under the heading of “Other significant/relevant information,” reports from the Srebrenica area are summarized. It is stated that on 10–11 July, between 12,000 and 15,000 men had left the enclave, of whom about 3,000 were armed. It is estimated that 3,000 “are believed to have been killed by minefields, snipers, and ambush conflict with BSA.” A specific BSA ambush in Konjević Polje is referred to. A comment is added that these figures are likely to be exaggerated in relation to those leaving and who were armed and that the numbers should be divided by ten. No explanation is given for this recommendation and there is no particular reason to follow it in this case.

Just as in the case of reports by direct participants in the march from Srebrenica to Tuzla, great caution should be exercised in relation to the numbers offered by foreign observers and experts. But even their estimates of the column’s casualties range from 1000 to 3000. Even if the lower or a median figure were accepted, that would still constitute a sizeable portion of the human losses allegedly suffered by the Moslem side. That figure must be deducted from the total of Srebrenica victims claimed to have been executed contrary to the laws and practice of war.

*Stephen Karganović*

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<sup>33</sup> *Ibid.*, p. 20248, lines 1–5

<sup>34</sup> *Ibid.*, p. 20243, lines 17–22.

<sup>35</sup> *Ibid.*, p. 20244, lines 22–25 and 20245, line 1.

<sup>36</sup> *Ibid.*, p. 20250, lines 23–25.

<sup>37</sup> *Ibid.*, p. 20251, lines 6–8.

<sup>38</sup> *Ibid.*, p. 20251, lines 12–14.

<sup>39</sup> EDS number R003–8723.



## VIII. THE GENOCIDE ISSUE: WAS THERE DEMONSTRABLE INTENT TO EXTERMINATE ALL MOSLEMS?

This is a question that simply must be asked if we intend to deal with Srebrenica in a serious fashion. In light of how events that took place in Srebrenica immediately following July 11<sup>th</sup>, 1995, have been depicted, there are only two ways to characterise the ensuing executions: (1) as a massacre of significant proportions which is a major violation of the laws and customs of war, or (2) as an act of genocide. For explanation (2), genocide, to be sustainable, a further question must be asked: Was there an intent to execute all Moslems as such who might be captured by Serbian forces? For genocide to be established, the answer to that further question must be unequivocally positive. To the extent that conditionalities are attached to the affirmative answer, the genocide thesis is undermined.<sup>1</sup> Even some sort of “yes, but” answer would tend to distance mass killing from genocide and would ultimately shift the characterisation to the first option, massacre.

In the *Krstić* case, the chamber articulated a very clear position with respect to this point. The chamber’s musings about Srebrenica executions in par. 546 impose rather strict evidentiary standards and leave it little room for maneuver:

The Trial Chamber is ultimately satisfied that murders and infliction of serious bodily or

mental harm were committed with the intent to kill all the Bosnian Muslim men of military age at Srebrenica. (...) All of the executions systematically targeted Bosnian Muslim men of military age, regardless of whether they were civilians or soldiers.<sup>2</sup>

And further on:

Evidence shows ... that a decision was taken, at some point, to capture and kill all the Bosnian Muslim men indiscriminately...<sup>3</sup>

Finally:

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<sup>1</sup> The UN Convention on Preventing and Punishing Genocide (1948) defines that crime as “deliberate and systematic extermination, in whole or in part, of an ethnic, racial, or religious group.

<sup>2</sup> Trial judgment in *Krstić*, par. 546.

<sup>3</sup> Trial judgment in *Krstić*, par. 547. The chamber does not say when that moment occurred, when the decision was taken, or who took it. That is a rather large gap in the factual analysis when such an important and dramatic conclusion is involved.

Except for the wounded, all the men, whether separated in Potočari or captured from the column, were executed, either in small groups or in carefully orchestrated mass executions ... *The evidence shows that the VRS sought to kill all the Bosnian Muslim military aged men in Srebrenica, regardless of their civilian or military status* [emphasis added].<sup>4</sup>

The ICTY chamber in the recently concluded *Popović et al.* case was equally emphatic in its trial judgment that the criterion for genocide required that the nature of Srebrenica killing had to be all-inclusive:

The Trial Chamber has found that several thousand Bosnian Muslim males were killed by members of the Bosnian Serb Forces. The scale and nature of the murder operation, the targeting of the victims, the systematic and organized manner in which it was carried out, and *the plain intention to eliminate every Bosnian Muslim male who was captured or surrendered* [emphasis added] proves beyond reasonable doubt that members of the Bosnian Serb Forces, including members of the VRS Main Staff and Security Branch, intended to destroy the Muslims of Eastern Bosnia as a group.<sup>5</sup>

Two things should be noted here from the outset. First, ICTY chambers have erected a very strict standard of proof with regard to the occurrence of genocide in Srebrenica. They should now be held to that strict standard and the evidence should be scrutinised very carefully to see whether or not that standard has been met. Second, if ICTY chambers for whatever reasons decided in principle, and even before seriously approaching the evidence, that their “public duty” called for the validation of the prevalent perception of what happened in Srebrenica, they really had no other choice but to begin setting the stage with just such rhetoric. Only specific and indiscriminate intent to wipe out a protected group satisfies unconditionally the standard for genocide. So on the theoretical level at least, the chambers figured out correctly what they had to. For the finding of genocide to have apparent validity, the existence of the requisite intent must be maintained at any cost and it must be attributed to someone, even if necessary by shaping the evidence to fit this design. Any limitations or conditions placed upon such an intention actually would create far more theoretical problems than it could resolve.<sup>6</sup>

<sup>4</sup> *Ibid.*, par. 547. The chamber must in some fashion explain the problem of the treated — not executed — wounded Moslem prisoners, because the defence had offered evidence on that subject in support of its own view of the matter. The chamber’s solution is the cynical claim that the Serbian side spared those wounded for purely propaganda reasons. (*Ibid.*, par. 86)

<sup>5</sup> *Prosecutor v. Popović et al.*, par. 856.

<sup>6</sup> For genocide to be an applicable concept there must have been intent for every targeted Moslem to be killed, which is obviously contradicted overwhelmingly by the evidence. But the point is that as soon as you open the door for discrimination in the selection of victims within the target group, you undermine the notion that the killing, regardless of its scale or barbarity, was genocide. So on the theoretical level, assuming that they decided in advance what they wanted to call it, the court did the right thing from its standpoint to tighten its description of the Serbs’ intent by saying that *all* members of the group targeted for genocide — not just military aged men, but every captured

The distinction between genocide and massacre is not a matter of nuance, nor is it a matter of intensity or style of killing; it is essential. Genocide assumes the presence of a particular element, *dolus specialis*, and it is defined as specific intent to destroy a protected human group, or a significant part of it, as such. If the presence of the mental elements which characterise genocide cannot be established, then regardless of the scale or methodology of the illegal killing it is not possible to conclude genocide. That is why in legal scholarship, genocide is considered one of the most difficult crimes to prove. Genocide has been a relatively rare occurrence in history and, because of the difficulty of proof, in jurisprudence as well. For that very reason, where genocide can be proved the authors and instruments of that crime are subject to the most severe legal, moral, and even material punishment. That is entirely proper, given the heinousness of that crime.

**Statements by surviving soldiers and civilians from the enclave of Srebrenica.** We have 58 statements by Moslems from Srebrenica and Žepa, both soldiers and civilians, who happened to be located in one of those UN protected zones in July of 1995. They gave their statements to authorities on the Moslem side or to ICTY investigators after reaching territory under the control of the BH Army. Many of those statements were taken down shortly after the events which they relate, others a few months later. But in no instance is there a significant time gap between the recollections and the events themselves. Another important fact should be noted: all of these statements are located in the electronic database of the Hague tribunal. But it appears that they are but a fraction of the total material of this genre. The long-time chief Hague investigator, Jean-Rene Ruez, recently stated that after the arrival of the 28<sup>th</sup> Division in Tuzla, following its withdrawal from Srebrenica in mid-July of 1995, about 1,200 such statements were taken.<sup>7</sup> Making that material available to researchers and to the interested public — as we are doing now with the statements that we have obtained — would be of enormous benefit not only in furthering a better understanding of the tragedy that was Srebrenica but undoubtedly would also be hugely helpful in resolving a number of outstanding factual issues.

Statements by surviving residents of Srebrenica and Žepa are invaluable for at least three reasons: (1) in 13 statements which relate to the critical period, which we define as 12 to 19 July, 1995 — because that is when most of the legal and illegal killing took place — it is evident that the captured person was processed by Serbian forces, on the whole, regularly (murder is clearly ruled out because the individual was able subsequently to give a statement) and in many cases, when necessary, medical attention was also extended to the prisoner; (2)

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male Moslem — were slated for extermination. If they had been more flexible about it and allowed for selectivity, they would have faced a complicated situation. Instead of simply ignoring contradictory evidence, which is what they are doing now, they would have had a lot of tortuous explaining to do in order to fit uncooperative facts within their definition of genocide. The option they chose is much simpler for them.

<sup>7</sup> *Le Point*, 22 May, 2008. Francois-Guillome Lorrain: “Six ans dans les charniers de Srebrenica.”

out of 58 available statements [which include the 14 referred to above] in 29 it is stated that the captured person was registered with the International Red Cross [ICRC]; and (3) in statements by persons who took part in the column's withdrawal and made it successfully to Tuzla, or who may have been captured somewhere along the way, there are references to combat between the column and the Serbian forces [VRS], shelling and other forms of military attack to which the column, as a legitimate target, was subjected, as well as to enormous casualties which the column suffered in the process.

Brief summaries of those statements given by Moslem soldiers and civilians follow. The first group consists of persons who were captured, and survived, during the critical week of 12 to 19 July, 1995, followed by those who withdrew to Tuzla successfully or were captured by Serbian forces, regularly processed, and later exchanged.

After each name, the year of birth and the ICTY database (EDS) number of the statement are given. The "status unclear" notation means that it is not possible to determine whether the declarant is a soldier or a civilian. What follows is the relevant summary of each statement.<sup>8</sup>

1. **Ademović Bekir**, (1975), 01185273. Soldier, captured 13 July with 17 wounded persons. States the names of five other individuals who were captured with him. During the column's withdrawal, witnessed combat activity in the area of Konjević Polje and discusses casualties. After capture, taken to the Bratunac health clinic, spent two days without treatment, and then placed under the care of a Dutch doctor. During the night of 17/18 July transferred to the Batković prisoner of war camp. Saw prisoners being beaten, but was not abused personally.

2. **Memišević Nurudim**. Civilian, captured on 14 July near Baljkovica. For further details, see statement given by father, **Memišević Nurif**, 00396028. Transferred to Batković on 14 July; was beaten.

3. **Ahmetović Nedžad**, (1953), 01189539. Soldier, captured on 13 July. Taken to Karakaj [near Zvornik] where he was held two to three days. While with the retreating column, witnessed combat activity and gives an assessment of casualties. Transferred to Batković prisoner of war camp and exchanged on 24 December 1995.

4. **Mustafić Zazim**, (1964), 01185284. Soldier, wounded, captured by Drina Corps military police on 12 July. Names 10 other individuals who were captured with him. Transferred to Batković on 18 July, exchanged on 29 September, 1995.

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<sup>8</sup> Hereinafter, the number following the name refers to the file number of the document in the database of ICTY Prosecution at The Hague. The data deemed relevant to this inquiry is information about treatment in cases involving prisoners, date and place of combat clashes, presence of mines and other obstacles which may have caused casualties, exposure to artillery and other kinds of attack that may have caused mass casualties to the column, etc.

5. **Hašemović Aziz** (1960), 01185332. Soldier, captured on 16 July with nine other wounded persons, of whom he names four. Medical assistance extended at the Bratunac health clinic, following which he was transferred to Batković on 17 July. Exempted from labour obligation because of medical condition. Exchanged on 29 September, 1995.

6. **Vilić Sadik**, (1960), 00401652. Civilian, captured on 13 July. After the withdrawal of the Dutch battalion, taken captive by Serbs with a large group of wounded in Potočari. All received proper medical treatment at the health clinic in Bratunac; was not abused. Interrogated by VRS intelligence personnel. Registered with ICRC on 18 July, evacuated to Batković on 19 July with another 22 wounded prisoners. Exchanged on 29 September, 1995. In Batković was interrogated by a VRS officer on military matters but was not abused; later was interrogated and abused by war crimes investigator.

7. **Tabaković Reuf**, (1960), 01185288. Soldier, wounded, captured 12 July. Held in Bratunac for five days, on 17 July transferred to Batković. Exchanged on 24 December, 1995.

8. **Tabaković Šukrija**, (1973), 00371755. Soldier, wounded, captured on 11/12 July. Spent six days at the UN camp in Potočari, then taken to the hospital in Bratunac with six other wounded Moslems for treatment [17 and 18 July]. Gives the names of other wounded prisoners who were captured and treated with him. Transferred to Batković on 18 July, where he was treated in accordance with the Geneva convention. Exchanged on 30 September, 1995.

9. **Kaljević Rifet**, (1945), 01185280. Soldier, wounded, captured on 14 July. Took part in the withdrawal, tried to commit suicide, captured, taken by Serbian forces to Bratunac hospital for treatment after the suicide attempt. Mentions a "gravely ill" prisoner also from Srebrenica who was being treated, but passed away at Bratunac hospital. Transferred to Batković and exchanged on 24 December, 1995.

10. **Smajlović Idriz**, (1956), 12122824. Soldier, wounded, captured 11 July. Spent several days at the clinic in Potočari, registered with the Red Cross. Transferred to Bratunac on 15 July, where he was interrogated and abused. Transferred to Batković on 16 July, exchanged on 29 September, 1995. The witness is bitter against Serbs because he stepped on a landmine and was wounded, but he states that as a prisoner he was properly treated. He confirms that the 28<sup>th</sup> Division of the BH Army from Srebrenica was carrying out attacks on surrounding Serbian villages.

11. **Selimović Sadik**, (1962), 03052246 [statement number in the files of the Moslem intelligence service, EID]; 02131234 [statement number in the database of ICTY Office of the Prosecutor]. Soldier, wounded, captured in Potočari on 12 July. Taken to Bratunac hospital with other wounded where some of the staff treated them properly, and some did not. Eight days after capture, trans-

ferred to Batković and registered with the Red Cross. Gave statement to Moslem authorities [EID] and to ICTY Prosecution [OTP].

12. **Hasić Sakib**, (1968), 00588878 [statement number in the database of ICTY Office of the Prosecutor]. Status unclear, wounded, captured by VRS at the UN clinic in Potočari. Serbian soldiers separated gravely wounded Moslem prisoners to be freed. In Bratunac, saw Moslem wounded with Red Cross registration cards. Given medical exam on 13 July. Interrogated on 15 July and registered with the Red Cross a day or two later. Transferred to Batković and exchanged on 24 December, 1995.

13. **Gračanlić Džemo**, (1974), 00371741. Status unclear, wounded, captured by VRS at the UN clinic in Potočari with 23 other Moslem wounded. Transferred to Bratunac hospital on 14 July, then on 19 July to Bijeljina, and finally to the Batković prisoner of war camp. Registered with the Red Cross; exchanged on 29 September, 1995.

14. **Zukanović Bego**, (1978), 00371759. Civilian, captured on 21 July. While retreating with the column, witnessed combat activity and presents detailed observations. After being held in Karakaj for two hours, transferred to Batković on July 21. Was not abused, registered with the Red Cross. Exchanged on 19 September, 1995.

15. **Hasanović Alvir** (1974), 01008132. Civilian, captured on 22 July; was interrogated with other prisoners captured in his group. Taken to Karakaj, then on 23 July to Batković. Was not abused. Transferred to Kotorsko prisoner of war camp with 45 other prisoners on 7 October, 1995.

16. **Mehanović Hašmir** (1979), 00371774. Civilian, captured on 25 July. During the withdrawal of the column, witnessed combat activity at Buljim and describes what he saw. Transferred initially to Osmaći, where he was interrogated and abused, then on 25 July to Batković. Registered with the Red Cross.

17. **Kadrić Midhat** (1978), 00371768. Civilian, captured on 25 July. During the column's retreat witnessed combat activity at Kravice and Baljkovica and presents his assessment of the casualties. Transferred to Batković on 26 July and immediately registered with the Red Cross.

18. **Salihović Hasan**, (1946), 01097604. Soldier, captured with seven others on 25 July. Abused during capture. Wounded members of the group were given medical treatment. Transferred to Batković on 25 or 26 July; registered with the Red Cross; exchanged in December of 1995.

19. **Alić Mevlid**, (1961), 00371771. Civilian, captured on 23 or 24 July. Relative of Mevludin Orić and Naser Orić. During the withdrawal of the column, witnessed combat activity between Baljkovica and Konjević Polje and presents his assessment of the casualties. Was abused after capture. On 25 July transferred to Batković; registered with the Red Cross. Saw about 70 wounded Moslem war prisoners in Batković, including 20 – 30 from the hospital in Bratunac.

Exempted from hard labour due to medical condition. Exchanged on 28 December, 1995.

20. **Avdić Enver**, (1977), 00371746. Civilian, captured with several others, whom he names. While withdrawing with the column witnessed combat activity at Buljim and Kravice and presents his assessment of the casualties. Initially taken to Šekovići, where he was not abused, then on 26 July to Batković. Registered with the Red Cross, was not abused, and the wounded were offered medical attention.

21. **Orić Fadil**, (1971), 00512727. Civilian, captured on 23 July. While withdrawing with the column witnessed combat activity and presents his assessment of the casualties. Taken to Karakaj, and later in the same day transferred to Batković. Exchanged on 24 December, 1995.

22. **Salihović Selvid**, (1978), 00371738. Civilian, captured on 23 July. While withdrawing with the column witnessed combat activity on the Udrč — Baljkovica road and presents his assessment of the casualties. Taken to Karakaj, where he was interrogated by security personnel who had lists of war crimes suspects. On the next day, transferred to Batković and registered with the Red Cross. Interrogated on military matters, was not abused.

23. **Orić Meho**, (1962), 01008156. Captured on 25 July; during the column's withdrawal saw corpses along the way. First taken to Memići and abused there, then to Karakaj, where he was not. Transferred to Batković on 25 July and registered with the Red Cross. There was no more abuse.

24. **Salkić Abdulah**, (1946), 01008169. Civilian, captured on 25 July. While withdrawing with the column witnessed combat activity on the road from Kušlat to Baljkovica and presents his assessment of the casualties. Initially taken to Karakaj, then later on the same day to Batković. Registered with the Red Cross and exchanged on 29 September, 1995.

25. **Ramić Omer**, (1961), 01189559. Soldier, captured on 22 July. While withdrawing with the column witnessed combat activity in the areas of Buljin and Kamenica and presents his assessment of the casualties. Initially taken to Karakaj, then later on the same day to Batković.

26. **Hakić Nermin** (1980), 01185308. Civilian, captured on 24 July. While withdrawing with the column witnessed combat activity between Srebrenica and Crni Vrh and presents his assessment of the casualties. Taken to Karakaj, interrogated, and beaten. Transferred to Batković and exchanged on 21 September, 1995.

27. **Ibrahimović Fahidin** (1968), 01008138. Soldier, no date of capture, taken to Batkovic, where he joined 150 prisoners of war from Srebrenica; exchanged.

28. **Muminović Serdalija** (1978), 00371757. Civilian, capture on 24 July. While withdrawing with the column witnessed combat activity and saw "many

casualties” as a result of Serb artillery shelling. Initially taken to Karakaj, and later on the same day to Batković. Exchanged on 29 September, 1995.

29. **Alić Hasan** (1969), 00371752. Soldier, wounded, captured 24 July. While withdrawing with the column witnessed combat activity and reports seeing about 1,000 corpses as a result of an ambush that was set for the column. Initially taken to Karakaj, then to the military hospital in Zvornik where he underwent surgery and received medical care. After recovery, transferred to Batković and registered with the Red Cross. Was not abused.

30. **Vežović Gadafi** (1977), 01185356. Civilian, captured in an ambush on 24 July. Saw “hundreds” of corpses in the forest during the retreat. Initially taken to the village of Šekovići, then to Batković. Exchanged on 25 December, 1995.

31. **Kovačević Sadik** (1977), 00371749. Civilian, captured on 25 July. During the withdrawal of the column toward Tuzla witnessed combat activity around Kamenica and reports his assessment of the casualties. Abused in Osmači after capture. Transferred to Batković on 26 July; registered with the Red Cross. Exchanged on 29 September, 1995.

32. **Ademović Ševal** (1951), 01008095. Soldier, captured in Memići on 24 July. Estimates the size of the column at between 10,000 and 15,000. During the withdrawal of the column witnessed combat activity and reports his assessment of the casualties. Transferred to Batković; registered with the Red Cross. Exchanged on 24 December, 1995.

33. **Hasanović Sead** (1964), 03021141. Civilian, captured near Memići several days after departure from Srebrenica. During the withdrawal of the column witnessed combat activity in the area of Kamenica and reports his assessment of the casualties. Transferred to Batković; registered with the Red Cross. Complains of conditions in the prisoner of war camp.

34. **Memišević Nurif** (1948), 00396028 [statement number in the database of ICTY Office of the Prosecutor]. Civilian, managed to reach Moslem territory after wandering for about 70 days. During the withdrawal of the column witnessed combat activity in the forest between Kravice and Kamenica and reports his assessment of the casualties.

35. **Mustafić Ibran** (1960), 02015277. Civilian, wounded. During the war served in the civilian government structures in Srebrenica enclave. Taken to Bijeljina and accused of war crimes; exchanged.

36. **Smajlović Muhamed**, (1970), 00953447. Status unclear, captured on 18 or 19 July at Baljkovica. During the withdrawal of the column witnessed combat activity at Buljim, on the Konjević Polje — Kravice road, in Sandići, and near Baljkovica. Interrogated and mistreated in Zvornik. Registered with the Red Cross and exchanged on 24 December, 1995.



37. **Dedić Sulejman**, (1958), 01189551. Civilian, captured on 22 July near Pandurica. During the withdrawal of the column witnessed combat activity near Kamenica, Snagovo, and Baljkovica and presents his assessment of the casualties. Interrogated in Karakaj; does not allege abuse. Transferred to Batković on 24 July; exchanged 24 December, 1995.

38. **Efendić Mensur**, (1977), 01189563. Soldier, captured on 25 July near Zvornik. During the withdrawal of the column witnessed combat activities near Kamenica and further along the way and reports his assessment of the casualties. Transferred to Batković the same day; exchanged on 25 December, 1995.

39. **Jusupović Šefik**, (1959), 01185316. Soldier, captured 21 July near Snagovo. Left Srebrenica with a group of about 30 intending to reach Moslem-controlled territory. While wandering through the hills over a 12-day period he saw "hundreds of dead Bosnian Moslems." After being captured he was taken to Bijeljina; exchanged on 24 December, 1995.

40. **Muratović Kadrija**, (1973), 01185372. Soldier, tried to escape from Srebrenica with seven others; captured on 24 July. During the withdrawal of the column witnessed combat activity near Kamenica and reports his assessment of the casualties. Transferred to Batković; exchanged on 24 December, 1995.

41. **Mustafić Husejn**, (1963), 00401647. Soldier, captured by Serb military police on 25 July near Zvornik. While the column was retreating witnessed combat activity about 2 km from Šušnjari and in the proximity of Kravica and reports his assessment of the casualties. Transferred to Batković the same day; exchanged on 24 December, 1995.

42. **Osmanović Nazir**, (1946), 01008158. Status unclear, captured near Snagovo on 25 July. While the column was retreating witnessed combat activity at Kaldrmica and Snagovo and reports his assessment of the casualties. Transferred to Batković the same day; exchanged on 24 December, 1995.

43. **Osmanović Ramo**, (1975), 00512683. Status unclear, captured on 18<sup>th</sup> or 19<sup>th</sup> July near Baljkovica. While the column was retreating witnessed combat activity around Konjević Polje and reports his assessment of the casualties. Five men in his group were executed, but he was kept for exchange. Transferred to Batković and registered with the Red Cross. Exchanged on 24 December, 1995.

44. **Malkić Hamza**, (1964), 02918842. Status unclear, crossed over into Serbia with a small group and captured there on 22 July. Abused during interrogation. Transferred to Batković on 24 July; registered with the Red Cross. Exchanged on 24 December, 1995.

45. **Ramić Sado**, (1966), 01008163. Status unclear, captured on 22 July near Snagovo. During the withdrawal of the column witnessed combat activity and reports his assessment of the casualties. Transferred to Batković on 23 July; exchanged on 24 December, 1995.

46. **Muminović Behudin**, 00464652. Status unclear, captured on 23 July near Baljkovica. Transferred to Batković on 26 July; registered with the Red Cross. Exchanged on 24 December, 1995.

47. **Hasić Ahmo**, (1937), 01097609. Civilian, surrendered to Serbian forces after wandering through the woods for several days. Saw the physical abuse of prisoners in Bratunac and Pilica. Claims to have survived execution at Pilica and tried unsuccessfully to cross over to Moslem-controlled territory. Interrogated at Batković but does not mention being mistreated. Transferred to Batković with other Moslem prisoners on 26 July; registered with the Red Cross. Exchanged in December, 1995.

48. **Rizvić Hasudin**, (1974), 01008167. Captured with a group near Snagovo. Transferred to Karakaj; interrogated and mistreated. Transferred to Batković on 22 July and later exchanged.

49. **Salčinović Sadik**, (1965), 02112340. Civilian, in hiding in the hills with a small group until they were captured on 18 October. During the withdrawal of the column witnessed combat activity near Buljim and presents his assessment of the casualties. Taken to Bratunac, where he was not mistreated. Transferred to Foča on 25 October; registered with the Red Cross. Exchanged on 28 January, 1996.

50. **Halilović Suljo**, (1960), 01008121. Status unclear, initially joined the column setting off from Srebrenica but decided later to go back and crossed over to Serbia with a group of others. There, he was captured and turned over to the Republic of Srpska authorities. During the withdrawal of the column witnessed combat activity at Kamenica and reports his assessment of the casualties. Was beaten by the Serbian police. Most of the individuals from his group, whom he names, were on the list of war prisoners, who were released from the Foča POW camp on 27 February, 1996.

51. **Kadrić Nedžad**, (1971), 00686336 (OTP). Soldier, captured in Žepa on 25 July, 1995, the same day it was taken over by Serbian forces. Registered with the Red Cross on 26 July. In the statement given to the Office of the Prosecutor of the Hague Tribunal, he said that he wished to modify some aspects of a statement he had given earlier to EID [Bosnian Moslem intelligence service] which suggests that EID may have pressured him. Affirms that the majority of the captured "civilians" in Žepa were in fact soldiers of the Moslem army who had removed their uniforms. Transferred to the Serb POW camp in Rogatica where he was interrogated properly.

52. **Čavić Bego**, (1936), 03358253. Civilian, evacuated from Žepa on 27 July. Transferred to the Rogatica POW camp with a group of other prisoners. Interrogated, treated properly. The treatment became rougher when NATO began to bomb Serbian positions.

53. **Gladović Bego**, (1936), 03358257. Civilian, captured on 27 July with a group of 43. Interrogated professionally. Transferred to Rogatica POW camp after capture; exchanged in Butmir on 19 January, 1996.

54. **Kulovac Jasmin**, (1977), 00510272. Status unclear, tried to break out of Žepa with a group of others. On 5 August captured by a paramilitary band under the command of Milan Lukić. After Lukić's men executed several members of his group he was turned over to the Serbian military police and transferred to Rogatica POW camp on 8 August, and after that to Kula [in Foča]. Monthly Red Cross visits in the camp but formally registered only on 11 January, 1996. Exchanged in Butmir in January 1996.

55. **Osmanović Pasan**, (1937), 03358269. Civilian, captured on 27 July at a checkpoint near Kladanj. Beaten in prison. Transferred in Rogatica the day of capture.

56. **Džebo Meho** (1962), 03358245. Civilian [policeman], captured in Žepa on 27 July. Transferred to Rogatica on the same day with 12 wounded Moslem prisoners. Registered with the Red Cross. Exchanged on 19 January, 1966.

57. **Uvezović Ejub** (1932), 0335-8276-0335-8278. Civilian from Žepa, evacuated on 27 July. Transferred to Rogatica and exchanged on 19 January, 1966.

58. **Jusufović Azmir** 00464628. Status unclear, surrendered to Serbian forces on 18 July with a group of 30. During the withdrawal of the column witnessed combat activity at Kamenica and reports his estimate of the casualties. Interrogated in Bratunac and Zvornik. Taken to the Moslem front line in the vicinity of Baljkovica and allowed to cross over to Moslem-controlled territory after Serbs cleared the path for him through the mine fields.

**Does the killing which occurred after the fall of Srebrenica qualify as a genocidal event?** There can be little dispute that these witness statements, even in the terse form given here, shed a new light on critical issues and are extremely informative. It remains to be seen to what extent they are also a “game changer” in terms of the overall assessment of what happened in Srebrenica. But it is apparent that they do not leave the official narrative entirely unscathed.

The legal background of the Srebrenica issue, if it is to be treated as an example of genocide, consists mainly of the deliberations of the International Criminal Tribunal for the Former Yugoslavia and, indirectly, the opinion of the International Court of Justice at The Hague.<sup>9</sup> An important caveat is that the ICJ did not conduct its own inquiry into the matter but merely took over ICTY's legal conclusion and incorporated it into its own judgment. Obviously, that incorporated conclusion is only as valid and persuasive as the ICTY judgment that ICJ relied on.

<sup>9</sup> ICJ in the matter of *Bosnia and Herzegovina v. Serbia and Montenegro* (2007) did not consider the merits of the charge that what occurred in Srebrenica was genocide. Instead, it incorporated conclusions drawn by the ICTY chamber.

Of course, those who uncritically credit ICTY's legal conclusions will be quite satisfied. That may even serve as the basis for a somewhat extravagant assertion that genocide in Srebrenica was confirmed in the judgments not just of one, but two, eminent international legal forums. It would serve no purpose to debate this technical rather than substantive issue. Instead, we will offer a fundamental critique of some key aspects of ICTY's position on this issue.

There are numerous reasons for skepticism in regard to the position of ICTY, which holds that what occurred in Srebrenica was genocide.<sup>10</sup> We will discuss some of them:

1. Serbian forces facilitated the evacuation of about 20,000 [estimates vary] women, children, and elderly from Srebrenica after its fall on 11 July, 1995. It may come as a surprise to many, but the trial chamber in the *Krstić* case had what sounded almost like grudging praise for their performance. It was, they said, „...a disciplined and orderly operation, and [that] Krstić specifically ordered that no harm was to befall the Bosnian Moslem civilians being transferred forcibly.“<sup>11</sup> This fact, which even the court recognizes in its own way, does not, at first blush at least, fit in with the genocide scenario.

2. On July 16, 1995, the Republic of Srpska Army [VRS] opened a corridor which allowed unhindered passage to the mixed military-civilian column of the 28<sup>th</sup> Division in its progress from Srebrenica toward Tuzla. During the preceding days, there was bitter combat between the VRS and armed elements of that column and during that time the column, as well as the VRS Zvornik Brigade, suffered enormous casualties. Those casualties were the result of legitimate combat activities and they cannot be categorised as a violation of the laws and customs of war. It is therefore entirely proper to ask that those casualties on the Moslem side be subtracted from the total of illegally executed prisoners. If the political and military leadership of the Republic of Srpska had been operating with the intent to annihilate all Moslems within its reach, as such, why did they in the end let the column through instead of acting in accord with their genocidal concept and trying to destroy it using all military instruments at their disposal? That may have been a pragmatic military decision under the circumstances, but genocidal maniacs obsessed with hatred do not generally act on practical impulses when their prey is within grasp.

3. The fact that a war crimes suspects list circulated at the time of the Serbian army's entry into Srebrenica is another element which casts reasonable doubt on the existence of the required genocidal intent.<sup>12</sup> There would be no need for it if there had been a plan to destroy all members of the target group as such, that is to say: indiscriminately. As we saw in a previous chapter, “Geno-

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<sup>10</sup> The *Krstić* judgment is not entirely clear in the matter, but since the appellate chamber found that General *Krstić* was guilty of aiding and abetting genocide the conclusion that genocide did occur is perhaps implicitly contained in that conclusion.

<sup>11</sup> Appellate judgment, *Prosecutor v. Krstić*, par. 239.

<sup>12</sup> EDS: 00799571, Annex 8.1.

cide, or blowback?,” crimes committed by Moslem armed forces from within the enclave against the Serbian community in and around Srebrenica during the preceding three years furnished ample basis for a credible war crime perpetrators’ dossier. If the release and evacuation of women, children, and the elderly are insufficient to show that all Moslems were not targeted “as such”, the circulation of a list of war crimes suspects for prosecution should be relevant to the state of mind on the Serbian side and its compatibility with intent to commit genocide.

4. The evidence recently offered by Richard Butler, ICTY Prosecution’s military expert, in the trial of the accused Pelemiš and Perić before the State Court of Bosnia and Herzegovina in Sarajevo<sup>13</sup> who are charged in relation to the Pilica massacre, is also very relevant to the issue of intent. Butler does not detect any indication that there was a plan to exterminate Moslems at least until immediately after the Serbian takeover of Srebrenica on July 11, 1995.

Butler makes several affirmations which render the existence of genocidal intent highly dubious, to say the least. First, he confirms that the initial goal of the Serbian military operation for which the planning began on 30 June, 1995, was only the reduction of the UN protected area to the city limits of Srebrenica. Second, the order to enter the city was issued by President Karadžić on 10 July, i.e. only one day before that actually happened so that the takeover of the enclave was an improvised decision taken in light of the operation’s overall success up to that point. Third, until the scope of the operation was suddenly broadened on 10 July to include the takeover of the entire enclave, it was conducted entirely on the Drina Corps level, without any involvement of the VRS General staff and other higher level structures. Fourth, Butler is “not aware” of a single case in which VRS used firepower on civilians in Srebrenica after 11 July, the date when the enclave was taken over and the operation ended. Fifth, concerning the deportation of civilians from the enclave, there is “no evidence in the documents” of any planning in that regard prior to 11 July in the morning when the decision to take Srebrenica was made. Sixth, Butler accepts that there was no expectation within the ranks of the VRS that prisoners might be executed on 12 or even 13 July.<sup>14</sup>

How compatible is this timeline and analysis of events with the thesis that the political and military leadership on the Serbian side intended the destruction of the Bosnian Moslem community in Srebrenica as such? If there was genocide in Srebrenica, was it a matter of intent or an afterthought?

5. The account given by the Dutch doctor and officer of the Dutch battalion, A. A. Schouten, also has weight for the assessment of these events. During the critical period, Dr. Schouten was on the spot. Shortly thereafter, on 27 July, 1995, while impressions were fresh and before any external influence could re-

<sup>13</sup> *Prosecutor v. Pelemiš et al.*, X-KR-08/602, 22 March 2010.

<sup>14</sup> Butler does say further on that after the executions of 14 July he thinks that Zvornik Brigade officers and troops must have grasped that the prisoners being held in their zone of responsibility would be shot.

shape his story, he discussed his experiences with Amsterdam *Het Parool* reporter Michiel Zonneveld. Here are the salient portions of that article:

As a member of the Dutch armed forces, (A. A. Schouten) was in Bratunac but he did not see any indication of the alleged massacre of male Bosnian Moslems:

„There were reports of ten thousand Moslems that Serbs were supposed to have imprisoned on a soccer field. I find that puzzling. I did not see any stadium in Bratunac. Can you really believe that a village of five thousand inhabitants would have a stadium capable of accommodating ten thousand people?”

Later in Bratunac there were supposed to have been executions at a sports field and in a school. Just last week, on Monday, the Serbs are said to have executed 1,600 people. The Dutch battalion doctor says that he saw none of that: “Everybody talks about it, but nobody is offering any hard evidence”.

After the fall of Srebrenica, the Serbs sent Schouten to Bratunac hospital with some gravely wounded Moslem soldiers. He says that Serbs did not obstruct him in any way. If there was any killing by the Serbs, that was a well kept secret. “I do not believe in that at all. After the fall of Srebrenica, on 13<sup>th</sup> July, I arrived in Bratunac and remained there for eight days. During that time, I was able to go wherever I wanted. I had every assistance, and nobody was in my way.

„Besides, it is impossible to transport ten thousand men without anybody noticing it. You need at least two hundred busses for that and that would have created a huge column. And they would have had to drive by us without the Dutch soldiers noticing it”.<sup>15</sup>

6. There is another similar item which invites a measure of doubt with respect to many of the elements of the official narrative about Srebrenica. It is a United Nations document generated on 24 July, 1995, shortly after the events it refers to. The document carried the ICTY EDS designation R 002 1272. Its official title is: *Debrief of UNMOS from the Srebrenica enclave*. It is the debriefing of three UN military observers in the enclave of Srebrenica, from the Netherlands, Ghana, and Kenya. In par. 2 of the document it says that the observations of the three debriefed witnesses were so close that they could be combined in a single narrative describing the fall of the enclave and the events that ensued thereafter.

It would indeed be beneficial to read the entire document and then compare it critically to the description of the same events in the judgments of the Hague tribunal, notably in the *Krstić* case. The unavoidable impression is that UN military observers, who were on the spot, and ICTY judges, who were not,

<sup>15</sup> *Het Parool* (Amsterdam), 27 July, 1995: Arts: “Geen bewijs genocide”

are referring to two entirely different locations and events. Par. 28 of the documents vividly reflects that difference in perspective:

„28. There were no armed men amongst the refugees. The rumour was that they were trying to fight their way out via the Bandera triangle and between OP [Observation Points] ‘M’ and OP ‘N’ to Tuzla. There was a suggestion that they would try to take BSA [Bosnian Serb Army] hostages in order to get out. The UNMO [UN Observer Mission personnel] were with the refugees for 24 hrs a day and knew nothing about the reports of the killing of men of military age. Single gun shots were heard but there was nothing to suggest they were from executions. A group of Dutch soldiers said that on the first night that the men were taken they saw 9 men taken behind a house and then heard shots and the men never came back, however, on investigation there were no bodies or signs of execution“.

Those who had taken the trouble to read the judgment in the *Krstić* case will have noted the abundance of fantastic details provided by prosecution witnesses who seem to have been well coached by the Moslem intelligence service AID for that purpose. The *Krstić* chamber uncritically accepted their statements [see, for instance, paragraphs 43 and 44 of the trial judgment] and uses them as building blocks for its further factual and legal findings. The difference between those bombastic stories and the professional report of foreign observers, who were under no obligation to shape their impressions to fit the needs of one side or the other, is drastic. It is difficult to conceive that widespread murders could have occurred in the way and of the scope alleged by domestic witnesses without neutral foreign observers being able to notice them.

7. There is also another closely related issue which is so logical and obvious that this may have been the reason that almost everybody has missed it: Why would the Republic of Srpska waste its resources on the mass execution of thousands of Moslem prisoners if they would have been incomparably more useful as bargaining chips for prisoner exchange? The trial chamber in *Krstić*, it should be noted, did recognise this absurdity but it did not elaborate on the subject, nor did it attempt to analyse its logical implications:

The decision to execute these Bosnian Muslim men is unfathomable in military terms...As Mr. Richard Butler, the prosecution military expert, has pointed out: “...it is hard to envision a better bargaining chip in dealing with the political authorities of...the BiH government and the International Community than having 10,000 to 15,000 Muslim men in the middle of Potočari in a legitimate prisoner of war facility under the control or under the supervision of ... the UN troops that were there and ICRC [International Committee of the Red Cross]”.<sup>16</sup>

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<sup>16</sup> Trial judgment, *Prosecutor v. Krstić*, par. 70. Butler has recently restated this view while testifying in *Prosecutor v. Pelemiš et al.*, X-KR-08/602, 22 March 2010.

Only clear and compelling evidence of genocidal intent — lacking so far — would suffice to explain such strangely impractical conduct on the part of the Bosnian Serbs.

8. If we view the Srebrenica operation from the standpoint that the Serbian side initiated it with the intent of destroying Moslems within the enclave as such, the military plan for the operation would strike us as very odd. The thrust of the Serbian attack was from the south, roughly in the shape of a horseshoe, which left the potential victims several open corridors to withdraw.<sup>17</sup> Assuming that a plan for the destruction of their adversaries had been formulated in advance, it is probable that the attackers would have acted more logically by tightly surrounding their opponents' territory and thus denying them all possibility of escape.

9. The absence of psychological prerequisites of genocide is also notable, if — as Luis Moreno Ocampo, chief prosecutor of the International Criminal Court at The Hague<sup>18</sup> correctly described it — genocide is “primarily a crime of intention.”<sup>19</sup> Quite possibly the chamber in *Krstić* was operating with a questionable conceptual framework when it assumed the position that „the existence of a plan or policy is not a legal ingredient of the [genocide] crime.“<sup>20</sup> If there was no such plan or policy, what is the basis for the suggestion that genocide was committed in Srebrenica? If actions which allegedly resulted in genocide occurred fortuitously, where is the necessary element of intent? In par. 26 of the *Krstić* appellate judgment it is stated: „The main evidence underlying the trial chamber's conclusion that the VRS forces intended to eliminate all the Bosnian Moslems of Srebrenica was the massacre by the VRS of all men of military age from that community.“ The evidence at the beginning of this chapter by Bosnian Moslems of Srebrenica of military age who would have been massacred by the VRS if the chamber's sweeping conclusion were correct, but were not, is sufficient commentary on the court's reasoning. But if at the highest levels of Republic of Srpska political and military leadership genocidal intent nevertheless existed, how does the fact that they refrained from carrying it out ten days later, when taking over the neighbouring enclave of Žepa, combine with this scenario? The *Krstić* chamber located the inception of the Srebrenica genocidal plan at a meeting of Serbian military and political leaders at the Hotel Fontana in Bratunac in the pre-noon hours of 12 July, 1995, although it admits that it lacks firm evidence for its hypothesis.<sup>21</sup> Was the genocidal intent which was formu-

<sup>17</sup> This is a fact that was also noted in the report of UN military observer Maj. P.H.D. Wright, dated 26 July, 1995, forwarded to commands in Zagreb and Sarajevo. EDS: R0050422.

<sup>18</sup> ICC (International Criminal Court, should not be confused with ICTY or the International Court of Justice, which deals with legal issues between sovereign states.

<sup>19</sup> <http://www.sudantribune.com/spip.php?article27898> .

<sup>20</sup> Appellate judgment, *Prosecutor v. Krstić*, par. 225.

<sup>21</sup> See *Prosecutor v. Krstić* , par. 126–134 and par. 573 of the trial judgment and par. 84, 85 and 91 of the appellate judgment for the way the chambers treat the Fontana Hotel gatherings on 11



lated at the hotel at that time just a passing mood which lasted but a few days? That is a proper question because it seems that soon after that, as they departed for Žepa, the *dolus specialis* of genocide left the Serbs' minds and was replaced by routine patterns of military conduct more or less in line with the provisions of the international laws and customs of war.

In fact, the systematically ignored or downplayed issue of Žepa is highly relevant to the existence and implementation of the intent to wipe out the Moslem community, even if it is restricted in terms of territory, time span, and category ["all men of military age"].<sup>22</sup> The uncontested return to normal patterns of warfare at Žepa as of 25 July, and the Prosecution military expert Butler's difficulties in identifying the point when exactly the departure from those patterns occurred after the takeover of Srebrenica on 11 July, frames the events which are said to constitute the Srebrenica genocidal interlude. Such an abrupt descent into genocide, and equally abrupt abandonment of its practice, is very odd, to say the least.

The ignoring of Žepa, which is separated from the events in and around Srebrenica by only a few days and a dozen or so kilometers, can be understood only as part of a strategy to exclude from consideration — and from the public's purview — all elements which undermine the univocal portrayal of those events, although from the strategic and most other points of view those events actually constitute an integral whole. The following report by Chris Hedges in *The New York Times*, published after the takeover of Žepa in late July of 1995, illustrates the need for a holistic approach to these interconnected events:

The wounded troops were left behind, and when the Bosnian Serbs overran the town on Tuesday, the wounded were taken to Sarajevo for treatment at Kosevo Hospital. Many of them had begun their journey in Srebrenica, and fled into the hills when that "safe area" fell to the Bosnian Serbs on July 11. These men did not make it to Tuzla, where most of the refugees ended up, but became the defenders of Žepa instead. 'Some 350 of us managed to fight our way out of Srebrenica and make it into Žepa,' said Sadik Ahmetovic, 25, one of 151 people evacuated to Sarajevo for treatment today... They said they had not been mistreated by their Serb captors. "Everything was very correct," said Mr. Ahmetovic.<sup>23</sup>

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and 12 July, 1995. Par. 573 of the trial judgment is a typical example of how the chamber draws a preordained conclusion without regard to whether it is supported by clear factual evidence: „The Trial Chamber is unable to determine the precise date on which the decision to kill all military age men was taken. Hence it cannot find that the killings committed in Potočari on 12 and 13 July 1995 formed part of the plan to kill all the military aged men. Nevertheless, the Trial Chamber is confident that the mass executions and other killings committed from 13 July onward were part of this plan". If it is to be a credible judgment, at least with respect to key elements, how can "confidence" replace clear evidence? Is this not but another example of the drawing of *n'import quoi* conclusions?

<sup>22</sup> We will sidestep the controversy whether the concept of "municipal" genocide or genocide with similar restrictions, calculated to facilitate the Prosecution's task, makes any sense at all. The notion of "municipal genocide" was developed by some Srebrenica genocide advocates to try to get around the fact that obviously, whatever it was, it was not country-wide. International law does not recognize such a restrictive concept of genocide, but once you introduce it, you can also talk about neighborhood or even street "genocide".

The assistance extended by Serbian forces to this large group of wounded Bosnian Moslem prisoners from Žepa to reach safety and obtain medical treatment in Sarajevo is noted also in a US diplomatic cable:

According to IRC's [International Red Cross] head of office for B-H and UNHCR's public information office, 150 of Žepa's wounded civilians were transported to Sarajevo on July 26, while approximately 1,400 other residents were transported on Serbian busses to Kladanj.<sup>24</sup>

10. This series of fundamental questions about the riddle of Srebrenica would remain incomplete without reference to the enigmatic evidence of General Philippe Morillon, UNPROFOR commander in Sarajevo during much of the Bosnian war:

"...Mladic had entered an ambush in Srebrenica, a trap in fact. He expected to find resistance, but there was none. He did not expect the massacre to occur but he completely underestimated the amount of hatred that accrued. I do not believe that he ordered the massacres, but I don't know. That is my personal opinion".<sup>25</sup>

It is at that moment that the representative of the French government, who was in the court room as the general was testifying in the trial of Slobodan Milošević, asked for the trial to switch to closed session. At a later point, the presiding judge asked Morillon to comment on a statement he made before a committee of the French parliament which was conducting an inquiry into the events of Srebrenica. The statement was as follows:

„I was convinced that the population of Srebrenica was the victim of a higher interest, of a state reason, a *raison d'état*, but this higher interest was located in Sarajevo and New York but certainly not in Paris“.<sup>26</sup>

General Morillon's response was significant. After the view he expressed to the French parliamentary commission was read back to him before the ICTY trial chamber, he confirmed that it was still his position. But even more significantly, shortly thereafter the chamber decided to abandon this fascinating line of inquiry and to move on to other, obviously safer and less sensitive topics.<sup>27</sup>

**The need for a more nuanced picture.** The material which relates to (1) Moslem soldiers who were captured during the critical week of 12 to 19 July,

<sup>23</sup> Chris Hedges, "Bosnia Troops Cite Gassings At Žepa", *New York Times*, July 27, 1995. This news dispatch speaks eloquently to the issue of the Bosnian Serb army's *dolus specialis* in July of 1995.

<sup>24</sup> US Embassy in Zagreb dispatch, DDA576 271627Z /38.

<sup>25</sup> *Prosecutor v. Milošević*, p. 32029.

<sup>26</sup> *Ibid.*, p. 32029.

<sup>27</sup> Clever readers will have noted the amazing similarity between Gen. Morillon's allusions concerning the background of Srebrenica events and statements made by Ibran Mustafić with regard to the same issue.

1995, and then were treated properly as prisoners of war, and (2) wounded Moslems who were captured and then given proper medical attention in accordance with wartime laws and customs and then were transferred to prisoner of war camps and later exchanged, was never before systematically considered nor was it ever properly reviewed and assessed in any Srebrenica-related trial. But it is very critical in reaching sound legal conclusions about the nature of those events. In the absence of a “Srebrenica smoking gun,” various Srebrenica chambers would keep repeating the mantra that the court was composed of eminent professionals and was therefore qualified to connect heterogeneous and sometimes contradictory facts in a coherent whole and thus, on the basis of purely circumstantial evidence, reach reliable conclusions on matters of great weight. But this comforting concept can be stretched only so much before it breaks down. In the general genocidal picture which the Hague tribunal has constructed, the percipient witness/participant statements are a fly in the ointment. They detract from the seamless coherence of the whole but they must somehow be integrated into the institutionalized picture if it is to survive intact in its original form. Unless they are credibly explained, these testimonies raise serious questions not only about the integrity of the standard picture of Srebrenica events but also of that picture’s creators and promoters.

Here is why. If we accept ICTY’s official position that on 11 July, 1995, at a meeting of Serbian military and civilian leaders at the Fontana Hotel in Bratunac<sup>28</sup> it was agreed that all captured Moslems would be executed, then what we would expect to happen would be the following: (a) That decision of the leadership would be passed down the chain of command, and (b) subordinates in the field would be obliged to implement it.<sup>29</sup>

Any significant departure from this natural and expected result, in terms of implementing the decision made at higher levels, casts doubt on the entire con-

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<sup>28</sup> Readers will not miss the sad lack of creativity on the part of the Prosecution of the Hague Tribunal. Unable to fix the manner, place, and time of the inception of the “joint criminal enterprise” to annihilate Srebrenica Moslems, the Prosecution has proposed the Fontana Hotel meeting as a sort of Serbian equivalent of the Wannsee Conference in 1942 where Hitler and his staff took the decision to exterminate European Jews. The appellate chamber in *Krstić* admits that it lacks concrete evidence of what was discussed at the meeting (par. 91: „it is reasonable to infer...“), but it believes that in light of all the circumstances the opportunity was ideal to formulate the plan for the “genocidal operation,” so it proceeds on the theory that this is what actually happened. (*Prosecutor v. Krstić*, appellate judgment, par. 91–94.) The chamber’s neat parallel is spoiled only by the fact that in the case of Wannsee we know who was in attendance, the agenda, and the decisions, all of which are missing in the case of Hotel Fontana. The Tribunal’s inability — 15 years after the fact — to assign intellectual authorship to Srebrenica “genocide” or to give a reasonable account of the idea’s inception is reflected in its subterfuges. The latest was in the *Popović et al.* judgment, par. 1072: “This plan emanated from the highest echelons of the VRS Main Staff, including Mladić, the Commander of the VRS.” Genocides are organized by people with identities, not by anonymous “echelons”.

<sup>29</sup> During the ongoing *Karadžić* trial, former UNPROFOR commander Gen. Michael Rose was asked by ICTY prosecutor Carolyn Edgerton for his assessment of the accused Karadžić’s level of control over the Bosnian Serb army. “I would say it was absolute,” was Gen. Rose’s reply. <http://www.sense-agency.com/en/stream.php?sta=3&pid=16322&kat=3> Karadžić was president of the Republic of Srpska and commander-in-chief of its armed forces.

struct of Srebrenica events, makes it dubious that such a decision was ever taken, and renders questionable the way Srebrenica events in general are depicted in ICTY indictments and judgments.

The only way for the military and civil authorities of the Republic of Srpska to act after allegedly taking the decision to destroy Srebrenica Moslems, in particular during the period that we call the “critical week” from 12 to 19 July, 1995, the only *modus operandi* compatible with the official thesis that such a decision existed, would have been to apprehend and execute every captured Moslem on the spot or to take him to a place reserved for mass executions. If there is evidence that this did not happen, the official thesis is in trouble and its advocates must offer a rational explanation for the departure from the expected outcome.

The facts outlined here not only suggest that no policy of indiscriminate killing of Moslem prisoners existed, nor was such a policy implemented, but also something beyond that, which casts additional doubt upon the credibility of the official thesis. Numerous Moslem prisoners were processed regularly and in accordance with the laws and customs of war precisely in this period; they were registered with the Red Cross, and transferred to prisoner of war camps. In numerous cases, and precisely during the period when peremptory executions should have been the norm, wounded Moslem prisoners were given medical attention in Serbian medical facilities.<sup>30</sup> In one such case, an officer of the Bratunac Brigade ordered armed guards to protect these wounded prisoners from infuriated Serbian civilians who were clamoring for revenge.<sup>31</sup> In another case, the captured Moslem was interrogated and then allowed to cross over into the territory controlled by his armed forces; that was accomplished by the VRS clearing his path through the minefield.<sup>32</sup> Finally, there is the unusual case of the unsuccessful suicide who was removed by Serbian soldiers from the gallows that he had improvised for himself, sent for medical treatment where he recovered, ended up in a prisoner of war camp, and was ultimately exchanged.<sup>33</sup> On the assumption that a plan for the mass murder of Moslems existed, Serbian forces would have had no reason to remove him from the gallows nor to expend on his treatment and recovery the resources which could have been placed at the disposal of their own wounded.

If our objective is to offer a responsible analysis of the events in Srebrenica in July of 1995, these statements and facts cannot be glossed over. We

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<sup>30</sup> The trial chamber in Krstic accepts that a certain number of wounded Moslems were treated in Serbian medical facilities after capture, par. 86. The chamber refers to that fact as an “anomaly.” The chamber then goes on to disregard the obvious implications of that “anomaly” in a way that is most bizarre: „It may perhaps be explained, to some degree, as a strategy on the part of the Bosnian Serbs to avoid attracting international suspicion...“ The number of convolutions in this brief sentence (“perhaps,” “some degree”) suggests that even the chamber do not find their own reasoning exceedingly compelling.

<sup>31</sup> See statement by Selimović Sadik, EDS: 03052248 (AID) and 02131234 [OTP].

<sup>32</sup> See statement by Jusupović Azmir, EDS: 00464628 (OTP).

<sup>33</sup> See statement by Kaljević Rifet, EDS: 01185280 (OTP).

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must either incorporate these data into the general picture of those events, even at the price of renouncing the genocide thesis, or we must suppress them because they are incompatible with that thesis. What is really necessary is a broad and nuanced explanation of the complex matrix of events in Srebrenica in July of 1995. To be convincing, that explanation must be capable of withstanding honest scrutiny and it must be capable of encompassing all the elements of a very broad canvass. The one-dimensional thesis about genocide does not satisfy such a need at all.

*Stephen Karganović*



## IX. HOW THE HAGUE TRIBUNAL FABRICATES ITS EVIDENCE

There are at least three important reasons that Srebrenica must be made the subject of relentless critical deconstruction until we are fully satisfied that we have arrived at the truth.

1. *Legal.* The integrity of the international legal system will be seriously compromised if the results reached by political instruments such as ICTY are allowed to stand unchallenged. Acquiescence in its shoddy practices will lower standards generally and it will set a dangerous precedent, emitting the message that international legal institutions are a farce and that they may be instrumentalised with impunity by whoever happens to exert hegemonistic influence in the world at the moment. If the institution that former President Milošević, in his idiosyncratic but in this case unintentionally perfect English, called “the false tribunal” is allowed the benefit of its pretenses, the future of international jurisprudence will not be brilliant. Other, properly constituted international legal organs, which do operate with due regard for the established principles of international jurisprudence, will be tainted by association.

2. *Historical.* When corrupt politics and journalism are reinforced by corrupt jurisprudence, the result — for a period of time at least — is a phony historical record. That phony historical record then serves as the backdrop for phony analyses and tedious moralising about the policy errors that made a horror like Srebrenica possible.<sup>1</sup> There is, of course, not an iota of honesty or sincere self-criticism in that theatrical nonsense.<sup>2</sup> The real purpose of the hypocritical self-flagellation is to create a quasi-moralistic rationale for preemptive and proactive strikes anywhere on earth. This phony rationale allows aggressors to claim that these acts, which are in complete disregard of the norms of international law, are in fact justified because they were undertaken out of a deep commitment to the humanitarian imperative that another “Srebrenica” should never

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<sup>1</sup> *Newsday*, “War criminals in the US,” March 12, 2006: “Last year, on the 10th anniversary of the massacre, British foreign secretary Jack Straw acknowledged the failure and apologized. ‘For it is to the shame of the international community that this evil took place under our noses and we did nothing like enough,’ he said. ‘I bitterly regret this and I am deeply sorry for it.’” Straw atoned for his inaction at Srebrenica in 1995 four years later when he became one of the most aggressive supporters of NATO’s illegal aggression against the Federal Republic of Yugoslavia.

<sup>2</sup> The penitent “statesmen” and public figures engaging in these soul-wrenching exercises of moral theater represent, of course, countries which in recent history have been responsible for the destruction of tribes, nations, and civilizations on a scale far exceeding even the most wildly exaggerated human toll of Srebrenica.

be allowed to occur again. The practical result of this mendacious humanitarian concern, in the background of which are said to lie the “lessons of Srebrenica,” are the slaughter at Fallujah, the torture chambers of Guantanamo, the occupation and destruction of Iraq and the murder of an estimated one million of its inhabitants, and the martyrdom of the people of Afghanistan, to mention just a few examples.<sup>3</sup> Those are just some of the political uses of Srebrenica (as Diana Johnstone would put it) on the global stage. More locally, however, it has another use, as an instrument of political blackmail and moral pressure on a small and brave nation whose refusal to be cooperative upset the timetable of present-day hegemony, just as the reckless defiance of their parents 70 years ago seriously interfered with the plans of the would-be hegemon of that epoch. Srebrenica is the principal moral and political instrument now used to control Serbia’s spineless political elite and to beat the Serbian people systematically into submission. The creation and imposition of a phony historical record of the relevant events is *sine qua non* for the success of that project.

That is the reason why the high priests of the Srebrenica cult keep such a sharp eye out for the slightest stirring of critical thinking, anywhere, about their false construction. They react invariably with the threat that “any attempt at revision of historical facts” concerning Srebrenica is strictly forbidden.<sup>4</sup> One of the mechanisms they use to shore up their dogma is the fabrication of “facts” to suit their propaganda needs. One of the ways that system works will be illustrated here.

3. *Moral.* But of all the cynical abuses of Srebrenica, by far the most outrageous is the moral. It has been used to tar an entire nation with the most repugnant crime that can be committed. A mighty machinery of propaganda, politics, and jurisprudence has been activated for the sole purpose of creating a shameless bluff and then validating it through the interacting political and quasi-legal institutions of a ruthless and predatory world order. The presumed beneficiaries of this moral charade, Bosnian Moslems, are in fact nothing of the sort. Just as the residents of the enclave of Srebrenica were abandoned and betrayed in 1995 by their leadership in Sarajevo in a callous endgame transaction, so Bosnian Moslems as a group

<sup>3</sup> The illegal three-month bombing campaign against the Federal Republic of Yugoslavia in 1999, on the cynical pretext that its purpose was to prevent the imminent genocide of Kosovo Albanians, is another example of criminal conduct which cost many lives and caused much destruction and which also can be directly traced to the “Srebrenica rationale.”

<sup>4</sup> No sooner did the government of the Republic of Srpska, in April of 2010, announce its intention to conduct a comprehensive review of the actual fate of the large category of Srebrenica “missing” who are consistently conflated with the victims of execution in order to get closer to the magic figure of 8,000, than the High Representative in Bosnia, Valentin Incko, reacted with a stern warning that the “repulsive attempt to falsify historical and legal facts in order to deny that what occurred in Srebrenica was genocide” will not be tolerated. See <http://www.balkaninsight.com/en/main/news/27480>. This was, in fact, a classical kneejerk reaction. Incko was provoked to sound off on the subject by the mere possibility that the government might undertake a credible investigation which potentially could undermine the “sacralized” version of Srebrenica events. It mattered little that at that point no investigation had even started and no conclusions had been reached. Where Srebrenica is involved the principles of scholarly methodology and freedom of critical inquiry do not apply; militant medieval dogmatism does.



were manipulated on the global chessboard by their solicitous Western “protectors”, most of them without having a clue about it.<sup>5</sup> The result was incitement to mutual carnage across Bosnia, with particular ferocity in the area of Srebrenica, deeply poisoning relations between neighbors and setting the stage for long-term regional instability which, conveniently, can now be managed only through the intervention of foreign arbitrators. Srebrenica is a multipurpose fabrication.

In sum, the pernicious myth manufactured by the creators of Srebrenica has generated the dangerous precedents of phony jurisprudence, phony history, and a phony international “morality.”

Jurists and informed laymen know that a court’s primary task is to determine the facts. Reliably established facts are the foundation of legal analysis. Without a credible factual matrix, further conclusions are inherently problematic and disputable. The fact-finding process is governed in part by the applicable rules of evidence and also by the customary norms of judicial practice. When evidentiary rules and customary norms prevail the chances are good that the factual matrix established by the court is reliable and that the ultimate conclusions reached by the court will be able to stand up to critical analysis and command respect.

In contrast to regular and non-political tribunals in national jurisdictions, the Hague Tribunal (ICTY) does not confine itself to the simple determination of facts, carried out in the conventional and generally accepted way. When the peculiar tasks and needs of that particular Tribunal are taken into account that is quite understandable. If the Tribunal confined itself to the norms of professional practice, that would pose a genuine threat to the successful completion of its tasks. It is quite possible that the court would be left without even an apparent evidentiary foundation for its preordained conclusions. The Tribunal must therefore resort to a highly irregular approach: often it simply manufactures “facts” to serve its needs. In this manner it plugs holes in its indictments and judgments (and often these holes are numerous and gaping) and it produces an apparent basis for conclusions that were drawn in advance.

We will now consider how this travesty of a legal system operates by focusing on a very significant example. The deafening propaganda about “8,000 executed Bosnian Moslem prisoners” (later redacted into the emotion-packed phrase: 8,000 men and boys) has effectively barred some very basic questions from being considered (or even raised) in a calm and deliberative atmosphere. One of the main issues in this regard is the following: when, where, and how, did Serbian forces capture such a large number of men in order to be able to execute them later? Without a

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<sup>5</sup> The fact that Bosnian Moslems were led into war by their leader Alija Izetbegović on the promise that they would emerge as the dominant element in independent Bosnia and Herzegovina, but in the end they had to settle for under a quarter of the territory and even that in a dysfunctional union with the Croats, says enough about how they have fared in the conflict. And if they have any sense of Islamic solidarity, they should be outraged by the clear cause-and-effect relationship between the phony Srebrenica “genocide” scenario, and the very real slaughter of hundreds of thousands of Muslims in other countries which would have been politically difficult to execute without the humanitarian intervention pretext to which the supposed “lessons of Srebrenica” have contributed significantly.

mass taking of prisoners, subsequent mass executions are not possible. In order to be able to execute 8,000 people, you must have captured them first.

How does the Hague Tribunal solve the prisoner issue? As a practical matter, that means proving in at least a minimally satisfactory way how many prisoners there should have been under the control of Serbian forces before the executions started. In the *Krstić* case trial judgment, which is several hundred pages long, that issue, although central, is dealt with rather laconically, *en passant*, as if it concerned something quite peripheral. The chamber completes its analysis of this issue in just one relatively brief paragraph, 83. If we follow the footnote trail, it turns out that the chamber based its conclusion that there were 6,000 prisoners available to be shot on just four significant sources.

The first of these is Exhibit P 523.27. This is supposed to be an intercepted conversation which suggests that already by July 13<sup>th</sup> Serbian forces had about 6000 Bosnian Moslem prisoners in their custody.

However, the problem with Exhibit P 523.27 (the .27 refers to the number of that particular intercept within the batch) is that it is mentioned only in the trial judgment, but not in the trial transcript. Exhibit P 523 is nowhere to be found in the ICTY database for the *Krstić* case. Nor is there a reference to this document on the list of July 13<sup>th</sup> intercepts.

That leaves open the possibility that this particular exhibit may have been introduced in closed session or under seal. If it had been introduced in open session, the court officer would have called it out and an indication of that would be left in the transcript. In any event, all that really matters is that this document, which allegedly mentions the critical figure of 6,000 prisoners is inaccessible and unverifiable. That is as good as non-existent.

The next evidentiary basis for the *Krstić* chamber's conclusion about the number of prisoners prior to the time when executions started is the testimony of Colonel Franken, deputy commander of the Dutch battalion in the Srebrenica enclave at the time it was seized in July of 1995.

In his April 4, 2000, testimony<sup>6</sup> Franken declared that the figure of 6,000 captured Bosnian Moslems was revealed to him by a certain Serbian major by the name of Janković in a conversation they had on July 14<sup>th</sup>. A bit earlier, Franken stated about that officer that he "appeared to be a major player on the Serbian side."<sup>7</sup> If Major Janković really was such a "major player" as Franken thought he was, he has certainly managed so far to keep a very low profile in the Srebrenica narrative.

Now some important questions need to be raised. Who was, in fact, this Serbian officer Janković and what was the basis for Franken's impression of his importance? What position did the major occupy in order to be privy to such key information? And assuming he was in such a position, as a professional would he have been such a chatterbox as to divulge information of so delicate a nature to a foreign colleague while the operation was still in progress? Finally, the most

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<sup>6</sup> Transcript, p. 2050.

<sup>7</sup> Transcript, p. 2032.

important question of all: Why would the Tribunal be satisfied, concerning a matter of such critical importance to the factual basis of the entire case, to receive through Franken evidence that was manifestly hearsay? Why didn't the Tribunal subpoena Janković to testify in person so that the chamber could hear and assess his evidence at first hand? The Tribunal has all the necessary authority to do that (and in a number of cases it has exercised it). It easily could have issued an order to Janković, on pain of being charged with contempt, to come to the Hague to inform the chamber of the knowledge he may have had concerning the number of captured Bosnian Moslems in the immediate aftermath of the Srebrenica operation. Why did it choose not to use that authority?

Instead, on a key issue the chamber needlessly put its faith in a second-hand account. In its judgment it went on to treat this hearsay allegation as a verified and credible fact.

The next source is the evidence of the Prosecution military expert Richard Butler, presented in the course of his testimony. Through Butler the Prosecution introduced an intercepted conversation of July 18<sup>th</sup>,<sup>8</sup> where the participants mention that between "4,000 and 5,000 prisoners" had "kicked the bucket." The apparent purpose of that evidence was to enhance the impression that the Serbian army must have had a large number of prisoners in its custody, if by July 18th it had managed to execute that many.

It is important to note that in his expert testimony Butler relies on the English translation of this alleged intercept, and that is why the mortal outcome is referred to using the English colloquial phrase "to kick the bucket." A little further on Butler admits that he does not speak Serbo-Croatian (or BHS, the Tribunal's official hybrid language for the former Yugoslavia). Butler said he "assumes" that "kicked the bucket" means the same thing as "executed" because, based on his military experience, "not even close to 4,000 or 5,000 could have been killed in the column between July 14 and 18. I can only assume," Butler continues, "that this refers to male Moslems who were taken to the Zvornik brigade area of responsibility, where they were shot."<sup>9</sup>

It is interesting that several years later, under cross-examination in the *Popović* case, Butler was obliged to modify his position.<sup>10</sup> He admitted at that time that it would be reasonable to suppose that "...between 1,000 and 2,000 Bosnian Moslems might have died in military clashes" the column was involved in. That is a bit closer to the previously "impossible" figures. We also have contemporaneous reports of officials of the UN and other bodies present in the area who generally estimate the likely number of column casualties at around 3,000.<sup>11</sup> That is even closer to the figure of casualties in legitimate combat operations that in the Krstić trial Butler had previously dismissed as "impossible."

<sup>8</sup> Transcript, p. 5205.

<sup>9</sup> Ibid.

<sup>10</sup> *Popović et al*, Transcript, 23 January 2008, p. 20251, lines 6–8.

<sup>11</sup> See United Nations, Sector NE Tuzla, Civil Affairs, 17 July, 1995, p. 2, EDS ICTY database, R0433426; also see EDS ICTY data base, R003–8723; and EDS ICTY database, R043–3424.

So it would appear that the column's casualties were not as minor as the chamber in the *Krstić* case tried to portray them, presumably so that by reducing the number of combat deaths it could inflate the number of alleged execution victims without the total casualty figure seeming completely unrealistic and absurd. But to return for a moment to the English colloquial phrase "to kick the bucket." Although Butler concedes that he does not speak the original language in which the alleged intercepted conversation that he is analyzing was conducted, he does go on to attribute a very specific significance to it. In the interpretation that, in his capacity as an expert, he offered to the court he claimed quite conclusively that in expressing themselves as they did the participants could have had only one thing on their minds: executed prisoners, not battle casualties. However, there we encounter two problems.

First, in the Tribunal database there is no Serbian original of this intercepted conversation, either. As a result, persons who do have knowledge of the original language are not in a position to check what was actually said and — in contrast to the linguistically challenged Prosecution "expert" Butler — assess competently the real meaning of this conversation's key terms. In relation to the central issue, the only text of the conversation that is available for evidentiary purposes exists solely in English translation. In other words, we have what conversation participants allegedly said but in a language that they certainly did not use.

In the second place, if only the "expert" Butler — though he does not speak the language of the area which is the subject of his expertise — had a more nuanced sensibility for his own language he should have noticed that it was from the standpoint of English that, under the circumstances, his interpretation to the chamber, made no sense. In English, "to kick the bucket" indeed means to die, but it is with a strong suggestion of illness, old age, or some other natural cause. In any event, anyone who speaks idiomatic English is aware that this phrase does not imply violent death and that it would not commonly be used by native speakers to refer either to combat death or to execution.

It is therefore essential for someone who does speak the local language, which excludes Butler, to read the original transcript of this conversation and to inform the chamber and the public of its real meaning. But, as we have pointed out, in the Tribunal's "transparent" environment this is not possible, because the text of this conversation in the original language is simply unavailable.

Finally, the fourth source for the 6,000 prisoner figure is an alleged intercepted conversation of July 13<sup>th</sup>, 1995.<sup>12</sup> This item is of some interest because it demonstrates the tendentiousness of an ICTY chamber which stops at nothing, no matter how thin the material it has to work with, if only it is remotely useful to corroborate the court's preconceived conclusions.

In this alleged intercepted conversation the participants are designated as X and Y. So in contrast to the mysterious Major Janković, we do not even know

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<sup>12</sup> EDS: 01043225. See Annex 9.1.

their names. For this reason it is not even possible to order them to appear in court to testify under oath concerning the substance of the conversation that is attributed to them. Since we do not know who they were or their rank, there is also no way to assess whether or not they were even in a position to know the things that they are allegedly talking about. (The last point is of huge importance because it would have been raised insistently by the defence and considered sympathetically by a professional chamber in every court worthy of the name.) We do not even know whether X and Y ever existed. Nevertheless, according to the Prosecution, and this is something that the Krstić chamber readily accepts, two anonymous figures, X and Y, conducted a conversation at 5:30 p.m. on July 13th, 1995, during which Y informed X that at each of three different locations there were “about 1,500 to 2,000” prisoners, or a total of “about 6,000.”

A brief but relevant digression will assist us in understanding better the Tribunal’s game. Why do they need to show that Serbian forces had “about 6000” Moslem prisoners in their custody around 5:30 p.m. on July 13th? Because that was practically the last moment when mass capture of Moslem prisoners was still possible. The column, let us recall, departed from the village of Šušnjari in the enclave of Srebrenica in the late night of July 11<sup>th</sup>, 1995, and at that time it is reliably estimated to have consisted of 12,000 to 15,000 partly armed men. In the evening of July 13th the bulk of that column had already crossed the Bratunac — Konjević Polje road and was moving along mountain trails toward Moslem-held Tuzla. From that point on, numerous combat engagements took place in ambushes set by Serbian forces, but based on the statements of surviving members of the column, beyond that point, except for the capture of individuals and small groups, there were no mass surrenders to the Serbian army. If there was any large-scale taking of Moslem prisoners by the Serbs, given the circumstances and the configuration of the terrain, that was most likely to happen between Šušnjari and Konjević Polje, i.e. by the afternoon of July 13<sup>th</sup>. So the Tribunal is crafting its “evidence” accordingly.

But even so, the proffered conversation of two anonymous individuals does not entirely support the ideal interpretation that the Prosecution and the chamber would attribute to it. Each of the three locations where prisoners were allegedly being held is supposed to have contained a range of 1,500 to 2,000 men. If for some reason the chamber were inclined to credit this evidence of two nameless interlocutors, it still had the alternative of selecting the lower estimate for each location, which would have given a total not of six but of 4,500 prisoners. In this way, even if it erred the chamber would have acted responsibly and with caution. However, the court was working very hard to fulfill the 8,000 victim quota. It therefore had to opt for the maximum number of prisoners so that the alleged number of execution victims would seem credible. Accordingly, the chamber selected and combined those figures which were most in tune with its own concept. It is clearly a result-driven process.

But the concept is unsustainable not just because it depends on evidence that is inherently flawed but also because the entire narrative of how the event is supposed to have unfolded is fundamentally illogical. It is highly improbable

that the mere 1,500 Serbian soldiers who took part in the Srebrenica operation should have easily and quickly managed to take 6000 Bosnian Moslem prisoners from the mass of 12,000 to 15,000 partially armed men who constituted the re-treating column.<sup>13</sup> Furthermore, if as the official story claims the Moslems decided to break out of the enclave and to march to Tuzla because they had a well-founded fear that upon capture their Serbian enemies would slaughter them, why would they surrender to their potential executioners *en masse*, and do so only a few kilometers from their point of departure? If they contemplated surrender, would it not have made more sense for them to have done it in Srebrenica on July 11<sup>th</sup> instead of pointlessly assembling in Šušnjari to attempt a breakout, only to surrender a short distance of a few kilometers down the road?

In the *Krstić* case, which is accepted as the foundation stone of Tribunal jurisprudence with regard to Srebrenica, and where the legal finding of genocide makes its first appearance, the trial chamber claims in its judgment that based on the careful review of several sources it came to the conclusion that already by July 13<sup>th</sup> Serbian forces had in their custody about 6,000 Bosnian Moslem prisoners. If correct, that view would have made the crime that is attributed to the Serbian side technically feasible. Therein lies the critical significance of this figure. The 6,000 prisoners constitute the human reserve whence the victims of execution are drawn.

Our analysis of this segment of the trial judgment in *Krstić* does not suggest that no prisoners were taken by the Serbs. But the key question is: how many? For the claim of the alleged execution of 8,000 prisoners to be credible, a very large number of captives must have been taken. About 6,000 would sound right for the rest of the story to make sense.<sup>14</sup> The burden of proof, *onus probandi*, as always in similar circumstances rests on the party which is trying to demonstrate a thesis. In this case, it is on those who claim that there were approximately as many captured prisoners as there were alleged victims of execution. We just saw the seriousness and professionalism which the Hague Tribunal invested into that issue, and in a case whose paramount conclusion — genocide — is by no means trivial.

This illustration of evidence management and outright fabrication is paradigmatic of the general way the Hague Tribunal works. But if we wish to confine ourselves to nothing more than just the *Krstić* case, from which this illustration is drawn, that alone ought to be quite illuminating. It illustrates not just the mechanism which the Tribunal employs to plug the holes in its evidence but also its *modus operandi*. That marks one of the essential differences that distinguish the Hague Tribunal from a proper court.

*Stephen Karganović*

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<sup>13</sup> Major Franken, deputy commander of the Dutch battalion in Srebrenica in July of 1995, estimates that about 50% of column members were “probably armed”. *Prosecutor v. Krstić*, Transcript, p. 2029.

<sup>14</sup> The difference of about 2,000 between the alleged number of prisoners (6,000) and the official figure of 8,000 execution victims should not cause undue confusion. The Prosecution claims that, in addition to organized executions, there occurred also a number of so-called “opportunistic killings” which ought to cover the discrepancy.

## X. THE U.S. MEDIA COVERAGE OF SREBRENICA

By the time of the “Srebrenica massacre” in July 1995 the U.S. (and British) media had already adopted what was effectively a party line on the Bosnian and other conflicts in the Balkans, according to which the Serbs were aggressors engaged in “ethnic cleansing” in the interest of a “Greater Serbia.” This gravitation to a party line is a familiar process in the Western media, which pride themselves on their freedom, yet often behave in a manner that fits the Western model of how media behave in a totalitarian system. Without coercion, the dominant media quickly demonize an officially targeted enemy’s leaders, use frames that support this demonization process, depend heavily on official claims, and fail to look for or report incompatible and inconvenient information. This was clearly evident in the media’s performance in the run-up to the U.S.-British invasion of Iraq in 2003, where the supposedly free and independent media swallowed the false claims about Saddam Hussein’s “weapons of mass destruction” and “threat,” which served well the propaganda needs of the war-makers.

It was equally true of the media’s treatment of Bosnia and related issues. The U.S. Secretary of State had named the Serbs the enemies and targets in December 1992, calling for a tribunal to deal with their villainy. The ICTY was organized shortly thereafter and has followed the U.S. remit, going almost uniformly after Serbs and clearly and sometimes openly serving a political role.<sup>1</sup> Canadian law professor Michael Mandel has shown that the work of the ICTY was hostile to peace-making; instead, under the guise of seeking “justice” its function was to serve as an instrument of NATO’s dismantlement of Yugoslavia (and ex-post justification for NATO’s wars)<sup>2</sup> Despite the clear evidence of this political role, the media have invariably taken the ICTY’s work and claims as reflecting a genuine search for justice.<sup>3</sup>

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<sup>1</sup> For illustrations, see Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), p. 117, pp. 214–216. Tribunal judge Antonio Cassese famously bragged that an ICTY indictment had prevented Radovan Karadzic and Ratko Mladic from participating in the 1995 Dayton negotiations: “Let us see who will sit down at the negotiating table now with a man accused of genocide,” Cassese told *L’Unita* newspaper. Antonio Cassese’s interview with *L’Unita* was reported in “Karadzic a Pariah, Says War Crimes Tribunal Chief,” ANP English News Bulletin, July 27, 1995.

<sup>2</sup> Mandel, *How America Gets Away With Murder*, pp. 124–146. Also see John Laughland, *Travesty: The Trial of Slobodan Milošević and the Corruption of International Justice* (Ann Arbor, MI: Pluto Press, 2007), *passim*.

<sup>3</sup> For an exemplary illustration, see the study of the work of Marlise Simons, the chief *New York Times* reporter during the Milošević trial, in Edward S. Herman and David Peterson, “The New York Times on the Yugoslavia Tribunal: A Study in Total Propaganda Service,” ColdType, 2004, <<http://www.coldtype.net/Assets.04/Essays.04/YugoTrib.pdf>>.

The U.S. (and British) media jumped on the war bandwagon early, and have maintained their self-righteous and party-line positions up to the present. This has always entailed a high gullibility quotient. For example, Bosnian Muslim officials claimed 200,000 Bosnian Muslim deaths as early as December 1992, and the media accepted this and other very problematic claims and spoke regularly about an ongoing “genocide.” U.S. journalist David Rieff even asserted that the “genocide” of Bosnian Muslims had been “almost completed” by 1994.<sup>4</sup> It was therefore very awkward for the U.S. (and British) mainstream media when researchers Ewa Tabeau and Jakub Bijak, of the Demographic Unit of the ICTY, and Mirsad Tokača of the Sarajevo-based Research and Documentation Center, in 2005-06, independently produced estimates of the total Bosnian war dead on all sides—including both civilians and soldiers—as approximately 100,000.<sup>5</sup>

The mainstream media of the United States (and Britain) were very reluctant to absorb this new information, which ran counter to their established beliefs; commentators even adopted the widespread use of the term “revisionism” to describe new facts and interpretations that ran counter to the party line and that they were unable to absorb. A study of 14 English-language newspapers showed that through May 2007 only once did a paper mention the names of the authors of these two studies.<sup>6</sup> Equally interesting, a study of the Bosnian death toll being reported in the mainstream media after the death of Milošević in 2006 found that the inflated figure of 200,000 (or higher) was used in 202 items, versus only 13 using the revised establishment figure of 100,000. In the U.S. media the ratio was 76 to 2 in favor of the obsolete higher figures that better fitted media biases.<sup>7</sup> “Journalists of attachment” like *The Guardian*’s Ed Vulliamy and *The Nation Magazine*’s Ian Williams have never abandoned the 200,000 or more deaths, or ever bothered to discuss the lower value fixed by Tabeau-Bijak and Tokača.<sup>8</sup> In an appearance on PBS’s Charlie Rose Show in June 2007, Carla Del Ponte claimed 300,000 civilian deaths in Bosnia, Croatia and Kosovo, all attributable to Milošević. She was not challenged on this or anything else by the deferential host. In the United States anything negative can be said about an enemy target without fear of contradiction in the mainstream media.

This is clear as regards the treatment of Srebrenica. In July 1995 the Bosnian Muslims and United States needed a massacre to justify intensified U.S. and NATO intervention, and the United States needed a propaganda cover for

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<sup>4</sup> David Rieff, *Slaughterhouse: Bosnia and the Failure of the West*, 2nd Ed. (New York: Simon & Schuster, 1996), p. 12.

<sup>5</sup> Ewa Tabeau and Jakub Bijak, “War-related Deaths in the 1992–1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results,” *European Journal of Population*, Volume 21, June, 2005, 187–215; and see Patrick Ball *et al.*, *Bosnian Book of the Dead: Assessment of the Database* (Sarajevo: Research and Documentation Center, June, 2007).

<sup>6</sup> This single citation was in the London *Independent*. For details on the study of this media coverage, see Edward S. Herman and David Peterson, “The Dismantling of Yugoslavia,” *Monthly Review*, October 2007, pp. 25–26, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.

<sup>7</sup> Herman and Peterson, “The Dismantling of Yugoslavia,” pp. 25–26.

<sup>8</sup> Herman and Peterson, “The Dismantling of Yugoslavia,” pp. 23–24, p. 44.



the U.S.-supported Croatian ethnic cleansing of Serbs in Krajina the following month. The “journalism of attachment” did an outstanding job in cooperating with this propaganda campaign, helped along by the ICTY, just as both would do several years later in making the “Račak massacre” a propaganda cover for the initiation of the NATO bombing war of March-June 1999.<sup>9</sup> The Srebrenica massacre claims were helped by the fact that the International Red Cross quickly reported 8,000 “missing” from Srebrenica, comprising 3,000 allegedly captured by the Serbs and 5,000 who had fled Srebrenica before the July 11 occupation and were unaccounted for. This was quickly transformed into 8,000 “executed,” on no substantial basis whatsoever, as it ignored that as many as 2,000 Bosnian Muslim soldiers who fled were killed in the fighting, large numbers got through Serb lines and reached Tuzla, and that hundreds fleeing Srebrenica made it to Serbia.

In November 2003 the chief ICTY forensic investigator reported that 2570 bodies had been found in the Srebrenica area graves between 1996 and 2001, most neither identified nor shown to have been executed.<sup>10</sup> Witness evidence on executions was extremely problematic.<sup>11</sup> On August 10, 1995 Madeline Albright showed the Security Council photos of areas near Srebrenica, one displaying a large group of assembled people (prisoners?), another showing a cleared area where the ground was disturbed. These photos were not available for public examination, and neither these nor any others showed killing, dead bodies, or the burial or transport of dead bodies. Albright warned the Serbs that “we will be watching,” but nothing more was made public based on this watching in later years. However, reporter David Rhode did visit the area in mid-August 1995 and saw a single exposed limb from a dead body, from which he and the media inferred the probable truth of the claim of a great massacre. Similarly, in early June 2005 a video was introduced at an ICTY proceeding that purportedly showed Serbs executing six Bosnian Muslims. Here again, although the authenticity of this video was problematic, the mainstream media not only gave it huge publicity, they allowed it to be serious evidence of the claims of 8,000 executed at Srebrenica.<sup>12</sup> On the other hand, when Bosnian Muslim Srebrenica leader Naser Orić showed Western journalists videos he had taken of killed and beheaded Serbs, and bragged about an episode in which he had killed 114 Serbs in

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<sup>9</sup> See the study of Račak as a “Mythical Bloodbath,” in Edward S. Herman and David Peterson, *The Politics of Genocide* (New York: Monthly Review, 2010), pp. 95–101, <<http://monthlyreview.org/books/politicsofgenocide.php>>.

<sup>10</sup> “The total number of individuals located in the Srebrenica mass grave sites exhumed between 1996 and 2001 is 2,570.” (Witness Statement—Investigations Team Leader Dean Paul Manning, *Prosecutor v. Slobodan Milošević*, IT-02–54-T, November 24, 2003, para. 59, <[http://www.domovina.net/archive/2003/20031124\\_manning.pdf](http://www.domovina.net/archive/2003/20031124_manning.pdf)>.

<sup>11</sup> On the chief witness, Dražen Erdemović, see Germinal Civikov, *Srebrenica: Der Kronzeuge* (“Srebrenica: The Crown Witness,”) Vienna: Promedia, 2009). Also see Jonathan Rooper, “The Numbers Game,” and George Szamuely, “Securing Evidence: The Misuse of Witness Evidence at the Hague,” Chapters 4 and 5 in Edward S. Herman, ed., *The Srebrenica Massacre: Evidence, Context, Politics* (forthcoming, 2011).

<sup>12</sup> 12. For a discussion of this videotape and its reception, Herman and Peterson, “Dismantling Yugoslavia,” p. 40.

the Srebrenica area,<sup>13</sup> this was of minimal interest to the U.S.-U.K. media, and no large inferences were drawn.

In a study of 95 U.S. print media articles featuring Srebrenica in their titles, published between April 1993 and November 2004, 71 from July 1995 to November 2004, this writer found their main features to be their formulaic character, their uniform adherence to the Western party line, their limited use of sources, and their failure to provide context or ask obvious questions.<sup>14</sup> Twenty one of the 71 from July 1995 and after refer with minor variation to the killings as “the worst massacre in Europe since World War II.” They also soon gravitate to the figure of 7,500–8,500 as the massacre total, and most speak of “men and boys,” although there has never been any evidence of “boys,” as opposed to military-aged men, being found in nearby graves. This same usage extends to the present, including the execution total of (usually) 8,000.<sup>15</sup>

The high initial figure being politically convenient, it was quickly made a “truth” that could not be questioned without drawing the charge of apologetics for genocide. In the 71 U.S. news articles there is not a word of doubt or question about the possible bias in the initial level as a measure of executions, nor is there any call or thought to reconsider in light of the absence of credible confirming evidence. While often stating the usual number of executed and buried (7,500–8,500) as an established fact — one article even has them all in a single mass grave — the reporters very often write that executions or graveside body numbers are “believed to be” very large, or grave sites “could contain” large numbers, or “investigators say” or are “suspicious” that large numbers may be buried or that “executions allegedly occurred” — a stream of speculation from interested parties, but never critiques of such speculation.<sup>16</sup>

There is solid evidence that a large number of Serbs were driven out of Srebrenica in the years 1992–94 and that scores of nearby towns were destroyed and subjected to ethnic cleansing and killings that ran to over a thousand civilians,<sup>17</sup> but in the articles of 1993 and later the phrase ethnic cleansing is absent and the fact of ethnic cleansing of Serbs is barely detectable.<sup>18</sup> Only three articles mention the name Naser Orić, the Bosnian Muslim military leader in Srebrenica, who openly bragged to Western journalists about killing and beheading Serb civilians, but who is treated in these articles as a virtual hero and in one

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<sup>13</sup> For details, Herman and Peterson, “Dismantling Yugoslavia,” pp. 40–41.

<sup>14</sup> The data here are taken from Edward S. Herman, “U.S. Media Coverage of Srebrenica,” Chapter 8 in Herman, ed., *The Srebrenica Massacre*.

<sup>15</sup> The “Srebrenica massacre of 8,000 Muslims” is stated as a simple fact in “US strips citizenship, deports man tied to Bosnian war crimes,” Agence France Presse, June 3, 2010.

<sup>16</sup> Quotes from Herman, “U.S. Media Coverage of Srebrenica,” in Herman, ed., *The Srebrenica Massacre*.

<sup>17</sup> See George Bogdanich, “Prelude to the Capture of Srebrenica,” Chapter 2 in Herman, Ed., *The Srebrenica Massacre*.

<sup>18</sup> Common parlance was that Serb removal was “revenge,” and in the *Washington Post* there was an explicit denial that the Serbs suffered “ethnic cleansing,” a denial left unchallenged. See Herman, “U.S. Media Coverage,” in Herman, Ed., *The Srebrenica Massacre*.

extensive discussion as merely a “tough” guy.<sup>19</sup> The British media actually made him into a “widely praised” truth-teller, a “Robin Hood” who “led the defense of Srebrenica before thousands of Muslim men were massacred.”<sup>20</sup>

This neglect and downplaying of the prior and serious Serb victimization helped make the Bosnian Serb killings of Bosnian Muslim soldiers in July 1995 incomprehensible as vengeance killings and part of a tit-for-tat cycle, and fitted the notion of irrational vengeance and one-sided killing by the forces of evil.

Only two of the 71 articles dealing with the Srebrenica events of 1995 mention the ethnic cleansing of some 250,000 Serbs from Croatia’s Krajina region in August 1995, and only one of the two mentions a possible link to the Srebrenica massacre. Bias is evident here at several levels. For one thing, the sheer lack of interest in this case is enlightening. This was the largest single act of ethnic cleansing in the Balkan wars, yet it is given negligible attention in the United States and in the Western media more generally. The estimates of killings in this operation are uncertain, but run up to 2,500, and the deaths in this case, in contrast with the “Srebrenica massacre,” were largely of civilians, including women and children (not just “men and boys”). It is very possible that more *civilians* were killed in this episode than in Srebrenica in July 1995. This episode is actually celebrated annually in Croatia, in a “Victory and Homeland Thanksgiving Day,” without notice or comment in the West.<sup>21</sup>

Although this massive operation in the Krajina region was carried out in the month after the Srebrenica takeover, and although Madeleine Albright began to focus intensively on the Srebrenica massacre and show satellite photos supporting the Western claims in the very month of the Krajina assault, there is only the vaguest hint in a single article that one function of the outcries over Srebrenica might be to obscure the U.S.-supported massive ethnic cleansing in Krajina. In this respect, as well as others, the U.S. media’s adaptation to U.S. policy was all that U.S. policy-makers could ask.

In six articles there is mention of satellite evidence that the United States presented to the UN in August 1995 giving supposed photo documentation of massacres in July. None of the six quotes Madeleine Albright’s statement in August 1995 that “We will be watching,” which suggests that special attention would be given to providing satellite evidence. None of the six asks obvious questions such as: With an acknowledged interest in providing evidence of Serb executions, why are there no photos of corpses, burials in process, and trucks carrying away several thousand bodies to new grave sites as later alleged? This lack of media interest in satellite-based evidence is especially notable as the media were claiming a “huge Serb effort to hide bodies by moving and reburying them.”<sup>22</sup> They never

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<sup>19</sup> John Pomfret, “Weapons, Cash and Chaos Lend Clout to Srebrenica’s Tough Guy,” *Washington Post*, Feb. 14, 1994.

<sup>20</sup> Cited in Philip Hammond, “The UK Press on Srebrenica,” Chapter 9 in Herman, ed., *The Srebrenica Massacre*.

<sup>21</sup> See Herman and Peterson, “Dismantling Yugoslavia,” pp. 20–22.

<sup>22</sup> David Rhode, “The World Five Years Later,” *New York Times*, July 9, 2000.

ask why the photos have been kept out of public view, or challenge this secrecy. The failure to even raise such questions reflects the gullibility of journalists who know the truth in advance of gathering relevant facts, and who therefore serve as *de facto* propagandists.

In none of the articles is it suggested that the United States and its NATO allies have any interest in the Balkans except as honest brokers and peace-makers pained by ethnic cleansing. They are regularly portrayed as mainly good-hearted but ineffectual bunglers, who failed to recognize evil and intervene with force.

In none of the articles was it ever suggested that the Bosnian Muslims needed a “Srebrenica massacre” to achieve their political aims, and that they played an important role in facilitating the Srebrenica takeover, in assuring some killings, and in helping produce an adequate number massacred. None of the articles mentions the credible report that Clinton told Izetbegović that he needed 5,000 bodies at Srebrenica to obtain NATO military support. None of them mentions the fact that the Bosnian Muslims refused to provide the Red Cross with the names of people who fled Srebrenica and made it to Bosnian Muslim lines, which would have reduced the initially established “missing” total. None of them mention the claims and evidence that Izetbegović and associates were willing to kill or see killed their own civilians and personnel to make political capital. None of them mentions the ease with which a small number of Bosnian Serbs were able to capture Srebrenica in July 1995, and none speculates on the politics of the Bosnian Muslim withdrawal.<sup>23</sup>

Although the articles regularly mention that Srebrenica was declared a “safe area,” and stress both the Bosnian Serb violation of their safety and the UN failure to protect it, they give little or no attention to the fact that the Bosnian Muslims were supposed to have been disarmed in those areas but were not, and in fact carried out regular forays against the nearby Serb towns from those safe retreats. Ignoring this other side of the “safe area” failure helped make the Serb attacks seem even more outrageous.

A repeated theme of the supporters of the Yugoslavia Tribunal and campaigners for retribution for the Srebrenica massacre is that justice is required in order to begin a reconciliation process. This of course is the alleged basis of the insistence that the Bosnian Serbs confess to their crimes at Srebrenica, as well as for the substantial investment in forensics and body counts and identification at Srebrenica. This justice-for-reconciliation demand is very selective: there is no such demand for justice for the Krajina Serb victims or literally thousands of Serb victims in Western Bosnia, only for the Bosnian Muslims. There is also no reason to believe that a one-sided call for justice, with the other side feeling strongly the discrimination, will help reconciliation in any way. Nor is there any reason to believe that reconciliation is the aim of those pushing for Serb confes-

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<sup>23</sup> These issues are discussed in Bogdanich, “Prelude to the Capture of Srebrenica,” and Herman, “Introduction,” Chapter 1 and 2 in Herman, ed., *The Srebrenica Massacre*.

sions and other acts of penance. But the articles examined here repeat this theme without qualification.

In sum, the U.S. media treatment of Srebrenica has lacked minimal journalistic integrity. It has followed a de facto party line, tapped sources that take that line as a given and excluded all others, failed to provide adequate context and is simply unable and unwilling to ask obvious questions and investigate issues that cry out for investigation (like the alleged satellite evidence of killings). Like the U.S. media's news coverage of the Iraq threat of 2002-03, or the Iran threat today, this is propaganda under the guise of news.

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## XI. “THE SREBRENICA MASSACRE”: ANALYSIS OF THE HISTORY AND THE LEGEND

Under pressure from the ICTY tribunal in The Hague and the European Union, Serbia's President Boris Tadić was preparing to submit a resolution to the parliament in Belgrade, asking that the Serbian parliament acknowledge “guilt” for the Bosnian Civil War's “Srebrenica massacre” and declare that this “massacre” constitutes “genocide.”

Subsequently, in an appeal<sup>1</sup> addressed to the Serbian president and parliament, intellectuals from EU nations, the USA and Canada called on President Tadić and the Serbian parliament not to pass this resolution. But the intellectuals' appeal regrettably overlooks two basic facts: 1) It is not for Serbs of Serbia to take on guilt for actions that they themselves have not committed or to declare Bosnian Serbs “guilty”; 2) Evidence that a mass execution of up to 8,000 Muslims following the takeover by Bosnian Serb forces in Srebrenica had ever taken place, has never materialized.

The debate around President Boris Tadić's resolution on Srebrenica has again focused the spotlight on this Bosnian town in the Drina Valley. Inspired by the ad hoc tribunal set up in The Hague to punish (Serb) war crimes during the Bosnian Civil War, the resolution has caused dissention about whether Serbia should plead *mea culpa* and beg forgiveness for the crime supposedly committed nearly 15 years ago.

There are many aspects to this debate. Whereas Rasim Ljajić, Serbia's Labor Minister and President of the National Council for Cooperation with the Hague Tribunal, says that he believes it is “important that the resolution on Srebrenica is adopted for moral and political reason(s),”<sup>2</sup> other parties insist that there be a resolution condemning also the war crimes committed against Serbs.

An appeal to Serbian President Boris Tadić, that was signed by Serbian and foreign intellectuals and subsequently published, demanded that the president reconsider his efforts to put through a parliamentary resolution that “would treat the Srebrenica massacre of July 1995 as a paradigmatic event of the war in Bosnia-Herzegovina and doing so with language that could be interpreted as Serbia's acceptance of responsibility for ‘genocide’.”

The resolution of the Serbian government would have wide-ranging negative effects, not only on Serbia. But the appeal of the intellectuals inadvertently also makes a historical mistake.

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<sup>1</sup> <http://inicijativagis.wordpress.com/?s=appel>

<sup>2</sup> “Parliament preparing two texts on war crimes,” *Blic*, Jan. 12, 2010, <http://english.blic.rs/News/5827/Parliament-preparing-two-texts-on-war-crimes>

It has been nearly 15 years since Srebrenica was handed over to Bosnian Serb forces to make way for a ceasefire accord.<sup>3</sup> Those were 15 years of heavy propaganda about an alleged execution of 7,000 to 8,000 Muslims.

Though the appeal strongly confronts — with very good arguments — the Tadić kowtow, it makes the mistake of opening the backdoor for a similar kowtow later. To date, all those who have claimed that a mass execution had taken place, have been unable to prove it. Yet the appeal gratuitously admits that the alleged mass execution had happened, even seeking — if not to justify — at least to relativize the importance of what they assume to have taken place. The second paragraph of the appeal reads in part:

“The execution of Moslem prisoners in July of 1995, after Bosnian Serb forces took over Srebrenica, was a war crime, but it is by no means a paradigmatic event. The informed public in Western countries knows that, at that time, Serbian forces executed in three days approximately as many Moslems as Moslem forces, raiding surrounding Serbian villages out of Srebrenica, had murdered during the preceding three years.”

Fifteen years ago, there was such a deluge of propaganda that only very few attempted to go back upstream to examine the evidence of a mass execution at the story's source.

If one looks back into the history of the legend of Srebrenica, one will find that the “Srebrenica massacre” has at least six sources of origin.

1. Hakija Meholjić, former president of the (Muslim) Social Democratic Party in Srebrenica, who served as police chief, was one of Srebrenica's delegates in September 1993 to his party's congress in Sarajevo. After the war, in an interview to the journal *Dani*, he recounted what Alija Izetbegović had told his delegation before the congress began: “You know, I [Izetbegović] was offered by [US President Bill] Clinton in April 1993 (...) that [if] the Chetnik forces enter Srebrenica, carry out a slaughter of 5,000 Muslims, (...) there will be a [NATO-US] military intervention.”<sup>4</sup>

Though the Srebrenica delegates turned down the offer, this provides an indication of what was needed to sway Western public opinion into accepting a NATO intervention in the Bosnian Civil War on the Muslim/Croat side against the Serbs. The Clinton and Izetbegović governments already had the idea of a “Srebrenica massacre,” even before Serb forces had marched into Srebrenica, to

<sup>3</sup> In fact, the takeover of Srebrenica was part of a territory/population exchange to prepare for a peace agreement before US elections in 1996. Bosnian Serb forces were to receive Srebrenica, Žepa, and Goražde while Bosnian Muslim forces were to be handed Serb areas of Sarajevo and Bosanska Krajina. This had been the plan. See Interview with Mihailo Marković, Nordland, Rod, “Dayton: The Inside Story” *Newsweek*, February 5, 1996.

<sup>4</sup> Meholjić, Hakija: “5,000 Muslim Lives for Military Intervention”, Interview by Hasan Hadžić in *Dani*, June 22, 1998. (<http://www.ex-yupress.com/dani/dani2.html>) Also mentioned in Paragraph 115 of the Srebrenica Report of the UN Secretary General pursuant to General Assembly resolution 53/35 (1998).



lock Bosnian Serbs into a strategic position where they could only accept terms dictated by the West.

2. August 10, 1995: In the midst of the Croat "Operation Storm" against the Krajina Serb population — the largest ethnic cleansing operation of the period, carried out with US official and mercenary assistance — US Ambassador to the United Nations Madeleine Albright hijacked a closed session of the UN Security Council, which was about to open a discussion on Croatia's "Operation Storm." Albright showed aerial surveillance photos purporting to show that Bosnian Serb troops "committed wide-scale atrocities against Muslim civilians" in the aftermath of the July 12 takeover of Srebrenica. She was not more precise than to say "wide-scale atrocities against Muslim civilians." When *The New York Times* the following day reported on Albright's peep show, the newspaper noted: "Ms. Albright's presentation today came as thousands of Serbian refugees fled their homes after a Croatian military offensive, carried out with tacit American approval, overran an area of Croatia previously held by rebel Serbs."<sup>5</sup>

While making her presentation to the Security Council, Albright was already preparing political and public opinion for the fact that there would be no evidence to back up her claims. She warned: "We will keep watching to see if the Bosnian Serbs try to erase the evidence of what they have done."<sup>6</sup> The question today is, where is all that evidence that Albright was keeping her eye on?

3. August 18, 1995 — also during "Operation Storm" — the *Christian Science Monitor* published an exclusive "eyewitness" account by David Rohde, their young ambitious correspondent working out of Zagreb. He claimed to have been to Srebrenica — "without the permission of rebel Bosnian Serbs, look[ing] into charges by American officials that hundreds, perhaps thousands, of Muslims were killed by the Serbs after they overran two UN-protected 'safe areas.' (...) The visit by this reporter was the first by a western journalist to the sites of alleged atrocities near the former safe areas of Srebrenica and Žepa," alleges the newspaper. In other words, he claims to have gone to Bosnia to confirm what Madeleine Albright had alleged, when she hijacked the Security Council meeting on "Operation Storm."

Journalist and author Peter Brock had long since exposed the methods of work used by western war propagandists, in his excellently researched trail-blazing "Dateline Yugoslavia"<sup>7</sup> report on the degeneration of the news media to become a party to the Bosnian Civil War. In 1993 he wrote: "Reporters tended to foxhole in Sarajevo, Zagreb or Belgrade and depend on their networks of 'string-

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<sup>5</sup> Crossette, Barbara: "U.S. Seeks to Prove Mass Killings"; *New York Times*, August 11, 1995. Contrary to the *New York Times* article, the Krajina was not an area "held by rebel Serbs" but a region where Serbs had been at home for several centuries, in fact longer than Europeans settled North America.

<sup>6</sup> Weiner, Tim: "U.S. Says Serbs May Have Tried To Destroy Massacre Evidence"; *New York Times*, Oct. 30, 1995.

<sup>7</sup> Brock, Peter; "Dateline Yugoslavia: The Partisan Press"; *Foreign Policy*, Number 93, Winter 1993-94, pgs. 152-172.

ers' and outlying contacts. Most arriving correspondents spoke no Serbo-Croatian, and interpreters were often domestic journalists or 'stringers' with established allegiances as well as keen intuitions about what post communist censors in the 'new democracies' in Zagreb and Sarajevo preferred. Reporters began to rely on aggressive government spokespeople — the government Information Ministry in Zagreb soon acquired scores of English-fluent publicists, and the Bosnian government also mobilized scores of handlers for the Western media."<sup>8</sup>

In Rohde's "eyewitness" account there was nothing that indicates that the author had actually been in Srebrenica. The article is illustrated with archive photos. There were no photographs of the things he claimed to have seen. Had Rohde written the article in a hotel room or a bar in Zagreb?

After winning the (politicized) Pulitzer Prize for his "Srebrenica reporting", David Rohde inadvertently admitted in an interview with *Newsweek* magazine (April 23, 1996) that he had not taken a camera to what he claims to have been his first trip to Srebrenica. The ambitious journalist, seeking his big scoop, traveled all the way from Zagreb to Srebrenica to gather proof of mass executions, without a camera?

Two months later, in October 1995, Rohde did go to Srebrenica and was obviously acting so suspiciously that he was arrested by Serb military personnel who, according to Rohde, thought he may have been working for the CIA. The Bosnian Serb authorities seemed more than anxious to send him back west.

In his above-mentioned *Newsweek* interview, he answered that his "biggest disappointment" about his October trip to Srebrenica was the fact that he was captured. "I was very frustrated because the Serbs ended up getting the film I had of these graves, which were the first on-the-ground pictures, pictures of the bones, pictures of the canes taken from old men." He takes a camera to Srebrenica in October and, from what he reports in the interview, acted in a way that would get him arrested. This allowed him to claim that they took his film "evidence".

In his Srebrenica "eyewitness" reports in August and in October 1995 Rohde wrote of "evidence" of large-scale executions, e.g. empty ammunition crates, piles of canes etc., all obviously meant to create an image of systematic mass slaughter reminiscent of Auschwitz.

Given the fact that the ongoing exhumations were not producing evidence that could come any closer to the original claims of mass executions of between 7,000 and 8,000, Rohde too began to cover his tracks by using imprecise "ambushes," "massacres" and "series of ambushes". In his *New York Times* article (Jul. 25, 1998) he began referring to "ambushes and massacres" and 2 years later (*New York Times*, July 9, 2000) he wrote of "a series of ambushes and mass executions." He gave no indication of how many were supposedly killed in warfare — "ambushes" — which is no war crime. The term "massacre" is merely an emotionally charged term that says nothing about the circumstances.

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<sup>8</sup> Ibid, pg. 156–157.

Whereas David Rohde claimed to have found mass graves, other journalist who set out on similar expeditions had different results. Mira Beham, a media analyst, mentioned in her book "Kriegstrommeln" (War Drums) that:

During the months following the fall of Srebrenica, 24 international journalists, among them Mike Wallace of CBS, a BBC team and several CNN journalists, attempted to follow the indications derived from the known US satellite photos and all on-the-spot information about known mass graves — to no avail. The results of their fruitless search were not made public.<sup>9</sup>

Although based in Zagreb during the largest ethnic cleansing operation of the Yugoslav civil wars, David Rohde never published an article on Croatia's "Operation Storm" while it was going on.

4. Srebrenica was handed over July 11, 1995. Two months later on, September 13, the International Committee of the Red Cross issued a press statement which affirmed: "The ICRC's head of operations for Western Europe, Angelo Gnaedinger, visited Pale and Belgrade from 2 to 7 September to obtain information from the Bosnian Serb authorities about the 3,000 persons from Srebrenica, whom witnesses say, were arrested by Bosnian Serb forces. The ICRC has asked for access as soon as possible to all those arrested (so far it has been able to visit only about 200 detainees) and for details of any deaths. The ICRC has also approached the Bosnia-Herzegovina [Muslim] authorities seeking information on some 5,000 individuals who fled Srebrenica, some of whom reached [Muslim-controlled] central Bosnia."<sup>10</sup>

On September 15, when the *New York Times* reported on this ICRC press release, one finds a very different count: "About 8,000 Muslims are missing from Srebrenica, the first of two United Nations-designated 'safe areas' overrun by Bosnian Serb troops in July, the Red Cross said today. (...) Among the missing were 3,000, mostly men, who were seen being arrested by Serbs. After the collapse of Srebrenica, the Red Cross collected 10,000 names of missing people, said Jessica Barry, a spokeswoman. In addition to those arrested, about 5,000 'have simply disappeared,' she said."<sup>11</sup>

Aside from adding the 3,000 Muslim men arrested in Srebrenica upon arrival of the Bosnian-Serb military to the 5,000 Muslim men, reported to have left Srebrenica before the arrival of Bosnian Serb forces, this *New York Times* report makes no mention of the fact that a sizable portion of the 5,000 group had already reached Muslim territory and that the Red Cross was asking the Bosnia-Herzegovina [Muslim] authorities for information about these 5,000.

The *New York Times*, on September 15, had not only distorted the statement of the Red Cross, it had also disregarded what it had printed in its own

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<sup>9</sup> Beham, Mira; "Kriegstrommeln, Medien, Krieg und Politik"; Deutsche Taschenbuch Verlag, Munich (1996) pg. 228.

<sup>10</sup> "Former Yugoslavia: Srebrenica: help for families still awaiting news"; ICRC News 37.

<sup>11</sup> AP; "Conflict in the Balkans; 8,000 Muslims Missing"; *New York Times*, September 15, 1995, p. 8.

pages two months earlier. A few days after the takeover of Srebrenica, the *New York Times* (July 18, 1995) reported: "...some 3,000 to 4,000 Bosnian Muslims, who were considered by UN officials to be missing after the fall of Srebrenica, have made their way through enemy lines to Bosnian government territory."<sup>12</sup> Similarly, the *Times of London* also reported on August 2, 1995, that "thousands of the 'missing' Bosnian Muslim soldiers from Srebrenica, who have been at the centre of reports of possible mass executions by the Serbs, are believed to be safe to the northeast of Tuzla. (...) For the first time yesterday, however, the Red Cross in Geneva said it had heard from sources in Bosnia that up to 2,000 Bosnian Government troops were in an area north of Tuzla. They had made their way there from Srebrenica 'without their families being informed', a spokesman said, adding that it had not been possible to verify the reports because the Bosnian Government refused to allow the Red Cross into the area."<sup>13</sup>

The *New York Times'* distortion of the Red Cross statement combining the 5,000 of the one group and the 3,000 of the other is still today — 15 years later — the official count of 8,000 "missing and therefore presumed dead."

5. Soon after Bosnian Serb forces took over Srebrenica, the Hague Tribunal brought new charges of "crimes against humanity" and "genocide" against the Bosnian Serb leadership, based on the false information spread in the UN Security Council and by the media. For the US government, the main objective was to block these Serb leaders from participating in the peace negotiations in preparation at that time and to pressure them to leave active politics in Bosnia-Herzegovina.

Though the ground was soon to thaw in the spring, allowing exhumations, the prosecution in The Hague was apparently not anxious to exhume the suspected graves, knowing these would not contain enough evidence for "genocide." They needed other trial-worthy evidence of mass executions to make their indictment of the Serb leadership plausible. They were happy to have the "eyewitness" testimony of Dražen Erdemović, a Croat, who served in a Bosnian Serb military unit comprised almost exclusively of non-Serb mercenaries.

In early March 1996, Erdemović, who had fled to Serbia, made contact with correspondents of the (US) ABC-TV station, claiming to have participated in mass executions in the vicinity of Srebrenica as a soldier in the Republika Srpska Army, and asked them to help him "escape to The Hague."<sup>14</sup> He explained that he had participated in the execution of 1,200 Muslim civilians. The

<sup>12</sup> Chris Hedges; "Conflict in the Balkans: In Bosnia, Muslim Refugees Slip Across Serb Lines"; *New York Times*, July 18, 1995, p. 7. The same day, *The Washington Post* reported the number closer to the upper estimate: "About 4,000 Bosnian army soldiers trudged for five days through Serb-held territory to escape from Srebrenica and reach a safe haven in Medjedja." (Pomfret, John; "Bosnian Soldiers Evade Serbs in Trudge to Safety" ; *Washington Post*, July 18, 1995.)

<sup>13</sup> Evans, Michael and Kallenbach, Michael; "'Missing' enclave troops found"; *The Times of London*, August 2, 1995, p. 9.

<sup>14</sup> Klarin, Mirko; "Defendant for the Prosecution: To the Prosecutors, Erdemović is above all a valued witness" ; The Institute of War and Peace Reporting, 1996.

journalists then introduced him to the correspondent of the (French daily) *Le Figaro*, which is credited with breaking this story.

In early March 1996, Erdemović was arrested in Serbia on charges of having participated in mass executions, but by the end of the same month was transferred to the Hague Tribunal. At the time, the media had reported that he had made a deal with the Tribunal prosecution. In exchange for his valuable testimony against the Serb leadership, he was offered the benefit of the "witness for the prosecution" regulation, to be freed from prosecution and have a guarantee of a new life abroad.<sup>15</sup> Of course, the Tribunal denied these reports. Even though Erdemović arrived in The Hague as a witness, the tribunal soon charged him with crimes against humanity for his role in the executions he had described. He was convicted (November 29, 1996), sentenced to 10 years which were later reduced to five and subsequently freed to live under a new identity in a northwestern European country.

Since Erdemović's conviction, the number 1,200 is officially recorded as the number of civilians executed at the Branjevo farm near Pilica (July 16, 1995). Erdemović has repeated this number in one trial after another: July 5, 1996 during the public hearing in The Hague of Pres. Radovan Karadzic and Gen. Ratko Mladić in absentia; again November 19–20, 1996, in his own trial; once more on May 22, 2000, in the trial against Gen. Radislav Krstić; and again on August 25, 2003, as a prosecution's witness in the trial against Pres. Slobodan Milošević.

Erdemović claimed that the 1,200 were killed within a period of five hours. He claimed they were taken from busses in groups of 10, walked 100–200 meters and executed by firing squad. But a simple calculation would have shown that to have executed 1,200 people, as Erdemović claims, it would have taken 20 hours if repeating the same procedure each time had taken a record 10 minutes for each group. For Erdemović's version to be true, it had to have taken but 2.5 minutes per group of 10. Neither the prosecutor nor the judge was interested in this calculation. What's more, according to Erdemović's own testimony, the corpses were buried at the scene of the execution. At the Branjevo farm, there were 153 bodies exhumed. This would constitute a serious war crime, but it would not suffice for charging the Serb leadership with "genocide".

A long-standing observer at the Tribunal, Germinal Čivikov, provides insight into Erdemović's real role. Erdemović gave the Tribunal the names of nine others who, he implied, had participated in the executions or commanded the operation. Also based on his testimony, the prosecution built their case accusing the Serb leadership — not just in Bosnia but also in Serbia — of having ordered the massacre of Srebrenica as part of a campaign of "genocide".

The Erdemović trial was the result of a "plea bargain," an official practice of blackmail used in more than 90 percent of court cases in the United States, with a growing application in European nations as well. The major part of the proceed-

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<sup>15</sup> cd sg Bosnien/UN/Jugoslawien; "Tribunal verlangt in Belgrad Auslieferung von Srebrenica-Zeugen"; dpa 12.03.1996 — 12:57.

ings takes place before one enters the courtroom: in exchange for pleading guilty to a certain number of (lesser) charges, one is promised leniency. This saves the prosecution from having to prove that a crime had been committed and that the defendant was personally involved in committing it. But on the other hand, if the defendant, insisting on his/her innocence to all of the charges, asserts his/her right to a fair trial, if convicted he or she will receive the highest sentence possible, because of not having “saved the state the costs of a full trial.”

As one author observed, the Erdemović conviction was being “heralded as a great ‘first’ in establishment of global justice. [The Erdemović] case is considered of great importance to the Tribunal since his confession of taking part in executing over a thousand Muslims after the Serb capture of Srebrenica is considered prime evidence in the Tribunal’s ‘main event’, the future trial of Bosnian Serb leader Radovan Karadzic and General Ratko Mladić.”<sup>16</sup>

But there is a catch: “(...) inasmuch as he confessed to his crimes, there was no formal trial and no presentation of material evidence to corroborate his story. In any case, since he had turned ‘state’s evidence’, there would have been no rigorous cross-examination from either a contented prosecution or a complacent defense regarding the discrepancy between the number of Muslims he testified to having helped execute at a farm near Pilica — 1,200 — and the number of bodies actually found there by the Tribunal’s forensic team: about 150 to 200.”<sup>17</sup>

Of the nine other alleged accomplices in the massacre, not a single one has been indicted or even sought. Not having any indication that other indictments were to follow for the mass executions, the presiding judge, Claude Jorda, expressed his astonishment during the first session of Erdemović’s (plea-bargain) trial (November 19, 1996) that the prosecution was not going to call other witnesses to the stand, nor seek the extradition of the other alleged members of the execution commando, whose names they already had. Are there any indictments against anyone except Erdemović? asked Claude Jorda. Marc Harmon, the prosecutor, responded solomonically that the court must “see it perspectively.” In any case, they do intend to bring charges against more suspects in this case — but the indictments are not to be publicly announced.<sup>18</sup>

On the contrary, the alleged commander of the commando, Milorad Pelemiš, lives apparently carefree in Belgrade and occasionally gives interviews to Serbian or US journals. Another of the alleged accomplices, Marko Boškić, was discovered to be an immigrant near Boston, Massachusetts in the USA. He was arrested and indicted in early August 2004 for having given false information to obtain entry into the United States. By August 23, 2004, the Tribunal had already informed the USA that they were not interested in achieving his extradition to The Hague. “We only have a limited mandate and limited resources,” ex-

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<sup>16</sup> Johnstone, Diana; “Selective Justice in The Hague: The War Crimes Tribunal on Former Yugoslavia is a Mockery of Evidentiary Rule”; *The Nation*, September 22, 1997.

<sup>17</sup> Johnstone, Diana; *Ibid.*

<sup>18</sup> Čivikov, Germinal; “Kalaschnikow auf Einzelfeuer: Der Fall Dražan Erdemović”; “Freitag”, September 16, 2005 <http://www.freitag.de/2005/37/05370801.php>

plained chief prosecutor Carla Del Ponte's advisor Anton Nikiforov. "Boškić will not be indicted; the concentration must be on the leaders."<sup>19</sup> A strange reasoning for a case that is considered the largest and most horrendous crime in Europe since World War II. Could it be that the Tribunal was afraid of having to sort out contradicting testimonies, since Boškić, during his interrogation by the FBI, had contradicted Erdemović in a key point: the number of people executed on the day in question?

Apart from the admission about the massacre, the key point about Erdemović's testimony is that he alleges that his unit acted on orders from the Bosnian Serb leadership. Yet as Čivikov shows<sup>20</sup> with excruciating attention to detail, Erdemović's own statements about the command structure in his little platoon are "self-contradictory and untrue."<sup>21</sup> But the prosecution and judges have sought to maintain Erdemović's version as the sole official account of what took place at the Branjevo farm, to insinuate that this sort of operation was not isolated but widespread.

It was during cross-examination in the Milošević trial that things became a bit clearer. "As Milošević said during his own gripping cross-examination of Erdemović — gripping because, whenever he [Milošević] started to get close to the truth, Judge Richard May intervened to prevent him from pursuing his line of questioning — there were reports in Serbia of a rogue French secret service unit operating on the territory of the former Yugoslavia and later involved in a plot to overthrow him, known as 'Operation Spider'. There had also been reports that these people had been present at Srebrenica. The West, it is implied, 'needed' a big atrocity at Srebrenica, and it was indeed immediately following the fall of that town — and thanks largely to pressure exerted by the French president, Jacques Chirac, who took the lead on the matter — that NATO intervened and brought an end to the Bosnian war."<sup>22</sup>

6. The last source of the legend of a mass execution is the conviction of Bosnian Serb General Radislav Krstić in August 2001, six years after Bosnian Serb troops marched into Srebrenica, and five years after the ICTY began digging up every molehill in the area to look for bodies. According to the *New York Times* (August 3, 2001), Gen. Krstić was convicted "of genocide (...) for his role in the massacre of more than 7,000 Muslims by Bosnian Serbs at the town of Srebrenica in July 1995. It was the first ruling of genocide in Europe handed down by an international tribunal." The *New York Times* failed to inform its readers that Gen. Krstić was not even present in Srebrenica at the time in question. But the article does give important information about the evidentiary basis of the Bosnian Serb general's conviction. The article indicates that "Tribunal in-

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<sup>19</sup> Ibid.

<sup>20</sup> See Čivikov, *Germinal*; "Srebrenica: Der Kronzeuge"; Promedia, Vienna, 2009.

<sup>21</sup> Laughland, John; "The Crown Witness at The Hague"; *The Brussels Journal*, <http://www.brusselsjournal.com/node/3894>.

<sup>22</sup> Laughland, *op cit*.

investigators have exhumed 2,028 bodies from mass graves in the region. An additional 2,500 bodies have been located.”<sup>23</sup>

This means that at the time of the verdict, the Tribunal had no evidence that the crime Gen. Krstić was convicted of — the summary execution of “more than 7,000 people” — had ever been committed. In a region where a civil war had raged for years, the media and the Tribunal parted from the thesis that Serbs were doing all the shooting and Muslims all the dying. The Tribunal did not even have evidence that more than 2,028 people were dead — regardless of when or under what circumstances they had died. How then could they convict him of the deaths of “more than 7,000” people?

Gen. Krstić was initially sentenced to 46 years in prison, 4.6 times the sentence of Adolf Hitler's successor, Admiral Karl Doenitz (10 yrs.), and 2.3 times the sentence of Albert Speer (20 yrs.), the Nazi's head architect and war production chief.

There is a second legal aspect closely connected to both the Tadić resolution and the appeal of the intellectuals. The starting point of both is the affirmation that “the massacre” had taken place. Neither Yugoslavia nor Serbia was implicated in what was supposed to have happened in Srebrenica, Bosnia. What right do they, President Tadić, the Serbian Parliament, or North American and European intellectuals have to declare for Bosnian Serbs that they should be guilty?

From the very beginning of the civil wars that broke up Yugoslavia, it became clear that these were all anti-Serb wars. At any given stage in the breakup of Yugoslavia, local Serbs were being targeted as Serbs and because they were Serbs, be they Krajina Serbs in Croatia, Bosnian Serbs in Bosnia-Herzegovina or Serbian Serbs in the province of Kosovo or throughout the rest of Serbia. For anti-Serbs “a Serb is a Serb is a Serb” regardless of what he does, how he thinks, how deeply he bows to the west or how tall and proud he stands as part of the human race. To anti-Serbs it makes little difference if it is Radovan or Marko Karadzic.

Srebrenica was important for involving Serbia in the Dayton negotiations, representing the Srpska Republic. With the accusation of mass executions in Srebrenica and an international arrest warrant for Bosnian leaders Karadzic and Mladić, President Milošević negotiated on their behalf. Remember, “a Serb is a Serb is a Serb.”

History will judge whether this was a political mistake leading to the linkage of Bosnian Serb affairs — and fate — to Serbia. In any case, in public opinion it helped strengthen the strategic design of implicating all Serbs in whatever (wrong) any Serb does.

Over the past 15 years, the ICTY has been trying to pin a mass execution on Serb defendants with little or no success. Therefore they are putting the government of Serbia under pressure to admit to a war crime it had nothing to do with. “A Serb is a Serb is a Serb...”

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<sup>23</sup> Simons, Marlise, “Genocide Verdict for Ex-General”; *International Herald Tribune* (*New York Times*), August 3, 2001.



There are political forces, particularly in the German-speaking realm, who have sworn vengeance on "the Serbs" not only for having resisted Teutonic conquest throughout history, for being among the victorious in both the First and Second World Wars, but also because it was basically Serb initiatives and interests that united the Southern Slavs across religious lines to create a Yugoslavia.

West Germany could only shake off its stigma as ex-Nazi, by creating for public opinion a new group to be stigmatized as "worse than the Nazis". Over the past 15 years, some of these forces, particularly in media and politics, have sought to make Serbs "untouchables", not just Bosnian Serbs or Serbs of Serbia, but Serbs in general. A Serb "guilt" is supposed to replace "German guilt" left in public memory by the Second World War.

This can only be accomplished by trivializing German war crimes. Serbs are being accused of having executed up to 8,000 people. German politicians compared this to Auschwitz. In May 1999, a German court convicted the Gestapo helper Alfons Götzfrid to 10 years — suspended sentence — for "complicity in the murder" of 17,000 Jews, while in the same month the German Supreme Court upheld the conviction and sentencing of Bosnian Serb Nikola Jorgić to 13 years (his sentence was not suspended) for "genocide" carried out on 30 Bosnian Muslims. Why is there no outcry at this historical revisionism? Why is the Serbian government participating in it?

Though widespread in the USA, this anti-Serb propaganda did not originate in the United States and served no strategic purpose for US interests. In this case Americans were duped as much as West Europeans. Most Americans have no idea who the Chetniks, Handschars, Ustashi or Skenderbegs were.

The German "Blut und Boden" ethnic concept of nation and national entity runs counter to multi-ethnic republics. During the post-war period (1945–1990), West Germany appeared cosmopolitan; in foreign policy it was discrete. With the annexation of the German Democratic Republic, some in the German leadership saw a chance for Germany to regain its old status as a leading European power, and therefore also as a world power, dictating its own conditions and rules. German European policy includes "Germandom" policy, a consolidation of German-speaking regions throughout Europe, while fomenting ethnic dissension, even secessionist strivings, among the ethnic minorities of other nations.

At the 6th Fürstfeldbrucker Symposium for the Leadership of the German Military and Business, held September 23–24, 1991, the former CDU Minister of Defense, Rupert Scholz (who is an expert in constitutional law and was the spokesperson for the legal policy section of the right-wing Christian Democratic Party) explained why Germany should promote the breakup of Yugoslavia by recognizing the Slovenian and Croat secessionist Yugoslav republics. He explained:

(...) the Yugoslav conflict undeniably is of fundamental pan-European significance. (...) We believe that we have overcome and dealt with the principal sequels (...) of the Second World War. [By this he was referring mainly to the annexation of the GDR, the German "unification" and re-

gaining full sovereignty from the victorious WW II powers.] But in other areas we are today still confronted with overcoming the consequences of the First World War. Yugoslavia is, as a consequence of the First World War, a very artificial construction, having nothing to do with the right of self-determination. (...) In my opinion, Slovenia and Croatia must be immediately recognized internationally. (...) When this recognition has taken place, the Yugoslavian conflict will no longer be a domestic Yugoslav problem, where no international intervention can be permitted.<sup>24</sup>

When one looks in the direction of The Hague, one can easily understand why the President of the National Council for Cooperation with the Hague Tribunal, Rasim Ljajić, is so supportive of the government's resolution.

The Hague Tribunal has built its entire reputation on the thesis that Serbs — it doesn't matter which Serbs — committed genocide in Bosnia. Srebrenica is their “proof”. Now that the ICTY is about to expire, they would like to “go out with a bang.” That possibility was handed them on a silver platter when Dr. Radovan Karadzic was abducted to The Hague. Throughout the 15 years since Srebrenica, the ICTY has not assembled enough evidence to support either a charge of genocide — under the UN Convention for the Prevention and Punishment of the Crime of Genocide — nor one that summary executions of up to 8,000 people had occurred in Srebrenica, so they have put pressure on the Serbian government to make an official public *mea culpa* declaration. In exchange for its “cooperation,” the Serbian government will be “taken into consideration” for eventual membership in the EU and/or NATO. But there is only one hitch: once the declaration is made, one cannot take it back and the nebulous promises being given the government in Belgrade are just that: promises and nothing concrete.

This all leads to a final and very unfortunate aspect of the intellectuals' appeal. Many of those who have already signed are long-term activists for justice in the Balkans; some are among the few who have continued to criticize the travesty taking place in the inquisitions at the *ad hoc* tribunals both in The Hague and in Arusha. Some are authors who have come under heavy attack and been slandered by the anti-Serb camp because they have placed the official Srebrenica version into question.

It is easily understandable that they would be among the first to recognize the multiple long-term dangers posed by the Tadić resolution. Unfortunately, they overlooked that the second paragraph of the appeal is also a historical error. Signing their names to a document that unequivocally claims that mass executions had taken place in Srebrenica is a setback to the years of work that they individually have invested.

The appeal also points to existing skepticism in one of its later paragraphs, which reads in part: “More importantly, the issue is still not settled what really happened in Srebrenica in July of 1995, why, and who was behind it. The accepted version of events, shaped mainly by war propaganda and hyperbolic me-

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<sup>24</sup> From the Protocol of the Bildungswerk der Bayerischen Wirtschaft: “BBW-Dokumentationsreihe”, Nr. 20, 1991, pp. 20–21.

dia reports, is becoming increasingly obsolete because it is being vigorously questioned and reassessed by critical thinkers in the Western world. Much reliable information on these events is still unavailable and needs to be researched, but without it responsible conclusions on the nature and scope of the Srebrenica massacre cannot be drawn."

The appeal should have maintained this skepticism throughout.

*George Pumphrey*

George Pumphrey was born in Washington D.C. in 1946. While living in political exile in Paris he became a French citizen in 1986. He is a long-time anti-racist and anti-war activist and independent researcher and author. He lives today in Berlin, Germany. He has written various articles, among them "The Srebrenica Massacre: A Hoax?" URL: [http://www.ocf.berkeley.edu/~bip/docs/kosovo\\_polje/srebrenica\\_hoax.html](http://www.ocf.berkeley.edu/~bip/docs/kosovo_polje/srebrenica_hoax.html) Together with his wife, he wrote the book "Ghettos und Gefängnisse: Rassismus und Menschenrechte in den USA" Pahl-Rugenstein, Cologne, West Germany 1982



## XII. ARGUMENT AND RHETORIC IN ICTY JUDGMENTS

No reports from 10 July 1995 and ensuing days and weeks refer to “the massacre of 8,000 (or 7,000 etc.) Muslim men and boys”. When did commentators first start using the formulation, the catch phrase?

From Iran there is no mention of a massacre having taken place:

“Iranian foreign minister [Ali Akbar] Velayati, in a message to the UN secretary-general, has asked for immediate action to prevent a massacre of the defenceless people of Srebrenica by the Serb rebels.<sup>1</sup>

From the front, there was never any mention of a massacre having taken place. Journalist Chris Hedges in the *New York Times* of 18 July 1995 reported that thousands of armed Muslim fighters “slipped” through Serb lines under fire, and after arriving safe in Tuzla, were held by Muslim forces (and at the site of a US garrison).

Between the week starting 11 July 1995 and the first press reports of a purported massacre over a month passed. David Rohde (*Christian Science Monitor*) did not use any such phrase or make claim of “Srebrenica massacre”. He in fact did not report from Bosnia, but posted his articles from Zagreb (Croatia). In *The Guardian* of 19 August 19 1995 he wrote only: “I saw what appeared to be a decomposing human leg protruding from freshly turned dirt...”

Rohde repeated Ambassador Madame Albright’s fabrication about a massacre in a soccer stadium in a nearby town, where: “...human faeces, blood, and other evidence indicated large numbers of people were confined, and perhaps shot.”

America’s UN Ambassador Madeleine Korbelt Albright brought the earliest allegation of a Serb massacre of Muslims on 10 August, 1995. The chief United States delegate to the United Nations told a closed session of the Security Council that 2,000 to 2,700 missing Bosnians from the Srebrenica enclave “might have been shot by the Bosnian Serbs.” She did not use the formulation “Srebrenica massacre”.

However, uncertainty characterizes a UN report: “United Nations officials estimate that 4,000 to 6,000 Muslim men are still missing in the wake of the Srebrenica and Žepa assaults.”

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<sup>1</sup> Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 0930 gmt 11 Jul 95; Source: Voice of the Islamic Republic of Iran Network 1, Tehran, in Persian 0930 gmt 11 Jul 95; SECTION: Part 4 Middle East; THE MIDDLE EAST; IRAN; ME/2353/MED. Message to UN secretary-general. Text of report by Iranian TV on 11th July.

In a piece in *The New Republic* of 7 August 1995 Zbigniew Brzezinski wrote an op-ed under the headline: “After Srebrenica.” Brzezinski wrote only that something awful “might happen.”

24 July 1995 *Newsweek* wrote: “...Perhaps 3,000 younger men from Srebrenica, many [sic] of them Bosnian government soldiers, had fled into the woods and dodged the Serb invaders, and some made their way to Tuzla.”

That catch phrase “Srebrenica massacre of 7,000–8,000 Muslim men and boys” does not appear until weeks after the alleged event. It will not be found in the press until the American-Croatian joint enterprise “Storm” (Oluja) on Serb Krajina in August-September 1995.

For months, even years, the press is full of stories about women from Srebrenica demanding from Muslim Bosnian officials to learn where their missing men were.

If one brackets 10 July 1995 and the beginning of October 1995, search engines like LEXIS-NEXIS now permit us to track press reports on whatever story using the parameters:

Srebrenica AND massacre  
Srebrenica AND missing  
Srebrenica AND 7000 OR 8000  
7000–8000 men and boys ...

In a US State Department briefing on 27 October 1995 Nicholas Burns is quoted as saying:

“We believe that several hundred—and perhaps as many as 1,000 or more—men and boys were separated from the refugees by the Bosnian Serb military forces. These are Muslim and Croatian men and boys. We don’t know what happened to them...”<sup>2</sup>

The *New York Times* of 29 October 1995 read:

“...the summary killing of perhaps 6,000 people. ...shots [ i.e. aerial photos] taken by a U-2 spy plane two weeks later of freshly turned earth in the same fields were first shown to U.S. President Bill Clinton’s top advisers Aug. 4...”

“On July 11 the Bosnian Serbs captured Srebrenica. 15,000 people—mostly the men, including the local soldiers—gathered on the outskirts of Srebrenica... Safety lay a three-day trek away, through Serb-held territory. The march began just before midnight.... “

*Associated Press* reported on 16 November 1995:

“As many as 8,000 people are missing... the Clinton administration has accused the Serbs of killing as many as 2,700. Other estimates put the death toll as high as 4,000.

<sup>2</sup> Federal News Service.

“Even a year later, women demonstrated in Muslim-controlled Bosnia, sometimes violently, demanding to know the fate of their men from Srebrenica.”

On 29 November 1995 *The New York Times* read:

“Wednesday up to 5,500 civilians are still missing from Srebrenica four months after rebel Serbs overran the Muslim enclave, Secretary-General Boutros Boutros-Ghali said in a report to the U.N. Security Council.... Estimates of the number of missing civilians previously ran as high as 8,000, but the ‘best current estimate’ is between 3,500 and 5,500, Boutros-Ghali said in the report.”

Stemmatology (stemmatics): The establishment of family trees has been refined over centuries of transmission of ancient texts to establish the original text and subsequent copyings. The method is closely analogous to modern cladistics (branching) in DNA analysis. A striking feature of the ICTY’s Krstić and Popović judgments is their non-lawyerly language, which closely resembles the rhetoric of journalism, especially advocacy journalism. This, and not witness testimony from the late 1990s on, is the source of the ICTY’s arguments. Contemporary reporting from eastern Bosnia at the time of the fall of Srebrenica in mid-July 1995 lacks these markers. They begin to appear at the earliest a month later. A crescendo of catch phrases is reached two months after the events of July 1995 and has been sustained in boiler plate ever since, especially the syntagma “the Srebrenica massacre [of x-thousands of Muslim men and boys]”.

Meanwhile, in numerous reports contemporary with these rhetorical patches, government functionaries declare their lack of information of what really happened.

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### XIII. SREBRENICA: THE QUEST FOR CLARITY

The Bosnian-Serbs have been accused of capturing and executing 8,000 Bosnian-Muslim *civilians* from Srebrenica. The public has been told through official statements and mainstream news outlets, that the primary victims of the Srebrenica massacre were civilians, when they weren't.

Readers of the *New York Times* were informed by Pulitzer Prize winning reporter Anthony Lewis that "The Bosnian Serb leaders were not on the scale of the Nazis, but the evil was the same. General Mladić presided over the slaughter of 8,000 civilian men and boys after his troops captured the U.N. 'safe haven' of Srebrenica."<sup>1</sup>

Gareth Evans and James Lyon, the president and senior Balkan analyst for the International Crisis Group, wrote in the *International Herald Tribune* that "In mid-July 1995, Bosnian Serb forces commanded by Mladić conducted the organized slaughter of nearly 8,000 civilians and non-combatants around the Bosnian town of Srebrenica."<sup>2</sup>

In 2005 the UN High Commission on Refugees issued a report stating that "Nearly 8,000 civilians were slaughtered in the worst atrocity in Europe since World War II. The International War Crimes Tribunal in The Hague last year judged the action as genocide."<sup>3</sup>

Also in 2005, the White House issued a statement describing the Srebrenica massacre as, "The mass murder of nearly 8,000 men and boys. [It] was Europe's worst massacre of civilians since World War II, and a grim reminder that there are evil people who will kill the innocent without conscience or mercy."<sup>4</sup>

The public has been led, by proponents of the Srebrenica genocide theory, to believe that the victims of the Srebrenica massacre were almost exclusively civilians and non-combatants, and that the Bosnian-Serbs were motivated by an irrational and senseless hatred of Muslims similar to Hitler's drive to exterminate the Jews.

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<sup>1</sup> Anthony Lewis, "Abroad at Home; Leading From Weakness," *The New York Times*, September 13, 1996

<sup>2</sup> Gareth Evans and James Lyon, "No Mladić, no talks; The EU and Serbia," *The International Herald Tribune*, March 22, 2007

<sup>3</sup> "Remembering Srebrenica," UNHCR, July 8, 2005

<sup>4</sup> White House Press Briefing by Scott McClellan, July 11, 2005

### **Civilians or Soldiers?**

A massacre of helpless civilians is certainly shocking and deserving of condemnation. The wanton killing of civilians carries far more propaganda weight than the killing of soldiers in a war zone, which is probably why the proponents of the Srebrenica genocide theory are so keen to portray the massacre victims as civilians rather than soldiers.

According to an internal memorandum prepared by demographers at the Hague Tribunal in 2008, 70.1% of the 7,661 persons alleged by the Prosecution to be victims of the Srebrenica massacre were known members of the Army of Bosnia-Herzegovina whose military records were found by the Tribunal's researchers.<sup>5</sup>

The International Commission on Missing Persons (ICMP) has performed DNA analysis on thousands of corpses exhumed from gravesites in the Srebrenica area. According to statistics compiled by the ICTY in 2008, the ICMP had identified the mortal remains of 3,837 individuals from the ICTY prosecutor's list of Srebrenica victims. According to their statistics, 93.9% of the individuals identified by the ICMP were men aged fifteen to sixty-five.<sup>6</sup>

Although some civilians certainly perished, the overwhelming majority of those killed were soldiers. The age and sex of the victims strongly suggests that they were soldiers, and the fact that military records have been located for most of the identified victims should remove all doubt that the intended target of the Srebrenica massacre wasn't the civilian population, it was the military.

### **The Bosnian-Serb Motive**

As is discussed in detail elsewhere in this book, a substantial portion of the Muslim (ABiH) soldiers who died after the fall of Srebrenica died in combat. However, there is clear forensic evidence that many Bosnian-Muslims were also executed by Bosnian-Serb forces.

The suggestion that the Bosnian-Serb determination to execute the Muslim soldiers was motivated by an evil and irrational hatred of Muslims, similar to Hitler's pathological hatred and demonization of the Jews, is an awful insult to Holocaust victims.

Unlike the Muslim soldiers in Srebrenica, European Jewry didn't do anything to provoke the horrific slaughter they were subjected to by the Nazis. The constant comparisons of the Srebrenica massacre to the Holocaust ought to sicken any honest person.

In their debriefing, the Dutch Battalion (Dutchbat) personnel who were based in Srebrenica when it fell made an interesting observation about the individuals who manned the Bosnian-Serb Army (VRS) units surrounding enclave.

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<sup>5</sup> ICTY Internal Memorandum entitled "ABiH Military Records Overlapping with 2005 OTP List of Srebrenica Missing," Dated July 24, 2008

<sup>6</sup> Srebrenica Missing: The 2007 Progress Report on the DNA-based Identification by ICMP

<sup>7</sup> Report based on the Debriefing on Srebrenica, 4 October 1995: Dutchbat, para 2.35

They noted that those units “were manned chiefly by Bosnian-Serb refugees who had formerly lived in the enclave.”<sup>7</sup>

These Bosnian-Serb soldiers, together with their families, were ethnically cleansed from their homes in Srebrenica by exactly the same group of people they’ve been accused of massacring: the Bosnian-Muslim soldiers in Srebrenica.

Unlike the Nazis’ paranoid hatred of the Jews, it isn’t hard to understand why these Bosnian-Serb soldiers would want to kill the people who directly victimized them and their loved ones.

It isn’t hard to put oneself in their position. The Muslim soldiers in Srebrenica were the exact group of people who drove them and their families out of their homes in Srebrenica and turned them into refugees in the first place. These particular Bosnian-Serbs had been enduring years of hit-and-run attacks from the so-called “UN Safe Area,” again, perpetrated by exactly this same group of Muslim soldiers.

If you were a Bosnian-Serb soldier who, together with your loved ones, had been directly victimized and attacked by precisely this group of Muslim soldiers, and you got the opportunity to kill some of them, it isn’t hard to understand why you would do it.

While extra-judicial killings should never be condoned or excused, it is worth mentioning that these executions were the only “justice” the Bosnian-Serbs ever got for the crimes that were committed against them.

Naser Orić, the Muslim military commander in Srebrenica, was put on trial for war crimes by the Hague Tribunal, but he was acquitted.<sup>8</sup> The entire purpose of his trial was to whitewash the crimes he and his men committed.

Naser Orić’s crimes are thoroughly documented elsewhere in this book. He was a man who openly boasted about his crimes. He famously showed videotaped evidence of the Serbs he killed to not one, but two western journalists: John Pomfret of the *Washington Post*<sup>9</sup> and Bill Schiller of the *Toronto Star*.<sup>10</sup>

If Hague prosecutors were making a good faith effort to bring Orić to justice for his crimes, you’d think they’d call Pomfret and Schiller to the stand and have them testify, but they didn’t. You’d expect them to tender the articles Pomfret and Schiller wrote about their dealings with Orić into evidence during the trial, but they didn’t even do that. As far as the Prosecution was concerned, Orić’s boasts about his crimes never happened.

During his testimony at the Tribunal, the former commander of the UN Protection Force in Bosnia, Gen. Philippe Morillon described his dealings with Orić. He testified that Orić was “a warlord who reigned by terror in his area and

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<sup>8</sup> *Agence France Presse* (English), UN tribunal clears Srebrenica Muslim commander on appeal, July 3, 2008

<sup>9</sup> John Pomfret, “Weapons, Cash and Chaos Lend Clout to Srebrenica’s Tough Guy,” *The Washington Post*, February 16, 1994

<sup>10</sup> Bill Schiller, “Fearsome Muslim warlord eludes Bosnian Serb forces”, *The Toronto Star*, July 16, 1995

over the population itself” and that Orić and his men, “engaged in attacks during Orthodox holidays and destroyed villages, massacring all the inhabitants.”<sup>11</sup>

One would think the Prosecution would have called Morillon to testify against Orić. Gen. Morillon personally dealt with Orić, he had knowledge of his crimes, and he was a senior UN official. It’s hard to imagine a more perfect witness for the prosecution. But Morillon was never called to testify in Orić’s trial. Ironically, his testimony about Orić was given during the Slobodan Milošević trial.

The whole point of the Orić trial was to absolve Orić and his men for their crimes in order to preserve the illusion that the Muslims were innocent, and the only villains in Srebrenica were the Serbs. The Hague Tribunal is not an institution of justice; it is an institution of political propaganda.

The only “justice” the Bosnian-Serbs ever got for their victims was what they took with their own hands in July 1995. What they did was illegal and wrong, but it’s mitigated by the fact that no other justice was ever made available to them. The only crimes the Hague Tribunal is interested in prosecuting are the ones committed by Serbs, not the ones committed against them.

It would be intellectually dishonest to suggest that the Bosnian-Serbs were the only ones in the region with a legitimate grievance. They certainly had one, and it was undoubtedly what motivated some of them to do what they did. But it is worth pointing out that 85% of the Muslims in Srebrenica were refugees. Like the Serbian soldiers surrounding the enclave, they too had been ethnically cleansed from their homes.

What was happening in Srebrenica was a vicious cycle of revenge and mutual hatred. One of the ugly truths about the Bosnian War is that everybody was guilty of ethnic cleansing.

Because people sometimes confuse genocide and ethnic cleansing it is worth explaining the difference. Genocide always entails killing, but ethnic cleansing does not usually entail killing. Genocide is the deliberate extermination of an ethnic group. Ethnic cleansing is the forcible removal, usually by deportation, of the members of an ethnic group from a particular geographic region.

During the Bosnian war, everybody was guilty of ethnic cleansing. In the part of Bosnia that makes-up today’s B-H Federation, Serbs comprised 31.46% of the population in 1991 (before the war) and 3.24% of the population in 1997 (after the war). Conversely, in what is now Republika Srpska, Muslims comprised 31.84% of the population in 1991 (before the war) and 1.31% in 1997 (after the war).<sup>12</sup>

The situation in and around Srebrenica was a recipe for disaster. Many of the Muslim soldiers in the enclave were only there in the first place because they were victims of ethnic cleansing at the hands of Serbs, and the Serb soldiers surrounding the enclave were victims of ethnic cleansing at the hands of the Mus-

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<sup>11</sup> Milošević trial transcript, Thursday, 12 February 2004, Pg. 31965–31966

<sup>12</sup> Ewa Tabeau & Marcin Zoltowski, “Ethnic Composition and Displaced Persons and Refugees in 37 Municipalities of Bosnia and Herzegovina 1991 and 1997”, ICTY Demographic Unit, 28 July 2002, p. 6.

lim soldiers in the enclave. That's why they hated each other, and that is what propelled the cycle of violence on the local level.

A simplistic narrative about good guys and bad guys, with innocent victims and evil villains bent on their extermination may be easy for the Western public to understand but it does not reflect what happened in Bosnia as a whole or in Srebrenica in particular.

### **The Official Srebrenica Story**

While I have referred at length to the "Srebrenica massacre", it was not about the "official story" promoted by the charlatans at the Hague Tribunal and endlessly regurgitated by the news media.

Simply put, the "official Srebrenica story" isn't plausible. Even if they had wanted to do what they've been accused of, it is difficult to believe that the Serbs could have pulled it off.

The ratio of forces in the Srebrenica Theater blows the "official story" out of the water. Muslim soldiers outnumbered Serb soldiers there by an almost 3-to-1 ratio. In order for the official version to hold-up you have to believe that about 2,000 Bosnian-Serb soldiers managed to capture, transport, execute, and bury 8,000 Muslims while fighting against a force of 6,000 armed soldiers. That hardly seems possible.

### **Strength of the ABiH**

Although UN Military Observers (UNMOs) were uncertain of the exact number of Muslim military personnel in Srebrenica, they believed "that at least half had side arms as well as heavy machine guns, light mortars, and anti-tank weapons including rocket propelled grenades and more modern ones."<sup>13</sup>

Dutchbat personnel described the armaments of the Muslim forces in the enclave saying, "Their weapons consisted almost exclusively of light arms, supplemented by, among others, a limited number of heavy machine guns, anti-tank weapons and mortars."<sup>14</sup>

Data compiled by the civilian authorities in Srebrenica shows that there were 36,051 people living in the enclave at the beginning of 1995. Of that number, 11,495 were military aged men eighteen to sixty years old.<sup>15</sup>

It is worth noting that from an overall population numbering 36,051 people in January 1995 that 35,632 surviving refugees from Srebrenica were registered by the UN in Tuzla on August 4, 1995.<sup>16</sup> The mathematics doesn't support the "official story" either.

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<sup>13</sup> UN Military Observer HQ Sector NE, 26 July 1995

<sup>14</sup> *Report based on the Debriefing on Srebrenica*, 4 October 1995: Dutchbat, para 2.34

<sup>15</sup> Srebrenica Municipality, Civilian Protection Municipal Staff, 11 January 1995

<sup>16</sup> *Srebrenica Displaced Persons Update*, UN Protection Force HQ Sector NE, 4 August 1995

Due to the ongoing war, a military draft was in effect. It is likely that virtually all of the 11,495 military aged men in the Srebrenica enclave were pressed into military service. If the UN Military Observers' estimate that "at least half were armed" is correct that makes for an armed fighting force of approximately 6,000 men.

The figure of 6,000 armed soldiers is corroborated by the Command of the 2<sup>nd</sup> Corps of the ABiH in a report it prepared detailing the operation those men undertook to break out of Srebrenica and cross Bosnian-Serb territory into Tuzla.

According to the report: "Numbers were not established when the column was formed, but some estimates put the number in the column at 10,000 to 15,000 people, including approximately 6,000 armed soldiers, not counting soldiers from Zepa."<sup>17</sup>

Based on this information, one can be confident that there were approximately 6,000 armed Muslim soldiers in Srebrenica when it fell.

### **Strength of the Bosnian-Serb Army**

According to UN Military Observers, at the time of the attack the VRS "Drina Corps was known to be stretched in terms of resources" and the strength of the VRS units surrounding Srebrenica was "1,000 to 3,000 infantry with up to 20 tanks as well as artillery and multiple launch rocket systems." When Srebrenica fell, the UNMOs estimated that the local Bosnian-Serb brigades "probably have around 1,500 infantry in total" and together with reinforcements from units stationed in adjacent areas, the total strength of the Bosnian-Serb forces around Srebrenica was "probably no less than 2,000 infantry".<sup>18</sup>

Dutch Battalion personnel who were on the spot in Srebrenica reported that "Up to and including June, between three and four battalions belonging to three brigades of the Drina Corps positioned around the enclave. The average strength of the battalions was 250 men. The units were well-equipped and had tanks, tracked armored vehicles, artillery and mortars."<sup>19</sup>

It is extremely difficult to believe that 2,000 Bosnian-Serb troops, even though they had better weapons, could have captured, transported, executed, and buried 8,000 men while simultaneously fighting against a force of 6,000 armed Muslim soldiers.

Because the Bosnian-Serbs were entrenched in their positions and the Muslims were trying to cross the terrain, and because the Bosnian-Serbs had better weapons, it isn't difficult to believe that they managed to inflict significant combat casualties on Muslim soldiers, who are now all being passed off by genocide propagandists as innocent civilians who were taken prisoner and executed.

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<sup>17</sup> Report to General Staff BH Army, Sarajevo, Security Administration by Army of the Republic of Bosnia and Herzegovina, 2nd Corps Command, Military Security Service Department,; 28 August 1995

<sup>18</sup> UN Military Observer HQ Sector NE, 26 July 1995

<sup>19</sup> *Report based on the Debriefing on Srebrenica*, 4 October 1995: Dutchbat, para 2.35

## Srebrenica Was Sacrificed on Purpose

This book has already dealt with Bill Clinton's proposition to Alija Izetbegović that NATO would intervene in the Bosnian war if the Serbs massacred at least 5,000 Muslims in Srebrenica, so we won't tread that ground again here. What we will do is examine the behavior of the UN and the Muslims in the light of that proposition.

While testifying about Srebrenica in the French parliament, Gen. Morillon said that "Mladić had entered an ambush in Srebrenica, a trap, in fact. He expected to find resistance, but there was none. He didn't expect the massacre to occur but he completely underestimated the amount of hatred that accrued. I don't believe that he ordered the massacres, but I don't know. That is my personal opinion."

Morillon went on to say, "I was convinced that the population of Srebrenica was the victim of a higher interest, of a state reason." He said, "This higher interest was located in Sarajevo and New York, but certainly not in Paris. Had I been able to evacuate all those who had wanted me to do so at the time that I intervened in Srebrenica [in 1993], we could certainly have saved a number of human lives."<sup>20</sup>

Sarajevo was the seat of the Muslim regime in Bosnia and Herzegovina during the war, and the UN is headquartered in New York. Based on Morillon's testimony and the recollections of the Dutch Battalion and the UN Military Observers who were on the ground in Srebrenica the suggestion is clear that Srebrenica was sacrificed on purpose by officials in Sarajevo and New York for political purposes.

As discussed elsewhere in this book, the Bosnian-Serbs launched an operation against Srebrenica in July of 1995 in response to Muslim attacks emanating from the enclave.

When the Bosnian-Serbs attacked the enclave, UN Military Observers were stunned that the Muslim army didn't attempt to defend it. In their report they wrote, "The advantages militarily seem to have been with the [Muslim] defenders to at least hold out for longer and have inflicted greater losses on the Bosnian-Serb Army than believed. However, the ABiH leadership seems to have actually acted against their own interests to carryout a successful defense." The UNMO's concluded that "the ABiH had the force ratios to defend the enclave particularly considering its hilly, wooded nature."<sup>21</sup>

Sefer Halilović, the chief-of-staff of the ABiH during the war, admitted during his testimony at The Hague Tribunal that "the command of the 2nd Corps and the General Staff knew when the operation on Srebrenica started, but from a series of testimonies, the people who were in Srebrenica, both from military and political structures, we can clearly see that they asked for help, both of the command of the 2nd Corps and the command of the General Staff and President Izetbegović, but that they did not receive that assistance. To answer your question whether they had the power and materiel to help, to come to the help of Srebrenica, I think that they did."<sup>22</sup>

<sup>20</sup> Milošević Trial Transcript, Thursday, 12 February 2004, Pg. 32029

<sup>21</sup> UN Military Observer HQ Sector NE, 26 July 1995

<sup>22</sup> Testimony of Sefer Halilović, Krstić Trial transcript, ICTY, April 5, 2001; Pg. 9454

The ABiH could have defended the enclave, but they chose not to. Dutch Battalion personnel in Srebrenica were surprised that the Muslim troops in the enclave did not avail themselves of the weapons they were offered. On the morning of July 6<sup>th</sup> Dutchbat personnel “Informed the Bosnian government forces that, if the Bosnian-Serb Army crossed the enclave boundary, the arms in the weapon collection point in Srebrenica would be released. Later, when this situation did indeed occur, the Bosnian government forces did not avail themselves of this opportunity.”<sup>23</sup>

The Muslims had the forces and the weapons needed to single-handedly defeat the Bosnian-Serbs in Srebrenica, but they didn’t stand and fight. The UN could also have prevented the fall of the enclave, but they didn’t do anything either. The Sarajevo regime and the UN both deliberately let the enclave fall.

The UN was authorized to call in NATO air strikes if a UN Safe Area, which Srebrenica technically was, came under attack.<sup>24</sup>

Even though the UN was authorized to call in NATO air strikes to defend Srebrenica, and the Dutch Battalion indeed requested air strikes, no air strikes were ever authorized by UN officials in New York.

According to the debriefing of Dutch Battalion personnel, “The battalion was counting on massive air support ... air support was requested around 10.30 hrs. [on July 11, 1995] Then, despite all of its promises, the UN still failed to release air power.”<sup>25</sup>

From their debriefing it was clear that Dutch Battalion personnel felt betrayed by UN officials in New York. They wrote, “Both the battalion staff and the rest of Dutchbat are convinced that the fall of the enclave can be attributed to a distinct lack of support from the air; the limited close air support did not arrive until the battle was actually over.”<sup>26</sup>

The UN and the Muslim regime in Sarajevo deliberately sacrificed the enclave, when they both had the means to defend it.

From a political perspective, the fall of Srebrenica and the subsequent allegations of massacres and genocide there are immensely valuable to the Muslim cause. The cult of Srebrenica has been a propaganda bonanza for the Muslims. It galvanized Western public opinion against the Bosnian-Serbs, and put pressure on Western leaders to pursue military intervention against the Serbs while lifting the UN arms embargo on the Muslims.

The media frenzy surrounding the “Srebrenica massacre” served the dual purpose of whipping-up public support for Operation Deliberate Force, which began 6 weeks later and, as is written elsewhere in this book, distracting the public from what happened in Croatia during Operation Storm.

Sarajevo had more to gain from the fall of Srebrenica than it did from a successful military defense. If the Muslims had engaged the Bosnian-Serb Army

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<sup>23</sup> *Report based on the Debriefing on Srebrenica*, 4 October 1995: Dutchbat, para 3. 9

<sup>24</sup> *Ibid.*, para 2.24

<sup>25</sup> *Ibid.*, para 3. 4

<sup>26</sup> *Ibid.*, para 3. 50



in Srebrenica, and defeated them there, it would have exposed the fact that they hadn't demilitarized their forces in the enclave as they were supposed to.

### **Can the Investigation be Trusted?**

Because the UN and the Bosnian Government are directly culpable for what happened in Srebrenica, common sense holds that they would want to re-direct as much blame as possible onto the Serbs. The Bosnian Government launched military attacks from the enclave and the UN did absolutely nothing to stop them, even though Srebrenica had been declared a UN Safe Area and was supposed to be demilitarized.

Broadly speaking the UN condoned the Muslim attacks, and the Muslim regime goaded the VRS into attacking the enclave, and then did nothing to defend it, even though they had the matériel, the man power, and the obligation to do so. They abandoned the soldiers in Srebrenica who then tried to escape across Bosnian-Serb territory to Tuzla.

Now the UN Tribunal in The Hague and the Bosnian Government are precisely the people running the investigation. They are the ones who decide whether the Muslims who were killed in connection with the fall of Srebrenica died on the battlefield or whether they were captured and executed by the Bosnian Serbs, and whether or not those deaths were motivated by genocidal intent on the part of the Bosnian-Serbs.

The role played by the ICMP is limited to determining the identity of human remains through DNA analysis, and recording the location where the remains were found. The ICMP doesn't do anything else.<sup>27</sup> It does not make any determination about the cause of death, the circumstances of the death, the military status of the deceased, the deceased's connection to Srebrenica or the motives of the people responsible. The UN Tribunal and the Bosnian Government are the ones who draw all of the important conclusions.

The UN Tribunal abuses the ICMP's work for political purposes, as demonstrated by the judgment in the Popović trial which states that:

*"The Trial Chamber is satisfied beyond reasonable doubt that at least 5,336 identified individuals were killed in the executions following the fall of Srebrenica. The Trial Chamber also notes that the evidence before it is not all encompassing. Graves continue to be discovered and exhumed to this day, and the number of identified individuals will rise. The Trial Chamber therefore considers that the number could well be as high as 7,826."*<sup>28</sup>

The only word that describes that kind of reasoning is "bullshit". It may be an offensive word, but it's the only word that does the job. The judges either don't understand that you can't tell *how* someone died from their DNA; otherwise, they are lying. There is no way they can know from someone's DNA how they died, and

<sup>27</sup> Author's correspondence with ICMP. See Annex 2.2.

<sup>28</sup> Popović Trial Judgment, para. 664

they certainly cannot know, before an investigation is even conducted, how the nearly 2,500 people they allege are in as yet undiscovered graves were killed.

What kind of court writes an opinion that says every corpse that gets found in a war zone, along with any subsequent corpses that may be found later, belongs to an individual who was captured and executed? Their credibility is zero, and so is the credibility of anyone who would treat the Tribunal's findings as credible.

The evidence underlying this particular finding is a report prepared by ICTY Prosecution investigator Dušan Janc, and as Janc clearly sets out on the first page of his report, the numbers are based on "an examination of records provided to the ICTY by the ICMP in early March 2009 and the BiH authorities." He also explains that "'Identified' means an individual with a unique DNA profile (whether with or without a name)."<sup>29</sup>

Janc never says in his report, which is the sole reference cited by the judges, that every single person identified by the ICMP and the BiH authorities was executed. That part the judges made up on their own.

It is suggested that "Confidential Annex D" of Janc's report contains a list of the victims who the ICMP has been able to identify by name, but that list is confidential and therefore inaccessible to the public.

The only list of ICMP identified victims that has been released to the public was compiled in 2005. That list was released as a public notice by the ICTY on March 13, 2009 during the Tolimir trial, and it identifies 2,591 individuals by name.

One thing that's interesting about the individuals identified by the ICMP is the fact that 140 of them were found in graves purported to contain the remains of Srebrenica massacre victims, but their military service records showed that they had been killed in combat, months and in many cases years, before the fall of Srebrenica.

In their final trial brief, Prosecutors in the Popović trial attempted to overcome this by arguing that:

*"The main Defence criticism concerning the quality of the Srebrenica Missing and Dead List was that it had been created from a limited number of sources and should have taken into account other 'official' sources. One such source is the ABiH Military List of Fallen or Missing Soldiers and other military personnel ("ABiH List") which, according to the Defence, shows that a number of persons found on the Srebrenica Missing and Dead List actually went missing or died prior to 1995.*

*"The Prosecution demographers explained that they did not use documents from any of the parties to the conflict in order to ensure complete neutrality. More importantly, the Prosecution demographers analysed the ABiH List and concluded that it was not reliable. This became clear when the bodies of 140 individuals who had been listed as missing or dead prior to 1995 on the ABiH List, but were found on the Srebrenica Missing and Dead List, were identified from Srebrenica-related mass graves. This DNA evi-*

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<sup>29</sup> Dušan Janc, "Update to the Summary of Forensic Evidence — Exhumation of the graves related to Srebrenica — March 2009", 13 March 2009. Pg. 1 and footnote 3.

*dence corroborates the validity of the Srebrenica Missing and Dead List and refutes the Defence criticisms.”<sup>30</sup>*

This is an astonishing argument. The presence in the graves, of the remains of 140 soldiers who were known and reported by their military to have been killed in the years before Srebrenica fell, strongly suggest that the evidence is being manipulated. There is no explanation, other than evidence tampering, to explain why the remains of people who died in 1992, 1993, and 1994 found their way into graves that we have been told contain Muslims executed by the Serbs in July 1995.

When the Bosnian authorities were confronted with the fact that the remains of these 140 soldiers were found in graves supposedly linked to Srebrenica, they “corrected” their records to say that these soldiers had actually been killed in July 1995.<sup>31</sup> Incredibly, that does not seem suspect to anybody at the Tribunal and they accept it without question.

The suggestion that Prosecution demographers “did not use documents from any of the parties to the conflict in order to ensure complete neutrality” is disingenuous at best. While it is certainly true that documents compiled by the warring factions are biased, the bias in them tends to be self-serving. The Muslims don’t have any conceivable reason to generate false documents saying that civilians from Srebrenica who were captured and executed in July 1995 were really soldiers who died in combat years earlier. Why would the Muslims make that up?

Prosecution demographers did try to discredit documents from the ABiH, which show that the vast majority of those listed as victims of the Srebrenica massacre by the Prosecution were in fact soldiers, and that hundreds of them, were dead long before Srebrenica fell.<sup>32</sup>

Prosecution demographer Ewa Tabeau argued that “In the assessment of the Demographic Unit, reporting of cases in ABiH lists is not highly reliable. The lists were made for the post-mortem pension purposes, so attention was predominantly paid to the fact whether or not a given person died. Including cases in these lists was motivated financially and in some cases had nothing to do with the actual being of an army member.”<sup>33</sup>

The suggestion seems to be that the families of the victims are lying about the military status of their loved ones in order to perpetrate welfare fraud by collecting military pensions for individuals who were never in the military. Ms. Tabeau doesn’t estimate what percentages of the victims’ families are lying, nor does she offer any explanation as to why anybody would want to lie about the date the individuals in question were killed. All she says is that “inconsistencies are seen in the reported date of death when cross-referenced with other sources etc.” without ever identifying what those other sources are. Other sources could

<sup>30</sup> Prosecution’s final trial brief in Popović trial, para 1140–1141

<sup>31</sup> *Ibid.*, see footnotes 3077 and 3078

<sup>32</sup> 220 names on the Prosecutor’s list of Srebrenica victims belong to soldiers killed before 1995. Of those individuals, 140 have been DNA identified by the ICMP from among the remains found in the graves.

<sup>33</sup> ICTY Internal Memorandum entitled “ABiH Military Records Overlapping with 2005 OTP List of Srebrenica Missing,” Dated July 24, 2008

well be the Prosecution's list of victims — where the whole point is that the date of death is inconsistent with the ABiH records.<sup>34</sup>

## Conclusion

We probably will never know the truth about Srebrenica. It is clear that something awful happened there. A crime was committed, but the scale of that crime is completely unknown because the people doing the investigation cannot be trusted.

The UN Tribunal that was set-up to determine the facts is grossly biased against one side, the Serbs. That tribunal is an institution of manipulation and prejudice. The Tribunal is an institution where Naser Orić can murder Serbs, boast about it to reporters while showing them video proof of what he did, and the Hague Tribunal acquits him, presumably because he personifies the “good guys” in the conflict.

But Radislav Krstić, who never personally committed a crime and who never ordered anyone else to commit a crime, is convicted of aiding and abetting genocide and he is sent off to prison for what will likely be the rest of his life, presumably because he is the cartoon character representing the “bad guys.”<sup>35</sup> That's the kind of “justice” they've got at the Hague Tribunal. That's the kind of “court” that decided the Serbs were guilty of “genocide” in Srebrenica.

*Andy Wilcoxson*

The author is a successful television broadcast engineer in the United States with a lively interest in world affairs, including the recent history of the former Yugoslavia. Disturbed by the biased and superficial approach to those complex issues which has prevailed since the early 1990s, he became a founding member of Milošević's defense committee in The Hague when the former president was put on trial there. He was one of the few American journalists to cover Milošević's trial in The Hague on a daily basis on the [www.slobodan-milosevic.org](http://www.slobodan-milosevic.org) website that he administered. He recently finished writing a book about the break up of Yugoslavia based on the information that came to light during the course of Milošević's trial. Mr. Wilcoxson can be reached via e-mail at: [webmaster@slobodan-milosevic.org](mailto:webmaster@slobodan-milosevic.org).

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<sup>34</sup> Ibid.

<sup>35</sup> Krstić was sentenced to 35 years in prison. Paragraph 239 of the appeals judgment in his trial literally says: “Radislav Krstić and the Drina Corps under his command did not personally commit any crimes against the Bosnian Muslim civilians, other than assist in the organisation of the forcible transfer [sic]. Notably, it was established that Krstić was only present in Potočari for an hour or two at the most, and there was no evidence that he actually witnessed any of the crimes being committed against the Bosnian Muslim civilians, or that his subordinates in the Drina Corps directly witnessed them and reported to Krstić. Furthermore, the Trial Chamber accepted that the transfer of the Bosnian Muslim civilians organised by the Drina Corps was a disciplined and orderly operation, and that Krstić specifically ordered that no harm was to befall the Bosnian Muslim civilians being transferred forcibly.” The Tribunal convicted him because in Paragraph 150 of the Appeals judgment they ruled that “It was unnecessary for the Trial Chamber to conclude that Radislav Krstić was actually aware that those other criminal acts were being committed; it was sufficient that their occurrence was foreseeable to him and that those other crimes did in fact occur.”

## XIV. THE BALANCE SHEET

The issue of “revisionism” does not even arise in the case of Srebrenica. Since the Bosnian war ended a decade and a half ago, no fundamental aspect of the matter has been clarified. Therefore everything is open. A provisionally acceptable narrative of Srebrenica has yet to be written. Hence, at this point there is literally nothing to “revise.”

The aggressive campaign to brand every autonomous inquiry as “revisionism” and to tag a revenge massacre, which certainly was a war crime, as “genocide”, thus linking Srebrenica by association to a genuine genocide which occurred during World War II while denouncing efforts to broaden our factual perspective on it as Holocaust denial, is an audacious political game. But we can leave politics aside. On the level of free inquiry and public debate, the relentless drive to stifle debate about Srebrenica is a dangerous threat to liberal values. It is a pernicious attempt to regiment opinion, and it clearly is detrimental to the principle of unfettered public expression. Its goal is to achieve the same *Gleichschaltung*, the reduction of most public discourse on the subject to a uniform and similarly intoned line, which has already been imposed successfully in the domains of politics and media.

We are not asking for anything that is inherently unreasonable or that anybody who is satisfied that the facts are on his side needs to fear. It is simply to assemble all the evidence first, before drawing any final conclusions, and then to make a sustained intellectual effort to ensure that whatever conclusions are reached are compatible with the evidence. Why is that so difficult and — to some — even repugnant?

In this volume we have published for the first time two important new sources. These are the complete set of autopsy reports prepared by ICTY Prosecution forensic teams from 1996 to 2001, and statements given by Srebrenica residents, most of them surviving members of the 28<sup>th</sup> Division column, who ultimately reached Moslem-held territory after the Serbian takeover of the enclave on 11 July, 1995.

Both sources shine a fundamentally new light on Srebrenica.

The autopsy reports are important because they include all Srebrenica-related mass graves exhumed by ICTY forensic experts and they tell us two significant things. First, that there are less than 2,000 [or about 1,920] individuals in them. Second, that a pattern of injury analysis reveals at least two major causes of death: execution and combat. So the empirical conclusion based on that evidence is that there are less than 2,000 verified Srebrenica-related mortalities

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<sup>1</sup> Institut za nestala lica BiH.

from at least two different causes, one constituting a war crime and the other not. That alone removes the props from under the institutionalised Srebrenica narrative's most popular misconception which holds simplistically that about 8,000 prisoners were lined up and shot.

Autopsy reports from exhumations conducted after ICTY forensic teams ceased their activities in 2001 were not ignored; they are not available. From that point on, exhumations were conducted by the Bosnian Institute for missing persons<sup>1</sup> with headquarters in Sarajevo. The Institute maintains a high media profile, especially each year as the July 11 Srebrenica anniversary approaches. With much fanfare it has announced the discovery of new mass graves. The remains found in them have been presented to the general public as execution victims and they are being buried solemnly each year at the Memorial Centre in Potočari. The curious thing about these exhumation results — said to be in the thousands — is that they have never been offered in evidence in any Srebrenica-related trial before the ICTY in The Hague. Is that an indication of a lack of confidence in their professional quality, and skepticism that they could withstand professional scrutiny, even under conditions as unfavorable to the defence as those that prevail at ICTY? That is not an unreasonable hypothesis at all considering that the Institute is a dependency of the Sarajevo-based government and is basically tasked with promoting its agenda.

To recapitulate: ICTY forensic teams have covered all known and suspected Srebrenica-execution mass graves during the period of their activity, 1996 — 2001. The quality of their autopsy reports is uneven and in many respects highly questionable, as we have shown. But at least they have been used in court, where there was an opportunity to examine them critically in adversarial proceedings, and they are available. None of that applies to the exhumation materials generated by the Bosnian Institute for missing persons. On the occasions that their claims were checked, they were found wanting. A case in point were the Kaldrmica exhumations, misrepresented recently as a burial site of Srebrenica execution victims but which turned out to be one of the locations where legitimate combat took place between the retreating 28<sup>th</sup> Division column and Serbian forces in July of 1995.<sup>2</sup>

Survivor statements are the other important addition to the Srebrenica dossier that all who value first-hand evidence will appreciate. Those statements refer to fierce combat and enormous casualties, unrelated to executions, which resulted from it. The obvious first question to Srebrenica genocide promoters is: Why were we not told before of this combat and the resulting casualties? The next question to them would be: What steps have been taken to mark the difference between these “legal” casualties<sup>3</sup> and the genuine victims of execution and to make sure that they are not conflated, even though the aggregate total still lags far behind the magic figure of 8,000? If none, that does not exactly reflect

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<sup>2</sup> For a more detailed discussion, see Chapter VII, “Analysis of Moslem column losses.”

<sup>3</sup> This is not some revisionist's terminology but Richard Butler's, and he is the military expert of ICTY Prosecution who testifies regularly in Srebrenica trials.

good faith on the part of those who are telling us the official Srebrenica story nor is it a demonstration of their open-minded commitment to the truth wherever the facts may lead.

How many residents of Srebrenica enclave lost their lives in July of 1995, taking into account both those categories of losses: execution victims and combat casualties which occurred during the withdrawal of the 28<sup>th</sup> Division column?

In order to answer that question, two key parameters must be compared: (1) the population of the enclave in July of 1995 before the Serbian attack; and (2) how many Srebrenica residents were registered on territory under Moslem control shortly afterwards.

For both parameters, fortunately, there is data of satisfactory reliability.

**Population of the enclave in July of 1995.** There are several sources about the probable population of Srebrenica enclave prior to its fall on 11 July, 1995.

1. In the *Debriefing* of the Dutch battalion which was inside the enclave at the time of the attack, we find the following information:

At the beginning of July, the population in the enclave amounted to approximately 40,000 people, of whom the majority (80%) consisted of refugees.<sup>4</sup>

This report about the population is important because it originates from a competent source which was on the spot when the estimate was made and which is neutral in relation to the contending parties' controversies.

2. Another assessment of the population was made by an officer of the UN Observer Mission in Srebrenica. In his official report to superior commands in Zagreb and Sarajevo on 26 July, 1995, Major P. H. D. Wright estimates Army of Bosnia and Herzegovina forces in the enclave to have numbered 4,000. He explains that when estimating the number of military-age males the usual procedure is to take 10% of the total population.<sup>5</sup> That suggests that in Major Wright's perception, just like the Dutch military authorities', 40,000 was a fair estimate of the number of residents in the enclave.

3. In his 15 July, 1995, dispatch entitled "Situation in Tuzla and Srebrenica," UN special representative Yakushi Akashi says that the "Base figure of 42,500 inhabitants of Srebrenica was established in 1993 and remained unconfirmed."<sup>6</sup> If the figure of 42,500 inhabitants was valid in 1993, and since there was no population influx since then, between then and July of 1995 the total could have only fallen, not increased. So when account is taken of the period when this somewhat higher figure came into being and of the factors that might have influenced it since then, in July of 1995 the population probably would have been close to the 40,000 estimates.

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<sup>4</sup> Report Based on the *Debriefing* on Srebrenica [Assen], 2.33, 4 October 1995, EDS: 00349926.

4. We have one more estimate of the population of Srebrenica enclave that was made by the chamber in the appellate judgment in the case of General Radislav Krstić. In paragraph 15 we find:

The size of the Bosnian Muslim population in Srebrenica prior to its capture by the VRS forces in 1995 amounted to approximately forty thousand people.

In paragraph 37 the chamber reiterates a similar view on this issue:

They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general.

The position of the Prosecution follows similar demographic parameters. In the trial judgment in *Krstić* the chamber cites the view of ICTY Prosecution that the population of Srebrenica

...numbered in total approximately 38,000 to 42,000 prior to the fall.<sup>7</sup>

The supporters of the official Srebrenica narrative will find it extraordinarily difficult to dispute the population estimate of the chamber which found General Krstić guilty because at the forefront of that judgment is their favorite thesis — that what happened in Srebrenica was genocide. To discuss credibly whether or not genocide occurred, material evidence of this nature is of primary significance. If the chamber erred with respect to the numerical size of the population to which the genocide refers, how can we credit its other findings such as, for instance, that genocide occurred in the first place?

We can now summarise these data which originate from several different sources. In July of 1995 there were about 40,000 people in the Srebrenica enclave, with the proviso that this is not an official census figure but the best estimate of competent and neutral observers, or of an institution which had a professional duty to ascertain the demographic situation. The credibility of this figure is enhanced by the fact that it is the numerical point of convergence of several independent estimates.

**How many Srebrenica residents did not die?** The next key question is: How many Srebrenica residents survived after Serbian forces took over the enclave on 11 July, 1995? The difference between the population at the beginning and those who were alive after losses occurred will give us a reliable indication of the number who perished.

1. The Report of the UN Command for Sector North-East, Tuzla air base, to sector commander, on 4 August, 1995, features the following information:

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<sup>5</sup> Postscript to Srebrenica, 26 July 1995, par. 8, EDS: R0050422

<sup>6</sup> Cable from Akashi, 15 July, 1995: Situation in Tuzla and Srebrenica, par. 5, EDS: 1D19-1603. (Annex 13.1)

<sup>7</sup> *Prosecutor v. Krstić*, trial judgment, par. 592.



Subject: Srebrenica Displaced Persons Situation Update

Total number in SNE AOR: 35.632 (approx.)

Housed in private accommodation: 17.383

Housed in collective centers: 9.749

Tuzla air base camp: 6.500<sup>8</sup>

The breakdown of the total figure into several accommodation categories enhances the impression that the total is an authentic figure, and not a rough approximation.

2. This figure is accepted by Dutch military authorities in their Srebrenica *Debriefing*:

It appears from UN sources that 35,632 refugees had reached Tuzla by August 4, 1995.<sup>9</sup>

3. With the evident intention of assisting the Hague Tribunal in clarifying the events in Srebrenica, on 20 October, 1995, Dutch Defence Minister J. J. C. Voorhoeve sent ICTY Prosecutor Richard Goldstone an official communication to the following effect:

Herewith I send a document that was received during the debriefing of Dutchbat about the registration of approximately 35,632 refugees from Srebrenica. If this number is correct — which is not sure — it can help to determine the number of missing and executed men from Srebrenica. Therefore, I think the document could be of interest to you.<sup>10</sup>

The Dutch Defence Minister's letter is of interest for at least three reasons. First, it indicates that one more competent authority accepts it as a fact that after the Serbian attack on Srebrenica over 35,500 persons had made it to safety out of the enclave. Second, the minister points out very logically that the figure he quotes — if correct — might be relevant to the finding of how many people perished as a result of the Srebrenica operation. Thus, the need for speculation (on the condition that we have prior demographic data, of course) is greatly diminished. Finally, we also learn from this correspondence that ICTY Office of the Prosecutor was officially apprised from a very official source that data about the number of Srebrenica survivors were available.

**Was ICTY working in good faith?** When all these data which are easily accessible and readily available in the ICTY database are combined, the issue that they raise is not of mathematical error, but of something more serious: it is the issue of good faith, *bona fide*. In this particular case, where the quantitative

<sup>8</sup> EDS: 00412059.

<sup>9</sup> Report Based on the *Debriefing* on Srebrenica [Assen], 5.38, 4 October, 1995, EDS: 00349976. (Annex 13.3)

<sup>10</sup> EDS: 00412058 and 3D39-0410. *Nota bene*: the document shows a stamp confirming that the addressee received it on 24 October, 1995. (Annex 13.2)

scope of a presumed genocide is being defined, mathematical errors can also have extraordinary legal and moral implications.

If we take as our point of departure the lower estimate of ICTY Prosecution according to which the population of Srebrenica in July of 1995 was 38,000,<sup>11</sup> that would leave a difference of 2,368 individuals who might have been casualties in the operation. If we base our calculations on their higher estimate of 42,000, we get a difference of 6,368 potential casualties. And that does not even enable us to answer the question of how many were executed since some were summarily shot and others were killed in combat. But that would certainly put an upper limit on the total casualties. Clearly, in both scenarios, 8,000 executed persons is simply impossible.

It must be granted that the Prosecution — like the defence — is an interested party in the proceedings and it is free to make whatever claims it wishes. The neutral organ tasked with impartially assessing arguments and facts is the chamber. As we saw, the chamber found that when the Srebrenica operation started at the beginning of July of 1995, about 40,000 people lived in Srebrenica.<sup>12</sup> We saw also that as of 4 August, 1995, 35,632 of them had reached Tuzla successfully, giving us a difference of 4,368 persons who could have died of various causes. It should be noted also that the fact that on 4 August all residents of the enclave at the time of its fall were not in Tuzla does not necessarily mean that they were dead; it only means that they were not in Tuzla. However, all who were registered as originating from Srebrenica and who were in Tuzla definitely were not genocide victims.

So how was the trial chamber in the *Krstić* case able to draw the following conclusion?

The Trial Chamber concluded that almost all of those murdered at the execution sites were adult Bosnian Muslim men and that up to 7000–8000 men were executed.<sup>13</sup>

As we saw, such a conclusion is unsupported by the factual evidence not only because it is at odds with the relevant statistics but also because the number of exhumed bodies which could be linked in any way to events in and around Srebrenica in July of 1995 is under 2,000. That is not even close to the figure which must be proved for the chamber's conclusion to be credible. But the chamber's finding is not credible for an additional reason. It is mathematically impossible because it diverges wildly from the demographic figures for the enclave at the beginning and the number of registered survivors at the end of the relevant period.

There is another very important issue. What is the factual basis for the following conclusion that the chamber draws?

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<sup>11</sup> *Prosecutor v. Krstić*, trial judgment, par. 592, 593.

<sup>12</sup> Conclusion of the appellate chamber in *Krstić*, par. 15 and 37.

<sup>13</sup> *Prosecutor v. Krstić*, trial judgment, par. 487.

The results of the forensic investigations suggest that the majority of bodies exhumed were not killed in combat; they were killed in mass executions.<sup>14</sup>

The chamber's objective is to produce the impression that only after carefully weighing the forensic evidence it made its finding that an elevated percentage of exhumed persons had no link to combat activities and that the few exceptions only confirm the rule. However, the analysis of forensic results refutes the chamber's interpretation persuasively and completely.

The category of exhumed "cases" which are linked to bullet injuries, and which therefore might be used to support the thesis that those individuals could have been executed, amounts to 655, which is 18% of the total. That is far from being "most" of the 3,658 available autopsy reports.<sup>15</sup> Furthermore, 150 cases within that category must be looked at separately. In those cases it appears highly certain that the cause of injury was most likely not a conventional firearm bullet but a projectile of bigger calibre, such as typically would have been fired by a Praga.<sup>16</sup> That would leave us 500 potential victims of execution in this category, but even that with the proviso that a similar pattern of injury is conceivable also in combat.

If we concede that all 500 were execution victims and add them to the 442 with headscarves and ligatures, the maximum of potential victims of execution in this lot would be about 950.<sup>17</sup> That is 26% of the Tribunal's 3,658 cases, considerably short of the claimed "majority" of those exhumed. When to the 477 cases where the victims were incontestably killed by shrapnel, mortar, or other types of artillery munitions, we add the 150 who are listed as having been killed by a "bullet," but whose injury pattern creates a reasonable suspicion that they may have been killed by a Praga or similar type of projectile, we obtain the significant figure of 627 who, quite contrary to what the ICTY chamber says, very likely did perish in combat. This is another important segment of the evidence where the facts do not support the sweeping and careless generalisations of the Hague Tribunal.

These calculations sound ghoulish, to be sure. But such minute analysis of the evidence is rendered necessary by the callous insistence on number games and refusal by the proponents of the institutionalised Srebrenica story to accept conclusions that fit the facts. As discussed earlier, ICTY exhumations began soon after the events, in 1996, and they continued until 2001. They were conducted by international forensic specialists under the auspices of the ICTY Of-

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<sup>14</sup> *Prosecutor v. Krstić*, trial judgment, par.75.

<sup>15</sup> As shown in chapter VI, which deals with the tabular presentation of the forensic evidence, one case does not equal one body. Nevertheless, ICTY chambers act implicitly on the assumption that each autopsy report does stand for one body. It must therefore accept the mathematical consequences of the application of its premise.

<sup>16</sup> Chapter V, "Analysis of Srebrenica forensic reports prepared by ICTY."

<sup>17</sup> The figures that we have arrived at are obviously very close to the estimate of the number of executed prisoners that was offered by Phillip Corwin, the UN civilian representative in Bosnia and Herzegovina in July of 1995. According to Corwin, the actual number of executions was about 700. See Phillip Corwin, "Foreword," *Report of the Srebrenica Group*, <http://www.srebrenica-report.com/foreword.htm>. Corwin reiterated the figure of 700 in his interview to the German newspaper *Junge Welt*, on 31 July, 2008, („Srebrenica ist Teil einer größeren Tragödie," Cathrin Schütz).

fice of the Prosecutor. By comparison to the genocide victim figure of 8,000 that was announced at the start, and which sounded rather like a minimum quota by which to measure the forensic specialists' field performance, the actual results of the exhumations were quite meager. By the end of that process, when ICTY Prosecution forensic teams ceased operating, all they had to show for their labours were 3,568 autopsy reports, misleadingly inflated by many disarticulated body fragments being raised to the status of „cases“, which were then disingenuously presented as actual bodies. That is clearly not even half of the „target“ figure. But based on the internal evidence of those autopsy reports, the actual number of individuals who were there was about 1,920, and they perished of various causes. That is about a quarter of the „target“.

Slightly less ghoulish, but no less misleading, is what passes for DNA evidence that has been adduced in support of the official version. We have demonstrated that — in the form in which it was presented so far in the Srebrenica-related *Popović et al.* trial — this evidence is juridically useless. It has no probative value whatsoever because it has not been made available to the defence in verifiable form; its results can only be accepted on faith. To accept it without proof would be most unwise not just for reasons of general principle but more specifically because the relevant results are, as we saw, extremely easy to fake. Complete transparency in the production and use of this type of evidence is therefore imperative if it is meant to have probative value. Denial to the defence, by ICTY chambers,<sup>18</sup> of a reasonable opportunity to scrutinise that evidence, based on motives that are palpably spurious,<sup>19</sup> is a crude violation of the fundamental precepts of the adversarial system. Reliance on such questionable DNA-derived “evidence,” especially when formulating weighty “findings” about genocide and the alleged number of its executed victims, can only be regarded as a travesty of the judicial process.<sup>20</sup>

The misjudgements discussed above are far too significant to be attributed only to poor math or to ICTY chambers' procedural flexibility. There may be several possible explanations why in much of their reasoning ICTY chambers have consistently disregarded both the principles of mathematics and their own Rules of Procedure and Evidence.<sup>21</sup> Bad faith, *mala fide*, is certainly one of them. But the explanation most strongly suggested by the chambers' intellectually irrespon-

<sup>18</sup> This was done during the trial in the *Popović* case and more recently in the *Karadžić* case.

<sup>19</sup> i.e. “victim privacy.”

<sup>20</sup> As was pointed out, ICTY chambers are so accustomed to operating on the assumption that they are shielded from effective criticism that in the *Popović et al.* trial judgment it is seriously suggested that based on DNA evidence 5,336 Srebrenica execution victims have been identified and that another, larger number, is expected to be identified in the near future. Never mind that basing judgments on the prospective, rather than just actual, number of victims is a highly unusual procedure for a court of law. But, more to the point, the chamber seems oblivious of the fact that while personal identification using DNA is possible, manner and time of death are beyond DNA's ability to demonstrate.

<sup>21</sup> ICTY Rules of Procedure and Evidence, Rule 66, (B) and (C). Rule 66 (B) mandates defence review, upon request, of all documents “which are material to the preparation of the defence, or are intended by the Prosecutor as evidence at trial.” Rule 66 (C) provides that when such disclosure is deemed prejudicial or contrary to some legitimate interest, the Prosecutor shall provide it to the chamber.

sible conduct is this. ICTY chambers are under the implicit obligation to issue not juridically proper but politically correct judgments and that is something that is expected of them, as George Pumphrey would say, *n'importe quoi*.

Speculation about motives aside, this much is clear: ICTY judgments are result- and not evidence-driven. That should be quite enough to raise doubt about the integrity of the entire process.

**The political uses of the institutionalised tale.** Several years ago, author and political analyst Diana Johnstone raised the issue of the “uses of Srebrenica.”<sup>22</sup> As she explains her analytical approach, the important question is not: What happened? But: What are its political uses?

Of the numerous interested parties which exploit systematically the political gold mine which is Srebrenica, there is a particular group of users which must be set apart. It is the political elite that shapes the thinking, perception, and collective vision of the Moslem community in Bosnia and Herzegovina. To them Srebrenica is priceless as a mass mobilisation vehicle and — perhaps equally important — as a device to achieve the permanent separation of the Moslem masses from the other great and in all essentials, except for religion, indistinguishable Serbian community. With the venomous connotation of an attempt to extirpate a tiny Islamic island in the Balkans, far from its spiritual and civilisational mainland and surrounded by a sea of hostility, Srebrenica is the ideal pretext for nurturing in the ranks of Bosnian Moslem masses a permanent feeling of insecurity and cultivating a permanent existential threat. The Pied Pipers from the self-perpetuating political establishment in Sarajevo are skillful masters at converting that anxiety into abundant political capital. They claim that they alone are capable of protecting their community from these mortal dangers.

Srebrenica serves the Moslem establishment as an ideal mechanism to ensure that members of the Bosnian Moslem community, which they have already regimented without pity, will not find the courage to begin thinking for themselves, because they are being conditioned to think that lurking outside the gates are not neighbours or relatives, but brutal enemies wishful of their destruction. Under the cover of Srebrenica, the counter-revolution of the beys,<sup>23</sup> the preparations for which began in the 80s as soon as the fact became evident that the old Yugoslav regime's days were numbered, is being consolidated unperceived while mass attention is diverted elsewhere, to false slogans of a return to Islam and revitalisation of Bosniak identity.

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<sup>22</sup> Diana Johnstone, “Srebrenica Revisited,” *Counterpunch*, 12 October, 2005: <http://www.counterpunch.org/johnstone10122005.html> Some of the enumerated uses are: providing rationales for future “preventive” aggressions; instrument of endless political blackmail of Serbia and reduction of its leadership to complete subservience; myth that would permanently poison relations between the two principal communities in Bosnia and make the presence of foreign “arbiters” indispensable.

<sup>23</sup> The reactionary, wealthy, landowning families from whose ranks the leadership of Bosnia's Islamicised community has traditionally been drawn. Their surnames, e.g. Izetbegović and Saćirbey [Bosnia's wartime UN representative] speak eloquently enough.

Whatever additional uses Srebrenica may have on the level of global politics, locally it is a mechanism of mass homogenisation within the Moslem community such as every elite can only dream of. For the Moslem leadership, the desacralisation of the cult of Srebrenica is inconceivable. Sarajevo will never tolerate an honest investigation of what happened in Srebrenica. That would not only imperil one of the most effective levers it has for the control of its masses, but also could — depending on the thoroughness of the investigation — compromise catastrophically the leadership's own wartime conduct.

As much as the self-appointed and self-imposed leaders of the Moslem community are Srebrenica's principal local beneficiaries, the Moslem community of Bosnia and Herzegovina is its monumental loser.

Sacrificed physically and with pitiless cynicism in Srebrenica, the Moslem community continues to be sacrificed a decade and a half after the war, only now politically. Instead of acting in unity and agreement with its Serbian neighbours and relatives, which is absolutely the only hope it has of becoming a significant player capable of ensuring its vital interests in the Balkans and in Europe, Bosnia's Moslems have ended up with the comparatively worst settlement in post-war Bosnia. Although they are a relative majority in Bosnia and Herzegovina, they are penned up in a territorial and political ghetto. In that ghetto, they are in a position of absolute dependence, where locals or foreigners — but always others — motivated exclusively by their own interests and geopolitical requirements shape its fate. And, perhaps the most fatal thing of all, their only present link to the outside world, which neither in the East nor in the West has any affection for them, is precisely the self-centered, amoral, and infinitely foolish ruling caste which has arisen from their own ranks.

That caste will never quote to the Moslem people the sobering warning of Hannah Arendt, which should be displayed prominently in every Moslem household right next to the picture of the holy site in Mecca:

Only folly could dictate a policy which trusts a distant imperial power for protection, while alienating the goodwill of neighbours.<sup>24</sup>

If an example is necessary of how that folly operates in practice, it suffices to consider the following statement of US Congressman Tom Lantos, allegedly a great friend of Balkan Moslems, who not long ago disclosed the pragmatic reasons behind his government's pretense of support for its Balkan clients:

[This should serve as] a reminder to the predominantly Muslim-led governments in this world that here is yet another example that the United States leads the way for the creation of a predominantly Muslim country in the very heart of Europe. This should be noted by both responsible leaders of Islamic governments, such as Indonesia, and also for jihadists of all color and hue.<sup>25</sup>

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<sup>24</sup> Hannah Arendt, "Zionism Reconsidered," *Menorah Journal*, vol. 23, no. 2 (October-December, 1945)

<sup>25</sup> Julia Gorin, *Huffington Post*, 20 April, 2007 [quoting a 17 April, 2007 transcript provided by Federal News Service, Inc.]. The quote in its entirety: „Let me just raise a few items, Mr. Secre-

This simulacrum of support, based entirely on a calculated perception of momentary geopolitical interest, can be withdrawn at any moment should global conditions which gave rise to it change drastically. The world-wide media machinery, mobilised to maintain the myth of a genocide that did not occur, can be called off also at any moment when the revised situational assessment dictates that the myth's benefits have outlived their usefulness. It goes without saying that without such global propaganda logistics, a machinery over which Bosnian Moslems of course have no influence or control, and which in the international arena appears to support their cause because of a temporary overlap of strategic interest but where Bosnian natives are but stage extras, the Srebrenica story would not have gotten off the ground. Nobody would be paying the slightest attention to the sorrow of the Moslem Mothers of Srebrenica, just as no one at all is paying attention to the sorrow of Serbian mothers. Or Iraqi or Afghan mothers, for that matter.

The phony version of Srebrenica, the core of which is a heinous crime that did not occur, which the Serbs did not commit and which they will never accept as their collective act, was invented deliberately to serve as a permanent and unbridgeable obstacle to the unity of two religious communities which are component parts of the same people. That is one of the uses, as Diana Johnstone would put it, of the cult of Srebrenica. The real Srebrenica, that portion of the official narrative which does correspond to reality, as well as the suppressed other portion of that story which has to do with the mass destruction of the Serbian community in Srebrenica during the same wartime period, has also legitimate use, but in the diametrically opposite sense. Shared suffering brings people closer and deepens their solidarity. A joint perspective on the disaster which occurred between 1992 and 1995 as a shared and mutual, instead of one-sided, misfortune is closest to a guarantee that the people of Srebrenica will never again allow anybody to trick them into allowing the misfortune to be repeated. For the users (perhaps it would be better to call them beneficiaries) of Srebrenica, the encouragement of such a perspective would be a catastrophe and they will spare no effort to thwart it. We must struggle even more persistently to make sure that just such a "catastrophe" should occur as soon as possible.

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tary. The first one: just a reminder to the predominantly Muslim-led governments in this world that here is yet another example that the United States leads the way for the creation of a predominantly Muslim country in the very heart of Europe. This should be noted by both responsible leaders of Islamic governments, such as Indonesia, and also for jihadists of all color and hue. The United States' principles are universal, and in this instance, the United States stands foursquare for the creation of an overwhelmingly Muslim country in the very heart of Europe. "Lantos had specifically in mind when making that speech the narco-statelet of Kosovo, which less than a year later would be unilaterally declared with the encouragement of its Western sponsors, whose support was meant to send a balancing message to the Islamic world. But, *mutatis mutandis*, that message of "support" was meant for Bosnian Moslems as well. A very relevant and related issue concerns the implementation of those "universal values" in Iraq and Afghanistan, where over the last decade several hundred thousand Moslems, a Srebrenica per week, were slaughtered in neo-colonialist wars. These are just some of the unpleasant things that "support" for Balkan Moslems is designed to downplay and obscure.

A decade and a half after the war's end, Srebrenica continues to be an enigma which provokes countless questions to which we still have few honest answers. The only statement about it that we can make confidently is that this toxic myth is beyond the pale of truth. We must invest every effort to use the truth to neutralise it and to replace it with an account of events which, at least in its fundamental features, correlates with reality. That is the best way that we can help the people of Srebrenica to achieve the one goal that at this precise moment many of them may not recognize as the most essential, but without which they have no future: lasting peace, with themselves and their neighbours.

*Stephen Karganović*



# DECONSTRUCTION OF A VIRTUAL GENOCIDE

## The intelligent person's guide to Srebrenica

### Summary

Events surrounding Srebrenica cannot be discussed meaningfully without taking a holistic approach. The core event, the prisoner massacre that occurred between July 11<sup>th</sup> and 19<sup>th</sup>, 1995, must be broadly contextualised to include consideration of the role of major external actors (e.g. international community, media) as well as important internal factors (e.g. attacks on surrounding Serbian villages, failed demilitarisation process) which shaped the events that culminated in the large-scale loss of life. That, in a nutshell, is the central thesis of this monograph.

When it is alleged that 8,000 people were shot, but after a decade and a half it is impossible to produce 8,000 bodies to back up that claim, that discrepancy between the bare assertion and the factual evidence suggests strongly that something must be radically wrong with the institutionalised Srebrenica narrative. When to this are added active resistance to independent research and critical examination, and threats of criminalising public expression of dissenting views, a suspicion is unavoidably ignited that the official narrative does not rest on a solid factual basis.

The reductionist approach, which has dominated the Srebrenica debate until recently, avoids dealing with contextual complexities and factual difficulties. It seeks instead to offer an explanation that is simplistic (a sudden decision to wipe out an entire community) and notoriously careless with the facts (an exaggerated death toll which is insisted upon in order to lend credibility to the charge of genocide).

The nervousness of the reductionist camp lately, as additional evidence has appeared, has been palpable. It is probably for that reason that it has been working so hard to encourage the passing of political resolutions and punitive measures designed to sacralise the dogmatic version of Srebrenica events and to impose it as the only correct point of view.

The primary goal of this monograph is to analyse the losses suffered in the Srebrenica theatre by the Moslem side in the Bosnia-Herzegovina conflict in July 1995. This is an important issue for several reasons. First, because those losses are raised as evidence of guilt of the Serb side in the BH conflict, even in the collective sense of that word; second, assuming that some form of responsibility may indeed be imputed, it is fair to try to assess as accurately as possible the character and scope of those losses, otherwise the nature of the responsibility

hardly can be properly established; further, those losses are not treated as a routine wartime event but have become widely regarded as exemplifying the most heinous crime known to international law: genocide. Therefore it becomes additionally important to sort things out. Finally, all pragmatic considerations aside, there is also a moral imperative: the truth has an enormous healing power which both communities in Srebrenica — and in Bosnia-Herzegovina as a whole — should welcome if it is indeed their wish to live in peace and not allow the recent horrors to ever be repeated.

In line with the holistic approach, available data concerning the scope of Moslem losses which resulted directly from the takeover of the Srebrenica enclave by Serbian forces [VRS] are considered. That is the primary focus of this monograph. In the chapters prepared by Dr. Ljubiša Simić, a detailed analysis is presented of the forensic material that is used by ICTY prosecution in various Srebrenica-related trials to demonstrate Srebrenica Moslem casualties. That forensic material is the only *corpus delicti* of the crime of Srebrenica used before the International Tribunal at the Hague and it constitutes the only available physical evidence for the allegation that in July of 1995 the Serb side committed genocide by executing “8,000 Moslem men and boys.”

The other aspect of this issue is practically unknown to the public at large. It concerns the losses inflicted on the 12–15,000-strong column of the 28th Division of the Bosnian Moslem army, which included military personnel and civilians, who attempted a breakthrough from Srebrenica to Tuzla after the enclave’s fall on July 11<sup>th</sup>, 1995. As a result of clashes with Serbian forces, minefields, and other calamities, the column suffered considerable losses. Such a mixed military-civilian column is a legitimate target according to international law, in contrast to the execution of prisoners; its casualties are not even a war crime, let alone a more serious offence. Therefore, regardless of prisoner executions elsewhere, which was a war crime, casualties sustained by the column must be distinguished and treated separately. They are not even victims of massacre, let alone of genocide.

The systematic avoidance of the column as a distinct piece of the Srebrenica jigsaw puzzle during the critical period in July of 1995 and the absence of any serious analysis of those casualties is a salient example of the perils of reductionism and of the need to take a holistic approach. If there is a will to establish the authentic number of Moslem victims of Srebrenica in July of 1995 and to properly delineate the scope of the crime which forms the material basis for the charge of genocide, legitimate losses resulting from combat must not be conflated with executed prisoners of war. The causes and structure of those legitimate losses are discussed in Chapter VII: “Analysis of Moslem column losses due to minefields and combat activity.” The account of combat activities and losses incidental to them is based on hitherto unexamined and unpublished statements of Moslem column members who successfully reached Tuzla and were subsequently debriefed about their experiences by authorities there.

However, if the holistic approach is to be fruitful, it cannot be confined to a breakdown of Moslem casualties in July of 1995 but must encompass all major factors which influenced the situation on the ground from the outbreak of hostili-

ties in April of 1992 to the fall of the enclave in July of 1995. As a minimum, this requires that attention be paid to two key issues: the agreed but never implemented demilitarisation and dissolution of Moslem armed forces within the enclave, and systematic attacks launched out of the enclave which devastated Serbian villages surrounding Srebrenica. The latter was accompanied by mass killing and expulsion of the peaceful non-Moslem population. These events are part and parcel, morally and forensically speaking, of the dénouement of July of 1995, and in this monograph they are treated accordingly.

The empirical analysis of authentic Moslem casualties, and their proper categorisation, is the core issue with regard to Srebrenica. Without a corpse, there is no murder, or genocide for that matter. The forensic evidence of Srebrenica is the only corpus delicti we have, and its quality and correct interpretation are crucial to understanding and properly interpreting what happened. In two essays, Chapter V: "Analysis of Srebrenica forensic reports prepared by ICTY prosecution experts" and Chapter VI: "Presentation and interpretation of forensic data," Dr. Ljubiša Simić presents the results of his critique of the forensic data, after having reviewed the entire 30,000-page record of ICTY's autopsy reports on this subject.

The numerous errors and methodological shortcomings in the Prosecution forensic results, which Dr. Simić identifies, strongly suggest that the Hague tribunal drew huge and mostly unwarranted conclusions based on insufficient and inadequately analysed evidence. The critique of the forensic aspect of ICTY Prosecution's Srebrenica case is a metaphor for the factual untenability of several other key props upon which it rests.

Three of those major props are closely examined.

[1] The Erdemović evidence. Dražen Erdemović is the Prosecution's key Srebrenica ocular witness as well as an alleged participant in the commission of the crimes which he describes. He became the star Srebrenica Prosecution witness after concluding a plea bargain. In return for a benign sentence of five years for allegedly taking part in the execution of 1,200 prisoners at Pilica, Erdemović has given evidence in five Srebrenica trials so far. But his evidence is shown to be highly problematic, contradictory, and in many key details plainly unconvincing. An example of Erdemović's fundamental lack of credibility is the fact that at Pilica, where this mass crime allegedly involving about 1,200 victims occurred, ICTY Prosecution forensic teams exhumed the remains of only 137 potential victims, of whom 70 had blindfolds and/or ligatures, which confirms that the story as told by the witness is partially correct, but nevertheless enormously exaggerated.

Since Erdemović is a key ocular witness/participant, a great deal of the official Srebrenica narrative in fact rests on his shaky testimony, plus the grossly misrepresented forensic findings.

[2] DNA evidence. DNA was introduced into the Srebrenica investigation process as an evidentiary tool rather late in the game in 2007 during the Popović trial, but with great pomp. Its application in the gathering of evidence is under

the auspices of the International Commission for Missing Persons in the former Yugoslavia [ICMP] whose official mission is to help identify suspected remains of individuals who went missing during the conflict. Although ICMP officially tries to nurture the profile of a non-political and humanitarian organisation, its background shows close ties to the US political establishment and, in fact, its president is appointed by the US Secretary of State. That suggests the possibility of a conflict of interest because it raises the spectre of a client relationship with a government which is competing tenaciously for influence in the region. It should be noted that ICMP's purported identification of over 6,000 out of Srebrenica's 8,000 alleged victims just happens to dovetail very conveniently with that government's Bosnian agenda which is to sacralise the "genocide-cum-8,000 executed men and boys" narrative.

While DNA evidence, with its aura of cutting-edge science, can undoubtedly be used to make a huge impression on behalf of whatever cause it is trotted out to support, its effectiveness in bringing ICTY Prosecution to within striking distance of its goal of identifying 8000 Srebrenica victims is highly uncertain. Where it was presented in court, as in the Popović et al. case, that was in closed session and under highly restrictive conditions which limited the opportunity accorded to the defence to properly examine and criticise the application of this procedure in the identification of Srebrenica victims. It seems, surprisingly, that even the Office of the Prosecutor was denied full access. The stated reason for this secretiveness is that supposedly, in the interest of privacy, DNA test samples and analytical results cannot possibly be released or made public without the written permission of surviving relatives. Since such permission is hardly forthcoming, that effectively makes ICMP's tender of DNA evidence unverifiable and a matter of faith. The practical requirement that the results of DNA matching performed under the auspices of ICMP be accepted on faith is repugnant to both proper science and to proper legal procedure.

The acceptance of such faith-based evidence does not generate any meaningful scientific or judicial data and it is a serious violation of the procedural rights of the accused.

[3] Satellite photos. Evidence in this category has been known and avidly discussed since August of 1995, when US Secretary of State Madeleine Albright showed what purported to be photos of Srebrenica mass graves to the UN Security Council. But as with the DNA evidence, it also is inaccessible and unverifiable, in this case for the alleged reason of national security. But it has recently come to light, as a result of an interview given by Jean-René Ruez, ICTY Prosecution's chief investigator during the initial stages of the Srebrenica investigation, that the widespread impression that was nurtured over the years, that Srebrenica mass graves and evidence of "disturbed earth" suggesting reburials were reliably recorded from outer space using the latest satellite technology, is in fact false. According to Ruez, aerial recognizance over Srebrenica was conducted not by technologically advanced satellites whose intelligence-gathering techniques might justifiably be subject to secrecy, but by much older U2 spy planes. Since a

U2 had been shot down over the USSR some time ago, it may be assumed that its major features are quite well known to foreign intelligence, thus eliminating the need for placing a 50-year seal on Srebrenica photos on the pretext that it's in order to protect sophisticated intelligence-gathering technology.

In sum, it turns out that what was thought to be satellite photos are actually nothing of the kind and that, upon closer examination, this particular prop of the official Srebrenica narrative is as unverifiable as the DNA evidence and as unreliable as the testimony of Dražen Erdemović.

In Chapter IV: "Genocide or blowback?" the three days in July of 1995, during which Moslem residents of the Srebrenica enclave were victims, are balanced against the record of the three preceding years of the war, during which residents of surrounding Serbian villages were targeted systematically in a campaign of devastation and mayhem. However, this balancing account is steadfastly ignored by the proponents of the official Srebrenica narrative, and for a reason which from their partisan perspective makes eminent sense. If the original crime of Srebrenica was the pogrom of the Serbian population during the first three years of the conflict, then the picture changes fundamentally. The conclusion that would then more naturally fit the facts might be that the crime committed in 1995 was an act of revenge, a settling of accounts. But such a conclusion is hardly compatible with a victimological narrative and a genocide cult.

The so-called international community and its various agencies and institutions failed to rise to the challenge and serve as honest brokers in encouraging an equitable solution early on to the tripartite ethnic conflict in Bosnia and Herzegovina. Instead, they served mainly as enablers for one of the sides, while consistently misrepresenting the position, goals, and conduct of another.

The perspective of UNPROFOR commander Gen. Philippe Morillon on the players and the nature and background of the conflict in Bosnia is extensively examined. He has discussed in great detail the brutal methods employed by Naser Orić, the local commander of Moslem forces in Srebrenica, the destructive and lethal consequences of his raids on surrounding Serbian villages, and the degree of intercommunal hatred that this extraordinarily brutal campaign of violence generated. Evidence is presented that representatives of the international community were well aware of the impact of the violence which Orić orchestrated. Orić openly boasted to foreign journalists and to General Morillon of fighting a war where no prisoners are to be taken. Considering that Orić was the local field commander for the Sarajevo Moslem-dominated government which enjoyed international recognition and also a considerable measure of political support, the failure of the international community to make known its concerns over this outrageous conduct created a climate of impunity where practically no restraints were imposed on the Moslem side. The result was numerous attacks on Serb civilian targets (a list of villages and statements of surviving victims is given) in which at least 1,000 inhabitants were killed and dozens of villages were burned and to this day remain uninhabitable.

In Chapter III: „Demilitarisation,“ an overview of the failed demilitarisation process is presented, including a discussion of the salient features and implementation record of both demilitarisation agreements that were concluded on 17 April and 8 May, 1993, respectively. The agreed-upon terms for the cessation of the successful Serbian counter-offensive in the Spring of 1993 against the vastly expanded enclave under the control of Naser Orić’s Moslem forces called for the stationing of a UN peacekeeping force within the protected enclave, the handing over by Moslem troops of all their weapons to UN custody, and the dissolution of all non-UN military units within the enclave. The latter two points of the agreement were never carried out, and evidence is presented that the UN knew and tolerated it, in disregard of its duty to ensure the successful implementation of the demilitarisation agreement. In fact, raids continued to be conducted outside the enclave by armed units of the Moslem army throughout the period of existence of the „demilitarised“ safe zone, right up to late June of 1995, culminating with an attack on the village of Višnjica. Evidence is presented that at that stage the fully operational 28th Division of the Bosnian Moslem army inside the enclave was about 5,000 men strong. Proof of consistent violations of the demilitarisation agreement by the Moslem side is also presented from the Debriefing document of the Dutch Battalion.

In Chapter V: „Analysis of ICTY Forensic Reports,“ a sustained critique is presented of ICTY Prosecution forensic experts’ abduction reports based on exhumations of 13 mass graves in the region of Srebrenica conducted between 1996 and 2002. The results of those exhumations were offered by the Prosecution to the various ICTY chambers dealing with Srebrenica as demonstrating that the overwhelming majority of the victims were executed, with but a negligible percentage showing a pattern of injury consistent with combat activity. In chapter VI: „Presentation and interpretation of forensic data,“ both this contention and the Prosecution’s assessment of the total number of bodies in the mass graves are effectively challenged. The main focus of these chapters is on the Prosecution forensic experts’ methodology, which ultimately led to factually unsupported and not properly examined impressions passing for facts, severely infecting the substance of the Krstić judgment (2001). All the main judicial findings regarding Srebrenica were reached in that case and were replicated and expanded in subsequent Srebrenica-related cases. Some of the major conclusions of the Krstić court are taken to task in light of its uncritical acceptance of many of the Prosecution forensic experts’ professionally defective data.

Some of the main issues identified in Chapter V are: the misleading implication that each of the 3,658 Prosecution autopsy reports = one body, when in fact it may consist of no more than a few bones from which no meaningful forensic conclusions may be drawn; the presence of injuries inflicted by „high velocity bullets“ is unexplored by ICTY forensic experts, although — as is demonstrated here — such injuries could only have been made by artillery projectiles and are highly indicative not of executions but of combat deaths; although victims with blindfolds overlap to a large extent with those with ligatures (442 in total), they are presented in the Krstić judgment as separate categories, apparently in an attempt

do almost double the number of victims who were incontestably executed; also in Krstić, there is no analysis to distinguish and set aside apparent victims of artillery ammunition or mine fragments, who could not possibly have been executed; Prosecution forensic reports show also the presence of complete bodies with various amounts of soft tissue and no perceptible injuries, suggesting that some residents of the enclave died of natural causes rather than execution, but no proper account is taken of that; in Krstić, the number of bodies in the mass graves is put at 2,028, when in fact forensic evidence after a few more years of exhumation activity supports the presence of at most 1,919, including all causes of death; based on Prosecution projections, the Krstić chamber accepted in 2001 that an additional 4,805 bodies would be found in as yet unexhumed mass graves, but almost ten years later this anticipated evidence that would have retroactively made the Krstić judgment look more credible has failed to come to light.

Several issues are highlighted for specific discussion.

The forensic evidence unearthed by the Prosecution at Pilica is compared to the evidence given by their principal witness, Dražen Erdemović, who allegedly took part in the mass execution which occurred there. The enormous discrepancy between Erdemović's claim of how many were executed (about 1,200 in five hours) and the forensic evidence on the spot (137) is but one of the problems there because in the form and at the pace described by Erdemović there would have been but 2.5 minutes per batch of prisoners to do the job in that time frame. A comparison is made with evidence of the mass execution of 1,000 prisoners at another location in the Blagojević and Jokić case, which that chamber heard and accepted. By contrast, in that episode it took about three times longer to execute fewer prisoners.

Another issue is that in many cases the pattern of injury described in the forensic reports as resulting from a „bullet“ in fact is not necessarily consistent with the impact of conventional bullets from automatic and semi-automatic weapons that are commonly used in executions. Upon closer examination, even Prosecution autopsy reports give important clues, such as „high velocity bullet“ and „burst out injuries,“ which suggest that the more likely cause was artillery munitions. A close technical analysis leads to the conclusion that out of 655 deaths in the exhumed mass graves that are attributable to a „bullet,“ about 150 show characteristics more consistent with artillery such as the Praga gun that was widely used against infantry during the Bosnian war. An analysis of numerous statements given by surviving members of the retreating 28th Division column amply documents the widespread use of the Praga, and artillery in general, by Serbian forces in the combat which took place along the column's route. That strongly suggests that even a significant number of casualties attributed to bullets were in fact victims of combat-related artillery injuries, thus excluding execution to some extent even in that category.

A list of column member statements indicating artillery barrages by Serbian forces during the retreat route is provided, and it lends additional plausibility to the forensic analysis. Reference numbers for those statements in the electronic database of the Hague tribunal are provided.

Other serious methodological issues in the treatment of the forensic evidence are discussed. For example, a number of bodies were exhumed in primary graves in 1996 which exhibited only skeletons, without any soft tissue, which virtually excludes that they could have been execution victims only a year earlier, since the decomposition process takes several years. Also, a number of individual ICTY forensic reports are singled out for special comments to illustrate their low level of professionalism.

In Chapter VI a thorough analysis is presented of 30,000 pages of forensic material which constitutes not the main, but the only, physical evidence of Srebrenica, with a separate discussion for each burial site. The first fundamental conclusion that is reached is that, while in the Prosecution evidence there are said to be 3,658 “cases that does not equal 3,658 exhumed bodies. On more careful examination, it turns out that in about 44% of these “cases,” or a total of 1,583 of the available ICTY autopsy reports, not only was there absolutely nothing resembling a complete body from which meaningful forensic conclusions might be drawn, but what was termed a “case” may have consisted of no more than a body fragment, often a single bone, incapable of generating any forensic conclusions at all. In fact, even the Prosecution’s own forensic experts concede that in 92,4% of these autopsy reports, which consisted of body fragments, the cause of death could not be determined. But even the slightly over 50% of the exhumed remains which do allow the possibility of some forensic conclusions nevertheless do not present a uniform picture and they do not necessarily support the Prosecution’s case. A breakdown of patterns of injury is presented, some clearly suggesting combat deaths rather than execution. If we combine victims with blindfolds and ligatures, 442, and those with bullet or bullet fragment wounds only, 505, the total of victims whose condition and pattern of injury at the time of exhumation were consistent with execution is 947. That is less than a third of the cases in ICTY Prosecution’s forensic evidence, and far short of the official Srebrenica execution figure of about 8,000. A control analysis was also conducted to determine the total number of victims in the 13 exhumed Srebrenica mass graves, irrespective of other relevant factors. The method selected was simple but extremely reliable: count all the right and left femur bones, which happen to be among the sturdiest skeletal components. When paired, the femurs give a total of just under 2,000 victims (1,919), which is about 6,000 short of the 8,000 figure which must be properly documented if the authorized version of Srebrenica events is to be believed.

In Chapter VIII: „The genocide issue: was there demonstrable intent to exterminate all Moslems?“ it is argued that the execution of prisoners in July of 1995 can be viewed as either a war crime of significant proportions or, just as ICTY has claimed, as an act of genocide. But for the latter to be correct, there should be persuasive evidence of the existence of intent to execute every Srebrenica Moslem who might have fallen into Serbian orces’ hands, at least during the critical period, July 11<sup>th</sup> to 19<sup>th</sup>, 1995. According to clear criteria erected by



the *Krstić* and later the *Popović* chambers, such intent would have manifested itself in the indiscriminate liquidation of all captured Srebrenica Moslems.

But statements of surviving soldiers and civilians from the Srebrenica enclave who were captured by Serbian forces during that period, some of whom had been wounded and were properly treated in Serbian medical facilities, lend no support to such a hypothesis. In total, 60 statements are considered (all properly referenced to the ICTY electronic database), while chief Prosecution investigator Jean-René Ruez is quoted to the effect that a total of about 1,200 statements were taken. In 14 of those cases, the person was captured between July 12th and 19th, 1995, and was properly processed by Serbian forces; in 29 cases the POW was properly registered with the International Red Cross. Each of the 60 statements is briefly summarised.

The issue, can genocidal intent be attributed to the mass killing which followed the takeover of Srebrenica on July 11<sup>th</sup>, 1995, is also considered from several additional angles.

1. The existence of such intent is inconsistent with the transfer of about 20,000 women, children, and elderly, by the Serbian forces to safety in territory under Moslem army control.

2. On July 16th, 1995, VRS opened a corridor to allow passage for the retreating Srebrenica column instead of using all its available assets in an attempt to annihilate it, which would have been more consistent with genocidal intent.

3. The testimony of Dutchbat doctor A. A. Schouten, who was present in Srebrenica and nearby Bratunac for several days following the takeover, denies seeing anything that would support the suspicion that large numbers of Moslem men were being taken away for execution.

4. In the debriefing of three UN military observers, taken on July 24, 1995, it is also denied that in the aftermath of the takeover any evidence or reports of mass killing of military-age men had been brought to them.

5. The fact, noticed by Prosecution military expert Richard Butler, that thousands of prisoners would have been an excellent bargaining chip for the Serbian side, which could have exchanged them for its own captured personnel, also militates strongly against the irrational decision to execute Moslem prisoners.

6. The Serbian military plan of attack was inconsistent with the intent to eliminate all Moslem residents of the enclave as such. Instead of tightly surrounding the enclave and leaving no possibility of escape, VRS attacked from the south, leaving escape options for the 12,000–15,000-strong military/civilian, mostly male column to use for its trek from Srebrenica to Tuzla.

Based on this evidence, it is clear that the reductionist approach fails once again and that a nuanced picture must be sought if events are to be understood properly.

In Chapter VII: “Analysis of Moslem column losses due to minefields, combat activity, and other causes,” an estimate is made of the casualties that might have been suffered by the mixed military/civilian column which left the enclave on foot, attempting a breakout through mountainous terrain in order to

reach Moslem-controlled territory in Tuzla, which was about 60 km. to the northeast. Along the way, the column had several military clashes with Serbian forces and survivor statements are in accord that it suffered severe casualties. Based on information in dozens of such statements, the losses inflicted on the column — due mainly to minefields, fighting among different factions within the column, suicide, and ambushes set by Serbian forces—are reconstructed. Based on witness statements, points of contact with Serbian forces where ambushes of the column took place are indicated. Statements about column losses by international observers in the area who had insight into the local situation are presented. It is concluded that while no exact figures are available, or perhaps even possible, column losses were ascertainably substantial and in the thousands. Under international law, combat losses suffered by a mixed military/civilian column are legitimate, yet in most reconstructions of Srebrenica these casualties are ignored. They are not treated as a separate category and they are as a rule implicitly conflated with execution victims. Due weight must be given to this major category of casualties on the Moslem side, because they cannot be considered as constituting victims of either massacre or genocide.

In Chapter XII: “The balance sheet,” some broad conclusions are suggested as to what Moslem Srebrenica losses in July of 1995 might have been in light of the preceding analysis. This is accomplished, first, by reviewing available sources which offer relatively reliable data about the population of the Srebrenica enclave immediately prior to the takeover on July 11<sup>th</sup>, 1995. It is put at about 40,000. Evidence is then considered of how many of them had subsequently reached safety. UN and WHO headcounts converge on the conclusion that by August 4, 1995, at least 35,632 residents of Srebrenica enclave had been accounted for. That means that maximum casualties from all causes were just over 4,000. In light of the evidence that there were at least two major sources of casualties, executions and combat activity during the retreat of the 28<sup>th</sup> Division column, the thesis of 8,000 executed war prisoners is untenable. Furthermore, of the slightly more than 4,000 who might have died, forensic analysis of the number of femur bones shows the demonstrable presence of about 1,919 bodies in the mass graves. The conclusion that the pattern of injury breakdown supports is that 947 victims were probably executed, combining those found with blindfolds and/or ligatures and those with injuries caused by conventional bullets.

The available data, in particular the forensic evidence 15 years after the fact, lend no support to the claim of 8,000 executions. While the Genocide Convention does not require a minimum number, its focus being on special intent, relevant jurisprudence and common sense dictate the expectation that the number of victims ought to be substantial before the hypothesis of genocide can meaningfully be considered. In the case of Srebrenica, the presence of special intent to commit genocide is negated by a number of factors. The impression that genocide occurred in Srebrenica in July of 1995 is unsupported by any substantive evidence offered so far. Hence the conclusion is that, while real war crimes did occur, what is claimed to have been genocide was a virtual event.

# LA DECONSTRUCTION D'UN GENOCIDE VIRTUEL

## Le guide de Srebrenica pour les personnes intelligentes.

### Résumé

Les événements autour de Srebrenica ne peuvent pas être analysés de façon pertinente sans une approche globale. L'événement clé, le massacre des prisonniers qui a eu lieu entre le 11 et le 19 juillet 1995, doit être placé dans un contexte plus vaste, afin de pouvoir prendre en considération le rôle des acteurs extérieurs majeurs (ex. la communauté internationale, les médias) ainsi que les facteurs intérieurs importants (ex. les attaques sur les villages serbes aux alentours, le processus de démilitarisation échoué) qui ont donné la forme aux événements culminant de nombreuses pertes humaines. C'est en résumé la thèse centrale de cette monographie.

Lorsqu'il est présumé que 8000 personnes ont été tuées mais qu'une décennie et demie plus tard, il n'est toujours pas possible de produire 8000 corps pour appuyer cette présomption, la divergence entre une déclaration sans fondement et une évidence factuelle, suggère fortement que la version officielle des événements autour de Srebrenica a quelque chose de radicalement faux. Si nous ajoutons à cela, la résistance active aux recherches indépendantes et aux examens critiques, ainsi que la criminalisation de l'expression des opinions dissidentes en publique, le soupçon que l'histoire officielle ne repose pas sur les bases factuelles solides est inévitable.

L'approche réductionniste, qui a dominé le débat de Srebrenica jusqu'à récemment, évite de faire face aux complexités contextuelles et aux difficultés factuelles. Elle cherche en revanche à offrir une explication simpliste (la décision soudaine d'effacer une communauté entière) et notoirement insouciante des faits (l'insistance sur le nombre de victimes exagéré afin de donner de la crédibilité à l'accusation de génocide).

La nervosité récente du camp réductionniste, lorsque les preuves supplémentaires ont apparu, a été sensible. C'est probablement pour cette raison qu'ils ont travaillé si dur pour encourager l'adoption de résolutions politiques et de mesures répressives, créées afin de sacraliser la version dogmatique des événements de Srebrenica et pour l'imposer en tant que le seul point de vue correct.

Le premier objectif de cette monographie est d'analyser les pertes que la partie musulmane a subies dans le drame de Srebrenica en cours du conflit en Bosnie-et-Herzégovine en juillet 2005. C'est une question importante pour plusieurs raisons. Premièrement, parce que ces pertes sont représentées comme la responsabilité évidente de la partie serbe dans le conflit en Bosnie-et-Herzé-

govine, même dans le sens collectif du terme; deuxièmement, en présument qu'une forme de culpabilité peut effectivement être imputée, il serait juste d'essayer d'estimer le plus précisément possible le caractère et la portée de ces pertes, sinon la nature de la responsabilité peut difficilement être établie de manière correcte ; par ailleurs, ces pertes ne sont pas considérées en tant qu'un quelconque événement de guerre, elles se sont transformées aux yeux de l'opinion publique en crime le plus détestable connu pas la loi internationale : le génocide. Pour cette raison il est devenu très important de clarifier les choses. Finalement, toutes les considérations pragmatiques mises à part, il s'agit également d'un impératif éthique : la vérité a un pouvoir de guérison très fort que les deux communautés de Srebrenica — et dans toute la Bosnie-et-Herzégovine — devrait accueillir avec la bienvenue s'ils souhaitent véritablement vivre en paix et ne plus jamais laisser les horreurs récentes se reproduire.

Dans le sens de l'approche globale, les données disponibles concernant la question des pertes musulmanes, conséquence directe de la prise de l'enclave de Srebrenica par les forces serbes [L'armée de la République serbe de Bosnie], sont prises en considération. C'est le focus principal de cette monographie. Les chapitres préparés par Dr. Ljubiša Simić présentent une analyse directe du matériel médico-légal utilisé par le parquet du TPIY dans les différents procès relatifs à Srebrenica afin de démontrer les pertes musulmanes. Le matériel médico-légal est le seul *corpus delicti* du crime de Srebrenica utilisé devant le Tribunal International de la Haye et constitue l'unique évidence physique disponible pour l'allégation qu'en juillet 1995, la partie serbe a commis un génocide en exécutant « 8 000 hommes et garçons musulmans. »

Il s'agit aussi des pertes infligées à l'unité forte constituant une colonne de 12–15 000 hommes de la 28<sup>ème</sup> division de l'armée musulmane bosniaque constitué de militaires et de civiles, qui ont tenté une percée pour passer de Srebrenica à Tuzla après la chute de l'enclave le 11 juillet 1995. Suite aux combats avec les forces serbes, aux champs de mines et aux autres fatalités, la colonne a subi des pertes conséquentes. D'après la loi internationale, une telle unité mixte militaro-civile représente une cible légitime, contrairement à l'exécution des prisonniers; ces pertes ne sont même pas considérées comme un crime de guerre, ne parlons même pas d'une accusation plus sérieuse. Par conséquent, sans égard aux exécutions de prisonniers ailleurs, ce qui était un crime de guerre, les pertes subies par la colonne doivent être distinguées et traitées séparément. Non seulement qu'il n'est pas question de génocide, mais il ne s'agit même pas de victimes de massacre.

Le refus systématique de considérer la colonne en tant qu'une pièce distincte du puzzle de Srebrenica pendant la période critique en juillet 1995 et l'absence de toute analyse sérieuse de ces pertes est un exemple saillant de périls du réductionnisme et de besoin d'adopter une approche globale. S'il existe une volonté d'établir le nombre authentique de victimes musulmanes de Srebrenica en juillet 1995 et de proprement délimiter la question du crime qui constitue le matériel de base pour l'accusation de génocide, les pertes légitimes résultantes des combats ne doivent pas être mélangées avec les exécutions des prisonniers

de guerre. Les causes et la structure de ces pertes légitimes sont commentées dans la Chapitre VII : « L'analyse des pertes de la colonne musulmane dues aux champs de mines et aux activités de combat ». Le compte des activités de combat et des pertes liées à ces combats est basé sur les déclarations non examinées et non publiées des membres de la colonne musulmane qui ont réussi à arriver jusqu'à Tuzla et ont pu débriefier les autorités locales sur leurs expériences.

Cependant, pour que l'approche globale puisse porter ses fruits, elle ne doit pas être confinée aux pertes musulmanes en juillet 1995 mais doit prendre en compte tous les facteurs majeurs qui ont influencé la situation sur le territoire depuis l'éclatement des hostilités en avril 1992 jusqu'à la chute de l'enclave en juillet 1995. Cela nécessite au moins qu'une attention particulière soit portée à deux questions clé : la démilitarisation convenu mais jamais appliquée des forces armées musulmanes à l'intérieur de l'enclave, ainsi que les attaques systématiques lancées à l'extérieur de l'enclave qui ont dévasté les villages serbes aux alentours de Srebrenica. Ces attaques ont été accompagnées des tueries de masse et d'expulsion de la population non-Musulmane qui vivait en paix. Ces événements font partie intégrante, et de point de vue éthique et de point de vue médico-légale, du dénouement qui est survenu en juillet 1995, et ils sont traités dans cette monographie comme tels.

L'analyse empirique des pertes musulmanes authentiques et leur propre catégorisation est le sujet crucial concernant Srebrenica. Sans corps il n'y a pas de meurtre, ni de génocide par ailleurs. Les preuves médicaux-légales représentent le seul corpus delicti dont nous disposons, et leur qualité et leur interprétation correcte sont cruciales pour comprendre ce qui s'est passé. Dans les deux essais, Chapitre V : « L'analyse des rapports médicaux-légaux préparés par les experts du TPIY » et Chapitre VI : « Présentation et interprétation des données médico-légales », Dr. Ljubiša Simić présente les résultats de sa critique des données médicaux-légales, après avoir revu le dossier complet de 30 000 pages du rapport d'autopsie du TPIY sur le sujet.

De nombreuses erreurs et échecs méthodologiques dans les résultats médico- légaux, que Dr. Simić identifie, suggèrent fortement que le tribunal de la Haye a tiré des grandes conclusions et pour la plus grande partie, sans fondement, basées sur les preuves insuffisantes et analysées de manière inadéquate. La critique de l'aspect médico-légal du procès de Srebrenica du TPIY est la métaphore de l'intenabilité factuelle de plusieurs autres piliers de base sur lesquels il repose.

Trois de ses piliers majeurs ont été examinés de près.

[1] La preuve Erdemović. Dražen Erdemović est le témoin oculaire principal du procès de Srebrenica ainsi que le participant présumé dans les crimes qu'il décrit. Il est devenu le témoin star du parquet de Srebrenica après avoir plaidé coupable. En échange d'une peine minimale de cinq ans de prison pour avoir soit disant participé dans l'exécution de 1200 prisonniers à Pilica, Erdemović a donné des preuves dans cinq procès de Srebrenica jusqu'à présent. Mais ses preuves se sont avérées assez problématiques, contradictoires, et dans plusieurs détails clés complètement improbables. Un exemple de manque fonda-

mental de crédibilité d'Erdemović est le fait qu'à Pilica, où le crime massif présumé incluant 1200 personnes s'est produit, les équipes médico-légales du TPIY ont exhumé les restes de seulement 137 victimes potentiels, dont 70 avait des bandeaux et des ligatures, ce qui confirme que l'histoire racontée par le témoin est partiellement véridique, mais néanmoins fortement exagérée.

Étant donné qu'Erdemović est le seul témoin oculaire/participant, une grande partie de l'histoire officielle de Srebrenica repose en effet sur son témoignage fragile, en plus des découvertes médico-légales déformées.

[2] Les preuves ADN. L'ADN a été introduite dans le processus d'investigation en tant qu'outil de recherche de preuves assez tard, en 2007, pendant le procès de Popović, mais avec beaucoup de pompe. L'utilisation de l'ADN dans le rassemblement de preuves est sous les auspices de la Commission internationale pour les personnes disparues en ex-Yougoslavie [ICMP] dont la mission officielle est d'aider à identifier les restes suspects des individus qui ont disparus pendant le conflit. Même si l'ICMP essaye officiellement de soigner l'image de l'organisation humanitaire non politique, ses origines témoignent des liens proches avec le gouvernement des Etats-Unis et en effet son président est désigné par le Secrétaire d'Etat des Etats-Unis. Cela suggère la possibilité d'un conflit d'intérêts en soulèvent de nombreuses questions sur tout un spectre de relations du client avec le gouvernement, qui lutte de façon tenace pour son influence dans la région. Il faut noter que l'ICMP a revendiqué l'identification de 6000 sur 8000 victimes prétendues de Srebrenica ce qui concorde bien avec l'objectif du gouvernement Bosnienne de sacraliser l'histoire de l'exécution génocidaire de 8000 hommes et garçons.

Tandis que les preuves ADN, avec leur aura de science tranchante, peuvent sans aucun doute être utilisées pour faire forte impression dans l'intérêt de celui qu'elles sont sensé soutenir, leur efficacité dans le but d'apporter au parquet du TPIY l'identification de 8000 victimes de Srebrenica est hautement incertaine. Lorsque ces preuves ont été présentés au tribunal, comme dans le cas de Popović et al., c'était pendant une session fermée et dans les conditions hautement restrictives ce qui a limité l'opportunité accordée à la défense d'examiner correctement et de critiquer l'application de la procédure d'identification des victimes de Srebrenica. Il paraît que même le bureau du Procureur a été interdit d'accès. La raison évoquée pour ces dissimulations est que dans l'intérêt de la protection de la vie privée, les échantillons du test ADN et des résultats analytiques ne peuvent pas être révélés ou rendus publiques sans une autorisation écrite des membres de familles qui ont survécus. Étant donné qu'une telle autorisation peut difficilement être obtenue, les preuves ADN soumises de la part de l'ICMP demeurent invérifiables. L'obligation pratique que les résultats de test ADN positives, menés sous les auspices de l'ICMP, soient acceptés sur parole est étrangère et à la science et à la procédure légale correcte.

L'acceptation des telles preuves basées sur la foi ne génère aucune donnée scientifique ou juridique valable et représente la violation sérieuse des droits de procédure de l'accusée.

[3] Les photos satellite. Les preuves dans cette catégorie ont été connus et discutés avec ferveur depuis août 1995, lorsque le secrétaire d'Etat des Etats-Unis, Mme Madeleine Albright a montré les photos présumées des tombes de masse de Srebrenica au Conseil de Sécurité de l'ONU. Mais comme les preuves ADN, ces preuves sont tout autant inaccessibles et invérifiables, soit disant pour des raisons de sécurité nationale. Cependant, il a été découvert récemment, dans un interview donné par l'investigateur en chef du parquet du TPIY pendant les étapes initiales de l'investigation de Srebrenica, que l'impression qui a été nourrit et accepté par tout le monde pendant des années, que les tombes de masse et les preuves de « terre retourné », suggérant les ré-inhumations et enregistrés de manière fiable depuis l'espace en utilisant la technologie satellite la plus moderne, est en effet fausse. D'après Jean-René Ruez, la reconnaissance aérienne au-dessus de Srebrenica, a été conduite non pas à l'aide de la technologie satellite avancé dont les techniques de rassemblement de données intelligent pourrait être de manière justifié sujet à la confidentialité, mais avec les avions espions U2 bien plus anciens. Etant donné qu'un U2 a été descendu au-dessus de l'URSS il y a quelque temps, on pourrait présumer que ses spécifications principales sont assez bien connues par l'intelligence étrangère, ce qui élimine le besoin de placer un scellé de 50 ans sur les photos de Srebrenica sous prétexte de protéger la technologie sophistiquée de rassemblement des données intelligent.

En résumé, il s'est avéré que ce qui a été pris pour les photos satellite n'est en effet rien de tel et que, après les examens plus approfondies, ce pilier particulier de l'histoire de Srebrenica est aussi invérifiable que les preuves ADN et aussi peu fiable que le témoignage de Dražen Erdemović

Dans le Chapitre IV: « Génocide ou vengeance? » les trois jours en juillet 1995, pendant lesquelles les résidents musulmans de Srebrenica ont été les victimes, sont balancés contre le registre des trois années précédentes de guerre pendant lesquelles les résidents des villages serbes aux alentours ont été systématiquement pris pour cible dans la campagne de dévastation et de violence. Néanmoins, ce compte équilibré est indéfectiblement ignoré par les partisans de l'histoire officielle de Srebrenica et pour des raisons qui de leur point de vue a indiscutablement un sens. Si le crime originel de Srebrenica a été le pogrome de la population serbe pendant les trois premières années du conflit, l'image change alors fondamentalement. La conclusion qui s'accorderait avec les faits plus naturellement serait que le crime commis en 1995 aurait été un acte de vengeance, une façon de régler les comptes. Mais une telle conclusion serait difficilement compatible avec l'histoire de victimisation et avec le culte du génocide.

La soi disant communauté internationale est ses diverses agences et institutions ont omis de relever le défis qui constituait à servir d'intermédiaires honnêtes dans l'encouragement d'une solution équitable dès le début de conflit ethnique tripartite en Bosnie-et-Herzégovine. A la place, ils ont principalement servi de facilitateurs pour l'une des parties, en déformant de façon consistante les positions, les objectifs et le comportement de l'autre partie.

La perspective du commandant de FORPRONU, le général Philippe Morillon sur les participants et la nature et l'origine du conflit en Bosnie est minutieusement examinée. Il a beaucoup discuté sur les méthodes brutales employées par le commandant local des forces musulmanes à Srebrenica, Naser Orić, sur les conséquences destructives et léthales de ses raids sur les villages serbes aux alentours, et sur le degré de la haine intracommunautaire que cette campagne de violence extraordinairement brutale a généré. Les preuves, que les représentants de la communauté internationale ont été conscients de l'impact de la violence qu'Orić a orchestré, ont été présentées. Orić s'est ouvertement vanté aux journalistes étrangers et au général Morillon de faire une guerre où il n'y aura pas de prisonniers. Étant donné qu'Orić a été le commandant local sur le terrain du gouvernement bosniaque de Sarajevo, le gouvernement musulman qui a joui de la reconnaissance internationale et du soutien politique, le manquement de la communauté internationale de faire connaître ses inquiétudes concernant ce comportement atroce a créé un climat d'impunité où pratiquement aucune restriction n'a été imposée à la partie musulmane. Ce manquement a résulté en nombreuses attaques sur les cibles civiles serbes (la liste des villages et les témoignages des victimes survivantes ont été présentés) pendant lesquelles au moins 1000 habitants ont été tués, des douzaines de villages ont été brûlés et demeurent à ce jour inhabitables.

Dans le chapitre III: « Démilitarisation, » une vue d'ensemble du processus de démilitarisation échouée est présenté, avec un débat sur les caractéristiques saillantes et le dossier de l'instauration des deux accords de démilitarisation qui ont été conclus le 17 avril et le 8 mai 1993. Les termes convenus de cessation de contre-offensive serbe en printemps 1993, conduit avec succès contre l'expansion vaste de l'enclave sous le contrôle de forces musulmanes de Naser Orić, en échange de l'installation de la force de maintien de la paix de l'ONU à l'intérieur de l'enclave protégée, le désarmement des troupes musulmanes par l'ONU, et la dissolution de toutes les unités militaires non-ONU à l'intérieur de l'enclave. Les deux derniers points de l'accord n'ont jamais été remplis, et il existe des preuves que l'ONU le savait et le tolérait, malgré son devoir d'assurer la bonne application de l'accord de démilitarisation. En effet, les raids ont continué à l'extérieur de l'enclave par les unités armées de l'armée musulmane tout au long de la période de l'existence de la zone sécurisée « démilitarisée », jusqu'à la culmination en fin de juin 1995 avec une attaque sur le village de Višnjica. Il y a des preuves qu'à ce stade la 28ème division de l'armée bosniaque musulmane à l'intérieur de l'enclave comptait 5000 hommes. La preuve de violations continues de l'accord de démilitarisation est également présentée dans le document de Debriefing du bataillon hollandais.

Dans le chapitre V: « Analyse des rapports médico-légaux du TPIY », est présentée la critique, soutenue des rapports d'autopsie des experts médico-légaux du TPIY, basés sur l'exhumation de 13 tombes de masse dans la région de Srebrenica effectuée entre 1996 et 2002. Les résultats de ces exhumations ont été offerts par le parquet aux différentes chambres du TPIY qui s'occupait de Srebrenica pour démontrer qu'une grande majorité de victimes ont été exécutés



avec un pourcentage négligeable montrant les blessures compatibles avec les activités de combat. Dans le chapitre VI: « Présentation et interprétation des données médico-légales, » cette assertion ainsi que l'évaluation par le parquet du nombre total des corps dans les tombes de masse est effectivement remise en question. Le focus de ces chapitres sur la méthodologie appliquée par les experts médico-légaux du parquet, qui a ultérieurement mené aux impressions sans support factuel et non examinées de manière correcte, et qui ont été pris pour les faits, en infectant sévèrement l'essence du jugement Krstić (2001). Toutes les principales découvertes judiciaires relatives à Srebrenica ont été atteintes dans ce cas et reproduites et élargies dans les autres cas de Srebrenica. Certaines conclusions majeures de la cour Krstić ont été sévèrement censurées dans la lumière de son acceptation non-critique de plusieurs données des experts médico-légaux du parquet, professionnellement défectueuses.

Quelques sujets principaux sont identifiés dans le Chapitre V: la fausse implication que chacun de 3 658 rapports d'autopsie = un corps, alors qu'en fait il consiste de quelques ossements qui ne permettent aucune conclusion médico-légale pertinente; la présence des blessures infligées par les « balles à haute vitesse » sont restées inexaminées par les experts médico-légaux du TPIY, même si — comme il est démontré ici — de telles blessures ont pu être infligées uniquement par les projectiles d'artillerie et indiquent clairement la mort dans les combats et non pas par l'exécution; même si le nombre de victimes avec les bandages coïncide approximativement avec le nombre de victimes avec les ligatures (442 au total), ils sont présentés dans le jugement Krstić comme deux catégories séparées, apparemment dans la tentative de doubler le nombre de victimes qui ont incontestablement été exécutées; également, dans le cas Krstić, il n'y a pas d'analyse pour distinguer et mettre de côté les victimes apparentes de l'artillerie et de fragments de mines, qui n'ont pas pu être exécutées.

Les rapports médico-légaux du Parquet montrent également la présence des corps entiers avec différents pourcentages de tissu mou et sans blessures perceptibles, qui suggèrent que certains résidents de l'enclave ont décédé des causes naturelles plutôt que de l'exécution, mais cela n'a pas été pris en compte; dans le cas Krstić, le nombre de corps dans les tombes de masse s'élève à 2 028, alors que les preuves médico-légales après plusieurs années d'exhumation témoignent de présence de 1 919 corps maximum, toutes causes de décès confondues; sur la base des projections du Parquet, la chambre Krstić a accepté en 2001 la supposition que 4 805 corps supplémentaires allaient être trouvés dans les tombes de masse encore inexhumées, mais presque dix ans après cette preuve anticipée qui aurait pu donner un peu plus de crédibilité au jugement de Krstić de manière rétroactive, ont manqué de se présenter.

Plusieurs sujets sont soulignés pour les discussions spécifiques.

Les preuves médico-légales dénichées par le parquet à Pilica, sont comparées aux preuves données par leur témoin principal, Dražen Erdemović, qui présume avoir participé dans les exécutions de masse qui ont eu lieu là-bas. L'énorme écart entre la déclaration d'Erdemović concernant le nombre de personnes exécutées (autour de 1 200 en cinq heures) et les preuves médico-légales

(137) est juste un des problèmes, car dans la forme et dans la démarche décrites par Erdemović, il aurait fallu pas plus de 2,5 minutes pour exécuter un groupe de prisonniers. La comparaison a été faite avec les preuves du cas de l'exécution massive de 1 000 prisonniers dans un autre site dans le cas Blagojević et Jokić, que cette chambre a entendu et accepté. A la différence, dans cette épisode, l'exécution de quelques prisonniers a pris trois fois plus de temps.

Une autre question qui se pose concerne les échantillons de blessures décrits dans les rapports médico-légaux comme étant originaires des « balles » et qui n'est pas nécessairement consistant avec l'impact des balles conventionnelles des armes automatiques et semi-automatiques qui s'utilisent habituellement dans les exécutions. Après les examens plus approfondis, même les rapports d'autopsie du parquet donnent des indices importantes, comme par exemple « balle à haute vitesse » et « blessures d'explosions », ce qui suggère que la cause la plus probable de la mort ont été les munitions d'artillerie. L'analyse technique la plus poussée mène à la conclusion que parmi 655 morts dans les tombes de masses exhumées, attribuées à la « balle », près de 150 montrent des caractéristiques qui conviennent plus à l'artillerie comme le canon antiaérienne Praga qui a été largement utilisé contre l'infanterie pendant la guerre de Bosnie. L'analyse de nombreuses déclarations données par les membres survivants de la colonne de retrait de la 28<sup>ème</sup> division documente amplement l'utilisation largement étendue de Praga et de l'artillerie en général par les forces serbes dans les combats qui ont eu lieu sur la route de la colonne. Cela suggère fortement que le nombre signifiant de pertes attribuées aux balles ont été en réalité des victimes des blessures d'artillerie relatives aux combats, en excluant ainsi en partie l'exécution même dans cette catégorie.

La liste des déclarations des membres de la colonne qui indiquent les barages d'artillerie par les forces serbes pendant le retrait est fournie, et elle donne de la palusibilité supplémentaire aux analyses médico-légales. Les numéros de référence dans les bases électronique du tribunal de la Haye sont fournis.

D'autres issues méthodologiques dans le traitement des preuves médico-légales sont discutées. Par exemple, un certain nombre de corps ont été exhumés, dans les premières tombes en 1996, qui consistaient uniquement des ossements, sans aucun tissu mou, ce qui exclut virtuellement que les victimes ont été exécuté seulement un an auparavant puisque le processus de décomposition prend plusieurs années. Egalement, un certain nombre de rapports médico-légaux individuels du TPIY se sont distingués par leurs commentaires qui illustrent un bas niveau de professionnalisme.

Dans le chapitre VI est présentée une analyse détaillée de 30 000 pages du matériel médico-légal qui constitue non seulement la principale mais la seule preuve physique de Srebrenica, avec un débat séparée pour chaque site d'inhumation. La première conclusion fondamentale qui a été tirée est que les preuves du parquet comptent 3 658 cas qui ne sont pas équivalents aux 3 658 corps exhumés. Après un examen plus approfondi, il s'est avéré que dans 44% de ces cas ou 1 583 rapports d'autopsie du TPIY disponibles au total, non

seulement il n'y avait rien qui ressemblait à un corps entier à partir duquel une conclusion médico-légale sensée aurait pu être tirée, mais que ce qui était considéré comme un « cas », consistait souvent d'un fragment du corps, parfois un seul os, incapable de générer une conclusion médico-légale quelconque. En effet, même les experts médico-légaux du parquet admettent que dans 92,4% de ces rapports d'autopsies, qui consistaient des fragments des corps, la cause du décès n'a pas pu être déterminée. Mais, même un peu plus de 50% des restes exhumés qui permettent quelques conclusions médico-légales ne donnent pas une image uniforme et ne soutiennent pas nécessairement la version du parquet. L'échec des modèles de blessures a été présenté et certaines blessures suggèrent clairement la mort dans le combat plutôt que l'exécution. Si nous combinons les victimes avec les bandages et les ligatures, 442, et ceux avec les blessures par balle ou par fragments de balle seulement, 505, le nombre de victimes dont les conditions et les formes de blessures ont été compatibles avec l'exécution s'élevait à 947. Ce nombre représente moins d'un tiers des cas dans les preuves médico-légales du parquet du TPIY, et il est largement inférieur au nombre officiel d'exécutions de Srebrenica qui s'élève à 8000. Une analyse de contrôle a également été effectuée afin de déterminer le nombre total de victimes dans les 13 tombes de masse exhumées à Srebrenica, sans égard aux autres facteurs rélevants. La méthode choisie a été simple mais extrêmement fiable: compter tous les fémures droites et gauches, qui représentent les composants du squelette les plus robustes. En pair, les fémures donnent un nombre total d'un peu en dessous de 2 000 victimes (1 919), ce qui présente un écart de 6 000 par rapport au chiffre de 8 000 qui doit être proprement documenté pour que la version autorisée des événements de Srebrenica puisse être acceptée.

Le chapitre VIII: « La question de génocide: y avait-il une intention démontrable d'exterminer tous les Musulmans? », propose une argumentation selon laquelle l'exécution des prisonniers en juillet 1995 peut être vu soit comme crime de guerre de proportions significatives soit, comme le TPIY l'a revendiqué, comme un acte de génocide. Mais pour que ce dernier point de vue puisse être correcte, il devrait y avoir des preuves persuasives de l'existence de l'intention d'exécuter chaque Musulman de Srebrenica qui aurait pu tomber dans les mains des Serbes, au moins pendant la période critique, entre le 11 et le 19 juillet 1995. Selon les critères claires érigées par la chambre de *Krstić* et plus tard par la chambre de *Popović*, une telle intention aurait pu être manifestée par la liquidation sans discernement de tous les Musulmans de Srebrenica capturés.

Cependant les déclarations des soldats et des civiles de l'enclave de Srebrenica qui ont été capturés par les forces serbes pendant cette période, et dont certains ont été traités correctement dans les dispositifs médicaux serbes, ne soutiennent pas cette hypothèse. 60 déclarations au total ont été pris en compte. (elles sont toutes proprement référencées dans la base de données électronique du TPIY), tandis que l'investigateur du parquet Jean-René Ruez a cité 1 200 déclarations qui ont été prises. Dans 14 de ces cas, la personne a été capturé entre le 12 et le 19 juillet 1995 et a été correctement traitée par les forces serbes; dans 29 cas le prisonnier de guerre a été proprement enregistré auprès de la

Croix Rouge International. Chacune de 60 déclarations a été résumée brièvement.

La question, si l'intention génocidaire peut être attribuée à la tuerie de masse qui a suivi la prise de Srebrenica le 11 juillet 1995, est également analysée de plusieurs angles supplémentaires.

1. L'existence d'une telle intention n'est pas compatible avec les transferts de 20 000 femmes, enfants et vieillards par les forces Serbes en sécurité sur le territoire sous le contrôle de l'armée musulmane.

2. Le 16 juillet 1995, l'armée de la République serbe de Bosnie a ouvert le corridor pour laisser le passage à la colonne musulmane qui était en train de se retirer de Srebrenica au lieu d'utiliser tous ses dispositifs disponibles pour l'anihiler, ce qui aurait pu être plus en conformité avec l'intention génocidaire.

3. Le témoignage du médecin hollandais A. A. Schouten qui a été présent à Srebrenica et dans les alentours de Bratunac pendant plusieurs jours après la prise, nie avoir vu quoi que ce soit qui aurait pu soutenir le soupçon qu'un grand nombre d'hommes Musulmans ont été emmenés pour l'exécution.

4. Dans le débriefing des trois observateurs militaires de l'ONU enregistré le 24 juillet 1995, il est également confirmé qu'à la suite de la prise, aucune preuve ou rapport d'exécution de masse ne leur avait été apporté.

5. Le fait noté par l'expert militaire du parquet Richard Butler, que des milliers de prisonniers auraient pu servir d'une excellente monnaie de négociation pour la partie serbe, qui aurait pu les échanger contre leurs propres soldats emprisonnés, milite fortement aussi contre la décision irrationnelle d'exécuter les prisonniers musulmans.

6. Le plan d'attaque militaire serbe n'est pas consistant avec l'intention d'éliminer tous les résidents musulmans de l'enclave comme tels. Au lieu d'entourer l'enclave en ne laissant pas la possibilité à personne de s'échapper, l'armée de la République serbe de Bosnie a attaqué du Sud, en laissant les options d'échappatoire à la colonne de 12 000 – 15 000 militaires et civiles, principalement constitué d'hommes pour leur marche de Srebrenica à Tuzla.

Toutes ces preuves prises en compte, il est clair que l'approche réductionniste tombe encore une fois et qu'une image plus nuancée doit être recherchée si nous souhaitons comprendre les événements de manière correcte.

Dans le Chapitre VII: « Analyse des pertes subies par la colonne musulmane dues aux champs de mines, activités de combat, et d'autres causes, » a été faite une estimation de pertes qu'aurait pu subir colonne mixte militaire/civile qui a quitté l'enclave à pied, en essayant la percée à travers les montagnes afin de rejoindre la territoire de Tuzla contrôlé par les Musulmans, qui se situe à 60 km dans la direction Nord-Est. Sur le chemin, la colonne a eu plusieurs affrontements militaires avec les forces serbes et les déclarations des survivants se rejoignent sur le fait que la colonne a subi des pertes sévères. D'après les informations figurant dans nombreuses déclarations, les pertes infligées à la colonne – principalement dues aux champs de mines, les disputes entre différents groupes à l'intérieur de la colonne, suicides et les embuscades installées par les forces serbes – sont reconstruites. Sur la base de déclarations de témoins, les

points de contact avec les forces serbes où les embuscades de la colonne ont eu lieu sont indiqués. Les déclarations sur les pertes de la colonne des observateurs internationales dans la zone qui ont pu avoir une vue sur la situation locale ont été présentées. La conclusion tirée est que tandis qu'il n'y a pas de chiffres exactes disponibles, ou même possibles, les pertes de la colonne ont été certainement substantielles et se comptaient en milliers. Selon la loi internationale, les pertes subies par la colonne mixte militaro-civile dans les combats sont légitimes, et pourtant dans la plupart de reconstructions de Srebrenica, ces pertes ont été ignorées. Elles ne sont pas traitées comme une catégorie séparée et elles sont en règle générale implicitement confondues avec les victimes d'exécutions. L'importance méritée doit être donnée à cette catégorie majeure des pertes du côté musulman, car elles ne peuvent pas être considérées comme les victimes de massacre ou de génocide.

Dans le chapitre XII: « Le bilan, » quelques vastes conclusions sont suggérées concernant les pertes subies par les Musulmans de Srebrenica en juillet 1995 qui aurait pu être éclairées par les analyses précédentes. Cela est accompli d'abord en réexaminant les sources disponibles qui offrent les données relativement fiables sur la population de l'enclave de Srebrenica juste avant la prise le 11 juillet 1995. Le nombre estimé est aux alentours de 40 000. Ensuite, les preuves qui montrent combien d'entre eux ont atteint la sécurité, ont été examinés. Les comptes de l'ONU et de l'OMS convergent dans la conclusion que jusqu'au 4 août 1995 au moins 35 632 résidents de l'enclave de Srebrenica ont été comptés. Cela signifie que les pertes maximales dues à toutes causes dépassent à peine 4 000. Dans la lumière des preuves qu'il y a eu au moins deux grandes sources de pertes, exécutions et activités de combat pendant le retrait de la colonne de la 28<sup>ème</sup> division, la thèse de 8 000 prisonniers de guerre est intenable. De surcroît, de 4 000 personnes qui ont décédées, les analyses médico-légales du nombre de fémurs indiquent la présence démontrable de 1 919 corps dans les tombes de masse. La conclusion soutenue par la forme des blessures est que 947 victimes ont probablement été exécutées, en combinant ceux qui ont été trouvés avec les bandages et/ou ligatures et ceux avec les blessures provoquées par les « balles » conventionnelles.

Les données disponibles, principalement les preuves médico-légales, 15 ans après les faits, ne soutiennent pas la revendication de 8 000 exécutions. Malgré le fait que la convention sur le génocide ne prévoit pas un nombre minimal de victimes, vu qu'elle se focalise sur l'intention spéciale, la jurisprudence correspondante et le bon sens dictent que le nombre de victimes doit être substantiel avant de considérer l'hypothèse de génocide de façon raisonnable. Dans le cas de Srebrenica, la présence de l'intention spéciale de commettre le génocide est nié par un certain nombre de facteurs. La thèse que le génocide s'est produit à Srebrenica en juillet 1995 n'est soutenue par aucune preuve substantielle à ce jour. Par conséquent, tandis qu'un crime de guerre a réellement été commis, ce qui était considéré comme génocide, n'était en effet qu'un événement virtuel.



## **ANNEXES**





**Annex 2.1.**

Press Statement  
Richard Boucher, Spokesman  
Washington, DC  
May 11, 2001

**Secretary Appoints New Chairperson  
of the International Commission for Missing Persons**

Secretary Powell has appointed Jim Kimsey as the new U.S. chairperson of the International Commission for Missing Persons (ICMP), the leading organization involved in the identification of remains of people killed in recent conflicts in the Balkans. Mr. Kimsey is the Founding CEO and Chairman Emeritus of America Online, Inc.

Mr. Kimsey has extensive experience as a member of the board of directors for several international organizations, both non-profit and for-profit. His notable business success, combined with his international humanitarian work, ensures he will provide excellent leadership to this important organization.

Under Mr. Kimsey's leadership, the organization will continue to play a vital role in bringing closure to a large number of families and enabling the region to move beyond the problems of the past.

Past chairpersons include former Secretary of State Cyrus Vance, and most recently, former Senator Bob Dole.

We look forward to working with Mr. Kimsey during his tenure as U.S. chairperson of the International Commission for Missing Persons.

Released on May 11, 2001

## Annex 2.2.

### CORRESPONDENCE WITH AND ABOUT ICMP

#### I. CORRESPONDENCE WITH ICMP

Our associate Andy Wilcoxson's email correspondence with ICMP's Adam Boys in Tuzla about issues related to his employer's activities is an illustration of the difficulties which arise when one tries to get a straight answer from ICMP. The exchange was triggered by an article entitled "Finding the bodies to fill the Bosnia graves" in the 14 March, 2007, issue of *The Scotsman*.<sup>1</sup>

From: Andy Wilcoxson [mailto:██████████@comcast.net]

Sent: Wednesday, March 21, 2007 3:29 AM

To: Adam Boys

Subject: Scotsman article

Dear Mr. Boys,

I read the March 14th article in the Scotsman in which you were interviewed. I also read the additional comments that you posted on the Scotsman's website.

You said that your organization does not look for the cause and manner of death. I would like to know why not? Who made the decision not to look for the cause of death?

I would also like to know who finances the work of the ICMP. Saudi Arabia, Britain, Canada, and the United States were mentioned in the article as donors. Are there others?

Best regards,

Andy

----- Original message -----

From: "Adam Boys" <██████████@ic-mp.org>

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<sup>1</sup> <http://thescotzman.scotsman.com/world/Finding-the-bodies-to-fill.3354195.jp>.

Dear Mr Wilcoxson

ICMP was set up after other mechanisms had been established. Often we work with the same graves that have already been investigated by the International Criminal Tribunal on the former Yugoslavia. Those investigators did make a determination of cause and manner of death as do local forensic officials appointed by courts.

ICMP's work can only succeed to get political buy in from all parties if we are non-judgmental. We just seek to clarify location and identity. Who decided that - difficult to say. I don't think there was a decision as ICTY already existed.

ICMP is financed primarily by governments. Not all of these give each year. - US, the Netherlands, UK, Canada, Germany, France, EU, Italy, Sweden, Norway, Finland, Denmark, Greece, Holy See, Ireland, Chile (advisory), Thailand (Tsunami).

Best wishes

Adam

**From:** ██████████@comcast.net [mailto:██████████@comcast.net]

**Sent:** Thursday, March 22, 2007 6:23 PM

**To:** Adam Boys

**Subject:** RE: Scotsman article

Dear Mr. Boys,

Thank you for your response. I know this is outside of your purview, but I have seen data from the ICTY (specifically the report/testimony of Dean Manning) regarding the cause and manner of death of almost 2,500 persons, but that data is over four years old and your organization has found over 4,000 persons at this point. Do you know where one might acquire current data concerning cause of death of the 4,000 that your organization has found? Is the ICTY still doing this sort of forensic analysis or is it all being done by the Bosnian authorities?

Is every corpse you find subjected to forensic analysis by the ICTY or Bosnian authorities to determine the cause of death, or are they simply identified and given a proper burial?

Best regards,

Andy

-----Original Message-----

**From:** Adam Boys [mailto:██████████@ic-mp.org]

**Sent:** Thursday, March 22, 2007 10:51 AM

**To:** ██████████@comcast.net

**Subject:** RE: Scotsman article

Dear Mr Wilcoxson,

A good question.

In most cases ICMP staff assist at the exhumation and in the examination of remains. In certain areas we also work directly with court appointed pathologists who will provide a "cause of death" for the final death certificate. However, because in many cases fall of Srebrenica graves have been badly disturbed in an attempt to conceal there is an extensive disarticulation of body parts. In some cases - for example - a broken bone may have been as a result of an injury received before death or could have been broken when disturbed by heavy earth moving equipment.

The pathologist will close a case on the basis of DNA evidence and a post mortem examination of the skeleton and artifacts. However, he will wait before finally closing a case until linked secondary sites have been exhumed so that as much of the individual can be put together. This is for two reasons. Obviously it is better to give the families as much as possible and secondly it is a good way of ensuring that every person has been accounted for.

So, because of the disturbance of the remains it is (so I understand) not always possible to specify precise cause. Bullet wounds may only be obvious where there has been an injury to the skeleton. As we are dealing with disarticulated bones; injuries that have not resulted in a hole or fracture of bones will be difficult to see.

In short the local pathologist will give a cause of death based on what he finds and the circumstances of the discovery. ICTY is nowhere in the picture nowadays. They have finished all their forensic analysis.

I suspect that in particular high profile cases such as Bugojno, Lav cemetery etc there would be a close investigation in assessing whether a new case should come to trial.

ICMP operates in association with pathologists from the local courts of the jurisdiction in which the grave is unearthed. We provide DNA evidence which is then compared with the physical remains to ensure consistency. After that the family decides what to do about burial.

Best wishes

Adam

**From:** Andy Wilcoxson [mailto: [REDACTED]@comcast.net]

**Sent:** pet 23-mar-07 2:12

**To:** Adam Boys

**Subject:** RE: Scotsman article

Dear Mr. Boys,

Thank you for answering my questions. I have one more question then I will leave you alone. Does the ICMP catalog the artifacts that it finds among the bodies? If so how many ligatures and blindfolds have been found up to this date? According to Dean Manning's testimony at the ICTY, 390 ligatures and blindfolds had been found as of 2003.

Best regards,

Andy

-----Original Message-----

**From:** Adam Boys [mailto: [REDACTED]@ic-mp.org]

**Sent:** Friday, March 23, 2007 1:20 AM

**To:** Andy Wilcoxson

**Subject:** RE: Scotsman article

Dear Mr Wilcoxson

If ICMP is excavating a grave or is assisting a local court in excavating a grave then we produce a full report including every artifact that we find. There is a summary report for the excavation of a site in Batajnica on the website. The cooperation we had with the Serbian authorities could not have been better so Batajnica has become a bit of a model for how it should be done.

When it comes to anthropological examination we will document all evidence within the body bag as submitted to us. It is important to note the difference here because it does depend on jurisdiction. For example, a body exhumed in Croatia or in UN administered Kosovo will generally be handled by the local authorities or the UN administration. In that case our involvement is likely to be restricted to processing DNA samples.

When it comes to Bosnia and Serbia proper we have more involvement in the process and can undertake a full anthropological examination. We don't do this in every case except for Srebrenica remains and Sanski Most remains. In these two areas we are more heavily involved solely because remains have been disturbed and there is considerable disarticulation.

So, we do document all artifacts that we come across but what I am trying to get across is that we don't do that in every case for every grave or for every set of remains. It is also important to stress that in a lot of cases we have received exhumed and examined remains from other sources - entity commissions, state commissions, ICTY - We do keep records of all finds but we don't keep numbers.

I have seen wire ligatures. I would guess that with the remaining graves associated with Srebrenica it would be hard to say that there is evidence of blindfolds because most remaining graves are secondary and the remains are so mixed up that it would be hard to imagine a blindfold staying in place. However, I am not an expert so it is a lay opinion.

Please do feel to contact me at any time should you have further questions and, if you are ever in Bosnia or Serbia, please let me know and we can meet for a pint.

Best wishes

Adam

## II. CORRESPONDENCE WITH GEDNAP ABOUT ICMP

On 19 July, 2010, we contacted by telephone Professor Bernd Brinkmann, chairman of the Stain Commission (Spurenkommission) responsible for organizing the GEDNAP Proficiency Tests for quality assurance of stain analysis and forensic molecular genetics which, according to him, is now “the standard for forensic DNA laboratories in Europe.”<sup>2</sup> He is the Director of the Institute of Legal Medicine in Münster, Germany.

Professor Brinkmann was quite forthcoming in furnishing information about Gednap’s activities and procedures. He confirmed that in order to be certified by Gednap a laboratory must meet a number of standards, one of which is an onsite visit by a Gednap professional team. He invited us to submit our specific questions, which we did the following day.

The focus of our inquiry was the ICMP laboratory in Tuzla, Bosnia and Herzegovina, where the bulk of ICMP’s DNA work is performed. The response that we received from Professor Brinkmann speaks for itself. When ICMP decided finally to seek certification in 2007, onsite visits by Gednap were diverted to Sarajevo and Banja Luka facilities where little DNA-relevant work is done, while the Tuzla facility was bypassed completely.

If ICMP were genuinely interested in professional certification, why did it not make its most important laboratory site available for inspection? What, if anything, is being concealed?

Von: Human Rights [mailto:██████████@gmail.com]

Gesendet: Dienstag, 20. Juli 2010 11:56

An: Professor B. Brinkmann, "Professor B. Brinkmann" <██████████@ifg-ms.de>

Betreff: Questions about ICMP

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<sup>2</sup> [http://www.qiagen.com/literature/qiagennews/weeklvarticle/09\\_09/e14/interviewbrinkmann.aspx](http://www.qiagen.com/literature/qiagennews/weeklvarticle/09_09/e14/interviewbrinkmann.aspx)

Dear Professor Brinkmann,

I thank you for giving me so much of your time and attention yesterday. As I explained to you, we are interested in assessing critically the operation and results of the ICMP laboratory which performs DNA analyses in Tuzla. We do not need any information that is confidential or private. We can perform our task by using public data. You can help us enormously by answering our questions and giving us an idea to what extent ICMP follows normal procedures that can be expected from any other similar laboratory.

My questions are as follows:

[1] Were ICMP blind sample results in 2007 (the first year that ICMP applied for Gednap certification) completely satisfactory?

[2] Did ICMP attempt to contact Gednap or try to obtain certification prior to 2007?

[3] Did a Gednap commission ever conduct a site visit of ICMP facilities in Tuzla to evaluate their technical adequacy? If not, are you aware of any other competent agency that did?

[4] Is there a transparency requirement for participation in Gednap? In legal cases where test results are presented as evidence in court, is a Gednap participant required to make all its data available to the court and to the parties in the case?

[5] Where a participant in your certification program refuses to make its data available by claiming a need to protect the privacy of relatives who donated biological samples, what is Gednap's recommendation or policy in such cases?

[6] On page 3 of your internet brochure "The GEDNAP (German DNA profiling group) blind trial system" ([http://gednap.forensischegenetik.de/Information/Manual\\_englisch07\\_04.pdf](http://gednap.forensischegenetik.de/Information/Manual_englisch07_04.pdf)) it says that "The system must comply with the generally acceptable state-of-the-art which means that the system must not only be proven to be reproducible within the developing laboratory but must also be reproducible in other equally qualified laboratories." How important is the reproducibility requirement? If the participating (or developing) laboratory refuses to make its data available, how can the reproducibility requirement be met? If it cannot be met, what is the level of credibility that we may attach to the results claimed by the developing laboratory?

[7] You mentioned to me in our telephone conversation that there are about 250 laboratories that cooperate in your certification program, of which about 90% are in Europe. When a special task arises, would it be a usual procedure to subcontract one of the existing laboratories to perform it? If you have an opinion, in these circumstances why was there a need to organize a new laboratory if one of the existing laboratories could have been subcontracted to do the DNA work associated with the Bosnian war?

I thank you warmly for your willingness to help us with your time and knowledge.

Sincerely yours,  
Stephen Karganovic  
President  
Amicus Iuris

**Reply Forward**

Bernd Brinkmann

Tue, Jul 20, 2010 at 2:03 PM

Dear Mr. Karganovic,

Thank you for your inquiry.

We do not have the ICMP Tuzla laboratory on our list of GEDNAP participants. That means, that the Tuzla laboratory is unknown to the organizers of GEDNAP Proficiency Tests. However, there are two ICMP laboratories which participate in the GEDNAP Proficiency Tests (i.e., from Sarajevo and Banja Luka).

I do not know whether they are in conjunction with the Tuzla laboratory.

For these reasons it makes no sense to answer your questions.

Kind regards

Prof. B. Brinkmann



## Annex 3.1.

AGREEMENT FOR THE DEMILITARIZATION OF SREBRENICA

At a meeting held at Sarajevo on 17 April 1993, Lt Gen Mladic and Gen Halilovic in the presence of Lt Gen Wahlgren representing UNPROFOR, acting as a mediator, agreed the following:

1. A total ceasefire in the Srebrenica area effective from 0459 on 18 April 1993. Freezing all combat actions on the achieved lines of confrontation including supporting artillery and rocket fire.
2. The deployment of a company group of UNPROFOR into Srebrenica by 1100 18 April 1993. This company group is guaranteed safe and unhindered passage from Tuzla to Srebrenica by both sides.
3. The opening of an air corridor between Tuzla and Srebrenica via Zvornik for evacuation of the seriously wounded and seriously ill. The air corridor opens at 1200 18 April 1993 and continues on 19 April 1993, weather permitting, for as long as it takes to evacuate all the existing seriously wounded and seriously ill. The helicopters will fly from Tuzla to Zvornik and land for an inspection at Zvornik which will not cause unnecessary delay to the evacuation. The seriously wounded and seriously ill will be evacuated after identification by UNPROFOR in the presence of two doctors from each side and the ICRC. All categories of seriously wounded and seriously ill will be evacuated by air unhindered by either side. The number of seriously wounded and seriously ill is believed to be approximately 500. This will be verified on 18 April 1993 by UNPROFOR and the result notified to each side.
4. The demilitarization of Srebrenica will be complete within 72 hours of the arrival of the UNPROFOR company in Srebrenica (1100 hours 18 April 1993, if they arrive later this will be changed). All weapons, ammunition, mines, explosives and combat supplies (except medicines) inside Srebrenica will be submitted/handed over to UNPROFOR under the supervision of three officers from each side with control carried out by UNPROFOR. No armed persons or units except UNPROFOR will remain within the city once the demilitarization process is complete. Responsibility for the demilitarization process remains with UNPROFOR.
5. A working group will be established to decide the details of the demilitarization of Srebrenica. This group will study in particular; the action to be taken if the demilitarization is not complete within 72 hours; the correct treatment for any personnel who hand over/submit their weapons to UNPROFOR. The working group will report to Lt Gen Wahlgren, Lt Gen Ratko Mladic and Gen Sefer Halilovic. The first report will be made at a meeting to be held at Sarajevo airport on Mon 19 April 1993 at 1200.
6. Both sides are to submit a report on the minefields and explosive obstacles in the Srebrenica area to UNPROFOR. Each side is to clear its minefields under the supervision of UNPROFOR.
7. Neither side is to hinder the freedom of movement. The UNHCR and ICRC are to investigate allegations of hinderance of movement

in Srebrenica and Tuzla in particular.

8. Humanitarian aid will continue to be allowed into the city as planned.

9. The officers and the doctors supervising the demilitarization process are under the protection of UNPROFOR, their safety is to be guaranteed by both conflicting sides.

10. The working group is to make recommendations on carrying out an exchange of the prisoners, the killed and the wounded according to the principle "all for all" in the region of Srebrenica within 10 days. This is to be under the control of the ICRC.

11. All the disputed issues are to be resolved by a mixed military working group or at another meeting of the respective delegations of the conflicting sides under the mediation of Lt Gen Wahlgren.

signed:

Gen Sefer Halilovic

Lt Gen Ratko Mladic

witnessed by:

Lt Gen Lars-Eric Wahlgren

The            day of April 1993

00451979

## Annex 3.2.

AGREEMENT ON THE DEMILITARIZATION OF SREBRENICA  
CONCLUDED BETWEEN LT GEN RATKO MLADIC AND GEN SEFER HALILOVIC  
ON 8 MAY 1993  
IN THE PRESENCE OF LT GEN PHILIPPE MORILLON

Contracting Parties,

Gen Ratko Mladic

and

Gen Sefer Halilovic

confirming their will to establish peace within the territory of Bosnia and Herzegovina as stated in the agreement between contracting parties concluded on 8 May 1993;

confirming resolution 824 of the Security Council in which is declared that the towns of ZEPA and SREBRENICA and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act;

confirming also that the GENEVA CONVENTIONS OF 12 AUGUST 1949 AND THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I) are fully applicable in the conflict in Bosnia and Herzegovina.

reconfirming the demilitarization of the city of Srebrenica,

have agreed on the following:

SECTION 1

THE DEMILITARIZED ZONE

ARTICLE 1

To demilitarize the areas of Srebrenica and Zepa.

The demilitarized areas will include the area within the current lines of conflict. The precise boundaries will be marked by the UNPROFOR commander on the ground after consultations.

At a later stage Contracting Parties can agree, verbally or in writing, to enlarge the demilitarized zone.

ARTICLE 2

On the ground the demilitarized zone shall be marked by UNPROFOR by means of boards on which is stated in English, Serbian and Bosnian written in Cyrillic and Latin as follows:

DEMILITARIZED ZONE

ANY MILITARY OPERATION IS STRICTLY FORBIDDEN  
 (ARTICLE 60, PROTOCOL 1 ADDITIONAL TO THE GENEVA CONVENTIONS)

DEMILITARIZOVANA ZONA  
 SVAKA VOJNA OPERACIJA JE STROGO ZABRANJENA.  
 (CLAN 60, PROTOKOL I DODATNI ZENEVSKE KONVENCIJE)

DEMILITARIZATIONARTICLE 3

Every military or paramilitary unit will have either to withdraw from the demilitarized zone or submit/hand over their weapons, ammunition, mines, explosives and combat supplies in the demilitarized zones will be handed over/submitted to UNPROFOR.

After submission/hand over of all weapons, ammunition, mines and combat supplies in the DMZ, the contracting parties will declare that the demilitarization is complete.

Submitting/hand over will be completed:

- a. In Srebrenica by Mon 10 May 1993 by 1700 hours.
- b. In Zepa by Wed 12 May 1993 by 1700 hours.

Submitting/hand over of weapons will be observed by a team of 3 officers from both sides together with UNPROFOR officers who will arrange the places where the handover will be done.

ARTICLE 4

UNPROFOR shall take the handed over/submitted weapons into custody.

UNPROFOR shall take the handed over/submitted ammunition into custody separately.

ARTICLE 5

UNPROFOR shall control the demilitarized zone.

To be able to implement this, an UNPROFOR unit and UNMOs with sufficient strength to control the area shall be present in the demilitarized zone. Until the Contracting Parties agree otherwise the UNPROFOR strength shall be of at least a company group with command and supplying elements in each demilitarized zone.

In order to be able to resupply and rotate the unit, UNPROFOR shall have freedom of movement to and from the demilitarized zone.

Non combatants who are in or who are willing to enter the demilitarized zone, except members of UNPROFOR, are not permitted to have in their possession any weapon, ammunition or explosives. Weapons, ammunition and explosives in their possession shall be seized by UNPROFOR.

Combatants will not be allowed to enter or to be in the demilitarized zone.

SECTION 3PROTECTION OF OBJECTS INDISPENSABLE TO THE  
SURVIVAL OF THE POPULATION IN THE DEMILITARIZED ZONEARTICLE 6

Without prejudice to the provisions made in PROTOCOL 1, article 54, all objects indispensable to the survival of the population in the

militarized zones in particular the water supplies shall be kept intact. These objects shall be open to inspections by UNPROFOR.

Complete freedom of movement is granted to all humanitarian supplies of food medicine and shelter as required by the population.

SECTION 4

POLICE

ARTICLE 7

At the beginning of the demilitarization process UNCIVPOL will oversee the maintenance of law and order in the demilitarized zone.

SECTION 5

MEDICAL EVACUATION

ARTICLE 8

Both sides will guarantee the evacuation of the seriously wounded and sick to the hospitals and places according to their wish. The evacuation will be carried out by UNPROFOR by air (helicopters) or by road if this is necessary.

SECTION 6

MINEFIELDS

ARTICLE 9

Both sides are obliged to give UNPROFOR the details of the minefields.

SECTION 7

PRISONERS OF WAR AND KILLED PERSONS

ARTICLE 10

Both sides will submit the lists of the prisoners of war as well as the places where the killed soldiers are buried to UNPROFOR.

SECTION 8

WITHDRAWAL OF WEAPONS AND TROOPS

ARTICLE 11

When both sides in the presence of UNPROFOR agree that the operation has been completed all heavy weapons and units that constitute a menace to the demilitarized zones which will have been established in Zepa and Srebrenica will be withdrawn. Heavy weapons and tanks will be concentrated in limited areas that will be monitored by UNPROFOR and in principle out of range of the demilitarized zone. Infantry will be withdrawn to a range from which their weapons cannot constitute a menace to the security of the demilitarized zone, in principle 1.5kms.

SECTION 9ARTICLE 12

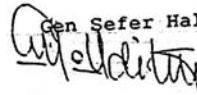
All areas of dispute will be solved by negotiations by both parties in the presence of UNPROFOR.

signed:

Lt Gen Ratko Mladic

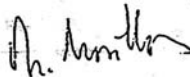


Gen Sefer Halilovic



witnessed by:

Lt Gen Philippe Morillon  
Representative of UNPROFOR



8 May 1993

00263477

## Annex 3.3.

*Translation*

REPUBLIC OF BOSNIA AND HERZEGOVINA  
 FEDERATION OF BOSNIA AND HERZEGOVINA  
 MINISTRY OF DEFENCE  
 MUNICIPAL DEFENCE DEPARTMENT  
 SREBRENICA  
 Strictly confidential no: 03-145-3/95  
 Srebrenica, 5 July 1995

DEFENCE OF THE REPUBLIC  
 MILITARY SECRET  
 STRICTLY CONFIDENTIAL

DEFENCE SECRETARIAT IN TUZLA

SUBJECT: Report on manning level of the military units of the BH Armed Forces  
 with elements of the basic mobilisation plan  
 Z L A

Re: your document, strictly confidential no: 11.6-129/95 of 1 May 1995

Pursuant to your above document, we are sending to you a breakdown of the  
 manning level of the VJ /military units/ of the Armed Forces of BH, with elements of  
 the basic mobilisation plan for the month of June 1995.

The figures for military unit 5037 relate to the 28<sup>th</sup> Division Command and  
 headquarters support units (communications platoon, headquarters administration,  
 PEB /counter-electronic warfare/ platoon, reconnaissance and sabotage company and  
 logistics company).

The data for the public security station is given based on the real situation,  
 because the station has not sent in its manning level plans. (The SJB /public security  
 station/ claims not to have received unit's – numerical code).

Until the final victory!

C H I E F  
 Prof Suljo HASANOVIĆ

REV – 6  
 MO /Ministry of Defence/  
 Organisational Unit  
 military secret  
 strictly confidential  
 Srebrenica

Manning level of the VJ of  
 the OS of BH with elements of  
 the basic mobilisation plan

/rest unintelligible/

## Annex 4.1.

01/02 '95 10:27 5144

TUZLA COMMEN

001



Page 1 of 1

HEADQUARTERS  
SECTOR NORTH EAST

UNRESTRICTED  
IMMEDIATE

TVO / 1055  
FSAT / VLR  
01097509  
TOR / 1024A  
SSN / 101120

HEDU 004

File No	DTG	010975 B Feb 95
To: DUTCHBAT	From:	HQ SECTOR NE
Author	Drafted by:	Col CA Le HARDY
Info: HQ BHU	Released by:	Brig Gen g. RIDDERSTAD File Sector Commander
Signature	<i>Gen g. Ridderstad</i>	
Subject:	VISIT TO SREBRENICA	

Ref: A

Please pass following letter to Commander 8 OG, Mr ORIC.

From: Brig Gen RIDDERSTAD, Commander Sector North East UNPROFOR

To: Mr ORIC, Commander 8 OG 2 CORPS BiH Army.

Dear Mr ORIC

This is a very brief note to express my regret we will not be able to meet today as planned. Despite our best efforts and a helicopter clearance request we have received no reply from PALE. It is not therefore possible to travel to SREBRENICA, at least today. Please accept my apologies.

I should also add that the subject of the enclave is always at the top of my priority list. We are fully aware that the Demilitarisation of the area has not been realised. Both sides have not helped in this process. It is my view that the only way forward is for a Joint Commission to be held in SARAJEVO. I shall continue my best endeavours to realise that objective.

Yours Sincerely

*Gen g. Ridderstad*



## Annex 4.2.

FROM: Brig Gen Ridderstad  
Commander Sector North East,

*SP*

TO : Brig Gen Delic  
Commander 2 Corps ABIH

01837511

I must protest most strongly the actions of one of your OG commanders, Mr Naser Oric in Srebrenica. Yesterday afternoon, Saturday 28 January 1995 ninety nine officers and soldiers of my DUTCH battalion have been blockaded by force in three locations; at two of our Observation Posts in the Western part of the enclave and at a third location between roadblocks, at Vasic and Russia Junction which are manned by BIH soldiers and civilians. Almost half of these patrols will have been forced to spend two nights in the open without proper cover, food or shelter. Mr Oric has demanded the immediate attention of the Commander of BH Command UNPROFOR and I understand the BIH Army commander. I have to express my surprise at the latter. Certainly my own Commander will be most unwilling to be forced under duress to a meeting and will not to do so until the soldiers are released.

There can be no possible justification for this action by soldiers under your direct command. I appeal to you to issue the necessary instructions for the immediate release of my soldiers forthwith. I am preparing a Press Release to the media and I am sure the news of this unacceptable action will shortly be published in Holland. The DUTCH are very sensitive to this and its publication will not do the image of the BIH any good at all.

You will be well aware of the background. Srebrenica was declared a Safe area by UN Security Council Resolution 819 of 16 April 1993. The UN initiative to develop the Srebrenca Enclave as a UN "Safe Area" has been thwarted. The Articles of the "Agreement on the Demilitarization of Srebrenica" dated 8 May 1993, have never been fulfilled by the either of the warring parties. Military activity and ceasefire violations by both the BSA, externally, and the BIH, internally, continue unabated; even with a Cessation of Hostilities Agreement in force. UNPROFOR is subjected continually to restrictions of movement, threats, intimidation by firing close, and actual attack. The civilian population inside the Enclave is suffering great hardship. Since the signature of the Demilitarization Agreement on the 8th May 1993 both parties have steadfastly refused to co-operate with UNPROFOR forces, all this despite the best endeavours of UNPROFOR.

The only solution is for a Joint Commission of both parties to meet and through discussion and negotiation to resolve the issues. But for that to happen the co-operation of the both parties is required as part of the Peace Process. Mr Orics action is unlikely to improve the prospects of that meeting.

## Annex 4.3.

IZVJEŠTAJ VP OS SUČESKE OD 11-18-12-1992.

Dana dvanaestog obezbjeđivali smo raspodjelu humanitarne pomoći za stanovništvo sućelke. Mali problemi jantli su se kod podjela zbog nepravičnosti i nereálnit spiskova koje su pravitli porporenici cirkoe zosdite.

Sljebli nije stvarii dogadale su se od trinaestog do sednaestog. Tib dana učesvoral smo sa još sedamdeset boraca, u uništenju jakog srbo-četničkog uporišta u Bjelovcu.

Dana 14-12-1992 zauzeli smo važnu liniju od Drine i tužno u 6<sup>30</sup> napali smo četnike. Borba je trajala do 17<sup>00</sup> kad smo uspjeli da se izručimo iz okruća. U tohu dana četnici iz Srbije i iz Bjelovca kuhl su po nama svim raspoloživim sredstvima, pamecima, tenkovima i avionima.

Pa mrij slobadnoj procjeni tog dana izbacili smo iz stroja oko stotinu četnika a preko pedeset je likvidirano. Zarobljene su dvije žene i trije djece.

Sa naše strane jedan borac je poginuo i deset ranjenih.

Ladatel naše grupe ispunjen je 90% a ispunili bi ga u potpunosti da nisu zabavali druge grupe.

## Annex 4.4.

Village or hamlet under attack:	Date of attack:
ČUMAVIĆI / ЧУМАВИЋИ Latitude: 44° 08' 14" N Longitude: 19° 15' 08" E	May 1992.
BLJEČEVA / БЉЕЧЕВА 44° 10' 54" North, 19° 15' 56" East	6.5.1992.
GNIONA / ГНИОНА 44° 8' 1" North, 19° 15' 16" East	6.5.1992.
STUDENAC / СТУДЕНАЦ 44° 3' 18" North, 19° 4' 35" East	May 1992.
VIGOR / ВИГОР 44° 6' 3" North, 19° 15' 36" East	15.5.1992.
OSREDAK / ОСРЕДАК 44° 45' 37" North, 17° 46' 12" East	15.5.1992.
SARAČI / САРАЧИ 44° 5' 11" North, 19° 15' 42" East	May 1992.
KOVAČICE / КОВАЧИЦЕ 44° 5' 25" North, 19° 16' 40" East	May 1992.
JEREMIĆI / ЈЕРЕМИЋИ Latitude. 44.8038889°, Longitude. 18.1236111°	May 1992.
PETROVIĆI / ПЕТРОВИЋИ 44° 13' 44" North, 17° 5' 48" East	May 1992.
ORANOVIĆA / ОРАХОВИЦА 44° 12' 34" North, 19° 11' 6" East	15.5.1992.
MARIĆI / МАРИЋИ 44° 5' 27" North, 19° 17' 36" East	7.1.1993.
BOJNA / БОЈНА 44° 5' 6" North, 19° 17' 48" East	May 1992.
RAJNE / РАЈНЕ	May 1992.

VITLOVAC / ВИТЛОВАЦ 44° 7' 23" North, 19° 17' 47"	May 1992
SOLOČUŠA / СОЛОЉУША 44° 7' 27" North, 19° 18' 43" East	May 1992.
ČIČEVAC / ЧИЧЕВАЦ 44° 4' 16" North, 19° 18' 39" East	20.5.1992.
GOSTILJ / ГОСТИЉ 44° 7' 48" North, 19° 17' 49" East	24.5.1992.
KIPROVO / КИПРОВО 44° 3' 22" North, 19° 16' 59" East	15.5.1992.
PRIBOJEVIĆI / ПРИБОЈЕВИЋИ 44° 2' 20" North, 19° 16' 11" East	25.5.1992.
JASENOVA / ЈАСЕНОВА 44° 2' 57" North, 19° 17' 47" East	May 1992.
BUKOVA GLAVA / БУКОВА ГЛАВА 44° 4' 8" North, 19° 19' 44" East	May 1992.
PRIBIČEVAC / ПРИБИЉЕВАЦ 44° 5' 22" North, 19° 20' 19" East	May 1992.
VUKOSAVLJEVIĆI / ВУКОСАВЉЕВИЋИ 44° 5' 41" North, 19° 20' 47" East	May 1992.
TURIJA / ТУРИЈА 44° 3' 29" North, 19° 20' 46" East	May 1992.
GAJICI / ГАЈИЋИ	May 1992.
BREŽANI / БРЕЖАНИ 44° 3' 10" North, 19° 22' 8" East	30.6.1992.
KNEZOVI / КНЕЗОВИ 43° 59' 53" North, 19° 25' 41" East	May 1992.
LUBNICA / ЛУБНИЦА 44° 1' 23" North, 19° 19' 53" East	May 1992.

MARKOVIĆI / МАРКОВИЋИ 44° 0' 51" North, 19° 19' 40" East	May 1992.
RADOŠEVIĆI / РАДОШЕВИЋИ 44° 1' 17" North, 19° 20' 26" East	20.5.1992.
KARNO / КАРНО 44° 52' 54" N 19° 21' 29" E	20.5.1992.
MEDE / МЕЂЕ Hamlet of the village of Karno 44° 52' 54" N 19° 21' 29" E	15.5.1992.
RADAČEVIĆI / РАДАЧЕВИЋИ	20.5.1992.
MEDE / МЕЂЕ 44° 0' 36" North, 19° 22' 2" East	May 1992.
CRNI VRH / ЦРНИ ВРХ 44° 0' 10" North, 19° 22' 45" East	
POSTOLJE / ПОСТОЉЕ 44° 1' 21" North, 19° 25' 24" East	23.5.1992.
KRNIĆI / КРНИЋИ 43° 58' 41" North, 19° 7' 48"	5.7.1992.
GRUBANOVIĆI / ГРУБАНОВИЋИ 44° 1' 44" North, 19° 27' 36" East	10.5.1992.
DOLOVI / ДОЛОВИ 44° 15' 42" North, 18° 58' 45" East	15.5.1992.
OPARCI / ОПАРЦИ 44° 6' 33" North, 19° 25' 46" East	1.6.1992.
DAROŠNICA / ДАРОШНИЦА 44° 0' 15" North, 19° 26' 10" East	6.6.1992.
RADONIĆI / РАДЕНИЋИ 44° 1' 17" North, 19° 20' 26" East	8.6.1992.
TOPLICA / ТОПЛИЦА 43° 59' 42" North, 19° 27' 7"	14.8.1992.

CRKVINE / ЦРКВИНЕ 44° 3' 24" North, 19° 25' 53" East	June 1992.
TUK / ТУК 44° 6' 21" North, 19° 24' 26" East	5.10.1992.
DUČIĆI / ДУЧИЋИ 44° 4' 40" North, 19° 25' 8" East	21.6.1992.
DVORIŠTA / ДВОРИШТА 44° 5' 2" North, 19° 25' 44" East	21.6.1992.
RATKOVIĆI / РАТКОВИЋИ 44° 53' 56" North, 17° 15' 18" East	21.6.1992.
MAGUDOVIĆI / МАГУДОВИЋИ 44° 5' 50" North, 19° 26' 36" East	27.6.1992.
TOPL. OPARCI / ТОПЛ. ОПАРЦИ 44° 6' 33" North, 19° 25' 46" East	June 1992.
TEGARE / ТЕГАРЕ 44° 8' 21" North, 19° 27' 54" East	26.8.1992.
VRANEŠEVIĆI / ВРАНЕШЕВИЋИ 44° 5' 56" North, 19° 28' 32" East	27.6.1992.
KALUDRA / КАЛУДРА 44° 5' 19" North, 19° 27' 36" East	21.6.1992.
ROLIMCI / ПОЛИМЦИ 44° 4' 49" North, 19° 27' 19" East	21.6.1992.
JASIKOVAČA / ЈАСИКОВАЧА 44° 10' 21" North, 19° 11' 2" East	27.6.1992.
LIPENOVIĆI / ЛИПЕНОВИЋИ 44° 10' 52" North, 19° 10' 48" East	27.6.1992.
DOLOVI / ДОЛОВИ 44° 11' 7" North, 19° 10' 30" East	27.6.1992.
GAJ / ГАЈ 43° 58' 13" North, 19° 28' 18" East	8.12.1992.
ŽIVKOVIĆI / ЖИВКОВИЋИ	8.12.1992.

43° 58' 6" North, 19° 28' 2" East	
ČOSIĆI / ЋОСИЋИ	16.1.1993.
44° 15' 4" North, 18° 50' 51" East	
ZALAZJE / ЗАЛАЗЈЕ	12.7.1992.
44° 7' 49" North, 19° 19' 26" East	
AŽLICA / АЖЛИЦА	12.7.1992.
44° 7' 37" North, 19° 19' 59" East	
ŠPAT / ШПАТ	12.7.1992.
44° 6' 31" North, 19° 21' 12" East	
ZAGONI / ЗАГОНИ	12.7.1992.
44° 10' 36" North, 19° 17' 15" East	
MAGAŠIĆI / МАГАШИЋИ	20.7.1992.
44° 12' 9" North, 19° 15' 34" East	
HRANČA / ХРАНЧА	25.7.1992.
44° 11' 52" North, 19° 17' 47" East	
OBARAK / ОБАРАК	25.7.1992.
44° 4' 15" North, 19° 28' 43" East	
MLEČVA / МЛЕЧВА	25.7.1992.
44° 3' 55" North, 19° 28' 30" East	
SEONA / СЕОНА	25.7.1992.
44° 4' 39" North, 19° 30' 1" East	
PRIBOJEVIĆI / ПРИБОЈЕВИЋИ	5.8.1992.
44° 2' 20" North, 19° 16' 11" East	
BLAŽJEVIĆI / БЛАЖИЈЕВИЋИ	5.8.1992.
44° 11' 19" North, 19° 14' 18" East	
MOŠIĆI / МОШИЋИ	5.8.1992.
44° 1' 45" North, 19° 28' 5" East	
KLEKOVIĆI / КЛЕКОВИЋИ	5.8.1992.
44° 1' 35" North, 19° 30' 5" East	
BOŽIĆI / БОЖИЋИ	5.8.1992.
44° 19' 51" North, 18° 57' 47" East	

G. KOSTOLOMCI / Г. КОСТОЛОМЦИ 44° 0' 60" North, 19° 31' 40" East	5.8.1992.
KOLARI / КОЛАРИ 43° 59' 52" North, 19° 29' 32" East	5.8.1992.
KRSTAČA / КРСТАЧА 43° 58' 57" North, 19° 27' 37" East	16.9.1992.
STUBLOVI / СТУБЛОВИ 43° 58' 58" North, 19° 27' 15" East	16.9.1992.
JAGODNJA / ЈАГОДЊА 44° 3' 3" North, 19° 30' 6" East	August 1992.
FAKOVIĆI / ФАКОВИЋИ 44° 4' 15" North, 19° 31' 28" East	5.10.1992.
DİVOVIĆI / ДИВОВИЋИ 44° 4' 0" North, 19° 31' 23" East	5.10.1992.
RADIJEVIĆI / РАДИЈЕВИЋИ 44° 3' 49" North, 19° 32' 0" East	5.10.1992.
BOLEVIĆI / БОЉЕВИЋИ 44° 3' 31" North, 19° 33' 7" East	5.10.1992.
ZGUNJA / ЗГУЊА 43° 57' 46" North, 19° 28' 37" East	10.12.1992.
SIKIRIĆI / СИКИРИЋИ	14.12.1992.
S. LOZNICA / С. ЛОЗНИЦА 44° 8' 34" North, 19° 24' 32" East	14.12.1992.
KUNJARAC / КУЊАРАЦ 44° 9' 14" North, 19° 23' 50" East	14.12.1992.
BJELOVAC / БЕЛОВАЦ 44° 9' 36" North, 19° 24' 30" East	14.12.1992.
NEŠKOVIĆI / НЕШКОВИЋИ 44° 8' 58" North, 19° 22' 57" East	16.2.1992.
KOŠTANOVICE / КОШТАНОВИЦЕ 44° 8' 47" North, 19° 21' 37" East	16.12.1992.



SASE / CACE 44° 7' 35" North, 19° 21' 43" East	16.12.1992.
JAŽESTICA / JEЖEШТИЦА 44° 11' 13" North, 19° 13' 33" East	7.1.1993.
LAZARIĆI / ЛАЗАРИЋИ 44° 12' 7" North, 19° 12' 5" East	7.1.1993.
ŠILJKOVIĆI / ШИЉКОВИЋИ 44° 13' 56" North, 19° 1' 13" East	7.1.1993.
KRAVICA / КРАВИЦА 44° 12' 48" North, 19° 11' 55" East	7.1.1993.
And hamlets: DOLJANI / ДОЛЈАНИ D. VAČIĆI / Д. ВАЋИЋИ G. VAČIĆI / Г. ВАЋИЋИ D. BRANA / Д. БРАНА G. BRANA / Г. БРАНА OŠENOVIĆI / ОШЕНОВИЋИ ANĐIĆI / АНЂИЋИ POPOVIĆI / ПОПОВИЋИ MANDIĆI / МАНДИЋИ	7.1.1993.
BANJEVIĆI / БАЊЕВИЋИ 44° 15' 2" North, 19° 11' 1" East	7.1.1993.
BEGIĆI / БЕГИЋИ 44° 14' 52" North, 19° 11' 42" East	7.1.1993.
ČOLAKOVIĆI / ЧОЛАКОВИЋИ 44° 14' 27" North, 19° 12' 35" East	7.1.1993.
	7.1.1993.
OPRAVDIĆI / ОПРАВДИЋИ 44° 13' 47" North, 19° 13' 9" East	7.1.1993.

	7.1.1993.
RADELJEVAČ / РАДЕЉЕВАЦ 44° 13' 49" North, 19° 14' 0" East	7.1.1993.
BRADIĆI / БРАДИЋИ 44° 2' 42" North, 19° 32' 17" East	2.1.1993.
ЈАКЕТИЋИ / ЈАКЕТИЋИ 44° 1' 51" North, 19° 33' 2" East	6.1.1993.
DRMNIK / ДРМНИК 43° 58' 48" North, 19° 28' 56" East	16.1.1993.
DVIZOVIĆI / ДВИЗОВИЋИ 43° 59' 14" North, 19° 30' 16" East	16.1.1993.
MALTA / МАЈТА 43° 59' 3" North, 19° 31' 6" East	16.1.1993.
PAVKOVIĆI / ПАВКОВИЋИ 43° 59' 54" North, 19° 30' 45" East	16.1.1993.
СТАЈЋИЋИ / СТАЈЧИЋИ 43° 59' 29" North, 19° 27' 12" East	16.1.1993.
PRIVIDOLI / ПРИВИДОЛИ 43° 58' 58" North, 19° 28' 6" East	16.1.1993.
АРАПОВИЋИ / АРАПОВИЋИ 43° 59' 55" North, 19° 32' 27" East	16.1.1993.
ANDRIĆI / АНДРИЋИ Hamlet of Zalazje 44° 7' 49" North, 19° 19' 26" East	08.06.1992.
OBADI / ОБАДИ 44° 8' 48" North, 19° 19' 58" East	08.06.1992.
PODRAVANJE / ПОДРАВАЊЕ 44° 3' 20" North, 19° 14' 15" East	24.09.1992.
JEZERO / ЈЕЗЕРО 43° 59' 37" North, 19° 27' 50" East	December 1992.
МЕТАЛЈКА / МЕТАЉКА	02.06.1992.

44° 14' 39" North, 19° 2' 18" East	
VANDŽIĆI / ВАНЏИЋИ	08.02.1993.
44° 14' 7" North, 19° 2' 14" East	
SIKIRIĆI / СИКИРИЋИ	14.12.1992

### Srebrenica Town: a place of suffering for citizens of Serbian ethnicity

44° 6' 23" North, 19° 17' 49" East

In the trial judgment in *Prosecutor v. Naser Orić* [ICTY, IT-03-68-T] the chamber establishes the following locations in Srebrenica town where citizens of Serbian ethnicity were treated contrary to the provisions of international laws of war and humane conduct toward prisoners: the Police Station (par. 362-365) and the Building Behind the Police Station (par. 371-373).

The chamber found that the following murders were committed in the Police Station Building: par. 378-384 [Dragutin Kukić], par. 385-390 [Jakov Dokić], par. 391-395 [Dragan Ilić], par. 396-400 [Milisav Milovanović], par. 401-405 [Kostadin Popović], par. 406-411 [Branko Sekalić].

The following persons were subjected to “inhumane treatment”: par. 412 – 419 [Nedeljko Radić], par. 420 - 425 [Slavoljub Žikić], par. 426 - 430 [Zoran Branković], par. 431 - 435 [Nevenko Bubanj], and par. 436-440 [Veselin Šarac].

The Orić chamber also found that the following persons were subjected to “inhumane treatment” between December of 1992 and March 1993 in the Srebrenica Police Building and in the Building Behind the Police Station: par. 441-450 [Ilija Ivanović] par. 451-456 [Ratko Nikolić] par. 457-463 [Rado Pejić] par. 464-469 [Stanko Mitrović] par. 470-474 [Mile Trifunović].

The chamber also established that the Army of Bosnia and Herzegovina was responsible for the following attacks which originated from the Srebrenica enclave and which constituted “wanton destruction of towns and villages not justified by any military need.”: Gornji Ratkovići and Dučići, par. 596-608 [attack committed on 21 June 1992]; Brađevina, par. 609-619 [attack committed on 27 June 1992]; Ježestica, par. 622-633 [attack committed on 8 August 1992]; D. Fakovići and Divovići, par. 636-645 [attack committed on 5 October 1992], Bjelovac and Sikirić, par. 648-658 [attack committed on 14-19 December 1992]; Kravica, Šiljkovići, and Ježestica, par 661-676 [attack committed on 7 and 8 January 1993].

## Annex 5.1.



X0124298

United Nations International Criminal Tribunal for  
the former Yugoslavia

**AUTOPSY REPORT**  
RAVNICE GRAVE SITE

Case No: RV02 / 221B

Autopsy Date: 09-Aug-01

Mortuary: Visoko

**Summary:**

Fully skeletonized human remains of an adult with some clothing and other personal belongings. Most of the bones of the main skeleton with commingled bones of another skeleton were found. Anthropologically estimated sex is male, age is 35-55 years and the stature is 182.0+/- 7.7 cm.

The deceased has sustained several high velocity bullet injuries to the head, chest and the pelvic region. Even though no bullet holes found in the remaining skull bone, the fracture pattern is consistent with a high velocity bullet injury. There was a fracture of the right humerus, which appears to be a blunt force-type injury and whether it is ante-mortem or post-mortem cannot be determined. The deceased could have died instantaneously after receiving the fatal bullet injury to the head of which direction cannot be determined.

**Cause of Death:**

It is my determination that the cause of death in case number **RV02 / 221B** was:

**High velocity penetrating bullet injury to the head.**

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed:  .....

Dr A. Samarasekera, MD, MBBS, DLM, DMJ, Dip.FM

Date: 13-Aug-01

Case No: RV02 / 221B X U 1 2 4 2 9 9

**A. General Description of Remains:**

Fully skeletonized human remains of an adult with some clothing and personal belongings. All bones are dry and some of them were found within the clothes. There was a large part of a skeleton of one individual and some commingled bones of another were found. The commingled bones were separated from the main skeleton and taken into a separate bag.

**B. Clothing and Other Items:**

**Clothing:**

1. Trouser with a belt . Torn
2. Some torn scraps of clothes
3. A pair of socks
4. Elastic band
5. Underpants

**Blindfolds:** No

**Ligatures:** No

**Other Items:**

1. Small silver colour container.
2. Broken piece of a small mirror in a plastic case (red), plastic pendant -like structure.
3. A key
4. Two beaded chains.
5. A razor and two razor blades.

**C. Identifying Features:****Sex**

From examination of soft tissues: Not possible

From anthropology details: Male

**Age Range**

From anthropology data: 35 - 55 years

**Build** Not possible

**Height (cm)**

From estimation of intact body: Not possible

From anthropology data: 182.0+/-7.7 cm

**Hair**

**Head hair:** Not possible

**Beard:** Not possible

**Moustache:** Not possible

**Teeth**

**General description:** Some teeth in-situ in the broken jaw.

**Tattoos:** Not possible

**Scars:** Not possible

**Other Features:** None

**D. Body Parts Missing:** See Anthropology Report Anthropologist L. Leppo

**E. Injuries:****Findings on fluoroscopy**

Radiographer E. Canniff

- Opacity in the image (? Object).

Case No: RV02 / 221B X0124300

**Main injuries described**

**Head & Neck**

- |  | Probably ante-mortem                | Probably post-mortem     | Cannot tell              |
|--|-------------------------------------|--------------------------|--------------------------|
| 1 Burst-out type fracture of the skull. The vault and the base are fractured into several small and large pieces. The mandible is also fractured from its body from both sides and the front portion is missing. Upon reconstruction of the skull large areas of bone deficiency in the facial, frontal, parietal and the base of the skull were noted. No bullet holes were found. Fracture pattern is consistent with high velocity bullet-injury. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Trunk**

- |   | Probably ante-mortem                | Probably post-mortem     | Cannot tell              |
|---|-------------------------------------|--------------------------|--------------------------|
| 2 Fracture of the pelvic bone. Iliac crest and the articular surface of left iliac bone are fractured with loss of bone tissue in a 2 x 3 cm wide area. Corresponding area in the sacrum is also fractured. The iliac bone is fractured into three separate pieces due to two linear fractures extending to the crest across the bone vertically. The ischial bone is also fractured but fracture fragments are intact. Upon reconstruction an area of 3 x 2 cm bone deficiency consistent with high velocity bullet injury was found in relation to the articular surface. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Arms**

- |  | Probably ante-mortem                | Probably post-mortem     | Cannot tell                         |
|--|-------------------------------------|--------------------------|-------------------------------------|
| 3 Fracture of the shaft of right humerus in its lower third. The bone is separated into two. No bone deficient areas. The injury is consistent with blunt force type injury.               | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 fracture of the shaft of right clavicle in its middle third with chipped-off bone fragment in the inner surface in 3 x 2 cm area. The fracture pattern is consistent with bullet injury. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**F. Internal Tissues:**

No remaining tissue

**G. Samples and Other Items Recovered:**

Soco J. McCartney

**Bullets / Shrapnel**

None

**Anthropology**

None

**DNA**

- right femur
- tooth (no. 35)

**Other**

None

## Annex 5.2.



United Nations International Criminal Tribunal for  
former Yugoslavia

**AUTOPSY REPORT**  
ZJ05 GRAVE SITE

X0034090

CASE No: ZJ05B248

AUTOPSY DATE: 21.10.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height, by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

**SUMMARY:**

In my opinion the cause of death of ZJ05B248 was shrapnel injury.

**Comment:**

Anthropology examination confirmed male, > 22 years old. Stature indeterminate.

A partial skeleton of an adult male showing shrapnel injury to chest and neck. Skull was intact. Post mortem crush injury and fragmentation was present with many missing parts. Two ferrous shrapnel projectiles were found. (Pockets showed a flint kit and razor blades).

Clothes showed holes and burning to shirt.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed: .....

Dr. C. Gray BSc, MBChB, DMJ, FRCPath

Date: 21.10.98

**CLOTHING:**

Jacket  
Shirt  
Vest

**LIGATURE/BLINDFOLD/BANDAGE: NONE****PERSONAL EFFECTS:**

Flint kit (pockets)  
Razor blades (x 2)

X0034091

**IDENTIFICATION PAPERS OR ID CARD: NONE****PRESERVATION:**

Partial skeleton with residual soft tissue.

**BODY PARTS PRESENT:**

Skull – cervical axis; 1-4 thoracic vertebrae; rib fragments; parts of left and right scapulae; manubrium sterni; left and right clavicles; left humerus; left radius and ulna; left hand bones

**COMMINGLING: NO****HEAD HAIR: NO**

Colour:  
Length:

**BEARD/MOUSTACHE/BODY HAIR: N/A****SKIN CHARACTERISTICS:**

Surgical scars: N/A  
Injury scars: N/A  
Old injuries: None  
Other identifying characteristics: None

**DENTAL STATE: N/A****TRAUMA RELATED TO DEATH:**

Fractures of right side of C2, C3, C4  
Shrapnel (ferrous) in muscle of right scapula

**RECENT TRAUMA UNRELATED TO DEATH:**

Crush fractures left ribs posteriorly  
Fragmentation of ribs

**INTERNAL ORGANS Recognisable: No****RECOVERED OBJECTS:****Projectiles:**

Ferrous metal shrapnel (right scapula)  
Ferrous metal shrapnel (in clothing)



**(continued)**

**Other objects: None**

**HANDED TO: SOCO**

**BONE FLUOROSCOPED BY: Patrick Reynolds**

X0034092

**Annex 5.3.**

01491953

**AUTOPSY REPORT  
LAZETE MASS GRAVESITE**

CASE NO: LZ2-S1 &amp; R2

AUTOPSY DATE: 06 Septembre 1996

Age: 35 - 55 Years (Mean 45)

Height: 174 cm +/- 3.27 cm

Sex: Male

Handedness: Right-handed

**CLOTHING:**

Shirt: Black, red, yellow and blue checkered shirt, 1 L front pocket, front white buttons, red buttons at wrists, long sleeved, regular collar (collar is separate)

Trousers: None

Sweater: None

Jacket: None

Undershirt: None

Undrshrts: None

Belt: None

Socks: None

Footwear: None

Other: None

**PERSONAL EFFECTS:**

Cigarettes: None

Tobacco supplies: None

Keys: None

Pendants: None

Ring(s): None

Wallet: None

Watch: None

Other: None

**IDENTIFICATION PAPERS:** None**EXTERNAL EXAMINATION:**

Condition: Not complete

Articulation: None

Preservation: Completely skeletalized

Commingleing: None

Hair: Unknown

Color: Unknown      Length: Unknown

01491954

CASE NO: LZ2-S1 &amp; R2

Type: Unknown      Balding: Unknown

Beard: Unknown

Color: Unknown      Length: Unknown

Moustache: Unknown

Color: Unknown      Length: Unknown

Chest hair: Unknown

Back Hair: Unknown

**Skin Characteristics:**

Tattoos:              Unknown

Surgical scars:      Unknown

Injury scars:        Unknown

Circumcision:        Unknown

Other marks:         Unknown

**Deformities, Congenital:** None with present bones**Deformities, Acquired:**      None with present bones**Old fractures:**                None with present bones**Amputations:**                None with present bones**INTERNAL EXAMINATION:**

General: Unknown

Resected organs: None

Medical devices, implants, prostheses: None

**DENTAL EXAMINATION:**

Extraction:            # 17, 18, 19, 20, 29, 30, 31, 32

Missing PM:            # 22, 24, 25, 28

Caries:

Restorations:

Crowns:

Bridge:

Other:                    Maxilla is missing

**EVIDENCE OF TRAUMA:**

1. Elements present; L scapula, mandible, L & R clavicles, manibrium, corpus sternum, ossified xiphoid process, all vertebra (7 cervical, 12 thoracic, 5 lumbar), sacrum, 6 R ribs, 9 L ribs, R & L humerus, R & L ulnae, L os coxae, R femur, R tibia, R lunata, R capitata

01491955

CASE NO: LZ2-S1 &amp; R2

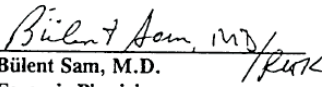
2. Nondistinctive fracture of L 2 rib at sternal end
3. Defect of L iliac wing with missing portion and radiating fissured fractures, bevelling at anterior surface, consistent with infliction by gunshot
4. Defect of L ischio-pubic ramus with missing portion
5. Gunshot wounds of L ala sacralis and L5 vertebra L transverse process & spinous process, with missing portion, trajectory is from posterior to anterior & from lateral to medial


**RECOVERED EVIDENCE:**Projectiles:  
NoneOther evidence:  
None**CAUSE OF DEATH:**

GUNSHOT WOUND

**MANNER OF DEATH:**

HOMICIDE

  
Bülent Sam, M.D.  
Forensic Physician

  
30.7.1997.  
Bülent Sam, M.D.  
forensic physician.

APPENDIX I

01491956

## CERTIFICATION OF CAUSE OF DEATH

On 06 September, 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as LZ2-S1 & R2.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of LZ2-S1 & R2 was caused by

Gunshot Wound.

and I so certify.

This statement is true and correct to the best of my knowledge.

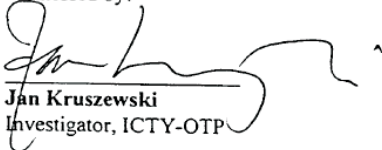
Signed this 30 day of July, 1997,  
in Istanbul, Turkey.

Signature:



Bulent Sam, M.D.  
Forensic Physician

Witnessed by:



Jan Kruszewski  
Investigator, ICTY-OTP

## Annex 5.4.



X008 6556

United Nations International Criminal Tribunal for  
the former Yugoslavia

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**AUTOPSY REPORT**  
RAVNICE GRAVE SITE**Case No:** RV01 / 216BP**Autopsy Date:** 13-Sep-00**Mortuary:** Visoko

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**Summary:**

A right forearm bone (radius), from an adult, and intact.

No cause of death can be determined.

**Cause of Death:**It is my determination that the cause of death in case number **RV01 / 216BP** was:**Unascertained**

---

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed: .....

Dr John Clark MB ChB FRCPath Dip FM

Date: 02-Oct-00

Case No: RV01 / 216BP

**A. General Description of Remains:**

Right radius.

**B. Clothing and Other Items:**

Clothing: None

Blindfolds: No

Ligatures: No

Other Items: None

X008 6557

**C. Identifying Features:**Sex

From examination of soft tissues: Not possible

From anthropology details: Not possible

Age Range

From anthropology data: Adult

Build Not possibleHeight (cm)

From estimation of intact body: Not possible

From anthropology data: Not possible

Hair

Head hair: Not possible

Beard: Not possible

Moustache: Not possible

Teeth

General description: Not possible

Tattoos: Not possibleScars: Not possibleOther Features: None**D. Body Parts Missing:** See Anthropology Report**E. Injuries:**Findings on fluoroscopy

None

Radiographer Adham Nicola

Main injuries described

None

Probably ante-mortem	Probably post-mortem	Cannot tell
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Case No: RV01 / 216BP

**F. Internal Tissues:**

None

**G. Samples and Other Items Retained:**

Soco Mr R Govender

**Bullets / Shrapnel**

None

**Anthropology**

None

X008 6558

**DNA**

None

**Other**

None



## Annex 5.5.

01493184

**AUTOPSY REPORT  
PILICA MASS GRAVESITE**

---

**CASE NO: PLC 9      AUTOPSY DATE: 17 October 1996**

---

**Age: 21-46      Height: 169.46**  
**Sex: Male      Handedness: ND**

---

**CLOTHING:**

Shirt: No  
Trousers: Corduroy navy blue with 2 side pockets and 2 back pockets. Label on back pocket United Garment - Diesel Basic.  
Sweater: No  
Jacket: Blue jeans jacket with 6 metal buttons, 2 breast pockets, 2 side pockets. Lining has cursive writing (illegible). Size 52.  
Undershirt: No  
Undrshrts: Red with fine white stripe, elastic band, no opening.  
Belt: Black with silver buckle and end.  
Socks: One blue  
Footwear: Left shoe, black leather with white lace. Size approximately 8 ½ - 10 (41-43).  
Other: No

**PERSONAL EFFECTS:**

Cigarettes: No  
Tobacco supplies: No  
Keys: No  
Pendants: No  
Ring(s): No  
Wallet: No  
Watch: No  
Other: No

**IDENTIFICATION PAPERS:**

No

**EXTERNAL EXAMINATION:**

Condition: Not complete - missing head, thorax, upper extremities and vertebral column.  
Articulation: Partial  
Preservation: Putrefaction/Saponification/Partially Skeletalized  
Commingling: No

01493185

CASE NO: PLC 9

Hair: Unk.  
Color: NA                      Length: NA  
Type: NA                        Balding: Unk.

Beard: Unk.  
Color: NA                      Length: NA  
Moustache: Unk.  
Color: NA                      Length: NA  
Chest hair: Unk.  
Back Hair: Unk.

**Skin Characteristics:**

Tattoos:                      Unk.  
Surgical scars:              Unk.  
Injury scars:                Unk.  
Circumcision:               Unk.  
Other marks:                Unk.

Deformities, Congenital: Unk.  
Deformities, Acquired:    Unk.  
Old fractures:               Unk.  
Amputations:               Unk.

**INTERNAL EXAMINATION:**

General:    No  
Resected organs:    No  
Medical devices, implants, prostheses: No

**DENTAL EXAMINATION:**

Extraction:                  No dental findings  
Missing PM:                  NA  
Caries:                        NA  
Restorations:                NA  
Crowns:                       NA  
Bridge:                        NA  
Other:                         NA

**EVIDENCE OF TRAUMA:**

None seen

## APPENDIX I

01493186

## CERTIFICATION OF CAUSE OF DEATH

On 17 October 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as PLC-009.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of PLC-009 was caused by

Undetermined

\_\_\_\_\_ and I so certify.

This statement is true and correct to the best of my knowledge.

Signed this 5<sup>th</sup> day of July, 1997,  
in River Forest, Illinois.

Signature:

Shakuntala Teas

Dr. Shakuntala TEAS, M.D.  
Forensic Pathologist

Witnessed by:

Asif

Asif SYED  
Investigator, ICTY-OTP

01493187

CASE NO: PLC 9

**RECOVERED EVIDENCE:**

Projectiles:

None

Other evidence:

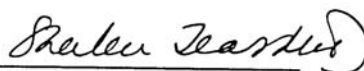
No

**CAUSE OF DEATH:**

Undetermined

**MANNER OF DEATH:**

Homicide



Shaku Teas, M.D.  
Forensic Pathologist

10/23/96

## Annex 5.6.

01493370

**AUTOPSY REPORT  
PILICA MASS GRAVESITE**

CASE NO: PLC 57

AUTOPSY DATE: 16 October 1996

Age: 18-23

Height: 179.70

Sex: Male

Handedness: ND

**CLOTHING:**

Shirt: No  
Trousers: Sweatpants with elastic waist, right zippered pocket. Elastic band hand sewn in front. Piping on side. Color: Blue/Maroon.  
Sweater: No  
Jacket: No  
Undershirt: No  
Undrshrts: White jockey type with elastic waist, no fly opening. Label: 100% Baumwolle. Size 44.  
Belt: No  
Socks: No  
Footwear: No  
Other: No

**PERSONAL EFFECTS:**

Cigarettes: No  
Tobacco supplies: No  
Keys: No  
Pendants: No  
Ring(s): No  
Wallet: No  
Watch: No  
Other: No

**IDENTIFICATION PAPERS:**

No

**EXTERNAL EXAMINATION:**

Condition: Not complete - incomplete skeleton including only left pelvis, left leg and foot, right femur and 1 lumbar vertebra.  
Articulation: None  
Preservation: Putrefaction/Partially Skeletalized  
Commingling: No



01493371

CASE NO: PLC 57

Hair: Unk.  
Color: Black (pubic)      Length: NA  
Type: NA                      Balding: Unk.

Beard: Unk.  
Color: NA                      Length: NA  
Moustache: Unk.  
Color: NA                      Length: NA  
Chest hair: Unk.  
Back Hair: Unk.

Skin Characteristics:  
Tattoos:                      Unk.  
Surgical scars:              Unk.  
Injury scars:                Unk.  
Circumcision:                Unk.  
Other marks:                 Unk.

Deformities, Congenital: Unk.  
Deformities, Acquired: Unk.  
Old fractures:                Unk.  
Amputations:                 Unk.

**INTERNAL EXAMINATION:**

General: No  
Resected organs: No  
Medical devices, implants, prostheses: No

**DENTAL EXAMINATION:**

Extraction:                  No dental findings  
Missing PM:                  NA  
Caries:                         NA  
Restorations:                NA  
Crowns:                        NA  
Bridge:                         NA  
Other:                          NA

**EVIDENCE OF TRAUMA:**

None seen



01493372

CASE NO: PLC 57

**RECOVERED EVIDENCE:**

Projectiles:

No

Other evidence:

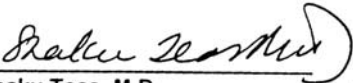
No

**CAUSE OF DEATH:**

Undetermined

**MANNER OF DEATH:**

Homicide

  
Shaku Teas, M.D.  
Forensic Pathologist

10/23/96

01493373

## APPENDIX I

## CERTIFICATION OF CAUSE OF DEATH

On 16 October 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as PLC-057.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of PLC-057 was caused by

Undetermined

\_\_\_\_\_ and I so certify.

This statement is true and correct to the best of my knowledge.

Signed this 5<sup>th</sup> day of July, 1997,  
in River Forest, Illinois.

Signature:

Shakuntala Teas

**Dr. Shakuntala TEAS, M.D.**  
Forensic Pathologist

Witnessed by:

Asif SYED

**Asif SYED**  
Investigator, ICTY-OTP



## Annex 5.7.

01493634

**AUTOPSY REPORT  
PILICA MASS GRAVESITE**

CASE NO: PLC 133

AUTOPSY DATE: 09 October 1996

Age: 25-30

Height: 166.37

Sex: Male

Handedness: ND

**CLOTHING:**

Shirt: No  
Trousers: Outer - dark grey, zip fly with 1 hook and 1 button, 2 side front pockets, 1 right back pocket, pleated. Inner trousers - dark blue with no zip fly, no buttons, 2 side pockets, string around waist.  
Sweater: No  
Jacket: No  
Undershirt: No  
Undsrhts: White long legged, elastic waist band, hand sewn red, green and blue repair on front.  
Belt: Brown leather, metal buckle.  
Socks: One brown, hand knitted.  
Footwear: One left black, imitation leather, black shoe lace, white and black rubber sole. Label: Mixer Lech. Size 39.  
Other: Blue baseball cap from left pocket outer trousers. Light blue piece of cloth from right pocket outer trousers.

**PERSONAL EFFECTS:**

Cigarettes: No  
Tobacco supplies: No  
Keys: No  
Pendants: No  
Ring(s): No  
Wallet: From right pocket of outer trousers.  
Watch: No  
Other: No

**IDENTIFICATION PAPERS:**

No

**EXTERNAL EXAMINATION:**

Condition: Not complete - missing cranium, mandible, bilateral upper extremities, all ribs and vertebrae, bilateral scapulae-clavicles,

01493635

**CASE NO: PLC 133**

Articulation: right fibula, right tarsal, metatarsal, phalanges and right coxae.  
Partial  
Preservation: Putrefaction/Saponification  
Commingling: No

Hair: Unknown  
Color: NA Length: NA  
Type: NA Balding: Unknown

Beard: Unknown  
Color: NA Length: NA

Moustache: Unknown  
Color: NA Length: NA

Chest hair: Unknown

Back Hair: Unknown

**Skin Characteristics:**

Tattoos: Unknown  
Surgical scars: Unknown  
Injury scars: Unknown  
Circumcision: Unknown  
Other marks: Unknown

Deformities, Congenital: Unknown

Deformities, Acquired: Unknown

Old fractures: Unknown

Amputations: Unknown

**INTERNAL EXAMINATION:**

General: Unknown

Resected organs: Unknown

Medical devices, implants, prostheses: Unknown

**DENTAL EXAMINATION:**

Extraction: No dental findings

Missing PM: NA

Caries: NA

Restorations: NA

Crowns: NA

Bridge: NA

Other: NA



01493636

CASE NO: PLC 133

## EVIDENCE OF TRAUMA:

No

## RECOVERED EVIDENCE:

Projectiles:

No

Other evidence:

No

## CAUSE OF DEATH:


Undetermined

## MANNER OF DEATH:

Homicide

30 July 1997



  
Bülent Savran, M.D.  
Forensic Medicine Specialist

Addendum.

Manner of death:

Undetermined.

30 Jul 1997



01493637

## APPENDIX I

## CERTIFICATION OF CAUSE OF DEATH

On 09 October, 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as PLC-133.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of PLC-133 was caused by undetermined.

\_\_\_\_\_ and I so certify.

This statement is true and correct to the best of my knowledge.

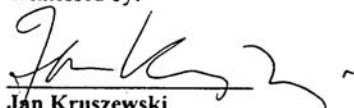
Signed this 30 day of July, 1997,  
in Istanbul, Turkey.

Signature:



\_\_\_\_\_  
**Bulent Savran**  
Forensic Medicin Specialist

Witnessed by:



\_\_\_\_\_  
**Jan Kruszewski**  
Investigator, ICTY-OTP

## Annex 5.8.

01493639

**AUTOPSY REPORT  
PILICA MASS GRAVESITE**

CASE NO: PLC 135

AUTOPSY DATE: 09 October 1996

Age: ND

Height: 165.42

Sex: Male

Handedness: Right

**CLOTHING:**

Shirt: No  
Trousers: Left leg of trousers. Black velvet, pleated, one pocket on left.  
Sweater: No  
Jacket: No  
Undershirt: No  
Undrshrts: No  
Belt: Black leather, metal buckle.  
Socks: No  
Footwear: No  
Other: No

**PERSONAL EFFECTS:**

Cigarettes: No  
Tobacco supplies: No  
Keys: No  
Pendants: No  
Ring(s): No  
Wallet: No  
Watch: No  
Other: No

**IDENTIFICATION PAPERS:**

No

**EXTERNAL EXAMINATION:**

Condition: Not complete - missing cranium, mandible, bilateral upper extremities, sternum, bilateral scapula-clavicle, all ribs and vertebrae, sacrum, coccyx, right femur, tibia, fibula, tarsal, metatarsal, and phalanges.  
Articulation: Partial  
Preservation: Putrefaction/Saponification  
Commingling: No



01493640

CASE NO: PLC 135

Hair: Unk.  
Color: NA Length: NA  
Type: NA Balding: Unk.

Beard: Unk.  
Color: NA Length: NA  
Moustache: Unk.  
Color: NA Length: NA  
Chest hair: Unk.  
Back Hair: Unk.

**Skin Characteristics:**

Tattoos: Unk.  
Surgical scars: Unk.  
Injury scars: Unk.  
Circumcision: Unk.  
Other marks: Unk.

Deformities, Congenital: Unk.  
Deformities, Acquired: Unk.  
Old fractures: Unk.  
Amputations: Unk.

**INTERNAL EXAMINATION:**

General: Unk.  
Resected organs: Unk.  
Medical devices, implants, prostheses: Unk.

**DENTAL EXAMINATION:**

Extraction: No dental findings  
Missing PM: NA  
Caries: NA  
Restorations: NA  
Crowns: NA  
Bridge: NA  
Other: NA

**EVIDENCE OF TRAUMA:**

No



01493641

CASE NO: PLC 135

## RECOVERED EVIDENCE:

Projectiles:

No

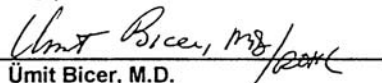
Other evidence:

No

## CAUSE OF DEATH:

Undetermined

## MANNER OF DEATH:

~~Homicide~~*Umit Bicer*  
30.7.97  
Umit Bicer, M.D.

Forensic Medicine Specialist

addendum

Manner of death : Undetermined

30. July. 1997



## APPENDIX I

01493642

## CERTIFICATION OF CAUSE OF DEATH

On 09 October 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as PLC-135.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of PLC-135 was caused by

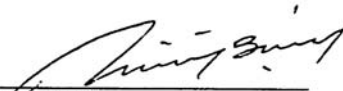
Undetermined

\_\_\_\_\_ and I so certify.

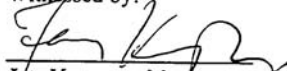
This statement is true and correct to the best of my knowledge.

Signed this 30 day of July, 1997,  
in Istanbul, Turkey.

Signature:

  
\_\_\_\_\_  
**Dr. Umit Bicer**  
Forensic Medicine Specialist

Witnessed by:

  
\_\_\_\_\_  
**Jan Kruszewski**  
Investigator, ICTY-OTP



## Annex 5.9.

X0016497

United Nations International Criminal Tribunal for  
former YugoslaviaAUTOPSY REPORT  
CR03 GRAVE SITE

CASE NO: CR03B639

AUTOPSY DATE: 10.09.98


Sex determined by soft tissue: NOT ASCERTAINABLE

Height by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

**SUMMARY:****In my opinion the cause of death of CR03B639 is not ascertainable.****Comment:****The left lower leg of an adult person with old fractures of the left tibia and left fibula without any obvious peri-mortem injury.**

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed: ..........**Dr. W. Marty Spec. Forensic Med., University of Zürich****Date: 10.09.98**

X0016498

Case No: CR03B639

**CLOTHING: YES**

1 pair of trousers  
1 pair of underpants  
1 handkerchief (ligature?)

**BLINDFOLD/BANDAGE: NONE****LIGATURE: PROBABLY****PERSONAL EFFECTS: YES**

CR03B639.1 -- 1 small bag with flint stones (recovered from left pocket)  
CR03B639.2 -- 1 handkerchief in the right pocket, probably used as a ligature

**IDENTIFICATION PAPERS OR ID CARD: NONE****PRESERVATION:**

Decomposed

**BODY PARTS MISSING:**

Pelvis, right femur, teeth, thorax, upper limbs, head.

**COMMINGLING: NO****HEAD HAIR: NO**

Colour:

Length:

**BEARD/MOUSTACHE/BODY HAIR: N/A****SKIN CHARACTERISTICS:**

Surgical scars: N/A

Injury scars: N/A

Old injuries:

Old fracture of the left tibia near the ankle and old fracture of the tibia in the middle part.

Other identifying characteristics: None

**DENTAL STATE: N/A****TRAUMA RELATED TO DEATH: NONE SEEN****RECENT TRAUMA UNRELATED TO DEATH: NONE SEEN****EXTERNAL EXAMINATION: N/A****INTERNAL ORGANS Recognisable: NO**

**RECOVERED OBJECTS:**

X0016499

**Case No: CR03B639****Projectiles:**

Many very small metallic fragments in the region of the left femur as a possible site of bullet contact. Not recovered.

**Other objects:** None**HANDED TO:** SOCO**BONE FLUOROSCOPED BY:** Chris Gosling

## Annex 5.10.

X0015987

United Nations International Criminal Tribunal for  
former YugoslaviaISOLATED BONE REPORT  
CR03 GRAVE SITE

CASE NO: CR03B614                      AUTOPSY DATE: 11.09.98

Sex determined by soft tissue:      NOT ASCERTAINABLE

Height, by direct measurement:    NOT ASCERTAINABLE

Body build:                                NOT ASCERTAINABLE

**SUMMARY:**

In my opinion the cause of death of CR03B614 was a possible gunshot wound.

**Comment:**

Right knee in a piece of jeans. There is a gunshot wound in the lower femur/knee with metal fragments in and above the knee. Most of the body is missing. In the absence of medical treatment this injury would immobilise and could cause fatal blood loss.

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed: ..........

Dr. C. Lawrence MB BS FRCPA BSc (med)

Date: 11.09.98

Case No: CR03B614

**CLOTHING: YES**

X0015988

Leg of jeans.

**PERSONAL EFFECTS: NONE****IDENTIFICATION PAPERS OR ID CARD: NONE****BONES PRESENT (length and condition):**

Right femoral condyles, right upper 2/3 tibia, upper 1/3 tibia.

**COMINGLING: NO****HEAD HAIR: N/A****Colour:****Length:****BEARD/MOUSTACHE/BODY HAIR: N/A****OLD INJURIES: NONE****IDENTIFYING CHARACTERISTICS: NONE****DENTAL STATE: N/A****TRAUMA RELATED TO DEATH:**

1. Gunshot wound, right knee. Comminuted fractures of the distal right femur with bullet jacket fragments in the bony fragments and joint space. The direction of the bullet track cannot be identified.

**RECENT TRAUMA UNRELATED TO DEATH:**

Possible crush injury in addition to bullet injury.

**INTERNAL EXAMINATION: N/A****RECOVERED OBJECTS: YES****Projectiles:**

CR03B614.1 -- Piece of copper jacket recovered in the joint space at the right knee.

**Other objects: None****HANDED TO: SOCO****BONE FLUOROSCOPED BY: Chris Gosling**

**Annex 5.11.**

01493396

**AUTOPSY REPORT  
PILICA MASS GRAVESITE****CASE NO: PLC 65****AUTOPSY DATE: 15 October 1996****Age: ND****Height: 168.99****Sex: Unknown****Handedness: ND****CLOTHING:**

Shirt: No  
Trousers: Right side of trousers - green, 1 pocket on the right side and one flapped pocket on the back  
Sweater: No  
Jacket: No  
Undershirt: No  
Undrshrts: No  
Belt: No  
Socks: One white cotton  
Footwear: No  
Other: No

**PERSONAL EFFECTS:**

Cigarettes: No  
Tobacco supplies: No  
Keys: No  
Pendants: No  
Ring(s): No  
Wallet: No  
Watch: No  
Other: No

**IDENTIFICATION PAPERS:**

No

**EXTERNAL EXAMINATION:**

Condition: Not complete - only right lower extremity is present  
Articulation: Partial  
Preservation: Putrefaction and saponification  
Commingling: No



01493397

**CASE NO: PLC 65**

Hair: Unknown  
Color: NA Length: NA  
Type: NA Balding: NA

Beard: Unknown  
Color: NA Length: NA  
Moustache: Unknown  
Color: NA Length: NA  
Chest hair: Unknown  
Back Hair: Unknown

**Skin Characteristics:**

Tattoos: Unknown  
Surgical scars: Unknown  
Injury scars: Unknown  
Circumcision: Unknown  
Other marks: Unknown

Deformities, Congenital: Unknown  
Deformities, Acquired: Unknown  
Old fractures: Unknown  
Amputations: Unknown

**INTERNAL EXAMINATION:**

General: Unknown  
Resected organs: Unknown  
Medical devices, implants, prostheses: Unknown

**DENTAL EXAMINATION:**

Extraction: No  
Missing PM: No  
Caries: No  
Restorations: No  
Crowns: No  
Bridge: No  
Other: No

**EVIDENCE OF TRAUMA:**

Gunshot wound to the right calf



01493398

CASE NO: PLC 65

RECOVERED EVIDENCE:

- Projectiles:
- Bullet fragment from right calf
- Other evidence:
- No

CAUSE OF DEATH:

~~Gunshot wound of leg~~

MANNER OF DEATH:

Homicide

6/2/97

Bulent

Do BSW of leg. OK with you in diagnosis with bone. Please discuss with Dr. [unclear] RSK

30 Jul 1997

*[Signature]*

*Bulent Savran, MD*  
Bulent Savran, M.D.  
Forensic Medicine Specialist

Addendum:  
Cause of death:  
Undetermined.  
30-Jul-1997

*[Signature]*



01493399

## APPENDIX I

## CERTIFICATION OF CAUSE OF DEATH

On 15 October, 1996, in Kalesija, Bosnia, I conducted a post-mortem examination on the body of an individual designated as PLC-065.

The findings in the section at the top of both the final and provisional reports under the headings entitled "Age", "Sex", "Height", "Handedness" and "Femur Length" were reached in consultation with the examining anthropologist, as noted in a separate table.

I have reviewed in their entirety, the provisional autopsy report that I prepared at the time of the examination, as well as the final autopsy report which was completed subsequently. To the best of my knowledge, both of these reports truly and accurately reflect my findings.

It is, therefore, my determination that the death of PLC-065 was caused by undetermined

\_\_\_\_\_ and I so certify.

This statement is true and correct to the best of my knowledge.

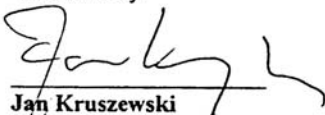
Signed this 30 day of July, 1997,  
in Istanbul, Turkey.

Signature:



**Bulent Savran**  
Forensic Medicine Specialist

Witnessed by:



**Jan Kruszewski**  
Investigator, ICTY-OTP

## Annex 5.12.

X0017409



United Nations International Criminal Tribunal for  
former Yugoslavia

ISOLATED BONE REPORT  
CR03 GRAVE SITE

CASE NO: CR03B682

AUTOPSY DATE: 14.09.98

Sex determined by soft tissue: NOT ASCERTAINABLE

Height, by direct measurement: NOT ASCERTAINABLE

Body build: NOT ASCERTAINABLE

**SUMMARY:**

**In my opinion the cause of death of CR03B682 was a possible gunshot wound to the leg.**

**Comment:**

**Adult individual. The presence of a bullet in the trousers could indicate a gunshot wound to the soft tissue.**

This formal report is based upon the autopsy report that I prepared at the time of my examination, and both reports truly and accurately reflect my findings.

Signed: ..........

Dr. W. Marty Spec. Forensic Med., University of Zürich

Date: 14.09.98

Case No: CR03B682

X0017410

**CLOTHING: YES**

Trousers

Possibly a handkerchief.

**PERSONAL EFFECTS: NONE****IDENTIFICATION PAPERS OR ID CARD: NONE****BONES PRESENT (length and condition):**

Left femur, tibia, fibula, patella.

**COMMINGLING: NO****HEAD HAIR: N/A**

Colour:

Length:

**BEARD/MOUSTACHE/BODY HAIR: N/A****OLD INJURIES: NONE****IDENTIFYING CHARACTERISTICS: NONE****DENTAL STATE: N/A****TRAUMA RELATED TO DEATH: NONE SEEN****RECENT TRAUMA UNRELATED TO DEATH: NONE SEEN****INTERNAL EXAMINATION: N/A****RECOVERED OBJECTS: YES****Projectiles:**

CR03B682.1 -- 1 deformed copper jacket bullet loose in the trouser leg, near the tibia plateau.

**Other objects:** None**HANDED TO: SOCO****BONE FLUOROSCOPED BY:** Chris Gosling

## Annex 5.13.



United Nations International Criminal Tribunal for  
the former Yugoslavia

X 0045547

**AUTOPSY REPORT**  
NOVA KASABA GRAVE SITE

CASE NO: NK04 032B

AUTOPSY DATE: 20.09.99  
MORTUARY: Visoko**SUMMARY:**

These were remains of an almost skeletonized body, complete in all its parts.

From the anthropological data, the person was male, aged between 31 and 65 years, and measured 168 +/- 7.7 cm in height.

The autopsy revealed no injuries or other ante mortem traumatic evidence.

**CAUSE OF DEATH:**

It is my determination that the cause of death in case number **NK04 032B** was:  
**Unascertained**

This formal report is based upon the autopsy report that I prepared at the time of my examination. Both reports truly and accurately reflect my findings.

Signed: 

Dr Enrico Manfredi, Medico Chirurgo, Specialista in Medicina Legale

Date: 20.09.99

**A. GENERAL DESCRIPTION OF REMAINS:**

These were remains of an almost skeletonized body, complete in all its parts

**B. CLOTHING:**

- Black and red overalls
- One sports shoe

X 0045548

**OTHER ITEMS:**

- Yellow metal ring

**C. IDENTIFYING FEATURES:****Sex:**

From examination of soft tissues: Not possible

From anthropology details: Male

**Age range (from anthropology data):** 31 - 65

**Build:** Not possible

**Height (cm):**

From estimation of intact body: Not possible

From anthropology data: 168.3 +/- 7.7

**Hair:**

**Head hair:** Blond hair, 3 cm in length, at left side of the skull

**Facial hair:** Not possible

**Teeth:**

**General description:** Almost complete dentition

**Retained for dentist:** No

**Tattoos:** Not possible

**Scars:** Not possible

**Other features:** None

**D. BODY PARTS MISSING: See Anthropology Report****E. INJURIES:**

None

**F. INTERNAL TISSUES:**

Brain

**H. SAMPLES AND ITEMS RETAINED:****Bullets/Shrapnel:**

None

**Anthropology:**

Pubic symphysis

Left 4<sup>th</sup> rib**DNA:**

Right femur diaphysis

Tooth

**Other:**

None

CASE NO. 1107 020

**SOCO:** Ronnie Govender

X 0045549

## Annex 7.1.

File 1148

(158)

Tor 2248  
 SSN 327  
 OR

UNITED NATIONS  NATIONS UNIES

UNITED NATIONS PROTECTION FORCE  
 B&H - SECTOR NE (TUZLA)  
 CIVIL AFFAIRS

R0433425

Page 1 of 3

ROUTINE/PRIORITY/IMMEDIATE/MOST IMMEDIATE  
 UNCLASSIFIED/RESTRICTED/CONFIDENTIAL/CRYPTO/ONLY

OUTGOING FAX NO.	DATE: July 17, 1995	
TO: MR. MICHEL MOUSSALLI HCA UNPF HQ, ZAGREB	FROM: KEN BISER, SCvAO SECTOR NE, TUZLA	
FAX: VSAT 151-3062/2278 2252	FAX: VSAT 156 7185	
ATTN: MR. ANDY BAIR, CvAO/DOBH	FILE REF NO: TUZ/CA/359 DRAFTER: EDW. JOSEPH TITLE: CvAO RELEASING OFF: KEN BISER SIGNATURE: <i>Ken Biser</i>	
VIA BELGRADE COMCEN →	INFO: MR. IOURI MIAKOTNYKH, CAC, BELGRADE MR. JOHN ALMSTROM, SPA OSRSG, ZAGREB MR. JAQUE GRINBERG, HAAU OSRSG, ZAGREB MR. JOHN RYAN, DCAC, UNPROFOR HQ, SARAJEVO MR. DAVID HARLAND, SECTOR SARAJEVO MR. TONY BANBURY, OSRSG, ZAGREB	VSAT xxx-1540 VSAT 151-3063 VSAT 151-3063 VSAT 155-7220 VSAT 155-5656 VSAT 151-3063
✓ AKHJEVO COMCEN →		6004 2256 2256 2300 2312 2256
SUBJECT: SREBRENICA / TUZLA UPDATE		

## MAIN POINTS

- \* Men who fled Srebrenica arrive in Tuzla area after week-long ordeal.
- \* HCR Ogata tours air base camp, meets Muratovic. "We'll try to move them off as fast as possible." Besaglic arrives, visits camp, Muratovic and SDA rivals.
- \* SNE braces for Zepa influx at Kladanj; BiH pressed to move forcibly displaced to Zenica. UNHCR action expands for collective centers now housing some 17,000.
- \* Wounded/Ill Still in Potocari/Bratunac; DUTCHBAT still in Potocari.

2/3

SOME OF THE SREBRENICA MEN ARRIVE

R0433426

1. Escapees from Srebrenica have arrived at Tuzla Air Base to join up with their families. UNMOs, Civil Affairs, and others have spoken separately to several individuals who describe a similar ordeal:

- 12 to 15 thousand left Srebrenica on 10-11 July.
- 5 to 6 thousand crossed into BiH 2 Corps controlled-territory in the southern Sapna area last night (16 July.)<sup>1</sup>
- Up to three thousand were killed on the way, mostly by mines and BSA engagements. Unknown others were captured. Some committed suicide. Unknown others went to Zepa.

2. Other reports state that 2 to 3,000 men have been taken to the stadium in or near Bratunac where they have been separated into two groups: Armija and civilian. (ICRC was reported to have been in Bratunac, ready to medevac the wounded/ill from there and Potoacari. The mission did not occur.)

OGATA SEES CAMP, MURATOVIC, PRESS

3. According to Muratovic, Mrs. Ogata favorably received his proposal that a Srebrenica task force be created to manage the resources for the people from Srebrenica; the task force would be headed by Minister for Refugees Muharim Cero, with participation UNHCR as umbrella organization. Mrs. Ogata was reported to have emphasized the importance of the Geneva Donors Conference, and also to have said that if adequate funds for Srebrenica displaced were not allocated in the upcoming budget, she would make sure additional resources were allocated.

4. At her press conference, the High Commissioner was pressed (not too harshly), stressed that the people forced out of Srebrenica were not refugees, but displaced persons; although UNHCR would do its utmost, the BiH government would have to do its share. Also, Mrs. Ogata was reported to have said that "ethnic cleansing is not the result of the war, it is the purpose of the war."

5. SNE Commander BGEN Haukland has pressed Muratovic to take those who may be forced out of Zepa to Zenica. Muratovic has been non-committal (though BiH Minister of Refugees Cero has told SCvAO that any Zepa displaced will go to Zenica. According to UNHCR, any Zepa displaced will be taken to Zenica.) BGEN Haukland has discussed an absolute maximum figure of 10,000 persons at the Air Base, but this figure is only hypothetical.

6. Muratovic told SCvAO that the displaced located on Tuzla Air Base would be moved off "as soon as possible."

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<sup>1</sup> BiH 2 Corps has stepped up military activity in the Kalesija region, possibly to divert the BSA from catching the escapees.



R0433427

3/3

7. Tuzla Mayor Besagic arrived from abroad to hurry in for a tour of the camps. Besagic held a seemingly cordial meeting with Muratovic and other national (SDA) authorities on the subject of the displaced. The local SDA organized a protest at the Air Base. One sign read "UNPROFOR are fascists."

#### TUZLA AIR BASE CAMP

8. According to its staff, UNHCR is prepared to take a higher profile role in administering the Tuzla Base Camp. UNHCR agrees that the camp can only be a temporary situation. (UNPROFOR SNE has warned of the security problem at the air base, a favorite target of the Serbs from nearby Mount Vis.)

9. Improvements continue in the facilities at the camp, which is nevertheless not satisfactory (according to the High Commissioner.) Extreme anxiety is apparent to those who talk to the mostly women who live in the camp: they fear the worst for their men; and they recall their forced expulsion. Some women describe horrible treatment at the hands of the BSA; Civil Affairs is thankful that a human rights team has arrived from Zagreb.

#### COLLECTIVE CENTERS

10. There are approximately 17,000 persons housed in collective centers among eight different communities in Tuzla-Drina Canton. The following figures can serve as an indicator, since much of the information has been collected haphazardly. Also, the numbers change by the day as the refugees move between different centers, as well as between towns.

Banovici	3,500 persons (obstina figure, corroborated by PAKBAT-2)	in 8-9 centers
Gracinica	1,510 persons (Swiss Disaster Relief figure)	in 9 centers
Srebrenik	3,227 persons (Swiss Disaster Relief figure)	
Lukavac	3,617 persons (Tuzla Canton figure)	in 16 centers
Tuzla	500+ persons (Tuzla Canton figure)	
Zivinica	3,979 persons (Tuzla Canton figure)	in 3 centers
Kladanj	500 persons (Tuzla Canton figure)	
Dubrave	1,500 persons (Tuzla Canton figure)	

11. Tuzla Canton has designated a Head of Logistics Cell, Mr. Edib Kravic who insists that all activities of NGOs will have to go through his office (ostensibly to ensure equitable distribution among the many centers.) UNHCR activity appears to be coalescing, with heavy support from NGOs and ICRC. PAKBAT-2 provides substantial support to the Banovici centers.

12. Civil Affairs visited some of the collection centers and conferred with UNHCR and Cantonal authorities. Report to be sent separately.

ENDALL.

**Annex 7.2.****ICTY PROSECUTION MILITARY EXPERT BUTLER ABOUT THE EXTENT AND LEGAL STATUS OF 28<sup>TH</sup> DIVISION COLUMN CASUALTIES**

The evidence of Richard Butler, military expert for the ICTY Prosecution, sheds relevant light on the Prosecution's view of the legal status of the column and its casualties. We will consider some pertinent points from his testimony in the *Popović et al.* trial.<sup>1</sup> Butler's views will be presented more or less in the order in which his cross-examination was conducted.

„Q. With respect to your analysis, did you analyse at any time how many military combat engagements were there with respect to the column of Bosnian Muslims that were leaving Srebrenica and Potocari from Susnjari and the VRS?

A. No, sir. I never engaged in a process to do a step-by-step accounting of each particular engagement of the column“.<sup>2</sup>

But further on, Butler concedes that he did, after all, follow the column's progress in space and time.<sup>3</sup>

In response to the next, and partially reformulated, question put to him by the defence, whether or not he had made any attempts while following the column's progress to determine the locations where it engaged in combat, Butler responds in the negative, with the proviso that he was aware of an ambush at Snagovo. When asked if it would be correct to conclude that he was unable to determine how many combat engagements the column had in July of 1995, Butler replied:

„Yes, sir, that's correct.“<sup>4</sup>

There followed a question which is crucial in terms of defining the character of the column. Butler's response reflects a very low level of interest in relation to that column and he states the reason:

„Q. Now, you've called and you've used the word "legitimate military combat engagement," and do you agree with me, sir, that these were, indeed, legitimate military combat engagements?

A. As a result of the mixed character of the column, with a mixture of military units and personnel and civilians, I believe I've been fairly consistent by

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<sup>1</sup> *Popović et al.*, Transcript, 23. January 2008.

<sup>2</sup> *Ibid.*, p. 20243, lines 17-22.

<sup>3</sup> *Ibid.*, p. 20244, lines 1-6.

<sup>4</sup> *Ibid.*, p. 20244, lines 7-18.

saying that, you know, regardless of the civilian presence, that, you know, at face value, it would qualify as a legitimate military target<sup>5</sup>.

Asked whether he felt that a review of the locations where combat activity occurred during the withdrawal might constitute useful information which would round off his analysis, Butler replied:

„No, sir. Again, given what the goals of my report were, if I were prepared to concede that the column was a legitimate military target, any casualties related to that particular operation would, by definition, be lawful. Given the context of what we were looking at with the crime base, it didn't matter what happened to the column, per se. It only mattered what happened to the individuals after they came into the custody of the VRS after being captured or surrendered. That is why that particular type of analysis that you have looked for was not done<sup>6</sup>.

Further questions put by the defence to Butler had to do with the existence of minefields along the column's withdrawal route. Butler confirms their existence, but denies knowledge about how many persons might have died as a result of them.<sup>7</sup> In fact, when asked:

„Q. Sir, did you, as a military expert, in your report analyse how many people died as a result of coming into contact in landmine fields or landmines?<sup>8</sup>“

Butler responded:

„A. No, sir, I didn't. I didn't analyse ABiH military casualties at all.<sup>8</sup>“

When asked if he paid any attention to the pattern of injury of BiH Army victims with a view to distinguishing battle casualties from execution victims, Butler stated that he did not because making such a distinction “was not relevant” to his analysis.<sup>9</sup>

When queried by the defence why it would not be relevant who was killed in combat in a case that focused on events in and around Srebrenica in July of 1995, this was Butler's response:

„It would only be relevant if the forensics evidence of the mass graves were showing evidence that would reflect that the bodies in those graves reflected

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<sup>5</sup> Ibid., p. 20.244, lines 19-25 and 20.245, line 1.

<sup>6</sup> Ibid., p. 20245, lines 14-23.

<sup>7</sup> Ibid., p. 20246, lines 21-25 and 20247, lines 1-5; p. 20248, lines 1-5.

<sup>8</sup> Ibid., p. 20248, lines 1-5.

<sup>9</sup> Ibid., p. 20249, lines 1-2.

combat casualties. The forensics evidence, as I understand it coming out of those mass graves, reflects the opposite, that they're not combat casualties".<sup>10</sup>

Butler's responses under cross examination are emblematic of the mindset and practical approach of the Hague Tribunal and its branches. Parting from the self-confident assumption that the forensic evidence uniformly confirms that the overwhelming majority of those who died were victims of execution, Butler does not see the point – or the relevance – of undertaking a more detailed analysis of the column. The forensic issue may be left to forensic specialists. But in his capacity as ICTY Prosecution military expert Butler has taken a position which in terms of our analysis is very relevant: that the 28<sup>th</sup> Division column that was withdrawing from Srebrenica to Tuzla was a legitimate military target. The corollary of that view is that, from the standpoint of criminal liability, it would have been a waste of resources to study the column's military engagements or to count its casualties. For, as Butler said, those casualties were "lawful". But if that is correct, there would also seem to follow another conclusion: whatever their actual magnitude, they ought to be considered apart from other losses and must not be lumped together with execution victims who undoubtedly represent a violation of the laws and customs of war.

Butler's assumption regarding the prevalent pattern of injury of the exhumed victims is debatable, but that is an issue better left to forensic scientists. However, based on his military experience Butler in the end accepts with regard to combat casualties that the „number of 1.000 to 2.000 sounds reasonable, given the context of the combat that I'm aware of".<sup>11</sup> Whatever the case may be, this is a figure of considerable magnitude. Asked by the defence, even if we accepted the lower figure of 1000 combat casualties, where might those bodies be located today [and in light of mass funerals at the Memorial Center in Potočari each year that question would appear to be quite sensible], Butler was rather vague:

„My understanding, particularly in the early postwar years, was because of the high threat of uncharted minefields and uncharted or unexploded ordinance, that there was no effort made for many years to go in and attempt to recover those surface remains...".<sup>12</sup>

But regardless of such details, under cross examination in the Pelemis and Peric case before the Court of Bosnia and Herzegovina in Sarajevo, the Prosecution's military expert, Richard Butler, reaffirmed his fundamental position with respect to the column's legal status:

“In view of the mixed character of the column, since there were also civilians in it, and military personnel in the column were involved in military combat activity, as I said before, that column, such as it was, constituted a legitimate military target.”<sup>13</sup>

<sup>10</sup> Ibid., p. 20249, lines 7-11.

<sup>11</sup> Ibid., p. 20251, lines 6-8 и 12-18.

<sup>12</sup> Ibid., p. 20252, lines 17-20.

<sup>13</sup> *Prosecutor v. Pelemiš and Perić*, KT-RZ 74/08, Transcript, 22 March 2010.

## Annex 8.1.

00799571

Translation

LIST OF WAR CRIMINALS KNOWN TO THE COMMAND OF THE 1<sup>st</sup> LIGHT INFANTRY BRIGADE, WHO COMMITTED WAR CRIMES IN THE AREA OF BRATUNAC, SREBRENICA, MILIĆI, VLASENICA AND SKELANI MUNICIPALITIES AND ARE BELIEVED TO BE IN SREBRENICA

Officials and organizers:

1. Mulin ADEMOVIĆ, Cerska
2. Ibrahim ADEMOVIĆ, nicknamed Cakura, Đile, Milići
3. Bešir ALJUKIĆ, son of Beče, born 1960, Nedeljište, Vlasenica
4. Munib AHMETOVIĆ, son of Mujo, born 1960, Skugrić, Vlasenica
5. Ramo BABJIĆ, son of Omer, born 1936, Glogova, Bratunac
6. Bekir BAKAR, Srebrenica
7. Azem BEGIĆ, Srebrenica
8. Hajrudin BEGIĆ, son of Azem, Srebrenica
9. Nezir BEGIĆ, son of Azem, Srebrenica
10. Sadik BEGIĆ, Luka, Srebrenica
11. Dr. Sabit BEGIĆ, Srebrenica
12. Izet BEGOVIĆ, Glogova, Bratunac
13. Jusuf BEKTIĆ, Srebrenica
14. Džemail BEĆIREVIĆ, son of Bešir, born 1960, Bratunac
15. Dževad GUŠIĆ, son of Hamed, born 1960, Bratunac
16. Izet GUŠIĆ, son of Sulejman, born 1955, Bratunac
17. Ismet DAUTBAŠIĆ, Bratunac
18. Fajko DAUTOVIĆ, Vlasenica
19. Nijaz DUBIČIĆ, son of Salčin, born 1948, Bratunac
20. Alija ĐELOVIĆ, son of Hamed, born 1957, Urkovići, Bratunac
21. Hasan ĐINDO, Vlasenica
22. Abid ĐOZIĆ, Pasmulići, Srebrenica
23. Murat EFENDIĆ, son of Besim, Srebrenica
24. Hamed EFENDIĆ, Potočari, Srebrenica
25. Sakib ZUBOVIĆ, nicknamed Kibo, Vlasenica
26. Besim IBIŠEVIĆ, Dobrak, Srebrenica
27. Hasib IBRAHIMOVIĆ, son of Ramo, born 1952, Blječeva, Bratunac
28. Mustafa IMAMOVIĆ, Vlasenica
29. Mirsad KAVAZBAŠIĆ, son of Husein, born 1954, Bratunac
30. Ahmed KAZIĆ, Srebrenica
31. Adnan KAROVIĆ, Potočari, Srebrenica
32. Sado KORKUTOVIĆ, son of Mehmedalija, Nedeljišta, Vlasenica
33. Hamdija KORKUTOVIĆ, son of Hamed, Nedeljišta, Vlasenica
34. Bahret KUSTURA, son of Husein, born 1950, Bratunac
35. Enver KUBAT, son of Smajil, born 1943, Bratunac
36. Mesud MAHMUTOVIĆ, son of Mujo, born 1956, Abdulići, Bratunac
37. Nuriya MEMIŠEVIĆ, son of Hajdar, born 1966, Sase, Srebrenica
38. Šaćir MEMIŠEVIĆ, Srebrenica
39. Sabit MUJIKIĆ, son of Sejfulah, born 1957, Bratunac
40. Ibran MUSTAFIĆ, Potočari, Srebrenica
41. Sadik MUSTAFIĆ, Šušnjari, Srebrenica
42. Adil OSMANOVIĆ, son of Adem, born 1960, K. Polje, Bratunac
43. Huso PATKOVIĆ, Vlasenica
44. Muradif PAŠAGIĆ, Srebrenica
45. Nuriya POROBIĆ, Srebrenica

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46. Huso POROBIĆ, Srebrenica
47. Šaban REDŽIĆ, Kamenica, Zvornik
48. Muhamed RUSTANBEGOVIĆ, Srebrenica
49. Hamed SALIHOVIĆ, Potočari, Srebrenica
50. Nusret SALIHOPVIĆ, Srebrenica
51. Rizo SELMANAGIĆ, Srebrenica
52. Mevludin SINANOVIĆ, Bratunac
53. Munib SIRUČIĆ, son of Nurija, born 1935, Bratunac
54. Sadik SMAJLOVIĆ, Srebrenica
55. Raif SULJIĆ, Drum, Vlasenica
56. Omer TABAKOVIĆ, son of Ibro, born 1949, Bratunac
57. Mujo TEPIĆ, Srebrenica
58. Fadil TURKOVIĆ, son of Halil, born 1953, Nazda, Milići
59. Meho USTIĆ, son of Enes, Srebrenica
60. Mustafa FERHATBEGOVIĆ, son of Ibrahim, born 1952, Bratunac
61. Mevludin HASANBEGOVIĆ, Vlasenica
62. Fadil HASANOVIĆ, Potočari, Srebrenica
63. Hamdija HASANOVIĆ, Potočari, Srebrenica
64. Hasib HASANOVIĆ, nicknamed Žučo, son of Hasan, born 1946, Bratunac
65. Esad HASKIĆ, Kamenica, Zvornik
66. Sulejman HADŽIĆ, son of Ahmet, born 1934, Bratunac
67. Husein HADŽIĆ, Srebrenica
68. Senad HODŽIĆ, son of Sulejman, born 1961, Bratunac
69. Azem DŽANIĆ, son of Amir, born 1941, Bratunac
70. Nedžad DŽANIĆ, son of Izet, born 1960, Bratunac
71. Nurija DŽANIĆ, son of Hamdija, born 1944, Bratunac
72. Salčin DŽANIĆ, son of Hamdija, born 1941, Bratunac

Commanders:

73. Dževad AVDIĆ, Zapolje
74. Sidik ADEMOVIĆ, Šušnjari, Srebrenica
75. Behajija ALJKANOVIĆ, Osatica, Srebrenica
76. Mujo BAJRAMOVIĆ, son of Hasan, born 1965, Vlasenica
77. Bego BARJAKTAREVIĆ, Pustumlići, Srebrenica
78. Bešir BARJAKTAREVIĆ, Pustumlići, Srebrenica
79. Mujo BEKTIĆ, Osmače, Srebrenica
80. Nedžad BEKTIĆ, nicknamed Poručnik /lieutenant/, Karačići, Srebrenica
81. Meho VELIĆ, Cerska
82. Ejub GOLIĆ, son of Mustafa, born 1958, Glogova, Bratunac
83. Ejub DEDIĆ, son of Ramiz, born 1957, Skugrić, Vlasenica
84. Ibro DEDIĆ, Skelani
85. Fadil DEDIĆ, son of Hasan, born 1961, Pobude, Bratunac
86. Šaban DELIĆ, son of Avdo, Kutuzero, Srebrenica
87. Nezir ĐOZIĆ, Bajramovići-Pustumlići, Srebrenica
88. Nezir ZEBRIĆ, Glogova, Bratunac
89. Sadik ZUKIĆ, son of Salih, born 1955, Biljača, Bratunac
90. Idriz IBRAHIMOVIĆ, son of Nazif, born 1947, Tegare, Bratunac
91. Ilijaz JAŠAREVIĆ, son of Fadil, Vlasenica
92. Nurija JUSUFOVIĆ, Srebrenica
93. Džemal JUSUPOVIĆ, son of Muharem, born 1970, K. Polje, Bratunac
94. Sakib (or Atif) KRDIĆ, Osmače, Srebrenica

00799573

Translation

95. Dr. Ismet KUTLOVAC, Vlasenica
96. Esad MALJIŠEVIĆ, son of Rasim, Gradina, Vlasenica
97. Bećir MEKANIĆ, son of Jakub, born 1957, Bešići, Vlasenica
98. Mustafa MERDŽIĆ, son of Ševko, born 1957, K. Polje, Bratunac
99. Hakija MEHOLJIĆ, son of Husein, Srebrenica
100. Safet MUJIĆ, Soločuša, Srebrenica
101. Sulejman MUJČINOVIĆ
102. Velid MUMINOVIĆ, son of Fahro, born 1969, K. Polje, Bratunac
103. Mustafa MUMINOVIĆ, son of Mumin, born 1957, K. Polje, Bratunac
104. Hamid MUMINOVIĆ, son of Suljo, born 1963, Urkovići, Bratunac
105. Hasib MUMINOVIĆ, son of Avdo, born 1968, Urkovići, Bratunac
106. Hašim MUMINOVIĆ, son of Suljo, born 1964, Urkovići, Bratunac
107. Šaban MUMINOVIĆ, son of Šahbaz, Urkovići, Bratunac
108. Sadik MUSTAFIĆ, Potočari, Srebrenica
109. Adil OMEROVIĆ, son of Osman, born 1963, Vlasenica
110. Safet OMEROVIĆ nicknamed Miš, son of Bajro, Voljavica, Bratunac
111. Naser ORIĆ, son of Džemail, born 1967, Potočari, Srebrenica
112. Ibro OSMANOVIĆ nicknamed Bili, Soločuša, Srebrenica
113. Meho OSMANOVIĆ, son of Junuz, born 1960, Magašići, Bratunac
114. Šaban OSMANOVIĆ, son of Junuz, born 1956, Magašići, Bratunac
115. Ismet RAMIĆ, son of Salko, born 1949, Hranča, Bratunac
116. Besim SALIHOVIĆ, son of Avdo, born 1957, Biljača, Bratunac
117. Hidan SALIHOVIĆ, son of Avdo, born 1968, Biljača, Bratunac
118. Huso SALIHOVIĆ, Močevići, Srebrenica
119. Šemsudin SALIHOVIĆ, son of Smajkan, born 1964, Mačesi, Vlasenica
120. Zihinja SINANOVIĆ, son of Rahman, Bjelovac, Bratunac
121. Rešid SINANOVIĆ, son of Rahman, born 1949, Pirići, Bratunac
122. Atif SIRĆO, Vlasenica
123. Mirsad SULEJMANOVIĆ, son of Šaban, Skugrić, Vlasenica
124. Nusret SULEJMANOVIĆ, Skelani
125. Hajro SULJIĆ, Gostilj, Srebrenica
126. Omer TUPKOVIĆ, son of Mehmed, Srebrenica
127. Zulfo TURSUNOVIĆ, Sućeska, Srebrenica
128. Akif USTIĆ, son of Enez, born 1948, Srebrenica
129. Adem HABIBOVIĆ, Srebrenica
130. Rašid HALILOVIĆ, son of Redžo, Tegare, Bratunac
131. Bahrudin HASANOVIĆ nicknamed Bjelac, son of Edhem, Pirići, Bratunac
132. Ferid HODŽIĆ, son of Avdo, born 1959, Drum, Vlasenica
133. Azem HUBALIĆ, Skelani
134. Halid HUKIĆ, son of Huso, born 1967, Zaplje, Bratunac
135. Muhamed ČIKARIĆ, Kamenica, Vlasenica
136. Veiz ŠABIĆ, son of Vehbija, born 1966, Urkovići, Bratunac
137. Velid ŠABIĆ, son of Vehbija, born 1964, Urkovići, Bratunac

Direct perpetrators:

138. Avdić SENAHD, son of Idriz, born 1963, Glogova, Bratunac
139. Enver ALISPAHIĆ, Jaglići, Srebrenica
140. Hamdija ALISPAHIĆ, son of Hamed, Jaglići, Srebrenica
141. Abdulah ALIĆ, nicknamed Dule, Brezovice, Srebrenica
142. Kadir ALIĆ, son of Ibrahim, born 1972, Tegare, Bratunac
143. Mehmed ALIĆ, Močevići, Srebrenica

00799574

Translation

144. Munib ALIĆ, son of Adem, born 1963, Mačesi, Vlasenica
145. Meho ALIĆ, son of Mušan, born 1969, Mačesi, Vlasenica
146. Ibro ALJUKIĆ, son of Sulejman, born 1954, Nedeljište, Vlasenica
147. Cile ALIĆ, son of Fazlija, Tegare, Bratunac
148. Izet ARIFOVIĆ, son of Husein, born 1960, Hranča, Bratunac
149. Redžo ARIFOVIĆ, son of Husein, born 1951, Hranča, Bratunac
150. Jusuf AHMETOVIĆ, nicknamed Juka, son of Ohran, born 1960, Vlasenica
151. Safet AHMETOVIĆ, son of Šaban, born 1965, Raševo, Vlasenica
152. Haris AHMETOVIĆ, nicknamed Hari, Bratunac
153. Osman ADEMOVIĆ, son of Adem, born 1937, Đile, Vlasenica
154. Sabrija AJŠIĆ, Kutuzero, Srebrenica
155. Hasan ADEMOVIĆ, son of Bego, born 1937, Đile, Vlasenica
156. Nedžad ADEMOVIĆ, son of Hasan, born 1970, Đile, Vlasenica
157. Šefik AHMETOVIĆ, son of Šerif, Glogova, Bratunac
158. Šemsudin BAJRIĆ, son of Bajro, born 1967, Cerska, Vlasenica
159. Ahmo BEGIĆ, Srebrenica
160. Bekir BEGIĆ, Srebrenica
161. Idriz BEGIĆ, Srebrenica
162. Medo BEGIĆ, Srebrenica
163. Sevdalija BEGIĆ, Pirići, Bratunac
164. Izet BEGOVIĆ, Glogova, Bratunac
165. Hajrudin BEGZADIĆ, son of Alija, born 1969, Pirići, Bratunac
166. Salko BEGZADIĆ, Sikirić, Bratunac
167. Mehmedalija BEGZADIĆ, son of Šahman, Pirići, Bratunac
168. Salih BEČIROVIĆ, Nedeljišta, Vlasenica
169. Mujo BEČIROVIĆ, Nedeljišta, Vlasenica
170. Alaga BEČIROVIĆ, son of Mešan, born 1966, Pomol, Vlasenica
171. Safet BEČIROVIĆ, son of Nezir, born 1966, Nedeljišta, Vlasenica
172. Mehmedalija BEČIROVIĆ, son of Meho, born 1970, Nedeljišta, Vlasenica
173. Mevludin BEČIROVIĆ, son of Rasim, born 1971, Nedeljišta, Vlasenica
174. Halil BEČIROVIĆ, son of Habib, born 1964, Nedeljišta, Vlasenica
175. Šahbaz BEČIROVIĆ, son of Rahman, born 1966, Nedeljišta, Vlasenica
176. Hasan BEČIROVIĆ, Opetci, Srebrenica
177. Hajro BEČIĆ, Potočari, Srebrenica
178. Hajrudin BEŠIĆ, son of Mehmed, born 1960, Podčauš, Bratunac
179. Sulejman VEJZOVIĆ, son of Suljo, Johovača, Milići
180. Ćazim VELIĆ, son of Ćamil, born 1971, Ceska, Vlasenica
181. Ešref GABELJIĆ, Bratunac
182. Alija GEROVIĆ, Glogova, Bratunac
183. Mevludin GEROVIĆ, Glogova, Bratunac
184. Musa GEROVIĆ, Glogova, Bratunac
185. Ramiz GEROVIĆ, Glogova, Bratunac
186. Ramo GEROVIĆ, Glogova, Bratunac
187. Hasan GEROVIĆ, Glogova, Bratunac
188. Huso GEROVIĆ, Glogova, Bratunac
189. Mustafa GOLIĆ, Glogova, Bratunac
190. Juso DAUTBAŠIĆ, son of Ramo, Tegare, Bratunac
191. Rifet DAUTBAŠIĆ, Bjelovac, Bratunac
192. Hasan DAUTBAŠIĆ, son of Rifet, Bjelovac, Bratunac
193. Nedžad DEDIĆ, son of Hamdija, born 1961, Skugrić, Vlasenica
194. Nijaz DEDIĆ, son of Nezir, born 1972, Skugrić, Vlasenica



UU799575

Translation

195. Kemal DEDIĆ, son of Hamdija, born 1969, Skugrić, Vlasenica
196. Sead DELIĆ, son of Selmo, born 1966, Glogova, Bratunac
197. Smajo DELIĆ, son of Alija, born 1960, Glogova, Bratunac
198. Hamdija DERVIŠEVIĆ, son of Halid, born 1952, Skugrić, Vlasenica
199. Samir DERVIŠEVIĆ, son of Šaban, born 1972, Skugrić, Vlasenica
200. Ramiz DELIĆ, Bijelo Polje, Srebrenica
201. Ibro DELIĆ, Kutuzero, Srebrenica
202. Bajazit DELIĆ, Soločuša, Srebrenica
203. Kiram DELIĆ, Soločuša, Srebrenica
204. Mirsad DUDIĆ, Osmače, Srebrenica
205. Huso ĐUKIĆ
206. Suljo ĐULAK, Soločuša, Srebrenica
207. Hajro EKMIĆ
208. Midhat EKMIĆ
209. Dževad EKMIĆ
210. Ramiz EKMIĆ
211. Mulija ZUKIĆ
212. Mustafa ZUKIĆ, son of Muarem, Potočari, Srebrenica
213. Osman ZUKIĆ, Biljača, Bratunac
214. Sabit ZUKIĆ, Biljača, Bratunac
215. Huso ZUKIĆ, Potočari, Srebrenica
216. Esad IBIŠEVIĆ, Glogova, Bratunac
217. Ahmo IBRAHIMOVIĆ, nicknamed Hepa, son of Ibrahim, born 1979, Močila, Bratunac
218. Bego IBRAHIMOVIĆ, nicknamed Austrija, son of Bekto, born 1959, Srebrenica
219. Idriz IBRAHIMOVIĆ, son of Nazif, born 1947, Tegare, Bratunac
220. Osmo IBRAHIMOVIĆ, son of Omer, born 1962, Magašići, Bratunac
221. Alija IBRIĆ, nicknamed Kurta, son of Mujo, born 1947, Pirići, Bratunac
222. Vehbija JAHIĆ, son of Salkica, Skenderovići, Srebrenica
223. Husein JAŠAREVIĆ, son of Fejzo, born 1964, Mačesi, Vlasenica
224. "Grbo" JAŠAREVIĆ, son of Husein
225. Džemail JUSUPOVIĆ, son of Omer, born 1966, Nurići, Vlasenica
226. Bekto KAMENICA, Jagličići, Srebrenica
227. Avdo KAMENICA, son of Munib, Jagličići, Srebrenica
228. Munib KAMENICA, son of Idriz, Jagličići, Srebrenica
229. Ramiz KAMENICA, son of Idriz, Jagličići, Srebrenica
230. Džemail KAMENICA, son of Idriz, Jagličići, Srebrenica
231. Smajo KARIĆ
232. Esmo KIVERIĆ, daughter of Ibiš, born 1951, Bjelovac, Bratunac
233. Asim KURJAK, son of Mujo, born 1975, Cerska, Vlasenica
234. Mujo MALAGIĆ, Loznička Rijeka, Bratunac
235. Mirsad MALAGIĆ, son of Mujo, L. Reka, Bratunac
236. Hajrudin MALAGIĆ, son of Hilmo, born 1945, Osmače, Srebrenica
237. Nasir MAMUTOVIĆ
238. Ibrahim MANĐIĆ, Potočari, Srebrenica
239. Behaija MARTIĆ
240. Alija MEMIŠEVIĆ
241. Amir MEHMEDOVIĆ, nicknamed Geza
242. Kemal MEHMEDOVIĆ, nicknamed Kemo, son of Mustafa, Pale, Srebrenica
243. Haris MEHMEDOVIĆ, nicknamed Hari
244. Esad MURATOVIĆ, son of Rašid, born 1961, Nurići, Milići
245. "Špico" MURATOVIĆ, son of Nurija, Blječevo, Bratunac

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Translation

246. Ramiz MEHMEDOVIĆ, son of Muradif, born 1967, Mačesi, Vlasenica  
 247. Selim MUSTAFIĆ, son of Salko, born 1971, Skugrići, Vlasenica  
 248. Sulejman MUJČINOVIĆ, son of Ibro, born 1957, Pobude, Bratunac  
 249. Hasan MUHAREMOVIĆ, son of Husein, born 1967, Pobude, Bratunac  
 250. Munib MUŠKIĆ, son of Huso, born 1954, Cerska, Vlasenica  
 251. Ramiz MEHMEDOVIĆ, son of Hakija, born 1971, Rovaši, Vlasenica  
 252. Džemo MURATOVIĆ, son of Omer, Nurići, Vlasenica  
 253. Mevludin MALNIĆ  
 254. Zulfo MEMIŠEVIĆ, son of Mehmed, born 1968, Bešići, Vlasenica  
 255. Azem MEMIŠEVIĆ, nicknamed Faca, son of Mahmut, born 1957, Bešići, Vlasenica  
 256. Ifet MALOVIĆ, son of Emin, born 1967, Đile, Vlasenica  
 257. Rifet MALOVIĆ, son of Emin, born 1967, Đile, Vlasenica  
 258. Asim MUJIĆ, Soloćuša, Srebrenica  
 259. Ibrahim MUJIĆ, Srebrenica  
 260. Reuf MUJKIĆ, Soloćuša, Srebrenica  
 261. Junuz MEHIĆ, K. Polje, Bratunac  
 262. Behadin MUJKANOVIĆ, Srebrenica  
 263. Ibro MUJKANOVIĆ, Srebrenica  
 264. Senad MUJKANOVIĆ, Srebrenica  
 265. Nisvet MUKIĆ  
 266. Sarija MULALIĆ, Bajramovići, Srebrenica  
 267. Mujčin MURATOVIĆ, Zagoni, Bratunac  
 268. Zejneb MURATOVIĆ, Zagoni, Bratunac  
 269. Muriz MURATOVIĆ, Blječeva, Bratunac  
 270. Fikret MUSTAFIĆ, Bratunac  
 271. Ismet MEHMEDOVIĆ  
 272. Fikret MUSIĆ, Kamenica, Zvornik  
 273. Alija NUKIĆ, son of Sade, born 1968, Skugrić, Vlasenica  
 274. Mušan OSMANOVIĆ, son of Meho, born 1967, Mačesi, Vlasenica  
 275. Osman OSMANOVIĆ, son of Safet, Soloćuša, Srebrenica  
 276. Redžo or Dževad OSMANOVIĆ, son of Ibrahim, Gostilj, Srebrenica  
 277. Džemal OSMANOVIĆ, son of Ibrahim, born 1965, Skugrić, Vlasenica  
 278. Hamed OSMANOVIĆ, son of Derviš, born 1961, Pobude, Bratunac  
 279. Ibro OSMANOVIĆ, son of Sinana, Nurići, Vlasenica  
 280. Muhidin OSMANOVIĆ, nicknamed Braco, son of Osman, born 1963, Štedrić, Vlasenica  
 281. Smail OMEROVIĆ, nicknamed Fero  
 282. Mevludin OMEROVIĆ, nicknamed Piki  
 283. Mujo OMEROVIĆ, Kamenica, Zvornik  
 284. Mehmedalija OSMANOVIĆ, Soloćuša, Srebrenica  
 285. Abid ORLOVIĆ  
 286. Sead OSMANOVIĆ, Soloćuša, Srebrenica  
 287. Hajrudin OSMANOVIĆ, son of Ibrahim, born 1962, Magašići, Bratunac  
 288. Nedžib OSMANOVIĆ, son of Munib, born 1969, Magašići, Bratunac  
 289. "Cvrko" OSMANOVIĆ, son of Munib  
 290. "Tuzlo" OSMANOVIĆ, son of Hakija  
 291. "Čičo" OSMANOVIĆ, son of Hakija  
 292. Andrija OSMANOVIĆ  
 293. Midhat OTANOVIĆ, nicknamed Mijač, Srebrenica  
 294. Medo OMEROVIĆ, Kamenica, Vlasenica  
 295. "Crtan" OMEROVIĆ, Kamenica, Vlasenica  
 296. Šaćir OMEROVIĆ, Kamenica, Vlasenica

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Translation

297. Hajro OSMANOVIĆ, son of Ibrahim
298. Meho ORIĆ, Blječeva, Bratunac
299. Adem PALIĆ, son of Šaban, born 1958, Kivača, Han Pijesak
300. Nurif RIZVANOVIĆ
301. Arif RIDŽIĆ
302. Avdo SALIHOVIĆ, Bratunac
303. Adil SALIHOVIĆ, son of Avdo, born 1960, Biljača, Bratunac
304. Edhem SALIHOVIĆ, son of Ramo, born 1945, Biljača, Bratunac
305. Juso SALIHOVIĆ, Bratunac
306. Kiram SALIHOVIĆ, son of Rifat, born 1972, Biljača, Bratunac
307. Midhat SALIHOVIĆ, son of Edhem, born 1969, Biljača, Bratunac
308. Rifet SALIHOVIĆ
309. Sead SALIHOVIĆ
310. Fikret SALIHOVIĆ, son of Edhem, born 1970, Biljača, Bratunac
311. Ibrahim SALČINOVIĆ, son of Beuret
312. Murat SALČINOVIĆ, son of Abdurahman
313. Džemail SEJMENOVIĆ, son of Alija, born 1961, Rovaši, Vlasenica
314. Alija SEJMENOVIĆ, son of Šaban, born 1960, Rovaši, Vlasenica
315. Emin SEJMENOVIŠ /as written/, son of Alija, born 1957, Rovaši, Vlasenica
316. Edo SELIMOVIĆ, son of Džemal, born 1971, Skugrići, Vlasenica
317. Zaim SELIMOVIĆ, son of Džemal, born 1968, Skugrići, Vlasenica
318. Zijad SINANOVIĆ, son of Safet, born 1969, Pirići, Bratunac
319. Muriz SINANOVIĆ, son of Rahman, born 1963, Loznica, Bratunac
320. Nedžad SINANOVIĆ, son of Safet, Bjelovac, Bratunac
321. Rahman SINANOVIĆ, Loznica, Bratunac
322. Sead SINANOVIĆ, son of Safet, born 1956, Bratunac
323. Senada SINANOVIĆ, nicknamed Beba, daughter of Mehmed, Bratunac
324. Hajrudin SINANOVIĆ, son of Edhem, born 1965, Pirići, Bratunac
325. Dževad SINANOVIĆ, son of Safet, born 1961, Pirići, Bratunac
326. Šuhra SINANOVIĆ, Bjelovac, Bratunac
327. Kemo SMAILOVIĆ, son of Ibrahim, Tegare, Bratunac
328. Mehidin SMAILOVIĆ, son of Hašim, Jagličići, Srebrenica
329. Mirsad SMAILOVIĆ, son of Bekto, born 1962, Joševa, Bratunac
330. Vahid SULEJMANOVIĆ, son of Mujo, born 1966, Urkovići, Bratunac
331. Ibrahim SULEJMANOVIĆ, son of Mujo, born 1954, Glogova, Bratunac
332. Ibro SULEJMANOVIĆ, son of Šaban, /?nicknamed INC/, born 1957, Rovaši, Vlasenica
333. Mevludin SULEJMANOVIĆ, Bratunac
334. Munib SULEJMANOVIĆ, son of Mujo, born 1953, Urkovići, Bratunac
335. Jusuf SULEJMANOVIĆ, Bratunac
336. Šefket SULEJMANOVIĆ
337. Avdo SULJIĆ
338. Jusuf SULJIĆ
339. Mido SULJIĆ
340. Mirsad SULJIĆ
341. Nasir SULJIĆ
342. Refik SULJIĆ, Gostilj, Srebrenica
343. Sadik SULJIĆ, nicknamed Slovenac, Pale, Srebrenica
344. Sabahudin SULJIĆ, Srebrenica
345. Sulejman SULJIĆ, son of Husein
346. Fadil SULJIĆ
347. Fahro SULJIĆ

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348. Fikret SULJIĆ  
 349. Hamdija SULJIĆ  
 350. Mirsad HAJDAREVIĆ, son of Mehmedalija, born 1974, Nedeljišta, Vlasenica  
 351. Mirzet HAJDAREVIĆ, Soločuša, Srebrenica  
 352. Mehmed HAJDAREVIĆ, Soločuša, Srebrenica  
 353. Šabanija HAKIĆ, Grabić, Vlasenica  
 354. Osman HALILOVIĆ, son of Ibro, born 1963, Tegare, Bratunac  
 355. Reuf HALILOVIĆ, Gostilj, Srebrenica  
 356. Salih HALILOVIĆ, son of Hasan, born 1938, Tegare, Bratunac  
 357. Sevdalija HALILOVIĆ, son of Mehmed, born 1971, Tegare, Bratunac  
 358. Hajrudin HALILHODŽIĆ, Močevići, Srebrenica  
 359. Huso HALILOVIĆ  
 360. Mevludin HALILOVIĆ, nicknamed Kiko, son of Edhem, born 1963, Pirići, Bratunac  
 361. Mirza HASANOVIĆ, Sase, Srebrenica  
 362. Hamed HASANOVIĆ, son of Mehmed, Bučje, Srebrenica  
 363. "Kokan" HASANOVIĆ, son of Edhem, Pirići, Bratunac  
 364. Hasan HASANOVIĆ, Srebrenica  
 365. Rifet HASANOVIĆ, son of Edhem, born 1970, Pirići, Bratunac  
 366. Mešo HASANOVIĆ, Soločuša, Srebrenica  
 367. Sabahudin HASANOVIĆ, son of Edhem, born 1938, Pirići, Bratunac  
 368. Suad HASANOVIĆ, Soločuša, Srebrenica  
 369. Fahrudin HASANOVIĆ, son of Edhem, born 1965, Pirići, Bratunac  
 370. Hajrudin HASANOVIĆ, Mačeši, Vlasenica  
 371. Čamil HASANOVIĆ, son of Mehmed, born 1947, Glogova, Bratunac  
 372. Šaban HASANOVIĆ, son of Edhem, born 1958, Pirići, Bratunac  
 373. Meho HIRKIĆ, Kutuzero, Srebrenica  
 374. Alija HIRKIĆ, nicknamed "Kiljara", Kutuzero, Srebrenica  
 375. Zulfo HURIĆ, D. Šadići, Vlasenica  
 376. Hasan HIRKIĆ, son of Mahmut, Kutuzero, Srebrenica  
 377. Mulaga HODŽIĆ, Babuljice, Srebrenica  
 378. Aljo HUSEINOVIĆ, nicknamed "Kološčura", Glogova, Bratunac  
 379. Husein HUSEINOVIĆ, son of Hašim, born 1963, Skugrići, Vlasenica  
 380. Vekaz HUSIĆ  
 381. Hasib ČELEBIĆ, son of Mujo, born 1958, Cerska, Vlasenica  
 382. Hamdija ČELEBIĆ, son of Hamed, born 1962, Cerska, Vlasenica  
 383. Meho ČOSIĆ  
 384. Salih ŠAĆIROVIĆ, son of Idriz, born 1961, Hranča, Bratunac  
 385. Mujo ŠAĆIROVIĆ, son of Zahid, born 1957, Hranča, Bratunac  
 386. Mujo ŠAĆIROVIĆ, son of Emin, born 1949, Hranča, Bratunac  
 387. Ibro ŠILJKOVIĆ, son of Buljkan, born 1966, Nedeljišta, Vlasenica

Bratunac, 12 July 1995

## Annex 9.1.

Revised Translation of Highlighted Text

785.000 Channel 11 1730 hrs

01043225

Participants:

X: Is it possible for us to send about ten buses from Bijeljina?

Y: Well, tell them right away to come, there're about 6,000 of them now.

X: Of military age?

Y: Shut up, don't repeat.

X: OK, then I'll send them?

Y: Yeah, send them. I have three points; fuck it. There's the one where you and I were, then there's the one up there where the checkpoint at the intersection is and there's the one halfway between the checkpoint and the loading place.

X: So, over there as well?

Y: At each point there are roughly 1,500 - 2,000.

X: And they're still transporting the women and children?

Y: Well, there're still some left.

X: I thought that it was it. We were there too, on the spot, there aren't that many of them.

Y: Well, I was there just now.

X: So, there are still some?

Y: There are, I've just come.

X: So I am to send /object missing/ and have them report in Kasaba to the last /as written/.

Y: Have them report to the stadium.

X: OK, we'll fill up over at Jovo's.

Y: Let them fill up over there at KUNDAŠEVIĆ's.

X: Yeah, that's what I'm saying. Good.

Y: OK, have them start right away. I'll see if I can get two more of these guys to drive.

X: Give as many as you can. Over there I figured out not to use our *Deutz* /trucks/.

Y: Yeah, I know, I was with RADAKOVIĆ.

X: Because there's really no /need/. They can carry a small number, fuck it. There's no need and we might need them to transport units or something like that.

Y: Yeah, I was with RADAKOVIĆ.

*Revised Translation of Highlighted Text*

- X: Is it finished?  
Y: Well, they're at the intersection gathering /object missing/.  
X: Good, let them drive /object missing/ away and come back.  
Y: Well, so they drive until there are none left.  
X: Good. OK, I'll tell him.  
Y: OK, bye.  
X: Bye.

01043226

/signed/

## Annex 13.1.

CZLN-1157

CZG-941

SSN-1757

CODE  
RECORDED

OUTGOING CODE CABLE

~~NOT~~ IMMEDIATEUNPROFOR  
COMMUNICATIONS

C83

'95 JUL 15 14 56

TO: ANNAN, UNATIONS, NEW YORK

RO080137

INFO: GHAREKHAN, UNATIONS, NEW YORK  
GOULDING, UNATIONS, NEW YORK  
STOLTENBERG, ICFV, GENEVAFROM: AKASHI, UNPF-HQ, ZAGREB *W. Frak*

DATE: 15 JULY 1995

NUMBER: Z - 1170

SUBJECT: Situation in Tuzla and Srebrenica

1. Further to our cable Z-1168 of the 14 July on the situation in Tuzla, the following summary is drawn from today's meeting of the Emergency Group in Zagreb chaired by the Head of Civil Affairs, and further reports from Tuzla, Sarajevo and Zagreb.

2. UNHCR reports the situation in the Tuzla area seems to have stabilized. UNHCR estimates there are approximately 5,670 persons in 720 tents inside the air-base. The Bosnian Government has begun to allow relocation of displaced persons who are outside the air-base to other centers and towns around the Tuzla Canton. These figures are: 3,000 to Lukavac; 2,000 to Srebrenik; 2,500 to Zivinice; 2,000 to Banovici; and 1,500 to Gracinica. UNHCR stated that by evening 14 July, all displaced persons outside of the Tuzla airbase had moved to these collective centres. ICRC report they are giving priority to a programme of care for unaccompanied children.

3. According to UNHCR, distribution of food, water, and other emergency relief supplies is improving, although they report a small number of cases of dehydration. UNPROFOR, UNICEF and Infrastructure Management Group (IMG) have joined UNHCR in the provision of water facilities including 26 water distribution points in order to address this problem. Sanitation and hygiene conditions remain the greatest concern to UNHCR who are providing chemical toilet facilities and investigating the possibility of installing a sewer system. Other agency support includes Action Internationale Contre la Faim (AICF) (baby food and supplementary feeding for 0-3 year old children), Medecins Sans Frontieres (MSF) (tinned meals), International Rescue Committee (IRC) (Hygienic items), Medecins du Monde (MDM) (Clothing).

4. The Bosnian Government continues to insist UNHCR pay rents and provide financial assistance for housing and caring for displaced persons. Negotiations between UNHCR and the Bosnian Government are on-going. The Bosnian Government is

INTERNAL DISTRIBUTION: SRSB, FC, HCA, DFC, COS, DI, SE/UNHCR

CODE  
REF ID

2/2

represented by Cero, Minister for Refugees and Social Welfare, Zigic, Minister for Veterans Affairs, and Hadzic, Governor of the Tuzla Canton.

5. ICRC has counted approximately 19,700 persons transitting Kladanj. Those who have not yet reached the Tuzla area should arrive by tomorrow. Composition of displaced remain at the level of 90-95% women, children, and elderly. No more displaced persons, in significant numbers, are expected through Kladanj. This leaves a range of 10,000 to 20,000 persons unaccounted for. A strong word of caution should be added that the base figure of 42,000 inhabitants of Srebrenica was established in 1993 and remained unconfirmed. Therefore the number of detained males of draft age, or missing civilians, is uncertain. Approximately 700 males are reported by MSF to be in the Bratunac football stadium, but no other locations are yet known for the large remainder.

R0080130

6. ICRC is continuing its efforts to obtain clearance to evacuate the sick and wounded from Bratunac and Potacari, but to date with no avail. UNPROFOR, BHC in Sarajevo has attempted for several days and through all available channels to contact Pale for clearance and access to the Srebrenica area also to no avail.

7. The Zepa area was shelled yesterday and today by BSA. UKR Coy reports shelling near their OPs where BiH forces have been operating firing positions. All UKR OPs continue to be manned. There is no reported change in the confrontation line around the Zepa "safe area" perimeter, but communications are poor and UKR OPs do not cover the entire "safe area."

UNPROFOR  
COMMENTS  
CJ3  
TJF/bjk/oa  
95 JUL 15 15:03



Annex 13.2.

MINISTER  
VAN DEFENSIE

950240

24 OKT. 1995

The Hague, October 20, 1995  
Nr. V 95019720*Dear Mr. Goldstone,*

Herewith I send a document that was received during the debriefing of Dutchbat about the registration of approximately 35,632 refugees from Srebrenica.

If this number is correct - which is not sure - it can help to determine the number of missing and executed men from Srebrenica. Therefore, I think the document could be of interest to you.

*Sincerely,*


Dr.Ir. J.J.C. Voorhoeve

To:  
The International Criminal Tribunal  
for the Former Yugoslavia  
Justice R. Goldstone  
Postbus 13888

004i2058

3D39-0410

Annex 13.3.

UNITED NATIONS  PROTECTION FORCE  
 HQ SECTOR NORTH EAST - TUZLA AIR BASE

G5, CIVIL MILITARY OPERATIONS

TO: Commander, SNE

DATE: 4 August 1995

SUBJECT: Srebrenica Displaced Persons Situation Update

*did* *Retained*  
*Outward*  
*P*

The following points are made as an update to the current humanitarian situation in SNE concerning the Srebrenica Displaced Persons.

a. TOTAL NUMBER IN SNE AOR: 35,632 (approx)

- HOUSED IN PRIVATE ACCOMODATION: 17,383
- HOUSED IN COLLECTIVE CENTERS: 9,749
- TUZLA AIR BASE CAMP: 6,500

b. AGE STRUCTURE OF SREBRENICA DISPLACED PERSONS:

- AGE 0-3: 10.2 %
- AGE 4-6: 10.0 %
- AGE 7-13: 14.13 %
- AGE 14-18: 10.8 %
- MEN OVER 18: 15.40 %
- WOMEN OVER 18: 40.0 %

c. PLAN FOR MOVEMENT OF DISPLACED PERSONS POPULATION FROM TUZLA AIR BASE TO COLLECTIVE CENTERS IS COORDINATED WITH BIH CIVIL DEFENSE STAFF THROUGH AND BY UNHCR HEAD OF OFFICE. DISPLACED PERSONS WILL BE TRANSPORTED WITH BIH TRANSPORT AND MOVED TO ACCOMODATIONS WHICH HAVE BEEN REPAIRED OR RENOVATED BY EITHER SEA, IRC, IGASE, OR NRC OVERSIGHT. ONCE MOVE IS COMPLETED (EXPECTED DATE ON/ABOUT 18 AUGUST) TUZLA AIRBASE CAMP WILL BEGIN DECONSTRUCTION OF FACILITIES LOCATED AT THE AIR FIELD.

*0/18 DCO*

1. Coming from Srebrenica  
 approx 4-500 will be in

Reception points:

Kladanj (1500-2000)

Kitljica (2000-2500)

Tuzla region somewhere ± 700 (?). Not confirmed

GUY SANDS  
 Major  
 Chief, G5

00412059

2. Former 1st Div (POG) does exist as 1st Div for the time being; mainly concentrated in Kladanj, partly in Grahovica. It will be planned to execute a mission as a mobile reserve in the AOR 2 Corps

P.02

0589912 01 21

THOD

181 THOD

REPT 01-01-95

3D39-0411



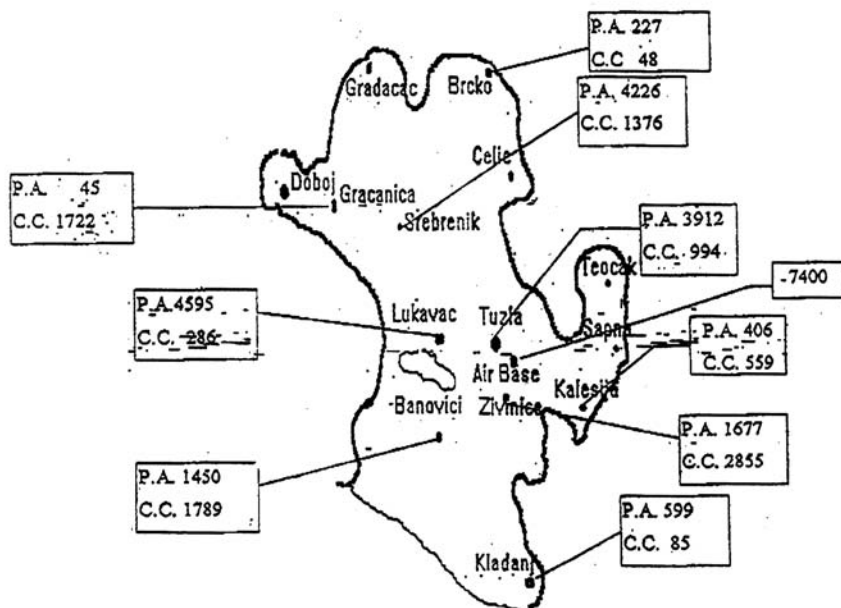
WHO  
Tuzla Field Office

29/07/95

Health of recently displaced people from Srebrenica to  
Tuzla-Podrinje Canton

Figure 1. Mapping of estimated population in private accommodation and  
collective centers (source of data: MoH and UNHCR)

TOTAL:	34341
PRIVATE ACCOMMODATION(PA):	17137
COLLECTIVE CENTERS(CC):	9804
AIRBASE:	7400



00412001

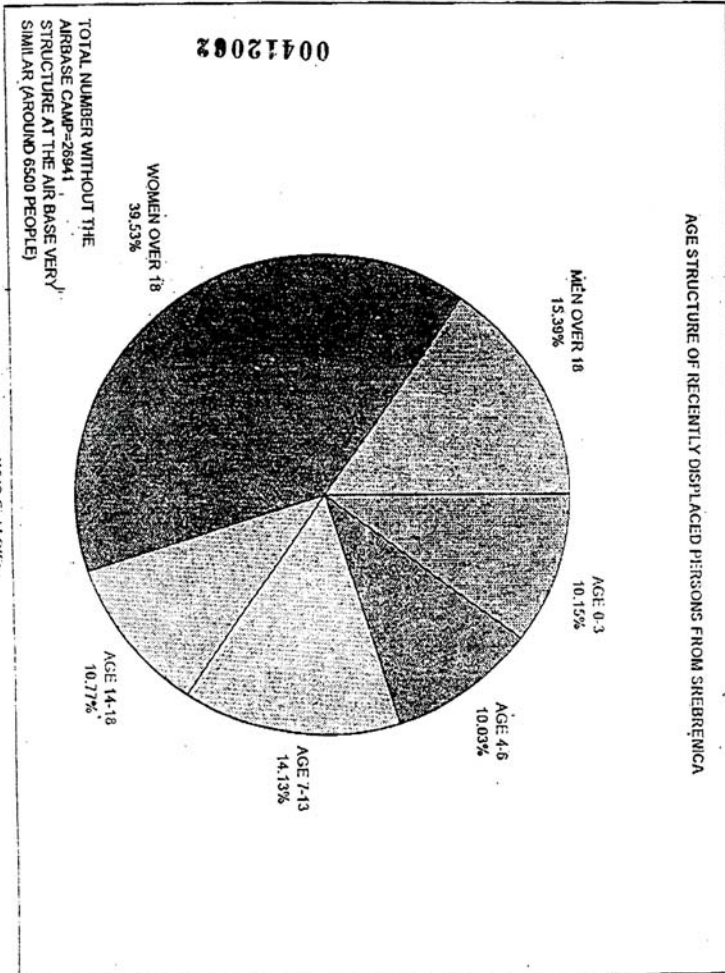
Rudarska 73

75000 Tuzla

Tel/Fax 387(75)821 619

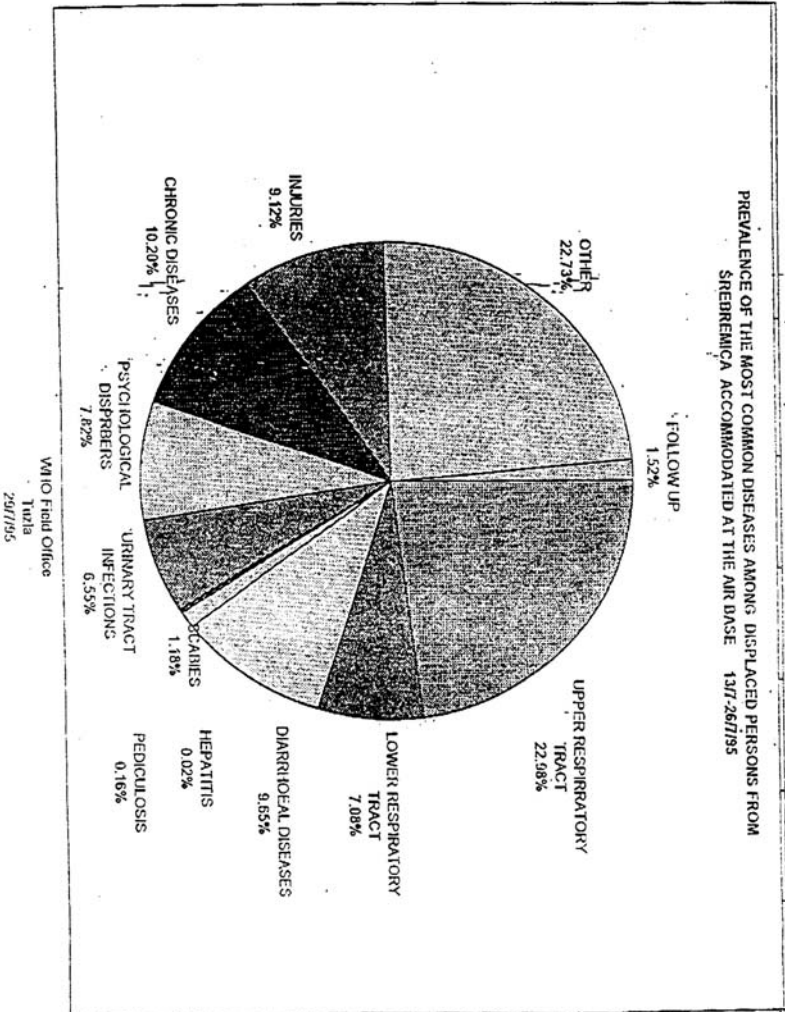
1995-10-15 12:40 DOKL 18U DOKL 31 70 3166987 P.05

GEOGRAPHICAL DISTRIBUTION AND AGE/SEX STRUCTURE OF RECENTLY DISPLACED PEOPLE FROM SREBRENICA



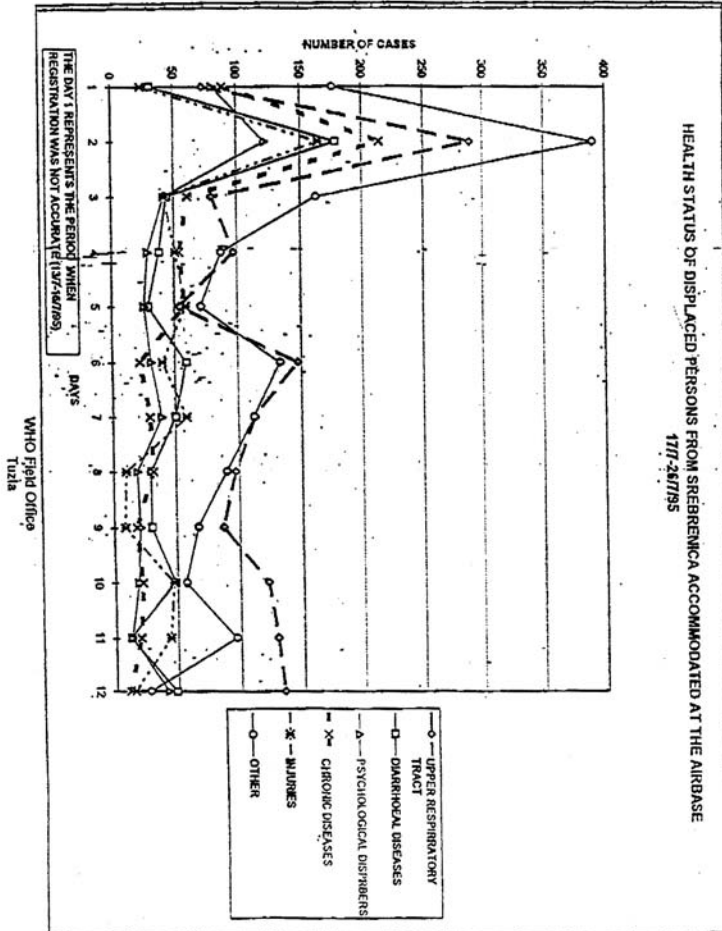
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00412084



1995-10-13 12:43 DOKL 18U DOKL 31 70 2166957 P.08

00412005



1995-10-13 13:44

DOKL 120

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31 70 3166957

P.09

00412086

Republic Bosnia and Herzegovina  
Federation of Bosnia and Herzegovina  
Tuzla - Drina Canton

Ministry of Labour, Social Welfare and Refugees

Tuzla, 28 July 1995

Breakdown of Refugees from Srebrenica Accommodated in  
Municipalities 28 July 1995

NO	Municipality	NO	No in CC	No in indiv acc.	Children					Adults	
					0-3	3-7	7-14	14-18	F 18 & older	M 18 & older	
1.	Banovci	3.010	1.316	1.694	384	330	544	252	1.380	156	
2.	Srebrenik	5.706	1.376	4.330	483	508	877	438	2.541	859	
3.	Gracanica	1.767	1.722	45	248	180	315	141	690	193	
4.	Tuzla	4.950	1.170	3.780	492	370	674	657	1.432	1.325	
5.	Kladanj	1.016	417	599	75	69	105	42	180	545	
6.	Lukavac	4.881	286	4.595	523	538	496	481	2.548	295	
7.	Zivinice	4.562	2.855	1.707	433	727	625	807	1.565	405	
8.	Kalesija	965	559	406	16	17	14	7	145	666	
9.	Breko	275	48	227	30	18	64	33	106	24	
Total:		27.132	9.749	17.383	2.648	2.757	3.714	2.858	10.687	4.668	

Note: In the above figures persons accommodated at Dubrave airport are not included. There are changes  
the following municipalities: Banovci, Srebrenik, Tuzla, Kladanj, Zivinice.

REPUBLIKA BOSNA I HERCEGOVINA  
 FEDERACIJA BOSNE I HERCEGOVINE  
 TUZLANSKO-PODRINSKI KANTON  
 MINISTARSTVO ZA RUD., SOCIJALNU POLITIKU I IZJEDINJENJE  
 Tuzla, 28.07.1995. godine

PREGLJED PROGONIK... IZ SREBRENIČA SMJESTENI  
 N. OPŠTINA, TK 3, 28.07.1995. GOD.

00412007

Red. br.	OPŠTINA	BROJNO STANJE	Broj. stanje u kolek,	Brojno stanje u ind.	D J E C A					ODRUGI	
					0-3	3-7	7-14	14-18	2. 18-i pr.	n. 18-proko	
1.	BANOVIĆI	3.010	1.316	1.694	348	330	544	252	1.380	156	
2.	SREBRENIK	5.706	1.376	4.330	483	508	877	438	2.541	859	
3.	GRČANCI	1.767	1.722	45	248	180	315	141	690	193	
4.	U Z I A	4.950	1.170	3.780	492	370	674	42	1.432	1.325	
5.	KLADANJ	1.016	417	599	75	69	105	42	180	545	
6.	LUKAVAC	4.881	286	4.595	523	538	496	481	2.548	295	
7.	ŽITINICE	4.562	2.855	1.707	433	727	625	807	1.565	405	
8.	KARSIJA	965	559	406	16	17	14	7	245	666	
9.	BROKO	275	48	227	30	18	64	33	106	24	
UKUPNO:		27.132	9.749	17.383	2648	2757	3714	2858	10.687	4.468	

NAPOМЕНА: Naprijed evidentirano je bez jic smještenih na području Dobreve. Do izmjene je došlo u opštinama: Banovići, Srebrenik, Tuzla, Kladanj, Žitnice.



Šef kabineta  
 M. ŠENBERGOVIĆ



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