

# BOSNIA

*A mission to assist with the field and laboratory work connected with the International Criminal Tribunal for the former Yugoslavia's investigations into human rights violations in Bosnia*

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During 1998, four EAAF members took part in the International Criminal Tribunal for the former Yugoslavia's on-going forensic investigations in Bosnia. The EAAF members participated in exhumations and laboratory analyses of remains of victims of human rights violations that had occurred during the recent war. Most of their work contributed to the ICTY's ongoing investigation into the massacre at Srebrenica, a United Nations designated 'safe haven' in Bosnia. .

## **Background: The Srebrenica Massacre**

On July 11, 1995, during the civil war in Bosnia, the Bosnian Serb Army overran the town of Srebrenica, an enclave supposedly under the protection of United Nations (UN) peacekeeping forces. In the days that followed, Serbian forces allegedly executed at least 6,000 and possibly 8,000 Muslim men and boys.

Srebrenica had been an official "Safe Haven," one of several declared by the UN in 1993. When the Bosnian civil war erupted in April 1992, Bosnian Serb forces swept the Muslim population from most of eastern Bosnia. Most of the region's remaining Muslims crowded into three small communities: Srebrenica, Zepa and Gorazde. A year later, Bosnian Serb forces advanced on Srebrenica. Gen. Phillipe Morillon, at the time the commander of the United Nations forces in Bosnia, made his way into the town, hoisted a United Nations flag above a makeshift headquarters and vowed not to leave until the inhabitants were safe. This incident prompted the United Nations Security Council to declare Srebrenica a city of refuge under UN protection, the first of six "safe havens" in Bosnia. The UN's decision encouraged more Muslims to seek

shelter in the area. Before the war Srebrenica, a 14th-century silver-mining town, had been home to 8,000 people; by 1995 it also sheltered approximately 38,000 refugees.

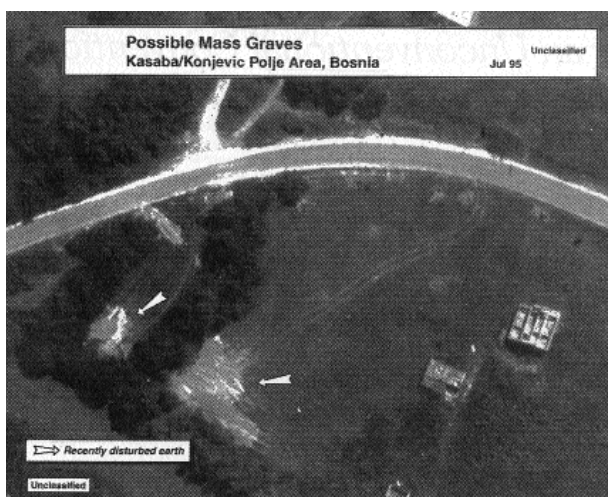
This enclave, however, was neither safe nor a haven. Srebrenica lay well inside Serbian controlled territory, and was under constant siege by the Serbian Bosnian Army (BSA). UN convoys were regularly attacked, and the town was often shelled. Moreover, the UN never assigned sufficient troops to protect Srebrenica. Boutros Boutros-Ghali, former UN Secretary General, said in June 1993 that 34,000 troops would be needed to protect all six havens. When European nations protested, he scaled down the request to 7,600 soldiers. Not only were their numbers insufficient, but the troops also had little firepower or heavy weaponry, and in effect were little more than observers. At the time of the final attack on Srebrenica, the United Nations contingent was composed of only 300 Dutch soldiers. Under these circumstances, many observers considered the "safe havens" a myth.

A small Bosnian Government batallion of 2,000 men was also located in Srebrenica; these troops used the town as a base for conducting raids against nearby Serbian forces. During some of these raids, the Bosnian government soldiers alleged killed a number of Serbian civilians. However, the Bosnian government batallion was ill equipped and much smaller in number than the surrounding Serbian forces, and it was unable to defend Srebrenica.

In early July 1995 the Bosnian Serb Army began shelling Srebrenica, confiscating spare parts for the peacekeepers' anti-tank missiles, and waylaying fuel shipments. On July 10, 1995, the BSA launched a major assault on Srebrenica. Despite urgent pleas for assistance from Dutch

troops stationed there, however, key UN officials remained skeptical that NATO intervention was called for.

According to several reports, top officials in the UN and NATO and in the American and Dutch governments believed that the Serbs did not really want to take Srebrenica and create a crisis.<sup>1</sup> They were also concerned that if NATO launched air strikes the Serbs would retaliate by taking UN peacekeepers hostages as they had done several weeks previously. This would put NATO and UN officials in the position of having to choose between the threats to the lives of the



A U-2 spy plane photograph released by the United States Government showing areas of freshly dug earth near the Srebrenica enclave, as indicated by the arrows. An earlier satellite photograph reportedly did not show the disturbed earth, but hundreds of people herded together in a soccer field.  
The New York Times, August 10, 1995

UN soldiers and to the lives of the local population.<sup>2</sup> Some observers saw the UN and NATO's inaction as the result of misjudgement and misinformation; others saw it as the by-product of policies of Western powers that had never committed themselves to exert a strong influence over the conflict.

On July 11th BSA soldiers entered Srebrenica. NATO air strikes ended abruptly when the BSA took 32 of the UN Dutch peacekeepers as hostages and threatened to kill them. The remaining Dutch troops fled to their base within

a factory in nearby Potocari, accompanied by between 20,000 and 25,000 refugees. Serbian General Mladic threatened to shell the factory if airstrikes were renewed.

On the outskirts of Srebrenica approximately 15,000 Muslims, mostly men and including the Bosnian Muslim soldiers, decided not to trust their lives to the UN or to the Serbs, and decided to risk a three-day trek through hills controlled by Serbian forces to reach territory held by the Bosnian government. According to survivors, few of these men completed the journey; most were killed by the Serbs waiting for them on the outskirts of Srebrenica.<sup>3</sup>

The Serbs quickly captured Potocari. The remaining 25,000 refugees at the UN base were seized with panic. According with testimonies of survivors, some women were abducted and raped by Serbian soldiers, and the men and boys were separated and loaded onto trucks.

According to various testimonies, the men and boys were subsequently executed at several different sites: Bratunac, Nova Kasaba, Kravica, and Sandici. A former BSA soldier, later tried at the International Tribunal in the Hague, testified that these men were lined up in groups of ten and shot.

The BSA troops then took buses of women, children and elderly refugees to Tuzla, where other surviving refugees also eventually regrouped. Officials of the International Red Cross at the site estimated that over 6,000 of the refugees who had been in Srebrenica were missing.

In August 10, 1995 the US released photographs taken by U-2 spy planes which supported the testimony of escapees. In one set of photos, a soccer stadium near the town of Cerska is filled with people, allegedly captive men and boys. A second set, taken days later, shows areas of freshly disturbed ground near the empty stadium. The appearance of the disturbed earth was consistent with that of mass graves. American officials said they did not see these photos until early August, when it was already too late.

According to survivors, the people killed at Srebrenica were buried in several mass graves

around the region, near soccer fields, schools, etc.

In October 30 1995, the Dutch government released a report detailing an extensive review of the United Nations' failure to defend Srebrenica. It concluded that even though Dutch troops in the field made mistakes, the main responsibility for the failure to avoid the massacre at Srebrenica falls upon NATO and the United Nations – including all members states – for not providing adequate means to protect the “safe haven,” and for being too reluctant to use force against the Bosnian Serbs at critical moments.

### The Legal Investigation

The International Criminal Tribunal for the former Yugoslavia (ICTY) was formed in 1993, by UN Security Resolution 808. ICTY has a mandate to investigate war crimes committed by all parties during the conflicts in the territory of former Yugoslavia.

In October 1995 the ICTY indicted Serbian leader Radovan Karadzic and General Ratko Mladic for their leading roles in the Srebrenica massacre and other crimes.

The ICTY began trial proceedings in The Hague on May 16th, 1996. On April 23, the Tribunal asked the Bosnian government to defer its own investigation of Karadzic and Mladic so that the case could fall under the jurisdiction of the ICTY. The Tribunal issued international warrants for Karadzic and Mladic's arrest on July 11, 1996.

EAAF has participated in a number of missions to the former Yugoslavia. In 1992 EAAF was invited to work with an international forensic team coordinated by the Boston-based Physicians for Human Rights (PHR). This international team was working for a UN Commission of Experts on the conflict on Yugoslavia. In 1993 the UN created the International Criminal Tribunal for the Former Yugoslavia (ICTY), which replaced the

commission of experts. EAAF participated in three subsequent missions organized by PHR for the ICTY. In 1997 the ICTY organized its own forensic team, and EAAF members participated in its investigations in Bosnia during 1997 and 1998.

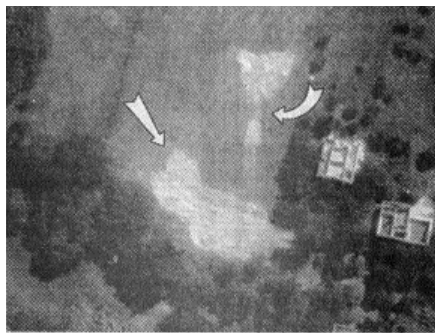
Between April and November 1998 four EAAF members, Luis Fondebrider, Anahi Ginarte, Silvana Turner, and Mercedes Doretti, participated in exhumations and laboratory work related to the Srebrenica case. Each stayed in Bosnia for six to twelve weeks.

In 1996 the ICTY began locating the graves related to the massacres at Srebrenica. In July 1996 the tribunal conducted exhumations of a mass grave in Cerska that was thought to contain the remains of men killed at Srebrenica. In 1998 ICTY investigators located other graves related to the case. These latter graves, however,

were “secondary graves” where remains originally interred at another location had been re-buried. The existence of these secondary graves suggests that attempts had been made to conceal the original burials.

The results of these investigations were sent to the ICTY's headquarters in The Hague. Because ICTY has strict rules of confidentiality until the

investigation is completed, it is not possible to provide information about the findings at the time of this writing.



The United Nations released a photograph said to show possible mass graves. The straight arrow indicates recently disturbed earth. The curved arrows point to embankments next to vehicles.

### FOOTNOTES:

1 See “Days of Slaughter: How the Serbs' Killing of Srebrenica Unfolded. A Special Report,” by S. Engelberg, T. Weiner, R. Bonner, and J. Perlez, New York Times, October 29, 1995, page 1 and 14.

2 Serbian forces had taken around 400 UN peacekeepers hostage in June and May, 1995 after NATO airstrikes.