

BOSNIA AND HERZEGOVINA  
REPUBLIKA SRPSKA  
REPUBLIKA SRPSKA GOVERNMENT  
THE COMMISSION FOR INVESTIGATION OF THE EVENTS  
IN AND AROUND SREBRENICA BETWEEN 10<sup>th</sup> AND 19<sup>th</sup> JULY 1995

**THE EVENTS IN AND AROUND SREBRENICA  
BETWEEN 10<sup>th</sup> AND 19<sup>th</sup> JULY 1995**

*Banja Luka, June 2004*  
**C O N T E N T**

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## INTRODUCTION

As a temporary working body of the Republika Srpska Government (RS Government), the Commission for Investigation of the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995 (hereinafter “the Commission”) was established by the Decision of the RS Government, passed at its 52<sup>nd</sup> session held on 15 December 2003 (hereinafter “the Decision, Document A/1”). Paragraph II of the Decision defines the competences of the Commission. The Commission, acting in a transparent manner for the wider public, with full authority, undertakes “all investigative and other actions in order to establish the full truth on the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, aiming to establish lasting peace and build confidence in Bosnia and Herzegovina (BiH)”. In the Decision (Section V), the Ministry of Justice of the RS, the Ministry of Interior of the RS, the Ministry of Defense of the RS, the RS Intelligence Security Service, the General Headquarters of the RS Army and the RS Secretariat for Relations with the ICTY were commissioned to “fully support the work of the Commission”; the special Section (VI) commissioned the RS Ministry of Justice to organise and implement administrative work, and the RS Ministry of Interior to provide logistical support for the needs of the Commission. According to the Decision (Section IV/1) the mandate of the Commission lasts six (6) months from the day of its constitution. The Commission was obliged to submit monthly reports on its work to the RS Government and to provide a Final Report on its work and the facts established “no later than three days before completion of its work”.

At its 54<sup>th</sup> session held on 25 December 2003, the RS Government appointed the Commission members: Chairman - Marko Arsović, Members - Milan Bogdanić, Milorad Ivošević, Đorđe Stojaković, Gojko Vukotić, Gordon Bacon and Smail Čekić (A/2). Mr. Bacon and Mr. Čekić were nominated by the High Representative for BiH. Mr. Bacon was to represent the International Community and Mr. Čekić was to represent the families of the survivors’ community. The Office of the High Representative (OHR) and the International Criminal Tribunal for former Yugoslavia (ICTY) were given the “observer” status on the Commission. The Commission held its constitutive session on 12 January 2004. A draft Rulebook (A/3) was proposed, and the Work Plan (A/4) and other operational documents were agreed upon and adopted shortly thereafter. Mr. Đorđe Stojaković and Prof. Dr. Smail Čekić were appointed as Vice-Chairmen of the Commission. On 20 April, Chairman Marko Arsović withdrew from the Commission (A/5). The RS Government appointed Commission Member Milan Bogdanić as

the Chairman. On 17 May, the RS Government appointed Željko Vujadinović to the vacant position of Commission Member (A/6).

The RS Government established the Commission to answer its obligations from the Decision of the Human Rights Chamber (HRC) for BiH of 3 March 2003 (A/7), specifically defined in Section IX (Conclusions), paragraph 220, items 1-8, in particular 7 and 8. The HRC Decision referred to 49 applications submitted by the closest relatives of persons who had gone missing during the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, whose fate had remained unknown. The applications were submitted against the RS and they represented, “a part of the group of approximately 1800 similar applications that are currently in process before the Chamber – all of them refer to the events in Srebrenica” (paragraph 1). The Chamber ordered the RS, “as a matter of urgency”, to release all information presently within its possession “with respect to the fate and whereabouts of the missing...”, to disclose “all information... with respect to the location of any gravesites, individual or mass, primary or secondary, of the victims of the Srebrenica events not previously disclosed” and in addition, “to conduct a full, meaningful, thorough, and detailed investigation into the events giving rise to the established human rights violations, in order to... inform the family members and the public of the RS’s role in the facts surrounding the massacre at Srebrenica in July 1995, its subsequent efforts to cover up those facts, and the fate and whereabouts of the persons missing from Srebrenica since July 1995” (paragraphs 211, 212, 214, 220, items 1-8). The High Representative in BiH, Lord Paddy Ashdown, in his letter of 25 December 2003 to the President of the RS, Dragan Čavić, and the Prime Minister of the RS, Dragan Mikerević, emphasised “the significance of the Commission’s work”, supported the position of the HRC and the fact that the Commission must have “sufficient funds, full access to all relevant documents” and witnesses. The HRC for BiH and the OHR evaluated previous reports of the RS Government relevant to the HRC Decision of 3 March 2003 as unsatisfactory.

The HRC Decision of the 3 March 2003 assumed some very important components (historical context and facts related to the events in and around Srebrenica) contained in the first-instance judgment of the ICTY “Prosecutor vs. Radislav Krstić” (A/8) of the 2 August 2001.

The most important issues for which the Commission had to collect factual information were: to investigate the stated crimes; the scale of the crimes; who ordered them; and who committed them. Among other, it was necessary to collect information on the following issues related to the mentioned

events: the taking of Srebrenica; the attempt to evacuate the population; the humanitarian crisis; the situation in Potočari; the situation in the mixed column; the fate and the location of the missing persons; information on new locations of individual and mass graves; identification of the victims; as well as other events of importance for work of the Commission.

One of the priorities for the work of the Commission was to create a list, as accurate as possible, of the persons who went missing during the events in Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, with an emphasis on the fate of the persons named in the HRC Decision of the 3 March 2003.

Such an approach significantly affected the original concept of the work of the Commission. A comprehensive scientific procedure was designed, to give a more detailed illustration of the genesis of the events for the subject period (10<sup>th</sup> to 19<sup>th</sup> July 1995) by applying a rigorous methodology to identify facts and disclose evidence.

Guided by the Operational Plan, the Commission started its activities in February 2004. After the Commission members were tasked to create official requests to be sent to relevant institutions and individuals, the Commission divided the enquiries into the following parts: events in Potočari; the fate of the people in the column; primary, secondary and tertiary mass graves. Rapporteurs were appointed for individual parts of the enquiry.

Given the limited deadline and almost a decade that has passed since the events, the Commission concluded that its primary activity must be to collect information on the events from the RS authorities and the individuals involved. The Commission relied upon the documentation provided by the RS institutions (RS Ministry of Defence, RS Army General Headquarters, Command of the First and Fifth Corps of the RS Army, relevant departments of the RS Ministry of Defence, RS Ministry of Interior and the relevant RS Ministry of Interior's Public Safety Centers). Certain documentation from the FBiH Ministry of Defence was delivered to the seat of the Commission. The Commission requested information, it was given direct access to documentation and took possession of relevant documents against a receipt. The Commission consulted other institutions that could have relevant information (ICTY, ICMP, ICRC, UN, RS Office for Missing Persons, Family Associations, Federation Commission for Missing Persons).

The Commission is not a judicial body and has no mandate to consider legal issues, as that was the task and right of competent courts only. Nevertheless, in disclosing facts on the events, the Commission had to keep in mind the applicable international and local criminal law, which is the basis for the selection of facts relevant for disclosing the truth. The Commission was supposed to recover evidence and establish relevant facts according to the applicable judicial procedures. As the Commission had limited time, and in order to maximize its resources, it accepted the historical background and the facts stated in the second-instance judgement “Prosecutor vs. Radislav Krstić”, when the ICTY convicted the accused for “assisting and supporting genocide” committed in Srebrenica.

The initial difficulties in the work of the Commission (establishment of communication with the relevant RS institutions, providing of material, technical support and office accommodation etc.) were overcome after the High Representative’s interventions of 11 March and 25 April 2004. The High Representative requested swift completion of the investigation and asked the Commission to concentrate on disclosing locations of mortal remains and on establishing lists of persons registered as missing (A/9). In this way the mandate of the Commission was directed exclusively at establishing the fate of Bosniaks in the stated period. It proved that, within the set timeframe, it was not possible to implement a “full, meaningful, detailed and in-depth investigation” of the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995.

In relation to the above, the Commission defined two projects by 1 April 2004:

- To locate the execution sites and gravesites of victims from the UN “safe haven” Srebrenica, between 10<sup>th</sup> and 19<sup>th</sup> July 1995 (A/10);
- To determine the identity of victims from the UN “safe haven” Srebrenica, between 10<sup>th</sup> and 19<sup>th</sup> July 1995 (A/11). Since this project required a significant amount of money and time, it was abandoned.

Both projects were integral parts of the previously agreed Work Plan and conclusions of the Commission. Basically, in some segments they represented a more elaborate Operational Plan of the Commission.

During May notable progress was made in the investigation and identification of locations of potential mass graves of victims, which had not been known so far; the collection of new relevant documents; and

establishing the number and identity of the victims. Earlier, through the RS Ministry of Justice, contact had been established with the judicial bodies of the Federation, in order to identify the previously exhumed victims. In relation to establishing the number and identity of victims, the Commission members visited the Identification and Coordination Center (ICC), “Podrinje” Identification Project (PIP) of the International Commission for Missing Persons (ICMP) in Tuzla. Discussions were held with the Cantonal Prosecutor in Tuzla, who promised and then delivered the list of identified persons. The Commission Members also met with representatives of the families associations on several occasions.

Based on documents received and additional information, the Commission started to reconstruct the events. The Commission analysed the original documents and reports of involved parties and produced a Final Report on the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, focusing on the issues of disclosure of unknown graves and producing a list of missing persons whose families submitted applications to the HRC for BiH. A part of the original materials examined is attached to the narrative text. A more precise list of those persons registered as missing in the events between 10<sup>th</sup> and 19<sup>th</sup> July 1995 will be submitted by mid-July.

The documentation collected by the Commission mostly originated from RS institutions and partly from the FBiH institutions. The findings of some international organisations and institutions that have studied the conflicts in the former Yugoslavia in the period between 1991 and 1995, including the events in and around Srebrenica during the relevant period, would also be highly valuable.

Regardless of the very significant results, especially the discovery of hitherto unknown gravesites and determining the number and identity of victims, the fact that the mandate of the Commission was redefined and that time available was limited determined the scope and results of its work. Complex scientific validation of the subject events, in particularly in the historical and legal aspects, remains an imperative.

The work of the Commission is a historical act and as such it is subject to historical judgment. The forming of the Commission and its work is proof of the maturity of the Serb people and the RS, and their readiness to face themselves, history and Others.

I  
THE FATE OF BOSNIAKS IN AND AROUND SREBRENICA  
BETWEEN 10<sup>th</sup> AND 19<sup>th</sup> JULY 1995

On 6 July 1995 the RS Armed Forces (military and police) started the attack on Srebrenica, the UN “safe haven”, which was demilitarized according the Resolution of the UN Security Council (no: 819) of 16 April 1993 and the Agreement of 17 April and 8 May 1993, which had never been implemented.

By the evening of 9 July, the RS Army penetrated about 4 km into the enclave, stopping at only one kilometre away from the town of Srebrenica.

In the morning of 10 July the situation in Srebrenica was very tense. The streets of Srebrenica were overflowed with the citizens who were running towards the UN base in Potocari. Colonel Karemans requested urgent air support from the NATO. On 11 July 1995 the NATO Air Force attempted to bomb the RS Army artillery positions around Srebrenica. After the RS Army threatened to kill the Dutch soldiers “captured by the RS Army”, and shell the UN base in Potocari and the surrounding area where there 20,000-30000 civilians had fled, the NATO air support stopped.

On 11 July 1995 the RS Army occupied Srebrenica. In the late afternoon Generals Ratko Mladic, Radislav Krstic and other officers took a walk in the empty streets of Srebrenica, while a large number (thousands) of refugees were moving towards Potocari, looking for salvation with the Dutch Battalion (A/8, Paragraphs 14-15, 18-20, 26-30, 33-36 and 268; B/1-65).

### **a) In Potocari**

Faced with the fall of Srebrenica, the civilian population fled to Potocari situated about 5 km northwest of the town, hoping to find protection at the UN base. By the evening of 11 July 1995, between 20,000 to 25,000 had gathered to seek refuge, mainly women and children, elderly and those “unfit to serve in the military”. Several thousand of them entered the UN base, through an entrance which was cut open for them at the side less visible to the members of the RS Army and less exposed to fire, while others remained around the base in the factory halls and in the fields. Among the mass of those who sought refuge at the base, at least 300 inside, and 600 to 900 outside, were males who were “fit for the military”. Nobody was armed. That is how such a large number of those who sought refuge gathered in a small area. Conditions were terrible because of heat, lack of water, food and medicines. They were densely crowded, hungry, thirsty, panicking and horrified.

Aware of the reality, during the evening of 11 July 1995, those who sought refuge in Potocari publicly requested the members Dutch battalion to take them out of “this hell”. Colonel Karemans was informed of this and, through him, at the meetings held in the “Fontana” Hotel, so was the Commander of the RS Army Headquarters, General Ratko Mladic.

At the second meeting held on the same day at 23.00 hours in the same hotel, Colonel Karemans informed General Mladic and others present (officers of the RS Army Headquarters and the representative of the civilians seeking refuge Mr. Nesib Mandzic) of the gathered mass of people and the humanitarian crisis threatening those who sought refuge in Potocari. On that occasion, General Mladic said that Bosniaks should decide on their own whether they would like to stay in the enclave or if they wanted to leave (and where), and he would check males “fit to serve in the military” who were present in Potocari, to confirm if there are war criminals among them. He explicitly requested that members of the 28<sup>th</sup> Division of the RBiH Army from the Srebrenica enclave lay down their arms.

The officers of the Dutch battalion, unaware at this stage of the whereabouts of these forces, informed General Mladic at the third meeting held on 12 July 1995 at 10.00 hours in the same hotel in Bratunac, stating that they failed to establish contact with the members of the 28<sup>th</sup> Division of the RBiH Army. At this third meeting, three representatives of those seeking refuge

were also present (Mr. Nesib Mandzic, Ms. Camila Osmanovic and Mr. Ibrahim Nuhanovic). Even though the information was given and at the same time representatives of those who sought refuge provided an explanation (that they did not know the whereabouts of the 28<sup>th</sup> Division and that they had no contacts with the members of the same), General Mladic repeated his request for laying down arms with a promise that he would provide transport for all civilians from the Srebrenica enclave, but that the males aged 17 to 70 would first be separated to check their possible participation in earlier war crimes.

The representatives of the international humanitarian organizations in Srebrenica sent a report to their headquarters on 12 July 1995, in which they stated that the humanitarian situation in the early hours of the morning was “worse than ever”, there was a lack of food, medicines and clothes, and that, according to their estimate, around 30,000 persons were in and around the Dutch battalion base, while around 8,000 people were trying to break through from Gornji Potocari to the UNPROFOR base. It was explicitly stated that among the population gathered there was not a single armed soldier of the RBiH Army.

In the early morning hours (from 6 to 7 a.m.) on 12 July 1995, special forces of the Ministry of Interior (squad of the special police for antiterrorist actions from Jahorina, first squad of the special unit of the police of Center for Public Safety in Zvornik, parts of the second special squad from Sekovici and unit with dogs from Sarajevo), parts of the Bratunac brigade and units of the military police of Bratunac brigade of the RS Army, entered the United Nations base in Potocari, with the aim to “maintain the order”, find and separate the males of “military age”, in accordance with the verbal command given by General Ratko Mladic at the meeting held in the “Fontana” Hotel in Bratunac on 11/12 July 1995, when, among others, it was agreed that civilians who sought refuge would be evacuated from Potocari to the territory under control of the RBiH Army in the direction of Tuzla, with the separation of males “fit for military service”.

The separation caused additional fear, uncertainty and anxiety. In fact, it caused a state of trauma, because of the presence of the mentioned units and their actions and behaviour as well as the presence of strong forces of the RS Army around the Dutch battalion base.

That is how in the morning of 12 July 1995 the situation in Potocari deteriorated. That is when the Commander of the RS Army Headquarters,

General Ratko Mladic, arrived, accompanied by senior officers of the Headquarters and TV crews, who, at the first sight, gave certain hope to the gathered people (by giving out sweets to children, and on that day they handed out bread as well), promising that they would be transported to wherever they wanted.

The difficult conditions in Potocari became even worse on 12 July 1995, because of the terror, humiliation and tortures during the separation of the males “fit for military service” and because of sporadic murders behind the zinc factory, by the stream and behind the “white house”. As the day passed by, the difficult conditions became even worse among those who sought refuge as well as among the members of the Dutch battalion. The terror increased during the night. Soldiers were pulling out and taking away people from the mass. There were screams, cries for help and platoons. During the night and in the early morning of the next day rumours spread on rapes and killings, so that the fear increased among the people. Some of those who sought refuge saw tortures, rapes and murders, and some found bodies of those killed. Several civilians committed suicide by hanging.

The conditions were so unbearable, with fear, panic and bitterness among those who sought refuge, that all the time while they were in Potocari they were anxious to leave this place in any possible way. The members of the Dutch battalion of the United Nations felt the same.

In the early morning of 12 July 1995, the Command of the Drina Corps ordered all its units and the Ministry of Defence to mobilise all means of transportation and to gather them on the Bratunac football stadium on the same day by 16.30 hours.

Around the noon of 12 July 1995, buses and trucks began arriving in Potocari for the transportation of women, children and old people to Tuzla. Those who sought refuge rushed to board, although most of them did not know where they would be going.

The arrival of a large number of buses and trucks in Potocari was in accordance with the plan of the RS Army Headquarters .

Boarding into the buses was conducted in the presence and under the supervision of the members of the Special Forces of the Police and Army of Republika Srpska and with the assistance of the Dutch battalion members.

During that day, around 8,500 persons were evacuated to the territory under control of the RBiH Army. The evacuation stopped during the night, and it continued in the morning of 13 July 1995.

The Commander of the RS Army Headquarters, a certain number of the officers of this Headquarters, of the Drina Corps Command and a representative of the Bratunac brigade were seen between 12<sup>th</sup> and 13<sup>th</sup> July 1995 in the base of the Dutch battalion in Potocari.

During the transportation, the buses and trucks were overloaded, and the weather was unbearably hot. The first convoy was escorted by the Dutch battalion members and on the way, until they reached Tisca, there was no separation of males “fit for military service”. Later on, the escort was stopped by the soldiers of the RS Army, who forcibly seized the vehicles and in the further course of the evacuation, on different spots and most often in Tisca, separations took place. Upon the arrival in Tisca, those who sought refuge continued on foot towards Kladanj, a few kilometres through “no man’s land”, between Serb and Bosniaks frontlines.

The full evacuation of Bosniak civilians who sought refuge from Potocari and the implementation of the agreement of 11<sup>th</sup> and 12<sup>th</sup> July 1995 were completed on 13 July 1995 by 20.00 hours.

Around 22,000 of those who sought refuge were accommodated at the Dubrave airport while several thousands were accommodated elsewhere and stayed with family and friends.

Fear and chaos in the enclave in general and in particular in Potocari, with the mentioned events and conditions caused a mass fleeing of civilian population from the Srebrenica safe haven, which was characteristic of many other earlier events and territorial expansions.

The most dramatic was the systematic separation of males “fit for military service” from their families on 12<sup>th</sup> and 13<sup>th</sup> July 1995 in Potocari. This started in the morning of 12 July 1995 after the mentioned units of the Police and Army of Republika Srpska arrived. Those who were separated were kept on isolated locations (in front of the zinc factory and in the “white house”). The most painful fact was that among them there were many who were unfit for military service and minors. The separation continued during boarding and during evacuation.

Those who were separated in Potocari had to leave all of their belongings in front of the “white house” and then they were kept in terrible conditions.

In the vicinity of the “white house”, behind the “Transport” building and close to the stream, in the following days there were sporadic murders that the Dutch battalion members of the United Nations saw and reported to Colonel Jozef Kingory, UN military observer in the area of Srebrenica. He heard shots and tried to investigate what went on but RS Army prevented him. The members of these forces testified on this before the ICTY.

The Bosniaks “fit for military service” who were separated in Potocari (at least 1,000) were taken away from Potocari to other detention facilities in Bratunac on 12 and 13 July 1995, where those captured in the mixed column in the forest were also brought, and from there they were taken to execution sites. A huge pile of their personal belongings and documents stayed behind them; they were burned in the late evening of 13 July 1995. Thus the claims that the intention was to check if there were any war criminals among them turned out to be pointless.

On 16 July 1995 the International Committee of Red Cross evacuated 87 wounded people from Potocari base to Bratunac, where the separation of those “fit for military service” also took place. That is how 23 wounded people were separated, who later became war prisoners. They were taken away from there, after which their fate has remained unknown. (A/8, paragraphs 31-59, 126-131, 135-136, 140-141, 145, 157, 160, 209-295; B/16, 22, 44-45, 49-50, 53, 65a, 65b, 66-69, 72-73, 75, 80, 83, 88, 91-92, 109, 226).

#### **b) In the mixed column**

After Srebrenica was taken, a part of the population (between 10,000 and 15,000) gathered in the villages Jaglic and Susnjari looking for a way out towards the territory under control of the RBiH Army. About one third of the men were soldiers of the 28<sup>th</sup> Division of the RBiH Army, although not all of them were armed. The units of the 28<sup>th</sup> Division headed the column, followed by civilians, among whom there was a small number of women, children and elderly, together with soldiers. The Independent Battalion of the 28<sup>th</sup> Division was on the rear of the column.

The front of the column started moving from Susnjari over Jaglic and Buljim towards Kamenicko Brdo on 12 July 1995 at 00.30 am. Sometime during the night, due to poor visibility, fear from mines and panic, the column was split apart, and the movement was stopped. The split column started moving again only after daybreak.

The RS Army was shelling the column from different directions, which “represented a legitimate military target” according to the regulations of the RS Army, which the military experts of the prosecution and the defence in the trial against General Krstic agreed with.

The main part of the column continued the movement sometime in the afternoon, and later on the first group crossed over the road between Konjevic Polje-Nova Kasaba. Sometime around 18.00 hours, the RS Army located the exact position of refugees on Kamenicko Brdo (outside the Pobudje village), where the large part of the column managed to arrive.

The column of refugees led by the municipal authorities, with the wounded in the front, started descending the Kamenicko Brdo towards Krajinovicki potok sometime around 20.00 hours.

After just a few dozen men crossed the Krajinovicki potok, soldiers of the RS Army appeared, who came from the direction of Kravica using a dirt road, on trucks and armored vehicles (and a white vehicle with UNPROFOR symbols), calling out for Bosniaks over the loudspeaker to surrender.

Sometime in the afternoon and the early evening, most of the men from the rear of the column were captured by the RS Army and the Ministry of Interior in the area of Ravni Buljim. The RS Army used many ways, including the equipment of the UN and the Red Cross, to deceive people from the column, by promising them protection and safe transportation towards Tuzla, saying that the UNPROFOR and the Red Cross would be in charge of their transportation to Tuzla.

There were around 1,000 persons imprisoned on 12 July 1995. During the capture the RS Army confiscated personal belongings from those captured, and some of them were executed on the spot.

On 12 July 1995 the Drina Corps units “undertook all measures to prevent surprises by engaging the units for carrying out the operation KRIVAJA '95” by executing all assignments as planned. The RS Army alongside with

the Ministry of Interior organised “ambush tactics with the purpose of destruction” on estimated directions where the members of the column tried “to breach towards Tuzla”. The members of the column alongside with “women and children” tried to pull out “towards Ravni Buljim and Konjevic Polje” where they came upon a “mine field”.

Republika Srpska also deployed special police units in order to block and capture refugees from Srebrenica. Thus a large number of refugees were blocked in the region of villages Brezanci-Bokcin Potok at 15.55 hours. According to the orders in possession of the Commission, some smaller police units from Republika Srpska Krajina and Republic of Serbia were also supposed to participate in these activities. However, after an analysis of the documentation, we have not found any substantial evidence on participation of these units in the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995.

The second location of imprisonment was in the region where the column was split apart in the base of Kamenicko Brdo and a little place called Krajinovici in the village Pobudje (A/8, Paragraphs 60-63; B/66-77).

Split groups from the column continued their movement towards the Konjevic Polje-Nova Kasaba road on 13 July 1995 at 01.00 am, and managed to cross it just before dawn. The people crossing the mentioned road were under heavy fire of the RS Army. The last bigger groups crossed the asphalt road in Svilani around 06.00 a.m., after which the road could no longer be crossed, due to heavy reinforcement placed there by the RS Army.

In the morning hours, around 8,000 people were blocked in the wider area of Pobudje, between the Bratunac-Konjevic Polje-Nova Kasaba roads.

During the day, until 17.30, at least 6,000 men were captured and placed in several locations. Most of them were taken to the collection sites in Nova Kasaba, where around 1,500-3,000 persons were kept, and to the village Sandici, where between 1,000-4,000 men were kept on one field.

Some of those captured near Nova Kasaba and Konjevic Polje were killed on the bank of the Jadar river in the morning of 13 July 1995.

On the same day in the late afternoon (approximately 16.00 hours) the RS Army brought three buses of Bosniak prisoners to Cerska, where they were all shot dead. At least 149 persons were executed on that day, aged 14-50,

147 of which wore civilian clothes. At least 48 had their hands tied behind their backs with wire.

Some of those captured along the Kravica-Milici road (Konjevic Polje, Pervani, Lolici...) were killed on the spot.

Over 1,000 prisoners were taken from the Sandici village to Kravica, where they were held in the warehouse of the "Kravica" farmers' cooperative in the late afternoon of 13 July 1995.

After the incident where one police officer was killed by a prisoner, "the enraged members of the Ministry of Interior started killing the prisoners at 18.00 hours" (using bazookas, hand grenades, bombs and gun shells).

At 16.00 hours the RS Army located a large group of people on the Udrč mountain, around 5000, and opened artillery fire on them. The column continued its movement towards the village of Kamenica and further towards Tuzla.

The column was stopped in the village of Glodi, due to an ambush placed by the RS Army in the village of Velja Glava since they were probably expecting that the column would use the shortest way towards Tuzla via Caparde.

Units of 1<sup>st</sup> Bratunac Brigade placed ambushes in the region of Bracan and Podravanja, attacking a part of the people from the column that split in Pobudje, who tried to find rescue in Zepa (A/8, Paragraphs 66, 171, 196, 201-207; B/78-121).

On 14 July 1995 the RS Army placed an ambush at the Velja Glava facility and split the column. After that the column returned and moved towards Mladjevac. The head of the column stopped in Josanica Gaj, where they stayed until 16.00 waiting for the rest of the column, after which they continued their movement. In the region of villages Marcici-Snagovo, the RS Army, alongside with the Special Forces of the Ministry of Interior, placed a heavy ambush, using tanks and armed vehicles. In that conflict the commander of a unit of Special Forces was captured. At 16.00 the column (around 5,000 people) continued moving towards Tuzla, when they were came under artillery fire from the Velja Glava facility and Kula Grad outside Zvornik.

The captured commander established radio contact with Major Obrenovic from the RS Army Zvornik Brigade, after which the artillery attack stopped.

During the night between 14<sup>th</sup> and 15<sup>th</sup> July 1995 the column of slightly over 4,000 people was moving towards the Zvornik-Tuzla road. After opening the passage in the region of Marcici, the head of the column was conjoined by those that were able to breach from the area of Konjevic Polje and Nova Kasaba.

On 14 July 1995, the armed forces of Republika Srpska - especially 1<sup>st</sup> Milici brigade, 1<sup>st</sup> Bratunac brigade, and Independent Battalion Skelani - "searched the area", capturing a large number of Bosniaks. Six to seven Bosniaks were captured in the village of Lijesanj, beside other places. The people from the split part of the column in the area of Pobudje, Konjevic Polje, Cerska, Kamenice, Dzafin Kamen, Snagovo, Marcici, and Han Pogled (on the ridge between Vlasenica and Han Pijesak) were constantly subject to persecution, imprisonment and executions by the members of the Police and Army of Republika Srpska.

Between 2,000-2,500 men were transported from Bratunac to Zvornik on 14 July 1995. The prisoners were held in the hall of the Grbavci primary school (near Orahovac) and in other schools. There were approximately 1,000 prisoners in Grbavci. From Grbavci they were transported by trucks to the execution site in Orahovac. They had all been blindfolded. The executions were carried out on two meadows. Killed prisoners were immediately buried in mass graves, which were later relocated by the RS Army (to locations Lazeta 1 and Lazeta 2, and then relocated once more to a location near the road to Hodzici).

On the same day the RS Army transported 1,500-2,000 prisoners from Bratunac to Petkovci, and held them in the primary school gym. The prisoners' hands were tied behind their back with wire, and they were forced to take off their shoes. They were transported by trucks to the Petkovci dam. The RS Army executed the prisoners by shooting them in groups of 5-10 men (two prisoners survived the shooting).

On 14 July 1995 a number of prisoners were transported by buses from Bratunac to Pilica (and held in the primary school gym), where they were kept for two nights (A/8, Paragraphs 220-221,226-228 and 233; B/121-143).

During the night between 14<sup>th</sup> and 15<sup>th</sup> July 1995 the main part of the column continued, with their wounded, towards Crni Vrh and crossed the Zvornik-Tuzla road. Sometime in the morning the column crossed over the asphalt road in the Crni Vrh area and started moving towards the location of Krizevacke njive, where the column conjoined.

In the morning of 15 July 1995 the column crossed the Zvornik-Caparde road; until then they had no contact with the first lines of the RS Army, considering the 3-4 km distance from Baljkovica. At that time the second part of the column was still at the foot of the Udrč mountain and was moving towards Kamenica and Tuzla.

As of 15 July 1995, the Commander of the Bratunac Brigade Vidoje Blagojevic was in charge of “cleaning and searching the area”. All those units which were tasked with “cleaning the area” were placed under his command. Those units “searched the area” in the coming days. A part of the column was moving towards Kravica and Konjevic Polje, with the intention of crossing into the Udrč mountain region, and from there to Tuzla and Zivinice. On 15 July 1995 many such groups surrendered to the RS Army.

The 1<sup>st</sup> Zvornik Infantry Brigade had, alongside with “additional reinforcement”, prepared to block and surround “the enemy soldiers” on their way from the village of Planinci towards Krizevici. Parts of the 1<sup>st</sup> Milici Brigade and the Independent Infantry Battalion Skelani also “searched the area in order to locate any enemy groups that were left behind”.

The forces of the RS Army blocked the wider area of Crni Vrh and Planinci, and partly the region of Kamenica and Glodjansko Brdo, in order to stop these groups from crossing. There were 3,000 people located in the region of Pandurica, Planinci, Crni Vrh, Kamenice and Glodjansko brdo.

There were great problems about burials, executions and guarding of prisoners “who were still to be executed” in the area of responsibility of the 1<sup>st</sup> Zvornik Brigade on 15 July 1995. Dragan Obrenovic, who was informed about the executions, and other officers took people “where they wanted”. They did not keep any records about the activities related to the “killing operations” and advised the others not to talk about that on radio.

A senior officer of the Zvornik Brigade informed the Drina Corps Headquarters that a great number of prisoners placed in schools in the

brigade's area of responsibility was an additional problem, as was the guarding and collection of the surface remains, since his entire forces had been deployed and he did not have any reserve forces.

In consultations with a general from the RS Army General Headquarters, Obrenovic suggested to let the column pass. However, that general did not approve that and ordered that the column be stopped and destroyed. An adviser to the Minister of Interior (name unknown) agreed to that, asking that all available forces including air force be used to kill everyone in the column.

A senior officer of the Centre for Public Safety Zvornik informed Obrenovic about the situation in Bratunac regarding a great number of captured Bosniaks, pointing out that the situation had become dangerous. They did not have enough space for all prisoners so that some of them spent the night in the buses, at which they got agitated and rocked the buses.

A great number of Bosniaks were captured while they were crossing the lines along the Konjevic Polje road.

On that day, upon a request of the Drina Corps Headquarters classified no: 05/ 1- 241 dated 15 July 1995 "and according to the need that has emerged", the Secretariat of the Ministry of Defence in Zvornik ordered the mobilisation of all persons liable for military service from the territory of the municipalities of Vlasenica, Milici, Skelani, Bratunac and Sekovici in order to search the terrain and liquidate the column.

Besides the Army, the RS Police Forces were actively involved in the arrest and imprisonment.

On 15 July 1995 (at 17.15) the front of the column conflicted with the units of the RS Ministry of Interior as the column reached the village of Marcici. That was the first time the front of the column directly clashed with the ambush of the RS Ministry of Interior Forces, whose units, in particular those of the Zvornik Centre for Public Safety, were situated throughout the area between Srebrenica and Tuzla. There were casualties on both sides.

The Drina Corps units, particularly the 1<sup>st</sup> Bratunac and 1<sup>st</sup> Milici Brigades and Skelani Independent Battalion captured and executed Bosniak refugees, which is, among others, confirmed by a senior officer in the proposal sent to

the Corps Headquarters, proposing a senior officer as the commander of all forces carrying out those tasks.

In the night between 15<sup>th</sup> and 16<sup>th</sup> July 1995, the column safely passed a part of the Krizevacke Njive-Baljkovica road, where it hid in a stream waiting for the result of the battles in Baljkovica which were fought by the 2<sup>nd</sup> Corps Forces of the RBiH Army from Tuzla and a group of armed soldiers from the front of a column.

The Zvornik Brigade units, beside reinforcing their troops and weapons in the area of Baljkovica, also organized ambushes in several places.

In the area of Marcici-Crni Vrh the RS armed forces deployed 500 soldiers and policemen in order to stop the split part of column (about 2,500 people), which was moving from Glodi towards Marcici.

On 15 July 1995, according to an order of the Drina Corps Headquarters classified no: 01/ 4- 157- 5 dated 13 July 1995, the Bratunac Brigade units “searched the terrain”, and a part of the forces was sent to the area of the Zvornik Brigade (60 persons liable for military service). On 15 July 1995, around 11.00 am, a senior officer informed General Krstic that he “had another 3,500 parcels” to distribute, for which, as he states, he did not have any solution.

In discussions with two senior officers, Obrenovic found out about the executions of Bosniaks in many places, particularly in Kravica. He was sure that all those present knew about the plan to execute those exiled from Srebrenica. That is when the soldiers from Bratunac, who later participated in the executions, came to Zvornik.

Obrenovic informed the Command of the Zvornik Brigade about the captured Bosniaks and the executions in which senior officers took part (A/ 8, paragraphs: 165, 192 and 226-227; B/ 144- 173).

In the morning of 16 July 1995 (about 8 a.m.) some parts of the 28<sup>th</sup> Division of the RBiH Army, in joint action and with the artillery support from the 2<sup>nd</sup> Corps of the RBiH Army from Tuzla, attacked and breached the RS Army lines, joining the front of the column in the wide area of Baljkovica, where fierce battles were going on. That was followed by the negotiations between the 2<sup>nd</sup> Corps of the RBiH Army and the Zvornik Brigade of the RS Army over the radio.

The Command of the Zvornik Brigade, “estimating the situation” that it had lost three trenches, self-willingly opened the corridor for “civilians, around 5,000 of them, together with the confronted party” and agreed to the “evacuation technique” demanding “the release of the captured policeman and its missing soldiers”. In their opinion, probably “a certain number of soldiers left with the civilians, but all those who passed were unarmed”.

The agreed corridor which was opened for the column (between 14.00 and 17.00 hours) in the area of Baljkovica was completely closed on 16 July 1995 (between 17.00 and 18.00 hours).

According to the set pattern, between 1,000 and 1,200 persons, who had been taken to Pilica on 14 July 1995, were killed on 16 July 1995. The executions were carried out in the military-owned farm Branjevo.

On the same day (around 15.00 hours) another execution of prisoners was carried out. A group of newly arrived soldiers from the RS Army Bratunac Brigade took out the prisoners from the Pilica Cultural Centre and executed around 500 persons.

Also, around 16 July 1995, the RS Army executed several hundred prisoners (around 500) in Kozluk.

On 16 July 1995, there were around 2000 refugees hiding in the woods in the area of Pobudje (A/8 paragraphs: 234- 253; B/ 174- 197).

Serb forces continued their campaign of capturing Bosniaks on 17 July 1995 as well. That day, “searching the terrain”, the RS Army captured a number of civilians, including four minor children (between 8 and 14 years of age), incarcerating them in a military jail in Bratunac (B/ 198- 207).

On 18 July 1995, the 1<sup>st</sup> Bratunac Light Infantry Brigade Units (3<sup>rd</sup> and 4<sup>th</sup> Infantry Battalion) and the persons mobilized under a compulsory work order, as well as police forces, “searched the terrain” in the area of Pobudje, Glogova, Hrancici, Konjevic Polje and on both sides of the Milici-Drinjaca road. Small groups tried to flee the area of Pobudje and Konjevic Polje in the direction of Cerska and Kuslat towards Tuzla.

On 18 July 1995, after one of its soldiers was killed “while he was trying to capture some persons during the search operation”, the Command of the Zvornik Brigade issued an order to execute the prisoners in its zone of responsibility in order to avoid any risks related to “their capture”. Thus, according to this order, all those found during “the terrain search” were being killed on the spot until the Command changed its order on 21 July 1995.

On 18 July 1995, the RS Army was engaged in searching, capturing and executing Bosniaks. In the early morning hours, a group of 200 persons surrendered in the area between Nova Kasaba and Konjevic Polje.

At that time, about 500 persons were hiding in the wider area of Pobudje, trying to flee towards Zepa, and Serbia or to Tuzla via Udrc.

The 1<sup>st</sup> Zvornik Brigade Units organized blockage and destruction of the groups left behind as well as “the search of the terrain” together with attached units along the Baljkovica-Cetino Brdo-Crni Vrh-Perunika-Lisina route. The search of the terrain in the area of the village of Kamenica was carried out by the units of the RS Ministry of Interior.

In the morning hours on 18 July 1995, the RS Army killed 20 persons in the area of Planinci-Baljkovica. Approximately 150 persons were surrounded in the area of Crni Vrh-Potocari-Planinci-Baljkovica (B/ 208- 226).

In the course of 19 July 1995, the Army and the forces of the Ministry of Interior of Republika Srpska continued with the search and blockade of the terrain for the purpose of blocking and destroying the remaining Bosniak groups. During the search of the terrain, 13 Bosniaks were killed and 2 captured in the area of responsibility of the Zvornik Brigade.

All available forces of the RS Ministry of Interior, which were positioned in the zone of responsibility of the Zvornik Public Security Center, searched the terrain in the area of Kamenica, Josanica, Liplje, Dzafin Kamen and Crni Vrh as far as Snagovo. Eight Bosniaks were killed on that occasion. At that time, there were “around 200 Muslims armed with automatic and hunting rifles” hiding close to the old road near Snagovo. On that morning, “about 50 Muslims attacked the Zvornik Brigade line in the area of Pandurica in order to break through to the Muslim territory. One soldier of the RS Army was killed and another severely wounded on that occasion.” The Zvornik

Public Security Centre planned to surround and destroy on the following day both mentioned groups with all available forces.

The RS Army Bratunac Brigade searched the terrain in the area of Gornji Potocari, Bljecevo, Cizmici, Lehovici, Bacuta and the Glogova-Konjevic Polje road (B/ 227- 231).

After 19 July 1995, small Bosniak groups were hiding in the woods for days and months, trying to reach Tuzla (B/ 232- 260).

A number of wounded captives (50) were taken to the Bratunac hospital. Another group of prisoners was taken to the Batkovici camp (near Bijeljina), and these were mostly exchanged later.

A number of Bosniaks managed to get across to Serbia (Ljubovija and Bajina Basta), from where 38 of them were returned to RS. Some of them were taken to the Batkovici camp, where they were exchanged. The fate of the majority of those returned has not been established to date.

By 17 July 1995, “201 soldiers” (“they are very exhausted and many of them with light wounds”) came to Zepa. Another 500 people arrived to Zepa from Srebrenica by 28 July 1995.

A certain number of people from the mixed column were killed in different ways, such as: by wounding, individual suicides, drowning in the Drina river while trying to cross to Serbia, exhaustion etc.

## II MASS GRAVES

One of the most important issues of the Commission's work was the issue of the disclosure of previously unknown mass graves locations of Srebrenica victims.

In the early stages of its work, the Commission started discussing the methodology and strategy to be used in the collection of information on this very sensitive and painful issue. The views were soon agreed upon, and the agreed strategy was incorporated both in the General and the Operational Plan of the Commission's work.

Having in mind the political environment mentioned in the introductory part of the Report and other collected material evidence, the Commission concluded that the most of the relevant and verified information on this issue may be obtained from the RS bodies involved (Ministry of Defense, RS Army, Ministry of Interior and other institutions).

The first activities in the investigation of the new mass grave sites were initiated by sending official written requests for information and establishing direct contacts with the competent Government ministries and services:

- Ministry of Interior of the Republika Srpska
- Ministry of Defense of the Republika Srpska
- General Headquarters and the RS Army
- RS Intelligence Security Service
- RS Civil Defense Administration
- RS Office for tracing captured and missing persons, and others;

Outside of the Republika Srpska, requests were sent to and contacts were made with:

- Federation Commission for Tracing Missing Persons;
- Cantonal Prosecutor's Office in Tuzla;
- The Office of the Hague Tribunal (ICTY)
- International Commission for Missing Persons (ICMP)

Requests were primarily related to the number of exhumed and identified mortal remains and the number of grave sites related to the events in Srebrenica in 1995 which have been processed so far.

While expecting responses to the mentioned official letters, the Commission members held meetings at the highest level with representatives of the ICTY (in the Hague), SFOR and EUPM. These organizations were requested to provide all available information on new locations of potential mass graves, using all human and other capacities they have available.

In order to provide as detailed as possible an insight into the magnitude and complexity of this issue, the Commission decided to collect the data related to the number of identified and buried victims, as well as to the number and types of graves discovered prior to the establishment of the Commission.

In that regard, representatives of the Hague Tribunal (ICTY) informed the members of the Commission, during their visit to the Hague on February 17, 2004, that, in the period when the ICTY carried out exhumations with their teams (from 1996 and 1998 to 2000), the total of 26 mass graves were exhumed, where bodies of persons killed in the events in and around Srebrenica were found.

When the ICTY discontinued its own program of exhumations in the field in 2000, it was announced that all information related to mass grave locations was forwarded to the Federal Commission for Tracing Missing Persons, for further processing.

From that time until the year 2003, the Federation Commission for Tracing Missing Persons exhumed several dozen graves. (Attachment D/1).

Due to the high percentage of secondary graves and the fact that they mainly contained mixed mortal remains of a number of persons, i.e. parts of bodies, it is impossible to say with certainty how many persons have been exhumed so far, either by the ICTY or by the Federation Commission. Out of the total number of exhumed bodies, 1,332 persons were identified (Attachment D/2), out of which 980 were buried in the Memorial Center at Potočari (statistics of the Cantonal Prosecutor's Office in Tuzla).

On the basis of the information available, the Commission was unable to determine how many of the exhumed graves were primary graves, and how many were secondary and tertiary ones. Similarly, we were unable to

determine how many whole bodies were exhumed, and how many skeletal remains (bags).

Comparing these data with the data on the number of persons who are still registered as missing persons (statistics of the ICRC, ICMP, ICTY, associations of families of missing persons from Srebrenica, and others), it was concluded that there was a huge number of gravesites that had not been disclosed to date.

In addition to the mentioned actions taken with the aim of disclosing the new locations of the mass graves, for a long time the Commission had not received a single piece of information from any of the mentioned sources. In the attempt to obtain information from the general public (primarily from Republika Srpska), it was decided to establish a special telephone line for anonymous information, both on locations of the mass graves and on the other events that took place in period between 10<sup>th</sup> and 19<sup>th</sup> of July 1995 in Srebrenica. In that regard, the Commission invited the Prime Minister of Republika Srpska, Mr. Dragan Mikerević, to personally support this initiative, which was of exceptional significance, given the political atmosphere in the RS public, where any disclosure of this type of information is still seen as betrayal, and not an act of patriotism.

The telephone line was opened on 26 April 2004, after which the Commission publicly appealed to the citizens through the media to provide information. This was followed by another public appeal, this time by the Prime Minister of Republika Srpska, who invited all who had any knowledge on locations of the graves to provide the information to the Commission. The campaign was supported by the RS President Dragan Čavić on several occasions. Despite attempts to appeal to the conscience of those who had knowledge on the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, this project failed. To date only a few pieces of relevant information have been collected in this way.

In its first Interim Report of 14 April 2004 the Commission emphasized the fact that by that specific date it had come into possession of very few, already known data on the events of Srebrenica, as well as that the work of the Commission was obstructed by the competent authorities.

Upon submission of the mentioned report, the High Representative for Bosnia and Herzegovina, Lord Paddy Ashdown, held a press conference on 16 April 2004, announcing the following:

- Removal of the Chief of the RS Army General Staff and of the Head of the Government's Secretariat for Relations with the ICTY, who were, in his opinion, responsible for the obstruction of the Commission's work;
- Warnings to the RS Minister of Defence Milovan Stanković and the RS Minister of Interior Zoran Đerić, requesting them to ensure that relevant information be provided to the Commission (not only on grave locations) prior to the submission of the next monthly report due on 30 April 2004;
- Repeated requests to President Čavić and Prime Minister Mikerević to assume personal responsibility for the work and success of the Commission, and be regularly informed on the Commission's work, through their advisors, Mr. Čizmović, Advisor to the RS President for legal issues, and Mr. Simeunović, Advisor to the Prime Minister for security.

After the intervention by the High Representative for BiH, the information related to the mass grave sites and other relevant documents started to flow in, which significantly improved the work of the Commission.

Upon receiving the first information on potential mass grave sites submitted both by the RS authorities (Attachment D/4) and witnesses in the field (**attachment – for restricted distribution “D”**), the members of the Commission tasked with investigating this issue initiated activities to verify the credibility of the information received, and to identify whether these were indeed new, to date unknown locations. In cases where coordinates of the locations were available, the ICTY was asked to look into its data and inform the Commission if the mentioned graves had already been known to them.

This was followed by a series of pre-visits to the potential graves, in the presence of experts for exhumations and investigation of graves. During the mentioned pre-visits, applicable procedures and regulations of the Entity Missing Persons Commissions were applied.

The investigation phase was completed with visits, checks and preliminary verifications of 3 primary and 29 secondary and tertiary graves, meaning that the Commission, using the information obtained from the official authorities and agencies of the RS Government and witnesses in the field, collected the information **on the existence of 32 (thirty two) to date**

**unknown and unprocessed mass graves** with the remains of Bosniak victims of the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995. In the attachment “D” to this part of the Report (**confidential documents for restricted distribution**), we enclose the following relevant documents:

- Field reports on pre-visits with the information and records received from the RS Ministry of Interior and RS Ministry of Defence
- Table summary of the graves with micro locations and photo documentation from the field.

Considering the previous negative experience with the grave relocations, there was a detailed discussion on the security of gravesites pending exhumations. The RS Ministry of Interior assumed the responsibility for securing the sites which had been visited and were believed to be new.

After pre-visits to 29 sites (Attachment D/5) and completion of the verification process, the Commission members, rapporteurs on this issue, decided to have a meeting with the Chairman of the Federation Missing Persons Commission, to determine how to proceed with this highly confidential information.

At the same time, the media and the general public in the Federation, especially the families’ associations, increased the pressure on the Federation Commission to take over the information on the newly discovered graves and compare it with the information on 23 graves that had allegedly already been known to the Federation Commission.

Upon consultation and approval by the RS Prime Minister, the meeting between two Commission members and Mr. Amor Masovic was held in Sarajevo on 26 May 2004. On that occasion, they came to an agreement to visit all newly discovered sites.

Thus, on 3 June 2004, representatives of the Federation Missing Persons Commission, OHR representatives and a representative of the RS Police, accompanied by two members of the Commission for Investigation of the Events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, visited all mass grave sites, on which the above-mentioned Commission obtained information through its own investigation.

At the very beginning of the visit, the maps, photographs, descriptions of the micro-locations and coordinates of 28 graves were delivered to the representatives of the Federation Commission, which is the only authorised body for the exhumations of Bosniak and Croat victims. Besides these 28 sites, three more gravesites were located on the same day, the documentation on which had not been prepared, since the information referring to these three gravesites were received immediately before the pre-visit (Attachment D/6).

The Commission was in possession of the information on another primary site (pit) containing approximately 80 bodies of those missing from the events in and around Srebrenica in the second half of July 1995. This gravesite is located in municipality Šekovići. As the Federation Commission knew about this site, it was not visited on that occasion.

At the end of the visit, the Chairman of the Federation Commission gave his preliminary evaluation on 31 visited sites, of which 8 were completely unknown to the Federation Commission, but that all received information would be compared with the information from the Federation Commission, and a written answer be delivered to the Commission. Amor Masovic delivered the following information in a letter sent to the Commission Chairman on 4 June 2004:

- Out of 28 gravesites from the list, five (5) were completely unknown to the Federation Commission. Two (2) of them were primary gravesites, which is very important as far as the evidence material on crime is concerned;
- Three (3) gravesites, which were not on the list and which were visited on the same day, were also unknown to the Federation Commission;
- The Federation Commission had knowledge about the existence of 3 locations, but no specific information on the exact sites.

Besides these conclusions, the Federation Commission Chairman also stated in this letter:

“I would like to emphasize that the fact that we had knowledge about certain sites from your list in no way diminishes your efforts personally and the efforts of the other Commission members to obtain information on mass graves. On the contrary, your information only confirms what we have already known from our sources, on which we are very grateful to you. Our

Commission is in possession of information referring to several other mass graves in the area of municipalities of Bratunac, Srebrenica, Zvornik, Sekovici and Osmaci, which also contain remains of Srebrenica victims.

In my opinion, the model which we used yesterday could be useful not only for our future successful cooperation, but also for cooperation between the Entity Commissions for Missing Persons” (Attachment D/7).

The letter also states:

“In order to verify and confirm the credibility of the information delivered by you, the Federation Commission will start the exhumations of gravesites on the locality of Sandici sometime during the next two weeks. We will inform you about the start of the exhumation, so that your representatives can be present at the site.”

In experts’ opinion, and considering the current resources in the area of exhumations and identifications, the processing of the above-mentioned sites will go on for months. The start of exhumations could be prolonged for several years. Their opinion is based on the following facts:

- A large number of graves are situated on localities that are very hard to work on;
- Most of the graves are covered with piles of rubbish and other waste that have been accumulated during the years;
- The exhumation program in BiH 2004 is already in progress, and the 1992 sites are the priorities;
- Human and other resources necessary for exhumations are limited.

It is very important to emphasize that each mass grave is treated as a crime scene, and therefore exhumations are not only about exhuming bodies. It requires the presence of various experts (Prosecutors, Crime-technicians, Pathologists, and Anthropologists/Archaeologists etc.), manual workers and equipment (excavator, lights, ladders etc.) in order to properly perform the assignment and have the results verified by the competent Cantonal Prosecutor.

Based on the above mentioned, it is concluded that without providing additional financial means necessary for the work and for hiring local experts (currently the ICMP provides foreign experts e.g. forensics anthropologists, forensics archaeologists and others), the processing of

newly discovered mass graves related to the events in and around Srebrenica from 10 to 19 July 1995 will not start on time. Also, without additional financing of the process of DNA analyses, it will not be possible to determine the number and identity of victims exhumed from these mass graves in the near future.

From the aspect of the Commission's work, and in order to determine the number of bodies buried in the above mentioned graves it is crucial to speed up the process of exhumation and identification. It will not be possible to determine the precise number of bodies or body parts buried in each of these graves, without an exhumation on all sites, and without comparing DNA profiles of bone samples taken from exhumed bodies with the data base from the ICMP, all within the DNA program of identification.

### III

#### ESTABLISHING THE FATE OF THOSE STILL UNACCOUNTED FOR

The second task within the Commission's mandate was to create a precise list with the names of all persons that went missing during the events in Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995.

The Commission specially focused on determining the fate of 1,849 persons referred to in the Decision of the BiH HRC, of 3 March 2003, which served as the basis for the RS Government to form the Commission.

In the attempt to collect a great deal of information about these persons, the Commission contacted the following institutions and organizations in BiH (which are listed in the Analysis of the applications submitted to the HRC and the Constitutional Court) (Attachment "F").

The Commission was aware of the fact that there are many lists of missing persons referring to the area of Srebrenica, and that it would be very hard to consolidate and produce a single list within the given timeframe, due to different types of information and different formats in which they were presented (lists, data bases...). Another problem occurred with regard to identical or similar names of family members, which are very difficult to verify without personal identification documents. The Commission found out at a later stage that it was precisely due to the above mentioned reasons that similar projects had been abandoned and suspended in the past.

Therefore, the Commission considered the proposal of one of its members – a project proposal to produce a list of missing persons still unaccounted for, through its own field investigations. According to that project, the Commission would form teams to collect the data in the field, which would gather and verify the information on the missing persons, collect the information on the circumstances under which the persons went missing and other important details, and finally compare the obtained information with the information from the 1991 Census. The project proposal was adopted and presented to the RS Government with a request for funding.

After the High Representative made the decision that the Commission must submit its Final Report by mid July 2004, it was concluded that the project could not be completed in time, and for that reason it was abandoned.

As the work continued, a meeting was held in Sarajevo at the end of January 2004, between two Commission members and representatives of the families' associations, who discussed the number and identity of the missing persons. The associations' representatives said that the families wanted to see progress in the work of the Commission and be assured of its honest intentions to find out the truth about Srebrenica on behalf of the RS, before the associations released any information on this issue or allow other institutions to do so on their behalf.

By evaluating the methodology on collecting information about missing persons, the Commission concluded that the ICMP had the most accurate list. That list was produced within the ICMP's DNA identification project. Every blood sample donor provides information both about the missing person to be identified, and the circumstances and the time when the person went missing. Until the submission of this Report, information was collected on 7,779 persons that went missing in Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, as reported by their family members. Unfortunately this number is not final since the ICMP still collects blood samples and information from the victims' families currently residing in the EU countries. This number will certainly increase once the ICMP project is completed.

Due to legal limitations related to the confidentiality of the information, the ICMP could not release its information to the Commission without the consent of the missing persons' families or their representatives.

In the next meeting between the Commission members and representatives of the families' associations, held on 25 May 2004, the families agreed that the ICMP information on missing persons be released to the Commission, for the purpose of its Final Report. However, the Commission has not received the stated information so far (Attachment F/2).

Regarding this issue, the Commission believes that it is necessary to clarify the following:

According to the information delivered to the Commission by the ICRC for BiH on 17 February 2004 and 18 May 2004, the number of the missing persons still unaccounted for is 6,450 (Attachment F/1), and according to

ICMP information there are 7,779 missing persons still unaccounted for. The reason for this discrepancy is in the fact that the ICRC only accepted applications from close family members, while in the case of the ICMP the identification is possible through blood samples of other family members as well. Unfortunately, due to the above mentioned rules for collecting information of the two organisations, in cases where entire families were killed there is no one to report them missing.

In order to obtain a relatively accurate list of missing persons still unaccounted for, it was concluded that it was necessary to obtain accurate information on the identity and number of Srebrenica victims that have been identified and buried, and the number and identity of identified victims that are still to be buried.

After a written request was submitted to the Tuzla Cantonal Prosecutor's Office, and a meeting between two Commission members and the Cantonal Prosecutor, the Commission received a list of 1,332 identified persons (with issued death certificates) (Attachment D/2). Most of these persons have been buried in the Potocari Memorial. According to the information from the ICMP Podrinje Identification Project (PIP), which was visited by the Commission members on 6 May 2004, additional 900 persons that went missing in Srebrenica in July 1995 have been identified and are awaiting burials.

Reviewing all the above mentioned activities and findings, the Commission members concluded at one of their sessions that the existing information from all sources available to Commission would be used and compared, in order to produce a final list of the persons that went missing in the events of Srebrenica 1995, in particular with regard to 1,849 persons for which applications were submitted to the HRC and the Constitutional Court of BiH.

The comparing of the above mentioned information regarding 1,849 persons has been finalised, and the results are presented in the attached document titled "Analysis of the applications submitted to the HRC and the Constitutional Court of BiH". (Attachment F)

We stress that the preparation of the final list of missing persons from Srebrenica who are still unaccounted for continues. With that regard we expect more detailed information from several sources, which will also be included in the above mentioned database. The final findings of the

Commission on this issue will be delivered to the RS Government by mid July in the form of an Addendum.

#### IV

### THE LIST AND IDENTITY OF VICTIMS FOR WHOM APPLICATIONS WERE SUBMITTED TO THE HUMAN RIGHTS CHAMBER IN BiH

In order to respond to the applications submitted to the Human Rights Chamber and the Constitutional Court of BiH regarding the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> 1995, the Commission formed a database in order to provide precise information on the fate of persons referred to in the applications. After analysing the documentation presented in the applications, and the information from the relevant records known to date concerning the events in question, the following information have been obtained:

THE NUMBER OF APPLICATIONS TO THE BiH HUMAN RIGHTS CHAMBER	1,875	
THE NUMBER OF APPLICATIONS IN THE BiH CONSTITUTIONAL COURT	49	
TOTAL	1,924	
SUBMITTED TO THE COMMISSION WITH ATTACHMENTS	1,400	
THE NUMBER OF MISSING PERSONS REFERRED TO IN THE APPLICATIONS:	1,193	
OUT OF WHICH:		
THE NUMBER OF PERSONS FALLING WITHIN THE COMMISSION'S CRITERIA (10 <sup>th</sup> and 19 <sup>th</sup> July 1995)	1,135	
Number of buried:		237
Identified but not buried:		56
Number of persons still registered as "MISSING"		842
THE NUMBER OF PERSONS NOT FALLING WITHIN THE COMMISSION'S CRITERIA (WENT MISSING BEFORE 10 <sup>TH</sup> OR AFTER 19 <sup>TH</sup> July 1995)	51	
Number of buried:		17
Identified but not buried		2

Number of persons still registered as “MISSING”		32
NOT SUFFICIENT INFORMATION ON:	3	
Number of buried:		1
Numbers of persons alive:	4	
TOTAL	1,193	
TOTAL NUMBER OF PERSONS BURIED:		255

The reason for the discrepancy between the number of applications and the number of persons referred to in the applications is in the fact that there were cases when several applications were submitted for one person (e.g. five applications submitted for one person).

By checking the list of applications and the information delivered to the Commission, it was concluded that the Commission did not receive all the applications. Namely, there are 540 applications with insufficient information (e.g. name of the applicant and the name of the missing person), which is not sufficient to identify the person concerned.

Frequently, the organisations keeping the lists of missing persons have different information on dates and places where persons went missing, and in most cases there is no precise information on the date and place of birth, and on residence.

There have also been cases where the applications refer to circumstances under which persons went missing as if it happened in July 1995, but the dates registered in the records refer to the period before or after July 1995. In such cases the Commission was guided by the information more likely to be impartial, however there is a possibility to correct such data in case new evidence appears.

In four cases the persons referred to in the applications are still alive.

The information on exhumed, identified and buried persons is either not precise enough, or is only partial, which requires the Federation Missing Persons Commission and the Missing Persons Institute to forward all the relevant information to the Commission to enable it to have complete information on specific cases and circumstances.

Different sources were used in information processing:

- ICRC - MISSING PERSONS ON THE TERRITORY OF BOSNIA AND HERZEGOVINA
- ICRC - THE LIST OF PERSONS REPORTED MISSING IN THE EVENTS OF SREBRENICA IN JULY 1995, WHOSE REMAINS WERE FOUND (Attachment D/3a)
- ICRC – LIST OF PERSONS WHO WERE REPORTED DEAD TO ICRC, BUT WHOSE REMAINS HAVE NOT BEEN DELIVERED TO THEIR FAMILIES – SREBRENICA 1995
- LIST – PERSONS WHO WENT MISSING IN 1995 IN THE MUNICIPALITY OF SREBRENICA
- THE ASSOCIATION OF CITIZENS “WOMEN OF SREBRENICA” – 2 lists with supplements (taken from the Internet)
- Confirmations from the FBiH Commission for Missing Persons Sarajevo, attached to the applications to the Human Rights Chamber and the Constitutional Court of BiH
- ICTY in The Hague - PROSECUTOR’S OFFICE - Srebrenica Missing, 2 May 2000
- THE INSTITUTE FOR INVESTIGATION OF CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW – SARAJEVO UNIVERSITY – SREBRENICA VICTIMS (between 10<sup>th</sup> and 19<sup>th</sup> July 1995)
- THE CANTONAL PROSECUTOR’S OFFICE OF TUZLA CANTON – the list of identified persons from Srebrenica 1995 (Attachment D/2)
- BOOK: Naser Oric: “SREBRENICA testimony and indictment” – THE LIST OF MISSING CIVILIANS FROM THE BEGINNING OF THE WAR 1992 ACCORDING TO THE DOCUMENTATION OF THE SREBRENICA COMMUNICATION AND INFORMATION SERVICE (pages 195-210), and THE LIST OF CITIZENS KILLED DURING THE WAR ACCORDING TO THE DOCUMENTATION OF THE

COMMISSION FOR WAR ATROCITIES MONITORING (THE LIST DOES NOT INCLUDE THE PERSONS KILLED AND REGISTERED IN THE HOSPITAL AND THE CIVIL DEFENCE DOCUMENTATION) (pages 211-251)

- ADP OF GARRISON AFFAIRS – THE LIST OF KILLED SOLDIERS FROM MUNICIPALITIES OF SREBRENICA, VLASENICA, BRATUNAC and ZVORNIK
- THE LIST OF KILLED SOLDIERS FROM BiH ARMY
- PUBLIC UTILITIES COMPANY “GRADSKA GROBLJA” – VISOKO – THE LIST OF BODIES FOR BURIAL ON 11 July 2003 IN THE SREBRENICA-POTOCARI MEMORIAL (taken from the Internet)
- WAR DOCUMENTATION OF SREBRENICA ARMED FORCES, 8<sup>th</sup> OPERATIVE GROUP and 28<sup>th</sup> DIVISION OF BiH ARMY
- OFFICIAL LETTER FROM THE RS INTELLIGENCE AND SECURITY SERVICE – CONFIRMATION OF POLICE STATIONS FOR CONTROL OF STATE BORDER BRATUNAC 1995 and
- THE LIST OF PERSONS MADE BY THE DUTCH BATTALION IN POTOCARI (239 NAMES)
- THE LIST OF PERSONS IN THE “BATKOVICI” COLLECTION CENTRE
- OTHER OFFICIAL LETTERS, DISPATCHES, and REPORTS

In order to provide comprehensive information to all applicants, the Commission focused fully on investigating information about persons referred to in the applications, stressing that it will support the continuation of the investigations, and that it will focus on investigating the fate of all other persons that the applications do not refer to, but that are listed as missing persons or included in any other lists relevant to the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995 (attachment - F:).

## CONCLUSIONS

After difficulties in the initial period of its work, the reaction and measures taken by the High representative for BiH on 11 March and 25 April 2004, the optimal conditions for the realisation of the tasks of the Commission were created.

On the basis of its own research on the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, the Commission provided further insight in the mentioned events and amongst others achieved the following results:

- It collected significant documentation, information, new knowledge and other evidence on the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995, including those unknown to date;
- It established that between 10<sup>th</sup> and 19<sup>th</sup> July 1995, several thousands of Bosniaks were executed, in a manner that represents severe violations of International Humanitarian Law and that the perpetrators, inter alia, undertook measures to cover up the crime by reallocating the bodies;
- It discovered 32 new, to date unknown locations of mass graves, 4 of which were primary sites. Information on those gravesites was provided exclusively by the sources from the RS (Government bodies and witnesses in the field) and this was the first time that such information was obtained in this manner. Having that in mind we believe consideration should be given to use the same model to provide information on the fate of “missing persons” across the whole of BiH, regardless of their ethnicity or religion.
- It established and reconstructed the participation of military and police units, including special units of the RS Ministry of Internal Affairs;
- It provided further insight into the events of Potocari with special regard to the fate of the mixed column, and the other events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995;
- Aiming to establish the number and identity of persons from the applications submitted to the HRC, the Commission created a database where information from various sources was compared. The results

achieved in this regard were significant and new. The same methodology will be applied in an attempt to produce a consolidated list of all persons still unaccounted for with respect to the events in and around Srebrenica between 10<sup>th</sup> and 19<sup>th</sup> July 1995.

The Commission would have achieved better results if it had available other relevant documentation of the competent RS institutions, as well as information and documentation of the FBiH authorities.

Operating with a very short deadline since its establishment, the Commission worked under strong pressure from the media, which additionally burdened its already complex activities. However, the Commission members managed to resist any politicisation of the subject of the investigation, as well as the pressure from media. Incriminating information was deliberately left out of the report.

The results of the Commission's work presented in this report should be viewed by the RS public in the light of the recent statement of the RS President. Accepting and facing the fact that certain members of the Serb people committed crimes in Srebrenica in July 1995 could have a positive effect on the conditions for the investigation of all other crimes committed in the BiH territory as well as for the sanctioning of the perpetrators.

#### **THE COMMISSION:**

In Banja Luka on 11 June 2004

Milan Bogdanic, Commission chairman

Djordje Stojakovic, Commission deputy chairman

Prof.dr.Smail Cekic, Commission deputy chairman

Gordon Bacon, Commission member

Gojko Vukotic, Commission member

Milorad Ivosevic, Commission member

Željko Vujadinović, Commission member

## ATTACHMENTS