

B O S N I A

A mission to assist with field and laboratory work for the International Criminal Tribunal to the former Yugoslavia in its investigation into human rights violations in Bosnia.

In 1999 three EAAF members took part in ongoing forensic investigations in Bosnia, under the auspices of the International Criminal Tribunal for the former Yugoslavia's (ICTY). As part of an international forensic team assembled and overseen by ICTY, they participated in exhumations and laboratory analyses of the remains of victims whose human rights are thought to have been violated during the recent war. Much of their work contributed to ICTY's ongoing investigation of mass graves related to concentration camps established by Bosnian Serbs in and around the city of Prijedor, in what is now Republika Srpska, a Serbian area within the Bosnian Federation, and to the massacre that occurred in the UN 'safe area' of Srebrenica.

INTRODUCTION

The International Criminal Tribunal for the former Yugoslavia was formed in 1993, by UN Security Resolution 808. The ICTY has a mandate to investigate war crimes committed by all parties during the conflicts in the territory of former Yugoslavia. Trial proceedings began in The Hague on May 6th, 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 in 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

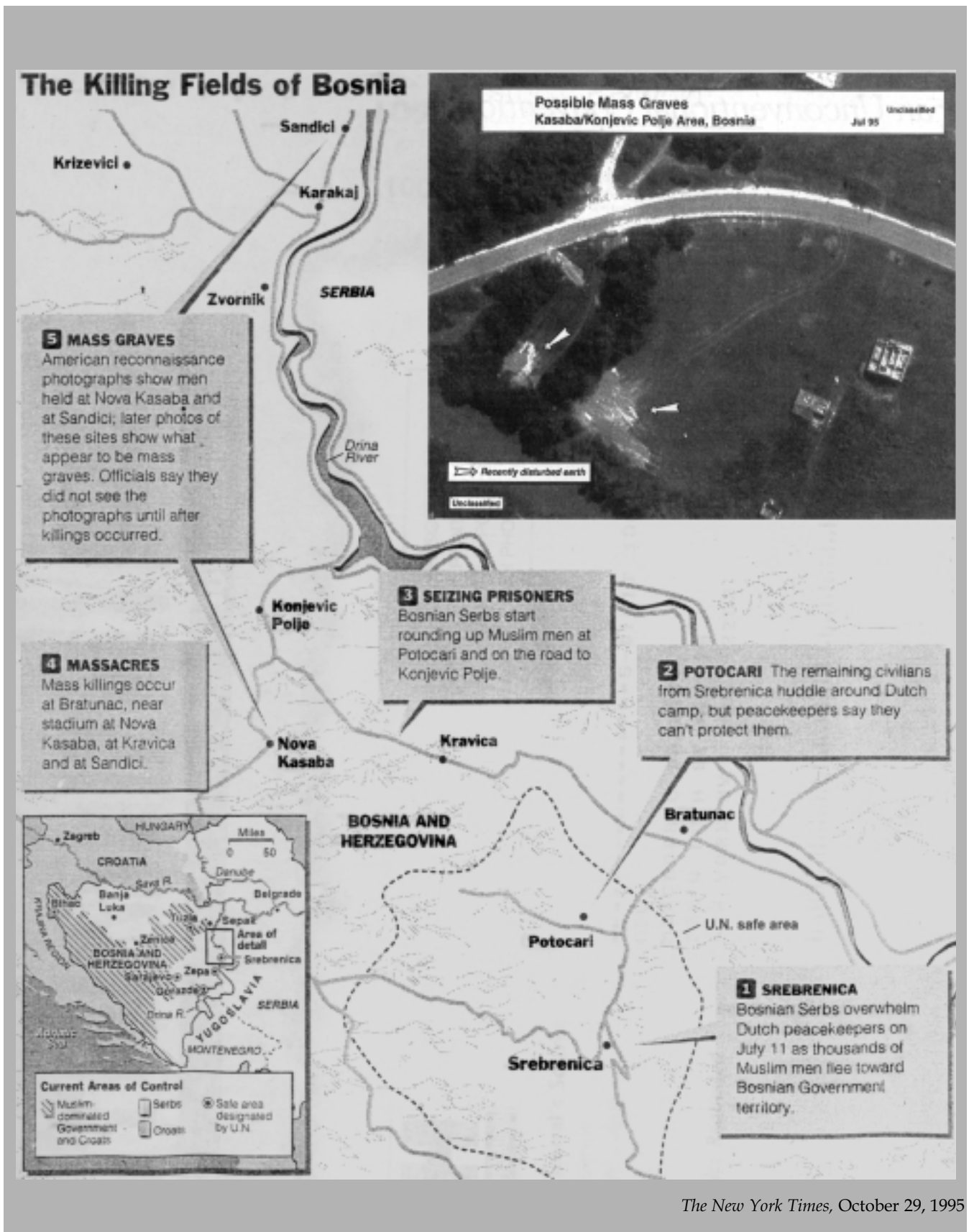
EAAF members participated in its investigations in Bosnia during 1997, 1998, and 1999.

THE SREBENICA MASSACRE

HISTORICAL BACKGROUND

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 area", 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 and after a lot of pressure, Gen. Phillippe 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 'safe area' declared 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.



The New York Times, October 29, 1995

This enclave, however, was not necessarily safe for Muslims and Croats. Srebrenica lay well inside Serbian controlled territory, and was under constant seige 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 safe areas and havens.

observers questioned how safe and protected the 'safe areas' were.

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 allegedly killed a number of Serbian civilians. However, the Bosnian government batallion was ill



Tuzla, Bosnia, July 19, 1995. A Muslim woman forced out of Srebrenica.
photo courtesy of Ron Haviv, SABA

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

equipped and much smaller in number than the surrounding Serbian forces and it was unable to defend Srebrenica. Several weeks before 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 crisis¹. 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 at the siege of Sarajevo². This would put NATO and UN officials in the position of having to choose between the threats to the lives of the UN soldiers and to the lives of the local population. Some observers saw the UN and NATO's inaction as the result of misjudgement and misinformation; others saw it as the byproduct of policies of Western powers that did not commit themselves to exert a strong influence over the conflict.

On July 11th BSA soldiers entered Srebrenica. There was a brief NATO airstrike that 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.

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. Reportedly, 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.

At the same time, the BSA troops took buses of women, children and elderly refugees to Tuzla, a city on the Bosnian side, where other surviving refugees also eventually regrouped. International Red Cross officials at the site, who had made a list of refugees there, estimated that over 6,000 of the refugees who had been in Srebrenica were missing. The massacre is described by human rights groups as the worst one in Europe since World War II.



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

The New York Times, August 10, 1995

In August 10, 1995 Madeleine Albright, then chief United States delegate to the UN, made available only to the UN Security Council a number of pictures taken by U-2 spy plane during the days of the massacre of Srebrenica, which supported the testimony of escapees. According to

¹ Mark Danner. *The New York Review of Books*, 1998.

² Serbian forces had taken 400 UN peacekeepers hostage in June and May, 1995 after NATO strikes over Serbian forces sieging Sarajevo.



Mladic next to Karadzic. On December 2nd 1998, Maj. Gen. Radislav Krstic was arrested by American and Allied forces in Bosnia. He was the highest-ranking official to be seized and the first active military officer accused by the ICTY of directing the attack on Srebrenica in 1995. On April 3 2000, NATO troops arrested Momcilo Krajisnik, one of the most important Serbian leader in the Bosnian War, on charges of war crimes, including genocide. In this 1997 photograph he appears with President Slobodan Milosevic in Belgrade.

American officials and Security Council members, the photos showed a soccer stadium near Nova Kasava filled with people, allegedly captive men and boys. A second set of photos taken days later, that was released to the public, showed areas of freshly disturbed ground near the empty stadium, consisted with the appearance of possible mass graves. American officials said they did not see these photos until early August, long after the victims were dead and buried³.

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 critical mistakes, the main responsibility for the failure to avoid the massacre at Srebrenica falls upon NATO and the United Nations - including all state members - for not providing adequate means to protect the 'safe area', and for being too reluctant to use force against the Bosnian Serbs at critical moments. A similar report was released in 1999 by a UN panel, assigned and requested by UN Secretary General Koffi Annan to investigate UN and NATO responsibilities in the failure to protect Srebrenica.



³ *The New York Times*, October 29, 1995. "Days of Slaughter: How the Serb's Killing of Srebrenica Unfolded" by R. Bonner, Jane Perlez, Stephen Engelberg and Tim Weiner.

 THE ICTY AND THE LEGAL INVESTIGATION

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. On April 23, 1996 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. They are both still at large.

The Serbian commander Arkan, who led a notorious paramilitary group known as the Tigers of Arkan, was accused by the ICTY of participating

in the massacre of Srebrenica. Arkan was shot down by masked individuals in Belgrade in January 2000. He was also indicted by the Tribunal at least for other major crimes such the killing of Croat patients and medical personnel at the Vukovar hospital.

Major General Radislav Krstic, accused by ICTY of directing the attack on Srebrenica in 1995, was arrested on December 2, 1998 in northeast Bosnia by American troops. He was a colonel in 1995 and the deputy commander of the Drina Battalion, but was promoted to general within days after the fall of Srebrenica. The indictment of ICTY stated that General Krstic committed genocide during and after the fall of Srebrenica. It cited direct personal involvement in the commission of these crimes as well as his command responsibility. He is also accused of crimes against humanity and violating the rules of war. His trial opened in The Hague on March 13, 2000.

According to survivors, the people killed at Srebrenica were buried in several mass graves around the region, many of which were near public areas such as soccer fields or schools. In 1996, using their testimonies and satellite imagery, 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' - ie, where remains originally interred at another location were later re-buried. The existence of these secondary graves strongly suggests that attempts had been made to conceal the original burials.

Silvana Turner, Patricia Bernardi, and Mercedes Doretti were the three EAAF members who participated in the 1999 ICTY forensic mission, which entailed participation in ICTY exhumations and laboratory work related to the Srebrenica case. 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.



Muslims surrendering to Serbs outside of Srebrenica. July 14, 1995.
photo by Zamur/Zoran

THE CONCENTRATION CAMPS

Before 1992, the Bosnian administrative district of Prijedor in what is now Republika Srpska was a multi-ethnic area that had a substantial non-Serb population. According to Human Rights Watch, after Bosnian Serbs took control of Prijedor that year, the communities and homes of non-Serbs - many of them Muslims and Croats - were often destroyed and their families separated⁴. Thousands are thought to have been incarcerated in concentration camps where many were tortured and executed, and tens of

thousands were forcibly deported under inhumane conditions. Of the more than half a million non-Serbs in Republika Srpska before the war, fewer than 20,000 remain⁵.

Omarska, Keraterm, and Trnopolje were concentration camps in and around Prijedor. Dispatches, a British documentary series, released in April 1993, provided some of the earliest evidence of the camps and featured footage of the Omarska and Trnopolje camps, as well as interviews with their survivors⁶. Ed Vulliamy of *The Guardian* and Roy Gutman of *Newsday* were also among the first to uncover and gain access to the concentration camps of the Prijedor area in



Detention center camp. Trnopolje, Bosnia, August 25, 1992.

photo courtesy of Ron Haviv, SABA

⁴ "Bosnia Hercegovina, The Unindicated: Reaping the Rewards of 'Ethnic Cleansing'". *Human Rights Watch Report*, Vol.9, No.1, January 1997, p3.

⁵ *Ibid*

⁶ Dispatches, "A Town Called Korarac," Gold Hawk Productions, April 2, 1993. Written and Directed by Ed Harriman, produced by Alan Lowery.

1992. The two conducted interviews with Bosnian Serb officials, representatives of international organizations, and survivors of the camps⁷. Their findings have been used in war crimes investigations by the ICTY, and like Dispatches, played a critical role in early efforts to bring the human rights violations that occurred at the camps to the attention of the international community.

According to the UN Commission of Experts, the secret and civil police controlled by former Chief of Police and Head of Secret Police Simo Drljaca and the Ministry of the Interior "would interrogate, torture and kill camp inmates and be in charge of the psychological part of the operation."⁸ Additionally, state security forces may have worked with paramilitary units such as the Red Berets, a group that may have been under the command of Radovan Karadzic. When Human Rights Watch/Helsinki visited Omarska in August 1992, access to the camps was granted by local police, although there may have been considerable collaboration between the above and the Red Berets.⁹

At present it is difficult to know how many died at the Omarska camp. The U.S. State Department and other officials, however, confirmed to Gutman that between 4,000 and 5,000 persons, many of whom were non-Serb civilians, were killed in Omarska. They also confirmed that a number of detainees 'disappeared' at the closing of the camp, some of whom were later found at the Batkovic camp while others remain missing.¹⁰

ICTY former prosecutor Richard Goldstone has brought charges against nineteen individuals who have been accused of committing acts of Genocide, violating the Laws and Customs of War, committing breaches of the Geneva Convention, and committing Crimes Against Humanity in relation to the camps. They have been accused of



Zeljko Raznatovic, aka *Arkan* led a Serbian paramilitary force known as the Tigers which allegedly perpetrated some of the earliest instances of "ethnic cleansing" during the 1991 war in Croatia and similar atrocities during the war in Bosnia. On January 15, 2000 he was assassinated in Belgrad.
photo courtesy of Ron Haviv, SABA

systematically killing, beating, and sexually violating Omarska prisoners, among other crimes. On March 5, 2000 NATO forces in Bosnia arrested a Serb man, Dragoljub Prcać, who was indicted for war crimes. Prcać was the deputy commander at Omarska and is charged with Crimes Against Humanity including murder, torture, and rape. In the previous week, the trials of other Bosnian Serbs

⁷ Both have been honored for this work, with Gutman winning a Pulitzer Prize

⁸ Final Report of the U.N. Commission of Experts, Annex 5, Part 2, Section V, Subsection C. Quoted in *Human Rights Watch Report* Vol. 9 No. 1, January 1997, p 19.

⁹ War Crimes in Bosnia-Herzegovina, *Human Rights Watch/Helsinki*, August 1992, p 66. Quoted in *Ibid*.

¹⁰ Bosnia and Herzegovina: The Unindicted: Reaping the Rewards of "Ethnic Cleansing", *Human Rights Watch Report*, Vol. 9, No. 1, January 1997, p. 15.

accused of crimes against Muslims and Croats in the Serbian-run camps began.

1999 MISSION

Between May and June 1999, one EAAF member participated in the excavation of mass graves thought to contain the remains of mostly Croatian and Muslim people detained at the above mentioned camps. The result of this investigation 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 more information about the result of the work.

CURRENT WORK

In 1999, ICTY extended its jurisdiction over human right violations and other crimes committed in Kosovo. This year, 2000, three EAAF members are currently part of the Tribunal's forensic team in Kosovo.