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ANNEX VI, PART I
STUDY OF THE BATTLE AND SIEGE OF SARAJEVO

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CONTENTS

	<u>Paragraph</u>	<u>Page</u>
I. SUMMARY AND ANALYSIS	1 - 53	5
A. Methodology	1 - 7	5
B. Brief description and history of the city . . .	8 - 11	7
C. Summary of the battle and siege	12 - 13	7
D. Civilian casualties	14 - 18	8
E. Structural and property damage and destruction	19 - 21	9
F. Structure and location of forces in and around the city	22 - 27	10
1. The defensive forces	22 - 24	10
2. The besieging forces	25 - 27	11
G. Location and nature of artillery of the beseiing forces	28	11
H. Nature and frequency of shelling by the besieging forces	29 - 39	12
1. Systematic shelling of specific targets by the besieging forces	33 - 36	12
2. Patterns of random shelling by the besieging forces	37 - 39	13
I. Sniping attacks by the besieging forces	40 - 41	14
J. Link between shelling activity by the besieging forces and political events	42 - 43	14
K. The blockade of humanitarian aid	44 - 47	17
L. The use of utilities as a weapon of war	48 - 50	18
M. Concluding observations	51 - 53	18

Appendices

1. Sarajevo Maps	20
2. Statistics	28
3. Frequency of Shelling in Sarajevo Areas	131

CONTENTS (continued)

	<u>Paragraph</u>	<u>Page</u>
4. Most Frequently Hit Targets with Dates of Shelling Recorded in the Chronology of the Battle and Siege of Sarajevo through July 1993		155
5. Reports of Shelling of Religious and Cultural Structures in Sarajevo		163
II. CHRONOLOGY OF THE BATTLE AND SIEGE OF SARAJEVO	54 - 3418	152
A. April 1992	54 - 167	152
B. May 1992	168 - 304	172
C. June 1992	305 - 415	197
D. July 1992	416 - 603	221
E. August 1992	604 - 814	253
F. September 1992	815 - 1012	292
G. October 1992	1013 - 1141	332
H. November 1992	1142 - 1273	358
I. December 1992	1274 - 1431	382
J. January 1993	1432 - 1527	411
K. February 1993	1528 - 1652	434
L. March 1993	1653 - 1782	460
M. April 1993	1783 - 1922	489
N. May 1993	1923 - 2046	514
O. June 1993	2047 - 2143	543
P. July 1993	2144 - 2288	564
Q. August 1993	2289 - 2478	597
R. September 1993	2479 - 2609	633
S. October 1993	2610 - 2741	660
T. November 1993	2742 - 2867	689
U. December 1993	2868 - 3023	715
V. January 1994	3024 - 3194	745
W. February 1994	3195 - 3418	777

CONTENTS (continued)

	<u>Paragraph</u>	<u>Page</u>
<u>Appendices</u>		
6. Photographs Picturing Targets Shelled in Sarajevo		1074
7. UNPROFOR HQ BH Command Sarajevo PICINFSUM, Containing Battle Detailed Maps of the Sarajevo Area		1257
8. The Structure and Location of the Forces Involved in the Battle and Siege of Sarajevo (Order of Battle)		1279
9. Review of the Shelling of the Sarajevo Clinical Centre Koševo		1297

I. SUMMARY AND ANALYSIS

A. Methodology

1. The Study of the Battle and Siege of Sarajevo presents a daily chronology documenting events in the city from 5 April 1992 to 28 February 1994. The chronology is based on incidents reported in the database, source materials and media reports. It details, insofar as information is available: daily combat and shelling activity; specific identified targets hit; known damage to targets; sniping activity; and total casualties reported. The chronology also contains a narrative of daily military activities and narratives of local and international events relating to the battle and siege. The purpose of the chronology is to describe the events and consequences of the battle and siege of Sarajevo and to evaluate apparent patterns of violations of humanitarian law. Where facts, figures or accounts of events have differed in the reports reviewed, all the conflicting versions are recorded in the chronology.

2. To present the most complete picture of the events in Sarajevo during the siege, a number of sources were utilized to prepare the chronology. Daily, weekly and monthly reports from UN Protection Forces (UNPROFOR) were incorporated where available, to record the number of shells fired into the city, as well as to develop a greater understanding of the events as witnessed by the military observers on the ground. UNPROFOR orders of battle were also reviewed and included to identify the command structure of the forces in and around the city. ^{1/} In many instances, information was obtained through specialized UNPROFOR and other UN reports, containing details on the numbers of relief flights into the city, the status of utilities and attempted utility repairs, specific crater analyses after serious shelling incidents, and other significant events. In addition to UNPROFOR reports, valuable information was gathered from local sources and incorporated into the chronology. In particular, cumulative statistical reports and reports on daily, weekly, and monthly casualties in the city were obtained from the Bosnia and Herzegovina (BiH) Institute of Public Health Bulletins. Other valuable information was submitted by the BiH government and was incorporated into the chronology. This information included reports on property destruction in the city and photographs of destroyed structures submitted by the BiH War Crimes Commission in Sarajevo. Photographs and videotapes obtained independently by the United Nations Commission of Experts were also utilized. These materials confirmed the widespread structural and property damage in the city.

3. To supplement the above information, an on-line international media search was conducted to locate relevant press accounts pertaining to the events in Sarajevo. This search resulted in nearly 12,000 pages of information which was put into source files and incorporated into the chronology. These media sources were cross-checked and verified against one another. Where accounts differed, both sides were recorded. Local media sources such as the Belgrade-based Tanjug news agency and Vreme, as well as Sarajevo Television and Radio were consulted. This media-based information played an especially important part in the chronology, particularly during the first few months of the siege when UNPROFOR and other sources of information had not yet begun their efforts to record relevant data in the city. Additional information was also gathered pertaining to relevant negotiations and political events. In particular, the staff of the International Human Rights Law Institute (IHRLI) prepared a separate chronology of the negotiations which was incorporated into the chronology on the battle and siege of Sarajevo. The chronology of the negotiations drew much of its information from reports of the International Conference on the Former Yugoslavia, the Foreign Broadcast Information Service, a Carnegie Endowment Special Publication prepared on the negotiations, ^{2/} and press reports.

4. In conjunction with the preparation of the chronology, many hours of video footage were viewed. This film was gathered and archived by IHRLI, with the assistance of Linden Productions. 3/ The footage viewed ranged from local home video to western media reports providing details on the many events and venues featured in the chronology. To accurately identify and locate targets in the city and to verify reports in the chronology, a number of informal interviews were also held with individuals who had been in Sarajevo during the siege. This provided an excellent opportunity to hear detailed first-hand accounts of the siege. Since the individuals interviewed were native Sarajevans, the meetings also served to identify specific targets in the city, as well as many of the sites pictured in photos received.

5. Once a draft of the chronology was completed, a team of analysts was assembled to examine the information contained therein. 4/ One analyst, for example, was assigned the task of collecting all of the information in the chronology pertaining to specific targets shelled in the city. Working with this information he prepared a map identifying the specific locations of shelled targets reported in the chronology. 5/ Other analysts also:

- (a) prepared a list of the most frequently hit targets in the city; 6/
- (b) prepared a table of frequency of shelling, by dividing the city into designated areas and determining the most frequently shelled areas; 7/ and
- (c) accumulated and identified photographs picturing targets shelled in the city. 8/

6. Statistical analysts then examined the numerical data contained in the chronology. 9/ As part of their effort, statistical charts were prepared recording:

- (a) total daily shelling activity in the city; 10/
- (b) daily numbers of persons killed; 11/
- (c) daily numbers of persons wounded; 12/ and
- (d) combined reported shelling activity and casualties by day and by week. 13/

In preparing this statistical information, only reports in the chronology with daily totals (e.g. total number of persons killed on a given day, or total number of shells fired) were included. This methodology was utilized to prevent incomplete data from being factored into the daily averages computed.

7. After an initial review of the statistics and the other data in the chronology, it became apparent that a possible connection existed between the increase and decrease in shelling activity and related political events such as negotiations, meetings, preparations for negotiations, the hardening or softening of public positions by international and local leaders, and changes and potential changes of positions by certain governments. The relevance of this connection is that it establishes a possible link between military and political activities or objectives. With this fact in mind, a graph was created to track significant local and international events contained in the chronology with the level of shelling in Sarajevo. 14/ The political events included in this graph are as follows:

- (a) international peace conferences involving the former Yugoslavia;
- (b) statements by parties to the conflict; and

(c) statements made by other countries or international organizations relating to the former Yugoslavia. 15/

B. Brief description and history of the city

8. Sarajevo, the capital of BiH, is located in central BiH in the Miljacka River valley. It is a long and narrow city (occupying 2,049 square kilometers) surrounded by hills and mountains. 16/ The 1991 census indicates that before the siege the city and its surrounding areas had a population of 525,980. There are estimates that prior to the siege the population in the city proper was 435,000. The current estimates of the number of persons living in Sarajevo range between 300,000 and 380,000 residents.

9. The history of Sarajevo dates back to the Roman conquest of the area. Slavs later colonized the area and erected a castle in the southeast of the city. The city's name is derived from the Turkish word 'Seraglio' (palace in the fields). This name was given to the region by the Turks in the early 15th century after the capture of the castle that the Slavs had erected. The city has been a cultural, religious and commercial centre since the 15th century. In 1878 Sarajevo was assigned to Austria by the Treaty of Berlin. On 28 June 1914, a student, Gavrilo Princip, assassinated the Austrian Archduke Franz Ferdinand and his wife on what now is the site of the Princip Bridge. The assassination set into motion the events leading to World War I.

10. Sarajevo contains an architectural blend of 3 major influences: the old Oriental heart of the city, the turn of the century Viennese city around it, and the contemporary high-rise apartment buildings and industrial facilities through its outskirts. The Old Town was built by the Turks and contains ancient structures and objects of cultural importance. Its centre, the medieval square known as Baščaršija (Market Square) serves as its marketplace. The city also has a very comprehensive modern tram and mass transit system. In addition to its many orthodox churches, Sarajevo has numerous mosques.

11. Sarajevo became the focus of world attention as host of the 1984 Olympic Games. Prior to the siege, it was a cosmopolitan city where persons of different religions lived and worked together. 17/ Inter-marriages between the ethnic groups were not uncommon. According to the 1991 census, the city's multi-ethnic population distribution prior to the siege was as follows: Muslims 49.3 per cent; Serbs 29.9 per cent; Croats 6.6 per cent; Yugoslav 10.7 per cent. Jews and other groups made up the remaining 3.5 per cent of the population. Observers have noted that in the beginning of the siege many of Sarajevo's Serbs fled the city. According to reports, some joined the Bosnian Serb army. Others relocated to Serb-held areas in the outlying districts. There are estimates that 40,000 Serbs remain in government-held parts of the city. According to reports, the city's 400 year-old Jewish community numbered 14,000 before World War II and 1,400 before the current conflict. It has been reported that as a result of evacuations and casualties, only a few hundred Jews remain.

C. Summary of the battle and siege

12. The battle and siege of Sarajevo began on 5 April 1992, the eve of European Community recognition of BiH as an independent state. On that date, thousands of persons took to the streets in spontaneous peace marches. The largest body of demonstrators headed towards the Parliament building and other buildings reportedly seized by Serb forces. Unidentified gunmen were then reported to have fired into the crowd. One protestor was confirmed dead. Since that date, the siege and relentless bombardment from the hills surrounding

Sarajevo has taken a tremendous physical toll on the city and its inhabitants.

13. Since the beginning of the siege it is estimated that nearly 10,000 persons have been killed or are missing in the city. This total includes over 1,500 children. An additional 56,000 persons have been wounded, including nearly 15,000 children. It has been estimated that over the course of the siege the city has hit been hit by an average of approximately 329 shell impacts per day, with a high of 3,777 shell impacts on 22 July 1993. This shellfire has caused extensive damage to the city's structures, including civilian and cultural property. The BiH Government has estimated that shelling has destroyed over 10,000 apartments and damaged over 100,000 others. Of the other buildings in the city, 23 per cent were reported seriously damaged, 64 per cent partially damaged and 10 per cent slightly damaged. The Council of Europe's Committee on Culture and Education concluded that most of the buildings in the city had been damaged to a greater or lesser degree and that 35,000 dwellings had been destroyed through September 1993.

D. Civilian casualties

14. The chronology contains cumulative casualty reports submitted by the BiH Institute for Public Health. 18/ It also contains casualty reports from UNPROFOR and other sources. According to the BiH Institute reports, as of 15 November 1993, 9,539 persons had either been killed, died of malnutrition or from the cold, or were missing in the city. This total included 1,525 children. Additionally, 55,801 persons had been wounded, including 14,538 children. 19/

15. Based on the chronology's sources of information, a large number of Sarajevans have been killed and wounded with regularity throughout the siege.

(a) The chronology contains reports on 315 days where the total numbers of persons killed was documented. 20/ On those days a total of 2,474 persons were reported killed, totaling an average of approximately eight killed in the city per day.

(b) The chronology also contains reports on 306 days on which the total number of persons wounded was documented. 21/ On those days, a total of 13,472 persons were reported wounded, totaling an average of approximately 44 wounded per day.

It should be noted that actual daily casualty numbers in Sarajevo are probably higher than those reported in the chronology. This is because the varied centralized city casualty counts relied upon may not include many victims who are taken to district morgues and clinics.

16. The siege has not spared any sector of Sarajevo's population. UNICEF reported that of the estimated 65,000 to 80,000 children in the city: at least 40 per cent had been directly shot at by snipers; 51 per cent had seen someone killed; 39 per cent had seen one or more family members killed; 19 per cent had witnessed a massacre; 48 per cent had their home occupied by someone else; 73 per cent have had their home attacked or shelled; and 89 per cent had lived in underground shelters. It is probable that the psychological trauma suffered during the siege will bear heavily on the lives of these children in the years to come. 22/

17. As a result of the high number of casualties and the wartime conditions present, makeshift cemeteries appear throughout Sarajevo and its surrounding areas. Parks, athletic fields, and other open spaces have been utilized as graveyards. 23/ One such site is the sports complex built for the 1984 Winter

Olympics.

18. The siege has also had a profound effect on the psyche and future of the city's population. The BiH Government has reported a soaring suicide rate by Sarajevans, a near doubling of abortions and a 50 per cent drop in births since the siege began.

E. Structural and property damage and destruction 24/

19. The structural and property damage in Sarajevo as a result of the siege includes specifically protected targets such as hospitals and medical complexes, medical facilities (including ambulances) and medical personnel, as well as cultural property. Furthermore, there have been attacks upon civilian property which are not justified by military necessity and are equally prohibited. The BiH government has estimated that shelling has destroyed over 10,000 apartments and damaged over 100,000 others. Of the other buildings in the city, 23 per cent have been reported as seriously damaged, 64 per cent as partially damaged and 10 per cent as slightly damaged. 25/ In its report, the Council of Europe's Committee on Culture and Education commented on the structural damage in the city. The Committee stated:

"... [I]t is plain that Sarajevo has suffered badly at the hands of its attackers. Apart from the obvious human cost in the continued suffering and difficulties of day to day living, there has been serious damage to the urban fabric. The infrastructure (drainage, electricity, telephone services, etc.) is badly damaged. Most buildings are damaged significantly and probably all buildings are damaged to a greater or lesser degree (broken glass etc.). Some buildings have been completely destroyed including ancient monuments (such as the Library) and including a number of modern steel framed buildings (such as the Unis Building) which in some cases have simply collapsed. 35,000 dwellings are also assessed to have been destroyed during the past year." 26/

20. The chronology documents the widespread structural and property damage and destruction of the city. 27/ The following list is only illustrative and does not distinguish on a legal basis between specifically protected targets and others. The targets shelled and documented in the chronology include:

(a) hospitals and medical complexes: the Koševo Hospital; the Military Hospital (a.k.a. French Hospital); the Jezero Hospital; and the Institute for Physical Therapy and Rehabilitation.

(b) media and communication centres: the Oslobodjenje buildings; the radio and television administration buildings; the main post office; the television tower; and the PTT building.

(c) civilian and industrial targets: the electric tram depot; the town hall; the Hotel Bristol; the tobacco factory; the public transportation network; university buildings; the market place/bazaar area (the Old Town/Bašćaršija); the Hotel Europa; the Lion, Jewish, and other cemeteries in and around the city; Olympic sites; the Bosna Hotel; the Islamic Theological School; the main library; the Gazi Husref Begova Mosque; the Olympic Museum; the Klas Šarko and Velepekara Building (flour mill, main bakery); the Holiday Inn Hotel; the National Museum; the candy factory; the People's Bank; the Veterinary College; Morića Han; the Tvornica Armatura (factory); the Elektroprivreda building; and Skenderija.

(d) Government buildings: the Presidency building; the Parliament; and the Sarajevo Courthouse.

(e) military and United Nations centres: the airport; UNHCR facilities; the Lukavica Barracks; UNPROFOR headquarters; the Halilovici Barracks (a.k.a. UNPROFOR "Camp Beaver"); the Bistrik Camp (UNPROFOR); and the former Maršal Tito Barracks.

21. Shelled quarters of the city and suburban areas documented in the chronology include: Oteš; Azići; Stup; Ilidža; Butmir; Nedžarići; Dobrinja; Mojnilo; Novi Grad; Buča Potok; Hrasno; Grbavica; Novo Sarajevo; Bašćaršija; Bistrik; Stari Grad; Igman, Trebević and Žuč Mountains; Čengić Vila; Pofalići; Vasin Han; Rajlovac; Vraca; Marijin Dvor; Doglodi; Bjelave; Vratnik; Velešići; Dolac Malta; Stupsko Brdo; Katorac (upper); Katorac (lower); Kasindol Street; pero Kosorić Square; Darovalaca Krvi Street; Vase Miškina Street; Vojničko Polje; Alipašino Polje.

F. Structure and location of forces in and around the city 28/

1. The defensive forces

22. Since the beginning of the siege, the First Corps Sarajevo has served as the BiH defensive force in and around Sarajevo. Most assessments characterize the First Corps Sarajevo as superior to the besieging forces in infantry numbers, but clearly deficient in its firepower. It has been estimated that there are as many as 70,000 soldiers in the BiH forces committed to the defence of the city. More conservative estimates range in the area of 25,000 to 30,000. The First Corps Sarajevo headquarters is located in Sarajevo and was originally commanded by Mustafa Hajrulahović. 29/ The most recent commander was Vahid Karavelić. Observers have noted that a recent reorganization of the First Corps has led to better command and control of the forces.

23. At the beginning of the siege, a score of men with criminal backgrounds formed groups to defend the city. Among these men were Musan Topalović (a.k.a. Čačo) and Ramiz Delalić (a.k.a. Čelo). Čačo, a 29 year-old former musician ultimately commanded the BiH army's 10th Mountain Brigade. Čelo commanded the Ninth Brigade. Both men reportedly controlled gangs operating on the Bosnian Serb siege line, bringing truckloads of contraband over the bridges across the Miljacka river separating Grbavica from the city centre. On 26 October 1993, the BiH government initiated a crackdown against these commanders, surrounding their headquarters in separate stand-offs. Čačo was killed during the course of his capture and Čelo was reported to have given himself up.

24. The Croatian Defence Council (HVO) and the First Corps forces fought together in defence of the city throughout much of the siege despite opposing one another in Mostar and in other parts of BiH. The HVO had an estimated 2,000 soldiers deployed in Sarajevo, in an area on the Miljacka River facing the Serbian-held districts of Kovačići, Grbavica and Hrasno which had reportedly not seen as much heavy fighting as other fronts. In late September 1993 there were reports that Bosnian Serb forces held their fire along these sections of the front defended by the HVO and that the forces traded cigarettes and food across the Miljacka. On 10 November 1993, several groups of HVO troops were marched under BiH army guard and the HVO barracks were occupied by BiH army troops. The HVO commander, Slavko Zelić, was subsequently arrested. The BiH army thereafter announced that it was disbanding the HVO in Sarajevo and accused some of its members of "actively cooperating" with BSA forces around the city, jeopardizing its defences. The BiH army then invited HVO soldiers to join a new Croatian brigade of the First Corps.

2. The besieging forces

25. The Sarajevo Romanija Corps is the Bosnian Serb force of the Bosnian Serb Army (BSA) which has surrounded the city since the beginning of the siege. It is the successor of the same unit of the Yugoslav National Army (JNA) which occupied the same position until May 1992. There are indications that early in the siege the JNA was involved in the fighting in Sarajevo. Bosnian officials frequently charged that JNA tanks joined Bosnian Serb forces in barracks, and that the JNA provided the Bosnian Serb forces with logistical support and protection. In late April 1992, the BiH government ordered the withdrawal of all JNA forces from its soil. The Belgrade government announced that it would withdraw from BiH, troops who were not residents of the Republic. Since most of the JNA troops in BiH were Serbs of Bosnian nationality, this withdrawal policy reportedly had little effect. Some 80,000 Yugoslav soldiers were thereafter transferred with their equipment to the Territorial Defence Forces of the Serbian Republic of Bosnia and Herzegovina (SRBiH).

26. The Sarajevo Romanija Corps headquarters are located in the hills overlooking the city at Lukavica. The Corps was originally commanded by Major General Tomislav Šipčić and was most recently commanded by Major General Stanislav Galić. The command structure has for the most part remained the same throughout the siege. While the defensive forces seem to have numerical superiority in their infantry troops, the besieging forces have firepower superiority. Reports estimate that the Sarajevo Romanija Corps numbers some 13,000 troops which are formed into eight brigades directly surrounding the city. A possible explanation for the shifting of firing sites from the mountainous areas surrounding Sarajevo may be that artillery personnel move from one emplacement to the other. Another explanation for this phenomenon could be the pattern of delivery of munitions. There are, however, no apparent munitions shortages.

27. Although the BSA forces surrounding the city have superior firepower, it has been observed that it is unlikely that they could effectively take control of the city. This observation is based, in part, on the fact that the BiH forces have more fighters. In addition, controlling the city and its numerous buildings and streets could prove an overwhelming task for the BSA forces. The BSA forces have therefore concentrated their efforts on weakening the city through constant bombardment from the surrounding hills.

G. Location and nature of artillery of the besieging forces

28. Many reports in the chronology generally describe shelling as coming from gunners in the hills surrounding the city. Far fewer pinpoint specific areas from which the shelling has originated. Reports of the besieging artillery and other heavy-to-medium weapons employed in the attacks vary from 600 to 1,100 pieces, but no verified account is available. These estimates do not include a large number of tanks. Some of the weapons are in fixed emplacements such as bunkers in the wooded hills and mountains surrounding Sarajevo and its suburbs. Because of the dense foliage, the emplacements are hard to detect from the air, particularly in the summer. Although the bunkers are difficult to see from the roads above or below the emplacements, it is possible to detect some of them. It is, however, very difficult to determine whether the bunkers contain artillery pieces, mortars or machine-guns, or have only snipers with small arms. From their hillside vantage points the besieging forces have a commanding view of the city. It is thus likely that they know which targets they are hitting with their artillery fire.

H. Nature and frequency of shelling by the besieging forces

29. The nature of the shelling observed in Sarajevo takes several forms: 1) specific targeting; 2) indiscriminate shelling; and 3) random shelling. With respect to specific targeting, a question arises as to whether or not a target is a protected target which makes the shelling a war crime. Indiscriminate shelling does not target a specific object, but by virtue of not discriminating or distinguishing between targets, it constitutes a war crime if within the area selected for shelling there are protected targets. Lastly, random shelling may include indiscriminate shelling as well as specific targeting, but the manner in which it is executed is not selective. Random shelling, can be methodical and systematic. If it includes protected targets it is a war crime.

30. Protected targets, whether objects or persons, are specifically identified in the four Geneva Conventions of 12 August 1949 ^{30/} and the Additional Protocols of 1977. ^{31/} They are also established in the customary law of armed conflict and in the 1907 Hague Convention on the Regulation of Armed Conflict. ^{32/} In addition, the 1954 Hague Convention on the Protection of Cultural Property in Times of War also applies. ^{33/} Both the conventional and customary law of armed conflict provide for specific prohibitions but also for what may be termed as circumstances exonerating from war crimes responsibility (but only with respect to certain types of violations). These exonerating conditions are: proportionality in responding to enemy fire; military necessity; and reprisals. ^{34/} Since this study does not go into the question of individual criminal responsibility with respect to specific incidents, the analysis shall not cover the legal questions raised above. However, from a macro-analysis perspective, it is clear that, irrespective of whether a given instance establishes or not the individual responsibility of those who performed the act, the totality of the circumstances described in this report evidence command responsibility.

31. UNPROFOR and city officials have indicated that shelling of the city ranges from about 200 to 300 impacts on what they refer to as a quiet day to 800 to 1,000 shell impacts on an active day. The chronology confirms that the city has been relentlessly shelled over the course of the siege. ^{35/}

(a) On the 196 days in the chronology where a total shelling count was available, Sarajevo was hit by 64,490 shells, totaling an average of approximately 329 shell impacts on the city per day. The range of shelling activity on these days varied from a low of two shell impacts on 17 and 18 May 1993 and 24 August 1993, to a high of 3,777 shell impacts on 22 July 1993.

32. Observers have noted that UNPROFOR shelling reports in many cases record only a fraction of actual shelling activity. ^{36/} This is due in part to the logistical difficulties encountered by the UNPROFOR contingent during the siege. Therefore, it should be assumed that Sarajevo has been hit by a greater number of shells than that which has been recorded by observers.

1. Systematic shelling of specific targets by the besieging forces

33. The majority of shells counted on most days are usually directed towards BiH-controlled areas of the city suggesting a strategy to hit those areas. An examination of the range of destruction reveals a system of specific targeting as evidenced by the severe damage to almost all mosques, Catholic churches and major commercial buildings and facilities in the centre of the city.

34. The following targets have been documented in the chronology as being among the most frequently targeted sites in the city: ^{37/} the Sarajevo radio

and television stations; the Oslobodjenje Newspaper building which is still in operation; 38/ the public transportation system; the Holiday Inn Hotel (which is the base of many foreign journalists); the Presidency and Parliament buildings; the main city brewery; the flour mill; the main bakery; the Olympic complex; the Post Telegraph and Telephone building; the industrial area of Alipašin Most near the railway station and main television tower; the Jewish cemetery; the Lion cemetery; the city airport; the tobacco factory; the Dobrinja apartment complex; the central district; Baščaršija (the old quarter of mosques); the Stari Grad section; New Sarajevo; the main thoroughfare on Maršal Tito Street; and the shopping district at Vase Miškina.

35. The chronology confirms that certain areas of the city have been systematically shelled throughout the course of the siege. 39/ For example, the city centre has consistently been the most often targeted area, with shelling attacks reported in that particular area of the city on 240 days. Also heavily shelled were the airport area and southwestern suburbs (shelling attacks reported on 158 days) and the Old Town area (shelling attacks reported on 113 days).

36. Systematic targeting can be inferred from the shelling of hospitals and in particular the Sarajevo University Clinical Centre Koševo which has constantly been under shell and sniper fire. 40/ The Koševo complex has reportedly been shelled at least 264 times since the siege began, killing staff and patients alike. 41/ An examination of the sheer number of shells and the high percentage of direct hits on the complex indicates an intent by the besieging forces to hit this civilian target. Moreover, much of the shelling from the surrounding hillsides has taken place at midday, the time when the hospital is busiest with visitors. It is therefore obvious that the besieging forces have knowledge of the patterns of operation of this facility. 42/ Despite extensive damage, a shortage of electricity, water and necessary equipment, the Koševo Hospital is by necessity still in operation.

2. Patterns of random shelling by the besieging forces

37. A review of the incidents in the chronology also indicates a random process of shelling throughout the civilian areas of the city. The shelling which occurs at different times of the day without any particular pattern or target has a terror-inspiring effect on the civilian population. It is particularly telling that deaths, injuries and destruction have occurred in various parts of the city and in such presumably well-known civilian settings as schools, markets, streets, parks, football and athletic fields, cemeteries, hospitals, and even bread, water and relief lines in the city.

38. It is noteworthy that shell fire increases at night and often continues into the early morning hours. This may be attributable to the fact that many of those engaged in the shelling and sniping are working in the fields and at other jobs during the daytime hours. Observers have also noted that the shelling by the besiegers is generally lower during the week than on weekends. At times, night shellings are observed to follow a systematic directional pattern as if the same artillery pieces are simply changing their range. At other times, the shelling comes from different locations. A pattern of heavy shelling into the city has been observed to have occurred after reports of early morning small-arms fire. This suggests that the besieging forces have used heavy shelling of the city as a means to respond to efforts by the defending forces to break the siege. 43/

39. Most of the besieging forces firing from the hills surrounding Sarajevo are drawn from people who once lived in the city or who still live in the surrounding areas. There could, therefore, be a connection between the

targeting of sites and the patterns of city life known to the besiegers. There have also been indications that "informants" within the city notify gunners in the hills of potential targets on certain days. For example, a child was killed in November 1992 after a mortar shell exploded as people were leaving a show in the city. Subsequent notifications of performances and exhibitions in the city have been more discreet in order to avoid the attention of the BSA artillery.

I. Sniping attacks by the besieging forces

40. Unlike artillery, mortar and tank shellings where accuracy may or may not be precise, and where the shelling may or may not be deliberate targeting, sniping is both deliberate and precise. It is a war crime when sniping is purposefully directed toward civilian targets. Sniping attacks by the forces ^{44/} in and around the city display an intent to hit civilian and non-combatant targets. These shootings appear to lack military purpose or justification. Skilled marksmen often kill their targets with a single shot to the head or heart, and it is clear that they have exercised the specific intent to hit obvious civilian targets with no other purpose than to cause death or serious bodily injury. In many cases snipers with a clear view from high rise buildings and the surrounding hillsides have targeted the most vulnerable of civilians, including: children (even infants); persons carrying heavy plastic containers filled with water; persons in queues; pedestrians at intersections; and rescuers attempting to come to the aid of sniping and shelling victims.

41. Snipers have been reported in positions throughout the city and have been known to travel in teams. In numerous incidents documented in the chronology, sniper fire has been directed towards ambulance drivers, fire fighters, relief workers and others attempting to secure those wounded in attacks. ^{45/} There have also been numerous sniping attacks on UN and UNPROFOR personnel and facilities near the airport, observation posts and barracks.

J. Link between shelling activity by the besieging forces and political events

42. Heavy shelling of the city has occurred on numerous occasions prior to and during the various peace conferences, suggesting a political objective or link to the attacks. ^{46/} There is an apparent correlation between the increase and decrease of shell fire in connection with political events such as: negotiations; meetings; the preparation for negotiations; the hardening or softening of public positions by international and local political leaders; and changes and potential changes of positions by certain governments. ^{47/} The relevance of this is that it establishes a link between military and political activities or objectives. This fact also has a bearing on the interpretation of the rules of armed conflict with respect to proportionality and military necessity as mentioned above. It is also relevant to the establishment of senior command responsibility as well as the responsibility of political leaders who may have been involved in the decision-making process related to the shelling activity.

43. The following are examples of reports appearing in the chronology which indicate a possible link between the shelling attacks in Sarajevo and political events: ^{48/}

(a) On 23 August 1992, mortar shells hit Sarajevo for the fourth day with both sides accusing each other of trying to seize the initiative ahead of the coming peace talks in London. Twenty-two persons were reported killed and 100 injured on this day.

(b) On 14 September 1992, the BiH Presidency announced that it would not go to the following Friday's peace talks in Geneva. The announcement, reported on Sarajevo Radio, was met by a sharp upsurge of mid-morning shelling which shattered a two-day lull in the city. At least 20 people were reported killed and wounded in the first two hours of the attacks which began at 10:00 a.m.

(c) On 17 September 1992, fierce fighting was reported in Sarajevo on the eve of new peace talks as BSA gunners reportedly shelled the city with heavy weapon-fire. An artillery duel took place in the downtown area as the BiH delegation left for renewed peace talks in Geneva. Shelling and street fighting in the city lasted until about midnight in what Sarajevo radio called Sarajevo's "worst day of hell." More than 400 shells were fired by 4:00 p.m., mostly on BiH positions. 49/

(d) On 29 October 1992, the day after the new constitutional proposals for BiH were released (the Vance-Owen Plan), Sarajevo was hit with what was described as the worst shelling in two weeks with dozens of shells hitting the Old Town area. Heavy shellfire and high numbers of casualties were reported in the days to follow, including 749 shells, 31 people reported killed and 118 wounded in the 24 hour period ending at 5:00 p.m. on 31 October 1992.

(e) On 11 January 1993, 1300 incoming shells hit the city on the day of the resumption of the Geneva Peace talks. On 27 January, 1,500 shells hit the city during the peace talks.

(f) On 17-22 March 1993, a high level of shelling activity was reported during the peace negotiations. On 17 March, the city was hit with 962 shells (mostly around the Presidency) as the peace conference resumed in New York. During peace negotiations on 18 March, BSA forces reportedly launched the heaviest barrage in months against the city. However, no shelling numbers were reported. Thereafter, BiH President Izetbegović temporarily pulled out of the peace talks, stating that he could not be involved as long as BSA forces continued their attacks. On 19 March, artillery and mortar fire resulted in one of the heaviest tolls in a year, killing 25 and wounding 76. A high level of shelling continued and intensified fighting was reported on 21 March as Bosnian Serb leader Radovan Karadžić warned that if the UN Security Council authorized the use of military means to enforce a no-fly zone over BiH, his delegation could pull out of peace talks. Observers in the city counted 2,398 shells hitting the city on that day. On 22 March, UNPROFOR Commander Colonel Marcel Valentin called on the BSA forces to account for the shelling of civilian targets. He said that it was "quite obvious" that the Bosnian Serbs were trying to gain territory before signing a peace agreement being negotiated in New York.

(g) On 13 April 1993, one person was killed and 35 people were injured in an hour-long artillery assault after planned peace talks with BiH army commanders collapsed.

(h) On 2 May 1993, following news from Athens that Bosnian Serb leader Radovan Karadžić had signed a peace plan, the first shells were fired into the city from surrounding mountainsides at 7:45 p.m. According to hospital sources, five people were killed.

(i) On 22 May 1993, the day marking BiH's first anniversary of admission to the United Nations, BSA forces reportedly hit the city with artillery fire, killing at least nine persons and wounding more than 100 others. BSA and BiH forces blamed each other for beginning the artillery duel shortly before noon. A hospital official characterized the day as the worst in many weeks.

(j) On 17 July 1993 the BiH Presidency announced that it had agreed in principle to take part in the next round of peace talks in Geneva scheduled for the following week. BiH troop movements continued and it was reported that BSA forces launched a major offensive in the region of the Igman mountains with 2,000 shells hitting BiH positions outside the city.

(k) On 18 July 1993, BiH President Izetbegović ruled out attending renewed peace talks in Geneva unless BSA forces stopped offensives. On 21 July 1993, Sarajevo suffered what was described as "the heaviest shelling in weeks." However, no shelling numbers were reported. On that day United States Secretary of State Warren Christopher ruled out US military action or other direct intervention to prevent BSA forces from capturing Sarajevo. Commentators noted that those remarks may have removed any fears that Bosnian Serb leaders may have had about whether taking Sarajevo or other UN declared "safe areas" would draw military retaliation from the United States. On 22 July 1993, UNPROFOR recorded a siege-high 3,777 BSA fired shells in a 16 hour period. BiH President Izetbegović reiterated his earlier position that he would not attend the peace talks while fighting continued.

(l) On 24 July 1993, UNPROFOR reported that the BiH-controlled area of Žuč was hit by over 3,000 shells in a renewed Serbian offensive apparently seeking a breakthrough that could bring parts of the city under BSA control. Bosnian Serb leader Karadžić stated that BiH President Izetbegović must accept the partition of BiH into 3 ethnic states or BSA forces would settle the question on the battlefield. Karadžić said that peace talks should be postponed for months because negotiating would be pointless.

(m) On 27 July 1993 all 3 of the factions held a rare joint meeting. Bosnian Serb leader Karadžić stated that "[t]his is the last chance for an honest peace." Sarajevo was reported to have been hit by 2,390 shells on this day. On 28 July, shelling in the Žuč area reportedly eased as the peace talks in Geneva took a positive turn when leaders of the 3 factions met without mediators for the first time.

(n) On 29 September 1993, four to five mortar shells hit downtown Sarajevo in the afternoon just minutes after the radio announced rejection by parliament of the latest Geneva peace plan. This was reported to be the first mortaring of the city centre by BSA forces in several weeks. There had been reports in the days preceding the vote rejecting the peace plan that BSA commanders warned that they would respond to a rejection of the plan by "flattening" Sarajevo and by renewing offensives elsewhere.

(o) On 7 October 1993, shelling and sniping activity reportedly increased after BiH President Izetbegović stated that he could never accept the latest peace plan that would have divided BiH into 3 ethnic mini-states. Sarajevo which had reportedly enjoyed relative quiet in recent days, experienced increased shelling and sniping activity. The UN described the situation in the city as "unstable," with shelling around the airport and small-arms and heavy machine-gun fire in the city. No shelling totals were reported on this day.

(p) On 28 November 1993, BSA shellfire reportedly killed five people in the city on the eve of a new round of peace talks. An artillery barrage on the city reportedly came as BiH President Izetbegović left for Geneva. Moments earlier, Izetbegović told reporters, "If the Serb side does not return territories, sanctions should be tightened and not lifted."

(q) On 21 December 1993 the city was reportedly hit by a total of 1,500 artillery shells. This shelling attack occurred as BiH officials in Geneva considered whether to accept a new Serb-Croat map for BiH. In the

evening, a BiH spokesman said that the new map was "totally unacceptable."

(s) On 22 December 1993 the city was reportedly hit by a total of 1744 shells. This shelling occurred as the warring factions met in Brussels and agreed to a cease fire in time for Christmas.

(t) On 23 December 1993 the city was reportedly hit by a total of 1309 artillery shells. This shelling activity occurred as peace talks in Brussels ended without a settlement, with the parties agreeing to meet again on 15 January.

(u) On 4 January 1994, the city was reportedly hit by a total of 868 shells. This shelling occurred as BiH and Croatian leaders held talks in Vienna.

(v) On 5 January 1994, the city was reportedly hit by a total of 1,409 shells. This shelling occurred as BiH and Croatian leaders held a second day of talks in Vienna. On 6 January 1994, Sarajevo was reportedly hit by a total of 732 shells as BiH President Izetbegović demanded that the UN Security Council stop the shelling of the city. On 7 January the city was reportedly hit by a total of 906 shells. This continued bombardment prompted the UN Security Council to condemn the bombardment of the city.

K. The blockade of humanitarian aid

44. The blockade of humanitarian aid has been used as an important tool in the siege. Such interference with humanitarian aid which endangers the lives and well being of civilians is a war crime. Four hundred thirty thousand people are estimated to be dependent on food aid in Sarajevo and its surrounding areas. 50/ Not only has the blockade of aid contributed to the demoralization of the civilian population, but it has adversely affected its physical health. 51/ A shortage of food has led to a malnutrition rate described by UNHCR as being on par with that of the poorer developing nations. A shortage of fuel has resulted in the shutdown of the city's bakery, the water pumping station and other essential services. In addition, hospitals have been without power and have had to function without lights, x-ray machines, monitors, or proper anesthetics.

45. Unlike other enclaves in BiH which depend on overland convoys, the international humanitarian airlift into Sarajevo's United Nations controlled airport has helped to bring most supplies into the city. On 12 October 1994, the UNHCR announced that the Sarajevo airlift was in its 467th day, overtaking the 462 days of the Berlin airlift between June 1948 and September 1949. 52/ On 18 January 1994, UN officials reported that 7,272 flights had brought in 81,948 tons of aid into Sarajevo via the humanitarian airlift. However, due to airport closings and airlift suspensions caused by shelling and sniping attacks in the area, this effort is often suspended. 53/

46. The chronology documents the fact that the airport area has been one of the most often shelled areas of the city. 54/ This activity suggests a possible correlation between the high level of shelling in the airport area and an intent to blockade humanitarian aid. 55/ It can be argued that while the besieging forces are blockading overland humanitarian aid throughout BiH, they are accomplishing the same result in Sarajevo by shelling the airport area, forcing the suspension of the humanitarian airlift.

47. Over land, the city is surrounded by BSA forces and entry requires passing through numerous BSA checkpoints. The besieging forces have continued to use aid as a weapon in the siege. During late November 1993, the commanders

on the BiH-Serb border reportedly delayed trucks carrying winter supplies to Sarajevo such as plastic sheeting and shoes in defiance of an aid-delivery accord signed at the beginning of the month. On 25 December 1993 a convoy carrying beans, mattresses, and 60 tons of diesel fuel arrived in the city. However, the United Nations reported that the trucks were initially held up by BSA forces who tried to divert the convoy onto an impassable route.

L. The use of utilities as a weapon of war

48. Throughout the siege, the destruction of electric, gas, phone line and water facilities has been used as a weapon against the inhabitants of the city. Both the defenders and the besiegers have often accused each other of using these utilities as weapons of war. UN and local attempts to repair damaged lines and pumping stations have often been rebuffed with shell and sniper fire, resulting in numerous deaths and injuries. For example, it had been reported that by March 1993, 18 of the city's water repair technicians had been killed while trying to repair damaged pipes.

49. The city's drinking water depends on power to the main pumping station. Power lines have frequently been cut by fighting or by forces using the utilities as weapons against civilians. The besieging forces have on several occasions reportedly turned off the city's main water supply and have refused to permit work crews to repair and replenish necessary water purification systems. The water cut-off has led to long queues outside water sources in the city. These long lines have attracted sniper and shellfire from the besieging forces on several occasions and have resulted in the deaths of many civilians. Civilians are also vulnerable to sniper fire as they are forced to carry containers filled with water obtained from the few remaining water sources. These heavy containers are frequently carried for miles by hand, or carted on bicycles, baby carriages, and shopping carts.

50. Winter conditions put the city's residents in danger of starving or freezing to death. Because of a shortage of heating fuel, many of the city's trees have been cut down and used as firewood. ^{56/} Residents have also been forced to burn books, furniture, and any other materials gathered burn to provide themselves with heat.

M. Concluding observations

51. On 5 February 1994, at least 68 persons were killed and 200 others were wounded in the shelling of a market in the Sarajevo city centre. ^{57/} In reaction to that attack, NATO issued an ultimatum on 9 February giving BSA forces 10 days, beginning on 11 February, to withdraw their heavy weapons from a designated exclusion zone or face heavy airstrikes. Very little progress was made until 17 February when Russia announced that it was sending a contingent of 400 troops to the city and persuaded BSA forces to comply with the NATO ultimatum. On 20 February, NATO declared that there had been virtual compliance with its ultimatum and that there was no need for airstrikes at that stage. ^{58/} Since that date, artillery fire has substantially decreased in Sarajevo. ^{59/}

52. Based on the events reported over the course of the siege, any military personnel who has engaged in unlawful sniping or shelling activity is individually responsible if he knew that such acts would cause the death or injury of innocent civilians, the destruction of protected targets, or the destruction of public and civilian property which had no apparent military purpose and for which there was no valid military necessity.

53. On the basis of the conduct observed from April 1992 to February 1994, it is apparent that the Sarajevo Romanija Corps of the BSA and its commanders are responsible for a great deal of the widespread destruction in Sarajevo. It is also apparent that the command structure knew, or should have known, that they were attacking civilian targets. The Sarajevo Romanija Corps of the BSA has surrounded the city since the beginning of the siege. Given the magnitude of the shelling over the course of the siege, the logistics required to re-arm the besieging forces, and the continuous attacks on civilian targets, the commanders of the Sarajevo Romanija Corps should be held accountable for the extensive destruction to private and public property, and for the resulting loss of civilian lives.