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**‘Ethnic Cleansing Operations’ in the  
northeast-Bosnian City of Zvornik  
from April through June 1992**



**Ludwig Boltzmann Institute of Human Rights**

ã BIM

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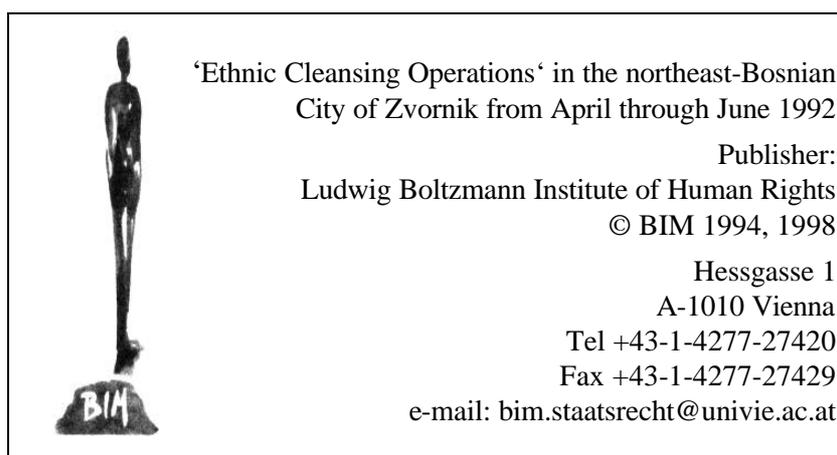
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## **PREFACE**

This report was established within the framework of the project "Human Rights Violations in Bosnia-Herzegovina and Chances for Repatriation and Integration of Bosnian Refugees," conducted by the Vienna-based Ludwig Boltzmann Institute for Human Rights. It was encouraged by the UN Commission of Experts, which was established on the basis of UN Security Council Resolution 780 (1992) "to collect evidence for serious violations of the Geneva Red Cross Conventions and for other violations of international human rights legislation in the area of the former Yugoslavia". The report ("Report on ethnic cleansing operations in the northeast-Bosnian city of Zvornik from April through June 1992") was handed over to the UN Experts Commission on April 6. In its final report (UN Doc. S/1994/674) presented May 27, 1994, the Commission cited this report as an exemplary study on "ethnic cleansing operations," and published it as an annex (UN Doc. S/1994/674/add.2 (vol.I) December 1994). The present report is an extended and revised version of the report for the Commission of Experts; it has been complemented by a legal analysis regarding relevant international law and human rights legislation.

We would like to thank all interviewers, translators, and interlocutors for their commitment and their valuable contributions. Without them we would have been unable to compile this report in its present form.

We extend our special thanks to Professor Cherif M. Bassiouni, chairman of the above-mentioned UN Commission of Experts, who encouraged us to develop this report further and who provided us with valuable information for this work.

We are extremely grateful, however, to all those expelled Bosnian nationals who told us in interviews how they suffered and what they witnessed. We would like to assure them that we will use the information provided by them to further justice.

Finally, we would like to extend our special thanks to the Federal Minister for Foreign Affairs of the Republic of Austria, Dr. Alois Mock, and to the director of the human rights office of this Federal Ministry, Ambassador Dr. Franz Cede, for supporting this project and for the financial resources provided by the Ministry of Foreign Affairs.

Vienna, October 30, 1994

The Authors

Note: Please understand that printing constraints did not allow us to include special graphic symbols used with proper names or topographical information.

## 1. INTRODUCTION

This report sets out to reconstruct the genesis and pattern of the process leading to the irrevocable expulsion ("ethnic cleansing") of the non-Serbian population of the town of Zvornik. It was our objective to evaluate events in exact chronological order. At the same time the investigation focused primarily on the identification of those responsible for the military operations, for the war crimes, and for committing serious human rights violations. The study furthermore seeks to identify a likely structure or even a distinct system of operations which characterized events from the time of the attack (on the city) to the expulsion of the Muslim population.

The present analysis relies on information obtained by the Ludwig Boltzmann Institute for Human Rights (BIM) in the course of an inquiry of 887 expellees<sup>1</sup> from the Zvornik area. It was conducted as part of the research project "War Crimes and Human Rights Violations in Bosnia-Herzegovina and Chances for Repatriation and Integration of Bosnian Refugees " (called "BIM-Study" hereafter).

Intensive, preparatory interviews and 31 in-depth interviews with expellees from Zvornik were conducted for the purpose of this study. The interviewed individuals have detailed knowledge of the respective events. Some of them held key positions in the social and political life of the city. Their names are known to the Institute. For the in-depth interviews, the Institute devised a complex questionnaire, including open and closed question techniques, and a "check-list," which is accessible to the interviewer alone. This list was designed to double-check pertinent events or events already known, as well as to answer any questions which remain still open.

In one part of the questionnaire the interviewees were asked to identify those groups and individuals who participated in the military attacks and in the subsequent expulsion -- in particular units and commanders of the former Yugoslav National Army (JNA) and para-military units. In addition, they were asked to localize the positions the individual units held during the military operations, and to evaluate any likely cooperation between the individual units.

Another part of the questionnaire attempts to reconstruct events in chronological order. For this purpose, the following break-down of phases was developed:

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<sup>1</sup> 506 of the interviewees are from the city of Zvornik, 97.4% were Muslims.

Phase I: The time prior to the attack.

Phase II: The attack from April 8 until April 10, 1992.

Phase III: The time up to the fall of Kulagrad on April 26, 1992.

Phase IV: From the fall of Kulagrad until May 15, 1992.

Phase V: The time after May 15, 1992.

In the course of the interview, the expellees were asked to describe without constraints how they had experienced the various phases. At the same time they were encouraged to give special consideration to the behavior of those units of the JNA which had been present in the city, as well as to the paramilitary units (the so-called "territorial defense" and partisan units), to the members of the militia, and to the Serbian Democratic Party (SDS).

Each phase was initiated with the following question: "please describe in as much detail as possible how you experienced this phase". In addition, the above-mentioned check-list could be used with each phase in order to clarify, if necessary, certain events or individual questions which had not been addressed at all or which had only partially been addressed by the expellees because of the open interviewing techniques. Moreover, interviewers prepared clearly structured questions regarding important events which had taken place during the attack, as well as questions pertaining to the time of the occupation (ultimatums, calls for return after the first wave of refugees, forced registration, forced transferral of property, deportation, imprisonment in war camps, war crimes, human rights violations).

Interviewers confronted the respondents with two maps of the city -- one of the city of Zvornik and one showing the Karakaj industrial zone situated somewhat outside the city. They served to help pinpoint the exact location of the units participating in the attack, to identify the starting and the final points, to review the development of the military operations, as well as to localize the "concentration camps" -- especially those in Karakaj.

The interviews were conducted in the Austrian provinces of Vienna, Lower Austria, and Styria, as well as in one refugee camp near Gabcikovo/Slovakia, and in one refugee camp in Dortmund/Germany, from March 10 to March 28, 1994 by experienced, bilingual interviewers who had been specially trained for these specific purposes. The interviewers themselves translated the records obtained in the Bosnian or Croatian languages into German.

## 2. SOCIO-DEMOGRAPHIC DATA

According to the 1991 census, the district of Zvornik had a population of 81,111. Of them, 48,208 were Bosniacs (Muslims 59.4%), 30,839 were Serb nationals (38.0%). A total of 14,660 people lived in the city of Zvornik, 8,942 (61.0%) of them were Bosniacs, 4,281 or 29.2% Serbian nationals, 74 (0.5%) were Croatians, and 923 (9.3%) were defined as "Jugoslavs", and 440 as "Others" (3.0%; mostly Roma).<sup>2</sup>

The following additional municipalities are relevant to the study:

The municipality of Jordan north of Zvornik, which includes the towns of Jordan and Lipovac, had a population of 2,503, with a 53.1% share of ethnic Serbs, and a 46% share of Bosniacs. These towns are located close to the industrial area of Karakaj, where JNA units had been stationed already prior to the attack. Later, the "headquarters" of both the "Serbian militia" and of the JNA units were moved there, and several camps were established. The municipality of Celopek (pop. 1,894) is situated north of Jordan; its population consisted of 93.1% ethnic Serbs and 6.3% Bosniacs. Well before the attack, units of the former JNA were stationed in Celopek.

In 1981, a total of 27,695 (38.5%) people held jobs, 9,487 of them in the farming and forestry sectors, 18,208 in non-agrarian occupations. The total number of self-employed was 2,202.<sup>3</sup> The "Birac" company in the Karakaj industrial zone was the biggest and most important local employer. It manufactured precursor material for the production of aluminum.

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<sup>2</sup> The 1991 census only identified the three major ethnic groups - the others were lumped together. For complete socio-demographic information, see the Statisticki Godisnjak SR Bosne I Hercegovine 1991, 25 Godina (Statistical Yearbook 1991.)

<sup>3</sup> Contrary to the 1981 census, the results of the 1991 census do not include any breakdown.

### **3. STRATEGIC SITUATION OF ZVORNIK**

Being a border town situated directly at the Bosnian-Serb border river Drina, Zvornik's location was strategically important. This is where Bosnia-Herzegovina and Serbia are linked not only via a car bridge in the city itself and in the Karakaj industrial zone north of Zvornik, but also via a railroad bridge between Karakaj and the town of Celopek. This fact lent the city particular strategic importance. After all, Zvornik represented an important link on the Belgrade-Sarajevo line, as well as on the Belgrade-Tuzla line.

Having control of Zvornik meant that any future movements of troops or logistic material from Serbian territory toward Tuzla or Sarajevo could be accomplished without any obstacles. The early deployment of units of the former JNA clearly indicated the objective to secure control over the two corridors of Belgrade-Tuzla and Belgrade-Sarajevo by taking control of Zvornik. For the Bosnian side, Zvornik was strategically important only in a defensive sense, i.e. in as much as the above-mentioned supply lines could be interrupted. Moreover, because of its geographic situation, Zvornik was not relevant to the armed conflicts and military movements within Bosnia-Herzegovina. The "Kula" hill and the fortress bearing the same name as well as the predominantly Muslim settlement of "Kulagrad" were important only from a local strategic point of view. It was from this hill that large parts of the city of Zvornik (as well as the Divic hydroelectric power plant south of Zvornik) could be controlled.

## 4. MILITARY SITUATION

### 4.1. Yugoslav national army (JNA)

There was no official garrison of the former JNA in the district of Zvornik. The Zvornik region was under the command of the 17th Corps Tuzla. Up to the fall of 1991, the 17th Corps consisted of three brigades and one partisan brigade. It belonged to the 1st Military District of Belgrade. After the reorganization of the JNA in spring 1992, it was formally incorporated into the 2nd Military District of Sarajevo. However, it apparently remained under the command of the 1st Military District of Belgrade.

At the turn of the year 1991/92, the first tank units (apparently from the abandoned Jastrebarsko garrison in Croatia) were stationed near Zvornik (i.e. on the Bosnian side of the Drina river). In February/March 1992 (at the time of the referendum for independence), additional troops of the former JNA -- tank, artillery and anti-aircraft units -- were stationed there. Initially, the tanks still carried the emblems of the JNA. It was only later that they sported the Serbian flag and badges showing the coat-of-arms. At the same time, the members of the units --officers and soldiers alike -- had been wearing Serb badges on their uniforms from the very beginning.

Since the beginning of that year, various tank positions could be identified on the Serbian side of the Drina river bank as well. Later, artillery positions and anti-aircraft weaponry were added.

#### 4.1.1. Units participating in the attack

According to witness accounts, former JNA troops from the following garrisons participated in the course of the attack:

- **Tuzla (Bosnia-Herzegovina):** some of the tanks used in Zvornik formed part of the units which were transferred from Jastrebarsko/Croatia to Tuzla.
- **Bijeljina (Bosnia-Herzegovina):** the infantry divisions of the former JNA were reserve units of the Bijeljina mobilization base, the Bijeljina garrison belonged to the 17th Corps Tuzla.

Already prior to the attack, the units from Tuzla were stationed near Zvornik -- particularly on the Bosnian side of the Drina river bank. In the town of Celopek, in the "Dom Kulture" (Cultural Center), there were small barracks housing roughly 100 infantry soldiers. In the "Novi Standard" shoe factory in Karakaj, there were barracks, too, which reportedly accommodated more soldiers than those in Celopek. According to

statements by some witnesses, the soldiers accommodated in both towns were reportedly from Tuzla.<sup>4</sup> There is, however, evidence that the infantry units in "Novi Standard" were part of a newly formed so-called "territorial defense"<sup>5</sup>; the infantry unit in the "Dom Culture" in Celopek was a reserve unit from Bijeljina. A high-rise apartment building in Meterize -- a distinct part of the city of Zvornik -- served as an additional place of accommodation for soldiers. These soldiers stayed in apartments owned by the "Birac" company, while the Muslim residents were expelled.

The planes and helicopters participating in the attack are also believed to have been from Tuzla.

- **Novi Sad (Serbia):** Up to the reorganization of the former JNA, the headquarters of the 12th Corps Novi Sad commanded as "Sector Command North" so-called "operative groups" which were directly controlled by the General Command, including at least three brigades and additional forces.<sup>6</sup>
- **Sabac (Serbia)**
- **Sremska Mitrovica (Serbia):** The units from Sabac and Sremska Mitrovica remained permanently under the command of the 12th Corps Novi Sad.
- **Valjevo (Serbia):** the unit in Valjevo was permanently under the command of the 1st Corps of Belgrade. The units from Sabac, Sremska Mitrovica and Valjevo, all of which belonged to the 1st Military District, were all organized as readily deployable troops up until the fall of 1991.

Prior to the attack, these units were partly stationed on the Serbian and partly on the Bosnian side of the Drina river bank. They also participated in the attack on Zvornik, operating from Serbian territory. One unit from Sabac is said to have been put up in the "Dom Kulture" in Mali Zvornik. "Small barracks" reportedly existed in Rakalj north of Mali Zvornik.

- **Nis (Serbia):** Up until the reorganization of the former JNA, the 21st Corps stationed in Nis was under the authority of the 3rd Military District of Skopje. Later a separate 3rd Military District was established.

There is some indication that a specialized unit originating in Nis participated in the attack on Zvornik and, later, on Kulagrad. It was reportedly composed of the 63rd airborne brigade Nis" of the "Corps for Special Tasks Belgrade". It was especially trained to handle matters of internal security.

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<sup>4</sup> The military police, which prior to the attack on Tuzla had monitored the two bridges in Karakai, is reported to have come from Tuzla as well.

<sup>5</sup> see chapter 4.2.

<sup>6</sup> Other operative groups were under the authority of the "Sector Command South," consisting of the headquarters of the Belgrade-based "Mechanized Division" with at least six brigades, one partisan brigade and one artillery brigade.

Infantry divisions which had been withdrawn from the Croatian (Vukovar) war theater and which had participated in the attack on Zvornik could not be identified in more detail.

#### 4.1.2. Commander

**General Jankovic** was garrison commander in Tuzla and is said to have repeatedly visited the troops from Tuzla stationed in and around Zvornik prior to the attack. In the course of the restructuring of the JNA in May 1992 -- when "pro-Yugoslav" officers were replaced by "pro-Serb" officers - - he was forced to retire.

**General Milutin Kukanjac** was commander of the 2nd Military District of Sarajevo. After the reorganization of the JNA, he was responsible for the Zvornik area during the time of the attack. In a TV interview following the attack on Zvornik, Kukanjac reportedly said: "If the people of Zvornik return their weapons, the army will protect them. This should serve as an example for other towns."<sup>7</sup>

**Lieutenant Colonel Pejic**<sup>8</sup> was the commander of the troops participating in the attack on Zvornik and commander-in-chief until April 26. During the Croatian War Pejic was head of the operations division at the 32nd Corps Varazdin. In the course of the reorganization of the JNA he was moved to Sarajevo. It is, therefore, believed that his responsibilities in Zvornik also included the preparation and execution of the attack -- a task which was indeed attributed to him by many of the respondents.

**Colonel Marko Pavlovic**<sup>9</sup> belonged to a unit in Croatia until December 1991; he was commander of the 622nd motorized brigade Petrinja, which belonged to the 10th Corps Zagreb. Later, he was detached to the 2nd Military District of Sarajevo. Following Pejic, Pavlovic is said to have taken over the command of the troops after the fall of Kulagrad on April 26. According to witness accounts, he is believed to have been responsible for the ethnic cleansing operations. After the fall of Zvornik he apparently assumed administrative tasks. Formally, however, -- at least by mid-June or by the end of June -- he no longer acted as a member of the JNA, but as "commander of the Zvornik territorial defense," which is the title attributed to him in a newspaper interview with the Serbian publication "Borba".<sup>10</sup>

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<sup>7</sup> quoted from TIMES, April 10, 1992.

<sup>8</sup> In Zvornik he also acted as a an officer of Arkan`s forces.

<sup>9</sup> His real name is Branko Popovic and he was a member of the Yugoslav Secret Service.

<sup>10</sup> "Borba," June 30, 1992. In this interview he also made keen statements regarding the ethnic cleansing operations.

**Lieutenant Radovan Tivic** reportedly commanded the tank-unit from Tuzla.

### **4.1.3. Armaments**

Using photographic evidence, the following armaments could be identified in the course of the research by the Institute:

#### **Infantry**

Automatic rifles/carabines and M 52, M 59, M65, M66, M70A, M70B, M72 and "Kalashnikov" machine guns, bajonettes, hand grenades, "Soja" anti-tank grenade launchers, portable grenade launchers.

#### **Tanks**

Battle tanks T 344, T 54, T 55, T 72 and T 84; "Marda(er)" armored personnel carriers with machine canons; "Samohodka" wheeled tanks.

#### **Artillery**

Howitzers as well as 122mm and 130mm canons; 60mm, 80 mm, and 120 mm mortars; anti-aircraft artillery.

#### **Air force**

MIG 21 and MIG 29 fighter bombers; "Jastrep" training and ground fighter planes with machine guns and missiles; "Galeb" training and ground fighter planes; "Eagle" reconnaissance planes; MI 8, MI 9 and "Gazella" helicopters.

## **4.2. Paramilitary Units**

### **4.2.1. General Remarks**

During the entire period studied the supreme military command was held by the JNA officers Pejic and Pavlovic. Except for the "Arkanovci," the paramilitary groups accepted the command of the JNA when conducting military operations.

From the time after the attack until the final "ethnic expulsion," a considerable number of para-military groups stayed in the city. They included "organized" partisan groups as well as so-called "week-end Cetniks," especially from Serbia. Almost all groups exerted some form of terror over the city population. They are being held responsible for murders, rapes, lootings and tortures in the camps. They seemed to be under nobody's command or control.

The most important "organized" para-military units were the "Arkanovci," the so-called "territorial defense" (TO), the "Seseljevci," and the "Beli Orlovi."

It proved impossible to distinguish the last three units mentioned above explicitly from each other, nor was it possible to identify them as separate from the infantry units of the former JNA.

There is considerable evidence that infantry units not only included regular members of the former JNA and reserve soldiers called to arms, but of "volunteers" as well. This can partly be concluded from observations made by several citizens. According to these accounts, it was already prior to the attack, i.e. as early as March 1992, that the soldiers -- and, as some of those interviewed said, officers as well -- no longer wore the badges of the former JNA, but already had Serb cockades on their uniforms. On the other hand, the old Yugoslav identification symbols could still be seen on military vehicles and on various military equipment. Moreover, many soldiers wearing old JNA uniforms had a white ribbon on the upper arm or wore other identification symbols.

These were identification marks which only made sense if one wanted to distinguish oneself from soldiers who were similarly dressed. This distinction became necessary only with regard to JNA units or units in JNA uniform, as there was no organized military enemy on the Muslim side. The fact that soldiers wore long beards served as another means of identification. This would have been impossible for a regular member of the former JNA. Moreover, some of the physical descriptions of these units and their localization correspond to the descriptions and the localization of the "territorial defense," the Seseljevci, or of the Beli Orlovi, which were provided by other interviewees. Members of these units reportedly used to participate within combined fighting units in the attack. A major part of the para-military groups had no distinct identification features at all and was, therefore, attributed to the JNA infantry by the respondents. But they are likely to have been part of the "territorial defense," which, according to reports, had been newly founded for the area of Zvornik prior to the attack on the city.

Some reserve officers of the infantry came from the region of Zvornik and were at the same time well-known SDS activists. For example, Momir Vasiljevic reportedly was the commander in Zvornik. He was "captain of the reserve, first class" and was originally from Celopek. Prior to the war, he worked in the hospital of Zvornik. One of the officers was Zoran Jovanovic, who had been employed with the "Birac" company; later, he became one of the most important figures of the so-called "Serb district of Zvornik."<sup>11</sup>

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<sup>11</sup> According to several witness accounts, the director of "Birac," Jefto Subotic, appears to have played a decisive role at least in the preparations of the attack. During the attack

Another reason for the difficulty in keeping the various para-military groups clearly apart was the fact that respondents identified the same persons from the surrounding villages in Serbia and Bosnia at one time as being part of the Seseljenci, at another time as members of the Beli Orlovi, then again as members of the "volunteer units." It can be assumed that partisan units identified themselves as members of well-known units (e.g. Arkanovci, Seseljenci, Beli Orlovi, Draganovci), even though they were never actually a part of them.

It is further believed that the so-called "territorial defense" was incorporated into the reserve units of the JNA shortly after the attack.

Despite these facts, the following chapters seek to identify distinct features characterizing each of these groups. And, as regards the units of the former JNA, it is assumed that several infantry units did, in fact, exist.

#### **4.2.2. "Territorial Defense" (TO)**

Shortly after the dissolution of the regular territorial defense in Bosnia-Herzegovina in fall 1991, SDS leaders in Zvornik began recruiting, equipping and obviously also training a new "Serbian territorial defense." Many of them came from predominantly Serb-populated towns such as Celopek or Scemlija near Zvornik, or from various districts of Zvornik (Lisisnjak).

Their headquarters were located in the Karakaj industrial zone, while the major part of the troops stayed in the "Novi Standard" factory. Many of the interviewees also stated that their headquarters are believed to have been in the Lisisnjak part of the city. However, only the apartments of Branko Grujic, who later became "President of the Serb municipality of Zvornik," and of Bosko Ceranic, another SDS activist, are believed to have been in this part of the city.

Branko Grujic is said to have been the leader of this unit. Other leading members included Ljupko Ilic (he later reportedly became "President of the Martial Court"), Drago Krstanovic (prior to the war he worked in the hospital), and "Marko," a crane operator. Like all other para-military units, the territorial defense, too, cooperated with the JNA and operated under its command.

Being from the area themselves, its members are said to have been under special orders to act as informants for the military; later, they reportedly

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and in the course of the occupation, he is also believed to have been responsible for various human rights violations -- including the dismissal of people from their jobs and the deportation into camps.

identified many wealthy and prominent Muslims who were subsequently robbed and arrested (many of them handed over to the "Arkanovci" as prisoners). During the attack, they came into the city in a second wave directly in the wake of the "Arkanovci".

#### **4.2.3. Arkanovci, ("Srpska Dobrovoljacke Garda"/ "Serb Volunteer Guard")**

The Arkanovci as well as "Arkan"<sup>12</sup> himself are unanimously being described as the decisive personalities of the attack. During the attack proper, Arkan's responsibilities as leader not only went beyond those of the commanders of the former JNA, they also surpassed those of the leading personalities of the local SDS.

During the attack, Arkan himself held the supreme command over the Arkanovci. Other important figures besides him were: "Rambo" (he was reportedly Arkan's brother-in-law, who was killed in the course of the battle of Kulagrad); "Zuco," who is held responsible for several serious war crimes and human rights violations; his companion "Topola;" the Jovic brothers from Mali Zvornik (Dragan "Jole" Jovic and his brother Pero Jovic commanded a special unit with red berets with Serb National badges; they, too, wore the "Tiger" badge and the slogan "Arkanove delije" on their shoulders; others said the two brothers were part of different groups); a certain "Vuk" or "Vuco;" and a woman by the name of "Lela," who was made responsible for tortures and killings in camps. The headquarters were in Mali Zvornik in the "Jezero" hotel, Arkan himself stayed in Radaljska Banja.

The members of the Arkanovci had short hair and wore (dark) olive overalls, black gloves cut off at mid-finger, and black woollen caps which could be used as masks. Their army boots were fixed to their uniforms with "Velcro" stripes. On their left arms they had a badge showing four cyrillic letters "S" and the words "Serb volunteer guard" stitched around the outer circle of this emblem. According to other witness accounts, they wore camouflage uniforms with red arrows as badges, the Serb national colors on the right arm, and a badge with the words "Arkanove delije" on the shoulders.

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<sup>12</sup> Zeljko Raznatovic "Arkan" was put on the Interpol's list of wanted persons in the 1980s for several criminal offenses in Western Europe -- including theft and blackmailing. In addition, he has been accused of the killing of "Enemies of the Yugoslav Nation." He founded his "Serb Volunteer Guard" as early as October 1990. The core of the troops comprised some 150 men who were initially trained in a military center in the Vojvodina. Later, the training area was moved to Slavonia, near Erdut. Each "soldier" wore an I.D. proving that he was a member of the "Serb Volunteer Guard."

One of their characteristic traits was their adherence to a strict disciplinary code. They were described as very brutal and "meticulous" regarding "cleansing operations." The respondents portrayed them as "cold-blooded killers." Expressions such as "fighter machines" or "Rambos" were also used by the interviewees. The fact that the Arkanovci were never drunk made them also stand out among the other units. However, they are said to have resorted to other forms of drugs.

There is evidence that they had name lists of rich Muslims whose gold and money they robbed. Local Serbs are said to have been responsible for compiling these lists. Reportedly, it was the Arkanovci in particular who, accompanied by local Serbs, were systematically involved in house searches, killings, rapes, and lootings. The "right to be the first to loot," which they apparently enjoyed, was obviously part of their "remuneration."

Arkan himself is said to have arrived in Zvornik on April 7. There is some contradiction as to whether he only participated in "negotiations" on Zvornik's future that day, or whether he actually dominated those talks.<sup>13</sup> Arkan himself issued an ultimatum for the surrender of the city and the turn-over of all weapons by the morning of April 9. Some days later, Arkan is said to have returned to Zvornik. He kidnapped hospital patients to press for the release of "Rambo's" dead body. Members of the Arkanovci wearing civil clothes are said to have been present in the city since the end of March.

Their participation in the fighting began on April 8 with mortar fire and attacks by snipers located in Mali Zvornik. They conquered the city and assumed control of it on April 9, having taken control of the most important facilities (hospital, radio station) as well as of strategic points. The Arkanovci were supported all along by JNA artillery and logistics. Apparently, strategic planning and command structures had been uniform.

Later other groups (Seseljevci, Beli Orlovi, the "territorial defense," and "volunteers" from neighboring towns in Serbia assumed the task of securing the city (militarily). After the occupation of the city (April 10/11), the core troops apparently left Zvornik.

The Arkanovci were highly mobile and had many vehicles from private owners. Apart from their "military tasks," the Arkanovci were responsible for many of the atrocities and lootings. Arkan himself purportedly ordered Muslims and hospital patients to the execution sites. His people murdered several men in the house of Salim Donjic and committed massacres in the city districts Zamlas and Hrid. In the morning of April 9 they are said to have committed another massacre in Vidakove Nijeve at the access road to Zvornik. In the cafe "Klempic," too, they are said to have committed another massacre in the morning hours of April 9. But since the cafe is

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<sup>13</sup> see chapter 5.1.

situated in the direction of Vidakove Nijeve, the massacre mentioned earlier could be identical with that in Vidakove Nijeve.

Their arms included: automatic rifles M 70A, M 70B and U.S. rifles, "Skorpion" rifles, hand grenades, anti-tank grenades and launching grenades; ropes for choking people, long "Rambo-style" knives, clubs; they wore bullet-proof jackets for their own security.

#### **4.2.4. Seseljerci**

The Seseljerci were described as "bearded" men. They wore Serbian military berets with the Serbian flag or a skull on the front side, or black fur hats ("Sapka") with Serbian cockade. The cross-shaped ammunition belts worn across the breast and the handgrenades on the belt were another identification mark.

Their leaders are said to have been Nikola Jovanovic, a taxi driver from Loznica; a certain "Nislja"; a man named "Hladni", a man called "Dragan Toro," who wore a major's badge, and "Vojvoda Seselj".<sup>14</sup>

According to witness accounts they were frequently drunk; they repeatedly recruited criminals and "weekend fighters." They are said to have been particularly active as regards acts of violence against civilians -- including violence in internment camps. The Seseljerci are blamed for the desecration of at least one mosque, playing "Cetnik songs" over the loudspeakers and raising a flag with a skull.

Their headquarters were hard to localize. According to witnesses, they were in the "Standard" factory in Karakaj, in the "Inzinjerin" company building on the "Alhos" premises, or the "Vežionica" in Karakaj, in the "Drina" hotel, and in the radio station's pre-school.

Prior to the attack, members of the Sseljevci were already present as civilians.<sup>15</sup> They participated in the attack as early as April 9 and stayed involved throughout the entire period of the occupation until the conquest of Kulagrad.

They assumed control of various parts of the city and were responsible for lootings wherever they went. They always cooperated with the JNA, both with regard to strategy and command structure.

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<sup>14</sup> Dr. Vojislav Seselj is deputy to the Belgrade Parliament and leader of the "Serb Radical Party" as well as leader of the "Serb Cetnik Movement." He was co-founder of the "Serb Renewal Movement," whose leader later became Vuk Draskovic. Seselj soon left the movement due to internal disputes.

<sup>15</sup> One of the respondents recounted that Seselj was in Zvornik to meet with Bosko Ceranic of the SDS.

Their weapons included: automatic rifles M 59, M 66, M 70A, M 70B, long, curved knives, hand grenades.

#### **4.2.5. Beli Orlovi (White Eagles)<sup>16</sup>**

They were reportedly sloppily dressed, wearing all sorts of uniforms from various JNA stock, or civilian clothes. They wore a badge on the cap and the upper arm depicting a white, two-headed eagle. They came for the most part from near-by towns in Serbia (Loynica, Valjevo, etc.). Their leaders were, alternately, Mirko Jovic, Dragoslav Bokan, and Vojislav Seselj.<sup>17</sup> Moreover, it was difficult to identify their headquarters. According to witnesses, they were believed to have been on the "Alhos" premises (together with the Arkanovci) and in the "Jezero" hotel in Mali Zvornik.

Like the Seseljevci, they, too, participated only in the second wave of the attack. Their "task" was to assist in the fighting and to secure strategic positions. They participated in the shelling, siege, and occupation of the city, as well as in the attack on Kulagrad.

Their prime responsibility appears to have been the military securement of the deportations; they patrolled intersections and streets (frequently in a drunk and provocative manner), routinely arrested "suspects," and customarily looted. White eagles were painted on homes and warehouses. It was forbidden for the locals to remove them. They operated under the command of the JNA.

Their weapons included light armaments (no detailed information was available).

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<sup>16</sup> In 1990 this fascist, military organization from WWII was reactivated.

<sup>17</sup> Helsinki Watch, War Crimes in Bosnia-Herzegovina, 1992, Rajko Djuric /Bertold Bengsch, "Der Zerfall Jugoslawiens", 1992.

#### 4.2.6. Draganovci<sup>18</sup>

Another important unit was that of the Draganovci of "Kapetan Dragan" (Vasijkovic Dragan). While they did not participate in the attack, they did take part in the occupation of Zvornik. Its members wore red berets and camouflage uniforms. Kapetan Dragan himself reportedly wore civilian clothes only. The Draganovci did not arrive in Zvornik until mid-May. Their headquarters were set up in the Vidikovac hotel in Divic. They were only tasked with administrative matters. But they, too, reportedly participated in the organized expulsion of the Muslim population.

Remarkably, many of the interviewees noted that the Draganovci appeared "disciplined" and "orderly", even "correct" and "friendly". Members of the Draganovci reportedly even saved Muslim prisoners from being murdered by other partisans. In fact, the study by the Boltzmann Institute for Human Rights, too, rarely found charges of human rights violations against them.

On the other hand, members of the Draganovci are accused of having trained local Serbs in the soccer stadium of Divic in military skills. Moreover, they are said to have resorted to looting and forced labor to "solicit" financial contributions for the "Kapetan Dragan Foundations."<sup>19</sup>

Their armaments reportedly included light weapons only (no detailed information given.)

#### 4.2.7. Other Formations

During the various phases of the attack, a sizable number of other formations stayed at Zvornik. Respondents said they had seen many partisans joining various units at different times. These included:

- Zute Ose (Yellow Wasps):

Their commander was Vojin ("Zuca") Vuckovic. However, the unit's best-known member was Vojin's brother, Dusan ("Repic") Vuckovic.<sup>20</sup> He was accused, among other things, of having committed a massacre among the

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<sup>18</sup> This unit, consisting of some 750 men, is said to have fought only in Croatia.

<sup>19</sup> This Foundation supports "Serb Volunteers" who became crippled during the war in Croatia.

<sup>20</sup> Many of those interviewed said Dusan Repic belonged to the Seseljevci. Thus, certain links might have existed between the Zute Ose and the Seseljevci.

citizens of Divic in Celopek. He faces a trial for this crime in Sabac (Serbia).<sup>21</sup>

- Anticevci
- Special units of the local Serbs
- Serb volunteers from Loznica, Sabac, Valjevo
- Pusula`s group
- Group from Padinska Skela
- Vukovarci
- Dusan Silni (Dusan the Mighty)<sup>22</sup>

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<sup>21</sup> "Dusan (Repic) Vuckovic from Umka near Belgrade is standing trial for killing 16 civilians from the village of Divic, injuring 20 individuals, and for raping a 35-year old Muslim woman in Mali Zvornik..." ("Vreme", May 23, 1994).

<sup>22</sup> Probably a sub-unit of the Beli Orlovi.

## **5. CHRONOLOGY**

In order to illustrate the chronology of the events, the following division was chosen: After a brief delineation of the time prior to the attack, there follows a description of the time of the attack itself. This phase is broken down into two chronological lines: The first line illuminates the military events, i.e. the (military) attack on Zvornik and the decisive attack on Kulagrad less than two weeks later. The second line of events illustrates the civilian development in the city itself. Thus emerged a clearly discernible division into individual phases which were clearly linked to the military developments.

### **5.1. The time prior to the attack**

As pointed out in the study by the "BIM", the climate of co-existence of the various ethnic groups progressively deteriorated in the course of the months preceding the attack. While the relationship between the various ethnic groups prior to the war in Croatia could be characterized as good -- after all, only 4 percent of the Muslim persons interviewed said they had no friends among the Serbs -- this situation apparently deteriorated already with the escalation of the war in Croatia in the summer of 1991.<sup>23</sup> Tensions emerged at the workplace, in schools, and in the neighborhood. The individual ethnic groups increasingly began to isolate themselves. This was paralleled by a growing militarization of the society. According to the persons interviewed, the Serbian side was well informed about all imminent actions.

There is considerable evidence that the attack and the expulsion of the Muslim population was pre-planned:

Around the turn of the year 1991/1992, troops of the JNA were for the first time assembled in the region of Zvornik.<sup>24</sup>

About 2-3 months prior to the attack, military training exercises lasting up to 2 weeks were conducted in Osmaci near Kalesija (about 30 kilometers north of Zvornik) and in other places. They were organized by the JNA and only Serbs were invited, under the pretext that the territorial defense was being trained. Already during the weeks prior to the attack, members of all ethnic groups procured arms. According to the interviewees, the Serb population of Zvornik received their weapons largely through the SDS or

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<sup>23</sup> About 21% believed the co-existence had slightly deteriorated, some 15% claimed it had deteriorated substantially.

<sup>24</sup> see chapter 4.1

the JNA, while the Muslim population arranged for its weapons supply through "private" channels -- a fact which is also supported by the BIM study.<sup>25</sup>

According to statements by 31 interviewees, many Serb citizens of Zvornik left the town during the month of March prior to the attack for a weekend, but returned to work the following Monday. These observations have once again been confirmed by the results of the BIM study. It is hard to ascertain whether this was an SDS-organized trial evacuation in the event of an attack on Zvornik --as claimed by one of the respondents. Nevertheless, there is evidence that this was an organized action since it was, after all, the overwhelming part of Serb families that had left the city for the weekend. At the time of the attack, women and children of Serb nationality had left the city already. Some of the interviewees recounted that in the days prior to the attack they had been advised by Serb friends or colleagues to leave the town soon. This serves as evidence in support of the statements by many of the respondents, according to which the Serb population of Zvornik had at least been informed shortly before the attack about the attack.

During the weekend prior to the attack (April 4/5), Serbs erected a barricade at the Meterize part of the city using trucks of the "Boksit" company (a bauxite mine in Milici, 20 km south of Zvornik). This separated the town from the industrial area of Karakaj. On the following Monday, April 6, Muslims were barred from going to work. School children from the Technical School Center in Karakaj, too, were told to turn back at the barricades.

The developments during the last few days and fear of a military confrontation prompted many Muslim families to leave the city via the "Old Bridge" in the city center. In reaction to the Serb barricade, the Muslims, too, put up barricades with trucks at the same site which was guarded by the "Muslim" police and by armed volunteers. Initially, only some verbal exchanges took place at the barricades. On April 6/7, the barricades became the site of demonstrations for a peaceful coexistence, and members of all ethnic groups participated.<sup>26</sup>

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<sup>25</sup> About 80% of those interviewed in the BIM study stated that the Serb population had armed itself with weapons. 83% of those named the former JNA as one of the sources, 47% the SDS. For the Muslims, the main source for procuring weapons was reportedly the "black market in Bosnia".

<sup>26</sup> According to statements by expellees, this was by no means the only demonstration for a peaceful coexistence of the ethnic groups. In the city itself spontaneous demonstrations are said to have taken place, with all ethnic groups participating. In the BIM study, 71 % of those questioned responded to the question "Do you know of demonstrations in the last few days prior to the beginning of the attack which protested against the imminent attack?" "Yes". 81% of the respondents said Muslims had taken part in those actions, 60% said Serbs had participated. When asked who had organized these protests, most of the respondents said this had been done by "private individuals".

Also on April 6th, the local police units were separated.<sup>27</sup> The headquarters of the police in Zvornik were vacated by Serb police; weapons, equipment and cars were moved to the Karakaj industrial zone north of Zvornik. During the weeks prior to the attack, patrols in the city and on the bridges had still been conducted by ethnically mixed police forces in order to demonstrate the unity of all ethnic groups.

On April 7, a large part of the Muslim population fled from Lipovac and Karakaj to Zvornik. On the evening of April 7, one day prior to the attack, Belgrade TV justified the heavy presence of JNA units by claiming that an attack by "Muslim extremists" hiding in Kulagrad was imminent.

On April 8, negotiations took place in Mali Zvornik which were attended by representatives of the SDS from Zvornik, delegates of the Party of the Democratic Action (SDA) from Zvornik, and by Arkan. The talks were reportedly aimed at a "peaceful surrender of the city", i.e. at a "capitulation by the Muslim population." Moreover, the two representatives from Zvornik apparently reached an "agreement" which aimed at dividing the city. The center of the city of Zvornik was to remain "Muslim," while the northern parts, including the Karakaj industrial zone, were to be "awarded" to the Serbs. According to one respondent who had briefly talked to the chief negotiator of the SDA shortly after the meeting, the SDS and the SDA had agreed to this scenario; However, the SDA representative reportedly still feared an attack, since Arkan was said to have been dissatisfied with this meeting and reportedly announced that he would "take charge of things from now on". According to similar reports, Arkan even attacked the two other individuals. In the morning of April 9, another round of negotiations took place -- albeit without results.

## **5.2. The attack on Zvornik**

The military attack on Zvornik lasted from April 8 through April 10/11, 1992. Thereafter, only sporadic military operations were carried out, involving units of the former JNA which cooperated with para-military troops. These operations focused primarily on the medieval fortress of Kulagrad, which is situated to the south of Zvornik, because some resistance fighters (about 100 to 300 persons) were holding out there. Still, the fortress was conquered in a concerted attack by former JNA troops and para-military units relying on air support on April 26, 1992.

Immediately after the fall of Kulagrad, the town of Divic, situated south of Zvornik, was attacked. Divic, a predominantly Muslim settlement, is located

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<sup>27</sup> according to "Borba", April 8, 1992, on April 7.

near the hydro-electric power plant serving the city. Since Divic could also be controlled from Kulagrad, the aggressors believed a decisive attack on Divic was not possible until after the conquest of Kulagrad. Moreover, Divic was considered a "Muslim stronghold" from which strong resistance was to be expected. It was also assumed that the plant's dam had been mined.

The attack was carried out both from the Serbian side and from Bosnian territory, using tanks, artillery, and infantry units with portable mortars. JNA units and para-military units worked hand in hand. The "Arkanovci" operated from front-line positions, conquering the city. Their core troops left the city after the successful attack in order to prepare a raid on the next town (Bratunac.)

Following sporadic rifle fire, the actual attack on the city began in the late morning hours of April 8. The Bukovik and Meterize city districts as well as the Muslim-held defense positions on the Debelo Brdo hill were attacked by mortar fire from artillery positions in Karakaj, from the Bosnian river bank before Meterize, and from Mali Zvornik (Serbia). This attack was mainly carried out by JNA units using heavy artillery and tanks. Reports further mention Arkanovci snipers firing from Mali Zvornik on the opposite Bosnian river bank, as well as snipers shooting from high-rise buildings within Zvornik on the citizens. The Muslim position on Debelo Brdo was conquered on the same day and occupied by the aggressors.

During the following night the city was heavily bombed. The following morning, negotiations were conducted once again. They resulted in an ultimatum according to which the weapons were to be handed over and the city was to be surrendered by 8 p.m. of that day. In reaction, the Bosniacs sent desperate messages to the crisis committee of the Bosnian Government in Tuzla, to Radio Tuzla, Radio Zenica, and to Sarajevo TV and Radio. The call for help was aired by all media, but had no effect.<sup>28</sup>

At 8 a.m. mortar fire resumed. Thereafter, the conquest of the city by infantry units began. The Arkanovci assumed the leading role in the conquest of the city, coming from the north via the Bukovik and Meterize city districts to take control of the city center, facing hardly any resistance. By noon, the Arkanovci had occupied the hospital, and, by the afternoon, the radio station. In addition, infantry units of the JNA cooperated with "Serb volunteers" (Seseljevci, Beli Orlovi, "Territorial Defense") in the conquest of the city. They approached the city in a second wave primarily

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<sup>28</sup> "Borba" of April 9, 1992 rendered the call for help as follows: "We urgently appeal to our public and to the world public, to the Republic of Serbia, to Bosnia-Herzegovina and to the JNA, to rescue the innocent population of Zvornik and to save it from the catastrophe of an armed conflict and from the tragic consequences of enormous dimensions."

from the west, from Scemlije and Lisisnjak. Massacres, killings, deportations and rapes reportedly happened in the camps<sup>29</sup> already during the first weeks, but continued throughout the weeks that followed. Units of the Arkanovci, Seseljevci, Beli Orlovi, and the "territorial defense" participated in those atrocities. On April 10/11, Zvornik was fully conquered. The Kulagrad fortress south of Zvornik and the town of Divic bordering on Zvornik to the south had not yet been occupied.

### **5.3. The attack on Kulagrad and Divic**

Kulagrad is a settlement in the vicinity of a medieval fortress on the Kula hill, located on the southern outskirts of Zvornik. In view of the geographical location of Zvornik and the strategic position of the attacking units, there were only two escape routes open to the population after the beginning of the artillery fire: either towards the east across the "Old Bridge" to Serbia in the direction of Mali Zvornik or Loznica<sup>30</sup> or in a south-western direction via Kulagrad and Liplje<sup>31</sup> to Tuzla. Kulagrad and Liplje were each only used as short stopovers and, during the period after the attack, had to accommodate highly fluctuating numbers of refugees.

On April 9, an artillery assault on Kulagrad started since the attacking units were expecting major Muslim resistance forces. Already before the attack, the Serbian media reported that "several thousand Muslim extremists" were hiding in Kulagrad. In fact, there were probably no more than 30 to 100 armed Muslims under the command of Kapetan Almir, a former JNA officer, who had spontaneously started to organize a resistance movement with light equipment (small arms)<sup>32</sup>(30).

From April 11 onward, there were almost daily attempts by small combat groups composed of various paramilitary units to capture the fortress. These

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<sup>29</sup> See Annex I.

<sup>30</sup> "The Red Cross here ..... (editor's note: The Serbian Red Cross in Loznica) ..... is struggling to find shelter for the estimated 12,000 refugees who in the past four days have driven, waded or swum across from Bosnia to escape the violence." (The Washington Post, April 13, 1992)

<sup>31</sup> "Jose Mendiluce, representing the UNHCR said he saw about 3,000 terrified refugees from Zvornik in a nearby village (editor's note: Liplje)" (source: Reuters, April 11, 1992). "Judith Kumin of the UNHCR agency's office...sought to arrange the evacuation of the refugees from Litija (editor's note: Liplje) to the predominantly Muslim city of Tuzla, about 25 miles west." (Los Angeles Times, April 11, 1992).

<sup>32</sup> According to estimates given by the respondents from the city of Zvornik who had not been in Kulagrad themselves, a group of no more than 300 persons at the most may have defended the fortress of Kulagrad for 20 days. In an interview (published in "Ratna Tribuna" No. 5/1992), the self-appointed commander of the defenders, Kapetan Almir, referred to 100 persons. Other respondents who had been fighting in Kulagrad said that there were some 30 to 50 people in the defense unit.

attempts failed, however, despite the fact that Kulagrad was constantly under fire from mortars, anti-aircraft guns and tanks. The reason for this failure might be that there was both an apparent lack of coordination of the attacks and deficiencies in the training of the involved infantry units.

On April 25, Colonel Pavlovic presented an ultimatum to the inhabitants of Divic to turn in their arms. The defenders of Kulagrad were given a number of ultimatums since the beginning of the attack on April 11, the last one on April 26, the day of the decisive attack on Kulagrad.

In the morning of April 26, the villages around Kulagrad were the first to fall in the wake of a concerted attack. At the same time, Kulagrad and Divic were attacked by heavy artillery fire from the Serbian bank of the Drina river. This enabled the attackers, who this time had coordinated their actions, to capture Kulagrad. For one, because the units were able to approach the fortress from all directions, including the power station in the south. For another, because the attack was conducted more effectively. Some respondents stated that members of the 63rd Nis parachute brigade<sup>33</sup> were involved in the decisive attack and the seizure of Kulagrad.

The Muslims remaining in Kulagrad left the town at approx. 10:30 a.m. together with the rest of the inhabitants and the refugees accommodated in Kulagrad (approx. 100 persons) via Liplje in the direction of Tuzla. In Liplje, they were only able to stay very briefly as later that afternoon this village was also taken by the Serbs without any resistance. On the same afternoon, paramilitary units marched into Divic, and pillages were reported. Some time later, Divic was also occupied by the JNA.

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<sup>33</sup> In the interview for "Ratna Tribuna" No. 5/1992, Kapetan Almir suggested that this may have been a special unit of the Korps Novi Sad.

## **6. CIVIL DEVELOPMENT IN ZVORNIK AFTER THE ATTACK**

### **6.1. From the aftermath of the attack on Zvornik until the fall of Kulagrad**

Control over the "civil administration" was first in the hands of the so-called "crisis committee" which above all included members of the local SDS and the militia. Some of these persons were also integrated into the so-called "territorial defense"<sup>34</sup>. On the basis of one document<sup>35</sup> it is clear that the "crisis committee" did not come into existence until April 8 but had by that time already taken a "decision to introduce a general obligation to work" in the so-called "Serbian Community of Zvornik"<sup>36</sup>. However, already in the early days of the aggression (around April 10) a "Provisional Government" of the "Serbian Community of Zvornik" was founded. Its most important members were Branko Grujic (baker and president of the "Serbian Community"), Radosav Peric (elementary school teacher) and Stevo Radic (jurist, municipal secretary). Other important members of the SDS and the "Serbian Community" were: Sveto Popovic (postal employee), Zoran Jovanovic, Bosko Ceranic, Dragan Spasojevic and Zoran Pazin.

Already shortly after the occupation (approx. April 10/11) a proclamation was broadcast by Radio Zvornik, appealing to the refugees to return to their workplaces. This appeal was however hardly complied with, as there were still numerous paramilitary troops in town who were looting and terrorizing the locals. Therefore, the appeal was broadcast once more a few days later (approx. April 15/16). However, the overall response to these appeals was rather poor. And the experiences of those who did follow the appeal to return to the workplace showed that the true purpose of this appeal - and of others that followed - was to monitor the male Muslim population.<sup>37</sup>

Also immediately after the occupation of the town, a nocturnal curfew was imposed which remained in force until the "ethnic cleansing" was completed. During the day, men were allowed to move around only with a pass issued by the Zvornik Serbian police department.<sup>38</sup> Many of the men who went to

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<sup>34</sup> Leading JNA officers also appear to have been on the "crisis committee".

<sup>35</sup> See Annex III, Document F.

<sup>36</sup> The "Serbian Community of Zvornik" during that time had its seat on the premises of the Alhos company in Karakaj.

<sup>37</sup> See Chapter 6.2.

<sup>38</sup> See Annex III, Documents A and B.

Karakaj (or later to the police department in Zvornik)<sup>39</sup> in order to apply for a "pass" were suddenly deported into one of the camps in the industrial district of Karakaj.<sup>40</sup> There they were subjected to severe torture and murder, in particular by members of the para-military troops whose quarters were partly in the same buildings as those in which the prisoners were detained.<sup>41</sup> The detainees were entirely at the mercy of their torturers. Many of the men therefore did not dare to pick up their passes themselves and remained in hiding in their houses. But even persons with a pass were not safe from random aggressions by the numerous para-military units in town. It was reported by some witnesses that they had their passes taken away or torn into pieces by members of a para-military group immediately upon leaving the police station. Some of them were even physically attacked and deported into camps.

Everyday life was dominated by the fact that marauding para-military troops, who were not controlled by any authority, terrorized the Muslim population of Zvornik. While male Muslims were required to carry a day-time pass with them, women were permitted to leave the house for shopping during the day. In order to do so, however, they had to cross the old bridge to Mali Zvornik (Serbia) as the stores in Zvornik had already been looted. At the check-points on the bridge, the women were frequently molested. There were also several reports of rape.

From the onset of the occupation, Muslims were prohibited from working unless they held jobs which were indispensable for the aggressors (e.g. hospital employees, who were not released until May 19).

There are only few established data on the behavior of the local Serb population as the respondents were almost exclusively Muslims, and also because there were only few Serbs left in Zvornik at the time of the attack. When asked why they thought the Serbs had left town during that period, many respondents expressed a suspicion that the Serbs "had been fully informed" and had therefore left town in time before the attack. This suspicion is substantiated by the fact that some of the Muslims were warned by Serbian friends about an impending attack.<sup>42</sup> Apart from that, local Serbs also took part, as members of para-military groups and units of police and SDS, in numerous acts of violence committed in the town.

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<sup>39</sup> The Serbian police department at Zvornik repeatedly transferred its headquarters: from April 6 (i.e. immediately after the separation into a Muslim and Serbian militia) until mid-April, it was located on the premises of the "Alhos" factory in the Karakaj industrial zone. After that, the Serbian militia moved into the factory of Novi Standard, then after the fall of Kulagrad into the Hotel Drina in the town of Zvornik, and finally back again into the building of the former Bosnian militia (SUP).

<sup>40</sup> For a list of the camps see Annex no. I.

<sup>41</sup> A number of detailed testimonies provided by survivors of the camps at Karakaj are at the disposal of the BIM.

<sup>42</sup> This is also confirmed by the results of the BIM study.

Apparently it was disadvantageous for local Serbs to talk to the Muslim inhabitants. However there were also reports of clandestine assistance including food supplies. Serbs who stood up against the atrocities inflicted on the Muslim population also fell victim to the Serbian guerilla. One case which was confirmed by several respondents was that of a young Serbian woman whose throat was cut through by guerilla fighters when she tried to protect her Muslim friends.<sup>43</sup>

## **6.2. After the fall of Kulagrad**

There is agreement that after the fall of Kulagrad on April 26, 1992, the situation in Zvornik was less strained for a while. Many members of the para-military units as well as parts of the troops of the former JNA were reported to have left town by the end of April. Many of the local Serbs who had also fled from Zvornik came back into town. The SDS started to organize a local administration in the new "Serbian Community of Zvornik" with Branko Grujic as its "president".

At the end of April, the "Serbian Community of Zvornik" issued another appeal for the Muslim refugees to return to Zvornik. Relying on a large number of consistent reports, one could summarize the message of the appeal as follows:

The situation in town was now back to normal and everybody would be able to come back unharmed. Any personal property would have to be registered with the Zvornik police by May 15 as all unregistered property would otherwise fall to the "Serbian Community of Zvornik". This appeal to return was broadcast daily for a period of approximately two weeks by Radio Zvornik, Radio Loznica and, most likely, also by the Belgrade TV station in a variety of versions. This appeal was more successful with the refugees than an earlier appeal to return to the workplace.<sup>44</sup> In addition to the fear of losing their property, the situation in town, which, on the surface, had indeed "returned to normal", seemed to have been the decisive reason for an astonishingly large number of persons to come back.<sup>45</sup> However, their return

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<sup>43</sup> See also the Chicago Tribune issue of May 21, 1992.

<sup>44</sup> Of the interviewees who had escaped shortly before or during the attack, more than half stated that they had come back to their hometown one more time before their final departure. When asked (openly) about the "reason for their return", some two-thirds of them said that they had come back mainly or partly in reaction to the "appeal issued by the Serbs".

<sup>45</sup> When asked (openly) about the "reason for their return", some thirty percent of the interviewees said that they had come back mainly or partly because of "property", "valuables", "means", "house", or "documents". Keep in mind that the answer to have come back in reaction to the "appeal issued by the Serbs" often included the "fear of loss of property". See also the original text of the appeal to return.

had grave consequences for the Muslim inhabitants. For only now was it possible for the aggressors to prepare and actually carry out the "ethnic cleansing" procedure. Therefore, it was not until the fall of Kulagrad that one could actually speak of an organized expulsion of the Muslim population.

Consequently, after a relatively short time, around May 10, the situation for the Muslim inhabitants began to deteriorate again. New para-military units came into town. Attempts to instil terror in the civilian population began to increase and men were more frequently deported in the camps at Karakaj. In particular, former members of the SDA fell victim to such deportations into the camps in Karakaj or Batkovic near Bijeljina. The militia and other local Serbs who were frequently referred to as members of the SDS appear to have been regularly involved in these aggressions. It was hardly possible anymore to leave the town at that point of time due to the fact that check points had been erected on all exit roads. There seems to have been a further exacerbation of the situation around end-May/early June. This is seen by some respondents as being linked to the arrival of the Draganovci in town.

## 7. EXPULSION AND DEPORTATION

After the "unorganized" expulsion of the Muslim inhabitants through a reign of terror, the next stage was their expulsion by means of administrative measures. The first step had already been the above-mentioned appeal to return. The registration of property that was mandatory for all inhabitants including the Serbs served above all the purpose of registering the male Muslim population. For this reason, only men were eligible for registration, which had to be done before the "Serbian municipality" or the "Serbian militia", even if a property was registered under the wife's name. These registrations also led to arrests and deportations into camps, apparently on the basis of a pre-established list.

Furthermore, an "agency for the exchange of houses" was set up, to which the Muslim inhabitants were to transfer their houses. In return, the Muslims were promised houses belonging to Bosnian Serbs (e.g. in the Tuzla region) who supposedly had also assigned their homes to the agency. In order to make this "offer to exchange houses" appear more attractive, Serbian radio stations broadcast reports about the successful exchange of houses by prominent Muslim inhabitants, which in many cases however turned out to be false or to only have been brought about under coercion.

Muslims were only allowed to leave the town on the condition that they renounced their property and transferred it to the "Serbian Community of Zvornik". This forced transfer of property was executed by the "Serbian Community of Zvornik" in cooperation with the police and the Draganovci.<sup>46</sup>

It is hard to say what the typical procedure employed by the authorities during the "ethnic cleansing" looked like in the following weeks. The acts of mandatory registration and forced transfer of property which preceded the actual expulsion were characterized by a variety of different approaches. Despite the fact that there was no clear indication as to the method used for expulsion, the following pattern emerges from a large number of consistent cases:

After their return, the refugees were first forced to register. This registration had no immediate consequences for the organized deportations. It was however a prerequisite for the subsequent transfer of property, which also had to be done before the SUP and which in many cases immediately preceded the actual deportation. The forced transfer of property to the "Serbian Community of Zvornik" made the former house-owners eligible for

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<sup>46</sup> The results of the BIM study show 158 out of 506 interviewees who have "personally" experienced "forced expropriation of real property". It is important to mention, however, that 167 persons had "already left" the town till May 31, 1992.

obtaining an official stamp on their ID-card indicating a change of domicile. This stamp was an indispensable prerequisite for being allowed to leave town later on. Some of the deportees, especially men, also had to prove that they had "donated blood".<sup>47</sup>

Documents required in order to be allowed to leave town included:

- an ID card which guaranteed the holder the freedom of movement on the territory of the Serbian Community of Zvornik,<sup>48</sup>
- a slip certifying the "change of address",<sup>49</sup>
- a personal ID card in which the date of the notice of change of address was entered by the authority.<sup>50</sup>

From the end of May to the beginning of June, there were days on which the Muslim populations of entire municipal districts or neighboring villages were deported.<sup>51</sup> These organized deportations were reportedly carried out with vehicles provided by the "Drinatrans" company, which brought the deportees to Mali Zvornik, and from there via Loznica to Subotica<sup>52</sup> or onto the Bosnian territory of Tuzla. The deportees were only permitted to take with them a very limited number of personal belongings. Quite frequently, though, even these were taken away from them at the check-points.

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<sup>47</sup> Large quantities were taken by coercion from many of the detainees. According to some witnesses, there were cases of blood being withdrawn until the advent of death.

<sup>48</sup> See Annex III, Document B.

<sup>49</sup> See Annex III, Documents C and D.

<sup>50</sup> See Annex III, Document E.

<sup>51</sup> In the BIM study, more than 50% of those leaving town in June 1992 said that they had been deported.

<sup>52</sup> In a detainee camp in Subotica, where the Serbian Red Cross was also active, some of the deportees encountered persons who had already taken part in the aggressions in Zvornik. In Subotica, these people were responsible, inter alia, for the issuance of Yugoslav passports to deportees from Zvornik.

## **8. ANALYSIS OF EVENTS**

### **8.1. Planning and conduct of military operations**

A detailed assessment of the level of involvement of the former JNA in the attack on Zvornik is only possible to a certain degree. What is certain, though, is that former JNA units were involved. Intelligence reports and observations of the troops in combat further showed that there were only rare occasions where a complete brigade was deployed and that "combat groups" were formed instead, as a rule, which consisted of parts of infantry, artillery and tank units.

What is also certain is the deployment of a tank unit (or parts thereof) that had until the winter of 1991 been stationed in Jastrebarsko/Croatia and integrated into the 17th Corps Tuzla following the abandonment of JNA locations in Croatia. The unit was stationed in the village of Celopek north of Zvornik, with a number of tanks located in the industrial district of Karakaj and proceeding towards the Zvornik city limits (to the precinct of Meterize) when the attack began. Considering that tank units are generally less labor-intensive than infantry units but require better training, it can be concluded that this unit was mostly staffed with "regular" JNA members. The artillery and air defense emplacements stationed on the Bosnian side may also be attributed to the former JNA.

As regards the infantry units, which some of the refugees have ascribed to the JNA, however, there is some evidence that they were not composed exclusively of "regular members" of the former JNA and of draftees of the reserve corps, but above all also of "volunteers". This assessment is consistent with the fact that the former JNA was suffering from great personnel losses already during the Croatian war and, above all, at the end of the military actions there (especially with many "non-Serb" recruits refusing to report for active duty and many "non-Serb" soldiers and officers deserting). The labor-intensive infantry units in particular required additional manpower, as the example of the incompletely staffed units deployed in Zvornik shows. The local SDS activists described by some respondents as "infantry officers" may really have been "officers of the JNA reserve" or "officers of the territorial defense".

According to several interviewees, the soldiers - and according to some, the officers as well - had already prior to the attack, i.e. in March 1992, begun to wear Serb badges and cockades instead of badges of the former JNA on their uniforms and continued to do so during the attack. Vehicles and equipment, however, still carried the old Yugoslav identification signs, which may be an indication that the latter were at least provided by the JNA.

Another fact was that the actual seizure of the town was not carried out by infantry units of the JNA but by a combat patrol of the Arkanovci, while the infantry units attributed to the JNA arrived only after them.

The responsible officers of the former JNA during the attack and occupation periods were lieutenant-colonel Pejic and colonel Marko Pavlovic, respectively, who were the supreme military commanders during the attack on Zvornik. After the fall of Kulagrad and following the final consolidation of "Serbian control" over Zvornik, it was reported by the respondents, that the supreme command was transferred from Pejic to Pavlovic. This observation is consistent with the last known functions of the two officers in the former JNA.<sup>53</sup>

These facts serve to corroborate another assumption, namely that the newly organized units formed the core of the subsequent "Serbian Army in Bosnia-Herzegovina". The "Serbian Army in Bosnia-Herzegovina", as the members of the former JNA remaining in Bosnia-Herzegovina were called, was not officially established until May 5, 1992. The attack on Zvornik had however already been conducted one month earlier. The enlistment and equipment of this new army must therefore not only have been planned a long time ago - i.e. long before the attack on Bosnia-Herzegovina - but must have taken place no later than March 1992. The civil preparations in the city for the impending attack<sup>54</sup> as well as the local measures for the creation of a Serbian "territorial defense" in Zvornik thus do not only coincide with the establishment of a new "Serbian Army in Bosnia-Herzegovina". This "territorial defense" could have served as the basis for the 36th infantry brigade of the Drina Corps of the "Serbian Army in Bosnia-Herzegovina", which had meanwhile been stationed in Zvornik.

Analyzing these factors, one could conclude that the attack on Zvornik was planned, coordinated and directed by the former JNA. Crucial indications for an involvement of supra-local and supra-regional military and political institutions include the following:

- The assignment of war-experienced commanders to Zvornik already before the attack. The two responsible officers, Pejic and Pavlovic, had already been involved in combat in Croatia.
- The recruitment and stationing of infantry reservists in improvised barracks in the town of Celopek near Zvornik quite some time before the attack.
- The cooperation with trained fighters of the Arkanovci, who carried out a quick and radical seizure of the city.
- The participation of guerilla units from nearby towns in Serbia, the extent of which also required prior preparations.

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<sup>53</sup> See chapter 4.1.2.

<sup>54</sup> See chapter 8.2.

- The identification of soldiers involved in the attack. According to consistent reports, they already had Serbian badges and flags on their uniforms instead of the old Yugoslav emblems.
- The stationing of JNA units from various corps under the command of the 1st Belgrade military district both on the Bosnian and Serbian sides of the Drina river.
- The resignation of the Supreme Commander of the Tuzla corps, General Jankovic, in May 1992, as well as the fact that both officers and military equipment of the JNA were involved in the attack, could be an indication that the true superiors in Tuzla may have been cut out and that the attack on Zvornik may have been coordinated with the military leadership in Belgrade.

The attack on Zvornik was initiated by barrage fire from artillery and tank units of the former JNA that supported the seizure of the town by units of the Arkanovci. According to several respondents, destruction caused by artillery and tank fire was rather insignificant. The aim was not to destroy the town, but to forestall all potential resistance activities and to frighten and terrorize the inhabitants.

The seizure of the town was carried out by the core unit of the Arkanovci. This assumption is supported by the fact that some Arkanovci who were involved in the capture of the town left again a few days later, whereas others stayed in town and were joined by some more Arkanovci guerilla. The seizure of the town may therefore have been carried out by a specific combat unit which had previously captured Bijeljina and which also occupied the town of Bratunac shortly after Zvornik.

The other para-military units only arrived in town in a second wave. They were led by the Seseljevci along with the Beli Orlovi and the so-called "Serbian territorial defense" of the SDS with "volunteers" from predominantly Serbian-populated villages from the surroundings of Zvornik and from the adjacent regions.

It is difficult to say which groups actually exerted military control over Zvornik at the various stages following the occupation of the town. Supreme command is frequently ascribed to the JNA and - as mentioned above - is associated with the names of Pejic and Pavlovic. The fact that both were former JNA officers may have led many expellees to assume that the supreme command was in the hand of the JNA. But while these two officers did have the supreme control over the town, they may not really have been officers of the JNA anymore, but rather leading officers of a new "territorial defense" which had been established by local leaders and which may later - as mentioned above - have constituted the core of the "Serbian army in Bosnia-Herzegowina" in Zvornik, which was officially declared in May 1992.

It may be assumed, though, that there was a concerted effort to divide responsibilities and, thus, control over the town. At least until the fall of Kulagrad, there appears to have been a sharing of power by the officers of the former JNA (Pejic and Pavlovic) and SDS (Grujic) with the militia.

However, this assumption is modified by the fact that nearly all of the respondents stated that the various para-military units roaming around the streets of Zvornik had unlimited freedom of action (e.g. to terrorize the civilian population, to perform random executions and arrestations, to engage in looting etc.). With the exception of lootings, the JNA units were reported by the respondents to have participated in war crimes and severe human rights violations only to a very limited degree throughout the entire period. Guards working in camps in which war crimes and human rights violations were committed were partly members of JNA units. It could not be ascertained whether they were part of regular units, conscripted reservists or members of the "territorial defense".

There are many signs that the complete freedom of action on the part of the para-military units amounted to a kind of "tolerated chaos" which was due to the fact that the theoretical authority of the JNA and the local militia was not accepted by the violent para-military units. Especially the Arkanovci acted in complete autonomy and rarely bowed to the authority of the JNA officers or, even less so, to that of the local authorities. Overall, the descriptions given by the respondents create the impression that each of the various para-military units only accepted the authority of their own respective "leaders" and that many of the less strictly organized guerilla groups regarded their complete freedom of action as a kind of "remuneration" for their work. This circumstance may, however, also be seen as an indication that the unclear division of power only served to cover up those persons responsible for war crimes and human rights violations.

At that time, however, the aim of the violent chaos may not yet have been to use the terror exerted by the para-military groups as a means of expelling the Muslim population.

## **8.2. Preparation of the attack on Zvornik and subsequent civilian control over the town**

The attack on Zvornik appears to have been prepared logistically also on the civilian level. In February, for example, a truck was reported to have brought uniforms and arms to Bosko Ceranic, an activist of the SDS, and another respondent said that Vojislav Seselj visited Ceranic on March 25, 1992 and brought arms into the church of Scemlije. The civilian preparations also included an "evacuation exercise" on either the last or next to the last weekend in March 1992. On that weekend, to the surprise of the Muslim inhabitants of Zvornik, the greater part of the Serbian families left town on Friday and did not come back until Monday.

The local SDS representatives, who were reported to also have had contacts with Seselj's "Radical Party" in Serbia, had made provisions for the seizure of power already during the months preceding the attack. As early as the fall of 1991, they had declared Zvornik a part of the "Autonomous Serbian Region of Semberija and Majevisa". Shortly before the attack, demands for a separation of the town according to ethnic criteria were raised by representatives of the local SDS.

Preparatory measures for the attack seem to have been coordinated with the regional business leaders. The director of the largest local employer, the "Birac" company, Jefco Subotic, was accused by the press in the fall of 1991 of having provided the SDS with large quantities of fuel. The vehicles that were used for putting up the barricades on the Serbian side near Meterize shortly before the attack came from the "Boksit" company in Milici, some 30 km south of Zvornik. "Boksit" was a major supplier for "Birac" and was like "Birac" a part of "Energo-Invest". It is assumed that the director of the firm, Rajko Dukic, was on the "Birac" company's board of managers. Bosko Milic, the director of the transport enterprise "Drina-Trans", may also have been part of that group. Like Subotic, he is accused of having distributed guns before the attack and he is also said to have participated in the "capitulation talks" in Mali Zvornik. Trucks provided by his firm were used to transport the expellees either to the deportation gathering place or to deport them from Zvornik to Serbia.

Control over the town after the seizure was initially held by the "crisis committee", whose chairman reportedly was Dragan Spasojevic (a member of both the militia and the SDS in Boskovici near Zvornik). Soon thereafter, Branko Grujic was appointed "president of the Serbian district of Zvornik".

Preparations on the civilian level also included the establishment of a new "territorial defense" by leaders of the SDS. This move was however coordinated with the JNA, which was reported to have provided the training for this "territorial defense". The linkage between military and civilian

structures may be seen as yet another indication that the attack had indeed been planned.<sup>55</sup> In any case, the establishment of the "territorial defense" and its cooperation with the JNA contributed substantially to the militarization of society. The existence of a "territorial defense" as a semi-official military organization of the Bosnian Serbs may also have been used to legitimize their participation in subsequent military and violent activities against the civilian population.

The military operations that were conducted against the Kulagrad position held by Muslim defenders after April 11 were mostly carried out by the "territorial defense" and by "volunteers" from Serbia and from neighboring villages. During the decisive attack on Kulagrad, units of the "territorial defense" and the Beli Orlovi were deployed after the advance of the tank unit.

### **8.3. The systematic approach to expulsion and deportation**

As already mentioned, it may well be assumed that, in terms of preparation and execution, the ultimate deportation of the non-Serbian inhabitants of Zvornik was preceded by a certain amount of planning that had only become possible after the establishment of a communal administration by the SDS.

The first step in this context was - paradoxically - an appeal for the escaped Muslim inhabitants to come back to the town. In that appeal, which was broadcast by Radio Zvornik and Radio Loznica as well as by the TV station in Belgrade, the escapees were invited to return again since the situation had calmed down or returned to normal, and also on the ground that the escaped inhabitants were required to return by a certain date (probably May 15) and to have their property registered as they would otherwise lose all property rights. The next step was the registration of property with the primary objective to obtain an updated list of male inhabitants. The increasing terror that was subsequently exerted by paramilitary units was already designed to prepare the ground for the final, forced expulsion of the Muslim population of Zvornik.

Some time later, around end-May/early June 1992, forced deportations preceded by compulsory assignments of property began which were a prerequisite for being permitted to leave town. It was the task of the militia to organize the compulsory transferral of property whereas the subsequent forced deportations were carried out in cooperation with paramilitary units.

There can be no doubt that the measures described above pursued a far-reaching goal: the systematic expulsion of the Muslim population. For it was

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<sup>55</sup> For more details on the "territorial defense" see chapter 4.2.2.

only after their return and the registration of their property and, as a result, the "gathering" of the Muslim inhabitants not only of the town but of the entire Zvornik region that their total and final expulsion became possible. This enabled the aggressors not only to remove the population affected from the Zvornik region in an organized and comprehensive manner, but also to deport them beyond the boundaries of the former Yugoslavia. Due to the location of Zvornik on the border to Serbia, the Bosnian Serb leaders had no problem transporting the people out of Bosnia-Herzegovina and further on to another country. The mass deportations, which were conducted by means of buses, brought the expellees as far as Subotica on the Serbian-Hungarian border. There, many of them were issued a "Yugoslav passport" by the Serbian Red Cross and subsequently sent off to Austria via Hungary - mostly on corridor trains.

Such a procedure implies not only the need for local planning and preparation, but also a systematic approach which must at least have been coordinated with some supra-regional bodies.<sup>56</sup>

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<sup>56</sup> A comparison with other regions in which "ethnic cleansing" operations have taken place might show whether this "policy" of systematic expulsion was widely implemented.

## 9. THE PENAL LIABILITY OF ETHNIC CLEANSING UNDER INTERNATIONAL HUMANITARIAN LAW

### 9.1. Introductory remarks

At present, two tribunals of the United Nations are seized with the task of investigating or prosecuting violations of international humanitarian law on the territory of the former Yugoslavia, and are hence also concerned with the question of the incompatibility of "ethnic cleansing" with international law: The International Court of Justice at The Hague (ICJ) and the International Tribunal for the Prosecution of Violations of International Humanitarian Law in the Former Yugoslavia (the Tribunal). While the decision on a complaint filed by Bosnia concerning the question whether the Federal Republic of Yugoslavia has complied with its obligations under the UN Genocide Convention lies with the ICJ,<sup>57</sup> the statute of the Tribunal<sup>58</sup> stipulates that it shall prosecute those persons individually who have infringed specific norms of the Geneva Red Cross Convention, the international military law or the Genocide Convention or who have committed other specifically designated crimes against humanity.<sup>59</sup>

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<sup>57</sup> In these proceedings, a decision on the imposition of preliminary measures based on the Genocide Convention was taken on April 8, 1993, without a final opinion by the ICJ on the applicability of the Convention in these proceedings; see AJIL 1993 (vol. 87), 505 et seq.)

The ICJ decided unanimously that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is obliged forthwith to take all measures at its disposal in order to prevent the commission of genocidal acts; it further decided by 13:1 votes that the Government shall ensure that all military, paramilitary or irregular armed forces controlled or supported by it, as well as all organizations and individuals under its control, direction or influence refrain from committing acts of genocide, regardless of whether these are directed against the Muslim population or any other national, ethnic or religious group.

<sup>58</sup> See the statute as contained in ILM 1993 (vol. 32), 1192 et seq.; cf. *O'Brien*, The International Tribunal for Violations of International Humanitarian Law in the Former Yugoslavia, AJIL 1993 (vol. 87), 639 et seq.; *Hollweg*, Das neue Internationale Tribunal der UNO und der Jugoslawienkonflikt - Testfall für die humanitäre Weltordnung, JZ 1993, 980 et seq.; *Meron*, War Crimes in Yugoslavia and the Development of International Law, AJIL 1994 (vol. 88), 78 et seq.

<sup>59</sup> According to the view held by the UN Secretary-General, the Tribunal is to apply only those rules of international humanitarian law which are binding on all states under international customary law, regardless of whether they have ratified the relevant international agreements or not, with a view to avoiding that the problem of the applicability of the above agreements arises; see the Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc. S/25704 and Annex, para. 34; as contained in ILM 1993 (vol. 32), 1159 et seq. (1170) and 1192 et seq. (1993).

It must be noted, however, that the Former Yugoslavia has ratified both the Geneva Red Cross Agreement and the Genocide Convention and has also implemented the provisions

In the following, we shall not go into detail on which provisions of international humanitarian law may have been violated by the "ethnic cleansing" investigated within the framework of this study. This task has already been undertaken by the UN Commission of Experts<sup>60</sup> which was set up pursuant to a resolution by the Security Council for the purpose of establishing evidence of severe violations of the Geneva Red Cross Conventions<sup>61</sup> and other infringements of international humanitarian law on the territory of the former Yugoslavia.<sup>62</sup> As the concept of "ethnic cleansing" does not exist in the pertaining international conventions, the question arises whether, and if so, under which offenses specified by international humanitarian law the act of "ethnic cleansing" may as such be subsumed in toto.

## 9.2. As to the concept of "ethnic cleansing"

In its final report, the UN Commission of Experts referred to the relatively new concept of "ethnic cleansing" as a purposeful policy designed by one ethnic or religious group to remove by violence and terror-inspiring means the civilian population of some other ethnic or religious group from certain geographic areas. The purpose of such a policy is the occupation of territory to the exclusion of the purged group.<sup>63</sup> The Commission's final report clearly shows that "ethnic cleansing" is not a synonym for "expulsion", e.g. as within the meaning of Art. 49 of the 4th Geneva Red Cross Convention, but goes far beyond that concept. "Ethnic cleansing" includes "mass murder; torture; rape and other forms of sexual assault; severe physical injury to civilians; mistreatment of civilian prisoners and prisoners of war; use of

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of international criminal law in an exemplary manner, as suggested by *Hollweg* (Fn 58), 985; the successor states appear to have entered into these obligations under international law, also according to *Hollweg* (Fn 58), *ibid*.

<sup>60</sup> UN Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) of October 6, 1992.

<sup>61</sup> See the text of these Conventions and their two protocols in: *Schriften des Deutschen Roten Kreuzes* (ed.), *Die Genfer Rotkreuz-Abkommen von 12. August 1949*, 8th edition, 1988.

<sup>62</sup> Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/19994/674 of 27 May 1994 (in the following: final report), paras. 41-109.

<sup>63</sup> Final Report of the Commission (Fn 62), paras. 129-150 (130).

In its first interim report, the Commission had still noted that this concept is used in cases where members of the ethnic group affected are removed from a homogenous ethnic area by means of violence or intimidation (First Interim Report of the Commission, UN Doc. S/25274, para. 55).

In the literature, there are a few attempts to come up with a definition; cf. *Hollweg* (Fn 58), 985 Fn 48: " 'Ethnic cleansing' being regarded as a collective expulsion of persons from their ancestral dwelling and settlement area on ethnic grounds."

civilians as human shields; destruction of personal, public and cultural property; looting, theft and robbery of personal property; forced expropriation of real property; forceful displacement of civilian population; and attacks on hospitals, medical personnel and locations marked with the Red Cross/Red Crescent emblem".<sup>64</sup> In the view of the Commission, many of these acts were carried out with extreme brutality and savagery in a manner designed to instil terror in the civilian population.<sup>65</sup> In its first interim report, the Commission also qualified as expressions of "ethnic cleansing" the following other measures: (individual) murder, arbitrary arrest and detention, extrajudiciary executions, confinement of civilian population in "ghetto areas", forcible removal, displacement and deportation of civilian population and deliberate military attacks or threats of attacks on civilians and civilian areas.<sup>66</sup>

The investigations conducted by the BIM showed that from April to June 1992 the following measures and practices were undertaken against the resident Muslim civilian population in the Zvornik region: mass and single murders, arbitrary mass and individual executions, tortures, physical and psychological mistreatment, rape, kidnapping, arbitrary arrest and detention, acts of terror in the form of threats, military attacks on the civilian population and civilian objects, looting, wanton destruction of property, forcible expropriation, forceful transfer of real property, as well as mass deportations and mass expulsions.<sup>67</sup>

The totality of these measures and practices as well as the systematic and consequent manner in which the deportations and expulsions were carried out<sup>68</sup> indicate that their purpose was to prevent the Muslim population from returning.<sup>69</sup> The (subsequent) destruction of Muslim cultural property demonstrates that the aggressors apparently also wanted to extinguish all memories of the cultural existence of the purged ethnic group.<sup>70</sup>

In view of these aims, the authors regard "ethnic cleansing" as having a separate, legally relevant quality that goes beyond the individual measures and practices. It is questionable whether, and if so, which legal

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<sup>64</sup> See the Final Report of the Commission (Fn 62), para. 134.

<sup>65</sup> *Ibid.*, para. 135.

<sup>66</sup> See the First Interim Report of the Commission (Fn 63), para. 56.

<sup>67</sup> The difference, in the authors' view, is that "deportation" means the organized transfer of persons while "expulsion" stands for the exertion of physical and/or psychological violence forcing persons to leave a given area.

<sup>68</sup> See also the Final Report of the Commission (Fn 62), paras. 140 and 142.

<sup>69</sup> In this regard, see also the Final Report of the Commission (Fn 62), para. 135.

<sup>70</sup> In the view of the Commission as stated in its Final Report (Fn 62), para. 136 "the purpose of the destruction was to eradicate cultural, social and religious traces that identify the ethnic and religious groups."

consequences will be linked to this new quality.<sup>71</sup> As mentioned before, "ethnic cleansing" operations do not constitute a separate, explicit offense under international humanitarian law. Nevertheless, there may still be two ways of categorizing the practice of "ethnic cleansing" as an offense under international criminal law without splitting it up into individual criminal offenses.<sup>72</sup>

### **9.3. Does "ethnic cleansing" qualify as an offense under the Genocide Convention?**

Pursuant to Article II of the Genocide Convention, the concept of "genocide" includes, inter alia, "acts by which conditions of life are deliberately imposed on the ethnic group that may eventually lead to its complete or partial physical destruction"; provided that such acts are committed with an intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such. It is not relevant in this context whether the incriminated acts are committed in the course of an international or internal conflict.<sup>73</sup>

In view of the results of the present investigation, there can be no doubt that the policy of "ethnic cleansing" has pursued the aim of inflicting on the Muslim population "conditions of life" which were "likely to lead to their physical destruction either in part or in whole". In the view of the authors of the study, the criterion of a criminal offense under the Genocide Convention is fulfilled in the present case. What remains open, however, is an answer to the difficult question whether the "ethnic cleansing" activities were actually conducted "with an intent to destroy, in whole or in part, the Muslim population as an ethnic group enjoying protection under the Genocide Convention."<sup>74</sup> This means that the personal motives of the presumed offenders, which are hard to substantiate, become the decisive criterion in the quest for a judgment. However, in cases where evidence of a voluntary participation in systematically planned und conducted "ethnic cleansing" operations can be established, it may be rightly assumed that the persons

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<sup>71</sup> An excellent overview of the scope of international humanitarian law applicable in the present context is contained in the Final Report of the Commission (Fn 62) in paras. 41-109. However, see also *Hollweg* (Fn 58) and *Meron* (Fn 58).

<sup>72</sup> This possibility is also suggested by the Commission in its Final Report (Fn 62), para. 150.

<sup>73</sup> See also the Final Report of the Commission (Fn 62), para. 42. Generally, the Commission confirms the view that the conflicts that have occurred on the territory of the former Yugoslavia were of an international character (para. 44); see also *Meron* (Fn 58), 81 et seq.

<sup>74</sup> See the Final Report of the Commission (Fn 62), para. 95.

involved did act with intent.<sup>75</sup> In imposing preliminary measures under the Genocide Convention in the proceedings on the action brought by Bosnia-Herzegovina against the Federal Republic of Yugoslavia (Serbia and Montenegro)<sup>76</sup>, the ICJ has regarded it as possible that the crimes committed in Bosnia-Herzegovina in fact amounted to genocide.<sup>77</sup> The UN Commission of Experts holds the view that the military and political leaders responsible for the "ethnic cleansing" may also be suspected of having committed genocide.<sup>78</sup>

Even if the view is not shared that "ethnic cleansing" in itself meets the criteria contained in Article II para. (c) of the Genocide Convention, the definition of genocide within the meaning of paras. (a) and (b) of Article II of the Convention may still apply - according to the interviewees - in view of the fact that members of the Muslim ethnic group were killed and serious physical and emotional harm was inflicted on them.

#### **9.4. Does "ethnic cleansing" constitute a "crime against humanity"?**

The second question is whether "ethnic cleansing" measures per se might not also be viewed as "crimes against humanity" within the meaning of Article 5 of the statute of the International Tribunal. On the basis of a demonstrative enumeration, these measures include murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial and religious grounds and - as a sort of "general clause"<sup>79</sup> - "other inhumane acts" if they are committed against a civil population in the course of an armed international or internal conflict.<sup>80</sup> The prosecution of such crimes is derived from the Nuremberg Military Tribunal and relates to accepted

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<sup>75</sup> In this regard, see *O'Brien* (Fn 58), 648.

<sup>76</sup> See Fn 57.

<sup>77</sup> See also *O'Brien* (Fn 58), 648 Fn 36.

<sup>78</sup> See the Final Report of the Commission (Fn 62), para. 150.

<sup>79</sup> This "general clause, however, is not unlimited in scope: any further development would only be possible within the framework of established norms of international customary law; see also the Final Report of the Commission (Fn 62), para. 81.

<sup>80</sup> See the Final Report of the Commission (Fn 62), paras. 75 and 76, in which the Commission notes that crimes against humanity must no longer only be seen in connection with war crimes or crimes against peace.

As regards this aspect, and also concerning the question whether these crimes need to be directly related to combat activities, or else whether it is sufficient for them to be committed "in the course of" an armed conflict or whether such a context is necessary at all, see in more detail *O'Brien* (Fn 58), 649 et seq. as well as *Meron* (Fn 58), 84 et seq., both with further references.

principles of international customary law applied erga omnes.<sup>81</sup> In contrast to genocide, the commission of crimes against humanity is not subject to intent.<sup>82</sup> However, the above-mentioned acts must be carried out in a systematic or organized manner in order to be qualified as "crimes against humanity"<sup>83</sup>, a criterion which, in the case of Zvornik, must be regarded as fulfilled on the basis of the present investigations. As in connection with genocide, the military and political leaders must be suspected, in the view of the Commission, of also having committed crimes against humanity.<sup>84</sup> It is still subject to discussion whether governments need to be involved in such offenses in order for these to be classified as "crimes against humanity".<sup>85</sup>

It would be possible to view "ethnic cleansing" as "persecution on political, racial or religious grounds" within the meaning of Article 5, para. (h) of the statute of the Tribunal. It is true that "ethnic cleansing" is basically composed of those crimes which meet the definition contained in paras. (a) - (g) of Article 5 of the statute. In this regard, a separate interpretation of the offense of "ethnic cleansing" in the context of para. (h) would not be necessary. It could even be objected from a critical point of view that linking the above accusation exclusively with such a subsumption is less important than taking together all relevant offenses enumerated in paras. (a) - (g). The advantage of such an approach, however, would be that those other offenses which are not covered by paras. (a) - (g), but which are nevertheless elements of a policy of "ethnic cleansing", may also be punished as crimes against humanity, just like such other acts as military attacks against civilian populations and civilian objects, the exertion of terror against the civilian population, the infliction of physical and emotional pain, devastation and looting etc. that do not come under the heading of "torture". If this view should not be shared, it would still be possible, in addition to the prosecution of crimes under Art. 5 paras. (a) - (g) of the statute of the Tribunal, to treat any other form of "ethnic cleansing" as a persecution measure pursuant to para. (h), which means that ultimately the total scenario of ethnic cleansing would be covered by international criminal law.

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<sup>81</sup> Concerning the scope of applicability of these principles as international customary law, some objections have been raised: see in particular *Hollweg* (Fn 58), 986 et seq.

<sup>82</sup> Compare the Final Report of the Commission (Fn 62), para. 83. For the definition of the offense to be met it is sufficient, for example, if the incriminated acts are accepted as a side-effect of military operations

<sup>83</sup> See the Final Report of the Commission (Fn 62), paras. 84-86 as well as *O'Brien* (Fn 58), 648 et seq.

<sup>84</sup> See the Final Report of the Commission (Fn 62), para. 150.

<sup>85</sup> See also the evidence provided by *O'Brien* (Fn 58), 648.

## **10. SUMMARY OF ANALYSES**

On the basis of the available data it can be concluded that the attack on the northeastern Bosnian city of Zvornik had been prepared according to military rules quite some time ahead and was executed with the massive participation of JNA units and paramilitary combat and terror units. The dimensions and systematic conduct of the operation suggest that these units were under the command of a superior military and political authority. Many circumstances also substantiate the assumption that the expulsion of the Muslim inhabitants was not only desired, prepared and carried out by the local Serb authorities, but that this "ethnic cleansing" procedure was at least conducted with the understanding and permission of these superior instances.

Judging from the reports submitted by our respondents, genocide has been committed against the Muslim population in the city of Zvornik in that members of this ethnic group were killed and subjected to physical and mental harm. Such acts as the arbitrary detention of numerous members of this group in camps where they were tortured, or the deportation of the majority of the Muslim inhabitants of Zvornik, also appear to have inflicted on the group conditions of life calculated within the meaning of the Genocide Convention "to lead to their physical destruction in whole or in part".

The occurrences established on the basis of the questionnaire, including murder, deportation, arbitrary arrestation, torture and rape, can also be rated as crimes against humanity within the meaning of international humanitarian law.

We therefore recommend to interpret the "ethnic cleansing" operations *per se* in such a way as to qualify them as acts of genocide and as crimes against humanity within the meaning of international humanitarian law.



## REGISTER OF TOWNS

Bijeljina	Town in Bosnia-Herzegovina. Located approx. 40 km north of Zvornik. Attacked one week or so before Zvornik and seized by the Arkanovci.
Bratunac	Town in Bosnia-Herzegovina. Located approx. 30 km south of Zvornik. Seized by the Arkanovci shortly after Zvornik.
Bukovik	District of Zvornik.
Celopek	Community with predominantly Serbian population located north of Karakaj industrial zone.
Debelo Brdo	Hill in the northwest of Zvornik.
Divic	Small town with predominantly Muslim population south of Zvornik. Hydropower station and dam situated nearby.
Hrid	District of Zvornik.
Jardan	Community located between Zvornik and Karakaj, consisting of two parts, Jordan and Lipovac, with narrow Serb majority.
Karakaj	Industrial zone situated north of Zvornik.
Kulagrad	Settlement in the south of Zvornik with medieval fortress of the same name located on Kula hill.
Liplje	Small town in the southwest of Zvornik.
Lisisnjak	District of Zvornik (mostly populated by Serbs).
Loznica	Town in Serbia.
Scemlije	Small town with predominantly Serbian population in the northwest of Zvornik.
Srpska Varos	District of Zvornik (mostly populated by Serbs).
Subotica	Town in Serbia, on the border to Hungary.
Tuzla	Town in Bosnia-Herzegovina, some 50 km west of Zvornik.
Valjevo	Town in Serbia.
Vidakova Njiva	District of Zvornik.
Zamlaz	District of Zvornik

## LIST OF ABBREVIATIONS

AJIL	American Journal of International Law
BIM	Ludwig Boltzmann Institut für Menschenrechte
ICJ	International Court of Justice
ILM	International Law Materials
JNA	Jugoslovenska Narodna Armija (Yugoslav National Army)
JZ	Juristenzeitung
SDA	Stranka Demokratske Akcije (Party of Democratic Action); represents mostly Bosnian Muslims living in Bosnia-Herzegovina.
SDS	Srpska Demokratska Stranka (Serbian Democratic Party); represents mostly Bosnian Serbs living in Bosnia-Herzegovina.
SUP	Sekreteriat za Unutrasnje Poslove (Secretariat for Internal Affairs)
TO	Territorialna Obrana (Territorial Defense). Part of "Yugoslav armed forces" together with JNA in the former Yugoslavia. Was organized and directed separately by each Republic. With the exception of commanding officers, it was mainly composed of reservists. In the Zvornik region, a so-called "TO" was "reestablished" by members of the SDS shortly before the attack on the town.



## **ANNEX I: CAMPS**

Information on camps and persons made responsible for severe human rights violations is based on consistent witness testimonies. It can therefore be assumed that these camps actually existed and that the aforementioned persons actually committed severe violations of human rights. However, this list does not lay any claim to completeness.

### **Celopek**

The local "Dom Kulture" (cultural activities center) served both as headquarters for some units and as a detention camp. There were also mass executions of inhabitants brought here from Divic. Responsibility for the mass killing is ascribed to Dusan "Repic" Vuckovic, who is currently on trial for this crime in Sabac (Serbia).

### **Karakaj**

#### *Ekonomija*

Ekonomija was an agricultural cooperative. In the secluded buildings, numerous tortures and murders were committed. According to consistent witness reports, this was the "worst" of all camps. In one slaughterhouse room, a virtual butchering of the victims took place. In this camp, not only people from Zvornik and its surroundings were detained but also members of the Croatian National Guard.

#### *Technical Training Center*

The director of the Technical School, Fehim Kujundzic, was killed in his school by members of the Arakanovci on April 9 or 10. Especially the workshop rooms of the school were used for acts of violence against Muslim civilians.

### *Alhos*

Initially the textile factory served as the quarters of the "Serbian Police", but was later occasionally also the home of the "crisis committee". At a later time, it was mainly members of the Arkanovci who were reported to have tortured and killed Muslim prisoners in Alhos.

### *Novi Standard*

Novi Standard was the new building on the premises of the shoe factory. At the time of the attack, the entire production was discontinued. After the departure of the "Serbian police" from Alhos, Novi Standard was for a short time their new headquarters. Several paramilitary units including Arkanovci, Seseljcevi and "volunteers from Loznica" were also stationed there. Persons wishing to pick up their permits from the "Serbian police" and those accidentally arrested in Zvornik were detained and tortured here.

### *Novi Izvor*

At the time of the attack, Novi Izvor consisted of two firms, the "Kamenolom" quarry and the "Ciglana" brickyard. Both were in operation throughout the entire period. Detained Muslims were forced to work in the Ciglana together with regular (Serbian) employees in three shifts. The detained persons were constantly subject to violent assaults by various groups. In early June, there were approx. 70 persons detained here - some of them already since April. Persons who were unable to work, were "taken away". They are now reported as missing.

The following persons were named as supervisors and torturers in the camps in Karakaj (although in most cases they were only known by their nicknames):

*"Crni"* (The "black one"); reportedly an officer of the former JNA.

*"Dragan Toro"*; leader of a sub-unit, probably of the Seseljcevi; was however also described as member of JNA.

*"Niski"* and *"Zuco"*; both were described as Arkanovci with major's badges.

*"Lela"*; a woman among the Arkanovci.

Volunteers from Loznica: *"Stuka"* (the "pike"); *"Dejan"*; *"Lale"*; *"Macak"* (the "cat"); *"Dragan Prlije"*; *"Kardelj"*; *"Samin"* (owner of Café "Butterfly" in Loznica).

"Vojo" from Kozluk; "Macak" from Trsic; Petko Hajdukovic from Scemlije; Dusan "Repic" Vuckovic from Umka; "Herzog Celo" from Kraljevo.

## **Zvornik**

### *SUP/Opstina*

In this prison detainees were tortured during the interrogations; some were also killed.

### *Court house*

The building was temporarily transformed into a prison. Women and children from Divic were detained and mistreated here.

### *Hotel "Drina"*

The hotel later served as police headquarters. Arrests and tortures were also reported to have taken place in the hotel.

### *Hospital "5th of July"*

In mid-April, Arkan took several patients as hostages in order to get back the corpse of "Rambo" (who was killed in combat at Kulagrad and who may have been his brother-in-law). Male detainees were forced to donate blood, sometimes until they died. Patients and employees of the hospital were regularly mistreated by members of the guerilla units.

## **Batkovic**

On July 15 a large number of detainees were deported from the Karakaj camps to Batkovic near Bijeljina. This, however, did not bring about any change in the inhumane treatment. Killings, tortures and forced labor also took place here.

## ANNEX II: MASS GRAVES

On the basis of numerous consistent witness reports, the following mass graves could be located:

*Kazanbasca* is a Muslim cemetery in Meterize, a district of Zvornik.

The municipal waste dump is located close to the Drina river near Karakaj.

*Krecana* is a lime pit in Mali Zvornik.

*Ramin Grob* is a cemetery located between the towns of Radakovac and Scemlije.

*Slunkara* is a gravel pit situated near the Drina river to the north of Celopek.

Many interviewees also mentioned that numerous dead bodies were thrown into the *Drina* river.

## **ANNEX III: DOCUMENTS**

(obtainable at BIM by request)

### **ad Document A**

This permit allowed the male population of Zvornik to move freely within the borders of the administrative district of Zvornik (during daylight). It was issued by the police.

### **ad Document B**

This permit, too, used to be issued for the male population. It allowed holders of the certificate free movement within the district of Zvornik. Furthermore, it granted permission to cross over into the "Federal Republic of Yugoslavia." (On paper, this document contained an obligation to work. De facto, however, only those Muslims could actually work who were considered indispensable due to their special skills.)

Later, when the deportations and mass expulsions began, the pass was also issued to women. This document was issued once citizens had been expropriated and after they had reneged on their residency status. (see under C and D). The document's validity was thus limited to the issuing date, i.e. when the deportation or expulsion took place.

### **ad Documents C and D**

These two stubs show the "confirmation of the change of residence." They were issued prior to leaving the city, and refer to the abandoning of residence status for the purpose of moving to Mali Zvornik (C) or Subotica (D).

### **ad Document E**

This "change of residence" was routinely entered in the personal identification document. (see under E).

### **ad Document F**

This document refers to the dismissal of a Muslim from his job. The statement of dismissal argues that the individual concerned did not observe the 3-day job resumption deadline as stipulated in the "ordinance on the introduction of the general work requirement," issued on April 8 by the so-called "emergency council".