

IF-00-39-T
D-11135-D-11083
24 MARCH 2005

11135
RK

UNITED
NATIONS



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

Case No. IT-00-39-T

Date: 24 March 2005

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Joaquín Martín Canivell
Judge Claude Hanoteau

Registrar: Mr. Hans Holthuis

Decision of: 24 March 2005

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

**DECISION ON THIRD AND FOURTH PROSECUTION MOTIONS FOR
JUDICIAL NOTICE OF ADJUDICATED FACTS**

Office of the Prosecutor

Mr. Mark B. Harmon
Mr. Alan Tieger
Mr. Thomas Hannis

Counsel for the Accused

Mr. Nicholas Stewart, QC
Ms. Chrissa Loukas

I. INTRODUCTION AND SUBMISSIONS OF THE PARTIES

1. **TRIAL CHAMBER I** (the “Chamber”) of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the “Tribunal”) is seized of the “Prosecution’s Third Motion for Judicial Notice of Adjudicated Facts” (the “Third Motion”) filed on 15 December 2003 and of the “Prosecution’s Fourth Motion for Judicial Notice of Adjudicated Facts” (the “Fourth Motion”) filed on 5 March 2004.

2. As background to the Third and Fourth Motions, the Chamber recalls that the Prosecution filed its first motion pursuant to Rule 94(B) of the Rules on 7 November 2002 (the “First Motion”) for judicial notice of 1,029 adjudicated facts, 150 of which the parties to the trial had agreed to (filed as Annex A). An additional 879 adjudicated facts (filed as Annex B) the parties had *not* agreed to. Following the judgement in the *Vasiljević* case,¹ the Prosecution filed a second motion on 10 January 2003 for judicial notice of 103 items adjudicated in that case (the “Second Motion”); the Defence agreed that judicial notice could be taken of 12 of those facts (1030-1033 and 1040-1047), but objected to the rest of the Second Motion. The Chamber issued a decision on the two motions on 28 February 2003 (the “February 2003 Decision”) admitting 627 adjudicated facts, 162 of which the parties had agreed to. The Chamber declined to take notice of the other proposed items on various grounds.²

3. The Chamber also recalls that items numbered 602, 605, 614-618, 620-621, and 647-918 in the First Motion were not admitted for the reason that they were under appeal in the *Krnojelac* case; items numbered 214, 933, and 958 were not admitted for the reason that the alleged adjudicated facts were not to be found in the paragraphs cited by the Prosecution; items numbered 243 and 257-258 were not admitted for the reason that they did not correctly reflect the factual findings in the judgement referred to.

¹ *Prosecutor v. Mitar Vasiljević*, Case No. IT-98-32-T, Judgement, 29 November 2002 (the “*Vasiljević* Judgement”, or “VJ”).

² See February 2003 Decision, para. 18.

4. Following the Appeals Chamber's Judgement in the *Krnojelac* case,³ the Prosecution in its Third Motion reiterated its request to have admitted items numbered 602, 605, 614-618, 620-621, and 647-918. The Prosecution submitted that these items relate to facility 13.8 in Schedule C and to item 7.1 of Schedule B to the Indictment in the present case.⁴ The Prosecution moreover sought judicial notice of other items (numbered 1133-1147 in the Third Motion) based on factual findings contained in the Appeals Chamber's *Krnojelac* Judgement.⁵ The Prosecution also sought judicial notice of items numbered 214, 933, 958,⁶ which the Chamber had declined to admit "due to minor reference errors in the Annexes of the Prosecution's motion of 7 November 2002."⁷ The Prosecution finally sought judicial notice of an item, numbered 243a in the Third Motion, restating more precisely item 243 in its First Motion.⁸

5. The Prosecution, in addition to the arguments in favour of admission of adjudicated facts pursuant to Rule 94(B) contained in the First and Second motions,⁹ also emphasized the advantages of the procedure for the expeditiousness of the trial.¹⁰

6. In view of the Appeals Chamber's Judgement in the *Vasiljević* case,¹¹ the Prosecution in its Fourth Motion reiterated its request to have admitted those items numbered 1034-1039, 1048-1073, 1075-1076, 1078, 1080-1082, 1089-1132 relating to the conflict in Višegrad and the "Pionirska Street Incident," listed as incident 16.2 in Schedule A to the Indictment in this case.¹² Recognizing that items 1083-1088 were not "truly adjudicated" in the *Vasiljević* Judgement, the Prosecution withdrew its application in respect of them.¹³

7. The Defence, following various oral extensions of deadlines by the Chamber, filed a "Defence Response to the Prosecution's Third Motion for Judicial Notice of Adjudicated Facts" (the "Response to Third Motion") on 30 January 2004. It also filed a "Further Defence

³ *Prosecutor v. Milorad Krnojelac*, Case No. IT-97-25-A, Judgement, 17 September 2003 (the "Appeals Chamber's *Krnojelac* Judgement", or KRAJ). The English version of the Judgement, cited in the submissions and in the following pages, became available on 5 November 2003. In case of dispute, however, the French version is authoritative with respect to that judgement.

⁴ Third Motion, para. 3.

⁵ Third Motion, para. 5.

⁶ Third Motion, paras 12-15. The reference in para. 12 of the Third Motion should read 933 instead of 953.

⁷ Third Motion, para. 6.

⁸ Third Motion, paras 16-18.

⁹ Third Motion, para. 10.

¹⁰ Third Motion, para. 4.

¹¹ *Prosecutor v. Mitar Vasiljević*, Case No. IT-98-32-A, Judgement, 25 February 2004 (the "*Vasiljević* Appeal Judgement").

¹² Fourth Motion, paras 5, 10.

¹³ Fourth Motion, para. 4.

Response to the Prosecution's Third Motion for Judicial Notice of Adjudicated Facts" (the "Further Response to Third Motion"), as well as a "Defence Response to the Prosecution's Fourth Motion for Judicial Notice of Adjudicated Facts" (the "Response to Fourth Motion"), both on 25 March 2004. The Chamber notes that the arguments of these three responses are interrelated and therefore deals with them as one.

8. In general, the Defence notes that, when the Prosecution requests judicial notice of facts under Rule 94(B) of the Rules, it is to be assumed that these facts are important for the Prosecution case.¹⁴ In addition, the Defence stresses that "there is a severe risk of oppression of the Defence where the Prosecution seeks admission of large numbers of adjudicated facts."¹⁵ In particular, the Defence submits that it must fully understand the significance of each fact for the Prosecution case, as well as the nature of the charges and evidence in the previous trial and the reasons why a particular fact was not challenged on appeal.¹⁶ The Defence further states that, where it intends to dispute any item of Prosecution evidence, "it should normally have the opportunity of testing, undermining and weakening the Prosecution case by cross-examination."¹⁷ Also, "the Prosecution should be required to be extremely sparing in its requests to use the Rule 94(B) procedure;" the procedure, according to the Defence, should only be used when: (a) "there is a potentially significant saving of time as compared with evidence being adduced";¹⁸ (b) no disproportionate amount of work will be required on the part of the Defence to deal with the application under Rule 94(B) of the Rules; (c) all other requirements set forth by this Chamber in its 28 February 2003 Decision are satisfied.¹⁹ The Defence submits that caution should also be exercised in accepting broad and general language used in previous judgements which does not satisfactorily reflect the underlying evidence.²⁰ The Defence also claims that judicial notice under Rule 94(B) of the Rules "potentially weakens" the right of the accused to make a submission under Rule 98bis of the Rules, because adjudicated facts are more difficult to challenge than evidence given orally or pursuant to Rule 92bis.²¹

¹⁴ Response to Fourth Motion, para. 4 (1-2).

¹⁵ Response to Fourth Motion, para. 4 (3).

¹⁶ Response to Fourth Motion, para. 4 (3).

¹⁷ Response to Fourth Motion, para. 4 (6).

¹⁸ The Defence also suggests that the Prosecution should explicitly indicate the time and resources likely to be saved by using the procedure of Rule 94(B) of the Rules. Response to Fourth Motion, para. 4 (12).

¹⁹ Response to Fourth Motion, para. 4 (10).

²⁰ Response to Fourth Motion, para. 4 (11).

²¹ Response to Fourth Motion, para. 4 (7).

9. In specific response to the items proposed for judicial notice by the Prosecution, the Defence makes the following submissions:²²

a) Items 677,²³ 1137,²⁴ 1143,²⁵ 1146,²⁶ 1147²⁷ should only be partially admitted, due to legal characterizations present in their formulation.²⁸

b) Items 620²⁹ and 243a should not be admitted because they are not sufficiently distinct and concrete, are subject to reasonable dispute between the parties in this case, and impact on the right of the Accused to a fair trial.³⁰

c) Item 1092 should not be admitted because it goes further than was necessary to convict the accused in the *Vasiljević* case on any of the charges against him.³¹ The Defence would not oppose its admission if it were redacted to read: “On Sunday, 14 June 1992, the fourth day of Kurban-Bajram, a group of about 60 Muslim civilians were forced to leave the village of Kortnik.”³²

d) Items 1062 and 1078 should not be admitted because they refer to municipalities other than Višegrad “which are potentially substantially relevant to the case against Mr. Krajišnik but were either irrelevant or barely relevant to any of the charges against Vasiljević,” and because the findings are based upon a report by Ewa Tabeau, which “is intended to be adduced in evidence in this case”.³³

²² The submissions of the Defence refer to the numbering according to Annex A and Annex B, while the Reduced List obviously contains new numbering. The Chamber considered the arguments of the Defence in relation to the items submitted in the Reduced List, and will refer to the new numbering where appropriate.

²³ Opposition limited to the portion “with the intent to discriminate.”

²⁴ Opposition limited to the portion “unlawful acts were committed with the requisite discriminatory intent.”

²⁵ Opposition limited to the portion “guilty of persecution based on forced labour as a co-perpetrator of a joint criminal enterprise whose purpose was to persecute the non-Serb detainees.”

²⁶ Opposition limited to the portion “on the requisite discriminatory grounds.”

²⁷ Opposition limited to the portion “co-perpetrator in a joint criminal enterprise whose objective was to persecute the KP Dom detainees by deporting and expelling them.”

²⁸ Response to Third Motion, para. 1 (A).

²⁹ Opposition limited to the portion “marking the end of the attack upon those civilians and the achievement of a Serbian region ethnically cleansed of Muslims.”

³⁰ Response to Third Motion, para. 1 (B)

³¹ The Defence specifies that where “a particular finding is potentially substantially more significant to the case against Mr. Krajišnik than it was in the case against Vasiljević, the fair course is to require the Prosecution to adduce supporting evidence for such a finding rather than rely on the finding in the previous case.” Response to Fourth Motion, paras 7-9.

³² Response to Fourth Motion, p. 9 (under 1(b)).

³³ Response to Fourth Motion, paras 13-4.

- e) Items 1080 and 1081 should not be admitted because they were based on admissions by the Defence in the *Vasiljević* case.³⁴
- f) Items 1034-1039, 1048-1049, 1052-1057, 1065, 1069, 1070-1072, 1074, 1076 should not be admitted “on the ground that they are not sufficiently distinct and concrete (and in a number of instances their date or at least their place in the sequence of events is not clear)”.³⁵
- g) In light of the above, the Defence deems that the other items related to the conflict in Višegrad (1034 to 1078) not explicitly agreed to by the Defence or included in the above submissions (namely, items 1040-1047, 1050-1051, 1058-1064, 1066-1068, 1073, 1075, and 1077) should not be admitted.³⁶
- h) Items from 1089 to 1091 and 1093 to 1132 may be admitted by the Chamber.³⁷
- i) Items referred to in the Third Motion (namely, 214, 243a, 602, 605, 614-618, 620-621, 647-918, 953, 958, and 1133-1147) should all be reconsidered by the Prosecution in a subsequent application conforming with the standards laid out by the Defence in its Response to the Fourth Motion, because the application of 15 December 2003 is “oppressive.”³⁸

10. Due to the consultations undertaken by the parties with the aim to reach agreement on facts relating to the “crime base”, the Chamber refrained from issuing a decision on the Third and Fourth motions. On 1 October 2004, the Chamber remarked upon the large number of adjudicated facts and submitted items, and invited the Prosecution to withdraw the list attached to the Third and Fourth Motions and to re-file a new list keeping in mind “that adjudicated facts still should be manageable and of sufficient relevance to deal with them.”³⁹

11. On 8 December 2004, the Prosecution filed a Reduced List of Adjudicated Facts (“Reduced List”) consisting of 684 items, 502 of which were previously admitted by the Chamber in its February 2003 Decision. The Chamber, reconstituted with a new judge, now has to decide the admission of 182 items submitted by the Prosecution, on which the Defence has already expressed its views.

³⁴ Response to Fourth Motion, paras 15-6. The Defence appears to confuse, in its submission, items 1092 and 1081. The Chamber however understands the reference in para. 12 of the Response to Fourth Motion to be to item 1081.

³⁵ Response to Fourth Motion, para. 17.

³⁶ Response to Fourth Motion, para. 18.

³⁷ Response to Fourth Motion, para. 7 and p. 9 (under 1(a)).

³⁸ Further Response to Third Motion, paras 4-5.

³⁹ T. 6338-41.

II. LAW

12. Rule 94 (B) reads:

“(B). At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.”

Taking judicial notice of adjudicated facts is a method of achieving judicial economy and harmonizing judgements of the Tribunal. Although the Chamber is expected to utilize its resources efficiently, it retains discretion to refuse judicial notice of adjudicated facts if the interests of justice, including the right of the Accused to a fair, public and expeditious trial, so require.⁴⁰ Also, adjudicated facts are subject to the general provisions governing the admission of evidence in the Tribunal, in particular Rule 89(C) of the Rules.

13. Although Rule 94(B) does not define an adjudicated fact, the Appeals Chamber has considered that “a request must specifically point out the paragraph(s) or parts of the judgement of which it wishes judicial notice to be taken, and refer to *facts*, as found by the trial chamber”.⁴¹ With regard to the *effects* of taking judicial notice, the Appeals Chamber has stated that “by taking judicial notice of an adjudicated fact, a Chamber establishes a well-founded presumption for the accuracy of this fact, which therefore does not have to be proven again at trial, but which, subject to that presumption, may be challenged at that trial.”⁴²

14. The Chamber recalls that, to be admissible, the alleged adjudicated fact must satisfy the following criteria:⁴³

- (i) It must be *distinct and concrete*.⁴⁴

⁴⁰ February 2003 Decision, para. 11; see also *Prosecutor v. Željko Mejačić et al.*, Case No.: IT-02-65-PT, Decision on Prosecution Motion for Judicial Notice Pursuant to Rule 94(B), 1 April 2004, p. 5.

⁴¹ See *Prosecutor v. Zoran Kupreškić et al.*, Case No. IT-95-16, Decision on the Motions of Drago Jospović, Zoran Kupreškić and Vlatko Kupreškić to admit additional evidence pursuant to rule 115 and for judicial notice taken pursuant to rule 94 (B), 8 May 2001, para. 12.

⁴² See *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution’s Interlocutory Appeal against the Trial Chamber’s 10 April 2003 Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4 (footnote omitted).

⁴³ See February 2003 Decision, para. 15; *Prosecutor v. Vidoje Blagojević and Dragan Nikolić*, Case No.: IT-02-60-T, Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Documentary Evidence, 18 December 2003, paras 15, 18, 22.

⁴⁴ The Chamber observes, in relation to criterion (i) above, that all items adjudicated in previous proceedings, of which judicial notice is sought, should be understood in the context of the judgement – with specific reference to the place referred to in the judgement and to the indictment period of that case. When adjudicated facts proposed for admission are insufficiently clear even in their original context, the Chamber should not take judicial notice of them.

- (ii) It must represent the *factual findings* of a Trial Chamber or the Appeals Chamber. It must not, therefore, include findings or characterizations that are of a legal nature.⁴⁵
- (iii) It must be *adjudicated*, i.e. not be based on a plea agreement or on facts voluntarily admitted in a previous case.⁴⁶
- (iv) It must be *finalized*, meaning that the fact has not been contested on appeal, or, if it has, the fact has been settled on appeal.
- (v) It must *not attest*, directly or indirectly, *to the criminal responsibility of the accused*.
- (vi) In order to avoid errors of interpretation, the formulation proposed for admission *must not differ in any significant way* from the way the fact was expressed when adjudicated in the previous proceeding.

15. The Chamber observes, in relation to criterion (ii) above, that many findings have a legal aspect, if one is to construe this expression broadly. It is therefore necessary to determine on a case-by-case basis whether the proposed fact contains findings or characterizations which are of an *essentially* legal nature, and which must, therefore, be excluded. In general, findings related to the *actus reus* or the *mens rea* of a crime are deemed to be factual findings. As long as they also comply with the other criteria mentioned above, they may be admitted.

16. The Chamber also notes that that the “wholesale nature of the application to admit [a large number of facts] is capable of offending the principle of a fair trial, enshrined in Article 20 and 21 of the Statute of the Tribunal.” Moreover, since the admission of an adjudicated fact only creates a presumption as to its accuracy, the admission may consume considerable time and resources during the course of the proceedings, thereby frustrating, in practice, the implementation of the principle of judicial economy.⁴⁷

⁴⁵ See *Prosecutor v. Milošević*, Case No.: IT-02-54-AR73.5, Separate Opinion of Judge Shahabuddeen, 31 October 2003, in respect of the Appeals’ Chamber “Decision on the Interlocutory Appeal Against the Trial Chamber’s 10 April Decision on Prosecution Motion for Judicial Notice of Adjudicated facts”, 28 October 2003 (hereinafter, “Separate Opinion of Judge Shahabuddeen”), in particular paras. 25-34. In particular, the Trial Chamber agrees with the position expressed by Judge Shahabuddeen that “Rule 94(B) explicitly says that it applies to material relating ‘to matters at issue in the current proceedings’. The phrase ‘at issue’ has been authoritatively defined to mean ‘[t]aking opposite sides; under dispute’. Therefore, a matter which is in ‘reasonable dispute’ is a matter ‘at issue’.” (footnote omitted).

⁴⁶ If the previous Trial Chamber relied *both* on evidence led at trial *and* on admissions by the Defence to make a finding, judicial notice is not warranted when it is not clear that the finding beyond reasonable doubt is based on the evidence led at trial. This principle applies to facts 1080 and 1081, contested by the Defence in its Response to Fourth Motion, paras. 15-16.

⁴⁷ *Id.*, para. 11.

17. The Chamber finally recalls that the admission of adjudicated facts from previous proceedings leaves unaffected the Chamber's function of assessing their relevance and weight, taking into consideration the evidence in the present case in its entirety.

III. DISCUSSION

18. The Chamber has proceeded to apply the previous principles to the items submitted by the Prosecution. With respect to the Defence's submissions that certain items contain legal characterizations, the Chamber notes that item 489 (previously 677) – the only item still pending from that category – does not contain any characterization that is essentially legal in nature, but rather refers to the mental state of those who established and perpetuated the conditions of detention in KP Dom.

19. With respect to the Defence's submissions that items 620 and 243a are not sufficiently distinct and concrete, are subject to reasonable dispute between the parties in this case and impact on the right of the Accused to a fair trial, the Chamber agrees that item 444 (previously 620) – the only item still pending from that category – is not a distinct factual finding of a Trial Chamber relevant for the Indictment period in this case.

20. With respect to the Defence's submissions on items 1062 to 1080, the Chamber notes that only nine of these items remain on the list (items renumbered 638 to 646). These nine items all refer to the Višegrad municipality, and the Chamber understands the findings as referring to that municipality only. The fact that they are all based on a report which will probably be tendered into evidence in this case is immaterial.

21. With respect to the Defence's submissions on items 1034-1039, 1048-1049, 1052-1057, 1065, 1069, 1070-1072, 1074, 1076, the Chamber finds that items 613-617 (previously 1035-1039), 626-627 (previously 1048-1049), 630-632 (previously 1052-1054), 634 (previously 1057), 642-644 (previously 1069-1070 and 1072), and 646 (previously 1074) – *i.e.*, the remaining items on the revised list – are distinct and concrete factual findings of a previous Trial Chamber. The Chamber only finds it necessary to reword item 631 (previously

1053) to avoid ambiguities.⁴⁸ The context of all these items is clear if they are read in conjunction with the rest of the items on the same municipality.

22. Finally, the Chamber found some merit in the submission of the Defence on the “severe risk of oppression” due to the high number of adjudicated facts so far proposed by the Prosecution, especially when these facts are elements of highly detailed descriptions of minor incidents. It was for the reason of the potential oppressiveness to the Defence caused by the four motions *taken as a whole*, that the Chamber asked the Prosecution to revise its list of adjudicated facts, admitted or proposed. After reviewing the work done so far by the Prosecution, the Chamber finds that there is no longer any risk of severe oppression. The Chamber however reminds the Prosecution that future proposed adjudicated facts should always be kept within manageable size for all concerned.

III. DISPOSITION

FOR THE FOREGOING REASONS,

PURSUANT TO RULES 94(B) OF THE RULES,

THE TRIAL CHAMBER

DOES NOT ADMIT items 186, 187 for the same reason they were already rejected in the February 2003 Decision (they do not correctly reflect the factual findings in the judgement);⁴⁹ items 651, 652, 653 for the reason that they were withdrawn by the Prosecution;⁵⁰ items 480, 481, 482, and from 657 to 681 for the reason they are of a merely repetitive nature or of minor relevance to this case; items 633 and 635 because they are not sufficiently distinct and concrete; item 444 for the reason it is not a distinct factual finding within the indictment period in this case; items 648, 649 for the reason that they are based on facts admitted by the accused in that case and are too general in scope;

ADMITS into evidence as adjudicated facts all the other items contained in the Reduced List, as shown in the Annex to this decision, with some minor redactions appropriately to reflect the factual findings in the right paragraphs of the respective judgements.

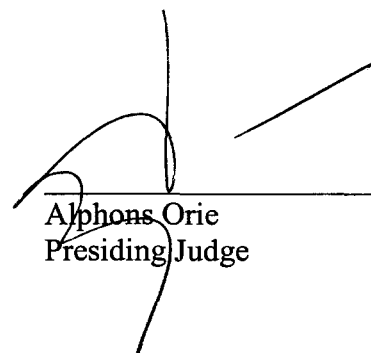
⁴⁸ Item 631 should now read: “Those non-Serbs who remained in the area of Višegrad, or those who returned to their homes, found themselves trapped, disarmed and at the mercy of paramilitaries which operated at least with the acquiescence of the Serb authorities, in particular by the then Serb-only police force.”

⁴⁹ February 2003 Decision, Disposition (items previously numbered 257 and 258).

⁵⁰ Fourth Motion, para. 4 (items previously numbered 1083, 1084, 1087).

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

Dated this 24th day of March 2005,
At The Hague
The Netherlands



Alphons Orie
Presiding Judge

[Seal of the Tribunal]

ANNEX**LIST OF ADJUDICATED FACTS ADMITTED BY THE CHAMBER**

The Chamber attaches, for reference purposes only, a list of the adjudicated facts admitted as a consequence of its decision of 24 March 2005. The Chamber has ~~stricken through~~ the facts not admitted or those portions of the submitted items necessitating minor redactions. These not admitted facts are however retained in the list for consistency purposes in the numbering.

The facts are taken from the following judgements:

- (a) *Prosecutor v. Duško Tadić* (Case No. IT-94-1-T) delivered on 7 May 1997 (“**TJ**”);
- (b) *Prosecutor v. Duško Tadić* (Case No. IT-94-1-A) (Tadić Appeal Judgment) delivered on 15 July 1999 (“**TAJ**”);
- (c) *Prosecutor v. Zejnil Delalić, Zdravko Mucić also known as “Pavo,” Hazim Delić, Esad Landžo also known as “Zenga,”* (Case No. IT-96-21-T) (Čelebići Judgement) delivered on 16 November 1998 (“**CJ**”);
- (d) *Prosecutor v. Zoran Kupreskic et al.*, (Case No. IT-95-16-T) delivered on 14 January 2000 (“**KJ**”);
- (e) *Prosecutor v. Dragolub Kunarac et al.* (Case No. IT-96-23-T & 23/1-T) delivered on 22 February 2000 (“**KUJ**”);
- (f) *Prosecutor v. Miroslav Kvočka et al.* (Case No. IT-98-30/1-T) delivered on 2 November 2001 (“**KVJ**”);
- (g) *Prosecutor v. Krnojelac* (Case No. IT-97-25-T) delivered on 15 March 2002 (“**KRJ**”);
and
- (h) *Prosecutor v. Mitar Vasiljević* (Case No. IT-98-32-T) delivered on 29 November 2002 (“**VJ**”).

CONTENTS

1. Historical and Geographic Background	4
2. The Disintegration of the Socialist Federal Republic of Yugoslavia	5
3. Bosnia and Herzegovina – political background	6
4. Structure of Security Services in the <i>Republika Srpska</i>	7
5. The Role of the JNA	8
6. Prijedor municipality	9
The Importance of Prijedor municipality	9
Prijedor municipality Before the Take-over	9
Prelude to the Take-over of Prijedor municipality	10
Prijedor municipality: The Attack on the Kozarac Area	11
Measures taken against non-Serbs in Prijedor municipality	13
Existence of an Armed Conflict in Prijedor	13
Detention Camps in Prijedor municipality	14
Creation of the Omarska, Keraterm and Trnopolje camps	15
Omarska	15
Omarska camp generally	15
Command structure of police force in Omarska	15
Authority and responsibilities in Omarska camp	15
Conditions of detention and treatment in Omarska camp	16
Layout of Omarska camp	16
Food and water at Omarska	17
Hygiene in Omarska	17
Interrogations in Omarska	17
Omarska: The Hangar	18
Omarska: The Pista	18
Omarska: The White House and the Red House	18
Omarska: Sexual violence	18
Keraterm detention camp	18
Trnopolje detention camp	20
Specific findings relating to crimes committed by members of the Bosnian Serb forces in Prijedor municipality	21
Crimes committed by Miroslav Kvočka in Prijedor municipality	21
Crimes committed by Mlađo Radić in Prijedor municipality	21
Crimes committed by Duško Tadić in Prijedor municipality	21
7. Foča municipality	22
Background to conflict in Foča	22
The conflict in Foča	23
Sexual abuse in detention facilities in Foča	28
KP Dom detention facility, Foča	29
Detention of non-Serb civilians in KP Dom	29
The imprisonment of non-Serb men at the KP Dom	30
Guards at KP Dom	30
Power of the Ministry of Justice and the military in relation to KP Dom	31
Paramilitaries at KP Dom	31
Conditions generally at KP Dom	32
Space at KP Dom	32

Hygiene at KP Dom.....	32
Heating at KP Dom	32
Food at KP Dom	32
Medical care at KP Dom.....	33
Psychological harm inflicted on detainees at KP Dom	33
Killings during June and July 1992 in KP Dom.....	33
KP Dom - Beatings associated with the canteen.....	34
Torture and beatings during interrogation at KP Dom	34
KP Dom - Use of detainees to detect landmines	35
Transfer of detainees.....	35
Specific findings relating to crimes committed by members of the Bosnian Serb forces in Foča municipality	36
Crimes committed by Dragoljub Kunarac in Foča.....	36
Crimes committed by Radomir Kovač in Foča	37
Crimes committed by Zoran Vuković in Foča	38
General findings about crimes committed by Kunarac, Kovač and Vuković	38
8. Višegrad municipality	38
The Conflict in Višegrad.....	38
Attack upon non-Serb population in Višegrad.....	40
Višegrad - Paramilitary group led by Milan Lukić	40
Pionirska Street Incident - Višegrad	41

1. Historical and Geographic Background

1. For centuries the population of Bosnia and Herzegovina, more so than any other republic of the former Yugoslavia, has been multi-ethnic. TJ 56.
2. Serbs, Croats and Muslims comprised the most numerous ethnic groups in Bosnia and Herzegovina. TJ 56 - 57.
3. Centuries ago, Serbs were encouraged to settle along what is now the northern and western boundaries of Bosnia and Herzegovina, which at that time formed the military frontier between the Austro-Hungarian Empire and its predecessors, and that of the Ottoman Turks. TJ 56.
4. The large Muslim population of Bosnia and Herzegovina owes its religion and culture, and hence its identity, to the long Turkish occupation, during which time many Slavs adopted the Islamic faith. TJ 56.
5. The Bosnian Croats live principally in the south-west part of Bosnia and Herzegovina, adjacent to Croatia's Dalmatian coast. TJ 56.
6. As of 1991, some 44 percent of Bosnians were Muslim, 31 percent were Serb, and 17 percent were Croat. TJ 57 / CJ 99.
7. Three distinct Yugoslav forces each fought one another during the Second World War: the Ustaša forces of the strongly nationalist Croatian State, supported by the Axis powers, the Chetniks, who were Serb nationalist and monarchist forces, and the Partisans, a largely communist and Serb group. TJ 61.
8. At the same time the Chetniks and the Partisans opposed the German and Italian armies of occupation. TJ 61.
9. Although none of these three Yugoslav forces was predominantly Muslim, Muslims were to be found in the ranks of both the Ustaša and the Partisans. TJ 61.
10. Many of the hard-fought and bloody conflicts of the Second World War in Yugoslavia took place in Bosnia and Herzegovina. TJ 62.
11. Many of the outrages against civilians committed during the Second World War, especially though by no means exclusively by Ustaša forces against ethnic Serbs, took place in Bosnia and Herzegovina, particularly in the border area between Croatia and Bosnia and Herzegovina, where the Partisans were especially active, and is the very area in which opština Prijedor lies. TJ 62.
12. Following World War II in opština Prijedor, particularly in rural areas, the three ethnic groups (or "nationalities"), Serbs, Croats and Muslims, tended to live separately so that in many villages one or another ethnicity so predominated that they were generally regarded as Serb or Croat or Muslim villages. TJ 64.
13. During the post-war years until 1991, intercommunal relations in opština Prijedor were relatively good, with friendships across ethnic and coincident religious divides, with intermarriages and generally harmonious relations. TJ 64 / CJ 99.
14. Under the Yugoslav Constitution of 1946, the country was to be composed of six Republics: Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Macedonia, and Montenegro and two autonomous regions, Vojvodina and Kosovo. TJ 65 / CJ 91.
15. According to the 1946 Yugoslav Constitution, the peoples of the Republics, other than Bosnia and Herzegovina, were regarded as distinct nations of federal Yugoslavia. TJ 65 / CJ 91.
16. The Republic of Bosnia and Herzegovina was unique because unlike the other Yugoslav Republics, it possessed no one single majority ethnic grouping. TJ 65 / CJ 91.
17. Because the Republic of Bosnia and Herzegovina possessed no one single majority ethnic grouping, there was no constitutional recognition of a distinct Bosnian nation (people). TJ 65 / CJ 91.
18. With the proclamation of the SFRY Constitution of 1974, however, the Muslims of Bosnia and Herzegovina were considered to be one of the nations or peoples of federal Yugoslavia. TJ 65 / CJ 91.

19. Throughout the years of Marshal Tito's communist Yugoslavia, religious observance was discouraged. TJ 66.
20. Divisive nationalism and open advocacy of national ethnic identity were also severely discouraged by the Tito regime. TJ 66.
21. In spite of the government's efforts, the Yugoslav population remained very conscious of so-called ethnic identity, as Serb, Croat or Muslim. TJ 66.
22. The territorial division between Roman Catholic and Orthodox branches of the Christian faith had run through the territory of Yugoslavia for many centuries. TJ 67.
23. When the Ottoman empire, not stopping at the conquest of Constantinople, extended throughout much of the Balkans, the fluctuating boundary between Catholic Christianity and Islam, which also sheltered a numerous Christian Orthodox population, was usually to be found passing through or near Bosnia. TJ 67.

2. The Disintegration of the Socialist Federal Republic of Yugoslavia

24. With Tito's death in 1980 and the escalation of a serious economic crisis, cracks began to appear in the unity of the federal State. CJ 96.
25. The political disintegration of the former Yugoslavia began in the late 1980's. TJ 70.
26. Nationalism took the place in the Yugoslav Republics of the country's own brand of communism but with very many of the former communist leaders still in positions of power. TJ 71.
27. In 1988 and 1989 events in both Serbia and Slovenia suggested impending threats to the unity of the federation. TJ 72.
28. In 1989 at the fourteenth Congress of the League of Communists, Serbian delegates also sought to alter to the advantage of more populous Republics such as Serbia a fundamental feature of the Constitution, that of the voting equality of Republics, substituting for it the one person one vote principle. TJ 72.
29. The conduct of the Serbian delegates caused the resignation of the Slovenian leadership from the League and a walkout from the Congress of the representatives of Croatia and of Bosnia and Herzegovina. TJ 72 / CJ 98.
30. Slobodan Milošević, already a powerful political figure in Serbia as a party chief, spoke at a mass rally at the site of the Kosovo battlefield itself. TJ 72.
31. Slobodan Milošević spoke at the Kosovo battlefield as the protector and patron of Serbs throughout Yugoslavia and declared that he would not allow anyone to beat the Serb people. TJ 72.
32. Slobodan Milošević's speech greatly enhanced his role as the charismatic leader of the Serb people in each of the Republics, after which he rapidly rose in power. TJ 72.
33. In May 1990, a new government was elected into office in Slovenia after its first multi-party elections. CJ 98.
34. In December 1990, a plebiscite was held in Slovenia, resulting in an overwhelming majority vote for independence from Yugoslavia. TJ 73.
35. On 25 June 1991 Slovenia and Croatia declared their independence from the Socialist Federal Republic of Yugoslavia. TJ 77 / CJ 100.
36. On 19 December 1991, the two autonomous Serb regions within Croatia proclaimed themselves to be the Republic of Serbian Krajina. TJ 77.
37. The independence of Slovenia and Croatia, ultimately recognised by the European Community on 15 January 1992, was challenged militarily by the JNA. TJ 77 / CJ 100.
38. The concept of a Greater Serbia has a long history. It emerged at the forefront of political consciousness, in close to its modern form, as early as 150 years ago and gained momentum between the

two World Wars. In its modern form, the concept involved two distinct aspects: first, the incorporation of the two autonomous provinces of Vojvodina and Kosovo into Serbia, and secondly, the extension of the enlarged Serbia, together with Montenegro, into those portions of Croatia and Bosnia and Herzegovina containing substantial Serb populations. TJ 85.

39. Serbia and Montenegro continued to support the concept of a federal state, no longer under its old name but to be called the Federal Republic of Yugoslavia and wholly Serb dominated, consisting only of Serbia and Montenegro. TJ 78 / CJ 116.
40. The establishment of the Federal Republic of Yugoslavia completed the dissolution of the former Socialist Federal Republic of Yugoslavia. TJ 79.
41. What had taken the place of state socialism in Yugoslavia were the separate nationalisms of each of the Republics of the former Yugoslavia, other than Bosnia and Herzegovina, which alone possessed no single national majority. TJ 79.

3. Bosnia and Herzegovina – political background

42. In 1990 the first free, multi-party elections were held in Bosnia and Herzegovina, for both opština assemblies and for the Republican Legislature. TJ 81.
43. The most prominent political parties in Bosnia and Herzegovina were the Muslim Party of Democratic Action (“SDA”), the Serb Democratic Party (“SDS”) and the Croat Democratic Union (“HDZ”). TJ 81 / CJ 98.
44. In the elections for both the Republic Assembly and the opština assembly in Prijedor, the SDA party gained a narrow margin over the SDS. TJ 81 / CJ 99.
45. The outcome of the elections was, in effect, little more than a reflection of an ethnic census of the population with each ethnic group voting for its own nationalist party. TJ 81/CJ 99.
46. In Bosnia and Herzegovina, the Parliament declared the sovereignty of the Republic on 15 October 1991. TJ 78 / CJ 105.
47. The Bosnian Serb deputies of the Parliament of Bosnia and Herzegovina proclaimed a separate Assembly of the Serb Nation on 24 October 1991. TJ 78/ CJ 105.
48. In March 1992 Bosnia and Herzegovina declared its independence following a referendum held in February 1992 sponsored by the Bosnian Muslims with some support from Bosnian Croats. TJ 78 / CJ 106.
49. The holding of the February referendum was opposed by Bosnian Serbs, who very largely abstained from voting. TJ 78 / CJ 106.
50. The Republic of Serbian People of Bosnia and Herzegovina (later to become the *Republika Srpska*) was declared on 9 January 1992, to come into force upon any international recognition of the Republic of Bosnia and Herzegovina. TJ 78 / CJ 105.
51. The European Community and the United States of America recognised the independence of the Republic of Bosnia and Herzegovina in April 1992. TJ 78/ CJ 106.
52. A coalition government was thus formed headed by a seven member State Presidency, with the leader of the SDA, Alija Izetbegović, as the first President. CJ 99.
53. In the Republican Assembly, co-operation between the Muslim and Serbian political parties proved increasingly difficult as time went by. TJ 82.
54. The coalition government of the Republic broke down in October 1991 and failed completely in January 1992. TJ 82.
55. The disintegration of multi-ethnic federal Yugoslavia was thus swiftly followed by the disintegration of multi-ethnic Bosnia and Herzegovina, and, as a result, the prospect of war in Bosnia and Herzegovina increased. TJ 83.

56. Further, the Bosnian Serbs retained vivid memories of their suffering at the hands of the Croats during the Second World War. TJ 83.
57. In September 1991 it was announced that several Serb Autonomous Regions in Bosnia and Herzegovina had been proclaimed, including Krajina, Romanjija and Stara Herzegovina. TJ 97.
58. Bosanski Krajina, as the Serb Autonomous Region of Krajina was initially called, consisted of the Banja Luka region and surrounding municipalities where the Serbs constituted a clear majority. TJ 98.
59. In November 1991 the SDS sponsored, organised and conducted a plebiscite primarily for the Bosnian Serb population. Voters were given different ballots depending upon whether they were Serb or non-Serb. The Serb voters were asked to vote on the question: "Are you in favour of the decision reached by the Assembly of the Serbian People in Bosnia and Herzegovina on 24 October 1991 whereby the Serbian people shall remain in the common State of Yugoslavia which would include Serbia, Montenegro, Serb Autonomous Region Krajina, Serb Autonomous Region Slavonija, Baranja, Western Srem along with all others willing to remain in such a State?" TJ 99 / CJ 105.
60. In these regions, which included opština Prijedor, the SDS representatives in public office in some cases established parallel municipal governments and separate police forces. TJ 101.
61. Crisis Staffs were formed in the Serb Autonomous Regions to assume government functions and carry out general municipal management. TJ 103.
62. Members of the Crisis Staffs included SDS leaders, the JNA Commander for the area, Serb police officials, and the Serb TO Commander. TJ 103.
63. Likewise, the statute of the Autonomous Region of Krajina provided for the creation of Crisis Staffs in the case of war or immediate danger of war. TJ 103.
64. The conflict between Serbia and Croatia, following the declaration of independence by Croatia in June 1991, served greatly to exacerbate the tension between Bosnia and Herzegovina's three ethnic groups. TJ 122.
65. In March 1992, the Assembly of Serbian People of Bosnia and Herzegovina promulgated the Constitution of the Serb Republic of Bosnia and Herzegovina and proclaimed itself a distinct republic. TJ 102.
66. The March 1992 Assembly session was transmitted live on television. TJ 102.

4. Structure of Security Services in the Republika Srpska

67. The chain of command in the security services was as follows: the service was headed on a ministerial level by the Minister of the Interior. Next in the chain of command were the regional authorities, the most relevant in this case being the Banja Luka Security Services Centre (CSB). (KVJ 26)
68. Between 24 May and 30 August 1992, the head of the CSB was Stojan Župljanin. (KVJ 26)
69. The CSB was divided into two principal departments, the State Security Department (SDB) and the Public Security Department (SJB). The State Security Department was occupied with intelligence work. Within the Public Security Department there were several sub-sections dealing, for example, with crime, traffic, personnel, passports, and aliens. (KVJ 26)
70. Simo Drljača was the Head of the Public Security Station in Prijedor during the duration of Omarska camp's existence. The uniformed police department of this station was headed by Dusan Janković, who was immediately subordinate to Simo Drljača. (KVJ 27)
71. The head of the Prijedor Police Station, Milutin Čado, was immediately subordinate to Simo Drljača in the chain of command overseeing the uniformed police or militia. (KVJ 27)
72. There were three sub-offices or "Police Station Departments" attached to the Prijedor Police Station. Željko Meakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed. (KVJ 27)

5. The Role of the JNA

73. The SFRY devised a defence system known as “ All People’s Defence” (or “Total National Defence”) to protect SFRY from external attack. CJ 93.
74. Prior to the break-up of the former Yugoslavia, the totality of Yugoslav armed forces included the regular army, navy and air force, collectively known as the JNA, consisting of an officer corps, non-commissioned officers and conscripts, together with a reserve force, and, as well as and distinct from the JNA, the TOs. TJ 105 / CJ 94.
75. The JNA was an entirely federal force with its headquarters in Belgrade. TJ 105.
76. There was a distinct TO in each Republic, funded by that Republic and under the control of the Minister of Defence of that Republic. TJ 105 / CJ 94.
77. The JNA was a powerful national army, comprised of 45,000 - 70,000 regular officers and soldiers along with 110,000-135,000 conscripts who served on a more short-term basis, equipped with all the conventional weapons and equipment that modern European armies possess. TJ 105 / CJ 94.
78. The TOs were equipped with essentially infantry weapons; rifles, light machine-guns, some small calibre artillery, mortars, anti-personnel mines and the like. TJ 105.
79. The TOs had no tanks and their transport would vary depending on the adequacy of a particular Republic’s funding of its TO and on how much each received by way of JNA cast-offs. TJ 105.
80. Traditionally all TO weapons were stored locally, within each municipality. TJ 107.
81. In the early 1990s the traditional predominance of Serb officers in the JNA swiftly increased so that very soon very few non-Serb officers remained in the JNA. TJ 108.
82. From 1991 to early 1992, the Serb component of JNA conscripts rose from just over 35 to some 90 percent. TJ 109.
83. On 15 May 1992 the Security Council, by resolution 752¹, demanded that all interference from outside Bosnia and Herzegovina by units of the JNA cease immediately and that those units either be withdrawn, be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded and disarmed. TJ 113.
84. The remainder of the former JNA was to become the army of the new Federal Republic of Yugoslavia (Serbia and Montenegro), known as the VJ. TJ 114 /CJ 117.
85. The formal withdrawal of the JNA from Bosnia and Herzegovina took place on 19 May 1992. TJ 115.
86. The VRS was in effect a product of the dissolution of the old JNA and the withdrawal of its non-Bosnian elements into Serbia. TJ 115.
87. The weapons and equipment with which the new VRS was armed were those that the units had had when part of the JNA. TJ 115.
88. The Muslim-dominated government of Bosnia and Herzegovina instructed the Bosnian population not to comply with the JNA’s mobilisation order. TJ 122.
89. In October 1991, the Government of the Republic of Croatia declared that the JNA was an invading force. TJ 123.
90. In early 1992, the SDS disassociated itself from the legislature and government of the independent Republic of Bosnia and Herzegovina and formed the independent Serb government of *Republika Srpska*. TJ 124.
91. In July 1991, on instructions from headquarters in Belgrade, the JNA seized from the Republic’s Secretariat for Defence in Bosnia and Herzegovina and from municipalities all the documentation relating to conscription including all the registers of conscripts. TJ 106.

¹ U.N. Doc. S/RES/752 (1992).

92. Bosnia and Herzegovina was a vital base for JNA operations in Croatia in the second half of 1991, and Bosnian Serbs were an important source of manpower both for the JNA and for the TO. TJ 106.
93. The VRS inherited both officers and men from the JNA and also substantial arms and equipment, including over 300 tanks, 800 armoured personnel carriers and over 800 pieces of heavy artillery. TJ 114.
94. Although these officers and non-commissioned officers had become formally members of the VRS rather than of the former JNA, they continued to receive their salaries from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). TJ 115.
95. The pensions of those VRS officers and non-commissioned officers who in due course retired were paid by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). TJ 115.
96. The former Commander of the 2nd Military District of the JNA, based in Sarajevo, General Ratko Mladić, became the Commander of the VRS following the announced withdrawal of the JNA from Bosnia and Herzegovina. TJ 118 / CJ 117.
97. The Banja Luka Corps, the 5th Corps of the old JNA, became part of the VRS in Bosnia and Herzegovina, and was named the 1st Krajina Corps, but retained the same Commander, Lieutenant-General Talić. TJ 120.
98. Excluding the Rear Base troops, the Banja Luka Corps numbered some 100,000 men, expanded from a peacetime strength of 4,500 men. TJ 120.
99. Units of the Banja Luka Corps took part in the attack on the town of Kozarac near Prijedor on 24 May 1992. TJ 120.
100. By early 1992 there were some 100,000 JNA troops in Bosnia and Herzegovina with over 700 tanks, 1,000 armoured personnel carriers, much heavy weaponry, 100 planes and 500 helicopters, all under the command of the General Staff of the JNA in Belgrade. TJ 124 / CJ 113.

6. Prijedor municipality

The Importance of Prijedor municipality

101. The opština (municipality) of Prijedor is located in north-western Bosnia and Herzegovina. TJ 55.
102. The opština of Prijedor includes the town of Prijedor and the town of Kozarac some 10 kilometres to its east. TJ 55.
103. The opština of Prijedor was significant to the Serbs because of its location as part of the land corridor that linked the Serb-dominated area in the Croatian Krajina to the west with Serbia and Montenegro to the east and south. TJ 127.
104. Opština Prijedor was essential for supplying units of the VRS as it was the only land connection between western Bosnia and Serbia. TJ 127.

Prijedor municipality Before the Take-over

105. Before the take-over opština Prijedor was ethnically a relatively mixed area: in 1991 Muslims were the majority in the opština; out of a total population of 112,000, 49,700 (44%) were Muslims and about 40,000 (42.5%) Serbs, with the remainder made up of Croats (5.6%), Yugoslavs (5.7%) and aliens (2.2%). TJ 128.
106. During the November 1990 elections for the Prijedor Municipal Assembly, the SDA won 30 seats, the SDS 28, the HDZ 2 and 30 seats went to other parties: the so-called opposition parties, namely the Social Democratic, the Liberal Alliance, and the Reformist parties. TJ 132.
107. If the election results were followed the SDA would be entitled to 50 percent of the appointed positions with the SDS and HDZ entitled to the remaining 50 percent. TJ 132.

108. The SDS, however, insisted upon 50 percent of the seats for itself and after negotiations supported by Radovan Karadžić, the President of the SDS, the parties eventually agreed that the SDS would receive 50 percent and the SDA would give the HDZ a certain proportion out of its 50 percent. TJ 132.
109. That agreement was implemented at the Municipal Assembly of Prijedor in January 1991 and Velibor Ostojić, then acting Minister for Information in the Government of the Republic of Bosnia and Herzegovina and one of Radovan Karadžić's confidants, was present at that session to help mediate the agreement. TJ 132.

Prelude to the Take-over of Prijedor municipality

110. As a result of the increased tensions between the various ethnic communities, checkpoints were established and run by different groups. TJ 140.
111. There were three principal governmental or quasi-governmental entities in Bosnia and Herzegovina in 1992-1993: the Government of the Republic of Bosnia and Herzegovina based in Sarajevo, the Croatian Community of Herceg-Bosna based in Mostar and the Republika Srpska based in Pale. KJ 126.
112. Once implemented, difficulties arose between the SDA and the SDS over the allocation of important government posts, although it was agreed that both the Mayor of Prijedor and the Chief of Police would be from the SDA. TJ 135.
113. The establishment of the separate Serbian governmental structures occurred before the take-over of the town of Prijedor. TJ 134.
114. In opština Prijedor, during the days following the take-over of the town of Prijedor by JNA forces on 30 April 1992, Serb nationalist propaganda intensified. TJ 93.
115. Muslim leaders who attempted to speak on the radio were barred while SDS leaders had free access to it. TJ 93.
116. The Serb leadership later acknowledged that the take-over of opština Prijedor had been planned in advance and was part of a co-ordinated effort. TJ 135.
117. On 30 April 1992 the SDS conducted a bloodless take-over of the town of Prijedor with the aid of the military and police forces. TJ 137.
118. The actual take-over was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings. TJ 137.
119. Military posts were visible all over the city and the Serbian flag with four Cyrillic S's was flown from the City Hall. TJ 137.
120. JNA soldiers, wearing a variety of uniforms, occupied all of the prominent institutions such as the radio station, medical centre and bank. TJ 137.
121. The JNA soldiers entered buildings, declared that they had taken power and announced their decision to rename opština Prijedor "Srpska opština Prijedor". TJ 137.
122. The pretext for the take-over of opština Prijedor was the transmission on 29 April 1992 by the Belgrade television station of a facsimile to the effect that the leader of the Bosnia and Herzegovina TO had instructed the local TOs to attack and obstruct the JNA during its withdrawal from the Republic, although the authorities in Sarajevo immediately declared that the facsimile was false and publicly denounced it. TJ 138.
123. Calls were also made at that time for the surrender of weapons which, although addressed to the population at large, were only enforced in respect to Muslims and Croats, most of whom complied out of fear of punishment. TJ 139.
124. A shooting incident at a Muslim checkpoint located at the village of Hambarine on 22 May 1992, provided a pretext for the attack by Serb forces on that outlying area. TJ 140.

125. Following the incident, the Prijedor Crisis Staff issued an ultimatum on Radio Prijedor for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the checkpoint as well as all weapons. TJ 140.
126. The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine. TJ 140.
127. The Hambarine authorities decided not to comply with the terms of the ultimatum and, following its expiration, Hambarine was attacked. TJ 140.
128. After several hours of shelling by artillery, armed Serb forces entered the area supported by tanks and other weaponry and after a brief period of intermittent fighting local leaders collected and surrendered most of the weapons. TJ 140.
129. By this time many of the inhabitants of Hambarine had already fled to other Muslim or Croat-dominated areas, heading north to other villages or south to a forested area which was also shelled. TJ 141.
130. A number of the residents eventually returned to Hambarine, by then under Serb control, although only temporarily because on 20 July 1992 the last major cleansing in the opština occurred with the removal of approximately 20,000 non-Serbs in Hambarine and nearby Ljubija. TJ 141.

Prijedor municipality: The Attack on the Kozarac Area

131. After the take-over of Prijedor tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of opština Prijedor: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 percent were Muslim. TJ 142.
132. As a result of this tension ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens. TJ 142.
133. On 22 May 1992 telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult. TJ 143.
134. An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska opština Prijedor, as well as to surrender all weapons. TJ 143.
135. Around 2 p.m. on 24 May 1992, after the expiration of the ultimatum at noon and an announcement on Radio Prijedor, Kozarac was attacked. TJ 143.
136. The attack began with heavy shelling, followed by the advance of tanks and infantry. TJ 143.
137. After the shelling the Serb infantry entered Kozarac, and began setting houses on fire one after another. TJ 143.
138. It was reported that by 28 May 1992 Kozarac was about 50 percent destroyed, with the remaining damage occurring in the period between June and August 1992. TJ 143.
139. As with other predominantly Muslim areas, soldiers looted and plundered after the town had been cleansed of its inhabitants. TJ 143.
140. In the attack on Kozarac care was taken to try to avoid damage to Serb property. The Serbian Orthodox church, unlike the mosque, survived the attack and subsequent destruction. TJ 144.
141. Similarly, Serb-dominated villages such as Rajkovići and Podgrade were either not shelled at all or only shelled accidentally. TJ 144.
142. On 26 May 1992 an agreement was reached allowing people to surrender and leave Kozarac. TJ 144.
143. On 27 May 1992 senior military officers met to be briefed on the attack on Kozarac: Lieutenant-General Talić, as Commander of the Banja Luka Corps, the 5th Corps of the old JNA, was informed that

800 people had been killed in the attack on Kozarac and an additional 1,200 had been captured; casualties on the part of the units of the Corps were four soldiers killed and fifteen injured. TJ 145.

144. In command of the 343rd Mechanised Brigade, the unit extensively involved in that attack (and which later became the 43rd Brigade), was Colonel Vladimir Arsić and in direct control of the attack was Major Radmilo Zeljaja, both former JNA officers. TJ 145.
145. That attack on Kozarac, in common with all active combat activities, would necessarily have had to be approved, in accordance with military command procedures, by the Corps Commander, Lieutenant-General Talić, who alone could order the commitment of units to combat. TJ 145.
146. During the attack on Kozarac the civilian population sought shelter in various locations and, as the Serb infantry entered Kozarac, requiring people to leave their shelters, long columns of civilians were formed and taken to locations where they were gathered and separated. TJ 146.
147. Unlike Hambarine, the non-Serb population was not permitted to return to Kozarac after the attack and, subject to some exceptions, the men were taken either to the Keraterm or Omarska detention camps and the women and elderly to the Trnopolje detention camp. TJ 146.
148. Eventually the few Serb inhabitants returned and Serbs displaced from other areas moved into Kozarac. TJ 146.
149. Today both opština Prijedor and the town of Kozarac are overwhelmingly Serb; their political leaders and police authorities are Serb. TJ 146.
150. Non-Serbs living within the territory of the Autonomous Region of Krajina faced an extremely difficult situation; as with Serbs who had not responded to their call for mobilisation, non-Serbs freedom of movement was restricted and a curfew was established. TJ 148.
151. Measures directed specifically at non-Serbs included dismissal from work, prohibition on the opening and running of private businesses and attacks on certain buildings, as well as the loss of social and health insurance as a consequence of their unemployment. TJ 148.
152. Only those loyal to *Republika Srpska* were entitled to fill positions of authority and loyalty was defined in June 1992 as acceptance of the SDS as the “only true representative of the Serb people”. TJ 148.
153. A Report of the International Committee of the Red Cross (“ICRC”) found that the minority civilian population of the Banja Luka area was repeatedly beaten, threatened and robbed. Non-Serb cultural and religious symbols throughout the Autonomous Region of Krajina were targeted for destruction and, as an additional means for minimising the non-Serb population of the area, a state agency was created to facilitate the exchange of the non-Serb population for Serbs. TJ 149.
154. Upon its formation in May 1992 the Prijedor Crisis Staff implemented these restrictive measures against non-Serbs, who were fired from their jobs, refused necessary documentation and whose children were barred from attending primary and secondary schools. TJ 150.
155. Accusations and propaganda against Muslims and Croats, including ethnic insults, were heard on the radio and travel outside of the opština for non-Serbs was prevented. TJ 150.
156. The control over movement of non-Serbs extended as far as private residences through the use of registers in which Muslims and Croats had to record the movements of individuals within apartment buildings and daily searches were conducted in almost every apartment inhabited by Muslims and Croats. TJ 150.
157. Additional restrictions suffered by non-Serbs included the blocking of telephone lines and the partial shut-down of electricity for non-Serbs. TJ 150.
158. Throughout the opština mosques and other religious institutions were targeted for destruction and the property of Muslims and Croats, worth billions of dinar, was taken. TJ 150.
159. Ultimately non-Serbs were divided into two groups: one which consisted of men aged between 12 to 15 and 60 to 65, and one of women, children and elderly men. TJ 151.

160. Generally the men were taken to the Keraterm and Omarska detention camps and the women to the Trnopolje detention camp. TJ 151.
161. The old part of the town of Prijedor known as Stari Grad, inhabited mostly by Muslims, was destroyed. TJ 151.
162. This atmosphere of discrimination and hostility against non-Serbs created by the Serb leadership throughout the region was well known in Kozarac. TJ 153.
163. After the take-over of the town of Prijedor and before the attack on Kozarac, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the "balijas", a derogatory term for Muslims, as well as the need to destroy the "balijas" themselves. TJ 153.

Measures taken against non-Serbs in Prijedor municipality

164. Non-Serbs were fired from their jobs, particularly leadership positions for which they were no longer considered qualified, refused necessary documentation, and their children were prevented from attending school. TJ 465.
165. Travel outside of the opština for non-Serbs was prevented and within the opština travel was severely restricted by means of a curfew and checkpoints. TJ 465.
166. Daily searches were conducted in almost every apartment inhabited by non-Serbs. TJ 465.
167. Mosques and other non-Serb religious and cultural institutions were targeted for destruction. TJ 465.
168. The property of Muslims and Croats was seized. TJ 465.
169. The main non-Serb settlements were surrounded, bombarded and invaded and, during these attacks, care was taken not to damage the property of Serbs. TJ 465.
170. Most of the non-Serb inhabitants of opština Prijedor were sent to the detention camps. TJ 466.
171. Those non-Serbs in opština Prijedor who remained outside of the detention camps were required to wear white armbands to distinguish themselves and were continuously subject to harassment, beatings and worse, with terror tactics being common. TJ 466.
172. Slobodan Kuruzović, the Trnopolje camp commander, explained that the Serb plan was to reduce the number of Muslims in Prijedor to 10 percent or less, and then later to reduce this to 2 percent or less. TJ 466.
173. Propaganda was used to encourage Serbs who had not previously exhibited nationalistic tendencies to accept the policy of discrimination against non-Serbs. TJ 466.
174. Those Serbs who refused to comply with the Serb policy of discrimination against non-Serbs were branded traitors. TJ 466.
175. Non-Serb men were forced to hold their hands in the three-finger Serb salute, which is a traditional Serb greeting and has meaning within the Serbian Orthodox church. TJ 467.
176. Crosses were carved on men's bodies. TJ 467.
177. Discriminatory curses such as "balija mother", "Ustaša mother", and "Alija mother", were often heard in association with a beating. TJ 467.
178. Many non-Serbs were required to sing Serb nationalistic songs. TJ 467.
179. The ethnic cleansing of Muslim communities in opština Prijedor and the confinement and mistreatment of Muslim civilians in detention camps took place within the context of the armed conflict. TJ 477.

Existence of an Armed Conflict in Prijedor

180. The Republic of Bosnia and Herzegovina was admitted as a State member of the United Nations, following decisions adopted by the Security Council and the General Assembly², on 22 May 1992, two days before the shelling and take-over of Kozarac. TJ 563.
181. Even before 22 May 1992, the Republic of Bosnia and Herzegovina was an organised political entity, as one of the republics of the Socialist Federal Republic of Yugoslavia, having its own republican secretariat for defence and its own TO. TJ 563.
182. In opština Prijedor, hostilities did not cease following the withdrawal from the territory of Bosnia and Herzegovina of the JNA on 19 May 1992. TJ 565.
183. Areas to the south-west of the town of Prijedor were attacked by Bosnian Serb armed forces in late May 1992 following the clash between Serbs and Muslims at the Muslim-manned checkpoint in Hambarine in which there were casualties on both sides. TJ 565.
184. On 24 May 1992, the predominantly Muslim town of Kozarac was attacked by Bosnian Serb forces, with an artillery bombardment which lasted until 26 May 1992 and extended to surrounding Muslim villages. TJ 565.
185. As a result of the shelling of Kozarac, many dwellings were destroyed, over 800 inhabitants were killed and the remainder, including those from surrounding Muslim villages, were expelled, the town and its vicinity being then occupied by Bosnian Serb forces. TJ 565.
- ~~186. Between 24 and 27 May 1992, when Kozarac and the surrounding areas were attacked, civilians were collected and forcibly transferred to detention centres. TJ paras 396 and 397.~~
- ~~187. During the collection and forced transfer of civilians from Kozarac, Muslims were beaten and killed. TJ paras 396 and 397.~~
188. The two Muslim villages of Jaskići and Sivci and their inhabitants were attacked by armed Bosnian Serbs on 14 June 1992 with like consequences. TJ 565.
189. In Sivci, men were separated from the women and children and removed to the Keraterm camp. TJ paras 367, 368, and 369.
190. In Jaskići, men were separated from the women and children and removed from the village. TJ paras 369, 372, 373, 374, and 375.
191. Those persons who were captured or detained by Bosnian Serb forces, whether during the armed take-over of Kozarac, or while those persons were rounded-up for transport to one of the detention camps in opština Prijedor, whatever their involvement in hostilities prior to that time, were not taking an active part in the hostilities. TJ 616.
192. The attack on the civilian population of opština Prijedor was conducted against only the non-Serb portion of the population because they were non-Serbs. TJ 652.

Detention Camps in Prijedor municipality

193. After the take-over of Prijedor and the outlying areas, the Serb forces confined thousands of Muslim and Croat civilians in the Omarska, Keraterm and Trnopolje detention camps. TJ 154.
194. During confinement, both male and female prisoners were subjected to severe mistreatment, which included beatings, sexual assaults, torture and executions. TJ 154.
195. Prisoners were also subjected to degrading psychological abuse, by being forced to spit on the Muslim flag, sing Serbian nationalist songs or to give the Serbian three-fingered salute. TJ 154.
196. Prisoners were guarded by soldiers, police forces, local Serb military or TO units, or a combination thereof, who were dressed in uniforms and generally had automatic rifles and other weapons on their person. TJ 154.

² See General Assembly Resolution 46/237, U.N. Doc. A/RES/46/237.

197. Members of paramilitary organisations and local Serbs were routinely allowed to enter the camps to abuse, beat and kill prisoners. TJ 154.

Creation of the Omarska, Keraterm and Trnopolje camps

198. All non-Serb men arrested and taken to the SUP were then bussed to either the Omarska camp or the Keraterm camp. (KVJ 15)
199. Women, children, and the elderly tended to be taken to the Trnopolje camp. (KVJ 15)
200. The Keraterm camp was established in the premises of a ceramics factory and the Trnopolje camp was based in a variety of buildings in the village of Trnopolje, including a former school, a theatre, and the municipal centre. (KVJ 16)

OMARSKA

Omarska camp generally

201. Omarska was located at the former Ljubija iron-ore mine, situated some two kilometres to the south of Omarska village and the camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps. (TJ 155)
202. Omarska held as many as 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women. (TJ 155)
203. With few exceptions, all the prisoners in Omarska were Muslims or Croats. (TJ 155)
204. The only Serb prisoners held in Omarska were said to have been there because they were on the side of the Muslims. (TJ 155)
205. Omarska camp was finally shut down towards the end of August 1992, and therefore operated for just under 3 months. (KVJ 20)
206. The vast majority of the detainees at Omarska were men, but there was also a group of approximately thirty-six women, many prominent in local affairs, from the area. Boys as young as 15 were seen in the early days of the camp, as well as some elderly people. (KVJ 21)
207. Edward Vulliamy was with the first group of outside journalists actually to enter the Omarska detention camp and the media attention generated by Roy Gutman, Edward Vulliamy and others regarding Omarska ultimately led to the closure of the camp. TJ 96.

Command structure of police force in Omarska

208. The security of the local populace in Prijedor was entrusted to the police division of the Public Security Service, which was attached to the Ministry of Interior and was separate from the State Public Security Service. The Public Security Service is divided in police stations, themselves subdivided in police departments, e.g. the Omarska police station department. (KVJ 334)
209. The commander of Prijedor police station was Željko Meakić, who replaced Milutin Buijić when he retired in April 1992. (KVJ 24 and 336)
210. After the take-over, other changes occurred in the command structure of the police force in the Prijedor municipality: commanders of Muslim ethnicity were replaced with commanders of Serb ethnicity. (KVJ 337)

Authority and responsibilities in Omarska camp

211. Although efforts had already begun to set up the camp and staff and detainees began arriving around 27 May 1992, the Prijedor Chief of Police, Simo Drljača, issued the official order to establish the camps on 31 May 1992. (KVJ 17)
212. Simo Drljača was chief of the Prijedor municipality Public Security Station, and a member of the Prijedor Crisis Staff. (KVJ 28)

213. Simo Drljača's order was pronounced "in accordance with the Decision of the Crisis Staff", and it established the responsibilities of various actors. The order charged a "mixed group consisting of national, public and military security investigators" with the interrogation and resulting categorization of the detainees. This "mixed group" was comprised of the members of the crime branches of the public and state security services, as well as military investigators. (KVJ 28)
214. The order assigned responsibility for the work of the investigators to three named coordinators: Ranko Mijić, Mirko Jesić, and Lieutenant Colonel Majstorović. (KVJ 28)
215. Paragraph 6 of the Drljača order states that "Security services at the collection centre shall be provided by the Omarska Police Station", and according to paragraph 2, "the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public, and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees". (KVJ 29)
216. Željko Meakić was the "chief of security" to which the order referred and he was responsible for allocating detainees to the different detention sites in the camp. (KVJ 29)
217. Željko Meakić was not in a position of superior authority over the investigation coordinators. The order required the security services coordinators and the chief of security to submit reports to Simo Drljača every 24 hours. (KVJ 29)
218. The commander of the Omarska camp was Željko Meakić. (TJ 155)
219. Dusan Janković, commander of the Prijedor Police Station, supervised the implementation of Simo Drljača's order. Dusan Janković's duties in this regard were to be carried out "in collaboration with the Banja Luka Security Services Centre". His work required the approval of the regional superiors of each branch involved in the operation of the camp. (KVJ 35)
220. In a report to the Crisis Staff dated 1 July 1992, Simo Drljača confirmed that "Conclusion number 02-111-108/92, by which the release of detainees is prohibited, is being fully observed". (KVJ 36)

Conditions of detention and treatment in Omarska camp

221. When prisoners arrived by bus at Omarska, they were usually searched, their belongings taken from them, and then beaten and kicked as they stood, legs apart and arms upstretched, against the eastern wall of the administration building. (TJ 158)
222. The new arrivals were then sent either to stay outside on the pista or to rooms in the hangar or in the small garages in the office blocks or, if so selected, to the white house. (TJ 158)
223. Sometimes 200 persons were held in a room of 40 square metres. 300 prisoners were confined in one small room. Some Omarska prisoners spent the time crowded together in the lavatories. (TJ 159.)
224. In the lavatories, prisoners were packed one on top of the other and often they had to lie in the midst of excrement. (TJ 159)
225. The crowded rooms at Omarska were stifling in the summer heat and often guards refused to open windows in rooms crowded to overflowing or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water. TJ (162)
226. It was the general practice at the Omarska camp to return to their rooms prisoners who had been beaten and survived and to remove from the camp the bodies of those who were dead or appeared to be dead. (TJ 239)
227. Dead prisoners were buried in makeshift graves and heaps of bodies were frequently seen in the grounds of the detention camps. (TJ 240)

Layout of Omarska camp

228. The majority of the detainees at Omarska were housed in the "hangar", which was the largest of four buildings on the site of the camp, running north-south. The main part of the hangar had been designed for the heavy trucks and machinery used in the iron-ore mine and ran along the eastern side of the building. The western side consisted of two floors of over 40 separate rooms. (KVJ 46)

229. There were three other structures on the Omarska camp site: the administration building, and two smaller structures, known as the “white house” and the “red house”. (KVJ 47)
230. To the north of the hangar and separated from it by an open concrete area, known as the “pista”, was the administration building, where prisoners ate and some were housed, with rooms upstairs where they were interrogated. (TJ 156.)
231. The administration building lay at the north of the grounds and was divided in two parts. The single-storied western portion contained a kitchen and eating area. The eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates’ sleeping quarters. There was also a small garage at the far north or outer edge of the building. (KVJ 47)

Food and water at Omarska

232. The prisoners were fed in batches of about 30 at a time and had to run to and from their daily meal, often being beaten by guards as they came and went. (TJ 160)
233. Prisoners in Omarska were allowed only a minute or two in which to eat. (TJ 160)
234. Many of those prisoners confined in the white house received no food at all during their time there. (TJ 160)
235. Some prisoners, particularly those already badly injured by beatings in the camp, often chose to miss their daily meal for fear of further beatings on the way to, or return from, the meal. (TJ 160)
236. Some prisoners lost 20 to 30 kilograms in body-weight during their time at Omarska, others considerably more. (TJ 160)
237. Drinking water at Omarska was often denied to the prisoners for long periods. (TJ 161)

Hygiene in Omarska

238. There was very little in the way of lavatories at Omarska; prisoners had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked to use them. Prisoners at Omarska were often forced to excrete and urinate in their rooms. (TJ 161)
239. There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy and skin diseases were prevalent, as were acute cases of diarrhoea and dysentery. (TJ 161)

Interrogations in Omarska

240. Some prisoners were very severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him, often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on. (TJ 163)
241. Prisoners, after their interrogation, were often made to sign false statements regarding their involvement in acts against Serbs. (TJ 163)
242. The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp would appear, would call out particular prisoners from their rooms and attack them with a variety of sticks, iron bars or lengths of heavy electric cable. (TJ 164)
243. Sometimes these weapons would have nails embedded in them so as to pierce the skin and on occasion knives would be used to slash a prisoner’s body. (TJ 164)
244. The prisoners as a whole feared groups of men from outside the camp even more than they did the regular camp guards. (TJ 164)
245. These groups appeared to be allowed free access to the Omarska camp and their visits greatly increased the atmosphere of terror which prevailed in the camp. (TJ 164)

246. Frequently prisoners who were called out failed to return and witnesses who were their close relatives gave evidence that they had never been seen since, and were assumed to have been murdered. (TJ 164)
247. Interrogations were carried out in the administration building by mixed teams of investigators from the army and the state and public security services in Banja Luka. (KVJ 68)

Omarska: The Hangar

248. The hangar was a large oblong structure, running north-south, along the eastern side of which were a number of roller doors leading into a large area extending the length of the building with the ground floor designed for the maintenance of heavy trucks and machinery used in the iron-ore mine. (TJ 156)
249. The bulk of the prisoners in Omarska were housed in the hangar. (TJ 156)

Omarska: The Pista

250. Some prisoners remained on the pista continuously regardless of the weather for many days and nights on end, and occasionally for as long as a month, with machine-guns trained on them. (TJ 159)
251. As many as 600 prisoners were made to sit or lie prone outdoors on the pista. (TJ 159)

Omarska: The White House and the Red House

252. To the west of the hangar building was a grassed area on the western side of which lay the white house, a small rectangular single-storied building, having a central corridor with two rooms on each side and one small room at its end, not wider than the corridor itself. (TJ 156.)
253. The white house was a place of particular horror. One room in the white house was reserved for brutal assaults on prisoners, who were often stripped, beaten and kicked and otherwise abused. (TJ 166)
254. Many prisoners died as a result of these repeated assaults on them in the white house. (TJ 166)
255. Prisoners who were forced to clean up after these beatings in the white house reported finding blood, teeth and skin of victims on the floor. (TJ 166)
256. Dead bodies of prisoners, lying in heaps on the grass near the white house, were a frequent sight in Omarska. (TJ 166)
257. Those bodies would be thrown out of the white house and later loaded into trucks and removed from the camp. (TJ 166)
258. The other small building at Omarska, the red house, was also a place to which prisoners were taken for severe beatings, and from which most often they did not leave alive. (TJ 156)
259. When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear and empty pistol cartridges. (TJ 167)
260. These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house. (TJ 167)

Omarska: Sexual violence

261. Approximately thirty-six of the detainees held at Omarska camp were women. The women detained at Omarska were of different ages; the oldest were in their sixties and there was one young girl. (KVJ 98)
262. One woman was taken out five times and raped and after each rape she was beaten. (TJ 165)

Keraterm detention camp

263. The Keraterm detention camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory. TJ 168.
264. The Keraterm camp began operating on 25 May 1992 and held up to 1,500 prisoners crowded into a number of large rooms or halls. TJ 168.

265. Conditions in Keraterm were atrocious; prisoners were crowded into its rooms, as many as 570 in one room, with barely space to lie down on the concrete floors. TJ 169.
266. The rooms in Keraterm were unlit and without windows and were in the summer intensely hot, with no ventilation. TJ 169.
267. Prisoners in Keraterm were kept locked in these rooms for days on end, crowded together. TJ 169.
268. Initially one lavatory was available for all but it became blocked and barrels were supplied instead which leaked, the stench being overpowering. TJ 169.
269. In Keraterm camp, the conditions of hygiene were dreadful. There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, with five men at time escorted by guards. (KVJ 113)
270. Detainees could never bathe although, occasionally, they could wash a little with cold water. The detainees received no soap or toothpaste and they were given inadequate food and water. Infestations of lice appeared. (KVJ 113)
271. The quality and quantity of food provided was totally inadequate, and detainees suffered from malnutrition and starvation. The detainees received two pieces of bread that they had to eat very quickly or they would be beaten. Furthermore, the food was not delivered regularly and, sometimes there was no food provided at all. (KVJ 113)
272. To supplement the meager camp provisions, detainees were sometimes allowed to receive food brought from their families, although these occasional supplements were not enough to alleviate the hunger and malnutrition. (KVJ 113)
273. As in the Omarska camp, most of the detainees in Keraterm were interrogated in an attempt to identify opponents of the new Serb regime. (KVJ 114)
274. Witnesses testified to seeing dead bodies in the camp on several occasions. (KVJ 114)
275. Beatings were very frequent at Keraterm, prisoners being called out, attacked with bars and batons and made to beat each other. TJ 170.
276. There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over; some died of their injuries. TJ 170.
277. Some who were called out never returned, and prisoners assumed that they had died as a result of the beatings. TJ 170.
278. Dysentery was rife at Keraterm and there was no medical care for illness or for the injuries inflicted by beatings. TJ 170.
279. Interrogations were conducted at Keraterm accompanied by beatings. TJ 170.
280. Some prisoners were questioned about money and taken to their homes and made to search for money, to be handed over to the guards if found. TJ 170.
281. One night prisoners inside Keraterm heard bursts of machine-gun-fire, followed by individual shots. TJ 171.
282. The following morning prisoners were called out to load over 150 bodies, apparently former residents of Hambarine, onto a large truck and trailer which then left the camp with blood dripping from it. TJ 171.
283. Machine-gun-fire was repeated the following night at Keraterm with over 50 bodies taken away the following morning. TJ 171.
284. Two fire trucks arrived later and hosed down the area to wash away the blood. TJ 171.
285. The shooting apparently occurred through the closed doors of the room in which those prisoners were confined; those doors had large bullet holes pierced through them. TJ 171.

Trnopolje detention camp

286. The Trnopolje detention camp was located near the Kozarac station, on the Prijedor-Banja Luka railway line. TJ 172.
287. The Trnopolje camp held thousands of prisoners, most of whom were older men and women and children. TJ 172.
288. Armed soldiers guarded the camp and the camp commander was Slobodan Kuruzović. TJ 172.
289. The Trnopolje camp consisted of a two-storied former school building and what had been a municipal centre and attached theatre, known as the “dom”. TJ 173.
290. An area of the Trnopolje camp was surrounded by barbed wire. TJ 173.
291. No food was supplied by the camp authorities to the prisoners at Trnopolje. TJ 174.
292. At Trnopolje there was no regular regime of interrogations or beatings, as in the other camps, but beatings and killings did occur. TJ 175.
293. Because the Trnopolje camp housed the largest number of women and girls, there were more rapes at this camp than at any other. TJ 175.
294. Girls between the ages of 16 and 19 were at the greatest risk of rape. TJ 175.
295. During evenings, groups of soldiers would enter the Trnopolje camp, take out their victims from the dom building and rape them. TJ 175.
296. One prisoner, Vasif Gutić, who had medical training, was assigned to work in the medical unit at Trnopolje and he often counselled and treated victims of rape, the youngest girl being 12 years of age. TJ 175.
297. These rapes caused terrible fear and mental trauma among all the prisoners. TJ 175.
298. Trnopolje was, at times at least, an open prison but it was dangerous for inmates to be found outside, where they might be attacked by hostile groups in the neighbourhood, and this, in effect, amounted to imprisonment in the camp. TJ 176.
299. In the beginning, the Serb soldiers informed the inmates in Trnopolje that they were being held there for their own protection against Muslim extremists but the camp actually proved to be a point where the civilian population, men, women and children, would be gathered, collected and then deported to other parts of Bosnia or elsewhere. TJ 176.
300. Because of the lack of food and the unsanitary conditions at the Trnopolje camp, lice and scabies were rampant and the majority of inmates, one estimate is as high as 95 percent, suffered from dysentery. TJ 177.
301. There was no running water at all at Trnopolje, and only limited lavatory facilities. TJ 177.
302. There was almost no water to drink, as only one pump existed for the whole camp. TJ 177.
303. At one time the buildings at Trnopolje proved insufficient to house all the inmates, many of whom were forced to camp outdoors in the grounds in makeshift shelters of plastic sheeting and the like. TJ 177.
304. The Trnopolje camp was the culmination of the campaign of ethnic cleansing since those Muslims and Croats who were not killed at the Omarska or Keraterm camps were, from Trnopolje, deported from Bosnia and Herzegovina. TJ 178.

Specific findings relating to crimes committed by members of the Bosnian Serb forces in Prijedor municipality

Crimes committed by Miroslav Kvočka in Prijedor municipality

305. Kvočka, as duty officer in the Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp. (KVJ 348)

Crimes committed by Milojica Kos in Prijedor municipality

306. Kos' stay in Omarska camp lasted from approximately 31 May until 6 August 1992. (KVJ 476)

Crimes committed by Mlado Radić in Prijedor municipality

307. Radić took up his duties in Omarska camp around 28 May 1992, and he remained there until the end of August 1992. (KVJ 512)

Crimes committed by Duško Tadić in Prijedor municipality

308. Prior to the start of the armed conflict, Duško Tadić, an ethnic Serb, lived in the town of Kozarac. Ninety percent of the inhabitants of Kozarac were Muslims prior to the conflict. (TJ 180 and 181.)
309. Duško Tadić joined the SDS in 1990. (TJ 182.)
310. Sometimes as many as 30 Serbs dressed in the "Duke" or "Vojvode" coats, which were symbols of Serb nationalism, met at Tadić's cafe and sang Chetnik songs and used ethnic epithets, saying "we are going to kill all of the balijas, fuck the balijas's mother" and used the three-finger Serbian salute. (TJ 182.)
311. Many of the Serbs wore a "kokarda", a type of Serbian badge, and were armed. (TJ 182.)
312. Tadić's involvement in nationalistic politics was also made obvious in November 1991 when the SDS leadership requested that Tadić and his wife organise the SDS plebiscite in the Kozarac area. (TJ 186.)
313. On 15 August 1992 Tadić was elected President of the Local Board of the SDS and was appointed as Acting Secretary of the Local Commune. (TJ 188.)
314. Tadić was subsequently elected Secretary of the Local Commune on 9 September 1992 and this decision was formally implemented on 9 November 1992. (TJ 188.)
315. While Tadić was President of Kozarac's SDS Party, all of the activities of the Local Board were co-ordinated with the President of the SDS party in Prijedor, Simo Mišković. (TJ 188.)
316. On or about 27 May 1992, Duško Tadić participated in the ethnic cleansing of Muslim civilians from the town of Kozarac, and this conduct was committed in the context of an armed conflict. (TJ 338, 339, and 341.)
317. In Sivci, Duško Tadić participated in the separation of the men from the women and children and their removal to the Keraterm camp. (TJ 367, 368, and 369.)
318. In Jaskići, Duško Tadić participated in the separation of the men from the women and children and their removal from the village. He also participated in the brutal and violent beating of four of the men. (TJ 369, 372, 373, 374, and 375; TAJ 232)
319. Five men from Jaskići were shot dead during the ethnic cleansing operation, and others have never been seen again. (TJ 344, 348, 354, 357, 359, 361, 363, 372 and 373.)
320. The ethnic cleansing of the village of Jaskići was committed in the context of an armed conflict. (TJ 373.)
321. Duško Tadić actively took part in the common criminal purpose to rid the Prijedor region of the non-Serb population, by committing inhumane acts. (TAJ 231)
322. Duško Tadić had the intention to further the criminal purpose to rid the Prijedor region of the non-Serb population, by committing inhumane acts against them. (TAJ 232)

323. Duško Tadić participated in the killings of the five men in Jaskići, which were committed during an armed conflict as part of a widespread or systematic attack on a civilian population. (TAJ 233)
324. Between 24 and 27 May 1992, Duško Tadić participated in the attack on Kozarac and the surrounding areas and in the collection and forced transfer of civilians to detention centres. (TJ 396 and 397.)
325. During the collection and forced transfer of civilians from Kozarac, Duško Tadić participated in the beating and killing of Muslims. All of these acts were committed in the context of an armed conflict. (TJ 396 and 397.)
326. The acts of Duško Tadić in the camps run by the authorities of the *Republika Srpska* clearly occurred with the connivance or permission of the authorities running these camps and indicate that such acts were part of an accepted policy towards prisoners in the camps in Prijedor municipality. (TJ 575.)

7. Foča municipality

Background to conflict in Foča

327. According to the 1991 Census, Foča municipality had a pre-war population of about 40,513 inhabitants of whom 52% were Muslim. KUJ 47
328. In September 1991, several Serb Autonomous Regions in Bosnia and Herzegovina were proclaimed. KVJ 11
329. Foča town and municipality are located in the Republic of Bosnia and Herzegovina (“Bosnia and Herzegovina”), Southeast of Sarajevo, near the border of Serbia and Montenegro. KRJ 13
330. According to the 1991 census, the population of Foča consisted of 40,513 persons; 51.6% were Muslim, 45.3% Serb and 3.1% of other ethnicities. KRJ 13.
331. Although ethnically mixed, individual neighbourhoods in Foča town or villages in the municipality could be identified as predominantly Muslim or Serb areas. KRJ 13
332. As in much of Bosnia and Herzegovina, Foča municipality was affected at the beginning of the 1990s by the rise of opposing nationalist sentiments which accompanied the disintegration of the Socialist Federal Republic of Yugoslavia. KRJ 14
333. Tensions between the two major ethnic groups in Foča were fuelled by the Serbian Democratic Party (“SDS”) on behalf of the Serbs and the Party for Democratic Action (“SDA”) on behalf of the Muslims. (KRJ 14)
334. Before the multi-party elections held in Foča in 1990, inter-ethnic relations appear to have been relatively normal, but afterwards the inhabitants of Foča began to split along ethnic lines and inter-ethnic socialising ceased. (KRJ 14)
335. Both the SDS and the SDA organised rallies or “promotional gatherings” in Foča, similar to those being organised throughout Bosnia. (KRJ 15)
336. The SDA rally was attended by Alija Izetbegović, leader of the Bosnian SDA, while the SDS rally attracted leading party members such as Radovan Karadžić, Biljana Plavšić, Vojislav Maksimović, Ostojić, Kilibadar and Miroslav Stanić. Nationalist rhetoric dominated both rallies. (KRJ 15)
337. In the period leading up to the outbreak of hostilities, members of the SDS leadership made various announcements which were hostile to the Muslim population. (KRJ 15)
338. Maksimović stated that the Muslims were the greatest enemies of the Serbs. Karadžić said that either Bosnia would be divided along ethnic lines, or one of the nations (meaning ethnic groups) would be wiped out from these areas. (KRJ 15)
339. SDS leaders also said that, if they were to reach power, the political and economic affairs of Foča would be run by Serbs only. (KRJ 15)

340. In the months before the outbreak of conflict in Foča, both Serbs and Muslims began to arm themselves with light weapons, though the Muslims were not able to do so as quickly as the Serbs, leaving the latter better prepared for the conflict. (KRJ 16)
341. The Serbs armed themselves surreptitiously at first, distributing weapons by truck in the evenings, or from local businesses. Immediately prior to the outbreak of the conflict, the distribution of arms to Serbs was done openly. (KRJ 16)
342. The Serbs also began to deploy heavy artillery weapons on elevated sites around Foča, controlling not only heavy weapons which belonged to the JNA, but also the weaponry of the Territorial Defence. (KRJ 16)
343. Administrative bodies in Foča, previously jointly controlled by Muslims and Serbs, ceased to function as had been envisaged by March 1992. (KRJ 17)
344. The Serbs formed a separate local political structure, the Serbian Municipal Assembly of Foča, and both groups established Crisis Staffs along ethnic lines. (KRJ 16)
345. The Muslim Crisis Staff was based in the Donje Polje neighbourhood of Foča. (KRJ 17)
346. The Serb Crisis Staff operated from a location in the Serb neighbourhood of Čerežluk, with Miroslav Stanić, President of the SDS-Foča, as Chairman and so-called "First War Commander" in Foča. (KRJ 17)
347. Daily meetings of SDS politicians in Foča began in early April. (KRJ 17)
348. On 7 April 1992, following pressure from the SDS leadership, the local police were divided along ethnic lines and stopped functioning as a neutral force. (KRJ 17)
349. Immediately prior to the outbreak of the conflict, Serbs began evacuating their families and children from Foča, generally to Serbia or to Montenegro. (KRJ 18)
350. Some Muslims, alerted by the movements of their Serb neighbours coupled with general tension in the town, also fled or managed to evacuate their families before the outbreak of the conflict. (KRJ 18)
351. Although many Muslims had Serb friends, neighbours and relatives, few were warned about the coming attack. Even for those who did get away, leaving Foča was not easy, with frequent military checkpoints en route to different destinations. (KRJ 18)
352. On 8 April 1992, an armed conflict broke out in Foča town, mirroring events unfolding in other municipalities. KRJ 20
353. Before the armed conflict had started, Muslim civilians in Foča were removed from their social and professional lives, their salaries remained unpaid or they were told that their services were no longer needed. (KUJ 571)
354. Most Muslim men were disarmed. (KUJ 571)
355. Complete ostracism soon followed with the freedom of Muslims to move about and to gather critically curtailed. (KUJ 571)
356. The SDS political propaganda grew more aggressive, and the outbursts of violence and house-burning more frequent. (KUJ 572)
357. By 7 April 1992, there was a Serb military presence in the streets, and some people failed to report for work, fearful of the rising tensions in the town. A number of Serbs were mobilised on that day and issued with weapons. That night, Serbs took over the Foča radio station, the warehouse of the regional medical centre and the Territorial Defence warehouse where weapons were stored. (KRJ 19)

The conflict in Foča

358. On 8 April 1992, an armed conflict between the Serb and Muslim forces broke out in Foča. (KUJ 567)
359. On 8 April 1992, roadblocks were set up throughout the town. (KRJ 20)

360. Sometime between 8.30 and 10.00 am, the main Serb attack on Foča town began, with a combination of infantry fire and shelling from artillery weapons in nearby Kalinovik and Miljevina. Serb forces included local soldiers as well as soldiers from Montenegro and Yugoslavia, and in particular a paramilitary formation known as the White Eagles. (KRJ 20)
361. Most of the shooting and shelling was directed at predominantly Muslim neighbourhoods, in particular Donje Polje, but the Serbs also attacked mixed neighbourhoods such as Cohodor Mahala. (KRJ 20)
362. Despite Muslim resistance, consisting mostly of infantry concentrated in Donje Polje and Šukovac, Serb forces proceeded to take over Foča area by area, including eventually the hospital and the KP Dom prison facility. (KRJ 20)
363. The military attack resulted in large numbers of wounded civilians, most of them Muslims. (KRJ 20)
364. There was a systematic attack by the Bosnian Serb Army and paramilitary groups on the Muslim civilian population of the municipalities of Foča, Gacko and Kalinovik. (KUJ 578)
365. The attack was extensive, and its duration included the period April 1992 to February 1993. (KUJ 567 and 570)
366. It took about a week for the Serb forces to secure Foča town and about ten more days for them to be in complete control of Foča municipality. (KUJ 567)
367. During the conflict, many civilians hid in their houses, apartments, basements of their apartment buildings, or with relatives in other areas of town; others left Foča altogether, thinking they would be safer. (KRJ 21)
368. Many of the Muslims in hiding gave up their personal weapons so that they could not be accused of participating in the conflict. The attack continued for six or seven days, although the worst shelling and damage took place in the first few days. (KRJ 21)
369. Foča town fell to the Serbs somewhere between 15 and 18 April 1992, with many of the Muslims who had remained during the fighting fleeing at that time. (KRJ 21)
370. Following the successful military take-over of Foča town, the attack against the non-Serb civilian population continued. (KRJ 22)
371. Outside the town, Serb forces carried on their military campaign to take over or destroy Muslim villages in the Foča municipality. (KRJ 22)
372. Villages in Foča municipality sustained attacks until some time in early June. (KRJ 23)
373. Serb troops followed fleeing Muslims in the direction of Goražde, and captured the JNA fuel depot warehouse at Pilipovići where many Muslim civilians had been seeking shelter. At the warehouse, Muslim men were separated from women and children. (KRJ 23)
374. After finding an SDA membership card which did not identify to whom it belonged, the Serb forces selected several men whose names were on a list and arbitrarily selected several others. (KRJ 23)
375. In total, nine men were separated from the others and shot. Of these men, one escaped and one survived. (KRJ 23)
376. Once towns and villages were securely in their hands, the Serb forces - the military, the police, the paramilitaries and, sometimes, even Serb villagers – applied the same pattern: Muslim houses and apartments were systematically ransacked or burnt down, Muslim villagers were rounded up or captured, and sometimes beaten or killed in the process. (KUJ 573)
377. Almost all the remaining Muslim men and women from Foča, Gacko and Kalinovik were arrested, rounded up, separated and imprisoned or detained at several detention centres like Buk Bijela, Kalinovik High School, Partizan and Foča High School, as well as the KP Dom in Foča, in accordance with a recurring pattern. Some of them were killed, raped or severely beaten. (KUJ 577)
378. The sole reason for this treatment of the civilians was their Muslim ethnicity. (KUJ 577)

379. The women were kept in various detention centres where they had to live in intolerably unhygienic conditions, where they were mistreated in many ways including, for many of them, being raped repeatedly. (KUJ 574)
380. Serb soldiers or policemen would come to these detention centres, select one or more women, take them out and rape them. Many women and girls were raped in that way. (KUJ 574)
381. Some of these women were taken out of these detention centres to privately owned apartments and houses where they had to cook, clean and serve the residents, who were Serb soldiers. They were also subjected to sexual assaults. (KUJ 574)
382. In particular, the Muslim civilians held at Kalinovik School, Foča High School and Partizan Sports Hall were kept in unhygienic conditions and without hot water. (KUJ 575)
383. Muslim civilians held at these locations were provided with insufficient food. Their freedom of movement was curtailed; they were not allowed to go to any other territory or to go back to their houses. Most of their houses were burnt down or ransacked. They were guarded and lived in an atmosphere of intimidation. (KUJ 575)
384. All this was done in full view, in complete knowledge and sometimes with the direct involvement of the local authorities, particularly the police forces. (KUJ 576)
385. The head of Foča police forces, Dragan Gagovic, was one of the men who came to these detention centres to take women out and rape them. (KUJ 576)
386. After months of captivity, many women were expelled or exchanged. (KUJ 577)
387. Some men spent as much as two years and a half in detention for no reason other than their being Muslims. (KUJ 577)
388. The village of Brod, four kilometres from Foča, was attacked on 20 April 1992, after the village authorities did not respond to a Serb Crisis Staff demand that the village surrender. (KRJ 24)
389. Serb forces in Miljevina, approximately 18 kilometres from Foča town in the direction of Kalinovik and Sarajevo, set the surrounding Muslim villages on fire, and arrested male Muslim civilians. (KRJ 24)
390. Jeleč, about 22 kilometres from Foča near Miljevina, was shelled and then attacked by infantry and taken over by Serb forces on 4 or 5 May 1992. (KRJ 24)
391. When Serb forces set the village on fire, the population fled to a nearby forest. Muslims who stayed in their homes or who tried to escape were killed. (KRJ 24)
392. Other male Muslim villagers were captured and detained in the Kalinovik and Bileća barracks and then transferred to the Foča KP Dom. (KRJ 24)
393. From Jeleč it was possible to see houses burning, and to see people fleeing from other villages. (KRJ 24)
394. Muslim houses in Pilipovići and the neighbouring village of Paunci were burned to the ground around 25 or 26 April 1992. (KRJ 25)
395. Around 28 April 1992, Serb troops attacked Ustikolina where some Muslims had tried to form a resistance. (KRJ 25)
396. After taking the village, Serb forces set fire to Muslim houses. From there, Serb forces continued attacking and destroying Muslim villages along the left bank of the Drina, downstream from Ošanica, while the population fled or was killed. (KRJ 25)
397. On 3 July 1992, the Muslim village of Mješaja/Trošanj, situated between Foča and Tjienstište, was attacked by Serb soldiers. (KRJ 26)
398. At the time of the attack, some Muslim villagers in Trošanj continued living in their houses but would sleep in the woods at night and only return to their homes during the daytime. (KRJ 26)

399. They were afraid because they were able to see other Muslim villages burning and they felt targeted because they were Muslim. (KRJ 26)
400. Three villagers were killed during the initial attack and, after capturing a group of about 50 Muslim villagers, a further group of seven male villagers were beaten and shot. (KRJ 26)
401. After the Serb take-over in and around Foča, there was a noticeable presence of Serb soldiers and Serb paramilitary formations. (KRJ 27)
402. Immediately after the Serb take-over, restrictions were imposed on the non-Serb inhabitants. Muslims were referred to by Serb soldiers by the derogatory term “balija”, and cursed when being arrested. (KRJ 27)
403. From April 1992, Muslims were laid off from their jobs or were prevented or discouraged from reporting to work. (KRJ 28; KUJ 571)
404. Although the Serb Crisis Staff ordered Serbs to return to work sometime at the end of April or beginning of May 1992, Muslims were not allowed to do so. (KRJ 28)
405. Restrictions were placed on the movement of non-Serbs. A police car with a loudspeaker went through the town announcing that Muslims were not allowed to move about the town. A similar announcement was made over the radio. (KRJ 29)
406. At the same time, the Serb population could move around freely, with the exception of a night curfew from 8.00 pm to 6.00 am imposed on all inhabitants. (KRJ 29)
407. Muslims were forbidden to meet with each other, and had their phone lines cut off. (KRJ 29)
408. In April and May 1992, Muslims stayed in apartments in Foča under virtual house arrest, either in hiding or at the order of Serb soldiers. (KRJ 29)
409. Houses such as “Planika’s” and “Šandal’s” were used as interim detention centres by the Serb military. (KRJ 29)
410. People wishing to leave Foča were required to get papers from the SUP (Secretariat of the Interior) permitting them to go. (KRJ 29)
411. Military checkpoints were established, controlling access in and out of Foča and its surrounding villages. (KRJ 29)
412. In April and May 1992, Muslim households were searched by the Serb military police or soldiers for weapons, money and other items. (KRJ 30)
413. Serb houses were not searched, or at most were searched superficially. (KRJ 30)
414. Muslims were ordered to surrender their weapons while Serbs were allowed to keep theirs. (KRJ 30)
415. Muslim businesses were looted or burned, or had equipment confiscated. (KRJ 30)
416. During the attack, neighbourhoods were destroyed systematically. Muslim houses were set ablaze by Serb soldiers during the battle for control of the town as well as after the town had been secured. (KRJ 31)
417. Donje Polje, the largely Muslim neighbourhood of Šukovać, and Muslim houses in Kamerici and in Granovski Sokak were burned. (KRJ 31)
418. The old town neighbourhood of Prijeka Čaršija, with its oriental-Islamic style market, was burned down on or around 12 April 1992. (KRJ 31)
419. On one occasion, Muslim houses were found devastated beside an untouched Serb apartment identified with a note saying “Serb apartment – do not torch”. (KRJ 31)
420. As Muslim houses burned, fire engines protected Serb houses. (KRJ 31)

421. Other Muslim houses were dismantled for the materials, or reallocated to Serbs who had lost their own homes. (KRJ 32)
422. Several mosques in Foča town and municipality were burned or otherwise destroyed. (KRJ 33)
423. The Aladža mosque dating from 1555 and under UNESCO protection was blown up, and the mosque in the Granovski Sokak neighbourhood was destroyed. (KRJ 33)
424. The mosque in Jeleč was burned and its minaret destroyed. (KRJ 33)
425. Serb fire brigades stood by and watched as mosques burned. (KRJ 33)
426. Following the Serb take-over of Foča town, non-Serb civilians were physically beaten by Serb soldiers and military police. (KRJ 34)
427. Civilians were beaten upon arrest and during transportation to detention facilities from neighbourhoods in town or from villages in the municipality. (KRJ 34)
428. On one occasion, a Serb soldier severely kicked and beat with a chair three patients in Foča hospital after learning that they were Muslim. The beating stopped only when the doctor intervened and called the police. (KRJ 34)
429. In mid-June 1992, about 27 Muslim civilians, mostly women and children, were killed in the ethnically mixed Čohodor Mahala neighbourhood. (KRJ 35)
430. More civilians were killed in Jeleč, Mješaja/Trošanj and Pilipovići. (KRJ 35)
431. The bodies of others were found floating in the Drina River. KP Dom detainees who were assigned to work duty at the riverbank were made to push bodies downstream using planks and sticks. (KRJ 35)
432. Non-Serbs were arrested throughout the municipality of Foča. Muslim men were rounded up in the streets, separated from the women and children and from the Serb population. (KRJ 36)
433. Others were arrested in their apartments or in the houses of friends and relatives, taken away from their workplaces, or dragged from their hospital beds. (KRJ 36)
434. During the conflict, many of the Muslims arrested were taken to be detained at the Territorial Defence military warehouses at Livade. (KRJ 37)
435. Around 14 or 15 April 1992, Muslims and some Serbs were arrested in the centre of Foča town. (KRJ 37)
436. While the Serbs were allowed to return home after a few hours, the Muslims were required to stay. (KRJ 37)
437. Between 14 and 17 April 1992, Muslim civilians from other areas of Foča town were arrested and detained in Livade, including several doctors and medical staff from Foča hospital. (KRJ 38)
438. During the arrests, several of the detainees were severely beaten up and injured. (KRJ 38)
439. Muslim women were transferred to Buk Bijela, Foča High School and Partizan Sports Hall. Serb soldiers repeatedly raped Muslim women and girls, either at these locations or elsewhere. (KRJ 39; KUJ 575, 28, 31-37)
440. Initially there was a military order preventing citizens from leaving Foča. However, most of the non-Serb civilian population was eventually forced to leave Foča. (KRJ 49)
441. In May 1992, buses were organised to take civilians out of town, and around 13 August 1992 the remaining Muslims in Foča, mostly women and children, were taken away to Rožaje, Montenegro. (KRJ 49)
442. On 23 October 1992, a group of women and children from the municipality, having been detained for a month at Partizan Sports Hall, were deported by bus to Goražde. (KRJ 49)

443. In exhumations conducted in the Foča area, 375 bodies were identified by the State Commission for the Tracing of Missing Persons. All but one of these were Muslim. The remaining one was a Montenegrin who had been married to a Muslim. (KRJ 49)
444. ~~In late 1994, the last remaining Muslim detainees at the KP Dom were exchanged, marking the end of the attack upon these civilians and the achievement of a Serbian region ethnically cleansed of Muslims. (KRJ 49)~~
445. This attack included the systematic rounding up and imprisonment of non-Serb civilians, the burning and destruction of non-Serb, mostly Muslim, properties, the demolition of several mosques in the Foča town and municipality, the unlawful killing of non-Serb civilians, as well as the torture and mistreatment of many male non-Serb detainees at the KP Dom. (KRJ 61)
446. All traces of Muslim presence and culture were wiped out of Foča. (KUJ 577)
447. In January 1994, the Serb authorities crowned their complete victory - their "gaining supremacy" over the Muslims - by renaming Foča "Srbinje", literally "the town of the Serbs". (KUJ 577)

Sexual abuse in detention facilities in Foča

448. Girls, women and some elderly men who were at Buk Bijela were transported by bus to Foča and kept in the Foča High School, which was situated in the Aladža neighbourhood of Foča. (KUJ 28)
449. Detainees at the Kalinovik High School, where civilians from Gacko, Kalinovik and neighbouring villages were kept, had to sleep on mattresses infested with lice, and there were almost no hygiene facilities. (KUJ 31)
450. At Foča High School, there were one or two guards working in shifts who would prevent the detainees from escaping, but they would not prevent soldiers from entering the facilities. The detainees felt at the complete mercy of their captors. (KUJ 32)
451. On their way from Buk Bijela to Foča High School, the buses with the Muslim women stopped for several minutes in front of the SUP, the local police station. Some of the soldiers who were in the bus got off and entered the police station or talked to the chief of Foča's police, Dragan Gagović, in front of the buses. (KUJ 34)
452. When they tried to seek the protection of the police, the women were treated rudely and their complaints were ignored. One woman personally complained to Dragan Gagović. However, no action was taken to address the women's complaints and the conditions did not improve. One night in mid-July, as she was trying to escape, one woman tried to seek refuge in the police building but as she was approaching it, the policeman standing guard hit her with the butt of his rifle. (KUJ 34)
453. Soldiers and policemen would come constantly, sometimes several times a day; they would point at women and girls or call them by their names and take them out for rape. The women had no choice but to obey those men and those who tried to resist were beaten in front of the other women. (KUJ 35)
454. At Foča High School the girls and women were generally taken for a few hours and returned, sometimes overnight, and some of them were taken away every day. (KUJ 36)
455. After about 10-15 days, most of the women were transferred to Partizan Sports Hall. (KUJ 36)
456. At Partizan, some women were taken out so often, by so many soldiers, that they are consequently unable to assess with precision the number of times they had been raped. One woman roughly estimated that during the entire period of her detention at both Foča High School and Partizan, that is, about 40 days, she was raped approximately 150 times. (KUJ 37)
457. The chief of Foča's police, Dragan Gagović, was seen at Foča High School and Partizan (KUJ 38)
458. The house at Ulica Osmana Đikića no 16 served as a soldiers' headquarters and meeting point. Among those who lived there more or less permanently were Dragan or Dragutin/Dragomir Vuković (aka "Gaga"), Miroslav Kontić (aka "Konta"), DP 7, DP 8, Jure Radović, Dragan Toljić (aka "Tolja"), Bane, Miga and Puko. Several women were brought to this house on several occasions and raped. Some other women and girls were also taken to this house on several occasions for similar abuse. (KUJ 40)

459. Some of the women from Partizan and Kalinovik High School were at some point moved to different houses and apartments where they continued to be raped and mistreated. In particular, at “Karaman’s house” in Miljevina, soldiers had easy access to women and girls whom they raped. (KUJ 41)
460. Some women were kept in private apartments. Some spent a few days in one place before being moved to another apartment, generally with different soldiers. (KUJ 42)
461. Two female detainees, including a 12 year-old girl, spent about 20 days in an apartment in the so-called Lepa-Brena block in Foča during which they were constantly raped by the two occupants of the apartment and by other men who visited. In mid-November, the two women were taken to a house near the Hotel Zelengora. They stayed in this house for approximately 20 days during which they were continually raped by a group of soldiers. This group of soldiers subsequently took them to yet another apartment where they continued to rape them for about two weeks. (KUJ 42)

KP Dom detention facility, Foča

Detention of non-Serb civilians in KP Dom

462. Prisoners at KP Dom numbered between 350 and 500 with peaks at about 750. (KUJ 26)
463. Muslim men were simply interned as a matter of principle, sometimes for periods of up to two and a half years. (KUJ 26)
464. Some of the prisoners were taken out for forced labour, while some others were taken out and never seen again. (KUJ 26)
465. Food at KP Dom was scarce, hygiene facilities were minimal, there were no beds apart from foam mattresses and cover sheets, which were in insufficient number. Food could not be brought freely to detainees at KP Dom. (KUJ 27)
466. Provocation, insults, beatings and other deprivations were commonplace at KP Dom. (KUJ 27)
467. On 17 April 1992, all the male Muslim civilians detained at Livade were transferred to the KP Dom, which had served as a prison prior to the conflict. At this time, soldiers from the Užice Corps in Serbia were running the facility, the control of which was transferred to local Serbs during the course of the following few weeks. (KRJ 40)
468. Other non-Serb civilians from the municipality were also unlawfully arrested and detained in the KP Dom. Several of them arrived at the KP Dom severely beaten and injured. (KRJ 40)
469. The illegal arrest and imprisonment of non-Serb civilian males was carried out on a massive scale and in a systematic way. Hundreds of Muslim men, as well as a few other non-Serb civilians, were detained at the KP Dom without being charged with any crime. (KRJ 41)
470. At its peak in the summer of 1992, there were about 500-600 detainees at the KP Dom. The number decreased from the autumn of 1992 until 1993 when about 200-300 detainees remained. Around October 1994, the last detainees, by then numbering less than 100, were released. (KRJ 41, footnote 142)
471. They were detained there for periods lasting from four months to more than two and a half years. (KRJ 41; KUJ 26)
472. While some Serbs were also held in the KP Dom, they were held legally, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict. By contrast, the non-Serbs were not detained on any legal ground, nor was their continued confinement subject to review. (KRJ 438)
473. Apart from a short period at the beginning of their detention at the KP Dom, Muslim detainees were denied any contact with the outside world or with their families, and (for a long time) with the Red Cross. The legality of their detention was never reviewed by the Serb authorities. (KRJ 42)
474. Many of the detainees were subjected to beatings and other forms of mistreatment, sometimes randomly, sometimes as a punishment for minor breaches of the prison regulations or in order to obtain information or a confession from them. (KRJ 46)

475. The screams and moans of those being beaten could be heard by other detainees, instilling fear among all detainees. Many were returned to their rooms with visible wounds and bruises resulting from the beating. Some were unable to walk or talk for days. (KRJ 46)

The imprisonment of non-Serb men at the KP Dom

476. Between 10 April 1992 and the beginning of June 1992, large-scale arrests of non-Serb civilian men, mostly of Muslim ethnicity, were carried out throughout Foča and its environs. Subsequent to their arrest, the men were transferred to the KP Dom. (KRJ 116)

477. In addition to the mainly civilian population at the KP Dom, there were a small number of Muslim soldiers kept in isolation cells separately from the civilian Muslim detainees. (KRJ 117)

478. The only personal characteristic which featured in the decision to detain these men was their non-Serb ethnicity, the overwhelming majority of those detained being Muslim. (KRJ 118)

479. No consideration was given to age, state of health or civilian status. The detainees ranged in age from 15 years to almost 80 years. (KRJ 118)

~~480. There were many elderly persons among the detained, and there was a substantial group of ill, wounded, physically handicapped and mentally disturbed persons among the detained men. (KRJ 118)~~

~~481. None of the non-Serb men was arrested on the basis of a valid arrest warrant. None of the detainees was shown an arrest warrant at the time of their initial detention or informed orally of the reason for their arrest. (KRJ 119)~~

~~482. Once detained at the KP Dom, none of the detainees was informed of the reason for his detention, the term of his detention or of any possibility of release. (KRJ 120)~~

483. Similarly, interrogations of those detained were conducted sometimes within a few days or weeks, sometimes only after months and, in some cases, never. (KRJ 120)

484. In the course of these interrogations, some of the detainees were asked about weapons, about their membership in the SDA and about their whereabouts before and during the outbreak of the conflict in the area. (KRJ 120)

485. A number of detainees were threatened in the course of the interrogations, and others heard fellow detainees being mistreated in neighbouring rooms. (KRJ 120)

486. None of the detainees was ever actually charged, tried or convicted for any crime before being detained or while detained at the KP Dom. (KRJ 121)

487. None of the detainees was ever advised of their procedural rights before or during their detention. (KRJ 121)

488. Those detained were not criminals under suspicion of having committed a crime or ever accused of having committed a crime under national and/or international law. They were, *inter alia*, doctors and medical health workers, journalists, former KP Dom employees, managers, police officers and other persons of civilian status. (KRJ 122)

489. The establishment and perpetuation of inhumane conditions was carried out with the intent to discriminate against the non-Serbs detainees because of their religious or political affiliations. (KRJ 443)

Guards at KP Dom

490. During the first 2-4 weeks after the start of the conflict, the KP Dom was "policed" by military units, ~~apparently from the Užice Battalion.~~ (KRJ footnote 298)

491. Muslim detainees were rounded up, arrested and taken to the KP Dom by paramilitary units. (KRJ footnote 298)

492. Inside the KP Dom it was mainly members of the military who supervised the Muslim detainees during

their first weeks of captivity. (KRJ footnote 298)

493. From about 18 or 19 April 1992 onwards, at around the same time that Krnojelac was appointed warden, former Serb guards from the KP Dom returned to carry out their work assignments. (KRJ footnote 298)
494. Essentially two categories of individuals were involved in the beating of non-Serb detainees: guards of the KP Dom and people coming from outside of the KP Dom. (KRJ 317)
495. In respect of the first group, many guards were involved in these beatings, including Dragomir Obrenović, Milenko Burilo, Milenko Elčić, Zoran Matović, Vlatko Pljevaljčić, Predrag Stefanović, Jovo Savić, Radovan Vuković, Milovan Vuković, Milivoj Milić, and Milenko Elčić. These guards called the detainees out of their room and took them to other rooms where they knew that they would be beaten and sometimes personally took part in the beatings themselves. (KRJ 317)

Power of the Ministry of Justice and the military in relation to KP Dom

496. As both temporary warden and warden, Krnojelac was responsible to the Ministry of Justice, and to a certain extent to the Military Command. (KRJ 104)
497. Krnojelac could inform the Foča Tactical Group of convicted Serbs who wished to be released from the KP Dom to allow them to join fighting units and make recommendations as to whom should be released for this purpose. (KRJ 104)
498. One important ramification of the lease agreement with the military was that it was the Military Command and, in particular, Commander Kovač and not the Ministry of Justice who had power to make decisions concerning which non-Serb detainees would be detained in and released from the KP Dom. (KRJ 104)
499. In this respect, Krnojelac was obliged to forward requests for release of these detainees to the Crisis Staff or the Foča Tactical Group. (KRJ 104)
500. The military did, however, have an obligation to ensure that Krnojelac was kept informed about who it decided was to be detained and who was to be released, and Krnojelac did exercise some powers in this regard such as his proposal that detainees held at Bileca prison be transferred to the KP Dom. (KRJ 104)
501. The Military Command could also make decisions about which persons would be permitted to enter the KP Dom, and it had some power over the appointment of persons to work assignments at the KP Dom and the type of work to be completed by persons assigned to work at the KP Dom. (KRJ 104)
502. A general consequence of the conflict situation was that guards assigned to the KP Dom who were of military age and in good health were required from at least 30 September 1992 until 2 September 1993 to spend time on the frontline. (KRJ 104)
503. This factor, however, did not impinge upon Krnojelac's authority over these guards while performing duties at the KP Dom. (KRJ 104)

Paramilitaries at KP Dom

504. There were also certain groups who entered the KP Dom over whom Krnojelac could exercise only limited control. These included the investigators and the paramilitaries. (KRJ 105)
505. Members of the military would enter the KP Dom, although they needed the prior permission of the military authorities. (KRJ 105)
506. Krnojelac was able to ensure that such persons did not remove detainees from the KP Dom without the appropriate authority from the Military Command. (KRJ 105)
507. The release of non-Serb detainees was a matter for the military and Crisis Staff. (KRJ 106)
508. A warden does not generally have a unilateral power of release, and at the KP Dom it was the Ministry of Justice who had the power over the continued detention of convicted Serb detainees. (KRJ 104)
509. The Military Command had the power to release Serb soldiers imprisoned for military offences during

the conflict. (KRJ 104)

Conditions generally at KP Dom

510. Brutal and deplorable living conditions were imposed upon the non-Serb detainees at the KP Dom in the period from April 1992 to July 1993. (KRJ 133)
511. The non-Serb detainees were forced to endure brutal and inadequate living conditions while being detained at the KP Dom, as a result of which numerous individuals have suffered lasting physical and psychological problems. (KRJ 440)

Space at KP Dom

512. The non-Serb detainees were deliberately housed in cramped conditions. The KP Dom had the capacity to house more than the maximum 500-700 non-Serbs detained, but the detainees were crowded into a small number of rooms. (KRJ 135)
513. Solitary confinement cells designed to hold one person were packed with up to 18 people at a time, making it impossible for the detainees to move around the cell, or to sleep lying down. (KRJ 135)
514. Non-Serbs were locked in their rooms or in solitary confinement at all times except for meals and work duty, and kept in overcrowded rooms even though the prison had not reached its capacity. Because of the overcrowding, not everyone had a bed or even a mattress, and there were insufficient blankets. (KRJ 440)

Hygiene at KP Dom

515. Hygienic conditions were deplorable and washing facilities minimal. Access to baths or showers, with no hot water, was irregular at best. There were insufficient hygienic products and toiletries. (KRJ 44 and 440)
516. Bedding was insufficient or non-existent. The only bed linen provided was that left over from former convicts, and these items were never washed or changed throughout 1992. (KRJ 136; KUJ 27)
517. Changes of clothes or facilities for washing clothes were not supplied. As a result of these conditions, chicken lice spread from the prison farm to the rooms of the detainees. (KRJ 136)

Heating at KP Dom

518. The rooms in which the non-Serbs were held did not have sufficient heating during the harsh winter of 1992. Heaters were deliberately not placed in the rooms, windowpanes were left broken and clothes made from blankets to combat the cold were confiscated. (KRJ 440)
519. Stoves and furnaces had been produced to heat the offices in the administration building, and there was sufficient raw material for such furnaces to have been produced for the non-Serb detainees. However, it was not until October 1993 that furnaces were finally provided to the non-Serb detainees, and then it was by the ICRC. (KRJ 137)
520. The suffering of the non-Serb detainees during the winter of 1992 was the result of a deliberate policy on the part of those in charge of the KP Dom. (KRJ 138)

Food at KP Dom

521. Non-Serb detainees were fed starvation rations leading to severe weight loss and other health problems. They were not allowed to receive visits after April 1992 and therefore could not supplement their meagre food rations and hygienic supplies. (KRJ 440)
522. Non-Serb detainees were given insufficient food, as a result of which many of them suffered substantial weight loss, sometimes more than 40 kilograms or up to a third of their weight. (KRJ 43)
523. There may have been a general shortage of food in the Foča region during the conflict, but there was a deliberate policy to feed the non-Serb detainees

524. In contrast, Serb convicts and detainees received “regular army food”, not very appetising but nutritious enough to prevent serious weight loss. (KRJ 139)
525. The contrast between the weight loss of non-Serb detainees and the Serb prisoners makes it apparent that non-Serb detainees were fed much less than the Serb detainees. (KRJ 139)
526. The food for all detainees at the KP Dom was cooked in the same cauldron, but that nutritious ingredients, like meat, beans, vegetables and spices, were added to enrich only the meals of Serb detainees and convicts and KP Dom staff, who ate after the non-Serb detainees had received their meals from the cauldron. (KRJ 139)

Medical care at KP Dom

527. Medical care was inadequate and medicine in very short supply. A basic medical service was provided but those in need of urgent medical attention were left unattended or given insufficient treatment. At least one detainee died as a result of the lack of or late medical care. (KRJ 44 and 440)
528. Non-Serb detainees who arrived at the KP Dom with injuries sustained prior to or in the course of their arrest were not given access to medical treatment, nor were non-Serb detainees who were severely beaten during interrogations at the KP Dom. (KRJ 141)
529. Detainees who were kept in isolation cells and solitary confinement were denied all access to medical care. (KRJ 141)

Psychological harm inflicted on detainees at KP Dom

530. The camp conditions were psychologically exhausting for the non-Serbs. They were terrified by the sounds of torture and beatings over a period of months. (KRJ 440)
531. Since they could not identify any criteria for the selection, many non-Serb detainees suffered a continuing fear that they would be taken away next for similar treatment. (KRJ 440)
532. Any attempts made by non-Serb detainees to improve their living conditions in the camp were punished with solitary confinement. (KRJ 142)
533. Acts which resulted in beatings or periods in the isolation cells included efforts to get additional food, or access to warm water, and attempts to communicate with each other, the guards, or the outside world. (KRJ 142)

Killings during June and July 1992 in KP Dom

534. During the months of June and July 1992, KP Dom guards went to the rooms of the detainees after the roll call and called out from a list the names of individuals to accompany them for interrogations. (KRJ 333)
535. They were taken into one of the rooms on the left and right hand sides of the staircase, or into a room which was situated in the left wing of the administration building, or the next room. There they were often beaten. (KRJ 333)
536. The beatings lasted well into the evening and the sounds of the beating and the screams of the victims could be heard by other detainees at the KP Dom. (KRJ 333)
537. When the beating stopped, victims were sometimes taken to an isolation cell. In other instances, the sound of pistol shots was heard. (KRJ 334)
538. During and after the beatings, guards of the KP Dom were seen carrying blankets into the administration building and removing what appeared to be bodies in those blankets. (KRJ 335)
539. Blood and bloodied instruments were seen in the rooms where the beatings occurred. (KRJ 335)
540. Many of the detainees alleged to have been murdered at the KP Dom had been subject to earlier beatings or acts of torture at the KP Dom. After their release from the KP Dom, many other detainees made contact with the families of the victims. The families informed them that they had received no contact

from those alleged to have been murdered, and they had been unable to trace the victims. (KRJ 337)

541. The guards of the KP Dom participated with the military in the killing of detainees at the KP Dom. (KRJ 339)
542. Alija Altoka, Hamid "Salem" Bico, Abdurahman Čankušić, Refik Čankušić, Elvedin "Enko" Cedić, Kemal Dželilović, Ramo Džendusić, Adil Granov, Mate Ivancić, Esad Kiselica, Halim, Adil Krajčin, Mustafa Kuloglija, Fuad Mandžo, Krunoslav Marinović, Nurko Nisić, Hamid Ramović, Husein Rikalo, Mithat Rikalo, Zaim Rikalo, Seval Soro, Kemal Tulek, Enes Uzunović, Džemal Vahida, Munib Veiz, and Zulfo, died as a result of the acts of members of the military coming from outside into the KP Dom and of the guards of the KP Dom. (KRJ 339)
543. These acts involved beating, or shooting, the detainees, and they were done by those persons with an intention either to kill them or to inflict grievous bodily harm or serious injury, or in a reasonable knowledge that such acts were likely to cause death. (KRJ 339 and 336)
544. These killings occurred during the months of June and July 1992 (KRJ 331)

KP Dom - Beatings associated with the canteen

545. Individuals or groups of armed soldiers were allowed into the KP Dom compound during the first months of the non-Serb civilians' detention. (KRJ 194)
546. It was not unusual for detainees to be beaten by guards of the KP Dom or soldiers from outside the KP Dom while lining up for lunch in the compound or while being taken back and forth through the compound. (KRJ 194 and 448)
547. Sometime in October 1992, and while lining up, FWS-71 and fellow detainees were approached by five armed policemen who began to beat them for about half an hour before ordering them to lie down on the ground. Mitar Rasević, the Commander of the Guards of the KP Dom, as well as the guards who had escorted them, stood by and watched without interfering. (KRJ 196 and 449)
548. Detainees were systematically beaten and mistreated while detained at the KP Dom. (KRJ 217)

Torture and beatings during interrogation at KP Dom

549. Detainees were regularly taken out of their rooms or from the isolation cells by guards of the KP Dom, soldiers or policemen for the purpose of interrogations. On several occasions, many detainees who had been taken out in that manner were in fact beaten or otherwise mistreated during the interviews for the purpose of obtaining information or a confession or in order to punish them for some minor violation of prison regulations. (KRJ 238)
550. From April 1992 until July 1992 beatings took place on a frequent and systematic basis. KP Dom guards used lists in order to select those detainees to be taken out to the administrative building and beaten there. Some of the detainees were taken out and beaten on several occasions. (KRJ 248)
551. In the course of the summer 1992 prior to the month of July, Vahida Džemal, Enes Uzunović, Aziz Šahinović and Elvedin Čedić were severely beaten by guards of the KP Dom and military policemen, and they were then kept in solitary confinement for several days. (KRJ 257 and 457)
552. KP Dom guards sometimes took part in the beating and they could be overheard, insulting or provoking the victims; at least five guards took part in one or several of those incidents: Dragomir Obrenović, Zoran Matović, Milenko Burilo, Rade Vuković and Pedrag Stefanović. KP Dom guards and individuals coming from outside beat the inmates with their fists and feet or with batons. (KRJ 273)
553. Sometime in June or July 1992, Kemo or Kemal Dželilović, Halim Konjo, Mustafa Kuloglija, Mithat and Zaim Rikalo and Munib Veiz were called out of their rooms as a group and taken to the administration building and severely beaten by KP Dom guards including Milenko Burilo, Zoran Matović, Dragomir Obrenović, Rade Vuković and Pedrag Stefanović. (KRJ 274)
554. When the sounds of the beating died down, several detainees heard shots being fired and FWS-54 saw Matović leaving the administration building and coming back carrying blankets. Shortly thereafter, FWS-54 heard a vehicle leaving the KP Dom. When the vehicle came back 10 or 15 minutes later, he saw men in green-grey uniforms cleaning it with buckets and mops. None of the detainees ever returned,

nor were they ever heard of again. (KRJ 274)

555. Sometime in June or July 1992, Ramo Džendušić and Nail Hodžić were called out of their room, and were subsequently severely beaten by KP Dom guards Milenko Burilo, Dragomir Obrenović and other unidentified individuals on the ground floor of the administration building. The moans of the victims were heard by other detainees. (KRJ 275)
556. Sometime in June or July 1992, Emir Frašto and Husko or Husein Rikalo were taken as part of a group of detainees to the administration building where they were severely beaten. Frašto and Rikalo were taken together with Nurko Nisić and Esad Kiselica. The beating of these four men lasted for about two hours. (KRJ 276)
557. During his detention, in June and July 1992, Adnan Granov was repeatedly beaten by unidentified individuals, KP Dom guards and/or soldiers from outside the KP Dom, including military policemen, on the ground floor of the administration building. He was accused of having travelled to Germany before the war to obtain weapons and of having illegally transmitted radio messages. (KRJ 277)
558. Granov was eventually taken away and he disappeared. (KRJ 277)
559. On one occasion in the summer of 1992, Latif Hasanbegović, Aziz Hasković and Halim Seljanci were taken out together and severely beaten by two KP Dom guards, Zoran Matović and Milenko Burilo. They were beaten all over their bodies, including on the soles of their feet, and one of the guards used a baseball bat for that purpose. As a result, they were barely able to move or to stand on their feet when returned to their room. (KRJ 280)
560. Sometime in June 1992, Kemo or Kemal Isanović and a young man by the last name of Cedić were called out by a soldier from outside the KP Dom, and a KP Dom guard, taken away and severely beaten. Their screams and moans were clearly heard by other detainees. They came back swollen and bruised. (KRJ 281)
561. In September 1992, Rasim Kajgana was taken out of the KP Dom and never seen again. (KRJ 283)
562. Sometime in mid-June 1992, Emir Mandžo was taken to the gate of the KP Dom and brutally beaten. Mandžo was placed on a chair while KP Dom guards or soldiers from outside the KP Dom took his shoes off and inserted his arms and legs through the frame of another chair. (KRJ 287)
563. One of the principal offenders took a baton and beat Mandžo on the arms and legs. Zoran Vuković, a man from Josanica, hit him with his soldier's boot on the jaw, and he fainted. Another KP Dom guard, Zoran Matović, also took part in the beating. (KRJ 287)
564. Azim Mesbur was taken out of his room sometime in September 1992 and was never seen again. (KRJ 290)
565. Mensud Pašović was taken away at some point during the summer of 1992 and never seen again. (KRJ 292)
566. Nečko Rikalo was taken out sometime in late June or early July 1992 and never returned. (KRJ 295)
567. Haso Selimović was taken out and never returned. (KRJ 298)
568. Ševal Šoro was taken away and never returned. (KRJ 302)

KP Dom - Use of detainees to detect landmines

569. Two detainees were taken by troops to Kalinovik in an army truck and were then separated from the other twelve and taken to the police station. There they were kept in the prison and required to drive vehicles for the detection of landmines. (KRJ 410)

Transfer of detainees

570. Groups of detainees were transferred from the KP Dom to other camps in Bosnia and Herzegovina, including the camps at Kula, Kalinovik and Rudo. (KRJ 478)

571. Detainees were taken out of the KP Dom on exchanges. These exchanges generally followed a similar pattern. A KP Dom guard or policeman would come from the gate to the detainees' rooms to call out the detainees for exchanges, according to a list provided by the prison administration. Those selected would then be taken out of the KP Dom. On some occasions they would be beaten first, by KP Dom guards or military personnel. (KRJ 479)
572. While some of these exchanges were bona-fide, allowing detainees to reach territory controlled by Bosnian Muslims, many detainees taken out for exchange simply disappeared. Witnesses confirmed the fact that the "exchanged" detainees had disappeared after they were themselves released or exchanged, either through contact with the families of those that had disappeared, through other former detainees years later, or through attempts to get information from the ICRC about relatives. (KRJ 479)
573. On at least one occasion, detainees were taken across a national border. A group of approximately 55 men were taken for exchange in Montenegro around 30 August 1992, but the bus on which they were being transported was intercepted in Nikšić, Montenegro, by Pero Elez, a Bosnian-Serb soldier, who sent the group back to the KP Dom. (KRJ 482)
574. The group was then divided in two with approximately 20 younger men being taken away, possibly to Goražde, and never seen again. The remaining group of 35 men, of which two witnesses in this case were part, was taken to be exchanged in Rožaj in Montenegro. (KRJ 482)
575. Around 17 or 18 September 1992, between 35-60 detainees were taken out of the KP Dom in two groups, having been told that they were going to pick plums. Detainees were first asked to volunteer for plum-picking duty, but they were in fact eventually selected by KP Dom guards according to a list. (KRJ 484)
576. Those selected for the job were told by the guards not to take their belongings. Detainees who were taken away for plum picking did not return to the KP Dom and were never seen again. (KRJ 484)
577. The bodies of two of those detainees, Murat Crneta and Halid Konjo, were later discovered close to the Goražde frontline near Previla in Bosnia Herzegovina in a mass grave. (KRJ 484)

Specific findings relating to crimes committed by members of the Bosnian Serb forces in Foča municipality

Crimes committed by Dragoljub Kunarac in Foča

578. Dragoljub Kunarac was the leader of a permanent reconnaissance group of about 15 men (including Montenegrin soldiers), which was part of the local Foča Tactical Group or brigade. An order by the commander of the Foča Tactical Group of 7 July 1992 to break the siege of Goražde mentions an instruction to the "Independent Žaga Detachment" to participate in the mopping-up of settled areas in the direction of the 5th Battalion's attack. (KUJ 49)
579. Dragomir "Gaga" Vuković, Jagos Kontić, and DP 7 were members of this group led by Dragoljub Kunarac. (KUJ 50)
580. Kunarac volunteered and took important responsibilities in the carrying out of this plan, taking part in many military operations in the area of Foča. He was therefore aware of the way in which these villages were attacked and their Muslim inhabitants treated. (KUJ 582)
581. Dragoljub Kunarac also knew that Muslim women were specifically targeted, as he himself took several of them to his men and raped some of them himself. (KUJ 583)
582. In the course of one of these rapes, Kunarac expressed with verbal and physical aggression his view that the rapes against the Muslim women were one of the many ways in which the Serbs could assert their superiority and victory over the Muslims. (KUJ 583)
583. In addition, Kunarac removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape. (KUJ 583)
584. The girls and women, who were selected by Kunarac or by his men, were systematically taken to the soldiers' base, a house located in Ulica Osmana Đikića no 16. There, the girls and women, whom he knew were civilians, were raped by Kunarac's men or by Kunarac himself. (KUJ 584)

585. On 3 August 1992, Kunarac went back from Trnovače to the house in Ulica Osmana Đikića no 16 where he took four women, and, possibly in the company of DP 3, he drove them to Miljevina. There, the women were handed over to DP 3's men and brought to "Karaman's house". While kept in this house, the girls were constantly raped. (KUJ 625)
586. Dragoljub Kunarac took one Muslim woman out of Partizan and drove her to Ulica Osmana Đikića no 16 together with "Gaga". She was raped there first by "Gaga" and two other men and then forced to have sexual intercourse with Dragoljub Kunarac because she had been threatened with death by "Gaga". Dragoljub Kunarac had sexual intercourse with her in the full knowledge that she did not freely consent. Kunarac was fully aware of the rapes inflicted upon her by the other soldiers. (KUJ 647)
587. A second Muslim woman was gang-raped in the same house, while a third woman was being raped by the three soldiers and Dragoljub Kunarac. The first woman was taken to a separate room by "Gaga" who ordered her to have sex with a 16-year-old boy nicknamed "Zuca". (KUJ 648)
588. The third woman was subsequently gang-raped by a group of soldiers, vaginally and orally. (KUJ 649)
589. Kunarac acted intentionally and with the aim of discriminating between the members of his ethnic group and the Muslims, in particular its women and girls. The treatment reserved by Kunarac for his victims was motivated by their being Muslims, as is evidenced by the occasions when the accused told women, that they would give birth to Serb babies, or that they should "enjoy being fucked by a Serb". (KUJ 654)
590. On 2 August 1992, Dragoljub Kunarac went to Partizan Sports Hall where he took out four women and drove them to the house in Ulica Osmana Đikića no 16, where some women who had been taken out of the Kalinovik school had already arrived. (KUJ 670)
591. Kunarac took these women to this house in the knowledge that they would be raped by soldiers during the night. Kunarac took one woman to one of the rooms of the house and forced her to have sexual intercourse in the knowledge that she did not consent. She was also raped by other soldiers that same night. Two other women were repeatedly raped by other soldiers. (KUJ 670)
592. In the second half of July 1992 three Serb soldiers looted the apartment of a Muslim woman and took her to the banks of the Cehotina river in Foča near Velečevo, where the three soldiers raped her vaginally and orally. The rapes resulted in severe mental and physical pain for her. One of the soldiers was Dragoljub Kunarac. (KUJ 710-714)
593. On 2 August 1992, Dragoljub Kunarac took three women out of Ulica Osmana Đikića no 16, and, together with "Gaga" and another soldier, took them to an abandoned house in Trnovače, where Dragoljub Kunarac raped one of the women while another woman was raped by the other soldier. (KUJ 717-727)

Crimes committed by Radomir Kovač in Foča

594. During the armed conflict, Radomir Kovač was a member of a military unit, formerly know as the "Dragan Nikolić unit". (KUJ 52)
595. Kovač personally took part in the violent take-over of Trosanj on 3 July 1992, an undefended village whose inhabitants had taken to the woods in fear. During the attack, several villagers were killed or beaten up and the women were rounded up. two of the women who were later kept in Kovač's apartment, had actually been captured in this village that very day. Kovač knew and conceded that the four women were civilians. (KUJ 586)
596. While four girls were kept in his apartment, Radomir Kovač abused them and raped three of them many times, thereby perpetuating the attack upon the Muslim civilian population. Kovač would also invite his friends to his apartment, and he sometimes allowed them to rape one of the girls. (KUJ 587)
597. Kovač also sold three of the girls. Prior to their being sold, Kovač had given two of these girls, to other Serb soldiers who abused them for more than three weeks before taking them back to Kovač, who proceeded to sell one and give the other away to acquaintances of his. (KUJ 587)
598. On or about 30 October 1992, four women were taken from "Karaman's house" and brought by Dragan Zelenović and two soldiers to the Lepa Brena building block in Foča. There, they were handed over to Radomir Kovač. Another man named Jagos Kostic lived in Radomir Kovač's apartment. (KUJ 748)

599. Two women were detained in Radomir Kovač's apartment for about a week, starting sometime at the end of October or early November 1992. Kovač had sexual intercourse with the two women in the knowledge that they did not consent, and that he substantially assisted other soldiers in raping the two women. (KUJ 759)
600. Kovač did this by allowing other soldiers to visit his apartment and to rape the women or by encouraging the soldiers to do so, and by handing the girls over to other men in the knowledge that they would rape them and that the girls did not consent to the sexual intercourse. (KUJ 759)
601. After about a week, Kovač handed the two women over to other soldiers whom he knew would most likely continue to rape and abuse them. Kovač eventually sold the 12 year-old girl to an unidentified soldier, and handed over two others, in the almost certain knowledge that they would be raped again. (KUJ 759)
602. Two other women were also detained in Radomir Kovač's apartment for approximately four months from 31 October 1992. One of them was raped by both Kovač and Jago Kostić. Kovač reserved her for himself and raped her almost every night he spent in the apartment. (KUJ 761, 765)
603. Sometime between about 31 October 1992 and about 7 November 1992, while in Radomir Kovač's apartment, three of the women were forced to strip and dance naked on a table while Kovač watched them from the sofa, pointing weapons at them. (KUJ 772)

Crimes committed by Zoran Vuković in Foča

604. Zoran Vuković also knew about the attack against the Muslim civilian population and willingly took part in it. Vuković was present at Buk Bijela on 3 July 1992 when the villagers from the area, mainly women and children, were brought to this settlement. He knew of the beatings which took place there, as he was seen leading away a man who was covered in blood. (KUJ 589 and 588)
605. Vuković also knew of the rapes which were being perpetrated, as he himself raped a woman that very day in Buk Bijela. This rape shows Vuković's knowledge of and willing participation in the attack upon the Muslim civilians. (KUJ 589 and 588)
606. Sometime in mid-July 1992, Zoran Vuković and another soldier came to Partizan Sports Hall looking for a particular woman. She was taken out of Partizan Sports Hall to an apartment and taken to a room by Vuković where he forced her to have sexual intercourse with full knowledge that she did not consent. (KUJ 594 817)

General findings about crimes committed by Kunarac, Kovač and Vuković

607. Kunarac, Kovač and Vuković were aware that there was an attack on the Muslim civilian population going on, and they willingly took an active part in it. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković mistreated Muslim girls and women, and only Muslim girls and women, *because* they were Muslims. (KUJ 592)
608. Kunarac, Kovač and Vuković therefore fully embraced the ethnicity-based aggression of the Serbs against the Muslim civilians, and all their criminal actions were clearly part of and had the effect of perpetuating the attack against the Muslim civilian population. (KUJ 592)

8. Visegrad municipality

The Conflict in Višegrad

609. The municipality of Višegrad is located in south-eastern Bosnia and Herzegovina, bordered on its eastern side by the Republic of Serbia. Its main town, Višegrad, is located on the eastern bank of the Drina River. (VJ 39)
610. In 1991, about 21,000 people lived in the municipality, about 9,000 in the town of Višegrad. Approximately 63% of the population was of Muslim ethnicity, while about 33% was of Serb ethnicity. (VJ 39)
611. In November 1990, multi-party elections were held in this municipality. Two parties, the primarily Muslim SDA (Party for Democratic Action) and the primarily Serb SDS (Serbian Democratic Party),

- shared the majority of the votes. (VJ 40)
612. The results closely matched the ethnic composition of the municipality, with 27 of the 50 seats that composed the municipal assembly being allocated to the SDA and 13 to the SDS. (VJ 40)
613. From early 1992, Muslim citizens were disarmed or requested to surrender their weapons. (VJ 41)
614. In the meantime, Serbs started arming themselves and organised military training. (VJ 41)
615. Muslims also attempted to organise themselves, although they were much less successful in doing so. (VJ 41)
616. From 4 April 1992, Serb politicians repeatedly requested that the police be divided along ethnic lines. (VJ 42)
617. Soon thereafter, both of the opposing groups raised barricades around Višegrad, which was followed by random acts of violence including shooting and shelling. In the course of one such incident, mortars were fired at Muslim neighbourhoods. (VJ 42)
618. As a result, many civilians fearing for their lives fled from their villages. (VJ 42)
619. In early April 1992, a Muslim citizen of Višegrad, Murat Sabanović, took control of the local dam and threatened to release water. (VJ 42)
620. On about 13 April 1992, Sabanović released some of the water, damaging properties downstream. (VJ 42)
621. The following day, the Užice Corps of the Yugoslav National Army ("JNA") intervened, took over the dam and entered Višegrad. (VJ 42)
622. Even though many Muslims left Višegrad fearing the arrival of the Užice Corps of the JNA, the actual arrival of the Corps had, at first, a calming effect. (VJ 43)
623. After securing the town, JNA officers and Muslim leaders jointly led a media campaign to encourage people to return to their homes. (VJ 43)
624. Many actually did so in the later part of April 1992. The JNA also set up negotiations between the two sides to try to defuse ethnic tension. (VJ 43)
625. Some Muslims, however, were concerned by the fact that the Užice Corps was composed exclusively of Serbs. (VJ 43)
626. Soon thereafter, convoys were organised, emptying many villages of their non-Serb population. (VJ 44)
627. On one occasion, thousands of non-Serbs from villages on both sides of the Drina River from the area around the town of Višegrad were taken to the football stadium in Višegrad. (VJ 44)
628. There, they were searched for weapons and were addressed by a JNA commander. He told them that the people living on the left side of the Drina River could return to their villages, which had been cleansed of "reactionary forces", whereas the people from the right side of the Drina River were not allowed to go back. (VJ 44)
629. As a consequence, many people living on the right side of the Drina River either stayed in the town of Višegrad, went into hiding or fled. (VJ 44)
630. On 19 May 1992, the JNA withdrew from Višegrad. Paramilitary units stayed behind, and other paramilitaries arrived as soon as the army had left town. Some local Serbs joined them. (VJ 45)
631. Those non-Serbs who remained in the area of Višegrad, or those who returned to their homes, found themselves trapped, disarmed and at the mercy of paramilitaries which operated at least with the acquiescence, of the Serb authorities, in particular by the then Serb-only police force. (VJ 47)
632. As early as June 1992, non-Serb civilians were arbitrarily killed. (VJ 49)

633. ~~Many other incidents of arbitrary killings of civilians took place in Višegrad during this period. (VJ 51)~~
634. For the next few months, hundreds of non-Serbs, mostly Muslim, men and women, children and elderly people, were killed. (VJ 51)
635. ~~Many of those who were killed were simply thrown into the Drina River, where many bodies were found floating. (VJ 52)~~
636. Hundreds of other Muslim civilians of all ages and of both sexes were exhumed from mass graves in and around Višegrad municipality. (VJ 52)
637. The number of disappearances peaked in June and July 1992. Sixty-two percent of those who went missing in the municipality of Višegrad in 1992 disappeared during those two months. Most if not all of those who disappeared were civilians. (VJ 53)
638. The pattern and intensity of disappearances in Višegrad paralleled that of neighbouring municipalities which now form part of Republika Srpska. Disappearances in those various neighbouring municipalities occurred at approximately the same time. (VJ 53)
639. Non-Serb citizens were subjected to other forms of mistreatment and humiliation, such as rapes or beatings. (VJ 54)
640. Many were deprived of their valuables by Milan Lukić and his men amongst others. (VJ 54)
641. Many non-Serb civilians who had not yet fled were systematically expelled in an orderly fashion. (VJ 55)
642. Convoys of buses were organised to drive them away, and the police force sometimes escorted them. (VJ 55)
643. In the process of their transfer, identification documents and valuables were often taken away. (VJ 55)
644. In one incident, Muslim men who had been told that they would be exchanged were taken off a bus, lined up and executed. (VJ 55)
645. Muslim homes were looted and often burnt down. (VJ 55)
646. The two mosques located in the town of Višegrad were destroyed. (VJ 55)

Attack upon non-Serb population in Višegrad

647. All times between May 1992 and 10 October 1994³, there was an armed conflict in the municipality of Višegrad. (VJ 57)
648. ~~There was a widespread and systematic attack against the non-Serb civilian population of the municipality of Višegrad between May 1992 and 10 October 1994. (VJ 58)~~
649. ~~The attack took many forms, starting with the Serb take over of the town and the systematic and large-scale criminal campaign of murders, rapes and mistreatment of the non-Serb population of this municipality, particularly the Muslims, which eventually culminated in one of the most comprehensive and ruthless campaigns of ethnic cleansing in the Bosnian conflict. (VJ 58)~~
650. Within a few weeks, the municipality of Višegrad was almost completely cleansed of its non-Serb citizens, and the municipality was eventually integrated into what is now Republika Srpska. (VJ 58)

Višegrad - Paramilitary group led by Milan Lukić

651. ~~Soon after the withdrawal of the Užice Corps of the JNA from Višegrad on 19 May 1992, several paramilitary organisations carried out widespread criminal activity within the territory of the municipality of Višegrad. (VJ 72)~~

³ The original finding reads: "At all times relevant to the Indictment." The period covered by the Indictment against Vasiljević concerns the period between May 1992 and 10 October 1994.

652. A particularly violent and feared group of Serb paramilitaries was led by Milan Lukić (hereinafter “the paramilitary group”). (VJ 46 and 72)
653. With these men and other individuals from the area of Višegrad, Milan Lukić formed a paramilitary group which in the course of a few weeks committed dozens of crimes, ranging from looting to rape and murder. (VJ 46 and 72)

Pionirska Street Incident - Višegrad

654. On 14 June 1992, more than 60 Muslim civilians of all ages fleeing from Koritnik and Sase were locked up in a Muslim house in Pionirska Street, Višegrad, by local Serb paramilitaries led by Milan Lukić. (VJ 50)
655. The house was then set on fire. (VJ 50)
656. Those who tried to escape through one of the windows were shot at and all but six were burned alive. (VJ 50)
657. On Sunday, 14 June 1992, the fourth day of Kurban Bajram, a group of about 60 Muslim civilians were forced to leave the village of Koritnik as part of the ongoing campaign of “ethnic cleansing”. (VJ 118)
658. This group, comprising mainly women, children and the elderly, was joined by about five other individuals from the area of Sase (“Koritnik group”), and they travelled on foot to the town of Višegrad in search of a convoy which would take them to Muslim-held territory. (VJ 118)
659. In its search for the convoy, the group inquired at the police station and was directed onwards to the Višegrad Hotel where the Red Cross was alleged to have been situated. (VJ 118)
660. The group was instructed to spend the night in the houses vacated by the fleeing Muslim population in the Mahala neighbourhood. (VJ 119)
661. The group departed from the hotel to Pionirska Street in the Mahala neighbourhood. (VJ 120)
662. There, the group at first settled in two houses belonging to the Memić family, which were situated next to each other. (VJ 120)
663. Later they moved into a single house, the house belonging to Jusuf Memić (“the Memić house”). (VJ 120)
664. About one hour later, sometime between 4.30 and 6.00 pm, a group of armed men arrived at the Memić house. (VJ 121)
665. Amongst the armed men were Milan Lukić, Sredoje Lukić and Milan Sušnjar (also known as “Laco”). (VJ 121)
666. Some of the armed men entered the house whilst others remained outside. (VJ 121)
667. Inside the house, the armed men ordered the people in the group to hand over their money and valuables, and subjected them to a strip search. (VJ 121)
668. The armed men left the house at around 7.00 to 7.30 pm, and they instructed the Koritnik group to remain in the house for the night. (VJ 122)
669. Before they left, some of the armed men took out Jasmina Vila and another woman and raped them. (VJ 122)
670. Sometime later, a car of armed men returned to the house and ordered the group to move to another house. (VJ 123)
671. The men who had been at the house earlier were amongst those who returned, including Milan Lukić, Sredoje Lukić and Milan Sušnjar. (VJ 124)
672. The Koritnik group was told that the “Green Berets” were attacking and that they were to be moved to a safe place. (VJ 124)

- ~~673. The group was then transferred to the house of Adem Omeragić ("the Omeragić house"), situated about 20 to 50 metres away from the Memić house and next to the creek. (VJ 124)~~
- ~~674. The Koritnik group was crowded into a single room in the ground floor of the Omeragić house, where there were already a number of other people. (VJ 125)~~
- ~~675. The group was then locked inside the house. (VJ 125)~~
- ~~676. Sometime later, the door of the room was opened and armed men introduced an incendiary or explosive device into the overcrowded room. (VJ 125)~~
- ~~677. This device ignited a fire near the door. (VJ 125)~~
- ~~678. The house had been prepared in advance for the fire. (VJ 126)~~
- ~~679. The fire was high and it spread quickly, demonstrating that some type of flammable substance had been used. (VJ 126)~~
- ~~680. As the flames spread, the armed men hurled more explosives into the house. (VJ 127)~~
- ~~681. Some of the people in the house attempted to get out by breaking the glass of the window and jumping out. (VJ 127)~~
- ~~682. Some of the armed men stood outside underneath the windows to shoot at those who were attempting to flee. (VJ 128)~~
- ~~683. With the aid of flashlights they shot at those who were jumping out of the window or who had already done so. (VJ 128)~~
- ~~684. Approximately sixty six (66) people died as a result of the fire. (VJ 128)~~