

buying tickets on Serbian-provided buses and trucks out. This transport was frequently not any safer than the transport for those deported by road (see Chapter X.C. *infra*). Often there was simply no distinction made between non-Serbs leaving Opština Prijedor of their own volition and the deportees. One member of the Krizni Štab Srpske Opštine Prijedor, who was engaged in the local Red Cross (his name is not disclosed for confidentiality or prosecutorial reasons), allegedly had people pay DEM 50 per person to be transported in Red Cross vehicles towards Travnik.

527. The Serbian leaders even organized an Office for Population Resettlement and Property Exchange where people who had not yet been deported and who "wanted" to leave were to register their property as available for a Serbian family, before they joined a convoy out. The non-Serbs wanting to leave also had to sign forms entitled "requests of voluntary emigration for economic reasons". According to an interview of Simo Drljača, there were more than 20,000 visas, guarantees and requests for voluntary emigration for economic reasons signed (see Chapter X.D. *infra*).³⁶

528. "Exit-visas" for non-Serbs were a stock-in-trade at the time. Relatives of prisoners who had been incarcerated in Logor Keraterm or Logor Omarska sometimes tried to approach the police station in Prijedor town. Instead of gaining information concerning the whereabouts of their family members, they were in some cases told that it could possibly be an alternative to opt for buying an "exit-visa" for the family at large.

529. People who got, or rather paid to get, their "exit-visas" had simultaneously their names deleted from the census. Thenceforth, they were literally and practically non-existent as citizens. For more details about the situation for the non-Serbs who obtained "exit visas", see Chapter X.D. *infra*.

X. DEPORTATIONS

530. A key to understanding the nature of the conflict in Opština Prijedor is to recognize that the non-Serbian population was not fleeing from a war in the district. Their departure was not a side effect of an armed conflict. Conversely, their removal was exactly what the Serbs used military might to achieve. The aim of the entire operation was the "ethnic cleansing" of Opština Prijedor, i.e. to remove the non-Serbs so that the population which would continue to live on in the district would be almost exclusively Serbian. One consequence of this is that the classification "deportees" is more correct than "refugees" for the vast number of non-Serbs who de facto left Opština Prijedor. "Deportees" here meaning people with a particularly distinct need for protection in addition to what is characteristic for refugees at large.

531. The events in Opština Prijedor are unfortunately no aberration in this respect. The "ethnic cleansing" is the core of the Serbian military operations in BiH. It may even be argued, as some observers do, that the events in Sarajevo - where there is a more traditional theatre of war with all its horrors - are staged, in part at least, to take away international attention from the eradication of entire ethnic groups in areas where there has not even been any real war, only tremendous abuse of military power - such as in Opština Prijedor. Similarly, to some extent, the destruction of cultural heritage in the Croatian city of Dubrovnik diverted international attention. With an aura of history and fame both Sarajevo and Dubrovnik kindle media attention easily. At the same time, both cities were flourishing multi-cultural centres, and as such a thorn in the flesh of those aspiring after mono-ethnic power bases.

A. From Logor Trnopolje and other detention areas

532. Most of the deportations from Opština Prijedor were staged from Logor Trnopolje, from which they started the last week of May 1992 - the very first period when non-Serbian children, women, and elderly men were rounded up in the district. Later, more improvised detention facilities, such as the stadium in the suburb Tukovi in Prijedor town, also became staging areas for deportations. Some non-Serbs were even loaded on buses and trucks for deportation straight from their home areas in the wake of the military assaults on these areas (see Chapters VII.B., VII.C. and VII.D. supra).

B. Deportations by rail

533. Large groups of deportees were sent off on trains to Muslim and Croatian held areas in central BiH. The destination for the trains was primarily Zenica. At least one group of deportees was let off the train in Doboј, from where the deportees were ushered ahead on foot in the direction of Tuzla.

534. Frequently, the deportees were cramped into cattle wagons having at best only barred windows high up on the walls of the wagons. The passengers were not provided with water or food, and they had no access to toilets. They sometimes had to endure such constraints for periods from two to five days before reaching Zenica. There was little fresh air during the transports. It was mid-summer and generally very hot in the daytime. Even when trains stopped for some time, the deportees were deprived of any opportunity to leave the trains. Some babies, small children, elderly, and sick people did not survive the railway transport. Even to remove the dead bodies from the cattle wagons or to have them removed was not permitted.

535. When the Serbian police chief of Banja Luka, Stojan Zupljanin, was later asked by a visitor about the cattle car transports, he explained that there had merely been a certain number of citizens who had expressed a wish to move to central BiH. For these people, the Public Security Centre in Banja Luka (see Chapter V.B. supra) and the Public Security Service in Prijedor (see Chapter V.A. supra) arranged the mentioned "safe transportation for them". Not to allow the passengers food, water, access to toilets, etc., was "just a means of security". The trains (cattle wagons among them) were all that could be provided under conditions of war - the railway authorities had asked everywhere for better facilities. Stojan Zupljanin concluded by stating that none of the passengers had said that they would not go if they were not provided with passenger wagons - "Anything is better than to walk."

536. A Muslim political leader in Banja Luka apparently saw it differently. Calling on 9 July 1992, he said:

"Please try to come here. There is a lot of killing. They are shipping Muslim people through Banja Luka in cattle cars. Last night there were 25 train wagons for cattle crowded with women, old people and children. They were so frightened. You could see their hands through the openings. We were not allowed to come close. Can you imagine that? It's like Jews being sent to Auschwitz. In the name of humanity, please come."³⁷

C. Deportations by road

537. Large-scale deportations on buses and trucks took place from the very beginning. A few were taken the shorter and relatively safer way to Bosanska Gradiška on the Croatian border. The majority by far were deported on buses

and trucks down through the desolate and mountainous area of the Vlašić Mountain towards Travnik in central BiH. The last leg of this trip the deportees had to finish on foot. Their first destination on the road to Travnik was Turbe, the first larger populated area on the other side of the front line - outside Serbian control that is. From the place where the deportees were dumped from the trucks and buses, they had to walk almost 30 kilometres across the front line to reach Turbe. United Nations military personnel, having passed through the same area later, recount that especially the last part of the journey - in the area where the deportees had to start walking - the United Nations military men had an eerie feeling. Along the narrow road high up on the mountainside, personal papers, such as passports, were strewn on the roadside as were children's clothing and women's underwear. The United Nations military personnel interpreted this to mean that the deportees had been deprived of whatever little bundles of private belongings they still possessed.

538. Some deportees allegedly were singled out and killed on the roadside. Their dead bodies were thrown off the road and down along the mountainside. Moreover, Serbian soldiers were shooting in the air above the deportees as they started walking, and parts of the terrain, which the deportees had to walk through, were mined.

539. It is with reference to such deportations from northern BiH at large that the ICRC in its position paper of August 1992 regarding The Establishment of Protected Zones for Endangered Civilians in Bosnia-Herzegovina wrote that:

"Forced and unprotected massive transfers of the population to central Bosnia-Herzegovina are totally unacceptable and cannot go on. Too many civilians, while forced to cross the front lines on foot, have already been killed either in the crossfire of combatants, as there is no cease-fire, or deliberately by snipers."

540. Sometimes the trucks used for deportations were closed army trucks having many of the disadvantages as the cattle cars on the railway. Some deportees reportedly did not have the physical strength to sustain life under such conditions. Also the latter reached their final destination on the roadside - normally in the area where the survivors had to start walking.

541. Deportations by buses and trucks were under the supervision of the intervention units as used by the Serbian military (see Chapter V.C. supra). The soldiers from the intervention units were reportedly no more benevolent or lenient towards the deportees than they were in carrying out other of their functions. Concerning the mass-killings on the Vlašić Mountain, see Chapter XII.D. infra.

542. Ordinary and paramilitary soldiers participated in arranging the deportations. Reportedly, it happened several times that a soldier grabbed a non-Serbian child and forced a pistol into the child's mouth or held a knife against its throat. Simultaneously a plastic bag was thrown into the truck with deportees and an amount of money was demanded lest the child be executed. No child is said to have been killed under such circumstances; but the menace was a means of terror and extortion. Reported are also a variety of other crimes allegedly committed by these soldiers.

D. Property rights and re-entry to Opština Prijedor

543. From the very inception of the Srpske Opštine Prijedor, looting of non-Serbian property was a problem. In a sense, it commenced already when the

Serbs started impounding weapons legally held by non-Serbs. This was not a confiscation, i.e. it was not authorized by the lawfully elected authorities and it did not augment the State coffers. Pillaging on a large scale followed in the wake of the military attacks on non-Serbian homes. As the people were forced to flee their homes and real estate, everything left behind was considered bounty by the attackers and other Serbs. As those forced to leave their homes rarely brought with them more than they could carry with them or rather on them, there were complete homes and hitherto productive and fully functioning communities to be plundered.

544. An article in Kozarski Vjesnik relates a statement made by Bogdan Delić (the new chief of the Serbian police in Prijedor) at a meeting in the district assembly:

"Delić said that 'approximately 50,000 residents of other nationalities had lived in this district, and their assets were unofficially estimated at several billions DEM. Some of the assets were destroyed during military operations, but at large they were preserved - although only for a short period of time. By various machinations, the whims of individual members of the local police, army and civilian authorities, and the governing political party - the largest part of the . . . "preserved assets" disappeared. . . .

While carrying out their tasks at their stations and in the field, military and civilian police and citizens confiscated large quantities of goods, motor vehicles [e.g. the Kozarac area alone had some 4,700 private cars], cab units, trucks, agricultural vehicles, and various technical equipment and other devices, and handed them over to the units that the above-mentioned governmental bodies established for this particular purpose (Keraterm, TZS, Velepromet, and other storehouses). It may be stated with certainty that those storehouses have been emptied in a short time, and that the greater part of the resources have either been transferred to Serbia through private agents, or have been expropriated by private individuals.'"³⁸

545. Furthermore, a large-scale transfer of machinery, industrial equipment, cars, etc. soon started from Opština Prijedor as such. Reportedly, even most of the machinery of significant value from Rudnika Ljubija were removed for use in Serbia so that the mining company now is non-operational. Similarly, the main equipment from other factories and plants in the Opština was allegedly relocated out of the area. The consequence of this is that Prijedor has been left with hardly any on-going industrial production as the cornerstone production units of the local economy have been made non-operational. This means a lack of income-generating possibilities for the Opština as such. Although the main workforce in the depleted industries may have been non-Serbian, this draining of material resources will have longer term consequences also for the Serbian population. An article in Kozarski Vjesnik addresses how "war profiteers sacked Prijedor . . . on the model of the Sicilian mafia".³⁹ The article cites a leader from the Serbian Democratic Union - the National Front, inter alia, saying that:

"tens of electric motors, assembly lines and other valuable objects have disappeared from the workshops of the Ljubija mine and other Prijedor enterprises. . . . We must ask ourselves how these enterprises are to continue their work once the situation settles down. 6,000 heads of cattle have been stolen and transferred to Sremska Mitrovica and Šid [both in Serbia proper].

. . . .
. . . large quantities of sawn lumber from the Kozarac saw-

mill have been taken across the Republic's borders under mysterious circumstances, while the Kozara forest has been mercilessly destroyed. Somebody will have to answer for the disappearance of certain gang mills and other equipment from the local saw-mills."⁴⁰

546. The Serbs have unilaterally taken over all communal property in Opština Prijedor whether it still remains in the district or has been brought out of it to other areas. The communal property belonged, as always, to the community at large - a community in which the Serbs had made up approximately 42.5 per cent of the total population before the upheavals. Non-Serbs as well as Serbs had built up the communal property and contributed to it together.

547. The Serbian authorities have been issuing so-called "exit-visas". These visas were provided only after the adult non-Serbian person who "wanted" to leave Opština Prijedor, had filled in a form to the effect that the person renounced all personal property rights and transferred them to the Serbs. The person was never to return to the area. By signing this document, the person would become "stateless" (or rather with no rights to remain in this or other Serbian-controlled areas). After having signed, the person normally had 14 days to leave the area. Sometimes, there was no way of getting out of the area within that time limit, but the non-Serb was none the less bound by his or her pledges. Bribes were needed at every level and, moreover, an entry-visa to be admitted into Croatia. Even though extensions to stay were granted temporarily, individuals were hunted when their time expired. Whether "exit-visas" are still available is unclear (see Chapter XIII.G. infra).

548. In this context, it is noted that the "Agreement on the Release and Transfer of Prisoners" of 1 October 1992 contains, inter alia, the following provision:

- "Article 11 Validity of documents
- (1) Any document, including a document renouncing or transferring property rights, assets or claims, signed by a prisoner who is to be released or transferred has no legal validity and does not in any way affect that prisoner's rights or obligations.
 - (2) Paragraph (1) is also applicable to documents signed by civilians to be transferred to an area other than their area of former residence."

549. The Agreement was initiated by the ICRC and accepted among others by Mr. D. Kalinic, "Representative of Mr. Radovan Karadžić, President of the Serbian Democratic Party", Mr. M. Popadic, "Liaison Officer of the Serbian Democratic Party", and Mr. A. Kurjak, "Representative of the Party of Democratic Action".

550. In April 1993, Simo Drljača claimed that the Serbs had issued a total of more than 20,000 "exit-visas" for non-Serbs from Opština Prijedor. In the interview printed in Kozarski Vjesnik, Simo Drljača stated that:

"What enormous task was undertaken in the administrative-legal service [by the Public Security Service, the SJB, see Chapter V.A. supra] is seen from the fact that departure was orderly registered for more than 20,000 citizens of Muslim and Croatian nationality, due to emigration [or removal]. When German TV came in order to prove that we force Muslims and Croats to leave, we presented them with more than 20,000 visas, guarantees and requests for voluntary emigration for economic reasons."⁴¹

551. The visa material may provide highly interesting information about the

people leaving - names, family relationships, sex, age, residence in Opština Prijedor, time of departure, etc. This information ought to be compared with the updated census of the population in the district or even the telephone directory as existing prior to the disruption. Together these sources may contribute an informative overview of the demographic changes in Opština Prijedor following the Serbian takeover in April 1992 - also concerning non-Serbs not registered for "emigration".

X. DESTRUCTION OF CULTURE

552. There is no real distinction in biological terms among the three main "ethnic" groups - the Serbs, the Croats and the Muslims - in Opština Prijedor and in BiH at large. Differences among the groups are primarily related to culture and religion. This is probably one reason why the various expressions of culture - religion included - became an explicit target for the Serbian military campaign.

553. The cultural heritage and the expressions of a flourishing culture give people a strong sense of attachment also to a specific geographical area. By erasing the cultural frame, the Serbs further estranged the non-Serbs from the district.

A. Material destruction of cultural property

554. In Prijedor town, the following five mosques - and all objects and buildings belonging to them such as mausoleums and religious schools, etc. - were destroyed:

- (a) the mosque in the centre of the town in Maršala Tita Street;
- (b) the mosque in Stari Grad;
- (c) the mosque in Muharema Suljanovića Street, the suburb of Zagrad;
- (d) the mosque in the suburb of Donja Puharska; and
- (e) the mosque in the suburb of Gornja Puharska.

555. It is said that in the Kozarac area all 16 mosques have been destroyed.

556. It is actually claimed that not a single mosque, or other Muslim religious building in the whole of Opština Prijedor has been spared and remains intact. Most religious constructions are not only damaged, but reduced to rubble. The sacral edifices were allegedly not desecrated, damaged and destroyed for any military purpose nor as a side-effect of the military operations as such. Conversely, most of the destruction was due to later separate operations of dynamiting. At least on one occasion, some non-Serbs and Serbs concerned alerted the local Serbian police that a mosque in Prijedor seemed to be in the process of being dynamited. The police reportedly refused to take any action and even stated that the police were not opposed to the destruction in progress.

557. Also, other buildings and habitations considered as typically Muslim have been demolished. The Old Town in Prijedor town, Stari Grad, was one such area with strong Muslim architectural influence. After the Serbian forces purged the area, Stari Grad was levelled almost completely, including a number of new houses which had been erected according to Muslim traditions (see Chapter VII.C. supra).

558. The Catholic churches and religious buildings in Opština Prijedor listed below have allegedly been destroyed and damaged as follows:

- (a) the parish church in Prijedor (built in 1896) was destroyed on 29 August 1992;
- (b) Kozarac church, affiliated with the Prijedor Parish, was heavily damaged in June 1992;
- (c) the parish church in Ljubija was burnt down and heavily damaged in June 1992;
- (d) the pastoral centre in Ljubija was damaged and looted in the period between July and August 1992;
- (e) Briševo church, affiliated with the Stara Rijeka Parish, was burnt down in July 1992;
- (f) the Sunday school hall and rectory in Briševo was burnt down in July 1992;
- (g) the parish church in Šurkovac was destroyed in March 1993;
- (h) the pastoral centre in Šurkovac was heavily damaged in the period between July and December 1992 and sustained further damage in the period between January and March 1993;
- (i) Tomašica church, affiliated with the Sasina Parish, was destroyed in November 1992;
- (j) Donja Ravska church, affiliated with the Ravska Parish, was destroyed in July 1992.

559. The sacral institutions were allegedly desecrated, destroyed and damaged for no military purpose and not in connection with any military activity as such.

560. A Serbian official in Banja Luka, who later was asked about the destruction of mosques and churches, responded that a number of such buildings had been misused as convenient places for battle. Being tall and of solid construction, mosques and churches were suitable for snipers to shoot from. "From that point on", these buildings "cease to have sacred importance", he added. Obviously, every building fitting a sniper has not been razed in Opština Prijedor. On the contrary, there is no report of any general communal or Serbian construction in the district which was levelled to prevent snipers from misusing it.

561. According to an article printed by the Ministry of Information of the Republic of Serbia (i.e. Serbia proper), not a single Serbian sacred object has been destroyed or damaged in Opština Prijedor.⁴² The map, which is attached to the article, shows destruction and damage related to Eparchy seats, monasteries, religious service objects (cathedrals, parish churches and chapels) and parish seats, and other church objects.

562. Save for buildings not specific to the non-Serbian traditions - especially in Prijedor town - most of the non-Serbian homes and habitations have been severely damaged, if not completely destroyed. Large-scale devastation is the case in the Kozarac area (see Chapter VII.B. supra) and in the villages and hamlets on the left bank of the Sana River (see Chapter VII.D. supra). Heavily damaged are not only the variety of architectural expressions, but also the outer frame for the sociological and anthropological expressions of the pluralistic culture in the district.

B. Destruction of immaterial expressions of culture

563. The material destruction of non-Serbian cultural property has obviously had implications for both spiritual and other immaterial aspects of the same culture. This in addition to the fact that the main bearers of the traditions - the different non-Serbian groups and their leaders, religious leaders, and artists among them - having been exterminated or deported, leaves limited traces of the living non-Serbian cultures in Opština Prijedor. The non-

Serbian cultures, with religious and secular aspects, have furthermore been ostracized and targeted as such for dismantling also through the persecution of the remaining non-Serbs in the area (see Chapter IX.C. supra). The non-Serbs still living in the district have more than enough with securing their physical integrity (see Chapter XIII.G. infra) that they should not also provoke antagonism by trying to revive in public their non-Serbian cultural characteristics - despised as these are by the Serbs in power. By exiling non-Serbian cultural expressions to the private domain of a, in every sense, deprived and marginal population, the non-Serbian cultures as such are almost totally ruined in the district.

564. The destruction of the broad platform of the multi-ethnic culture in Opština Prijedor makes an impact not only on the non-Serbian aspects of this culture, but on the local cultural situation as such. Being Serbian in Opština Prijedor - in interaction with the non-Serbian majority population - was probably quite different from being Serbian in an all Serbian environment. It takes little imagination to foresee that the devastation of large parts of the local culture in combination with the violence utilized to accomplish the destruction, will create, in part, a cultural vacuum in an overall situation which is dominated by negative and destructive forces. This is undoubtedly a threat also to what was known to be the Serbian culture in Opština Prijedor with its "Kozara brotherhood".

565. Traditional names, which were used in the multi-ethnic society but which under the Serbian regime are considered inappropriate, have been or are to be altered to satisfy "the wish of the Serbian people". The pre-fix "Bosnian" is deleted.

566. In general, there is a strong Serbification not only aimed at excluding everything non-Serbian but also at eliminating anything specific for the Bosnian Serbs, to make the latter group homogeneous with the Serbs in Serbia. One thing is that now the Latin alphabet has been replaced by the Cyrillic script. Problems arise, however, when even, as now, the Bosnian Serbian written language (the Jekavian dialect) is ostracized, and replaced by the written Serbian language used in Serbia (the Ekavian dialect). The latter has made even the Serbian Academy of Sciences in Belgrade, the incarnation of Serbdom, protest what they consider to be cultural linguistic destruction. There are also other signs of harmonization which means replacing anything genuine or distinctively Bosnian with what is main-stream Serbian.

XII. FINALIZING THE MAIN PHASE OF THE CATASTROPHE

567. The main purpose of the Serbian manoeuvres in Opština Prijedor was "ethnic cleansing" of the non-Serbs to secure a homogeneous Serbian district. If the Serbs could achieve their objective of "ethnic cleansing", it already looked as if that would be rewarded by the international community. A pure or almost pure Serbian population appeared to be the precondition for Serbian territorial supremacy. What was new was that it seemed as if an internationally recognized State - here BiH - could be divided up along ethnic lines when at the same time very little, if any, attention was paid to the means used to make the population in the respective areas homogeneous. Peace proposals along such lines were soon to be made by peace negotiators appointed, inter alia, by the United Nations. How can one of the most basic concerns of the United Nations - to liberate mankind from the odious scourge of genocide (see the Preamble to the 1948 Genocide Convention and Part Three, Chapter II. infra) - be achieved, when it de facto may be remunerated by the United Nations?

568. The main phase of the "ethnic cleansing" in Opština Prijedor came close

to a natural completion as the principal non-Serbian habitations had been wiped out and most of the non-Serbs exterminated or deported. Left of importance were primarily the concentration camp inmates in Logor Omarska (see Chapter VIII.A. supra) and Logor Keraterm (see Chapter VIII.B. supra). These were the leaders of the non-Serbian community. Although their numbers had been much depleted already, even their limited continued presence could possibly still promote a return to the area of non-Serbs and be conducive to claims to this end.

569. During the first year of conflict in the former Yugoslavia, the international community primarily reacted with a combination of inertia and appeasement - keeping its distance from what was considered merely a civil war and "a blood feud" grown "out of age-old animosities". Under these overall circumstances, the power change in Opština Prijedor was initially not taken much notice of internationally. Naturally, one may say. There was not even war in the district, and Opština Prijedor was not the only district in the former Yugoslavia producing deportees.

570. Little by little, however, the story of the non-Serbs, arriving especially in central BiH, reached the international community. At first, it was the aid agencies - organs of the United Nations among them - which received the testimonies, personal accounts of agony, and allegations of massive violations of international humanitarian law. At the same time, or probably even earlier, the different foreign intelligence entities operating in the region knew essentially what was happening. Finally, the charges reached the media. On 2 August 1992, the New York tabloid Newsday printed a report by journalist Roy Gutman headlined "The Death Camps of Bosnia". The reports were based on eyewitness accounts. One former detainee told of routine daily slaughter in Logor Omarska. The newspaper article made an immediate impact in the Western world. This was the time when the leader of the Bosnian Serbs, Radovan Karadžić, told visitors that:

"The Serbian side energetically denies the existence of camps for civilians anywhere in the Serbian Republic of Bosnia and Hercegovina. There are some prisons for war prisoners established according to law and which the Serbian side always offered for exchange."

571. Within days, the first foreign television crew asked access to Logor Omarska, and by mid-September 1992 some 360 reporters had visited Serbian-controlled BiH. The media attention was de facto life-saving.

A. Closing of the concentration camps

572. Ahead of schedule, the Serbian leaders hastened to clean up and close down both Logor Omarska (see Chapter VIII.A. supra) and Logor Keraterm (see Chapter VIII.B. supra), as especially Logor Omarska became a focus of world attention. Also, Logor Trnopolje (see Chapter VIII.C. supra) improved image-wise in this washing-of-hands-operation. As writes journalist Ed Vulliamy:

"Four days after our visit to Trnopolje, the fence came down and the authorities had painted a sign above the entrance in English, for the benefit of the descending television circus, reading: 'Trnopolje Open Reception Centre'. But the armed guards and the beatings and the atrocious conditions continued."⁴³

573. The concentration camp first emptied was Logor Keraterm. From there, all the prisoners were ostensibly taken to Logor Omarska or Logor Trnopolje. The young and the old were almost all taken to Logor Trnopolje, the rest were

divided between Logor Omarska and Logor Trnopolje. Those immediately recognized as more important were taken to Logor Omarska.

574. As concerns Logor Omarska, on 6 August 1992, 1,360 camp inmates were transferred to Logor Manjača (in the Banja Luka area), 700 prisoners - the younger and the older ones - were transported to Logor Trnopolje, and 175 men were locked up in the garage in Logor Omarska. Prior to the transfer of male prisoners to Logor Trnopolje, 31 female prisoners were sent there from Logor Omarska. Five female prisoners remained detained in "their" rooms above the "canteen" in Logor Omarska. The same night - the night of 7 August 1992 - beds for the first time arrived at Logor Omarska.

575. On 5 August 1992, a last bus with captives from outside came to Logor Omarska, but these prisoners were moved that very same night. Allegedly, they would be used as farm labour in the area of Banja Luka. Later, it was stated that these people had been taken to a camp named Topola to which the ICRC had no access. These prisoners were former inhabitants of villages on the left bank of the Sana River, for example, from Rizvanovići. At least one of the men from this group may at present be kept in a detention centre - probably a mine - at Aleksinac in Serbia. It is also reported that a former detainee from Logor Keraterm died in the camp in Aleksinac.

576. On 22 August 1992, the male prisoners still remaining in Logor Omarska were taken to Logor Manjača. On 23 August 1992, two women (whose names are not disclosed for confidentiality or prosecutorial reasons) were taken to Logor Trnopolje. The three remaining women (whose names are not disclosed for confidentiality or prosecutorial reasons) have not been heard from since, and other female former detainees in Logor Omarska believe that the three are dead.

577. The two women transferred from Logor Omarska on 23 August 1992 were detained in Logor Trnopolje together with two women from Trnopolje village. After being registered by the ICRC, they were allowed to move more freely around in Logor Trnopolje. The other women, who had been relocated from Logor Omarska to Logor Trnopolje earlier, were never officially registered as concentration camp inmates by the ICRC.

578. As Logor Trnopolje was exposed to international attention and its appearance improved, and especially as evacuations out of the camp by international agencies started, there were non-Serbs finding life at liberty in Opština Prijedor so difficult, not to say dangerous, that they, on their own initiative, out of lack of better options, tried to move into Logor Trnopolje. Some even paid the guards to be accepted as inmates in the camp. It may, of course, be speculated that what they really wanted was third country resettlement. In most cases, that is likely to be theory only, given that at the time the non-Serbian inhabitants in Opština Prijedor as such and as a whole had well-founded fear of persecution. Still the Serbian regime in Logor Trnopolje included severe abuses of camp inmates. But hiding among the other inmates, detention in the concentration camp may have been perceived as a safer option than venturing out on one's own.

579. Quoting a woman who had come "voluntarily" to Logor Trnopolje from the village of Trnopolje, Ed Vulliamy wrote:

"The conditions are terrible [in Logor Trnopolje], but it is a little safer. There was terrible shooting and bombing in the village, and we had no food. Here, we have no idea what status we have. We are refugees, but there are guards; and barbed wire. But it is safer than at home."⁴⁴

580. On the other hand, some of the former Omarska and Keraterm detainees were released from Logor Trnopolje, and returned to Prijedor town or sought shelter there as other non-Serbian habitations were virtually non-existent in the Opština at the time. These returnees were especially people who still had family members in the district, or who wanted to check if that was the case before they would consider leaving Opština Prijedor.

581. One identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), belonged to a so-called intervention unit, the kind of units used to trace and capture potential camp inmates (see Chapter V.C. supra). After prisoners had been released from the concentration camps, he and his unit traced and killed some of the former Omarska inmates in Prijedor town. Eight others, who allegedly killed former concentration camp inmates and other non-Serbs, are also identified but their names are not disclosed for confidentiality or prosecutorial reasons.

B. Exchange of prisoners or extermination?

582. On 28 July 1992, an exchange of prisoners was to take place. It was to involve 41 male prisoners and two female prisoners from Logor Omarska - the women's names are not disclosed for confidentiality or prosecutorial reasons.

They were to be exchanged for other prisoners in Bihać. All were to wear uniforms and Green Berets (Muslim military outfits that is) and to be provided with weapons. It was a bus marked Bihać, and "Šešelj" was written on it. Sitting in the bus were men with huge beards and uniforms; they were wearing fur hats with Serbian emblems. The day after, as a female camp inmate was serving food, a Serbian military cursed the mothers of the prisoners and asked who could say that Kozarac had not been attacked by the "Green Berets", i.e. the Muslims! None of the prisoners who were taken out, ostensibly for exchange, have reportedly ever been seen again.

583. Vojislav Šešelj is the self-proclaimed leader of the Četniks, and as a politician he runs the Serbian Radical Party. He is occasionally referred to as the Red Duke. One hallmark of his Četniks is uncombed long hair and flowing black beard.

584. According to the information gathered, no one taken out of Logor Omarska or Logor Keraterm to be supposedly exchanged have ever been seen or heard from again.

585. According to journalist Ed Vulliamy, he was told about four different categories of prisoners in Logor Omarska when visiting it in August 1992 - at the time when the camp still had some inmates:

"Then there is a fourth category: 'Hostages?' answers Mrs. Balban [who translated for the Serbian regime in Logor Omarska], 'of course we have hostages, people for exchange. We have been offering them since the beginning of the war, but the other side does not want to trade.'"⁴⁵

586. On 4 August 1992, two buses arrived with prisoners from Logor Keraterm, as Keraterm was being closed. It was the most "dangerous" prisoners who were transferred to Logor Omarska. The next day, at about 11:30 p.m. all these prisoners and one prisoner from Logor Omarska (an ear nose and throat specialist from Prijedor, whose name is not disclosed for confidentiality or prosecutorial reasons, who was held in particularly high esteem by his fellow non-Serbs) were taken out to an unknown destination. A prisoner, whose name is not disclosed for confidentiality or prosecutorial reasons, later told a

fellow prisoner that another man, a Serb, had approached him boasting that he had killed the medical doctor, and that all the other prisoners as well had been killed on 5 August 1992 at Lušci Palanka in the area of Sanski Most. Apparently, none of these prisoners have been heard from again.

587. The Serbs had their codes, it is claimed. When they said that prisoners were to be taken to Gradiška for exchange, they would allegedly be taken to nearby Gradina to be executed.

588. If in Opština Prijedor people ever were rounded up for the sole immediate purpose of exchanging them - to serve as "the currency of war" as the expression is in the vernacular - is unknown. Obviously, round-ups for detention and/or deportation also served the ultimate goal of having the non-Serbs leaving the area.

C. Transfer of prisoners to Logor Manjača

589. On 6 August 1992, as Logor Omarska was to close, all the prisoners were called forward. The name of one former employee of Radio Prijedor (whose name is not disclosed for confidentiality or prosecutorial reasons) was not on the list. After one hour it was, however, arranged that he too was included on the list. From this event, it was understood that someone had helped him by having had his name removed from the record of detainees earlier. This was how he had been spared from ever being called forward for interrogation in the concentration camp. In retrospect, camp inmates think that the Serbs intended, however, to kill him during the transport from Logor Omarska.

590. When convened, on 6 August 1992, the camp inmates thought that they were to be transferred to Trnopolje. But the prisoners understood that this was not the case as 100 persons were squeezed into each bus. What started was the transfer to Logor Manjača in the area of Banja Luka. Some prisoners had to lay down under the seats in the buses. The prisoners sitting on the seats were to sit three prisoners on each two seats. The employee of Radio Prijedor was ordered to sit in front on the left side behind the driver. All prisoners had to bend down their heads. With the prisoners in this bus was the previously mentioned (see Chapter XII.A. supra), identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), who belonged to a so-called intervention unit.

591. On 6 August 1992, it was still very hot. The Serbs had turned on the heat in the buses and kept all windows shut. Shots were fired, and Serbs along the roadside were throwing bottles and stones at the buses. The distance between Logor Omarska and Logor Manjača is some 60-70 kilometres, the bus ride none the less lasted from about 1:00 p.m. until about 9:30 or 10:00 p.m. Save for water given to one prisoner (an author whose name is not disclosed for confidentiality or prosecutorial reasons) as a pretext for beating him, the prisoners were not given any water during the trip. The employee of Radio Prijedor fell asleep. As the bus had stopped, he woke up hearing something that ruptured and someone crying out in agony like a child. Later, he learned that the sounds probably had come from a fellow prisoner (the victim's name is not disclosed for confidentiality or prosecutorial reasons) who after torture was killed as he was gored from below on a sword. At the same moment, the employee of Radio Prijedor was hit in his neck (maybe with the handle of a spade). A scream came from his stomach, and as a reaction, he bounced to his feet trembling uncontrollably. Then, he sat down again.

592. Afterwards, the especially ill-reputed Serb from the intervention unit boasted that there was a Serb who manufactured a special baton for his

comrades to use to handle non-Serbs.

593. After being seated for about 10 minutes, a Serbian military person came to call the employee of Radio Prijedor to leave the bus. Outside five identified prisoners had been mistreated and had had their throats slashed (the victims' names are not disclosed for confidentiality or prosecutorial reasons). As he came out, he found himself surrounded by some eight or nine Serbs beating him. He could no longer sense pain, but he knew that as soon as a prisoner was on his knees that prisoner's throat would be slashed. All of a sudden, he ran towards the bus, where he was stopped by a knife in its sheath pressed into his stomach. Possibly because of the scream he had made when he first was hit in his neck, the commander of Logor Manjača had come out to the buses and told the Serbs there to stop the ill-treatment.

594. Back in the bus, the employee of Radio Prijedor realized that it was the collar of his jacket which had protected his neck. He was soaking wet with blood. He had a wound in his forehead, one behind the left ear, and one on his chin/mouth; some teeth had been beaten out. Utterly fearful of what could happen if he ventured outside of the bus again, he urinated in his trousers.

595. The next day the prisoners were thrown out on a field and called forward by name. The first they called for was already dead. Then, an identified Serbian guard, a former policeman, now retired (whose name is not disclosed for confidentiality or prosecutorial reasons), stabbed one other prisoner in his stomach and cut the prisoner's head from the side of the neck.

D. Executions on the Vlašić Mountain

596. One member of the Krizni Štab Srpske Opštine Prijedor, who was engaged in the local Red Cross (his name is not disclosed for confidentiality or prosecutorial reasons), allegedly had people pay DEM 50 per person to be transported in Red Cross vehicles towards Travnik. Non-Serbs in four such buses were allegedly among those liquidated at the Vlašić Mountain.

597. Primo June 1992, the ICRC listed the misuse of the Red Cross emblem as one main obstacle to humanitarian activities in BiH. The misuse was, according to the ICRC, one of several factors causing insecurity for everyone - the local population included.

598. On 21 August 1992, a convoy of vehicles with people leaving Prijedor for Travnik stopped by Logor Trnopolje and prisoners from the camp could freely enter the buses. More prisoners wanted to join the convoy than there was space for in the buses. One elderly woman warned prisoners against going, saying that she had "heard horrible things". When the convoy reached the Vlašić Mountain the prisoners from Trnopolje were separated from the people from Prijedor. The prisoners - men only - were cramped into two buses, conceivably 100 men in each bus. The total number was probably no less than 250. Nearby a mountain top, perhaps called Koricanske Stijene (or Kocinske Stjen), the prisoners had to leave the buses next to a cliff above the Ukrina (or Ugljenika) River. The prisoners were lined up in two rows and ordered to kneel down and face the river. It was several hundred metres down to the river. The cliff as such was very steep, but there was also a slope next to it. There was a house on the other side of the valley. It is not far from Skender Vakuf - where some military or paramilitary Serbs had entered the buses.

599. A firing squad of some 15 Serbian soldiers started shooting the prisoners, of whom a limited few jumped off the mountain before being shot. One of the survivors hid himself laying some 50 or 60 metres down the slope,

under the body of one other man who was already dead. Serbian soldiers were also throwing grenades down the slope from above. Some soldiers even came down the slope to see to it that all the prisoners were dead. The next day, dead bodies were piled up and put on fire by Serbs in camouflage uniforms. One of the soldiers was wearing a badge with a white eagle on his cap.

600. The river, which is reportedly also known as Ugar, is a relatively small stream and there was a small mill there.

601. The leader of the soldiers was the previously mentioned (see Chapter XIII.A. supra) identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons) who belonged to a so-called intervention unit. Another soldier is also identified, but his name is not disclosed for confidentiality or prosecutorial reasons. Other people have identified the latter as a member of the Serbian Red Cross working in Logor Trnopolje, who once had boasted that he had blown up a Muslim with a bomb.

602. Reports suggests that another group of prisoners from Logor Trnopolje may have been executed in a similar manner on the Vlašić Mountain on 24 August 1992. Whether this is the time when the prisoners were brought to the cliff in four buses and executed with the assistance also of five White Eagles (Beli Orlovi), is not clear. On the latter occasion, an estimated 250-300 men were killed.

603. It is suggested in the reports that it may have been a member of the Krizni Štab Srpske Opštine Prijedor who was the camp director in Logor Trnopolje (his name is not disclosed for confidentiality or prosecutorial reasons), who had organized the massacres. Mostly Muslims were executed on the Vlašić Mountain, but also Croats.

E. Evacuation by international agencies

604. On 1 October 1992, the two women transferred from Logor Omarska and detained in Logor Trnopolje were released and joined the first convoy to Karlovac (in Croatia).

605. In early October 1992, the ICRC evacuated some 1,500 concentration camp inmates - mainly men - from Logor Trnopolje. Later a limited number of non-Serbian detainees were exchanged for Serbs from other areas. The first group of prisoners evacuated from Logor Trnopolje left the camp on 1 October 1992. In November 1992, the ICRC was able to evacuate also the group of prisoners who had been moved to Logor Manjača after Logor Keraterm and Logor Omarska had been closed down.

606. The evacuated came to Karlovac in Croatia, wherefrom they were resettled, inter alia, in Australia, Austria, Belgium, Canada, the Czech Republic, Finland, France, Germany, Italy, Malaysia, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States of America.

607. In August 1992, the spokesperson of the UNHCR in the organization's headquarters in Geneva, Silvana Foa, announced that "We will not be accomplices to the despicable policy of ethnic cleansing." Accepting the haunted people from BiH into Croatia for the UNHCR to find third country resettlement for them from there, could, of course, at a first glance be construed as the UNHCR doing "the dirty job" on behalf of the Serbs as the Serbian ambition was precisely to get rid of the non-Serbs.

608. On second thought, the UNHCR changed its view. In my opinion, it is

morally and ethically indisputable that the international agencies having evacuated and resettled people in need cannot be criticized for that. Every human being has the inherent right to life. The sole responsibility for the "ethnic cleansing" remains with those who made it impossible for the people to remain in Opština Prijedor and those who let that happen. The agencies ameliorated acute suffering and ought not to be accused of having "cleansed" or drained the area of non-Serbs even if some non-Serbs, then not targeted themselves, took the opportunity to leave with the evacuations. The overall situation was ominous and remained so for all non-Serbs, that is the heart of the problem. If any castigation is due, it is for those individuals in international organizations who directly or indirectly concealed the truth and thereby facilitated the perpetuation of the crimes.

609. In late 1993, Vreme reportedly quoted Lyndall Sax, the Belgrade spokesperson of the UNHCR, as follows:

"From my point of view, it is better to help with the removals. The people should be enabled to live where they want to live. They should not be forced to stay if they do not feel themselves safe. In any case, it is better to keep people alive than do nothing in order to avoid accusations of ethnic cleansing."

XIII. THE SUBSEQUENT OVERALL SITUATION

610. After the main phase of the catastrophe was over, a sinister system to prompt an ever higher degree of ethnic homogeneity has continued to prevail. The means applied range from the use of brute force to sophisticated bureaucratic regulations.

611. On 17 February 1993, "A dramatic cry for help by the [Catholic] Bishop and priests of the Banja Luka diocese" was issued. Opština Prijedor is part of the Banja Luka diocese. After "subjugation over the past ten months to totally unlawful deprivation of our [the Catholics and other non Serbs'] human rights" the situation was considered dramatic and rapidly deteriorating. Massacres and torture being the most grievous crimes, the following was also complained of:

- (a) the ongoing planned ethnic cleansing;
- (b) the sacking of a vast number from their employment causing total existential damage for the affected people, especially for those living in the urban areas;
- (c) the forceful mobilization of Catholics to fight against their own and other nationals;
- (d) the exclusion of the Catholics from the political decision-making of their country including matters of their faith;
- (e) the destruction of churches and church buildings, and other sacrilege acts;
- (f) the inability for adult men to move freely; and
- (g) the lack of health care and exclusion from hospital care.

612. Despite the Catholic church having been present in the region for seventeen centuries, some of the Catholic parishes had already at that time been totally emptied of their Catholic populace.

613. According to the interview of Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor), Drljača ascertained that:

"Due to the actions of war, the participation of the authorized

workers and their preventive-repressive activity had a much weaker intensity than during the years before. Thus were submitted 622 cases of criminal persecution. At check points were controlled 61,290 cars and 72,550 passengers. Due to suspicion that they originate from criminal acts, 19 motor vehicles were confiscated and a large number of things, and all this was orderly handed over to the Opština commission and stored in the firms Velepromet or Bosnamontaza. About the later fate of the confiscated things and cars, evidence may be given by the legal authorities of the Opština organs.

In the past period were registered 792 criminal acts: 776 from the general criminal code and 16 economic criminal acts. The cleared up criminal acts were committed by 261 person (220 adults and 31 under age), and 22 returnees were registered. Of all 792 registered criminal acts, 250 of them were totally cleared up, while 442 criminal acts remained uncleared (due to unknown identity [of the perpetrators]).

A typical activity of the SJB [the Public Security Service, see Chapter V.A. supra] and its operative workers was fighting illegal trade with foreign currency. 25 cases of currency criminality were raised against 31 persons. Besides 28 smugglers of food taken from Agrokomerc - the food was handed over to the Opština and stored in Velepromet - [arrested], the following was confiscated and deposited at the Agriprom bank of Banja Luka, Prijedor branch: 1,032,150 dinars, DEM 10,580, ATS 9,720, ITL 2,000, CHF 32, BEF 200, USD 400, and in the coffers of the CSB Banja Luka 3,011,730 dinars RS [Republika Srpska, i.e. the Serbian Republic], 129,700 dinars RSK [Republika Srpske Krajine i.e. the Republic of Serbian Krajina], DEM 7,900, ATS 4,400, FRF 500, CHF 410, USD 290, and in the National Bank of Banja Luka large quantities of gold and jewellery.

On the territory of Prijedor, the SJB has registered 58 murders, the victims of which were 23 Serbs, 9 Croats and 20 Muslims, and in 6 cases the victims are unknown. 31 of these cases were totally cleared up by the SJB, and 18 cases were handed over to the prosecutor in Prijedor, 13 cases to the military authorities, 6 cases put ad acta, and 22 cases are still under investigation. Most of these criminal acts were committed while military actions were taking place in the areas where they were committed. Officials of the SJB intervened 1,097 times due to different causes (disturbance of public order).

. . .
In spite of the documented work done by the workers of the SJB Prijedor, it is normal that more could have been done and better. I am satisfied that I leave behind workers - professionals who know how to do their job, they should just be allowed to do it. Political conditions and war normally hinder professionals from doing their job properly. Also among the police there were profiteers, thieves and cowards, an indicative sign is that so far 130 have been fired."⁴⁶

614. On 31 October 1992, the BBC reported that representatives of the Serbian enclaves in BiH and Croatia had met and agreed to establish a common currency and common armed forces. This is not a very surprising move to be taken by units in the same federal State. There are also other signs of harmonization not to say preparations for future unification. The official rubber stamps used by the Serbs in BiH display the revitalized old Serbian coat of arms, and the flag is that of the Federal Republic of Yugoslavia. From the point of view of the Bosnian Serbs, they constitute one of the units of the FRY, although this probably for reasons of convenience and international political

pressure has been downplayed by the latter. In general, there is strong pressure to establish a new, exclusively Serbian and conform social order in the district (see Chapter XI.B. supra).

A. Violence

615. As concerns violence befalling non-Serbs at the hands of Serbs, the overall picture is that incidents of torture, rape and summary executions still occur. Beatings, general harassment and intimidation have reportedly shown an exponential increase. The local Serbian leadership disclaim responsibility normally, and accuse "totally uncontrolled elements" of the misdeeds, or drunk soldiers on their way home from the war, or intoxicated locals.

616. The ensuing upsurge in crimes which follows a general breakdown in law and order does not qualify as persecution. A general breakdown in law and order may, however, be a premeditated instrument - a situation carefully orchestrated to hide the true nature of the evil. Thus, it should not be accepted at face value that the perpetrators are merely uncontrolled elements, especially not when these elements target almost exclusively non-Serbs who are otherwise discriminated against and persecuted. Unwillingness to chasten, prosecute, and punish "uncontrolled elements" may be another indication that these elements in reality are but a useful tool for the implementation of a policy of persecution.

617. As violence against non-Serbs was and is conducive to the overall ambition of the Serbian regime, and neither in the past have lead to or at the present leads to prosecution, it may be concluded that this kind of violence at best has been and remains tolerated. It may even have been kindled not to say carefully orchestrated.

B. Evictions

618. Still there may be a few Catholics (i.e. Croats) living in the Kozarac area, but no Muslims. Only one street in the town is intact. The Serbian administration for some time reportedly made futile efforts to have Serbs move into the area.

619. Along the main road Prijedor - Banja Luka, in the Kozarac area, for a distance of more than 10 kilometres, almost every house has been destroyed. Many houses were hit in the heavy artillery barrage against the area in May 1992. Later, each house was looted and apparently blown up from the inside - destroying especially the inside and the roof (see Chapter VII.B. supra). This means that the entire area now is more or less a ghost area, and the housing needs major repair before being reinhabited on a permanent basis.

620. Most of the blown-up houses along the main road have been marked with an X with a circle around it painted in blue. Just after the Serbian military destruction of Kozarac, it was reported that the same sign was painted on the houses in Kozarac with the following colour code: yellow meaning "to be inhabited", blue indicating "to be rebuilt", and red signifying "to be destroyed".

621. The former non-Serbian habitations on the left bank of the Sana River (see Chapters VII.A. and VII.D. supra) reportedly remains mainly depopulated as well.

622. More recently, the main evictions took place in Prijedor town, where

non-Serbs were evicted to give room - or better housing - to Serbs. Some non-Serbs have been evicted several times; first from their villages to Prijedor town, thence from bigger flats to smaller flats, and finally to nothing. There is information that non-Serbs have been murdered in their own homes by Serbs interested primarily in taking over the housing facilities.

C. No legal protection

623. Numerous reports relate to violence and abuses committed by paramilitary or irregular military units or armed bandits. Local Serbian authorities time and again emphasize that these groups are not under their command or control.

However, the said groups are only uncontrolled in that they do not attack Serbs without facing charges and trials. On several occasions, it has been reported that Serbian police, when called upon during and after incidents where the victims are non-Serbs, have done nothing to stop the perpetrators or to secure any evidence. The police have only told the victims that they must understand that there is no protection for non-Serbs in the Serbian-controlled community and that they had better leave it as soon as possible. Sometimes the perpetrators are said to be Serbian policemen. Whether premeditated or tacitly tolerated, the Serbian leaders de facto accept the activities of the groups as an instrument to further some overall Serbian ambitions. The same is reportedly the case when individual Serbs commit crimes against non-Serbs.

624. It is a basic principle that the law shall prohibit discrimination and guarantee all persons equal and effective protection against discrimination on any ground such as race, religion, political or other opinion. Never the less, not even the courts have reportedly seen it as their obligation to seek justice for the non-Serbs. There seems in other words to be no legal protection which can be obtained by the non-Serbs. This is so not only when they have been subjected to violent crimes, but also when non-Serbs are denied their basic rights as citizens, for example, when they are evicted, dismissed from their work, and/or enrolled for working obligation in disregard of the rules for such labour.

625. Other civil services are also being denied the non-Serbs. Of particular significance, is that they are denied hospital services and other medical services. In this respect, as well, the non-Serbs are without any recourse to a legal system which will help enforce their civil rights.

D. Forced labour

626. The non-Serbs remaining in Opština Prijedor are, in general, not permitted to return to their former occupations. Many - probably almost all able-bodied men - are, however, conscripted to work for the Serbian army to dig trenches on the front lines and to transport live ammunition, for example. Other non-Serbian conscripts work for the civilian Serbian authorities - engaged in cleaning and electrical repair in particular (the latter allegedly with no consideration taken of whether or not the person in case is actually trained to handle this kind of work). The latter is in disregard of Article 5 in the "Decision on Organization and Carrying out of Working Obligation for Defence Matters" which regulates that:

"Working obligation subjects must be assigned on duties and tasks in accordance with their psycho-physical abilities, professional qualifications and necessities of the work and production."

627. The regulations are possibly applied differently to Serbs and non-Serbs. There are no age limits in the regulations for people subjected to working

obligation. The working obligation seems to be an added burden on the non-Serbs as it is reportedly frequently combined with harassment and other kinds of abuse.

628. If a person deserts the forced labour, repercussions are likely to befall not only the individual himself, but also that person's relatives.

629. As a general rule, pensions have been terminated for non-Serbs, with exceptions such as for relatives of some of those doing forced labour.

D. Continued detention?

630. There are allegations of the following new prison camps in Opština Prijedor:

(a) Lisina: north north-east of the village of Lamovita, next to the television transmitter on the Kozara Mountain;

(b) Orlovci: in the village of Orlovci; and

(c) Gumara: a rubber plant in Prijedor. This camp is said to be for Serbs who refuse to wage war against the non-Serbs.

631. It is unknown when the camps have been or if they still are operational.

632. Whether non-Serbian prisoners continue to be incarcerated on the estate of the mine in Ljubija and in the Prijedor suburb of Puharska is also not known. Unconfirmed rumours will have it that some tunnels used to cultivate mushrooms, and also the tunnel between the football stadium and the dressing rooms, both in Ljubija, are used to imprison non-Serbs.

F. Reprisals

633. A Serb named Dušan, alias Dule, Tadić has been mentioned several times in this analysis (see Chapters III.E., VII.B. and VIII.A. supra). He is from Kozarac where he was the owner of cafe Nippon. He is about 40-years old, approximately 180 centimeters tall, with black hair, and trained in karate (holder of a black belt). When the Serbs took power on 30 April 1992, Dušan Tadić was reportedly president of the SDS at Kozarac. He was a reserve policeman. He was reportedly a highly active participant in the ensuing violence after the bombardment of the Kozarac area came to a halt (see Chapter VII.B. supra). He is said to have been engaged in mishandling, torturing and killing prisoners in Logor Omarska, where he allegedly, inter alia, forced one prisoner to bite off the testicles of other prisoners who died subsequently.

634. On 12 February 1994, Dušan Tadić was arrested in Germany and has subsequently been transferred to the ICTFY for trial. Immediately after the arrest of Dušan Tadić, a wave of violence against non-Serbs was reported from Opština Prijedor. It was speculated that this was in reprisal for the arrest, or rather for any efforts to follow up on the events in the district with criminal cases against alleged Serbian perpetrators.

635. Without capitulating to speculations and fear, it ought to be considered on the level of the United Nations and with reference to the upcoming work of the ICTFY if reprisals against non-Serbs still in the district could become a serious problem if only those in inferior positions are held responsible and the rest of the apparat is left in place. Unless the ICTFY attempts to bring superiors to justice for their alleged crimes, they may use the criminal action against underlings as just another reason for abusing non-Serbs - although all available information indicates that they need no pretexts for terror of any kind. For potential witnesses, such theoretical, more than

practical, linkage may, however, be a strong emotional constraint which ought not to be underestimated. Considering the amount of solid information and other sources of evidence already available about the events in Opština Prijedor, justice is unlikely to suffer if the international community first aims at prosecuting responsible key leaders (whether or not they will be made available to the court) and thence alleged perpetrators of less significance.

G. Total evacuation of the non-Serbs?

636. From the very beginning when the violence in Opština Prijedor commenced, Serbian people in the district have been stating that they want an ethnically clean Greater Serbia.

637. The Herald Tribune reported that:

"Two Muslim villages and a Gypsy one near Prijedor, with a collective population of nearly 1,000 people, have approached the UNHCR [the United Nations High Commissioner for Refugees] office in Banja Luka to request evacuation."⁴⁷

638. The last days of March 1994 became a time with a number of reported killings:

(a) On 25 March 1994: three identified non-Serbs from Prijedor went missing.

(b) On 27 March 1994: two identified non-Serbs from Prijedor were killed on working obligations for the Serbs.

(c) During the three days 29, 30 and 31 March 1994, 19 identified non-Serbs from Prijedor were killed. Most of the people killed were couples and other immediate family members.

(d) The next day, on 1 April 1994: also an identified non-Serb, a 25-year old young man, died from the injuries he sustained the previous day when his parents were killed.

The victims' names are not disclosed for confidentiality or prosecutorial reasons.

639. There were other suspected murders as well but the supposed places of murder could not be accessed at the time. Later, it is estimated by people in the district that a total of 47 non-Serbs may have been killed in Opština Prijedor during the last days of March 1994. Among them were reportedly a group who had to dig their own grave before they were shot and buried near the cattle marked at Urije in Prijedor town.

640. From 29 to 31 March 1994, 20 houses of non-Serbs in Prijedor were bombed and/or burned. One more house inhabited by non-Serbs in Prijedor faced a similar fate on 4 April 1994.

641. These crimes were reportedly committed, in part, by Serbian police officers in uniform. It was rumoured that the violence was mass revenge killings after six Serbian police officers from Prijedor had been killed in Bihać in the first week of February 1994 (apparently the policemen were trapped and attacked when the front line suddenly was withdrawn). The Bihać pocket is outside of the Serbian-controlled areas in north-western BiH and not at all connected to Opština Prijedor.

642. At the time, all telephone lines were cut for the minorities, who approached the ICRC and asked that all remaining minority members in Opština Prijedor be evacuated, asserting, "If we stay here, we will all be killed".

643. The international community, considering the situation "simply disastrous", intervened with the local Serbian leaders. The Serbian police chief admitted that there were problems, but claimed that the events were part of a conspiracy by the non-Serbs to slander the Serbs. He ascertained that the Serbs would not stop non-Serbs from leaving the area. Another Serbian local leader concluded that the three nationalities (the Serbs, the Croats and the Muslims) could no longer live together in peace and that there had to be territorial separation.

644. The President of the ICRC later, on 11 April 1994, in Belgrade held talks even with Slobodan Milošević the President of the FRY to have the abuses stopped. Intervention by the ICRC to have permission to evacuate all non-Serbs remaining in Opština Prijedor who want to leave has, for different reasons of lack of cooperation and safety, not yet yielded any practical results.

645. The ICRC related the following in its 1994 report on BiH:

"The plight of civilian minority groups in northern Bosnia is a source of grave concern to the ICRC, which has made repeated representations on the subject to the relevant authorities, especially after a deterioration of the situation in the town of Sipovo, south of Banja Luka, in early March. Despite the guarantees about the safety of minorities given to the ICRC by the highest authorities, about 20 civilians belonging to minority groups were killed in Prijedor on 29 and 30 March. This compelled the ICRC to consider evacuating all those who so wished, as a last resort to save their lives.

The ICRC has therefore requested to be allowed to transfer, in satisfactory conditions of security, all those wishing to be evacuated. After an initial favourable response from the Bosnian Serb authorities, conditions were imposed on the ICRC that rendered the evacuation unfeasible.

The ICRC is continuing its representation to the Bosnian Serb authorities, asking them to take urgent practical measures to guarantee the safety of Muslims and Croats in the region and to convince these minorities that they can remain safely in their homes. At the same time, the ICRC is pursuing its efforts to deploy delegates in Prijedor and facilitate the transfer of persons wishing to leave the town."⁴⁸

XIV. ENDNOTE

646. An identified Serbian violinist (whose name is not disclosed for confidentiality or prosecutorial reasons) had been awarded several international prizes for his music. He was reportedly killed in Prijedor by fellow Serbs after he, when they all were sitting in a coffee bar, had told them that he disapproved of their brutality towards non-Serbs.

647. Serbian inhabitants in Omarska village held a protest meeting against the existence of Logor Omarska.

648. From the village of Omarska, Serbian women approached Logor Omarska to give food to the camp inmates, and to demand their release. Serbian women even tried to stage a demonstration against Logor Omarska in Prijedor town in front of the town hall and the police centre (next to the town hall).

649. Serbs were among those alerting the Serbian police of imminent destruction of cultural property in Prijedor, although to no avail.

650. There is no question that there were many Serbian individuals in Opština Prijedor who had mercy for non-Serbs, protecting and assisting them as best they could - at great risk to their own security. The Serbian leaders did not tolerate any such "collaboration". Serbs found to have assisted any non-Serbs were severely punished, and some Serbs even paid with their lives for their mercy.

Part Three

THE LAW

651. The following discussion of the applicable law is also found in the Final Report of the Commission of Experts.⁴⁹

I. CRIMES AGAINST HUMANITY

A. The Statute of the ICTFY

652. Article 5 of the statute of the ICTFY affirms the competence of the ICTFY to prosecute persons committing "crimes against humanity", which are defined as specified acts "committed in armed conflict, whether international or internal in character, and directed against any civilian population", such as national, political, ethnic, racial or religious groups.

653. The definition of crimes against humanity in Article 5 of the Statute codifies accepted principles of international law applicable erga omnes. As ascertained by the International Military Tribunal at Nuremberg, there are "elementary dictates of humanity" to be recognized under all circumstances. The United Nations General Assembly in its Resolution 95 (I) of 11 December 1946 affirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgement of the Tribunal.⁵⁰

654. The Nuremberg application of "crimes against humanity" was a response to the shortcoming in international law that many crimes committed during World War II could not technically be regarded as war crimes stricto sensu on account of one or several elements, which were of a different nature. "Crimes against humanity" was, therefore, conceived to redress crimes of an equally serious character and on a vast scale, organized and systematic, and most ruthlessly carried out.

B. Armed conflict

655. Crimes against humanity apply to all contexts. They are not, therefore, confined to situations of international armed conflict, but also apply to all armed conflicts including internal ones - civil wars and insurrection - and whatever casus mixtus may arise in between internal and international armed conflict. Thus, it includes all armed conflict, whether they are of an international or non-international character. However, not every act committed by force of arms is an armed conflict; a genuine armed conflict has to be distinguished from a mere act of banditry or an unorganized and short-lived insurrection. Crimes against humanity are also no longer dependant on their linkage to crimes against peace or war crimes.

656. Articles 2 and 3 of the Statute of the ICTFY address "Grave breaches of the Geneva Conventions of 1949" and "Violations of the laws and customs of war". Article 5, which concerns crimes against humanity, contains minimum provisions which must be respected, a fortiori, whether or not Articles 2 or 3

are applicable to a specific conflict.

C. Protected persons

657. Article 5 of the Statute of the ICTFY protects "any civilian population", which undoubtedly includes the whole of the population of the area afflicted by the armed conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion. Refugees are not different from other civilians, and as such are protected within the meaning of "civilian population". "Civilian population" is used in this context in contradistinction to combatants or members of armed forces.

658. It seems obvious that Article 5 applies first and foremost to civilians, meaning people who are not combatants. This, however, should not lead to any quick conclusions concerning people who at one particular point in time did bear arms. One practical example: in the former Yugoslavia, large-scale arbitrary killings were one of the hallmarks of attacks by a given group. Information about such arbitrary killings was then used by the same group to instill fear and demand total subjugation of the other group in other areas as well. Many of the most barbarous onslaughts on villages started with heavy artillery bombardments followed by the villages being stormed by infantry in tandem, while paramilitary groups sought the inhabitants in each and every house. A head of family who under such circumstances tries to protect his family gun-in-hand does not thereby lose his status as a civilian. Maybe the same is the case for the sole policeman or local defence guard doing the same, even if they joined hands to try to prevent the cataclysm. Information of the overall circumstances is relevant for the interpretation of the provision in a spirit consistent with its purpose. Under such circumstances, the distinction between improvised self-defence and actual military defence may be subtle, but none the less important. This is no less so when the legitimate authorities in the area - as part and parcel of an overall plan of destruction - had previously been given an ultimatum to arm all the local defence guards.

659. The International Military Tribunal at Nuremberg stated the following concerning crimes against humanity and the importance of the overall circumstances:

"The defendant contends that stealing the personal property of Jews and other concentration camp inmates is not a crime against humanity. But under the circumstances which we have here related [emphasis added], this plea is and must be rejected. What was done was done pursuant to a government policy, and the thefts were part of a program of extermination and were one of its objectives. It would be a strange doctrine indeed, if, where part of the plan and one of the objectives of murder was to obtain the property of the victim, even to the extent of using the hair from his head and the gold of his mouth, he who knowingly took part in disposing of the loot must be exonerated and held not guilty as a participant in the murder plan. Without doubt all such acts are crimes against humanity and he who participates or plays a consenting part therein is guilty of a crime against humanity."⁵¹

660. It is significant to note that Protocol II Additional to the Geneva Conventions of 1949 Relating to the Protection of Victims of Non-International Armed Conflicts, Part II "Humane treatment", addresses "Fundamental guarantees" in article 4 and includes in the protected group "all persons who do not take a direct part or who have ceased to take part in hostilities".

D. Acts constituting crimes against humanity

661. The different acts constituting crimes against humanity are enumerated in article 5 of the statute of the ICTFY, such acts are: "murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial and religious grounds, and other inhumane acts". "Other inhumane acts" covers serious crimes of a nature similar to the other crimes cited. It is not equally obvious if the eiusdem generis principle of interpretation will rule out a wider interpretation. It is necessary to ascertain that the acts included in the concept of "crimes against humanity" correspond to what is already considered international customary law.

662. In the context of crimes against humanity, it is relevant to observe the same kind of prohibited acts listed in common article 3 (relevant to conflicts not of an international character) in the four Geneva Conventions of 1949, and in Protocol II Additional to the Geneva Conventions, are mere codification of elementary dictates of humanity. Article 3 prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituent court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples". Protocol II, Part II, article 4 bans "violence to the life, health and physical or mental well-being of persons, in particular murder, as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishment; taking of hostages; acts of terrorism; outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assaults; slavery and the slave trade in all their forms; pillage; and threats to commit any of the foregoing acts". The former Yugoslavia signed Protocol II on 11 June 1979 and ratified it that same day, without reservations, declarations or objections.

663. Crimes against humanity are not confined to situations where there exists an "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such", which are preconditions for genocide. Crimes against humanity are, however, very serious international violations "directed against" the protected persons, in contradistinction to a fate befalling them merely as a side-effect, for example, of a military operation dictated by military necessity.

E. Widespread and systematic

664. Isolated acts constituting offences, such as extra-judicial executions or other common crimes punishable under municipal law, do not qualify as crimes against humanity by themselves. The acts must be part of a policy of persecution or discrimination. In addition, the acts must be carried out in a systematic way or by means of mass action. Thus, the number of victims and perpetrators are characteristically high. Because the perpetrators have a common plan containing the elements described above, they need not resort to the same means or acts against their victims. It is the systematic process of victimization against the protected group which is essential. For example, a number of interviewees reported that some persons had been crucified, but it is not necessary that all victims of the protected group be crucified or that this particular "inhumane act" be recognized in and of itself to be part of crimes against humanity. It is the overall context of large-scale victimization carried out as part of a common plan or design which goes to the element of systematicity.

665. It should be noted that the ensuing upsurge in crimes that follows a general breakdown of law and order does not qualify as crimes against humanity. However, a general breakdown in law and order may be a premeditated instrument, a situation carefully orchestrated to hide the true nature of the intended harm. Thus, it should not be accepted at face value that the perpetrators are merely uncontrolled elements, especially not if these elements target almost exclusively groups also otherwise discriminated against and persecuted. Unwillingness to manage, prosecute and punish "uncontrolled elements" may be another indication that these elements are, in reality, but a useful tool for the implementation of a policy of crimes against humanity.

666. Crimes against humanity may also amount to extermination of national, ethnical, racial, religious or other groups, whether or not the intent which makes such crimes punishable as genocide can be proven. They may also, through "inhumane acts", amount to large-scale human degradation. The scale and nature of such crimes become of special significance and of concern to the international community because of the abhorrent character of the overall policy, the means employed to carry out the policy, and the number of victims it produces.

II. GENOCIDE

A. The Convention on the Prevention and Punishment of the Crime of Genocide

667. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide states that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world", and as the United Nations recognized that "at all periods of history genocide has inflicted great losses on humanity".⁵²

668. The Convention was manifestly adopted for humanitarian and civilizing purposes. Its objectives are to safeguard the very existence of certain human groups and to affirm and emphasize the most elementary principles of humanity and morality. In view of the rights involved, the legal obligations to refrain from genocide are recognized as erga omnes.

669. When the Convention was drafted, it was already envisaged that it would apply not only to then existing forms of genocide, but also "to any method that might be evolved in the future with a view to destroying the physical existence of a group".⁵³ As emphasized in the Preamble to the Convention, genocide has marred "all periods of history", and it is this very tragic recognition that gives the concept its historical evolutionary nature.

670. The Convention must be interpreted in good faith, in accordance with the ordinary meaning of its terms, in their context, and in the light of its object and purpose. Moreover, the text of the Convention should be interpreted in such a way that a reason and a meaning can be attributed to every word. No word or provision may be disregarded or treated as superfluous, unless this is absolutely necessary to give effect to the terms read as a whole.⁵⁴

671. Genocide is a crime under international law regardless of "whether committed in time of peace or in time of war" (see article I). Thus, irrespective of the context in which it occurs (for example, peace time, internal strife, international armed conflict or whatever the general overall situation) genocide is a punishable international crime.

672. The acts specified in the Convention must be "committed with intent to

destroy, in whole or in part, a national, ethnical, racial or religious group, as such" (see article II).

B. The extent of destruction of a group

673. Destruction of a group "in whole or in part" does not mean that the group in its entirety must be exterminated. The words "in whole or in part" were inserted in the text to make it clear that it is not necessary to aim at killing all the members of the group.

674. According to the United Nations Special Rapporteur, B. Whitaker:

"'In part' would seem to imply a reasonably significant number, relative to the total of the group as a whole, or else a significant section of a group such as its leadership. . . . considerations of both proportionate scale and of total numbers are relevant."⁵⁵

675. If essentially the total leadership of a group is targeted, it could also amount to genocide. Such leadership includes political and administrative leaders, religious leaders, academics and intellectuals, business leaders and others - the totality per se may be a strong indication of genocide regardless of the actual numbers killed. A corroborating argument will be the fate of the rest of the group. The character of the attack on the leadership must be viewed in the context of the fate or what happened to the rest of the group. If a group has its leadership exterminated, and at the same time or in the wake of that, has a relatively large number of the members of the group killed or subjected to other heinous acts, for example, deported on a large scale or forced to flee, the cluster of violations ought to be considered in its entirety in order to interpret the provisions of the Convention in a spirit consistent with its purpose. Similarly, the extermination of a group's law-enforcement and military personnel may be a significant section of a group in that it renders the group at large defenceless against other abuses of a similar or other nature, particularly if the leadership is being eliminated as well. Thus, the intent to destroy the fabric of a society through the extermination of its leadership, when accompanied by other acts of elimination of a segment of society, can also be deemed genocide.

C. The groups protected

676. "National, ethnical, racial or religious groups" are all protected. The different groups relevant to the conflict in the former Yugoslavia - the Serbs, the Croats, the Muslims, the Gypsies, and others - all have status as ethnic groups, and may, at least in part, be characterized by religion, ethnicity, and nationality. It is not a condition that the victim group be a minority, it might as well be a numerical majority.

677. If there are several or more than one victim groups, and each group as such is protected, it may be within the spirit and purpose of the Convention to consider all the victim groups as a larger entity. The case being, for example, that there is evidence that group A wants to destroy in whole or in part groups B, C and D, or rather everyone who does not belong to the "national, ethnical, racial or religious" group A. In a sense, group A has defined a pluralistic non-A group using national, ethnical, racial and religious criteria for the definition. It seems relevant to analyse the fate of the non-A group along similar lines as if the non-A group had been homogenous. This is important if, for example, group B and to a lesser degree

group C have provided the non-A group with all its leaders. Group D, on the other hand, has a more marginal role in the non-A group community because of its small numbers or other reasons. Genocide, "an odious scourge" which the Convention intends "to liberate mankind from" (see the Preamble to the Convention), would as a legal concept be a weak or even useless instrument if the overall circumstances of mixed groups were not covered. The core of this reasoning is that in one-against-everyone-else-cases the question of a significant number or a significant section of the group must be answered with reference to all the target groups as a larger whole.

D. Intent

678. It is the element of intent to destroy a designated group in whole or in part, which makes crimes of mass murder and crimes against humanity qualify as genocide. To be genocide within the meaning of the Convention, the crimes against a number of individuals must be directed at their collectivity or at them in their collective character or capacity. This can be deduced from the words "as such" stated in article II of the Convention (see para. 638 supra).

In most countries, penal codes do not regard motives, rather only intent, as the subjective or mental constituent element of a crime. Motive and intent may be closely linked, but motive is not mentioned in the Convention. The necessary element of intent may be inferred from sufficient facts. In certain cases, there will be evidence of actions or omissions of such a degree of criminal negligence or recklessness that the defendant may reasonably be assumed to have been aware of the consequences of his or her conduct, which goes to the establishment of intent, but not necessarily motive.

E. Acts constituting the crime of genocide

679. The different acts constituting the crime of genocide are enumerated in article II of the Convention, such acts are: "killing members of a national, ethnical, racial or religious group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group". Each of these categories of acts can constitute the crime of genocide, as could any combination of these acts.

F. Punishable acts

680. Article III of the Convention lists the punishable acts as being: "genocide, conspiracy to commit genocide, direct or public incitement to commit genocide, attempt to commit genocide and complicity in genocide". This enumeration indicates how far the crime needs to have advanced before it becomes punishable. For example, an attempt will suffice. Secondly, it describes what kind of involvement in an actual genocide may result in penal responsibility under the Convention. Thus, criminal responsibility extends to those involved in incitement, conspiracy and attempt, as well as individuals actually executing the specific acts prohibited by the Convention. Political masterminds or propaganda people are no less responsible than the individuals who perform the actual carnage. There are, therefore, several legal bases for criminal responsibility for individuals who engage in or are part of the various aspects of genocide.

G. Culpability

681. It is explicitly stated in the Convention that people who have committed genocide shall be punished whether they are "constitutionally responsible rulers, public officials or private individuals" (see article IV). Public officials include both civilian and military personnel and everyone who holds (or held) a public office - be it legislative, administrative or judicial. To meet the aims of the Convention, people in the said categories must be treated equally irrespective of their de jure or de facto positions as decision makers. As individuals, they are subject to prosecution like any other individual violator. They cannot hide behind any shield of immunity. The legal and moral responsibilities are the same and the need to prevent genocide no less clear because of the position of the violator.

H. The Statute of the ICTFY

682. The statute of the ICTFY, article 4, affirms the competence of the ICTFY to prosecute persons committing genocide. The definition of genocide in Article 4 of the Statute is identical to the provisions of the Genocide Convention.

Notes

1. Kozarski Vjesnik, 9 April 1993.
2. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
3. Id.
4. Noel Malcolm, Bosnia: A Short History 178-79 (1994).
5. Telford Taylor, The Anatomy of the Nuremberg Trials: A Personal Memoir 51 (1992).
6. Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 60 (1993).
7. Slobodan Kljakic, "A Year of War in Bosnia", Serbia, No. 24-25, April-May 1993.
8. Noel Malcolm, Bosnia: A Short History 252 (1994).
9. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
10. Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 150-51 (1993).
11. Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 151 (1993).
12. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
13. Id.
14. Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 100 (1994).
15. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
16. See "Dragan Janjetović - Janjac, leader of 'Manijakosi' was buried in Svodna on Sunday", Kozarski Vjesnik, 3 September 1993.
17. See "The anniversary of the 6th (2nd) Battalion of the 43rd Brigade", Kozarski Vjesnik, 25 June 1993 (the original is written in the Serbian language).
18. As quoted in "The anniversary of the 6th (2nd) Battalion of the 43rd Brigade", Kozarski Vjesnik, 25 June 1993 (the original is written in the Serbian language).
19. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
20. Interview of Colonel Milan Milivojević, Vreme (the original is written in the Serbian language).

Notes (continued)

21. Interview of a Serbian Association of War Veterans, Vreme, 6 December 1993 (the original is written in the Serbian language).
22. Id.
23. Vreme, 15 November 1993 (the original is written in the Serbian language).
24. Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 206-07 (1993).
25. See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 95 (1993).
26. See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 114 (1993).
27. Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 94 (1993).
28. See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 111 (1993).
29. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
30. See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 96 (1993).
31. Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 104 (1994).
32. Id. at 101-02.
33. Id. at 103.
34. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
35. Id.
36. Id.
37. See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia vii (1993).
38. Kozarski Vjesnik, 2 July 1993 (the original is written in the Serbian language).
39. Kozarski Vjesnik, 16 July 1993 (the original is written in the Serbian language).
40. Id.
41. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

Notes (continued)

42. "Serbian sacred objects in the territories of former Yugoslav republics which have been destroyed or damaged during the war 1991-93", Serbia, No. 23, 22 March 1993.
43. Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 113 (1994).
44. Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 105 (1994).
45. Id. at 103.
46. Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).
47. Herald Tribune, 19-20 March 1994.
48. ICRC, "The Humanitarian Situation in Bosnia-Herzegovina" (April 1994).
49. Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 20-27, paras. 72-101 (27 May 1994).
50. See also Official Records of the General Assembly, Fifth Session, Supplement No. 12 (A/1316).
51. U.S. von Weizsaecker (Ministries Case), 14 Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 at 611 (1949) (The Green Series). See also International Military Tribunals sitting at Nuremberg, reported in Trial of the Major War Criminlas before the International Military Tribunal (1949).
52. General Assembly resolution 260 (III) of 9 December 1948, annex, second and third preambular paragraphs.
53. From a statement made by Mr. Morozov, representative of the Union of Soviet Socialist Republics, on 19 April 1948 during the debate in the Ad Hoc Committee on Genocide (E/AC.25/SR.12).
54. See Vienna Convention on the Law of Treaties, opened for signature on 23 May 1969, United Nations Treaty Series, vol. 1155, No. I-18232.
55. Revised and updated report on the question of prevention and punishment of the crime of genocide, E/CN.4/Sub.2/1985/6, para. 29.