

MONUMENTA SREBRENICA

Research, documents, testimonials

BOOK 9

*SREBRENICA THROUGH
PAST CENTURIES*

SREBRENICA THROUGH PAST CENTURIES

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A WORD FROM THE EDITOR

There is a folk wisdom among Bosniaks, “spoken in the Bosnian language” that “every time has its burden”. This Bosniak folk wisdom, understood in the simplest way, tells us that in every time, even today, every social situation has its problems that need to be sought and answered. Bosnian society, during its thousand-year history, has faced, and still faces, countless problems and challenges. At some point, some problems are more emphasized and characteristic, they appear with a stronger intensity, significantly determining the further directions of development of both Bosnian society and the Bosnian state, to which we add “Herzegovinian” for a little over a hundred years. In books number 6, 7 and 8 of the “Monumenta a Srebrenica” edition, we talked about several significant and current problems of the existence of Bosniaks in the contemporary Bosnian society and state, such as culture of remembrance, specific forms of Bosniak collective consciousness, uncritical acceptance of other people’s social values, marking significant historical dates and personalities from our own history. Due to the length of texts in this issue of the “Monumenta”, we are not able to elaborate one of the three problems in a wider and more explicit manner, “three burdens” that Bosniaks face “in this period of time”. For these reasons, we will elaborate current issues as scientific research topics that we hope to explore more explicitly in future issues of “Monumenta”, but also to ask as important research questions to future researchers of Bosnian and Bosniak history. What are these “burdens”, questions that “every time”, in our case, put our present day on the agenda. The first is certainly the commemoration of the 25th anniversary of the crime of genocide against Bosniaks in the “UN Protected Zone” Srebrenica in July 1995. This year also marks the 75th anniversary of the victory over fascism, which inevitably raises the question of understanding the relationship between anti-fascism and fascism, that is, freedom and violence, good and evil, justice and injustice. These two anniversaries have a common question, and that is who were fascists and who were anti-fascists in the war against the Bosnian society and the state in the period of 1992-1995. Thus, on the occasion of the 25th anniversary of the genocide against Bosniaks in the “UN Protected Zone” Srebrenica, “this time” raises **the question of explaining the relationship between fascism and anti-fascism in the 1992-1995 war against Bosnian society and the state**. This question requires serious scientific research work, which is why we set it as a research topic, primarily within the sociology of genocide, but also in other scientific disciplines. The second issue, which is most directly related to the first issue, i.e. forms an integral part of it, is the

issue of the attitude towards mother and child in the crime of genocide and the Holocaust, and in our case of genocide against Bosniaks. Thus, the second question, or “the burden” of this time, and at the same time a research topic is **“Mother and child in the crime of genocide.”** The answer to this question will significantly contribute to the answer who were fascists and who were anti-fascists in the 1992-1995 war against the Bosnian society. Before we present the most basic facts about the issues raised and asked above, we would like to point out the third “burden” of this time, and that is the emergence of the COVID-19 pandemic. We are not primarily interested in the medical aspect of this problem, and we leave it to medicine and related sciences. What interests the social sciences and humanities and concerns COVID-19 is **the relationship of modern man to himself, his society, nature and God.** Isn’t the most basic message of COVID that the man of this time is too arrogant, imagined, that he is trying to cross the limits of his possibilities. COVID-19 warns modern man that he is not able to avoid pandemics, “plagues”, wars, famines, or his own suffering because he is a weak, imperfect, limited being, and that man is not “a measure of everything that is and everything which is not that it is not“ but that this measure is outside of him, that the measures are given to him through universal norms of relations which he must respect if he intends to survive on the planet given to him and which he, man, destroys and thus destroys himself. “In a kind of madness, modern man imagines that he can invariably attack nature and establish the order of life within it, and that the nature would not retaliate at the same time.”¹ Isn’t “technical mind”, the desire for profit, darkened man’s pristine mind, whose basic values are: life, faith, freedom, property and honor attacked by themselves.

Let us return, in brief, to our first question, the “burden” of our time, and at the same time the research topic, which is the relationship between fascism and anti-fascism in the 1992-1995 war against Bosnian society and the state in, or more simply, which political and military subjects pursued fascist policy and practice and which anti-fascist. A comparative analysis of the activities of fascists and anti-fascists in the Second World War with the activities of political and military entities in the 1992-1995 war against Bosnian society, we will get an explicit answer to the question. Fascism as an ideology, tried to be realized through the Nazi party-government and the Nazi army, wanted to cleanse the future German state of Jews and Roma. How was it done? What methods

1 J. Žiga, *Vrijeme (sve)politike, Iluzije savremenog ekologizma*, BZK, Preporod, Sarajevo, 2012, pp.128. I recommend this book and a work of H.S. Nasr, *Susret čovjeka i prirode, Duhovna kriza modernog čovjeka*, El-Kalem, Sarajevo, 2001, as a very referential literature on issues of a contemporary man and his society.

were used? It has been proven that the Nazis did that by persecution, murder, concentration camps and other forms of crime. The anti-fascists opposed this, fighting in various ways, above all, forming armed formations in the form of partisan units, which later grew into liberation armies. The anti-fascists did not persecute any nation or religion or racial group, they did not destroy mosques or churches of other Christians. Who killed and persecuted Bosniaks and Croats in the 1992-1995 war against Bosnian society and the state in order to “create” a mono-ethnic Serbian state on the multiethnic, multi-religious and multicultural “fabric” of Bosnia and Herzegovina? The anti-fascists did not do that in the Second World War, but the Army and the police of the Republic of Srpska did. The anti-fascists did not set up concentration camps in World War II, but the fascists did. The most famous, among many, are Auschwitz and Jasenovac. Who formed concentration camps for Bosniaks and Croats in Trnopolje, Omarska, Batkovići near Bijeljina, in Zvornik and many other places? This was done by the Army and police of the Republic of Srpska with the approval and well-planned of the political leadership of what was first the Serbian Republic of Bosnia and Herzegovina, and later the Republic of Srpska. Who demolished all mosques and by whose order, even in places where there was no war? Did anti-fascists do that in World War II? They did not. And who did? Draža Mihajlović’s fascist associates Chetniks did that. In the 1992-1995 war against Bosnian society, the Army and police of the Republic of Srpska did the same on the orders of their political and military leadership.

Let us now turn to the most important question on which we can see and prove who did and who did not implement the fascist policy and practice in the war against the Bosnian society and state in the period of 1992-1995, and that is the attitude towards mother and child in the crime of genocide and the Holocaust. Here, too, the best will help a comparative analysis of the criminal practices of the fascists in World War II and their successors in the 1992-1995 war against Bosnian society and the state. It is known that the fascists did not spare women and children, or mother and child, as symbols of the sanctity of life in the extermination of Jews and Roma. What is the attitude of the fascist policy-makers towards children and mothers in the war against Bosnian society and the state in the period of 1992-1995, we will show only a few characteristic examples, which are unfortunately not isolated examples but part of organized, planned, continuous and comprehensive policy and practice of destroyers of Bosnian society and the state as the most valuable civilization examples of the millennial life of Bosnian “unity of differences”. At the same time, these examples are irrefutable and obvious evidence of the genocide committed against Bosniaks in the 1992-1995 war against Bosnian society and the state.

The first example: A pregnant Zekira Begić was found in a mass grave in Suha, the municipality of Bratunac, and many other small children were killed at the end of April 1992. The characteristic of this case is that the ideologues of fascism in the 1990s killed both the mother and her unborn child. Zekira Begić was in her ninth month of pregnancy. An autopsy showed that one bullet hit Zekira's child in the stomach.² That this case was only a continuation of the fascist practice from the Second World War is confirmed by the example of the crime committed by Golub Erić's Chetniks in the Bratunac villages of Zelinje and Poloznik, when they set on fire children and mothers of these villages alive. The Chetnik crime against Bosniak pregnant mothers in World War II was an everyday criminal ritual. In the town of Mijakovići in December 1941, the Chetniks murdered a pregnant woman, Hadžira Mandžo called Đirka, the wife of Ibro Mandžo, by burning her to death until she died in the most terrible torments.³

The second example: In May 1993, the Army and police of the Republic of Srpska in Semizovac, the municipality of Vogošća, captured local Imam Hasib Effendi Ramić and his wife Šefika with their four minor children in their house. Hasib and Šefika were tied up to slaughter before their eyes first their son, a 12-year-old child Muhamed, then they slaughtered their daughter 10-year-old child Meliha, then they slaughtered the second son of Hasib and Šefika, 4-year-old Ahmed, and a daughter Amina was only a month old. A soldier of the Army of Republic of Srpska drowned her with his hands because her neck was too small for a knife. Then they slaughtered Hasib's wife Šefika and finally, while he had to watch it all, bound, they slaughtered Imam Hasib. This type of crime is incomprehensible to the human mind, but it is a regular practice for the fascist. We say regular practice because similar such crimes were committed by the Nazis against Jews and Roma, but also by Chetniks in the Second World War against Bosniaks. Here is an example from World War II. "In the village of Popov most, the Slijepčevići Chetniks from the village of Prijeđel slaughtered Hasan Vreva's mother with theirs and other children from the village in the house. In the boiling water in the cauldron, they took one by one child by the legs and pushed their heads into the boiling water, until their eyes leaked and so they died in the most severe torments. According to the information and talk, about 10-15 people (children) died."⁴

The third example is the crime that took place on June 14, 1992 in Višegrad, known as the "Living Bonfire". At that time, followers of fascist

2 See reports of the Missing Persons Institute.

3 V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, Svjetlost, Sarajevo, 1990, pp. 757.

4 V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 765.

ideology forced about 70 Bosniak civilians into Adem Omeragić's house, mostly women and children, and set them all on fire. Among those killed and set on fire was a two-month-old baby. The practice of "living bonfires" from the 1992-1995 war against Bosnian society and the state is only a continuation of the Chetnik fascist practice from the Second World War. We will cite just one of many examples. "Stevo Mastilović's wife from Prijedel near Foča stated that she watched when Vlado Slijepčević from the village of Prijedel forced the family of Zulfo Kovač called Šebo to enter Osman Kovač's barn in the village of Ravan. After that, he set it on fire and all of Zulfo's family, i.e. his wife and four children aged 5 to 11, burned in it."⁵

The forth example: In the 1992-1992 war against Bosnian society and the state, the Republic of Srpska army and police killed 102 non-Serb children in Prijedor in 1992 and 1993. Even today, the Government of the Republic of Srpska does not allow the erection of a memorial for those innocently killed, almost 100%, Bosniak children. The same crime against the mother and child was committed in September 1941 by insurgents, read Chetniks, attacking columns of refugees from Kulen Vakuf. About 2,500 Bosniaks were killed then, of which about 1,500 were women and children.

The fifth example: The total number of children killed in Srebrenica from 1992 to 1995 was 826. During the convicted genocide against Bosniaks in the "UN Safe Zone Srebrenica" in July 1995 694 children were killed.⁶ So far, 442 children have been buried in the cemetery of the Memorial Center in Potočari. The magnitude of the crime is not only reflected in its figures, but much more in the very act of killing children and that the crime against children in Srebrenica is not an individual and isolated example, on the contrary it is a paradigmatic example of crimes against Bosniak children from the beginning of national and liberation movements in the Balkans until today. According to the lists of children slaughtered, burned, and otherwise killed in Foča and its surroundings in 1942 and 1943, by Chetniks, "Serbian heroes", published by V. Dedijer and A. Miletić, in their book *Genocid nad Muslimanima* (paraphrase: Genocide against Muslims), (Bosniaks, by A.Đ.) 146 children under the age of two were killed. A total of 1,086 children were killed in Foča during the Chetnik crime of genocide against Bosniaks in World War II. At the same time, 585 women, mostly mothers, were killed. Historians claim that these lists are not complete or definite because not all victims have

5 V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 682- 683.

6 More in: M. Džananović, *Child and family in genocide with special reference to the genocide against Bosniaks in and around Srebrenica in July 1995*, a text in this edition of "Monumenta".

been recorded, which means that the number of mothers and children killed is much higher.

The sixth example: In besieged Sarajevo, whose siege lasted from 5 April 1992 to 29 February 1995, i.e. 44 months, more precisely 1,425 days, three times longer than the siege of Stalingrad, the longest in modern human history and the longest siege of a capital city ever, over 1,600 children were killed. To this data should be added the fact that it is also a product or continuation of the fascist practice of “Serbian heroes” of killing Bosniak helpless women in the crime of genocide. One of the pieces of evidence, of Chetnik massacres of children and mothers, is Pavle Đurišić’s *Report* to Draža Mihajlović on the massacres of Muslims (Bosniaks, by A.Đ.) in Čajniče, Foča, southeastern Bosnia, Pljevlja and Sandžak,⁷ in which he states that “during the operation, **the complete destruction of the Muslim population was approached, regardless of gender and age** (pointed out by A.Đ.). Our total victims were 22 dead, of which 2 by accident and 32 wounded. Muslim total victims are around 1,200 soldiers and up to 8,000 others, women, elderly and children.” It should be noted that the Chetnik “heroes” of Pavle Đurišić killed 13 babies (children) one month old and about 350 children up to 5 years old in the mentioned operation in Pljevlja alone. The YPA General Kosta Nađ visited Foča after the genocide against Bosniaks in December 1941 and January 1942, and on that occasion he wrote: “I don’t remember ever seeing anything scarier in my life than what we found in that city.” A raging Chetnik mob formally swam in human blood. The bridge on the Drina River provided a horrible picture. There was not a single inch of earth on it, which was not saturated with the blood of the slaughtered. It was the execution site of an innocent Muslim people - a real slaughterhouse. There are many corpses under the bridge. Connected by wire, intertwined with it, the Chetniks threw slaughtered men and women from the bridge into the river. Many became entangled in the pillars of the bridge. Animal rampage, worse than that bloodiest beast. Women and girls were apparently raped in front of their parents, husbands and brothers before the slaughter. The horrors are indescribable.”⁸ Indeed, science faces the difficult task of finding terms to explain Chetnik atrocities and sadistic atrocities during the crimes of genocide against Bosniaks both in World War II and in the 1992-1995 war against Bosnian society. It is incomprehensible to the normal human mind that this can be done by a man to a man, especially a neighbor to a neighbor, especially to children and mothers. Yet, it happened. Science described these crimes but did not explain the causes of hatred towards the victims and the amount of violence during the killings.

7 The Report was published in many resources and available for reading.

8 *Vjesnik*, Zagreb, 25 May 1952

The seventh example does not concern the specific crimes committed, but the manner in which they were covered up. We find an impressive and first-hand testimony about the manner and reasons for hiding Chetnik crimes against Bosniaks in the Second World War, among other documents, in the file of Adil Zulfikarpašić *Put u Foču*.⁹ At the request of Adil Zulfikarpašić to punish the Chetnik commanders who commanded in the operations of crimes against Bosniak children and women and other victims, Aleksandar Ranković said:” We should consider it our great political victory that the basic Chetnik mass passed to us during the appearance of our units. We cannot arrest and try their commanders out of consideration for them.” In his statement about the manner of covering up Chetnik crimes, Zulfikarpašić also cites the example of his conversation with Rodoljub Čolaković on the insistence on punishing Ranko Popadić and Zečević, who killed the family of Ibro Mustafić, Zulfikar’s friend, and were then partisan commanders. Here is what R. Čolaković answered him. “If they arrested butchers among the local Serbs, then they would arrest half of our People’s Committee and most of the soldiers.” A comprehensive study is needed to address this topic. On this occasion, we mention e.g. crossing over 3,000 Chetniks from the so-called Čegar Corps in May 1944 to the partisans.¹⁰ The YPA Colonel Vlado Dapčević writes that detachments of the Volunteer Army were formed in the vicinity of Foča. “In Foča, we formed several detachments of the Volunteer Army, and of those who slaughtered thousands of Muslims. If we punished them, we would have to kill all of them. All but one slaughtered, and there were over 2,000 of them.” It is now a little clearer to us why we were not allowed to talk about Chetnik crimes against Bosniaks in the Second World War after the war. The crimes against Bosniaks in the Second World War by the Chetniks are a typical example of the concealed genocide, a crime no less than the crimes of the Nazis against the Jews.

Why did we cite this example of the crime of concealment as a denial of genocide? For the reason that had the genocide against Bosniaks in the Second World War been discussed in the public, scientific, political and educational spheres, it would certainly have not appeared or would not be renewed to the extent that it occurred in the 1992-1995 war against the Bosnian society and state. Unfortunately, the genocide against Bosniaks in the Second World War was “silenced”, hidden for ideological and political reasons because its perpetrators, the Chetniks, joined the partisans en masse,

9 The Report was published in many resources and available for reading.

10 P.J. Cohen, *Srpski tajni rat –propaganda i manipulacija historijom*, Sarajevo, 1996, pp.83.

especially from 1943 until the end of the war. We write this text to point out the fact that not all forms of fascism have disappeared and that the ruling narrative on fascism and its victims in the Second World War and the 1992-1995 war against the Bosnian society and state should be studied, scientifically verified, on the basis of concrete facts, in order to contribute to its non-recurrence. One thing is for sure, if one genocide happens to Bosniaks, they will disappear as a people, not only politically, but also biologically. Therefore, we propose that the phenomenon of the suffering of children and mothers in the crime of genocide be comprehensively, scientifically investigated, as a special and very important research topic in proving the genocide against Bosniaks.

Let us now look at how the perpetrators of fascist ideology, the Chetniks in the Second World War and the Army and police of the Republic of Srpska fought in the 1992-1995 war against the Bosnian society and state related to the basic values of human existence: life, faith, freedom, property and honor. They killed lives, massively killing civilians, primarily children and mothers, which we explicitly stated in the text. They killed the religion, massively demolishing Bosniak mosques and other religious buildings. During the war against Bosnian society and the state in the period of 1992-1995, a total of 614 mosques, 218 masjids, 69 maktabas, 4 tekkes, 37 turbets and 405 other Muslim religious buildings were destroyed. The Army and police of the Republic of Srpska restricted the freedom of Bosniaks in all its dimensions. This is most visible in the mass organization of concentration camps (Omarska, Trnopolje, Batkovići, Zvornik and others) for Bosniaks and other non-Serbs. Property, movable and immovable, was looted en masse after the persecution and murder of Bosniaks. When it comes to the honor of Bosniaks, the Army and police of the Republic of Srpska have completely trampled it through the crimes of mass and organized rapes of Bosniak women, not allowing a dignified burial of the killed and other crimes. There is a special issue of the Chetniks' attitude towards the dignity of the dead, the murdered. Those who were killed were not buried, but they were simply thrown into natural or excavated pits, which today we call "mass graves." The largest mass grave after the Second World War in the settlement of Tomašica near Prijedor is the work of the Army and police of the Republic of Srpska. As far as mass graves are concerned, 750 have been recorded so far. A total of 95 were found in the Srebrenica municipality alone. Kamenica, the municipality of Zvornik, is called the "Dolina grobnica" (paraphrase: the Valley of graves) because 13 mass graves of Bosniak victims of genocide in and around Srebrenica in 1995 were discovered there.

In this, the ninth issue of "Monumenta", which is published at the same time as the twenty-fifth anniversary of the crime of genocide against Bosniaks,

we tried to present 13 original scientific papers by eminent researchers of genocide and other forms of crime. We have not given up on our usual “Monumenta” structure, but because of the celebration of the 25th anniversary, we have published a little more work on genocide and crime in general in the first chapter than has been the case so far. Also, spatially and thematically, we were not only “tied” to Srebrenica, but also to Zvornik, Vlasenica, HVO attacks on the Army of the Republic of Bosnia and Herzegovina and their impact on genocide, and other important issues. We tried to make the texts represent a methodological and scientific connection and thus form one whole. The first part contains the following works: *European approach to (mis)understanding of the genocide against Bosniaks* by R. Muratović presents various European views of the genocide against Bosniaks in the war against Bosnian society and the state in the period of 1992-1995. In the text *Crime - Negation of Human Dignity*, E. Kuka and A. Grabovica elaborate on the relationship between crime and human dignity. S. Softić writes about the legal issues of the dispute between Bosnia and Herzegovina and Serbia in the text: *Some legal issues in the dispute between Bosnia and Herzegovina and Serbia, for violating the Convention on the Prevention and Punishment of the Crime of Genocide*. M. Arnaut-Haseljić, writes on the topic: *Forced disappearances of Bosniaks in Srebrenica, the United Nations safe zone*. M. Džananović, highlights the hitherto neglected issue of the suffering of children and families in the crime of genocide in a text: *Child and family in genocide - with special reference to the genocide of Bosniaks in and around Srebrenica in July 1995*. A. Kliko writes a paper on the HVO conflict with the Army of the Republic of Bosnia and Herzegovina and its impact on the Serb offensive in the middle Podrinje in 1993. H. Omerović writes about the continuity of the Greater Serbia crime against Bosniaks in the Bosnian Podrinje on the example of Vlasenica in the text: *Vlasenica - the continuity of the Greater Serbia crime*. S. Maslić writes a paper on concentration camps in Zvornik and their function in the crime of genocide. S. Subašić-Galijatović, presents the book by Rafaella Masion, publisher, Armand Colin, Paris, 2010, entitled: *Guilty of Resistance? Naser Orić, defender of Srebrenica, before the international judiciary (Kriv zbog otpora? Naser Orić branitelj Srebrenice, pred međunarodnim pravosuđem)*

In the chapter: Current legal topics, we bring the work of F. Dozić, *Land Registry Reform in the Republic of Srpska and its consequences*. We have not forgotten those readers of “Monumenta” who are interested in the past of Srebrenica. For these reasons, in the third chapter: From the past of the Bosnian Podrinje we publish two papers. The first is written by K. Nurkić, *The Petrić and Kala quarts in Srebrenica according to the mid-19th century*

census. The second work is *The Grad quart in Srebrenica in the late 19th century* by A. Đozić and R. Djedović. In the chapter In Memoriam, which we introduced from the last issue, we present the facts about the crime against the families of Begija Malagić from Voljavica near Bratunac and Ajša Đozić from Đozići near Srebrenica, whose 15 male family members were killed, i.e. three male generations of the family: grandfather, sons and grandchildren. With this work, in addition to the memory of these brave mothers, we have concretized and actualized the issue of the suffering of children and mothers in the crime of genocide. On this occasion, we invite all readers of “Monumenta” to submit information to the Editorial Board about mothers whose husbands, sons and grandsons were killed and if they are not able to write a text about them, we will write and publish it.

GENOCIDE

EUROPEAN APPROACH TO (MIS) UNDERSTANDING OF THE GENOCIDE AGAINST BOSNIAKS

Summary

Genocide in Bosnia and Herzegovina is one in a series of genocides in the recent history of world civilization in the bloody mirror of ideological pogrom and state-organized evil, with which politics, science and philosophy are still unable or unwilling to radically deal with in a humanly meaningful and life-promising way. The common phrase “never to be repeated”, this contextual-declarative mantra, inevitable during the increasingly rare anti-fascist anniversaries and ceremonies, thus appears as an expression of moral hypocrisy, political inconsistency and irresponsibility of world powers. Thanks to this inconsistency and this irresponsibility, the specter of Auschwitz resurrected, even in the same historical second, quite undisturbed in (to make the paradox bigger) the UN security zone of Srebrenica, in July 1995. The common-sense question is: what has been done and committed in unprotected - unsafe zones throughout Bosnia and Herzegovina? The answer is, of course, nothing that has already been shown in both image and tone around the world. Rarely have any previous perpetrators of genocide announced and committed their crimes as triumphantly as the one in Srebrenica. None of the earlier perpetrators in the long history of genocide is as proud of that civilizational shame as the perpetrators of the genocide in Srebrenica do. Despite the obviousness and court rulings, genocide is persistently, publicly and with impunity denied and affirmed.

The genocide against Bosniaks in Srebrenica, even after the court verdicts, does not mean to some what it should mean humanely and independently of any verdict: the reason for unquestionable condemnation and outrage! But not! They relativize guilt and hypocritically hint at justifying reasons for the cowardly passivity and restraint of the international community during and after the aggression against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks. The genocide of Bosniaks, like everything that happened in Bosnia from 1992 to 1995, was a rehearsal for asking falsely worrying questions later and a rehearsal for the establishment

of a new international order in the 21st century. Even though it all happened in almost one day, we still had to wait years to realize that the genocide in the UN security zone of Srebrenica, in July 1995, was not committed suddenly and without the knowledge of the most powerful in the world.

The blood of innocent residents of Srebrenica and Bosniaks in general has not only soiled the hands of Chetnik killers, but equally those who sat in all, especially European capitals. Does this civilization live and reside in anything other than fear, injustice and tyranny? Is that her way of life? Are these her best achievements? Is civilization as uncivilized as it was then, looking motionless at Srebrenica, but also at Sarajevo, Foča, Višegrad, Zvornik, Vlasenica, Bijeljina, Brčko, Prijedor, Ključ, Sanski Most? Twenty-five years after the genocide committed in Srebrenica, in the territory of the United Nations safe zone, in July 1995, the consequences of the crime of genocide among survivors are evident, manifesting themselves in important aspects of human and social existence, individual and social life. Twenty-five years after the genocide committed in the territory of the United Nations safe zone in Srebrenica in July 1995, it is of special importance to strengthen and support those who survived the genocide.

Aware of the systematically nurtured darkness that would hide the truth of genocide during the so-called “civil war” in Bosnia, despite all efforts to suppress it in a lobbying manner, the real truth about the aggression against the Republic of Bosnia and Herzegovina lives on in the works of analytically serious researchers. They think for themselves, use the logic and language of historical facts, and stand up against evil and side with the victim (in the legal sense of the word) and their right to historical and human justice. It gives hope. “Judging by the evil that the grandchildren of homo sapiens committed in the 20th century, we have nothing to hope for after 2000. Judging by the hope that faith in God teaches us, even after 2000, there will be many people who will die a natural death.”¹

Key words: genocide, Bosnia, Bosniaks, Srebrenica, United Nations, the International Community, denial of genocide, accusation of the victim.

Introduction

The genocide against Bosniaks as one of a kind is a completely determined product of a specific group of social, political and psychological factors that contributed to a temporary suspension of civilization's normal influences on human actions. The genocide against Bosniaks is a breakdown of

1 Karić, Enes. *Eseji od Bosne - tri bosanske enklave* -, Sejtarija, Sarajevo 1999. pp. 167.

modernity, not a product of modernity. The fact is that sociology does not take the problem of genocide seriously, and professional sociological contributions to the study of genocide are marginal and almost insignificant. Sociological research that has already been carried out shows a justified suspicion that genocide against Bosniaks has more to say about the sociological situation than sociology, in its current state, can say about this, in sociological sense, the most alarming social phenomenon and crime of the highest rank.

Today's academic sociology functions more as a collective exercise for forgetting and closing one's eyes. Therefore, without revising the basic assumptions in sociological discourse, one can do nothing but what one already has. In the best case, in the West, genocide against Bosniaks is treated as a quarrel between neighbors, a conflict between the warring parties, a tragic event, a religious conflict, or as ethnic cleansing. In this regard, analysts, historians, sociologists, journalists ask questions:

- How could history have made possible what happened in Bosnia and Herzegovina?
- How could this "conflict" be defined?
- Who are the participants?
- Was it a civil war, a war between sovereign states, or was it a religious war?
- Has the theory of the "Bosnian War" as a European Christian defense against Islam been confirmed or denied?

The genocide against Bosniaks and everything that happened in Bosnia from 1992 to 1995, therefore, was like a rehearsal to ask falsely worrying questions afterwards and a rehearsal to establish a new international order in the twentieth century, before.

In this context, it is very important to try to find answers to the essential questions:

- What is the significance of the genocide against Bosniaks for sociology in general?
- The genocide against Bosniaks as the culmination of European Christian anti-Semitism and "defense" against Islam - as a unique phenomenon?
- Does genocide exist at all as a logical accompaniment to modern bureaucracy?

By asking bold questions in this paper, “Bosnia is trying to oppose sociology.” In this way, the weaknesses of sociology are revealed and the horizons of sociological knowledge are summed up, narrowed, above all, by sociology’s lack of interest in the issue of genocide in Bosnia. This is just an attempt, in the sphere of social sciences, to bring a web of events that led to unprecedented cruelty to discourse, that is, to bring pain and humiliation that were brutally inflicted and that are by their nature non-linguistic to their articulation.

Can the genocide against Bosniaks then be understood as a breakdown of civilization’s possibilities? Because, if genocide teaches us something, then it is the prevention of similar barbaric practices in the future.

ECONOMIC, NATIONAL, CULTURAL AND RELIGIOUS OPPOSITES

Yugoslavia, and especially Bosnia and Herzegovina, was known for their national and religious tolerance. Bosniaks were flexible, adaptable to new situations and new relationships, and were not burdened by either national or religious identity. Well-adapted to private property from before, they were ready for the economic part of the transition - the transition from socialism/communism to capitalism and adjusting to new economic and political relations. Many academics, artists, athletes, democratically oriented politicians, actors, were Bosniaks. We will mention only a few: painters, Mersad Berber and Safet Zec, cartoonists, Hasan Fazlić and Midhat Ajanović, writers, Abdulah Sidran and Nedžad Ibrišimović, the most popular pop and rock music groups, the most popular comedians, came from Bosnia and Herzegovina. In the Yugoslav national football team at the 1990 World Cup, there were five footballers from Bosnia and Herzegovina, the sixth was Faruk Hadžibegić, captain, etc. All this made Bosniaks massively popular, often against their will. In this new reality, Bosniaks were given the “right to citizenship”. Their adaptation to the new situation went very quickly. With their democratic initiatives, however, Bosniaks and Bosnia were a “threat” to the coming nationalism that offered to cure the Yugoslav paralyzed system. In a world divided into national domains and a world ready to replace the wear and tear of the Yugoslav stable model, which served for almost fifty years as a buffer zone between the socialist east and the capitalist west, as hotbeds of some future conflicts, there was no place for Bosniak multiculturalism or Bosnian internationalism and multireligiousness.

Bosniaks were trapped in the most violent of all historical conflicts - the conflict between the pre-modern world and the coming modernity that brought with it excitement but also fear. This conflict found its true expression in that illuminated contrast. Historical irony offered to give expression to the anti-modern in the development of the modern.

THE RESPONSIBILITY OF THE INTERNATIONAL COMMUNITY FOR THE GENOCIDE AGAINST BOSNIAKS

Evil such as genocide cannot be viewed with compromises. In the face of genocide, the only correct procedure is moral, political and legal condemnation of the same. The planned evil of the genocide type can be suppressed only by condemning each individual act of violence and punishing its perpetrators. The criterion for condemnation and punishment is only a type of violence, and the identity of the executioner and the victim must be ethnically, as irrelevant, kept aside.

In any case, international peace and security must have their support and guarantor in organized force, the monopoly of coercion of an organization such as the UN, and only in that sense can we speak of the legitimate use of controlled force in international relations. Article 1 of the UN Charter stipulates that the objectives of the United Nations are to preserve international peace and security, to take appropriate collective action to prevent and eliminate all threats to peace and to combat attacks or other disturbances of peace, and by peaceful means, in accordance with principles of justice and international law, work to identify and resolve disputes or situations that could lead to a breach of peace. The Article 2, paragraph 4 of the Charter states that all members of the UN shall, in their relations with one another, refrain from the threat or use of force against the territorial integrity or political independence of other States. However, under Article 51 in the event of an armed attack, the UN Charter does not in any way prejudice the natural right to individual or collective self-defense until the Security Council has taken the measures necessary to maintain international peace and security. These measures, in accordance with the provisions of Article 42 of the Charter, may be actions of the air, naval or land forces.

The provision of Article 39 of the Charter stipulates the obligation of the Security Council to “determine whether there is a threat to the peace, a breach of the peace or an attack” in which cases the Security Council makes recommendations or decides on the type of measures to be taken in

accordance with Articles 41 and 42 of the Charter, in order to preserve or restore international peace and security. In that sense, the Security Council should have made a decision to take military action, which would be both formally and legally grounded, in order to, above all, stop the aggression of the Federal Republic of Yugoslavia by using all available forces and means. Unfortunately, the Security Council, as the guardian of international peace and security, has exhausted its activities in measures such as the establishment of a “no-fly zone”, then “UN safe zones”. Thus, the Security Council did not “recognize” and properly sanction aggression, and later genocide, it did nothing to stop and prevent aggression and genocide.”²

Every state has the right to exist, to existence and that is one of the basic rights of states - the primary mission of the state is to preserve it. In order to legitimately apply the means and procedures to protect itself in the event of a threat to its existence, states have been granted the right to self-defense. The sovereign and internationally recognized state of the Republic of Bosnia and Herzegovina was attacked by another state (the then Federal Republic of Yugoslavia - Serbia and Montenegro) and that fact cannot be questioned in any serious practical or theoretical legal debate. This fulfills the first condition of legitimate self-defense. The attack was very serious with the aggression of Serbia and Montenegro (the Federal Republic of Yugoslavia), endangered both the territorial integrity of the Republic of Bosnia and Herzegovina and its political independence, which is also a notorious fact that does not need to be proven, thus fulfilling the second condition of legitimate self-defense. The Republic of Bosnia and Herzegovina was authorized to exercise the right to self-defense in proportion to the degree of endangerment and to the extent that ensures the protection of endangered rights in this case, so the third condition of the legitimate right to self-defense was met. Although this condition was formally and legally fulfilled, the Republic of Bosnia and Herzegovina was limited in the use of proportional force, due to the illegal embargo, which had terrible negative consequences for Bosnia and Herzegovina, its citizens, and especially Bosniaks.

Since the West viewed war as primarily a military problem - caused by what was called “violence” that “erupted” from “three sides” - all efforts were aimed at reducing combat activity. Hence the West’s greatest contribution to the destruction of Bosnia: the refusal to lift the arms embargo on the Bosnian government. The essence of the wrong concept, which is impossible to defend

2 Muratović, Rasim. *Holocaust nad Jevrejima i genocid nad Bošnjacima*. Univerzitet u Sarajevu – Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava. Sarajevo, 2007, pp. 106-107.

from the point of view of ethics, was that the embargo was imposed on one country (the then Federal Republic of Yugoslavia) and it was applied to another (sovereign) state (Republic of Bosnia and Herzegovina) after its international recognition, when it became an independent subject of international law. Is the policy of “double standards” and neutrality the way to peace? The question requires a nuanced answer in two levels. First: It would be wrong to claim that neutrality was what ruled in the European point of view in Bosnia. Neutrality had the function of a smokescreen in concealing, to put it mildly, a biased approach that favored the executioner and declassified the victim. From the Owen - Stoltenberg (Dawid Owen - Thorvald Stoltenberg) plan to the Dayton Accords, all the proposed plans formed a component of rewarding genocide and the division of a sovereign, multiethnic and multireligious and multicultural country. The West wanted to lead to a situation where there is no genocide, no aggression, no main culprits or main victims. There are only universal evils: nationalism, ancient hatred, authoritarian system of power, etc. The European superpowers Great Britain, France and Russia had a decisive influence on the drawing of political maps in this area in the second half of the 19th and the beginning of the 20th century. These forces, supporting Serbia, wanted to maintain their strategic political presence in the Balkans and in the world global politics in this area. A particularly catastrophic role in the destruction of Bosnia was played by Great Britain, whose political leaders “suffered from a particularly paralyzing form of conservative pessimism, which not only refused their own military intervention but prevented anyone else from doing so, especially not the Americans.” In order to justify and sustain a policy of non-intervention, the UK government has resorted to a range of palliative diplomatic and rhetorical strategies. This attitude towards Bosnia is not only a consequence of the unclean conscience of the West, because it did not prevent the Greater Serbia aggression and genocide, but also a strong need to deny that “what happened in Bosnia” could happen in Belgium, Canada, Spain, Great Britain and America. Instead of an effective anti-aggression and anti-genocidal policy, the West and the world community have used Bosnia to test the thesis of its own unity, the end of history, the West’s triumph and its own superiority over the Balkan societies and nations and the rest of the world.

Srebrenica is a symbol of bestiality, the largest one since World War II. In political science Srebrenica is an example of different state interests, in military science Srebrenica is an example of misunderstanding in command and understanding of mandates, in anthropology Srebrenica is an example of ethnic group identity, and moral philosophers moral on the example of Srebrenica ask questions of guilt. Srebrenica is, thus, a symbolic culmination

of the global humiliation of Bosnia and Bosniaks that lasted from 1992 to 1995. According to the 1991 census, Srebrenica had a population of 36,666. Of these, 75.2% were Bosniaks and 22.7% Serbs. Srebrenica, like Žepa and four other zones, was declared a United Nations safe zone, which meant a safe stay in those places.

On 11 July 1995, Ratko Mladić carried out a special killing operation as part of the Operation Krivaja 95 and conquered the United Nations Safe Zone. Between 8,000 and 10,000 civilians were killed during the conquest of the security zone. It is the largest massacre in Europe since the World War II. Most of those killed were picked up and transported by buses using gasoline obtained from the United Nations units. “Every conversation between Ratko Mladić and the General Staff of the Yugoslav Army, in Belgrade, during the attack on Srebrenica, was recorded on a tape of the joint American-Austrian intelligence service, based in the Austrian Alps. The last order of Radoslav Krstić to Dragan Obrenović was also recorded on the mentioned tape. The order was: **“Kill them all!”**”³

The European approach to the genocide against Bosniaks was not just a moral fiasco over the principle of tolerance over those who differ. The European approach participated in preventing the Government of Bosnia and Herzegovina from maintaining the existing multicultural, multiethnic, multireligious state and the peculiarity of the Bosnian society. Neutrality expressed in the support of Serbian nationalism, and against Bosniaks as the guardian of multiethnic Bosnia and the quintessence of Bosnian society, is not neutrality in the true sense of the word, but it is an introduction to accusing the victim of a crime. Because neutrality, to say the least, implies an objective approach and similar processing so that everyone feels and gives their share. In this context, the attitude of such a European-Christian society towards Muslims - Bosniaks and the genocide committed against them, when the “White World” sided with the executioners, should also be viewed.

At the European level, the aggression against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks, in the period from 1992 to 1995, were wrongly and clearly intended by many to be defined as civil war, ethnic cleansing, a religious conflict or as a neighborhood fight. Here are just some confirmations of this misconception:

In July 1993, British Lord Dawid Owen and Norwegian Thorvald Stoltenberg warned President Izetbegović that if he did not accept the plan

3 Citirano prema *Bergens Tidende*, Bergen 25 April 2001, pp. 14.

of partition of Bosnia and Herzegovina, which was based on a proposal by Tuđman and Milošević from Karadžević, the United Nations forces would withdraw from Bosnia. In practice, this meant agreeing to the violent separation of peoples and the division of the country through genocide. “The division of the country is the only realistic path to peace,” Lord Owen said at the time, to which the Serbs agreed very quickly. “However, Muslims, despite our great patience, continue to fight for some kind of multiethnic society”,⁴ Owen added.

Norwegian professor Johan Galtung, one of the leading Norwegian intellectuals, believes that the war in the former Yugoslavia was a “Serbian war of liberation”. “I see this war as a Serbian war of liberation, brutal and horrible, but liberating.”⁵ The bard of Norwegian politics and the first name of Norwegian diplomacy, Thorvald Stoltenberg, at a lecture at the Norwegian Refugee Council on 31 May 1995, stated, inter alia, the following: “Those in Bosnia are all Serbs. Serbs who are called Serbs, that’s fine. Muslims? Those are Serbs who converted to Islam. Many who dress like Croats today are also Serbs.”⁶ Pressed by many justified reactions, Stoltenberg first denied that he said that. Later, pressed by arguments and facts, he admitted that he did say that, rejecting the possibility of his pro-Serbian orientation. If we believe him, although he repeated the same claims, we can “liberate” him from his pro-Serbian orientation, but no one can free him from the fact that what he said is pure Serbian propaganda. Using the central parts of Serbian propaganda, Stoltenberg stated the following in the mentioned lecture: “... It is different that the country is occupied by force, but you must know that Serbs think that it is their country. Muslims, for the most part, live in cities and have no sense of land. Finally, most of the Bosnian land is owned by Serbs because they own 60% of the land in Bosnia and Herzegovina.”⁷ Obviously this former Norwegian ambassador to the former Yugoslavia did not consult official sources for his claims. According to the Statistical Yearbook of the Republic of Bosnia and Herzegovina, 54% of land in Bosnia and Herzegovina is owned by the state of Bosnia and Herzegovina, and 46% of the land is privately owned. There are no data which nationalities own 46% of the land in Bosnia and Herzegovina in the mentioned Statistical Yearbook.

4 Cigar, Norman. *Genocide in Bosnia: The Policy of „Ethnic Cleansing“*. College Station, Texas; Texas A&M University Press, 1996, pp. 154.

5 Ny Tid, Oslo, 1994, No. 30, pp. 19.

6 Stoltenberg, Thorvald. *Norsk flyktingrad*, talle, Oslo, 31 May 1995, pp. 31.

7 Stoltenberg, Thorvald, ibid, pp. 28.

The leader of the Danish Socialist People's Party, Gert Petersen, said in the autumn of 1993 said the following: "Muslims in Bosnia must admit defeat. Not because it is comfortable, but because, nevertheless, they have a chance to get one state composed of one third of the space and thus save their lives. A prince on horseback will never come to free them. Otherwise, they will have to accept any solution later."⁸ Gert Petersen not only blurred the line between Danish left- and right-wing politicians but announced a general chase against Muslims that would escalate in Denmark after 11 September 2001.

Former British Prime Minister Edward Heath said in 1993: "The more hope a man gives to Muslims in Bosnia, the more he loses hope for peace."⁹ The Western Europe and Russia's policy towards Bosnia was best expressed by his successor, the British Prime Minister John Major, in a letter to his minister, Douglas Hogg. In that letter, among other things, Major instructs his minister to continue the peace negotiations, as they serve as a "fraud" to delay any such action (meaning the action of "Muslim" countries), until Bosnia and Herzegovina ceases to exist as a valid state, and its Muslim population is not displaced from its country." To dispel doubts about such a policy, Major assures his minister that this is a "real policy" that ensures a stable Europe in the future "whose value system is based and must remain based on Christian civilization and ethics." "The idea of Europe is the idea of victory over Islam. It is revenge for the defeat of Christians by Muslims at Malasgirt in 1071."¹⁰ "Modern Europe will obviously emerge from the extermination of Muslims and Arabs if they do not survive as immigrant slaves."¹¹

Based on these few examples, it is evident that the European approach to resolving the situation in Bosnia and Herzegovina has prevented the Government of Bosnia and Herzegovina from maintaining the existing multicultural, multiethnic and multireligious state. In other words, diplomatic pressure was exerted on Bosniaks who were exposed to genocide and who opposed resolving matters in a way where the results of the genocide were recognized. The goal was to break a nation morally and mentally before it was physically destroyed.

8 Ny Tid, Oslo, 1993, No. 30, pp. 20.

9 Radio BBC, 4 September 1993. According to Nilsen, Kjell Arild: „*Europas svik* = „Evropska izdaja“. Spartacus Forlag AS, Oslo, 1996, pp. 26.

10 Spahić, Mustafa. *Fenomen definicije i apoteoza nacije*. Oslobođenje, 16 November 2019, pp. 30. The author cited Štefan Šrajner.

11 Ibid, pp. 30. The author cited Jana Baudrillarda.

SHAME ON THE VICTIM

Rarely have any previous perpetrators of genocide announced and committed their crimes as triumphantly as the one in Srebrenica. It may sound paradoxical, but the 1992-1995 genocide against Bosniaks in the Republic of Bosnia and Herzegovina is the most documented genocide of all genocides. Yet, despite the obvious and the court rulings, genocide is persistently, publicly and with impunity denied. It seems to be modeled on cynical neo-Nazi propaganda. The genocide in Srebrenica, even after the court verdicts, does not mean to some what it should mean humanely and independently of any verdict: a reason for unquestionable condemnation and outrage! But not! They relativize the guilt and hypocritically hint at justifying reasons for the cowardly passivity and restraint of the international community during and after the aggression against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks. At the same time, also viewed from the other side, it is a direct addition and incorporation of the baton of evil and arrogant arbitrariness of the powerful into the foundations of the future of humanity.

The logic of public, legally unhindered invocation of new crimes and genocide, illuminates the ideological and psychological background of the bloody events. Namely, with the bureaucratic-technical sophistry of suppressing and neutralizing the moral moment of their own actions, the German Nazism of the 1930s and the Serbian Nazism of the 1990s expanded the space of unhindered action of the scientifically and academically projected program of irrational evil. The evil, which in its ethno-patriotic disguise and ideologically directed consciousness of its performers, is not perceived as a crime, but as a completely justified “routine bureaucratic and technical task”. It is just that, and nothing more. But, it is nothing new.

Spatially broader and historically deeper, European civilization, against the background of modern technology and rationalization, with an insensitive “technocratic and bureaucratic mentality”, has developed effective means of mass destruction, without which the crime of genocide against Bosniaks would not be possible. Does this civilization live and reside in anything other than fear, injustice and tyranny? Is that its way of life? Are these its best achievements? Is civilization just as uncivilized, as it was then, looking motionless at Sarajevo, Foča, Višegrad, Zvornik, Bijeljina, Brčko, Prijedor, Ključ, Sanski Most ...

The genocide against Bosniaks has provoked reflections in terms of neutrality on the crime, which cannot have “two sides”. Therefore, the

genocide committed in Bosnia, about which the West has inaccurately or not at all defined the roles of the participants, threatens to “spill” the moral legacy of Auschwitz and Nuremberg fused in the shabby phrase “**never again**”. In this context, there is even one type of behavior that functionally considers replacing the thesis of the role of victim and executioner with the embarrassment of the victim. “Blaming the victim” means that the executioner sees himself as the victim, and the victim as the aggressor - the executioner. Replacing the executioner-victim thesis is most effective in an atmosphere of real or artificial fear and insecurity. Exactly such an atmosphere was created in the Greater Serbia circles in Belgrade in the 1990s. The more stereotypical enemy images, plans for mass crimes, threats, the better the psychological preparations for the attack as a personal defense. “This means that, in order to prevent some imaginary planned genocide against Serbs, genocide against non-Serbs was committed before that, which is considered justified and even moral.”¹² When a crime in the form of genocide is committed, then this approach comes. The justification that the executioner committed the crime as his own defense and the defense of his people from some imagined destruction cannot be accepted.

The phenomenon of blaming the victim - accusing the victim, or rather blaming the victim and portraying the aggressor/executioner as the victim, first accuses the victim personally, then, dehumanizes the victims personally. The Nazis also tried to systematically win victims for recognizing Nazi ideology. The public humiliation of Jews in Germany in the 1930s was so widespread that Jews had to carry placards reading: “I am a pig.” In concentration camps, this process went further. The point was that victims break down morally, mentally and emotionally before they are physically destroyed. The claim that those who will be killed are not human had to be accepted not only by the executioners but also by the victims themselves.

In the case of Bosniaks, blaming the victim refers to, as Norwegian Bó Pállnes puts it, about “historically changing their role as executioners and victims, so it is very difficult to distinguish when they appear as executioners and when as victims.” In this regard, he constantly insists on the responsibility of the “muslimsk soldater” - Muslim soldiers in Srebrenica “who were in the city before the Serb offensive, and when the offensive began, they fled.” He added that “Muslim political leaders are responsible for the lives of Srebrenica civilians,” strangely explaining this by allowing them to “shell Serb positions in front of hospital buildings, which then irritated Serbs to do what they did.”¹³

12 Rieff, David. *Slaughterhouse, Bosnia and the failure of the west (Bosna i propast zapada)*, Vintage London, 1995, pp. 111.

13 Pállnes Bø, *Beretningen om Srebrenica* u Thune og Hansen: *Etter Srebrenica massakre*,

It follows that Bosniaks have no right to hold the executioners responsible for their extermination attempt, nor the responsibility of the international community for its complicity, but to blame history, beginning with the Battle of Kosovo in 1389 and ending with themselves, and their 1992-1995 political and military leadership, because according to the principle of blaming the victim, Bosniaks are aggressors and executioners, and Serbian aggressors are victims.

Not only moral philosophers have to ask: Who is to blame and responsible for what happened in Bosnia? And after all, the disagreement is great, especially in Europe. On the one hand, there are those who believe that a clear distinction must be made between genocide and war. The war takes place between two armed opponents. The goal of the war is not to kill soldiers and others, but to push them from their positions to a certain territory. The relations between the soldiers are direct, horizontal and mutual. Genocide is violence directed against individuals, individuals as members of one national, ethnic or religious group. Genocide is one-way violence, between those who have weapons and force and those who do not. The task is done when there are no more victims.

In Vetlesen's critical analysis of the international community and its attitude towards Srebrenica and the events in Bosnia, it is not just a question of who was attacked. The question is what was the goal of the participants in the war. Vetlesen thinks that "the personal war goal of the Serbs was the absolute negation of the idea of human innate values. On this basis, the Serbs began the destruction of a group of civilians composed of Muslim believers, Muslims who were religiously indifferent and Muslim atheists as an artificially created homogeneous group: - Muslims in Bosnia and Herzegovina, who were their main war target. The genocide was programmed and an integral part of the Serbian strategy."¹⁴

Vetlesen claims that the West accepted the explanation of the war in Bosnia as equally widespread guilt between the "warring parties". Talking about "warring parties" is, to say the least, inappropriate when you have facts that speak for themselves. "What happened in Bosnia from 1992 to 1995 was genocide. Planned ethnic and religious genocide... The genocide committed in Bosnia had a main aggressor - extreme ethno-religious Serb nationalists and

militarmakt og moralsk dilemmaer NUPI Rapport: Norsk Utenrikspolitisk institutt, Oslo, 1998, pp. 78.

14 Vetlesen, Arne Johan. *Ondskap i Bosnia*, Norsk filosofisk tidsskrift, Årg. 32, nr: ½, 1997, pp. 73.

one main victim - civilian Bosnian Muslims.” Arne Johan Vetlesen explained the genocide of Bosniaks brilliantly in his work *Ondskap and Bosnia* (Evil in Bosnia).¹⁵ ”Evil has one specific goal: to destroy something that is inherited by good and valueable in order to protect something that is evil... Evil is not considered as pure aggression, and the executioner feels his act of crime is justified. Evil is interpreted as good.”¹⁶ However, Vetlesen is almost alone in this interpretation of evil in Bosnia. Majority in Europe are the ones like Bø Pállnes, a Norwegian General, author of many books on the war in the Balkans and ICTY advisers,¹⁷ who are, to put it mildly, skeptical. There is no unequivocal answer to the question of guilt and responsibility for him. “Choosing between good and evil in political reality is difficult. Political leaders and civilians must be divided. We sometimes have to make choices that contain evil.”¹⁸

Pállnes disagrees with those who describe the aggression against Bosnia and Herzegovina and the genocide against Bosniaks as a relationship between criminals and innocents (executioners and victims), where the international community also appears as one of those parties. “How long back in history do we have to go to identify who is a criminal and who is a victim?” Pállnes asks. He thinks that it is not possible to raise the issue of guilt and responsibility without considering changing the positions of Serbs and Bosniaks, where both appear once as executioners and other times as victims. That is why Pállnes is critical of those who are trying to explain the events in Srebrenica with the help of propaganda based on Serbian national mythology since the late 1980s. If the conflict in Bosnia is viewed over a longer historical horizon, then it will be more difficult to answer the question of the role of the international community in it, Pállnes says. “If we start in 1991, and do not pay attention to the historical past, then it is unequivocal that the blame lies with the Serbs. If, however, we start earlier, then the question of guilt is something else and nuanced. It is unserious and unscientific to start with 1991 and omit the previous history.”¹⁹

Bø Pállnes perhaps thinks that when guilt is equally distributed among

15 Vetlesen, Arne Johan. *Ondskap i Bosnia*, Norsk filosofisk tidskrift, Årg. 32, nr: ½, 1997, pp. 74, 97.

16 Ibid, pp. 86.

17 Thune, Henrik & Hansen, Vegard V. *Etter Srebrenica – massakre, militærmakt og moralsk dilemmaer*. Norsk Utenrikspolitisk Institutt, Oslo, 1998, pp. 95.

18 Thune, Henrik & Hansen, Vegard V. *Etter Srebrenica – massakre, militærmakt og moralsk dilemmaer*. Norsk Utenrikspolitisk Institutt, Oslo, 1998, pp. 98.

19 Ibid, pp. 99.

the participants, then the international community can avoid direct interference and its own responsibility. In such cases, history comes as a carpet under which we will pull out what we need at a given moment to relativize the responsibility of those whose guilt is obvious. The product of such a way of thinking is a historical relativization of guilt and concealment of moral reasons for action. But can ethical assessments and actions be based on mythology and long historical accounts? In relation to genocide, the moral approach is not complicated and cannot be tied to history.

Combining the notion of guilt and responsibility for history makes it impossible to act and legitimizes the explanation of Serbian nationalists for their actions. Talking about “parties in the conflict” is also problematic. Equating executioners and victims or even accusing the victim of being an aggressor, as exemplified in Bosnia, “pays off”. Following the model of Serbian nationalists, Croatian nationalists also began to “ethnically cleanse” the Muslim population. A precedent had already been set for approving genocide on European soil.

CONCLUSION

The European approach to the genocide against Bosniaks was not just a moral fiasco over the principle of tolerance over those who differ. The European approach participated in preventing the Government of Bosnia and Herzegovina from maintaining the existing multicultural, multiethnic, multireligious state and the peculiarity of the Bosnian society. Neutrality expressed in support of Serbian nationalism, and against Bosniaks as the “guardians” of multiethnic Bosnia, is not neutrality in the true sense of the word, but it is an introduction to accusing the victim of a crime. Because neutrality, at the very least, implies an objective approach and similar processing so that everyone feels and gives their share. In this context, one should also observe the attitude of such a European-Christian society towards Bosniak Muslims and the genocide committed against them, when the “White World” sided with the executioners. “Europe cannot tell us apart. To Europe, we are still that conglomerate that is historically called European Turkey, in one way or another. In the political sense, Europe perceives us as a plague and would prefer to surround us with a Great Wall of China, so that it does not hear or see us. So, I think, to calm this down somehow, it leans towards the stronger one. Let the stronger one do the part of the ‘general work’. After all, Europe also used force when it needed to protect a real interest, sometimes an

imaginary interest. To it, this horror of war is not impressive enough. This war of ours irritates Europe more than it worries it.”²⁰

This attitude towards Bosnia is not only a consequence of the unclean conscience of the West, because it did not prevent the Greater Serbia aggression and genocide, but also a strong need to deny that “what happened in Bosnia” could happen in Belgium, Canada, Spain, Great Britain and America. “Instead of an effective anti-aggression and anti-genocidal policy, the West and the world community used Bosnia to test the thesis of its own unity, the end of history, the West’s triumph and its own superiority over the Balkan societies and nations and the rest of the world.”²¹ However, those are all smoke bombs that explode, spreading unjustified and artificial fear. The fear that does not allow the common man to “return” to God and live monotheism, and that is what Bosnia and Bosniaks have been living since the Middle Ages. A full understanding of the genocide against Bosniaks requires a full or at least partial understanding of the return of Europeans to monotheism and an understanding and acceptance of Bosniaks as the quintessence of Bosnia. This is the essence of understanding the problem of genocide against Bosniaks as a social phenomenon that has the intention of recurrence. But it is a topic in itself that awaits for thorough processing.

The activities that are still going on around Bosnia and Herzegovina, twenty-five years after Srebrenica, show that little has changed in this area. Thus, in 2019, the Nobel Prize for Literature was awarded to Peter Handke. Under the pretext of the right to freedom of public speech, the award was presented to the open apologist of the Srebrenica genocide, a fan of the character and work of the “Balkan butcher”, Slobodan Milošević, who offered to witness as his defense in The Hague and attended his funeral. A writer who still denies the existence of concentration camps for Bosniaks, despite the irrefutable evidence presented to the world in 1992/93 by Ed Vulliamy, one of the fiercest critics of the decision to award the Nobel Prize to Handke. This achieved the goal of the most powerful. By relativizing Handke’s sympathies for Slobodan Milošević’s “Balkan butcher” and the open apology for the bloodiest crimes committed in Europe since the World War 2, including the Srebrenica genocide, crimes against all Muslims are being relativized as a second-class offense, on the brink of what is allowed – for the time being! In order for it to become not only allowed, but also declared as a right and

20 Isaković, Alija. *Antologija zla*. NIPP Ljiljan, Sarajevo, 1994, pp. 277.

21 Muratović, Rasim. *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2007, pp. 106.

obligation at the first opportunity! “The goal of this award is clear: to remove the stigma of criminals from the perpetrators of genocide against Muslims - to turn it into a moral feat that deserves the most recognition, inclusive the Nobel Prize! The aim of this award is evident: to reduce Handke’s “shocking moral blindness” to the “apology of genocide” to a matter of free personal belief and to discreetly suggest that these beliefs are in line with the highest values of the Western world. Behind this award are the interests and plans of powerful political leaders who, with this gesture, indicated the guidelines of ideals that should be followed in the future.”²²

Genocide was committed in Srebrenica that no one will ever be able to relativize. “A world that is powerless to punish a crime, so hard that it never pays for anyone to commit it, does nothing but by its powerlessness call on all tyrants to use all its weaknesses to multiply its power! No punishment is ever too great, every punishment is too small, because the size of the punishment is complained about only by the one who wants to be punished less than he was rewarded with a crime! The meaning of the punishment is not compensation, but to preventively kill any motive to ever get into the situation of a convict!”²³

The fact is that, as Alija Isaković says, “this civilization will deal with the genocide of Bosniaks for a long time to come as a frightening pattern whose scientific treatment can bring humanity as much experiential benefit as it has done damage to Bosniaks.”²⁴ It is very important to know and remember that genocide as a crime of the highest rank “does not come like thunder from the clear sky”, suddenly and unplanned. Genocide is planned, prepared, organized for many years, decades. Behind these overall preparations stands the state with its entire structure. In contrast, only a state with its entire structure can prevent the complete or partial destruction - genocide - of members of a particular ethnic, religious, national and racial group.

Finally, an essential question arises: Can the Dayton structure of the state of Bosnia and Herzegovina prevent a new genocide against Bosniaks as the “quintessence of Bosnian society?”²⁵ The legal, scientific, and historical fact is that the evil committed can never move into the historical annals like

22 Muhić, Ferid. *Garodi i Handke – antipodi iste paradigme*. Bošnjaci net, 28 October 2019.

23 Pavica, Mensur. *Srebrenička tragedija – Poslije smrti civilizacije*. Edicija Posebno izdanje. Tuzla – Novi Pazar, 2019, pp. 31.

24 Isaković, Alija. *Antologija zla*. NIPP Ljiljan, Sarajevo, 1994, pp. 277

25 Đozić, Adib. *Genocid kao društveni i znantveni fenomen*. DHS – Društvene i humanističke studije – Časopis Filozofskog fakulteta u Tuzli. Tuzla, 2016, pp. 136

the past that has passed. We must all acknowledge the truth about the crime and insist that this truth overcomes today's dominant politics and culture of lies.

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CRIME – NEGATION OF HUMAN DIGNITY

Summary

During the aggression against the Republic of Bosnia and Herzegovina in the period from 1992 to 1995, numerous, mass and individual, crimes against humanity and international law were committed, including the crime of genocide in all occupied places and cities under siege. The commission of the crime was preceded by detailed and systematically organized and planned activities, all with the aim of creating ethnically pure Serbian territories and implementing the idea of creating the so-called Greater Serbia. A large number of criminals took part in committing crimes against Bosniaks. However, in committing the crime, individuals stood out from the rest. They stood out for the manner, methods, techniques, monstrosity of the crimes committed, which they committed either alone or with the support of their companions and helpers. Nikola Jorgić in Doboje, Milan Lukić in Višegrad and Goran Jelisić in Brčko stood out for that. An analysis of their (mis)deeds and the crimes they committed will show all the cruelty, monstrosity and inhumanity of their treatment of the victims. The analysis will be done through the prism of the influence of three factors: ideology, spatial distance and sadism. In this context, the method of analysis (content) of documents, comparative method and case study method will be used for research purposes. It can be concluded that the pattern of commission of the crimes they applied, although they were not interrelated or cooperated with each other, was identical.

Key words: crime, Bosniaks, Nikola Jorgić, Milan Lukić, Goran Jelisić, genocide

Introduction

Crime is an empirical social phenomenon. Scientific research of crimes requires, not only the analysis of events and events that preceded their commission, the culmination of committed crimes and the consequences of

committed crimes. Contemporary crime analysis and research focuses on the need to expand the scientific approach to the elaboration, analysis, and scientific research of this complex social problem. In that sense, modern research is increasingly paying attention to the actors themselves, i.e. the perpetrators of crimes. It is, therefore, about analyzes and research aimed at the analysis of individuals who committed crimes, i.e. criminals. In this way, a new dimension and a more complete picture of not only the committed crimes, but also the criminals themselves as direct perpetrators is given.

The analysis of the character and (mis)deeds, with a focus on scientific research and analysis of the personality characteristics of the criminal, has recently been especially dealt with by the Norwegian scientist and philosopher Arne Johan Vetlesen.

Arne Johan Vetlesen specifically dealt with the issue and topic of the role of feelings in crime, both from the perspective of criminals and from the perspective of the victim. In this context, he concludes that “crime (this is important) will never be understood by the victims, despite ideological dehumanization.”¹ It is therefore a phenomenon of the present and extremely strong feeling of contempt for the perpetrator (criminal) towards the victim/victims. That feeling is dynamic, fulfilling, and becomes an integral part of the character of the criminal.

The influence of ideology and ideological patterns on criminals

The passivity of the victims in the commission of the crime (slaughter, massacre, killing, burning), according to Arne Johan Vetlesen, the killer understands as evidence that the victims do not even need to live. Therefore, “then to kill/slaughter is a natural reaction to what we have in the ideological pattern, and we have that the victims ‘do not deserve life’.”² In this case, the common (unifying) guiding principle of criminals is precisely ideology. It is the ideology that connects, propagates, supports and leads criminals to approach their shameful and monstrous act of (committing) a crime. It is, at the same time, one of the strongest and most effective connecting factors of all criminals, regardless of where they are located or to which nation/people they belong.

1 Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian.). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 118.

2 Ibid, pp. 118.

Thus, the success of the criminal, “the victor’s strength and his contempt are (being) formed on ugly jokes about the victim, the victim’s laziness and passivity. It all sounds like torture and torture of a cat over a mouse.”³ According to Randall Collins’ insights and analysis, “the lack of resistance during the massacre does not help to stop it - there is no compassion for victims who are clearly unable to protect themselves. On the contrary, the determination to end ruthlessly with all those who are passive is growing.”⁴ This type, mechanism and forms of crime (according to an identical pattern) were committed during the aggression against the Republic of Bosnia and Herzegovina in the period of 1992-1995. The victims were not in a position to protect and defend themselves. They were captured, taken away, tortured and eventually killed, without any possibility of resistance to such criminal hordes and individuals. This will be best seen later on the example of criminals Nikola Jorgić, Milan Lukić and Goran Jelisić.

Such criminals have no feelings for the victim. It seems as if feelings are not even allowed to them. They successfully resist them from the very beginning. They are just waiting for the opportunity to suppress it. Yes, for example, ideology suppresses feelings as quickly and efficiently as possible, extinguishes even the smallest flame, and that fire and the heat of crime, the heat of relentlessly killing others and different from them, ignite.

The thesis that ideology plays a central role in murderers in murders as a collective practice is also advocated by the German social psychologist Harald Welzer, as well as the German historian Sönke Neitzel. According to their insights, “war forms an event-based connection in which people do things they would never do in other circumstances... The time has come to stop overestimating the ideological, since ideology can be decisive for starting a war, but ideology does not explain why soldiers kill or commit war crimes.”⁵ Ideology is, therefore, the drive (suitable fuel) for later (committing) crimes.

The same authors further believe that “the longer the war lasts, the more irrelevant the ideological reasons become and the ‘big goals’ of the war... What becomes important is how successful yesterday’s action was,

3 Collins, Randall (2006). *Micro-international Dynamics of Violent Atrocities*, in „Irish Journal of Sociology“, Vol. 15, 1, pp. 40-52.

4 Ibid, pp. 40-52.

5 Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 174. Harald Welzer is also known for his thesis on mass murders as a “job“. From that aspect, cruel war crimes, performed by soldiers, he explains as a phenomenon “war work“.

whether the situation will improve quickly and how will it improve, and how to conquer a new village during the week.”⁶

In the Serbian ideological and nationalist euphoria, which has gripped and entered all pores of life, “formed stereotypes and prejudices enabled the dark goals of ‘ethnic cleansing’ to be accepted as ‘just’ revenge for all the ‘evil’ that the Turks have for centuries “inflicted” on the Serbs.”⁷ Thus, a belief was formed about the alleged endangerment of the Serbian people and the need to punish all those who are guilty of it. Only Muslims (Bosniaks) were targeted as the sole culprits of the alleged endangerment of Serbs in Bosnia and Herzegovina.

It also raises the legitimate question of how certain individuals, who in times of peace were almost unknown persons (for example, Nikola Jorgić in Doboј, Milan Lukić in Višegrad and Goran Jelisić a.k.a. Adolf in Brčko) suddenly at the beginning of an armed aggression against the Republic of Bosnia and Herzegovina became central figures and key actors in the commission of cruel and grave individual and mass crimes against Bosniaks. The answer may lie precisely in the theses advocated by Harald Welzer and Sönke Neitzel. They were definitely initiated by the ideology (the Greater Serbia), and whose postulates are the creation of ethnically pure Serbian territories, “all Serbs in one state” and the creation of the so-called Greater Serbia. After they started their bloody campaigns, ideology became a passive factor over time, and other reasons come to the fore. Harald Welzer’s thesis about “murders as work” comes to the fore. Criminals, i.e. “participants are not burdened with the whole, but with the details; *not why, but how; not why and why all that, but in what way.*”⁸ With such an approach, they gained significant roles at the very beginning of the aggression, in the cities where they committed terrible crimes against Bosniaks. And, as Arne Johan Vetlesen points out, “nothing contributes to stronger social integration, solidarity and friendship than having a role in a project such as mass murder.”⁹

For criminals, like the above, violence is, above all, “creative, because when destroying group members by members of another group, we have confirmation of personal reality as the original understanding (that these two groups are in a fateful life-and-death struggle and where only one of them

6 Ibid, pp. 177.

7 Dizdarević, Ismet (1998). *Barbari su bili bolji*. Sarajevo: Compact, pp. 113.

8 Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian.). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 170-171.

9 Ibid, pp. 172.

can survive.”¹⁰ On the examples of the cities of Doboj, Višegrad and Brčko, it is clear that there was no mutual struggle, in terms of providing adequate resistance to criminals. They captured, tortured, slaughtered and killed innocent Bosniak civilians. According to Harald Welzer, for two months since the beginning of the war, “violence creates structures that in time determine the space for activities of actors. We have no apology from the killers, but we have the logic of killing that they personally initiated.”¹¹ This thesis, Harald Welzer, proves, among other things, and on the example of a letter from the beginning of World War II, written by political commissar Walter Mattner to his young wife. One of the letters dates from October 5, 1941.¹²

In the circumstances of pronounced Serbian nationalism, the criminals “(expressed) their criminal intentions or criminal acts, all those who waited a long time and intimately wished for such a situation... Their appearance and later behavior showed, which is not disputed in the psychological literature, that there is an individual propensity to commit a crime. The only issue is how much the predisposition to crime is the result of the influence of heritage and how much of the environment.”¹³

On the other hand, when resistance began to be organized by Bosniaks, to form military units and to develop an armed response, such criminals (such as Jorgić, Lukić, Jelisić and others like them) avoided armed conflict. They showed all their strength and courage over the bare-handed and innocent

10 Ibid, pp. 72.

11 Welzer, Harald (2007). *Täter, Wie aus ganz normalen Menschen Massen mörder werden*. Frankfurt/M.: Fischer, str. 181, prema: Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 167.

12 One of the letters reads: “When the first wagons with the victims arrived, my hands trembled a little as I fired. But one gets used to it. When we got to the tenth car (with the victims), I aimed calmly and hit many women, children and babies without a mistake. Imagine, I had two small children at home whom these hordes wanted to harm ten times more. The death we gave them was beautiful and short, comparing it to the pain of tens of thousands of those who were exposed to (Stalin’s) GPU. The babies were flying in big bows in the air, and we hit them before they got to crash into a pit and water.” (Welzer, Harald (2007). *Täter, Wie aus ganz normalen Menschen Massen mörder werden*. Frankfurt/M.: Fischer, pp. 185, According to: Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian.). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 168).

13 “Numerous anthropological and socio-psychological findings show that the character of the value system and the way of upbringing largely depends on whether someone will exhibit criminal behavior.” (Dizdarević, Ismet (1998). *Barbari su bili bolji*. Sarajevo: Compact, pp. 112).

Bosniak civilian population. This reflects their “war merits”. Their result of “work” is reflected, therefore, in the form of death and destruction of innocent civilians, and not victory in the armed struggle with military formations and units of the Army of the Republic of Bosnia and Herzegovina.

The authors also argue that “those untouchable criminals who view murders as a purely technical matter, as a job dependent on systems, discipline and assumptions in all lines, strict professionalism with no room for special signs of ‘subjective’ driving forces will be more appropriate for tasks rather than criminals acting with negative feelings - hatred, silence, envy, desire for revenge - towards the victim. However, in the case of the aforementioned criminals, who committed the most heinous crimes against innocent Bosniak civilians, the commission of the crime was also a technical matter (job), but it was also produced out of hatred, anger, envy and even revenge. This is another significant and important character trait of perpetrators of mass and individual crimes against Bosniaks during the 1992-1995 aggression, including the crime of genocide.

Spatial distance between the offender and the victim

A special place in crime research, especially from the aspect of the relationship between the perpetrator and the victim, in modern times is given to the aspect of the meaning of proximity and distance between the perpetrator and the victim. Such an approach was first put forward by social psychologist Stanley Miligram. His theory is that “it is easier to inflict pain on a person if that person is in the distance - when a person sees the other person at a distance. It is much easier, says Stanley Miligram, if the executioner sees his victim in the distance or does not see it at all but only hears it.”¹⁴ The essence of Stanley Miligram’s theory is the following statement: “The greater the physical and mental distance between the executioner and the victim, it is easier to commit a crime. Basically, the more organized the whole process, the easier it is for the executioner to keep his inner peace because of the crime committed.”¹⁵

This theory of Stanley Miligram was further developed and elaborated by the Polish sociologist Zygmunt Bauman. Zygmunt Bauman is also of the

14 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 47.

15 Ibid, pp. 47, According to: Bauman, Zygmunt (1997). *Modernitet og holocaust (Savremenost i holokaust)*. Oslo: Vidarforlaget Kulturbibliotek, pp. 202.

opinion that “the greater the distance (physical, social, perceptual, emotional) between the victim and the perpetrator of the actions that cause pain and suffering, the victim will experience it easier and simpler it will all be”¹⁶ In short, their approach states that “the various mechanisms that contribute to the creation of a distance - the distance - between the perpetrator and the victim are considered the main reason for how ‘completely normal people’ (which many studies have as part of the title) can participate in cruelty to hundreds or thousands of helpless people.”¹⁷ Thus, “abstraction, distance, erasing from view - all (these) steps are necessary to ensure social preconditions for eliminating the elements of closeness ...”¹⁸

However, the philosopher Arne Johan Vetlesen also criticizes these theses. For him, distance is not a decisive factor in facilitating the commission of a crime. He bases his critique of Milligram and Bauman on examples from Bosnia and Herzegovina during the 1992-1995 aggression, as well as in the case of Rwanda in 1994, where the distance between the executioner and the victim was not a key factor in facilitating the commission of the crime. On the contrary, in Bosnia and Herzegovina and Rwanda the executioner and the victim were extremely close, and in many cases they even knew each other or were friends, godparents... “In both Bosnia and Rwanda, the attacker and the victim were close; they often knew each other well (neighbors, friends, colleagues); violence was a low-tech weapon and method.”¹⁹

Arne Johan Vetlesen argues that “spatial proximity connects with less measure than psychologically influential variables that know or do not know the others. To know someone means to commit to the emotional connection between yourself and the other. This experience of commitment can be

16 Milligram and Bauman share the view that “a modern, complex and high-tech society with a large division of labor and specialization of roles and abilities entails the fragmentation of individual moral responsibility for the contribution that personal actions make to total consequences for victims who cannot be seen or heard, do not feel; victims as statistics, victims as columns of numbers and victims as ‘cargo’ (Nazi jargon) as opposed to people of flesh and blood with a specific name and surname and a characteristic facial expression” (Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 161).

17 Ibid, pp. 161-162.

18 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 69.

19 Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian.). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 192-193.

diminished by increasing the spatial distance.”²⁰ In Bosnia and Herzegovina, there was no obligation to increase the spatial distance. Namely, “in the genocide against Bosniaks, the executioner tried at all costs to recognize his victim in the form of a neighbor, teacher or work colleague and thus make murder and murders - genocide, completely concrete... Knowing someone in the genocide against Bosniaks did not mean having an obligation to the emotional connection between oneself and the other. It did not involve nurturing and caring for others. In those cases, the executioners did not feel responsible for the connection, the connection without pressure as a certain obligation.”²¹ The same author further emphasizes that, in addition, “evil was committed in physical proximity, face to face. Violence, rape, murder were visible in contrast to the bureaucratic fog and secrecy that accompanied the Nazi execution of the ‘final solution’.”²²

So, in Bosnia and Herzegovina, what was being done was not hidden. In fact, it was shown to everyone. Arne Johan Vetlesen refers to a Danish political scientist, Carsten Bagge Laustsen, who gives the following description, in the context of proximity: “Rape for a Muslim Bosnian woman means that she is unclean. It is because partly because she is ashamed, and partly because she is forced to give birth to a Serb. Many women were held in concentration camps where they were systematically raped until they became pregnant. Rape was aimed at pregnancy. Raped women were released in advanced pregnancy when abortion was no longer possible. A child will be carried and a Serb will be born. A man also appears here as a victim, who is often with the rest of the family forced to attend the rape of his wife, daughter, mother, granddaughter.”²³

However, even Vetlesen himself could not ultimately fully explain the genocide against Bosniaks committed by acquaintances of genocide victims with his “theory of proximity” and responsibility.

As Rasim Muratović emphasizes, “many Serbian nationalists were looking for their neighbors, the owners of the cafes where they sat many times, their colleagues from work, looking for their former professors and killed them as their victims ... Insisting on knowing the victim is just the beginning for

20 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 224.

21 Ibid, pp. 225.

22 Muratović, Rasim (2014). *Zlo i ljudsko dostojanstvo u djelu Arnea Johana Vetlesena*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 156-157.

23 Ibid, pp. 157.

committing genocide which aimed not only at destroying a certain group of people but also at killing a specific, multiethnic society (sociocide). The search for the known was aimed at proving the thesis that living together in diversity is impossible.”²⁴ This is another characteristic of the aggressive criminal war against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks.

Sadism as a radical expression of crime

In addition to ideology and spatial distance (distance and/or proximity), an important aspect in considering the character traits and behavior (actions) of criminals is the presence of sadistic traits. For example, Walter Mattner’s studies strongly influence readers because they contain numerous allegations/statements of criminals, where they, “in detail, describe the joy they feel while shooting, mutilating, killing people, smashing a newborn against a wall, or when they bomb or shell populated areas.”²⁵

Arne Johan Vetlesen understands sadism as “an attempt by a person to accommodate (what he cannot suffer in his own existence, i.e. envy, arrogance, greed, vulnerability, mortality) to others (victims), and thus gets rid of what he cannot suffer with himself. It is about inflicting on someone else what cannot be tolerated in oneself.”²⁶ The same author is of the opinion that violence could not be committed without sadism²⁷. Sadism is primarily manifested in “the joy of taking control of the victim’s human life experience, of personal exposure to pain, by passing it on to another.”²⁸ The core of sadism lies in

24 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 225-226.

25 “It is important to emphasize that Walter Mattner avoids using the word sadism, but speaks of a special ‘morality of murderers’.” (Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 190).

26 Muratović, Rasim (2014). *Zlo i ljudsko dostojanstvo u djelu Arnea Johana Vetlesena*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 139.

27 “Sadism (fr. Sadisme) perverted sexual lust which finds satisfaction in the physical torture of persons towards whom lust is felt (named after the French writer of shameless novels marquis de Sade, 1740-1814, whom Napoleon, as a mentally ill man, imprisoned in a hospital); cf. masochism. A sadist (fr. Sadiste) a man burdened with sadism, a cruel lustful man; adj. sadistic); (Anić, Šime; Klaić, Nikola; Domović, Želimir (2002). *Rječnik stranih riječi: tuđice, posuđenice, izrazi, kratice i fraze*. Zagreb: Sani-Plus, pp. 1262).

28 “This joy often takes the form of euphoria, a strong sense of vitality, personal

the fact of feeling pleasure as one watches a person (executioner, criminal) inflicting suffering on others (victims). However, no criminal is or will call their actions and label them sadism. Although they openly boasted about how many people they had personally killed, tortured, abused, none of them said they were sadists.

Lars Svendsen refers to Colin Mc Ginn, who interprets sadism, or sadist, as “someone who suffers from existential envy.” His sense of his own life is a feeling of less value compared to the lives of others and that is why a sadist works on a project of diminishing the quality of life of another in order to be less valuable than his own. This is a hypothesis that allows sadists to succeed in their intentions.”²⁹

There were hundreds of sadists in the genocide of Bosniaks in the Republic of Bosnia and Herzegovina. Hundreds of those who tortured, abused, harassed and ultimately killed innocent Bosniak civilians, enjoying every moment of their misdeeds. The best examples of such individuals are Nikola Jorgić, Milan Lukić and Goran Jelić a.k.a. Adolf. They are certainly not the only and isolated examples. However, according to their (mis)deeds, they belong to the very top of real sadists, sworn and hardened sadists, greatest in Europe after the end of the Second World War.

The documentation on the committed genocide against Bosniaks “contains countless examples of Serb soldiers who claim that killing Bosniaks was a pleasure, interesting and beautiful. A soldier who killed 100 Bosniaks in Srebrenica in just one day says: ‘I have to admit that this was the happiest day of my life.’ Another artilleryman who was shooting at civilians in besieged Sarajevo said: ‘Killing a crowd while waiting in line for water or bread is very interesting and exciting.’ Most of these soldiers after the war continued to live almost the same as before the war - a normal life. So, people have limited these horrors to time and space, although there are those who continue to commit these acts even after the war. The point of the crimes committed against Bosniaks was to commit as much torture and suffering as possible. This kind

invulnerability and immortality achieved by the other - the victim - through the use of violence perceived as one of us exposed to such unbearable provocation of fear. The more I injure and eventually kill, the less I have.” (Vetlesen, Arne Johan (2017). *Studije o zlu* (Rasim Muratović translated it from Norwegian.). Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 193-194).

29 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 191, According to: Svendsen, H. Lars Fr. (2002). *Ondskapens filosofi (Filozofija zla)*. Oslo: Universitets Forlaget, pp. 136.

of violence seems incomprehensible, like pure madness. Draža Mihajlović and Radovan Karadžić called this hatred infernal, unbridled, hellish. In this way, the executioners think of finding a place for their personal guilt, their demonic evil, an evil that they think is able to find a place for their personal guilt.”³⁰

In the book “Barbari su bili bolje (paraphrase: Barbarians were better)”, psychologist Ismet Dizdarević, speaking about sadistic behaviors, cites the example of war criminal Dušan Tadić, arrested in Munich in 1997. Regarding him, he writes: “The survivors of Kozarac, the place where the genocide against Bosniaks was committed, will never forget the characters of Serbian villains - Chetniks who sadistically tortured and killed innocent and helpless citizens.” In the torture and slaughter of his neighbors and even his pre-war comrades, war criminal Dušan Tadić stood out... Dušan Tadić was the first from the group of sadistic criminals who was arrested and who was tried by a German court.”³¹

The mentioned author especially dealt with the issue of psychological causes of the committed genocide against Bosniaks. In this context, it identifies both internal causes and causes that are outside the personality itself. As he notes, “they are primary in personality, although, if they had come to life, they would not have happened if there were no stimuli from the environment.”³²

One example of a sadistic criminal is the example of the criminal Dragan Nikolić, one of the leaders of the death camp “Sušica” near Rogatica. In the introductory part of the verdict of the International Criminal Tribunal for the former Yugoslavia (ICTY), it is stated, among other things, that “before the armed conflict, Nikolić was a very favorite person among his colleagues and friends in Vlasenica, regardless of their ethnicity, and he socialised with persons of different nationalities. However, during his engagement in the ‘Sušica’ death camp, he did not show compassion for his closest neighbors, or even for the Bosniak neighbor who buried his father. The Trial Chamber describes in detail the sadism shown and Nikolić’s enjoyment of torturing

30 Muratović, Rasim (2007). *Holokaust nad Jevrejima i genocid nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 188-189.

31 Dizdarević, Ismet (1998). *Barbari su bili bolji*. Sarajevo: Compact, pp. 110.

32 “In the ‘suitable’ psychological climate, in fact in the euphoria of Serbian nationalism, the criminals found both support and justification and ‘redemption from sins’. In an atmosphere of ‘knocking at the last minute’ the potential criminals felt that everything was ‘in their favor’. They were encouraged by both ‘learned’ and ‘ordinary’ citizens. They felt supported by those who did not react, who did not oppose, and who were indifferently waiting for the outcome - ‘what will happen’”. (Ibid, str. 110).

detainees: ‘The acts of the accused were enormously brutal and lasted for a relatively long period of time. These were not isolated acts. They reflected systematic sadism. In addition, the accused enjoyed his criminal acts.’³³

“Case Law” – Milan Lukić, Goran Jelisić a.k.a. “Serbian Adolf”, Nikola Jorgić

1. Milan Lukić

The criminal Milan Lukić was sentenced to life imprisonment by the ICTY. He was convicted of:³⁴

- Persecution on political, racial and religious grounds; murder; inhumane acts; and extermination (crimes against humanity)
- Murder; and cruel treatment (violations of the laws or customs of war)
- Milan Lukić took seven Bosnian Muslims to the bank of the Drina River, near Višegrad, forced them to line up on the bank, and then shot at them, killing five.
- He forced seven Bosnian Muslims from the sawmill and furniture factory “Varda” in Višegrad to go to the banks of the Drina River, where he shot at them several times and killed all seven.
- He killed 53 Bosnian Muslim women, children and the elderly in a house on Pionirska Street in Višegrad by barricading victims in one room of the house, setting the house on fire and firing automatic weapons at those trying to escape through the windows, and some of them killed and some wounded.
- He killed about 70 Bosnian Muslim women, children and the elderly in a house in the village of Bikavac, near Višegrad, forcing the victims to enter the house, after which he barricaded all exits from the house and threw several explosive devices into the house.
- He brutally killed a Bosnian Muslim woman in the Potok settlement in Višegrad.
- On several occasions, he beat Bosnian Muslim men detained in the detention camp in the barracks in Uzamnica in Višegrad.

33 Mulagić, Elvedin (2014). *Negiranje genocida nad Bošnjacima*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 121, According to: Judgement to Dragan Nikolić, MKSJ: IT-94-2 S, pp. 2.

34 ICTY, Case No. IT-98-32/I-T, before the Trial Chamber III, Prosecutor v. Milana Lukić and Sredoje Lukić, *Judgement*, 20 July 2009.

He committed the aforementioned crimes in the area of Višegrad. A group of criminals led by Milan Lukić was “the most notorious for committing massacres, killings and burning of Bosniak civilians in the Višegrad area.” Thus, in just a few weeks in May, June and July 1992, Chetniks led by Milan Lukić and other criminals committed a large number of crimes ranging from looting and demolition to cruel torture, ill-treatment and killing of Bosniak civilians in the Višegrad area.”³⁵

The criminal Milan Lukić was especially looking for Hajra Korić, in order to kill her personally. Hajra Korić was the daughter of Hasan Tufekčić, to whom Draža Mihajlović’s Chetniks killed as many as ten (10) children and his wife in the same place and at the same time, on the Višegrad Bridge, in the Second World War.³⁶ “In or around June 1992, Milan Lukić went with a group of unknown individuals to the Potok settlement in Višegrad, shot and killed a Muslim woman, Hajra Korić.”³⁷

35 Kuka, Ermin (2019). *Genocid nad Bošnjacima u Višegradu 1992-1995*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp.92; AIIZ, Inv. No. 2-980, *Request for conducting an investigation*, Higher Public Prosecutor’s Office Goražde, KT No. 83/94, from 9 September 1994. “Among the first Bosniak victims in Višegrad were Sejfo Tanković (hit by a sniper in the backyard), and Behija Zukić, her husband Džemail and son Faruk, who returned from Germany a year before the aggression began. The criminals Milan Lukić and Vidoje Andrić killed Behija Zukić on May 19, 1992 (immediately after the ‘departure’ of the troops of the Užice JNA Corps), while her husband Džemail and son Faruk were taken away. The daughters managed to save themselves. The remains of Džemail and Faruk were found on the site of the Višegrad village of Kurtalići, and in 2011 they were buried in the Stražište cemetery. The first victim buried at the Stražište cemetery was Behija Zukić. “While Behija’s funeral was going on, Lukić stopped next to Stražište in her abducted ‘Passat’, playing a Chetnik song from a cassette player: ‘Muslims, black ants, black days have come to you, there is no Tito to defend you’” (Ibid, pp. 94).

36 “In 1943, Draža Mihailović’s Chetniks killed as many as ten (10) children and the wife of Višegrad Bosniak Hasan Tufekčić, born in 1905 in Višegrad, at the same place and at the same time, on the Višegrad Bridge. They killed his five sons (Omer, Ramiz, Redžo, Fehim and Ferid) and five daughters (Hajra, Paša, Hanka, Sabaheta,?). Hasan managed to survive World War II and the Chetnik massacre of Bosniaks, and remarried after the war and had five children. He died in 1984 in Višegrad. Of those five children from his second marriage, three were killed by Chetniks in 1992 (Hajra, Sabaheta, Ramiz), who bore the names of brothers and sisters killed in World War II. Thus, in two wars (World War II and the last aggression against the Republic of Bosnia and Herzegovina), the Chetniks killed a total of thirteen (13) children and Hasan Tufekčić’s wife. Also, in 1992, Irma (Emir) Subašić, born on April 19, 1992, daughter of Sabaheta (Hasan) Subašić, née Tufekčić and Hasan’s granddaughter.”(Ibid, pp. 31-32).

37 Ibid, pp. 99, According to: ICTY, Case No. IT-98-32/1-T, before the Trial Chamber III, Prosecutor v. Milan Lukić and Sredoje Lukić, *Judgement*, 20 July 2009, Paragraph 16.

Therefore, only some of the monstrous crimes committed by Milan Lukić are listed, together with other members of the infamous military formation “Beli orlovi” or “Osvetnici”. Only the crimes that Milan Lukić committed directly were singled out. The most monstrous is certainly the burning of over 130 Bosniak civilians in Pionirska Street and Bikavac.

2. Goran Jelisić a.k.a. “Serbian Adolf”

The criminal Goran Jelisić was sentenced by the ICTY to 40 years in prison. He called himself “Serbian Adolf”. He was convicted of:

- Murder; cruel treatment; robbery (violations of the laws or customs of war)
- Murder; inhumane acts (crimes against humanity)
- Goran Jelisić killed five people at the Brčko police station and eight people at the Luka camp.
- On 6 or 7 May, he escorted an unknown detainee down a street near the Brčko police station and shot him in the back of the head with a Scorpion automatic pistol.
- He systematically killed Muslim detainees at the Laser bus company, the Brčko police station and the Luka camp.
- On or about 9 May 1992, near the main hangar in the Luka camp, a former port facilities, he beat a detainee with a police baton and then shot him dead.
- Goran Jelisić stole money, watches, jewelry and other valuables of the detainees upon their arrival at the Luka camp, threatening death to those who did not hand over everything they had.

He committed the aforementioned crimes in the Brčko area. According to witnesses, “the face of the genocide was the face of Goran Jelisić.”³⁸

Speaking about the crimes in Brčko, the Trial Chamber clearly stated in the Hague Tribunal’s verdict against Goran Jelisić that the circumstances under which the crimes charged are indicted appear “particularly vile and

38 Rasim Muratović and Ermin Kuka (2015). *Genocid u Brčkom 1992-1995*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 41, According to: ICTY, Case No. IT-95-10, before the Appeals Chamber, Prosecutor v. Goran Jelisić, *Judgment*, 5 July 2001; Transcript of the trial of Goran Jelisić, in “Approaching the ICTY to Local Communities in Bosnia and Herzegovina”, Brčko Conference Transcripts, 8 May 2004, Media/Communications Service, ICTY Secretariat, 2009, pp. 44

disgusting”. The Trial Chamber noted “the heinous, beastly and sadistic nature of Goran Jelisić’s conduct. His cold-blooded killing and harassment testifies to his deep contempt for humanity and the right to life.”³⁹

The picture in which Goran Jelisić cold-bloodedly and torturously, from behind, kills the captured Husein Krša on the streets of Brčko has traveled all over the world.

According to the Trial Chamber’s verdict, Goran Jelisić was often assisted by camp guards every day “from about May 7 to early July 1992. He came to the main hangar of the Luka camp where most detainees were held, selected them for interrogation, and then beat and often killed them.”⁴⁰

Goran Jelisić “boasted that he killed 175 Bosniaks, and that he had to kill another 25 in order to reach the figure of 200 killed, and the criminal Rajko Rajčić boasted that he made a special knife for slaughtering Bosniaks.”⁴¹

3. Nikola Jorgić

Although the verdict against Nikola Jorgić is not one of the ICTY verdicts, it is significant and important, as it is one of the first verdicts in Europe after the Second World War to convict a natural person, and whose views the ICTY also later quoted in case. The criminal Nikola Jorgić was sentenced in court in Düsseldorf to four times life imprisonment. He was convicted of “intending to commit genocide in all his criminal activities, and

39 Ibid, pp. 42, According to: Mujkić, S. Muhamed (2009). *Brčko – sedam krugova pakla*, prvo izdanje. Brčko: Vlastito izdanje, pp. 377.

40 ICTY, Case No. IT-95-10, before the Appeals Chamber, Prosecutor v. Goran Jelisić, *Judgment*, 5 July 2001 “According to the testimony of Osman Effendi Kavazović, pre-war imam of the Aziziya mosque in Brezovo Polje, Goran Jelisić was in the administration of the Luka concentration camp on the night of May 15, 1992, entering the office where was Effendi Kavazovic said: “This was the 83rd person killed so far... I thought I would be the 84th... Then Goran told me: ‘Let’s play Russian roulette...’ He put a gun to my chest. I thought the end of my life had come and I recited the kelim and the shahadah within myself. I asked Allah that my death be in faith... Fortunately, the bullet did not fire ...” Effendi Kavazović was offered to leave Luka, which he refused saying that he wanted to stay and share the destiny of (several hundreds) of prisoners from his congregation in Brezovo Polje. He remained in the Luka camp until the closing of the camp (July 9, 1992), from where all the detainees were taken to the Batković concentration camp, where Effendi Kavazovic was held until October 13, 1992.” (Mujkić, S. Muhamed (2009). *Brčko – sedam krugova pakla*, prvo izdanje. Brčko: Vlastito izdanje, pp. 284-290).

41 Rasim Muratović and Ermin Kuka (2015). *Genocid u Brčkom 1992-1995*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 50.

was also told that the special intent of genocide did not have to be directed only at the physical and biological destruction of the group, but could also destroy the group as a social community in its ‘specifics and a sense of belonging’.”⁴²

On September 26, 1997, Nikola Jorgić was charged with genocide in eleven cases, in fact for the following acts:⁴³

- for one case of dangerous wounding and unlawful deprivation of liberty, committed on twenty people;
- for one case of dangerous injury and unlawful deprivation of liberty, committed on eight people;
- for one case of unlawful deprivation of liberty, 300 people;
- for one case of dangerous injury of three people;
- for one further case of dangerous injury of three people;
- for one case of dangerous injury and illegal deprivation of liberty of fifteen people;
- for one case of unlawful deprivation of liberty of twelve people;
- in the case of the murder of twenty-two people;
- for one case of dangerous injury;
- in the case of the murder of seven people;
- for one murder case.

These are Bosniak victims from the Doboј area.

The criminal Nikola Jorgić, in addition to direct executions, was also known for demonstrating sadistic “new ways of torturing and killing”. This is proved, among other things, by the testimony of Hamid Muratović. The verdict against Nikola Jorgić reads, among other things: “Witness Hamid Muratović observed the abuse and killing of an unknown prisoner from the window of his cell. The witness vividly described that he could see the prison yard from his cell on the first floor of the Central Prison, where he was imprisoned from July to September 1992. For that he had to climb on a chair. Since this was forbidden, another prisoner was watching the guard in the hallway through a barred window on the cell wall. Because of the garage in front, he could

42 Marušić, Bartul (2017). *Tumačenje i primjena definicije genocida kroz presude MKSJ-a*, u „Polemos“, 20, 1-2, pp. 53-82; According to: *Jorgić IV – 26/96 2 StE 8/96*, Düsseldorf Regional High Court, General Federal Prosecutor’s Office v. Nikola Jorgić, Judgment, 26 September 1997, pp. 94-95.

43 *Jorgić IV – 26/96 2 StE 8/96*, Düsseldorf Regional High Court, General Federal Prosecutor’s Office v. Nikola Jorgić, Judgment, 26 September 1997, pp. 2-3.

only see part of the yard. He saw prisoners often beaten with wooden stakes lying around. The witness described the man, who was first beaten that day by several soldiers, including with rifle butts, on the basis of his clothes - special blue trousers and a blue shirt - as the uniform of a member of the territorial defense. He saw Nikola Jorgić approach, and heard him tell the soldiers not to abuse the man. Witness Muratović described his further observations as follows:

*The Accused knocked a tin bucket on the prisoner's head, grabbed a stake that was there, and hit the bucket with all his might with great force. The witness saw the man fall to the ground and lie motionless, and that he was then dragged across the yard in the direction of the former 'sobering-up cell' for a moment. The next day, he saw a man being dragged back motionless from that direction toward the yard, where his body was covered with a blanket. The witness knew that dead people were often left in that cell overnight. His conclusion, that the man had been dragged into that room, is not far from the truth. The witness also convincingly explained that, based on earlier sightings of dead people, he could assess that the prisoner was dead. The fact that the body was covered with a blanket also contributes to that."*⁴⁴

Concluding remarks

The 1992-1995 aggression against the Republic of Bosnia and Herzegovina resulted in the commission of a number of individual and mass crimes, including the crime of genocide against Bosniaks. The monstrosity, the cruelty of the crimes committed, as well as the complete dehumanization of the victims, are the hallmarks of the horrific crimes, the largest since World War II in Europe, at the end of the 20th century. In committing the crime, certain individuals stood out from the rest. Their methods, techniques and procedures for committing crimes, and approaches to victims, who had no possibility of resistance, are the darkest pages of the negation of humanity/human dignity of the victims. Milan Lukić in Višegrad, Goran Jelisić called "Serbian Adolf" in Brčko and Nikola Jorgić in Doboј stood out in that. Common to all of them was an almost identical pattern of committing crimes against Bosniak civilians, the Greater Serbia ideology as a guiding idea, spatial distance (proximity) with the victims, and sadism that all of them, as well as other criminals, openly expressed. Although they were convicted of

44 Ibid, pp. 52.

the most heinous crimes, they are still glorified and celebrated as heroes of the Serbian people. And they showed their military and combat “courage” over the bare-handed and innocent Bosniak civilian population. These are their “merits of war”, their result of “war work”, contained in the form of death and destruction of innocent civilians.

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SOME LEGAL ISSUES IN THE DISPUTE BETWEEN BOSNIA AND HERZEGOVINA AND SERBIA, FOR VIOLATING THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Abstract

This paper deals with issues related to the legal dispute between Bosnia and Herzegovina and Serbia related to the violation of the Convention on the Prevention and Punishment of the Crime of Genocide. The dispute attracted a lot of media attention. Much has been said and written about it, but by the media and politicians. Lawyers in Bosnia and Herzegovina have ignored this legal issue. It is true that the dispute lasted a long time, and that a huge amount of evidence was used and that the legal practice of other legal traditions prevailed. Additionally, the dispute was not conducted in our mother tongue. But, is all this together a sufficient justification for ignoring one such historical legal event? In this text, the author tries to briefly describe and explain the basic issues that were the subject of the dispute. To describe and explain how Bosnia and Herzegovina sought to prove its own claims of what it succeeded in and what it did not in addition to taking its own legal views on the subject legal issues.

Introduction

On March 20, 1993, the Republic of Bosnia and Herzegovina (from 14 December 1995 “Bosnia and Herzegovina”) filed a lawsuit with the Registrar of the International Court of Justice in The Hague, initiating proceedings against the Federal Republic of Yugoslavia (from 4 February 2003 “Serbia and Montenegro”, and from 3 June 2006 “Republic of Serbia”), for violating the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December 1948, as well as other issues alleged by Bosnia and Herzegovina that they are related to it. The action relies on Article IX of the Convention as a basis for determining the jurisdiction of the Court.

On April 8 and September 13, the Court adopted *interim measures* and requested the FR Yugoslavia to do everything in its power to prevent genocide and ordered it to ensure that people under its control, leadership or influence did not commit any act of genocide against the Muslim population in Bosnia and Herzegovina, or against any other national, ethnic, racial or religious group.

Bosnia and Herzegovina requested the Court to rule that Serbia and Montenegro, through its organs or bodies under its control, had an alternative: committed genocide, participated in the commission of genocide or failed to prevent the commission of genocide, as well as to punish the perpetrators before their own courts or to extradite them to the International Criminal Court for the former SFRY. In addition, the Court was requested to oblige the respondent to compensate Bosnia and Herzegovina and its citizens for the damage caused by the genocide, as well as symbolic compensation for failure to comply with the interim measures imposed on it by the Court. In the end, specific guarantees and assurances were sought in order to avoid the repetition of the listed illegal actions, the form and type of which will be determined by the Court.

What is the legal basis for initiating and conducting the procedure

The legal basis for initiating and conducting the procedure is contained in the Convention on the Prevention and Punishment of the Crime of Genocide. For a better overview, we will give the text of the Convention here.

Convention on the Prevention and Punishment of the Crime of Genocide

was adopted by the Resolution 260 (III) A of the United Nations General Assembly on 9 December 1948.

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 3

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6

Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

The remaining ten articles of the Convention concern issues concerning the Contracting Parties to the Convention and its entry into force.

The definition of genocide refers to the physical or biological destruction of a protected group as such and does not refer to cultural genocide, although the destruction of cultural, religious, historical and similar objects may indicate an intention to commit genocide and erase traces of that group in the territory of to whom the genocide was committed. Also the definition of genocide does not refer to economic or environmental genocide.

The Genocide Convention provides for individual criminal responsibility for genocide or any other offense under Article II of the Convention, and in addition to genocide, other offenses listed in Article III of the Convention are punishable.

As we see, genocide is a crime against international law that can be committed in times of peace and in times of war. The obligation assumed by the state by signing the Convention is to prevent genocide or to punish the perpetrators (Article I of the Convention).

Within these general obligations *to prevent* genocide is the obligation of the state to take the necessary legal measures in accordance with its constitution to ensure the application of this Convention (Article V of the Convention). This practically means that the state is obliged to carry out the necessary interventions in its own legislation in order to criminalize acts of genocide

listed in Article II of the Convention, as well as other punishable acts listed in Article III of the Convention. In addition, the State undertakes to provide in its criminal legislation for effective criminal penalties for genocide or any other offense listed in Article III of the Convention. Also, member states undertake not to treat criminal offenses under the Convention as political offenses, but as ordinary offenses with regard to the extradition of perpetrators. But it will not impose any obligation on them outside their constitution and legislation (Article VII of the Convention).

The obligation *to punish* is the obligation of a State to bring the perpetrators of Article III of the Convention before the competent courts of the State in whose territory the offense was committed or before an international criminal court having jurisdiction over those Contracting States which have accepted its jurisdiction (Article VI of the Convention).

The Convention creates an obligation to prevent and punish the crime of genocide not only for the State in whose territory there is a possibility of genocide being committed, or is already committed, but for all States Parties to the Convention. This obligation exists for all members of the Convention and not only for those nations who are victims or perpetrators of crimes. Due to the nature and seriousness of this crime, according to the text of the Convention, it cannot leave indifferent the members of the Convention whose citizens are victims or perpetrators of incriminated acts.

The Convention provides for the possibility of addressing UN bodies to take appropriate measures to prevent and punish the crime of genocide (Article VIII of the Convention).

Under Article IX of the Convention, disputes between States Parties concerning the interpretation, application and enforcement of the Convention, including those relating to the responsibility of a State for genocide or for any other act listed in Article III of the Convention, shall be submitted to the International Court of Justice.

It is undisputed that the Convention provides for individual criminal responsibility for acts incriminated by the Convention and that the perpetrator cannot invoke immunity on the basis of the function s/he performs.

In order to prove the existence of genocide, it is necessary to prove: a) that one or more acts under Article II of the Convention were committed against the protected group and b) that those acts were committed with the intent to completely or partially destroy a specific protected group.

Of all the articles of the Convention, Article IX caused the most controversy.

The question was raised about the violation of which obligations the state is responsible for and for which type of responsibility. Is the state, in addition to being responsible for preventing and punishing the crime of genocide, responsible for violating the same incriminating acts for which an individual is criminally responsible? Or the obligations of the state under the Convention are different. Because nowhere does the convention explicitly say that the state itself can be held responsible for genocide.

As these issues had not previously been raised before international courts, Bosnia and Herzegovina's lawsuit against the FRY provided an opportunity for the Court to take a position on the matter. And, the position of the International Court of Justice is that Article 1 of the Convention obliges states not only to prevent and punish genocide but also not to commit it themselves or to refrain from participating in genocide (2007 Judgment, Paragraphs 165-167).

The responsibility of states for genocide is not the criminal responsibility of the state. Because according to international law, the criminal responsibility of the state is excluded, as well as the possibility of establishing the collective guilt of either a certain people or all citizens of a state. The responsibility of states for genocide is not a civil responsibility either.

This is neither a criminal nor a civil responsibility of the state, but a *sui generis* responsibility.

The International Court of Justice *may*, under Article IX of the Convention:

- a) to establish that a State Party to the Convention has not prevented the commission of genocide;
- b) to establish that it did not punish the perpetrator of the genocide;
- c) it did not extradite the perpetrator to the competent State or to the competent international tribunal;
- d) to establish that the State itself committed genocide or participated in the commission of genocide;
- e) it did not act upon the order on interim measures;
- f) to oblige that State to cease violating its obligations under the Convention;

- g) to request that the offending State provide certain guarantees that these acts will not be repeated;
- h) to oblige the responsible State to compensate the injured State and its citizens for the damage caused by the violation of the Convention.

The International Court of Justice *may not*:

- a) make the State criminally responsible for genocide,
- b) impose criminal sanctions on the state or its citizens,
- c) establish that the State is responsible for the aggression because it is not the subject of the dispute nor may the matter be referred to the International Court of Justice for a decision under Article IX of this Convention,
- d) make a decision which would entail direct interference in matters of constitutional order which fall within the exclusive competence of the Member States.

All this also refers to the dispute between Bosnia and Herzegovina and Serbia.

Under this convention, the International Court of Justice cannot determine Serbia's responsibility for aggression, nor change the constitutional order of Bosnia and Herzegovina.

What Bosnia and Herzegovina asked the Court to rule

The final claim of Bosnia and Herzegovina was defined at the oral hearing on 24 April 2006, and it reads:

On behalf of the Government of Bosnia and Herzegovina, at the hearing of 24 April 2006: "Bosnia and Herzegovina requests the International Court of Justice to adjudge and declare:

1. That Serbia and Montenegro, through its organs or entities under its control, has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by intentionally destroying in part the non-Serb national, ethnical or religious group within, but not limited to, the territory of Bosnia and Herzegovina, including in particular the Muslim population, by
 - killing members of the group;

- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group;

2. Subsidiarily:

(i) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by complicity in genocide as defined in paragraph 1, above; and/or

(ii) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by aiding and abetting individuals, groups and entities engaged in acts of genocide, as defined in paragraph 1 above;

3. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by conspiring to commit genocide and by inciting to commit genocide, as defined in paragraph 1 above;

4. That Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed to prevent genocide;

5. That Serbia and Montenegro has violated and is violating its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide for having failed and for failing to punish acts of genocide or any other act prohibited by the Convention on the Prevention and Punishment of the Crime of Genocide, and for having failed and for failing to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to fully co-operate with this Tribunal;

6. That the violations of international law set out in submissions 1 to 5 constitute wrongful acts attributable to Serbia and Montenegro which entail its international responsibility, and, accordingly,

(a) that Serbia and Montenegro shall immediately take effective steps

to ensure full compliance with its obligation to punish acts of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide or any other act prohibited by the Convention and to transfer individuals accused of genocide or any other act prohibited by the Convention to the International Criminal Tribunal for the former Yugoslavia and to fully co-operate with this Tribunal;

(b) that Serbia and Montenegro must redress the consequences of its international wrongful acts and, as a result of the international responsibility incurred for the above violations of the Convention on the Prevention and Punishment of the Crime of Genocide, must pay, and Bosnia and Herzegovina is entitled to receive, in its own right and as *parens patriae* for its citizens, full compensation for the damages and losses caused. That, in particular, the compensation shall cover any financially assessable damage which corresponds to:

(i) damage caused to natural persons by the acts enumerated in Article III of the Convention, including non-material damage suffered by the victims or the surviving heirs or successors and their dependants;

(ii) material damage caused to properties of natural or legal persons, public or private, by the acts enumerated in Article III of the Convention;

(iii) material damage suffered by Bosnia and Herzegovina in respect of expenditures reasonably incurred to remedy or mitigate damage flowing from the acts enumerated in Article III of the Convention;

(c) that the nature, form and amount of the compensation shall be determined by the Court, failing agreement thereon between the Parties one year after the Judgment of the Court, and that the Court shall reserve the subsequent procedure for that purpose;

(d) that Serbia and Montenegro shall provide specific guarantees and assurances that it will not repeat the wrongful acts complained of, the form of which guarantees and assurances is to be determined by the Court;

7. That in failing to comply with the Orders for indication of provisional measures rendered by the Court on 8 April 1993 and 13 September 1993 Serbia and Montenegro has been in breach of its international obligations and is under an obligation to Bosnia and Herzegovina to provide for the latter violation symbolic compensation, the amount of which is to be determined by the Court.”

How Bosnia and Herzegovina proved the presence of genocide

Bosnia and Herzegovina, both in the written and oral phase of the proceedings, proved the truth of the allegations contained in the lawsuit and the merits of the lawsuit.

Bosnia and Herzegovina claimed and proved that crimes equal to genocide were committed in Bosnia and Herzegovina, that they were committed with the intent to completely or partially destroy the non-Serb and especially Bosnian Muslim population as a separate national, ethnic and religious group as such, that these crimes are attributable to the FRY (Serbia and Montenegro) and that it is responsible for them.

Proving that crimes of the gravity of genocide were committed

The burden of proving these allegations was on Bosnia and Herzegovina.

The standard of proof was very high. Any allegation of facts had to be substantiated by appropriate evidence. This evidence had to be completely convincing so as not to leave any room for reasonable doubt. The same standard applied to the imputability of these acts to the respondent.

The method of proof was determined by the subject of proof. Throughout the proceedings, Bosnia and Herzegovina submitted to the Court extensive and numerous pieces of evidence consisting of reports, resolutions and declarations of various UN bodies, the most important of which were the Secretary General, the General Assembly, the Security Council and its Commission of Experts, the Commission on Human Rights, the Subcommittee on Prevention of Discrimination and Protection of Minorities, Special Rapporteur on Human Rights in the Former Yugoslavia, documents of various intergovernmental organizations such as: CSCE (OSCE), government publications, NGO documents, media reports, findings and opinions of experts. Bosnia and Herzegovina invited experts: *Andreas J. Riedlmayer* and *General Sir Richard Danat*, who testified at the March 17 and 20, 2006 sessions.

Professor Riedlmayer testified about the destruction of the historical heritage of Bosnian Muslims in which they wanted to erase all traces of their existence in the occupied territories.

The General, *Sir Richard Danat*, as an expert of the Tribunal, on the basis of documents, testified about the attitude of the FRY and RS authorities

towards the chain of command from the General Staff in Belgrade to the soldiers who committed crimes on the ground.

A particular importance was attached to the evidence and decisions of the International Criminal Tribunal for the former Yugoslavia. This court had extensive documentation created during the proceedings and evidence relating to the events that were the subject of the dispute and to the persons involved. The probative value of the evidence was verified by a comprehensive examination before the Tribunal. These are pieces of evidence that the Court has found to have probative value and whose credibility has not been subsequently challenged. This includes various decisions of the Court and the Prosecutor's Office of this court, and final court decisions are of particular value.

Some asked me why Bosnia and Herzegovina did not propose witnesses. It is obvious that this would be useless, given that as evidence for our claims we have attached the entire material of the International Criminal Tribunal for the Former Yugoslavia, which heard a huge number of witnesses whose testimonies were thoroughly verified. Since we had enough evidence to prove the crimes under Article II of the Convention, it was more rational to use the time to prove the genocidal intent and imputability of the crime to the defendant, which was the harder part of the job.

Proving genocidal intent

It was necessary to prove that the crimes from point II of the Conventions committed with genocidal intent (*dolus specialis*). It is not enough to establish, for example, that intentional, systematic and widespread killings of certain persons were committed simply because they are Bosnian Muslims. These acts must be committed with the intent to destroy Bosnian Muslims in whole or in part as such.

The simplest way to prove genocidal intent would be to find a plan by the state of the FRY (Serbia and Montenegro) to commit genocide. For example, that there was a decision published in the official newspaper of the state parliament or another state body to commit genocide. Or, that we had the opportunity to review the archives of the highest state bodies of the defendant and find documents there from which it is unequivocally clear that there was an intention to commit genocide. In that case, it would be sufficient to prove that only certain acts were committed for the realization of genocidal intent.

Since we did not have access to the archives of the state bodies of the defendant, and the FRY (Serbia and Montenegro) did not announce its intention to commit genocide in the official newspapers and the Republic of Srpska, in our opinion did, then we presented a document entitled Decision on the strategic goals of the Serbian people in Bosnia and Herzegovina, which reads:

“DECISION ON THE STRATEGIC GOALS OF THE SERBIAN PEOPLE IN BOSNIA AND HERZEGOVINA

The Strategic Goals, i.e., the priorities, of the Serbian people in Bosnia and Herzegovina are:

1. Separation as a state from the other two ethnic communities.
2. A corridor between Semberija and Krajina.
3. The establishment of a corridor in the Drina River valley, i.e., the elimination of the border between Serbian states.
4. The establishment of a border on the Una and Neretva rivers.
5. The division of the city of Sarajevo into a Serbian part and a Muslim part, and the establishment of effective state authorities within each part.
6. A passage to the sea for the Republic of Srpska.”¹

The goals set here could not, in our view, have been achieved without committing genocide.

As I have already stated and what was accepted by the Court, there was sufficient evidence that the acts of genocide were listed in Article II of the Convention. We have provided sufficient evidence that these were common goals of the political and military leadership of the FRY (Serbia and Montenegro) and the Republic of Srpska, which the Court also accepted.

The consequences of the realization of these goals affected the entire territory of Bosnia and Herzegovina throughout the genocidal campaign from 1992 to 1995.

The Court did not accept this document on strategic objectives as evidence of the existence of a specific genocidal intent (Paragraph 372) following the decisions of the International Criminal Tribunal for the former Yugoslavia which did not characterize them as genocidal. Allegedly, these strategic goals could have been achieved through expulsion and displacement

1 “Official Gazette of the Republic of Srpska, No.: 22/93”, dated 26 November 1993.

and not necessarily through the destruction of Bosnian Muslims. The entire court decision came from this conclusion. The judgment does not dispute that the acts of genocide committed under Article II of the Convention were committed but disputes the genocidal intent. The Court considers that Bosnia and Herzegovina has not proved that these acts were committed with specific genocidal intent, except in Srebrenica.

The International Court of Justice relied entirely on the Tribunal's judgments on the existence of genocidal intent, which it analyzed in detail and concluded that, "... save in the case of Srebrenica □ the Applicant has not established that any of the widespread and serious atrocities, complained of as constituting violations of Article II, paragraphs (a) to (e), of the Genocide Convention, were accompanied by the necessary specific intent (*dolus specialis*) on the part of the perpetrators. It also finds that the Applicant has not established the existence of that intent on the part of the Respondent, either on the basis of a concerted plan, or on the basis that the events reviewed above reveal a consistent pattern of conduct which could only point to the existence of such intent."²

The court also accepted the conclusions of the trial chambers in the Krstić and Blagojević cases and concluded that no genocidal intent had been established before the takeover of Srebrenica on 12 and 13 July 1995, when the military objective was changed.

Since the decision to commit genocide against Bosnian Muslims was never published in the official gazette of the FRY (Serbia and Montenegro) and the Court did not accept that the Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina was evidence of genocidal intent, we had to prove genocidal intent conduct of the perpetrators of the crimes listed in Article II of the Convention. In order to prove the existence of genocidal intent (*dolus specialis*) in this way, our evidence had to be so convincing that the intent to commit genocide was the only conclusion that could reasonably be deduced from the acts we presented.

So the way we tried to prove intent was a consistent *pattern of behavior*. The existence of a specific intent (*dolus specialis*) on the part of those who determined the course of events clearly stems from consistent practice, especially in the camps, which shows the pattern of crimes committed within an organized institutional framework. To this end, we have presented to the Court a number of pieces of evidence (see Judgment).

2 Verdict, Paragraph 376.

Proving the imputability of crimes and Serbia's responsibility for genocide

We further argued that these actions were attributable to the FRY (Serbia and Montenegro) and that it was responsible for them as the genocide was committed through organs and entities under its control.

The general rule is that only the conduct of state bodies or its agents³ can be attributed to the state.

Article 4

Conduct of organs of a State

1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State.

2. An organ includes any person or entity which has that status in accordance with the internal law of the State.⁴

In order to attribute the crimes of the FRY (Serbia and Montenegro) and to establish its responsibility for committing genocide, it was necessary to prove that the crimes were committed or persons and entities, that had the status of state bodies of the FRY (Serbia and Montenegro) or were under her control, participated in crimes.

We proved the responsibility of the FRY (Serbia and Montenegro) and the imputability of the crime of genocide on:

- a. the basis of the conduct of its (federal and republican) bodies because the crimes were committed by the state bodies of the FRY (Serbia and Montenegro): the Yugoslav Army, members of the Serbian Ministry of the Interior and members of other state bodies, and
- b. the basis of orders or control over persons and entities which, according to the legislation, are sued not by its state bodies but by its "surrogates", which are various Serbian paramilitary formations, the so-called Republic of Srpska as an entity and the army and police,

3 Agents are persons or entities who acting on instructions, or being encouraged or controlled by the state, that is its organs.

4 United Nations A/RES/56/83 from 28 January 2002, the Responsibility of States for internationally wrongful acts

other parastatal bodies and armed volunteer groups of the Republic of Srpska.

We presented evidence of the participation of the Yugoslav Army in military operations in Bosnia and Herzegovina during the entire period from 1992-1995.

We submitted and explained the evidence that most of the VRS officers, including General Mladić, 1,800 of them, were also officers of the Yugoslav Army. We proved this with the existence of the 30th Personnel Center at the YA Supreme Headquarters in Belgrade, through which they received salaries, promotions, pensions, apartments, etc. This could not be disputed or questioned. The defendant tried to reduce the number of such persons, which in the end was unsuccessful but also unimportant. I was therefore surprised by the Court's finding that "no evidence was presented that General Mladić, or any other officer whose personnel matters were handled by the 30th Personnel Center, were officers of the respondent Party in accordance with its domestic law, so that they were its *de jure* organs..."⁵ because they were allegedly subordinated to the political leadership of the Republic of Srpska.

The Ministry of the Interior of Serbia is certainly a *de jure* body of Serbia according to its internal legislation. We have attached two documents in which the infamous "Scorpions" are identified as "Serbian MIA" and as "units of the Ministry of Internal Affairs of Serbia". We also attached a recording of their atrocities.

We further argued that regardless of the *de jure* status that both the Republic of Srpska and its army, Škorpioni, Beli orlovi, Crvene beretke, Tigrovi and other paramilitary formations were *de facto* prosecuted bodies for committing crimes in pursuit of war objectives and it can be fully equated with its *de jure* state bodies. They were just a surrogate of the state authorities of Serbia.

The common goals of the defendant and the RS were to commit international crimes in order to remove the non-Serb population from certain areas. The goals of the FRY (Serbia and Montenegro) were to commit international crimes and were in no way limited to war crimes and crimes against humanity. Therefore, if genocide was committed in the realization of common goals, then there is the responsibility of the FRY (Serbia and Montenegro) for genocide. The demand that in this case there is effective control of the FRY (Serbia and Montenegro) over the operation and perpetrators of the genocide in Srebrenica is too high a threshold.

5 Paragraph 388 of the Verdict from 2007.

Bosnia and Herzegovina therefore requested the Court to apply the position of the International Criminal Tribunal, which in *the Tadić case* (IT-94-1-A, Judgment of 15 July 1999) and in other cases challenged the validity of the application of the effective control criterion. This court considers that the appropriate criterion that can be applied both to the characterization of the military conflict in Bosnia and Herzegovina as international and to the commission of crimes committed by Bosnian Serbs under the FRY, according to the law of state responsibility, is the criterion of “overall control”, which the FRY had over the Bosnian Serbs. It is not necessary to prove that every operation during which international crimes were committed was carried out under the instructions or under the effective control of Serbia.

But as a precaution, we proved that, especially for the Srebrenica area.

In order to prove the complete control of the YA over the VRS, we asked General *Sir Richard Danat*,⁶ the commander of the British Army, to make an expertise, which was presented on March 20, 2006. Sir Danat explained to the Court and the parties how this three-armed army functioned. No room is left for any doubt. The YA had complete control over the VRS. The YA commander in Belgrade was responsible for the actions of each individual VRS soldier and they were subordinate to him. After this expertise, everything was clear. There was nothing more to prove.

How do you think the Court reacted to the finding of this expert witness? It completely ignored him.

Proof of other allegations

We have provided sufficient evidence that *the respondent failed to prevent genocide, to punish or extradite* to the International Criminal Tribunal in The Hague the perpetrators of genocide, especially Ratko Mladić, and thus violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.

We have presented sufficient evidence for a court decision *that the FRY (Serbia and Montenegro) is liable for non-compliance with the Court's*

6 I met General Sir Richard Danat, Commander of the British Army, twice in connection with his appearance before the Court as a witness - an expert of the Prosecution. He came with his wife once so we spent a few hours in pleasant conversation. He was completely different from my idea of a general of a powerful and sometimes aggressive army. In fact, he is a top intellectual, a very pleasant person of good manners. He looked more like a university professor to me than the commander of the army that was occupying half of Iraq at the time. I could not connect it to him.

order ordering interim measures and that the respondent failed to fulfill its obligations under the Srebrenica massacre in July 1995 from Paragraph 52 A (1) of the order of 8 April 1993, upheld in the order of 13 September 1993, to “take all possible measures to prevent the commission of the crime of genocide”. We have also argued that Serbia has failed to fulfill its obligation under Paragraph 52 A (2) of the order of 8 April 1993, which was confirmed by the order of 13 September 1993, which required it to “ensure that all.... organizations and persons under its....influence....do not commit any act of genocide“.

What Bosnia and Herzegovina proved in the proceedings

The Court partially accepted the claim of Bosnia and Herzegovina so that:

- a) Serbia violated the obligation under the Genocide Convention to prevent genocide that occurred in Bosnia and Herzegovina, specifically in and around Srebrenica in July 1995;
- b) Serbia violated its obligation under the Genocide Convention by failing to arrest persons indicted for genocide and complicity to genocide, including Ratko Mladić, and transfer them for trial by the International Criminal Tribunal for the former Yugoslavia (ICTY);
- c) Serbia violated its obligation to comply with provisional measures ordered by the Court on 8 April and 13 September 1993 in this case, inasmuch as it failed to take all measures within its power to prevent genocide in Srebrenica in July 1995.
- d) That Serbia must take immediate and effective steps in order to satisfy its obligations under the Genocide Convention, as specified in Article II of that Convention, or any other measures specified in Article III of the Convention, and to transfer those indicted for genocide or any other of such crimes for trial at the ICTY, and to fully cooperate with that Tribunal.⁷

Since the Genocide Convention obliges all signatory states to prevent and punish genocide, the Court tried to explain what is special that separates Serbia from the circle of other signatories to the Convention and makes it the only one responsible.

⁷ Judgement, pp. 471

The Court first notes that during the critical period the FRY had the ability to influence the Bosnian Serbs who conceived and carried out the genocide in Srebrenica, unlike other states party to the Genocide Convention, thanks to the strength of political, military and financial ties between the FRY on the one hand, and the Republic of Srpska and the VRS on the other hand, which, although somewhat weaker than in the previous period, still remained very close (Paragraph 434).

Second, the Court concluded that the FRY had a very specific obligation at the relevant time under two interim measures orders issued by the Court in 1993. In particular, in its order of 8 April 1993, the Court stated, *inter alia*, that although at such an early stage of the proceedings it was unable to “decide on facts or liability” (1993 ICJ Report, pp. 22, Paragraph 44), requires the FRY “to ensure that no military, paramilitary or irregular military unit to which [the FRY] can order or provide support, or any organization or person who may be under its control, directives or influence, commits an act of genocide, conspiracy for the commission of genocide, direct and public incitement to commit genocide or complicity in genocide...” (Ibid, pp. 24, Paragraph 52 A (2)).

The use of the term ‘influence’ in this section refers to the fact that the order concerned not only persons and entities whose conduct could be attributed to the FRY but also those with whom the respondent maintained close ties and to whom it could exert some influence. [...] (Paragraph 435).

Third, the Court recalls that although it did not find that the information available to the Belgrade authorities indicated with certainty that genocide was imminent (which is why it was established that there was no complicity in the genocide, Paragraph 424), it is unlikely that those authorities were not aware of the serious risk of genocide after the VRS forces decided to occupy the Srebrenica enclave. [...] (436).

Also, the Court found with sufficient certainty that the respondent had failed to fulfill its duty to co-operate fully with the ICTY. This omission constitutes a violation of the respondent Party’s obligation as a party to the Dayton Agreement, as a member of the United Nations and, accordingly, constitutes a violation of the obligations under Article VI of the Genocide Convention. [...] (Paragraph 449).

It follows from all the foregoing that the respondent has failed to fulfill its obligations to prevent and punish genocide arising from the Convention, for which there is its international responsibility (Paragraph 450).

With regard to non-compliance with interim measures, the Court notes that its “orders on interim measures under Article 41 of the [Statute] are binding”[...] The Court orders of 8 April and 13 September 1993 on interim measures created legal obligations which both parties had to respect (Paragraph 452).

It is clear from the reasoning of this judgment that the respondent party failed, in relation to the genocide in Srebrenica in July 1995, to fulfill its obligations under Paragraph 52 A (1) of the order of 8 April 1993, which was confirmed in the order of September 13, 1993, to “*take all possible measures to prevent the commission of the crime of genocide.*” Also, the respondent party did not fulfill the obligation from Paragraph 52 A (2) of the order of 8 April 1993, which was confirmed by the order of 13 September 1993, which required it “*to ensure that all...organizations and persons under its influence... do not commit any act of genocide*” (Paragraph 456).

Which fact Bosnia and Herzegovina tried to prove but failed

Bosnia and Herzegovina requested the Court to rule:

1. *That Serbia and Montenegro, through its organs or entities under its control, has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by intentionally destroying in part the non-Serb national, ethnical or religious group within, but not limited to, the territory of Bosnia and Herzegovina, including in particular the Muslim population, by*

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group;

2. *Subsidiarily:*

(i) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by complicity in genocide as defined in paragraph 1, above; and/or

(ii) that Serbia and Montenegro has violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide by aiding and abetting individuals, groups and entities engaged in acts of genocide, as defined in paragraph 1 above;

The truth is that the Court found in Paragraph 297 of the Judgement that the genocide was committed in and around Srebrenica.

“297. The Court concludes that the acts committed at Srebrenica falling within Article II (a) and (b) of the Convention were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS in and around Srebrenica from about 13 July 1995.”

However, the Court considers that we have failed to attribute this crime to Serbia. The Court ruled that Bosnia and Herzegovina had failed to prove the following points of the claim, which is the reason the Court:

Finds that Serbia has not committed genocide, through its organs or persons whose acts engage its responsibility under customary international law, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

Finds that Serbia has not conspired to commit genocide, nor incited the commission of genocide, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide;

Finds that Serbia has not been complicit in genocide, in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.

In the text of the Judgment, the Court dealt in detail with the question of the imputability of this crime to the respondent in order to explain the reasons for the Verdict. As already said:

“376. The Court has already concluded above that - save in the case of Srebrenica - the Applicant has not established that any of the widespread and serious atrocities, complained of as constituting violations of Article II, paragraphs (a) to (e), of the Genocide Convention, were accompanied by the necessary specific intent (dolus specialis) on the part of the perpetrators. It also finds that the Applicant has not

established the existence of that intent on the part of the Respondent, either on the basis of a concerted plan, or on the basis that the events reviewed above reveal a consistent pattern of conduct which could only point to the existence of such intent. Having however concluded (Paragraph 297 above), in the specific case of the massacres at Srebrenica in July 1995, that acts of genocide were committed in operations led by members of the VRS, the Court now turns to the question whether those acts are attributable to the Respondent.”

The Court further addressed the issue of responsibility for the events in Srebrenica under Article III, Paragraph (a) of the Genocide Convention⁸ in order to explain the reasons for the verdict.

Alleged confession

We claimed that the Government of Serbia and Montenegro recognized the responsibility of the state for the genocides in Srebrenica. The text of the declaration of the Council of Ministers (Government) of Serbia and Montenegro of 15 June 2005 reads:

“Those who committed the killings in Srebrenica, as well as those who ordered and organized that massacre represented neither Serbia nor Montenegro, but an undemocratic regime of terror and death, against whom the majority of citizens of Serbia and Montenegro put up the strongest resistance. Our condemnation of crimes in Srebrenica does not end with the direct perpetrators. We demand the criminal responsibility of all who committed war crimes, organized them or ordered them, and not only in Srebrenica. Criminals must not be heroes. Any protection of the war criminals, for whatever reason, is also a crime.”⁹

“Those who committed the killings in Srebrenica, as well as those who ordered and organized the massacre, did not represent Serbia or Montenegro, but an undemocratic regime of terror and death, against which the majority of Serbian and Montenegrin citizens offered the strongest resistance.”

The Court refused to accept this statement in the text in which it is not mentioned in the Declaration, arguing that this was in fact an act of a political

8 Article III. The following acts will be punished: a) genocide...

9 Judgement, 377.

nature because the intention of the Government was not to produce legal effect by this act.

In its earlier judgments, this court has given legal effect to such statements. Thus, we can conclude that the Court was inconsistent and unpredictable in its assessment.

“378.... it appears to the Court that the declaration of 15 June 2005 was of a political nature; it was clearly not intended as an admission, which would have had a legal effect in complete contradiction to the submissions made by the Respondent before this Court, both at the time of the declaration and subsequently...”

Responsibility test

The judgment also deals with the issue of the liability test. That is, whether there may be an international responsibility of the respondent, on any grounds, in relation to the genocide committed in the Srebrenica area during the period in which the genocide took place (Paragraph 379). Responsibility exists if the massacres committed in Srebrenica in the critical period, which represent a crime of genocide in the sense of Article II and III Paragraph (a) of the Convention, may be charged to the respondent party, in whole or in part (Paragraph 384). In order to rule on this issue, the Court had to determine whether these crimes were committed by persons or bodies whose conduct could be charged against the respondent, especially in the case of the Srebrenica events. Other issues that the Court has dealt with are less important to us here.

The issue of blaming the genocide in Srebrenica on the basis of the behavior of its organs

The next thing the Judgment deals with is the issue of charging the defendant with genocide in Srebrenica on the basis of the conduct of its organs. The conduct of any state body shall be considered an act of a state under international law, whether the body performs a legislative, executive, judicial or any other function, regardless of its position in the state organization and regardless of whether it has the character of a central government or a territorial government units of state.¹⁰

10 Article 4 Rules on State Liability for International Illegal Acts. (Responsibility of States for internationally wrongful acts, United Nations A / RES / 56/83, 28 January 2002).

The court then determined whether the crimes of genocide were committed by “persons or entities” that had the status of state bodies of the FRY under its then domestic legislation (Paragraphs 385-395). The participation of the armed formations of the FRY in Bosnia and Herzegovina is confirmed as follows:

“386 ... It is true that there is much evidence of direct or indirect participation by the official army of the FRY, along with the Bosnian Serb armed forces, in military operations in Bosnia and Herzegovina in the years prior to the events at Srebrenica. That participation was repeatedly condemned by the political organs of the United Nations, which demanded that the FRY put an end to it (...). It has however not been shown that there was any such participation in relation to the massacres committed at Srebrenica (see also paragraphs 278 to 297 above). Further, neither the Republic of Srpska, nor the VRS were de jure organs of the FRY, since none of them had the status of organ of that State under its internal law.”

With regard to the 1,800 officers of the 30th Personnel Center in Belgrade, the Court concludes that we have not proved that these persons were officers of the FRY under its domestic law.

“388. The Court notes first that no evidence has been presented that either General Mladić or any of the other officers whose affairs were handled by the 30th Personnel Centre were, according to the internal law of the Respondent, officers of the army of the Respondent □ a de jure organ of the Respondent. Nor has it been conclusively established that General Mladić was one of those officers; and even on the basis that he might have been, the Court does not consider that he would, for that reason alone, have to be treated as an organ of the FRY for the purposes of the application of the rules of State responsibility. There is no doubt that the FRY was providing substantial support, inter alia, financial support, to the Republic of Srpska (cf. Paragraph 241 above), and that one of the forms that support took was payment of salaries and other benefits to some officers of the VRS, but this did not automatically make them organs of the FRY. Those officers were appointed to their commands by the President of the Republic of Srpska, and were subordinated to the political leadership of the Republic of Srpska. In the absence of evidence to the contrary, those officers must be taken to have received their orders from the Republic

of Srpska or the VRS, not from the FRY. The expression “State organ”, as used in customary international law and in Article 4 of the ILC Articles, applies to one or other of the individual or collective entities which make up the organization of the State and act on its behalf (cf. ILC Commentary to Art. 4, Paragraph (1)). The functions of the VRS officers, including General Mladić, were however to act on behalf of the Bosnian Serb authorities, in particular the Republic of Srpska, not on behalf of the FRY; they exercised elements of the public authority of the Republic of Srpska. The particular situation of General Mladić, or of any other VRS officer present at Srebrenica who may have been being “administered” from Belgrade, is not therefore such as to lead the Court to modify the conclusion reached in the previous paragraph.

With regard to the “Škorpioni” who were members of the regular police forces of Serbia, the Court concludes:

“389... Judging on the basis of these materials, the Court is unable to find that the

“Škorpioni” were, in mid-1995, de jure organs of the Respondent. Furthermore, the Court notes that in any event the act of an organ placed by a State at the disposal of another public authority shall not be considered an act of that State if the organ was acting on behalf of the public authority at whose disposal it had been placed.”

The issue of blaming the Srebrenica genocide on the basis of the conduct of a person or group of persons or other entities under the strict control of the Respondent

The Court then turned to the question whether, in principle, it is possible to impose on the State responsibility for the conduct of persons or groups of persons who, although they do not have the legal status of state bodies, actually act under strict state control, which would guide the responsibilities of the state for violating international law (Paragraph 391). He concluded that this was possible provided that those persons, groups of persons or other entities acted in “complete dependence” on the State to which they served only as an instrument (Paragraph 392). Applying this test, the Court concluded that at the relevant time, in July 1995, neither the Republic of Srpska nor the VRS could be considered merely instruments through which the FRY operated and lacked autonomy.

The Court's conclusion is:

“395... The Court therefore finds that the acts of genocide at Srebrenica cannot be attributed to the Respondent as having been committed by its organs or by persons or entities wholly dependent upon it, and thus do not on this basis entail the Respondent's international responsibility.”

The issue of blaming of the Respondent for the Srebrenica genocide on the basis of management or control

The Article 8 of the Rules on the Responsibility of States for International Illegal Acts prescribes:

“The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, the State in carrying out the conduct.”

If it were proven that the perpetrators of the genocide in Srebrenica acted on the orders or under the control of the FRY, its responsibility for the genocides in Srebrenica could be established according to this criterion.

In answer to the question in the title, the Court sought to determine whether, in the specific circumstances surrounding the events in Srebrenica, the perpetrators of the genocide acted on the instructions of the respondent, on its orders or under its control (Paragraph 397). For this would, under certain circumstances, mean that the FRY would be internationally responsible for the conduct of those of its organs which gave instructions or which exercised control which resulted in crimes contrary to its international obligations (Paragraph 397).

In order to prove the responsibility of the FRY on this ground, in the opinion of the Court, it must be proved that the perpetrators of genocide acted in accordance with the instructions of that state or under its “effective control”. However, it must also be demonstrated that this “effective control” was actually exercised, or that the state gave instructions in relation to each individual operation in which the alleged violations occurred, and not in general in relation to all actions taken by persons or groups of persons who committed those violations (Paragraph 400).

The Court rejected the overall or general control test applied before the International Criminal Tribunal in the Tadić case. In the Court's view, "406 ... the 'overall control' test is not appropriate because it extends too far, almost to a tipping point - the link that must exist between the conduct of a State authority and its international responsibility."

In further elaboration of this issue, the Court refers to the reports of international organizations, individuals and intelligence services. In order to give a final judgment that Bosnia and Herzegovina has not proved: 1. That the genocide was committed by the state authorities of the FRY, 2. That the authorities in Belgrade gave orders or instructions to commit genocide, and 3. That on the issue of Škorpioni" was not proven that the crimes took place under the instructions or under the control of the FRY.

"413. In the light of the information available to it, the Court finds, as indicated above, that it has not been established that the massacres at Srebrenica were committed by persons or entities ranking as organs of the Respondent (see Paragraph 395 above). It finds also that it has not been established that those massacres were committed on the instructions, or under the direction of organs of the Respondent State, nor that the Respondent exercised effective control over the operations in the course of which those massacres, which, as indicated in Paragraph 297 above, constituted the crime of genocide, were perpetrated.

The Applicant has not proved that instructions were issued by the federal authorities in Belgrade, or by any other organ of the FRY, to commit the massacres, still less that any such instructions were given with the specific intent (dolus specialis) characterizing the crime of genocide, which would have had to be present in order for the Respondent to be held responsible on this basis. All indications are to the contrary: that the decision to kill the adult male population of the Muslim community in Srebrenica was taken by some members of the VRS Main Staff, but without instructions from or effective control by the FRY.

As for the killings committed by the "Škorpioni" paramilitary militias, notably at Trnovo (Paragraph 289 above), even if it were accepted that they were an element of the genocide committed in the Srebrenica area, which is not clearly established by the decisions thus far rendered by the ICTY (see, in particular, the Trial Chamber's decision of 12 April 2006 in the Stanišić and Simatović case, IT-03-69), it has not been proved that they took place either on the instructions or under the control of organs of the FRY.

With regard to complicity, the Court concludes that: “418. A more delicate question is whether it can be accepted that acts that can be characterized as “complicity in genocide” in the sense of Article III Paragraph (e) may be charged against the respondent party or persons who have acted on its instructions or under its “effective control.”

The complicity within the meaning of the Genocide Convention “also includes the provision of means to enable or facilitate the commission of a crime” as well as “the provision of assistance or support (Paragraph 419).”

In order to establish that the Respondent is responsible for complicity in genocide within the meaning of Article III of the Convention, it must be examined whether the Respondent’s authorities, or persons acting under its instructions or orders or under its effective control, provided assistance or support in committing genocide in Srebrenica (Paragraph 420). In order to establish responsibility for genocide, it is a condition that that body or person knew or was aware of the specific intent (*dolus specialis*) of the chief perpetrator of the VRS (Paragraph 421).

The Court’s final conclusion is that the discussion between the parties did not establish beyond any doubt whether the FRY authorities supplied and continued to supply the VRS leaders who decided and committed genocide crimes using their assistance and resources at a time when those authorities were fully aware that genocide would occur, or that it is happening, as well as it was not convincingly proven that the decision to physically eradicate the male population of the Muslim community from Srebrenica, at the time it was made, was notified to the authorities in Belgrade.

“422. The Court is not convinced by the evidence furnished by the Applicant that the above conditions were met. Undoubtedly, the quite substantial aid of a political, military and financial nature provided by the FRY to the Republic of Srpska and the VRS, beginning long before the tragic events of Srebrenica, continued during those events. There is thus little doubt that the atrocities in Srebrenica were committed, at least in part, with the resources which the perpetrators of those acts possessed as a result of the general policy of aid and assistance pursued towards them by the FRY. However, the sole task of the Court is to establish the legal responsibility of the Respondent, a responsibility which is subject to very specific conditions. One of those conditions is not fulfilled, because it is not established beyond any doubt in the argument between the Parties whether the authorities

of the FRY supplied - and continued to supply - the VRS leaders who decided upon and carried out those acts of genocide with their aid and assistance, at a time when those authorities were clearly aware that genocide was about to take place or was under way; in other words that not only were massacres about to be carried out or already under way, but that their perpetrators had the specific intent characterizing genocide, namely, the intent to destroy, in whole or in part, a human group, as such.

423. A point which is clearly decisive in this connection is that it was not conclusively

shown that the decision to eliminate physically the adult male population of the Muslim community from Srebrenica was brought to the attention of the Belgrade authorities when it was taken; the Court has found (Paragraph 295 above) that that decision was taken shortly before it was actually carried out, a process which took a very short time (essentially between 13 and 16 July 1995), despite the exceptionally high number of victims. It has therefore not been conclusively established that, at the crucial time, the FRY supplied aid to the perpetrators of the genocide in full awareness that the aid supplied would be used to commit genocide."

Paragraphs 408-412 of the Judgment were key to this conclusion. We could not rely on any other evidence that might shed a different light on the whole event. But that this conclusion of the court is on a very shaky foundation, we shall see in the following paragraph. On 14 July 1995, at a time when genocidal intent had already been created, Slobodan Milošević and General Mladić met, as noted in the *UN Secretary-General's Report*:

"408. The Respondent has emphasized that in the final judgments of the Chambers of the ICTY relating to genocide in Srebrenica, none of its leaders have been found to have been implicated. The Applicant does not challenge that reading, but makes the point that that issue has not been before the ICTY for decision. The Court observes that the ICTY has indeed not up to the present been directly concerned in final judgments with the question whether those leaders might bear responsibility in that respect. The Court notes the fact that the report of the United Nations Secretary-General does not establish any direct involvement by President Milošević with the massacre. The Court has already recorded the contacts between Milošević and the United

Nations on 10 and 11 July (Paragraph 285). On 14 July, as recorded in the Secretary-General's Report, "the European Union negotiator, Mr. Bildt, travelled to Belgrade to meet with President Milošević. The meeting took place at Dobanovci, the hunting lodge outside Belgrade, where Mr. Bildt had met President and General Mladić one week earlier. According to Mr. Bildt's public account of that second meeting, he pressed the President to arrange immediate access for UNHCR to assist the people of Srebrenica, and for ICRC to start to register those who were being treated by the BSA as prisoners of war. He also insisted that the Netherlands soldiers be allowed to leave at will.

Mr. Bildt added that the international community would not tolerate an attack on Goražde, and that a 'green light' would have to be secured for free and unimpeded access to the enclaves. He also demanded that the road between Kiseljak and Sarajevo ('Route Swan') be opened to all non-military transport. President Milošević apparently acceded to the various demands, but also claimed that he did not have control over the matter. Milošević had also apparently explained, earlier in the meeting, that the whole incident had been provoked by escalating Muslim attacks from the enclave, in violation of the 1993 demilitarization agreement. A few hours into the meeting, General Mladić arrived at Dobanovci. Mr. Bildt noted that General Mladić readily agreed to most of the demands on Srebrenica, but remained opposed to some of the arrangements pertaining to the other enclaves, Sarajevo in particular. Eventually, with President Milošević's intervention, it appeared that an agreement in principle had been reached. It was decided that another meeting would be held the next day in order to confirm the arrangements. Mr. Bildt had already arranged with Mr. Stoltenberg and Mr. Akashi [the Special Representative of the Secretary-General] that they would join him in Belgrade. He also requested that the UNPROFOR Commander also come to Belgrade in order to finalize some of the military details with Mladić." (A/54/549, Paragraphs 372-373.)."

"411. The Court observes, in respect of the Respondent's submissions, that the authors of the Report do conclude that Belgrade was aware of the intended attack on Srebrenica. They record that the Dutch Military Intelligence Service and another Western intelligence service concluded that the July 1995 operations were co-ordinated with Belgrade (Part III, Chapter 7, Section 7). More significantly for present purposes, however, the authors state that "there is no evidence to suggest participation in the preparations for executions on the

part of Yugoslav military personnel or the security agency (RDB). In fact there is some evidence to support the opposite view...” (Part IV, Chapter 2, Section 20). That supports the passage from point 10 of the Epilogue quoted by the Respondent, which was preceded by the following sentence: “Everything points to a central decision by the General Staff of the VRS.”

Do you believe that General Mladić did not inform the President of the state that paid him about his plans, intentions and events in Srebrenica? It is a very delicate choice to trust two Hague detainees who have deceived their interlocutors several times before and who have been proven not to be lovers of truth and not common sense.

As we see in Paragraph 411, the Court concluded that the action of the attack on Srebrenica in which genocide was committed was coordinated from Belgrade, but that Serbia was not responsible for its commission. In order to meet this criterion, it is irrelevant whether the state authorities of Serbia participated in the perpetration of the genocide. This was discussed by the Court dealing with the criterion of liability based on the conduct of its organs.

The action was managed from Belgrade and Serbia is responsible for this criterion of management or control. But, the Court refused to conclude that.

Conclusion

For the first time in its history, the International Court of Justice has established the responsibility of one state (Serbia) for violating the Convention on the Prevention and Punishment of the Crime of Genocide. Therefore, this judgment has historical significance and not only for the parties to the dispute and for this case, but also for the development of international humanitarian law as a whole.

The subject of this dispute was not to determine the character of the armed conflict in Bosnia and Herzegovina, nor is the determination of the character of the armed conflict a condition for establishing the existence of the crime of genocide. The crime of genocide can be committed in any armed conflict but also in times of peace. Therefore, this issue was not the subject of special attention of the Court.

1. Nevertheless, addressing the issue of the responsibility of the FR Yugoslavia for the genocide committed in Bosnia and Herzegovina, the Court found that the army of the FR Yugoslavia participated in the war in Bosnia and Herzegovina. The Court notes that there is a wealth of evidence confirming the direct or indirect participation of the official army of the FR Yugoslavia, together with the Bosnian Serb military forces, in military operations in Bosnia and Herzegovina.

The International Court of Justice has determined the participation of the FR of Yugoslavia in the war in Bosnia and Herzegovina, which resolves the issue of the nature of the armed conflict in Bosnia and Herzegovina. This verdict, together with the final verdicts of the International Criminal Tribunal for the Former Yugoslavia (ICTY), indisputably confirms that an international armed conflict has taken place in Bosnia and Herzegovina.

The international armed conflict conducted on the territory of the Republic of Bosnia and Herzegovina between the armed forces of FR Yugoslavia or the armed forces under its control and the army of the Republic of Bosnia and Herzegovina is nothing but the aggression of FR Yugoslavia against the Republic of Bosnia and Herzegovina.

In addition to the direct participation of the FR Yugoslav Army in military operations in Bosnia and Herzegovina, the Court found that the FRY (Serbia and Montenegro) provided significant military and financial assistance to the Republic of Srpska and without its assistance it would not be able to carry out major military and paramilitary activities. A part of that assistance was certainly used in committing the crime of genocide in and around Srebrenica.

The Court also found that the FRY during the critical period had the ability to influence the Bosnian Serbs who conceived and carried out the genocide in Srebrenica. Unlike other states who signed the Convention on genocide, thanks to the strength of political, military and financial relationships between FRY on one side and the Republic of Srpska and the VRS on the other side, which, although somewhat weaker than in the previous period, remained very close even at the time of the Srebrenica genocide.

2. The Court finds that genocide was committed in Bosnia and Herzegovina, and that the perpetrators of the genocide acted on behalf of the Republic of Srpska and exercised parts of the public authority of the Republic of Srpska.
3. The Court found that genocide was committed against Bosnian Muslims.

4. The Court accepted as proven facts that in Bosnia and Herzegovina during the period of aggression from 1992 to 1995, crimes were committed against the citizens of Bosnia and Herzegovina and especially against Bosnian Muslims in the form of killing members of a protected group, equal to genocide in physical sense of the word, so that they can no longer be the subject of dispute. The court analyzed events in Sarajevo, the Drina River valley and camps throughout Bosnia and Herzegovina.

Analyzing the numerous pieces of evidence presented, the Court found that during the period 1992-1995, mass killings were committed in certain areas and camps throughout Bosnia and Herzegovina. The targets were mostly Bosnian Muslims as members of a protected group. The Court therefore concludes that mass killings took place throughout Bosnia and Herzegovina and throughout the period 1992-1995 and that the material element (*actus reus*) of the crime of genocide, as defined in Article II (a) of the Convention, was fulfilled. This view is largely based on the results of the criminal proceedings concluded before the ICTY that we have presented.

5. The Court further finds that throughout the whole of Bosnia and Herzegovina, Bosnian Muslims, as a protected group throughout the period 1992-1995, were victims of mass harassment, beatings, rapes and torture causing severe physical or mental injuries under Article II (b), which are equal to genocide. Therefore, in this case as well, the physical element (*actus reus*) of genocide was fulfilled, but it has not been proven that it was done with genocidal intent.
6. The proceedings also established that Bosnian Muslims had been deported and expelled and that their historical, religious and cultural heritage had been destroyed. It also established the existence of camps throughout Bosnia and Herzegovina in which people were killed, injured and subjected to horrific living conditions.
7. The army and police of the Republic of Srpska took part in the genocide.
8. The crime of genocide was committed in and around Srebrenica, which was established by *Security Council Resolution 819 of 16 April 1993*, as a United Nations protected zone where more than 7,000 able-bodied men were killed. This number consisted not only of Bosnian Muslim residents of Srebrenica but also of many Muslim refugees from the surrounding regions.

9. Serbia *has failed to fulfill its obligations under the interim measures* ordered by the Court on 8 April and 13 September 1993 in this case by failing to take all measures at its disposal *to prevent genocide* in July 1995 in Srebrenica.

FORCED DISAPPEARANCES OF BOSNIAKS IN SREBRENICA, THE UNITED NATIONS SAFE ZONE

Summary

The aggression on the Republic of Bosnia and Herzegovina resulted in a commission of a crime against humanity and international law, as well as committing the most severe form of crime – genocide. In the UN safe zone of Srebrenica were committed crimes against Bosniaks which is according to the mass, scope and number of victims of unprecedented scale in the recent history. The population of Srebrenica was exposed to starvation, wounding, mutilation, and then deportation, forced expulsion, forced disappearance, capture, rape, and individual and mass murder. After the mass capture performed as part of *the Operation Krivaja 95*, mass killings followed after which the bodies of the dead were buried in mass graves at hidden locations. For years, families search for missing persons, preserving in their efforts to find sites of primary or secondary mass graves that cover the remains of their family members. The existence of mass graves confirms the efforts to conceal and destroy both the traces and the extent of the crimes committed, and their disclosure allows missing persons to obtain their identity and a decent burial.

Key words: victims, forcibly missing persons, crime against humanity and international law, mass killings, mass graves, Srebrenica

Introduction

The rights of each individual in Bosnia and Herzegovina are prescribed by the Constitution of Bosnia and Herzegovina, as well as laws, as clearly defined by the preamble of the Constitution which stresses the determination to ensure full respect for international humanitarian law – international conventions, treaties (on civil, political, economic, social and cultural rights), as well as the Declaration and other human rights instruments. Reflecting on the question of human rights protection in Bosnia and Herzegovina, it leads to a conclusion that they are inevitably, at a large part, connected to the execution of armed aggression and arising consequences. The question that directly breaks the segment of human rights

protection is the question of forced disappearances¹ in Bosnia and Herzegovina because many families have not yet exercised their basic humanitarian right to know the truth about the fate of their loved ones. The provisions of international law guarantee to the families of missing persons the right to know the truth about the fate of their members.² In addition to the right to the truth, victims also have the right to social care (specific material, financial and psychological services), as well as to define the legal status (legal definition of victim status) and legal services to the victims' families. From all this arises the need for regulation of the legal framework at the state level.³

The prevention of new conflict and recovery of post-conflict society is inconceivable without dealing with the legacy of serious and systematic violations of human rights and the challenge of taking over full responsibility for the actions committed. This is a process that presupposes the necessary measures in order to find out the facts about the crimes committed, prosecution and punishment of perpetrators, to ensure satisfaction for victims for material and non-material damages, as well as to ensure reforms to prevent the repetition of the past.

The search for forcibly missing persons

Families of forcibly missing persons laid their hope to obtain information on destiny of their loved ones in official bodies established to seek forcibly missing persons. Recording forcibly missing persons and gathering data on circumstances of their disappearances, and possible locations of their remains were all the tasks of the State Commission for the Exchange of War Prisoners that was established by the Republic of Bosnia and Herzegovina, the Republic of Srpska Commission for the Exchange of Prisoners of War and the Croatian Republic Herzeg-Bosnia

- 1 According to the Article 2 of the International convention for protection of all people from enforced disappearance, *enforced disappearance* means the arrest, detention, abduction or any other form of deprivation of liberty by a state representative or by any other persons or groups acting under the authority of the state, with the support of or the tacit consent of the state, refusing to acknowledge that the person is deprived of their liberty, or to conceal their fate or place of residence, thereby placing that person outside of legal protection.
- 2 Article 32 of the Additional Protocol I to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International Armed Conflicts reads: General Principle – In the application of this section, the activities of the High Contracting Parties, the Parties to the conflict and international humanitarian organizations referred to in the Conventions and this Protocol shall establish primarily in the right of families to know the fate of their members.
- 3 In 2004, the Law on Missing Persons in Bosnia and Herzegovina was adopted in Bosnia and Herzegovina and which regulates the status of forcibly missing persons, responsibilities of relevant authorities and specific rights of missing persons' families.

Commission for the Exchange of Prisoners of War. In addition to these commissions, and in parallel with them, also acted the International Criminal Tribunal for the former Yugoslavia (ICTY), whose investigations conducted in Bosnia and Herzegovina largely included the search for the forcibly missing persons as well. In addition to the entity commissions and the ICTY, in Bosnia and Herzegovina also acted numerous national and international bodies which, within their mandates, had the task to deal with questions related to forcibly missing persons, such as the case with the International Red Cross Committee (ICRC) or the International Committee for Missing Persons (ICMP). The Office of High Representative in Bosnia and Herzegovina launched an initiative called *the Joint Exhumation Process* in 1997, which enabled all the parties to carry out exhumations and discovery of forcibly missing persons on the territory of both entities in Bosnia and Herzegovina and the Brčko District.⁴ This was followed by the establishment of the Missing Persons Institute of Bosnia and Herzegovina (MPIBiH) which works at the national level.

Legal regulation

Enforced disappearances constitute a crime against humanity, and their execution entails consequences provided by the international law. *The International Convention for the Protection of All Persons from Enforced Disappearance* is based on the United Nations Charter, the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international instruments on human rights, humanitarian law and international criminal law. Recalling the Declaration on protection of all persons from enforced disappearance, which was adopted by the General Assembly of United Nations in the Resolution 47/133 (18 December 1992), *the Convention* presents the foundation of international law that guarantees the right for every person not to be subjected to enforced disappearance, the right for every victim to know the truth about the circumstances of enforced disappearance and the fate of missing person and the right to freedom to seek, receive and give information to this end. According to *the UN Declaration on the Protection of All Persons from Enforced Disappearance*⁵ enforced disappearance means: "... persons arrested, jailed or detained against their will or otherwise

4 The biggest challenge in achieving the set goals is the lack of information about the hidden locations where the remains of forcibly missing persons are buried, while the current approach of the competent institutions in solving this problem is characterized by the absence of political will and perennial inertia.

5 The UN General Assembly, by Resolution 47/133 of 18 December 1992, adopted the Declaration on the Protection of All Persons from Enforced Disappearance (<http://www.un.org/documents/ga/res/47/a47r133.htm>).

deprived of their liberty by the representatives of different types or levels of government or of by organized groups or individuals who work on behalf of or with the support of (direct or indirect), consent or approval of the government, followed by refusing to reveal the fate or location of persons or to acknowledge the act of deprivation of liberty, which puts these people out of legal protection.” *The Convention* guarantees by its Article 1 that no one shall be subjected to enforced disappearance. Its Article 2 defines enforced disappearance as an arrest, detention, abduction or any other form of deprivation of freedom by a representative of the State or by any person or a group of persons acting under the authority of the State, with the support of the State, or with the tacit consent of the State refusing to acknowledge that the person is detained or concealing the fate or the location of a missing person, thereby placing that person outside legal protection. The right to the truth primarily presents the rights of families of forcibly missing persons to obtain information on the fate of their family members as guaranteed by Articles 32 and 33 of *the Additional Protocol I to the Geneva Convention*⁶, as

6 Bosnia and Herzegovina signed the Geneva Conventions and its protocols on 31 Decembre 1992.

“Article 33.

Missing persons

1. As soon as circumstances permit, and at the latest upon the cessation of active hostilities, each Party to the conflict shall search for persons whose disappearance was announced by the opposing Party. The aforementioned opposing Party should provide all useful information on the missing persons in order to facilitate their finding.
2. In order to facilitate the collection of data specified in the the preceding paragraph for persons whou would not enjoy a more favorable treatment by Conventions and this protocol, each Party to the conflict shall:
 - (a) record the information provided by Article 138 of the IV Convention of those persons who have been detained, arrested or in any other manner deprived of freedom for more than two weeks as a result of hostility of occupation, as well as for the ones who died during imprisonment;
 - (b) to facilitate in any manner and, if necessary, undertakes on its own and records the data on those persons who died under other circumstances as a result of hostilities and occupation.
3. The data on persons whose disappearance has been published pursuant to paragraph 1 and requests that refer to these data, shall be submitted either directly, or through the Protecting Powers, to the Central Agency for the search of the International Committee of the Red Cross or national societies of Red Cross (Red Crescent or Red Lion and Sun). In cases when the data are not submitted through the International Tracing Agency, each Party to the conflict shall arrange to supply it to the Central Agency for the search.
4. The Parties to the conflict shall endeavor to agree on the provisions on the rights and duties of the teams to locate, identify and remove the dead from the battlefield; these provisions may provide that, where necessary, personnel of the opposing party may accompany the teams when carrying out their tasks in zones controlled by that opposing party. The staff of these teams will enjoy protection and respect when dealing exclusively with these

well as *the International Convention on Protection of All Persons from Enforced Disappearance*⁷, by Article 3 of *the Universal Declaration on Human Rights*⁸, and by Article 23 of *the International Covenant on Civil and Political Rights*⁹. All these documents affirm the right to the truth in order to find out what happened (violations of rights), why it happened (causes), and to identify victims and perpetrators. By establishing the truth prevents the revision of the past and the denial of crimes, that is, the attempt of their concealment.

Enforced disappearances in Bosnia and Herzegovina

Enforced disappearances in Bosnia and Herzegovina are the direct result of military activities in the period from 1992 to 1995, whose execution performed various forms of crimes against humanity and international law. The most frequently committed crimes are related to the forced removal, imprisonment, detention and liquidation of civilians and also the concealment of their remains. In addition to physical destruction, these crimes also caused a strong psychological effect on both the victims of the war themselves (those who were forcibly removed and then forcibly disappeared) and their loved ones who have long sought their remains, and many continue to search today. Some of forced missing persons have been found in mass individual graves, and some are still being searched for because the locations of graves in which they were buried have not been detected. It belongs to the policy of concealing the crime, which is a continuation of the execution of the crimes committed in armed operations, because the concealment of crime is also *a crime*. Enforced disappearances can be attributed to the characteristics of serious crimes because of the continuity that characterizes them.¹⁰ The continuity of committing crimes exists and lasts to this day.

tasks. "(Additional Protocol I to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International Armed Conflict)

7 Bosnia and Herzegovina adopted the Convention on 6 February 2007.

8 "Article 3.

Everyone has the right, to life, liberty and security of person."

9 "Article 23.

1. The family is a natural and basic cell of society and has the right to be protected by the society and the state..."

10 "1. Actions that constitute enforced disappearances are considered a permanent crime as long as the perpetrators hide the fate and location of the missing persons and as long as these facts remain unresolved.

2. When the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the limitation period relating to enforced disappearances shall cease to run until such remedies have been re-established." (UN Declaration on the Protection of All Persons from Enforced Disappearance, Article 17)

In the case of Bosnia and Herzegovina enforced disappearances are most commonly associated with detainees (extrajudicial detentions) whose fate became unknown after their expulsion or stay in camps and other places of detention. In the legislation of Bosnia and Herzegovina enforced disappearances do not constitute a separate crime, but are included as a crime against humanity in the Criminal Code¹¹, with such acts being considered “as part of a widespread or systematic attack against any civilian population”¹². The Criminal Code specifies that enforced disappearances means “arrest, detention or abduction of persons, by or with the authorization, support or acquiescence of the State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate of the whereabouts of those persons, with the intention to remove them from the protection of law for a long time”¹³. In the Criminal Code of Bosnia and Herzegovina enforced disappearances are sanctioned under *Torture and Other Cruel, Inhuman or Degrading Treatment*.¹⁴ *The Law on*

11 “Official Gazette of Bosnia and Herzegovina”, No. 3/2003, 32/2003 - corr., 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015 and 35/2018.

12 Criminal Code of Bosnia and Herzegovina adopted by the Parliamentary Assembly of Bosnia and Herzegovina in 2003 and published in the *Official Gazette of Bosnia and Herzegovina* 37/03, Article 172, paragraph 1.

13 *The Criminal Code of Bosnia and Herzegovina*, Article 172, Paragraph 2. point (h).

14 “Article 190a. (1) An official in the institutions of Bosnia and Herzegovina or any other person acting as an official in the institutions of Bosnia and Herzegovina or by order or incentive or with the explicit or tacit consent of an official in the institutions of Bosnia and Herzegovina, who is imprisoned by another person, keeps him imprisoned or otherwise deprives him of his liberty and refuses to admit that he has been deprived of his liberty or conceals information about the fate or location of that person, thus putting him outside the protection of the law, shall be punished by imprisonment for at least eight years. (2) The punishment referred to in paragraph (1) of this Article shall also be imposed on an official in the institutions of Bosnia and Herzegovina who ordered or encouraged or gave explicit consent or knew and tacitly agreed to commit the criminal offense referred to in paragraph (1) of this Article. (3) Who, as a superior, knew or knowingly ignored the information that the perpetrator subordinate to him committed the criminal offense referred to in paragraph (1) of this Article or is about to commit a criminal offense, and was responsible and had control over the proceedings to commit the criminal offense referred to in paragraph (1) of this Article, and has not taken all necessary and reasonable measures in its power to prevent or prevent the commission of the criminal offense referred to in paragraph (1) of this Article or to submit the matter to state authorities for investigation and prosecution, shall be punished by imprisonment for a term not less than eight years. (4) The fact that a person has acted on the orders of the government or a superior shall not acquit him or her, but may affect the mitigation of punishment if the court deems that the interests of justice so require. A person who refuses to carry out such an order shall not be punished.” *The Criminal Code of Bosnia and Herzegovina (consolidated text)*, “Official Gazette of Bosnia and Herzegovina”

Missing Persons, which entered into force on 17 November 2004, considers a missing person to be a person who has been forcibly missing and for whom the family has no news and/or has been reported on the basis of reliable information as a missing person (information from which it can be reasonably concluded that a person has disappeared) due to the armed conflict that took place on the territory of the former SFRY.¹⁵ The Law on Enforced Disappearances regulates issues related to *missing persons* as a result of armed conflicts in the period from 30 April 1991 to 14 February 1996.¹⁶ Since 6 February 2007, Bosnia and Herzegovina has been a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. However, the process of searching for missing persons is burdened by politicalization and further obstruction of locating and exhuming mass graves, which makes it impossible to achieve full implementation of *the Law on Missing Persons*, which would ensure the exercise of rights guaranteed by the families of missing persons, as regulated by Article 27 (entry in the Registry of Deaths)¹⁷ and Article 15 (Establishment of the Fond for Missing Persons)¹⁸.

No. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40 / 15; Pursuant to Article IV a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the 11th session of the House of Representatives, held on May 13, 2015, and at the 4th session of the House of Peoples, held on May 18, 2015, adopted the Law on Amendments and amendments to the Criminal Code of Bosnia and Herzegovina, on the basis of which this criminal offense is more precisely defined (Official Gazette of BiH, No. 40/15). <http://www.sluzbenilist.ba/page/akt/ohz4nh78h77HR0EaZKOzE=>)

15 The Law on Missing Persons of Bosnia and Herzegovina, Article 2.

16 The Law on Missing Persons of Bosnia and Herzegovina, Article 2.

17 “Three years after the entry into force of this Law, persons registered as missing in the period from 30 April 1991 to 14 February 1996, and whose missing status has been verified within the Central Register of Missing Persons in Bosnia and Herzegovina, shall be considered deceased and this fact will be officially recorded in the Registry of Deaths. Based on the official notification of the Institute, the death of a missing person is recorded in the register of deaths in the municipality where the place of residence of the missing person was registered until the beginning of the war. Exceptionally, the family may request entry in the register of deaths at the place of residence of the family, stating the reasons for such entry. The competent authorities of the Federation of Bosnia and Herzegovina, the Republic of Srpska and the Brčko District of Bosnia and Herzegovina shall, in accordance with paragraph 1 of this Article, within 90 days of the entry into force of this Law, harmonize the relevant laws for the purpose of registering missing persons within the period of time proposed by this Law in the registers of deaths.” (<http://ckcentarsarajevo.ba/zakon-o-nestanim-osobama.html>)

18 “For the purpose of securing funds and realizing the rights of family members of missing persons, the Fund for Support of Families of Missing Persons of Bosnia and Herzegovina (hereinafter: the Fund) shall be established. The decision on the establishment of the Fund, within 30 days from the date of entry into force of this Law, shall be made by the Council of Ministers of Bosnia and Herzegovina. The seat, method of financing,

Forced disappearances in the genocide in Srebrenica

Most of the persons forcibly missing during the execution of genocide in the United Nations Safe Zone Srebrenica, in July 1995, were found in mass graves primary, secondary, tertiary ... The experience of Bosnia and Herzegovina shows that forcibly missing persons are most often killed and found in mass graves (rarely in individual), and after the identification procedure their status of *forcibly missing person* is “translated” into the status of *a murdered person*. Forensic and demographic evidence presented before the Hague Tribunal “strongly suggest that more than 7,000 people went missing after the capture of Srebrenica. The coincidence between the age and sex of the bodies exhumed from the Srebrenica graves and the same data regarding the missing persons support the claim that most of the missing people were actually executed and buried in mass graves”¹⁹. A correlation was observed between the gender structure of persons from Srebrenica who are listed as missing in the records of the International Committee of the Red Cross (ICRC) and the gender structure of the bodies exhumed from mass graves. Helge Brunborg, an ICTY demographic expert, testified that the most of people from Srebrenica who are listed as *missing* are males. Forensic examinations of graves “reveal that only one of the 1,843 bodies, for which sex could be determined, was female. Also, there is a correlation between the age distribution of persons listed as missing and the bodies exhumed from Srebrenica mass graves: 26.4% of persons listed as missing were between 13-24 years old and 17.5% of the bodies exhumed belonged to this age group, while 73.6% of the missing persons were older than 25, and 82.8% of the exhumed bodies entered that age group”²⁰.

The enforced disappearances related to the genocide in Srebrenica are directly connected with the occupation of the enclave by the aggressor units to whom the term “the United Nations Safe Zone” did not represent any

management, as well as other issues related to the work of the Fund, will be regulated by the Agreement to be signed by the Council of Ministers of Bosnia and Herzegovina, the Government of the Federation of Bosnia and Herzegovina, the Government of Republika Srpska and the Government of Brcko District. The date of entry into force of the decision referred to in paragraph 2 of this Article. In addition to the budget, the revenues of the Fund may be funds from donations, gifts, bequests and other forms of assistance by domestic and international legal and natural persons, which is further regulated by the Agreement referred to in paragraph 3 of this Article.” (<http://ckcentarsarajevo.ba/zakon-o-nestalin-osobama.html>)

- 19 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, paragraph 82.
- 20 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, paragraph 74.

responsibility. The occupation of the enclave conditioned the events that took place in two parallel processes. The first process is the gathering of people at the UN base in Potočari, and then the separation of men, while the second process is the formation of a column and an attempt of to break through the part of the 28th Army units loaded with civilians who joined them in an effort to gain free territory, that is, the territory under the control of the Army of Bosnia and Herzegovina. Faced with the fact that Srebrenica fell under control of the Serbian forces, thousands of resident of Srebrenica fled to Potočari in order to seek protection at the UN base. By the evening of 11 July 1995, about 20,000 to 25,000 gathered in Potočari. Several thousands of them managed to enter the UN base itself, and others settled in nearby factories and fields.²¹

After the capture of the UN safe zone of Srebrenica in July 1995, the genocide was preceded by the separation of men and boys from families (women, children and the elderly) in Potočari, capture and detention, their transfer to places of mass executions, mass executions, and the appearance of mass graves. Thousands of captured men were detained and executed almost to the last man. Some were killed individually, some in small groups, while most were killed in carefully planned mass executions that began on 13 July. Those who were not killed on that day were taken by buses to the places of execution according to a well-established pattern. The men were first taken to empty schools or warehouses and after being kept there for a certain period of time, they would be loaded onto buses or trucks, taken to some secluded places and killed there. The prisoners were unarmed, but in many cases steps were taken to minimize resistance by blindfolding them, tying their hands behind their backs or tying their legs. When they arrived at the execution site, people were taken off the trucks in small groups, lined up and shot. Those who survived first bursts of firearms would be killed by a single shot. Immediately after, and sometimes during the executions, mechanization would arrive to dig the ground and bodies would be buried at the place of execution or at a nearby location.²² The total number of executed is over 8,000 men.

Chronology of events – Potočari

As part of the military activities undertaken as part of Operation *Krivaja 95*, a large number of Bosniak men were captured and the process

21 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, paragraph 37.

22 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 68.

began, leading to mass executions between 13 and 18 July 1995. In the early morning hours (6 am to 7 am) of 12 July, special units of the RS Ministry of the Interior entered the United Nations base in Potočari (Special Police Troop for Anti-Terrorist Operations from Jahorina, the First Troop of the Special Police Unit of the Zvornik Public Security Center, parts of the Second Special Detachment from Šekovići and units with dogs from Sarajevo), parts of the Bratunac Brigade and military police units of the Bratunac Brigade of the Army of Republika Srpska.²³ The crimes were committed on 12 and 13 July in Potočari. In the late morning hours of 12 July 1995, 20 to 30 bodies were piled up behind the “Transporta” building in Potočari. The same day, behind the zinc factory, Serbian soldiers were seen killing more than a hundred of men and then loading their bodies on trucks.²⁴ On the morning of 13 July, a pile of unordered Bosniaks appeared next to a nearby stream.²⁵ During the boarding of forcibly expelled into buses and trucks, which started in the early afternoon of 12 July, also started the separation of the men who were taken into the so-called White House in Potočari. Some of them were taken behind the White House and killed there.²⁶ The survivors were boarded into buses, and from the base in Potočari taken to places of detention in Bratunac. After being taken from their places of detention, their trace is lost.

Chronology of events – in the breach/column

A number of residents (between 10,000 and 15,000) gathered in the villages Jaglić and Šušnjari after the detention of Srebrenica, seeking refuge in the territory under the command of the Army of Bosnia and Herzegovina. About one third of men were soldiers of the 28th Division of the Army of Bosnia and Herzegovina, although not all were armed. At the head of the column were units of the 28th Division, followed by civilians, including a small number of women, children and the elderly mixed with soldiers. At the rear of the column was the Independent Battalion of the 28th Division.²⁷ The head of the column set off from

23 Čekić, Smail, *Genocid i istina o genocidu u Bosni i Hercegovini*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2012, pp. 292.

24 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 43.

25 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 44 and 47.

26 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 53 and 58.

27 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav

Šušnjari via Jaglić and Buljim to Kameničko brdo on 12 July 1995. Around 6 p.m., the Army of the Republic of Srpska located the position of the column on Kameničko brdo, where most of the column managed to arrive, and shelled the column from different directions. The units of the Army of the RS and the Ministry of Internal Affairs captured the rear of the column in the region of Ravni Buljim. The scattered people were called to surrender, trying to deceive them with false promises that they would protect their lives, then they would be transferred to Tuzla and that their security was guaranteed, and that UNPROFOR and the Red Cross were in charge of transferring them to Tuzla. The number of captured people on 12 July 1995 was around 1,000. Some were liquidated at the spot. A large number of refugees were blocked in the region of the villages Brežanci – Bokčin Potok, at the foot of Kameničko brdo, and in the hamlet Krajnovići in the village of Pobuđe. On 13 July 1995, at one o'clock after midnight, the broken groups continued their movement towards the road communication Konjević-Polje – Nova Kasaba and managed to cross the road just before dawn. Members of the Army of the Republic of Srpska prevented the crossing over the mentioned communication with fire. The last larger groups crossed the asphalt road in Svili around 6 a.m., after which further crossing of the road was impossible, because the Army of the Republic of Srpska set up strong forces at that place. In the early morning hours, in the wider area of the village Pobuđe between the road communication Bratunac – Konjević-Polje – Nova Kasaba, about 8,000 people were blocked.²⁸ At least 6,000 men were captured during the day. They were kept at places of detention in Nova Kasaba (1,500-3,000 people) and in a field in Sandići (1,000-4,000 people).²⁹ In the early morning hours on 13 July, a part of those captured near Nova Kasaba and Konjević Polje were killed on the banks of the Jadar River. In the afternoon, three buses of prisoners were brought to Cerska and shot there.³⁰ There were about 5,000 people on the mountain Udrč, after whom artillery fire and grenades filled with war poisons were opened.³¹ Those who survived continued via Kamenica towards Tuzla. In the village Marčići, in the direction of the movement of the column towards Tuzla, on 15 July, there

Krstić, *Verdict*, Paragraph 61.

28 Čekić, S., *ibid*, pp. 348-349

29 In the afternoon of 13 July 1995, more than 1,000 captured in the village Sandići were taken to Kravica and detained in the warehouse of the Agricultural Cooperative "Kravica", where members of the Ministry of Internal Affairs liquidated them with shells, hand grenades, hand bombs and rifle bullets. (Čekić, S., *ibid*, pp. 683).

30 "At least 149 persons were shot, aged between 14 and 50, and out of that number 147 wore civilian clothes. At least 48 were tied with wire, in a way that their hands were tied behind their backs." (Čekić, S., *ibid*, pp. 683).

31 Šabić, V. *Genocid u srednjem Podrinju 1992. – 1995.*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2008, pp. 124.

was a conflict between the head of the column and an ambush set by the forces of the Ministry of Internal Affairs of the Republic of Srpska.³² On the night of 15/16 July, the column continued its movement in the direction of Križevačke njive – Baljkovica. In Baljkovica, a battle took place between the forces of the 2nd Corps of the Army of BiH from Tuzla and the head of the column, which tried to make a breakthrough through the Serbian lines in order to enable the passage of the column towards Tuzla. The breakthrough was executed, and then followed negotiations on concluding an agreement for the passage of the column through the site of the breakthrough in the village Nežuk. Around 3,500 people managed to pass, while around 3,000 people remained nearby because they did not manage to pass since the corridor was again closed during the night. Most of the people who were left behind by the column were found by the soldiers of the Army of the Republic of Srpska during a search of the terrain that followed in the subsequent days and liquidated them. It is estimated that around 1,000 people in the following days, and some travelled for months, wandering through the woods, managed to reach Tuzla.³³

Mass detentions, killings and enforced disappearances in the commission of genocide

During the afternoon of 12 July 1995, in the region of Ravni Buljim, a large number of people were captured from the rear of the column that moved in the direction Jaglić and Šušnjari towards Tuzla. They were brought to Bratunac. Around 1,000 Bosniaks were detained there.³⁴ The first mass killings of Bosniaks happened at this area, with the executions in the Cerska valley and in the warehouse in Kravica. In the Cerska valley, on the afternoon of 13 July, men were brought by buses, lined up by the road, and their executors stood on the other side of the road. The bodies were covered by soil on the places where they fell. A total of 150 bodies were removed from that mass grave, and in 149 the cause of death was determined to be from gunshot wounds. They were all men, mostly aged between 14 and 50.³⁵ The largest groups of men from the column were captured on 13 July 1995. Several thousand of them were gathered on a meadow near Sandići and on the football field in Nova Kasaba.³⁶ The men, 17 of them, in the morning

32 Čekić, S., *ibid*, pp. 684.

33 Šabić, V., *ibid*, pp. 139.

34 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 66.

35 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 201-202.

36 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav

hours of 13 July, were lined at the banks of the Jadar river and then shot.³⁷ At the same time, executions were also being carried in the warehouse in Kravica. Between 1,000 and 1,500 men from the column, who were fleeing through the forest and were captured and detained on the meadow near Sandići, were taken by buses or by foot to the warehouse in Kravica in the afternoon of 13 July 1995. At around 6 p.m., the warehouse was full, soldiers started throwing hand bombs and shooting directly at the crammed in the warehouse. Guards deployed around the building killed prisoners who tried to escape through windows. When the shooting stopped, the warehouse was full of corpses.³⁸ There were between 1,000 and 4,000 captured men on the road Bratunac – Konjević-Polje. One part of them was loaded into buses and five to six large trailer trucks. They were taken to Bratunac, where they spent the night in trucks and buses. In the morning they were transported to the other end of the town, where they waited several hours before they were transferred to a school in Petkovci. The other part was taken by foot to the warehouse in nearby Kravica. During the late afternoon and early evening hours of the 13 July 1995, hundreds of men were killed in the warehouse of the agricultural cooperation in Kravica. When the execution finished, several trucks arrived and loading of bodies began.³⁹ Around 6,000 men were captured on the road between Bratunac and Konjević-Polje.⁴⁰ At approximately 11 a.m. on 14 July 1995, some of them were loaded into buses that joined other vehicles, and that convoy arrived in front of a school in Grnavci sometime in the mid-afternoon.⁴¹ The second part was kept in buses and trucks parked in the parking lot of the transport company “Vihor” in Bratunac. The transfer of Muslim detainees from the Bratunac area to schools near the Zvornik area began early in the evening of 13 July 1995, which coincides with the completion of the relocation of Muslim population from Potočari. The detainees started arriving in those schools in the early morning hours of 14 July 1995, and the relocation continued during 15 July.⁴² The detainees were placed a school in Pilica in Bratunac on 14 and 15 July. Men who were captured after the fall of Srebrenica began arriving in the Zvornik

Krstić, *Verdict*, Paragraph 205.

37 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 176.

38 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 205-208.

39 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 177-178.

40 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 171.

41 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 220.

42 Čekić, S., *ibid*, pp. 370.

Brigade zone on 14 July 1995, after they were transported by buses and trucks from the Bratunac Brigade area. The first group arrived in the early morning hours of 14 July 1995, and the rest arrived at the end of the morning and the beginning of noon that day. They were transported to the Branjevo Military Farm from there on 16 July, where they were lined up in groups of 10 and shot.⁴³ The Orahovac area was both used as a place for killings and primary burials on 14 and 15 July 1995. The executions in the fields of Orahovac started early in the noon on 14 July 1995. In the morning of 15 July 1995, burials resumed both in the fields of Orahovac, where executions were committed, as well as near the dam in Petkovci.⁴⁴ When the activities related to executions stopped in Orahovac, they started in Petkovci. The detainees were in the object in Petkovci from the mid-morning of 14 July 1995 probably until the dawn of 15 July 1995. The detainees were also placed in objects in Pilica and Roćević from the mid-14 July 1995 until the mid-16 July 1995.⁴⁵ During 14 July 1995, 2,000-2,500 men were transported from Bratunac to Zvornik. The detainees were captured in the hall of the primary school in Grbavci (next to Orahovac) and in other schools. According to some estimates, there were around 1,000 detainees in Grbavci.⁴⁶ They were transported from Grbavci by trucks to the execution places in Orahovac. All were previously blindfolded. Two meadows were used for burials. The killed were buried in mass graves, which were later excavated and the bodies were transferred to other locations.⁴⁷ On the same day, 1,500-2,000 prisoners from Bratunac were taken to Petkovci, where they were captured in the hall of the primary school. The detainees' hands were tied behind their backs by wire, forced to take off their shoes and transported by trucks to the dam in Petkovci, where they were separated in groups of ten and shot. Two prisoners survived the shooting.⁴⁸ According to the already known pattern, people from the school were boarded into buses with their hands tied behind their backs on 16 July, driven to the Branjevo Military Farm, where they were lined up in groups of ten and shot. Around 1,000 and

43 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 233.

44 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 220-225.

45 Čekić, S., *ibid*, pp. 370.

46 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 220.

47 "The forensic analysis of soil and pollen samples, blindfolds, ligatures, shells and aerial photographs of excavated and subsequently excavated graves at dates, further, showed that the bodies in graves Lažete 1 and 2 were removed and reburied in the secondary graves on sites called Cesta za Hodžiće 3, 4 and 5." ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 223.

48 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 226-228.

1,200 people were shot.⁴⁹ On the same day, around 3 p.m., after they complete the execution of detainees on the Branjevo Military Farm, members of the 10th Sabotage Detachment executed a group of 500 detainees from the Pilica Culture Center.⁵⁰ The analyses of samples collected in the Pilica Culture Center provided solid evidence that mass executions took place at the site. On the walls, ceilings and floors, forensic experts found traces of bullets, the remains of explosives, grains and shell casings, as well as human blood, bones and tissues.⁵¹ On the same day, around 500 detainees were killed in Kozluk.

Places of mass executions

Places of mass executions are: Potočari, Hajdučko cemetery, the Kameničko hill, Jadar, the Cerska valley, the warehouse in Kravica, Sandići, Nova Kasaba, Tišća, Orahovac, Brana near Petkovci, the Branjevo Military Farm, the Cultural Center in Pilice, Kozluk and other places. The zone of the Zvornik Bigadre was to a significant extent the place where most of the organized mass executions related to the fall of the Srebrenica enclave were carried out. Five well-known execution sites that were in the zone of the Zvornik Bigarde were: Orahovac, the dam (near Petkovci), the Branjevo Military Farm, the Cultural Center in Pilice and Kozluk. The following detention centers are connected to these execution sites: the school in Grbavci in Orahovac, “new” school in Petkovci, the school in Kula and the Cultural Center in Pilice.⁵² The same scenario was always applied. People were brought by buses and trucks to the sites and shot. The massacre lasted from 14-16 July.

The commander of the Bratunac Brigade Vidoje Blagojević was in charge of the “cleaning” and “search of the terrain” from 15 July 1995. All the units in charge of the “cleaning” and search for people left behind the column that was moving towards Kravica and Konjević-Polje, in order to transfer them to the region of the mountain Udrč towards Tuzla, were placed under his command. There were around 2,000 refugees who were hiding themselves in forests in the

49 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 233.

50 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 244.

51 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 245.

52 ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraph 623.

region of Pobude.⁵³ From 15 to 17 July, several backwards groups surrendered to the members of the Army of the Republic of Srpska.⁵⁴ From 18 July 1995, the Army of the RS continued with its activities in finding, arresting and liquidating of Bosniaks. In accordance with the order of the commander of the Zvornik Biragde all persons found during the “search of the terrain” in the period of 18 to 21 July 1995 were killed on the spot until the command changed the order.⁵⁵ The units of the 1st Zvornik and Bratunac Brigade, with additional units, and the forces of the Ministry of Internal Affairs of the RS organized the blockade and destruction of the remaining groups, as well as the “search of the terrain” because even after 19 July 1995 for days and months smaller groups were hiding in the forests and trying to break through to Tuzla. A number of Bosniaks managed to cross into Serbia (Ljubovija and Bajina Bašta), but 38 of them were returned to the Republic of Srpska. Some of them were taken to the camp Batkovići, where they were exchanged. The fate of most of those returned so far has not been determined.⁵⁶

Relocation of mass graves

The bodies of the killed men, who were registered as forcibly missing persons, were buried in July in the Branjevo Military Farm, in Kozluk, near the dam in Petkovci, in Orahovac and Glogova. During September and October 1995, the primary mass graves were exhumed on those sites, and the bodies were reburied in the secondary mass graves. From 1 August 1995 to approximately 1 November 1995, the members of the Army of the RS and MIA participated in the organization and comprehensive efforts to hide killings and executions in the Zvornik and Bratunac Brigade areas of responsibility by transferring bodies from primary to secondary mass graves. The bodies exhumed from the Branjevo Military Farm, from Kozluk, the dam in Petkovci, Orahovac and Glogova, later transferred and buried along the Čančar road (the bodies from the Branjevo Military Farm),⁵⁷ locations near Liplje (the bodies from the dam near Petkovci),

53 Čekić, S., *ibid*, pp. 688.

54 “On 17 July 1995, the Serbian forces continued the action of capturing Bosniaks. During the ‘search of the terrain’, the Army of the RS captured several civilians on that day, including four minor children (aged 8-14) (B/198-207).”; Čekić, S., *ibid*, pp. 688.

55 Čekić, S., *ibid*, pp. 689.

56 Čekić, S., *ibid*, pp. 398 and 690.

57 All the persons found in the mass grave in Kozluk were male, and the cause of death was gunshot wounds. Forensic experts linked the primary mass grave in Kozluk to the secondary mass grave Čančarski put 3, which was determined on the basis of aerial photographs that it was first excavated after 27 September 1995 and then buried before 2 October 1995; ICTY, Case IT-98-33-T, 2 August 2001, The Trial Chamber, Prosecutor versus Radislav Krstić, *Verdict*, Paragraphs 250-251.

locations near Hodžići (the bodies from Orahovac) and locations near Zeleni Jadar (the bodies from Glogova). In the area of the Bratunac Brigade, the exhumation and relocation of the bodies from Glogova to Zeleni Jadar were executed at night during certain period of time. The Bratunac Brigade conducted the reburial operation in cooperation with the elements of the 5th Engineering Battalion of the Drina Corps. The military police of the Bratunac Brigade secured the road from Bratunac to Srebrenica in order to facilitate the movement of vehicles through the inhabited areas. It also secured the locations of mass graves while workers of the Municipal Civil Protection Headquarters conducted their tasks. The police also participated. The bodies from the primary mass graves in Glogova were reburied in the secondary mass graves in the area around Zeleni Jadar between 24 August and 23 October 1995. In the zone of responsibility of the Zvornik Brigade the exhumation and relocation of the bodies from the primary mass graves were conducted during several nights in September and October 1995. The machine operators from the Engineering Company of the Zvornik Brigade who performed the initial burials were asked to excavate the bodies at the Branjevo Military Farm, in Kozluk and Orahovac, together with the machine operators from other units of the Zvornik Brigade. The members of the Engineering Battalion of the Drina Corps also helped. Excavators were used for digging, and trucks of various companies for transportation of the bodies to the sites of the secondary mass graves since the trucks of the Engineering Company were old and could not be used "to finish it". The commander of the Road and Bridge Platoon of the Engineering Company of the Zvornik Brigade stated that, although a wider circle of soldiers and civilians may have been aware of what was happening to a certain extent, only a very small number of people knew the details of the operation. The trucks loaded with the bodies passed through Zvornik leaving behind the unbearable breath and disturbing the local population.⁵⁸ All the actions were done so that the remains of the killed would remain hidden, and the killed would still be - *missing*.

Conclusion

Forensic and demographic evidence suggests that significantly more than 7,000 people went missing after the capture of Srebrenica. The coincidence between the age and sex of the persons whose bodies were exhumed from the mass graves found and the identification data of the forcibly missing persons

58 ICTY, Case IT-05-88-T, 10. juni 2010, The Trial Chamber, Prosecutor versus Vujadin Popović, Ljubiša Beara, Drago Nikolić, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero, Vinko Pandurević, *Verdict*, Paragraph 606.

corroborates the claim that most of these persons were actually executed and buried in mass graves. It is also important to note that there is a correlation between the sexual distribution of Srebrenica persons listed as forcibly missing on the International Committee of the Red Cross (ICRC) list and the sexual distribution of bodies exhumed from graves. Over a period of several weeks, in September and early October 1995, Serb forces opened a section of primary mass graves containing the hidden bodies of murdered Bosniaks, and these bodies were reburied in secondary graves in even more remote locations. Forensic investigations have linked certain primary and secondary graves. Evidence of the relocation of bodies and their reburial indicates planned and synchronized activities carried out in an attempt to hide the bodies from primary graves.

A large number of victims were found on the surface of the terrain or in displaced (secondary or tertiary) mass graves, which resulted in incomplete remains and made identification difficult. Identification documents and personal belongings were confiscated and then destroyed (burned) by both the men separated in Potočari and the men captured from the column. All captured men were executed, either in small groups or in carefully organized mass executions carried out in more remote places. Barefoot or with their hands tied behind their backs, often blindfolded, they were lined up and shot. Some were detained in facilities where they were killed by bursts from automatic rifles or machine guns or dropped bombs. After the execution, the bodies were buried by bulldozers. By transferring the bodies from the primary to the secondary graves, the remains were mutilated, and their concealment prevented burial in accordance with religious and national customs, and caused great mental pain to the bereaved survivors. The killing of all military, able-bodied and fertile men effectively destroyed the Bosniak community and thus eliminated any possibility of it ever being rebuilt in that territory. The mass graves of victims of the genocide of the UN safe zone in Srebrenica in July 1995, in which the remains of forcibly missing persons were found, are clear evidence of the intention to completely destroy the Bosniak community and the planned, elaborate and organized crime system that resulted in genocide, crimes against humanity and international law. Their existence is a confirmation of the concealment and destruction of traces of crime.

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CHILD AND FAMILY IN GENOCIDE

- With special reference to the genocide against Bosniaks
in and around Srebrenica in July 1995 -

Summary

From the time of twenty-five years distance since the genocide in and around Srebrenica in July 1995, which was thus adjudicated before domestic and international courts, and the almost identical time from the establishment of peace and the end of the war of conquest, it can be concluded that Bosnian society was destroyed, and the ties between the key communities that made up the “neighborhood” were, it is clear, broken even though they had “mixed” for centuries and formed a “unity of differences”. The ideologues of genocide started from the starting point when devising techniques of committing genocide against Bosniaks, which aimed to leave the deepest possible consequences for the cohesiveness and biological reproduction of the Bosniak family, determining that men should be on the main strike, not excluding boys, who should be killed and Bosniak women should also be killed, not leaving out girls, who may continue to live, but after they have been systematically humiliated, primarily by committing sexual violence against them. The Greater Serbia aggressor achieved both goals to a significant extent.

In this paper, we place a special focus on the crime of murder of children and the consequences that such a crime leaves on the family, and thus society. So, on the example of crimes committed against children and families in the period 1992-1995 in this paper, we prove that there was a planned and long-term “ethnic cleansing” of the area with the application of genocidal acts against the most vulnerable members of the ethnic group.

We paid special attention to the crime of killing the youngest members of the family, since it was obviously part of the Greater Serbia state plan. We also asked several important questions, which until today were not, and must have been, the subject of interest of various sciences and scientific disciplines. One of them is the question of the measurability of the consequences of the crime of killing a child for the family, especially the consequences that this crime leaves

on the mother as an individual, the “pillar of the family”, but also on society as a whole. Is there a more serious crime than the one in which the criminal takes the child from the mother’s arms and takes him to death or killing the child while the mother holds him in her arms? With this paper, we present that only in the area of Srebrenica, the most monstrous crime that could have been committed was committed against hundreds of mothers. It is a mass crime of killing children, which we recognize as the most serious form of crime against the family and society. Scientific research, especially within the framework of Bosnian science, completely ignores research on the relationship between the family and genocide, especially those that problematize the consequences that remain for society, family, and especially mothers, after criminals killed thousands of Bosniak children during aggression and genocide.

Key words: genocide, family, children, genocide against Bosniaks, Podrinje, Srebrenica

Introduction

Eastern Bosnia was declared the strategic goal of the Greater Serbia project, which meant the elimination of the Drina as a border between “Serbian lands”.¹ In accordance with the first strategic goal, which implied separation from other national communities, the removal of Bosniaks from Podrinje, and thus from Srebrenica, is a fact that was implied in the Greater Serbia plans.²

- 1 The strategic goals of the Serb people in Bosnia and Herzegovina were openly announced by war criminal Radovan Karadžić on May 12, 1992. The third strategic goal of the Serb people in Bosnia and Herzegovina, according to his idea, was to “remove” Bosniaks from Podrinje. Read more in: Donia, Robert, *Iz Skupštine Republike Srpske 1991-1996.*, University Press, Sarajevo-Tuzla, 2012. This goal has been almost completely achieved. Although Bosniaks were the dominant ethnic group in the region before the war, in most Podrinje municipalities they are now an absolute minority and their total number has been reduced by three to four times.
- 2 Many works have been written about the chronology of crimes in and around Srebrenica. See in more detail e.g. in: Čekić, Smail, *Genocid i istina o genocidu u Bosni i Hercegovini*, Institute for Research of Crimes against Humanity and International Law, University of Sarajevo, Sarajevo, pp. 2012. We would especially like to emphasize that we are of the opinion that the separation of genocide in and around Srebrenica during July 1995 unfairly ignores the committed numerous crimes based on an identical matrix throughout Bosnia and Herzegovina. Everything that happened in Srebrenica from 1992 to the beginning of July 1995 is very much in crucial connection with what happened after that. The continuity of crime, difficult living conditions, no food, water, basic medical services, no electricity, with extremely difficult conditions during the winter, with the constant arrival of expelled from other areas occupied by the Serbian enemy, in a constant struggle

There is almost no village in which if one of the Bosniaks was found, during the aggressor's incursions, he was not killed or deported to places of detention before the property was burned.

In the destruction of Bosnian society throughout the Republic of Bosnia and Herzegovina, it was sufficient that someone had a name or even that his parents had a name that identified with a group considered hostile to commit a crime against him. Neither the religion nor the customs of that individual mattered. The goal of the criminals was to destroy everything that was reminiscent of the other and different. For the purposes of this paper, several hundred witness statements were analyzed, who testified about what they survived and saw in the Srebrenica area during the genocide.³ Almost none of these statements described the brutality that referred only to the witness, i.e. one victim, but referred mainly to all members of the Bosniak family, but also to relatives, friends, neighbors. In every statement, the forms and ways of committing and manifesting evil are a story in themselves. It is concluded from the analysis of witness statements that the authors rightly do not call those who committed such atrocities people, but terms such as "mad bipeds".⁴ In many scientific fields of research, primarily socio-psychological, there should be more research that investigates more the forms and consequences of various forms of war crimes, crimes of genocide in particular, such research is neglected. Although research on crimes against raped women is quite common, some others from which the victims themselves, as well as numerous sciences and scientific fields, would benefit have been completely left out. That is why the issue of the relationship between the family and genocide should be an unavoidable scientific research topic, especially when it comes to Bosnian society.

It is important to mention that this paper shows that genocide must be viewed through a broad analysis of the specific case, and even through the example of the crimes in Srebrenica, but also in Bosnia and Herzegovina, in the period 1992-1995. We are of the opinion that, relying on Stanton's theory

for a gram of food , worthless gaining the status of a safe zone, demilitarization, total blockade, all these are the facts and preconditions that contributed to the commission of barbaric crimes "before the eyes" of the whole world in July 1995. All the stated facts cannot be separated, diminished, eliminated from the process of genocide, which lasted much longer and in a much wider area than July 1995 in Srebrenica.

3 The statements are in the Archives of the Institute for Research of Crimes against Humanity and International Law of the University of Sarajevo.

4 Žiga, Jusuf, *Vrijeme „razljuđenih dvonožaca“ – paradigma Bosne koju su izdali*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2007.

of genocide, the genocide in Bosnia and Herzegovina is still going on and is in its last phase, which seems to be becoming more severe day by day. We mean, first of all, the more temperamental rhetoric of denying the genocide of local and regional Serbian politicians and funding quasi-scientific projects that seek to minimize and deny any classification of crimes as genocide.

The relationship between family and genocide

The number of social science experts studying aspects of genocide and other crimes against certain social groups has increased since the early 1980s and is still expanding today. The Convention confirms that genocide,⁵ whether committed in peace or war, constitutes a crime under international law which the Parties are obliged to prevent and punish. Many authors somewhat agree with the articles of the Convention, but in some parts they reject it. Zygmunt Bauman put forward an important argument regarding the Holocaust, which can be applied to genocide in general. He expressed the opinion that the Holocaust is usually seen as an act of lunatics or something uncivilized and completely

5 Term “genocide” was first used in 1944 in a book by Raphael Lemkin *Axis Rule in Occupied Europe*. (Lemkin, Raphael, *Axis Rule in Occupied Europe*, Carnegie Endowment for International Peace, Washington D. C., 1944. The word originates from Greek word *gēnos*-genus, people and Latin word *caedo*-cut, kill; *caedes*- slaughter, bloodshed; *occidere*-to kill, exterminate, massacre.)

The legal definition of genocide as an act aimed at the extermination of a national, ethnic, racial or religious group became the basis of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on 9 December 1948. Article II of the Genocide Convention defines genocide as: “any of the following acts, committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group: a) the killing of members of the group; b) causing grievous bodily or mental injury to members of the group; c) deliberately subjecting the group to such living conditions as to result in its total or partial physical destruction; d) establishing measures to prevent intra-group births; e) the forcible transfer of children from one group to another.” (http://www.tuzilastvorz.org.rs/html_trz/PROPISI/konvencija_sprecavanje_lat.pdf, visited on December 12, 2019.) Every criminal offense consists of two elements: objective (*actus reus*) and subjective (*mens rea*).

(More in: Degan, Vladimir-Đuro, Pavišić, Berislav, Beširević, Violeta, *Međunarodno i transnacionalno krivično pravo*, Pravni fakultet Univerziteta Union i JP Službeni glasnik, Beograd, 2011, pp. 140.) The peculiarity of the crime of genocide in relation to other crimes is reflected in the genocidal intent. “What makes genocide special is the psychological, subjective element - the genocidal intent of the perpetrator, which exists with intent aimed at committing objective elements of the crime, such as an attack on life and body.” (Dimitrijević, Vojin, Hadži-Vidanović, Vidan, Jovanović, Ivan, Marković, Žarko i Milanović, Marko, *Haške nedoumice, Poznato i nepoznato o Međunarodnom krivičnom tribunal za bivšu Jugoslaviju*, Beogradski centar za ljudska prava, Beograd, 2010, pp. 102.)

contrary to modern times. On the contrary, he claims that the Holocaust is in fact a product of modern life, as evidenced by its high organization and rational planning. Speaking of “modern genocide”, Bauman said that: “1. genocide can happen anywhere; 2. modern genocide is genocide with a purpose; 3. modern genocide is impossible without scientific-racist legitimacy; 4. it is the product of the process of civilization (not barbarism) and its productive moral indifference, moral blindness and social engineering; and 5. the perpetrators of genocide are normal, ‘ordinary people’, not necessarily ‘maniacs’, ‘lunatics’ or ‘psychopaths’.”⁶

Although by definition genocide can be committed in peace, it usually occurs in war. War is the most severe form of conflict that occurs in society. The constant presence of war in human history has also implied the interest of various scientific fields in this phenomenon in order to arrive at the answers to the numerous questions it has produced.⁷ Whether the war was temporary or of a somewhat longer duration, it significantly disrupted relations within the family. The family does not even have to have any victims of any form of crime during the war, nor does it have to have a direct participant in hostilities, but there is no possibility of being isolated from the war process. After all, the trauma caused by war does not end even with fleeing the war zone, or with the end of the war. Families were forced to adjust their pre-war functions to the war, but also to the post-war situation in society.⁸ During the war, family members were forced to take care of saving their own lives by hiding in somewhat safer

6 Bauman, Zygmunt, *Modernity and the Holocaust*, Cornell University Press, Ithaca, New York, 1989, pp. 39.

7 “War is a state of society in which the world has always lived. In the last twenty-five centuries of human civilization, there have been 1,400 years of war and major armed conflicts. However, if we take into account all the armed conflicts of over 3,300 years of history known to man, war accounts for more than 3,100 years, and only 200 years for peace. For example, between 1889 and 1936, a total of 31 world pacifist congresses were held, and yet in that period, among other things, two world wars broke out.” Bačić, Arsen, Prpić, Ivan, Puhovski, Žarko i Uzelac, Maja (Ed.), *Leksikon temeljnih pojmova politike*, Fond otvoreno društvo Bosne i Hercegovine, Sarajevo, 1994, pp. 88.

8 Many theorists of family and family relations have dealt with the basic functions of the family. They are generally divided into primary and secondary. The basics have actually followed every family since its inception. In essence, they came down to what Georg Peter Murdock claimed, i.e. there are four basic functions of the family: sexual, reproductive, economic and educational. This is a rather broad topic, on which many theoretical views could be presented, which we consider superfluous for this paper.

The possibilities of performing family functions during the war within the framework of Bosnian science on this topic of research are mainly reduced to demographic analyzes. For a more detailed look at the impact of war on the performance of family functions, see in: Beridan, Izet, *Porodica i rat*, Fakultet političkih nauka, Sarajevo, 2018, pp. 179-303.

shelters due to the actions of the attackers, and providing minimal amounts of food and drinking water. After the war, families tried to exercise various forms of their war-acquired rights on various grounds, and the example of post-war Bosnian society shows that most do not exercise even minimal human rights.

Specifically, dealing with the family in science was not the subject of interest of any science to the extent that sociology was dedicated to it. This means that with the development of sociology as a science, the development of the essence of the family in science began.⁹ The family is a socio-historical category, and as such is inevitably subject to constant change. Šijaković believes that: “The family is a social group that is the first to feel the difficulties and crises in society, but also its progress and development. Since its inception, the family has gone through various forms of development, but it has preserved some basic, irreplaceable functions in the development of man as a person and his immediate and wider community.”¹⁰ The family is indeed today “the most important element of society and social structure,”¹¹ but once before it was not given so much importance and attention. “In pre-capitalism, the family is associated with the natural processes of eating, sleeping, sexual life and physical care, with fears of childbirth, disease, death, and at the same time with the relentless necessity of hard work.”¹²

The changes that are becoming a basic feature of the modern family are visible, and the most significant ones are recognized by many theorists from various disciplines. Most of the changes are also characteristic of the modern family in Bosnia and Herzegovina. Many were directly caused by the war.¹³

9 The family is “a certain social creation (institution) that is encountered in social reality.” Sociologically, the family is a social group characterized by living together, economic cooperation and reproduction. The family is the oldest, most enduring, but also a changing primary social group based on bio-reproductive, bio-sexual, bio-social, socio-protective, and socio-economic ties of husband and wife and their children. It is a relatively permanent community connected by kinship, marriage and adoption, whose members live together, cooperate economically and take care of the offspring. “Giddens, Anthony, *Sociologija*, Ekonomski fakultet, Beograd, 2003, pp. 186-207; Milić, Anđelka, *Sociologija porodice: kritika i izazovi*, Čigoja štampa, Beograd, 2001; Segalan, Martin, *Sociologija porodice*, Clio, Beograd, 2009; Žiga, Jusuf i Đozić, Adib, *Sociologija*, Off-set, Tuzla, 2013; Pašalić-Kreso, Adila, *Koordinate obiteljskog odgoja*, Jež, Sarajevo, 2004;

10 Šijaković, Ivan, *Sociologija: uvod u razumijevanje globalnog društva*, Univerzitet u Banjoj Luci, Ekonomski fakultet, Banja Luka, 2008, pp. 95.

11 Žiga, Jusuf i Đozić, Adib, *ibid*, pp. 162.

12 Milić, Anđelka, *ibid*, pp. 19.

13 Thus, e.g. Pašalić-Kreso states that the family is getting smaller, children are closer to each other in age than before, late marriages are recognized, marriage and marriage are

Therefore, the relationship between the family and genocide, the consequences that genocide causes during and after it on the family are topics that should be the focus of sociology, but also of other sciences and scientific disciplines. However, the relationship between family and genocide is a completely neglected topic, especially in Bosnian science. Even the theoretical treatment of the relationship between the family and the war, without entering into the essence of the war against the state and society of Bosnia and Herzegovina, i.e. genocide, is not a topic that Bosnian scientists and researchers have dealt with. There is no justification for the absence of such research, given that the development of the state and society of Bosnia and Herzegovina was marked by violence and crimes of the most serious forms, and the culmination of the process of destruction of that society is the period of aggression and genocide against an independent, internationally recognized state, the Republic of Bosnia and Herzegovina and the genocide of Bosniaks in the period of 1992-1995.¹⁴

In war-torn areas, it is especially difficult for families whose men have been killed, seriously wounded or often on the battlefields, where other family members manage to get basic foodstuffs. And, when they get to the same, a special concern is how to distribute that little food over a few days. Therefore, it is not surprising that in wars, especially modern ones, children and other family members often die *en masse*.¹⁵ The fact is that international

postponed, the number of families in which both parents work is constantly increasing, it is increasing the number of single-parent families, the divorce rate is increasing, poverty and destitution are more ubiquitous, which means a larger number of children being raised in such conditions. There are more and more "singles", i.e. those who decide not to get married (unmarried). Due to the increase in the number of divorces, the number of those who marry for the second or third time also increases, which again implies the formation of new types of families. The percentage of families without children, the number of elderly families, the number of homosexual marriages is growing, the influence of the media and computers on family life is visible, and conflicts in families are increasingly being resolved by social institutions. Pašalić-Kreso, Adila, *ibid*, pp. 14-15.

- 14 Izet Beridan has been dealing with the impact of war on the family throughout his dissertation since the early 1990s, supplementing and recently publishing the results of his research. See in: Beridan, Izet, *ibid*.
- 15 Due to difficult conditions during the commission of crimes against Bosniaks, especially in besieged cities, civilians, including children, often died due to lack of basic foodstuffs, medical supplies, medicines, and living in catastrophic conditions in extremely unconditional and unheated premises. Such cases were common in Srebrenica, but also in other places in Bosnia and Herzegovina such as Goražde under siege. On crimes against civilians and children in the siege of Goražde, which included deaths due to the imposed siege conditions, see in more detail in: Džananović, Muamer, *Zločini nad*

organizations have managed to deliver some basic food and medical supplies during the wars of the last few decades. However, during the war in Bosnia and Herzegovina, occupation units often took some of the foods that contained minerals necessary for human health at checkpoints. Thus, e.g. everything seemed to prevent the flow of salt or salt-containing foods, in order to prevent the normal functioning of the besieged organ population, which was especially present in Srebrenica. This is just one of the specifics of modern armed conflicts, which indicates the complexity of the situations that families face in war-torn areas.

An important fact in the relationship between the family and genocide is the space in which the family finds itself before, during and after it. Some areas are marked as strategic directions from which another group must be eliminated. In addition, it is important whether the families are located in a village or town, and that the territorial position of the village or town is extremely important. Depending on the position of the village or city, the interest of the attackers, or the strategic importance for conquest, then depending on the position of the battle lines, it is possible to analyze whether it is easier to live in a village or city. The fact is, when it comes to the war against Bosnian society, that the population was forced to leave their homes in the villages and move to the city centers, where they tried to save themselves from death.

So, crises within every family that finds itself in the middle of a war, genocide in particular, are inevitable. The changes taking place within the Bosnian family today are related to the war and genocide, which was committed against the Bosnian state and society. When it comes to research into the relationship between the family and genocide, it must be emphasized once again that science has hardly dealt with this mutual relationship, which is very important in every society. With its passive attitude towards the most important socio-historical process in Bosnian society, Bosnian science, and sociology in particular, has questioned itself, that is, it has questioned “its purpose.” Sociology, if it does not question itself, should respond to all levels of genocide as a social and scientific phenomenon because genocide, indeed,

djecom u Goraždu tokom opsade 1992-1995., Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2015. On such crimes against the children of Srebrenica, see also the paper: Mastalić-Košuta, Zilha, “Genocid nad djecom u Srebrenici – sigurnoj zoni UN-a jula 1995”, in: *Zbornik radova: Genocid u Bosni i Hercegovini – posljedice Presude Međunarodnog suda pravde*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2011, pp. 1033-1060.

is an indisputable social, not a natural, phenomenon. If the primary task of sociology is to clearly and precisely explain the phenomena of the society in which it develops, then genocide should also be one of the most important scientific phenomena of sociology.”¹⁶ Doubt’s question of the questionability of the existence of sociology, motivated precisely by ignoring the topic of genocide in Bosnia, reinforces this argument. “Why is there such an absence of sociological research work when it comes to recent history and the current situation in Bosnia? Sociologists, not just in the United States, but around the world, seem to reflect that skeptical view of the world of Bosnia. Can sociology exist as a valid science of society if it ignores one, perhaps even the most alarming and difficult topic of its time?”¹⁷

The “Destruction” of Bosniak family on the example of the genocide in Srebrenica

The goal of the perpetrators of the genocide in Srebrenica was not only to expel Bosniaks as “other” and “different” and to liberate the territory only for members of the Serb national group, but also to completely destroy the identity of Bosniaks, and thus the idea to any coexistence ever in the future. In addition to various forms of terror, shelling of civilian areas, shooting with sniper shots, imposing extremely difficult living conditions, the Army and Police of the Republic of Srpska conducted such a criminal campaign, which achieved the greatest possible measure of dehumanization of the lives of victims. At the beginning of the aggression, the target was prominent Bosniaks, who were arrested on the basis of prepared lists and taken to prepared camps, where they were killed mostly after brutal torture. In addition to atrocities in the camps, brutal methods of torturing innocent civilians were also applied on the streets, in the villages, on the doorsteps, in the homes of the victims. Those who were lucky enough to get the necessary document on “free exit” to a safer area, had to give up their property in favor of the “Serbian state”. In the early days of the siege, free conversion to the Orthodox faith was “recommended”, and forced baptisms were also exercised.¹⁸ “Karadžić himself openly encouraged

16 Dozić, Adib, “Genocid kao društveni i znanstveni fenomen”, in: *Zbornik radova DHS – Društvene i humanističke nauke, Časopis Filozofskog fakulteta u Tuzli*, Filozofski fakultet Univerziteta u Tuzli, Tuzla, 2016, pp. 122.

17 Doubt, Keith, *Sociologija nakon Bosne*, Buybook, Sarajevo, 2003, pp. 7.

18 There are indeed a large number of testimonies that confirm the above. Thus e.g. the detainees of the Veljko Vlahović Secondary School Center in Rogatica were “persecuted with the question of converting to the Orthodox faith”. AIIZ, Inv. No. 03-2571, 12 November 1993, Statement of A. S. Torture of this form against the inhabitants of

the abandonment of Islam on domestic radio as the best solution for Bosnian Muslims. He cynically claimed that *'many educated and reasonable Muslims in Europe were baptized and became Christians and that this was a way to oppose fundamentalism and the introduction of militant Islam in Bosnia... it is clear that we must cross the Rubicon (of baptism) since we deal with special people in whom the memory of their Serbian origin is still alive'*.¹⁹ That process was accompanied by the destruction of all traces of Islamic culture, where hundreds of mosques were completely destroyed. The complete destruction of Bosniaks meant the erasure of any memory and the connection with the country where they had lived for centuries. "We started demolishing everything that had anything to do with Islam, so that no trace of Muslims remains. Mosques have been blown up."²⁰ Working according to the pattern of "making it impossible for literally every non-Serb to stay in their area"²¹, an organized plan of extermination of other groups was implemented in detail, brutally and without exceptions, as never before. After expelling Bosniaks from their homes, their empty homes were looted and subsequently mostly demolished and burned. Where they failed to physically access the property, they systematically shelled it from less distant distances, as was often the case in Srebrenica. "At the end of March and in the first half of April 1993, as well as later, the Serb forces (Army of Yugoslavia and "the Army of the Republic of Srpska") continued to advance towards Srebrenica, committing numerous crimes against civilians and the civilian population. Thus, during the shelling of the city of Srebrenica on April 12, over 70 civilians were killed and over 100 were wounded on the school (concrete) playground (in front of the High School

Podrinje continued during the war. Thus e.g. during the detention of Bosniaks in Serbia (Šljivovica and Mitrovo Polje) after the fall of Srebrenica and Žepa in the second half of 1995, in addition to various forms of ill-treatment, this type of reprisal stood out among the testimonies. "We were forced to ride one after the other, they forced us to cross ourselves and raise three fingers, then they forced us to give ourselves Serbian names, otherwise we couldn't go out. D. A. and O. F., who was the President of the Court in Žepa, were beaten the most." AIIZ, Inv. No. 4891, March 18, 1998, the statement of S. A.

- 19 Cigar, Norman, *Genocid u Bosni: Politika "etničkog čišćenja"*, Bosanski kulturni centar i Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 1998, pp. 74.
- 20 The statement of a Polish volunteer, who was a member of the Army of the Republic of Srpska. Petošević, *Srpski plaćenici*, pp. 31, quoted according to: Cigar, Norman, *ibid*, pp. 75.
- 21 The statement by Hanna Sophie Greve, member of the UN Commission to Investigate War Crimes Committed in the Former Yugoslavia. Bösch, Rahel, "It is not a civil war but genocide", in: Zülch, Tilman, „*Etničko čišćenje*“ – *Genocid za Veliku Srbiju*, VKBI, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, BKC, Sarajevo, 1996, pp. 211.

Center). During the shelling of Srebrenica on April 13, “there were killed and wounded.”²² Residents of those places were exposed to brutality as well as residents of other cities and towns in Bosnia and Herzegovina such as Sarajevo, Goražde, Žepa, Maglaj, Olovo, Bihać, which the aggressor failed to capture in the first attacks in the spring of 1992.²³ We emphasize that similar methods were used by HVO forces in Mostar, Vitez, Gornji Vakuf, Maglaj, Žepče, etc. This only speaks of the coordinated actions of two large-scale projects in the Western Balkans (Serbian and Croatian) that function according to the system of connected vessels using the same methods that in their planned execution have a genocidal character supported by extreme ideology from Belgrade and Zagreb. In addition to the constant danger to life due to shelling and the action of infantry weapons, it was especially difficult for the population due to the inability to meet basic living needs, lack of food, water, basic medical supplies and the like. Analyzing the amount of humanitarian aid received for people who lived under siege, it is evident that they received so much food on average that they could not meet even the minimum needs of one family. During all the years of the siege, the difficult humanitarian situation continued and did not improve. The proclamation of the United Nations safe zone did not improve the status of tens of thousands of Srebrenica residents and expelled residents from the surrounding municipalities who sought refuge in Srebrenica.²⁴

After the United Nations, the Dutch Battalion, the Dutch Government, NATO and the entire international community handed over their “safe zone”

22 Čekić, Smail, *ibid*, 2012, pp. 92-95.

23 Serbian aggressor occupied Srebrenica on April 18, 1992, after which various crimes were committed against Bosniak civilians, including the killing of their children. “Suljo Suljić’s family was murdered: parents-husband and wife- and two sons” *Smrtno srebreničko ljeto ‘95: Svjedočanstvo o stradanju Srebrenice i naroda Podrinja*, Udruženje građana “Žene Srebrenice”, Tuzla, 1998. “They broke down the door with their feet and entered into apartment. They beat me and the children. Elvis was 8, and Anel was 12...” Bećirović, Edina, *Na Drini genocid, Istraživanje organiziranog zločina u istočnoj Bosni*, Buybook, Sarajevo, 2009, pp. 213.

On various, mass crimes against Bosniaks, and the looting and burning of their property from the capture of Srebrenica until its liberation on 9 May 1992, see the numerous statements in the Archives of the Institute for Research of Crimes against Humanity and International Law of the University of Sarajevo (AIIZ), Sarajevo.

24 On 16 April 1993, the United Nations Security Council, invoking Chapter VIII of the *United Nations Charter*, adopted *Resolution 819* (1993) declaring Srebrenica and its surroundings a safe zone of the United Nations. *UN Security Council Resolutions in Bosnia and Herzegovina*, Press Center of ARBiH, Sarajevo, 1995, pp. 62-64. As of May 6, 1993, UN Security Council Resolution 824 extended the status of the UN safe zone to Sarajevo, Tuzla, Bihać, Goražde and Žepa. The position of civilians in those places, by gaining that status, did not improve, on the contrary.

to the Serbian aggressor, tens of thousands of Bosniaks were left at the mercy of the “mad biped”. In Potočari, the aggressor separated civilians by gender and age in front of the eyes and in the presence of the commander of the Dutch battalion and his officers and soldiers, and under the direct supervision of General Mladić. “Many were summarily executed in the fields and streams around the Base. The children were slaughtered in front of their mothers... women have been raped and killed”.²⁵ There was a chaotic situation in the Dutch Battalion Base. “I also saw over twenty spontaneous births in the mentioned hall. Women aborted children forcibly and out of fear. Among these women, I knew Hava, Hajrudin’s wife from Trubar near Srebrenica, whose female child died immediately after giving birth.”²⁶

The separation of the men, who were killed in the following days, from the women and children was actually just the beginning of the crimes against the Srebrenica families. Women with children witnessed killings of Bosniak civilians who remained in Potočari on 12 July. “That morning, four Chetniks came among us and asked if anyone from Osmače was there. A woman with two children called from somewhere. One was about fourteen years old and the other she carried in her arms. A Chetnik approached her and grabbed the child, who was standing next to her, and took him to the houses.... Around noon, the same Chetnik, with his entourage, re-entered the crowd and when he passed by a woman from Osmače, she shouted at him in a weeping voice where her child had been taken and why he was not returned. Out of rage, the Chetnik drew a knife and slaughtered a child in her arms, which she was holding, cursing her mother. The woman lost consciousness and fainted...”²⁷

Hundreds of women and girls were raped in the genocide in and around Srebrenica. Rape in Bosnia was an integral part of the genocidal plan. There is indeed a huge number of testimonies of rapes who again testify about the abuse in that way of several members of their families, their relatives, neighbors and acquaintances. Bosniak women are often forced to watch their daughters raped and vice versa.²⁸ Analyzing the numerous statements of the surviving raped witnesses from Podrinje, one can recognize the massive cases

25 ICTY, Case No.: IT-95-18-I, Prosecutor versus Radovan Karadžić and Ratko Mladić; Čekić, Smail, *ibid*, 2012, pp. 411.

26 AIIZ, Inv. No. 4-171, the statement of R. B.

27 AIIZ, Inv. No. 4823, the statement of N. K.

28 The Archives of the Institute for Research of Crimes against Humanity and International Law at the University of Sarajevo contain hundreds of statements from which it can be confirmed that hundreds of women and girls were raped after Serb units captured Srebrenica, especially on the night of July 11-12, 1995.

of holding raped victims in captivity until late pregnancy, after which the victims were released through exchanges. From the mass nature of this form of crime, it can be concluded that this was one of the goals of the criminals, part of the war strategy.²⁹ Rape in Bosnia, therefore, had an additional purpose in addition to the standard reasons for committing such a crime. Rape was an integral part of the destruction of the Bosniak family. Keith Doubt emphasizes: “The crime of genocide was an attempt to destroy a family in violation of the inviolable duty of the family. The stronger the ethical spirit in the family, the greater the force needed to destroy it.”³⁰

In the following days, after 11 July 1995, Bosniaks were captured, abducted and killed at previously established locations, according to the established plan. Mass executions of Bosniaks were carried out in: Potočari, Hajdučko cemetery, Kameničko brdo, Jadar, Cerska dolina, a warehouse in Kravica, Sandići, Nova Kasaba, Tišće, Orahovac, a dam near Petkovci, the Branjevo Military Economy, in the House of Culture in Pilice, Kozluk and others places. Several witnesses managed to survive the shootings and their testimonies are extremely significant. “They brought it with trucks, until the warehouse was full. When the warehouse was full, they took them out one by one all night and killed... They killed with an iron rod, an ax and knives ... Ratko Mladić and the one sitting next to the driver came out. They were watching. How people were expelled from a semi-trailer and how they were lined up and killed. When they killed everyone, he went back to the

29 Stigma and trauma have accompanied rape victims in Bosnia and Herzegovina for almost thirty years. Given the deep mark that the act of rape left on the victim, and the environment that aggravates the situation, but also the unjust attitude and social neglect in which there is no adequate support in the form of health and psychosocial support, it is understandable why victims of this evil are in really difficult psychological situation. The particularly difficult situation of the victims is caused by the fact that most rapists live freely, without indications that they will be held accountable for the crime, so that at least in this way the victims experience a certain satisfaction. The fact that only 146 perpetrators were prosecuted by the end of 2015, whose indictments also included the crime of rape, is a frustrating fact, given the massiveness of the said crime. The Parliamentary Assembly of the Council of Europe in its Resolution 1670 adopted in 2009 (*Sexual Violence against Women in Armed Conflict*) states that the exact number has not yet been determined, but it is estimated that over 20,000 women have been raped, often in groups, and sometimes they were victims of sexual enslavement and forced pregnancies in so-called “rape camps” by the military and paramilitary groups. “Parliamentary Assembly, *Sexual violence against women in armed conflict*, Resolution 1670 (2009), available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17741&lang=en>, Retrieved 12 November 2019.

30 Doubt, Keith, *ibid*, pp. 33.

semi-trailer, sat down and went back.”³¹ After the mass killings, the Serbian aggressor formed mass graves in which thousands of innocent Bosniaks were hidden.³² Today, thousands of families are looking for the remains of their relatives who have been harassed several times, but the neighbors do not want to at least alleviate their pain by discovering the location of the mass graves in which their relatives are buried. That the crime was planned and not a consequence of accidental operations and war circumstances is evidenced by over “5,000 locations where there are mass, joint and individual graves. About 25,000 remains were found in them.”³³

The number of over 25,000 participants who participated in the genocide against Bosniaks in and around Srebrenica in July 1995 on various grounds and in various ways has been determined. In the genocide during July 1995, 8,372 Bosniaks were killed, of which 694 were children. Between 1992 and 1995, 826 children were killed in Srebrenica, including the genocide in July 1995 in and around Srebrenica. A total of 95.3% of children were killed by men, which supports the claim that the Greater Serbia aggressor aimed to prevent the biological renewal of a part of Bosnian society.

To date, 6,643 victims, including 442 children, have been buried at the Srebrenica-Potočari Memorial Center. A total of 254 of them are from the Srebrenica municipality, and the rest are from other municipalities.³⁴ Among the children buried to this day, who were mostly killed from July 12 to 19, 1995, most are seventeen-year-olds, 206, then sixteen-year-olds 133, 79 fifteen-year-olds, 19 fourteen-year-olds, 5 thirteen-year-olds, etc. The youngest victim, and so far the only buried female child, is the newborn baby Fatima Muhić.³⁵

31 AIIZ, Inv. No. 4828, the statement of H. S.

32 The perpetrators of the crimes moved the dismembered bodies of the genocide victims from one place to another several times, thus massacring the victims again. This made it even more difficult to identify victims of genocide and inflicted pain and grief on surviving family members. The monstrosity of the crime is especially indicated by the fact that the bodies of individual victims of genocide were found in several different mass graves of the secondary type, tens of kilometers apart.

33 https://www.slobodnaevropa.org/a/plp_masovne_grobnice_bih/2036774.html, Retrieved 14 November 2019. The data from the Institute for Missing Persons of Bosnia and Herzegovina show that over 750 mass graves have been found in Bosnia and Herzegovina to date.

34 The research of the Memorial Center Srebrenica-Potočari and Azir Osmanović, employee of the Memorial Centre.

35 Hava Muhić gave birth to a baby girl in the Dutch base of UNPROFOR after the fall of Srebrenica, during the night of 12/13 July 1995. She wanted to name her Fatima, but there was no time. The baby was killed several hours after the birth. The girl was

Following the definition of a child from the 1989 Convention on the Rights of the Child, which states in Article 1 that a child is “any human being under the age of 18”³⁶, we present in this paper (**Appendix No. 1**) a list of killed children buried to date at the Memorial Center in Potočari. Observing this sample of victims killed in the genocide in Srebrenica, we ask the question of the measurability of the destruction of the family in the genocidal process. We claim that the killing of several hundred children in the genocide “killed” the same amount of families, because other male family members were killed during the Srebrenica genocide. So in most cases the children were killed along with their fathers and brothers. In fact, it is concluded that during the genocide against Bosniaks, the family itself was killed by mass killing of minor family members.

In the relationship between the family and genocide, it is clear that various forms of crime are particularly traumatic. A woman, especially a mother as a “pillar of the family”, is exposed to various forms of violence and certainly each of them leaves different consequences on her, from which it is difficult or impossible to recover. A particularly serious form of crime is rape. The killing of the husband and father also leaves severe consequences for the mother and the family, in which the mother is forced, after committing the crime, to take on both roles, both mother and father. However, the murder of her child leaves an indelible mark on the mother, which is a monstrous crime, which is a completely neglected topic in scientific research. With this paper, we present that in the area of Srebrenica alone, hundreds of mothers “*had their hearts torn from their bosoms*” by the most monstrous crime that could have been committed.

After the Bosniaks were exterminated from their homes by the crime of genocide, the aggressor did not stop. It is noticeable from the census published in 2013 that there were 20,324 fewer Bosniaks in Srebrenica than in 1991.³⁷

officially identified in December 2012. The baby from Srebrenica was found among five victims exhumed from the mass grave formed in July 1995 in Potočari.

36 UN, *Convention on the Rights of the Child*, 1989, Article 1,

http://www.ombudsmen.gov.ba/documents/obmudsmen_doc2013031807224360bos.pdf, Retrieved 19 February 2019.

37 According to the census in 1991, 36,666 residents lived in Srebrenica, and out of that 27,572 Bosniaks, 8,315 Serbs and 38 Croats. According to the census in 2013, 7,248 Bosniaks, 6,028 Serbs and 16 Croats live in Srebrenica. Although Bosniaks were majority in almost all municipalities in 1991, it is notable that due to the war and post-war events they became minority in most municipalities in Podrinje according to the 2013 census. In Foča, 20,790 Bosniaks in 1991 reduced to 1,270 in 2013. (In Ustikolina, i.e. Foča in FBiH lived 1,933.), in Višegrad from 13,471 to 1,043, in Rogatica from 13,209 to 1,117,

The political leadership, the Army and the police of the Republic of Srpska, wanted to destroy any trace of their existence and duration, and thus complete the project of destroying the Bosnian society as it had existed for centuries. In the area of Podrinje, all mosques and accompanying buildings where the aggressor managed to reach them were destroyed by blasting and burning. "Serbian nationalism was targeted especially by religious buildings in which Muslims prayed for centuries for peace and coexistence, for understanding and understanding, for tolerance."³⁸ Numerous inns, tekkes, but also traditional bazaars were destroyed. In fact, all sacral and cultural buildings reminiscent of Islamic culture were destroyed.

Conclusion

During the last war against the Bosnian society and the state in the period of 1992-1995, which was conducted with the aim of destroying the multilateral character of that society, and the complete destruction of its quintessential content - the Bosniak nation, the destruction of the Bosniak family was one of the primary goals. After the expulsion of the population from the Bosnian Podrinje and the manifestation of various forms of crime by the Army and Police of the Republic of Srpska, attempts were made to eliminate the centuries-old traces of the existence of Bosniaks in that area. The dehumanization of the victims was carried out by brutal methods, from which the surviving victims will never recover. The crime of destroying cultural, and especially sacral buildings in the area of Podrinje, and hiding mortal remains, represent an attempt to erase the last traces of the existence of the target group over which, undoubtedly, genocide was committed. This was done with a plan and with systematic execution through forms of killing and removal, relocation, members of the group in the very phase of execution,

in Čajniče from 4,024 to 884, in Rudo from 3,130 to 677, in Bratunac from 21,535 to 7,803, in Zvornik from 37,785 to 19a855.

(<http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>, Retrieved 10 October 2019;

<http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>, Retrieved 10 October 2019)

It is important to note that demographic data are significantly worse today than they were in 2013. The reason is, first of all, extremely bad socio-economic and safety situation in Bosnia and Herzegovina.

- 38 Tucaković, Šemso, *Kulturocid na Drini: materijalni spomenici kulture Bošnjaka – muslimana istočne Bosne uništeni u toku srpske agresije 1991-1995*, Futur-art, Sarajevo, 2012, pp. 10.

but continued after the end of the war by political elimination from public life, through various cultural interventions, identity degradation, denial of national characteristics over which genocide was committed, and by permanently reducing life prospects in the economy, public service, and continuing pressure, intimidation and imposition of unacceptable cultural markers and denying the crime itself, and especially the crime of genocide.

Children and family are connected to each other in any event. Killings in war and genocide of one family member leave psychological consequences on other family members. Killings are harder for younger members to bear, but killing of younger members is hard for any man to bear. In the genocide against Bosniaks, the killing of the youngest members of the family and society was a systematic and mass phenomenon. The members of the family were killed using methods that only a “mad bipod” can devise and execute, and which were described and compered with scenes resembling those from Dante’s hell before the Hague tribunal. Therefore, the goal of the perpetrators of genocide in Bosnia and Herzegovina was to kill the Bosnian society, primarily through the destruction of the family, which meant complete dehumanization, which was present even towards the youngest members of the society

In Srebrenica, from the beginning to the end of the aggression, 826 children were killed. During the genocide in and around Srebrenica in July 1995, 694 children were killed, and to date, among the 6,643 victims, 442 children have been buried in the Srebrenica-Potočari Memorial Center, whose identities are presented in the appendix to this paper. Most of the children killed are male and make up 95.3% of the total number of children killed. To date, 6,643 victims, including 442 children, have been buried at the Srebrenica-Potočari Memorial Center. A total of 254 of them are from the Srebrenica municipality, and the rest are from other municipalities. Among the children buried to this day, who were mostly killed from July 12 to 19, 1995, most are seventeen-year-olds, 206, then sixteen-year-olds 133, 79 fifteen-year-olds, 19 fourteen-year-olds, 5 thirteen-year-olds, etc. The youngest victim, and so far the only buried female child, is the newborn baby Fatima Muhić.

The methods and ways of committing crimes in other Podrinje locations, but also in other areas of Bosnia and Herzegovina, which the eastern and western neighbors of Bosnia and Herzegovina planned to belong to them were not significantly different. We emphasize this in order to emphasize the fact that the crime against children and family in Srebrenica is a paradigmatic pattern for the entire territory of Bosnia and Herzegovina in the period of 1992-1995 and the crimes committed against Bosniaks.

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Appendix No. 1: Children killed in Srebrenica buried in the Martyrs' Cemetery of the Memorial Centre in Potočari

No.	SURNAME (FATHER'S NAME) NAME	DATE OF BIRTH	PLACE OF RESIDENCE	MUNICIPALITY OF RESIDENCE
1	ADEMOVIĆ (Džemal) FATMIR	17.09.1980	Pobuđe	Bratunac
2	ADEMOVIĆ (Šaban) EDIN	01.08.1980	Šušnjari	Srebrenica
3	ADEMOVIĆ (Taib) ASIM	05.02.1978	Milačevići	Srebrenica
4	AGIĆ (Mehmed) HAMDİJA	20.03.1978	Rogatica	Rogatica
5	AHMETOVIĆ (Avdo) EDIN	09.04.1979	Glogova	Bratunac
6	AJŠIĆ (Ćamil) MOJO	12.03.1980	Kutuzero	Srebrenica
7	ALIĆ (Hakija) RAMIZ	24.09.1979	Hrnčići	Bratunac
8	ALIĆ (Džemal) AMIR	17.06.1978	Ljubovija	Ljubovija
9	ALIĆ (Salčin) NIRSAN	05.10.1977	Osat	Srebrenica
10	ALIHODŽIĆ (Šaban) AMIR	18.01.1979	Močevići	Srebrenica
11	ALISPAHIĆ (Alija) AZMIR	01.10.1978	Srebrenica	Srebrenica
12	AVDIĆ (Smail) ZULFO	02.06.1980	Ljeskovik	Srebrenica
13	AVDIĆ (Ramo) ADMIR	31.05.1980	Ljubovija	Ljubovija
14	BAJRAKTEREVIĆ (Bego) EŠAD	15.03.1981	Zvornik	Zvornik
15	BAJRAKTEREVIĆ (Bego) PAŠAD	01.12.1978	Pusmulići	Srebrenica
16	BEGIĆ (Mehmedalija) BEGO	16.02.1981	Lipovac	Srebrenica
17	BEGIĆ (Ismet) MEDIN	18.01.1979	Pomol	Vlasenica
18	BEGZADIĆ (Azem) ALEN	24.03.1978	Sikirići	Bratunac
19	BEKRIĆ (Jusuf) SUVAD	04.02.1979	Brakovci	Srebrenica
20	BEKTIĆ (Sead) KIRAM	20.09.1977	Pusmulići	Srebrenica
21	BOŠNJAKOVIĆ (Meho) AMER	15.09.1981	Nova Kasaba	Vlasenica
22	BUDIĆ (Ohran) SELIM	10.06.1979	Nurići	Vlasenica
23	CVRK (Munib) MUSEMIR	01.11.1977	Milačevići	Srebrenica
24	ČAMDŽIĆ (Husein) NIJAZ	30.10.1978	Srebrenica	Srebrenica
25	EJUBOVIĆ (Meho) HALID	08.12.1978	Bulogovine	Srebrenica
26	FEJZIĆ (Sakib) SAFET	03.01.1978	Blažijevići	Srebrenica
27	GUŠIĆ (Mujo) NIHAD	30.03.1979	Han Pijesak	Han Pijesak
28	HAFIZOVIĆ (Džemail) DŽEVAD	30.10.1977	Srebrenica	Srebrenica
29	HAJDAREVIĆ (Ćamil) SEAD	1978	Pobuđe	Bratunac
30	HAJDAREVIĆ (Zejnil) AZMIR	26.09.1977	Pobuđe	Bratunac
31	HALILOVIĆ (Izet) NURIJA	10.01.1980	Dimnići	Srebrenica
32	HALILOVIĆ (Ramiz) ELVIR	15.10.1978	Klotjovac	Srebrenica
33	HASANOVIĆ (Edhem) ENIS	25.08.1978	Radenočići	Srebrenica

34	HASIĆ (Ahmo) AHMEDIN	01.10.1977	Jagodnja	Bratunac
35	HASKIĆ (Ismail) SAMIR	07.10.1977	Peći	Srebrenica
36	HODŽIĆ (Fehim) FUAD	01.12.1977	Vlasenica	Vlasenica
37	HRUSTANOVIĆ (Dahmo) ATIF	10.01.1979	Gladovići	Srebrenica
38	HUKIĆ (Šabanija) MEVLUDIN	13.07.1978	Rovaši	Vlasenica
39	HUKIĆ (Zuhrija) SIDIK	02.08.1977	Osmače	Srebrenica
40	HUKIĆ (Esed) NIJAZ	17.01.1979	Osmače	Srebrenica
41	JAHIĆ (Azem) NIHAD	28.09.1977	Tegare	Bratunac
42	JOHIĆ (Omer) HAZIM	18.10.1978	Rovaši	Vlasenica
43	JUSIĆ (Fajko) DAMIR	17.06.1979	Ljubovija	Ljubovija
44	JUSUPOVIĆ (Nuriya) JASMIN	29.09.1978	Han Pijesak	Han Pijesak
45	KOVAČEVIĆ (Husein) ADMIR	15.05.1980	Peći	Srebrenica
46	LJESKOVICA (Bedrija) AMIR	24.09.1978	Bajina Bašta	Bajina Bašta
47	MEHIĆ (Junuz) AMIR	01.01.1980	Jagodnja	Bratunac
48	MEHMEDOVIĆ (Ibro) FAHRUDIN	01.08.1979	Srebrenica	Srebrenica
49	MEHMEDOVIĆ (Izet) AZEM	28.01.1978	Slatina	Srebrenica
50	MEHMEDOVIĆ (Smail) ČAMIL	06.05.1978	Pervani	Bratunac
51	MEMIŠEVIĆ (Meho) MUSTAFA	05.11.1977	Brezovice	Srebrenica
52	MUHIĆ (Asim) ŠEMSO	03.01.1978	Trubari	Srebrenica
53	MUJČINOVIĆ (Mujčin) NEZIR	25.10.1979	Pobuđe	Bratunac
54	MUJČINOVIĆ (Omer) RAMIZ	02.09.1977	Skugrići	Vlasenica
55	MUJIĆ (Ibrahim) RAMIZ	1977	Babuljice	Srebrenica
56	MUJIĆ (Jusuf) EDIN	07.01.1978	Vlasenica	Vlasenica
57	MUJIĆ (Kadir) MIRSAD	18.06.1979	Sase	Srebrenica
58	MUMINOVIĆ (Redžo) ZAJIM	17.07.1977	Cerska	Vlasenica
59	MUMINOVIĆ (Munib) MERSADIN	14.02.1978	Prohići	Srebrenica
60	MUSIĆ (Rešo) ESAD	20.10.1979	Brezovice	Srebrenica
61	MUSTAFIĆ (Mujo) MUNIR	29.09.1980	Bajna bašta	Bajina bašta
62	MUSTAFIĆ (Mujo) MUJEDIN	17.12.1977	Bajina bašta	Bajina Bašta
63	NUKIĆ (Aziz) AZMIR	05.03.1978	Zapolje	Bratunac
64	NUKIĆ (Smajo) MUJO	02.01.1980	Zapolje	Bratunac
65	OMEROVIĆ (Rasim) HAJRUDIN	06.08.1977	Bajina Bašta	Bajina Bašta
66	OSMANOVIĆ (Munib) VELID	15.09.1978	Ljeskovik	Srebrenica
67	OSMANOVIĆ (Ibro) EDIN	24.02.1979	Ljubovija	Ljubovija
68	OSMANOVIĆ (Hasib) ELVIR	16.07.1978	Snagovo	Zvornik
69	PALALIĆ (Jusuf) MIDHAT	18.01.1978	Šljivice	Srebrenica

70	PITAREVIĆ (Husejin) ADNAN	02.01.1981	Peći	Srebrenica
71	PITAREVIĆ (Huso) ELVEDIN	21.07.1977	Zgunja	Srebrenica
72	RAHMIĆ (Safet) ZIRAFET	19.03.1979	Sikirić	Bratunac
73	RAHMIĆ (Rahmo) ENVER	12.12.1977	Zapolje	Bratunac
74	RAMIĆ (Ramiz) SULEJMAN	09.06.1978	Štedra	Vlasenica
75	SALIHović (Salih) RAMO	02.04.1978	Miholjevine	Srebrenica
76	SALIHović (Safet) ZAIM	1977	Brakovci	Srebrenica
77	SALKIĆ (Abdulah) ADNAN	25.03.1980	Joševa	Srebrenica
78	SALKIĆ (Sejfo) MIRZA	06.04.1979	Zapolje	Bratunac
79	SALKIĆ (Vahid) HAJRO	28.02.1979	Hranča	Bratunac
80	SELIMović (Avdo) MIRZET	01.01.1978	Urkovići	Bratunac
81	SELIMović (Ševko) SUVAD	18.08.1979	Beširovići	Srebrenica
82	SELIMović (Sejdalija) DŽENAIZ	15.02.1979	Beširovići	Srebrenica
83	SELIMović (Abaz) OMER	02.11.1979	Beširovići	Srebrenica
84	SELINOVIĆ (Ismet) JUNUZ	29.11.1978	Tokoljak	Srebrenica
85	SKELEDŽIĆ (Šahbaz) SUAD	24.07.1978	Zvornik	Zvornik
86	SMAJIĆ (Husein) DŽEVDET	17.01.1978	Tokoljak	Srebrenica
87	SMAJLOVIĆ (Ismet) NUSRET	15.01.1978	Močevići	Srebrenica
88	SULEJMANović (Adil) ADEM	10.02.1978	Konjević Polje	Bratunac
89	SULJIĆ (Bido) ALMIR	17.02.1978	Bajina Bašta	Bajina Bašta
90	SULJIĆ (Ćamil) DAHMO	07.10.1980	Ljeskovik	Srebrenica
91	ŠILJKOVIĆ (Avdo) REFIK	10.06.1978	Gobelje	Vlasenica
92	ŠPIJODIĆ (Alija) HAJRUDIN	16.01.1978	Sulice	Srebrenica
93	ŠPIODIĆ (Kemal) SAMIR	22.02.1979	Zvornik	Zvornik
94	TABAKOVIĆ (Ramiz) HARIZ	26.10.1977	Bešići	Vlasenica
95	TALOVIĆ (Ibrahim) ISMAIL	22.04.1978	Glogova	Bratunac
96	ZUKANOVIĆ (Ismet) SULJO	15.09.1978	Brakovci	Srebrenica
97	ZUKIĆ (Ramo) SENAD	07.02.1980	Urisići	Srebrenica
98	ZUKIĆ (Šaban) ŠEFIK	07.01.1980	Urisići	Srebrenica
99	ADEMOVIĆ (Azem) AZMIR	24.11.1978	Šušnjari	Srebrenica
100	ADEMOVIĆ (Hakija) MUAMER	07.01.1980	Milačevići	Srebrenica
101	ALIĆ (Bekir) ELDIN	12.01.1978	Osatica	Srebrenica
102	ALJKANOVIĆ (Safet) BEHUDIN	27.07.1977	Sulice	Srebrenica
103	AVDIĆ (Ramo) RIJAZ	04.06.1978	Osatica	Srebrenica
104	BEGANOVIĆ (Vejsil) VEJSUDIN	20.03.1980	Glogova	Bratunac
105	BUDIĆ (Ohran) VELIJA	19.07.1980	Nurići	Vlasenica
106	BULJUBAŠIĆ (Hasan) HARIZ	25.08.1978	Ljeskovik	Srebrenica
107	ČOKEROVIĆ (Fejzet) ZIJAD	21.04.1979	Zapolje	Bratunac
108	HALILOVIĆ (Ibro) IBRAHIM	04.04.1978	Vlasenica	Vlasenica

109	HALILOVIĆ (Selmo) SEMIR	31.10.1978	Dimnići	Srebrenica
110	HASANOVIĆ (Mujo) RAMO	24.05.1979	Podčauš	Bratunac
111	HODŽIĆ (Osmo) FERID	17.10.1979	Žedanjsko	Srebrenica
112	HUSIĆ (Enez) AHMEDIN	01.03.1979	Zapolje	Bratunac
113	HUSIĆ (Fadil) KEMO	10.10.1980	Zapolje	Bratunac
114	HUSIĆ (Hajrudin) RAHMAN	20.04.1978	Pobuđe	Bratunac
115	IBRAHIMOVIĆ (Jusuf) RAZMIN	10.09.1978	Blječeva	Bratunac
116	IBRAHIMOVIĆ (Smail) SENAD	11.04.1980	Prohići	Srebrenica
117	JAHIĆ (Avdo) MEVLAD	05.02.1980	Zalužje	Bratunac
118	KABILOVIĆ (Juso) RAMIZ	24.08.1978	Sase	Srebrenica
119	KLEMPIĆ (Mehmed) MUSTAFA	22.08.1979	Bukovica	Vlasenica
120	KRDŽIĆ (Omer) RIFET	17.02.1978	Osmače	Srebrenica
121	LJESKOVICA (Jusuf) SAFET	28.12.1977	Liješće	Srebrenica
122	MEHIĆ (Ibrahim) MEHO	16.10.1977	Rogatica	Rogatica
123	MEHMEDOVIĆ (Mehmed) RAMIZ	15.8.1977	Staroglavice	Srebrenica
124	MUMINOVIĆ (Fadil) MUSTAFA	11.10.1977	Sučeska	Srebrenica
125	MUSTAFIĆ (Salko) SAMIR	09.08.1978	Vlasenica	Vlasenica
126	OMEROVIĆ (Ramo) ALIJA	14.12.1977	Pobuđe	Bratunac
127	OMEROVIĆ (Omer) MERSUDIN	05.01.1979	Glogova	Bratunac
128	OMEROVIĆ (Nuriya) NUSMIR	25.10.1978	Urkovići	Bratunac
129	OMEROVIĆ (Šaban) ŠEFIK	09.12.1977	Pobuđe	Bratunac
130	OSMANOVIĆ (Munib) ELVIS	21.03.1980	Sopotnik	Zvornik
131	OSMANOVIĆ (Omer) MEDIN	26.05.1980	Zvornik	Zvornik
132	PURKOVIĆ (Šemso) ADMIR	31.07.1979	Srebrenica	Srebrenica
133	SALIHović (Kemal) MERSAD	1977	Voljavica	Bratunac
134	SALIHović (Omer) RASIM	01.02.1978	Konjević Polje	Bratunac
135	SALKIĆ (Muharem) SALIH	25.10.1977	Zvornik	Zvornik
136	ZUKANOVIĆ (Ibrahim) SEAD	26.08.1977	Sase	Srebrenica
137	ZUKIĆ (Ibrahim) MENSUR	10.06.1978	Milačevići	Srebrenica
138	ALIĆ (Bajro) OSMAN	08.05.1981	Brezovice	Srebrenica
139	AVDIĆ (Džemal) REFIK	1977	Osatica	Srebrenica
140	BEKTIĆ (Džemal) MIRSAD	06.04.1978	Bučje	Srebrenica
141	DEDIĆ (Suljo) SULEJMAN	23.10.1977	Pobuđe	Bratunac
142	DELIĆ (Ohran) ADNAN	15.05.1978	Glogova	Bratunac
143	ĐOGAZ (Hamed) SAMIR	12.12.1977	Pečišta	Srebrenica
144	GURDIĆ (Šaban) ADMIR	01.08.1979	Radovčići	Srebrenica

145	HALILOVIĆ (Džemaludin) DINO	02.12.1979	Vidikovac	Srebrenica
146	HAMZIĆ (Ismet) RIZO	15.09.1977	Gladovići	Srebrenica
147	HODŽIĆ (Ismet) SEDIF	05.09.1978	Žedanjsko	Srebrenica
148	HUSEINOVIĆ (Omer) ADIL	12.11.1979	Gornje Vrsinje	Vlasenica
149	HUSEINOVIĆ (Omer) SADIK	07.04.1982	Vlasenica	Vlasenica
150	HUSIĆ (Sejfo) SEJDO	09.04.1978	Pirići	Bratunac
151	IMŠIROVIĆ (Ohran) RAMO	29.08.1979	Tokoljaci	Srebrenica
152	JAHIĆ (Hamed) ALIJA	10.02.1979	Osmaće	Srebrenica
153	JAHIĆ (Mustafa) MEVLUDIN	08.01.1978	Blječeva	Bratunac
154	KADRIĆ (Kadrija) SEVAD	09.01.1978	Bukovik	Srebrenica
155	KARIĆ (Izo) SELVEDIN	12.03.1979	Potočari	Srebrenica
156	MANDŽIĆ (Jakub) BEKIR	21.02.1980	Gladovići	Srebrenica
157	MEHMEDOVIĆ (Kadrija) MUNIR	17.01.1979	Staroglavice	Srebrenica
158	MUJIĆ (Halid) SEDIN	26.01.1978	Sase	Srebrenica
159	MUJIĆ (Halid) SEMIR	25.02.1980	Sase	Srebrenica
160	MUMINOVIĆ (Hasib) HASO	15.07.1977	Bajramovići	Srebrenica
161	MUSIĆ (Husein) ISMET	09.08.1977	Glogova	Bratunac
162	OSMANOVIĆ (Izet) MIRZET	10.01.1978	Ljeskovik	Srebrenica
163	PALIĆ (Alija) MUAMER	19.07.1978	Han Pijesak	Han Pijesak
164	SALHOVIĆ (Hajro) DINO	26.06.1979	Soločuša	Srebrenica
165	SELI MOVIĆ (Turabija) DAMIR	05.08.1978	Beširovići	Srebrenica
166	SMAJLOVIĆ (Smajo) SEVDET	16.02.1979	Miholjevine	Srebrenica
167	SULJIĆ (Rifet) SUAD	13.09.1978	Srebrenica	Srebrenica
168	TURKOVIĆ (Adem) ADMIN	30.09.1981	Gornje Vrsinje	Vlasenica
169	ALIĆ (Redžep) KADRIJA	04.01.1978	Prohići	Srebrenica
170	BORIĆ (Ramo) DŽEVAD	31.12.1978	Gerovi	Vlasenica
171	BULJUBAŠIĆ (Hamdija) SAFET	06.10.1978	Ljeskovik	Srebrenica
172	DERVIŠEVIĆ (Bekir) BEHRUDIN	21.05.1980	Ljeskovik	Srebrenica
173	HAKIĆ (Hamdija) ALMIR	08.08.1979	Srebrenica	Srebrenica
174	HASIĆ (Nedžib) EDIN	05.01.1979	Poznanovići	Srebrenica
175	KALIĆ (Hasan) NERMIN	20.02.1978	Beširovići	Srebrenica
176	MUMINOVIĆ (Salih) SEAD	09.12.1977	Konjević Polje	Bratunac
177	MUSTABAŠIĆ (Smajil) SAMIR	02.07.1978	Rovaši	Vlasenica
178	OMEROVIĆ (Ramo) KASIM	23.03.1979	Pobuđe	Bratunac
179	SALIĆ (Ramiz) HASAN	31.10.1977	Prohići	Srebrenica
180	SALKIĆ (Mehmed) SEBIB	29.06.1979	Osmaće	Srebrenica
181	ABIDOVIĆ (Ferid) FIKRET	06.10.1977	Pahljevići	Zvornik

182	ALISPAHIĆ (Adil) BEHADIL	25.04.1979	Milačevići	Srebrenica
183	DŽANANOVIĆ (Šaćir) NEZIR	30.01.1979	Podosoje	Srebrenica
184	EMKIĆ (Ibrahim) ELVEDIN	05.10.1979	Osatica	Srebrenica
185	FEJZIĆ (Šaban) RIJAD	24.07.1977	Zvornik	Zvornik
186	GABELJIĆ (Nezir) ALIJA	04.01.1978	Bučinovići	Srebrenica
187	HASANOVIĆ (Alija) AHMO	06.08.1977	Abdulići	Bratunac
188	HUREMOVIĆ (Hasan) MUSTAFA	14.08.1977	Sase	Srebrenica
189	HUSEJINOVIĆ (Fehim) RAMIZ	15.10.1977	Glogova	Bratunac
190	IBRAHIMOVIĆ (Džemal) SENAD	09.01.1979	Pusmuljići	Srebrenica
191	KARDAŠEVIĆ (Husein) AZMIR	09.01.1978	Gladovići	Srebrenica
192	MALAGIĆ (Ohran) IZUDIN	22.10.1981	Osmače	Srebrenica
193	MANDŽIĆ (Ramo) SAMIR	20.01.1979	Fojhari	Srebrenica
194	MEHIĆ (Hasan) LUTVO	22.08.1978	Cerska	Vlasenica
195	MEHMEDOVIĆ (Hasan) OMER	10.01.1978	Sučeska	Srebrenica
196	MEHMEDOVIĆ (Senahid) SENAD	13.01.1978	Kutuzero	Srebrenica
197	MUJIĆ (Alija) HALIL	03.01.1978	Ljeskovik	Srebrenica
198	MUMINOVIĆ (Mehmedalija) MENSUR	08.08.1977	Sučeska	Srebrenica
199	MUMINOVIĆ (Fehim) SAUDIN	16.04.1981	Vlasenica	Vlasenica
200	MUMINOVIĆ (Fehim) SULJO	30.01.1979	Vlasenica	Vlasenica
201	MUSTAFIĆ (Adem) AMIR	02.08.1979	Raševo	Vlasenica
202	NUKIĆ (Rasim) NERMIN	05.11.1978	Radovčići	Srebrenica
203	OMEROVIĆ (Abid) ADIB	01.11.1977	Srebrenica	Srebrenica
204	OMEROVIĆ (Ibro) HUSEIN	22.01.1978	Opetci	Srebrenica
205	ORDAGIĆ (Ibro) NERMIN	15.06.1978	Bešići	Vlasenica
206	ORIĆ (Behajja) VEJSIL	19.03.1978	Potočari	Srebrenica
207	OSMANOVIĆ (Munib) AHMEDIN	14.04.1980	Ljeskovik	Srebrenica
208	OSMANOVIĆ (Abdulah) SULEJMAN	11.04.1980	Likari	Srebrenica
209	PIRGIĆ (Suljo) SMAIL	27.08.1978	Pečišta	Srebrenica
210	SALIHović (Mujo) HAJRUDIN	18.08.1978	Vlasenica	Vlasenica
211	SALKIĆ (Abdulah) ELVIS	02.08.1977	Fojhari	Srebrenica
212	SALKIĆ (Džano) MUHAMED	09.04.1978	Potočari	Srebrenica
213	SEJGINOVIĆ (Mehmedalija) BEGO	25.03.1980	Prohići	Srebrenica
214	SMAJIĆ (Hamid) AZMIR	24.07.1977	Tokoljaci	Srebrenica

215	SMAJLOVIĆ (Ramiz) SAMIR	15.07.1977	Pribidoli	Srebrenica
216	SULJIĆ (Hamdija) MUHAREM	18.07.1977	Pusmulići	Srebrenica
217	SULJIĆ (Bekir) MUJO	10.12.1978	Poznanovići	Srebrenica
218	TABAKOVIĆ (Ramiz) HAZIM	13.11.1979	Vlasenica	Vlasenica
219	ALIĆ (Osman) OMER	23.08.1980	Hrnčići	Bratunac
220	ALISPAHIĆ (Hamdija) MIRSAD		Milačevići	Srebrenica
221	ALISPAHIĆ (Hamdija) MIRZET	10.04.1978	Milačevići	Srebrenica
222	BAJRAMOVIĆ (Šaban) TAHIR	23.10.1977	Sulice	Srebrenica
223	BEĆIROVIĆ (Ibro) NEDŽAD	24.02.1978	Pomol	Vlasenica
224	BEGIĆ (Esed) DŽEMAL	15.07.1978	Srebrenica	Srebrenica
225	DEDIĆ (Ragib) ALIM	03.12.1977	Gerovi	Vlasenica
226	DELIĆ (Hasib) ELVIR	19.05.1979	Skenderovići	Srebrenica
227	DERVIŠEVIĆ (Šaban) NIJAZ	02.09.1977	Skugrići	Vlasenica
228	DURAKOVIĆ (Halil) AZIZ	09.06.1978	Loznica	Loznica
229	GURDIĆ (Junuz) MEHRUDIN	02.10.1977	Radovčići	Srebrenica
230	HAJDAREVIĆ (Šahin) ENES	02.01.1979	Nedeljišta	Vlasenica
231	HALILOVIĆ (Nazif) NUFIK	04.10.1979	Klotjevac	Srebrenica
232	HASANOVIĆ (Ševko) EMIR	01.05.1978	Sopotnik	Zvornik
233	HASIĆ (Edhem) ZEMIR	25.07.1977	Dimnići	Srebrenica
234	HRNJIĆ (Husejin) IZET	13.10.1978	Glodi	Zvornik
235	HRUSTANOVIĆ (Hajro) MUHIDIN	14.02.1980	Gladovići	Srebrenica
236	HUREMOVIĆ (Mešan) SAMIR	19.08.1977	Ljubovija	Ljubovija
237	IBRIĆ (Džemal) NEDŽAD	02.02.1978	Drinjača	Zvornik
238	MALAGIĆ (Salko) ADMIR	08.12.1979	Ljubovija	Ljubovija
239	MALIĆ (Mujo) AVDO	23.06.1980	Ljubovija	Ljubovija
240	MEHMEDOVIĆ (Abdulah) ALMIR	08.09.1977	Staroglavice	Srebrenica
241	MUJIĆ (Selim) HASAN	18.01.1978	Podgaj	Srebrenica
242	OMEROVIĆ (Ibrahim) ASIM	04.04.1978	Gornje Vrsinje	Vlasenica
243	OSMANOVIĆ (Husein) SMAIL	18.12.1977	Ljubovija	Ljubovija
244	PALIĆ (Suno) NURIJA	29.10.1977	Krivače	Han Pijesak
245	PILAV (Azem) NERMIN	03.08.1979	Gladovići	Srebrenica
246	PITAREVIĆ (Aziz) AZMIR	08.01.1978	Peći	Srebrenica
247	SALIHović (Muhaz) ENIZ	03.08.1978	Potočari	Srebrenica
248	SALIHović (Ramo) ESAD	15.01.1979	Močevići	Srebrenica
249	SALIHović (Safet) FAHRO	19.04.1979	Voljavica	Bratunac
250	SEJMENOVIĆ (Alija) ALMIR	01.01.1979	Rovaši	Vlasenica

251	SELIMOVIĆ (Sejdalija) DŽENAIZ		Beširovići	Srebrenica
252	SELIMOVIĆ (Adil) HAZIM	16.10.1980	Pobuđe	Bratunac
253	SINANOVIĆ (Izet) MIRZET	19.12.1977	Ljubovija	Ljubovija
254	SMAILOVIĆ (Izet) NEDŽAD	15.09.1979	Bajina Bašta	Bajina Bašta
255	SMAJIĆ (Haso) ZIJAD	22.02.1978	Lipovac	Srebrenica
256	SULJANOVIĆ (Idriz) NEHRUDIN	28.07.1977	Osmače	Srebrenica
257	UVALIĆ (Osman) MENSUR	12.09.1977	Rovaši	Vlasenica
258	VARNICA (Asim) MEHMED	02.07.1981	Vlasenica	Vlasenica
259	ADEMOVIĆ (Suljo) SENAD	19.09.1977	Bostahovine	Srebrenica
260	ALIĆ (Jusuf) JUSMIN	08.12.1978	Brezovice	Srebrenica
261	ALIĆ (Halil) SENAD	16.04.1979	Srebrenica	Srebrenica
262	BAJRAMOVIĆ (Ikan) BEHUDIN	08.10.1977	Sulice	Srebrenica
263	BEKTIĆ (Sakib) MUJO	07.12.1977	Ljubovija	Ljubovija
264	BORIĆ (Šaban) JASMIN	19.03.1979	Donje Vrsinje	Vlasenica
265	ČEHAJĆ (Aljo) IZET	20.03.1979	Raševo	Vlasenica
266	DAUTOVIĆ (Osman) HEDIM	29.06.1978	Zvornik	Zvornik
267	DEDIĆ (Ćemil) NEZIR	15.08.1979	Gerovi	Vlasenica
268	DERVIŠEVIĆ (Behadil) BEKTO	22.01.1978	Ljeskovik	Srebrenica
269	DIZDAREVIĆ (Sinan) SELVEDIN	13.04.1979	Vlasenica	Vlasenica
270	EJUBOVIĆ (Alija) AMIR	02.02.1978	Bostahovine	Srebrenica
271	GERMIĆ (Emin) NEZIR	10.03.1978	Sebiočina	Vlasenica
272	HALILOVIĆ (Halil) ŠABAN	17.08.1978	Vlasenica	Vlasenica
273	HASANOVIĆ (Hamed) MUHAMED	11.10.1977	Bučje	Srebrenica
274	HODŽIĆ (Mehmed) MEHDIN	08.01.1978	Cerska	Vlasenica
275	HUKIĆ (Tahir) MUJO	19.07.1977	Gladovići	Srebrenica
276	HUSEJNOVIĆ (Ohran) SADIK	23.08.1977	Srebrenica	Srebrenica
277	IBRAHIMOVIĆ (Reuf) AZIZ	28.01.1978	Poznanovići	Srebrenica
278	JUSUFOVIĆ (Abaz) ELVIR	18.01.1979	Karačići	Srebrenica
279	JUSUPOVIĆ (Sulejman) MIRSAD	10.03.1980	Urkovići	Bratunac
280	KABILOVIĆ (Adem) MEŠO	04.12.1977	Kutuzero	Srebrenica
281	KAPIDŽIĆ (Nezir) MEHO	13.07.1978	Glogova	Bratunac
282	KLEMPIĆ (Mujo) VAHID	01.08.1979	Gornja Bukovica	Vlasenica
283	MAHMUTOVIĆ (Abdurahman) EMSAD	08.09.1977	Pobuđe	Bratunac
284	MALAGIĆ (Hadžo) HALID	11.08.1977	Glogova	Bratunac
285	MALAGIĆ (Šaban) NURIJA	08.09.1979	Glogova	Bratunac
286	MALIĆ (Šerif) ALIJA	25.08.1978	Sebiočina	Vlasenica
287	MAŠIĆ (Sadija) SADMIR	27.10.1977	Voljavica	Bratunac

288	MEHMEDOVIĆ (Šahin) ĐEMO	10.06.1978	Urkovići	Bratunac
289	MEHMEDOVIĆ (Rahman) MEHMED	26.05.1978	Gornja Bukovica	Vlasenica
290	MEMIĆ (Redžo) NEDŽAD	23.02.1978	Ljeskovik	Srebrenica
291	MUHAREMOVIĆ (Mehmed) HAMDIJA	01.05.1978	Ljubovija	Ljubovija
292	MUHIĆ (Hasan) HASIB	15.01.1980	Radovčići	Srebrenica
293	MUHIĆ (Hasan) NESIB	02.01.1984	Radovčići	Srebrenica
294	MUJIĆ (Hajrudin) ZENUDIN	06.08.1977	Fojhari	Srebrenica
295	MUJKANOVIĆ (Huso) JASMIN	22.04.1979	Likari	Srebrenica
296	MUSTAFIĆ (Sejdalija) FAKIR	12.01.1978	Dobrak	Srebrenica
297	MUSTAFIĆ (Edhem) KADIR	09.01.1978	Radovčići	Srebrenica
298	NUKIĆ (Enez) MEHMEDALIJA	09.10.1977	Močevići	Srebrenica
299	NUMANOVIĆ (Rašid) SEID	10.10.1977	Ljeskovik	Srebrenica
300	OMEROVIĆ (Husein) MEVZAD	09.09.1979	Gornje Vrsinje	Vlasenica
301	OMEROVIĆ (Šaban) SANEL	14.08.1978	Urkovići	Bratunac
302	OSMANOVIĆ (Azem) MIRNES	15.09.1980	Bajina Bašta	Bajina Bašta
303	RAMIĆ (Abdurahman) ERMIN	15.09.1977	Kamenica	Zvornik
304	SMAJLOVIĆ (Smail) SABAHUDIN	12.05.1978	Brezovice	Srebrenica
305	SMAJLOVIĆ (Ibro) SAMIR	04.07.1979	Milačevići	Srebrenica
306	SULEJMANOVIĆ (Šemso) ŠEVAL	20.03.1978	Klotjevac	Srebrenica
307	SULJIĆ (Hasan) DŽEVAD	08.08.1978	Urisići	Srebrenica
308	ŠABIĆ (Ibrahim) ELVIS	12.10.1981	Sandići	Bratunac
309	ŠEČIĆ (Hasan) MEHMEDALIJA		Močevići	Srebrenica
310	VARNICA (Zajko) SADIK	11.11.1979	Đile	Vlasenica
311	ZUHRIĆ (Nurko) NERMIN	21.09.1978	Đile	Vlasenica
312	ZUKIĆ (Ramo) JASMIN	01.08.1978	Urisići	Srebrenica
313	AHMETOVIĆ(Bajro)HAJRO	01.04.1978	Glogova	Bratunac
314	AHMETOVIĆ(Ramo)SAMIR	06.04.1978	Pirići	Bratunac
315	AHMETOVIĆ(Mujo)ZIJAD	16.08.1978	Pirići	Bratunac
316	ALIĆ(Mujo)NAZIF	01.08.1979	Osatica	Srebrenica
317	ALISPAHIĆ(Avdija)ARMIN	12.03.1979	Milačevići	Srebrenica
318	BEĆIROVIĆ(Dalija)NERMIN	01.10.1978	Vlasenica	Vlasenica
319	BUHIĆ(Osman)RAZIM	07.05.1978	Bešići	Vlasenica
320	BUMBULOVIĆ(Idriz)IZET	13.05.1979	Peći	Srebrenica
321	ČIVIĆ(Husnija)AZEM	01.05.1978	Tokoljaci	Srebrenica

322	DELIĆ(Alija)ERMIN	18.06.1978	Potočari	Srebrenica
323	GARALJEVIĆ(Ifet)NERMIN	07.03.1978	Likari	Srebrenica
324	GUŠIĆ(Meho)MEHARIS	09.02.1978	HanPijesak	HanPijesak
325	HAFIZOVIĆ(Ibrahim) MUSTAFA	11.10.1977	Opetci	Srebrenica
326	HASANOVIĆ(Vehbija)AZMIR	04.07.1979	Pirići	Bratunac
327	HASANOVIĆ(Hašim)MUMIN	29.07.1977	Krivače	HanPijesak
328	HASANOVIĆ(Hašim)NIHAD	01.02.1979	Krivače	HanPijesak
329	HASANOVIĆ(Nusret)NIJAZ	10.02.1980	Babuljice	Srebrenica
330	JAŠAREVIĆ(Ibro)IZUDIN	26.09.1977	Brakovci	Srebrenica
331	KLEMPIĆ(Suljo)SUAD	20.06.1980	GornjaBukovica	Vlasenica
332	MAHMUTOVIĆ(Durmo) MEHMED	10.02.1978	DonjeVrsinje	Vlasenica
333	MANDŽIĆ(Ahmet)EMIR	14.10.1980	Gladovići	Srebrenica
334	MEHMEDOVIĆ(Abdulah) ALMEDIN	28.03.1978	Vlasenica	Vlasenica
335	MEHMEDOVIĆ(Huso)RAMO	04.10.1977	Gladovići	Srebrenica
336	MEKANIĆ(Fadil)ADEM	06.01.1980	Vlasenica	Vlasenica
337	MEŠANOVIĆ(Hamdija) MIRZA	01.07.1979	Milačevići	Srebrenica
338	MUJIĆ(Miralem)MUHAREM	03.12.1977	Bjelovac	Bratunac
339	MUMINOVIĆ(Fehim)MESUD	14.10.1978	Zvornik	Zvornik
340	MUSTAFIĆ(Behadil)OSMAN	06.06.1979	Pobuđe	Pobuđe
341	MUŠKIĆ(Šabo)BERIZ	22.09.1977	Cerska	Vlasenica
342	PARIĆ(Rizo)ALEM	01.04.1978	Srebrenica	Srebrenica
343	PAŠIĆ(Mesud)AHMED	09.03.1980	Srebrenica	Srebrenica
344	POROBIĆ(Dedo)ELVIR	02.10.1978	Urisići	Srebrenica
345	RAMIĆ(Selman)NIJAZ	15.06.1978	Brakovci	Srebrenica
346	RIDIĆ(Adil)OSMAN	15.04.1978	Tegare	Bratunac
347	SMAJLOVIĆ(Rašid)HAJRO	25.03.1980	Tegare	Bratunac
348	SMAJLOVIĆ(Alija)NURIJA	27.04.1978	Poznanovići	Srebrenica
349	SULEJMANOVIĆ(Ibrahim) SUAD	29.04.1978	Klotjevac	Srebrenica
350	ŠABIĆ(Asim)EJUB	09.01.1978	Sandići	Bratunac
351	ADEMOVIĆ(Behajja) BAHRUDIN	04.10.1978	Milačevići	Srebrenica
352	AHMETOVIĆ(Nezir)SEMIR	20.08.1978	Srebrenica	Srebrenica
353	ALIHODŽIĆ(Munib) MUSADET	24.09.1978	Močevići	Srebrenica
354	BEČIĆ(Hakija)RAMO	21.08.1977	Gostilj	Srebrenica
355	BEKTIĆ(Najil)SUVAD	02.08.1978	Blažijeivci	Srebrenica
356	ČEVIĆ(Fikret)MIRZET	16.12.1978	Zapolje	Bratunac
357	ČEVIĆ(Fikret)NEVZET	07.01.1981	Zapolje	Bratunac
358	GABELJIĆ(Abdulah)MESUD	18.04.1979	Bučinovići	Srebrenica

359	GARALJEVIĆ(Mehmed) SALIM	25.09.1979	Srebrenica	Srebrenica
360	HALILOVIĆ(Selim)DENIF	02.01.1981	Dimnići	Srebrenica
361	HASIĆ(Idriz)JASMIN	14.07.1977	Podčauš	Bratunac
362	HODŽIĆ(Mujo)MURIZ	20.07.1979	Skugrići	Vlasenica
363	HUKIĆ(Hajrudin)ELVEDIN	10.02.1978	Oasmače	Srebrenica
364	IBIŠEVIĆ(Meho) SABAHUDIN	04.01.1980	Sase	Srebrenica
365	JAHIĆ(Esed)BAJRO	15.09.1978	Bjelovac	Bratunac
366	KAPETANOVIĆ(Sabit)MEHO	30.03.1978	Foča	Foča
367	KOŠPIĆ(Senaid)ENIS	24.06.1979	Blječeva	Bratunac
368	MAŠIĆ(Ibrahim)SULJO	02.07.1980	Brezovice	Srebrenica
369	MEMIŠEVIĆ(Adil)AHMET	22.07.1979	Blječeva	Bratunac
370	MUHIĆ(Hajrudin)FATIMA	11.07.1995	Potočari	Srebrenica
371	MUJIĆ(Omer)HAZIM	20.05.1980	Podgaj	Srebrenica
372	MUSTAFIĆ(Mehmedalija) JASMIN	01.01.1979	Zvornik	Zvornik
373	NUKIĆ(Ismet)IZUDIN	17.04.1978	Sulice	Srebrenica
374	OMEROVIĆ(Ahmo) AHMEDIN	24.09.1977	Radnovići	Srebrenica
375	OMEROVIĆ(Đemail)SENAD	14.09.1979	Peći	Srebrenica
376	OMIĆ(Alaga)ZEJID	19.02.1979	Pusmulići	Srebrenica
377	ORIĆ(Omer)AVDIJA	16.06.1980	Potočari	Srebrenica
378	POROBIĆ(Ramo)ADIL	27.11.1979	Srebrenica	Srebrenica
379	RIZVANOVIĆ(Šaćir)NIJAZ	30.05.1978	Pomol	Vlasenica
380	SELIMOVIĆ(Hakija)SALKO	21.04.1978	Sulice	Srebrenica
381	SMAJIĆ(Huso)HUSREF	03.02.1978	Gostilj	Srebrenica
382	SMAJLOVIĆ(Jusuf) SAMEDIN	06.10.1977	Zvornik	Zvornik
383	TURSUNOVIĆ(Šahin)SENAD	17.03.1979	Podosoje	Srebrenica
384	ALIĆ(Ćamil) KADRIJA	19.05.1978	Biljača	Bratunac
385	BEKRIĆ(Ahmo) MEHO	20.08.1977	Brakovci	Srebrenica
386	DERVIŠEVIĆ(Bego) SEAD	06.01.1978	Dimnići	Srebrenica
387	HASANOVIĆ(Hasan) HAZIM	07.07.1978	Babuljice	Srebrenica
388	HASANOVIĆ(Husejin) SALČIN	20.06.1978	Bostahovine	Srebrenica
389	HODŽIĆ(Osman) JUSUF	15.12.1977	Žedanjsko	Srebrenica
390	OMEROVIĆ(Behadil) ADIL	13.10.1979	Vlasenica	Vlasenica
391	OMEROVIĆ(Abid) ENIS	24.09.1978	Sikirić	Bratunac
392	ORLOVIĆ(Sulejman) MUVAZ	08.01.1978	Konjevići	Bratunac
393	OSMANOVIĆ(Selman) MUJO	01.03.1978	Likari	Srebrenica
394	PAŠIĆ(Mujo) MUAMER	02.08.1978	Srebrenica	Srebrenica
395	SULJIĆ(Rešo) SADET	02.05.1979	Urisići	Srebrenica
396	AHMIĆ(Safet) AMIR	17.09.1977	Jagodnja	Bratunac

397	ALIĆ (Adem) SADET	16.01.1978	Prohići	Srebrenica
398	ALJIĆ (Suljo) DŽEMAL	04.06.1978	Dobrak	Srebrenica
399	BEČIĆ (Vehbija) ZIHNIJA	09.06.1978	Glogova	Bratunac
400	HASANOVIĆ (Alija) ALMAZ	10.08.1978	Slatina	Srebrenica
401	HASANOVIĆ (Ibro) DŽEMAL	19.01.1979	Zvornik	Zvornik
402	IBRIĆ (Alija) HARIZ	03.09.1977	Bratunac	Bratunac
403	JAKUBOVIĆ (Edhem) HASAN	21.01.1978	Skenderović	Srebrenica
404	MALAGIĆ (Ibrahim) LUTVO	11.05.1979	Osmače	Srebrenica
405	MALKIĆ (Bajro) OMER	28.12.1977	Poznanovići	Srebrenica
406	MEHANOVIĆ (Ramiz) SIFET	15.10.1978	Tegare	Bratunac
407	MEHIĆ (Zajim) HAMED	15.03.1979	Jagodnja	Bratunac
408	MEHMEDOVIĆ (Ismet) SALIH	13.11.1978	Slatina	Srebrenica
409	MUJANOVIĆ (Bajro) ALMIR	05.01.1979	Zapolje	Bratunac
410	MUSTAFIĆ (Nezir) MEHO	26.07.1977	Gladovići	Srebrenica
411	SALIHović (Hasan) ERMIN	12.03.1978	Potočari	Srebrenica
412	SALIHović (Sead) SENAD	25.08.1978	Pahljevići	Zvornik
413	SULJIĆ (Čamil) AVDIJA	07.06.1978	Ljeskovik	Srebrenica
414	ALIBAŠIĆ (Čazim) FAHRUDIN	1977	Rovaši	Vlasenica
415	ALIĆ (Hajrudin) MUJAGA	1978	Srebrenica	Srebrenica
416	AVDIĆ (Halil) ISMET	1977	Pećište	Srebrenica
417	BUMBULOVIĆ (Osman) NERMIN	1978	Pećište	Srebrenica
418	BURIĆ (Omer) NIJAZ	1978	Gobelje	Vlasenica
419	HODŽIĆ (Nezir) ŠABAN	1977	Žedanjsko	Srebrenica
420	KAMENICA (Džemal) ESAD	1978	Milačevići	Srebrenica
421	MEHMEDOVIĆ (Ahmet) FAHRUDIN	1977	Srebrenica	Srebrenica
422	MEMIĆ (Avdurahman) HALIL	1979	Ljeskovik	Srebrenica
423	MEMIĆ (Emin) AVDIJA	1980	Ljeskovik	Srebrenica
424	PITAREVIĆ (Suljo) SADAT	1977	Peći	Srebrenica
425	PUDILOVIĆ (Abdulah) MIRZET	1979	Blažijevići	Srebrenica
426	SALIHović (Nazif) ALMIR	1978	Potočari	Srebrenica
427	SALKIĆ (Mehmed) MEVLID	1978	Osatica	Srebrenica
428	ADEMOVIĆ (Ševal) ŠEFIK	1979	Podosoje	Srebrenica
429	JAHIĆ (Nedžib) ENVER	1977	Zalužje	Bratunac
430	MUJIĆ (Meho) HAJRUDIN	1979	Rovaši	Vlasenica
431	NUKIĆ (Sejdalija) ĐEMAL	1979	Sulice	Srebrenica
432	SALIHović (Selman) MIRZET	1978	Brakovci	Srebrenica
433	SALKIĆ (Mustafa) MUNIB	1979	Srebrenica	Srebrenica

434	SELIMOVIĆ (Hajrudin) MESUD	1979	Beširovići	Srebrenica
435	SULJIĆ (Kemal) DAMIR	1979	Pusmulići	Srebrenica
436	TURKOVIĆ (Ahmet) NEDŽIB	1977	Gornje Vrsinje	Vlasenica
437	ALIĆ (Ređo) MUHAMED	1978		
438	BURIĆ (Ahmo) EDIN	1977		
439	IBRIĆ (Hasan) VESID	1979		
440	MEHMEDOVIĆ (Bajro) FERIS	1978		
441	NUKIĆ (Haso) ESAD	1977		
442	CVRK (Behaija) OSMAN	1979		

HVO ATTACK ON THE ARMY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA IN CENTRAL BOSNIA AND THE SERBIAN OFFENSIVE ON THE FREE TERRITORY OF THE BOSNIAN PODRINJE IN EARLY 1993:

Comparative Analysis

Abstract: The author discusses the impact of the Vance-Owen peace plan on aggravating situation in central Bosnia and Podrinje in early 1993, and explains the mutual, causal, the connection between the events in central Bosnia and the events in Podrinje and vice versa. Although in the central Bosnia the Republic of Bosnia and Herzegovina faced the Croatian aggressor, and in Podrinje with the Serbian aggressor, which apparently has no mutual connection, the author in his work proves on several examples how events from central Bosnia caused harmful consequences to the defense of Podrinje, i.e. how Bosnia and Herzegovina as a state was because of Podrinje forced to make concessions to the Croatian aggressor in central Bosnia.

Key words: aggression, genocide, state, Bosnia and Herzegovina, Serbia, Croatia, the Republic of Srpska, Herzeg-Bosna, the army of Yugoslavia, the Croatian Army, the Army of the Republic of Srpska, Croatian Defense Council, the Army of the Republic of Bosnia and Herzegovina, UNPROFOR, Podrinje, Cerska, Konjević-Polje, Kamenica, Srebrenica, Žepa, Goražde, safe zones.

Undoubtedly, April 1993 was one of the most difficult months of the war in terms of the survival of Bosnia and Herzegovina as a complete and independent state. The most critical situation during the month was in the free Podrinje's enclaves, in central Bosnia and in the Neretva River valley, where the Croatian forces (the Croatian Army and Croatian Defense Council)

launched an open aggression against the Republic of Bosnia and Herzegovina. The fighting of the two aggressors – the Great Serbian in the east and the Great Croatian in the central part of the country – seemed to be coordinated in time. In fact, in April, one, extremely unfavorable for Bosnia and Herzegovina, military and political situation culminated, which could be said to have its source at the very beginning of 1993.

At the end of 1992 and the beginning of 1993, activities on the international diplomatic scene intensified in connection with the imposition of the so-called Vance-Owen peace plan on the legal Bosnian government and the aggressor military and political subjects of both the Republic of Srpska (RS) and the Croatian Republic of Herzeg-Bosnia (HZHB). The plan predicted decentralization of Bosnia and Herzegovina, divided into ten provinces that would have jurisdiction over education and internal affairs. They would be formed on an ethnical principle – unlike demilitarized Sarajevo as an UN-protected district with a central headquarters – but could not be organized as separate states. The provinces could not execute any dissolution from the state.¹

The Podrinje municipalities of Zvornik, Vlasenica, Bratunac, Srebrenica, Višegrad, Rogatica, Goražde and Foča were to have for the most part belong to Province 5 with their seat in Tuzla, which was presented as “Muslim“. The “Serbian“ province 6 was conceived with one enclave (Šekovići) completely surrounded by the “Muslim“ province 5, one enclave (Pale, Sokolac, Han-Pijesak) narrowed between the “Muslim“ province 5 and the Sarajevo District, one “selvedge“ (Rudo, Čajniče, dio Foče) cramped between the “Muslim“ province 5, and connected with the enclave around Nevesinje (Kalinovik, Nevesinje, Gacko, Bileća, a part of the municipality Stolac, Ljubinja and Trebinje). For Serbs, who then held around 70% of the territory of Bosnia and Herzegovina, the Vance-Owen peace plan map was extremely unfavorable. The Army of the Republic of Srpska (VRS) would have to withdraw from approximately 30% of the territory it had occupied until then.²

Of all the “Serbian” provinces (2, 4 and 6) the sixth one was the most inconvenient for the Great Serbian aggressor. Actually, it was completely unacceptable. Probably for this reason, they decided to completely destroy the

1 **Begić, Kasim**, *Bosna i Hercegovina od Vanceove misije do Daytonskog sporazuma (1991.-1996.)*, *Bosanska knjiga – Pravni centar Fonda otvoreno društvo Bosne i Hercegovine*, Sarajevo, 1997, pp. 112; **Šehić Zijad**, *Ekperiment u svjetskoj laboratoriji Bosna*, Dobra knjiga, Sarajevo, 2013, pp. 216-217; **Kliko Amir**, *Rat u srednjoj Bosni 1992-1994. godine*; Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2019, pp. 295-300.

2 **Begić**, *Bosna...*, 116-117, 121; **Kliko**, *Rat...*, pp. 298-299.

resistance of the defenders of Kamenica, Cerska, Konjević-Polje, Srebrenica, Žepa and Goražde in order to create a situation on the ground (the control of the territory and demographic structure in favor of Serbs) that would enable them to ensure the whole Podrinje during the peace process and which was proclaimed as the third of the six strategic goals of the “Serbian people in Bosnia and Herzegovina“ from 12 May 1992 in Banja Luka at the 16th session of the so-called Assembly of Serbian People in Bosnia and Herzegovina.³ From the beginning of the aggression on the Republic of Bosnia and Herzegovina the VRS surely tried to occupy the entire Podrinje, which was clear from the mentioned strategic goals and confirmed by intensive combat operations from April to December 1992, but the map of the Vance-Owen peace plan was probably serious an incentive to break the resistance of the defenders of the free territory in Podrinje as soon as possible. The pre-war national structure of the middle and upper Podrinje was in favor of Bosniaks. Ethnic principle was very important factor in the international community’s peace plans in delineating the internal borders of future Bosnia and Herzegovina. An important factor was also the question of who militarily controls a territory. For the VRS, formed to destroy Bosnia and Herzegovina and Bosniaks as its fundamental people, it was not difficult to decide to occupy a territory and, through blood, violence and persecution create a demographic situation in favor of Serbs, thus fulfilling the basic conditions required by the international community, whose territorial unit would be given some space in Bosnia and Herzegovina. Thus, for example, the General Headquarters of the VRS in *Directive 4* of 19 November 1992 showed a clear intention to commit genocide against Bosniaks in Podrinje: *To exhaust the enemy, inflict maximum losses and force him to leave the area of Birač, Žepa and Goražde in the wider area of Podrinje.*⁴ Simply put, if the international community accepted the ethnic principle of the administrative division of Bosnia and Herzegovina, the VRS created it by genocide in favor of the Serbs.

3 **Official Gazette of the epublic of Srpska**, *Decision on strategic goals of Serbian people in Bosnia and Herzegovina*, No. 22, 26 November 1993, 866. At this session, war criminal Radovan Karadžić stated the following about the third strategic goal: “*The third strategic goal is to establish a corridor in the Drina River valley, that is, to eliminate the Drina River as a border between the two worlds. We are on both sides of the Drina River, together with our strategic interest and our living space. We now see the possibility that some Muslim municipalities, as enclaves, will be established along the Drina River, in order for them to exercise their rights, but that it must basically belong to “Serbian Bosnia and Herzegovina”... Cf: <https://nap.ba/news/11832>*

4 **VRS**, HQ, Confidential, No.: 02/5, Directive No. 4, November 19, 1992 in: Archives of the Institute for Research of Crimes against Humanity and International Law, University of Sarajevo (AIIZ), Inv. No.: 2-4342.

The Vance-Owen peace plan was a perfect match for the Croatian separatists who were in the service of Tuđman's Greater Croatian policy. The only bad feature of "Croatian" provinces for the HZHB was that there was only 45.48% of Croats there, unlike "Muslim" provinces where Bosniaks would have absolute majority (61.95%), as well as Serbs in "Serbian" provinces (59.90%). There would be as many as 30.32% of Bosniaks in "Croatian" provinces.⁵ Fearing that the Bosnian state leadership and the Greater Serbian aggressor would reject the peace plan, each for reasons that were not common to them, the HZHB leadership hastily embarked on the military implementation of the part of the peace plan that concerned the interests of that parastatal structure, although the basic condition for the application of the plan was to be accepted by all parts fully and not partially. Military realization also meant solving the problem of demographic structure of "Croatian" provinces, primarily province 10 where the number of Bosniaks was the largest.⁶

Most of the central Bosnia was to belong to the province number 10 with the seat in Travnik, which the leaders from Herzegovina perceived as exclusively Croatian, and without wasting any time, launched a military campaign to expel the Army of the Republic of Bosnia and Herzegovina (ARBiH) from its territory, which led serious armed conflict in the first days after the official offer of a peace plan by its authors, American diplomat Cyrus Vance and British diplomat David Owen.⁷

Undoubtedly, the Vance-Owen peace plan, which supposed to stop the war in the Republic of Bosnia and Herzegovina, actually had the most direct effect on the intensification of hostilities against it during the first half of 1993 by both the aggressors.

The Greater Serbian aggressor intensified a launched operation in Podrinje with the introduction of the Yugoslav Army (VJ) forces into cooperation on

5 Provinces 3, 8 and 10 had the Croatian majority of the population and covered 25.87% of the territory of Bosnia and Herzegovina for Croats, who in this republic in 1991 was 17.27% of the total population. In addition, in terms of the percentage of territory, the Croats did very well, the only territory that would remain compact. "Croatian" provinces 8 (Mostar) and 10 (Travnik) would be territorially connected and would lean on Dalmatia. "Croatian" province 3 (Orašje) would not have physical ties with them, but would lean along the Sava River on Slavonia. Cf: **Begić**, *Bosna...*, 117-118; **Kliko**, *Rat...*, pp. 297-299.

6 **Kliko**, **Amir-Ćuskić**, **Fikret**, 17. *Viteška Krajiška brdska brigada ARBiH*, Institut za istoriju – Udruženje „17. VKbbr, Sarajevo – Ključ, 2010, 95-96; **Kliko**, *Rat...*, pp. 295-297.

7 **Begić**, *Bosna...*, pp. 109, 118; **Kliko-Ćuskić**, 17. *Viteška...*, pp. 95-108; **Šehić**, *Eksperiment...*, pp.219-220; **Kliko**, *Rat...*, pp. 300-306.

13/14 January 1993, and all with the aim of eliminating the resistance of the defenders of the free territory in the region of Kamenica, Cerska, Konjević-Polje, Srebrenica, Žepa and Goražde.⁸ By persistent infantry attacks of strong and selected forces from all directions, followed by fierce fire support of artillery and tanks along the lines of defense of defenders and populated places, the aggressor managed to break the resistance of exhausted and hungry defenders of Kamenica, Cerska i Konjević-Polje by mid-March. Serbian forces (VJ and VRS) continued to tighten the noose around Srebrenica, Žepa and Goražde.⁹ In the occupied territory, they committed various forms of war crimes against Bosniak civilians, who failed to evacuate, and with heavy artillery they beat the territory that was till under the control of ARBiH. For example, on 12 April 1993 they killed over 70 and wounded more than 100 people on a concrete playground in front of a high school in Srebrenica. Those were mostly children, boys and young men who gathered there to play football.¹⁰ By 16 April, Serbian forces captured Kacelj, interrupting the Grebak – Zorovići forest roads, which was *a lifeline for the population during the siege of Goražde*.¹¹ The Greater Serbian aggressor used artillery to beat the besieged Goražde and the villages on its free territory with the same ferocity as Srebrenica. The aggressor's artillery and infantry attacks were not even diminished by the status of "safe zone", which was declared on 6 May 1993.

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- 8 **VRS**, Drinski korpus, str. pov. broj: 1/4-26, *Redovni borbeni izvještaj*, 13. januar 1993. godine u: **AIIZ**, inv. br: 9-4995; **VRS**, Drinski korpus, str. pov. broj: 01/4-40, *Borbeni izvještaj*, 21. januar 1993. godine u: **AIIZ**, inv. br: 9-4999; **VJ**, GŠ, str. pov. br. 119-1, *Naređenje*, 26. januar 1993. godine; **VJ**, Užički korpus, str. pov. broj: 172-07/2, 26. januar 1993. godine u: **AIIZ**, inv. br: 8-1300, *Naredba o daljim dejstvima Užičkog korpusa Užičkog korpusa i saradnji sa Drinskim korpusom VRS*; **VJ**, Užički korpus, str. pov. broj: 171-07/3, *Izveštaj*, 26. januar 1993. godine u: **AIIZ**, inv. br: 2-4630, *Izveštaj o „uspjesima“ Užičkog korpusa tokom napada na slobodne prostore Srebrenice (Vlasenice i Zvornika)*; **VJ**, Užički korpus, str. pov. broj: 174-2, *Obaveštenje o daljem angažovanju Užičkog korpusa*, 29. januar 1993. godine u: **AIIZ**, inv. broj: 2-4090; **VRS**, Drinski korpus, str. pov. broj: 4/66, *Redovni borbeni izvještaj*, 31. januar 1993. godine u: **AIIZ**, inv. br: 9-5006; **VRS**, Drinski korpus, str. pov. broj: 03/5-106, 20. februar 1993. godine u: **AIIZ**, inv. br: 9-7278, *Pripremno naređenje za ostvarivanje ranije sačinjenog plana „Udar“*; **Karović, Merisa-Aličković, Ešref-Omerović, Husein**, *Genocid na području opštine Vlasenice 1992.-1995.*, Zbornik radova Međunarodne naučne konferencije održane 10. i 11. jula 2009. godine u Potočarima (Srebrenica), Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2011, pp. 941-942.
- 9 **Salihović, Šemsudin**, *Nikad ne zaboravi Cersku*, Sarajevo, 2008, pp. 178-220.
- 10 **Čekić, Smail**, *Genocid i istina o genocidu u Bosni i Hercegovini*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2012, pp. 92-95.
- 11 **ARBiH**, Istočno-bosanskaoperativna grupa, str. pov. broj: 01/01-127, *Dnevni borbeni izvještaj*, 16. april 1993. godine.

Almost at the same time, on 12/13 January 1993, the Croatian forces (the Croatian Army and the Croatian Defense Council) launched a general attack on Gornji Vakuf in the central Bosnia. Ten days later, the Croatian Defense Council (HVO) attacked the ARBiH in the Busovača and Kiseljak areas. The fighting in Gornji Vakuf lasted over a month, while they ended somewhat earlier in Busovača and Kiseljak.¹²

For the defense of the Podrinje enclaves, armed conflicts of the Croatian forces with the ARBiH in the central Bosnia were of special importance due to the blockade of logistics routes, which directly affected the combat capabilities of the ARBiH in Podrinje. With the beginning of the armed conflicts in central Bosnia, the HZHB blocked all roads for ARBiH towards Croatia.¹³

The free territory of the middle Podrinje was logistically leaned to Tuzla, which lost its direct territorial connection with Croatia from the fall of 1992. The Serbian aggressor managed to control the route Banja Luka – Beograd via Bosanska Posavina from the spring to fall of 1992. Thus, Tuzla was cut off from Slavonski Brod and had to connect with the world via central Bosnia and western Herzegovina.¹⁴ Therefore, any armed conflict of the HVO with the ARBiH in central Bosnia and the Neretva valley directly harmed the defense of the Tuzla region, and thus the free territories in Podrinje.

During the Serbian winter offensive on the free enclaves in Podrinje, there was a famine among the defenders and Bosniak population, which significantly affected the weakening of their morale.¹⁵ The exhaustion of the defenders and the Bosniak population from the famine is sufficiently evidenced by the fact that the international community had to launch “Padobran (in

12 **Čekić, Smail**, *Agresija na Republiku Bosnu i Hercegovinu: planiranje, priprema, izvođenje*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Knjiga 2, Sarajevo, 2004, pp. 1018-300; **Kliko-Čuskić**, 17. *Viteška...*, pp. 95-108; **Ramić, Edin, Zec, Fuad**, *Gornji Vakuf grad heroj, ratna hronika april 1992.-juli 1993.*, Gornji Vakuf, 2016, pp. 175-263; **Agić, Akif-Vele, Faruk**, *Svjedoci zla, živa knjiga*, Štamparija Fojnica D. D, Gornji Vakuf, 2018, pp. 76-118; **Kliko, Rat...**, pp. 276-291, 300-325, 332-367, 376-406.

13 **Kliko, Rat...**, pp. 305-307. At a meeting with the ARBiH delegation on 16 January 1993 in Gornji Vakuf, members of the delegation of HV and HVO elders (Miro Andrić, Željko Šiljeg and Ivica Lučić, who falsely introduced himself as Mirko Radić) stated: (...) *Borders are closed and the army is already ready to move. The boundaries will not open down, until the problem is solved (...)* Cf.: **Praljak (online baza podataka)**, ARBiH, 3. korpus, str. pov. broj: 02/32-109, Informacija, 17. januar 1993. godine; **Kliko, Rat...**, pp. 307.

14 **Kliko, Rat...**, pp. 875-876.

15 (...) *famine was present more than ever*. Cf: **Salihović, Nikad ne zaboravi...**, pp. 181.

English Parachute)” operation, i.e. to deliver humanitarian aid by air. The operation started too late. It started on the day that the aggressor took Cerska under its control.¹⁶

The state leadership of the Republic of Croatia too advantage of the burden of the Bosnian state on the issue of defending Srebrenica and rescuing the Bosniak population that found refuge in it, and blackmailed it in order to realize their great-power ideas. Thus, for example, the Croatian Minister of Defense Gojko Šušak at a meeting in Zagreb – organized by Croatian President Franjo Tuđman on 27 March 1993 with the President of the Presidency and Minister of Foreign Affairs, Alija Izetbegović and Haris Silajdžić – blackmailed Izetbegović with the state in Srebrenica. Although the meeting was organized to discuss the Vance-Owen peace plan, Tuđman was more interested in the situation in Srebrenica and questioned Izetbegović about it. He explained that the situation was difficult.¹⁷ Šušak was waiting for that information to blackmail him: *Alija, there are five planes full of goods waiting in Zagreb, and apparently three are on their way. Until it is totally resolved, I will not send a bullet (...).*¹⁸

Since the fall of Kamenica, Cerska and Konjević-Polje, there was a convulsive activity to save Srebrenica, Žepa and Goražde, the last free territories that provided refuge for tens of thousands of surviving Bosniaks in the occupied Podrinje. The suffering Bosniak population fell in despair. The ARBiH did not have sufficient material and technical means, both in terms of quality and quantity, to defend the remaining free territory from the interior of the enclaves of Srebrenica and Žepa. Also, it did not have the opportunity to break the blockade of Srebrenica and Žepa from the outside of the ring, from the direction of Tuzla. The only solution was the active and serious participation of the international community. The state leadership of the Republic of Bosnia and Herzegovina vigorously took all the possible diplomatic activities to persuade the United Nations (UN) to place the remaining free territory in Podrinje, overcrowded with refugees, under its protection. Within the enclaves, the frightened and exhausted population, domicile and refugees, pressured the

16 **Salihović**, *Nikad ne zaboravi...*, pp. 191.

17 **Izetbegović**: *There are not enough weapons, enough ammunition, there is a blockade, you can't get there. One helicopter landed poorly, so it is now unusable. The other is still in function... there is a struggle for survival and it is no longer a problem of occupying the city because people know they would simply be killed (...)* Cf.: **Lucić, Predrag**, *Stenogrami o podjeli Bosne*, Knjiga 1, Kultura & Rasvjeta – Civitas, Split-Sarajevo, 2005, pp. 309.

18 **Lucić**, *Stenogrami...*, Knjiga prva, pp. 309.

UN representatives to help them. Pictures of a crowd of poor people gathered around a tank of the French UN battalion carrying General Philippe Morillon with a megaphone travelled the world and on time – two years before 11 July 1995 – warned about the situation of Bosniaks in the Srebrenica and Žepa enclaves and the serious danger of being destroyed. Those were people who survived the genocide in their hometowns in 1992 and the beginning of 1993 in Vlasenica, Bratunac, Zvornik... They were already credible witnesses of the genocide, and the world had to listen to their voice and seriously approach their saving in the Srebrenica and Žepa enclaves. Unfortunately, it did not. It formally declared “safe zones” Srebrenica and Žepa, but did not do all the necessary actions to make them truly “safe zones“. The responsibility of the international community for 11 July 1995 is all the greater because it had credible witnesses of the genocide before their representatives in Srebrenica in the spring of 1993. If they did not know in time what would happen in Prijedor, Ključ, Sanski Most, Kotor-Varoš, Vlasenica, Bratunac, Zvornik, Višegrad, Foča, Brčko and dozens of other places where the VRS together with the MUP RS committed genocide against Bosniaks in 1992, it certainly had to know what would happen in Srebrenica and Žepa. The massacre of Bosniaks in the middle Podrinje after 11 July 1995 could not have been unexpected for the international community and its military representative on the ground, UNPROFOR.

With the great state leadership of the Republic of Bosnia and Herzegovina and the pressures and resistance of certain important factors of the international community, the UN declared Srebrenica a “safe zone“ on 16 April 1993, and Goražde, Žepa, Tuzla, Sarajevo and Bihać on 6 May.¹⁹

The situation regarding the defense of the remaining free territory in Podrinje, where dozens of thousands of refugees found salvation from death, was greatly aggravated by a new aggression of the Croatian forces in central Bosnia. This time concentrated on Vitez. Then, it was one of the most difficult periods for the defense of the Republic of Bosnia and Herzegovina and Bosniaks. After the massacres in Kamenica, Cerska and Konjević-Polje, the Greater Serbian aggressor rammed Bosniak survivors into the Srebrenica ghetto, and almost at the same time, the HVO criminals killed in Ahmići, Vitez, Busovača and Bosniak villages surrounding those towns, which they occupied in an unexpected attack. The HZHB authorities again blocked all the logistics routes completely, even for humanitarian convoys, for the needs of the ARBiH and Bosniak population. The same as during the winter, the April

19 **ARBiH**, Press, *Rezolucije Vijeća sigurnosti UN o Bosni i Hercegovini*, Sarajevo, 1995; Šehić, *Eksperiment...*, pp. 239.

road blockade which lasted until the Washington agreement (March 1994), directly affected the logistics situation and humanitarian crisis in Tuzla and the free enclaves in the middle Podrinje.

The HZHB Information Office issued a press release on 4 April 1993 stating to the public that the Department for Internal Affairs or the HVO would further ban all persons without proper documentation from entering the HZHB territory.²⁰ Soon the HVO blocked *a large convoy of weapons* in Grude intended for the 2nd Corps, after, based on an earlier agreement, it was given one quarter of it for unimpeded passage. The HVO received its quarter, and blocked the remaining three, which were intended for the ARBiH. The Chief of Staff of the Supreme Command of the Armed Forces of the Republic of Bosnia and Herzegovina (ŠVK OSRBiH) Sefer Halilović asked, appealing for *officer's honor and elementary morale*, from the Chief of the HV General Staff (Janko Bobetko), the Chief of the HZHB Defense Department (Bruno Stojić) and the Chief of the General Staff of the HVO (Milivoj Petković), to unblock the rest of the convoy in order to arrive on time in Tuzla and help the defense of the free territory in the middle Podrinje, which was then in a serious crisis. He warned them that its eventual fall would mean a slaughterhouse of dozens of thousands of Bosniak civilians, for which they would also have a moral consequence due to the direct responsibility arising from the blockade of the convoy in Grude.²¹

After the HVO carried out a successful, unexpected attack on Bosniak villages around Vitez on 16 April 1993, the ARBiH tried to retaliate by counterattacking in the same direction (the main counterattack direction: Kuber – Ahmići). However, the HVO expected it and on time brought its best units from other municipalities to the expected routes of counterattack. The Command of the 3rd Corps of the ARBiH decided to direct center of the gravity of counterattack on the intersection of the road Vitez – Busovača in the region of Kaonik. The initial success was excellent. However, there was a sharp reaction from the UNPROFOR, the International Committee of the Red Cross and representatives of the European Community Monitoring Mission, which ultimately demanded that the ARBiH give up. They threatened that it could result in very negative consequences for the Republic of Bosnia and Herzegovina if the roads Vitez – Busovača and Vitez – Novi Travnik were crossed. One of the threats was that the international community would begin to view the war as the civil war and it would change its attitude toward

20 *Upozorenje HZ Herceg-Bosna*, Vijesnik, Zagreb, 4 April 1993, 1.

21 ICTY, ARBiH, ŠVK, broj: 001/167-138, Sarajevo, 11 April 1993.

the Republic of Bosnia and Herzegovina, which, at the time, expected and pressured the international community to declare the free enclaves its “safe zones“. The UNPROFOR units even fought against the ARBiH units.²²

Before midnight on 20 April 1993, a meeting of the commanders of the local brigades of the ARBiH with the Chief of the ŠVK OSRBiH was held. The Commander of the 3rd Corps Enver Hadžihasanović informed the present that the international community demands from the ARBiH to stop with the counterattacks.²³ The intersection of the roads Vitez – Busovača and Vitez – Novi Travnik endangered the permanent blockade of all the ARBiH roads to Croatia, which was further explained by Halilović.²⁴ The meeting continued next afternoon. Hadžihasanović spoke again about the danger of blocking the roads to Croatia, trying to explain it in a broader context.²⁵ Rasim Delić also feared road closures.²⁶

Conclusion

The Vance-Owen peace plan from the beginning of 1993, instead of calming down the aggression against the Republic of Bosnia and Herzegovina, led to a new wave of its strengthening. The Herzeg-Bosnia leaders, in the role of implementer of Franjo Tuđman's great-power ideas, set out with the help of the HV to open aggression against the Republic of Bosnia and Herzegovina in central Bosnia. They covered it up by interpreting their alleged right to central Bosnia under the Vance-Owen peace plan. In order to achieve the desired goals, apart from armed aggression, the Croatian side blocked all logistics routes for

22 ICTY, ARBiH, 3. korpus, str. pov. broj: 02/45-2-1, *Ratni dnevnik 2, od 13.03.1993. god. do 16.05.1993. god.*, Zenica, 13. mart 1993.

23 (...) međunarodna zajednica traži da stanemo. Ako presječemo put stanje će se još više zakomplicirati (...) Up: ICTY, ARBiH, 3. korpus, str. pov. broj: 02/45-2-1, *Ratni dnevnik 2, od 13.03.1993. god. do 16.05.1993. god.*, Zenica, 13. mart 1993.

24 (...) The situation in Herzegovina is critical. The most significant are the roads and the corridor. If there is a further conflict, then it is the three sides in the conflict. The problem is complex and ambiguous (...) Cf.: ICTY, ARBiH, 3. korpus, str. pov. broj: 02/45-2-1, *Ratni dnevnik 2, od 13.03.1993. god. do 16.05.1993. god.*, Zenica, 13. mart 1993.

25 (...) The road to Goražde is cut. No food. If we unblock Stari Vitez, a new hotspot will open. The second corps demands that nothing be done because they are losing territories (...) Cf.: ICTY, ARBiH, 3. korpus, str. pov. broj: 02/45-2-1, *Ratni dnevnik 2, od 13.03.1993. god. do 16.05.1993. god.*, Zenica, 13. mart 1993.

26 (...) We can win the conflict, but we will lose Goražde and Žepa due to lack of food and ammunition. Since November 15, 1992, nothing has entered Bosnia. The raw material was not imported (...) Cf.: ICTY, ARBiH, 3. korpus, str. pov. broj: 02/45-2-1, *Ratni dnevnik 2, od 13.03.1993. god. do 16.05.1993. god.*, Zenica, 13. mart 1993.

the Republic of Bosnia and Herzegovina to Croatia, which made it difficult to defend the free territories in Podrinje, where the Serbian aggressor intensified their attacks at the same time. The Croatian state leadership blackmailed the Bosnian leadership with the difficult situation in Podrinje and conditioned the opening of logistics routes with the concessions of the ARBiH to the HVO in central Bosnia. The Republic of Bosnia and Herzegovina in central Bosnia was also blackmailed by the international community, from which they expected help in Podrinje.

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VLASENICA – THE CONTINUITY OF THE GREAT SERBIAN CRIME

Introduction

The area of the municipality of Vlasenica, as part of the middle Podrinje, has been a territorial aspiration and obsession of ideologues and protagonists of the Greater Serbia politics since the annexation crisis in Bosnia and Herzegovina in 1908, when one of the ideologues of the Greater Serbia project, Jovan Cvijić conditioned the Austro-Hungarian government to give Podrinje to Serbia, i.e. the corridor along the Drina River with a depth of about 50 km, and in return Serbia would recognize the annexation of Bosnia and Herzegovina by Austro-Hungary. During the WW 2, members of Serbian armed forces committed numerous mass crimes against Bosniaks in the area of the then municipality of Vlasenica.

During the aggression of Serbia and Montenegro on the sovereign state of Bosnia and Herzegovina, members of their armed forces, in cooperation with local units, occupied all the towns of the middle Podrinje in one wave in early April 1992, ending on April 21 of the same year. (Zvornik was occupied on 8 April. Bratunac was occupied on 17 April. Srebrenica was occupied on 18 April. Vlasenica was occupied on 21 April 1992). On that occasion, they committed numerous mass crimes against Bosniaks in this geographical area, including the crime of genocide. The entire territory of the then municipality of Vlasenica was occupied on March 13, 1993, when Serbian forces occupied the territory of the Cerska enclave and thus eliminated the last physical obstacle on the line Pale - Zvornik - Belgrade.

This paper will summarize the toponym Vlasenica, the historical past of Vlasenica, the suffering of Bosniaks in this area during World War II, the general situation in the municipality of Vlasenica before the aggression on Bosnia and Herzegovina, and the results of our research on crimes against Bosniaks Vlasenica during the aggression on Bosnia and Herzegovina in the period of 1992-1995.

Toponym Vlasenica

Vlasenica was first mentioned in historical sources in 1244 under the name Birač, which is, in fact, a wider geographical area, located in northeastern

Bosnia, and stretches on the north to the line Zvornik - Kalesija, on the west to the road Stupari - Kladanj - Olovo, in the south to the line that goes from Olovo along the river Stupčanica to Han Pijesak and further to the Drina River and in the east along the Drina River downstream to Zvornik. The middle centers of Birač in the period of World War II were Šekovići and Vlasenica.

¹ When it comes to the name of the town of Vlasenica, the available sources offer several names that are related to the identification of this town. Some sources say that Vlasenica was named after the grass "vlasulja" which covers large areas of this region, while other sources say that Vlasenica was named after the nomadic tribes named Vlachs. These are, in fact, nomads who are originally from Romania, and they moved with their cattle in search of food, and so they settled in these parts. Members of the Vlachs tribe are brought into the context of the name Vlasenica and the version that the Ottomans brought a significant number of members of the Vlachs tribe with them when they came to the middle Podrinje because they had gained great trust in them earlier as safe and loyal guards/soldiers and good farmers. The Ottomans brought them from Herzegovina, where they had previously found refuge. According to historian Jusuf Mulić, only one and the first group of Vlachs was found in the Bosnian vilayet, in the nahiya Birač, vilayet Pavli/Pavlovići, which could have something to do with the name of the town of Vlasenica, i.e. with the assessment that this town originates from this ethnic group, called Vlachs.² In the context of the name Vlasenica, there is a saying that Vlasenica was named after the hill Vlachсна, which is located not far from this settlement on the west side, which, according to Dr. Mirko R. Bajraktarević, is a logical name that should basically mean that it is a settlement below the hill Vlasina.³ Therefore, due to the lack of precise historically relevant data on the origin of the town of Vlasenica, we still have to cite the mentioned sources with different versions and offer them to the public until science determines the true identity of this town.

The territory of the municipality of Vlasenica-a strategic goal of ideologues of the Greater Serbia politics

During the Second World War, Vlasenica, according to the administrative structure of the Independent State of Croatia (NDH), belonged to the parish of

1 Zdravko Antonić i Jeremija Perić, *Birač u narondo-oslobodilačkoj borbi*, INGTR0 „Univerzal“, Tuzla, 1982, pp. 11.

2 Jusuf Mulić, *Velika Srbija, Muslimani i Bosna*, autorsko izdanje, Sarajevo, 2006, pp. 89.

3 Hajrudin Mešić i Nedžad Novalić, *Vlasenica i njena okolina*, Dobra knjiga d.o.o., Sarajevo, 2012, pp. 173.

salt, and in the political and organizational sense it was part of the Tuzla area. The central center of the Birač region consisted of Šekovići and Vlasenica, and during the People's Liberation Struggle (NOB), Birač also included parts of the municipalities of Zvornik, Bratunac, Srebrenica, Kalesija, Han Pijesak, Olovo and Živinice. Due to its geo-strategic position, Vlasenica in the period of 1941-1945 was the scene of fierce fighting, that is, attacks on, above all, the Muslim population of the area. Available sources testify that members of the Serb forces killed or forcibly expelled almost 70% of the Muslims - Bosniaks from the area of the then Vlasenica district during the Second World War.⁴

Members of the then Chetnik units, under the command of Račić and the Čelonja brothers, killed 200 Bosniaks in Vlasenica and nearby villages, 165 people in the villages of the then municipality of Cerska and 100 people in the villages of the municipality of Milići, and 300 people in the villages of the then the municipality of Derventa under the command of Račić, Aćim Babić, Dangić and the Čelonja brothers.⁵ Regarding the suffering of Muslims - Bosniaks of the then municipality of Vlasenica, prof. Ibrahim Džananović noted: "In the early morning, on the last Thursday of March 1942, the Chetniks entered the villages of Zilići and Vrsinje, picked up everything they could find, and forced 183 living human creatures into the masjid. Among those, one hundred and eighty-three martyrs, was the local muallim, Husejin Effendi Talović and his family: a wife, four sons and a daughter. Several families had completely disappeared, no one had survived".⁶ Surviving witness for this crime, Salim Pezić, confirmed that Rajko Čelonja, their neighbor, was one of the main organizers of the slaughter and burning of Bosniaks in the village of Vrsinje. In the village of Zaklopača, in the fall of 1941, Chetniks under the command of Jezdimir Dangić imprisoned 81 Bosniaks in a maktab, capturing them in that place and other surrounding villages, including children in the arms of their mothers. On that occasion, the Chetniks poured gasoline on the maktab and set it on fire together with the Muslims - Bosniaks imprisoned in it.⁷

4 Šemso Tucaković, *Srpski zločini nad Bošnjacima-muslimanima 1941-1945*, El Kalem i OKO, Sarajevo, 1995, pp. 507.

5 Smail Ćekić, *Genocid nad Bošnjacima u Drugom svjetskom ratu*, MAG – Udruženje Muslimana za antigenocidne aktivnosti, Sarajevo, 1996, pp. 461-462.

6 Ibrahim Džananović, *Džamije nisu samo građene*, Islamska revija Muallim br. 1, Sarajevo, oktobar, pp. 14.

7 *Zločini i žrtve*, Državna komisija za prikupljanje činjenica o ratnim zločinima – općinska komisija Živinice, Živinice, 1995, pp. 54.

During the Second World War, Chetniks from Šekovići and other neighboring villages came to the Muslim village of Skugriće, the hamlet of Nukići, with the intention of killing a prominent host, Jusup Nukić. He managed to save himself by jumping out of a window and fleeing barefoot through the snow to the neighboring hamlet of Podgaj with his friends. His brother Adem Nukić was killed by Serb neighbors in Konjević Polje, where he was in exile with his family, because his village was then under the control of Serb forces. Shortly afterwards, a group of Serbs, neighbors, stormed the hamlet of Podgaj in the evening and took away the most prominent Bosniaks: Imam Muhamed Hadžić and Omer Hadžić Omer, a.k.a. Mukhtar and took their lives in a stream below the Serbian village of Buljevići. Before the murder, they subjected them to the most severe torture by driving nails into their bodies while they were hanging alive on a tree next to the local road.

The practice of killing respectable hosts and the most valuable and most prominent Bosniak boys from the area of the then municipality of Vlasenica was recorded in numerous villages, as well as in the town of Vlasenica itself. After the murder of the mentioned Bosniaks from the hamlet of Podgaj - Skugrići, members of the neighboring Serb forces entered the village of Cerska and on that occasion captured about a hundred of the most valuable Bosniaks, took them to the settlement of Šošari, before Milići and killed them all with blunt metal objects.

Comparing the available data on the murder of Bosniaks from the then municipality of Vlasenica during the Second World War and during the aggression against the internationally recognized state of Bosnia and Herzegovina in the period of 1992-1995, the results of scientific research confirm that it was the same Greater Serbia policy, i.e. armed attacks with the aim of seizure of Bosniak land and the killing of as many members of this national and religious group as possible. The only difference is in the manner of execution, so that the victims in the Second World War were killed, most often, with blunt objects from close range, some were burned with gasoline and thus killed, while the victims were killed during the mentioned aggression with firearms and weapons, mostly with distance, because they had an abundance of weapons and ammunition. For this reason, many more Bosniaks were killed during the 1992-1995 aggression on Bosnia and Herzegovina in comparison to earlier historical periods.

The 1948 census changed the demographic picture of Muslims - Bosniaks, both in the former Yugoslavia and in the municipality of Vlasenica. Namely, the then state policy systematically imposed on Muslims - Bosniaks

the solution that during the census they could declare themselves as a category of “undecided” or as Serbs, or Croats, which they had never been in history. Thus, many, fearing the consequences in the ballot section, instead of being undecided, entered as Serbs, since there were almost no members of Croatian nationality in this area. For this reason, the results of the 1948 census cannot be taken as relevant, that is, final, when it comes to the number of Muslim - Bosniaks. Until the 1971 census, Muslim - Bosniaks were in the “absolute minority” due to the fact that only then could they declare themselves nationally according to conscience as Muslims, but not by the real national name Bosniaks. Thus, after many years of their existence in the municipality of Vlasenica, they could know what their real number was. In this way, they gained political power in order to, to a significant extent, be able to influence the “enjoyment” of human rights that had always belonged to them, but were deliberately denied due to the impossibility of declaring their real names. To illustrate, according to the 1948 census of the municipality of Vlasenica, there were 22,307 (81.69%) Serbs-Orthodox living in the area of the municipality of Vlasenica, and 4,537 (16.61%) Muslims - Bosniaks.

According to the 1971 census of the municipality of Vlasenica, there were 13,431 (50.44%) Serbs and 12,871 (48.34%) Muslims - Bosniaks living in the area of this municipality. According to the 1981 census of Vlasenica, 13,531 (44.46%) Serbs lived in the area of this municipality, and 15,337 (50.40%) Muslims - Bosniaks. This is clear evidence that irrefutably testifies that the forced imposition of Muslims - Bosniaks until 1971 to declare their unnatural and unreal name deliberately reduced their real number, in order to deprive them of their human rights, which belonged to them under the provisions of international documents and according to their actual numerical condition.

General conditions in the area of the municipality of Vlasenica before the aggression against Bosnia and Herzegovina in 1992

According to the 1991 census, in the area of the municipality of Vlasenica lived 33,942 residents in the area of 532 km², with a population density of 63,8 inhabitants/km². Of those, there were 18,727 (55.1%) of Muslims, 14,359 (42.30%) of Serbs, 39 (0.11%) Croats, 340 (1%) Yugoslavs, 477 (1.42%) undecided and unknown.⁸ According to the 1991 census, there

8 *Stanovništvo Bosne i Hercegovine, narodnosni sastav po naseljima*, Državni zavod za statistiku Republike Hrvatske, Zagreb, 1994, pp. 284.

were 7,909 residents in the city of Vlasenica, and 4,800 Muslims (60.69 %), 2,743 (34.68%) Serbs, 26 (0.33%) Croats, 242 (3%) Yugoslavs and 98 (1.23%) others.⁹

In order to clarify more clearly and completely the political and security situation in the municipality of Vlasenica in the period from 1991 to 1995, it is important to point out the state of interethnic relations between the two existing national and religious groups, namely Serbs and Bosniaks. It is important to emphasize that the members of these two nations lived in friendly and correct neighborly relations until 1990/91. That that positive relationship was manifested in all spheres of life, starting from the neighborhood, through business, private, political and religious segments. After the activation of the war in Croatia, and especially the sending of young men of Serbian nationality, because Bosniaks refused to participate in such a war, interethnic relations in the area of the municipality of Vlasenica worsened. The first signs of nationalist provocations and the wearing of Chetnik symbols were registered in 1991 at the training ground of the Military Post 1542 barracks in Han Pijesak. Namely, members of the reserve of the Serbian people, in the summer of 1991, at a celebration near the local church in Han Pijesak, entered the tent and asked to play nationalist songs glorifying Chetnik heroes from the Second World War, such as Draža Mihajlović, Nikola Koljević and priest Nikola Đujić.¹⁰ On that occasion, some of the Serbian soldiers wore badges with the Serbian national flag and Chetnik badges from the Second World War. Those were planned and allowed provocations by the military leadership of the barracks of the 216th Brigade in Han Pijesak, headed by the then commander, Colonel Dragomir Milošević. Until the armed attacks of the Serb forces on the Bosniaks from the area of the municipality of Vlasenica, he was involved in negotiations between the representatives of the Serb and Bosniak people, during which he emphasized the military readiness to provide “protection” to the Serb people from his area of responsibility. It is important to document that the mentioned colonel Dragomir Milošević was sentenced before the Hague Tribunal to 29 years in prison for command responsibility for shelling the Markale market in Sarajevo.

The political and military leadership of the Serb people of the municipality of Vlasenica, in synchronized coordination with the Serb leaderships of other municipalities in the middle Podrinje (Zvornik, Bratunac and Srebrenica) and the Serbian leadership throughout 1991, made the necessary

9 Ibid.

10 ICTY, 00685740-00685756, IT-00-39: Momčilo Krajišnik, Exhibit: P265.1, Witness statement: Ibro Osmanović, 5, 7 and 10 October 1994, pp. 2.

preparations for aggression against Bosnia and Herzegovina and armed attacks on Bosniaks in the area. In the following, we present in chronological order several key events and activities of the representatives of the Serbian people in the context of organized preparations for planned armed operations. In April 1991, Miroslav Deronjić, the then president of the Bratunac Crisis Staff, Goran Zekić, a member of the Bosnian Serb Srebrenica Assembly, and Rajko Dukić, director of the Milići bauxite mine and president of the Serbian Democratic Party's Executive Board Party (SDS) of Bosnia and Herzegovina, met at the Fish Restaurant in Milići. On that occasion, according to Miroslav Deronjić, Rajko Dukić told the two of them, Deronjić and Zekić, "that Karadžić personally convinced Milošević that Serbs should arm themselves", and stressed that Serbs should arm themselves because it was so determined at the SDS level, where that was specified which people would be involved in armaments and in which regions. In his statement, Deronjić confirmed that later in the meeting with Radovan Karadžić, he heard the same words from him that Rajko Dukić had told them before. At this meeting, according to Miroslav Deronjić, Rajko Dukić gave a piece of paper to Goran Zekić and told him: "This is the number and name of the man you will call and agree on when you will go to him with Miroslav." It was about Mihalj Kerteš, who approved the delivery of weapons for the middle Podrinje from the Bubanj Potok barracks in Serbia.¹¹ Therefore, the arming of the Serb people of the middle Podrinje, that is, the Bosnian Serbs from the area of the municipality of Vlasenica, was carried out from the beginning of April 1991. In addition, the Serbs were provided with weapons of the 216th Brigade from Han Pijesak, weapons from the barracks in Tuzla through General Janković, weapons of the Territorial Defense of the Municipality of Vlasenica and weapons delivered in the second half of 1991 by members of the armored mechanized brigade from Jatrebarsko near Zagreb, which was dislocated to the area of Šekovići, where the brigade command was located. One of the battalions was located in Lukić Polje, a place located between the then Vlasenica municipality and the Srebrenica municipality.¹² It is important to point out that this unit was planned and organized in two of the mentioned localities, because only the Serbian population lived in that area.

In addition to providing huge quantities of weapons for the Serb population from the area of the municipality of Vlasenica in 1991 in Milići,

11 ICTY, Case No. IT-02-54, Miroslav Deronjić's statement in the court proceedings against Slobodan Milošević, pp. 2.

12 Velid Šabić, *Genocid u srednjem Podrinju 1992-1995*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2008, pp. 69.

where only the Serb population lived, in the summer of 1991 a Serbian volunteer brigade was formed, numbering between 1,200 and 1,500 soldiers, whose members were sent on the battlefield in neighboring Croatia.¹³ This unit was visited by General Petar Gračanin, Minister of the Interior of the Socialist Federal Republic of Yugoslavia (SFRY), General Milutin Kukanjac, General Vojislav Đurđevac, Colonel Dragomir Milošević, Radovan Karadžić, Biljana Plavšić, Nikola Koljević and Mirko Ostojić. During 1991, this brigade was often visited by Generals Đurđevac and Kukanjac, and they played a key role in its formation.¹⁴ It follows from the above facts that the Serb population of the middle Podrinje, i.e. Vlasenica, was organized in arms during 1991, that the weapons were located in safe places where only Serbs lived and that the mentioned brigade was formed with the approval of the political and military leadership of Serbia with the political leadership of the Serbs from Bosnia and Herzegovina, as evidenced by the names of those present at the promotion ceremony of the said brigade.

Crimes against Bosniaks from the area of the municipality of Vlasenica in the period of 1992 -1995

After the organized arming of the Serb population from the area of the municipality of Vlasenica during 1991 and the beginning of 1992, their leadership gave the green light to their prepared units to enter the city of Vlasenica and bring it under control, in cooperation with members of the Novi Sad Corps. It was on April 21, 1992, when the local Serb armed forces, with the help of the Yugoslav People's Army (JNA) units, special units of the Serbian Ministry of the Interior, Arkanovci, Šešeljevci and the White Eagles, forcibly "secured" power to the Serb leadership, and expelled Bosniak population from their jobs, many of them were taken to already prepared collection centers, and some were immediately killed. So, on April 21, 1992, the Golgotha of the Bosniak population from the town of Vlasenica began, and in the following days in all settlements and villages of the Vlasenica municipality in which Bosniaks lived. It is important to point out the fact that the JNA units played a major role in the occupation of Vlasenica, which is confirmed by the content of the confidential document of the Command of the 1st Vlasenica Light Infantry Brigade. This document states: "on April 20, 1992 the JNA forces and the formed units led by the SDS Crisis Staff

13 ICTY, Case No. IT-00-39-T, Izet Redžić's testimony in the court proceedings against Momčilo Krajišnik on 30 August 2004, pp. 5005.

14 Ibid.

“liberated” the town of Vlasenica. After that, and based on the Decision of the Crisis Staff of the SDS Vlasenica on April 21, 1992. The mobilization of people from the former Territorial Defense (TO) is being carried out.”¹⁵ This confidential document confirms and testifies to the truth that the SDS leadership Vlasenica is most responsible for the occupation of the town of Vlasenica, the forced expulsion of Bosniaks from their possessions and crimes against them. Their responsibility was also confirmed by the commander of the 1st Birač Brigade, then Major Mile Kosorić, who said that the detachments in the field were managed and commanded by the SDS Crisis Staff through its formed headquarters for command and control (REC) of those units until June 28, 1992, when all units became part of the 1st Birač Brigade. Since the Serb forces committed the most massive crimes against the Bosniaks of Vlasenica until June 26, 1992, it can be reliably said that the leadership of the SDS Vlasenica bears the greatest responsibility for the crimes against the Bosniaks from the area of this municipality. As a confirmation of these allegations, we will state the names and dates of the occupation of the Vlasenica settlements before June 26, 1992, in which Bosniaks lived. After the occupation of the town of Vlasenica (April 21, 1992), Serb forces occupied the villages of Turalići and Gobelje on April 28, 1992, Đile, Pomol, Nurići, Štedra, Bešići, Vrsinje, Gerovi and Bukovica between 1 and 4 May 1992, Pijuci on 8 May 1992, Zaklopača on 16 May 1992, Sebiočina on 25 May 1992, Drum on 2 June 1992, Gradina, Baćino Brdo, Durakovići, Hrastovac and Džemat on 2 June 1992, Durići on 5 June 1992, Čamdžići, Nedeljišta, Korkutovići and Hajdarevići in early June 1992, Šadići, Peševina, Jarovlje and Mršići on 6 and 7 June 1992. Therefore, the entire geographical area of the municipality of Vlasenica, which was inhabited by Bosniaks, except for the enclave of Cerska, was occupied by Serb forces until June 26, 1992.

The enclave of Cerska, which included pre-war local communities: Cerska, Skugrići and Nova Kasaba, was occupied on 13 October 1993, when Serb forces occupied the strategically important elevations of Ilino brdo, i.e. Tumače, from which they controlled much of the municipality of Bratunac. After coming out on the Tumače hill on March 8, 1993, they had several villages in the Bratunac municipality at gunpoint, from which they forced Bosniaks to leave Konjević Polje and Pobuđe with artillery, and then very quickly occupied all Bosniak villages as far as Bratunac. It is important to document that the defenders of the Cerska enclave offered heroic resistance

15 Archives of the Institute for Research of Crimes against Humanity and International Law (AIIZ), Inv. No. 9-9963, Command Document of the 1st Vlasenica Lp Brigade, Pov. No.: 05-691 / 94, dated 19 December 1994 – the Drina Corps Command.

to the aggressor for almost a year, but failed to preserve this area due to the incomparable superiority of the enemy in military force and manpower, because the Serbian leadership additionally engaged some units from all VRS corps and JNA members from Serbia, as well as the lack of food for the fighters and the civilian population of this Enclave. How much the Serbian leadership cared about the elimination of the Cerska enclave, due to the opening of the Pale - Zvornik - Belgrade corridor, is evidenced by the fact that units from Serbia also took part in the attack on the defenders' positions. Namely, the commander of the Užice Corps, Major General Dragoljub Ojdanić, writes in his document, sent to the General Staff of the Army of the Republika Srpska (GS VRS), "that the Užice Corps will continue the offensive operation until January 31, 1993, no later than 12 o'clock and that the reached line that we will block, you need to accept and visit it with the forces from your composition until 12 o'clock on the same date, and to provide teams for the rehabilitation of the battlefield, because a large number of corpses remained in the conquered area. It is necessary to include journalists and cameramen in the composition of the battlefield rehabilitation team in order to gather the evidence needed for use for propaganda purposes and to document crimes against the Serbian people"¹⁶ This order referred to the area of the Cerska enclave, where Serb forces attacked the defenders of the enclave with all available means. As Serb forces failed to occupy the Cerska enclave during three offensive attacks, in the fourth offensive, which was activated on 13 January 1993 and lasted until the final breakdown of the defenders on 13 March 1993, they engaged units from all VRS corps (Drina, East-Bosnian, Herzegovinian Sarajevo-Romanija and Krajina Corps), as well as units from Serbia from the Novi Sad, Užice and Valjevo Corps.¹⁷

The scale of crime, the age and gender structure of the victims

The genocidal policy of the SDS Vlasenica leadership, implemented through the Crisis Staff of this municipality, i.e., through the police and the army of the Republic of Srpska, in cooperation with military and police units from Serbia, resulted in the murder of 2,637 Bosniaks from the municipality of Vlasenica, i.e. 14% of demographic losses. During 1992, a total of 1,178 Bosniaks from Vlasenica were killed, during 1993, 339 were killed, during

16 ICTY, No. 04323091, The Užice Corps Command Pov. No. 174-2, dated 29 January 1993 - The General Staff of the Army of the Republic of Srpska and the Drina Corps (for information).

17 Šemsudin Šemso Salihović, *Nikad ne zaboravi Cersku*, Sarajevo, 2008, pp. 207.

1994, 48 were killed, and during 1995, in the UN “safe zone” of Srebrenica, in July 1995, 1,072 Bosniaks from the municipality of Vlasenica were killed. Of this total number of Bosniaks killed in the Vlasenica municipality (2,637), 2,314 (88%) men and 323 (12%) women were killed by Serb forces. When it comes to the age of the killed Bosniaks in Vlasenica, according to the results of our research, Serb forces killed: 262 (10%) children, 2,226 (84.4%) people aged 18 to 65, i.e. able-bodied, and 149 (5.6%) aged over 65 years.

With the murder of 2,226 (84%) able-bodied Bosniaks from the municipality of Vlasenica, it is evident that the Serb leadership deliberately, systematically and through its executors killed living and able-bodied Bosniaks, in order to ultimately eliminate this category from the function of breadwinners and reproduction of new generation of Bosniaks. These are historically known methods of destroying a people, which the Serbian leadership applied, primarily, to Bosniaks in Bosnia and Herzegovina. Members of the Serb forces committed numerous mass crimes against the Bosniaks of Vlasenica, both in the city and in all settlements and villages in which Bosniaks surrendered at the invitation and expressing guarantees that their executioners would provide them with all necessary security and neighborly assistance. Unfortunately, the largest number of Bosniaks fell, for who knows how many times in the history of their existence, on the old tricks of false promises. Many of them went through the most severe tortures of abuse, and a large number were killed. All these murders had elements of the crime of genocide, because they were committed in a planned manner and in the organization of the Serbian leadership of the municipality of Vlasenica.

We will single out only a few mass murders of Bosniaks in Vlasenica committed by members of the Serb forces, who irrefutably testify to the intention for the physical elimination of Bosniaks in this municipality. The murder of Bosniaks in the village of Zaklopača is a symbol of the suffering of Bosniaks in this municipality, as well as in the wider area of the middle Podrinje. Namely, on May 16, 1992, Serb forces entered this village at around five o'clock in the afternoon in gray, olive-colored civilian, police and military vehicles, in police and military camouflage uniforms. According to one of the surviving witnesses, Tomislav Savkić, president of the SDS Milići, and Rade Bjelanović, chief of the Milići Public Security Station, were seen among them.¹⁸ In less than fifteen minutes, they killed all the Bosniaks they found in the fields, in front of the houses and in the houses. They killed 65 Bosniaks from the village of Zaklopača, including thirteen children, and 17 women

18 AIIZ, Inv. No. 2-3264, Testimony of witness D.F., dated 10 March 1993.

aged 26 to 72. As a crowning proof that the Serb forces committed the planned crime of genocide against the Bosniaks of the village of Zaklopača, there is the Report of Milan Bačić, a police officer on duty at the Milići Public Security Station on May 16, 1992. Namely, in his report, the on-duty police officer Milan Bačić, sent to the commander of the Militia Station - Milići wrote that all police officers were on duty that day, “to clear the terrain, and that Mirko Leković and Radenko Borić used a GOLF vehicle to escort trucks and buses.”¹⁹ Since on that day (May 16, 1992) Serb forces did not carry out armed attacks in any locality in the municipality of Vlasenica, except in the village of Zaklopača, it can be stated that the mentioned members of the police and vehicles were in the function of killing Bosniaks in the village of Zaklopača. The Prosecutor’s Office of Bosnia and Herzegovina filed an indictment against seven Serbs only on October 5, 2016 for war crimes against Bosniaks in the village of Zaklopača and that, to this day, the process of establishing the truth, or, possibly, prosecuting those accused of this crime, has not been completed.²⁰

On 21 May 1992, Serb forces shot 32 Bosniaks at the entrance to Nova Kasaba from the direction of Milići, three of whom survived (Sado Muhić from Voljevica, Rahman Karić and Suad Džafić from Vitkovići). Those were Bosniaks from the area of the municipality of Bratunac, who were detained in Vlasenica. Although there is solid evidence for their killing, to this day, to our knowledge, no criminal proceedings have been initiated against the organizers and perpetrators of this heinous and monstrous crime.²¹

19 AIIZ, Inv. No. 2-4281, Bačić Milan, on duty at the Public Security Station Milići on May 16, 1992. The report on the security situation in the area of responsibility of the Milići Public Security Station.

20 On October 5, 2016, the Prosecutor’s Office of Bosnia and Herzegovina has filed an indictment for war crimes in the village of Zaklopača against the following persons: Blagoje Vovodić, Branko Jolović, Čedo Bogičević, Nikola Lošić, Milomir Milošević, Nenad Vukotić i Radomir Pantić.

21 The following murdered Bosniaks were exhumed and buried at the Mravinjci site near Nova Kasaba: Mujčić /Azem/ Halid from Rakovac, Mujčić /Azem/ Aziz from Rakovac, Džafić /Ibro/ Mehmed from Vitkovići, Džafić /Ramiz/ Mirsad from Vitkovići, Alić /Omer/ Alija from Voljevica, Alić /Ibro/ Hidajet from Biljača, Džafić /Džafer/ Osman from Vitkovići, Suljić /Suljo/Šahin from Vitkovići, Džafić /Vehbija/ Huso from Vitkovići, number ten unknown person from Bjelovac, Džafić /Meho/ Samir from Vitkovići, Mujić /Safet/ Mirsad from Bjelovac, Džafić /Senahid/ Fahrudin from Vitkovići, Džafić /Ramiz/ Fejzo from Vitkovići, Huseinović /Hasib/ Azem from Vitkovići and Salihović /Idriz/ Ismet from Krasanovići.

The remaining thirteen Bosniaks whose bodies were pulled to their side by Serb soldiers and buried in a mass grave are: Ragib Salihović from Vitkovići, Ibro Džafić from Vitkovići, Hamed Džafić from Vitkovići, Himzo Suljić from Vitkovići, Suljo Suljić from Vitkovići, Arif Karić from Vitkovići, Galib Ahmetović from Krasanpolje, Alija Suljagić

On 30 September 1992, members of the Serb forces removed the remaining 240 detainees from the Sušica camp, took them to prepared locations and shot them all.²² According to one of the guards of the Sušica camp, the detained Bosniaks were killed at two locations, not far from the Sušica camp, and the execution was carried out by young soldiers, members of the Serbian armed forces. In addition to these killings of Bosniaks, Serb forces killed large numbers of Bosniaks from the Vlasenica area during incursions into their settlements and villages, and to date, they have not been prosecuted for the crimes committed. In addition to the murder of the mentioned number of Bosniaks, the Serbian leadership, through its executors, forcibly expelled more than 16,000 Bosniaks from Vlasenica from their homes, destroyed all Islamic and cultural facilities that witnessed the spiritual and cultural substance of Muslims - Bosniaks. They demolished, among others, the Hajrija Mosque on its centenary (August 19, 1892 - August 19, 1992), the Musa Pasha Mosque in Nova Kasaba, which was built in 1643 and demolished on July 14, 1992.

The fate of Bosniaks in mixed marriages and their families

In addition to the indiscriminate killing of all categories of Vlasenica Bosniaks, Serb forces planned and organized the killing of several Bosniaks who were in mixed marriages with Serb women, and some Bosniaks were “forced” to change their nationality to save their own lives and the lives of their families, to change their national identity by taking Orthodox names. According to the results of our research, the following Bosniaks were killed who were in mixed marriages and did not side with the occupying Serb forces: Muhamed Galijašević, a private caterer, was married to his wife Branka, Mujo Klanco, a skilled electrician, was married to his wife Vukosava, Ahmet Taljić, brother of the famous writer Isnam Taljić, was married to his wife Rajka, Osman Saračević was married to his wife Jadranka, daughter of Nedo and Zehra Telalović, Mujo Nezirović was married to his wife Slobodanka, Mevludin – Meša Heljo was married to his wife Borka, Sadik Džindo was married to his wife Denka, Hakija Osmanović was married to his wife from the Sokić family. On the other hand, there were cases where children from mixed marriages, from Bosniak mothers and Serb fathers, proved their loyalty by the most cruel tortures and murders of Bosniaks, and even close relatives. Thus, the sons of

from Voljevica, Ibro Suljagić from Voljevica, Munib Suljagić from Voljevica, Ramiz Kadrić from Vitkovići, Izo Suljić from Vitkovići and unknown person, wrapped in a backhoe near the bend on the road Nova Kasaba – Vlasenica.

22 Hasan Nuhanović, *Zbjeg*, Mediacentar, Sarajevo, 2014, pp. 291.

father Pero and mother Begajeta: Aleksandar and Elvis Đurić are suspected of taking part in the murders and tortures of numerous Bosniaks in Vlasenica, where, among others, their uncles were killed: Mensur, Mevludin and Armin Hasanbegović, and a cousin Eldar. Goran Tešić, the son of Bosniak Mersa, is suspected of numerous crimes against Bosniaks in Vlasenica. How bitter and tragic is the fate of the Bosniaks of Vlasenica who were in mixed marriages, that is, their families, is witnessed by the cases where the wives who survived “had” to return their previous Serbian surnames and change their children’s names. Thus, among others, cases have been recorded, such as the family of Sadik Džindo, where after the murder of father Sadik, his children, before the occupation of Vlasenica, Adis and Edis were changed names to Siniša and Nebojša. The children of Mevludin Helja and his wife Borka: Jasminka and Jadranko took their mother’s maiden name Bogičević.²³ It is important to point out the fact that the mentioned names of the children of Bosniak fathers who took the surnames of their mothers, Serbs, did not agree to prove their loyalty to the organizers and perpetrators of crimes by killing their “fellow Bosniaks” and that is a lasting value recognized by the victims, unlike the mentioned sons of Bosniaks from mixed marriages, such as the Đurić brothers and Goran Tešić, who will bear both legal and moral responsibility until their deaths.

It is important to emphasize that it was not easy for the mentioned wives of the murdered Bosniaks to withstand the pressure of their compatriots who declared them “traitors of their kind”, who did not want to accept blackmail to return their maiden names to their children. One of the recognizably brave women is Vukosava Klanco, the wife of the murdered Mujo Klanco, who did not agree to return her maiden name to her children and to “baptise” them, which she was asked to do in the premises of the municipality of Vlasenica in April 1992.²⁴ She bravely and with dignity tells and conveys the truth about what happened in Vlasenica in 1992. Although she lives outside the borders of Bosnia and Herzegovina, almost every year Mrs. Vukosava comes to her Vlasenica to visit the grave of her husband, who was killed in the justice of God, and tirelessly fights for the realization of all human rights for every human being, regardless of his national and religious affiliation.

23 Dnevni avaz, 4 August 2018, pp. 8-9.

24 Dnevni avaz, 4 August 2018, pp. 9.

The Sušica camp

In addition to numerous pre-prepared facilities and temporary camps (Vlasenica Public Security Station, Municipal Prison, Luka Camp, Pelemaši Camp, Vlasenica High School, sawmill in Milići, barns of agricultural cooperatives in Piskavice, Panorama Hotel in Vlasenica, military sports hall, cultural center in Milići, a processing company in Šošari) for temporary detention in which the Bosniaks of Vlasenica were housed, the Sušica camp was the main detention facility and, at the same time, a thin wire between the life and death of a large number of Bosniaks from several municipalities.

The Sušica camp was formed and put into function on May 31, 1992, by order of the then commander of the Serbian Army Brigade “Birač”, Major Svetozar Andrić, a JNA officer and later a general of the Yugoslav Army. It was a regional camp in which Bosniaks from the area of the municipalities: Vlasenica, Šekovići, Kalesija, Han Pijesak, Sokolac, Višegrad, Rogatica, Zvornik, Bratunac, Srebrenica and others were detained. According to available data, more than 8,000 Bosniaks passed through the Sušica camp between June and September 1992. Many experienced severe physical torture, and over a thousand detainees were killed in and around this camp. The camp manager was retired police officer Veljko Bašić, and the camp commander was Dragan Nikolić, a.k.a. Jenki. The two bear the greatest responsibility for all the crimes committed against the detainees in the area of this camp. In the trial, Veljko Bašić was acquitted, allegedly due to his age, and Dragan Nikolić was sentenced by a final verdict before the Hague Tribunal to 20 years in prison. In addition to the large number of Bosniaks killed in June, July and August 1992, the remaining 240 detainees were killed on 30 September 1992. On that day, three officers of the Vlasenica Ministry of Internal came by bus around the camp and took the remaining detainees not far from the camp on four occasions, where, according to available information, they were killed. One of the camp guards told the International Criminal Tribunal for the Former Yugoslavia (ICTY) that Dragan Nikolić, the camp commander, told him after the killings that the remaining detainees had been killed and that Major Milovan Jaćimović had ordered the camp closed. In addition, he said that Commander Nikolić had told him that the killings of the detainees had been carried out in two parts. The first hundred were killed in the Debelo brdo cave, and the other half were killed at the Pelemaši site.²⁵ It is important to emphasize that no criminal responsibility has yet been established for the murder of these approximately 240 detainees, nor has anyone been prosecuted, although there is sufficient reliable data on those responsible for these crimes.

25 ICTY, a testimony of a witness, a guard in the camp Sušica (00728397).

Destruction of Islamic religious objects

In addition to imprisonment, torture, killing, forced expulsion of Bosniaks from the municipality of Vlasenica, ideologues of the Greater Serbia politics, through their perpetrators, destroyed traces of religious²⁶ and cultural heritage of other peoples, in this case Bosniaks, as the only two national groups that existed in this municipality, Serbs and Bosniaks. During the occupation of the municipality of Vlasenica, Serb forces demolished all mosques, maktabas, imam's houses, abdeshtans, primary schools in places where only Bosniaks lived, cultural centers, as well as demolished cemeteries in some locations.

It is important to point out that in the area of the municipality of Vlasenica, there were two mosques that were built a hundred or more years ago. One of them is the Musa Pasha mosque in Nova Kasaba, which was built in 1643, and was demolished by Serbian forces on July 14, 1992. The second is the Hajrija mosque in Vlasenica, which was built on August 19, 1892, and was demolished on its centenary, that is, on August 19, 1992.

The confession of Dragan Nikolić, commander of the Sušica camp, for crimes against Bosniaks in Vlasenica

Dragan Nikolić, the commander of the Sušica camp, is most responsible for the torture of Bosniaks and the killings in the Sušica camp. The only indictee convicted before the Hague Tribunal for crimes against Bosniaks in Vlasenica. Based on the indictment of the International Tribunal in the Hague No. IT-94-2-I, dated 7 November 1994, Dragan Nikolić, a.k.a. Jenki on April 21, 2000, was arrested by the SFOR members and handed over to the International Tribunal in The Hague. Following the 23-year sentence handed down by the Trial Chamber of the Hague Tribunal, on 4 February 2005, the Appeals Chamber sentenced him to 20 years in prison.²⁷ After pleading guilty,

26 In the area of the municipality of Vlasenica, i.e. the Majlis of the Islamic Community of Vlasenica, members of the aggressor forces demolished the following Islamic buildings: the Hajrija mosque in Vlasenica (August 19, 1992), the Musa Pasha's mosque in Nova Kasaba (July 14, 1992), a mosque in Derventa – the village of Pomol (July 14, 1992), a mosque in the village of Rovaši (March 1993), a mosque in Cerska (March 1993), a mosque in Papraća, a mosque in Nevačka and a mosque in Podžeplje (summer 1992). In addition to the mentioned mosques, members of the aggressor forces destroyed mosques in the villages: Turalići (April 1992), Neđeljišta (June 1992), Sebiočina (May 1992), Šadići (May 1992), Zaklopača (May 1992), Vrsinje (June 1992), Gerovi (June 1992). Skugrići (February 1993), Raševo (March 1993) and Mačesi (March 1993).

27 ICTY, Case No. IT-94-2-S, the ICTY Prosecutor versus Dragan Nikolić.

Nikolić said he felt a great deal of shame and embarrassment, as well as regret for the victims. From the statement he gave to the ICTY Prosecutor's Office, we single out the following words: "What can I say about that? I can say that I sincerely regret all that. I really regret it, because if I just said "I regret it" for some form. I know best how I feel. My remorse comes from myself, because I have known the vast majority of people since I was a child. We grew up together, some of them were my neighbors. I will take this opportunity to apologize to all those victims and those I have directly hurt, whose lives and destinies I have influenced, deeply, and to all those who have been in the Sušica camp, either day, month, or more. I say that the doors of my house are open to all these people, that I can come and talk at any moment, either with the victims or with some neighbors, who were not even in the Sušica camp."²⁸ Considering the fact that Dragan Nikolić uttered these words of repentance before the final verdict was pronounced, it can be assessed that "his repentance" was intended for the Chief Judge to reduce his previously sentenced sentence. After serving a two-thirds sentence, according to the propositions of the Hague Tribunal, Dragan Nikolić was released on August 20, 2017, and he died in his native Vlasenica on June 4, 2018, at the age of 61. Although he experienced freedom at a not so old age, we believe that Dragan Nikolić could not sleep peacefully from the nightmares that tormented him and the images of victims that flooded his memories every day and that this was the main cause and cause of his death. In addition to the verdict of the Hague Tribunal Dragan Nikolić, Predrag Bastah was sentenced to 22 years in prison and Goran Višković to 18 years for crimes against Bosniaks Vlasenica before the court of Bosnia and Herzegovina.

Concluding remarks

The area of the municipality of Vlasenica, together with other municipalities in the middle Podrinje, was one of the first priorities in the occupation plans of the Serbian armed forces at the beginning of the aggression of Serbia and Montenegro against the internationally recognized state of Bosnia and Herzegovina. It was an unfinished project of ideologues of the Greater Serbia politics who, since the Berlin Congress, had planned to annex the entire Podrinje to Serbia, about fifty kilometers deep, west of the Drina River, and remove it as a natural border between Serbia and Bosnia and Herzegovina. The extent to which the area of the municipality of Vlasenica

28 ICTY, Case No. IT-94-2-A, The Prosecutor versus Dragan Nikolić, Judgment on appeal against sentence, 4 February 2005.

was one of the primary targets of the aggressor units is evidenced by the data that the area of this municipality was attacked by armed units of Serbia (members of the Novi Sad and Užice Corps, the Ministry of Internal of Serbia, numerous paramilitary units from Serbia) in cooperation with armed units, as well as certain units from all VRS corps.

According to the results of own research, in the period 1992-1993, a total of 2,637 persons of Bosniak nationality from the area of the municipality of Vlasenica were killed. Since, according to the 1991 census, there were 18,727 Bosniaks living in the municipality of Vlasenica, it means that it was about 14% of the demographic losses of Bosniaks in this municipality. In addition to the killing of Bosniaks from the Vlasenica municipality until the occupation of the entire area on March 13, 1993, members of the Serb armed forces killed, according to the results of our research, 1,072 Vlasenica Bosniaks in the 1995 UN "safe zone" of Srebrenica. They demolished all Islamic buildings that witnessed the spiritual substance of Muslim - Bosniaks, forcibly expelled over 16,000 Bosniaks from their properties, and buried the bodies of killed Vlasenica Bosniaks in numerous primary, secondary and tertiary graves.

It will be recorded in history that the Bosniak people of this area were neither guilty nor obliged to be armed, completely inferior to the enemy, heroically defended their country for almost a year with minimal amounts of food, weapons and ammunition and without the permission of the international community to deliver humanitarian aid and weapons to defend their own lives and freedom to live. Although they had to withdraw from their territory due to the inability to oppose a far superior armed force, because the Serbian leadership engaged additional armed forces from all corps of the Republic of Srpska Army (VRS) and units of the Užice and Novi Sad Corps of the Serbian Army in attacks on the Cerska enclave, it should be noted that the fighters of the Ceran detachment "dragged" a large number of Serb soldiers from other battlefields and thus helped members of the Army of the Republic of Bosnia and Herzegovina (ARBiH) to defend and liberate significant areas of the state of Bosnia and Herzegovina.

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23. *Zločini i žrtve*, Državna komisija za prikupljanje činjenica o ratnim zločinima – općinska komisija Živinice, Živinice, 1995. *Crimes and Victims*, the State Commission for Gathering Facts about War Crimes - Municipal Commission of Živinice, Živinice, 1995

**CONCENTRATION CAMPS IN THE MUNICIPALITY OF
ZVORNIK IN 1992 IN THE FUNCTION OF COMMITTING
THE CRIMES OF GENOCIDE AGAINST BOSNIAKS OF THE
BOSNIAN PODRINJE**

Summary

The topic of this paper is the concentration camps in the municipality of Zvornik, established after its occupation in April 1992 by Serbian political and military structures during the 1992-1995 war against Bosnian society and the state. Concentration camps were established with the aim of creating an ethnically homogeneous territory along the Drina River, which was one of the main goals in the great state conception of Serbian ethno-territorial expansionism, which was ultimately to end with the creation of the “Greater Serbia”. The number, location and manner in which the concentration camps for the Bosniak civilian population in the Zvornik municipality functioned in 1992 indicate the intention to organize, plan and systematically destroy the Bosniak national, ethnic and religious group as such.

Key words: concentration camps, aggression, the municipality of Zvornik, genocide, murders.

Introduction

Almost 25 years have passed since the signing of the Dayton Peace Agreement, after which the “entity of the Republic of Srpska” was legalized and officiated in almost half of the internationally recognized state of the Republic of Bosnia and Herzegovina, as a de facto exclusive territory of the Serbian people in post-Dayton Bosnia and Herzegovina, and the Bosnian society survives the consequences of obstruction of its implementation, lump sum interpretations and institutional legalization of the Republic of Srpska, caused by the successful ethnic cleansing, genocide and other crimes against humanity and international law.

After detailed planning by the regime in Belgrade, the military attack and occupation of Zvornik was carried out on April 8, 1992 by the Yugoslav People's Army, with the help of various paramilitary formations from Serbia, Territorial Defense units and members of the regular and reserve police. After the occupation of the town, as an integral part of the plan for the destruction of the Bosniak community in the municipality of Zvornik, there was an organized illegal detention of the Bosniak population, murder, rape of women, girls and sexual abuse of men, persecution and deportation of Bosniaks to other municipalities and outside Bosnia and Herzegovina. In the research from the sociological aspect, we examine the phenomenon of concentration camps, established as an integral part of the genocide process, which has become an indisputable legal fact of Bosnian society and the state. This is a case study in which we intend to explain the phenomenon and function of concentration camps in which Bosniak civilians were imprisoned in the Zvornik municipality during the genocidal aggression against the Republic of Bosnia and Herzegovina in the period from 1992 to 1995.

1. Theoretical elaboration of basic concepts

1.1. Genocide

Although not a recent phenomenon, but a social practice that goes deep into the human past, genocide is a term that came into wider use only after World War II when it became part of daily political controversy, media reports, scientific publications, testimonies of Holocaust survivors, etc... The term "genocide" was coined by a Polish Jew, lawyer and social activist Rafael Lemkin in 1944 with the intention of denoting what Winston Churchill had previously called a "crime without a name" referring to crimes committed by Nazi Germany during World War II.¹ The term "genocide" is derived from the Greek word *genos* (tribe, race) and the Latin word *cide* (kill). That term will in the future denote the worst of all, the crime of all crimes. Lemkin believed that the destruction of a social group does not only mean its biological destruction, but that it may include taking other measures, such as the destruction of cultural heritage.²

1 Leslie Alan Horvitz, Christopher Catherwood; *Encyclopedia of War Crimes And Genocide*, Facts on File Library of World History, New York, 2006, pp. 166.

2 Dirk, Moses; *Raphael Lemkin, Culture, and the Concept of Genocide*, u; Donald Bloxham, A. Dirk Moses, *The Oxford Handbook of Genocide Studies*-Oxford University

Lemkin's broader understanding of the crime of genocide is significantly reduced in the definition in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the UN General Assembly on December 9, 1948. According to Article 2 of that Convention, genocide may be any act taken with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group such as: a) killing members of a group, b) inflicting severe physical or mental pain on members of the group, c) intentionally subjecting the group to living conditions aimed at its total or partial physical destruction, d) imposing measures aimed at preventing births within the group, e) forcibly transferring children from one group to another.³ Due to shortcomings and ambiguities, the definition of genocide from the Convention on the Prevention and Punishment of the Crime of Genocide will become the target of criticism by many researchers of the Holocaust and other genocides, and many of them have offered their own definitions of genocide. Thus, for example, Isidor Wallimann and Michael N. Dobkowski gave their definition of genocide, which is closest to a sociological understanding of the crime. They, like Lemkin, do not believe that killing people is a key to understanding the nature of the crime of genocide, and that what is called "ethnic cleansing" is the same as genocide, and they see government structures as perpetrators of genocide. They consider genocide to be "the deliberate, organized destruction, in whole or in part, of racial or ethnic groups by the government or its representatives. It can include not only mass killings but also forced deportations (ethnic cleansing), systematic rape, economic and biological oppression."⁴ One of the most important sociological definitions of genocide was given by Helen Fein. That definition reads: "Genocide is a series of targeted actions by the perpetrator to destroy the collective through mass or selective killings of group members and to suppress the biological and social reproduction of the collective. This can be achieved by imposing a ban or restriction on the reproduction of group members, by increasing the infant mortality rate, and by breaking the link between the reproduction and socialization of children in a family or group of origin. The perpetrator may represent the victim state, another state or another collective."⁵

Press 2010, pp. 34.

3 Alexander, Hinton; *Annihilating Difference: The Anthropology of Genocide*, University of California Press, 2002, pp. 3.

4 Ibid

5 Ibid

1.2. Concentration camp

Concentration camps are not the product of Nazism, Stalinism and other totalitarian regimes that marked the twentieth century. However, the idea that thousands of civilians who were considered inferior beings, at the stage of development between animal and human, were isolated from the space in which they lived to be enclosed by wire and walls is originally European. The first concentration camps as a weapon of total war and an institution of total control were established in the late nineteenth century by the Spanish colonial government in Cuba, as part of a war strategy against domicile rebels.⁶ Given their purpose, several types of concentration camps have been differentiated over time:

1. Concentration camps intended for biological destruction of the target population. We call this type of camp death camps.
2. Labor camps in which detainees serve as slave labor.
3. Transit camps used for temporary stay of detainees, usually until they are deported to another camp or taken to execution sites.

Hannah Arendt divides the camps into three types based on three basic Western concepts of life after death. The first type of camp is *Hades*, which is also characteristic of non-totalitarian regimes. They are established when they seek to remove undesirable social elements such as the expelled or unemployed. *The Purgatory* corresponds to a Soviet labor camp characterized by starvation and unhygienic living conditions. *Hell* is the third type of concentration camp that is organized to maximize the suffering of inmates. Such, in her opinion, were the Nazi concentration camps.⁷ She believes that the concentration camp is a “laboratory for experimenting with total domination, because man’s nature is as it is, and this goal cannot be achieved other than in the extreme circumstances of the hell that man has built.”⁸

1.2.1. The difference between concentration camp and prison

There is a big difference between a concentration camp and a prison, i.e. the status of prisoners in prisons and the status of detainees in concentration

6 More details in; Pitzer, Andrea; *One Long Night, A Global History of Concentration Camps*, Little, Brown and Company, New York, 2017.

7 Arendt, Hannah. *The Origins of Totalitarianism*, Harcourt Brace & Company, 1973, pp. 445.

8 Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*, California: Stanford University Press, 1998, pp. 120.

camps. The prisoner knows at all times the length of the sentence he is serving, as well as the expiration date of the sentence. The detainee never knows when and if he will leave the camp. While prisoners are held in prisons within the legal system to be found guilty, concentration camp detainees are not usually read the indictment, are not tried, and are often not given an identity because upon detention they are assigned a number to the detention camp, or even not. People are imprisoned for disobeying the law, but they are not thrown out of a certain legal framework. A detainee is always a segregated person who is detained on the basis of his or her political beliefs, racial, ethnic, religious or other affiliation.

1.3. The Municipality of Zvornik

Zvornik is one of the oldest cities in Bosnia and Herzegovina, and due to its geostrategic position it was interesting to many conquerors. The first written trace of the name of this city can be found in a Dubrovnik document from May 21, 1410, as “Zvonik”, and as Zvornik as it is still called today, it is mentioned in 1519. In time, it fell into the hands of the Roman Empire, the Frankish state, Hungary, Byzantium, the medieval Bosnian state, Serbian Despotate, the Ottoman and Austro-Hungarian empires, and for a short period of time it was occupied by the NDH. The city is located at an altitude of one hundred and forty meters. Recognizing its strategic position, Karađorđe tried to conquer Zvornik during the first Serbian uprising. That is why the French Consul General in Travnik will have written in his report of May 29, 1807, that “Zvornik is the key to Bosnia, and if Serbs occupy it, then neither Travnik nor Sarajevo will be safe anymore.”⁹ Due to the fact that the municipality of Zvornik was one of the municipalities along the Drina River, located on the border with Serbia and important communication routes for the realization of the project “Greater Serbia”, it was among the first municipalities to be occupied. In Belgrade in early May 1991, at a meeting between Miroslav Deronjić and Goran Zekić, with Mihalj Kerteš, where the delivery of weapons for Serbs in the municipality of Bratunac was agreed, Mihalj Kerteš stated that the political and state leadership of the SFRY had decided that the area would be fifty kilometers from the Drina River in the interior of Bosnia and Herzegovina to be cleared of non-Serbs.¹⁰ The territory of the municipality of Zvornik before the aggression on the Republic of Bosnia and Herzegovina

9 Hudović, Mehmed; *Zvornik, slike i bilješke iz prošlosti*, DES, Sarajevo, 2000, pp. 60.

10 ICTY, the Trial Chamber Verdict, Prosecutor v. Miroslav Deronjić, CaseIT-02-61 – S, 30 March 2004, The Hague, Paragraph 54.

stretched along the left bank of the Drina River in a total length of fifty-two kilometers, while in depth it stretched a maximum of twenty-six kilometers. It occupied four hundred and ninety-nine square kilometers, of which as much as ninety percent belonged to the hilly-mountainous area. On the southern, western and northwestern sides of the Municipality are the mountain Majevisa and the slopes of the mountain Javor, and along the eastern side is the Drina River, which is also the border between Serbia and Bosnia and Herzegovina. A narrow strip along the Drina River leads the area of the Municipality into the plains of Semberija. Before the aggression, it bordered on three Serbian municipalities (Ljubovija, Mali Zvornik and Loznica) and seven Bosnian municipalities (Ugljevik, Bijeljina, Kalesija, Lopare, Šekovići, Bratunac and Vlasenica). It consisted of forty local communities, of which four urban and thirty-six rural local communities. After the signing of the Dayton Peace Agreement, most of the pre-war municipality of Zvornik became part of one of Bosnia and Herzegovina's entities called "the Republic of Srpska", so that the newly formed municipality of Zvornik stretches over three hundred and eighty-seven square kilometers. The entities called the "Federation of Bosnia and Herzegovina" included the settlements of Kraljevici, Medjeđa, Goduš, Rastošnica, Rožanj and Sapna, as well as parts of the settlements of Baljkovica, Kiseljak, Nežuk, Vitinica and Zaseok. From the mentioned settlements and parts of the mentioned settlements, the municipality of Sapna was formed.

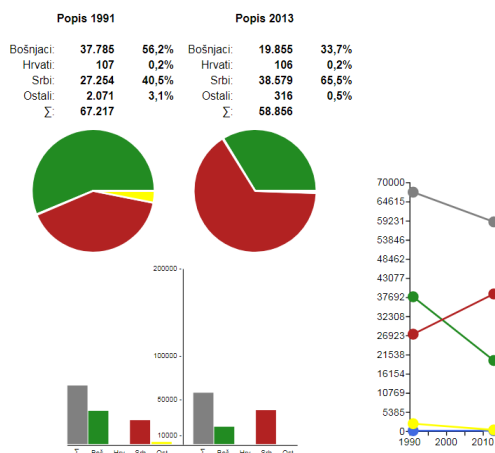


Illustration 1.3.1 Overview of changes in the ethnic structure of the population in the municipality of Zvornik, (Source: <http://www.statistika.ba>)

2. Occupation of the municipality of Zvornik

At least a week before the attack on Zvornik, exercises were carried out to evacuate the Serb population from the town of Zvornik. Serbs were absent from work and returned to the city after a few days. A few days before the attack on Zvornik, the leader of one of the paramilitary formations that took part in the occupation of the Zvornik municipality and the aggression against the Republic of Bosnia and Herzegovina addressed the gathered people in Mali Zvornik at a political gathering. It was Vojislav Šešelj who on that occasion told the “brothers across the Drina River” that he would “clean Bosnia of pagans and show them the way to the East, where they belong.”¹¹ On another occasion, Vojislav Šešelj told the media about the action of occupation of Zvornik the following: “The operation has been planned for a long time. It has been prepared for a long period of time. So there was nothing in some nervousness to be called come on urgently we need this, we need that. Everything was well organized and well done. Milošević is definitely taking absolute control, and that Zvornik operation is planned in Belgrade. Bosnian Serb forces took part in it, and they were more numerous. However special units and the most combat units came from this side. There were volunteers of the Serbian Radical Party, there were Arkan’s volunteers “...¹²

The occupation of Zvornik was preceded by the evacuation of the Serb population and negotiations between SDA and SDS representatives in Mali Zvornik, where the leader of one of the numerous Serbian paramilitary formations, Željko Ražnjatović, asked the SDA representatives to surrender Zvornik unconditionally. After the SDA representatives refused, tank and mortar shelling of the city followed, which was carried out by the Yugoslav People’s Army from the direction of Karakaj and from the territory of Serbia. On the morning of April 8, 1992, members of the Territorial Defense, the Yugoslav People’s Army, “the Šešelj guards”, “Beli orlovi”, “Žute ose” and other Serbian paramilitary formations, backed by artillery and sniper fire from Mali Zvornik, marched toward the city center. Bosniaks were taken out of houses and apartments, killed and beaten. Immediately upon entering the town, the Šešelj guards took out and shot at least eleven Bosniak civilians from the basement of a residential building.¹³ There was almost no defense of the city, so on 9 April 1992 the city was under the control of the aggressors. In

11 Proces Vojislavu Šešelju: *Raskrinkavanje projekta Velika Srbija*, Helsinški odbor za ljudska prava u Srbiji, Zagorac, Beograd 2009, pp.283.

12 <https://www.youtube.com/watch?v=bGydjZkSbkw> (Retrieved at: 17 April 2019.)

13 Dosije; JNA u ratovima u Hrvatskoj i BiH, Fond za humanitarno pravo, str. 75. (Files; the YA in the wars in Croatia and BiH, the Humanitarian Law Center, pp. 75)

the following days, members of Serb paramilitary formations looted Bosniak houses and apartments in the town of Zvornik. At the same time, dozens of bodies of killed Bosniaks were taken away by trucks, including many women, children and the elderly.¹⁴ During the Serb occupation of Zvornik, a large number of Bosniaks headed for the Kula grad fortification, from where about a hundred armed Bosniaks offered significant resistance. Serbian shelling of Kula grad began on April 9. At the same time, numerous paramilitary units were trying day and night to occupy the fort. The attacks lasted until April 26, when Serbs, with the help of shelling from the Serbian bank of the Drina River, coordinated all available forces, including aviation, and occupied the fortification. The remaining defenders, with many civilians who had been staying at Kula grad all along, were retreating towards Liplje and further towards Tuzla. The fall of Kula grad as a strategic position for the defense of Zvornik settlements opened the possibility for the Yugoslav People's Army and other Serbian military formations to occupy Divič, Kostijerovo, Liplje, Đulice, Snagovo, Kozluk, etc ...

2.1. Concentration camps for Bosniaks in the municipality of Zvornik in 1992

The system of Serb concentration camps for the Bosniak civilian population in the Zvornik municipality in 1992 consisted of twenty-eight concentration camps, as follows: the Center of Culture Čelopek, the agricultural property "Ekonomija" (Karakaj), the footwear factory "Standard" (Karakaj), factory "Alhos" (Karakaj), factory "Cigлана" (Karakaj), company "Novi Izvor" (Karakaj), a building of the Misdemeanors Court (Karakaj), Technical High School Center (Karakaj), facility "Hladnjača" (Karakaj), facility "Gerina klaonica (paraphrase: Gera's slaughterhouse)" (Karakaj), the Court in Zvornik, the Municipality and Public Security Station (Zvornik), the Hotel "Drina" in Zvornik, library in Zvornik, stadium in Zvornik, the Center of Culture in Pilica, a farm in Pilica, Old Prison (Zamlaz), Administrative building (Zamlaz), the Hotel "Vidikovac" (Divič), "Peti juli" Hospital (Zvornik), Paša Salihović's house (Liplje), Elementary School in Liplje, a school in Kneževići, a mosque in Novo Selo, a mosque in Đulići, the Center of Culture in Drinjača, Elementary School in Drinjača. The circumstances under which some of the mentioned camps were established and functioned will be explained as follows.

14 ICTY, the Trial Chamber Verdict, Prosecutor v. Momčilo Krajišnik, Case IT-00-39-T, 27 September 2006, Paragraph 362.

After occupying the town of Zvornik and occupying the Kula grad hill, the Serbian army formed a ring around Divič and began shelling Divič from the position of the Yugoslav People's Army in the Serbian village of Sakar for several hours. The shelling of Divič continued on April 27, 1992, when tanks of the Yugoslav People's Army and various paramilitary formations entered the settlement. From April 27 to May 25, 1992, about five hundred Bosniaks, residents of Divič who failed to flee the settlement, were exposed to daily abuse and looting of private property. During all that time, the curfew was valid because the residents were not allowed to leave the settlement or leave their homes after eight o'clock in the evening. In the meantime, they were informed that they had to leave Divič, so that the next day, on May 26, they would gather **at the stadium in Divič**, from where the authorities of the newly established "Serbian municipality of Zvornik", accompanied by the army, intended to move them to Olovo. For that purpose, the Serbian authorities hired ten buses to take the Bosniaks to Han Pijesak, then to Milići, where they spent the night in buses. On the morning of May 27, they were returned to Zvornik, where Mirsad Halilović was separated from one of the buses and taken away. His body was found in one of the mass graves after the war.¹⁵ The buses were then sent in the direction of Tuzla via the location "Crni vrh". However, the eviction of Bosniaks was not carried out even then. The Serbs told them that "theirs will not receive them", so the buses from "Crni vrh" were returned to the bus station in Zvornik. There were men between the ages of sixteen and sixty, i.e. all those whom the Serbian authorities considered to be capable of military service, separated from women and children. The separation was carried out by members of the police and members of the Territorial Defense of Zvornik. After that, women, children and the elderly were transported in the direction of Tuzla¹⁶, while the men were kept **at the stadium in Zvornik**. The detained Bosniaks spent the night there. In the meantime, the commander of the Birač brigade, Major Svetozar Andrić, in an order sent to the Zvornik Territorial Defense Headquarters on 28 May 1992, ordered "the eviction of the Muslim population, which must be organized and linked to the municipalities through which evictions take place, only children and women and there were a total of one hundred and seventy-four Bosniaks at the stadium who were taken to the Novi Izvor camp the next day, about five hundred meters from the stadium.

15 Republika Srbija, Viši sud u Beogradu, Odjeljenje za ratne zločine, Predmet Branko Grujić i Branko Popović (KPo2 28/2010), Presuda. str. 77. (Republic of Serbia, Higher Court in Belgrade, War Crimes Chamber, Case of Branko Grujić and Branko Popović (KPo2 28/2010), Judgment. pp. 77)

16 ICTY, the Trial Chamber Verdict, Prosecutor v. Momčilo Krajišnik, Case IT-00-39-T, Paragraph 365.

They were detained in a room measuring thirty-five square meters and all were listed. Of the one hundred and seventy-four detainees who were brought to the Novi Izvor camp, eleven were again taken to Divič. The following detainees were taken away: Salih Omerović, Mehmed Tuhčić, Kemal Tuhčić, Hasan Tuhčić, Alija Tuhčić, Ibrahim Kuljanin, Fikret Hadžiavdzić, Ahmet Kuršumović, Smail Pezerović, Enver Pezerović, Ibrahim Marhošević. The bodies of ten of them were found in 1998 in the mass grave “Ramin grob” in the settlement of Glumina. The twelfth detainee who left the Novi Izvor camp was the then minor Muamer Kuršumović. He was released from the camp thanks to the fact that the camp guards knew his brother who was a police officer. Bosniak detainees spent two days in the Novi Izvor camp. “The eviction of the Muslim population, which must be organized and linked to the municipalities through which the evictions take place, so that only children and women can be evicted, and men capable of fighting can be left in camps for replacement.”¹⁷ There were a total of 174 Bosniaks at the stadium and the next day they were taken to **the Novi Izvor camp**, about five hundred meters from the stadium. They were detained in a room measuring thirty-five square meters and all were listed. Out of the one hundred and seventy-four detainees who were brought to the Novi Izvor camp, eleven were again taken to Divič. The following detainees were taken away: Salih Omerović, Mehmed Tuhčić, Kemal Tuhčić, Hasan Tuhčić, Alija Tuhčić, Ibrahim Kuljanin, Fikret Hadžiavdzić, Ahmet Kuršumović, Smail Pezerović, Enver Pezerović, Ibrahim Marhošević.¹⁸ The bodies of ten of them were found in 1998 in the mass grave “Ramin grob” in the settlement of Glumina. The twelfth detainee who left the Novi Izvor camp was the then minor Muamer Kuršumović. He was released from the camp thanks to the fact that the camp guards knew his brother who was a police officer.¹⁹ Bosniak detainees spent two days in the Novi Izvor camp.²⁰

On May 29, 1992, the Provisional Authorities of the “Serbian Municipality” of Zvornik, headed by Branko Grujić and Branko Popović, decided to hire two buses of the company “Drinatrans” which, under police escort, transferred the remaining one hundred and sixty-two camp inmates from the Novi Izvor camp to **the Center of Culture in Čelopek camp**. Čelopek is a settlement located on the right side of the road Zvornik-Bijeljina, in the immediate vicinity of the agricultural estate “Ekonomija”. The room

17 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 119-120.

18 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 84.

19 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 84.

20 Ibid, Case *Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević* (K.V.5/2005), Judgement, pp. 3.

where the Bosniaks from Divič were detained served as a cinema hall with a concrete floor and curtains on the windows. The windows were too high and the detainees could not open them. Because of this, it was stuffy in the movie theater, and the only light source was one light bulb. During their stay in the Čelopek camp, the citizens of Divič were tortured and killed in various ways. The manager of the Čelopek camp, and at the same time the commander of the guard, was Cvjetko Jović. The guard was organized in four shifts and consisted of members of the police reserve. The leader of one shift was Anđelko Vasiljević, the second Milan Mitrović, the third Miloš Jovanović and the fourth Rade Marković. The guards were stationed so that on each side of the camp there was one guard and two guards at the entrance to the camp. Some of the guards were Milenko Lazić, Aco Bajić, Anđelko Vasiljević, Cvjetko Jović, Milorad Pantić and Miloš Jovanović.²¹ The detainees remained there under the guard of members of the reserve police force until July 1, 1992, when one hundred and sixteen detainees who had not been exchanged or killed by that date were transferred to the Zvornik **Misdemeanor Court** building under police escort.²² The surviving detainees from the Čelopek camp and the building of the Court for Misdemeanors in Zvornik, a total of eighty-three of them, were transferred to the Batković camp near Bijeljina on July 15, 1992, by order of the Provisional Government of the “Serbian municipality” Zvornik.²³ It was determined that four buses of the company “Drinatrans” were engaged in their transport to the Batkovići camp.²⁴

After the aggressor forces occupied Zvornik on April 8, 1992, and after the establishment of Serbian rule in Zvornik, the settlements of Đulići, Klisa, Hajdarevići, Grbavci, Kučić kula and other surrounding villages remained in the vicinity. The locals of the mentioned villages handed over all the weapons they possessed to the newly established Serbian authorities in April. Since then, they had been exposed to daily torture, arson and looting of private property by armed Serb neighbors. Given the general insecurity and the atmosphere of fear, an increasing number of the Bosniak population of the mentioned settlements took refuge in Klisa, which they considered to be relatively safe for their stay at that time. A large number of Bosniaks came to Klisa from Hamzići, Sjenokos, Ramići, Bijeli Potok, Tršić, Šetić, Mrakodol, Radova, Divič, Lupa, Čelišman, etc... The population of these villages was informed about the emigration in the direction of Sapna, and that on the morning of June

21 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 232.

22 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 90.

23 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 4.

24 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 97.

1, 1992, everyone should come to the intersection in Klisa. Many did so, and some were taken out of their homes by members of the Serbian army and sent to the mentioned location. At the crossroads in Klisa, a military checkpoint, tanks and a multitude of Serbian armies in various uniforms were waiting for them. Many of them were in the uniforms of the Yugoslav People's Army, with cockades, while some wore socks on their heads so that their Bosniak neighbors would not recognize them. There, the soldiers searched them, confiscated their vehicles and all the property they had taken with them, lined them up in a column of two and escorted them towards Bijeli Potok under armed escort. In case they did not leave, they were told they would be killed. During the gathering of Bosniaks and their escort to Bijeli Potok, six of them were killed. Murat Džinić was killed in Klisa. Mustafa Grebić was killed on the way to Bijeli Potok. Alija Džinić, Junuz Smajlović, Husein Pargan and Emil Selimović, who was beheaded, were killed in Bijeli Potok. Upon arrival in Bijeli Potok, the Bosniaks were searched once more. Their personal belongings and documents were confiscated. Six hundred and sixty-eight men, assessed by the Serbs as fit for military service, were separated on the left into a column of two and ordered to keep their hands on their heads. They were forced to get into trucks and transported to **the Technical High School Center** camp in Karakaj, where they were exposed to inhumane living conditions. Within a few hours of arriving at the Karakaj Technical High School Center camp, at least twenty inmates died of heat stroke and lack of water.²⁵ In the following days, dozens of detainees were killed inside and outside the camp, whose bodies were taken to **Gera's slaughterhouse**.

On June 5, 1992, by order of the Provisional Government of the "Serbian Municipality" of Zvornik and the Territorial Defense Headquarters, accompanied by military and civilian police, the remaining detainees of the Karakaj Technical High School Center were transferred to **the Pilica Cultural Center** camp. During their transport to Pilica, two articulated and two ordinary buses of the company "Drinatrans" were used, which were full of detainees.²⁶ In addition to members of the paramilitary units under the command of the Territorial Defense, a platoon of the Territorial Defense, whose commander was Dragan Matanović, guarded the detainees in the building of the Pilica Cultural Center. Their goal and task was not to prevent the abuse and killing of the camp inmates, but to prevent their escape from the camp. On June

25 Ibid, Case Branko Grujić and Branko Popović (KP02 28/2010), Judgement, pp. 97-129. ICTY, the Trial Chamber Verdict, Prosecutor v. Momčilo Krajišnik, Case IT-00-39-T, Paragraph 370.

26 Ibid, Case Branko Grujić and Branko Popović (KP02 28/2010), Judgement, pp. 130.

8, 1992, the third day of their stay in the camp of the Cultural Center in Pilica, the detainees were called out, taken out in groups and shot. Some of the detainees were slaughtered, and one part of the remaining detainees was listed by Dragan Josipović from Glavičica near Bijeljina. The detainees were convinced that they were going on an exchange, so they gave the requested information and got into the trucks that were waiting for them outside and that they returned for them several times. They were all taken to Karakaj and killed in Gera's slaughterhouse, so that the hall of the Cultural Center in Pilica remained empty.²⁷ At least one other concentration camp for Bosniaks was established in Pilica in May 1992, where detainees were under police surveillance. It was **a camp on a farm in Pilica**, where hundreds of Bosniaks from Zvornik, Bratunac and Vlasenica areas were detained. There were men in the camp, more than twenty girls up to the age of twenty-two, one woman and her two children. During their detention in the camp on the farm in Pilica, the girls were raped in groups. Girls who resisted would be beaten or killed. By August 1992, the detainees had been transferred to the Batkovići camp.²⁸

A few days after the expulsion of the Bosniak population from Đulići and the surrounding fifteen villages, Serbian soldiers returned and captured about forty-five civilians they found in the village. They were then detained in the local **mosque in Đulići** until June, after which they were exchanged. One detainee was killed, and women and girls detained were raped in the presence of other detainees. Younger girls and small girls and even pregnant women were taken to nearby houses and raped there.²⁹ One of the demolished mosques in the municipality of Zvornik, which was demolished by the aggressor forces, was the mosque that served as a camp in 1992. It was rebuilt and put into operation in 2008. During the systematic destruction and expulsion of the Bosniak population from the Zvornik municipality in 1992, Serbian aggressor used the same and well-trained tactics. They would first shell certain areas, after which they would surround the population. They would then organize their deportation with the separation of able-bodied men from women and children. The same fate befell the settlement of Kostijerovo, where members of the "Bijeli orlovi", the "Crvene beretke" and with the assistance of armed

27 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 272-273.

28 Molila sam ih da me ubiju: zločin nad ženom Bosne i Hercegovine, Knjiga prva, Centar za istraživanje i dokumentaciju Saveza logoraša Bosne i Hercegovine, Sarajevo, 1999. str. 280-285. (I begged them to kill me: a crime against a woman in Bosnia and Herzegovina, Book One, Center for Research and Documentation of the Association of Detainees of Bosnia and Herzegovina, Sarajevo, 1999, pp. 280-285)

29 Ibid, pp. 241.

Serbs from Tabanac, Tršić, Kravica, Zelinje and other Zvornik settlements, gathered the Bosniak population near Zahid Alić's house on 30 May 1992. There, they confiscated their personal belongings and took them in a column of two to **the Center of Culture in Drinjača**. When they arrived in front of the Center of Culture in Drinjača, they separated men from women and children, and detained the men in the hall of the Center of Culture for about fourteen hours. A total of ninety Bosniaks were detained. After several hours of beating, they were taken out in groups of ten detainees and shot in the park behind the Center of Culture. Only three detainees managed to survive the shooting. One of them is witness Abdulkadir Beganović from Kostijerovo, whose father and three brothers were killed by Serbs that day at the Drinjača Cultural Center.³⁰ A total of eighty-seven detainees were killed. Women and girls were raped in the outpatient clinic of the Zvornik Health Center in Drinjača, in an apartment that was part of the Health Center and the memorial room of the Drinjača Cultural Center. The next day, the women and children were transported by bus to Memići. Earlier, boys between the ages of thirteen and fifteen were separated from a bus in Karakaj and then killed.³¹

The camp in the village of Liplje was established on May 25, 1992. On that day, there were civilians in Liplje from the surrounding settlements who took refuge there due to shelling and the action of military aviation. Armed neighbors Serbs, with the help of paramilitary formations from Serbia, detained over four hundred and twenty Bosniak civilians at **the Elementary School and the house of Paša Salihović in Liplje**. A number of Bosniaks managed to escape to the nearby forest. In the camp, in the presence of other detainees, women and girls were raped, and men were sexually abused and severely beaten. During their detention in this camp, twenty-seven detainees were killed. Thanks to one detainee who managed to escape, the residents of Cerska and Kamenica found out about the camp and released the largest number of detainees on the night between June 1st and 2nd. Those who were not released were women who were taken to Zvornik by Serbs just a few hours before the liberation action and imprisoned in the Novi Izvor camp. About three hundred people, armed with a total of thirty-six rifles, took part in the action to liberate the Liplje camp.³² The Liplje camp was the only camp that was liberated during the aggression against the Republic of Bosnia and Herzegovina.

30 <https://www.youtube.com/watch?v=G9SEOe7vqbo&t=152s> (Retrieved at: 14 July 2019)

31 <https://www.youtube.com/watch?v=rECjEiqsPhg&t=91s> (Retrieved at: 14 July 2019)

32 Edina, Bećirević; *Genocide on the Drina River*; Yale University Press, 2014, pp. 91-92.

Hotel Vidikovac in Divič was one of the concentration camps in the established system of Serb concentration camps for Bosniaks in the municipality of Zvornik in 1992. A paramilitary unit “Knindže” was stationed in the hotel, commanded by an Australian citizen Dragan Vasiljković.³³ He and his paramilitary unit were sent to the territory of the Zvornik municipality by the First State Security Administration of Serbia.³⁴ The men were interrogated, tortured and killed in the basement of the hotel, and the camp was used to rape Bosniak women who were brought by Dragan Vasiljković and his soldiers from other camps. One of the camps from which women were brought was the Novi Izvor camp.³⁵

In April 1992, in **the library** next to the Municipality of Zvornik building, there were forty-three Bosniak civilians, settled in the so-called “ruska zgrada (paraphrase: Russian building)”. After a certain period of time, accompanied by members of paramilitary formations, they were transferred by bus to the territory of Serbia. One detainee was detained in the Alhos camp.³⁶

The Standard, Alhos, Ciglana concentration camps and **the Ekonomija** agricultural camp were located in the Karakaj industrial zone, on the right side of the Zvornik-Bijeljina road. In May 1992, captured Bosniak civilians from the territory of the Zvornik municipality were brought to them successively, in smaller and larger groups. Four detainees were killed in Ekonomija. Twenty-five detainees were transferred from the Ekonomija camp to the Ciglana camp, which is between five hundred and a thousand meters away from the Ekonomija farm. They were transferred at the request of the director of the Ciglana (paraphrase: brick factory), Milorad Jović, with the approval of the interim government of the Zvornik municipality.³⁷ In the Ciglana camp, detained Bosniaks served as slave labor. Based on the testimonies of the survivors of the Ciglana concentration camp and “the testimony of witness Milorad Jović, the court found that upon arrival at the Ciglana they were locked in two rooms (one small, the other larger), which had previously been offices,

33 In the case against Dragan Vasiljković, the Supreme Court of the Republic of Croatia sentenced Dragan Vasiljković to thirteen years and six months in prison with a second instance verdict from 2018. The indictment related to war crimes against prisoners of war and civilians in the Republic of Croatia.

34 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 229.

35 <https://www.smh.com.au/national/a-victims-quest-for-justice-20100401-ri94.html> (Retreived at: 3 May 2019)

36 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 208-209.

37 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 157.

that they stayed there until their arrival to Batkovići, they did not have beds, they slept on some mattresses, they did not have conditions for maintaining personal hygiene, the food was bad at first, they only got cans, and later they got better when they ate in the canteen together with the Ciglana workers. Immediately upon arrival, they were assigned to work in shifts, worked in production, loaded tiles into blocks, their work was difficult, they lost weight, and due to the severity of injuries sustained at the Economy, witness “T” could not for the first 10-12 days work, so, since he could not walk, he was allowed to lie in a small unconditional concrete room, without any medical assistance that he needed at the time.”³⁸ In addition to forced labor at the Ciglana, the detainees were forced to loot houses and other facilities from which they also took furniture, electrical appliances, construction materials and other valuables to trucks on behalf of members of paramilitary forces. Serbs financed military operations in the Zvornik municipality partly of the proceeds from the looted items.³⁹ The detainees were taken to forced labor during the renovation of houses and apartments occupied by Serbian soldiers.⁴⁰ The detained Bosniaks were in the Ciglana camp until 15 July 1992, when most of the surviving detainees were transferred to the Batkovići camp. During 1993, they were exchanged. One detainee remained in the Ciglana camp until August 1992, and one detainee was killed.⁴¹

2.2. Inflicting physical injuries and killing camp prisoners

In Serb concentration camps in the Zvornik municipality, Bosniak civilians detained with the aim of their final destruction and expulsion were killed, subjected to various forms of psychological torture and bodily harm. Detainees were severely beaten, wounded, burned, body parts removed, etc... During the detention of Bosniaks in concentration camps in Liplje, in addition to raping women, girls and sexually abusing men, detainees were beaten daily and one person was tortured by inflicting burns on her body.⁴² Twenty-seven detainees were killed in two camps for Bosniak civilians in Liplje.

38 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 157..

39 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 159.

40 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 160.

41 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 156.

42 <https://www.youtube.com/watch?v=WcGoadKrlWM&t=10s> (Retreived at: 22 July 2019)

The court determined that members of the Zvornik Territorial Defense, members of the paramilitary formations “Žute ose” and “Pivarski”, committed war crimes against them during the detention of Bosniaks in the Čelopek camp from May 29 to July 1, 1992.⁴³ The detainees stayed on the concrete surface without any hygienic conditions, and they received food only after three days. In the period from June 5 to June 10, 1992, the camp was repeatedly visited by members of paramilitary formations, where they beat detainees with their feet, hands, wooden objects, springs, half-axes and other metal objects with other members of the Zvornik Territorial Defense. Among the detainees who were beaten the most were brothers: Smail Kapidžić, Sead Kapidžić and Eniz Kapidžić, whose hands were tied with wire, taken out of the camp and killed. The Serbian army continued in the following days, and before June 1992, to torture detainees. During that period, Husein Hadžić and Nuriya Hadžić were taken out of the camp, and then killed in front of the Center of Culture. After the war, their bodies were found in a secondary mass grave known as “Crni vrh”. Sometime around June 8, 1992, in addition to physical and psychological torture, the killings of detainees continued. Oman Okanović and Alija Mustafić were taken out of the camp, and then killed, whose bodies were also found in the “Crni Vrh” mass grave. Detainee Ejub Tuhčić died as a result of the beating. The detainees were also abused by being forced to fight with each other, and they were also abused by having crosses with four “S” drawn on their backs and foreheads with knives. Dragan Slavković shot the detainee Izet Hadžić in the leg, after which Izet Hadžić was taken out of the camp and killed. His body was also exhumed from the “Crni vrh” mass grave. Somewhat later, detainee Sehad Atljić was also killed.⁴⁴

On the day of Eid, 10 June 1992, a large group of Serb soldiers came to the Čelopek camp, beat the detainees and killed at least ten of them. They ordered several pairs of camp inmates, fathers and sons, to come out on the stage in the hall. Four pairs of men took the stage. Fikret Jahijagić came out with his son Almir, Mehmedalija Bikić and Šaban Bikić, who were ordered to take off their clothes and have oral sex. Alija Atljić, Abdulaziz Tuhčić, Salih Hadžić, Hamza Kuršumović and Damir Bikić were killed by firearms. Šaban Bikić was killed by stabbing with a knife, and Hasan Atljić, Zaim Pezerović and Sakib Kapidžić were slaughtered. Enes Čikarić had his ear amputated, Zulkarnein Efendić’s genitals, Izet Hadžić and Adnan Efendić had their fingers amputated. The mentioned and other detainees were ordered to

43 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 229.

44 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 96-112.

eat the severed body parts, which they did.⁴⁵ Dušan Vučković was one of the members of the paramilitary formations who returned to the Čelopek camp after June 10, 1992. On Vidovdan, June 28, 1992, he came to the camp again, killing twenty and wounding twenty-two detainees.⁴⁶ The wounded detainees were taken to the building of the Misdemeanor Court, where two more detainees died as a result of the injuries.⁴⁷ Four detainees died in the camp on the Ekonomija agricultural estate, due to physical injuries sustained during several days of beatings.⁴⁸ At the end of June 1992, detainee Čirak Ismet was killed in the Ciglana camp. His remains were found in the mass grave “Crni vrh”.⁴⁹ One detainee was killed in a camp in the Đulići settlement. Eighty-seven detainees were killed in a camp located in the Center of Culture in the Drinjača settlement.⁵⁰

Within a few hours of arriving at the Karakaj Technical High School Center camp, at least twenty inmates died of heat stroke and lack of water. Until their transfer to the Pilica camp, many detainees were brutally beaten, while at least one hundred and sixty were killed.⁵¹ Their bodies were loaded into trucks and taken to the Gera Slaughterhouse camp. The other detainees were killed in the Center of Culture camp in Pilica and later in Gera’s slaughterhouse. All six hundred and sixty-eight detainees taken from Bijeli Potok were killed. In addition to the consequences for mental health, rape and forced pregnancy without medical control and care, rape victims caused serious and long-lasting bodily injuries in the Zvornik camps. Raped girls in case they became pregnant were not biologically mature enough to successfully carry the pregnancy to completion. The rape of Bosniak women in Serb camps could have had a negative impact on their reproductive health, that is, the possibility of having

45 Ibid, Case Branko Grujić and Branko Popović (KPo2 28/2010), Judgement, pp. 231. <https://www.youtube.com/watch?v=OYXHM7audom&t=10s>

46 ICTY, the Trial Chamber Verdict, Prosecutor v. Momčilo Krajišnik, Case IT-00-39-T, 27, Paragraph 372.

47 Ibid, Case Dragan Slavković, Ivan Korać, Siniša Filipović and Dragutin Dragičević (K.V.5/2005), Judgement, pp. 127; Transcript from 15 June 2006, Witness 1; Transcript from 14 June 2006, Witness V, pp. 42-43; Transcript from 16 June 2006, Witness 2; Transcript from 6 July 2006, Witness 3; Transcript from 13 June 2006, Witness Z; Transcript from 14 June 2006, Witness Z; Transcript from 26 February 2007, Witness 5; Transcript from 10 July 2006, Witness A

48 ICTY, the Trial Chamber Verdict, Prosecutor v. Vojislav Šešelj, Case IT-03-67-T, 29 June 2016, Paragraph 210.

49 Ibid

50 <https://www.youtube.com/watch?v=G9SEOe7vqbo> (Retrieved at: 22 June 2019)

51 ICTY, the Trial Chamber Verdict, Prosecutor v. Momčilo Krajišnik, Case IT-00-39-T, Paragraph 370.

offspring sometime in the future.⁵²

2.3. Psychological abuse of detainees

The treatment of detainees in Serb concentration camps for Bosniaks in the Zvornik municipality in 1992 left negative, far-reaching consequences not only for detainees as detainees of the camps, but also for Bosnian society as a whole. The camps were established as an instrument of reorganization of society, a laboratory for isolating “unwanted social elements”, creating ethnically clean territory by killing detainees, destroying social ties between detainees and other members of society, but also social ties between detainees themselves. Thrown into a new world that does not belong to the world of human beings in terms of existence, separated from the columns, separated from family members, being inside the camp and under the control of organized absolute power, the inmates quickly lost touch with the outside world. In the new circumstances and the assigned status of detainees, the detained Bosniaks lost the possibility of political organization, cooperation and mutual solidarity. Even in some camps, such as the one in Čelopek, they were forced by soldiers to inflict bodily harm on each other. In the new micro-society, exposed to daily terror, fear and uncertainty, the detainees lost touch with the already established social structure, with their habitus, previous interest and control of their own destiny. For Bosniaks in Serb concentration camps, freedom was not only restricted, but simply abolished. The lives and bodies of the detainees were decided by the camp guards and their superiors. Thus, they became representatives of absolute power, entities outside and independent of the will of the detained Bosniaks. Men, women and children. Having survived such a social environment, the former detainees are reluctant to talk about their traumas and humiliations they went through. Conditions of living in concentration camps destroy human dignity and therefore we should not be surprised by the fact that there is very little research conducted on this topic in Bosnia and Herzegovina.

From transport to the camp in tarpaulin-covered trucks, to entering the camps where there was often not enough air and light, the detainees could not recognize the new environment.⁵³ They were forbidden to communicate

52 Siobhán, K. Fisher; *Occupation of the Womb: Forced Impregnation as Genocide*, Duke Law Journal, Vol. 46, No. 1 (Oct., 1996), pp. 91-133, pp. 123. (Available at: https://www.jstor.org/stable/1372967?seq=1#page_scan_tab_contents, pristupljeno 22.07.2019.)

53 <https://thebosniatimes.ba/6927/ekskluzivno-orgijanja-u-domu-kulture-u-celopeku-kljucanin-silovanje-muskaraca-tema-je-o-kojoj-bosanskohercegovačko-drustvo-suti/>

with each other and with the guards of the camp, except in cases when the guards would address them or take them “for an interview”, which always meant long-term mental and physical torture. In such conditions, the inmates had to pretend a complete adaptation to the atmosphere of general fear, terror, and helplessness, by trying not to draw the attention of the guards and other soldiers to themselves in any way. They constantly suffered insults on national and religious grounds. In an effort to take away their money or jewelry, guards and members of paramilitary groups who visited the camps often took off their clothes, which would further increase their sense of vulnerability. During their stay in the concentration camps, the detainees were subjected to living conditions of maximum depersonalization, animalization and deprivation of basic human needs such as water and food. Under extremely unhygienic conditions, the detainees lived in constant fear and uncertainty, as killing detainees in the camps and taking them out for liquidation outside the camps was common and arbitrary. The detainees could never know whether Serb soldiers would kill them, take them on an exchange or to some other camp. Concentration camps functioned as a flowing, well-organized system. They were constantly taken from the camps, and new detainees were brought to the camps. The detainees were in constant uncertainty as to whether members of their family, relatives or people they only knew would be brought to the camp.

In an institution of absolute power like the Zvornik camps for the Bosniak civilian population, everything was subordinated to the will of the criminals. The depersonalization of the detainees went so far that they were forced to accept some of the identity determinants and “values” of the people who detained, tortured and killed them in the camps. They drew crosses on their bodies with knives, forced them to sing Serbian traditional songs and shout slogans glorifying Serbian politicians and Serbian historical figures, in order to send a clear symbolic message about the character of the newly established socio-political order in the Zvornik municipality, which did not include non-Serbs.

2.4. Ethnic rape as one aspect of genocide

Genocide is a crime that attempts to destroy, or ultimately destroys, a target social group by targeting specific individuals based on their identity and belonging to that social group. These individuals can be male or female. Based on research on mass rapes during the genocide in Rwanda and mass

(Retrieved at: 16 June 2019)

rapes during the genocide in the Republic of Bosnia and Herzegovina, it was concluded that the gender of members of the genocide group plays a major role in the war and genocide strategy. In both cases, the female body served as a battlefield and the female reproductive organs as a means of destroying the group. In this context, Helen Fein will argue that a group restores by birth and destroys by genocide, and that the perpetrators of genocide always try to prevent the birth of offspring within the target group, in order to destroy the group in the long run.⁵⁴ Rape of Bosniak women by aggressor soldiers in the period 1992-1995 was carried out with the aim of forced pregnancy⁵⁵ and prevention of reproduction within the group to which the rape victims belonged. On the other hand, the rape and forced impregnation of Bosniak women was aimed at giving birth to “little Serbs”, i.e. giving birth within a group of perpetrators of genocide. Siobhán Fishers believes that this Serbian genocidal practice can be considered a military occupation of the womb.⁵⁶ From the anthropological and sociological point of view, it is interesting that the knowledge about one ethno-religious group was used as a weapon against it, but also as an advantage of those who planned and carried out genocide. The Greater Serbia “RAM” plan contains detailed instructions which clearly show that Bosniak women are a special category of the population, chosen as a military target. One part of the plan states: “Our analyses of behavior in Muslim society show that the morale and will of this group can be weakened if we direct our action to the points where religious and social structures are most vulnerable. We point to women, especially younger women and children. Action directed at these social groups will spread confusion in society and create fear and panic, which will result in the withdrawal of Muslims from war-affected zones. In this case, we must carry out a comprehensive propaganda campaign in addition to our

54 Helen Fein, *Genocide and gender: the uses of women and group destiny*, Journal of Genocide Research (1999), 1(1), 43-63, pp. 43.

55 Forced pregnancy can be defined as a pregnancy that occurs as a result of an attack or series of attacks on a woman, committed with the intent to keep her pregnant. The existence of criminal intent can be established directly by confession, statements of the perpetrators, or indirectly, by indirect evidence. Forced removal of a contraceptive implant, or destruction of other means of birth control, or access to birth control, is evidence of a woman's intention to impregnate. Intentionally detaining a pregnant woman until the time limit expires by local law or practice allowing abortion would also constitute evidence of a crime. Mandatory pregnancy tests after rape and an attempt to monitor a detainee's menstrual cycle (especially if she was attacked more often at the time she was ovulating) would also be evidence of the necessary intent... See in: Siobhán K. Fisher, *Occupation of the Womb: Forced Impregnation as Genocide*, Duke Law Journal, Vol. 46, No. 1 (Oct., 1996), pp. 91-133, pp. 92

56 Siobhán, K. Fisher; *Occupation of the Womb: Forced Impregnation as Genocide*, pp. 124.

well-organized decisive actions so that panic increases.”⁵⁷

During the detention of the Bosniak civilian population in Serb camps established in the Zvornik municipality in 1992, organized and systematic rapes of women and girls were carried out, as well as sexual abuse of men. Raped women and girls were killed in some cases or, as in most cases, taken to other camps in the Zvornik municipality or to other municipalities, where they also survived rape and other torture. The rapes were carried out in a sadistic manner with the aim of maximizing the humiliation of the raped persons, members of their families and degrading the dignity of the members of the entire community. Wives were raped in front of husbands, wives and girls in front of parents, women in front of children, parents, relatives and friends. Due to the special position of women in the traditional Muslim family and wider community, the rape aimed to create a sense of helplessness among Bosniaks, an atmosphere of general fear and insecurity in the Zvornik municipality, weakening cohesion among group members and distrust of the environment in which they lived. “Since the perpetrator destroys thoroughly: life, material goods, cultural goods and symbols, the message is unequivocal - the defeated must disappear. In this case, raped women are not only the usual sporadic victims of violence but also a means of ensuring the effectiveness of genocide.”⁵⁸ These factors, detention in camps, killings and expulsions, led to the fact that in 1993 there were no Bosniaks in the municipality of Zvornik.

Sexual violence against women, girls and men committed in camps in the Zvornik municipality left psychological and psychiatric consequences on the detained Bosniak population. These consequences are reflected in lowered self-esteem, lowered self-confidence, anxiety, depression, decreased concentration, nightmares, feelings of guilt for one’s own suffering, and feelings of shame. Victims of sexual violence find themselves in a state of altered personality, feeling a permanently altered identity, with no hope of ever functioning again in accordance with their gender and social role.⁵⁹ The systematic rape of Bosniak women in front of their husbands was aimed at destroying the institution of marriage in the patriarchal Bosnian family.

57 Muratović, Rasim; *Zlo i ljudsko dostojanstvo u djelu Arnea Johana Vetlesena*, Univerzitet u Sarajevu, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2014, pp. 159.

58 Čačić, K, Jadranka; *Etničnost, rat i silovanje*, Migracijske teme, br. 8, 1992, pp. 95-104.

59 Molila sam ih da me ubiju: zločin nad ženom Bosne i Hercegovine, Knjiga prva, Centar za istraživanje i dokumentaciju Saveza logoraša Bosne i Hercegovine, str. 415. (I begged them to kill me: a crime against a woman in Bosnia and Herzegovina, Book One, Center for Research and Documentation of the Association of Detainees of Bosnia and Herzegovina, Sarajevo, 1999, pp. 415)

In such a family, the descendants carry the identity of the father, who feels ashamed and helpless because he failed to protect his family. On the other hand, Bosniak women, as wives and mothers who are usually considered to be more emotionally sensitive members of the community, carry traumas that prevent them from being ready for normal marital relationships. This is especially pronounced in traditional Muslim environments where female innocence is valued because of the role of mother and condemns premarital sex among female members of the community. Investigating cases of rape of Bosniak women during the aggression against the Republic of Bosnia and Herzegovina from 1992-1995, it was learned that the mothers of the raped girls tried to cover up their rape so that they could marry later, while the already married women hid from their husbands that they had been raped in order to preserve their marriage.⁶⁰ At the International Conference on the Protection of Human Rights held in the fall of 1992, representatives of Islamic countries recommended that pregnant women raped during the aggression against the Republic of Bosnia and Herzegovina give birth to children and raise them in the spirit of Islam, and male Bosniaks were advised to enter into a marital union with women suffered such a fate.⁶¹

Concluding remarks

After the occupation of the town of Zvornik on April 8, 1992, in which Bosniaks were the majority at the time, the authorities of the newly formed “Serb Municipality of Zvornik” intended to “cleanse” the municipality of Zvornik of non-Serbs, and carried out mass illegal detention of Bosniak civilians campaign for the destruction of Bosniaks in the municipality of Zvornik, as a special national, ethnic and religious group. To this end, the Serb authorities in Zvornik, led by Branko Grujić, in the municipality of Zvornik established a system of **twenty-eight** concentration camps for Bosniaks, in which were more than 1,500 Bosniaks, men, women, children and the elderly were detained. Military facilities, industrial plants, farms, schools, sports halls, health care institutions, catering facilities, police stations, penitentiaries, religious facilities, cultural centers, basements, etc. were converted into concentration camps... Nine of the twenty-eight concentration camps was located in Karakaj, eight concentration camps were in the town of Zvornik, two concentration camps in the settlement of Liplje, two concentration camps

60 Siobhán K. Fisher; *Occupation of the Womb: Forced Impregnation as Genocide*, Duke Law Journal, pp. 124.

61 Čačić, K, Jadranka; *Etničnost, rat i silovanje*, Migracijske teme, pp. 101.

in the settlement of Pilica, two concentration camps in the settlement of Drinjača, and one concentration camp each in the settlements of Đulići, Novo selo, Čelopek, Kneževići and Divič.

In Serb concentration camps for Bosniaks in Zvornik municipality in 1992, Bosniak detainees were killed. The investigation established **eight hundred and seventy-eight** cases of murders of detained Bosniaks. Twenty-seven detainees were killed in the camps in the Liplje settlement. In the camp located on the Ekonomija agricultural estate, four detainees died as a result of the beating. At least one detainee was killed in the Ciglana camp. Out of one hundred and seventy-four Bosniaks from the Divič settlement, who were detained in the Čelopek camp, ninety were killed. After the men were separated from the column in Bijeli Potok, six hundred and sixty-eight Bosniaks were taken to the camps and all were killed. Eighty-seven of the ninety detainees detained in the Drinjača Cultural Center camp were killed. One detainee was killed in a camp in the Đulići settlement.

Bosniaks, as a social group, were deliberately subjected to such living conditions in order to achieve their complete or partial physical destruction. They were subjected to physical and psychological abuse, inhumane living conditions, various forms of day and night torture, starvation, forced labor, severe beatings, harassment, mass and individual murders, severe wounding, rape and other forms of sexual abuse. They were exposed to various forms of dehumanization with the aim of their maximum depersonalizations. They were forced into cannibalism and autocannibalism.

In Serb concentration camps in Zvornik municipality in 1992, measures were imposed on Bosniaks to prevent intra-group births. During the detention of Bosniak civilians in concentration camps established in Zvornik municipality in 1992, organized and systematic rapes of women and girls were carried out. Raped women and girls were in some cases killed or, as in most cases, taken to other camps in the Zvornik municipality or to other municipalities, where they were also subjected to rape and other forms of torture. The rapes were carried out in a sadistic manner with the aim of maximizing the humiliation of the raped persons, members of their families and degrading the dignity of the members of the entire community. Wives were raped in front of husbands, wives and girls in front of parents, women in front of children, parents, relatives and friends. Due to the special position of women in the traditional Muslim family and wider community, the rape aimed to create a sense of helplessness among Bosniaks, an atmosphere of general fear and insecurity in the Zvornik municipality, weakening cohesion among

group members and distrust of the environment in which they lived. The rape of Bosniak women by aggressor soldiers in the Zvornik camps in 1992 was carried out with the aim of forcible pregnancy and preventing reproduction within the group to which the rape victims belonged. On the other hand, the rape and forced impregnation of Bosniak women was aimed at giving birth to “little Serbs”, i.e. giving birth within a group of perpetrators of rape. Raped Bosniak women were not only sporadic victims of violence but also a means of ensuring the effectiveness of genocide.

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Sabina Subašić Galijatović,

**“GUILTY OF RESISTANCE? NASER ORIĆ, DEFENDER OF
SREBRENICA, BEFORE THE INTERNATIONAL JUDICIARY”,**

by *Rafaelle Maison*, Publisher Armand Colin, Paris, 2010.

(Book Review)

In the clear language of lawyers, analysts and, above all, a direct participant in the work of the Hague Tribunal, Rafaelle Maison gave a comprehensive analysis of one of the key trials before the ICTY in the Naser Orić case against one of the Srebrenica enclave defense commanders.

This book is also the first comprehensive analysis of the course of a trial before the Hague Tribunal, which clearly states the role of all parties in the court proceedings. Through numerous examples of arguments presented by both the Prosecution and the Defense, as well as through the testimonies of direct witnesses and independent experts whose testimony is crucial for shedding light on the facts, the reader can gain a detailed picture of the role of actors in court proceedings and their powers. The author also pointed out the key stages of the proceedings and gave them a comprehensive legal analysis.

Trials, in general, are limited to the facts set out in a given framework, in narrow legal terms. The value of Rafaelle Maison's book is reflected in the fact that she managed to see global facts and put them in direct correlation with a single trial, giving it a deeper and more meaningful form, which is a justified requirement set by many authors in the analysis. the most serious violations of the imperative norms of international law.

Also, it is extremely important that Professor Maison, although a great expert in international law with numerous published professional publications and books, managed to convey her analysis and observations in this book in a very simple way, so that it is legible and understandable to a very wide the public, who does not have to be acquainted with the numerous rules of international law that apply before the international judiciary.

The bibliographic sources used to present the context of the events that marked all phases of the Srebrenica genocide, in addition to direct sources during the process, indicate that the author opted for a broader multidisciplinary approach referring to the most relevant historians and analysts who dealt with this topic.

However, what gives special value to this book is a critical review by Professor Maison. Knowing very well the theory of international law itself, which she applies by applying it to the practice of the Hague Tribunal in this process, Professor Maison gives a picture of the process “from within”, moving within the general international legal norms which were, to a greater or lesser extent, have not been applied in the present case.

Thus, already in the first part of the book, Rafaelle Maison raises the question of the application of a legal norm to *acts for which that norm was not intended during its establishment*. Emphasizing that the legal qualification of the given facts is the basis for a process, the author raises the question of the justification of the application of the legal norm, especially international criminal law, to the events in and around Srebrenica in this case. Having in mind the previously established facts which unequivocally indicate that Srebrenica is *a symbol of “ethnic cleansing” in its extermination form*, and that this court procedure was initiated by the Prosecutor of the Hague Tribunal against one of the bearers of resistance to “ethnic cleansing”, the author raises the question of its justification in the very basis.

In that sense, Professor Maison hypothesized a *moral rupture* in the very practice of international law and its application in the context of the Srebrenica crimes, which will prove justified through the analysis of the Prosecutor’s accusations and the establishment of facts through first and second instance proceedings.

The author further highlights the role of cross-examination, as a specific legal technique in order to determine the truth of the facts. In this way, through numerous examples, through a subtle technique used by Professor Maison, the reader adequately learns about the credibility of both the facts themselves and the testimony of witnesses.

Following an extensive analysis of the process itself, the reader can see that it goes beyond the competence of judges, whose role as a neutral actor in any procedure should not be questioned. Thus, in the first-instance proceedings, the judges issued a Decision imposing thematic restrictions on the defense in presenting the arguments of the defense witnesses. Topics that defense witnesses were not allowed to raise were: “ethnic cleansing” conducted by Bosnian Serbs, lack of military resources for Srebrenica defenders, famine and “final massacre”. Although it is clear at first glance that these topics are crucial for understanding the overall context of the events in Srebrenica, they were the subject of clear censorship, first of all, towards those in whose name

and for the protection of whose rights the Hague Tribunal was established. This gross violation of the rights of the defense will be confirmed on appeal in the Orić case, where judges will conclude that “judges cannot dictate the defense strategy”.

In this context, Professor Maison’s deeply emotional observation is understandable: *“Political revenge is not allowed for victims of a war whose discriminatory cruelty is asymmetric. The only word allowed is weeping, mourning for the missing. The only acceptable action is to present coffins lined with partially reconstituted bodies.”*

The significance of this book cannot but be indicated because of the author’s intellectual courage, which does not pose obstacles to analyzing topics that, especially in the context of events in and around Srebrenica, were and still are largely the subject of imposed silence. This is the role of UNPROFOR forces, i.e. the Dutch UN battalion, in Srebrenica.

The author gives details about one of the important moments related to the events in Srebrenica, the arrival of French General Morillon in Srebrenica during the UNPROFOR operation code-named “Promise” (Faire la promesse). Colonel Tucker, General Morillon’s companion on this mission, relayed Morillon’s words during talks with Bosnian Serb Army officials: *“I know you want to clear this terrorist nest, I will do it for you, I will deprive you of losses.”* This and similar statements by UNPROFOR officials during the trial against Naser Orić, which the author pointed out, shed special light on the events in Srebrenica. Thus, during cross-examination, U.S. Army Lt. Col. Rex Dudley said when asked about the strategy of the Srebrenica defenders: *“I would not like to offend the people of Srebrenica, but I realized that many people there were not more capable than their animals.”* As the author says: *“One should really feel superior in order to judge the defenders of Srebrenica who were sentenced to loss in terms of their intelligence, among the dying population. This formulation is hard to forget. It is also disturbing, because to speak about the animal behavior of another in time of war, means to open the door to his execution.”*

Despite the fact that Judge Agius warned on several occasions, considering that it was not the subject of this process: *“We do not want to hear more evidence related to the genocide in Srebrenica in 1995.”*, and other witnesses in this process pointed out the importance of the analysis of wider context in Srebrenica so that the whole process could be understood: Diego Arria, then Venezuela’s ambassador to the UN Security Council, reiterated

his words during his public address to the Security Council in May 1993: “*I hope, when as you look to the past, you will remember the words of Henry V in Shakespeare’s text of the same name: eternal shame be upon you!*”

It is therefore important to point out here, while paying deep respect to Professor Maison for her perseverance and critical spirit in writing this book, that it would be extremely important to make this book available to a wider readership, especially to practitioners and researchers of crimes against humanity and the international law, which set out hitherto almost unknown facts, as well as the way in which Professor Maison analyzes a trial, can be very valuable material for further research on this important matter, in order to reach the truth and justice we owe to victims and future generations.

***ACTUAL
JUDICIAL TOPICS***

LAND REGISTRY REFORM IN THE REPUBLIC OF SRPSKA AND ITS CONSEQUENCES

SUMMARY

The Law on Survey and Cadastre in the Republic of Srpska entity introduced a system of recording real estate and rights to them through the so-called the Unique real estate records. Historically, the system of a single real estate record is not a novelty in our legal climate. The Law on Survey and Cadastre of the Republic of Srpska from 2011 represents continuity in the intention of the entity legislator to continue with the legal heritage of the former SFRY and bring the legal solutions in the field of land registry law in the entity of Republic of Srpska closer to the legal solutions of the Republic of Serbia. The decision, provided by law, to transfer the burden of establishing the real estate cadastre and keeping records on the rights to them to the administrative body leaves room for abuse, especially with regard to property rights of returnees, refugees and displaced persons who for objective reasons are not able to actively participate in the process of establishment of the unique real estate records. Restricting the right to judicial decision on real estate rights in the process of establishing a single real estate cadastre is contrary to international norms on the right to property as an inviolable human right. The Law on Survey and Cadastre of the Republic of Srpska actually represents the continuation of the realization of the goals of the Declaration on the Proclamation of the Republic of Serbian People of Bosnia and Herzegovina and to legally complete the process of ethnic cleansing of non-Serbs and genocide against Bosniaks.

Key words: land registry reform, land registry, cadastre, real estate cadastre, ownership, the state property, Republic of Srpska

INTRODUCTION

Land registry law in Bosnia and Herzegovina has historically alternated between dual records and single real estate records and rights to them. War destructions from the World War 2, case law that did not promote land

registration as the only way to acquire real estate rights “forced” the legislature in the former socialist republics to take more radical solutions in the hope of resolving the issue of book and off-book imbalances. Through this paper, you will get acquainted with the historical development of land registry law in Bosnia and Herzegovina, the new Law on Survey and Cadastre of the Republic of Srpska and its impact on the rights of refugees and displaced persons. Furthermore, we will present the efforts of the legislator in the RS entity to become the owner of state property, despite the rulings of the Constitutional Court and the exclusive competence of the state to regulate the issue of state property. State property is still a current topic in Bosnia and Herzegovina, primarily because there is still no state law that would comprehensively and uniquely address the issue of state property in the entire territory of the state of Bosnia and Herzegovina.

In order to better understand today’s Law on Cadastre Survey, it is important to get acquainted, in short, with the historical development of land registry law in Bosnia and Herzegovina.

Registration of real estate and rights to them in Bosnia and Herzegovina can be traced back to the Ottoman period. The so-called Ramadan Code of 1858 introduced a system of deeds. Deeds served as records of ownership of a particular property. The plots themselves were only described in deeds, e.g. “Petar Petrović has a meadow called Podglav, a forest called hornbeam, fields called by the stream and two huts.”¹

The Austro-Hungarian monarchy, after the occupation of Bosnia and Herzegovina in 1878, began the procedure of establishing the land cadastre, i.e. recording of each parcel. The establishment of the land cadastre lasted from 1880 to 1885. The establishment of the land register, as a record of land ownership, began during the occupation in 1886 and was completed in 1911 after the annexation of Bosnia and Herzegovina by Austria-Hungary.

The Kingdom of Yugoslavia continues on the foundations laid by Austro-Hungary. The Land Registry Act of 1930 clearly established the land registry as a record of real estate rights. According to this law, registration in the land register had a constitutive effect, i.e. only by registration a certain right could be acquired on a real estate. The law further makes a clear distinction between the land register and the cadastre through the provisions of Articles 85, paragraph 1 and Article 133, Paragraph 1.²

1 Nevenka Mitrić, *Primjena Zakona o premjeru i katastru Republike Srpske u sudskoj praksi*, available at: <http://www.rs.cest.gov.ba/index.php/seminari-2018/51-46banja-luka-zakon-o-katastru-i-premjeru-nekretnina/2179-rad-n-mitric/file>

2 Article 85, paragraph 1 clearly stipulates “If the land registry court officially finds out on the occasion of the probate hearing that a real right, which forms the basis for the duty

Faced with the fact that the entries in the land registers do not correspond to the factual situation of the four Republics in the former SFRY, they passed a new Law on Survey and Cadastre. Various factors led to an imbalance between the land register and the factual situation, but we emphasize the destruction in the Second World War in which many land registers were burned and thus the records in them were lost forever, but also the case law that allowed the acquisition of real rights without registration into land registry.³ The main goal of this, at that time, new legal solution was to unite the land register and real estate cadastre into a single real estate record - real estate cadastre which contains both data on the plot and data on real rights to them.

Some elements of land registry law in Bosnia and Herzegovina today

Bosnia and Herzegovina today is in a unique situation, and that is that its two entities have different systems of registration of real estate rights. In the Federation of BiH, it is still the land register, while in the Republic of Srpska, in 2011, the “real estate cadastre” was introduced as a single record of real estate rights as well as of data on the real estate itself.

Although the Law on Survey and Cadastre was passed in the former Socialist Republic of Bosnia and Herzegovina, which, as we pointed out, introduced the real estate cadastre as a new system, its full implementation was prevented by aggression and war in Bosnia and Herzegovina. Legal continuity in the field of land registry law in Bosnia and Herzegovina after the war in Bosnia and Herzegovina continued with the adoption of the 1984 Law on Survey and Cadastre. In the Republic of Srpska in 1996, the Law on Survey and Cadastre of the Republic of Srpska was adopted.⁴ While the Federation

to pay land tax, is not registered in the land registry, or if the cadastral authority asks the land registry court to register such a right, the entry of which has been missed, the Land Registry Court shall then set a time limit for the alien, who missed the entry after hearing it, to prove that the land registry has been restored or, in case of obstacles, to prove what steps it has taken to have these obstacles removed.” Also, Article 133, paragraph 1, “Decisions issued on land registry applications, in addition to the petitioner, shall be notified *ex officio* by the following persons: (...) 5. any write-off and attribution in respect of land shall be notified to the authorities, which keeps the cadastre.” This leads us to a clear distinction between the land register and the cadastre, because it follows that the cadastre and the land register must complement one another and as such represent a whole *de jure* according to the land register and *de facto* according to the cadastre.

3 According to Hamid Mutapčić and Alvira Selimović Halilčević: *Novo zemljišnoknjižno pravo Republike Srpske*, Zbornik Radova Pravnog fakulteta u Tuzli, pp. 55.

4 Law on Survey and Real Estate Cadastre of the Republic of Srpska, the Official Gazette

took over the same Law on the basis of Article IX, V, (1) of the Constitution of the Federation of BiH.

The intervention of the High Representative in 2003 imposed identical legal solutions for both entities in the form of the Law on Land Registry. These laws re-establish the land register and double-entry records as was the case before the 1984 Survey and Cadastre Act. The imposed laws did not completely repeal the provisions of the previous laws on surveying and cadastre, but only the provisions relating to the registration of real and obligatory rights to real estate.

The new Law on Survey and Cadastre of the Republic of Srpska in 2011 introduced the real estate cadastre as a “new” system of recording real estate and rights to them, the so-called the Unique real estate records. With the adoption of this Law, the previous laws that regulate the area of maintenance and survey of the land cadastre, as well as the Law on Land Books, cease to apply.⁵ In the Federation of Bosnia and Herzegovina, the process of land registry reform has begun through the Proposal of the Law on Survey and Registration of the Federation of Bosnia and Herzegovina, which also introduces a single record of real estate and rights to them.

Basic principles of the law on survey and cadastre of the Republic of Srpska and the most important changes

The Law on Survey and Cadastre of the Republic of Srpska⁶ was adopted on October 13, 2011. In terms of content, this is a more extensive legal regulation consisting of 201 members divided into 16 chapters. As the main results of the new legal solution in the field of land registry law we can single out the following:

- transition from double records related to real estate and the right to them to a single record through merging into a “real estate cadastre”⁷;
- the body of the Administration, more precisely the Republic

of the Republic of Srpska, No. 19/96.

5 Article 198 of the Law on Survey and Real Estate Cadastre of the Republic of Srpska (the Official Gazette of the Republic of Srpska, No. 6/12, 110/16, 22/18, 62/18, 95/19.) (LSRECRS) ...In addition to the provisions of those laws relating to the use and maintenance of records referred to in Article 189 of this Law.

6 Law on Survey and Real Estate Cadastre of the Republic of Srpska (“the Official Gazette of the Republic of Srpska“, No. 6/12, 110/16, 22/18, 62/18, 95/19.) (LSRECRS)

7 Article 4, LSRECRS

Administration for Geodetic and Property-Legal Affairs, takes over from the courts the competence in the field of management and registration of real and obligatory rights;

- determines that ownership and other real rights to real estate are acquired, transferred and limited by registration in the real estate cadastre;
- Unlike the previous Law on Cadastre, the determination of real rights to real estate is not determined primarily on the basis of facts but originally⁸ data from the land register, old cadastral plans and cadastral operations, decisions of courts and administrative bodies, which decided on real estate rights and which were not previously implemented in the land register, unexecuted decisions of agrarian and other commissions related to real estate, data on the rights established in the land consolidation procedure and finally other documents and evidence that can serve as a basis for registration of rights in the “real estate cadastre.”

Prior to the enactment of the current Law on Survey and Cadastre of the Republic of Srpska, it was preceded by the enactment of the Law on the Cadastre of the Republic of Srpska. The Law on Cadastre has not been in force for a long time given the many controversial solutions in it.⁹ The reasons for the new legal solution were the poor situation in the field of real estate records in the Republic of Srpska: in thirty-one municipalities in the Republic of Srpska there were no land registers, and in sixteen municipalities there was only partial coverage, the existing records in land registers are out of date because 95% of cases of existing land registers registered condition that does not correspond to the actual condition of real estate, in the land registry offices there was no establishment of records on special parts of buildings, ownership and other real rights to condominiums.¹⁰ Until the beginning of the war in Bosnia and Herzegovina, the real estate cadastre was established in only 10% of the territory of Bosnia and Herzegovina.¹¹ With this Law, the process of re-

8 Article 84, LSRECRS

9 These are, among others: The law stipulated that in the cadastral survey procedure, data on the holder of real estate rights were collected primarily in accordance with the actual situation, and then according to existing data in the land cadastre, real estate cadastre and land register, the disputed law provided also for a survey of entity line and entity line registry keeping, etc.

10 According to Hamid Mutapčić and Alvira Selimović Halilčević: *Novo zemljišnoknjižno pravo Republike Srpske*, Zbornik Radova Pravnog fakulteta u Tuzli, pp. 55.

11 Nevenka Mitrić, *Primjena Zakona o premjeru i katastru Republike Srpske u sudskoj praksi*, available at: [http://www.rs.cest.gov.ba/index.php/seminari-2018/51-46banja-](http://www.rs.cest.gov.ba/index.php/seminari-2018/51-46banja)

introduction of the unified real estate records in the territory of the Republic of Srpska entity actually begins.

The reforms introduced by this law are best reflected in the definition of the principles of this law, and we will further explain the two most important principles: the principle of registration and the principle of trust.

The principle of registration is defined because through three articles of the law, through Article 54, which stipulates that registration in the real estate cadastre acquires, transfers, limits and terminates real estate rights, Article 62, which determines the constitutionality and assertion of registration of property rights and other real rights, as well as registration of some obligatory rights and Article 63 of the obligation to register real estate and property rights in the real estate cadastre. Unlike the previous law on land registers, which provided only for the constitutionality of registration, the law is harmonized with the Law on Real Rights because it stipulates that the constitutionality of registration refers only to the transfer of ownership concluded through legal transactions, while in other ways of acquiring ownership, e.g. by a court decision, ownership is acquired by the finality of the judgment and by registering such acquired right, it informs third parties (assertion of registration). The mere anticipation of such an entry is not essentially reformist, but on the contrary, it only enhances the earlier practice which has led to the difference between the book and the non-book situation. The obligation to enroll provided by the new law is not important if it does not bring with it the constitutionality of enrollment, because the acquirer has no legal interest, if he has already acquired the right to enroll.

The principle of trust is defined in Article 56 of the Law, which stipulates that real estate data are true and fully reflect the factual and legal condition of the real estate. Further, an acquirer who has acted in good faith with confidence in real estate data is legally protected if he did not know nor, given the circumstances, had sufficient reason to doubt what was recorded. With this definition of the principle of trust, the legislator continues the practice of the previous law on land registers, wanting to motivate holders of unregistered rights to request registration of their rights because they do not enjoy legal protection because in "... competition between previously acquired and unregistered right on real estate and later acquired right on the same real estate based on the principle of trust in the land register ... ", in our case the real estate cadastre "... the legislator gives priority to the latter."¹²

luka-zakon-o-katastru-i-premjeru-nekretnina/2179-rad-n-mitric/file

12 Hamid Mutapčić and Faruk Đozić, *Stanje u oblasti javne evidencije nekretnina u Bosni*

Land registry reform in the Republic of Srpska and the consequences for the rights of refugees and displaced persons

Although we cannot explicitly state a provision that would directly indicate the subordinate position of refugees and displaced persons. However, we can single out a couple of provisions that do not correspond to the real situation - post-war Bosnia and Herzegovina. A large number of displaced persons and refugees, as well as the changed ethnic picture in the entity of the Republic of Srpska, which we can see by comparing the census data from 1991¹³ and 2013¹⁴, we can freely say, it was not taken into account in drafting appropriate legal solutions.

Representation of the constituent peoples according to the 1991 census

	Serbs	Croats	Bosniaks
Number of inhabitants	876,964	150,250	452,822
Percentage of inhabitants	55.04%	9.43%	28.42%

Representation of the constituent peoples according to the 2013 census

	Serbs	Croats	Bosniaks
Number of inhabitants	1,001,299	29,645	171,839
Percentage of inhabitants	81.51%	2.41%	13.99%

The most obvious example is the Law on Survey and Cadastre, which, among other things, regulates the manner of selecting the Commission for public inspection - according to Article 76 of the Law, the Commission for public inspection is formed by the Republic Administration for Geodetic and Property Affairs. The Commission has a total of six members. The commission is elected in such a way that the president, deputy president, one member and his deputy are elected by the Administration, while the other member and his deputy are appointed by the head or mayor of the local self-government unit where the public presentation takes place. Having in mind the structure of employees in the Administration and that out of a total of 689 employees,

i Hercegovini i mogući pravci reforme, Monumenta Srebrenica, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica 2019, pp. 142.

13 According to Kasim Trnka, *Konstitutivnost naroda*, Vijeće Kongresa bošnjačkih intelektualaca, Sarajevo, 2000, pp.23.

14 Available at: <http://www.popis.gov.ba/>

8 are Bosniaks and 8 Croats.¹⁵ That the Serb is the mayor in almost all local self-government units, which is a consequence of the persecution and ethnic cleansing of non-Serbs from the RS entity, we can conclude that 99% of the Commission will be mono-ethnic.

Furthermore, the manner of announcing the beginning of the procedure for establishing the real estate cadastre according to the said law - for the purpose of establishing the real estate cadastre, the Administration is obliged to publish the establishment of the real estate cadastre in a public media in the cadastral municipality and the Administration's website 30 days prior to the procedure. The narrowed circle of publishing leaves the possibility that many will not even be able to find out about the beginning of the procedure of establishing the real estate cadastre, which represents the greatest danger that refugees and displaced persons will lose their previously acquired rights.

And finally, the restriction of the ownership lawsuit - if in the procedure of presenting the real estate cadastre there is a conflict of two rights in the form of determining the rights to a certain real estate, the Administration instructs the party with less right to file a lawsuit before the competent court within the deadline of 30 days.¹⁶ If he misses the deadline of 30 days, that party has 3 years to initiate proceedings before the competent court. In the event that the right of ownership over real estate is determined to one person in the procedure of establishing the real estate cadastre, if another person appears and initiates the procedure beyond 3 years, he loses the right to re-vindication, a lawsuit under this Act, and the right to property claim does not become obsolete.¹⁷ Judge of the Constitutional Court Mirsad Ćeman also points to this in his separate opinion, stating that it will lead to arbitrariness in the application of the provisions of these Laws.¹⁸

Land registry reform in the Republic of Srpska and the state property

In the public discourse when it comes to state property, most attention is paid to property inherited from the former SFRY and the issue of registration

15 Analysis of the Law on Survey and Cadastre and the Law on Real Estate Tax of the Republic of Srpska, Commission for Monitoring the State of the Nation, World Bosniak Congress, Sarajevo 2013.

16 Article 85, LSRECRS

17 Article 126, Law on Real Rights of the Republic of Srpska ("Official Gazette of the Republic of Srpska" No. 124/08, 3/09, 58/09, 95/11, 6015, 18/16, 107/19)

18 Decision on admissibility and merits No. U-5/12 of 28 September 2012, Constitutional Court of Bosnia and Herzegovina.

of promising military property in the institutions of Bosnia and Herzegovina. It is actually only one part of the total state property. The Final Report on the Census of State Property in Bosnia and Herzegovina under the auspices of the Office of the High Representative from December 2009, which identified only 1,000 state property units, of which 979 are located in Bosnia and Herzegovina and 21 abroad, also contributes to this narrative.¹⁹ It is estimated that the total value of state property is around 60 billion KM.²⁰

The continuity of state property in Bosnia and Herzegovina can be traced from the previously mentioned Ottoman period²¹ through the period of Austro-Hungarian rule in this area, the Kingdom of Serbs, Croats and Slovenes²², the Democratic Federal Yugoslavia²³, and in the FPRY later SFRY and finally as an independent state of Bosnia and Herzegovina.²⁴ Historically and legally speaking, and which is supported by the judgment of the Constitutional Court²⁵, Bosnia and Herzegovina is the owner of state property as a successor state of SR BiH and has the right to dispose of it. The above-mentioned verdict, defining the term state property, established

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- 19 *Census of State Property in Bosnia and Herzegovina conducted under the auspices of the Office of the High Representative*, December 2009, available at: <http://www.ohr.int/stateproperty/Zavrsni%20izvjestaj%20o%20Popisu%20drzavne%20imovine.pdf>
 - 20 N1 Pressing “N1 Pressing: Haris Silajdžić (6 December 2017)” Online video, Youtube, Web, 6 December 2017. Retrieved at: 28 December 2019.
 - 21 “The category of state land included most arable land, meadows, pastures, forests and other productive land. Legally, the land was owned by the state, and practically owned by the agas and beys (land under serfdom) or under state administration (erar).” according to Amir Dehić, *Kontinuitet državne imovine BiH*, ANALI Pravnog fakulteta Univerziteta u Zenici, pp.138.
 - 22 The continuation of the Continuity of Bosnia and Herzegovina - state property was also manifested here through the institutions of the system from which the implementation of agrarian reform measures was initiated, which was greatly aided by the feudal class. The regulation of agrarian relations, which were largely inherited, was imposed as a priority task, as evidenced by the telegraphic order issued on 12 October 1878 from the Emperor to Generals Filipović and Jovanović, that the regulation of agrarian relations between the landlord (čifluk sahibija) and the tenant (serf) is done on the basis of Ottoman laws, especially the Safer order. Amir Dehić, *Ibid*, pp.139-140.
 - 23 The Democratic Federal Yugoslavia (DFJ), as a successor state, became the owner of public goods, railways, ships, post office, tobacco factory, heavy industry, a number of mines in state exploitation, power plants, public buildings, funds, reserves gold, etc. Amir Dehić, *Ibid*, pp. 140
 - 24 Socially-owned property remains state-owned, while the privatization process has begun with state-owned capital in companies based on ownership transformation through the sale of internal shares. Amir Dehić, *Ibid*, pp. 144
 - 25 Decision on admissibility and merits No. U-1/11 dated 19 July 2012 the Constitutional Court of Bosnia and Herzegovina.

that it by its nature serves to all people in the state and is a reflection of the statehood, sovereignty and territorial integrity of Bosnia and Herzegovina. The problem of determining the social ownership of the former SFRY is one of the rudimentary issues of more political than legal character for BiH.²⁶ The 1994 Law on the Transformation of Socially-Owned Property²⁷, which is still in force today, stipulates that the Republic of Bosnia and Herzegovina becomes the holder of socially-owned property. The Agreement on Succession Issues, Article 2, Paragraph 1 of Annex A to that Agreement, which refers to movable and immovable property, stipulates that all immovable state property located on the territory of the SFRY shall be transferred to the Successor State on whose territory the property is located. Finally, the Law²⁸ prohibits the disposal of state property, not only property covered by succession from the former SFRY, but all state property on the territory of Bosnia and Herzegovina.

The RS legislature has in the past tried to resolve the issue of state property by registering it as the property of the entity's property. The most glaring example is the now invalid Law on the Status of State Property, which is located on the territory of the Republic of Srpska and is prohibited from being disposed of.²⁹ Recently, it is obvious the behavior of the legislator in the RS to re-actualize the issue of state property and its registration in the entity, not through a framework law, as they tried before, but by amending other laws to complete the issue of state property. We will further present the provisions of some laws concerning the issue of state property.

a) Law on Real Rights

The Law on Amendments to the Law on Real Rights, adopted on December 6, 2019, creates a legal basis for the registration of state property in the entity. The added Article 325a reads "Registration of the holder of rights to real estate registered in public records as social or state property referred to

²⁶ Amir Dehić, *Ibid*, pp. 147

²⁷ Law on Transformation of Social Property ("Official Gazette of the Socialist Republic of Bosnia and Herzegovina", No. 33/94)

²⁸ Law on Temporary Prohibition of Disposal of State Property of Bosnia and Herzegovina (Official Gazette of BiH, No. 18/05, 29/06, 85/06, 32/07, 41/07, 74/07, 99/07, and 58/08), and two entity laws prohibiting the disposal of state property in the territory of the Federation of BiH, i.e. RS. These laws were adopted by a decision of the High Representative in BiH.

²⁹ Law on the Status of State Property Located on the Territory of the Republic of Srpska and prohibited from disposal (Official Gazette of the Republic of Srpska No. 135/2010 of December 29, 2010)

in Article 324, Paragraphs 1 and 4 and Article 325 of the Law, whose requests for conversion of these rights into property rights have been legally rejected by a decision of the competent administrative body, shall be deleted, and the registration of social, i.e. state and public property shall become property rights of the Republic of Srpska.” The articles referred to in the cited provision are those that regulate the transformation of the right of use, management and disposal into the right of ownership of the person who holds those rights over state property, as the rights of persons over city construction land. It is the administration that is competent to first conduct the procedure for determining the right of ownership over state property, and in case the person rejects that property, it becomes the property of the entity by a decision of the administrative body.

b) Law on Forests of the Republic of Srpska

In the former Socialist Republic of Bosnia and Herzegovina, forests, arable land, mineral resources and other natural resources were considered social property. The scope of social or state property grew with forced forms of termination of property rights: nationalization, confiscation, sequestration, agrarian reform have a unique economic and political effect of creating state property as the dominant form of ownership of funds.³⁰

The Law on Forests of the Republic of Srpska, as a form of forest ownership, distinguishes between ownership owned by entities and owned by private persons, whether legal or natural.³¹ However, as we pointed out earlier, forests represent state property and as such cannot be the subject of the original way of acquiring ownership of forests in the part referred to as entity ownership.

c) Law on Agricultural Land

Article 53 of the Law on Agricultural Land reads

- (1) Agricultural land on the territory of the Republic registered in public records as public property without registered right of use, management or disposal, social or state property with the right to use, manage or dispose in favor of companies that were subject to privatization or registered as property of those companies, by virtue of this law, by

30 Amir Dehić, *Ibid*, pp. 141

31 Article 3, Law on Forests (Official Gazette of the Republic of Srpska No. 75/08)

force of law, it becomes the property and possession of the Republic.

- (2) Agricultural land on the territory of the Republic registered in public records as public property, without registered right of use, management or disposal, social or state property with the right of use, management or disposal or as property of former socially legal entities with headquarters outside the Republic, with the entry into force of this law, by force of law, it becomes the property and possession of the Republic.
- (3) The administrative body competent for keeping public records on real estate shall enter the right of ownership and possession on real estate referred to in Paragraphs 1 and 2 of this Article at the request of the Attorney General's Office of the Republic of Srpska.
- (4) On real estate referred to in Paragraphs 1 and 2 of this Article for which there are no ownership records, and are registered as the possession of former social and legal persons or are registered in the cadastre as the possession of natural or legal persons without a valid legal basis, the right of ownership and possession in favor of the Republic is determined.
- (5) At the request of the Attorney General's Office of the Republic of Srpska, the administrative body responsible for property and legal affairs shall conduct the procedure and issue a decision on determining the rights referred to in paragraph 4 of this Article.

The continuity of ownership over the state property of Bosnia and Herzegovina is unquestionable, so the agricultural land treated by this law should be considered as the property of the state and only the state can dispose of it by passing an adequate law at the level of the state of Bosnia and Herzegovina.

d) Law on Usurpation and Voluntary Competences

Article 2, Paragraphs 2 and 3 read:

- (2) For the purposes of this Law, usurpation is also considered any unauthorized occupation, i.e. illegal holding of agricultural or forest land owned by holders of public law property on which disputed property and legal relations were discussed according to previously valid regulations, and the then administrative bodies and right holders of the public or state property did not deposit the usurpers in accordance with the final decisions, but left the usurpers in possession

of the usurped land until the enactment of this law.

- (3) Occupation of agricultural or forest land before December 31, 1955, which is a public good, as well as occupation of land owned by holders of public law, shall not be considered usurpation, if holders of public law acquired that right under agrarian regulations after the Second World War II from natural and then private legal entities, except for the rights acquired in accordance with Article 7, item a) of the Law on Agrarian Reform and Colonization “Official Gazette of the People’s Republic of BiH”, No. 2/46, 18/46, 20/47 , 29/47, 37/49, 14/51 and 41/67).

Article 3 of the Law reads:

Holders of public law property are persons from Article 22 of the Law on Real Rights (“Official Gazette of the Republic of Srpska”, No. 124/08, 3/09, 58/09, 95/11 and 60/15).

According to the Law on Agrarian Reform, huge areas of arable land, forests and natural resources were taken away from citizens, mostly Bosniaks, and handed over to the state. Now, with this Law, all property confiscated by that law becomes the property of the entity The Republic of Srpska.

The law is especially harmful to the rights of refugees and displaced persons because it prescribes in Article 8, Paragraph 8 that the right of ownership of the usurper will not be recognized if he left the land, i.e. their residence is not in the Republic of Srpska.³² There is a big difference between an abandoned property and a change of residence of the usurper. Even in previous laws, leaving the usurped property meant the loss of the right to the usurped property and the impossibility of acquiring ownership over it. However, a change of residence does not mean *a priori* the abandonment of property. Precisely because of the wording of this article, “that is, that their residence is not in the Republic of Srpska” means in practical application that these two preconditions do not have to be met at the same time.

The second part of the law, which treats the status of volunteers, shows the extent to which the legislator in the Republic of Srpska is ready to satisfy only one, more precisely the Serbian people. According to this law, a volunteer is in a more favorable position because he does not have to own the real estate in question, but only proves the status of a volunteer and thus exercises the

32 Article 8, Paragraph 8 of the Law on Usurpation and Voluntary Competences, (Official Gazette of the Republic of Srpska, No. 8/20)

right of ownership over the real estate.

However, even in that part, the entity tries to discuss and dispose of state property, Article 8 of the Law on Agrarian Reform, the property allocated to volunteers could remain their property only if they process it. Otherwise, that property is subject to the rules of Article 7, item e) and the surplus of that property is confiscated and becomes state property. Therefore, according to earlier allegations, this property cannot be the subject of an entity law either. Furthermore, if a volunteer continued to use the confiscated property, he could only be a usurper within the meaning of this Law and previous laws and should be subject to the same rules as other usurpers.

CONCLUSION

The new Law on Survey and Cadastre of the RS has started the process of land registry reform. In the Federation of BiH as well, the Proposal of the Law on Survey and Registration begins the process of reform and introduction of a unified real estate register. The reforms envisaged by the law do not give hope that they will succeed in solving the accumulated problems of the land register, but what more will be done by applying these legal solutions. The introduction of a new system of real estate records and rights to them in Republic of Srpska did not only introduce the system as such, but also strengthened the role of administrative bodies through the establishment of this new system. The new land registry law in the RS entity is a source of new controversial legal solutions, especially with regard to state property. The establishment of a real estate cadastre opens the door to the misuse of the property of refugees and displaced persons and thus violates the right to property as a constitutional category and protected by international conventions. The ownership of the state of Bosnia and Herzegovina over state property is the essence of the legal continuity of the statehood of Bosnia and Herzegovina. The new wave of laws in the Republic of Srpska dealing with the issue of state property would, for the first time, create a discontinuity in the issue of ownership of state property. It is necessary to start passing the law on state property at the state level as soon as possible, because the current practice has shown that those who are neither its legal successors nor title holders persistently want to attribute it as their own and thus degrade the state of Bosnia and Herzegovina as a state without its own property.

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***FROM BOSNIAN
PODRINJE HISTORY***

THE PETRIĆ AND KALA QUARTS IN SREBRENICA ACCORDING THE MID-19TH CENTURY CENSUS

Summary

The paper gives a detailed 1850/1851 census for the Petrić and Kala quarts, the present day Grad quart in Srebrenica. The data on the number of houses, households, with the number of male members of households are given in it. In addition to theoretical explanation of the aim, method and purpose of the then census, the age of the male members of household, their number, ethnic and religious affiliation, family names, occupation, beard and moustaches color, height and other structural characteristics of the population covered by the census can be found in the paper.

Key words: the Petrić quart, the Kala quart, the census, houses, families

Introduction

In the 19th century, Bosnia and Herzegovina passed through a project of modernization of the Ottoman Empire. The first project was Tanzimat, a program of modernization of the Ottoman state, which invited Islamic frame of reference, and aimed at modernizing of the army, administration, law, economy and education of the Empire.¹ The decree of the introduction of a new system of provincial administration², established secular courts, opened new schools and printing houses, built first railroads etc. and non-Muslim communities experienced religious and educational awakening and renewal. National movements emerged in those communities at the same time. An anti-modernist trend was present at the Muslim population. For those reasons, the application of Tanzimat in Bosnia and Herzegovina met with the resistance and was being implemented at a very slow pace. Therefore, it took more than

1 Karčić Fikret, *Bošnjaci i izazovi modernosti: kasni osmanlijski i habsburški period*, Sarajevo, 2004, pp. 156.

2 Ahmed Aličić, POF 'Uredba o organizaciji Vilajeta 1867. '. Sarajevo 1962-63, pp. 219.

a decade to modernize the army. Anti-modernism in Muslims and nationalism in non-Muslims led to only partial results of the Tanzimat reform in Bosnia and Herzegovina.

The Tanzimat undoubtedly brought some root changes in the administration of the state. After Mahmud II removed the basic factors of the fundamental factors of the old order, janissaries, spahis, ayans and timars,³ he succeeded in creating centralized administration. With the Tanzimat, military service in a certain period of time was also accepted. The 1843 law reduced the obligatory military service to 5, and the reserved to 7 years.

During the reign of Mahmud II, the Ottoman state was focused on creating a new census that was necessary. Census were used to determine the state administration and the number of military able-bodied persons. The most efficient method in quantifying of existing financial and human resources was also used. In 1826, after the Janissaries uprising, the founders of the new army were forced to know the exact number of population. First and foremost, it was planned to form one new central army, and for its establishment young men were to be taken according to the current census.⁴

In 1829, Mahmud II decided on the first general census. Regardless of the fact that the census started in Istanbul in 1829, due to the Russo-Ottoman war and the unrest in Greece, not until 1831 did the census cover the entire empire. Regardless of the decision on the general census of the empire, the 1831 census encompassed only one part of the empire. The Bosnian eyalet was the one of the eyalets where the census was not conducted. Due to the reforms that provided the abolition of the Janissaries, the resistance of Bosnian landowners to the central government, which was especially present in 1831, and the Husein Captain's uprising in the period, the census was not conducted in the Bosnian eyalet. The census was conducted in a manner that enumerator listed male members aged 1 to 100. Muslims and non-Muslims were listed in two separate defters (in English: the register). Muslims aged 14 to 40 were marked by a harf (mim) (Arabic letters) as potential soldiers. In 1835, the Register of Population was formed in the Ministry of Internal Affairs. In 1839, together with the Tanzimat proclamation, the works on the census of the population and their property were taken as the basis for the implementation of reforms in the field of army and finance. In 1834, by bringing the military service into a difficult position, it was decided to move to a system of selection at the

3 Timar- a piece of land that was given to Spahis

4 Kemal H. Karpat, *Osmanlı Nüfusu (1830-1914): Demografik ve Sosyal Özellikleri*, çev. Bahar Tırnakçı, İstanbul 2003, pp. 44.

highest level of the army. Therefore, it was necessary to make a new census. After the census was conducted, this system would eventually expand and applied throughout the empire. With this intention, the 1844 general census was conducted. The commander-in-chief, Riza-Pasha who led the census, met with resistance from the population in many places over rumors of the introduction of a new land tax. The results of the 1844 census, which was characterized as unsuccessful, were never officially published.⁵

The 1266/67 Census according to Hijra, i.e. the 1850/51 Census

The census in the Bosnian eyalat started in August 1850. The Valia appointed officials to conduct the census in the entire empire. As early as the beginning of 1851, the full application of the Tanzimat started. In the Kadis where the census was not completed, an order was issued that the population should not leave their place.⁶ Imams and priests were in charge of implementing the population changes. Religious officials would be informed about the number of deaths and births in their congregations by roll-calling out at the squares. Unfortunately, the census registers for the Zvornik Sanjak were not updated. Only the initial registration is available to us and as such is presented for the present day area of the municipality of Srebrenica. The registers were conducted separately for certain kadis and separately for Muslims, non-Muslims and Roma. Kadis' seats were registered first and then villages. Places were registered according to quarts, i.e. houses in a manner that each house was registered with ordinal number. A household host was registered under number one and then other male members, their sons, brothers, nephews and other male members who shared the same household. A brief physical description was given next to every male person, except for minors. If there was a mosque in a quart, that is villages, a scribe would usually register an imam's house first, and then the rest of households. Unlike the identification data in the Ottoman registers from the earlier period, which usually consisted of person's name and their father's name, in these registers, in most cases, the family surname was also registered.

In previous issues of the edition "Monumenta Srebrenica", an overview of the census of Crvena rijeka and Hadži Iskender quarts in Srebrenica in the mid-19th century were given. The aim of this overview is a nominal overview

5 EmineAk, „Tanzimat'ın Bosna Hersek'te Uygulanması ve Neticeleri“ Istanbul 2010, pp, 125-126.

6 BOA., I. DH., Nr. 12936, lef 4.

of Bosniak-Muslim population in the mid-19th century for quarts Petrić and Kala, the present day Grad.

The Petrić quart

House No. 1.

1. Murat Effendi son of Omer Effendi, Imam. Tall with brown beard. Born in 1817.
2. His son Husejn, born in 1848.

House No. 2.

1. Čirač Mula Halil son of Abdi, the first Mukhtar. Medium height with brown beard. Born in 1795.
2. His son Ibrahim, a tailor. Medium height with dark moustaches. Born in 1820.
3. His grandson, Hasan son of Ibrahim. Born in 1841.
4. His grandson, Sulejman son of Ibrahim. Born in 1845.

House No. 3.

1. Husejn Delimehmedović son of Salih, the second Mukhtar. Tall with brown moustaches. Born in 1795.
2. His son Ismail, Born in 1835.
3. His son Jusuf, Born in 1841.

House No. 4.

1. Ibrahim Višegrađanin son of Abdulah. Tall with graying beard. Born in 1784.
2. His son Mustafa. Medium height with brown beard. Born in 1819.
3. His son Zulfikar. Medium height with brown moustaches. Born in 1825.
4. His grandson, Abdulah. Born in 1848.

House No. 5.

1. Barber Husejn son of Husejn. Medium height with graying moustaches. Born in 1796.
2. His son Ahmed. Medium height with light moustaches, a seller. Born in 1825.
3. His son Salih, tall. Born in 1820.
4. His son Ismail, minor. Born in 1822.
5. His son Mehmed. Born in 1840.

House No. 6.

1. Mula Ibrahim Selimćehajić. Medium height with dark beard. Born in 1805.
2. His son Ismail, short, minor. Born in 1836.
3. His son Osman. Born in 1848.godin

House No. 7.

1. Mustafa son of Abdi, short with graying beard. Born in 1800.
2. His son Osman, short with no beard. Born in 1822.
3. His grandson Abdulah, son of Osman. Born in 1845.
4. His son Sulejman. Born in 1848.
5. His son Salih. Born in 1849.

House No. 8.

1. Mula Salih son of Husejn. Medium height with gray beard, a seller. Born in 1795.
2. His son Ismail. Tall with light moustaches. Born in 1826.
3. His grandson Osman, son of Ismail. Born in 1849.
4. His nephew Hasan. Born in 1849.

House No. 9.

1. Mustafa son of Jašar, Medium height with brown moustaches, a woodcutter. Born in 1805.

House No. 10.

1. Abdulah son of Salih. Medium height with no beard. Born in 1824.

House No. 11.

1. Hasan Hadžić son of Ibrahim. Tall and with no beard, a tailor. Born in 1820.
2. His son Ibrahim. Born in 1846.

House No. 12.

1. Ismail Bektić son of Bektaš. Medium height with blond moustaches, a seller. Born in 1805.
2. His son Ismail. Born in 1843.
3. His son Ali Arif. Born in 1847.

House No. 13.

1. Osman Voljević son of Alija. Tall with graying beard. Born in 1800.
2. His son Mustafa. Born in 1849.

3. Salih Hizmećar son of Hasan. Born in 1829.

House No. 14.

1. Sulejman Paro son of Ibrahim. Born in 1837.

House No. 15.

1. Muharem son of Ibrahim. Tall with brown moustaches, a shoemaker.
Born in 1815.

House No. 16.

1. Abdulah Betić son of Husejn. Medium height with dark moustaches.
Born in 1800.

2. His son Jusuf. Born in 1840.

3. His son Sulejman. Born in 1840.

4. His son Salih. Born in 1849.

5. His son Hamid. Born in 1848.

House No. 17.

1. Jašar Jasnevali son of Omer. Tall with dark moustaches. Born in 1795.

2. His son Abdulah. Born in 1849.

House No. 18.

1. Osman Brezovčanin son of Davud. Short with dark beard. Born in
1775.

2. His son Hasan. Medium height with dark moustaches. Born in 1810.

3. His son Salih Džanan. Medium height with dark moustaches, a
shoemaker. Born in 1820.

4. His son Omer. Short with dark moustaches. Born in 1828.

House No. 19.

1. Hasan Jakubović son of Mustafa. Short with dark moustaches. Born
in 1822.

House No. 20.

1. Osman son of Imšir. Medium height with no beard, a bootmaker.
Born in 1815.

House No. 21.

1. Salih Milaković son of Husejn. Short. Born in 1813.

2. His son Ibrahim. Born in 1849.

3. His brother Sulejman. Born in 1832.

4. His brother Hasan. Born in 1833.

5. His brother Mustafa. Born in 1835.

House No. 22.

1. Salih Barutči son of Abdulrahman. Medium height with dark moustaches. Born in 1795.

2. His son Mustafa, short. Born in 1835.

3. His son Ramazan, Born in 1849.

House No. 23.

1. Jahja son of Mustafa. Tall with blond moustaches, a woodcutter. Born in 1795.

2. His son Sulejman, short with brown moustaches. Born in 1820.

3. His son of Ismail, minor. Born in 1833.

4. His son Mustafa. Born in 1845.

House No. 24.

1. Mustafa son of Ramazan, a bootmaker. Medium height with brown moustaches. Born in 1810.

2. His son Sulejman. Born in 1845.

3. His son Hasan. Born in 1845.

4. His brother Alija, short. Born in 1829.

House No. 25.

1. Hajji Mehmed son of Ibrahim, short. Born in 1825.

2. His nephew Mehmed. Born in 1846.

House No. 26.

1. Mehmed Kovač son of Ibrahima. Medium height with graying beard. Born in 1785.

House No. 27.

1. Muharem son of Ibrahim. Born in 1847.

House No. 28.

1. Salih Ladević Tabak son of Mehmed. Short with graying beard. Born in 1780.

2. His son Osman. Medium height with light moustaches. Born in 1825.

3. His son Ibrahim, short. Born in 1830.

4. His son Mehmed. Born in 1832.

House No. 29.

1. Mehmed son of Husejn. Medium height with graying beard. A

weaver. Born in 1780.

House No. 30.

1. Mehmed Kolarić son of Mustafa. Medium height with light moustaches. Born in 1830.
2. His step-brother, Salih son of Hasan. Born in 1845.

House No. 31.

1. Jasenović ... son of Salih. Tall with gray beard. Born in 1785.
2. His son Ibrahim. Born in 1828. He moved to another town.
3. His son Salih. Short. Born in 1824.
4. His son Abdi, minor. Born in 1836.
5. His son Ahmed, minor. Born in 1836.

House No. 32.

1. Derviš Sarač son of Ahmed. Tall with gray beard. Born in 1785.
2. His son Ahmed. Tall with light moustaches. Born in 1831.

House No. 33.

1. Mehmed Valjevali son of Mustafa, tall. Born in 1800.
2. His son Ramazan. Born in 1841.

House No. 34.

1. Ismail Rudnjanin son of Mehmed. Tall with blond moustaches. Born in 1820.
2. His son Husejn. Born in 1845.

House No. 35.

1. Mustafa Rudnjanin son of Mehmed. Short with dark moustaches. Born in 1824.
2. His brother Omer. Born in 1832.
3. His brother Ibrahim. Born in 1835.

House No. 36.

1. Omer Hasić son of Mehmed. Medium height with brown moustaches. Born in 1820.

House No. 37.

1. Mehmed Mustafa Tutundžić son of Hasan. Short with light moustaches. Born in 1825.

House No. 38.

1. Hasan Hasić son of Alija. Medium height with light moustaches. Born

in 1825.

House No. 39.

1. Halil Tabak son of Jahja. Short with dark moustaches. Born in 1805.
2. His son Hasan. Medium height with light moustaches. Born in 1830.
3. His son Salih. Born in 1841.
4. His son Murad. Born in 1846.

House No. 40.

1. Ismail Žila Tabak son of Ahmed. Tall with dark moustaches. Born in 1810.
2. His son Salih. Born in 1847.

House No. 41.

1. Selim son of Abdulah. Tall with brown moustaches. Born in 1815.
2. His brother Sulejman. Tall with brown moustaches. Born in 1820.

House No. 42.

1. Adem son of Mustafa. Medium height with blond moustaches Born in 1814.
2. His son Mehmed. Born in 1840.
3. His son Ibrahim. Born in 1846.

House No. 43.

1. Sulejman son of Halil. Medium height with blond moustaches. Born in 1810.
2. His son Ibrahim. Born in 1840.

House No. 44.

1. Hasan son of Mahmud. Medium height with brown moustaches. Born in 1820.

House No. 45.

1. Ibrahim Hasić son of Alija. Medium height with dark moustaches. Born in 1795.
2. His son Salih, short. Born in 1828.

House No. 46.

1. Mehmed Hodžić son of Ibrahim. Medium height with light moustaches. Born in 1830.
2. His brother Hasan. Born in 1837.
3. His brother Osman. Born in 1840.

House No. 47.

1. Abdija son of Mehmed, a woodcutter. Tall with dark moustaches. Born in 1810.

House No. 48.

1. Alija Džajkun son of Abdija. Short with blond beard. Born in 1805.
2. His son Mehmed. Born in 1830.
3. His son Mustafa. Born in 1845.

House No. 49.

1. Osman Rihic son of Husejn. Short with gray beard. Born in 1785.
2. His son-in-law, Ibrahim son of Mustafe. Medium height with blond moustaches. Born in 1822.
3. His grandson, Mustafa son of Ibrahim. Born in 1845.

House No. 50.

1. Sulejman Redžić son of Husejn. Tall with graying beard. Born in 1790.
2. His son Mehmed. Medium height with brown moustaches. Born in 1815.
3. His son Ismail, medium height. Born in 1817.
4. His grandson, Arif son of Mehmed. Born in 1849.

House No. 51.

1. Spahi Omer son of Abdulbešir. Short with blond moustaches. Born in 1820.
2. His son Osman. Born in 1846.
3. His son Alija. Born in 1849.

House No. 52.

1. Spahi Mehmed Pašalić son of Abdulah. Tall with brown beard. Born in 1820.
2. His son Salih. Born in 1849.

House No. 53.

1. Husejn Pašalić son of Ibrahim. Short with light moustaches. Born in 1830.
2. His son-in-law, Mustafa son of Ramazan. Medium height with blond moustaches. Born in 1820.
3. His son Mustafa son of Mustafa. Born in 1849.

House No. 54.

1. Osman son of Šaćir. Tall with brown moustaches. Born in 1818.
2. His step-son, Ahmed son of Ismail. Medium height with light moustaches. Born in 1832.
3. His step-son, Ibrahim. Born in 1844.

Mahala Kala

House No. 1.

1. Imam Omer Elšejh son of Fejzullah. Tall with brown beard. Born in 1800.

House No. 2.

1. Mukhtar Salih Dizdarević son of Mehmed. Tall with blond beard. Born in 1805.
2. His son Mustafa. Tall with light moustaches. Born in 1830.
3. His son Mehmed. Born in 1841.

House No. 3.

1. Salih Porčić Salih son of Ibrahim, the second Mukhtar. Medium height and blond moustaches. Born in 1820.
2. His son Ismail. Born in 1845.
3. His son Abdulah. Born in 1847.
4. His son Alija. Born in 1849.

House No. 4.

1. Spahi Hajji Ibrahim Dizdarević son of Mehmed. Short with brown beard. Born in 1800.
2. His son Abdulah. Born in 1841.
3. His brother Mahmud. Born in 1824.

House No. 5.

1. Adem Hadžić son of Osman, a grocer. Tall with brown moustaches. Born in 1805.
2. His nephew, Ishak son of Sulejman. Medium height, minor. Born in 1834.

House No. 6.

1. Osman Hadžić son of Sulejman, a tailor. Short with light moustaches. Born in 1830.

House No. 7.

1. Mustafa Ustić son of Osman. Short with brown beard. Born in 1780.
2. His son Ahmed, a tailor. Medium height with blond moustaches. Born in 1827.
3. His grandson, Mustafa son of Ahmed. Born in 1843.

House No. 8.

1. Omer Fazlić son of Alija. Tall with brown beard. Born in 1795.
2. His son Edhem. Medium height, minor. Born in 1833.

House No. 9.

1. Halil Osmančan son of Zukan. Medium height with brown moustaches. Born in 1790.
2. His son Osman. Medium height with light moustaches. Born in 1827.
3. His son Mustafa. Tall with light moustaches. Born in 1830.

House No. 10.

1. Salih Garibović son of Mustafa, a barber. Tall with brown moustaches. Born in 1800.
2. His son Mustafa. Medium height with light moustaches. Born in 1830.

House No. 11.

1. Alija Tabaković son of Mehmed, a soldier. Medium height with dark moustaches. Born in 1815.
2. His son Mehmed. Born in 1834.

House No. 12.

1. Sulejman Bičakči son of Ismail, a soldier. Medium height. Born in 1827.
2. His brother Hasan. Born in 1835.

Conclusion

The quarts Petrić and Kala, the present day Grad, were in the mid-19th century highly urbanized quarts with all structural layers of society. They differed in size, i.e. in number of houses, households and the number of population. There were 54 houses, i.e. households/families with 153 male members. If we add the same number of female members, wives, daughters-in-law, daughters, then we “see“ that there were over 300 residents in the quart Petrić and that they were all Bosniaks of Islamic affiliation. The Kala quart

was the least populated in Srebrenica in the mid-19th century. There were only 12 houses and 12 families with a total of 38 male members. If we add the same number of female members, then we can conclude that a total of 78 residents lived in the Kala quart. The average number of male members in a household in the Petrić quart was 2.38 members, and in the Kala quart were 3.16. If we add the same number of female members, then we can conclude that the average number of members in one family in the Petrić quarts was 5.66. The highest number of male members per family was 5, and the least 1. A high percentage of households with one male member would be emphasized. There were 17 or 31.14% such households in the Petrić quart, and 2 in the Kala quart. Based on the data available, it cannot be determined whether they were married with female children or single. We assume that the most registered were single because at least one of them would have at least one male child. The structure of residents in both quarts was extremely developed, from the simplest occupations such as lumberjacks, woodcutters, through other trades (tailors, blacksmiths, weavers, grocers-caterers, tanners and others) to highly educated, such as imams, sheikhs, and landowners.

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Adib Dozić
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THE GRAD QUART IN SREBRENICA IN THE LATE 19TH CENTURY

Summary

The quart named Grad was the smallest quart in Srebrenica in the late 19th century. It is located on a mountain ridge that stretches from the Pribićevac plateau to the center of the city of Srebrenica. In addition to the small number of houses and residents, the quart Grad is also characterized by its location between two old fortifications in Srebrenica.

In this paper, we present and analyze the data on historical, demographic, ownership, urban and other socio-historical facts relevant to this quart, and a detailed overview of all the houses in the quart Grad at the end of the 19th century. The data on the families in this quart at the turn of the 19th and 20th centuries are interpreted.

The unused data from the end of the 19th century serve as a source. These are the cadastral plans from 1883-5, topographic map from 1887 and land registers from 1894 onwards.

Key words: the quart Grad, Srebrenica, houses, families, the late 19th century.

Introduction

In the previous eight issues of “Monumenta”, in several works, a detailed overview of all quarts of the city of Srebrenica is given, and at the end of the 19th century except for the quart Grad.¹ In this issue, we will also

1 Adib Dozić, Rusmir Djedović, *Mahala Crvena rijeka u Srebrenici krajem 19. stoljeća*, Monumenta Srebrenica, knjiga 2, Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla – Srebrenica, 2013; Adib Dozić, Rusmir Djedović, *Mahala Skender u Srebrenici krajem 19. stoljeća*, Monumenta Srebrenica, knjiga 3., Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica, 2014; Adib Dozić, Rusmir Djedović, *Čaršija u Srebrenici krajem 19. stoljeća*, Monumenta Srebrenica, knjiga 4., Zavod za zaštitu

deal with the quart Grad and, thus, complete the socio-historical analysis of all quarts in the city of Srebrenica at the turn of the 19th and 20th centuries.

The position of the quart Grad in Srebrenica is specific. It is located on the extreme northwestern and lowest part of a long mountain slope or ridge that stretches from the mountain plateau Pribićevac (900-961 m above sea level) to the city center. The ridge descends towards (I)Skender mosque and is called Bandera, and the lower areas towards the quart (I)Skender are called Klisa and Rajčevac.² Just above the center of Srebrenica, on a plateau at an altitude of about 410-440 m, from the ancient times, there were a small number of houses, which the people simply call Grad. This quart is also located between two old fortifications in Srebrenica, the older medieval one, which is to the southeast at about 570 m above sea level, and the younger one, which it leans on from its southeast side.

The quart Skender leans on the southwestern slopes of the ridge on which in the higher areas are the old medieval town of Srebrenik and a little lower the fortress Donji grad (at about 430 meters above sea level), next to which is the old quart Grad.³ The name of this quart was formed according to the national and official name of the nearby fortifications. Since the Middle Ages in this area was the suburb of the oldest fortress called the City of Srebrenik. That is why the common Slavic name Grad is used since the old times. With the arrival of the Ottomans when the fortress was probably being built (today's Donji grad), this quart was called by the usual Ottoman name for the fortress - Kala. Such a name of the quart is also in the Ottoman census of the population of the Zvornik Sandjak from 1850. It was then officially called Mahala Kala.⁴

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2 Adib Đozić, Rusmir Djedović, *Mahala Skender...*, pp. 10.

3 Adib Đozić, Rusmir Djedović, *Mahala Petrić...*, pp. 147

4 BOA, Istanbul, NFS 05951, pp. 33. The research and translation by M.Sc. Kemal Nurkić.

Since the end of the 19th century, the popular name Grad has been used again. Such was the name on the first Austro-Hungarian cadastral plan from 1884 (Appendix 2). The name of the quart "Grad" is still in use today. The quart Grad is located on a plateau on the southeast side of the Ottoman fortress Srebrenik. It probably developed on the site of a suburb of a medieval fortress. At the end of the 19th century there were 6-7 houses and above it was a cemetery.⁵

Fortifications

It is well known that the quart Grad in Srebrenica is located between two old fortifications. The upper is certainly a medieval town - the fortress Srebrenik and the lower closer, the Ottoman fortress - Kala. The upper fort - the medieval town of Srebrenik, was built in the Middle Ages and seems to have served its purpose for a long time. Čelebija described it as pentagonal and that it was built of beautiful stone. As early as the beginning of the 19th century, it also had cannons. In 1894, in the land register, it was registered on c. p. No. 411/15 called Tvrdava with construction site and courtyard Stari grad, area of 260 m². Below it are lands called Podgradje on c. p. No. 4, 4 / 2, 16, 17, 18, 19, then, 404/2 Podgrađe of about 74 dunums (Turkish measure that equals 1 dunum=1000 m²). All owned by the Bosnian-Herzegovinian terrestrial era.⁶

The lower fort - the Ottoman Kala, was probably built for the Ottoman administrations. Since its position dominates the center of the city of Srebrenica and its Čaršija, it could well protect the mentioned urban and geographical contents. At the end of the 19th century it was a well-preserved fortress. It is a quadrangular stone fortress. In the land register it was registered on c. p. No. 348 called Tvrdava with construction site and yard. It can be seen from the cadastral plan that inside the ramparts there were then 5-6 different buildings, hard built of stone. Within the ramparts is a house on c. p. No. 349 registered as House, house number 6, with housing, area of 60 m².⁷

5 Rusmir Djedović, Senad Begović, *Urbani razvoj grada Srebrenice u osmanskom periodu sa osvrtom na ulogu vakufa*, Zbornik radova naučnog simpozijuma Kulturno-istorijsko nasleđe Srebrenice kroz vijekove, JU Arheološki muzej „Rimski municipium“ Skelani Srebrenica, 2012, pp. 209.; Rusmir Djedović, *Grad Srebrenica – urbani razvoj od antike do početka 21. stoljeća*, Zbornik radova naučnog skupa Uloga grada i regije u privrednom razvoju i političkom životu BiH (1851-1995), held in Mostar in 2013, Muzej Hercegovine, Mostar, 2014, pp. 210.

6 The land registers for the cadastral municipality (C.M.) Srebrenica from 1894. Srebrenica Land Registry, Box 8.

7 Box 8...



More recently, the fort has been described as: an irregular quadrangular artillery fortress adapted to the terrain. It was built on a relatively flat and spacious plateau just above the town of Srebrenica. The mountain slope on which Donji grad is located is already penetrating the fabric of the town. On the wider side the fortress is 80 m wide, and on the northern 60 m. It is 165 m long. To this should be added the semicircular part of the northern rampart which protrudes from the canvas of that rampart about 10 m, so that the fortress occupies an area of about 12,400 m². The approach to the fort is on the east side in the southeast corner of the fortress right next to the polygonal pentagonal tower, actually a bastion.⁸ This fort was declared a National Monument of Bosnia and Herzegovina in 2006. Recently, a cross has been placed on this fort, which has never been in the entire history of the fortress before.⁹

8 The Decision of the Committee for the protection of national monuments in Bosnia and Herzegovina from 1 October 2006, "the Official Gazette BiH", No. 1/10.

9 Referring to the alleged folklore: where, according to tradition, there was an Orthodox (in a footnote: "Today, in that place, the fortress of Stari Grad, there is a baptismal flag as a memorial to the former temple"). Željko Teofilović, *Pravoslavlje u Srebrenici*, Srpska pravoslavna crkvena opština Srebrenica, Bijeljina, 2010, pp. 29. We note that there is not a single piece of information in written historical sources that there was any church in the area of the fortress, neither Catholic nor Orthodox. The locations of churches in Srebrenica are well and precisely determined in the historical literature. None of them is located in "Grad", up to these fictional and imaginary claims of Ž. Teofilovića. There are data in the Ottoman censuses that the first Srebrenica mosque "Tvrđavska džamija" was built in the fortress. (see more in: A. Dozić, *Gradske džamije Srebrenice*, Monumenta Srebrenica, knjiga 1, pp. 37.-54.)

It is possible that there was a third fortification, somewhere in the triangle: the quart Grad - Petrič and Pribičevac. A significant and to this day unexplored antiquity located on the southeast side of the quart Petrič is the toponym Grad. It is an elevation (elevation 747 m) on a long slope that rises from the quart towards Pribičevac. This is the third site that southeast of the city of Srebrenica points to a possible medieval city - a fortress. Below the toponym Grad is a land called Karšija and there is an old cemetery on it.¹⁰

Antiquities

In addition to the proximity of two old fortifications, the origin and development of this quart was greatly influenced by an important old road, which goes from the city center to the southeast, crossing the river Drina and beyond. A very important old road goes from Srebrenica to the southeast and crosses the river Drina. This road through the Middle Ages and the Ottoman period¹¹ goes from Čaršija, along the slope next to the fortress Donji grad, across the quart Grad and along the slope next to the medieval town and later the Ottoman fortress Srebrenik. It climbs further through the slope and near Karaula (Kula) it comes out on the Pribičevac plateau. The watchtower on Pribičevac has provided caravans, traders and passengers on this important road for centuries.¹² In the middle of the plateau is an ancient crossroad and next to it at the end of the 19th century we find the famous Han Pribičevac. Its owners at the time were the Hadžiselmanagićs from Srebrenica, while other people (innkeepers) probably took care of it. Next to it is the site of Stari han.

The main direction of the road goes further to the southeast.¹³ Immediately to the left is an old cemetery. Then the road goes across Ćatić ravan (the Ćatić's field), where there is another old cemetery on the branch for Skenderovići. The route is called Drum on that stretch, as the people used to call all the old and important roads. It runs along the slope through Gorica and shortly before Brežanski han, a branch separates towards the old town of Šubin. Further on, the route constantly goes along the slope, then next to Mavraka's inn, further past Tokoljak towards Skelani and an important and old

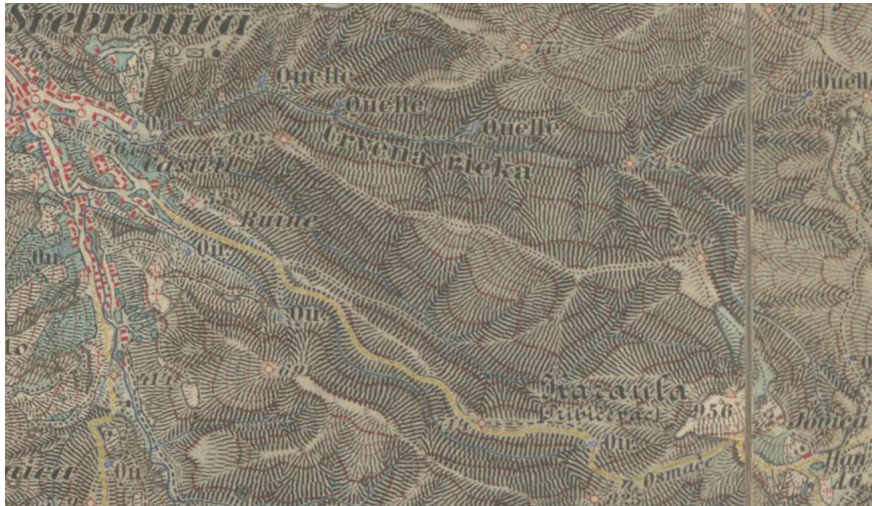
10 Adib Đozić, Rusmir Djedović, *Mahala Petrič*..., pp. 148.

11 It is probably on the route of an even older road from the ancient times.

12 The strategic position of the Pribičevac plateau has an exceptional significance since the ancient time until today. At the beginning of the 19th century, there were battles for Srebrenica during the attack of the Serbian army. Since then also dates the toponym Šarampov, which is also the name for trenches and obstacles in defense.

13 It has already been said that this old and important path deserves special research.

crossing on the river Drina. And further on to the southeast.¹⁴ The intersection on the Pribićeovac plateau is especially important for the route of this road. It is located on a mountain plateau (900-974 m), it is a crossroad of important old roads and has a lot of antiquities. In 1894, Pribićeovac has the following contents: the Pribićeovac Inn building with several accompanying buildings, the remains of a tower and an inn, perhaps a watchtower.¹⁵



Appendix 1. The surroundings of the quart Grad on the Austro-Hungarian topographic map

The long tradition of mining and processing various ores is also important for this part of Srebrenica. We especially emphasize the toponyms: Karšija, Vodenica, Olovine, Majdan, Kinštica...¹⁶ With a more detailed overview of the toponyms southeast of Srebrenica, towards the Pribićeovac plateau, which has a lot of antiquities, we have identified numerous interesting toponyms. Such are: Rajčevac and Majdan (just above Petriča), Karšija, Groblje, Grad, Vodenice, Kiselj, Olovine, Sokolac, Ruine (refers to the medieval town of Srebrenik), Kinštice, Stara voda, Carev gaj, Zlativoda, Pištje (Pišti) water, Kriva kaldrma, the Stinska river, Majdan and others.

14 Adib Đozić, Rusmir Djedović, *Naselja Pusmulić (sa Jasenovom) i Čičevac (sa Pribićevcem) kod Srebrenice krajem 19. stoljeća*, Monumenta Srebrenica – istraživanja, dokumenta, svjedočanstva, Knjiga 6, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla –Srebrenica, 2017, pp. 93

15 More on Pribićeovac see in: Adib Đozić, Rusmir Djedović, *Naselja Pusmulić...*, pp. 118-121.

16 Adib Đozić, Rusmir Djedović, *Naselja Pusmulić (sa Jasenovom) i Čičevac (sa Pribićevcem) kod Srebrenice krajem 19. stoljeća*, Monumenta Srebrenica – istraživanja, dokumenta, svjedočanstva, Knjiga 6, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla –Srebrenica, 2017, pp. 88.

In the old days, just above the quart Grad, next to the old road to Pribićeovac, is a cemetery. It appears to be located on c. p. No. 292. There are also parcels called Šehiti. It should be researched what martyrs this old toponym reminds us of.

The quart Grad rests on the eastern side of the quart Crvena rijeka, where there are also toponyms that indicate the significant antiquity of the settlement and the peculiarities of life and culture of that time. At the top of the quart Crvena rijeka are Hamam, the toponym Hamamište, Mlinište, near Nova voda... Immediately above these localities are: land called Voćar viš Nova voda (on c. p. 376) and Terezija (on c. p. 341). The plots called Terezija (on c. p. 340 and 342) are part of the property of the Dizdarević family from the quart Grad.¹⁷ These toponyms indicate that the fountain (water) was arranged during the Ottoman administration on the site of the old hammam (public bathroom). That is why it is usually also called Nova voda. There could be an overflow water supply tank on Terezija.¹⁸ The names of numerous lands remind us of the above: 340, 342 Terezija, 1/398 mill, 341 Terezija, 1/361 Voćar near Nova voda 1/369 Voćar Hamamište 373 Mlinište with a yard (the last three owned by Arifaga Pašagić, the son of the late Suljaga).

The names of other lands around the quart Grad indicate their existence from the Middle Ages, through the Ottoman period to the present day. Toponyms recorded in the late 19th century speak of the oldest past. Such are: 292 Šehiti, 329 Šehiti, 277, 281 Karšija, 277, 278, 281, 404/14 Podgrad ..., 351 Podgrad, 282, 286 and 296 Karšija; 404 Podgrad; 321 Kapidžića garden, 404/8 Podgrad...

The overview of the quart in 1894

These families from Srebrenica have one house each on a raised place on the southeast side of the fort. The favorable position of the houses shows that the ancestors of these families had important functions in the Srebrenica fortress. The first house on c. p. no. 345/1, and it was owned in 1894 by Hasan **Dizdarević** late Ibrahim's. In 1910, he was succeeded by his sons: Huso, Avdo and minor Omer called Mujo(?). In addition to the house, Hasan also owned

17 The mentioned property, in addition to the house in the quart Grad, includes a larger number of lands called Karšija, as well as the lands of Podgrad, Terezija and Kapidžića bašča. In 1894, the property was owned by Hasan Dizdarević, the son of the late Ibrahim. At the beginning of the 20th century (1910) it was inherited by: Huso, Avdo and the minor Omer Dizdarević children of the deceased Hasan.

18 Adib Dozić, Rusmir Djedović, *Mahala Crvena rijeka...*, pp. 45.

the nearby lands of c. p. No. under the names: 340, 342 Terezija; 282, 286 and 296 Karšija; 404 Podgrad; 321 Kapidžić's garden. The surname of the Dizdarević family indicates that their ancestor had the function of commander of a nearby fort. Probably this position was also hereditary in the family. Such examples have already been hypothesized in the literature.¹⁹ That this is an old and numerous family is also indicated by the fact that one land is jointly owned by the Akagićs and Dizdarevićs (Alijaga Akagić, late Mujaga's, Husejn Dizdarević, late Ibrahim's).

The owner of a house on c. p. 344 was Alija Akagić²⁰ late Mujaga's. In 1900, he was inherited by his children: minor Džafer, Abdurahman, Salih, Mehmed, Ešrefa, Arifa, Hasna and a widow Hanka née Fidahić. In 1910, were also mentioned, probbaly grandsons: Huso, Avdo and minor Omer (?). Alijaga Akagić late Mujaga's and Husejn Dizdarević late Ibrahim's owned a land on c. p. 365 Stara bašča. In 1900, it was inherited by: minor Džafer, Abdurahman, Salih and Mehmed Akagić.



Appendix 2. The quart Grad in the Austro-Hungarian cadastral plan

Based on written documents and oral tradition, which completely “match”, the genealogy of the Akagić family is as follows. The oldest known ancestor is Mujo called Mujaga Akagić. Mujo or his father was exiles from Užice in 1862. The first house was built in the settlement of Orahovica, the

19 The surname Dizdarević and the name of the land Kapidžića bašča, point to the occupation of a commander and gatekeeper of the fort in Srebrenik during the Ottoman period. Adib Dozić, Rusmir Djedović, *Mahala Crvena rijeka...*, str. 45.

20 The surname Akagić is a “coinage” from Turkish words “Ak” meaning white and “aga” lower noble man in the Ottoman society, which in free translation means white-bearded noble man.

narrower locality of Potkunjica. Mujaga had a son, Ali, known as Alibeg. It is not known in written documents or in the oral tradition whether Alibeg had brothers and sisters. He owned houses in Orahovica and "Grad". In the 1850/51 census of the quart Kala there was no family Akagić, which confirms the claim that they moved in to Grad after 1850. Alibeg was married to Hanka Fidahić from a famous bey's family from Zvornik. Probably, a part of Alibeg's wealth was a dowry she brought in the marriage. Alibeg and Hanka had seven children and three daughters.²¹ Their sons were: Džafer, Abdurahman, Salih and Mehmed, and daughters: Ešrefa, Arifa²² and Hasna. The destinies of Abdurahman and Mehmed Akagić were especially cruel and one of many examples of crimes against Bosniaks that lasts from the beginning of the so-called uprising from the beginning of the 19th century until today. During the WW 1, Abdurahman and Mehmed Akagić were sitting with their mother Hanka, called Alibegovica, in their family home in Orahovica. The mother saw armed komitas walking towards their house and recognized her neighbors. She warned her sons and told them to run. They looked through the window and recognized their neighbors. They told their names and surnames to their mother and said that there was no need to run. The armed komitas entered the house, sat, drank juice and coffee, and said that they received an order to bring Akagićs to the command in Srebrenica to give some statements. Abdurahman and Mehmed agreed without hesitation and went with them to Srebrenica. When they were brought to the command, they were tortured in various ways, probably asking for gold, money and other goods because they were from a bey's family. In the end, they shod them like horses, saddled them, loaded them and rode through the quart Petrič. So mutilated, they slaughtered them at the Učina bašća site, cut off their heads and carried them around the quart Petrič. The decapitated bodies of the Akagić brothers were later secretly buried by the locals

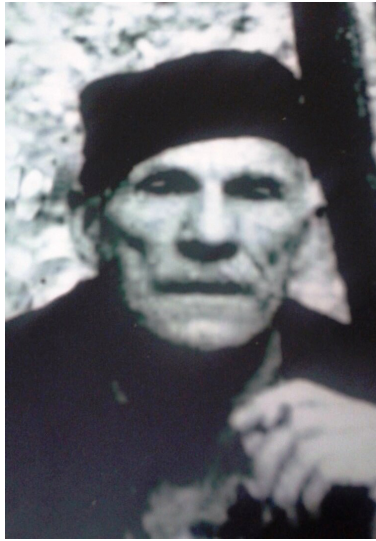
The place of their burial remains unknown even today.²³ The crime was not even allowed to be talked about after the war, because in 1918 a new state, the Kingdom of Serbs, Croats and Slovenes, was created. Abdurahman and Mehmed were young boys, unmarried, tall, handsome, "one could not look at them enough." That, in addition to being Bosniaks and Muslims, was their only fault. The criminals chose them because they wanted to intimidate the

21 Alibeg Akagić and his wife Hanka, called Alibegovica, were buried in the cemetery "Okolišta" in Orahovica.

22 Arifa was married to Himzo (Himzaga) Mutarhodžić (1886-1952) in the quart Petrič.

23 The descendants of Akagić family should mark the place of their suffering if they fail to find the graves. These young men who were not to blame, killed without any guilt, killed as martyrs, deserve remembrance and respect.

rest of the Bosniak population with a brutal crime against them as respectable, hard-working and handsome guys. Džafer and Salih, Alibeg's male children, survived. Salih never married. Out of grief for his brothers and other injustices that he could not bear mentally, he indulged in alcohol. It is said that for one goat litter and a braid of brandy he donated a forest called Paljika, C. M. Orahovica. Džafer Akagić, the oldest Alibeg's son, was married to Dževahira Murathodžić²⁴ from the quart Petrič and had two sons and four daughters. Džafer's sons were:

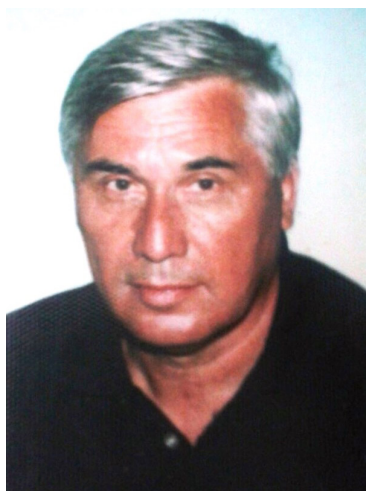


Alija Akagić (1905–1980)

and Abdurahman (1927-1075). Alija was named after his grandfather Alibeg and Abdurahman after his murdered uncle Abdurahman. Džafer's daughters were: Sadika, a.k.a. Dika, married in Jajce, Bejta, married to the family Redžepović in Srebrenica, Fatima, married to the family Efendić. Fatima's son is a well-known civil engineer Murat (Besim) Efendić (1940.-). Murat was a longtime director of G.P. "Radnik" Srebrenica and the direct designer and contractor of many of today's facilities in Srebrenica, among which are the department store and residential "towers" "A" and "B" next to it. Džafer's fourth daughter's name was Revda. She never married.

Alija (Džafera) Akagić was married to Refija Klempić (1911-1943) from Vlasenica who died very young. He never married again. With Refija he had two sons and a daughter Enisa (1936). Enisa is married to Suljo Kitovnica in Zvornik. Alija's sons are: Sabahudin (1938-1995) and Muhamed (1940).

²⁴ According to the saying of Fatima (Fata) Glumčević, née Murathodžić, Dževahira died in 1970, and lived 101 or 102 years. Therefore, she was born around 1870.



Muhamed Akagić (1940 –)

Muhamed is a graduate economist, married to Nejra Salihbegović, a law graduate, from a well-known bey's family from Bijeljina.²⁵ Today, Muhamed lives with his family in Sarajevo. Muhamed has two children, a daughter Šejla (1976) and a son Haris (1982). Muhamed's brother Sabahudin was a paramedic and was killed in the crime of genocide in 1995. Sabahudin had three daughters: Refija (1963), named after his grandmother, Sabaheta (1965) and Asima married name Begić (1969).²⁶ According to Fatima Glumčević née Murathodžić, a great injustice was done to Alija Akagić as well. He was a coffee shop owner during the World War 2. He kept a tavern on today's "Tasin's" tavern place. After the war, Udba sued him for being a sympathizer of the Independent State of Croatia and for killing a woman from Brežana named Darinka. He was sentenced to 12 or 15 years in prison. When, after a few years, a woman named Darinka appeared in Redžep Redžepović's shop, who Redžep recognized, he asked her where she came from and whether she had been killed. She said no. Redžep Redžepović reported the case to the authorities in Sarajevo because he did not trust the locals. Thanks to the honesty of Darinka from Brežana, Alija Akagić "spent" only 8 years.²⁷

On the example of the Akagić family, we can see all the tragedy of the suffering of Bosniaks in the 19th and 20th centuries. Every generation

25 There was Salihbegović's mosque and street in Bijeljina. The mosque was renewed after it was destroyed during the aggression on the Republic of Bosnia and Herzegovina from 1992 to 1995.

26 The data were received from Asima Akagić, née Begić, on 14 January 2020.

27 This is an oral saying, the case of conviction of Alija Akagić, deserves a special research and should be verified in official court documents and by verifying the testimony of Darinka, that is, the date of her death.

experiences one of the most horrific crimes against humanity, expulsion, or ethnic cleansing, slaughter, looting of property,²⁸ persecution to genocide. Mujaga Akagić and his son Alibeg, exiled with their family, in the crime of ethnic cleansing, from Užice in 1862. In the First World War, 1914, Alibeg's sons Abdurahman and Mehmed were killed as civilians. In the last genocide against Bosniaks, in 1995, Sabahudin Akagić, Džafer's grandson, was killed. As a result of these continuous crimes, today, none of the Akagić family lives in Srebrenica.

The genealogical line of the “thick blood”, male “lineage”, of the Akagić family looks like this: **Mujo**, a.k.a. **Mujaga**, born in Užice, before 1850, his son **Alija** a.k.a. **Alibeg**, died before 1900. Alibeg's son **Džafer**, then Mujaga's great-grandson, Džafer's son **Alija** (1905-1980), the fifth generation is **Muhamed** (1940) and the sixth generation is Muhamed's son **Haris** (1982).

In Čaršija, a shop on c. p. 1/34 is registered to Rukija née Akagić married to Arifaga Pašagić.²⁹ In the neighboring settlement Viogor, the Akagić family owns a lot of land and serfs since the old times. Lands: 224/3 forests Zvekara and Paljike, 224/14 a forest Studenac were owned by Alijaga Akagić late Mujaga's from Srebrenica. Since 1900, they were registered to: minor Džafer, Abdurahman, Salih, Mehmed, Ešrefa, Arifa and Hasna Akagić late Alijaga's from Srebrenica.³⁰

Also, Akagićs and Đozićs from Srebrenica owned a part of Orahovica that was named Hodžino selo in the old times.³¹ Akagićs from Srebrenica owned housing with a yard of the family Ilić No. 5 on a serf's framing community in the late 19th century. Those were c. p. 86/2 housing with a yard, and in 1894 this farming community encompassed parcels: 80 Lučica, 83 Dol, 84 Jelah and Krš, 88 and 89 Krš, 139 Zakršom... owned by Alija Akagić late Mujaga's from Srebrenica. In 1899, it was inherited by: minor Džafer, Abdurahman, Salih, Mehmed, Ešrefa, Arifa and Hasna Akagić late Alija's from Srebrenica.³²

Akagićs from Srebrenica owned a house on c. p. 121/1, housing

28 The Akagićs as landowners, through various forms of plunder, were left without more than 90% of the land.

29 Adib Đozić, Rusmir Djedović, *Čaršija u Srebrenici...*, str. 149.

30 R. Djedović, A. Đozić, *Naselja Orahovica, Viogor i Bućekod Srebrenice – krajem 19. stoljeća*, Monumenta Srebrenica – istraživanja, dokumenta, svjedočanstva, Knjiga 5, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla –Srebrenica, 2016, pp. 123.

31 R. Djedović, A. Đozić, *Naselja Orahovica, Viogor i Buće...*, pp. 98.

32 The land registers for the cadastral municipality (C.M.) Orahovica from 1894. Srebrenica Land Registry, Box 5.

with a yard and a house No. 9.³³ Alija Akagić late Mujaga's from Srebrenica owned it in 1894, and in 1899 it was listed to: minor Džafer, Abdurahman, Salih, Mehmed, Ešrefa, Arifa and Hasna Akagić late Alija's from Srebrenica. Numerous parcels were listed next to the house.³⁴ Surrounding lands: Okolišta, Podkućnica, Nadkućnica, in C. M. Orahovica, owned the Akagić family.

The family Akagić from Srebrenica, owned also the western part of Orahovica, from Podkućnica via Petrovići and Jeremići to Borovac, in the late Ottoman period. In the late 19th century, there were several housings and a house towards the central part of the quart Orahovica, which is recently called Petrovići, Jeremići and Stopovi. The housing with a yard of the family Petrović No. 10 on a serf's farming community was owned by the Akagić family from Srebrenica in 1894.³⁵

The housing on c. p. 222/2 of the Stevanović family No. 11 on a serf's farming community was owned by the family Akagić from Srebrenica. It was Alija Akagić late Mujaga's from Srebrenica.³⁶ Also, they owned housing on c. p. 225/2 of the family Stevanović No. 13 on the same farming community.³⁷ The previous serf's farming community encompassed also other parcels owned by the Akagić family in the late 19th century.³⁸ A housing of the family Stevanović No. 12 was on another serf's farming community that belonged to the family Akagić.³⁹ On a parcel c. p. 198 a house, that disappeared in the late 19th century.⁴⁰ The names of parcels: 294 next to the old house, 293/1 next to the old house, 301 Kućurina owned by the family Akagić, point to the fact that

33 It was Alibeg Akagić's family house where his wife "Alibegovinca" died. It was inherited by Sadika (Dika) Akagić, Džafer's daughter and Alibeg's granddaughter, and she sold it to Enes Đozić. The parcel without a house belongs to Enes Đozić today.

34 Those were: 9 Paljike, 16 Podkućnica, 117 below Okolišta, 118 below Glavica, 122 Podkućnica, 124-127 Nadkućnica, 128 and 129 below Glavica, 297/1 a forest Paljika, Surduk, Jelah, Ravan, Zvekara and Selišta 348. Box 9.

35 It encompasses c.p. 214/1 a house with a yard, parcels: 113-116 Okolišta, 130, 208 and 210 below Brdo, 210/2 Nadkućnica, 212 Dol, 215 – 217 Bare. All owned by Alija Akagić the son of the late Mujaga from Srebrenica. In 1899 the successors were the same. Box 10.

36 He was inherited in 1899 by the same successors as listed earlier. Box 11.

37 There are the following parcels on this farming community: 218 Dol, 292 Dol, 293/1 next to the old house, 296 Ravan, 301 Kućurina, 308 Borovac owned by the Akagić family. Box 11.

38 Such as c.p.. 230 Duboko and Borovčić. Box 31.

39 It encompasses c.p. 222/1 housing and parcels: 219-221 Krčevina, 226/2 below the house, 227-229 Borovčić, 294 next to the old house, 303 and 304 next to the ditch. It was all owned by Alija Akagić the son of the late Mujaga from Srebrenica. Box 12.

40 Rusmir Djedović, Adib Đozić, *Naselja Orahovica, Viogor i Buće...*, pp. 103-104.

they used to own a house there.⁴¹

In the centre of the quart Grad, on the north of the crossroad, in the late 19th century, there was a house that belonged to a well-known and old family from Srebrenica Šehomerović. On c. p. 339/1 was a house owned by Salih Effendi Šehomerović late Omer's. In 1924, he was succeeded by: Vasfa Muhagić⁴², minor Orhan and Mustafa. The family Šehomerović owned lands with interesting names in the old times: 329 Šehiti 1/398 mill, 277, 281 Karšija 277, 278, 281, 404/14 Podgrad... In the late 19th century, one of the houses that owned the family Muhagić (on c. p. 1/117) in Čaršija also co-owned Vasvija late Hasanaga Muhagić's.⁴³ In 1901, as the co-owners was mentioned Salih Effendi Šehomerović, the late Šehomer's.⁴⁴ Around 1916, Salih Effendi Šehomerović was a municipal script. Mustafa Avdagić late Sulejman's and Salih Effendi Šehomerović late Omer's owned a house on c. p. 1/418 in the quart Crvena rijeka.⁴⁵ Some research has already been done on the origin of the Šehomerović family. Šehomerović's ancestor is a certain Omer who had the greatest Sufi title: sheikh. It is most likely that he was one of the sheikhs in the Srebrenica tekke at the end of the Ottoman period. By the way, the Šehomerovići used to live in the quart Grad, next to which is the old Šehiti cemetery. At the end of the 19th century, the owner of a larger estate in the quart Grad was Salih Effendi Šehomerović, the late Omer's son. He had a house on c. p. No. 339/1, mill, lands called Šehiti and Karšija ... It was inherited by his widow Vasfa Muhagić and children. The heirs of that house were also, in 1924, the minor Orhan and Mustafa and a widow Vasfa née Muhagić (Šehomerović).⁴⁶

Recent research provides more details about this family. Namely, according to the hitherto unused data from the Ottoman census from 1850, the ancestor of the said family is mentioned as a resident of Srebrenica. According to that census, in house No. 1 of Mahala Kala it was explicitly stated that Elshah Omer son of Fejzulah, imam, was the head of the family. He was tall

41 Rusmir Djedović, Adib Dozić, *Naselja Orahovica, Viogor i Buće...*, pp. 107.

42 The old family Muhagić in Srebrenica owned many objects in Čaršija in the late 19th century (more in: Adib Dozić, Rusmir Djedović, *Čaršija u Srebrenici...*)

43 Adib Dozić, Rusmir Djedović, *Čaršija u Srebrenici...*, pp. 150.

44 The land registers for the cadastral municipality (C.M.) Srebrenica from 1894. Srebrenica Land Registry Box 153.

45 The descendant of this Salih Šehomerović is a well-known Srebrenica businessman from the socialist period Salih (Ohran) Šehomerović (1935-1992), called Tale. Tale was arrested in 1992 in his house in Srebrenica by the Chetniks, taken to the Ljubovijski bridge on the Drina River, where he was tortured, killed and thrown into the Drina.

46 Adib Dozić, Rusmir Djedović, *Mahala Crvena rijeka*, pp. 61-62.

with brown beard. He was born in 1800.⁴⁷ As we can see, he really was the ancestor of Šehomerović in Srebrenica, named Omer. In the Ottoman period, he was an imam and, at the same time, a sheikh. His official name is Elsheikh. So, the oldest known ancestor of Šehomerović is **Fejzulah**, born certainly before 1780. His son was Sheikh **Omar**, born in 1800. It is not known if Omer had brothers. **Salih** was Omer's son, who was mentioned at the end of the 19th century as the owner of a larger estate and a house in "Grad". Salih had sons **Ohran** and Mustafa. The mentioned **Salih** (1935-1992), called Tale, was the son of Ohran.

On the east of the crossroad in the center of the quart, at the end of the 19th century, were two houses of the Ustić family.⁴⁸ Those were houses on c. p. No. 334 and 335/1. The owner of one house was Hajji Omer Ustić late Mustafa's son, who was succeeded in 1919 by: Alija, Mujo, Sajta (Savda) late Juso's children. The same owner also owned the land c. p. No. 292 Šehiti and 330 Na blatu. The owner of another house, on c. p. No. 334 and 335/1, was Hajji Mehmed Ustić late Mustafa's son. In 1894, Mehmed was also the owner of the land on c. p. No. 289 at "Konjska voda." In 1904, he was succeeded by: Jusuf, Omer, Nejfa, Atifa, Sija and Timka, a widow of Hazimaga Zildžić, and Halima, married to Hajji Mustafa Pašalić.

If we compare the data from the land registers from 1894 with the data from the 1850/51 census, then we get a more complete knowledge of the presence of the Ustić family in the quart "Grad". The above-mentioned deceased Mustafa Ustić, listed as a family with a house in the quart "Kala", the present day "Grad" was also a son of Osman Ustić in 1850.⁴⁹ Thus, the oldest known Ustić who lived in "Grad" was Osman Ustić, whose year of birth we do not know. If his son Mustafa was born in 1780, then he must have been born around 1750 or earlier. Mustafa was born in 1780. Therefore, he was 70 years old during the census. Mustafa's father, Osman, was not alive in 1850. The date of Mustafa's death remains unknown. Mustafa Ustić, who was mentioned in the Land Register in 1895 was not that Mustafa, but Mustafa's grandson (1780), son of Ahmed (1827) and was born in 1843. According to the data from the Land Register in 1894, it was explicitly stated that he was succeeded by his

47 BOA, NFS 05951, pp. 33. The research and translation by M. Sc. Kemal Nurkić.

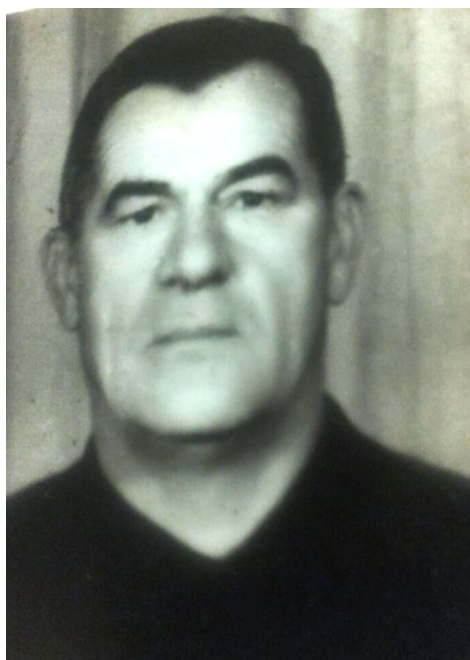
48 The surname Ustić, comes from a Turkish word "usta", which means artisan or craftsman. It is confirmed in the 1850/51 Census of the quart "Kala", where a data was given that Ahmed, the son of Mustafa, Ustić, born in 1827, was a tailor.

49 More on the 1850/51 Census of the quart "Kala". See in: K. Nurkić, *Mahale Petrić i Kala u Srebrenici prema popisu stanovništva polovinom xix. stoljeća*, Monumenta, br. 9, 2020.

sons: Omer and Mehmed, who had their own houses. In addition to Omer and Mehmed, Mustafa's sons were also: Sejfo, Jusuf and Atif because at a certain point of time the owners of a house on c. p. 334 were also mentioned: Sejfo, Omer and a minor Atif late Hajji Mustafa Ustić's sons. What we learn from the data is that Hajji Mustafa lived a long time and went on Hajj. According to the 1850 census, of the male members of the family, his son Ahmed, a tailor, born in 1827, and Ahmed's son Mustafa, Mustafa's grandson, after whom he was named, born in 1843, lived in the house with Mustafa. According to the land registers from 1894, the mentioned owners of houses are Omer and Mehmed, children of Mustafa Ustić, born in 1843, and they represented, then, the fourth "generation" of the Ustić family in Grad. According to Ahmed Mehmedalija, called Meho, Ustić (1953), his grandfather's name was Enez (1914-1971) and his great-grandfather Atif (1870? -1942). Atif Ustić is the son of Mustafa (1843-?). The oral statement of Ahmed Ustić is completely confirmed by the census data and logical conclusions of the years of birth of fathers, sons and grandsons. A little confusion, only ignorant of the Bosniak tradition of naming, can be the same names, such as Omer, Mustafa, Mehmed, Ahmed, etc., and can create confusion or doubt in the time factor of determining when someone lived. Usually, the grandfather and grandson have the same names. In the case of Ustić, this was the case with Mustafa, born in 1780, and his grandson, born in 1843. It was known in the oral tradition until this Mustafa from 1843. The Ottoman census from 1850/51 "provides" data for two more generations, two "knees", before. It is a tradition among Bosniaks to give their children the names of their ancestors, even during their lifetime. This tradition has recently been abandoned by some Bosniak families and the so-called modern, "international" names, with lost meanings and deviations from traditional identity have taken place.

Let's return a little more precisely to the genealogical line of the Ustić family. The mentioned Mustafa (1843-?) had five sons: Omer, Mehmed, Jusuf, Sajto, and Atif (1870-1942). Atif also had three sons: Omer, who died young, Mustafa, the third Mustafa in the "lineage", and the sixth "knee" in the line, and Enez (1914-1971). Hajji Enez was a hairdresser. He had his own hair salon in Srebrenica. Enez Ustić had four sons and one daughter. His sons are: Omer (1945-1991) who was also a hairdresser, Akif, (1947-1992) a.k.a. Ake, Atif, (1950-1992) and Mehmedalija, a.k.a. Meho (1953), also, the famous Srebrenica hairdresser, and the daughter of Zejneba (1940). Akif was a teacher of physical education and sport, he died as a fighter in the Army of the Republic of Bosnia and Herzegovina in 1992 and was buried in the martyr's cemetery in "Grad". He was posthumously awarded the highest recognition of the Army

of the Republic of Bosnia and Herzegovina “Golden Lily”. Akif is survived by his son Ahmedin called “Prsan” (1977), today a policeman in Tuzla and daughter Nedžla (1979-2001). Omer Ustić’s sons: Enes (1972) and Nihad (1985), today live and work in the USA, while Vahidin (1975) is in Australia. Mehmedalija Ustić’s son, Ahmed (1975), is also a hairdresser. He is married to Sanela (Fata) Husejnagić (1979), lives and works in Srebrenica, and has two children: a son Redžep (2003) and a daughter Šejla (2007). We recognize the family tradition of artisans and craftsmen lately through three generations of hairdressers: Enez - Meho - Ahmed, (grandfather, son and grandson).



Enez Ustić (1914–1971)

Now we can say with certainty, because for each generation of Ustić we have written sources, which completely “coincide” with the oral tradition, that in Srebrenica, that is, in Grad, live 9 generations of the Ustić family. This gives us the right to claim that the Ustićs are one of the many Bosniak, indigenous families in Srebrenica. The tradition of giving children the names of their ancestors was also continued by Omer Ustić’s son (1945-1991) Enez (1972). Enez named his two sons Omer (1995) and Mustafa (1997). The genealogical line of the Ustić family looks like this: **Osman**, (born around 1750) - **Mustafa** (1780) - **Ahmed** (1827) - **Mustafa** (1843) - **Atif** (1870? -1942) - **Enez** (1914-1971) - **Mehmedalija** (1953) - **Mehmed** (1975) - Redžep (2003).



Ahmed Ustić (1975 -)

In the center of the quart, there were also houses on c. p. No. 326 owned by Isa Suljić late Sulejman's son (succeeded by Suljo and Avdija in 1906) and c. p. No. 324 owned by the Salihović family. Elmas Salihović late Salih's son was also mentioned, and the legacy of Sifa(?) Purković married to Elmas. In 1899, minor Mehmed was mentioned as a son of late Šifa.

In 1894, several houses of the quart Grad were located in the higher, southeastern part, near the old cemetery. Those were: a house on c. p. No. 309/2 owned by minor Omer late Edhem Fazlić's and Šaha née Šahinović of the first marriage **Fazlić** married Avdo Prohić a.k.a. Sarajlija. In 1928, Bećir, the late Avdija's son was mentioned. Furthermore, the owners of the land c. p.: 287 Jabuka, 290 Podrenub (?), 311 Klisa, 404/1 pasture Parisov grob were late Edhem Fazlić (?) and minor Omer.⁵⁰

The owners of a house on c. p. No. 302 were: minor Mustafa (a.k.a. Sumbul), the late Mehmed Halemč's (?), Halil, Šefaja, Hatidža and Pemba née Zejnilović.

The owners of a house on c. p. No. 304, land 404 / 7.9 Podgrad, were: Salih and Mehmed Halilović, sons of Osman.

⁵⁰ Box 29.

A house on c. p. No. 303/2 was the legacy of the late Smajl Purković late Salih's. In 1895, a widow Muška, Ajiša, Mustafa, minor Mehmed, Mahmut, Smajl, Hazema and Mejra were mentioned. A land on c. p. No. 294/1 Viš kuće and 404/10 Podgrad, were also the legacy of Smajl Purković, the late Salih's son. Mustafa, Mehmed, Mahmut and Smail were also mentioned in 1895.⁵¹

The ownership of the land on c. p. No. 404/8 Podgrad by Mustafa Bičakčija late Sulejman's son points to possible residents of the quart Grad.



Dr. Sead Halilović

General characteristics

In the late 19th century the quart Grad in Srebrenica had the following urban and geographical characteristics.

- A total of 11 houses built around the main crossroad and that form one rounded traditional urban and geographical whole that people regularly called the quart.
- In 1894, the Ustić family owned two houses and one house owned the following families: Dizdarević, Akagić, Šehomerović, Suljić, Salihović, Fazlić, Halemča, Halilović and Purković.
- In the old days, next to Donja utvrda (Kala) the following families owned houses: Dizdarević, Akagić, Šehomerović and Ustić. These

51 There was also one Purković house in the quart Petrič. Adib Đozić, Rusmir Djedović, *Mahala Petrič....*, pp. 167.

families were associated with various public services from the old days.

- Donja utvrda (Kala) is next to the quart Grad, and somewhat further is the medieval fortress Srebrenik.
- Donja utvrda has larger dimension, with square stone walls and inside there are several buildings of various purposes that seem to be used in the late 19th century.
- There are numerous antiquities in and around the quart: a cemetery, an old road, a water supply system, toponyms on mining.

Conclusion

The quart Grad was the smallest quart in the city of Srebrenica in the late 19th century. It has a very long urban tradition, and it owns its foundation, development and name to its strategic position between two old forts. In the late 19th century Donja utvrda was preserved with many various objects, and Gornja utvrda was already in ruins.

The quart, true did not contain a mosque, but with its 11 houses, built around the crossroad on the old road forms a rounded urban whole. In addition to two fortifications, houses, old roads, the quart was also characterized by some other antiquities among which stands out the old cemetery Šehitluci. Some of the most important and oldest families in Srebrenica live in the quart Grad, such as: Akagić, Dizdarević, Šehomerović, Ustić.

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IN MEMORIAM

IN MEMORIAM: BEGIJA (AHMET) MALAGIĆ AND AJŠA (JUSO) ĐOZIĆ

From the last issue of “Monumenta”, we launched a new chapter called “Memories” with the aim of leaving traces on important figures from the Bosniak past, especially the mothers of Srebrenica who gave the most valuable for the defense of Bosnia and Herzegovina, and that is their sons, brothers, husbands and grandchildren, or, the closest members of their family. I believe that these are the most important figures in Bosniak history and that they have been unjustifiably neglected in the history so far. Many mothers left this world, their children and other male family members were killed in the crime of genocide, and if we do not write down the truth about them, there is no one to remember them. We think there is no greater crime against a woman, a mother, than the crime of killing her child. It is a pain that does not get over. By remembering the mothers of genocide victims, in addition to the debt to them, we strengthen the collective Bosniak memory, as one of the important factors of identity, but also as prevention so that no hangman would kill sons, brothers and husbands of the current and future Bosniak mothers. In this issue of “Monumenta”, we will remember Begija Malagić from Voljavica near Bratunac and Aiša Dozić from Dozići near Srebrenica. All their sons and most of their grandchildren, a total of 15 male members of the immediate family, were killed.

BEGIJA MALAGIĆ (1928-2005)

was a daughter of Ahmet and Hasnija Mehmedović born in 1928 in a village Voljavica, the municipality of Bratunac. She passed away in 2005 and was buried in the family cemetery in Voljavica. Begija was married to Omer (Ramo) Malagić (1926-1995) also from Voljavica. They had three sons and two daughters. Sons: Salko Malagić (1948-1995), Osman Malagić (1951-1992), and Džafer Malagić (1957-1992). Daughters: Fatima (1955) married to Safet Ahmetović from Krasanpolje, the municipality



of Bratunac and Fatma (1957) married to Husejn Salkić in the village Hranča, the municipality of Bratunac.

The family of Begija and Omer was a respectable, traditional, Bosniak family in Voljavica. They had a large family estate that they cultivated diligently, growing almost all the agricultural products necessary for life. They had their own house with accompanying buildings on their property. Omer worked in a lead and zinc mine in Sase, the municipality of Srebrenica, but, at the same time, did not neglect the processing of the estate, while Begija was a housewife, who worked hard on the estate and in the house, raised their children, and especially taught them honesty, virtue and work.



As a result of such work and upbringing, all of Begija and Omer's children worked and built their own houses. All the sons were married and the daughters married, too. Salko and all three of his sons worked at the lead and zinc mine in Sase. Osman and Džafer were good football players. Even today, a futsal tournament is held in Voljavica in memory of Osman Malagić. The

family lived happily ever after until the aggression on Bosnia and Herzegovina in the spring of 1992. Since Voljavica was on the very bank of the Drina, right at the beginning of the aggression, it felt all the destructiveness of the war, persecution, robbery, murder.

Begija's and Omer's sons, as honorable and brave sons of Bosnia, voluntarily joined the defense of their families, mothers, sisters, children, native village, Bratunac and Srebrenica, the homeland of Bosnia and Herzegovina. In an unequal fight with a superior and armed to the teeth enemy, Osman was the first to "give his life".



He was killed in July 1992. Osman was buried in the family cemetery in Voljavica. Osman was survived by his wife Bida, née Alić, a daughter Samira (1972) and a son Samir (1976-1995), who was killed in the genocide in 1995.



Džafer was killed on December 14, 1992 defending Srebrenica. Džafer was survived by his wife Enisa, née Husić, and two minor children: daughter Edina (1983) and son Edin (1988). Both Džafer's children and wife now live and work in the Netherlands.



Džafer (1957-1992) was buried in the martyr's cemetery Veljaci in Bratunac.



Salko Malagić was killed in the crime of genocide in 1995. Salko was survived by his wife Mirsada and children: Elvira (1971), Elvir (1973-1995),



Admir (1979-1995), Adnan (1984), and Amela (1995). Salko married twice. His first wife was Hajreta, née Smajilović (1951-1984), a daughter of Fatima (1908-1988), née Krdžić, from the village Osmače, the municipality of Srebrenica and Huso Smajilović (1909-1967) from Zalužje. Hajreta and Salko had a daughter Elvira (1971) and a son Elvir (1973-1995). Salko and his son Elvir were killed in the genocide in 1995. They were buried in the cemetery at the Memorial Center in Potočari, after their remains were found and identified in several secondary mass graves in “Dolina grobnica” in Kamenica, the municipality of Zvornik. The remains of Omer Malagić, Begija’s husband, Salko’s, Osman’s and Džafer’s father, and Elvir’s, Samir’s and Admir’s grandfather, were found in the mass grave in Kozluk.

Omer and his grandson Elvir as civilians sought refuge in the UN base in Potočari. They did not find it because they were taken away and killed without any guilt. The executioners had no regard for old Omer, who was 67, or for Elvir, who cared for the seriously wounded. They were killed only because they were Bosniaks and Muslims.



Elvir Malagić (1973-1995) at the invitation of Dr. Ilijaz Pilav, participated, together with Izet Alić (1964-1995), also from Voljavica, in the evacuation of the wounded and sick from the hospital in Srebrenica. He came with the wounded in the UN base in Potočari, served them with food, water, which he found. He was with them the whole time. He spent the first night there. According to the saying of Šuhreta (Izet) Mustafić, the Chetnicks took Elvir and Izet away from the wounded on the second night and they never returned.

Grandmother Begija, after the crime of genocide, from 1995 until her death in 2005, lived in exile in Živinice and Tuzla, bravely, carrying her pain and sorrow, with her eldest granddaughter Elvira, the daughter of Hajreta and Salko Malagić.



In the crime of genocide, Begija's granddaughter Elvira lost: her father, both her brothers, uncles, cousins and husband. Today, Elvira lives with her daughter Emra (1992), a pharmacist. The example of the crime of genocide against Begija Malagić's family shows, that not only one, two, but three generations of the same family were left without their male members. This is evidenced, strikingly, by the example of grandmother Begija and her granddaughter Elvira. All their male members of their immediate family were killed. Seven male members of grandmother Begija's immediate family were killed: husband Omer, sons Salko, Osman and Džafer, and grandsons, Elvir, Samir and Admir. That is the reason why none of the members of Begija's family live in Voljavica today.

AJŠA ĐOZIĆ (1920-1997)

a daughter of Juso Halilović (1896-1985) and Čamka (1889-1960), was born in 1920 in the village Klotjevac, the municipality of Srebrenica. She passed away in 1997 in the exile in Živinice, and she was buried there. It is better to say that Ajša died of grief and pain for her killed sons and grandsons, who she never got over. After two childless, unsuccessful marriages, in 1948, Ajša married Alija (Mehmed) Đozić (1895-1971) in Đoze, Zabojna, in the municipality of Srebrenica. Alija and Ajša had four sons: Asim (1949-1995), Izet (1951-1995), Sadik (1956-



1995) and Hedib (1962-1995). Before the marriage with Ajša, Alija Đozić was married to Hata Jusić (1906-1948) from Bajramovići, who died relatively young on February 14, 1948, as did Ajša's husbands before Alija, and he had four children with her as well, two sons and two daughters. Daughters: Zahida (1937) and Razija (1945). Sons: Mehmed (1939-1975) and Hajrulah, a.k.a. Hajro (1942-1995). Mehmed never married. Ajša was very hard-working and honest woman, who took care and raised both her own and her stepchildren, paying special attention to Razija because she was the youngest.

Ajša, relatively young, lost her husband Alija, who passed away in 1971. For 20 years, i.e. until the beginning of the aggression against the Bosnian state and society in 1992, Ajša worked hard and managed to put her children through school and see them find jobs, get married, and have their own children. Grandmother Ajša had 19 grandchildren.



While her sons and daughters-in-law worked, grandmother Ajša spent most of her time with her grandchildren. In Biljeg, as the narrower locality of Doza is called, i.e. Zabojna, where Alija had a house and estate, Ajša's sons and a stepson Hajro built 4 houses and were preparing the construction of the fifth one. Ajša's son Asim was especially diligent and hardworking. Asim was one of the managers in the company "Drina" Srebrenica, which dealt with the exploitation of forests in Srebrenica and Bratunac. Hajrulah was a driver, Izet was a car mechanic, Sadik was a forester and Hedib was a construction machinery operator.



Asim (1949.-1995.),

Asim (1949-1995), was married to Hanifa (1952), née Avdić, from Sućeska. Asim and Hanifa had three children: Elvir (1974-1995),



Elvir (1974.-1995.),

Elvira (1976) and Senad (1979). Asim and his son Elvir were killed in the crime of genocide in 1995. Asim's remains have not been found yet. Elvir's remains were found in several secondary mass graves, mostly in the mass graves of Čančari and Kamenica. Elvir was buried in the martyr's cemetery in Potočari. His daughter Elvira married to Fikret Bajraktarević (1970) from Burnice near Bratunac. In 1992, Fikret was imprisoned in the Vuk Stefanović Karadžić primary school camp in Bratunac and suffered the most monstrous beatings. He survived thanks to the exchange with soldiers of the Army of the Republic of Srpska who were captured in the vicinity of Visoko. Elvira lives in Živinice together with her husband and two daughters. Asim's youngest son, Senad, survived the genocide thanks to the resourcefulness of his mother Hanifa, who managed to transport him in the convoys of the 1995 genocidal cleansing. Senad is a history teacher. He lives and works in Srebrenica. He is married to Huriya (1982), née Velić, and they have a son Asim (2013).



Izet (1951.-1995.),

Izet (1951-1995), whose body has not been found yet, was married to Arifa (1960), née Suljić, from Ornica, Sućeska. Izet had four children. Daughters: Nermina (1981) married to the family Hirkić from the village Kutuzero, the municipality of Srebrenica, Elvedina (1983), married name Nukić, and Sedina (1993). Sedina has a master's degree in electrical engineering. Izet's son Nermin (1985), is married to Adisa (1988), née Habibović, and they have a son Izet (2007). Izet's wife Arifa now lives in Ilijaš together with her son Nermin, daughter-in-law, daughter Sedina and grandson.



Sadik (1956.-1995.),

Sadik (1956-1995), Ajša's third son, was married to Hadžira (1960), née Sulejmanović, from Klotjevac, and they have two sons Admir (1983), a.k.a. Ado and Amer (1989). Amer is a graduate economist, married to Amra, née Lelić. Admir has a degree in mechanical engineering, works and lives in Srebrenik. He is married to Emina (1983), née Delić, and they have a son Sadik (2012).



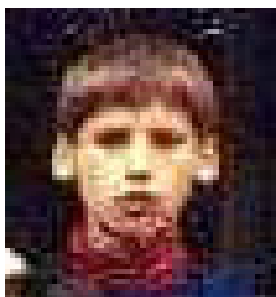
Hedib (1962.-1995.),

Hedib (1962-1995), Ajša's youngest son, was married to Nezira (1969), a.k.a. Mirza, née Ahmetović, from Borkovići. They had two sons: Ahmedin

(1990) and Samedin (1992). Ahmedin is married to Edna, née Hasečić, from Ilijaš. Samedin is the medical student. Nezira lives in Ilijaš with her sons and daughter-in-law.



Hajrulah, a.k.a. Hajro, (1942-1995), Ajša's stepson, was married to Zejna (1950-2018), née Mujanović, from the village Lipovac. Hajrulah had eight children, five sons and three daughters. Sons: Alija (1974-1995),



Alija (1974.-1995.),

Mujo (1975), who now lives in the USA, married to Fata, née Ejubović from Bulogovina, Sućeska and have two sons, Emrah (2003) and Emir (2008), Mirsad, a.k.a. Pajpo, (1977-1995),



Muhamed (1985.-),

Muhamed (1985), a.k.a. Rican and Muamer (1987), a.k.a. Gale. Daughters: Hajreta (1969), never married, Hata (1972), a.k.a. Biba, is married

to Zijad Dobrača from Rogatica, now lives in the USA, Mirsada (1979), a.k.a. Dunda, is married to Admir Peštalić, in Poljice near Lukavac.

After the crime of genocide, Ajša lived, as we have already said, in Živinice with her daughter-in-law Hanifa, granddaughter Elvira and grandson Senad, and died in 1997. After Ajša's death, Hanifa and her son Senad were preparing to return to Srebrenica and finally returned to Srebrenica in 2007, where she still lives today. Grandmother Ajša did not live to see the return of her 4 sons, stepson and three grandchildren. We do not know if she would have had the strength to return to her native Srebrenica if her death had not prevented her, but what we know for sure is the painful realization that in the crime of genocide committed by the Army and Police of the Republic of Srpska, eight closest male members of the family, all sons: Asim, Izet, Sadik, Hedib, stepson Hajrulah and grandchildren: Elvir, Alija and Mirsad, were killed in July 1995.

May eternal mercy be upon grandmothers Begija Malagić and Ajša Dozić, Bosniak mothers and heroines, with a total of 15 live, incurable wounds, which they carried and took with them to the better world, God willing, to the gardens of Paradise.

