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ANNEX IV
THE POLICY OF ETHNIC CLEANSING

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Summary and Conclusions

I. INTRODUCTION

1. Part I of the following Annex briefly describes the historical antecedents to the current conflict in the former Yugoslavia. Part II describes the development of the policy of "ethnic cleansing" and the early stages of its implementation in Bosnia and Herzegovina (BiH). Part III focuses upon one "ethnic cleansing" campaign in the Bosnian city of Zvornik and describes the military attack on and expulsion of the Muslim population of the city.

2. As used in this report, "ethnic cleansing" means rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group.

3. All parties involved in the conflict have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. These violations include the killing of civilians, rape torture, and the deliberate destruction of civilian property, including cultural and religious property, such as churches and mosques. But, there are significant qualitative differences. Most of the violations were committed by Serbs against Bosnian Muslims. The second largest group of victims were Croats, whose perpetrators have been Serbs from Serbia, BiH, and the Krajinas. Both Bosnian Muslims and Catholic Croats have also victimized Serbs in BiH and Croatia, but in lesser number. The policy of "ethnic cleansing", however, has been systematically carried out by Serbs in BiH and Croatia against their opponents, though Croats have also carried out similar policies, but on a more restricted scale, against Serbs in Croatia and Muslims in Herzegovina. Forceful population removal by BiH of Serbs has also occurred in some limited areas, but not as a policy. In fact, BiH occupied areas contain both Croats and Serbs, while Bosnian Serb areas have been cleansed of all but Serbs. The Krajinas in Croatia also have been cleansed of Croats, while eastern and western Slavonia (Croatia) have been cleansed of Serbs.

4. Croatian forces in the Republic of Croatia and BiH have engaged in "ethnic cleansing" practices against Serbs and Muslims. Croats, for example, have conducted "ethnic cleansing" campaigns against Serbs in eastern and western Slavonia and in parts of the Krajina region, as well as against Muslims in the Mostar area. While Bosnian Muslim forces have engaged in practices that constitute "grave breaches" of the Geneva Conventions and other violations of international humanitarian law, they have not engaged in "ethnic cleansing" operations. The vast majority of reports alleging "ethnic cleansing" operations involved Serbian forces who have used means, such as the mass killing of civilians, torture, sexual assault, the bombardment of cities, the destruction of mosques and churches, and other practices to eliminate Muslim and Croat populations that lie within Serb-claimed territory.

5. "Ethnic cleansing" by Serb forces has been systematic and apparently well-planned. As early as mid-1990, the Yugoslav Army (JNA) began to arm and supply local Serb forces in BiH. The "ethnic cleansing" campaigns in the early stages of the conflict involved coordinated attacks by JNA and paramilitary forces that sometimes operated from the Republic of Serbia. As the war and "ethnic cleansing" continued, the Federal Republic of Yugoslavia (FRY) persisted in supplying logistical support, arms, fuel, and other supplies to Serb forces in Croatia and BiH. "Ethnic cleansing" has involved means, such as the mass killing of civilians, sexual assault, the bombardment of cities, the destruction of mosques and churches, the confiscation of property and similar measures to eliminate, or dramatically reduce, Muslim and Croat populations that lie within Serb held territory.

6. According to the Special Rapporteur of the UN Commission on Human Rights, by late 1993, over 2.1 million people had been displaced from their homes since the conflict in the BiH region. 1/

II. EARLY HISTORY

7. The Slavic people migrated from the caucuses to the Balkan peninsula between the Sixth and the Eighth Century. Between the Ninth and Twelfth Century, Croats, Bosnians, and Serbs developed distinct historical and cultural identities.

8. The division of the Christian Church in 1054 reinforced the fault line that earlier divided the Roman Empire. 2/ On the eastern side of the line lie the cultural heritage of the Greek world, the Eastern Orthodox Church and users of the Cyrillic script. On the western side lie the Roman Catholic Church.

9. In the 17th Century the Ottoman Turks encroached on the Balkan peninsula and defeated Serb, Bosnian, and Albanian forces at the Battle of Kosovo Polje (Field of Blackbirds) in June 1389. The event was to become of particular historical significance to the Serbs and is commemorated as the symbolic end to the independent Serbian medieval kingdom. 3/

10. Members of the Bosnian Church, which was distinct from the Roman Catholic and Eastern Orthodox Churches, converted to Islam during this period. These conversions were in part due to the promise of better conditions by Turkish rulers.

11. In the 17th Century, the Ottoman and Hapsburg empires clashed and the Treaty of Karlowitz transferred some Ottoman lands to Christian powers in 1699. The entry of the European powers into the region further accentuated the divisions that had occurred earlier. Croats and Slovenes were firmly part of the west, embracing Catholicism and looking towards the western powers for leadership. The Serbs and Bosnians remained within the Ottoman Empire. For the Serbs, Russia became a growing influence, and as Ottoman power in the region waned Russia assumed the rule of protector of all Orthodox Christians in the Balkans.

12. Independence movements appeared in Serbia in the early 19th Century and by 1830, Serbia had achieved autonomous status within the Ottoman Empire. Strong nationalist sentiments continued to grow throughout the Nineteenth Century. Serbs increasingly viewed their mission as one of liberating and unifying the lands in which Serbs lived. It was during this period that the idea of a "Greater Serbia" first emerged.

III. THE BALKAN WARS AND THE WORLD WARS

13. Two Balkan wars were fought in 1912 and 1913, finally freeing the peninsula from Ottoman control. 4/ Serbia made territorial gains by absorbing Kosovo and part of Macedonia. However, Serbia did not achieve its objective of uniting with Serbian regions of the Hapsburg Empire, including sections of Bosnia-Herzegovina, Croatia, and Vojvodina. 5/ The two Balkan wars experienced ethnic conflict on a massive scale. The worst atrocities appear to have been related to efforts to unite the peninsula's Serbian population. In 1914, an International Commission found:

"[h]ouses and whole villages reduced to ashes, unarmed and innocent populations massacred en masse, incredible acts of violence, pillage and

brutality of every kind--such were the means which were employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of [these] regions." 6/

14. Serb nationalists, incensed by the Hapsburg annexations of Bosnia-Herzegovina in 1908, assassinated Archduke Franz Ferdinand in 1914. The event, on the anniversary of the Battle of Kosovo, sparked the first World War.

15. Following the First World War, unity was finally achieved when King Alexander of Serbia proclaimed the Kingdom of Serbs, Croats and Slovenes. The new state, however, was plagued by ethnic conflict from its inception. Croats, fearing Serbian domination, sought greater self-government within a looser confederation. It was during this period that the Croatian Ustaša (Uprising) movement was born. Its goal was Croatian independence, through violence if necessary.

16. Yugoslavia surrendered to the Axis powers in 1941, leading to German and Italian occupation of the country. In Serbia, the Germans installed a regime headed by Serbian General Milan Nedić. During the war, the Croatian leadership launched a campaign of annihilation against its Serbian population. Some Muslims joined the Croats' efforts against the Serbs, though many have fought alongside the Ustaše regime and against the Germans and the Italians. Pavelić sought to create an ethnically and religiously homogenous state. The Serbs of Croatia were faced with the alternatives of extermination, expulsion, or conversion to Catholicism. Serb officials maintain that a system of death camps, covering 210 square miles, ran along the Sava River. It has been estimated that between 350,000 and 750,000 Serbs were killed during this period.

17. In October 1944, Tito's partisans, with Soviet assistance, took Belgrade and a communist regime was established. A federal system was constructed, consisting of six Republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro. Serbia included two autonomous provinces, each containing a high concentration of an ethnic minority: Kosovo and Vojvodina. Ethnic tensions persisted in the post war years. Tito, however, effectively repressed ethnic and nationalist movements, such as the Croatian reformist movement of the early 1970s.

IV. PRELUDE TO THE BREAKUP

18. After Tito's death in 1980, a resurgent Serbian nationalism was led by Slobodan Milošević. To achieve, and later to consolidate his power, Milošević organized massive demonstrations in support of Serbs living in the province of Kosovo, which had a predominantly ethnic Albanian population. When disturbances broke out in Kosovo in 1989, Milošević imposed martial law.

19. Within the Republic of Serbia, the tenor of political life became increasingly strident. Faced with a disintegrating nation-state, Milošević denounced his domestic political opponents as "enemies of Serbia". 7/ His opponents in the other Republics were compared to vampires and fascists. 8/

20. In February 1989, the Serbian Republican Assembly amended its constitution and revoked the autonomous status of Kosovo and Vojvodina. This display of Serbian nationalism, coupled with the use of force in Kosovo, generated apprehension within the other Republics. The resulting tension between the six Republics led to the breakup of the League of Communists in early 1990. In January of that year Slovenian delegates to the Extraordinary Congress of the League of Communists demanded an end to the Communist party's

"leading role" and the establishment of a multi-party state. Clashing with the Serbian delegates, the Slovenians walked out of the Congress.

V. THE CURRENT CONFLICT

21. The present conflict emerged in early 1990 when Serbia and three of the other five republics failed to reach an agreement concerning the structure of the federal government. The Republics of Slovenia, Croatia and Bosnia and Herzegovina (BiH) sought a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more centralized federation in order to maintain its dominant role. This conflict resulted in efforts by Croatia, Slovenia, and later BiH and Macedonia, to secede from Yugoslavia.

22. Slovenia and Croatia declared their independence on 25 June 1991, Two days later, the Yugoslav Peoples Army (JNA) attacked the provisional militia. The war in Slovenia lasted only ten days, but it soon spread to Croatia , where the conflict would be more protracted and bloodier.

23. In response to the Croatian vote for independence, Serbs living in Croatia's Krajina region established a Serbian National Council and scheduled an August referendum on their secession from Croatia. Breakaway republics were also established by the Serbs in BiH. These breakaway republics received small arms, artillery, missile launching systems and other support from their supporters in Serbia. In addition, Croats living in BiH established the Croatian Republic of Herzeg-Bosna, and they received arms and other assistance from supporters in Croatia. 9/

24. The JNA, according to numerous reports, was involved in the conflict in Croatia from its inception. When the Serbs of Croatia's Krajina region declared their independence, there was a massive transfer of heavy weapons from the JNA to Serb paramilitary forces. In addition, there was an influx of supplies from Serbia itself. Serb paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps. They also were able to obtain a large number of sophisticated weapons and vehicles. 10/

25. Coordination between the JNA and local Serb forces was apparent in the destruction of Vukovar in 1991. A mass grave found at Ovcara is thought to contain the remains of at least 200 Croats who had been taken from a Vukovar hospital, summarily executed, and buried in a shallow grave.

26. In April 1992, when the conflict in BiH broke out, the JNA had approximately 80,000 troops deployed there. In early May, General Ratko Mladić was appointed JNA commander. Under pressure from the international community, on 19 May 1992, the FRY announced that it was withdrawing its forces. However, Yugoslav officials said that JNA personnel from BiH could remain there and fight on behalf of the Bosnian Serbs (see Annex III, Military Structure).

27. In the weeks following BiH's recognition by the European Community, JNA and Bosnian Serb forces attacked Bosnian towns such as Prijedor and other villages in the Kozarac region of northeast BiH, and Zvornik in northwest BiH. Similar attacks have occurred in many cities and villages along the Drina and Sava Rivers. These areas of BiH have high concentrations of Bosnian Serbs. The purpose of the attacks seems clear: Serb forces have sought to consolidate their control over these territories and link them with each other, as well as with Serb-controlled areas of Croatia.

VI. THE "ETHNIC CLEANSING" CAMPAIGN IN BiH

28. Although "ethnic cleansing" occurred to some extent in the conflict in Croatia, it was in BiH that a distinct pattern of "ethnic cleansing" could be discerned. First, Bosnian Serb paramilitary forces, often with the assistance of the JNA, seize control of the area. In many cases, Serbian residents are told to leave the area before the violence begins. The homes of non-Serb residents are targeted for destruction and cultural and religious monuments, especially churches and mosques, are destroyed. Second, the area falls under the control of paramilitary forces who terrorize the non-Serb residents with random killings, rapes and looting. Third, the seized area is administered by local Serb authorities, often in conjunction with paramilitary groups. During this phase, non-Serb residents are detained, beaten and sometimes transferred to prison camps where further abuse, including mass killings, have occurred. Non-Serb residents are often fired from their jobs and their property is confiscated. Many have been forced to sign documents relinquishing their rights to their homes before being deported to other areas of the country.

29. According to one military expert of Jane's Information Group:

"[the Commander of the Bosnian Serb military forces] has a clear military aim: the consolidation of Serb-held territory of Bosnia; the eradication of Muslim enclaves within them, such as Goražde, and the severance of any possible military link between Muslims in Bosnia and those in the Sanjak area of Serbia." 11/

30. The policy of "ethnic cleansing" has been implemented consistently throughout an area incorporating an arc that ranges from north-eastern BiH through the regions of eastern and western BiH, adjacent to the Serb Krajina area of Croatia.

31. The Serbs "ethnic cleansing" campaign was shaped by several factors. First, the demographics of the region ensured that any attempt to establish "ethnically pure" areas would entail tremendous dislocations. In BiH, the pre-war population was approximately 40 per cent Muslim, 32 per cent Serb, and 18 per cent Croat. 12/ The areas of Serb preponderance are primarily located in the north-east, south-east and north-west portions of the country. However, these areas are neither homogenous nor contiguous. The areas in which Serbs are numerically dominant include substantial populations of Muslims and Croats.

32. Populations can be removed, even forcibly removed, without extreme bloodshed. Ethnic minorities could have been ejected from their homes, gathered at a central locations, and transported to another region. This, however, would have required a strong and well-organized regular army. The Bosnian Serb Army was neither numerically strong enough, nor sufficiently well-organized, especially in the first stages of the conflict in BiH, to accomplish this task. Thus, Serb officials relied on the use of terror, entailing mass killings, torture, rapes, and prison camps to eradicate the non-Serb population. The non-Serbs had to be sufficiently terrorized to ensure that they would flee the area and never return.

33. The character of "ethnic cleansing" was partly determined by its reliance on local officials and paramilitary leadership. Local officials relied on police and militia to help expel non-Serbs from Serb-controlled land, and these forces were often ill-equipped and untrained. The use of terror was their most efficient weapon. Police and local militia were frequently supplemented by paramilitaries. These groups often operated outside any discernable centralized command and control structure. Paramilitaries were often recruited from a population of rural, uneducated

youth. Sometimes a deliberate effort was made to recruit those with criminal backgrounds. The apparent lack of control over paramilitaries conveyed the message that the most brutal acts would be permitted, or at least they would go unpunished.

34. The fragmentation of authority has provided FRY and Bosnian Serb officials with "plausible deniability". If ties between paramilitaries and officials are obscured, government officials might be able to evade responsibility for "ethnic cleansing". Thus, even after the JNA became better organized and able to assert greater control in 1993, it did not establish effective command and control over the paramilitaries.

35. While regular military units, militia, police and local citizens have all participated in "ethnic cleansing" campaigns. Paramilitary units are responsible for some of the most brutal aspects of "ethnic cleansing." Two of the units that have played a major role in the "ethnic cleansing" campaign in BiH, the "Četniks" associated with Vojislav Šešelj and the "Tigers" associated with Željko Ražnjatović (Arkan), have been active in the Republic of Serbia as well. Šešelj's followers have reportedly waged "ethnic cleansing" campaigns against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo. Arkan's "Tigers" have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo.

36. These paramilitary units have launched operations from within the Republic of Serbia. In addition, paramilitary training camps are located within the Republic of Serbia.

VII. THE ATTACK ON ZVORNIK 13/

37. The attack on Zvornik, in north-eastern BiH, reveals a similar pattern of events that was repeated throughout much of the area. In the weeks prior to the attack (which occurred on 8 April 1992), tensions between ethnic groups in the city had increased. Members of each ethnic group had obtained weapons for their personal use. Muslims were warned by their Serb friends that they should leave the area. Prior to 8 April, many Serbs left Zvornik, apparently having been forewarned of the impending attack. On the weekend before the attack, Serbs constructed a barricade, preventing many Muslims from reaching their work site or school. In retaliation, Muslims also erected a barricade at the same location. It was protected by Muslim police officers and armed volunteers.

38. On the day before the attack, JNA troops moved into the region. On television, a Belgrade commentator reported that the JNA was needed in the region because they expected an attack by Muslim extremists.

39. On 8 April, Serb representatives of the Serbian Democratic Party (SDS), as well as the paramilitary leader known as "Arkan," called for the Muslims to peacefully surrender the city. Negotiations proceeded in which the division of the city into Muslim and Serb enclaves was discussed. The negotiations broke down, however, apparently because Arkan was dissatisfied with the result.

40. After the failure to reach an agreement, the attack on the town began. The JNA, using tanks, artillery and infantry units, was joined by Arkan's paramilitary troops, sometimes known as "Arkanovci." There was heavy shelling of the Muslim sections of the city.

41. The next day Arkan's troops, along with paramilitary units known as "Šešeljovci" and the Beli Orlovi (White Eagles), entered the city. Serb

territorial defense units (TOs) also participated. It was reported that these troops committed random executions and rapes after entering Zvornik.

42. The next day, a provisional government was established that was headed by local Serbs, primarily members of SDS. A curfew was imposed, and residents had to obtain a police permit to travel within the city. Several Muslims who went to the police station to obtain a permit were taken into custody and deported to an outlying prison camp. Except for indispensable personnel such as hospital employees, Muslim men were prevented from working. During the following days, paramilitary units continued to patrol the streets, and there were many reports of looting, rape and other acts of brutality.

43. In late April, an appeal was made to Muslims to return to the area from which they had fled. Many returned because they feared losing their property. On arriving in Zvornik, Muslims were told that they must register their property. An "agency for the exchange of houses" was established. In exchange for relinquishing their homes, Muslims were promised the former homes of Serbs in Tuzla. Departure from the town was only possible on the condition that their property was turned over to Serb authorities. From late May to early June 1992, the entire Muslim populations of villages in the surrounding area were deported. The expelled Muslims were allowed to take few personal possessions with them. Even these items were often stolen at Serb checkpoints on the roads leaving the area.

44. According to an account in Vreme, the "cleansing" was followed by organized looting. "Some stole gold, hard currencies, household appliances or cars. Others robbed department stores. Electricity plugs were torn out of the walls and children's toys were sold and bought. Even entire bedroom suites could be seen floating down the river". 14/

Part One

I. INTRODUCTION

45. This overview is designed to place the current conflict in the former Yugoslavia in a historical perspective. Many of the issues discussed in the following sections of this report, such as those dealing with "ethnic cleansing" and military structure, have historical antecedents (see Annex III, Military Structure). Ethnic rivalries and the fear of Serbian hegemony in the region, for example, have deep historical roots. Events which occurred during World War II that led to a large number of brutal killings and expulsions of Serbs from Croatia are also relevant to contemporary events. However, an appreciation of the tumultuous history of the Balkan peninsula can help understand the perspectives of the parties involved in the current war.

46. Mindful of the different historical perspectives, what follows is as objective an account that can be made of the conflict's historical background. It is only intended to provide background and context to the extent that it is relevant to the purposes of this Annex. No judgments are made regarding the positions or historical claims of the warring factions.

II. EARLY HISTORY

47. Early in the First Century A.D., the Dalmatian Coast was annexed by the Roman emperor, Tiberius. The Roman domain gradually moved inland, encompassing the land that would become Yugoslavia. The Romans called this domain Illyria, named after the region's inhabitants.

48. The Roman empire was divided into eastern and western districts during the reign of Diocletian (284-305). This boundary became one of the region's major fault lines. On the eastern side of the line lie the cultural heritage of the Greek world, the Eastern Orthodox Church, and users of Cyrillic script; on the western side, lie the cultural heritage of the Roman world, the Catholic Church, and users of the Latin alphabet.

49. The Slavic peoples migrated to the area from the Caucasus between the Sixth and Eighth Centuries. By the end of the Eighth Century, most of the area of the former Yugoslavia south of the Sava-Danube line was colonized by the Slavs, whose influence expanded into Albania and Greece. 15/

50. Throughout the Ninth Century, the Roman Catholic Church and the Eastern Orthodox Church struggled to gain adherents among the Slavs. In 803 A.D., the Croats accepted the suzerainty of the Holy Roman Emperor, Charlemagne. The Serbs and the Macedonians adopted the Christian faith in the mid-Ninth Century. In 891, the Serbs were placed under the jurisdiction of Byzantium and ruled by the Župan (ruling prince) of Raška, a Serbian principality.

51. In the 10th Century, King Tomislav founded the kingdom of Croatia. By the early 12th Century, Croatian nobles had relinquished power to the King of Hungary. This transfer of power began a relationship with Hungary which was to last for centuries.

52. In the late 12th Century, a Bosnian state emerged, led by Kulin Ban, who rejected Christianity and embraced the Bogomil heresy instead. 16/ Other new converts were principally Slavic Serbs. Most of the Slavs who were to convert to the Islamic religion in the 15th Century had belonged to the Bogomil sect, rather than the Catholic or Eastern Orthodox faiths.

III. THE OTTOMAN AND HAPSBURG EMPIRES

53. In 1389, the Ottoman Turks defeated Serbian forces at the battle of Kosovo Polje (Kosovo Field). By the end of the 15th Century, the Ottoman Empire had gained control over much of the peninsula. Ottoman rulers granted a considerable degree of self-government through churches and other local institutions. Nevertheless, persons who retained their religious identity were not considered equals, and by converting to Islam a local inhabitant could enter a privileged section of society. 17/

54. In the 16th Century, continuous Turkish encroachment on the borders of Croatia and Slavonia led the Hapsburgs to establish a southern border region, called the Military Frontier. The Frontier was to act as a bulwark against the Ottoman empire. The Frontier, however, was sparsely settled. To establish an effective line of defence, the Hapsburgs resettled the area with Orthodox Serbs. 18/

55. The Treaty of Karlowitz transferred some Ottoman lands to the Christian powers in 1699. The Hapsburg Empire acquired Croatia, Slavonia and other Balkan territories. 19/ Despite the repeated battles that were to take place during the 18th Century between the Ottomans and the European powers, relatively little territory changed hands on a long-term basis during this period.

56. The entry of the major European powers into the Balkans adumbrated the conflicts that were to recur, and the alliances that would persist, for centuries. The Catholic Slovenes and Croats would look to the west, influenced by centuries of close contact with Austria, Hungary and Italy. The Orthodox Serbs, on the other hand, would look east towards Russia.

57. In the early 19th Century, a Serbian Rebellion against the Ottomans was crushed. However, in 1815, another insurrection led to substantial concessions. By 1830, Serbia had achieved an autonomous status within the Ottoman Empire. 20/ It was during this time that the Serbs forged close ties to Russia. Russia shared the Serb's desire to expel the Turks from the region. As the seat of the Orthodox Church, the Russians also shared a common religious background with the Serbs.

58. In 1867, the Hapsburg Empire split into two parts: one ruled by Austria from its capital in Vienna, the other ruled by Hungary from Budapest. Austria assumed control over Dalmatia, Bukovina and the Slovene lands, while Hungary ruled Croatia, Slavonia and Vojvodina. 21/ The Balkan peninsula was refigured again in 1878 by the Congress of Berlin. This accord permitted Austria-Hungary to administer Bosnia-Herzegovina, although the Ottoman Empire officially retained sovereignty over that region. In addition, Serbia and Montenegro became independent states. 22/

59. Throughout this period, Serbian nationalists viewed their mission as one of liberating and unifying the lands in which Serbs lived. According to the historian Barbara Jelavich,

"[t]heir [the Serbian nationalists'] major objective throughout the nineteenth century had been the unification of the lands they regarded as Serbian, including Bosnia-Herzegovina, Old Serbia, Macedonia and the Serbian-inhabited lands of the Habsburg Empire." 23/

IV. THE BALKAN WARS AND THE WORLD WARS

60. In June 1903, Serbian King Alexander Obrenović and his wife Draga were assassinated by military officers. In an event that reverberated throughout Europe, the assassins threw the king and queen's mutilated bodies out of a palace window. The officers involved became members of the terrorist groups that were created in the following years.

61. Intense Serbian nationalist sentiment led to the formation of secret societies. These societies--using distinctive symbols, flags, oaths and ceremonies--flourished at the end of the 19th century and in the early 1900s. In 1908, for example, the Narodna Odbrana (National Defence) was founded. It established a network of agents throughout South Slav lands. 24/ Another organization, Vjedinjenje ili Smrt (Union or Death), commonly called the Black Hand, appeared in 1911. 25/ The Black Hand was headed by Colonel Dragutin Dimitrijević (a.k.a. Apis) who had participated in the assassination of King Alexander and his wife.

62. Two Balkan wars were fought in 1912 and 1913, finally freeing the peninsula from Ottoman control. 26/ Serbia made territorial gains by absorbing Kosovo and part of Macedonia. However, Serbia did not achieve its objective of uniting with Serbian regions of the Hapsburg Empire, including sections of Bosnia-Herzegovina, Croatia, and Vojvodina. 27/ The two Balkan wars experienced ethnic conflict on a massive scale. The worst atrocities appear to have been related to efforts to unite the peninsula's Serbian population. In 1914, an International Commission found:

"[h]ouses and whole villages reduced to ashes, unarmed and innocent populations massacred en masse, incredible acts of violence, pillage and brutality of every kind--such were the means which were employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of [these] regions." 28/

63. Serbian nationalists were incensed by the Hapsburg's annexations of Bosnia-Herzegovina in 1908. It was this Pan-Serbian sentiment that led to the 1914 assassination of Austria-Hungary's Archduke Franz Ferdinand by Gavrilo Princip, a Bosnian Serb. The event sparked the First World War. 29/ The Archduke, who was the heir to the Hapsburg throne, and his wife were killed on 28 June, the anniversary of the Battle of Kosovo.

64. Following the First World War, unity was finally achieved when King Alexander of Serbia proclaimed the Kingdom of Serbs, Croats and Slovenes. The new state, however, was plagued by ethnic conflict from its inception. Croats, fearing Serbian domination, sought greater self-government within a looser confederation. It was during this period that the Croatian Ustaša (Uprising) movement was born. It was created by Ante Pavelić in 1929, with the support of Italian dictator Benito Mussolini. Its goal was Croatian independence, through violence if necessary. 30/ During these inter-war years, hundreds of thousands of Bosnian Muslims, also fearful of Serbian hegemony, fled to Turkey. 31/

65. In 1929, King Alexander attempted to deal with rising internal conflicts by suspending the constitution, declaring a dictatorship and changing the country's name to the Kingdom of Yugoslavia. These actions, however, further alienated the nation's non-Serbs and, in 1934, King Alexander was assassinated by Macedonian terrorists. 32

66. Yugoslavia surrendered to the Axis powers in 1941, leading to German and Italian occupation of the country. In Serbia, the Germans installed a regime headed by Serbian General Milan Nedić. In Croatia, an independent state, Nezavisna Država Hrvatska (NDH), was established which included Bosnia-Herzegovina. 33 There were more than two million Serbs living within NDH, approximately one third of the entire population. Despite its status as an independent state, Croatia was split into two spheres, the dividing line running north to south. Italy controlled the western section, adjacent to the Adriatic. The German military command was assigned to Zagreb, to the east. 34/ Mussolini, however, was permitted to determine who would be the head of state. He selected Ante Pavelić, the Ustaša leader. 35/

67. During the war, the Croatian leadership launched a campaign of annihilation against its Serbian population. 36/ Some Muslims joined the Croats' efforts against the Serbs. 37/ Pavelić sought to create an ethnically and religiously homogenous state. The Serbs of Croatia were faced with the alternatives of extermination, expulsion, or conversion to Catholicism. Serb officials maintain that a system of death camps, covering 210 square miles, ran along the Sava River. It has been estimated that between 350,000 and 750,000 Serbs were killed during this period. 38/

68. Resistance to the Axis powers came from the Četniks, who tended to be anti-Croat and anti-Communist, 39/ and from communist partisan forces, led by Josip Broz Tito. Tito also served as general secretary of the Yugoslav Communist Party. At first, the Četniks, who were loyal to King Peter's London-based government-in-exile, worked with the partisans to resist the Axis powers. However, serious disagreements over resistance strategy and over Yugoslavia's post-war future soon became apparent. The two groups struggled, each seeking a more favourable position in the emerging post war period. To enhance their position, the Četniks began collaborating with the Axis occupation forces. 40/ When this collaboration became apparent to the British, the allies developed closer ties with Tito's partisan forces. 41/

V. THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

69. In October 1944, Tito's partisans, with Soviet assistance, took Belgrade and a communist regime was established. 42/ A federal system was constructed, consisting of six Republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro. Serbia included two autonomous provinces, each containing a high concentration of an ethnic minority: Kosovo and Vojvodina. The communist party and Leninist ideology were centripetal forces. The Socialist Republic successfully established a federation of ethnic communities, each with its own territorial base. 43/ Although each Republic generally maintained its ethnic identity, the prewar boundaries of the Republics were altered in the peace negotiations that followed the Second World War. Changes also were made by the Tito regime in the following years.

70. Ethnic tensions persisted in the post war years. Tito, however, effectively repressed ethnic and nationalist movements, such as the Croatian reformist movement of the early 1970s. 44/ In the late 1960s, for instance, tensions between Croats and Serbs increased when the Republic of Croatia demanded that the Serbian and Croatian languages be recognized as separate languages, with Croatian being used in the schools. Serbs countered with the demand that the 700,000 Serbs living in Croatia be given reciprocal rights. 45/ The most significant Croatian grievances, however, were economic. Croats complained that the most prosperous enterprises, including the nation's largest banks and insurance companies, were located in Belgrade. Croatian officials also complained that the Republic did not receive its fair share of foreign currency. This was especially troubling, they argued, because a large proportion of that foreign currency was earned by the tourist industry on the Dalmatian coast. Furthermore, most of Yugoslavia's foreign trade went through Croatian ports. 46/

71. The movement had begun with demands for greater decentralization and autonomy. By the end of 1971, however, the demands had escalated. Croatian nationalists called for self-determination and the right to secede. 47/ When Croatian officials failed to respond to Tito's warnings, he intervened. As a result, 400 Croatian nationalist leaders were dismissed or resigned from their official positions. 48/

72. In the late 1960s, problems also erupted in the Kosovo district of Serbia. Although the area's population is overwhelmingly ethnic Albanian, Serbs had a disproportionate number of top state and party positions. Serbian officials also controlled the local police and security forces. Allegations of Serbian abuses of the Albanian population led to riots in 1968. In response, the districts of Kosovo and Vojvodina, an area with a large Hungarian population, were given greater autonomy. Kosovo was granted the use of its own flag and anthem. The Albanian language was also permitted greater use in education and local administration. 49/

73. Political repression in Yugoslavia, however, was relatively benign compared to its eastern European neighbours. Yugoslavs, for example, could travel fairly freely, visas were granted to foreign visitors or were not required at all, and foreign books, periodicals and newspapers were available. 50/ In the 1950s and 1960s, the economy was liberalized and laws were passed eliminating state control over most investments. It was the loosening of these political and economic bonds, however, that fueled nationalist or ethnic sentiments. 51/

VI. PRELUDE TO THE BREAKUP

74. After Tito's death in 1980, the power of Yugoslavia's central government rapidly diminished. Public corruption scandals and the collapse of the Soviet Union impeded the government's ability to deal with its mounting problems.⁵² In 1981, Albanian demonstrations broke out in Kosovo. The disturbances were suppressed by the Yugoslav military, but they led to allegations that ethnic Albanians had committed atrocities against the district's minority Serb population. ^{53/}

75. A resurgent Serbian nationalism, led by Slobodan Milošević, fueled Yugoslavia's crisis. ^{54/} Milošević, who had become President of the League of Communists of Serbia in 1986, fanned the fires of Serbian nationalism, which he had opposed earlier in his career. He proceeded to establish himself as a strongman ruler, gradually eliminated democratic opposition, and prepared for the eventual conflict and break-up of the federation. ^{55/} By the late 1980s, however, he was expressing sympathy with the Serbs of Kosovo. In 1988 and 1989, Milošević orchestrated mass demonstrations by his supporters to topple communist party leaders in Kosovo, Vojvodina and the Republic of Montenegro. They were replaced by leaders who were loyal to Milošević. ^{56/} Disturbances again broke out in Kosovo in 1989, and Milošević sent a large contingent of the Yugoslav army to support the regime. In 1989 and 1990, approximately 40 persons were killed in rioting within the province. Most of those killed were ethnic Albanians. ^{57/}

76. The plight of Kosovo's Serbs was taken-up by Serbian intellectuals in the mid-1980s with the publication of a document prepared by the Serbian Academy of Arts and Sciences (SANU). ^{58/} Referred to as the SANU Memorandum, the document asserted that Serbia had suffered economic discrimination within the Yugoslav federation, especially in relation to the more prosperous Republics of Croatia and Slovenia. However, the Memorandum's greatest concern was directed towards the Serbs of Kosovo. The report referred to the "genocide" of Serbs by Albanians and to crimes including arson, murder, rape, and necrophilia. ^{59/}

77. The SANU Memorandum, according to Misha Glenny, "prepared the ideological ground for Milošević by focusing public opinion yet more tightly in the Kosovo issue" The report also indicated that "there was a real base among intellectuals for the nationalist assault on the leadership of the Serbian League of Communists". ^{60/}

78. The Memorandum permitted Milošević to organize the demonstrations by his supporters in the provinces. The demonstrations,

"were part of a well-organized plan designed to intimidate the non-Serb peoples of Yugoslavia, instill among Serbs the idea that their fellow Serbs were being widely discriminated against, but on a higher political plane, to underline Milošević's determination to mark his territory as the undisputed master of post-Titoist Yugoslavia." ^{61/}

79. In February 1989, the Serbian Republican Assembly amended its constitution and revoked the autonomous status of Kosovo and Vojvodina. This display of Serbian nationalism, coupled with the use of force in Kosovo, generated apprehension within the other Republics. ^{62/} The resulting tension between the six Republics led to the break-up of the League of Communists in early 1990. In January of that year Slovenian delegates to the Extraordinary Congress of the League of Communists demanded an end to the Communist party's "leading role" and the establishment of a multi-party state. Clashing with the Serbian delegates, the Slovenians walked out of the Congress.

80. The immediate origins of the present conflict emerged in early 1990 when Serbia and three of the other five republics failed to reach an agreement concerning the structure of the federal government. The Republics of Slovenia, Croatia and Bosnia and Herzegovina (BiH) sought a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more centralized federation in order to maintain its dominant role. 63/ This conflict resulted in efforts by Croatia, Slovenia, and later BiH and Macedonia, to secede from Yugoslavia. 64/

81. In April and May 1990, Slovenia and Croatia held the first free elections in post-war Yugoslavia. 65/ In both states, the newly elected non-Communist governments threatened to secede if Yugoslavia was not transformed into a looser confederation. 66/ Slovenia and Croatia declared their independence on 25 June 1991. 67/

82. In response to the Croatian vote for independence, Serbs living in Croatia's Krajina region established a Serbian National Council and scheduled an August referendum on their secession from Croatia. The Council proposed the establishment of a community of opštinas (counties) that would adopt the Cyrillic alphabet and celebrate Serbian holidays such as St. Vitus Day. 68/

83. In August 1990, armed Serb irregular forces entered Croatia "to protect the villages of ethnic Serbs from discrimination". These troops took over the town of Knin and promised to hold a referendum on independence. 69/ During the same month, a Serbian Council of National Resistance was formed. Its members included Milan Babić, Milan Martić, and Jovan Rašković. 70/

84. Croatian Serbs declared their autonomy on 1 October 1990. 71/ President Milošević urged federal forces to intervene to "defend Serbs from repression". When the Croatian Government labeled the declaration illegal, Vuk Drašković, the leader of the Serbian Renewal Party, called for a declaration of war against Croatia. Between August 1990 and April 1991, almost 200 bombing and mining incidents, as well as 89 attacks on Croatian police forces, were reported. These attacks occurred mainly in Knin. 72/

85. During 1990, tensions had increased considerably throughout the former Yugoslavia as newly elected governments in the Republics expressed strong nationalist sentiments. In Croatia, for example, after Franjo Tuđman and the Croatian Democratic Union (HDZ--Hrvatska Demokratska Zajednica) came to power in April of 1990, a law was enacted adopting Croatian as the official language of state administration and the red and white checkered shield, a symbol of the Croatian nation, hanged from many windows. 73/ Furthermore, many Serbs were dismissed from their jobs, especially within the police forces, and replaced by Croats. 74/ In addition, the new Croatian constitution spoke of the "national state of the Croatian nation". 75/ As one scholar put it, the constitution's repeated use of the term "Croatian nation" (Hrvatski narod) "has an ethnic rather than political connotation and excludes those not ethnically Croat". 76/ In any case, the Serbian minority of BiH clearly felt threatened. 77/ The symbols, such as the flag and coat of arms adopted by the new Croatian government, were quite similar to those used by the fascist Croatian government during the Second World War. 78/ The Croatian Ustaša state, as mentioned earlier, had been responsible for the deaths of hundreds of thousands of Serbs. Some of these symbols were modified within a few months by the new government. However, many Serbs, especially those in the Krajina region, had already been alienated. Moreover, the fears of Croatian Serbs were undoubtedly heightened by officials in the Republic of Serbia who asserted that a fascist Croatian state had been reborn.

86. Violent confrontations took place in western Slavonia in March 1991 when Croat officials replaced Serb personnel in the town of Pakrac. In early May, Croat forces attacked the predominantly Serb village of Borovo Selo where approximately 20 Serb civilians were killed. After the fighting in Borovo Selo, the conflict escalated. 79/

87. Throughout 1991, the leadership of the Federal Republic of Yugoslavia (FRY) appeared to be unable to assert control over the escalating crisis. 80/ The State Presidency, for example, was unable to maintain its ethnic balance when Croat Stipe Mesić resigned his position. Prime Minister Ante Marković also resigned in late 1991 after a no confidence vote by one chamber of the Federal Assembly. Marković resigned in December, protesting a war budget in which 80 per cent of the nation's expenditures were designated for the military. 81/ Thus, during the year, power within the federal government slipped away from the moderates and the national executive was left in the hands of pro-Serb forces.

88. Slovenia and Croatia declared their independence on 25 June 1991. 82/ Two days later, on 27 June, the Yugoslav's Peoples' Army (JNA-- Jugoslovenska Narodna Armija), attacked the provisional Slovenia militia. Slovenian officials announced that a "state of war" existed, and appealed for international assistance. 83/

89. The Conference on Security and Cooperation in Europe (CSCE), on 1 July 1991, called for a cease-fire between Slovenia and the JNA. Less than one week later, European Community (EC) mediators obtained an agreement providing for withdrawal of JNA forces in Slovenia and the disarming of the Slovenian militia. 84/ The conflict between Slovenia and the Federal Republic had lasted for 10 days. However, violence within the former Yugoslavia erupted again in late June 1991 when Serbian irregular forces, with the help of the JNA, mounted an attack on Osijek, in eastern Croatia. This area, called "Slavonia", was depicted by news agencies as the "fighting in Slovenia". 85/

90. On 27 August 1991, the EC indicated that it would not recognize any border changes as a result of the conflict. The EC also denounced the military support that the JNA had provided to the Serbian minority within Croatia 86/ and called upon the parties to agree to arbitration. On 1 September 1991, a cease-fire agreement was reached. 87/ The agreement, however, was not long-lasting. The truce collapsed when JNA and Serb irregular forces launched attacks on Croatian towns in Dalmatia, as well as the city of Vukovar. The fighting intensified throughout September 1991. Lord Carrington, who had been asked by the EC to help mediate the dispute, negotiated another cease-fire agreement in mid-September. However, that same day Yugoslav ships began their blockade of Croatia's Adriatic coast. On the following day, the Croatian cities of Split and Zagreb were shelled.

91. The United Nations Security Council adopted resolution 713 on 25 September 1991, which imposed an arms embargo prohibiting weapons from entering the region. 88/ Following the adoption of the Resolution, the United Nations Secretary-General, Javier Perez, asked former US Secretary of State Cyrus Vance to represent the United Nations as a mediator and to cooperate with Lord Carrington of the EC in resolving the conflict. 89/

92. As the fighting in Croatia continued, a coalition of Bosnian Muslims and Croats supported a declaration of sovereignty that was adopted by BiH's legislature. Bosnian Serbs, members of the Serbian Democratic Party (SDS - Srpska Demokratska Stranka), refused to support the measure. Instead, they organized a referendum in predominantly Serb areas of BiH. The vast majority of Serbs voted to remain in "a common Yugoslav state". 90/

93. Between September and November 1991, ethnic Croatian regions within BiH formed their own "Croatian Communities". These communities, located in western Herzegovina, threatened secession if BiH became part of a Serb-dominated Yugoslav state. 91/ The Croatian Democratic Union (HDZ), the party to which most Bosnian Croats belong, was split on the issue of independence. Mate Boban, the leader of Herzegovina's Croats, urged an irredentist position, seeking the linkage of Croat controlled areas in BiH with Croatia. Other prominent Croats, such as then Vice President Stjepan Kljujić, were committed to maintaining a multi-ethnic, independent state. 92/

94. On 18 October 1991, Lord Carrington proposed a draft document calling for the protection of human rights and the establishment of autonomous regions in areas in which a minority ethnic group was dominant. Presidents of five of the six Republics agreed to the plan which also provided for a loose confederation. Serbia, however, rejected the agreement on 5 November. 93/ In early November, the coastal resort city of Dubrovnik fell under heavy bombardment and the EC ordered its peace monitors to withdraw from the city. By mid-November, the city of Vukovar fell to Serbian forces after an 86-day siege. Several early battles in Croatia occurred in the Krajina region, which is densely populated by Serbs. The conflict then spread to Slavonia, the region between Zagreb and Belgrade. In a major campaign, Croat forces attempted to expel Serbs from over 20 villages in western Slavonia, forcing thousands of Serbs to flee BiH. The Serbs, on the other hand, expelled thousands of Croats from villages in eastern Slavonia. 94/

95. On 20 November 1991, Serbia petitioned the Arbitration Commission 95/ to recognize the post-conflict borders between Serbia and Croatia, and between Serbia and BiH, as international borders based on principles of international law. 96/ The Commission extended the protection of Article 2(4) of the United Nations Charter--concerning the principles of territorial integrity and political independence of member states--to the individual republics. This action marked the first time that the international community extended the concept of territorial integrity to political subdivisions within a state.

96. Representatives of Croatia, the FRY, and the Republic of Serbia, signed a "Memorandum of Understanding" on 27 November 1991. The agreement pledged the parties to comply with particular provisions of the Geneva Conventions. 97/

97. The EC released guidelines in mid-December, which the Republics had to endorse before the EC would consider recognizing them as states. The guidelines required the Republics to respect the Charter of the United Nations, the 1975 Helsinki Final Act, and the Charter of Paris. The Republics were also required to disavow any territorial claims on the territories of other UN-recognized states. They were also to provide guarantees for the rights of ethnic groups and minorities. 98/

98. Slovenia and Croatia accepted the EC guidelines and applied for recognition as independent states. 99/ A cease-fire agreement was reached between Croatia and Serbian forces on 3 January 1992. The agreement effectively ended the conflict. However, approximately one-third of Croatian territory was occupied by Serbian forces and there were hundreds of thousands of refugees. On 15 January 1992, the EC granted recognition to Slovenia and Croatia. 100/

99. BiH accepted the EC's guidelines on 20 December 1991 and applied for recognition as an independent state. The Arbitration Commission, however, determined that the will of the Serbian minority had not been expressed in BiH's earlier declaration of sovereignty. 101/ Consequently, a

referendum was held on 29 February and 1 March - 63 per cent of the population supported independence. The Bosnian Serbs, however, boycotted the election, fearing that they would become a disadvantaged minority, permanently aligned against a coalition of Bosnian Muslims and Bosnian Croats.

100. To help safeguard the cease-fire agreement in Croatia, the United Nations Protection Forces (UNPROFOR) was established on 21 February 1992. 102/ The UN deployed 14,000 troops, which were in place by July. The troops were deployed in United Nations Protected Areas (UNPAs) in Croatia where ethnic Serbs are in the majority. 103/ UNPROFOR's original mandate in this region was to prevent a renewal of the conflict between Croats and Serbs, oversee the withdrawal of JNA forces, and assist in the return of displaced persons. 104/ In the summer of 1992, UNPROFOR's mandate was expanded to provide for the delivery of humanitarian aid to BiH. 105/ UNPROFOR's role has repeatedly been strengthened, and by June 1994 UNPROFOR could request air power to enforce the mandate. 106/

101. Early in March 1992, the EC attempted to negotiate an agreement that would bring peace to the area. At a meeting held in Brussels, between 7 and 9 March 1992, the EC approved a plan that would have maintained BiH's independence. However, the plan also permitted the division of BiH into ethnic cantons. The plan failed to receive the support of the various factions. The Serbs and Croats could not agree on how BiH's territory was to be divided. The Bosnian Muslims remained skeptical of any plan to partition the country. 107/

102. Bosnian Serb leaders approved a constitution for the Serbian Republic of Bosnia and Herzegovina (SRBiH) on 27 March 1992. The break-away republic would become part of a reconstituted all-Serb state of Yugoslavia, containing--in addition to a large portion of BiH--Serbia, Montenegro and parts of Croatia. 108/ On 6 April 1992, the EC formally recognized BiH. 109/ It was on this weekend, between April 4th and 6th, that the JNA and Bosnian Serbs began the shelling of Sarajevo.

103. Following the referendum in late February and early March, sporadic conflicts between Bosnian Serbs and Muslims occurred throughout the country. Road blocks, for instance, were set-up by Bosnian Serbs to demonstrate their displeasure with the referendum results. On 22 March, fighting broke out between Bosnian Serbs and Bosnian Muslims in Gorazde. In late March, the fighting spread to Bosanski Brod and Kupres, where Bosnian Serbs battled Bosnian Croats for the control of territory. 110/

104. In late March and early April 1992, the fighting spread to northern and eastern Bosnia, along the Serbian border. It was there that a pattern of "ethnic cleansing" first clearly emerged, with the JNA shelling a village, followed by an attack by paramilitary forces sent in to "cleanse the territory". 111/

105. The UN condemned, on 24 April, the use of force and demanded that all outside parties cease interfering in the conflict in BiH. 112/ The UN also called for an immediate cease-fire and demanded that unrestricted access be given to all humanitarian organizations. 113/ On 27 April 1992, the former Republics of Serbia and Montenegro proclaimed the FRY (FRY). 114/

106. The Republic of Croatia, on 11 May 1992, declared that it was bound by the four Geneva Conventions and the two additional Protocols. At approximately the same time, BiH indicated that it considered itself bound by general treaty obligations undertaken by the socialist FRY. 115/ On 22 May 1992, the UN admitted Slovenia, BiH, and Croatia as member states. 116/

107. The JNA announced the withdrawal of its forces from BiH on 19 May 1992. However, the troops, including General Ratko Mladić, who were from BiH, were permitted to stay and fight as part of the forces of the Serb Republic of Bosnia. Thus, approximately 80 per cent of the JNA troops stationed in BiH were permitted to remain. The tanks, equipment and supplies that belonged to the Yugoslav Army also stayed in BiH. 117/

Part Two

"ETHNIC CLEANSING" IN BiH

I. INTRODUCTION

108. This report examines the policy and practice of "ethnic cleansing" in the former Yugoslavia. As used in this report, the term "ethnic cleansing" means rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. Reports received by the Commission of Experts allege that all of the parties involved in the conflict in the former Yugoslavia have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. But, as the Commission noted in its Final Report, there are qualitative and quantitative differences. Thus, no "moral equivalence" argument should be advanced. The grave breaches and other violations of international humanitarian law include acts such as the killing of civilians, rape, torture, destruction of civilian, public, and cultural property, looting and pillaging, and the forcible relocation of civilian populations. 118/ Croatian forces in the Republic of Croatia and in BiH have engaged in "ethnic cleansing" practices against Serbs and Muslims. Croats, for instance, have conducted "ethnic cleansing" campaigns against Serbs in eastern and western Slavonia and some parts of the Krajina region, and against Bosnian Muslims in the Mostar region.

109. Bosnian Muslim forces have also engaged in practices which constitute grave breaches of the Geneva Conventions and other violations of international humanitarian law. However, abuses by Bosnian Muslims have not been part of an "ethnic cleansing" campaign, and the number of reported violations is substantially lower than for those of the other warring factions. 119/

110. The vast majority of reports received by the Commission allege that Serbian forces have used means such as the mass killing of civilians, rape and sexual assault, torture, the bombardment of cities, the destruction of mosques and churches, the confiscation of private property, unlawful detention of civilians in harsh and sometimes inhuman conditions, and other unlawful practices designed to eliminate Muslim and Croat populations that lie within Serb-claimed territory. Unlike the violations committed by the other warring factions, "ethnic cleansing" by the Serbs appears to be the result of a highly-developed policy that has been planned, coordinated, and financed by Serb officials with support from the FRY and the JNA which was, at times, directly involved in some of these operations. 120/

111. "Ethnic Cleansing", as a practice, is not new to history 121/ nor, as the previous section on the history of the conflict has shown, is it entirely new to the Balkans. Ethnic conflict has been involved in efforts to establish nationhood and define national boundaries in the Balkans since the 19th century. 122/ This report, however, discusses "ethnic cleansing" as part of a broader policy, pursued by Serbian forces within BiH, Croatia, and the FRY, to create a "Greater Serbia".

112. The described events are put in a historical context. However, in Part I of this Annex, no attempt is made to assess the validity of historical claims by any of the warring factions. There is no justification under international law for committing crimes such as the deliberate killing, rape, and torture of civilians during an armed conflict. The distinction between jus ad bellum and jus in bello instructs us that combatants are not necessarily responsible for the outbreak of war, but they are responsible for their conduct during the war. 123/ Even a just war can be fought unjustly. Those who have committed serious violations of international law should be held accountable, regardless of the justifications offered for the conflict itself.

II. THE POLITICS OF CREATING A "GREATER SERBIA": NATIONALISM, FEAR AND REPRESSION

113. While the notion of establishing a "Greater Serbia" has deep historical roots, the concept gathered new momentum within Serbia during the mid-1980s. It was then that Serbian intellectuals and political leaders began to embrace a new nationalism. The decade of 1980 began with the death of President Josip Broz Tito and with demands by Kosovo's ethnic Albanian population for greater autonomy. While Kosovo's population is overwhelmingly Albanian, 124/ the province contains Kosovo Polje, the site of the Serbs' defeat by the Ottoman Turks in 1389. Kosovo is widely considered by Serbs to be the cradle of their culture. Demonstrations by Albanian students in Spring 1981 led to military intervention by Yugoslav military forces and the brutal repression of the dissenters. 125/ The demonstrations, which were accompanied by some violence against Serbs, gave rise to the allegation that the Serbs of Kosovo faced genocide at the hands of Albanians.

114. In the mid-1980s, Serb intellectuals, as well as public officials, took up the cause of Kosovo's Serb minority population. The SANU Memorandum, referred to in Part I of this Annex, 126/ expressed in emotional terms the plight of Kosovo's Serbs. The Memorandum, drafted by the Serbian Academy of Arts and Sciences, was considered by many to be the heralding of a new ethnic nationalism. It was, apparently, instrumental in spreading anti-Albanian sentiment. Perhaps most important, it also placed the imprimatur of Serbia's most prestigious intellectuals on the cause of militant Serbian nationalism. 127/ Political figures such as Dobrica Ćosić, who was to become President of the FR Yugoslavia, and Slobodan Milošević, the President of the Republic of Serbia, embraced the cause of Kosovo's minority Serb population. Allegations of "genocide" against Kosovo's Serbs became commonplace. 128/

115. The Serbs' 129/ sense of injustice was not confined to concern over events in Kosovo. The writings of Serbs throughout the decade reflect a strong sense of victimization. "The Serbs", Aleksa Djilas has written, "more than any other nation of the former Yugoslavia, are fully convinced that history has treated them unfairly". 130/ Thus, the Serbs' collective historic memory recounts domination by the European powers, conquest by the Ottoman Turks, occupation by the Axis powers during the Second World War, betrayal by their fellow Slavs of the Croatian Ustaša regime, and discrimination under President Tito's communist government. 131/

116. This "dark vision", 132/ stressing the role of the Serbian nation as a victim, has led to the demonization of Serbia's adversaries and the promotion of an idealized image of the Serbs. 133/ Thus, Croats have been repeatedly referred to as "Ustaše" and "fascists", recalling the animosities of the Second World War. In addition, Bosnian Serbs have been warned of the impending establishment of a fundamentalist Islamic State,

although Bosnian Muslims are largely secular and committed to a multi-ethnic state. 134/

117. Just as political opponents of the regime were demonized, the attributes of Serbs were idealized. Jovan Rašković, who was to become a founder of Croatia's Serbian Democratic Party (SDSC), for example, wrote that "[t]he Serbs are . . . the only ones with an instinct for leadership and they must exercise it over the other peoples of Yugoslavia. They must dominate them." 135/ Croats, according to Rašković, "are castrated and afraid of everything. They cannot exercise any authority. It is up to the Serbs to guide them." On the other hand, "Muslims have anal-erotic personalities and are the sort who love to amass riches." 136/

118. Rašković, a psychiatrist, helped to organize the referendum on political autonomy for the Krajina Serbs in Croatia. The event led to an armed confrontation between Croats and Croatian Serbs. 137/ Shortly before he died, Rašković stated on Belgrade television that he felt responsible for having "lit the fuse of Serbian nationalism". There has been much speculation that Radovan Karadžić, also a psychiatrist, may have been influenced by Rašković's theories of Serb superiority. 138/ In May 1990, when Karadžić was asked if he had a role-model or mentor, he responded, "above all, Jovan Rašković". 139/

119. Although the war in the former Yugoslavia is fueled by past hatreds, it has also involved discrete policy choices by governmental leaders. "[H]istory can be a weapon, and tradition can fuel ethnic conflict", Donald Horowitz has said, "but a current conflict cannot generally be explained by simply calling it a revived form of an earlier conflict". 140/

120. As the Yugoslav nation disintegrated in the late 1980s and 1990s, each of the Republics that composed the state began to express strong nationalistic sentiments. As Part I of this Annex indicated, many Serbs living in Croatia were dismissed from their jobs and suffered other forms of discrimination as Croatia approached statehood. Croat officials also restored many of the symbols of the Ustaša state, which had been responsible for the mass murders of Serbs, Jews and Gypsies during the Second World War. Later, during the conflict in Croatia in the Spring of 1991, Croat forces "cleansed" Serb villages in western Slavonia. Croat paramilitary forces, such as the "Glavaš Unit" headed by Branimir Glavaš, have committed atrocities against Serbs similar to those committed by Serb paramilitary forces. 141/ Serbs living in Croatia then were genuinely fearful of Croatian nationalism. These apprehensions were exploited by some Serb leaders who increasingly viewed the cause of a "Greater Serbia" as the path to power.

121. Slobodan Milošević, for instance, reportedly pursued a domestic political strategy based "on appeals to a xenophobic and authoritarian version of Serbian nationalism". 142/ The strategy was designed to help him attain and consolidate his political power. 143/ In the late 1980s and early 1990s, for example, President Milošević used appeals to nationalist sentiment and Serbian unity to obtain and maintain his hold on the party leadership. In launching an "anti-bureaucratic revolution", the party leaders of Vojvodina--who were critical of Milošević's leadership--were accused of being "autonomists" (seekers of autonomy and opposed to Serbian unity) and removed from power. By 1989, Kosovo had been placed under martial law and the party leadership of Montenegro--who were also potential adversaries of Milošević--was forced to resign. As a result, according to Branka Magaš, "by 1989 Serbia had acquired control of four out of eight votes on the federal state presidency", and control over the leadership of the League of Communists of Yugoslavia (LCY). 144/ Thus, as the 14th Extraordinary Congress was about to convene in January 1990, Serbia had already revoked the autonomous

status of its two provinces (Vojvodina and Kosovo); established considerable control over Montenegro; and used military force (in Kosovo) to enforce Serbian rule.

122. In the early 1990s, Serbia's political leadership faced not only a dissolving nation-state, but also growing opposition within the Republic. 145/ Milošević labeled the Serbian anti-regime protesters "enemies of Serbia". 146/ In referring to his political opponents in the other Republics, the rhetoric became even less restrained. In addressing Serbia's parliament in 1991, for example, Milošević, said that:

"Serbia and the Serbian people are faced with one of the greatest evils of their history: the challenge of disunity and internal conflict. . . . All who love Serbia dare not ignore this fact, especially at a time when we are confronted by the vampiroid, fascistoid faces of the Ustashas, Albanian secessionists and all other forces in the anti-Serbian coalition which threaten the people's rights and freedoms." 147/

123. Within Serbia, some of Milošević's political opponents have promoted an even more aggressive nationalism. 148/ The Serbian Radical Party (SRS), 149/ led by Vojislav Šešelj, for instance, has accused Milošević of being too timid in protecting the rights of Serbs who reside outside of Serbia. 150/ An even more vehemently nationalistic party, the Serbian Unity Party (SSJ), was formed in November 1993 by Željko Ražnjatović (Arkan). The SSJ, which is based in Kosovo, failed to win any parliamentary seats in the 1993 election. 151/

124. Both Šešelj and Arkan control paramilitary units that have conducted "ethnic cleansing" campaigns in BiH. Arkan's "Tigers" allegedly have also engaged in ethnic cleansing in Kosovo and in Serbia's Sandžak region, where a large Muslim community is located. 152/

125. Vuk Drašković, the leader of the Democratic Opposition of Serbia (DEMOS), while more moderate than Šešelj and Arkan, has also criticized Milošević for failing to adequately advocate a "Greater Serbia". 153/ The criticisms of Milošević suggest that his political opponents believe that even the most militant appeals to nationalistic sentiment resonate among Serbs.

126. In response, Milošević and the ruling party have taken repressive measures against the ruling party's opponents on both the right and left. Vuk Drašković, for example, was arrested after a demonstration in June 1993 and his party offices were raided by police. 154/ The Serbian Prosecutor General has asked the Constitutional Court to ban Drašković's Serbian Renewal Party. 155/ The Constitutional Court previously had been asked to ban another political rival, the Sandžak Democratic Party. 156/

127. Government control and manipulation of the mass media have been used to generate support for a "Greater Serbia" and to selectively punish dissenters within the mass media. 157/ The UN's Special Rapporteur on Human Rights recently expressed concern over "the incitement to national and religious hatred in public life and in the media". 158/ He also stated that "leading political figures make inflammatory and threatening statements against minority groups on a regular basis". According to the report of the Special Rapporteur on Human Rights,

"[t]he prevailing climate of ethnic and religious hatred is also encouraged through misinformation, censorship and indoctrination by the media. . . . In particular, the coverage of atrocities committed in the conflict between Serbs and Muslims in Bosnia and Herzegovina is

selective and one-sided. The media denigrates Muslims and Islam through sensationalist and distorted accounts of historical and existing 'crimes' which they have committed 'against the Serbian people' while grave violations perpetuated against Muslims are either rarely reported or discounted as malicious accusations forming part of an 'anti-Serbian conspiracy.'" 159/

128. There have also been allegations that President Milošević ordered the dismissal of journalists who have publicly criticized the government's war policies. 160/ Glenny, for example, has stated that Milošević ordered a thorough purge of Politika and Radio-Television Belgrade. 161/

129. The resentments bred by virulent nationalism have also proved to be instrumental in engendering the support of some Bosnian and Croatian Serbs. For instance, Serb leaders, including Karadžić and Milošević, have taken advantage of the resentments that had grown among the recently urbanized Serb populations in BiH and Croatia. In BiH, for example, many Serbs had emigrated to more urbanized areas in the hope of finding greater material prosperity. Often, however, they have remained less affluent than their Muslim neighbours. The allure of pillaging Muslim and Croatian communities has become a means of attracting new adherents to the cause of a "Greater Serbia". 162/

130. The growing nationalistic sentiment, and the repression of dissent, created an environment in which support for establishing a "Greater Serbia" could flourish. In fact, the objective of establishing a "Greater Serbia" has been endorsed by the major Serbian leaders and political parties both within and outside of the Republic of Serbia. President Milošević, for instance, who is also the leader of the Socialist Party of Serbia (SPS), has repeatedly stated that all Serbs should enjoy the right to be included in Serbia. 163/ In August 1991, the Belgrade newspaper, Borba, reported that:

"[Milošević] believes he now has the historic opportunity to, once and for all, settle accounts with the Croats and do what Serbian politicians after World War I did not--rally all Serbs in one Serbian state." 164/

131. Vojislav Šešelj, 165/ the head of the Serbian Radical Party (SRS), stated that he hoped to see "the republics of BiH, Macedonia and Montenegro, and the Serbian areas of Croatia, with the borders at Karlobag, Karlovac, and Virovitica" incorporated into Serbia. 166/

132. The Serbian Renewal Movement (SRM), headed by Vuk Drašković, also has called for the creation of a "Greater Serbia" which would include Serbia, Kosovo, Vojvodina, Macedonia and Montenegro, as well as regions within BiH and Croatia with high concentrations of Serbs. 167/ In addition, Mihajlo Marković, the Vice President of the Main Committee of Serbia's Socialist Party, has urged the rejection of any solution that would make Serbs outside Serbia a minority. 168/ The optimal solution, according to Marković, would entail establishing a federation consisting of Serbia, Montenegro, BiH, Macedonia and Serbs residing in the Serbian Autonomous Region of Krajina, Slavonia, Baranja, and Srem. 169/

133. A preliminary step towards formally creating a "Greater Serbia" took place when representatives from the Serb Republic of BiH and delegates from the break-away Serb republic in Croatia voted to merge into "one government, one army, one police and one administration". 170/ However, the President of the Serb Republic of Bosnia, Radovan Karadžić, has repeatedly denied that the creation of a "Greater Serbia", is the Bosnian Serbs' objective. 171/

134. These factors framed the backdrop to the resurgent Serbian nationalism that emerged. This revived nationalism would spur the quest for a "Greater Serbia" and help to launch the "ethnic cleansing" campaign that was to follow.

III. PLANNING AND IMPLEMENTING THE "ETHNIC CLEANSING" CAMPAIGN

A. Preparing for War

135. The history and demographics of the BiH region leave little doubt that any attempt to establish "ethnically pure" areas will necessarily entail tremendous dislocations and bloodshed. Ethnic Serbs constituted approximately 34 per cent of the population of the former Yugoslavia, according to the prewar census. ^{172/} Within BiH, Serbs accounted for approximately 31 per cent of the population. In BiH, however, the areas of Serb preponderance are not contiguous; they are primarily located in the north-east, south-east and north-west portions of the country. Moreover, the areas in which Serbs are dominant include substantial percentages of ethnic minorities, primarily Bosnian Muslims and Croats. ^{173/}

136. Prior to its break-up, a central political problem of the Yugoslav state lay in the numerical and political dominance of the Serbs over other ethnic groups. A critical issue in BiH has been how Bosnian Serbs could come to terms with a numerically and politically dominant coalition of Bosnian Muslims and Bosnian Croats. ^{174/} Facing the prospect, real or imagined, of becoming a permanent minority aligned against a coalition of Muslims and Croats, the Serbs adopted an irredentist strategy. Serbs residing outside the Republic of Serbia would be united into one political unit - a "Greater Serbia". As a military strategy, this has been described as "the consolidation of Serb-held territories in BiH, the eradication of Muslim enclaves within them such as Gorazde, and the severance of any possible military links between Muslims in BiH and those in the Sandžak area of Serbia". ^{175/} The strategy is reflected in the Serbs' "ethnic cleansing" campaign. The areas that have been cleansed can be represented by an arc which extends from Gorazde in the south-east and follows the Drina River through Zvornik, Banja Luka and Prijedor. The arc continues along the Sava and Korenica Rivers, which form the boundaries with the Serb Krajina area. Through the practice of "ethnic cleansing", the goal of creating a "Greater Serbia" has largely been achieved. Serbian forces now control approximately 70 per cent of BiH and one-third of Croatian territory.

137. In late June 1991, as the 10-day conflict with Slovenia was coming to an end, ^{176/} violence again erupted as the Yugoslav Army (JNA) and Serb paramilitary groups mounted an attack on the Slavonian village of Osijek, in eastern Croatia. In the following weeks, similar attacks would occur in numerous Croatian villages, such as Čelije and Bobota. In these villages, the homes of non-Serbs were looted and burned as the Serbs' "ethnic cleansing" campaign commenced. In the months that followed, the city of Vukovar in eastern Slavonia would be almost completely destroyed. On the Dalmatian coast, the ancient city of Dubrovnik would be shelled.

138. The shelling of Dubrovnik (like the later attack on Prijedor, in BiH) indicates that Serbian ethnic cleansing is not confined to areas in which Serbs are a majority of the population. Ethnic Serbs occupied approximately 11.6 per cent of Croatia and 32 per cent of BiH prior to June 1991. As would later occur in BiH, a breakaway government (The Serb Republic of Krajina) was formed in Krajina, an area of Croatia heavily populated by Serbs. By the time a cease-fire was signed in Spring 1992, Serbian irregular forces and the JNA

had captured one-third of Croatia's territory; over 16,000 persons were killed, and there were hundreds of thousands of refugees. 177/

139. In a pattern that would be repeated in BiH, local Serb forces in Croatia would coordinate their military operations with the JNA. In Serb-controlled areas such as Knin, in the Krajina region, and in eastern Slavonia on Serbia's border, non-Serbs would be expelled from their homes. The forced evacuation of non-Serbs would often be followed by the resettlement of Serbs in the homes of those who had fled. There is strong evidence that massive human rights violations have occurred in Croatia, including the mass execution of Croatian prisoners in Ovchara, outside of Vukovar in November 1991. Helsinki Watch has also reported that in Serbian Krajina, Serb authorities have executed Serbs who were willing to reach an accommodation with Croat officials.

140. The first sustained clashes between Serbian and Bosnian Muslim forces occurred in the Spring of 1992. 178/ This violence erupted after BiH's Declaration of Independence on 1 March of that year. The level of violence escalated following the European Community's recognition of BiH's statehood on 6 April 1992. 179/ There is evidence, however, that the JNA, the Republic of Serbia and Serbs in Croatia and BiH were preparing for war as early as 1990. It was then that the Yugoslav military began providing arms to Croatian and Bosnian Serb groups and encouraging unrest in Serb-populated regions of Croatia and BiH. 180/ In a project (operating under the acronym "RAM") coordinated from Belgrade, thousands of weapons were reportedly delivered to Serbs in Bosanska Krajina in the north-west, Herzegovina in the south-west, and Romanija, a mountainous area east of Sarajevo. 181/

141. In August 1991, Yugoslav Prime Minister Ante Marković released a tape-recorded conversation between Serbian President Milošević and Radovan Karadžić, the leader of the Bosnian Serbs. According to Misha Glenny, the tape recording revealed that Milošević instructed Karadžić to accept delivery of weapons. The arms would be supplied by General Nikola Uzelac, the head of the Banja Luka Corps. 182/

142. According to a report appearing in the Ljubljana newspaper Delo, an additional plan was developed by the JNA to supplement RAM. The plan reportedly called for the mass killings of Muslims and the use of mass rapes as a weapon of psychological warfare. 183/ According to the Delo article, the JNA plan stated that, "[a]nalysis of the Muslim's behaviour showed that their morale, desire for battle, and will could be crushed most easily by raping women, especially minors and even children, and by killing members of the Muslim nationality inside their religious facilities". 184/

143. As the war in Croatia continued, the JNA began military movements in BiH. 185/ The federal army relocated its troops from the cities to the countryside and deployed units at major communications points. 186/ In late 1991 and early 1992, as the war in Croatia came to a close, the JNA redeployed troops from Croatia to BiH. 187/ The 37th Corps, for instance, was transferred to the 4th military district in Sarajevo. 188/ The Corps' headquarters was established in Mostar, the capital of Herzegovina. 189/ JNA's General Staff appointed only Serbs and Montenegrans to fill the higher posts in the redeployed units. 190/

144. The JNA also adopted a new defence plan in early 1992 calling for the protection of the Serbian population outside of Serbia. Territorial defence units in Croatia and BiH were to be supplied with small arms, artillery, armour and missile launching systems. 191/ Moreover, the Ministry of Defence of the Serbian Autonomous Regions (SAOs) in Croatia and BiH were to be subordinated to the Serbian Ministry of Defence. The JNA and the SAOs were to

coordinate their defence plans and jointly protect their external borders and constitutional system. 192/

145. In the months preceding the independence referendum, the JNA also began to disarm Bosnian troops. The JNA maintained that in order to secure the peace in BiH, it must place all of the Republic's weapons in the hands of the federal army. 193/ The disarmament campaign ostensibly included weapons held by Bosnian Serbs, thus the campaign to collect the weapons initially had the support of the Bosnian government. 194/ The net effect of these measures, however, was that by Spring 1992, the JNA was in an advantageous position to launch its "ethnic cleansing" campaign and establish a "Greater Serbia". According to James Gow, a military analyst at King's College, University of London:

"[a]s a result of these measures, the Serbs had succeeded in repositioning their forces in Bosnia and Herzegovina as part of their strategy of securing the infrastructure that was to be a part of a 'mini-Yugoslavia', carving up the new state in the process: the eastern part was to be attached to Serbia, the southern part to Montenegro, and the western part to Serb-populated and -occupied regions in Croatia." 195/

146. In April 1992, when the conflict in BiH broke out, the JNA had approximately 80,000 troops deployed there. In early May, General Ratko Mladić was appointed JNA commander. Under pressure from the international community, on 19 May 1992, the FRY announced that it was withdrawing its forces. However, Yugoslav officials said that JNA 196 personnel from BiH could remain there and fight on behalf of the Bosnian Serbs. 197 Thus, General Mladić and 55,000 JNA troops, as well as JNA military weaponry and equipment, were transferred to the Territorial Defence Forces of the SRBiH. 198/

B. Implementing the "Ethnic Cleansing" Campaign 199/

147. In the weeks following BiH's recognition by the European Community, JNA and Bosnian Serb forces attacked Bosnian towns such as Prijedor 200/ and other villages in the Kozarac region 201/ of north-east BiH, and Zvornik 202/ in north-west BiH. Similar attacks have occurred in countless cities and villages along the Drina and Sava Rivers. The purpose of the attacks seems clear - both north-east and north-west BiH have high concentrations of Bosnian Serbs. Serb forces have sought to consolidate their control over these territories and link them with each other, as well as with Serb-controlled areas of Croatia. 203/

148. These attacks have followed a similar pattern. First, Bosnian Serb paramilitary forces, often with the assistance of the JNA, seize control of the area. In many cases, Serbian residents are told to leave the area before the violence begins. The homes of non-Serb residents are targeted for destruction and cultural and religious monuments, especially churches and mosques, are destroyed. 204/ Second, the area falls under the control of paramilitary forces who terrorize the non-Serb residents with random killings, rapes and looting. 205/ Third, the seized area is administered by local Serb authorities, often in conjunction with paramilitary groups. 206/ During this phase, non-Serb residents are detained, beaten and sometimes transferred to prison camps where further abuse, including mass killings, have occurred. 207/ Non-Serb residents are often fired from their jobs and their property is confiscated. Many have been forced to sign documents relinquishing their rights to their homes before being deported to other areas of the country. 208/

149. In Prijedor, for example, witnesses have stated that there was tension between the three ethnic groups, Muslims, Croats and Serbs, prior to the Serbs' seizure of the town on 30 April 1992. 209/ Serbian authorities assumed control of Prijedor through a nighttime coup. The next day, Muslims were dismissed from their jobs at hospitals and schools. Bosnian Serb snipers positioned themselves on rooftops. 210/

150. The takeover was engineered by the Serbian Democratic Party (SDS), 211/ working in conjunction with the JNA. In addition, paramilitary forces, known as "White Eagles" roamed the streets. A curfew was imposed between 10:00 p.m. and 6:00 a.m. 212/ In the following weeks, prominent non-Serb residents were arrested, such as the President of the local chapter of the Croatian Democratic Union (HDZ). In mid-May, the JNA attacked surrounding villages and towns. 213/

151. On 30 May 1992, the military attack on Prijedor began. There was some resistance from the Patriotic League, a group of Muslims and Croats who served in the local militia, but the battle lasted less than fourteen hours. 214 JNA and paramilitary forces took an active part in the conflict. The following day Muslims and Croats were forced out of their homes and interrogated. In many cases, their homes were robbed during their absence. Many non-Serbs were later taken to prison camps. 215/ In Bosnian villages such as Bukovica, Mala Vukovica, Tombak and Zajir, similar attacks occurred and the entire non-Serb populations of these towns appear to have been killed or deported. 216/

152. According to a report by Medecins Sans Frontiers (Doctors Without Borders), the non-Serb population in the outlying villages in the Kozarac region suffered a similar, and sometimes worse, fate. 217/ Based on interviews with 60 residents from the Kozarac region who had been held in prison camps, the study found that:

(a) The siege of the area appeared well planned; for example, television programmes from Sarajevo were blocked before the conflict began and replaced with programmes originating in Belgrade. 218/

(b) Prominent and well-educated citizens were targeted to be killed-- many were doctors, teachers and political leaders; after non-Serb residents were taken from their homes and gathered together, a Serbian militiaman, whose face was hidden by goggles, identified the persons who were to be killed; they were either shot or their throats were slit.

(c) Females as young as 12 years of age were raped.

(d) The region contained 13 mosques, a Catholic church and an Orthodox church; all were destroyed (apparently, the Orthodox church was unintentionally destroyed by shelling).

(e) Mass executions took place in Hambarine, Rizvanovići, Rakovčani Bišćani, Sredići and Čarakovo; three-quarters of the 4,500 inhabitants of these villages appear to have been executed.

(f) Male and female non-Serbs were separated and taken in convoys to prison camps at Keraterm, Omarska, Manjača and Trnopolje; at the camps prisoners were subjected to beatings, torture and summary executions.

(g) Three persons interviewed told of a mass execution of male prisoners from Trnopolje who had been taken on a convoy towards Bosnian lines (apparently to be released); all of the approximately 250 men in the convoy

were taken off, lined up and shot; 11 survived and eventually found their way to a Bosnian-Muslim zone.

153. The attack on Zvornik, in north-eastern BiH, reveals a similar pattern of events. 219/ In the weeks prior to the attack (which occurred on 8 April 1992), tensions between ethnic groups in the city had increased. 220/ Members of each ethnic group had obtained weapons for their personal use. Muslims were warned by their Serb friends that they should leave the area. 221/ Prior to 8 April, many Serbs left Zvornik, apparently having been forewarned of the impending attack. On the weekend before the attack, Serbs constructed a barricade, preventing many Muslims from reaching their work site or school. In retaliation, Muslims also erected a barricade at the same location. It was protected by Muslim police officers and armed volunteers. 222/

154. On the day before the attack, JNA troops moved into the region. On television, a Belgrade commentator reported that the JNA was needed in the region because they expected an attack by Muslim extremists. 223/

155. On 8 April, Serb representatives of SDS, as well as the paramilitary leader known as "Arkan", called for the Muslims to peacefully surrender the city. 224/ Negotiations proceeded in which the division of the city into Muslim and Serb enclaves was discussed. The negotiations broke down, however, apparently because Arkan was dissatisfied with the result. 225/

156. After the failure to reach an agreement, the attack on the town began. The JNA, using tanks, artillery and infantry units, was joined by Arkan's paramilitary troops, sometimes known as "Arkanovci". 226/ There was heavy shelling of the Muslim sections of the city. 227/

157. The next day Arkan's troops, along with paramilitary units known as "Šešeljovci" 228/ and the Beli Orlovi (White Eagles), 229/ entered the city. Serb territorial defence units (TOs) also participated. It was reported that these troops committed random executions and rapes after entering Zvornik. 230/

158. The next day, a provisional government was established that was headed by local Serbs, primarily members of SDS. A curfew was imposed, and residents had to obtain a police permit to travel within the city. Several Muslims who went to the police station to obtain a permit were taken into custody and deported to an outlying prison camp. Except for indispensable personnel such as hospital employees, Muslim men were prevented from working. 231/ During the following days, paramilitary units continued to patrol the streets, and there were many reports of looting, rape and other acts of brutality. 232/

159. In late April, an appeal was made to Muslims to return to the area from which they had fled. Many returned because they feared losing their property. 233/ On arriving in Zvornik, Muslims were told that they must register their property. An "agency for the exchange of houses" was established. In exchange for relinquishing their homes, Muslims were promised the former homes of Serbs in Tuzla. Departure from the town was only possible on the condition that their property was turned over to Serb authorities. 234/ From late May to early June 1992, the entire Muslim populations of villages in the surrounding area were deported. The expelled Muslims were allowed to take few personal possessions with them. Even these items were often stolen at Serb check-points on the roads leaving the area. 235/

160. According to an account in Vreme, the "cleansing" was followed by organized looting. "Some stole gold, hard currencies, household appliances or cars. Others robbed department stores. Electricity plugs were torn out of the walls and children's toys were sold and bought. Even entire bedroom suites could be seen floating down the river". 236/

161. The events in the Kozarac region and in Zvornik demonstrate the use of terror to expel Muslims from Serb-claimed land. Killings, rapes and torture were carried out in a manner that was designed to frighten the non-Serb population into leaving and never returning to the area. Thus, killings, and sometimes rapes, are committed openly, often in front of large numbers of witnesses. 237/ In other instances, however, killing seems to have been an end in itself. The UN's Special Rapporteur for Human Rights, for example, found that Serb troops prevented civilians from escaping the encircled town of Cerska by ambushing Muslims as they attempted to flee. 238/

162. Borislav Herak, a captured Serbian fighter, has stated that before attacking Muslim families near the village of Vogošća, Serbian commanders described the military operation as "čišćenje prostora" (cleansing the region). 239/ According to Herak, his unit had been told to leave no one alive. 240/ Herak stated that his unit was:

"... told that Ahatovici [a village near Vogosca] must be cleansed Serbian territory, that it was a strategic place between Ilidza and Rajlovac, and that all the Muslims there must be killed . . . We were told that no one must escape, and that all the houses must be burned, so that if anybody did survive, they would have nowhere left to return to. It was an order, and I simply did what I was told." 241/

163. Herak admitted to killing 29 persons. He killed many of them in their homes by shooting them or slitting their throats. He also said that he had raped and murdered eight Bosnian Muslim women and abandoned their bodies on hilltops and other deserted places.

164. According to a news report of Herak's confession, "his account offered new insights into the ways that tens of thousands of civilian victims of the war have died, most of them in towns and villages where there have been no independent witnesses". For example, Herak said that he saw a Serb unit machine-gun 120 men, women and children in a field outside of Vogosca. Their bodies were transported to a railway yard, piled in an open pit, doused with gasoline, and set afire. 242/

165. A similar pattern of killing occurred in many prison camps. Although the prisoners had already been forcibly removed from their homes, many were deliberately tortured and killed anyway. In the Omarska camp, for example, Serbian guards were said to have executed prisoners in groups of 10 to 15 every few days. 243/ Instances such as these suggest that mass killings are not always committed for the purpose of terrorizing others into fleeing. In at least some instances, the killing of non-Serbs appears to be an alternative means of "cleansing" Serb-claimed territory.

166. According to Pero Popović, a former prison guard at the Bosnian-Serb prison camps of Sušica, executions at that camp were a nightly occurrence from June through September 1992. 244/ A victim of the camp also reported that men were frequently shot to make room for more civilians who came from the nearby town of Vlasenica. The former prison guard stated that mass executions also took place, generally in reprisal for the killing of a local Serb. In mid-June 1992, he stated that he witnessed the killing of 26 persons. However, he estimated that at least one thousand persons had been executed in mass killings at the camp during the summer of 1992. Popović also

reported that shortly before the camp was closed, a decision was made to execute the 200 surviving prisoners. According to Popović, "[o]ver half of them were taken up to the ravine and shot", while the others were put to work digging trenches. 245/

167. "Ethnic cleansing" campaigns have continued through 1994. In September 1994, for instance, over 500 Bosnian Muslims were reportedly driven from their homes in Bijeljina, in northern BiH. In addition, more than 2,000 persons were expelled from their homes in the areas of Banja Luka and Rogatica. A United Nations official characterized these expulsions as "a final push to create a Serb-only state". 246/

IV. ASSIGNING RESPONSIBILITY FOR "ETHNIC CLEANSING"

A. Civilians

168. Among Bosnian Serbs, there appears to be widespread involvement in various aspects of "ethnic cleansing". Neighbours have attacked Bosnian Muslim and Croat families whom they have known for years; and they have guarded them at prison camps as well. Serb families have moved into the homes of Muslims and Croats who had been killed or expelled. Serb civilians have also taken part in looting the homes and stealing the possessions of Muslim and Croat families. 247/ In many cases, however, it is not known whether civilians acted pursuant to orders from Serb authorities. 248/

169. Many Serbs, on the other hand, have taken actions to help persons of other ethnic groups and have protected them from harm. Serbs who have helped their neighbours, however, risk being labeled as traitors by local Bosnian-Serb officials.

B. Police Units

170. The involvement of civilian police units in "ethnic cleansing" has primarily involved the deportation and detention of non-Serbs. Serb police forces, for example, were chiefly responsible for the forced movement of civilian prisoners from the detention facility at Trnopolje to the town of Travnik in BiH. 249/ Reports indicate that from 150 to 200 men were taken from two buses and summarily executed in a mountainous area known as Vlašić. 250/ In addition, police units were involved in administering the detention facility at Omarska. 251/

C. Paramilitary Units 252/

171. Paramilitary units are responsible for some of the most brutal aspects of "ethnic cleansing". Two of the units that have played a major role in the "ethnic cleansing" campaign in BiH, the "Četniks" associated with Vojislav Šešelj and the "Tigers" associated with Željko Ražnjatović (Arkan), have been active in the Republic of Serbia as well. 253/ Šešelj's followers have reportedly waged "ethnic cleansing" campaigns against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo. 254/ Arkan's "Tigers" have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo. 255/

172. In addition, Mirko Jović's "Knights" and Dragoslav Bokan's "White Eagles" are also based in Serbia. Šešelj, Arkan and Jović are also leaders of political parties in the Republic of Serbia. 256/

173. Šešelj's "Četniks" have reportedly committed some of the worst atrocities of the conflict. In the Krajina region of Croatia, for example, members of Šešelj's "Četnik" forces are believed to have participated in the torture of Muslim civilians at the Prijedor detention facility. 257/

174. A former monarchist, Šešelj dropped his support of Prince Alexander when the Prince praised the democratic elections held in Slovenia and Croatia. 258/ He has stated that he envisions a Serbia whose borders encompass all of BiH, as well as Macedonia and Serbian areas of Croatia. 259/ In August 1991, Šešelj told a Der Spiegel interviewer that his troops received weapons from Belgrade. Šešelj's troops are sent "from Belgrade to the crisis areas" in Croatia and BiH. "If there are 20 to 30 Četniks in every village, this is sufficient to encourage the people there", Šešelj said. 260/ Troops loyal to Željko Ražnjatović (Arkan) have been most active in eastern BiH, 261/ such as Zvornik 262/ and Bijeljina. 263/ The "Tigers" have a reputation for extreme brutality. Photographs taken at Bijeljina, for instance, show Arkan's soldiers shooting Muslims and kicking their corpses. 264/

175. The "Tigers", and Arkan himself, allegedly have been involved in organized plunder. A Belgrade journalist who was with the "Tigers" at Zvornik reported that Arkan's troops stole television sets and VCRs. After expelling Muslim families from their homes, they even dug up gardens looking for buried valuables, such as jewelry. 265/ These plundered goods are loaded onto trucks and transported across the Danube to Serbia where they are resold. 266

176. Although Arkan has described himself as being a "sweet shop proprietor", he is reported to be involved in a number of businesses including a detective agency, a chain of money-exchange shops and gas stations. 267/ Arkan, who was born in Slovenia, reportedly has a criminal record dating back to his teens. 268/ He is alleged to have been involved in bank robberies throughout Europe. Sweden, and other countries, have outstanding warrants for his arrest on charges of bank robbery, attempted murder and other crimes. 269/ According to NIN, Serbia's major news weekly magazine, 270/ the Italian police are seeking Arkan in connection with the 1974 murder of a restaurant owner. The Yugoslav press has also reported that Arkan is suspected of being involved in the 1983 slaying of a Croatian oil company executive. 271/

177. Šešelj's Serbian Radical Party (SRS) and Arkan's Serbian Unity Party (SSJ) have competed in elections for Serbia's parliament. Arkan's SSJ is based in Kosovo and has pursued a militantly anti-Albanian policy. 272/ SRS has a substantial presence in Serbia's parliament, having 39 seats in the 250-seat legislature. Šešelj's party received 13 per cent of the votes cast in the December 1993 elections. Arkan's Serbian Unity Party failed to take any seats. 273/

178. During the 1993 election campaign, Milošević's Socialist Party (SPS) accused SRS and its supporters of committing war crimes against Bosnian civilians. According to an account in Borba, Milošević supporters "furnished allegations and eyewitness accounts" of Četniks under Šešelj's command slaughtering civilians and stealing property. 274/ The allegations appear to have been prompted by a motion of no confidence in Milošević's government that SRS introduced on 7 October 1993. 275 Šešelj has accused members of Serbia's Socialist party of committing war crimes, as well. 276

179. Dragoslav Bokan's "White Eagles" borrowed its name from an organization that was active during the Second World War. According to Bokan, it was "the

only orthodox anti-communist movement at the time". 277/ Bokan revived the former organization when he returned from the United States in 1990. 278/

180. The "White Eagles" were active in Borovo Selo, Croatia in 1991. 279/ According to Bokan, his troops operated under the direction of the Territorial Defence units (TOs) established in Serb-controlled territory in Croatia and BiH. Bokan has stated that the "White Eagles" were not permitted to control territory that had been seized. 280/

181. Dragoslav Bokan was arrested in 1992 for the possession of a hand grenade and bullets found in his apartment. He received a suspended sentence of six months imprisonment. 281/ Following his arrest, Bokan severed his relationship with Mirko Jović, the head of the Serbian Renewal Movement (SPO). 282/ When the war in BiH broke out, Bokan said that he "started [his] private war", 283 and departed for Rajlovac in BiH. Although Bokan has been identified as a suspected war criminal, he has claimed that he does not "belong to [sic] the same bag with the people on the list of Helsinki Watch" 284/ (i.e., Arkan and Šešelj).

182. The paramilitary forces of Arkan and Šešelj appear to have received support from the Serbian government, or agencies within the government. For example, while Serbia's Defence Minister has disavowed any involvement with Arkan, he has indicated that Arkan is protected by Interior Ministry officials. 285/

183. Šešelj has criticized the federal army and has stated that "[w]e retreat immediately if the army appears". 286/ However, he has also stated that his paramilitary forces have received weapons from the JNA, if only "discarded German guns". 287/ Šešelj, as a member of Serbia's parliament, is a public official.

D. The Serbian Republic of Bosnia-Herzegovina:
Civilian and Military Officials

184. The top civil and military leaders of the break-away republic have also been identified as having committed war crimes. 288/ For example, Radovan Karadžić, the President of the Serbian Republic, and General Ratko Mladić, Commander of the BSA, may be held accountable under the principle of command responsibility for grave breaches of the Geneva Conventions and for crimes against humanity committed under their direction or with their knowledge. 289

185. President Karadžić cooperated with Serbian President Milošević in arming Bosnian Serbs. 290/ Karadžić's role in planning "ethnic cleansing" activities with Milošević was mentioned earlier. 291/ President Karadžić has continued his control over the military units that have shelled civilian targets in Sarajevo. 292/ He has also publicly stated that "almost all of the [Bosnian Serb] commanders are under our [the Serbian Republic's] control". 293/

186. Roy Gutman has also reported that close associates of Karadžić have been directly involved in military assaults, such as the attack on Foča in April 1992. 294/ For instance, Velibor Ostojić, a minister in the Serbian break-away government, is said to have

"conceived and organized war crimes in the Foča region, helped plan and organize the arming of Serbian Democratic Party members, prepared the attack and invited paramilitary forces from Serbia to undertake the armed conquest of a large portion of the territory of Bosnia-Herzegovina

and ethnic cleansing through annihilation, terror, persecution, detention, mistreatment and murder'". 295/

187. General Ratko Mladić, a former officer in the JNA, became a commander for the breakaway Serb Republic of BiH in May 1992, just days after he had been assigned to BiH by Serbia's President Milošević. 296/ Before coming to BiH, he had commanded troops in the war in Croatia. 297/ He is known to have ordered the shelling of Sarajevo's civilian areas. 298/

188. Mladić's military campaigns are characterized by fierce artillery barrages designed to level enemy towns. 299/ Colonel Gajo Petković, a former editor of the military journal Narodna Armija, has described Mladić's tactics as "giving vent to his inherent sadism". 300/ Several groups have identified Mladić as a suspected war criminal; most recently, allegations have centred on Mladić's shelling of the civilian population of Gorazde which killed 390 persons and wounded more than 1,000 of the city's residents. 301/ It has also been reported that General Mladić has recruited persons convicted of violent crimes to serve in the Bosnian Serb Army. Persons serving lengthy prison terms for violent acts have had their sentences suspended after agreeing to join the Bosnian Serb troops. 302/

E. The Republic of Serbia and the Federal Republic of Yugoslavia: Civilian and Military Officials 303/

189. There is substantial evidence that President Slobodan Milošević and JNA forces have been involved in the conflict in BiH from its inception. Moreover, their involvement has continued.

190. As previously mentioned, paramilitary units operating within BiH are based in the Republic of Serbia and have also conducted "ethnic cleansing" operations within the Republic of Serbia (in Vojvodina, Kosovo, and Sandžak). 304/ Šešelj reportedly has regularly transported plundered goods from BiH across the Danube to Serbia, with the apparent permission of Serb authorities. In addition, paramilitary groups have established training centres in Kosovo, where they operate free from interference from Serbian police and the JNA. 305/

191. The JNA, according to numerous reports, was involved in the conflict in Croatia from its inception. When the Serbs of Croatia's Krajina region declared their independence, there was a massive transfer of heavy weapons from the JNA to Serb paramilitary forces. In addition, there was an influx of supplies from Serbia itself. Serb paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps. They also were able to obtain a large number of sophisticated weapons and vehicles. 306/

192. Coordination between the JNA and local Serb forces was apparent in the destruction of Vukovar in 1991. A mass grave found at Ovcara is thought to contain the remains of at least 200 Croats who had been taken from a Vukovar hospital, summarily executed, and buried in a shallow grave.

193. According to military analyst James Gow, after the FRY announced its withdrawal from BiH in May 1992, its assistance to Bosnian Serbs continued. The Belgrade government, for example, continued to supply Bosnian Serb troops. Gow has stated that "General Ratko Mladić maintained daily contact with both the Bosnian Serb and the federal Yugoslav Defence Ministries in Belgrade; and officers in the field claimed that they could not hold their fire until they received orders from Belgrade". 307/

194. Milan Vego, writing in Jane's Intelligence Review, has also reported that the defence plan adopted by JNA in 1992 called for the federal army to protect Serbs outside of Serbia. 308/ The plan called for the transfer of JNA's

"command structures into Territorial Defence Units and supplying these forces with small arms, artillery, armour and missile launching systems. The Ministry of Defence of the self-proclaimed Serbian Autonomous Regions (SAO) in Croatia, Bosnia and Herzegovina was subordinated to the Serbian Ministry of Defense." 309/

195. According to UN observers, the JNA's involvement has been even more direct. For example, a Yugoslav army jet was observed as it dropped a cluster bomb on a Muslim-controlled hill near the centre of Sarajevo in June 1992. 310/ UNPROFOR officials have also stated that the JNA has been directly involved in the attacks on Srebrenica. According to a US Senate Committee report, JNA artillery units positioned themselves in Bratunac, or Bosnian territory, in order to better target the city. 311/

196. Reports from military analysts also indicate that Serbian forces in BiH regularly receive supplies and military equipment from Serbia. This includes fuel for aircraft, tanks and armoured vehicles. Serbian tractor-trailers, including oil tankers, reportedly deliver supplies to BiH on a daily basis. Serb vehicles transport these supplies and equipment from north-west BiH, across the Drina River to Bijeljina and then to Banja Luka and other cities in western BiH. 312/

197. For the military discussion, and the implementation of the policy of "ethnic cleansing", see Annex III, Military Structure; Annex III.A, Special Forces; and Annex VIII, Prison Camps. The case-study of Zvornik follows in this Annex and the case study of Prijedor is contained in Annex V.

198. In August 1994, President Milošević tacitly admitted that the Belgrade government had supplied arms to Bosnian Serbs. In announcing that it would sever most political and economic links to Serb-held portions of BiH, Milošević stated that the self-proclaimed Bosnian Serb state "would not survive" without aid from Serbia. 313/ News reports of the embargo imposed by Serbia on Serb-controlled territory in BiH noted that Milošević's government has been the "principal source of weapons, supplies and political support" for Bosnian Serbs. 314/

Part Three

REPORT ON "ETHNIC CLEANSING OPERATIONS" IN THE NORTH-EAST BOSNIAN CITY OF ZVORNIK FROM APRIL THROUGH JUNE 1992

I. INTRODUCTION

199. This report reconstructs the genesis and pattern of the expulsion ("ethnic cleansing") of nearly the entire Muslim population of the city of Zvornik. While attempting to evaluate events in a detailed and chronological manner, the investigation focused primarily on the identification of those responsible for the military operations, for war crimes and for human rights violations. The study also sought to identify a likely structure or distinct system of operations, ranging from the attack on the city to the expulsion of its Muslim citizens.

200. The investigation relied on information that the Ludwig Boltzman Institute for Human Rights (BIM) obtained from a preliminary evaluation of 500 interviews which were part of an interview study of some 900 Bosnian refugees from the Zvornik region. It was conducted within the context of the research project "Human Rights Violations in Bosnia-Herzegovina and Perspectives for Repatriation and Integration of Bosnian Refugees" (subsequently "BIM-project"). In addition, complementary information was obtained from additional interlocutors, as well as from 31 in-depth interviews conducted by the BIM.

201. The Institute designed a complex questionnaire using open and closed question techniques, as well as a special "check list" available to the interviewers only. The purpose of the latter was to double-check and question events and reports recounted already once, and to clarify remaining questions. The BIM interviewed individuals whose names and addresses were known to the Institute, and who are knowledgeable about the events described in this report. Some of the interviewees had occupied key positions in the socio-political life of the city.

202. In one part of the questionnaire the respondents were asked to identify the groups participating in the military attack and in the expulsion units of the former Yugoslav People's Army (JNA) and paramilitary units. Furthermore, respondents were asked to render these troops' positions during the military operations, and to describe any likely cooperation between the single units.

203. The expelled respondents were also asked to reconstruct the course of the events in chronological order. The following phases were identified for this purpose:

- (a) Phase 1: The time prior to the attack.
- (b) Phase 2: The attack itself from 8 to 10 April 1992.
- (c) Phase 3: The time up to the fall of Kulagrad on 26 April 1992.
- (d) Phase 4: The time after the fall of Kulagrad until 15 May 1992.
- (e) Phase 5: The time after 15 May 1992.

204. Subsequently, the expelled respondents could recount freely how they had experienced the individual phases, with particular focus on the behaviour of units of the former JNA, the paramilitary troops (former territorial defence units and guerilla units), the members of the militia, and the Serbian Democrat Party (SDS), all of which stayed in the city. The interviewers initiated the response to each phase asking the following question: "Please describe as exactly as possible how you experienced the respective phase". In addition, the interviewer could use the above-mentioned "check-list" on every phase to complement the open-question technique, if necessary. Furthermore, structured questions had been prepared regarding important events during the attack, as well as during the occupation (ultimatums, call to return after the first escape wave, forced registration, forced expropriation, deportation, detention in camps, war crimes, human rights violations, etc.).

205. During the interviews, the expelled respondents could rely on two city maps: one of the city of Zvornik itself and the other of Karakaj industrial area situated outside the city limits. These maps served to identify the positions of the troops participating in the attack, the starting points, targets, and the developments of the military operations, as well as the site of "concentration camps", particularly in Karakaj.

206. The interviews were conducted by experienced, bilingual interviewers, who had been particularly trained for the special requirements of the report. They took place in the Austrian federal states of Vienna, Lower Austria, Styria, in the refugee camp near Gabelkovo, Slovakia, and in the refugee shelter in Düsseldorf, Germany, between 10 and 28 March 1994. The interviewers themselves translated the records from the Bosnian or Croatian language into German.

II. SOCIODEMOGRAPHIC DATA

207. According to the 1991 census data, the district of Zvornik had a population of 81,111: 48,208 (59.4 per cent) of which were Bosnians Muslims and 30,839 (38 per cent) were of Serbian nationality. A total of 14,600 people lived in the city of Zvornik, 8,942 (61.0 per cent) of them were Bosnians Muslims, 4,281 (29.2 per cent) of the Serbian nationality, 74 (0.5 per cent) of Croatian nationality, and 1,363 (9.3 per cent) were defined as "others".

208. The following additional municipalities are relevant for the study: The municipality of Jordan north of Zvornik, which includes the towns of Jordan and Lipovac, had a population of 2,503, with a 53.1 per cent share of ethnic Serbs, and a 46 per cent share of Bosnians (Muslims). These villages were situated at the border to the industrial area of Karakaj, where JNA units were stationed prior to the attack; later the "headquarters" of both the "Serbian militia" and the JNA units were moved there, and several camps were established. The municipality of Čelopek, situated north of Jordan, had a population of 1,894, of which 93.1 per cent were of Serbian nationality and 6.3 per cent were Bosnians (Muslims). Well before the attack, units of the former JNA were stationed in Čelopek.

209. In 1981, a total of 27,095 (38.5 per cent) people held jobs - 9,487 of them in the farming and forestry sector and 18,308 in the non-agrarian sector. The total number of self-employed was 2,202. The "Birac" company in the industrial area of Karakaj was the biggest single local employer. It produced preliminary material for aluminum production (it was one of the biggest producers world-wide and part of the "Energo Invest" concern in Sarajevo).

III. STRATEGIC SITUATION OF ZVORNIK

210. Being a border town situated at the Bosnian-Serb Drina river, Zvornik had a strategically important position. It is significant because Bosnia and Herzegovina and Serbia are linked at that point not only through a road bridge between the Zvornik urban area and the Karakaj industrial zone, and another one in Zvornik itself, but also via a railroad bridge between Karakaj and the town of Čelopek. Thus, Zvornik represents an important link along the Belgrade-Sarajevo line, as well as within the Belgrade-Tuzla line.

211. Control over Zvornik meant that possible troop or logistical movements from Serbian territory towards Tuzla or Sarajevo could be accomplished without any hindrance. The early deployment of units of the former JNA indicates that the plan to secure control over the two corridors of Belgrade-Tuzla and Belgrade-Sarajevo, via control over Zvornik, was pre-conceived. For the Bosnian side, Zvornik was strategically important only in a defensive sense, i.e., to interrupt the above-mentioned supply lines. Moreover, because of its geographic location, Zvornik was not relevant to the armed conflicts and military movements within BiH and Herzegovina.

IV. MILITARY SITUATION (JNA AND PARAMILITARY UNITS)

212. Apart from units of the former JNA, paramilitary units (guerilla-type units, "volunteers", and members of the former Territorial Defence units (TO)) participated in the attack as well as in the ensuing occupation of the city. The following formations could be identified as the main participants:

A. JNA

1. Identification

213. Officially, there was no garrison of the former JNA in the Zvornik district. The Zvornik region itself was controlled by the 17th Corps Tuzla. Up to the fall of 1991, the 17th Corps consisted of 3 brigades and one partisan brigade, and was part of the First Military District of Belgrade.

214. After the re-organization of the JNA in the spring of 1992, it formally fell under the command of the Second Military District of Sarajevo, but most likely continued to be led by the First Military District of Belgrade.

215. By the turn of the year 1991/1992, preliminary tank units (apparently from the abandoned Jastrebarsko garrison in Croatia) were stationed near Zvornik. By February or March 1992 (at the time of the referendum on independence), additional units of the former JNA-tank units and artillery and anti-aircraft positions were stationed in the Zvornik region. Initially, the tanks still carried the JNA emblems. It was only later that they were replaced by the Serbian flag and the coat-of-arms emblem. But, the troops themselves, officers and soldiers, had Serbian badges (showing a Serbian flag on the front part of the beret and on the upper arm).

216. On the Serbian side of the Drina river bank, various tank positions could be identified as well. Additional forces, including artillery, anti-aircraft weaponry, and tanks were being positioned there.

2. Units involved

217. According to witness accounts, former JNA troops from the following garrisons were involved during the attack:

(a) Garrisons

(a) Tuzla (BiH): some of the tanks used in Zvornik were part of the units which were transferred from Jastrebarsko, Croatia to Tuzla.

(b) Bijeljina (BiH)³¹⁵: The infantry divisions of the former JNA were reserve units of the mobilization base, Bijeljina.

218. Members of the units from Tuzla were already stationed near Zvornik, particularly on the Bosnian side of the Drina river bank, prior to the attack. In Čelopek, in the "Dom Kulture", there were "small barracks" housing roughly 100 soldiers (infantry unit); moreover, there were also barracks in "Novi Standard" in Karakaj, which purportedly housed more soldiers than the ones in Čelopek. According to accounts by some of the individuals interviewed, the soldiers accommodated in both towns were from Tuzla; even General Janković from Tuzla is said to have visited the unit. But there is also some evidence that the infantry units in "Novi Standard" belonged to a newly-formed so-called territorial defence force (see B. Paramilitaries, below), while the one

at the "Dom Kulture" in Čelopek was the reserve unit from Bijeljina. Another facility for soldiers was said to have been located in an apartment building in Meterize. Soldiers were put up in the workers' apartments of the "Birac" company, while the Muslim population was expelled.

219. The planes and helicopters which participated in the aggression are also reported to have come from Tuzla.

- (a) Novi Sad (Serbia) 316/
- (b) Šabac (Serbia)
- (c) Sremska Mitrovica (Serbia) 317/
- (d) Valjevo (Serbia) 318/

220. Prior to the attack, these units were partly stationed along the Serbian side of the Drina river bank, and partly on the Bosnian side. They further participated in the attack on Zvornik, operating from Serbian territory. One unit from Šabac purportedly was housed in the "Dom Kulture" in Mali Zvornik. It was further claimed that there was a "small barracks" also in Radalj north of Mali Zvornik.

- (a) Niš (Serbia) 319/

221. There were indications that a "special unit" from Niš might have been involved in the attack on Zvornik and later on Kulagrad. This could have been part of the 63. Airborne Brigade NTS of the "Special Task Corps Belgrade". It was specially trained to handle "issues pertaining to the policies of domestic security".

222. Infantry units which had been withdrawn from the combat area in Croatia (Vukovar) and which were reported to have been involved in the aggression against Zvornik could not be allocated in greater detail.

3. Commanders

223. A number of commanding officers were reported, but their names were not included for confidentiality and prosecutorial reasons. Zvornik was part of the second Military district of the JNA after its reorganization.

4. Armament

(a) General

224. Canons 122 millimetres and 130 millimetres; howitzers 60 millimetres, 80 millimetres, and 120 millimetres, T 12; Anti-aircraft artillery; Samohodka; Tanks T 55, T 84, T 72 and 3 "Marda(er)" armoured personnel carriers with 2 automatic canons; T 54, T 55, T 34, older versions; transporters; 2 kinds of anti-tank grenade launchers; Machine-guns M 70A and M 70B; hand grenades fired from M 59 and M 66; (portable) mortars; knives and bayonets.

(b) Infantry

225. Machine-guns M 52, M 65, M 66, M 70A, M 70B, M 72; hand grenade launchers Zolja; kalashnikov; knives.

(c) Air Force

226. MIG 21 and Mig 29, Jastreb with machine-guns and gunners, Gallop, "Eagles" (aerial photographs); helicopters MT 6 or MT 8, actually only for procurement of food and weapons (except for an attack operation against Liplje and Sekovici on April 9 around 12:00) MT 9, Gazella.

B. Paramilitary units

1. General remarks

227. Paramilitary units, except for Arkanovci, were under the authority of two identified JNA officers. However, regarding their non-military actions, the paramilitaries operated without any reservations, particularly when murdering or looting.

228. Apart from the Arkanovci, who participated in the attack, the most important paramilitary units were the "territorial defence units" (TO), the Šešeljovci, and the Beli Orlovi. It was not possible to distinguish these three units clearly from each other, nor from the infantry divisions of the former JNA.

229. Regarding the infantry units, there is evidence that these units were not only composed of the "regular members" of the former JNA and of mobilized reserve forces, but also of "volunteers". Several of the individuals interviewed said that they had noted that prior to the attack, (i.e., in March 1992), and throughout the attack, the soldiers--and, some claimed, officers as well--no longer wore the badges of the former JNA. Instead, they had Serbian badges and cockades. However, at that time, the vehicles and machinery still had the old Yugoslav identity symbols. Moreover, many soldiers wearing "old JNA uniforms", used a "white band" on the upper arm as additional identifying marks. This identification only made sense if somebody wanted to distinguish himself from the uniformly dressed soldiers. At the time of the attack on Zvornik and during its occupation, such a distinction was only relevant if one stood out among "other JNA units", or among "forces in JNA uniforms" which participated (with the "Serbian side") in the attack, since a Muslim counterpart did not exist in this form. Furthermore, the soldiers wore long beards, which would not have been permitted for a regular member of the former JNA. Moreover, the description of how these units looked and where they were stationed corresponded to the description and location of the "territorial defence units", the Šešeljovci, and the Beli Orlovi, provided by other respondents. Members of the latter three units have also frequently taken part in the attack in composite units.

230. Some of the officers of this reserve infantry unit came from the Zvornik region while at the same time being well-known SDS activists.

231. In addition, respondents said they had recognized the same persons from the surrounding towns in Serbia proper showing up one time with the Šešeljovci, another time with the Beli Orlovi, and then again with the "volunteer forces".

232. The so-called "territorial defence" (TO) was reportedly integrated into the infantry units of the JNA at a later point.

233. Most of the members of the Beli Orlovi could be recognized by their "white eagles". The Šešeljovci could be recognized because of the fur caps and cartridge bands which they carried in a cross-shaped manner over their chests.

234. Thus, it is fair to assume that an essential part of the infantry belonged to the newly-formed "territorial defence units", which purportedly were established for the Zvornik region approximately six months prior to the attack on the city.

235. Nevertheless, a differentiation of these groups has been made below. Regarding the units of the former JNA, it was assumed that infantry units had already existed.

2. Territorial Defence (TO)

236. Shortly after the dissolution of the Yugoslav territorial defence in BiH (in the fall of 1991), SDS leaders in Zvornik began recruiting, equipping, and apparently also training a new "Serbian territorial defence". Most of their members came from Serbian villages (Čelopek, Šćemlije) near Zvornik, or from Serb-populated parts of Zvornik (Lisičnjak). Its commando base was in Karakaj.

237. However, many of those interviewed also pointed out that the TO's headquarters was reportedly in Lisičnjak. The unit itself stayed at the "Novi Standard" in Karakaj. These forces wore old JNA uniforms. Like all other paramilitary units, they cooperated with the JNA and honoured their command. Being locals, they could have had a special role, i.e., as informants for the military officers, and later in the looting and the turning-over of rich and important Muslims to the Arkanovci. The TO arrived early in the attack, shortly after the arrival of the Arkanovci.

3. Arkanovci ("Srpska Dobrovoljačka Garda"/"Serb Volunteer Guard")

238. Their hair was cut short, and they wore black woollen caps, black gloves cut off at mid-finger, and black badges on the upper arm. According to descriptions by other witnesses, they wore multi-colored uniforms, red arrows, knit caps, a badge showing the Serbian flag on the right arm, and an emblem showing a tiger and the words "Arkanove delije" on the shoulder.

239. A main characteristic was their strict disciplinary code. The supreme command was held by Arkan. Other well-known figures apart from Arkan included "Rambo" (Arkan's brother-in-law, who was killed in the battles over Kulagrad) and a number of identified persons who committed and ordered torture, killings, and other violations.

240. The Arkanovci, and in particular Arkan himself, are unanimously described as the key figures in the attack. During the actual attack operations, Arkan's standing was reportedly above that of the commanders of the former JNA, as well as that of the leading figures of the local SDS.

241. Arkan reportedly arrived in Zvornik on 8 April. It has been confirmed that he not only participated in "negotiations" on Zvornik's future on 8 April and the following day, but that he actually dominated those talks. An ultimatum for the surrender of the town and of the weapons in the morning of 9 April was reported to have been announced by Arkan himself. Members of the Arkanovci were reported to have been present in the city since the end of March.

242. Their participation in the fighting began on 8 April with mortar fire and attacks by snipers located in Mali Zvornik. They conquered the city and assumed control of it on 9 April. They conquered the most important bases and took control of the city until they could hand it over to the Serbian

administrators. Throughout the battle, the Arkanovci were supported by JNA artillery and logistics.

243. Later the securement of the city was taken over by other groups, Šešeljovci, Beli Orlovi, the so-called "territorial defence", and "volunteers" from neighbouring towns in Serbia. After the occupation of the city (10 or 11 April) the core troops left Zvornik, but later returned when necessary, as was the case with the attack on Kulagrad.

244. The Arkanovci were highly mobile and had many privately owned vehicles. Apart from their "military tasks", the Arkanovci were responsible for many of the atrocities and lootings. Arkan himself ordered Muslims and patients from the hospital to the execution sites. They were responsible for mass killings and murders. For example, Arkanovci murdered 4 men in the house of Salim Donjić, and committed massacres in Zamlaš and Hrid (about 150 people). In the morning of April 9, they were said to have committed another massacre in Vidakove Njive and at the access road in Zvornik. Also, they purportedly committed a massacre in the "Klempić" coffee house that same morning. However, this might refer to the same massacre, as the coffee house was situated in the direction of Vidakove Njive.

245. They had a reputation of being extremely cruel. There is indication that they had lists containing the names of rich Muslims whose gold and money were stolen. Local Serbs were accused of having drawn up these lists. For example, the Arkanovci were reported to have been accompanied by local Serbs during the first few days as they went from house to house, killing and raping the residents and looting the buildings. The "right to be the first to loot", which they apparently enjoyed, obviously served as a means of "payment".

246. Their armament included: guns and grenades; automatic rifles M 70A, M 70B and US rifles, "Škorpion" rifles, hand grenades; anti-tank launching grenades; ropes for choking people; long "Rambo-style" knives; only light weapons; bullet-proof jackets.

4. Šešeljovci

247. They are described as "bearded" men. They wore Serbian military berets with the Serbian flag on the front side, or black fur hats with a Serbian cockade. A further identifying characteristic was their ammunition which they wore in a cross-shaped manner over their chests, and the hand grenades on their belts.

248. The leaders wore a giant pointed fur hat with a coat of arms. Several of them were identified.

249. Reports said they were always drunk, and they always recruited additional new people, criminals, or "weekend fighters". They are said to have been particularly active as regards violence against civilians.

250. It was difficult to identify their headquarters. Some mentioned the "Standard" in Karakaj, the companies "Inžinjering", "Alhos", and "Vezionica" in Karakaj, the hotel "Drina" and the pre-school in the radio station.

251. Members of the Šešeljovci were already present as civilians prior to the attack. It is further reported that Šešelj himself had been in Zvornik to meet with his local party friend Boško Ceranić. They participated in the attack very early on and stayed involved throughout the entire period of the occupation until the seizure of Kulagrad. They assumed control of various

parts of the city and were responsible for lootings everywhere. They always cooperated with the JNA, both with regard to strategy and command structure.

252. Their armament included: automatic rifles M 59, M 66, M 70A, M 70B; long, curved knives, hand grenades; ammunition worn in cross-shape over chest.

5. Beli Orlovi (White Eagles)

253. They were sloppily dressed and wore uniforms from various JNA stocks, or civilian clothes, and had a white eagle badge on the cap and the upper arm. For the most part they came from surrounding towns in Serbia (Loznica, Valjevo, etc.). Their headquarters, too, was hard to locate. They reportedly have stayed in the "Alhos" together with the Arkanovci, and in the "Jezero" hotel.

254. They only participated (like the Šešeljovci) in the second wave of the attack. Their "task" was to assist in the fighting, and to secure strategic points. They participated in the shelling, siege, and occupation of the city, as well as in the later attack on Kulagrad.

255. Apparently, however, they were primarily responsible for arrests, deportations (securing of deportations), and looting. They were frequently seen near road crossings, in the streets, etc., drunk or provocative. They repeatedly held up or arrested "suspects" on the street, or took what the Arkanovci had left after pillaging the city. They drew white eagles on houses and storage buildings, and it was forbidden to remove them. They cooperated with the JNA.

256. They had only light weaponry (no details given).

6. Draganovci

257. The Draganovci of "Kapetan Dragan" (Captain Vasiljković Dragan) was another important unit. Although it did not participate in the attack, it played a key role later in the occupation of Zvornik. Members wore red (French) berets, were rather well disciplined and dressed properly. Their commander "Kapetan Dragan" was described as second in importance to Arkan. The Draganovci arrived at the end of May and participated only occasionally in the fighting. Their "main task" was patrolling the city, executing deportations, and intimidating the population. Their headquarters was at the hotel "Vidikovac" in Divič.

258. They had only light weaponry (no details given).

7. Other formations

259. Other formations participating during the entire course of the raid included: Anticevci (who are being blamed for one massacre in the district of Srpska Varoš on 15 April); special forces of the local Serbs wearing a stocking tied over the knee; Serb volunteers from Loznica, Šabac, Valjevo (dressed in black), who may have been part of the Beli Orlovi; the "Dušan Silni" unit which also may have been part of the Beli Orlovi; the Group of Pusula from Rastošnica, a Group from Padinska Skela (prisoners; big black hats with shining ribbons; cowboy-look); and the Vukovarci.

260. Many partisans, particularly from the towns of Loznica, Valjevo, and Šabac, apparently came to the city as part of several groups (Šešeljovci, Beli

Orlovi, "volunteers"), and at various times. All of these partisan units carried only light arms.

V. CHRONOLOGY

261. For a chronology of the aggression, the following classification was used: after a brief outline of the time preceding the attack, the period of the aggression is differentiated along two lines of development. The first line covers the military events, i.e., the (military) attack on Zvornik and the decisive attack on Kulagrad just two weeks later. The second line illustrates the civilian development in the town, which can be clearly split into different phases that are linked to the military developments. Accordingly, the crucial moment in the civilian development line is the attack on Kulagrad on April 26. A further decisive disruption of civilian life occurred in mid-May.

A. The time before the attack

262. As could be observed in the context of the BIM project, social life between the various ethnic groups rapidly deteriorated in the months before the attack. There were tensions in the workplace, at school and in the neighbourhood. Each ethnic group began to distance itself from the others. There was an increasing militarization of the society, and the Serbian side was suspected by the respondents to have been informed about any kind of impending action.

263. There are various pieces of evidence indicating that both the attack and the expulsion of the Muslim population was pre-planned.

264. About 2-3 months prior to the attack, military training exercises lasting up to 2 weeks were conducted in Osmaci near Kalesija and other villages. The JNA organized these exercises and only Serbs were invited under the pretext that the TO had to be trained.

265. Already in the weeks prior to the attacks, members of all ethnic groups procured weapons for their personal use. According to those interviewed, Serbian citizens of Zvornik obtained their weapons mainly through the SDS or the JNA, while the Muslim population procured weapons through "private channels". 320/

266. In regard to the month of March preceding the attack, there was agreement among the respondents--and this was also consistent with the results of the BIM project--that many Serbs left the city for the weekend, but showed up back at work on the following Monday. It cannot be proven that this was an SDS-organized training exercise for the evacuation of Serbian citizens in the event of an actual attack on Zvornik. However, there were strong reasons to assume that this was an organized action. For example, a majority of Serbian families had left town over the weekend. Likewise, women and children of Serb nationality were away from the town when the attack began.

267. In the days preceding the attack, respondents were repeatedly warned by Serbian friends and colleagues that they had better leave the town rather soon. This supported the assertion of many respondents that the Serbian inhabitants of Zvornik had been informed about the attack, at least on short-notice.

268. On the weekend before the attack (4 or 5 April), a barricade was erected near Meterize by Serbs using company trucks owned by the firm "Boksit" (a

bauxite pit at Milići, 30 km south of Zvornik). On the following day, 6 April, Muslims were prevented from going to work. Additionally, students going to the technical training centre at Karakaj were forced to turn back at the barricade.

269. These events, as well as the fear of a military conflict, were also causing many Muslim families to leave the town via the Old Bridge. In reaction to the Serbian barricade, the Muslims erected a barricade of their own at the same site which was composed of trucks and protected by the Muslim police and by armed volunteers. Initially, however, there were only verbal conflicts going on at the barricades. Demonstrations were held at the barricades, in the course of which members of all ethnic groups advocated a state of peaceful coexistence.

270. On 6 April, a few days before the attack, the local police force was divided. The police headquarters in Zvornik was liberated by the Serbian police staff, who transported the weaponry, equipment and vehicles to the industrial zone of Karakaj in the north of Zvornik. In the weeks before that, there had still been joint patrols driving around the town and at the bridges in order to demonstrate the togetherness of the two ethnic groups.

271. Already, on 6 and 7 April, a large part of the Muslim population of Lipovac and Karakaj fled to Zvornik. On the evening of 7 April, i.e., one day before the attack, the large numbers of JNA units present were explained by the Belgrade TV station as being due to an impending attack by "Muslim extremists" positioned on the Kulagrad hill.

272. On 8 April, negotiations took place in Mali Zvornik between the SDS from Zvornik (Branko Grujić), the Party of Democrat Action (SDA) from Zvornik (district president Asim Jusbašić), and Arkan. The talks reportedly aimed at a "peaceful surrender of the city", i.e., a "capitulation by the Muslim population". Moreover, the two representatives from Zvornik apparently reached an "agreement" which aimed at dividing the city. The centre of the city of Zvornik would remain "Muslim", while the northern part, including the Karakaj industrial zone, would be "awarded" to the Serbs. According to one person interviewed, who had briefly talked with the chief negotiator of the SDA shortly after the meeting, the SDS and the SDA agreed to this scenario. However, the SDA representative still feared an attack, since Arkan was said to have been dissatisfied with this meeting and reportedly announced that he would take charge of things from then on. According to similar reports, Arkan even attacked the two other individuals. In the morning of 9 April, negotiations were also conducted in Mali Zvornik, but they were not successful. This pattern of negotiations was designed to calm the other side, while concurrently preparing a military attack, which had been observed on the international level, was thus applied locally as well.

B. The attack on Zvornik

273. The military attack on Zvornik occurred on 8 April. Later, there were sporadic military operations with units of the former JNA cooperating with paramilitary units. These operations mainly focused on the medieval fortress of Kulagrad, situated to the south-west of Zvornik, where some dozen resistance fighters were holding out. However, on 26 April, this fortress was conquered in a concerted attack by former JNA troops, with air support, and by paramilitary units. Immediately after the fall of Kulagrad, the town of Divič, situated south of Zvornik, was attacked. Divič was almost exclusively populated by Muslims and was situated at the hydro-electric power plant. Since Divič could also be controlled from Kulagrad, the aggressors did not consider a decisive attack on Divič possible until after the capture of

Kulagrad. Divič was also considered a "Muslim stronghold" from where strong resistance could be expected, and where the power plant dam might possibly have been mined.

274. The attack on the town was conducted both from the Serbian side and from Bosnian territory, using tank forces, artillery, and infantry units with portable mortars. JNA units and paramilitary units cooperated. Arkanovci operated in front-line positions, taking the city. Their core troops left the city after the successful attack to prepare a raid on the next city, Bratunac.

275. The attack began on the morning of 8 April, with mortar fire on the Bukovik and Meterize city districts, as well as on the Muslim-held defence positions on the Debelo Brdo hill. It came from the artillery positions in Karakaj, from the Bosnian side before Meterize, and from the Serbian side of the River Drina (Mali Zvornik). First shots were fired in the Meterize suburb. This attack was mainly carried out by the heavy equipment of the JNA (artillery and tanks). There are also reports of Arkanovci snipers firing from Mali Zvornik on the opposite river bank, and of snipers aiming at residents from positions on highrise buildings in Zvornik itself. The Muslim position on Debelo Brdo, however, fell on that same day and was occupied by the aggressors.

276. During the night there was heavy shelling of the town. The capture of the city did not begin until the following day, 9 April. In the morning, there were again negotiations with Arkan, which ended in an ultimatum for the surrender of weapons and the town by 8:00 a.m. At 8:00 a.m. artillery fire started again, followed by the capture of the town by the infantry. The Arkanovci assumed a leading role in the take-over of the city, proceeding from the north via the Bukovik and Meterize city districts heading for the city centre. In addition, infantry units of the JNA in cooperation with "Serb volunteers" (Šešeljovci, Beli Orlovi, "TO") also took part in the seizure of the city. They approached the city primarily from the west--from Ščemlije and Lisičnjak in a "second wave". It was reported that on the very first day, as well as during the subsequent weeks, there were random executions, rapes, and massacres. In these, the units of the Šešeljovci, Beli Orlovi and the so-called "territorial defence" were also involved. On 10 and 11 April, Zvornik was captured. The Kulagrad fortress north of Zvornik and the town of Divič bordering Zvornik to the South had not yet been occupied.

C. The attack on Kulagrad and Divič

277. Kulagrad is a settlement in the vicinity of a medieval fortress on the Kula hill, located on the south-western outskirts of Zvornik. In view of the geographical location of Zvornik and the strategic positioning of the attacking units, there were only two escape routes open to the population after the beginning of the artillery fire: either to the east across the Old Bridge to Serbia or in a south-western direction via Kulagrad and Liplje to Tuzla. Kulagrad and Liplje were only used as short stopovers and, during the period after the attack, had to accommodate highly fluctuating numbers of refugees.

278. On 9 April, artillery attacks on Kulagrad started as the attacking units were expecting major Muslim resistance forces. Even before the attack, Serbian media reported that "several thousand Muslim extremists" were hiding in Kulagrad. In fact, there were probably no more than a few dozen armed Muslims under the command of a former JNA officer who spontaneously organized a resistance movement with light equipment (small arms).

279. From 11 April onward, there were almost daily attempts by small combat groups from various paramilitary units to capture the fortress. These attempts failed, however, despite the fact that Kulagrad was constantly under fire from mortars, anti-aircraft guns and tanks. The reason for this failure might be due to the apparent lack of coordination of the attacks, as well as deficiencies in the training of the infantry units involved.

280. On 25 April, an identified senior JNA officer presented an ultimatum to the inhabitants of Diviç to turn in their arms. The defenders of Kulagrad had been given a number of ultimatums since the beginning of the attack on April 11. The last ultimatum came on 26 April, the day of the decisive attack on Kulagrad.

281. In the morning of 26 April, the villages around Kulagrad were the first to fall in the wake of a concerted attack. At the same time, Kulagrad and Diviç were attacked by heavy artillery fire from the Serbian bank of the Drina river. This enabled the attackers, who this time had coordinated their actions, to capture Kulagrad. The units were able to approach the fortress from all directions, including from the power station in the south. In addition, the attack was conducted more effectively. Some respondents stated that a special unit, possibly members of the 63rd Niš parachute brigade, were involved in the decisive attack and the seizure of Kulagrad.

282. The Muslims remaining in Kulagrad, along with the other inhabitants and refugees in Kulagrad (approximately 100 persons), left town at approximately 10:30 a.m. together via Liplje in the direction of Tuzla. In Liplje, they were only able to stay very briefly, as later that afternoon this village was also taken by the aggressors without any resistance. On the same afternoon, paramilitary units marched into Diviç and pillages were reported. Some time later, Diviç was also occupied by the JNA.

283. Thus, the attack on Zvornik and the capture and occupation of the city took place before 5 May (i.e., prior to the time when the Yugoslav national Presidium officially gave up the supreme command over the units of the JNA in BiH). Those troops originating from "left-over Yugoslavia" were given orders by the Belgrade national Presidium to withdraw from BiH.

VI. CIVIL DEVELOPMENTS IN ZVORNIK AFTER THE ATTACK

A. From the aftermath of the attack on Zvornik until the fall of Kulagrad

284. Control over the "civil administration" was first in the hands of the so-called "emergency staff" which above all included members of the local SDS and the militia. Some of these persons were also integrated into the so-called "territorial defence". On the basis of a document, it becomes clear that the "emergency staff" not only was in existence on 8 April, but had already decided on an "ordinance on the introduction of the general work requirement" within the borders of the Serbian district of Zvornik. All workers were required to report to their employer. However, already during the early days of the aggression (around 10 April), a "Provisional Government" of the so-called "Serbian District of Zvornik" was founded.

285. A few days later (around 10 or 11 April) the above-mentioned "ordinance on the introduction of the general work requirement", along with an extension of the deadline, was broadcast by Radio Zvornik. But this appeal was not followed either, as there were still numerous paramilitary troops in town who were looting and terrorizing the locals. Therefore, the appeal was broadcast once more a few days later (approximately 15 or 16 April). The overall

response to these appeals was however rather poor. The experiences of those who did follow the appeal to return to the workplace showed that the true purpose of this appeal, and of others that followed, was to monitor the male Muslim inhabitants.

286. Immediately after the occupation of the town, a night curfew was imposed which remained in force until the "ethnic cleansing" was completed. During the day, men were allowed to move around only with a permit issued by the Serbian police 321/ at Zvornik. Many of the men who went to Karakaj (or later to the police office in Zvornik) in order to apply for a "permit" were suddenly deported into one of the camps in the industrial district of Karakaj.

While at the camp, they were subjected to severe torture and murder, in particular by members of the paramilitary troops whose quarters were partly in the same buildings as those in which the prisoners were detained. 322/ The detainees were entirely at the mercy of their torturers. 323/ Many of the men, therefore, did not dare to pick up their passes themselves, but remained in hiding in houses. However, even persons with a pass were not safe from random aggressions by the numerous paramilitary units in town. It was reported by some witnesses that immediately upon leaving the police station, they had their passes taken away or torn into pieces by members of a paramilitary group. Some of them were attacked and deported into camps.

287. Women were permitted to leave the house during the daytime in order to go shopping. However, they were obliged to cross the old bridge to Mali Zvornik (Serbia) as the stores in Zvornik had already been looted. At the check-points on the bridge, the women were frequently molested. There were also several reports of rape.

288. From the onset of the occupation, Muslims were prohibited from working, except for persons deemed indispensable by the aggressors (e.g. hospital personnel, who were not released until the end of May). Everyday life was dominated by the fact that marauding paramilitary troops, who were not controlled by any authority, terrorized the Muslim population of Zvornik.

289. There is little available data on the behaviour of the local Serb population because the respondents were almost exclusively Muslims. Also, there were only a few Serbs left in Zvornik at the time of the attack. When asked why they thought the Serbs had left town during that period, many respondents expressed a suspicion that the Serbs "had been fully informed" and had therefore left town in time before the attack. This suspicion is substantiated by the fact that some of the Muslims were warned by Serbian friends about an impending attack. Apart from that, local Serbs took part in numerous acts of violence in town as members of paramilitary groups and units of the police and the SDS. Apparently, it was disadvantageous for local Serbs to talk to the Muslim inhabitants. However, there were also reports indicating a positive behaviour on the part of the Serbs. These reports included cases of food being supplied as well as the much-cited example of a young Serbian woman whose throat was cut by fighters of paramilitary units when she tried to protect her Muslim friends.

B. After the fall of Kulagrad

290. There is agreement on the fact that after the fall of Kulagrad the situation in Zvornik became less strained. Many members of the paramilitary units, as well as parts of the troops of the former JNA, were reported to have left town by the end of April. Many of the Serb inhabitants who had also fled from Zvornik returned to town. The SDS started to organize an administration in the new "Serbian District of Zvornik".

291. At the end of April, probably immediately after the fall of Kulagrad, the "Serbian District of Zvornik" issued a further appeal for the Muslim refugees to return to Zvornik. On the basis of a large number of consistent reports, the message of the appeal could be summarized as follows: the situation in town was back to normal and everyone would be able to return unharmed. Any personal property would have to be registered with the Zvornik police by 15 May as it would otherwise fall to the "Serbian District of Zvornik". This appeal to return was broadcast daily for a period of approximately two weeks by Radio Zvornik, Radio Loznica and, most likely, also by the Belgrade TV station in a variety of versions. The appeal was more successful with the escapees than an earlier appeal to return to the workplace.

292. The fear of losing their property as well as the situation in town seemed to have been the decisive reason for an astonishingly large number of persons to return. However, the normalization and the establishment of a regular municipal organization, in connection with the appeal to return, had grave consequences for the Muslim inhabitants. Now that the paramilitary groups had left town again, it was possible to convert the existing general chaos into an organized "Serbian administration" of the town. The systematic conduct of the "ethnic cleansing" procedure was only possible after a large part of the Muslim escapee population had returned. Therefore, it was not until the fall of Kulagrad that one could actually speak of an organized expulsion of the Muslim population.

293. Consequently, after a relatively short time, around 10 May, the situation for the Muslim inhabitants began to deteriorate again. New paramilitary units came into town, breaking into Muslim homes, frightening the residents and mistreating them in a variety of ways, as well as frequently deporting men in the camps at Karakaj. In particular, former members of the SDA fell victim to such deportations into the camps in Karakaj or Batković near Bijeljina. The militia and other local Serbs who were frequently referred to as members of the SDS appear to have been regularly involved in these aggressions. There seems to have been a further exacerbation of the situation around the end of May or the beginning of June. This is seen by some respondents as being linked to the arrival of the Draganovci in town.

VII. EXPULSION AND ORGANIZED DEPORTATION

294. After the stage of "unorganized" expulsion of the Muslim population by means of terror, the next step was to prepare the total expulsion of the Muslim inhabitants with the support of administrative measures. The first step had already been the appeal to return. The registration of property that was mandatory for all inhabitants, including the Serbian population, served above all the purpose of registering the male Muslim population. For this reason, only men were eligible for registration, which had to be completed before the "Serbian municipality" or the "Serbian militia", even if a property was originally registered under the wife's name. As a result, these registrations led to arrests and deportations to camps, apparently on the basis of pre-established lists.

295. An "agency for the exchange of houses" was set up, to which the Muslim inhabitants were to transfer their houses. In return, the Muslims were promised houses belonging to Bosnian Serbs (e.g. in the Tuzla region) who supposedly had also assigned their homes to the agency. In order to make this "offer to exchange houses" more attractive looking, Serbian radio stations transmitted broadcasts about the successful exchange of houses by prominent Muslim inhabitants. These exchanges were, in many cases, found out to be falsified, incorrect, or conducted under coercion.

296. Departure from the town was only possible on the condition that the property was renounced and transferred to the "Serbian District of Zvornik".

This forced transfer of property was executed by the "Serbian District of Zvornik" in cooperation with the police and paramilitary units, especially the Draganovci. Eventually, the Muslims were glad to sign the deed in order to get away from the terror.

297. It is difficult to precisely reconstruct the "model type" procedure employed by the authorities for the conduct of the ethnic cleansing during the following weeks. The measures of forced registration and assignment of property preceding the actual expulsion were characterized by a variety of approaches. Despite the fact that there was no clear indication as to the method used for expulsion, the following pattern emerges from a large number of consistent cases:

298. After their return, the refugees first had to be registered. This registration had no immediate consequences for the "organized deportations". Registration was, however, a prerequisite for the subsequent transfer of property. Registration had to be done before the police, and, in many cases, it immediately preceded the actual deportation. The forced transfer of property to the "Serbian District of Zvornik" made registrants eligible for obtaining an official entry of change of domicile on their ID card. This ID card entry was a prerequisite for being allowed to leave the town. Some expellees, especially men, were also required to prove that they had "donated blood" (large quantities were indeed taken by coercion from many of the camp prisoners). 324/

299. Documents that had to be shown upon leaving the town included:

(a) a personal ID card, in which the date of the notice of change of address was entered by the authority.

(b) a permit which guaranteed the holder the freedom of movement on the territory of the "Serbian District of Zvornik" and the access to the territory of the FRY.

(c) a stub certifying the "change of address".

300. From the end of May to early June, there were days in which the Muslim populations of entire municipal districts or neighbouring villages were deported. A chronological accumulation of deportations could be observed on 22 and 23 June. These organized deportations were reportedly carried out by means of vehicles provided by the firm "Drinatrans", which brought the deportees to Mali Zvornik and from there via Loznica to Subotica³²⁵ or into the Bosnian territory of Tuzla. The deportees were only permitted to take a very limited number of personal belongings along with them. Quite frequently, however, even these were taken away from them at the check-points.

VIII. ASSESSMENT

A. Participation of JNA units

301. A detailed assessment of the level of involvement of the former JNA in the attack on Zvornik is possible only to a limited degree. What is certain is the fact that units of the former JNA were involved.

302. It is also certain that a tank unit (or parts thereof) was deployed that, until the winter of 1991, had been stationed in Jastrebarsko/Croatia and integrated into the 17th Corps Tuzla, following the abandonment of JNA

positions in Croatia. The unit was stationed in the village of Čelopek north of Zvornik, with a number of tanks located in the industrial district of Karakaj and proceeding towards the Zvornik city limits (precinct of Meterize) when the attack began. The artillery and air defence emplacements localized on the Bosnian side may be counted as part of the former JNA.

303. As regards the infantry units, which some of the refugees have attributed to the JNA, there are indications that they are not composed exclusively of "regular members" of the former JNA and draftees of the reserve corps, but also of "volunteers". This assumption is supported by several factors.

304. First, according to some respondents, the soldiers and the officers had, prior to the attack (i.e., in March 1992) as well as during the attack, begun to wear Serbian badges and cockades instead of the badges of the former JNA on their uniforms. Vehicles and machinery, however, still had the old Yugoslav identification signs. Many of the soldiers wearing "old JNA uniforms" were also using a "white ribbon" around their arms or other identification marks. These identifications only make sense, if they serve to differentiate the person using them from others wearing basically the same uniforms. Such a differentiation, however, was only relevant at the time of the attack or the occupation of Zvornik in regard to "other JNA units" or "units in JNA uniforms" taking part in the attack (on the "Serbian side"), since there was no counterpart on the Muslim side.

305. For those former JNA units that were stationed on the Serbian side, such a detailed distinction is not possible. Here, temporary military barracks were installed (in Radalj and Mali Zvornik). The unit stationed in the "Dom Kulture" in Mali Zvornik was said to have come from Šabac.

B. JNA Commanders in charge

306. The responsible officers of the former JNA during the attack and occupation periods were identified. After the fall of Kulagrad and the final consolidation of "Serbian control" over Zvornik, the respondents identified the successor commanders.

307. This change from the former JNA to a (newly established) "territorial defence" (and not to the "Serbian Army in Bosnia and Herzegovina") may be seen as yet another indication that there had already been cooperation between "regular" members of the former JNA and "irregular" members (reserve, volunteers) at the time of the attack on Zvornik.

C. Strategic planning of the attack

308. From the analysis of these factors the following can be concluded:

309. The strategic preparation of the attack was carried out by officers of the former JNA who were also responsible for coordinating and directing the actual attack.

310. The squads, which were identified by many respondents as JNA units, were to a large extent at least composed of "volunteers" or "reservists". This assessment is consistent with the fact that the former JNA was already suffering from great personnel losses during the Croatian war and, above all, at the end of the military actions there (especially with many "non-Serbian" recruits refusing to report for active duty and many "non-Serbian" soldiers and officers deserting). The personnel-intensive infantry units, in

particular, required additional manpower, a fact which is supported by the observations made in Zvornik. The fact that local SDS activists were named as "officers", especially of the infantry, also suggests that they acted in their capacity as "officers of the reserve" or as officers of the so-called territorial defence.

311. The tank units, which were also active in Zvornik, were less labour-intensive, but required better training. This suggests that these units were made up of "regular" JNA personnel. Intelligence reports and observations of the troops in combat further showed that there were only rare occasions where a complete brigade was deployed and that "combat groups" were instead usually formed consisting in parts of infantry, artillery and tank units.

312. In May 1992, the Commander of the JNA's Tuzla Corps resigned. JNA officers and military equipment, however, continued to be part of the attack and occupation of the city and surrounding areas. This implies orders and coordination from another command source.

D. The attack on Zvornik

313. The attack was initiated by barrage fire from artillery and tank units of the former JNA that supported the seizure of the town by units of the Arkanovci. According to several respondents, destruction caused by artillery and tank fire was rather infrequent. There was no indication that the town was to be destroyed, but rather that the aim was to frighten and terrorize the inhabitants. This suggests that the attackers wanted to take over the town.

314. The seizure of the town was carried out by a "special unit" of the Arkanovci. This assumption is supported by the fact that members of the Arkanovci who were involved in the capture of the town left again a few days later, whereas other Arkanovci stayed in town and were joined by more members of Arkanovci. The seizure of the town may therefore have been carried out by a "special unit", which had already captured Bijeljina and which after the seizure of Zvornik, went on to occupy Bratunac. The other paramilitary units arrived in a second wave, led by Šešeljovci, with the Beli Orlovi and the so-called "Serbian territorial defence" with "volunteers" from adjacent Serbian villages or from neighbouring towns in Serbia.

E. Military control of Zvornik following the occupation

315. It is difficult to determine which groups exerted control over Zvornik at the various stages following the occupation of the town. In general, supreme control has frequently been ascribed to the JNA. The fact that these were high-profile personalities and former JNA officers may have led many expellees to assume that supreme control was in the hands of the JNA. Indeed, these two officers had supreme control over the town, albeit not as JNA, but as leading officers of a new "territorial defence" which had been established by local leaders. This later formed the core element of the "Serbian Army in Bosnia and Herzegovina" in the region of Zvornik and was officially declared in May 1992.

316. It may be assumed, however, that there was a concerted effort to distribute responsibilities and thus authority over the town. At least during the period until the fall of Kulagrad, there appears to have been a sharing of power between the officers of the former JNA (Pejić and Pavlović) and SDS (Grujić) and the militia.

317. These testimonies, though, were modified by the fact that nearly all of the respondents said that the various paramilitary units marauder around Zvornik had unlimited freedom of action (terrorizing the civilian population, randomly performing executions and arrests or looting). The JNA units were reported by the respondents to have participated in war crimes and severe human rights violations only to a very limited degree throughout the entire period. They were, however, accused of looting. Guards working in those camps where war crimes and human rights violations were committed were partly members of JNA units. It is unclear, though, whether they were "regular units", drafted reservists or members of the so-called "territorial defence".

318. There are many indications that the complete freedom of action on the part of the paramilitary units led to a tolerated chaos, which was due to the fact that the potential authorities of the JNA and local militia were not accepted as such by these violent paramilitary units. The Arkanovci, especially, acted completely autonomously and rarely bowed to the authority of JNA officers or, even less, to the local authorities. Overall, the descriptions given by the respondents create the impression that the various paramilitary units only accepted the authority of their respective "leaders" and that many of the less strictly organized paramilitary groups regarded their complete freedom of action as a kind of "remuneration" for their work. This circumstance may, however, also be seen as suggesting that the uncertain distribution of power only served to cover-up those responsible for the war crimes and human rights violations. At this point, the violent chaos may not yet have been associated with the aim of using the terror exerted by the paramilitary groups in order to accelerate the expulsion of the Muslim population.

F. Civilian preparation of the attack and subsequent civilian control

319. After the attack, the control authority was initially in the hands of the "emergency staff", which later became known as the "Serbian District of Zvornik". Its president became the apparent principal decision maker.

320. The logistics of the attack on Zvornik appear to have been prepared on the civilian level. In February, for example, a truck was reported to have brought uniforms and arms to Boško Ceranić, and another respondent stated that Vojislav Šešelj visited Ceranić on 25 March 1992 and brought arms into the church of Šćemlije.

321. The civilian preparations also included an "evacuation exercise" on the last or next to the last weekend in March 1992. On that weekend, to the surprise of the Muslim inhabitants of Zvornik, the greater part of the Serbian families had left town on Friday and did not return until Monday.

322. The local SDS representatives, who were reported to have had contacts with Šešelj's Radical Party in Serbia, had already made provisions for enforcing their seizure of power, during the months preceding the attack. Back in the fall of 1991, they had declared Zvornik to be part of the "Autonomous Serbian Region of Semberija and Majevica". As can be seen from the document on the dismissal of a Muslim citizen from his workplace, the "emergency staff" had decided on 4 April on an "ordinance on the introduction of the general work requirement". Apparently, preparations for an "access to power" were already being taken on the civilian administrative level as well.

323. The preparations for the attack seem to have been coordinated with the regional business leaders, several of whom were identified by the respondents. Some of the business leaders were seen distributing arms, while others

provided means to transport expellees from Zvornik to Serbia. The director of the largest local employer was also accused by the press in the fall of 1991 of having provided the SDS with large quantities of fuel.

G. The Territorial Defence (TO)

324. Shortly after the dissolution of the Yugoslav territorial defence in BiH and Herzegovina in the fall of 1991, SDS leaders in Zvornik began with the recruiting, equipping, and apparent training of the new "Serbian Territorial Defence" (TO). During the months before the attack, there were also military exercises organized by the JNA. Only Serbs were drafted for these exercises, which were allegedly held for the purpose of training the "territorial defence".

325. This new "territorial defence", which had taken part in the attack on Zvornik as part of an infantry unit, was mostly dressed in old JNA uniforms or camouflage uniforms. Men dressed in civilian clothing were also involved in the combat activities. They were equipped, at least during the attack, with traditional infantry armament. Among them were former members of the territorial defence from the Serbian villages near Zvornik or from Zvornik which had been dissolved in the fall of 1991, as well as SDS members from the suburbs of Šćemlije, Lisičnjak, Čelopek, and newly recruited Serbs from the neighbouring villages.

326. One possible indication supporting this hypothesis is the fact that many Serbs from the neighbouring villages who were known by name could be identified either as Territorial Defence commanders (among them important SDS members). Others are reported to be JNA officers.

327. They arrived in town early (either together with or after Arkan, but in any case, during the attack and together with the Šešeljovci). This frequently-made statement is supported by further allegations. After the assault detachment of the Arkanovci, which was protected by mortar sections had captured the town, the second line of combat became operational. The second line of combat included local Territorial Defence units and the Šešeljovci, consisting mostly of people from the nearby places in Serbia. One of their tasks at that time was to deliver to the Arkanovci outstanding Muslim personalities on the basis of pre-established lists.

328. The military operations against the Muslim-controlled position at Kulagrad, which started after 11 April, were mostly conducted by the "territorial defence" (TO) and by "volunteers" from Serbia and the neighbouring villages. In the actual attack on Kulagrad, the tanks were followed by operations also carried out by the TO and the Beli Orlovi.

H. The expulsion of the Muslim population ("ethnic cleansing")

329. After the fall of Kulagrad on 26 April, the situation in Zvornik became more stabilized. The SDS began to rebuild the local administration and simultaneously started to prepare for the expulsion of the Muslim inhabitants of Zvornik.

330. The first step was, paradoxically, an appeal to the escaped Muslim inhabitants to return. In that appeal, which was broadcast by Radio Zvornik and Radio Loznica, as well as by the Belgrade TV station, the escapees were called upon to come back as the situation had returned to normal. They were required to return by a certain date (probably 15 May) in order to have their

property registered. They would otherwise lose any title to their property. The exact wording of the appeal could not be ascertained anymore as it was apparently broadcast frequently and in a number of different versions. Similarly, there were several testimonies as to who had issued the appeal. Essentially, however, these statements are consistent with each other.

331. The registration, which the respondents were required to do from the end of April onward (first mentioned on 28 April), had to be done before the "Serbian municipality" or the "Serbian militia". When people showed up for registration, the true purpose of the procedure was revealed: a registration of male inhabitants. Only men were permitted to register with the authorities. There were even reports of cases where a man had to register for an apartment despite the fact that this apartment had been registered under his wife's name. In line with the true purpose of the registration, men were arrested and deported into camps on the basis of lists which had apparently been prepared beforehand. The conduct of these forced registrations was the responsibility of the new local administration (SDS) and the militia.

332. After the forced registration, the situation of the Muslim population deteriorated rapidly. The increasing terror caused by, to the greatest extent, the newly arrived unit of one "Kapetan Dragan" was the preparatory stage for the ultimate, forceful expulsion of the Muslim inhabitants of Zvornik.

333. Some time later, around the end of May to early June 1992, the first forced deportations were carried out, preceded by a "compulsory transfer of property", without which it was not possible to leave the town. The Serbian administration then issued documents which "permitted" the person to leave the town in the direction of Mali Zvornik and which were frequently connected with an ID card entry stating that the person moved to a Serbian town. These documents had to be shown upon departure or were a prerequisite for being "allowed" to leave the town. The task of the militia was to organize these compulsory assignments, while the subsequent forced expulsions were carried out in cooperation with the paramilitary units.

IX. SUMMARY

334. It may be concluded on the basis of the present facts that not only were the aggression and the expulsion of the Muslim inhabitants intended and initiated by the local Serbian authorities but other hierarchically superior institutions were also involved both in the preparation and the actual attack and expulsion operations.

A. Military and paramilitary operations

335. The employment of heavy equipment, trained personnel and officers of the former JNA can be proved. The squads themselves, especially the personnel-intensive infantry units, were composed of drafted reservists, "volunteers" and members of paramilitary units. The equipment of these units came partly from the JNA, and partly from other sources, such as supplies of the former territorial defence or private arms, and was equivalent to the usual infantry equipment.

336. Several important facts are indicative of an involvement of supra-local institutions:

(a) The recruitment and stationing of infantry reservists in improvised barracks in the town of Čelopek near Zvornik quite some time before the attack.

(b) The cooperation with the trained combatants of the Arkanovci, who conducted a swift and radical capture of the town.

(c) The participation of paramilitary units from nearby towns in Serbia, the dimensions of which also required prior planning.

(d) The identification of the soldiers taking part in the combat activities. There is general agreement that they already wore Serbian badges and colors on their uniforms instead of the old Yugoslav emblems.

(e) The stationing of JNA units from different corps, all of which were subordinate to the 1st Belgrade military district, both on the Bosnian side of the Drina and on the Serbian side.

(f) The forced retirement of the Supreme Commander of the Corps Tuzla, General Janković, in May 1992, in the course of a restructuring of the former JNA, as well as the new formation of the so-called "Serbian Army in Bosnia-Herzegovina".

337. All in all, these facts also support yet another hypothesis, namely that these newly equipped units formed the core element of the subsequent "Serbian Army in Bosnia and Herzegovina". The "Serbian Army in Bosnia and Herzegovina", as those members of the former JNA who had remained in BiH were called, was not officially founded until 5 May 1992. However, the attack on Zvornik was carried out one month earlier. The establishment of this new army and the furnishing of its equipment must therefore not only have been planned sometime before (i.e. long before the attack on BiH), but was already carried out in March 1992.

338. The local civilian preparations for the conduct of the impending attack, as well as the local measures aimed at the creation of a "Serbian territorial defence" in Zvornik, coincide with the establishment of a new "Serbian Army" in BiH. This territorial defence may even have been involved in the preparations for the new "Serbian Army in Bosnia-Herzegovina" and may have served as a basis for the 36th infantry brigade of the Drina corps of the "Serbian Army in Bosnia-Herzegovina", meanwhile stationed in Zvornik.

B. "Ethnic cleansing"

339. The expulsion of the Muslim inhabitants of Zvornik, like the military attack, required preparation. When the various stages of the assault are examined, an underlying systematic approach is revealed.

340. The SDS leadership had declared in the fall of 1991 that Zvornik formed part of the so-called "Autonomous Serbian Region of Semberija and Majeвица". Before the attack, requests for a separation of the town according to ethnic principles were voiced by representatives of the local SDS. During the military occupation phase, lasting until the fall of Kulagrad on 26 April 1992, the aim of the violent chaos imposed on the town by the paramilitary units and the massive and systematic war crimes and human rights violations was not yet intended to accelerate the expulsion of the Muslim inhabitants. However, the preparations for a total and final expulsion had commenced at that stage. The specific terror activities designed to expel the Muslim population only started in May 1992.

341. These preparations for a total, and final, and systematic expulsion became obvious when the proclamation for the Muslim inhabitants to return to Zvornik was announced. Apart from an allegation that order and peace in the town were restored, the proclamation was linked to an appeal to the Muslims to return in order to have their property registered. If owners failed to do so, their property would fall to the "Serbian District of Zvornik". A great number of expellees followed the appeal. They did so not only in view of the above-mentioned allegation and appeal, but also because many of them were concerned about the fate of members of their families who had stayed in town.

342. The registration conducted upon their return revealed the primary purpose of the appeal: to register all male Muslim inhabitants. The men who had fled to surrounding Bosnian and Serbian regions were to be neutralized as potential resistance fighters. As a result, many of the returning men were immediately deported into a camp.

343. The appeal to return, however, had yet another, even further-reaching aim: the systematic expulsion of the Muslim population. For it was only after the Muslim inhabitants, not only from the town but from the entire region, had returned and were thus ready to be "gathered" that their total and final expulsion became possible. This enabled the aggressors not only to move them away from Zvornik, but also to deport them in an organized and comprehensive manner across the national boundaries of the former Yugoslavia. The geographical location of Zvornik, as a border town to neighbouring Serbia, enabled the Bosnian-Serb leaders to deport the expellees from of BiH to other countries without any problems. By means of bussed mass deportations, the expellees were brought as far as Subotica at the Serbian-Hungarian border. There, many of them were issued a "Yugoslavian passport", with which they were sent, mostly in corridor trains, via Hungary to Austria.

Appendix I to Part III

CAMPS

344. The reference to places and camps as well as to perpetrators is based on corresponding statements by witnesses. It is therefore safe to say that these did, in fact, exist. However, one has to take into account that the list is by no means complete.

I. ČELOPEK - DOM KULTURE

345. The Dom Kulture has served as headquarters since December 1991 and is said to have served as an internment camp as well.

II. KARAKAJ

A. Ekonomija

346. Ekonomija was an agricultural cooperative. Due to its secluded location, its buildings were used in particular to torture and kill numerous individuals. According to corresponding witness accounts, this must have been the "worst" of all camps. In a chamber which used to be a slaughter area, people were literally butchered. Not only people from Zvornik and its surroundings were detained there, but also members of the Croatian National Guard (ZNG), among others.

B. Technical School Centre

347. The principal, Fehim Kujundžić, was murdered by Arkanovci in the Technical School Centre on 9 or 10 April. In the school's training labs in particular many acts of violence were committed.

C. Alhos

348. Alhos was a garment factory. Initially, the factory accommodated the police (from 6 April on). In addition, the emergency staff also stayed there.

D. Novi Standard

349. Novi Standard was a new building of the shoe factory complex. At the time of the attack, the entire shoe production had been stopped. For some time it served as headquarters of the Serbian police (it was moved from Alhos to Novi Standard). It further accommodated paramilitary units-- reportedly the Arkanovci, Šešeljovci, and the "volunteers" from Loznica. Individuals who had picked up their pass certificate from the police were kept there for days and severely tortured. In addition, citizens who had been randomly arrested were carried off to the quarters of the paramilitary units, where they were severely tortured.

E. Novi Izvor

350. At the time of the attack, Novi Izvor consisted of two plants: "Kamenolom", a quarry, and "Ciglana", a brick factory. Both were in operation

during the attack. Captured Muslims were forced to work alongside regular Serbian employees in three shifts. The Muslims routinely faced violent attacks by various groups. In early June, the camp counted about 70 prisoners. Some of them had been held there since mid-April. Many acts of torture and killings are reported.

351. A number of persons were identified as guards and torturers in the camps (in some cases only the nick-names are known).

III. ZVORNIK

A. SUP/Opština

352. At this prison inmates were tortured during interrogation, and several were killed.

B. Court Building

353. This building was turned into a prison. Women and children from Divič who had witnessed and/or survived the massacre at Čelopek were detained and mistreated there.

C. Hotel Drina

354. This hotel served as quarters for the police. Acts of torture and arrests are reported.

D. Hospital "5th of July"

355. In mid-April, Arkan took all patients hostage, so that the remains of his brother-in-law "Rambo" be handed over to him. Men were detained on the street and forced to donate blood. Murders even occurred as a result of excessive withdrawal of blood. Patients and staff were frequently attacked, in particular by Arkanovci. Several people were detained in the basement.

IV. TRANSFER FROM THE CAMPS

356. On 15 July, a great number of prisoners from various camps were transferred to Batkovič near Bijeljina. It is unclear whether any prisoners were left behind.

Appendix II to Part III

MASS GRAVES

357. Based on numerous, consistent witness accounts, the following mass graves can be identified.
358. Kazanbašća: Kazanbašća is a Muslim cemetery in Zvornik's Meterize district. According to reports, the first mass graves were dug there very soon after the attack.
359. City dumping grounds: These grounds are situated by the Drina. Their name is unknown.
360. Krečana: Krečana is a lime pit in Mali Zvornik.
361. Ranun Grob: This site is located between Radakovac and Šćemlije.
362. Šljunkara: Šljunkara is a flint pit north of Čelopek by the Drina.
363. Drina: Many respondents stated that numerous corpses were thrown into the Drina (mostly from bridges).

Appendix III to Part III

MASSACRES AND MASS SHOOTING DEATHS

364. The BIM holds a list of numerous massacres and mass killings by gun shots. In order to prevent any premature attribution of guilt, the following list includes only those perpetrators who have been identified independently and in consistent statements by several witnesses. Moreover, we have witness accounts of massacres and mass shooting deaths by individual respondents.

365. Thirty citizens from Divič, who had been deported there around mid to end of May, were shot to death.

366. On 9 April, Arkanovci randomly shot to death people they had dragged out of basements in Hrid and Zamlaz.

367. Šešeljovci and Arkanovci together committed mass killings in Hrid and Bukovik.

368. At the checkpoint by the Old Bridge in Zvornik, Muslims were shot to death and dumped into the Drina river.

369. Around mid to end of May, a considerable number of Muslim patients were shot to death in front of the hospital of Zvornik by Arkanovci. In the pediatric ward, dozens of babies were murdered with bare hands.

Notes

1/ Fifth Periodic Report of the Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, E/CN.4/1994/47, at para. 13.

2/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

3/ See Stan Markovitch, "Serbia", 33 RFE/RL Research Report 96 (April 1994) for a description of political events within Serbia during this period.

4/ The First Balkan War was largely an effort by Bulgaria, Greece, Montenegro, and Serbia to expel the Ottomans from the Balkans. The Second Balkan War broke out when Bulgaria attacked Serbia and Greece. Montenegrin, Ottoman and Rumanian troops joined the conflict to oppose Bulgaria. The two Balkan Wars ended Ottoman rule in the Balkans, except for a part of Thrace and Constantinople. Id. at 99.

5/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 31 (Comm. Print 1992).

6/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

7/ Stan Markovitch, "Serbia", 33 RFE/RL Research Report 96 (April 1994).

8/ Id.

9/ James Gow, "One Year of War in Bosnia and Herzegovina", RFE/RL Research Report 11 (4 June 1994). Gow states that as early as mid-August 1991 ". . . the activities of the Yugoslav Army units stationed there [in BiH] were, in fact, aimed at linking most of the Republic with Serbia. According to Gow, the JNA expected a major influence on events in BiH from 1990 onward, including providing arms to the Serb population and encouraging local unrest.

10/ David C. Isby, "Yugoslavia 1991 - Armed Forces in Conflict," Jane's Intelligence Review, 402 (September 1991).

11/ As quoted by Roger Cohen in "Serbian General Who Calls the Shots: Determined and Calling the West's Bluff", New York Times, at 4 (17 April 1994).

12/ See Glenn E. Curtis, Yugoslavia, A Country Study 293, Table 5 (1992).

13/ The attack on Zvornik is one of two case studies on "ethnic cleansing". For the other study related to the Prijedor region, see Annex V.

14/ "Monster Town" in Vreme, No. 112, 15 November 1993, at 18.

Notes (continued)

15/ The dividing line ran north-south from the Sava River near Sirmium (Stremska Mitrovica) to Lake Scutari (Skadar), on the current Montenegrin-Albanian border. For a general history of the Balkan peninsula, see Edgar Hosch, The Balkans: A Short History from Greek Times to the Present Day (Tania Alexander trans. 1972). See also René Ristelhueber, A History of the Balkan Peoples (Sherman David Spector ed. and trans. 1971).

16/ A majority of scholars have adopted the view that the Bogomils were adherents of a Christian medieval sect that emerged in Bulgaria in the early middle ages. They were considered heretics by church officials. Because of their persecution, and the fact that the Bogomil sect contained a strain of mysticism that was receptive to the Islam practiced by some Islamic mystic orders, many Bogomils converted to Islam following the Ottoman conquest. See Smail Balić, "Culture Under Fire", in Why Bosnia? 81 (Rabia Ali & Lawrence Lifschultz eds., 1993). Another view suggests that the medieval Bosnian Church was not Bogomil. Rather, unlike the Bogomils, the Bosnian Church accepted the Trinity, an omnipotent God and at least part of the Old Testament. See John A. Fine, "The Medieval and Ottoman Roots of Modern Bosnian Society" in The Muslims of Bosnia-Herzegovina 5-20 (Mark Pinson ed. 1994).

17/ Barbara Jelavich, II History of the Balkans 1 (1983).

18/ These resettled regions closely correspond to the areas that rebelled against the Croatian government in 1991. See Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report (3 December 1992).

19/ Barbara Jelavich, II History of the Balkans 2 (1983).

20/ Id. at 3.

21/ Id. at 6.

22/ Russia had declared war on the Ottoman Empire in 1877. In March 1878, the Treaty of San Stefano created a large Bulgarian state and greatly expanded Russian influence in the region. This upset the region's balance of power, leading Britain and Austria--Hungary to call for a new accord. As a result, the Congress of Berlin was held in June and July 1878. Id. at 7. For an interesting account of the Congress of Berlin, see Henry Kissinger, Diplomacy 155-58 (1994).

23/ Barbara Jelavich, II History of the Balkans 109 (1983). Jelavich also states that "[t]he greater Serbian goal . . . was thus a state based not on strictly ethnic principles, but on the acquisition of lands that had historic associations or that had at some time been under the jurisdiction of the Serbian Orthodox Church".

24/ Id. at 111.

25/ Id.

Notes (continued)

26/ The First Balkan War was largely an effort by Bulgaria, Greece, Montenegro, and Serbia to expel the Ottomans from the Balkans. The Second Balkan War broke out when Bulgaria attacked Serbia and Greece. Montenegrin, Ottoman and Rumanian troops joined the conflict to oppose Bulgaria. The two Balkan Wars ended Ottoman rule in the Balkans, except for a part of Thrace and Constantinople. Id. at 99.

27/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 31 (Comm. Print 1992).

28/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

29/ Id. See also Jelavich, *supra* note 3, at 112. When one of the co-conspirators was arrested, he stated, "I am a Serbian hero". The Archduke was murdered because they feared that he would join Bosnia with the other South Slav lands in a separate autonomous state controlled by the Hapsburgs. The timing of the Archduke's visit, on Serbia's most celebrated anniversary, may have been a deliberate provocation.

30/ Barbara Jelavich, II History of the Balkans 201 (1983).

31/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 32 (Comm. Print 1992).

32/ Id.

33/ Yugoslavia was partitioned by its German and Italian victors into spheres of influence. Macedonia fell under Bulgarian domination. Hungary took areas in Bačka and Baranja. Italian-ruled Albania was given Kosovo and some Macedonian and Montenegrin lands. Germany and Italy each annexed a part of Slovenia. Italy assumed control over the Adriatic coast and the Adriatic Islands. Barbara Jelavich, II History of the Balkans 262 (1983).

34/ Id. at 264. Croatia was recognized by the Axis powers and became a signatory of the Tripartite and Anti-Comintern Pacts. Id. at 263.

35/ Id. at 264.

36/ Serbs constituted about one-third of Croatia's population at the time. As a Fascist state, Croatia's 6.5 million inhabitants included: 3.4 million Croats; 1.9 million Orthodox Serbs; 700,000 Muslims; 150,000 Germans and 18,000 Jews. Id. at 263.

37/ The Bosnian Muslim community had three major divisions: some aligned with the Ustaša regime; some wanted a separate state allied with Germany; others joined the Communist partisans fighting the Ustaše. Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 3 (Comm. Print 1992).

Notes (continued)

38/ Barbara Jelavich, II History of the Balkans 265 (1983). The estimates as to how many Serbs were killed during this period is still fiercely contested.

See Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 3 (3 December 1992); see also Mihajlo Crnobrnja, The Yugoslav Drama 65 (1994); Jasenovac: The System of Ustasha Death Camps (Museum of the Victims of Genocide 1994); Andrew Borowiec, "Croatian-Run Death Site Remains Dark Secret", The Washington Times, 5 July 1994, at A10.

39/ The Četniks were organized by Colonel Draža Mihajlović, who also served as a minister in Yugoslavia's Government-in-exile, which was based in London. Initially, Mihajlović's resistance movement consisted of a small group of Serbian officers who went to the hills where they organized local inhabitants into fighting units. These forces were called the Četnik detachments of the Yugoslav Army. Eventually, the Četniks largely became loosely knit bands of fighters organized under local leaders. The term "Četnik" recalled similar groups that had struggled against Ottoman rule. Barbara Jelavich, II History of the Balkans 266-67 (1983).

40/ Jelavich, for instance, writes:

"Although instances of cooperation between members of all resistance forces and the occupying powers can be found, the most widespread collaboration, and the most easily documented, was established between the Chetniks and the Axis command".

Id. at 270.

41/ Id.

42/ Tito's ties to the Soviet Union were soon broken. Although the first meeting of the Cominform (Communist Information Bureau) was held in Belgrade (in fact, its first headquarters were in Belgrade), Yugoslavia was expelled on 28 June 1948. The Cominform motion stated: "the Information Bureau [Cominform] declares that the leadership of the Yugoslav Communist Party is pursuing an unfriendly policy towards the Soviet Union". The resolution went on to express the fear that Yugoslavia would turn into "an ordinary bourgeois republic" and "a colony of the imperialist countries". Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 161 (1990).

43/ See Stevan K. Pavlowitch, "Who is "Balkanizing" Whom? The misunderstandings Between the Debris of Yugoslavia and the Unprepared West", 123 Daedalus 203, 206 (Spring 1994).

44/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 32 (Comm. Print 1992). Tito was a Croatian by birth. He was born in Kumrovec, Croatia to a Croatian father and a Slovene mother. As a young man, he apprenticed to a locksmith and later worked as a mechanic. Barbara Jelavich, II History of the Balkans 385 (1983).

45/ Id. at 396.

46/ Id. In the 1980's, the Serbs would argue with vehemence that it was Serbia which had suffered economically during the Tito years.

Notes (continued)

47/ Id. at 396-97. Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 3 (3 December 1992).

48/ Barbara Jelavich, II History of the Balkans 397 (1983).

49/ Id. at 398.

50/ Id. at 394.

51/ Id. at 393. For a critique of the communist regime during the 1950s, see Milovan Djilas, The New Class: An Analysis of the Communist System (1957) and his Conversations with Stalin (1962).

52/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 32 (Comm. Print 1992). Allegations of corruption also did much to diminish the stature of the Yugoslav federal army. For example, in the mid-1980s, investigative reports alleged that military labour was used to build expensive villas for communist party and military officials. See Karl Wheller Soper, National Security in Yugoslavia: A Country Study 225, 253 (Glenn E. Curtis ed. 1992).

53/ Such allegations can be found in Alex N. Dragnich, Serbs and Croats: The Struggle for Yugoslavia 163-64 (1992).

54/ Id.

55/ In January 1986, Milošević succeeded Ivan Stambolić as Chief of the Serbian Community Party. Slobodan Milošević's background and rise to power is described in Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 81-95 (Summer 1993). According to Djilas, when Milošević was still the head of the Belgrade Party Committee, "[h]e frequently attacked dissident intellectuals, firmly opposed all demands for liberalization, and punished any manifestation of Serbian nationalism". Id. at 86.

56/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 23 (Comm. Print 1992). Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 165-69 (1990).

57/ Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 168-69 (1990).

58/ The document was prepared by members of the Serbian Academy of Arts and Sciences who are not identified in the document. However, the editor of the document is widely reported to be Dobrica Ćosić, a well-known Serbian historian and novelist who served as president of the Federal Republic of Yugoslavia for approximately one year until June 1993. See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 33 (1992). A copy of the Memorandum (translated into English by teachers of English at the Centre of Foreign Languages in Zagreb, Croatia) is on file with the Commission of Experts.

59/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 23 (1992). Since the late 1960s, Serbs had been emigrating from Kosovo--between 200,000 and 300,000 had left by the mid-1980s. Many Serbs believed that the exodus was due to mistreatment by ethnic Albanians. Another complaint often

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voiced by Serbs concerned the fact that Serbia was the only Republic with autonomous provinces within its territory. Under Yugoslavia's 1974 Constitution, Kosovo and Vojvodina had their own representatives in federal, state and party bodies, where they had cast their votes in opposition to Serbia. The two provinces (like the six Republics) also could veto changes in the Constitution. Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 82 (Summer 1993)

60/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 33 (1992). See also Branka Magaš, The Destruction of Yugoslavia: Tracing the Break-Up, 1980-1992 199-202 (1993).

61/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 34 (1992).

62/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 33 (Comm. Print 1992).

63/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569-70 (1992).

64/ These Republics eventually seceded; Slovenia and Croatia on 25 June 1991, BiH on 6 April 1992, and Macedonia voted to separate from Yugoslavia on 8 September 1991. Macedonia alone has not been recognized by the European Community (EC). Greece has objected to Macedonia's recognition because its name is the same as that of a region in northern Greece. The Greek government argues that adoption of the name "Macedonia" implies claims on Greek territory. Bulgaria and Turkey have recognized Macedonia's independence. For a discussion of the situation in Macedonia, see Freedom House, Freedom in the World, 1992-1993 340-42 (1993).

65/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 33 (Comm. Print 1992).

66/ Id.

67/ Id.

68/ See Chronology of Negotiations for Peace in the Former Yugoslavia (prepared by Research Analyst Shannon M. McLeod on file with the IHRLI Database). The Serbian National Council was formed on 25 July. On 18 August, the Serbs of Knin began a two week referendum on whether to establish a "Serbian Autonomous Region" (SAO) of Krajina. On 1 October 1990, it was announced that 99 per cent of the voters favoured autonomy. Id. at 6.

69/ Olga Ramljak, "Chronology of Serb Rebellion in Croatia", Foreign Broadcast Information Service 16-17 (26 February 1993). See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 1-2 (1992).

70/ See Chronology of Negotiations for Peace in the Former Yugoslavia (prepared by Research Analyst Shannon M. McLeod on file with the IHRLI Database).

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71/ Id. On 21 December 1990 the Serbs of the opštinas of Knin, Benkovac, Vojnic, Obrovac, Gračac, Dvor and Kostajnica adopted the "Statute of the Serbian Autonomous Region of Krajina". The Statute provides that "[t]he SAO executes laws, other ordinances, and general acts of the Republic of Croatia and the federation". A legislative Assembly was created, consisting of 60 deputies who would serve four year terms. The Chairman of the Executive Council of the Serbian Autonomous Region of Krajina was Milan Babić. He appointed Milan Martić, a former policeman with Croatia's Ministry of Internal Affairs to the post of Secretary for Internal Affairs for the region of Krajina. Id. at 9.

72/ See Id.; see also David C. Isby, "Yugoslavia 1991: Armed Forces in Conflict", Jane's Intelligence Review 394, 402 (September 1991).

73/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 12 (1992).

74/ Id. at 12-14.

75/ Robert M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", 51 Slavic Review 654, 657-58 (Winter 1992).

76/ Id. at 657. Croatia's Constitution, which was adopted on 21 December 1990, provides in its preamble that:

the Republic of Croatia is hereby established as the national State of the Croatian nation and the State of members of other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews, and others, who are guaranteed equality with citizens of Croatian nationality and the realization of their ethnic rights in accordance with the democratic norms of the United Nations and of the free world countries.

United Nations, International Human Rights Instruments, Core Document Forming Part of the Reports of States Parties: Croatia, HRI/Core/1/Add. 32, at 8 (5 May 1994). The Constitution of the Socialist Republic of Croatia of 1974 defined the Republic as "the State of Croatian nation, Serbian nation in Croatia and the State of other nationalities who live in it". Id. at 17, n.4.

77/ Id. See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 12-14 (1992).

78/ Robert M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", 51 Slavic Review 654, 657, n.10 (Winter 1992). See also Mihajlo Crnobrnja, The Yugoslav Drama 151 (1994). The new Croatian regime renamed a school after an Ustaša minister who had cooperated with the Nazis in sending Croatian Jews to Auschwitz. The school had been named after a school principal killed by the Ustaše.

79/ Mihajlo Crnobrnja, The Yugoslav Drama 157 (1994).

80/ Yugoslavia: A Country Study XXXIX (Glenn E. Curtis ed. 1992).

81/ Id.

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82/ Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/25274, at 5 (10 February 1993). See also Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570 (1992).

83/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570 (1992).

84/ Id. at 573.

85/ Id. at 574.

86/ Id. at 575.

87/ Id. at 576, 577.

88/ Security Council Resolution 713, S/RES/713 (25 Septmeber 1991). The Resolution also recognized that aggression within the former Yugoslavia threatened the peace and security of the region. It again called upon the parties to resolve their disputes through arbitration.

89/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 581 (1992). Lord Carrington was subsequently replaced by Lord Owen.

90/ See United States Congressional Commission on Security and Cooperation in Europe, The Referendum on Independence in Bosnia-Herzegovia: February 29-March 1, 1992, at 8 (12 March 1992).

91/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 33 (Comm. Print 1992).

92/ Helsinki Watch, War Crimes in Bosnia-Herzegovina 41-43 (1992). On 3 July 1992, Mate Boban proclaimed an independent state, to be called the Community of Herceg-Bosna. Id. at 43. Fighting erupted among Bosnian Croats, Bosnian Serbs and Muslims within this area of Bosnia, leading to "ethnic cleansing" allegations against the Croats, especially in the City of Mostar and the surrounding area. Fourth Periodic Report of the U.N.'s Special Rapporteur on Human Rights, E/CN.4/1994/8 (6 September 1993).

93/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 583 (1992).

94/ Mihajlo Crnobrnja, The Yugoslav Drama 70-71 (1994).

95/ The five-member Arbitration Commission was composed of two members appointed by the former Yugoslav federal presidency, and three members appointed by the European Community and its member states. Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 589 (1992).

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96/ Id. at 589.

97/ The signatories agreed that all wounded and sick combatants would be treated in accordance with the First and Second Geneva Conventions; that all captured combatants would be treated in accordance with the Third Geneva Convention; and that all civilians would be treated in accordance with the Fourth Geneva Convention and Additional Protocol I. Further, the signatories agreed to conduct hostilities in accordance with Additional Protocol I and the Protocol On Prohibition or Restrictions On the Use of Mines, Booby Traps and Other Devices, annexed to the 1980 Weapons Convention.

98/ Id. at 587.

99/ Id. at 594.

100/ Id. at 586.

101/ Id. at 591. A declaration from the Serbian minority dated 10 November 1991, expressed a desire to either remain with the Yugoslav Federal Republic, or, if BiH formed its own state, to proclaim an independent Serbian republic within the territory of BiH. Id.

102/ Security Council Resolution 743, S/RES/743 (21 February 1992).

103/ "Pink zones" were established adjacent to these areas. These are zones that do not fall within UNPROFOR's jurisdiction, but that contain a majority Serb population or where Serbs constituted a large minority. In July 1992, the "parties agreed to permit the establishment of a Joint Commission that would oversee the establishment of Croatian authority in these regions. Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 4-5 (3 December 1992).

104/ Id. at 4.

105/ Felice D. Gaer, "The Former Yugoslavia", in A Global Agenda: Issues before the 48th General Assembly of the United Nations 9 (John Tessitore & Susan Woolfson eds., 1993).

106/ Id. at 12-13.

107/ See Judy Dempsey, "Bosnian Carve-Up in the Making", Financial Times, 8 July 1992; see also Helsinki Watch, War Crimes in Bosnia-Herzegovina 39-40 (1992).

108/ In August 1994, the Bosnian Serbs announced that they would formally seek to link their territory with Yugoslavia and Serb-held portions of Croatia. Associated Press, "Bosnian Serbs Press for 'Greater Serbia,'" Chicago Tribune, 19 August 1994, at ¶ 1, p. 4.

109/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 597 (1992).

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110/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 164-65 (1992).

111/ Id. at 165. This was the beginning of the "ethnic cleansing" campaign in Bosnia-Herzegovina. However, "ethnic cleansing" had previously occurred in the conflict between Croatia and the Federal Republic of Yugoslavia. See Helsinki Watch, War Crimes in Bosnia-Herzegovina 274-359 (1992). Ethnic cleansing in BiH is discussed in the following section of this report.

112/ On 15 May 1992, the Security Council adopted resolution 752, demanding that the cease-fire be recognized and that Yugoslav and Croatian armies refrain from interfering in the internal conflict in BiH. See "Documents on the Situation in the Former Yugoslavia", 31 International Legal Materials 1421-1594 (1993); see also Helsinki Watch, War Crimes in Bosnia-Herzegovina 394-95 (1992); Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 593 (1992). Resolution 752 also required that all parties respect the territorial integrity of BiH. The resolution also insisted that future humanitarian assistance programmes and convoys be given unimpeded access to all parts of BiH.

113/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 600 (1992).

114/ Id. at 595.

115/ These included the four Geneva Conventions of 1949, and their Protocols additional of 1977, the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Genocide Convention of 1948, and "crimes against humanity" as developed by conventional and customary international law. The following are the dates of ratification/succession, by the newly formed states, to the Geneva Conventions of 1949 and the Protocols additional of 1977:

		Protocol I/ Geneva Conventions Protocol II	
Yugoslavia	(Ratification)	21 April 1950	11 June 1979
Slovenia	(Succession)	26 March 1992	26 March 1992
Croatia	(Succession)	11 May 1992	11 May 1992
BiH	(Succession)	31 December 1992	31 December 1992

See generally M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law (1992); M. Cherif Bassiouni, International Criminal Law (3 Vols., M. Cherif Bassiouni ed., 1986); Frits Kalshoven, Constraints on the Laws of War (1991); The Laws of Armed Conflict (Dietrich Schindler & Jiri Toman eds., 1981); Howard S. Levie, The Code of International Armed Conflict (2 Vols., 1986); The Law of Armed Conflict: A Documentary History (Leon Friedman ed., 1972).

116/ Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/25274, at 5 (10 February 1993).

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117/ Helsinki Watch, War Crimes in Bosnia-Herzegovina 35 (1992). Estimates vary concerning the actual number of JNA troops left to fight in BiH. One report estimated "at least 30,000 men with tanks, artillery, multiple rocket launches and large stocks of ammunition". Id. at 36 (quoting a New York Times article). However, according to one independent analyst, approximately 80,000 JNA troops were transferred to the Territorial Defence Forces of the "Serbian Republic of Bosnia-Herzegovina". Milan Vego, "Federal Army Deployments in Bosnia-Herzegovina", Jane's Intelligence Review 445 (October 1992). See also Annex III, Military Structure.

118/ In June 1993, for example, it was reported that Bosnian Croat forces in Mostar evicted Muslim residents from their homes and burned their personal belongings in the streets. The Muslims were told that "they were being evicted to make room for Croats who were coming from Travnik". Bosnian Croat forces have also been accused of the summary execution of Muslim civilians, mass deportations, and the rape of Muslim women. Within the Republic of Croatia, Croatian military forces have been accused of conducting "ethnic cleansing" operations against Serbs residing in the Croatian villages of Divoselo, Čitluk, and Počitelj, located in the "Medak Pocket". The United Nations' Special Rapporteur on Human Rights has reported that forces under the control of the Government of Bosnia-Herzegovina have also committed human rights violations. These violations include the summary execution and arbitrary arrest of civilians. See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 8-9 (17 November 1993).

119/ See, e.g., Roger Cohen, "In Bosnia an Island of Tolerance is Sinking", New York Times, 12 May 1994, at 46 (although Bosnian Muslims have destroyed some Serbian villages in retaliatory attacks "there appear to have been few instances in Government-held Bosnia of the brutal 'ethnic cleansing' perpetuated by the Serbs . . .").

120/ For example, Felice D. Gaer has stated: ". . . Although there were some actions by Muslims and Croats to cleanse their own areas of Serbs, United Nations and private observers agreed that these were mostly reactions to Serb policies and not the result of well-planned, coordinated and funded policies". Felice D. Gaer, "The Former Yugoslavia", in A Global Agenda: Issues before the 48th General Assembly of the United Nations 7 (John Tessitore & Susan Woolfson eds., 1993). Serb planning of the "ethnic cleansing" campaign is discussed infra.

121/ See Andrew Bell-Fialkoff, "A Brief History of Ethnic Cleansing", Foreign Affairs 110-14 (Summer 1993). Examples from antiquity include the policies of Assyrian ruler Tiglath-Pileser III (745-727 B.C.) who is said to have displaced one-half of the population of conquered territories. In medieval times, the Jews were expelled from England (1290), France (1306), Hungary (1349-1360), Austria (1421), Lithuania (1445), Spain (1402), and from other countries as well. The Holocaust is the principal modern example. The German term "Judenrein" (clean of Jews) was used to designate areas from which Jews had been eliminated. Id. at 114. For further examples of ethnic conflict, see Conflict and Peacemaking in Multiethnic Societies (Joseph V. Montville ed. 1990); Donald L. Horowitz, Ethnic Groups in Conflict (1985). See

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also David Binder, "As Ethnic Wars Multiply, U.S. Strives for a Policy", New York Times, 7 February 1993, at 1, 12 (identifying 48 current ethnic conflicts in Europe, the Middle East, Asia, Africa and Latin America).

122/ The Balkan Wars of 1912 and 1913 were largely wars waged against civilian populations. The Greeks attacked Bulgarian villages, the Bulgarians massacred Turks, and the Serbs committed atrocities against Albanian civilians. According to the report of the Carnegie Endowment for International Peace, which was published in 1913:

"the object of those armed conflicts, overt or covert, clearly conceived or vaguely felt, but always and everywhere the same, was the complete extermination of an alien populations. In some cases this object expressed itself in the form of an implacable and categorical 'order' to kill the whole male population of the occupied region".

The Other Balkan Wars 148-49 (The Carnegie Endowment for International Peace 1993).

123/ The political philosopher, Michael Walzer, said of German Field Marshall Erwin Rommel: ". . . he was, we are told by one biographer after another, an honorable man . . . when he fought he maintained the rules of war. He fought a bad war well, not only militarily but also morally". Michael Walzer, Just and Unjust Wars 38 (1992).

124/ Kosovo's population is approximately 90 per cent ethnic Albanian. See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569 (1992).

125/ It was officially reported that 12 persons were killed and 150 wounded but unofficial estimates are higher. In addition, Branka Magaš has reported that 140 persons were tried and sentenced to prison. See Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 6-7 (1993).

126/ See Annex IV, Part 1, supra.

127/ Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 249 (1993).

128/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993).

129/ The use of the term "Serbs" does not, of course, mean "all Serbs". The term is used to refer to Serbia's political and intellectual leadership. In this instance, however, it appears that a very large number of Serbs, in fact, shared the concern over Kosovo's Serbian population. See generally Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993); Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 6-7 (1993).

130/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993).

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131/ See John Kifner, "Through the Serbian Mind's Eye", New York Times, 10 April 1994, ¶ 4, at 1, 5; see also Smail Balić, "Culture Under Fire", in Why Bosnia? 80 (Rabia Ali & Laurence Lifschultz eds., 1993).

132/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993) ("... it is clear that an ideology with such a dark vision of history and the contemporary world could only lead to ruthless and cynical policies").

133/ See infra.

134/ See, e.g., John Kifner, "Through the Serbian Mind's Eye", New York Times, 10 April 1994, ¶ 4, at 1 ("The Muslims--whom the Serbs call 'Turks'--are alone among Bosnia's three combatants in being identified by religion, even though they are, overwhelmingly, secular Slavs").

135/ As quoted in P. Forestier, Ex-Yougoslavie: Law Conspiration Psychiatrique, Ethiques et Libertes 5 (on file with the United Nations Commission of Experts). See also Jovan Rašković, Luda Zemlja (1990).

136/ Jovan Rašković, Luda Zemlja 129 (1990).

137/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 17 (1992).

138/ See, e.g., P. Forestier, "Psychiatric Genocide! How the Barbarities of "Ethnic Cleansing" were Spawned by Psychiatry", Freedom 6-8 (May 1993).

139/ For a discussion of Rašković's influence on Karadžić's career, see Vjesnik, 9 February 1992.

140/ Donald Horowitz, Ethnic Groups in Conflict 99 (1985).

141/ Mihajlo Crnobrnja, The Yugoslav Drama 170 (1994).

142/ V.P. Gagnon, "Serbia's Road to War", 5 Journal of Democracy 123 (April 1994). See generally Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993). See also Glenn E. Curtis, "Government and Politics", in Yugoslavia: A Country Study 197 (Glenn E. Curtis ed. 1992).

143/ See Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993). For a description of Milošević's rise to power, see Mihajlo Crnobrnja, The Yugoslav Drama 100-06 (1994).

144/ Branka Magaš, "The Destruction of Bosnia-Herzegovina", in Why Bosnia 249 (Rabia Ali & Laurence Lifschultz eds., 1993). For an account of the "anti-bureaucratic" campaign, Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 44 (1992). See also Stan Markotich, "Serbia", 3 RFE/RL Research Report 96 (22 April 1994). Describing the anti-bureaucratic campaign, Markotich states: "Essentially, this strategy involved paying unemployed youths from Serbia proper to travel to the provinces and participate in violent nationalist demonstrations. A typical 'anti-bureaucratic' demonstration would call for ending provincial autonomy and

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invariably included intimidation of minority residents". Id. For a discussion of the Federal Republic's governmental structure, see Glenn E. Curtis, "Government and Politics", in Yugoslavia: A Country Study 197 (Glenn E. Curtis ed. 1992). By 1989, the State Presidency had evolved from a 23 member group to an eight member group. One member was elected from each Republic and Province.

145/ For example, in early March 1991, demonstrations were held in Belgrade protesting the ruling party's tight control of the news media, as well as Milošević's economic policy and his policy of provoking conflicts with the other republics. Police were called in to crush the demonstrations. V.P. Gagnon, Jr., "Serbia's Road to War", Journal of Democracy 125 (April 1994).

146/ Id. at 126.

147/ As quoted in Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 47 (1992).

148/ See Stan Markotich, "Serbia", 3 RFE/RL Research Report 95-104 (22 April 1994).

149/ The SRS holds 39 seats in Serbia's 250 seat parliament. It received 13 per cent of the votes cast in the December 1993 parliamentary elections. Id. at 95. For a discussion of Šešelj as a paramilitary leader, see Annex III.A, Special Forces.

150/ According to Markotich, "Šešelj campaigned on a platform emphasizing that Milošević and the SPS had grown soft on promoting Serbian nationalism and were weak in pressing for a Greater Serbia". Stan Markotich, "Serbia", 3 RFE/RL Research Report 95 (22 April 1994).

151/ Id. at 96.

152/ Id. See also Annex III.A, Special Forces. For additional examples of human rights abuses against non-Serbs in Serbia and Montenegro, see Human Rights Watch/Helsinki, Human Rights Abuses of Non-Serbs in Kosovo, Sandžak and Vojvodina (May 1994).

153/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 99 (22 April 1994). Milošević has also been criticized by members of his own party. For example, Andjelko Miškov, a prominent SRS supporter who broke with the party, alleged that Milošević "stood by, arms folded" as Croats attacked Serbs in Krajina. Id. at 98.

154/ There were reports that Drašković was severely beaten after his arrest. See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 25 (17 November 1993).

155/ Id.

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156/ Id.

157/ The government of the Federal Republic of Yugoslavia directly controls nationwide television programming (Radio-TV Serbia); however, there is independent news coverage in the print media, such as Vreme. The United Nations' Special Rapporteur has also noted that Croatia's government-controlled electronic media has exacerbated the climate of political hostility. Sixth Periodic Report of the U.N.'s Special Rapporteur for Human Rights, U.N. Doc. E/CN.4/1994/110, at 18 (21 February 1994).

158/ Id. at 21.

159/ Id. According to Mihajlo Crnobrnja, Yugoslavia's former Ambassador to the European Community, "the media stopped at nothing to spread false accusations and even barefaced lies, which had the effect of gradually but surely increasing distrust and even hatred between members of different nationalities". Mihajlo Crnobrnja, The Yugoslav Drama 148 (1994).

160/ Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 25 (17 November 1993).

161/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 44 (1992). See also Yugoslavia: Collapse, War, Crimes 73-119 (Sonja Biserko ed. 1993).

162/ For a report on theft as a motive for "ethnic cleansing", see John F. Berns, "A Serbian Fighter's Tape Trail of Brutality", New York Times, 27 November 1992, at 1.

163/ See, e.g., Mark Thompson, A Paper House: The Ending of Yugoslavia 258 (1992).

164/ 12 August 1991, trans. in Daily Report (Eastern Europe), FBIS, 12 August 1991, at 39.

165/ Šešelj also controls paramilitary units that have engaged in paramilitary operations. See Annex III.A, Special Forces.

166/ As quoted in Der Spiegel 5 August 1991, at 124-26, trans. in Daily Report, FBIS, 5 August 1991, at 51. See also S. Ramet, Nationalism and Federalism in Yugoslavia - 1962-1991 260-63 (1992). Šešelj is also a leader of a paramilitary unit that has been accused of committing some of the worst atrocities of the conflict. See *infra*; see also Annex III.A, Special Forces.

167/ See Belgrade Domestic Service, 6 January 1990, trans. in Daily Report (Eastern Europe), FBIS, 12 January 1990, at 65; see also Borba, 16 January 1990, at 6, trans. in Daily Report (Eastern Europe), FBIS, 22 January 1990, at 102.

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168/ As reported by Belgrade Radio, 1 July 1991, trans. in FBIS, 2 July 1991, at 69.

169/ Id.

170/ See David B. Oldaway, "Serbs Spurn Bid to Save Peace Pact", Washington Post, 25 April 1993, at A26. However, Serb officials denied that the unification of Bosnia Krajina and the Autonomous Republic of Krajina created a new state. See Tanjug, 28 June 1991, trans. in FBIS, 1 July 1991, at 50.

171/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 47 (1992) (citing Karadžić's letter to United States President George Bush, dated 3 July 1992, as transcribed by Reuters Information Services, 3 July 1992). But see John F. Burns, "Understanding and Letting Loose, Historic Hatreds in the Balkans", New York Times, 17 May 1992, ¶ 4, at 7 (quoting Karadžić as saying "[h]istory has proven it. It is impossible for Serbs to live together with other peoples in a unitary state").

172/ According to the 1991 census, ethnic Serbs constituted 31.4 per cent. See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569 (1992). In 1991, it was estimated that the former Yugoslavia's population was 23.4 million. Of BiH's population of 4,364,574, 31.4 per cent were classified as Serbs. See Stjepko Golubić, Susan Campbell & Thomas Golubić, "How Not to Divide the Indivisible", in Why Bosnia 209, 211-12 (Rabia Ali & Lawrence Lifschultz eds., 1993). Within BiH, Muslims are the most numerous group (43.6 per cent) and Bosnia Croats are the third most populous group (17.3 per cent). Id. at 215.

173/ This is true of all three of the principal ethnic groups (i.e., their areas of predominance are neither homogeneous nor contiguous). Id. at 217.

174/ For a somewhat different formulation of these problems, see Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 100 (1992) ("[T]he essential problem of the Yugoslav state lies in the numerical and political dominance of Serbs over Croats; the essential problem of the Croatian state lies in the numerical and political dominance of Croats over Serbs").

175/ Roger Cohen, "Serbian General Who Calls the Shots: Determined, and Calling the West's Bluff", New York Times, 17 April 1994, at 4 (quoting Paul Beaver, a defence expert at Jane's Information Group). The Sandžak is a region within the Republic of Serbia, located on the border of BiH, which is heavily populated by Muslims. See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 100 and 129 (1992).

176/ The conflict in Slovenia began on 27 June 1991 and ended with a cease-fire on 7 July. The cease-fire was brought about by European Community (EC) mediators. On 5 July, the EC had banned arms exports to the region and suspended approximately \$1 billion in aid. Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570-73 (1992).

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177/ Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report (3 December 1992). For further discussion of Dubrovnik, see Annex XI.A, The Battle of Dubrovnik and the Law of Armed Conflict. For a description of the Serb ethnic cleansing campaign in Croatia, see Helsinki Watch, War Crimes in Bosnia-Herzegovina 75-81 (1992).

178/ Sporadic violence, however, had occurred as early as September 1991 when two Bosnian Muslims were killed by Serbs near Bratunac, Bosnia. On 12 September 1991, the town of Kostajnica fell to the Serbs. This marked the first time that a section of Bosnia came under such control. Olga Ramljak, "Chronology of Serb Rebellion in Croatia", FBIS, at 23, 26 February 1993.

179/ See Helsinki Watch, War Crimes in Bosnia-Herzegovina 27-30 (1992).

180/ See James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 1 (4 June 1993).

181/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 149 (1992).

182/ Id. at 150.

183/ Krešimir Meier & Mirjana Glušac, "Rape as a Means of Battle", Delo, 23 February 1993, at 6, trans. in Daily Report (Eastern Europe), FBIS, 23 March 1993, at 25.

184/ Id.

185/ James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 7 (4 June 1993).

186/ Id.

187/ Milan Vego, "The Yugoslav Ground Forces", Jane's Intelligence Review 247-53 (June 1993).

188/ Id. at 248. According to Vego, the JNA's "reorganization was primarily aimed at consolidating the Serbian-dominated position in BiH and part of Macedonia". Id. In the summer of 1992, further reorganization occurred, and the 4th Military District reportedly was abolished. Id. at 252.

189/ Id. at 250.

190/ Id.

191/ Id.

192/ Id.

193/ James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 8 (4 June 1993).

Notes (continued)

194/ The Bosnian government's cooperation with the JNA ceased a few days before the EC recognized the independence of BiH. Id. According to Gow, "[i]n retrospect . . . this campaign had left the Bosnian Territorial Defence Force (already largely disarmed a year previously) and the forces of the Bosnian Internal Affairs Ministry . . . stripped of the means to defend the country . . ." Id. at 8. Gow also notes that reports of the trial of Colonel General Andrija Vasiljević in Belgrade indicate that Bosnia's Minister of Internal Affairs, Alija Delimustafić, may have been working for the Federal Republic of Yugoslavia's military counter-intelligence. Id. at 18 (citing Vreme, 19 April 1992).

195/ Id.

196/ On 27 April 1992, the Socialist Federal Republic of Yugoslavia (SFRY) changed its name to the Federal Republic of Yugoslavia (FRY). See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 595 (1992).

197/ See Helsinki Watch, War Crimes in Bosnia-Herzegovina 35-36 (1992).

198/ Rodovan Karadžić, the President of the Serbian Republic of Bosnia-Herzegovina, announced on 17 May 1992 that 55,000 Bosnian Serbs would be transferred from Yugoslav Army units in Bosnia to the Serb Republic. He also said that Yugoslav General Ratko Mladić would command the troops. Nevertheless, Karadžić maintained that this new army was completely independent of Serbia and the Federal Republic of Yugoslavia. He stated "Serbians or Yugoslavs have nothing to do with our rights down there [in Bosnia]. I can see that nobody believes this, but it is the truth". John F. Burns, "Understanding and Letting Loose, Historic Hatreds in the Balkans", New York Times, 17 May 1992, § 4, at 7.

199/ See generally Annex III, Military Structure; Annex III.A, Special Forces; Annex V, Prijedor.

200/ See Helsinki Watch, II War Crimes in Bosnia-Herzegovina 42-49 (April 1993). See also Annex V, The Prijedor Report.

201/ See Médecins Sans Frontières (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) (7 December 1992).

202/ See infra part 3 on "ethnic cleansing" operations in the north-east city of Zvornik from April through June 1992 (Vienna, 6 April 1994).

203/ See infra.

204/ Many of the homes of Bosnian Muslims are not only destroyed by artillery fire; they appear to be deliberately destroyed by Bosnian forces to prevent the Muslim population from returning. For example, T.D. Allman, a foreign correspondent for Vanity Fair magazine reports, after travelling through Serb-held Bosnia, that ". . . every house has been destroyed in exactly the same way--from within, by demolition squads . . . [t]here is no resentful population in the towns Serbs have seized, because there is no one left". T.D. Allman, "Serbia's Blood War", in Why Bosnia 47 (Rabia Ali & Laurence Lifschultz eds., 1993).

Notes (continued)

205/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 62 (1992) (paramilitary snipers in Bijeljina kill Muslim men).

206/ See discussion of Prijedor and Kozarac, *infra*.

207/ Id. Mass killings have also been reported in Bijeljina, Foča, Visegrad and Bratunac. See Helsinki Watch, War Crimes in Bosnia-Herzegovina 63 (1992).

208/ For instance, Helsinki Watch states:

"Prior to their expulsion from Serbian-controlled areas of Bosnia, some non-Serbs are forced to sign statements that they are voluntarily leaving the area. In other cases, civilian authorities draft and issue statements in which the signatory relinquishes all claims to his or her property to the local Serbian-controlled agencies, usually to the municipal [opština] authorities or to the town council [mesna zajednica]".

Helsinki Watch II, *supra* note 184, at 12.

209/ Id. at 42. The pre-war population of Prijedor was 44 per cent Muslim 42.5 per cent Serb and 5.6 per cent Croat (the remainder "other") according to the 1991 census. Stjepko Golubić, Susan Campbell & Thomas Golubić, "How Not to Divide the Indivisible", in Why Bosnia 209, 231 (Rabia Ali & Lawrence Lifschultz eds., 1993). See also Annex V (The Prijedor Report).

210/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 42-43 (April 1993).

211/ SDS is the "Sister Party" of Serbia's Socialist Party (SPS), headed by Slobodan Milošević. Prior to the dissolution of FRY, SPS had been the ruling Communist Party.

212/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 44 (April 1993).

213/ Id.

214/ Id. at 45.

215/ Id. at 48-49.

216/ See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 11 (17 November 1993). In addition, only 1,000 Muslims remain in Doboij, out of 43,000 who were there for the 1991 census. In Bosanski Novi, only 800 of 15,000 Muslims remain. Id.

Notes (continued)

217/ See Médecins Sans Frontières (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) (7 December 1992).

218/ Id. at 6.

219/ See Boltzman Report, *infra*. See also Helsinki Watch, II War Crimes in Bosnia-Herzegovina 222 (April 1993).

220/ Boltzman Report, ¶¶ 217-27 *infra*.

221/ Id. at ¶ 222 *infra*.

222/ Id. at ¶¶ 223-29 *infra*.

223/ Id. at ¶ 226 *infra*.

224/ Id. at ¶ 227 *infra*. "Arkan" is the nom de guerre of Željko Ražnjatović. His role in the conflict is discussed further, *infra*. See also Annex III.A, Special Forces.

225/ It was also reported that Arkan attacked the Muslim negotiators. Boltzman Report, ¶ 227 *infra*.

226/ Arkan's troops are also known as "Tigers". See *infra*.

227/ Boltzman Report, ¶ 231 *infra*.

228/ The Šešeljovci are loyal to Vojislav Šešelj, a member of the Republic of Serbia's parliament. His role in the conflict is discussed further, *infra*, this section. Šešelj's troops are more commonly called "Četniks".

229/ The White Eagles are a paramilitary unit led by Mirko Jović, the leader of the Serbian National Renewal Party. See *infra* this section. See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 39 (1992).

230/ Boltzman Report, ¶ 231 *infra*.

231/ Id. at ¶ 234 *infra*.

232/ Id. at ¶ 243 *infra*.

233/ Id. at ¶ 247 *infra*.

234/ Id. at ¶ 251 *infra*.

235/ Id. at ¶ 255 *infra*.

236/ Monster Town, Vreme, No. 112, 15 November 1993, at 18.

237/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 50-63 (1992).

Notes (continued)

238/ See First Periodic Report of the U.N.'s Special Rapporteur on Human Rights, U.N. Doc. E/CN.4/1994/3 (5 May 1993).

239/ John F. Burns, "A Serbian Fighter's Trail of Brutality", New York Times, 27 November 1992, at 1.

240/ Id. Herak also stated that he killed five Muslim men who had been taken from a prison camp to dig trenches for Serb troops. Herak killed them after his companion told him the Muslims were performing their work poorly. Id.

241/ Id.

242/ Id.

243/ Roy Gutman, A Witness to Genocide 44 (1993) (quoting a former prisoner at Omarska identified only as "Meho"). See also Annex VIII, Prison Camps.

244/ Roger Cohen, "Bosnian Camp Survivors Describe Random Death", New York Times, 2 August 1994, at 1. According to the newspaper article, prison camp survivors confirmed Popović's report of executions and rapes.

245/ Id.

246/ New York Times News Service, "Serbs Carry Out New Ethnic Purge, U.N. Says", Chicago Tribune, 3 September 1994, ¶ 1, at 18. See also New York Times News Service, "Serbs Renew 'Ethnic Cleansing': Despite Promises, Bosnian Muslims Herded from Homes", Chicago Tribune, 20 September 1994, ¶ 1, at 9.

247/ See Médecins Sans Frontières (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) 15 (7 December 1992) ("[t]he camps are administered by armed and uniformed Serbs. The majority of the guards are known to the detainees as they come from neighbouring villages"; one former camp detainee is quoted as saying of the guards "[w]e used to party together; our children went to school together"). Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 8-9 (Comm. Print 1992).

248/ This issue is relevant with respect to establishing individual guilt under applicable international law. A finding of "state action", for example, would be necessary before the provisions of international humanitarian law could be invoked. See M. Cherif Bassiouni, Crimes Against Humanity 248-59 (1992).

249/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 32-42 (April 1993).

250/ See Mary Battiata, "Bosnian Serb Police Unit is Accused of Massacre of Muslim Prisoners", Washington Post, 22 September 1992, at A17.

251/ Roy Gutman, "There is no Food, There is no Air", Newsday, 19 July 1992, at 7.

Notes (continued)

- 252/ See generally Annex III.A, Special Forces.
- 253/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 95-100 (22 April 1994).
- 254/ Id. at 96.
- 255/ Id.
- 256/ Vojislav Šešelj is the leader of the Serbian Radical Party; Arkan, the Party of Serb Unity; and Mirko Jović is the leader of the Serbian Renewal Movement. For a review of Šešelj's and Arkan's role in Serbian domestic politics, see generally Stan Markotich, "Serbia", 3 RFE/RL Research Report (22 April 1994).
- 257/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Herzegovina 16 (Comm. Print 1992).
- 258/ See Der Spiegel, 5 August 1991, at 124-126, trans. in Daily Report (Eastern Europe), FBIS, 5 August 1991, at 51-52 (interview with Vojislav Šešelj).
- 259/ Id.
- 260/ Id.
- 261/ Blaine Harden, "The Men Behind the Terror in Yugoslavia", Washington Post, 15 February 1993, at 24.
- 262/ Arkan's troops also were involved in the attack on Zvornik. See supra notes 209-14 and accompanying text.
- 263/ According to a report in Vreme, Belgrade's only English language daily newspaper, "[i]t is public knowledge who sacked Zvornik: the Serbia Volunteer guards led by Željko Ražnjatović (Arkan), local territorial fighters, the "Panthers" from Bijeljina under the command of Major Ljubiša Savić ("Mauzer") and assorted volunteers from Serbia. Miloš Vasić & Filip Svarm, "Political Games: The Chetnik's Watergate", Vreme, No. 112, 15 November 1993.
- 264/ Blaine Harden, "The Men Behind the Terror in Yugoslavia", Washington Post, 15 February 1993, at 24.
- 265/ Id.
- 266/ Id.
- 267/ Id. See also Annex III.A, Special Forces.
- 268/ Chuck Sudetic, A Shady Militia Chief Arouses Serbs, New York Times, 20 December 1992, at 1, 12.
- 269/ Id.

Notes (continued)

270/ Id.

271/ Id. (The press in Slovenia, Croatia and Belgrade also have reported that Arkan once worked abroad as a government "hit man").

272/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 96 (22 April 1994).

273/ Id. at 96.

274/ Id. at 97 (citing Borba, 11 November 1993).

275/ Id. at 97. A vote was not taken on the motion; Milošević dissolved parliament and called for elections instead. Id.

276/ Aleksandar Ćirić, "The Balkan Archeology", Vreme, No. 112, 15 November 1993, at 7. In November 1993, several prominent SRS party members were arrested. Milenko Retrić, vice president of the Sid SRS, for example, was arrested for committing four murders in Vojvodina. According to Radio Serbia, none of the persons arrested have been charged with crimes committed outside of the Federal Republic of Yugoslavia (Serbia and Montenegro). Id. at 97. But see Id. at 9 ("Radicals in Belgrade are being charged with crimes against the civilian population in the vicinity of Zvornik; a radical who was there said they had 'fooled around a bit, cleansed the place and had a bit of fun.'" Id. In June 1994, a Serb was indicted in the district court in Šabac, Serbia for killing 16 Muslim civilians in Zvornik. Dušan Vučković, described as a 31 year-old volunteer, was charged with killing a group of Muslims as they huddled in a cultural centre that had been converted into a prison. Roger Cohen, "Serbs Put a Serb on Trial for War Crimes", New York Times, 12 June 1994, at Y4.

277/ During the Second World War, the "White Eagles" was closely aligned with another organization, Zbor, which was a pro-fascist military movement during the Second World War. See Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, No. 113, 22 November 1993, at 15.

278/ Id.

279/ Id. at 16.

280/ Id. at 17.

281/ Id. at 17.

282/ Vuk Drašković later became the leader of SPO. In November 1993, Drašković and Civic Alliance leader Vesna Pešić formed an alliance known as the Democratic Movement of Serbia (DEMOS). Milan Milošević, "The Left and the Right Shake Hands", Vreme, No. 113, 22 November 1993, at 1.

283/ Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, No. 113, 22 November 1993, at 17.

284/ Id. at 18.

Notes (continued)

285/ Chuck Sudetic, "A Shady Militia Chief Arouses Serbs", New York Times, 20 December 1992, ¶ 1, at 12. Arkan also testified in his 1986 trial for assaulting a man in an elevator that he worked "for the Federal Interior Ministry in the Division of Foreign Emigrés". Id.

286/ Der Spiegel 5 August 1991, at 124-26, trans. in Daily Report, FBIS, 5 August 1991, at 51.

287/ Id.

288/ See, e.g., Elaine Sciolino, "U.S. Names Figures to be Prosecuted over War Crimes", New York Times, 12 December 1992, at A1 (then Secretary of State Laurence S. Eagleburger identified Radovan Karadžić and General Ratko Mladić as suspected war criminals; also identified were Borislav Herak; "Adil" and "Arif", two members of a Croatian paramilitary unit; Željko Ražnjatović; Vojislav Šešelj; Drago Prčac, the commander of Omarska prison camp; Adem Delić, commander of the Čelebići prison camp; and Slobodan Milošević).

289/ M. Cherif Bassiouni, Crimes Against Humanity 240-44 (1992) (discussing the public law connection between individual conduct and state action or policy). For the prerequisite legal elements of "Crimes Against Humanity", see id. at 248; see also Genocide Convention, art. IV ("Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals"). Convention on the Prevention and Suppression of the Crime of Genocide, 9 December 1948, 78 United Nations Treaty Series 277, reprinted in 45 American Journal International Law 7 (1951) (Supp.).

290/ See "Profile: Happy to Butcher Bosnia", The Independent, 9 January 1993 at 14; Tanjug (10 July 1991), trans. in Daily Report (Eastern Europe), FBIS, 11 July 1991, at 42.

291/ See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 149-50 (1992) (Presidents Milošević and Karadžić discuss the shipment of arms in connection with Operation RAM).

292/ See "A Serbian Voice: Karadzic: We Want Peace, Not Land, In Bosnia", The Gazette, 29 August 1992, at B5.

293/ David Binder, "Bosnian Serb Leader Says His People Fight Out of Fear and in Self-Defense", New York Times, 5 March 1993, at A8.

294/ Roy Gutman, A Witness to Genocide 158 (1993).

295/ Id. at 159 (quoting the Bosnian State Commission on War Crimes).

296/ See discussion infra.

297/ Roger Cohen, "Serbian General Who Calls the Shots: Determined and Calling West's Bluff", New York Times, 17 April 1994, at A4.

298/ Id. See also John F. Burns, "A Serb, Fighting Serbs, Defends Sarajevo", New York Times, 26 July 1992, at 12 (General Mladic quoted as telling his officers "burn it [Sarajevo] all").

Notes (continued)

299/ Slobodan Lekić, "Yugoslavia - Top Gun", Associated Press Wire Service, 8 April 1993.

300/ Id.

301/ "French Groups Want Mladic Tried for War Crimes", Reuter Wire Service, 21 April 1994.

302/ TWRA Press Release (Zagreb, Croatia), 9 April 1994 (captured Serb states that he was released from prison where he was serving a sentence for rape; he stated that the warden told him that the warden had been authorized by General Mladić to recruit the most violent criminals).

303/ See Annex III, Military Structure.

304/ For examples of repression in Serbia's Sandžak region, see Dino Ramović, "Misery in a Land of Plenty", Bosnia Winter Watch, No. 2, 29 November 1993, at 7. See also Human Rights Watch/Helsinki, Open Wounds: Human Rights Abuses in Kosovo 95-100 (March 1993).

305/ Human Rights Watch/Helsinki, Open Wounds: Human Rights Abuses in Kosovo (March 1993).

306/ David C. Isby, "Yugoslavia 1991 - Armed Forces in Conflict", Jane's Intelligence Review, 402 (September 1991).

307/ See James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 10 (4 June 1993).

308/ Milan Vego, "The Yugoslav Ground Forces", Jane's Intelligence Review 250 (June 1993).

309/ Id.

310/ Blaine Harden, "Sarajevo Greets U.N. Peace Keepers; Continued Shooting Blocks Plan to Reopen Airport for Food", Washington Post, 12 June 1992, at A1. For additional examples of alleged FRY involvement in the conflict in Bosnia, see Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), 1993 ICJ (13 September) (Separate Opinion of Judge Ad Hoc Lauterpacht).

311/ Report by the Chairman, Subcommittee on European Affairs, to the Committee on Foreign Relations, to Stand Against Aggression: Milošević, the Bosnian Republic, and the Conscience of the West, United States Senate (19 April 1993).

312/ See Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", Jane's Intelligence Review 448 (October 1992). Other supply routes reportedly run across the Drina River at Loznica, Bratunac, and Visegrad. Id. Croatian forces in Bosnia have also received assistance from Croatia. See Milan Vego, "The Croatian Forces in Bosnia and Herzegovina", Jane's Intelligence Review, 99-102 (March 1993).

Notes (continued)

313/ Chuck Sudetic, "Serbia Isolating Allies in Bosnia", New York Times, 5 August 1994, at 1.

314/ Stephen Kinzer, "Belgrade Appears to be Cutting Off the Bosnian Serbs", New York Times, 7 August 1994, at 1.

315/ The Bijeljina garrison belonged to the 17 Corps Tuzla.

316/ Until the re-organization of the former JNA, the headquarters of the 12th Corps Novi Sad commanded "operative groups" as part of its "sector command North", which were under direct control of the general staff, including at least 3 brigades and additional forces. Further "operative groups" were under the authority of the "sector command South", consisting of the headquarters of the Belgrade-based "mechanized division" with at least 6 brigades, one partisan brigade and one artillery brigade.

317/ All along, the units from Šabac and Sremska Mitrovica were under the authority of the 12th Corps Novi Sad.

318/ The unit in Valjevo was always under the command of the 1st Corps Belgrade. Until the fall of 1991 the units from Šabac, Sremska Mitrovica and Valjevo were readily-deployable units. All these units belonged to the First Military District of Belgrade.

319/ Up to the re-organization of the former JNA, the 21st Corps stationed in Niš was under the authority of the Third Military District of Skopje. Later a separate Third Military District of Niš was established.

320/ According to one respondent, on 25 March, Šešelj personally brought hand-carried weapons into the church of Šćemlije, where he was received by Boško Ceranić, a SDS activist in Šćemlije.

321/ The Serbian Police of Zvornik repeatedly transferred its headquarters: from April (i.e., immediately after the separation into a Muslim and Serbian militia) until mid-April, it was located on the premises of the "Alhos" factory in the Karakaj industrial zone. After that, the Serbian militia moved into the factory of "Novi Standard", then after the fall of Kulagrad into the Hotel Drina in the town of Zvornik, and finally back again into the building of the former militia (SUP).

322/ A number of detailed testimonies from survivors of the camps at Karakaj are available to BIM. All of them are suitable for submission to the International War Crime Tribunal.

323/ For a list of the camps see Appendix I.

324/ According to some witnesses, fatalities occurred in the Zvornik hospital, mostly as a result of blood withdrawals being conducted until the advent of death.

325/ In Subotica, some of the deportees encountered persons who had already taken part in the aggressions in Zvornik. In Subotica, these people were responsible, inter alia, for the issuance of Yugoslav passports to deportees from Zvornik.