

Case: Branko Grujić *et al* – ‘Zvornik’
War Crimes Chamber
Belgrade District Court, Republic of Serbia
Case number: KV.5/05

Trial Chamber: Tatjana Vuković, Trial Chamber President, Vesko Krstajić, Judge, Trial Chamber Member, Olivera Anđelković, Judge, Trial Chamber Member

War Crimes Prosecutor: Milan Petrović

Accused: Branko Grujić, Branko Popović, Dragan Slavković a.k.a. Toro, Ivan Korać a.k.a. Zoks, Siniša Filipović a.k.a. Lopov, and Dragutin Dragičević a.k.a. Bosanac

Report: Nataša Kandić, Executive Director of the Humanitarian Law Centre (HLC), and Dragoljub Todorović, Attorney, victims representatives

30 and 31 January 2006

Examination of witness Fadil Banjanović

The witness was the secretary of the local commune in Kozluk, which had a population of 4,500 or so comprising 90 per cent Bosniaks, 4.5 per cent Serbs, 3 per cent Roma, and a small number of Croats. The population of the neighbouring village of Skočić consisted of Serbs, Bosniaks, and Roma. Another neighbouring settlement, the Bosniak village of Šepak, is situated on the Serbian border.

The situation in Kozluk before the attack on Zvornik

Fearing war, many residents of Kozluk moved out in various directions in March, bribing Serb policemen and soldiers to take them to Serbia or Tuzla. On 5 April, the witness put out a public notice urging a life together, calmness and restraint and appealing to people to return, stop leaving and refrain from nationalistic passions. He distributed leaflets from house to house and spoke at public gatherings to dissuade people from moving out.

The isolation of Kozluk after 8 April 1992

The 8 April attack on Zvornik left Kozluk in total isolation. It was surrounded by Serb troops organized as TO, JNA, volunteers, paramilitary units, and other formations. The residents were not permitted to leave Kozluk without a special pass and Fadil Banjanović received his from ‘Commander Pejić’, Arkan’s deputy. All the Muslims were dismissed from work.

Owing to the proximity of the front, raids by all kinds of formations, looting, intimidation (columns of tanks, armoured personnel carriers and lorries passing by left bloody tracks), food shortage and lack of medical care, the Kozluk Bosniaks decided to move out in the direction of Tuzla. Their fellow nationals from Šepak and Skočić who also wanted to move to Bosniak territory converged on the village. There were some 10,000 of them in tractors and other vehicles

ready to go. The village was visited on 6 April 1992 by Peja and Žuča, who later replaced him, Serb Bishop Kačavenda and the Muslim religious leader, Muhamed effendi Lugavić. Pejić urged the Bosniaks to stay, guaranteed their security and gave them that very day the ambulance car they had been asking for. His promise of aid in food and medicines was later made good by Mayor Branko Grujić. As a result of the meeting, the Bosniaks decided not to move out after all and returned to their homes. On 16 April weapons were surrendered to a commission on which Fadil Banjanović sat.

In spite of these arrangements the situation in Kozluk gradually worsened until it became unbearable in May and June, with various military formations raiding the village, abducting local girls and harassing Serbs who were on good terms with their Muslim neighbours. The witness informed a number of international organizations, the Medecins Sans Frontieres, and the International Red Cross of what went on. A Medecins Sans Frontieres team visited the village and had its brand new all-terrain vehicle taken away by an armed group. A state of lawlessness prevailed.

The false attack on Kozluk

The TO Staff commander, Marko Pavlović, was often in touch with Fadil Banjanović. During his initial visits, he presented himself to the witness as the man in charge of all the military units operating in Zvornik. In June 1992 Major Pavlović began pressing Banjanović to reveal the whereabouts of the Green Berets who were attacking Serbs from the direction of Kozluk and killing them. To this Banjanović replied, 'Come on, commander, there're no Green Berets in Kozluk, no armed men, there're only civilians in Kozluk.'

The TO Staff commander next stage-managed an armed clash in Kozluk to show that Green Berets were active in the village. In a meeting near the Orthodox church, Major Pavlović divided his territorials into two groups, one masquerading as Green Berets and the other playing their true role, and told them what to do. It was also agreed to mark the Serb houses so as not to damage any. The two groups staged a 'firefight' in Kozluk firing shots over Muslim houses and tossing a few hand-grenades into the yards. The 'Green Berets attack' on the Serbs was later blamed on Banjanović and he replied again that there were no Green Berets in Kozluk, that the Bosniaks possessed no weapons and that none of them had fired a shot. Recalling the incident, the witness said, 'I remember Marko Pavlović rampaging through the village and even yelling at me.'

The deportation of 1,822 Bosniaks from Kozluk

On the morning of 26 June 1992, Fadil Banjanović was summoned to the police station at once. Waiting for him there were the prime minister and deputy Jovo Mijatović. Banjanović was first addressed by the mayor and told that he was to assemble the Kozluk Bosniaks at once and that all of them were to leave the village. Mijatović told him they had no other choice and that unless they left in a body they would all be killed. The two of them next told the witness that the war was raging, that casualties were heavy, that the Bosniaks must gather together and leave Kozluk as soon as possible, and that they would lay on buses and lorries.

Regarding this meeting, the witness said, 'I was already in possession of information that during the previous day and night Kozluk had been surrounded by two cordons of army units, police units. I had also been warned by neighbours, citizens of Serb nationality, against making any wrong moves, such as launching a storm, attempting a break-out.'

Banjanović said he realized that the decision to deport the Bosniaks had been reached at a higher level as soon as he saw some 20 buses and lorries and an unusually heavy presence of soldiers and police at the scene. Outside each house two or three armed men stood hurrying and prodding the villagers, 'Let's go, get a move on, go!' They also forbade the villagers to take certain possessions with them.

Before boarding the buses, the Bosniaks were made to sign statements that they were moving out of Kozluk voluntarily and were leaving their entire property, both movable and immovable, to the Municipality of Zvornik. The statement had the form of an order by the commander of the Zvornik TO Staff and signed by Commander Marko Pavlović. Banjanović said that he did not see Marko Pavlović in Kozluk that day.

In Loznica, Banjanović received a letter from the Commissariat for Refugees of the Republic of Serbia informing him that the Kozluk refugees temporarily staying in Loznica had been given permission to emigrate to Western European countries in case they wished to leave the territory of Yugoslavia. Asked by the Trial Chamber President whether it was true that they had left their homes voluntarily, the witness replied, 'It isn't voluntary if you use rifles and tanks to drive people out, if you injure people and rob them of their jewellery.'

The Bosniaks were transported via the bridge on the Drina at Šepak and Loznica to Ruma in lorries and buses, and then in cattle wagons to Subotica. In Ruma and Šabac the wagons were stoned and 10 passengers were injured. On their arrival in Subotica, they were kept in a field with a barbed wire fence with no protection against the elements. They spent several days enclosed there with no food and water. Among their guards they recognized members of the various armed groups who had been raiding their village. As they were issued travelling documents, they were transported in groups to Hungary and from there to countries in West Europe.

The villagers began returning to Kozluk in 2001.

The order of the 'Birač' Brigade commander

The witness produced a copy of an order by the commander of 'Birač' Brigade, Major Svetozar Andrić. Dated 28 May 1992 and addressed to the Zvornik TO Staff, the order stipulated that the expulsion of the Muslim population 'must be coordinated with the municipalities through which the expulsion is to be effected [...] only the children and women are to be moved out, while the men fit to fight are to be placed in camps for the purpose of exchange.' The witness told the court that the undersigned was currently an adviser in the General Staff of the Army of Serbia and Montenegro.

Commenting on the document and the expulsion of the population of Kozluk, the witness said, 'The whole thing was a well-thought-out military, political action on the part of the VRS [Army of Republika Srpska], Zvornik TO, Marko Pavlović, and the civilian authorities of Brana Grujić.'

Observer's notes:

The trial was attended by 50 Bosniaks from Kozluk and four journalists from Tuzla and Sarajevo under arrangements made by the HLC.

Humanitarian Law Center