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SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX V
THE PRIJEDOR REPORT

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CONTENTS

PART ONE

		<u>Paragraphs</u>	<u>Page</u>
I	THE STATEMENTS	1 - 2	7
II	GENERAL DESCRIPTION	3 - 5	7
III	SERBS TAKE POWER ON 30 APRIL 1992	6 - 9	8
IV	IMMEDIATE CONSEQUENCES OF THE SERBS TAKING POWER	10 - 13	8
V	THE MAJOR SERBIAN MILITARY OPERATIONS IN THE DISTRICT	14 - 18	9
VI	CONCENTRATION CAMPS AND DEPORTATIONS	19 - 25	10
VII	THE STRATEGY OF DESTRUCTION	26 - 27	11
VIII	THE GENERAL LACK OF PROTECTION FOR NON-SERBS	28	11
IX	RESPONSIBILITY	29 - 34	11
X	CONCLUSIONS	35	12

PART TWO

I.	PREFACE	37 - 40	13
II.	<u>OPŠTINA</u> PRIJEDOR - GENERAL DESCRIPTION	41 - 70	13
	A. Geography	41 - 44	13
	B. Population profile	45 - 54	14
	C. Some remarks concerning the history	55 - 58	17
	D. <u>Rudnika Ljubija</u>	59 - 60	18
	E. Other economic activities	61 - 63	18
	F. Political and administrative structure	64 - 70	19
III.	POLITICAL AND MILITARY BACKGROUND TO THE CATASTROPHE	71 - 112	20
	A. The Socialist Federal Republic of Yugoslavia	73 - 76	20
	B. Overall political changes	77 - 78	21
	C. The war in Croatia	79 - 80	21

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
D. BiH	81 - 97	22
E. The Serbian plebiscite	98 - 102	23
F. The referendum in BiH	103 - 108	24
G. The general situation concerning arms in <u>Opština Prijedor</u>	109 - 112	25
IV. PRELUDES TO THE CATASTROPHE	113 - 156	26
A. Moving the artillery and military personnel into place	115 - 120	26
B. Disrupted communications with Sarajevo	121 - 124	27
C. Serbian control over the television transmitter on the Kozara Mountain	125 - 130	27
D. The propaganda	131 - 132	28
E. Secret Serbian police activities	133 - 136	29
F. Serbs rearming other Serbs	137 - 146	29
G. The ultimatum and official rearmament of the TO	147 - 151	31
H. A fake declaration of war	152 - 156	32
V. THE SERBS TAKE POWER - 30 APRIL 1992	157 - 204	33
A. The actual takeover	157 - 169	33
B. <u>Krizni Štab Srpske Opštine Prijedor</u>	170 - 176	36
C. The military and the armed entities	177 - 202	38
D. Victory for the SDS	203 - 204	43
VI. IMMEDIATE CONSEQUENCES	205 - 228	44
A. Control of information and increased propaganda	205 - 211	44
B. Control of movement	212 - 216	45
C. Dismissal of the non-Serbian workforce	217 - 220	46
D. Disarming of the non-Serbs and ultimatums	221 - 223	47
E. Provocations or pretexts	224 - 228	47
VII. THE MAJOR SERBIAN MILITARY OPERATIONS	229 - 336	48
A. The attack on Hambarine	231 - 239	49

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
B. The attack on the Kozarac area	240 - 269	50
C. The attack on Prijedor town	270 - 292	54
D. The attack on villages on the left bank of the Sana River	293 - 319	58
E. General characteristics	320 - 328	63
F. The disposal of the dead	329 - 336	65
VIII. THE CONCENTRATION CAMPS	337 - 505	66
A. <u>Logor</u> Omarska	340 - 424	66
B. <u>Logor</u> Keraterm	425 - 455	81
C. <u>Logor</u> Trnopolje	456 - 485	86
D. Other places of detention	486 - 492	90
E. General characteristics	493 - 500	91
F. The disposal of the dead	501 - 505	92
IX. THE GENERAL SITUATION FOR THE NON-SERBIAN POPULATION	506 - 527	93
A. Evictions	509 - 515	98
B. Persecution of individuals	516 - 520	99
C. The non-Serbs as de facto outlaws	521 - 524	100
D. A climate conducive to the departure of non-Serbs	525 - 529	100
X. DEPORTATIONS	530 - 551	101
A. From <u>Logor</u> Trnopolje and other detention areas	532	102
B. Deportations by rail	533 - 536	102
C. Deportations by road	537 - 542	102
D. Property rights and re-entry to <u>Opština</u> Prijedor	543 - 551	103
XI. DESTRUCTION OF CULTURE	552 - 566	106
A. Material destruction of cultural property	554 - 562	106
B. Destruction of immaterial expressions of culture	563 - 566	107

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
XII. FINALIZING THE MAIN PHASE OF THE CATASTROPHE	567 - 609	108
A. Closing of the concentration camps	572 - 581	109
B. Exchange of prisoners or extermination?	582 - 588	111
C. Transfer of prisoners to <u>Logor</u> Manjača	589 - 595	112
D. Executions on the Vlačić Mountain	596 - 603	113
E. Evacuation by international agencies	604 - 609	114
XIII. THE SUBSEQUENT OVERALL SITUATION	610 - 645	115
A. Violence	615 - 617	117
B. Evictions	618 - 622	117
C. No legal protection	623 - 625	118
D. Forced labour	626 - 629	118
E. Continued detention?	630 - 632	119
F. Reprisals	633 - 635	119
G. Total evacuation of the non-Serbs?	636 - 645	120
XIV. ENDNOTE	464 - 650	121

PART THREE

I. CRIMES AGAINST HUMANITY	652 - 666	122
A. The Statute of the ICTFY	652 - 654	122
B. Armed conflict	655 - 656	122
C. Protected persons	657 - 660	123
D. Acts constituting crimes against humanity	661 - 663	124
E. Widespread and systematic	664 - 666	124
II. GENOCIDE	667 - 682	125
A. The Convention on the Prevention and Punishment of the Crime of Genocide	667 - 672	125
B. The extent of destruction of a group	673 - 675	126
C. The groups protected	676 - 677	126

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
D. Intent	678	127
E. Acts constituting the crime of genocide	679	127
F. Punishable acts	680	127
G. Culpability	681	128
H. The Statute of the ICTFY	682	128

Part One

SUMMARY AND CONCLUSIONS

OPŠTINA PRIJEDOR,
A DISTRICT IN NORTH-WESTERN BIH:
ALLEGED GENOCIDE
AND MASSIVE VIOLATIONS OF THE ELEMENTARY DICTATES OF HUMANITY

I. THE STATEMENTS

1. The statements were collected and presented by Commissioner Hanne Sophie Greve and Assistant to the Commission Morten Bergsmo.

2. For security reasons, the information gathered from victims and witnesses is kept confidential. These statements are contained in four separate volumes (a total of 911 pages) and are provided exclusively to the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTFY).

II. GENERAL DESCRIPTION

3. Opština Prijedor is a district located in north-western Bosnia and Hercegovina (BiH) in an area which is part of Bosnian Krajina. It is located in between the town of Sanski Most (to the south), the Bosnian-Croatian border towns of Bosanski Novi (to the west) and Bosanska Dubica (to the north), and the regional capital of Banja Luka (to the east). Except for the area of Sanski Most, the other neighbouring districts had Serbian majority populations before the armed conflicts started in BiH.

4. According to the 1991 census, Opština Prijedor had a total population of 112,470 people, of whom 44 per cent were Muslims, 42.5 per cent Serbs, 5.6 per cent Croats, 5.7 per cent "Yugoslavs" and 2.2 per cent others (Ukrainians, Russians and Italians). In early April 1992, the total population may have been approximately 120,000 people, augmented, inter alia, by an influx of people who had fled the destruction of their villages in areas to the west of Opština Prijedor.

5. Comparing the 1991 census figures with the results of a population count of June 1993, as published in Serbian-controlled media, gives the following overall picture:

	<u>1991</u>	<u>1993</u>	<u>Reduction</u>	<u>New arrivals</u>
Serbs	47,745	53,637	---	5,892
Muslims	49,454	6,124	43,330	---
Croats	6,300	3,169	3,131	---
Others	8,971	2,621	6,350	---

Thus, the total number of killed and deported persons as of June 1993 is 52,811 (including limited numbers of refugees and people missing). Since then, the number of non-Serbs in the district has continued to decrease. The extreme persecution to which non-Serbs are subjected and their almost total lack of protection in the district is illustrated by the fact that the ICRC and the UNHCR asked permission from the Serbs, ultimo March 1994, to evacuate all remaining non-Serbs from Opština Prijedor.

III. SERBS TAKE POWER ON 30 APRIL 1992

6. According to Kozarski Vjesnik, a Serbian-controlled newspaper in Opština Prijedor:

"The man [Simo Drljača], who the Serbian Democratic Party of the Opština Prijedor put in charge of forming the Serbian police after half a year of illegal work, had done his job so well that in 13 police stations 1,775 well armed persons were waiting to undertake any difficult duty in the time which was coming. In the night between 29 and 30 April 1992, he directed the takeover of power [by the Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him Chief of the public security station [i.e. in charge of the secret police]. He was in charge of this job during the most demanding period and remained in the position until January 1993.

These days he has been appointed Vice-Minister of Internal Affairs of the Serbian Republic. He will commence his new function in Bijelina on Monday." 1/

7. More than six months prior to the power change in 1992, the Serbs started to build up their own administration parallel to the legitimate authorities in Opština Prijedor, what they called the Serbian Opština Prijedor. This included, inter alia, a pure Serbian police force with secret service functions. The legitimate authorities in Opština Prijedor had been lawfully elected and the Prijedor Assembly reflected the ethnic composition of the district.

8. In early 1992, a very small Serbian paramilitary group took control of the television transmitter on the Kozara Mountain in Opština Prijedor. As a consequence, the population in the district could not receive television programmes from Sarajevo or Zagreb any longer, only from Belgrade and later Banja Luka. The television programmes from Belgrade insinuated that non-Serbs wanted war and threatened the Serbs.

9. Prior to the power change on 30 April 1992, Serbs secretly armed other Serbs in the district. Many soldiers from the JNA withdrew from Croatia to north-western BiH in early 1992. Instead of demobilizing those who returned to Opština Prijedor, the legitimate authorities were pressured to accept redeploying them to control all inroads to and exits from the district together with police and the TO. The pressure applied was an ultimatum. The legitimate authorities were invited for a guided sightseeing tour of two Croatian villages just north of Bosanska Gradiška which had been destroyed and left uninhabited. The message was that if the ultimatum was not met, the fate of Prijedor would be the same as that of these villages. The ultimatum was accepted.

IV. IMMEDIATE CONSEQUENCES OF THE SERBS TAKING POWER

10. An immediate consequence of the Serbian takeover was severed communications between Opština Prijedor and the outside world. It became more difficult to travel and the telephone system was no longer fully operational.

A curfew was introduced in Prijedor town - the main town in the district - and travel permits were required in many areas even to move among local villages. Bus services were closed down.

11. In the wake of the power change, most non-Serbs were dismissed from their jobs, be it as police, public officials or even manual workers. In all

key functions such as police and local administration, the empty posts were taken over by Serbs.

12. Already before 30 April 1992, Serbs had started to visit the non-Serbs who were licensed to hold weapons and demand that they give their weapons up. This process was intensified after the takeover, and combined with a campaign where non-Serbian police and Territorial Defence Forces (Teritorijalna Odbrana or TOs) were instructed to hand over their weapons, and non-Serbian houses and villages were searched for arms.

13. Also, the local media, Radio Prijedor and Kozarski Vjesnik, joined in the anti non-Serb propaganda. The media slandered former non-Serbian leaders by criticizing everything from their alleged lack of efficiency to their private lives. In addition, the media claimed that many dangerous - in particular Muslim - extremists were in the area, preparing genocide against the Serbs.

V. THE MAJOR SERBIAN MILITARY OPERATIONS IN THE DISTRICT

14. Following an incident in which less than a handful Serbian soldiers were shot dead under unclear circumstances, the village of Hambarine was given an ultimatum to hand over a policeman who lived nearby where the shooting had occurred. As it was not met, Hambarine was subjected to several hours of artillery bombardment on 23 May 1992. The shells were fired from the aerodrome Urije just outside Prijedor town. When the bombardment stopped, the village was stormed by infantry, including paramilitary units, which sought out the inhabitants in every home. Hambarine had a population of 2,499 in 1991.

15. On 24 May 1992, a large-scale attack on the entire Kozarac area east of Prijedor town, under the Kozara Mountain, was carried out with intensive bombardment from all directions by artillery, tanks, and small firearms. The bombardment lasted for more than 24 hours, before infantry and paramilitary groups stormed Kozarac and nearby villages and searched for people in every building. The affected area had a total population of almost 27,000 non-Serbian people.

16. On 30 May 1992, a group of probably less than 150 armed non-Serbs had made their way to the Old Town in Prijedor to regain control over the town. They were defeated, and the Old Town was razed. In the central parts of Prijedor town, all non-Serbs were forced to leave their houses as Serbian military, paramilitary, police and civilians advanced street by street with tanks and lighter arms. The non-Serbs had been instructed over the radio to hang a white piece of cloth on their homes to signal surrender.

17. Starting on 20 July 1992, a large area of predominantly non-Serbian villages on the left bank of the Sana River (the larger Hambarine/Ljubija area) was attacked in a similar manner to the Kozarac area. However, it was predominantly infantry and paramilitary groups that carried out the destruction. At the time of the attack, the areas had a population of close to 20,000 people, including people who had come for shelter after their villages west of Opština Prijedor had been destroyed.

18. Today, the former homes of almost 47,000 people in the Kozarac and Hambarine/Ljubija areas are empty and destroyed. Some were hit by artillery shells, while others were set ablaze in the initial attack. All the homes were pillaged and a large number blown up, one at a time from inside, destroying especially the inside and the roofs. Most of the artillery used during these attacks had been moved into position some time before the Serbs

took power on 30 April 1992.

VI. CONCENTRATION CAMPS AND DEPORTATIONS

19. As non-Serbs were attacked in the villages and Prijedor town, hundreds, possibly thousands, were killed in their home areas, frequently after maltreatment. The survivors who temporarily managed to flee or hide were divided. Females, boys under the age of sixteen (sometimes the age limit may have been lower) and elderly men (older than 60 or 65) made up one group, while the other men comprised the second group.

20. The second group - the men - were taken to hastily opened concentration camps in a ceramic tile factory, Keraterm, next to Prijedor town and on the premises of the iron ore mine and processing plant at Omarska. Massacres, torture, and appalling living conditions quickly depleted the number of detainees.

21. In an interview of Simo Drljača (Chief of the Serbian secret police in Prijedor), he stated that:

"In the collection centres 'Omarska', 'Keraterm', and 'Trnopolje' more than 6,000 informative talks were held. Of this number 1,503 Muslims and Croats were sent to the camp 'Manjača', on the basis of solid documentation of active participation in the fighting against the Army of Republica Srpska, and also participation in genocide against the Serbian people. Instead of letting them get their deserved punishment, the powerful men of the world expressing disdain forced us to release them all from Manjača." 2/

22. As the "informative talks" or interrogations basically took place in the Omarska and Keraterm camps, it can be concluded that more than 6,000 adult males were taken to these concentration camps in the short period they existed (from the end of May to the beginning of August 1992). Since only 1,503 were moved on to Manjača camp according to Mr. Drljača, a limited number transferred to the Trnopolje camp, and almost none released, it may be assumed that the death toll was extremely high, even by Serbian accounts. The concentration camp premises were sometimes so packed with people that no more inmates could be crammed in. On at least one occasion, this allegedly resulted in an entire bus-load of newly captured people being arbitrarily executed en masse. Some 37 women were detained in Omarska, whilst no women were kept over time in Keraterm.

23. The women's groups (almost all the females, the boys under the age of sixteen and the elderly men) were normally taken to the Trnopolje camp. Here the regime was far better than in Omarska and Keraterm; none the less harassment and malnutrition was a problem for all the inmates. Rapes, beatings and other kinds of torture and even killings were not rare. Some of these detained women were released after a few days as there was a lack of space in the Trnopolje camp as well.

24. On their way to the concentration camps, some captives were detained for shorter periods at improvised detention facilities such as sports halls in schools and stadiums (notably in the Prijedor suburb of Tukovi, and in Ljubija).

25. As soon as the Serbs had captured the first groups of non-Serbs, the large-scale deportations of the women's group started. Some were deported straight from the improvised detention facilities, the majority from the

Trnopolje camp. The majority of deportees were cramped into buses or onto military trucks and sent towards Travnik. These deportees had to walk almost 30 kilometres from where the trucks and buses dumped them in a desolate area on the outskirts of the Vlašić Mountain, to reach non-Serbian-held areas in central BiH. A few were deported the safer way to Bosanska Gradiška. Sizable numbers were taken by rail - many in cattle wagons - to Travnik, some were let off the trains in Doboj from where they were ushered ahead on foot in the direction of Tuzla. Some individuals perished during the transport due to the mid-summer heat and next to suffocating conditions both in cattle wagons and on closed military trucks where the deportees were also deprived of food and water.

VII. THE STRATEGY OF DESTRUCTION

26. The Serbs took power in Opština Prijedor on 30 April 1992, after more than six months of careful planning. After this, the non-Serbs had their homes and communities destroyed, their families split, and their employment denied. The majority of the non-Serbs were soon captured, thousands incarcerated in concentration camps, and even larger numbers deported. This all happened after the Serbs had sealed off most exits from the area. The non-Serbs presented no real threat to the Serbs under these circumstances, the district of Prijedor being surrounded at the time by areas controlled and dominated by the Serbs (the non-Serb majority population in the Sanski Most district was purged simultaneously as in Prijedor).

27. Despite the absence of a real non-Serbian threat, the main objective of the concentration camps, especially Omarska but also Keraterm, seems to have been to eliminate the non-Serbian leadership. Political leaders, officials from the courts and administration, academics and other intellectuals, religious leaders, key business people and artists - the backbone of the Muslim and Croatian communities - were removed, apparently with the intention that the removal be permanent. Similarly, law-enforcement and military personnel were targeted for destruction. These people also constituted a significant element of the non-Serbian group in that its depletion rendered the group at large defenceless against abuses of any kind. Other important traces of Muslim and Croatian culture and religion - mosques and Catholic churches included - were destroyed.

VIII. THE GENERAL LACK OF PROTECTION FOR NON-SERBS

28. From the time when the Serbs took power in the district of Prijedor, non-Serbs in reality became outlaws. At times, non-Serbs were instructed to wear white arm bands to identify themselves. Non-Serbs were subjected to crimes without the new Serbian leaders attempting to redress the problem. For example, rape became a serious problem for many women who were left alone as their husbands had been detained. The impression was allowed to spread among Serbs that they would be exonerated if they made life difficult for non-Serbs so that the latter would ask permission to leave the district. According to new Serbian regulations, those leaving the district had to sign over their property rights to Serbs and accept never to return, being told that their names simultaneously would be deleted from the census.

IX. RESPONSIBILITY

29. When the Serbs took power in the district of Prijedor, they immediately declared the existence of a Crisis Committee of the Serbian district of Prijedor (Krizni Štab Srpske Opštine Prijedor). Some of the members of this

crisis committee were the military commanders Colonel Vladimir Arsić and Major Radmilo Zeljaja, and other district leaders, such as Major Slobodan Kuruzović; the Chief of Police, Simo Drljača; Mayor Milomir Stakić; the President of the Executive Board of the Assembly in Prijedor, Mičo Kovačević; the President of the Serbian Democratic Party (Srpska Demokratska Stranka or SDS) in Prijedor, Simo Mišković; and the President of the Red Cross in Prijedor, Srdjo Srdić.

30. The military destruction of the non-Serbian habitations in Opština Prijedor took place when the area was under the command of Colonel Vladimir Arsić and Major Radmilo Zeljaja in close cooperation with military superiors, at least in the regional capital Banja Luka. Units stationed outside of Opština Prijedor assisted in the military destruction, as did paramilitary units whose attacks were timed to fit with the artillery attacks and the manoeuvres of the regular army units.

31. In the above-mentioned interview, Simo Drljača stated that:

"[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior.

... the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups." 3/

32. The secret police and the military police provided the concentration camps with interrogators and guards. For some of the most gruesome torture and killings of detainees, the assistance of paramilitary units and some locals was also called upon. The joint police and military intervention units were used to trace and capture the non-Serbian leadership. The latter units killed prisoners arbitrarily during transport to the Manjača camp and arranged mass-killings of "deported" prisoners in the Vlašić Mountain area.

33. The other members of the Krizni Štab Srpske Opštine Prijedor ran the community in which all these violations occurred. They participated in the administrative decision-making. The gains of the systematic looting of non-Serbian property were shared by many Serbs on different levels.

34. The Commission of Experts possesses the names of hundreds of alleged perpetrators at different levels and in a variety of capacities.

X. CONCLUSIONS

35. It is unquestionable that the events in Opština Prijedor since 30 April 1992 qualifies as crimes against humanity. Furthermore, it is likely to be confirmed in court under due process of law that these events constitute genocide.

Part Two

THE CONTEXT

36. "Though this be madness, yet there is method in it."
-William Shakespeare, Hamlet

I. PREFACE

37. The Commission of Experts has been mandated to examine and analyze information gathered and to pursue actively its investigations with regard to, in particular, the practice of "ethnic cleansing".

38. This initial analysis of the context of the events in Opština Prijedor is based on almost 400 statements by surviving victims of and witnesses to these events currently living in different countries, local Serbian media reports of the events and research into the context of the events. The statements from almost 400 victims and witnesses are contained in four separate confidential volumes.

39. The hundreds of informants presented descriptions of different parts of the events and also various versions of the events - differences appear, however, only as far as details are concerned. When it comes to the overall and general picture, the witnesses speak as if with one voice - as the case often is with the expression of the collective memory of a population having shared in a major painful event. More often than not, available Serbian media reports and statements made by Serbian leaders to foreign visitors to the area - official delegations among them - support the general overall information obtained from the victims and witnesses.

40. When mapping experts map out alien territory, the obligatory reservation on each map reads, "Compiled in 19.. from best available source material". A similar reservation is necessary concerning the accuracy of this analysis. The analysis is, save for the reproduction of generally available facts, based on allegations. As always in criminal cases, the judgement is for the court to make under due process of law.

II. OPŠTINA PRIJEDOR - GENERAL DESCRIPTION

A. Geography

41. An opština is an administrative unit in the former Yugoslavia. The neutral translation is a district.

42. Opština Prijedor is located in north-western BiH in an area which is part of Bosanska (i.e. Bosnian) Krajina. It is located in between the town of Sanski Most to the south, the BiH-Croatian border towns of Bosanski Novi (to the west) and Bosanska Dubica (to the north), and the regional "capital" of Banja Luka to the east. Save for the area of Sanski Most, the other neighbouring districts had Serbian majority populations prior to the disintegration of and violence in the former Yugoslavia.

43. More important in the context of the events from 1992 onward, Opština Prijedor as part of north-western BiH is clearly located inside any corridor that Serbs could want to clear between Serbia proper and the Serbian-occupied Croatian Krajina. One obstacle to such a corridor is that when crossing the Drina River (the frontier between Serbia proper and BiH) and moving westward through BiH towards the Croatian Krajina region, the population - before the

violence started in 1992 - was multi-ethnic and the Serbs were not even a majority in many of these areas. Any Serbian demands for territory for a corridor was thus unlikely to gain political support in BiH. In 1993, Serbian military leaders in Banja Luka acknowledged the need for the conquest of a corridor as mentioned. It was a prerequisite for the "bringing in of humanitarian assistance".

44. The district Prijedor has one main town, which is also named Prijedor, two smaller towns called Ljubija and Kozarac, and numerous villages and hamlets. The Sana River flows through the district (which has a shape that resembles an irregular vertical rectangle) from the west towards the centre, and then bending to the south. Prijedor Grad (i.e. town) is located in the valley of the river, where the Sana River bends to the south. There is a large artificial lake for fishfarming to the south-east of Prijedor town. The district is mountainous especially in the northern and western areas, with the Kozara Mountain in the north and parts of the Majdanska Mountain in the south-west. The mountains are forested.

B. Population profile

45. Opština Prijedor, according to the 1991 census, had a total population of 112,470 people of whom 44 per cent were Muslims, 42.5 per cent Serbs, 5.6 per cent Croats, 5.7 per cent "Yugoslavs", and 2.2 per cent others (Ukrainians, Russians, and Italians). "Serb" is considered synonymous to Orthodox, and "Croat" is considered synonymous to Catholic. "Yugoslavs" were people of mixed ethnic/religious parentage, and people who for conscientious and/or political reasons did not want to declare themselves by ethnic/religious groups. Muslims probably counted for the majority of the "Yugoslavs".

46. Many people have stated that it never occurred to them that serious difficulties between the ethnic groups - not to say war - ever could happen in the area. None have said the opposite.

47. In early April 1992, the total population may have been approximately 120,000 people due to an influx of refugees from Opština Bosanski Novi (see Chapter VII.A. infra).

48. Comparing the 1991 census figures with the results of a population count of June 1993 as published by the Serbs, give the following overall picture:

	<u>1991</u>	<u>1993</u>	<u>Reduction</u>	<u>New arrivals</u>
Serbs	47,745	53,637	---	5,892
Muslims	49,454	6,124	43,330	---
Croats	6,300	3,169	3,131	---
Others	8,971	2,621	6,350	---

The total number of killed and deported people as of June 1993 was 52,811 (including limited numbers of refugees and people missing). Since then, the number of non-Serbs in the district has continued to decrease.

49. In general, it is claimed that the population of BiH, heterogeneous as far as religions are concerned, had developed a unique and cohesive regional identity and culture. The people of BiH for centuries coexisted in a pluralistic society. One illustration of this is their proverb, "Sto sela, sto obiçaja" (i.e. "One hundred villages, one hundred habits"). According to the 1991 census, more than one-fourth of the entire population in BiH had mixed ethnic/religious parentage. To many there were no marked differences

between the ethnic/religious groups, save that Muslims could usually be recognized by their names.

50. Traditionally, both Croats and Serbs have claimed that the Muslims in BiH were actually Croats and Serbs respectively, of the Islamic faith. The Muslims have preferred to call themselves Bošniaks, a name with an ethnic rather than religious connotation.

51. Prior to the 1960s, the Muslims were ethnically undeclared in population counts, or they opted for the denomination "Yugoslav". In the 1961 census, they were for the first time allowed to register as "Muslims in the ethnic sense". In the 1971 census, Muslims were included as a distinct and equal nationality in all of the former Yugoslavia. Many people from BiH considered this move by Tito, in his old age, to be a trap. Why not let the people in BiH call themselves Bosnians as they wanted to, regardless of whether they were Muslims, Catholics or Orthodox? This way the people were forced into different groups, which created partially artificial linkage between Bosnian Serbs and Serbs elsewhere and Bosnian Croats and Croats elsewhere, rather than emphasizing the existing ties internally in BiH.

52. In retrospect, many of the refugees and deportees speak about what happened in Opština Prijedor and elsewhere in BiH as an effort by those opposed to its pluralistic culture to dismiss the Bosnian soul (istjerati bosanski duh).

53. In 1574, Sultan Selim II issued a decree awarding tax privileges to Gypsy miners (inter alia, to Gypsies working in an iron ore mine near Banja Luka, possibly the mine - which is said to be very old - in Ljubija in Opština Prijedor, see Chapter II.D. infra). This is considered as the first recorded specific reference to Gypsies in BiH. The Gypsies had more or less the same rights as their Muslim or Christian brethren respectively. The majority of Gypsies in BiH were Muslim. During World War II, the Gypsies were targeted both by the Ustaše and the Četniks, and numbers of survivors took refuge in north-western BiH.

54. Opština Prijedor is subdivided in the following naselje (i.e. towns and villages):

	<u>1948</u>	<u>1953</u>	<u>1961</u>	<u>1971</u>	<u>1981</u>
Ališići	227	204	226	228	251
Babići	909	1,202	1,335	1,290	1,443
Bistrica	1,602	1,669	1,722	1,494	1,519
Bišćani	638	734	928	1,319	1,384
Božići	526	480	416	309	278
Brdjani	1,322	1,353	1,408	1,508	1,827
Brežićani	1,287	1,288	1,439	1,541	1,572
Briševo	608	659	695	701	537
Busnovi	1,430	1,445	1,440	1,424	1,339
Cikote	315	318	366	339	295
Crna Dolina	480	477	435	261	262
Čarakovo	1,074	1,205	1,533	1,929	2,263
Čejreci	523	567	647	658	709
Čirkin Polje	375	401	687	999	1,463
Čela	1,295	1,449	1,684	1,894	2,022
Dera	1,241	1,275	1,336	1,391	1,442
Donja Dragotinja	404	432	460	537	529
Donja Ravska	634	663	684	617	438
Donji Garevci	692	761	756	586	842
Donji Orlovci	499	521	540	646	802

	<u>1948</u>	<u>1953</u>	<u>1961</u>	<u>1971</u>	<u>1981</u>
Donji Volar	577	613	599	572	442
Gačani	525	528	497	474	388
Gomjenica	657	810	1,077	1,870	2,483
Gornja Dragotinja	1,049	974	912	822	623
Gornja Jutrogošta	645	643	784	618	527
Gornja Puharska	360	409	671	624	643
Gornja Ravska	459	488	428	389	378
Gornji Garevci	481	468	486	468	449
Gornji Jelovac	519	519	615	781	599
Gornji Orlovci	360	357	374	365	430
Gornji Volar	542	512	425	371	391
Gradina	941	1,043	1,085	1,124	1,005
Hambarine	992	1,158	1,548	2,114	2,499
Hrnići	731	833	804	821	767
Jaruge	485	434	369	538	337
Jelička	948	991	1,023	1,026	990
Jugovci	437	465	528	582	586
Kalajevo	309	581	585	598	272
Kamičani	2,146	2,051	2,033	2,586	3,161
Kevljani	1,036	1,079	1,288	1,536	1,874
Kozarac	1,645	1,860	2,480	2,995	3,527
Kozaruša	1,959	2,107	2,239	2,560	2,994
Krivaja	1,195	1,216	1,276	1,244	1,236
Lamovita	1,669	1,893	2,093	1,913	2,048
Ljeskare	268	333	326	319	646
Ljubija	2,637	3,238	4,218	4,673	4,325
Malo Palančište	288	309	289	227	199
Marička	1,901	1,955	1,952	1,927	1,916
Marini	590	589	529	457	316
Miljakovci	664	729	734	661	670
Miska Glava	1,101	1,241	1,219	1,173	997
Niševići	858	939	1,132	1,088	1,054
Ništavci	335	371	332	282	293
Omarska	1,816	2,002	2,373	2,695	3,280
Orlovača	246	359	511	797	1,132
Pejići	448	476	472	502	645
Petrov Gaj	813	904	1,002	1,047	1,153
Prijedor town	6,941	8,894	14,295	22,126	29,449
Rakelići	1,028	1,066	1,017	966	792
Rakovčani	769	819	969	1,195	1,368
Raljaš	710	729	699	852	722
Rasavci	1,162	1,265	1,247	1,176	1,066
Rizvanovići	742	851	1,007	1,174	1,433
Saničani	678	708	657	585	621
Šurkovac	979	995	936	878	686
Tisova	461	476	501	375	315
Tomašica	1,175	1,240	1,256	1,311	1,111
Trnopolje	1,689	1,854	1,965	2,564	2,847
Veliko Palančište	610	643	635	598	539
Zecovi	738	796	828	874	897
Žune	532	575	618	580	530

(Some of the figures quoted vary slightly in the official statistics.)

C. Some remarks concerning the history

55. Opština Prijedor had a remarkably high percentage of Partisans (from all the different ethnic groups) during World War II. The district was the first to be a liberated Partisan area in 1942. It was recaptured by German, Ustaša, and to a lesser extent Četnik forces, with many people killed not the least - but not only - Serbs. Both the World War II heroes Esad Midžić (Muslim) and Mladen Stojanović (Serb) were locals. They even had a song about the Četniks killing the latter. Kozarac has a war monument which reportedly surpasses any other war monument in the former Yugoslavia.

56. The district at large was anti-German during World War II.

57. It is said that the word Četnik is a traditional term for the much-heroicized bandit fighters of earlier Serbian history. There were Serbian veterans from World War I who called themselves Četniks. Many other Serbian groupings also made claim to the Četnik name during World War II. The main Četnik movement during World War II was that formed by the royalist, Yugoslav Army colonel, General Draža Mihailović. With reference to the latter group of Četniks, Noel Malcolm writes:

"Among the leading Četniks there were several rabid Serb nationalists whose desire it was to absorb not only Bosnia but Dalmatia, Montenegro, parts of Croatia and Slavonia, and even northern Albania, into the territory of Serbia. Such aims were nurtured by two dominant intellectuals in the Četnik movement: the Serbian lawyer and politician Dragiša Vasić and the Bosnian Serb lawyer (from Banja Luka) Stevan Moljević. In June 1941 the latter drew up a memorandum entitled 'Homogeneous Serbia', in which he demanded the inclusion in Serbia of the territories mentioned above, and explained that the 'fundamental duty' of all Serbs was 'to create and organize a homogeneous Serbia, which must include all the ethnic territory inhabited by Serbs'. In a letter to Vasić in February 1942 Moljević wrote that Serbian land should be extended all the way to Dalmatia, and that there should then follow 'the cleansing (čišćenje) of the land of all the non-Serb elements. The thing to do would be to send the offenders on their way: Croats to Croatia, and Muslims to Turkey or Albania.' With people like this influencing the policy of the Četniks (Moljević became political director of the movement in early 1943), there was clearly a theoretical basis for a virulently anti-Muslim policy.

But on the other hand there is no definite evidence that Draža Mihailović himself ever called for ethnic cleansing. The one document which has frequently been cited as evidence of this, a set of instructions addressed to regional commanders in December 1941, is probably a forgery - though it must be pointed out that it was forged not by enemies wanting to discredit Mihailović but by the commanders themselves, who hoped it would be taken for a genuine Četnik document. Mihailović was certainly capable of using the rhetoric of Serbian nationalism. In one proclamation attributed to him there is a declaration: 'I am from Serbian Šumadija [district of central Serbia], from Serbian land and of Serbian blood. As such, I shall fight for the most sublime ideas which a Serb can have: for the liberation and unification for ever of all Serbian lands Wherever Serbian graves are found, there is Serbian land.'"⁴

58. The name Četnik awakens different emotions and allows for different interpretations. For some people, it is a genuinely patriotic and decent

concept also in terms of fundamental respect for human beings as such. For others, and possibly most people due to the main events during World War II, it is as ominous and horrifying as Fascist and Nazi - associated with destruction and death for any and all envisaged enemies. The Četnik concept reinvigorated and incarnated by the Serbs in the 1990s in BiH has gathered followers among Serbs of different interpretational creeds, but in practical terms the re-awakened Četniks have taken up only the most gruesome of the Četnik traditions - linking the name once again to barbarious behaviour. Among non-Serbs in BiH, the word Četnik is used in the vernacular as a generic term for evil.

D. Rudnika Ljubija

59. The modern iron ore mine in Opština Prijedor was started in 1916 by the Austrians. Up to World War II, the leaders were Western-oriented, after the war the orientation shifted towards Belgrade and the USSR. Up to World War II, the production was some 300-400 tons a year. In the late 1980s, the production was three million tons a year: Rudnika (the mine) Ljubija was the largest and most important mine in the former Yugoslavia and one of the largest in Europe, and in terms of the quality of the metals produced, the mine was considered second only to the one in Kiruna, Sweden.

60. More than 85 per cent of the directors of the mine were Serbs, the rest were Muslims. Rudnika Ljubija was divided into three different main production areas: Ljubija, Tomašica and Omarska. The latter was the larger where the largest investments had been made. The mining company was in charge of all the three areas. The distance between the most distant part of the mines in Ljubija and Omarska was approximately 30 kilometres. In the late 1980s, the mine was fully modernized. All the republics in the former Yugoslavia had invested in the latest upgrading of Omarska. The mining company, Rudnika Ljubija, had 5,000 employees. Most of the Croatian and Muslim workers in the mine in the early 1990s have now been killed or deported.

E. Other economic activities

61. In addition to Rudnika Ljubija, there were smaller plants and production units in Opština Prijedor. The second largest enterprise was Celpak producing cellulose and paper. The paper mill was located on the outskirts of Prijedor town, to the south. It had 3,000 employees. There were also many small saw mills spread around in the forested parts of the district, including in the Kozarac area.

62. Several small factories were producing their goods (such as biscuits, soft-drinks, etc.) mainly for local consumption. The agricultural production was good, and animal husbandry played a significant economic role. Čitopromet consisted of a flour mill and a bakery employing some 800 people.

63. Located in between and linking the nearby towns of Banja Luka, Sanski Most, Bosanski Novi, and Bosanska Dubica, Opština Prijedor offered employment in the transport section and related services. A railway crosses through Opština Prijedor from east to west. The Kozarac area with the Kozara Mountain and the World War II memorial attracted tourists.

F. Political and administrative structure

64. It was first in the early 1990s that nationalist political parties had been established. These parties had not existed one year earlier. There was initially a reasonable relationship between the Muslim party, called the Party of Democratic Action (Stranka Demokratske Akcije, the SDA), and the main Serbian party, named the SDS, in Prijedor. This, however, changed especially after Vojislav Šešelj came to several SDS meetings and expressed surprise that the Serbs could live in such harmony with the non-Serbs.

65. In the local elections in Prijedor in 1990, the SDA won. Following the local elections, the Prijedor Assembly of a total of 90 seats had 30 representatives from the SDA, 28 representatives from the SDS, two representatives from the Croatian Democratic Union (Hrvatska Demokratska Zajednica, the HDZ), and 30 representatives from the other, mainly leftist parties, including the Political Action Party (Stranka Političke Akcije, the SPA), where the Serbs counted for the majority.

66. Although the Serbs made up only 42.5 per cent of the population in Opština Prijedor, they traditionally held almost all key positions in the Opština. The legacy from the Communist era - part and parcel of which had been the distribution of all leading positions to trusted party members - was not altered considerably after the first free elections. The Serbs said that Prijedor had been Serbian, and would remain Serbian. Thus, the Serbs tended to block proposals made by Muslims or Croats in the Assembly in Prijedor. The Serbs more or less tried to obstruct the work of the Assembly as such. To avoid conflict, the others more often than not let the Serbs have it their way. Thus, the Muslims also refrained from asking to take over a number of leading positions to which the election victory actually entitled them.

67. The Muslims were 44 per cent of the population, but held only a limited number of leading positions. It is claimed that from a total of 200 plants, only three were Muslim and two Catholic (i.e. Croatian). The Serbs were not underprivileged. Conversely, the Serbs held almost 90 per cent of the key positions.

68. In Prijedor, Marko Pavić was alfa et omega in the SDS; he had previously been mayor of the town. He studied law at the University of Zagreb. He worked for the police and the "Federal Security Service" (the Secret Service of the Socialist Federal Republic of Yugoslavia) which had close ties to the JNA (Jugoslovenska Narodna Armija, i.e. the Yugoslav People's Army). Marko Pavić established the Reformist Forces Party (a reformed Communist party) in Prijedor before he joined the SDS. At the time when the Serbs took power in Opština Prijedor, he was director of the post, telephone and telegraph in the district. Allegedly, he played a pivotal role in the power change. Reportedly, Serbian de facto control of the post was used to facilitate financial transactions needed in this period. Apparently, the post office under the leadership of Marko Pavić was used, among other things, to channel and launder money during the advent of the Serbian takeover, and in the time following the power change.

69. Key Serbian people in commercial and service activities in Opština Prijedor were:

Dir. Ostoja Marjanović, Rudnika Ljubija (the mining company),
Dir. Dragan Kaurin, Celpak (paper mill, 3,000 employees),
Dir. Vaso Cvijić, Žitopromet (mill and bakery, 800 employees),
Dir. Živko Vujičić, Velepromet (the cooperation),
Dir. Slobodan Gajić, Trgoprodaja (shops),
Dir. Risto Banović, Bolnica (hospital),

Dir. Aleksandar Bereta, Dom Zdravlja (outpatient clinic),
Dir. Marko Pavić, PTT (post, telephone and telegraph),
Dir. Milenko Vukić, EL (the electricity supplies),
Dir. Draško Dodoš, Agrounija (the agricultural company), and
Dir. Milan Nišević, Priv. Banka (bank).

70. Radio Prijedor and the newspaper Kozarski Vjesnik were directed by three Serbs (whose names are not disclosed for confidentiality or prosecutorial reasons). Twice a week they were driven in a Mercedes with drivers in JNA uniforms with the Yugoslav flag, without the Red Star, on their hats and jackets, to the main front in Croatia at Pakrac.

III. POLITICAL AND MILITARY BACKGROUND TO THE CATASTROPHE

71. Telford Taylor stated the following prior to the Nuremberg trials:

"It is important that the trial not become an inquiry into the causes of war. It cannot be established that Hitlerism was the sole cause of the war, and there should be no effort to do this. Nor, I believe, should there be any effort or time spent on appointing out responsibility for causing the war among the many nations and individuals concerned. The question of causation is important and will be discussed for many years, but it has no place in this trial, which must rather stick rigorously to the doctrine that planning and launching an aggressive war is illegal, whatever may be the factors that caused the defendants to plan and to launch. Contributing causes may be pleaded by the defendant before the bar of history, but not before the tribunal."⁵

72. The question of responsibility for causing the war/wars in the former Yugoslavia is not addressed by the United Nations Commission of Experts. It may, however, be useful for the general understanding of the context of the events in Opština Prijedor to include a brief presentation of some relevant information concerning the political and military background to the catastrophe.

A. The Socialist Federal Republic of Yugoslavia

73. According to the Constitution of the Socialist Federal Republic of Yugoslavia (SFRY), dated 1974, Basic Principle I:

"The nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right to secession [emphasis added] . . . have, . . . united in a federal republic of free and equal nations and nationalities and founded a socialist federal community . . .

. . .
In order to carry these principles into effect the Socialist Federal Republic of Yugoslavia shall strive: . . .

for the right of every nation freely to determine and build up its own social and political system by ways and means of its own free choice;
for the right of nations to self-determination and national independence, and for their right to wage a liberation war to attain these aims;"

74. Article 1 of the Constitution continues:

"The Socialist Federal Republic of Yugoslavia is a federal state

having the form of a state community of voluntarily united nations and their Socialist Republics, and of the Socialist Autonomous Provinces of Vojvodina and Kosovo, which are constituent parts of the Socialist Republic of Serbia, . . ."

75. In March 1989, the Serbian Assembly passed constitutional amendments which abolished the political autonomy of Vojvodina and Kosovo.

76. On 9 January 1991, the Presidency of the SFRY decided to arm paramilitary groups (primarily to counterbalance the Croatian national defence). Only about one month later, President Slobodan Milošević reportedly delivered a speech on television stating that, inter alia:

"Yugoslavia has entered into the final phase of its agony. The Presidency of the Socialist Federal Republic of Yugoslavia has not functioned for a long time, and the illusion of the functioning of the Presidency of Yugoslavia and its powers, which in reality do not exist, has since last night finally expired.

. . .
the Republic of Serbia will no longer recognize a single decision of the Presidency under the existing circumstances because it would be illegal."⁶

B. Overall political changes

77. The Muslims and Croats wanted cooperation between and coexistence among the different ethnic groups in BiH. A number of Serbs dreamt of establishing Greater Serbia - a 600-year old dream. The once huge Serbian empire broke up soon after the death in 1355 of its creator, Stephen Dušan - King of Serbia. Nationalism in Serbia reached a new height in 1989, 600 years after the battle at Kosovo Polje (i.e. the field of Kosovo). President Milošević went there to commemorate the 600th anniversary and then told the people what he wanted to achieve. Large numbers of Četniks, possibly from different schools of thought, participated in the commemoration, sporting their Četnik emblems and uniforms. Later, the general policy became increasingly nationalistic. Various kinds of Četnik meetings were held. Suddenly, many people started whispering. The SDS made public statements to the effect that they wanted peace, but hardly ever tolerated a meeting in the parliament in BiH to be properly concluded.

78. The Orthodox church celebrates Christmas on 6 January. Even during that religious feast, Serbs went around shouting and singing an old Četnik song from World War II, "Od Topole pa do Ravna Gora svud su straže Đenerala Draža" ("All the way from Topolje to Ravna Gora General Draža has his guards"). This was considered a highly ominous sign by the non-Serbs. Previously, such Četnik songs had been banned in public.

C. The war in Croatia

79. When the war in Croatia started in August 1991, it was followed by general tension between the Serbs on the one side and Croats and Muslims on the other. Life became more difficult also in Prijedor. The Muslims and Croats did not want to join the Serbs in their fighting in Croatia against the Croats.

80. As the war in Croatia ended, the Serb-controlled JNA withdrew in part to or through BiH.

D. BiH

81. In elections held in BiH, on 18 November and 2 December 1990, the parties received votes reflecting the ethnic composition of the population.

82. The Republic's Constitution stipulated that decisions of vital importance to BiH needed consensus of the Muslims, Serbs, and Croats in the Republic.

83. In April 1991, Serbian politicians in Banja Luka initiated the proclamation of the Bosanska Krajina Srpska Autonomna Oblast (SAO, i.e. Serbian autonomous region). Opštine Banja Luka, Glamoč, Drvar, Bosanski Petrovac, Bosanski Novi, Bosanska Dubica, Bosanska Gradiška, Srbac, Prnjavor and Čelinac all wanted to join this SAO. Opštine Prijedor and Sanski Most did not join. The decision to enter the SAO was made by the respective Opština assemblies after informal discussions.

84. On 14 November 1991, the Constitutional Court in BiH declared the so-called SAOs unconstitutional.

85. On 9 January 1992, the "Assembly of the Serbian People in Bosnia and Hercegovina" adopted a "Declaration on the Proclamation of the Republic of the Serbian People of Bosnia and Hercegovina". The "Assembly of the Serbian People in Bosnia and Hercegovina" described itself as "a legitimate, freely and democratically elected representative and protector of the Serbian people", and stated that by adopting the Declaration, it was "implementing its [the Serbian people's] will expressed in a plebiscite [see Chapter III.E. infra], and the decision based on this plebiscite to form the "Serbian Republic of Bosnia and Hercegovina", or as stated in the Declaration Article I, "on the basis of the plebiscite held on 9 and 10 November 1991, at which the Serbian people decided to remain in the joint State of Yugoslavia". The members of the Assembly were the Serbian politicians who had been elected to the Parliament in BiH. The Declaration was to enter into force on the day of adoption.

86. According to Article II of the Declaration, the new Republic would remain within the Yugoslav Federal State as one of its units. Pending the promulgation of its own legislation, the new Republic was to apply federal regulations in its territory, as well as the regulations of the Socialist Republic of BiH as far as the Assembly did not deem the latter regulations contrary to the federal Constitution (see Article VIII).

87. The new Republic of the Serbian People of Bosnia and Hercegovina was established in the territories "of the Serbian autonomous areas in the region and of other Serbian ethnic entities in Bosnia and Hercegovina, including the regions in which the Serbian people remained in minority due to the genocide conducted against it in World War Two" (see Article I).

88. The Serbian point of view is that it was the Muslim and Croatian majority in BiH which acted in an illegal and illegitimate manner by requesting international recognition of BiH as an independent State. In other words, the Serbs claimed that by remaining within the Yugoslav Federation, they did not make an unlawful disassociation from the rest of BiH. As far as the Serbs were concerned, they were still a part of the Yugoslav Federation even after BiH gained international recognition as an independent State.

89. On 15 January 1992, the Serbs in BiH withdrew the proclamation of an independent republic and wanted thence to negotiate for a cantonisation based on ethnic division.

90. On 13 February 1992, a dialogue was started between the three parties - the SDS (the Serbs), the SDA (the Muslims) and the HDZ (the Croats) - in BiH concerning the future of the Republic.

91. On 28 February 1992, the "Assembly of the Serbian People in Bosnia and Hercegovina" adopted a "Decision on the Proclamation of the Constitution of the Serbian Republic of Bosnia and Hercegovina" (as proclaimed in January the same year under the name the "Republic of the Serbian People in Bosnia and Hercegovina"). By a later amendment to the Constitution, Amendment VI dated 12 August 1992, the name of the Republic was once again altered from the "Serbian Republic of Bosnia and Hercegovina" (SRBiH) to the "Republic of Srpska".

92. On 22 February 1992, a meeting was held in Lisbon between the Muslims, Serbs, and Croats concerning the future of BiH. An agreement was reached that the Republic should be upheld within its existing borders with a Swiss-style cantonisation solution for dividing up the Republic on the basis of ethnic groups.

93. According to an article by Slobodan Kljakic printed by the Ministry of Information of the Republic of Serbia (i.e. Serbia proper):

"[T]he crucial contribution to the outbreak and expansion of the war was the fact that it was precisely on April 6 last year [1992] that the European Community recognized Bosnia and Herzegovina as an independent and sovereign state.

. . . what preceded the April 6 events and the recognition of Bosnia and Herzegovina as an independent and sovereign state.

What is involved were negotiations concerning the new constitutional and political set up of Bosnia and Herzegovina, conducted under the auspices of the European Community by Portuguese diplomats."⁷

94. On 7 April 1992, an Assembly of the Serbian People in Bosnia and Hercegovina declared the independence of the SRBiH.

95. On 15 April 1992, the Presidency of the SRBiH proclaimed the immediate danger of war and gave an order of mobilization.

96. On 27 May 1992, deputies from the parliaments of the Republics of Serbia and Montenegro proclaimed a new Yugoslavia. The new country was named the Federal Republic of Yugoslavia (FRY); its flag would continue to be the horizontal blue, white and red bands, but without the red star.

97. On 30 April 1992, the Republic of BiH was accepted - with the consent of Belgrade - as a full member of the Conference on Security and Cooperation in Europe (CSCE).

E. The Serbian plebiscite

98. The basic version of the Serbian coat of arms is a double-headed eagle with a shield and four crescent-shaped flints, two pointing to the east and two to the west. There are two explanations as to why the Byzantine double-headed eagle has its two heads. One interpretation is that the two heads symbolize two powers; the other is that one head looks to the east and the other head looks to the west. Each crescent-shaped flint looks much like a C. Today the most powerful example of Serbian ichnography is said to be the symmetrical cross adorned with four Cs (the Cyrillic letter S), the two left-

hand ones being printed as mirror images of the right-hand ones. It is referred to as an acronym for the phrase "Samo Sloga Srbina Spašava" (i.e. "Only Unity Can Save the Serbs"). The Cs may, however, also be an acronym for the phrase "Saint Sava is the patron saint of the Serbs".

99. On 9 and 10 November 1991, the "Assembly of the Serbian People in Bosnia and Hercegovina" of which the members of the the SDS comprised the majority, organized a plebiscite in BiH which was considered unconstitutional by the Croatian and Muslim members of the government in BiH. The question posed read:

"Do you agree with the decision of 24 October 1991 by the Parliament of the Serbian People in Bosnia and Hercegovina for the Serbian people to remain in a common State of Yugoslavia with Serbia, Montenegro, SAO Krajina, SAO Slavonia, Baranja and Western Srem and all others wishing the same?"

100. More than 98 per cent of the participants answered yes. The number of people who went to the polls corresponded with about 85 per cent of the approximately 800,000 Serbs who were eligible to vote. In the plebiscite, the Serbs had blue ballot papers, while the non-Serbs had yellow. According to the Serbs, the different colours were to distinguish between the different ethnic groups as the non-Serbs were given a ballot paper where the question was slightly different from the question to the Serbs, to reflect that these voters were non-Serbs. The non-Serbs perceived the difference as an example of discrimination against them, and even more so as the names of everyone voting were marked in the census.

101. Due to arguably different standing under international law, the Serbs decided to use a plebiscite form in contradistinction to a referendum.

102. When the Serbs were preparing their plebiscite (in November 1991), they went from house to house and counted the electorate. The non-Serbs charge that the Serbs included also those under-age down to children, Serbs from Serbia, and Serbs living abroad. (Among those active in the process were allegedly Dušan, alias Dule, Tadić from Kozarac - see Chapter VII.B. infra - and at least one of his immediate family members.) It was allegedly a strong Serbian pressure for all Serbs to vote.

F. The referendum in BiH

103. The European Community (EC) required a referendum in BiH as a pre-condition for recognition of BiH as an independent State. In the referendum, the people would be asked if they were in favour of a unified and sovereign BiH.

104. On 29 February and 1 March 1992, a referendum was held in BiH concerning the independence of the Republic. Participating were 63.4 per cent of the electorate, and of those more than 99 per cent voted in favour of independence. The election committee was the same as for the 1990 general elections.

105. Radovan Karadžić ordered all Serbs (approximately 32 per cent of the population in BiH) to boycott the referendum. As Serbs allegedly were threatened by fellow Serbs that they might even lose their jobs if they participated in the referendum; some, it is said, avoided the problem by arranging sick leaves. Most Serbs, thus, did not participate in the referendum, and it was commented on by their own people if they did. A member of the election committee in Opština Prijedor later commented that she had a

feeling that her Serbian colleagues knew already what was going to happen.

106. Radovan Karadžić later used the lack of Serbian participation in the referendum to dismiss it as unconstitutional although there was an overwhelming independence vote by the Croats and the Muslims (and other smaller groups). In this context, it ought to be remembered that the Serbs unilaterally had changed the status of the two autonomous provinces of Kosovo and Vojvodina respectively bringing them directly under Serbian control without paying adequate attention to the will of the people in those provinces and the formal procedures for such changes as enacted in the Constitution of the SFRY. This happened way before any of the republics opted for independence.

107. After the referendum, the Muslims and Croats in BiH favoured the withdrawal of the JNA, whereas the Serbs were against it.

108. In March 1992, the legal BiH authorities were still in power also de facto. The chairman of the election committee in Opština Prijedor for the legal referendum in BiH was later killed in Logor (i.e. the camp) Omarska (see Chapter VIII.A. infra). His name is not disclosed for confidentiality or prosecutorial reasons. His name was called out three times in Logor Omarska. The first time he was beaten and maltreated so that his body had turned black when he was returned to the room where he was detained. Returning the second time he could hardly move at all. The third time his name was called out, he did not return. All the other members of the election committee were also detained in Logor Omarska. Their names are not disclosed for confidentiality or prosecutorial reasons. One, a man, was half blind, but he was a judge held in high esteem and chairman of the court. He was also killed in Logor Omarska. The three others are women who survived the horrors of Logor Omarska.

G. The general situation concerning arms in Opština Prijedor

109. From the early 1980s until the disintegration of the former Yugoslavia started, there had been a limited military presence in Opština Prijedor.

110. There were primarily a few soldiers guarding a small air field, called Urije, where there was a military cache. The Urije aerodrome was used for sports planes and located close to Prijedor town. The main military barracks were also located in the Urije area, near the aerodrome. In addition to a partisan brigade, the JNA had a motorized brigade in Prijedor. The JNA was officially considered as a Yugoslav entity, but in reality it was fully Serb-controlled, that is a full-fledged Serbian army.

111. The TO was an integrated part of the SFRY military system. The TOs were locally recruited to serve in their home areas. They received some basic military instruction and served in the TO when called upon. Save for a state of emergency, they retained their civil functions when enrolled in the TO.

112. Only four per cent of the Muslims in Prijedor had been licensed to have weapons. Many Muslims and Croats had had their applications for a license to carry arms turned down without any reason given. This was in contradistinction to Serbs, who normally would be granted permission to have weapons if they asked.

IV. PRELUDES TO THE CATASTROPHE

113. As early as 1991, the Serbs organized an alternative and pure Serbian administration in Opština Prijedor, or rather in what they called the Srpske (i.e. the Serbian) Opštine Prijedor. People in Opština Prijedor were aware of this, but they did not take it seriously. The Serbian Assembly first met in a community building close to Urije, and later the meetings were moved to a building in Ćirkin Polje. The members of the Serbian Assembly in Prijedor were under guidance from a central administration in Banja Luka. The Serbian Mayor was Dr. Milomir Stakić from the SDS who functioned as Deputy Mayor within the elected authorities of Opština Prijedor

114. Possibly in February 1992, so-called "Crisis Committees" (Krizni Štab) were established by the Serbs. There was a central "Crisis Committee" in Prijedor town, and other additional committees in different parts of the town, and in other towns and villages. In the beginning, the headquarters of the central "Crisis Committee" was in Urije, but later it was moved to Ćirkin Polje. There are indications that in February 1992, the most important members of the central "Crisis Committee" were:

- (a) Živko Knežević, retired police commander;
- (b) Boško Petrović, secretary of the "Union of Communists" (the old Communist party) in Prijedor;
- (c) Čadjo Milutin, retired policeman;
- (d) Slobodan Kuruzović, teacher in a primary school;
- (e) Vaso Škondrić, retired policeman;
- (f) Milan Dragojević, butcher and the president of the SDS for Urije;
- (g) Ranko Ćurčija, driving instructor and local president of the Serbian Radical Party (the party of Vojislav Šešelj, the self-proclaimed leader of the Četniks in Serbia);
- (h) Savan Runjo, teacher of "people's defence"; and
- (i) Miodrag Grublješić, owner of a private transport company.

The "Crisis Committees" were, at least in some areas, organized by the TO.

A. Moving the artillery and military personnel into place

115. Probably in the summer of 1991, a heavy armour brigade (with tanks) - the Pančevo Brigade (or parts of this brigade) from Serbia - came to Prijedor where it was well-received by the Serbs. The pretext for its arrival was the war in Croatia, but the Pančevo Brigade did not primarily become involved in the that war. It established itself at the aerodrome Urije. In general, the JNA was still held in high esteem by the people at large. During the war in Croatia, numerous tanks from Banja Luka passed through Prijedor on their way to Kostajnica, Petrinja and Karlovac. Some units were allocated to Prijedor.

116. In 1992, an artillery unit of the JNA, which had participated in the war in Croatia, took up a strategic position in Benkovac on the Kozara Mountain. The Serbs also brought artillery into other areas which would be strategic positions if one would consider attacking Kozarac (see Chapter VII.B. infra).

117. Canons and a big number of tracked vehicles were brought to Prijedor by railway in the first months of 1992.

118. Some time before the Serbs took power, some 200 Serbian soldiers came from outside to stay in Hotel Prijedor in Prijedor town. They were a special forces unit, more disciplined than other soldiers. They were well-behaved and did not associate with others. By mid-May 1992, it is claimed that it was Arkanovci (Arkan's paramilitary men, see Chapter V.C. infra) who stayed in

Hotel Prijedor.

119. The discipline of the soldiers staying in Hotel Prijedor stood in stark contrast to the general impression of other soldiers in the area at the time who were often drunk and ill-behaved, especially the soldiers returning from the war in Croatia. It was common that soldiers on their way to the front at Lipik/Pakrac in Croatia were troublesome and even fired their weapons randomly. During the war in Croatia, Serbian soldiers also used the Prijedor area for rest and recuperation, much to the dislike of the local inhabitants.

120. Due initially to the war in Croatia, there were many military men in Opština Prijedor and especially in the regional centre in Banja Luka, but also in the other neighbouring districts. This augmented military presence proved useful for the Serbs when they took power on 30 April 1992.

B. Disrupted communications with Sarajevo

121. In mid-April 1992, the Serbs arranged for roadblocks to be erected on all main roads to and from Opština Prijedor (see Chapter IV.G. infra). It started to become more difficult to travel even earlier, due in part to the war in Croatia and the related massive movements of troops and military equipment.

122. Belgrade Radio, on 14 April 1992, broadcasted that within troubled multi-ethnic BiH, "movement is strangled by Serbian roadblocks".

123. On 28 April 1992, there was a regular programme on Radio Prijedor with guests in the studio. The guests were Simo Mišković (from the SDS), Mirza Mujadžić (from the SDA, see Chapters VI.A. and VII.D. infra) and Draško Velaula (from the leftist party, the SPA). The question to be debated was the influence of the general situation in BiH on life in Prijedor. By then Opština Prijedor had started to experience a virtual blockade of communication with Sarajevo. The programme was prolonged by one hour. It was closed by an assurance given by Simo Mišković and Mirza Mujadžić that people could sleep well - "This is Opština Prijedor with its Kozara brotherhood, we shall continue to live peacefully as we always have!"

124. There never were United Nations Military Observers (UNMOs) stationed in Opština Prijedor. On 28 April 1992, the UNMOs in nearby Banja Luka were withdrawn due to the dangers inherent in their continued presence.

C. Serbian control over the television transmitter on the Kozara Mountain

125. The television relay station is situated near Lisina, where the peak of the mountain is 978 metres above sea level, and called Mali Vis.

126. The Serbs took control of the relay station/television transmitter on the Kozara Mountain possibly some time between 21 and 28 March 1992 (possibly earlier, see the next paragraph infra). At this time, the studio in Banja Luka was also under the firm control of Serbs. The transmitter on the Kozara Mountain was taken over by paramilitary Četnik units from Lamovita, Bistrica, and Omarska, allegedly supported by special Units of the JNA in Banja Luka. They disarmed the local guards and forced the personnel to change the programmes together with some Serbian technicians. The paramilitary units mentioned were not the so-called "Wolves" from Prnjavor.

127. The "Wolves" from Prnjavor or rather Vukovi sa Vućjaka (i.e. the "Wolves

from Vučjaka") took their name from the Vučjaka Mountain near Prnjavor. Apparently, this group was also at one time involved in taking control of the television transmitter on the Kozara Mountain - maybe at an earlier time. These paramilitary fighters were dressed in camouflage uniforms having a badge with a wolf on their upper arms. Following subsequent protests the JNA said that it was unable to control the "Wolves", although close by the television transmitter there was a JNA unit stationed. The police in Prijedor warned a group from a local peace movement not to approach the "Wolves" or the television transmitter as "something unfortunate might happen".

128. As a consequence, the people of Opština Prijedor could no longer receive any television programmes from Sarajevo (only from Belgrade and Pale, and later also from Banja Luka). As with all other controlled transmitters, the one on the Kozara Mountain was now operational only for transmissions from Serbian-controlled television stations - neither Sarajevo nor Zagreb. The local Serbian military said that they would take action to retake control of the transmitter, but no efforts were made.

129. Like in the preparation for other wars, the programmes transmitted became more and more militant. Much propaganda was also broadcast. It was repeatedly broadcast that one ought to be terribly afraid of Muslims, Albanians, Croats and Slovenians - only Serbs and Montenegrins were not dangerous. The Serbs and the Montenegrins were the defenders of Yugoslavia. Non-Serbs will insist that the latter was not true, most people favoured Yugoslavia as such - but leading Serbs were striving for Greater Serbia.

130. When the Serbs took over control of the transmitter on the Kozara Mountain, they already had full control over the main relay station for the whole of BiH on the Vlašić Mountain.

D. The propaganda

131. As writes Noel Malcolm:

"Having travelled widely inside Bosnia over fifteen years, and having stayed in Muslim, Croat and Serb villages, I cannot believe the claim that the country was forever seething with ethnic hatred. But having watched Radio Television Belgrade in the period 1991-2, I can understand why simple Bosnian Serbs came to believe that they were under threat, from Ustaša hordes, fundamentalist jihads or whatever. As the independent Belgrade journalist Miloš Vasić put it to an American audience, it was as if all TV stations in the USA had been taken over by the Ku Klux Klan: 'You must imagine a United States with every little TV station everywhere taking exactly the same editorial line - a line dictated by David Duke. You too would have war in five years.'"⁸

132. The Muslims who made up the majority of the political leaders were blamed for everything that came with economic crisis, especially unemployment and inflation. In addition, they were branded as extremists, meaning Muslim fundamentalists or rather violent fanatics. The Croats were discredited as Ustaše wanting revenge over Serbs for what had happened in the war in Croatia with Serbs taking power in Knin and Vukovar and other areas. Non-Serbs were portrayed as savages to be feared at the same time as they were used as scapegoats.

E. Secret Serbian police activities

133. Anxiety was building up in the police force for some months prior to the change of power on 30 April 1992. The Serbs were talking about dividing the police stations. The Serbs did not come regularly to work as they had to attend meetings most of the time. There was a lot of secrecy.

134. In this period, the Serbs were actually secretly setting up nine new police stations. At the time, there were only four police stations in Opština Prijedor: in Prijedor town, in the towns of Ljubija and Kozarac, and in Omarska village.

135. Austrian Television reported on 1 April 1992 that Serbs left the police force in BiH to form their own purely Serbian police force. This paralleled the actions of Serbian police in Croatia at the outset of the crisis in that Republic.

136. According to an interview which journalist Siniša Vujaković had with Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor, see Chapter V.B. infra) printed in the Serbian-controlled Kozarski Vjesnik:

"The man [Simo Drljača], which the Serbian Democratic Party [SDS] of the Opština Prijedor put in charge of forming the Serbian police, after half a year of illegal work had done his job that well that in 13 police stations 1,775 well armed persons were waiting to undertake any difficult duty in the time which was coming. In the night between 29 and 30 April 1992, he directed the take-over of power [by the Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The Assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him chief of the public security station [i.e. in charge of the secret police]."⁹

F. Serbs rearming other Serbs

137. Misha Glenny reports:

". . . RAM, a plan whose name was never uncovered beyond its acronym. It has been alleged that the full extent of this programme was Milošević's concept of a core Yugoslavia dominated by Serbia. . . . It also, naturally envisaged Bosnia-Hercegovina as an integral part of the core Yugoslavia. There is no proof as to whether such a comprehensive plan existed . . .

That within the project of RAM there was a place for Belgrad's strategy for Bosnia-Hercegovina, however, is beyond doubt thanks to testimony provided by former Prime Minister Ante Marković, . . . Organized from the Serbian capital by the SPS [i.e. the Socialist Party of Serbia] MP Mihalj Kertes, . . . , at the heart of this programme lay the distribution of arms throughout the Serb communities of BiH. . . . Throughout 1990, Kertes ordered the dispatches of hundreds of thousands of pieces of weaponry mainly to the two militant Serb regions of BiH, Bosanska Krajina in the north-west and . . .

Throughout 1991, Kertes's secret convoys of lorries bulging with guns and munitions ploughed their furrow with a diligence not usually associated with Serbs. Eastern Hercegovina and Bosanska Krajina were especially privileged recipients of this booty as they were both to play a critical logistical role during the war

with Croatia. . . . In August, when his humiliation was reaching its peak, the federal Prime Minister, Ante Marković, revealed the existence of RAM and leaked a tape conversation between President Milošević and General Nikola Uzelac, who ran the Banja Luka corps of the JNA with his own particular touch of evil. During this conversation, Milošević ordered Uzelac to release weapons to the leader of the SDS, Radovan Karadžić."¹⁰

138. The Serbian army, in close cooperation with the SDS, distributed weapons to the Serbian population in Prijedor town and other towns and villages in the Opština. Often these deliveries took place openly in broad daylight. The distribution was mainly organized by trucks and seemed aimed at arming every Serbian male between the ages of 15 and 70. Many Serbian women and old men were provided with arms. Serbian policemen were also moving around especially at night handing out weapons to fellow Serbs.

139. Weapons and military equipment were even flown in by military helicopters to Serbian military officers. It is said that by the end, almost no Serbian house was without an automatic gun. Many Serbs may also have received grenades.

140. The pretext for the arms deliveries and the rearmament was that this was necessary for the defence against "the enemies of the people" - the Muslim extremists and the Ustaše.

141. The Serbs were provided with new automatic weaponry. Serbs who had been armed in this manner started to establish checkpoints in the villages.

142. Ample distributions of ammunition were also made, and even larger quantities of ammunition were stored locally. Approximately five kilometres from Malo Palančište on the road to Knežica, there is an ammunition cache. A Serbian teacher (now director of the school), whose name is not disclosed for confidentiality or prosecutorial reasons, who used to sign out ammunition for the heavy artillery there, boasted that there was enough heavy ammunition stored that it would suffice for one year if 1,000 rounds were fired each day.

143. In this period, some Serbs went around firing shots at random. Other people often tried to stop them. Sometimes these Serbs inflicted wounds on themselves, but once a woman and two children were injured. Some of the local Serbs returning from the war in Croatia were quite excited and very easily provoked - there were more and more Serbs in this category.

144. Many non-Serbs, who saw truck-loads of weapons being distributed in their home areas to Serbs, were so frightened that they did not dare to believe what they saw. In general, Muslims and Croats became scared. At the same time, Serbs had their informants among the Muslims and Croats who spread the word that Serbs had weapons for sale. One Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), later ill-reputed and then belonging to a so-called intervention unit (see Chapters IX.C., XII.C. and XII.D. infra), and other Serbs, who later came to play important destructive roles when the Serbs had taken power, were involved in selling rather faulty weapons to non-Serbs. The sellers simultaneously registered the buyers for illegally being in possession of firearms. The people wanted, it seems, to buy these weapons as they were frightened and wanted to have something for self-defence. The number of such weapons around remained none the less limited.

145. When the later Serbian chief of police, Simo Drljača, briefed visitors on the background of the events in Opština Prijedor, he insisted that the Muslims and Croats had been preparing for war for more than 22 years, and that

the Serbs had "documents showing that 3,491 men who could fight from Kozarac, had accepted weapons". Simo Drljača would obviously not quote a deflated figure; there are, however, reasons for believing that his figure is highly inflated. Considering the later attack on the Kozarac area and the interrogations conducted in the main concentration camps where the possession of arms seems to have been a main theme of accusations against camp inmates (see Chapters VII.B., VIII.A. and VIII.B. *infra*), it may be questioned whether the sale of rather faulty weapons to perceived enemies by key people in the Serbian military ranks was designed to give the Serbs a pretext.

146. Radio Prijedor was, prior to 30 April 1992, constantly broadcasting that people ought to hand over their weapons to the authorities. The TO and the police kept their weapons. People who had no license to own weapons hid them if they had any. Muslims and Croats who had legal authorization to have weapons (normally for hunting) were visited by Serbs and threatened to hand over the weapons which they legally possessed. It is noteworthy that the non-Serbs, who "illegally" bought weapons from and were registered by the above-mentioned ill-reputed Serb and others associated with or members of the Serbian military, were not similarly visited. People on these sales lists were, however, among the first to be liquidated in the later Serbian military attacks whether or not they had kept their arms and whether or not they had taken any recourse to arms.

G. The ultimatum and official rearmament of the TO

147. Not only the Serbs, but also the Muslims, had established their own checkpoints. At least in one of the Muslim villages on the left bank of the Sana River, this happened when a Serbian representative from the police came to the village and advised it to establish such checkpoints in order to protect the village. The Serbs even gave the Muslims some weapons to be used for this purpose. These weapons were, however, of a very bad quality. On duty at these checkpoints, there were normally two or three young males with very limited, if any, experience.

148. A meeting in the local National Defence Council in Prijedor in mid-April 1992 demanded that the soldiers returning from the war in Croatia be demobilized. The Council had politically appointed members, but was chaired by Colonel Vladimir Arsić, the military commander of the area. He allegedly gave the politicians an ultimatum not to demobilize the soldiers but to have them redeployed outside of Prijedor town, together with police and TOs (which were to be mobilized and armed), to control all roads to Prijedor - from Banja Luka, Sanski Most, Bosanski Novi and Bosanska Dubica. This would become a stranglehold on both the district and the town of Prijedor. The army wanted to control all movement there.

149. Major Slobodan Kuruzović (who had returned from the war in Croatia, see Chapter V.B. *infra*) then invited those opposed to redeployment to come for a guided tour to Novi Varoš and another Croatian village in Western Slavonia flattened and depopulated in the war, to see allegedly the fate that would befall Prijedor if the politicians rejected redeployment and mobilization of the TO. Some of them went with Kuruzović. The ultimatum was met.

150. Radio Prijedor took active part in the propaganda to mobilize and rearm the TO. Some time earlier it had been decided that the weapons belonging to the TOs had to be stored in the military barracks in Prijedor town. Now the TOs were again provided with weapons. Many non-Serbian TOs seem to have been provided with old weapons, especially rifles. At the time, it is claimed that the weapons available for the TO in the entire Kozarac area were five machine guns. Moreover, the staff members had Dobosk (Russian rifles) with 72 bullets

in the cartridge, calibre 762. The rest had old M 48 rifles (made in Serbia) and some hand carried grenade launchers, but no grenades. More or less, all of the weapons were substandard.

151. From this time, it was indicated that the TOs were to move into the army barracks and be controlled by the army. Then, the Serbs changed their mind and wanted the TOs to hand over their weapons and demobilize.

H. A fake declaration of war

152. On 29 April 1992, Radio Sarajevo stated that a feigned telefax was circulated. The fake fax pretended to be instructions sent from the Minister of Defence in BiH to the TO, inter alia, in Banja Luka and Prijedor, to attack the JNA. The Ministry of Defence in Sarajevo immediately denounced the fax as fraud, charging that the fax showed on Television Belgrade was fake and not rubber-stamped with the seal of the Ministry of Defence in Sarajevo. It also insisted that no such instructions to attack existed or ever had existed. Television Banja Luka was persistent that the telefax and the instructions were authentic.

153. The telefax which later was circulated by Serbian leaders to prove their claim that the fax and the instructions were genuine, had the following layout and wording (the original is in the Bosnian language):

"BOSNIA AND HERCEGOVINA
TERRITORIAL DEFENCE STAFF
SARAJEVO
29 04 1992

VERY URGENT

ORDER TO CARRY OUT
THE DECISION OF THE PRESIDENCY
OF THE REPUBLIC OF BIH 02-11-327/92

ON THE BASIS OF THE DECISION OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA AND HERCEGOVINA NO. 11-327/92 OF 27.04.1992 ON THE WITHDRAWAL OF THE TROOPS OF THE JNA FROM THE TERRITORY OF BIH, AND DUE TO THE NON-OBSERVANCE OF THIS DECISION AND THE COMMENCED ROBBERY AND PILLAGE OF PROPERTY BELONGING TO THE REPUBLIC OF BOSNIA AND HERCEGOVINA BY THE FORMER JNA,

I H E R E W I T H G I V E T H E O R D E R :

1. CARRY OUT A COMPLETE AND MASSIVE OBSTRUCTION ON ALL ROADS ON THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERCEGOVINA WHERE THE FORMER JNA HAS BEGUN THE WITHDRAWAL OF TECHNICAL MATERIAL, IN DIRECT COORDINATION WITH THE MUP [i.e. the Ministry of Interior].

2. CARRY OUT A BLOCKADE IN A WIDER REGION OF MILITARY OBJECTS FROM WHICH THE JNA WILL TRY TO TAKE OUT TECHNICAL MATERIAL, THROUGH DIFFERENT KINDS OF FORMATIONAL AND NATURAL HINDRANCES TO BE SAFEGUARDED BY UNITS OF THE TERRITORIAL DEFENCE OF THE REPUBLIC OF BIH AND THE MUP.

3. PREVENT UNITS OF THE JNA, UNLESS AUTHORIZED OR ACCOMPANIED BY THE MUP, FROM LEAVING THE BARRACKS AND COMMUNICATING ON THE TERRITORY OF THE REPUBLIC OF BIH.

4. IMMEDIATELY MAKE PLANS FOR AND START MILITARY ACTIONS ON THE WHOLE TERRITORY OF BIH AND COORDINATE THEM WITH THE STAFF OF THE TERRITORIAL DEFENCE OF THE REGION, DISTRICT OR REPUBLIC OF BIH. IN CONNECTION WITH THE MILITARY ACTIONS, MAKE PLANS FOR EXTENSIVE SECURITY MEASURES FOR THE POPULATION AND THE MATERIAL PROPERTY OF THE CITIZENS OF THE REPUBLIC OF BIH

C O M M A N D E R
COLONEL
HASAN EFENDIC"

154. There is no evidence to sustain a claim that a telefax like the above-quoted ever was produced by the legitimate authorities of BiH. Conversely, they had every reason to facilitate the departure of the JNA as soon as possible. For the legitimate authorities in BiH to have declared war against the JNA at the time, would have been suicidal. Moreover, if the leadership in BiH would have wanted to confront the JNA by force, there is every reason to believe that they would have taken certain carefully planned steps and not let it all materialize by means of a rather casual telefax.

155. Misha Glenny reports:

"As early as September 1991, President Izetbegović urged Lord Carrington's conference on Yugoslavia to pay immediate attention to the question of the JNA in BiH. With considerable foresight, Izetbegović proposed that the European Community open a fund which could finance the pension of Bosnian officers and provide for the gradual dismantling of the JNA in Bosnia and the local military industries. Preoccupied with the war in Croatia, neither the conference nor anyone else heeded Izetbegović's entreaties . . ." ¹¹

156. Although the Serbian authorities did not later defend their actions in BiH on the basis of the fake declaration of war, it was one of several means successfully applied to agitate fellow-Serbs, especially the simple-minded ones.

V. THE SERBS TAKE POWER - 30 APRIL 1992

A. The actual takeover

157. Two or three days before 30 April 1992, the Serbian army had established itself in all strategic positions on the mountains surrounding Prijedor town. In the town itself there were small groups of two or three JNA soldiers at all important places. The local population did not recognize these soldiers as coming from the area. The JNA soldiers looked tired, they were unshaven and were wearing shabby uniforms. It is believed that they may have arrived from the war in Croatia. They did not talk to anybody outside their circle. The groups of soldiers were, however, visited by officers driving around among them. They were provided with food which was distributed by army vehicles. After the Serbs took power on 30 April 1992, these soldiers, who were alien to the local population, were replaced by Serbian soldiers well-known in the district.

158. In the early morning of 30 April 1992, there were Serbian flags on all official buildings in Prijedor town. Sandbag shelters for soldiers with automatic weapons had been erected at all the main intersections, in front of the banks and other important buildings. There were snipers on the roofs of most tall buildings.

159. The JNA, paramilitary men, policemen, and local Serbs participated in the actual power change. Among the paramilitary soldiers were units from the Martićevci (the Krajina Militia, see Chapter V.C. infra).

160. The premises of Radio Prijedor were crowded with military people. There were some 40 to 50 armed people in the studio and a Serb employee of the radio, Mile Mutić, was with them. Milomar Stakić was introduced to the Radio Prijedor editor-in-chief as the new mayor in Opština Prijedor. At 6:15 a.m., the editor (who was a non-Serb) was presented by Serbs with a written text and told "We have taken power in Prijedor, and you have to read this text." The editor requested that Milomar Stakić join him to read the text himself, and to answer questions from the editor. In the studio, he asked Milomar Stakić what it meant that they - the Serbs - had taken power. Milomar Stakić replied that they, meaning the Serbs, were only interested in areas where there were Serbs. The editor asked him, "What then about the Muslims?" Milomar Stakić replied, "The Muslims may organize themselves as best they can." Thence the text was read by the speaker.

161. The key point in the statement was that the Serbs had taken power without one shot being fired against them. They had taken over control of all public buildings, and from then on everything was to be organized by them - the Serbs. From now on, it was the Srpske (i.e. the Serbian) Opštine Prijedor. Earlier other institutions and activities had already been given the pre-fix "Srpske".

162. According to an interview with Simo Drljača (chief of the Serbian secret police in Prijedor, see Chapter IV.E. supra, and member of the Krizni Štab Srpske Opštine Prijedor):

"In the night between 29 and 30 April 1992, he [Simo Drljača] directed the take-over of power [by Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The Assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him chief of the Public Security Service [i.e. in charge of the secret police and thus also the ordinary police]. He was in charge of this job during the most demanding period and remained in the position until January 1993. These days he has been appointed as Vice-Minister of Internal Affairs of the Serbian Republic. He will commence in his new functions in Bijelina on Monday."¹²

163. Bijelina is a town not far from the BiH border with Serbia proper, on the BiH side of the Drina River. It has been selected as seat for the Interior Ministry due to its geographical linkage between east and west, north and south. Earlier in the era of the SFRY, the secret police had an office in Prijedor.

164. The interview continues:

Vujakovic: "Your work at the Public Security Station [i.e. the secret police] has recently been very much disputed. How do you consider your work during the last year?"

Drljača: "The situation concerning public order in the Opština [Prijedor] is described in a report on the work of the Public Security Service (Služba Javne Bezbednosti or SJB) in Prijedor during the last 6 and 9 months. The reports have been handed over to the Executive committee of the Opština and the SJB [the secret police] Banja Luka. My strong demand that the report should be made available to the Assembly was not successful, and the report

was never put on the agenda of the Assembly. In 15 pages is presented the work of the SJB during the last 12 months. Since the SJB is under the control of the SJB Banja Luka and the Ministry of Interior (MUP) of Republika Srpska, the control was made by an expert group from the SJB Banja Luka. This station [the SJB Prijedor] got the highest esteem of professional work. Due to the insisting of the leader of the SDS and the demand from one leader from the authorities, a commission was formed inside the MUP, which carried out the control of the SJB's work. To the disappointment of those who ordered the investigation, also this commission of experts gave the best evaluations of this Station's work.

In the taking over of power, the workers of the SJB, Serbs, one and all took active part. From the beginning of the military actions, the workers of the police took active part, until this very day."¹³

165. It was announced over Radio Prijedor that the Serbian people and the SDS had taken power and control to secure their survival. Reference was particularly made to the imminent threat posed by the above-mentioned (see Chapter IV.H. supra) and disputed "telefax". It was also argued that neither the Prijedor Assembly nor the local banks functioned properly; this was cited as further indication that the Serbs were endangered. Prior to the Serbs taking power, there had been pressure on the Služba Društvenog Knjigovodstva (i.e. the Public Accountancy Service) to stop all transactions with Sarajevo and redirect them to Belgrade. The non-Serbs in Opština Prijedor had not agreed to this, which was the practice in the Bosanska Krajina SAO. After the Serbs took power, they changed the money flow according to their own wish; that is also financially they withdrew from BiH and made Belgrade their federal capital. Financial assets belonging to non-Serbs were frozen and later confiscated together with everything else belonging to them (see Chapter X.D. infra), and the financial links with the authorities in BiH were severed.

166. But as Simo Drljača and other Serbian leaders in Prijedor later told visitors, the underlying reality was that:

"The Serbs cannot allow a government in which they are a minority. The Serbs in this area are a constituent nation. We will never accept Izetbegović as President. The Muslims did not want to accept that policy. So, a war happened."

167. The Muslims wanted to make the country an Islamic State again as it had been once before in history, so the argument went. Although there were no real indications of that at the time, it would be better for the Serbs to take pre-emptive measures against it, Serbs asserted. "If we cannot reach an accommodation, we will fight to annihilation", Simo Drljača reportedly later told visitors.

168. Radio Prijedor also broadcasted an interview with Major Radmilo Zeljaja asking him what was happening. He answered that he was not interested in civilian questions and that the army was not involved. He added, however, that the army was on the alert as it had intelligence information indicating that the army would be attacked. But the attack did not materialize, and Major Slobodan Kuruzović proclaimed himself on the radio as leader of the TO of the Serbian people. According to the forged telefax, it was the TO which was ostensibly to attack the JNA (see Chapter IV.H. supra).

169. Concerning the change of power in Opština Prijedor and the subsequent Serbian use of force, this seems not to represent an aberration, but rather the events seem to an unpleasant degree to follow a pattern well-established

in the by then Serbian-controlled areas in Croatia and the now Serbian-ruled areas in BiH.

B. Krizni Štab Srpske Opštine Prijedor

170. A key position in the changes was held by the Krizni Štab Srpske Opštine Prijedor. Key roles in the Krizni Štab Srpske Opštine Prijedor were held by the military, the police and the SDS leadership.

171. All recorded information ascertains that the Krizni Štab Srpske Opštine Prijedor had, among others, the following members.

Military:

- (a) Colonel Vladimir Arsić (from Banja Luka);
- (b) Major Radmilo Zeljaja (from Banja Luka);
- (c) Major Slobodan Kuruzović (teacher from Prijedor later director of that same school, he was not in active military service before the war in Croatia).

Civilian:

- (a) Simo Drljača, Chief of Police;
- (b) Dr. Milomir Stakić, SDS, Mayor;
- (c) Dr. Mićo Kovačević, President of the Executive Board of the Assembly in Prijedor (medical doctor);
- (d) Simo Mišković, President of the SDS in Prijedor (retired policeman from Banja Luka, about 45-years old, no previous political activities);
- (e) Srdjo Srdić, President of the Red Cross in Prijedor (after the Serbs took power on 30 April 1992) and Representative of the SDS in the Assembly of BiH, later in the SRBiH (dentist, about 65-years old, amateur actor, well-known in public life, close associate of Radovan Karadžić).

Those here mentioned have identified themselves publicly as members of the Krizni Štab Srpske Opštine Prijedor. The names of four other identified members and three possible members are not disclosed for confidentiality or prosecutorial reasons. Among them are key people from the local industry, including the iron ore mine Rudnika Ljubija.

172. The chairman of the Krizni Štab Srpske Opštine Prijedor was possibly Major Slobodan Kuruzović.

173. The President of the Red Cross is said to have been responsible for the propaganda against the non-Serbian people. He is allegedly personally responsible for plunder and physical and psychological terror. As a President of the Red Cross, he made the false pretence that the Red Cross was helping prisoners in the concentration camps. He, moreover, is accused of having organized "ethnic cleansing" by using Red Cross vehicles.

174. Mile Mutić, reporter and (after the Serbs took power) editor-in-chief of Radio Prijedor, and editor of the local newspaper Kozarski Vijesnik, and Jovan Vukoja, Director of the Centre for Social Welfare, were probably not members of the Krizni Štab Srpske Opštine Prijedor. Both men have, however, been mentioned as members in some information.

175. Concerning his meeting, on 5 August 1992, with some of the members of the Krizni Štab Srpske Opštine Prijedor journalist Ed Vulliamy related:

"The next hurdle is a room full of local dignitaries on the first floor of the police station. There is the military commander of the region, Colonel Vladimir Arsić. There is the 'civilian' mayor

Milomir Stakić (in military uniform) and his deputy, Milan Kovačević, whose job it is to oversee the 'transit centres', including Omarska, and who was himself born in Jasenovac in 1941.

He says that 'what you will find here are not concentration camps, but transit centres. We are people born out of concentration camps, determined to protect our nation from genocide yet again.' . . . Colonel Arsić and Major Milutonić stress that Omarska is run by the civilian authorities. Manjača is available for a visit, but not Omarska.

. . . and then some extraordinary inexactitudes from Mayor Stakić: 'We have tried to get the other side to live in peace with us. Our problems are with the extremists, not the population. We are trying to get Muslims not to leave the area, but to stay and live with us, but they want to go to Croatia, and Germany, or back to Bosnia [we are in Bosnia, aren't we?] while the extremists bring weapons into the area, kill the Serbian people and commit appalling atrocities . . . There are no camps, there are only transit centres where people are taken for their own protection. Others are people who want to leave and we are assisting them.'"¹⁴

176. According to an interview Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor):

Vujakovic: "How would you characterize the cooperation between the SJB and the civilian authorities, and the SJB and the military police?"

Drljača: "In the period of taking over the power, the cooperation between the SJB and the civilian authorities was satisfying. Everybody did his job. But after the change of authority the new people did not understand the true role of the SJB. The attempt that it should become an organ of the Opština, which would execute the orders of the civilian authorities of the Opština, was not acceptable, and the misunderstandings began. It was demanded that a total change of the staff should be undertaken and replaced by people from the SDS, regardless of their qualification and expertise. I think it was more appropriate that I leave, but the professionals should not be touched. They will remain professionals in every system, and so they are now - while SDS is in power. If something is not done well, I should be changed and not they, because they carried out my orders and the orders of the chief of CSB (Centar Službi Bezbjednosti i.e. the Public Security Center [the superior to the SJB]) Banja Luka and the Minister of Interior.

It was unnecessary to make such a fuss about the chief of the SJB and insist so much on changing the chief. The change was demanded by those people who urged the present vice president of the Opština Assembly to take over with his army the station in Omarska, what he also did. At this occasion he wounded a woman lodger at the second floor, destroyed an official car and took prisoner the commander and the staff on duty. All this he did when the police (500 men) this morning was about to go to Orasje.

Against this person were brought 3 (three) criminal charges to the Military Court. A change was demanded by the present leader of the SDS, because I did not go [to him] every morning 'in order to get wise'. In the Law on internal affairs it says that such 'wisdom' (orders) is given by the chief of CSB Banja Luka and the Minister of Interior (MUP). When two honest policemen and the honest family of Butinski were killed in Trnopolje, the same

leader of SDS stated in front of me and my men that if their chief had been elected, the murders would not have happened. One knows who killed the two policemen and the Butinski family, I believe that no chair on earth is worth their lives.

For the first time I inform the public that I personally insisted to the Minister of Interior that I should not carry out this function any longer, in order not to raise dust about the leader of the SDS. After the presented arguments the Minister agreed that I should no longer have the function of chief of the SJB.

In contrast to the present civilian authorities (i.e. individuals), the cooperation was excellent with the Army of the Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleaning of the terrain of traitors [otpadnik which also may be translated as heretics, renegades, or deserters], joint work at the checkpoints, a joint intervention group against disturbance of public order and in fighting terrorist groups. Leaving this job I wish that the officers of the Army of the Republika Srpska and the army continue with a still better cooperation with the SJB in order to achieve the common goal."

Vujakovic: "How do you interpret the completely different evaluation of your work by the Opština and the Republika Srpska?"

Drljača: "When we speak about change, it is a fact that the Opština Committee of the SDS has removed those people who carried through the revolution, only the leader of the SDS is left. By replacing the chief [of the SJB] by their man (as if I were not their man), the Opština would be complete as a state. I did not join this revolution in order to create a principality and a prince, but the Republika Srpska, and that is why I insisted to leave. Why have I been appointed by the Minister to this function? I believe that the Minister is well informed about my work so far by people who are competent to evaluate this."¹⁵

C. The military and the armed entities

177. The concept of the Krizni Štab existed already in military strategic theory in the former Yugoslavia prior to the wars. The military as such was in a sense always afraid of the people. The military were above the people and had privileges which easily could lead to the people turning against the military. The military consisted of rather conservative or reactionary Communists, whereas the people seemed to be progressing towards democracy. The military wanted to control the people and thus needed to give the people the impression that in actual fact, the people controlled the military. In this the military, generally speaking, succeeded. The worst case scenario contained the plan that the military would establish the Krizni Štab. Thus, the military would make sure to have included in the Krizni Štab people whom they trusted. Trust in this context means loyalty and subordination.

178. The Krizni Štab Srpske Opštine Prijedor was involved in the logistic support and production for the army. The Krizni Štab was an instrument of gaining complete control of the entirety of Opština Prijedor (or over any other geographic area where a Krizni Štab was proclaimed). Soldiers who worked for the interests of the army were posted also in industry and other production units to control the production, to gain support, and to control civilians.

179. The Krizni Štab also had as its function to arm the Serbs within its operational area. Other functions were to block communications and make provocations within mixed ethnic settings. The pivotal function, however, was to voice that the Serbian people as such were threatened by the non-Serbs, the consequence of which was the urgent need for the JNA to act to protect the people. The idea was to be able to mobilize strategically with the consent of the people, i.e. to take up positions with artillery and tanks, etc. and soldiers to "defend" the Serbian people.

180. On 30 April 1992, the JNA still existed. On 27 April 1992, the Presidency of BiH had issued a decree to the effect that the JNA was to leave the country. At the same time, JNA personnel were invited to join BiH's newly formed TO. As a cease-fire agreement was signed in January 1992 for Croatia, a sizable number of JNA military personnel withdrew to BiH.

181. When the Serbs took power in Opština Prijedor, the army in the area was still officially under the leadership of the Minister of Defence in Belgrade, General Veljko Kadijević. The Acting Federal Secretary for National Defence and Chief of General Staff at the time was General Blagoje Adžić (who later replaced Veljko Kadijević as Minister of Defence).

182. Opština Prijedor belonged to the 2nd Army District of the JNA. At the time, Lieutenant General Milutin Kukanjac was the commander of the 2nd Army District. His deputy was Lieutenant General Milan Aksentijević. The regional command for Opština Prijedor was in Banja Luka, where the 5th Corps was headquartered. In March and April 1992, the 5th Corps was under the command of Major General Vladimir Vuković and his deputy Major General Momir Talić. Major General Vladimir Vuković was ill at the time, and died later in the year in Belgrade; he thus is considered to have taken no active part in the military operations in Opština Prijedor in 1992. (Also the 9th, 10th and 13th Corps were under the same 2nd Army District of the JNA. These corps were, according to Croatian military sources, engaged in military operations in Croatia from February to April 1992.) Colonel Arsić was among the brigade commanders in the 5th Corps.

183. The 11th Partisan Brigade of the JNA was stationed in Prijedor, its headquarters was the 5th Corps in Banja Luka. The commander for the 11th Brigade was probably Colonel Mainković. The 343rd Motorized Infantry Brigade (with its artillery support unit) of the 5th Corps is likely to have been stationed in Prijedor already by February 1992.

184. A partisan brigade is one of the regular brigades in the JNA. The JNA has motorized brigades, infantry brigades, mountain brigades, heavy armour brigades (with tanks), partisan brigades, and the TO. The JNA also has de facto ties to paramilitary groups. The different units are well-coordinated to work towards the same goals.

185. A partisan brigade is a light infantry brigade armoured with light weapons (including 60 millimetre and 80 millimetre mortars). Whereas a motorized brigade may have 6,000 members, a partisan brigade will be some 1,000-1,500 men large. Normally, the partisan brigades operate in the home areas of their soldiers where they are fully familiar with the terrain. Primarily, a partisan brigade will be stationed in an area where it is difficult for a motorized brigade to advance or operate at all. The small partisan brigades are ideal for the task of moving into an area to clear it.

186. On 4 May 1992, the Federal Presidency in Belgrade ordered the complete withdrawal within fifteen days of all JNA personnel (and their families) who were citizens of the FRY. On 8 May 1992, General Blagoje Adžić, the Acting Federal Secretary for National Defence and Chief of General Staff of the JNA,

retired and 28 other commanders - Lieutenant General Milutin Kukanjac among them - were forced to retire, probably in order to placate outside concern over the fact that the JNA was Serbian-dominated.

187. From late May 1992, when the JNA ostensibly had left BiH territory as far as its members originating from outside BiH were concerned, the remaining Serbian military in the region of Banja Luka (as well as in other regions) officially converted the remaining JNA into the Army of the SRBiH (also known as the BSA, i.e. the Bosnian Serb Army). The transformation essentially was characterized by a change of name and insignia. The Army SRBiH was to be commanded by General Ratko Mladić. When he was appointed to his new duty in the first half of May 1992, General Ratko Mladić was still commander of the Knin Corps (based in the Croatian Krajina). Under his leadership, large areas had been laid waste during the war in Croatia. The overall command structure, the lion's share of the military personnel, the weaponry and the ammunition of the JNA, remained in place with the Army SRBiH. In Banja Luka, the 5th Corps of the JNA thence became the 1st Krajina Corps. The commander was Major General Momir Talić (who had previously been the deputy commander of the 5th Corps). His deputy commander was Bosko Kelecevic. When the SRBiH changed its name on 12 August 1992 to the Republic of Srpska (see Chapter III.D. supra), the Army SRBiH changed its name and acronym to VRS (Vojska Republika Srpska, i.e. the Army of the Republic of Srpska).

188. It is recalled that the Republic of Srpska was proclaimed as a separate entity only in the sense that this new Republic would remain within the joint State of Yugoslavia (now the FRY) as one of its units (see Chapter III.D. supra).

189. Under the new regime, the 5th Corps, as mentioned, became the 1st Krajina Corps; the partisan brigades were renamed as light infantry brigades; and the 343rd Motorized Infantry Brigade thenceforth became known as the 43rd Motorized Brigade.

190. The 1st Krajina Corps has two divisions, the 30th and the 10th Division - including the 1st and the 2nd Armoured Brigade. The 1st Krajina Corps uses the T-12 cannons, 120 millimetre calibre. The light infantry brigades equal the partisan brigades. These are the brigades which together with the paramilitary groups have caused the most destruction. In the case of the military attacks in Opština Prijedor, the military forced the non-Serbian inhabitants to hand over their property to the military. As far as the military operations were concerned, the military had the command and the civilian administration had marginal direct influence.

191. The 43rd Motorized Brigade was stationed in Prijedor. It is said about the Brigade that it fought fiercely in Hambarine, Kurevo and Kozarac (as in many other areas outside Opština Prijedor).¹⁶ The 6th Battalion of the 43rd Brigade was formed in the village Ljeskare (a village in the Ljubija area in Opština Prijedor) in June 1992. The 6th Battalion is also known as "Ljubija" or "Bilbija's" after its commander, Rade Bilbija. "Combatants of this Battalion played an important role in the 'cleansing' of the Kurevo area".¹⁷ According to Commander Rade Bilbija:

"Regarding the ethnic structure of the population in the region where the 6th Battalion was formed, it included a large number of Croatian and Muslim combatants. This did not reduce the military alertness and the fierceness of this Battalion."¹⁸

192. To add a sense of urgency, fully enlist the local Serbs in the military course, and take advantage of their capabilities, local inhabitants were also used as infantry. In order to persecute the non-Serbs (who cannot be

distinguished from the Serbs by appearance and not automatically by language) with military means without wiping out the entire population, thorough knowledge about the people in the district was required. The declared enemy was not an entity of combatants.

193. According to former high-ranking military personnel in the JNA, there was within every military corps a recognized need for having (concentration) camp personnel. The personnel to be available for the camps were from:

- (a) the military police;
- (b) the public security (služba bezbjednosti) or secret police; and
- (c) an intervention unit.

194. The intervention units were to trace and capture the potential camp inmates. The military police would guard the camps. The služba bezbjednosti personnel would interrogate, torture, and kill camp inmates and be in charge of the psychological part of the operation. The most brutal functions of the služba bezbjednosti personnel could alternatively be carried out with the assistance of paramilitary units. Among such paramilitary units were the Red Berets (also reported on by Television Banja Luka). The Red Berets were trained in the Kozara military barracks in Banja Luka. They were so-called SOS forces (Srpske Obrambene Snage i.e. Serbian Defence Forces). The Red Berets were possibly also used in Prijedor town when the Serbs staged their coup on 30 April 1992, these Red Berets were particularly well-armed.

195. Concerning the composition and functions of the intervention unit in Opština Prijedor, Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor) in an interview stated that:

"[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior.

: : : the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups [emphasis added]."¹⁹

196. The intervention unit was in other words an amalgamated entity with shared responsibility for the police and the military. The intervention unit was used, inter alia, to trace and capture the non-Serbian leadership, and allegedly members of the intervention unit killed prisoners arbitrarily during transport to the Manjača camp and participated in mass-killings of "deported" prisoners in the Vlašić Mountain area (see Chapters XII.C. and XII.D. infra).

197. Several paramilitary forces were operating in Opština Prijedor in 1992 and possibly later. Among them were units from the Martićevci, the Krajina Militia created by Milan Martić - Milan Babić's Interior Minister and military organizer. The Martićevci units have earned the reputation as one of the most terrifying organizations which participated in the fighting between Serbs and Croats during the war in Croatia. Another entity was Arkanovci - or Arkan's Tigers. Željko Ražnjatović - alias Arkan - is a Montenegrin by birth. Arkan himself reportedly claims that he has a past as an assassin for the secret police in the former Yugoslavia. He was probably called upon by the same secret police to take the leadership in the fan club of the Red Star football club in Belgrade to channel the political energy of the football fans and the hooligans. In any event, Arkan has a criminal record from several countries.

His followers in the former Yugoslavia are known to have committed very violent crimes. Now, having made himself a fortune, Arkan has become a Serbian politician. Arkan's Tigers are normally dressed in black, but on occasion may carry red berets. A third unit, also named after its leader, is the Šešeljovci. Vojislav Šešelj is the self-proclaimed leader of the Četniks in Serbia. As a politician, he runs the Serbian Radical Party (Srpska Radikalna Stranka, the SRS). Šešelj is considered to have adopted a fanatical ultra-nationalist stance, thus he is also referred to as the Red Duke. Finally, as far as major paramilitary groups are concerned, there are the White Eagles (Beli Orlovi) under the command of Dragoslav Bokan. The White Eagles are the paramilitary formation of the extremist Serbian National Renewal Party (Srpska Narodna Obnova, the SNO) founded by Mirko Jović. (For more information on these and other paramilitary groups, see Annex III.A, Special Forces.)

198. When, in July 1992, Captain Milovan Milutinović, spokesperson of the Army SRBiH in the regional centre in Banja Luka, was asked about the multitude of uniforms and insignias in use, he was adamant that this did not change the fact that there was only one army. After 15 May 1992, he stated that there were no more irregulars or paramilitary forces. There had been such fighters previously, but all military forces were subsequently put under a unified command. He added that those who had resisted a unified command had been imprisoned.

199. It may be informative to pay attention to what Serbs later say about the relationship between the political leaders and the regular military forces on the one hand and the paramilitary units on the other. In an interview with Vreme, Colonel Milan Milivojević, speaking about the army which he has been serving for 35 years, explained:

"All volunteers fought under the command of the former JNA. They were armed by the JNA and the Territorial Defence. Today, some of those volunteer units are being called Fascist due to certain political and party interests. They are being accused of genocide. Well, we all know who is responsible for that. Such volunteers were suited for the purposes of the former JNA authorities because they did their job for them. And they did it the best they could."²⁰

200. A Serbian association of war veterans related its plight in an interview with Vreme:

"Our proposed statute comprises only the most human goals. The Association is a non-political organization which includes all combatants, regardless of their differences - JNA, Yugoslav Army, Territorial Defence, all kinds of volunteers. All volunteers have been armed and sent to the front lines by the JNA and the Serbian Ministry of the Interior; they served under the direct command of the JNA or the Yugoslav Army, the Serbian Republic of Krajina and the Serbian Republic, or under the command of the local commanders in those armies."²¹

The introduction to the same article reads:

"The participants of the recent Yugoslav wars - since 1990 until date - are suddenly expendable: neither Serbia for which they thought they were fighting, nor the army under whose flag and command they fought, want them any more. Serbia has not been at war, the army have not had a State, and it cannot support its active soldiers."²²

201. In a general article about the army and the paramilitary published in Vreme, it is alleged:

"The police who has only recently helped bullies and criminals, protected and armed them, and provided them with undisturbed passage on the Drina and Sava rivers in both directions, now arrests them, and brings them to justice. In Srem, Niš, and other places, the political showdown is at full swing, made possible only due to the conditions of total anarchy.

Often such unlawfulness were concealed: the best example is the relationship of the official authorities of the Republic of Serbia towards grave breaches of international humanitarian law regarding armed conflicts conducted first in Croatia and then in Bosnia and Hercegovina. The data about that arrived from various sources. They were registered by the international community through its authorized bodies. Regular army units have been blamed, along with numerous paramilitary formations (established by various political parties) whose influence and power grew so much that they were equated with the official authorities, as simultaneously existing institutions of growing anarchy. SPS [Socialistička Partija Srbije i.e. the Socialist Party of Serbia] and the Republic of Serbia ignored those events. Not by accident: in the circles of newly established VIPs who first accumulated enormous material wealth by breaching all norms of the international humanitarian law, showing in such a manner an amazing appetite for political influence and power, representatives of the official government in Serbia found the safest footholds to maintain their drastically shaken position. The crimes were covered up, denied, and at the same time instigated so that the noble cause of the Serbian national interests be realized: the ethnically pure regions for the future Greater Serbia."²³

202. In September 1991, the United Nations had introduced an arms embargo against the whole of the SFRY. Although the United Nations recognized the State of BiH and accepted it as a member-State on 22 May 1992, the arms embargo was not lifted for this new and independent State. Even if the embargo continued to apply also for the Serbs, the Serbs were in control of most of the stockpiles of the JNA (which had just been augmented with an extra 14,000 tons of weaponry from the Middle East prior to the arms embargo being introduced).

D. Victory for the SDS

203. Misha Glenny wrote the following about the "peculiar political development" in Opština Prijedor prior to Serbs taking power:

"For some unknown reason, the former federal Prime Minister, Ante Marković, had decided to hold the founding conference of his Reformist Forces Party in Prijedor before the 1990 elections in BiH. The population of the Prijedor region was 44 per cent Muslim and 42 per cent Serb, while 8 per cent considered themselves Yugoslavs. Marković's campaign in the Prijedor region split the Serb vote, as many in the town itself voted for the Reformist Forces. As a consequence, Izetbegović's Party, the SDA, secured a relative majority which made Prijedor the only district in the Bosanska Krajina which was not under the control of Karadžić's Serbian Democratic Party. This created a problem for the local SDS leaders as they found it impossible to co-opt Prijedor into

their SAO (Serbian Autonomous District) Bosanska Krajina, the pride of Serb militancy. During the war in western Slavonija in the summer and autumn of 1991, General Nikola Uzelac, commander of the Banja Luka corps, mobilized the local population in order to take part in the fighting in Croatia, to the north. Not unnaturally, the Muslims refused to respond to the mobilization and in Prijedor, the SDA-dominated government refused to co-operate with the issuing of the call-up papers."²⁴

204. Later, when Simo Drljača once was to explain to visitors the Serbian taking of power on 30 April 1992, he started with contemplating the previous political situation in Opština Prijedor. As he said, 85 per cent of the Muslims in the district had voted for the SDA. However, because of "that robber Ante Marcović" the Serbian votes were divided. Ante Marcović's party received the votes of the intellectual Serbs and 90 per cent of the votes from Serbs living in mixed marriages (12 per cent of the population). Other Serbs also voted for the leftist party. The SDS got only 28 per cent of the votes, although the Serbian population counted for 42.5 per cent of the population. When Simo Drljača was asked how the SDS then took power, he did not hesitate to state that it happened by force. The power change in Opština Prijedor had been by the gun. Thenceforth, the Serbs had submitted to the SDS.

VI. IMMEDIATE CONSEQUENCES

A. Control of information and increased propaganda

205. Opština Prijedor had two main local media: Radio Prijedor and the newspaper Kozarski Vjesnik. Both became, almost immediately after the Serbian takeover, mouthpieces of the new Serbian leaders, or rather the latter took control over these media. Strict censorship was one aspect of this; the dissemination of propaganda another. Smaller media entities followed suit if operated by Serbs; if their executives were non-Serbs, these media were silenced with the persecution of the non-Serbs.

206. After 30 April 1992, the Serbs working in Radio Prijedor were even dressed in camouflage uniforms. It made no difference that Radio Prijedor was financed mainly by advertisements. Serbian leaders who wanted to make statements over the radio or to have announcements read came with military people and guards to the studio to have their will.

207. All the time, during the first days after the Serbs took power, terrified listeners called the radio for advice and solace. At 9:00 p.m., probably on 2 May 1992, Bećir Medunjan and Ilijaz Memić, both from Kozarac - the latter the local leader of the SDA, came and asked permission to broadcast a statement. The two, who were both Muslims, wanted to state that there was no reason for unrest in Kozarac; no Serb had or should have anything to fear and guards had even been posted outside the Orthodox church. The editor of Radio Prijedor agreed to let them broadcast their message. As they were half way into the studio, they were stopped by four or five Serbian military people with guns. Three identified Serb leaders whose names are not disclosed for confidentiality or prosecutorial reasons, spoke on behalf of the Serbs and said that the Muslims from Kozarac had to seek permission from the police in Prijedor town before they could transmit their communication. It made no difference that the editor became upset and questioned the independence of the radio threatening to resign if it was not restored. The Muslims from Kozarac were prevented from broadcasting their message of reconciliation - Kozarac was a predominantly (approximately 90 per cent) Muslim town.

208. On 3 May 1992, the entire editorial staff met and the Serbs insisted

that the radio was independent and that everyone, that is the Serbs and the non-Serbs, should work together. The next day, however, an instruction came from the Krizni Štab Srpske Opštine Prijedor that the editor had to read a communication which was biased against the Muslims. Being the chief editor, he had the speaker read the communication. Thence the editor-in-chief asked for and accepted his resignation. The Serbs let him off "for annual leave".

209. The Serbs spread much fascist and Serbian nationalist propaganda at the time also through the two main media. As the radio was operating full time and the newspaper published only once a week, the radio became the key propaganda instrument for the new Serbian leaders. Previously banned Četnik songs were again allowed and much played in radio programmes. Radio Prijedor was used also for political and private attacks on leading SDA members, such as Mirza Mujadžić, Bećir Maduwjanin (it was stated that he was a Kosovo-Albanian which was not true), and Muhamed Čeharić, the now unseated mayor of Prijedor town. The propaganda was malevolent. The Serbs claimed that, in particular, Muslim extremists were many in the area and dangerous, preparing genocide against the Serbs.

210. The general situation deteriorated with the propaganda. There were occasions when Serbs were walking in the streets in Prijedor town shouting "All Muslims and Croats ought to be slaughtered", or "Your Alija [President Izetbegović] will lead you to extinction." When the killings started later, males with the first name Alija were targeted - if for nothing else - because of their names.

211. From the outside, radio amateurs in Zagreb were among the first to pick up information that Prijedor was afflicted. As others learned it from them and tried to call relatives and friends in Opština Prijedor, the latter would - if their telephone lines had not yet been disconnected - briefly state that everything was fine and hang up the telephone. Fear was immediately pervasive among non-Serbs. Soon most non-Serb telephone lines were disconnected.

B. Control of movement

212. An immediate consequence of the Serbian takeover was severed communications between Opština Prijedor and the outside world. It became more difficult to travel even within the district. Bus services were closed down.

213. From when the Serbs took power, people could be asked to show their identification cards at any time. On 30 April 1992, identification papers were asked at almost every intersection in Prijedor town at least if the people in question were not known to the controllers as being Serbs. Later, identification was asked at checkpoints, and also at random. Non-Serbs easily had serious problems when they were identified as such - even if their identification cards were valid and carried at all times.

214. Almost all the mjesna zajednica (the administrative units into which an Opština is subdivided - one for each village and part of town) had its Serbian Krizni Štab which could issue travel permits, but in practice the travel permits had limited value and the roadblocks were actually effective. One example: A 20-year old young man, whose name is not disclosed for confidentiality or prosecutorial reasons, lived in Rakovčani. He had a Serbian girl-friend and with a travel permit went on his bicycle to see her in Prijedor town. On his way back, he was stopped near the suburb Tukovi by policemen in a car, one of them, whose name is not disclosed for confidentiality or prosecutorial reasons, asked for his identity card and travel permit. The young man had his papers in order, but regardless of that he was brought to Logor Keraterm (see Chapter VIII.B. infra). Some ten days

later the young man was called out in Keraterm at night, beaten for hours, and died just after he was carried back into the hall where he was detained.

215. Starting probably on 2 May 1992, a nightly curfew was introduced in Prijedor town. Later a curfew was introduced also in Ljubija town. The curfew was in effect for non-Serbs as well as Serbs. Even medical doctors on duty had to get a special permission to move anywhere during the curfew hours.

216. After the attack on Prijedor town (see Chapter VII.C. infra), the inhabitants even needed a written permission in order to move from one part of the town to another.

C. Dismissal of the non-Serbian workforce

217. Within days - in most cases - of the Serbs taking power, most of the non-Serbs were dismissed from their jobs, be it as public officials or manual workers. In all key functions, such as in the local administration, the empty posts were taken over by Serbs. But it was no precondition for workers being discharged, that there were Serbs who could fill their places. Rather, even when it was a clear disadvantage also for the Serbs that a certain job was left vacant, the non-Serb was - save for a few exceptions - fired.

218. After the power change the courts put all their non-Serbian legal staff on a list (all were Muslims, two Croats had left the Opština earlier). Later everyone on this list was detained in a concentration camp.

219. At the time of the coup, the police received two sets of conflicting instructions. Sarajevo gave their normal instructions that were the same for all the police officials regardless of ethnic group. Banja Luka ordered the police to split up and Serbian and non-Serbian police to be treated differently. Just after the coup, the non-Serbian police were called for a meeting in the town hall chaired by Simo Drljača. The latter informed everyone that henceforth they would have to abide by Serbian law and sign a declaration to that effect within a 15-day time limit. Furthermore, they would have to display Serbian emblems. Very few non-Serbian policemen signed the declaration of consent, and no one remained in the police more than the first 10 to 15 days. The non-Serbian policemen did not dare to appear at the police stations, and they did not receive the last salary from prior to the coup. Retired Serbian policemen and reservists from among the Serbs were called in for service. Simo Drljača had a law degree, but earlier he had only held posts of a marginal character in the legal profession. Former non-Serbian policemen were soon among the people particularly targeted for persecution. One former inmate, whose name is not disclosed for confidentiality or prosecutorial reasons, in Logor Omarska (see Chapter VIII.A. infra) claims that on one occasion, 20 non-Serbian policemen from Prijedor were executed by the Serbs in that concentration camp.²⁵

220. Only in a few cases is it known that the Serbs accepted the continued services of non-Serbs. A female doctor was permitted to continue her work, as was a scientist working on technical questions. The latter worked from a position of house arrest imposed by the Serbs, and he was provided with his work by the Serbs. A number, fewer than 30, workers from Autotransport Prijedor also kept working until they were allegedly executed in late July 1992 (see Chapter VIII.E. infra). Considering the latter instance and the extreme need for transport facilities which the Serbs soon were to have, it may be assumed that it was the needs of the Serbs that gave the remaining non-Serbian workers some respite concerning the fate awaiting them under the new regime.

D. Disarming of the non-Serbs and ultimatums

221. The Serbs continued as they had started before taking power, and enforced a unilateral demilitarization of Muslims and Croats and all other non-Serbs. The process of Serbs visiting non-Serbs who were licensed to hold weapons and demanding that they give their weapons up was intensified after 30 April 1992. It was now combined with a campaign where non-Serbian police and TOs were also instructed to hand over their weapons, and non-Serbian houses and villages were searched for arms. However, those who were registered for illegally having bought arms from Serbs - many of these Serbs were prominent under the new regime - were not approached at the time like those who were licensed to possess arms. Later, illegally held weapons were used against non-Serbs as a warrant to annihilate them.

222. Most important, the self-appointed Serbian administration in Prijedor started soon to give ultimatums to the non-Serbian population. Using the radio, the Serbs every day named a village, a town or a part of town where at a given time the Muslim and Croatian inhabitants and other non-Serbs had to hand over their weapons. Two distinguished Muslims, whose names are not disclosed for confidential or prosecutorial reasons, tried to convince the Muslims to give up their weapons. Most Muslims and Croats did hand over their weapons. The Serbs were none the less not satisfied and used this to brand them as extremists. It seemed as if the Serbs were constantly looking for something for which to blame the non-Serbs.

223. In named areas in the Ljubija region, for example, there were ultimatums issued that the weapons held by non-Serbs were to be presented to the Serbian administration between 22 and 30 May 1992. Shelling of non-Serbian habitations gave weight to the urge in the Serbian demands. Subsequent to the Serbian ultimatums, weapons were surrendered as follows:

(a) on 23 May 1992: from Ljeskare, Croatian villagers; from Kalajevo, Croatian villagers; from Jugovci, Muslim villagers;

(b) on 24 May 1992: from Gornji Volar, Croatian villagers; from Šurkovac, Croatian villagers; from Donja Ljubija, Muslim residents;

(c) on 24 and 25 May 1992: from Ljubija, Croatian residents; from Žune, Croatian villagers;

(d) on 31 May 1992: from Briševo, Croatian villagers;

(e) on 1 June 1992: from Gornja Ravska, Croatian villagers; from Donja Ravska, Croatian villagers.

E. Provocations or pretexts

224. It happened, possibly one of the last days in April or on the first day of May, that a Serbian reserve policeman was killed in the centre of Prijedor town. Both Radio Prijedor and the newspaper Kozarski Vjesnik were implying that the Serbian policeman possibly was killed by a Muslim. People - among them the SDA chairman - called the radio afterwards claiming that Serbs had killed the Serbian policeman. The main belief was probably that the policeman had been killed in the wake of an argument with fellow Serbian policemen, when at night time they had been drinking at the Cafe Bijelo Dugme in the town. Another version has it that the Serbian policeman was shot dead by an unidentified man who ran away from the scene of the crime in the direction of some Muslim dwellings, on the basis of which it was concluded that the perpetrator was a Muslim. Others claim that the Serbian policeman was killed

by two of his colleagues, whose names are not disclosed for confidentiality or prosecutorial reasons (one of them by then retired as a policeman), according to a plan to have Muslims blamed.

225. The Serbian policeman lived in a village some four kilometres north of Prijedor town in the direction of Bosanska Dubica. Probably on 2 May 1992, after the policeman had been killed, a bus heading south from Bosanska Dubica and towards Prijedor was stopped by a neighbour of the policeman. The neighbour asked the passengers to show their identity papers. Coming across a Muslim woman and her young daughter, he forced them both to leave the bus and shot them dead on the spot, for no other reason than that they were Muslims. Approximately half an hour later, a tractor loaded with hay came on the same road driven by the manager of the agricultural pharmacy in Prijedor town who was with one of the workers (their names are not disclosed for confidentiality or prosecutorial reasons). The neighbour once again asked for identity cards and established that the two were Muslims. He killed them by allegedly using a knife. Both victims lived in villages near Prijedor town.

226. The next day the elected but just ousted mayor of Prijedor, Muhamed Čeharić, wanted to speak over Radio Prijedor, and he invited everyone to join the funeral of the manager of the agricultural pharmacy as a demonstration. The editor-in-chief of the radio was very much criticized for allowing the former mayor to speak over the radio. No incidents occurred in connection with the funeral on 5 May 1992, but the cemetery was heavily guarded by Serbian military and police. The people participating in the funeral were reportedly scared.

227. Radio Prijedor later reported that the liquidation of the four Muslims was under investigation, which the non-Serbs considered a lie. It was also stated on the radio that Serbian police and army (after the Serbs took power they referred to their military just as Vojska, i.e. the Army, and not as the JNA or other specific military entities) tried to stop people from Gornji Jelovac from assailing Gornja Puharska - the suburb Donja Puharska was where the alleged killer of the Serbian policeman was to have been running.

228. Serbian-controlled television stations sent, moreover, propaganda from other districts causing trepidation among simple minded Serbs. The Serbs were constantly referring to three or five killed Serbs and showing pictures of arsenals of weaponry allegedly confiscated from non-Serbs who had planned to use these arms against Serbs. Rumours among non-Serbs would have it that the Serbs collected some of their dead soldiers from Pakrac in Croatia and used them for propaganda purposes, throwing them carefully around in other places where that seemed to be of advantage. The Serbs were quite successful with their propaganda, and they constantly reiterated that the Croats and the Muslims were extremists.

VII. THE MAJOR SERBIAN MILITARY OPERATIONS

229. Before any of the major Serbian military operations started, an SDS official had been questioned in an interview broadcast by Radio Prijedor whether members of the Arkanovci and the Šešeljovci were in town. He had answered in the affirmative.

230. The Serbs continued their arms race also in the days just after taking power. On 2 May 1992, people saw long columns of artillery being transported through Prijedor town in the direction of Sanski Most, i.e. to the south towards the Hambarine area.

A. The attack on Hambarine

231. Before Hambarine and later other villages on the left bank of the Sana River were attacked by the Serbs, the population in many of those villages had been augmented by an influx of Muslims and Croats who had fled from attacks - similar to those to come in Opština Prijedor - by the Serbs on their home villages to the west of Opština Prijedor. Many Muslims seeking shelter in Hambarine and nearby villages had fled from the destruction of Donji Agići and Budimlić Japra. The non-Serbian villages in Opština Bosanski Novi had been purged before the Serbs took power in Opština Prijedor. Over Radio Prijedor, the people in the Ljubija region had been called upon to receive and shelter the fleeing non-Serbs from Opština Bosanski Novi.

232. On 22 May 1992, at about 7:00 p.m., a black car - probably a VW Golf - came up to a checkpoint on the road to Ljubija held by non-Serbian TOs near a cluster of houses just outside the village of Hambarine. Except for the driver who was a Croat, there were four Serbs in the car - all reportedly members of the White Eagles (Beli Orlovi) paramilitary unit. The Serbs had allegedly forced the driver to bring them to the Hambarine area. The car was stopped at the checkpoint and the Serbs were asked to surrender their arms which would be returned to them on their way back. At that moment, one of the Serbs opened fire with his machine gun. The commander at the checkpoint was wounded. The other non-Serbs at the checkpoint returned fire and killed two of the Beli Orlovi and wounded the two others and the driver. The Serbs thence asked the non-Serbs to surrender themselves and the checkpoint. The wounded non-Serbian TO commander later died from his wounds. An identified Serb, whose name is not disclosed for confidentiality or prosecutorial reasons, interviewed one of the wounded Serbs on Radio Prijedor. The interviewee confirmed that the Serbs had fired the first shot. The wounded Serb used the interview as an opportunity to state that all Serbs should welcome and support the members of the Arkanovci and the Šešeljovci.

233. A Muslim former policeman, whom the Serbs had dismissed after they took power in Opština Prijedor, lived in a house alongside the road from Prijedor to Hambarine, not far from the checkpoint. After the shooting incident, the Krizni Štab Srpske Opštine Prijedor delivered an ultimatum over Radio Prijedor in which they demanded that the former policeman be handed over to them (probably together with three identified persons whose names are not disclosed for confidentiality or prosecutorial reasons, who had manned the checkpoint when the shooting took place) and that all weapons in Hambarine be surrendered to the Serbs. There was no information to indicate that the former policeman had been a party to the events at the checkpoint. Unless the ultimatum was met by noon the next day, the Serbs would attack Hambarine.

234. As the ultimatum was not met on time, the Serbs more or less immediately after the deadline was passed started a heavy bombardment of Hambarine with artillery fired from the aerodrome at Urije, across the valley where Prijedor town is located. People in Prijedor town could see that a number of houses in Hambarine caught fire. As the artillery fire ceased, the village was attacked by tanks and by infantry in full cooperation and coordination with paramilitary units. There was grenade and gun fire and more houses were set on fire, starting all along the road leading from the Serbian-inhabited quarters in the suburb of Tukovi (in Prijedor town) and up to Hambarine.

235. When the bombardment of Hambarine started, large numbers of villagers fled to other nearby Muslim or Croatian-dominated villages and sought shelter there, others took to the woods and remained under the open sky until they considered the immediate danger over. Those who had escaped to the Kurevo woods also came under artillery fire. Many of the runaways later came back to Hambarine of which Serbian soldiers had taken control. The mosque in

Hambarine had by then been destroyed by the Serbs. Some of the returning civilians were at first pushed back again to the woods by the Serbian soldiers. Save for the houses having been burnt to the ground - allegedly some fifty only in the first day of the attack - other houses had been damaged. Rampant pillaging by Serbs took place and lasted for some two weeks.

236. Also on 22 May 1992, the so-called Serbian army entered the town of Ljubija (further to the south) and occupied its main square. All cultural, entertainment, and sports activities stopped in Ljubija. The people were terrified. The Serbs introduced a curfew from 9:00 p.m. to 6:00 a.m., and it was prohibited for people to meet in groups on the streets and to use the main square for traffic. Soon after, the Serbs started to arrest people from Ljubija town and intern them in the concentration camps.

237. The number of dead and wounded after the attack on Hambarine is not yet known. Some estimate it at approximately 100.

238. After Hambarine was conquered the Serbs renamed it Petrovo Brdo (i.e. Peter's Mountain).

239. When the ousted mayor of Prijedor was arrested in his home in Prijedor town on 23 May 1992, the Serbs charged him with having arranged the "attack" on Serbian soldiers in Hambarine the previous day.²⁶ There is no information to sustain such an accusation against the former mayor, who later apparently was killed by the Serbs.

B. The attack on the Kozarac area

240. Kozarac was a small town located approximately 12 kilometres east of Prijedor town, at the foot of the Kozara Mountain. Regardless of its size, Kozarac was an industrious town with small-scale industry, trade and service industry. Including villages and hamlets in the surroundings, the Kozarac area had almost 27,000 non-Serbian inhabitants. The area as such was relatively wealthy also because many people living there had been guest workers in Western Europe and had brought home their hard currency savings.

241. Having consolidated their power and position in Prijedor town, the new Serbian administration at one point in time urged all Muslims to leave Prijedor town for Kozarac which would become a kind of Muslim borough, ethnically pure. This idea never materialized. If it had, it would probably have achieved nothing but to add more victims to those actually afflicted in the Serbian military onslaught on the Kozarac area.

242. The Kozarac area had regular defence positions on the road Prijedor - Banja Luka at Trnopolje, and at Mrakovica (on the Kozara Mountain) near Kotovatze where there were eleven TOs and also police both in active service and reservists.

243. After the Serbs took power in Opština Prijedor, all Muslim police were ordered to join the Serbian police and to wear Serbian uniforms and Serbian insignias. Before the attack, the Serbs had moved in heavy artillery and posted it strategically on the mountains. The Serbs even had a rocket unit on the Kozara Mountain. Those who controlled the main weapons were Serbs from Serbia proper and Knin. The Prijedor Brigade had been fighting in the Pakrac area and was nicknamed "The Wolves". There were also other "Wolves" from an area east of Prijedor. The Serbian military had started to be posted in the area two or three years back - "for training purposes", it was said.

244. Following the Serbian takeover in Prijedor, a number of Serbian driven