

# MONUMENTA SREBRENICA

Research, documents, testimonies

BOOK 10

# SREBRENICA THROUGH PAST CENTURIES

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Tuzla - Srebrenica 2021.



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*SREBRENICA THROUGH  
PAST CENTURIES*

# ***SREBRENICA THROUGH PAST CENTURIES***

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## A WORD OF THE EDITOR

Dear and respected readers, the tenth “jubilee” issue of “Monumenta” is in front of us. A period sufficient to critically review what has been done, but also to express satisfaction with what has been achieved so far. For these reasons, I invite you to do it together with us. In the last issue of “Monumenta”, we pointed out that “every social situation has its problems that need to be sought and answered.” On that occasion, we pointed out several current problems faced by the Bosnian society and the state 25 years after the last genocide against Bosniaks in the 1992-1995 war against the Bosnian society and the state. The mentioned anniversary justified the question of the relationship between fascism and anti-fascism and to show on concrete examples who were fascists and who were anti-fascists in the 1992-1995 war against the Bosnian society and the state. The question that speaks in the most direct way about the crime of genocide against Bosniaks, but, at the same time, gives unequivocal proof of who are the fascists and who are the anti-fascists is the suffering of a mother and a child in the crime of genocide. We have briefly explained both of these issues and proposed them as scientific research topics. And the third issue we problematized a year ago is the emergence of the COVID-19 pandemic. We problematized this issue as the relationship of man (humanity) to himself, his society, nature and God. After a year spent in overcoming the pandemic, we see how much it is necessary to analyze and improve the aforementioned human relations. In each of these relationships, in the ontological sense, it is a relationship, that is, a struggle between good and evil. The dynamism of contemporary societies, including that of Bosnia and Herzegovina, is characterized by the phenomenon of multiplying problems. Instead of solving existing problems, they serve the bearers of evil and destruction to deepen them or set them in new forms without changing their essence. The best example of this is the news we listen to and read on a daily basis through a variety of media. What is it really about? It is about news, that is, problems that two countries and two nations face. These are Bosnia (and Herzegovina) and Palestine, Bosniaks and Palestinians. This issue deserves to be the topic of the “A Word of the Editor” of the tenth issue of “Monumenta”. There are many reasons for more explicit research on this topic than the purpose of this text allows, and one of the main reasons is the continuity of various forms of crimes, including genocide, committed against Bosniaks and Palestinians and their states Bosnia (and Herzegovina) and Palestine. We suggest that the research topic be: “Bosnia (and Herzegovina) and Palestine, Bosniaks and Palestinians - Similarities and differences in the suffering of crimes.” This is a

very current and challenging topic for several scientific disciplines and above all for: sociology of politics, sociology of violence, sociology of genocide, international relations, history and other sciences

Our basic hypothesis is that Bosnia (and Herzegovina) and Palestine, Bosniaks and Palestinians have much more similarities than differences, or almost identical “fate” when it comes to suffering of various forms of crime, including the crime of genocide. We will show and prove this hypothesis of ours on the examples of ideologies that create and produce violence against Bosniaks and Palestinians in order to achieve their political goals. This is also the first auxiliary sub-hypothesis. The second sub-hypothesis is the attitude towards the states of Bosnia and Herzegovina and Palestine, and it is expressed in the attitude of their enemies that they are disputed or completely denied as states. The third issue and at the same time one of the sub-hypotheses is the denial of the existence of Bosniaks and Palestinians as nations that have the right to a state. The similarity of methods and techniques of committing crimes and violence against Bosniaks and Palestinians is the fourth question and sub-hypothesis, and the fifth question is the attitude of the international public and states towards Bosnia and Palestine, Bosniaks and Palestinians. A special question is which ideologies and personalities in Bosnia and Herzegovina support “behavior”, read the commission of crimes, the state of Israel against the Palestinians, especially in the context of the latest verdict of the Appeals Chamber of the International Residual Mechanism for Criminal Courts (IRMCC) to Ratko Mladić. Specifically, the IRMCC confirmed the conviction of Ratko Mladić on 8 June 2021 and handed it down to him by the International Criminal Tribunal for the Former Yugoslavia (ICTY) on 22 November 2017. Let us recall, the criminal Mladić was convicted of genocide, persecution, extermination, murder, deportation and other inhumane acts (forcible transfer) as crimes against humanity, as well as murder, terrorism, unlawful attacks on civilians and hostage-taking as violations of the laws or customs of war . Out of 11 counts of the indictment, Mladić was convicted for 10. For a more explicit scientific research of the set topic, it would be necessary in the theoretical-methodological sense to explain and expand the hypothetical framework of the research, which is not possible in this type and purpose of the text.

Let us start with the first auxiliary hypothesis, which are ideologies directed against Bosnia and Palestine, Bosniaks and Palestinians. Problems for Bosnia and Bosniaks arise when national ideologies emerge on the Balkan Peninsula, whose basic goal is the establishment of nation-states. In its essence, as a political idea, the idea of a mono-ethnic state is discriminatory, above

all, towards members of the so-called “National minorities”. Particularly violent, national ideologies become towards their environment when they are transformed into large-scale projects. Large-scale projects from the neighborhood of Bosnia and Herzegovina, which last to this day, could not be realized without the denial of the state of Bosnia and Herzegovina and the denial of Bosniaks, its indigenous inhabitants. This denial ranges from cultural, political to physical removal, by various forms of violence and crime, from the territories that great-power ideologies want to include in their state territory. The situation is similar with Palestine and the Palestinians. The Jewish national movement, Zionism, named after Mount Zion in Jerusalem, and if originated as an idea much earlier, has been officially used in its present sense since 1885, represents the national ideology of the Jews for the “creation” of a Jewish nation-state in which there is no place for Palestine and the Palestinians. The first Zionist Congress was held in Basel (Switzerland) in 1897, which adopted a program of movements whose main goal was the creation of a nation-state of Jews exclusively in Palestine, using biblical myths and legends as arguments rather than real history and real demographic facts. The Zionists first appealed to the Ottoman Empire to allow them to immigrate to Palestine, which until 1917 was part of the Ottoman state, in which, let us note, Jews lived freely and found refuge from persecution in other states.<sup>1</sup> The Ottoman Empire rejected this request. The Zionists then turned to Britain. Great Britain, the so-called By the Balfour Declaration of 1917, promised support in building a Jewish state in Palestine. From 1917 to 1948, Palestine was a mandated territory of Great Britain. Palestine was inhabited by Palestinians in that period, and many centuries earlier, in the vast majority. The United Nations, under pressure from the great powers, but also awareness of the crime of genocide (Holocaust), by Nazi Germany in World War II made the decision to establish the state of Israel. The UN Resolution, known as 181, provided for the division of Palestine into Israeli and Palestinian-controlled territories. Conflicts between immigrant Jews and Palestinian natives have continued since the creation of the state of Israel.

To put it simply, the state of Israel, empowered and supported by the most powerful colonial states of Western Europe and the United States,

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1 Let us recall, when the Spanish Jews of the Sephardim, in the late 15th century, brutally, under threat of physical destruction, the Inquisition, European religious-clerical ideology, expelled them from Spain, they were received by the Ottoman state and allowed not only biological survival but also free practice of Jewish religion, ways of life, freedom of work and movement. More about the immigration and acceptance of exiled Jews from Spain in Bosnia and Herzegovina as part of the Ottoman state in: Pinto, A., *Jevreji Sarajeva i Bosne i Hercegovine*, V. Masleša, Sarajevo, 1987.

militarily and financially, is seizing land from the Palestinians<sup>2</sup>, persecuting them with various forms of violence. Immediately after the proclamation of the state of Israel, more than 750,000 Palestinians were expelled or fled their homes fleeing the violence of the Zionist police who established control over historic Palestine. To this day, Palestinians expelled from their homes have not returned to their homes because the state of Israel does not allow them to do so. Generations and generations of these Palestinian displaced persons and refugees were born in the refugee camps in Jordan, the Gaza Strip, the West Bank, which still strive and fight for a return to the homes and homes of their ancestors, that is, a return to their own. Unfortunately, using false narratives, Israeli propaganda and their allies call them terrorists, and they are in fact fighters for freedom and the right to return from their expelled and deprived homeland. The same fate befell Bosniaks in all Balkan nation-states after their establishment and alleged “national liberation.”<sup>3</sup> Common to both the Zionist Movement and the great-power national ideologies of Bosnia and Herzegovina’s neighborhood are the denial of the existence of the states of Bosnia and Herzegovina and Palestine, but also the Bosniak and Palestinian nations.

The third auxiliary hypothesis by which we prove the similarities and diversity of the commission of crimes against Bosniaks and Palestinians is the denial of their existence as a separate socio-political group. In all phases and periods of the national liberation movements of Bosnia and Herzegovina’s neighbors, Bosniaks have been challenged as an ethnic, national and political identity. They are allowed to be without a national name, as for example, “Undecided”, like Serbs, Croats, Yugoslavs, Muslims in the national sense, just not what Bosniaks truly are, for the sole reason that they cannot have the right to state Bosnia (and Herzegovina). Today, when Bosniaks have fought for their ethnic and national name, their right to name their language after its historical name, Bosnian, is being challenged. The situation is similar with the Palestinians in Palestine and Israel. For Israeli nationalists, Palestinians are not Palestinians but “Israeli Arabs.” The Zionists are doing this for the simple reason of challenging the Palestinians’ right to Palestine both as a territory and as a state.

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2 In short, „Kako je Izrael kroz decenije preuzimao teritoriju Palestine“, read: <http://www.kliks.ba/članak/210512051>

3 About the crimes of ethnic cleansing and genocide during the so-called Balkan national liberation movements see: Bandžović, Safet, *Iseljavanje Bošnjaka u Tursku*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2006

The next issue is the similarity of methods and techniques of committing crimes and violence against Bosniaks and Palestinians. The main characteristic of the methods and techniques of crimes against Bosniaks and Palestinians is that they have been committed continuously among the Palestinians since the creation of the state of Israel, i.e. over 7 decades, and among Bosniaks since the beginning of national movements and the creation of nation states in the Balkans, therefore several centuries. Another common feature of crimes and violence against Bosniaks and Palestinians is that all known types of crimes are committed against them, from verbal pressures and threats, through discrimination in ordinary life, to persecution, expulsion, confiscation of property, ethnic cleansing and genocide. In all these cases, the perpetrator is the state. Among the Bosniaks, the newly formed nation-states in the Balkans, and among the Palestinians, the newly formed state of Israel. Another common feature is the denial of crimes committed or the construction of false narratives to justify crimes. Let us look at what the socio-historical facts say.

The dominant matrix of opinion of the ideology of national liberation movements, under whose flag crimes against Bosniaks were committed, is the “logic of one idea” (Hannah Arendt), which is that in the name and for the purpose of achieving national freedom of one’s nation, acts can be committed by members of another nation, which are contrary to the basic principles of human rights, such as the right to life, liberty, security.<sup>4</sup> “No one shall be subjected to slavery, torture or other inhuman treatment.” Do this and other human rights principles respect “national heroes” and “huge battalions” of national liberation movements in carrying out the “historical mission of national liberation”? There are countless historical examples of them not being respected. One should look at the examples of mass killings of Bosniak civilians, primarily children, women and the elderly, committed in the Balkan national liberation movements<sup>5</sup>, and be convinced of all the irrationalism,

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4 “Everyone has the right to life, liberty and security of person” (Article 3 of the Universal Declaration of Human Rights).

5 For more details see:

1. Bandžović, Safet, *Iseljavanje muslimanskog stanovništva iz kneževine Srbije u Bosanski vilajet (1862-1867)*, Znakovi vremena, br.12, Sarajevo, 2001.
2. Bandžović, Safet, *Iseljavanje Bošnjaka u Tursku*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2006.
3. Bandžović, Safet, *Muslimani u Smederevskom sandžaku: progoni i pribježišta (1804-1862.)*, Medžlis Islamske zajednice Orašje, Orašje, 2013.
4. Dedier, Vladimir, Miletić, Antun, *Genocid nad muslimanima 1941-1945*, Svjetlost, Sarajevo, 1990.
5. Gutman Roy, *Svjedok genocida*, VKBI, MAG, Sarajevo, 1995.

violence and crimes committed in the name of “national freedom” of those who support it. That is why it can happen that the murder of a pregnant woman on the street and her husband, such as the murder of pregnant Sofia, the wife of the Austro-Hungarian heir to the throne Franz Ferdinand in 1914 in Sarajevo, is interpreted as an act of national liberation, albeit from a democracy and human rights standpoint, although it is a classic example of a terrorist act. Ideology, in its various characters and functions, as a “false consciousness” (Marx), through “symbolic mediations” (Geertz) as an “instrument of political legitimacy” (Weber), does not rest on the research of reality and strict verification of its results, although certain scientific insights can serve as a cover for justification and correctness. In the ideological consciousness of national liberation movements, through a system of ideological ideas that reflect the historically dominant situation of a nation (in this case Serbian), it may happen that Gavrilo Princip is interpreted as a “national hero” instead of an ordinary murderer, which from the perspective of scientific opinion he is nothing but the criminal and murderer of an innocent mother and her unborn child. By the same logic, today in Republika Srpska, the ruling ideologies of Radovan Karadžić, Ratko Mladić and others convicted of war crimes,<sup>6</sup> including the crime of genocide, are considered national heroes, who are awarded the highest entity recognitions for their crimes. The same logic applies to understanding the crimes committed at the level of collective activism of national movements. Continuous crimes of genocide and ethnic cleansing against Muslim peoples, primarily Albanians, Bosniaks, Gorani, Turks, and Torbeshi, beginning with the uprising of Orthodox peasants in the Smederevo Sandzak in 1804, until the war against Bosnian society and the state in the period of 1992-1995, unquestionably confirm the “logic of one

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6. Pašić, Ibrahim, *Od hajduka do četnika*, (Stradanja i genocid nad glasinackim Bošnjacima od najstarijih vremena do 1944. godine), BEMUST, Sarajevo, 2000.

7. Tucaković, Šemso, *Prešućeni genocid*, Amos Graf, Sarajevo, 2013.

6 In addition to Radovan Karadžić, president of the Republika Srpska parastatal entity, and Ratko Mladić, commander of the Republika Srpska Army General Staff, who were sentenced to life in prison for genocide and other forms of war crimes, it should be noted that for war crimes in Bosnia and Herzegovina against Bosniaks and Croats, was convicted Momčilo Kraišnik, president of the so-called National Assembly of Republika Srpska (1991-1996) and Biljana Plavšić, president of the Bosnian entity Republika Srpska (1996-1998), people from the closest leadership of RS. In addition to Karadžić and Mladić, Ljubiša Beara, Chief of Security of the VRS Main Staff, Stanislav Galić, Commander of the Sarajevo-Romanija Corps of the VRS, Zdravko Tolimir, former wartime Chief of the General Staff of the VRS, Vujadin Popović, Chief of Security of the VRS Drina Corps, and Milan Lukić, leader of the White Eagles paramilitary formation were sentenced to life imprisonment for genocide crimes.

idea”, the idea of national movements, to present these crimes as processes of national liberation.<sup>7</sup> Understood from the standpoint of science and scientific objectivity, based on universal values such as: life, faith, freedom, property and honor, all these processes are truly war crimes of genocide and ethnic cleansing. The results of these crimes are clearly visible in today’s mono-ethnic structure of Belgrade, Šabac, Valjevo, Loznica, Užice, Niš, Leskovac, Foča, Višegrad, Rudo, Čajniče, Trebinje and other cities in Serbia and Bosnia and Herzegovina. Where are Muslims who went missing, read Bosniaks and Turks from those cities where they made up more than half of the population in the 19th century?<sup>8</sup> Where did mosques, cemeteries and other cultural and religious contents that belonged to Bosniaks disappear? Everything was destroyed in the crime of genocide and ethnic cleansing. The situation is almost identical when it comes to committing crimes against Palestinians. Since the establishment of the State of Israel in 1948 and the Arab-Israeli War of the same year, the State of Israel has used all military and political-diplomatic methods to expel Palestinians not only from Israel’s internationally recognized borders but also from those areas of occupied East Jerusalem and the West Bank, which they want to include in Israel. Little is known to the general public that as early as 1948, hundreds of thousands of Palestinians who were barred from returning by Israeli law were expelled from Israel. The Palestinians mark this persecution as the beginning of the Great Catastrophe and mark it with the term “al Nakba”. In each war that Israel waged against the Palestinians from 1948 to the present, the number of Palestinian refugees has increased, repression and violence against Palestinians have increased, and their living space has shrunk. This was done in the manner of immigration and settlement of Jewish immigrants in the Palestinian territories. Behind the entire process is Zionist ideology and politics and the state of Israel, with a powerful and modernly equipped army that is regularly financially supported by the United

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7 “Christian states, which emerged on the soil of the former Ottoman provinces, held on to their understanding of that time as liberating. The struggle against the Ottoman Empire also meant the disappearance of Muslims, that ‘last refuge of negative orientalism’, regardless of their origins and their rights. These were religious wars aimed at destroying Ottoman society. Their own use of violence was justified by sacred national goals.” (S. Bandžović, 2006, pp. 18)

8 “In the 1970s, Muslims made up half of the total population of the Balkans. In 1870-1890, in that area, over 300,000 Muslims were killed, over five million of them were exiled to Anatolia by the end of that century. Although the Western world has long been concerned about the fate of the Christians of the Ottoman Balkans, only a small part has wondered about the Balkan Muslims and their fate. Because of this negligence, one of Europe’s biggest demographic disasters has never been discovered.” (Bandžović, S. 2006, pp. 49)

States. The result of such a decades-long policy and practice of violence and crimes of the state of Israel against the Palestinians is that today the entire Palestinian population lives in three large “concentration camps”, or open prisons. The “Gaza Strip” is a narrow coastal part of the country along the Mediterranean Sea 41 km long and between 6 and 12 km wide, with a total area of 365 km<sup>2</sup>. It is an area inhabited by about 1.5 million Palestinians and is in a complete blockade, from land, sea and air by Israel. It is one of the most densely populated areas in the world. It has no international recognition, nor state status. What is that space then? A large concentration camp in which life takes place under conditions dictated by the state of Israel. Who would want to live in such conditions? Do the Palestinians of Gaza have the right to a kidnapped state, the right to freedom of movement, the right to confiscated property in Israel, do they have the right to self-defense? Do they have the right to water, which they more often do not have than they have? Why do we ask these questions? To change the ruling narrative of opinion where Israel and Jews are allowed everything, to have an only Jewish state<sup>9</sup>, to have a powerful army, to settle immigrant Jews in Palestinian territories, not to allow the formation of a Palestinian state, putting Palestinians in ghettos, enclosing them with concrete fences and barbed wire, they attack Palestinians in mosques while peacefully performing religious rites, even in the month of Ramadan. When Palestinians rebel against the state of apartheid in which they live, then Israel punishes them under the pretext of doing so in the name of self-defense. This is not about any self-defense of Israel. The situation is quite the opposite. Israel attacks the Palestinians here, and the Palestinians defend themselves. True, they cannot defend themselves because the disparity in armaments is such that Palestinians can only point to their existence and not accept that they die with their hands and feet bound as oppressed and humiliated in their own country. Israel has one of the most armed armies in the world with nuclear weapons, while the Palestinians defend themselves from the imposed Ghettos with stones and batons, and recently with self-produced missiles. They do not have planes, tanks, warships. As such, they are not and cannot be a threat to Israel. Israel is a threat to Palestinian survival. The ruling narrative established by political propaganda by Israel, the world Jewish lobby and the “Western” imperial powers, primarily due to the control of Arab oil resources, needs to be changed. No normal person denies anyone the right to self-defense, not even Israel, but the Palestinians should have the same right, no more and no

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9 In 2018, the Israeli parliament adopted a law according to which Israel is defined as the exclusive “national state of the Jewish people.” The legitimate question is what that state is for 1.8 million Palestinians with Israeli citizenship. This law allows Zionist right-wing extremists to legitimize the apartheid of the Israeli regime.

less, but Israel abuses this right and uses it to commit crimes against Palestinians and their state with impunity. Is it the right to self-defense to commit violence against unarmed believers while praying in the Al-Aqsa Mosque, to build illegal Jewish settlements<sup>10</sup> in the Occupied Palestinian Territories, is it the right to self-defense not to recognize and not cooperate with the International Criminal Court (ICC) as part of its war crimes investigation over the Palestinians? Why would Israel be afraid of an international investigation if it did not commit crimes and if it does not violate the norms of international criminal law? They are also aware in Israel that they violate international law and that any objective judicial investigation would establish numerous crimes, including ethnic cleansing and genocide,<sup>11</sup> of the state of Israel against the Palestinians. We consider the position of the Minister of Foreign Affairs of Turkey, M. Cavusoglu to be correct, expressed at the session of the UN General Assembly when he said: “The aggressive actions of Israel constitute a war crime. We must make the perpetrator clear, Israel is responsible for what is happening in Al-Quds, the West Bank and Gaza.” Cavusoglu added:” Silencing injustice is the same as being complicit in crime.” Under pressure from the objective media, the political democratic public around the world the ruling narrative of the state of Israel’s behavior toward the Palestinians begins to change. One of them is Professor Norman Finkelstein, who says that Israel as a state today represents a “crazy state that has lost every moral and value

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10 It should be noted that Israel is not a member of the International Criminal Court, and that it considers that it has no jurisdiction in the occupied territories of Palestine. It should also be noted that the majority of the international community considers Jewish settlements in the occupied territories illegal under international law.

11 The crimes of ethnic cleansing and genocide against Palestinians are numerous and visible to objective researchers. For these reasons, Israel opposes the international investigation. The very act of the complete blockade of 1.5 million Palestinians in Gaza, in the state of life in the ghetto, represents the conditions of a genocidal state. Let us mention on this occasion the massacre of the Israeli army and post-Israeli phalangists in the Sabra and Shatila refugee camps in southern Beirut between September 16 and 18, 1982, where only civilians were targeted and that there was almost no armed resistance. On that occasion, according to objective estimates, about 3,500 Palestinian refugees were killed. Was this crime also a right to self-defense? The latest crime of the Israeli army in Gaza from May 9 to 21, 2021, among other things, resulted in the killing of primarily civilians, among whom 69 children were killed. In 11 days of intensive air attacks with 160 fighter planes each, it destroyed or damaged almost 20,000 civilian housing facilities, including schools, hospitals and media buildings. True, two Israeli children were killed in Hamas rocket attacks on Israel. We condemn the Hamas attacks, although they were provoked by Israel’s brutal treatment of worshipers at the Al-Aqsa Mosque and the expulsion of Palestinians from East Jerusalem. Killing two Israeli children is a crime of Hamas but also killing 69 Palestinian children is a crime of Israel, incomparably greater, and none of its right to self-defense.

compass.” Protests against Israeli violence and support for the Palestinian people around the world are becoming more widespread, true there are those who support Israel but they are in a large minority compared to those who condemn Israel’s behavior. Let us see who are those who support Israel in violence and crimes against Palestinians. At the international level, support for Israel in committing crimes against the Palestinians is provided, in most cases, by right-wing ideologies and their leaders. The vast majority of democratic ideologies of the world based on the principles of the Declaration of Human Rights and Freedoms support the Palestinian people to free themselves from the conditions of apartheid imposed on them by the state of Israel. What it looks like in Bosnia and Herzegovina? After the recent “conflict” between Israel and the Palestinians from the “Gaza Strip”, if we can call it a conflict at all, because it is really about the terror of the state of Israel against the Palestinian people. To understand this, we will use real facts that they cannot manipulate as ideologies, politicians and the media do. Palestinians protest, revolt, expressing justified dissatisfaction, against living in conditions of apartheid imposed on them and imposed by the Israeli state on a daily basis. How and in what way? Here is just one example. Since the occupation of the “West Bank” in 1967, Israel has built over 250 illegal Jewish settlements in which more than 500,000 Jewish immigrants live. All settlements were built on Palestinian land. The question is where the Palestinians will live. Do they have the right to live on their land? Do they have the right to protest against those who deprive them of the right to living space, read on life? The situation is the same in occupied East Jerusalem (AL-Quds). A total of 13 illegal Jewish settlements were built in East Jerusalem. Imagine what the reaction of for example the USA would look if another state would occupy Washington or New York and start persecuting “Americans” and building illegal settlements in American cities. It should be reminded that according to international law, all Jewish settlements erected in the occupied Palestinian territories are considered illegal. And when the Palestinians of Gaza rebel against such a form of violence, then the state of Israel indiscriminately attacks them with all its military power, destroying all the conditions of Palestinian life. To avoid misunderstandings, we are against any form of violence, whether by the Palestinians or the state of Israel. The result of recent attacks is as follows. In the attack of “Palestinian militants” from the “Gaza Strip”, as a rebellion against Israeli violence against Palestinians in East Jerusalem, especially against believers while praying in the Al-Aqsa Mosque, 12 Israeli citizens, including 2 children, were killed without touching anyone. A crime to condemn. Without a doubt. On the other hand, an Israeli army attack on Gaza killed at least 279 Palestinians, including 69 children, 40 women and 1,910 injured. In

addition to human losses, at least 2,000 buildings were completely destroyed and 15,000 buildings became unusable, including hospitals, schools and media houses. Are not these Israeli attacks a crime? They really are. According to UN reports in Gaza, the Israeli army damaged 53 educational institutions, 6 hospitals and 11 health centers. About 50% of the water supply network was destroyed, causing a shortage of drinking water for more than 800,000 Palestinians in Gaza, children, women, the elderly and the sick. What is the name of this and such forms of crime under international law? In short and clearly stated GENOCIDE. Because according to *the Convention on the Prevention and Punishment of the Crime of Genocide*, genocide is considered to be war activities that “intentionally subject a group to living conditions that should lead to its complete or partial destruction” (Article II, paragraph c). To leave or deny a person or a group drinking water is to kill him. To kill an individual is murder and to kill a group means genocide. Probably for these reasons, the state of Israel opposes the international investigation of the crimes it has committed against the Palestinians since its establishment until today. Every objective criticism is declared as anti-Semitism and every planned crime a “right to self-defense.” Is it possible to talk about the abuse of the “right to self-defense”? It is. It usually turns into its opposite, and that is the “right” of the state of Israel, to persecute Palestinians with impunity, squeezing them into “enclaves”, read: ghettos, killing them, harassing them in homes and prayers, and using various other forms of state terror. “Power kills powerfully”, and the state of Israel is a powerful state, it powerfully commits crimes against the Palestinians, militarily, politically, ideologically, in the media. Israeli crimes against the Palestinians can only be stopped if the conscience and morale of democratic forces around the world are sufficiently awakened. In order to achieve this, it is necessary to expose the “manipulation strategies”<sup>12</sup> used by Israel to portray its own crimes as a “right to self-defense.” For example, any criticism of Israeli violence is declared anti-Semitism, that is, “knowledge is abused” and “attention is diverted” from crimes committed by the state of Israel. What is it if not a “glorification of nonsense” to claim that the Palestinians, without tanks, planes, artillery, warships, are a threat to Israel, which has one of the most powerful armies in the world, plus an arsenal of nuclear weapons? And this strategy of “glorifying stupidity” aims to “divert the attention of the world public” from the crimes committed by the state of Israel to the Palestinian people, and that Israel is in fact a threat to the survival of the Palestinian people. A similar “glorification of stupidity” was used by the

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12 Noam Chomsky, explained and identified 10 strategies for manipulating people through the media. The strategies most commonly used by the state of Israel are: “abuse of knowledge”, “creating a sense of guilt”, diverting attention and “glorifying stupidity”.

propaganda of the RS Army, after the shelling of Bosnian towns, claimed that Bosniaks were killing themselves in order to accuse Serbs. It makes the human mind stop at the monstrosity of criminal propaganda. The next strategy of Israeli propaganda is to “create a sense of guilt” in the victim. Chomsky believes that this strategy “should convince the individual that he alone is solely responsible for his own misfortune”, and not the criminal who commits the crime. The goal of this strategy is that “such an insecure and underestimated individual, burdened with guilt, will give up looking for the real causes of their position and rebellion.” It is necessary to show and prove the Israeli use of “manipulation strategies” in a more comprehensive way, using scientific methodology, in order to expose the false narrative about the threat to Israel and not to the Palestinians. That is the task for, first of all, science and ethics, not politics.

Let us now look at who in Bosnia and Herzegovina supported Israel’s crimes against the Palestinian people and who stood by the Palestinian people and their right to a dignified life, which includes the right to freedom, the right to a state, own or common with Jews, but which will not be only Jewish but also Palestinian. During the “conflict” between Israel and the Palestinians, the Banski dvor building in Banja Luka was painted with the colors of the Israeli flag in support of Israel. It is the same policy that supports criminals who committed the crime of genocide against Bosniaks in the 1992-1995 war against Bosnian society and the state. years. Another policy in Bosnia and Herzegovina, which is not Bosnian at the same time, but on the contrary anti-Bosnian, is the policy of the Joint Criminal Enterprise (JCE), which was led and implemented by the political and military leadership of the parastate “Herceg-Bosna”. The political goal of that anti-civilization policy was: “the domination of Croats in the Croatian Republic of Herzeg-Bosna through ethnic cleansing of the Muslim population.” Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoje Petković, Valentin Ćorić and Berislav Pušić were convicted by the ICTY in 2017 for this type of crime (JCE). A sign of support for Israel in the crimes against the Palestinians was also sent from “West Mostar”, the territory of the planned Herzeg-Bosna, in a way that some buildings were “painted” with the colors of the Israeli flag. Therefore, Israel is supported by those who are followers of the JCE and those who committed genocide, whose ideologies, unfortunately, are still present in Bosnia and Herzegovina. Along with the Palestinian people and Palestine, there are policies whose people committed the crime of genocide and the JCE, and these are Bosnian policies that throughout the 1992-1995 anti-Bosnian war defended from genocide and fought for a democratic and multiethnic state of Bosnia and Herzegovina, the

country of all its citizens. In support of the Palestinian people, the City Hall in Sarajevo and the bridge in Mostar were painted with Palestinian flags. Israel does not allow itself to be a state and Palestinians, but only Jews, so this policy is supported by those who “created” parastate creations on the territory of Bosnia and Herzegovina with the crimes of ethnic cleansing (HVO) and genocide (the Army and Police of the RS) and were legally convicted for those crimes before the ICTY and IRMCC. Bosnian-Bosniak support for the Palestinian people is only part of the world’s great support for the just struggle of the Palestinian people against destruction, by seizing their land, putting them in inhumane living conditions, depriving them of the right to a state and other forms of violence and terror. Let us not forget, terror must not only be carried out by terrorist organizations, but also by the state itself, which does not respect international laws. We are just witnessing the terror of the state of Israel against the Palestinian people, similar to the terror perpetrated by the HVO against Bosnia and Herzegovina and Bosniaks, as evidenced by the final verdict “Prlić et al.” for JCE and the terror of the Army and Police of Republika Srpska in “creating” Republika Srpska in the 1992-1995 war against Bosnian society and the state, which was also proven by the final verdicts of Radovan Karadžić, Ratko Mladić and others convicted of genocide and other forms of war crimes.

In proving the genocide against Bosniaks, not only in the 1992-1995 war against Bosnian society and the state, but even during the Second World War, with its ideological and political causes, various consequences, we continue with scientific works in this, jubilee, issue of “Monumenta”. In the tenth issue of “Monumenta”, we publish 13 texts, 10 of which are original scientific papers on the topic of genocide, and in that way we symbolize this tenth anniversary of its publication. We tried to respect the established structure of “Monumenta”, and for this reason in the chapter from the past of the Bosnian Podrinje we bring a translation into Bosnian of an original historical document, i.e. a *berat* on the installation of the muezzin of the fortress mosque in Šubin from 1797. Also, in the chapter *Memories*, we bring the work of Faruk Đozić on the genocidal suffering of the families of daughters Havka Bektić: Kadira, Zehra, Zehta and Fatima. Hamid Mutapčić and Ivan Krištić wrote a paper for the chapter: *Current legal topics*, and it is a comparative analysis of the period of validity according to the real law in Bosnia and Herzegovina and the Republic of Croatia. In the first part of this issue of “Monumenta”, which deals with genocide, we “bring” nine scientific papers. Amir Kliko, Muamer Džananović and Zilha Mastalić-Košuta write a paper on the topic: *Serbian and Croatian attempts to divide Bosnia and Herzegovina in order to realize great-*

power ideas at the end of the 20th century. The second work is *Fascization of Religion as a Betrayal of Faith-Psychopathology of Ethnopoliticization of the Serbian Orthodox Church* by Esad Bajtal. Rasim Muratović problematizes the relationship between genocide and Serbian identity with the topic: *Genocide against Bosniaks and Serbian identity after 1995*. Adib Dozić investigates the genocidal crime against mother and child in the text: *Mother and child in the crime of genocide against Bosniaks*. The next paper is *The Impact of the Genocide on Bosniaks on Demographic Change in Srebrenica and Bratunac in the period of 1991-2021* whose author is Muamer Džananović. Meldijana Arnaut-Haseljić, writes about: *New trends in the search for missing persons in Bosnia and Herzegovina*. The following are two papers on Chetnik crimes in Srebrenica during World War II. Almir Kliko, *Crimes of Chetniks and Serbian Nedićs against Bosniaks in the Srebrenica Region during the Second World War*. Ermin Kuka and Hamza Memišević write the paper: *Crimes against Bosniaks in Srebrenica during the Second World War*. Legal proof and documentation of genocide is one of the most important social facts in the scientific proof of genocide. For these reasons, in the chapter: Documents we bring two papers. The first is the original scientific work of Vedad Gurda, Dževad Mahmutović and Maja Iveljić, on the topic: *Prosecution of war crimes in one's own backyard: some indicators of the fifteen-year work of the War Crimes Chamber of the Court of Bosnia and Herzegovina*. The second paper is written by Sakib Softić, entitled *Advisory Opinion on the 2007 ICJ Judgment*. I take this opportunity to thank all the authors who prepared the works for this issue of "Monumenta" for their hard work and, above all, their knowledge and to contribute to the explanation and understanding of the genocide committed against Bosniaks. This is an opportunity not only to thank, but also to name all the authors who have made a significant contribution to its affirmation and readability during these 10 years of publishing "Monumenta". These are truly eminent scientists from their scientific fields, with scientific, university titles and titles from young researchers in the title of assistant and senior assistant to associate and full professors and academics. I hope that the authors will not be offended because we will not list their titles, because every name is known to the academic and wider readership, but we will single out two academics whose names we begin this list with. These are Enver Halilović and Šefket Krcić. The other authors are mostly university professors. Those are: Jušuf Žiga, Rasim Muratović, Esad Bajtal, Meldijana Arnaut-Haseljić, Sabina Subašić-Galijatović, Sakib Softić, Almir Kliko, Muamer Džananović, Ermin Kuka, Husein Omerović, Almir Grabovica, Hamza Memišević, Vedad Gurda, Edin Mutapčić, Dževad Mahmutović, Hamid Mutapčić, Refik Bulić, Sead Selimović, Sabahudin Smajić, Sead

Omerbegović, Ševko Sulejmanović, Midhat Čaušević, Alija Suljić, Dževad Mešanović, Alma Kadušić, Kemal Nurkić, Rusmir Djedović, Aldin Husić, Hodžić Nusret, Maja Iveljić, Medina Salihović, Fetija Hasanović, Faruk Đozić, Semir Maslić, Muhidin Mahmutović, Sead Jahić and Adib Đozić, who is also the editor of all 10 issues of “Monumenta”. One name deserves special mention, and that is Dr. sc. Selma Kešetović, Associate Professor of English who translated 10 issues of “Monumenta” into English. These 39 authors and translator Kešetović are most responsible for what “Monumenta” is today, and that is the only magazine in Bosnia and Herzegovina that is “published” bilingually – in Bosnian and English - and is included in the scientific base of CEOL. Certainly, gratitude belongs to the reviewers and the editorial board, without whose work the published papers would not be scientifically relevant. A special contribution to the development of “Monumenta” and its ten-year presentation was given by the Organizing Committee for the commemoration of the anniversary of the genocide against Bosniaks of the “UN Safe Zone” Srebrenica on July 11, 1995, which significantly helped each issue financially. Dear and respected, “mothers of Srebrenica”, dear readers, I hope that the ten issues of “Monumenta” published so far contain valuable scientific texts, which not only explain many aspects of the genocide against Bosniaks, in all its phases and “techniques”. court rulings, memories, but at the same time nurture a culture of remembrance, not only of the victims of genocide but also of the overall socio-historical identity of the Bosniaks of the Bosnian Podrinje. I hope this is not the last issue of “Monumenta”.



***GENOCIDE***

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*Amir Kliko*

*Muamer Džananović*

*Zilha Mastalić-Košuta*

## SERBIAN AND CROATIAN ATTEMPTS TO DIVIDE BOSNIA AND HERZEGOVINA IN ORDER TO REALIZE THEIR OWN HEGEMONIC IDEAS

### **Abstract**

*The authors follow the development of hegemonic ideas of Serbia and Croatia since their origins in the 19th century and attempts of their realization to the detriment of the territory of Bosnia and Herzegovina by the end of the 20th century. In the centre of attention of the presented work is the formation of the “Croatian Community of Herceg-Bosna” on November 18, 1991 and the “Republika Srpska of Bosnia and Herzegovina” on January 9, 1992 as hegemonic projects of Croatia and Serbia in their joint and agreed attempt of destruction, demolition and mutual division of territory Bosnia and Herzegovina, the consequences of which are crimes of genocide and other forms of war crimes against Bosniaks.*

***Key words:** aggression, autonomy, Bosnia and Herzegovina, Montenegro, genocide, “Herceg-Bosna”, Croatia, Yugoslavia, division, war, “Republika Srpska”, agreement, Serbia.*

### **Introduction**

The Balkan Peninsula was ruled for several centuries by two great empires, the Habsburgs and the Ottomans. For the Balkan population, which is mostly of South Slavic origin, both empires were foreign. In their centuries-long constant rivalry for supremacy over the entire peninsula, they fought wars with each other, and those battles took place mainly in the areas of present day Croatia, Bosnia and Herzegovina and Serbia. Until 1878, Bosnia and Herzegovina, with its northern, western and southwestern borders, was the state border between the Habsburg and Ottoman empires. From 1878, the state border between these empires was moved to the eastern borders of Bosnia and

Herzegovina, behind which an independent Serbian state was also formed by that year. Due to its constant expansionist policy “on four sides of the world”, the Serbian state has been oriented from its beginnings to the territorial conquest of Bosnia and Herzegovina, but also to the physical extermination of its Muslim population - which was the majority - both for hatred and for long-term consolidation of its authority over Bosnia and Herzegovina. Due to such hegemonic policy, the Serbian state did not - although in less than two centuries it changed several state systems and territorial scope (Principality of Serbia, Kingdom of Serbia, Kingdom of Yugoslavia, Socialist Republic of Serbia, Federal Republic of Yugoslavia and Republic of Serbia) - give up on planning and attempting to expand its territory towards Bosnia and Herzegovina. Serbia made the most significant attempt to take control of Bosnia and Herzegovina with armed aggression against it in the period from 1991 to the end of 1995. In addition to carrying out the aggression, through the “Republika Srpska”, it also encouraged its armed forces, and sent their own armed forces to help them, to commit genocides against the Bosniak population.

Within the Habsburg Empire, the Croatian nation was born and strengthened, and with it the idea of creating a Croatian state. Decades before it was officially formed, the Croatian political elite in the 19th century planned Bosnia and Herzegovina within its imaginary borders. For the first time they tried to achieve this with its occupation by the Austro-Hungarian Monarchy. The German occupation of the Kingdom of Yugoslavia in 1941 enabled the formation of the Croatian state and its occupation of Bosnia and Herzegovina, and they occupied it. However, this did not last long because the communist movement of resistance to the fascist occupiers of Yugoslavia formed its own federal state, which returned to Bosnia and Herzegovina, the statehood lost centuries earlier.

In the dramatic disintegration of Yugoslavia in the early 1990s, Serbian and Croatian great-power politicians emerged as leaders on the political scene. They became ruling in Serbia and Croatia in 1990, and two years later waged their expansionist wars against Bosnia and Herzegovina, although it gained full state independence, which was recognized by the United Nations.

## Serbian and Croatian great state policy towards Bosnia and Herzegovina from the mid-19<sup>th</sup> century to 1943

Serbian and Croatian, from a Bosnian perspective great state ideas, were created at the very beginning of the so-called “national awakening” of Serbs and Croats in the 19th century. Both of these nations were then part of the great European empires that were endeavored to be liberated from and form their own national governments. Serbs have been part of the Ottoman Empire with most of their population, and Croats of the Habsburg Empire.<sup>1</sup>

The essence of the Serbian national idea was the creation of its own state that would be independent of the Ottoman Empire. The founders of states

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1 There is an expression “Serbs from Prečanj”. It refers to Serbs who do not live in Serbia and Montenegro, i.e. to Serbs who live “across” the rivers Drina, Sava and Danube. These are Serbs in Vojvodina, Croatia and Bosnia and Herzegovina. Until 1918, Serbs in Croatia and Serbs in Vojvodina were included in the Habsburg and Austro-Hungarian empires, as well as Serbs from Bosnia and Herzegovina from 1878. The Serbs from Vojvodina are originally from Kosovo and today’s southern Serbia. During the Great Viennese War (late 17th century), at the urging of the Habsburg Empire, they revolted against the Ottomans. After the collapse of the revolt there was their great migration to the north. The Habsburg Empire allowed them to cross the Sava River and settle in Vojvodina. Some of them settled in Slavonia and Vojna Krajina (around Knin). Half a century later, during the Turkish-Austrian-Russian war, Serbs from Kosovo and southern Serbia again revolted against the Ottomans and again after its collapse moved en masse to Vojvodina, but also to Slavonia and Vojna krajina. The Austrians inhabited them along their border with the Ottomans from Vršac in Vojvodina to Imotski in the Dalmatian hinterland. They used them for its defense, but also for invasions through it into the Ottoman Empire until 1878. Ethnic Vlachs of the Orthodox faith lived around Knin in Croatia at that time, and the Ottomans settled there during their rule (mid-16th century-late 17th century). After the withdrawal of the Ottomans from Dalmatia, the Orthodox Vlachs remained behind them. At the end of the 19th century, they were “Serbized”. As for Bosnia and Herzegovina, its present-day Serbs, like the Serbs around Knin, have the largest percentage of Vlach origin (Orthodox). A significant part of Bosnian Serbs, especially in the eastern parts of Bosnia and Herzegovina and Romania, are of Montenegrin ethnic origin. Hence there is their ijekavian dialect in use. Vojvodina Serbs, originally from Kosovo and southern Serbia, have preserved ekavian dialect in their speech, which undoubtedly shows the different geographical origin of Vojvodina Serbs on the one hand, and Knin and Bosnian Serbs on the other who speak in ijekavian dialect and ikavian dialect. Thus, Vojvodina Serbs are originally from Kosovo and southern Serbia, Croatian Serbs are “Serbized” Orthodox Vlachs and Kosovo Serbs from the same migrations as Vojvodina, while Bosnian Serbs are mostly “Serbized” Orthodox Vlachs and “Serbized” Orthodox Montenegrins. Before the Ottoman conquest, in the middle of the 15th century, there were no Orthodox people of Slavic ethnic origin in Bosnia. Orthodoxy was followed only by the Vlachs in today’s Herzegovina, while Bosniaks followed the teachings of the Bosnian Church and to a lesser extent the Catholic Church. There were no Serbs.

planned possible borders of their expansion. So did Serbian ideologists in the mid-19<sup>th</sup> century imagine the boundaries of their future state. This idea was developed in *Načertanije* (draft) by Ilija Garašanin in 1844. It is widely known as the idea, the plan, of the “Great Serbia”. According to the plan, the Serbian state should cover all the countries that were, allegedly, in the composition of the Serbian empire during the reign of Dušan Silni.<sup>2</sup> In fact, it should have encompassed most of the Balkan area in which the Orthodox population lives, with the exception of Greece,<sup>3</sup> regardless of the number of population.<sup>4</sup>

In today’s Bulgaria, Bulgaria’s national idea of an independent state was developed at the same time, and the Serbs could not rely on some significant expansion to the east due to the power of Bulgarians.<sup>5</sup> Serbian

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2 **Redžić Enver**, *100 godina muslimanske politike*, Akademija nauka i umjetnosti Bosne i Hercegovine-Institut za istoriju u Sarajevu, Sarajevo, 2000, pp. 134-141, 144; **Garašanin Ilija**, *Načertanije, Program spoljašnje i nacionalne politike Srbije na koncu 1844. godine*, at: [www.institut-genocid.unsa.ba/pdf/NACERTANIJE.pdf](http://www.institut-genocid.unsa.ba/pdf/NACERTANIJE.pdf)

3 Greece was independent state of the Ottoman Empire. The Ottomans recognized its independence in 1828.

4 The problem of establishing the majority of the Orthodox population in the desired territory was solved by the implementers of the idea of a great Serbian state by methods of genocide against Muslim peoples (Bosniaks, Albanians, Turks...) and their violent baptism and persecution. In the First and Second Serbian Uprising, at the beginning of the 19th century, the Serbs began to realize the state. By the time of Ilija Garašanin, in the middle of the same century, they already had the Principality of Serbia, which enjoyed significant elements of autonomous status in the Ottoman Empire and developed towards full independence, which it achieved at the Berlin Congress in 1878.

5 In the Second Balkan War, and in the First and Second World Wars, there were armed conflicts between Serbs and Bulgarians, which were caused by constant Serbian efforts of territorial expansion to the east and south, i.e. to the areas where the Bulgarian Orthodox population lived. The Serbs tried to reach the Aegean Sea through today’s Macedonia and Thessaloniki, and through Montenegro to the Adriatic Sea. The Second Balkan War was just being fought between Serbs and Bulgarians, and the reason was the conflict over the division of the territory that they had jointly taken from the Ottomans in the First Balkan War a year earlier. Before the Balkan wars, in the late 1970s, the Principality of Serbia expanded to the area around today’s Niš, Pirot, Leskovac and Vranje, where the Orthodox population lived, which at that time mostly felt Bulgarian and Vlach. It is a territory that the Bulgarians tried to take over in the First and Second World Wars. We believe that the Serbian-Bulgarian political and military conflict, which marked Serbian-Bulgarian relations from the 1970s to the mid-20th century, is one of the most important reasons for the early Bulgarian recognition of Bosnia and Herzegovina’s state independence in 1992, although it certainly has to do and the then Bulgarian interest in the future of Macedonia. It is also true that Bulgarians and Serbs have rarely had good relations in their past. Since the early Middle Ages, they have often waged wars and individual battles over supremacy over the territory, mainly of present-day Macedonia, and the realization of their own domination in the Balkans.

prince Mihailo Obrenović signed an agreement with Bulgarian emigrants in Bucharest in 1867 on the common state of Serbs and Bulgarians, which proves that the Serbs did also reflect on Bulgarian territory. Nothing came out of it.<sup>6</sup>

For the Serbian state to be larger in size, its ideologians realized that Serbs must first “make Serbs“ all the Orthodox population in its envisioned frameworks“.<sup>7</sup> Because of this need by the end of the 19th century, Bosnian Orthodox were “proclaimed to be Serbs“.<sup>8</sup> “The proclamation to be Serbs“ of the Orthodox population, regardless of their true ethnicity, gave Serbia in front of the part of the then international community (Great Britain, France and Russia), legitimacy to cover it in its own national state.<sup>9</sup> That is why Serbs have forged their country’s territorial extension under the guise of the release of enslaved brothers and all-Serbian national unity in the same state. They endeavored to realize this through the idea of unifying the Southern peoples after the great powers did not allow them to create the “Great Serbia” after World War I.<sup>10</sup> On the same political platform, publicly proclaimed in

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6 Immediately after the end of the WW2, Soviets tried to unite Yugoslavia and Bulgaria into a joint state which Yugoslavian communist led by Josip Broz Tito did not like. When he confronted Stalin (Josif Visarionovič Džugašvili) in 1948, that Soviet idea collapsed.

7 And destroy, baptize or persecute Muslim.

8 Later Vlach and Cincars were “serbized”.

9 It was opposed by Austria-Hungary, which included Croatia, Vojvodina and Bosnia and Herzegovina, countries that the Kingdom of Serbia sought to penetrate territorially. Germany supported Austro-Hungary. Serbia’s efforts to take Bosnia and Herzegovina from Austro-Hungary (formerly known as the Habsburg Empire) led to an armed conflict that sparked the outbreak of the World War I.

10 The idea of a South Slavic state that would include Serbs, Croats and Slovenes, and who would be mutually separated peoples, originated and developed in Slovene and Croatian intellectual and political circles. It was imposed on Serbia in 1917 by the will of Great Britain and France. It was made official in the “Corfu Declaration”. Serbs wanted the “Greater Serbia” in which all Serbs and those who “are serbized” would live and not some South Slavic state union with Slovenes and Croats. However, the great powers determined otherwise and the Kingdom of Serbia had to submit to that and agree to a common state. Thus was created the first common state of part of the South Slavs (without the Bulgarians who are the most numerous South Slavic people). It was called the Kingdom of Serbs, Croats and Slovenes (SCS) until 1929, when it was renamed the Kingdom of Yugoslavia. Through the ruling Karadorđević dynasty (Serbian royal dynasty) and the internal organization, Serbs imposed their hegemony over other nations in that state, which made it politically very fragile and unsecure. Slovenes and Croats were constantly trying to improve the position of their countries. The German attack on the Kingdom of Yugoslavia enabled its rapid disintegration. By the will of the great powers, Yugoslavia was rebuilt after it was wiped off the political map of the world in the Second World War, but with a radically different state system in relation to the Kingdom of Yugoslavia. British Prime Minister Winston Churchill and Soviet leader Stalin agreed that after the war, Yugoslavia would belong to the Soviet sphere of interest and Greece

the slogan “All Serbs in one state,” Serbia entered an aggressive war with Montenegro against Croatia and Bosnia and Herzegovina in the early 1990s.<sup>11</sup> Unlike the second half of 19th and the first half of the 20th century, when the Serbian state spread to all the sides where the Orthodox population lived, in the wars that it had led at the end of the 20th century, it was forced, due to a series of military defeats, to receive as refugees the Serb population precisely from a territory that few decades ago they occupied. At the beginning of the 20th century, a territorial spread under the mask of “liberation of the Serbian brothers” in Kosovo, Bosnia and Herzegovina and Croatia, and at the end of the same century, paid the price of its aggression by accepting the huge number of Serb refugees from those countries after they were military defeated in each of them.

Today’s Croatia consists of four historical territorial components that have been under the rule of more powerful states for centuries. These are “narrower” Croatia with Međimurje, Slavonia, Dalmatia and Istria. From the beginning of the 12th century, “Croatian lands” were ruled by Hungarians, and significant parts of Dalmatia and Istria by Venetians, at that time better known as the Venetians. The Hungarians (Ugri) also seized some important Dalmatian towns with their rule.<sup>12</sup> At the beginning of the 16th century, the Ottomans occupied Slavonia and part of Dalmatia with its complete hinterland, but also completely destroyed the Hungarian state.<sup>13</sup> At the end of the same century, they occupied Bihać and its wider surroundings.<sup>14</sup> At the end of the 17th century, the Austrians managed to defeat the Ottomans in a series of battles of

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to the British. That is how the communists ruled Yugoslavia. Stalin betrayed the Greek Communists who, like the Yugoslavs, fought against the fascist forces. In Greece, as in Yugoslavia, there was a partisan (communist) resistance movement and “royalists” during World War II. Greek partisans offered fierce resistance to Italians and Germans, while the “royalists” often cooperated with them, as did the Serbian Chetniks in Yugoslavia. After Churchill and Stalin reached an agreement on spheres of interest, there was a multi-year civil war in Greece. Stalin did not help the partisans (communists), unlike the “royalists” who had generous British help. The communist government of Yugoslavia provided support to the Greek partisans, which was one of the most important reasons for the conflict between Josip Broz Tito and Stalin, who sacrificed the Greek communists in order for Great Britain to leave Yugoslavia to him

- 11 The then Montenegrin republican leadership, led by Momir Bulatović, was completely obedient to the Serbian leadership, led by Slobodan Milošević. **More in: Bulatović Momir**, *Pravila ćutanja*, 4. izdanje, Zograf, Niš, 2005.
- 12 **Šišić Ferdo**, *Povijest Hrvata, pregled povijesti hrvatskog naroda 600.-1526*, Prvi dio, Slobodna Dalmacija, 2004, pp. 167-249; **Pirenne Henri**, *Povijest Evrope od seobe naroda do XVI stoljeća*, Marjan Tisak, Split 2005, pp. 321-325.
- 13 **Šišić**, *Povijest Hrvata ...*, pp. 248-249; **Pirenne**, *Povijest Evrope...*, pp. 398-399, 408.
- 14 **Šabanović Hazim**, *Bosanski pašaluk*, Svjetlost, Sarajevo, 1959, 5, pp. 82-85.

the Great Viennese War and take over their territory in today's Croatia, which had been under Hungarian rule for centuries (Slavonia and Dalmatia).<sup>15</sup>

The French bourgeois revolution and its aftermath The Napoleonic Wars were a significant turning point and an incentive for smaller European nations to become active and begin to demand their own states. What is more important for small Slavic peoples is that these wars showed how feudal the Habsburg and Ottoman empires were, under whose rule were Slovenes, Croats, Czechs, Poles, Slovaks, partly Ukrainians, Serbs and Montenegrins, very vulnerable, and began their "national awakenings" with the idea of creating nation-states due to the repressions of the Habsburg Empire, the Croatian "national awakening" was disguised under the idea of "Illyrianism".<sup>16</sup> "Nationalization" also affected the Hungarians, forcing the Habsburgs to restructure the empire into a common state with two entities, the Austrian and the Hungarian. That is how Austro-Hungary came into being. The Hungarian entity included all of Slavonia, "narrower Croatia" and part of Dalmatia, and the Austrians retained most of Dalmatia and Istria. In 1868, the Hungarians had to make a settlement with the Croats in their entity.<sup>17</sup> This was the first step towards the creation of an independent Croatian state, which significantly contributed to the reflections on its future borders. Except from Dalmatia and Slavonia, the Croats wanted the whole of Bosnia and Herzegovina, which they showed during its occupation by Austro-Hungary in 1878, which was enthusiastically accepted in Croatia.<sup>18</sup> The Croatian Parliament sent an official

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15 **Pelidija Enes**, *Banjalučki boj iz 1937, Uzroci i posljedice*, Sarajevo, El-Kalem, 2003; **Horbec Ivana**, *Habsburška monarhija, U potrazi za mirom i blagostanjem: hrvatske zemlje u 18. stoljeću*, Matica hrvatska, Zagreb, 2013.

16 **Šidak Jaroslav, Foretić Vinko, Valentić Mirko, Karaman Igor, Grabovac Julije, Strčić Petar**, *Hrvatski narodni preporod-ilirski pokret*, Školska knjiga, Zagreb, 1990.

17 **Heka Ladislav**, *Hrvatsko-ugarski odnosi od srednjega vijeka do Nagodbe iz 1868. s posebnim osvrtom na pitanje Slavonije*, Hrvatski institut za povijest (Podružnica za povijest Slavonije, Srijema i Baranje), Scrinia Slavonica, 8, Slavonski Brod, 2008, pp. 152-173.

18 Josip Mihaljević states in his work: *There was almost no city in Croatia that did not celebrate the entry of the occupation army into Bosnia and the fall of Sarajevo on August 19 ... When the occupation began, great hopes were placed in the possible unification of Bosnia and Herzegovina with Croatia and Dalmatia, and the main reason for optimism stemmed from the fact that many soldiers, officials, intellectuals, merchants and other experts from Croatia went to Bosnia and Herzegovina ... Croatian newspapers write that the Croatian army makes up the largest part of the occupying army and that Croatian soldier victims are the largest and make up as much as one third of the victims. It was emphasized that the departure of officials to Bosnia and Herzegovina is not only a necessity but also a patriotic duty of every Croat. Compare: Mihaljević Josip, Odnos Stranke prava prema okupaciji Bosne i Hercegovine 1878. i 1879. godine* in the magazine

request to the Austro-Hungarian emperor to annex Bosnia and Herzegovina to Croatia. It is based on the alleged Croatian state law on Bosnia and Herzegovina as a whole.<sup>19</sup> The request was ignored by the imperial authorities. The Austro-Hungarian annexation of Bosnia and Herzegovina in 1908 caused great indignation among Croatian intellectual and political circles in Croatia and Bosnia and Herzegovina because the imperial decree decided that Bosnia and Herzegovina should be fully incorporated into the territory of Austro-Hungary.<sup>20</sup> As Serbia sought to exercise power over Bosnia and Herzegovina, so did the Croatian political and ecclesiastical elites from Croatia, but also from Bosnia and Herzegovina, try to convince Austro-Hungary to allow them to rule Bosnia and Herzegovina through its *unification* with Croatia.<sup>21</sup> Nikola

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*Sloboda*, Bosna Franciscana, 28, Franjevačka teologija, Sarajevo, 2008, pp. 127-128.

- 19 **From the request of the Croatian Parliament to the emperor: ... the structure of the acquired province little by little crashed, so that in time it could be annexed to the structure of the kingdoms of Dalmatia, Croatia and Slavonia and its state-law relationship to the Kingdom of Hungary...** **Compare: Mihaljević, Odnos...**, pp. 129. After the collapse of the Hungarian kingdom (Hungary), caused by the Hungarian defeat in the battle with the Ottomans on the Mohács field in 1526, the Habsburgs (Austrians) took over the Hungarian crown. During the coronation, they promised the Croatian nobility, because of the support they gave them for this act, that they would unite all the future lands they took from the Ottomans with Croatia. At that time, the Croatian nobility was on the “first line” of defense of the Habsburg Empire, and because of that Austrians were generous in their promises to the warlike Croats. The Croatian nobility, from the part of the territory of today’s Croatia that remained free from the Ottomans (the wider area of Zagreb) after the defeat at Mohács in 1526, was left without its king (Hungarian). In order to defend the remnants of its territory from the Ottomans, it had to find a new master who would be strong enough to support him militarily and logistically in the fight against the Ottomans. He was found in the ruling family of the Habsburgs. Thus, this settlement between the Croatian nobility and the Habsburgs from 1527 was very mutually beneficial. During the Austro-Hungarian occupation of Bosnia and Herzegovina in 1878, Croats came up with their settlement with the Habsburgs from 351 years ago, and interpreted it in terms of their state right to Bosnia and Herzegovina and demanded that it be realized. The Habsburgs, it seems, did not feel obliged to fulfill the promises of three and a half centuries old to the Croats, and they turned a deaf ear to the official request of the Croatian Parliament to the emperor. It did not suit them that the Croats were strengthening themselves with new territories because they were afraid that they would make new demands regarding the internal territorial reorganization of the Monarchy and influence the behavior of other Slavic peoples within it. The Hungarians strongly opposed the strengthening of the Croats.
- 20 **Matković Stjepan, Aneksijska kriza**, Hrvatska revija, 1, Matica hrvatska, Zagreb, 2009, pp. 118.
- 21 The Party of Rights (Croatia), led by Josip Franko, adopted in 1884 a new political program seeking the unification of the Croatian people in Croatia, Slavonia, Dalmatia, Međimurje, Istria, Rijeka, Bosnia and Herzegovina as part of Austro-Hungary. **Compare: Redžić, 100 godina...**, pp. 146.

Mandić's statement during the Austro-Hungarian emperor's visit to Bosnia and Herzegovina in 1910 can be cited as a pictorial example. Mandić, an influential Bosnian politician and founder of the Croatian National Union (HNZ), which the founders of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) considered their predecessor, on that occasion, he stated in the press that *the Croats of Bosnia and Herzegovina considered Bosnia and Herzegovina to be an integral part of the triune Kingdom of Croatia*.<sup>22</sup> The "triune kingdom of Croatia" meant at that time the three territorial components of Croatia (the above-mentioned "narrower" Croatia with Međimurje, Slavonia and Dalmatia). Mandić's statement agrees with the program goals of the HNZ.<sup>23</sup>

In the time between the two world wars in the Kingdom of Slovenes, Croats and Serbs (since 1929 in the Kingdom of Yugoslavia) there was a constant political tension between Slovenes and Croats on the one hand and Serbs on the other. The situation was so difficult and complex that several Croatian deputies were even assassinated by a regime assassin in the state assembly in 1928.<sup>24</sup> Slovenes and Croats demanded the decentralization of power and the reorganization of the Kingdom into a federation, and Bosniaks wanted autonomy for Bosnia and Herzegovina.<sup>25</sup> Serbs, led by King Aleksandar

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22 **Šehić Zijad**, *U mojoj Bosni*, Sarajevo, 2013, pp. 84. Nikola Mandić was born in Travnik. He was elected to the National Assembly in 1910, and the following year he became its president, at the same time performing the function of deputy mayor of Sarajevo. By the emperor's decision in 1914, he was appointed deputy head of state. On September 2, 1942, Ante Pavelić appointed him Prime Minister of the Independent State of Croatia (NDH).

23 **Šehić Zijad**, *U mojoj Bosni*, Sarajevo, 2013, pp. 84. Nikola Mandić was born in Travnik. He was elected to the National Assembly in 1910, and the following year he became its president, at the same time performing the function of deputy mayor of Sarajevo. By the emperor's decision in 1914, he was appointed deputy head of state. On September 2, 1942, Ante Pavelić appointed him Prime Minister of the Independent State of Croatia (NDH).

24 Montenegrin Puniša Račić, a man of special trust of King Aleksandar Karađorđević, killed Đuro Basariček and Pavle Radić with a gun, and wounded Ivan Pernar, Ivan Grandić and Stjepan Radić (Pavle's brother). Stjepan died as a result of his injuries. **More in: Kulundžić Zvonimir**, *Atentat na Stjepana Radića*, Stvarnost, Zagreb 1967.

25 **More in: Šarac Nedim**, *Uspostavljanje Šestojanuarskog režima 1929. godine*, Svjetlost, Sarajevo, 1975; **Purivatra Atif**, *Jugoslavenska muslimanska organizacija u političkom životu Kraljevine Srba Hrvata i Slovenaca*, Drugo izdanje, Svjetlost, Sarajevo, 1977; **Šehić Nusret**, *Autonomni pokret Muslimana za vrijeme austro-ugarske uprave u Bosni i Hercegovini*, Svjetlost, Sarajevo, 1980; **Šehić Nusret**, *Bosna i Hercegovina 1918-1925., privredni i politički razvoj*, Svjetlost, Sarajevo, 1991; **Kamberović Husnija**, *Mehmed Spaho (1883-1939): Politička biografija*, Vijeće kongresa bošnjačkih intelektualaca, Sarajevo, 2009.

Karađorđević, responded by introducing “the January 6th dictatorship” in 1929. As a reason for this act, they used the murders of Croatian deputies, which they organized themselves. With the dictatorship came a radical territorial reorganization of the state. All historical territorial components were broken except the Slovenian and Montenegrin ones, which was, in fact, significantly increased through the Zeta Banovina.<sup>26</sup>

Until that act, according to the “Vidovdan Constitution” from 1921, Bosnia and Herzegovina was guaranteed territorial survival within the inherited borders from the time of Austro-Hungary as a special province of the Kingdom of Serbs, Croats and Slovenes.<sup>27</sup> The Serbs certainly ruled the whole Kingdom hegemonically and did not need the “accession” of Bosnia and Herzegovina to Serbia as they did with Vojvodina and Montenegro. There were such demands from serious Serbian parties and prominent intellectuals in Serbia and Bosnia and Herzegovina. However, the king did not want the issue of Bosnia and Herzegovina to unnecessarily create new tensions in Serb relations with Croats who had their ambitions towards it, nor to create enmity with the Yugoslav Muslim Organization (JMO), which he needed and was useful with its deputies on the hot Yugoslav political stage. On the other hand, Croats dealt with more important political issues than Bosnia and Herzegovina. It can be said that in those few years, the issue of the territorial expansion of Serbia and Croatia to Bosnia and Herzegovina was somewhat less actual.<sup>28</sup> After the assassination of King Aleksandar in October 1934 and

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26 **Šarac Nedim**, *Uspostavljanje...*, pp. 277-278.

27 **Kamberović**, *Mehmed Spaho...*, pp. 35-44.

28 “Historical” Bosnia and Herzegovina is by the “January 6 dictatorship” divided between the four banovinas of the Kingdom of Yugoslavia (Vrbaš, Primorska, Drina and Zeta). It is a misinterpretation that only Bosnia and Herzegovina was divided by the “January 6 dictatorship” and that that was its goal. The division of Bosnia and Herzegovina between the four banovinas that covered the area outside its “historical territory” also disrupted the “historical territory” of Serbia and Croatia. The rest of Croatia was in the Sava Banovina, and smaller parts of Eastern Slavonia in the Danube and Drina Banovinas. Vojvodina was in the Danube for most of its territory, but some parts of it (most of Srijem) were also in the Drina Banovina. The area of Serbia along the Drina River was captured by the Drina Banovina, and Sandzak by the Zetska Banovina. There was also the Moravian Banovina on the territory of Serbia. It did not cover territories outside Serbia, just as the Sava Banovina did not cover territories outside Croatia. The Vardar banovina covered the whole of Macedonia, but also the largest part of Kosovo and southern Serbia. The administrative division of the Kingdom of Yugoslavia in 1929 created the “Greater Serbia” in it because most of the banovinas (six out of nine) were territorially rounded in such a way that the Orthodox (Serbian) population became the majority, and in each banovina that covered Bosnia and at the same time, Bosniaks became a minority in Herzegovina. With the majority Orthodox (Serbian) population

the easing of regime pressure from Belgrade to Zagreb, the topic of Bosnia and Herzegovina was brought up again. Unlike earlier times, when Serbs wanted to annex it entirely to Serbia, and Croats to Croatia, now a new political variant has emerged, and that is its division between them.<sup>29</sup> Leading Zagreb political circles and the ruling Belgrade ones began to think in the direction that through the innkeeping of the territory of Bosnia and Herzegovina between Serbia and Croatia they could solve the problems in the Serbo-Croatian relations that had been heated since the establishment of the common state. It was a novelty in the relations of neighboring countries towards Bosnia and Herzegovina that continues to this day.

By the 1930s, according to the plans and expectations of Serbian and Croatian great-power ideologues, Bosnia and Herzegovina was to belong entirely to Serbia and Croatia, respectively. In the atmosphere of the beginning of the Second World War and the danger that announced for the survival of the Kingdom of Yugoslavia, Serbs had to give in to Croats in their demands for reorganization of state administration, but also a new territorial demarcation that led to the Cvetković-Maček agreement that divided Bosnia and Herzegovina between its neighbouring provinces of the then Yugoslav state, i.e. between Serbia and Croatia.<sup>30</sup> Its creators expected that the agreement

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were the Danube, Moravian, Vardar, Zeta, Drina and Vrbas banovina. Two banovinas remained with a majority Croatian population (Savska and Primorska), and one with a Slovenian one (Dravska). Bosnia and Herzegovina is territorially “naked” between the four banovinas in such a way that Bosniaks became a minority in each of them without any persecution. The Montenegrins did best. The territory of the Zeta Banovina was twice as large as the Kingdom of Montenegro. The shots of the Montenegrin murderer Puniša Račić at the expense of the Serbian king were obviously very useful for it.

- 29 At his press conference in Zagreb on January 7, 1929, Vladko Maček announced the possibility of the division of Bosnia and Herzegovina: *I have been warned that Dr. Hrasnica, to justify the fact that he rejected my proposal for the reorganization of the state, stated that he rejected the proposal because it follows the division of Bosnia. I hereby declare, which is clear to every person that my proposal goes for the establishment of Bosnia and Herzegovina as it was before the division in the area. That is why Hrasnica rejected my proposal, for which he was also in his soul, out of simple cowardice. If, when Bosnia is divided, it will have Bosnian Muslims to just thank the cowardly policy of Dr. Hrasnice and friends. Compare: Šarac, Uspostavljanje..., pp. 263, note 58; Kamberović, Mehmed Spaho..., pp. 103.* It is interesting that Maček binds only Bosniaks to the opposition to the division of Bosnia and Herzegovina between Serbia and Croatia. Ten years after this statement, he signed an agreement with Dragiša Cvetković on the division of Bosnia and Herzegovina.
- 30 Germans, as one of the most important European powers with which the Kingdom of Yugoslavia sought to have good cooperation, wanted peace in Yugoslavia so that they could use its resources for their war needs. They therefore demanded that the Yugoslav government resolve internal political issues and stabilize the state. It was a good

would satisfy Serbs and Croats, which should have prevented the disintegration of the common state and their mutual armed conflict in the whirlwind of the expected world war, which began only a few days after the signing of the agreement.<sup>31</sup>

### **Bosnia and Hercegovina from the restoration of its statehood to the disintegration of the federal state**

When the Kingdom of Yugoslavia disintegrated, new political entities in Bosnia and Herzegovina did not care about the Cvetković-Maček agreement in the creation of their states. In the early days of its existence, the Independent State of Croatia (NDH) was acceptable to a number of Bosnian Muslims because it prevented the partition of Bosnia and Herzegovina between Serbia and Croatia because they had failed in their movement for autonomy established on December 30, 1939 due to their opposition to the realization of the Cvetković-Maček agreement. Ustasha ideologues have been opponents of the Cvetković-Maček agreement since its announcement, because they could not have imagined Bosnia and Herzegovina in any other way than in the Croatian state. They also sought to gain the support of Bosnian Muslims for their country, and publicly flattered them by praising their particular religious and cultural characteristics.<sup>32</sup> The communists did not like that agreement either. Although there were different views between them on Bosnia and Herzegovina in the future, the dominant one was that it should not be divided between Serbia and Croatia. “Broz’s state”, socialist Yugoslavia - made official on November 29, 1943 in Jajce - confirmed to Bosnia and Herzegovina the status of a *country* (state) completely equal to other *countries* (states) within a common federation of *countries* (states). The well-known

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opportunity for the primitive Yugoslav economy to develop, and the government of the Kingdom of Yugoslavia tried to meet German demands. The Slovenes had already resolved their political quarrels with Belgrade, so that only Serbo-Croatian relations remained unresolved. The Serbs knew that the Kingdom of Yugoslavia would disintegrate if there was a war on its territory, and that internal relations had not been resolved to the satisfaction of the most powerful peoples (Serbs, Croats and Slovenes). They had to give in to the Croats, which led to a mutual agreement six days before the German-Soviet invasion of Poland on September 1, 1939, which is taken as the beginning of World War II.

31 **Boban Ljubo**, *Sporazum Cvetković-Maček*, Institut društvenih nauka, Beograd, 1965.

32 **More on Bosniak movement on autonomy of Bosnia and Herzegovina from 1939 to 1941 in: Redžić Enver**, *Muslimansko autonomaštvo i 13. SS divizija, Autonomija Bosne i Hercegovine i Hitlerov Treći Rajh*, Svjetlost, Sarajevo, 1987, 9, 14, **Redžić**, *100 godina...*, pp. 63-65; 139-140; 143.

political resolution, adopted at the 1st Session of ZAVNOBiH on November 25, 1943 in Mrkonjić Grad and confirmed in Jajce four days later, proves how important the territorial integrity and equality of Bosnia and Herzegovina with other *countries* of the future Yugoslavia was to Bosniaks.<sup>33</sup>

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33 The Communists wanted to popularize their partisan movement by attracting Bosniaks. In order to win them over to this idea and thus separate them from the NDH, but also to deter them from their efforts to gain autonomy for Bosnia and Herzegovina under the German protectorate, they realized that they must guarantee its territorial integrity, equality with other members of future Yugoslavia and armed protection from Chetniks. Bosniaks have sought to achieve autonomy for Bosnia and Herzegovina in relation to Serbia and Croatia since the founding of the first Yugoslav state in 1918. If we compare the main theses of the resolution of the 1st session of ZAVNOBiH with the most important demands of Bosniak “autonomists”, we can clearly see great similarities and undoubtedly conclude that Bosniak autonomist demands influenced the resolution of the 1st session of ZAVNOBiH. In addition, it was clear to the Communists that Pavelić and his country were imposing themselves on Bosnian Muslims as a political entity that would prevent the division of their homeland. Bosnian Muslims did not mind sharing power over Bosnia and Herzegovina with the other two peoples, which they emphasized in their autonomist programs and demands, but did not want to be divided between Serbia and Croatia. Emphasizing the position in the resolution of the 1st session of ZAVNOBiH that Bosnia and Herzegovina *belongs neither to Serbs, nor Croats nor Muslims, but also to Serbs, Muslims and Croats*, was primarily a message to Bosniaks who at that time were looking for a solution other than the NDH from which they have been trying to break away for some time. There is more evidence of the correctness of this thesis, and these are the facts that only Bosniaks, as a nation as a whole, fought against the division of Bosnia and Herzegovina (the quoted part of the resolution emphasizes that this will not happen) and events with “13th SS Handjar Division” (13th Waffen-Gebirgs-Division der SS Handschar). This unit was formed in close connection with the Bosniak movement for the autonomy of Bosnia and Herzegovina under the German protectorate. Bosniaks sought support from the German state leadership in order to protect themselves from the Chetniks. They had to pay for it with the blood of their sons. The Germans asked them to form one SS division. Along with the activities related to its formation, the resolution of the 1st session of ZAVNOBiH was adopted. Members of the division were taken to a six-month training and organization in “Vichy” France. After returning to their homeland in just a few months, most of its members (at the end of 1944) joined the partisan movement. Why? For the same reason they went to “13th SS Handjar Division”, which is the autonomy of Bosnia and Herzegovina, the preservation of its territorial integrity and its own defense against the Chetniks. Germany lost the war, the Soviets entered Serbia, and the Communists offered the territorial integrity and equality of Bosnia and Herzegovina with other members of the Yugoslav federation through the resolution of the 1st session of ZAVNOBiH. Formation of “13th SS Handjar Division” was a clear signal to the communists that Bosniaks were turning away from the NDH and looking for other solutions. No fascism led them to “13th SS Handjar Division” than the effort to achieve the autonomy of Bosnia and Herzegovina and thus gain the conditions for the formation of its own military force for defense against the Chetniks. For that reason, there were no ideological obstacles for those “Handžarovci” who joined the partisans.

Socialist Yugoslavia lasted until the early 1990s, when it entered a crisis similar to that between the two world wars.<sup>34</sup>

Noticing the clear disintegration of Yugoslavia, Serbia - which, in fact, caused it - took over the Yugoslav People's Army (JNA) and launched an armed aggression on its parts that it wanted in a new "Greater Serbia".<sup>35</sup> The armed aggression on Bosnia and Herzegovina preceded political and legal preparation through the creation of a parastate creation of the "Serbian Republic of Bosnia and Herzegovina."<sup>36</sup> Its proclamation on January 9, 1992

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**More on Bosniak movement for autonomy from 1942 to 1943 and "13. SS Handzar Division" in: Redžić, *Muslimansko autonomaštvo...*, Svjetlost, Sarajevo, 1987. godine; Sulejmanpašić Zija, *13. SS divizija, "Handžar", Istine i laži*, KDB Preporod, Zagreb 2000 and Bernwald Zvonimir, *Povijest divizije "Handžar", Sjećanja i zapisi prevodioca u divizijskom štabu*, MONOS, Gračanica 2018. godine.** Certainly, an important reason for the communist decision from November 1943 to preserve the territorial integrity of Bosnia and Herzegovina was to prevent conflicts between Serbs and Croats over its division between Serbia and Croatia. But there is another important fact regarding the decisions of ZAVNOBiH and Bosniaks. The most important battlefield for the partisan resistance movement on the Yugoslav battlefield was Bosnia and Herzegovina as a whole. By the late autumn of 1943, the Serb and Croat populations were clearly committed to their support for the various, conflicting armies in Bosnia and Herzegovina, and the partisan resistance movement could not count on any major changes in their mood in their favor. The Serbs were already committed. Some of them supported the Chetniks, and some partisans. Croats were also committed. Like the Serbs, some Croats supported the Ustashas and some partisans. The only Bosniaks were undecided because they did not have their own "favorite" on the battlefield, although they tried to create it for their own protection, which did not go unnoticed by the communists. As such, they must have been very interesting to them because they could only expect more massive support from them at the end of 1943, on their most important battlefield on the Yugoslav battlefield. Getting Bosniaks in Bosnia and Herzegovina on their side was a sure political and military benefit. From the first days of their state, the Ustashas tried to win them over.

- 34 **Mesić Stjepan**, *Kako je srušena Jugoslavija*, Mislav Press, Zagreb, 1994; **Dizdarević Raif**, *Od smrti Tita do smrti Jugoslavije*, Svjetlost, Sarajevo, 2000; **Libal Michael**, *Njemačka politika i jugoslavenska kriza 1991.-1992.*, Golden marketing-Tehnička knjiga, Zagreb, 2004; **Bulatović**, *Pravila...*, 2005; **Jović Borisav**, *Od Gazimestana do Haga: vreme Slobodana Miloševića*, 2. dopunjeno izdanje, Metaphysica, Beograd, 2009; **Kadijević Veljko**, *Protiv udar, Moje viđenje raspada Jugoslavije*, AD Filip Višnjjić, Beograd, 2010.
- 35 **Zülch Tilman**, *Etničko čišćenje – Genocid za Veliku Srbiju*, Vijeće kongresa bošnjačkih intelektualaca-Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu-Bosanski kulturni centar, Sarajevo, 1996; **Cigar Norman**, *Genocid u Bosni: Politika "etničkog čišćenja"*, Bosanski kulturni centar-Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 1998.
- 36 "The Serb Republic of Bosnia and Herzegovina Proclaimed", *Javnost*, 11 January 1992, No. 63, p. 1. At the 5th session of the so-called "Assembly of the Serb People

is a completely illegal act because the then valid Constitution of the Socialist Republic of Bosnia and Herzegovina (SRBiH) did not allow it. In addition, it was proclaimed by an illegal body, the so-called “Assembly of the Serbian People in Bosnia and Herzegovina.” All actions that led to the proclamation of the “Serbian Republic of Bosnia and Herzegovina” are illegal.

The President of the Republic of Croatia, Franjo Tuđman, understood the solution to the Yugoslav crisis through a Serbo-Croatian political settlement at the expense of the territory of the Republic of Bosnia and Herzegovina. He believed that the territorial settlement in Bosnia and Herzegovina would satisfy the great-power appetites of the then Serbian leadership, which, according to his expectations, would prevent the Greater Serbia aggression against Croatia in a timely manner. He also wanted to take the opportunity to expand her territory. He recalled the Cvetković-Maček agreement sought in a new guise - and due to changed political, military and international circumstances in relation to the time of Dragiša Cvetković and Vladko Maček - to reach an agreement with Serbian President Slobodan Milošević. He suggested to Milošević the talks on the Serb-Croat division of Bosnia and Herzegovina. In the Republic of Bosnia and Herzegovina, he pursued his policy in the same way as Milošević, although, unlike him, he was much more limited. He completely imitated the Greater Serbia policy in such a way that he also formed his parastate community in Bosnia and Herzegovina with the much-needed institutions for the implementation of his greater state policy.<sup>37</sup> Transcripts from his meetings with his associates from Croatia and Bosnia and Herzegovina undoubtedly show that he followed the Serbian procedures for the disintegration and dissolution of Bosnia and Herzegovina.<sup>38</sup>

Given that the Serb aggression on Croatia in early 1991 was very certain that the Serbs had already gained control of the JNA, Tuđman was in a hurry to establish cooperation with Milošević in order to reach a settlement that would satisfy the interests of both sides and prevent their mutual an

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of Bosnia and Herzegovina” on 9 January 1992, *the Declaration on the Proclamation of the “Serb Republic of Bosnia and Herzegovina Herzegovina”* was adopted. The MP in that assembly, Milutin Najdanović, pointed out at the same session: *With today’s act, we are taking another step towards our vow that all Serbs live in one state ... If we were to create some kind of hierarchy of our goals, then without any doubt we should to be the establishment of a single state space from the territory where the majority of Serbs live. That must be our minimum...*” **Compare: Donia Robert, *Iz Skupštine Republike Srpske 1991-1996***, University Press, Sarajevo-Tuzla, 2012, pp. 26. The name “Srpska Republika Bosna i Hercegovina” was changed in August 1992 to “Republika Srpska.”

37 **Kliko, *Rat...***, 14-16, pp. 1062-1063.

38 **Kliko, *Rat...***, 14-16, pp. 1062-1063.

armed conflict for which he was not ready. He decided to sacrifice Bosnia and Herzegovina for peace between Serbs and Croats.<sup>39</sup> The first meeting was held on March 25, 1991 in Kardorđevo.<sup>40</sup>

Upon his return from Karadorđevo, Tuđman informed Dušan Bilandžić that he had reached an agreement in principle with Milošević on the partition of Bosnia and Herzegovina between Serbia and Croatia. According to Bilandžić, Tuđman wanted the borders of the Banovina of Croatia. Bilandžić confirms this with the fact that Tuđman praised the Cvetković-Maček agreement from 1939 as early as in 1964.<sup>41</sup>

Expert teams were formed to divide Bosnia and Herzegovina on both sides. The first meeting was held on April 10 in Tikveš (Baranja). They agreed to try to draw the dividing line between Bosnia and Herzegovina at the next meeting. After three days, they met again in Belgrade. Kosta Mihajlović from the Serbian team said that the common interests of Serbia and Croatia dictated the division of Bosnia and Herzegovina between them. According to him, the new border between Serbia and Croatia should have been set so that as many Serbs and Croats as possible were in their countries. Smilja Avramov from the Serbian team saw the main common danger for these two peoples in the *Muslims who*, allegedly, had already *connected with world Islam*. According to her, the area where they live is large - Bosnia and Herzegovina, Sandžak, Kosovo, Albania and Macedonia. She claimed that NATO estimated that

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39 The President of the Presidency of SRBiH, Alija Izetbegović, expressed a different position. After word spread about Serb-Croat talks on the division of his homeland between Serbia and Croatia, he said he would sacrifice peace for Bosnia and Herzegovina, but not Bosnia and Herzegovina for peace. Although this statement is often linked in Serbian and Croatian propaganda to his alleged belligerence, which should make him guilty of the war, it is only a response to Serbo-Croatian hints of the partition of Bosnia and Herzegovina. Tuđman and Milošević agreed to sacrifice Bosnia and Herzegovina for peace among their peoples, not caring about the fate of its majority population, and accused Izetbegovic of being to blame for the war because he did not share the same wishes with them.

40 **On meetig in Karadorđevo many authors, publicists, scientists and participants wrote: Silber Laura–Little Alain**, *Smrt Jugoslavije*, Beograd, 1996, pp. 110-111, 121, 179-180; **Minić Miloš**, *Dogovori u Karadorđevu o podeli Bosne i Hercegovine*, Sarajevo, 1998; **Hartmann Florence**, *Milošević: Dijagonala ludaka*, Rijeka-Zagreb, 2002, pp. 125-133; **Čekić**, *Agresija...*, Knjiga 2, pp. 942-949; **Bilandžić Dušan**, *Povijest izbliza, memoarski zapisi 1945-2005*, Zagreb, 2006; pp. 372-377; **Šehić Zijad**, *Smrt Socijalističke federativne republike Jugoslavije i bosanska tragedija*, Radovi Filozofskog fakulteta u Sarajevu, Knjiga XIV/1 (Historija, Historija umjetnosti, Arheologija), Sarajevo, 2010, pp. 281-321.

41 **Bilandžić**, *Povijest...*, pp. 372.

Balkan Muslims would be a bridgehead for Asia's penetration of Europe, which would therefore *welcome our attack on Muslims*. She said Bosnia and Herzegovina should be destroyed. Mihajlović warned that *Muslims* must not get a republic. He demanded the complete partition of Bosnia and Herzegovina. The Serbs were of the opinion that *the Serb municipalities* in Croatia were entering into the account for the division, which was met with disapproval by all members of the Croatian delegation. They came to Belgrade to trade Bosnia and Herzegovina, but not Croatia. Smilja Avramov stated that according to the direct agreement between Milošević and Tuđman, Bosanska Posavina was left to Serbs. Thus, Serbia would merge with the Bosnian Krajina, where a large number of Serbs lived. The Serbs proposed a population exchange.<sup>42</sup>

The third round of talks was held on April 20 in Zagreb. Mihajlović claimed that Bosnia and Herzegovina was created in the World War II, and *against Serbs and Croats*. He spoke of Turkey's alleged intention to settle four million of Muslims in Bosnia and Herzegovina. He further claimed that Bosnian Muslims intended to declare *the Jamahiriya* on 15 September. That is why, according to him, Bosnia and Herzegovina must be divided. As he expected, divided *Muslims* would suffer, but would emigrate to Turkey.<sup>43</sup>

Stjepan Mesić claimed that Milošević and Tuđman thought that by relocating the Bosnian population, they could divide Bosnia and Herzegovina. That is why Milošević formed the "Republika Srpska" (RS), and Tuđman the Croatian community in Bosnia and Herzegovina. According to Mesić's testimony before the Hague tribunal, the two agreed to "ethnic cleansing" and expand the borders of their republics at the expense of the territory of Bosnia and Herzegovina. In February 1991, Borisav Jović told Mesić that Serbia was not interested in Croatian Serbs, but in 66% of the territory of Bosnia and Herzegovina, *which they would take*. The following month, through Jović, Mesić organized Tuđman's first meeting with Milošević. Fifteen days later, Tuđman told him he would meet in Karađorđevo. He returned from Karađorđevo happy and with the verbal promise of General Veljko Kadijević that the JNA would not attack Croatia. Milošević agreed that Croatia would get the territory of the Banovina of Croatia from 1939 and, in addition, the Cazin region. Tuđman was delighted. He said Bosnia would have a hard time surviving. Mesić testified before The Hague tribunal that Tuđman claimed that the partition of Bosnia was *a historical necessity*.<sup>44</sup>

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42 **Ibid**, pp. 372-375.

43 **Ibid**, pp. 376.

44 "Yes, I will go to The Hague again!", *Feral Tribune*, Split, March 23, 1998, 36-37; "I bear much of the shame for the HDZ's erroneous moves - Secret testimony of protected

After the meeting with Milošević in Karađorđevo, Tuđman boasted to some confidential associates that Croatia would be *even bigger than it was under the Maček-Cvetković agreement*.<sup>45</sup>

Serbo-Croat talks on the partition of Bosnia and Herzegovina were conducted on two levels. Tuđman-Milošević was higher, and Radovan Karadžić-Mate Boban was lower.<sup>46</sup> The most important meeting of these lower two took place in Graz on May 6, 1992, after which Boban stated that there were no more unresolved issues between Bosnian Serbs and Croats.<sup>47</sup>

Tuđman's planning for the partition of Bosnia and Herzegovina with Milošević is eerily reminiscent of the secret protocol of the 1939 Molotov-Ribbentrop agreement, which dealt with the division of Poland between the Soviet Union and Hitler's Germany. The Soviets expected this agreement to prevent, or at least prolong, war with Germany.<sup>48</sup> The Germans and the Soviets also agreed to relocate the population to Poland. All Germans from the "Soviet part" of Poland were to be moved to the "German part", and all Russians from the "German part" to the "Soviet part". They planned to leave to the Poles a smaller part in the center of Poland to which the entire Polish population from the "Soviet part" and "German part" would be moved. That "Polish part" would be given the task of a "buffer zone" between Germany and the Soviet Union, just like *the land of Bosnia* between Serbs and Croats, which Tuđman intended to leave to Bosniaks. He tried, almost in detail, to make an identical settlement with the Serbs, expecting that it would prevent their aggression against Croatia, just as Stalin expected that the division of Poland with the Germans would at least prolong the war with them. In the years after the World War II, the Soviets tried to prove that the agreement with the Germans was only to gain time for quality preparations for their own defense. Tuđman's

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witness Stjepan Mesić before the court in The Hague in March 1998 (8)", *Slobodna Dalmacija*, Split, 13 December 2000, 9; "Orders of numerous HVO actions came from the headquarters of Croatia - Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (20)", *Slobodna Dalmacija*, Split, 27 December 2000, 9; "Izetbegović, Silajdžić and I tried to change Tuđman's attitude towards BiH - Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (22)", *Slobodna Dalmacija*, Split, December 29, 2000, pp. 9.

45 **Silber-Litl**, *Smrt...*, pp. 110-111.

46 **Agić Akif-Vele Faruk**, *Svjedoci zla, Živa knjiga, Agresija Hrvatske na BiH*, Štamparija Fojnica D.D, Gornji Vakuf, 2018, pp. 32-33

47 **Agić Akif-Vele Faruk**, *Svjedoci zla, Živa knjiga, Agresija Hrvatske na BiH*, Štamparija Fojnica D.D, Gornji Vakuf, 2018, pp. 32-33

48 Molotov was happy because of the agreement with Germany as was Tuđman after the talks with Milošević in Karađorđevo. Both (Molotov and Tuđman) believed that they reached agreement that would protect their countries from aggression.

associates also claimed this for his agreement with Milošević. When they jointly occupied Poland, the Germans and the Soviets relocated the Russian and German populations, and killed the Poles and expelled them to a certain “land of Poland.” This was done by the armies of Bosnian Serbs and Bosnian Croats with Bosniaks.<sup>49</sup> Tuđman often explained to his associates that in the 20th century there was nothing new about the division of other states between neighboring, and more powerful, and the relocation of the population, which was true.<sup>50</sup> Another interesting link between Poland in the 1930s and Bosnia and Herzegovina half a century later is the propaganda about the high birth rate of the Polish and Bosniak population. The Nazis accused Poles of having too high a birth rate in East Prussia, an area that belonged to the Polish state under the Treaty of Versailles. They interpreted this as the alleged plan of the Poles to achieve demographic dominance over the Germans whose birth rate was low. German scientists even made estimates that in East Prussia the Poles would demographically “overwhelm” the Germans in a short time. In addition to scientists, German propaganda and cinematography were involved in this propaganda. In Nazi propaganda, before the beginning of the Second World War, Poles were presented as intruders and barbaric people. Serbo-Croat propaganda, in a very similar way, created a false image of the alleged Bosniak hypernatality, which aimed to make Serbs and Croats majoritarian, and turn Bosnia and Herzegovina into *the jamahiriya*. Bosniaks were often

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49 The Soviet-German agreement is no secret. After him, Hitler invaded the Soviet Union. No one disputes the agreement or the German attack. Perhaps there is an answer to the question if Tuđman and Milošević had a non-aggression agreement, then why did the Serbs carry out aggression against Croatia. Hitler and Stalin also had it. In 1938, British Prime Minister Neville Chamberlain signed an agreement with Hitler in Munich allowing Germany to annex part of Czechoslovakia. He returned satisfied to London. At the airport, he triumphantly waved the paper on which the Munich Agreement was signed and claimed that it would preserve *peace for our new generation*. However, this agreement did not prevent the war waged by Germany a year later, which brought so much destruction and material and human losses to Great Britain that British *future generations* will remember it for a long time to come. Japanese and Americans conducted negotiations on the day of the Japanese attack on Pearl Harbor and, according to American expectations, were close to reaching an agreement. That is why they treated the Japanese attack as a betrayal. So, asking the question why Serbia carried out aggression against Croatia, if there was their mutual agreement, makes no sense because in the past there are many examples that give an answer.

50 Pet dana nakon susreta Karadžića i Bobana u Gracu, *Washington Post* je, komentirajući taj susret, podsjetio na pakt Hitlera i Staljina uoči Drugog svjetskog rata o podjeli Poljske, ističući da su na sastanku bili zastupnici Tuđmana i Miloševića (kao što su Molotov i Ribbentrop zastupali Staljina i Hitlera 1939. godine) i kvalificirajući samoproglašenu “Saveznu Republiku Jugoslaviju” (SRJ) i Hrvatsku kao razbojničke države. **Compare: Begić Kasim**, *Bosna i Hercegovina od Vanceove misije do Daytonskog sporazuma*, Sarajevo, 1997, 93, nap 12.

called Asians and Turks, a people of non-European and backward civilization, and Bosnia and Herzegovina was “scientifically” proven to be a Serbian or Croatian country occupied by Asian newcomers during the “Turkish invasion”. Apart from Bosniaks, Serbian propaganda dealt with Kosovo Albanians in the same way.

### **The formation of the “Serbian Republic of Bosnia and Herzegovina”**

In the spring of 1991, the Serbian Democratic Party (SDS) began uniting in the so-called “communities of municipalities” those municipalities in which it had won power in elections a few months earlier. The Republic Constitution allowed the association of several municipalities into “communities of municipalities”, but not on the basis of ethnic or political criteria, as the SDS did, but exclusively for economic, industrial, health and similar reasons. In municipalities where it did not win the elections, the SDS singled out local communities, or parts of them, with a majority Serb population, declaring them “Serb local communities”, and uniting them in so-called “Serb municipalities” - which was also illegal - and united them into “communities of municipalities” which received the prefix “Serbian”. The SDS soon took another illegal step by merging “communities of Serb municipalities” into so-called “Serb Autonomous Regions”, which it merged on January 9, 1992, into the so-called “Serb Republic of Bosnia and Herzegovina.”<sup>51</sup> Prior to that, the SDS organized the so-called “plebiscite of the Serbian people”, which was also illegal. The purpose of that plebiscite was to try to ensure legitimacy and legality for the decision to declare the “Serbian Republic of Bosnia and Herzegovina” so that the imminent Greater Serbia aggression on Bosnia and Herzegovina would be portrayed as a civil war.<sup>52</sup> Thus, all the actions and bodies that led to the proclamation of this parastate were illegal. Decisions on conducting the plebiscite and the referendum could be made only by the Assembly of the Socialist Republic of Bosnia and Herzegovina.

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51 **Kliko Amir**, *Rat u srednjoj Bosni 1992-1994. godine*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2019, pp. 56.

52 **More on the plebiscite in: ICTY**, Case IT-94-1-T, *Opinion and Judgment, Prosecutor v. Duško Tadić*, 7 May 1997, para. 99; **Čekić Smail**, *Aggression Aggression in RBiH: planning, preparation, execution*; **Čekić Smail**, *Agresija na RBiH: planiranje, priprema, izvođenje*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, knjiga 1, Sarajevo, 2004, pp. 517-518; **Kliko Amir-Čuskić Fikret**, *17. Viteška Krajiška brdska brigada ARBiH*, Institut za istoriju Univerziteta u Sarajevu-Udruženje „17. VKbbr“ Ključ, Sarajevo, 2010, pp. 13; **Košuta Zilha**, *Politička i vojna dešavanja u gradu Mostaru u periodu od 1992. do 1995. godine*, Manuscript of the doctoral dissertation defended at the Faculty of Philosophy, University of Sarajevo in 2018, pp. 33.

This illegal act happened in order to enable the execution of the most important action that the SDS intended to do in Bosnia and Herzegovina. Judgments of international courts dealing with Bosnia and Herzegovina have characterized the act as genocide.<sup>53</sup> In order for it to take place, a parastatal organization had to be built to form, finance, provide logistics and manage the institutions necessary to commit genocide. The army of the “Serbian Republic of Bosnia and Herzegovina” and its Ministry of Internal Affairs could not be formed without a parastate organization or other institutions needed to realize a complex plan such as genocide.

The founders of the “Serbian Republic of Bosnia and Herzegovina” imagined this parastate as predominantly Serb in all its segments, which is confirmed by its name.<sup>54</sup> Until the summer of 1992, a large number of Bosniaks and Croats lived in its imaginary territory, and in some areas as the majority.<sup>55</sup> That is why genocide was a necessary way to achieve Serbian domination in such a “Serbian Republic of Bosnia and Herzegovina.” It was not a spontaneous and uncontrolled occurrence of war, but a well-designed plan that could not be implemented without institutions - primarily military and police - which, on the other hand, could not exist without a parastatal organization.

There was another important reason for the formation of the “Serbian Republic of Bosnia and Herzegovina”, and that was the cover-up of the Serbian-Montenegrin aggression against the Republic of Bosnia and Herzegovina. Through the “Serbian Republic of Bosnia and Herzegovina”, Serbia, in cooperation with Montenegro, carried out aggression against the Republic of Bosnia and Herzegovina and genocide against Bosniaks and Croats.<sup>56</sup> The genocide against these peoples is not a consequence of the

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53 For the crime of genocide before domestic and international courts, the following were sentenced to long and life imprisonment: Radovan Karadžić, Ratko Mladić, Zdravko Tolimir, Radislav Krstić, Drago Nikolić, Ljubiša Beara, Vujadin Popović, Milorad Trbić, Radomir Vuković, Novislav Đajić, Nikola Jorgić and others.

54 **Republika Srpska**, Official Gazette, *Decision on strategic goals of people in BiH*, November 26, 1993.

55 **Gelo Jakov et al.**, *Stanovništvo Bosne i Hercegovine: narodnosni sastav po naseljima*, Državni zavod za statistiku, Zagreb, 1995.

56 **Čekić**, *Agresija...*, Knjiga 1, 2004. The Hague Tribunal found that there was an international armed conflict between the Republic of Bosnia and Herzegovina and the “Federal Republic of Yugoslavia” (Serbia and Montenegro) in the following proceedings: 1. Prosecutor v. Tadić a) Trial Judgment (Trial Judgment), 7 May 1997 b) Judgment of the Appeals Chamber (Appeal Judgment) 15 July 1999 c) Separate and dissenting opinion of Judge McDonald in the Tadić Trial Judgment, 7 May 1997, d) Separate opinion of Judge Shahabudden in the Tadić Appeals Judgment, 15 July 1999 2. Prosecutor v. Delalić et

Greater Serbia aggression against the Republic of Bosnia and Herzegovina but vice versa. The purpose of the Greater Serbia aggression, in addition to conquering the territory, was also genocide, because without it the conquered territory could not be retained due to its demographic structure. For all that, and in order for Serbia to protect itself before international institutions from the legal consequences of its aggression against another state - from April 1992 internationally recognized - and a consequence of the genocide, it needed the formation of the “Serbian Republic of Bosnia and Herzegovina.” In this way, Serbia is deceiving the world that a civil war was being led in the Republic of Bosnia and Herzegovina, with which it had nothing to do. Apart from the legal consequences of the aggression and genocide, there was a real threat of military intervention.

### **The formation of the “Croatian Community Herzeg-Bosnia”**

Representatives of the HDZ from several municipalities in Bosnia and Herzegovina made a decision on November 18, 1991 in Grude to establish the so-called “Croatian Community of Herzeg-Bosna” (HZHB) as a political, cultural, economic and regional entity.<sup>57</sup>

The founders of the community in its founding act expressed loyalty to the republican government *while the state independence of Bosnia and Herzegovina in relation to the former or any future Yugoslavia exists*. This means that, if Bosnia and Herzegovina decides to stay in Yugoslavia, the community would secede territorially. Already at the founding of the community, it took for itself the right to rise above the state power, which can be seen from Article 6, in which the founders emphasized that it would respect all valid international acts. This obligation can only be accepted by states, not communities as envisaged by Article 1 of the HZHB.<sup>58</sup>

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al.: A) Trial Judgment (Trial Judgment) 16 November 1998 b) Appeal Judgment (Appeal Judgment) 20 February 2001 The international armed conflict was also established by the judgments in Germany: a) Supreme Court of Bavaria in State Prosecutor v. Novislav (Njegoslav) Đajić, Judgment of 23 May 1997 b) Oberlandesgericht in Düsseldorf in Jorgić, Judgment of 26 September 1997 and in the ICTY Process - Prosecutor v. Slobodan Milošević - Decision on Motion for Acquittal, 16 June 2004 **in: Mastalić Zilha, Zločini nad djecom u Sarajevu u vrijeme opsade 1992. -1995.**, Manuscript of the master’s thesis defended at the Faculty of Philosophy, University of Sarajevo, March 14, 2012.

57 **ICTY**, Herzegovina Regional Community-Travnik Regional Community, *Conclusions of the Joint Meeting of the Herzegovina Regional Community and the Travnik Regional Community*, Grude, 12 November 1991 (**ICTY**: 00602402, Case: Blaškić and Kordić)

58 **Kliko, Rat...**, pp. 59.

That the community would opt for the division of Bosnia and Herzegovina was clear from the conclusion in its founding act, which stated that Bosnian Croats would support the sovereignty of Bosnia and Herzegovina until others began to divide it. It was not emphasized that they would fight the division but it was suggested that they would join it after others started it. The founders of HZHB, as a justification for their actions, then explained that the Serbs were in an advanced stage of disintegration of Bosnia and Herzegovina. The founders of HZHB and their mentor from Zagreb, like the Bosnian Serbs, wanted the division of Bosnia and Herzegovina, but did not want to be the first to start it.<sup>59</sup>

There was a very specific reason for that. Croatia was already in a problem that awaited Bosnia and Herzegovina. Croatian Serbs wanted the division of Croatia. If the Croats of Bosnia and Herzegovina, at the urging of Zagreb, were the first to begin the partition of Bosnia and Herzegovina, then Croatia would lose the support of the international community in its efforts to preserve its territorial integrity and gain international recognition. At the time of the founding of HZ-HB, Croatia was not internationally recognized as an independent state. In the event that responsibility for the partition of Bosnia and Herzegovina falls on Bosnian Croats, this would allow Croatian Serbs to legitimize their demands in Croatia, which would make its international recognition within the “AVNOJ borders” more difficult. In this sense, the Serb uprising in Croatia has to some extent preserved the territorial integrity of Bosnia and Herzegovina by preventing Croatia and its political puppets

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59 **Ibid**, pp. 60. “The Croatian Community of Herceg Bosna” was established with the aim of completing a certain ethnic entity, with clear visions of territorial aspirations explained through the interests of Croats in Bosnia and Herzegovina. In the founding act of HZ-HB, Article 7 deals with the establishment of the Presidency of HZ-HB, as the supremacy of the Community, which is composed of representatives of the Croatian people in municipal authorities (*first in office*) or municipal presidents of HDZ. The decision emphasized: *We Croats of Bosnia and Herzegovina, through our HDZ party, through our elected representatives of the authorities in this Republic, advocated for a sovereign BiH, but we always emphasized that we will do so until others begin to divide Bosnia and Herzegovina.* (This refers to the so-called Serbian autonomous regions and the Serbs who, as they say, are the first to divide Bosnia and Herzegovina (*Serbs create the so-called SAO Krajina, destroy BiH, attack our centuries-old Croatian territory*), knowingly manipulating the truth about earlier plans to divide Bosnia and Herzegovina by Tuđman, and continue to face the danger that threatens our people and the integrity of our historical and ethnic areas, we elected representatives of the Croatian people in BiH, aware of their historical responsibility in defending Croatian ethnic and historical areas and the Croatian people in BiH, establish Croatian community Herceg-Bosnać. **In: Košuta, Politička...**, pp. 42.

in Bosnia and Herzegovina from approaching its division more directly, decisively and openly. Knin tied at least one hand of Franjo Tuđman.<sup>60</sup>

At the meeting of the HDZ BiH delegation with Tuđman, MP Perica Jurić informed the MPs about the fact that Karadžić, after learning that the “Croatian Community of Herzeg-Bosna” was founded, *paid for dinner to a circle of 20 people out of happiness*.<sup>61</sup>

On the other hand, Tuđman, with his associates from Croatia and Bosnia and Herzegovina, was satisfied with the proclamation of the “Serbian Republic of Bosnia and Herzegovina”. The day before, on January 8, 1992, members of the Presidency of the then still Socialist Republic of Bosnia and Herzegovina, Nikola Koljević and Franjo Boras, visited him in Zagreb. They talked with him and his associates about the ways of joint action in the direction of breaking up Bosnia and Herzegovina with the aim of its territorial division between Serbs and Croats. At the meeting, Tuđman was in a great mood because of the expected proclamation of the “Serbian Republic of Bosnia and Herzegovina” because that act created an excellent opportunity for him to act in the direction of dividing Bosnia and Herzegovina and appropriating a significant part of it to Croatia.<sup>62</sup>

The “Croatian community of Herzeg-Bosna” carried out the same criminal practice on the ground as the “Republika Srpska”, and often cooperated when their common interests against Bosnia and Herzegovina coincided.<sup>63</sup> This was confirmed by the verdict of the Hague Tribunal for a joint criminal enterprise to the leadership of HZ HB.<sup>64</sup>

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60 **Kliko**, *Rat...*, pp. 60.

61 **Lucić**, *Stenogrami*, Knjiga 1, 113; **Košuta**, *Politička...*, pp. 40.

62 **Lucić**, *Stenogrami*, Knjiga 1, pp. 132-133, **Kliko**, *Rat...*, pp. 79-88. At the meeting, Koljević stated that *an independent Bosnia does not suit Serbs at all* because, like the Croatian people, it puts them in a situation *where they are separated from their homeland*. He believed that if Bosnia and Herzegovina gained independence, *the situation for both the Croatian and Serbian people was sealed*, that is, *it was in the hands of some others*. Koljević goes on to say: *It is no longer in our hands ... we have tried to offer, instead of denying sovereignty, excess sovereignty. Let it be a sovereign Muslim and a sovereign Serbian Bosnia and a sovereign Croatian Bosnia. So let it be a sovereign state of sovereign peoples...* In: **Košuta**, *Politička...*, pp. 82.

63 **Kliko**, *Rat...*, pp. 630-634, 639, 645, 652, 660-662, 744-759, 786, 788-789, 791-794, 772-778 i dr.; **Košuta**, *Politička...*, pp. 39, 68, 129-131, 147, 290-291, 289, 299, 308, 319, 374, 377, 379, i dr.

64 **Kliko**, *Rat...*, pp. 630-634, 639, 645, 652, 660-662, 744-759, 786, 788-789, 791-794, 772-778 i dr.; **Košuta**, *Politička...*, pp. 39, 68, 129-131, 147, 290-291, 289, 299, 308, 319, 374, 377, 379, i dr.

Mesić claims that Tuđman was impressed by Milošević's war successes in Bosnia and Herzegovina and became convinced that it could not survive. He thought that the part where Croats lived could be structured as Croatian territory that would be annexed to Croatia after a while and that *small Bosnia* would be *Muslim*.<sup>65</sup>

Fearing that his undisguised aggressive policy towards Bosnia and Herzegovina and Bosniaks, as its fundamental people, would legitimize Serb separatist activities in Croatia before the international community, Tuđman had to be very careful. He therefore sought to convince the international community that Bosnia and Herzegovina, as a common state of Bosniaks, Serbs and Croats, was impossible for it to approve of its partition. To achieve this, and not be accused of endangering Bosnia and Herzegovina, which put the world in danger of recognizing the Serbian right to a part of Croatia, Tuđman secretly supported the separatism of Bosnian Serbs and prepared Bosnian Croats to do the same. As a justification for Croatian separatism in Bosnia and Herzegovina, he used the fact that Serbs had seriously threatened its survival, and that its state leadership was allegedly incapable of preventing

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65 "Tuđman and Milošević agreed on the partition of BiH and ethnic cleansing-Integral testimony of Stjepan Mesić before the Hague Tribunal on 19 April 1997 (2)", *Slobodna Dalmacija*, Split, 28 November 2000, p. 7; "The Hague Transcripts: The Integral Testimony of Stjepan Mesić before the Hague Tribunal on 19 April 1997", *Slobodna Dalmacija*, Split, 30 November 2000, p. 9; "Tuđman Pities Izetbegović-Secret Testimony of Protected Witness Stjepan Mesić before the Court in The Hague in March 1998 (3)", *Slobodna Dalmacija*, Split, 8 December 2000, p. 3; "Who was supposed to kill Kordić - Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (4)", *Slobodna Dalmacija*, Split, 9 December 2000, p. 5; "Vukojević and Sokol prepared the Herceg-Bosna-Secret Testimony of Protected Witness Stjepan Mesić before the court in The Hague in March 1998 (5)", *Slobodna Dalmacija*, Split, 10 December 2000, p. 4; "Tuđman believed that part of BiH belonged to Croatia after the break-up - Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (11)", *Slobodna Dalmacija*, Split, 16 December 2000, p. 9; "According to Tuđman, Bosnia is 1945 had to be annexed to Croatia-Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (13)", *Slobodna Dalmacija*, Split, 18 December 2000, p. 9; "Lord Owen encouraged the disintegration of BiH and I do not intend to forgive him - Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (15)", *Slobodna Dalmacija*, Split, 20 December 2000, p. 9; "Đapčić's pro-fascist party is a coalition partner of Tuđman-Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (18)", *Slobodna Dalmacija*, Split, 23 December 2000, p. 9;" Orders of numerous HVO actions came from the headquarters of Croatia- Secret testimony of protected witness Stjepan Mesić before the court in The Hague in March 1998 (20)", *Slobodna Dalmacija*, Split, 27 December 2000, p. 9.

it, and fabricated that Bosniaks were creating an Islamic state.<sup>66</sup> However, he had to take care that Bosnian Croats did not overtake Bosnian Serbs in their separatism but to follow them to convince the world that they were forced to do so because of their biological survival, and to eliminate the danger of the international community applying the same principles in Croatia, i.e. to allow Croatian Serbs to secede a significant part of it.<sup>67</sup>

## Conclusion

Bosnia and Herzegovina has been in the political plans for the territorial expansion of all its neighboring states since the first half of the 19th century. Until 1878, it was part of the declining Ottoman Empire. Due to this visible weakness, the great European powers forced it to hand over the administration of Bosnia and Herzegovina to Austria-Hungary. The inability of the Ottoman Empire during the First Balkan War in 1912 to preserve its territory and the criminal behavior of Orthodox armies towards the unprotected Muslim population in the Balkans (armies of Serbia, Montenegro, Bulgaria and Greece) proved the Austro-Hungarian occupation useful for Bosnia and Herzegovina and Bosniaks. However, the Austro-Hungarian rule over it did not last long, so in 1918 it found itself completely unprotected from the Serbian army.

During the 19th and the beginning of the 20th century, the Serbian state was created and developed, which from its beginnings pursued a very aggressive policy of territorial expansion in all geographical directions. She was most interested in the territories of the Ottoman Empire because they seemed to be the most easily conquered. Bosnia and Herzegovina was among them. Thanks to its occupation by Austro-Hungary in 1878, Serbia was prevented from conquering it militarily, but that is why it dealt with the rest of the Ottoman territory in the Balkans. However, it has not given up on plans to expand its territory to Bosnia and Herzegovina. It became its most important strategic goal after the Balkan wars. The terrorist act of assassinating the heir to the Austro-Hungarian throne, Franz Ferdinand, is closely linked to these plans because it was organized by the Kingdom of Serbia.

The Croatian state was formed in different conditions from the Serbian and Montenegrin ones, and, in fact, it did not even exist until the end of the First World War when Croats and Slovenes formed a joint “State of Slovenes, Croats and Serbs” with Slovenia, Croatia, Bosnia and Herzegovina and

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66 **Kliko**, *Rat...*, 15, pp. 1062-1063.

67 **Kliko**, *Rat...*, 15, pp. 1062-1063.

Vojvodina. That “state” was a parastate on the territory of the still existing Austro-Hungary. The Austro-Hungarian collapse in 1918 did not bring it happiness because the Kingdom of Serbia occupied it militarily. The “State of Slovenes, Croats and Serbs” was forced to “unite” with the Kingdom of Serbia into the Kingdom of Serbs, Croats and Slovenes. Shortly before that, Vojvodina had already joined the Kingdom of Serbia. However, from the beginning of the idea for the formation of the Croatian state, its ideologues imagined Bosnia and Herzegovina as part of it. This could not be achieved - first due to the Austro-Hungarian rule over Croatia until 1918 and then Serbian military and political supremacy - until 1941, when the Croats managed to form their first “independent” state. It was certainly very dependent on Germany, but it formally enjoyed independence which they were proud of in their official name as well. Apart from Germany and Serbia, it was recognized by all other fascist governments in Europe, and it can be claimed that it also had some international recognition.

Since the Austro-Hungarian occupation, Bosniaks have fought to preserve the territorial integrity of Bosnia and Herzegovina. It was not divided between imperial Austria and royal Hungary, although the territory of their common monarchy was clearly divided between them. It did not even belong to one of those two components. It was not *united* with Croatia either, although Croatian politicians in Croatia and Bosnia and Herzegovina have tried to do so. Until 1929, thanks to the Bosniaks, it preserved its territorial integrity. The most difficult period of its territorial survival before 1992 came with the Cvetković-Maček agreement, when it was divided between the Banovina of Croatia and the planned “Banovina of Serbian land”. With the German occupation of Yugoslavia and the formation of the Independent State of Croatia in April 1941, the Cvetković-Maček agreement became irrelevant.

The partisan movement of resistance to the fascist occupation completely changed the structure and organization of the “new Yugoslavia” in relation to the “old one.” Bosnia and Herzegovina restored its statehood and gained full equality with other *countries* in the Yugoslav federation. This important legal act enabled it to gain state independence half a century later when Yugoslavia was no longer sustainable. The then political leaders of Serbia and Croatia were not satisfied with that, and tried to redistribute it in a similar way as Dragiša Cvetković and Vladko Maček did. For that purpose, they formed their parastates in Bosnia and Herzegovina, through which they carried out armed aggression against it and genocides against Bosniaks due to their opposition to the division of Bosnia and Herzegovina.

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**FASCIZATION OF RELIGION  
AS BETRAYAL OF FAITH  
Psychopathology of ethno-politicization  
of the Serbian Orthodox Church**

**Summary**

The text starts from the experiential observation that, sometimes even some religions, with their national-fascist coquetry, betray the Faith and its moral postulates. That is, on the other hand, it is a question of defining fascism as a “philosophy of political monism” which derives its views from a single, for political purposes, life-humane principle. In this sense, the text considers any speech or action of exclusivity fascist, regardless of whether they find their support in religion, nation, race or skin color. That is, any other ideology of social one-sidedness that does not recognize and attack the Other and otherwise. Given the relationship between religion and fascism, historical experience shows that every fascism is religious: neither has religions resistant to fascism, nor does fascism choose religion. At the regional level, as the bloody war experience of the Greater Serbia aggression of the 1990s shows, the pathological process of fascism of religion has deeply affected the ethno-ideological strata of the “heavenly people” and some high-ranking officials of the Serbian Orthodox Church.

**Key words:** religion, faith, fascism, categorical imperative, patriarch, criminals, rape, genocide, Srebrenica

*Because a lot has changed in the psyche and so on  
the character structure of the Serbian people and its church,  
from 1918 until today,  
there should be no convincing and justifiable reasons  
for the appearance of intolerant or fanatical  
fundamentalist aspirations within Serbian Orthodoxy,  
towards other peoples and religions.*

*However, such aspirations have emerged,  
sometime around 1989.  
First directly manifested in the press,*

*smaller and larger publications,  
and then on radio and television, with a tendency  
to end tragically.*

Vladeta Jerotić, academician, orthodox psychiatrist

Since many things have changed in the psychological and character of the Serbian people and its church, from 1918 to today, there should be no compelling and reasonable grounds for the emergence of bigotry or fanatical fundamentalist aspirations within the Serbian Orthodox Church, according to other peoples and religions. However, such pursuits did appear, sometime around 1989. First, it manifests directly in printed, smaller and veiled publications, and then on radio and television, with the tendency to end tragically.

It ended just like that - tragically.<sup>1\*</sup>

So, in the way that academician Jerotić *predicts*, and Milorad Dodik *post festum* (2007) briefly and clearly confirms: “I know perfectly well what happened. There was genocide in Srebrenica. That was ruled by the court in The Hague, and that is an indisputable legal fact.”<sup>2</sup> Today, of course, he denies it in vain, subsequently and servilely fitting the irrationality of the spontaneous ethno-politicking that has lost all connection with reason and the civilizational currents of the world, confirming in the worst possible way all those Camusian doubts about the immorality of our politics.

Namely, philosophically and humanly concerned, Camus asks “whether in the last three hundred years one can find an encouraging strengthening of the forces of reason over the elements, freedom over violence, justice over crime, or to what extent moralistic thought affects the essence of political practice.”<sup>3</sup> Of course, the contextual rhetoric of Camus’s question makes any answer superfluous, having in mind the Serbian great-power policy and its quasi religious, more precisely, religious predicate.

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1 The text was created by compilation, combination, reworking, refinement and minor changes, several own writings, interviews, lectures and publications (both in BiH and abroad), against the background of reinterpretation and attempts to understand the daily political instrumentalization of religion, its practical treachery and ethno-militant functionalizations in the context of genocidal, Greater Serbia aggression on the ex-Yugoslav region. To Bosnia in particular.

2 <https://www.6yka.com/novosti/izjave-milorada-dodika-o-srebrenici-od-genocida-donajveceg-udarca-srpstvu>

3 Nikola Kovač, *Sukob bića i ideala*, Sarajevo, 1975, pp. 145.

In short, the regional experiences of the Greater Serbia clerical-fascist aggression, which has lasted in various ways for three decades, detect and witness the religious betrayal of the Faith, which, in its fascist, great-power, ethno-politicized performance, is doctrinally led and practically carried out by the Serbian Orthodox Church (SOC).

How is that possible?

And why?

Logically, religion would be only an external-practical expression of Faith. As the outer face of faith, religion is only one way or means of coming to God. And the way and the manner to come to God cannot and must not be more important than God himself. However, the exact opposite is happening. That is, in the context of regional political circumstances and troubles, religion becomes an ethno-instrumentalized expression of Faith more important than itself. By placing the ideological and (Chetniki) ethnic above the religious, and above the human, the Serbian Orthodox Church practically abandons the essence of the Faith and its axiomatic foundations. As ethno-ideologized and daily-politicized, religion ceases to be Faith and becomes, covertly, or psychologically speaking - unconscious non-faith. In this value-perverted sense, religion, placing itself above itself, practically betrays the Faith. True, and principled-axiological, Faith should be above religion; more important than its rituals and pragmas of ideologically dictated daily political calculations. Experience shows that the consciousness of the average man, under the pressure of politicized religious ecstasy, is incapable of rationally resisting the deliberately orchestrated and ideologically well-marketed Call of Differences: a submissively instrumentalized, ethno-infected, and daily politically colored religion finally suppresses God's religion.

And what's going on?

Functionalized as a fact of church power, in its irrational ethno-love and violence in the name of Faith, religion only conceals the obscure ungodliness of its own aggressive actions against members of other religions, and even churches of the same religion, as happened on the streets of Montenegro (2020) under the leadership of Metropolitan Amfilohije and the SOC flags. The violent, street-threatening authentication of Srpska, and against the Montenegrin Church, has objectively grown into an act of betrayal of the fundamental prerogatives of peace that Faith not only preaches, but also imperatively orders. Therefore, any practice of violence in the name of religion means a real rejection of the Faith and betrayal of God. The justifying

story for the purpose of legitimizing such orchestrated threatening activities is only a mere rationalization of that betrayal. Because, God and violence in the name of God, do not go together.

Where this still happens, we are dealing with a false, pseudo-Faith, i.e. with an ideologized religion that, in the name of the mundane-daily, abandons the transcendent, and with it the basic religious postulates. As the highest, only, and at the same time, common value of Faith, God should be above all. No earthly (ideological, ethnic, political, religious, ecclesiastical, etc.) pragma (the question of the property of the SOC, for example) can justify actions carried out contrary to the peaceful principles of the Faith and the imperatives of God's commandments: *do not kill; don't steal, don't testify falsely...*

How then to understand the fact that all this has happened and is happening in our area: One kills! One steals! One gives false testimony. Crimes are justified! Bless the criminals! Abnormal becomes normal. Normal abnormal. Translated into the language of the unconscious, i.e. in the language of Freudian interpreted rationalization, it means the following: We (SOC) are a pattern of faith. We are the only truth. They are the difference. Therefore, any difference from us is a departure from the truth. And any departure from the truth is - betrayal. In a religious sense, betrayal of God. Ergo: we must fight against betrayal and traitors.

In this way, the politicized, large-scale orthodox elitism, in the crisis periods of a society, over time, from the initial, verbal-benign, passes into a malignant phase of the literal - physical struggle. In the end, it all ends with the seduced followers, manipulated victims of unnecessary religious conflict, ending up as biological waste on the periphery of the anti-civilization, ideological-religious and daily-political landfill. The noisy and unnecessary quarrel of the ideologues of religious communities finally dies down in the silence of their national cemeteries (Đ. Šušnjić). Here is the work for science, which, with the help of modern psychiatry, defending the Faith from religious uses and ethno-ideological abuses, detects and clearly distinguishes normal from abnormal religiosity which (with some exceptions) is nurtured by the top of the Serbian Orthodox Church.

What is it about?

Faced with this experience, the Swiss psychiatrist *Carl Gustav Jung* (C.G. Jung) describes various forms of this neurotic religiosity as "illegal access to religion". And that means that, in the projective plane of self-defense, a frustrated individual (Metropolitan Amfilohije, for example)

unconsciously translates his neurotic behavior into religious ideals. In that way, he justifies his personal frustrations and public misdeeds with religious motives, thus hiding the real reasons for his religiously unacceptable attitude: “Amfilohije Radović’s rhetoric is very worrying both in the election campaign and after the victory of the opposition.” On various occasions, he announced the continuation of the expansion of the world and the annulment of the anti-fascist achievements on which contemporary, modern, multinational and multi-confessional Montenegro is based. The priority is to annul the Montenegrin identity.”<sup>4</sup> More precisely, in the inability to publicly advocate some of his socially unacceptable ideas, the individual pursues it under the pretext of the religious virtue of modesty or humility. However, being apparent and false, far from any ability to love and love Man, such modesty is unmasked at the first opportunity by eruptive release of repressed aggression or another form (e.g. street), demonstrating real or only symbolic symptomatic force towards the Other and the other.

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There is something in every man that to some extent prevents him from becoming completely transparent to himself; and this may be the case to such an extent, it may be entangled in the circumstances of life which lie beyond him, in such an inexplicable way that it can hardly be revealed; but he who cannot reveal himself cannot love, and he who cannot love is the most unhappy of them all (S. Kierkegaard).

Source: Kasim Prohić, *Hrestomatija etičkih tekstova*, Sarajevo, 1978, pp. 40

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In times of crisis in society (such as war), when the constraints of the law abruptly loosen, invoking religion becomes an ideal public excuse for crimes and the legalization of personal aggression and repressed hatred of neurotic believers. This is the moment when their supposed religion “legally” turns its back on the Faith to which it is invoked daily and emphatically. We understand such an average individual, a member of the masses to some extent (psychologically-psychiatrically). But how to understand the silence of religious institutions and religious authorities that envelops the insanity and genocide in Srebrenica committed in the name of the Faith? And a public, stadium-transparent glorification with the open threat of its repetition:

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4 <https://www.slobodnaevropa.org/a/most-crna-gora-promjene-amfilohije/30835128.html>

*Nož, žica, Srebrenica*

*Oj, Pazaru novi Vukovaru  
A Sjenice, nova Srebrenice*

*(Knife, wire, Srebrenica*

*Oh, Pazar new Vukovar  
And Sjenica, the new Srebrenica)*

Or even further:

If God is the supreme law of Faith (and He is); and if God in his absolute perfection, “sees all, hears all and knows all,” what about the Faith of those believers who - in spite of what they themselves, at Masses or excathedra, preach – behave as to deny by their own deeds all that they publicly speak. And who, despite the hell they systematically use to fear others, behave themselves “as if death were an unverified rumor” (A. Huksley).

They (as if) forget in vain that Faith is not, nor should it be, a justification for individual or collective arbitrariness. Quite the opposite: Faith should be an ethical corrective to any and anyone’s arbitrariness and insatiability. Even those that have been conducted for decades, openly or sophisticatedly, by the Serbian Orthodox Church and its leaders. Because, strictly logically speaking, the moral value of an act is not determined by “what” is wanted, but by “how” it is wanted - what is wanted. Practically speaking, it is one thing to consider oneself a believer, and quite another to live in accordance with the Faith and its untouchable postulates. Because, “Man is not what he says, but what he does” (M. Selimović).

Precisely, it is a moment of axiological schism between Faith and apostate religion. In short, an ideologically colored religion or church (SOC, for example) preaches the Faith only verbally, while objectively, in reality, it actively violates its axioms and imperatives. That is, such a religiously deified ideology, putting itself in its place, and in its name, pushes God out of social reality, which is a blasphemy of the worst kind. Ergo: the religious abuse of the Faith is a worse heresy than its atheistic denial.

Also, the Serbian Orthodox Church, which systematically absolutizes itself, its goals, and its interests, precisely with this demonstrative exclusivity calls into question the very ecclesiology of the Church. Logically: undisturbed Faith should be the sole goal of religion; her only interest and her only

obligation. Every ideology, ethnopolitics, and so-called “National interest”, they should remain completely on the side of the Church and the Faith. For, “interest is a feature of the dependent will which is not always in accord with the mind.” Therefore “no interest can be imagined in the divine will” (I. Kant). In Kant’s words, in religion as a practical ethic, we are not given to assume the causes of what “happens” (that is the task of politics), but to set laws about what “should happen” (which is the task of Faith). Whether we like it or not. By that logic, religion should follow the duties dictated by the Faith, and not the ideological concepts and goals of daily, ethno, or any other policy. It is a question of awareness of the unconditional duty to obey the law of the Faith, and even to the detriment of one’s own inclinations. For, again in the wake of Kant’s ethical conception of Faith, perfect religious duty is that duty which allows no exception and does not follow anyone’s commandments - except God’s.

Of course, between the axioms of Faith and life, there is a whole scale of rationalizing self-deceptions by which the committed deviation from the religiously prescribed duty is ardently defended, if it brings some personal or ideological benefit to its offender. That is why Kant, in the wake of Christian ethics, forbids in moral matters the reference to any examples, demanding that, every example shown to him must, “on the basis of moral principles be examined whether he is worthy of being a moral model.” Even a saint from the gospel, says Kant, must first compare himself with our ideal of moral perfection, before we acknowledge his holiness and goodness. Because, as he goes on to say, the saint himself morally and critically questions every religiously inconsistent attitude: “Why do you call me good (when you see)? No one is good (ideal of good), except the one God (when you do not see). Of course, everyone declaratively agrees with this. The idea of moral or religious duty is not a priori rejected by anyone.

On the contrary!

But, in the context of sufficiently challenging situations, as life itself knows how to direct them, man (even if he was the highest church person) is not able to concretize the declaratively accepted duty always (and de facto) in the practice of religiously advocated living. He, consciously or unconsciously, finds a multitude of ways to evade religious duty, or to relativize it and adapt it to some external needs and inclinations. And that means that it “basically corrupts and deprives it of its dignity.” Thus, e.g. the head of the Serbian Orthodox Church, *Irinej*, declared Potočari, the cemetery of genocide victims, and the place of the greatest crime in Europe after the Second World War,

publicly, ideologically-consciously, hypocritically and in a slave manner, religiously unacceptable and extremely cynical, no less and no more than - a military cemetery, speaking.

*Serbia is everywhere where Serbs live. He claimed that Bosniaks planned genocide, and Americans bombed Serbs. More than 50 percent of the soldiers who died in the battles in and around Srebrenica were buried in Potočari, which shows that Potočari, which they are trying to present as a cemetery for the victims of crimes in Srebrenica, is essentially a military cemetery ...*

*During a visit to Banja Luka, he told the smaller entity (RS) was based on "God's justice and truth". The Archbishop of Vrhbosna, Cardinal Vinko Puljić, reacted to this statement, reminding the Serbian Patriarch in his letter that the Republika Srpska was not based on God's justice but on a crime, and once again pointed out that 140,000 Catholics had been expelled of their homes in the Republika Srpska entity, and that today only 10,000 Catholic believers live in the same area.<sup>5</sup>*

This is how Patriarch Irinej obviously spoke on the trail of great-power ideology and current Greater Serbia policy. However, purely religiously, and ethically speaking, following the relentless logic of Kant's ethical rigorism, invoking anything (ideology, nation, purpose, etc.) in the matter of duty – it does not help. In matters of duty, nothing external is - nor should be - any measure of things.

The mind is the only measure.

And he is the one who, for himself, and regardless of any external reason, commands what "should" be done. Duty, as a duty, before and independently of any experience comes from the mind itself "which determines the will by reasons a priori." The categorical imperative (and religious duties are precisely unconditionally-categorically demanding) is not limited by any ideology, empiricism, or purpose. The categorical imperative implies "action as objectively necessary and unrelated to any other purpose." In this sense, his "unconditional commandment leaves no freedom to the will." How and why did Patriarch *Irinej* act against all this?

And he's not the only one.

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5 <https://www.oslobodjenje.ba/vijesti/region/ko-je-bio-patrijarh-irinej-negator-genocida-u-srebrenici-potocare-je-zvao-vojno-groblje-dodika-smatrao-za-predsjednika-najnovije-srpske-drzave-606492>

Here is another example of an attempt to relativize religious duty. Norman Cigar, in his book *Genocide in Bosnia - The Policy of 'Ethnic Cleansing'* (Texas A&M University Press, College Station, 1995), quotes part of an interview given by Irinej's predecessor, Patriarch *Pavle*, to a journalist from 'Vanity Fair':

*Do I think killing is wrong?*

*Of course!*

*But do I think an honest man should surrender to the attackers? If it is a choice, then I must tell you that I would also have to be like politicians who think that Serbs must fight... to save not only the Church but also themselves.*

In the context of our topic, the Patriarch's "but" completely relativizes his absolute duty, degrading it to an appropriate means: a means to achieve something else. Thus he categorically reduces Kant to a hypothetical imperative.

What's the difference?

"A hypothetical imperative only says that an action is good either for some possible purpose or for some real purpose. In the first case, the hypothetical imperative is problematic-practical, and in the second it is an assertive-practical principle". On the contrary, the "categorical imperative", by insisting on the objective necessity of action, without any "but", functions as an unconditional, apodictic-practical principle. In short, the hypothetical imperative dictates that "if you want this, then you must do that," one for the sake of something else. The categorical imperative, however, knows no agreement: it is legislative and unconditional; insists on action that is good in itself. Thus, which is in accord with the mind completely independent of any and anyone's individual inclinations, which could serve as an external justification for any deviation from religious and human duty.

That is why the study of religions should, with its decisive-critical approach, analytically illuminate and expose the traps of the above and similar types. It is up to science, together with the Faith, to prevent or reduce the possibility of that ideological-pragmatic manipulation by which nationalized religion is placed in the service of daily political, that is, great-state, religion-masked, national-fascist goals.

But it cannot be masked.

Neither by religion nor by the ethno-cosmetization of fascism.

That is, in the wake of what has been said, despite the controversial character of fascism (its phenomenological diversity and many definite provisions), let us look at it from the aspect of the “philosophy of political monism” (resp. Political monotheism). Thus, a phenomenon which, historically-contextually (and from occasion to occasion), derives its life and practical views and plantations from a single, at a given moment operationally most efficient principle.<sup>6</sup> In this sense, despite the trace of intolerant genocidal logic, we will consider in principle fascist any speech or action of *exclusivity*, regardless of whether they find their monistic support in *religion, nation, race, skin color*, or any other ideology of socially pernicious *one-sidedness* - which does not acknowledge the Other and otherwise. In whatever respect. That is, if the biblical picture of the World begins with the statement: *In the beginning there was the Word*. Analogously, if a fascist “bible” ever appears, the beginning of the creation of one’s world will have to begin with the words: *In the beginning there was the Book*.

What is it about?

Immediately after coming to power on January 30, 1933, Hitler was given the mandate to form a government, and on March 23, by a constitutional two-thirds majority of the Reichstag, for which *the Catholic Center* also voted, he took over all powers. Of course, at the same time, the Führer reorganized the entire organization of the country and embarked on a concrete action of fascism of German society. Among other things, he forced various German states to elect exclusively “national” governments. As early as May 10, in the wake of that national purity, Hitler’s Nazi regime burned 20,000 books at the Berlin *Opera House*, typically *inquisitorial*, theatrically public, which were selectively collected from city bookstores and libraries. These are books that Hitler’s Nazi propaganda described as “*the ones which no decent German should read*.” Franz Kafka, Sigmund Freud, Jack London, Ernest Hemingway, Erich Maria Remarque, Thomas Mann burned, as well as: Max Brod, Albert

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6 “Fascism has an enigmatic face because the most contradictory contents appear in it. He proclaims authoritarianism and organizes a rebellion. He fights against modern democracy, and on the other hand does not believe in the restoration of any rule from the past. He seems to be acting as a smelter of a strong state, and he uses the means that contribute the most to its dissolution, such as a destructive faction or a secret society. Whichever way we approach fascism, we find that it is both one thing and its opposite, it is both A and non-A.” José Ortega y Gasset: *Sobre el Fascismo*, 1927.)

Einstein, Sinclair Lewis and many others. A total of 526 authors, which is a kind of fascist *index librorum prohibitorum*.

Here are the first obvious connections between fascism and religion.

And that fascism does not choose a religion, and that there is no religion resistant to fascism, is shown by the sad examples of our time around the planet. In Afghanistan, in 2001, *the Taliban* burned all Buddhist books and used cannons to destroy ancient Buddha monuments carved in stone. In the same year, *Kashmiri separatists* burned all copies of the Qur'an; and in 2004, books about Harry Potter were burned in *an American church*.

And finally, a Greater Serbia play and painting of exemplary fascist anti-book arsonism was staged in Sarajevo: on the night of August 25-26, 1992, *Milošević's and Karadžić's clerical Nazis* from the hill, surpassing Hitler himself, burned not only books but the entire building the City Hall, i.e. *National and University Library of Bosnia and Herzegovina*. Over a million books and thousands of authors were burned.

It was the beginning of aggression against Bosnia and its citizens. The beginning of the war against *man, history, civilization and culture*. We experienced a demonstration of fascism directly supported by *the Serbian Orthodox Church*. The church whose head, Patriarch *Pavle*, openly claimed in his letter to Lord Carrington back in 1991 that Serbs could not live with anyone, and that "this terrible truth should be understood by all former Yugoslavs and civilized Europe." (M. Tomanić, pp. 72)<sup>7</sup>

The same thing is repeated by *Adolf Hitler* and his Nazis, claiming that Germans cannot live with Jews, Slavs, Gypsies (...). His arrival from Vienna to Germany in 1913 Hitler justifies himself by the undisguised disgust of living with Others. He publicly states that he is disgusted by "that mixture of Czechs,

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<sup>7</sup> Pavle's expression "former Yugoslavs" says that as early as 1991, there were no more Yugoslavs or Yugoslavia for Patriarch Pavle. Thus, Yugoslavia disappeared before it was (allegedly) overthrown by those who were officially accused by the Serbs of overthrowing it. And the historical truth is that Yugoslavia (in the name of Greater Serbia) was really destroyed and destroyed by those who allegedly defended it: Slobodan Milošević, Patriarch Pavle and their like-minded people from the Serbian Orthodox Church, Serbian Academy of Science and Arts and France 7. This is best evidenced by war and post-war Serbization of toponyms in BiH: Srbinje (Foča), Srpsko Sarajevo; Srpsko Orašje, Srpska Ilidža, Srpsko Goražde, Srpski Brod, etc. ; a total of 12-13 such prefixed toponyms. Where is Yugoslavia? And where only in graffiti such as: "This is Serbia", written all over BiH, and even at a post office in the middle of Sarajevo, where, without being confused by stupidity, some Sarajevo high school student will cleverly and literally factually write off: "This is post officie, fool."

Poles, Hungarians, Ruthenians, Serbs, Croats and Jews.” Hence his bloody campaign for the bloody elimination of everything that is not German.

If, analogously, Serbs cannot live with others, then, logically and practically, it means that they can and must live only - *with themselves*. The Great Leader, Slobodan Milošević, with this narcissistically/Nazi exclusive patriarchal-Pavlevian logic comes to the level of Hitler’s purist-national ideology and policy, expressed by the war-mongering slogan “*All Serbs in one state*”, which, according to Šešelj, would include “all Serb countries”: Serbian Macedonia, Serbian Montenegro, Serbian Bosnia, Serbian Herzegovina, Serbian Dubrovnik, Serbian Dalmatia, Serbian Lika, Serbian Kordun, Serbian Banija, Serbian Slavonia, Serbian western Srem and Serbian Baranja. (M. Tomanić, pp. 78). Just as Hitler’s “Greater Germany” “should place all peoples of Germanic descent” within the same borders, which (according to G. Federer’s plan of 1927) would clearly include: Schleswig in Denmark, Poznan and Upper Silesia in Poland, the Sudetenland in Czechoslovakia, South Tyrol in Italy, and Alsace and Lorraine in France.

The Serbian Academy of Science and Arts, official Serbian politics, the state media of Serbia and, of course, the Serbian Orthodox Church work together and dedicatedly on this important work of the violent and bloody annexation of “all Serb countries” to Greater Serbia. In the book “Srpska pravoslavna crkva u ratu i ratovi u njoj (in English: The Serbian Orthodox Church in War and Wars in It” (Belgrade, 2001), Milorad Tomanić writes the following about it:

*During the 1990s, political ‘concreteness’ was a matter for the Church as well, not just politicians. The Church also determined the borders of the new Serbian state, and with which peoples Serbs can no longer live together (...) The Church explained how weapons should be used in achieving these goals.*

### **SPC and weapon?!?!**

The “naive” and logically inevitable question here is: why weapons if we are, religiously speaking, “all of us children of God.” The question is, of course, rhetorical. But not the answer. Here it is in a not at all naive, clerical-timed, and life-practical performance of the Bishop of Raška and Prizren, *Artemije*. In Belgrade’s “Borba” of May 21, 1994, he explained sophisticatedly and in the wake of the current great-power war-inciting ideology, that the

claim about people as “children of God” is unsustainable from the Orthodox point of view, and that any equating of people before God more precisely, that all those who do so *put Orthodox Serbs in danger of losing their sense of distinguishing Truth from lies, true and false faith.*

Strange, but not original.

Namely, Bishop Artemije is not alone in this. He only, humbly and miserably, follows the clerical-fascist logic of the even more miserable Bishop *Nikolaj Velimirović*, from his ancient Christmas message (1950) in which Velimirović, openly, religiously, civilizationally and humanely defeats, advocates distinguishing between Christians and non-Christians. Beyond all the usages of Abraham’s, monotheistic logic and Faith, Bishop Velimirović writes:

*I correct my priests when they say to the people: ‘God is the father of all people’. It is not the case. God is the creator of all people. And God is the father of only those people who believe in the Son of God and in sonship. Whoever denies the Son does not have the Father.”* So, Nikolaj Velimirović concludes, *this difference between Christians and non-Christians, between born and created, must be especially emphasized in our time, the time of vulgar propaganda that all religions are equal.*

Here, we see, and we clearly recognize, the origin of that religious exclusivity, intolerance and hatred that will fall on Bosnia and Herzegovina and its citizens in 1992 with all its force. And to everyone else from Ljubljana to Priština. Articulated as Milošević’s Greater Serbia political program, Velimirović’s “*inequality of faith*” and the Patriarch’s “*impossibility of living together*” take on not only a code of doctrinally clearly defined ideology, but also the practical meaning of fascist aggressive and concrete war actions of destroying all Others and different, that is, the destruction of non-Serbs.

Namely, at one of the war negotiations with Karadžić’s Serbs, at the Sarajevo airport Butmir, the negotiator of the Government of the then Republic of BiH asked Momčilo Krajišnik, the then president of the Pale Assembly (later a convicted war criminal): “How long will you kill civilians in Sarajevo?” Krajišnik answers him briefly, quite coldly and in a very Pavlevian way: *All (until) you stop wanting to live with us!*<sup>8</sup> On the ideological trail of such a set goal, they let their imaginations run wild, doing incomprehensible things of harassment, humiliation, physical and psychological harassment of people, women and children, both born and unborn.

8 A. Tanović: *Egzistencija u opsadi*, Sarajevo, 2000, pp. 77

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A native born woman from Foča

At the beginning of the war, my husband and his whole family were killed. Among those killed were three daughters-in-law, four children, a father-in-law and a son-in-law. I was taken to “Partizan” where there were 37 women. They took us to an apartment called “klanfa” where the infamous Janko Janjić-Tuta with ten Chetniks would also be. Everyone raped me, beat me in the head with a hammer, which still causes scars, they put a gun in my mouth. They put the gun down several times and killed me mentally and physically.

Detainee N. was stripped naked and forced to put herself salt in her genitals. The other was forced to eat a pound of fine salt. She vomited blood because salt “ate” her esophagus and stomach. To make my grief and pain greater I was already in the eighth month of pregnancy. When they put the gun in my genitals, the baby moved in my stomach.

Source: XXX *Perom protiv zla*, Sarajevo, 1995, pp. 84

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Literally the religious background of that clerical-fascist answer can be, precisely and additionally, deciphered from an extremely church-poltronically intoned statement of the pre-war communist Radovan Karadžić, the wartime president of Republika Srpska, who (sometime in early 1994), when asked about mutual relations and, great-power ideologies, and Serbian war policies in BiH, says: *Our clergy is present in all our thoughts and decisions, and the voice of the Church is heard as the voice of the highest authority* (M. Tomanić, pp. 119).

That is what Karadžić and Krajišnik say!

But who are they?

Who, in fact, are Radovan Karadžić and Momčilo Krajišnik?

Better connoisseurs of pre-war Bosnia and Herzegovina know that Krajišnik and Karadžić (the most prominent political figures of the Serbian great-power war project in Bosnia) found themselves in prison where, like ordinary criminals and thieves, they were imprisoned for some criminal financial fraud, embezzlement and machinations. But where do *criminals and murderers* come from along with the Church on the same, political business?

As an explanation for a better understanding of this (seemingly paradoxical) connection between the Church and crime, we can use a lucid insight of sociologist *Leo Cooper* who says: *Genocide perpetrators need some ideology to give legitimacy to their behavior, because without it, they had to see themselves and each other as they really are - ordinary thieves and murderers.*<sup>9</sup> That is why Karadžić, Krajišnik and Greater Serbia politics needed the Church. But the key question here is - why did the Church need the, criminals

Here's why!

If, in the wake of historical memory, we go back to ancient 451; the year of the IV *Ecumenical Council in Chalcedon*, then we come across one *important decision of the Council*. The decision that “the borders of the Church run through the borders of the state.” So, by the logic of that parliamentary decision, with the new imagined borders (the borders of Greater Serbia, which would include “all Serb countries”), the Serbian Orthodox Church would be on a great territorial and material gain. The collective memory of the Church made sure that this (mundane) political geometry of the Serbian Orthodox Church did not remain just a theoretical dream. Historically, behind it, in its pragmatic-egoistic file, it already knows (and preserves) the reality of political reality within which the state of medieval Serbia (Nemanjićs' Serbia) inaugurates the practice of Gift and obediently symptomatic poltronic generosity of the rulers towards the Church. Specifically, the state of Nemanjićs is the one that, in its time, elegantly and generously donated the land, villages and people to the Serbian Orthodox Church, as its loyal ally, with one official *Chrysostom*.

### **What is Chrysostom?**

Chrysostom is *a gift document*,<sup>10</sup> i.e. the name of the gift charter by which the ruler of feudal Serbia generously donates to the Church, not only estates, but also all the villages and people who live on those estates.

Live people as a gift!

Now we finally understand, and translated into our wartime, the continuous war support of the Serbian Orthodox Church to Slobodan

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9 M. Tomanić, *ibid*, pp. 6

10 *Hrisòvulja*, according to the Greek adjective *χρῦσειος*, today in scientific books - *a document*, or “golden bull”, according to Old Greek (biz.) *χρυσόολλον*. Meaning and audibly, the expression chrysostom is in harmony with our *will, the charter*.

Milošević's expansionist genocidal policy is a kind of a priori emphasis on the *Gift* that the Serbian Orthodox Church ultimately expected and finally received in BiH as a smaller entity. That is why *Mirko Đorđević* (the best connoisseur of the Serbian Orthodox Church in the former Yugoslavia) thinks of the Republika Srpska as the only known example of translating clerical discourse and clerical ideology into a practical political act of establishing a 'theodule', i.e. authorities as services to God." (M. Đorđević, "*Znaci vremena*", Beograd, 1998, pp. 54). In the continuation, and in the wake of the parliamentary Chalcedon Logic of the Gift (to which he himself critically-explanatorily refers), M. Đorđević talks about the 'Incredible reality of establishing the only existing church/state' symphony'<sup>11</sup> in Europe of the Republika Srpska (...) which is an (constitutionally) official Orthodox state, with a binding state religion, compulsory religious education and probably the largest number of red dates in the calendar: only in January, due to various church-state (or vice versa) holidays, 17 days are non-working! But is not that (Đorđević asks), just the embodied medieval idea of the 'Father of the Nation', pronounced almost incidentally in 1992, from the functions of the president of Yugoslavia: "Let us unite the Church and the state in the care of the Serbian people."

Hence the uncompromising, clerical-fascist radicalism in the creation of Serbian, ethnically pure territories. Everything that is not Serbian, i.e. orthodox, that is, what is not under the paw of the Serbian Orthodox Church, had to disappear from the clerically defined (RS in BiH; i.e. RSK in Croatia) areas. Let us remember the bloody fates of the inhabitants of Sarajevo (Markale), Tuzla (Kapija),<sup>12</sup> the massacre in Račak (Kosovo).<sup>13</sup> And especially, Srebrenica and Vukovar. And not just them. Today (Summer 2020), the same plague of great-power SOC exclusivity, through mass streetwork and liturgies, under the auspices of Faith, is being tried to be imposed on the citizens of Montenegro as their only political and life reality.

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11 Even at the council in Chalcedon, the doctrine of 'symphony' or the union of Church and state was established, which is still held today. In BiH, this anachronistic fusion is, to a different extent, clearly seen on all three "constitutive" sides. The same goes for the former YU premises.

12 <https://www.klix.ba/vijesti/bih/srbija-novaka-djukica-jos-ne-salje-u-zatvor-kakvu-nam-poruku-salje-susjedna-drzava/201121066>

13 <https://www.klix.ba/vijesti/bih/srbija-novaka-djukica-jos-ne-salje-u-zatvor-kakvu-nam-poruku-salje-susjedna-drzava/201121066>

## **The Serbian Orthodox Church crucifies the living Jesus for the second time**

In the name of illustration of this humanly incomprehensible, clerofascist exclusivity and malicious intolerance, let us remember only the violent street taking of IDs in Bijeljina in 1992. Namely, all men, ordinary passers-by, found on the streets of Bijeljina, instead of ID cards, forcibly *took off their trousers and underwear* and went to historically the world's most miserable, literally fascist, test of clerical-national suitability, Dodik's "authenticity" and Orthodox "justice": All those who were *circumcised*, as clerically-nationally unfit citizens of the future RS, ended up (shot or slaughtered) at the scaffold of hegemonious ideology and religiously incomprehensible clerical-idolatry of the Serbian Orthodox Church.

Finally, faced with this kind of *religious cynicism* and primitivism, it is impossible not to ask *loudly* and *publicly*: what would Jesus Christ himself, who was also *circumcised*, have happened to have fallen on the streets of Bijeljina in that 1992 war? The answer is self-evident.

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Jesus was circumcised because he was a child born of Abraham's seed (Matthew 1: 1-18). His parents were ordained Jews and led him to be circumcised on the 8th day, and then passed through the requirements of the ordinance of Leviticus 12. Circumcision was a commandment from God to distinguish his people from pagans. A circumcised child means that it belongs to God and becomes the recipient of the covenant promises. Circumcision meant that he would walk according to Abraham's covenant promise. Through the circumcision and obedience, Jesus perfectly kept the law through his earthly ministry. Circumcision was His first step to complete and follow the law of the Lord.

<https://www.novizivot.net/zasto-je-isus-bio-obrezan/>

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Starting from there, did not Patriarch Pavle, Bishop Velimirović, Bishop Artemije, Radovan Karadžić and the Serbian Orthodox Church symptomatically and symbolically, once again, cowardly "crucify" *Jesus Christ*, thus committing his second, metaphysical murder? Today, threatening with a new genocide, followers of the Serbian Orthodox Church are killing him in Montenegro as well.

*Polećela crna tica  
Pljevlja biće Srebrenica  
(The black bird took off  
Pljevlja will become Srebrenica)*

### **How long will it all last?**

Until today's, media and politically aggressive self-justifying rationalizations are replaced by cathartic-self-critical cognition and recognition of civilizational primitivism and inhumanity of one's own attitude of all, especially those (including the SOC), who planned everything, started it, and bloodily criminal conducted in the 1990s.

As a reminder, here is the past in a poetically impressive performance by a Serbian poet,<sup>14</sup> who (regardless of whether we read the poem, in our reading freedom, "in advance", as a poetic imagination of foreboding a fateful future, or "backwards" (post factum) as a description of "already seen", conveys the horrible confession of the planned journey of some obscene-disillusioned armada, which, about itself (i.e. about its incomprehensibly evil and shockingly recognizable act), proudly<sup>15</sup> says the following:

*Orjentisali smo se prema zvezdama  
vodile nas trube i ključevi tamnica  
osluškiivali savete onih ispod zemlje  
nismo se zaustavljali*

...

*Imali smo zadatak da nas po zlu zapamte  
narodi koje posetimo  
(We oriented ourselves towards the stars  
we were led by trumpets and dungeon keys  
listened to the advice of those underground  
we did not stop*

...

*We had the task of to be remembered as bad  
by the peoples we visit)*

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14 Branislav Petrović: *O prokleta da si ulico Rige od Fere*; Prosveta, Beograd, 1971 (drugo izdanje), pp. 99-102.

15 Branislav Petrović: *O prokleta da si ulico Rige od Fere*; Prosveta, Beograd, 1971 (drugo izdanje), pp. 99-102.

I tako, baš „po zadatku“, planski rušeći kuće, sela i gradove, sijući neviđeno zlo nad nedužnim ženama i djecom Drugih, ovi revnosni bojovnici konačno naiđu na nekog Svog. Odnosno, kako to sami kažu, na nekoga na *kome se videlo da je naš čovek*. Pa, ipak, i uprkos toj „našosti“, ništa ne prepuštajući slučaju, čak i njega su podvrgli rigoroznoj provjeri:

And so, just “as a task”, systematically destroying houses, villages and cities, sowing unseen evil over innocent women and children of Others, these zealous warriors finally come across someone of their Own. That is, as they say, to someone *who was seen to be our man*. And yet, despite this “ours”, leaving nothing to chance, even he was subjected to rigorous scrutiny:

*Da ga proverimo  
našli smo dete sa jagnjetom u naručju  
zubima ih je oboje zaklao  
stekao je naše puno poverenje*

*Imali smo jednog osetljivog mladića  
bez prestanka je plakao  
postepeno smo ga čeličili  
stvarali od njega čoveka*

*Sve zadatke je izvršavao  
kao najbolji među nama  
ali kad je svešteniku jezik čupao  
urlikao je on a ne sveštenik*

*Davali smo mu lakše zadatke  
da strelja čak i u školskim dvorištima  
ni to ga nije ispunjavalo radošću  
oduzeli smo mu činove i ispljuvali ga  
Naiđosmo na groblje zabačeno  
u grobove ubacismo bombe sa suzavcem  
mrtvacu su iz grobova iskakali  
mi smo ih ponovo ubijali  
(Let's check it out  
we found a child with a lamb in his arms  
he slaughtered them both with his teeth  
he gained our full trust*

*We had one sensitive young man  
he cried incessantly  
we gradually steeled it  
created from him man*

*He performed all tasks  
as the best among us  
but when he broke the priest's tongue  
he shouted, not the priest*

*We gave him easier tasks  
to shoot students in schoolyards  
nor did it fill him with joy  
we stripped him of his ranks and spat him out  
We came across a remote cemetery  
we put tear gas bombs in the graves  
the dead jumped out of the graves  
we killed them again)*

However, despite all the horrible atrocities it has committed, this strange ethno-army, itself (just like the Serbian Orthodox Church, Milošević, Karadžić, Mladić and others in The Hague), still sees itself on the path of “lofty goals” and “pure thoughts”. Well, even on the “way of the Lord”, trivially justifying their shameless crimes with the alleged unworthiness of the victims themselves.

*Za nama nerazuman lelek nedostojnih  
ispred nas ciljevi uzvišeni  
iznad Zver koja nas vodi  
putevima Gospodnjim*

...

*I još smo dugo putovali  
iza nas lelek i štakori  
ispred nas čista misao  
i poruka narodima*

*(For us, the unreasonable wailing of the unworthy  
in front of us the goals are sublime  
above the Beast that leads us  
in the ways of the Lord*

...

*And we still traveled a long way  
behind us howls and rats  
in front of us pure thought  
and a message to the nations)*

However, in spite of all the plans and countless cheaply rationalizing self-justifications, in the service of Freud's rationalized "pure thought", something completely different happened to them, suddenly and completely "unforeseen". In some, psychiatrically speaking, *the lucidity of the interval (lucida intervala)*<sup>16</sup> of their own collective madness, reluctantly and quite suddenly, in the magnitude of self-awareness (*we saw our faces in the clear water*), they grasped all the misery and gloom of ideological evil will in which they finally recognized themselves. Visibly shaken by the ferocity of the cruel heartlessness which, having messianically proudly practiced all these years, they "burst into tears":

*Nepredviđeno zađosmo u neka brda  
u brdima naiđosmo na bistru vodu  
ugledasmo u bistroj vodi naša lica  
i iznenada briznusmo u plač.  
(Unexpectedly, we went into some hills  
in the hills we came across clear water  
we saw our faces in the clear water  
and suddenly we burst into tears.)*

Yes, just a cry!

But for now, just in the song!

No, in reality.

And until that happens in the reality of everyday life, until the Serbian Orthodox Church and its ideological great state companions, in the "clear water" of suddenly awakened consciousness and conscience, finally recognize their truly evil character; and until, affected by the truth of that devastating *self-knowledge* (before which there is no hiding), they burst into the cathartic cry of *public self-repentance* - there is no and will not be a sincere recognition of one's own genocidal past without meaning and justification. And without that, there is no Faith or true peace. There is no human life in this area.

Sapienti sat!

In Sutješćica, February 2020.

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16 Lat. *lucidus*, clear, clear; *inter-*, between; *vallum*, palisade, free space between two fortifications. Thus, "*lucida intervala*" are bright moments, short-term normal mental states during mental disorder and illness, i.e. a more or less complete or more or less long period of withdrawal of mental illness.

## Conclusion

Functionalized as a religion of power, a religion of ethnos, by violence in the name of Faith, it only conceals the obscure impiety of its own aggressive actions against members of other nations, religions, or churches of the same religion. And that, under the cloak of supposed orthodoxy and rude intolerance, has been happening for decades in our region. And it will happen until today's media and politically aggressive self-justifying rationalizations are replaced by cathartic-self-critical cognition and recognition of civilizational primitivism and the inhumanity of everyone's own attitude, especially those (who obviously include the SOC), who planned everything, began, and bloodily implemented in the 1990s, there will be no true peace in this area. And true peace is the only path of human existence, civilized communion and, for now, ethno-religiously hindered meaningful future advocated by true Faith.

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## GENOCIDE AGAINST BOSNIAKS AND SERBIAN IDENTITY AFTER 1995

### *Summary*

*This paper discusses the presence of genocide and the persistent threat and possibility of its new eruption in Bosnia. Statements about this, not only in public policies, are dangerous but their more or less subtle involvement in educational programs guarantees the mentioned possibility of a new eruption in the future. Bosniaks are usually advised with bad intentions to look ahead and not inwards as a kind of sleeping pill, i.e. anesthesia before amputation.*

*The paper discusses what to do with Serbian ethno-religious nationalism in this context? What kind of ideology is that? What is the Serbian identity like after 1995? How are the contrasts between “us” and “them” painted, and what should be the response of Bosniaks to such challenges? What to do next and how to move on?*

**Key words:** *Bosnia, Bosniaks, genocide, identity, ideology, nation, state, evil.*

### INTRODUCTION

In the last century, the three main myths were collected into one religious mythology, so-called **Christian Slavism**, and the conversion to Islam was given the expression of racial betrayal. “Tito’s Muslims” are accused of three things: 1. that they are descendants of one foreign authority; 2. that they killed the “Serbian Jesus Christ” - Prince Lazar; 3. that they betrayed the Slavic race. These basic tenets of Serbian nationalist mythology mobilized, 600 years late, in the 1980s, millions of Serbs to avenge Kosovo and their 600-year-long suffering. The genocide committed in Bosnia from 1992 to 1995 found proponents of legitimacy. The message was unequivocal: The victim deserves death because it was originally, once upon a time, an aggressor. Thus, the problem of myth and mythomania is repeated both in its paradoxical form and in the “Bosniak case”. The notion of Bosniak Muslims as “murderers of Jesus Christ” has a long history in Serbian myth in which Serbian nationalism finds

its source and refuge. But how can a religion, which emerged six hundred years after Jesus's death, be accused of being responsible for Jesus's death? The answer can be sought in the central event from the Kosovo myth. In 1389, the Serbian army led by Prince Lazar was defeated on the field of Kosovo by the Ottoman army led by Sultan Murat. Prince Lazar and Sultan Murat were also killed in that myth-ridden battle. Serbian mythology marked Lazar's death as the end of Serbian independence and the beginning of five hundred years of Serbian slavery under Ottoman rule.

In the early 1990s, the Serbian Academy of Sciences and Arts and Serbian writers "produced" Prince Lazar into the figure of the "Serbian private Jesus Christ". Vuk Branković, who "betrayed" the Serbian plans to the Ottomans, is the internal murderer of Christ as a traitor to Judas. In the national myth, Vuk Branković represents Slavs - Bosniaks who converted to Islam during the Ottomans. Lazar's death was the death of the Serbian nation. Lazar's resurrection in the 1990s (in the form of carrying his relics from place to place), meant "the liberation of Serbia and the Serbian nation."

But for that to happen, Lazar's killers had to be evicted from the area where Serbs live.

And when Ratko Mladić shouted, in 1992, from Vučija Luka above Sarajevo: "Beat Velušići, there are few Serbs there... Beat the Turks while there are any."<sup>1</sup> This means: Beat Bosniak Muslims who converted – changed their religion and accepted Islam instead of Christianity as their religion - who is the main culprit for the Serb defeat in Kosovo, or because the "Turks" - therefore Bosniaks/Muslims - want to defeat and enslave Serbs again in the 1990s and Serbia as "Europe's dam against the impending Islamic threat."

That evil Turk is a central figure in Serbian religious nationalism. The hostile images that are being made have their refuge in the 500-year-long Ottoman rule. Thus, the genocide against Bosniak Muslims is presented as a religious defense war. The myth of Ottoman bloodlust is certainly refuted by historical facts that speak in contrast to the strong development of Christian institutions, Christian culture and the position of Christians in general during the Ottoman Empire in the Balkans.<sup>2</sup>

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1 *Television of Bosnia and Herzegovina*, audio recording, broadcast in TV DNEVNIK, October 19, 1992.

2 More in: Ihsanoglu, Ekmeleddin, *Historija osmanske države i civilizacije*, Orijentalni institut, Sarajevo 2004.

But, let there be no confusion. Kosovo and the Kosovo myth are just opium, that is, the fuel for mobilizing the broad masses of the people to participate in evil. The real target is the territories. The presence of the people on them, in this case Bosniaks persistently presented as the Turks, i.e. as something foreign, is an obstacle to achieving the set goal. The destruction of Bosniaks is a means, not a goal. Genocide is, it should be reiterated, a means by which its perpetrators intend to completely or partially destroy a particular national, religious or ethnic group. That goal cannot be achieved.

What about Serbian ethno-religious nationalism in this context? What kind of ideology is that? How are the contrasts between “us” and “them” painted?

### **IDEOLOGICALLY PRESENTED EVIL IS PRESENTED AS GOOD**

Srpski nacionalisti i izvođači genocida pokazali su na muslimane kao **glavni cilj**. Šta znači ”musliman” ovdje? Odgovor je da odgovor nije jednostavan. Ali srpski nacionalisti učinili su to potpuno jednostavnim.

Many theorists argue that the root of crimes against humanity and international law in Bosnia lies in the abuse and politicization of religious and national diversity. The Serbian Orthodox Church has emerged as one of the basic instruments of the pragmatic goals of the Serbian state leadership. It has constantly supported the Greater Serbia program (both in the past and present).

“At the end of 1988 and the beginning of 1989, the relics of Prince Lazar were carried to all parts of Yugoslavia where Serbs lived. Countless of funerals were held near the pits, from which speleological teams extracted the bones of “Serbian” victims. Although the dignitaries of the Serbian Orthodox Church did not give political speeches at the time, they still allowed militant Serbian nationalists to give political color to those rallies. It was a calculated move by the leaders of that church and the Serbian authorities in order to radicalize Serbian public opinion in order to carry out aggression against the Republic of Bosnia and Herzegovina.”<sup>3</sup>

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3 Čekić, Smail, *Uzroci, ciljevi i razmjere agresije na Bosnu i Hercegovinu 1991.–1995*. Vijeće Kongresa bošnjačkih intelektualaca Sarajevo, 1995. pp. 17.

Serbian nationalists and perpetrators of genocide pointed to Muslims as **the main target**. What does “Muslim” mean here? The answer is that the answer is not simple. But, Serbian nationalists made it completely simple.

They pressed a heterogeneous group of people made up of Muslim believers, of Muslims who were not interested in religion, atheist Muslims, into an artificially homogeneous group of “Muslims in Bosnia and Herzegovina.” It is therefore tempting to claim that religion has been artificially or violently used as a simple criterion in defining a “Muslim” identity. Thus, religion, unlike race or national affiliation, although the religious notion of race, is not excluded.

In reality, the Serbian nationalist definition of “Muslim” is more arbitrarily composed. First, that race plays a role. Serbian nationalists call the victims “Slavic Bosniaks/Muslims” Turks or “Asians”, which is why they form a religious and racial foreign element in Christian Europe. What Milošević, Karadžić and Croatian President Tuđman have in common is that they played on a polarization between the West, i.e. Europe on the one hand, and Islam on the other. All of them used widespread stereotypes about Islam in their rhetoric. These stereotypes have been repeated countless times: a Muslim is equally an Islamic fundamentalist who spreads an unknown, reactionary and dangerous faith within the European Christian zone. “Greater Serbia” is one part of that zone in whose name it goes to the forefront of the struggle for its protection and purity. By partly constructing and partly radicalizing the already existing polarization between the stereotype of the “modern West” and the stereotype of “traditional Islamic fundamentalism” of Turkish origin, Serbian nationalist propaganda sought a place on the right side, the side of the Western alliance. In one stereotype of “us” against “them”, the image of today’s Europe was made.

Physical killings had a symbolic dimension; raped Muslim women are traumatized as future mothers and wives. A Serbian peasant who kills his Muslim neighbor undermines future multiethnic self-existence; concentration camp prisoners who are forced to kill each other, too. These people are traumatized in relation to their loved ones for the rest of their lives. And culture? A total of 1,400 religious buildings of Islamic culture and architecture were totally destroyed, and parking lots or markets were built in their places as if those houses of God had never even existed there!

It was mentioned earlier that religion did not ambiguously define the term Muslim in Serbian nationalist ideology. The reference to Turkey and the

Turks meant using this to associate the fact that Bosniaks as “Slavic Muslims” were not a European people and as such they were a superfluous, unnecessary and unknown element in European Christian culture. The ideology carried out a fantastic anti-Muslim crusade movement with strong national mythology and racially discriminatory tones.

Individual casualties are not considered or counted here. The individual or persona with all its peculiarities is not in focus here. The focus is on race. The same happened in the Holocaust. However, the Nazi conception of race is purely biological in nature. In the genocide against Bosniaks, we have a religious understanding of the Slavic race of Bosniak Muslims and their “conversion” to Islam as an “Asian” religion. Attributing historical responsibility to today’s Bosnian Muslims for the historical course and events of 600 years ago is certainly an absurdity and a paradox. The absurdity is complete when it is known that, for example, Bosniak atheists are not exempt from genocidal acts. There was no difference because the genocide was committed and confirmed precisely according to the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, where the goal was one national, religious and ethnic group.

A significant step taken before the genocide was the activities of the Serbian Orthodox Church. The Church was an ideological companion all the time, so on February 1, 1995, Željko Ražnatović Arkan stated: “We are fighting for our faith, for the Serbian Orthodox Church.” At the same time that the International Criminal Tribunal for the former Yugoslavia in The Hague accused Radovan Karadžić of genocide, the Serbian Orthodox Church decorated him and declared him a knight and “one of the first sons of our Lord Jesus Christ who works for peace.” In an Orthodox monastery near Sarajevo, Vojislav Šešelj, a Chetnik duke, was blessed while his supporters uttered the names of villages they had “razed to the ground”.

Blessed by the Serbian Orthodox Church and surrounded by church flags and omens, Slobodan Milošević, on the field of Kosovo, in 1989, promised that Serbs would never be defeated again (“No one is allowed to beat you”).

Thus, the Serbian Orthodox Church was the second central ideological factor, after the Serbian Academy of Science and Arts, in the development of Serbian nationalism. They considered Bosniak Muslims a “people with defects who betrayed their true Serbian roots“. “Bosniaks Muslims will be recognized as the people and as humans only when they convert again into

Orthodox Christianity”.<sup>4</sup> Therefore, an unknown girl from the Concentration camp in Rogatica said:

”...The Serbian commander sat down at the table and called out one by one. He asked everyone about their last name and first name, and whether they agreed to convert to the “Serbian faith”. To my question, how can I become a Serb? He replied, “Fine, you choose your name and surname, the priest comes and baptizes you.” Since I refused to do so, I returned to my seat.

The Serbian commander asked all the prisoners if they agreed to convert to Orthodoxy. For fear of being killed, some accepted it. ... Detainees are told on a daily basis that if they accept Orthodoxy, they can stay alive, and if they do not, they will be killed.”<sup>5</sup>

The British radio station BBC received and broadcast information from its journalist Montgomery from Bijeljina, which stated that Bosniaks were being baptized en masse in this city. Thus, among other things, he cited the example of a baker from Bijeljina Ferhat, who changed his name to Filip, his wife was renamed Marija, and his son became Marko. Marko was immediately sent to the Chetnik army to the front, in the fight against the Army of the Republic of Bosnia and Herzegovina. The baptized Ferhat, now Filip, told The Guardian: “If you have chosen to live in Republika Srpska, you have to do certain things. One is to change your name”.<sup>6</sup>

...”Professor Zahid Baručija was tortured at night in the concentration camp near Sarajevo by Serbian nationalists in the way, among other things, that crosses were carved on his forehead and other parts of his body, only to be slaughtered half-dead one morning.” There were two camps for women in Višegrad: hotel “**Bikavac**” and motel “**Vilina Vlas**”, where Serbs raped captured Bosniak women, and then killed them and threw their bodies into the river Drina. All those who were taken out of this river had numerous crosses engraved on their bodies with a knife”.<sup>7</sup>

Dragan Protić, a professor at the Faculty of Theology in Belgrade, was one of those who “threw into orbit” the theory that Bosniaks were formerly orthodox Serbs. “The Serbian Orthodox Church wishes with pleasure, a

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4 Omerdić, Muharem, *Prilozi izučavanju genocida nad Bošnjacima (1992.-1995.)*. El Kalem, Sarajevo 1999, pp. 82.

5 Ibid, pp. 85.

6 Ibid, pp. 430.

7 Cigar, Norman, *Genocid ind Bosnia: The policy of "etnich cleansing"*, College Station, Texas A&M University Press, 1995, pp. 431-432.

welcome to all who repent and return to orthodoxy.”<sup>8</sup> The claim that Bosniaks were Serbs of the Islamic faith was in several cases an “excuse” for humiliating and forcibly converting Bosniaks to Orthodox Christians, especially in Bijeljina, which was among the first cities that Serb “extremists” “ethnically cleansed” in April 1992.

After all this, it is no exaggeration to say that the fate of Bosniaks in the 1992-1995 genocide was not possible without the participation of the Serbian Orthodox Church. The Church has never distanced herself from its place and role in this process.

Like no other Christian church in Europe, from the Third Reich onwards, the Serbian Orthodox Church has trampled on basic Christian principles. It was silent when the crimes were committed. Without reacting to the abuse of its fundamental symbol - the cross, the Serbian Orthodox Church became the protector of those who did what they did in its name and in the name of Orthodoxy and the cross.

It is worth mentioning that forced baptism is a serious violation of the physical and spiritual integrity of Muslims, and such gestures are, let us recall, another article of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the UN General Assembly on December 9, 1948 (Article 2, paragraphs C and E - forcible transfer from one group to another), characterized as a crime against humanity or in the legal sense of the word - genocide.

Ideologically conceivable and systematically committed evil is not shown as evil but as something good, not as immorality but as morality. To participate on the “right side” in a fateful struggle means to have honor, not to be punished. Feel pride in your own name and in the name of what is being done, not guilt and shame for those exterminated. That evil is not pure aggression as such, but it is aggression in which the same executioner feels justified. Thus evil is interpreted as good.”<sup>9</sup>

To present violence as abstract means to fail to define it as suffering. Suffering, however, is something experienced. If it is not, then we do not know what it is. This “abstract” in the sense of bureaucratic and depersonalized is especially treated by Daniel Johan Goldhagen in the book *Hitler’s willing executioners*, where a sociological theoretical explanation of how the

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8 Ibid, pp. 71.

9 Hegge, Per Egil, *Ny omgang i tysk historikerstid (Novi period njemačkih historičara)*. Retrieved on April 26, 1997, pp. 18.

extermination of Jews could have happened was corrected and given as an empirical description of the manner of execution.

Highlighting the social and political-ideological role of the police battalion in the execution of Jews in Poland and the former Soviet Union since the summer of 1941, Goldhagen documented that the killings were brutal, with humiliation and enthusiasm, screaming and self-satisfaction with one's own effort, and with much volunteerism. The "processing" of Jews was carried out with people aged 21 to 54, with an average age of 36, with many members of the National Socialist Party, but also with ordinary mature family people of various professions.

Goldhagen rejects the view advocated by Hana Arent, namely that violence is "affectively neutral". He reminds that the analysis made by Hana Arent shows that genocide can be organized and committed without personally motivated hatred.

The SS document, *Directions for the Education of Members of Special Units*, dated November 17, 1943, states: "What is first undesirable for persons recruited for these units are strong feelings."<sup>10</sup> So what is being sought is not hatred or any other feeling, but an absence of compassion for those who will be killed. When **THOSE** others are viewed in such a way then sympathy and feelings disappear. It is a world without moral and compassionate condemnations limited only to him, his race, his ethnic and national group.

"Immorality can enjoy closeness. Evil, does not crave for abstraction, distance, invisibility, anonymity. On the contrary, evil as immorality can enjoy closeness. Immorality, however, avoids sympathy. Sympathy with the other makes violence against the others difficult. That is why sympathy is a moral ability. Every society wants to point out the objects of sympathy, but also the objects of antipathy. Among the Nazis, the objects of antipathy were based on biological racial and ideological criteria".<sup>11</sup> It was a culturally and ideologically determined selection above the ability to feel the touch and presence of others.

"There is no feeling and no contact with those written off-excluded, with **them**".<sup>12</sup>

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10 Goldhagen, Daniel Johan, *Hitler's willing executioners*, Vintage books New York, 1996, pp. 493.

11 Ibid, pp. 495.

12 Levinas, Emmanuel, *Collected philosophical papers*, Dordrecht: Kluwer, 1993, pp. 19.

## THE EXECUTORS DO NOT FEEL GUILTY

What then did the Serbian identity rely on in 1995 and later in 2000 and 2005? In the late 1995, after the signing of the Dayton Accords, the Serbs were not defeated as they had been with the Germans in 1945. Due to that, the values related to the Serbian identity did not turn upside down. They are only in the sense of losing the privileges they had in the period of 1918-1995 in Yugoslavia.

From the Serbian perspective, the years 1995 and 2000, respectively, must be understood in the light of the following: Was the Milošević's regime, which rose from within, also overthrown from within? In 1995, only the war against Bosnia was stopped. It was only in 2000 that Milošević's genocidal machinery broke down in Kosovo, where it began its policy. This difference of five years, or rather ten years (until the military intervention abroad), is at the expense of the international community, which feared and supported Milošević. In 2000, the overthrow came when the self-confident Milošević was deceived into supporting those dissatisfied with the results of the wars and genocide. And even if we accept the theory that Milošević was overthrown from within, then it must be emphasized that the fall of that regime occurred as a result of dissatisfaction of the masses with the (non)realization of plans and goals of war and anger at Milošević for failing to implement the "Greater Serbia" plan, and for the transfer of looted treasures to Cyprus and Switzerland. There is no talk of guilt and shame for the genocide that was committed.

Neither in 1995 nor in 2000 was it difficult to find a person in Serbia who was not politically compromised. Compromise encompassed ideas, institutions and individuals. Serbian elites in industry, economic life, science, and free professions, had their share with various combinations of ideological, opportunistic, careerist unconditional provision of services and obedient participation in the murders of hundreds of thousands of people. Officials in the public sector, the judiciary, and medicine have undergone an effective "indoctrination" during the 13 years of Milošević's system. It can be said that Serbia was a politically uniform society. To claim that Milošević uniformed Serbian society is one thing, and it is another thing that that society has uniformed itself. And, the third thing was that Serbian society supported one leader by implementing a totally uniform program. However, the Milošević regime did not prepare the "heavenly people" for one thing: defeat or incomplete realization of the set goals. The idealization of the image of oneself about everything "Serbian" passed unhindered for 10, maybe even for 13 years. Who then did not want to belong to a nation that was "above

all others”, a nation with “the highest authority”, a nation that “rules over everything and everywhere”?

In all this, the relationship between the leader and the people is very important. It is organic unity - “what am I without the people”; “what is a nation without me”? But the leader is the one who fell! The fall of the leader produces a distancing from the earlier ideology of the “heavenly people” and the ideals that prevailed in the leader’s time. The leader now thinks that the people did not deserve him, and the people feel betrayed and exploited by the leader.

The mourning for Slovenes, Croats, Bosniaks and Albanians is out of the question. One can only mourn for and celebrate only Serbs who died for “Greater Serbia”. Many Serbs even claim: “The war is lost”, although tanks returning from Bosnia and Kosovo were greeted with flowers, and a certain Mirjana Kolar wrote in the book of visits to the Arkan’s (Željko Ražnatović Arkan) marble mausoleum at the New City Cemetery in Belgrade: “Thank you for all your crimes. You loved Serbs. Rest in peace.”<sup>13</sup>

In Germany in 1945, apart from the Jews still, all evil was Hitler. In Serbia in 1995 and even in 2005, all evil, except for Slovenes, Croats, and especially Bosniaks and Albanians, was not Milošević. He was only in the sense that he failed to realize his plans and that he appropriated all the plunder for himself, but not because of crimes against humanity. And what he did “against the defense of Europe from Islam” will always be tried to be camouflaged.

The loss of the leader, in Germany in 1945, was not only of an ideological nature but an affective loss for their emptiness in their psyches, which was filled by the Führer’s “easily given promises.” In Serbia in 1995, the leader was not completely lost, he appeared in the role of one of the main negotiators by signing the Dayton Agreement, as the winner in the aggression and division of Bosnia and Herzegovina under the agreement with Tuđman. Activists of the Socialist Party of Serbia, who nominated him for the Nobel Peace Prize in his native Požarevac, made sure that this would not be just a wrong assessment of the West (that Milošević, if his demands are met, is an important factor of peace in the Balkans)! Only five years later, in 2000, he will be “removed”, and in his place came a man who could fill the void and perhaps realize unfulfilled “easily given promises” by other means. With the election of Vojislav Koštunica in 2000, Serbs were not denazified, as the Germans did in 1945.

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13 Cited according to: *Bergens Tidende*, Bergen, April 8, 2001, pp. 8.

“Vojislav Koštunica is a man who saw all the evil in the 1974 Constitution. It is precisely the Constitution that guaranteed far fuller equality of the other peoples of Yugoslavia, especially the equality of the republics. The mentioned Constitution also guarantees Kosovo as an Autonomous Province, practically a republic. That is why the Serbs in his character, with a machine gun over his chest, “somewhere in Kosovo”, do not see, like the Germans, in the characters of their fathers who returned from the front, physically or mentally wounded and without any respect for their successors, a figure they faced a defeat with, but he is a new figure for respect, identification and continued realization of the started plans with which the Serbs will go to new victories. Was Koštunica a figure for a new beginning?”<sup>14</sup>

Koštunica, as the successor to Slobodan Milošević, a war crimes indictee, unwilling to apologize for the genocide of Bosniaks when he arrived in Sarajevo in January 2001, like German historian Ernest Nolthe, wanted to revise the picture of genocide against Bosniaks and to free the “heavenly people” from possible traumas from the past, by claiming that there have been many examples in history where roles have changed. In doing so, Koštunica committed a moral sin, as he missed an opportunity to show moral sensitivity and political courage in Sarajevo that would help restore trust and reconciliation more easily. He went a step further in his sin, trying to equate the victim and the executioner, which is only the first stage in the victim’s later accusation of genocide. His gesture certainly fits into the widespread European understanding of events in Bosnia. Here we will only recall that the European mass media talked all the time about Grbavica, a part of Sarajevo that was occupied at the beginning of the war and where unheard crimes were committed by Serbian nationalists, like “Serbian Sarajevo” or “Serbian part of Sarajevo”. Does the “Serbian part of Sarajevo” exist and did it exist? It was Karadžić’s vocabulary. Even before the war, he explained to foreign journalists that he wanted Sarajevo as a divided city with the Berlin Wall, where the Muslims would be given the Old City, and “the rest of the city” would belong to the Serbs!”. “At the time, that madness was not taken seriously.”<sup>15</sup>

“The choice is not between shame and pride. The choice is between pride in a built-in moral sense of shame and shame over a declining

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14 Muratović, Rasim, *Holokaust nad Jevrejima i genocid nad Bošnjacima* – drugo izdanje. Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu. Sarajevo, 2012, pp. 173.

15 Silber Laura & Little Alan, *The death of Yugoslavia*, Harmondsworth: Penguin, 1995, pp. 256.

pride.”<sup>16</sup> I am talking about things that will last, without anyone’s program and encouragement, as a seal of shame that appears after such historical cataclysms”.<sup>17</sup>

As the years go by, the genocide against Bosniaks sinks into normal historical dimensions, and at the same time disappears into the past. Most criminals get deserved punishments as old and senile people, and will everyone get them at all? They often survive their crimes. If a man discovers a criminal, it is very difficult to bring him to court and convict him. Maintaining the memory and remembrance of these events consists in the eventual punishment of criminals or it all ends with unfinished accounts. It is this unfinished account that must be the reason for the genocide of Bosniaks to be remembered. Remember forever.

## **BOSNIAK RESPONSE**

Memory is a function of the brain that fades from time to time, that is, memory is sometimes less and sometimes more pronounced. The real question in this context is: Have we learned lessons from genocide as a crime of the highest rank and genocide as a social phenomenon with the intention of repetition?

In the coming period, we need, among other things, to work on breaking many illusions that have been sold to us for decades and centuries. I want to say that we should remember: We have been killed for centuries because we are Bosniaks Muslims, although in fact, it sounds paradoxical to us, we were not. Or we were insufficiently. That is why we have no choice but to be Bosniaks Muslims.

Academician Ferid Muhić emphasizes that “in this situation, Bosniaks are obliged to turn to themselves and once and for all clear up all doubts that still bother them about their own identity. The first thing that is needed: to get rid of the influence of all previous stories that others have written about them, to interrupt any further discussion on this topic with others. Everything that we “learned” from others, “knew” about ourselves, about our identity and culture, about Bosnia and the past of Bosnia, put it all aside, put it in brackets, until it completely fades from memory.

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16 Bauaman, Zygmunt, *Modernitet og Holocaust*, Vidarforlaget Kulturbibliotek, Oslo, 1997, pp. 226.

17 Isaković, Alija, *Antologija zla*. NIPP Ljiljan, Sarajevo, 1994, pp. 299.

The second necessary step comes down to a kind of self-perception, introspection, a consciousness that knows itself through itself. At least once in its history, every nation must understand itself through its own self-determination, rethinking itself historically, culturally and spiritually, in order to constitute itself as a self-conscious community and raise its collective self-awareness to the level of national character. Bosniaks have not done so far. The same thing, at least once in a lifetime, should be done by every man to, so to speak, know who he deals with! Without it, people spend their entire lives not even knowing whose life they actually lived. Few Bosniaks have done that. »<sup>18</sup>

In this context, Academician Muhić emphasizes that “for Bosniaks, the internalization of the truth about their own identity - that is, the adoption of their own truth about themselves - is the first and most important condition for national emancipation.

The name, the language, the culture, the value system, must be exclusively the result of the people themselves, who are establishing their own self-consciousness, who are building their identity.»<sup>19</sup>

Academician Muhić emphasizes “that two conditions, seemingly opposite in intonation, must be harmonized and fulfilled in order to resist the dangers that have been seriously jeopardizing the survival of the national consciousness of Bosniaks for over 120 years! The first refers to the need to know the truth about ourselves, to gain a clear national awareness of our own identity; the second concerns the degree of our solidarity and connection to our own culture, history, tradition. Renunciation of one’s own identity or even just suppressing the awareness of one’s own identity, in the name of the survival and security of a nation, calls into question its survival and significantly increases the insecurity of the lives of its members. Finally, there are limits even in the price worth paying in the name of survival! Saving a bare life, no matter the cost, can sometimes be the most important thing for an individual, without compromising his integrity, because his personal identity is inseparable from him. But the people must daily and continuously, from generation to generation, consciously and in an organized manner renew their national and cultural self-awareness in order to survive as a people. We will survive as a nation, only if both our values and our tradition survive with us!

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18 Muhić, Ferid, *Sebe svojim očima sagledajmo, Bošnjacima*, Saff, Sarajevo, May 2017.

19 Muhić, Ferid, *ibid.*

Bosniaks must as soon as possible renounce conciliation, indulgence, inferiority that has imposed on them the reflexive habit of legitimizing themselves in front of others, of seeking confirmation of themselves in others, of proving to others what no one can challenge them and what no one can convince them of - what, finally, no one has the right to ask them, let alone convince them that they know who you are better than yourself!? Bosniaks must immediately stop looking for evidence of themselves in the opinion of others, especially those who mock them and who do not proudly hide to despise them!

Bosniaks must get out of the state of spiritual stagnation as soon as possible, immerse themselves in themselves and see themselves with their own eyes! Only then they can face the world, not to flatter in a poltronic manner with the world and seek its recognition and approval, but as self-conscious people belonging to the self-conscious people, the people who know themselves as Bosniaks! When you meet someone who asks about you, show him that by meeting you, he meets a man with personal integrity and national identity!<sup>20</sup>

All of the above indicates that it is necessary to develop national self-awareness in order to understand one's own situation at a particular time. We need to know that everything we lost and what was unjustly taken away from us, was lost and taken away from us, when we renounced our identity. Bosniaks have been put in a situation where they no longer realize that what is theirs and only theirs has been taken away from them, only when they have renounced themselves and that this will happen to them as long as they renounce themselves!

In fact, we have a number of striking lessons, but we have forgotten them in our naive benevolence and political negligence. The reasons for this should be found within the ethno-national collective of Bosniaks and their code of cultural naivety. There is no one and nothing that can replace a murdered son to a dead mother or to parents their killed child, etc. But there is a possibility that institutions and individuals, from time to time, will remember these mothers, parents and relatives of the murdered youth and our children. Each institution in its own way should adequately respond to this not so big, but important request.

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20 Muhić, Ferid, *ibid.*

## CONCLUSION

The crime of genocide, recognizable and indisputable, occurs in extraordinary circumstances, usually in times of the collapse of an economic, social and political system, as a phenomenon that is difficult to comprehend and linguistically even more difficult to explain.

The collapse of the Yugoslav communist regime was the beginning of a new realization of anti-Bosnian anti-Bosniak and anti-Muslim ideology, which means the emergence of new nationalist elites on the South Slavic political stage, which take over the existing state organizations and initiate persecution and killing, destruction and looting in territories considered Serbian. The goal was national homogenization with territorial expansion, using all available means, illegally abducted from the Yugoslav state. This would establish the ideologically imagined borders of Greater Serbia. The ideological basis of this venture has been the same in the last two hundred years. Sociologist Leo Cooper points out: "At least when they act together with them (perpetrators of genocide), ideology needs to legitimize their behavior, because without it they would have to see themselves, and each other as they really are - ordinary robbers and murderers."<sup>21</sup>

The reality of the Bosniak people is marked by the experience of genocide. The key question for all people, and above all for Bosniaks in their moral and any other responsibility for themselves, is whether the existing ideological passions and their advocacy threaten the possibility of repeated genocide? Is a new genocidal coup possible and if so, what is its basis and how to prevent it?

If Bosniaks are those who want to become aware of their responsibility, determined to respond to threats to their state, and consequently the existence of the Bosniak people, they must focus on themselves, on the power of their hypocrisy in relation to themselves. Only then will they ensure the strength of their attitude towards the hypocrisy of others, and above all national elites in neighboring states.

The national elites of Serbia are in a dramatic struggle to hide their involvement with their narratives about the war against Bosnia and use everything that distracts from the continuation of their destruction of Bosnian society and the state.

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21 Kuper, Leo: *Its Political Use in the Twentieth Century*, New Haven: Yale University Press, 1981, pp. 84.

Bosniaks continue to be under the terror of challenging their rights.

On the other hand, a large number of Bosniaks continue to live in other people's notions of themselves, seeking refuge in other people's dreams, as well as in the guilt imposed on them and the denial of the right to be their own, and thus free.

“We have always been composed, unobtrusive, kind, polite and considerate and this has always been valued as our weakness and not as the generosity of our being. We are valued not according to what we are and offer in coexistence with others, but according to the measure, qualities and morals of the connoisseur. That, unfortunately, is no consolation. Evil does not seek praise but a potion of insane ecstasy.

We accepted all the beauties that were offered to us, believed in the fairy tales that were purposely told to us, forgave the evil and ugliness that were done to us, gave clean hands to the “distant future.” ... It was all a deliberate lie and a muffled hoax. All this is now giggling cynically at our bloodied faces, not without manic criminal pleasure.”<sup>22</sup>

In this context, upbringing and education are very important. Education should be done “from the cradle to the grave”. Of course programs and plans need to be adjusted to age, space and time. It is necessary to force films, video games, geography, short stories, leaflets, posters, and only then go with the classical way of education through volumes of books, direct testimonies, etc.

Because of all that has been said, today, more than ever, genocide against Bosniaks is not a private problem or private property - if it ever was? The genocide against Bosniaks does not belong to their executioners - who can be punished. The genocide against Bosniaks does not belong to their direct victims either, which may have sympathy for the reasons of suffering in the past. The genocide against Bosniaks does not belong to their witnesses either, which they can ask for their innocence to be taken into account. The current meaning of genocide against Bosniaks is learning.

“If the soldiers do not learn from the genocide against Bosniaks that evil can be prevented by military force; if politicians do not learn the answer to the question of who is the victim and who is the executioner, if the world organizations led by the United Nations do not learn to act in accordance with their mandate, and not just moralize, if journalists do not learn the lesson that one cannot be neutral when it is a matter of genocide, if academics do not learn

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22 Isaković, Alija, *Govor na Prvom bošnjačkom saboru 1993*. Dnevni avaz – Sedmica, 17 januar/siječanj, Sarajevo, 2009, pp. 8-9.

that the evil that was committed also because “one side” was Muslims, then the chances increase that, in times of economic, social, political and moral crisis, evil will happen again.”<sup>23</sup>

The genocide against Bosniaks teaches us about the essence, about the truth. What we can learn from the genocide against Bosniaks is how easily most people, when they find themselves in a situation where a good choice is excluded or costs a lot, forget their moral obligations and instead stay in the sphere of rational interests. If a man wants to keep a low profile then he keeps constantly on the sidelines. In a system where rationality and ethics go their separate ways, humanity is at a loss.

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23 Muratović, Rasim, *Holokaust nad Jevrejima i genocid nad Bošnjacima* – drugo izdanje. Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu. Sarajevo, 2012, pp.177-178.

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**MOTHER AND CHILD IN THE CRIME  
OF GENOCIDE AGAINST BOSNIAKS\***

*“Men were almost all cut, they started to tear the bellies of pregnant women and take out children, and when they saw that a child was male they would kill also him, and of the women what they did and how they were treated, my tongue cannot speak or my pen write.”*

*(Popović, Miodrag)*

*“The bridge on the Drina River provided a horrible picture ... It was the execution site of an innocent Muslim people - a real slaughterhouse ... the Chetniks threw slaughtered men and women from the bridge into the river. Before the slaughter, women and girls were raped before their parents, husbands and brothers. The horrors are indescribable.”*

*(JNA General Kosta Nađ)*

**Summary**

*The genocide verdict against Bosniaks of the UN Protected Area Srebrenica, before the International Criminal Tribunal for the former Yugoslavia, the verdicts of German courts (Higher Regional Court in Dusseldorf), the crimes of genocide in Doboj and other places in Bosnia and Herzegovina, and the verdicts of the Court of Bosnia and Herzegovina are paradigmatic evidence of genocidal destruction of Bosniaks, because the analysis of specific socio-historical processes, in the form of national liberation movements and nation-building in South Slavic and wider Balkan areas, continuously, as an integral part of them, genocide against Bosniaks took place. There is a lot of evidence of genocide against Bosniaks that are explicit and unquestionable as social, historical and legal facts, but one of them stands out and that is the genocide against a mother and a child as sources of holiness of life. In this paper, we will work on concrete socio-historical examples of the suffering of mothers and children in the genocide against Bosniaks from the beginning of the so-called “National liberation movements” in the early 19th century, through the Balkan Wars, the First*

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\* The article is presented at the International Scientific Conference: “Genocide against Bosniaks, Srebrenica 1995-2020: Causes, Extent and Consequences”

*and Second World Wars, to the war against Bosnian society and the state in the period of 1992-1995 using only relevant theoretical and methodological postulates, to prove and show that the last genocide against Bosniaks in Srebrenica, in July 1995, was not an individual and isolated case of genocidal extermination of Bosniaks but, on the contrary, a paradigmatic example, i.e. a part of continuous genocide, as a means of “national liberation movements” from the neighborhood of Bosnia and Herzegovina, derived according to the Jacobin formula “one state-one (ethnic) community.” By analyzing the suffering of mothers and children in the genocide against Bosniaks, we will open the question of ruling false narratives (historical, political, “cultural” and others), about national liberation movements from the position of the principles of the Universal Declaration of Human Rights, as progressive civilizational achievements.*

**Key words:** *mother, child, crime, genocide, national liberation movements, Bosniaks*

## **Introduction**

Genocide, certainly the most destructive, social process, in addition to its political and legal definition as a crime of destruction, in whole or in part, of national, ethnic, religious and racial groups, is also a crime against the holiness of life, life understood as the basic values of all other human existence. Mother and child, not only symbolize, but truly represent those social factors that most explicitly show and prove that, it is they who represent the most important components of the life of the human species. The mother is the source of life and the child is the flow that allows life to flow. To kill the mother and the child means to kill the source of life and to block its flow, that is, to kill it at the source. Understanding and scientific explanation of the genocidal crime against mother and child is one of the basic issues, not only of the sociology and history of genocide but also of other scientific disciplines.

We are witnesses that genocide, as a social phenomenon, is very often mentioned in everyday speech, much more often than it is represented in the social sciences, especially in sociology, but we are also witnesses that the crime against mother and child as “basic the cells “of social groups over which the crime of genocide is being committed are insufficiently written and spoken, especially in sociological research.<sup>1</sup> Why is it like that? There are

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1 In the Bosnian historical, sociological and psychological literature, after the war against the Bosnian society and the state in the period of 1992-1995, the suffering of mother and child in the genocide against Bosniaks was insufficiently investigated. Nevertheless,

certainly many answers, but one deserves special attention. The perpetrators of genocide, not only do not want to talk about their own crime, but at the same time, sometimes openly and sometimes perfidiously cover it up. This is not the only cause of ignorance about the genocide against Bosniaks. One of the significant problems of ignorance about the genocide against Bosniaks is that the Bosniak “intellectual elite” is reluctant to ask this question as a research topic, due to many socio-historical factors that have influenced it to dominantly develop a form of “fear”, self-shame, submissive consciousness and similar forms of collective thinking.<sup>2</sup>

For the above reasons, but also those that due to limited space we cannot list now and relate to scientific requirements, primarily the science of genocide, we raise the issue of suffering of mother and child in genocide against Bosniaks in the process of “national liberation” wars in South-Slavic areas. Sociology, above all, the sociology of genocide, if it does not question itself, should respond to all levels of genocide and all the social content that makes it up, as a social and scientific phenomenon. Keith Doubt rightly asks the question: “Can sociology exist as a valid science of society if it ignores one, perhaps even the most elementary and most difficult topic of its time?”<sup>3</sup> Within this question, there is a key sub-question, and that is, what is from the ethical postulate of sociology and other sub-scientific social disciplines after the genocide committed against Bosniaks in the war against the Bosnian society and state in the period of 1992-1995? Sociology cannot but take into account human rights and the quality of life. One of the ethical postulates, not only of sociology but of science as a whole, is that its contribution serves to build social conditions in which there will be the most favorable opportunity

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several significant scientific publications have been written on crimes against children, which we highlight on this occasion. Those are: Arnautović, Ramo, *Djeca u vihoru rata*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo 2000., Šestanović, Muhamed, *Zločini nad psihičkim integritetom djece*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo 2000., Čekić, Smail, Šestanović, Muhamed, Karović, Merisa, Mastalić-Košuta, Zilha, *Zločin nad djecom Sarajeva u opsadi*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo, 2010 Džananović, Muamer, *Zločin nad djecom u Goraždu tokom opsade 1992-1995*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo 2015.

- 2 Many conditions influenced the development of Bosniaks’ self-esteem, among the most significant are: the conditions of “historical necessity” in which Bosniaks have lived since the beginning of national liberation movements on the Balkan Peninsula and many “silenced genocides” under pressure from Chetnik and communist practices and ideology.
- 3 K. Doubt *Sociologija nakon Bosne*, Buybook, Sarajevo 2003, pp.7.

for the development of all human potentials for free development of all structural contents of society in which the individual will freely satisfy his needs. The basic human need is to preserve life. In order to preserve life, it is necessary to protect mother and child from the crime of genocide.

The challenges of the transition of contemporary Bosnian society require scientifically precise answers to many questions. First of all, it is necessary to answer the question, whether the socio-historical and ideological causes of the crimes of ethnic cleansing and genocide against Bosniaks have been eliminated. Within this question, a particularly important question is the crime of genocide against mother and child. In order to answer this question, a much broader scientific elaboration is necessary than the possibility and task of a shorter text like this one. On this occasion, we raise the issue of research into the suffering of mother and child in the genocide against Bosniaks in the so-called “national liberation” movements of Bosnia and Herzegovina’s neighbors, as a process of nation-building in the 19th and 20th centuries in South Slavic and Balkan areas. The history of Bosnia and Herzegovina and Bosniaks has so far been most often interpreted according to reports from its enemies. Indeed, Masja de Kerval is right, who wrote in 1856 about Bosnian Muslims, Bosniaks, and said: “The great misfortune of this part of the Slavonian people is that it is unknown, except according to the reports of its enemies.” It is the reports of Bosnian enemies that commit genocide and ethnic cleansing of Bosniaks, both in the past and today, are “insidiously articulated” as “heroic acts” of national liberation. At the same time, with this paper, we will point out that the existing historical narratives about national liberation movements and the nation state are false, especially if viewed from the perspective of democracy and human rights as defined by the Universal Declaration of Human Rights. It is the genocide of Bosniak mothers and children, measured by the norms of the Universal Declaration of Human Rights, the most explicit example of how the “heroes of national liberation” as presented in the false narratives of anti-Bosnian historiographies should be portrayed as ordinary criminals, which they are, and their “national liberation struggle”, as the worst crime against human life - genocide and ethnic cleansing.

### **Several theoretical and methodological notes on the research of the suffering of mother and child in the genocide against Bosniaks**

Research into the suffering of mothers and children in the genocide against Bosniaks, as a social phenomenon, primarily belongs to social research that equally includes theoretical and empirical research. Also, in

the methodological sense, from the point of view of the criteria of generality, it is necessary to investigate genocide in its entirety, in its overall structural appearance, but also separately, i.e. by researching, individually, its certain phases (peculiarities) such as e.g. dehumanization, organization, denial, etc., or by researching genocidal suffering, certain structural elements of the group over which genocide is committed, such as e.g. children, women (mothers), the elderly, and others. Child mortality is a particularly important scientific issue, also, insufficiently addressed in Bosnian sociology. The various forms of causes of child mortality: homicides, malnutrition, diseases, mutilation, psychological trauma, unwanted pregnancies of minors and others, deserve individual research and explanation. All these types of child mortality most often occur individually in certain socio-historical situations, but in the crime of genocidal murder of children, all the above types of causes act simultaneously, i.e., they are all used as a form of genocidal murder. A particularly important issue is the dialogue between children of genocide victims and children of genocide perpetrators. Without this dialogue it is very difficult to eliminate the causes of future genocide between social groups that participated in the genocide either as victims or as perpetrators. There are known cases in history that former victims of genocide, in the future, become perpetrators of genocide.

Determining the legality of the whole genocidal process is also achieved by establishing the legality of genocidal suffering of each individual structural layer of the social group over which genocide is committed. Researching genocide, as a “crime over crimes”, and collecting data about it is much more difficult than researching other social phenomena. For these reasons, we should always keep in mind the basic axiom of methodology that “the subject of research determines the research methods”. It is necessary to use several scientific methods, often at the same time, to investigate the genocide of mother and child. Methodological monism in the study of genocide is inadmissible, precisely because of the complexity of genocide as a destructive social phenomenon. Also, depending on whether we are investigating individual genocide or genocide as a general phenomenon, we will apply adequate methods to them. When it comes to the research of genocidal crimes against mothers and children among Bosniaks, it is necessary to use data collection methods, which we usually call “auxiliary methods”, then “special scientific methods” and certainly “basic scientific methods”. By applying “auxiliary methods” (observation, statistical data processing, interview, questionnaire, interview, etc.) we collect experiential, empirical data and perform their analysis, classification and description. Using “special scientific methods”, where we especially emphasize the method of comparison, we compare and

systematize facts, that is, we perform a partial explication of empirical data. The comparative method implies the application of known logical operations: analysis, synthesis, induction, deduction, etc. The basic scientific methods that represent the “core of the entire methodological procedure in scientific research” in genocide research serve to correctly, scientifically, apply the research procedure from setting a hypothetical framework (hypothesis) to its verification based on “explication of factual material”. The most commonly used methods in the study of genocide against mother and child are: individual case research method, group study method, statistical method, content analysis, psychological and clinical examination method, historical method, DNA identification method, interview, interview with genocide survivors, case study, comparative and other methods. In short, we will explain some of these methods and how they are used in the investigation of crimes against mothers and children in the genocide against Bosniaks. The crime against mother and child is one of the most explicit proofs of the committed genocide and at the same time represents the most inhumane, most monstrous part of the whole genocidal process.

Before we talk more specifically about the above methods, for a more complete, objective and scientifically relevant understanding of genocide against Bosniak mothers and children, we want to emphasize that it is necessary to avoid imposing ideological orthodoxy on sociology. An important segment of the de-ideologisation of sociology is the inclusion in the cognitive productivity of genocide, in addition to the authority of scientific reason, current experience of survivors of genocide in the war against Bosnian society and the state in the period of 1992-1995 and compare it with similar or, in most cases, the same historical facts of genocidal killings. To scientifically respond to the suffering of mothers and children in the genocide of Bosniaks, primarily, means to go beyond the matrices (models) of dominant ideological thinking which, uncritically, unscientific and stereotypically, from the perspective of national ideologies, explains the scope and results of national liberation movements disregarding the violation of basic human rights and freedoms. At the heart of this question is the relationship between science (sociology) and ideology.<sup>4</sup> It is

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4 In order to understand the genocide against Bosniaks, first of all, the genocidal suffering of mother and child, as the essence of the national liberation movements in the Balkans, it is necessary to know the truth that the power of science and ideological power rest on different intentions. Science thinks reality and ideology manipulates thinking about reality. In order to avoid ideological manipulation, it is necessary to respect the basic scientific postulates, which are objectivity and experiential verifiability. Scientific objectivity and truth, too, must be measured impartially. The basic measure of human existence is, precisely, life. There is no such idea, including the idea of national freedom,

necessary to precisely and clearly determine the differences between science/sociology and ideology, that is, knowledge as the objective truth of science and the “humane” truth of national liberation movements that neglect human rights, above all, the right of every person to life and freedom regardless of religion, race and nation. If we fail to do so, we are exposed to “catastrophes of the worst kind, such as the dictatorships of the twentieth century, which are based, not accidentally, on open contempt for truth and objectivity, not only in history and the social sciences but also in the natural sciences themselves. If the concept of objective truth is abandoned, then, sooner or later, the idea almost inevitably arrives that the question of what I should think is a question that must be resolved by relying on the arbitration of huge battalions.”<sup>45</sup> The dominant matrix of opinion of the ideology of national liberation movements is the “logic of one idea” (Hannah Arendt), which is that in the name and for the purpose of achieving national freedom, acts can be done that are contrary

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which for its realization would include the crime of individual and collective killing of mother and child. The very idea of the nation-state, which is reached through national liberation movements, is in its essence ethnocentric. It is a historical truth that for two whole centuries, as long as the Balkan national liberation movements lasted, as their essence and basic socio-historical practice, the crime of genocide against Muslim peoples took place. That this is true, we will show with concrete examples of the genocidal suffering of Bosniaks during the national liberation movements in the Balkans. Let us dwell a little more on the theoretical-methodological facts, in order to understand why the same events are explained and understood differently by different social and scientific subjects. The reason lies in the fact that sociological (scientific) discourse is formed by factual judgments and the discourse of ideology, which includes national movements, by value judgments. Both ideology and science are focused on society and social processes. Sociology approaches society from the standpoint of truth, whatever it may be, ideology uses only those “truths” that suit its worldview and pragmatics the most. How it looks practically on sociological examples. The greatest value position of the ideology of national movements is the nation state, and the greatest factual court of science, in our case, sociology, is human life, which is in the first place the protection of the Universal Declaration of Human Rights. As a rule, the ideological worldviews of the national liberation movements do not coincide with the criteria of scientific objectivity, but are primarily aimed at winning their goals. Lewis S. Feuer argues that there are three elements that make up an ideological worldview, whose primary means is the imposition of “truth.” “These three building blocks, a stable mythological structure, a changing set of philosophical beliefs, and a historically determined choice of group are inherent in every ideology.” (Feur, LS, 19975, p. 1) interestingly manipulates. To express the ugly role of ideology, every ideology, even the one we are discussing, the ideology of national

5 Russell, *Imperialism and the World*, Russell, *Revolutions in the History of Paris*, 1997, (p. 63 more: Duvignaud, J., 1969.)

to basic human rights principles, such as the right to life, freedom, security.<sup>6</sup> “No one shall be subjected to slavery, torture or other inhuman treatment.”<sup>7</sup> Do this and other human rights principles respect “national heroes” and “huge battalions” of national liberation movements in carrying out the “historical mission of national liberation”. There are countless historical examples that they are not respected. We should look at examples of mass killings of civilians, primarily children, women and the elderly, which were committed in the Balkan national liberation movements from the beginning of the 19th century until today, (Bandžović, S., 2006, Dedijer, V., Miletić, A., 1990, Tucaković, Š., 2013, Gutman, R., 1995, Pašić, I., 2000. Čekić, S., 1996 and others) so to be convinced of all the irrationalism, violence and crimes that were committed in the name of the “national freedom” of those who fight for it. That is why it can happen that the murder of a pregnant woman on the street and her husband, such as the murder of pregnant Sofia, the wife of the Austro-Hungarian heir to the throne Franz Ferdinand, in Sarajevo in 1914, is interpreted as a heroic act of national liberation and human rights, although it essentially presents, from the aspect of democracy and human rights, is a classic example of a terrorist act. Ideology, in its various characters and functions, as a “false consciousness” (Marx), through “symbolic mediations” (Geertz) as an “instrument of political legitimacy” (Weber), does not rest on researching reality and strictly checking its results, although certain scientific insights can serve as a cover for justification and correctness. In the ideological consciousness of national liberation movements, through a system of ideological notions that reflect the historically dominant situation of a nation (in this case Serbian), it may happen that Gavrilo Princip is interpreted as a “national hero” instead of an ordinary criminal, who from the perspective of principles of General Declaration on human rights is nothing but an ordinary criminal. The same logic applies to understanding the crimes committed at the level of collective activism of national movements. Continuous crimes of genocide and ethnic cleansing against Muslim peoples, primarily Albanians, Bosniaks, Gorani, Torbes and Turks, beginning with the uprising of Orthodox peasants<sup>8</sup> in the Smederevo

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6 “Everyone has the right to life, liberty and security of person” (Article 3 of the Universal Declaration of Human Rights)

7 Article 5 of the Universal Declaration of Human Rights.

8 “Balkan ‘revolutions’ - the creation of independent nation-states in the Balkans are a story of peasant uprisings in which the key element is the expulsion and extermination of Muslims.” (Banac, I., 2002, p. 45) “The uprisings were to some extent pagan , archival people, which influenced the course of events and the escalation of violence. Karadjordje was a sharp, quick, capricious and cruel man. This is shown by some of his acts of violence (murder of his father, brother, prominent insurgents, princes. Of the 25,000 people in his army, only one could write, and there was not one who could read. “)

Sandzak in 1804, erroneously called the “First Serbian Uprising”, through “symbolic mediations”, through the Balkans wars, the First and Second World Wars, until the war against Bosnian society and the state in the period of 1992-1995, confirm the “logic of one idea”, the idea of national movements, to present these crimes as processes of national liberation.<sup>9</sup> Understood from the standpoint of science and scientific objectivity, based on the universal values of the Universal Declaration of Human Rights such as: life, religion, freedom, property and honor, all these processes are truly war crimes of genocide<sup>10</sup> and ethnic cleansing<sup>11</sup>. The results of these crimes are clearly visible in today’s mono-ethnic structure of Belgrade, Šabac, Valjevo, Loznica, Užice, Niš, Leskovac, Foča, Višegrad, Rudo, Čajniče, Trebinje and other cities in Serbia

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(Bandžović, S., 2013. pp.16.)

- 9 “Christian states, which emerged on the soil of the former Ottoman provinces, held to their understanding of that time as liberating. The struggle against the Ottoman Empire also meant the disappearance of Muslims, that ‘last refuge of negative orientalisms’, regardless of their origins and their rights. These were religious wars aimed at destroying Ottoman society. Their own use of violence was justified by sacred national goals. “(S. Bandžović, 2006, pp. 18.)
- 10 As a result of international activity, on December 9, 1948, the General Assembly adopted the International *Convention on the Prevention and Punishment of the Crime of Genocide*. In Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, genocide refers to any act “... committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group:
- a) Murder of group members;
  - b) Inflicting severe or mental injury on group members;
  - c) Deliberately subjecting the group to such living conditions that should lead to its complete or partial destruction;
  - d) Imposing such measures to prevent intra-group births;
  - e) Forced transfer of children from one group to another.”(Convention on the Prevention and Punishment of the Crime of Genocide (Resolution 260A, III, 1948) See: Aleksandar Vajs, GENOCID, Vojna enciklopedija, Beograd, 1972., sveska 3, pp. 187 – 188.)
- 11 “Given the context of the conflict in the former Yugoslavia, ‘ethnic cleansing’ means turning an area into an ethnically homogeneous one, by force or intimidation, in order to remove persons from a certain group from that area. ‘Ethnic cleansing’ is contrary to international law. Based on many reports describing policies and practices in the former Yugoslavia, ‘ethnic cleansing’ is carried out through murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assault, detention of civilians, forcible expulsions, displacement. and the deportation of civilians, deliberate military attacks or threats of military attacks on civilians and civilian areas, and the savage destruction of property. Such practices constitute crimes against humanity and can be equated with specific war crimes.”(B. Letica, S. Letica, 1997, pp. 34)  
”Ethnic cleansing means forcibly displacing the population through the use of force, harassment, threats and terror. Genocide, on the other hand, represents the systematic destruction of one ethnic group by another.”(Gidens, E., 2007, pp.272)

and Bosnia and Herzegovina. Where are Muslims, read Bosniaks and Turks from those cities where they made up more than half of the population in the 19th century.<sup>12</sup> Where did mosques, cemeteries and other cultural and religious contents that belonged to Bosniaks disappear. Everything was destroyed in the crime of genocide and ethnic cleansing, in which the crimes of “insurgents”, “liberators”, against Bosniak mothers and children were a regular practice, a rule of struggle and not an exception to the rule.

The best way not to impose ideological orthodoxy on sociology, above all, the “logic of one idea”, national liberation movements, is to use the paradigms of proven sociological theories that we will use in researching the suffering of mother and child in the crime of genocide against Bosniaks. These are: the structural-functional paradigm, the paradigm of social conflict theory and the symbolic-interactionist paradigm. The first two theoretical paradigms are used at the macro-sociological level of the study of genocide while the third theoretical paradigm is used at the micro-level. The most important questions to which the mentioned theories provide answers regarding genocide are the following: structural-functional theories help us to answer the question, how society is integrated, i.e. how and to what extent the degree of integration of society affects the occurrence of genocide. According to this sociological paradigm, each structural part of society has its function in preserving the functioning of society. The question arises, what happens to the legal, moral and religious subsystem of society in the process of the origin and perpetration of genocide. Theories of social conflict claim that society at the macro level is based on social inequality, which is also the main driving force of society. The question is asked and answers are given, what are the main patterns of social division and how it affects the emergence of destructiveness and even the crime of genocide. How individual social groups react to violence in conflict situations. Symbolic-interactionist theories help us, on a micro level, to know individual perceptions of reality, differences in the value system in social interactions, and to get answers to the question of how much individual beliefs change depending on the social situation (interaction). Also, symbolic interactionism helps us to get an answer as to how people interact in the process of genocide, how they preserve and change social patterns of behavior.

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12 “In the 1970s, Muslims made up half of the total population of the Balkans. In 1870-1890, in that area over 300,000 Muslims were killed, over five million of them were exiled to Anatolia by the end of that century. Although the Western world has long been concerned about the fate of the Christians of the Ottoman Balkans, only a small part has wondered about the Balkan Muslims and their fate. Due to this negligence, one of the biggest European demographic catastrophes has never been discovered.” (Bandžović, S. 2006, pp.49.)

In the theoretical-methodological sense, in addition to the above theoretical paradigms, when it comes to individual authors, we consider it indispensable for the theoretical-methodological understanding of the suffering of mother and child in genocide against Bosniaks, to start from the theoretical views of Jurgen Habermas (1929-), Karl Jaspers (1883-1969), Zygmunt Bauman (1925-2017) and Stanley Milligram (1933-1984). The theoretical views of these authors allow us to build the most accurate methodological basis for empirical research on genocide and other forms of crime as a product of the modern age. From the theoretical views of J. Habermas we will learn the basic characteristics of the theory of modernity, then the phenomena of communicative and instrumental rationality, the crisis of “human civilization” and other issues of modernity that favor the emergence of genocide as an undemocratic use of power. Simply put, genocide is the result of undemocratic use of power, i.e. non-compliance with the principles of the Declaration of Human Rights. “Human civilization is based on power and that is why it is ontologically undemocratic. The undemocratic nature of human civilization is based on the extreme Enlightenment hypostasis of science in relation to other forms and types of knowledge, on the one hand, and its foundation, existence and survival in power, on the other. In it, truth, justice and good have lost their autonomy. It matched them and legitimized power. The spiritual form that established the sanctity of the power of human civilization is an instrumentalized, democratically or ethically uncontrolled application of science. Politics pragmatized and ideologized scientific power, and philosophy apologized and defended it. In the Enlightenment noise of several centuries, the voice of the critics of instrumentalizing Enlightenment rationality ... remained a mere inaudible cry.”<sup>13</sup> Discussing the social crisis as an integral part of the historical process, Habermas argues that they are of different content and intensity, and that to overcome a crisis primarily means introduce it into “a new state of relations, to transform it into a new social opposite.”<sup>14</sup>

Habermas argues that dualism, which exists in society, also exists in science. There are two types of action in society, and two types of theoretical-methodological action in science. One type of action in society has an institutional character, and the other a communicative one. The second leads to emancipation, the first cannot lead to dialogue. Communicative action is not about coercion, but, on the contrary, it aims at non-violent understanding

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13 Halilović, E., *Savremena politička misao*, „Amos Graf“ d.o.o, Sarajevo, 2019, pp. 171-172.

14 Ibid, pp. 167.

among people. Instrumental action enables people to rule nature through science, technology and economics. Habermas also dealt with the question of explaining the development of democracy. In order for it to be possible, the art of communication or “communicative competence”, as Habermas calls it, is necessary. It should become a social habit of most people, because democracy is a process of communication between free people. Otherwise, if “communicative competence” is not realized, politics as an activity will become an arena of elite struggle, which will be passively watched by the apolitical mass of people.

K. Jaspers’ theoretical views will help us to more explicitly understand the issue of guilt for all forms of crime, including the crime of genocide. Jaspers’ theory offers us a more precise understanding of the civilizational and cultural causes of genocide, through the direct connection of mass crimes with the rule of the “technical mind” and the totalitarian state. K. Jaspers sets up and analyzes the relationship between individual guilt and collective responsibility. Jaspers explains that individual guilt and collective responsibility are not separate or opposing processes. Why? Because every man is aware of himself as an individual but at the same time as a collectivity to which he belongs but also aware of the collectivity over which the crime is committed. Explaining the collective political responsibility of the German people for the crime of the Holocaust, Jaspers writes: “We are not only aware of ourselves as individuals but also as Germans.”<sup>15</sup> In his work *The Question of Guilt ...* Jaspers differentiates, in addition to individual guilt, political guilt, moral guilt, and metaphysical guilt.<sup>16</sup>

The question of the relationship between modern society and genocide, as one of the main topics of his scientific interest, Z. Bauman dealt with in his works: *Globalization and Human Consequences*, *Postmodern Ethics and Modernism and the Holocaust*. “In his book on the Holocaust, Bauman showed how faith in the right path and a perfect social order make certain groups ‘defective’, where (certain groups) become like weeds that must be cleansed in order to form a right society. The Holocaust, according to Bauman, is the result of one such project. The Holocaust is a mirror in which modernity confronts its most dangerous hidden sides. The Holocaust is a breakdown, a negation of all that modernism brings.”<sup>17</sup> Z. Bauman analyzes the structural content of German society in which genocide was committed and finds in it

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15 K. Jaspers, *Pitanje krivnje, o političkoj odgovornosti Njemačke*, AgfM, Zagreb, 2006, pp. 74.

16 More in: E. Halilović, pp. 132-135.

17 R. Muratović, *Zlo i ljudsko dostojanstvo u djelu Arnea Johana Vetlesena*, pp. 71-72.

those elements that he believes are the ones that caused the Holocaust to occur. These are the elements that Max Weber identified as the main characteristics of modern society: division of labor, specialization, bureaucracy, instrumental rationality, and the ruling class composed of “people without a profession without a heart and people who enjoy without a brain.” That Bauman and other authors, who consider the socio-civilizational and socio-political essence and characterology of modern societies of the 19th and 20th centuries, the social milieu suitable for committing genocide is confirmed by: Dachau, Mathausen, Auschwitz, Omarska, Trnopolje,<sup>18</sup> the genocide against Bosniaks in Srebrenica, and many other crimes against humanity that occurred in the twentieth century. Bauman’s theory teaches us that genocide is primarily a product of the social relations of modern society, of its “bureaucratic rationality,” rather than the individual characteristics of the criminal as an individual. “Horror has a lot more close connections in social interaction than in the character of the person or in other bases. The crime has a much higher social origin than a personality characteristic.”<sup>19</sup>

The most explicit example that genocide is primarily caused by the social ties of modern society, one of the basic characteristics of which is bureaucratized consciousness, was shown by the American psychologist Stanley Miligram from Yale University. Miligram’s experiment was also used by Bauman to prove his claims. To better understand the crime of the Holocaust, Miligram conducted several empirical studies based on emotional instincts. He published his research in the study *Obedience to Authority - Government*, in 1974.<sup>20</sup> The experiment involved the use of electric shocks. Those who gave electric shocks to others were aware that electric shocks hurt the person being worked on, but also that they did so for the sake of a “scientific” test and that the project leader took responsibility for the future of science and at the same time took full responsibility. The goal of Miligram’s experiment was to determine how much the totalitarian system of government influences the perpetrator of the crime to consider his action legitimate because he received it as an order from his superior. Miligram wanted to determine how much the crimes are conditioned by the character of the person and how much by the relationship between the government and the way of governing. Miligram determined that in a bureaucratized social system, “there is no talk of morality.” There are only concepts: loyalty, obligations, discipline.”<sup>21</sup> “When social

18 More on crimes against Bosniaks in prison camps Omarska and Trnopolje in: J. Medić, *Genocid u Prijedoru*, Grafos doo Cazin, Cazin, 2013.

19 Z. Bauman, *Modernost i holokaust*, pp. 202.

20 S. Miligram, *Obedience to Authority*, Pinter& Martin, London, 1997.

21 Z. Bauman, *Modernost i Holokaust*, pp. 200.

relations are technically perfected, then the capacity and efficiency for the social production of inhumanity increase.”<sup>22</sup> Milligram’s experiment helped Bauman conclude that morality has no place in bureaucratized consciousness and practice. It is important for bureaucratic awareness to complete the task quickly and efficiently. “Bureaucracy by morality means discipline and loyalty. Loyalty means fulfilling the obligations described in disciplined laws. Issues of ethics and morality then have nothing to look for outside the bureaucratic system.”<sup>23</sup> Milligram’s theory teaches that genocide is not a crime of only an individual’s personality or only of a psychological nature. “This whole process has its own social character. In a modern, rational society, we have such an organization where the process is divided into phases, so we have planning, rationalization, functional specialization, destruction of processes and the like. The more organized this rational process is, the easier it is to commit a crime, inflict pain and have the feeling that nothing ugly or bad is being done.”<sup>24</sup> Milligram also found that “the greater the physical and mental distance between the executioner and the victim, the easier to commit a crime. That is, the more organized the whole process, the easier it is for the executioner to keep inner peace because of the crime committed.”<sup>25</sup> If the perpetrator has an order from his superior, then he personally does not feel responsible for the crime because he considers it an obligation. Regardless of the fact that it has suffered a lot of criticism, we believe that Milligram’s theory is important for the methodological understanding of genocide because genocide as a form of crime, although committed by an individual specifically, is at the same time the result of social relations. When the doing of evil is rationalized politically, ideologically, culturally,<sup>26</sup> bureaucratically and militarily organized, then all

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22 Ibid, pp. 198.

23 Ibid, pp. 202.

24 Ibid, pp. 203.

25 Ibid, pp. 202.

26 A special scientific issue is the “cultural values” in Serbian literature and the contents of hatred that they express towards Muslims (Bosniaks, Turks). We find incomprehensible hatred, as a “pathology of the mind”, as a “cancer of consciousness”, in the literary works of many Serbian writers. (P.P. Njegoš, J. Dučić, V.S. Karadžić, I. Andrić, B. Radičević and others). In his poem *Ajduk*, Branko Radičević, one of the most important Serbian poets of romanticism perversely expresses hatred towards Turks as Muslims. Here are just a few of the lyrics: „...Oh ala mi raste kika  
Kad pušaka stane cika,  
Kad zagledam turskog skota,  
Pa kad mi se s konja smota,  
Kad mu glavu pseću zbrijem  
Pa na kolac kad nabijem. (...)  
Čekaj ago koji danak

the conditions are met for genocide or some other form of crime to occur.

Scientific research is not a unified, stereotyped, one-dimensional activity, but represents a multitude of different types that are, primarily, determined by the criteria that we take as determinants when determining the type of research. On this occasion, to investigate the suffering of mothers and children in the genocide of Bosniaks, we will primarily use a combination of the following sociological methods: individual case research method, group study method, content analysis, historical method, interview with genocide survivors, comparative and DNA identification method. In short, we explain why we use each of the methods and what opportunities it provides us to establish the objective truth about the studied topic.

Content analysis is an indispensable research method for studying the suffering of mothers and children in the genocide against Bosniaks. With the help of content analysis, various documents, archives, various publications, media, etc. are analyzed. Extremely important documents for the study of genocide are: official indictments and verdicts for genocide and other forms of crime, plans for military operations, orders of commanders of military units, reports of commanders to higher commands after military operations, media reports on military events, persecutions, murders and the like. Analysis of the content of the collected statements of the surviving victims that they gave to the state prosecuting authorities. For the study of genocide, analyzes of the content of professional and scientific publications that were the subject of some form of crime are important. When performing content analysis, the researcher must not be subjective, unprincipledly selective in selecting data for analysis. In order to avoid subjectivity, it is necessary to develop criteria for content analysis. "When analyzing the content, methodologists especially

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Dat bijele bijem kule  
Da boravim laki sanak  
Pored tvoje vjerne bule,  
Da ti, ago, lulu pijem,  
A kuranom kavu grijem.(...)  
Pa da t' onda dočnem sreću:  
Da ti glavu srubim pseću,  
Da ti kulu njom okitim,  
Ispod kule meso itim,  
Nek ti vrane glavu kljuju,

Psi se psine nablajuju."(<https://sr.m.wikisource.org>). This example and many other examples in Serbian literature represent more than hate speech, more than any "outburst of hatred", on the contrary they are interpreted as "artistic and cultural value", instead of being banned forever because they are directly in the function of building genocidal pathological consciousness.

insist on three operations: on the formulation of the question (which means on defining the subject of research), the unit of analysis (which is the basic starting point of the analysis), and sampling. It is implied that the conclusion of the analysis is performed, as well as its public promotion.”<sup>27</sup>

The suffering of a mother and child in the crime of genocide against Bosniaks is not only the content of the war against Bosnian society and the state in the period of 1992-1995, on the contrary, it is an integral part of Bosniak history from the very beginnings of the national liberation movements to the present day. For these reasons, the historical method should be applied as indispensable in this research. The historical method in sociology is in fact a historical comparison and was especially valued, in the classics, by E. Durkheim. Durkheim believed that only the method of historical comparison “allows to be solved, one institution sees in its constitutive elements, because it shows us how they are born in time next to each other.” The sociology of genocide must not forget that genocide is socio-historical fact that happened in the past but also that it is a contemporary phenomenon. There are several meanings of historical comparison in the sociology of genocide. The one-sidedness of empiricism, first of all, of individually investigated genocide, will be best avoided by comparing several individual cases of genocide and, based on a multitude of facts, explicate the general occurrence of the genocidal phenomenon. For example, in our case, if we want to investigate the suffering of mother and child in the genocide of Bosniaks, we simply cannot determine it only on the analysis of one case, but it is necessary to consult historical facts and use historical comparison to determine the general legality of the phenomenon. Without “historical material”, the legitimacy of any social phenomenon could not be established, not even the suffering of mother and child in the genocide against Bosniaks as a continuous phenomenon of national liberation movements and the establishment of a nation state in the Balkans.

The comparative method is particularly suitable for determining the similarities and differences in individual cases of genocidal crime. That is why we will use it in this paper. We also use the method of comparison when comparing a new crime with a previously established genocide so that we can determine whether the analyzed crime is genocide or not. The comparative method is suitable for establishing causal links between the social causes of genocide in each genocide individually. Establishing these causal links is very important for the sociology of genocide in order to determine the general legality of the origin and realization of the genocidal process. Primarily,

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27 J. Žiga, A. Dozić, *Sociologija*, pp. 119.

the same social facts are compared as e.g. ideologies, political programs, participation of armed formations, ways of classification, symbolization, dehumanization, persecution and extermination of victims. Manners of covering up and denying genocide are compared and analyzed. The higher the intensity of concealment and denial, the higher the probability that genocide was committed. By comparing the crimes against mother and child in the genocide against Bosniaks of the 19th century, the First and Second World Wars and in the war against Bosnian society and the state, we not only establish the general characteristics of the ubiquitous crime against mother and child, but also make a significant contribution to the answer who are fascists and who are anti-fascists in the war against Bosnian society in the period of 1992-1995.

### **A mother and a child in the crime of genocide against Bosniaks-concrete historical examples**

The beginning of the process of national liberation movements on the ethnically heterogeneous structure of South Slavic areas and the Balkans as a whole, which was politically maintained by the Ottoman Empire, also meant the realization of ethnocentric ideals of ethnically homogeneous states, which we call national today. A specific form of nationalism in the South Slavic area, from the beginning of national movements until today, is ethnophiletism, which essentially forms the ideological basis of the genocidal suffering of Bosniaks because they were predominantly Muslims in the religious sense.<sup>28</sup> In all genocides against Bosniaks, an integral part, and its most cruel and brutal part, was the genocidal murder of a mother and child. With the following concrete historical examples of the suffering of mothers and children in genocides against Bosniaks, we will show and prove that violence, even its most severe form - genocide, is an inseparable part of building nation-states in South Slavic areas. This socio-historical and scientific truth has so far remained insufficiently known because the history of Bosnia and Herzegovina and Bosniaks was known, as we noted above, "according to the reports of their enemies." The genocidal suffering of Bosniaks must be understood as part

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28 "From the Vienna War came a time of general persecution of the 'Muslim population from the Balkans without the means being chosen' ... they literally disappeared as long as Austria or any other Christian state reached." (S. Bandžović, *Iseljavanje Bošnjaka u Tursku*, pp. 8). "The Balkan 'revolutions' - the creation of independent nation-states in the Balkans - are the story of peasant uprisings in which the expulsion and emigration of Muslims is a key element." (I. Banac, *Teret lažne povijesti*, Forum Bosne, br. 18. Sarajevo, 2002, pp. 45.)

of the genocide of Balkan Muslims of every ethnicity,<sup>29</sup> which unfortunately is one of the greatest silenced genocides<sup>30</sup>, which has yet to be investigated and presented to the scientific and general public. The crime of genocide and ethnic cleansing of Bosniaks and other Muslim peoples was a basic means, political and military, of destroying the multiethnic structure of society, first Ottoman and later Bosnian society, so that a nation-state could be built on their ruins. It is very important to point out that at the beginning of the 19th century, Bosniaks made up the majority of the population in almost all cities of the Smederevo Sandzak or the area that is today called “narrower Serbia”.<sup>31</sup> An excellent study on the “silenced genocide” against Bosniaks in the Second World War, more specifically on the genocidal crime of “Serbian forces on the Drina in the period of 1941-1945”, was written by Šemso Tucaković.<sup>32</sup> Genocide researchers need to investigate, so far the largest “silenced genocide”, against the Muslim peoples of the Balkans in the national liberation wars of the 19th and 20th centuries. Before citing examples of the genocidal suffering of mothers and children among Bosniaks in World War II and the 1992-1995 war against Bosnian society and the state, we will cite several examples of the same suffering in the wider South Slavic areas of the Balkans, not only Bosniaks but also Albanians, Gorani, Torbesh, Turks and others, to prove the justification of the claim that the idea of the Jacobin concept “one state - one (ethnic) community”, concretized in the Balkan national liberation movements in itself, as its essential essence, contains genocide against Muslim peoples. These examples could be an instruction for comprehensive work on the greatest

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29 “In the 1970s, Muslims made up half of the total population of the Balkans. He was killed in 1870-1890. in that area over 300,000 Muslims, and over five million were expelled to Anatolia by the end of that century.“ (S. Bandžović, *Iseljavanje Bošnjaka u Tursku*, pp. 8.).

30 “For a long time, the Western world was worried about the fate of the Christians of the Ottoman Balkans, only a small part wondered about the Balkan Muslims and their fate. Due to this negligence, one of the biggest European demographic catastrophes has never been discovered.” (S. Bandžović, *ibid.*). All relevant indicators measured by scientific criteria confirm that this “one of the greatest European demographic catastrophes” was in fact a crime of genocide and ethnic cleansing, as we will be convinced by the examples of genocidal suffering of mother and child in this paper, which make up only a small part examples that have actually been done.

31 The Muslim population, predominantly ethnic Bosniaks, “in Belgrade accounted for four-fifths of the population, accounted for 96.7 percent of the population in Užice and 65 percent in Pomoravlje.” According to some Serbian sources, there were 1,600 Muslims in Sokol, eight surrounding villages ... the same sources estimated that before the crisis of 1862, there were about 12,500 Turks in the principality of Serbia.” (S. Bandović, *Iseljavanje muslimanskog stanovništva iz kneževine Srbije u Bosanski vilajet (1862-1867)*, *Znakovi vremena*, br.12, Sarajevo, 2001.)

32 Š. Tucaković, *Prešućeni genocid*, „Amos Graf“, Sarajevo, 2013.

“silenced genocide” in the history of genocide, i.e. on the genocide of Balkan Muslims in the processes of national liberation struggles in the 19th and 20th centuries. The genocidal suffering of the Balkan Muslims has so far been known only “according to the reports of their enemies”. Violence, including genocide, was the primary means used by national liberation movements, later the newly formed small Balkan Christian states, to destroy the Ottoman multiethnic, multicultural, and multireligious empire. A special question is the answer to the causes of cruelty, barbarism, in a word, inhumanity in the criminal actions of national “liberators”. There are many causes and they need to be investigated in detail. One part of them, of course, is in the stereotypes towards the Ottoman state and Muslims, the idea of national freedom which meant the physical destruction of those who do not belong to their ethnic and religious group, but also in older rudiments of Slavic pagan customs, which were most extreme in cutting off the heads<sup>33</sup> or noses of the upper lip of dead or often living captured soldiers<sup>34</sup> and civilians. That violence and the difficult situation, ethnic cleansing and genocide, of the persecuted Muslim population in the Balkans was known, is evidenced by a decision of the Berlin Congress to form a commission that would examine the situation of the exiles in the Rhodope area. The commission identified ‘as many as 150,000 refugees’ who wanted to be liquidated by Russians and Bulgarians’. The emigrants were hungry, and **70% of them were widows and children** “(pointed out, A.Đ.).<sup>35</sup> There are countless examples of the horrors of the genocidal suffering of mothers and children in the Balkan national liberation struggles, which

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33 “Foreign journalists wrote about captured Ottoman soldiers whose noses and upper lips were cut off by Montenegrin soldiers. Edith Durham saw nine victims survive a nose cut. Their nasal bone was cut off and removed along with the entire upper lip. The Montenegrins, as they boasted, went around after each battle and mutilated the wounded: ‘they did not leave a single nose on the corpse between Berane and Peja’. In most cases, the surviving victims died from additional bleeding.“ (More in: B. Jezernik, *Zemlja u kojoj je sve naopako*, Prilozi za etnologiju Balkana, Sarajevo, 2000.)

34 The beheading of an enemy, a dead or a living enemy, was counted among the ancestors of the Montenegrins. Based on the number of severed heads, Montenegrins were divided or, better said, “valued” into “deserving” and “ordinary”, “soy” and “non-soy”. In order to know who is where on the “beheading” scale, among Montenegrins, because being “beheading” was considered a sign of personal respect, Prince Danilo introduced an official protocol, records, which recorded who, where, when and to whom he cut “Turkish” head. Certificate medals were awarded for the beheaded “Turkish” heads. (More in: P. Stojanović, *Običaji sječe glava i kidanja nosa u crnogorsko-turskom ratovanju (osvrta na stanje u XVIII, XIX i na početku XX vijeka)*, Istorijski zapisi, br.2, Titograd, 1979, pp. 72-91.)

35 S. Bandžović, 2006, pp. 51.

are presented by false narratives of Balkan historiographies<sup>36</sup> as “emigrants”, “refugees”, “demographic catastrophe” and the like.

With concrete examples of the suffering of a mother and a child in the genocide against Bosniaks, we will begin with those that took place at the beginning of the 19th century. During the First and Second Serbian Uprising, Miodrag Popović writes that Serbs in Belgrade and other cities “killed, slaughtered, removed scalps, burned Turkish (Bosniak, op. A.Đ.) places of worship and cities, put babies under a knife. They cut off almost all men, they **began to tear the bellies of heavy (pregnant, o.p. A.Đ.) women and take out the children**, (pointed out, A.Đ.), and when they saw that a child was male and they would kill him, and what they did with female children and how they treated them I can’t speak or write.”<sup>37</sup>

Now a few examples of the suffering of Muslim mothers and children, most of whom were ethnic Bosniaks, in the second half of the 19th century, more specifically, after the fall of Leskovac in December 1877. About 5,000 Muslims were then expelled from Leskovac. Describing the genocidal suffering of the civilian population, Sreten Popović writes: “**Children were thrown, lost or abandoned, women and the elderly killed by winter** (pointed out, A.Đ.) or half-dead by fatigue and hunger. Some were swollen and swollen like blackheads.”<sup>38</sup> About the results of the” liberation “of Leskovac, among which was the genocidal suffering of children and other civilians, while fleeing from the” liberators “through Grdelica gorge, writes a teacher from Leskovac Josif H. Kostić. “Along the road through the Grdelica gorge to Vranje and Kumanovo, where Turkish families were retreating, one could see **thrown dead children** (pointed out, A.D.) and stiff old men. The retreat was tragic.”<sup>39</sup> Instead of describing it with a false historical narrative, using “insidious articulation”, “the retreat was tragic”, it is more objective to express this event with an attitude, fleeing from slaughter, burning, rape, ramming on bayonets and throwing into the fire, ended in genocide. Also, the book “Liberation of Southern Serbia 1877-1878”, at the same time, can be called “Genocide against Muslims in southern Serbia 1877-1878” because

36 “Serbian, Montenegrin, Greek, Macedonian, and Bulgarian historiography, under the burden of politics and ideology, have, with traditional suspicion, a special attitude towards the emigration of Muslims (more adequately, persecution, ethnic cleansing, genocide, op A.D.) as a whole, regardless to their ethnic origin, viewing it as part of the creation of their small nation-states and liberation from centuries of Ottoman rule, which also meant their elimination.” (S. Bandžović, 2006, pp. 19)

37 M. Popović, *Vidovdan i časni krst*, Beograd, 1976, pp. 118-119.

38 S. Popović, *Putovanje po novoj Srbiji (1878. i 1880.)*, Beograd, 1950, pp. 345.

39 N. Ilić, *Oslobođenje Južne Srbije 1877-1878.*, Beograd, 1977, pp. 121.

such a title would more objectively name the processes that took place at that time.” Dualism, which exists in society, also exists in science, claims, rightly, Habermas. Which side of this dualism speaks the truth will be measured by the principles of the Universal Declaration of Human Rights and not by the “logic of one idea” of the national liberation “huge battalions”. On crimes against children at the same time, but in the Toplica area, there are also shocking testimonies about the genocidal suffering of Muslim children by freezing.

Dimitrije-Mita Perović writes the following about that: “In Barlovo, when our people first attacked that village, the families fled, grabbing what they could. An unhappy mother left her two sleeping children in the house. The door to the room was open, and the frost was strong overnight. After four days, our soldiers accidentally enter the same house, they come across children who were sleeping peacefully under the covers. The cheeks were as red as May roses in both children. The older ones smiled, and the younger ones raised their eyebrows.”<sup>40</sup> The mother of the children was most likely killed, because she would take her children with her, and the soldiers most likely did not “accidentally” enter the house but entered to rob. Robbery was a regular practice of “insurgents” and “liberators”, with killing being their most famous craft. Violence, various forms of crime, including genocide against Bosniaks, were an integral part of national liberation movements in all South Slavic and Balkan areas. The governments of large European countries<sup>41</sup> also knew about the genocidal suffering of Bosnian Muslims and ethnic Bosniaks, but did nothing to prevent it. On the contrary, the “insidious articulation” (P. Riconer) of the perverted ideology of the nation-state used the technology of organized oblivion<sup>42</sup> to minimize these crimes, using, above all, various euphemisms in naming the genocide that took place before their eyes. The special cruelty of the genocidal killing of Muslims and other various forms of crimes committed against them occurred in both Balkan wars. In the First Balkan War, for example, the village of Puniševac in Kosovo was completely burned by the “liberation” Montenegrin army. All the villagers were killed, “fleeing **children were impaled with bayonets** (pointed out, A.Đ.) and

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40 D. Petrović, *Borbe u Toplici 1877-1878*, Beograd, pp.99.

41 “On October 4, 1878, the British consul informed his government from Belgrade that a significant number of exhausted Bosnian refugees, **mostly women and children** (pointed out, A.Đ.), were on their way to Serbia, emphasizing that if they were not helped, that most of them will die.” (S. Bandžović, 2006, pp. 129.)

42 A special scientific question is to explore the specifics of the technology of organized forgetting of genocide against the Muslim peoples of the Balkans, which were used in politics, historiography, literature and art among the bearers of the idea of one nation, one state..

thrown into burning houses”<sup>43</sup> That the crimes against mothers and children were not accidental and individual is confirmed by examples of their mass and continuous crime during all the so-called national liberation struggles. “In the village of Blaca, all the locals were killed. In the villages of Vojnik and Labej, women were raped and then burned. In Donji Debar ... **children and young women were set on fire** (pointed out A. Đ.)<sup>44</sup> in seven places. ”There are many examples of mothers and children dying of hunger in exile, fleeing their homes from the “liberators”<sup>45</sup>. These are examples from the first half of the 20th century, against members of all Balkan Muslim nations. The same crimes did not cease to be the practice of crimes against Bosniaks in the Second World War.

In late 1941 and early 1942, Chetniks slaughtered 20 members of the Delić family and 17 members of the Began family in the village of Vikoč, the Višegrad municipality. Slaughtered and half-dead Bosniaks were left to burn in burning houses. “**Small children** were taken out of their cribs, **rammed onto bayonets** (pointed out, A.Đ.) and thrown into the fire.”<sup>46</sup> The same type of crime against children as in the “First Serbian Uprising”, and the First Balkan War, but also in all other “national liberation” wars.

Dimitrije Tucović wrote impressively and truthfully about the “pathology of ideology” (Terry Eagleton) of the Balkan national liberation movements, which certainly include the First and Second Balkan Wars. From Tucović’s text, unequivocally, there is unquestionable proof that in the process of the so-called Balkan national liberation movements, genocide against Muslim peoples took place. The most explicit evidence of genocide against Albanians, Bosniaks, Gorani, Torbeši and Turks is the genocidal suffering of mothers (women) and children and other civilians. Describing and evaluating the content and results of the Balkan “national liberation wars” of Montenegrins and Serbs, Tucović says that they were: “**rivers of blood** of the killed non-combatant population, **innocent children, women** (pointed

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43 V. Dedijer, *Veliki buntovnik Milovan Đilas*, Beograd, 1991, pp.113.

44 B. Hrabak, *Arbanaški upadi i pobune na Kosovu i u Makedoniji od kraja 1912. do kraja 1915. godine*, Vranje, 1988, pp. 75-76.

45 In his war report in 1912, Leo Trotsky wrote: “This is a terrible situation! Sometimes, when you see peaceful Turkish peasants being slaughtered for no reason, their property confiscated and their **wives and children left to die of starvation**, (pointed out, A.Đ.) your heart breaks with grief. Between Radovište and Štip, close to 2,000 Turkish refugees, mostly women and children, died of starvation - literally from starvation.” (B. Horvat, *Kosovsko pitanje*, Zagreb, 1988, pp. 34)

46 V. Dedier, A. Miletić, *Genocid nad muslimanima 1941-1945*, Svjetlost, Sarajevo, 1990, pp. 273.

out, A.D.) and peaceful people,<sup>47</sup> the working world of Old Serbia, Albania, Macedonia and Thrace, whose only guilt was that they only prayed to God differently, that they spoke another language, had a different name and that they naively waited for four savage invasions on their centuries-old hearth.”<sup>48</sup> The fact that crimes of killing innocent Muslims (children, women and the elderly) were not individual acts of individuals but organized and well-designed political and military practice of the political leadership<sup>49</sup> and armies of the newly formed nation states of Serbs and Montenegrins, testifies again D. Tucović, who says that the newly formed Christian Balkan states “with criminal convictions commit a ‘national act’, that, by removing that innocent world from the face of the earth, they are removing from the neck the enemy with whom it will be difficult in the future.”<sup>50</sup> Dragomir (Dragiša) Vasić, a Serbian and Yugoslav politician, essayist and journalist, academic, states one rarely mentioned truth, and that is that the Balkan peoples in the 1912-1913 wars showed their “characters”.<sup>51</sup>

That the myth of “revenge of Kosovo” has not disappeared from the collective consciousness of Serbian nationalists, which has turned into a “cult of Vidovdan” whose essential essence is manifested in the processes of “bloody, ruthless revenge on everything Turkish, Muslim in general,” show crimes against a mother and a child in the Second World War and in the war against the Bosnian society and state in the period of 1992-1995. Along with the interpretation and analysis of the crimes committed against a mother and a

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47 Ista konstatacija kao i u Izveštaju L. Trockog.

48 D. Tucović, *Sabrana dela*, knj. 7., Beograd, 1980, pp. 160-164

49 More about the production of criminals in the war against the Bosnian society and the state in: Sells A., Michael, *Iznevjereni most*, ITD 7, Sarajevo, 2002.

50 D. Tucović, *ibid.*

51 A special scientific issue is the national characters of the Balkan peoples. What are and what are the individual characteristics of each nation separately and their mutual differences. To what extent and in what way is irrationalism, hatred towards others, mythology, lies and other forms and feelings such as the phenomenon of revenge, dedication, heroism, etc. present in national characters, as a specific form of collective consciousness. We consider it especially important to precisely and objectively investigate the mutual interactions: lie-hate-genocide. In the formation of genocidal consciousness, at the beginning, various irrationalisms are based, primarily, on lies, and the lie itself is irrational, irrationalisms form hatred, on an individual and collective level. Out of hatred, the need for collective revenge is further formed, which is realized through a “culture of killing”. This is the shortest “scheme” of how the collective consciousness was formed among Serbs and Montenegrins, as a collective revenge, the revenge of Kosovo, which later turned into the cult of Vidovdan, which became the central symbol of “bloody, ruthless revenge on everything Turkish and Muslim in general.” (O. Zirojević, *Kosovo u kolektivnom pamćenju*, u: *Srpska strana rat*, Beograd, 1996, pp. 218)

child in the genocide against Bosniaks in the Second World War and in the war against the Bosnian society and state in the period of 1992-1995, we will also analyze who were the bearers of fascist and who were the bearers of anti-fascist ideology and practice. This analysis is needed to challenge the false narrative of Serbian historiography that in World War II the Chetniks were anti-fascists and that the Army and Police of Republika Srpska did not commit the crime of genocide and ethnic cleansing in the 1992-1995 war against Bosnia and Herzegovina. To prove this, we will use 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.

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 did they use? It has been proven that the Nazis did this by persecution, killing, concentration camps, death 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<sup>52</sup> 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 Police of the Republika Srpska did in the war against the Bosnian society and the state in the period of 1992-1995, which is unequivocally evidenced by the examples listed here and many others already published in the relevant scientific literature,<sup>53</sup> then,

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52 Speaking about the persecution of Bosniaks and Croats in the Bosnian Krajina in 1992, Roy Gutman, one of the world's best journalists and publicists, winner of the Pulitzer Prize for International Reporting, called the persecution by its real name, “it's like sending Jews to Auschwitz “. On July 9, 1992, R. Gutman recorded his conversation with a Bosniak from Banja Luka who appealed for knowledge of the truth about what was happening in Bosnia and Herzegovina. Here is the appeal: “Please try to come here. A lot is being killed here. Muslims (Bosniaks, o.p. A.Đ.) are transferred in cattle cars through Banja Luka. Last night there were 25 railroad cattle cars full of women, the elderly and children. They were terribly frightened. Their hands could be seen through the openings. We were not allowed to approach them. Can you imagine that? It's like when Jews were sent to Auschwitz. In the name of humanity, please come.” (R. Gutman, *Svjedok genocida*, pp. 12)

53 In essence, the war against the Bosnian society and the state was a continuation of the practice started by the national-conquest and national-revenge processes of the long duration of Serbian nationalists as the bearers of the most horrible antipodes to human

the judgments of international and the Court of Bosnia and Herzegovina. The anti-fascists did not form concentration camps in World War II, but the fascists did. The most famous fascist death camps<sup>54</sup> are, among many, Auschwitz and

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life. Just as in the wars of the newly created Balkan Christian states, always aided by Russia, in the 19th century they established their mononational states in the ruined multilateral society of the Ottoman Empire, intolerant of the other and different, just as the fascists in World War II wanted to establish a German state without Jews. The JNA, the Army and the police of the Republika Srpska also wanted to destroy, destroy, the multiethnic society of Bosnia and Herzegovina and its state and build a monoethnic Serbian state on their ruins. In all these processes, several elements are common. First, members of other nations and religions were treated as a threat to their own security and an obstacle to the establishment of a nation-state. Second, the process of nation-building has always involved the physical removal of another ethnic and religious group from conquered territory. Third, the removal of Muslims, in the national liberation wars of the 18th and 19th centuries, Jews and Roma in World War II by fascists and Bosniaks in the 1992-1995 war against Bosnian society and the state. was always committed with the crimes of ethnic cleansing and genocide. See more:

- Bandžović, S., *Iseļjavanje muslimanskog stanovništva iz kneževine Srbije u Bosanski vilajet (1862-1867)*, Znakovi vremena, br.12, Sarajevo, 2001.
- Bandžović, S., *Iseļjavanje Bošnjaka u Tursku*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2006.
- Čekić, S., *Genocid nad Bošnjacima u II svjetskom ratu*, MAG- Udruženje Muslimana za antigenocidne aktivnosti, Sarajevo, 1996.
- Čekić, S., Arnaut-Haseljić, M., Macić, B., *Masovne grobnice U Bosni i Hercegovini – sigurna zona Ujedinjenih nacija Srebrenica-*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo 2010.
- Dedier, V., Miletić, A., *Genocid nad muslimanima 1941-1945*, Svjetlost, Sarajevo, 1990.
- Džananović, M., *Zločin nad djecom u Goraždu tokom opsade 1992-1995.*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo 2015.
- *Genocid u Bosni i Hercegovini 1991-1995*, Zbornik radova, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 1997.
- Gutman, R., *Svjedok genocida*, VKBI, Sarajevo, 1995.
- Medić, J., *Genocid u Prijedoru*, Grafis doo Cazin, Cazin, 2013.
- Muratović, R., Kuka, E., *Genocid u Brčkom 1992-1995.*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2018.
- Omerović. Husejin, *Žrtve genocida na području Vlasenice 1992.-1995.*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo, 2016.
- Presude za genocid Međunarodnog suda pravde U Hagu, Njemačkih sudova, Suda Bosne i Hercegovine.
- Šabić, V., *Genocid u srednjem Podrinju 1992.-1995.*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Sarajevo, 2008.

54 In the classification of camps, science recognizes, classifies them into: labor, concentration and death camps.

Jasenovac. Who formed death camps for Bosniaks and Croats in Trnopolje, Omarska, Batkovic near Bijeljina, in Zvornik<sup>55</sup> and many other places. This was done by the Army and Police of the Republika Srpska, well planned and approved by the political leadership of the first Republika Srpska of Bosnia and Herzegovina, later the Republika Srpska. Who demolished all mosques<sup>56</sup> and by whose order, even where there was no war? Did anti-fascists do that in World War II? They did not. And who did? Fascist associates, Draža Mihailović's Chetniks, did that. In the war against Bosnian society in the period of 1992-1995, the Republika Srpska Army and Police did the same on the orders of their political and military leadership. The demolition of mosques is also a regular practice of national "liberators" of the extermination of "everything that is Muslim." The centuries-old tradition of demolishing mosques, masjids, turbets, cemeteries, and other buildings of Islamic-Oriental culture, as a regular and common practice of national liberation movements, had been explicitly realized in the demolition of mosques in (narrower) Serbia, i.e. the extermination of Muslim material culture. Let us see what the historical facts say. At the end of the 18th and the beginning of the 19th century, Belgrade had 51 mosques and 22 masjids, Užice 35 mosques, 29 masjids, Smederevo 27, Niš (in 1878) 13 mosques, Valjevo 10, Leskovac 9, Čačak 7, etc.<sup>57</sup> Everything was destroyed, except the Bajrakli mosque in Belgrade. A classic example of a urbicide. The fate of these mosques is written by false historical narratives, "insidious articulation", writes that they "disappeared" and were not destroyed in the crime of urbicides. What is it if it is not genocide to kill and expel Muslims, to destroy their places of worship, and even graves, so that nothing reminds them of their centuries-long life in ethnically cleansed areas, as autochthonous inhabitants.

It is known that the fascists, in the extermination of Jews and Roma, did not spare women and children, that is, a mother and a child, as symbols of

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55 More on camps for Bosniaks in Zvornik: S. Maslić, *Koncentracioni logori u općini Zvornik 1992. godine u funkciji izvršenja zločina genocida nad Bošnjacima bosanskog Podrinja*, u: Monumenta Srebrenica br. 9, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica, 2020, pp. 173-200

56 U toku rata protiv bosanskohercegovačkog društva i države 1992.-1995. godine porušeno je ukupno 614 džamija, 218 mesdžida, 69 mekteba, 4 tekije, 37 turbeta i 405 drugih vjerskih objekata muslimana. Opširnije: M., Omerdić, *Prilozi izučavanju genocida nad Bošnjacima (1992.-1995.)*, El-Kalem, Tuzla, 1999.

57 During the war against Bosnian society and the state in 1992-1995. A total of 614 mosques, 218 masjids, 69 mektebs, 4 tekkes, 37 turbets and 405 other Muslim religious buildings were destroyed. More: M., Omerdić, *Prilozi izučavanju genocida nad Bošnjacima (1992.-1995.)*, El-Kalem, Tuzla, 1999.

the sanctity of life. What is the attitude of the fascist policy-makers towards children and mothers in the war against the 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 civilizational 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.

Example one, A pregnant Zekira Begić and many other small children were found in a mass grave in Suha, **Bratunac** municipality, in late 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.<sup>58</sup> 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 the Chetniks Golub Erić in the Bratunac villages of Zelinje and Poloznik, when they set the children and mothers of these villages alive on fire. The Chetnik crime against pregnant Bosniak mothers in World War II was an everyday criminal ritual. In the village of Mijakovići in December 1941, the Chetniks murdered a pregnant woman, Hadžira Mandžo called Džirka, the wife of Ibro Mandžo, by burning her until she died in the most terrible torments.<sup>59</sup> We have also pointed out examples of the dismemberment of pregnant Muslim women and the removal of live children from their stomachs in Belgrade during the so-called The first Serbian uprising.

Example Two, in May 1993, the Army and Police of the Republika Srpska in the town of Semizovac, Vogošća Municipality, captured the local Imam Hasib Effendi Ramić and his wife Šefika with their four minor children in their house. Hasib and Šefika were bound and slaughtered before their eyes first their son, (child) Muhammad, age 12, then they slaughtered daughter (child) Meliha, age 10, then they slaughtered the second son of Hasib and Šefika, Ahmed, age 4, and the fourth child of the married couple Ramić, daughter Amina was only a month old. A soldier of the Army of Republika 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

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58 More: Đurić-Zamolo, Divna, *Džamije u užoj Srbiji iz XIV-XIX veka*, u: *Gradska kultura na Balkanu (XV-XIX vek)*, Beograd, 1984, pp. 331-375

59 See Reports of the Institute for Missing Persons.

incomprehensible to the human mind, but it is a regular practice for the Chetnik-Fascists. We say regular practice because similar 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 Chetniks *Slijepčevići* from the village of Prijedel slaughtered the mother of Vreva Hasan and Šerif with theirs and other children from the village. In the boiling water in the cauldron, **they took one by one child by the legs and pushed into the boiling water with their heads**, until their eyes leaked and so they died in the most severe torments. According to information and stories, there were about 10-15 children murdered in this way."<sup>60</sup> A similar example of a crime against a Bosniak mother, not the only one, happened in February 1942 in the town of Meljina near Papratno. Then, the Chetniks killed **Fatima Hadžić** in a way that they **cooked her in "copper with fire"**.<sup>61</sup> All of them (Nazis, fascists, Chetniks, Ustashas) are "people of the profession without a heart and people who enjoy without a brain." "The occupation of these "people", "angry bipeds" (J. Žiga) is the cruel and most monstrous killing of women (mothers) and children.

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 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 war against Bosnian society and the state in the period of 1992-1995 is only a continuation of the Chetnik fascist practice from the Second World War. We will cite just one of many examples.<sup>62</sup> "Stevo Mastilović's wife from Prijedelo near Foča said that she personally watched when Vlado Slijepčević from the same village killed the family of Zulfo Kovač, called Šobe, in Osman Kovač's barn in the village of Ravan. After that, he set it on fire and all of Zulfo's family (wife and 4 children) burned in it."<sup>63</sup>

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

61 "In the village of Mješaje, **the Chetniks killed about 40 Muslims, women and children** in December 1941. (pointed out, A.Đ.) The girl Čerimagić Zlatija was raped, then her vagina, breasts, arms were cut off and cut to pieces." ( V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 765)

62 Ibid, pp. 752

63 "According to partial data, 3,217 Bosniaks (1913 men and 1095 women) were killed by Chetniks **in Višegrad** during the Second World War. **They slaughtered and burned alive 975 children under the age of 15.**" (pointed out, A.Đ.), (Š. Tucaković, *Prešućeni genocid*, pp. 82)

Example Four, In the 1992-1995 War Against Bosnian Society and the State, **The Republika Srpska army and police killed 102 non-Serb children in Prijedor in 1992 and 1993**. Even today, the government of the Republika 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. Bosniak children were not only killed in Prijedor, Kulen Vakuf, Rogatica, Visegrad, Foča, Sarajevo, Srebrenica, but in all cities throughout Bosnia and Herzegovina, and even in the so-called “UN Safe Zones”. “One of the pieces of evidence that supports the fact that the status of a safe zone meant nothing to the people of Goražde is that until May 6, 1993, when Goražde was declared a UN safe zone, at least 57 people were killed and at least 226 children wounded. After receiving the status of a UN safe zone, from May 6, 1993, until the end of the aggression, at least 64 children were killed and at least 204 wounded.”<sup>64</sup>

Example five. *The total number of children killed in Srebrenica from 1992 to 1995 was 826*. In the convicted genocide against Bosniaks in the “UN Protected Area of Srebrenica” in July 1995 694 children were killed.<sup>65</sup> So far (July, 2020), 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 numbers, 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 the so-called national 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 *Genocide against Muslims*, (Bosniaks, op A.Đ.) a total of **1,086 children were killed, of which 146 were under the age of two**. At the same time, 585 women, mostly mothers, were killed in Foča. There are numerous examples of the murder of a mother and several of her children at the same time, that is, all of her children. One such case occurred against Bosniaks in the village of Borovsko, Rogatica municipality. “The group - which consisted mainly of women and children - was collected on 18 January 1942 in Parževići in

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64 V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 862 and 863.

65 More in: M. Džananović, *Dijete i porodica u genocidu, S posebnim osvrtom na genocid nad Bošnjacima u i oko Srebrenice, jula 1995.*, in: Monumenta Srebrenica br. 9, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica, 2020, pp. 107-139

the barn of Bajro Cvrk and set on fire. The following people **burned down in the barn: Safija Zukanović, with seven children, Biba Hećo, with her son Abid, daughter-in-law and grandson, Fata Hećo, with five children, and Mulija Hećo, with three children.** As some Serbs from Parževići later said - two adult children managed to escape from the fire: Cura Zukanović and Sinan Hećo. The Chetniks killed them with rifles, and threw the dog's body on the girl's dead body.”<sup>66</sup> In Stara Gora, then the municipality of Borike, today Rogatica, Chetniks killed 19 mothers and 88 children. In Živaljevići, also the municipality of Rogatica, they killed 42 children and 16 mothers. In Donji and Gornji Godimilj, Rogatica municipality, 26 mothers and 62 children were killed.<sup>67</sup> **From the end of 1941 to the end of 1942, at least 345 women/mothers and 298 children were killed in Višegrad.**<sup>68</sup> Historians claim that the numbers of mothers and children killed and the lists published so far are not complete or final because not all victims have been recorded, which means that the number of mothers and children killed in the crime of genocide against Bosniaks in World War II is much higher.

Example Six. In besieged Sarajevo, whose siege lasted from April 5, 1992 to February 29, 1996, i.e. 44 months, 1,425 days to be precise, three times longer than the siege of Stalingrad, the longest in modern human history and the longest siege of a capital ever, **over 1,600 children were killed.**<sup>69</sup> To this data should be added the fact that it is also a product or a continuation of the fascist practice of “Serbian heroes” of killing Bosniak children in the crime of genocide. One of the evidences, the Chetnik massacres of children and mothers by the Chetniks, is *the Report* of Pavle Đurišić to Draža Mihailović on the massacres of Muslims (Bosniaks, op. A.Đ.) in Čajniče, Foča, southeastern Bosnia, Pljevlja and Sandžak, from February 13, 1943<sup>70</sup>, in which he states that “during the operation, **the complete destruction of the Muslim population was approached, regardless of gender and age** (pointed out, A.Đ.). Our total victims were 22 dead, of which 2 by accident and 32 wounded. Muslims casualties were about 1,200 fighters and up to **8,000 other victims, women, the**

66 More in: M. Džananović, *Dijete i porodica u genocidu, S posebnim osvrtom na genocid nad Bošnjacima u i oko Srebrenice, jula 1995.*, u: Monumenta Srebrenica br. 9, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica, 2020, pp. 107-139

67 I. Pašić, *Od hajduka do četnika*, Bemust, Sarajevo, 2000, pp. 173

68 S. Čekić, *Genocid nad Bošnjacima u II svjetskom ratu*, MAG- Udruženje Muslimana za antigenocidne aktivnosti, Sarajevo, 1996, pp. 56

69 Ibid, pp. 151

70 More in: S. Čekić, M. Šestanović, M. Karović, Z., Mastalić-Košuta, *Zločin nad djecom Sarajeva u opsadi*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo, 2010.

**elderly and children** (pointed out, A.Đ.)” It should be noted that the Chetnik” heroes “of Pavle Đurišić only in Pljevlja in the mentioned operation **killed 13 babies** (children) aged one month **and about 350 children aged up to 5**. JNA General Kosta Nađ visited Foča after the genocide against Bosniaks in December 1941 and January 1942, and 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. Bound 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 apparently raped in front of their parents, husbands and brothers before slaughter. The horrors are indescribable.”<sup>71</sup> Indeed, science faces the difficult task of finding terms to explain Chetnik monstrous barbarism, atrocities and sadistic atrocities in the genocide against Bosniaks since the beginning of the national liberation movements, in the early 19th century until the 1992-1995 war against Bosnian society.<sup>72</sup> Can they be called people at all, or is the name “crazy bipeds” more appropriate?<sup>73</sup> It is incomprehensible to the normal human mind that such violence can be done by a man to a man, especially a neighbor to a neighbor, especially to children and mothers. Yet it happened. That is why we have decided to point out in advance the theoretical and methodological points of view that will help us better understand and explain the crimes of genocidal murder of mother and child. In order to prevent future genocides, it is necessary to eliminate the socio-political causes that caused the genocides already committed. One way to achieve this is through dialogue between the children of victims and perpetrators of genocide, truth as adults, free, people, through the art of communication, “communicative competence”, as Habermas calls it. “Communicative competence” is necessary to become a social habit of most people in Bosnia and Herzegovina, Montenegro, Croatia and Serbia, in order to prevent future genocides against Bosniaks.

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71 *The report* has been published in several sources and is available to read. (Hr.m.wikipedia.org)

72 *Vjesnik*, Zagreb, 25 May 1952

73 The Australian representative at the session of the United Nations General Assembly on December 9, 1948, said: “Genocide is such a vicious act that even savages and wild beasts are incapable of committing it.” This statement is, unfortunately, correct and is most visible in the genocidal crime against Bosniak mothers and children from the beginning of the national liberation movements in the South Slavic area until the war against the Bosnian society and the state in 1992-1995.

The seventh example is the genocidal killings of mothers to whom were killed three generations of male family members: children (sons), grandchildren and husbands. True, in this case the mothers remained physically alive, but only as biological individuals, who spent the rest of their “lives” in pain and “unknown”. The facts about the crime against the families of Begija Malagić from Voljavica near Bratunac and Ajša Dozić from Dozići near Srebrenica in 1995 in which 15 male family members were killed, i.e. three male generations of the family were killed: grandfather, sons and grandsons,<sup>74</sup> are not isolated examples, but unfortunately one of the many that the science of genocide needs to be precisely researched from all scientific aspects: sociological, anthropological, psychological, historical and others. According to Šemso Tucaković’s investigation of the “silent genocide” against Bosniaks in the Second World War, which states the name and surname of the murdered person, the place where he was from, and his killed mother, father, number of children, found that “in 38 villages and in Višegrad ‘Yugoslav Army in the homeland’ completely eradicated 300 Bosniak families during World War II. They slaughtered children in cradles, parents, old grandparents. Almost no one survived to continue the family “lineage” and to tell what happened on the nights of horror, when not only life, but entire families were extinguished under the Chetnik knife.”<sup>75</sup>

Example eight does not concern the specific crimes committed but the manner in which they were concealed. Striking and first-hand testimony about the manner and reasons for hiding Chetnik crimes against Bosniaks in the Second World War can be found, among other documents, in the text of Adil Zulfikarpašić’s *Put u Foču*.<sup>76</sup> 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 came to our side during the appearance of our units. We cannot arrest and try their commanders out of consideration for them.” In his statement

74 On the phenomenon of “mad bipeds”, more in: J. Žiga, *Vrijeme razljuđenih dvonožaca, paradigma Bosne koju su izdali*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo 2007.

75 More in: A. Dozić, *Sjećanje: Begija (Ahmet) Malagić i Ajša (Juso) Dozić*, Monumenta Srebrenica, br.9. JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa Tuzlanskog kantona, Tuzla-Srebrenica, 2020, pp. 259-270

76 Š. Tucaković, *Silenced Genocide*, pp.178-184. “In the area of Zavait-Tvrđaci-Grdjevići-Čelebići-Kunovo, (Foča municipality, he added, A.Đ.), Chetniks burned 380 Muslim houses and slaughtered many people. In these villages, 160 households, and even more, were left without anyone - without heirs.” (V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 767)

on the manner of covering up Chetnik crimes, Zulfikarpašić also cites the example of his conversation with Rodoljub Čolaković, insisting on punishing Ranko Popadić and Zečević, who killed the family of Ibro Mustafić, Zulfikar's friend, and they were partisan commanders at the time. Here is what R. Čolaković answered him: "If we arrested butchers among the local Serbs, then we would arrest half of our People's Committee and most of the soldiers." There are numerous examples of Chetniks joining the partisans even after the war, taking important political positions from which they covered up the committed Chetnik crimes. 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<sup>77</sup>. JNA 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 those were the ones who slaughtered thousands of Muslims. If we punished them, we would have to kill everything. All but one slaughtered, and there were over 2,000 of them." It is now a little clearer to us why Chetnik crimes against Bosniaks in World War II after the war should not have been talked about, and how false historical narratives were built. The crimes against Bosniaks in the Second World War by "insurgents", Chetniks, "partisans"-trained Chetniks<sup>78</sup>, are a typical example of "silenced genocide", a crime no less than the crime of the Holocaust against Jews.

Why did we cite this example of the crime of concealment as a denial of genocide? For the reason that the genocide against Bosniaks in the Second World War was talked about and written about in the scientific, political and educational public, it would certainly not appear or be renewed to the extent that it happened 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 by "insidious articulation" because its perpetrators Chetniks became partisans en masse, especially from 1943 until the end of the war.

We point out that not all forms of fascism have disappeared and that the prevailing narratives about national liberation movements, the nation state, national heroes and "liberation exploits" should in future be analyzed from the aspect of the Universal Declaration of Human Rights and not from the "logic of one idea", and that is national liberation. To liberate one city, e.g. Užice in

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77 The report has been published in several sources and is available to read, one of the sources: (akos.ba, 3 May 2019).

78 P.J. Cohen, *Srpski tajni rat – propaganda i manipulacija historijom*, „Ceres“, (prijevod, Ana Rudelić), Zagreb, 1997, pp. 83

1862, Leskovac in 1877, Srebrenica in 1995 does not mean to kill an expel its inhabitants. It is not liberation but a crime of ethnic cleansing and genocide. What is freedom? It is indisputable that it should belong to everyone. Is that how the ideologues of the nation-states in the Balkans, “national heroes” and “huge battalions” of the South Slavic national liberation movements understood it? They did not. How did they understand it? The perpetrators of crimes against a mother and a child in all genocides against Bosniaks “understood that being released means that someone else’s property can be taken without punishment and that unwanted neighbor can be repeled.” (Josif Rajh)<sup>79</sup> Liberation meant, not only physical elimination of Muslim peoples in the Balkans, but also of all their material and cultural goods, regardless of the significance of their cultural and civilizational value. Freedom meant for “national liberators” that nothing should remind them of Bosniaks and that “there is no one to remember them.” Various false narratives, primarily ideological and historical, built “technologies” of organized silence and forgetting genocide, not only in ideology and politics, but also in national-literary and national-church contents.

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 Republika Srpska fought in the 1992-1995 war against the Bosnian society and state **treated the basic values of human existence**: life, faith, freedom, property and honor. Attitude towards life. **They killed life**, massacring civilians, primarily mothers (women) and children, which we explicitly stated in the text. Attitude to faith. **They killed the religion**, massively demolishing Bosniak mosques and other religious buildings, and killing Muslim religious officials (imams) and their families.<sup>80</sup> Attitude towards freedom. The Army and Police of the Republika Srpska **restricted the freedom** of Bosniaks in all its dimensions. This is most visible in the mass organization of concentration camps (Omarska, Trnopolje, Batković, Zvornik and others) for Bosniaks and other non-Serbs. Attitude to property. **Property**, movable and immovable, **was looted** en masse after the persecution and murder of Bosniaks. Attitude to honor. The army and police of the Republika Srpska **completely trampled the**

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79 It is necessary, for the sake of truth, to mention that Bosniaks were not just killed in the Second World War, so to speak, real partisans, true anti-fascists. Everyone else is. In the village of Košutica, Sokolac municipality, 12.07. In 1943, a German unit killed “68 civilians, Bosniaks. Among those killed were 12 adult men, four of whom were over the age of 60, 16 women and as many as 40 children.” (V. Dedijer, A. Miletić, *Genocid nad Muslimanima*, pp. 366-368)

80 J. Cvijić, *Balkansko poluostrvo*, u: *Sabrana dela*, knj. II, Zavod za udžbenike i nastavna sredstva, Beograd, 1987, pp. 492

**honor of Bosniaks** through the crimes of mass and organized rapes of Bosniak women,<sup>81</sup> not allowing a dignified burial of the killed and other atrocities. A special issue is the Chetnik attitude towards the dignity of the dead, the killed. The killed were not buried, they were simply thrown into natural or excavated pits, which today we call “mass graves.” The largest primary mass grave after the Second World War in the settlement of Tomašica<sup>82</sup> near Prijedor is the work of the Army and Police of Republika Srpska. When it comes to mass graves, in which murdered Bosniaks were buried, in the 1992-1995 war against the Bosnian society and the state, 750 of them have been recorded so far. Only in the area of Srebrenica municipality were found 95.<sup>83</sup> Kamenica in Zvornik municipality is called “a valley of mass graves” because 13 mass graves of Bosniak victims of genocide in and around Srebrenica in 1995 were discovered in it.

## Conclusion

The most striking, brutal and monstrous part of the complex structure of the genocidal process against Bosniaks is the genocidal murder of a mother and a child. A comparative analysis of the socio-historical facts of the suffering of mother and child in the genocide against Bosniaks in the period from the beginning of the 19th century, i.e. from the beginning of the so-called national liberation wars, and concluding with the war against Bosnian society and the state in the period of 1992-1995, we have proved several indisputable conclusions. First, genocide and ethnic cleansing of Bosniaks is a basic tool and an inseparable part of the “national liberation” struggles and the establishment of nation-states in the South Slavic and Balkan areas. The second, integral part of all genocides against Bosniaks are monstrous barbarism, to the human mind, difficult to comprehend murders of mothers (women) and children. Third, hatred, monstrosity, ruthlessness and brutality

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81 On demolition of mosques and other object of Islamic architecture see more in: Đurić-Zamolo, D., *Džamije u užoj Srbiji iz XIV-XIX veka*, u: *Gradska kultura na Balkanu (XV-XIX vek)*, Beograd, 1984., Omerdić, M., Prilozi izučavanju genocida nad Bošnjacima (1992-1995.), El-Kalem, Tuzla, 1999, Grbo, I., *Ogledalo nasilja: stradanje sakralnih objekata u BiH 1992-1996. na prostoru koji kontrolira Armija BiH*, SDA-Centrala Sarajevo, Centar za analitiku, dokumentaciju i komuniciranje s javnošću, Sarajevo, 1997.

82 A special type of crime against a woman-mother is rape and unwanted pregnancies, and children born from this violent act.

83 See more in: Čekić, S., Arnaut-Haseljić, M., Macić, B., *Masovne grobnice U Bosni i Hercegovini – sigurna zona Ujedinjenih nacija Srebrenica*-, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, Univerziteta u Sarajevu, Sarajevo, 2010.

are the basic characteristics of a genocidal crime against a Bosniak mother and child. Science has not yet been able to find adequate concepts to fully explain these atrocities, which a normal person “cannot speak or write about.” Let us list only some forms of crimes against mother and child that have been committed in continuity. These are: slaughter with a knife, burning on live bonfires, most often in houses and barns, throwing the dead, half-dead and alive into deep pits, cooking in a cauldron, ramming onto bayonets, baking on fire, ripping open the bellies of pregnant mothers, etc. Fourth, as a rule, regardless of the type and form of crime, both mother and child were killed at the same time. Fifth, it most often happened that in addition to the mother and all her children, other family members, the husband of the wife-mother, the father of the children, grandfather and grandmother were killed, so that the whole family was killed, i.e. there was no one to continue the lineage. For example, in World War II, in Višegrad, Chetniks “eradicated 300 Bosniak families, leaving no heirs behind.” Sixth, the genocidal suffering of Bosniak mothers and children was, as a rule, part of the suffering of Bosniak civilians in national liberation struggles and to establish national states in the Balkans by means of war. The seventh conclusion is that the crimes against a mother and a child in the genocide against Bosniaks in the 19th and 20th centuries were “silenced”, i.e. perfidiously cryptonized, by “insidious articulation” of the prevailing historical and political-ideological narratives, in such a way that genocidal crimes against Bosniak mothers and children interpreted as “heroic deeds” of “national heroes”, more simply, as an act of national liberation expressed in an ethnically pure nation state. Eighth, the crime of genocide against mother and child is the result of the “logic of one idea”, the “cancer of consciousness”, more simply, the pathology of the “perverted ideology” of the Jacobin ideology “one state-one (ethnic) community”. The ninth conclusion follows from the previous ones. In order to overcome the existing false narratives about national liberation movements, further research is needed on the suffering of mothers and children in the genocide against Bosniaks in the last two centuries, in order to explain the socio-historical and genocidal suffering of Bosniaks in the history of national liberation movements, by applying the logic of the principles of the Universal Declaration of Human Rights, rather than the national “logic of one idea”. Tenth, it is most necessary to establish a dialogue between the children of victims and perpetrators of genocide. In Habermasian terms, “communicative competence” is necessary between children of victims and perpetrators of genocide. If these last two conclusions fail to materialize, the genocide against Bosniaks will continue.

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**THE INFLUENCE OF GENOCIDE ON BOSNIAKS ON  
DEMOGRAPHIC CHANGES IN SREBRENICA AND BRATUNAC  
FROM 1991 TO 2021**

***Summary***

*The basic thesis of this paper starts from the fact that the crimes committed against the Bosniaks of Podrinje in Bosnia and Herzegovina, more specifically in the municipalities of Srebrenica and Bratunac, in the period 1992-1995 are an integral part of the Greater Serbia genocide against Bosniaks, which they have been continuously carrying out in stages for over two centuries. That, due to the Greater Serbia genocidal ideology, politics and practice, Bosnian society was destroyed and ties between cultures “were broken”, although for centuries “mixed” and formed a “unity of differences”, we will prove by comparing the demographic picture of Bosnia and Herzegovina, with special focus to Srebrenica and Bratunac, analyzing the last two censuses.*

*Also, the denial of genocide against Bosniaks and the celebration of crimes and criminals, by followers of the Greater Serbia ideology, is very relevant since the end of the aggression until today. Frequent physical attacks on Bosniak returnees, threats and discrimination in various fields, especially in negation of identity characteristics of Bosniaks and their constant propaganda dehumanization also has a negative effect on the relatively few Bosniak returnees who have returned to their homes. All of the above results in the departure of the biologically productive population, and the remaining “elderly” households, thus continuing the process of “ethnic cleansing” of Bosniaks in Bratunac and Srebrenica, twenty-six years after the aggression and genocide, is still being conducted and is nearing its completion.*

***Key words:*** *the Greater Serbia ideology, “ethnic cleansing”, genocide, forced demographic changes, discrimination of returnees, Bratunac, Srebrenica, 1992-1995*

## Introduction

There is an undoubted connection between the crimes committed against Bosniaks in Podrinje in the period 1992-1995 and crimes committed against them in earlier historical periods. The beginning of the 19th century had a key determinant for the genocide of Bosniaks in Podrinje, because then, since the Serbian uprisings, there was an aspiration to „remove“ the border on the Drina River as a „border between Serbian peoples“, which later inspired all Serbian hegemonistic, expansionist movements that followed. That project and movement is defined as one of the primary goals, i.e. by eradicating the Bosniak population on both sides of the Drina River, as well as exterminating the Muslim population of Polimlje and other parts of Sandzak. The crimes committed against the Muslim population in the Ottoman provinces of Serbia and Montenegro in the 19th century, on the basis of the forms, manner and scale of execution, as well as the intentions, constitute all the features of the crime of genocide.<sup>1</sup> These crimes deserve special scientific attention from the point of view of the genesis of genocide. It is important to point out that the implementation of crimes in the First and Second Serbian Uprising (rebellion) was carried out through mass and individual crimes: murder, rape, persecution, looting and destruction of private and social property, especially cultural and historical sites and sacral buildings, thus establishing a matrix, that is, the pattern of committing the crime, which was later continuously repeated.<sup>2</sup> The

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1 Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide*, approved by the United Nations General Assembly on 9 December 1948, 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) murder of group members; 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) forcible transfer of children from one group to another”. Article III of the Genocide Convention defines that the following acts will be punishable: a) genocide; b) planning the commission of genocide; c) direct and public incitement to commit genocide; d) attempted genocide; e) complicity in genocide.” [http://www.tuzilastvorz.org.rs/html\\_trz/PROPISI/konvencija\\_sprecavanje\\_lat.pdf](http://www.tuzilastvorz.org.rs/html_trz/PROPISI/konvencija_sprecavanje_lat.pdf).

2 For more details on the events and crimes against Bosniaks in the 19th century, see e.g. in: Čekić, Smail, *Historija genocida nad Bošnjacima*, Muzej genocida, Sarajevo, 1997; Šljivo, Galib, *Bosna i Hercegovina 1788-1812*, Planjax, Tešanj, 2016; Memić, Mustafa, *Korijeni zla i nasilja*, Oko, Sarajevo, 2002; Imamović, Mustafa, *Historija Bošnjaka*, Bošnjačka zajednica kulture Preporod, Sarajevo, 1997; Bandžović, Safet, *Muslimani u Smederevskom sandžaku: progoni i pribježišta (1804-1862.)*, Medžlis Islamske zajednice Orašje, Orašje, 2013; Bandžović, Safet: „Demografska deosmanizacija Balkana i odluke berlinskog kongresa 1878. godine“, *Almanah*, Podgorica, 2008; Rakočević, B. Novica, *Ratni planovi Srbije protiv Turske od vožda Karađorđa do kralja Petra*,

mentioned matrix of committing crimes against Bosniaks was applied in the phases that followed in the first half of the 20th century, and especially in the Balkan wars, the First and Second World Wars.<sup>3</sup> Thus, in order to revive the Greater Serbia expansionist project, since the beginning of the 19th century, efforts have been made to “eliminate” the Drina River as a border between “Serbian lands” through the extermination of the Bosniak population of Podrinje and other areas between Serbia and Bosnia and Herzegovina. Thus, crimes committed against Bosniaks in eastern Bosnia, and thus in Bratunac and Srebrenica, in the period 1992-1995 represent the continuation of the genocide against Bosniaks. Regarding the demographic changes that occurred

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- 3 On crimes and various forms of dehumanization of Bosniaks in the first half of the 20th century, see e.g. in: Dedijer, Vladimir, Miletić, Antun, *Genocid nad Muslimanima 1941-1945*, Svjetlost, Sarajevo, 1990; Čekić, Smail, *Genocid nad Bošnjacima u Drugom svjetskom ratu – Dokumenti*, MAG, Sarajevo, 1996; Imamović, Mustafa, nav. dj., 1991; Čekić, Smail, nav. dj., 1997; Imamović, Mustafa, nav. dj., 1997; Bandžović, Safet, *Iseljavanje Bošnjaka u Tursku*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2006; Memić, Mustafa, *Gusinjsko-Plavska Krajina u vrtlogu historije*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2008; Mutapčić, Edin, *Agrarna reforma u BiH i njeno zakonodavstvo (1918-1941.)*, JU Javna biblioteka “Alija Isaković”, Gradačac, 2007; Imamović, Mustafa i Mahmutćehajić, Rusmir, *The Genocide Against the Bosnian Muslims*, Sarajevo, 1992; Kočović, Bogoljub, *Žrtve Drugog svjetskog rata u Jugoslaviji*, Svjetlost, Sarajevo, 1990; Brkljača, Seka, Pelesić, Muhidin i Kamberović, Husnija, „Bosna i Hercegovina u toku drugog svjetskog rata“, in: *BiH od najstarijih vremena do kraja drugog svjetskog rata*, Štab vrhovne komande Oružanih snaga RBiH, Sarajevo, 1994; Bandžović, Safet, „Bošnjaci i balkanski muhadžirski pokreti“, u: *Godišnjak BZK Preporod*, godina VI, Sarajevo, 2006.

in the area of Bratunac and Srebrenica during and after the aggression, where the ethnic structure of the population was completely changed, they are a direct result of aggression and genocide. By genocidal acts, the entire Bosniak population was abused in various ways, of which tens of thousands were killed and expelled from their homes. Even today, the number of Bosniak population is continuously decreasing, due to difficult living conditions, dehumanization policy towards them, which the Serbian local and entity authorities pursue in different ways. The “victims” are Bosniaks.<sup>4</sup>

### **“Battle for living space” or “ethnic cleansing” and the realization of genocide against Bosniaks in the middle Podrinje in Bosnia and Herzegovina 1992-1995**

The continuity of the destruction of Bosnia and Herzegovina and Bosnian society culminated during the period of aggression against the Republic of Bosnia and Herzegovina from the beginning of 1992 to the end of 1995. The Eastern Bosnia is marked by one of the strategic goals of the Greater Serbia project, which is emphasized by the third “strategic goal of the Serbian people” in Bosnia and Herzegovina.<sup>5</sup> The strategic goals implied the final breakdown of the way in which Bosnian society had existed for centuries. The first and third strategic goals included the elimination, expulsion, “ethnic cleansing” of Bosniaks in the Bosnian Podrinje and the unification of the two “Serb lands,” as Karadžić reiterated at the 33rd session of the self-proclaimed Republika Srpska Assembly on July 20-21, 1993:” ... because the importance of the Drina River for the Republika Srpska and for the Serbian people is huge

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4 “Strategic priorities of the Serbian people”, i.e. “strategic goals of the Serbian people” in Bosnia and Herzegovina, was openly announced and explained by war criminal Radovan Karadžić at the 16th session of the Assembly of the Serbian people in Bosnia and Herzegovina. The strategic goals are: “The first strategic goal is separation from the other two national communities, state separation... The second strategic goal is the corridor between Semberija and Krajina... The third strategic goal is to establish a corridor in the Drina valley ... The strategic goal is to establish borders on the Una and Neretva rivers. The fifth strategic goal is the division of the city of Sarajevo into Serb and Muslim parts and the establishment of each of these two parts of effective state power and the constituent state. Official Gazette of Republika Srpska, no. 22, 26 November 1993, “Decision on the Strategic Goals of the Serb People in Bosnia and Herzegovina”, No. 02-130/92, 12 May 1992; ICTY, “Original minutes from the 16th session of the Assembly of the Serbian People in BiH, held on May 12, 1992 in Banja Luka in the premises of the JNA House “, speech by Radovan Karadžić, 7-8.

5 ICTY, “Minutes and Tape Recordings of the 33rd Session of the National Assembly of the Republika Srpska Held on July 21 and 21, 1993,” Speech by Radovan Karadžić, 33.

and finally one of the strategic goals for the Drina River not to be a border, we have brought that here in this Assembly.”<sup>6</sup> During the earlier past, the Bosniak trail was completely destroyed by genocidal acts east of the Drina River, so the focus in the war against the Republic of Bosnia and Herzegovina and its society was to eliminate them as far west as possible from the Drina River.

The Greater Serbia’s pretensions were to forcibly change the demographic picture, so that there would be no Bosniaks in the area of “Greater Serbia”. As the political leader of the “Serbian people in Bosnia and Herzegovina” Radovan Karadžić imagined it, it is best illustrated by his reflections from the end of 1991: *“I say, whatever Bosnia be, in Serbs parts and Serb villages, no Muslim foundation will not be buried, because we will instruct the Serbs not to sell the land to the Muslims. The first foundation buried will fly in the air. And every foundation, they bury, will fly into the air. The world will understand us when we say that we do not allow the demographic picture to be disturbed, naturally or artificially. There is no chance, our territories are ours, let us be hungry, but we will be on them. It is not always good to reveal plans, but it is not bad to say we do not give it, because we will make a public proclamation: ‘you must not sell land to Muslims’. You must not, **because the battle for life and death is being fought here, the battle for living space** (bold author).”*<sup>7</sup> Karadžić’s genocidal ideas were supported by SDS political representatives at the local level, who were in fact a very important factor in their implementation. The danger of alleged “gradual suffocation by birth rates” by Bosniaks was noted and pointed out by Goran Zekić, the political leader of the Serb people in Srebrenica, on 18 March 1992 at the 11th session of the self-proclaimed Assembly of the Serbian People in BiH, fifteen days before the beginning of the aggression. Zekić stated: “... all negotiations will go further, and Bosnia and Herzegovina will exist as an internationally recognized entity that will stretch the internal organization for ten years. Never to be achieved, **and with their birth rate, they will gradually stifle our territories** (bold author), so we will get into a difficult situation.”<sup>8</sup> The stated ideas and prevention of the Bosniak “gradual

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6 Radovan Karadžić’s speech at the end of 1991 during the preparations for the so-called “Plebiscite of the Serbian people” which was held in November 1991. Available at: <https://www.helsinki.org.rs/serbian/doc/Karadzic-2.doc>.

7 ICTY, “Transcript of the 11th Session of the Assembly of the Serbian People in Bosnia and Herzegovina, Sarajevo, March 18, 1992”, speech by Goran Zekić, pp. 45-46.

8 That is how Ratko Mladić understood that plan. On May 12, 1992, at the 16th session of the “Assembly of the Serbian People”, at which he was appointed Commander of the General Staff of the self-proclaimed VRS, he said, among other things, about “strategic goals”: “People and nations are not the keys or keys to pocket so we’ll move them back

suppression by birth rate” could only be implemented by the realization of the genocidal plan, which was done in the following years.<sup>9</sup> It turned out that it was necessary, where Serbs were a minority, to manifest and commit the most brutal forms of crime in order to achieve Serbian political goals. One of the proofs for that are the results of the 1991 census in Bratunac and Srebrenica, then the ways, methods and forms of crimes committed against Bosniaks in those areas in the period 1992-1995, and the results of the 2013 census.

After the political and military preparations for the realization of strategic goals, which included arming the Serb population in 1991 in Bratunac and Srebrenica, attacks and abuse of the Bosniak population followed.<sup>10</sup> By attacking Bijeljina on 31 March/ 1 April 1992, the first attacks

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and forth. That is easy to say, but difficult to achieve - we cannot cleanse or have the sieve to beg only for Serbs to remain or for Serbs to perish, and for the others to leave ... I do not know how Mr. Krajišnik and Mr. Karadžić will explain that to the world. **People, it is genocide** (bold author)”. ICTY, “Original minutes from the 16th session of the Assembly of the Serbian People in BiH, held on May 12, 1992 in Banja Luka in the premises of the JNA House “, speech by Ratko Mladić, pp. 26-36.

However, this understanding did not stop Mladić, as well as the entire political and military leadership of the self-proclaimed “Republika Srpska” from implementing the genocidal plan. The political and military leaders of the self-proclaimed RS, Karadžić and Mladić, have been convicted of genocide before the International Criminal Tribunal for the Former Yugoslavia (ICTY). Karadzic was sentenced to life in prison in the second instance verdict before the International Residual Mechanism for Criminal Courts (IRMCT), and Mladic was also sentenced to life in prison in the first instance. More on this: ICTY, Karadžić (IT-95-5 / 18-T), Before the Trial Chamber, Prosecutor v. Radovan Karadžić, Trial Judgment, 24 March 2016. Available at: <https://www.icty.org/en/case/Karadzic>; IRMCT, Karadžić (MICT-13-55), Before the Appeals Chamber, Appeal Judgment of the Appeals Chamber of the Mechanism, 20. March 2019. Available at: <https://www.irmct.org/bcs/cases/mict-13-55>; ICTY, Mladić (IT-09-92), Before the Trial Chamber, Prosecutor v. Ratko Mladić, Trial Judgment, 22 November 2017. Available at: <https://www.icty.org/en/case/mladic>; IRMCT, Mladić (MICT-13-56), Appeal (pending). Available at: <https://www.irmct.org/bcs/cases/mict-13-56>.

- 9 ICTY, “Transcript of the 11th Session of the Assembly of the Serbian People in Bosnia and Herzegovina, Sarajevo, March 18, 1992”, speech by Goran Zekić, pp. 45-46.
- 10 After the plenary session of the SDS Main Board, held in April 1991, which was attended by all presidents of the SDS municipal boards, at which Radovan Karadzic stated that if the Socialist Federal Republic of Yugoslavia no longer exists, Serbs have only one option, and that is “ Greater Serbia “, an informal meeting of a small circle of people was held in the restaurant” Nacional “in Sarajevo, and at that meeting Radovan Karadzic stated that it was agreed that Bosnia and Herzegovina would be divided. The meeting was attended by, among others, Goran Zekic and Miroslav Deronjic, already then and later Serb leaders in Srebrenica and Bratunac, in charge of cooperation with the JNA, arming Serbs and preparing for aggression and genocide against the Bosniak population of the Bosnian middle and lower Podrinje . After that meeting with Karadzic, according to the

on Bosniaks and their property in eastern Bosnia began.“ In the spring of 1992, the Yugoslav People’s Army, the Ministry of the Interior of the Republic of Serbia and the armed formations of the parastate of the Srpska Republika Bosnia and Herzegovina occupied most of eastern Bosnia (Bijeljina, Zvornik, Bratunac, Vlasenica, Srebrenica, Rogatica, Rudo, Višegrad, Čajniče and Foča) and committed numerous crimes against Bosniaks, including genocide.”<sup>11</sup> The pattern of crime or “scheme”, as Miroslav Deronjić called and described it, was recognizable and applied, after Bijeljina, in the municipalities of Podrinje. Deronjić emphasizes that: “*there was a certain chronology, a certain order in that sequence of events. Similar things happened in Bijeljina, Zvornik and, to an extent unknown to me, in Višegrad. First, volunteers would arrive*

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instructions, they met in Milići with Rajko Dukic, who was actually one of the closest associates of the SDS leadership, one of the founders and the first financiers of the SDS. At that meeting, Rajko Dukić said that the political leadership of the SDS in Bosnia and Herzegovina had made the decision to arm the Serbs in Bosnia and Herzegovina. He told them that Karadzic had personally persuaded Slobodan Milosevic, who was president of the SFRY at the time, to arm Serbs in Bosnia and Herzegovina. Dukic told them that the two of them would be in charge of Bratunac and Srebrenica. At the beginning of May 1991, they met with Mihalj Kertes in Belgrade, and the first delivery of weapons for the middle Podrinje in Bosnia and Herzegovina was agreed there. At that meeting, Kertes said that “in the area of 50 kilometers from the river Drina, everything will be Serbian, purely Serbian.” In the second half of 1991, a center for further distribution of weapons was established in Milići. More about this in the statement of Miroslav Deronjić, who during the period of preparation and beginning of crimes against Bosniaks served as President of the Municipal Board of SDS Bratunac and President of the Crisis Staff Bratunac, and in the summer of 1993 became a member of the SDS Main Board: ICTY , Milošević Case (IT-02-54), Statement by Miroslav Deronjić, P600, 19 November 2003. Available at: [https://www.icty.org/x/cases/slobodan\\_milosevic/proswitness/bcs/mil-wit-deronjic .htm](https://www.icty.org/x/cases/slobodan_milosevic/proswitness/bcs/mil-wit-deronjic .htm).

- 11 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. 60. For more information on the political and military preparations for the commission of crimes in the middle Podrinje in Bosnia and Herzegovina, primarily in Srebrenica and Bratunac, see in: Čekić, Smail, *Agresija na Republiku Bosnu i Hercegovinu - planiranje, priprema, izvođenje*, knjiga I i knjiga II, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava - KULT/B, Sarajevo, 2004; Čekić, Smail, *Genocid i istina o genocidu u Bosni i Hercegovini*; Mašić, Nijaz, *Istina o Bratuncu – agresija, genocid i oslobodilačka borba 1992-1995*, Općina Bratunac sa privremenim sjedištem u Tuzli, Tuzla, 1996; Fink, Matthias, *Sebrenica. Hronologija jednog genocida ili šta se desilo sa Mirnesom Osmanovićem*, Dobra knjiga, Sarajevo, 2020; Šabić, Velid, *Genocid u srednjem Podrinju 1992-1995*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2008; On the events in Srebrenica 1992-1995 see also bibliography of works in: Karović Babić, Merisa, “Historiografija i historijski izvori o genocidu Srebrenici”, u: *Prilozi o historiografiji Bosne i Hercegovine 2001-2017*, Posebna izdanja ANUBiH, knjiga 47/2, Sarajevo, 2020, pp. 21-69.

*at a certain place, and then the rest would follow: murders, liquidations, intimidation of residents, panic and so on. Then, after that, the army would arrive, the JNA with the apparent intention of establishing order. However, all this would cause intimidation of the inhabitants, Muslims, followed by ethnic cleansing. The fact that the army arrived in Bratunac two to three days after the volunteers arrived indicates that the same pattern of events should have taken place in Bratunac.”<sup>12</sup>*

In Srebrenica and Bratunac, in fact, as in other parts of eastern Bosnia, the Greater Serbia, genocidal, plan for “ethnically clean” areas has been implemented since April 1992. The Greater Serbia leaders could not tolerate the percentage dominance of the Bosniak population in the area of the “strategic Serbian goal”. Mass and brutal crimes followed throughout the Bratunac and Srebrenica municipalities. After the capture of Bratunac and Srebrenica and the establishment of Serb rule, numerous Bosniaks were killed and abused, and their property was looted and burned.<sup>13</sup> After the Bosniaks managed to liberate Srebrenica on May 9, 1992, this area was continuously attacked for the next three years. The expulsion of Podrinje Bosniaks from the enclaves of Kamenica (Zvornik), Cerska (Vlasenica) and Konjević Polje (Bratunac) in the first quarter of 1993 did not satisfy Greater Serbian ideologues and stop their further crimes against Bosniaks in Podrinje. In the following period, systematic

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- 12 ICTY, Predmet Milošević (IT-02-54), *Izjava Miroslava Deronjića*. Dostupno na: [https://www.icty.org/x/cases/slobodan\\_milosevic/proswitness/bcs/mil-wit-deronjic.htm](https://www.icty.org/x/cases/slobodan_milosevic/proswitness/bcs/mil-wit-deronjic.htm).
- 13 On crimes in Bratunac and Srebrenica more in: ICTY, Deronjic (IT-02-61-S), Before the Trial Chamber, Prosecutor v. Miroslav Deronjic, Trial Judgment, 30 March 2004. Available at: <https://www.icty.org/x/cases/deronjic/tjug/bcs/040330.pdf>; ICTY, Krajišnik (IT-00-39-T), Trial Chamber, Prosecutor v. Momčilo Krajišnik, Trial Judgment, 27 September 2006. Available at: <https://www.icty.org/x/cases/krajisnik/tjug/bcs/060927.pdf>; ICTY, Karadžić (IT-95-5/18-T), Before the Trial Chamber, Prosecutor v. Radovan Karadžić, Trial Judgment, Volume IV of IV, 24 March 2016. Available at: <https://www.icty.org/en/case/Karadzic>; ICTY, Mladić (IT-09-92), Before the Trial Chamber, Prosecutor v. Ratko Mladić, Trial Judgment, Volume III of V, 22 November 2017. Available at: <https://www.icty.org/en/case/mladic>; Mašić, Nijaz, *Istina o Bratuncu – agresija, genocid i oslobodilačka borba 1992-1995.*; Orić, Naser, *Srebrenica svjedoči i optužuje: genocid nad Bošnjacima u istočnoj Bosni (srednje Podrinje), april 1992. - septembar 1994.*, Općina Srebrenica, 1995; Šabić, Velid, *Genocid u srednjem Podrinju 1992-1995.*; *Samrtno srebreničko ljeto '95: svjedočanstvo o stradanju Srebrenice i naroda Podrinja*, Udruženje građana „Žene Srebrenice“, Tuzla, 1998; Muratović, Rasim, Džananović, Muamer, “Svjedočenje žrtava genocida o zločinima genocida u Srebrenici jula 1995.“, u: *Srebrenica 1995-2015: Evaluacija naslijeđa i dugoročnih posljedica genocida*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2016, pp. 229-267.

shelling of Srebrenica was carried out from not so distant distances.<sup>14</sup> Even gaining the status of a UN safe zone in April 1993 did not improve the status of tens of thousands of Srebrenica, Bratunac and expelled residents from the surrounding municipalities who sought refuge in Srebrenica.<sup>15</sup>

After the UN, the Dutch Battalion, the Dutch Government, NATO and the entire international community handed over their “safe zone” to the Serbian aggressor, tens of thousands of Bosniaks were left at the mercy of the Greater Serbia aggressor. In Potočari, the aggressor, in front of and in the presence of the commander of the Dutch Battalion and his officers and under the direct supervision of Ratko Mladić, separated civilians by sex and age. “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”.<sup>16</sup> 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, Jadro, Cerska dolina, warehouse in Kravica, Sandići, Nova Kasaba, Tišće, Orahovac, dam near Petkovci, Military Economy Branjevo, in the House of Culture in Pilica,

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14 “Serb forces (the Yugoslav Army and the” Army of the Republika Srpska “) continued to attack Srebrenica in late March and in the first half of April 1993, as well as later, 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 Center). And during the shelling of Srebrenica on April 13, “there were killed and wounded.” Čekić, Smail, *Genocid i istina o genocidu u Bosni i Hercegovini*, 92-95.

15 On 16 April 1993, the UN Security Council, referring to Chapter VIII of the United Nations Charter, adopted Resolution 819 (1993) declaring Srebrenica and its surroundings a UN safe zone. UN Security Council Resolutions in Bosnia and Herzegovina, ARBiH Press Center, 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. On crimes in other “safe zones” see: Čekić, Smail, Šestanović, Muhamed, Karović, Merisa, Košuta-Mastalić, Zilha, *Zločini nad djecom Sarajeva u opsadi*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2010; Begić, Mujo, *U opsadi 1201 dan – Sigurna zona UN-a Bihać*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2013; Džananović, Muamer, *Zločini nad djecom u Goraždu tokom opsade 1992-1995*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2015; Džananović, Muamer, Grabovica, Almir, „Zločini u Žepi 1992-1995”, in: *Zbornik radova “Srebrenica 1995-2015: Evaluacija naslijeđa i dugoročnih posljedica genocida”*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo, 2016, pp. 216-232.

16 Čekić, Smail, *Genocid i istina o genocidu u Bosni i Hercegovini*, pp. 411.

Kozluk and others places.<sup>17</sup> In the genocide in July 1995, a total of 8,000 Bosniaks were killed and 694 of them were children.<sup>18</sup> In the period of 1992-1995, in Srebrenica, including the genocide in and around Srebrenica in July 1995, a total of 826 children were killed.<sup>19</sup> Among the children buried to this day, who were mostly killed from July 12 to 19, 1995, most were seventeen-year-olds, 206 of them, then 133 sixteen-year-olds, 79 fifteen-year-olds, 19 fourteen-year-olds, 5 thirteen-year-olds, etc. The youngest victim, and so far the only buried female child, was the newborn baby Fatima Muhić.<sup>20</sup>

### **Results of genocide - changes in the ethnic structure of the population in Bratunac and Srebrenica**

We will prove that the Bosnian society is devastated by comparing the demographic picture of Bosnia and Herzegovina, with a special focus on Bratunac and Srebrenica, analyzing the last two censuses, i.e. the 1991 Census of Population, Households, Dwellings and Agricultural Holdings (hereinafter: the 1991 Census)<sup>21</sup> and the Census of population, households/dwellings and apartments in BiH 2013 (hereinafter: the 2013 census).<sup>22</sup>

The demographic downturn that Bosnia and Herzegovina found itself in after the last war was obvious. Although there is a long period between the two censuses and a long period after the war in which no census was conducted, it can be argued that the war between early 1992 and late 1995 was by far the biggest cause of the catastrophic demographic picture of Bosnian society. In addition to the direct victims of the war, the consequences of the war certainly had a significant impact on the increase in mortality after the

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17 See more details in: Ibid, pp. 338-504.

18 Džananović, Muamer, „Dijete i porodica u genocidu – S posebnim osvrtom na genocid nad Bošnjacima u i oko Srebrenice jula 1995. godine”, u: *Monumenta Srebrenica, Istraživanja, dokumenti, svjedočenja - knjiga 9. - Srebrenica kroz minula stoljeća*, JU Zavod za zaštitu i korištenje kulturno-historijskog i prirodnog naslijeđa, Tuzla - Srebrenica, 2020, pp. 119-120.

19 Ibid.

20 Ibid, pp. 120. On crimes against children in Srebrenica also see: Mastalić, Zilha, “Genocid nad djecom u sigurnoj zoni UN-a Srebrenica-jula 1995.”, *Prilozi*, Institut za istoriju, br. 39, Sarajevo, 2010, pp. 123-143.

21 Federal Bureau of Statistics, *The 1991 Census of Population, Households, Dwellings and Agricultural Holdings*. Available at: <http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>.

22 BiH Agency for Statistics, *The 2013 Census of Population, Households and Dwellings in BiH*. Available at: <http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>.

war. The migration movements did not stop during and after the war. The post-war crisis is not over and is ongoing. The result is a poor economic, social, security situation in the country. These are all reasons that ultimately affect the negative natural increase that has been present in Bosnia and Herzegovina since 2007.

In the continuation of the paper, we will analyze the share of ethnic groups and demographic trends within them, with special focus on the central Podrinje municipalities of Bratunac and Srebrenica, analyzing the results from the previous two censuses (Tables 1 and 2).

TERRITORY	TOTAL	BOSNIAKS	SERBS	CROATS	YUGOSLAVS	OTHERS
SR BIH	4, 377,033	1,902,956	1,366,104	760,852	242,682	104,439
BRATUNAC	33,619	21,535	11,475	40	223	346
SREBRENICA	36,666	27,572	8,315	38	380	361

Table 1: Population of Bratunac and Srebrenica according to their ethnic/national declaration in 1991<sup>23</sup>

TERRITORY	TOTAL	BOSNIAKS	SERBS	CROATS	OTHERS
BIH	3,531,159	1,769,592	1,086,733	544,780	130,054
BRATUNAC	20,340	7,803	12,350	33	154
SREBRENICA	13,409	7,248	6,028	16	117

Table 2: Population of Bratunac and Srebrenica according to their ethnic/national declaration in 2013<sup>24</sup>

The analysis of the previous two censuses, which we present in the previous two tables, shows that the total population is 845,874 less in Bosnia and Herzegovina. It is estimated that in 2021, no more than three million people live in Bosnia and Herzegovina, and that the decrease has increased in recent years, primarily due to mass migration, due to the economic and security crisis in Bosnia and Herzegovina. It is important to emphasize that the natural increase is negative, and it is a devastating fact that there are more deaths than live births from 2013 until today for over 50 thousand inhabitants.<sup>25</sup>

There were 33,619 inhabitants in the area of Bratunac according to the 1991 census, of which 21,535 or 64.1% were Bosniaks/Muslims, 11,475

23 <http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>.

24 <http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>.

25 Analysis made on the basis of data published on the website of the BiH Agency for Statistics. Available at: <http://www.bhas.ba/>.

or 34.1% Serbs, 40 or 0.1% Croats, 223 or 0.7% Yugoslavs and 346 others. According to the 2013 census, there were 20,340 inhabitants in the area of Bratunac, of which 7,803 or 38.4% were Bosniaks, 12,350 or 60.7% Serbs, 33 or 0.2% Croats and 154 or 0.7% others.

By analyzing the results from these two censuses, we come to the data that in the municipality of Bratunac there are a total of 13,279 inhabitants. That number is close to the number of Bosniaks, which is 13,732 less. The number of Serbs has increased by 875. This reduction of Bosniaks in Bratunac is a direct consequence of genocidal actions against Bosniaks during the aggression. It is important to emphasize that the expelled Bratunac residents were also killed in other municipalities in Bosnia and Herzegovina, especially in the genocide in and around Srebrenica in July 1995, in which 2,081 victims from Bratunac were killed<sup>26</sup>

According to the 1991 census, there were 36,666 inhabitants in Srebrenica, of which 27,572 or 75.2% were Bosniaks/Muslims, 8,315 or 22.7% Serbs, 38 or 0.1% Croats, 380 or 1% Yugoslavs and Others 361 or 1%. According to the 2013 census, there were 13,409 inhabitants in Srebrenica, of which 7,248 or 54.1% were Bosniaks, 6,028 or 45% Serbs, 16 or 0.1% Croats and 117 or 0.8% Others.

By analyzing the results of these two censuses, we come to the data that there are less than 23,257 inhabitants in the municipality of Srebrenica. That number is almost equal to the decrease of Bosniaks, which is less by as much as 20,324. The number of Serbs was decreased by 2,287. Such a reduction of Bosniaks is a direct consequence of the genocide against Bosniaks that took place from the beginning of 1992 until July 1995, when the genocide against Bosniaks in and around Srebrenica was finalized, as decided before international courts. Radical demographic changes in Bratunac and Srebrenica are obvious. They are a direct result of the aggression against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks. During the war, the entire Bosniak population was abused in various ways, thousands of which were killed and the remaining population expelled from their homes. The fact that 132 children were killed in Srebrenica from the beginning of April 1992 to July 1995, and that, including the genocide in and around Srebrenica in July 1995, a total of 826 children were killed, as mentioned earlier, speaks volumes about the scale of the genocide against Bosniaks in these spaces.

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26 Research of the Association "Women of Podrinje" -Bratunac. According to the research of this Association, during 1992 and 1993, about 1,000 more inhabitants of Bratunac were killed and killed. Also in: <https://www.slobodnaevropa.org/a/plp-nema-buducnosti-bez-istine-i-pravde/27018634.html>.

Thus, the 2013 census found that there were 34,056 fewer Bosniaks in these two Central Podrinje municipalities.<sup>27</sup> The reality is that a significant number of the enumerated population, primarily Bosniaks, does not live in these two municipalities. Similar data are in the entire Podrinje region in Bosnia and Herzegovina, where Bosniaks, although the majority population until aggression, are an absolute minority in most other municipalities.<sup>28</sup> From the previous two tables it is noticeable that in the area of two Middle Podrinje municipalities, as a representative sample for the entire Podrinje in Bosnia and Herzegovina, the ethnic structure of the population has completely changed. This indicates that the Bosnian society, multicultural as it existed in this area, was completely broken and destroyed.

### **Changes in the age and gender structure of the population of Bratunac and Srebrenica**

The bioreproductive potential of the population of Bosnia and Herzegovina is particularly alarming. The analysis of the average age of the population shows that the population of Bosnia and Herzegovina is reaching old age, which is a major problem for the survival of society. Since 1971, the average age of the population of Bosnia and Herzegovina has been constantly increasing. However, in the 1971, 1981 and 1991 censuses, the representation of the young population compared to the old was in a far higher percentage (in 1971: 34.4% vs. 4.7%; in 1981: 27.5% vs. 6.1% and in 1991: 23.5% vs. 6.5%). The data from 2013 indicate that in addition to the fact that the average age is significantly higher than in previous censuses, and that the share of children is almost equal up to 15 years and the elderly population aged 65 and over. Comparing with the previous census, it can be seen that the share of children under the age of 15 has almost halved, and the share of the elderly population is almost 2.5 times higher. Given that Bosnia and Herzegovina does not have the bioreproductive potential as it had in 1991, it can be concluded that the negative population tendency is at an extreme level. In 1991, the population of Bosnia and Herzegovina was already on the verge of being classified as

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27 On demographic indicators and the consequences of the war in Srebrenica and Bratunac, see also the selected reports of the Prosecution's demographic experts submitted to the ICTY Tribunal: Tabeau, Ewa (priredila i uredila), *Rat u brojkama: demografski gubici na teritoriji bivše Jugoslavije od 1991. do 1999.*, Helsinški odbor za ljudska prava u Srbiji, Beograd, 2009, pp. 49-190; 483-564; 835-1080; 986-990.

28 For example, in 2013, compared to 1991, there were 17,139 or 56.7% fewer Bosniaks in Bijeljina, 17,920 or 47.5% in Zvornik, 17,758 or 85.4% in Foča, 12,070 or 91.5% in Rogatica, 12,428 or 92 in Višegrad. , 3%, Ore 2,453 or 78.4%, Teapot 3,140 or 78%.

the old population (i.e. to exceed the limit of 8% of the population over 65). However, the aging process of the entire Bosnian population has been slow. Given the war and post-war events, the situation with the age structure of the population in 2013 accelerated by several decades. The average age of the population of Bosnia and Herzegovina is 39.51 years. The average age of the population of Bratunac is 38.45 years, and Srebrenica 39.17 years.<sup>29</sup>

TERRITORY	NO. OF PEOPLE	0-15%	15-65%	65+%
SR BiH	4,377,033	23.5	67.7	6.5
BRATUNAC	33,619	28.7	63.9	7.4
SREBRENICA	36,666	27.7	65.3	7.0

Table 3: Age structure of residents in Bratunac and Srebrenica in 1991<sup>30</sup>

TERRITORY	NO. OF PEOPLE	0-15%	15-65%	65+%
BIH	3.531.159	15,4	70,4	14,2
BRATUNAC	20.340	15,3	73,2	11,5
SREBRENICA	13.409	13	75,2	11,8

Table 4: Age structure of residents in Bratunac and Srebrenica in 2013.<sup>31</sup>

In the previous tables (3 and 4), we analyzed the change in the age structure at the level of Bosnia and Herzegovina and in the municipalities of Bratunac and Srebrenica to the previous two censuses. From these indicators, it is evident that the decrease in population both at the level of Bosnia and Herzegovina and at the level of these two municipalities will continue.

An analysis of the age structure of the 1991 census shows that the share of young people aged 0 to 15 in Bratunac and Srebrenica was above the Bosnian average (23.5%) and amounted to 28.7% in Bratunac and slightly less in Srebrenica, 27.7%. Comparing the data from 1991 with those from 2013, it can be seen that at the level of Bosnia and Herzegovina, as well as at the level of Bratunac and Srebrenica, the indicators are significantly more negative. In addition to the radical decrease in the population, there is a very small total share of the young population aged 0 to 15 (Bratunac: 15.3%, and Srebrenica:

29 The average age of the population of other Podrinje municipalities is: Zvornik 38.81; Vlasenice 39.20; Goražde 40.94; Foča-FBiH 44; Foča-RS 43.27; Rogatica 43.15; Čajniče 42.68; Novo Goražde 44.23; Rudo 43.87; Višegrad 44.58.

30 <http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>.

31 <http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>.

13%), which is below the BiH average (15.4%). It is also noticeable that the share of the old population has significantly increased, both at the level of Bosnia and Herzegovina (14.2%) and at the level of Bratunac (11.5%) and Srebrenica (11.8%).

An important demographic indicator in predicting future population movements is the share of the female population, and within the same the percentage of the fertile population, especially the share of the population at the optimal age for childbirth. The aging of the population does not have to worry if the representation of the fertile group and the total birth rate is in an increased percentage.

TERRITORY	TOTAL	MALE	FEMALE	SHARE OF FEMALES %
SR BIH	4.377.033	2.183.795	2.193.238	50,1
BRATUNAC	33.619	17.091	16.528	49,2
SREBRENICA	36.666	18.876	17.790	48,5

Table 5: Population of Bratunac in Srebrenica according to gender in 1991.<sup>32</sup>

TERRITORY	TOTAL	MALE	FEMALE	SHARE OF FEMALES %
BIH	3.531.159	1.732.270	1.798.889	50,9
BRATUNAC	20.340	10.091	10.249	50,4
SREBRENICA	13.409	6.602	6.807	50,8

Table 6: Population of Bratunac in Srebrenica according to gender in 2013.<sup>33</sup>

The share of the female population in the 1991 census at the level of Bosnia and Herzegovina was 50.1% (Table 5). The share of the female population according to the 2013 census increased to 50.9% (Table 6). The reason for that is certainly the higher number of men murdered and killed during the war. There is a noticeable increase in Bratunac and Srebrenica, which is also the result of a genocidal policy by which the Greater Serbia aggressor aimed to prevent the biological renewal of a part of Bosnian society. A total of 95.3% of male children were killed in Srebrenica, which supports this claim.<sup>34</sup>

32 <http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>.

33 <http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>.

34 Džananović, Muamer, „Dijete i porodica u genocidu – S posebnim osvrtom na genocid nad Bošnjacima u i oko Srebrenice jula 1995. godine”, pp. 120.

TERRITORY	FEMALE POPULATION	FERTILE AGE (15-49)	(15-49)%	OPTIMAL AGE (20-35)	20-35%
SR BIH	2,193,238	1,100,625	50.2	524,213	23.9
BRATUNAC	16,528	8,255	49.9	3,997	24.2
SREBRENICA	17,790	8,960	50.4	4,220	23.7

Table 7: Fertile structure in Bratunac and Srebrenica according to the 1991 census<sup>35</sup>

TERRITORY	FEMALE POPULATION	FERTILE AGE (15-49)	(15-49)%	OPTIMAL AGE (20-35)	20-35%
BIH	1.798.889	849.630	47,2%	358.283	19,9
BRATUNAC	10.249	4.903	47,8	2.203	21,5
SREBRENICA	6.807	3.438	50,5	1.403	20,6

Table 8: Fertile structure in Bratunac and Srebrenica according to the 2013 census<sup>36</sup>

Comparing the previous two censuses, it is noticeable that the share of women of childbearing age, considering the total number of women, at the level of Bosnia and Herzegovina decreased by 3%. The share of women in the optimal fertile age decreased by 4% and amounted to 19.9% (Tables 7 and 8). Thus, in the framework of the fertile group, a significant percentage are those in the oldest cohort. Given reproduction and low birth rates, it is clear that there is no way to increase this crucial demographic characteristic, without a strong stimulus population policy, on which there are no significant activities.

Analyzing the situation in Bratunac and Srebrenica, in relation to the total fertile population of Bosnia and Herzegovina, it is evident that the data are also very negative. By reducing the total population, the total number of women decreased from 34,318 (Bratunac: 16,528, Srebrenica: 17,790) to 17,056 (Bratunac: 10,249, Srebrenica: 6,807), which is a really alarming figure. Thus, the total female population in these two municipalities is 50.3% less, in Bratunac 38%, and in Srebrenica 61.2% (Tables 7 and 8).

According to the 1991 census, there were 17,215 (Bratunac: 8,255 and Srebrenica: 8,960) female population in the fertile group (15-49 years). According to the 2013 census, in this group, in the area of these two

35 <http://fzs.ba/index.php/Popis-stanovnistva/Popis-stanovnistva-1991-i-stariji/>.

36 <http://Popis.gov.ba/Popis2013/knjigePregled.html?lang=bos>.

municipalities, lived 8,341 female population (Bratunac: 4,903, Srebrenica: 3,438). Thus, the female population in the fertile group in the area of these two municipalities decreased by 51.5%. In Bratunac it is less 40.6%, and in Srebrenica 61.2% (Tables 7 and 8).

According to the 1991 census, the fertile population in the optimal age for childbirth (20-35 years) was a total of 8,217 (Bratunac: 3,997 and Srebrenica: 4,220). According to the 2013 census in this group, in these two municipalities, there were 3,606 women (Bratunac: 2,203, Srebrenica: 1,403). Therefore, the female population in the optimal fertile group in the area of these two municipalities is less by 56.1%. In Bratunac it is less than 44.9%, and in Srebrenica 66.8% (Tables 7 and 8). The share of women in the optimal fertile age and in the area of these two municipalities has decreased by 2-3%.

### **Other indicators of negative demographic changes and the continuing destruction of Bosnian society**

The aging trend of the fertile group is accompanied by the tendency to delay birth. In addition, currently, on average, women in Bosnia and Herzegovina give birth to 1.3 children. There is a big problem of delaying the birth of the first child, but also the extremely low birth rate at a later age, which in Bosnia and Herzegovina since 1996 has almost zero value. It is understood that the later birth of the first child (on average in Bosnia and Herzegovina currently after the age of 27) stops at that number of children. Also, the extremely bad social and economic picture of the Bosnian society today prolongs the marriage of young people. When the conditions for the same are met, it does not mean that the socio-economic situation of the spouses is good enough to be able to meet the minimum needs for the two of them. That is why they do not decide so quickly to move from marriage to family community, which can be seen from the fact that the birth rate of the first child has been moved from 1991, i.e. 1996, to today by four years. When they decide to get married, as many as 267,680 married and 9,015 illegitimate couples live without children. Thus, out of the total number of marriages, 27.2% live without children.

Therefore, due to the war and post-war events, the Bosnian family also experienced negative demographic changes. According to the 1991 census, there were 1,193,683 families in Bosnia and Herzegovina. The family averaged 3.66 members. The 2013 census listed a total of 1,015,905 families. In total, the number of families dropped by 177,778 in 2013, and the number of

family members dropped to just over three members per family. Also, the 2013 census identifies several important indicators. For example, there are a total of 253,302 fewer spouses with children than in 1991. The number of illegitimate couples with children does not significantly improve this catastrophic picture.

It is known that many women were left without husbands who died or were killed in the war. According to the 2013 census, there are a total of 316,485 widows/widowers living in Bosnia and Herzegovina, of which 257,047 are widows, which is a startling figure.<sup>37</sup> This data is also influenced by the fact that women live significantly longer than men,<sup>38</sup> but the above facts (killed and murdered in the war) are the reason for a large number. The increased number of divorces is also related to the war and post-war situation in society, which again leaves the biggest mark on the youngest members of society.

Numerous people killed and expelled during the war, then constant emigration from Bosnia and Herzegovina led to the population being completely assimilated into new societies. In other countries, new generations are being born who have completely lost contact with their country. Generations born in or after the war lose touch with the country by marrying the inhabitants of the countries in which they live. The desire to return to their country does not exist in the newer generations. Their parents no longer think about returning to their homeland. The way of life, with all its contents, upbringing, education, culture, led to the fact that not only was the state of Bosnia and Herzegovina destroyed, but also that the society as it existed until 1992 was “broken”.

The destruction of the Bosnian Podrinje in general, expulsions and crimes of various forms, the impossibility and failure to meet the conditions for return after the war are the reasons for the demographic catastrophe in which the region finds itself. If some more facts are added to that, it is clear why all age structures of the population decide to move from these areas to larger centers. Here we mean about an extremely bad socio-economic situation, a bad educational policy, where e.g. children walk for miles to get to school, inadequate health care, lack of doctors and material and technical resources, poor living conditions, poor communal infrastructure which worsens living conditions, where e.g. during the winter days, the population in the villages

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37 Ibid.

38 “The average life expectancy at birth is 73.35 for men and 77.56 for women.”Girone, Stefania, Grubanov-Bošković, Sara, *Postwar Mortality Trends in Bosnia and Herzegovina*, 9, available at: <https://cdn.uclouvain.be/public/Exports%20reddot/demo/documents/GironeGrubanov.pdf>.

is “cut off” for days due to the application of snow that is not cleaned. There are a number of other indicators that can support the previously stated that inadequate living conditions are the cause of the increase in negative demographic indicators. Therefore, it is not surprising that there is a constant outflow of population of all ages. Therefore, more and more often for young people who go for education or employment to larger cities within Bosnia and Herzegovina and abroad, their parents also go for employment or inadequate living conditions in their villages or cities.

The obligations from the Dayton Peace Agreement, such as Annex 7, i.e. The agreement on refugees and displaced persons, which guarantees every resident a safe return and restitution of property, was absolutely not respected. Insecurity, frequent physical attacks, threats and discrimination in various fields, especially in denying the identity characteristics of Bosniaks and their constant propaganda dehumanization, also have a negative effect on returnees. The planet-famous case of Fate Orlović, in whose yard in Konjević Polje (Bratunac) an Orthodox church was built, which the local authorities do not relocate despite the verdict of the Court of Human Rights in Strasbourg, supports the increase of tensions and endangering security conditions.<sup>39</sup>

Bosnia and Herzegovina has not adopted a law banning the denial of genocide, which puts the wind in the back of the deniers, and which in turn further upsets and humiliates the victims. Denying genocide also reduces the possibility of reconciliation and building a common healthy future. The list of international, regional and local genocide deniers is long. It is also attended by the member of the Presidency of Bosnia and Herzegovina Milorad Dodik, but also the mayor of Srebrenica Mladen Grujičić, which is especially disturbing for the returnees.<sup>40</sup>

The ban on teaching in Bosnian and the denial of the right of Bosniak returnees to have their language called Bosnian in one part of their country are only the consequences of war and post-war events. And in peace, therefore, the continuity of breaking up the state and society by other methods, various

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39 <https://depo.ba/clanak/214545/nana-fata-orlovic-neka-mi-ociste-avliju-i-nose-objekat-da-je-ja-ne-bih-sad-minirala-kad-je-sve-gotovo>.

40 “Grujičić on the genocide in Srebrenica: I cannot deny something that did not happen.” <https://faktor.ba/vijest/grujicic-o-genocidu-u-srebrenici-ne-mogu-negirati-nesto-sto-se-nije-desilo-244182>. “Republika Srpska does not recognize and will never admit that it is genocide and in that way, as its official, I am obliged to communicate its views. Even today, I will say that it was not genocide,” is one of the ways in which Dodik presents his views on genocide adjudicated before international courts. <http://www.vecernji.hr/svijet/dodik-i-danas-cu-reci-da-u-srebrenici-nije-bio-genocid-950065>.

forms of pressure, discrimination and segregation, continued. The end of that negative process is not in sight. This especially refers to the pronounced falsification of the history of Bosnia and Herzegovina, denial of its statehood, denial of Bosniak national identity, development of hatred towards the country where young people were born, and glorification and loyalty to Serbia and Croatia, development of special ties between the two constituent peoples of Bosnia and Herzegovina (Serbs and Croats) with Serbia and Croatia, glorification of collaborationist fascist forces - Chetniks and Ustashas, their gathering, threats on social networks, usurpation of private property, inability to employ Bosniaks in the public sector, constant provocations of political leaders, threats of secession, brakes on Euro-Atlantic integration, etc.

### **Concluding remarks**

Manifestation of intent, mass, scale, systematicity and unique pattern of committing crimes and systematic destruction of cultural monuments and sacral buildings in the area of Bratunac and Srebrenica in the period 1992-1995 indicate that it was a plan and intention - confirmed by concrete actions - to partially or completely destroy the Bosniak people in that area, which fulfilled the conditions for the mentioned actions to be qualified as a crime of genocide. The established facts about the master plan, lower plans that supported the realization of the master plan and the facts about the committed crimes, indicate that the Bosniak people of Bratunac and Srebrenica were part of a wider target, national, group (as such) that included Bosniaks from Podrinje and Bosnia and Herzegovina. It is obvious that ethnic communities throughout Bosnia and Herzegovina are divided. This achieved the Greater Serbia "first strategic goal", which Radovan Karadžić openly announced in early May 1992.

An analysis of the results from the previous two censuses in Bosnia and Herzegovina shows that according to the 2013 census, there were 20,340 inhabitants in the municipality of Bratunac, which is 13,279 or 39.5% less than in 1991. The total number of Bosniaks in Bratunac in 2013 was 13,732 or 63.8% lower than in 1991.

According to the 2013 census, there were 13,409 inhabitants in the municipality of Srebrenica, which is less than in 1991 by 23,257 or 63.4% of the population. The total Bosniak population is less by 20,324 or 73.7%. The reality is that a significant number of the census population in the last census, primarily Bosniaks, does not live in these two municipalities, and that today, both in Bratunac and in the area of Srebrenica, they are minority.

In addition to the radical decrease in the population, a very small total share of the young population aged 0 to 15 is noticeable (Bratunac: 15.3%, and Srebrenica: 13%), which is below, certainly low, the Bosnian average. It is also noticeable that the share of the old population has significantly increased, both at the level of Bosnia and Herzegovina and at the level of Bratunac (11.5%) and Srebrenica (11.8%).

By reducing the total population, the total number of women decreased from 34,318 (Bratunac: 16,528, Srebrenica: 17,790) to 17,056 (Bratunac: 10,249, Srebrenica: 6,807), which is a really alarming figure. Thus, the total female population in these two municipalities is 50.3% (in Bratunac 38%, and in Srebrenica 61.2%). According to the 1991 census, there were 17,215 (Bratunac: 8,255 and Srebrenica: 8,960) female population in the fertile group (15-49 years). According to the 2013 census, in this group, in the area of these two municipalities, lived 8,341 women (Bratunac: 4,903, Srebrenica: 3,438). Therefore, the total female population in the fertile group in these two municipalities is 51.5% less (in Bratunac it is 40.6% less, and in Srebrenica 61.2%).

According to the 1991 census, the fertile population at the optimal age for childbirth (20-35 years) had a total of 8,217 (Bratunac: 3,997 and Srebrenica: 4,220). According to the 2013 census, in this group, in the area of these two municipalities, lived 3,606 women (Bratunac: 2,203, Srebrenica: 1,403). Therefore, the female population in the optimal fertile group in the area of these two municipalities is less by 56.1%. In Bratunac it is less by 44.9%, and in Srebrenica by 66.8%. The share of women in the optimal fertile age and in the area of these two municipalities has been reduced by 2-3%. Thus, within the fertile and optimally fertile groups in Bratunac and Srebrenica, a significant percentage are those in the oldest cohort, whose contribution to the total birth rate is minimal.

The Dayton Peace Agreement established peace, but the disintegration of Bosnian society continued. Difficult living conditions, without meeting basic human needs, are a reality in the lives of the few returnees in eastern Bosnia. This results in the departure of the biologically productive population, and the remaining elderly households, which brings the process of “ethnic cleansing” even closer to its final end after the war. Just as villages are currently deserted, inhabited by several elderly people, due to falling birth rates, rising mortality, changes in age structure, low fertility, high unemployment, migration flows and declining living standards and living conditions, soon Bratunac and Srebrenica, as a good example for the entire Bosnian Podrinje, to be cities of the elderly.

Bratunac and Srebrenica testify about devastated local communities and general state neglect of the sustainable return process. This leads to the disappearance of any form of extended, even nuclear families, and remain “elderly” households and single-parent families as a kind of “waiting room for death” of a geographical area that has lost the identity markers of communities of people who inhabited the area for hundreds of years.

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## **NEW TRENDS IN THE SEARCH FOR FORCIBLY MISSING PERSONS IN BOSNIA AND HERZEGOVINA**

### ***Summary***

*The aggression against the Republic of Bosnia and Herzegovina was carried out with well-thought-out planning, preparation and execution of crimes. This was followed by concealment of the crimes committed, followed by a precisely elaborated denial process. It is the concealment of crimes that results in a large number of forcibly missing persons. The aim of concealment and denial is to prevent prosecution for committed crimes (without a body there are no crimes), and then to avoid adequate sanctions provided by international and national legislation against perpetrators. Special emphasis should be placed on the specificity of this form of crime, especially characteristic of Bosnia and Herzegovina, where forcibly missing persons were mostly found in mass graves in a hidden locality. This is important to emphasize given the fact that a large number of people are still being searched for while the sites of the tombs containing the remains are a well-kept secret. Numerous families have not yet, in the third decade after the end of the aggression, exercised their basic humanitarian right to know the truth about the fate of their loved ones and to bury the remains in an appropriate manner.*

*The total number of registered forcibly missing persons during the aggression against the Republic of Bosnia and Herzegovina is about 32,000. About 7,546 more people are wanted. With this in mind, it can be stated that the issue of enforced disappearances has not yet been resolved, and that it significantly burdens relations in the region. Participants in armed conflicts - states created by the dissolution of the Socialist Federal Republic of Yugoslavia - are still looking for ways to improve the process of searching for the missing. Due to the social significance of this issue, which still problematizes and burdens relations in the country and the region, it is important to look at the new trends established in the new circumstances and frameworks, which search for the still large number of forcibly missing persons.*

**Key words:** *victims, forcibly missing persons, crime against humanity and international law, aggression, Bosnia and Herzegovina*

## Introduction

Key international treaties are based on the basic postulates of the protection of human rights and fundamental freedoms. Human rights and freedoms are the essence of the democratic principles of justice and equality. Thus, the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees every individual *the right to life, the prohibition of torture, the prohibition of slavery and forced labor, the right to liberty and security, the right to a fair trial, punishment only by law* and other guaranteed rights. The system of protection of human rights applies to all signatory countries to the Convention, since its adoption in Rome on November 4, 1950, and extends to the constitutional and legislative systems of all member states of the Council of Europe which are obliged to respect the content of the Convention. In the past aggression against the Republic of Bosnia and Herzegovina, the guarantees of the Convention, as well as other documents and norms of international importance, have been largely devastated. This is especially expressed through various forms of committed crimes that obscure the aspects of human reason by the ways and scope of their commission. Namely, the protection of human rights in Bosnia and Herzegovina and the consequences of the processes resulting from the dissolution of the Socialist Federal Republic of Yugoslavia, which did not take place peacefully, result in the collapse of human rights and fundamental freedoms that are still blatantly manifested in the entire social dimension. Unresolved cases of enforced disappearances are an issue that significantly undermines the human rights segment.<sup>1</sup> This question seeks answers that should relax the social reality

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1 “The state and its institutions have an obligation to investigate human rights violations, to identify victims and perpetrators, and to protect documentation of human rights violations and to provide access to archives to facilitate the functioning of institutions or individuals who will use available documentation. The objectives to be achieved are: to establish the facts about the violations of rights, and about the political and social circumstances that led to them, as well as about the consequences of the violation of rights; contribution to the realization of victims’ rights; informing the public about the findings and ensuring the associated rights, and contributing to the prevention of recurrence of crimes against humanity and international law.

Emphasis is placed on the right to truth, which primarily concerns the right of families to receive information on the fate of their forcibly missing members, as codified by Articles 32 and 33 of *Additional Protocols I to the Geneva Conventions*, as well as *the International Convention for the Protection of All Persons from Enforced Disappearance*, *The Universal Declaration of Human Rights* (Article 3) and *the International Covenant on Civil and Political Rights* (Article 23). All these documents affirm the right to the truth, i.e. recognize the right of victims and their families, as well as society as a whole, to know the truth about what happened and the causes, and to identify victims and perpetrators and preserve documentation of violations to prevent past revisions and denials. Under

of today. Therefore, they are trying to find new models of action that would respond to the demands arising from the imposed question, and phlegmatize relations in the region.

To that end, German Chancellor Angela Merkel launched an initiative at the 2014 London Summit to encourage six Western Balkan countries - Bosnia and Herzegovina, Albania, Kosovo, Macedonia, Montenegro and Serbia - to establish multilateral relations to speed up the process of finding missing persons in conflicts in the former Yugoslavia in the 1990s.<sup>2</sup> Therefore, as part of the Berlin Process for the Western Balkans in 2018, the Group for Missing Persons for the Western Balkans (GNO) was formed with the aim of improving the process of finding persons forcibly missing due to armed conflicts that took place in the late twentieth century in the former Yugoslavia. GNOs are state institutions responsible for searching for missing persons. The task set before the GNO involves the active participation of families of missing persons to help in finding specific information important for resolving fundamental issues of human rights violations through various forms of cooperation through *the Regional Coordination of Associations of Families of Missing Persons from the Former Yugoslavia*.<sup>3</sup> The established activities

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international law, enforced disappearances are considered unsolved crimes until the fate of the persons against whom this form of crime was committed is established. The Convention for the Protection of Persons from Enforced Disappearance also considers family members of enforced persons to be victims of enforced disappearances. The Convention against Torture obliges the families of missing persons to be provided with adequate reparations, including adequate compensation. Also, the European Court of Human Rights considers inhumane treatment that the families of forcibly missing persons are not informed, i.e. they do not have information about what happened to their close members, i.e. where their bodies or remains are. The Convention against Torture also sanctions this as inhumane treatment” Meldijana Arnaut Haseljić, *Prisilni nestanci na području Sarajeva 1992-1995*, Institut za istraživanje zločin protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo 2017, pp. 9-10.

2 “Given the interconnectedness of the 1990s conflict, it is not uncommon for hidden graves to be located in the territory of one of the members of the Missing Persons Group (GNO), for families of the missing to live in another, and for search data in the third. Resolving this issue effectively therefore requires stronger multilateral cooperation.” Framework Plan for Resolving Missing Persons from the Conflict in the Former Yugoslavia, families of forcibly missing persons are not informed, i.e. do not have information about what happened to their close members, i.e. where are their bodies or mortal remains. *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

3 “Families of missing persons share a common experience of loss and a certain degree of mutual understanding - no one else can better understand the feeling of loss experienced by those who have a missing relative. Family associations have recognized the need for multilateral cooperation and joint action. ‘Regional Coordination of Associations of

through regional cooperation seek to ensure the continuity of the search for missing persons, but also to provide assistance to their family members in recovery and future moves.

The armed conflicts caused by the dissolution of the SFRY resulted in about 40,000 people who were reported missing. More than 70 percent have been identified, which is considered a successful process compared to other post-war areas.<sup>4</sup> The total number of registered forcibly missing persons<sup>5</sup> in Bosnia and Herzegovina during the aggression carried out in the period of 1992-1995 is about 32,000.<sup>6</sup> Another 7,546 people are wanted.<sup>7</sup> To date, in Bosnia and Herzegovina, more than 24,000<sup>8</sup> remains have been found and exhumed from individual and mass graves of a covert locality that contained bodies or remains of persons of unknown identity as a result of crimes against humanity and international law. More than 21,500<sup>9</sup> victims have been identified and handed over to their families to be buried with dignity. About 4,000 unidentified cases<sup>10</sup> were identified for which no identity has

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Families of Missing Persons from the Territory of the Former Yugoslavia' (hereinafter: Regional Coordination), brings together 17 associations and federations. Associations gathered around the Regional Coordination give impetus to the work of domestic institutions responsible for the issue of missing persons and want to ensure that the families of the missing have greater insight into their work. In addition, their goal is to serve as a link between the institutions and the families of the missing by offering a platform for the exchange of information, which in turn will ensure better transparency in this process. " *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

- 4 <https://www.icmp.int/bs/press-releases/western-balkan-missing-persons-group-reaffirms-commitment-to-regional-cooperation/> (Retrieved at: January 26, 2021)
- 5 In the genocide committed in Srebrenica in July 1995 alone, more than 8,000 Bosniaks were recorded, and in Prijedor about 3,000 forcibly missing Bosniaks.
- 6 The definition of the term "missing person" in the State Law includes civilians and combatants who went missing during the armed conflicts in Bosnia and Herzegovina. The basic condition for a person to be considered a missing person is: that the family does not have any information about the missing member; that she reported the disappearance; and that there is no reliable information about the fate of the missing person. In order for a person to be considered forcibly missing, these three conditions must be met at the same time.
- 7 According to the Institute for Missing Persons of Bosnia and Herzegovina [http://www.ino.ba/dokumenti/Ostali\\_akti/default.aspx?id=931&langTag=bs-BA](http://www.ino.ba/dokumenti/Ostali_akti/default.aspx?id=931&langTag=bs-BA)
- 8 According to the International Committee of the Red Cross
- 9 According to the Institute for Missing Persons of Bosnia and Herzegovina
- 10 Out of 34,965 persons from the unverified CEN, 13,300 persons were identified by the method of DNA analysis, and the so-called by the classical method 8,235 persons, which means that a total of 21,535 missing persons were identified. (According to the data of the Institute for Missing Persons of Bosnia and Herzegovina).

been established.<sup>11</sup> When you look at these data, it is easy to conclude that the biggest victims of the wars resulting from the disintegration of the SFRY are residents of Bosnia and Herzegovina, especially Bosniaks who are the most numerous victims of various crimes of unimaginable scope and shape, and even the most numerous victims recorded as forcibly missing.<sup>12</sup> Many families have not yet exercised their basic humanitarian right to know the truth about the fate of their members. So, enforced disappearances are not just a crime of the past. It is a crime that extends into the present.

New trends in the search for missing persons are based on the Framework Plan on the Search for Forced Missing Persons stemming from the Joint Declaration on Missing Persons, signed in July 2018 in London, when the Council of Ministers and Prime Ministers of Kosovo, Montenegro, Serbia and Albania, Croatia, Germany, the United Kingdom, Austria, Bulgaria, France, Italy, Slovenia and Poland reiterated their commitment to efforts to find<sup>13</sup> and identify<sup>14</sup> some 12,000 missing persons<sup>15</sup> in the conflict in the former Yugoslavia who are still wanted.

### **Convention for the Protection of All Persons from Enforced Disappearance**

Fundamental human rights and freedoms are in principle protected by international legal instruments. In armed conflicts of (non) international character, various forms and intensity of human rights violations occur, which should be guaranteed. One of the frequent consequences of armed

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11 “There are more than 4,000 NN cases located in facilities in the former Yugoslavia. The International Commission on Missing Persons (ICMP) has isolated DNA profiles from more than 3,000 NN cases; however, these profiles do not match any of the thousands of sets of reference samples collected from families still searching for their missing relatives. Although, in the last few years, some of the 4,000 NN cases have undergone forensic and anthropological examinations as well as DNA testing, there is still a need to ensure that the issue of NN cases is resolved.” *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

12 <http://www.ino.ba/odnosi-s-javnosc/saopcenja-za-javnost/default.aspx?id=500&langTag=bs-BA>

13 In the genocide committed in Srebrenica in July 1995 alone, more than 8,000 Bosniaks were recorded, and in Prijedor about 3,000 forcibly missing Bosniaks.

14 In the genocide committed in Srebrenica in July 1995 alone, more than 8,000 Bosniaks were recorded, and in Prijedor about 3,000 forcibly missing Bosniaks.

15 In the genocide committed in Srebrenica in July 1995 alone, more than 8,000 Bosniaks were recorded, and in Prijedor about 3,000 forcibly missing Bosniaks.

conflicts, as is the case with the aggression committed against the Republic of Bosnia and Herzegovina, is enforced disappearances covered by relevant international instruments in the field of human rights, humanitarian law and international criminal law. The right of every person not to be subjected to enforced disappearance, the right of every victim to know the truth about the circumstances of enforced disappearance and the fate of the missing person, and the right to freedom to seek, receive and impart information are guaranteed by *the International Convention for the Protection of All Persons from Enforced Disappearance*. The execution of enforced disappearances is a crime against humanity and entails sanctions provided by international law, which should be a guarantee that no one will be subjected to enforced disappearance.

The United Nations General Assembly in Paris (2006) adopted the Convention with the aim of protecting the rights of victims in terms of obtaining information on missing persons, exercising the right to reparation, but also preventing evasion of responsibility for crimes committed. The drafting of the Convention took into account documents that promote respect for and observance of human rights and fundamental freedoms, such as the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in its resolution 47/133 of 18 December 1992. The States Parties are aware of the gravity of the crime of enforced disappearance and have shown their determination to combat impunity for the crime of enforced disappearance. Under the Convention, enforced disappearance means “the arrest, detention, abduction or any other form of deprivation of liberty by public authorities or a person or group of persons acting under authority, with the support or consent of the State, after which refusal to recognize deprivation of liberty or the fate of a missing person or his whereabouts is hidden, thus placing such a person outside the protection of the law.”<sup>16</sup> A state of war or threat of war, internal political instability or any other public danger, as well as no exceptional circumstances, can serve as

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16 “... the armed conflicts that took place in the 1990s led to significant population movements within the territory of the former Yugoslavia. In many cases, persons reported missing in one area were killed or disappeared in another. As a result, hidden tombs may contain the remains of victims who have been reported missing in a territory different from the territory in which the tomb is located.” *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pd](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pd)

a justification to carry out enforced disappearances.<sup>17</sup> The crime of enforced disappearance is characterized by the refusal to admit that a person has been deprived of liberty and that information about the whereabouts of a missing person or the remains of his or her remains<sup>18</sup> has been denied, thus creating conditions for his or her detention the perpetrator is kept out of the reach of the sanction. The Convention lays down obligations for Member States to create the conditions for providing effective protection against persons being subjected to this crime. Member States also undertake to conduct adequate investigations into cases of enforced disappearance<sup>19</sup> and apprehension of perpetrators and those responsible for enforcement, and to bring them before a justice system.<sup>20</sup> This implies that the judicial system of each Member State should be regulated in such a way that criminal law recognizes this crime as a form of crime against humanity with precisely established competencies and criminal sanctions regardless of the nationality of the perpetrator and the victim.<sup>21</sup> The Convention presupposes the principle of universal jurisdiction,

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17 “Prior to the introduction of mass DNA testing in the identification of missing persons in 2001, mortal remains in the countries of the former Yugoslavia were identified primarily on the basis of visual identification of mortal remains, personal belongings and clothing (classical identification methods), and in the Republic of Croatia by ante-mortem comparisons. and post-mortem data. Classical identification methods are not exact and are accompanied by the risk of error. All possible misidentified identities could be an obstacle in resolving the remaining active cases of missing persons.” *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

18 *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

19 International Convention for the Protection of All Persons from Enforced Disappearance, Article 2.

20 International Convention for the Protection of All Persons from Enforced Disappearance, Article 1.

21 “1. No person shall be held in secret custody.

2. Without prejudice to other international obligations of a Contracting State with regard to deprivation of liberty, each Contracting State shall in its legislation:

- a) establish the conditions under which a deprivation of liberty order may be issued;
- b) specify those authorities which are empowered to order deprivation of liberty;
- c) Ensure that any person deprived of his or her liberty is detained only in officially recognized places of detention under supervision;
- d) to guarantee that every person deprived of his liberty shall have the right to communicate and to receive visits from his family, counsel or any other person of his choice, solely under the conditions established by law or, if he is an alien, to communicate with his consular authorities; in accordance with applicable international law;
- e) To guarantee access to competent and legally authorized bodies and institutions, places where persons deprived of their liberty are located, if necessary with the prior

i.e. stipulates that all member states are obliged to prosecute the perpetrator if (s)he is found in the territory of any member state by declaring the perpetrators of enforced disappearances *il hostes humani generis* or enemies of all mankind. If a suspected or missing person is found in the territory under its jurisdiction, the State undertakes not to extradite that person or extradite him or her to another State (in accordance with international obligations), or to the international criminal tribunal whose jurisdiction it has recognized, to hand over such a case to its competent authorities for the purpose of criminal prosecution.<sup>22</sup> In addition to the obligation to prosecute perpetrators, States parties are obliged to provide support to family members of forcibly missing persons in order to locate and/or return the remains of victims.<sup>23</sup> Also, the

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approval of judicial authorities;

- f) guarantee that any person deprived of liberty or, in the event of suspected enforced disappearance, as the person deprived of liberty is unable to exercise this right, any person with a legitimate interest, such as relatives of the person deprived of liberty, their representatives or their counsel, in all circumstances have the right to a trial before the court to make a decision without delay on the lawfulness of the deprivation of liberty and order the release of that person if his deprivation of liberty is not lawful.

Each State Party shall ensure that one or more up-to-date official records and / or data on persons deprived of their liberty are compiled and maintained, which, upon request, are made expeditiously available to any judicial or other competent authority or institution authorized to do so by law. the Contracting State concerned or any other relevant international legal instrument of which the Member State concerned is a member. They contain at least the following information:

- a) the identity of the person deprived of liberty;
  - b) The date, time and place where the person was deprived of his liberty and the identity of the authority which deprived him of his liberty;
  - c) the authority which ordered the deprivation of liberty and the grounds for deprivation of liberty;
  - d) the authority responsible for supervising deprivation of liberty;
  - e) the place of deprivation of liberty, the date and time of admission to the place of deprivation of liberty and the authority responsible for the place of deprivation of liberty;
  - f) information relating to the state of health of the person deprived of liberty;
  - g) in the case of death during deprivation of liberty, the circumstances and cause of death and the destination of the remains;
  - h) Date and time of release or transfer to another place of detention, destination and authority responsible for the transfer. “International Convention for the Protection of All Persons from Enforced Disappearance, Article 17.
- 22 International Convention for the Protection of All Persons from Enforced Disappearance, Article 3.
- 23 “1. Each Member State shall take the necessary measures to prosecute at least:
- a) any person who commits, orders, advocates or causes execution, attempted execution, complicity or participation in enforced disappearance;

obligation to establish a register of forcibly missing persons is envisaged, as well as a register of persons convicted of enforced disappearances. On the other hand, the states that have accepted the Convention have also committed themselves to providing reparation, compensation and compensation for material and non-material damage.<sup>24</sup> The Convention provides special protection to minors as victims of enforced disappearance. States that have accepted the Convention undertake to sanction the illegal removal of children who have been forcibly disappeared, children whose father, mother or legal guardian have been subjected to enforced disappearance, or children born during the captivity of a mother who has been forcibly disappeared, and to sanction falsifications, hiding or destroying documents that prove the real identity of children who find themselves in these situations. Also, the obligation to search for and establish their identity, and return to families in cases of their discovery, as well as return of identity including nationality, name and family relations in accordance with the law and taking into account the best interests of the child.<sup>25</sup>

The second part of the Convention provided for the establishment of a Committee on Enforced Disappearances, consisting of ten experts in the field of human rights protection, selected by the States Parties to the Convention.<sup>26</sup> The Committee shall co-operate and consult with all relevant

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- b) a superior who is:
    - i) knew or knowingly disregarded information which clearly indicated that the subordinate (s) under his or her effective authority or control were committing or preparing to commit the crime of enforced disappearance;
    - ii) has effective responsibility or control over activities related to enforced disappearance; i
    - iii) has not taken all necessary and reasonable measures within the scope of its authority to prevent or stop the execution of the enforced disappearance or has not referred the case to the competent authorities for investigation and prosecution;
  - c) paragraph (b) above does not affect the higher standards of liability applicable under international law to a military commander or a person effectively performing the duties of a military commander.

2. No order or instruction of any public authority, whether civilian or military or otherwise, may be cited as justification for the crime of enforced disappearance. "International Convention for the Protection of All Persons from Enforced Disappearance, Article 6.

24 International Convention for the Protection of All Persons from Enforced Disappearance, Articles 4 and 5

25 International Convention for the Protection of All Persons from Enforced Disappearance, Articles 9-11.

26 International Convention for the Protection of All Persons from Enforced Disappearance, Article 18.

bodies, offices, agencies, United Nations funds and bodies established by international instruments, as well as with relevant regional intergovernmental organizations and state institutions, agencies or offices working to protect persons from enforced disappearances. Special cooperation is envisaged with the Human Rights Committee established by the International Covenant on Civil and Political Rights to ensure the consistency of its observations and recommendations.<sup>27</sup> Each State Party undertakes to report to the Committee on the measures taken in accordance with the commitments made in accepting the Convention.

On February 6, 2007, Bosnia and Herzegovina signed the International Convention for the Protection of All Persons from Enforced Disappearance, thus committing itself to respecting and adhering to the principles prescribed by it.

### **New trends - institutional search for forcibly missing persons**

The recovery of a post-conflict society is inconceivable without facing the legacy of grave and systematic human rights violations and the challenge of

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- 27 “1. For the purposes of this Convention, the term “victim” means a missing person and any individual who has suffered damage as a direct result of enforced disappearance.
2. Every victim has the right to know the truth about the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the missing person. Each Member State shall take adequate measures in this regard.
  3. Each Member State shall take all appropriate measures to search for, locate and release missing persons and, in the event of death, to find, honor and return the remains.
  4. Each State Party shall ensure in its legal system that victims of enforced disappearance are entitled to compensation and prompt, fair and adequate compensation.
  5. The right to compensation referred to in paragraph 4 of this Article covers material and moral damage and, if appropriate, other forms of compensation such as:
    - (a) refund;
    - (b) rehabilitation;
    - (c) satisfaction, including the restoration of dignity and reputation;
    - (d) a guarantee that this will not happen again.
  6. Without prejudice to the obligation to continue the investigation until the fate of the missing person has been clarified, each State Party shall take appropriate steps regarding the legal situation of missing persons whose fate has not been clarified and the situation of their relatives, in areas such as social welfare, financial matters, family law and property rights.
  7. Each State Party guarantees the right to establish and freely participate in organizations and associations which seek to establish the circumstances of enforced disappearances and the fate of missing persons and to provide assistance to victims of enforced disappearance. ” International Convention for the Protection of All Persons from Enforced Disappearance, Article 24

taking full responsibility for the actions taken. The application of the principle of subsidiarity presupposes taking the necessary measures to find out the facts about the committed crimes, prosecute and punish the perpetrators, ensure the satisfaction of victims for material or non-material damages, and ensure reforms that will prevent the recurrence of the past. Therefore, the issue of enforced disappearances must be addressed systematically and institutionally. Records on forcibly missing and/or extrajudicially captured persons in the circumstances of aggression committed on the territory of the Republic of Bosnia and Herzegovina in the period 1992-1995 was the task of the State Commission for the Exchange of Prisoners of War established by the Government of the Republic of Bosnia and Herzegovina, the Commission for the Exchange of Prisoners of War of the Republika Srpska and the Commission for the Exchange of Prisoners of War, the so-called Croatian Community of Herceg-Bosna. These commissions had the task, in addition to introducing persons in the appropriate records, to collect information on the circumstances of the disappearance and possible locations of the remains. In addition to these commissions, the issue of Forced Missing Persons was dealt with by the International Criminal Tribunal for the Former Yugoslavia (ICTY), whose investigations in Bosnia and Herzegovina were conducted by expert teams of various profiles, as well as the International Committee of the Red Cross (ICRC) and the International Commission on Missing Persons (ICMP).<sup>28</sup> In 1997, the Office of the High Representative (OHR) launched an initiative called the “Joint Exhumation Process” to consolidate the work of the individual entity organizations and institutions dealing with these issues. Based on this initiative, *the Institute for Missing Persons of Bosnia and Herzegovina (INO BiH)* was established in 1998 with a mandate that ensures unhindered action at the state level, as well as exhumations and finding of forcibly missing persons in both entities in Bosnia and Herzegovina and the Brčko District.<sup>29</sup>

Pursuant to Article V 3 (d) of the Constitution of Bosnia and Herzegovina and the consent of the Parliamentary Assembly of Bosnia and Herzegovina (Decision of the PA BiH No. 239/05 of December 28, 2005), the Presidency of Bosnia and Herzegovina adopted a document entitled *Decision on Ratification of the Agreement on Assuming the Role of Co-Founder for the Institute for Missing Persons of Bosnia and Herzegovina between the Council of Ministers of Bosnia and Herzegovina and the International Commission on Missing Persons*.<sup>30</sup> The ratified agreement was signed in Sarajevo on August 30, 2005.<sup>31</sup>

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28 International Convention for the Protection of All Persons from Enforced Disappearance, Article 25.

29 **International Convention for the Protection of All Persons from Enforced Disappearance, Article 26.**

30 International Convention for the Protection of All Persons from Enforced Disappearance, Article 28.

31 To this end, the International Commission on Missing Persons (ICMP) was established

In order to resolve the fate of missing persons from Bosnia and Herzegovina and in Bosnia and Herzegovina from the period April 30, 1991-February 14, 1996 (deadline set by the Law on Missing Persons of BiH) through more efficient: locating of missing persons, exhumation, preservation of remains, expertise and identification, collection, data processing and protection, record keeping and notification, as well as financing the needs of the Institute for Missing Persons of Bosnia and Herzegovina, the parties agreed that “the Institute is competent to: collect, process and systematize information on missing persons on individual and mass graves; establishes a central and unique database on missing persons, records and informs the families of missing persons, including the issuance of certificates of disappearance and identity of victims, in accordance with the Law on Missing Persons (“Official Gazette of BiH”, No. 50/04); finds, checks and marks the sites of mass and individual graves; participates in excavations and exhumations from mass and individual graves; participates in the clean-up of the terrain; participates in autopsies; participates in anthropological treatments; participates in identifications; participates in on-site inspections and other actions and procedures related to missing persons; cooperates with the competent authorities, including the judiciary and other organizations, and the International Criminal Tribunal for the former Yugoslavia (ICTY); cooperates with international and domestic organizations and institutions dealing with missing persons issues, in particular with the International Committee of the Red Cross and the Red Cross Society of Bosnia and Herzegovina in accordance with their mandate; supports the families of missing persons and their associations, including projects proposed by the Advisory Committee; conducts research and other projects related to missing persons; organizes and provides training in relevant professional fields; preserves mortal remains until their final handing over to families or burial; provides assistance to the families of missing persons at the funerals of their relatives; provides funds from the budget and donations; cooperates with the competent institutions of the Republic of Croatia and the State Union of Serbia and Montenegro and other countries, in accordance with the applicable laws of Bosnia and Herzegovina and international agreements; provides available data to competent authorities and institutions in accordance with applicable laws and regulations; informs the public about the results of the research and the established facts; spreads awareness of the human dimension of the tragedy of missing persons and their families and conducts all other activities related to

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as an intergovernmental organization based in The Hague, the Netherlands, with a mandate to ensure cooperation between governments and other authorities in repairing the consequences of human rights violations by assisting in finding persons forcibly missing as a result of armed conflict.

the search for and identification of missing persons ”.<sup>32</sup> ICMP’s technical and professional assistance to the Institute includes the participation of the Head of the ICMP Office in the Institute’s Board of Directors, the provision of services in DNA laboratories, anthropological and archaeological assistance, and other technical assistance, including procurement and/or transfer of equipment and/or other means. The Law on Missing Persons shall apply to the implementation of the Agreement from the date of its entry into force, 28 December 2005. The Agreement should facilitate ways and means of resolving the fate of missing persons without discrimination on the grounds of ethnicity, sex, race, language, religion, political or other opinions, social background, property status or role in armed conflict, or other hostilities or other circumstances, and promote the human dimension of the tragedy of missing persons and encourage an understanding of the human values on which society is based.

Provisions of international law guarantee the families of missing persons the right to know the truth about the fate of their members.<sup>33</sup> A significant step in this direction was achieved with the adoption of the Declaration on the Role of the State in Resolving the Issue of Missing Persons Due to Armed Conflict and Human Rights Violations, which was signed on August 29, 2014 in Mostar under the auspices of ICMP. The adoption of the Declaration emphasized the need to harmonize the applied mechanisms and methods with human rights standards and the principles of the rule of law. The signatories<sup>34</sup> of the Declaration have committed themselves to cooperation in resolving the issue of missing persons through the responsibility of states with the aim of building cooperation, reconciliation and preserving lasting peace. The aim of the Declaration is to establish cooperation with the aim of exchanging information that will help find and identify the missing, and realize the right of families to know the fate of their members.

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32 In the realization of the set goals, the biggest challenge is the lack of information on hidden locations where the remains of forcibly missing persons are buried, while the previous approach of the competent institutions in solving this problem is characterized by lack of political will and years of inertia.

33 <http://www.ino.ba/dokumenti/medjunarodni-dokumenti/default.aspx?id=57&langTag=bs-BA>

34 “ICMP cooperation with Bosnia and Herzegovina is based on the ICMP Agreement in Bosnia and Herzegovina concluded in 1998 with the Council of Ministers of Bosnia and Herzegovina. In addition, ICMP and the Council of Ministers of Bosnia and Herzegovina signed an Agreement in 2005 on taking over the role of co-founder of the Institute for Missing Persons of Bosnia and Herzegovina.” *Framework plan for resolving the issue of missing persons from the conflict in the former Yugoslavia*, [http://www.ino.ba/dokumenti/Ostali\\_akti/Okvirni%20plan%20bos.pdf](http://www.ino.ba/dokumenti/Ostali_akti/Okvirni%20plan%20bos.pdf)

For that purpose, international protocols on cooperation in the search for missing persons have been established. The Protocol, agreed on a bilateral basis between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Serbia, was signed on November 4, 2015 (ratified on April 4, 2016)<sup>35</sup>. The protocol regulates mutual relations, obligations and the manner of joint work in the search for persons listed as missing in the armed conflicts in the former Yugoslavia. It is specified that each party in its territory applies its own regulations relating to missing persons. The signatories of the Protocol undertake “through their competent bodies to establish cooperation in order to facilitate and expedite the procedure of handing over the remains of deceased persons to their families, will cooperate in informing the families who need to enter the identification procedure, provide the documentation necessary for the entry and handover of the remains of identified persons, bear the costs of funeral equipment,, as well as the transport of mortal remains on the territory of their country. “<sup>36</sup>

Protocol on Cooperation in Searching for Missing Persons, the Process of Exhumation and Identification of Missing Persons of Bosnia and Herzegovina and the Republic of Croatia implies regulation of mutual relations, obligations and manner of cooperation of competent bodies of Bosnia and Herzegovina and the Republic of Croatia in investigating the fate of missing persons and exchanging all information related to resolving cases of missing persons. The draft protocol proposal was agreed by the Institute for Missing Persons of Bosnia and Herzegovina (INO) and the Administration for Detained and Missing Persons of the Republic of Croatia (UZN).<sup>37</sup> At the session held in Sarajevo on July 7, 2017, the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia signed this Protocol which regulates mutual relations, obligations and manner of cooperation of competent bodies of Bosnia and Herzegovina and the Republic

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35 <http://www.ino.ba/dokumenti/medjunarodni-dokumenti/default.aspx?id=57&langTag=bs-BA>

36 Article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International Armed Conflicts reads as follows: General principle - In applying this section, the activities of the High Contracting Parties, Parties to the conflict and international humanitarian organizations are primarily on the right of families to know the fate of their members.

37 Chairman of the Presidency of Bosnia and Herzegovina - Bakir Izetbegović, President of the Republic of Croatia - Ivo Josipović, President of Montenegro - Filip Vujanović, President of the Republic of Serbia - Tomislav Nikolić. (Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuse (<http://www.icmp.int/wp-content/uploads/2014/08/signed-declaration-2.pdf> (icmp.int)))

of Croatia in the process of searching for missing persons, and finding and identifying their remains. Procedures and provisions for the exchange of information, handover of mortal remains, procedures for exhumation and identification as well as provisions for handover, presence during exhumation and identification are defined.<sup>38</sup> The Protocol was ratified on 19 April 2018.<sup>39</sup> The Rules of Procedure<sup>40</sup> between the Institute for Missing Persons of Bosnia and Herzegovina and the Ministry of Croatian Veterans of the Republic of Croatia for the implementation of the Protocol on Cooperation between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia were signed on 30 July 2019.

*The Protocol on Cooperation in Searching for Missing Persons between the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro* is a bilateral agreement ratified by the Presidency of Bosnia and Herzegovina on June 10, 2020.<sup>41</sup> The Bilateral Protocol agreed on joint engagement in mitigating humanitarian consequences of armed conflicts in the territory of the former Socialist Federal Republic of Yugoslavia by agreed procedures in the process of searching for missing persons. Mutual relations, obligations and manner of joint work and exchange of information and documentation important for resolving individual cases of missing persons, determining the existence of individual and mass graves, the process of exhumation and/or identification of mortal remains, and the procedure of handing over mortal remains of missing persons.<sup>42</sup>

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38 “*International Agreements, No. 2/16*, Pursuant to Article V 3 d) of the Constitution of Bosnia and Herzegovina and the Consent of the Parliamentary Assembly of Bosnia and Herzegovina (Decision No. 01.02-05-2-541 / 16 of March 22, 2016), at its 23rd regular session, held on April 4, 2016, the Presidency of Bosnia and Herzegovina adopted the Decision on Ratification of the Protocol on Cooperation in Searching for Missing Persons between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Serbia, Article 1 in the search for missing persons between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Serbia, signed in Sarajevo on November 4, 2015 ... “<http://sluzbenilist.ba/page/akt/9g7gteIQohz4nh78h77dM=>

39 <http://www.ino.ba/dokumenti/medjunarodni-dokumenti/default.aspx?id=136&langTag=bs-BA> (Retrieved at: January 26, 2021)

40 <http://www.ino.ba/dokumenti/medjunarodni-dokumenti/default.aspx?id=136&langTag=bs-BA>

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42 *International Agreements, No. 4/18*, “Pursuant to Article V 3. d) of the Constitution of Bosnia and Herzegovina and the Consent of the Parliamentary Assembly of Bosnia and Herzegovina (Decision No. 01.02-05-2-329 / 18 of March 7, 2018) , The Presidency of Bosnia and Herzegovina, at its 46th regular session, held on April 19, 2018, adopted the Decision on Ratification of the Protocol on Cooperation between the Council of

## Protection of victims of enforced disappearances in Bosnia and Herzegovina

Enforced disappearances<sup>43</sup> in Bosnia and Herzegovina are a direct result of armed activities carried out between 1992 and 1995. The occurrence of enforced disappearances is directly linked to the forcible removal, imprisonment, detention and liquidation of persons subject to international law and the rules of war. The fate of detainees becomes unknown after their expulsion or stay in camps and other places of detention. These are most often extrajudicial detention by which a person is proscribed, which violates the right to a fair trial, violates the right to humane treatment, the right to protection from acts of violence, the right to protection from physical and mental torture and other forms of coercion, but also the right to family members as well as the International Committee of the Red Cross - ICRC will be informed about their capture and detention. They are denied the same right in cases of their transfer to other places of detention, which are most often used in order to proscribe a person and avoid the perpetrator's responsibility for «disappearances».<sup>44</sup>

Forced disappearances are a direct consequence of proclaimed policies to cover up crimes. These policies create and support various social structures, which, directly and indirectly, perform certain functions with the aim of creating misconceptions and distorted images of committed crimes, their prevalence, duration, intensity, scope and dimensions, with the ultimate goal of minimizing and denying crimes. It should certainly be emphasized here that

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Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia in Searching for Missing Persons, Article 1 cooperation between the Council of Ministers of Bosnia and Herzegovina and the Government of the Republic of Croatia in the search for missing persons, signed on July 7, 2017 in Sarajevo ...” <http://sluzbenovine.ba/page/akt/Vnl0gztz5k76kjn45hWxW2IQ=>

- 43 The procedure for exchanging available information and documentation relevant to resolving the issue of missing persons has been specified, as well as the procedure for determining the existence of graves, the process of joint exhumations and identification of remains, their handover, reconnaissance and joint marking and financing of all activities..
- 44 “*International Agreements, No. 13/20*, Pursuant to Article V 3. d) of the Constitution of Bosnia and Herzegovina and the consent of the Parliamentary Assembly of Bosnia and Herzegovina (Decision of the PA BiH No. 01.02-21-1-436 / 20 of 28 May 2020 At its 13th regular session held on June 10, 2020, the Presidency of Bosnia and Herzegovina adopted the Decision on Ratification of the Protocol on Cooperation in Searching for Missing Persons between the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro, Article 1, the Protocol is ratified on Cooperation in the Search for Missing Persons between the Council of Ministers of Bosnia and Herzegovina and the Government of Montenegro, signed on October 11, 2019 in Sarajevo ... ”<http://www.propisi.ba/page/akt/Fw1Wm59S0IY=>

the mere concealment of a crime is a crime sanctioned by international and national legislation.<sup>45</sup>

In the legislation of Bosnia and Herzegovina, enforced disappearances are included in the Criminal Code as a crime against humanity<sup>46</sup>, and such acts are considered to have been committed “as part of a widespread or systematic attack directed against any civilian population”.<sup>47</sup> The Entities and the Brčko District do not include crimes against humanity in criminal law, and at these levels such forms of crime cannot be tried or adjudicated. The Criminal Code specifies that enforced disappearances mean “the arrest, detention or abduction of persons, by or with the permission, support or consent of a State or political organization, with a refusal to recognize such deprivation of liberty or to provide information on fate or place, where such persons are located, with the intention of removing them from the protection of the law for a long time”.<sup>48</sup> In the consolidated text of the Criminal Code of Bosnia and Herzegovina, enforced disappearances are also sanctioned within the framework of *Torture and other forms of cruel and inhuman treatment*.<sup>49</sup> The Law on Enforced Disappearances, which entered into force on 17 November 2004, regulates issues dealing with *missing persons* as a result of armed conflicts between

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45 <http://www.propisi.ba/page/akt/Fw1Wm59S01Y=>

46 Meldijana Arnaut Haseljić, *Prisilni nestanci na području Sarajeva 1992-1995*, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, Sarajevo 2017.

47 The Geneva Conventions require that any transfer of prisoners of war from one place to another be done in a humane manner, that the safety of prisoners is not compromised, and that the authorities (usually military authorities holding prisoners) be required to compile a list of all prisoners who are being transferred (which implies the right of prisoners to have the opportunity to inform their families about the transfer).

48 “1. Actions constituting 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)

49 The 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,

“Crimes against humanity  
Article 172

(1) Whoever, as part of a widespread or systematic attack directed against any civilian population, knowing of such an attack, commits any of the following acts:

...

i) enforced disappearance of persons... ”

30 April 1991 and 14 February 1996.<sup>50</sup> The law defined the term “missing person” as a person for that the family has no news and/or is reported on the basis of reliable information as a missing person due to the armed conflict that took place on the territory of the former SFRY.<sup>51</sup>

The enactment of the Law is based on: the Convention on the Prevention and Punishment of the Crime of Genocide (1948); Geneva Convention I-IV on the Protection of Victims of War (1949); Additional Protocols I-II (1977); The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and 13 Additional Protocols; General Framework Agreement for Peace in Bosnia and Herzegovina (Annex 7, Articles III and V); Convention on the Rights of the Child (1989); The International Covenant on Civil and Political Rights; UN Declaration on the Protection of All Persons from Enforced or Forcible Disappearance (1992).<sup>52</sup> By complying with the Law,

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50 The 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.

51 *Criminal Code of Bosnia and Herzegovina, Article 172, paragraph 2, item (h).*

52 “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 express 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 that person’s fate or location, 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 that he 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 his 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, 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.”Criminal Code of Bosnia and Herzegovina (consolidated text),“ Official Gazette of Bosnia and Herzegovina ”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. 4. 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

the search process itself should be improved, a central database established as records, and the realization of social and other benefits to which the families of forcibly missing persons are entitled. By respecting the Law on Missing Persons one imposes the continuity of searching for and identifying a forcibly missing person. Family members of missing persons must have access to information on the place of collection or location of the remains, as well as to enable the dignified burial of the found remains.

Families have the right to know about their members. If they are killed or have died, families have the right to know the circumstances, the cause of death and the place of burial, if such a place is known, and to receive the remains.<sup>53</sup> The bodies and institutions of Bosnia and Herzegovina responsible for the search for missing persons are obliged to provide the information at their disposal to the competent institutions for the search for missing persons as well as to the families of the missing.<sup>54</sup> The status of a missing person ceases on the day of identification, which concludes the procedure of searching for a missing person.<sup>55</sup> An identified person is one for whom it is reliably established that the remains found correspond to a specific person in physical or inherited or biological characteristics or the missing person appears alive. However, if the missing person is declared dead and his/her remains are not found, the search procedure continues.<sup>56</sup> The Law on Missing Persons also regulates issues related to the rights of family members of forcibly missing persons, records on forcibly missing persons, supervision, as well as penal provisions.

## Conclusions

The problem of missing persons mostly affects Bosniak families, who are, if the scale of suffering can be measured, the biggest victims, because they suffered various forms of crimes of unimaginable proportions committed by bilateral aggression against the Republic of Bosnia and Herzegovina. This is proven, among other things, by enforced disappearances as one of the forms of crime that is still ongoing.

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on Amendments to the Criminal Code 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=>)

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

54 Ibid.

55 Law on Missing Persons of Bosnia and Herzegovina, Article 1.

56 Law on Missing Persons of Bosnia and Herzegovina, Article 3.

Criminal regimes carefully plan and prepare and then carry out the commission of crimes. After the crime is committed, the next phase occurs - covering up the crime. Crime planning, preparation and execution includes a differentiated structure made up of individual actors and the institutional apparatus, which includes the preparation and planning, issuance of political and military orders by leaders and commanders, and the commission of crimes by perpetrators assisted by accomplices. All these actions can be qualified as a legally punishable crime and imply association for the realization of an agreed criminal goal formulated by a common criminal intent. Persons who support these processes, even if it is by silence, show complete moral loyalty to the act itself and the manner of its realization, and as such become accomplices in it. Those who are loyal still hide the paths of enforced disappearances and the bodies of the enforced missing. Those who are loyal are even today accomplices in the crime committed decades ago. Phlegmatization of reality causes the disease of society. Prolonged pain is a sure path to misanthropy. Establishing a problem is the path to its cure. In that sense, we should persist in demanding the punishment of planners, commanders and perpetrators of the greatest crime committed on the territory of Europe after the Second World War, but also in punishing those who support it with silence. Consistent implementation of the Convention would primarily contribute to the completion of documents and records on missing persons, defining patterns of mass and individual crimes, and in particular destabilizing the climate of post-war denial, minimizing and denying crimes committed. Commitments made by accepting and signing international treaties, protocols, resolutions, declarations, constitutions, laws and other legislation must be respected in order to address the issue of enforced disappearances - a crime that is still ongoing. Reflecting on this issue and seeing the reality of today, it is blatant that there is no progress and that what we call *the Western Balkans* is “stuck” in the devastation rooted in the processes of the past. The agreements reached and the protocols prepared did not even manage to come to life “in an attempt”, that is, they represent only a “dead letter on paper” because there are no visible results and progress. Families are still waiting in the hope that a new day will bring an awakening of one’s consciousness to speak, make it easier for self and others, and bring peace to the victims.

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- [http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja\\_sa\\_sjednica/default.aspx?id=25742&langTag=bs-BA](http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=25742&langTag=bs-BA)
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**CRIMES OF CHETNIKS AND SERBIAN  
“NEDIĆEVCI“ AGAINST BOSNIAKS OF THE SREBRENICA  
REGION DURING THE SECOND WORLD WAR**

***Abstract***

*The paper presents the results of research into the crimes of Chetniks and “Nedićevci” against the Bosniak population of today’s municipalities, or parts of them, Srebrenica, Bratunac and Zvornik, committed during the Second World War. From mid-August 1941 to the beginning of May 1942, a Chetnik administration was established in that area. Shortly after forming their government, the Chetniks began individual killings and massacres of Bosniaks. The largest number was killed in the last days of December 1941 and during Orthodox Christmas on January 7, 1942. A smaller number, compared to the previous two years, were killed in 1943. By partisan taking control of Podrinje (June 1943-June 1944 and from the middle of autumn 1944 until the end of the war), Chetnik crimes against Bosniaks were significantly reduced. Just as soldiers and police officers from Serbia took part in the aggression against the Republic of Bosnia and Herzegovina and the genocide against Bosniaks in Podrinje in 1992-1995, Serbian Chetniks and soldiers of the Serbian quisling Milan Nedić actively participated in the massacres and looting of the property of the Bosniaks of Podrinje in 1941-1944.*

**Key words:** *war, Bosniaks, Chetniks, Independent State of Croatia, Germans, occupation, partisans, Podrinje, Serbs, Nedić’s Serbia, Srebrenica, Ustashas, crimes, victims.*

**Introduction**

Between the two world wars, Bosnia and Herzegovina was part of the Kingdom of Serbs, Croats and Slovenes, i.e. the Kingdom of Yugoslavia, which was the new official name of the Kingdom from January 6, 1929.

By mid-April 1941, Nazi Germany had defeated the Kingdom of Yugoslavia in a short-lived war and formed its puppet states, the Independent

State of Croatia (NDH) and Serbia on part of its territory.<sup>1</sup> Bosnia and Herzegovina was occupied by the German army and the hastily formed armed forces of the Independent State of Croatia, which incorporated it territorially into its borders.<sup>2</sup>

In the area of Bosnia and Herzegovina, groups of defeated armies of the Kingdom of Yugoslavia were scattered in the mountains and remote Orthodox villages. Within a few months of the German occupation and the establishment of the Croatian state, the remnants of the army, mostly led by its former officers and Yugoslav politicians and gendarmes, grouped into companies and detachments. They “officially” identified themselves as *the Yugoslav Army in the homeland*, although they preferred to call themselves Chetniks.

After the German attack on the Soviet Union on June 22, 1941, the Yugoslav Communists intensively began their military and political organization in order to oppose the German occupation by armed struggle.<sup>3</sup>

By mid-August 1941, Chetnik commanders in Podrinje had managed to set up units and make the necessary preparations to launch an armed uprising against Croatian rule. The Croatian Armed Forces were not sufficient in number or quality, nor in combat motivation, to offer serious resistance, so that the rebels managed to take over the territory and establish their rule without much fighting effort. Although the NDH “flattered” the Bosniaks and included them in the local government, and tried to mobilize them in large numbers in its armed forces, they did not respond en masse in Podrinje, so they did not offer “general” resistance to the Chetnik takeover. They were quite indifferent. An extremely small number of Bosniaks, even though they were the majority population in Podrinje at the time, joined the Croatian army before the Serb uprising. Without reliance on the local Bosniak population,

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1 That Serbian fascist state did not have a special name. In the documents, it is often referred to only as *Serbia*. Sometimes as *Greater Serbia*. Literature had to distinguish between it and “other historical Serbias”, so the authors, who dealt with the Second World War, introduced the name *Nedić’s Serbia* after its leader Milan Nedić, who, in his time, proposed the name of the state of *All Serbia*, but it did not come to life. Nedić was the head of the *Government of National Salvation*, and that term was used instead of the name of the state. In official documents, its administration was also called the *Area of the Military Commander of Serbia*, which some took, albeit with reservations, as the name of the state. **On Nedić’s Serbia more in: Martinov Zlatoje, NDH i Nedićeva Srbija, Sličnosti i razlike, Savez antifašista Srbije, Beograd 2018.**

2 **Hoare Marko Attila, Bosanski muslimani u Drugom svjetskom ratu, Vrijeme, Zenica 2019, pp. 20-21, 25-30.**

3 **Hoare, Bosanski muslimani..., pp. 18-19.**

Croatian forces could not hold Podrinje, and Serb rebels easily and quickly took control of the entire area and established their own administration. If the support of the Podrinje Bosniaks to the Croatian fascist state had been massive, that is, if a larger number of able-bodied Bosniaks had taken up arms and sided with the Croatian army, it is very likely that the Serbian uprising would not have succeeded. Maybe they wouldn't even try. The leaders of the Podrinje Serb uprising probably well assessed that the Bosniaks would not support the survival of the Croatian government, so they decided to revolt and take over Podrinje, in which they succeeded without much effort. After capturing significant territory in Podrinje, the rebel leaders established their rule.

Bosniaks and Serbs are the majority population of Podrinje. It was very important for the NDH to be accepted by the majority of the Bosniak population, who for that purpose called them *Croats of the Islamic religion*. This role, which the NDH intended for Bosniaks, was a very important reason for Serb rebels to commit genocide against them in order to destroy the possible support of the Croatian government. Until the Serb uprising in mid-August 1941, the Croatian government did not carry out major repressions against Serbs, i.e. *Croats of the Orthodox religion*, as it began to officially identify them, probably expecting that it would somehow persuade them to accept it.<sup>4</sup> For months after the Serbian uprising, the NDH was not militarily ready to regain its power over Podrinje. When it finally succeeded by mid-May 1942, it radically changed its attitude towards the Serb population, considering it a major obstacle to the exercise of its power, just as the Chetniks considered Bosniaks.

Shortly after establishing their rule, the Chetniks began a massacre of Bosniaks in Podrinje. The largest number of Podrinje Bosniaks, victims of Chetnik massacres, were killed in the last days of December 1941 and during Orthodox Christmas in 1942. The Chetnik rampage was briefly interrupted by

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4 In some parts of Bosnia and Herzegovina, the NDH managed to establish cooperation with many local Chetnik commanders by the spring of 1942, which confirms this thesis. For example, commanders Lazar Tešanović from the area of Skender Vakuf and Uroš Drenović from Varcar Vakuf (today's Mrkonjić Grad) can be mentioned, who gave a written statement to the Ustasha authorities on April 27, 1942: *I went into the woods, to save the naked lives of the people of this region, as well as myself, who were irresponsibly killed and plundered by irresponsible elements. At the same time, I declare that together with my armed men, when we clean together with the Croatian army, according to the orders of the military command, I will put all this territory from the communist gangs, I will put myself completely at the disposal of the armed guards.*

**Compare:** [https://hr.wikipedia.org/wiki/Uro%C5%A1\\_Drenovi%C4%87#cite\\_note-znacil-2](https://hr.wikipedia.org/wiki/Uro%C5%A1_Drenovi%C4%87#cite_note-znacil-2)

a German “punitive expedition” in mid-January 1942. After the departure of the Germans, the Chetniks re-established their rule and continued the violence against Bosniaks, which lasted until the arrival of the infamous Ustasha “Black Legion” in early May of the same year. Members of the “Black Legion” are better known by the unofficial name “Crnokošuljaši (in English: Black Shirts)” because of the black uniforms they used. The “Crnokošuljaši” were ruthless towards the Serbian population. They committed mass murders in Serb villages from Romania to the Drina River and expelled most of the surviving Serbs to Serbia. Unlike the previous year, and taught by the experience of the Serbian uprising, the NDH apparently decided to commit genocide against the Serb population in order to significantly reduce its presence in Podrinje because it was an obstacle to maintaining its power. That state could not survive without flattering Bosniaks, in order to accept and support it, and genocide against Serbs.

The topic of this paper is Chetnik crimes against Bosniaks in the Srebrenica area during the Second World War. The mass Ustasha crimes against Serbs in the middle Podrinje required special research, which I expect to complete soon and publish its results. Vladimir Dedijer and Antun Miletić dealt with Chetnik crimes against Bosniaks in the same area in 1990.<sup>5</sup> The first publication on Chetnik crimes in Bosnia and Herzegovina, whose significant part relates to the Bosniaks and Podrinje, was published in June 1942 in Zagreb.<sup>6</sup>

The State Archives of Bosnia and Herzegovina contains collections of documents of the “National Commission for the Establishment of War Crimes of the Occupier and His Helpers.” Immediately after the end of the war, the Commission began investigating war crimes. It took statements from war crimes witnesses and suspects for their commission. It also collected documentary material created during the war, which concerned certain war crimes, so that the collections of documents of the mentioned “National Commission” include some documents of the NDH, but also other entities that operated in Bosnia and Herzegovina. For the purposes of this paper, witness statements and documents from that collection related to the “Srebrenica district” have been singled out.

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5 **Dedijer Vladimir, MiletićAntun**, *Genocid nad Muslimanima 1941-1945*, Zbornik dokumenata i svjedočenja, Svjetlost, Sarajevo, 1990.

6 It is mainly the evidence of the investigative bodies of the NDH collected during the investigation of crime scenes and exhumations of graves (witness statements, photographs of victims, photographs of mass graves). **Compare: Kovačić Matija**, *Odmetnička zvjerstva i pustošenja u Nezavisnoj državi Hrvatskoj u prvim mjesecima života hrvatske narodne države*, Ministarstvo vanjskih poslova NDH, Zagreb juni 1942.

Witness statements were taken in late August and early September 1946 in Srebrenica. The concept of the statement is appropriate to the need for research. Each witness first stated what he knew about the crimes of the Germans, then about the crimes of the Ustashas, and finally about the crimes of the Chetniks, where the crimes of the *Nedićevci* were also recorded. Probably for the credibility of the stated data, the statements are “collective”, i.e. they were signed by a large number of witnesses. It is noticeable that the investigators tried to have each statement signed by witnesses of both Serb and Bosniak nationalities. Of course, if it could. I am of the opinion that this was also for the reason of creating greater credibility of the statements. Confrontation of witnesses for their greater honesty. There were no Serb witnesses to some Chetnik crimes against Bosniaks, nor to all Ustashas who did not have Bosniak witnesses, and in such situations statements were signed by witnesses of the same nationality. These are mostly crimes in mono-ethnic villages.

The paper lists some of the most serious examples of Chetnik crimes against Bosniaks in the middle Podrinje. For the needs of such work, and due to the number of crimes committed, it is impossible to describe and mention every crime.

The “National Commission” also compiled a list of victims.<sup>7</sup> It is, as an attachment, at the end of the paper.

### **The German occupation of Srebrenica and Bratunac, the establishment of the NDH government and the Serbian armed rebellion against it**

On April 6, 1941, Germany attacked the Kingdom of Yugoslavia.<sup>8</sup> Four days later, with its support, the Independent State of Croatia (NDH) was proclaimed in Zagreb, which also included Bosnia and Herzegovina.<sup>9</sup> The Yugoslav army quickly lost the war that became known as the “April War.” The government together with the king left Yugoslavia. A Serbian collaborationist, fascist state was formed in Serbia, named in the literature as *Nedić's* Serbia after Milan Nedić, its fascist leader.<sup>10</sup>

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7 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

8 **Martinov**, *NDH...*, 9, 12-15; **Hoare**, *Bosanski muslimani...*, pp. 20, 25.

9 **Martinov**, *NDH...*, 9, 12-15; **Hoare**, *Bosanski muslimani...*, pp. 20, 25.

10 **Martinov**, *NDH...*, 9, pp. 60-75.

Shortly after the occupation of the Kingdom of Yugoslavia and the formation of the Independent State of Croatia, a small group of German soldiers came to Srebrenica in mid-April. They formed their own command. In a few days, another 3-4 companies arrived. A month later, a detachment of home guards came under the command of Slijepčević, a former major in the Yugoslav army who had served in Bjelovar until the war. The Domobrani established Croatian rule. The Germans left the middle Podrinje by the beginning of June.<sup>11</sup> Srebrenica became the seat of the district of the same name, which had several municipalities (Bratunac, Fakovići, Kravica, Osatica, Skelani and Srebrenica). After the German-Croatian occupation in 1941, the Srebrenica district belonged to the “Great Parish of Vrhbosna”, which had its headquarters in Sarajevo. It was later transferred to the “Great Parish of Usora and Soli” based in Tuzla.<sup>12</sup> After the arrival of the Domobrani in Srebrenica, an Ustasha camp was formed. The Croatian government called on all able-bodied Muslims in all municipalities in the Srebrenica district to apply for mobilization and take up arms. The response in all municipalities was very weak. In the municipality of Osatica, a small number of them reported, but none of them received weapons.<sup>13</sup> Mostly *unemployed* people responded.<sup>14</sup> Only a few people showed up in the municipality of Drinjača. They received the weapon, but threw it away and fled to their villages.<sup>15</sup> Bosniaks throughout

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- 11 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica site, Srebrenica district, box 204, Minutes, (witnesses: Begović /Mujo/ Izet from Potočari, Suljić /Ahmet/ Avdo from Pasmulići, Pašagić /Alija/ Osman from Srebrenica, Pašalić /Mujo/ Mehmed from Srebrenica, Grujičić /Stojan/ Drago from Gostilj, Stanković /Tanasije/ Dušan from Pećište, Spasojević /žena Milorada/ Mara from Srebrenica and Marijanović /Drago/ Radovan from Srebrenica).
- 12 Wikipedia states that the Srebrenica district was under the “Great Parish of Vrhbosna” until July 5, 1944, when it was included in the “Great Parish of Usora and Soli.” **Compare:** [https://hr.wikipedia.org/wiki/Velika\\_%C5%BEupa\\_Vrhbosna](https://hr.wikipedia.org/wiki/Velika_%C5%BEupa_Vrhbosna) However, in the documents of the investigation led by Judge Vejsil Hadžibegić in connection with the Ustasha crimes in Zalazje-Obadi and Srebrenica, made on 21-22 June 1943, states that Srebrenica is in the “Great Parish of Usora and Soli.” **Up:** **Archives of BiH**, ZKRZ, victims K 13, cover Srebrenica, number: 5; **Archives of BiH**, ZKRZ, victims K 13, cover Srebrenica, number: 6.
- 13 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići).
- 14 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići).
- 15 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district,

the Srebrenica district were reluctant to accept weapons offered by the Ustashas.<sup>16</sup>

In a public proclamation, the Croatian government called on the Orthodox population to hand over weapons and military equipment. After that, Croatian gendarmes, home guards and Ustashas began searching Serb houses in some of their villages.<sup>17</sup> According to the largest number of statements of Serb witnesses, which are in the fund of the “National Commission” in the State Archives of Bosnia and Herzegovina, the Ustashas did not commit crimes during the search of Serb houses. Robbery was mandatory. Serb witnesses from all municipalities in the Srebrenica district state in their statements the public proclamation of the Croatian authorities to hand over weapons and equipment to the Orthodox population. Most testified that Serb houses were searched and looted afterwards. Some witnesses also mentioned physical violence against homeowners, but most stressed that there were no killings or massacres.<sup>18</sup> A number of witnesses claim that after the public proclamation for the surrender of weapons and equipment, there were no searches of Serb houses in their villages.<sup>19</sup> Croatian authorities in most municipalities took

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box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići).

- 16 **Archives of BiH, ZKRZ**, 30 August 1946, number: 56391, Ratkovići, Srebrenica district, box 204, *Minutes*, (witnesses: Arsenović / Rade / Drago from Vraneševići, Maskimović / Andrija / Milovan from Vraneševići, Zejičić / Obrad / Mitar from Ratkovići, Stevanović / Stojan / Vlastimir from Ratkovići).
- 17 **Archives of BiH, ZKRZ**, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Pustumlići, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujičić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from Pećišta, Spasojević / wife of Milorad / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica).
- 18 **Archives of BiH, ZKRZ**, 1 September 1946, number: 56387, Žabokvica, Srebrenica district, box 204, *Minutes*, (witnesses: Dimitrijević / Mihajlo / Milorad from Skelani, Petrović / Mitar / Janko from Kalimanići, Gligić / Gligo / Dušan from Skelani, Matić / Gajo / Svetozar from Žabokvica and Osmanović / Rešo / Osman from Dobrak); **Archives of BiH, ZKRZ**, 30 August 1946, number: 56389, Blažijevići, Srebrenica district, box 204, *Minutes*, (witnesses: Marković / Srećko / Stevo from Blažijevići, Prodanović / Mato / Stojan from Pribojevići, Milovanović / Milovan / Vojislav from Postolje, Smajić / Salko / Mujo from Tokoljaci); **Archives of BiH, ZKRZ**, 31 August 1946, number: 56393, Toplice, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Risto / Veselin from Pribidol, Mehić / Ibro / Hasan from Gladovići, Aljić / Alija / Daut from Pribidol, Pitarević / Salko / Nazif from Peć).
- 19 **Archives of BiH, ZKRZ**, 28 August 1946, number: 56390, Sikirić, Srebrenica district, box 204, *Minutes*, (witnesses: Đukanović / Drago / Svetozar from Loznica, Lukić / Filip

prominent Serbs hostage, in order to prevent the Serb uprising. The hostages were detained for several days in prisons in the centers of municipalities or in the prisons of neighboring municipalities and then released or replaced by others. Serb witnesses from most municipalities do not mention violence against the hostages, and some state that the treatment of them was correct and that the Serb population in their villages was not disturbed until the arrival of the “Black Legion.”<sup>20</sup> There were no en masse slaughters of Serbs except in the village Podrvano where, according to witnesses, the Ustashas killed about 30 people during the robbery.<sup>21</sup> There were no individual killings in most Serb villages.<sup>22</sup> The Ustashas did not take the hostages from the village

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/ Aleksa from Žegar, Dimitrijević / Đorđo / Stojan from Sikirići and Petrović / Đorđe / Dragomir from Brezovice).

- 20 **Archives of BiH, ZKRZ**, 28 August 1946, number: 56390, Sikirići, Srebrenica district, box 204, *Minutes*, (witnesses: Đukanović / Drago / Svetozar from Loznica, Lukić / Filip / Aleksa from Žegar, Dimitrijević / Đorđo / Stojan from Sikirići and Petrović / Đorđe / Dragomir from Brezovice); **Archives of BiH, ZKRZ**, 30 August 1946, number: 56391, Ratkovići, Srebrenica district, box 204, *Minutes*, (witnesses: Arsenović / Rade / Drago from Vraneševići, Maskimović / Andrija / Milovan from Vraneševići, Zejičić / Obrad / Mitar from Ratkovići, Stevanović / Stojan / Vlastimir from Ratkovići); **Archives of BiH, ZKRZ**, 31 August 1946, number: 56393, Toplice, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Risto / Veselin from Pribidol, Mehić / Ibro / Hasan from Gladovići, Aljić / Alija / Daut from Pribidol, Pitarević / Salko / Nazif from Peć); **Archives of BiH, ZKRZ**, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići); **Archives of BiH, ZKRZ**, 31 August 1946, number: 56398, Osatica, Srebrenica district, box 204, *Minutes*, (witnesses: Zukanović / Dervo / Salko from Prohići, Avdić / Juso / Ibro from Radenovići, Idrizović / Arif / Ramo from Klotjevac).
- 21 **Archives of BiH, ZKRZ**, 26 August 1946, number: 56403, place Sućeska, Srebrenica district, box 204, *Minutes*, (witnesses: Bećirović / Selim / Mustafa from Opetac, Mehmedović / Bećir / Ibro from Bostahovine, Tursunović / Daut / Mujo from Žedanjski and Hafizović / Hasan / Mušan from Opetac). **According to the list of victims of the Second World War in the Srebrenica district, compiled by the “National Commission”, 29 Serbs were killed in Podravno in 1941.**
- 22 **Archives of BiH, ZKRZ**, 28 August 1946, number: 56388, Sasa town, Srebrenica district, box 204, *Minutes*, (witnesses: Milovanović / Živko / Nikola from Obadi, Đekanović / Pero / Milovan from Obadi, Mujić / Mustafa / Redžo from Sase, Mujić / Avdo / Mujo from Sase and Ostojić / Gajo / Staniša from Obadi); **Archives of BiH, ZKRZ**, 30 August 1946, number: 56391, Ratkovići, Srebrenica district, box 204, *Minutes*, (witnesses: Arsenović / Rade / Drago from Vraneševići, Maskimović / Andrija / Milovan from Vraneševići, Zejičić / Obrad / Mitar from Ratkovići, Stevanović / Stojan / Vlastimir from Ratkovići); **Archives of BiH, ZKRZ**, 30 August 1946, number: 56392, Fakovići, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Mato / Radiš from Stanatovići, Ridić / Ramo / Šemso from Abdulići and Vasić / Stevan / Staniša from Mlečevo); **Archives of BiH, ZKRZ**, 2 September 1946, number: 56395, Žlijebac, Srebrenica district, box 204,

of the municipality of Skelani.<sup>23</sup> In the municipality of Bratunac, the Ustasha authorities did not enter Serbian villages. They took hostages and exchanged them for others after a few days, but they did not harass or kill them.<sup>24</sup>

The only municipality in the Srebrenica district, for which witnesses state that its Croatian authorities behaved in an extremely extreme manner, is the municipality of Kravica, whose headquarters were in Drinjača.<sup>25</sup> All witnesses from the territory it covered stated that the Ustashes and Croatian gendarmes from Drinjača were very aggressive towards the hostages who were beaten and starved during their detention. In several statements, witnesses mention the murder of four Serb hostages in the Ustasha prison in Drinjača and the disappearance of ten other prominent Serbs from the area of the municipality of Kravica, who were taken away by the Ustashes or Croatian gendarmes from Drinjača. The four hostages were also prominent local Serbs. After the Serbian occupation of Drinjača, a barrel with clotted blood was found, and the remains of four corpses of killed hostages were discovered nearby, which the families recognized by their clothes. Witnesses believed there was blood in a barrel from the four killed.<sup>26</sup>

Serbian web portals state that the witnesses of the “National Commission” stated that there were 150 liters of blood of killed Serbs in the

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- Minutes*, (witnesses: Prodanović / Vujica / Krstivoj from Boljevići, Alijić / Alija / Meho from Jagodnja and Dugonjić / Rašid / Haso from Joševa); **Archives of BiH**, ZKRZ, 28 August 1946, number: 56402, Brežani, Srebrenica district, box 204, *Minutes*, (witnesses: Dragičević / Dimitrije / Ilija iz Brežani, Balčaković / Vasilije / Boško from Brežani and Novaković / Đuro / Novak from Brežani).
- 23 **Archives of BiH**, ZKRZ, 1 September 1946, number: 56396, Crvice, Srebrenica district, box 204, *Minutes*, (witnesses: Marinković / Radoje / Danilo from Mala Daljogošta, Glišić / Mato / Čedo from Petrići, Petković / Drago / Milorad from Crvice and Klinčević / Adem / Ramo from Daljogošta); **Archives of BiH**, ZKRZ, 1 September 1946, number: 56397, Kostolomci, Srebrenica district, box 204, *Minutes*, (witnesses: Milovanović / Mihajlo / Aleksa from Bujakovići, Ranković / Mika / Krsto from Božići, Tihić / Suljo / Sulejman from Liješće and Karić / Hasan / Hashim from Velika Daljogošta).
- 24 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, *Minutes*, (witnesses: Radić / Pero / Stojan from Zagoni, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova).
- 25 **Archives of BiH**, ZKRZ, 29 August 1946, number: 56401, Konjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Alić / Halil / Emin from Sopotnik, Tripunović / Stojan / Pavle from Konjević, Alić / Salko / Salih from Hrnčići, Mahmutović / Suljo / Ibrahim from Pahljevići).
- 26 **Archives of BiH**, ZKRZ, 29 August 1946, number: 56401, Konjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Alić / Halil / Emin from Sopotnik, Tripunović / Stojan / Pavle from Konjević, Alić / Salko / Salih from Hrnčići, Mahmutović / Suljo / Ibrahim from Pahljevići).

barrel and that the barrel was supposed to be a gift to Ante Pavelić. These web portals do not mention Drinjača at all, but describe the event with a “barrel of blood” in a way that readers conclude that it happened in Srebrenica, which is not true. Also, on these web portals, which refer to certain historians from Belgrade, it is wrongly stated that the “National Commission” determined the list of 2,262 Serb victims in Srebrenica, which is also a conscious manipulation.<sup>27</sup> No statement mentions the volume of blood in the barrel or the gift to Ante Pavelić. It is mentioned that four hostages were killed in Drinjača and that they were probably slaughtered over a barrel - in which clotted blood was found - so that the premises would not become dirty. Of the four people killed, there cannot be 150 liters of blood, or even of 14 people if those ten were also killed over that barrel. For the other ten missing witnesses, they had no knowledge that they had also been killed there, and they considered them missing at the time of giving their statements (August-September 1946). The deliberate manipulation of some Serbian media is also a wrong statement of the readers that the number of “Serbian victims” refers to Srebrenica, which is not true. This number refers to the entire Srebrenica district (communist post-war administrative division). The Srebrenica district also covered parts of today’s municipalities of Zvornik and Milići, as well as the entire Bratunac (then treated as a village). Thus, the number of “Serb victims” 2,262 does not refer only to Srebrenica but to a much wider area. The National Commission did not treat that number as victims of Serbian nationality, but as persons killed by the Ustashas, although, indeed, the absolute majority were Serbs. There were 8 Bosniaks, 6 Jews and one Roma in that number, so that the number of killed Serbs is 2,247.

The number of “2,262” on Serbian web portals is not enough, but it is claimed that “more than 6,400” Serbs were actually killed in Srebrenica and its surroundings, and that the communist authorities deliberately covered up the actual number of alleged Serb victims.<sup>28</sup> It is worth mentioning that

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27 *The then Yugoslav National Commission, which operated after World War II, determined that the Ustashas in Srebrenica killed 2,262 Serb victims, of whom 1,186 were children, women and the elderly, and that 1,118 victims were killed with knives, axes and blunt objects, which would have to be qualified as genocide everywhere in the world. Witnesses said that in the warehouse of the local cooperative there was a “barrel of blood” with 150 liters of blood collected from Serbs who were slaughtered by the Ustashas over that barrel, and which was prepared as a gift to Pavelić. Compare: <http://srbskenovine.com/crna-legija-srebrenica-drugi-svetski-rat-genocid-nad-srbima/>*

28 *It is known that the majority of Serbs and the world public do not know about the fact that more than 6,400 Serbs “disappeared” in the vicinity of Srebrenica during the Second World War, while the official state commission counted 2,262 killed Serb victims after the war. The Ustasha forces, in whose ranks many Muslims from that area also served, were*

the post-war communists in power were mostly Serbs. Witness statements for the Srebrenica district were taken by Serbian officials (Commissioner of the “National Commission” Schwartz Isidor and recorder Nada Boškov). One of the most important leaders of the Serbian uprising from August 1941 was Pero Đukanović from Kravica, who in 1943 switched from Chetniks to Partisans. After that, he participated as a councilor in the 1st session of ZAVNOBiH in Mrkonjić Grad on November 25, 1943 and the 2nd session of AVNOJ in Jajce four days later. He acquired the rank of general of the Yugoslav Army. It was Pero Đukanović who was one of the abused hostages in the Ustasha prison in Drinjača who survived.<sup>29</sup> It is very unconvincing that the communists covered up the actual number of killed Serbs in the Srebrenica area when it is known that even local Chetnik commanders, like Đukanović, enjoyed significant positions in the communist government. It would be more likely that, under the influence of powerful people like Đukanović, the numbers of Bosniaks killed by Chetniks were diminished and concealed than Serbs killed by Ustashas. Nevertheless, the material of the “National Commission” seems quite certain in terms of its factual reliability. The list of victims, although incomplete, is precise (name and surname of the victim, father’s name, age, where he was killed, by whom, what year, who reported death or disappearance and in some cases it is emphasized how the victim was killed by, of course, it could not be determined for all the victims because there were no witnesses to their liquidation nor were autopsies performed, and someone’s remains were never found).<sup>30</sup>

The purpose of this described Serb propaganda is clear in the intention to artificially equate the number of Srebrenica Serbs killed in World War II by the Ustashas - which was not treated as genocide against Serbs by any court ruling - with the number of Bosniaks killed in Srebrenica during the

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*mostly responsible for these crimes. In Tito’s SFR Yugoslavia, in the name of a “higher goal”, there was a tacit push under the carpet, all the facts about these events, which is tantamount to a crime committed. Compare:* <http://srbskenovine.com/crna-legija-srebrenica-drugi-svetski-rat-genocid-nad-srbima/>

29 He wrote memoirs about his war journey, which were published eight years after his death, during the Greater Serbia aggression on the Republic of Bosnia and Herzegovina. The memoirs were edited by Zdravko Antonić. **Compare:** **Đukanović Pero**, *Ustanak na Drini: zapisi Pere Đukanovića*, Srpska akademija nauka i umetnosti, Posebna izdanja, Balkanološki institut, Volume 53, Belgrade 1994. Publicist Mahir Sokolija also wrote about the Chetnik duke and partisan general Pero Đukanović (*the Chetnik duke became a councilor of ZAVNOBiH*). **Compare:** <https://stav.ba/vijest/cetnicki-vojvoda-postao-je-vijecnik-zavnobih-a/926>

30 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp.*

Serb genocide after 11 July 1995 - which was proved before the Tribunal. In that context, one should understand the effort of the authors of such texts to “prove” that the members of the “Black Legion” were mostly Srebrenica and Podrinje Bosniaks, which is not true. It is true, as is quite clear from the statements of witnesses given to the “National Commission”, that the first mass crimes against the civilian population were Chetniks against Bosniaks from mid-August 1941 to early May 1942. This is also evident when comparing the years of killings of Bosniaks victims with years of murder of Serb victims. Most Bosniaks were killed from late December 1941 to mid-January 1942, and Serbs in May 1942 and June 1943. The “Black Legion” came after the Chetnik massacres of Bosniaks (May 5, 1942). A small number of Podrinje Bosniaks did join the “Black Legion”, but after the Chetnik massacres of their compatriots and families. Regardless of that, the fact is that Catholics were still dominant in the “Black Legion” both in terms of command role and number.

The arrival of the German army in Bratunac, in mid-April 1941, was welcomed by a small number of residents who had previously succumbed to Germanophile propaganda. The president of the municipality was Verlašević Jusufaga. He gave a warm welcome and gave a fiery speech. After the Germans, a detachment of the Domobrani arrived. The Ustashas took hostages, but did not go to Serbian villages. Until the uprising, there were no major problems or massacres of Serbs.<sup>31</sup> Bosniaks from Bratunac helped their Serb neighbors in their rare troubles with the Ustashas. In one case, the Ustashas caught 16-year-old shepherd Milorad Cvetinović from Obad. They loaded a stone on his back weighing about forty kilograms to carry him to Bratunac. Some Bosniak brothers from Bratunac intervened and saved him from death. Until the Serbian uprising, the Ustashas did not massacre the Orthodox population.<sup>32</sup> When the Serb uprising broke out, Chetniks began killing Muslims, *mostly innocent people who did not carry weapons*.<sup>33</sup>

31 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56385, Bratunac, Srebrenica district, box 204, *Minutes*, (witnesses: Ahmić / Bahto / Ibrahim from Suha, Mičić / Vidak / Ivan from Slapašnica, Dragičević / Sreten / Radoje from Jelah, Prodanović / Ivan / Stojan from Jelah and Šabanović / Derviš / Džafo from Podčauš).

32 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56385, Bratunac, Srebrenica district, box 204, *Minutes*, (witnesses: Ahmić / Bahto / Ibrahim from Suha, Mičić / Vidak / Ivan from Slapašnica, Dragičević / Sreten / Radoje from Jelah, Prodanović / Ivan / Stojan from Jelah and Šabanović / Derviš / Džafo from Podčauš).

33 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56385, Bratunac, Srebrenica district, box 204, *Minutes*, (witnesses: Ahmić / Bahto / Ibrahim from Suha, Mičić / Vidak / Ivan from Slapašnica, Dragičević / Sreten / Radoje from Jelah, Prodanović / Ivan / Stojan from Jelah and Šabanović / Derviš / Džafo from Podčauš).

In mid-August 1941, the Chetniks revolted against the Croatian authorities in Podrinje. There were no Germans in that area. The rebels were led by Babić Aćim, a merchant from Vlasenica,<sup>34</sup> Vuković Rajko Čelonja, Kosorić Radivoj, Đukanović Pero from Kravica, Mihailović Sergije and Dangić Jezdimir, gendarmerie major of the Kingdom of Yugoslavia. On Monday, August 18, 1941 (on the *Transfiguration*), at 6 o'clock, the rebels attacked a small and unprepared Croatian force in Srebrenica. After six hours of fighting, they captured it and extended it towards Bratunac and Glogova, which they also occupied the day after. They established their rule in the occupied territory and formed local Chetnik commands. In Fakovići, for example, the Chetnik commander was Ljubo Bunčić. The Chetnik commander for the whole of eastern Bosnia was Dangić Jezdimir. Soon after taking power, the Chetniks began massacres and individual killings of Bosniaks, with the obligatory looting of their property and the burning of residential and commercial buildings. The Chetnik government lasted until the arrival of the Ustasha “Black Legion” on St. George’s Day, i.e. until May 5, 1942, when their mass slaughter of Bosniaks in the Srebrenica area stopped.<sup>35</sup>

34 The Chetnik duke Babić Aćim, in fact, had the surname Radulović. He was born in Kusače near Han Pijesak in 1894. He was a merchant and caterer by profession. During the Balkan wars, he fought as a Chetnik in the Serbian army. During World War I, he was on the “Thessaloniki Front” in the Serbian army. In December 1941, Jezdimir Dangić fraudulently caught him and handed him over to the Germans, who imprisoned him in the Banjica camp in Belgrade. After some time, he was released and later imprisoned again in the same camp. With the help of *Nedićevci*, he escaped from the camp, but was soon captured by partisans (1994) and liquidated somewhere around Tuzla. **Compare:** [https://sr.wikipedia.org/wiki/Аћим\\_Бабић](https://sr.wikipedia.org/wiki/Аћим_Бабић)

35 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Pusuljići, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujičić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from Pećište, Spasojević / wife of Milorad / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica); **Archives of BiH**, ZKRZ, 30 August 1946, number: 56389, Blažijevići, Srebrenica district, box 204, *Minutes*, (witnesses: Marković / Srećko / Stevo from Blažijevići, Prodanović / Mato / Stojan from Pribojevići, Milovanović / Milovan / Vojislav from Postolje, Smajić / Salko / Mujo from Tokoljaci); **Archives of BiH**, ZKRZ, 28 August 1946, number: 56390, Sikirići, Srebrenica district, box 204, *Minutes*, (witnesses: Đukanović / Drago / Svetozar from Loznica, Lukić / Filip / Aleksa from Žegar, Dimitrijević / Đorđo / Stojan from Sikirići and Petrović / Đorđe / Dragomir from Brezovice); **Archives of BiH**, ZKRZ, 2 September 1946, number: 56395, Žlijebac, Srebrenica district, box 204, *Minutes*, (witnesses: Prodanović / Vujica / Krstivoj from Boljevići, Alić / Alija / Meho from Jagodnja and Dugonjić / Rašid / Haso from Joševa); **Archives of BiH**, ZKRZ, 1 September 1946, number: 56396, Crvice, Srebrenica district, box 204, *Minutes*, (witnesses: Marinković / Radoje / Danilo from Mala Daljegošta, Glišić / Mato / Čedo from Petrići, Petković / Drago / Milorad from Crvica and Klinčevići

On October 1, 1941, Chetnik commanders (Dangić Jezdimir, Mihailović Sergije and Đukanović Pero) signed a joint public proclamation with the partisans (Čolaković Rodoljub Ročko, Princip Slobodan Seljo and Vukmanović Svetozar Tempo) calling on Serbs to a nationwide armed uprising, but *also Muslims and Croats* to support him. That proclamation, although distinctly pro-Serbian, nevertheless has a strong “reconciliation tone” whose probable goal was to achieve “nationwide” support for the uprising. He did not encourage Serb retaliation against Bosniaks and Croats for Ustasha crimes against Serbs, but tried to unite them with them in a joint fight against the Ustashes, Germans and Italians.<sup>36</sup> The proclamation emphasizes only Serbs as victims of Ustasha terror, without mentioning in a single word the Bosniak victims of the Chetnik massacres. He could not even mention them because it was a joint proclamation of the partisans with the Chetniks. On the Chetnik side, it was signed by those who commanded the Chetnik units that had been carrying out the massacre of Bosniaks since mid-August. Of course, Vukmanović, Čolaković and Princip knew about it, but their task was to reach an agreement with the Chetniks and publicly inform the entire population about it. Chetnik commanders would not have signed a public proclamation if it had mentioned any killing of Bosniaks and bringing them into contact with it. The partisan attempt to calm the Chetnik criminal passions failed. After this public proclamation, they began to commit even more mass and horrific massacres of Bosniaks. They were briefly restrained by the German “punitive expedition” in mid-January 1942, and for a long time they were eliminated by the “Black Legion” in May of the same year because it destroyed them in eastern Bosnia. After the weakening of the Ustashes in 1943 and 1944, the partisans became a stronger factor than the Chetniks, and took control of the territory, thus reducing the Chetnik massacres of Bosniaks to individual killings or the killing of a small number of people.

The Ustasha camp inmate from Srebrenica, Muhamed Đozić, gave a statement to the “Command of the Military Frontier of the Independent

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/ Adem / Ramo from Daljehošta); **Archives of BiH**, ZKRZ, 31 August 1946, number: 56398, Osatica, Srebrenica district, box 204, *Minutes*, (witnesses: Zukanović / Dervo / Salko from Prohići, Avdić / Juso / Ibro from Rađenovići, Idrizović / Arif / Ramo from Klotjevac; **Archives of BiH**, ZKRZ, 2 September 1946, number: 56400, Polom, Srebrenica district, box 204, *Minutes*, (witnesses: Mitrović / Mićo / Milan from Vitkovići, Lukić / Đoko / Krsto from Dubravice, Davidović / Gajo / Aleksa from Polom, Avramović / Milinko / Dušan from Zeljine and Marković / Danilo / Risto from Zeljine); **Archives of BiH**, ZKRZ, 26 August 1946, number: 56403, place Sućeska, Srebrenica district, box 204, *Minutes*, (witnesses: Bećirović / Selim / Mustafa from Opetac, Mehmedović / Bećir / Ibro from Bostahovine, Tursunović / Daut / Mujo from Žedanjski and Hafizović / Hasan / Mušan from Opetac).

36 See **Appendix 1**.

State of Croatia” on January 27, 1942, regarding the Chetnik occupation of Srebrenica and their crimes against Bosniaks. He stated that the Chetniks captured Srebrenica on August 18, 1941.<sup>37</sup> According to him, a total of about 3,000 Chetniks took part in the attack, of which about 1,000 were armed. Captain Nikola Grabušek and seven soldiers were killed by Croatian forces. The others fled because they allegedly had no ammunition. Many Bosniaks from the city fled to the surrounding forests. The Chetniks established their rule. Teacher Tošić, a reserve lieutenant, was appointed commander. They confiscated food from Bosniaks and looted the shops of Bosniaks who had fled the city. From the owners of the shops, the Bosniaks, who remained in the city, they took all the goods on the reverse. They raped a lot of women, especially girls. Logornik states that Chetniks killed ten Bosniaks when entering the city. Chetnik commander Vukovic Rajko Celonja from Birca near Vlasenica came on January 5, 1942. year in Srebrenica with about 400 Chetniks. On the same day, they killed twenty-five Bosniaks, looted all the shops and houses of Bosniaks and Croats. Most of the city’s residents managed to escape to the surrounding forests before their arrival where they spent ten cold nights. They remained in the open in the woods until Celonja’s Chetniks went further. According to the camper, during the Chetniks’ stay in Srebrenica, about 1,000 people were killed and taken to the forests, thrown into pits, and maybe more. Logornik also informed the “Military Border Command” about his other information about the Chetniks. A camper stated that Chetniks killed ten Bosniaks when entering the city. Chetnik commander Vuković Rajko Čelonje from Birč near Vlasenica came on January 5, 1942 in Srebrenica with about 400 Chetniks. On the same day, they killed twenty-five Bosniaks, looted all the shops and houses of Bosniaks and Croats. Most of the city’s residents managed to escape to the surrounding forests before their arrival where they spent ten cold nights. They remained in the open in the woods until Čelonja’s Chetniks went further. According to the camper, during the Chetniks’ stay in Srebrenica, *about 1,000 people were killed and taken to the forests, thrown into pits, and maybe more.* The camper also informed the “Military Border Command” about his other information about the Chetniks. It was known to

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37 Dedijer and Miletić published the document. **Compare: Dedijer-Miletić, *Genocid...*, 86-88.** They did not see the mistake while citing Đozić’s name. His name was not Muharem but Muhamed which is visible from the text of the document that they published, but also from some other documents that they also published in their work. (The original of the document is i the Military and Historical Institute JNA in Belgrade in the collection of documents “Arhiva neprijateljskih jedinica“. It is registered under the numbers: Reg.1/2-78/F, K. 320/F i Reg. 30/14-5/F, K 85-/F. Its original signature is: **NDH**, Zapovjedništvo vojne krajine, Vojni odjel, Držav. broj: 183/taj, Sarajevo 27. siječanj 1942. godine.

him that Babić Aćim, *a merchant from Kram near Vlasenica*, founded the so-called *Government of Eastern Bosnia* in Vlasenica. Dangić Jezdimir was the commander of all Chetnik detachments and operated in Višegrad, Rogatica, Zvornik, Kladanj, Vlasenica, Bratunac, Srebrenica and Foča. He agreed *with Čiča* that he would defend Romania and the direction towards Vlasenica. Dangić received ammunition in Srebrenica from partisans from Užice. Part of it was transferred by Čiča to Romania. According to the detainee, Dangić and Babić clashed because *Dangić wanted to be the president of the People's Liberation Government and a rift arose between them, i.e. Chetniks and partisans*. When the Germans appeared in Srebrenica, on January 14, 1942, Serbs from the city and Chetniks, together with Dangić, fled to Serbia (Ljubovija and Bajina Bašta). The Germans stayed only 4 days, after which *the Chetniks and Partisans returned*, and with them the Serb civilians. Bosniaks followed the Germans from the city to Zvornik. The detainee knew that Babić Aćim *was caught in Han Pijesak in women's clothing and taken to Zvornik*.<sup>38</sup>

Two days after Đozić, the county prefect P. Uzunović informed the Grand Prefect of Vrhbosna in Sarajevo about the events in the Srebrenica district from August 18, 1941.<sup>39</sup>

It is interesting that the Chetniks found the entire Croatian administration and that none of its officials were arrested or mistreated. They arrested only the Ustasha camp inmate Muhamed Đozić, whom they released after twenty days. This act shows that later Chetnik massacres of Bosniaks were not the result of retaliation for alleged Ustasha crimes against Serbs until mid-August 1941. If they did, Uzunović, Đozić and other members of the Croatian administration of the Srebrenica district would surely be among the first victims of Chetnik retaliation.

Uzunović further stated that the Chetniks *did not commit great evils in the first days, but that robberies, robberies, arson, beatings and other crimes became more frequent every day*. They plundered all merchandise, food and livestock and other valuables in the town and villages. According to him, about 400 Chetniks entered Srebrenica, not all of them armed. Some had only axes and clubs. They were led by Dangić Jezdimir, *a native of the village of Bratunac*. On the same day, Serbian Chetniks from Ljubovija and Bajina Bašta and neighboring places came to Srebrenica across the Drina River. Uzunović

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38 Dangić organized his arrest and extradition to Germans.

39 **Dedijer-Miletić**, *Genocid...*, pp. 122-124. Smail Čekić published the same document. **Compare: Čekić Smail**, *Genocid nad Bošnjacima u Drugom svjetskom ratu*, Udruženje Muslimana za antigenocidne aktivnosti, Sarajevo 1996, pp. 84-88.

also mentions the arrival of the Chetnik Vuković Rajko Čelonja on January 5, 1942, but says that there were 300 of them. They robbed all Bosniaks in the town and villages, *drove the cattle and the rest to their homes*. Eleven Bosniaks were killed in the town, *and on their way through the villages of Bajramovići and others every Muslims they met they slaughtered or killed with a rifle*. Uzunović did not know *the exact number of victims* either, *but about 1,000 people were killed in the Srebrenica district on occasion*.<sup>40</sup>

### **“Bloody” Orthodox Christmas in 1942: Chetnik massacres of the Bosniak population in the Srebrenica area**

During their nine-month rule in Podrinje, the Chetniks took more prominent Bosniaks hostage.<sup>41</sup> In Sikirić, five Bosniaks and civilians were killed in the first days of their rule, and four more in Zapolje.<sup>42</sup>

In Bosniak villages in Srebrenica, Luka and Krušev Do, until the spring of 1942, the inhabitants did not even know that there were Ustashas. Those villages are secluded in the woods, quite far from the city (about 40 kilometers). They had no organized armed formations of their own. From the spring of 1942, Ustashas began to come looking for Chetniks. At that time, they robbed and abused the Bosniak population, but there were no killings. The Germans behaved in the same way on the rare occasions when they came across those villages. However, the Bosniaks of Luka and Krušev Do found out about the Chetniks months before the Ustashas. *In the month of Ramadan*, more precisely on October 6, 1941, the Chetnik detachment under the command of

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40 **Uzunović further states:** *During the robbery, they brutally treated men and women, beat them with gunstocks, stabbed various parts of the body, stripped naked men and women, as if born of a mother, and forced them to give them money, say who has the money and where they fled, and to many, even if he gave everything he had, they would take away their naked lives. Some people were killed with rifles, some with butts, and most were slaughtered like lambs. People lived in constant fear, because everyone expected, feared like a sheep's knife, and spent several nights and days in the woods this winter. In addition to the people killed and slaughtered by the Chetniks, there are many dead from the aftermath of the beatings and November.*

41 **Archives of BiH, ZKRZ**, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, *Minutes*, (witnesses: Radić / Pero / Stojan from Zagon, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova).

42 **Archives of BiH, ZKRZ**, 28 August 1946, number: 56390, Sikirić, Srebrenica district, box 204, *Minutes*, (witnesses: Đukanović / Drago / Svetozar from Loznica, Lukić / Filip / Aleksa from Žegar, Dimitrijević / Đorđo / Stojan from Sikirići and Petrović / Đorđe / Dragomir from Brezovice).

Vuković Rajko Čelonja invaded the unprotected Luka. They killed two locals and looted about 700 cattle and a large number of sheep and horses. They then captured fourteen more Bosniaks, tied them up and locked them in a house. While they were in it one of them managed to untie himself and escape. The Chetniks took other thirteen in front of a ravine and killed by machine guns. All the corpses were then thrown into it. Begić Mujo, who was wounded in the leg and arm, managed to get out from under the corpses of his dead relatives and return home. Some houses were set on fire. Only those who escaped to the mountain in time managed to escape the massacre. In Krušev Do, they killed Muminović (Hasan) Šemso and Muminović (Hasan) Ibrahim. In the spring of the following year, Jezdimir Dangić's Chetniks slaughtered Ajka Sejdić and five other members of the Šehić family from Luka (Meho, Muška, Šahza, girl Zejna, Derva) in the Stublić forest, on the way to Srebrenica.

They had gone to Srebrenica to buy corn. In Žedanjski, in the same year, they slaughtered Sulejmanović Mejra and Hanifa, Sinanović Zarfa and Mujagić Fatima, who had gone to Srebrenica to buy corn for their families. Brothers Asim Begić and Alija and Nurka Sulejmanović were slaughtered on the Bojna hill above Srebrenica. They were also on their way from Luka to Srebrenica to get food for their families. In the same year, several Bosniaks who went to Srebrenica to buy salt were intercepted again in Žedanjski. Then they slaughtered Jugović Hakija and Mejra, brothers Špiodić Ahmet and Rahman, Špiodić Behta, a boy Muminović Ohran, brothers Krlić Ohran and Nurko and boys Habibović Mehan and Mandžić Ohran. The Chetniks killed anyone they caught on the road or in the woods whether they were men, women, children or the elderly. According to the list of victims of the "National Commission", 65 Bosniaks from Luka were killed, and five more from Krušev Do. They were mostly slaughtered. Due to these Chetnik ambushes, the residents of Luka and Krušev Do no longer went to Srebrenica, regardless of their needs. From 1943, partisans arrived in the area of Luka and Krušev Do. Ustashas and Chetniks did not return to those villages anymore.<sup>43</sup>

Među njima dva dječaka In the fall of 1941, in Velika Daljogošta, Chetniks killed Šefik Karić, and in Liješće in the same year, seven Bosniaks and among them two were boys.<sup>44</sup>

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43 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56399, Luka, Srebrenica district, box 204, *Minutes*, (witnesses: Begić / Hakija / Selman from Luka, Mujić / Osman / Hasib from Luka, Omerović / Omer / Zajim from Krušev Do and Muminović / Šemso / Salih from Krušev Do).

44 **Archives of BiH**, ZKRZ, 1 September 1946, number: 56397, Kostolomci, Srebrenica district, box 204, *Minutes*, (witnesses: Milovanović / Mihajlo / Aleksa from Bujakovići, Ranković / Mika / Krsto from Božići, Tihić / Suljo / Sulejman from Liješće and Karić /

In the village of Karin in 1941, Porobić Huso and Siručić Bajro from Ljeskovik and Mujić Sumbul from Urisić were killed. The then Chetnik commander in Osatica was Filipović Čedo. During 1942 and 1943, his Chetniks took Bosniaks from Ljeskovik and killed them in the woods and in Srebrenica. The Chetnik commander in 1943 was Dobrisav Ordagić. He collaborated with Filipović and a certain Račić and Vuković Rajko Čelonja.<sup>45</sup>

At the end of 1941, the Chetniks took Begić Derva and Dervišević Ahmet from Skelane from the village of Pribidol and slaughtered them there. The commander of the Chetnik station in Skelani was Vlado Mačkić from Banja Luka. Mandžić Alija from Gladovići was taken to Karin by Chetniks and shot. The Chetnik commander in Karin was Boško Vuković, a pre-war gendarme. In the following years, the Chetniks continued to kill Bosniaks in this region, where in 1942 the Chetnik commander was Stevan Botić, a civil engineer, who called himself Vojvoda (in English: the Duke). The following year, the commander was Dobrisav Ordagić.<sup>46</sup>

Towards the end of 1941, twenty-six Bosniaks from Pervan and Pobuđe set out for the Crna rijeka (in English: the Black River) to fetch cattle. On the way, in Dubnica, they were intercepted by Chetniks. They took them to Jadar and killed them all. Those Chetniks were commanded by a certain Hrastovac from Milići who was killed by the communist authorities after the liberation. At the same time, the Chetniks Avramović Milutin, his brother Milisav and Trifković Despot invaded Hajdarevići. They looted beehives of honey and some other goods in the village. They forced the boy Šaćir Omerović, Alija and Avda Omerović and Omer Hajdarević to take honey to Zabrdje in buckets. After that, they killed them on a road near Zabrdje. On his return from Hajdarevići to Zabrdje, Avramović Milutin took Nuhan Smajić and Murat Hajdarević out of the house. They killed them too. At the time when the “National Commission” was taking witness statements in Srebrenica about these events - in late August and early September 1946 - war criminal Trifković Despot was, like the Chetnik duke Pero Đukanović, an officer of the Yugoslav Army.<sup>47</sup>

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Hasan / Hašim from Velika Daljgošta).

45 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići).

46 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56393, Toplice, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Risto / Veselin from Pribidol, Mehić / Ibro / Hasan from Gladovići, Aljić / Alija / Daut from Pribidol, Pitarević / Salko / Nazif from Peć).

47 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56386, Šiljkovići, Srebrenica

Dangić's Chetniks killed three Bosniaks in Prohići at the end of December 1941. At the beginning of 1942, Chetniks under the command of Čedo Filipović from the village of Karin slaughtered Buljubašić Huso, Džanić Hasan and Šaban and Izmirlić Huso in Klotjevac. The following year, Ordagić's Chetniks (*Nedićevci*) slaughtered Mešanović Redžo, Džanić Ahmet, Izmirlić Ibro, Zulfo and Fatima and Halilović Bego in Klotjevac.<sup>48</sup>

At the end of December 1941, Jezdimir Dangić's Chetniks took seven Bosniaks from Krasanovići and Vitkovići to Bratunac and killed them.<sup>49</sup> At the same time, Dangić's Chetniks, under the command of Dragutin Tošić, a teacher from Krnjići, surrounded Tokoljaci. Thirty Bosniak men were imprisoned in one room. The commander of the Chetnik gendarmerie station from Karin asked them to hand over their weapons. They did not even have it. Those who did, handed it over earlier. Twelve men were released by the Chetniks, and the other eighteen were taken to Karin. Several were killed in Klotjevac. Their bodies were thrown into the Drina River. The others were taken from Karin to Kazan near Srebrenica and killed there.<sup>50</sup> In August 1943, a Chetnik detachment under the command of Dangić Vojo, Jezdimir's brother, and Ordagić Radivoje from Serbia invaded Tokoljaci again. Mustafa Salihović and his three minor children were locked up in his barn and set on fire alive. The Bosniak population that failed to escape in time was killed. The village was looted and then burned.<sup>51</sup>

On the eve of the New Year, at the end of December 1941, Dangić's Chetniks took Hakija čomić, Saliha Merdžić, Selima Hamidović, Alija Malagić and Ramo Omerović from Merdžić Omer's house to Bratunac. Four

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district, box 204, *Minutes*, (witnesses: Marković / Vaso / Cvijan from Banjevići, Ibrahimović / Osman / Mumin from Pobuđe, Lazić / Andrija Vasilije from Lipenovići and Popović / Simo / Radovan from Lipenovići).

48 **Archives of BiH**, ZKRZ, 31 August 1946, number: 56398, Osatica, Srebrenica district, box 204, *Minutes*, (witnesses: Zukanović / Dervo / Salko from Prohići, Avdić / Juso / Ibro from Rađenovići, Idrizović / Arif / Ramo from Klotjevac).

49 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56400, Polom, Srebrenica district, box 204, *Minutes*, (witnesses: Mitrović / Mićo / Milan from Vitkovići, Lukić / Đoko / Krsto from Dubravice, Davidović / Gajo / Aleksa from Polom, Avramović / Milinko / Dušan from Zeljina and Marković / Danilo / Risto from Zeljina).

50 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56400, Polom, Srebrenica district, box 204, *Minutes*, (witnesses: Mitrović / Mićo / Milan from Vitkovići, Lukić / Đoko / Krsto from Dubravice, Davidović / Gajo / Aleksa from Polom, Avramović / Milinko / Dušan from Zeljina and Marković / Danilo / Risto from Zeljina).

51 **Archives of BiH**, ZKRZ, 30 August 1946, number: 56389, Blažijevići, Srebrenica district, box 204, *Minutes*, (witnesses: Marković / Srećko / Stevo from Blažijevići, Prodanović / Mato / Stojan from Pribojevići, Milovanović / Milovan / Vojislav from Podolje, Smajić / Salko / Mujo from Tokoljaci).

more men were taken from Glogova, and Osman Ibrahimović and Juso Jahić from Magašić. They took them from Bratunac to Pajići. Tied with ropes, they locked them in the basement of Miladin Vukašinović's house. That same night, they were killed in a nearby stream. After three months, their bodies were found in an open pit in Pajići. There were still ropes on their hands. Osman Ibrahimović's neck showed that he had been slaughtered. The three were taken from Hranča the same night and killed.<sup>52</sup> Witnesses identified Chetniks Lazar Ostojić and Rada Lukić from Borić, Stevo Glavanjić from Repovac, Cvijetin Jovanović from Plješeva, Krsto Bošković from Magašići, Cvijetin Karić and Vojin (son of Jerotije) from Jelovac as the perpetrators of these crimes.<sup>53</sup>

The Chetniks carried out the most massive and brutal massacre of Bosniaks in Podrinje during Orthodox Christmas from January 6 to 8, 1942, on the entire territory they controlled. Most Bosniaks were slaughtered and burned alive on Christmas Eve. A few examples will be enough to remind you of those horrible days for the Bosniaks of the Srebrenica area.

On Christmas Eve, on 6/7 January 1942, Dangić's Chetniks picked up almost the entire Bosniak population in the village of Sopotnik. According to witnesses, they crammed 89 men, women and children into three houses and set them on fire alive. No one could escape the flames because there was high snow around the houses and Chetnik guards prevented people from fleeing. That same night in Hrnčići, Chetniks killed about twenty Bosniaks, about twenty in Konjevići and another twenty-two in Pahljevići. During

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52 **Archives of BiH, ZKRZ, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, Minutes, (witnesses: Radić / Pero / Stojan from Zagon, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova); Archives of BiH, ZKRZ, 2 September 1946, number: 56405, Glogova, Srebrenica district, box 204, Minutes, (witness Nurif Čomić). **Hamidović Selim, Merdžić Salih and Omerović Ramo from Glogova, and Jahić Juso from Magašići are not on the list of victims of the "National Commission."** Witnesses clearly describe that on New Year's Eve 1941/42 nine Bosniaks from the house of Omer Merdžić and two from Magašići were taken from Glogova and killed. It is not clear whether the owner of the house was also taken away. The list of victims of the "National Commission" includes only two victims that night from Glogova (Čomić Hakija and Malagić Alija) and one from Magašići (Ibrahimović Osman). Witnesses also mention the murder of three Bosniak men from Hranča on New Year's Eve 1941/1942. The list of victims of the "National Commission" for Hranča includes three Bosniaks killed in 1942. There are no more registered victims from Hranča on that list, and it is possible that these are the three that the witnesses state only by number, and not by names and surnames.**

53 **Archives of BiH, ZKRZ, 2 September 1946, number: 56405, Glogova, Srebrenica district, box 204, Minutes, (witness Nurif Čomić).**

that “bloody” Orthodox Christmas in 1942, in those four villages alone, the Chetniks brutally killed over 150 Bosniak civilians.<sup>54</sup>

On the same Christmas night, Chetniks Vuković Rajko Čelonja and Babić Aćim slaughtered Bosniaks in Žedanjsko, Sućeska, Staroglavice, Brakovci, Bulogovine, Bostahovine, Podgaj and Opetci. Surviving witnesses to these crimes stated: *They killed old men, women and small children, threw living people into burning barns, slaughtered and tortured them.* In that way, about fifty of them were killed in those villages. They looted houses and barns, and set some on fire. Even after that, Chetniks occasionally invaded those Bosniak villages and killed their inhabitants. For example, in the village of Podosoje, the Halilović family was slaughtered, and in Staroglavice, five members of the Mehmedović family as well.<sup>55</sup>

During the Orthodox Christmas, on 7 January 1942, drunken Chetniks from Bratunac killed Alija Alić from Žabokovica next to the bridge in Skelani.<sup>56</sup>

Around Christmas in 1942, Dangić’s Chetniks collected men, women and children from Voljavica, Potčauš, Suha and other surrounding Bosniak villages and killed them all.<sup>57</sup>

At the beginning of 1942, Serbian Chetniks under the command of a certain Misita, headed for Romania, They killed four Bosniaks in Osmaće, and took six Bosniaks as chamberlains. They killed them on the way to Romania.<sup>58</sup>

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54 **Archives of BiH**, ZKRZ, 29 August 1946, number: 56401, Konjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Alić / Halil / Emin from Sopotnik, Tripunović / Stojan / Pavle from Konjević, Alić / Salko / Salih from Hrnčići, Mahmutović / Suljo / Ibrahim from Pahljevići).

55 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56403, place Sućeska, Srebrenica district, box 204, *Minutes*, (witnesses: Bećirović / Selim / Mustafa from Opetac, Mehmedović / Bećir / Ibro from Bostahovine, Tursunović / Daut / Mujo from Žedanjski and Hafizović / Hasan / Mušan from Opetac).

56 **Archives of BiH**, ZKRZ, 1 September 1946, number: 56387, Žabokovica, Srebrenica district, box 204, *Minutes*, (witnesses: Dimitrijević / Mihajlo / Milorad from Skelani, Petrović / Mitar / Janko from Kalimanići, Gligić / Gligo / Dušan from Skelani, Matić / Gajo / Svetozar from Žabokovica and Osmanović / Rešo / Osman from Dobrak); **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići).

57 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56385, Bratunac, Srebrenica district, box 204, *Minutes*, (witnesses: Ahmić / Bahto / Ibrahim from Suha, Mičić / Vidak / Ivan from Slapašnica, Dragičević / Sreten / Radoje from Jelah, Prodanović / Ivan / Stojan from Jelah and Šabanović / Derviš / Džafo from Podčauš).

58 **Archives of BiH**, ZKRZ, 28 August 1946, number: 56402, Brežani, Srebrenica district,

At the same time, the Chetniks from Fakovići, under the command of Ivan Dančić, drove Mahmutović Bajra, Suljić Mujčina and Čatić Omer from Abdulići to Fakovići and slaughtered them there. During Orthodox Easter in 1942, the Chetnik *Mrkonjić detachment* came to Abdulići. They blocked the village. Most of the residents managed to escape into the woods. Nine of them remained in the village. The Chetniks brutally killed them. They cut off nose and ears of Mahmutović Fejzo (Feđo) alive, and then killed him with a rifle. They robbed the village.<sup>59</sup>

In those days, Mevla Mujić from Moćevići was also killed while fleeing the village.<sup>60</sup>

At the beginning of January 1942, a German “punitive expedition” arrived in Zvornik from Serbia. About 700-800 Chetniks immediately surrendered to their positions around Zvornik. The Germans took them to Šabac. All those who reported possessing weapons, or looked like rebels, were also interned in Šabac by the Germans. From Zvornik, the “punitive expedition” continued to Srebrenica, which it occupied in mid-January without a fight. Chetniks and Serb civilians fled to Bajina Bašta and Ljubovija together with Dangić. The Germans remained in Srebrenica for only three days, after which they continued towards Vlasenica. The Chetniks used that to return from Serbia and re-establish their rule, which lasted until the end of the first week of May 1942. On the way to Vlasenica, the Germans killed about 50-60 Serbs. They reappeared in the Srebrenica area in 1943 after the capitulation of Italy and in the fall of 1944 when they withdrew from Greece. That retreat through the Srebrenica area lasted three weeks. They stayed only in Bratunac and some villages in Srebrenica to plunder cattle and poultry for their food. After them, the partisans liberated the Srebrenica area and established their rule.<sup>61</sup>

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box 204, *Minutes*, (witnesses: Dragičević / Dimitrije / Ilija iz Brežani, Balčaković / Vasilije / Boško from Brežani and Novaković / Đuro / Novak from Brežani).

59 **Archives of BiH**, ZKRZ, 30 August 1946, number: 56392, Fakovići, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Mato / Radiš from Stanatovići, Riđić / Ramo / Šemso from Abdulići and Vasić / Stevan / Staniša from Mlečevo).

60 **Archives of BiH**, ZKRZ, 30 August 1946, number: 56391, Ratkovići, Srebrenica district, box 204, *Minutes*, (witnesses: Arsenović / Rade / Drago from Vraneševići, Maskimović / Andrija / Milovan from Vraneševići, Zejičić / Obrad / Mitar from Ratkovići, Stevanović / Stojan / Vlastimir from Ratkovići).

61 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Pusuljići, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujičić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from

The Germans did not kill the Bosniak population in large numbers. Ahmet Huseinović from Hranča was shot in Zvornik.<sup>62</sup> Osman Sušić was hanged in Šabac. During the fight between the Germans and the partisans in the spring of 1943, Mujo Mahmutović was killed by a German mortar in Pahljevići.<sup>63</sup> Ahmetović (Abid) Ramo from Krasanovići and Hasanović (Hajder) Murat from Rađenovići were also killed.

During the German “punitive expedition”, partisans and Chetniks began to disperse throughout Bosnia and Herzegovina. They soon became each other’s worst enemies. After the German “punitive expedition”, the Chetniks re-established their rule in the middle Podrinje. Lieutenant Dakić (a native of Lika) arrested and abused the Serb population, which he suspected was connected to the partisans. He personally killed some Serbs. Chetniks abused captured partisans. They tortured and starved them, and then killed them on the Drina River.<sup>64</sup>

Shortly before the arrival of the Ustasha “Black Legion”, the Chetniks slaughtered Bosniaks in Žlijebac. Twelve members of the Gurdić family and six members of Hasib Mehanović’s family, as well as brothers Mehmed and Selman Mehić, were slaughtered. Hajra Alić was killed in Jagodnja. Among those killed were women and children.<sup>65</sup>

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- Pećište, Spasojević / wife Milorada / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica); **Archives of BiH**, ZKRZ, 2 September 1946, number: 56400, Polom, Srebrenica district, box 204, *Minutes*, (witnesses: Mitrović / Mičo / Milan from Vitkovići, Lukić / Đoko / Krsto from Dubravica, Davidović / Gajo / Aleksa from Polom, Avramović / Milinko / Dušan from Zeljina and Marković / Danilo / Risto from Zeljina); **Archives of BiH**, ZKRZ, 29 August 1946, number: 56401, Konjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Alić / Halil / Emin from Sopotnik, Tripunović / Stojan / Pavle from Konjevići, Alić / Salko / Salih from Hrnčići, Mahmutović / Suljo / Ibrahim from Pahljevići).
- 62 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, *Minutes*, (witnesses: Radić / Pero / Stojan from Zagon, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova).
- 63 **Archives of BiH**, ZKRZ, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, *Minutes*, (witnesses: Radić / Pero / Stojan from Zagon, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova).
- 64 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Pustumlići, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from Pećište, Spasojević / wife of Milorad / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica).
- 65 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56395, Žlijebac, Srebrenica

*On the eve of St. George's Day, May 5, 1942, the "Black Legion" came from the direction of Sarajevo, via Romania and Rogatica, and drove the Chetniks out of Podrinje. The "Legion" was commanded by Jure Francetić. Members of the "legion" ruthlessly killed Serbs in the villages. They spared no one they caught. Serbs from Srebrenica, Rogatica and Vlasenica districts fled to Serbia. A small number of them stayed at their homes to cultivate the land. They were, for the most part, killed. In some, ethnically mixed, villages, only those who managed to take refuge with their Bosniak neighbors - because the Ustashas did not enter their houses - and those who were advocated by Bosniaks survived. Serbs from Klotjevac and Provčiči hid in Bosniak houses. That is why there were no major massacres in those villages. Only three people were killed. Nine Ustasha trucks, under the command of Rafael Boban, arrived in Serbia on the banks of the Drina River. Most of the stronger and younger men had earlier managed to cross the river. The children, the elderly and the women remained mostly helpless on the shore. The Ustashas raised tarpaulins on trucks and killed about eighty people with machine guns. Crowded boats twisted in the river. Many drowned. The Ustashas also killed the unfortunates who tried to swim out. On the opposite side of the river, the Germans and *Nedićevci* watched the massacre. An Ustasha rammed a baby into a bayonet and carried it along the shore. He was killed by a German soldier on the right bank of the river. Then *Crnokošuljaši* stopped killing. The surviving men on the shore were picked up in trucks, taken to Fakovići and killed there. After the Ustashas left, the Germans and *Nedićevci* crossed to the left bank of the river. They picked up the surviving women, children and the elderly in boats and transferred them to Serbia. Surviving witnesses of the "Black Legion" rampage remembered - apart from Jure Francetić and Rafael Boban - the Ustashas Žižanović Ante from Zenica, Šiber Karlo, Caratan Anto and Tomić Josip (Francetić's deputy). *Crnokošuljaši* also killed two Bosniaks on the bank of the Drina River (Mehić Kuljo and Ibro) because they had 'šajkača' (the Srebian national cap) on their heads, and they thought they were Serbs. At that time, the Ustashas also killed Pilav Murat from Gladovići for helping the partisans. After the departure of the "Black Legion", some Serbs returned to cultivate the land. Many of them were killed on the Drina River, during an attempt to cross from Serbia to Bosnia and Herzegovina, by the XXIX Ustasha standing active battalions in 1942 and 1943, commanded by Lieutenant Kurelac Josip. This Ustasha even called on the Serbs to return, and then his soldiers, on his command, killed them near their houses. Few returnees managed to survive.<sup>66</sup>*

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district, box 204, *Minutes*, (witnesses: Prodanović / Vujica / Krstivoj from Boljevići, Alić / Alija / Meho from Jagodnja and Dugonjić / Rašid / Haso from Joševa).

66 **Archives of BiH**, ZKRZ, 2 September 1946, number: 56386, Šiljkovići, Srebrenica

After the horrific spring intervention of the Ustasha “Black Legion”, the Croatian government was re-established in Podrinje. The Ustasha commander in Srebrenica was Kurelac, and the new camp inmate was Slavko Oraščić. In the fall of 1942, the Usthas picked up the Serb population from the entire Srebrenica district and imprisoned it in wooden barracks in Srebrenica. A camper Oraščić informed Nazif Klančević and some other prominent Bosniaks that Kurelac was preparing to massacre Serb detainees in barracks. The Bosniaks from Srebrenica immediately intervened in Tuzla, from which Kurelac was quickly ordered to let all the detained Serbs into their homes, which he had to do. The Bosniaks advocated for them and they were all released to their homes after a few days.<sup>67</sup>

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- district, box 204, *Minutes*, (witnesses: Marković / Vaso / Cvijan from Banjevići, Ibrahimović / Osman / Mumin from Pobuda, Lazić / Andrija Vasilije from Lipenovići and Popović / Simo / Radovan from Lipenovići); **Archives of BiH**, ZKRZ, 30 August 1946, number: 56389, Blažjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Marković / Srećko / Stevo from Blažjevići, Prodanović / Mato / Stojan from Pribojevići, Milovanovic / Milovan / Vojislav from Postolje, Smajic / Salko / Mujo from Tokoljaci); **Archives of BiH**, ZKRZ, 31 August 1946, number: 56394, Karin, Srebrenica district, box 204, *Minutes*, (witnesses: Gagić / Živan / Cvijetin from Karini, Bektić / Aljo / Suljo from Karačići, Perepić / Ahmet / Smajo from Kurisići and Jevtić / Krsto / Jevto from Radoševići); **Archives of BiH**, ZKRZ, 2 September 1946, number: 56395, Žlijebac, Srebrenica district, box 204, *Minutes*, (witnesses: Prodanović / Vujica / Krstivoj from Boljevići, Alijić / Alija / Meho from Jagodnja and Dugonjić / Rašid / Haso from Joševa); **Archives of BiH**, ZKRZ, 2 September 1946, number: 56400, Polom, Srebrenica district, box 204, *Minutes*, (witnesses: Mitrović / Mićo / Milan from Vitkovići, Lukić / Đoko / Krsto from Dubravica, Davidović / Gajo / Aleksa from Polom, Avramović / Milinko / Dušan from Zeljine and Marković / Danilo / Risto from Zeljine); **Archives of BiH**, ZKRZ, 29 August 1946, number: 56401, Konjevići, Srebrenica district, box 204, *Minutes*, (witnesses: Alić / Halil / Emin from Sopotnik, Tripunović / Stojan / Pavle from Konjevići, Alić / Salko / Salih from Hrnčići, Mahmutović / Suljo / Ibrahim from Pahljevići); **Archives of BiH**, ZKRZ, 28 August 1946, number: 56402, Brežani, Srebrenica district, box 204, *Minutes*, (witnesses: Dragičević / Dimitrije / Ilija iz Brežani, Balčaković / Vasilije / Boško from Brežani Novaković / Đuro / Novak from Brežani); **Archives of BiH**, ZKRZ, 27 August 1946, number: 56404, Hranča, Srebrenica district, box 204, *Minutes*, (witnesses: Radić / Pero / Stojan from Zagon, Jovanović / Miloš / Srećko from Repovac, Hodžić / Suljo / Šaćir from Hranča and Merdža / Mustafa / Ibrahim from Glogova).
- 67 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Pasmulići, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujičić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from Pećište, Spasojević / wife of Milorad / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica); **Archives of BiH**, ZKRZ, 30 August 1946, number: 56392, Fakovići, Srebrenica district, box 204, *Minutes*, (witnesses: Simić / Mato / Radiš from Stanatovići, Ridić / Ramo / Šemsa from Abdulići and Vasić / Stevan / Staniša from

In June 1943, partisan detachments from the direction of Šekovići via Viogor captured Srebrenica. Kurelac happened to be in Bratunac. During the fighting in Srebrenica, his underage brother Ivica was allegedly killed, which is why Kurelac, according to witnesses, swore to take revenge on the Serbs. The XXIX Ustasha battalion retreated to Bratunac and Bjelovo. The Partisans remained in Srebrenica for only three days. On June 14, Kurelac received information that the partisans had left Srebrenica, and immediately set out to occupy it. He told the Orthodox population not to leave their homes. Majority of the XXIX Ustasha battalion moved in the direction through Čauš and Obad to Zalazje. He was walking with a small group on the main road to Srebrenica. In Zalazje-Obadi, the XXIX Ustasha battalion killed 105 Serbs. Upon arrival in the city, Kurelac blocked all approaches to the city, all streets and intersections within it. Then his Ustashes started killing Serbs. They killed them regardless of gender and age. A total of 98 of them were killed. The Ustashes also killed Judge Muhamed Aganović with his wife (a Serb) and their three children because he was a partisan collaborator. One paramedic and one Bosniak postman were also killed.<sup>68</sup> After fifteen days, the partisans again captured Srebrenica from the direction of Šekovići via Viogor and continued towards Zvornik, which they also captured. Bosniaks had fled from Srebrenica to Zvornik. The Partisans returned them home when they captured Zvornik. The partisan rule in Srebrenica lasted until June of the following year, when the Ustashes under the command of Lieutenant Colonel Sudar Franjo returned Srebrenica to the rule of the Independent State of Croatia for the third time.

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Mlečevo); **Senija Milišić**, *Kako su Bošnjaci spašavali Srbe od klanja*, <https://arhiv.stav.ba/kako-su-bosnjaci-spasavali-srbe-od-klanja/>.

68 In his statement to the investigating judge Vejsil Hadžibegić on June 18, 1943, Kurelac states that he did not plan or order revenge against the Serbs in Srebrenica and Zalazje / Obadi, and claims that the crime allegedly occurred spontaneously. According to him, the partisans carried out a massacre of captured Ustashes and civilians, which angered the Ustashes, who then carried out uncontrolled retaliation: *Some corpses had their eyes taken out, their hearts taken out, some were slaughtered, some had their brains scattered. The soldiers were terribly irritated under the influence of these scenes ... Judge Aganović also knew in the camp that he was a partisan sympathizer, and for the Muslim postman, I don't know his name, said a wounded soldier who had fled to Bratunac and that the postman denounced the partisans while hiding in Srebrenica, and it was rumored that he drank with the partisans. In addition on 12 June before dark, Ensign Sleko from XXVIII batallion broke into Srebrenica near the hospital with Sergeant Španić and five or six other soldiers, and somewhere near the hospital they noticed partisans shooting some Ustashes, and among the partisans there was a paramedic who talked to them and laughed while watching the shooting. It was heard about the peasants in Zalazi that after the fall of Srebrenica they had put communist stars... Compare: Archives of BiH, ZKRZ-minutes on the interrogation of criminals K1, number: 4228/1 , inventory number: 4228/1).*

Sudar carried out a violent mobilization of the population, and even Serbs (*Croats of the Orthodox religion*) into the Croatian armed forces. There were no Ustasha massacres, but there were individual killings of Serbs who collaborated with Chetniks or partisans and Bosniaks who collaborated with partisans.<sup>69</sup>

In August 1944, Serbian Chetniks appeared, mobilizing Serbs and looting.<sup>70</sup> A year earlier, *Nedićevci*, under the command of Dobrisav Ordagić, were crossing the Drina River to the Srebrenica area for robbery. Bosniaks had mostly fled the town to Zvornik at that time. Ordagić's Chetniks killed Muharem Osmanović in Dobrak.<sup>71</sup> *Nedićevci* also killed Halilović Redžo.<sup>72</sup>

According to a document of the "National Commission" entitled *I. Lišenje života* (in English: 1st Deprivation of life) during the Second World War, Chetniks killed 786 people in the Srebrenica district. We can say with certainty that most of them were Bosniaks, although witnesses stated that they killed several Serbs who refused to join them and captured Serb partisans. Chetniks also killed two Croats. Of that number, 411 were men, 163 women, 54 elderly and 158 children. They shot 170 men, 35 women, 23 elderly people and 69 children. They hanged one man and two women. They slaughtered 176 men, 37 women, 19 elderly people and 71 children. By torturing, or *mutilation (beating)* as the document categorizes, they killed 40 men, 77 women, 9 elderly people and 12 children. 24 men, 12 women, 3 elderly people and 6 children

69 **Archives of BiH**, ZKRZ, 26 August 1946, number: 56384, Srebrenica, Srebrenica district, box 204, *Minutes*, (witnesses: Begović / Mujo / Izet from Potočari, Suljić / Ahmet / Avdo from Puschulici, Pašagić / Alija / Osman from Srebrenica, Pašalić / Mujo / Mehmed from Srebrenica, Grujičić / Stojan / Drago from Gostilj, Stanković / Tanasije / Dušan from Pećište, Spasojević / wife of Milorad / Mara from Srebrenica and Marijanović / Drago / Radovan from Srebrenica); **Archives of BiH**, ZKRZ, 28 August 1946, number: 56388, Sasa town, Srebrenica district, box 204, *Minutes*, (witnesses: Milovanović / Živko / Nikola from Obad, Đekanović / Pero / Milovan from Obad, Mujić / Mustafa / Redžo from Sase, Mujic / Avdo / Mujo from Sase and Ostojic / Gajo / Stanisa from Obad).

70 **Archives of BiH**, ZKRZ, 1 September 1946, number: 56396, Crvice, Srebrenica district, box 204, *Minutes*, (witnesses: Marinković / Radoje / Danilo from Mala Daljogošta, Glišić / Mato / Čedo from Petrići, Petković / Drago / Milorad from Crvice and Klinčević / Adem / Ramo from Daljogošta).

71 **Archives of BiH**, ZKRZ, 1 September 1946, number: 56396, Crvice, Srebrenica district, box 204, *Minutes*, (witnesses: Marinković / Radoje / Danilo from Mala Daljogošta, Glišić / Mato / Čedo from Petrići, Petković / Drago / Milorad from Crvice and Klinčević / Adem / Ramo from Daljogošta).

72 **Archives of BiH**, ZKRZ, 30 August 1946, number: 56391, Ratkovići, Srebrenica district, box 204, *Minutes*, (witnesses: Arsenović / Rade / Drago from Vraneševići, Maskimović / Andrija / Milovan from Vraneševići, Zejičić / Obrad / Mitar from Ratkovići, Stevanović / Stojan / Vlastimir from Ratkovići).

died as a result of Chetnik torture (*later death as a result of injury, abuse and torture*).<sup>73</sup>

The document has a section “Ljotićevci”, and there is no “Nedićevci”. Witnesses often state that *Nedićevci* killed Bosniaks, so that victims registered as victims of “Ljotićevci” can be understood as victims of *Nedićevci*. The criminals of these two Serbian fascists killed a hundred people in the Srebrenica district. Witnesses stated that they killed a Serb whose sons were partisans, which means that the other 99 people are Bosniaks. Out of the total number, 4 men, 22 women, 2 elderly people and allegedly as many as 56 children were shot.<sup>74</sup> They slaughtered 11 men, one woman and one child. Three men died as a result of torture by “Ljotićevci” and *Nedićevci* (*Later death as a result of injury, abuse and torture*).<sup>75</sup>

Eighteen living Bosniak women were recorded as raped.<sup>76</sup> Witnesses said in earlier statements that many of the women killed had previously been raped

The total number of victims of Chetniks, “Ljotićevci” and *Nedićevci*, according to the quoted document of the “National Commission”, in the district of Srebrenica is 886, and, as already mentioned, in the largest number of Bosniaks.<sup>77</sup>

The mentioned document entitled *I. Lišenje života* from the manner of death of victims has only categories: *Bombing of civilians, Shooting, Hanging, Slaughter, Mutilation (beating), Later death as a result of injury, abuse and torture and Death in camps*. According to witness statements and the recorded manner of death in the list of victims of the “National Commission” in the Srebrenica district, a fairly high number of Bosniaks were set on fire alive.<sup>78</sup> The most horrible human bonfire was made by Chetniks in the Zvornik village of Sopotnik. Witnesses said that 89 men, women and children were burned alive in three houses. The list of the “National Commission” includes

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73 **Archives of BiH**, ZKRZ, victims K 15, cover Srebrenica, number: 33.

74 Although the document states so, it does not seem convincing that *Nedićevci* shot only 22 women, four men and two old men in relation to 56 children. It is possible that the compiler of the document made a mistake with the children and men, that is, that 56 men and four children were killed. This is more likely bearing in mind that criminals of the same organization slaughtered 11 men, one woman and one child.

75 **Archives of BiH**, ZKRZ, victims K 15, cover Srebrenica, number: 33.

76 **Ibid.**

77 **Ibid.**

78 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

the names of 81 people burned in Sopotnik.<sup>79</sup> Witnesses and the list of the “National Commission” also stated that other persons of Bosniak nationality were burned alive in the buildings.

According to witness statements used in this paper and the list of victims of World War II compiled by the “National Commission”, Germans killed five Bosniaks in Srebrenica - one of whom was killed by their mortar during the fighting - and the Ustashas killed eight and one Roma.<sup>80</sup>

Attached to the paper is a part of the list of the “National Commission” of the victims of the Second World War, which refers to Bosniaks in the Srebrenica district. The list includes the names of 637 victims of Chetnik crimes, 8 victims of Ustasha crimes, one Roma victim of Ustashas and 5 people killed by Germans.<sup>81</sup> The list is not complete.<sup>82</sup> This is clear when comparing this number (642) and the number from document *I. Lišenje života*, according to which the Chetniks and “Ljotićevci”, i.e. *Nedićevci*, killed a total of 886 people, mostly Bosniaks. So, there are no names for more than 230 Bosniaks killed in the Srebrenica district. Witness statements also confirm the incompleteness of the list. In a number of cases, I have found that the names of some victims mentioned by witnesses in their statements are not on the list of victims of the “National Commission.” . Regardless of these shortcomings, this list is still a quality basis for further research and determination of personal data of Bosniak victims of Chetnik terror in the Srebrenica district in the period of 1941-1945 because it contains names and surnames for 637 people out of about 880.

## Conclusion

As in other cities in Bosnia and Herzegovina, there was no armed resistance to the German occupation in Srebrenica in mid-April 1941. The “April War” of Nazi Germany and the Kingdom of Yugoslavia is actually a war of several days of low-intensity fighting. Smaller forces of the German army, of the rank of one to two companies, came to the cities of eastern Bosnia. They

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79 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

80 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

81 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

82 **Archives of BiH**, District Department of Internal Affairs - Srebrenica, K. number: 903/45, *List of killed, missing and taken to the camp*.

established German commands in those cities, without any resistance from the local population, which represented the occupying power in its early days. After the Germans came members, hastily formed armed forces of the fascist creation of the NDH (*Domobrani*, gendarmes and Ustashas). The state treated Serbs with distrust, and soon after its formation it began to exert various psychological and physical pressures, and even murders. In most places in the middle Podrinje, however, there were no mass killings of Serbs in the first months of Croatian rule. Members of the armed forces of the Independent State of Croatia did not enter some Serbian villages at all.

The Independent State of Croatia was not acceptable to Serbs even without its violence against them. The enmity of the Serbs towards the Independent State of Croatia began at the same time as its hostility towards them began. In some parts of Bosnia and Herzegovina, however, this was not an obstacle for the Ustasha regime and Chetnik commanders to achieve successful military and political cooperation. Since the defeat in the war with the Germans, the Serbs have begun to prepare militarily for the armed rebellion and expulsion of the NDH authorities in eastern Bosnia.

Although the NDH flattered Bosniaks in order to support its government militarily and politically, they were reluctant to respond to its calls for mobilization and receiving weapons in the middle Podrinje. A small number of them joined its administrative bodies and local units of *Domobrani* or Ustashas.

By mid-August 1941, the Serbs had completed their military organization and, in less intense fighting, had succeeded in expelling the Croatian government from a number of towns in eastern Bosnia and establishing their own. From the first days of their rule, they began to use violence against the Bosniak population, robbing it, intimidating it and killing it. By the end of December 1941, the attitude of the Chetniks towards Bosniaks had radicalized to the extreme, and from the last days of December to mid-January they carried out their mass liquidations throughout eastern Bosnia and eastern Herzegovina, which includes the middle Podrinje. According to the number of killed, Bosniaks had been exposed to the biggest Chetnik massacres since the New Year 1941/42 until January 8, and especially during the Christmas Eve of Orthodox Christmas 1942. Thousands of Bosniaks were killed that night in eastern Bosnia and eastern Herzegovina. Only in the district of Srebrenica (most of today's municipality of Bratunac, today's municipality of Srebrenica and the southern part of the municipality of Zvornik), which is the subject of this paper, hundreds of them were killed. These killings of

Bosniaks were gruesome and savage. Most of those killed were slaughtered or stabbed, and many were abused before the murder. Many women had been raped before. What is especially characteristic of the crimes of the Chetniks on Christmas Eve of Orthodox Christmas in Podrinje are their “living bonfires” for Bosniaks. In the district of Srebrenica, the most horrible example of such a “living bonfire” was in the Zvornik village of Sopotnik (near Drinjača). In three houses, Chetniks burned over eighty living Bosniaks. Among them were dozens of children aged one to eighteen. Some complete families with children aged one or two were burned in these fires. Except in Sopotnik, Chetniks often burned living Bosniaks that night and later during World War II. Sometimes one, two, three ..., and sometimes larger groups.

In Podrinje, Bosniaks were killed by both Serb Chetniks and *Nedićevci*. They killed in the same way as the Chetniks of the Bosnian Serbs.

The first massacres in the middle Podrinje were committed by Chetniks against Bosniaks. At the beginning of May, the most elite Ustasha unit “Black Legion” arrived in Podrinje via Romania and Vlasenica, which was also the most extreme in terms of relations with the Serbian population. Its members ruthlessly killed all categories of the Serb population. For the most part, only those Serbs who fled across the Drina River to Serbia and those who lived in ethnically mixed villages with Bosniaks, where they hid in their homes, survived, while the “Black Legion” went further. The “Black Legion” did not enter a small number of Serbian villages and slaughtered the population

Serbs became even more undesirable to the NDH authorities after their armed rebellion against it, and apparently from mid-August 1941 to early May 1942, its administration decided to physically remove them from Podrinje by persecution to Serbia and massacres.

An additional disaster for Bosniaks was that the NDH tried to rely on them to maintain its rule in eastern Bosnia. There were not a significant number of Croats in that area and the only people on which the NDH could create its strongholds, as a local population, were Bosniaks, who were directly exposed to the crimes of the Chetniks. The rule of the fascist NDH was unsustainable without the support of Bosniaks and the physical liquidation of the majority of the Serb population. That is why the Chetniks decided to physically liquidate the Bosniaks so that they could establish their control on the ground. In the first year of the war, the partisans in Podrinje did not play any significant role. At that time, they cooperated militarily with the Chetniks. There was almost no difference between them, and especially among the veterans. Many

later partisans “bled” their hands with the blood of Bosniak civilians in 1941 and early 1942 with the Chetniks. Some prominent Chetnik leaders, such as Pero Đukanović, whose Chetniks were responsible for the “living bonfires” in Sopotnik and for crimes in other villages in the Bratunac and Zvornik areas, joined the partisans in the later phase of World War II and continued to fight as their commanders. The mentioned Đukanović, a protégé of Rodoljub Čolaković, soon after joining the partisans, even became a councilor of the First Session of ZAVNOBiH. He reached the rank of general in the Yugoslav Army. He died in Belgrade in the early 1970s without any public investigation into his role in the Chetnik massacres of Bosniaks in his “zone of responsibility” in the period of 1941-1943. In 1948, he was prosecuted as an “Ibeovac”, but he was never held accountable for crimes against Bosniaks.

The genocidal intent of the Chetniks in their massacres of Bosniaks in the district of Srebrenica is best illustrated by the fact that most of the victims were from the younger population. Most of those killed were between one and fifty years old. The smaller number of victims, compared to this population, was older than sixty years. Boys (and male children), young men and men up to the age of forty were particularly affected. In addition to killing able-bodied civilian men, the Chetniks massacred boys who would be fit for the army in a few years. At the same time, it is the most important category of the population in the reproductive sense, so that by liquidating able-bodied men, they also prevented their future biological reproduction. Little girls, girls and young women were also killed en masse, which also suggests that Chetnik crimes against Bosniaks were designed with the clear intention of influencing the biological survival of the Bosniak population on the left side of the Drina River.

According to a table of victims of the Second World War in the Srebrenica district (Srebrenica municipality, most of Bratunac municipality and a smaller part of Zvornik municipality) made up by the “National Commission”, Draža Mihailović’s Chetniks and *Ljotićevci* killed 886 people. Witnesses to these crimes cited a couple of cases in which they killed Serbs for cooperating with partisans and several partisans. Two Chetnik victims were of Croatian nationality. All others were Bosniaks. So, at least 870-875 victims of Chetniks and *Ljotićevci* (actually *Nedićevci*) were Bosniaks. The list of 642 Bosniak victims published as an appendix to this paper is a quality starting point for completing the complete list of Bosniak victims in that territory of Bosnia and Herzegovina.

## Appendix 1

### TO THE HONEST AND PATRIOTIC PEOPLE OF BOSNIA

The savage, unprovoked attack of Hitler's hordes on our country led, thanks to traitors, five-columnists and other freaks, to the disintegration of Yugoslavia. **At the mercy of Hitler and Mussolini, Bosnia and Herzegovina came under the rule of the murderer and bandit Pavelić, who seduced the authorities of our irresponsible social scum - the Ustashas - in our villages and towns. The attacked and suffering Bosnia, which has seen many perpetrators and bloodthirsty in its history, has experienced unprecedented violence and unprecedented crimes. Thousands and thousands of sons of Bosnia were killed in the most brutal way by raging Ustasha gangs. Burning homes are being set on fire throughout Bosnia and Herzegovina. The cries of grieving mothers and women and the cries of our orphans rise to the sky. Hitler's and Mussolini's cop Pavelic directed his blows against the Serbian people in Bosnia and Herzegovina, wanting to completely destroy them. He is trying to use Muslims and Bosnian Croats as his tool for this criminal intent. Sowing the poisonous seeds of chauvinism and religious fanaticism, he seeks to divide the people of Bosnia who have lived on this chest for centuries and soak it with their sweat and blood. Krvolok Pavelić, a freak of the fraternal Croatian people, managed to harness only scum in his chariot and to seduce some unconscious and backward Muslim and Croat population. Everything that is fair among the Muslims and Croats of Bosnia and Herzegovina condemns in its soul the brutal treatment of Pavelić's bandits against the Serbs. Their condemnation has not yet received a loud expression, but that day is not far off.**

### The people of Bosnia!

The cup of suffering of the Serbian people in Bosnia is full. Robbed to the naked soul, persecuted and tortured, like a wild beast, he took up arms. He rose to defend his hearths, his naked life, his nephew, to defend his honor. To the terror of the German-Italian occupier and their mercenary Pavelić, the Serbian people responded with those means that the fascist cannibal only respects: with **weapons**. The Serbs of Bosnia and Herzegovina took up arms with the sole purpose of expelling the occupiers and Ustasha gangs **from our country, to protect their people from fascist extermination and to prevent the Fascist hordes from crying over our country.** The Serbian people are

not alone in their holy and just struggle. Everything that is fair and patriotic against Hitler's gangs is rising throughout Yugoslavia. The enslaved peoples of Europe also rose up against fascist silence. The heroic struggle of the Red Army crushes the striking force of Hitler's best troops. The British Air Force and Navy deal heavy blows to the German war industry and the German navy. America is sending increasing aid to England and Soviet Russia. That great struggle of all advanced humanity against the blackest enemy of all peoples - fascism - will end with the victory of Soviet Russia and England. For this victory, we will also contribute our humble part and thus wash away the shame from our name caused by **our outcasts and degenerates**.

### **Serbs, Brothers!**

To arms! For centuries you have fought against the yoke of strangers, for centuries you have fought against injustice and oppressors. There is never a greater need than today to close your ranks, to stand up as one man against Hitler's and Pavelić's gangs. **Forget everything that divided you until yesterday and unite all your forces against the enemies of the Serbian race and name. Let us unite with our brothers across the Drina River and with the other peoples of Yugoslavia in the resolute fight against the fascist invasion.**

### **Croats and Muslims!**

Help the struggle of your Serbian brothers, who do not seek revenge, but their right to live freely in the land of their ancestors. **Expel from your ranks the Ustasha bandits, who disgrace the Croatian and Muslim names.** Join us in our struggle to expel the occupiers from our country as soon as possible and bring order and peace to all honest and patriotic people, regardless of nationality or religion. We have lived for centuries on this breast and we will continue to live in harmony and love when we ruthlessly eradicate from our country those who brought evil blood among the people and benefited from it.

### **Honest and patriotic Bosnia!**

Get up on your weapons! It is time for a showdown with our blood enemies - fascist and Ustasha gangs. Let us drive out of our country bandits and robbers, murderers and arsonists.

**Long live the unity of all Serbs in Bosnia and Herzegovina!  
To gather all honest and patriotic Bosnians and Herzegovinians!  
Long live the common struggle of all the peoples of Yugoslavia!  
Long live the struggle of all nations against fascism!  
Long live Soviet Russia, England and America!  
Death to fascism - freedom to the peoples!**

1 October 1941

**For the Chetnik military detachment:**

Major **Jezda S. Dangić**

Captain **Sergije Mihailović**

Captain **Pero Đukanović**

For the headquarters of the national liberation (partisan) detachments of  
Bosnia and Herzegovina:

**Rodoljub Čolaković**

**Slobodan Princip**

## **BOSNIAKS KILLED BY CHETNIKS AND “NEDIĆEVCI” IN THE SREBRENICA DISTRICT IN THE PERIOD OF 1941-1945**

### **ABDULIĆI (today the Municipality of Bratunac)**

**1942**

- 1. Ćatić (Ramo) Omer (42),**
- 2. Hasanović (Alija) Najko (13),**
- 3. Ibrić (Dedo) Derva (56),**
- 4. Mahmutović (Bego) Bajro (48),**
- 5. Mahmutović (Mujo) Fejzo-Fedža (53),**
- 6. Osmanović (Smajo) Hanifa (38),**
- 7. Ridić (Mujo) Hava (48),**
- 8. Ridić (Mustafa) Mujo (3),**
- 9. Suljanović (Fejzo) Mehmed (56),**
- 10. Suljić (Avdija) Mujčin (43),**

### **BABULJICE (today the Municipality of Srebrenica)**

**1941**

- 1. Dautović (Alija) Ridžan (22),**

### **BAJRAMOVIĆI (today the Municipality of Srebrenica)**

**1941**

- 1. Bektić (Ramo) Suljo (23),**
- 2. Đozić (Jusuf) Junuz (35),**
- 3. Đozić (Vehbija) Ragib (25),**
- 4. Hasanović (Hadžo) Hajro (25),**
- 5. Hukić (Ibrahim) Muzafer (20),**
- 6. Mandžić (Alaga) Ibrahim (25),**
- 7. Mulalić (Hajro) Ibro (45),**

8. **Mulalić (Ibro) Hamid** (25 godina),
9. **Mustafić (Halil) Hasan** (35 godina),
10. **Mustafić (Hasan) Šaha** (30 godina),

1942

1. **Mulalić (Hajro) Alija** (23 godine),

### **BEŠIREVIĆI (today the Municipality of Srebrenica)**

1941

1. **Gobeljić (Hasan) Kada** (1),
2. **Gobeljić (Junuz) Mejra** (30),
3. **Gobeljić (Mehmed) Mina** (30),
4. **Gobeljić (Osman) Ahmet** (38),
5. **Gobeljić (Redžo) Hamid** (35),
6. **Gobeljić (Salkan) Fatima** (25),
7. **Gobeljić (Selmo) Hasan** (45),
8. **Gobeljić (Smajo) Sinan** (50),
9. **Huseinović (Ibiš) Hanifa** (50),
10. **Huseinović (Osman) Derviš** (35),
11. **Huseinović (Osman) Muharem** (38),
12. **Huseinović (Sulejman) Ibro** (40),
13. **Muminović (Ibro) Šaban** (38),

### **BILJAČA (today the Municipality of Bratunac)**

1941

1. **Gračanlić (Šaćir) Ahmed** (17),
2. **Jahić (Rašid) Džemo** (50),
3. **Mujić (Abid) Šećo** (19),
4. **Salihović (Alija) Semo** (18),

## **TOKOLJACI (today the Municipality of Srebrenica)**

**1941**

- 1. Čivić (Himzo) Ramo (28),**
- 2. Čivić (Smajo) Avdo (28),**
- 3. Čivić (Zajim) Nazif (12),**
- 4. Hasanović (Mujo) Zajko (28),**
- 5. Imširović (Mustafa) Salko (20),**
- 6. Kadrić (Ibiš) Smajil (60),**
- 7. Kadrić (Smajila) Durmo (20),**
- 8. Latifović (Salko) Alija (28),**
- 9. Mahmutović (Omer) Ibrahim (19),**
- 10. Osmanović (Ibran) Alija (40),**
- 11. Osmanović (Osman) Abdurahman (50),**
- 12. Salihović (Mustafa) Ibrahim (30),**
- 13. Salihović (Mustafa) Šerif (35),**
- 14. Salković (Redžo) Bego (40),**
- 15. Selimović (Mujo) Mujo (35),**
- 16. Smajić (Junuz) Jusuf (25),**
- 17. Smajić (Meho) Alija (40),**
- 18. Smajlović (Alija) Šemso (28),**
- 19. Smajlović (Huso) Hasan (35),**

**1943**

- 1. Čivić (Ahmo) Hamid (16),**
- 2. Hasanović (Avdo) Abdulah (7),**
- 3. Mustafić (Sado) Tahir (35),**
- 4. Ramić (Osman) Ismet (12),**
- 5. Salihović (Halil) Mustafa (65),**
- 6. Salihović (Suljo) Kadira (8),**
- 7. Salihović (Šaćir) Munira (7),**
- 8. Salković (Bego) Zajim (12),**
- 9. Smajlović (Ibiš) Smajil (85),**

**1944**

1. **Smajlović (Ahmet) Šukrija (25),**

**BLJEČEVA (today the Municipality of Bratunac)**

**1942**

1. **Jahić (Juso) Huso (41),**

**BOSTAHOVINE (today the Municipality of Srebrenica)**

**1941**

1. **Ademović (Adem) Salko (35),**
2. **Hasanović (Adem) Mušan (45),**
3. **Hasanović (Selim) Suljo (20),**
4. **Mustafić (Aljo) Osman (50),**
5. **Mustafić (Salko) Meho (20),**

**BRATUNAC**

**1941**

1. **Nalić (Salko) Avdo (20),**
2. **Skeledžić (Ahmet) Redžo (47),**
3. **Skeledžić (Ibro) Salko (50),**
4. **Skeledžić (Malkan) Ragib (20),**

**ČIČEVCI (today the Municipality of Srebrenica)**

**1942**

1. **Mešanović (Juso) Mehmed (25),**
2. **Zukić (Ibro) Salko (28),**

## **DOBRAK (today the Municipality of Srebrenica)**

**1941**

- 1. Džanić (Ibro) Ahmed (28),**
- 2. Osmanović (Osman) Muharem (60),**

## **FOJHAR (today the Municipality of Srebrenica)**

**1941**

- 1. Ademović (Salko) Omer (19),**
- 2. Ademović (Suljo) Omer (18),**
- 3. Ahmetović (Arif) Ahmet (50),**
- 4. Ahmetović (Arif) Bećir (45),**
- 5. Avdić (Bego) Sejfo (26),**
- 6. Hadžić (Huso) Mehmedalija (16),**
- 7. Hadžić (Smajo) Haso (18),**
- 8. Hasanović (Huso) Mehmed (25),**
- 9. Ludak (Mehmed) Hasan (25),**
- 10. Mandžić (Alaga) Juso (45),**
- 11. Mujić (Sejdin) Huso (18),**
- 12. Mujić (Sejdin) Mehmed (23),**
- 13. Salihović (...) Avdo (18),**
- 14. Selimović (Ahmo) Vejsil (18),**

**1942**

- 1. Ahmetović (Mujo) Mustafa (50),**
- 2. Ejubović (Arif) Bajro (17),**
- 3. Ejubović (Mujo) Arif (45),**
- 4. Salkić (Ramo) Sulejman (32),**
- 5. Smajlović (Omer) Omo (45),**
- 6. Smajlović (Omer) Smajo (50),**

## **GLADOVIĆI (today the Municipality of Srebrenica)**

1941

1. **Mandžić (...)** Alija (...),

## **GLOGOVA (today the Municipality of Bratunac)**

1942<sup>83</sup>

1. **Čomić (Nurif) Hakija (26)** ,
2. **Hamidović (...)** Selim (...),
3. **Malagić (Hamo) Alija (28)**,
4. **Merdžić (...)** Salih (...),
5. **Omerović (...)** Ramo (...).

## **HRANČA (today the Municipality of Bratunac)**

1942

1. **Hodžić (Huso) Sinan (32)**,
2. **Hodžić (Ibro) Bego (53)**,
3. **Šaćirović (Mujo) Sejfo (60)**,

## **HRNČIĆI (today the Municipality of Bratunac)**

1941<sup>84</sup>

1. **Alić (Alija) Husein (45)**,
2. **Alić (Haso) Šaban (50)**,
3. **Alić (Salko) Rahman (35)**,
4. **Alić (Šehan) Šaho (22)**,
5. **Čohodarević (Agan) Osman (55)**,
6. **Ibrahimović (Ibro) Zejna (...)**

---

83 Svjedoci navode da su ubijeni u novogodišnjoj noći 31. decembra 1941/42. godine.

84 Svjedoci navode da su ubijeni za pravoslavni Božić 1942. godine. Prema njihovim izjavama, te noći ubijeno je oko dvadeset Bošnjaka u Hrnčićima.

7. Ikanović (Avdija) Šaćir (55),
8. Ikanović (Husein) Mahmut (35),
9. Ikanović (Mehmed) Hasan (55),
10. Ikanović (Šaćir) Avdija (15),
11. Karamujić (Smail) Muniba (50),
12. Mehić (Husein) Huso (30),
13. Mehmedović (Agan) Avdo (22),
14. Mehmedović (Agan) Meho (28),
15. Nukić (Mujo) Omer (35),
16. Salkić (Durmo) Ibrahim (25),
17. Salkić (Durmo) Muharem (12),

#### **JAGODNJA (today the Municipality of Bratunac)**

**1942**

1. Alić (Alija) Hajra (35),
2. Hasić (Muharem) Hamid (30),
3. Ramić (Šaban) Husejin (15),

#### **JOŠEVA (today the Municipality of Bratunac)**

**1945**

1. Avdić (...) Vejz (60),
2. Avdić (Vejz) Ibro (45),
3. Avdić (Vejz) Bajro (35),

#### **KARAČIĆI (today the Municipality of Srebrenica)**

**1943**

1. Bektić (Murat) Muharem (45),
2. Čamdžić (Avdo) Adem (30),
3. Čamdžić (Mumin) Samko (60),

4. **Jusufović (Juso) Smajo** (40),
5. **Karić (Avdo) Salih** (40),
6. **Karić (Salih) Munira** (12),

#### **KLOTJEVAC (Srebrenica)**

**1941**

1. **Alić (Bego) Abdulah** (18),
2. **Alić (Mujo) Aljo** (25),
3. **Hasanović (Meho) Emin** (36),
4. **Salihović (Nail) Mustafa** (21),

**1942**

1. **Buljubašić (Omer) Huso** (50),
2. **Džanić (Šaban) Hasan** (40),
3. **Džanić (Sumbul) Šaban** (21 g),
4. **Izmirlić (...)** Huso (...).

**1943**

1. **Mešanović (Mešo) Redžo** (33),
2. **Džanić (Mahmut) Ahmet** (35),
3. **Izmirlić (Mujo) Ibro** (40),
4. **Izmirlić (Mujo) Zulfo** (50),
5. **Izmirlić (Salih) Fatima** (49),
6. **Halilović (Ahmet) Bego** (58),

## KONJEVIĆI (today the Municipality of Bratunac)

1941<sup>85</sup>

1. Alić (Suljo) Ibro (60),
2. Čehić (Abid) Mevla (40),
3. Čehić (Junuz) Đulsa (45),
4. Čehić (Mujo) Selim (45),
5. Muminović (Ibro) Salko (19),
6. Muminović (Omer) Ćamil (18),
7. Muminović (Suljo) Avdo (60),
8. Muminović (Šaban) Mustafa (25)
9. Osmanović (Osman) Idriz (17),
10. Osmanović (Osman) Smail (17),
11. Osmanović (Ramo) Mujo (45),
12. Osmanović (Rašid) Berhem (25),
13. Osmanović (Salko) Osman (45),
14. Osmanović (Šaban) Avdo (30),
15. Osmanović (Šaban) Avdo (30),
16. Sulejmanović (Jahja) Aljo (35),
17. Šenderović (Mahmut) Avdija (35),
18. Šenderović (Šemso) Ibrahim (30),

## KRASANOVIĆI (today the Municipality of Bratunac)

1941

1. Avdić (Mujo) Vehbija (38),
2. Demirović (Avdo) Himzo (40),
3. Demirović (Mujo) Mehmed (40),
4. Jusić (Medo) Hamid (27),
5. Jusić (Medo) Selmo (20),

---

85 Svjedoci navode da su ubijeni za pravoslavni Božić 1942. godine. Prema njihovim izjavama tu noć u Konjevićima ubijeno je oko dvadeset Bošnjaka.

1942

1. **Demirović (Mujo) Omer (30)**

**KRUŠEV DO (today the Municipality of Srebrenica)**

1941

1. **Alić (Bego) Alaga (68),**
2. **Gladović (Ibro) Atif (60),**
3. **Krlić (Avdo) Nakib (18),**
4. **Muminović (Hasan) Ibrahim (55),**
5. **Muminović (Hasan) Šemso (58),**

**KUTUZERO (today the Municipality of Srebrenica)**

1942

1. **Ahmić (Alija) Naza (35),**
2. **Ahmić (Ibro) Salko (70),**
3. **Ahmić (Salkan) Hurija (10),**
4. **Ahmić (Salkan) Mujo (8),**
5. **Ahmić (Salkan) Munib (6),**
6. **Ahmić (Salkan) Tahira (12),**
7. **Ajšić (Osman) Hanifa (25),**
8. **Ajšić (Ibro) Rašid (7),**
9. **Ajšić (Ibro) Sejfo (3),**
10. **Ajšić (Rašid) Ćamil (30),**
11. **Alemić (Ibro) Osman (19),**
12. **Hirkić (Daut) Hasan (60),**
13. **Hirkić (Daut) Rasim (55),**
14. **Hirkić (Mustafa) Mejra (25),**
15. **Hirkić (Osman) Behara (2),**
16. **Hirkić (Osman) Ibrahim (10),**
17. **Hirkić (Osman) Mehmed (8),**

18. Hirkić (Osman) Nezir (4),
19. Hirkić (Osman) Nezira (4),
20. Hirkić (Osman) Smajo (6),
21. Huskić (Alija) Bajro (8),
22. Huskić (Alija) Nura (12),
23. Huskić (Alija) Šidija (10),
24. Kasimović (Mustafa) Mujo (33),

## LIJEŠĆE (today the Municipality of Srebrenica)

1941

1. Bekić (Sejfo) Selman (16),
2. Bekić (Selmo) Bajro (25),
3. Bekić (Selmo) Sejfo (60),
4. Hasanović (Smajo) Hasan (13),
5. Suljić (Adem) Avdo (50),
6. T(ih)ić (...) Daut (...),<sup>86</sup>
7. T(ih)ić (...) Sado (...),

## LIKARI (today the Municipality of Srebrenica)

1942

1. Beganović (Mustafa) Selim (25),
2. Hasanović (Salko) Sejfo (40),
3. Mešić (Mešo) Mujo (50),
4. Suljić (Salko) Bekto (35),

---

<sup>86</sup> Iako se u izjavama svjedoka Sado i Daut navode kao „Tić“ sasvim je sigurno da su se prezivali Tihić. Izjave o ubistvu njih dvojice potpisao je Tihić (Suljo) Sulejman iz istog sela, Liješća, što to i potvrđuje. Zapisničarka „Zemaljske komisije“ za Srebrenicu bila je Boškov Nada koja je, očito, u nekim slučajevima imala problem s prepoznavanjem glasa „h“. „Tić“ Sado i Daut nisu jedini primjer. Ima još, naprimjer: Alim (Halim), Alil (Halil), Asan (Hasan), Paljevići (Pahljevići) i slično. Isti slučaj je i sa ostalim dokumentima „Zemaljske komisije“ pa čak i sa spiskom žrtava.

## **LIPOVAC (today the Municipality of Srebrenica)**

**1941**

- 1. Ludak (Smajo) Bego (45),<sup>87</sup>**
- 2. Ludak (Šaćir) Medija (12),**
- 3. Ludak (Mehmed) Hasan (45),**
- 4. Avdić (Mujo) Abaz (18),**

## **LUKA (today the Municipality of Srebrenica)**

**1941**

- 1. Avdić (Avdo) Šaban (39),**
- 2. Avdić (Salko) Ćamil (23),**
- 3. Delić (Muharem) Avdo (65),**
- 4. Duraković (Meho) Avdija (60),**
- 5. Duraković (Meho) Mehmed (65),**
- 6. Duraković (Suljo) Meho (40),**
- 7. Džafić (Selim) Fazlija (50),**
- 8. Džananović (Mehmed) Meho (20),**
- 9. Džananović (Meho) Mehmed (51),**
- 10. Gladović (Ahmet) Šećo (55),**
- 11. Huremović (Hašim) Bajro (40),**
- 12. Huremović (Hašim) Demiz (26),**
- 13. Karamujić (Emin) Mustafa (30),**
- 14. Mujić (Alija) Bego (70),**
- 15. Mujić (Hašim) Ramo (33),**
- 16. Omerović (Salko) Mujo (35),**
- 17. Osmanović (Mehmed) Meho (60),**
- 18. Salkić (Suljo) Hasib (30),**
- 19. Sejdić (Fejzo) Mehmed (20),**
- 20. Sinanović (Sinan) Zarfo (16),**
- 21. Sulejmanović (Alija) Abid (60),**

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<sup>87</sup> Članovi porodice Ludak nakon Drugog svjetskog rata promijenili su prezime u Begić i Smajić.

22. Sulejmanović (Avdo) Fejzo (50),
23. Sulejmanović (Fejzo) Omer (65),
24. Verlašević (Osman) Juso (50),

## 1942

1. Begić (Hasan) Humija (50),
2. Begić (Ibro) Alija (28),
3. Begić (Ibro) Asim (35),
4. Begić (Memiš) Hatidža (15),
5. Begić (Ramo) Tima (50),
6. Begić (Šaban) Bego (12),
7. Duraković (Salko) Muša (40),
8. Duraković (Sinan) Alaga (28),
9. Duraković (Šemso) Bajro (28),
10. Gladović (Bego) Jusuf (15),
11. Gladović (Osman) Ahmed (35),
12. Habibović (Omer) Mehan (14),
13. Jugović (Dedo) Mejra (20),
14. Jugović (Salko) Hakija (30),
15. Krdžić (Meho) Osman (32),
16. Krlić (Avdo) Nurko (28),
17. Krlić (Avdo) Ohran (40),
18. Krlić (Nazif) Đulaga (28),
19. Mandžić (Osman) Ohran (14),
20. Mujagić (Halil) Fatima (25),
21. Mujić (Hašim) Ikan (50),
22. Muminović (Šaćir) Ohran (15),
23. Sejdić (Salko) Ajka (30),
24. Sinanović (...) Zarfa (...),
25. Sulejmanović (Halil) Hanifa (15),
26. Sulejmanović (Huso) Mejra (45),
27. Sulejmanović (Meho) Derviš (28),
28. Sulejmanović (Meho) Nurko (32),

29. Šehić (Ibiš) Muška (25),
30. Šehić (Ibiš) Šahza (30),
31. Šehić (Osman) Zejna (15),
32. Šehić (Sejfo) Meho (45),
33. Šehić (Šećan) Derva (20),
34. Špiodić (Husejin) Behto (50),
35. Špiodić (Sulejman) Ahmet (30),
36. Špiodić (Sulejman) Rahman (25),
37. Zejnilović (Memiš) Alija (30),
38. Zejnilović (Memiš) Fajko (28),
39. Zejnilović (Memiš) Mehmed (32),
40. Zejnilović (Zejnil) Bajro (30),
41. Zulanović (Salko) Bećir (28),

## LJESKOVIK

1941

1. Buljubašić (Meho) Avdija (27),
2. Delić (Ahmet) Šećan (60),
3. Dervišević (Osmo) Osman (35),
4. Hodžić (Bego) Huso (19),
5. Hodžić (Meho) Salih (70),
6. Mahmutović (Mešan) Ikan (30),
7. Mehmedović (Salko) Alija (40),
8. Mehmedović (Salko) Huso (50),
9. Numanović (Bego) Juso (25),
10. Numanović (Omer) Bego (75),
11. Numanović (Šaban) Ibrahim (24),
12. Osmanović (Suljo) Omer (28),
13. Porobić (Mustafa) Huso (30),
14. Siručić (Mujo) Bajro (30),
15. Tabaković (Hasan) Osman (50 godina),

## 1942-1943

1. **Hasanović (Alija) Muška** (8),
2. **Hasanović (Ibiš) Salih** (19),
3. **Memić (Alaga) Fatima** (19),
4. **Memić (Hasan) Hasib** (19),
5. **Memić (Juso) Memija** (40),
6. **Memić (Memija) Hakija** (19),
7. **Memić (Osmo) Atif** (24),
8. **Memišević (...)** Huriya (39),
9. **Mujić (Mešan) Alija** (40),
10. **Mujić (Mujo) Ibrahim** (55),
11. **Sinanović (Mešo) Hasan** (16),

## MAGAŠIĆ (today the Municipality of Bratunac)

### 1942

1. **Ibrahimović (Abdurahman) Osman** (29),
2. **Jahić (...)** Juso (...),

## MIHALJEVIĆI (today the Municipality of Bratunac)

### 1941

1. **Bajraktarević (Bećir) Avdija** (29),
2. **Bajramović (Meho) Hašim** (29),
3. **Mehmedović (Hasan) Ćazim** (33),
4. **Redžić (Alija) Muharem** (39),

## MILAČEVIĆI (today the Municipality of Srebrenica)

### 1941

1. **Cvrk (Hasan) Đul** (55),
2. **Hadžić (Graho) Uzeir** (60),

3. Malić (Ago) Hakija (16),
4. Mešanović (Juso) Nurif (18),
5. Smajlović (Mujo) Mešan (45),

## **ODŽAKOVIĆI?**

1941

1. Salihović (Avdo) Hašim (12),
2. Salihović (Mujo) Selim (25),

## **OPETCI (today the Municipality of Srebrenica)**

1941

1. Bećirović (Mujo) Muška (1),
2. Omerović (Jahija) Omer (25),
3. Salihović (Hasan) Daut (15),

## **OSMAČE (today the Municipality of Srebrenica)**

1941

1. Burić (Juso) Ramo (15),
2. Ćatić (Šemso) Husein (25),
3. Delić (Šećo) Asim (40),
4. Hurić (Ibriša) Šećan (18),
5. Hurić (Mehan) Ramo (18),
6. Hurić (Sado) Zuhdo (35),
7. Hurić (Šećo) Osman (40),
8. Ibrišević (Haso) Hana (20),
9. Palčević (Hasan) Asim (18),
10. Smajlagić (Murat) Salih (40),
11. Tabaković (Osman) Hasan (16),

**1943**

1. **Salkić (Salih) Šerif (45),**

**PAHLJEVIĆI (today the Municipality of Zvornik)**

**1941<sup>88</sup>**

1. **Alihromić (Avdija) Halil (50),**
2. **Alihromić (Halil) Avdo (18),**
3. **Huseinović (Ahmet) Mehmed (35),**
4. **Huseinović (Alija) Aljo (35),**
5. **Huseinović (Aljo) Mujo (18),**
6. **Ibrahimović (Osman) Alija (40),**
7. **Mehmedović (Alija) Avdo (25),**
8. **Mehmedović (Alija) Ramo (16),**
9. **Mujić (Hasan) Emin (26),**
10. **Mustafić (Ćamil) Ramo (23),**
11. **Mustafić (Rašid) Salko (40),**
12. **Osmanović (Ago) Bejta (30),**
13. **Osmanović (Ibiš) Ibrahim (25),**

**PIRIĆI (today the Municipality of Bratunac)**

**1942**

1. **Hasanović (Ređo) Juso (17),**
2. **Hasanović (Ređo) Mujo (20),**
3. **Salihović (Salko) ... (16),**

**POBUĐE (today the Municipality of Bratunac)**

**1941**

1. **Borić (Ašid) Mešan (40),**
2. **Borić (Mešan) Avdo (40),**

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<sup>88</sup> Svjedoci navode da su ubijeni za pravoslavni Božić 1942. godine. Na spisku se nalazi trinaest osoba, a svjedoci kažu da su ubijene dvadesetidvije iz Pahljevića.

3. Hajdarević (Hajdar) Omer (31),
4. Hajdarević (Halil) Avdo (17),
5. Hajdarević (Osmo) Murat (15),
6. Hajdarević (Šemso) Mujo (45),
7. Muharemović (Huso) Mehmed (15),
8. Omerović (Mehmed) Šaćir (17),
9. Salkić (Hašim) Ašida (23),
10. Smajić (Mušan) Nuhan (45),
11. Velić (Selim) Omer (25),

### **PODČAUŠ (today the Municipality of Bratunac)**

**1941**

1. Alić (Salke) Sejfo (41),
2. Avdić (Šerif) Rasim (36),
3. Hurić (Salko) Edhem (30),

**1942**

1. Ferhatović (Alija) Đuda-vjerovatno Đula (6),
2. Ferhatović (Alija) Đulsa (13),
3. Ferhatović (Alija) Fejzo (25),
4. Ferhatović (Alija) Pašana (25),
5. Ferhatović (Fejzo) Aljo (3),
6. Hopić (Alija) Rasema (15),
7. Hopić (Hašim) Ibrahim (5),
8. Hopić (Salko) Bisera (37),
9. Hopić (Salko) Hava (30),

### **PODGAJ (today the Municipality of Srebrenica)**

**1941**

1. Ahmetović (...) Haska (18),
2. Ahmetović (Ibro) Aljo (35),

3. **Bećirović (Bego) Salih (40),**
4. **Tuzlić (...) Kada (40),**
5. **Tuzlić (Hasan) Mujo (45),**
6. **Tuzlić (Mujo) Hasan (15),**
7. **Velić (Zulfo) Abdulah (40),**
8. **Velić (Zulfo) Velija (40),**

**1942**

1. **Halilović (...) Hasan (40),**
2. **Hamidović (...) Omer (35),**

**PODOSOJE (today the Municipality of Srebrenica)**

**1942**

1. **Alić (Aljo) Ajka (45),**
2. **Džananović (...) Ćima (20),**
3. **Džananović (...) Jusuf (45),**
4. **Džananović (...) Kasim (1),**
5. **Halilović (...) Hata (45),**
6. **Halilović (...) Memiš (45),**
7. **Halilović (Memiš) Rejha (20),**
8. **Halilović (Memiš) Tima (5),**
9. **Hanić (...) Hurem (35),**

**POTOČARI (today the Municipality of Srebrenica)**

**1942**

1. **Begović (Husejin) Ahmo (30),**
2. **Suljagić (Ševko) Smajo (27),**

**POZNANOVIĆI (today the Municipality of Srebrenica)**

**1944**

1. **Ramić (Salko) Omer (47),**

**PRIBIDOLI (today the Municipality of Srebrenica)**

**1941**

- 1. Begić (...)** Dervo (...),
- 2. Dervišević (...)** Ahmet (...),

**PUSMULIĆI (today the Municipality of Srebrenica)**

**1941**

- 1. Ademović (Ahmet)** Mustafa (14),
- 2. Ademović (Ibiš)** Ibrahim (13),
- 3. Mustafić (Meho)** Šahin (30),
- 4. Omerović (Haso)** Huso (55),
- 5. Omerović (Huso)** Alija (25),
- 6. Omerović (Mustafa)** Selman (13),
- 7. Salčinović (Alija)** Junuz (12),
- 8. Salčinović (Ibro)** Mujo (27),
- 9. Salčinović (Meho)** Alija (47),
- 10. Suljić (Ahmet)** Lutvo (43),
- 11. Suljić (Mujo)** Bajro (25),

**RAĐENOVIĆI (today the Municipality of Srebrenica)**

**1942**

- 1. Sulejmanović (Dervo)** Ago (65),

**RAKOVAC (today the Municipality of Bratunac)**

**1941**

- 1. Duraković (...)** Ramo (51),
- 2. Duraković (Ibro)** Kemal (13),
- 3. Lalić (Sejfan)** Nurko (21),
- 4. Lalić (Sejfan)** Zuhdija (14),

5. **Mujičić (Salko) Mujo** (49),
6. **Selimović (Ibre) Šaban** (12),
7. **Selimović (Smajil) Omer** (35),

### **SASE (today the Municipality of Srebrenica)**

**1941**

1. **Mujić (...) Mustafa** (...),
2. **Mujić (...) Sado** (...),

**1942**

1. **Karamehić (...) Kada** (...)
2. **Karamehić (...) Sejfo** (...),

### **SIKIRIĆ (today the Municipality of Bratunac)**

**1941**

1. **Begzadić (Alija) Mujo** (55),
2. **Begzadić (Ibiš) Juso** (67),
3. **Begzadić (Ibro) Muharem** (40),
4. **Vrankovina (Fehim) Ramo** (18),
5. **Vrankovina (Juso) Fehim** (54),

### **SOPOTNIK (today the Municipality of Zvornik)**

**1941**<sup>89</sup>

1. **Alić (Smajo) Alija** (45),
2. **Alić (Alija) Avdo** (12),
3. **Alić (Alija) Azem** (6),

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89 Svjedoci tvrde da su tri „žive lomače“ Bošnjaka u Sopotniku četnici napravili za pravoslavni Božić 1942. godine. Prema izjavama više svjedoka u Sopotniku je za pravoslavni Božić spaljeno 89 Bošnjaka u tri kuće. Kao što se vidi na spisku žrtava iz Sopotnika spaljeno je nekoliko potpunih porodica, a broj spaljenje žive djece je jezovito visok.

4. Alić (Alija) Malka (8),
5. Alić (Alija) Zuhra (14),
6. Alić (Emin) Halid (2),
7. Alić (Emin) Ismet (3),
8. Alić (Hasan) Hurija (35),
9. Alić (Meho) Derviša (30),
10. Alić (Meško) Hadžira (4),
11. Alić (Meško) Safija (2),
12. Alić (Omer) Osman (5),
13. Alić (Omer) Smail (10),
14. Alić (Selim) Ajka (30),
15. Alić (Šaban) Selman (6),
16. Alić (Šaban) Zajim (4),
17. Alić (Zeir) Hajra (40),
18. Avdić (Arif) Ševala (6 months),
19. Avdić (Avdo) Habiba (3),
20. Avdić (Avdo) Hanifa (10),
21. Avdić (Avdo) Nezira (4),
22. Avdić (Avdo) Ragib (12),
23. Avdić (Avdo) Ramiz (2),
24. Avdić (Hasan) Meho (60),
25. Avdić (Hasan) Mejra (20),
26. Avdić (Omer) Hanka (60),
27. Avdić (Osman) Naza (30),
28. Avdić (Ramo) Ajka (5),
29. Avdić (Ramo) Hana (1),
30. Avdić (Ramo) Nazif (7),
31. Avdić (Ramo) Reziya (4),
32. Avdić (Ramo) Ševala (3),
33. Avdić (Salko) Nura (55),
34. Hasanović (...) Duda (30),
35. Hasanović (Ago) Fatima (6),
36. Hasanović (Ago) Hasiba (15),

37. Hasanović (Alija) Muša (50),
38. Hasanović (Hasan) Aljo (35),
39. Hasanović (Aljo) Abdulah (6),
40. Hasanović (Aljo) Alija (13),
41. Hasanović (Aljo) Hajrija (3),
42. Hasanović (Aljo) Himzo (10),
43. Hasanović (Aljo) Senija (8),
44. Hasanović (Arif) Fata (35),
45. Hasanović (Bego) Ćima (32),
46. Hasanović (Hasan) Hrusto (30),
47. Hasanović (Hasan) Mujo (35),
48. Hasanović (Hrusto) Hava (4),
49. Hasanović (Jusuf) Amina (45),
50. Hasanović (Jusuf) Zulfa (35),
51. Hasanović (Mujo) Ahmet (14),
52. Hasanović (Mujo) Dželila (8),
53. Hasanović (Mujo) Munira (2),
54. Hasanović (Mujo) Pašan (4),
55. Hasanović (Sado) Juso (10),
56. Hasanović (Sado) Smajo (4),
57. Hasanović (Sado) Šemsa (8),
58. Hasanović (Salko) Sinan (14),
59. Hasanović (Sejfo) Azem (1),
60. Hasanović (Sejfo) Osman (18),
61. Hasanović (Sejfo) Rašid (14),
62. Hasanović (Šaban) Muša (25),
63. Hasanović (Velaga) Tima (33),
64. Huseinović (Husein) Dželila (4),
65. Huseinović (Mustafa) Mina (4),
66. Huseinović (Šaban) Mina (20),
67. Mehmedović (Bego) Hatidža (40),
68. Mehmedović (Salko) Mehmed (8),
69. Mehmedović (Salko) Ramiza (12),

70. Nukić (Šaban) Hata (18),
71. Nukić (Šaban) Kada (12),
72. Nukić (Šaban) Mujo (40),
73. Nukić (Šaban) Rahman (16),
74. Nukić (Šaban) Šaban (10),
75. Ramić (Daut) Šaha (45),
76. Ramić (Ibro) Ibrahim (16),
77. Ramić (Ibro) Muharem (10),
78. Ramić (Ibro) Sevda (8),
79. Ramić (Miralem) Ibro (55),
80. Zahirović (Alija) Habiba (12),
81. Zahirović (Mujo) Himzo (14),

1942

1. Mešanović (Šaho) Nafa (37),

1943

1. Karamehmedović (Mujo) Omer (32),

## SREBRENICA

1941

1. Barlović? (Bećir) Meho (50),<sup>90</sup>
2. Delić (Hasan) Ibrahim (23),
3. Delić (Hasan) Nura (45),
4. Dizdarević (Haso) Mujo (50),
5. Huseinagić (Suljo) Džemal (43),
6. Huseinagić (Suljo) Ferid (35),
7. Ibrahimović (Ibro) Hasan (18),
8. Kardašević (Hasan) Junuz (32),
9. Kardašević (Hasan) Sadija (45),

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<sup>90</sup> Nečitko.

10. Konaković (Smajo) Adem (15),
11. Kumrić (Ibro) Mujo (35),
12. Meholfjić (Bećir) Hakija (38),
13. Omerović (Husejin) Hasan (40),
14. Parić (Sejfo) Ahmo (18),
15. Redžepović (Ibro) Hasan (35),
16. Redžepović (Junuz) Mevljan (25 ),
17. Salihović (Mahmut) Meho (60 ),
18. Ustić (Atif) Omer (30),
19. Ustić (Juso) Atif (55),
20. Ustić (Smajo) Vejsil (32),

#### **STAROGLAVICE (today the Municipality of Srebrenica)**

**1941**

1. Dizdarević (Salkan) Humija (50),
2. Mašić (Mujo) Šaban (18),
3. Mehmedović (Šaban) Ramo (50),
4. Mehmedović (Šaban) Meho ili Mahko (40),
5. Mehmedović (Šaban) Mehmed (43),
6. Mehmedović (Mehmed) Mehan (18),
7. Mehmedović (Meho ili Mahko) Ahmo (18),

#### **SUĆESKA (today the Municipality of Srebrenica)**

**1941**

1. Bektić (Arif) Ibriš (50),
2. Bektić (Bekto) Hakija (52),
3. Bektić (Bekto) Šaban (56),
4. Bektić (Hali) Nazif (35),
5. Bektić (Halim) Ramo (38),
6. Bektić (Nazif) Alija (16),
7. Bektić (Salko) Salih (30),

8. **Bektić (Šaban) Bego** (16),
9. **Delić (Huso) Meho** (35),
10. **Delić (Huso) Omer** (40),
11. **Halilović (Ramo) Hava** (12),
12. **Mehmedović (Selim) Osman** (28),
13. **Muminović (Bećir) Šaban** (70),
14. **Muminović (Halim) Husejin** (35),

### **ŠUBIN (today the Municipality of Srebrenica)**

**1944**

1. **Dautović (Šahin) Jusuf** (...),
2. **Halilović (...)** Salih (...),
3. **Zukanović (...)** Mustafa (...)

### **TEGARE (today the Municipality of Bratunac)**

**1944**

1. **Huremović (Avdo) Huso** (55),

### **URKOVIĆI (today the Municipality of Bratunac)**

**1941**

1. **Avdić (Abid) Jusuf** (23),
2. **Avdić (Jusuf) Husejin** (50),
3. **Fejzić (Salko) Sejdin** (30),
4. **Hasanović (Hašim) Avdo** (31),
5. **Hasanović (Mujo) Mušan** (50),
6. **Ibrahimović (Mujo) Ramo** (30),
7. **Jusufović (Mehmed) Mujo** (35),
8. **Jusufović (Meho) Behrem** (37),
9. **Muminović (Ahmet) Omer** (25),
10. **Muratović (Ahmet) Suljo** (50),

11. **Muratović (Mustafa) Mujko** (40),
12. **Muratović (Sejfo) Omer** (42),
13. **Muratović (Smajo) Mujo** (31),
14. **Mustafić (Ramo) Salko** (50),
15. **Nukić (Nurko) Osman** (10),
16. **Omerović (Zembo) Avdo** (20),
17. **Selimović (Salko) Edhem** (22),
18. **Selimović (Salko) Huso** (30),
19. **Sulejmanović (Mehmed) Ibro** (50),

### **URISIĆI (today the Municipality of Srebrenica)**

**1941**

1. **Mujić (Ibro) Haska** (60),
2. **Mujić (Bećir) Sumbul** (60),
3. **Mujić (Sumbul) Šemsa** (25),

**1943**

1. **Hasanović (Suljkan) Hasan** (30),
2. **Hasanović (Asim) Mehan** (30),

### **VELIKA DALJEGOŠTA (today the Municipality of Srebrenica)**

**1941**

1. **Karić (...)** Šerif iz (34),

### **VITKOVIĆI (today the Municipality of Bratunac)**

**1941**

1. **Džafić (Alija) Fejzo** (30),
2. **Džafić (Alija) Sabrija** (45),
3. **Džafić (Omer) Ćamil** (32),
4. **Džafić (Sabrija) Osman** (18),

5. **Omić (Agan) Šećo** (28),
6. **Omić (Šaćir) Ragib** (42),

### **VOLJAVICA (today the Municipality of Bratunac)**

**1942**

1. **Ahmić (Ahmo) Sado** (43),
2. **Alić (Hašim) Mujo** (31),
3. **Demirović (Avdo) Salko** (49),
4. **Mehmedović (Ramo) Hakija** (36),
5. **Muhić (Fejzo) Bego** (55),
6. **Muhić (Muharem) Miralem** (34),
7. **Rizvanović (Mehmed) Ramo** (36),
8. **Salihović Hasan** (47, a refugee from Višegrad),
9. **Salihović (Ahmo) Salih** (40),
10. **Salihović (Lutvo) Himzo** (20),
11. **Salihović (Lutvo) Juso** (47),
12. **Siručić (Meho) Sabit** (31),

### **VRANEŠEVIĆI (today the Municipality of Bratunac)**

**1944**

1. **Mujić (Dervo) Mevla Mula-iz Moćevića** (34),

### **VRANJKOVINA (today the Municipality of Srebrenica)<sup>91</sup>**

**1942**

1. **Gurdić (Mujo) Ahmo** (40),
2. **Gurdić (Mujo) Ramo** (39),
3. **Gurdić (Mujo) Rašid** (35),
4. **Gurdić (Mujo) Suljo** (50),

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<sup>91</sup> Svjedoci navode da su ovi ljudi ubijeni u Žlijepcu. Na spisku žrtava „Zemaljske komisije“ upisani su u Vranjkovinu.

5. **Gurdić (Suljo) Šaban** (35),
6. **Gurdić (Ahmo) Halil** (15),
7. **Gurdić (Ahmo) Ibrahim** (12),
8. **Gurdić (Ramo) Adem** (12),
9. **Gurdić (Ramo) Alija** (18),
10. **Gurdić (Hakija) Adila** (2),
11. **Gurdić (Halil) Halima** (22),
12. **Gurdić (Salih) Hajrija** (39),
13. **Mehić (Sado) Mehmed** (16),
14. **Mehić (Sado) Selman** (20),

## **ZABREŽJE<sup>92</sup>**

**1941**

1. **Hasanović (Ibro) Zajim** (28),

**1942**

1. **Hasanović (Lutvo) Gara** (43),

## **ZALUŽJE (sada opština Bratunac)**

**1942**

1. **Jahić (Redžo) Avdija** (45),

## **ZAPOLJE (today the Municipality of Bratunac)**

**1941**

1. **Čokerović<sup>93</sup>(...) Arif** (65),
2. **Muratović (Ramiz) Ređo** (55),

92 U spisku žrtava „Zemaljske komisije, ovo dvoje Hasanovića upisano je u Zabrežje. Naselje pod takvim imenom ne postoji na javno dostupnim popisima naseljenih mjesta Bratunca, Srebrenice i Zvornika.

93 Nečitko.

3. **Musić (Abid) Mujo** (80),
4. **Smajlović (Arif) Smajo** (67),
5. **Omerović (Sejfo) Haso** (15),

1942

6. **Halilović (Mustafa) Hamid** (46),
7. **Halilović (Mustafa) Osman** (57),
8. **Halilović (Osman) Alaga** (30),
9. **Halilović (Osman) Pinjo** (12),
10. **Salihović (Šaban) Mujo** (15),

**ŽABOKVICA (today the Municipality of Srebrenica)**

1941

1. **Mehić (Mušan) Ibro** (35),
2. **Mehić (Mujo) Meho** (35)

1942

1. **Alić (Aljo) Alija** (35),
2. **Ferhatović (Sada) Ašija** (12),

**ŽEDANJSKO (today the Municipality of Srebrenica)**

1941

1. **Ahmetović (...) Himzo** (45),
2. **Ahmetović (...) Musa** (30),
3. **Ahmetović (Zulfo) Musa** (30),
4. **Avdić (...) Sulejman** (45),
5. **Bektić (...) Zejna** (25),
6. **Džananović (...) Nurbeg** (20),
7. **Hadžić (...) Adem** (30),
8. **Hadžić (Muharem) Salko** (60),

9. **Hodžić (...)** Naza (30),
10. **Hodžić (Salko)** Meho (40),
11. **Jusufović (...)** Đulsa (25),
12. **Šabanović (...)** Rašid (30),
13. **Tursunović (...)** Daut (40),
14. **Tursunović (...)** Rašid (28),
15. **Tursunović (Mujo)** Merko (25),

## **ŽLIJEBAC (today the Municipality of Bratunac)**

**1942**

1. **Salkić (Aljo)** Alija (50),
2. **Salkić (Alija)** Šerif (22),

### **Bosniaks killed by Ustashas in 1943:**

2. **Aganović (Sadija)** Muhamed (43, judge, killed with his wife Ljuba / Serb/ and their two children),
3. **Hasanović (Sado)** Avdo from Slatina (17).
4. **Sejfić (Haso)** Sajto (45, nurse),
5. ... (...) **Džemal ...** (25, by profession a postman, a native of Sarajevo)
6. **Mehić (Mujo?)** Kuljo ili Meho (Žabokvica?)
7. **Mehić (Mušan?)** Ibro (Žabokvica?),<sup>94</sup>
8. **Pilav (...)** Murat from Gladovići.

### **Bosniaks killed by Germans in 1943:**

1. **Ahmetović (Abid)** Ramo from Krasanovići (38).
2. **Hasanović (Hajder)** Murat from Rađenovići (18),
3. **Huseinović Ahmet** from Hranča (shot in Zvornik),

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<sup>94</sup> Mehić (Mujo) Meho i Mehić (Mušan) Ibro iz Žabokvice nalaze se na spisku „Zemaljske komisije“ kao žrtva četnika 1941. godine. Nisam siguran da li su to **Mehić Kuljo i Ibro koji se u izjavama svjedoka spominju kao žrtve Crne legije na Drini jer su nosili šajkače.**

4. **Mahmutović Mujo** (killed by a German mortar in Paljevići)
5. **Sušić Osman** (hanged in Šabac),

#### **Croats killed by Chetniks:**

1. **Blažević (Stjepan) Andrija** from Polomi (32, killed in 1942) and
2. **Jakšić (Miroslav) Božo** from Srebrenica (21, killed in 1941).

#### **Jews killed in Srebrenica and taken to the camp in 1943 by the Ustashas:**

1. **Sion (...) Samika** (30, murdered),
2. **Sion (...) Sajka** (30, murdered),
3. **Sion (...) Monika** (9, murdered),
4. **Sion (...) Šela** (20, murdered),
5. **Ozmo Estera (...)** (42, taken to a prisoner camp),
6. **Ozmo (...) Hana** (30, taken to a prisoner camp).<sup>95</sup>

#### **Roma killed by the Ustashas in 1943 in Likari:**

1. **Hopić (Alaga) Hamid** (45).

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95 Eli Tauber navodi da je u Srebrenici živjelo šest Židova koji su ubijeni ili odvedeni u logor što je tačno. Potom piše kako su ubijeni svi članovi porodice Sion i dvoje članova porodice Ozmo. Porodica Sion imala je četiri člana. Tako iz Tauberovog tumačenja proizilazi da su svi srebrenički Židovi ubijeni (šest osoba) iako on naglašava da su neki odvedeni u logor, ali ne kaže koji od njih. **Up. Tauber Eli**, *Holokaust u Bosni i Hercegovini, Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava*, Sarajevo 2014, 308. Uvidom u arhivsku građu „Zemaljske komisije“, odnosno u njen spisak žrtava Drugog svjetskog rata u srezu Srebrenica, otkriva se da su ubijena samo spomenuta četiri člana porodice Sion dok su Estera i Hana Ozmo odvedene u logor.

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*Ermin Kuka*

*Hamza Memišević*

## **CRIMES AGAINST BOSNIAKS IN SREBRENICA DURING THE SECOND WORLD WAR FROM 1941 TILL 1945**

### ***Summary***

*The end of the 18th and the beginning of the 19th century marked the beginning of a terrible period of suffering and monstrous crimes committed against Bosniaks in Bosnia and Herzegovina. That time is, in fact, the time of realization of the ideology, policy and practice of creating ethnically pure Serbian territories on the territory of the Balkan Peninsula. The ultimate goal of such efforts and implementers of such an ideology was and remains the creation of an ethnically pure Serbian state, the so-called of Greater Serbia. The monstrosity, horror, bestiality, cruelty and ferocity of the realization of such a malicious ideology were most felt by Bosniaks in Bosnia and Herzegovina. The territory of Bosnia and Herzegovina is/was targeted as an indispensable and imperative territory of an ethnically pure Serbian state. A special focus of Greater Serbian ideologues was and remains the area of Podrinje, i.e. the territory of Bosnia and Herzegovina along the Drina River (west of the Drina River). This area was marked by Greater Serbian ideologues as the most important geostrategic area of the future "Greater Serbia", and the Drina River was mythologized and declared the "backbone of the Serbian people", the "aorta of Serbianness". The malice of such efforts has been demonstrated by the example of cities throughout the Podrinje, including the city of Srebrenica. Srebrenica, like other Bosnian cities in the Podrinje region, was targeted as a territory of "exceptional strategic importance" for a "final solution to the Serbian question" in Bosnia and Herzegovina. This was impossible to realize without committing numerous crimes against humanity and international law against Bosniaks, including genocide. The culmination of these crimes against Bosniaks in Srebrenica occurred during World War II in the period of 1941-1945, as well as during the aggression against the Republic of Bosnia and Herzegovina in the period of 1992-1995. It can be reasonably claimed that the crimes and genocide committed against Bosniaks in Srebrenica during the Second World War were an overture to later even more horrific and greater crimes and genocide during the aggression against*

*the Republic of Bosnia and Herzegovina. Bosniaks in the Srebrenica area were targeted as targets of the Greater Serbia ideology during the Second World War; and this is confirmed by the mass and individual crimes committed by the bearers of that ideology (Chetniks). In proving the above theses, all basic methods were used, then general scientific methods (hypothetical-deductive, comparative and statistical), while for the purposes of obtaining data, the analysis (content) of documents and the case study method were used. The results of the research are a relevant indicator of horrific crimes, including the crime of genocide committed against Bosniaks in Srebrenica during the World War II and the efforts of Greater Serbia ideologues to completely ethnically cleanse the city of non-Serbs. The results of this research are a good starting point and starting point in the description, elaboration and presentation of the continuity of crimes committed against Bosniaks in Srebrenica, all the way to the genocide committed during the 1992-1995 aggression.*

**Key words:** *crimes, Bosniaks, The Second World War, Srebrenica, genocide*

## **Introduction**

Theoretical and especially empirical scientific research<sup>1</sup> on crimes against humanity and international law, including research on the crime of genocide, is a complex and demanding study. Such scientific research implies research within all modern methodological directions, as well as the use of all analytical-synthetic methods, then general scientific methods, as well as methods of obtaining data and their techniques and instruments. Bearing in mind the fact that “the phenomenon of crime is an empirical phenomenon this means that scientific research into crime is predominantly empirical.”<sup>2</sup>

The subject of this paper is the crimes committed against humanity and international law, including the crime of genocide against Bosniaks. The timeframe of the subject of research is the period of the Second World War

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1 Scientific research is “a very complex, organized, systematic, subject-matter and goal-oriented process of true knowledge about nature and society using cognitively penetrating, reliable and valid, scientifically constructed and tested procedures, methods and techniques and coherent, consistent approaches and concepts.” (Termiz, Dževad (2009). *Metodologija društvenih nauka (drugo izmijenjeno i dopunjeno izdanje)*. Lukavac: NIK “Grafit“, pp. 189).

2 Kuka, Ermin (2020). *Primjena metoda pribavljanja podataka u istraživanju zločina počinjenih tokom oružanih sukoba*, in: „Anali Pravnog fakulteta Univerziteta u Zenici“, Year 12, Vol. 12, pp. 175-190.

from 1945 till 1945. It is spatially focused on the region of Podrinje, with special reference to the city, i.e. the county of Srebrenica. The aim is to use a scientific approach to describe the number of individual and mass crimes committed against humanity and international law, including the genocide of Chetniks against Bosniaks in the Srebrenica district. The basic thesis that starts in the research, and which will be proven through the research, is that the Chetniks committed numerous mass and individual crimes against humanity and international law against Bosniaks in the Srebrenica district, including the most serious form of crime, the crime of genocide during the Second World War from 1941 until 1945.

### **Podrinje and Srebrenica before the beginning of the Second World War**

Ever since the First Serbian Uprising against the Ottoman Empire, the wider region of Podrinje and the cities (districts) within that region have been the focus of Serbian radical nationalist and fascist ideology, embodied in the idea of “all Serbs in one state”. For the realization of that goal, the idea of creating an ethnically pure Serbian state on the territory of the Balkan Peninsula was formulated and conceptually elaborated, that is the creation of “Greater Serbia”. The realization of this radical nationalist idea could not have been achieved without committing numerous forms of crimes against humanity and international law against the non-Serb population, primarily Bosniaks. Thus, “in the summer of 1809 there was a serious attempt to realize these conquest claims. The rebels, among other things, took control of Višegrad and Srebrenica, and built a solid bridgehead on the left bank of the Drina.<sup>3</sup> Serbian uprisings and revolts against the Ottoman rule forced Bosniaks in the Principality of Serbia to leave their homes and seek refuge in other places. Thus, a certain number of Bosniaks found salvation from repression and crime in Srebrenica, where 22 families immigrated.<sup>4</sup>

From the very beginning, the territory of Bosnia and Herzegovina was targeted as the territory of “Greater Serbia”, ethnically cleansed of the non-Serb

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3 Čekić, Smail (2012). *Genocid i istina o genocidu u Bosni i Hercegovini*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 47; Nenadović, N. Konstantin (1883). *Život i dela velikog Đorđa Petrovića Karađorđa*. Beč, pp. 247.

4 Bandžović, Safet (2001). *Iseljavanje muslimanskog stanovništva iz kneževine Srbije u Bosanski vilajet (1862-1867)*, in: „Znakovi vremena - časopis za filozofiju, religiju, znanost i društvenu praksu“, Vol. 12, pp. 149-171.

population. The realization of this sick and monstrous idea began in practice during the First World War, when the first Chetnik incursions across the Drina River into the territory of Bosnia and Herzegovina were recorded. Namely, at the very beginning of the First World War in 1914, “the Serbian army crossed the border and besieged the Višegrad Parish. In that occupation, they set fire to a significant number of Bosniak houses... “<sup>5</sup> Due to these incursions by the Serb army, which ravaged and destroyed their homes, a significant number of Bosniaks along the Drina River moved to western Bosnia during and after the war.

Nevertheless, a large number of Bosniaks in Podrinje returned to their destroyed, burned and looted homes, trying to start life anew. Although living conditions were difficult and the political turmoil was constant, Bosniaks survived throughout the Podrinje, on their estates and homes.

With the territorial reorganization of the Kingdom of Yugoslavia in 1929 (until 1929, the name of the state was the Kingdom of Serbs, Croats and Slovenes), Srebrenica became an integral part of the Drina Banovina (Province). It remained within that province until the occupation of the Kingdom of Yugoslavia by Nazi Germany in April 1941.

The Second World War was a new occasion to awaken more revamped radical nationalist, criminal (genocidal) ideas and to start the realization of the set plans for the creation of an ethnically pure Serbian state, i.e. Greater Serbia. Podrinje as a whole was targeted as a territory of crucial and enormous strategic importance for Greater Serbia ideology, politics and practice. The region of Podrinje was declared a Serbian living space by that and such a conquering and genocidal ideology. Therefore, during the Second World War, the region became the scene of numerous forms of crime, including the crime of genocide against Bosniaks.

### **Srebrenica during the Second World War**

Immediately after the occupation of the Kingdom of Yugoslavia, on April 10, 1941, Bosnia and Herzegovina, by the decision of the Nazis and the will of the Ustashes, and against the will of the population of Bosnia and Herzegovina, was annexed to the newly formed fascist quisling creation, the

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5 Kuka, Ermin (2019). *Genocid nad Bošnjacima u Višegradu 1992-1995*. Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava Univerziteta u Sarajevu, pp. 21; Sućeska, Mustafa (2001). *Krvava ćuprija na Drini*. Sarajevo: DES, pp. 33.

so-called Independent State of Croatia. Consequently, the area of Srebrenica, i.e. the Srebrenica district, became part of such a creation. Srebrenica became the seat of the district within the large parish of Vrhbosna.

Throughout the war, the occupation authorities in Srebrenica changed several times. After the initial occupation by the Ustashas, in 1941 the Chetniks captured Srebrenica and established their rule. They held power until the beginning of 1942. At the beginning of 1942, a pact was created between the Chetniks and the Partisans, who together exercised civilian and military power in Srebrenica. Previously, the partisans, in the action that they started at the beginning of March 1942, took control of Srebrenica, which forced the Chetniks to make a pact with them. Vladimir Dedijer, in a book *Dnevnik, prva knjiga od 6. aprila 1941. do 27. novembra 1942* (in English: *Dnevnik, the first book from April 6, 1941 to November 27, 1942*), notes: “Wednesday, March 25, Foča - Finally, a courier came from Vlasenica. He brought a report from the Proletarian Brigade. Our people liberated Vlasenica, Milići, Srebrenica, Bratunac, Drinjača. Bosnian Chetniks offered no resistance. They all crossed over to our side in masses. The commander of the Srebrenica detachment, Pero Bukanović, threw a Chetnik cockade in front of 150 Chetniks and went singing to the position against the Ustashas. So, these Nedić elements were politically defeated in front of the masses. Their military defeat was a technical issue, as Crni would have said”<sup>6</sup>

By the end of 1942, Srebrenica was again occupied by the Ustashas, led by Jure Francetić, the founder and first commander of the “Black Legion”. During “May 1943”, several groups of Serb refugees returned from Serbia to eastern Bosnia, to the territory of the Srebrenica district. What was new was that the Ustasha authorities allowed them to return to their homes on the condition that they recognize the Independent State of Croatia government.”<sup>7</sup>

At the end of June 1943, the partisans, during the retreat towards eastern Bosnia, and after the breakthrough in the fifth enemy offensive, captured Srebrenica, and by the end of that month, other cities in the area as well. Regarding the partisan attack on Srebrenica at the end of June 1943, the Bosnian politician, author and writer Rodoljub Čolaković notes in his *Zapisi iz oslobodilačkog rata* (in English: *Notes from the Liberation War*), among other things: “The fight was fought all night and the next day until noon.

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6 Dedijer, Vladimir (1970). *Dnevnik, prva knjiga od 6. aprila 1941. do 27. novembra 1942*. Beograd: Prosveta, pp. 121.

7 Hurem, Rasim (2016). *Bosna i Hercegovina u Drugom svjetskom ratu*. Zagreb/Sarajevo: Plejada-BNZG/University press, pp. 84.

The small Bosnian town of Srebrenica all crammed into a cramped mountain range, resounded with gunfire and bombing. Around noon, the Ustashas made a breakthrough from the besieged town and abruptly fled towards Bratunac. About one hundred and fifty Ustashas were killed in that breakthrough. Their losses would have been even greater if our troopers had set up stronger ambushes on the Srebrenica-Bratunac road.”<sup>8</sup> The Partisans did not retain power in the Srebrenica area for long. Ustasha forces recaptured Srebrenica in 1943. During the recapture of Srebrenica, the Ustashas massacred more than 200 locals, mostly Bosniaks. The atrocities of the Ustashas against the Bosniak population resulted in the withdrawal of prominent Tuzla Bosniaks from the Ustasha movement.<sup>9</sup>

During 1943, the Ustashas committed a massacre of the Bosniak population. News of these crimes reached members of the Khanjar Division, which certainly contributed to the increase in their dissatisfaction.<sup>10</sup> Ismet Bektašević, a native of Srebrenica, played an important role in recruiting Bosniak masses for the partisan movement. The Communists consciously chose Bektašević, in order to win over the Bosniak people to the National Liberation Movement. Even in the pre-war period, Bektašević enjoyed a reputation among Bosniaks, due to the fact that he was a member of the Yugoslavian Muslim Organization. At the session of ZAVNOBIH, Ismet Bektašević was elected to the presidency of that body, and at the Second session of AVNOJ he held the position of councilor.<sup>11</sup>

In 1944, there were big fights again. In July 1944, the First Ustasha Standing Coalition fought around Srebrenica and, together with the Germans, led a breakthrough to Zvornik. In all these campaigns, Srebrenica suffered mass destruction and demolition. All this was accompanied by the commission of monstrous and horrific crimes, especially the crime of genocide against Bosniaks by Chetniks.

### **Saving Serbs from the Ustasha massacre in Srebrenica**

There are a number of examples from the time of the Second World War where Bosniaks defended their Serb neighbors from persecution and massacre of Ustashas, after the so-called Independent State of Croatia was

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8 Čolaković, Rodoljub (1951). *Zapisi iz oslobodilačkog rata (četvrta knjiga)*. Sarajevo: Svjetlost, pp. 166.

9 Ibid, pp. 130.

10 Ibid, pp. 117-118.

11 Ibid, pp. 142-143.

established. They did so not only physically, but also by sending numerous resolutions asking the Ustasha authorities to urgently stop the persecution and extermination of the Serb population throughout Bosnia and Herzegovina.<sup>12</sup> On the other hand, there were no such initiatives and resolutions by Serbs.

One of the most obvious examples of Bosniaks defending the Serb population is the one that just happened in Srebrenica. After the Ustasha government was established in Srebrenica in 1941, the Ustashas launched a campaign of mass persecution and extermination of the Serb population. Dr Asim Ćemerlić had “as a doctor in Srebrenica, with his influence and reputation, saved about seventy Serbs from deportation and certain death. “After that, in August 1941, the Chetniks of Jezdimir Dangić, a former gendarmerie major in Tuzla, captured Srebrenica and immediately began persecuting Bosniaks. Dr Ćemerlić, with a position and reputation of the doctor and a man who saved many Serbs, hovered in vain over the Chetnik leaders and the headquarters to leave the Bosniaks alone.”<sup>13</sup>

Historian Senija Milišić, in her research, came across a document which clearly shows that in 1942, the liquidation of 3,500 Serbs from Srebrenica and the surrounding areas was planned in the Srebrenica district. In the summer of 1942, “the order for the massacre of Serbs in that area was issued by Lieutenant Kurelac. About 3,500 Serbs, men, women and children from the area of the Srebrenica district were gathered and locked in barracks, and the pits for their killing were ready, but thanks to the Muslim neighbors, that did not happen.”<sup>14</sup> A year later (in 1943), the very same Kurelac stood out

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12 “The first such protest against Ustasha crimes came from the Assembly of the Association of Ilmia ‘El Hidaje’, held in Sarajevo on August 14, 1941. After that, in the period September-December 1941, resolutions were passed and published in Prijedor, Sarajevo, Mostar, Banja Luka, Bijeljina and Tuzla with the signatures of a large number of Bosniak citizens, condemning the Ustasha crimes, decisively separating them from those Bosniak individuals who participated in the commission of these crimes and the information on the persecution and suffering of Bosniaks are provided“ (Imamović, Mustafa (1997). *Historija Bošnjaka*. Sarajevo: Bošnjačka zajednica kulture “Preporod“, pp. 535).

13 Ibid, pp. 535.

14 “A fortunate circumstance wanted an Ustasha officer to entrust the plan to a prominent Bosniak from Srebrenica, who did not hesitate to inform prominent citizens, and then start an operation with them to thwart the Ustashas plan to exterminate Serbs. Ustasha camp inmate Slavko Oraščić confided in some Muslims, citizens of Srebrenica, in particular Nazif Klančević, that Kurelac was preparing the massacre of all imprisoned Serbs, and that it was said that an order had come from Muslim citizens from Tuzla to intervene and release all Serbs. In difficult war conditions and in a country that was still underdeveloped, informing the Ustasha command in Tuzla about the intentions of their branch in Srebrenica was not easy, but the lack of traffic infrastructure did not prevent

in the horrific massacres of Serbs and Bosniaks in the Srebrenica area.

Despite the fact that they repeatedly defended their Serb neighbors from the Ustasha terror throughout Bosnia and Herzegovina, including Srebrenica, the Chetniks turned against the Bosniaks. They carried out terrible massacres and liquidations of the Bosniak population throughout the Srebrenica district, all in accordance with their guiding idea of creating ethnically pure Serb territories in Podrinje.

### **Crimes against Bosniaks in Srebrenica in the period of 1941-1945 – scope and consequences**

At the beginning of the uprising against the occupying regime in 1941, the first Chetnik units were formed in the entire territory of Bosnia and Herzegovina. Thus, “in addition to the local Chetnik elders, officers in the service of Draža Mihailović arrived in eastern Bosnia at the beginning of the uprising. Jezdimir Dangić, a gendarmerie major, came to the Srebrenica, Bratunac and Drinjača areas in mid-August.”<sup>15</sup> This concentration of Chetnik elders and their units was aimed at taking control of the Podrinje area and the whole of eastern Bosnia. Thus, the Chetniks “under the command of the gendarmerie major Jezdimir Dangić captured Srebrenica on August 18, 1941. Some of them were armed, and some were with axes and clubs. On the same day, in Srebrenica, Serbian Chetniks from Ljubovija and Bajina Basta came.”

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Srebrenica Bosniaks from seeking intervention. Despite that fact, the Bosniaks of Srebrenica resisted evil in 1942, they resisted the call of crimes and criminals, and they learned that a massacre of Serbs would take place. They urgently organized themselves at one meeting and sent a dispatch to Tuzla. There were no telephones, cell phones or televisions at the time, and the only means of communication were dispatches that lasted up to 10 years after World War II until telephone traffic was established and built.“ (<https://balkans.aljazeera.net/teme/2018/1/20/u-srebrenici-1942-bosnjaci-od-pokolja-spasili-3500-srba> (Retrieved: February 20, 2021)).

“At the beginning of April 1942, Srebrenica was occupied by the ‘Black Legion’ under the command of Francetić. About 3,500 Serbs (men, women and children) from the Srebrenica district were gathered and locked in barracks near the Srebrenica hospital. Pits were prepared for their mass killing. These people survived only thanks to the quick and energetic intervention of Srebrenica Bosniaks by senior Ustasha officials. An order came from Tuzla for all arrested Serbs to be released, so the Ustasha lieutenant Kurelac was prevented from carrying out the massacre. However, in mid-June 1943, Kurelac massacred Serbs, several Bosniaks and Jews“ (A weekly magazine *Stav*, Vol. 258, February 17, 2020).

15 Hurem, Rasim (2016). *Bosna i Hercegovina u Drugom svjetskom ratu*. Zagreb/Sarajevo: Plejada-BNZG/University press, pp. 142.

<sup>16</sup> They took control not only of Srebrenica, but also of some surrounding places in Podrinje (Vlasenica, Han Pijesak, stationed units in Kladanj, Olovo, Podromanija), without any resistance. Thus, a large concentration of Chetniks was created in a not so large area. With the reorganization of Chetnik units, the Srebrenica and Vlasenica Chetnik detachments were formed, and even then the first massacres of the Bosniak population in the area of Srebrenica and Podrinje were recorded.

Since a large number of local Chetniks and Chetniks who came from Serbia settled in Srebrenica, and food had to be provided for them, the Chetniks immediately started seizing and looting the property of Bosniaks, both in the city and in the villages. In addition to the looting, in some villages around Srebrenica, “Muslim women were raped especially girls ... During their stay in Srebrenica, local and Serbian Chetniks killed about 1,000 Muslims in the town and surrounding villages.”<sup>17</sup>

Even after signing a pact with the partisans on the joint exercise of civilian and military power in Srebrenica in early 1942, the Chetniks continued to commit cruel and horrific crimes against Bosniaks in Srebrenica. The Chetniks, who came to the area of Srebrenica from other, surrounding cities and Serbia in their bloodthirsty campaigns, stood out in particular. According to the “report of the Srebrenica district chief from January 29, 1942, that place was under Chetnik rule from August 18, 1941 to January 16, 1942. The Srebrenica district had about 40,000 people. About half were Muslims, half were Serbs, and there were one Jewish and several Catholic houses.”<sup>18</sup>

Serbian Christmas, at the beginning of January 1942, “in accordance with the tradition related to the ‘investigation of poturica’ and *Gorski vijenac*, was a signal for the beginning of mass slaughter and killing of Bosniaks. “<sup>19</sup> Asim Ćemerlić, who previously excelled in saving Serbs from Ustasha persecution and slaughter, was also on the liquidation list. “Three of the eighty he saved” were appointed for his liquidation. He was secretly warned about that by the wife of the Chetnik commander Dangić, out of gratitude that

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16 Ibid, pp. 249.

17 Ibid, pp. 250, according to: Dedijer, Vladimir i Antun Miletić (1990). *Genocid nad Muslimanima, 1941-1945: zbornik dokumenata i svjedočenja*. Sarajevo: Svjetlost, pp. 86-88, 122-123; Ćekić, Smail (1996). *Genocid nad Bošnjacima u Drugom svjetskom ratu, Dokumenti*. Sarajevo: MAG, pp. 84-87.

18 Dizdar, Zdravko (2002). *Četnički zločini u Bosni i Hercegovini 1941.-1945. (tom I)*. Zagreb: Hrvatski institut za povijest/Dom i svijet, pp. 184.

19 Imamović, Mustafa (1997). *Historija Bošnjaka*. Sarajevo: Bošnjačka zajednica kulture “Preporod“, pp. 535.

Dr Ćemerlić saved her sick child. Dr Ćemerlić fled across the Drina River to Serbia, where the authorities of General Milan Nedić gave him refuge, knowing and appreciating what he did for the Serbs.”<sup>20</sup> Thus, he was saved from certain death by those Serbs whose lives he saved with his efforts.

“Rajko Ćelonja’s Chetniks, about 300 of them, who came from Birač (Vlasenica) and Chetniks under the command of Jezdimir Dangić, who came from Serbia, in Srebrenica and Srebrenica villages, from 5 till 16 January 1942, they committed a thorough robbery... In doing so, they ‘brutally’ treated men and women. They were beaten and stabbed in various parts of the body... There were several rapes of girls aged 14 and older. People were killed with firearms, blows with a blunt object, and very often slaughtered. In Srebrenica itself, they looted all Muslim houses and shops and killed about 25 Muslims. In the whole district during the period of 11 days, they killed about 1,000 people.”<sup>21</sup> After the horrific crimes committed against Bosniaks in Srebrenica, the Chetniks continued with their bloody campaign in other towns across the Podrinje. They killed and slaughtered the Bosniak population, and only a few managed to save themselves and avoid the Chetnik massacre.

Starting from June 1942, the Chetniks again concentrated in the area around Srebrenica, which was then under Ustasha rule. Vladimir Dedijer, in his book *Dnevnik, prva knjiga od 6. aprila 1941. do 27. novembra 1942.* (in

20 Ibid, pp. 536.

21 Hurem, Rasim (2016). *Bosna i Hercegovina u Drugom svjetskom ratu*. Zagreb/Sarajevo: Plejada-BNZG/University press, str. 262, prema: Dedijer, Vladimir i Antun Miletić (1990). *Genocid nad Muslimanima, 1941-1945: zbornik dokumenata i svjedočenja*. Sarajevo: Svjetlost, pp. 87, 122-124.

About the Chetnik crimes in Srebrenica, the head of the district reports: ‘The exact number of victims cannot be known now, but on the occasion in the Srebrenica district about 1,000 people were executed, and material victims are invaluable, because they looted everything, slaughtered and destroyed all cattle and other movable property. During the robbery, they brutally treated men and women, beat them with wire, butts, stabbed various parts of the body, stripped naked men and women, as if born of a mother, and forced them to give them money, say who has the money and who escaped, and to many, even if they gave everything they had, they would take away their bare lives. There have been several rapes of girls aged 14 and over. Some people were killed with rifles, some with butts, and most were slaughtered like lambs. People lived in constant fear, because everyone was afraid, and they spent several nights and days in the woods that winter. In addition to the people killed and slaughtered by the Chetniks, there are many dead from the aftermath of the beatings and cold’. At the end of the report, it is pointed out that the remaining residents are endangered with hunger and infectious diseases because of lack of food, illness and cold, and urgent and purposeful help is sought.” (Dizdar, Zdravko (2002). *Ćetnički zločini u Bosni i Hercegovini 1941.-1945. (tom I)*. Zagreb: Hrvatski institut za povijest/Dom i svijet, pp. 184).

English: Dnevnik, the first book from April 6, 1941 to November 27, 1942), notes: "14. August / 226, 718 n.d. - In the period from June 5th to July 1st, 20 Chetniks were transferred from Serbia to the vicinity of Srebrenica. According to the collected data, Chetniks from Serbia will be sent to clean Bosnia and Herzegovina from partisans. They have already allegedly destroyed communist detachments in the areas along the border with Serbia."<sup>22</sup>

In April 1943, in the area of Srebrenica district, according to *the Report of the Srebrenica District on the number of refugees and refugees from the surrounding districts before the Chetnik crimes in April 1943*, there were '5316 refugees who fled Chetnik crimes' from the following districts: Vlasenica, Višegrad, Rogatica, Čajniče, Foča and Pljevlja'.<sup>23</sup>

In early June 1943, the Ustashas slaughtered about 100 'innocent Serbs' and killed two Muslims, one Muslim woman and her 'three weak children'. According to Enver Redžić, members of the 21st and 29th Ustasha Battalions killed about 200 people, women and children, mostly Muslims, in Srebrenica and its surroundings in mid-June 1943 and looted their property. "In the document *Ustashas' Crimes in Bosnia and Herzegovina - Excerpt from memorandum of Sarajevo Bosniaks to Dr Nikola Mandić, the Prime Minister of the Independent State of Croatia, on 28 and 29 April 1944*, among other things, it is stated: "... 2. Also, last year (i.e. 1943 - note S. Č.) Kurelac carried out a terrible massacre of the Muslim population in Srebrenica. On that occasion, the victims were the president of the district court Aganović, then his wife and three weak children, and the postmaster Džemal Pliska. It was established that Kurelac personally killed all these people..."<sup>24</sup>

The Chetniks continued with the same atrocities throughout Podrinje during 1943. As early as August 13, 1943, in Srebrenica, they looted and burned Bosniak villages: Karačići, Rolovci, Salkovići, Tehnjići and Tokoljak, during which they "killed all Muslims who failed to escape."<sup>25</sup>

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22 Dedijer, Vladimir (1970). *Dnevnik, prva knjiga od 6. aprila 1941. do 27. novembra 1942*. Beograd: Prosveta, pp. 368.

23 Dizdar, Zdravko (2002). *Četnički zločini u Bosni i Hercegovini 1941.-1945. (tom II)*. Zagreb: Hrvatski institut za povijest/Dom i svijet, pp. 523.

24 Čekić, Smail (1996). *Genocid nad Bošnjacima u Drugom svjetskom ratu, Dokumenti*. Sarajevo: MAG, str. 353.

25 Dizdar, Zdravko (2002). *Četnički zločini u Bosni i Hercegovini 1941.-1945. (tom I)*. Zagreb: Hrvatski institut za povijest/Dom i svijet, pp. 214, 283; Hurem, Rasim (2016). *Bosna i Hercegovina u Drugom svjetskom ratu*. Zagreb/Sarajevo: Plejada-BNZG/University press, pp. 282.

The weekly report of the Great Parish of Usora and Soli, made in Tuzla on June 7, 1943, states, among other things: “‘General mood of the people’ ... ‘... General mood of the people, especially in the Srebrenica district, is affected by the fact that during the last winter and so far, up to 5,000 Serb refugees were illegally returned from Serbia, who during 1941 and in early 1942 took part in Chetnik actions and atrocities against the Croatian population in the Vlasenica and Srebrenica districts, and in February and March 1942 before the onslaught of the Ustashas ‘Crnci’ (refers to members of the Ustasha Black Legion - note *the authors*) fled across the Drina to Serbia... “<sup>26</sup> According to the report, it is clear that the term “Croats” actually refers to Bosniaks, who suffered horrific and monstrous crimes committed by the Chetniks.

### **Concluding remarks**

The idea of the leaders of the Greater Serbia ideology and politics, and the direct executors of such a criminal and radical nationalist ideology, is the creation of ethnically pure Serbian territories throughout Bosnia and Herzegovina, and especially in Podrinje. Podrinje is targeted as an area of “strategic interest” for the realization of the criminal and sick idea “all Serbs in one state”. The realization of this idea was especially indicative during the Second World War from 1941 till 1945, when mass crimes were committed against Bosniaks throughout eastern Bosnia and Podrinje, including genocide. That fate befell Srebrenica as well. During the Second World War, the Chetniks committed monstrous and horrible crimes against their Bosniak neighbors, with the aim of completely clearing them of those areas. The Chetniks, led by General Dragoljub Draža Mihailović, did not choose the means or methods to realize their genocidal idea. Bosniaks in Srebrenica were not saved by the fact that on several occasions during the Second World War, they openly defended their Serb neighbors from Ustashas’ terror and liquidations. Instead of thanking them for everything they did to them, the Chetniks massacred, killed, raped girls and women in Srebrenica, and looted and destroyed property (movable and immovable). With the end of World War II, Bosniak survivors returned to their destroyed hearths in Srebrenica, starting life anew. They could not even imagine that they and their descendants would suffer the same fate again, and that they would be victims of genocide again, this time at the very end of the 20th century.

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26 Dizdar, Zdravko (2002). *Četnički zločini u Bosni i Hercegovini 1941.-1945. (tom II)*. Zagreb: Hrvatski institut za povijest/Dom i svijet, str. 538-539.

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# ***DOCUMENTS***

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*Vedad Gurda*

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**WAR CRIMES PROSECUTION IN YOUR OWN YARD:  
SOME INDICATORS OF THE FIFTEEN-YEAR WORK OF THE  
WAR CRIMES CHAMBER OF THE COURT  
OF BOSNIA AND HERZEGOVINA**

***Summary***

*In this paper, the authors pointed out the basic characteristics of the processing of war crimes that took place during the 1992-1995 war on the territory of Bosnia and Herzegovina and offered a brief overview of the genesis of the establishment, organization, competencies and challenges in the work of the War Crimes Chamber of the Court of Bosnia and Herzegovina. The Department is a judicial forum that, in accordance with the laws of Bosnia and Herzegovina, has original competencies related to the processing of war crimes, but it can also delegate those competencies to the entity courts, which it often does in practice.*

*However, the central focus of this paper was the research of certain segments of the fifteen-year activity of this Department in the processing of war crimes in the period 2005-2020. The paper presents a descriptive analysis of certain indicators, which, among other things, included the structure and phenomenological characteristics of the observed crimes, the gender structure of their perpetrators, the type of procedure (regular or summary) in which the crimes in question were completed, the ratio of convicts and acquittals for individual crimes, the manner in which the court decides on the property claim of the injured party and the penal policy, i.e. the policy of sanctioning perpetrators of war crimes.*

*It was established that in the observed period of time, hundreds of criminal proceedings against exactly 400 indictees were completed before the War Crimes Chamber of the Court of Bosnia and Herzegovina, and approximately the same number of criminal proceedings are still pending. The largest number of prosecuted are males, who in the majority of cases were*

*prosecuted for the criminal offense of crimes against humanity and war crimes against civilians. Approximately 2/3 of the accused were found guilty of the crimes charged in the indictment, while 1/3 were acquitted. It was established that the court councils in an extremely small number of cases in criminal proceedings decided on the property claim of the injured parties, and that they inherited a relatively mild penal policy.*

**Key words:** *war crimes, genocide in Bosnia and Herzegovina, War Crimes Chamber of the Court of Bosnia and Herzegovina, criminal policy, property claim of the injured party*

## **Introduction**

The international armed conflict from 1992 to 1995, which took the form of a war of aggression, i.e. aggression against the Republic of Bosnia and Herzegovina,<sup>1</sup> was characterized by grave and systematic violations of international humanitarian law, rape, deportation and forced imprisonment, persecution of civilians, illegal confiscation or destruction of private property and housing, devastation of industrial, historical, educational and health facilities and infrastructure, destruction of religious buildings, especially buildings of Islamic architecture, etc.<sup>2</sup> However, the most horrific consequences of the armed conflict in question were reflected in the attacks on the lives and physical integrity of the victims, which resulted in injuries, individual or mass killings, or huge human losses, the number of which has not been determined with certainty.

Based on some recent research, it is estimated that the number of war victims in Bosnia and Herzegovina includes a minimum of 104,732 people, of which 42,106 (40.2%) are civilians and 62,626 (59.8%) soldiers,<sup>3</sup>

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1 Enis Omerović, *Ujedinjene nacije i masovna kršenja ljudskih prava u formi međunarodnih zločina u Bosni i Hercegovini u vrijeme međunarodnog oružanog sukoba*, Pregled, god. LI, br. 3, Sarajevo, 2010, pp. 210.

2 Enis Omerović, *Ujedinjene nacije i masovna kršenja ljudskih prava u formi međunarodnih zločina u Bosni i Hercegovini u vrijeme međunarodnog oružanog sukoba*, Pregled, god. LI, br. 3, Sarajevo, 2010, pp. 210.

3 If we look at the ethnic structure of the victims, 68,101 Bosniaks, 22,779 Serbs, 8,858 Croats and 4,995 people of other nationalities were killed. See more details in: Jan Zwierchowski and Ewa Tabeau, *The 1992-95 War in Bosnia and Herzegovina: Census-Based Multiple System Estimation of Casualties' Undercount*, Conference Paper for the International Research Workshop on 'The Global Costs of Conflict' The Households in Conflict Network (HiCN) and The German Institute for Economic Research (DIW Berlin), Berlin, 2010, pp. 16-17 See: <https://www.diw.de/documents/dokumentenarchiv/17/>

as determined by Jan Zwierzchowski and Ewa Tabeau ( 2010), i.e. 95,940 killed or missing, which numerical indicators were obtained by the associates of the Research and Documentation Center from Sarajevo, and which were published in a study entitled *Bosanska knjiga mrtvih* (in English: *Bosnian Book of the Dead* in) 2012.<sup>4</sup>

A significant part of the aforementioned human losses and other consequences of the aforementioned armed conflict had the characteristics of certain war crimes, which by their brutality and scale surpassed all crimes committed on the territory of Europe after the Second World War. These are crimes of enormous proportions that reached their apocalyptic culmination in 1995 as part of the genocide in Srebrenica, a crime that will remain one of the biggest stains on the horizons of human conscience in the second half of the twentieth century.

Already during the war and immediately after it, the trial processes for the mentioned crimes began and they continue to this day. In addition, the trials in question have taken place or are still taking place at a higher level and before various judicial forums: *a) the International Criminal Tribunal for the Former Yugoslavia (ICTY), b) foreign courts and c) courts in Bosnia and Herzegovina.*

When it comes to prosecuting war crimes committed during the war in Bosnia and Herzegovina before the ICTY (the so-called *Hague Tribunal*),<sup>5</sup> before this judicial forum that operated from 1993 to 2017, persons at the highest level of military and political power in Bosnia and Herzegovina, but also from neighboring countries, which were involved in armed conflicts in Bosnia and Herzegovina, were prosecuted. In the indicated period, criminal proceedings against 161 indictees were completed before this court, of which as many as 113 indictees (70.2%) for war crimes in Bosnia and Herzegovina. A total of 75 people were convicted of these crimes, 8 people were acquitted, for 7 people charges were dropped, while 12 defendants died before or during the trial and their proceedings were suspended.<sup>6</sup> An appeal hearing in the

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[diw.01.c.350596.de/tabeau\\_%20conflict\\_gecc.pdf](http://diw.01.c.350596.de/tabeau_%20conflict_gecc.pdf) (Retrieved at: December 19, 2020)

4 Of this number, the circumstances of death were determined for 84,746 persons, while 9,684 (10.09%) persons are still listed as missing. Compare: Mirsad Tokača, *Bosanska knjiga mrtvih - Ljudski gubici u Bosni i Hercegovini 1991-1995*, Istraživačko dokumentacioni centar Sarajevo, Sarajevo, 2012, pp. 107-108.

5 More about this court and its legacy in: Carsten Stahn, Carmel Agius, Serge Brammertz, Colleen Rohan (eds.), *Legacies of the International Criminal Tribunal for the Former Yugoslavia: A Multidisciplinary Approach*, Oxford University Press, 2020.

6 Vedad Gurda, *Sporazumi za ratne zločine u Bosni i Hercegovini: između pokajanja i*

proceedings against Ratko Mladić<sup>7</sup> was held before *the International Residual Mechanism for Criminal Courts*, which is the legal successor of the ICTY and the International Criminal Tribunal for Rwanda (ICTR)<sup>8</sup>, in August 2020, and in April 2021 the retrial of Jovica Stanišić and Franko Simatović was completed. These are two high-ranking officials of the State Security of Serbia during the wars in the former SFRY, who are accused of having founded, armed and financed paramilitary units that committed terrible atrocities in Croatia and Bosnia and Herzegovina in the period of 1992-1995.<sup>9</sup> Final verdicts in both cases are expected by the end of 2021, in which the prosecution of war crimes committed in Bosnia and Herzegovina before these international judicial bodies will be completed.

In parallel with the trials before the ICTY, war crimes trials that took place in Bosnia and Herzegovina in the 1990s also took place before the foreign courts of some Western European countries, as well as some countries from ex-Yugoslavia. In this regard, the first such trial in Western Europe was conducted by the Danish judiciary against Refik Sarić, who was sentenced to 8 years in prison<sup>10</sup> in 1995 for assisting HVO guards in committing war crimes against prisoners in the Dretelj camp near Čapljina during 1993.<sup>11</sup>

Osim njega, pred švedskim pravosuđem za zločine u logoru Dretelj 2011. godine osuđen je i pripadnik HOS-a Ahmet Makitan te mu je izrečena zatvorska kazna od 5 godina.

The prosecution of war crimes committed in the Dretelj camp also took place before the judiciary of the Kingdom of Sweden, where in 2006 criminal proceedings were conducted against a Swedish citizen, Jackie Arklov. He is accused of having participated as a paid member of the HVO in committing crimes against prisoners of war of the RBiH Army and Bosniak civilians in

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*konsenzualne pravde*, Zbornik radova Pravnog fakulteta u Tuzli, vol. VI, br. 1-2, 2020, pp. 47.

7 More in: Marin Bonačić, *Međunarodni rezidualni mehanizam za kaznene sudove: funkcije i odnos sa hrvatskim pravosuđem*, Zbornik Pravnog fakulteta u Zagrebu, Vol. 64, br. 5-6, 2014, pp. 1067-1078.

8 More in: Marin Bonačić, *Međunarodni rezidualni mehanizam za kaznene sudove: funkcije i odnos sa hrvatskim pravosuđem*, Zbornik Pravnog fakulteta u Zagrebu, Vol. 64, br. 5-6, 2014, pp. 1067-1078.

9 See in: <https://www.irmct.org/bcs> (Retrieved at: April 18, 2021)

10 <https://vijesti.ba/clanak/39546/danska-refik-saric-nakon-odsluzene-kazne-moze-bitiprotjeran-iz-drzave> (Retrieved at: April 24, 2021)

11 Antonio Cassese, *On the Current Trends towards Criminal Prosecution and Punishment of Breaches of International Humanitarian Law*, European Journal of International Law, vol. 9, no. 1/1998, pp. 6-7.

the Dretelj, Gabela, Silos camps, as well as other camps during 1993. During the trial, he admitted most of the counts of the indictment and was convicted of the crimes in question<sup>12</sup>.<sup>13</sup> Except him, a member of HOS, Ahmet Makitan, was convicted before the Swedish judiciary for crimes in the Dretelj camp in 2011 and sentenced to 5 years in prison.<sup>14</sup>

Finally, Mirsad Repak, who was accused of participating in the torture of Serb prisoners as a member of HOS, was prosecuted before the judiciary of the Kingdom of Norway for crimes in the mentioned camp in the first decade of the 21st century. In 2010, the accused Repak was found guilty of the aforementioned crimes and sentenced to 8 years in prison.<sup>15</sup>

Apart from the Scandinavian courts, a number of indictees charged with war crimes committed in Bosnia and Herzegovina have also been tried before the Austrian and German judiciaries. In this regard, a certain Duško Cvjetković was tried before the Austrian judiciary, who was found guilty in the first instance proceedings on certain counts of the indictment, but was acquitted of all charges on appeal in 1995.<sup>16</sup>

However, much more significant trials were conducted before German courts against a number of members of the Republika Srpska Army who were charged with the most serious crime - the crime of genocide. As an epilogue to these proceedings for the crime of genocide in the municipality

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12 The court sentenced the accused to 8 years in prison, but it was not imposed, considering that at the time of the trial, the accused Arklov was serving a life sentence for the murder of two police officers, which he committed during a robbery of a bank in Sweden in 1999. More in: Mark Klamber, *International Criminal Law in Swedish Courts: The Principle of Legality in the Arklöv Case*, *International Criminal Law Review*, vol 9, no. 2, 2009, pp. 395–409.

13 Jackie Arklov was previously (more precisely in 1995 and 1996) prosecuted before the Bosnian-Herzegovinian judiciary for some of the crimes committed in the mentioned camps. He was sentenced by the High Court in Mostar to a single sentence of 13 years in prison, which was reduced to 8 years on appeal in 1996 by the Supreme Court of the Federation of Bosnia and Herzegovina. See more in: *Ratni zločini u BiH: Pravomoćno završeni kazneni postupci u Bosni i Hercegovini 1992-2006*, American Bar Association (ABA) i Udruženje tužilaca Bosne i Hercegovine, pp. 27-38.

14 Frederiek De Vlaming, Kate Clark, *War Reparations in Bosnia and Herzegovina: Individual Stories and Collective Interests* in: Dubravka Zarkov, Marlies Glasius (eds.), *Narratives of Justice In and Out of the Courtroom: Former Yugoslavia and Beyond*, Springer, 2014, pp. 172.

15 *Ibid*, pp. 170-171.

16 Compare: *Izgubljeni ratni zločinci* (<https://www.cin.ba/prica-19-izgubljeni-ratni-zlocinci/>) (Retrieved at: March 23, 2021), *Cvjetković ponovo pred sudom* (<http://www.infobiro.ba/article/495401>), (Retrieved at: March 23, 2021)

of Doboj, a certain Nikola Jorgić, who was also the first convict for the crime of genocide in Europe after the Second World War, was sentenced to life imprisonment.<sup>17</sup> Except him, Đurađ Kušljić, a former local police chief, was sentenced to life imprisonment by the Bavarian Higher Regional Court in Munich for participating in the genocide in the Kotor Varoš municipality.<sup>18</sup> Also, for complicity in the genocide against the Bosniak population in Osmaci near Kalesija, the Higher Regional Court in Dusseldorf in 1999 sentenced Maksim Sokolović to 9 years in prison, and the same decision of the court was confirmed in 2001 by the German Supreme Court.<sup>19</sup> Finally, Novislav Đajić was prosecuted before the Bavarian Higher Regional Court in Munich for participating in the shooting of 15 Bosniaks on the bridge in Trnovača near Foča in 1992. He was acquitted of charges of the crime of genocide due to the non-existence of the so-called genocidal intent, but was convicted as an accomplice in the commission of fourteen crimes of murder and one attempted murder, given that one of the captured Bosniaks survived the shooting.<sup>20</sup>

These processes are extremely important because they clearly prove that genocide crimes were committed in other Bosnian-Herzegovinian municipalities outside Srebrenica, and that the Srebrenica genocide is not a lonely genocidal undertaking, but only the bloodiest scene of horrific atrocities committed by members of the Republika Srpska military and police forces in many areas of Bosnia and Herzegovina.

In addition, it is interesting to note that criminal proceedings for war crimes in Bosnia and Herzegovina were initiated before the judicial authorities of the Kingdom of the Netherlands. Namely, in 2010, Hasan Nuhanović and members of Riza Mustafić's family, who were employed at the UN Base in Potočari near Srebrenica, filed criminal charges for complicity in genocide or other war crimes against three commanders of the Dutch battalion of the UN forces in Srebrenica, Tom Karremans, Rob Franken and Berend Oosterveen, because members of their families Ibro Nuhanović, Muhamed Nuhanović and Rizo Mustafić were forced to leave the base and then captured and killed by members of the Republika Srpska Army. Although the Dutch public prosecutor

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17 Dževad Mahmutović, Mahir Muharemović, *Prva presuda za genocid u Evropi nakon Drugog svjetskog rata*, Monumenta Srebrenica, vol. 2, 2013, pp. 130-131.

18 Dževad Mahmutović, Mahir Muharemović, *Prva presuda za genocid u Evropi nakon Drugog svjetskog rata*, Monumenta Srebrenica, vol. 2, 2013, pp. 130-131.

19 Dževad Mahmutović, Mahir Muharemović, *Prva presuda za genocid u Evropi nakon Drugog svjetskog rata*, Monumenta Srebrenica, vol. 2, 2013, pp. 130-131.

20 Hikmet Krčić, *Genocid nad Bošnjacima i njemačko pravosuđe: univerzalna jurisdikcija za genocid*, Godišnjak BZK Preporod, Sarajevo, 2015.

had launched an investigation against the accused, it was suspended in 2013. Hasan Nuhanović and members of the Mustafić family appealed the decision to the Court of Appeal in Arnhem-Leeuwarden, which did not uphold it.<sup>21</sup> After that, the appellants appealed to the European Court of Human Rights, which rejected their appeal as unfounded.<sup>22</sup>

Finally, it is worth noting that certain criminal proceedings related to war crimes in Bosnia and Herzegovina have also been conducted before the Swiss judiciary. True, none of the direct perpetrators of war crimes has been prosecuted before the competent courts in Switzerland, but it is a criminal case against the Swiss politician Donatello Poggi, because he denied and trivialized in several articles published on local portals in 2012 genocide in Srebrenica. Due to the above, Poggi was sentenced in 2016 in the first instance, and then in 2017 in the second instance, to a suspended sentence of two years in prison for denying genocide as a form of racial discrimination.<sup>23</sup> However, in 2018, the Swiss Supreme Court acquitted Poggi of the crime and found that the lower courts' decisions violated his freedom of expression, finding that Poggi's texts were degrading and had a form of genocide denial, but that the accused did not intend to discriminate against others, nor to provoke racial hatred and intolerance towards Muslims.<sup>24</sup>

In addition to Western European countries, war crimes trials for war crimes in Bosnia and Herzegovina have also been conducted before the judiciary of neighboring countries.

Most war crimes trials in Bosnia and Herzegovina have been or are still pending before the judiciary of the neighboring Republic of Serbia, which have been prosecuted in the last decade before the War Crimes Chamber of the Belgrade High Court and the War Crimes Chamber of the Belgrade Court of Appeals. By the end of 2020, 78 war crimes cases had been opened before Serbian courts, of which 44 related to crimes committed in Bosnia and Herzegovina.<sup>25</sup> At the same time, as of that date, 18 cases were unfinished and

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21 See: The Verdict ECtHR in case *Mehida Mustafić – Mujić and Others Against the Netherlands* (Application no. 49037/15) from August 30, 2016, par. 27-48.

22 *Ibid.*, par. 131.

23 <https://balkaninsight.com/2017/06/20/switzerland-convicts-politician-of-srebrenica-genocide-denial-06-20-2017/> (Retrieved: April 26, 2021)

24 [https://www.swissinfo.ch/eng/srebrenica-massacre\\_swiss-politician-cleared-of-racial-discrimination-charges/44645500](https://www.swissinfo.ch/eng/srebrenica-massacre_swiss-politician-cleared-of-racial-discrimination-charges/44645500) (Retrieved: April 26, 2021)

25 Other cases are related to the prosecution of war crimes committed in Serbia, Kosovo and Croatia. By the end of 2020, a total of 61 people had been convicted of these crimes, and 48 defendants had been acquitted.

were in one of the stages of criminal proceedings, while 26 proceedings were finalized and within the same 33 persons (70.2%) were convicted of some of the war crimes committed during the war in Bosnia and Herzegovina, while 14 defendants (29.8%) were acquitted. All convicts are male.<sup>26</sup>

A small number of war crimes trials in Bosnia and Herzegovina have also been conducted before the courts of the neighboring Republic of Croatia, before which 7 proceedings against 10 indictees have been finalized so far. Of this number, half of the accused were acquitted and half were convicted,<sup>27</sup> including Slobodan Davidović<sup>28</sup> and Milorad Momić<sup>29</sup>, members of the infamous Scorpions unit, who were found guilty of war crimes against civilians and prisoners of war for participating in the murder of six young men from Srebrenica near Trnovo, and sentenced to 15 years in prison each.

In conclusion, several war crimes proceedings in Bosnia and Herzegovina have also been conducted before courts in Montenegro. In this regard, 5 persons were found guilty of war crimes against the Bosniak civilian population in Plužani near Foča, while the judgment of the High Court in Bijelo Polje from 2002, which was confirmed by the Supreme Court of the Republic of Montenegro, in 2003, one indictee was found guilty of war crimes committed by members of the Republika Srpska Army at a railway station in Štrpci (BiH) against civilians from border settlements in neighboring Serbia-Montenegro.<sup>30</sup>

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26 The summary data is the result of the analysis of the authors of this paper of all completed and current war crimes cases before Serbian courts, which are available on the website of the Humanitarian Law Center in Belgrade at the link: <http://www.hlc-rdc.org/?cat=234> (Retrieved at: April 26, 2021).

27 The above summary data was obtained by analyzing the war crimes cases that have been processed before the Croatian judiciary in the past period, and about which basic information is available on the website of Dokumente - Centra za suočavanje sa prošlošću (in English: the Document - Center for Dealing with the Past): <https://documenta.hr/kategorija/pravomocno-presudena>

28 The above summary data was obtained by analyzing the war crimes cases that have been processed before the Croatian judiciary in the past period, and about which basic information is available on the website of Dokumente - Centra za suočavanje sa prošlošću (in English: the Document - Center for Dealing with the Past): <https://documenta.hr/kategorija/pravomocno-presudena>

29 The above summary data was obtained by analyzing the war crimes cases that have been processed before the Croatian judiciary in the past period, and about which basic information is available on the website of Dokumente - Centra za suočavanje sa prošlošću (in English: the Document - Center for Dealing with the Past): <https://documenta.hr/kategorija/pravomocno-presudena>

30 Bogdan Ivanišević, Tea Gorjanc Prelević, *Suđenja za ratne zločine u Crnoj Gori (2009-2015)*, NVO Akcija za ljudska prava, Podgorica, 2016, pp. 8

Finally, most war crimes cases have been prosecuted before the domestic judiciary. Until 2004, the prosecution of war crimes in Bosnia and Herzegovina took place exclusively before the entity courts, before which at least 100 persons were prosecuted.<sup>31</sup> However, after that period, the trials for the crimes in question were conducted in parallel, both before the entity courts and before the newly formed Court of Bosnia and Herzegovina. According to the OSCE Mission, in the period from 2004 to the end of 2019, 577 proceedings against 873 indictees were completed before the courts in Bosnia and Herzegovina in the field of war crimes. Of that number, slightly more than half of the cases were completed before the courts of the entities and the Brčko District of Bosnia and Herzegovina, and the rest before the Court of Bosnia and Herzegovina, i.e. before the War Crimes Department of this court.<sup>32</sup>

The following text will offer basic information related to the creation and development of the War Crimes Chamber of the Court of Bosnia and Herzegovina, its competencies and challenges, and a descriptive analysis of some statistical indicators on the fifteen years of operation of this extremely important domestic judicial forum.

### **The Establishment of the War Crimes Chamber of the Court of Bosnia and Herzegovina**

War crimes proceedings before the Court of BiH are conducted within the War Crimes Chamber established in 2005. The idea of establishing a domestic court, i.e. judicial councils that would play the role of prosecuting the mentioned crimes, was born a few years earlier in the circles of the international community, as part of the strategy related to ending the work of the International Criminal Tribunal for the former Yugoslavia (ICTY)<sup>33</sup>, a

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31 More in: *Ratni zločini u BiH: Pravomoćno završeni kazneni postupci u Bosni i Hercegovini 1992-2006*, ABA/CEELI i Udruženje tužilaca BiH, Sarajevo, 2006.

32 At the same time, 192 proceedings were completed before the courts in the FBiH, 117 proceedings in the RS and 18 proceedings before the judiciary of the Brčko District. Unfortunately, the OSCE reports do not contain data on the number of persons prosecuted before the entity and Brčko District judiciaries. See: <https://www.osce.org/files/f/documents/b/b/451411.pdf> (Retrieved: March 9, 2021)

33 Under UN Resolution 1503 of 2003, the UN Security Council supported the implementation of the ICTY Completion Strategy, which required all investigations to be completed by 2004, first instance proceedings by 2008, and appeals proceedings by 2010. as one of the crown preconditions for its implementation pointed to the need to quickly establish a special department for war crimes at the Court of BiH. See: Lilian A. Barria, Steven D. Roper, *Judicial Capacity Building in Bosnia and Herzegovina:*

court that was formed by the United Nations as a judicial body with a limited term of office (*ad hoc* court) and which was a very expensive project, whose annual budget in some years exceeded 100 million US dollars.<sup>34</sup> After initial hesitation from local authorities, the idea was strongly supported by the Peace Implementation Council in Bosnia and Herzegovina (PIK) and the Office of the High Representative (OHR)<sup>35</sup>, as well as the ICTY<sup>36</sup>, and a series of activities followed in 2003 and 2004 to establish the department.

In this regard, in 2003, the OHR initiated the adoption of a set of reform laws in the field of criminal law, including the adoption of the Criminal Code of Bosnia and Herzegovina and the Criminal Procedure Code of Bosnia and Herzegovina, as laws for which the Court of BiH will have exclusive jurisdiction, and even the judges of the future war crimes department.<sup>37</sup> At the same time, at the end of 2003, an international donors' conference was held in The Hague, at which financial resources were secured for the first two years of its work, and some countries undertook to provide a number of legal experts to assist the Department.<sup>38</sup>

The War Crimes Chamber of the Court of Bosnia and Herzegovina<sup>39</sup> officially started operating on March 9, 2005,<sup>40</sup> and a few months earlier a

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*Understanding Legal Reform Beyond the Completion Strategy of the ICTY*, Human Rights Review, vol. 9, 2008, pp. 317

34 Manfred Dauster, *From Nuremberg to the Hague and Beyond: International Criminal Law in Courts: Court of Bosnia and Herzegovina as An Example*, Bratislava Law Review, vol. 3, no. 2, 2019, pp. 78-79.

35 The Office of the High Representative (OHR) is an *ad hoc* international institution responsible for overseeing the implementation of the civilian aspects of the Peace Agreement ending the war in Bosnia and Herzegovina.

36 **Lavinia Stan, Nadya Nedelsky (eds.)**, *Encyclopedia of Transitional Justice, Volume 2*, Cambridge University Press, 2013, pp. 62

37 Lilian A. Barria, Steven D. Roper, *Judicial Capacity Building in Bosnia and Herzegovina: Understanding Legal Reform Beyond the Completion Strategy of the ICTY*, Human Rights Review, vol. 9, 2008, pp. 317

38 Nerma Jelačić, Nidžara Ahmetašević, Merima Husejnović, *U potrazi za pravdom: Priručnik Odjela za ratne zločine pri Sudu BiH (II)*, BIRN – Balkanska istraživačka mreža, Sarajevo, 2007, pp. 7

39 The Court of Bosnia and Herzegovina was established in 2002 and has three divisions: criminal, administrative and appellate. Within the Criminal Division, there are three divisions: Section I for War Crimes; Section II for Organized Crime, Economic Crime and Corruption and Section III for General Crime. See: Bogdan Ivanišević, *Odjel za ratne zločine u Bosni i Hercegovini: Od hibridnog do međunarodnog suda*, Međunarodni centar za tranzicijsku pravdu, 2008, pp. 5

40 The establishment of the War Crimes Chamber was preceded by the enactment of a series of laws published in the Official Gazette of BiH no. 61/04, which entered into force on

special war crimes division was established within the Prosecutor's Office of Bosnia and Herzegovina to prosecute war crimes suspects before mentioned department of the Court of Bosnia and Herzegovina.<sup>41</sup>

The establishment of the War Crimes Chamber of the Court of Bosnia and Herzegovina, apart from the implementation of the ICTY Completion Strategy, was motivated by other reasons. First of all, during the war in Bosnia and Herzegovina and immediately after it, certain criminal proceedings were conducted before the competent courts of the entities, i.e. before the cantonal and district courts in the Federation of Bosnia and Herzegovina and the Republika Srpska. However, such trials were often seen as an opportunity to dispense "ethnic justice or revenge" rather than as fair and equitable proceedings in accordance with appropriate legal standards.<sup>42</sup> By establishment of the mentioned Department at the Court of BiH and the equivalent department at the Prosecutor's Office of BiH, the international community sought to create an appropriate legal mechanism with adequate capacities and tools to prosecute war crimes in accordance with international legal standards. In addition, the creation of these departments provided a strong incentive to strengthen "central institutions" at the state level, i.e. strengthening the institutions of Bosnia and Herzegovina, because the Court and the Prosecutor's Office had the authority to investigate and prosecute indictees for crimes committed throughout the territory of the state of Bosnia and Herzegovina.<sup>43</sup> Finally, they are an example of bodies created within a state where mass violence and crimes took place in order for processes to be conducted "on the doorstep", i.e. on the places where they took place using all the benefits that such a way of processing brings with it. In this regard, with the establishment of the War Crimes Chamber of the Court of Bosnia and Herzegovina, preconditions were created for war crimes

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6 January 2005. These are the following laws: Law on Amendments to the Law on the Court of BiH, Law on Amendments to the Law on the Prosecutor's Office of BiH, Law on Transfer of Cases from the Hague Tribunal to the Prosecutor's Office of BiH and Use of Evidence Collected by the Hague Tribunal, Law on Amendments to the Law on Protection of Vulnerable Witnesses and Threatened Witnesses, Law on Amendments to the Criminal Code of BiH. See more in: OSCE, *Suđenje ratnih zločina na sudovima u Bosni i Hercegovini (napredak i prepreke)*, Misija OSCE u BiH, Sarajevo, 2005.

41 The Prosecutor's Office of Bosnia and Herzegovina has three of the same departments. *Ibid*

42 Claire Garbett, *Localising Criminal Justice: An Overview of National Prosecutions at the War Crimes Chamber of the Court of Bosnia and Herzegovina*, Human Rights Law Review, vol. 10, no. 3, 2010, pp. 560.

43 Olga Martin-Ortega, *Prosecuting War Crimes at Home: Lessons from the War Crimes Chamber in the State Court of Bosnia and Herzegovina*, International Criminal Law Review, 2012, pp. 591-592

prosecution efforts to be closer to the victims and the local community,<sup>44</sup> given that information on trials could be published daily in domestic media and language, and the actual approach of victims and witnesses to trials has become much simpler and easier.

In the initial phase of its existence, the Department acted as a hybrid court, i.e. as an internationalized judicial institution,<sup>45</sup> given that in addition to domestic judges, international (foreign) judges were also engaged in the work of judicial councils. Initially, international judges and prosecutors were appointed by the High Representative, and since 2006 by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Until 2008, two international and one domestic judge tried five war panels and one appellate panel within the War Crimes Chamber, and from 2008 two domestic and one international judge,<sup>46</sup> and a few years later the trial was fully entrusted to domestic judges<sup>47</sup>.<sup>48</sup> The existence of mixed judicial councils in the initial stages of the Department's operation was very expedient and justified. First of

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44 Ibid

45 Hybrid, internationalized or mixed criminal courts are courts in whose judicial councils domestic and foreign/international judges are engaged, i.e. judges appointed by the international community. Such courts include, among others, the Special Serious Crimes Chambers in East Timor, the Special Court for Sierra Leone, the Extraordinary Chambers in Cambodia, the Special Tribunal for Lebanon and the Internationalized Courts in Kosovo. See more in: Marissabell Škorić, *Mješoviti međunarodni kazneni sudovi*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, br. 2, 2005.; Berislav Pavišić, Tadija Bubalo, *Međunarodno kazneno pravo*, Pravni fakultet Sveučilišta u Rijeci, 2013., str. 210-221; Marin Bonačić, *Model internacionaliziranih kaznenih sudova: karakteristike i usporedba s ad hoc međunarodnim kaznenim sudovima*, Hrvatski ljetopis za kazneno pravo i praksu (Zagreb), vol. 19, broj 1/2012, pp. 31-73.

46 Bogdan Ivanišević, *Odjel za ratne zločine u Bosni i Hercegovini: Od hibridnog do međunarodnog suda*, Međunarodni centar za tranzicijsku pravdu, 2008, pp. 7

47 Although it was originally defined that the presence of foreign judges and prosecutors in the Court and Prosecutor's Office of Bosnia and Herzegovina would end at the end of 2009, the possibilities for their further engagement were extended by the High Representative's decisions to amend the laws defining the work of the Court and Prosecutor's Office until the end of 2012. Claire Garbet, *Transitional Justice and 'National Ownership': An Assessment of the Institutional Development of the War Crimes Chamber of Bosnia and Herzegovina*, Human Rights Review, no. 1/2012, pp. 74

48 In parallel with the appointment of foreign judges, foreign prosecutors were appointed to the Special Department for War Crimes at the Prosecutor's Office of Bosnia and Herzegovina, which was also a hybrid legal mechanism in the first stages of its existence, given that domestic prosecutors also acted. Unlike the Court of Bosnia and Herzegovina, the composition of the Special Department for War Crimes at the Prosecutor's Office from the beginning was mostly made up of domestic prosecutors. See: Dragan M. Popović, *Vodić kroz tranzicijsku pravdu u Bosni i Hercegovini*, Razvojni programa Ujedinjenih nacija (UNDP BiH), Sarajevo, 2009., str. 41

all, properly selected and well-trained international judges were able to educate domestic judges on how to prosecute these particularly sensitive crimes in accordance with modern international legal standards.<sup>49</sup> On the other hand, given that the commission of certain war crimes was linked to individual political activists, there was a real danger of inappropriate political influence on judges' decisions. Therefore, the appointment of international judges was an important mechanism for ensuring the independence of the judiciary and the impartial prosecution and punishment of crimes committed.<sup>50</sup>

However, this kind of personal design of court councils carried with it potential risks. In this regard, there were fears that such a panel structure due to language barriers could limit the quality of the exchange of information and opinions among judges working on the same cases. Also, the fear of how judicial councils with judges whose knowledge and professional experience are based on different legal traditions will function was not negligible.<sup>51</sup> However, all these differences were overcome by the judges and they found ways to professionally and in accordance with international standards process these extremely sensitive cases, according to some estimates, much more efficiently than expected.<sup>52</sup>

In line with the exit strategy, and as previously mentioned, international judges ended their work within the Court of Bosnia and Herzegovina at the beginning of the last decade. It is appreciated that this strategy of establishing and developing the court in question was effective, as it enabled domestic judges to use the vast knowledge and experience of foreign experts, but also to be ready to take full responsibility for efficient and impartial trial of war crimes indictees.<sup>53</sup>

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49 Alejandro Chehtman, *Developing Bosnia and Herzegovina's Capacity to Process War Crimes Cases: Critical Notes on a 'Success Story'*, *Journal of International Criminal Justice*, Vol. 9, Issue 3, 2011, pp. 562.

50 Schröder, A., *Strengthening the Rule of Law in Kosovo and Bosnia and Herzegovina: The Contribution of International Judges and Prosecutors*. Berlin: Center for International Peace Operations, 2005, pp. 19.

51 Lilian A. Barria, Steven D. Roper, *Judicial Capacity Building in Bosnia and Herzegovina: Understanding Legal Reform Beyond the Completion Strategy of the ICTY*, *Human Rights Review*, vol. 9, 2008, pp. 323

52 Manfred Dauster, *From Nuremberg to the Hague and Beyond: International Criminal Law in Courts: Court of Bosnia and Herzegovina as An Example*, *Bratislava Law Review*, vol. 3, no. 2, 2019, pp. 81

53 Minka Kreho et al. (Ed.) *10 godina Odjela I za ratne zločine Suda BiH*, Sud Bosne i Hercegovine, Sarajevo, 2015, pp. 11.

## Competencies and challenges in the work of the War Crimes Chamber

As previously pointed out, war crimes committed in Bosnia and Herzegovina during the war and immediately afterwards in our country were prosecuted before the entity courts, i.e. the cantonal courts in the Federation of Bosnia and Herzegovina (FBiH) and the district courts in the Republika Srpska (RS). After the establishment of the War Crimes Chamber at the Court of Bosnia and Herzegovina, the processing of war crimes becomes the exclusive jurisdiction of this court. Namely, in accordance with the provisions of the Law on the Court of Bosnia and Herzegovina, the court in question is competent for “criminal offenses prescribed by the Criminal Code of Bosnia and Herzegovina”,<sup>54</sup> and one of the groups of criminal offenses contained in the Criminal Code of Bosnia and Herzegovina are “*Criminal Offenses against Humanity and values protected by international law*”, most of which are criminal offenses that are colloquially referred to as war crimes in general and professional discourse.<sup>55</sup> These are the following criminal offenses: *genocide (Art. 171)*, *crimes against humanity (Art. 172)*, *war crimes against civilians (Art. 173)*, *war crimes against the wounded and sick (Art. 174)*, *war crime against prisoners of war (Art. 175)*, *organizing a group of people and inciting the commission of criminal offenses of genocide, crimes against humanity and war crimes (Art. 176)*, *unlawful killing and wounding of enemies (Art. 177)*, *unlawful confiscation items from those killed and wounded on the battlefield (Art. 178)*, *violations of the laws or customs of war (Art. 179)*, *violations of parliamentarians (Art. 181)*, *unjustified delay of the return of prisoners of war (Art. 182)* and *destruction of cultural, historical and religious monuments (Art. 183)*, which are made on the basis of individual or command responsibility.

These are criminal offenses whose object of criminal protection is humanity and other values protected by international law, i.e. offenses against the interests of the entire international community,<sup>56</sup> the violation of which endangers the survival of that community<sup>57</sup> and threatens the survival of humanity as a whole. In most of these acts, the disposition describing the

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54 “Official Gazette of BiH“ 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 and 35/18.

55 “Official Gazette of BiH“ 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 and 35/18.

56 Ivanka Marković, *Zločin protiv čovječnosti u Krivičnom zakonu Bosne i Hercegovine*, Godišnjak Pravnog fakulteta Univerziteta u Banja Luci, broj: 31-32, 2010.

57 Ivanka Marković, *Zločin protiv čovječnosti u Krivičnom zakonu Bosne i Hercegovine*, Godišnjak Pravnog fakulteta Univerziteta u Banja Luci, broj: 31-32, 2010.

essence of the crime is of a blanket nature and it points to the complementary application of the rules of international (humanitarian) law, in order to complete all the essential features that make up the nature of these crimes.<sup>58</sup>

Furthermore, the time of most of the crimes in question may be a time of war or armed conflict,<sup>59</sup> where, unlike war crimes in the narrow sense, genocide and crimes against humanity do not have to be committed in the context of or in connection with an armed conflict; that is, they can be committed during peace.<sup>60</sup>

Another common element is that most war crimes can be committed by an individual, but as a rule, they appear to be organized, often backed by the ruling regime of a state, political organization, or other criminal group.<sup>61</sup> Furthermore, all the listed criminal offenses can be committed only with intent, i.e. direct or possible intent, so that domestic criminal laws do not provide for punishment for any offense from the group of criminal offenses against humanity and values protected by international law.<sup>62</sup>

Finally, the legislator prescribes extremely high and severe penalties for this type of crime, which is understandable given the nature and abstract gravity of the offenses in question. Finally, according to *the 1968 Convention on the Non-Obsolescence of War Crimes and Crimes against Humanity*,<sup>63</sup> as well as the provisions of Art. 19. of *the Criminal Code of Bosnia and Herzegovina* (CC BiH), criminal prosecution and execution of criminal sanctions for these criminal offenses do not become obsolete.

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58 Compare: Miloš Babić, Ljiljana Filipović, Ivanka Marković, Zdravko Rajić, *Komentari krivičnih/kaznenih zakona u Bosni i Hercegovini (knjiga I)*, Savjet/Vijeće Evrope: Evropska komisija, Sarajevo, 2005., str. 556.; S Admir Karović, *Kaznena djela protiv čovječnosti i međunarodnog prava*, Policija i sigurnost (Zagreb), god. 21, br. 4, 2012, pp. 790-799.

59 War and armed conflict are two different terms, with armed conflict being a broader term. Consequently, every war is an armed conflict, but there are also armed conflicts that do not represent war. Thus: Ivo Josipović, *Ratni zločini – Priručnik za praćenje suđenja*, Centar za mir, nenasilje i ljudska prava, Osijek, 2007, pp. 34.

60 Miodrag Simović, Vladimir M. Simović, *Genocid u međunarodnom krivičnom pravu i krivičnom pravu Bosne i Hercegovine*, Anali Pravnog fakulteta u Zenici, god. 5, br. 10, 2012, pp. 61.

61 Zvonimir Tomić, *Krivično pravo - posebni dio*, Magistrat, Sarajevo, 2003, pp. 36-37

62 *Ibid.*

63 Article IV of the Convention on the Non-Obsolescence of War Crimes and Crimes against Humanity, Official Gazette of the SFRY - Annex: International Agreements, no. 50/1968; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, G.A. res. 2391 (XXIII), annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218 (1968), entered into force Nov. 11, 1970.

Although it was previously pointed out that the processing of war crimes in Bosnia and Herzegovina is in the exclusive jurisdiction of the Court of Bosnia and Herzegovina, i.e. its War Crimes Chamber, in accordance with the provisions of Art. 27a. *Criminal Procedure Code of Bosnia and Herzegovina* (CPC BiH)<sup>64</sup>, the Court of Bosnia and Herzegovina, at the proposal of the parties or defense counsel, may transfer the proceedings to another court in whose territory a war crime was attempted or committed. Based on this legal authority, the Court of Bosnia and Herzegovina has in the past often transferred criminal proceedings in the field of war crimes to other courts in Bosnia and Herzegovina, whereby such proceedings for the first instance were transferred to *cantonal courts* in the Federation of Bosnia and Herzegovina and *district courts* in the Republika Srpska, as well as the Basic Court of the Brčko District of Bosnia and Herzegovina, and the Supreme Court of the Federation of Bosnia and Herzegovina, the Supreme Court of the Republika Srpska or the Court of Appeals of the Brčko District of Bosnia and Herzegovina. The transfer strategy was based on the approach that cases deemed “*sensitive*” would be processed before cantonal or district courts, and cases deemed “*very sensitive*” before the War Crimes Chamber of the Court of Bosnia and Herzegovina.<sup>65</sup>

However, if the Court of Bosnia and Herzegovina does not transfer criminal proceedings to the courts of the Entities or the Brčko District of Bosnia and Herzegovina and it proceeds to prosecute war crimes, it conducts such proceedings in accordance with the provisions of the BiH Criminal Procedure Code and the BiH Criminal Code. True, although the provisions of the Law on the Court of Bosnia and Herzegovina stipulate that this court is competent to try criminal offenses prescribed by the Criminal Code of BiH, and thus to apply this criminal law, it should be noted that a certain (smaller) number of criminal proceedings before the Court of Bosnia and Herzegovina and conducted under the provisions of *the Criminal Code of the Socialist Federal Republic of Yugoslavia* (CC SFRY) of 1976, as a law that was valid in Bosnia and Herzegovina during the 1992-1995 war, i.e. in the time of the commission of war crimes.

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64 “Official Gazette of BiH” No. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09, 72/13 and 65/18.

65 For more on the criteria on the basis of which the (re)assessment of the sensitivity of the case was performed, see: Nerma Jelačić, Nidžara Ahmetašević, Merima Husejnović, *U potrazi za pravdom: Priručnik Odjela za ratne zločine pri Sudu BiH (II)*, BIRN – Balkanska istraživačka mreža, Sarajevo, 2007., str. 8-9; Marissabell Škorić, *Mješoviti međunarodni kazneni sudovi*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci (1991), br. 2, 2005, str. 933-970.

Namely, in accordance with the well-known maxim about *the obligation of the court to apply the criminal law that was valid at the time of the crime (tempore criminis) and which is more lenient for the perpetrator (lex mitior)*, since 2009 some chambers of the Court of Bosnia and Herzegovina started to apply the SFRY Criminal Code in less complex cases as a more lenient law, because that law provided for less specific minimum penalties for the criminal offenses in question.<sup>66</sup>

At the same time, some defendants, such as Abdulahim Maktouf<sup>67</sup> and Goran Damjanović,<sup>68</sup> who were tried before the Court of Bosnia and Herzegovina under the CC BiH, argued that such a policy of prosecuting them was unlawful and that they should have been tried on the basis of the SFRY Criminal Code as *a law that was in force at the time of the commission of the criminal offense and which was more lenient for the perpetrator*. After exhausting all legal remedies within the domicile legal system, they appealed to the European Court of Human Rights (ECtHR) for alleged violation of Article 7 of the European Convention on Human Rights (hereinafter: the European Convention), which *prohibits retroactive application of criminal law if such a law provides for the imposition of a more severe punishment than that prescribed by the law in force at the time the criminal offense was committed*.

In this regard, the appellants were convicted before the Court of Bosnia and Herzegovina of war crimes against civilians, which is a criminal offense punishable according to CC BiH by *10 to 20 years in prison or long-term imprisonment from 21 to 45 years*, while the SFRY Criminal Code provided that

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66 Minka Kreho et al. (ur.), *10 godina Odjela I za ratne zločine Suda BiH*, Sud Bosne i Hercegovine, Sarajevo, 2015, pp. 27

67 Abdulahim Maktouf was the first indictee to be convicted of some of the war crimes before the Court of Bosnia and Herzegovina by the Second Instance Verdict of the Court of BiH of 4 April 2006 by applying the CC BiH, he was convicted of aiding and abetting a war crime against the civilian population in the area of Travnik. See: *Drugostepena presuda Suda BiH u predmetu Abdulahima Maktoufa br. S1 1K 013517 14 Krž od 25.02.2015. (ponovljeni postupak)*, dispozitiv i par. 1 (in English: *Second Instance Verdict of the Court of BiH in the case of Abdulahim Maktouf no. S1 1K 013517 14 Krž dated 25 February 2015. (repeated proceedings)*, disposition and para. 1).

68 Goran Damjanović, together with his brother Zoran Damjanović, was convicted by a second instance verdict of the Court of BiH of 19 November 2007 for war crimes against civilians in the Sarajevo area. See: *Prvostepena presuda Suda BiH u predmetu Gorana Damjanovića i Zorana Damjanovića br. S1 1 K 013419 13KrI od 13.12.2013. (ponovljeni postupak)*, par. 3 i 36 (in English: *First Instance Verdict of the Court of BiH in the case of Goran Damjanović and Zoran Damjanović no. S1 1 K 013419 13KrI dated 13 December 2013. (retrial), para. 3 and 36)*.

the perpetrator of this criminal offense could be sentenced to imprisonment for *a term of 5 to 15 years or imprisonment for a term of 20 years or for the most serious cases of serious criminal offenses the death penalty*. At first glance, one might get the impression that the SFRY Criminal Code was (was) stricter for the perpetrator, given that it provided for the possibility of imposing the death penalty for the said act. However, the Grand Chamber of the ECtHR found that “as none of the applicants was criminally liable for the loss of life”, the crimes for which they were convicted clearly did not fall into the category of the most serious cases of serious crimes punishable by death.<sup>69</sup> In addition, they were charged with aiding and abetting the commission of the said crime, for which both laws provided for the possibility of mitigating the sentence, i.e. imposing a sentence below a special minimum. As the CC SFRY prescribed a lower minimum sentence for this crime, the ECtHR concluded that, accordingly, the appellants could receive lower sentences if this law had been applied,<sup>70</sup> and that the CC BiH was retroactively applied to the detriment of the appellants, and accordingly 7. European Conventions.

Based on the mentioned legal positions from the decision of the ECtHR in question, a certain (smaller) number of persons convicted before the Court of Bosnia and Herzegovina by applying the CC BiH, initiated disputes before the Constitutional Court of Bosnia and Herzegovina, which found that such treatment based on the retroactive application of the CC BiH, was contrary to the Constitution of Bosnia and Herzegovina and quashed earlier final judgments of the Court of Bosnia and Herzegovina and ordered this court to render new decisions in accordance with Article 7 paragraph 1 of the European Convention.<sup>71</sup> From July 2013 to February 2015, the Constitutional Court of Bosnia and Herzegovina revoked 19 such decisions on individual appeals of convicts.<sup>72</sup> These decisions and the parallel prosecution of the accused in accordance with various criminal laws was one of the biggest challenges and problems in the work of the War Crimes Chamber of the Court of Bosnia and Herzegovina. This is due to the fact that the parallel application of different criminal laws often led to the violation of the principles of the rule of law and

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69 ECtHR Judgment in *Maktouf and Damjanović v. Bosnia and Herzegovina*, Appeals Nos. 2312/08 and 34179/08, Grand Chamber Judgment of 18 July 2013, para. 69

70 *Ibid.*, par. 70 and 76.

71 Compare: *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Milenka Trifunovića br. AP 4100/09* od 22. oktobra 2013. godine, par. 49; *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Jakovljević Slobodana, Radovanović Aleksandara, Medan Branislava i Džinić Brane br. AP 4065/09* od 22. oktobra 2013. godine, par. 59.

72 Minka Kreho et al. (ur.), *10 godina Odjela I za ratne zločine Suda BiH*, Sud Bosne i Hercegovine, Sarajevo, 2015, ppr. 29.

inequality of treatment in criminal proceedings. In addition, it sometimes led to significant differences in the amount of sentences imposed on perpetrators of the same crimes, both those tried before the Court of Bosnia and Herzegovina and those tried before the entity courts.

### **Results of the work of the Court of Bosnia and Herzegovina on the processing of war crimes**

From the beginning of the work of the Court of Bosnia and Herzegovina in 2005 until the end of 2020, 400 persons were legally prosecuted before this judicial forum for war crimes committed on the territory of Bosnia and Herzegovina. Within this research, the author's goal was to investigate the structure and phenomenological characteristics of the observed offenses (crimes), the gender structure of their perpetrators, the type of proceedings (regular or summary) in which the crimes in question ended, the ratio of convictions and acquittals of court decisions, manner of court decisions on the property claim of the injured party and the penal policy, i.e. the policy of sanctioning perpetrators of war crimes.

The structure of prosecuted crimes is dominated by crimes against humanity and war crimes against civilians, while a smaller number of indictees have also been prosecuted for crimes of genocide and war crimes against prisoners of war. No other person has been charged or prosecuted for other war crimes from the group of crimes against humanity and other values protected by international law, such as *exempli gratia*, unlawful killing and wounding of enemies, unlawful seizure of property from those killed and wounded on the battlefield, or violation of the laws or customs of war.

Of the aforementioned number of prosecuted (400), slightly more than two thirds (67.2%), i.e. 269 were convicted, while approximately one third (32.2%) were acquitted. Approximately half of the convicts (48.3%) were found guilty of genocide and crimes against humanity as the most serious crimes, i.e. crimes that, as a rule, are characterized by committing large-scale war crimes and committing individual crimes that are part of a larger and broader systematic criminal venture.<sup>73</sup>

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<sup>73</sup> Thus: Enis Omerović, *O genocidu i zločinima protiv čovječnosti*, Ljudska prava (Sarajevo), vol. 9., br. 1-4, 2008, pp. 237; Sadmira Karović, *Odnos između genocida i zločina protiv čovječnosti*, Civitas, vol. 3, br. 2/2012, pp. 88-99.

All charges and convictions for the crime of genocide related to atrocities committed by members of the police forces and the Republika Srpska Army against the Bosniak population of Srebrenica in July 1995.<sup>74</sup> Compared to other war crimes, the share of convicts (54.1%) in relation to those acquitted of genocide is (significantly) lower, which is understandable given the difficulty in proving genocidal intent as a subjective element of this crime.

Table 1. *Structure of processed war crimes before the Court of Bosnia and Herzegovina*

Type of decision	Genocide	Crimes against humanity	War crimes against civilians	War crimes against prisoners of war	Other war crimes	Collectively
Convicted	13	117	130	9	0	<b>269</b>
Freed	11	57	59	2	0	<b>129</b>
The charge was denied	0	2	0	0	0	<b>2</b>
Total processed	24	176	189	11	0	<b>400</b>

If we look at the gender structure of those prosecuted, an extremely large number are males, while only 6 women have been prosecuted and convicted of some war crimes (2.2%). This is understandable given that the crimes in question arose as a product of armed conflict, in which, as a rule, men are predominantly involved.

74 *Željko Ivanović, Milenko Trifunović, Aleksandar Radovanović, Slobodan Jakovljević, Branislav Medan, Brano Džinić, Duško Jević, Mendeljev Đurić, Petar Mitrović, Slavko Perić, Milorad Trbić, Ostoja Stanišić i Radomir Vuković* were convicted of the crime of genocide in Srebrenica (13)

Eleven defendants were acquitted of the crime in question.

Trials are currently under way before the Court of Bosnia and Herzegovina against 17 indictees: Srećko Aćimović, Radoslav Jankvić, Miodrag Josipović, Branimir Tešić, Dragomir Vasić, Danilo Zoljić, Radomir Pantić, Milo Kosorić, Borislav Stojašić, Momčilo Tešić, Rajko Drakulović, Svetozar Kosorić, Tomislav Kovač, Zoran Malinić, Nedeljko Milidragović, Aleksa Golijanin and Milomir Savčić. A significant number of indictees are currently inaccessible to the judicial authorities of Bosnia and Herzegovina, ie they are on the run. See more at: *Predmeti u toku pri Odjelu I Suda BiH* (<http://www.sudbih.gov.ba/predmet/3625/show>) (Retrieved at April 29, 2021)

Table 2. *Female persons prosecuted for war crimes before the Court of BiH*

Type of decision	Genocide	Crimes against humanity	War crimes against civilians	War crimes against prisoners of war	Other war crimes	Collectively
Convicted	0	1	5	0	0	6
Freed	0	0	0	0	0	0

Out of the total number of convicted persons (269), 36 (13.3%) were convicted on the basis of a plea agreement as a consensual and summary form of resolving criminal cases. This share of convictions based on a plea agreement is lower than the ICTY's practice, in which as many as 24.3% of cases ended in this way.<sup>75</sup> It is also worth noting that none of those convicted of the crime of genocide before the Court of Bosnia and Herzegovina or before the ICTY have been convicted on the basis of a plea agreement, nor have they pleaded guilty to the said crime.<sup>76</sup>

Table 3. *Application of plea agreements in the practice of the Court of Bosnia and Herzegovina*

Type of decision	Genocide	Crimes against humanity	War crimes against civilians	War crimes against prisoners of war	Other war crimes	Collectively
Plea agreement	0	17	17	2	0	36

Plea agreement is an agreement between the prosecutor and the suspect (accused) on the amicable settlement of a criminal case in summary criminal proceedings in such a way that the accused pleads guilty to the criminal offense charged against him or through the so-called the co-operation clause obliges to take other actions (eg. to testify against accomplices in criminal proceedings or to disclose certain information relevant to a criminal event,

<sup>75</sup> Vedad Gurda, *Sporazumi za ratne zločine u Bosni i Hercegovini: između pokajanja i konsenzualne pravde*, Zbornik radova Pravnog fakulteta u Tuzli, vol. VI, br. 1-2, 2020, pp. 48.

<sup>76</sup> On the other hand, before the International Criminal Tribunal for Rwanda (ICTR), a small number of convicts pleaded guilty to the crime of genocide, including Deputy Prime Minister Jacques Kambandu. David J. Luban, Julie R. O'Sullivan, David P. Stewart, Neha Jain (2018.), *International and Transnational Criminal Law*, New York, 110.

such as, for example, information on the location of mass graves killed in war crimes cases), while on the other hand, the plaintiff is obliged to propose the imposition of a milder type or measure of criminal sanction (*sentence bargaining*).<sup>77</sup>

Table 4. *Imprisonment sentences imposed under a plea agreement before the Court of BiH*

Total	Up to 5 years of imprisonment	5 to 10 years of imprisonment	Over 10 to 15 years of imprisonment
36	2 5,6%	26 72,2%	8 22,2%

Given the nature of the institute, it is not surprising that the Trial Chambers of the War Crimes Chamber of the Court of BiH have inherited a relatively mild sanctioning policy in cases concluded with the application of plea agreements. Namely, for genocide and other war crimes, the BiH Criminal Code prescribes the possibility of imposing a prison sentence of ten to twenty years or a long-term prison sentence. However, in no case that resulted in the application of a plea agreement did the court impose a maximum prison sentence or a sentence of long-term imprisonment. The maximum sentence was 15 years and it was imposed on two convicts, while the minimum sentence was 1 year and it was imposed in two cases. The average sentence of a convict sentenced under a plea agreement for war crimes before the Court of Bosnia and Herzegovina was 7.68 years. Finally, it should be noted that according to 28 out of 36 convicted persons, or in 77.8% of cases, a prison sentence below the special minimum was agreed and imposed, i.e. that the sentence was reduced.<sup>78</sup>

<sup>77</sup> In some comparative legal systems, the subject of plea bargaining may also be the legal qualification of the criminal offense, i.e. the modification or withdrawal of one or more counts of the indictment (charge bargaining). More in: Alex Tinsley, *Criminal Legal Aid and Plea Bargaining: Overview of International Standards and Recommendations for Georgian Legal Aid*, UNDP, 2017, str. 7, 24, 29; Marian Alexandru, *Plea Agreement During The Criminal Prosecution of A Criminal Trial*, Lesij – Lex et Scientia, no. 2/2017, str. 110-115; Ivan Turudić, Tanja Pavelin Borzić, Ivana Bujas, *Sporazum stranaka u kaznenom postupku – trgovina pravdom ili ne?*, Pravni vjesnik, god. 32, br. 1/2016, pp. 128, 132, 134, 135, 138.

<sup>78</sup> The aforementioned indicators on the prosecution of war crimes before the Court of Bosnia and Herzegovina, the scope of application of plea agreements and the policy of sanctioning crimes based on the application of the agreement represent the product of the analysis of all legally completed war crimes cases by 2019 are stored in electronic form and available on the Court's website: <http://www.sudbih.gov.ba/pretraga/odluke?odluke=1&godina=0&odjel=1&vrsta=0&keyword=>

Table 5. *Deciding on a property claim (PC) in the practice of the Court of Bosnia and Herzegovina*

Type of decision	Genocide	Crimes against humanity	War crimes against civilians	War crimes against prisoners of war	Other war crimes	Collectively
Decided on PC in criminal proceedings	0	5	6	0	0	11

One of the rights of the injured party (victim) in criminal proceedings is the right to be compensated for the damage caused by the commission of a criminal offense. The injured party can claim compensation for this damage in a civil lawsuit or already within the framework of criminal proceedings by applying the institute of *property claim* (PC).<sup>79</sup> It is noticeable from the previous table that the Judicial Chambers of the Court of Bosnia and Herzegovina in a very small number of cases (11) (3.9%) decided in criminal proceedings on a property claim for damages for fear or mental pain filed by the injured party or war crimes victims. In a huge number of cases (96.1%), the injured parties were referred to civil litigation with a specific or possible property claim. This is not surprising, given the results of some research that has shown that domestic courts, regardless of the type of crime, relatively rarely decide on a property claim in criminal proceedings, and that the injured in about 80% of cases refer to litigation,<sup>80</sup> and some estimates say that percentage is even higher. At the same time, what is interesting to point out is the fact that in all cases in which the Court of Bosnia and Herzegovina decided on the request in criminal proceedings, women victims of war rape appeared in the role of victims. Deciding on their property claim in criminal proceedings is commendable, because if the victims (who in all criminal proceedings had the role of protected witnesses) with their property claim were referred to civil litigation, they would be forced to reveal their identity in litigation, and thus be exposed to secondary victimization.

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(Retrieved at: March and April 2020)

79 More in: Dinka Šago, Marija Pleić, *Adhezijsko rješavanje imovinskopravnog zahtjeva u kaznenom postupku*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, vol. 33, br. 2/2012; Tadija Bubalović, Nezir Pivić, *Pravo oštećenog na imovinskopravni zahtjev u krivičnom postupku*, Pravna riječ, Banja Luka, br. 37, 2013.

80 Vedad Gurda, Muhamed Tulumović, *Imovinskopravni zahtjev oštećenog u zakonodavstvu i sudskoj praksi u Federaciji Bosne i Hercegovine*, Zbornik radova Pravnog fakulteta u Tuzli, br. 2, 2016, pp. 106-109.

The awarded amounts in the name of suffered fear, suffered physical and mental pain due to violation of freedom, dignity, morals and personality rights, as well as in the name of mental pain due to impairment of the general vital capacity of the injured ranged between 10,000 and 40,000 KM.<sup>81</sup> Undoubtedly, due to the nature of the consequences suffered by the rape victims, the awarded amounts of money cannot even adequately compensate the victims for the evil suffered, but they were limited, among other things, by the amount of the request and *the Orientation Criteria and amounts used to determine fair compensation. non-pecuniary damages of the Supreme Court of the Republika Srpska and the Supreme Court of the Federation of BiH*. However, it is to be believed that the mere adoption of a property claim in criminal proceedings (regardless of the amount awarded) offered the victims of the crimes in question, together with the sanction imposed, some satisfaction.

Due to the many benefits that deciding on a property claim in criminal proceedings brings, it would be desirable for *pro futuro* trial chambers of the War Crimes Chamber of the Court of Bosnia and Herzegovina to decide on the claim in other war crimes cases, not only when damaged (victims) are women victims of war rape. Of course, given that pursuant to the provisions of the CPC of BiH, the court can decide on the claim only when the injured party validly makes such a claim, it would be necessary in the future to teach the injured party this right and offer them appropriate legal assistance. In conclusion, it is evident that the existing model of material compensation for suffering mental pain does not allow for monetary compensation to victims of war crimes that is proportional to the severity of their suffering, and it would be necessary to redefine and change it *de lege ferenda*.

Finally, one of the very interesting issues in the context of prosecuting any criminal offenses, including war crimes, is the issue of court policy of sanctioning perpetrators of criminal offenses, i.e. the issue of the so-called penal policy. The following table provides summary statistics on the type and

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81 Compare: *Milomir Davidović Trial Judgment* of 27 February 2019, para. 235-265 (partially 10,000 KM); *Dostić Krste Trial Judgment* of 6 October 2016, para. 263-300 (partially 40,000 KM); *Judgment of the Court of BiH in the Janjić Dragana Case* of 18 July 2019, para. 65-90 (partially 15,000 KM); *Bosiljko Marković et al. Trial Judgment* of 24 June 2015, para. 232-245 (partially 26,500 KM); *Goran Mrđa et al. Appeal Judgment* of 21 December 2018, para. 551-584 (partially 20,000 KM); *Miroslav Perić Trial Judgment* of 19 December 2017, para. 67 (in full 10,000 KM); *Vuk Ratković Trial Judgment* of 19 September 2018, para. 248-275 (partially 35,000 KM); *Samir Kešmer et al. Appeal Judgment* of 5 July 2019, para. 185-200 (partially 30,000 KM); *Slavko Savić Trial Judgment* of 29 June 2015, para. 382-424 (in full 30,000 KM); *Momir Tasić et al. Trial Judgment* of 6 September 2018, para. 247-277 (partially 25,000 KM); *Milan Todović Trial Judgment* of 4 December 2018, para. 232-270 (partially 13,100 KM).

length of prison sentences imposed on perpetrators of war crimes by the Trial Chambers of the War Crimes Chamber of the Court of Bosnia and Herzegovina.

Table 6. *Sentences for war crimes imposed before the Court of Bosnia and Herzegovina*

The amount of the fine	Penalty up to 5 years	Sentence over 5 to 10 years	Sentence over 10 to 15 years	Sentence over 15 to 20 years	Long-term imprisonment from 21 to 30 years	Long-term imprisonment from 31 to 45 years
Genocide	1	0	1	9	1	1
Crimes against humanity	6	36	30	20	18	7
War crime against civilians	36	60	30	3	1	0
War crime against prisoners of war	5	3	1	0	0	0
Other war crimes	0	0	0	0	0	0
Collectively	<b>48</b>	<b>99</b>	<b>62</b>	<b>32</b>	<b>20</b>	<b>8</b>

As previously pointed out, the CC BiH stipulates that any criminal offense from the range of war crimes may be punishable by imprisonment from a minimum of 10 years to a maximum of 20 years or alternatively from long-term imprisonment from 21 to 45 years.<sup>82</sup> The Trial Chambers of the Court of Bosnia and Herzegovina sanctioned 241 war crimes convicts with imprisonment (89.6%), while 28 were sentenced to long-term imprisonment (11.4%). At the same time, in the case of 147 convicts who were sentenced to imprisonment (54.6%), it was imposed below a special minimum of 10 years, i.e. the institute of mitigation was applied. The average sentence imposed (imprisonment and long-term imprisonment) for all convicts before the Court of Bosnia and Herzegovina in the observed period is 11.51 years.<sup>83</sup>

82 It was previously pointed out that in a small number of criminal cases, the accused were tried on the basis of the SFRY Criminal Code, which provided for the possibility of imposing a prison sentence of five to fifteen, or up to a maximum of twenty years, for all war crimes.

83 The average sentence imposed on convicts in regular criminal proceedings is 12.1 years,

All long-term prison sentences were handed down for genocide and crimes against humanity, as the most serious forms of war crimes. However, it is surprising that only two, i.e. 15.3% of those convicted of genocide, as the most serious crime, were sanctioned with the (most) severe sentence of long-term imprisonment, while the largest number of convicts for this crime (11) (84.7%) were sanctioned with punishment (ordinary) imprisonment, mostly for a maximum of 20 years. Also, it is interesting that in absolute terms the number of long-term imprisonment sentences for crimes against humanity (25) is significantly higher than for the crime of genocide (2), but also that the percentage of those sentenced to long-term imprisonment for crimes against humanity ( 21.4%) in relation to the total number of convicted for that crime (117) higher in relation to the crime of genocide, which as previously pointed out amounts to 15.3%. This is surprising given that the crime of genocide is a “crime of crimes” and that in its habitus it is more serious than a crime against humanity. Consequently, the question of the adequacy and expediency of such a judicial policy of sanctioning the crime of genocide can rightly be raised.

There is no doubt that the previously analyzed policy of sanctioning the crime of genocide as a capital crime is disproportionate to its nature and horrific consequences, but it has a certain legal basis. Namely, all those convicted of the crime of genocide before the Court of Bosnia and Herzegovina were prosecuted in accordance with the CC BiH and they were initially sentenced to long-term imprisonment. Thus, for example, the accused Trifunović Milenko, Džinić Brano, Radovanović Aleksandar, Jakovljević Slobodan and Medan Branislav were found guilty of the criminal offense by the final second instance Verdict of the Court of Bosnia and Herzegovina (number: X-KRŽ-05/24 of 9 September 2009) genocide against the Bosniak population in Srebrenica, and Milenko Trifunović was sentenced to 33 years of long-term imprisonment, Brano Džinić and Aleksandar Radovanović to 32 years, and Slobodan Jakovljević and Branislav Medan to 28 years<sup>84</sup>

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and in proceedings concluded with the application of a plea agreement 7.68 years.

84 It is interesting that in the first-instance proceedings the accused were sentenced to long-term imprisonment for an even longer term, and Jakovljević Slobodan and Medan Branislav were sentenced to 40 years, and Trifunović Milenko, Džinić Brano and Radovanović Aleksandar to 42 years. (See: *Prvostepena presuda Suda BiH u predmetu Stupar Miloš, Trifunović Milenko i drugi broj: X-KR-05/24 od 29.07.2008*. In English: *First Instance Verdict of the Court of BiH in the case of Stupar Miloš, Trifunović Milenko and another number: X-KR-05/24 of 29 July 2008*). However, upon the appeals of the accused, the Appellate Panel of the Court of Bosnia and Herzegovina reversed the first instance verdict and imposed a lesser sentence on the accused for the aforementioned duration.

However, following the decision of the European Court of Human Rights (hereinafter: ECtHR) in the case of *Maktouf and Damjanović v. Bosnia and Herzegovina* in 2013<sup>85</sup>, a large number of persons convicted of the crime of genocide before the Court of Bosnia and Herzegovina, prosecuted under the CC BiH, appealed to the Constitutional Court of Bosnia and Herzegovina for alleged violation of Article 7 of the European Convention on Human Rights (hereinafter: the Convention), which *prohibits retroactive application of criminal law if such law provides for a harsher sentence than the one prescribed by the law in force and that was in force in the time of commission of the offense*. In a significant number of cases, the Constitutional Court found *in concreto* that the aforementioned violation of Article 7 of the European Convention occurred due to the fact that the CC BiH was retroactively applied during the trial, which prescribes the possibility of imposing a stricter sentence for the crime in question than the CC SFRY, which was valid at the time of the commission of the offense. Namely, the BiH Criminal Code envisages the possibility of imposing a sentence of long-term imprisonment of up to 45 years for genocide, while for this criminal offense after 2002, with the potential application of the CC SFRY, it was possible to impose a maximum sentence of 20 years.<sup>86</sup> In all such cases, in order to protect the constitutional rights of the appellants, the Constitutional Court of Bosnia and Herzegovina quashed the earlier final judgments of the Court of Bosnia and Herzegovina

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85 Judgment of the ECtHR in the case of *Maktouf and Damjanović v. Bosnia and Herzegovina*, appeals no. 2312/08 and 34179/08, judgment of the Grand Chamber of 18 July 2013.

86 True, the CC SFRY that provided that the perpetrator of this criminal offense could be *sentenced to imprisonment for a term of 5 to 15 years or imprisonment for a term of 20 years or the death penalty*. In this regard, at first glance, one might get the impression that the SFRY Criminal Code is stricter on the perpetrator, given that it provided for the possibility of imposing the death penalty for the said act. However, Article II / 2 of the Constitution of Bosnia and Herzegovina stipulates that the rights and freedoms provided for in the European Convention and its protocols are directly applicable in Bosnia and Herzegovina, and that these acts have priority over all other laws. In addition, guided by the fact that in 2002, Protocol no. 13 to the European Convention on the Abolition of the Death Penalty in All Circumstances (ratified by Bosnia and Herzegovina in 2003), the Constitutional Court found that at the time of the convictions of the appellant by the Court of Bosnia and Herzegovina in 2008 and 2009 “there was no theoretical or practical possibility that the appellant be sentenced to death for this crime” and that according to the CC SFRY “the maximum sentence for the crime in question, in a situation when it is no longer possible to impose the death penalty, is imprisonment for 20 years”. See: *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Milenka Trifunovića br. AP 4100/09* od 22. oktobra 2013. godine, par. 46-49 (in English: *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeal of Milenko Trifunović* no. AP 4100/09 of 22 October 2013, para. 46-49).

and ordered the Court of Bosnia and Herzegovina to render a new decision in the appellant's case.<sup>87</sup>

Based on the mentioned decisions of the Constitutional Court, those convicted of the crime of genocide demanded the reopening of criminal proceedings before the Court of Bosnia and Herzegovina, but in accordance with the provisions of the CC SFRY which was milder (*lex mitior*) and more favorable for them, and in the repeated procedure re-convicted for the criminal offense of genocide for which, in accordance with the previously described legal understanding derived from the decisions of the Constitutional Court of Bosnia and Herzegovina, they were sentenced to the maximum possible prison term of 20 years.<sup>88</sup>

All of the above resulted in those convicted of genocide being ultimately sentenced to lesser *sentences (imprisonment)* than individual convicts for crimes against humanity, who were sentenced to long-term imprisonment, which is in itself *de facto* absurd, given that in the nomenclature of war crimes,

87 Compare: *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Milenka Trifunovića br. AP 4100/09* od 22. oktobra 2013. godine, par. 49; *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Jakovljević Slobodana, Radovanović Aleksandara, Medan Branislava i Džinić Brane br. AP 4065/09* od 22. oktobra 2013. godine, par. 59; *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Ivanović Željka br. AP 4606/13* od 28. marta 2014. godine, par. 78; *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Trbić Milorada br. AP 1240/11* od 6. novembra 2014. godine, par. 65; *Odluka Ustavnog suda Bosne i Hercegovine po apelaciji Vuković Radomira br. AP 3113/12* od 27. oktobra 2015. godine, dispozitiv (in English: *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeal of Milenko Trifunović* no. AP 4100/09 of 22 October 2013, para. 49; *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeals of Slobodan Jakovljević, Aleksandar Radovanović, Branislav Medan and Brano Džinić* no. AP 4065/09 of 22 October 2013, para. 59; *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeal of Ivanović Željka* no. AP 4606/13 of 28 March 2014, para. 78; *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeal of Trbić Milorada* no. AP 1240/11 of 6 November 2014, para. 65; *Decision of the Constitutional Court of Bosnia and Herzegovina on the appeal of Vuković Radomir* no. AP 3113/12 of 27 October 2015, enacting clause).

88 Compare: *Drugostepena presuda Suda BiH u predmetu Trifunović Milenka, Džinić Brane, Radovanović Aleksandra, Jakovljević Slobodana i Medan Branislava br. SI 1 014263 13 Krž* (ponovljeni postupak) od 23.01.2014. godine; *Drugostepena presuda Suda BiH u predmetu Trbić Milorada br. SI 1 K 017791 14 Krž* (veza X-KRŽ-07/386) (ponovljeni postupak) od 19. januara 2015. godine (in English: *Second Instance Verdict of the Court of BiH in the case of Trifunović Milenka, Džinić Brane, Radovanović Aleksandra, Jakovljević Slobodana and Medan Branislava* no. SI 1 014263 13 Krž (repeated procedure) dated 23 January 2014. years; *Second Instance Verdict of the Court of BiH in the Trbić Milorada case* no. SI 1 K 017791 14 Krž (link X-KRŽ-07/386) (repeated proceedings) of 19 January 2015).

genocide is a “crime above all crimes” and is by its nature more serious than a crime against humanity.<sup>89</sup> Ultimately, the mentioned actions produced huge disappointment and dissatisfaction of the victims of the crime of genocide and a significant part of the Bosnian-Herzegovinian public.

Otherwise, when it comes to public (dis)satisfaction with the policy of sanctioning convicts not only for genocide, but also for other war crimes, it can be assumed that convicts and victims perceive differently the nature and adequacy of the imposed sanctions (punishments). This is confirmed by the results of some surveys, such as the one conducted by Mahmutović and Gurda, according to which as many as 68% of those convicted of crimes before the Court of Bosnia and Herzegovina thought that the sentences were too severe, unlike only 2.5% of victims who shared such a view. On the other hand, the almost identical number of victims (68.3%) was of the opinion that the sentences were mild or too lenient, compared to 7% of convicts who supported this opinion. However, it is interesting that only 9.7% of convicts and 8.7% of victims were of the opinion that the sanctions imposed for war crimes were fair.<sup>90</sup>

Bearing in mind that this group of criminal offenses is punishable by imprisonment from a minimum of 10 years to a maximum of 20 years or alternatively a sentence of long-term imprisonment from 21 to 45 years, and that the average sentence is 11.35 years and slightly above minimum imprisonment, it can be concluded that the Court of Bosnia and Herzegovina during the observed period (2005-2020) inherited a mild policy of sentencing war crimes convicts. Whether the sentences imposed in each particular case were adequate and proportionate to the nature and gravity of the offense committed, the personal characteristics of the perpetrator and other circumstances that are evaluated when sentencing is a completely different question.

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89 This was due to the fact that the CC SFRY as a law in force at the time of the war crimes did not recognize crimes against humanity and that all indictees before the Court of Bosnia and Herzegovina for this crime were prosecuted under the CC BiH, which also for crimes against humanity provides for the possibility of imposing and punishing long-term imprisonment from 21 to 45 years. Possibilities of accusing certain perpetrators of war crimes and crimes against humanity by retroactive application of the CC BiH, although the CC SFRY as a criminal law in force at the time of the crime did not know the crime, is possible under the provisions of Article 4a CC BiH and the standpoints of case law, because crimes against humanity at the time of their commission were a criminal offense in accordance with the general principles of international law.

90 Dževad Mahmutović, Vedad Gurda, *The Effects of War Crime Processing before Domestic Courts on the Reconciliation Process in Bosnia and Herzegovina*, Društveni ogledi (Sarajevo), god. 1, br. 1, 2014, pp. 27.

True, there are indications that the Trial Chambers of the Court of Bosnia and Herzegovina have not pursued an adequate and consistent sentencing policy. In this regard, for example, Novica Tripković, a member of the Army of the Serb Republic of Bosnia and Herzegovina, was convicted of war crimes against civilians under Art. 142 of the SFRY Criminal Code, because in August 1992, together with another soldier, he took part in the beating and subsequent killing of two Bosniak civilians, who were illegally detained at the Miladin Radojević Primary School in Kalinovik, as well as in the beating of one prisoner who later died as a result of the said beating. The convict was sentenced to 8 years in prison<sup>91</sup> for these crimes, which was confirmed on appeal.<sup>92</sup> Also, Ekrem Ibračević, Chief of Military Security of the Municipal Staff of the Territorial Defense of Srebrenik, was convicted of war crimes against civilians under Art. 142 of the SFRY Criminal Code, which he carried out in 1992 by a) supporting the inhumane conditions of detention of four Serb prisoners in the Rapatnica Local Community detention facility in the Srebrenik Municipality, by failing to take any action to improve the conditions in which the said persons were present; b) during the interrogation he struck one detainee in the cheek with an open fist, threatening to kill him by resting the barrel of the pistol on his temple, and c) allowing another person to carry out threats and intimidation against two other detainees. He was sentenced to 3 years in prison for all the above-mentioned acts.<sup>93</sup>

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91 In determining the aggravating circumstances, the Panel assessed on the part of the Accused the manner of committing the criminal offense described in the operative part of the Verdict, the gravity of the violation of the protected property, the consequences of the committed offense (number of victims), the circumstances of the criminal offense. criminal offenses, including war crimes, while mitigating circumstances took into account that he was an elderly and family person (married, father of three children), and, although, the correct conduct and respect of the court by the accused is expected “The Panel also appreciated that the Accused behaved appropriately and that he respected the decisions of the Court.”. *Prvostepena presuda Suda BiH u predmetu Zorana Bjelice i Novice Tripkovića* od 28. aprila 2016., Dispozitiv i par. 308 (in English: *Trial Judgment of the Court of BiH in the case of Zoran Bjelica and Novica Tripković* of 28 April 2016, Disposition and para. 308).

92 In the appellate proceedings, the Prosecution justifiably pointed out the inadequacy of the sentence imposed in relation to the gravity of the consequences of the crime in question, as well as the fact that the Accused had previously been convicted of serious crimes, including war crimes. However, the Appeals Chamber of the Court of BiH rejected all appellate allegations of both the Prosecution and the Defense and upheld the first instance decision. See: *Drugostepena presuda Suda BiH u predmetu Zorana Bjelice i Novice Tripkovića* od 28. novembra 2016., Dispozitiv i par. 43 (in English: *Appeal Judgment of the Court of BiH in the case of Zoran Bjelica and Novica Tripković* of 28 November 2016, Disposition and para. 43).

93 In sentencing, the Panel concluded that there were no aggravating circumstances on the

In connection with the above, the question of the adequacy of the sentence in the first case can be rightly raised with regard to the gravity and consequences of the said crime (death of three persons), but also the proportionality and consistency in sentencing in the analyzed cases, having in mind the consequences of both crimes, as well as the existence of certain aggravating and mitigating circumstances in the first and second case. However, in order to make a general judgment on the consistency and adequacy of the policy of sentencing in war crimes cases before the Court of Bosnia and Herzegovina, it would be necessary to conduct more extensive research, which goes beyond the intentions and possibilities of this work.

Concluding the statements on the processing of war crimes before the Court of Bosnia and Herzegovina, it can be stated that a lot has been done in the observed fifteen-year period, but that there is still a lot of work to be done before the said court. Namely, at the end of 2020, a huge number of criminal proceedings against as many as 356 accused persons were in progress before this court.<sup>94</sup> However, if we take into account the fact that the Prosecutor's Office of Bosnia and Herzegovina has a large number of unresolved cases in the field of war crimes,<sup>95</sup> even assuming that a significant number of them in accordance with the so-called *the Revised state strategy for work on war*

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part of the Accused, and that there were aggravating circumstances on the other hand, which were reflected in the fact that "the Accused was a family man, the father of one child, that was personally engaged in helping individual victims in the form of medical assistance, and it is crucial that the consequences of his actions are not as severe and far-reaching as in the more serious acts of war." See: *Drugostepena presuda Suda BiH u predmetu Ekrema Ibračevića* od 11. maja 2018. godine, Dispozitiv i par. 155-156 (in English: *Appeal Judgment of the Court of BiH in the Ekrem Ibračević Case* of 11 May 2018, Disposition and para. 155-156).

94 This data is the result of the analysis of the authors of this paper of all war crimes cases that were "in progress" before Section I of the Court of Bosnia and Herzegovina as of December 31, 2020, and which are available at: <http://www.sudbih.gov.ba/> (Retrieved at: December 31, 2021.)

95 Official data on the number of war crimes cases that were in the work of this prosecutor's office at the end of 2020 were not available to the authors of this work. However, according to the data of the HJPC BiH, at the end of 2019, there were 447 unresolved war crimes cases in the Prosecutor's Office of Bosnia and Herzegovina, with as many as 4,223 suspects. See: *Unapređenje procesuiranja predmeta ratnih zločina na državnom nivou u Bosni i Hercegovini, Izvještaj o napretku*, Misija OSCE u BiH i Ambasada Velike Britanije, Sarajevo, 2020, pp. 9. It can be assumed that this number was extremely large at the end of 2020, given that the prosecutors of Section I of the Prosecutor's Office of Bosnia and Herzegovina filed only 15 indictments for the criminal offenses in question this year. More in: Emina Dizdarević *Polovina tužilaca za ratne zločine u 2020. provela u sudnici manje od deset dana* (<https://detektor.ba/2021/02/11/polovina-tuzilaca-za-ratne-zlocine-u-2020-provela-u-sudnici-manje-od-deset-dana/> Retrieved: March 17, 2021.)

*crimes cases*<sup>96</sup> will be handed over to the courts of the entities and the Brčko District of Bosnia and Herzegovina, it can be assumed that the prosecution of the crimes in question will take many years and will not be completed by the end of 2023, as projected by the said strategy<sup>97, 98</sup>.

### **Concluding remarks**

Prosecution of war crimes committed during the war (1992-1995) in Bosnia and Herzegovina in the past took place at several levels, before: a) *the International Criminal Tribunal for the former Yugoslavia (ICTY)*, b) *foreign courts Germany, Austria, Denmark, Sweden, Norway, Croatia, Serbia, Montenegro*) and c) *courts in Bosnia and Herzegovina*. When it comes to prosecuting the crimes in question before the courts in Bosnia and Herzegovina, it took place before the competent courts of the entities (Federation of BiH and RS) and the Brčko District and before the War Crimes Chamber of the Court of Bosnia and Herzegovina - the court representing the only court in the central (“state”) level of government in Bosnia and Herzegovina. The mentioned War Crimes Chamber of this court started its work in 2005 and it is a judicial body that has original competencies for processing war crimes in Bosnia and Herzegovina. However, due to the number of crimes in question, and in accordance with its legal powers, the Department has the possibility to refer less complex war crimes cases to the entity courts, which it does on a regular basis in practice.

In the first years of its work, the Department functioned as a hybrid (internationalized) court, given that in addition to domestic judges, international judges also participated in the work of judicial councils, but for the past 10 years only domestic judges have been engaged within the Department. The engagement of international judges with rich professional experience and knowledge in the field of international humanitarian law has contributed to strengthening the Court’s human capacity and enabling its chambers to cope

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96 The strategy was prepared in 2018, but after several unsuccessful attempts by the Council of Ministers of Bosnia and Herzegovina, it was adopted only on September 24, 2020. The proposed text of the Strategy is available at: [http://www.mpr.gov.ba/web\\_dokumenti/drzavna%20strategije%20za%20rad%20na%20predmetima%20rz.pdf](http://www.mpr.gov.ba/web_dokumenti/drzavna%20strategije%20za%20rad%20na%20predmetima%20rz.pdf) (Retrieved at: March 17, 2021)

97 *Ibid*, pp. 6

98 This is especially due to the fact that in recent years there has been a weaker dynamics in the processing of war crimes. Compare: Dževad Mahmutović, Mirna Alibegović, *Status and Perspectives of War Crimes Processing in Bosnia and Herzegovina*, Human Research in Rehabilitation, vol. 9., no 2, 2019, pp. 63-64.

with processing the most complex war crimes cases in accordance with modern legal standards and fair and honest trials. At the same time, their involvement has contributed to building respectable court practice in the field of war crimes proceedings and generally building the Court, i.e. its War Crimes Chamber, into one of the most respectable courts in the region.<sup>99</sup>

However, the work of the Department was marked by certain challenges and problems. One of the biggest is the application of different criminal laws (CC BiH and CC SFRY) to perpetrators of the same crimes, which often led to a violation of the principles of the rule of law and inequality in criminal proceedings. In addition, the application of different criminal laws that inherit an uneven legal policy for sanctioning war crimes has resulted in significant differences in the amount of sentences imposed on perpetrators of the same crimes, both those tried before the Court of Bosnia and Herzegovina and those tried before entity courts.

The case study found that in the fifteen-years period of the War Crimes Chamber of the Court of Bosnia and Herzegovina, hundreds of criminal proceedings against exactly 400 indictees were finalized, of which slightly more than two thirds (67.2%) were convicted, while approximately one third (32.2%) was released. By far the largest number of charges, but also convictions, related to the crimes against humanity and war crimes against civilians. It is especially important to point out that a certain, albeit smaller number, accused of the crime of genocide as a “crime above all crimes” was prosecuted and convicted before this judicial forum. All charges and convictions related to the actions of members of the police forces and the Army of the Republika Srpska within the genocidal criminal enterprise against the Bosniak population of Srebrenica in July 1995.

Most cases ended in regular criminal proceedings, while 13.3% of defendants were convicted in summary (summary) criminal proceedings, based on the application of a plea agreement, as a consensual way of resolving a criminal dispute. The Trial Chambers inherited a mild penal policy towards the convicts who settled with the prosecution and concluded a plea agreement, and in as many as 77.8% of criminal cases that ended in this way, the sentence was below the special minimum.

Judicial chambers of the Court of Bosnia and Herzegovina in a large number of cases (96.1%) victims of war crimes with a specific or possible

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99 Minka Kreho et al. (Ed.), *10 godina Odjela I za ratne zločine Suda BiH*, Sud Bosne i Hercegovine, Sarajevo, 2015, pp. 11.

property claim for damages for fear or mental pain referred to civil litigation to achieve the same. Only in a small number of cases (3.9%) did judges decide on the property claim already in criminal proceedings. All decisions related to the claims of women victims of war rape and are commendable, because if the victims (who in all criminal proceedings had the role of protected witnesses) with their property claim were referred to civil litigation, they would be forced to disclose their identity, and thus be exposed to secondary victimization.

In addition, the present investigation found that judges of the War Crimes Chamber of the Court of Bosnia and Herzegovina in war crimes cases sentenced them to an average of 11.35 years in prison, which is slightly higher than the minimum statutory prison sentence for this type of crime, and that have inherited a relatively mild penal policy. Understandably, such a penal policy has produced some dissatisfaction among war crimes victims and their families.

Finally, concluding the statements on the processing of war crimes before the Court of Bosnia and Herzegovina, it can be stated that a lot has been done in the observed fifteen-years period, but that there is still a lot of work to be done before the said court. Namely, at the end of 2020, a large number of criminal proceedings against as many as 356 accused persons were in progress before this court. Of particular concern is the huge backlog of cases against several thousand war crimes suspects currently in the work of the Prosecutor's Office of Bosnia and Herzegovina, which could potentially be the subject of proceedings before the War Crimes Chamber of the Court of Bosnia and Herzegovina. Such a large number of unresolved cases 25 years after the end of the war conflicts, however, indicates the inadequacy of the strategy and policy for processing war crimes in Bosnia and Herzegovina and the need to redefine it qualitatively in order to end them faster.

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**ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE IN THE HAGUE ON LEGAL CONSEQUENCES OF THE JUDGMENT FROM 2007 (BOSNIA AND HERZEGOVINA VS. SERBIA AND MONTENEGRO CONCERNING VIOLATIONS OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE)**

*Abstract*

*The subject of this paper is the analysis of the assumptions, procedure and proposal of the text of the Request to the International the Court of Justice in The Hague to provide an advisory opinion on the legal consequences of the 2007 Judgment of the International Court of Justice in The Hague (Bosnia and Herzegovina vs. Serbia and Montenegro concerning violation the Convention on the Prevention and Punishment of the Crime of Genocide) on the constitutional situation in Bosnia and Herzegovina. The author analyzed the rules of procedure before the International Court of Justice in The Hague contained in the Statute of the Court and the Rules of the Court, the 2007 Judgment of the Court and made a proposal for the text of the Motion. The Request first sets out the Court's findings contained in the 2007 Judgment relating to the commission of crimes of genocide, crimes against humanity, war crimes and other violations of international humanitarian law. Then, the legal position of the Republika Srpska from the moment of its creation to the position of the Republika Srpska according to the Constitution of Bosnia and Herzegovina is analyzed. Finally, the relevant law to request an advisory opinion is stated. All these analyzes elaborated in the explanation of the Request are aimed at formulating the questions that the authorized proposer would refer to the International Court of Justice in The Hague. And which is a central part of this paper.*

**Keywords:** *Advisory opinion, letter text, genocide, legal status of Republika Srpska, relevant law.*

## **Introduction**

During the previous year, a story was started in Bosnia and Herzegovina about the need for Bosnia and Herzegovina to submit an advisory opinion on the legal consequences of the 2007 Judgment of the International Court of Justice in The Hague (Bosnia and Herzegovina vs. Serbia and Montenegro for violating the Convention on prevention and punishment of the crime of genocide) on the constitutional situation in Bosnia and Herzegovina. Various texts of the Request appeared which, in the opinion of the author, were not of sufficient quality. And the author decided to write the text of the Request himself. Since the text of the Request was forwarded to a relatively narrow circle of persons, the general public is not aware of the existence and content of this text. So I forward it for publication. To remain written down.

The question of the content of the text of the Request is separate from the question of the expediency of submitting the Request. Which is within the competence of the highest state bodies of Bosnia and Herzegovina. The aim of the author is to briefly describe the procedure for providing advisory opinions by the International Court of Justice in The Hague, analyze the 2007 Judgment in the part related to violations of international humanitarian law, analyze the legal position of Republika Srpska, present relevant law and make a possible text of request.

I would like to emphasize that giving an advisory opinion is a special procedure before the International Court of Justice reserved only for bodies and agencies within the United Nations system (hereinafter UN). Only the UN General Assembly and the UN Security Council have the original authority to request an advisory opinion. But the UN General Assembly may authorize other bodies and agencies to seek an advisory opinion on matters within their competence.

The Court is not obligated but may give an advisory opinion on a matter referred to that Court. Giving an advisory opinion is a discretion of the Court related to the issue of jurisdiction. Advisory opinions do not have the force of judgments. There is no obligation to execute them. They only clarify a legal issue in a way that the Court gives its opinion on that legal issue

## **Advisory opinions of the International Court of Justice in The Hague**

Only states can pause disputes before the International Court of Justice, but not international organizations. A special procedure known as giving

an advisory opinion is only available to international public organizations. Certain bodies and agencies, currently 22 of them, may seek the Court's advisory opinion on legal issues. Article 96 of the Charter states: *1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question. 2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

The General Assembly, by its resolution, authorized four other United Nations bodies to request the Court's advisory opinion on "legal issues arising in the course of their activities."<sup>1</sup> The General Assembly also authorized sixteen specialized agencies under treaties governing their relations with the United Nations. nations to seek advisory opinions from the Tribunal on "legal issues arising in the course of their activities." The exact circumstances under which any agency may exercise its right to seek advisory advice are set out in their constituent acts (constitutions or statutes) or in special instruments such as headquarters agreements or conventions prescribing privileges and immunities.<sup>2</sup> The advisory opinion may relate to the interpretation of these texts or the UN Charter and may concern disagreements between:

1. Two or more bodies or agencies *inter se* which is theoretically very possible;
2. A body or agency and one or more of their officials;
3. Authorities or agencies and one or more of their Member States;
4. Two or more Member States of the same body or agency *inter se*.<sup>3</sup>

The procedure for seeking an advisory opinion is initiated in the form of a written one a request (Request for advisory opinion) which contains accurate information on the issue on which the opinion is sought. The request shall be accompanied by written documents which may be helpful in clarifying the matter.<sup>4</sup> The procedure goes through a written and oral phase.

The Registrar of the Court shall notify all States authorized to appear before the Court that an advisory opinion procedure has been initiated. In

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1 See more: The International Court of Justice, ICJ The Hague, 2004 fifth edition, str.80 i 81.

2 See more: The International Court of Justice, ICJ The Hague, 2004 fifth edition, str.80 i 81.

3 See more: The International Court of Justice, ICJ The Hague, 2004 fifth edition, str.81.

4 See more: Article 65 of The Statute of International Court of Justice in The Hague.

particular, States which, in the opinion of the Court or its President, are able to provide some information on the matter, the readiness of the Court to receive a written statement or to hear them at an oral hearing to that end shall be informed.

In the procedure of giving an advisory opinion, the Court is guided by the provisions of the Statute<sup>5</sup> and the Rules of Procedure<sup>6</sup> relating to the settlement of disputes to the extent that they are applicable to this type of procedure.<sup>7</sup>

The Court shall deliver its advisory opinions in open session, which shall be notified in advance to the Secretary-General and to the representatives of the Members of the United Nations, other States and international organizations directly concerned.<sup>8</sup> Advisory opinions are expressed in a similar way to judgments. Advisory opinions are adopted in secret deliberations, as are judgments. Judges may attach to them their different or special opinions, or declarations. The court may refuse to give an opinion on issues which it deems to be of a non-legal nature, or which are not within the scope of the activity of the body or agency that requested it, but it must justify such a decision with legal arguments.

Advisory opinions do not have the force of judgments. There is no obligation to execute them. They only clarify a legal issue in a way that the Court gives its opinion on that legal issue.<sup>9</sup> Advisory opinions draw their strength from the authority of the authority that issued such opinion. They have moral force rather than legal obligation. They determine the jurisprudence of the Court in that matter.

### **Text of the letter to the UN General Assembly**

United Nations Headquarters, First Avenue at 46th Street,  
New York, NY 10017 USA

Your Excellencies,

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5 Articles 65 to 68 of the Statute refer to advisory opinions.

6 Articles 102 to 109 of the Rules relate to advisory opinions.

7 See Article 102 of the Rules.

8 Article 67 of the Statute.

9 See: Daillier, P., Pellet, A. (1994.) *Droit International Public*, (5th ed.). Paris: Libraire Generale de Droit et de Jurisprudence, L.G.D.J., str. 858.

In accordance with Article 96.1 of the Charter of the United Nations, and Article 65.1 of the Statute of the International Court of Justice, please place on the Agenda ----- session of the UN General Assembly additional item (subject) requesting the UN General Assembly to adopt a resolution requiring the International Court of Justice to give an advisory opinion on the issue:

*whether the existence of the Republika Srpska (RS) as an internationally recognized entity within Bosnia and Herzegovina is in accordance with international law after the Judgment of the International Court of Justice of 26 February 2007 established that at that time the de facto entity – Republika Srpska – through its military bodies RS and RS police, in the exercise of public authority, committed genocide against the majority Bosniak Muslim population of Bosnia and Herzegovina in and around Srebrenica and crimes against humanity, war crimes and other violations in other parts of Bosnia and Herzegovina, thus violating imperative norms of general international law they expressly prohibit, in what way a factual and legal situation has been created which obliges all member states of the international community not to recognize as a lawful situation created by serious violations of peremptory norms of general international law or to provide assistance in maintaining such a situation.*

### **Justification letter**

1. The internationally recognized entity of Bosnia and Herzegovina, the RS, through its organs: the RS Army and the RS Police, committed genocide against Bosnian Muslims in and around Srebrenica, and crimes against humanity, war crimes, and other violations of the 1949 Geneva Conventions, in other parts Bosnia and Herzegovina throughout the aggression against Bosnia and Herzegovina in the period 1992-1995.
2. These facts were established by The Judgment of the International Court of Justice in The Hague of 26 February 2007 in the case Bosnia and Herzegovina v. Serbia and Montenegro concerning violation of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on 9 December 1948.

**Judgment of the International Court of Justice of 26 February 2007  
in the case of Bosnia and Herzegovina v. Serbia and Montenegro  
concerning violation of the Convention on the Prevention and  
Punishment of the Crime of Genocide**

(1) Committing genocide

3. The Judgment of the International Court of Justice of 26 February 2007 in the case of Bosnia and Herzegovina v. Serbia and Montenegro concerning violation of the Convention on the Prevention and Punishment of the Crime of Genocide found that genocide had been committed (pars. 278-297):

“288. The VRS and MUP of the Republika Srpska from 12 July separated men aged 16 to approximately 60 or 70 from their families. The Bosnian Muslim men were directed to various locations but most were sent to a particular house (“The White House”) near the UNPROFOR headquarters in Potočari, where they were interrogated. During the afternoon of 12 July a large number of buses and other vehicles arrived in Potočari including some from Serbia. Only women, children and the elderly were allowed to board the buses bound for territory held by the Bosnia and Herzegovina military. Dutchbat vehicles escorted convoys to begin with, but the VRS stopped that and soon after stole 16-18 Dutchbat jeeps, as well as around 100 small arms, making further escorts impossible. Many of the Bosnian Muslim men from Srebrenica and its surroundings including those who had attempted to flee through the woods were detained and killed.”

“290. The Trial Chambers in the *Krstić* and *Blagojević* cases both found that Bosnian Serb forces killed over 7,000 Bosnian Muslim men following the takeover of Srebrenica in July 1995 (*Krstić*, IT-98-33-T, Judgment, 2 August 2001, paras. 426-427 and *Blagojević*, IT-02-60-T, Judgment, 17 January 2005, para. 643). Accordingly they found that the *actus reus* of killings in Article II (a) of the Convention was satisfied. Both also found that actions of Bosnian Serb forces also satisfied the *actus reus* of causing serious bodily or mental harm, as defined in Article II (b) of the Convention - both to those who were about to be executed, and to the others who were separated from them in respect of their forced displacement and the loss suffered by survivors among them (*Krstić, ibid.*, para. 543, and *Blagojević, ibid.*, paras. 644-654).”

‘‘297: The Court concludes that the acts committed in Srebrenica fall within the scope of Article II (a) and (b) Conventions, committed with the specific intention of partially destroying a group of Muslims of Bosnia and Herzegovina as such; accordingly, these acts constitute acts of genocide committed by members of the Republika Srpska Army in and around Srebrenica beginning sometime on 13 July 1995.’’

(2) Committing crimes against humanity, war crimes, and other violations

4. Judgment of the International Court of Justice of 26 February 2007 in the case *Bosnia and Herzegovina v. Serbia and Montenegro* concerning violations of the Convention on the Prevention and Punishment of the Crime of Genocide, it has been established the Republika Srpska authorities have committed crimes against humanity and other violations in other parts of Bosnia and Herzegovina.

5. The Court first found 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, rape, and torture causing severe physical or mental injuries under Article II (b), how the requirement of this article from the Genocide Convention has been fulfilled. The court analyzed the events in the Drina river valley: (a) Zvornik (b) Foča (i) Batković camp, (ii) Sušica camp (iii) Camp in Foča KPD, Prijedor:, (b) Camps: (i) Omarska camp, (ii) Keraterm Camp, (iii) Trnopolje Camp, Banja Luka: (i) Manjača Camp, Brčko: (i) Luka Camp, on the basis of which it concluded that the requirement of the Genocide Convention had been met. Therefore, in this case, as well, the physical element (*actus reus*) of genocide is fulfilled.

‘‘276. On the basis of the facts set out above, the Court finds that it is established by overwhelming evidence that massive killings in specific areas and detention camps throughout the territory of Bosnia and Herzegovina were perpetrated during the conflict. Furthermore, the evidence presented shows that the victims were in large majority members of the protected group, which suggests that they may have been systematically targeted by the killings. The Court notes in fact that, while the Respondent contested the veracity of certain allegations, and the number of victims, or the motives of the perpetrators, as well as the circumstances of the killings and their legal qualification, it never contested, as a matter of fact, that members of the protected

group were indeed killed in Bosnia and Herzegovina. The Court thus finds that it has been established by conclusive evidence that massive killings of members of the protected group occurred and that therefore the requirements of the material element, as defined by Article II (a) of the Convention, are fulfilled. At this stage of its reasoning, the Court is not called upon to list the specific killings, nor even to make a conclusive finding on the total number of victims.”

“277. The Court is however not convinced, on the basis of the evidence before it, that it has been conclusively established that the massive killings of members of the protected group were committed with the specific intent (*dolus specialis*) on the part of the perpetrators to destroy, in whole or in part, the group as such. The Court has carefully examined the criminal proceedings of the ICTY and the findings of its Chambers, cited above, and observes that none of those convicted were found to have acted with specific intent (*dolus specialis*). The killings outlined above may amount to war crimes and crimes against humanity, but the Court has no jurisdiction to determine whether this is so. In the exercise of its jurisdiction under the Genocide Convention, the Court finds that it has not been established by the Applicant that the killings amounted to acts of genocide prohibited by the Convention. As to the Applicant’s contention that the specific intent (*dolus specialis*) can be inferred from the overall pattern of acts perpetrated throughout the conflict, examination of this must be reserved until the Court has considered all the other alleged acts of genocide (violations of Article II, paragraphs (b) to (e)) (see paragraph 370 below).

(3) Article II (b): causing serious physical or mental injury to members of the group

6. The 2007 Judgment found that the Republika Srpska authorities had committed crimes against humanity, war crimes, and other violations.

“319. Having carefully examined the evidence presented before it, and taken note of that

presented to the ICTY, the Court considers that it has been established by fully conclusive evidence that members of the protected group were systematically victims of massive mistreatment, beatings, rape and torture causing serious bodily and mental harm, during the conflict and, in particular, in the detention camps. The requirements of the material element, as defined by Article II (b) of the Convention are thus

fulfilled. The Court finds, however, on the basis of the evidence before it, that it has not been conclusively established that those atrocities, although they too may amount to war crimes and crimes against humanity, were committed with the specific intent (*dolus specialis*) to destroy the protected group, in whole or in part, required for a finding that genocide has been perpetrated.”

(4) Article II (c): Deliberately subjecting a group to such living conditions that lead to its complete or partial physical destruction

“354. On the basis of the elements presented to it, the Court considers that there is convincing and persuasive evidence that terrible conditions were inflicted upon detainees of the camps. However, the evidence presented has not enabled the Court to find that those acts were accompanied by specific intent (*dolus specialis*) to destroy the protected group, in whole or in part. In this regard, the Court observes that, in none of the ICTY cases concerning camps cited above, has the Tribunal found that the accused acted with such specific intent (*dolus specialis*).”

(5). Who are the perpetrators of the genocide against Bosnian Muslims ?

7. Bosnian Serb forces have been named as perpetrators of the genocide: the VRS and the Republika Srpska MUP. See paragraphs:

“288. The VRS and MUP of the Republika Srpska from 12 July separated men aged 16 to approximately 60 or 70 from their families...”

“290. The Trial Chambers in the *Krstić* and *Blagojević* cases both found that Bosnian Serb forces killed over 7,000 Bosnian Muslim men following the takeover of Srebrenica in July 1995...??

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.”

(6) The perpetrators of genocide, crimes against humanity, war crimes, and other violations exercised parts of the public authority of the Republika Srpska.

“...(T)here is no doubt that the FRY was providing substantial support, *inter alia*, financial support, to the Republika 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 Republika Srpska, and were subordinated to the political leadership of the Republika Srpska. In the absence of evidence to the contrary, those officers must be taken to have received their orders from the Republika 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, para. (1)). The functions of the VRS officers, including General Mladić, were however to act on behalf of the Bosnian Serb authorities, in particular the Republika Srpska, not on behalf of the FRY; they exercised elements of the public authority of the Republika 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.

### **Legal position of Republika Srpska**

(1) The existence of limited international legal subjectivity of the Republika Srpska at the time of the commission of genocide, crimes against humanity and other violations of pre-emptive norms of international law.

#### **Creation of the Republika Srpska**

8.Republika Srpska, created on January 9, 1992, never achieved international recognition as a sovereign state but had de facto control over a significant part of Bosnia and Herzegovina’s territory and the loyalty of a large number of Bosnian Serbs. It retained the elements of statehood and territory acquired through genocide even after the conclusion of the General Framework Agreement for Peace in Bosnia and Herzegovina. 2007 Judgment, par:

“233. By a “sovereignty” resolution adopted on 14 October 1991, the Parliament of Bosnia and Herzegovina declared the independence of

the Republic. The validity of this resolution was contested at the time by the Serbian community of Bosnia and Herzegovina (Opinion No. 1 of the Arbitration Commission of the Conference on Yugoslavia (the Badinter Commission), p. 3). On 24 October 1991, the Serb Members of the Bosnian Parliament proclaimed a separate Assembly of the Serb Nation/Assembly of the Serb People of Bosnia and Herzegovina. On 9 January 1992, the Republic of the Serb People of Bosnia and Herzegovina (subsequently renamed the Republika Srpska on 12 August 1992) was declared with the proviso that the declaration would come into force upon international recognition of the Republic of Bosnia and Herzegovina. On 28 February 1992, the Constitution of the Republic of the Serb People of Bosnia and Herzegovina was adopted. The Republic of the Serb People of Bosnia and Herzegovina (and subsequently the Republika Srpska) was not and has not been recognized internationally as a State; it has however enjoyed some *de facto* independence.”

“235... At the time when the latter State declared its independence (15 October 1991), the independence of two other entities had already been declared: in Croatia,

the Republika Srpska Krajina, on 26 April 1991, and the Republic of the Serb People of Bosnia and Herzegovina, later to be called the Republika Srpska, on 9 January 1992 (paragraph 233 above). The Republika Srpska never attained international recognition as a sovereign State, but it had *de facto* control of substantial territory, and the loyalty of large numbers of Bosnian Serbs.”

(2) Attribution of established crimes against international law to the Republika Srpska

9. That crimes against international law were committed is shown by the following paragraphs of the 2007 Judgment:

“371. ... (I) In the absence of an official statement of aims reflecting such an intent, the Applicant contends that the specific intent (*dolus specialis*) of those directing the course of events is clear from the consistency of practices, particularly in the camps, showing that the pattern was of acts committed “within an organized institutional framework”. However, something approaching an official statement of an overall plan is, the Applicant contends, to be found in the Decision on Strategic Goals issued on 12 May 1992 by Momčilo Krajišnik as

the President of the National Assembly of Republika Srpska, published in the *Official Gazette* of the Republika Srpska, and the Court will first consider what significance that Decision may have in this context. The English translation of the Strategic Goals presented by the Parties during the hearings, taken from the Report of Expert Witness Donia in the *Milošević* case before the ICTY, Exhibit No. 537, reads as follows:

“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. An outlet to the sea for the Republika Srpska.”

While the Court notes that this document did not emanate from the Government of the Respondent, evidence before the Court of intercepted exchanges between President Milošević of Serbia and President Karadžić of the Republika Srpska is sufficient to show that the objectives defined represented their joint view.”

“388...(T)hose officers were appointed to their commands by the President of the Republika Srpska, and were subordinated to the political leadership of the Republika Srpska. In the absence of evidence to the contrary, those officers must be taken to have received their orders from the Republika 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, para. (1)). The functions of the VRS officers, including General Mladić, were however to act on behalf of the Bosnian Serb authorities, in particular the Republika Srpska, not on behalf of the FRY; they exercised elements of the public

authority of the Republika 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.”

(3) The position of the Republika Srpska within Bosnia and Herzegovina

10. CONSTITUTION OF BOSNIA AND HERZEGOVINA Article I:

“Bosnia and Herzegovina

1. Continuity

The Republic of Bosnia and Herzegovina, whose official name is now “Bosnia and Herzegovina”, continues its legal existence under international law as a state, with an internal structure modified by this Constitution, and with existing internationally recognized borders.

It remains a member state of the United Nations and may retain membership or seek admission to organizations within the United Nations system, as well as to other international organizations.

2. Democratic principles

Bosnia and Herzegovina is a democratic state that functions in accordance with the law and on the basis of free and democratic elections.

3. Composition

Bosnia and Herzegovina consists of two entities: the Federation of Bosnia and Herzegovina and the RS (hereinafter “the Entities”).

(3) The position of the Republika Srpska within Bosnia and Herzegovina.”

### **Relevant law to seek an Advisory Opinion**

(1) Vienna Convention on the Law of Treaties

11. The Vienna Convention on the Law of Treaties of 1969, in Article 53, defines the peremptory (jus cogens) norm.

Article 53 of the Vienna Convention on the Law of Treaties reads:

“Treaties conflicting with a peremptory norm of general international law (“jus cogens”)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.”

12. If, on the other hand, a new peremptory norm of general international law is created, any existing treaty that is in conflict with this norm becomes null and void.

Article 64 of the Vienna Convention on the Law of Treaties reads:

“If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.”

(2) Rules on Responsibility of States for Internationally Wrongful Acts

13. The Rules on responsibility of States for Internationally Wrongful Acts in Chapter III, entitled: Serious breaches of obligations under peremptory norms of general international law prescribe the consequences of violating peremptory norms. Chapter III contains two articles. Article 40 of the Rules refers to the international responsibility of states that arises as a result of a serious violation of peremptory norms of general international law.

Art. 40. Application of this chapter

1. This chapter applies to the international responsibility which is entailed by a serious breach by a State of an obligation arising under a peremptory norm of general international law.

2. A breach of such an obligation is serious if it involves a gross or systematic failure by the responsible State to fulfil the obligation.

Art. 41. The rules concerning the consequences arising from violations within this chapter bears the title: Particular consequences of a serious breach of an obligation under this chapter and reads:

1. States shall cooperate to bring to an end through lawful means any serious breach within the meaning of article 40.

2. No State shall recognize as lawful a situation created by a serious breach within the meaning of article 40, nor render aid or assistance in maintaining that situation.

3. This article is without prejudice to the other consequences referred to in this Part and to such further consequences that a breach to which this chapter applies may entail under international law.

### (3) Convention on the Punishment and Prevention of the Crime of Genocide

14. The Convention on the Punishment and Prevention of the Crime of Genocide imposes obligations on States parties to the Convention to prevent the commission of genocide, to punish perpetrators, and not to commit genocide themselves. But also the prohibition of genocide is a peremptory norm of international law that binds all member states of the international community and not only signatories to the Convention. Therefore, the situation created by genocide is unsustainable. The perpetrator of genocide cannot use and enjoy the consequences and benefits created by genocide.

### **Conclusion**

15. The International Court of Justice has found that genocide, crimes against humanity, war crimes, and other violations of peremptory norms of general international law have been committed against a protected group of Bosnian Muslims. The genocide was committed by the entity of RS through its organs: the Army of RS and the Ministry of the Interior (MUP) of RS in the exercise of public authority of RS.

16. The RS, which at the time of the genocide under the Judgment of the International Court of Justice had elements of de facto independence, did not gain international recognition but rather, it is internationally recognized to have entity status within Bosnia and Herzegovina. In that way, the RS essentially achieved the self-proclaimed Strategic goals of the Serbian people in Bosnia and Herzegovina and avoided international legal responsibility for genocide. Moreover, the RS was rewarded for committing genocide.

17. In accordance with international law, it is necessary to take all necessary measures to eliminate the consequences of genocide.

18. International law obliges all states not to recognize a situation created by a serious violation of the peremptory norms of general international law and not to provide assistance in maintaining such a state. The prohibition of genocide, crimes against humanity, war crimes, and other violations is a peremptory norm of general international law.

19. The presented facts and legal situation justify the undertaking of activities by the UN General Assembly as one of the main bodies of the United Nations in order to seek the interpretation of the said legal issue by the largest judicial body in the United Nations system of the International Court of Justice.

## **SOURCES**

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***ACTUAL  
JUDICIAL TOPICS***

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*Hamid Mutapčić*

*Ivan Krištić*

**CALCULATION OF THE PERIOD OF USUCAPTION  
ACCORDING TO THE REAL LAW IN BOSNIA AND  
HERZEGOVINA AND THE REPUBLIC OF CROATIA – A  
COMPARATIVE ANALYSIS**

***Summary***

*Unlike the previous real right, the new entity laws on real rights provide for the possibility of including the period of tenure in circumstances when earlier and later tenants have different qualities of possession. Such a legal solution is not acceptable from the viewpoint of general legal rules that classify residency into regular and irregular. In order to create a better legal solution, and to prevent the possible occurrence of different legal understandings and uneven practices in the application of law, the paper detects legal shortcomings, and presents proposals de lege ferenda. When it comes to acquiring the right of ownership of immovable property on the basis of tenure, these proposals are essential due to the current process of reform of land registry law and the much-needed security in legal real estate transactions.*

**Key words:** *usucaption, conscientious possession, independent possession, land registry reform, legislative intentions*

**Introduction**

With the entry into force of the new entity laws on real rights, the possibility of calculating (accession) the usucaption date is envisaged, whereby the time for which the predecessors of the current owner continuously owned the thing as legal and conscientious independent owners, i.e. as conscientious independent owners.<sup>1</sup> An identical legal solution was provided by the previous

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<sup>1</sup> See: Article 58, paragraph 4, Law on Real Rights FBiH – LRR FBiH (Official gazette of FBiH No. 66/13, 100/13 and 32/19) and the Law on Real Rights RS – LRR RS (Official Gazette of RS No. 124/08, 58/09, 95/11, 60/15, 18/16 and 107/19).

Law on Property Relations.<sup>2</sup> The main disadvantage of such a legal rule was reflected in the fact that the legislator did not provide a solution for a situation in which the later juror has different qualities of possession compared to those of his predecessor. In order to create a better and more precise legal solution and in order to prevent the emergence of different legal understandings and uneven practices in the application of law, in the new real law the legislator has provided a solution according to which the statute of limitations is possible and in a way that the time, for which the thing was possessed by the predecessors of the present possessor, is counted in the time necessary for tenure.<sup>3</sup>

Such legal regulations, not only do not contribute to the completion of the previous legal solution, but due to their inaccuracy and inconsistency generate additional uncertainty in the matter of acquiring real rights, both on movable and immovable property, both on moveable and immoveable property. Due to non-compliance with some other legal rules, such a legal solution may also generate the emergence of different legal understandings and uneven practices in the application of law, which is certainly not a good solution if we consider the current process of land registry reform<sup>4</sup> and integration of our

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2 See: Article 35 of the Law on Property Legal Relations – LPLR (Official Gazette of FBiH, No. 06/98).

3 See: Article 58, paragraph, LRR FBiH/RS

4 With the entry into force of the new entity laws on land registers, the process of land registry law reform has begun, the aim of which is to establish a stable and functional land registry, which will meet the needs of modern legal real estate transactions. By prescribing legal rules on the obligation to register and its constitutive effect (see Articles 5 and 8 of the Law on Land Registry of FBiH - LPC of FBiH, Official Gazette of FBiH No. 58/2002, 19/03 and 54/04 and the Law on Land Registry RS - LPC RS, Official Gazette of RS No. 74/02, 67/03, 46/04, 109/05 and 119/08), and legal rules on the principle of trust, as a completely new original way of acquiring real rights to real estate ( See: Article 9 of the FBiH/RS LPC), seeks to ensure much-needed security in the legal sale of real estate and reduce the existing discrepancy between the land registry and unregistered condition of real estate. “There was a tendency that the decision of the Land Registry Act on the impossibility of acquisition without entry in the land registry, be accompanied by a solution of future real law that would not provide for tenure as a basis for acquiring real estate ownership, as is the case in German law.” (M. Povlakić, Transformacija stvarnog prava u Bosni i Hercegovini, Pravni fakultet Univerziteta u Sarajevu, Sarajevo, 2009, pp. 98. See: M. Povlakić, Reforma zemljišnoknjižnog prava kao dio ukupne reforme građanskog prava, *Zbornik radova*, 1. međunarodno savjetovanje Aktualnosti građanskog i trgovačkog zakonodavstva i pravne prakse, Mostar, 2003, pp. 244.) In the later adopted entity laws on real rights, the provisions of Articles 52 and 55 redefined the legal rules of land registry law on the obligation to register and its constitutive effect, all in order respect for the rich legal tradition in the matter of acquiring real rights to real estate and the successful completion of the land reform process southern law. These rules on the calculation of the statute of limitations significantly deviate from

country into the European Union countries, in which the above reform stands out as one of the basic priorities of our legislator.<sup>5</sup> Such legal solutions can also compromise the entire reform process in the field of public real estate records, which would be most suitable for proponents of some new trends in the process of choosing the appropriate model for recording real estate and real estate rights.<sup>6</sup>

The implementation of such policies would jeopardize the right to property as a constitutional category and an inviolable legal and civilization value, which is protected by the most important domestic and international legal acts. In order to create a better and higher quality legal solution in the

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the basic intention of the legislator and the general principles of civil law, on which, among other things, the current reform process in the field of public real estate records is based. Therefore, such rules are not in the spirit of the mentioned reform process and the stated intention of the legislator to provide adequate legal infrastructure for the establishment of a stable and functional land register, which will meet the needs of modern real estate transactions, and also contribute to strengthening economic capacity and overall economic development of our country. On the current process of land registry law reform see more: D. Medić, *Novo stvarno pravo Republike Srpske*, treće izmijenjeno i dopunjeno izdanje, Panevropski univerzitet, Banja Luka, 2018, pp. 69-78, H. Mutapčić, *Načelo povjerenja u zemljišnu knjigu*, Printas, Srebrenik, 2017, pp. 139-144, H. Mutapčić, *Načelo upisa u zemljišnu knjigu prema novom stvarnom pravu u Bosni i Hercegovini*, Pravna misao, br. 1-2/2017, pp. 18-25, M. Povelčić, *Uloga savjesnosti kod višestrukog otuđenja iste nepokretnosti i predstojeća reforma zemljišno-knjižnog prava*, *Godišnjak Pravnog fakulteta u Sarajevu*, Sarajevo, br. XLII/1999, pp. 261.

5 See: <http://www.ohr.int/?p=50983>

6 With the entry into force of the Law on Survey and Cadastre of the Republika Srpska - LSC RS (Official Gazette of the Republika Srpska No. 6/12), the concept of establishing a system of unified real estate records was renewed, which the republican legislatures of the former Yugoslavia have already abandoned once provisions of the Law on Cadastre and Survey of Real Estate from 1984 (Official Gazette of SRBiH No. 22/84, 12/87, 26/90 and Official Gazette of RBiH No. 4/93 and 13/94) could not achieve significant progress in the process of harmonization land registry and possession legal status of real estate. In this way, it essentially abandons the essential reform in one of the most important areas in the integration process of our country into the European Union, but also the fundamental legal postulates that are an integral part of our rich legal tradition in acquiring real rights to real estate. The political dimension of this problem further complicates the entire reform process and significantly determines the creation of new policies in this area, which seek to achieve some other illicit and immoral goals. It is evident that in the coming period there will be two diametrically different approaches to this problem: one that will advocate the implementation of reform solutions characteristic of the land registry model of real estate and real estate rights, as well as a completely new and radically different model unknown to democratically and legally regulated communities, which encroaches on the right of property as an inviolable legal and civilization value, protected by the highest domestic and international legal acts.

matter of acquiring property rights based on the calculation of the expiration date, in the continuation of this paper we will perform a critical analysis of the disputed solution, detect its shortcomings, and point out the need to differentiate for the time required by the extraordinary presiding judge, and vice versa. In achieving the set goal, we will also perform a comparative analysis of the disputed provisions with general legal rules that classify regularity and extraordinary, which is also one of the research problems of this paper.

Real law in the Republic of Croatia envisages a completely different solution in relation to the stated solution in real law in Bosnia and Herzegovina.<sup>7</sup> Recognizing the need to differentiate between regular and extraordinary, the Croatian legislator envisaged different ways of calculating the time in which the predecessor's predecessors owned a certain movable or immovable thing, depending on whether they have the status of independent or self-qualified owner, or depending on the time required to acquire title on the basis of tenancy in favor of a later independent qualified possessor of the thing. By applying the comparative law method, we will perform a qualitative analysis of the existing legal solution in real law in Bosnia and Herzegovina, and then we will determine the necessary directions for its change.

### **Calculation of the period of usucaption according to the real law**

The Law on Property Relations provided for the possibility of calculating the period of tenure in such a way that the time for which the predecessors of the later possessor owned the thing as conscientious and lawful, i.e. as conscientious possessors, is also included in the time of tenure. Based on the presented solution, the later possessor, whose possession was conscientious and lawful, was credited with the time of the predecessor of the possessor who also had the status of a regular assignee. The law allowed an identical possibility of calculating the period of tenure in the case when later and previous jurors had only conscientious possession of things, i.e. when they had the status of extraordinary jurors. The mentioned legal solution should not be negatively assessed due to the fact that in the stated circumstances the later occupant had a much more favorable position, because for the final acquisition of ownership rights on the basis of tenure it was enough to own the thing as much time as the previous occupants.<sup>8</sup> However, the main disadvantage of this

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7 See: Article 160, paragraph 4 and 5 of the Law on Ownership and Other Real Rights of the Republic of Croatia - LW RC (Official Gazette No. 91/96, 68/98, 137/99, 22/00, 73/00, 129/00, 14/01, 79/06, 141/06, 146/08, 38/09, 153/09, 143/12 and 152/14).

8 With the entry into force of the new entity laws on land registers, registration is also

legal solution was reflected in the fact that the legislator did not provide for the possibility of including the term of tenure in the case when the later owner has different qualities of possession compared to those of his predecessors. Due to such a legal gap, the question could reasonably be asked whether accounting is possible in such circumstances, in what way the due date could be calculated, and what would be the role of general legal rules that classify regular and extraordinary. The legislator foresaw the answer to the first question in the form of a solution contained in the new real law in Bosnia and Herzegovina. However, when it comes to the method of calculating the time of tenure, the legislator did not have in mind the need to differentiate the quality of elapsed time in favor of qualified owners in relation to the time required for later extraordinary jurors, and vice versa, which means that the legal rules on specified classification of usucaption. In order to create better and more precise legal solutions, in the continuation of this paper we will perform a critical and comparative legal analysis of the disputed provisions of the new real law, and we will present a proposal *de lege ferenda*.

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prescribed as an additional material legal precondition for acquiring the right of ownership over immovable property on the basis of tenancy (see Article 5 of the FBiH/RS LPC). “Thus, the acquisition of ownership on the basis of tenure is equated with the acquisition of ownership on the basis of a legal transaction.” (See: S. Mulabdić, *Derivativni način sticanja prava vlasništva na nekretnini, Domaća i strana sudska praksa*, Privredna štampa d.o.o. Sarajevo, br. 78/18, pp. 9.) The possibility of acquiring the right of ownership of real estate on the basis of tenure exists only in the case when the preconditions for tenure are met before the entry into force of this Law (see Article 89, paragraph 1 of the FBiH/RS LPC). Unlike land registry law, the new real law in Bosnia and Herzegovina prescribes a decision according to which registration is required only in the case when a valid legal transaction is the legal basis for acquiring the right of ownership or some other limited real right (See: Article 53, Paragraph 1, LRR FBiH/RS), while in all other cases the right to real estate is acquired already at the moment of fulfilling the legally prescribed preconditions, and any entry in the land register would have only a declarative effect (see Article 52, paragraph 1 of ZSP FBiH / RS). Amended and inconsistent solutions of the new real law have generated the emergence of different legal understandings in legal theory, because the application of legal rules *lex specialis*, or *lex posterior* gives preference to one or another legal solution. (See: *Ibid*, S. Mulabdić, *Stjecanje prava vlasništva dosjelošću s posebnim osvrtom na rješenja Zakona o zemljišnim knjigama*, Pravna misao, Sarajevo, br. 7-8, pp. 71-72, M. Powlakić, *Novo stvarno pravo Republike Srpske*, Nova pravna revija, Sarajevo, br. 1-2/2010, pp. 16, J. Weike, L. Tajić, *Komentar Zakona o zemljišnim knjigama u Bosni i Hercegovini*, Privredna štampa, Sarajevo, 2005, pp. 37, I. Babić i dr., *Komentar Zakona o stvarnim pravima Federacije Bosne i Hercegovine*, Privredna štampa, Sarajevo, 2014, pp. 268, I. Babić i dr., *Komentar Zakona o stvarnim pravima Republike Srpske*, Privredna štampa, Sarajevo, 2011, pp. 242-243.)

## Calculation of the period of usucaption according to the new real law

In the previous lines, we pointed out that earlier real law did not provide for a solution to the circumstances in which later possessors had different qualities of possession compared to those of their predecessors. Therefore, the new real law provides for a solution according to which the calculation of the period of tenure is possible even in the case when the possessors have different qualities of possession, in such a way that the time in which the predecessors of the current possessor owned a certain movable or immovable thing is included in the time required for tenure.<sup>9</sup>

The problematic nature of such a legal solution can be viewed from three different aspects. First, it follows from the content of the said provision that the legislator did not have in mind different life situations in which the application of legal rules on the calculation of the period of validity does not have an identical role. Secondly, in envisaging such a solution, the legislator completely ignored the general legal rules that classify tenure into regular and extraordinary, which is a consequence of different and separate evaluation of established property and its qualities. Given that the regular occupant has qualified possession of things, the general legal rules provide for a significantly shorter time for this type of usufruct compared to the prescribed time required to acquire property rights on the basis of extraordinary usufruct, both movable and immovable.<sup>10</sup> By constructive action of time, the occupant becomes the owner of the thing in his independent possession, where the length of time required depends exclusively on whether the occupant has the status of a qualified or unqualified possessor.<sup>11</sup> And third, such a legal solution, for the above reasons, may generate additional uncertainty in the matter of acquiring real rights to real estate, which could complicate the overall process of land registry reform and further encourage proponents of some new policies in the process, whose implementation is radically directed against property rights as constitutional categories and the highest legal and civilizational values.<sup>12</sup>

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9 See: Article 58, paragraph 5, LRR FBiH/RS

10 See: Articles 58 and 116, LRR FBiH/RS

11 The opposite effect of time (destructive action of time) exists in a situation when the creditor, within the legally prescribed time, does not demand the forced realization of his claim, due to which the right arising from a legally established obligation ceases to exist, i.e. the creditor's right to sue against the debtor's will requires the realization of his claim. In the first case, it is a matter of preclusion of rights, and in the second it is a matter of statute of limitations.

12 See: *supra* pp. 2 in this paper.

Based on the previous considerations, it can be concluded that the legislator, in order to complete the existing solution, and in order to prevent the possible emergence of different legal understandings, prescribed the possibility of calculating the expiration date in the case of independent and conscientious owner,<sup>13</sup> includes the time during which his predecessor owned the thing as a qualified possessor, as well as in the case when the qualified possessor is credited with the time during which his predecessor owned the thing only as an independent and conscientious possessor.<sup>14</sup> Regardless of the

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13 The new entity laws on real rights provide for a completely different definition of conscientious objection. Unlike the previous real law, according to which conscientious possession was derived from the right of ownership (see Art. 77 LO), according to the new real law for the establishment of conscientious possession, the existence of any contract from which it follows that the possessor has the right to possession (e.g. lease agreement, service contract, etc.), which means that the property does not necessarily have to be acquired by a causal agreement aimed at transferring ownership rights from the transferor to the acquirer (see Article 326, paragraph 1 of the LRR FBiH and Article 312, paragraph 4 of the LRR RS). It is important to note that conscientious possession does not depend on the validity of the contract, on the basis of which a certain thing was obtained. Given that it is a matter of subjective quality of possession, it is sufficient to assess the conscientiousness of the possessor if he does not know or cannot know that he has no right to possession. By deriving conscientious possession from the right to possession, the hitherto existing close connection between conscientious and independent possession was redefined. Therefore, a conscientious possessor can no longer be considered to have independent possession of things at the same time. Preliminary considerations should be borne in mind when formulating future legal solutions that will include independent and conscientious possession as a subjective quality of possession, which certainly includes legal rules that deal with the calculation of the maturity. That the legislator did not have in mind the new definition of conscientious possession is best recognized from the content of the provisions that prescribe the acquisition of property rights on movable property on the basis of regular and extraordinary residence. These provisions do not prescribe independent possession as a precondition for this way of acquiring rights (see Article 116, paragraphs 1 and 2 of the LRR FBiH/RS), which may generate certain ambiguities in the application of the law. Since independent possession is no longer derived from conscientious possession, it is necessary to amend the above provisions in such a way that independent possession is envisaged as a necessary legal precondition for both regular and extraordinary tenure. Otherwise, non-independent owners of things (e.g. tenants and service recipients) according to the existing letter of the law would have a suitable possession for acquiring the right of ownership on the basis of tenure, which is contrary to the basic intention of the right and the way in which tenure is positioned as the most complete and the most absolute real right to an individually determined movable or immovable thing.

14 Unlike the previous real law, according to which the conscientious possessor also had independent possession of the thing, the new real right radically redefined the connection that existed between the stated subjective qualities of possession. Since it is sufficient for the assessment of the conscientiousness of the possessor that he does not know or may know that he has no right to possession of the thing, the normative position

basic intention of the legislator, it would be wrong to claim that the presented solution represents a step forward in relation to the solution that previously provided for real law. Therefore, it can be concluded that the solution of the new real law is applicable only in the case when the current possessor has the same qualities of possession as the previous possessors, i.e. when it comes to the same types of tenure.<sup>15</sup>

It is quite clear that our substantive law emphasizes the unbreakable link between the quality of possession and the prescribed time required to acquire title on the basis of tenancy. It follows that the issue of calculating the period of tenure cannot be solved by simply adding up the time in the case when the later independent possessor has different qualities of possession compared to those of his predecessors, regardless of whether he has the status of qualified or unqualified possessor. In an attempt to contribute to solving this problem, various solutions have been offered in legal science. One of the proposals points to the possibility of calculating the percentage of the predecessor's elapsed time, with the remaining percentage of the time required being exclusively related to the quality of the later occupant's property and the time prescribed by law for this type of sojourn.<sup>16</sup> Thus, for example, if the real estate was in the qualified possession of the predecessor for nine years, for the final acquisition of ownership rights on the basis of tenure in favor of the later independent owner, it is sufficient for two more years of uninterrupted possession. Such legal understandings should not be negatively assessed, especially due to the aforementioned shortcomings of the existing legal solution. However, in order to prevent the emergence of

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of independent possession in the new real right should be of far greater importance. Therefore, independent possession, in the case of acquiring the right of ownership in both types of tenure, and thus in the calculation of the term of tenure, is an inevitable legal presumption. However, the legal provisions that provide for conscientious possession as a precondition for some of the above ways of acquiring rights should not be assessed negatively. Regardless of the fact that conscientious possession is derived from the right to possession, it is correct to conclude that independent possessors are also conscientious possessors of things, because the broader right of ownership also contains a narrower right to possession of things.

15 For the application of the existing solution, it is sufficient that these are the same types of settlement, which means that there do not necessarily have to be identical qualities of possession. This is due to the fact that the status of extraordinary trustee also has an independent possessor who has acquired possession of the thing in the true manner. Therefore, the stated legal solution can be applied in a situation when the current or previous assignee also has a true possession, which is not a necessary precondition for acquiring the right of ownership on the basis of extraordinary tenancy.

16 See: E. Zečević, *Opća pravila građanskog prava vlasništva i druga stvarna prava*, Sarajevo, 2011, pp. 162.

different and unequal treatment in the application of law, which is quite certain in the existing legislative framework, it is necessary to eliminate the identified shortcomings, and normatively regulate various life situations covered by legal rules on accrual. Precisely such a solution is provided for in the Law on Property and Other Real Rights of the Republic of Croatia, in which the legislator pointed out the need to distinguish between different life situations due to which legal rules on calculating the period of validity may or may not be applied, as well as the manner to do so in the event that such a solution is more suitable for the later juror. Based on the comparative legal analysis, we will determine the value and correctness of the existing solution in real law in Bosnia and Herzegovina, detect all its shortcomings, and indicate the necessary directions for its change, which will be presented in the form of a proposal *de lege ferenda* in concluding remarks.

### **Legal rules on calculating the period of usucaption according to the real law in the Republic of Croatia**

The Law on Ownership and Other Real Rights of the Republic of Croatia also provides for the possibility of calculating the period of tenure in the case when previous and later tenants have different qualities of possession, or in the case of different types of tenure. However, unlike our legislator, the Croatian legislator had in mind the fact that the elapsed time of an independent possessor cannot be equated with the time through which a qualified possessor had a certain movable or immovable thing in his independent possession. In this regard, the Croatian legislator has envisaged several different solutions, depending on whether the independent unqualified possessor has the status of a later or former presiding judge, and depending on the overall position of the later qualified presiding judge in the established real legal relationship and on the eventual benefit that he may have in the case of application of legal rights in the calculation of the period of validity. Namely, when the time in which the independent unqualified possessor had a certain thing in his possession is credited to the later qualified possessor of the thing, then the application of legal rules on calculating the expiration date also depends on the elapsed time during which the independent unqualified possessor had the thing in his independent possession. In order to properly understand the extremely complex real-law relations in which the presented rules apply, and in order to correctly and completely detect the shortcomings of the existing legal solution in real law in Bosnia and Herzegovina, we will talk more about each of these hypothetical situations.

### **Calculation of the usucaption date in a situation when the independent unqualified possessor has the status of a latter possessor**

When the independent possessor<sup>17</sup>, whose possession is not legal and true, is credited with time during which his predecessor owned the thing legally, truthfully and independently, the right of ownership will be acquired upon the expiration of as long as it takes for the independent (unqualified) possessor to acquire the thing.<sup>18</sup> It follows from the aforementioned legal solution that the time of residence of an independent unqualified possessor, as a later assignee, continues to run where the time of the previous qualified possessor has stopped. Therefore, the time during which the thing was in the possession of a qualified possessor is counted as the time of extraordinary stay. Such a legal solution is quite acceptable, because the time prescribed by law, which is required for regular residence, qualitatively satisfies the conditions and for the time necessary for acquiring the right of ownership on the basis of extraordinary residence. The broader right of a regular possessor also contains the narrower right of an extraordinary possessor, which is why the application of legal rules on calculating the period of tenure in such circumstances is fully compatible with general legal rules classifying tenure into regular and extraordinary.

### **Calculation of the usucaption date in a situation when an independent unqualified possessor has the status of the earlier possessor**

When the lawful, true and independent possessor is credited with the time during which his predecessor owned the thing independently, but not legally and truthfully, the property will be acquired by prescription after

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17 When analyzing the legal rules on the calculation of the period of usucaption in real law in the Republic of Croatia, we will use the term independent instead of the legal term of fair (conscientious) possession. In previous lines, we said that our legislator envisaged a new legal definition of conscientious possession, which practically broke the unbreakable link between conscientious and independent possession as subjective qualities of possession. For this reason, independent possession is a necessary quality of possession for the acquisition of property rights on the basis of tenancy, which also indicates the status of extraordinary occupant. Therefore, in order to facilitate the monitoring of the next lines and better insight into the shortcomings of the existing legal solution in real law in Bosnia and Herzegovina, we will qualify the extraordinary possessor as an independent owner of things.

18 See: Article 160, paragraph 4 LO RH

the expiration of as long as it takes for the independent possessor to acquire ownership by possession, unless the property is already acquired by the fact that his lawful, genuine and independent possession lasted for as long as was sufficient to acquire the right of ownership on the basis of regular residence.<sup>19</sup> For this situation, the legislator envisages two different solutions, which depends on the elapsed time through which the previous extraordinary possessor had the thing in his independent possession, i.e. on the elapsed time in which the latter possessor had the thing in his qualified possession.

Before we perform a critical analysis of these solutions, and in order to better understand them, we will point out the essential difference between this regulation and the solution that exists in the real law in Bosnia and Herzegovina. Considering the fact that the elapsed time of the independent possessor cannot be equated with the time during which the qualified possessor had a certain thing in his possession, the Croatian legislator does not envisage the possibility of calculating the period of residence in such a way that his predecessor as extraordinary possessor had the thing in his independent possession. Therefore, in the above situation, there is no possibility of accounting as in the case when the extraordinary possessor has the status of a latter possessor. Such a legal solution is fully justified, given that the elapsed time during which the extraordinary possessor had the thing in his independent possession, qualitatively does not meet the conditions and time required to acquire property rights on the basis of regular usucaption.

In the continuation of the paper, we will explain the presented solutions of Croatian law, which will have an exemplary character for formulating a proposal *de lege ferenda* in the real law in Bosnia and Herzegovina. It is to be expected that our legislator will keep in mind such considerations, which is essential due to the much-needed security in legal real estate transactions, but also due to the current process of land registry reform, in which it is necessary to provide adequate legal infrastructure to establish a stable and functional land registry.<sup>20</sup> The existing legal rules on calculating the usucaption date are the most glaring example of the overall responsibility of the legislator in the process of legal devastation of the land register and its basic principles, which is why the following statements, in addition to exceptional scientific and practical significance, are very important for to contribute to the unification

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19 See: Article 160, paragraph 4 LO RH

20 On the current process of land registry law reform see: H. Mutapčić, *Izvršenje na nekretninama u svjetlu propisa izvršnog, zemljišnoknjižnog i stvarnog prava u Bosni i Hercegovini, Društveni ogledi*, International Burch University, Sarajevo, 2021, pp. 35-42.

of legal understandings in the matter of acquiring property rights on the basis of tenancy. In this way, the possible occurrence of different and uneven legal understandings in the application of law will be prevented, which will also contribute to the much-needed legal certainty in the matter of acquiring property rights and other limited real rights to real estate.<sup>21</sup>

### **Circumstances during which the time is accounted when the possession was in the independent possession of the previous possessor**

Prescribing the legislative framework for the factual situation in which the independent possessor of property has the status of a former possessor, the Croatian legislator envisaged two different solutions. In one case, the possibility of calculating the usucaption date is prescribed in such a way that the latter possessor, regardless of having the status of an independent qualified possessor, continues to possess the thing as an independent possessor, i.e. as an extraordinary possessor. The reasons for prescribing such a legal solution should be sought in the intention of the legislator to allow the latter possessor

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21 Legal rules dealing with the acquisition of real rights to real estate, regardless of whether it is an original or a derivative method of acquiring rights, should be viewed in the light of the current process of land registry reform and the unequivocal intention of the legislator to ensure faster and simpler solutions turnover of real estate, and reduction of the existing discrepancy between the land registry and ownership legal status of real estate. Given that the new reform solutions are modeled on the existing ones in German land registry law, it is important to keep in mind the fact that the application of certain legal rules in the real law in Bosnia and Herzegovina is largely conditioned by the current state of public records of real estate, as well as a conceptually different approach in terms of the relationship of legal business as the legal basis for the acquisition and registration as a legal way of acquiring real rights to real estate. By consistently applying the principles of abstract tradition and other principles of land registry law, German land registry law provides key prerequisites for the successful functioning of the land registry and for providing full legal protection to latter acquirers who relied on the accuracy and completeness of land registry entries. “Whoever relies on the contents of the land register in the legal real estate trade, will be protected in their trust, will have the same legal position as if the condition of the land register corresponded to the actual legal situation. It can also be said that apparent law replaces law.” (Baur/Stürner, Sachenrecht, C. H. Beck, Munich, 2009, pp. 293) On the principle of abstract tradition in German law see more in: J. Kohler, Münchener Kommentar zum Bürgerlichen Gesetzbuch, C. H. Beck, München, 2013, pp. 104. et seq. Due to all the above, considering such and similar legal rules in the real law in Bosnia and Herzegovina from the point of view of the intention of the legislator and the current process of land registry law reform is essential for the process of their value examination and taking the final correct position. See more (on this): *supra*, pp. 2 of this paper.

to call for a more favorable factual situation, regardless of the fact that it also means a call for the application of legal rules on extraordinary usucaption. Thus, for example, if the previous independent possessor owned the property for 11 years, then another nine years of uninterrupted possession will be sufficient for the latter qualified possessor to acquire ownership rights on the basis of tenure. In order to apply the legal rules on calculating the usucaption date in such circumstances, it is practically necessary to transform the legal status of a latter qualified owner from a regular to an extraordinary occupant, which is certainly a more favorable solution for him than a situation in which he should own a property for at least ten years. Any other way of calculating the period of tenure is unacceptable due to the imperative nature of the general legal rules on this way of acquiring rights, which we talked about more in the previous lines.

### **Circumstances in which the application of legal rules on the calculation of usucaption date is excluded**

In the second hypothetical case, taking into account the qualitative differences between the past time in favor of two different possessors, and bearing in mind the need to prescribe a solution that is more favorable for the latter regular possessor, Croatian legislator excludes the application of legal rules on the calculation of the usucaption date. Thus, for example, if the previous independent owner had owned the property for nine years, then it would be a completely unacceptable solution that would allow the latter regular occupant to acquire ownership rights based on the accrual period, after one or 11 years. In the first option, such a decision would not be in accordance with the general legal rules on the classification of regular and extraordinary usucaption, while in the second option such a decision would be less favorable for the later regular possessor, since the legislator prescribed a shorter time to acquire property rights based on the usucaption. In this case, the regular possessor will become the owner of the thing after the legally prescribed time for that type of residence has elapsed, depending on whether it is a movable or immovable thing.

Based on the previously performed comparative legal analysis of legal rules on calculating the usucaption date, we can conclude that our legislator has completely ignored the need to distinguish the quality of the past within two different types of settlement, as well as the situation in which, due to the specific real legal relationship subsequent regular possessor can found himself in, it is necessary to exclude the application of legal rules on the calculation of the period of tenure. In order to create a better and quality legal solution in the

concluding remarks of this paper, and based on the results we obtained using the comparative law method, we will present a proposal *de lege ferenda* for the new real law in Bosnia and Herzegovina.

## Conclusion

In order to improve the legal rules on calculating the usucaption date contained in the provisions of the previous Law on Property Relations, the new real law provides for the possibility of calculating the usucaption date in case the current owner has different qualities of possession compared to those of his predecessors. Such a legal solution is not acceptable from the point of view of general legal rules that classify usucaption into regular and extraordinary, where the length of time required by law depends exclusively on the manner in which the independent possession of the thing was established. This solution is also unacceptable from the point of view of the integration process of Bosnia and Herzegovina into the European Union of countries, in which the reform of land registry law is set as one of the basic priorities of our legislator. Given that the existing solution may generate the emergence of different and uneven legal understandings in the application of law and thus negatively affect the much-needed legal certainty in legal real estate transactions, which would not be in the spirit of the current reform process, it is to be expected that our legislator which we came to in this research, i.e. the presented proposals *de lege ferenda*, both in terms of legal rules on the calculation of the period of validity, and in terms of other rules that are closely related to the subject of this paper.

Using the comparative law method, and on the example of the solution contained in the Law on Property and Other Real Rights of the Republic of Croatia, we determined the value and correctness of the current legal solution in the real law in Bosnia and Herzegovina, also detected its shortcomings and pointed out the necessary directions of amendments of the existing text of the law. In order to create a better and quality legal solution, in the continuation of this paper we present the proposal *de lege ferenda*, which integrates all research results of this paper, which certainly includes a conclusion regarding the redefined role of independent possession in the matter of acquiring property rights and thus in the part which indicates the possibility of applying the legal rules on the calculation of the usucaption date:

*Paragraph 1* When the independent possessor, whose possession is not legal and true, is credited with the time during which his predecessor owned the thing legally, truthfully and independently, the right of ownership shall be acquired upon the usucaption of the time necessary for the independent possessor to acquire the thing.

*Paragraph 2* When the lawful, true and independent possessor is credited with the time during which his predecessor owned the thing independently, but not legally and truthfully, the right of ownership will be acquired on the basis of usucaption after the expiration of the time necessary for the independent possessor to acquire the thing on the basis of tenancy, unless he has already acquired the right of ownership over the property by the fact that his qualified possession lasted for as long as the provisions of this Act provide for that type of tenancy.

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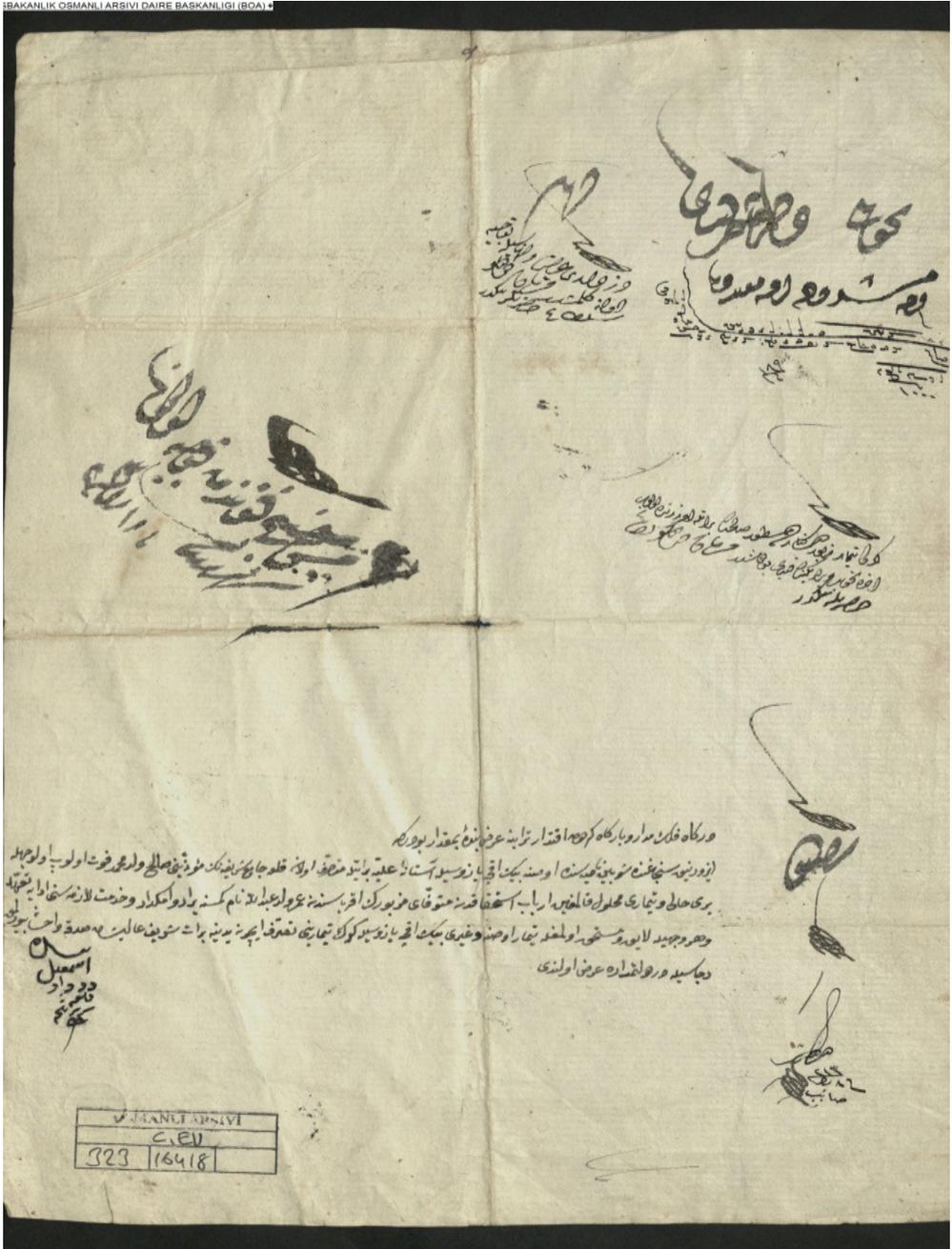
***FROM BOSNIAN  
PODRINJE HISTORY***

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THE PROMOTION OF A MUEZZIN IN THE NAHIYA ŠUBIN

İBANKANLIK OSMANLI ARSIVI DAİRE BASKANLIĞI (BOA)



Sah (işaret)  
Mûcibince fevtindentevcih olunmak.  
Buyruldu.  
Fî 11 Rebiyü'l-evvel sene 1213

Dizdarı arz ve inhasıyla tevcih  
Oluna gelmişdir. Ferman devletlü  
Sultanım hazretlerindir.

(Gedik?) tımar-ı mezbûr derkenarda mastûr Salih'in beratla üzerinde olub  
Ahara tahvil verildiğinin kaydı bulunmuşdur. Ferman devletlü sultanım  
Hazretlerindir.

Dergâh-ı felek medâr ve bargâh ki devlet-i iktidâr-ı türâba arz-ı bende-i  
bîmikdâr budur ki  
İzvornik sancağında Şubin Nahiyesinde Osat bin akçe yazısıyla Âsitâne-i  
Aliyye beratıle mutesarıf olan Kale-i cami-i şerifenin mü'ezzini Salih veled  
Mehmed fevt olup ol vechle

Yeri hali ve timari mahlül kalmağın erbâb-i istihkâkdan karne muteveffâ-yı  
mezbûrun akrabasından Omer veled Abdullah nâm kimesne yarâr ve imkidâr  
ve hizmet-ilâzimesini edâya ta'ahhüd

Ve her vechile lâyıq ve müstehak olmağla tımar-i Osat ve gayri bin akçe  
yazusıyla gerek tımarini tasarruf için yedine berât-ı şerif-i âlişân sadaka ve  
ihsân buyurulmak

Ricasıyla der-i devlet medâra arz olundu.

bende İsmail dizdar  
Kale-i Srebrenica

Berat on the promotion of a muezzin in the fortress mosque of Nahiya Šubin.

After the death of the muezzin Salih son of Mehmed, the berat was issued  
to his cousin Omar son of Abdullah. The 1000 akcha timar in Osat, which  
belongs to Šubin, and which was assigned to Salih in 1189 according to Hijra,  
corresponding to 1773, inherits the appointed muezzin in the same amount in  
1213 according to Hijra, corresponding to 1797.

In the signature; a builder of the Srebrenica fortress Ismail.

***IN MEMORIAM***

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**THE FATE OF THE DAUGHTERS OF HAVKA BEKTIĆ,  
KADIRA, ZEHRA, ZEHTA AND FATIMA**

In issues 8 and 9 of “Monumenta”, we remembered the mothers of Srebrenica: Hatidža Mehmedović, Begija Malagić and Ajša Đozić, whose three generations of male family members were killed in the crime of genocide in Srebrenica in the 1992-1995 war against the Bosnian society and state. There are many such mothers. The question is whether all of them will ever be listed and remain in the Bosniak collective memory as the heroines whom the criminals killed the children and thus themselves before their biological death. In this issue of “Monumenta” we will remember the “sad fate”, four sisters, four daughters of Ibrahim Bektić (1901-1972) and Havka (1902-1959), born Mujić, from Mehmedovići near Tokoljaci, the Srebrenica municipality, and their brothers Ohran (1935-1995) and Daut (1950-2021). Why them? The previous two examples of “Memories” show individual cases of genocide within a family, without indicating its “width” along the side lines of relatives, such as sisters and brothers. With this case, which is unfortunately one of many, we will show the scale of the family tragedies of the sisters and brothers in the crime of genocide against Bosniaks in Srebrenica. The saying of the family tragedy of the sisters, because they are the daughters of one family, in the crime of genocide is especially important because the sisters changed their last name by marriage, which at first glance does not give information that they are one family, and that the crime of genocide against the family is incomplete if not investigated, and the genocidal suffering of sisters and brothers as “extended” families. It is very difficult to follow the family ties along the “female line”, precisely because of the change of the sisters’ surnames. As a rule, in the second generation, a family relationship is “lost” along the “female line” if it is not preserved in the oral family tradition. The example of the genocidal murder of the male children of sisters Kadira, Zehra, Zehta, Fatima and their brother Ohran, the children of Ibrahim and Havka, is just one of many examples of the scale of the genocidal suffering of a Bosniak family in Srebrenica. The Bektić sisters were killed in the crime of genocide by a total of 13 sons, three husbands, brother Ohran, his two sons and two grandchildren, and the son of his brother Daut Esad, i.e. a total of 22 male closest family members. A particularly important topic for researching

the magnitude of the crime of genocide is: *The genocidal suffering of the “extended” family in the genocide against the Bosniaks of Sebrenica*, which requires a special and comprehensive research project. The example of the suffering of the Bektić sisters’ families is just one example and a warning of the need for further research into this phenomenon.

We have already said that the sisters were born in Mehmedovići in the family of Ibrahim and Havka Bektić. Havka is a native of Osmače from the Mujić family. Havka and Ibrahim, in a happy marriage, gave birth to ten children, five daughters (Kadira, Zehta, Zehra, Fatima and Pemba) and five sons (Ohran, Osman, Nezir, Daut a.k.a. Šukrija and Rahman). Osman and Nezir died as children. The sisters, as they grew old enough for marriage, got married and the brothers got married. All of them worked diligently and honestly and raised their families until the criminals, without any reason, completely “destroyed” them. This record of the crime against the families of the children of Ibrahim and Havka Bektić is a barrier so that they, as Bosnian victims and heroes, are not destroyed from the Bosniak collective memory at the same time.

HRUSTANOVIĆ KADIRA, (1938-) married in the village of Miholjevine to Ismet Hrustanović (1939-1995), son of Ahmo. It should be noted that Kadira is the grandmother of today’s imam of the “Čaršija mosque” in Srebrenica, Ahmed (Rifet) Hrustanović (1986-), who helped us collect data on the tragedy of his grandmother’s sons, her sisters and brothers. Kadira and Ismet gave birth to three sons (Rifet, Hajrudin and Hašim) who, together with their father Ismet, were victims of the 1995 genocide against Bosniaks in Srebrenica.



Kadira Hrustanović

Kadira's eldest son Rifet (1964-1995), the father of the aforementioned Imam Ahmed, was killed in a "death column" in 1995. His incomplete remains were exhumed from the secondary "mass grave" in Blječeva. Rifet was buried in the Martyrs' Cemetery of the Potočari-Srebrenica Memorial Center in 2012. Rifet's brother Hajrudin Hrustanović (1968-1995) was also buried in the cemetery of the Memorial Center in 2012. Hajrudin's remains were also "found" in the secondary "mass grave" of Blječeva. Hašim Hrustanović (1972-1995), Kadira's third son, was killed in the crime of genocide in 1995. Also, "found" in the "mass grave" of Blječeva and buried in the cemetery of the Memorial Center in Potočari in 2012. The bodies of all three of Kadira's sons were exhumed incompletely. That proves that they were moved from pit to pit in an attempt by criminals to cover up the crime. To make Kadira's tragedy and pain "complete", the criminals also killed her husband Ismet. Ismet "took refuge" in July 1995 in Potočari in the "UN base". The criminals separated him there with other older men and boys and shot him, most likely at a mass execution site in Kozluk, because his remains were found in a "mass grave" in Kozluk. He was buried in the cemetery of the Potočari Memorial Center

in 2007. So, the mother of Kadira Hrustanović, the daughter of Havka and Ibrahim Bektić, was killed in the crime of genocide by all the closest family members, a total of five: 3 sons, a brother and a husband. It is necessary to mention that Kadira's brother Ohran was killed together with his two sons and two grandchildren.



Hazim and Rifet Hrustanović, Srebrenica 1994



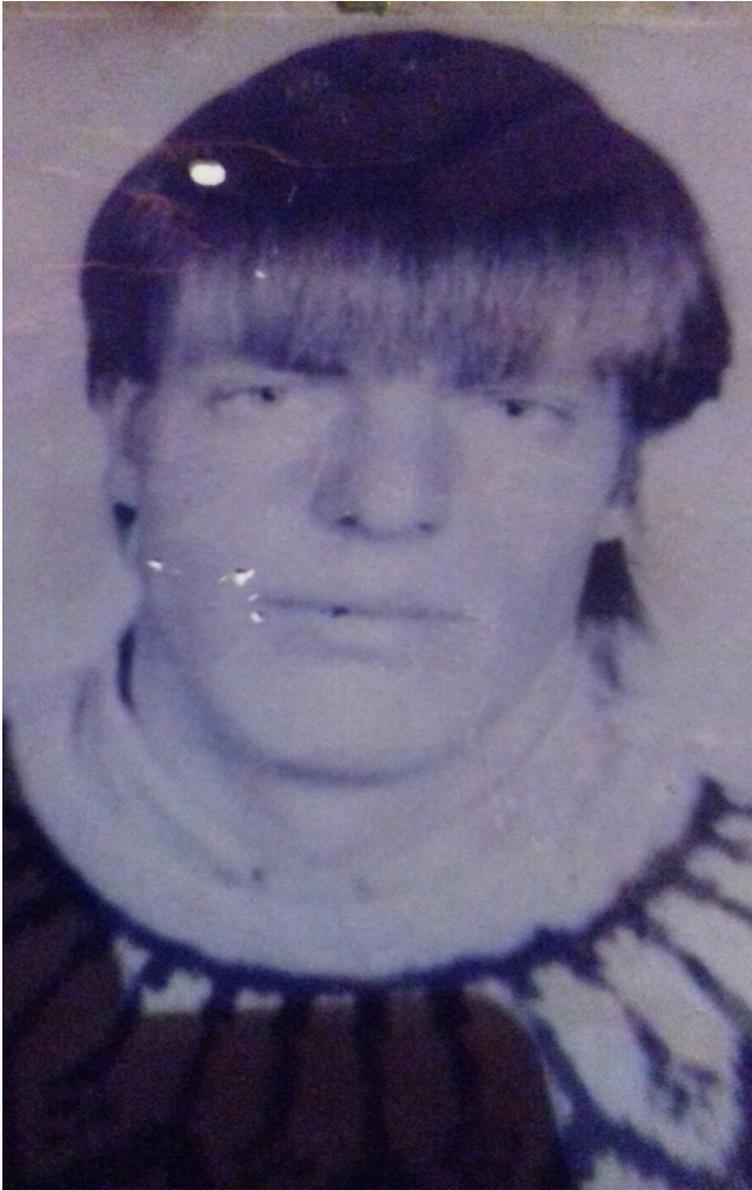
Hajrudin Hrustanović

SULJIĆ ZEHTA, (1944-2012) married Ćamil in the village of Ljeskovik and with him gave birth to five sons: Amil, Halid, Nazif, Avdija and Dahmo. Zehta suffered the same fate as her sister Kadira. Her husband and all 5 sons were killed in the crime of genocide. Amil Suljić (1969-1995) was buried in the cemetery of the Memorial Center in Potočari. Amil's brothers, Halid (1970-1995), Nazif (1972-1995) Avdija (1978-1995) and Dahmo (1980-1995), were also buried in the Potočari Memorial Cemetery and the remains of all were exhumed from a "mass grave" in Kamenica, Zvornik municipality. As we can see, Zehta's youngest son Dahmo was only 15 years old. Zehta's husband Ćami Suljić (1939-1995), the father of Zehta's 5 sons, was also killed in the crime of genocide in 1995.



Zehta Suljić's family

SMAJLOVIĆ ZEHRA, (1948-2013) is Kadira's second sister, with similar fates as the other sisters. Zehra married Smajo Smajlović (1938-2019) in Miholjevina and gave birth to 5 sons with him. Her 3 sons were killed in the crime of genocide. Her husband died a natural death, and her two sons, fortunately, survived. Zehra's sons killed in the crime of genocide are: Smajlović Asim, (1966-1995), Smajlović Sado, (1970-1995) and Smajlović Sevdet (1977-1995).



Sado Smajlović

MUJIĆ FATIMA, (1932-2009), the fourth daughter of Havka and Ibrahim Bektić, married in the village of Fojhar, near Srebrenica, to Meho Mujić (1931-1999) and gave birth to two sons: Mehan (1957-1995) and Fahrudin (1969-1995). Both sons and husband were killed in the crime of genocide. The remains of the murdered Mehan were found at the so-called “Bukva”, one of the largest execution sites of Bosniaks in the “death column”. Fatima’s daughter Azemina (1956-1992) was killed in the crime of genocide. We see that Fatima also experienced the fate of her sisters. All her male family members and daughter were killed.



Fatima Mujić

A husband of PEMBA (1928-2004) Havka’s fifth daughter was killed in the crime of genocide. Jusuf was separated by criminals in Potočari with other elderly men, boys and the wounded and shot at one of the execution sites. Jusuf’s remains were found in a “mass grave” in Čančari, Zvornik municipality, and buried in the cemetery of the Potočari Memorial Center.

In addition to five daughters, Havka and Ibrahim Bektić also raised three sons: Ohrana (1935-1995), Daut a.k.a. Šukrija (1950-2021) and Rahman (1954-2013). Ohran Bektić, lived in Mehmedovići, was married to Mejra, Ismet Hrustanović’s sister and had two sons with her: Pašan and Osman. Both of Ohran’s sons lived in Suha, Bratunac municipality. There they were

caught in the 1992-1995 war against Bosnian society and the state. Pašan, died as a soldier of the Army of the Republic of Bosnia and Herzegovina on the battlefield in Visoko. You are wondering how Pašan came from Bratunac to Visoko. As we said, Pašan Bektić lived with his wife and two children in the village of Suha. In the spring of 1992, Bosnian Serb armed forces, backed by the JNA Novi Sad Corps, which arrived in Bratunac in mid-April 1992, and with it various paramilitary groups from Serbia, began committing mass crimes against Bosniaks in Bratunac who did not shoot a single bullet in self-defense. After the surrender of the weapons, the Bosniaks of Bratunac began to surrender, on call, and in person. Some surrendered peacefully, without resistance, and others hid in houses and forests, where criminals found, arrested and took them to the football field and to the elementary school “Vuk Karadžić”, as it was then called, to the most brutal torture and killing. Some of those arrested were killed on the spot where they were found. The goal was to ethnically cleanse Bratunac and the entire Bosnian Podrinje of Bosniaks. The means to achieve this goal are the most diverse types of crimes, including crimes of ethnic cleansing and genocide. Pašan Bektić was captured in his house in Suha, his wife and two minor children were killed, and he was taken to a hastily improvised camp on the football field of the “Bratstvo” football club. After surviving torture and torture, Pašan, along with other civilians, was exchanged for arrested soldiers of the Army of Republika Srpska in Visoko. That is how Pašan found himself in Visoko, while the bones of his wife and minor children remained in Bratunac. Ohran Bektić’s second son, Osman, was also captured in 1992, taken away and never reappeared. It is unknown where he was killed. So, in the family of Ohran Bektić, 6 members of the family were killed: Ohran sons Pašan, it is true that Pašan was killed, but he survived the torture of “Bratunac 1992”, and Osman, two grandchildren and a daughter-in-law (Pašan’s children and wife). The suffering of Ohran’s family, as an example of a genocidal murder, clearly testifies to the genocidal murder of three generations of one family: grandfather, sons and grandsons.

Ohran’s brother, and the brother of the aforementioned sisters, Daut Bektić’s, a.k.a. Šukrija’s, son Esad was killed (1976-1995). His remains have not yet been found, nor is the place of his death in the 1995 “death column” known.



Esad Bektić (standing) with his cousin Suad, who was also killed in the genocide against Bosniaks

That truth and justice, defy crime and injustice, that is, that truth always wins and that crime and criminals lose, no matter how much harm they inflict on the victims, in this case the victims of genocide, Bosniaks of Srebrenica and other Podrinje places, killing three generations of male family members, of the old grandfathers, sons to minor children, grandchildren, according to the vertical genealogical line and six families, such as this case of Havka and Ibrahim Bektić, according to the “lateral” family line, the example of Ahmed Effendi Hrustanović, Imam of the Čaršija mosque in Srebrenica, great-grandson of Havka, grandson of Kadira, son of Rifet, who returned to his hometown to continue the life of his family in his hometown, where criminals, planned and organized, committed genocidal killings in order for this and many other Bosniak families never live in Srebrenica again. May eternal mercy be upon the souls of the innocently murdered descendants of Havka Bektić, née Mujić, and eternal remembrance of them in the Bosniak collective memory.



Imam Ahmed Hrustanović

Instead of conclusion, in this text, i.e. the facts presented in it, we can say that the genocidal crime against the family, precisely analyzed by a comparative method, along the “vertical” and “lateral” line is one of the most explicit evidence of genocide, wherever it occurred, especially genocide against Bosniaks in the 1992-1995 war against Bosnian society and the state. **In short, in the case analyzed, the facts are as follows. The family of Havka and Ibrahim Bektić (4 sisters and a brother, brothers’ both sons and two grandchildren), in the crime of genocide against Bosniaks, 24 family members were killed, including three children, two women (daughter and daughter-in-law) and 19 adult male members. According to the “vertical” family line, 3 generations of male members and according to the “lateral” family line, 5 families, 4 sisters and a brother.** If we add to this example of genocidal murder also the examples of “crimes against mother and child in genocide against Bosniaks”, we show clear, objective and precise social and legal evidence/facts about the committed genocide that will be accepted by all, individuals and institutions, with any moral dignity, except criminals.

